



Municipality of Port Hope

Staff Report

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Report Title: Zoning By-law Amendment Application (ZB06-2022)

Report to: Planning & Development Committee

Date of meeting: December 6, 2022

Report Author:

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Department responsible:

Planning & Development

Report Number: PD-33-22

Recommendation:

1. That a by-law be presented to Council to rezone the Subject Lands municipally known as 143 Walton Street to a site-specific 'COM3(135)' Zone that would permit the conversion of the ground floor area to residential use as well as recognize the reduced interior side yard setback and lot frontage on Pine Street South.

Highlights:

- The proposed Zoning By-law Amendment seeks to rezone the subject lands from Downtown Commercial 'COM3' Zone to site specific Downtown Commercial 'COM3 (135)' Zone to permit the conversion of ground floor area to a residential use and to recognize the existing reduced interior side yard and lot frontage on Pine Street South.
- It is the opinion of Planning staff that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan, County of Northumberland Official Plan and the Municipality of Port Hope Official Plan.
- There is no change proposed to the exterior of the building so therefore no impact on the heritage designation or adjacent properties in the Walton Street Heritage Conservation District.
- Provides housing options that are compatible with adjacent uses in the downtown core.

Background:

This report will provide a summary of the application, policy/zone standard review, review of agency and public consultation and municipal financial considerations. It will conclude with staff's professional opinion and recommendation regarding approval of the proposed zoning bylaw amendment.

Application:

The subject lands are located on the southeast corner of Walton and Pine Street South, on the edge of the downtown area of Port Hope (**Figure 1: Subject Lands Map**). The subject lands are legally described as Part of Town Plot Lots 67 and 68, being Part 1 of Registered Plan 9R-1077 and municipally known as 143 Walton Street. The subject lands have a lot area of 655.59m² (0.16 ac) with 28.19m (92.50ft) of frontage on Pine Street South. The existing building occupies the eastern portion of the site and the western portion is used for parking.

