



City of  
**Peterborough**

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**To:** Members of the General Committee

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

**Meeting Date:** April 22, 2025

**Report:** Options to Eliminate Building Heights and Angular Plane Requirements, Report IPGPL25-018

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## **Subject**

A report to present the options for eliminating building height restrictions and angular plane requirements for new developments within the City's Strategic Growth Areas in response to Council's direction dated February 3, 2025.

## **Recommendation**

That Council approve the recommendation outlined in Report IPGPL25-018, dated April 22, 2025 of the Commissioner of Infrastructure, Planning and Growth Management as follows:

That Staff be directed to continue with Option 1 described in Report IPGPL25-018 and present to General Committee the Preliminary Directions and Recommendations Report outlining the key recommendations for the Official Plan Amendment to implement the secondary plan for the Strategic Growth Areas and Community Planning Permit By-law by Q3, 2025.

## **Executive Summary**

- The City of Peterborough's Official Plan and Urban Design Guidelines for the Central Area and Mixed-Use Corridors contain provisions for minimum and maximum building heights and angular planes.

- Provisions for minimum and maximum building heights and angular planes are related to the overall goals and objectives of the Official Plan, including encouraging transit-supportive densities, compatible development and a high-quality built environment.
- The planned scope of work for the secondary plan for the Strategic Growth Areas and city-wide Community Planning Permit (CPP) By-law includes a review of the building height and angular plane provisions contained in the Official Plan and Urban Design Guidelines, while considering community priorities as it relates to facilities services and matters.
- The current planned scope of work for the CPP By-law project includes two key deliverables relevant to the discussion regarding building heights and angular planes, that will provide Official Plan policy options for building height based on current community consultation and Council priorities.

## Background

The City of Peterborough's Official Plan was approved by the Province on April 11, 2023. The Official Plan delineates Strategic Growth Areas where significant growth and development is to occur and describes the development policies for each land use designation within the Strategic Growth Areas, including minimum and maximum building height provisions and compatibility measures. The policies of the Official Plan also identify the need for design guidelines to support the evaluation of development applications and for achieving multiple planning and urban design objectives related to promoting a high-quality built environment and ensuring compatibility between new development and its surroundings.

The City's Urban Design Guidelines for the Central Area and Mixed-Use Corridors were adopted by City Council in 2023. These guidelines were completed under the Province's Streamline Development Approval Fund to help inform development proposals and serve as a resource for property owners, applicants and their consultant teams to prepare their development applications by explaining the City's desired design elements and qualities that shape development and the public realm. Council has directed staff to report back at the end of 2025 to summarize how the design guidelines are working so far and opportunities for refinement.

Both the City's Official Plan and Urban Design Guidelines provide direction with respect to building heights and angular planes. At a high-level, the Official Plans and Urban Design Guidelines of peer municipalities (e.g., Newmarket, Brantford, Kingston, Guelph, Burlington and London) contain provisions for minimum and maximum building heights and angular planes. The City's building height and angular plane provisions contained in its Official Plan and Urban Design Guidelines are further described below.

## Building Height Restrictions

The City of Peterborough Official Plan describes maximum building heights for all designations within the Strategic Growth Areas, save and except for the Downtown Core Area designation which does not have a specified maximum building height. The Official Plan also describes minimum building heights for those designations intended for higher density forms of intensification within the Strategic Growth Areas. The minimum and maximum building heights for the Strategic Growth Areas are summarized in Table 1.

The minimum and maximum building heights contained in the Official Plan reflect the urban structure of the city. The urban structure is defined in the Official Plan and represents a growth management strategy to support an efficient and transit-supportive development pattern.

**Table 1: Summary of Official Plan Building Height Provisions for the Strategic Growth Areas**

Official Plan Land Use Designation	Minimum Building Height	Maximum Building Height
<b>Central Area</b>		
Downtown Core Area	2 storeys	n/a
Business District	2 storeys	6 storeys
Industrial Conversion Area	2 storeys	12 storeys
Downtown Neighbourhood	n/a	6 storeys
Little Lake South District Sub-Area 1	n/a	3-6 storeys
Little Lake South District Sub-Area 2	n/a	Generally 3 storeys
<b>Mixed-Use Corridors</b>		
Major Mixed-Use Corridor	2 storeys	8 storeys, up to 12 storeys (subject to criteria)
Minor Mixed-Use Corridor	n/a	4 storeys, up to 6 storeys (subject to criteria)

The minimum building height requirements in the Official Plan are intended to support development within the Strategic Growth Areas that are transit-supportive and pedestrian-oriented. Removing this provision of the Official Plan will enable the continuation of a low-density built form within the Strategic Growth Areas that is not supportive of the goals and objectives of the Official Plan which are directed to accommodate significant growth in an intensified built form and mix of land uses in these areas.

