



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: May 27, 2013

SUBJECT: Report PLPD13-040
377 Stewart Street – Zoning By-law Amendment

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 377 Stewart Street to add an exception to the R.1, R.2, R.3 Zoning District to permit the intensification of the total number of units within the existing building from 3 units to 5 units with a total of 5 on-site parking spaces.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-040 dated May 27, 2013, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the Comprehensive Zoning By-law be amended to add Exception 280 to permit a minimum lot area of 150m² per unit; minimum lot width of 4.2m per unit; a minimum sideyard setback of 0.7m from the northerly property line; a maximum of 2 parking spaces can be located less than 6 metres to a window to a habitable room; and a reduced parking requirement of 1 space per unit at 2.5m by 5.5m.
- b) That the zoning of 377 Stewart Street, be amended from the R.1, R.2, R.3 – Residential District to the R.1, R.2, R.3 – 280 – Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-040.

BUDGET AND FINANCIAL IMPLICATIONS

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

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 'Central Area: Transitional Uses Area' on Schedule J – Central Area Land Use. The Central Area Transitional Use policies of the Official Plan contemplate the majority of the uses to include medium and high density residential with a mix of small scale office and clinic uses and home based business uses operating under relaxed zoning regulations. The lands have been used as a triplex since the current owner purchased the property in 2010. The intensification of the existing dwelling from 3 to 5 units is in keeping with the general intent and purpose of the Transitional Uses policies and the existing zoning of the property.

The proposed exceptions from the regulations associated with the R.3 – Residential District will permit the conversion of the existing building from three to a total of five dwelling units with a minimum of 1 parking space per unit, in keeping with Area 1 standards. The property is situated within Area 2, however, adjacent to the Area 1 boundary and in close proximity to the Commercial Core Area.

The applicant proposes to retain the existing building and convert the interior space to create two additional units. The existing building has been long established within the neighbourhood.

BACKGROUND

The subject application was originally received on April 2, 2013, deemed to be complete as of April 26, 2012 and was processed in accordance with department procedures. *The Planning Act* allows 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 26, 2013 if Council has not made a decision.

The subject property is approximately 775 m² (8340 ft.²) in size, located on the west side of Stewart Street, between Hunter Street West and Simcoe Street. The property supports a two storey brick dwelling and a detached frame garage in the rear yard with parking and driveway facilities at the south side of the property.

An existing solid board fence runs along the southerly property line, providing a visual buffer from the neighbouring properties to the south. The applicant intends to convert the existing two storey brick dwelling to create an additional two units, increasing the total number of dwelling units from three to five units.

The balance of the block in which the subject lands are located, is zoned to permit residential, institutional, commercial and special care facilities, also reflecting the existing uses within the block. The applicant proposes to introduce by-law exceptions to the existing zoning to facilitate the introduction of two additional units within the existing building.

The zoning is currently in place to support multiple residential units on the property. The application seeks to relax the existing zoning regulations and the parking requirements to facilitate the proposed additional units. Approval of the proposed amendment would limit the use of the existing property to a total of five dwelling units with a minimum of five on-site parking spaces.

ANALYSIS

a) Official Plan

The lands are currently designated “Commercial” on Schedule ‘A’ – Land Use, and subject to the ‘Transitional Uses Area’ policies of the Central Area in the City of Peterborough Official Plan. The proposed use of the existing building for a triplex will intensify the residential use of the property within the medium density residential ratio of the Residential policies of the Official Plan (64.5 units per hectare).

The Transitional Areas policies contemplate diverse land uses that co-exist with low density residential uses and anticipate that development/redevelopment will occur, focusing on high and medium density residential development and limited commercial uses.

The policies further require that new development is compatible with existing buildings and that adequate site parking, buffering and landscaping is provided. The subject application for rezoning is supported by a concept site plan to illustrate a minimum of five on-site parking spaces on the subject lands. No significant changes are proposed to the existing site, maintaining the existing landscaped open space in the front and rear yards, and the existing asphalt driveway and detached three car garage, buffered from the properties to the south by an existing privacy board fence along the southerly lot line.

The proposed amendment contemplates a continuation of the zoning permission on the lands for multi unit residential dwellings and provides alternate regulations. The Transitional Uses policies of the Official Plan support the introduction of additional dwelling units with relaxed zoning regulations whereby the use is considered to be compatible with residential uses in the neighbourhood.

The existing building is limited in size with legal non complying setbacks. It is intended that the legal non-complying status of the building location be recognized in the proposed regulations.

b) Zoning By-law

The subject property is currently zoned R.1, R.2, R.3 – Residential District, permitting residential dwelling units subject to compliance with the minimum regulations. The existing triplex complies with the R.3 – Residential District. Although the R.3 – Residential District permits up to 8 residential dwelling units, the property size limits the ability of the lands to support more than 3 based on the regulations related to lot width per unit, lot area per unit, etc.

The introduction of two additional dwelling units challenges the regulations of the R.3 Zoning District and as such, the applicant has proposed an amendment to permit relaxed regulations. The application to amend the zoning to include an exception for the subject property is supportable in that it is in keeping with the intent and purpose of the Official Plan and Zoning By-law and is compatible with the surrounding area.

