

# THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

## BY-LAW NO. XX/2023 (APPROVED BY ORDER OF ONTARIO LAND TRIBUNAL)

*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 by By-law 31/2023, of the Corporation of the Municipality of Port Hope, for Part of Lot 9 Concession 1, And Part of Part 1 Plan 9R-2726, Part of Part 7 Plan 11123, Part of Part 8 Plan 11123, Part 12 Plan 11123 and Part of Part 13 Plan 11123, Municipality of Port Hope, County Of Northumberland.*

WHEREAS authority is given to the Ontario Land Tribunal (OLT) by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to approve this By-law;

THEREFORE, Zoning By-law No. 20/2010, as amended, is further amended as follows:

1. THAT Schedule A - Sheet 4 (zone map) forming part of Zoning By-law No. 20/2010, as 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 High Density Residential 'RES4(28)(H1)', Medium Density Residential Exception 115 'RES3(115)', and General Commercial Exception 30 Holding One 'COM2(30)(H1)' **to** Medium Density Residential Exception 148 'RES3(148)' and Medium Density Residential Exception 149 'RES3(149)', all in accordance with Schedule "A" attached hereto and by this reference forming part of this By-law;
2. That Schedules 'C-12.1', 'C-12.2' and C-12.3' of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 are hereby deleted and replaced with new Schedules 'C-12.1', 'C-12.2' and C-12.3' as shown on Schedules "B", "C" and "D" of this By-law;
3. THAT Part 12, entitled "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 to Part 12 – Exceptions:

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
RES3	148 (OLT XX/2023)		(i) Single Detached  (ii) a Public Use including a school, park, or walkway  (iii) Additional residential units in accordance with Section 4.2.1		(i) Minimum Lot Area – 230 square metres  (ii) Minimum Lot Frontage – 8.4 metres  (iii) Minimum Required Front Yard to the main wall of the dwelling a. Lot with vehicular access from a public street (front) – 4.5 metres b. Lot with vehicular access from a

					<p>lane (rear) – 3.0 metres</p> <p>(iv) Minimum Required Setback to Attached Garage from a public street – 6.0m</p> <p>(v) Minimum Required Exterior Side Yard</p> <p>a. Abutting a local road right-of-way of 17.0 metres or greater – 3.0 metres</p> <p>b. Abutting a local road right-of-way of 14.5 metres or lane right-of-way of 7.5 metres – 2.0 metres</p> <p>(vi) Minimum Required Interior Side Yard - 1.2 metres and 0.6 metres (provided the minimum cumulative interior side yard of abutting yards shall be 1.8 metres)</p> <p>(vii) Minimum Required Rear Yard</p> <p>a. Lot with vehicular access from a public street (front) – 6.0 metres</p> <p>b. Lot with vehicular access from a lane (rear) – 10.5 metres to the main rear wall of the dwelling excluding any breezeway, attached private garage, or porch</p> <p>c. For the purpose of Clause (vii) a breezeway shall not be more than one (1) storey in height and shall not have a width greater than 2.2 metres on</p>
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					<p>a lot having a frontage of 7.6 metres in width. The width of a breezeway may be increased by 0.3 metres for each additional 0.3 metres of lot frontage to a maximum of 4 metres. The measurement of the width shall be from the inner side of the exterior walls or supporting structure.</p> <p>(viii) Notwithstanding the provisions of Section 4.1.1 (Private Garages) or any other provision in this By-law, the minimum setback for a private garage from a lot line dividing the lot from a lane shall be 0.3 metres from the lot line</p> <p>(ix) For the purpose of Clauses (iii) to (viii), in the case of a corner lot, the setbacks of the dwelling and garage shall be calculated as if the exterior side lot line was extended to its hypothetical point of intersection with the extension of the front lot line and rear lot line dividing the lot from a lane</p> <p>(x) Maximum number of dwellings – 60 (does not include additional residential units)</p> <p>(xi) Notwithstanding the provisions of Table 4.1 (Provisions for Urban Residential, Commercial, Employment and Institutional Zones), or any</p>
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					<p>other provision in this By-law:</p> <ul style="list-style-type: none"> <li>a. the provision for 'Setback from exterior side lot line' shall not apply</li> <li>b. The maximum floor area for any accessory buildings and structures shall be 20%</li> </ul> <p>(xii) Notwithstanding the provisions of Section 4.33.1 (Sight Triangles - Application), or any other provision in this By-law, the minimum sight triangle dimensions shall be 3.0m for Local Roads with a connection to Strachan Street, and 1.5m for Laneways</p> <p>(xiii) Notwithstanding the provisions of Section 4.8 (Encroachment of Architectural Features), or any other provision in this by-law, for lots 14.0m or larger, accessed from a lane, a balcony may be permitted on the roof top of an attached garage provided:</p> <ul style="list-style-type: none"> <li>a. the garage is no higher than one storey beyond the main rear wall;</li> <li>b. that the minimum distance between any two balconies on abutting properties is 6.0 metres, and;</li> <li>c. that the garage has a minimum setback of 6.0 metres from the rear lot line.</li> </ul> <p>(xiv) Notwithstanding the provisions of Section 4.8</p>
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					<p>(Encroachment of Architectural Features), or any other provision in this by-law, architectural features such as sills, belt courses, cornices, chimney breasts, pilasters and roof overhangs, are permitted to encroach into the smallest interior side yard on the lot provided that in no case shall the architectural feature be located closer than 0.2 metres to the interior side lot line.</p> <p>(xv) Notwithstanding the provisions of Section 4.15 (Model Homes), or any other provision in this by-law, not more than 10% of the total number of residential units contained in the draft approved Plan of Subdivision are constructed as model homes.</p>
RES3	149 (OLT XX/2023)		<p>(i) Street Townhouse</p> <p>(ii) a Public Use including a school, park, or walkway</p> <p>(iii) Additional residential units in accordance with Section 4.2.1</p>		<p>(i) Minimum Lot Area for an end unit on an interior lot – 232.0 square metres</p> <p>(ii) Minimum Lot Frontage for an end unit on an interior lot – 7.88 metres</p> <p>(iii) Minimum Required Front Yard to the main wall of the dwelling – 3.0 metres</p> <p>(iv) Minimum Required Interior Side Yard - 1.2 metres</p> <p>(v) Minimum Required Rear Yard – 10.5 metres to the main rear wall of the dwelling excluding any breezeway,</p>

