



City of
Peterborough

To: Members of the General Committee

From: Michael Papadacos, Commissioner, Infrastructure and Planning Services (Acting)

Meeting Date: August 8, 2023

Subject: Temporary Use Zoning By-law Amendment for 2159 Old Norwood Road, Report IPSPL23-024

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 IPSPL23-024 dated August 8, 2023, of the Commissioner of Infrastructure and Planning Services (Acting), as follows:

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 IPSPL23-024.

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 IPSPD18-023 and approved Official Plan Amendment (OPA) Number 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 at that time as “Ashborough Village” (now “Canoe 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 Subsequently, to provide greater locational flexibility for the sales office and model homes, Council repealed By-law 19-037 and passed Temporary Use By-law 20-052 in July 2020. By-law 20-052 expired on July 27, 2023 and prior to the lapsing, the Applicant has requested a three (3) year extension of the Temporary Use By-law.

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 could 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 (PPS)

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: Growth Plan for the Greater Golden Horseshoe, 2019 and Including Amendment 1, 2020 (Growth Plan)

Any decision on the proposed By-law Amendment must conform with the policies of 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 Neighbourhoods and Natural Areas Designation on Schedule A – Urban Structure; and designated Residential and Natural Areas Designation on Schedule B – 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 K – 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 K.

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 were also subject to Temporary Use By-law 20-052 that permitted a new home sales office at the northeast corner of the site. To facilitate the extension of the previously permitted temporary use for a new home sales office and model home court, it is proposed that By-law 20-052 be 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 use.

Response to Notice

Summary of Agency Responses

Agency circulation was issued on July 10, 2023. As of the writing of this report, no comments have been received. In 2020, comments were provided by Peterborough Fire Services, Accessibility, and Otonabee Region Conservation Authority. These comments will be addressed through the Site Plan Approval process and/or at the Building Permit stage.

Summary of Public Responses

In accordance with Planning Act requirements, a Notice of Complete Application and Public Meeting for the proposed Zoning By-law Amendment was published in the

Peterborough Examiner on July 10, 2023 and was mailed to property owners within 120 metres of the site on July 10, 2023. As of the writing of this report, no written or verbal 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,

Michael Papadacos, M.A., P.Eng.
Commissioner, Infrastructure and Planning Services (Acting)

Contact Names:

Brad Appleby, RPP, MCIP
Director, Planning, Development and Urban Design
Phone: 705-742-7777 Ext. 1886
Toll Free: 1-855-738-3755
E-Mail: bappleby@peterborough.ca

Ian Walker, B.Sc. (Hons)
Land Use Planner
Phone: 705-742-7777 Ext. 1734
Toll Free: 1-855-738-3755
E-Mail: iwalker@peterborough.ca

Exhibits:

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 – Draft Temporary Use Zoning By-law, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 23-[Clerk's Office will assign the number]

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. 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) additional dwelling units to be used for model home purposes only.
2. 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.

Exhibit A – Draft Temporary Use Zoning By-law, Page 2 of 2

3. 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,
 - b. for the new home sales office, until the Holding symbol provision of By-law 18-081 has been lifted or the sales office use has ceased if it is located in a temporary building, whichever occurs first.

By-law passed this 28th day of August, 2023.

Jeff Leal, Mayor

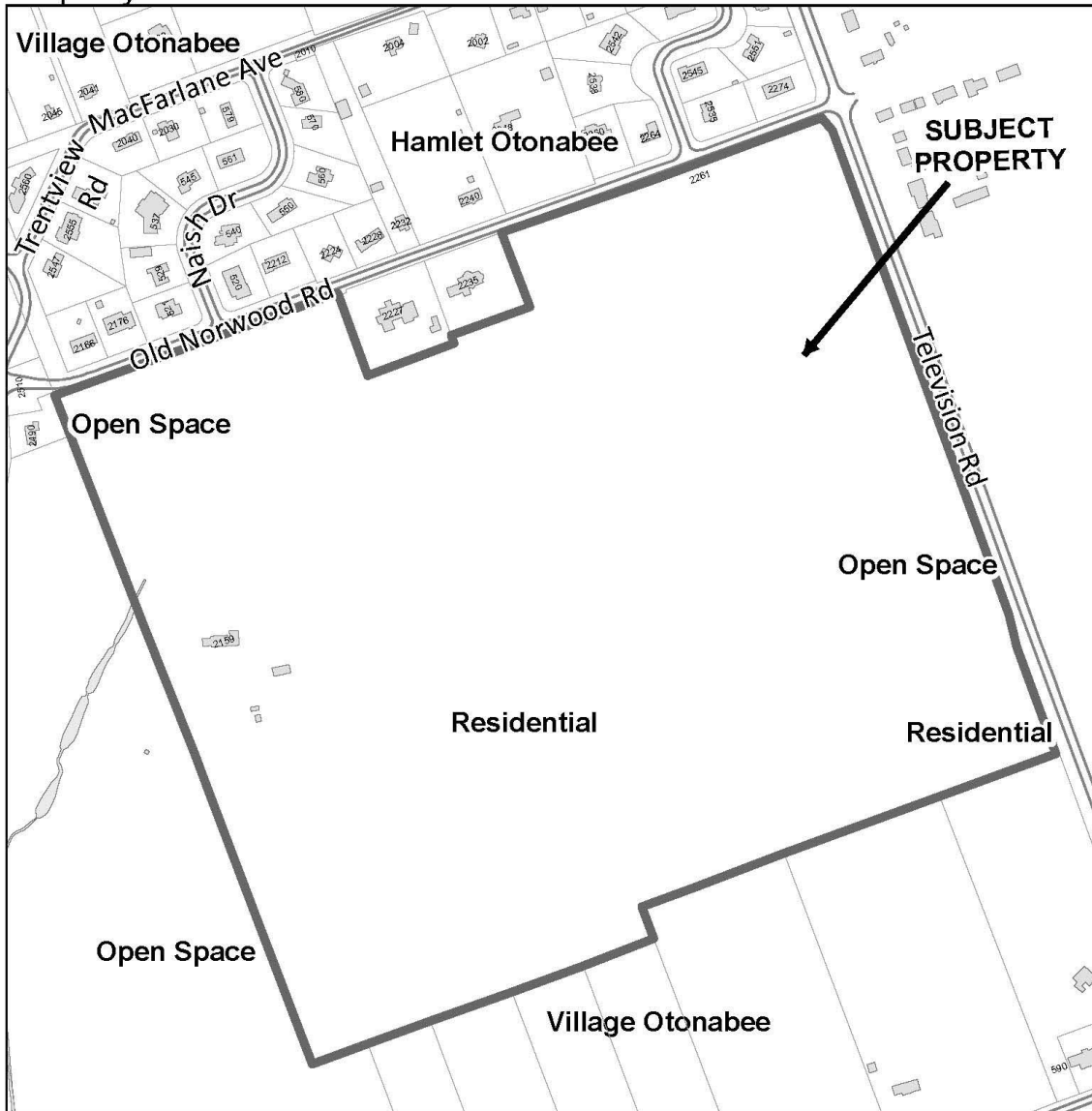
John Kennedy, City Clerk

Exhibit B – Land Use Map, Page 1 of 1

Land Use Map

File: Z2306, x-reference 15T-17501
Property Location: 2159 Old Norwood Rd

EXHIBIT
SHEET OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy 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.



Date: June 23, 2023
Map by: bgautam
0 20 40 80 120 160 200 Metres

Exhibit C – Site Plan, Page 1 of 1

