



City of  
**Peterborough**

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

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

**Meeting Date:** **September 7, 2021**

**Subject:** **Report IPSPL21-033**  
**Zoning By-law Amendment for 246 Parkhill Road East**  
**and 21 – 33 Leahy’s Lane**

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## **Purpose**

A report to evaluate the planning merits of amending the Zoning By-law to facilitate the consolidation and use of the lands known as 246 Parkhill Road East with the lands known as 21 – 33 Leahy’s Lane by modifying the existing R.4-287 – Residential Zoning District to permit an additional 12 townhouse units (proposed phase 2) on the southerly portion with shared driveway connections with phase 1 (under construction).

## **Recommendations**

That Council approve the Recommendations outlined in Report IPSPL21-033 dated September 7, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That the Zoning By-law be amended to modify Exception 287, to reflect site-specific regulations related to the maximum number of dwelling units, minimum lot area per dwelling unit and maximum lot and building coverage, in accordance with the draft amendment attached as Exhibit C to Report IPSPL21-033;
- b) That the required Site Plan Agreement for the associated Phase 2 development include the following provisions:
  - i. Road widening along the Parkhill Road East frontage as prescribed by Table 2 of the Official Plan; and

- ii. Provisions for payment of a proportionate share of the cost of downstream improvements to the local sanitary system be made.
- iii. Cash in lieu of parkland and parking, in accordance with the Affordable Housing Community Improvement Plan

## **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 on the north side of Parkhill Road East, west of the intersection of Parkhill Road East and Leahy's Lane. The land is a consolidation of four properties, three fronting onto Leahy's Lane (Phase 1) and one supporting a single detached residential dwelling fronting onto Parkhill Road East. The combined subject lands are approximately 0.82 hectares (2.02 acres) in size with approximately 40.6m (133 ft.) of frontage on Leahy's Lane and approximately 29m (95 ft.) of frontage on Parkhill Road East. The configuration of the subject lands and the depth of the parcels facilitates a sizeable parcel for development.

The lands were subject of an Official Plan and Zoning By-law Amendment (OPA #161 and By-law 2014-040) approved in 2014. The effect of the 2014 Official Plan and Zoning Amendment was to permit the use of the lands for a multiple unit residential development, containing up to 42 dwelling units and associated parking and landscaping, in accordance with site-specific regulations. In addition to the limitation on the total number of units, the exception prescribes minimum requirements for lot area per unit and setbacks from the rear lot line and maximum building coverage and lot coverage for parking and driveway areas. The exception further restricts the use of the land to exclude a Boarding House.

Site Plan Approval was granted in 2018 for a 42-unit residential development comprised of a mix of housing types, landscaping, parking, driveways and on-site facilities for garbage collection, loading, etc.

The property was purchased by Habitat for Humanity Peterborough and District in 2019 proposing to develop a 53-unit affordable housing development in two phases. An amendment to the Site Plan Agreement and Exemption from Plan of Condominium were approved in 2019, to facilitate a 41-unit building via a modified site plan, consistent with the zoning of the property. The "H"-Holding Symbol was also removed in 2019, subject to Site Plan Approval including specific provisions related to stormwater management, downstream sanitary sewer improvements, payment of applicable cash in lieu of parkland

and an arborist assessment of the existing trees. A Building Permit was issued for the 3 storey, 41-unit residential building (Phase 1) in 2020.

The construction of the 41-unit residential building (Phase 1) is now underway, and the applicant proposes to further amend the zoning of the subject lands to facilitate the proposed redevelopment of the southerly portion of the lands (246 Parkhill Road East) with an additional 2 storey, 12-unit, row townhouse condominium building with associated landscaping and parking. The driveway connections are proposed to be shared with the Phase 1 portion of the development. Phase 2 is proposed to consist of 12 rowhouse condominium units located immediately south of the apartment building and replacement and removal of the existing single detached dwelling and accessory structures. All 12 units in the rowhouse are proposed to be two-storey with two bedrooms in each, served with a parking area connected to Phase 1, with vehicular access from Parkhill Rd. E. only. Both phases are to be serviced by full municipal servicing and on-site stormwater management facilities.

