
John Gemmell Chair, Beth Peterkin, Stewart Bates, Lana March, Jim Boldt (Alt)

A G E N D A
1st MEETING OF THE TOWN OF PERTH
PLANNING ADVISORY COMMITTEE
Monday January 13th, 2014 3:00pm
Council Chambers, 2nd Floor, TOWN HALL

- a) **CALL TO ORDER**
 - b) **DECLARATIONS OF INTEREST** (all agenda items)
 - c) **MINUTES OF LAST MEETING** (December 18th , 2014)
 - d) **ADDITIONS** None
 - e) **DELEGATIONS / PUBLIC MEETINGS**
 - f) **UNFINISHED BUSINESS**
 - 1. Site Plan Control Application D11-AC-03/13 101 Wilson St W-CPR Comments
 - 2. Zoning By-Law Amendment Application D14-AC-05/13 101 Wilson Street-CPR Comments
 - g) **CURRENT ITEMS FOR COMMITTEE CONSIDERATION**
 - h) **UPDATES/ NEW APPLICATIONS** None
 - i) **NEXT MEETING–Scheduled for**
 - 1. Monday, February 24th, at 3:00 P.M.
 - j) **ADJOURNMENT:** _____p.m.
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REPORT

Date Prepared: January 8, 2014
Date Presented: January 13th, 2014
To: Chair, and Members of the Planning Advisory Committee
From: Eric Cosens, Director of Planning
Subject: **Zoning By-law Amendment 101 Wilson St W,
(Town File D14-AC-05/13 – Robert Dixon)**

For Information Only Delegation Attachment

Recommendation:

THAT THE PLANNING ADVISORY COMMITTEE RECOMMEND THAT THE ZONING BY-LAW AMENDMENT TO CHANGE THE ZONE CATEGORY ON LAND MUNICIPALLY KNOWN AS 101 WILSON STREET WEST FROM THE RESIDENTIAL SECOND DENSITY (R2) ZONE TO A RESIDENTIAL FOURTH DENSITY EXCEPTION TWENTY-ONE (R4-21) ZONE BE PASSED PROVIDED NO OBJECTION IS RECIEVED FROM THE CANADIAN PACIFIC RAILWAY.

1.0 Background:

A decision regarding the application for a change to a Residential Fourth Density Exception Zone was deferred pending comments from the Canadian Pacific Railway. Recent communication indicates the Railway will not object to the zoning amendment. Staff recommend the zoning proceed.

2.0 Analysis:

2.1 Property Location and Description:

The land subject to the proposed Zoning amendments is located at 101 Wilson Street – for more information also see report PAC 2013 11.1.

2.2 Surrounding Land Uses

- see report PAC 2013 11.1.

2.3 Proposed Uses

A three storey, 24 unit, apartment building is proposed – also see report PAC 2013 11.1..

3.0 Comments from Notification/Circulation

3.1 for an outline of municipal and agency comments see report PAC 2013 11.1.

3.2 Canadian Pacific Railway initially expressed reservations about the proposed development. Formal comments have not been filed but a representative of the Railway has inspected the site and has indicated there is sufficient setback available. Accordingly, an objection to the amendment is unlikely.

4.0 Financial Considerations:

4.1 see report PAC 2013 11.1.

5.0 Existing Policy:

5.1 The Provincial Policy Statement (PPS)

- see report PAC 2013 11.1.

5.2 The Official Plan for the Town of Perth

- see report PAC 2013 11.1.

5.3 Zoning Requirements

The Residential Third Density (R4) Zone as established in Zoning By-law 3358 permits apartment dwellings on lots having a minimum lot area of 230 m² (2,475.7 ft²) for 1st 4 units plus 46 m² (495 ft²) for each additional unit thereafter. The subject lands exceed the minimum lot area requirement.

The draft By-law would establish the Residential Fourth Density Exception Twenty-one (R4-21) Zone. This would reduce the required landscaped open space from the 4.5 m required under Section 4.22 (a) of the Zoning By-Law, to 1 m between the parking area and the rear lot line as requested by the applicant. To manage the visual impact of the reduced buffer, the amending by-law specifies that that visual screen consisting of a solid board fence or a hedge a minimum of 1.2 m high be provided when a reduced open space buffer is provided between the parking area and the rear lot line.

