



Municipality of Port Hope

Public Meeting Report

porthope.ca/agendas-and-minutes

Report Title: ZB07-2022 – Zoning By-law Amendment Application 6983 7th Line

Report to: *Planning & Development Committee*

Date of meeting: December 14, 2022

Report Author:

Vanessa Wismer, Planner

Department responsible:

Planning & Development

Report Number: PD-39-22

Planning Report ZB07-2022 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.

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning & Development Department on the proposed application. Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the municipal website.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Port Hope before the by-law is passed, the person or public body is not entitled to appeal the decision of Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Staff do not make a recommendation, nor does Council make a decision at this Public Meeting.

Highlights:

- The purpose of the Zoning Bylaw Amendment application is to rezone the subject lands from Rural 'RU' to site-specific 'RU(140)' zone to permit a small-scale cabinet manufacturing workshop as a home industry with the following special provisions:
 - a) Maximum permitted gross floor area for home industry: 557.4m²

-
- b) Maximum number of employees permitted for a home industry: 12
 - c) Parking for exclusive use of the employees is permitted.
 - d) Maximum distance from home industry to primary residential dwelling:
70m
- This report prepared for the Statutory Public Meeting provides an overview of the subject lands, describes the proposed application, includes an analysis of the current planning policy framework and presents any comments received to date.

Purpose:

The purpose of the report is to present background information related to the proposed Zoning By-law Amendment application submitted by Amanda Timmermans representing D.M Wills on behalf of Robert and Dianne Mason, the landowners.

This report has been prepared for the Statutory Public Meeting for the proposed Zoning By-law Amendment 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.

Background:

1.1. Site and Area Description

The subject lands are irregularly shaped and have a total area of approximately 34 ha with frontage on both 7th Line and County Road 28 with an existing entrance located off 7th Line in the Rural Area of the Municipality of Port Hope (see **Figure 1: Subject Lands Map**). The subject lands are legally described as Part Lot 1 Concession 6 and municipally known as 6983 7th Line.

The subject lands are primarily vacant and comprised of two agricultural fields, a mapped unevaluated wetland, and wooded area. The owners of the subject lands have obtained building permits from the Municipality for a single-detached dwelling and accessory structure upon approval of Minor Variance Application A07-2021 that sought relief from Section 4.1 of the Comprehensive Municipal Zoning By-law 20/2010, as amended, for the maximum height of an accessory structure from 5.0m to 5.75m. The location of the single-detached dwelling and accessory structure was selected so setbacks from all sensitive areas were maintained to the satisfaction of the Municipality and the Ganaraska Region Conservation Authority (GRCA).

A Zoning By-law Amendment Application to permit the proposed use as a small-scale cabinet manufacturing workshop is now being considered on the subject lands.

Land uses adjacent to the subject lands include rural residential to the north, east, and west, in addition to agricultural crops and forested areas to the south.

