



Municipality of Port Hope

Staff Report

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Report Title: Statutory Public Meeting Report – Zoning By-law Amendment, 276–282 Victoria Street North

Report to: Statutory Public Meeting

Date of meeting: December 10, 2024

Report Author:

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Department responsible:

Development Services

Report Number: DS-30-24

Planning Report DS-30-24 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13. No recommendations are made for decision making purposes within this report.

The applicant, a specified person (as defined by the *Planning Act*), a public body (as defined by the *Planning Act*), and a registered owner of land to which the by-law would apply, each have the ability to appeal to the Ontario Land Tribunal a decision of the Municipality of Port Hope to pass a by-law in response to the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Porth Hope to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to before the by-law was passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Highlights:

- A Zoning By-law amendment application has been received to construct two (2) three-storey apartment buildings containing a total of 74 apartment units on the subject lands. The purpose of the rezoning application is to rezone the subject lands from Site Specific Medium Density Residential with Holding One Provision 'RES3(97)(H1)' Zone to Site Specific High Density Residential 'RES4(155)' Zone to facilitate the development of apartment units.
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Report No.: DS-30-24

Report to: Statutory Public Meeting

- This report prepared for the Statutory Public Meeting provides an overview of the subject lands, describes the proposed development application, includes a high-level analysis of the current planning policy framework, and comments received to date.

Discussion:

1.1 Purpose

The purpose of the report is to present background information concerning the proposed Zoning By-law Amendment (“ZBA”) application (File # ZB01-24) submitted by LBD Holdings Ltd. (Brenbrooke Homes).

This report has been prepared for the Statutory Public Meeting for the proposed development 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. The report also includes all the comments submitted to date from agencies and departments as well as the public.

1.2 Background

Site Area and Description

The subject lands are located on Victoria Street North, north of Trefusis Street, directly west of Klein Street. The subject lands, as shown on **Figure 1**, are municipally addressed 276 - 282 Victoria Street North, legally described as Con 2 Pt Lot 9 Plan 11 Lot 8.



Figure 1 – Subject Lands

The subject lands are approximately 1.23 hectares with approximately 61 metres of frontage along Victoria Street North. There are two (2) dwellings on the eastern portion

of the subject lands near the frontage of Victoria Street North. The dwelling units are in a state of disrepair and would be removed through the development process.

The land uses surrounding the subject lands, as shown on **Figure 2**, are as follows:

- North:** The Municipality of Port Hope's Joint Operation Center (JOC), with Highway 401 further north.
- East:** Established single-detached dwelling neighbourhood ranging from one to two storeys.
- South:** Established low-density residential neighbourhood, consisting of detached, semi, and townhome dwellings ranging from one to two storeys and Highland Estates Park. Three storey apartment uses exist on Victoria Street North, south of Jocelyn Street.
- West:** Vacant employment lands with developed commercial and employment areas further west.



Figure 2 – Satellite Imagery Mapping

Application

The rezoning is being requested to construct two (2) three-storey apartment buildings containing a total of 74 apartment units on the subject lands. The apartment buildings would be separated by a 5-metre wide walkway. Thirty-eight (38) units are proposed in the westerly building, and thirty-six (36) are proposed in the easterly building.

Vehicular access will be provided along the north portion of the subject property, with access gained from Victoria Street North on the eastern side of the subject property. The northern portion of the subject property is planned to be conveyed to the

Municipality for future Pemberton Drive road extension. An easement would be registered on the northern portion so vehicular access to the proposed development could occur. The Site Plan is shown on **Figure 3** below and is attached to this report (**Attachment 1**).

The proposal includes 93 parking spaces, consisting of 74 resident parking spaces, and 19 visitor parking spaces (4 barrier free spaces).

