



City of  
**Peterborough**

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**TO: Members of the Planning Committee**

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

**MEETING DATE: October 7, 2013**

**SUBJECT: Report PLPD13-071**  
**Zoning By-law Amendment - 125 Romaine Street**

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 125 Romaine Street to permit the property to be used as a triplex with site specific regulations.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD13-071 dated October 7, 2013, of the Manager, Planning Division, as follows:

- a) That Section 3.4 – Alternative Regulations, of Comprehensive Zoning By-Law #1997-123 be amended to add a provision to reduce the minimum aisle width adjacent to 90 degree parking to 6.0m.
- b) That the zoning of the subject property, be amended from the R.1, R.2 - Residential District to the R.1, R.2, 7c, 20a - 264 – 'H' Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-071.
- c) That the 'H' Holding Symbol be removed subject to the following:
  - i) Site Plan Approval is granted for the subject property;

- ii) Confirmation from Fire Services and from the Building Division of the City of Peterborough, that the units comply with the requirements of the Ontario Building Code and the Ontario Fire Code;
- iii) Confirmation from the City's Building Division that there are no outstanding concerns with regard to the Ontario Building Code.
- iv) Payment of cash-in-lieu of parkland for the third unit; and
- v) Payment of all applicable development charges for the third unit.

## **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 'Special Policy Area' on Schedule 'J' – Central Area Land Use of the City of Peterborough Official Plan. The Central policies anticipate residential uses of varying forms and densities, as well as supporting uses and facilities. The intensification of residential uses on this property from two to three units with adequate on-site parking facilities, complies with the Central Area policies of the Official Plan.

The impacts of the intensification are assessed in the same manner as infill residential development and should be permitted in residential areas where the impacts of development on existing uses can be minimized and the development can efficiently utilize existing municipal servicing and facilities. The application demonstrates the ability of the site to maintain the character of the area while accommodating up to 1.66 parking spaces per unit on site. The existing servicing appears to be adequate for the triplex.

The impacts of the proposed use can be minimized through the creation of additional parking in the rear yard to the south of the existing dwelling, with the requirement for privacy fencing along the property line adjacent to the parking area, as a condition of Site Plan Approval. Planning Staff is recommending the requirement for Site Plan Approval to ensure the maintenance of the parking and buffering/landscape facilities on the subject property.

## BACKGROUND

The subject application was received on June 14, 2013, deemed to be complete as of June 17, 2013 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 October 15, 2013 if Council has not made a decision.

The subject property is approximately 684 m<sup>2</sup> (7363 ft.<sup>2</sup>) in size, located on the south side of Romaine Street, between George Street South and Lock Street. The property supports a two storey brick dwelling with a one storey frame addition and covered deck and parking in the rear yard, accessed by a driveway along the west side of the property. The applicant intends to re-establish and use a third dwelling unit that existed in the frame addition to the rear of the property when the applicant purchased the property in May, 2008.

The applicant proposed an amendment to the Zoning By-Law in 2009 to legalize the third dwelling unit. The 2009 application was supported by Planning Staff and denied by Council. Council's reason for the refusal was explained in the Notice of Refusal as follows:

"That the dimensions of the property do not lend itself for a triplex and there are significant parking concerns."

A neighbourhood meeting was held in April, 2009 at the direction of Council, prior to consideration of the application. Neighbouring residents expressed concerns related to proposal including potential increase in traffic and parking along Romaine Street, as well as the screening and maintenance of the parking in the rear yard. The applicant/owner agreed to the installation of a privacy fence along the easterly property line to provide additional screening for the expanded parking area in an effort to address the concerns regarding the parking.

Prior to the submission of the 2009 application, the property was inspected by the City's Fire Service and the Building Division. The Fire Department required repairs to the fire separation in the closet area of the first floor kitchen and to the separation wall. The Building Division required replacement of entry stairs and the addition of handrails or guards as well as removal of a wood stove in the third unit. Planning Staff recommended that these matters be addressed as a condition of removal of the 'H' – Holding Symbol in 2009. It is recommended that that these conditions also be imposed on the current amendment.

The applicant has discontinued the use of the third unit on the property as a dwelling unit since the Council decision to refuse the zoning amendment in 2009. The applicant has now submitted a new application to permit the use of the lands for up to 3 dwelling units. The applicant proposes to expand the existing parking area by approximately 6m (20 ft.) to the south to accommodate the required 5 parking spaces in accordance with the By-Law. The current zoning permits up to two dwelling units on the property. The application seeks to relax the existing zoning regulations to facilitate the proposed additional unit. Approval of the proposed amendment would limit the use of the existing property to a total of three dwelling units with a minimum of five on-site parking spaces.

