



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: September 16, 2013

SUBJECT: Report PLPD13-067
Zoning By-law Amendment - 840 Armour Road

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 840 Armour Road to a modified PS.2 – Public Service District, to add a ‘funeral home’ as a permitted use on the subject property.

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD13-067, dated September 16, 2013, of the Manager, Planning Division, as follows:

That the zoning of the subject property, be amended from the PS.2 – Public Service District to the PS.2-238 - Public Service District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD13-067.

RATIONALE

Approval of this Zoning By-law Amendment is based upon the following:

The lands are designated 'Residential' on Schedule 'A' – Land Use, and 'Medium Density Residential' on Schedule 'E' of the City's Official Plan. The 'Residential' designation contemplates that the predominant use of lands be for residential purposes, however, also supports uses that are complementary to, or serve the basic residential uses including local commercial uses, home occupations, public and institutional uses, parks and recreation uses, churches and special care facilities. A full service funeral home is consistent with these uses.

The application proposes to add a 'funeral home' as a permitted use, in addition to the uses listed in the PS.2 – Public Service District. The current use as a visitation centre is permitted as a 'place of assembly', however, does not permit the full services of a funeral home, as regulated by the Funeral Burial and Cremation Services Act, Ontario, 2002. An amendment to add a 'funeral home' as a permitted use would permit the existing visitation centre to offer a full range of funeral home services.

BACKGROUND

The subject application was received on May 29, 2013, deemed to be complete as of June 17, 2013 and was processed in accordance with department procedures. The Planning Act allows applicants to appeal Zoning By-law Amendment Applications after the expiry of 120 days of the application being deemed complete. The applicant is in a position to file an appeal to the Ontario Municipal Board any time after October 15, 2013.

The subject property is located on the east side of Armour Road, south of Spencley's Lane. The property was subject of a Zoning Amendment in 2009, changing the zoning of the property from a medium density residential zoning district (R.4) to the current PS.2 – Public Service District. A Site Plan Agreement in 2009 supported the construction of a church and associated parking on the subject lands. The current owner/applicant purchased the property in the spring of 2012 and completed the construction of the building and associated site improvements. The existing 940m² (10,121 ft²) visitation centre and associated parking and landscaping have been operational since November, 2012. The owner/applicant intends to continue to use the property as a visitation centre and include a full range of funeral home services including the sale of caskets and funerals, in accordance with licensing requirements of the Funeral Burial and Cremation Services Act, Ontario, 2002. This Act requires Class 1 Funeral Establishments to operate under Zoning Regulations that specifically permit a 'funeral home'. There are no changes proposed to the property.

BUDGET AND FINANCIAL IMPLICATIONS

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

ANALYSIS

a) Official Plan

The lands are currently designated 'Residential' on Schedule 'A' of the City of Peterborough Official Plan and 'Medium Density Residential' on Schedule 'E' – 'Residential Density'.

Where appropriate, the 'Residential' designation supports non-residential uses that are complementary to, or serve the basic residential uses, including public and institutional uses, churches and special care facilities. A Zoning Amendment in 2009 justified the conversion of the residential zoning to the current Public Service District zoning to permit a list of uses deemed to be compatible with the surrounding residential neighbourhood.

The proposed use of the lands for a full service funeral home is consistent with the non-residential uses contemplated by the Residential policies of the Official Plan.

b) Zoning By-law

The subject property proposes to modify the existing PS.2 – Public Service District to add 'funeral home' as a permitted use. The Zoning By-law is to be amended to add an exception (#238) to the existing zoning, to have the effect of expanding the list of permitted uses to include a 'funeral home'.

The draft zoning amendment conforms to the existing Official Plan designation of the property and will permit the use of the lands in compliance with the current policies. The existing PS.2 Zoning of the property permits the use of the lands for a list of permitted public service type of uses, including a church, place of assembly, school, public administration establishment, police station, etc. The introduction of a 'funeral home' is consistent with the type of uses permitted by the current zoning, and supported by the current site conditions.

The property is currently developed with parking and standards in accordance with the requirements of the Zoning By-law. The parking standards of a 'Place of Assembly' and a 'Funeral Home' are identical; therefore, no additional parking is required for the new use. A total of 99 parking spaces are provided on site, in keeping with the requirements of the City's Zoning By-law of 1 parking space per staff plus 1 parking space per 4m² of assembly area. The property was also subject to a recent Site Plan Agreement and has been developed in accordance with the agreement.