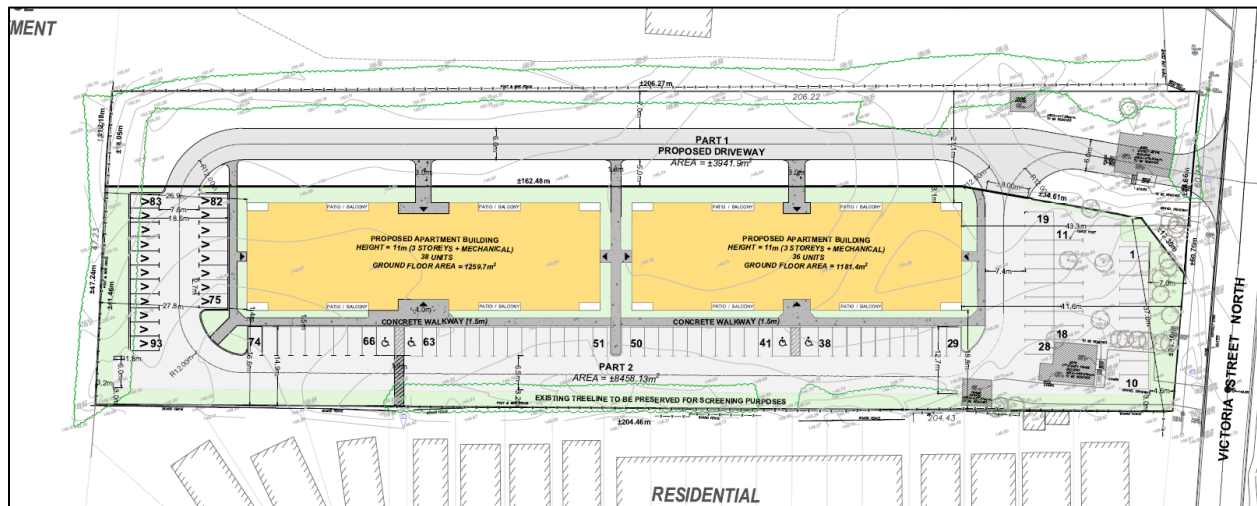


Figure 3 – Site Plan

The submitted ZBA application is required to permit “apartment uses” on the subject property. Additionally, zoning relief is required to address deficiencies for minimum lot area, minimum lot frontage, width of a planting strip along a streetline, and deficient exterior yard setback. The required zoning relief will be discussed in greater detail within the Zoning By-law 20/2010 Section of this report.

Planning Application History

Official Plan amendment and Zoning By-law amendment applications were originally submitted in February 2010 (File # ZB214/OP004). The proposal was for a high-density residential development of seven 4-storey buildings consisting of approximately 120 condominium units and one multi-purpose building. In response to public input, the application was deferred by the applicant in May 2010.

Following further discussions between staff and the developer, and several different iterations of the proposed development (that included a 11 m strip of land from the southern edge of the JOC lands), Council passed OPA #5 in April 2012. The effect of the OPA was to redesignate the subject lands from “Low Density Residential” and “Service Employment” to “Medium Density Residential” to permit the 45 townhouse units. Further, the OPA removed approximately 210 meters of the “Future Collector Road” extension, west of Victoria Street North, as identified on Schedule “B” – Transportation Plan, within the Official Plan. This area is now planned to be a “Local Road” in accordance with Official Plan policy. For clarity, the lands affected by the removal of the “Future Collector Road” are the lands along the northern portion of the

subject property which are planned to be conveyed to the Municipality for the future Pemberton Road extension. The corresponding Zoning By-law Amendment was passed to rezone the subject lands to the current Medium Density Residential 'RES3(97)(H1)' Zone.

Through the approval of the above discussed OPA and ZBA, a Draft Plan of Subdivision application was submitted to the municipality and was Draft Plan Approved by Council on July 30, 2013. However, the parcel was transferred to another owner in 2014, to which the approved Draft Plan conditions were never satisfied and consequently the draft subdivision approval lapsed. The property changed hands in 2019 to the current owner.

Documents Submitted in Support

The proponent has submitted the following technical reports in support of the proposed development:

- Planning Justification Report, prepared by EcoVue Consulting Services Inc., dated August 1, 2024;
- Site Plan, prepared by EcoVue Consulting Services Inc., dated June 19, 2024;
- Functional Servicing Report, prepared by Jewell Engineering, dated July 22, 2024;
- Stormwater Management Report, prepared by Jewell Engineering, dated November 6, 2023;
- Detailed Design Drawings, prepared by Jewell Engineering, dated July 16, 2024;
- Transportation Impact Study, prepared by Jewell Engineering, dated October 5, 2024;
- Phase One Environmental Site Assessment, prepared by Cambium, dated November 3, 2023;
- Zoning By-law Amendment Application Form

All studies, reports, and drawings can be found on the Municipality's Current Planning applications webpage at: <https://www.porthope.ca/en/business-and-development/current-zoning-by-law-and-official-plan-amendment-applications.aspx#ZB012024-276-282-Victoria-Street-North>

Staff and commenting agencies have reviewed the submitted studies and their comments have been summarized within this staff report. No further submissions from the proponent have been made as of the date of writing this report. The applicant will be required to address the comments in a future submission and / or through a Site Plan Approval application.