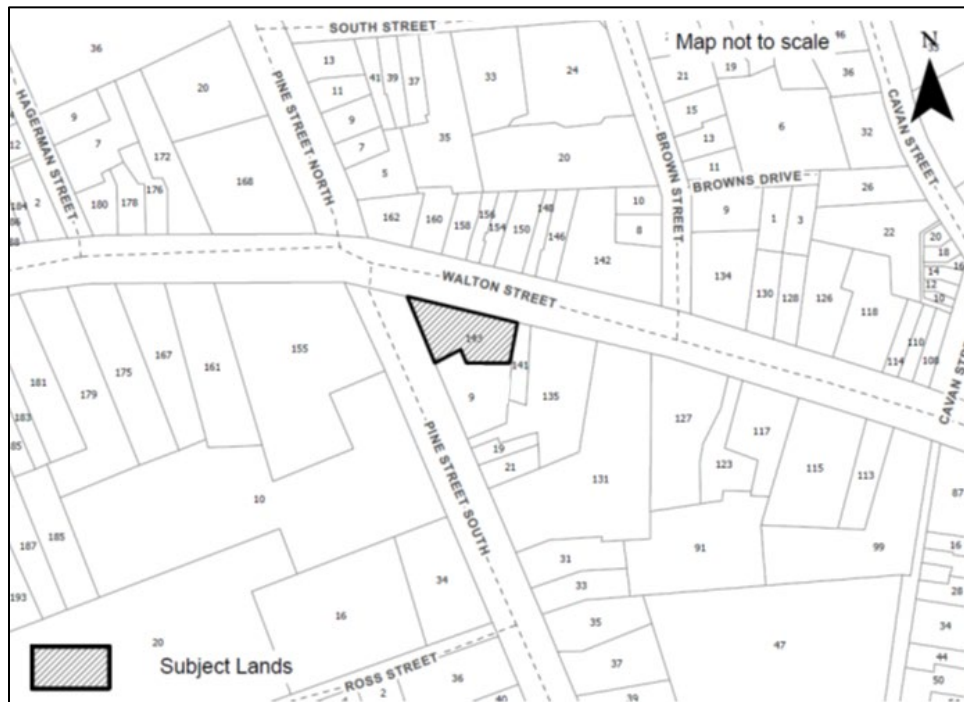


Figure 1: Subject Lands Map

The subject lands consist of an existing 2 storey brick building. The existing use is commercial on the ground floor and residential uses on the second floor. The building is located within the Walton Street Heritage Conservation District and is a designated Heritage property. Current vehicular access to the property is provided from an existing entrance on Pine Street South.

Land uses adjacent to the subject lands include low density residential uses to the north and west with commercial to the south and east.

The subject lands are currently designated 'Central Commercial' and 'Walton Street Heritage Conservation District' under the Municipality of Port Hope Official Plan and are zoned Downtown Commercial 'COM3' Zone by Zoning By-Law 20/2010, as amended. The current zone permits accessory dwellings (i.e. residential use), except for the

portion of first floor area within 12.0 metres of any streetline that is to be used for commercial purposes.

The purpose of the proposed Zoning By-law Amendment is to rezone the lands to a site-specific zone Downtown Commercial Exception No.135 'COM3(135)' Zone that will permit the encroachment of the accessory dwelling within the required 12.0 metres of any streetline (i.e. provide relief from Section 4.2.2.b). The application notes that the proposal retains the current form of the existing building. A total of 4 residential units are identified (two proposed on the first floor and two existing on the second floor). Nine parking places are proposed for residents.

