

An aerial photograph of a residential neighborhood. A river flows through the left side of the image. The houses are mostly two-story structures with grey roofs. There are several parking lots and streets visible. A large white circular graphic is overlaid on the bottom half of the image, containing text.

Planning Justification Report

Proposed Zoning By-law Amendment
276 Victoria Street North, Port Hope
Prepared for Brenbrooke Homes

August 1, 2024



This Planning Justification Report has been prepared in support of a **Zoning By-law Amendment** application to permit a 74-unit apartment complex on lands known legally as: **276 Victoria Street, Municipality of Port Hope**

EcoVue Project No: 22-2453



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1.0 Background



The following Planning Justification Report (PJR) is being submitted in support of an application for a Zoning By-law Amendment (ZBA) affecting the subject lands, at 276 Victoria Street North, Port Hope (**Figure 1 – Site Location**). Brenbrooke Homes (Applicant) is proposing to construct two three-storey apartment buildings on the property containing a total of 74 units. A ZBA is required to permit the apartment use of the property, and to provide relief from parking requirements.

The proposed development addresses many of the key planning objectives enunciated in provincial and municipal planning policies. It is located within an existing urban area which is intended to be the focus of development. It represents intensification and redevelopment of an underutilized site.

The development will provide needed and desirable apartment units on an appropriate site. The low rise character of the building is permitted in the Official Plan designation and does not detract from the surrounding area. The proposal is close to transit and will use existing infrastructure. The proposal will facilitate the planned extension of Pemberton Drive, which is a municipal road. In summary, the project will provide numerous tangible benefits to the community and local area.

This report will provide details of the site characteristics, a summary of the proposed development, and a detailed explanation of how the ZBA for the subject lands is consistent with, and conforms to, the applicable Provincial and local land use planning documents.

1.1 Description of Subject Property and Surrounding Lands

The subject property is located at 276 Victoria Street North within the northern part of the built up area of the Port Hope Urban Area. The property is rectangular in shape with approximately 60.76 metres of frontage on Victoria Street and a maximum depth of 206.27 metres along its northern boundary. The total area of the property is approximately 1.23 hectares.

The property is within a mainly residential area of Port Hope. Existing residential development borders the property on the south and east. North of the site is a Municipal Operations Centre and vacant land abuts the property to the west.

The property is generally flat with two dwellings located on the eastern part of the property adjacent to Victoria Street. They are in a state of disrepair and will be removed when the property is developed. A large area at the rear of the property is vacant.

The area is served by municipal water and sewage services which are available to the proposed development.

1.2 The Proposed Development

The Applicant is proposing to construct two (2) three-storey apartment buildings on the subject property, containing 74 apartment units (**Figure 2 – Concept Plan**). The buildings will be separated by a 5 metre wide walkway. Thirty-eight units are proposed for the westerly building, while 36 units are proposed for the easterly building.

Vehicular access will be provided along the northern part of the building via a driveway which will travel over a portion of the property (via future easement) to be conveyed to the Municipality through the development process in order to provide a right-of-way for the future extension of Pemberton Drive from the west.

The proposal includes provision for 93 parking spaces comprised of 74 resident spaces and 19 visitor spaces including four (4) barrier free spaces. A 3 metre wide landscaped strip will be provided along the south boundary of the property to provide separation from the existing residential area. A 4.5 metre landscaped strip will be provided along the Victoria Street frontage.

Pedestrian access is provided on the north side of the buildings and connects with the parking area and the south side of the buildings.

1.3 Official Plan Designation and Zoning

The subject property is designated as Urban Area in the County of Northumberland Official Plan. The Urban Area designation permits the proposed residential use of the property.

The property is designated Medium Density Residential in the Municipality of Port Hope Official Plan (**Figure 3**). The designation permits townhouse, rowhouse, low rise apartments and other types of low rise multiple dwelling units. Medium density is defined in Section D 2.1.3 of the Port Hope Official Plan which states that medium density is “generally” between 20 and 60 units per net residential hectare. As discussed within this report, the proposed development represents 60 units per hectare.

The subject property is zoned as RES3 (97) H1 in the Municipality of Port Hope Zoning By-law No. 20/2010, as amended by By-law 20/2023 (**Figure 4**). Permitted uses in the RES3 Zone include single detached, semi-

detached, duplex, triplex, multiple-unit and street townhouse dwellings, but do not include apartment dwellings. Therefore, the ZBA is required to place the property in a RES4 Zone which will permit the apartment use.

The proposal will also require relief from the provisions for the width of a planting strip along a streetline, for lot area and for exterior yard setback for the property condition after the conveyance of the area for the Pemberton Drive extension. These matters are addressed later in this report in the Section on Port Hope Zoning By-law No. 20/2010, as amended by By-law No. 20/2023.

The proposal meets the parking requirements for apartment dwellings as recently amended through Housekeeping By-law No 31/2023 which has now been incorporated into the Comprehensive By-law. The RES3 (97) H1 zoning is a site-specific exception zone which includes special provisions for yard requirements. The Holding 1 symbol (H1) can be lifted when a satisfactory subdivision, site plan or development agreement has been entered into for the property. The proposed development was considered through a pre-consultation review by the Municipality of Port Hope and County of Northumberland, which set out study requirements and some minor amendments to the proposal. The results of these studies are summarized in the following section and they are discussed in the remainder of this report, where applicable.

1.4 Supporting Documentation

A number of reports have been prepared to support the application and to address matters raised through the pre-consultation process with the Municipality of Port Hope and County of Northumberland. The studies summarized below are those which were identified as necessary to support the proposed development:

- A **Traffic Impact Study** was prepared for the proposal by Jewell Engineering (Appendix A). Through the study, the road network in the vicinity of the property was investigated and the number of existing as well as future vehicle trips were determined. The study then added the projected vehicle trips generated by the proposed development to the anticipated traffic on the road system to determine if there would be impacts. The study concluded that the level of service with the traffic from the proposed development would remain acceptable and there would be minimal impact on traffic flow. The study recommended some vegetation removal to improve sight lines, but concluded that no road improvements or need for upgrades would be necessary.

- A **Functional Service Report** was prepared by Jewell Engineering (Appendix B). It reviewed the available sanitary and water supply infrastructure in the vicinity of the proposal and the servicing requirements to accommodate the development. The study found that sanitary and water service is available along Victoria Street. The existing services along Victoria Street have sufficient capacity to accommodate the proposal.
- A **Stormwater Management Design Brief** has been completed by Jewell Engineering (Appendix C). It calculated pre and post development stormwater flows for the subject property and the appropriate method for conveying stormwater from the site. The study proposes the use of underground storage to control post development stormwater flows to pre-development levels, The storage facility will also provide an enhanced level of water quality control in part through the use of an oil/grit separator. The study has also recommended the use of erosion and sedimentation measures during construction. The study concluded that both the quantity and quality of stormwater resulting from the proposal can be appropriately controlled.
- In addition to the above, a **Phase 1 Environmental Site Assessment** was completed by Cambium Inc. (Appendix D). The study investigated the history of use of the property and activities on other properties in the vicinity with particular regard to actual and potential sources of soil or ground water contamination. The study found that there were some past activities that may have resulted in contamination and require further investigation. It determined that a phase 2 Environmental Site Assessment would be required.

The studies support the proposed development of the subject property. There were no issues raised by the studies that would require amendments to the proposal or would require a reassessment of the proposed development.