Functional Servicing Report

The submitted Functional Servicing Report (FSR) reviewed the available sanitary and water supply infrastructure in the vicinity of the proposal and the servicing requirements to accommodate the development. The study outlined that sanitary and water service is available along Victoria Street. Furthermore, the study concluded that sufficient capacity

to accommodate the proposal exists. The Municipality's Works and Engineering Department agree with this conclusion.

In addition to the FSR, a Stormwater Management Design Brief (SWMB) was submitted in support of the application. The purpose of the SWMB was to demonstrate that stormwater management targets (not exceeding pre-development stormwater peaks) are feasible on the subject property. A finalized Stormwater Management Report / Functional Servicing Report will be submitted when details on a development concept has been determined.

The SWMB outlines that a recommended measure to manage stormwater levels is through an underground stormwater storage system using Stormtech units to manage water quantity. Further, it was outlined that quality treatment will be provided by a combination of an oil grit separator (OGS) unit for pretreatment in the Stormtech units.

As part of Site Plan Approval, the Ganaraska Region Conservation Authority (GRCA) and the Municipality's Works and Engineering Department and Environmental Services Department will review the aforementioned finalized FSR. This finalized FSR will outline detailed grading, servicing, and stormwater management considerations. The finalized FSR would be reviewed and approved when Staff and the GRCA are satisfied with the design / function of the proposed development.

Environmental Site Assessment (Phase 1)

The Phase One Environmental Site Assessment outlines potentially contaminating activities (PCAs) resulting in areas of potential environmental concern (APECs) on and in proximity to the subject property. As a result of the APECs identified, Cambium Inc. recommended that a Phase Two ESA be conducted. The Phase Two ESA will consist of soil and groundwater testing where APECs are identified to determine if exceedances exist on the subject property.

The proponent will coordinate the pursual of a Phase Two ESA. This will occur at the Site Plan Approval stage of the development and a Site Plan Agreement would not be finalized until the Phase Two ESA and a Record of Site Condition are finalized. Development of the subject property can only occur when the regulatory requirements of the Ministry of Environmental, Conservation and Parks are met.

Traffic Impact Study

Within the submitted Traffic Impact Study (TIS), it is stated that the proposed development is expected to produce a maximum of 33 peak-hour trips, which will have no noticeable impact on the operation of the existing road network. Additionally, the levels of service remain at an acceptable level, and vehicle queues will have minimal impact on traffic flow into the 2035 planning horizon.

Northumberland County Public Works Department, in partnership with the Port Hope Works and Engineering Department are currently conducting a study of Jocelyn Street (County Road 60) and Victoria Street intersection to understand necessary road improvements (i.e. Traffic signals, Stop signs, pedestrian crossings) along Jocelyn

Street. The County is aware of the proposed development and it has been confirmed that the study will consider the proposed traffic volumes and recommend necessary improvements to the Jocelyn Street and Victoria Street North intersection.

Parkland

The Municipality would request cash-in-lieu of parkland in accordance with the *Planning Act*.

1.3 Policy Review

This section provides a high-level analysis of relevant provincial and municipal land-use and development policies that are applicable to the proposed development.

Planning Act

All land use planning decisions in the Province of Ontario must be consistent with Part 1(2) of the Planning Act, which broadly sets out the matters of Provincial interest.

Section 34 (Zoning By-law Laws) outlines the legislative requirements municipal governments must abide by specific to zoning. This includes Zoning By-law creation, amendments, the criteria for a complete application, and the associated timelines, among many other provisions.

Provincial Planning Statement

The Provincial Planning Statement (PPS), 2024 is a province-wide land use planning policy framework that has replaced the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019. The PPS came into effect October 20, 2024, and identifies all lands within the Municipality's Urban Area as a "Settlement Area", in which the subject property is located.

The relevant policies of the PPS are as follows:

Section 2.2 (Housing) outlines that "*planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

- a) *establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
- b) *permitting and facilitating:*
 1. *housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and.*
 2. *all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction*

- of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3*
- 3. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation”*

Additionally, Section 2.3.1.1 (General Policies for Settlement Areas) states that “*Settlement areas shall be the focus of growth and development*”.

Section 2.9.1.a) (Energy Conservation, Air Quality, and Climate Change) acknowledges that “*planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that support the achievement of compact, transit-supportive, and complete communities*”.

Section 3.3.1 (Transportation and Infrastructure Corridors) states that “*planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit, and electricity generation facilities and transmission systems to meet current and projected needs*”.

Section 5.2.3 (Human-Made Hazards) outlines that “*sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects*”.

