



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: November 21, 2011

SUBJECT: Report PLPD11-013A
Phase Two Zoning Changes
Official Plan Amendment O1006
Zoning By-law Amendment Z1017SB
Draft Plan of Subdivision 15T-10507
Mason Homes Limited
0 & 1224 Chemong Road,
1339, 1345, 1349 & 1371 Hilliard Street

PURPOSE

A report to correct the zoning of the lands included in Phase 2 of Mason Homes' Avonlea development.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-013A dated November 21, 2011, of the Manager, Planning Division, as follows:

- a) That By-law 11-046 be amended in accordance with Exhibit 'D' to Report PLPD11-013A; and,
- b) That Council confirm that no further Public Notice is required with respect to the revised by-law.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this amendment.

BACKGROUND

On March 14, 2011, Council granted Draft Plan Approval to Mason Homes' Draft Plan of Subdivision application 15T-10507. To implement the draft plan, Council also approved Official Plan Amendment No. 152 and passed By-law No. 11-046 to amend the zoning on the lands. All three approvals were granted without appeal and are currently in force and effect.

Similar to Mason Homes' Phase One development (Bowen Drive, Peace Crescent), Phase Two employs a number of alternative development standards that are reflected in Zoning By-law 11-046 (see Exhibit 'A') including reduced building setbacks from abutting streetlines for single and semi-detached dwellings and street-oriented row housing as follows:

- 6 metres or an attached garage or carport;
- 3 metres to a dwelling (excepting an attached garage or carport); and,
- 1.5 metres to a verandah.

Throughout the processing of the Phase Two Draft Plan and its accompanying Zoning By-law amendment, it was Mason Homes' and City staff's intent to apply these reduced streetline setbacks throughout the Phase Two development for single and semi-detached dwellings and street-oriented row housing. This intent was reflected in the material presented to Planning Committee and the public at the Public Meeting held on February 28, 2011. Similarly, this intent was also reflected on page 23 of Report No. PLPD11-013 submitted to Planning Committee that same date (see Exhibit 'B').

Through the subsequent detailed engineering design review for the site, however, it has come to staff's attention that By-law 11-046 erroneously failed to apply the reduced building setbacks to those development blocks that abut the planned collector streets in the development.

Typically, streetline building setback exceptions are described in Section 6 of the Zoning By-law. Through the zoning of Phase One, however, streetline building setbacks for the Mason Homes development were embedded directly in the residential zoning districts created for that phase. Because Phase One only contained local streets, the residential zoning districts only applied the reduced building setbacks to lots that abut local streets.

For Phase Two, which does contain a number of collector streets, many of the same residential zoning districts were again used; however, By-law No. 11-046 failed to make the appropriate adjustments to ensure that the reduced building setbacks would apply regardless of whether the lot abuts a local or collector street.

In order to correct this error, it is recommended that Council amend By-law No. 11-046 in accordance with the draft amending By-law attached as Exhibit 'D' to Report PLPD11-013A. The amending by-law will renumber Sections 9 and 10 of By-law No. 11-046 as Sections 11 and 12 respectively and then add a new Section 9 and 10 to amend Section 6.10 of the Zoning By-law and address building setbacks from the planned collector streets in the development.

Additionally, it has come to staff's attention that Schedule A to By-law No. 11-046 contains a minor mapping error whereby a portion of a block identified on the Draft Approved Plan of Subdivision (Block No. 29) which is intended to be conveyed to the City for parkland is zoned for residential purposes rather than open space (see Exhibit 'C'). Through this By-law amendment, it is recommended that the mapping error be corrected by amending Schedule A of By-law 11-046 in accordance with Schedule A to the draft By-law attached to Report PLPD11-013A as Exhibit D.

The proposed amendments reflect the intention of Council as expressed through the approvals granted on March 14, 2011 and it is therefore recommended that no further Public Notice is required to implement the Zoning By-law corrections.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Brad Appleby,
Planner, Subdivision Control
& Special Projects

Concurred with,

Malcolm Hunt, Director,
Planning and Development Services

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Attachments:

Exhibit A – By-law No. 11-046
Exhibit B – Page 23 of Report PLPD11-013
Exhibit C – Current Zoning and Draft Plan Approval Status of Block 29
Exhibit D – Draft Zoning By-law Amendment

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11-046

BEING A BY-LAW TO AMEND THE ZONING BY-LAW FOR THE PROPERTIES AT 0 AND 1224 CHEMONG ROAD AND 1339, 1345, 1349 AND 1371 HILLIARD STREET

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. By-Law 1997-123 is amended by adding Section 378 as follows:

“SECTION 378

SPECIAL DISTRICT 348 (SP.348)

378.1 For the purpose of this by-law, land use district “Special District 348” is hereby established and may be referred to as the symbol “SP.348”.