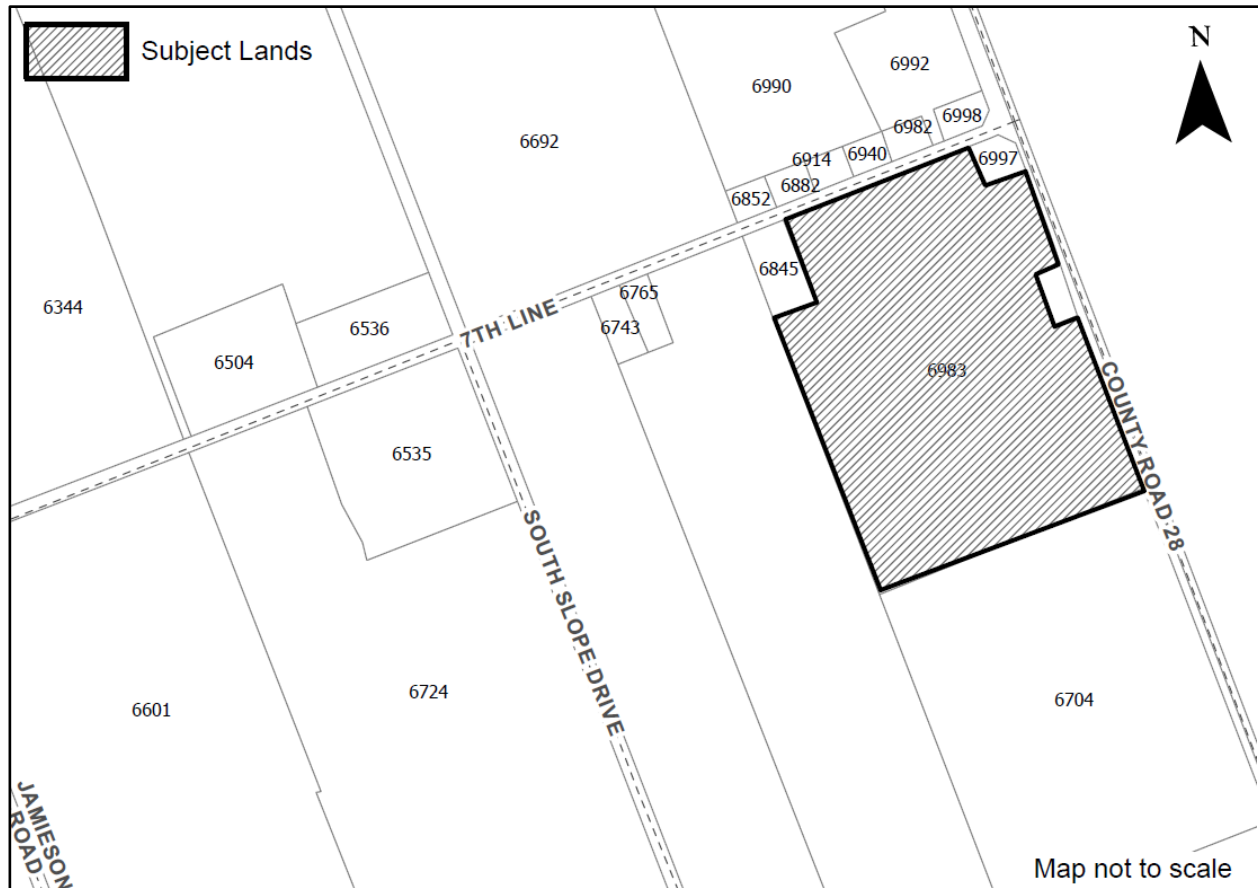


Figure 1: Subject Lands Map

1.2. Application:

The subject lands are currently designated 'General Agriculture' in the Municipality of Port Hope Official Plan and zoned Rural 'RU' by the Municipal Zoning By-law 20/2010. Permitted uses are limited to agriculture and related uses, including single detached dwellings and limited accessory uses, including a home industry, as outlined in Part 9, Table 9.1 of the Municipal Zoning By-law.

The purpose of the proposed Zoning By-law Amendment is to rezone the subject lands from Rural 'RU' to site-specific 'RU(140)' exception zone to permit a small-scale cabinet manufacturing workshop as a home industry on the subject lands with the following special provisions:

- a) *Maximum permitted gross floor area for home industry: 557.4m²*
- b) *Maximum number of employees permitted for a home industry: 12*
- c) *Parking for the exclusive use of the employees is permitted.*
- d) *Maximum distance from home industry to primary residential dwelling: 70m*

According to the Planning Justification Report (PJR), the proposed home industry will be consistent with the surrounding rural area and compatible with the neighbouring agricultural uses. The lot area occupied by the home industry will less than 1.4%. The home industry will be serviced by the same sewage and water as the residential dwelling on-site and shares the same driveway and access off of 7th Line. There will be no outdoor storage or retail component on-site, including external advertising. It is noted by the proponent that any noise, dust, and odour potential generated as an outcome of the proposed home industry will be mitigated by building design, siting, and vegetative buffering between neighbouring residential uses.

As per the PJR, the GRCA has confirmed that the location of the home industry is satisfactory as setbacks from all sensitive features, namely the significant woodland on-site, have been maintained. No development or site alteration is proposed in Natural Heritage areas and no hydrologic features were identified on the subject property.