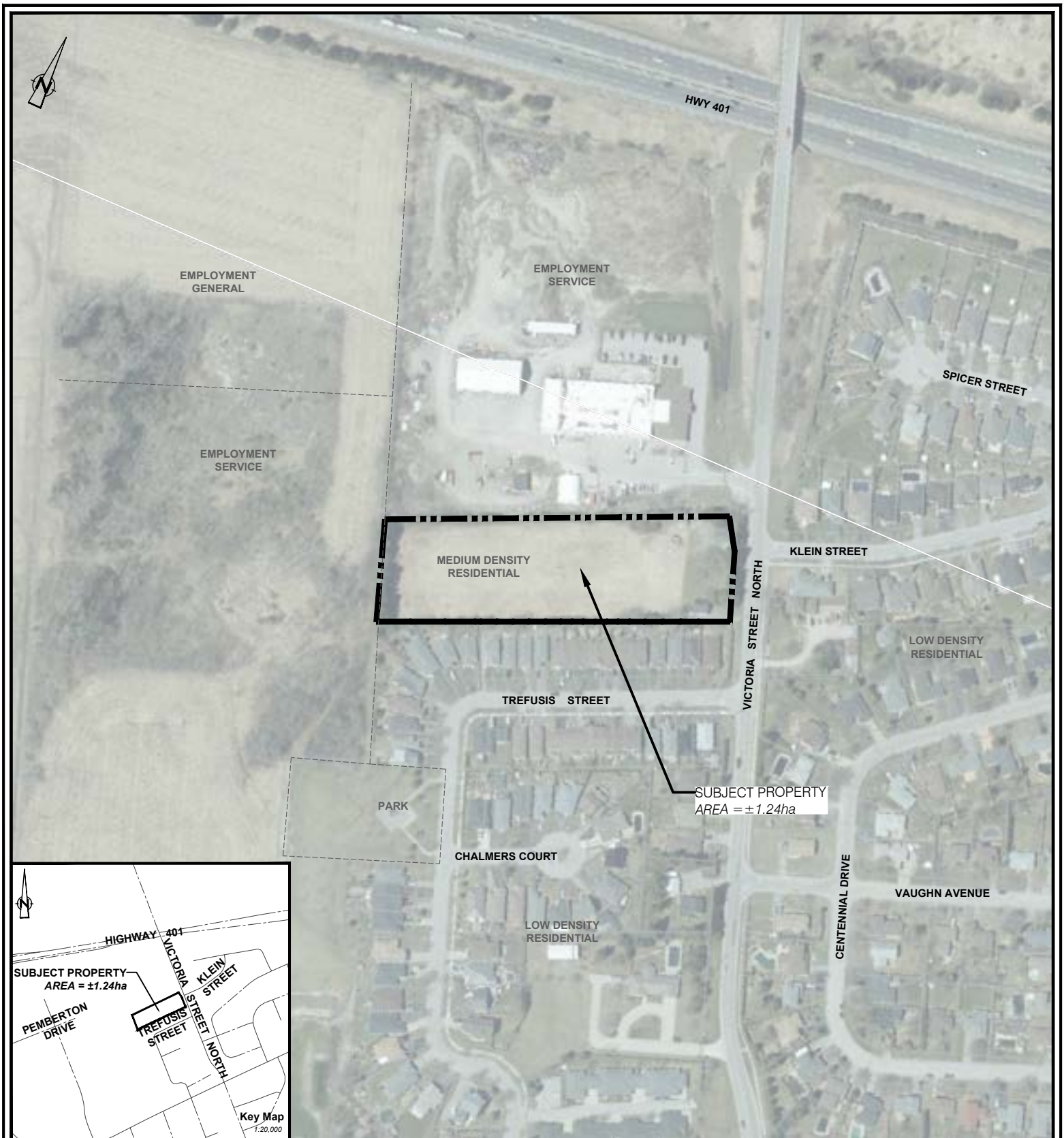


FIGURE 1 - SITE LOCATION



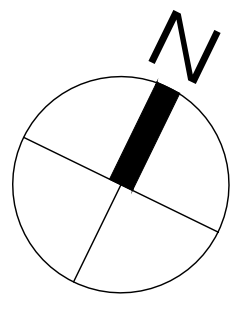
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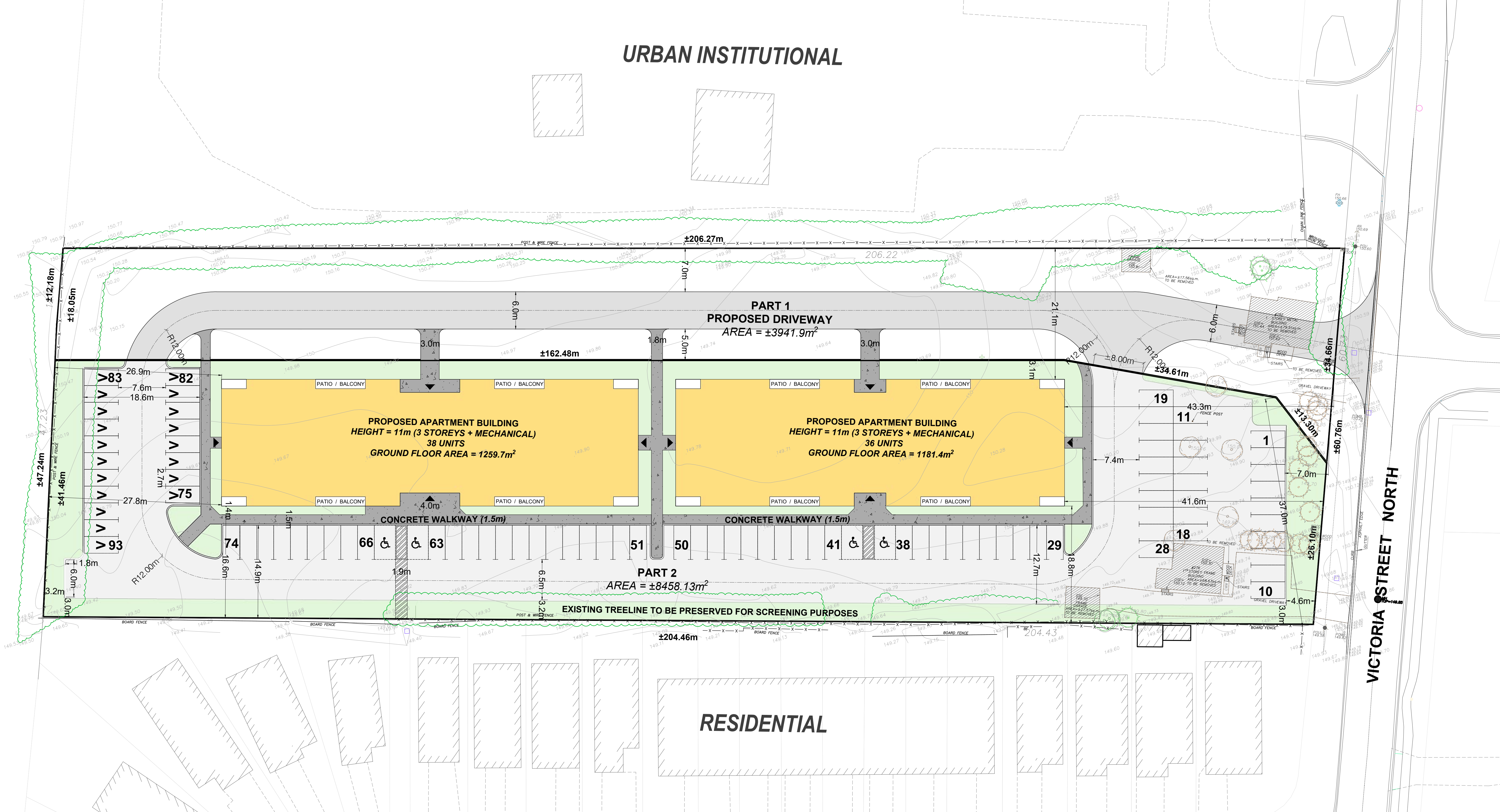
HORIZ. SCALE: 1:3,000

VICTORIA STREET REVIEW
BRENBROOKE HOMES
 276 VICTORIA STREET NORTH
 PART OF LOT 09 CONCESSION 02
 GEOG. TWP. OF HOPE
 NOW IN THE MUNICIPALITY OF PORT HOPE



URBAN INSTITUTIONAL

SERVICE EMPLOYMENT



LEGEND

- SUBJECT PROPERTY
- EXISTING PARCEL LINE
- EXISTING BUILDING
- EXISTING EDGE OF PAVEMENT
- EXISTING DRIVEWAY
- EXISTING ROAD CENTRE LINE
- EXISTING FENCE
- PROPOSED CENTRE LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CONCRETE WALKWAY/SIDEWALK
- PROPOSED DRIVEWAY
- AREAS TO BE LANDSCAPED
- STANDARD PARKING SPACE (2.7m X 5.5m TYP.)
- VISITOR PARKING SPACE (2.7m X 5.5m TYP.)
- BARRIER FREE PARKING SPACE (4.5m X 5.5m TYP.)
- PROPOSED BUILDING ENTRANCE
- PROPOSED BUILDING

NOTES:

- PROPERTY BOUNDARIES ARE APPROXIMATE
- APARTMENT BUILDINGS TO CONSIST OF AFFORDABLE UNITS.
- MINIMUM DRIVEWAY WIDTH = 6.0m
- MINIMUM CL TURNING RADIUS = R12m
- TOTAL PARKING SPACES:
88 STANDARD SPACES (2.7m x 5.5m TYP.)
(70 PARKING SPACES + 19 VISITOR SPACES)
4 BARRIER FREE SPACES (3.4m x 5.5m AS PER AODA STANDARDS)
83 SPACES TOTAL (17 SPACES/UNIT AND 0.26 SPACES/UNIT DEDICATED FOR VISITOR PARKING)

UNIT STATISTICS

UNIT SIZE	83.2 sq.m.
BALCONY	6.0 sq.m.

ZONING STATISTICS (PART1&2)		
HIGH DENSITY RESIDENTIAL (RES4) ZONE	REQUIRED	PROPOSED
MIN. LOT AREA	1ha	1.23ha
MIN. LOT FRONTAGE	60m	60.76m
LOT COVERAGE	N/A	55.8%
LANDSCAPED OPEN SPACE	N/A	44.4%
UNITS PER NET RESIDENTIAL HECTARE	N/A	60.2
ZONING STATISTICS (PART2)		
DAL	1ha	0.84ha
MIN. LOT FRONTAGE	60m	37.0m
MIN. REQUIRED FRONT YARD	7.5m	41.6m
MIN. REQUIRED INT. SIDE YARD	7.5m	18.8m
MIN. REQUIRED EXT. SIDE YARD	7.5m	3.1m
MIN. REQUIRED REAR YARD	7.5m	27.8m
MAX. HEIGHT	N/A	11m
TOTAL UNITS	N/A	74 UNITS
PARKING REQUIREMENT	1 SPACE/UNIT + 0.25 SPACES/UNIT DEDICATED FOR VISITOR PARKING (4 SPACES) FOR BARRIER FREE PARKING	1 SPACE/UNIT + 0.26 SPACES/UNIT DEDICATED FOR VISITOR PARKING (4 SPACES) FOR BARRIER FREE PARKING
LOT COVERAGE	N/A	71.2%
LANDSCAPED OPEN SPACE	N/A	65.0%

