



City of  
**Peterborough**

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**To:** **Members of the General Committee**

**From:** **Cynthia Fletcher**  
**Commissioner of Infrastructure and Planning Services**

**Meeting Date:** **July 12, 2021**

**Subject:** **Report IPSPL21-024**  
**Zoning By-law Amendment for 597 Charlotte Street**

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## **Purpose**

A report to evaluate the planning merits of amending the zoning of the property known as 597 Charlotte Street from the existing R.1, R.2 – Residential District to the R.1, R.2, R.3-344-H – Residential District, to permit the existing 4 unit dwelling with site-specific regulations to reflect the existing dwelling and lot configuration, including parking.

## **Recommendations**

That Council approve the recommendations outlined in Report IPSPL21-024, dated July 12, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Section 3.9 – Exceptions of the Zoning By-Law, be modified to add .344 to introduce site-specific regulations to permit a maximum of 4 dwelling units with reduced lot area per dwelling unit; increased maximum height; reduced parking stall width; reduced landscaped strip between parking area and side lot line; prohibit the use of the lands for a Lodging House and to reduce the minimum number of parking spaces required per unit, in accordance with Exhibit 'C' attached to Report IPSPL21-024; and
- b) That the zoning of the lands known as 597 Charlotte Street be amended from R.1,R.2 – Residential District to R.1,R.2,R.3-344-H – Residential District, in accordance with Exhibit 'C' attached to Report IPSPL21-024.

## **Budget and Financial Implications**

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

## **Background**

The subject property is located at the southeast corner of the signalized intersection of Monaghan Road and Charlotte Street, west of the City's Central Area. The subject property is located within the Heritage Conservation District and has supported a triplex since at least 1968. The existing dwelling was illegally converted into a 4-unit dwelling sometime between 1988 and 2010 when an inspection revealed that a fourth unit was created in the basement of the dwelling.

The current owners purchased the property in 2019 and commenced with repairs to the building to address the fire escape; balconies and plumbing issues. Subsequent to the permit applications, the owners also made application to amend the Zoning By-law to request a zoning change to recognize the fourth unit within the existing building and to modify the regulations related to the proposed R.3 – Residential District 3 Zoning District, including the minimum parking requirements.

The owners/applicants have indicated that they are not seeking to include a Lodging House as a permitted use and have specifically requested that it be excluded from a new list of permitted uses. The application was accompanied with a Site Plan, Planning Justification Report, Parking Justification Opinion/Memo, Site-area photographs, Site Plan and Elevation drawings.

Subject to approval of the Zoning By-law Amendment, the additional unit in the basement also requires a building permit in order to ensure Ontario Building Code and Fire Code compliance.

## **Analysis**

### **a) Provincial Policy Statement, 2020 (PPS)**

Any decision on the proposed Zoning By-law Amendment must be consistent with the PPS which came into effect on May 1, 2020. The PPS provides general direction to municipalities with respect to addressing matters of provincial interest in land use planning.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by, among others, accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long term needs.

Section 2.1 and 2.2 of the PPS provide policy direction regarding the wise use and management of resources to protect natural heritage features and water resources, respectively. Section 3.1 of the PPS provides policy direction on protecting public health and safety by directing development away from lands that are subject to natural hazards (flooding and erosion hazards, for example) and human-made hazards (e.g. former mineral aggregate operations). Mapping indicates that the subject property is located outside of any known floodplain or erosion hazard. The subject property is also not located within 120 metres of any known natural heritage features of significance.

Otonabee Region Conservation Authority has reviewed the proposed development and is of the opinion that the proposal is consistent with the policies of Sections 2.1, 2.2 and 3.1 of the PPS. It is the opinion of staff that the proposed amendment is consistent with the PPS.

**b) Place to Grow, Office Consolidation 2020 (Growth Plan)**

Similar to the PPS, any decision on the proposed Zoning By-law Amendment must conform with the policies of the Growth Plan. The Growth Plan builds upon the policy foundation of the PPS by providing land use planning policies to address specific issues in the Greater Golden Horseshoe. The subject property is located within the City's Delineated Built-up Area as defined in the Growth Plan. Accordingly, the property is subject to both general policies in the plan and to policies that are specific to the Delineated Built-up Area.

Generally, the Growth Plan requires municipalities to plan for growth within Delineated Built-up Areas and to support the achievement of communities that:

- feature a diverse mix of land uses and convenient access to local stores, services, transportation options and public service facilities;
- improve social equity and quality of life;
- provides a diverse range and mix of housing options to accommodate people at all stages of life.