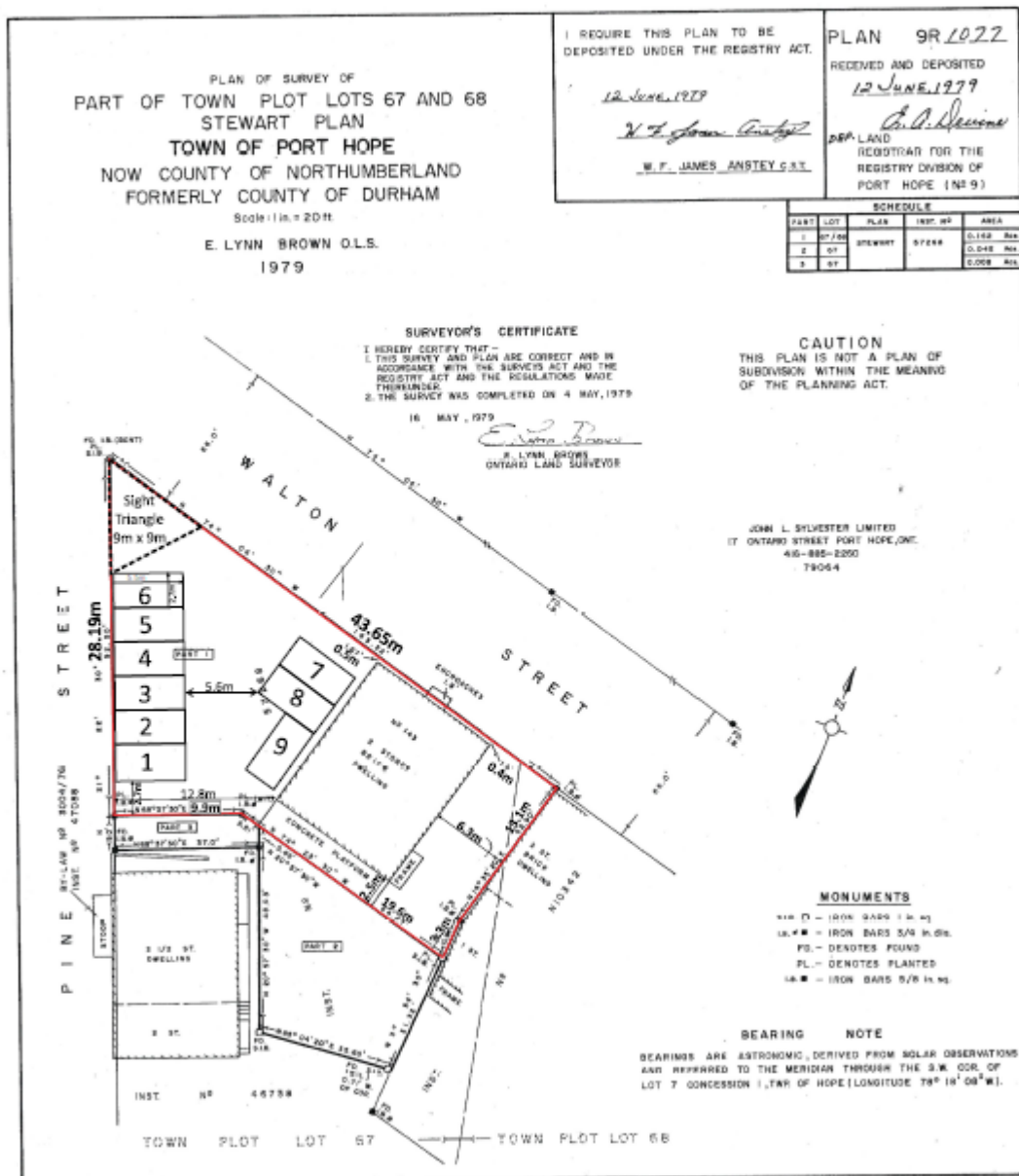


Figure 2: Concept Plan

The application was deemed complete on September 1, 2022 and circulated to agencies for review. Notice was mailed to all assessed properties within 120m of the subject lands.

Policy and Zone Standard Review:

The [Public Meeting Report](#) provided a high-level analysis of the relevant provincial and municipal land-use and development policies (PPS, Growth Plan, County and MPH OPs) that apply to the proposed application. This report provides a summary of relevant policy.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020) informs decision making regarding growth management and environmental protection in the Greater Golden Horseshoe.

Section 2.2.1.2 policy relates to Managing growth. Forecasted growth is directed to settlement areas, municipal services and support the achievement of complete communities. The proposed zoning amendment meets this policy.

Section 2.2.6 a) supports housing choices through the achievement of the minimum intensification and density targets identified in the Growth Plan specifically identifying a diverse range and mix of housing options and densities including additional residential units. The proposed zoning amendment meets this policy.

The County of Northumberland Official Plan provides land use policies at a regional level. The subject lands are designated Urban Area.

The plan encourages urban areas to become complete communities providing a variety of housing options (Section C1.1) and for Municipalities to enhance the character of downtown areas by encouraging the development of diverse, compatible lands uses in close proximity to each other and encourage maximum use of existing buildings to accommodate a wide range of compatible uses (C1.7). The proposed zoning amendment meets this policy.

The Municipality of Port Hope Official Plan designates the subject lands “Central Commercial”. Permitted uses in this designation include retail, service, and office establishments, as well as a mix of commercial and residential uses with the main focus of commercial use at-grade. The property is designated under both Part IV and V of the Ontario Heritage Act by By-law 52/84 and By-law 44/97 and is identified within the “Walton Street Heritage Conservation District”.

Recognizing the benefit and opportunity for housing in the Central Commercial area, Council may pass by-laws to allow residential only buildings provided that the residential uses shall not interfere with or impair the linear pedestrian commercial activities at-grade (Section D3.1.2).

Section D3.1.3 of the Official Plan recognizes that areas within the established core area, peripheral to the main shopping streets, will be encouraged and permitted to provide for residential units only.

Section C11.2.3 of the Official Plan contains policy related to cultural and heritage conservation. The subject lands are within the Walton Street Heritage Conservation District and is a designated property under Part IV of the Heritage Act. As there is no change proposed to the existing exterior of the building there is no change to the heritage designation or impact on the Walton Street Heritage Conservation District.

