



City of  
**Peterborough**

---

**To:** Members of the General Committee

**From:** Cynthia Fletcher  
Commissioner of Infrastructure and Planning Services

**Meeting Date:** July 13, 2020

**Subject:** Report IPSPL20-011  
Temporary Use Zoning By-law Amendment Z2001  
2531430 Ontario Limited  
2159 Old Norwood Road

---

## Purpose

A report to evaluate the planning merits of an application for a Temporary Use Zoning By-law Amendment pursuant to Section 39 of the **Planning Act** to permit a portion of the subject lands to be developed with a new home sales office and three model homes without municipal services for a period of up to three (3) years.

## Recommendations

That Council approve the recommendations outlined in Report IPSPL20-011 dated July 13, 2020, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That By-law 19-037 be repealed in accordance with Exhibit A of Report IPSPL20-011; and
- b) That a Temporary Use Zoning By-law Amendment be approved pursuant to Section 39 of the **Planning Act** to permit a portion of the property municipally known as 2159 Old Norwood Road to be developed with a new-home sales office and up to three model homes without municipal services for a period of up to three (3) years in accordance with Exhibit A of Report IPSPL20-011.

## **Budget and Financial Implications**

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

## **Background**

In September 2018, Council considered Report IPSPL18-023 – Ashborough Village Follow-up Information Report, approved Official Plan Amendment (OPA) No. 178 (By-law 18-080) and Zoning By-law Amendment Z1704SB (By-law 18-081), and granted draft approval to Draft Plan of Subdivision 15T-17501 for the subject lands. The development, known as “Ashborough Village”, is draft approved for approximately 707 residential units of various types and densities along with commercial opportunity, parkland, walkways, open space and a stormwater management facility (see Exhibit D). The subdivision property is approximately 71 ha in area and is located along the south side of Old Norwood Road and the west side of Television Road.

In March 2019, Council passed Temporary Use By-law 19-037 to allow the Applicant to establish an office for the promotion and sale of new homes in the southeast corner of the site. Subsequently, the Applicant has determined that they would prefer to develop their temporary sales office in conjunction with three model homes at a different location on the site, further north along Television Road. Because By-law 19-037 only applies to a specific location on the site, the Applicant has requested that a new Temporary Use Zoning By-law be applied to the lands to allow for the construction of a temporary new homes sales office and three model homes at the new preferred location, in the northeast corner of the site, near the intersection of Television Road and Old Norwood Road.

Typically, model homes and new home sales offices are permitted on serviced, residentially zoned lots within registered plans of subdivision pursuant to provisions contained in subdivision agreements between developers and the City. In the present case, the Applicant wishes to construct their sales office and model homes in a location that is beyond their first phase of development. Additionally, the sales office is proposed to be a temporary building situated across two future building lots. To allow the model home court to be built and operate while being located outside of the first phase of development (i.e. in advance of being located within a serviced, registered plan of subdivision), a Temporary Use Zoning By-law is required. Additionally, the current zoning on the property is subject to a Holding provision that prevents the lands from being used until they are included in a registered plan of subdivision; a Temporary Use Zoning By-law will permit the construction of the model home court despite the Holding provision.

Temporary Use Zoning By-laws may be approved pursuant to Section 39 of the **Planning Act**. In accordance with the **Planning Act**, Temporary Use By-laws can remain in effect for up to three years from the date of passage and can be extended by Council for further periods not exceeding three years at a time.

Once the lands are serviced and within a registered plan of subdivision, the Holding Symbol will be removed from the underlying residential zoning and the proposed model homes could be sold for residential purposes as part of the development. The sales office, as a temporary structure, may be permitted for as long as a Temporary Use By-law is in effect for the use. Once the sales office is no longer permitted by a Temporary Use By-law, the structure would need to be removed.

Concurrent with the review of this application, the Applicant has requested Site Plan Approval for the proposed sales office and model home court (File No. SPC-984). A copy of the proposed site plan is attached as Exhibit C.

