



City of  
**Peterborough**

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**To: Members of the Planning Committee**

**From: Ken Hetherington, Manager, Planning Division**

**Meeting Date: July 18, 2016**

**Subject: Report PLPD16-053  
490 Charlotte Street**

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## **Purpose**

A report to evaluate the planning merits of amending the Zoning of the property from R.1,R.2 Residential Zoning District to R.3-307-H Residential Zoning District to permit the use of the property for up to 3 residential dwelling units with site specific regulations related to lot area, width, setbacks, building height and parking.

## **Recommendations**

That Council approve the recommendations outlined in Report PLPD16-053 dated July 18, 2016, of the Manager, Planning Division, as follows:

- a) That Section 3.9 –Exceptions be amended to add Exception .307 in accordance with Exhibit ‘C’ attached to Report PLPD16-053;
- b) That the subject property be rezoned from R.1, R.2 – Residential District to the R.3-307-H Residential District in accordance with Exhibit ‘C’ attached to Report PLPD16-053; and
- c) That the ‘H’ – Holding Symbol be removed subject to Site Plan Approval, including provisions for the confirmation of adequate site servicing capacity between the main line and the building (individual lot service), relocation of the existing hydro pole at the rear of the property along the laneway and subject to confirmation that the units comply with Ontario Building Code and Ontario Fire Code.

## Budget and Financial Implications

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

## Background

The subject application was received and deemed to be complete on March 31, 2016, and was processed in accordance with department procedures. **The Planning Act** permits 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 August 1, 2016 if Council has not made a decision.

The subject lands support an existing dwelling, formerly an illegal boarding house. The lands consist of a 438m<sup>2</sup> (4715ft<sup>2</sup>) rectangular shaped property with a driveway along the frontage on Charlotte Street and access to the parking in the rear yard via a laneway between St. Joseph Street and Park Street North.

A survey showing the location of the building and parking spaces has been submitted in support of the application.

The City has received several complaints regarding the use and maintenance of the property since 2011. The current owner acquired the property in April 2015 and intends to convert the existing dwelling to three legal units. The existing dwelling supports three kitchens and a total of 14 bedrooms. The applicant proposes to reduce the total number of bedrooms to 9 or 10, subject to interior changes to the building in order to establish three separate units and to comply with Ontario Building Code and Fire Code. The applicant proposes to amend the zoning to permit up to three units within the existing building with a provision to specifically exclude the use of the lands for a rooming, lodging or boarding house.

## Analysis

### a) Official Plan

The lands are currently designated "Residential" on Schedule 'A' – Land Use in the City of Peterborough Official Plan. The proposed use for 3 dwelling units has the effect of increasing the density of the property to a medium density development and requires that the application be considered subject to the Infill and Intensification policies of the Official Plan.

The proposed amendment contemplates the conversion of the existing 2 ½ storey residential building to a three unit building consisting of two 3 bedroom units and one 4 bedroom unit. Medium density residential uses are contemplated in the City whereby the Infill Housing provisions of Section 4.2.2.1.3 are met, including where the lands are adequately serviced by full municipal servicing including parks, trails, recreation areas, schools, public transit, and other amenities such as adequate parking, buffering, landscaping and compatibility of the type of housing form and elevations of the building.

The neighbourhood is characterized by residential dwellings and the subject lands front onto Charlotte Street, identified as a medium capacity arterial street on Schedule 'B', Roadway Network, and a 'transportation corridor' on Schedule A-1, City Structure. Charlotte Street serves as a gateway to the City's Central Area and is well served by Public Transit.

#### **b) Zoning By-law**

The subject property is currently zoned R.1, R.2 – Residential District, permitting up to a maximum of two dwelling units on the property. The conversion of the existing dwelling into a maximum of 3 dwelling units requires an amendment to the zoning to bring the property into a Zoning District that permits more than two dwelling units. The Zoning Amendment must be consistent with the policies of the Official Plan.

The applicant proposes to amend the zoning of the lands from the R.1,R.2 – Residential District to the R.3-307 – Residential District to permit the conversion of the existing building for a triplex with site specific regulations as follows:

<b>Regulation</b>	<b>Proposed Requirement</b>
Minimum Lot Area per Dwelling Unit	145 m <sup>2</sup>
Minimum Lot Width per Dwelling Unit	5.09m
Minimum Lot Depth	28.6m
Minimum Building Setback i) from side lot line (west side) ii) from rear lot line	0.16m 3.36m
Maximum number of storeys	2.5
Maximum number of tandem parking spaces	1
Minimum setback of parking space to property line in the rear yard	0.6m
Notwithstanding the provisions of Section 4, a minimum of 1.66 parking spaces per unit shall be provided and maintained on the subject lands.	
Notwithstanding the provisions of Section 6.25 a unit may be permitted in the basement with a ceiling height of a minimum of 0.55m above grade.	

