



City of
Peterborough

To: **Members of the General Committee**

From: **Jasbir Raina, Commissioner of Infrastructure and Planning Services**

Meeting Date: **June 5, 2023**

Subject: **Zoning By-law Amendment for 53 and 59 Leahy's Lane, Report IPSPL23-018**

Purpose

A report to evaluate the planning merits of amending the zoning at 53 and 59 Leahy's Lane to modify Exception No. 311 to facilitate the addition of one additional dwelling unit within each of the existing buildings on the properties.

Recommendation

That Council approve the recommendation outlined in Report IPAPL23-018, dated June 5, 2023 of the Commissioner of Infrastructure and Planning Services as follows:

That section 3.9.311 of the Zoning By-law be modified in accordance with the draft amendment attached as Exhibit 'C' to Report IPSPL23-018.

Budget and Financial Implications

The applicant has provided payment to the City of \$1,089.90 for a proportionate share of downstream sanitary sewer capacity for the two additional dwelling units.

Background

The subject properties are located on the west side of Leahy's Lane, south of the intersection of Spencley's Lane and Leahy's Lane. Each property contains a two storey 5-unit residential building and associated parking that are mirror images of one another. The two buildings were constructed in 2017 with support from Zoning By-law Amendment Z1619 which established the R.3-311 zone on site. Prior to this, the property supported a single dwelling unit and was zoned R.1. The lands were severed in 2017 and consent for a servicing easement over 59 Leahy's Lane in favour of 53 Leahy's Lane was granted in 2018.

The proposal was subject to a preconsultation meeting on March 25, 2021. An application for Zoning By-law Amendment was filed by a previous applicant in December 2021, with additional supplemental materials submitted February and June 2022 by that applicant and in December 2022 by the current applicant, One Community Planning. The application was deemed complete on December 15, 2022.

The applicant seeks to amend the current residential zoning on site (R.3-311) to allow an additional dwelling unit at each of the subject properties, within the existing buildings. The modifications to the existing Exception No. 311 address a reduced minimum lot area, lot width and parking per unit. Each property currently contains 8 parking spaces (1.6 per unit), and the proposed reduced parking rate (1.3 per unit) will still support 8 parking spaces. The modification to Exception No. 311 also addresses a slight deficiency in the minimum landscape open space strip along the dividing property line resulting from the severance in 2017.

The applicant mailed a 'Community Notice' to neighbouring property owners within 120 metres of the subject properties, along with the two ward councillors and the Mayor on March 16, 2023. The notice provided a written description of the proposal, along with a copy of the latest concept site plan. At the time of writing this report, the applicant had not received any feedback from recipients of their notice.

The applications were supported by a variety of documents including a Planning Justification Report and amending memos, Site-Area Photos, Conceptual Site Plan, and Existing Plan Summary. The applicant has indicated that even though formal Site Plan Approval is not required for these properties due to the recent changes in the **Planning Act** via Bill 23, elements such as walkways, paving, curb cuts and landscaping are intended to be completed to contribute to the overall appearance and functionality of the site. The applicant has paid the proportionate share of the downstream sanitary sewer

upgrade (\$1,089.30). Cash-in-lieu of provision of parkland will be payable at the time of Building Permit issuance.

Post-circulation comments from agencies and departments were sent to the applicant on February 9, 2023. The applicant has worked with Planning Staff and has addressed the comments. The latest concept plan is attached as Exhibit B to Report IPSPL23-018.

Analysis

Provincial Policy Statement, 2020 (PPS)

Any decision on the proposed Official Plan and Zoning By-law Amendments 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 minimal 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. There are no physical expansions of the existing buildings on each of the subject properties and the proposed additional units will be accommodated within the existing structures. In staff's opinion, the proposed Zoning By-law Amendment is consistent with the policy direction of the PPS.

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

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 prioritizing intensification and higher densities to make efficient use of land and infrastructure and to support transit viability.

In staff's opinion, the proposed development supports the achievement of complete communities and conforms with the directions of the Growth Plan by supporting housing options, including affordable housing. The proposed will gently increase the number of units at the subject properties, within an existing neighbourhood, with nearby transit and parks.

Official Plan

The City's Official Plan was approved by the Province on April 11, 2023. The subject properties are designated 'Neighbourhoods' on Schedule A 'Urban Structure' and 'Residential' on Schedule B 'Land Use' in the Official Plan.