The application for Zoning Amendment was submitted in September of 2020 together with supporting documents, including a Concept Site Plan; Concept Floor Plans; Functional Servicing Report and Preliminary Stormwater Management Plan; Tree Inventory Report and a Planning Justification Report. Responses to the initial agency/departments circulation included a revised Functional Servicing Report in May of 2021.

A Virtual Public Open House was hosted by the applicants on Thursday, April 15, 2021 via Zoom. Invitations were mailed to all owners of land within 120m radius of the subject land. The Open House was intended to provide the public with information regarding the proposed development, including a summary of the proposal, details of the proposed amendment and summary of the studies completed in support of the development. One member of the public participated in the meeting and inquired about servicing provisions for the development.

## **Analysis**

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

Any decision on the proposed Zoning By-law amendment must be consistent with the Provincial Policy Statement, 2020 (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 other things):

- “b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit

housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”.

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.”

Section 1.4.3 of the PPS requires municipalities to provide for an appropriate range and mix of housing by:

“b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
  - d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.”

Section 1.6.6. of the PPS requires that municipalities promote intensification and redevelopment within settlement areas on existing municipal water and sewage services. It also requires that the municipality plan for stormwater management.

The proposed introduction of medium-density residential infill development addresses the established need for housing in the community. The property is located along Parkhill Road East, recognized as a Transportation Corridor, in proximity to the Armour Road intensification corridor and is supported by infrastructure and public services. The owner (Habitat for Humanity) is a not-for-profit organization that provides low cost/affordable housing alternatives to a segment of the residential market that may be unable to afford typical tenure arrangements. Both the current approved units underway in Phase 1 and the proposed 12 additional units in Phase 2 will contribute to the City's target for affordable housing.

Section 2.1 of the PPS states that natural features and areas shall be protected for the long term, and that development and site alteration shall not be permitted within significant natural areas and significant habitat of endangered and threatened species.

There are no significant environmental features identified on site or on adjacent lands.

Section 2.6 of the PPS requires municipalities to protect significant building heritage resources and significant cultural heritage landscapes via the following policies (among others):

“2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The lands are not located within an archaeologically sensitive area and therefore, an Archaeological Assessment was not required by the City.

Sections 3.1 and 3.2 of the PPS address developments within areas of natural and human-made hazards. The subject property does not contain any natural hazards such as steep slopes and floodplains, and there is no indication that any human made hazards would exist on the site.

Staff is satisfied that the proposed use is consistent with the PPS.

#### **b) A Place to Grow, 2019**

Similar to the PPS, any decision on the proposed Zoning By-law amendment must conform with the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (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 (GGH). The subject property is located within the 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 focus 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.

The establishment of complete communities, a thriving economy, a clean and healthy environment, and social equity are goals of the Plan based on core guiding principals including 'prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability'.

Section 2.2.1.4 of the Plan supports complete communities that:

- "e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards."

The proposed development supports the achievement of complete communities and conforms with the policy directions by supporting housing options, including affordable housing in an urban form of development through a more compact built form, on an underdeveloped site with access to amenities including convenience retail and employment opportunities within walking distance, and helps to achieve these policy directions and therefore conforms with the Growth Plan.

#### **c) Official Plan**

The Residential land use that is currently assigned to the subject property was amended in 2014 to permit Medium Density Residential Development consisting primarily of triplexes, quadruplexes, row dwellings, walk-up apartments, and cluster housing developments with a maximum height of 5 storeys and a density range of 25 to less than 75 units per hectare. The proposed addition of 12 units will result in a density of 65 units per hectare.

The provisions of Sections 4.2.5.6 and 4.2.5.7 of the Official Plan apply to any application made for a Zoning By-law Amendment that is made for medium density residential development.