Northumberland County Official Plan

The Northumberland County Official Plan (NCOP) designates the subject lands as “Urban Area”. A full range of land uses are permitted within the designation in accordance with the Municipality of Port Hope Official Plan.

Section A2 (Guiding Principles) outlines that “*the County's long-term prosperity, environmental health and social well - being depends on wisely managing change and promoting efficient land use and development patterns*”. The following are the applicable guiding principles

- 1. To direct most forms of development to urban areas where full services are available and to support the efficient use of land and infrastructure to meet the needs of present and future residents and businesses and ensure that an adequate supply of land and housing choices are available for present and future residents.*
- 2. To protect and enhance the character of existing urban areas and rural settlement areas, and to maintain them as diverse, livable, safe, thriving and attractive communities.*
- 3. To ensure that housing is available to all ages, abilities, incomes and household sizes, and is located in areas near public transportation, jobs, and essential goods and services.*

Section B7 (Housing Forecast) within the NCOP contains a table outlining the established housing forecast for each Municipality within the County into the year 2034. Specifically, the table shows that the Municipality of Port Hope has a “Medium Density” housing target of 924 units, with a total target of 2,436 residential units.

Section C1.1 (Complete Communities) of the NCOP outlines that “*the County encourages each of the six urban areas to become complete communities where there is [...] A range of housing types for all levels of income and ages*”.

Further, Section C1.2.1 (General Land Use Objectives for Urban Areas) states that it is an objective of the NCOP to:

- 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*
- e) Encourage a high standard of urban design for development and redevelopment.*

Section C1.5.1 encourages the development and redevelopment of lands within settlement areas in appropriate locations at higher densities to maximize the use of available infrastructure and public service facilities.

The proposed development would efficiently utilize land and would contribute to the current and future housing needs of the Municipality. Moreover, the proposed development would provide a greater variety of housing choices for a range of ages, abilities, incomes, and household sizes.

Municipality of Port Hope Official Plan

The subject property is located in the Urban Area and is designated “Medium Density Residential” on Schedule C-1 of the Municipality of Port Hope’s Official Plan (PHOP), as shown on **Figure 4**. Further, as aforementioned, through OPA #5, a “Local Road” is planned to be connected to the “Future Collector Road” on Schedule B.

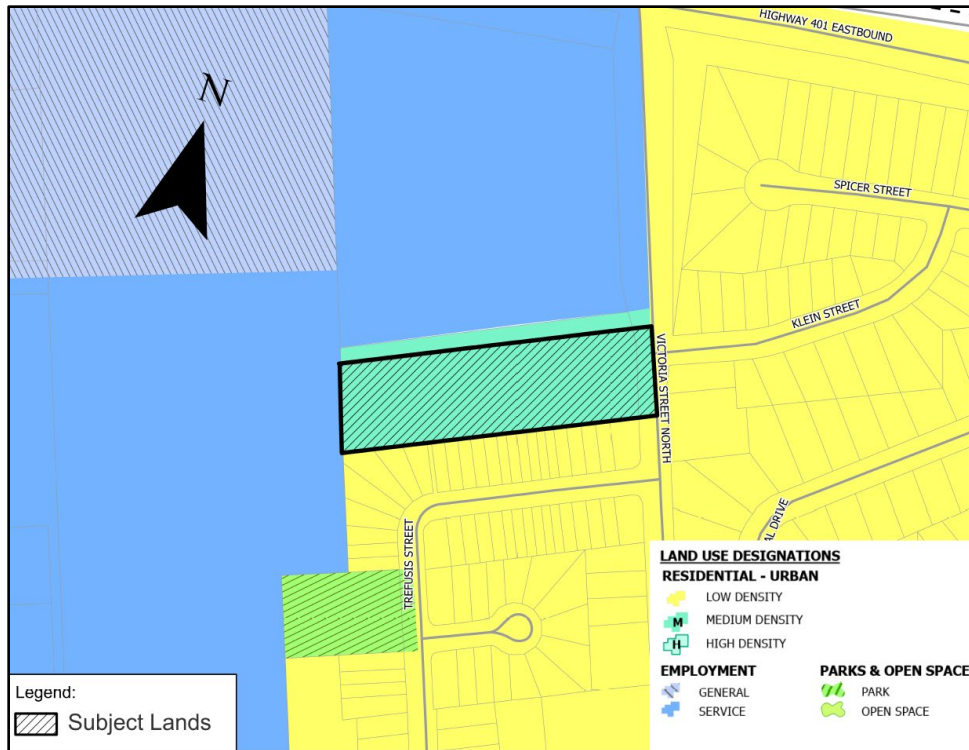


Figure 4 – Land Use Designation Mapping

Section D2.1.3 (Medium Density Residential) of the PHOP states that “*the main permitted uses shall include townhouse, rowhouse, fourplex, low-rise apartments, and other forms of low-rise multiple dwellings*”. Section D2.1.3. continues to state that “*the net residential density for residential development shall **generally** be between 20 and 60 units per net residential hectare*”.