The proposed Exception 280 would add the following regulations as alternatives to the regulations of the R.3 – Zoning District:

- i. To permit a minimum lot area per dwelling unit of 150m² versus 230m²;
- ii. To recognize the existing building setback from the north side lot line (main dwelling) of 0.7m versus 2.4m;
- iii. To permit a parking space to be located less than 6 metres to a window to a habitable room (southwest limit of the property) – existing condition;
- iv. To permit a reduced parking ratio of 1 parking space per dwelling unit versus 1.5, and further that any surface parking spaces be a minimum of 2.5m by 5.5m versus 2.7m by 5.7m; and
- v. To permit a minimum lot width of 4m per dwelling unit versus 6m.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on April 26, 2013, concurrently with the Notice of Public Meeting.

The City's Utility Services Department provided comment regarding the rezoning application, indicating concern with the proposed reduction in parking due to potential off-site effects. The applicant is required to confirm downstream and on-site servicing capacity and cash-in-lieu of parkland is recommended where required.

The City's Building Division suggest that the approval be conditional upon obtaining a Building Permit for renovations or Change of Use Permit if no renovations are proposed.

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 concurrently on April 26, 2013 by direct mail and by newspaper advertisement (Peterborough Examiner) on May 1, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of May 6, 2013.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

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Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