PERMITTED USE:

378.2 No person shall within an SP.348 District, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) a dwelling

REGULATIONS:

378.3 No person shall within an SP. 348 District, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) maximum number of dwelling units per lot	8
b) minimum lot area per dwelling unit	112.5 square metres
c) minimum lot width per dwelling unit	4.5m
d) minimum lot depth	25m
e) minimum building setback	
i) side lot line	1.2 metres
ii) rear lot line	6.0m

f) maximum building coverage	65%
g) maximum number of storeys	2
h) minimum floor area per dwelling unit	70 square metres
i) maximum coverage by open parking areas, driveways and vehicle movement areas	25%
j) Notwithstanding the provisions of Section 6.11, the minimum building setback from the street line shall be:	
i) 3.0 metres for a dwelling, excepting an attached garage or carport	
ii) 6.0 metres for an attached garage or carport	
iii) 1.5 metres for a verandah	
k) A lot line which abuts a public lane shall be deemed to be a rear lot line.	

378.4 SP.348 District is hereby designated as a residential district.”

2. By-Law 1997-123 is amended by adding Section 379 as follows:

“SECTION 379

SPECIAL DISTRICT 349 (SP.349)

379.1 For the purpose of this by-law, land use district “Special District 349” is hereby established and may be referred to as the symbol “SP.349”.

PERMITTED USE:

379.2 No person shall within an SP.349 District, use any land or erect, alter or use any building or part thereof for any purpose other than:

- b) a dwelling

REGULATIONS:

379.3 No person shall within an SP. 349 District, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) minimum lot area per dwelling unit	200 square metres
b) maximum lot area per dwelling unit	400 square metres
c) minimum building setback	6.0 metres
i) side lot line	

ii) rear lot line	6.0 metres
d) maximum number of storeys	2
e) minimum floor area per dwelling unit	70 square metres
f) maximum coverage by open parking areas, driveways and vehicle movement areas	25%
g) minimum number of motor vehicle parking spaces to be provided per dwelling unit	2
h) Notwithstanding the provisions of Section 6.11, the minimum building setback from the street line shall be:	
i) 3.0 metres for a dwelling, excepting an attached garage or carport	
ii) 6.0 metres for an attached garage or carport	
iii) 1.5 metres for a verandah	

379.4 SP.349 District is hereby designated as a residential district.”

3. By-Law 1997-123 is amended by adding Section 380 as follows:

“SECTION 380

SPECIAL DISTRICT 350 (SP.350)

380.1 For the purpose of this by-law, land use district “Special District 350” is hereby established and may be referred to as the symbol “SP.350”.

PERMITTED USE:

380.2 No person shall within an SP.350 District, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) a dwelling

REGULATIONS:

380.3 No person shall within an SP. 350 District, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) minimum lot area per dwelling unit	91 square metres
b) maximum lot area per dwelling unit	133 square metres
c) minimum lot width	45 metres

d) minimum lot depth	45 metres
e) minimum building setback i) side lot line	6.0 metres or 3 metres per storey, whichever is greater
ii) rear lot line	6.0 metres or 3 metres per storey, whichever is greater
f) maximum building coverage	40%
g) maximum number of storeys	5
h) maximum coverage by open parking areas, driveways and vehicle movement areas	25%

380.4 SP.350 District is hereby designated as a residential district.”

4. By-Law 1997-123 is amended by adding Section 381 as follows:

“SECTION 381

SPECIAL DISTRICT 351 (SP.351)

381.1 For the purpose of this by-law, land use district “Special District 351” is hereby established and may be referred to as the symbol “SP.351”.