## **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 Areas Schedule ‘I’ and identified as a ‘Special Policy Area’ on the Central Area Land Use Plan – Schedule ‘J’.

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 Special Policy Area provisions recognize the potential of the lands located in proximity to the south shore of Little Lake, to support a growing tourism uses through a detailed planning analysis. This future for accommodations, cafes/tea rooms and boutique retail establishments has not been comprehensively reviewed through the required planning analysis, and therefore, the introduction of commercial uses would be deemed premature at this time. The City has undertaken to commence the comprehensive review of land use for this area, in conjunction with the Little Lake trails initiative. The process has commenced through the hiring of a consulting group, however, public consultation has not yet commenced. The continued use of the property at 125 Romaine Street for residential purposes, however, maintains the historical use of the neighbourhood and the intensification of the residential use to three dwelling units is supportable within the general provisions of the Central Area.

The size and character of the existing triplex is consistent with other dwellings on the street. The property is 684 sq. m. (7363 sq. ft.) in size, with a depth of approximately 60m (200 ft.), backing onto the CPR rail lands and situated between two single detached dwellings. The lot supports parking in the rear, with an expansion of the parking area to increase the number of parking spaces to five on site, complying with the minimum requirements of the Zoning By-law.

**b) Zoning By-law**

The subject property is currently zoned R.1, R.2 – Residential District, permitting a maximum of two residential dwelling units. The use of the property as a triplex is not permitted under the existing zoning of the site.

The applicant has requested a zoning by-law amendment to rezone the property to recognize the existing triplex use of the property.

The use of the property for 3 units requires an amendment to the Zoning By-law. The introduction of an exception with relaxed zoning regulations would facilitate the third unit and limit the use of the property to a maximum of 3 dwelling units. Exception 264 was introduced to the Zoning By-law to legalize a third unit at another property known as 464 Driscoll Terrace, in 2011.

The proposed Exception 264, permits the use of the building for up to 3 dwelling units; permits a minimum ratio of motor vehicle parking spaces of 1.5 spaces per dwelling unit (in keeping with the Area 2 requirements for the subject property); permits a minimum lot width of 3.4m per unit; and permits elimination of the landscape strip adjacent to the parking spaces along the property line. Recognition of the third dwelling unit, is supportable, based on the relevant policies of the City's Official Plan. Treatment of the easterly lot line with a solid board fence will likely be required at Site Plan Approval stage to reduce the impact of introducing additional parking along the property line.

The introduction of an expanded parking area will result in approximately 26% of the lot area being covered by driveway and parking areas versus the 20% typically for the R.2 – Residential District. Planning Staff recommend the use of alternative regulation 7c to address this regulation, relaxing the provision to up to 30% of the lot area.

The lot has supported functioning parking and aisle space in the rear yard. The aisle width of 6.1m is less than the required minimum of 6.4m, however, can function to support turning movements in and out of the parking spaces. An alternative regulation (20a.) is proposed to recognize the reduction in the width of the aisle space to 6m.

Planning Staff recommend the use of a 'H' Holding Symbol on the zoning of the property to ensure that the units comply with Fire and Building Code regulations and that a Site Plan is approved for the property with an agreement to be registered on title to ensure proper site development of the additional parking facilities and maintenance of the property into the future.

**c) Site Development**

The applicant has provided a Plan of Survey illustrating the parking and driveway areas to accommodate the required parking in the rear. The applicant will be required to enter into a Site Plan Agreement with the City of Peterborough to ensure the maintenance of the parking and buffering/landscape facilities on site.

## RESPONSE TO NOTICE

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

Agency circulation was issued on July 17, 2013.

No 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 mail on July 17, 2013 and by newspaper advertisement (Peterborough Examiner) on July 19, 2013 and July 26, 2013. Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on September 9, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of September 13, 2013.