## **Analysis**

### **Provincial Policy Statement, 2020**

Any decision on the proposed By-law must be consistent with the Provincial Policy Statement, 2020 (PPS). The PPS provides general direction to municipalities with respect to a number of land use planning issues. As described in Report IPSPD18-023, the subject development has been designed and granted draft approval in consistency with the 2017 version of the PPS. Upon review of the current PPS, staff is satisfied that the proposed Temporary Use Zoning By-law does not compromise the overall development's consistency with the PPS.

### **A Place to Grow, 2019**

Any decision on the proposed By-law must conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the Growth Plan). The Growth Plan builds upon the policy foundation of the PPS by providing land use planning policies to address specific issues in the Greater Golden Horseshoe (GGH). The subject lands are located within the Designated Greenfield Area as defined in the Growth Plan. Accordingly, the lands are subject to both general policies in the plan and to policies that are specific to the Designated Greenfield Area.

As described in Report IPSPD18-023, the subject development has been designed and granted draft approval in conformity with the 2017 version of the Growth Plan. Upon review of the current Growth Plan, the proposed Temporary Use Zoning By-law does not compromise the overall development's conformity with the Growth Plan.

## **Official Plan**

The subject lands are designated Residential and Major Open Space on Schedule A – Land Use of the Official Plan. Furthermore, the lands are designated a combination of Low, Medium and High Density Residential, Major Open Space, Parkland and Stormwater Management on Schedule S – Lift Lock Secondary Plan of the Official Plan. The proposed location for the temporary sales office and model home court is designated Low Density Residential on Schedule S.

In staff's opinion, the proposed Temporary Use By-law conforms with the Official Plan.

## **Zoning By-law**

The subject lands are currently zoned for a mix of residential and open space uses as established by By-law 18-081. A portion of the lands are also subject to Temporary Use By-law 19-037 that permitted a new home sales office at the southeast corner of the site. To facilitate a new location for a new home sales office and model home court, it is proposed that By-law 19-037 be repealed and replaced with a new Temporary Use Zoning By-law that would apply generally to the low density residential-zoned portions of the site, subject to site plan approval.

A proposed Temporary Use By-law is attached hereto as Exhibit A. To facilitate the Applicant's request, the following temporary exceptions from the Zoning By-law are required:

- Exception from the requirements of Section 6.4 of the Zoning By-law which requires the provision of municipal water and sewer services; and
- Exception from the provisions of By-law 18-081 which applies residential zoning and a Holding Symbol to the lands.

Once the lands are within a registered plan of subdivision, the Holding Symbol will be removed from the underlying residential zoning and the Temporary Use By-law will expire for the model homes. The model homes will then be regulated by the provisions of By-law 18-081. The Temporary Use By-law will remain in effect for the new home sales office until the earlier of the By-law's expiry, or the removal of the sales office structure.

## **Responses to Notice**

### **Summary of Agency Responses**

Agency circulation was issued on March 5, 2020.

Peterborough Fire Services notes that based on the proposed site plan, the sales office and model homes are to be located beyond 90m from a fire hydrant. Issues related to fire

suppression and Fire Services access will be addressed through the Site Plan Approval process.

Accessibility Compliance staff have requested that the following requirements be implemented as conditions of approval for the Temporary Use By-law:

- a. That prior to Final Approval, the Owner shall agree to design and construct the Sales Office to meet the accessibility requirements of Part 3 of Ontario's Building Code, complete with zero step access to the building.
- b. That prior to Final Approval, the Owner shall agree to provide temporary zero step access to the three model homes, until such time they are no longer required for the purpose of sales. Walkways with a slope greater than 5% shall be designed to meet the ramp requirements of Ontario's Building Code.
- c. That prior to Final Approval, the Owner shall design and agree to include at least one accessible housing floor plan model in their marketing materials that incorporates universal design features such as a zero step entrance, ramp access to ground floor from the garage, an accessible main floor bedroom and bathroom, an accessible kitchen, wider hallways and doors, and lower electrical switches and receptacles.
- d. That prior to Final Approval, the Owner shall agree to display the accessible housing floor plan models in their sales office and sales website, along with a list of all the universal design features that are available, to make potential purchasers aware of accessibility options.