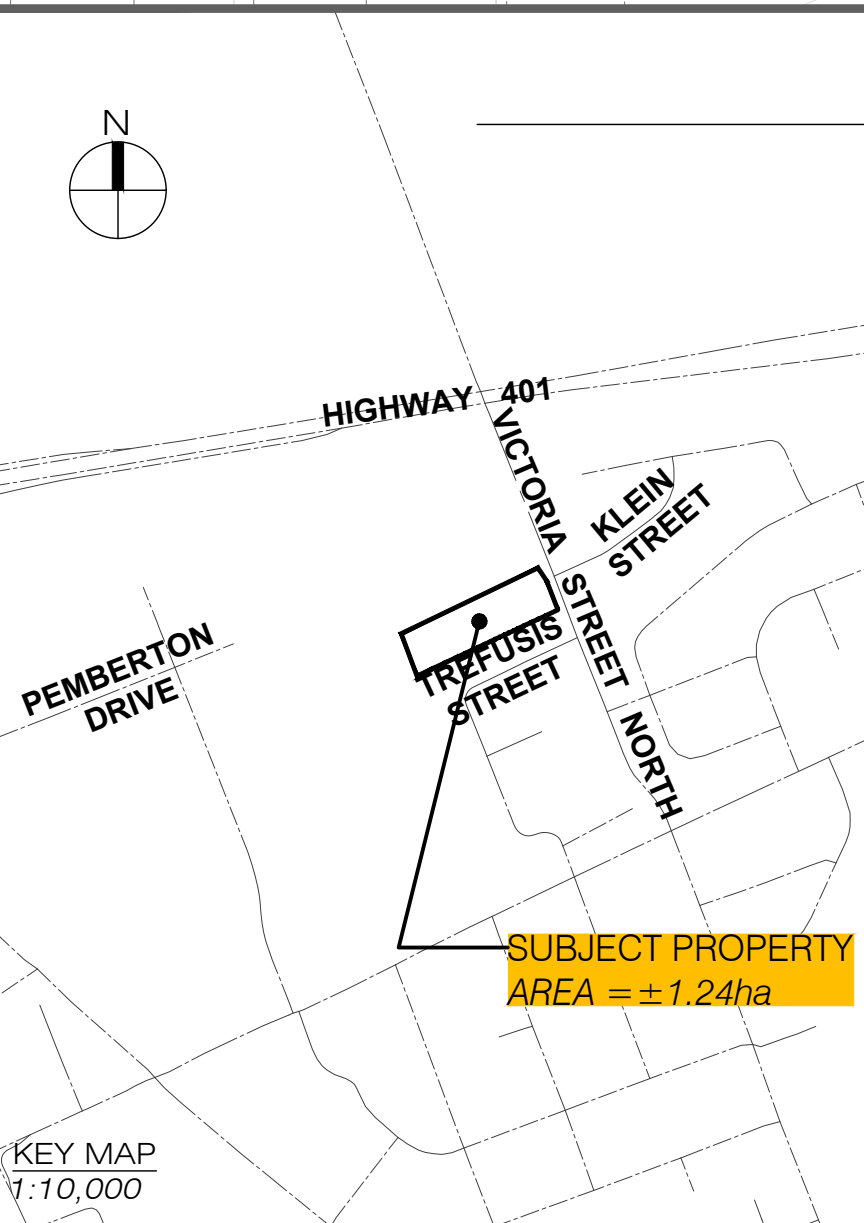


FIGURE 1 CONCEPT PLAN CP3

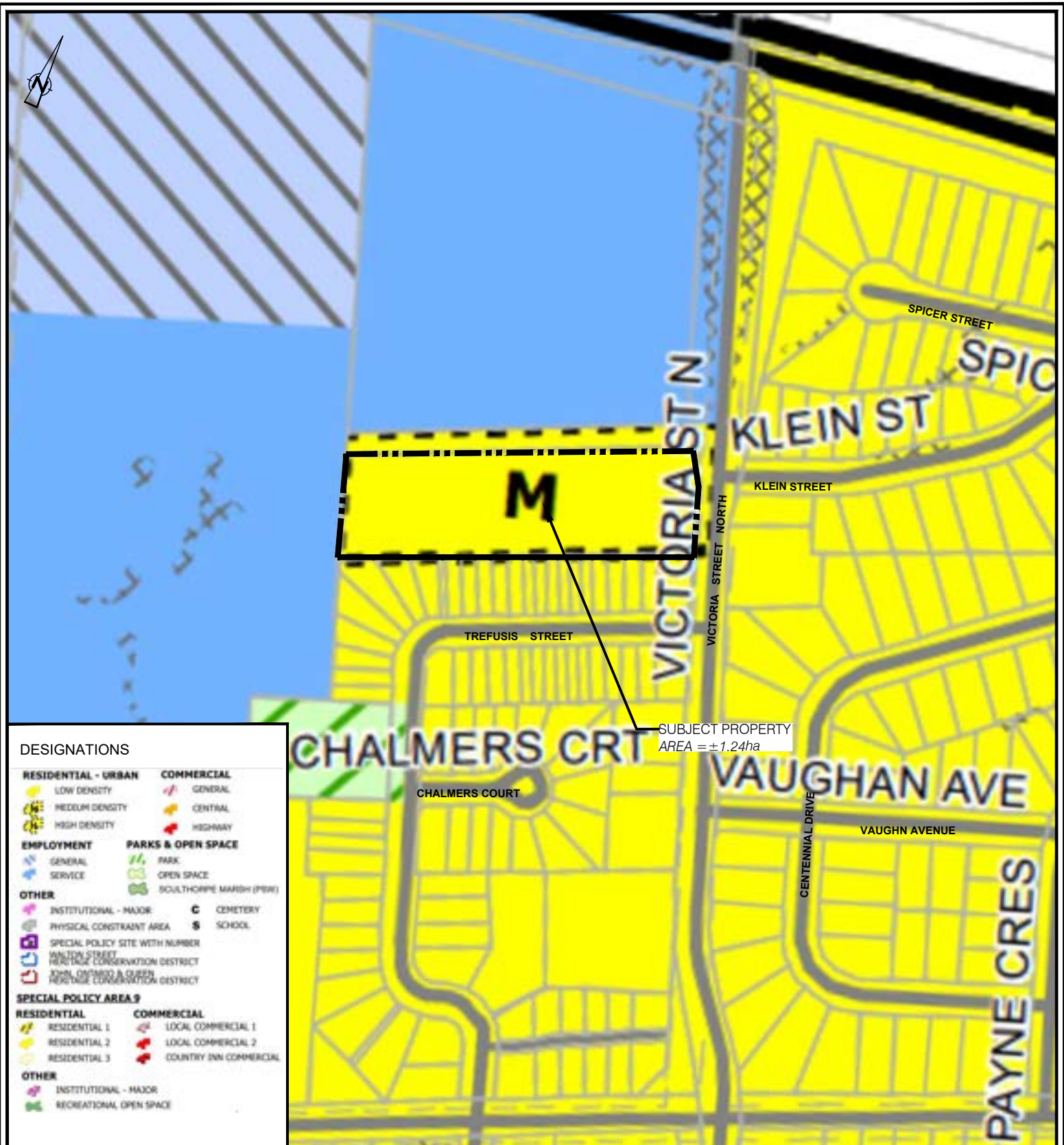
VICTORIA STREET REVIEW BRENBROOKE HOMES

276 Victoria Street North
Part of Lot 09
Concession 02
Geog. Twp. of Hope
Now in the Municipality of Port Hope

Project Number: 22-2453
Drawn By: MC/PP
Horiz. Scale: 1:300
Revision Date: June 19, 2024

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**FIGURE 3 - MUNICIPALITY OF PORT HOPE OFFICIAL PLAN
URBAN AREA DETAIL SCHEDULE C-1**



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VICTORIA STREET REVIEW
BRENBROOKE HOMES
 276 VICTORIA STREET NORTH
 PART OF LOT 09 CONCESSION 02
 GEOG. TWP. OF HOPE
 NOW IN THE MUNICIPALITY OF PORT HOPE



FIGURE 4 - MUNICIPALITY OF PORT HOPE ZONING BY-LAW

SCHEDULE A1
VICTORIA STREET REVIEW
BRENBROOKE HOMES
 276 VICTORIA STREET NORTH
 PART OF LOT 09 CONCESSION 02
 GEOG. TWP. OF HOPE
 NOW IN THE MUNICIPALITY OF PORT HOPE



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2.0
Policy Review



Requirements for ZBA applications are found in the *Planning Act* R.S.O. 1990, c.P. 13, as amended (Act) which provides the legislative framework for municipal land use planning. The Act identifies matters of provincial interest, requires that decisions regarding applications be consistent with the Provincial Policy Statement (PPS) and conform to provincial plans, and directs planning authorities to prepare Official Plans and Zoning By-laws which provide policy direction and development standards at the municipal level.

These planning policy documents provide the fundamental elements that shape the physical and social structure of our communities. In this section of the report, the proposed ZBA is discussed in the context of these documents.

2.1 The Planning Act

All applications under the *Planning Act* (Act) must have regard for matters of provincial interest included in Section 2. (a) to (r) of the Act. Furthermore, Section 3 (5) requires planning decisions to be consistent with the PPS and to conform to provincial plans. The policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan) are applicable to the subject property. Consistency of the proposal with the PPS and conformity to Growth Plan are addressed in the sections that follow.

Section 2 of the *Planning Act* provides a list of “matters of provincial interest” for which planning authorities must have regard in carrying out their responsibilities under the Act. The way that these matters are addressed by the proposal is discussed in the table below:

Table 1: Matters of Provincial Interest

Matters of Provincial Interest	Response
(a) the protection of ecological systems, including natural areas, features and functions;	The proposal is not in proximity to significant natural areas, features of function, it is not expected to impact ecological systems.
(b) the protection of the agricultural resources of the Province;	Agricultural uses are not accommodated on the site. As such, the proposal will not impact agricultural uses.
(c) the conservation and management of natural resources and the mineral resource base;	The subject property does not contain significant natural resources or mineral resources.
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	No features of significant architectural, cultural, historical, archeological or scientific interest have been identified on the property or in the vicinity. The proposal is not expected to affect the conservation of these features.

(e) the supply, efficient use and conservation of energy and water;	The proposal will rely on municipal water and will not impact ground or surface water. The proposal will be subject to the energy efficiency requirements of the Ontario Building Code.
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	The proposal will be serviced by municipal sewer and water services which are available for the site. Waste will be collected on the property and removed from the site in accordance with municipal requirements. The site is serviced by municipal roads and public transit is located in proximity to the property.
(g) the minimization of waste;	The proposal will be subject to municipal waste management requirements.
(h) the orderly development of safe and healthy communities;	The proposal represents orderly development within the community. The site is designated and zoned for residential use, and the proposal will create apartment units in an area that is suitable for the proposed development.
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	The proposal will comply with all requirements to provide accessibility to persons with disabilities.
(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	Adequate educational, health, social, cultural and recreational facilities are available to service the proposal. The proposal will not cause changes in the provision and distribution of services.
(j) the adequate provision of a full range of housing, including affordable housing;	The proposal will improve the range of housing by providing apartment units.
(k) the adequate provision of employment opportunities;	N/A
(l) the protection of the financial and economic well-being of the Province and its municipalities;	N/A
(m) the co-ordination of planning activities of public bodies;	N/A
(n) the resolution of planning conflicts involving public and private interests;	N/A
(o) the protection of public health and safety;	The proposal is not expected to impact the protection of health and safety.
(p) the appropriate location of growth and development;	The subject property is an appropriate location for growth and development. The proposal will fit within the higher end of a medium density use of the site.

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	The proposal is located in proximity to transit. Pedestrian movements will be accommodated in the design of the proposal.
(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	The proposal will provide a compatible and well designed apartment development in an area where it is appropriate.
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	The subject property is in proximity to transit and the proposed parking will meet the current standard. Therefore greenhouse gas emissions may be reduced compared to other potential types of development of the site.

2.2 The Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) came into effect on May 1, 2020 and provides policy direction on matters of provincial interest as they are related to land use planning. As noted above, under section 3 (5) of the Act, it is required that all decisions affecting planning matters “*shall be consistent with*” the PPS. Consideration has been given to the relevant provisions of the PPS with respect to the subject applications as discussed below.

2.2.1 MANAGING AND DIRECTING LAND USE TO ACHIEVE EFFICIENT AND RESILIENT DEVELOPMENT AND LAND USE PATTERNS

Section 1.1.1 of the PPS sets out a number of provisions for sustaining healthy, livable and safe communities. The proposed development is consistent with these provisions, in particular pursuant to Section 1.1.1 (a) it represents an efficient development and land use pattern within the urban area of Port Hope and provides permitted residential use of the property with a more intense form of development.

The proposal will improve the range and mix of housing types by providing apartment units which is consistent with Section 1.1.1 (b).

