



City of
Peterborough

To: Members of the General Committee

From: Blair Nelson, Commissioner, Infrastructure, Planning and Growth Management

Meeting Date: August 6, 2024

Report: Zoning By-law Amendment for 838 Lock Street, Report IPGPL24-019

Subject

A report to evaluate the planning merits of amending the zoning of 838 Lock Street by modifying the permitted uses and regulations within the existing SP.189 Zoning District. This amendment will facilitate the use of the subject property for up to three dwelling units, update the list of permitted uses, increase the maximum allowable commercial floor area, and adjust building setback and parking coverage regulations to reflect the current development of the property.

Recommendation

That Council approve the recommendation outlined in Report IPGPL24-019, dated August 6, 2024, of the Commissioner of Infrastructure, Planning and Growth Management as follows:

That Special District 189 (SP.189) of the Zoning By-law 97-123 be amended in accordance with the draft amendment attached as Appendix C to Report IPGPL24-019.

Executive Summary

- SP.189 is an existing commercial district that currently permits one residential unit along with specific commercial uses. The site can be considered mixed-use.

- The applicant is proposing to amend SP.189 to increase the number of permitted dwelling units from 1 to 3 which will have the effect of legalizing two additional dwelling units, from a zoning perspective, previously established on the property;
- The applicant is also seeking amendments to the list of permitted uses from the current wording and to increase the maximum commercial floor area to allow greater flexibility for the establishment of commercial uses;
- No new buildings, structures or gross floor area are proposed as part of the application;
- The application for Zoning By-law Amendment was deemed complete on June 7, 2024.
- The proposal is consistent with the Provincial Policy Statement and conforms with the Growth Plan and Official Plan.

Background

The subject property is located on the east side of Lock Street, south of the intersection of Lock Street and Lansdowne Street West, across the street from the Peterborough Memorial Centre. The property has an area of approximately 644 square metres and is occupied by an existing building and 4 parking spaces. This small mixed-use property currently supports three dwellings, two of which are not permitted by the present zoning. The SP.189 – Special District zoning of the property permits a barber shop, a beauty shop, a dwelling unit and a retail establishment for the sale of fishing equipment, archery equipment and accessories. This site-specific zoning was put in place on the subject lands in the 1980's. No new buildings or expansions thereof are proposed at this time.

The subject property is designated 'Strategic Growth Areas' outlined on Schedule A – 'Urban Structure' of the Official Plan and is designated 'Business District' on Schedule C – 'Central Area Plan' of the Official Plan. Specifically, these lands fall within the area referred to in the Official Plan as the 'Lansdowne Street West Business District'.

The surrounding area consists of a range of land uses including commercial and residential uses along Lansdowne Street, Peterborough Memorial Centre, Morrow Park and Miskin Law Arena to the west; and established residential uses in the vicinity the subject property.

The commercial uses that were previously established on site are quite specific and limited. The former barber, fishing and archery retail shops have ceased to exist for many years and the property currently supports three dwelling units, two of which are not permitted by the Zoning By-law and have been constructed without building permits. The applicant sought a Preconsultation with the City in May 2023 and a Minor Zoning

By-law Amendment was submitted on May 17, 2024 with amended documentation submitted on June 7, 2024. The application was supported by the following documents:

- Planning Justification Report prepared by One Community Planning, revised June 7th 2024;
- Site Plan, prepared by Ecoline Design Studio, revised March 2023;
- Building Location Survey, Lot 1 Registered Plan No. 40 City of Peterborough, prepared by W. A. Benninger Limited Ontario Land Surveyors, Dated August 25, 1983;
- Record of Consultation, prepared by One Community Planning, dated May 2024; and,
- Record of Preconsultation issued for PC23-0016, dated May 11, 2023.

The concept plan is attached as Appendix B to Report IPGPL24-019.

