



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

**FROM:** Malcolm Hunt, Director of Planning and Development Services

**MEETING DATE:** March 9, 2009

**SUBJECT:** Report PLPD09-010  
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 recognize the existing use of the property for a triplex.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD09-010 dated March 9, 2009, of the Director of Planning and Development Services, as follows:

- a) That the zoning of the subject property, be amended from the R.1, R.2 - Residential District to the R.1, R.2, 7c – 168 -'H' - Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD09-010.
- b) That the 'H' Holding Symbol be removed subject to the following:
  - i. Site Plan Approval is granted for the subject property;
  - ii. Confirmation from the Fire Services 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

## **RATIONALE**

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

The subject property is designated 'Commercial' on Schedule 'A' – Land Use of the City of Peterborough Official Plan and 'Special Policy Area' on Schedule J – Central Area. Residential uses of varying forms and densities, as well as supporting uses and facilities, are permitted in the Central Area. The use of the existing building as a triplex with adequate on-site parking facilities, complies with the Central Area policies of the Official Plan.

Through this amendment to the Zoning By-Law, the existing building respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to utilize the existing building, for the same purpose that has been established within the streetscape of Romaine Street. The applicants are able to provide the minimum of 5 on-site parking spaces, at a ratio of 1.5 spaces per unit.

The expansion of the parking area and buffering treatment of the land is recommended to be subject to site plan approval.

## **BUDGET AND FINANCIAL IMPLICATIONS**

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

## **BACKGROUND**

The subject application was originally received on November 10, 2008 and deemed to be complete as of January 5, 2009, and was processed in accordance with department procedures.

The subject property is located on the south side of Romaine Street, between George St. S. and Lock Street. The land currently supports a two and one half storey brick building with a one storey frame addition at the rear. The brick building is divided horizontally into two units, with the third unit located in the rear frame addition. The current owners acquired the property in May of 2008, after a complaint had been received by the City regarding its use as a triplex, contrary to the zoning of the property. The brick building was constructed in 1912 and has been used as a duplex for some time. The third unit was introduced to the property prior to the purchase by the existing owner and without a building permit.

## **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 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 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 R.3 zoning district permits the existing triplex and provides specific performance standards for multi-unit residential dwellings. However, the R.3 zoning district would introduce a potential for additional units, subject to compliance with performance standards and parking requirements for the zone. The third unit can be accommodated by way of By-Law Exception 168, without the complications of other potential uses and regulations that the existing development does not conform to. Based on the recent property survey provided with the application, it appears that 26% of the area of the lot is used for driveway and the expanded parking. The amendment, therefore, also recognizes this exception to the by-law to reflect the parking. As such, Planning staff recommend that the property be amended from R.1, R.2 to R.1, R.2, 7c – 168 – 'H'.

**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 January 7, 2009.

The City's Building Division indicated that the sideyard setback to the existing decks along the east side of the dwelling are deficient. Based on information provided by the applicants, the original decks likely predate the by-law, deeming them to be legal non-complying with respect to the sideyard setback.

The City's Utility Services Department request cash-in-lieu of parkland, where applicable.

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 7, 2009 and Notice of Public Meeting was issued on February 9, 2009 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

Written comments have been received from A. Barbara Smith of 111 Lock Street and from Suzanne Woods of 127 Romaine Street. Ms. Smith indicates her objection to the use of the rear yard for five parking spaces. She is concerned with the view of the spaces from her deck and the potential of the area to be used for car repairs. Ms.

Woods expresses concerns with the maintenance of the parking spaces in the rear yard, causing tenants to park on the street in the winter and the related snow removal issues. Ms. Woods has indicated that assurances of maintenance, including snow removal from the rear yard, will address her concerns.

Planning Staff have recommended that the owners be required to enter into a Site Plan Control Agreement with the City. This is intended to address the maintenance and buffering/landscaping of the parking area in the rear yard.