In addition to the general policies of the Growth Plan, the following policies are considered to have direct relevancy with respect to the subject Zoning By-law amendment:

2.2.1.2

- "c) within *settlement areas*, growth will be focused in:
- i. *delineated built-up areas*;
  - ii. *strategic growth areas*;
    - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
  - iv. areas with existing or planned *public service facilities*;"

In staff's opinion, the proposed intensification of the number of dwelling units within the existing building, assists the achievement of complete communities that provides a diverse mix of housing options, including additional residential units, with convenient access to a range of transportation options; public service facilities, safe, publicly-accessible open spaces, parks, trails and other recreational facilities; and healthy, local, and affordable food options, supports the achievement of complete communities and conforms with the policy directions of the Growth Plan.

**c) City of Peterborough Official Plan**

The subject property is located within an area designated 'Residential' on Schedule 'A' – Land Use. The Official Plan policies related to Infill Housing apply to the intensification of the number of dwelling units within the existing building.

The property is also located within a Heritage Conservation District under Part V of Ontario Heritage Act. The Avenues and Neighbourhood is Peterborough's first Heritage Conservation District, designated in 2016 through By-law 16-099. The Heritage Conservation District Plan provides more detail including Design Guidelines to help conserve the heritage attributes and cultural heritage value, while allowing evolution and change to enhance its special character. The ongoing work at the subject property, related to the replacement of the former balconies, railings and fire escape was subject to review and permit via the City's Heritage Preservation Office, in conjunction with the City's Building Division.

The proposed shift of the parking area to the east and the increase in landscaped open space in the easterly yard will assist with a redevelopment more consistent in character with the surrounding neighbourhood, particularly with regard to the proportionate share of landscaped open space and parking facilities. The replacement of the wood railings/fencing/decking with metal/wood combination, will also serve to expose the characteristics of the original building and the features celebrated in the Heritage Conservation District in which it is situated.

The Infill Housing policies of Section 4.2 of the Official Plan apply to the intensification of the property through an amendment to the Zoning By-law, ensuring use of existing infrastructure, and for those developments/redevelopments that have a form and scale compatible with the surrounding area. The applicant proposes to utilize the existing building and to make necessary changes to both the building and the parking and landscaping to ensure compatibility with the surrounding area. The continuity of the existing residential streetscape is preserved via the use of the existing building and the enhancements to the façade via the changes to the balcony and railing structures.

Adequate off-street parking and landscaped open space will be enhanced through the proposed reduction of the amount of parking, driveway and vehicle movement coverage of the property and the increase in green space in the easterly yard. Adequate servicing, access to public transit, parks and schools also support the intensification of the residential development of the lands.

**d) City of Peterborough Zoning By-law**

The current R.1,R.2 Residential Zoning District limits the use of the lands to a maximum of two dwelling units. Based on the City's records, the use of the property is recognized as a legal non-conforming Triplex. The applicant proposes to legalize the 4<sup>th</sup> unit via a modified version of the R.3 – Residential District.

In response to the comments received from agencies and departments related to the proposal, the applicants have agreed to revise the site plan to reflect a greater amount of landscaped open space by reducing the expanse of the parking area for a more efficient parking layout that is accessed directly from the laneway abutting the easterly property line.

The fourth unit (basement unit) was added without a building permit, and subject to the approval of the subject zoning amendment and the zoning coming into force and effect, the applicant/owner will be able to secure the necessary building permit related to the fourth unit. The building permit review and approval will be based on the demonstrated compliance with the Ontario Building Code, Ontario Fire Code and compliance with the City's Comprehensive Zoning By-law. The layout of the parking area is regulated via the City's Zoning By-law and will also be reviewed at Building permit stage, to ensure compliance with the required amount of landscaped open space, maximum coverage of lot for parking, driveway and vehicle movement areas, landscape strip along the perimeter of the lot, adjacent to the parking area, and the number of required parking spaces in addition to the total number of permitted dwelling units.