Analysis

a) City of Peterborough Housing Pledge

On November 27, 2023, Council pledged to support the construction of 4,700 new dwellings by 2031 as requested by the Minister on June 16, 2023. Provincially, municipal housing pledges are a key tool for ensuring the construction of 1.5 million new homes by 2031 to address an ongoing housing supply and affordability crisis. This rezoning would permit up to three dwelling units on this property and is an example of gentle infill needed for the City will need to meet its housing target while mitigating the need for significant investments in new infrastructure.

b) 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, livable and safe communities are sustained by, among other things, accommodating an appropriate affordable and market-based range and mix of unit types, employment, institutional, recreation, parks 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 states that “land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources, 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, e) support active transportation.”

Section 1.4 of the PPS directs municipalities to provide for a range and mix of housing options and densities – specifically by: permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, residential intensification, 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; and 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.

The subject property is located within the City's settlement area boundary 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. The proposed continuation of mixed-use permissions also align with the direction of the PPS to support efficient and resilient development and land use patterns by permitting opportunities for a mix of uses and or live-work opportunities for the property.

It is the opinion of staff that the proposed Zoning By-law Amendment is consistent with the policy direction of the PPS.

c) 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 Delineated Built-Up Area as defined in the Growth Plan.

The Growth Plan requires that municipalities focus growth within Delineated Built-Up Areas and support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities (Section 2.2.1.3.4(a)). Furthermore, Section 2.2.5.3 seeks to promote economic development and competitiveness by directing retail and office uses to locations that support active transportation and have existing or planned transit.

It is the opinion of staff that the proposed Zoning By-law Amendment conforms with the policy direction of the Growth Plan.

d) Official Plan

The subject property is designated 'Strategic Growth Areas' on Schedule A – 'Urban Structure' of the Official Plan and is designated 'Business District' on Schedule C – 'Central Area Plan' of the Official Plan. Specifically, these lands fall within the area referred to in the Official Plan as the 'Lansdowne Street West Business District'. Section 4.3.3 of the Official Plan outlines the Business District Designation policies. This land use designation permits retail and service commercial uses, restaurants, office

uses, entertainment, recreational and cultural facilities, artisan studios and galleries, low- and mid-rise residential uses, daycares, home occupations, places of worship and parking facilities.

The Lansdowne Street West Business District specifically identifies the area as an established cluster retail and service uses and low rise apartment buildings with opportunities for intensification. The Business District Designation generally includes small scale commercial uses operating from less intensively developed sites. The intent of the Business District Designation is to accommodate new intensification that introduces mixed use developments and contribute to higher quality site design and streetscapes.

Permitted uses in the Business Districts include retail and service commercial uses, office use, and residential. The Business Districts are divided into two distinct areas – being the Lansdowne Street West Business District and the George Street South Business District. The subject property falls within the Lansdowne Street West Business district that has policy language referring to recognizing the established cluster or retail and service uses, including automobile-focused uses and low-rise apartment buildings and the enhanced opportunity for intensification. It encourages additional mixed-use opportunities, while maintaining compatibility with adjacent residential uses and ensuring minimized land use conflicts.

The proposed uses that are intended to replace the current use language align with the permitted uses of for the designation within the Official Plan. The proposed amendment will retain much of the site-specific regulations that were put in place when the property was originally rezoned in the 1980's which will continue to support the compatibility of the mixed-use zoned property. The proposed Zoning By-law Amendment conforms to the Official Plan.

e) Zoning By-law

The subject property is Zoned SP.189 which is a Commercial Zoning District that allows a limited number of uses. The specific list of permitted uses currently in place on the subject property is reflective of the tight commercial policy direction that existed in the previous Official Plan and the tendency for the base Zoning By-law established in 1972 to list specific uses. This property supported a barber shop and a fishing retail store, alongside a residential dwelling for many years.