It is recommended that Exception .307 be added to the Zoning By-law to address the site specific regulations noted above. The R.3 Zoning District typically also permits a boarding house with a maximum of 6 boarders per water closet and a minimum of 14 square metres of floor area per boarder, however, Exception .307 will prohibit the use of the property as a boarding house.

Staff further recommend that an 'H' Holding Symbol be affixed to the zoning and the removal of the 'H' Holding Symbol be conditional upon Site Plan Approval including provisions for the confirmation of adequate site servicing capacity between the main line and the building (individual lot service), relocation of the existing hydro pole at the rear of the property along the laneway and subject to confirmation that the units comply with Ontario Building Code and Ontario Fire Code.

The proposed Zoning Amendment complies with the intent and purpose of the Residential policies of the Official Plan.

### **c) Site Development**

The proposed amendment will result in the conversion of the existing building into a dwelling with a maximum of 3 dwelling units. The requirement to enter into a Site Plan Agreement will assist the City in ensuring that the property is maintained in accordance with the approved plan and is binding on all future landowners.

The applicant has illustrated how parking can be achieved together with landscaped open space on the site. Site Plan approval will address landscaping, parking layout, driveway connection, and servicing including stormwater management.

## **Response to Notice**

### **a) Significant Agency Responses:**

Agency circulation was issued on May 17, 2016.

The City's Utility Services Department indicated no objection to the rezoning request subject to the applicant confirming that adequate site servicing capacity exists between the main line and the building (individual lot service) for the proposed three unit use of the building. Payment of cash-in-lieu of parkland is recommended where required.

Peterborough Utilities note that development charges for the additional unit are applicable and that the developer needs to determine the adequacy of the existing 20m water service. A concern was raised regarding the location of the existing hydro pole at the rear of the lands in the laneway and the potential for damage due to the proposed configuration of parking. The applicant has met with staff at the PUC to discuss this concern and has agreed to relocate the pole to avoid conflict with the parking in the rear yard.

No further agency has 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 and Public Meeting was issued on June 20, 2016 by newspaper advertisement (Peterborough Examiner) and on June 21, 2016 by direct mail. The notice complies with the requirements of the Planning Act.

Planning Staff have received written correspondence from a neighbour on Pearl Avenue expressing concern about the noise and domestic issues related to the subject property. The neighbour is pleased that the City is taking action on the property standards issues and requiring the owner to address the zoning of the lands and wishes the City to enforce the proper use of the lands. The neighbour seeks a restriction of the total number of bedrooms permitted as well as any other measures to restrict the use in the hopes that this will result in a more respectful relationship between the tenants of the subject lands and the surrounding neighbours.

No further written comments have been received as of June 27, 2016.

Submitted by,

Ken Hetherington  
Manager, Planning Division

Prepared by,

Caroline Kimble  
Land Use Planner

Concurred with,

Malcolm Hunt, Director  
Planning and Development Services

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**Attachments:**

Exhibit A - Land Use Map

Exhibit B - Concept Plan

Exhibit C - Draft Zoning By-law

# Land Use Map

EXHIBIT  
SHEET OF

[illegible]

0 4 8 16 24 32 40 Metres







Exhibit C, Page 1 of 3



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## The Corporation of the City of Peterborough

### By-Law Number 16-

Being a By-law to amend the Zoning By-law for the property known as 490 Charlotte Street

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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:

“**.307** Notwithstanding the provisions of this By-law to the contrary, a boarding house shall not be permitted, and the following shall apply:

Regulation	Requirement
Minimum Lot Area per Dwelling Unit	145 m <sup>2</sup>
Minimum Lot Width per Dwelling Unit	5.09m
Minimum Lot Depth	28.6m
Minimum Building Setback i) from side lot line (west side) ii) from rear lot line	0.16m 3.36m
Maximum number of storeys	2.5
Maximum number of tandem parking spaces	1
Minimum setback of parking space to property line in the rear yard	0.6m
Notwithstanding the provisions of Section 4, a minimum of 1.66 parking spaces per unit shall be provided and maintained on the subject lands.	
Notwithstanding the provisions of Section 6.25 a unit may be permitted in the basement with a ceiling height of a minimum of 0.55m above grade.	

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Exhibit C, Page 2 of 3

2. That Map 11 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 R.1,R.2 to R.3-307-H.
3. That the 'H' Holding Symbol be removed subject to Site Plan Approval being granted, including the following:
  - a) provisions for the confirmation of adequate site servicing capacity between the main line and the building (individual lot service);
  - b) relocation of the existing hydro pole at the rear of the property along the laneway; and
  - c) ensure that the units comply with Ontario Building Code and Ontario Fire Code.

By-law read a first, second and third time this      day of      , 2016.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

Exhibit C, Page 3 of 3