1.3. Documents Submitted in Support

The application was deemed complete on October 25, 2022 and circulated to agencies for review. The application submission contained the following documents:

- Application Form
- Site Plan Drawing & Building Plans
- Planning Justification Report, D.M. Wills, September 2022

Policy Review:

This section provides a high-level analysis of relevant provincial and municipal land-use and development policies that apply to the proposed applications. See **Attachment 2 – Relevant Policies** for all applicable policies as they pertain to this application.

1.4. Provincial Policy Statement (PPS)

The PPS is an important part of Ontario's land use planning system, setting out the provincial land use policy direction that guides municipal decision making. Municipalities play a key role in implementing provincial land use policies through local official plans, zoning by-laws and other planning decisions. The *Planning Act* requires that decisions on land use planning matters be consistent with PPS policies.

1.5. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020)

The Growth Plan informs decision making regarding growth management and environmental protection in the Greater Golden Horseshoe. Section 2.2.9 policy relates to Rural Areas. Municipalities are encouraged to plan for a variety of cultural and economic activities, in addition to supporting uses that manage resources, support resource-based recreational uses, and rural uses that are not appropriate in settlement areas provided that they are compatible with neighbouring land uses, will be sustained by

rural servicing levels, and will not adversely affect agricultural activities and other resource-based uses such as mineral aggregate operations.

Section 4.2 relates to protecting water resource systems, the natural heritage system, key hydrologic features, public open space, the agricultural system, cultural heritage resources, mineral aggregate resources, and climate change.

1.6. County of Northumberland Official Plan

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

The objective as per Section C4.1 of the County of Northumberland Official Plan is to promote diversification of the economic base and employment opportunities, encourage the establishment of sustainable and diversified tourism opportunities, promote commercial, residential, and industrial uses that are appropriate for the rural character of the landscape, support a diverse, innovative, and economically strong agricultural industry, and encourage the preservation of those lands that are not constrained or protected for their resource value, among others.

Relevant County Policy includes:

- All uses permitted in the Agricultural Area designation in Section C3.3 of the Plan, which includes Home Industries (Section C4.4 Permitted Uses).
- All agricultural operations and non-agricultural operations in the Rural Area are subject to land use compatibility policies, those of which ensure that the agricultural land base and all associated activities are protected from incompatible development (Section C3.11 Land Use Compatibility).

1.7. Port Hope Official Plan

The subject lands are designated 'General Agriculture' on Schedule C – Land Use in the Port Hope Official Plan (PHOP).

In addition to traditional agricultural uses, permitted uses as per Section D7.2 in this designation include the management of resources, resource-based recreational uses, limited residential development, home occupations, home industries, cemeteries, and other rural land uses that may include community facilities, hiking and cross country ski trails, and bed and breakfast establishments. Non-farm related uses are to be discouraged, in addition to scattered development resulting in the fragmentation of farmland.

1.8. Zoning By-law

The subject lands are zoned Rural 'RU' on Schedule B – Sheet 19 of the Municipality of Port Hope Comprehensive Zoning By-law 20-2010, as amended. Permitted uses are limited to agriculture and related uses, including single detached dwelling and limited accessory uses as outlined in Table 9.1 of the Zoning By-law. Currently, the Zoning By-

law does not provide a specific definition for the proposed use; however, home industry is the closest defined use that meets the intent of the proposal at this time.

A Home Industry is considered as an accessory use and is permitted as-of-right on lands within the Rural 'RU' zone provided that the provisions as outlined in Section 4.12 of the Zoning By-law are met. Section 4.12 of the Municipal Zoning By-law can be found in its entirety in **Attachment 2**, and it includes provisions that limit where a home industry can be located on a property, the number of employees that may be engaged in a home industry, maximum gross floor area, the uses that are prohibited, the number of home industries permitted on a single property, parking, access, and outdoor storage among many others.