Issues related to the accessibility of the model homes and sales office will be addressed through Site Plan Approval and/or in accordance with the Ontario Building Code at the time of building permit issuance.

Issues related to the availability of accessible floor plan housing models for sale to the public can be discussed with the Applicant at the time of Draft Plan of Subdivision Approval review or as part of the subdivision agreement negotiation process. Generally, the **Planning Act** does not currently permit zoning with approval conditions.

Otonabee Region Conservation Authority (ORCA) has noted that the conditions of approval for Draft Plan of Subdivision 15T-17501 contain requirements for additional ecological/hydrological evaluations prior to development occurring on site. Completion of these evaluations and implementation of their recommendations is required to ensure consistency with the PPS. Through the site plan approval process, staff will ensure that the obligation to complete these evaluations prior to development and site alteration is secured in a site plan agreement.

Additionally, ORCA has provided several technical comments related to stormwater management and grading that will be addressed as part of the ongoing site plan application review.

### **Summary of Public Responses**

In accordance with **Planning Act** requirements, notice of a complete application and Public Meeting for the proposed Zoning By-law Amendment was published in the Peterborough Examiner on June 22, 2020. As of the writing of this report, no public comments have been received.

## **Summary**

Staff recommend that approval be granted to the application made by 2531430 Ontario Limited for a By-law pursuant to Section 39 of the **Planning Act** to allow a new-home sales office and up to three model homes without municipal services to be established for a period of up to three (3) years on a portion of the subject lands for the following reasons:

- i. The proposed use will be located within an actively developing Draft Plan of Subdivision and is a use that is typically permitted within new subdivisions while they are under construction;
- ii. The proposed use is consistent with the intent of the Official Plan; and,
- iii. Any technical and design issues associated with the proposed use will be secured through the Site Plan Approval process prior to construction.

Submitted by,

Cynthia Fletcher  
Commissioner of Infrastructure and Planning Services

**Contact Names:**

Ken Hetherington  
Chief Planner  
Phone: 705-742-7777, Ext. 1781  
Toll Free: 1-855-738-3755  
Fax: 705-742-5218  
E-mail: khetherington@peterborough.ca

Brad Appleby  
Supervisor, Development Planning  
Phone: 705-742-7777, Extension 1886  
Toll Free: 1-855-738-3755  
Fax: 705-742-5218  
E-mail: bappleby@peterborough.ca

**Attachments:**

Exhibit A – Draft Temporary Use Zoning By-law  
Exhibit B – Land Use Map  
Exhibit C – Site Plan  
Exhibit D – Draft Approved Plan of Subdivision 15T-17501

Exhibit A, Page 1 of 2



The Corporation of the City of Peterborough

**By-Law Number 20-**

Being a By-law to Amend the Zoning By-law for a Portion of the Property at 2159 Old Norwood Road

Whereas pursuant to Section 39 of the Planning Act R.S.O. 1990, c.P13, as amended, the Council of a Local Municipality may authorize the temporary use of land, buildings or structures for a purpose otherwise prohibited by the Zoning By-law;

Now therefore, the Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. By-law 19-037 is repealed.
2. Notwithstanding the provisions of By-law 18-081 or the provisions of Section 6.4 (Water and Sewer Required) of the Zoning By-law, the portion of the land described in By-law 18-081 as being Zoned R.1-"H", R.1,1r,2r-"H", R.1,1o,2o-"H", R.1-325-"H", R.1,1r,2r-325-"H" and R.1,1o,2o-325-"H" may be used for the following purpose:
  - a. An office for the promotion and sale of new homes; and,
  - b. Up to three (3) dwelling units to be used for model home purposes only.
3. No building, either temporary or permanent, shall be erected on the land described herein unless Site Plan Approval has been granted for the building pursuant to Section 41 of the Planning Act.
4. The permission granted by this By-law shall remain in effect for a period of three years from the date of passage of the By-law or:
  - a. for the three model homes, until the Holding symbol provision of By-law 18-081 has been lifted, whichever occurs first; and,



Exhibit A, Page 2 of 2

- b. for the new home sales office, until the sales office building has been removed, whichever occurs first.

By-law read a first, second and third time this 27th day of July, 2020.