The proposed zoning amendment meets related policy in the Municipality of Port Hope Official Plan.

Municipality of Port Hope Zoning By-Law 20/2010, as amended, the subject lands are zoned Downtown Commercial 'COM3' Zone by. Section 4.2.2. in the Zoning Bylaw outlines where accessory dwelling units are permitted in a Commercial Zone (4.2.2):

- (a) The maximum number of accessory dwelling units permitted on a lot shall be 1, except in the Downtown Commercial (COM3) Zone, where there is no maximum;
- b) The portion of floor area within the first storey of a building and within 12.0 metres of any streetline is used for commercial purposes.

Figure 2: Concept Plan, illustrates that most of the building is located within 12 metres of both Walton Street and Pine Street South.

The owner would like to rezone the subject lands such that the entire first floor can be used for residential purposes, while still maintaining the future possibility of commercial uses under the current Downtown Commercial zone. Therefore, an exception to the current zone is required that will provide relief from the Section 4.2.2.b) of the Zoning By-law 20/2010, as amended.

It is also noted that a portion of the existing building (the front step) encroaches into the Municipal right of way. An Encroachment agreement was passed by By-law No. 68/89 on July 31, 1979 permitting the encroachment which is still in effect.

Table 7.2 from the Zoning By-law 20/2010, as amended, contains the standards for Commercial Zones. Accordingly, the 'COM3' Zone standards are:

Provisions	Required	Actual (legal non-complying)
<i>Lot Area</i>	n/a	
<i>Lot Frontage</i>	Min 30.0 m	28.19 m (existing)
<i>Front Yard</i>	n/a	
<i>Rear Yard</i>	n/a	
<i>Exterior Side Yard</i>	n/a	
<i>Interior Side Yard</i>	4.5 m	2.5 m (existing)
<i>Height</i>	Max 14.0 m Min 7.5 m	8.3m

The subject property is legal and non-complying to the zoning provisions of the 'COM3' zone. The subject property does not meet the 'COM3' provisions for lot frontage and the interior side yard setback. The proposed zoning by-law will recognise the existing deficiencies.

Concept Plan (Figure 2) identifies 9 parking places on the subject land. Parking provisions require 1 parking place for an accessory residential unit in the COM3 zone and 1 parking place per 20m² of floor space. However due to the proposed residential land use of the entire building residential parking requirements may be applied. Two parking places are required for each unit and 0.25/parking space for visitor parking therefore 9 parking spaces are required for 4 residential units. The 9 parking spaces proposed meet this requirement.

Communication and Public Engagement:

In accordance with the Planning Act, a Notice of Complete Application and Public Meeting for the Zoning By-law Amendment application was given to all assessed persons within 120 metres of the subject lands and was mailed on September 1, 2022. Similarly, the notice was published in the local newspaper (Northumberland News) on September 8, 2022. In addition, a sign was posted on the subject lands.

A Public Meeting was held on September 28, 2022. No objections were noted.

Financial Considerations:

The proposed development applications will be subject to building permit fees, which will be calculated at the time of building permit.

Conclusion:

The Applicant has submitted a Zoning By-law Amendment application to support the establishment of residential land uses on the first floor of the existing building located at 143 Walton Street. Planning staff are of the opinion that the application is consistent with the Provincial Policy Statement, the Growth Plan, the County of Northumberland Official Plan and the Municipality of Port Hope Official Plan. No objections were made through agency comments or through the public review process. The proposed addition of residential uses to the first floor provides needed housing options in the downtown area.

Following the Public Meeting held on September 28, 2022 regarding the Zoning By-law Amendment application for 143 Walton Street, Planning staff support the proposal and recommend approval of a By-law authorizing rezoning of the subject lands from 'COM3' Zone to 'COM3(135)' Zone.

Attachments:

Attachment 1: Proposed Zoning By-law Amendment