PERMITTED USE:

381.2 No person shall within an SP.351 District, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) a video rental establishment
- b) a personal service establishment
- c) a sub post office
- d) a dry cleaning depot (Class 2)
- e) a printing shop
- f) a clinic
- g) a convenience retail store
- h) a bake shop
- i) a self service laundry
- j) a studio or craft workshop
- k) a day nursery
- l) a repair shop for electronics and appliances
- m) a mailbox rental service outlet
- n) a retail establishment
- o) a retail catalogue sales establishment

- p) a rental establishment with no outdoor display and/or storage
- q) a food store
- r) a drug store
- s) a hardware store
- t) an art school, music school, dance school or fine arts school
- u) a gymnasium or health club
- v) a place of assembly
- w) a restaurant
- x) a bowling alley
- y) a bank, financial institution or loan company
- z) an office

REGULATIONS:

381.3 No person shall within an SP. 351 District, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) minimum lot width	85 metres
b) minimum lot depth	80 metres
c) minimum building setback	
i) side lot line	9.0 metres or twice the height of the building, whichever is greater
ii) rear lot line	9.0 metres or twice the height of the building, whichever is greater
d) maximum building coverage	30%
e) maximum number of storeys	3
f) landscaped open space of a minimum width of 6 metres shall be provided and maintained along a lot line abutting a residential or development district	
g) landscaped open space including a planting strip, having a minimum width of 3 metres shall be provided and maintained along all other lot lines	
h) maximum floor area per commercial purpose:	
i) uses (a) to (p) inclusive	330 square metres
ii) use (q)	464 square metres
iii) uses (r) and (s)	1725 square metres
iii) uses (t) to (y) inclusive	no restriction
iv) use (z)	300 square metres
i) maximum floor area for all	2,700 square metres

commercial purposes, including basements	
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381.4 SP.351 District is hereby designated as a commercial district.”

5. Section 3.9 Exceptions of By-law 1997-123 is hereby amended by adding the following:

“.259 Notwithstanding the provisions of Section 125.2 l), a service station shall not be permitted.

Notwithstanding the provisions of Section 125.2 , a gas bar shall be permitted.

Notwithstanding the provisions of Section 125.3 b), the maximum floor area per commercial use shall be 200 square metres.

Notwithstanding the provisions of Section 125.3 h), landscaped open space of a minimum width of 6 metres shall be provided and maintained on a lot line abutting a residential or development district and landscaped open space of a minimum width of 1.5 metres with planting strips shall be provided and maintained along all other lot lines.

.260 Notwithstanding the provisions of Section 362.3 b), the minimum lot area shall be 190 square metres.

Notwithstanding the provisions of Section 362.3 d), the minimum lot depth shall be 25 metres.

Notwithstanding the provisions of Section 362.3 g), the maximum number of storeys shall be 3.

Notwithstanding the provisions of Section 362.3 h), the minimum floor area per dwelling unit shall be 56 square metres.

.261 Notwithstanding the provisions of Section 363.3 b), the minimum lot area shall be 142 square metres.

Notwithstanding the provisions of Section 363.3 c), the minimum lot width per dwelling unit shall be 5.7 metres.

Notwithstanding the provisions of Section 363.3 d), the minimum lot depth shall be 25 metres.

Notwithstanding the provisions of Section 362.3 g), the maximum number of storeys shall be 3.

Notwithstanding the provisions of Section 363.3 h), the minimum floor area per dwelling unit shall be 56 square metres.”

6. Section 3.4 Alternative Regulations of By-law 1997-123 is hereby amended by adding the following to 4. MINIMUM LOT DEPTH:

“4. m. 25m”

7. Section 3.4 Alternative Regulations of By-law 1997-123 is hereby amended by adding the following to 13. MINIMUM FLOOR AREA PER DWELLING UNIT:

“13. k. 56 sq. m”

8. **Map 3** forming part of Schedule 'A' to By-law 1997-123 is amended by changing the area shown on the sketch attached hereto as Schedule 'A' **from A2(Smith), H Hazard Zone (Smith), RuR(Smith), and D.2-96 to SP.328,13a-H', SP.328,4g,10b,13a-H', SP.329,11j,13k-H', SP.329,4g,10b,11j,13k-H', SP.330,11j,13k-H', SP.330,4g,10b,11j,13k-H', SP.331,3q,11j,13k,16c-H', SP.331,3q,4g,10b,11j,13k,16c-H', SP.332-260-H', SP.333-261-H', SP.348,11j,13k-H', SP.349,11j,13k-H', SP.350-H', SP.351-H', SP.95-259-H', OS.1 and OS.3.**

