



Report

Subject: 11A York Street, Decision Recommendation, OPZ-2023-01

Department: Infrastructure Services

Division: Planning

Report #: INS-2025-020

Meeting Date: 2025-06-09

Recommendations

That report INS-2025-020, 11A York Street, Recommendation Report, OPZ-2023-01, be received; and

That the Official Plan Amendment and Zoning By-law Amendment Application (OPZ-2023-01) be approved; and

That Council pass the following By-laws as included in the By-laws section of this Council Meeting Agenda, to permit a 12-unit townhouse development on the subject lands known municipally as 11A York Street:

- 1) A By-law to adopt Official Plan Amendment No. 136 to re-designate the subject lands from “Low Density Residential” to “Low Density Multiple” (Schedule ‘C’) with Specific Area Policy E8.82 (Schedule ‘B’) and re-designate the southeast portion of the site to “Open Space Conservation” (Schedule ‘A’); and
- 2) A By-law to amend Zoning By-law 22-90, as amended, to re-zone the subject lands to “Residential Fifth Density (R5)” Zones, with Special Provision 24.241 and Holding (H) Symbol”, and rezone the southeast corner of the subject lands to “Open Space Conservation (OS2)”.

Overview

The following report provides an analysis and recommendation on an application received by the Town for Official Plan Amendments and Zoning By-law Amendments to permit a 12-unit townhouse development on the property municipally known as 11A York Street. The subject lands consist of a large parcel on the south side of York Street and contain an existing detached bungalow. The proposed amendments seek to re-designate and re-zone the property from “Low Density Residential” to Low Density Multiple” on Schedule C of the Official Plan, and from the R2 Zone to R5 Zone in the

Zoning By-law, and to re-designate and re-zone the southeast portion of the site within the Mill Creek flood limit to “Open Space Conservation.” A Public Meeting was held, and comments and concerns were received from residents and Council members, which have been addressed through the review process, and are summarized within the report. The analysis finds that the proposed amendments to permit the development are consistent with and conform with all applicable Provincial, County, and Town planning policies, and comments and concerns received through the review and processing of this application have been addressed to the satisfaction of Town staff.

Staff recommended the application to be approved, and that Council pass the corresponding by-laws included under By-laws section of this Council meeting agenda, to adopt Official Plan Amendment 136 and amend the Zoning By-law, to facilitate this development.

Background

The land subject to this application is comprised of one parcel located on the south side of York Street, mid block between John Street and Bythia Street. The subject property is legally described as Plan 138, Block 10, Part of Lots 5 & 7, and is municipally known as 11A York Street. The property is “U” shaped, with two frontage parts on York Street, with 11 York Street in the middle. Access to the property is from a single driveway on the western frontage on York Street and wrapping around 11 York Street towards the interior of the site. The depth of the property varies anywhere from 87.9 metres to 100.6 metres. The subject land has a total area of approximately 0.296 hectares (0.73 acres).

The property contains a mid-century single-storey detached house built in the 1970’s, which is setback from the street and is located within a mature tree-lined residential neighbourhood with a variety of historic detached dwellings on lots with different frontages and depths. Immediately south of the subject property is Kay Cee Gardens, a 2.7 acre public park that contains conservation lands including Mill Creek. A location map of the subject property is included as **Attachment 1**.

York Street contains several properties on the municipal heritage register. Of the 27 properties with frontage on York Street, two (2) are individually designated under Part IV of the *Ontario Heritage Act (OHA)*, these being 20 York Street and 8 John Street (corner of John and York Street). Seventeen (17) properties are listed non-designated on the municipal heritage register and eight (8) properties, including the subject 11A York Street property, have no heritage status.

In May of 2017, Town Council endorsed the Merchants and Prince of Wales Heritage Conservation District Study. The Study Area covered historic properties along 1st Street, Broadway, Zina Street, Faulkner Street, and York Street, including the subject property. The Study concluded that there was sufficient cultural heritage value within this area to warrant a designation under Part V of the OHA as a Heritage Conservation District (HCD). A draft plan for the Merchants and Prince of Wales Heritage Conservation

District was developed and a designating by-law drafted in 2018, but it was never adopted by Town Council.

