



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

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

**MEETING DATE:** March 29, 2010

**SUBJECT:** Report PLPD10-018  
206 Aylmer Street North

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law as it relates to the property known as 206 Aylmer Street North, to the SP.241 – Special Commercial District, to implement the Transitional Area policies of the Official Plan.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD10-018 dated March 29, 2010, of the Manager, Planning Division, as follows:

- a) That the zoning of the subject property, be amended from the R.1, R.2, R.3 – Residential District to the SP.241,11h-‘H’ – Special Commercial District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD10-018.
- b) That the ‘H’ Holding Symbol be removed once the following has been addressed:
  - i) Site Plan Approval is granted for the subject property, including an agreement with the City of Peterborough to provide cash-in-lieu of parking under Section 40 of the Planning Act, R.S.O., c.P.13, as necessary

## **BUDGET AND FINANCIAL IMPLICATIONS**

The City of Peterborough has the authority to exempt the owner from the parking requirements of the Zoning By-Law, for properties located within the Central Area, by accepting cash-in-lieu of parking. The applicants have agreed to enter into such an agreement for one additional space. It is anticipated that the cash-in-lieu value will approximate \$5200.00. These funds are required to be deposited into a special account as required by the Planning Act, for the purposes of acquiring, developing and/or maintaining public parking spaces within the Central Area.

## **BACKGROUND**

The subject application was received on December 18, 2009 proposing an amendment to the Zoning By-Law to permit the use of the property for office/clinic and/or residential uses within the existing building. The applicant has illustrated the property's ability to support 4 parking spaces on site. Cash-in-lieu of parking is proposed for any additional parking (one additional space for proposed office use) required by the Parking provisions of the City of Peterborough Comprehensive Zoning By-Law.

The property is situated at the northeast corner of Aylmer St. N. and Dalhousie Street, and has been used as a single detached dwelling. The applicant has submitted a revised concept plan to illustrate how site parking and building access will be provided. It is intended that the exterior of the building will remain unaltered with the exception of the introduction of a barrier-free access ramp at the south side of the building. The ramp is proposed to provide access to the existing covered porch, with modest modifications to allow access to the building front entrance.

The access to parking on the site is proposed to continue by way of a public laneway adjacent to the easterly property line, accessed from Dalhousie Street. The applicant has illustrated the ability of the property to support 4 parking spaces, including 1 space to serve persons with disabilities.

## **ANALYSIS**

### **a) Official Plan**

The lands are currently designated "Commercial" on Schedule 'A' of the City of Peterborough Official Plan. The lands are included in the Central Area on the Commercial Area Schedule 'I' and identified as a 'Transitional Uses Area' on the Central

Area Land Use Plan – Schedule ‘J’. The lands also form part of the Urban Growth Centre, as illustrated on Schedule A-1 – City Structure.

The planned function of the Central Area is to serve the City and surrounding region with business and professional offices in addition to retail, entertainment, culture and recreation facilities, tourism and hospitality, some service commercial uses and government, institutions, residential and community uses.

The Central Area is further subdivided into sub areas with varied ranges of residential densities and alternate uses with special policy approaches for each area. The property at 264 Stewart Street is subject to the Transitional Uses Policies included in Sub-Area 5 (Section 4.3.2.2.6) of the Official Plan. These lands are intended to provide a transition between the Commercial Core and Waterfront Area and the residential areas outside of the Central Area. The diversity of uses contemplated include special care homes, medium and high density residential uses, institutional uses, small scale office uses, convenience retail and service commercial uses. The proposed use of the property for business and professional office is the type of use contemplated under relaxed zoning regulations, compatible with low density residential uses.

The neighbourhood is characterized by a combination of commercial, public service uses and residential dwellings. The location of the property within proximity to the core, provides an opportunity to integrate alternate uses through zoning amendment.

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

The subject property is currently zoned R.1, R.2, R.3 – Residential District, permitting residential dwelling units. The use of the property as an office and/or clinic is not permitted under the existing zoning of the site and therefore, the applicant has requested a zoning by-law amendment to rezone the property to the SP.241 zone, to permit office, clinic and/or residential use of the property.

The SP.241 Commercial District was developed specifically for the Transitional Uses Areas of the Central Area, to permit office and clinic uses within existing residential buildings. The SP.241 zoning has been assigned to several properties within the planning area, designated as Transitional Uses Area on the Central Area Land Use Plan (Schedule J of the Official Plan). An excerpt from the Comprehensive Zoning By-Law, as it relates to the proposed SP.241 – Commercial District is attached as Exhibit ‘D’ to this Report.