9. The 'H' – Holding Symbol will be removed from:

- i. Areas to be developed in accordance with Districts SP.328, SP.329, SP.330, SP.332 and SP.333 illustrated on the sketch attached hereto as Schedule 'A' upon registration of the Plan of Subdivision in the Land Registry Office; and,
- ii. Areas to be developed in accordance with Districts SP.95, SP.331, SP.348, SP.349, SP.350, and SP.351 as illustrated on the sketch attached hereto as Schedule 'A' upon Site Plan Approval being granted for the respective parcels.












10. The By-law shall come into effect upon the approval of Official Plan Amendment No. 152.

By-law read a first, second and third time this 14th day of March, 2011.

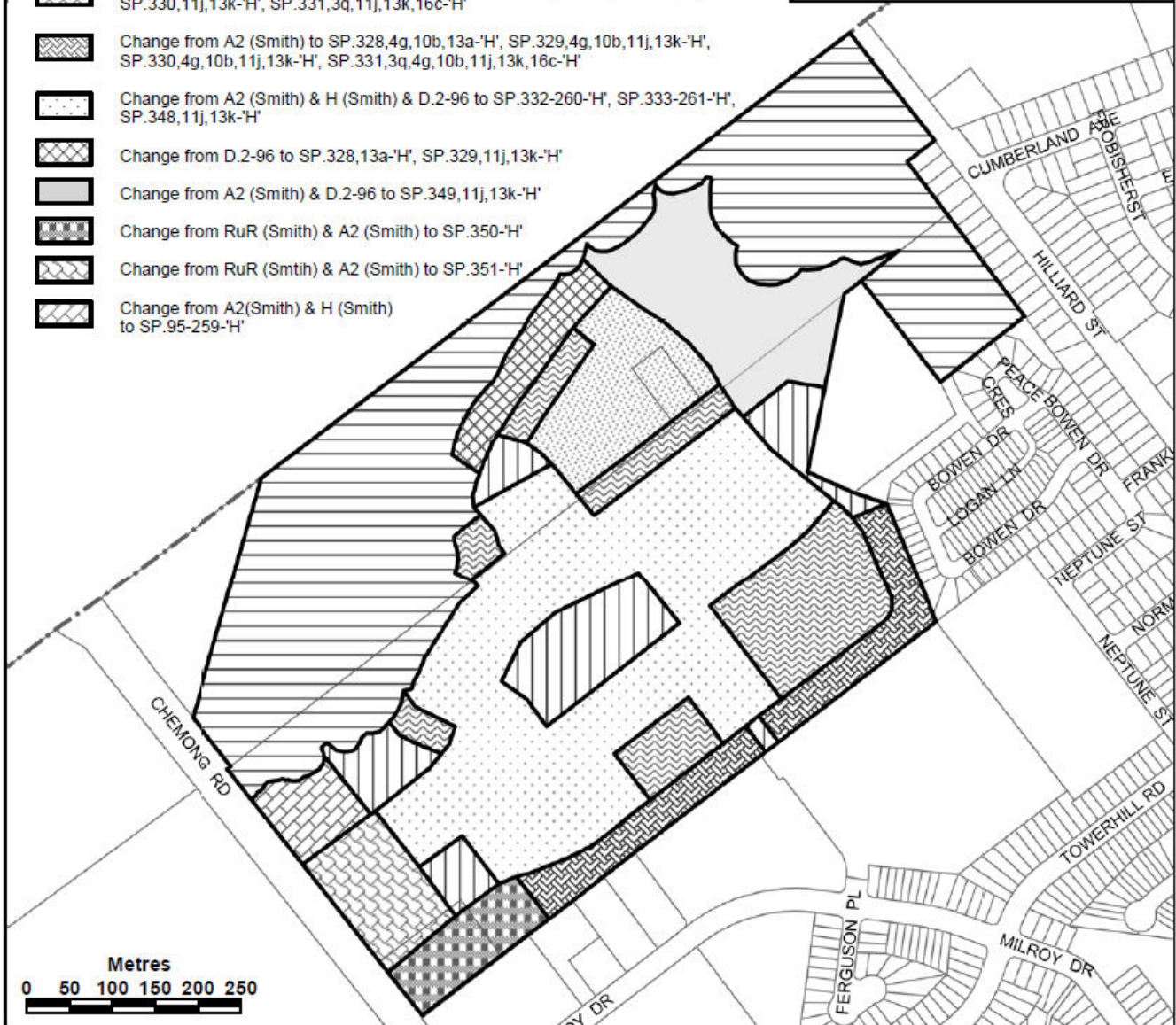
(Sgd.) Daryl Bennett, Mayor

(Sgd.) Kevin Arjoon, Deputy Clerk

Legend

-  Change from D.2-96 & H (Smith) & A2 (Smith) to OS.1
-  Change from H (Smith) & A2 (Smith) & D.2-96 & RuR (Smith) to OS.3
-  Change from A2 (Smith) & H (Smith) & D.2-96 to SP.328,13a-'H', SP.329,11j,13k-'H' SP.330,11j,13k-'H'
-  Change from A2 (Smith) & H (Smith) & D.2-96 to SP.328,13a-'H', SP.329,11j,13k-'H' SP.330,11j,13k-'H', SP.331,3q,11j,13k,16c-'H'
-  Change from A2 (Smith) to SP.328,4g,10b,13a-'H', SP.329,4g,10b,11j,13k-'H', SP.330,4g,10b,11j,13k-'H', SP.331,3q,4g,10b,11j,13k,16c-'H'
-  Change from A2 (Smith) & H (Smith) & D.2-96 to SP.332-260-'H', SP.333-261-'H', SP.348,11j,13k-'H'