On November 27th, 2023, Council received a delegation from York Street residents requesting that Council renew the HCD study and pursue a designation specifically for the York Street area.

Proposed Development

On December 21, 2023, D+H Architects Inc. submitted an Official Plan and Zoning By-Law Amendment application on behalf of the property owners Brenda and Terry Giles for the subject property. Following a pre-submission review and some minor revisions to the application package, the submission was deemed complete by Town staff on April 18th, 2024. The application proposes to amend the Town's Official Plan and Zoning By-law to permit the development of 12 townhouse units on a private road accessed via York Street, with shared common elements and lay-by visitor parking.

The proposed development consists of two townhouse blocks flanking an internal private road, with 7 units along the west side and 5 units on the east side. The townhouse blocks are 9 metres in height, with each unit having 3 bedrooms and a total floor area of approximately 150 sq metres (1600+/- sq ft), and 2 parking spaces, with an additional 3 visitor spaces to service the development. The proposed development would require the demolition of the existing 1-storey detached dwelling, and a new access from York Street to allow a private road to service the development.

Attachment 2 includes the development concept plan.

The Official Plan Amendment (OPA) seeks to re-designate the south portion of the subject property from "Residential" to "Open Space Conservation" on Schedule 'A' of the Official Plan (Land Use Plan), which reflects the limits of the floodplain area associated with Mill Creek. It also seeks to re-designate the subject property from "Low Density Residential" to "Low Density Multiple" designation on Schedule 'C' of the Official Plan (Residential Density Plan). The Zoning By-law Amendment (ZBLA) proposes to rezone the lands from "Residential Second Density (R2) Zone to "Residential Fifth Density" (R5) Zone, with site-specific regulations to permit the development as proposed, and rezone the south portion of the site from "Residential Second Density (R2) Zone to "Open Space Conservation (OS2) Zone. A Holding (H) Zone symbol will also be applied to the site through this amendment, which would require removal in order for development to proceed and would be contingent upon satisfying certain conditions prerequisite to its removal. Further planning approvals would be required to facilitate this development, including but not limited to applications for Site Plan Approval and a Plan of Condominium. By-laws to adopt proposed Official Plan Amendment No. 136, and to amend Zoning By-law 22-90 (as amended), to permit the proposed development, are included under the By-laws Section of the Council meeting agenda containing this Report.

Analysis

Subsection 3(5) of the Planning Act states that where a municipality is exercising its decision-making authority affecting a planning matter, such decisions “shall be consistent with” policy statements issued under the Act and “shall conform to”, or “shall not conflict with” the provincial plans that are in effect on that date. The following sections provide an analysis of the proposal’s adherence to provincial, County and Town planning policy in support of the recommendation for Council’s decision concerning this application.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) is issued under Section 3 of the *Planning Act*, and provides policy direction on matters of provincial interest related to land use planning and development. The 2024 PPS came into effect on October 20, 2024, and merges the previous Provincial Policy Statement (2020) and Growth Plan for the Greater Golden Horseshoe (2019).

The proposed application has been deemed consistent with the policies of the PPS due to the proposal assisting with the following policy objectives:

- Provide for an appropriate range and mix of housing option and densities to meet projected needs of current and future residents of the regional market area (Section 2.2.1);
- Land use patterns which efficiently use land and resources, optimize existing and planning infrastructure and public services, and support active transportation (Section 2.3.1.2);
- Efficiently use existing municipal sewer and water services without the need for expansion to service the proposed development (Section 3.6.2);
- Directing development to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards (Section 5.2.3).

The proposed Official Plan and Zoning By-law amendment is consistent with the above referenced policies of the PPS because it will create new housing options aside from detached dwellings and will do so in a built-up area that is close to amenities, supports active transportation options, and will efficiently use existing services.