					<p>attached private garage, or porch</p> <p>a. For the purpose of Clause (v) a breezeway shall not be more than one (1) storey in height and shall not have a width greater than 2.2 metres on a lot having a frontage of 6.55 metres in width. The width of a breezeway may be increased by 0.3 metres for each additional 0.3 metres of lot frontage to a maximum of 4 metres. The measurement of the width shall be from the inner side of the exterior walls or supporting structure.</p> <p>(vi) Notwithstanding the provisions of Section 4.1.1 (Private Garages) or any other provision in this By-law, the minimum setback for a private garage from a lot line dividing the lot from a lane shall be 0.3 metres from the lot line</p> <p>(vii) Maximum number of dwellings – 43 (does not include additional residential units)</p> <p>(viii) Notwithstanding the provisions of Table 4.1 (Provisions for Urban Residential, Commercial, Employment and Institutional</p>
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					<p>Zones), or any other provision in this By-law:</p> <p>a. the provision for 'Setback from exterior side lot line' shall not apply</p> <p>b. The maximum floor area for any accessory buildings and structures shall be 20%</p> <p>(ix) Notwithstanding the provisions of Section 4.33.1 (Sight Triangles - Application), or any other provision in this By-law, the minimum sight triangle dimensions shall be 3.0m for Local Roads with a connection to Strachan Street, and 1.5m for Laneways</p> <p>(x) Notwithstanding the provisions of Section 4.8 (Encroachment of Architectural Features), or any other