Diane Therrien, Mayor

John Kennedy, City Clerk

# Land Use Map

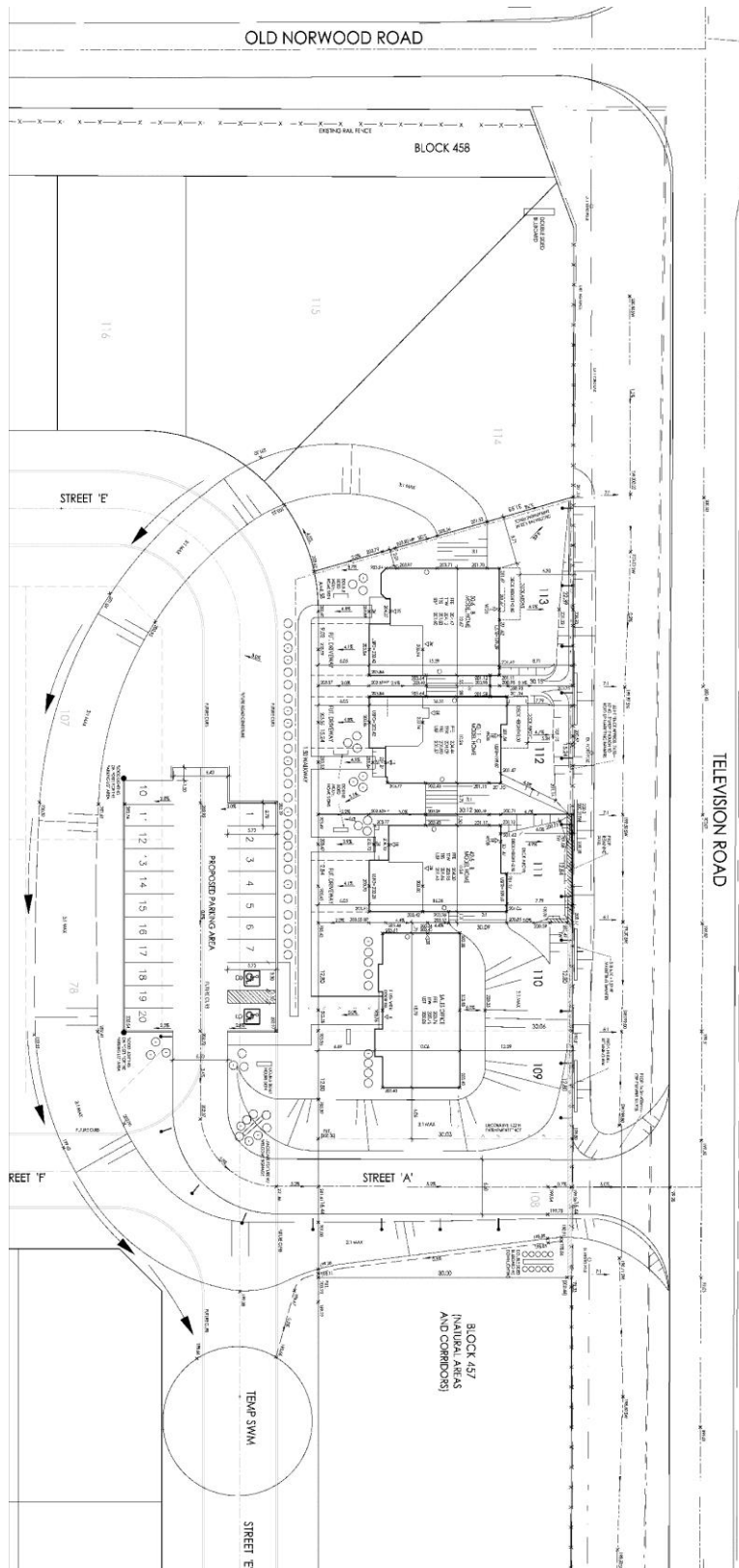
EXHIBIT  
SHEET OF

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or hardcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



0 30 60 120 180 240 300 Metres

Exhibit C, Page 1 of 1



## Exhibit D, Page 1 of 1