Consistent with the applicant's Noise study and previous comments from Canadian Pacific Railway Staff, the draft By-law also includes a requirement that any habitable structure be located a minimum of 30 m from the rail corridor.

Since the zoning amendment will be completed before the site plan process is finalized, staff further recommend that the amending by-law include a holding provision with the stipulation that no construction above the foundation may occur until the holding provision has been lifted which would occur after the site plan deposit has been filed.

6. General Comments and Recommendations

- see report PAC 2013 11.1.

Respectfully submitted,



Eric Cosens, RPP, M. Sc.
Director of Planning

THE CORPORATION OF THE TOWN OF PERTH

BY-LAW NO. 3358-76 DRAFT

A zoning amendment to change the zone category of land at 101 Wilson Street W from the Residential Second Density (R2) Zone to the Residential Fourth Density Exception Twenty-one (R4-21) Zone.

Recitals:

1. Council may pass a Zoning By-law amendment to permit a Zoning Amendment pursuant to Section 34 of the *Planning Act, R.S.O. 1990*, as amended;
2. The Town has received an application on behalf of the land owner to amend Zoning By-law 3358 as it applies to land at 101 Wilson Street W. to change the zone category from the Residential Second Density (R2) Zone to a Residential Fourth Density (R4) Zone with a reduced landscaped buffer for the required parking area. This application has been supported by a Noise Study and Drainage and Storm-water management and Servicing studies that demonstrate the site is suitable for development.
3. The Council of the Town of Perth reviewed motion PAC-2013 11.1 and concurs with the Planning Advisory Committee recommendation to pass a By-law to permit changing the zone category from the Residential Second Density (R2) Zone to the Residential Fourth Exception Twenty-One (R4-21) Zone.
3. The Town has issued the required public notice, and the Planning Advisory Committee has held a public meeting and having considered the merits of the application has recommended the requested zoning change;
4. Having considered these matters, the Council for the Corporation of the Town of Perth deems it advisable to approve the proposed zoning change.

Accordingly, the Council of the Corporation of the Town of Perth enacts as follows:

1. AUTHORIZATION

- 1.1 That By-law No. 3358, as amended, be further amended insofar as to add a new article to subsection 9.4 as follows:

“21. R4-21 Residential Fourth Density Exception Twenty-one (R4-21) Zone

 - a) Notwithstanding any provision of subsections 4.2, 9.2 or 9.3 to the contrary, in the R4-21 Zone the minimum landscaped open space buffer abutting a parking area may be reduced to 1m from a parking area provided the buffer includes a solid board screening fence or continuous hedge not less than 1.2 m (4 ft.) in height.
 - b) Notwithstanding any other provision of this By-law to the contrary, any habitable building shall be located a minimum of 30 m from the property boundary of land owned or occupied by a railway operator and used as a rail corridor.
- 1.2 That By-law No. 3358, as amended, be further amended insofar as to modify Schedule “A” by changing the Zone Category on land described as PT Lots D and E, Park Lot 5 Plan 8828 being Part 1 RP R339, municipally known as 101 Wilson St W. in the Town of Perth, to the Residential Fourth Density Exception Twenty-one (R4-21-h) Zone with a holding as shown on Schedule “A” attached hereto and forming a part of this By-law.
- 1.3 While the (-h) holding provision is in effect no construction shall be permitted above the level of the foundation. The holding provision will not be removed until a site plan agreement ensuring the noise study is implemented has been completed and any performance deposit required by the site plan agreement has been accepted by the Town of Perth.

2. EFFECTIVE DATE

- 2.1 This By-law shall come into effect on the day it is passed subject to the provisions of Section 34, and the Regulations under, the *Planning Act R.S.O. 1990*, as amended.

Read a first time, second and third time and finally passed
this the ____th day of January, 2014.

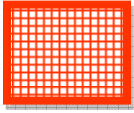
DRAFT

John Fenik, Mayor

Lauren Walton, Clerk

(Seal)

Schedule 'A' to By-law 3358-76 **DRAFT**



Lands subject to Zone change to the
Residential Fourth Density
Exception Twenty-one (R4-21-h) Zone



passed this ____th day of _____ 2014

DRAFT

John Fenik, Mayor

Lauren Walton, Clerk