



City of
Peterborough

To: **Members of the General Committee**

From: **Michael Papadacos**
Interim Commissioner, Infrastructure and Planning Services

Meeting Date: **June 6, 2022**

Subject: **Report IPSPL22-008**
Zoning By-law Amendment for 482 Hopkins Avenue
Report IPSPL22-008

Purpose

A report to evaluate the planning merits of amending the zoning of the property known as 482 Hopkins Avenue from R.1,1m,2m – Residential District to R.3-351 – Residential District, to recognize the use of the lands for a three-unit dwelling in accordance with site-specific regulations.

Recommendations

That Council approve the recommendations outlined in Report IPSPL22-008, dated June 6, 2022, of the Interim Commissioner of Infrastructure and Planning Services, as follows:

- a) That Section 3.9 Exceptions, of the Zoning By-law 97-123 be amended by adding Exception number .351 in accordance with Exhibit C of Report IPSPL22-008;
- b) That the subject property be rezoned from R.1,1m,2m – Residential District to R.3-351 – Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report IPSPL22-008.

Budget and Financial Implications

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

Background

The subject property is approximately 605m² (6513 ft²) in size and is located on the north side of Hopkins Avenue, west of Park Street North and south of McDonnel Street, west of the Central Area. The existing dwelling was constructed prior to 1883 and has been recognized by the City as a legal duplex since at least 1968. A Minor Variance was granted in 1994 (A39/94) to facilitate the construction of an addition to the rear of the dwelling.

A complaint was received in 2019 regarding the illegal use of the property for a third dwelling unit within the existing dwelling and the City confirmed and contacted the owners in 2020, requiring the owner to cease the use of the third unit and either remove it or have it rezoned to facilitate a third unit.

The owner has made application to legalize the third unit, requesting site-specific regulations to reflect the existing development and proposes to make a small change to the driveway layout to facilitate a more formalized parking layout for up to 3 vehicles to support the three dwelling units at a ratio of 1 parking space per unit.

The property was subject of a Heritage Evaluation and is listed under the Ontario Heritage Act for its Victorian residential building attributes with elements taken from the Italianate style. The property is also considered unique for its front bay window. The date of construction of the existing detached garage building is unknown, however, it is not identified in the Heritage Evaluation. It is the intent of the owners that the triplex use of the existing dwelling continue. No changes to the garage and/or the dwelling are proposed.

The application was subject of a pre-consultation meeting in May 2021 and was deemed to be complete on January 10, 2022. The application was submitted together with a Planning Justification Report, Concept Site Plan, photographs of interior space of vacant 3rd unit, and parking commentary.

The applicant seeks to amend the current residential zoning of the lands to an R.3 – Residential District Zone with site-specific regulations to legalize the third unit. The request further proposes that a Boarding House be excluded from the list of permitted uses on the property.

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 1.1.3 states that “settlement areas shall be the focus of growth and development” and Section 1.1.3.2 state “land use patterns within settlement areas shall be based on densities and a mix of land uses which: b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.”

Section 1.4.3 of the PPS requires municipalities to provide for an appropriate range and mix of housing including all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

The property is located within the City’s boundary (settlement area) and is serviced with full municipal services and represents an efficient use of existing building stock without the need for expansion or extension of infrastructure, consistent with the directives of the PPS. Legalizing the third dwelling unit will provide additional rental housing opportunity in the neighbourhood while maximizing the use of existing infrastructure. The dwelling is located outside of areas of flooding and natural hazard. The additional unit is contained within the existing dwelling and respects the heritage attributes of the building within the neighbourhood.

b) A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

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 Boundary 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 Boundary.

Lands within the City’s Delineated Built-Up Area are expected to accommodate significant population and employment growth. Growth within the Delineated Built-Up Area is expected to occur on full municipal services and contribute to a Complete Community, designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.