The proposed development is considered a “low-rise apartment” and has a density of 60.16 units per net residential hectare. Although the density is slightly greater than the permitted 60 units per net residential hectare, it is staff’s opinion that the proposed ZBA is maintaining the intent of the PHOP and that no Official Plan Amendment is required.

Section D.2.1.3 then states that “*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*”. It should be noted that the established neighbourhood to the south is designated “Residential Area – Low Density” on Schedule C-1 of the Official Plan and the proposed development involves a different built form in the immediate surrounding area.

Regarding buffering from the southern “Residential Area – Low Density” to the south, the proposed sideyard setback (setback from the proposed building to the south lot line) is 18.8 metres with a driveway and parking area separating the low-density residential

uses from the proposed medium-density residential use. Furthermore, the existing treeline is proposed to be preserved, acting as a visual screen to the south of the subject property.

Section B4 (Growth Concept) outlines the recommendations of the Growth Management Strategy and modified, where appropriate, in response to agency and public input over the course of preparing the PHOP. The applicable growth policies of Section B4 are as follows:

- *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.*

Section B5 (Environment) outlines the objectives of the Municipality for protecting and enhancing the natural environment in accordance with Local and Provincial policies, and in consultation with the Ministry of Natural Resources and Forestry, and the Ganaraska Region Conservation Authority (GRCA).

As discussed above, the GRCA has advised Staff that they will require a finalized Functional Servicing Report (FSR) that addresses grading, servicing and stormwater management. The stormwater management plan must comply with GRCA's Technical and Engineering Guidelines for Stormwater Management Submissions. This review would occur at the Site Plan Approval stage of the proposed development.

Additionally, there are no natural heritage features that are on or adjacent to the subject property that requires a review through a Natural Heritage Evaluation, in accordance with Local and Provincial planning policy.

Within Section B9 (Social and Housing) of the PHOP, the Municipality's goal and objectives are outlined as it relates to housing and social considerations. The following are the applicable policies:

- *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 life styles*
- *To encourage intensification within the Urban Area in a manner that is compatible with surrounding development.*
- *To encourage the provision of affordable housing and endeavor to achieve a 25% share of affordable housing units broadly within new developments.*
- *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 promote the maintenance and reinforcement of the existing community structure consistent with historic trends and the ability of the community to manage further growth, so as to minimize disruption to the community.*
- *To engage with First Nation groups in an appropriate manner that promotes understanding and consensus.*
- *To ensure accessibility to all public buildings and facilities and further encourage all private development to be accessible to all residents of the Municipality, in accordance with the Facility Accessibility Design Standards.*

Section B10 (Transportation and Public Services) provides the goals and objectives for transportation and public services. The following are the applicable policies as it relates to the proposed ZBA:

- *Provide for the continued development of a safe and efficient road network, and to provide for a level of public services consistent with the needs of the residents of the Municipality, with minimum disruption to the environment.*
- *To develop transportation and utility corridors that minimize disruption to adjacent communities, land uses and environmentally sensitive areas.*

Section C6 (Potentially Contaminated Sites) states that *“Planning Applications for a potentially contaminated site shall not be approved by the Municipality until the site has been assessed and/or remediated in a manner consistent with Ontario Regulation 153/04, Record of Site Condition, which outlines requirements related to site assessment and clean up, and with MOECC Guideline “Records of Site Condition - A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition” dated October 2004.*

In addition, a Record of Site Condition must be provided by the applicant. Accordingly, at the time of submission, the proponent of development shall be required to demonstrate that development is feasible having regard to the other provisions of this Plan and the following:

- a) when an application involves the change of use of a property from industrial or commercial to residential or parkland it is mandatory to file a Record of Site Condition in the Registry. This will require the completion of a Phase I Environmental Site Assessment and may require additional Environmental Site Assessments as determined by a qualified professional; or*
- b) when the application involves anything other than that outlined in a) above, Council may require the proponent to complete an environmental site assessment where there is a reasonable expectation that the site may be contaminated”.*

As aforementioned, a Phase 2 ESA will be required at Site Plan Approval stage. Furthermore, a Record of Site Condition summarizing the environmental condition of the subject property will be required, and will be registered into the Environmental Site Registry when the Ministry of Environment, Conservation and Parks confirms that the contents of the Record of Site Condition meets regulatory requirements.