Given the flexibility afforded by the City's Official Plan in the Business District Designation, amending the permitted uses to align with the Official Plan direction will provide enhanced flexibility on site for the establishment of an appropriately scaled commercial use alongside the residential use(s). As such, it is proposed that the current list of permitted uses a) a barber shop, b) a beauty shop c) a dwelling unit and d) a retail establishment for the sale of fishing equipment, archery equipment and accessories be 'opened up' to a) personal service use, b) office, excluding a veterinary office, c) retail and d) dwelling unit. This revised list of permitted uses would better reflect current

defined uses most commonly used in modern zoning improving the marketability of the site.

It is proposed that the limit of 56 square metres for a commercial use be increased to 100 square metres will maintain a small-scale cap on the commercial use on this property to secure ongoing compatibility within the residential neighbourhood while providing some enhanced flexibility to attract a commercial tenant, should that be explored by the property owner in the future. Any future commercial uses would have to comply with parking requirements and seek the appropriate building permits for a change of use.

The applicant is seeking slight adjustments to the building setback from a rear lot line and parking coverage regulations to reflect the current development of the subject property. These adjustments to maximum building coverage to 25% and reduced rear lot line setback (7 metres) build upon approvals previously provided by the Committee of Adjustment in 1983.

The in-effect SP.189 Zoning District contained site specific regulations that addressed the adjacent residential uses to support the compatibility of the uses of the subject property. These provisions include the provision of landscape open space along the northerly and westerly limits of the district, except as interrupted by driveways, the provision for fencing, the location of any accessory building and the setback from the centreline of Lock Street. The applicant is not proposing any changes to these regulations. No new buildings or expansions of the buildings is contemplated as part of this proposal.

f) Next Steps

A building permit will be required to legalize the two dwelling units to satisfy the requirements of the Ontario Building Code.

Strategic Plan

Strategic Pillar: Growth & Economic Development

Strategic Priority: Plan for mid-density and high density, mixed-use neighbourhoods to make the most efficient use of land and municipal services and provide affordable options for residents.

Adjusting the zoning of this property will create added flexibility to the site to attract a range of small-scale commercial uses that are suitable within an existing residential neighbourhood situated within the Central Area. This zoning shift will also legalize the existing three residential units that are present on the property. These adjustments will help ensure that the property can be utilized efficiently.

Engagement and Consultation

Response to Notice

a) Agency Responses

Agency circulation was issued on July 5, 2024. No significant concerns or comments from agencies or departments have been received as of the writing of this report.

b) Summary of Public Responses

The applicant issued a notice of intention to file a Zoning By-law amendment to all neighbouring property owners with 120 metres of the subject property and received no comments as a result of their outreach.

Notice of Public Meeting was issued by mail to all property owners within 120 metres of the subject property and published in the Peterborough Examiner on July 8, 2024. No written comments have been received from the public as of the writing of this report.

Budget and Financial Implications

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

Conclusion

The applicant is proposing to amend the SP.189 – Commercial District to permit personal service uses, an office, retail and up to three dwelling units. This amendment also proposes slight modifications to align the zoning regulations to the current build-out of the site. The proposal is consistent with the PPS, confirms with the Growth Plan and Official Plan and aligns with the Strategic Plan.

Attachments

- Appendix A: Land Use Map
- Appendix B: Concept Site Plan
- Appendix C: Draft Zoning By-law Amendment

Submitted by,

Blair Nelson, P.Eng.
Commissioner, Infrastructure, Planning and Growth Management

Contact Name:

Brad Appleby, MA, MCIP, RPP
Director, Planning, Development and Urban Design
Phone: 705-742-7777 Ext. 1886
Toll Free: 1-855-738-3755
Email: bappleby@peterborough.ca

Anne Taylor Scott, RPP, MCIP
Manager, Development Planning
Phone: 705-742-7777 Ext. 1869
Toll Free: 1-855-738-3755
Email: ataylorsscott@peterborough.ca

Christie Gilbertson RPP, MCIP
Land Use Planner
Phone: 705-742-7777 Ext. 1776
Toll Free: 1-855-738-3755
Email: cgilbertson@peterborough.ca