-  Change from D.2-96 to SP.328,13a-'H', SP.329,11j,13k-'H'
-  Change from A2 (Smith) & D.2-96 to SP.349,11j,13k-'H'
-  Change from RuR (Smith) & A2 (Smith) to SP.350-'H'
-  Change from RuR (Smith) & A2 (Smith) to SP.351-'H'
-  Change from A2(Smith) & H (Smith) to SP.95-259-'H'

SCHEDULE 'A' TO
BYLAW 2011- 046
PASSED THE 14th DAY
OF MARCH 2011
MAYOR
CLERK



City of
Peterborough



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PROPOSED RESIDENTIAL ZONING REGULATIONS BY APPLICANT

Proposed District	Use	Min. Lot Width	Min. Lot Depth	Min. Lot Area	Max. Building Coverage	Min. Floor Area	Building Height (storeys)
SP.328	Single	13.7m	25	340 sq.m	50%	60 sq.m	2
SP.329	Single	9.1m	25	227 sq.m	55%	45 sq.m	3
SP.330	Semi	7m/unit	25	175sq.m/unit	60%	55 sq.m/unit	3
SP.331	Town	4.5m/unit	25	110 sq.m/unit	65%	50 sq.m/unit	3
A	Single	7.6m	25	190 sq.m	60%	50 sq.m	3
B	Semi	5.7m/unit	25	142 sq.m/unit	60%	45 sq.m/unit	3
C	Town	4.5m/unit	25	112.5 sq.m/unit	65%	45 sq.m/unit	3
D	Single/ Semi/ Town	n/a	n/a	n/a	Density 105- 210 units	45 sq.m/unit	3
E	Apts.	45m	45m	n/a	40%	n/a	5

BUILDING SETBACKS:

For zoning districts that permit singles, semis and townhomes, the developer is proposing to use the same reductions to the building setbacks from lot lines as was used in Phase 1 as follows:

***Front Lot Line:**

- i) To garage - 6m;
- i) To dwelling - 3m;
- ii) To porch -1.5m;

