



# **Municipality of Port Hope**

## **Planning Justification Report**

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### **Zoning By-law Amendment Application (ZB07-2023)**

#### **230 Walton Street**

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Planning & Development, Municipality of Port Hope

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#### **1.1 Purpose:**

The purpose of the report is to present background information related to the proposed Zoning By-law Amendment application initiated by the Municipality of Port Hope on behalf of Loyalist College for lands owned by 1688405 Ontario Limited located at 230 Walton Street.

This report has been prepared for the proposed Zoning By-law Amendment application and it provides an overview of the subject lands, describes the proposed development application and includes an analysis of the current planning policy framework as well as recommendations.

#### **1.2 Background:**

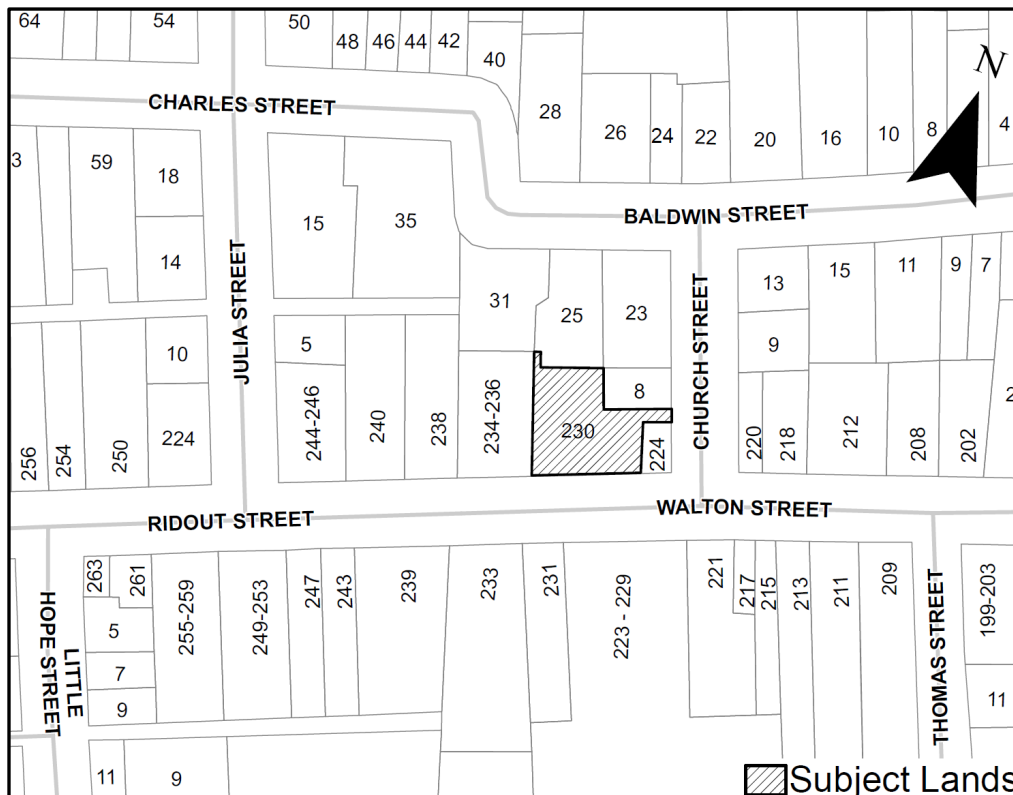
Loyalist College is opening a campus in Port Hope in September of 2023 that will offer courses to 120 students. This development represents economic benefit for the Municipality of Port Hope however housing has been identified as a serious impediment.

The property municipally known as 230 Walton Street, the location of the former police station and recently a residential land use, has been identified as an existing building that is able to house 20 students in dormitory style housing. The building would be developed to contain housing for 20 students, 8 one-bedroom units and 6 two-bedroom units with common amenities. The site would be managed through Loyalist College with on-site Resident Assistants offering support to the residents and the facility. The residents would be post-secondary students attending the Port Hope Campus. The profile of the students would be between 18-50 years old and would be a mix of international and domestic students.

The current zoning of RES1-2 does not permit this land use. To facilitate this development, the Municipality has agreed to initiate a Temporary Use By-law application for consideration of Council to permit dormitory style housing for Loyalist College, for a period of 3 years, at 230 Walton Street. The by-law and supporting documents have been prepared and submitted by the Municipality of Port Hope on behalf of Loyalist College.