Subject to further discussion and review by agencies and departments, the applicant has revised the request to address some of the detailed regulations related to parking and driveway requirements as related to the reconfiguration of the parking area. The revised request is reflected largely in the revised site plan and summarized in the following table:

<b>Regulation</b>	<b>R.3 Requirement</b>	<b>Proposed Requirement</b>
a) Maximum number of dwelling units per lot	8	4
b) Minimum lot area per dwelling unit	230m <sup>2</sup>	110m <sup>2</sup>
c) Minimum lot width per dwelling unit	6m	n/a – corner lot
d) Minimum lot depth	30m	30m
e) Minimum building setback from: i) Side lot line ii) Rear lot line	2.4m 9m	2.4m n/a – corner lot (Section 6.29 applies)
f) Maximum building coverage	35%	35%
g) Maximum number of storeys	2	3
h) Maximum lot coverage by open parking areas, driveways	25%	25%

and vehicle movement areas		
i) Lodging House Regulations: i) maximum number of bedrooms ii) minimum number of water closets, washbasins, bathtubs or showers	10  1 per 5 Lodger	A Lodging House shall not be permitted 0  n/a
Section 4 – Minimum Parking	1.75 spaces/unit	1.25 spaces/unit
Section 4.3.1(b)(i) – Minimum Parking Stall Width	2.7m	2.5m
Section 4.3.2b)	1.5m landscape strip	0.35m landscape strip

A Parking Justification Opinion was submitted by the applicant to address the proposed 1.25 parking spaces per unit (total of 5 spaces) versus the required minimum of 1.75 parking spaces per unit (total of 7 spaces) otherwise required. The parking justification study notes that the property is serviced by public transit, public sidewalks along both Monaghan Road and Charlotte Street, bikeway facilities (existing and planned) along both Monaghan Road and Charlotte Street; and the small size of the additional unit (1 bedroom apartment). The applicant also indicates the adequacy of the existing 5 parking spaces to support the 4 dwelling units.

It is recommended that the zoning of the lands be amended to recognize the fourth dwelling unit, subject to the changes proposed with regard to the size of the parking area; the increase in landscaped open space on the east side of the building; the introduction of a walkway connection from the parking area to the building; delineation of five parking spaces with reduced landscape strip adjacent to parking areas; and subject to the issuance of a building permit to ensure compliance with Ontario Building Code and Ontario Fire Code.

#### d) **Site Development**

The property owner has submitted a site plan to illustrate the changes to the lot with respect to landscaped space, parking area, walkway, etc. Site Plan Approval is not applicable for properties with 4 or fewer dwelling units. Since the Building Permit review will consider zoning compliance, staff are satisfied that the proposed changes to the property as illustrated on the revised concept site plan, will be necessary as a condition of the Building Permit process.

The parking area to the east of the existing building is fenced along the northerly and southerly lot lines and is accessible from the laneway connecting to Charlotte Street. The parking area is currently asphalt and the applicant proposes to reduce the asphalt area and increase the landscaped area between the dwelling and the parking area, facilitating a total of 5 parking spaces with a total of approximately 0.7m landscaping strip to be provided along the fence lines and improve stormwater management of the property.

Additional landscaped space is to be introduced between the parking area and the building, together with a proposed walkway connection from the parking area. The application seeks a reduction in parking stall width from 2.7m to 2.5m to facilitate a total of 5 parking spaces. A ratio of 1.25 parking spaces per unit is also proposed via the application, supported by a parking justification opinion/memo.

External modifications to the existing dwelling and building modifications are underway. The modifications include replacement of the former balconies and fire escape to metal railings and an enclosed fire escape stairwell. The modifications have been reviewed and approved by the City's Heritage Resources office and are subject of a current building permit

## **Response to Notice**

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

Agency circulation was issued on April 30, 2021.

The Accessibility Compliance Coordinator requested changes to the site plan to ensure a minimum 1.5m wide clear space in front of the east door to the basement; connection of the east side unit entrances to the Charlotte Street sidewalk with a walkway to a gate in the fence on the north property line to connect to the Charlotte Street sidewalk. Recommendations regarding slip resistant strips at treads and landings of exterior stairs and consideration for the provision of a ramp to the ground floor unit, if grades permit.

The City's Development Engineering group noted that the reduction in parking surface would be of benefit to the drainage of the property, with the overall grading and drainage to be reviewed for any possible improvements.

Otonabee Conservation note that the property is outside of any known floodplain and not in close proximity to a noted natural heritage feature of significance and it is their opinion that it is consistent with Section 3.1, 2.1 and 2.2 of the PPS. The land is not subject to Ontario Regulation 167/06, and is not located within an area subject to the Source Water Protection Plan.

Peterborough Distribution Inc. note that the homeowner will have to contact PDI/Hydro One if electrical changes are required for an additional apartment.

There are no significant concerns or comments from other agencies or departments.