The applicant has provided a Planning Justification Report, together with other supporting plans and studies to demonstrate the massing and conceptual design of the proposed Phase 2 building and the relationship of the proposed building to adjacent buildings and the street, as well as off-street vehicular loading and parking facilities. The Planning Justification Report also provides information to satisfy the Evaluation Criteria of Section 4.2.5.7 of the Official Plan, including the adequacy of municipal services, access to amenities, including parks (Nichol's Oval Park, Roland Glover Park and Vinette Park, as well as the Rotary Greenway trail and Trent-Severn Waterway trail).

The Official Plan encourages infill and intensification on vacant lands in an existing residential area which makes use of existing infrastructure and has a form and scale compatible with the surrounding area. The introduction of a two-storey building within the southerly portion of the lands is consistent with other development along Parkhill Road East, designated as a Medium Capacity Arterial on Schedule B – Roadway Network of the City's Official Plan.

The lands are located within the Built Boundary as illustrated on Schedule A-1. The policies related to the Intensification Corridors also encourage appropriate intensification within the Built Boundary of the City, in locations where servicing capacity exists or can readily be improved within the infrastructure, and where additional development can be compatibly integrated with existing built form, land use patterns, natural heritage features and natural hazards. Furthermore, lands within the Built Boundary are intended to facilitate a significant portion of growth representing a minimum of 50% of the housing units within Peterborough, approved annually.

The Residential policies of the Official Plan “encourage residential intensification to increase the supply of housing through better use of existing resources, buildings and under-utilized sites” as noted in Section 4.2.1.2 of the Official Plan (Residential Objectives).

A Zoning Amendment with site specific regulations related to height and massing is contemplated by the infill policies, to ensure compatibility with the surrounding neighbourhood. The proposed row townhouses with a proposed height of 2 storeys is compatible with the surrounding neighbourhood.

Adequate sanitary and stormwater services exist to support the proposed development. Some improvements to downstream services will be required within the localized system. The developer will be required to make a financial contribution towards a downstream solution at Site Plan Approval stage based on a proportionate share. Stormwater management details and Low Impact Development techniques will also be refined at Site Plan Approval stage via detailed design.

The proposed development is intended for an under-utilized parcel of land within the built boundary of the City and will assist the City in achieving density targets. The nature of the development for affordable housing also represents an under-supplied form of housing development within the City.

#### **d) Zoning By-law**

The property is currently zoned R.4 -287 - Residential District permitting a maximum of 42 dwelling units (41 being constructed) and a minimum lot area of 210m<sup>2</sup> per dwelling unit. The proposed use of the lands to permit an additional 12 residential units, requires an amendment to the Zoning By-law.

The submission is accompanied by necessary studies and analysis to ensure conformity with the Official Plan policies. Site specific zoning and regulations are proposed in the draft Zoning Amendment attached as Exhibit ‘C’ to Report IPSPL21-033 with regard to regulations related to the maximum number of dwelling units; the minimum lot area per dwelling unit; and the minimum distance from parking/driveway areas to windows of habitable rooms.

The applicant proposes to amend Exception 287 as currently assigned to the zoning of the subject lands, to revise the regulations in accordance with the application and the concept site plan, to permit the development for an additional 12 units, with parking, walkways and landscaping.

The application proposes the following exceptions to the existing R.4-287 – Residential District regulations to support the proposed residential redevelopment of the lands:

<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>
Maximum number of dwelling units	42	53
Minimum lot area per dwelling unit	210 m <sup>2</sup>	155 m <sup>2</sup>
Minimum lot width	24 m	24 m
Minimum lot depth	30 m	30 m
Minimum building setback from side lot line	3 m per storey	3 m per storey
Minimum building setback from rear lot line	3 m per storey	3 m per storey
Maximum building coverage	35%	24%
Maximum number of storeys	3	3
Maximum Lot Coverage by open parking, driveways and vehicle movement areas	30%	24%
Minimum number of parking spaces	1.75 per unit	1.75 per unit (1 per unit on site and cash in lieu for balance)
Minimum distance from Parking/Driveway to window of habitable room	6 m	4.5m

Planning Staff is satisfied that the proposed Zoning By-law Amendment conforms to the Infill policies and the Residential designation in the Official Plan.

