

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW XX/2022

Being a By-law to adopt Official Plan Amendment No. 11 to the Official Plan for the Municipality of Port Hope, which will amend Official Plan policy with respect to permitting Additional Residential Units in the Municipality of Port Hope, in the County of Northumberland.

The Council of the Corporation of the Municipality of Port Hope, in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P.13, as amended, hereby enacts as follows:

1. That Amendment No. 11 to the Official Plan of the Municipality of Port Hope, being the attached Schedule "A" is hereby adopted.
2. This By-law shall come into force and take effect on the day of passing thereof, pursuant to Section 16(24.1) of the Planning Act, R.S.O. 1990, c.P.13.

THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME and finally passed in Open Council this xxst day of July, 2022.

Bob Sanderson, Mayor

Brian Gilmer, Clerk

Schedule "A" to By-law XX/2022

AMENDMENT NO. 11

Municipality of Port Hope Official Plan (Additional Residential Units)

AMENDMENT NO. 11

Municipality of Port Hope Official Plan

This Amendment No. 11 to the Municipality of Port Hope Official Plan which has been adopted by the Council of the Corporation of the Municipality of Port Hope is hereby approved in accordance with Section 17 of the Planning Act, R.S.O., 1990, c.P.13, as amended, as Amendment No. 11 to the Municipality of Port Hope Official Plan.

Bob Sanderson, Mayor

Date

Brian Gilmer, Clerk

**STATEMENT OF CLERK
REGARDING THE HOLDING OF A PUBLIC MEETING
AS REQUIRED BY SECTION 17 (15)
OF THE PLANNING ACT R.S.O. 1990, c. P.13**

I, Brian Gilmer, Municipal Clerk of the Corporation of the Municipality of Port Hope, hereby state that the requirements for giving of notice and the holding of at least one (1) public meeting with respect to Amendment No. 11 to the Municipal Official Plan, as required by Section 17(15) of the Planning Act, R.S.O. 1990, c. P.13, have, in my opinion, been complied with together with the giving of notice as required by O. REG. 198/96.

Date

Municipal Clerk

**STATEMENT OF CLERK
REGARDING ORAL SUBMISSIONS AT THE PUBLIC MEETING**

**HELD TO CONSIDER THE
OF OFFICIAL PLAN AMENDMENT NO. 11**

I, Brian Gilmer, Municipal Clerk of the Corporation of the Municipality of Port Hope, hereby state that the following person(s) made oral submissions at the Public Meeting held on May 10, 2022 to review and discuss Amendment No. 11 to the Municipality of Port Hope Official Plan.

Date

Municipal Clerk

ORAL SUBMISSIONS AT PUBLIC MEETING

1. Janet Fishlock, 4778 Dodds Road, Port Hope
2. Lindsay Watt, Toronto
3. Kostas Koveos, 2501 Fox Road, Port Hope

Amendment No. 11
Municipality of Port Hope Official Plan

PART A: BACKGROUND INFORMATION

1. THE PURPOSE OF AMENDMENT NO. 11

The purpose of Amendment No. 11 to Municipality of Port Hope Official Plan is to amend the Official Plan in order to align with Provincial policy regarding Additional Residential Units (ARUs).

2. LANDS AFFECTED BY AMENDMENT NO. 11

Amendment No. 11 is a municipally initiated and municipal wide amendment. As the proposed amendment applies to the entire geographic area of the Municipality of Port Hope no subject lands (or key map) map is provided.

3. BASIS OF AMENDMENT NO. 11

Amendment No. 11 is municipally initiated in order to align Official Plan policy with Provincial policy and permit additional residential units (ARUs).

4. PLANNING RATIONALE

Provincial Policy Statement (2020)

The new Provincial Policy Statement (PPS) was issued on May 1, 2020. All decisions made with respect to applications submitted on or after May 1, 2020 “shall be consistent with” the Provincial Policy Statement.

Bill 108

In 2019, the province made changes to the *Planning Act* through Bill 108, *More Homes, More Choice Act*, 2019. The intent of Bill 108 is to address the housing crisis in Ontario by requiring that Official Plan authorize the use of two residential units in a detached house, semi-detached house or rowhouse and the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. In order to implement this Provincial direction, the Municipality of Port Hope Official Plan is required to be updated.

Ontario Regulation 299/19

The Province released implementing regulation (Ontario Regulation 299/19) which includes:

- A stated Provincial policy directive that an Additional Residential Unit may be occupied by any person, regardless of whether the primary dwelling unit is occupied by the owner of the property;
- A provision that an Additional Residential Unit is permitted without regard to the date of construction of the primary residential unit;
- A requirement that each Additional Residential Unit shall have one (1) parking space that is provided and maintained for the sole use of the occupant of the Additional Residential Unit and that such parking may be provided as a tandem parking space;
- A provision that in a case where a municipal Zoning By-law requires no parking spaces for the primary residential unit, that correspondingly, no parking spaces would be required for the Additional Residential Unit(s); and,
- Where a municipal Zoning By-law establishes a parking standard that is lower than a standard of one parking space for each of the additional residential units, the municipal Zoning By-law parking standard would prevail.

PART B: THE AMENDMENT

The Municipality of Port Hope Official Plan is hereby amended as follows:

- i. THAT the subsection of Section B9.2 (Social and Housing – Objectives) of the Municipality of Port Hope Official Plan referring to Secondary Residential Units is deleted and replaced with the following:

Additional Residential Units To permit additional residential units as a way to achieve housing affordability, compact development, and intensification.