County of Dufferin Official Plan

The Town of Orangeville is designated an “Urban Settlement Area” on Schedule ‘B1’ in the County of Dufferin Official Plan (County OP). The policies for this designation are found in Section 3.0 “Growth and Settlement Areas” and identify urban settlement areas as focal points for growth, which are intended to accommodate a broad range of uses. These areas are comprised of lands that provide full municipal services (i.e., sewage, water and stormwater management) and support a broad range of land uses and densities, including a mix of housing types.

This Official Plan and Zoning By-law amendment application is consistent with the policies of the Dufferin County Official Plan as the approval of this amendment would assist with the following County policy objectives:

- Foster the creation of complete, healthy, and vibrant communities and enhance the quality of life for all residents by directing the majority of growth and development to the settlement areas to conserve and protect natural heritage features and areas and agricultural areas. (Section 3.1-a);
- Promote development patterns in settlement areas that efficiently use land, resources, infrastructure, and public service facilities, through compact urban forms, a mix of land uses and appropriate densities (Section 3.1-d);
- Encourage opportunities for redevelopment, revitalization and intensification in appropriate locations and of a scale and character of development that is compatible with the community (Section 3.1-e);
- achieving the minimum intensification target that applies to the County of Dufferin for all residential development occurring annually within settlement areas (Section 3.4.2); and
- providing for diverse and affordable housing opportunities, and maintaining a stable residential housing market (Section 3.7.1)

Town of Orangeville Official Plan

The Town's Official Plan (OP) designates the subject property as 'Residential' (Schedule 'A': Land Use Plan) and 'Low-Density Residential' (Schedule 'C': Residential Density Plan). The Low-Density Residential designation permits single detached and two-unit dwellings to a maximum density of 25 units per net developable hectare (Section E1.3 and Section E1.4.2). The current application seeks to amend the Official Plan to designate the subject lands 'Low-Density Multiple' which would permit townhouses to a maximum density of 49 units per hectare. The proposed development has a density of approximately 41 units per hectare.

The other relevant policies that apply to the subject property and how the proposed development would conform to those policies are outlined below:

Heritage Resources

- D4.3.1 – Council will seek to ensure that heritage resources are maintained and enhanced within a compatible context. Council will address this objective as part of its consideration of any application for development approval that affects the property occupied by a heritage resource, or an adjoining property.
- D4.3.13 - Development and site alteration on lands adjacent to protected heritage properties may be permitted where it has been demonstrated that the identified heritage attributes will be conserved and protected, wherever possible. Mitigative measures and/or alternative development approaches may be required to conserve those heritage attributes.

The proposed development would respect policies surrounding Heritage Resources (Section D4) as the submitted Heritage Impact Assessment has not identified significant impacts to the surrounding heritage properties. The applicant has made changes to the submission as per recommendations in the report to incorporate heritage features in the design of the proposed townhouses. In addition, Town staff have included site specific provisions in the proposed Official Plan Amendment No. 136 that will explicitly require traditional architectural features to be incorporated in any future development on the subject lands:

“(E8.82) to ensure the established built form character and heritage attributes of the surrounding neighbourhood is maintained, development on the land to which this policy applies shall incorporate the following design principles:

- Use of traditional building materials such as brick and shake siding which generally match those used in surrounding heritage buildings;
- Inclusion of distinctive architectural features that are similar to, and compliment those features exhibited in the surrounding neighbourhood, such as gable mill work, brick banding, traditional porch columns; and
- Any modern building materials used such as vinyl siding should incorporate neutral colours which generally match those used in surrounding heritage buildings.

The intent of this policy is to ensure that any future development or redevelopment of the subject lands will incorporate architectural design elements that are sympathetic to surrounding heritage attributes and implements any recommendations set out in a heritage impact assessment that has been accepted by the Town.”

Community Form and Identity

- D7.2.1 – New development will be located and organized to fit with its neighbours or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces.
- D7.2.2 - New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces.
- D7.2.3 - New development will be massed to fit harmoniously into its surroundings and will respect and improve the local scale and character. It will minimize the impact on neighbouring buildings and open space.

The proposed development conforms with policies on Community Form and Identity (Section D7), as the applicant has worked to minimize the impact of the development on the established character along York Street. The townhouses will be set back from the street and the sloping grade downwards to the back of the site will mitigate any impact of the development on the streetscape. In addition, the removal of the existing detached dwelling and the proposed private road will create a more open view towards the Open Space in Kaycee Gardens from York Street than what currently exists.