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:

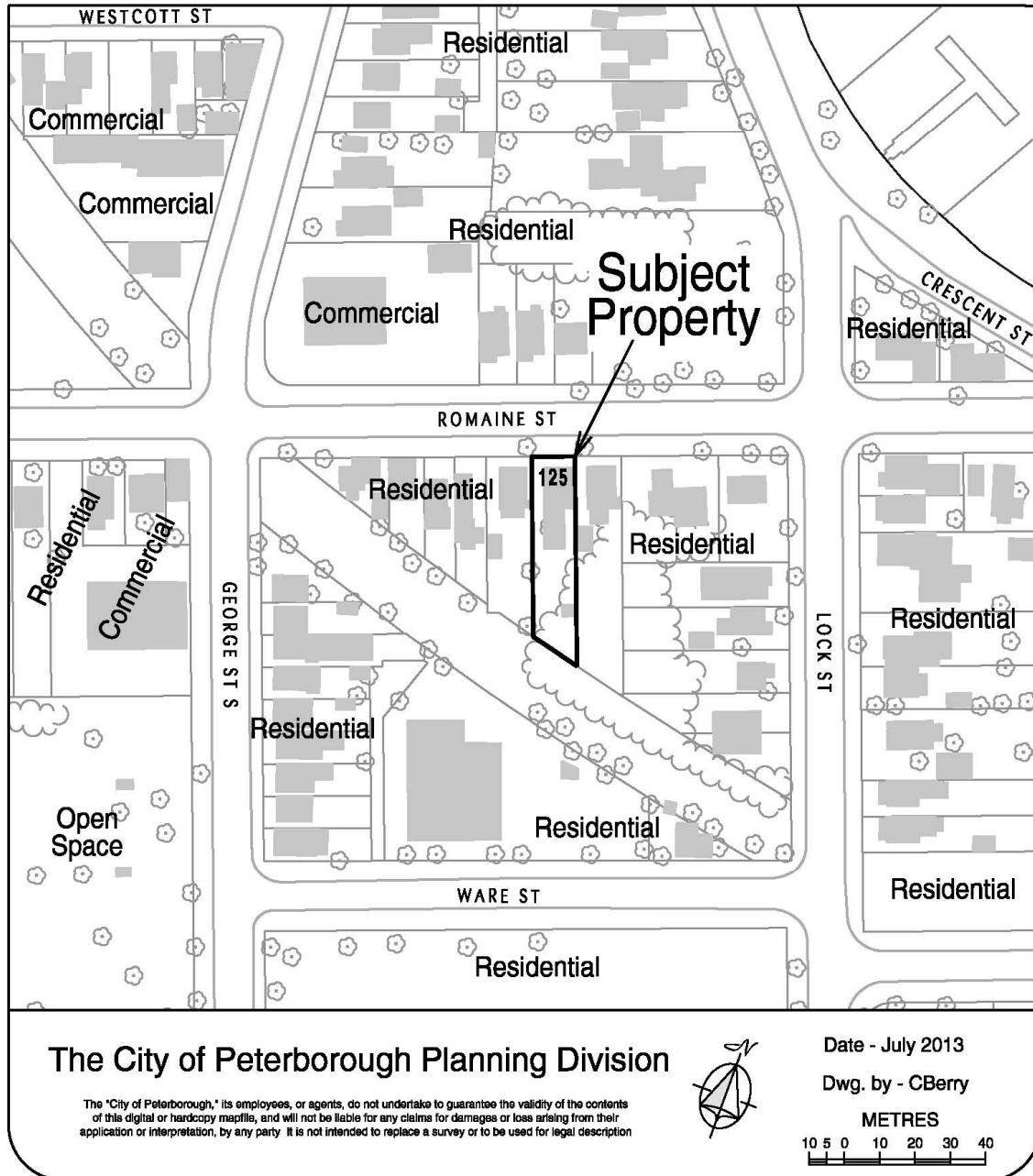
Exhibit A - Land Use Map  
Exhibit B – Site Plan  
Exhibit C –Draft Zoning By-law