It is appropriate to assign the SP.241 Special District Commercial to the subject property. The proposed SP.241 Commercial District would permit the office use and clinic and/or dwelling unit(s), in accordance with the regulations as included in Exhibit ‘C’ to this report. In addition, Staff recommend the inclusion of an alternative regulation (11h), imposing a cap on the height of the building to a maximum of two storeys, to ensure compatibility with the surrounding neighbourhood. 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 being granted for the subject property,

to ensure appropriate landscaping and buffering; to recognize the encroachment of the fence into the right of way; and to include a provision for cash-in-lieu of parking, based on the use of the property, in accordance with zoning.

The use of the property, as proposed by the applicant, requires a total of 5 parking spaces, based on the net floor area provided. The concept site plan illustrates the ability of the property to support 4 parking spaces. As such, cash-in-lieu is recommended for the fifth space.

The proposed zoning amendment contemplates an agreement for the provision of public parking off-site. Subject to the provisions of Section 40 of the Planning Act, R.S.O. 1990, c.P.13, the City of Peterborough has the authority to exempt the owner from the parking requirements of the Zoning By-Law, by accepting cash-in-lieu of parking. The agreement will be registered on title and require the owner to pay in accordance with any future changes in the use of the property. Based on an office use of the property, a payment in lieu of 1 parking space will be required. Should the property be used for either a clinic or residential dwelling unit(s), additional parking spaces may be required in accordance with the provisions of the Zoning By-Law.

### **c) Site Development**

The applicant has provided a Site Plan for the property, illustrating the existing building, parking area; porch; proposed barrier-free ramp; walkway; wood fence and landscaped open space.

The applicant proposes to modify the existing parking on the site to include a designated parking space and access aisle for disabled persons, as well as introduce a new walkway and barrier-free ramp. An additional parking space is proposed north of the building, with access from the adjacent public laneway.

The existing wood picket fence and parking area encroaches into the Dalhousie Street road allowance. Planning Staff and Utility Services Staff have recommended that the parking facilities be relocated north to eliminate the encroachment. The applicant has agreed and has reflected the relocation of the parking stalls on the revised plan, attached as Exhibit 'B' to this report (PLPD10-018). Planning staff recommend that the fence encroachment be recognized formally through the Site Plan Approval process, as a condition of the removal of the proposed 'H' Holding Symbol.

Site Plan Approval will be required to formalize the parking spaces and pedestrian walkways; landscape and buffering, as well as formalize the existing encroachment into the right of way.

## RESPONSE TO NOTICE

### a) Significant Agency Responses:

Agency circulation was issued on February 2, 2010.

The City's Utility Services Department has requested changes to the concept site plan to ensure that all parking and the existing fence be situated wholly on the subject lands and out of the Dalhousie Street Right of Way. A conveyance of a daylighting triangle at the intersection of Alymer and Dalhousie is required at site plan approval stage. In addition, further review of the proposed turning radius for parking along the laneway is required at site plan approval stage, as well as grading and stormwater provisions.

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 was issued by newspaper advertisement (Peterborough Examiner) on February 11, 2010 and by direct mail on February 5, 2010. Notice of Public Meeting was issued on March 4, 2010 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No public written responses were received as a result of the circulation.

Submitted by,

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Ken Hetherington,  
Manager, Planning Division

Prepared by,

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Caroline Kimble,  
Land Use Planner

Concurred with,

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Malcolm Hunt, Director  
Planning and Development Services

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Attachments:

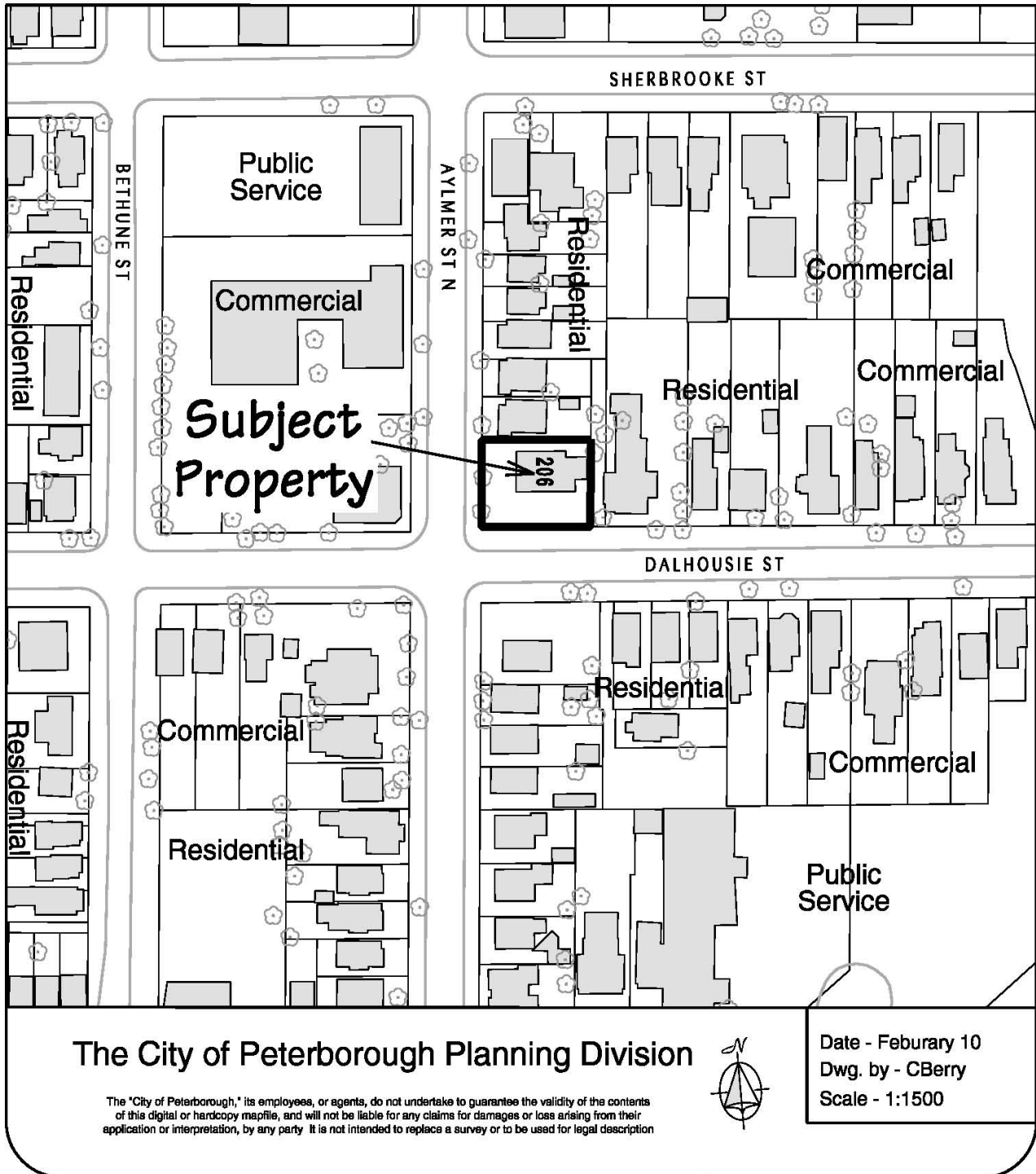
Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C - Draft Zoning By-law  
Exhibit D – SP.241 Zoning District - Excerpt from City of Peterborough Zoning By-Law