Residential Land Use

- E1.2.2 – The Municipality shall encourage developments of good quality construction and design.
- E1.2.3 - An appropriate range of housing types shall be encouraged to meet a variety of needs in terms of size, type, ownership status, affordability and location. More specific objectives include the encouragement of areas of higher priced single detached housing as well as moderate priced housing, condominium and rental projects oriented towards an aging population, and the increase of residential densities within and in proximity to the Town's Commercial Core.
- E1.2.4 - Council supports the provision of a broad range of housing types and forms suitable to both owners and renters of varying household size and income level.
- E1.2.5 - Council supports the intensification of previously developed areas where appropriate in order to maximize the use of the Town's limited land and infrastructure resources.

The policies for Residential Land Use (Section E1) seek to encourage quality developments that create a broader range of housing types. The proposed development will provide 12 additional dwelling units available to future new residents to the neighbourhood and provide another family-sized ground-oriented housing option for this area, which is appropriate for the neighbourhood and is within walking distance of the Downtown core.

Natural Environment, Water Resources, and Natural Hazards

- E5.1-b & c - direct development generally away from lands that are impacted by flooding and/or erosion hazards AND away from ecologically significant or sensitive lands that support natural features and functions.

The proposed development will conform with policies regarding the Natural Environment (Section E5), as the development will be setback 30 metres from Mill Creek and will be outside the designated "Flood-Prone Area" identified in Schedule 'B' of the Official Plan. In addition, the applicant has worked with Town staff and CVC to ensure that the natural hazard lands within the site will be redesignated to "Open Space Conservation" as shown in proposed amendments. The Site Plan design includes Low Impact Development (LID) features, through the provision of bio-swales, which will assist with ground water retention and mitigate impacts of run-off into the Mill Creek. A by-law to

adopt the proposed Official Plan Amendment (OPA No. 136) is included under the By-laws section of the subject Council meeting agenda containing this report.

The proposed Official Plan and Zoning By-law amendment will conform with the policy objectives outlined above, as the change in designation to “Low Density Multiple” will allow intensification of the subject property to achieve multiple policies related to the efficient utilization of existing infrastructure, creating greater housing options, creating complete and walkable communities, and conforms to policies related to protecting existing natural features.

Town of Orangeville Zoning By-law, 22-90

The subject property is zoned “Residential Second Density” (R2) on Schedule ‘A’ in Zoning By-law No. 22-90, as amended. The R2 Zone permits residential uses including:

- single detached dwelling
- home occupation
- a public park
- crisis care facility
- group home

The current application seeks to amend the Zoning By-law to rezone the subject lands to “Residential Fifth Density” (R5), which would permit a wider range of residential uses, including the following:

- Single detached dwelling
- Semi-detached dwelling
- Duplex dwelling
- A converted dwelling house
- Triplex dwelling
- Townhouse dwelling
- Home Occupation
- Public Park
- Crisis Care Facility
- Group Home
- Long-Term Care Facility
- Retirement Home

The application is seeking a special provision (SP 24. 241) to permit site-specific zone standards for the development as proposed. The following table provides a summary of the existing R2 Zone standards, the general R5 Zone standards and the proposed site-specific R5 regulations to accommodate this development:

Regulation	Existing R2 Zone	Parent R5 Zone – For Townhouses	R5 Zone-SP.24.241 (Proposed)
Lot Area (min)	464 sq metres	180 sq m./ dwelling unit	110 sq m./ dwelling unit
Lot Frontage (min)	15 metres	6.0 m./ dwelling unit	6.0 m./ dwelling unit
Front Yard (min)	6.0 metres	6.0 metres	4.5 metres
Exterior Side Yard (min)	3.5 metres	3.5 metres	3.5 metres

Interior Side Yard (min)	1.5 metres	1.2 metres (one storey) 1.5 metres (above one storey)	1.5 metres
Rear Yard (min)	7.0 metres	7.0 metres	5.5 metres
Building Height (max)	9.2 metres	9.2 metres	9.2 metres
Coverage (max)	40% - one storey 35% - two or more storeys	N/A	N/A

In addition, as part of this Zoning By-law amendment, a Holding (H) Symbol will be applied to the site which will have specific conditions for Holding Removal that must be met before any development of the subject property can proceed. The amending By-law is included under the By-laws section of the Council meeting agenda containing this report.

