



City of
Peterborough

To: **Members of the General Committee**

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

Meeting Date: **June 7, 2021**

Subject: **Report IPSPL21-021**
Zoning By-law Correction for Park-fronting Lots
Plan of Subdivision 45M-254 (Mason Homes)

Purpose

A report to correct the zoning on Lots 93 to 99, 152 to 167, 215 to 219 inclusive on Plan of Subdivision 45M-254.

Recommendations

That Council approve the recommendations outlined in Report IPSPL21-021 dated June 7, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Section 3.9 Exceptions of Zoning By-law 97-123 be amended by adding Exception No. 343 in accordance with Exhibit B of Report IPSPL21-021;
- b) That Lots 93 to 99, 152 to 167, 215 to 219 inclusive on Plan of Subdivision 45M-254 be rezoned from SP.348 – Residential District to SP.348-343 – Residential District in accordance with Exhibit B of Report IPSPL21-021; and
- c) That Council confirm that no further Public Notice is required with respect to the proposed by-law.

Budget and Financial Implications

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

Background

On March 14, 2011, Council granted Draft Plan Approval to Draft Plan of Subdivision 15T-10507 for Mason Homes Limited. At the time, Council adopted Official Plan Amendment No. 152 and passed By-law No. 11-046 to amend the zoning on the lands. Since that time, Mason Homes has registered the entire draft plan of subdivision in three phases: Plans of Subdivision 45M-238 in 2012, 45M-247 in 2016, and 45M-254 in 2018. Presently, construction of the site is approximately 70% complete.

This neighbourhood is known for its extensive use of modern, municipally maintained rear lanes. For those lots utilizing rear lanes, parking and garages occur at the rear of the dwelling leaving only porches, walkways and front doors to face the street. To help create a pedestrian-oriented sense of place and facilitate the use of rear lanes, the Zoning By-law contains several alternative building setback regulations including:

- Reduced building setbacks from a street line of:
 - 6 metres for an attached garage or carport;
 - 3 metres to a dwelling;
 - 1.5 metres to a verandah; and,
- Reduced building setbacks from a rear lot line of:
 - 6 metres to a dwelling; and,
 - 0.6 metres for an attached or detached garage.

Among the rear lane-based lots, Lots 93 to 99, 152 to 167, 215 to 219 inclusive on Plan of Subdivision 45M-254 (see Exhibit A) are particularly unique because the front face of the dwellings are planned to overlook parkland rather than front directly onto a public roadway. For these dwellings, vehicular and emergency access and waste collection is provided from the abutting rear lanes (Bitten Lane, Wedlock Lane and Whetstone Lane) which have been built wider to meet Ontario Building Code requirements for residential access. For these lots, the property line along the rear lane is treated like a rear lot line for implementing Zoning By-law building setbacks while the lot line fronting the parkland is intended to be treated like a street line. By treating the mutual lot line along the park

frontage as a street line, building setbacks for the dwellings and their porches are intended to be consistent with the setbacks applied to dwellings that front onto public streets.

Upon closer review of the zoning applied to these lots, Special District 348, staff discovered that the Zoning By-law does not explicitly state that the lot line between the residential properties and the parks is to be treated as a street line for the purpose of interpreting building setbacks. Because of this lack of clarity, and because of the way rear lot line is defined in the By-law, these lot lines must currently be treated as rear lot lines. The implication of treating the mutual lot line between these lots and the abutting parkland as a rear lot line is that all dwellings on these lots must be set back twice as far (6 metres) on the lot as they were otherwise intended.

The details related to these park-fronting lots and the design of the abutting rear lane were presented to Council sitting as Planning Committee on February 28, 2011. Unfortunately, the zoning regulations granted at the time did not implement this intent. Accordingly, staff recommend that the Zoning By-law be amended to clarify that the mutual lot line between Lots 93 to 99, 152 to 167, 215 to 219 inclusive and their adjacent parkland areas on Plan of Subdivision 45M-254 is to be treated as a street line for the purpose of implementing building setbacks. The most efficient way to do this is to apply a new Zoning By-law exception, Exception No. 343, to the affected lots.