# Land Use Map

Exhibit A  
Page 1 of 1

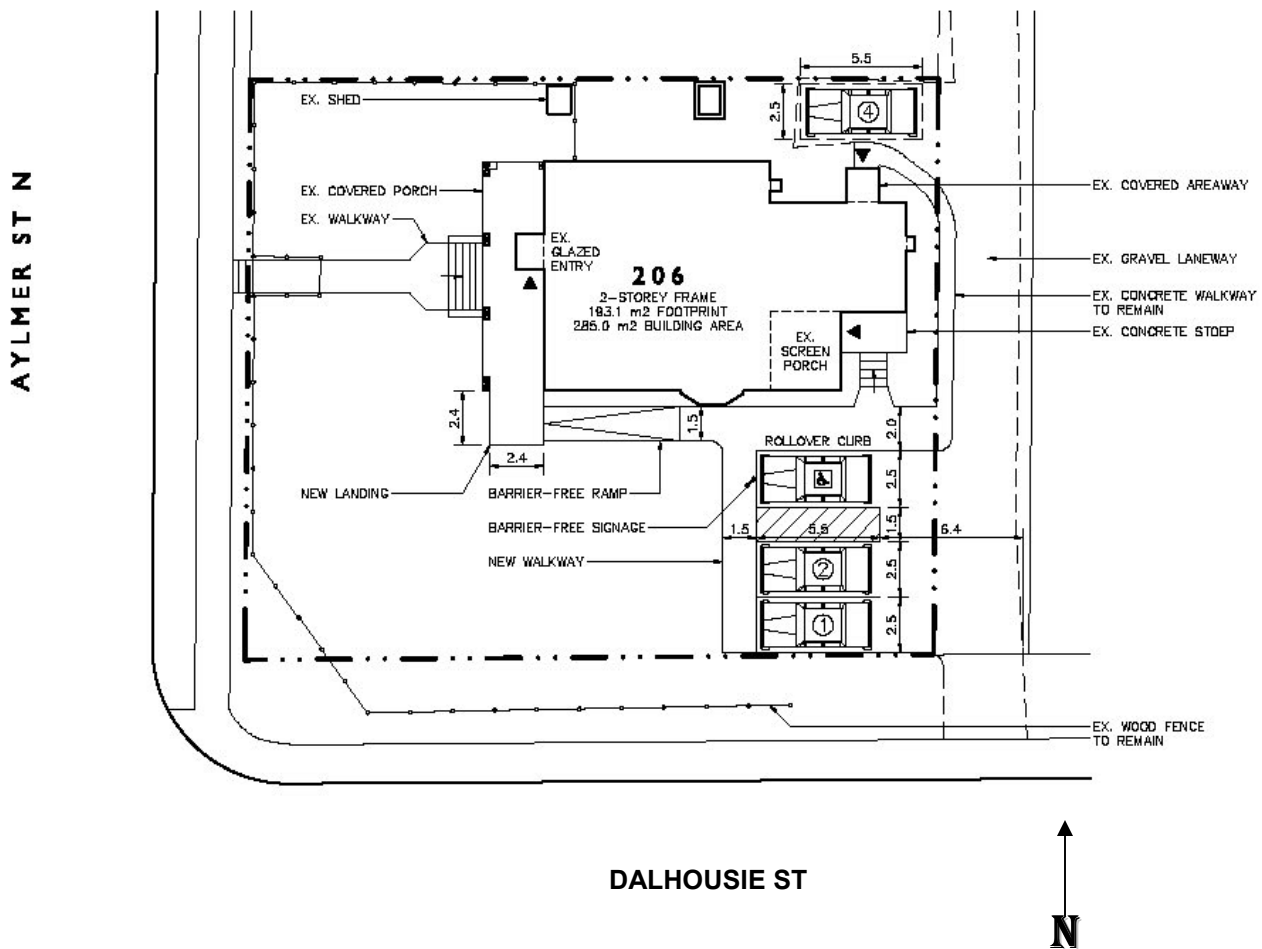
File # z1001

Property Location: 206 Aylmer St



**Exhibit B**  
**Page 1 of 1**

**Concept Site Plan**



**Exhibit C**  
**Page 1 of 2**

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 10-\_\_\_\_\_**

**BEING A BY-LAW TO AMEND THE ZONING BY-LAW FOR**

**206 AYLMER ST. N.**

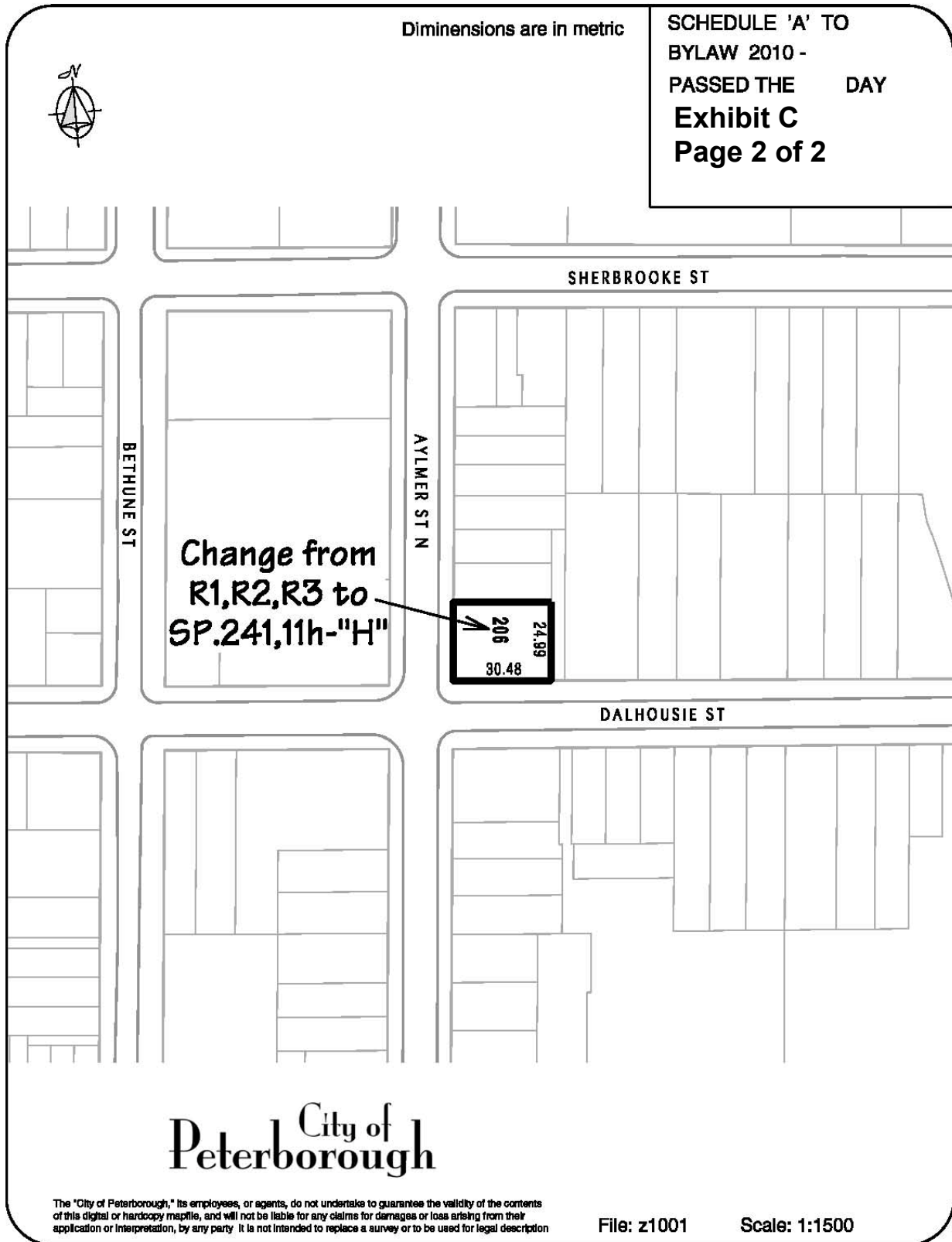
**THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL  
THEREOF HEREBY ENACTS AS FOLLOWS:**

- 1. Map 18** 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, R.3 to SP.241, 11h - 'H'**.
- 2.** The 'H' – Holding Symbol will be removed from the Zoning By-law upon Site Plan Approval being granted for the subject property, including:
  - i) an agreement with the City of Peterborough to provide cash-in-lieu of parking under Section 40 of the Planning Act, R.S.O., c.P.13 ; and
  - ii) provisions for the encroachment of the existing fence within the road allowance for Dalhousie Street.

By-law read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
D. Paul Ayotte, Mayor

\_\_\_\_\_  
Nancy Wright-Laking, City Clerk



**SECTION 271**  
**SPECIAL DISTRICT 241 (SP.241)**

**Exhibit D**  
**Page 1 of 1**

271.1 For the purpose of this by-law, land use district "Special District 241" is hereby established and may be referred to as the symbol "SP.241".

**PERMITTED USES**

271.2 No person shall within an SP.241 district use any land or erect, alter or use any building or part thereof for any purpose other than:

- (a) an office in existing buildings, excluding a veterinary office
- (b) a clinic in existing buildings
- (c) a dwelling unit in existing buildings

**REGULATIONS**

271.3 No person shall within an SP.241 district use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) notwithstanding the provisions of Section 4, for purposes of this district, no additional motor vehicle parking shall be permitted between the building face and the front lot line	
b) notwithstanding the provisions of Section 4.3, for purposes of this district, a motor vehicle parking space shall be at least 2.5 metres by 5.5 metres and shall be accessed by a driveway with an aisle width not less than 5.5 metres	
c) for purposes of this district, a minimum of 15% of the total lot area shall be comprised of landscaped open space area	
d) notwithstanding the provisions of Section 271.2, additions may be permitted to existing buildings provided that: <ul style="list-style-type: none"> <li>i) total building coverage including expansions does not exceed 35% of the total lot area</li> <li>ii) the minimum building setback - side lot line</li> <li>iii) the minimum building setback - rear lot line</li> </ul>	<p>shall be the lesser of the existing setback or 1.5 metres</p> <p>shall be the lesser of the existing setback or 9 metres</p>
271.4	SP.241 District is hereby designated as a commercial district