THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW 48/2022

Being a By-law of the Corporation of the Municipality of Port Hope to amend Comprehensive Zoning By-law No. 20/2010, as amended with respect to permitting Additional Residential Units

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 May 10, 2022 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 20/2010, as otherwise amended, to permit additional residential units and therefore implement the Official Plan of the Municipality of Port Hope;

AND WHEREAS Council deems that adequate public notice of the public meeting was provided and adequate information regarding this Amendment was presented at the public meeting held on May 10, 2022 and that a further public meeting is not considered necessary in order to proceed with this amendment;

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

1. THAT Part 3 of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is hereby amended by adding the following definitions in alphabetical order:

   *"**Additional Residential Unit** means: A dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot of a primary dwelling unit.* For the purposes of this definition, a detached *additional residential unit* can be considered a *modular home.*

   *"**Dwelling Unit, Primary** means: The largest dwelling unit in which the residential use of the lot is conducted."*

2. THAT Part 3 of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is hereby amended by deleting the definition of 'Dwelling, Accessory' and replacing it with the following:

   ***"Dwelling, Accessory** means: A dwelling unit that is accessory to the main use of a non-residential building."*

3. THAT the title of Section 4.2 (Accessory Dwelling Units) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is deleted and replaced with the following: *"Additional Residential Units and Accessory Dwelling Units"*

4. THAT Section 4.2.1 (Residential Zones) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is deleted and replaced with the following:

4.2.1 Additional Residential Units

4.2.1.1 General Provisions

Where an *additional residential unit* is permitted by this By-law, the following provisions, in addition to those in Section 4.2.1.2 and 4.2.1.3, shall apply:

a) An additional residential unit shall only be permitted on a lot containing a *single detached dwelling, semi-detached dwelling* or *street townhouse dwelling.*

b) The addition of a new *driveway* to access an *additional residential unit* and which crosses the same *streetline* as an existing *driveway* on a *lot* is subject to Section 5.5.3.2.

c) Where only one (1) *additional residential unit* is permitted, the *additional residential unit* shall only be permitted within the same *building* as the *primary dwelling unit* on the *lot.*

d) Where two (2) *additional residential units* are permitted on a *lot,* such *additional residential units* may be located as follows:

i) One (1) *additional residential unit* within the same *building* as the *primary dwelling unit* on the *lot* and one (1) *additional residential unit* in a detached *accessory building* located on the same lot as the *primary dwelling unit*; or,

ii) Two (2) *additional residential units* within the same *building* as the *primary dwelling unit* in which case, an *additional residential unit* in a detached *accessory building* shall not be permitted.

In no case, shall two (2) *additional residential units* be permitted in a detached *accessory building*.

e) A *building* on a residential *lot* that is divided into a *primary dwelling unit* and an *additional residential unit(s)* shall not constitute any other type of *dwelling unit* otherwise defined in this By-law.

f) A maximum of two (2) bedrooms shall be permitted in an *additional residential unit*.

g) An *additional residential unit* shall only be permitted on a *lot* that satisfies Section 4.10 (Frontage on a Public Street) of this By-law.

h) Where municipal services are available, both the *primary dwelling unit* and the *additional residential unit(s)* on the same lot shall be connected to municipal water and sewer services of adequate size.

i) An *additional residential unit* shall not be permitted:

i) On lands within the Environmental Protection - Floodplain (EP-F) Overlay Zone or in a *floodplain* as identified by the Conservation Authority; and,

ii) On a *lot* containing a *boarding or rooming house, garden suite*, *bed and breakfast establishment, farm vacation home, group home type 1* and *group home type 2* or *accessory farm employee accommodation.*

j) Parking for an *additional residential unit(s)* shall be provided in accordance with the requirements of Section 5.6 (Residential Parking Requirements) of this By-law.

k) Required off-street *parking spaces* may be arranged in tandem.

l) An *additional residential unit* in a detached *accessory building* is not permitted to have a basement or other habitable living space below grade.