# Land Use Map

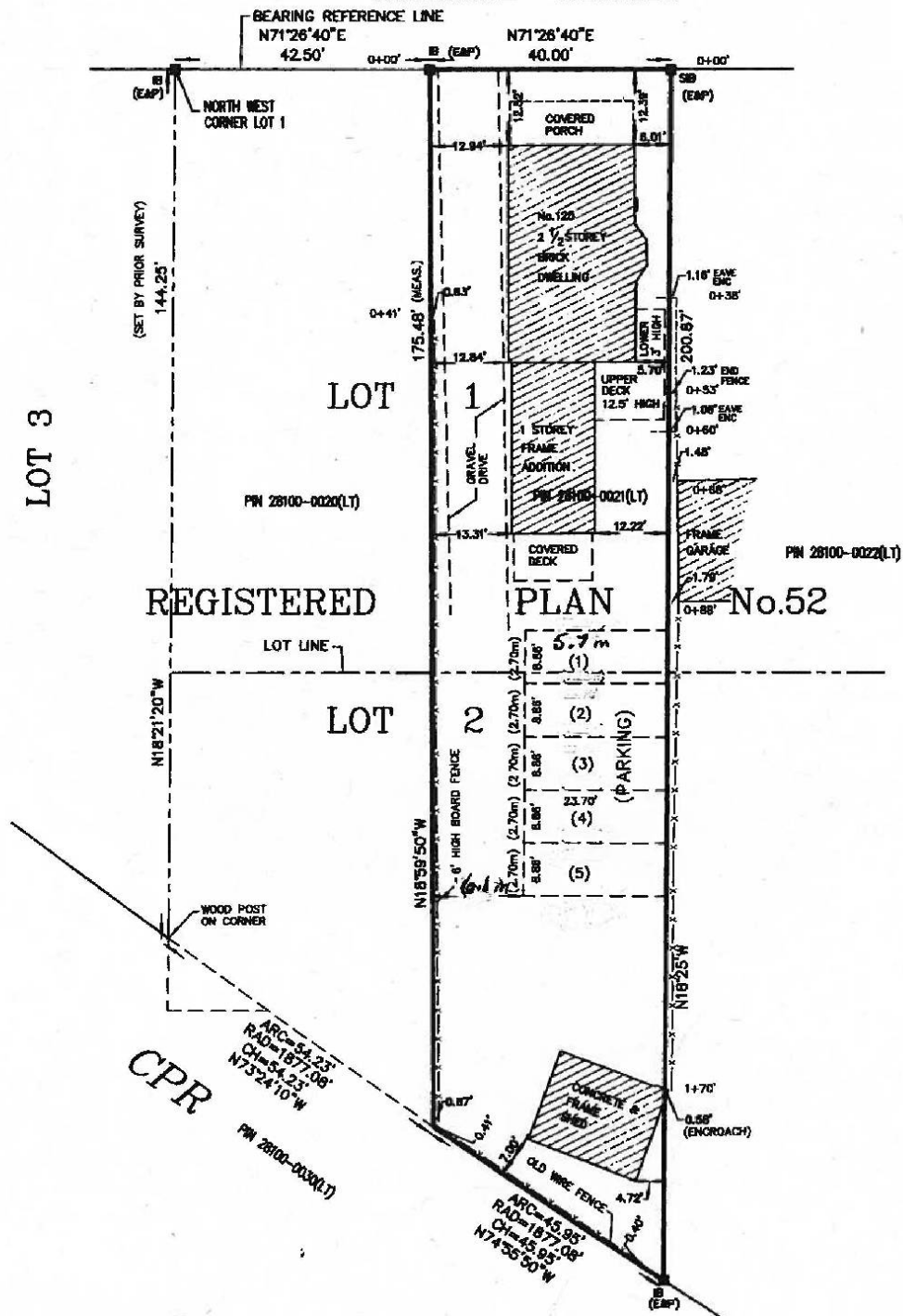
Exhibit 'A'  
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File # z1313

Property Location: 125 Romaine St



ROMAINE STREET





**THE CORPORATION OF THE CITY OF PETERBOROUGH** **Exhibit 'C'**  
**BY-LAW NUMBER 13- \_\_\_\_\_** **Page 1 of 2**

**BEING A BY-LAW TO AMEND ZONING BY-LAW #97-123  
FOR 125 ROMAINE STREET**

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 to R.1,R.2, 7c, 20a – 264 – 'H'**.
2. Section 3.4 – Alternative Regulations is amended by adding the following:  
"20. MINIMUM AISLE WIDTH FOR 90 DEGREE PARKING  
a. 6.0m"
2. The 'H' – Holding Symbol will be removed from the Zoning By-law upon the completion of the following:
  - i. Site Plan Approval being granted for the subject property;
  - ii. Confirmation from the City's Fire Department and Building Division that the units comply with the requirements of the Ontario Building Code and the Ontario Fire Code;
  - iii. Payment of cash-in-lieu of parkland for the third unit; and
  - iv. Payment of all applicable development charges for the third unit

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

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

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John Kennedy, City Clerk

**Exhibit 'C'**  
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