The minimum building height requirement for the Major Mixed-Use Corridors was removed by the Minister of Municipal Affairs and Housing through the approval of the Official Plan, with 61 modifications, on April 11, 2023. The Minister's original

modification to this provision had appeared to be in response to comments expressing concerns regarding existing one-storey commercial uses within the Major Mixed-Use Corridor designation and where new stand-alone commercial uses or expansions to existing 1-storey commercial buildings are contemplated. This modification was clawed back through Bills 150 and 162 and thus the minimum building height requirement for the Major Mixed-Use Corridors designation was reinstated by Bill 162.

The maximum building height provisions in the Official Plan are intended to support compatibility and appropriate transition between new development and existing neighbourhoods and creation of a unique, vibrant sense of place.

One of the recurring themes and concerns heard from the community throughout the development of the new Official Plan related to the compatibility and scale of new development in light of population and employment forecasts and minimum intensification and density targets established by the Province (i.e., A Place to Grow: Growth Plan for the Greater Golden Horseshoe) that were viewed as significant and transformative by many. Additionally, a common sentiment heard from the community at the time was a desire for Peterborough to remain distinct from other municipalities within the Greater Golden Horseshoe by promoting a unique sense of place despite significant projected population and employment growth.

Based on those concerns, the City increased the Official Plan Review's capital budget to complete a four-day community design charrette and prepare architectural and urban design guidelines for redevelopment and intensification in the Central Area and Mixed-Use Corridors. Correspondingly, the maximum building heights in the Official Plan were informed in part by the results and recommendations of the community design charrette completed in June 2018.

### **Angular Plane Requirement**

Angular planes are a planning tool used during the development approvals process to establish a 45-degree imaginary line measured from a specified location to help assess the impact of proposed building heights on the surrounding area. Angular planes are intended to support the appropriate transition between new development and adjacent low and mid-rise residential neighbourhoods by maintaining access to sky view, sunlight and privacy for existing residential properties and avoiding abrupt changes in building scale.

The Official Plan seeks to implement appropriate building transitions by moderating the maximum building height of new development within the Central Area and Mixed-Use Corridor land use designations through the use of a 45-degree angular plane, setbacks, step backs and/or landscape buffering requirements. For greater clarity, the Official Plan does not require the application of an angular plane on every property within the Strategic Growth Areas, as other features may be applied in lieu thereof to support compatibility. The Official Plan allows for incorporation of other features, such as setback, step backs and landscaping treatments and any combination thereof to address appropriate transition between the Strategic Growth Areas and adjacent low-

rise or mid-rise residential uses. Thus, an angular plane is just one option for facilitating land use compatibility and building transition and is not a mandatory requirement. Further, where an angular plane is used, the Official Plan offers flexibility as the policies do not specify where the angular plane is to be measured, as additional guidance is offered through the Urban Design Guidelines.

The City's new Central Area and Mixed-Use Corridors Urban Design Guidelines provide additional guidance regarding the application of the 45-degree angular plane from the side or rear property lines. The City's Urban Design Guidelines are intended to describe best practices for urban design and provide flexibility based on site-specific conditions. The Urban Design Guidelines do not impose mandatory requirements for development which would require strict interpretation of a 45-degree angular plane. This flexibility is reflected in Council's December 11, 2023 motion for the adoption of the Guidelines:

“That the Mixed-Use Corridors Urban Design Guidelines attached as Appendix A to Report IPGPL23-002 (attached as Appendix A to Report IPGPL23-006) be adopted to provide a non-statutory visualization of the City's intent for urban design to promote Official Plan conformity”.

To date, following approval of the new Official Plan and adoption of Urban Design Guidelines, no developments in the city have been required to maintain strict adherence to a 45-degree angular plane. Angular planes are used in combination of multiple evaluation tools to review development proposals and balanced in the context of the overall goals and objectives of the Official Plan, including intensification and growth objectives.