Section C.9.1.2.3 (Housing Intensification) states that *“the intensification of residential development reduces the need to use vacant designated land on the periphery of the*

Urban Area. It also reduces the need for urban expansions into the rural area. Residential intensification of existing areas allows for the efficient provision of urban services thereby helping to minimize the costs of providing services while meeting an important component of the Municipality's housing needs.

The following shall be the policy of Council:

- c) Housing shall, in part, be provided through residential intensification, which shall include but not be limited to any of the following:
 - ii. infilling development and residential development of vacant land or underutilized land in existing neighbourhoods; or**
- d) 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,*
 - iv) the development proposal will not have a negative impact on cultural heritage resources or natural heritage features in the area.**
- e) The Municipality shall monitor intensification activity and, through the development approvals and building permit process, ensure that such proposals can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained. An urban design assessment may be required as a component of a planning rationale report accompanying a development application."*

Section C11 (Community Character) continues to state that "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.*

Council shall ensure that the design of extensive areas of redevelopment achieves the following:

- a) provides a development pattern that supports a range of uses;*

- b) *defined the perimeter of such an area by a distinct edge that may be formed by roads or other linear features;*
- c) *contains activity centres or nodes which are designed to serve the area and which may be identified by one or more landmarks;*
- d) *provides transportation connections to adjacent areas; and*
- e) *maintains and enhances valued historic development patterns and resources.*

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."*

Section C12.1.3 (Stormwater Management) outlines the stormwater management considerations for development applications. It states that "*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*". As discussed above, stormwater management would be reviewed by the Ganaraska Region Conservation Authority at Site Plan Approval stage.

Section 13.2.1 (Provincial Highways) states that "*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*". As outlined by MTO (see below "Consultation with Other Departments / Agencies" section of this report), development permits will be required to be issued by the Ministry.

Section C13.7 (Active Transportation) of the PHOP then states "*that all new development and redevelopment, provision shall be made for safe, accessible and secure pedestrian and cycling movements*". The submitted TIS has confirmed that the proposed development would not result in safety hazards as it relates to pedestrian and cycling movement, as confirmed through a Professional Engineer.

In considering the above policies, staff are of the opinion that the proposed ZBA is conforming to the PHOP.

Port Hope Zoning By-law 20/2010

The subject property is zoned Site Specific Medium Density Residential with Holding One Provision 'RES3(97)(H1)' Zone within Zoning By-law 20/2010, as amended, as shown on **Figure 5**.

