



City of  
**Peterborough**

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**To: Members of the Planning Committee**

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

**Meeting Date: June 16, 2014**

**Subject: Report PLPD14-033  
636 Centre Street**

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## **Purpose**

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 636 Centre Street to permit the property to be used as a triplex with site specific regulations.

## **Recommendations**

That Council approve the recommendations outlined in Report PLPD14-033 dated June 16, 2014, 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 distance between the parking area or vehicle driveway access and the lot line in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD14-033.
- b) That Section 3.9 – Exceptions, of the Comprehensive Zoning By-law #1997-123 be amended to add Exception 292 to prohibit the use of the property for a Boarding House.
- c) That the zoning of the subject property, be amended from the R.1 - Residential District to the R.3,3m,7d,8b,14h,16d,19f – 292 - 'H' – Residential District, in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD14-033.

- d) 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) Payment of cash-in-lieu of parkland for the third unit; and
  - iv) 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. The City will receive a contribution toward future works to address the downstream sanitary sewer system surcharge on Armour Road.

## Background

The subject application was received on February 28, 2014, deemed to be complete as of April 29, 2014 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 27, 2014 if Council has not made a decision.

The subject property is approximately 615 m<sup>2</sup> (6620 ft.<sup>2</sup>) in size, located on the east side of Centre Street between Caddy Street and McFarlane Street. The property supports a two storey brick dwelling with a covered porch and parking in the rear yard, accessed by a driveway along the south side of the property. The applicant intends to legalize the existing use of the property for up to three dwelling units with site specific regulations.

The existing building was constructed in 1956 as a two unit dwelling. The owner/applicant has provided documentation to support the application and indicates that the third unit was added in the basement of the building some time prior to 1993. The City does not have record of a building permit for the third unit. The current owner purchased the property in 2008. The City recently received a complaint regarding the use of the property for three dwelling units, resulting in the owner making application to amend the zoning to reflect the current use of the property for 3 dwelling units.

The owner/applicant has requested a reduction in the minimum required parking from 6 to 5 parking spaces for the three units. This will reflect the current parking that the owner/applicant has indicated is sufficient to address the parking requirements of the three units insofar as the current owner has owned and maintained the property since 2008. The owner advises that the demand for parking is typically 2 to 3 parking spaces,

with public transit in the area for the tenants. The owner/applicant suggests that the zoning change will support the maintenance of an affordable rental unit.

## **Analysis**

### **a) Official Plan**

The lands are currently designated “Residential” on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan. The density of the residential use for three units is within the range of a medium density residential development. The application is assessed with the intensification and infill housing evaluation criteria of Section 4.2.5.7 of the City of Peterborough Official Plan.

The proposal to recognize the existing triplex use of the dwelling at 636 Centre Street with parking for a total of five vehicles, respects the objectives of the infill and intensification policies, as described by the City’s Official Plan.

Based on the size of the subject property, the density of the triplex is approximately 49 units per hectare (19.74 units per acre). The Official Plan policies support infill housing, up to a maximum of 75 units per hectare in a suburban location (27 units per acre) through an amendment to the Zoning By-law, provided the development respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to recognize the existing use of the building for a triplex and the applicant proposes to retain the existing parking area, providing a ratio of 1.5 parking spaces per unit.

The property is located in an area well served by parks and schools. The parking in the rear yard has been established on the property for many years and is screened by a wooden privacy fence along both the north and south property lines. The ratio of hard surface and green space, with the parking and driveway areas is not expected to increase; however, it is higher than what is permitted in the proposed R.3 Zoning District regulations. As such, a special regulation is proposed.

The size and character of the existing triplex is well established in the neighbourhood and is consistent with other dwellings on the street.

b) **Zoning By-law**

The subject property is currently zoned R.1 – Residential District, and the use of the lands as a two unit dwelling is permitted as a legal non-conforming duplex. The use of the property as a triplex is not permitted under the existing zoning of the site and requires an amendment to the Zoning By-Law.