Pursuant to Section 1.1.1 (c) the proposal will not cause environmental, public health or safety concerns, and it will not prevent the efficient expansion of the settlement area which is consistent with Section 1.1.1 (d).

The proposal is consistent with policy 1.1.1 (e) because it represents intensification of the permitted residential use that is in proximity to transit and by existing infrastructure. Furthermore, the proposal will assist in the extension of a planned municipal road (Pemberton Drive), which will provide opportunities for greenfield development within the employment lands to the west.

Pursuant to Section 1.1.1 (f) the proposal will incorporate all required features to maintain accessibility, including accessible parking and all accessible requirements for apartment buildings under the *Ontario Building Code*.

In consideration of the above, our opinion is that the proposed development is consistent with the above provisions and the remaining policies is Section 1.1.1.

2.2.2 SETTLEMENT AREAS IN MUNICIPALITIES

The subject property is within the urban settlement area of the Municipality of Port Hope.

Section 1.1.3.1 states that settlement areas are to be the focus of growth and development. The development is consistent with this section by contributing to growth within the settlement area of Port Hope.

The proposed development will efficiently use land and resources, as the site is located within the built-up area and is adjacent to municipal services. As such, the development is appropriate for, and efficiently uses infrastructure, and will be transit supportive pursuant to Section 1.1.3.2 (a), (b) and (f).

The proposal will provide support for transit, it will increase the supply and range of housing through the intensification and redevelopment of the property with the construction of apartment units and is, therefore, consistent with Section 1.1.3.3.

The proposal should assist the Municipality in achieving its intensification targets as indicated in Section 1.1.3.4.

Also, pursuant to Section 1.1.3.6, the subject property is within a designated growth area, it is adjacent to existing development, and the form and density of the development will allow for the efficient use of land and infrastructure.

Section 1.1.3.7 indicates that planning authorities should establish and implement policies to ensure that intensification and redevelopment targets are achieved and to ensure the orderly progression of growth within designated growth areas. The proposal complies with intensification and redevelopment policies

and should assist the Municipality in meeting its targets. It represents the orderly progression of growth since it is within the built up area will establish a more intense form of development onto the property.

Based upon the above factors, our opinion is that the proposal is consistent with all provisions in Section 1.1.3 of the PPS.

2.2.3 HOUSING

Section 1.4.1 of the PPS requires planning authorities to provide an appropriate range and mix of housing to meet the projected requirements of current and future residents by maintaining 15 years of capacity to accommodate residential growth through intensification and redevelopment and by maintaining servicing capacity. The proposed development is consistent with this policy because it provides needed apartment units which will add to the range and mix of housing in the area, will result in the redevelopment of the site and intensification of the residential use, and will use existing servicing capacity.

Section 1.4.3 of the PPS requires planning authorities to provide for a range and mix of housing options.

This is intended to be accomplished in part through the requirements in Section 1.4.3 (b) which state that planning authorities should permit and facilitate all types of housing options and all forms of residential intensification and redevelopment. Through intensification and redevelopment of the site, the proposal will provide a needed housing option through the construction of apartment units.

In addition, the proposal is consistent with Section 1.4.3 (c) and (d) because the appropriate level of infrastructure is available for the subject property and the density of the proposal will efficiently use the land and support transit.

Based upon the above, our opinion is that the proposal is consistent with Section 1.4.3 of the PPS.

2.2.4 SEWAGE, WATER AND STORMWATER

Section 1.6.6 of the PPS includes policies that require municipalities to plan for water, sewer and stormwater services. The subject property is located in an area where sewer and water service is available to service the proposal and therefore, the proposal complies with the planned sewer and water service for the Municipality.

Section 1.6.6.7 of the PPS sets out requirements for managing stormwater resulting from development proposals. A stormwater management plan has been prepared for the development which identifies measures that will be used to control stormwater runoff from the site (Appendix C).

In view of the above, our opinion is that the proposal is consistent with Section 1.6.6 of the PPS.

2.2.5 LONG TERM ECONOMIC PROSPERITY

Section 1.7.1 includes a number of policies to promote the long term economic prosperity and communities. Section 1.7.1 (b) states that long term economic prosperity should be supported by;

b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce...

The proposal will provide needed market-based apartment units thereby increasing the housing supply in Port Hope and assist in providing additional housing options.

Our opinion is that the proposal is consistent with Section 1.7.1 of the PPS.

2.2.6 PROTECTING PUBLIC HEALTH AND SAFETY

As discussed above, a Phase 1 Environmental Site Assessment has been completed for the property by Cambium Inc. (Appendix D).. The study found that because of previous uses and activities on the subject property, further investigation is required to ensure that no contaminants of concern are present and could cause negative impacts. A phase 2 Environmental Site Assessment will be completed to determine any required additional actions, if any, need to be undertaken.

Through these assessments, measures will be implemented to ensure that there are no adverse effects on people which is consistent with Section 3.2.2 of the PPS.

The remainder of PPS policies are either not directly applicable or are not offended by the proposed development.

Based upon the above factors our opinion is that the proposal and associated ZBA are consistent with the PPS.

2.3 Places to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

Under Section 3(5) of the Act, the ZBA must conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan).

Section 2.2.1.2 (d) of the Growth Plan requires growth to be directed to settlement areas unless otherwise permitted by the plan. The proposed development is within the settlement area of Port Hope and complies with this direction.

Section 2.2.1.4 indicates that the policies of the Growth Plan are intended to achieve complete communities that will provide a diverse mix of land uses, including residential uses, as stated in Section 2.2.1.4 a) and by providing a diverse range and mix of housing options as stated in Section (c).

The proposed ZBA will move the Municipality forward toward achieving a complete community by providing a more intense residential use of the site and needed apartment units that will add to the mix of housing options.

Furthermore, pursuant to Section 2.2.1.4 (e) the proposed development will provide a more compact built form than is currently permitted in the zoning for the property.

Pursuant to Section 2.2.2.2, the proposed ZBA will assist the Municipality in achieving its intensification targets. The proposal also conforms with the direction in Section 2.2.2.3 (c), which encourages intensification throughout the built-up area.

Section 2.2.6.1 of the Growth Plan requires municipalities to support housing choice through the achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities including additional residential units. The proposed ZBA will assist the Municipality in achieving intensification and density targets and by improving the range and mix of housing options.

The proposed ZBA conforms to the direction in Section 2.2.6.1..

The proposed development will not result in negative impacts to water resource systems, the natural heritage system, the agricultural system, cultural heritage or other areas of concern identified in the

Growth Plan.

Based on the foregoing, it is our opinion that the proposed ZBA conforms to the Growth Plan.

2.4 County of Northumberland Official Plan

The subject property is designated as Urban Area in the County of Northumberland Official Plan (CNOP). The Urban Area designation permits a number of urban uses on the property including the proposed residential use.

Section A2 of the CNOP sets out a number of Guiding Principles. They include Section A2.3 which states in part that most development should be directed to urban areas where full services are available and to ensure that an adequate supply of housing choices are available for present and future residents. The proposal supports this principle because it will be located within the urban area of Port Hope and it will provide additional housing choices for residents.

Section A2.6 states that housing should be available to those of all ages, abilities, incomes and to all household sizes, and it should be located in areas near public transportation, jobs and essential goods and services. The proposal will provide an additional housing option which will be located close to public transportation and other services.

The proposal advances the above principles and does not conflict with any other provision of in Section A2. Therefore, our opinion is that the proposed ZBA conforms to Section A2 of the CNOP.

Section B7 of the CNOP includes housing projections for the Municipalities within the County of Northumberland. The proposal will assist in meeting the projection for medium density housing in Port Hope.

Section B9 sets out minimum intensification targets for the urban areas in the County. Port Hope has the highest intensification target in the County; 50% of all growth to 2034 within the Municipality of Port Hope must take place within the built-up portion of the Port Hope Urban Area. The proposal will facilitate intensification of the subject property and will, therefore, assist the Municipality in meeting this ambitious intensification target.

2.4.1 URBAN AREA POLICIES

Section C1.1 provides policies for the Urban Area designation that encourage the creation of complete communities. Section C1.1 (d) indicates that complete communities should include, “... a range of housing types for all levels of income and ages; ...” The proposed ZBA will assist in achieving a complete community by providing needed apartment units.

Section C1.2.1 provides policies for Residential Areas which include the following objectives:

- a) Maintain and enhance the character and identity of existing residential areas;*
- b) Encourage the provision of a range of housing types to accommodate persons with diverse social and economic backgrounds, needs and desires while promoting the maintenance and improvement of existing housing;*
- c) Promote the efficient use of existing and planned infrastructure and public service facilities by supporting opportunities for various forms of residential intensification, where appropriate;*
- d) Encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development;*

Pursuant to Section C1.2.1 (a) the proposal will be located within an existing residential area and will enhance the existing character by providing a needed housing type on a large, underutilized site.

The proposal will provide needed apartment housing and, therefore, will assist in providing a range of housing types as required in Section C1.2.1 (b).

Pursuant to Section C1.2.1 (c) the proposal will result in residential intensification of the site and provide for the efficient use of existing infrastructure.

Regarding Section C1.2.1(d), the proposal will increase the residential density on the property and assist in maximizing the use of existing infrastructure and minimizing the amount of land required.

2.4.1.1 HOUSING

Section C1.5.1 of the CNOP contains goals for housing in Port Hope. They include:

- b) Ensuring the provision of an appropriate range of housing types and densities to meet the needs of current and future residents;*

The proposed ZBA will help achieve these goals by adding to the range of housing types and increasing the density of development of the site.

Also, Section C1.5.1 (i) contains the following goal:

i) Encouraging the development and redevelopment of lands within settlement areas and in appropriate locations at higher densities to maximize the use of infrastructure...

The subject property is within the settlement area and will be redeveloped at a higher density, which will contribute to achieving this goal.

The proposed ZBA also conforms to the general Housing policies which state in Section C1.5.2 (a) that the County supports:

a) Residential intensification and redevelopment within urban areas and rural settlement areas, where an appropriate level of infrastructure and public service facilities are or will be available in the immediate future and subject to the policies of this Plan...

The proposal will provide for redevelopment and intensification of the residential use of the site which is within a settlement area and where infrastructure is available.

2.4.2 RESOURCE AND CONSTRAINT AREAS

Section D2.4 of the CNOP includes requirements for developments to plan for and implement stormwater management measures. Pursuant to Section D2.4 (b) a stormwater management plan has been prepared for the proposal and the recommendations will be implemented in conjunction with the development.

Section D3 provides policies for the protection of Cultural Heritage Resources. The subject property has not been identified as having potential for cultural heritage resources and, therefore, no action under these policies is required.

