



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: September 16, 2013

SUBJECT: Report PLPD13-065
Zoning By-law Amendment Z1315SB
Mason Homes Limited
0 & 1310 Chemong Road
Lots 61-65, 88-92, 102-144

PURPOSE

A report to evaluate the planning merits of an application to amend the Zoning By-law as it relates to rear lane-based lots within Draft Approved Plan of Subdivision 15T-10507 and registered Plan of Subdivision 45M-238.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-065 dated September 16, 2013, of the Manager, Planning Division, as follows:

- a) That Section 378 of Zoning By-law 1997-123, being Special District 348, be deleted in its entirety and replaced with a new Special District 348 in accordance with Exhibit F of Report PLPD13-065.
- b) That Section 3.9 Exceptions of Zoning By-law 1997-123 be amended by deleting Exceptions 260 and 261 in accordance with Exhibit F of Report PLPD13-065.
- c) That Section 3.9 Exceptions of Zoning By-law 1997-123 be amended by adding Exception No. 260 in accordance with Exhibit F of Report PLPD13-065.

- d) That the subject properties be rezoned from SP.332-260-'H', SP.333-261-'H', SP.348,11j,13k-'H' – Residential Districts to SP.348-260-'H' – Residential District and from SP.332-260, SP.333-261, SP.348,11j,13k – Residential Districts to SP.348-260 – Residential District in accordance with Exhibit F of Report PLPD13-065.

BUDGET AND FINANCIAL IMPLICATIONS

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

BACKGROUND

In 2011, Council granted Draft Plan Approval to Plan of Subdivision 15T-10507, attached hereto as Exhibit C, for the development of approximately 770 residential units consisting of a mix of single detached units, townhomes, medium density and high density residential units together with lands for neighbourhood and local commercial uses, parkland, stormwater management and open space (Report PLPD11-013). The plan is unique among other new developments in Peterborough for its use of rear laneways and reduced local street right-of-way widths (16.5 metres vs. typical 20 metre local road allowances).

Since that time, one phase of development, Plan 45M-238 (Broadway Boulevard, Grange Way, Rowberry Boulevard), consisting of 152 single detached residential lots has been registered. Through the initial stages of house construction in this phase, Mason Homes has encountered a number of technical issues related to the application of the Zoning By-law on laneway based lots including:

- an inability to develop double-car garages on laneway-based lots due to a 10% building coverage restriction for accessory structures;
- an inability to accommodate their typical roof pitch design for rear lane garages due to the current 4.3m height restriction for accessory structures; and,
- an inability to develop those lots with bends or angles in the side lot line due to the Zoning By-law's treatment of such changes in angle as the start of a rear lot line and the enhanced building setbacks that accompany rear lot lines.

In order to address these issues, Mason Homes has requested that the Zoning By-law as it is applied to the laneway-based homes and lots within Draft Plan of Subdivision 15T-10507 and Registered Plan 45M-238, be amended to:

- eliminate the maximum coverage limit for an accessory structure on lots with an area of under 360 square metres (provided the building coverage regulation for the zoning district is adhered to);
- increase the building height of an accessory garage to 4.8m for a single car garage and 5.5m for a double car garage; and,
- permit limited changes in the angle of a side lot line.

Additionally, in order to improve the function of laneway-based homes, Mason Homes has also requested that the Zoning By-law be amended to allow one-storey accessory buildings that are used as garages to be attached to the dwelling via an extension of the dwelling they describe as a mudroom. The mudroom would allow occupants to enter their home from the garage rather than walking through the rear yard. By allowing an accessory garage to be attached to the dwelling, it is intended that the garage will remain considered an accessory use for the purpose of implementing building setbacks. Accordingly, an attached accessory garage would be subject to the same building setback requirements that are currently in place for detached accessory garages on the subject properties rather than the enhanced setbacks that would be required if it were considered part of the dwelling.

Finally, in order to maintain consistency for accessory building setbacks from both lanes and side lot lines, Mason Homes has requested that accessory structures (garage, shed etc.) be permitted to locate a minimum of 0.3m from a lane instead of the current setback 0.6m on single and two-unit lots and 2.4m on multi-unit/row house lots. Additionally, Mason Homes has requested that accessory garage structures also be permitted to have a 0m side lot line setback if built as a jointly-owned double garage which serves two dwellings whose common lot line is the dividing line for the garage. A summary of the current, requested, and recommended zoning regulations is attached hereto as Exhibit E.

ANALYSIS

a) Provincial Policy

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS promotes efficient, cost effective development and land use patterns, protection of resources and public health and safety. As described in Report PLPD11-013, the subject development has been designed and granted approval in compliance with provincial policy.