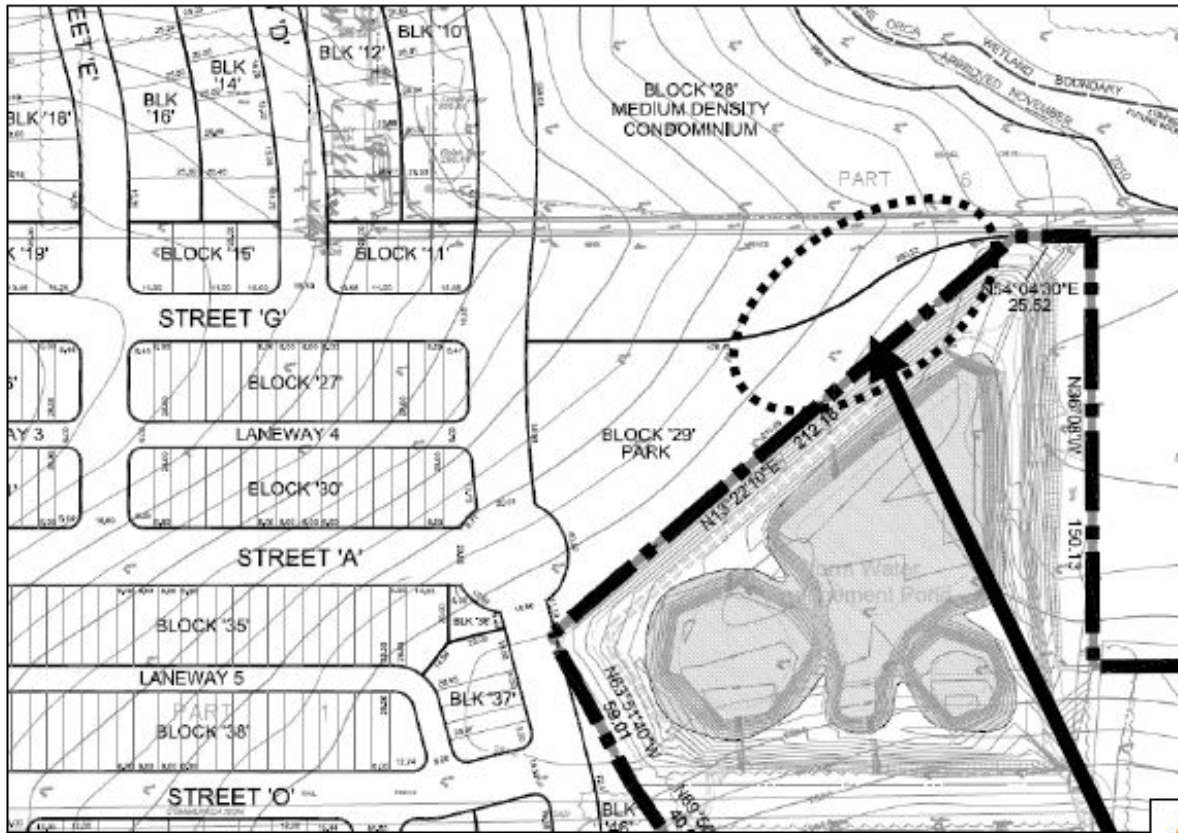
***Rear Lot Line:**

- i) To dwelling – 6m;
- ii) To garage or accessory building 0.5m;