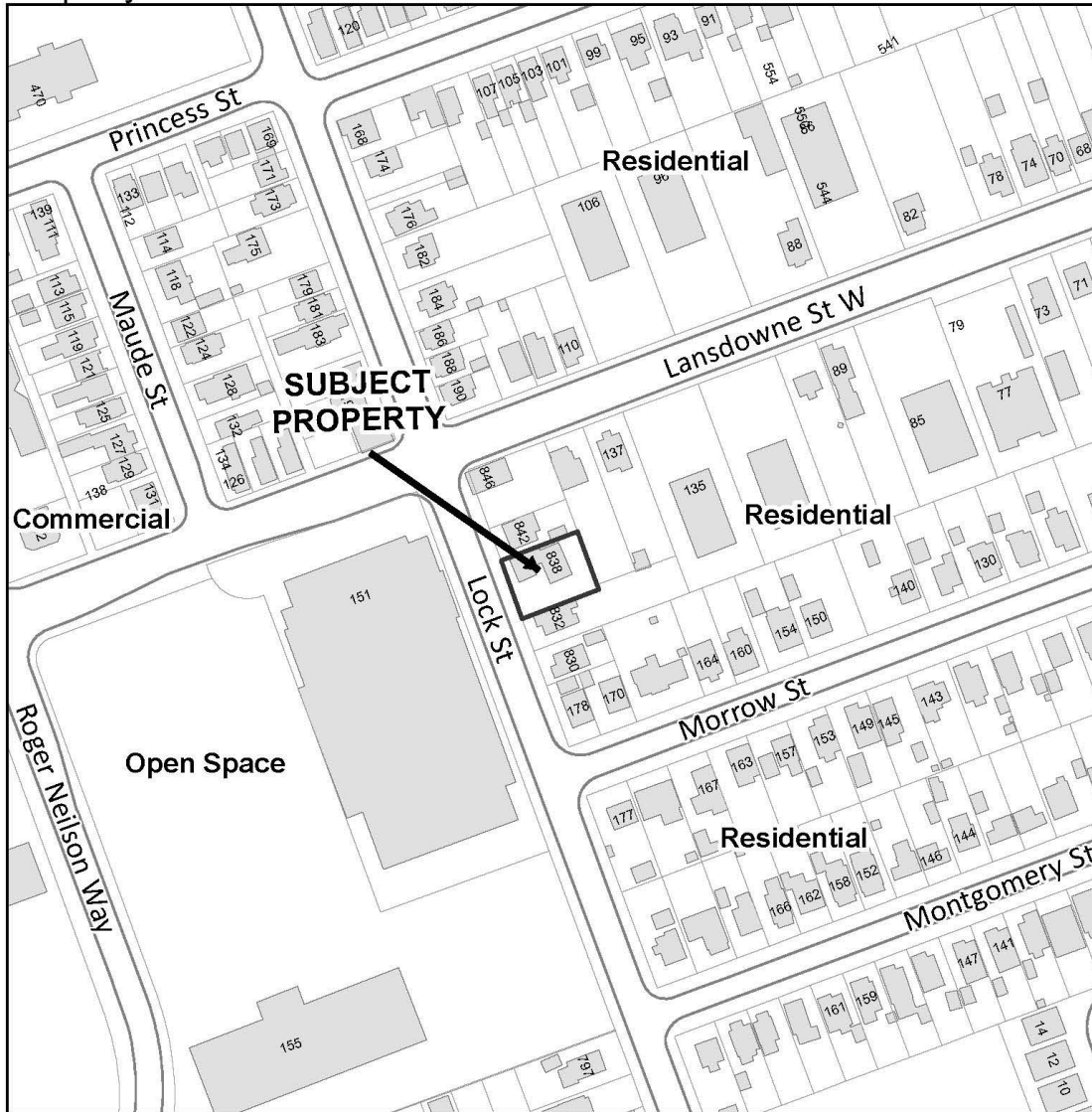
Appendix A – Land Use Map

Land Use Map

File: Z2405

Property Location: 838 Lock St