Additional Applications Required

In addition to the Official Plan Amendment and Zoning By-law Amendment approvals for the subject lands, the following applications will be required:

1. **Site Plan Approval** to facilitate the proposed development. The site plan review and approval process will address the exterior elements of the development in detail, including site servicing, drainage and stormwater management, architectural design, lighting, and landscaping, as applicable. These site design measures can also be used to mitigate any potential impacts and assist in maintaining compatibility with surrounding uses. An executed Site Plan Agreement between the Town and the applicant will be required prior to the commencement of construction. A Site Plan Application has not been submitted to date in conjunction with this development proposal.
2. **Plan of Condominium Exemption** will be required to establish the common elements (i.e. private road, visitor parking, landscaped areas, protected open space) that will form the condominium.
3. **Residential Demolition Permit** to facilitate the demolition of the existing dwelling on the subject land prior to development.
4. **Lifting of the Holding (H) Symbol** to facilitate the removal of the Holding (H) Symbol that is placed on the land as part of the Zoning By-law Amendment. The purpose of the (H) symbol is to ensure the appropriate servicing capacity needed to accommodate the proposed development is formally allocated to the development before it proceeds. In this case, additional holding provisions have been added as shown in the list below. An application to remove the Holding (H) Symbol will be required after Site Plan approval has been granted.

Holding Provisions
1. there is sufficient water supply and sewage treatment capacity to service the development or portion thereof as the case may be.
2. a detailed Construction Management Plan has been submitted to the satisfaction of the Town.
3. To ensure future development design features will be sympathetic to the heritage attributes of the surrounding neighbourhood, and implements recommendations set out in a satisfactory heritage impact assessment, the owner shall submit an application for site plan approval that addresses the following design features to the satisfaction of the Town: <ul style="list-style-type: none"> a. Use of traditional building materials which generally match those exhibited in surrounding heritage buildings. b. Inclusion of distinctive architectural features that are similar to features exhibited in the surrounding neighbourhood.

Review and Consultation

Internal Departments and External Agencies

The applications and supporting documentation were circulated to internal departments and external agencies for comment, pursuant to the mandate and technical area of expertise of each reviewing department/agency. The application has gone through 4 rounds of submissions and reviews to address comments.

This review included a peer-review of the Traffic Impact Study, Urban Design Report, and Heritage Impact Assessment by third-party consultants with expertise in these disciplines.

Comments from the following agencies and Town departments have been adequately addressed and/or expressed no concerns with the application, or have provided conditions to be included as part of the future Site Plan Approval application:

- Infrastructure Services, Planning
- Infrastructure Services, Building
- Infrastructure Services, Transportation and Development
- Community Services, Fire
- Credit Valley Conservation Authority
- Dufferin Peel Catholic District School Board
- Enbridge Gas
- Orangeville Hydro

- Hydro-One
- Canada Post
- Bell Canada
- Rogers

No additional comments have been received from internal departments or external public agencies with respect to this application.

Public Consultation

A public information meeting was held in accordance with the Planning Act requirements on June 17, 2024. The purpose of this public meeting was to provide an opportunity for the applicant to present their application to the public and Council, to receive comments, and answer any questions and concerns raised about the proposed development.

There were multiple questions and concerns raised by residents and members of Council at the public meeting. In addition, Town staff received many written submissions from residents ahead of the public meeting. The comments received expressed concerns with the proposal related to such issues as traffic impacts, heritage considerations and impact to the historic streetscape character, privacy and overlook concerns, environmental impacts to the creek and adjacent conservation lands, as well as concerns over the increase in density and how the site would function. In response to these concerns, Council passed a motion to require that the applicant submit a Heritage Impact Assessment (HIA) and an Environmental Impact Study (EIS) as part of a revised submission for staff review.