### **b) Summary of Public Responses**

The owner of the building at 598 Charlotte Street indicated that they are very pleased with the ongoing work to improve the building on the subject lands, however, they have expressed concern with the proposed reduction in parking spaces per unit. The experience in the neighbourhood is that long term and overnight parking is at a premium and due to the

limitations for parking along Charlotte Street, the parking lot at 598 Charlotte Street is frequently being used for parking by unauthorized users both overnight and during the day, creating difficulty for snow removal and reduced staff and client parking.

No further written comments have been received as of June 16, 2021.

Submitted by,

Cynthia Fletcher  
Commissioner of Infrastructure and Planning Services

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**Attachments:**

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



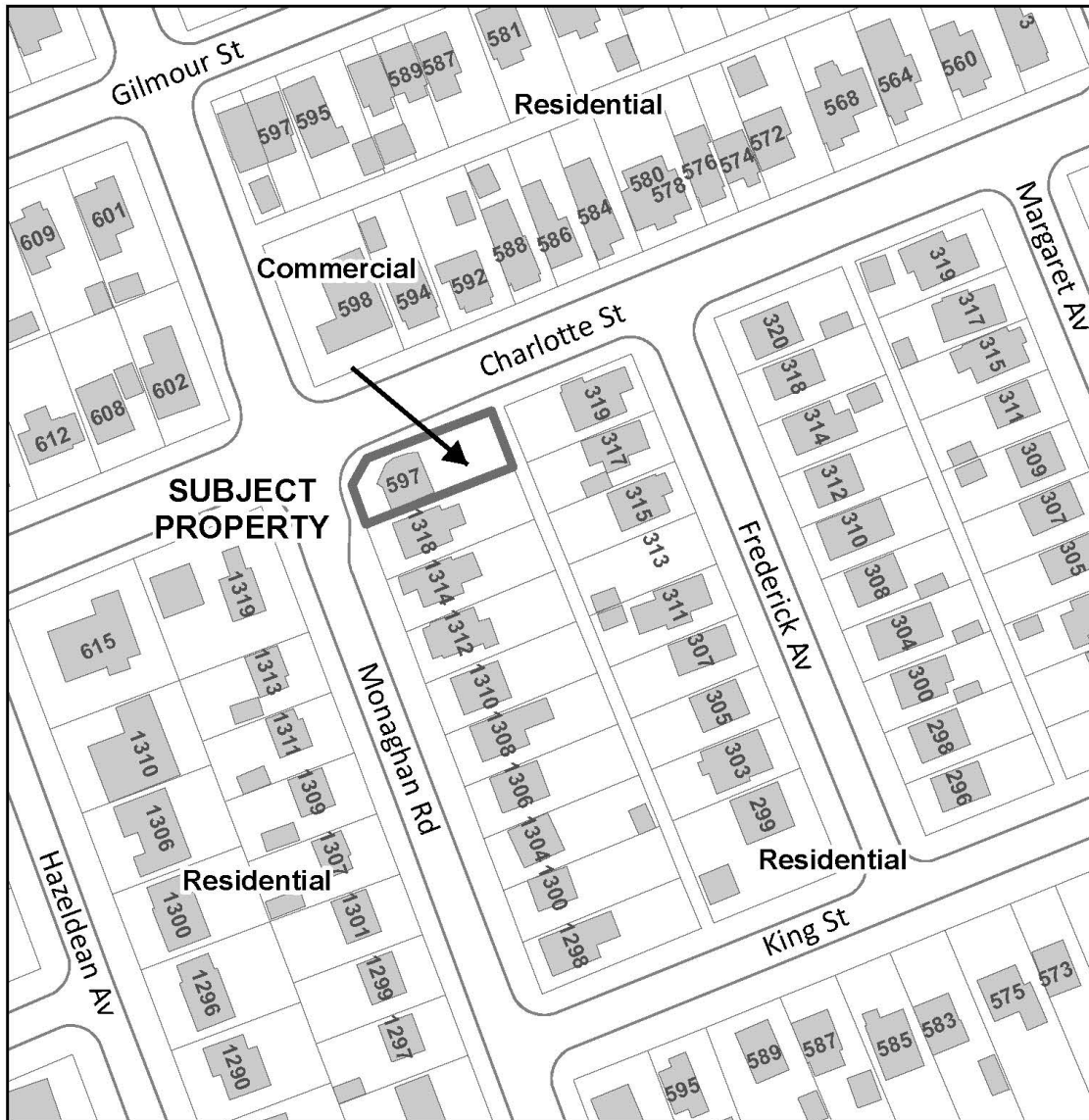
**Exhibit A – Land Use Map**

# Land Use Map

File: Z2016

Property Location: 597 Charlotte St

EXHIBIT	
SHEET	OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.