The subject lands are located within the Delineated Built Boundary of the City which is intended to be the focus of a significant portion of the City's future growth through appropriate intensification in locations where infrastructure capacity exists or can be readily improved. The addition of two dwelling units to the subject properties makes efficient use of lands and resources, optimizes use of existing infrastructure, and supports public transit and active transportation. The applicants have paid the proportionate share of downstream sanitary sewer capacity improvements associated with the two additional units.

The Neighbourhoods Designation encourages the provision of a broad range of housing types to meet the needs of all residents, encourages residential intensification and infill development where the impacts of development on existing uses can be minimized and where development efficiently utilize existing municipal services. The Residential designation permits low-rise, mid-rise and high-rise residential uses in consideration of

the concept of compatible development. The proposed additional units will be accommodated within the existing buildings which are of a low-rise configuration. The Official Plan guides low rise apartment buildings to have adequate landscaping, amenity features, on-site parking, buffering and stormwater management features. The proposed developments along with the intended completion of site improvements will ensure these objectives are achieved.

The built form of the buildings will remain unchanged from what is existing – being two two storey residential buildings, with parking at the front and landscaping surrounding the buildings.

Typically, details pertaining to parkland dedication, landscaping, buffering and circulation would be addressed through an application for Site Plan Approval (SPA). As of November 28, 2022 (part-way through staff's review of this application), the More Homes Built Faster Act (Bill 23) removed the City's ability to require SPA for residential developments with 10 units or less. The applicant has made considerable progress on their Site Plan Approval pertaining to this site, because of the initial development of the two properties, including the installation of stormwater management facilities and future paving, curbing and landscaping. It is the intention of the owners, as expressed by the Applicant, to complete these works, despite the non-applicability of Site Plan due to their considerable investment in studies, reports and drawings to support the development.

The intent going forward is that the owner will need to meet requirements related to lot grading, drainage and servicing in O. Reg 332/12 under the Building Code Act to the satisfaction of the Chief Building Official prior to issuance of a Building Permit. Requirements related to parkland dedication will also need to be addressed prior to issuance of a Building Permit in accordance with the Planning Act and By-law 90-331.

City of Peterborough Zoning By-law

The current R.3-311 Residential Zoning District limits the use of the two properties to 5 dwelling units at each property. The applicant is requesting that the Zoning By-law be amended to modify Exception No. 311 to facilitate an additional dwelling unit on each property as follows:

- Reduce the minimum lot area per dwelling unit from 204 square metres to 169 square metres;
- Reduce the minimum lot width per unit from 4 metres to 3.3 metres;
- Reduce the minimum landscaped open space strip from 0.7 metres along one side lot line to 0.43 metres along one side lot line; and
- Reduce the minimum required parking from 1.6 spaces per dwelling unit (8 spaces) to 1.3 spaces per dwelling unit (8 spaces).

The submission is accompanied by the necessary analysis to ensure conformity with the Official Plan. The modified site-specific regulations are proposed in the draft Zoning Amendment attached as Exhibit C to Report IPSPL23-018.

Response to Notice

Significant Agency Responses

Agency Circulation was issued on February 3, 2023. The City's Asset Management and Capital Planning Division has requested payment of the proportionate share of the downstream sanitary sewer upgrade.

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

Summary of Public Responses

The applicant issued a 'Community Notice' to neighbouring property owners within 120 metres of the subject properties. The notice provided a written description of the proposal, along with a copy of the latest concept site plan. No written comments or concerns were received by the applicant at the time of finalizing the notice of Public Meeting.

Notice of the Public Meeting was issued on May 8, 2023, mailed to all property owners within 120 metres of the subject lands as well as published in the Peterborough Examiner. No written comments have been received as of the writing of this report.