All comments received from Council and residents have been catalogued on file and are summarized in the attached Comment Matrix with corresponding Staff Responses addressing each comment, included as **Attachment 3**.

Issues/Concerns During Review and Consultation

The review and consultation process resulted in multiple comments and concerns to be addressed by the applicant. There was some overlap between the comments raised by internal and external review parties and those raised by residents and Council. These have all been categorized in the below subsections, with a general summary of the comments and concerns raised and how they have been addressed through multiple revisions to the proposed development.

1. Traffic and Access

There were comments and concerns to be addressed related to traffic and the proposed access to the development via a private road connecting to York Street. The narrow frontage of the subject property results in the proposed road being situated closely to the adjacent property lines. This configuration raised issues such as the lack of landscape buffering between the access and adjacent lots, the potential for conflict with adjacent driveways leading into the town right-of-way, concern over impact to on-street

parking and future residents parking along York Street and general concerns expressed by residents with the amount of traffic being generated by the proposed development and impacts to the wider neighbourhood.

As part of the application, a Traffic Impact Study was submitted which has been peer-reviewed by the Town's third-party consultant. The study went through multiple revisions in response to the peer-review comments to ensure all necessary information and data was provided. The study concluded that the local road network could accommodate the increase in trips generated by the 12-townhouses proposed, and that the surrounding network would continue to operate at an acceptable level of service taking into consideration projected future increases in traffic volumes.

In addition, the Town required the applicant to prepare a "Vehicle Swept Path Assessment" which demonstrated that emergency vehicles could safely access the proposed development and shows the turning radius to limit any encroachment on the accesses to neighbouring properties. This assessment was overlayed onto the existing conditions on York Street to confirm that the on-street parking along the street would not be impacted, as shown in **Figure 1** below.