provision in this by-law, architectural features such as sills, belt courses, cornices, chimney breasts, pilasters and roof overhangs, are permitted to encroach into the smallest interior side yard on the lot provided that in no case shall the architectural feature be located closer than 0.2 metres to the interior side lot line.</p>
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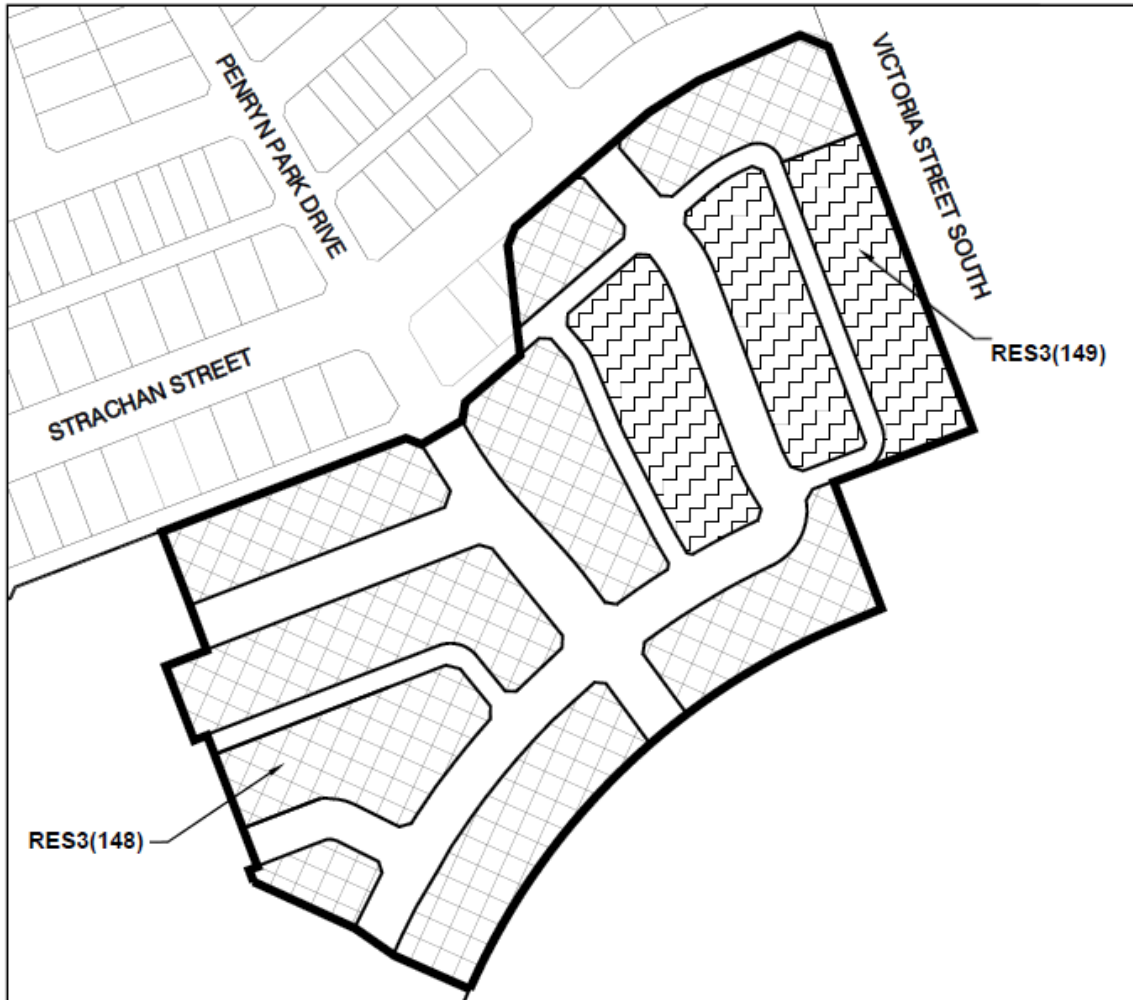
					(xi) Notwithstanding the provisions of Section 4.15 (Model Homes), or any other provision in this by-law, not more than 10% of the total number of residential units contained in the draft approved Plan of Subdivision are constructed as model homes.
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4. 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 otherwise amended, shall in all respects remain in force and effect save as same may be otherwise amended or hereinafter dealt with.

Approved by Order of Ontario Land Tribunal –  
Decision/Order issued XX, 2023 in OLT File No. OLT-22-003127



**SCHEDULE "A"**



From: High Density Residential Exception 28 Holding One 'RES4(28)(H1)'; Medium Density Residential Exception 115 'RES3(115)'; General Commercial Exception 30 Holding One 'COM2(30)(H1)'

To: Medium Density Residential Exception 148 'RES3(148)' and Medium Density Residential Exception 149 'RES3(149)'

**SCHEDULE 'A'**  
**TO BY-LAW NO. XX / 2023 (OLT)**



The Corporation of the  
**MUNICIPALITY OF PORT HOPE**  
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 Port Hope, Ontario  
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Schedule "B"