### Site and Area Description

The subject lands are located on the north side of Walton Street and west of Church Street. They are municipally known as 230 Walton Road and legally described as Part Lot 2 N/S Walton St. 3 N/S Walton St., 4 N/S Walton St. Hope as in PH91615 in the urban area of the Municipality of Port Hope (see **Figure 1: Subject Lands Map**).



**Figure 1: Subject Lands Map**

The subject lands were formerly used as a single-family residential land use and prior to that was the location of the Port Hope Police Department. Please see **Figure 2: Existing Layout of Main Floor**. The current internal design lends itself, with renovations, to dormitory style housing with shared amenity areas.

Land uses adjacent to the subject lands include medium and low density residential. Frontage and access is provided from Walton Street with a parking area that has access from Church Street. The building is serviced by Municipal Services.

### 1.3 Application:

The application is to rezone the subject lands to 'RES1-2(T7)' Zone to temporarily permit 'Suites' as the land use in the existing building for 3 years.



## 1.4 Policy Review:

This section provides an analysis of relevant provincial and municipal land-use and development policies that apply to the proposed application.

### Planning Act

The *Planning Act* is Provincial Legislation that sets out the framework for land-use planning in Ontario. In Section 39 of the *Planning Act*, the Council of a local municipality may in a by-law passed under Section 34, authorize the temporary use of land, buildings, or structures for any purpose that is otherwise prohibited by the by-law. The timeline for a temporary use cannot exceed three years, however, Council may grant extensions for further periods of not more than three years. Upon the expiry of the time-period stipulated, the uses permitted as per the temporary by-law may not continue.

The proposed Zoning By-law Amendment application meets the intent of Section 39 of the Planning Act, and it is recommended that, as per the Planning Act, the temporary use be approved for a 3-year period. The landowner may apply to extend the temporary bylaw before the initial 3-year term lapses.

### Greater Golden Horseshoe (GGH) Growth Plan

Section 1.2.1 outlines Guiding Principles of the GGH. One principle identifies having a range and mix of housing options, including additional residential units and affordable houses to service all sizes, incomes and ages of households.

To work towards meeting this principles policy 2.2.6.3 states:

*To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

Loyalist College opening of a Port Hope Campus provides economic benefit to the Municipality however existing housing is an issue. This proposal redevelopment of an existing building provides housing options to support this important economic endeavor. The Planning Act provides the tool of a Temporary Use By-law to permit a use for a set time that is not currently permitted in the zone.

The proposed use of a Temporary Use Bylaw to enable 'Suite' as a housing option at 230 Walton meets the related housing and economic growth policy contained in the Growth Plan.

### Northumberland County Official Plan

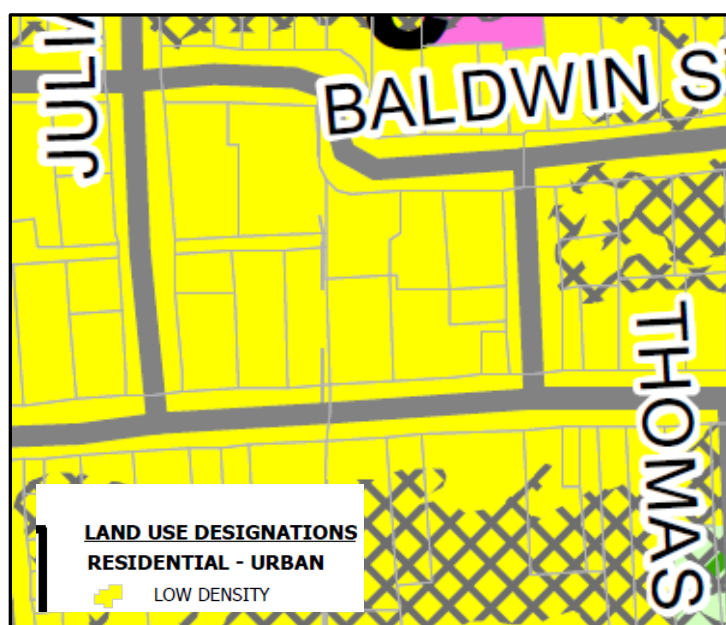
The subject lands area designated Urban Area in the Northumberland County Official Plan. Section C1 outlines policy related to 'Complete Communities' encouraging a range of education and training opportunities and a range of housing types for all levels of income and ages.