#### **e) Site Plan Approval**

Subsequent to Zoning approval, the proposal will also be subject to Site Plan Approval prior to issuance of a Building Permit. Any residential development containing more than four (4) dwelling units is subject to Site Plan Approval. Approval of the Site Plan related to the proposed development of the lands for more than fifty (50) units requires Council Approval. Site Plan Approval will address the details related to the location of parking, driveways, lighting, landscape treatment and buffering.



It is recommended that the following site-specific details be considered as part of the Site Plan Approval process related to development standards and requirements:

- i. Road widening along Parkhill Road East as prescribed by Table 2 of the Official Plan.
- ii. The developer contribute a proportionate share of downstream sewer improvements, as determined by the City.
- iii. Cash in lieu of parkland and parking, in accordance with the Affordable Housing Community Improvement Plan.

## **Response to Notice**

### **1. Significant Agency Responses:**

Agency circulation was originally issued on November 26, 2020. Additional supporting documentation was circulated to a scoped group of agencies and departments on May 31, 2021.

The City's Infrastructure Management Division has no objection to the proposed Zoning Amendment and note that the Phase 2 Site Plan Approval process will be utilized to ensure implementation of all of the City's current stormwater management requirements. A payment will be required at Site Plan Approval stage for the Phase 2 revisions to the Site Plan, to address the issue of downstream sanitary sewer upgrades. Cash in lieu of parkland is recommended. A 3.05m road widening will be requested along the Parkhill Road East frontage as part of the future Site Plan Approval process.

The City's Development Engineering Division has no objection to the proposed amendment and indicate that further review of the detail plans will be required during the Site Plan Application process.

The City's Accessibility Review recommends that there be no impact to the minimum number of required accessible parking spaces as a result of any deficiency on-site with payment of cash-in-lieu of parking for affordable units. A request to provide access aisles adjacent to the accessible parking spaces with a curb ramp connection to the walkway be made at Site Plan Approval stage. It is also noted that the parking lot serving the 12 unit row housing building requires a hammerhead which will be in conflict with the adjacent walkway. A request to rework the parking lot and walkway was made.

Otonabee Region Conservation Authority (ORCA) has provided technical comments based on the submitted supporting documentation. ORCA notes that the subject property is located outside the known floodplain and erosion hazard and the revised Functional Servicing Report was found as satisfactory for the rezoning, provided comments are

addressed at site plan stage related to the quantity control system (underground chambers); final grading and servicing plan; erosion and sediment control. As such, it is the opinion of ORCA that the application is consistent with PPS, Section 3.1. Available mapping indicates the area of the proposed development is not within the area adjacent to a natural heritage feature of significance. Therefore, it is the opinion of ORCA staff that the application is consistent with PPS Sections 2.1 and 2.2 (related to natural heritage and water). The area of development is not subject to Ontario Regulation 167/06 and permits from ORCA will not be required. The subject property is not located within an area that is subject to the policies contained in the Revised Trent Source Water Protection Plan.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

## **2. Summary of Public Responses:**

The applicants held a Neighbourhood Information Meeting related to the proposed amendment on April 15, 2021. One person attended the Meeting in addition to the applicants' Development Team. Questions about the location of the additional units on site and servicing were posed to the applicant and information shared.

No written comments have been received as of August 9, 2021.