Angular planes have been subject to scrutiny in recent years due to their implication on overall housing unit yields, construction costs and energy efficiency. In 2024, the City of Toronto completed a review of Mid-Rise Building Design Guidelines and removed angular planes requirements to simplify building massing requirements; however, setback and step back requirements are still included in Toronto's guidelines to ensure appropriate building massing and support pedestrian-oriented development. Peterborough's Official Plan and Urban Design Guidelines are consistent with this approach.

### **Implementation Options for Building Heights and Angular Planes**

At its meeting on February 3, 2025, Council passed the following motion:

“That staff provide an information report for the April 2025 General Committee meeting on options to address the following items for new developments within the strategic growth areas:

1. Removal of building height restrictions
2. Removal of angular plane requirement.”

Options to remove building height and angular plane requirements are as follows:

### **Option 1: Official Plan Amendment with Secondary Plan and CPP By-law**

Under Option 1, the City would continue with the work plan for the secondary plan for the Strategic Growth Areas and CPP By-law as planned. The secondary plan for the Strategic Growth Areas will be implemented through an amendment to the Official Plan. On March 17, 2025, Council endorsed the direction to implement a city-wide Community Planning Permit By-law. In accordance with Housing Accelerator Fund 2 milestones, the secondary plan and CPP by-laws will be approved by Spring 2026.

Until such time that the secondary plan and CPP By-law are in effect, any development proposal which does not conform to the building height or compatibility provisions of the Official Plan may be required to apply for an amendment to the Official Plan and Zoning By-Law. Under the **Planning Act**, the legislated timeframe for a decision on a combined Official Plan Amendment and Zoning By-law Amendment application is 120 days.

Under the current planned scope of work for the CPP By-law project, there are two key deliverables relevant to the discussion regarding building heights and angular planes: 1) a Preliminary Directions and Recommendations Report, and; 2) a Fiscal Benefits/Market Assessment. The Preliminary Directions and Recommendations Report will outline the key recommendations for amending the Official Plan to implement the secondary plan for the Strategic Growth Areas and CPP By-law. More specifically, the Report will provide Official Plan policy options for building height based on current community consultation and Council priorities. The Fiscal Benefits/Market Assessment on the other hand will focus on development feasibility considering factors such as additional height and density, urban design measures (e.g., angular planes, setback and step backs) and municipal incentives. This analysis will describe the approximate scale and type of development that is most likely to be supported from a market demand and financial feasibility perspective. Both reports will include analysis and recommendations as it relates to facilities, services and matters.

### **Option 2: Immediate Official Plan Amendment**

Under Option 2, the City would expedite an Official Plan Amendment to remove building height restrictions and angular plane requirements without a respective implementing by-law (i.e., Zoning By-Law or Community Planning Permit By-Law). This option is intended to address the immediate concern that the Community Planning Permit By-law will not be in effect until next year (i.e., Spring 2026).

As is the case today, site-specific Zoning By-Law Amendments will be required for any proposed developments that exceed maximum building height restrictions in the City's current Zoning By-law without guidance in the Official Plan, until such time that the CPP By-law is in effect. Under the **Planning Act**, the legislated timeframe for a decision on a Zoning By-law Amendment application is 90 days.

While this option could facilitate development approvals in advance of a CPP By-law, it could also facilitate land speculation since the City does not have an ability to impose lapse provisions on Zoning approvals. Waiting for the CPP By-law would provide the City an ability to impose conditions of approval, to enter into agreements to address the conditions, and to impose a lapsing date for the approval as a mechanism to encourage applications to proceed to construction expeditiously. Land speculation can promote an unpredictable planning environment and has implications for planning and investments in infrastructure and public service facilities and therefore should be discouraged where possible.

It is anticipated that the CPP By-law will establish classes of development that give flexibility to support additional height and density in exchange for facilities, services and matters. Unlike a CPP By-law, the Zoning By-law does not have a mechanism to allow for increased building height and density in exchange for facilities, services and matters. The removal of building heights from the City's Official Plan prior to the adoption of the implementing CPP by-law has the potential to reduce the City's negotiating power for facilities, services and matters in exchange for building height and density where there is no height limit. Correspondingly, the elimination of building heights and angular plane policies while community engagement discussions on these topics are ongoing, is premature and not conducive to building public trust in the planning process.