EXHIBIT
SHEET OF



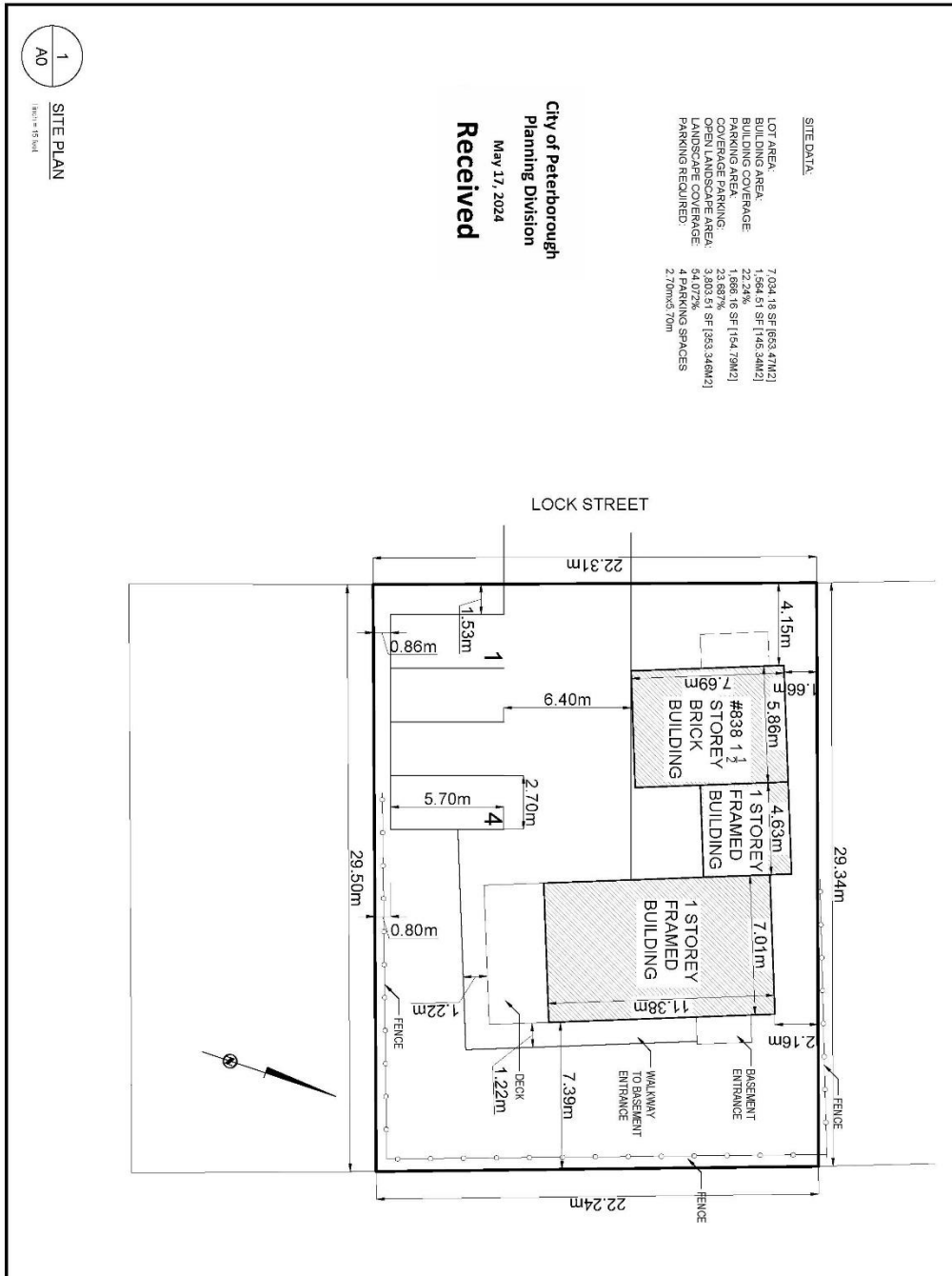
The City of Peterborough Planning Division