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

The introduction of relaxed zoning regulations would facilitate the third unit and limit the use of the property to a maximum of 3 dwelling units. A new alternative regulation to reduce the minimum distance between the parking area or vehicle access area and the southerly lot line from 1.5m to 0m to recognize the location of the existing driveway and parking area is required and included in the draft amendment as Alternative Regulation “14h” in the attached draft Zoning By-law Amendment.

The proposed amendment permits the use of the building for up to 3 dwelling units, subject to the following provisions:

<b>Provision</b>	<b>R3 Regulation</b>	<b>Proposed</b>
minimum lot area per dwelling unit	230m <sup>2</sup>	205m <sup>2</sup>
maximum lot coverage for open parking, driveway and vehicle movement areas	25% of the lot area	40% of the lot area
minimum sideyard setback	2.4m	1.8m
distance between the parking and driveway areas and the southerly lot line	1.5m	0m
minimum lot width per dwelling unit	6m	4.8m
minimum ratio of motor vehicle parking spaces	1.75 spaces per dwelling unit	1.5 spaces per dwelling unit
Permitted uses	Dwelling unit Boarding house	Dwelling Unit

Recognition of the third dwelling unit, is supportable, based on the relevant policies of the City's Official Plan.

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 and maintenance of the property into the future.

c) **Site Development**

The applicant has provided a Concept Site Plan 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 April 15, 2014.

The City's Utility Services Department has expressed concern that based on the City's 2012 Environmental Assessment regarding the Sanitary System in this area, Armour Road is being surcharged under current conditions and will require capital upgrades before additional units can be added to the system. This unit at 636 Centre Street, however, is already using the sewer, albeit as a non-conforming unit, but it does highlight a need to report back to Council as future significant development that depends on the Armour Road sewer capacity may have to be denied until the sewer capacity issues are addressed. Staff will report further on this issue.

Otonabee Conservation has confirmed that the property is located within approximately 30m of Curtis Creek. Detailed flood line mapping shows that the subject property lies outside of the flood plain of Curtis Creek and therefore, ORCA has no objection to the proposed amendment. The property owner is advised however, that the lands are within ORCA's development control area and a permit is required for any fill placement, grade alteration or construction activities.

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 mail on April 15, 2014 and by newspaper advertisement (Peterborough Examiner) on April 11, 2014. Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on May 20, 2014. The notice complies with the requirements of the Planning Act.

No written comments have been received as of June 9, 2014.

Submitted by,

Ken Hetherington  
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble  
Land Use Planner