The remainder of the CNOP is either not directly applicable to the proposal or is not offended by the proposed ZBA.

Based upon the above, our opinion is that the ZBA conforms to the CNOP.

2.5 Municipality of Port Hope Official Plan

As noted previously, the subject property is designated Medium Density Residential in the Municipality of Port Hope Official Plan (PHOP), which permits residential apartment units on the site.

Section B4 of the PHOP provides the growth concept for the Municipality. It states in part:

The Municipality of Port Hope shall accommodate new growth through practical and efficient land use management strategies that promote a more compact pattern of development within the existing Urban Area and Hamlet boundaries.

Compatible residential, commercial and employment-generating uses shall be directed to appropriate locations within existing and planned neighbourhoods to minimize municipal costs and enhance the character of the existing urban area.

The proposed ZBA will result in a more compact form of development than that which is found in the surrounding area and than currently exists on the property. That said, the proposal will be compatible with the existing neighbourhood and will enhance the character of the area. The buildings will be constructed at a low profile (three storeys) in order to maximize the number of units while reducing potential height and massing impacts.

Section B5 sets out goals and objectives for protection of the environment including the following:

To ensure that the quantity and quality of surface and ground water are protected, maintained and enhanced, in accordance with the approved Ganaraska Source Protection Plan.

To formulate planning policy which shall encourage appropriate forms of land use in all areas, so that the impact of development does not lead to the deterioration of the natural environment.

The proposal will not negatively impact the quantity and quality of surface and ground water. In addition, the proposal is an appropriate form of land use for the property which is encouraged by planning policy, and will not lead to deterioration of the natural environment. Therefore, the proposed ZBA will assist in meeting the above objectives.

2.5.1 SOCIAL AND HOUSING

Section B9 of the PHOP includes Social and Housing Goals and Objectives. Pursuant to the goal in Section B9.1, the proposal will assist the Municipality in offering a range of living opportunities.

Section B9.2 includes the following objectives:

To encourage the provision of an adequate supply of housing accommodation, by type and tenure, in relation to the needs and demands of both present and future inhabitants of the Municipality as identified in the County of Northumberland 10-year Housing and Homelessness Plan in a form that generates a choice of lifestyles.

To encourage intensification within the Urban Area in a manner that is compatible with surrounding development.

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To ensure that all residential areas of the Urban Area are compact, pedestrian friendly, offer a mix of housing types and are accessible to a range of amenities such as community facilities and commercial uses.

To ensure that a high standard of design is achieved in all development.

The proposal will provide housing that will assist in meeting the needs and demand of present and future inhabitants of Port Hope. It represents intensification in the urban area that will be compatible with the surrounding development.

In addition, the proposal represents a compact form of development that will add to the mix of housing types by providing needed and desirable apartment units. It will be developed using a high standard of design, the details of which will be implemented through Site Plan Control.

Based upon the above, our opinion is that the proposed ZBA conforms with the Social and Housing goals and objectives in the PHOP.

2.5.2 TRANSPORTATION AND PUBLIC SERVICES

Section B10 of the PHOP includes Goals and Objectives for Transportation and Public Services.

The proposal will assist in the development of a safe and efficient road network through the extension of Pemberton Drive, which will help the Municipality achieve the goal set out in Section B10.

Section B 10.1 includes the following objectives:

To develop transportation and utility corridors that minimize disruption to adjacent communities, land uses and environmentally sensitive areas.

To provide for the efficient movement of people and goods throughout the Municipality and surrounding region.

The proposal will result in the future extension of Pemberton Drive westward to the adjacent property. It will add to the development of planned road network and assist in the efficient movement of people and goods.

Therefore, our opinion is that the proposed ZBA conforms with the objectives in Section B10.1 of the PHOP.

2.5.3 CONFOROMITY WITH GROWTH PLAN AND GROWTH MANAGEMENT STRATEGY

Section B12 sets out Goals and Objectives related to conformity with the Growth Plan and implementation of the County and the Growth Strategy for its member municipalities.

Pursuant to Section B12.1 the proposal is located within the defined Urban Settlement Area and does not require any changes to a settlement area boundary.

The proposed development will be located within the built boundary of Port Hope. As encouraged in Section B12.2, the proposal is considered to be intensification and will contribute to achieving the intensification target in the PHOP.

Similar to the CNOP, Section B 12.4 states that the Municipality's intensification target is 50% for all new residential units developed within the Built Boundary. The proposed development will assist the Municipality in meeting this objective.

Section B 12.4 also states the following:

To achieve the Municipality's intensification target, the Municipality shall implement the following Intensification Strategy:

a) Establish six Major Intensification Areas in the Municipality, as further detailed in Section B12.4.1 of this Plan;

b) Permit limited intensification within Established Residential Areas at a scale and built form that reflects the established neighbourhood, including encouraging the creation of accessory apartments;

The subject property is adjacent to a major intensification area. It represents a relatively large site with minimal existing development that can accommodate residential intensification in a way that is compatible with the surrounding neighbourhood.

While lower density residential areas are located to the south and east, the potential for the property to accommodate higher density than the surrounding area is recognized through the medium density residential designation that applies to the property. The proposed built form of the apartment units reflects the low-rise nature of the surrounding neighbourhood and is compatible with it.

Based upon the above, our opinion is that the proposed ZBA conforms with the goals and objectives in Section B12 of the PHOP.

2.5.4 GENERAL DEVELOPMENT POLICIES

Section C of the PHOP provides General Development Policies that are intended to apply to all designations.

2.5.4.1 SETTLEMENT STRUCTURE

Section C1 sets out the settlement structure for the Municipality which includes the Urban Area, Hamlet, Employment Area, Countryside Area and Oak Ridges Moraine. The subject property is located in the Urban Area, which is intended to be the location of the widest range of residential, commercial and employment uses and community facilities serviced by municipal sewer and water.

The proposed ZBA, which will intensify the residential use of the site, conforms with the intent of the PHOP for the Urban Area which is to be the focus for urban uses in the Municipality.

2.5.4.2 POTENTIALLY CONTAMINATED SITES

Section C.6 of the PHOP contains policies for Potentially Contaminated Site. A Phase 1 Environmental Site Assessment (ESA) was completed by Cambium Inc. for the property. As noted, the ESA identified the need for a Phase 2 assessment and record of site condition (RSC) prior to development of the property. Notwithstanding the need for a Phase 2 ESA, the results of the Phase 1 ESA indicate that the potential for significant contaminants or areas of concern is minimal.

2.5.4.3 SOCIAL AND HOUSING

Section C.9 of the PHOP contains Social and Housing policies. In Section C.9.1.1 it states:

Future population growth shall be concentrated in the Urban Area where hard and soft services are available.

The subject property is located in the Urban Area and will provide for a concentrated development on municipal services, which are available to the site.

Section C9.1.2.3 sets out policies for Housing Intensification. Different types of intensification are described in Section C9.1.2.3 (a) including part (iii), which states:

iii. redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a higher density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.

The proposal falls within this definition as it will provide for redevelopment of the property with a compatible, new residential development at a higher density than currently exists on the site.

Section C9.1.2.3 (b) sets out criteria for areas where intensification should be permitted. It states the following:

The Municipality shall consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:

- i. the development proposal is within the Urban Area;*
- ii. the existing water and sanitary sewer services can accommodate the additional development;*
- iii. the road network can accommodate the traffic generated;*

- iv. the height and density of development is appropriate and compatible with the scale of adjacent development, and the character of the neighbourhood; and,*
- v. the development proposal will not have a negative impact on cultural heritage resources or natural heritage features in the area.*

As noted previously, the subject property is located within the Urban Area. The existing municipal services can accommodate the proposal. A traffic impact study has been completed by Jewell Engineering which demonstrates that the road network can accommodate the traffic generated by the proposal.

The height and density of the proposal are appropriate for the site and surrounding neighbourhood. The three storey height of the buildings is compatible with the buildings in the neighbourhood. The density of 60.16 units per hectare is marginally above the upper limit of the medium density range by 0.2 units per hectare. However, Section D2.1.3 of the Official Plan provides some flexibility in determining if proposals are medium density since it states that medium net residential density shall be “generally” between 20 and 60 units per net residential hectare.

Our opinion is that the definition is intended to accommodate minor variations in the stated range where the development is appropriate and compatible with the area. Therefore, our opinion is that the proposal falls within the definition of medium density.

There have been no negative impacts on cultural or natural heritage resources identified in conjunction with the proposal.

Based upon the above factors, our opinion is that the proposed ZBA conforms to the policies in Section C9 of the PHOP.

2.5.4.4 COMMUNITY CHARACTER

Section C11 sets out policies for Community Character, including cultural heritage and conservation, and community design.

No cultural heritage features have been identified that would be affected by the proposal.

Archeological assessments are required for properties with known archeological sites or that have archeological potential. However, no archeological assessments are required for the property as the site is not located within an area of high archaeological potential.

Section C11.3 includes policies for Community Design to promote high quality developments that are integrated with the surrounding community.

Section C11.3.1 includes the following section:

Council shall ensure that a proposed development or infrastructure undertaking enhances the image of the Municipality of Port Hope, its urban areas, hamlets and rural areas by complementing and contributing to:

- a) the activity and character of the area;*
- b) the landmarks in the area;*
- c) the consistency and continuity of the area with its surroundings;*
- d) the planting of trees along right-of-ways where applicable;*
- e) the edges of the area; and*
- f) linkages within, to and from the area.*

The proposed ZBA will facilitate a built form that compliments and contributes to the character of the area. While it will provide a different form of residential unit than the predominate type within the neighbourhood (mostly single detached dwellings), the buildings will be three storeys in height, which will be consistent with the surrounding area, which is comprised of mostly two storey dwelling units.

The proposal will comply with all Municipal planting requirements, which will be implemented through Site Plan Approval under Section 41 of the *Planning Act*. Furthermore, linkages will be provided to Victoria Street and to the residential area to the south. The proposal will also provide for the extension of Pemberton Drive, which will provide a future road linkage to the west.

Section C11.3.2 further states that Council will promote the design of buildings and spaces to be functional for people of all ages. The proposed building will incorporate all Municipal design requirements, including all accessible design requirements.

Section C11.3.4 requires Municipal Council to encourage energy conservation when approving development proposals in line with federal and provincial policies. The proposed development will incorporate any required energy conservation measures.