Submitted by,

Cynthia Fletcher  
Commissioner of Infrastructure and Planning Services

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**Attachments:**

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

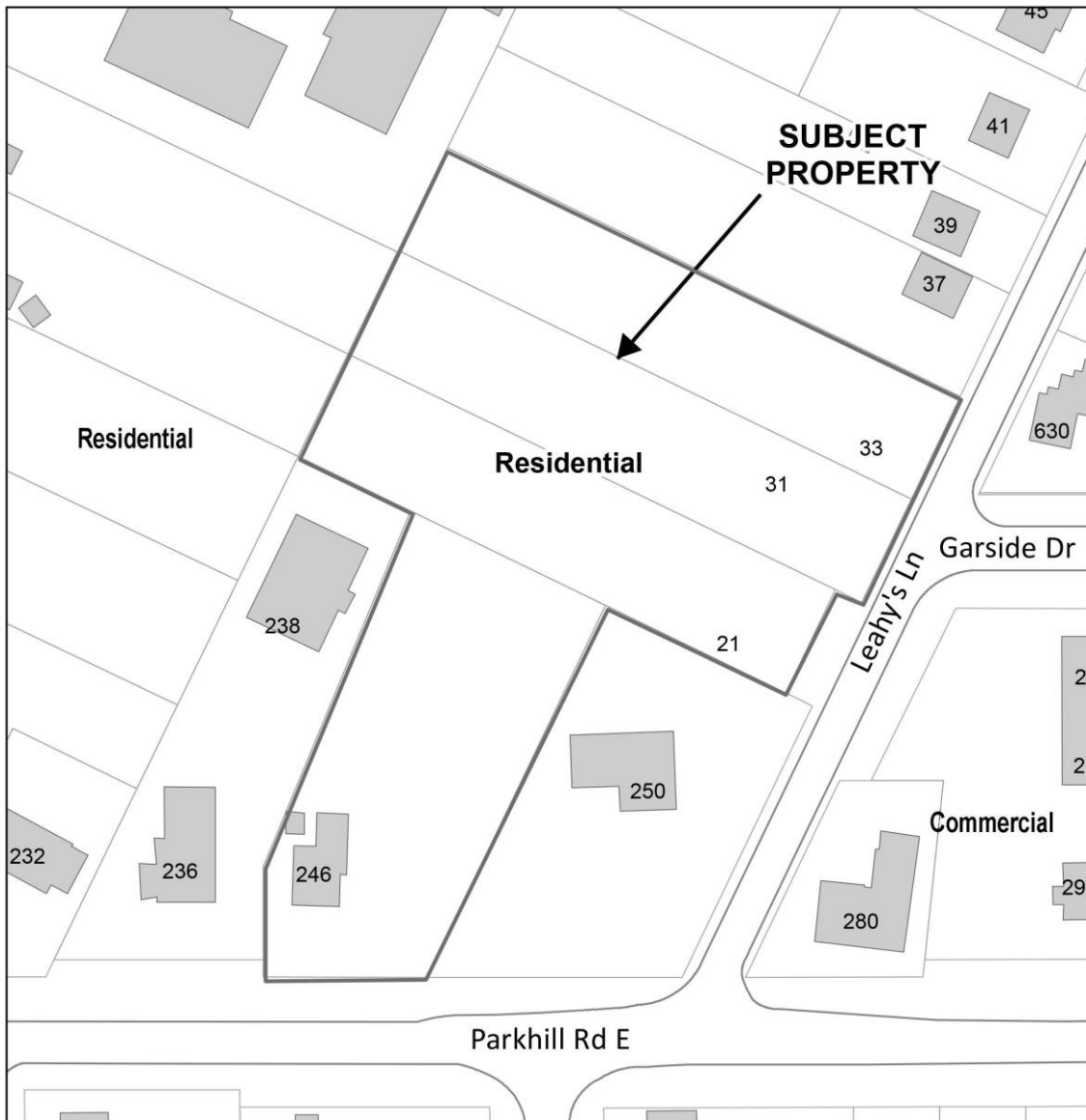
**Exhibit A, Land Use Map, Page 1 of 1**

# Land Use Map

File: Z2012

Property Location: 246 Parkhill Rd E & 21,31,33 Leahy's Lane

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.