***Side Lot Line:**

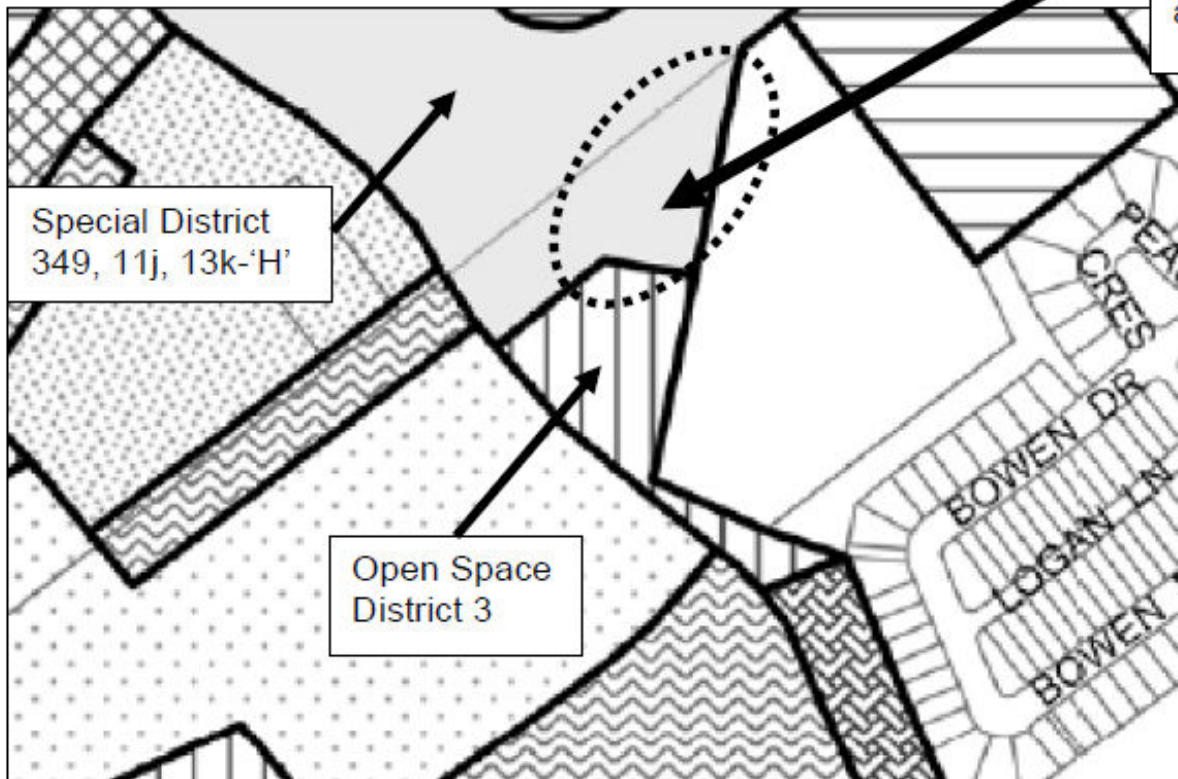
- i) 0.6m one side, 1.2m other side (singles);
- ii) 1.2m one side, 0.0m other side (semis, townhomes);
- iii) 0.3m for accessory building (single, semis, townhomes);
- iv) 0.0m for semi-detached garage (rear lane single) ;
- v) 6m – medium density condominium units, high density building; and,
- vi) Corner Lots – 3 metres.

Excerpt of Block 29, Draft Approved Plan of Subdivision 15T-10507



Area of discrepancy
between Draft
Approved
Subdivision Plan
and current Zoning

Current Zoning: Excerpt of Schedule A to By-law No. 11-046



Special District
349, 11j, 13k-'H'

Open Space
District 3

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11-(Clerk's office will assign the number)

**BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 11-046 FOR THE
PROPERTIES AT 0 AND 1224 CHEMONG ROAD AND 1339, 1345,
1349 AND 1371 HILLIARD STREET**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Sections 9 and 10 of By-law 11-046 are hereby renumbered as Sections 11 and 12 respectively.

2. By-law 11-046 is hereby amended by adding the following:

"9. Section 6.10 Exceptions (Building Setback – Collector Streets) of By-law 97-123 is hereby amended by as follows:

Subsection (24.3) Weber Street east side is renumbered as Subsection (24.4).

10. Section 6.10 Exceptions (Building Setback – Collector Streets) of By-law 97-123 is hereby amended by adding the following:

"(4.1) Broadway Boulevard (a) Between Grange Way and Rowberry Boulevard 14.5 metres for a dwelling, excepting an attached garage or carport;

17.5 metres for an attached garage or carport; and,

13 metres for a verandah.

(a) Between Rowberry Boulevard and Marsh Avenue 13 metres for a dwelling, excepting an attached garage or carport;