In staff's opinion, the proposed amendment reflects the intent of Council as expressed through its approvals granted on March 14, 2011 and it is therefore recommended that no further Public Notice is required to implement this Zoning By-law correction.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

Exhibit A – Plan of Subdivision 45M-254

Exhibit B – Draft Zoning By-law Amendment

Exhibit A, Page 1 of 3, Plan of Subdivision 45M-254

Lots 93 to 99



Lots 152 to 167



Lots 215 to 219

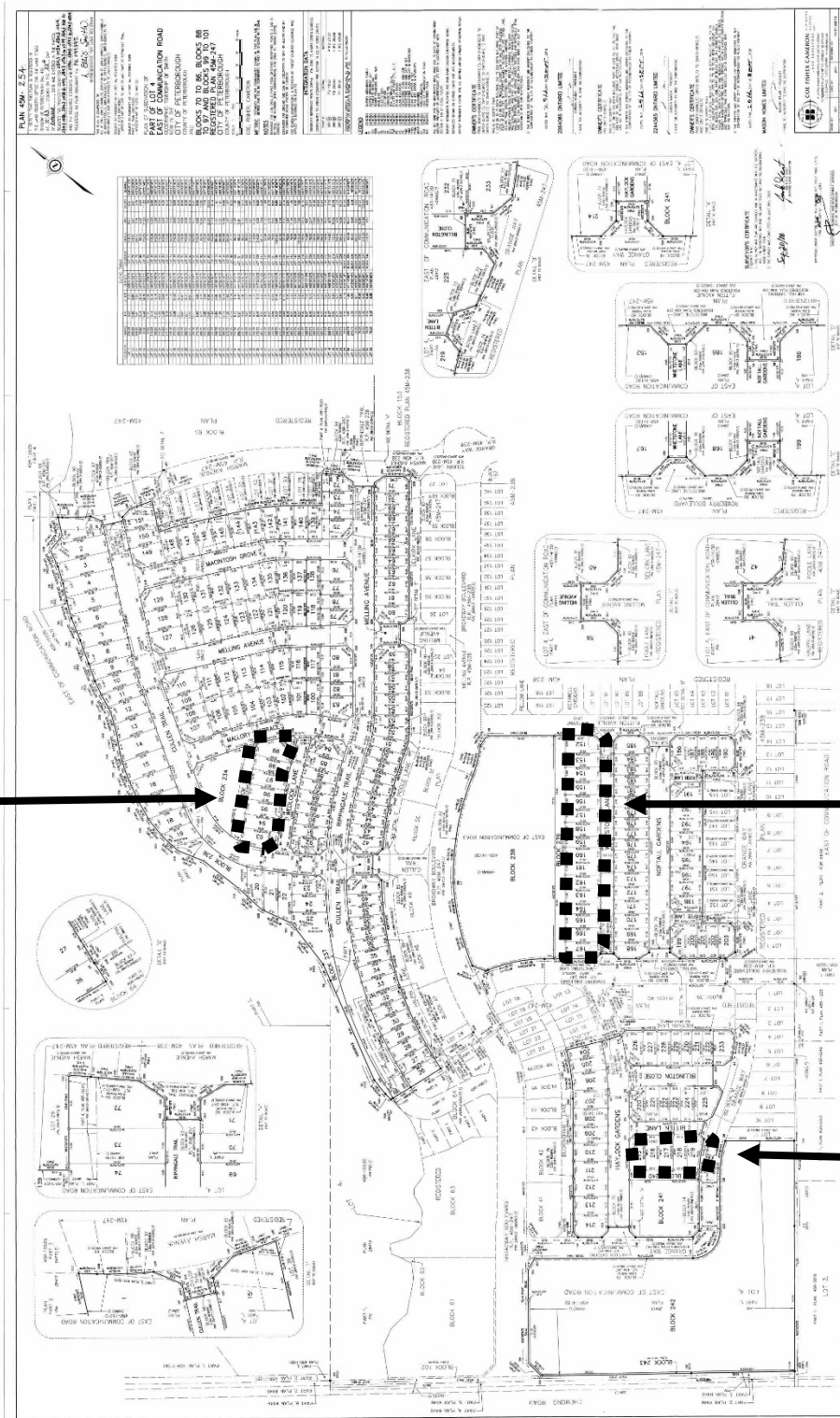
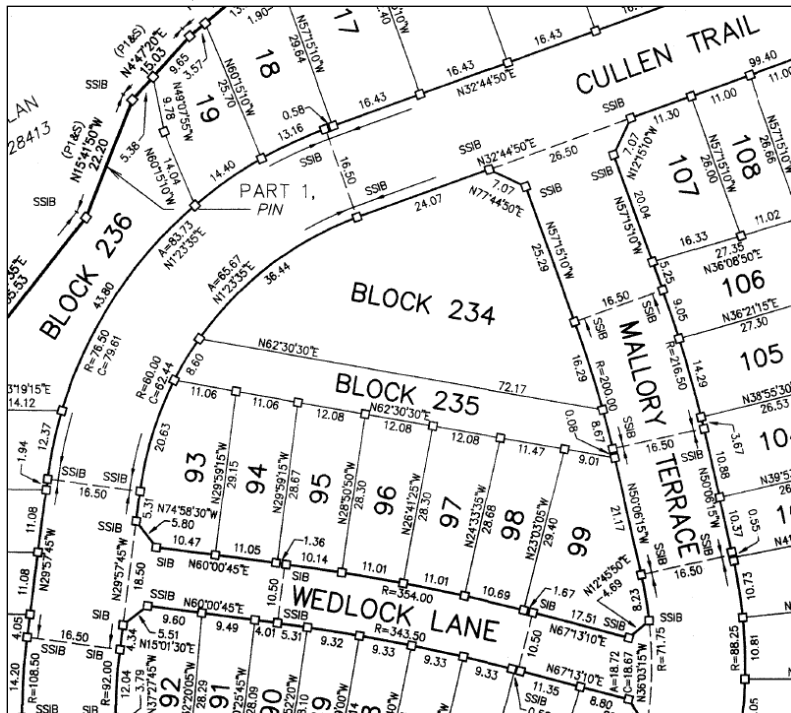
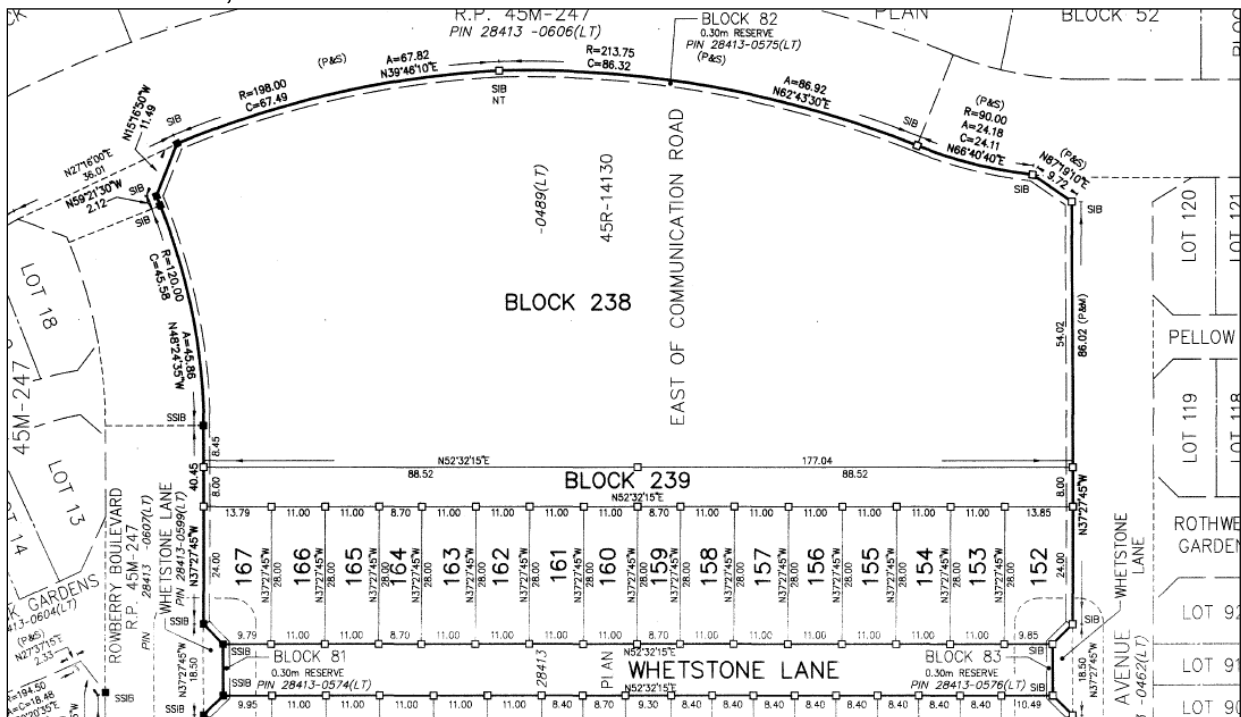