## **Strategic Plan**

Strategic Pillar: Growth & Economic Development

Strategic Priorities: 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.

Establish area-specific plans for the redevelopment of key sites in the City to promote strong, compatible, and connected neighbourhoods that enhance quality of life and encourage greater infill.

Strategic Pillar: Governance & Fiscal Sustainability

Strategic Priorities: Support review/update of City's by-laws to make them effective and efficient, meeting the needs of our growing City.

Develop and implement a robust and effective community engagement and communication plan to ensure our community is well-informed and proactively engage in conversations and decisions that shape our community's future.

The implementation of a city-wide CPP By-law enables the City to plan for growth in a comprehensive manner while facilitating higher density development and redevelopment within the Strategic Growth Areas in exchange for services, facilities and matters (e.g., affordable housing). The preparation of a CPP By-law will involve

extensive consultation with the development community, public and Indigenous communities to prepare land use permissions and regulations.

## Engagement and Consultation

Community outreach and education are on-going for the work on the secondary plan for the Strategic Growth Areas and city-wide CPP By-law. The latest engagement work completed for Round 3 of the project was summarized in Report IPGPL25-011. While there has been general community support expressed for increased building height and density in exchange for facilities, services and matters through Round 3 community engagement initiatives, the City has heard the following comments and concerns with respect to building heights and new development:

- Concerns regarding impacts of tall buildings on the character of Downtown and East City character, with additional sensitivity around Little Lake/waterfront areas;
- Concerns regarding shadow and wind impacts of tall buildings;
- Desire for improvement in community character through high quality building/urban design, including bird friendly design measures to reduce bird collisions with tall buildings;
- New development should have consideration of surrounding existing/planned neighbourhood context and built form;
- Encourage missing middle housing and a full range of housing options, including accessible housing;
- Ensuring local job creation keeps pace with population growth;
- Uncertainty regarding whether the relationship between increased height and density will be appropriately accommodated through facilities, services and matters and by the collection and expenditure of development charges to support the new development and maintain the new infrastructure;
- Need for consistent and balanced application and interpretation of facilities, services and matters;
- Ensure infrastructure, services and amenities (e.g., road capacity, parking, public transit, commercial space, access to parks and open space) are supportive of growth and development and there is no adverse impact quality of life;
- Desire to reaffirm the heights contained in the Official Plan;
- Desire to impose minimum densities and discourage lower density development in the Strategic Growth Areas; and,

- Some participants have expressed explicit opposition to unlimited building heights while others expressed the need to maximize building heights and encourage all forms of development.

During the Official Plan Update, the City received a petition with 87 signatures from residents of 169 Lake Street in opposition of increased building heights of the block defined by Crescent Street, Lake Street, George Street and Romaine Street (i.e., the Little Lake South District Designation – Sub-Area 1), more specifically to limit building heights to a maximum of 4 storeys to preserve views of Little Lake. The City has continued to receive written submissions from 169 Lake Street residents in opposition to any increase in maximum building heights within the Little Lake South District Designation – Sub-Area 1 through the community engagement on the secondary plan and CPP By-law. A summary of engagement will be made available in a ‘What We Heard’ report on Connect Peterborough in tandem with the Preliminary Directions and Recommendations Report.

Should Council wish to amend the Official Plan in advance of completing the secondary plan and CPP By-law for the Strategic Growth Areas to eliminate building height restrictions and angular plane requirements from the Official Plan, additional public and agency consultation will be required for that issue specifically including a formal Public Meeting under the Planning Act and consultation with the City’s Planning Advisory Committee.

## **Budget and Financial Implications**

There are no direct budget or financial implications related to the recommendations in this report.

## **Conclusion**

The current planned scope of work for the CPP By-law includes measures to review the building height and angular plane provisions contained in the Official Plan and Urban Design Guidelines. This scope of work also includes an extensive consultation framework to educate the community on the new Community Planning Permit System and collect feedback the development community, public and Indigenous communities to develop the land use permissions and regulations contained in the secondary plan and city-wide CPP By-law. It is instrumental that the building height and angular plane provisions be reviewed within the context of the implementing CPP By-law to support the goals and objectives of the Official Plan as it relates to intensification, compatible development, integration of land use planning with infrastructure planning and provision of community amenities.

Submitted by,

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