

City of  
**Peterborough**

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**TO:** Members of the Planning Committee

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

**MEETING DATE:** March 21, 2011

**SUBJECT:** Report PLPD11-014  
193 Park Street North

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 193 Park Street North to permit the conversion of the existing building from a single detached residential dwelling to a duplex with site specific regulations.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD11-014 dated March 21, 2011, of the Manager, Planning Division, as follows:

- a) That the City of Peterborough Comprehensive Zoning By-Law #1997-123 be amended to add Exception 262 to Section 3.9 in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD11-014.
- b) That the zoning of the subject property, be amended from the R.1, - Residential District to the R.2 - 262 – Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD11-014.

## **RATIONALE**

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated 'Commercial' on Schedule 'A' – Land Use, and 'Transitional Uses Area' on Schedule J – Central Area of the City of Peterborough Official Plan. Diverse land uses, including medium and high density residential uses are recognized as uses that co-exist and are compatible with low density uses on the edge of the Commercial Core Area and Waterfront Commercial Area, in the City's Official Plan. The use of the existing building as a duplex with two on-site parking spaces, complies with the policies of the Official Plan.

The impacts of the proposed use can be minimized through the creation of an additional driveway and parking space on the west side of the property, with access from Park Place and maintaining the existing driveway along the southerly lot line on the east side of the property with access from Park Street North. Although the easterly driveway is slightly deficient in length for two parking spaces, it may be of sufficient length to accommodate two small vehicles.

The existing building respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to utilize the existing building, divided into two independent units with access to the main level unit from the south entrance and to the upper unit from the main entrance on the east side of the building.

## **BUDGET AND FINANCIAL IMPLICATIONS**

There are no direct budget or financial implications arising from the approval of this application. The City is able to collect a park levy and development charges for the second unit.

## **BACKGROUND**

The subject application was received on October 26, 2010, deemed to be complete as of November 15, 2010, and was processed in accordance with department procedures.

The subject property is a through lot, located between Park Street North and Park Place, south of Dalhousie Street. The land currently supports a 2 storey brick dwelling with a wood frame deck on the south side of the dwelling. The applicant proposes to divide the building horizontally into two units, with a main floor and upper floor unit.

## ANALYSIS

### a) Official Plan

The lands are currently designated “Commercial” on Schedule ‘A’ and ‘Transitional Uses Area’ on Schedule J – Central Area of the City of Peterborough Official Plan. Medium and high density residential use is supported through the Transitional Uses policies of the Central Area of Section 4.3.2.2.6 of the Official Plan, provided it reinforces the following objectives:

- “Minimize the impact on adjacent low density residential areas through the provision of adequate parking and adequate buffering, particularly landscaping and setbacks;
- Provide pedestrian linkages with adjacent Business Districts, Commercial Core or Waterfront Commercial Areas wherever practical;
- Ensure that new buildings are designed in a manner compatible with the existing buildings;
- Place developments which generate a significant amount of traffic on arterial or collector streets;
- Recognize the natural amenities of the site, particularly sites which abut Jackson Creek and respect the Creek as a public amenity and pedestrian corridor.”

The proposal to intensify the use of the existing dwelling at 193 Park Street North from 1 to 2 dwelling units with two driveways and parking for a minimum of 2 vehicles, fronting on to a low capacity arterial road on one side and a local street on the other, respects the objectives of the Transitional Uses Area of the Central Area, as described by the City’s Official Plan.

The conversion of the existing dwelling to 2 units is expected to maintain the character of the area and the introduction of a second driveway on the Park Place side of the lot will serve to address parking demand for the second unit.

### b) Zoning By-law

The subject property is currently zoned R.1 – Residential District, permitting a maximum of one residential dwelling unit per lot. The use of the property as a duplex is not permitted under the existing zoning of the site.

The applicant has requested a zoning by-law amendment to rezone the property to permit the conversion of the existing dwelling into a duplex.

The proposed R.2-262 zoning district provides specific performance standards for two residential dwelling units which would permit the proposed duplex. While the second unit does not meet the standard regulations of an R.2 Zoning District, it can be accommodated by way of alternative regulations. Based on the information provided by

the applicant, the property has a lot area of 207.7m<sup>2</sup> and a lot width of 9.75m along the Park Street North street line and a width of 10.2m along the Park Place street line.