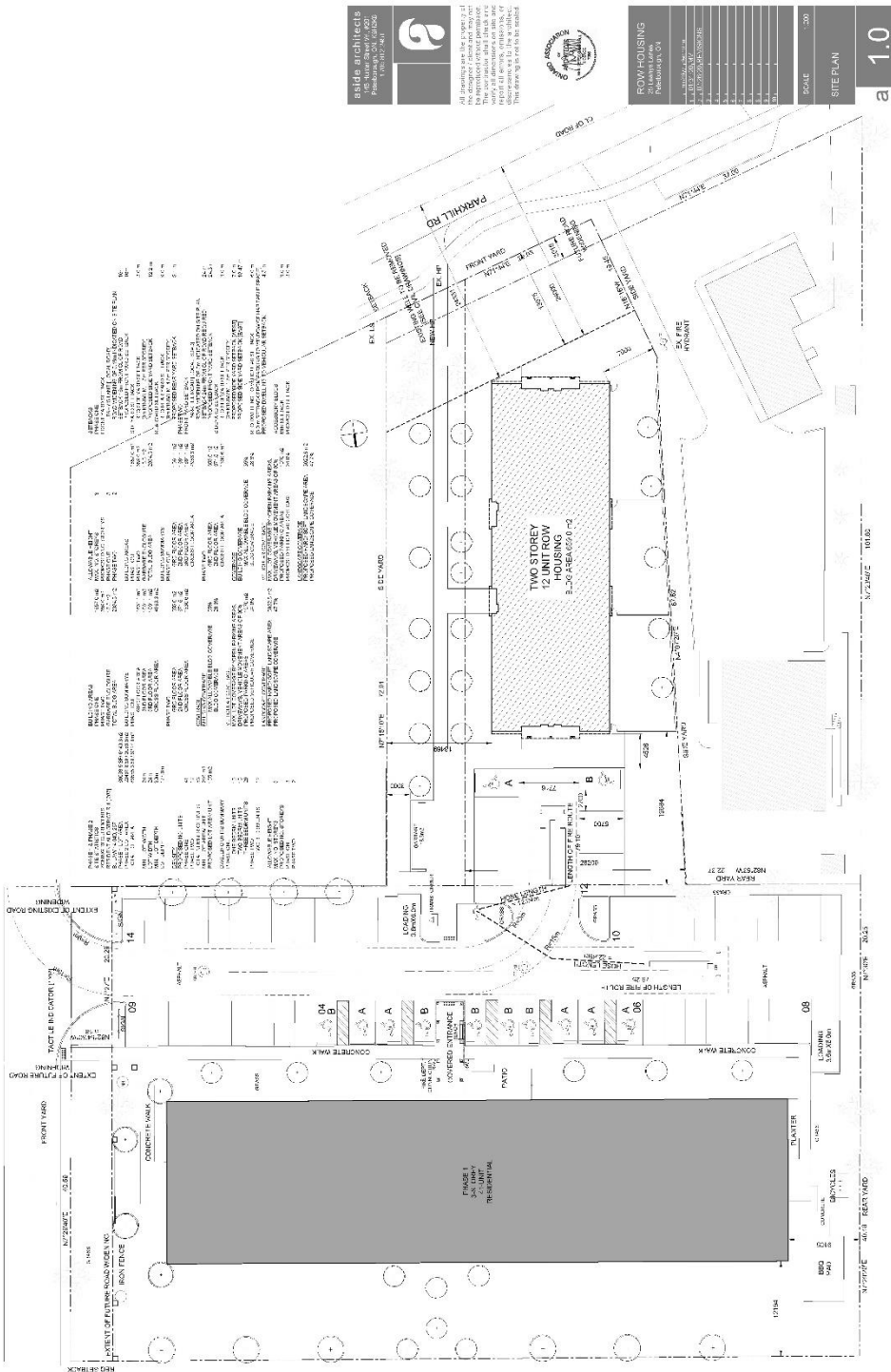


Date: November 2, 2020

Map by: ANichols

0 4 8 16 24 32 40 Metres

Exhibit B, Concept Site Plan, Page 1 of 1



**Exhibit C, Draft Zoning Amendment, Page 1 of 1**



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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 246 Parkhill Rd E and 21, 31 and 33 Leahy's Lane

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

1. That Section 3.9.287 – Exceptions, be amended as follows:
  - a. replace “42” with “53” in i.
  - b. replace “210” with ‘155” in ii
  - c. replace “35%” with “24%” in iv.
  - d. replace “35%” with “24%” and
  - e. add the following: “vii. Notwithstanding the minimum distance from Parking/Driveway to window of habitable room, 4.5m shall be permitted.”

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

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Diane Therrien, Mayor

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John Kennedy, City Clerk