The proposed Zoning By-law amendments do not compromise the overall development's compliance with provincial policy as described in Report PLPD11-013.

b) Official Plan

Section 4.2.5.7 of the Official Plan establishes a number of items that Council must consider when reviewing an application for residential development each of which was considered in detail for the overall development in report PLPD11-013. The proposed Zoning By-law Amendments are technical in nature and do not fundamentally affect the analysis undertaken in that report. Accordingly, staff is satisfied that the proposed amendments are supportable within an Official Plan policy context.

c) Zoning By-law

Mason Homes has requested a number of Zoning By-law amendments to provide laneway-based homes with the opportunity to develop attached or detached rear yard garages and to address technical Zoning By-law issues affecting their current development. A detailed description of the requested amendments is provided in Exhibit E. Generally, staff is satisfied that the requested amendments maintain the overall intent of the original zoning for the Plan of Subdivision and that they will improve the overall function of the laneway-based housing form.

i. Rear Garages – General Provisions

Presently, rear garages associated with laneway-based lots in Mason Homes' development are treated as accessory structures. Accordingly, with the exception of side yard setbacks for garages built on single detached and semi-detached lots, rear garages are subject to the same zoning provisions as any other accessory structure. In order to maintain consistency across the three housing forms (i.e. single detached, semi-detached or townhomes) that could potentially develop on any given block within the Draft Plan of Subdivision, staff have recommended that the rear and side lot line building setback regulations for detached garages be harmonized at 0.6 metres and 0.3 metres respectively for all lot types. These setbacks are currently the standard for accessory structures located on single-detached and semi-detached lots in Mason Homes' development; they would replace a standard of 2.4 metres on townhouse lots. Staff do not support reducing the setback from a rear garage to a lane to less than 0.6m as Mason Homes has requested due to the challenges that such a setback could create with respect to vehicle turning movements, laneway snow clearing operations, and potential encroachment of garage roof overhangs into the lane.

For single-detached lots, the present zoning allows for a rear garage to be attached to a garage on an adjoining lot where the common lot line is aligned with the dividing wall in the garage structure. The regulation is designed to ensure that such a garage can only serve two lots in order to prevent the development of a continuous garage structure along a rear lane. Attaching garages on adjoining lots creates efficiency, particularly on narrower lots, for fitting two parking spaces on each lot. Upon review, staff recommend that this permission be extended to lots that contain semi-detached and townhouse dwellings as well.

Presently, in order to ensure that accessory buildings are of a size and scale that maintain their use as accessory and subordinate to the dwelling, the Zoning By-law specifies that an accessory use can not occupy more than 10% of the lot area. Given their provision of smaller lots on the rear lanes, Mason Homes has found that the 10% building coverage limit for an accessory structure restricts their ability to develop double car garages on lots that would otherwise be able to accommodate such a structure based on building setback requirements. Mason Homes' typical detached double car garage has a building area of 35.6 square metres. In order to meet the 10% regulation for such a garage, Mason Homes would need to develop lots with an area of approximately 360 square metres. Accordingly, for lots less than 360 square metres in area, Mason Homes has requested to eliminate the 10% building coverage limit for accessory garage structures provided the overall building coverage limit for the lot is respected. Staff support this request. Facilitating this request will not adversely affect stormwater management planning in the development since the stormwater management system is designed to accommodate the maximum building coverage limit within the development.

ii. Attached Rear Garages

Allowing a laneway-based garage to attach to a house via a mudroom is intended to encourage residents to use their garages for parking by making it easier to move between garage and house.

When considering how a laneway-based garage should attach to a house, Mason Homes proposed to introduce "Mudroom" as a defined term in the Zoning By-law. A copy of the proposed definition is included in Exhibit E. In staff's opinion, a new defined term describing the circumstance under which an accessory rear garage structure can attach to a dwelling is not necessary as long as the intent of the definition is captured in regulation. Accordingly, the recommended By-law as detailed in Exhibit F does not include a definition for the term Mudroom but instead provides regulations describing how an accessory garage may attach to the dwelling while still being considered accessory use.

Within Mason Homes' proposed Mudroom definition, allowance is made for the feature to have a basement and to have a width that varies from 2.2 metres to 4.0 metres, depending on the width of the lot. Through discussions with Mason Homes, it is staff's understanding that a mudroom is intended to function as a rear entrance/exit area and may include a closet, powder room and laundry facility. Staff have no objection to these proposed uses however, in order to ensure that the primary function of a mudroom remains for ingress and egress, staff have proposed a regulation to maintain the feature to a height of one storey and a maximum width of 2.85 metres for lots that are less than 7.6 metres in width or 3.5 metres for lots that are greater than 7.6 metres in width. Such a regulation would ensure that a mudroom does not exceed approximately one-half of the width of the lot. Semi-detached and townhouse lots that are under 6.0 metres in width will not be permitted to have a mudroom connection to an accessory garage due to such lots' inability to accommodate a garage and an exterior parking space beside the garage.