Section C11.3.5 deals with built form and states in part:

Council shall ensure that the design of new development:

- a) is complementary to adjacent development in terms of its overall massing, orientation and setback;*

- b) provides links with pedestrian, cycling and road networks;*
- c) extends the existing road pattern and character to enhance orientation and integrate newly developing areas of the Municipality of Port Hope; and*
- d) maintains and enhances valued cultural and heritage resources and natural features and functions.*

The proposal will be complimentary to the adjacent area and will include pedestrian and road links to the surrounding lands. It will extend the existing road pattern through the future extension of Pemberton Drive. In addition, the development will not negatively impact cultural and heritage resources or natural features and functions.

In Section C11.3.5 the PHOP also states with regard to complimentary redevelopment,

Council shall ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- a) massing;*
- b) building height;*
- c) architectural proportion;*
- d) volumes of defined space;*
- e) lot size;*
- f) position relative to the road; and*
- g) building area to size area ratios.*

While the proposal involves a different built form than the surrounding area, the massing is appropriate and is set well back from Victoria Street. The proposed building height is permitted in the Residential 3 zoning that currently applies to the site and is also permitted in the proposed Residential 4 (RES4) Zone (as discussed below). The proposal maintains appropriate setbacks from the road and a landscaped buffer is provided along the southern lot line to provided added buffering and screening from the existing dwellings to the south.

The proposal is also complimentary to existing development in the area in terms of the other provisions of this policy.

Based upon the above considerations our opinion is that the proposed ZBA conforms with Section C11 of the PHOP.

2.5.4.5 INFRASTRUCTURE

Section C12 of the PHOP deals with Infrastructure.

In Section C12.1.1.1 and C12.1.1.2, the PHOP requires all development within the urban area to be serviced by the municipal water supply system and municipal sanitary sewage facilities. As noted, the proposed development will be serviced with both municipal sewer and water.

Section C12.1.3 sets out requirements for stormwater management. It states that developments shall provide appropriate stormwater management facilities in accordance with provincial, municipal and conservation authority requirements. Furthermore, this section includes the following requirement:

Stormwater management facilities shall be designed and constructed to protect receiving watercourses and adjacent land uses from any significant negative impacts of stormwater run-off by minimizing stormwater volumes and contaminate loads and maintaining or increasing the extent of vegetative and pervious surfaces.

A stormwater management plan has been prepared by Jewell Engineering (**Appendix C**) for the proposal according to all requirements and policies. The stormwater management plan identifies the measures that will be incorporated into the proposal to ensure that there are no impacts from stormwater resulting from the proposal.

In view of the above, our opinion is that the proposed ZBA conforms to Section C12 of the PHOP.

2.5.5 TRANSPORTATION

Section C13 of the PHOP provides policies for the transportation system including roads and transit.

The policies include direction that Municipal Council should seek a more balanced transportation system through a number of measures, including: the implementation of land use policies that call for a more compact urban form in order to reduce the growth of multiple automotive trips; and directing the extension of existing roads and construction of new roads in keeping with the intent of the PHOP.

The proposed ZBA complies with this direction by permitting a building with a more compact form and through the future extension of Pemberton Drive.

With regard to the establishment of the road network Section C13.2 states in part:

Where additional land is required for widening, extensions and intersection improvements, such land shall be obtained, wherever possible, in the course of approving of plans of subdivision or consents, in accordance with the provisions of the Planning Act, as amended. Right-of-way widths and geometric design standards shall be determined by the Municipality, County or Province, in consultation with the Ministry of Transportation.

Land for the road allowance for the future extension of Pemberton Drive will be conveyed to the Municipality through the development approval process.

Section C13.2.1 of the PHOP, which deals with provincial highways, is also relevant due to the proximity of the subject property to Highway 401, which is located approximately 230 metres to the north. The following is included in Section C13.2.1:

Under the Public Transportation and Highway Improvement Act, the Ministry of Transportation controls all land use within 395 metres of the centre point of the intersection of any local road and Provincial Highway 401 and 800 metres for any land use considered to be a large traffic generator by the MTO. Permits will be required for all buildings/structures located within the MTO's area of permit control prior to any construction being undertaken.

Through the pre-consultation process the Ministry of Transportation (MTO) provided comments which were consistent with the above-noted policy. The proposal will comply with the MTO's requirements and any necessary permits will be obtained.

Section C13.5 requires all developments to be accessed by a public road, maintained year-round which has sufficient capacity to accommodate the traffic generated by the development. The proposal will be accessed from Victoria Street and the Traffic Impact Study (**Appendix A**) undertaken in conjunction with the proposal has demonstrated that there is capacity to accommodate the traffic generated by the proposal.

Section C13.6 which provides parking policies states in part:

Parking standards, including facilities for physically challenged persons, shall be established for all land uses in the implementing Zoning By-law and adequate off-street parking shall be provided for new development or redevelopment in accordance with these standards.

In addition, the policy requires that adequate buffering be provided to adjacent land uses.

The proposal meets the parking requirements of By-law 20/2010 as amended through Housekeeping By-law No. 31/2023, which are now in effect. The barrier free spaces are included in the total number pursuant to the relevant provincial regulations.

Buffering of the proposed parking area from adjacent land uses has been incorporated into the design of the proposal.

Section C13.7 deals with active transportation. It requires that all new developments and redevelopments shall provide for safe, accessible and secure pedestrian and cycling movements. The policies in this section encourage the provision of pedestrian walkways to connect sidewalks where appropriate.

As noted, the proposal has incorporated measures to provide pedestrian and cycling access to Victoria Street to the east and through a walkway connection to Trefusis Street to the south.

In consideration of the above, our opinion is that the proposed ZBA conforms to the policies in Section C13.

2.5.6 COMPLETE APPLICATION REQUIREMENTS

Section C20 provides for requiring complete applications. It states in part:

In order for an application for development to be considered complete, Council may require studies as part of the planning approval process or as part of a more detailed planning study in order to satisfy the strategic direction and policies of this Plan.

Furthermore, the general policies in Section C 20.1 state that Council may require consultation with the Municipality prior to submission of an application, that they shall determine the need for and timing of the studies, that they shall be carried out by qualified professionals, and that they shall be peer reviewed.

Through the pre-consultation process for the ZBA, the Municipality has required the completion of a number of studies in order to assess the proposal. The results of these studies have been considered in the preparation of this planning report and are discussed where appropriate. Recommendations of the studies have been incorporated into the proposed development.

Section C20.2 sets out requirements for stormwater management plans. The stormwater management report completed for the proposal complies with the requirements of these policies.

Section C20.4 includes policies for the completion of Traffic Impact Studies. The Traffic Impact Study completed for the proposal complies with the requirements of these policies.

Section C20.6 provides policies for Noise, Vibration and Environmental Studies. The policies require in part that environmental studies should identify abatement measures, and have regard for the appropriate provincial legislation, policies and guidelines. As noted, a Phase 1 Environmental Site Assessment has been carried out for the subject property which has been completed according to provincial requirements. The Phase 2 assessment will also be completed in compliance with all requirements.

The other policies in Section C20 of the PHOP are not directly relevant for the proposal.

Therefore, it is our opinion that the proposed ZBA conforms with Section C20 of the PHOP.

2.5.7 RESIDENTIAL LAND USE

Section D of the PHOP includes policies for the land use designations in the plan. In Section D2 the residential policies are set out. The permitted uses and land use categories are identified in Section D2.1.1.1 which states:

Within a Residential designation as shown on Schedule C, the predominant use of the land shall be for residential dwellings in accordance with the more specific provisions of Sections D2.1.2, 2.1.3 and 2.1.4 of this Plan.

The Municipality of Port Hope has the following residential designations within the Urban Area:

- a) Low Density;*
- b) Medium Density; and,*
- c) High Density.*

The subject property is designated as Medium Density Residential in the PHOP. Therefore, the medium density use that would be implemented through proposed ZBA is permitted by the PHOP.

Section D2.1.1.5 sets out considerations for the determination of density. It states in part:

Residential density is expressed as a range of units per net residential hectare. Adjustments to these densities may be permitted where the intent of this Plan is maintained. An increase in residential density and/or a decrease in the relevant on-site parking standards may be considered for senior citizens housing within Residential Medium Density and High Density designations, relative to the age of the occupants and automobile ownership trends of the residents.

The density for the proposed development is 60.16 units per net residential hectare which, as noted earlier, is marginally above the maximum permitted for Medium Density Residential designation. As indicated above, the density can be adjusted where the intent of the PHOP is maintained.

As noted earlier, the proposal complies with the amended parking standards in the Zoning By-law. Section D2.1.3 provides the requirements for the Medium Density Residential designation. The permitted uses include townhouses, rowhouses, fourplexes, low-rise apartments and other forms of low-rise multiple dwellings.

This section includes the definition of medium density which is as follows:

The net residential density for residential development shall generally be between 20 and 60 units per net residential hectare.

Based upon the above, the proposed development of two three storey apartment buildings is permitted. As discussed previously, while the net residential density is barely above the 60 unit per net residential hectare upper limit for the medium density designation, the above-noted provision provides for some flexibility in determining the range of medium density because it states that the net residential density shall “generally” be between 20 and 60 units per net residential hectare. In view of the definition, the size of the property and low rise profile of the buildings, our opinion is that the proposal should be considered as a medium density development.

The Section contains policies for redesignating lands as Medium Density Residential. It also states that comprehensive development plans are required for medium density residential proposals.

With regard to the proposal, it is our opinion that an Official Plan amendment is not necessary as the proposed use is permitted, and the total density is only slightly higher than the maximum units per hectare for medium density residential. Furthermore, the concept plan for the proposal contains the elements identified in this section that are to be included in the comprehensive development plan.

Section D2.1.3 also contains the following provision:

Where development within a designated Residential - Medium Density designation is adjacent, or in immediate proximity to, development within a Residential Area - Low Density designation, potential adverse impacts between the developments shall be mitigated through building setbacks, visual screening, landscaping, fencing, and other forms of buffering, in accordance with the provisions of this Plan.

The residential areas to the south and east are designated Residential-Low Density. The proposed buildings maintain substantial setbacks from the property boundaries. Furthermore, a landscaped strip is proposed along the south, eastern and western property lines which will provide buffering from the low density areas. In addition, existing trees are to be maintained along the south property boundary to provide additional screening. These measures will buffer the proposal from adjacent Low Density Residential Areas.

Based upon these considerations our opinion is that the proposed ZBA conforms to Section D2 of the PHOP.

2.5.8 OTHER POLICIES

Section E6 includes policies for zoning and it states that zoning shall be used to implement the PHOP. In addition, the implementing zoning by-law shall be used to regulate the use of land in conformity with the PHOP and all implementing zoning by-laws and amendments shall be in conformity with the PHOP.