16 metres for an attached garage or

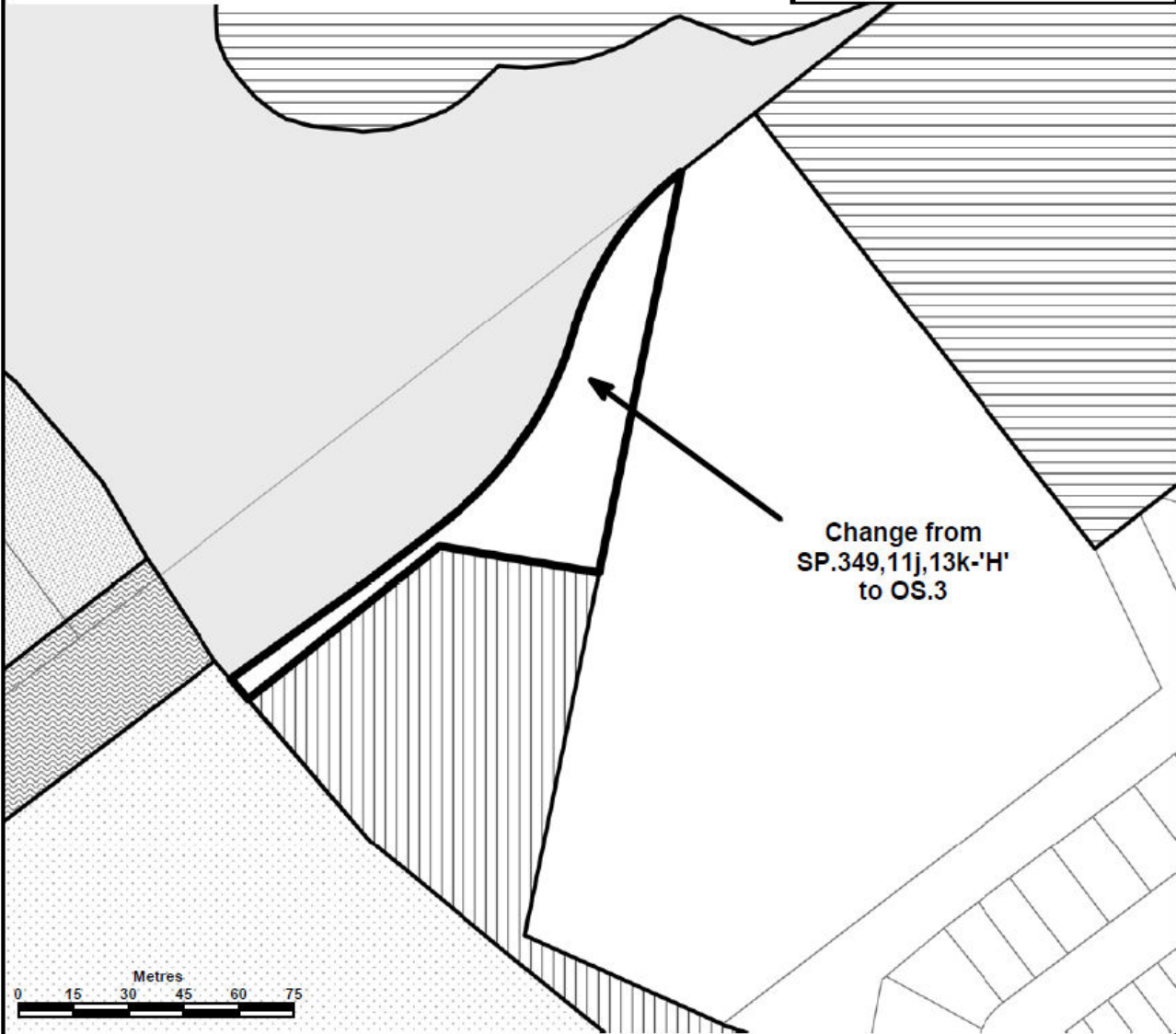
- carport; and,
- 11.5 metres for a verandah.
13 metres for a dwelling, excepting an attached garage or carport;
16 metres for an attached garage or carport; and,
- (11.1) Flitton Avenue
- 11.5 metres for a verandah.
13 metres for a dwelling, excepting an attached garage or carport;
16 metres for an attached garage or carport; and,
- (18.1) Marsh Avenue
- 11.5 metres for a verandah.
13 metres for a dwelling, excepting an attached garage or carport;
16 metres for an attached garage or carport; and,
- (24.3) Rowberry Boulevard From Broadway Boulevard to a point 30 metres southeast of Grange Way 11.5 metres for a verandah.
13 metres for a dwelling, excepting an attached garage or carport;
16 metres for an attached garage or carport; and,
11.5 metres for a verandah.”
3. Schedule A attached to By-law 11-046 is hereby amended by changing the area shown on the sketch attached hereto as Schedule 'A' from **SP.349,11j,13k-'H'** to **OS.3**.

By-law read a first, second and third time this day of _____, 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

SCHEDULE 'A' TO
BYLAW 2011-
PASSED THE DAY
OF 2011
MAYOR
CLERK



City of Peterborough



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File: Z1017sb