Currently, as depicted in Exhibit E, side yard setbacks for accessory structures differ from those that are applied to the dwelling. In order to maintain a consistent side building line between dwelling and attached accessory garage, the recommended By-law in Exhibit F applies the same side yard setbacks to an attached accessory garage as are applied to the dwelling.

iii. Accessory Structures – General Provisions

Present Zoning within the Mason Homes subdivision does not distinguish between accessory buildings that are to be used as garages and other accessory buildings from a regulatory perspective. Because, however, Mason Homes has requested a number of amendments related specifically to accessory garage structures, the proposed By-law explicitly establishes regulations to address accessory buildings that are to be used as garages. The proposed By-law is silent on other accessory structures and so accordingly, all the provisions of Section 6.18 would apply to such structures.

iv. By-law – Ease of Interpretation

Since this development was approved in 2011, comments have been received from both City staff and members of the public alike criticizing its Zoning for being too complex and difficult to use. Similar comments were received upon circulation of the proposed zoning amendment to staff and agencies. Currently, every laneway-based lot and block within Draft Plan of Subdivision 15T-10507 and Registered Plan 45M-238 is subject to three Zoning Districts, each of which relies upon an extensive array of Zoning By-law exceptions and/or alternative regulations.

In order to accommodate the proposed amendments while also making the Zoning By-law more user-friendly, staff are recommending that all existing and proposed Zoning regulations be amalgamated into a single Zoning District and that any redundant Zoning Districts or exceptions be deleted. Zoning Districts SP.332 and SP.333 are currently used in Mason Homes' adjacent development (Bowen Drive) so they can not be removed from Zoning By-law 1997-123 completely however the recommended By-law attached in Exhibit F does remove their application from the subject lands. The amalgamated zoning district will replace the existing SP.348 district which is only in use on the subject lands.

Zoning By-law exceptions No. 260 and 261 will be made redundant by the proposed zoning district and so the recommended By-law provides for their deletion. Exception No. 260 is recommended to be replaced with a new exception No. 260 that will address Mason Homes' request to permit limited changes in angle for a side lot line.

RESPONSES TO NOTICE

a) Agency Responses

As part of staff's processing of the applications, and pursuant to the Planning Act, notice of the application was provided to, and comments sought from, the prescribed commenting agencies on July 10, 2013.

Bell Canada, Ontario Power Generation Inc., Peterborough County-City Health Unit, Otonabee Region Conservation Authority, Hydro One Networks Inc., Peterborough Utilities Services Inc., Peterborough Fire Department, and the Kawartha Pine Ridge District School Board advised that they have no objection to the proposed amendments.

Utility Services advised that they do not support 0.3 metre setbacks from rear and side lot lines for accessory garage structure but acknowledged that since the zoning for single-detached and semi-detached lots already allow for a 0.3 metre side yard setback, it would be difficult to withhold the same flexibility for townhouse lots. Additionally, Utility Services advised that accessory garages that are attached to the dwelling via a mudroom must not have stair risers within them that would encroach within the required parking area. To address this comment, the proposed By-law specifies that parking spaces within garages must be sized in accordance with zoning regulations and must be free of obstructions or encroachments.

b) Public Responses

Notice of Complete Application was published in the Peterborough Examiner on July 26, 2013. Notice of Public Meeting was published in the Peterborough Examiner and mailed to all persons that own property within 120 metres of the subject lands on August 19, 2013. No public inquiries or comments have been made in response to these notices.

SUMMARY

Approval the application Zoning By-law Amendment is recommended for the following reasons:

- i. The proposed amendments conform to the Official Plan and intent of the Zoning By-law for the Plan of Subdivision;
- ii. The proposed amendments will improve the useability of laneway-based garages in the Plan of Subdivision; and,
- iii. The proposed will simplify the Zoning By-law for laneway-based lots in the Plan of Subdivision and thereby improve accessibility for users.

Submitted by,

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Attachments:

Exhibit A - Notice of Public Meeting
Exhibit B - Land Use Map
Exhibit C - Draft Approved Plan of Subdivision 15T-10507
Exhibit D - Registered Plan of Subdivision 45M-238
Exhibit E - Summary of Existing, Requested and Recommended Regulations
Exhibit F - Draft Zoning By-law Amendment