It is the opinion of staff that the proposed amendment conforms with the policy direction of the Growth Plan.

c) City of Peterborough Official Plan

The subject property is designated 'Residential' on Schedule 'A' – Land Use of the Official Plan. The property is considered to be designated as Low Density Residential and multiple unit buildings such as the proposed building can be considered via the Infill policies of the Residential Designation up to a density threshold equal to approximately 50 to 60 units per hectare and with similar heights and character of other buildings in the area.

Section 4.2.5.7 establishes criteria to be considered when reviewing an application for residential development:

- i) The type of housing form proposed for a site;
- ii) The nature and extent of existing land uses within an area or in proximity to a site to be developed;
- iii) The adequacy of municipal services available to an area or to the site;
- iv) The implications of traffic generation and proposed measures to lessen the impact on the surrounding environment;
- v) The provision of amenities to serve the residents of a development and the adequacy of amenities in the area to serve the residents;
- vi) The proximity of the site to municipal park and recreation areas and school sites in order to serve the residents of the development;
- vii) Adequate standards for parking, buffering, and landscaping in the zoning by-law; and
- viii) The proximity of the site to, or presence of significant natural / environmental features and how the development is sensitive to these features.

The property is located within an established mid-town neighbourhood in proximity to adequate amenities to support the residential use of the property for three units. No physical changes are proposed to the exterior of the buildings and adequate site parking can be accommodated on site, with close access to trails, schools and parks. Alternative transportation modes can be accommodated with room for bicycle storage within the existing garage.

Staff is satisfied that the proposed use conforms with the location criteria of the Official Plan, with a density equal to approximately 50 units per hectare, in keeping with the infill policies for properties within the Low Density Residential designation.

Cash-in-lieu of parkland will apply to the proposed additional dwelling unit.

d) City of Peterborough Zoning By-law

The current R.1,1m,2m Residential Zoning District limits the use of the lands to a single detached dwelling with potential for a secondary suite. The City recognizes the legal non-conforming use of the lands as a duplex with a maximum of two dwelling units. The existing third unit within the dwelling was introduced sometime after 1994 and without a Building Permit.

The application seeks to amend the zoning to R.3-351 – Residential District to facilitate up to 3 dwelling units. Exception 351 is proposed to be added to Section 3.9 of the Zoning By-law to address the following:

- Reduce the maximum number of dwelling units per lot from 8 to 3;
- Reduce the minimum lot area per dwelling unit from 230m² to 200m²;
- Reduce the minimum lot depth from 30m to 27m;
- Change the Minimum Building Setback from the Side Lot Line from 2.4m to the lesser of the existing or 2.4m;
- Change the Minimum Building Setback from the Rear Lot Line from 9m to the lesser of the existing or 9m;
- Increase the Maximum Building Coverage from 35% to 40% of the lot area;
- A Boarding House use shall not be permitted and the regulations related thereto shall not apply;
- Reduce the minimum parking requirements of Section 4.2 from 1.75 spaces per unit to 1 space per unit;
- Reduce the minimum dimensions of a parking space in Section 4.3 from 2.7m by 5.7m to 2.5m by 5.5m

It is recommended that the zoning of the lands be amended to permit up to three dwelling units as contemplated by R.3-351 – Residential District. Exception 351 has the effect of accommodating the third unit within the existing building with a very modest change to the parking layout to formalize the parking.

The applicant has provided some commentary on the proposed parking reduction by way of a Memo dated April 12, 2022. The owner proposes a slight expansion of the existing parking area to formalize the existing parking for 3 vehicles. Based on the experience of the owner, there has not been demand for more than three parking spaces and the property is located within walking distance of existing Public Transit service (Bus Route 3). Indoor bicycle storage is also provided onsite within the west portion of the existing accessory building. Alternative forms of transportation are available via the sidewalk and roadway network connections to the Trans Canada Trail at McDonnell Street leading to Jackson Park to the north and to the downtown to the

south-east. The limitation of parking for 1 vehicle/unit will also ensure that the lot coverage for parking, driveways and vehicle movement areas is limited to approximately 24% of the lot area, allowing the generous landscaped area along the east and southeast portion of the property to remain and provides for appropriate lot drainage and buffering.