The proposed amendment recognizes the lot area, lot depth and lot width and sideyard setback from the northerly property line, as well as an increase in the maximum lot coverage by open parking areas, driveways and vehicle movement areas and the reduction in the minimum parking requirement from 2 spaces per unit to 1 space per unit. As such, Planning staff recommend that a new exception to the Zoning By-Law be created (262) and the zoning of the property be amended from R.1 to R.2 - 262.

The alternative regulations proposed to be included in the exceptions and assigned to the zoning district for the subject lands are as follows:

<b>Regulation</b>	<b>R.2 Requirement</b>	<b>Proposed Requirement</b>
Minimum Lot Area per Dwelling Unit	278m <sup>2</sup>	103m <sup>2</sup>
Minimum Lot Width per Dwelling Unit	9m	4.86m
Minimum Lot Depth	30m	19.74m
Minimum Building Setback Side Lot Line	1.2m	.91m (north side – existing)
Maximum Lot Coverage by Open Parking Areas, Driveways and Vehicle Movement Areas	20%	24%
Total Number of Required Parking Spaces	4	2

### **c) Site Development**

The applicant has provided a Site Plan Sketch illustrating the parking and driveway areas to accommodate up to three parking spaces. Two of the three parking spaces are in tandem and due to the slight deficiency in the length of the asphalt driveway along the southerly property line, only one of these parking spaces can be counted. The applicant has removed the existing chain link fence from the City's road allowance for Park Place.

## **RESPONSE TO NOTICE**

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

Agency circulation was issued on January 4, 2011.

The City's Building Division advises that the second unit will be subject to a building permit. At the time of issuance of a building permit, the owner will be required to pay any applicable development charges and/or parks levy for the newly created unit.

Peterborough Utilities indicates that Development Charges for water will apply to the additional unit and requires that the proponent confirm that the existing 5/8" service is adequate for the proposed use.

The City's Utility Services Department confirm that the plan illustrates compliance with the zoning by-law for up to 2 parking spaces based on the minimum size requirements. Utility Services further notes that Park Street North is a low capacity arterial road and that the existing 20m right of way may be widened in the future, potentially reducing the length of the driveway from Park Street North. The effects of off-site parking are a concern for the Utility Services Department; however, the proximity of the property to Area 2 permitting a reduced parking rate, is noted. The applicant is requested to remove the existing chain link fence from the Park Place right of way, as noted on the plan. Utility Services Department requests cash-in-lieu of parkland, where applicable.

The Site Plan Review Committee of the Council for Persons with Disabilities encourage that units be made visitable by persons with disabilities. This can include wider entrances, barrier-free paths from the parking spaces to the building and within the building itself.

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 on January 6, 2011 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on February 22, 2011. The notice complies with the requirements of the Planning Act.

No written comments have been received.

Submitted by,

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Ken Hetherington,  
Manager, Planning Division

Prepared by,

Concurred with,

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Caroline Kimble,  
Land Use Planner

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Malcolm Hunt, Director  
Planning and Development Services

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Attachments:

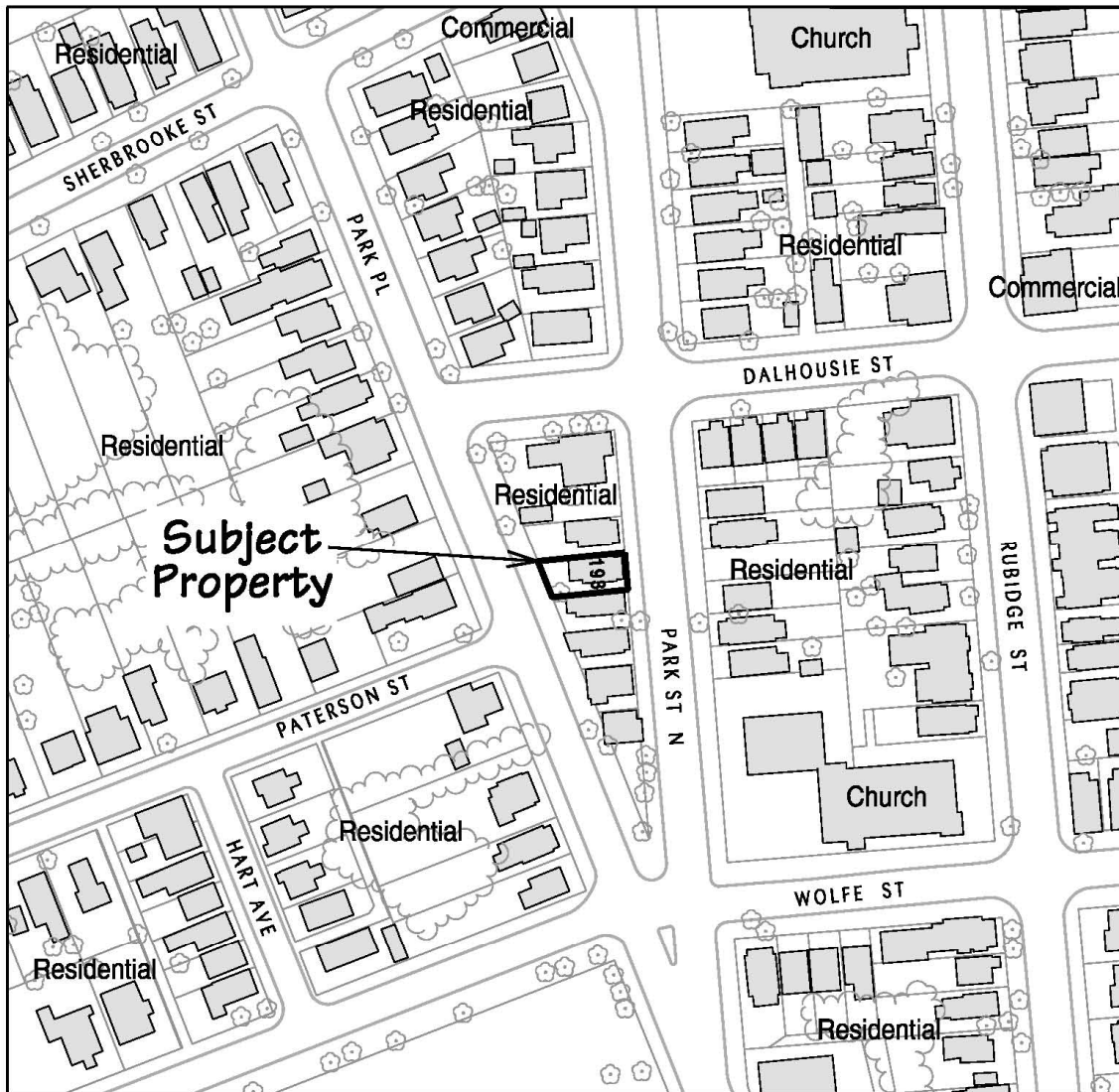
Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C –Draft Zoning By-law