Submitted by,

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Commissioner, Infrastructure and Planning Services

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Exhibits:

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

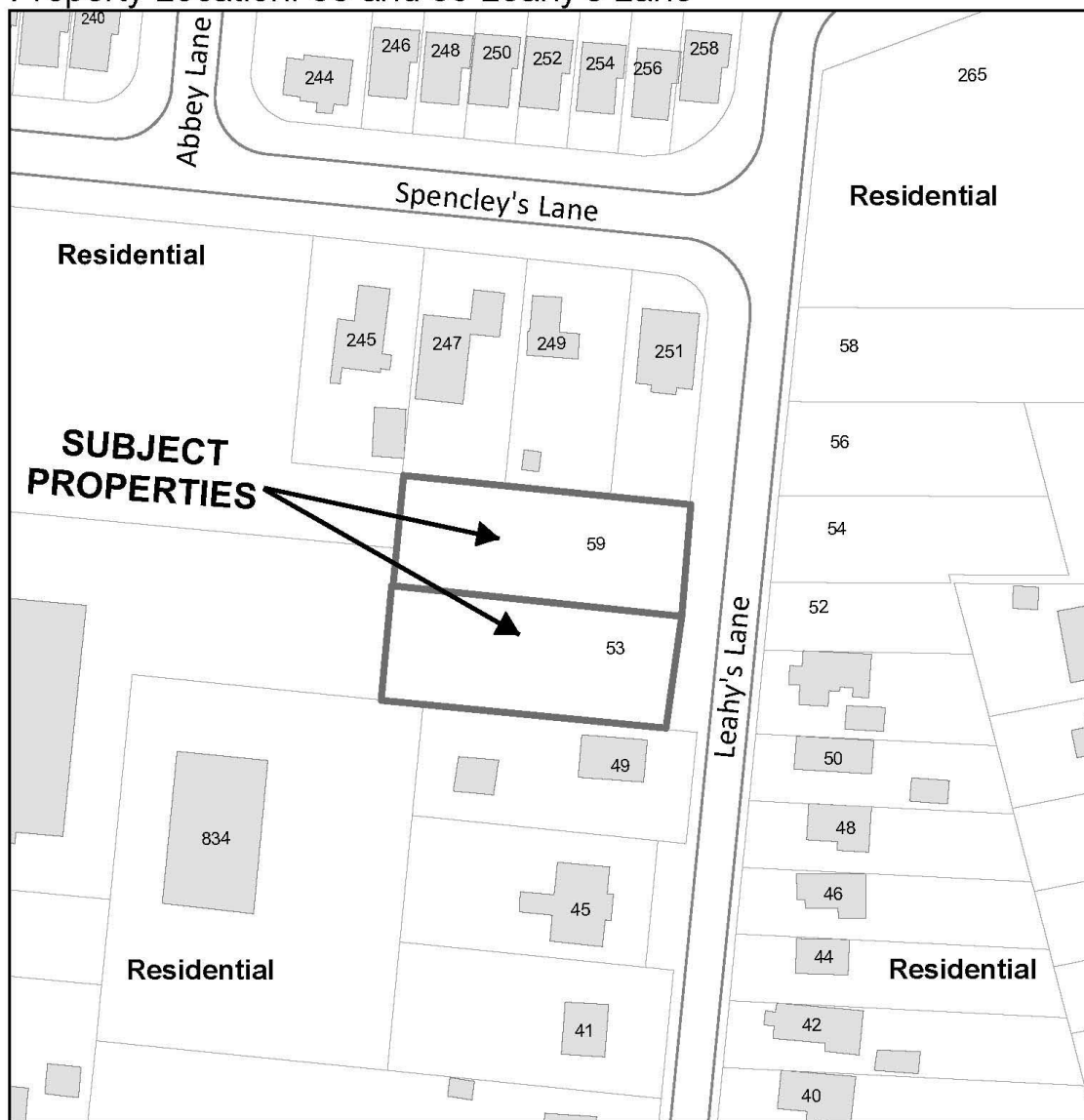
Exhibit A – Land Use Map, Page 1 of 1

Land Use Map

File: Z2201

Property Location: 53 and 59 Leahy's Lane

EXHIBIT
SHEET OF



The City of Peterborough Planning Division

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Date: March 2, 2022
Map by: bgautam

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Exhibit B – Concept Site Plan