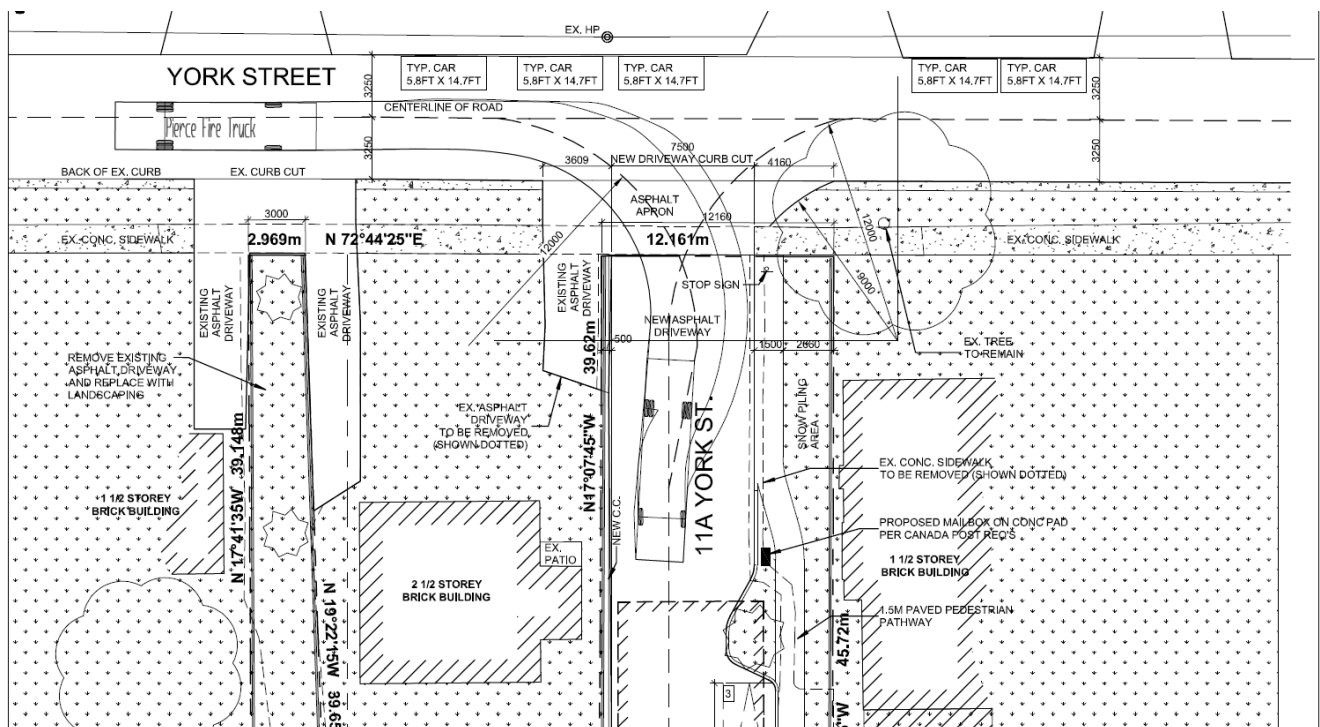


Figure 1. Vehicle Swept Path Assessment

The proposed access has been reviewed by the Town's Planning, Transportation & Development and Fire Divisions, and all comments have been addressed through revised submissions. These revisions included adjusting the entrance to allow additional landscape buffering between the adjacent lot and adjusting the radii of the throat of the access to limit encroachment on the adjacent accesses.

Regarding concerns with parking, the proposed development provides 2 parking spaces per dwelling unit, and 3 visitor parking spaces, which meets the requirements in the Zoning By-law, and it has been confirmed that the existing on-street parking will not be impacted.

Therefore, Town staff are satisfied that the applicant has adequately addressed concerns related to parking, traffic, and site access.

2. Heritage

There have been comments and concerns expressed from both residents and Council on the potential impacts of the proposed development on surrounding heritage features and the historic streetscape and the desire to pursue a Heritage designation for the neighborhood.

Heritage Orangeville was circulated pertinent submission materials and also raised these concerns, as well as additional concerns regarding site design and compatibility with adjacent properties. Compatibility and site design matters are addressed later in this report.

As outlined in the background section of this report, the York Street neighbourhood was included in a 2017 study to explore designation as part of a wider Heritage Conservation District (HCD). Following the application on the subject property, many residents have expressed an interest in having the Town pursue an HCD designation of the York Street neighbourhood. In response, the Town has retained a consultant, as directed by Council to determine the feasibility and cost of undertaking this process. A project work plan and budget allocation were approved by Council on February 10, 2025 to proceed with the HCD study process, which the consultant is currently working on. However, it is important to note that this is a separate planning process from the subject applications, and any future HCD designation does not preclude redevelopment of the subject property.

When Town staff initially reviewed the applicant's development concept, a Heritage Impact Assessment (HIA) was not requested as part of the submission, as the subject property is not designated, nor is it adjacent to any designated heritage property(ies) that would trigger planning policy requirements for a supporting HIA. However, a motion was passed by Council at the June 17th public meeting to require an HIA, which the applicant has submitted as part of their revised submission. The Town retained third-party consultants with Planning and Heritage expertise to peer-review the HIA to ensure it met criteria outlined in the *Ontario Heritage Act*.

The HIA assessed the proposed development against the relevant policy framework, including the *Ontario Heritage Act (2005)*, *The Planning Act (1990)*, *Provincial Planning Statement (2024)*, and *The Town of Orangeville Official Plan (2020)*. The report summarized the heritage resources contained within the York Street neighbourhood such as the variety of architectural styles, including Italianate, Gothic Revival, Craftsman, and Edwardian Classicism. It also assessed the adjacent properties at 7, 11,

and 15/17 York Street for “potential heritage value,” identifying several heritage attributes.