Malcolm Hunt, Director  
Planning and Development Services

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**Attachments:**

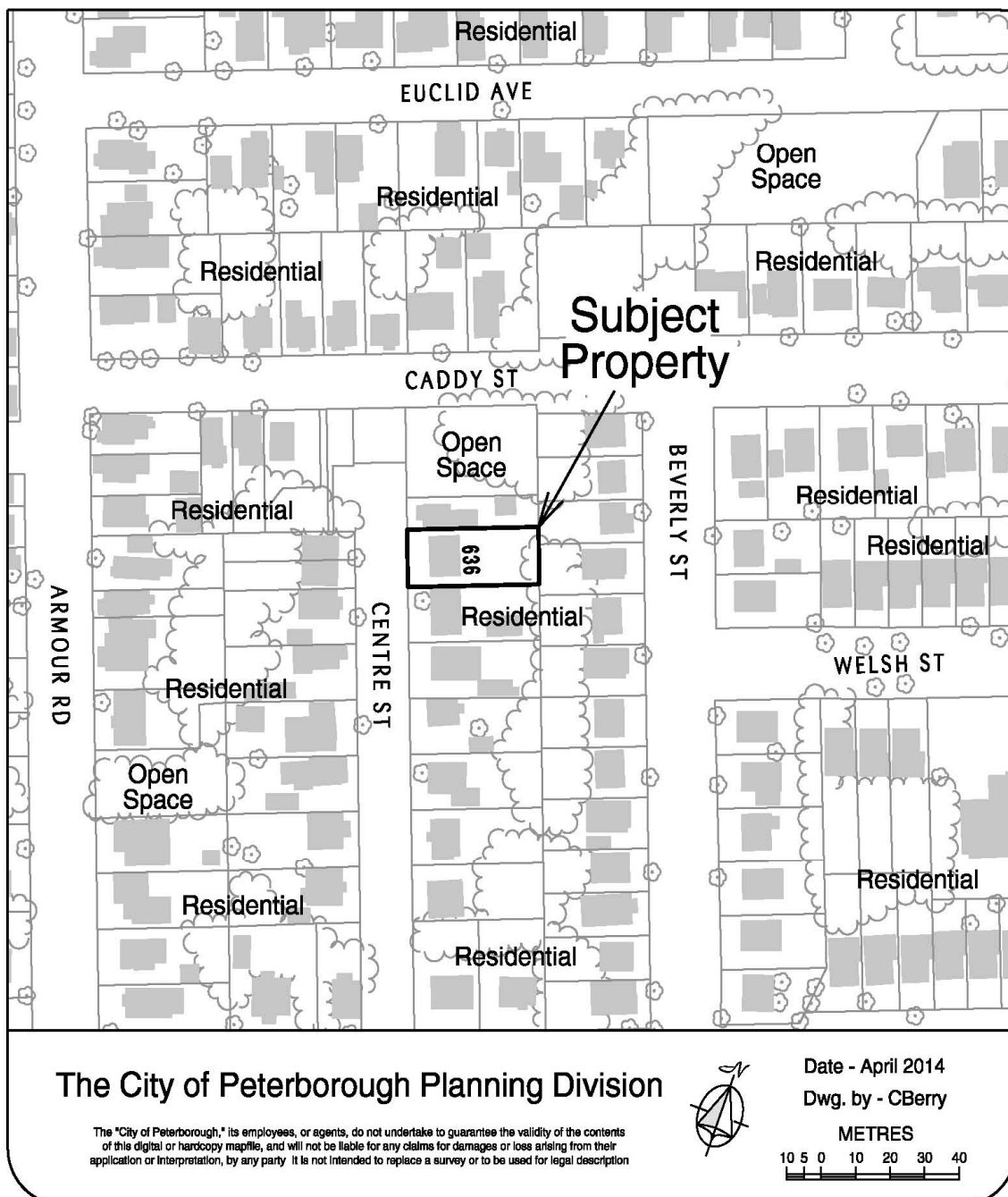
Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C –Draft Zoning By-law