The proposed ZBA contains the appropriate provisions for the use of the subject property and it conforms with the PHOP.

Section E11 of the PHOP provides policies for site plan control and states that the entire area covered by the plan is designated as a site plan control area.

Therefore, the proposed development will require site plan approval and will need to meet all applicable requirements.

The remaining sections of the PHOP deal with other land use designations and matters that do not directly apply to the proposed ZBA.

Therefore, based upon the above, our opinion is that the proposed ZBA conforms to the PHOP.

2.6 Port Hope Zoning By-law No. 20/2010 as amended by By-law 31/2023

As noted earlier, the current zoning of the property is Medium Density Residential (RES3 (97) H1), according to Schedule A – Sheet 1 to the Municipality of Port Hope Zoning By-law (PHZBL) (see **Figure 4**). The special exception no. 97 provides for some variation from the By-law's setback standards and the H1 holding provision prohibits development of uses under the RES3 Zone until such time that a development agreement has been entered into for the property.

The RES3 Zone provides standards for medium density residential development and allows various forms of low-rise residential development including townhouses, but does not permit apartments. Therefore, the proposed ZBA will rezone the subject property to the High Density Residential (RES4) Zone, which permits the apartment use.

2.6.1 DEFINITION-APARTMENT BUILDING

Part 3 of the PHZBL sets out definitions for the terms used in the By-law.

With regard to the proposed buildings, the By-law includes a definition for “Apartment Dwelling” which states:

Apartment Dwelling: A dwelling unit in a building containing five or more dwelling units that share a common external access to the outdoors through a common entrance and/or common corridor system.

The two buildings proposed for the subject property meet this definition. The concept for the proposal has been developed in accordance with the relevant definitions in Section 3 of the By-law.

2.6.2 GENERAL PROVISIONS

The proposed development is subject to the following General Provisions within the PHZBL:

- Section 4.10 of the By-law requires all buildings to be located on lots that have frontage on a public street, except in some specific circumstances which do not apply in this case. The subject property has frontage on Victoria Street and the buildings will have frontage on the future Pemberton Drive extension.
- Section 4.25 sets out requirements for planting strips. In Section 4.25.1 the by-law states in part:
 - a) *A 3.0 metre-wide planting strip abutting the full length of the lot line shall be required:*
 - i) *Where a lot in the High Density Residential (RES4) Zone abuts a lot in a Low Density Residential One (RES 1), Low Density Residential Two (RES 2) Zone or Medium Density Residential Zones (RES 3)....*
 - b) *A 4.5 metre wide planting strip abutting the full length of the lot line shall be required:*
 - i) *Along a streetline where a lot contains an apartment building.*

The proposed landscaped strips along the western and southern boundary of the property meet the requirements in Section 4.25 (a) and the landscaped strip along the eastern boundary, which

abuts Victoria Street, meets the requirement in Section 4.25 (b). The requirements for the contents of planting strips as set out in Section 4.25.2 will be incorporated into the proposal through the site plan.

The above policy requires a 4.5 m. planting strip along the future Pemberton Drive extension. However, given the location of the building, the need to maintain separation from adjacent residential areas, and the extent of the property conveyance for Klien Street, it will not be possible to meet this standard. The yards of the proposed building will assume part of the function of the planting strip and provide some landscaped separation from the future road. Once Pemberton Drive is extended, the road boulevard can function as a landscaped strip. Therefore, our opinion is that relief from the provision to provide a planting strip along the future extension of Pemberton Drive is not necessary and it is appropriate to provide relief from the standard. The draft by-law (Appendix E) incorporates an exception to provide relief from this standard and two others which are discussed later in this report.

- The proposal will meet all Ontario Building Code requirements for Ramps and Barrier Free access as indicated in Section 4.29.
- In Section 4.32.1, the By-law requires buildings in the Urban Area with the RES4 Zone and in other zones which permit development to have municipal sewer and water service. The proposal will meet this requirement.

2.6.3 PARKING AND LOADING PROVISIONS

The proposed development is subject to the following Parking and Loading Provisions within the PHZBL:

- Section 5.2.1 states:

5.2.1 Restriction on Use of Land, Buildings and Structures

No person shall use any land, building or structure in any Zone for any purpose permitted by this By-law, unless the minimum number of parking spaces required are provided in accordance with the provisions of this Part of the By-law.

The required dimensions of parking spaces are described in Section 5.2.3. Section 5.2.3.1 (a) is applicable to the proposal which states:

5.2.3.1 General Requirements

a) Where parking spaces are provided in a surface parking area, or on a driveway each parking space shall have a width of not less than 2.7 metres and a length of not less than 5.5 metres.

The proposal includes a surface parking facility which will meet above noted requirements.

In addition, other provisions are addressed as follows:

- The proposal complies with Section 5.2.4.1 which requires parking spaces to be located on the same lot as the use that requires parking.
- Section 5.2.4.3 provides locations on properties where outdoor parking areas is restricted. The proposed parking area meets the requirements of this section.
- The proposal will comply with Section 5.2.5 and Section 5.2.6 regarding the required surface treatment of parking areas. The parking spaces will be used exclusively for parking unless otherwise permitted.
- Section 5.2.8 provides requirements for access to parking areas. They must be accessible to vehicles without having to move other vehicles and the width of parking aisles must be 3.5 metres except in the case of angled parking. The proposal will comply with these requirements.
- Section 5.4 sets out requirements for barrier free parking. This provision has been amended through Housekeeping By-law 31/2023 and it now states:

Barrier-free parking spaces shall be provided in accordance with Ontario Regulations 191/11 and 413/12 as amended.

Ontario Regulations 191/11 in section 80.36 (1) provides the barrier free parking space requirements relative to the total number of proposed parking spaces. It states in part:

80.36 (1) *Off-street parking facilities must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements:...*

2. Four per cent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces....

The proposal will provide four (4) barrier free parking spaces which represent 4 percent of the total 93 parking spaces and will comply with the size requirements. The regulation requires that the number of barrier free spaces be rounded up. It also sets out a ratio of sizes for the barrier free spaces. The proposed spaces comply with the requirements in this section. The requirements are the same in Ontario Regulation 413/12.

Section 5.5 includes provisions for residential parking. According to Section 5.5.1 parking for residential uses can be provided in surface parking areas. Parking areas associated with apartments must be setback

at least 7.5 metres from streetline, 3.0 metres from the interior side lot line and 1.8 metres from the building on the lot. The proposal meets these requirements.

Parking requirements for permitted building types are set out in Section 5.6. As noted earlier, the parking requirements for apartment dwellings have been amended through keeping By-law No. 31/2023. The amended standard for apartment dwellings is as follows:

1/unit, plus 0.25/unit dedicated for visitor parking (Reduced to 0.75 space/unit with no visitor parking requirement in the COM3 Zone)

The proposed parking facility meets this standard.

Section 5.7 of the By-law sets out loading requirements. Loading spaces are not required for the proposed buildings.

After reviewing the above provisions and the remainder of the requirements in Section 5 of the By-law, our opinion is that the proposal meets the applicable provisions of this section.

2.6.4 RESIDENTIAL ZONES

Part 6 of the PHZBL includes standards for the Residential Zones. Permitted uses are listed in Table 6.1. Apartment dwellings are permitted only in the RES4 Zone (and in some areas in the RESV2 Zone) but not in the other residential zones.

Section 6.4 deals with zone standards for residential zones. It states the following:

6.4 ZONE STANDARDS

No person shall within any Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the following zone standards in Tables 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7, below. Any number(s) following the zone standard, zone heading or description of the standard indicates an additional Zone requirement. These additional standards are listed at the end of Tables 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7:

The standards for the High Density Residential, RES4 Zone in comparison to the proposed development and subject property are provided in Table 2. It should be noted that these standards are also shown relative to the proposed extension of Pemberton Drive.

Table 2 – Zone Requirements (Lot Regulations) of the RES 3 (97) H1 Zone and RES 4 Zone

Regulation	RES 3 (97) H1	RES 4 ZONE STANDARDS	PROVIDED FOR EXISTING PROPERTY	PROVIDED AFTER ROAD DEDICATION
Permitted Dwelling Types	Single detached, Semi detached, Triplex, Multiple-unit, Street Townhouse	Apartment, Multi-unit, Street Townhouse Dwellings	Apartment Dwelling	Apartment Dwelling
Height (maximum)	11 metres (m.)	N.A. for Apartment Dwellings	3 Storeys	3 storeys
Lot Area (Minimum)	270 square metres (sq. m.) for single detached, 300 sq. m./unit for Semi-detached, 550 sq. m. for triplex 4000 sq m. for Multi-unit 180 sq. m./unit for Street Townhouses	1 hectare for apartment dwellings	1.23 hectares	0.84 hectares
Lot Frontage (Minimum)	9 m. for Single-detached, 9 m./unit for Semi-detached, 18 m. for triplex 50 m. for Multi-unit, 6 m./unit for street townhouses	60 m. (for apartment dwellings)	60.76 m.	37 m.
Front Yard (Minimum)	3 m.	7.5 m.	41.6 m.	41.6 m.
Exterior Side Yard (Minimum)	3 m. for single detached, Triplexes and street	7.5 m.	21 m.	3.1 m.

	townhouses, 6 m. for Semi-detached, 7.5 m. for Multi-unit			
Interior Side Yard (Minimum)	1.2 m., 0.6 m. adjacent to public walkway	7.5 m.	18.8 m.	18.8 m.
Rear Yard (Minimum)	6 m.	7.5 m.	27.8 m.	27.8 m.
Parking	2/unit Single, Semi-detached, and Street townhouses, 1.5/unit plus 0.25/unit visitors for Multi-unit	1 space/unit 0.25 spaces/unit for visitors for Apartment Dwellings 4% barrier free	1. spaces/unit and 0.26/unit visitor's spaces, 4 barrier free spaces	1 spaces/unit and 0.26 spaces/unit visitor's spaces, 4 barrier free spaces

Based upon the existing size of the subject property, all standards of the RES4 zone are exceeded. As noted earlier, the Zoning By-law's parking standards for the development will be met. After conveyance of the portion of the property for the future extension of Pemberton Drive, some characteristics of the site will be reduced from the RES4 standards. The lot area of the property (0.84 hectares) will be marginally below the 1 hectare standard for the RES 4 zone. Also, the exterior side yard setback adjacent to the Pemberton Drive road allowance will be 3.1 metres, instead of 7.5 metres. As such, it is proposed that the RES4 (97) Exception Zone be amended to include relief from these standards.

The reduced lot area is not significant. The subject property has sufficient size to locate all elements required for the proposal.