# Land Use Map

Exhibit A  
Page 1 of 1

File # z1101

Property Location: 193 Park St N



The City of Peterborough Planning Division

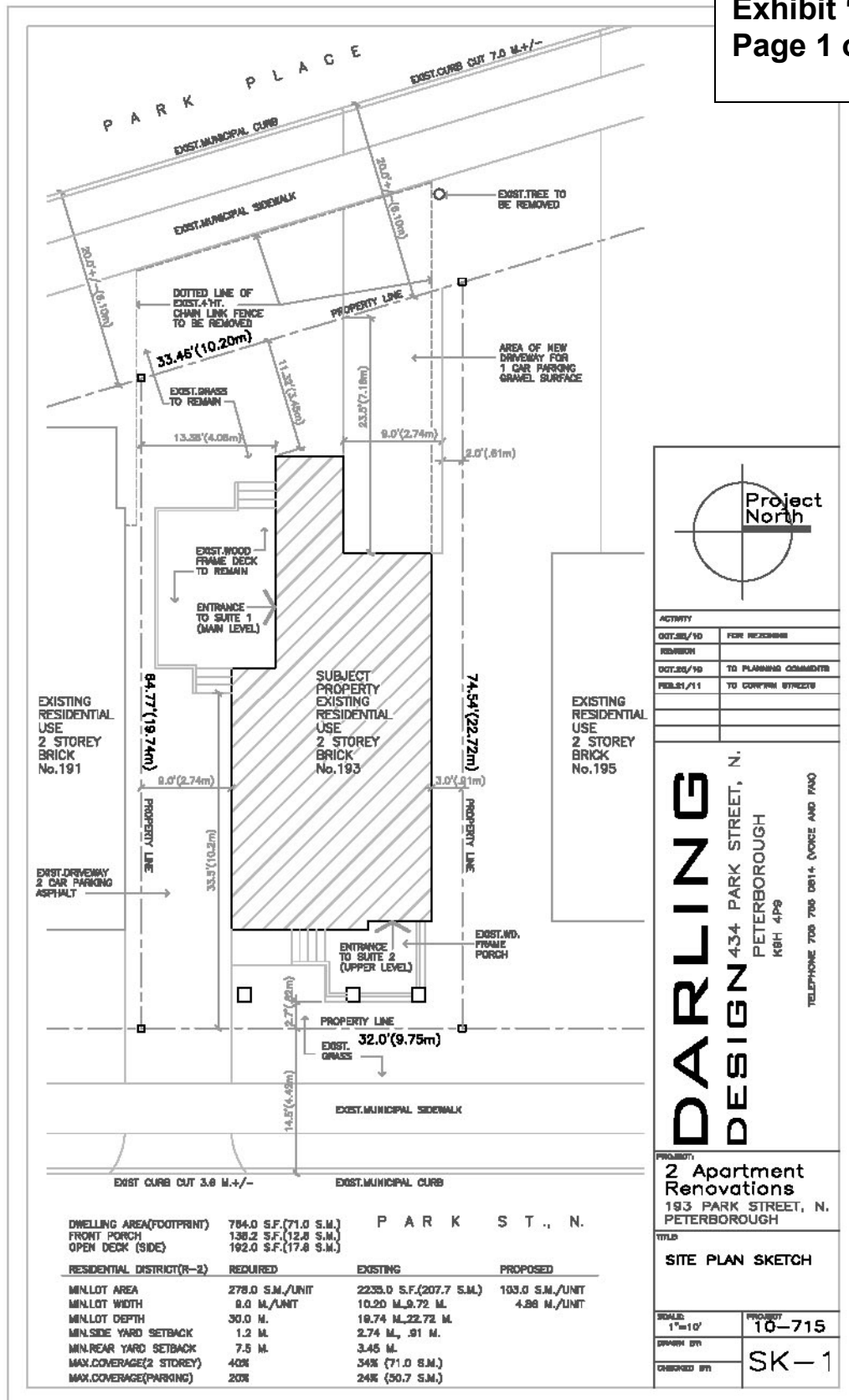


Date - November 2010  
Dwg. by - CBerry  
Scale - 1:1500

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# Exhibit 'B'

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THE CORPORATION OF THE CITY OF PETERBOROUGH

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

BY-LAW NUMBER 11- \_\_\_\_\_

**BEING A BY-LAW TO AMEND THE ZONING FOR  
193 PARK STREET NORTH**

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

1. Section 3.9 Exceptions of By-law 97-123 is hereby amended by adding the following:

“.262 Notwithstanding the provisions of Sections 8.2 and Section 4:

- i) the minimum lot area per dwelling unit shall be 103m<sup>2</sup>
- ii) the minimum lot width per dwelling unit shall be 4.8m
- iii) the minimum lot depth shall be 19m
- iv) the minimum building setback from the side lot line on the northerly side shall be 0.9m
- v) the maximum lot coverage by open parking areas, driveways and vehicle movement areas shall be 24%
- vi) the minimum number of parking spaces shall be 1 space per unit”

2. Map 17 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 to R.2 - 262.**

By-law read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Daryl Bennett, Mayor

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Nancy Wright-Laking, City Clerk