The owner would like to rezone the subject lands such that the accessory structure proposed can be used as a small-scale cabinet manufacturing workshop. For ease of reference, **Table 1** outlines the provisions where the proposal exceeds the maximum requirements for a home industry. As a result, a Zoning By-law Amendment is required to permit the specific use of the accessory structure.

Table 1: Special Provisions Requested from Section 4.12 of the Municipal Zoning By-law 20/2010

Required	Proposed
(e) The maximum gross floor area dedicated to a home industry shall not exceed 200.0m ² .	Maximum permitted gross floor area of 557.4m ² for a home industry.
(a) The maximum number of employees permitted to be engaged in the business and working in a home industry, in addition to the residents of the dwelling unit, on lots greater than 1.7 hectares in area – 3 employees	Maximum 12 employees permitted for a home industry.
(i) Only currently licensed motor vehicles associated with the home industry, are parking or stored on the lot and within the interior side or rear yard.	Parking for the exclusive use of the employees is permitted.
(c) A home industry shall be permitted within an accessory building. Any accessory building used for the home industry shall be located no further than 30.0m from the detached dwelling on the same lot and no closer than 30.0m from any lot line.	Maximum distance of 70m from home industry to primary residential dwelling.

As described previously, the owners of the subject lands have obtained building permits upon approval of Minor Variance Application A07-2021 for the increased height of the proposed accessory structure from 5.0m to 5.75m.

Consultation with other Departments/Sources:

On October 25th, 2022, the Zoning By-law Amendment application submission was circulated to applicable internal departments and external agencies. **Table 2** provides a summary of comments received to date:

Table 2: Summary of Comments

Dept. or Agency	Summary of Comments
Planning Division	No comments at this time.
Parks, Recreation, and Culture	No Comments/Concerns (October 25, 2022)
Corporate Services	No Comments/Concerns (November 2, 2022).
County of Northumberland – Septic Inspection	No Comments/Concerns (November 7, 2022).
Canada Post	No Comments/Concerns (November 14, 2022).
County of Northumberland – Planning Department	Comments Received (November 15, 2022). Since building permits have been issued on the subject property to permit a detached dwelling and accessory building prior to the submission of the rezoning application, the requirement for an Archaeological Site Assessment may be waived.
Ganaraska Region Conservation Authority	Comments Received (November 15, 2022). The subject lands are not regulated under Ontario Regulation 168/06. A permit is not required for development on this lot. The subject lands contain a Significant Woodland. A 15m setback from the Significant Woodland dripline is being maintained.
Works and Engineering	Comments Received (November 16, 2022). Works and Engineering requires entrance and ditch improvements around the proponent's entrance.

Building Services Fire and Emergency Services County of Northumberland – Public Works Hydro One Cobourg OPP Union Gas	No comments received to date.
--	-------------------------------

Comments received after the public meeting will be summarized when the application is brought before the Committee of the Whole.

Communication and Public Consultation:

In accordance with the *Planning Act*, the 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 November 17, 2022. Similarly, the notice was published in the local newspaper (Northumberland News) on November 17, 2022 and posted on the municipal website. The Proponent also posted a sign on the property using the approved corporate branded signage for development projects.

The public is invited to submit questions or comments related to the subject application. Any questions/comments received will be summarized and presented when the application is brought before the Committee of the Whole.

Conclusion:

The proposed site-specific amendment to the current zoning will have the effect of permitting a small-scale cabinet manufacturing workshop as a home industry on the subject lands with the following provisions:

- a) Maximum permitted gross floor area for home industry: 557.4m²
- b) Maximum number of employees permitted for a home industry: 12
- c) Parking for the exclusive use of the employees is permitted.
- d) Maximum distance from home industry to primary residential dwelling: 70m

Next Steps:

The purpose of Public Meeting is to provide a public forum for questions and feedback on the proposed zoning bylaw amendment application. At this time, planning staff are not providing a recommendation. After the Public Meeting planning staff will consolidate all comments received and prepare a Planning Recommendation Report to be presented at a Committee of the Whole meeting prior to Council rendering a decision.

Attachments:

Attachment 1: Agency Comments

Attachment 2: Relevant Policies

Attachment 3: Site Plan Drawing