m) A clear path suitable for pedestrian use with a minimum width of 1.2 metres shall be provided from the *streetline* to the entrance of an *additional residential unit* that is contained within a detached *accessory building*.

n) If an *additional residential unit* is within the Hamlet Residential One and Two (RESV1 and RESV2), Rural Residential (RESR), and Estate Residential (RESE) Zones:

i) The minimum *lot area* shall be 0.4 hectares;
ii) The *additional residential unit* shall be serviced by the same well serving the *primary dwelling unit* on the *lot;* and
iii) Notwithstanding Section 4.2.1.1 b), two (2) *additional residential units are* permitted within the same *building* as the *primary dwelling unit* on the *lot* or one (1) *additional residential unit* within the same *building* as the *primary dwelling unit* and one (1) *additional residential unit* within a detached *accessory building.* If located within an *accessory building,* no part of the *additional residential unit* shall be located further than 40 metres from the *main building.*

o) If an *additional residential unit* is within the Agricultural (A) and Rural (RU) Zones:

i) The minimum *lot area* shall be 0.4 hectares;
ii) The *additional residential unit* shall be serviced by the same well serving the *primary dwelling unit* on the *lot;*
iii) Notwithstanding Section 4.2.1.1 b), two (2) *additional residential unit*s are permitted within the same *building* as the *primary dwelling unit* on the *lot* or one (1) additional residential unit is permitted within the same building as the

primary dwelling unit on the lot and one (1) *additional residential unit* within a detached *accessory building* provided the whole of the detached *accessory building* is located within 40 metres of the *building* containing the *primary dwelling unit; and*

iv) If the *additional residential unit* is in a detached *accessory building* on the *lot* that was created after March 1, 2017, the provisions of Section 4.14 dealing with *minimum distance separation* apply.

p) If an *additional residential unit* is within the Oak Ridges Moraine - Rural (ORM-RU) and Oak Ridges Moraine - Rural Settlement (ORM-RS) Zones:

i) The minimum *lot area* shall be 0.4 hectares;
ii) The *additional residential unit* shall be serviced by the same well serving the *primary dwelling unit* on the *lot;* and
iii) A total of one (1) *additional residential unit* is permitted and only within the same *building* as the *primary dwelling unit* on the *lot*.

4.2.1.2 *Additional Residential Units* Within the Same *Building* as the *Primary Dwelling Unit* on the *Lot*

Where an *additional residential unit(s)* is within the same *building* as the *primary dwelling unit*, the following additional provisions shall apply:

a) The *additional residential unit(s)* shall be located entirely within the same *building* as the *primary dwelling unit*.
b) A maximum of one entrance to the *main building* shall be permitted along each *public street.*
c) The maximum *gross floor area* of the *additional residential unit(s)* may not singularly or cumulatively exceed 50% of the *gross floor area* of the *primary dwelling unit*. Notwithstanding the above, if an *additional residential unit* is located in the basement, such *additional residential unit* may occupy the entire basement. In no case shall more than one (1) *additional residential unit* be located in a basement.
d) Where direct access to the *additional residential unit* is provided from the *interior side yard*, the entrance to the *additional residential unit* is required to be a minimum of 1.2 metres from the *interior side lot line* and no stairs accessing the *additional residential unit* are permitted within 1.2 metres from the *interior side lot line.*

4.2.1.3 *Additional Residential Unit* in a Detached *Accessory Building* in any Residential *Zone*

Where an *additional residential unit* is within a detached *accessory building* to a *primary dwelling unit* in any Residential Zone, the following additional provisions shall apply:

a) The provisions in Section 4.1 (Accessory Buildings, Structures and Uses) apply except where modified by Sections 4.2.1.1 and 4.2.1.3.
b) The maximum *gross floor area* of the *additional residential unit* within a detached *accessory building* shall not exceed 50% of the *gross floor area* of the *primary dwelling unit* but in no case can occupy more than 50% of the *rear yard* and have a *floor area* that is greater than 70 $m^{2.}$
c) A *detached accessory building* containing an *additional residential unit* shall be setback no further than 40 metres from the *public street* that is relied upon for access.
d) An *accessory building* containing an *additional residential unit* shall not exceed the *height* of the *main building* or 5 metres, whichever is less.