County Policy (C1.5.1) encourages the *development* and *redevelopment* of lands within *settlement areas* and in appropriate locations at higher densities to maximize the use of *infrastructure*.

The subject lands are located in an established residential neighbourhood with a mix of housing densities. The proposed use is compatible with surrounding uses providing a housing option for students of Loyalist College in Port Hope. The proposal meets the intent of the Northumberland County Official Plan policy related to the development of Complete Communities and higher density housing options where existing infrastructure can support it. The Temporary Use By-Law provides the opportunity to develop a land use for a limited timeframe to alleviate a critical issue right now.

### Port Hope Official Plan

The Municipality of Port Hope Official Plan designates the subject lands as 'Low Density Residential' on Schedule C1. Section D2 outlines the land uses permitted in the 'Low Density Residential' designation. 'Suites' are not specifically identified as a permitted land use and generally density does not exceed 20 Units per hectare. The proposed 'suite' land use would house 20 students as 1 dwelling unit. Policy also states that a variety of lot and dwelling unit sizes shall be provided.



**Figure 1: Excerpt from Schedule C1 – Land Use Urban Area Detail**

Section E9 of the Official Plan contains policy related to temporary uses. This section states:

*Council may pass by-laws to permit the temporary use of land, buildings or structures for a specified time period for any purpose that is otherwise prohibited by the implementing Zoning By-law(s), in accordance with the provisions of the Planning Act.*

Section E9 outlines the provisions pertaining to temporary uses. Council may pass by-laws to permit the temporary use of land, buildings, or structures for a specified period in

accordance with the provisions of the Planning Act. There are several criteria Council must consider when considering a request for a temporary use by-law. These criteria include:

- Evaluating the conformity of the proposal with the Official Plan;
- Considering whether the use is temporary in nature and does not hinder the ability of the land, building, or structure to be used in the future;
- If the circumstances of the proposal are unique; and
- Whether capital expenditures are required.

The proposed by-law meets section 39 of the Planning Act as outlined above. Council is directed to consider the following:

***a) the proposed use is in general conformity with the intent and policies of this Plan;***

The proposed use provides a housing option to support an important economic development priority in the Municipality. This is discussed in greater detail below.

***b) the proposed use is temporary in nature and appropriate for a limited time span and can be terminated when the authorizing bylaw expires;***

The by-law will be valid for 3 years. At that time the landowner may apply for an extension which would need to be approved by Council to be extended.

***c) the temporary use shall not hamper the ability of the land, building or structure to subsequently be used in accordance with the provisions of this Plan;***

The proposed residential land use does not require any changes to the building footprint as it can be accommodated through internal renovations that require building permits.

***d) circumstances which are unique or particular to the subject property or proposed use;***

The past uses and internal design of the building make this site well suited to provide dormitory style housing.

***e) the proposed use is generally compatible with the surrounding area;***

The surrounding land uses are residential of various densities i.e. medium density residential uses across the street.

***f) representations by the public; and,***

A public meeting will be held on June 15<sup>th</sup> for public input and a Notice of Hearing disseminated as required by the Planning Act.