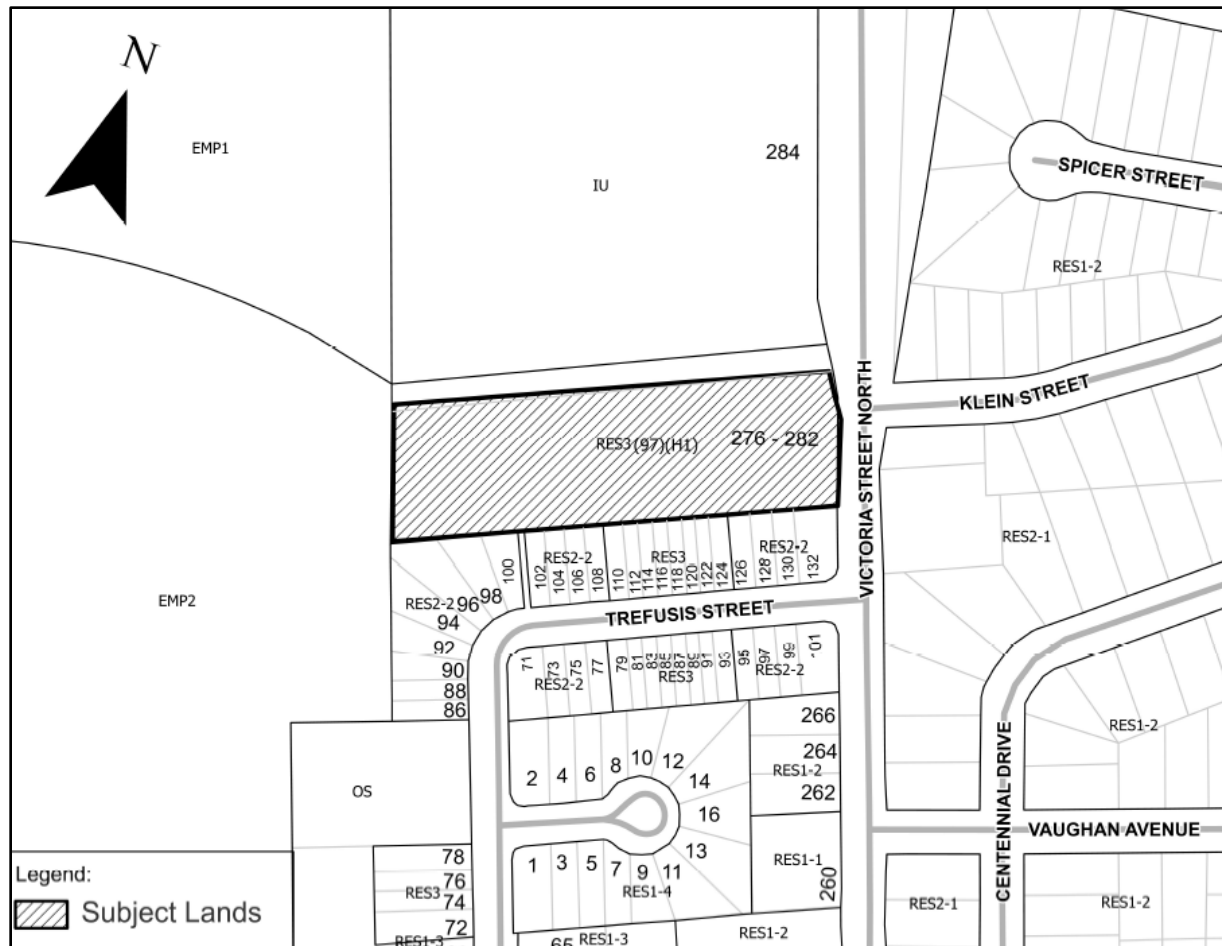


Figure 5 – Zoning Mapping

As discussed above, the submitted ZBA application is required to permit the “apartment dwelling” use on the subject property. Additionally, zoning relief is required to address deficiencies for minimum lot area, minimum lot frontage, minimum width of a planting strip along a streetline, and minimum exterior yard setback. These areas of non-compliance will be addressed through a new site-specific RES4 Zone.

Regarding the Holding (H1) provision affecting the subject property, as per Table 13 of the Zoning By-law, the H1 provision may be lifted, in accordance with Section 36 of the Planning Act, only when “[...] the Municipality is satisfied that an appropriate Subdivision Agreement and/or Site Plan Agreement and/or Development Agreement has been executed.” It is staff’s understanding that if the requested Zoning By-law amendment is approved the proponent will apply for Site Plan approval.

The provisions of non-compliance and the requested relief are outlined on **Table 1** below. For clarity, these areas of non-compliance are bolded under the “Proposed After Road Conveyance” column.

Table 1 – Required and Proposed Zoning Standards				
Provision	RES3(97)(H1) Standards	RES4 Standards	Proposed for Existing Property	Proposed After Road Conveyance
Permitted Dwelling Types	Single Detached, Semi Detached, Triplex, Multiple-Unit, Street Townhouse	Apartment Dwelling, Multi-Unit, Street Townhouse Dwellings	Apartment Dwelling	Apartment Dwelling
Max. Height	11 metres	N/A for Apartment Dwellings	3 Storeys	3 Storeys
Min. Lot Area	270 m ² - detached; 300 m ² ; semi-detached; 550 m ² - triplex; 4,000 m ² - multi-unit; 180 m ² - street townhouses	1 hectare for apartment dwellings	Approx. 1.8 hectares	Approx. 0.84 hectares
Min. Lot Frontage	9 m. for detached; 9 m. for semi-detached; 18 m. for triplex; 50 m. for multi-unit; 6 m. for street townhouses.	60 metres for apartment buildings.	Approx. 60.76 metres	Approx. 37 metres
Min. Front Yard Setback	3 metres	7.5 metres	41.6 metres	41.6 metres
Min. Exterior Side Yard Setback	3 metres	7.5 metres	21 metres	3.1 metres
Min Required Interior Side Yard	1.2 metres	7.5 metres	18.8 metres	18.8 metres
Min Required Rear Yard	6 metres	7.5 metres	27.8 metres	27.8 metres
Planting Strip	A 4.5 metre wide planting strip	A 4.5 metre wide planting strip	0 metres	0 metres

	abutting the full length of the lot line shall be required along a streetline where a lot contains an apartment building	abutting the full length of the lot line shall be required along a streetline where a lot contains an apartment building		
Parking Spaces	2/unit for Single, Semi and Street Townhouse; 1.5/unit plus 0.25/unit visitor for Multi-unit	1/unit plus 0.25 spaces/unit for visitors for Apartment Dwellings 4 Barrier-Free Spaces	1/unit and 0.26/unit visitor spaces. 4 Barrier-Free Spaces	1/unit and 0.26/unit visitor spaces. 4 Barrier-Free Spaces