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

Land Use Map

Exhibit 'A'
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File # z1304

Property Location: 377 Stewart St

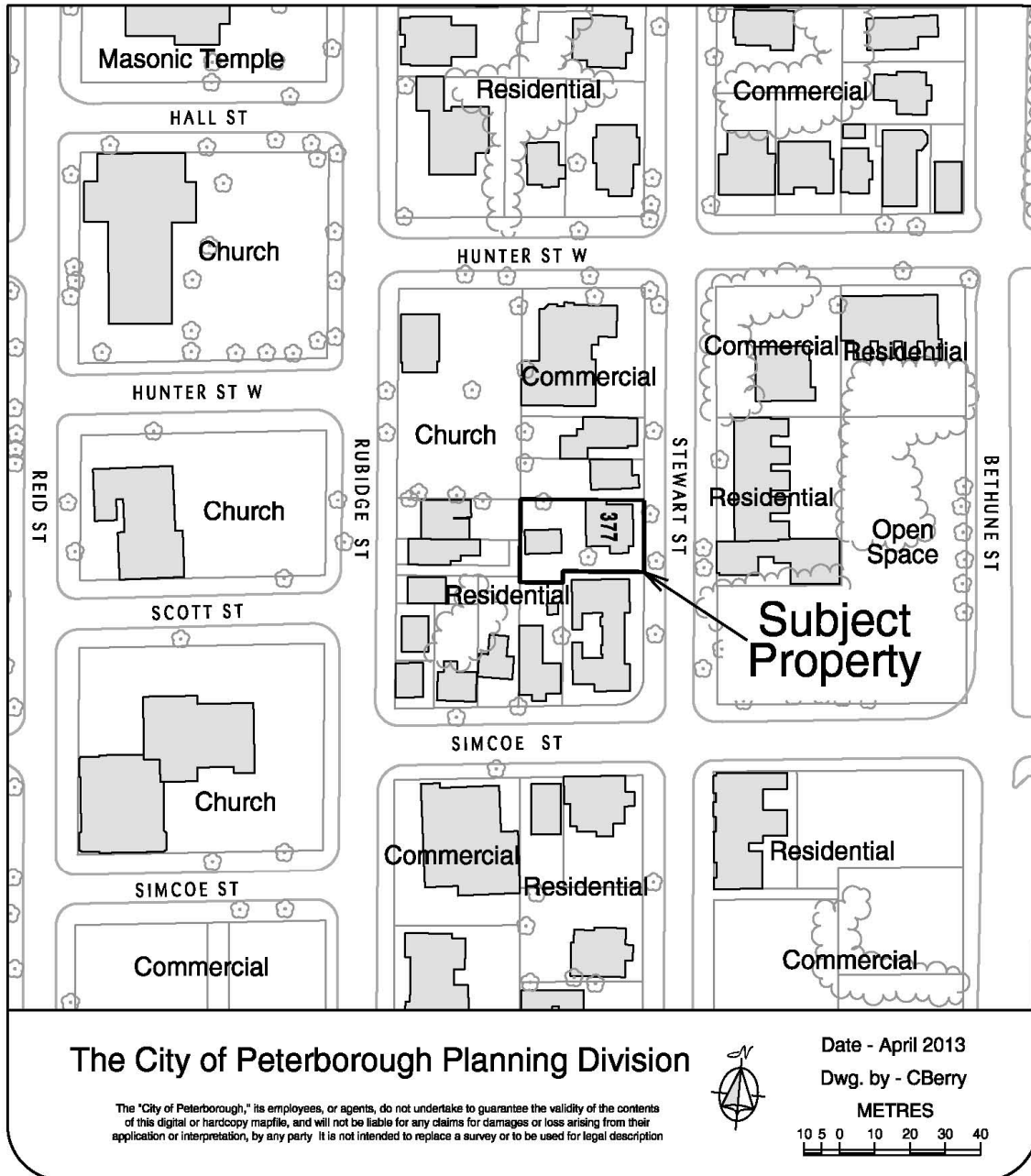


Exhibit 'B'
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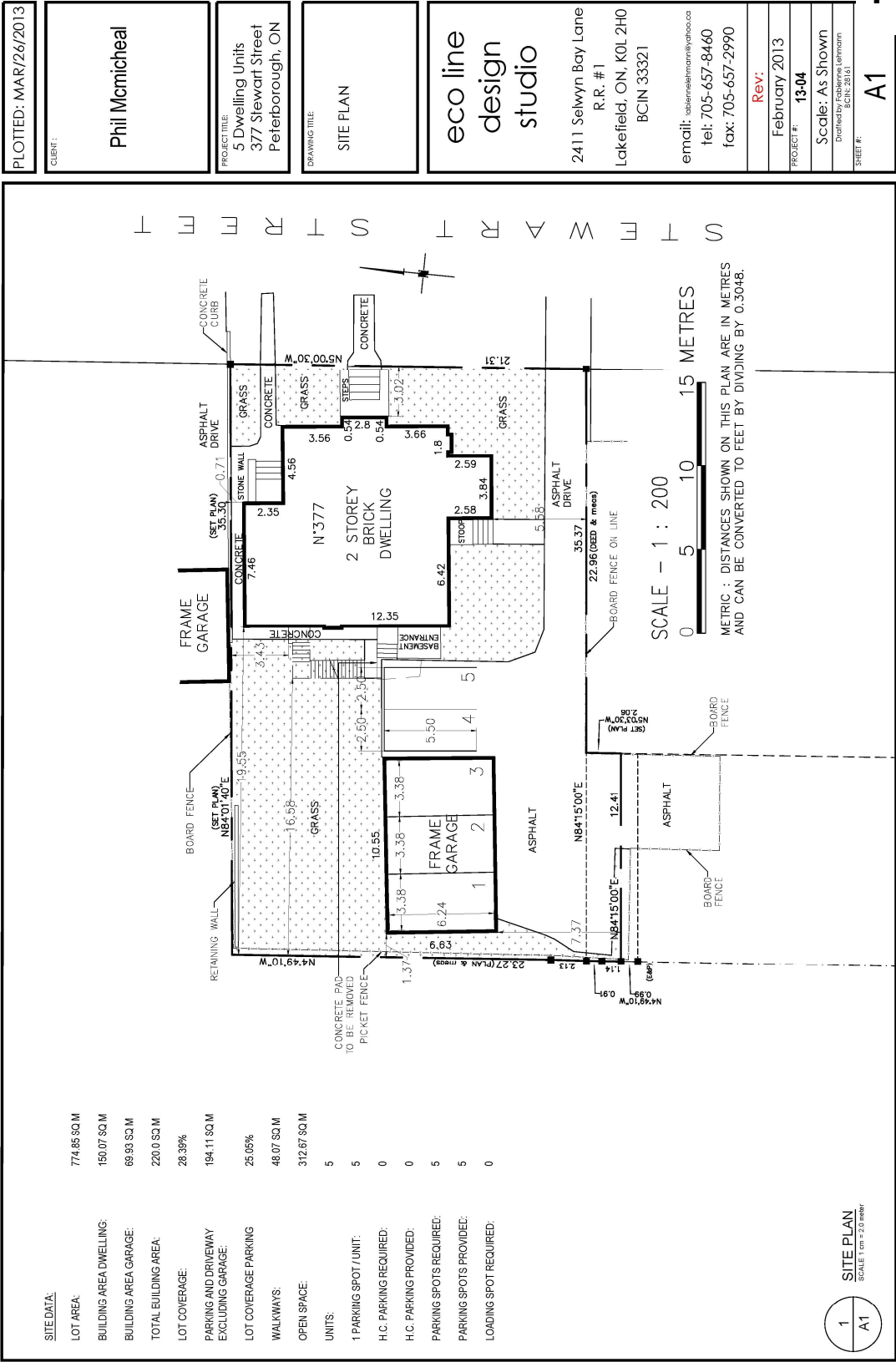


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THE CORPORATION OF THE CITY OF PETERBOROUGH
BY-LAW NUMBER 13- _____
BEING A BY-LAW TO AMEND ZONING BY-LAW #97-123
FOR 377 STEWART STREET

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:

“.280 Notwithstanding the Regulations of Sections 4 and 9, the following shall apply:

The minimum lot area per dwelling unit shall be 150 square metres;
The minimum side yard setback from the north side lot line shall be 0.71m;
The minimum lot width per dwelling shall be 4m.
A maximum of 2 parking spaces can be located less than 6 metres to a window to a habitable room;
A minimum parking ratio of 1 parking space per dwelling unit shall be established and maintained on site;
Parking spaces shall comply with minimum dimensions of 2.5m by 5.5m;
”
2. Map 12 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 R.1, R.2, R.3 – 280.**

By-law read a first, second and third time this _____ day of _____, 2013.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit 'C'
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