

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. XX/2020

*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 in Part of the S. Cumberland Lot, Registered Plan 25 (Formerly Part of Lot 10, Concession 1 Township of Hope) AND Part of Lots 9 & 10, Concession 1 AND Part of Lots 9 & 10, Broken Front Concession AND Part of Road Allowance between Broken Front Concession and Concession 1 (Closed by By-Law PH102568) Township of Port Hope AND Part of Block 67 Plan 39M-834, Municipality of Port Hope, County of Northumberland*

WHEREAS Zoning By-law No. 20/2010, as 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 ~~, 2020, the Council of the Corporation of the Municipality of Port Hope conducted a public meeting, in regard to the proposed zoning by-law amendment, 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 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 "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 Medium Density Residential Exception 47- Holding One 'RES3(47)(H1)', Medium Density Residential Exception 48 - Holding One 'RES3(48)(H1)', High Density Residential 4 Exception 28 - Holding One 'RES4(28)(H1)', Low Density Residential One – Holding Provision One 'RES1-1(H1)'; 'Neighbourhood Commercial Exception 29 - Holding Provision One 'COM1(29)(H1)', General Commercial Exception 30 - Holding Provision One 'COM2(30)(H1)', Open Space Exception 56 - Holding Provision One 'OS(56)(H1)', and Major Recreational Exception 46 - Holding Provision One 'OSR(46)(H1)' **to** the Medium Density Residential Three Type Exception **X1** 'RES3(**X1**)' Zone, the Medium Density Residential Three Type Exception **X2** 'RES3(**X2**)' Zone, and Medium Density Residential Three Type Exception **X3** – Holding Provision **X** 'RES3(**X2**)(**HX**)' all in accordance with Schedule "A" attached hereto and by this reference forming part of this By-law;
2. THAT Part 12, entitled "EXCEPTIONS" of Zoning By-law No. 20/2010, 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	<b>X1</b> (XX/2020)				(i) Minimum Lot Area - 230 square metres

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
			(i) Single Detached Dwelling (ii) a Public Use including a school, park, or walkway		(ii) Minimum Lot Frontage - 8.4 metres (iii) Minimum Required Front Yard to the main wall of the dwelling – 3.0 metres (iv) Minimum Required Exterior Side Yard – 3.0 metres (v) 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) (vi) Minimum Required Rear Yard - 10.3 metres to the main rear wall of the dwelling excluding any breezeway, attached private garage, or porch a. For the purpose of Clause (vi) 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 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. (vii) 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 (viii) For the purpose of Clauses (iii) to (vii), 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

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					<p>intersection with the extension of the front lot line and rear lot line dividing the lot from a lane</p> <p>(ix)</p> <p>Maximum number of dwellings - 25</p> <p>(x)</p> <p>Notwithstanding the provisions of Table 4.1 (Provisions for Urban Residential, Commercial, Employment and Institutional 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>(xi)</p> <p>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>(xii)</p> <p>Notwithstanding the provisions of Section 4.1.4 (Unitary Equipment), or any other provision in this by-law, unitary equipment (including air conditioning units) shall be permitted to encroach into the interior side yard for the main building from the applicable lot lines</p> <p>(xiii)</p> <p>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> <p>a. the garage is no higher than one storey beyond the main rear wall;</p> <p>b. that the minimum distance between any two balconies on</p>

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
					<p>abutting properties is 6.0 metres, and;</p> <p>c. that the garage has a minimum setback of 6.0 metres from the rear lot line.</p> <p>(xiv)</p> <p>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	X2 (XX/2020)		(i) Single Detached Dwelling (ii) a Public Use including a school, park, or walkway		<p>(i) Minimum Lot Area - 230 square metres</p> <p>(ii) Minimum Lot Frontage – 8.4 metres</p> <p>(iii) Minimum Required Front Yard to the main wall of the dwelling</p> <p>a. Lot with vehicular access from a public street (front) – 4.5 metres</p> <p>b. Lot with vehicular access from a lane – 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>

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
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					<p>b. Lot with vehicular access from a lane – 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 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 -290</p> <p>(xi) Notwithstanding the provisions of Table 4.1 (Provisions for Urban Residential, Commercial, Employment and Institutional Zones), or any other provision in this By-law:</p> <p>a. the provision for 'Setback from exterior</p>

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					<p>side lot line' shall not apply</p> <p>b. The maximum floor area for any accessory buildings and structures shall be 20%</p> <p>(xii)</p> <p>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)</p> <p>Notwithstanding the provisions of Section 4.1.4 (Unitary Equipment), or any other provision in this by-law, unitary equipment (including air conditioning units) shall be permitted to encroach into the interior side yard for the main building from the applicable lot lines</p> <p>(xiv)</p> <p>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> <p>a. the garage is no higher than one storey beyond the main rear wall;</p> <p>b. that the minimum distance between any two balconies on abutting properties is 6.0 metres, and;</p> <p>c. that the garage has a minimum setback of 6.0 metres from the rear lot line.</p> <p>(xv)</p> <p>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>

3. THAT Part 13, entitled “HOLDING PROVISIONS” of Zoning By-law No. 20/2010, as otherwise amended, is hereby amended by adding the following to Part 13 – Holding Provisions:

Col.1	Column 2	Column 3	Column 4	Column 5
Symbol	Application	Property/ Legal Description	Conditions for Removal	Date Enacted
HX	Penryn Mason Homes Phase 5	Multiple Properties	In the event that the wooded area located at the southwest corner of Victoria Street South and Strachan Street is determined to be a Provincially Significant Woodland, a Holding (HX) provision shall apply and only be lifted once an appropriate Environmental Impact Study is completed to the satisfaction of the <i>Municipality</i> .	XX

4. THAT Zoning By-law No. 20/2010, 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.

5. 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 \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
R.J. Sanderson, Mayor

\_\_\_\_\_  
B. Gilmer, Clerk



**From:** Medium Density Residential Exception 47- Holding One 'RES3(47)(H1)', Medium Density Residential Exception 48 - Holding One 'RES3(48)(H1)', High Density Residential 4 Exception 28 - Holding One 'RES4(28)(H1)', Low Density Residential One – Holding One 'RES1-1(H1)'; 'Neighbourhood Commercial Exception 29 - Holding One 'COM1(29)(H1)', General Commercial Exception 30 - Holding One 'COM2(30)(H1)', Open Space Exception 56 - Holding One 'OS(56)(H1)', and Major Recreational Exception 46 - Holding One 'OSR(46)(H1)'

**To:** Medium Density Residential 3 Exception X1 'RES3-(X1)' Zone, Medium Density Residential Three Type Exception X2 'RES3(X2)' Zone, and Medium Density Residential Three Type Exception X2 - Holding X 'RES3(X2)(HX)' Zone

**SCHEDULE "A" TO BY-LAW ~/2020**

READ a FIRST, SECOND and THIRD Time and finally PASSED on the ~ day of ~, 2020.

MAYOR: \_\_\_\_\_

CLERK: \_\_\_\_\_



The Corporation of  
the Municipality of  
Port Hope  
56 Queen Street  
Port Hope, ON  
L1A 3Z9