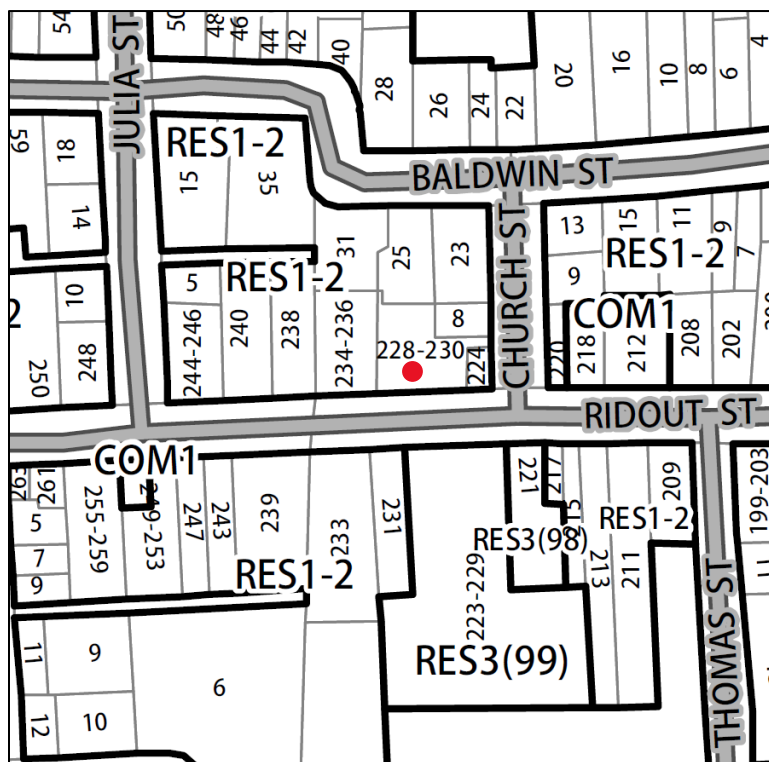
***g) any required capital expenditures.***

There is no negative financial implication for the Municipality.

The proposed bylaw meets the intent of Official Plan policy related to temporary use bylaws to provide a housing option in the Low Density Residential designation.

## Zoning By-law

The Municipality of Port Hope Zoning By-law 20/2010, as amended, zones the subject lands as Low Density Residential One Type Two 'RES1-2' on Schedule A – Sheet 6.



**Figure 5: Excerpt from Schedule A – Sheet 6**

'RES1-2' zones permitted uses include single detached and semi-detached dwellings (if existing before June 21, 1976), and accessory residential uses as outlined in Table 6.1 of the Zoning By-law. 'Suites' are not included as a permitted use.

**Suite** is defined in the Zoning-Bylaw as:

*A single room or series of rooms of complementary use, operated under a single tenancy, and includes:*

- a) Dwelling units;*
- b) Individual guest rooms in a bed and breakfast, motel, hotel, boarding or rooming house and dormitories; and,*
- c) Individual stores and individual or complementary rooms for business and personal services occupancies.*

To enable this housing option for students it is recommended that a by-law be presented to Council under Section 39.1 of the *Planning Act* proposing 'Suites' as a permitted use on the subject lands for 3 years. The subject property would be rezoned **from** Low Density Residential One Type Two 'RES1-2' **to** Temporary Use 7 Low Density Residential One Type Two 'RES1-2(T7)' zone.



There is no change proposed to the existing footprint of the building. All renovations will occur internally. The landowner indicated that there are 20 parking spaces. The proposed land use will have 20 residents.

Temporary uses are also permitted through site-specific permissions in accordance with the policies of the Official Plan and Section 39 of the Planning Act. These site-specific provisions are indicated by a letter 'T' and number proceeding the zoning type. In terms of the Zoning By-law Amendment Application in consideration, the applicant would like to rezone the subject lands to 'RES1-2(T7)' zone to temporarily permit the land use 'Suite' to provide dormitory housing for Loyalist College for 3 years. Table 1 outlines the provisions on the subject property that are to be identified as part of the proposed Temporary Use by the applicant.

**Table 1: Proposed Temporary Use**

Temporary Use Provisions	
Exception Number	T7
Zone	RES1-2
Temporary Uses Permitted	Suite
Special Provisions	Dormitory permitted for up to 20 students.
Proposed Date Enacted	xx2023
Proposed Date Expires	xx/2026

**Consultation with other Departments/Sources:**

This report and the proposed by-law are being circulated to agencies for review and comment. All comments will be summarized and presented in a future report to Council.

**Communication and Public Engagement:**

A public meeting will take place on June 15, 2023 to invite public review and input (see the attached Notice of Complete Application and Public Meeting)

**Conclusion:**

A Zoning By-law Amendment application to temporarily permit 'Suites' to house students on the subject lands will have the effect of providing, on a temporary basis, housing options and supports development of the Loyalist College Port Hope Campus.

Temporary uses are permitted as per Section 39 of the Planning Act. The proposal meets criteria outlined in the section E9 of the Municipality of Port Hope Official Plan, and represents sound land use planning practice.

**Attachments:**

Attachment 1: Proposed Zoning By-law Amendment

Attachment 2: Notice of Complete Application and Public Meeting