Exhibit A, Page 2 of 3

Lots 93 to 99, Plan 45M-254



Lots 152 to 167, Plan 45M-254



Lots 215 to 219, Plan 45M-254

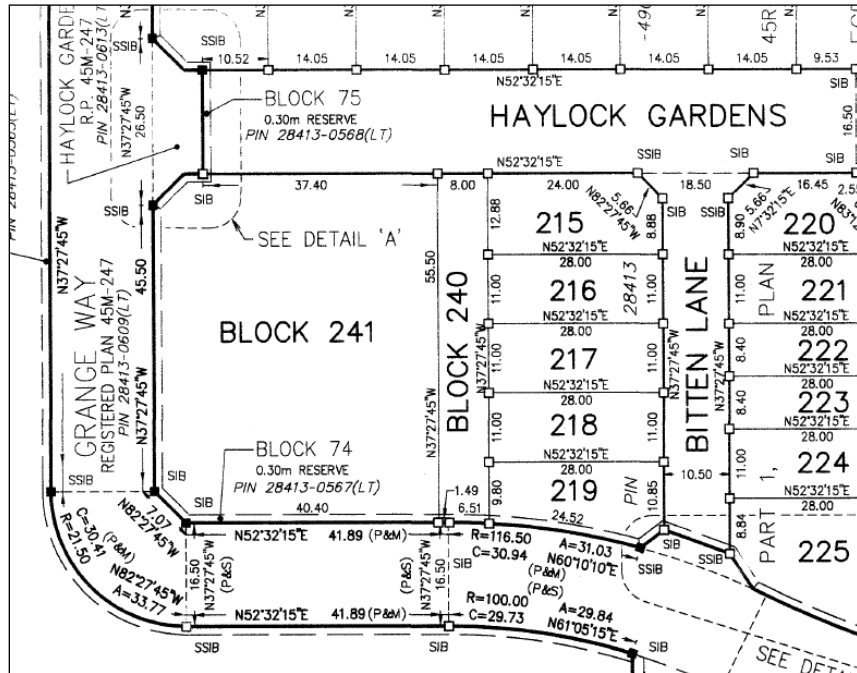


Exhibit B, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 21-

Being a By-law to Amend the Zoning By-law Lots 93 to 99, 152 to 167 and 215 to 219, Plan 45M-254 and municipally known as for the lands known as 600 to 612 Wedlock Lake, 700 to 730 Whetstone Lane and 901 to 909 Bitten Lane

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That Section 3.9 – Exceptions, be amended to add the following:
“.343 A lot line that abuts Block 235, 239 or 240 on Plan 45M-254 shall be deemed to be a street line.”
2. That 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’ from SP.348 – Residential District to SP.348-343 – Residential District.

By-law read a first, second and third time this 28th day of June, 2021.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit B, Page 2 of 2