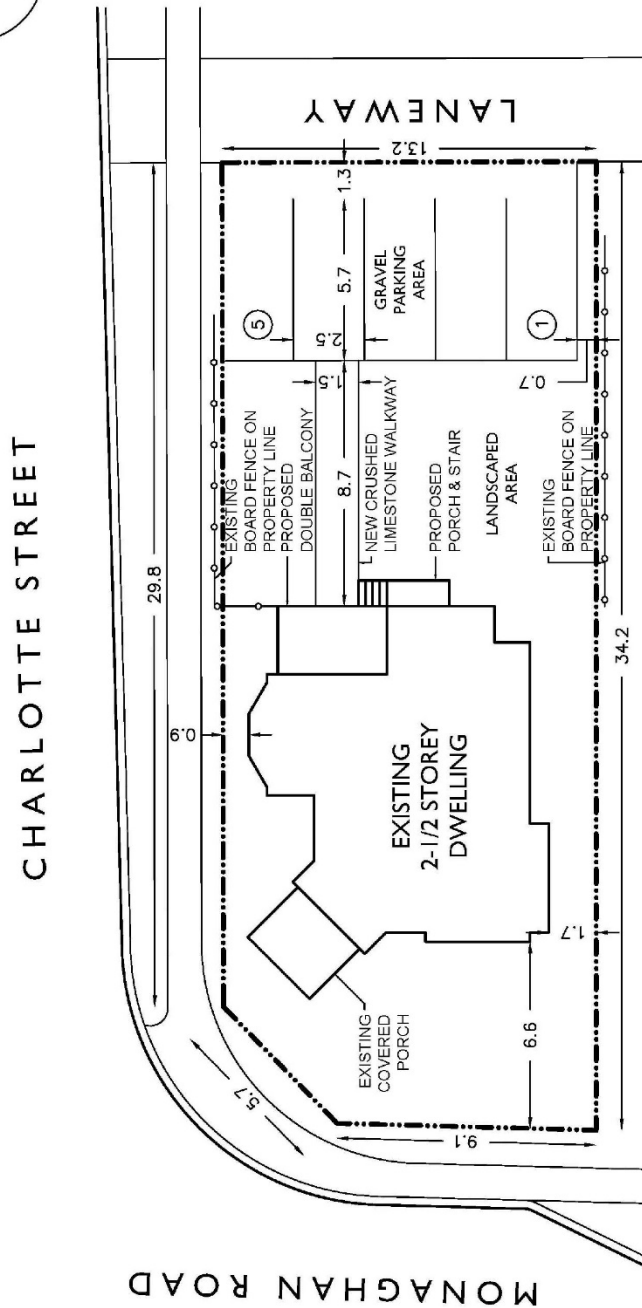
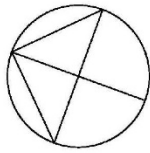


Date: March 17, 2021

Map by: ANichols

0 5 10 20 30 40 50 Metres

**Exhibit B – Revised Concept Site Plan**



NAME	AREA m2	%
SITE	438.60	100.0
BUILDING	112.71	25.7
PARKING	87.25	19.9

SCALE 1:250  
ALL DIMENSIONS IN METRES

SITE PLAN  
**597 CHARLOTTE STREET**  
CITY OF PETERBOROUGH  
R03 2021-06-16



**Exhibit C – Draft Zoning By-law Amendment- Page 1 of 2**



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**The Corporation of the City of Peterborough**

By-Law Number 21-

Being a By-law to amend the Zoning By-law for the lands known as 597 Charlotte Street

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

1. That Section 3.9 – Exceptions, be amended to add the following:  
  
.344 Notwithstanding the provisions of Section 4 and Section 9, the following shall apply:
  - a) The maximum number of dwelling units per lot shall be 4
  - b) The minimum lot area per dwelling unit shall be 110m<sup>2</sup>
  - c) The maximum number of storeys is 3
  - d) A Lodging House shall not be permitted
  - e) A minimum of 1.25 parking spaces shall be provided and maintained on site per unit
  - f) The minimum width of a parking space shall be 2.5m
  - g) A minimum of 0.35m landscape strip shall be provided around the parking area, save and except driveway connections”
2. That Map 11 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,R.3-344’.

By-law read a first, second and third time this                      day of July, 2021.

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Diane Therrien, Mayor

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John Kennedy, City Clerk

**Exhibit C – Draft Zoning Amendment - Page 2 of 2**