4.2.1.4 *Additional Residential Unit* in a Detached *Accessory Building* in all other zones where permitted except in any Residential *Zone*

Where an *additional residential unit* is within a detached *accessory building* to a *primary dwelling unit* in any zone except in any Residential Zone, the following additional provisions shall apply:

a) The provisions in Section 4.2 (Accessory Buildings, Structures and Uses) apply except where modified by Sections 4.2.1.1 and 4.2.1.4.
b) The maximum *gross floor area* of the *additional residential unit* within a detached *accessory building* shall not exceed 50% of the *gross floor area* of the *primary dwelling unit* but in no case can be larger than 80 m^2.
c) An *accessory building* containing an *additional residential unit* shall not exceed the *height* of the principal *building* or 5 metres, whichever is less.

5. THAT the title of Section 4.2.2 (Commercial Zones) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is deleted and replaced with the following: **"Accessory Dwelling Units in Commercial Zones"**

6. THAT the title of Section 5.5.2 (General Parking Provisions for Ground Oriented Residential Dwelling Units) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is deleted and replaced with the following: **"General Parking Provisions for Ground Oriented Residential Dwelling Units, Including Additional Residential Units"**

7. THAT Table 5.5 (Residential Parking Requirement) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is amended by adding a new first row:

Use	Minimum Parking Space Requirement
Additional Residential Unit	1 space for the first *additional residential unit* on a *lot* subject to Section 4.2.1.1 j), with 0 spaces required for the second *additional residential unit,* where permitted

8. THAT Table 6.1 (Permitted Uses in Residential Zones) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is amended by deleting the row with 'Dwelling, Accessory (6)'.

9. THAT Table 6.1 (Permitted Uses in Residential Zones) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is amended by adding a new first and second row:

USE	RES 1	RES 2	RES 3	RES 4	RESV 1	RESV 2	RES R	RES E
One *Additional Residential Unit* (6)	X	X	X	X	X	X	X	X
Two *Additional Residential Units* (6)	X (7)	X (7)	X (7)	X (7)	X (7)	X (7)	X (7)	X (7)

10. THAT Table 6.1 (Permitted Uses in Residential Zones) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is amended by replacing the text of Special Provision 6 with the following: "Subject to Section 4.2.1 (*Additional Residential Units*)"

11. THAT Table 6.1 (Permitted Uses in Residential Zones) of the Municipality of Port Hope Zoning Comprehensive Zoning By-law 20/2010 is amended by adding a new Special Provision 6 as follows: "7. A second *additional residential unit* is only permitted if the *lot* has a *lot frontage* of 15 metres or greater and a *lot area* of 460 square metres or greater."

12. THAT Table 7.1 (Permitted Uses) of the Municipality of Port Hope Comprehensive Zoning By-law 20/2010 is amended by replacing the text of Special Provision 3 with the following: "Subject to Section 4.2.2 (*Accessory Dwelling Units* in Commercial Zones)"

13. THAT Table 9.1 (Permitted Uses in Countryside Zones) of the Municipality of Port Hope Comprehensive Zoning By-law 20/2010 is amended by adding a new first and second row:

USE	A	RU	ORM-C	ORM-EP	ORM-MX	ORM-L	ORM-RU	ORM-RS
One *Additional Residential Unit* (7)	X	X					X	X
Two Additional Residential Units	X	X						

14. THAT Table 9.1 (Permitted Uses in Countryside Zones) of the Municipality of Port Hope Comprehensive Zoning By-law 20/2010 is amended by adding a new Special Provision 7: "Subject to Section 4.2.1 (*Additional Residential Units*)"

15. 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.

16. 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 on the 5th day of July, 2022.

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Bob Sanderson, Mayor

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Brian Gilmer, Clerk