1.4 Consultation with Other Departments / Agencies

On August 21, 2024, the complete Zoning By-law amendment application, along with the supporting studies, were circulated to applicable internal departments and external agencies. Comments relating to the subject applications are summarized in **Table 2**, will all comments attached to this report (see **Attachment 2**)

Table 2: Summary of Comments	
Dept. or Agency	Summary of Comments
Works and Engineering Dept.	No objections; further work on the detailed design required at Site Plan Approval stage (September 20, 2024)
Parks, Recreation and Culture Dept.	Cash-in-lieu of parkland to be pursued; would review Site Plan Application stage (November 28, 2024)
Building Dept.	No comments at this time; would review at Building Permit stage (August 21, 2024)
Fire Dept.	No objections; would review at Site Plan Approval stage (September 23, 2024)
County of Northumberland – Planning	No objections; the County OP strongly encourages affordable rental housing units throughout the County (September 18, 2024)
County of Northumberland – Public Works	No objections (September 18, 2024)

County of Northumberland – Waste Management	The proposed development is not eligible for curbside collections and must seek private waste collection (September 18, 2024)
Ministry of Transportation	Subject property is within MTO’s permit control area; therefore, Ministry approvals and permits are required prior to Municipal building permits are issued (August 26, 2024)
Ganaraska Region Conservation Authority (GRCA)	Acknowledged that the subject property does not contain any natural hazards. A Functional Servicing Report (FSR) that addresses grading, servicing and stormwater management will be required to be reviewed at Site Plan Approval stage (September 5, 2024)
Bell Canada	No comments (received August 21, 2024)
Canada Post	No comments (received August 22, 2024)
KPRD School Board	No objection (August 28, 2024)
Elexicon Energy	No objection (September 4, 2024)
Alderville First Nation	Further consultation has been requested (September 29, 2024)

Communication and Public Engagement:

The Municipality has undertaken public consultation, using means consistent with the Planning Act, including mail to residents, on-site sign posting, and updates through the Municipal Development Application website, and a Notice of Public Meeting on the Municipal website.

In accordance with the *Planning Act*, the separate Notice and Complete Application and Public Meeting for the ZBA application was given to all assessed persons living within 120 metres of the subject lands. The Notice of Complete application was mailed on August 21, 2024. The Notice of Public Meeting was mailed to the residents on October 23, 2024. The proponent has also posted one notice sign on the subject property along Victoria Street North.

The current planning applications page on the Municipality’s website contains links to all the materials submitted by the Proponent, as well as allows for feedback to be submitted by residents during the review process. The page is updated periodically.

As of the writing on this report, planning staff are in receipt of written correspondence from six (6) residents regarding the subject application. The overarching themes of concern expressed by residents are as follows: building height; density; loss of community character / community fragmentation; privacy; impact on infrastructure and public service facilities; traffic impact and safety; noise; and, property value impact. All

correspondence received is attached to this report (**Attachment 3**). The public can continue to provide comments until a council decision is made.

Conclusion:

The proposed ZBA, if approved, would allow for the development of two (2) three-storey apartment buildings containing a total of 74 apartment units on the subject lands.

The purpose of the rezoning application is to rezone the subject lands from Site Specific Medium Density Residential with Holding One Provision 'RES3(97)(H1)' Zone to Site Specific High Density Residential 'RES4(155)' Zone to facilitate the construction of apartment units. Specifically, the ZBA would amend the Zoning By-law to permit the proposed deficiencies for minimum lot area, minimum lot frontage, minimum width of a planting strip along a streetline, and minimum exterior yard setback. Additionally, the proposed ZBA is required to permit "apartment dwelling" uses on the subject property.

Next Steps

The purpose of the Public Meeting is to consider the Staff report and provide a public forum for questions and feedback on the merits of the applications. At this time, staff are not providing a recommendation as staff require to consider questions / comments from the public at the Public Meeting. Staff will prepare a Planning Recommendation report after the Public Meeting and will be presented to a Committee of the Whole meeting, prior to Council rendering a decision.

Attachments:

Attachment 1: Site Plan

Attachment 2: Department and Agency Comments

Attachment 3: Correspondence from Residents