**Exhibit A, Page 1 of 1**

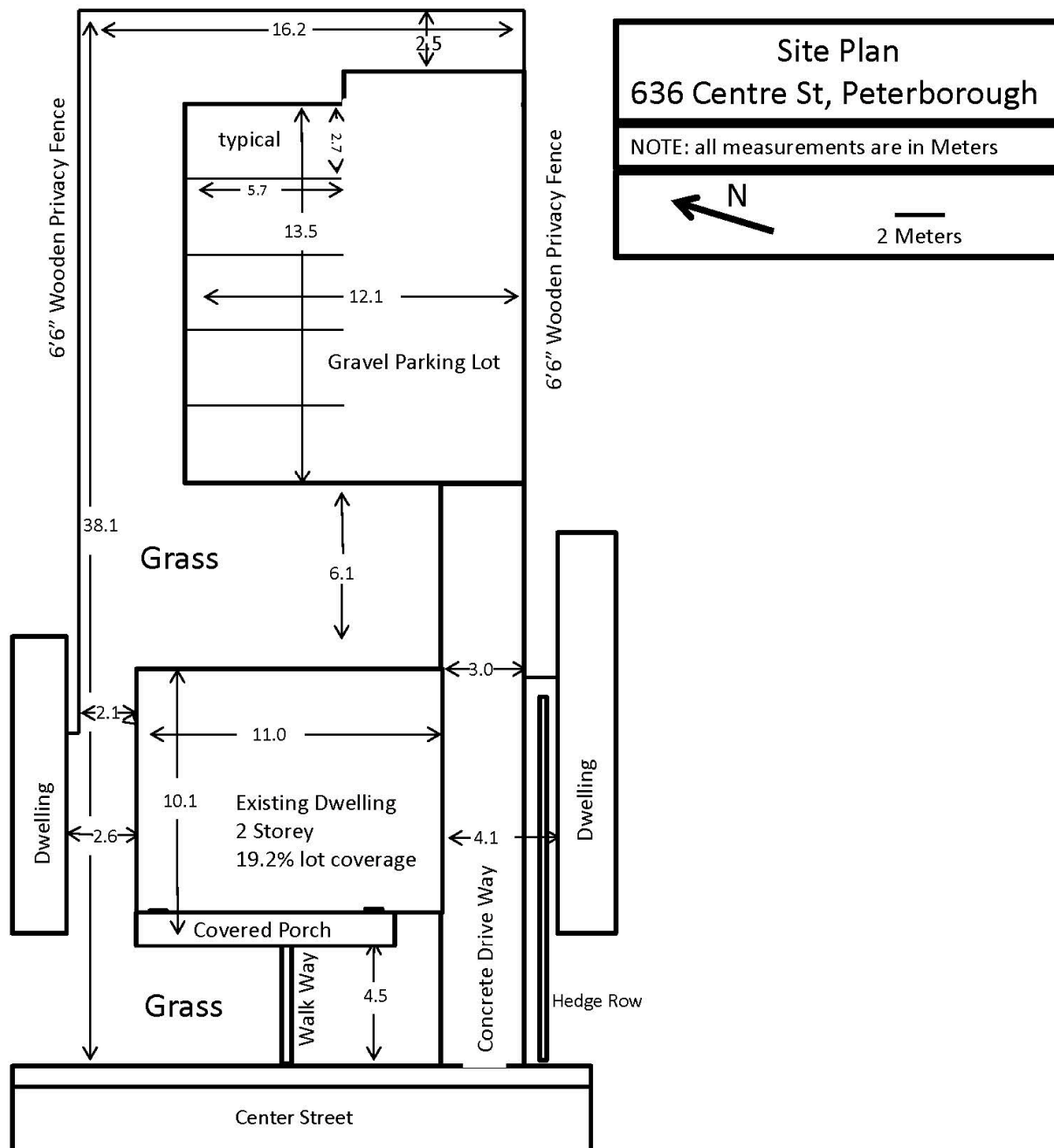
# Land Use Map

File # z1406

Property Location: 636 Centre St



## Exhibit B, Page 1 of 1



R3 Zoning	Required	Proposed
Maximum Number Dwelling Units	up to 8 Dwellings	3 Dwellings
Minimum Lot Area per Dwelling Unit	230 sqm	205 sqm
Minimum Lot Width Per Dwelling Unit	6 Meters	5.3 Meters
Minimum Lot Depth	30 Meters	38.1 Meters
Minimum Building Set Back Side Lot Lines	2.4 Meters	3.0 and 2.1 Meters
Minimum Building Set Back Rear Lot Line	9 Meters	23.5 Meters
Maximum % Lot Area Coverage by Building	35%	19.2%
% Lot Area Coverage by Parking Lot and Driveway	25%	39%
Parking Spaces	6	5
Maximum Number of Storeys	2	2



## Exhibit C, Page 1 of 3



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### The Corporation of the City of Peterborough

#### By-law Number 14-

Being a By-law to Amend the Zoning By-law for the property known as 636 Centre Street

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The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Map 13 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.3, 3m,7d,8b,14h,16d,19f – 'H'**.
2. Section 3.4 – Alternative Regulations is amended by adding the following:  
  
"14. MINIMUM DISTANCE BETWEEN PARKING AREA OR VEHICLE ACCESS AREA & LOT LINE  
h. 0m"
3. Section 3.9 – Exceptions, is amended by adding the following:  
  
"292. Notwithstanding the permitted uses, a boarding house is not permitted."
4. 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 \$650 to the City, representing the proportionate cost sharing contribution toward future works to address the downstream sanitary sewer system surcharge on Armour Road;

## **Exhibit C, Page 2 of 3**

- iv) Payment of cash-in-lieu of parkland for the third unit; and
- v) Payment of all applicable development charges for the third unit

By-law read a first, second and third time this day of , 2014.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

**Exhibit C, Page 3 of 3**