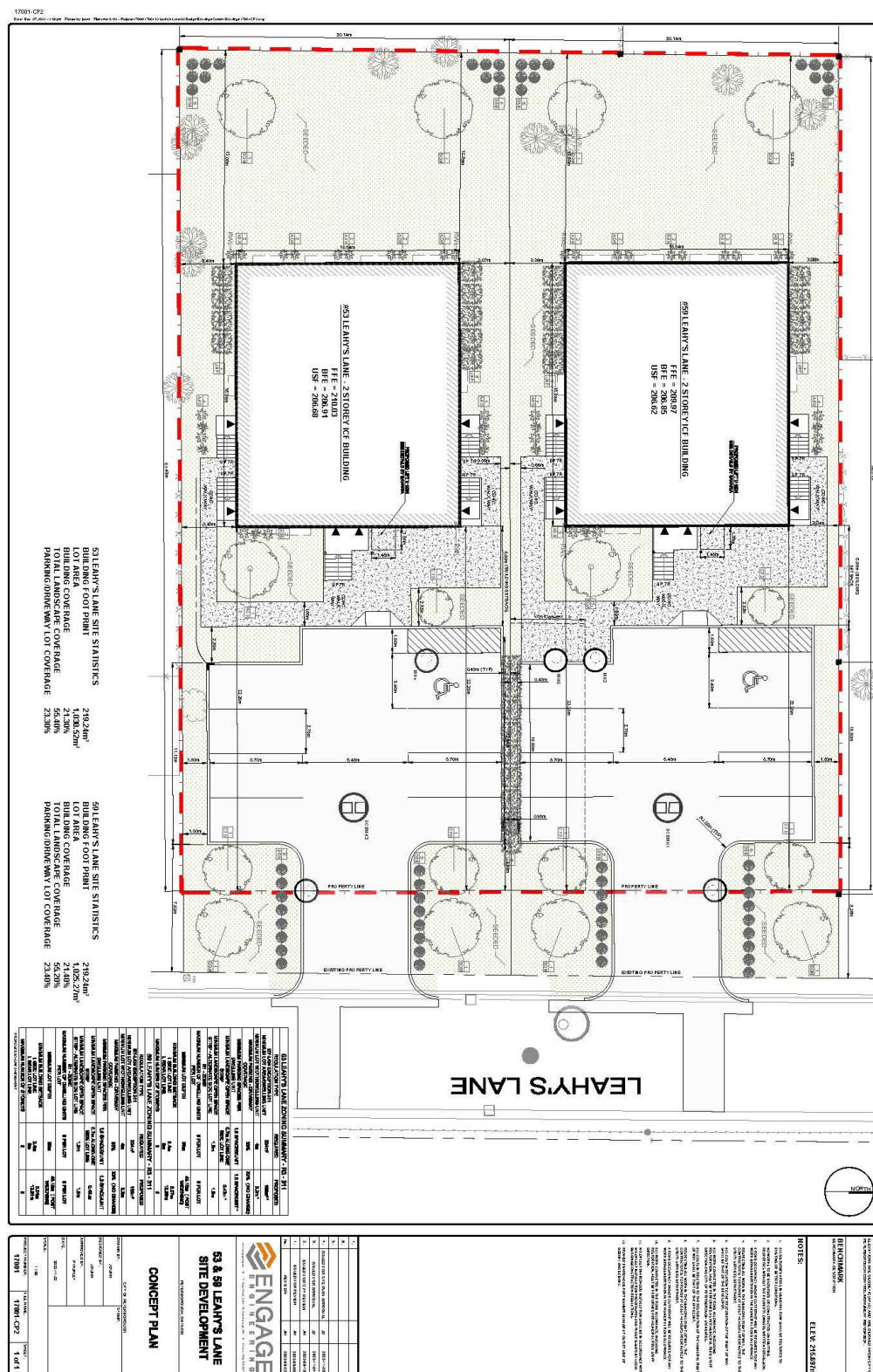


Exhibit C – Draft Zoning By-law Amendment**The Corporation of the City of Peterborough****By-Law Number 23-[Clerk's Office will assign the number]**

Being a By-law to amend the Zoning By-law for the lands known as 53 and 59 Leahy's Lane

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

1. That Section 3.9.311 – be amended as follows:

“.311 Notwithstanding the provisions of this By-law to the contrary, the following shall apply:

Regulation	Provision
Minimum lot area per unit	169 square metres
Minimum lot width per unit	3.3 metres
Minimum landscaped open space strip	0.43 metres along one side lot line
Minimum required parking	1.3 spaces per dwelling unit

By-law passed this 26th day of June, 2023.

Jeff Leal, Mayor

John Kennedy, City Clerk