- ii. THAT Section B12.4 b) (Municipal Intensification Policies) of the Municipality of Port Hope Official Plan is hereby amended by deleting and adding the following:

Permit limited intensification within Established Residential Areas at a scale and built form that reflects the established neighbourhood, including encouraging the creation of additional residential units;

- iii. THAT the title of Section C9.1.2.1 (Housing) of the Municipality of Port Hope Official Plan is deleted and replaced with the following: **"Additional Residential Units, Granny Flats and Garden Suites"**

- iv. THAT the sentence before Section C9.1.2.1 a) of Section C9.1.2.1 (Housing) of the Municipality of Port Hope Official Plan is deleted and replaced with the following:

The following policies shall apply to the development of additional residential units, granny flats or garden suites.

- v. That Section C9.1.2.1 of the Municipality of Port Hope Official Plan is hereby amended by deleting the words 'Accessory residential dwelling units' in the first line of Section C9.1.2.1 a) and replacing these words with: *"Additional residential units"*.

- vi. That Section C9.1.2.1 of the Municipality of Port Hope Official Plan is hereby amended by deleting Section C9.1.2.1 b) and replacing it with the following:

A maximum of two additional residential dwelling units on a lot that is the site of a single detached, semi-detached or street townhouse dwelling shall be permitted, subject to the provisions of the implementing Zoning By-law.

- vii. That Section C9.1.2.1 of the Municipality of Port Hope Official Plan is hereby amended by deleting C9.1.2.1 c) and replacing it with the following:

The proposed additional residential units shall have regard to the type of housing found in the surrounding residential area. Standards to ensure compatibility with the surrounding residential area shall be provided in the Zoning By-law.

- viii. That Section C9.1.2.1 of the Municipality of Port Hope Official Plan is hereby amended by deleting Section C9.1.2.1 d) and replacing it with the following:

Additional residential units shall be connected to the same servicing system as the main dwelling on the lot. Adequate servicing shall be available to accommodate the additional residential units, including, but not limited to water, waste water and electricity. For lots in the rural area, it shall be demonstrated that sufficient well and septic capacity is available to accommodate the additional residential units. The Municipality may require studies to demonstrate that servicing capacity exists to accommodate additional residential units.

- ix. That Section C9.1.2.1 of the Municipality of Port Hope Official Plan is hereby amended by deleting Section C9.1.2.1 e) and re-numbering the remaining sections accordingly.

- x. That Section C9.1.2.1 f) of the Municipality of Port Hope Official Plan is hereby amended by adding a new subsection iv as follows:

iv A garden suite shall not be permitted on a lot with an additional residential unit in a detached accessory building.

- xi. That Section C9.1.2.1 of the Municipality of Port Hope Official Plan is hereby amended by deleting Section C9.1.2.1 g) and the section on 'maximum size' immediately following Section C9.1.2.1 g).

- xii. THAT Section C10 (Home Occupations) of the Municipality of Port Hope Official Plan is hereby amended by adding a new subsection n) as follows:
- A home occupation shall not be permitted on a lot with an additional residential unit.*
- xiii. THAT Section D2.2.2 (Hamlet - Permitted Uses) of the Municipality of Port Hope Official Plan is hereby amended by adding the following paragraph at the end: *"A maximum of two additional residential dwelling unit on a lot that is the site of a single detached dwelling shall be permitted, subject to the provisions of the implementing Zoning By-law."*
- xiv. THAT Section D2.3.2 (Estate Residential - Permitted Uses) of the Municipality of Port Hope Official Plan is hereby amended by adding the following paragraph at the end: *"A maximum of two additional residential dwelling unit on a lot that is the site of a single detached dwelling shall be permitted, subject to the provisions of the implementing Zoning By-law."*
- xv. THAT Section D7.1.2 (Agriculture - Permitted Uses) of the Municipality of Port Hope Official Plan is hereby amended by adding the following paragraph at the end: *"A maximum of two additional residential dwelling unit on a lot that is the site of a single detached dwelling shall be permitted, subject to the provisions of the implementing Zoning By-law."*
- xvi. THAT Section D7.2.2 (General Agriculture - Permitted Uses) of the Municipality of Port Hope Official Plan is hereby amended by adding the following paragraph at the end: *"A maximum of two additional residential dwelling unit on a lot that is the site of a single detached dwelling shall be permitted, subject to the provisions of the implementing Zoning By-law."*
- xvii. THAT Section F2.3.3.2 (Countryside - Permitted Uses) of the Municipality of Port Hope Official Plan is hereby amended by adding the following paragraph at the end: *"A maximum of one additional residential dwelling unit on a lot that is the site of a single detached dwelling shall be permitted, subject to the provisions of the implementing Zoning By-law."*

- xviii. THAT Section F2.3.4.2 (Settlement Area - Permitted Uses) of the Municipality of Port Hope Official Plan is hereby amended by adding the following paragraph at the end: "*A maximum of one additional residential dwelling unit on a lot that is the site of a single detached dwelling shall be permitted, subject to the provisions of the implementing Zoning By-law.*"

5. IMPLEMENTATION

This Amendment No. 11 to the Municipality of Port Hope Official Plan shall be implemented by an amendment to Zoning By-law 20/2010, as amended, being a by-law passed pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13.

6. INTERPRETATION

The provisions of the Municipality of Port Hope Official Plan, as amended from time to time, shall apply in regard to this Amendment.

READ A FIRST, SECOND AND THIRD TIME and finally passed on the xx day of July, 2022.

Bob Sanderson, Mayor

Brian Gilmer, Clerk