Submitted by,

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Malcolm Hunt, Director,  
Planning and Development Services

Prepared by,

Concurred with,

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Caroline Kimble,  
Land Use Planner

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Ken Hetherington,  
Manager of Planning

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Attachments:

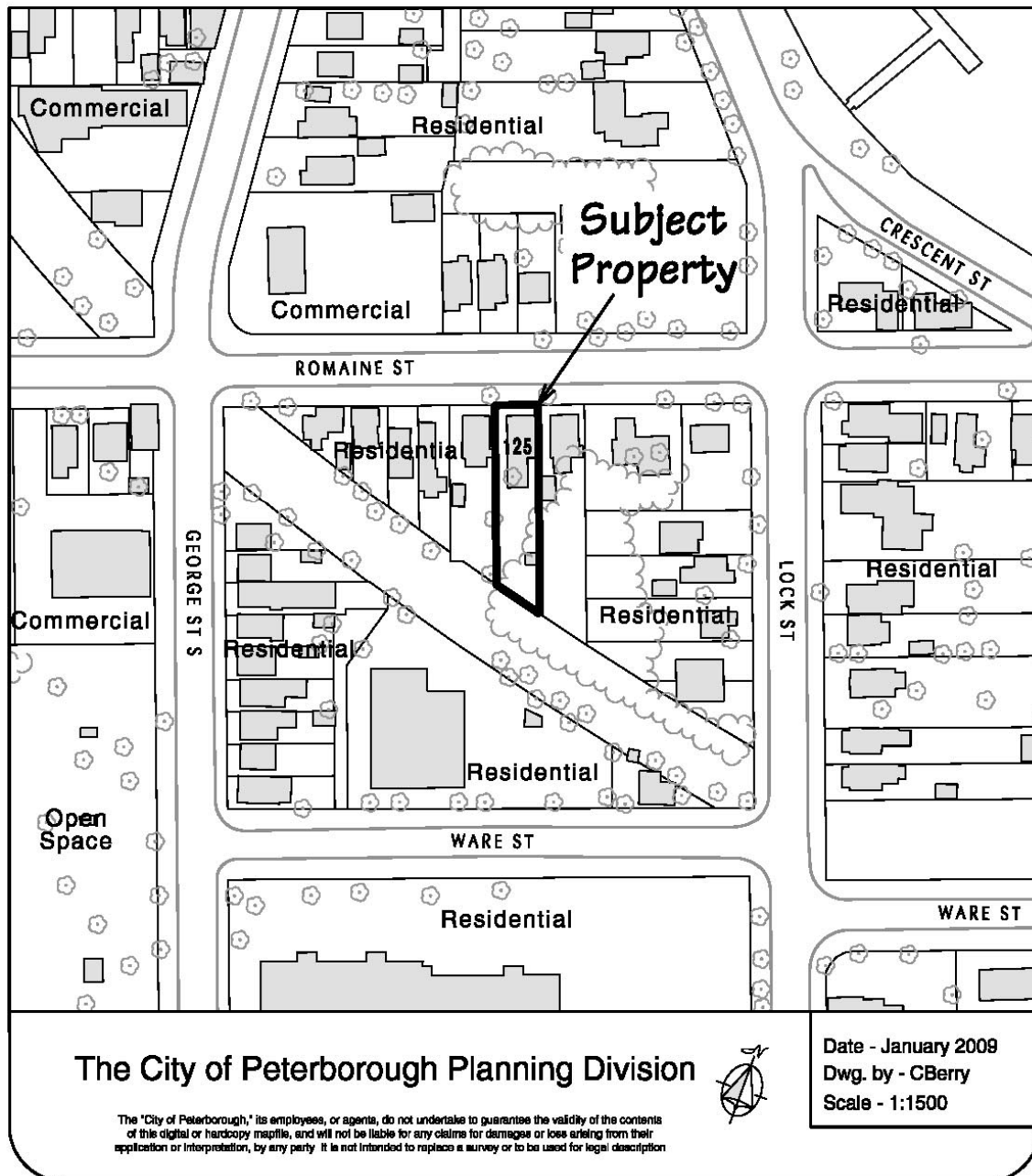
Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C - Draft Zoning By-law