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: May 22, 2024
Map by: ANichols
0 5 10 20 30 40 50
Metres

Appendix B – Concept Plan



SITE DATA:

LOT AREA:	7,994.18 SF (363.47M ²)
LOT AREA:	7,994.18 SF (363.47M ²)
BUILDING COVERAGE:	22.24%
PARKING AREA:	1,868.16 SF (154.79M ²)
COVERAGE PARKING:	23.697%
OPEN LANDSCAPE AREA:	3,803.51 SF (353.346M ²)
LANDSCAPE COVERAGE:	54.072%
PARKING SPACES:	2 (10m x 7.0m)

City of Peterborough
 Planning Division
 May 17, 2024
Received

1
 A0
 SITE PLAN
 (Scale = 1/5"=1'00")

PLOTTED: OCT/22/2023	DATE:
PROJECT:	PROJECT:
SITE PLAN 838 LOCK STREET	PROJECT:
DRAWING TITLE: SITE PLAN	PROJECT:
email: fabem@elennam.com Tel: 705-875-0038 www.ecolineeigstudio.com BCIN 33321	
Rev: MARCH 2023	
PROJECT: 23-15 Scale: AS SHOWN Drafted by: Fabem@elennam.com 2-MAR-2023	
SHEET No: A0	

Appendix C – Draft Zoning By-law Amendment

The Corporation of the City of Peterborough**By-Law Number 20-[Clerk's Office will assign the number]**

Being a By-law to amend the Zoning By-law for the lands known as 838 Lock Street

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

1. That Section 219 - Special District 189 (SP.189) be amended by deleting the contents and replacing as follows:
2. "219.1 For the purpose of this by-law, land use district "Special District 189" is hereby established and may be referred to by the symbol "SP.189".

Permitted Uses:

219.2 No Person shall within an SP.189 District use any land or erect, alter or use any buildings or part thereof for any purpose other than:

- a) personal service use;
- b) office, excluding a veterinary office;
- c) retail;
- d) a dwelling unit.

Regulations:

219.3 No person shall within an SP.189 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) maximum number of dwelling units	3
b) maximum commercial floor area	100 square metres
c) minimum lot width	21 metres
d) minimum lot depth	27 metres
e) maximum building coverage	25%
f) minimum building setback <ul style="list-style-type: none"> i. side lot line ii. rear lot line 	1.2 metres 7 metres
g) minimum landscaped open space	25% of the area of the lot
h) maximum number of storeys	2
i)) landscaped open space of a minimum width of 1.2 metres shall be provided and maintained along the northerly and westerly limits of the district provided that such open space may be interrupted by driveways.	
j) a closed board fence having a minimum height of 1.2 metres (measured on the parking lot side) shall be provided and maintained along the westerly 10.6 metres of the south limit of the district and a chain link fence and landscaped open space of a minimum width of 1.2 metres shall be provided and maintained along the remaining limit of the district	
k) a closed board fence having a minimum height of 1.8 metres shall be provided and maintained along the rear 14.5 metres of the northerly limit of the district	
l) notwithstanding the provisions of Section 6.10.18, the setback from the centreline of	

<p>the street may be 14 metres, for the lifetime of the existing building only</p>	
<p>m) an accessory building, waste receptacle or garbage storage area shall be located within a minimum building setback - rear lot line provided the following regulations are complied with:</p> <ul style="list-style-type: none"> i. minimum building setback ii. maximum building height 	<p>1.5 metres 4.5 metres</p>
<p>219.4 SP.189 District is hereby designated as a commercial district</p>	

By-law passed this 12th day of August, 2024.

Jeff Leal, Mayor

John Kennedy, City Clerk