



City of Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: February 11, 2013

SUBJECT: Report PLPD13-006
By-law to remove an 'H' – Holding Symbol from the Zoning
By-law for part of Plan of Subdivision 45M-238
Mason Homes Limited Phase 1
0 & 1224 Chemong Road, 1339, 1345, 1349 & 1371 Hilliard
Street

PURPOSE

A report to recommend the removal of the "H" – Holding Symbol from the Zoning By-law for a portion of Plan of Subdivision 45M-238.

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD13-006 dated February 11, 2013 of the Manager, Planning Division, as follows:

That Lots 1 to 152, Plan of Subdivision 45M-238, (Pellow Lane, Rowe Lane, Fee Lane, Rush Lane, Whetstone Lane, Selkirk Lane, Broadway Boulevard, Marsh Avenue, Grange Way, Rowberry Boulevard, Flitton Avenue, Melling Avenue, Rippingale Trail, Noftall Gardens and Rothwell Gardens) be rezoned in accordance with Exhibit A of Report PLPD13-006.

BUDGET AND FINANCIAL IMPLICATIONS

There are no budget or financial implications arising out of the approval of this recommendation.

BACKGROUND

Draft Plan Approval for Draft Plan of Subdivision 15T-10507 came into effect on April 12, 2011. Final Approval for the first stage of this Draft Plan was granted by the Director of Planning and Development Services under the authority of By-law 11-082 on December 18, 2012. On December 30, 2012, Stage 1 of Draft Plan 15T-10507 was registered as Plan 45M-238 and a subdivision agreement between the City and Mason Homes Limited was registered as Instrument PE180757 on December 20, 2012.

Zoning By-law 11-046 (as amended by By-laws 11-143 and 12-137), applies to Plan of Subdivision 45M-238 and the remaining Draft Approved portions of Draft Plan of Subdivision 15T-10507 that will be subject to future registrations. These By-laws included an “H” – Holding Provision on Lots 1 to 152 inclusive with the intent that the provision would be removed once the plan is registered.

This condition has been fulfilled for Plan of Subdivision 45M-238 and therefore it is recommended that the “H” – Holding Provision be removed from the said lots.

Draft Approved Plan of Subdivision 15T-10507 consists of lotless blocks rather than defined building lots. In order to maintain flexibility to respond to market demand, Zoning By-law 11-046 applied a number of zoning districts to each block to allow them to be developed with a variety of residential dwelling types and densities. With the registration of Plan 45M-238, the ultimate determination of how each block will develop within this stage has been made based on the lotting pattern established on the plan. All lots within this stage of development are intended for single detached dwelling units.

Notwithstanding this, many lots within the plan are subject to zoning districts SP.331,3q,11j,13k,16c, SP.331,3q,4g,10b,11j,13k,16c and SP.348,11j,13k that would otherwise permit a multiple-unit dwelling containing up to 8 dwelling units. Typically, the construction of any building containing 5 or more dwelling units will be subject to site plan control in accordance with By-law No. 11-081. Accordingly, Zoning By-law 11-046 requires the granting of site plan approval prior to the removal of the “H” – Holding Provision imposed in conjunction with these three zoning districts.

Based on the lotting pattern established by Plan of Subdivision 45M-238, it is no longer feasible to establish multiple unit dwellings within this stage of development in accordance with the three zoning districts previously noted. Accordingly, staff believe that site plan control is no longer necessary for this stage of development and that it is appropriate to amend the Zoning By-law to remove the "H" – Holding Provision from the entirety of Plan 45M-238.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

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Concurred with,

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Attachments:

Exhibit A – Draft "H" Removal By-law – Part of Plan 45M-238

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13-(Clerk's office will assign the number)

**BEING A BY-LAW TO AMEND ZONING BY-LAW 97-123 TO REMOVE A
HOLDING SYMBOL FROM LOTS 1 TO 152, INCLUSIVE, REGISTERED PLAN
OF SUBDIVISION 45M-238**

WHEREAS pursuant to Section 36 of the Planning Act, R.S.O., 1990, c.P.13, a Holding Symbol was applied to the above lands by By-law;

AND WHEREAS, in the opinion of Council, the condition for the removal of the Holding Symbol has been satisfied.

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

Map 3 forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" as follows:

From SP.328,13a-'H', SP.329,11j,13k-'H', SP.330,11j,13k-'H', SP.331,3q,11j,13k,16c-'H' to SP.328,13a, SP.329,11j,13k, SP.330,11j,13k, SP.331,3q,11j,13k,16c;

From 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' to SP.328,4g,10b,13a, SP.329,4g,10b,11j,13k, SP.330,4g,10b,11j,13k, SP.331,3q,4g,10b,11j,13k,16c; and,

From SP.332-260-'H', SP.333-261-'H' and SP.348,11j,13k-'H' to SP.332-260, SP.333-261, SP.348,11j,13k.

By-law read a first, second and third time this day of _____, 2013.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit A
Sheet 2 of 2