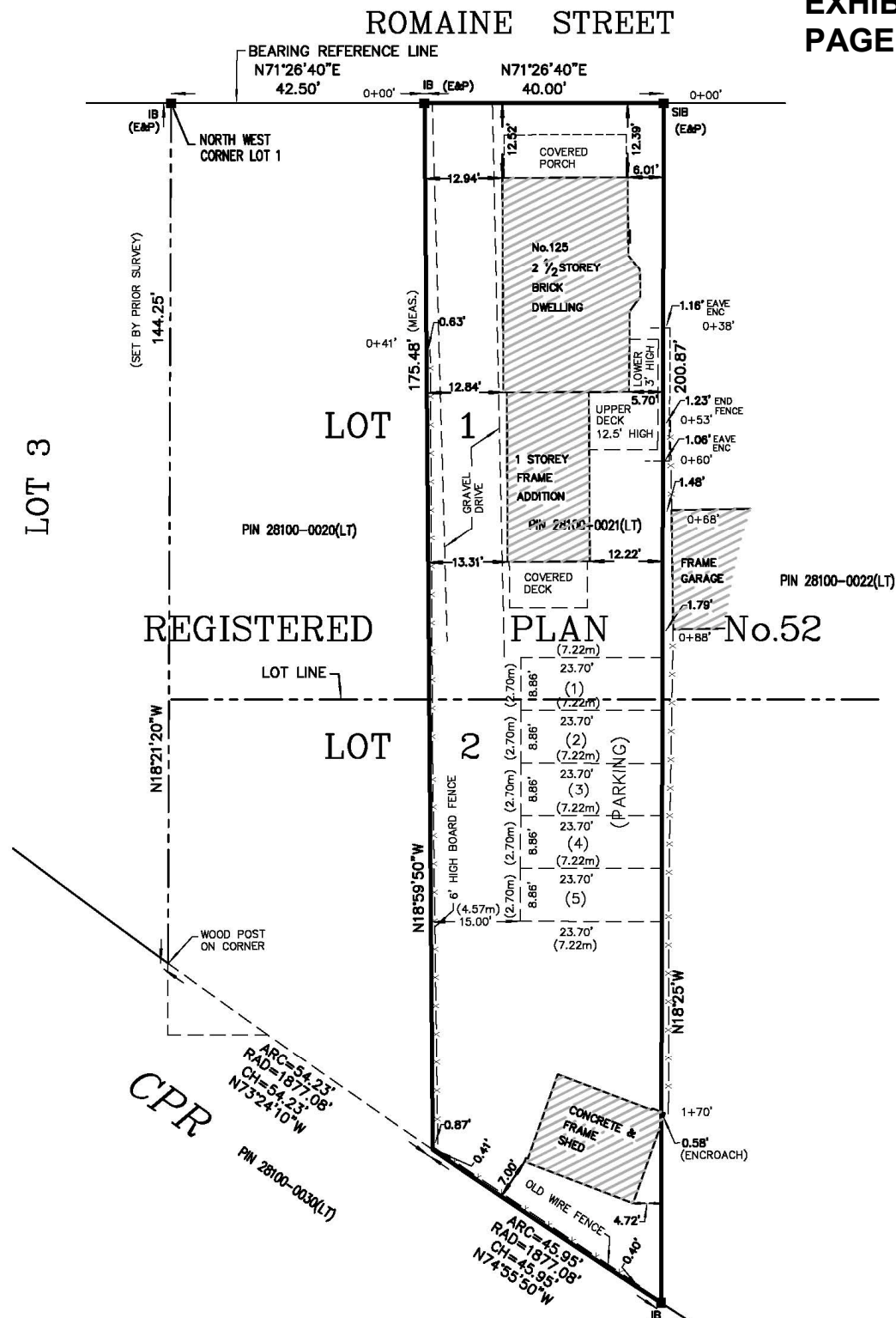
# Land Use Map

EXHIBIT 'A'  
PAGE 1 OF 1

File # z0821

Property Location: 125 Romaine St





**EXHIBIT 'C'**  
**PAGE 1 OF 2**  
**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 09-\_\_\_\_\_**

**BEING A BY-LAW TO AMEND THE ZONING BY-LAW 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 - 168 - 'H'**.
- 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 \_\_\_\_\_, 2009.

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D. Paul Ayotte, Mayor

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Nancy Wright-Laking, City Clerk



**EXHIBIT 'C'**  
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