The reduced exterior side yard setback will provide sufficient separation from the future Pemberton Drive. The proposed development will be well separated from the Municipal Operations Centre located to the north by the setback and the road allowance for Pemberton Drive so that there should not be any compatibility issues.

Furthermore, in terms of setbacks from adjacent properties, building height and any other standard which

could negatively impact neighbouring residential areas and uses, the standards proposed for the development are appropriate. The proposal will be compatible with adjacent residential areas and should not cause negative impacts.

In consideration of the above, it is our opinion that the proposed ZBA meets the intent of Part 6 of the PHZBL, the intent of the standards for the High Density Residential RES4 Zone, and all applicable provisions of the PHZBL.



Survey

Approval of the ZBA will provide substantial community benefits. The ZBA responds to the provincial and municipal policy direction for new development. . It will permit the development of 74 needed apartment units in an appropriate location, close to transit and services.

The ZBA will accomplish this through the redevelopment of an underutilized site and through intensification of the existing residential use. This type of development follows provincial and municipal direction in the PPS, Growth Plan and the Official Plans.

The ZBA will also contribute to the extension of the planned municipal road network through the conveyance of land to the Municipality for the future extension of Pemberton Drive.

As demonstrated in the previous sections of this report, the proposed ZBA has regard for matters of provincial interest, it is consistent with the PPS, it conforms to the Growth Plan and it conforms to the CNOP and the PHOP.

Since it conforms to the applicable Official Plans, the proposed ZBA also complies with Section 24 (1) of the Act which states that no By-law can be passed that does not conform to the Official Plan.

Furthermore, the proposed ZBA is appropriate for the subject property and it maintains the intent of Port Hope Zoning By-law No. 20/2010, as amended by By-law No. 31/2023.

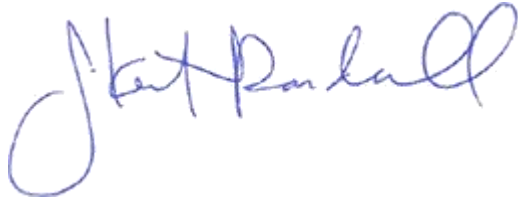
The proposed ZBA meets all provincial and municipal legislative and planning policy requirements.

Based upon the foregoing, our opinion is that the proposed ZBA:

- Has regard for matter of provincial interest,
- Is consistent with the Provincial Policy Statement,
- Conforms to the Growth Plan for the Greater Golden Horseshoe,
- Conforms to the County of Northumberland Official Plan,
- Conforms to the Municipality of Port Hope Official Plan,
- Complies with Section 24 (1) of the Act,
- Is required to permit the apartment use,
- Will maintain the intent of Port Hope Zoning By-law No. 20/2010, as amended by By-law 31/2023.
- The proposed ZBA represents good planning and should be approved.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.





J. Kent Randall B.E.S., MCIP, RPP

Principal Planner



Chris Conti, M.E.S.

Senior Planner

4.0 Appendices



4.1 Appendix A: Traffic Impact Study

Report Under Separate Cover

4.2 Appendix B: Functional Servicing Report

Report Under Separate Cover

4.3 Appendix C: Stormwater Management Design Brief

Report Under Separate Cover

4.4 Appendix D: Environmental Site Assessment

Report Under Separate Cover

4.5 Appendix E: Draft Zoning By-law

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. XX/2024

Being a By-law Under the Provisions of Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as Amended, to Amend Zoning By-law 20/2010, as Amended, of the Corporation of the Municipality of Port Hope, for lands described as Part Lot 9, Concession 2, Geographic Township of Hope, Municipality of Port Hope; municipally known as 276 Victoria Street in the Municipality of Port Hope, in the County of Northumberland.

WHEREAS Zoning By-law No. 20/2010, as amended by By-law 31/2023, as otherwise amended, was passed under authority of Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS this By-law conforms with the general intent of the Municipality of Port Hope Official Plan, as amended;

AND WHEREAS on , 2024 the Council of The Corporation of the Municipality of Port Hope conducted a public meeting, in regard to the proposed zoning, as required by Section 34(12) of the *Planning Act*. R.S.O. 1990, c.P.13, as amended;

AND WHEREAS the Council of The Corporation of the Municipality of Port Hope deems it advisable to amend Zoning By-law No. 20/2010, as amended by By-law 31/2023, as otherwise amended, with respect to the above-described lands, and under the provisions of the *Planning Act* has the authority to do so;

NOW THEREFORE the Council of The Corporation of the Municipality of Port Hope ENACTS as follows:

1. THAT Schedule “A” - Sheet 1 (Zone Map) forming part of Zoning By-law 20/2010, as amended by By-law 31/2023, as otherwise amended, is hereby amended by changing the zone classification on the subject lands identified on Schedule “A” to this By-law hereto **from** the current Medium Density Residential with Site Specific Exception No. 97 and Holding Provision 1 ‘RES 3 (97) H1’ zone to High Density Residential with Site Specific Exception No. ‘RES 4 ()’ Zone, all in accordance with Schedule “A” attached hereto and forming part of this By-law;
2. That Table 12.1, entitled SITE SPECIFIC EXCEPTIONS of Zoning By-law No. 20/2010, as amended by By-law 31/2023, as otherwise amended, is hereby amended by adding the following:

Col. 1	Col. 2	Column 3	Column 4	Column 5	Col. 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
RES 4					(i) <i>No Minimum Required Planting Strip Along North Boundary</i> (ii) <i>Exterior side yard setback of 3.1 metres.</i> (iii) <i>Lot area of 0.84 hectares.</i>

3. THAT Zoning By-law No. 20/2010, as amended by By-law 31/2023, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 20/2010, as amended by By-law 31/2023, as otherwise amended, shall in all respects remain in force and effect save as same may be otherwise amended or hereinafter dealt with.
4. THAT this By-law shall come into force on the date it is passed by the Council of The Corporation of the Municipality of Port Hope, subject to the applicable provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

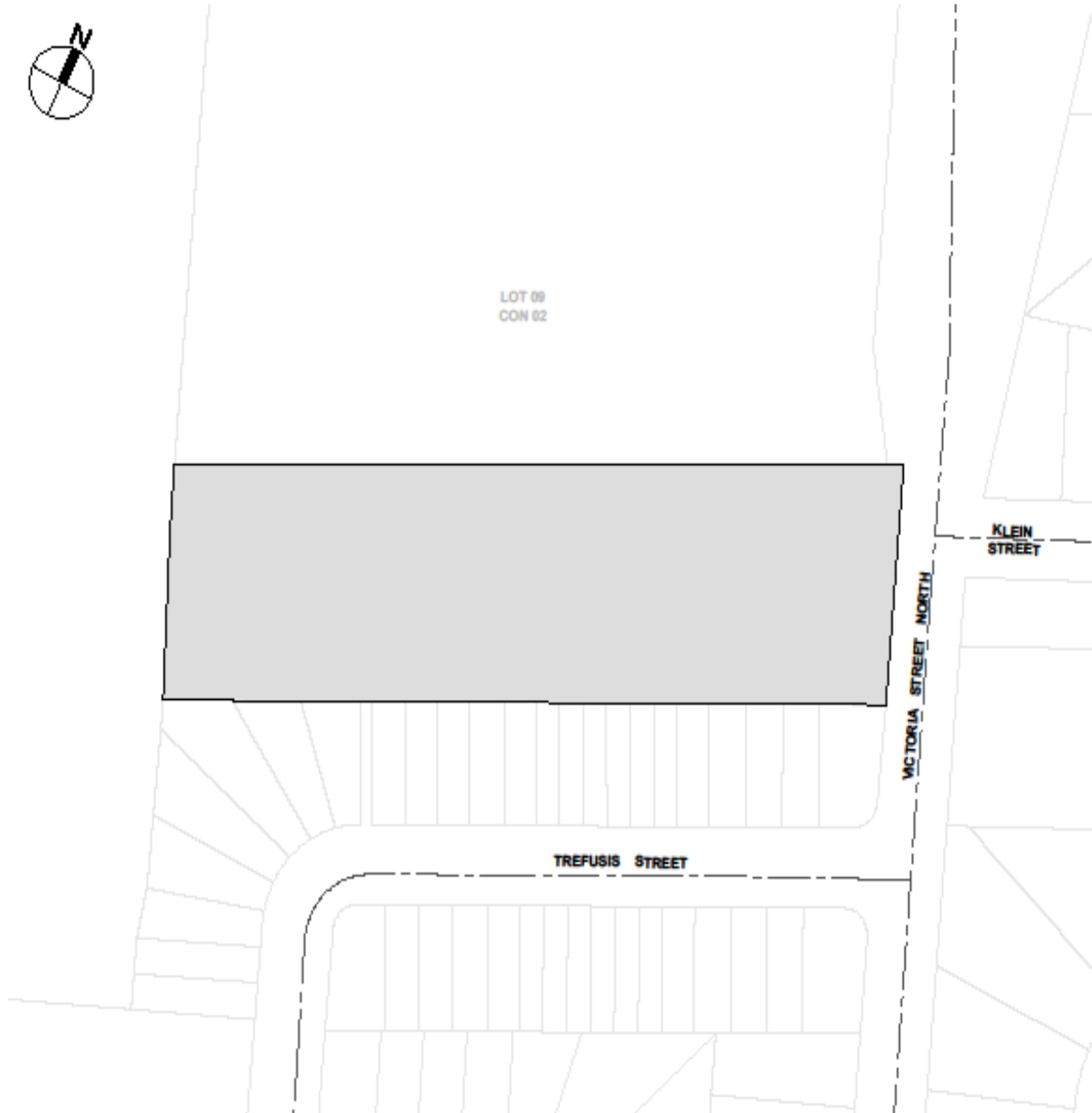
READ A FIRST, SECOND AND THIRD TIME and finally passed in Open Council this **XX day of XX, 2024**.


Olena Hankivsky, Mayor

Shrishma Davé, Municipal Clerk

Schedule "A" to By-law XX/2024
(not to scale)

Municipality of Port Hope
Zoning Bylaw Schedule



 LANDS TO BE REZONED FROM THE MEDIUM DENSITY RESIDENTIAL HOLDING ONE (RES3 (97) H1) ZONE TO THE HIGH DENSITY RESIDENTIAL (RES4) ZONE.

VICTORIA STREET REVIEW
BRENBROOKE HOMES
276 Victoria Street North
Part of Lot 09
Concession 02
Geog. Twp. of Hope
Now in the Municipality of Port Hope

Project Number: 22-2453
Horiz. Scale: 1:1,500
Date: November 15, 2023





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