The concept site plan has been modified to illustrate that the lot grading and driveway/parking areas will adequately address the three parking spaces and ensure proper drainage. Based on the revised concept site plan, the applicants have demonstrated that there is sufficient room onsite to accommodate the parking spaces and address the lot grading onsite.

e) Site Development

The applicant has submitted a revised concept Site Plan for the property, illustrating the proposed changes to the parking and driveway configuration to facilitate the necessary parking for the conversion of the use from two to three units.

The applicant will not be required to submit a formal application for Site Plan Approval and enter into a Site Plan Agreement for the re-use of the lands, however, in order to legalize the third unit, and close the By-law Enforcement File, a Building Permit and payment of cash-in-lieu of parkland will be required, subject to the successful change in zoning.

The applicant will be required to submit a site plan with the Building Permit application to demonstrate how parking and lot grading will work. The City's Parkland Dedication By-law #90-131 will apply to require the owner to pay cash-in-lieu of parkland for the additional unit supported via the rezoning application.

Response to Notice

a) Significant Agency Responses

Agency circulation was originally issued on January 18, 2022 with subsequent circulations on April 12, 2022 and April 28, 2022.

The City's Development Engineering staff requested additional lot grading information on the revised plan with a written acknowledgement that surface drainage generated by the expanded parking area will not flow onto surrounding properties. The applicant provided sufficient documentation to satisfy the City's requirements in this regard.

The City's Infrastructure Management Division also requested the preparation of a minor grading/LID design to ensure that the property to the east (478 Hopkins Avenue) is not adversely affected and that the hydrologic impacts of the small amount of additional asphalt is compensated for with a simplified LID feature. The information was provided and is deemed acceptable.

Otonabee Conservation note that the proposed redevelopment is outside any known natural hazards and is not within close proximity to a natural heritage feature of significance and is consistent with Provincial Policy Statements 2.1, 2.2 and 3.1. The proposed redevelopment falls outside of ORCA regulated area and are not located in a vulnerable area as per the Trent Source Water Protection Plan.

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

b) Summary of Public Responses

No written comments have been received as of May 11, 2022.

Submitted by,

Michael Papadacos, P.Eng.
Interim Commissioner, Infrastructure and Planning Services

Contact Names:

Ken Hetherington, RPP, MCIP
Chief Planner, Planning Division
Phone: 705-742-7777, Ext. 1781
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: khetherington@peterborough.ca

Caroline Kimble, RPP, MCIP
Land Use Planner
Phone: 705-742-7777, Ext. 1735
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: ckimble@peterborough.ca

Attachments:

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

Exhibit A – Land Use Map, Page 1 of 1

Land Use Map

File: Z2112

Property Location: 482 Hopkins Avenue

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: December 20, 2021

Map by: bgautam

0 3.25 6.5 13 19.5 26 32.5 Metres

Exhibit B – Revised Concept Site Plan – Page 1 of 1

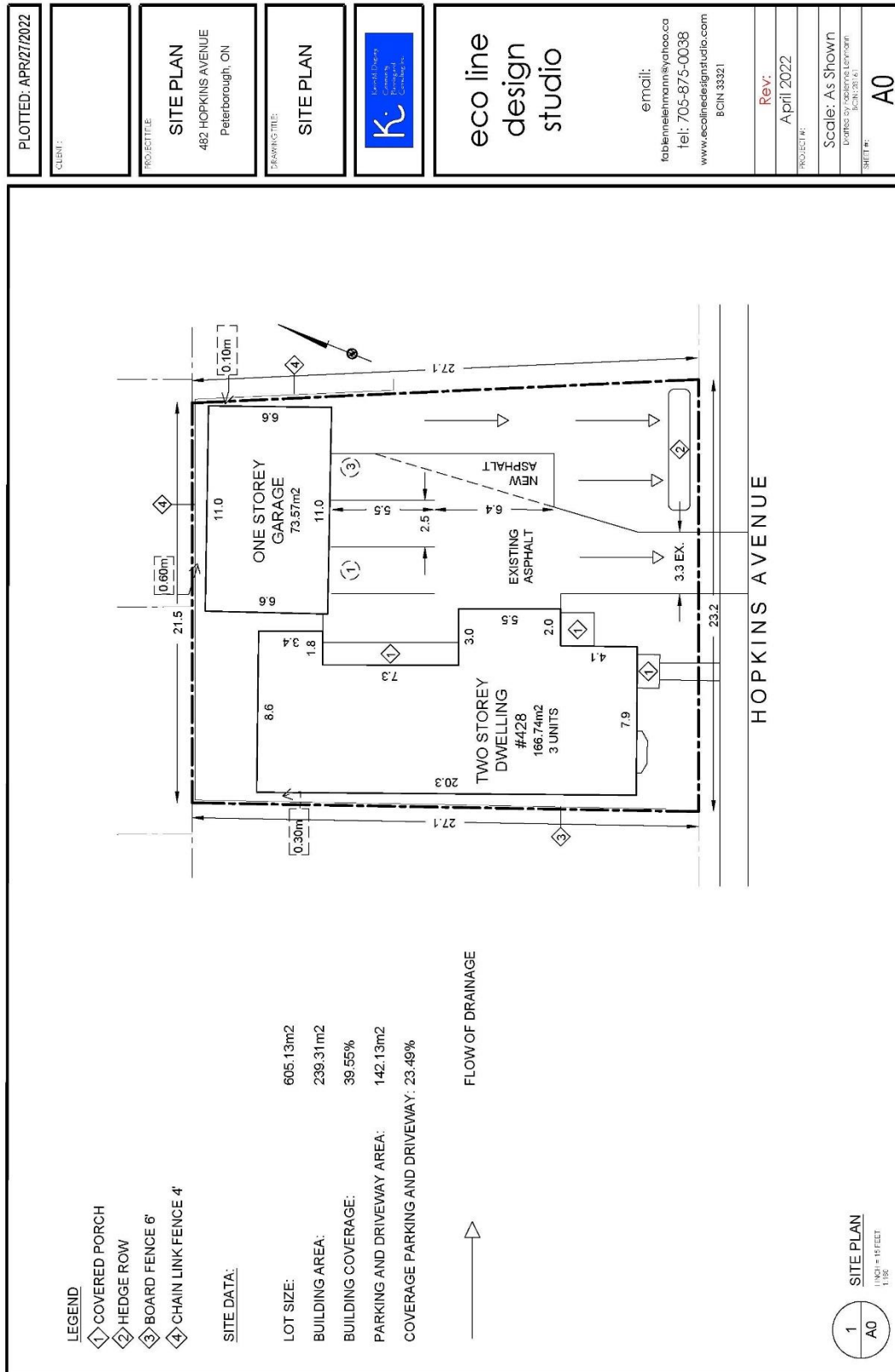


Exhibit C – Draft Zoning By-law Amendment- Page 1 of 3



The Corporation of the City of Peterborough

By-Law Number 22-

Being a By-law to amend the Zoning By-law for the lands known as 482 Hopkins Avenue

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:

“351. Notwithstanding the provisions of this By-law, the following provisions shall apply:

Maximum number of dwelling units per lot: 3

Minimum lot area per dwelling unit: 200m²

Minimum lot depth: 27m

Minimum Building Setback from the Side Lot Line: the lesser of the existing or 2.4m

Minimum Building Setback from the Rear Lot Line: the lesser of the existing or 9m

Maximum Building Coverage: 40% of the lot area

A Boarding House use shall not be permitted and the regulations related thereto shall not apply

Notwithstanding the provisions of Sections 4.2 and 4.3, the minimum parking requirements shall be 1 space per unit and the minimum dimensions of a parking space shall be 2.5m by 5.5m

Exhibit C – Draft Zoning By-law Amendment- Page 2 of 3

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.1,1m,2m to R.3-351.**

By-law read a first, second and third time this 27th day of June, 2022.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit C – Draft Zoning Amendment - Page 3 of 3