RESPONSE TO NOTICE

a) **Significant Agency Responses:**

No further agencies have expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) **Summary of Public Responses:**

Notice of Complete Application was issued by newspaper advertisement (Peterborough Examiner) on July 19, 2013. Notice of Public Meeting was issued on August 19, 2013 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No public written responses were received as of August 26, 2013, as a result of the circulation.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

Exhibit 'A' - Land Use Map
Exhibit 'B' - Site Plan
Exhibit 'C' - Draft Zoning By-law Amendment

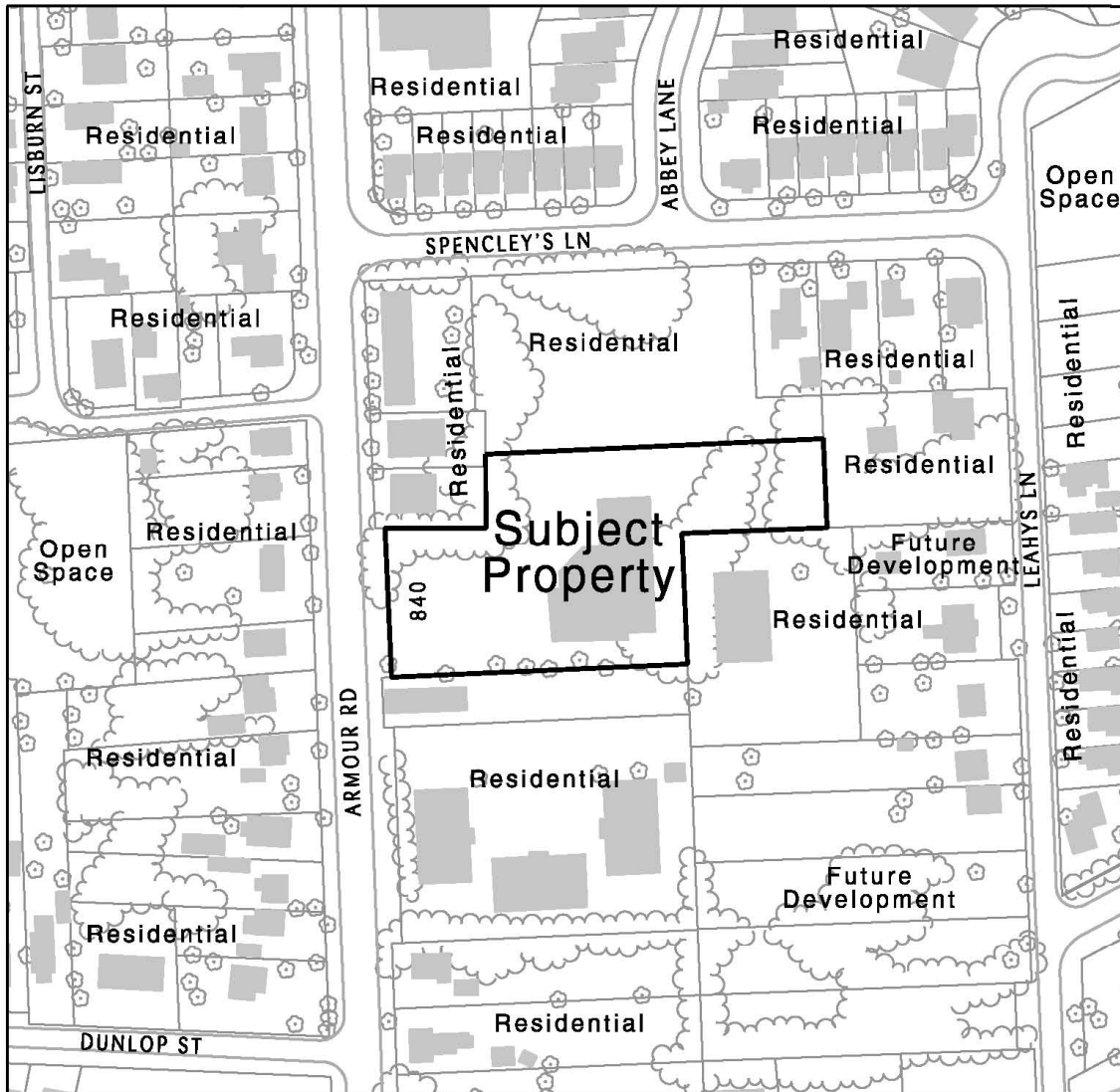
Land Use Map

File # z1311

Property Location: 840 Armour Rd

Exhibit 'A'

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The City of Peterborough Planning Division

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Date - July 2013

Dwg. by - CBerry

METRES
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THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
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BY-LAW NUMBER 13- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
840 ARMOUR ROAD**

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

1. Map 8b 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' **from PS.2 to PS.2-238.**

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit 'C'
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