The impact assessment in the report was informed by guidelines provided by the Ontario Ministry of Citizenship and Multiculturalism (MCM), and assessed for the following potential impacts to the adjacent properties with heritage value:

- **Destruction** of any, or part of any, significant heritage attributes or features;
- **Alteration** that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- **Shadows** created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
- **Isolation** of a heritage attribute from its surrounding environment, context or a significant relationship;
- **Direct or indirect obstruction** of significant views or vistas within, from, or of built and natural features;
- A **change in land use** such as rezoning from open space to residential use;
- **Land disturbances** such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource; and
- **Other** potential impacts

The HIA concluded the only potential impacts would be the “indirect obstruction” of some southernly and westerly views from portions of the properties at 11 and 7 York Street. Further, the report noted that these views would not be impacted during the summer months due to presence of mature trees and this would only occur during the winter months. The report noted the proximity of the proposed development to the property at 15/17 York Street, but found the views from this property would not be impacted due to the existing two-storey carriage house along the property line with the subject site. In addition, the HIA found the potential for “other” indirect impacts to the adjacent properties such as noise and vibration from construction activities, if these activities are not monitored and staged appropriately.

The peer-review of the HIA recommended that the report be revised to include an assessment of the heritage significance of the physical attributes of surrounding properties, and that the Landscape Plan be updated to retain more existing trees where possible and add more trees and plantings along the property lines to create a vegetative buffer to mitigate indirect impacts on adjacent properties. These revisions to the HIA and the Landscape Plan have been made by the applicant.

The HIA concludes with recommendations for mitigating these indirect impacts of the proposed development, which fall into the following three categories:

- **Landscape Plan – Tree Protection or Replacement**
As noted in the peer-review, it was recommended that the Landscape Plan includes as much vegetative buffer as feasible, and increased retention or replacement of existing trees be considered.

- **Architectural Design Elements**

The HIA recommends that architectural features that are sympathetic to the surrounding built context are included, based on the significant physical features found on surrounding heritage “listed” buildings, such as red and buff brick banding, shake siding within gable-ends, and a medium-to-dark grey or taupe colour siding.

- **Construction Staging Area Setback and Construction Monitoring**

The report recommends that noise and vibration are actively monitored during construction by the Project Supervisor, and a designated construction staging area, setback from the heritage building at 11 York Street, should be clearly outlined and agreed upon prior to the commencement of any construction.

These recommendations have been considered by the applicant, and the Landscape Plan has been revised as noted above. The applicant has provided conceptual renderings which now show many of the architectural features noted in the HIA, as shown in **Figure 2** below. In addition, Town planning staff have incorporated site-specific policies in the Official Plan Amendment, which would require future development of these lands to incorporate these specific architectural design elements which are sympathetic to the surrounding heritage buildings. This policy approach will strengthen implementation of such features to be enforced through the detailed site plan design process. The recommendations for construction monitoring and staging area setback would also be a requirement of Site Plan Approval, through which a satisfactory Construction Management Plan would be submitted.

In conclusion, planning staff are satisfied that the applicant has adequately addressed comments and concerns related to potential heritage impacts at this land-use planning stage. Additional design details can be confirmed at the Site Plan stage.



Figure 2. Conceptual Rendering

3. Neighbourhood Character

There were concerns raised during the public meeting related to the perceived lack of compatibility of the proposed development with the surrounding neighbourhood. Further, it was commented that it would set a precedent for change that will lead to further development and that the density is too high for an area of predominantly detached homes.

These concerns were considered during the review process, and the applicant has made multiple revisions to the conceptual design in response to Town comments related to compatibility. In addition, an Urban Design peer-review of relevant submission materials was undertaken by a third-party consultant to provide further feedback on the overall site design, and made suggestions for minor changes, many of which have been incorporated. However, the peer-review did not highlight any major concerns with the applicant's submission. In addition, planning staff note that the irregular shape of the subject property, which opens up behind the adjacent properties, is unique and allows the proposed townhouse blocks to be setback from the view of the street. The grade of the subject site, which slopes down from the north entrance at York Street towards the back of the property, also assists in mitigating the view of the proposed townhouses from the street, as shown in the below conceptual rendering.



Figure 3. Rendering showing grade change on site

These unique characteristics of the site mitigate potential impacts the development would have on the established streetscape and character of the neighbourhood. Furthermore, staff note that this proposed land-use change would apply only to the subject property, and any potential application for future intensification development would undergo the same process and would be reviewed on its own merits. Therefore, a precedent is not set, as the policies of the Official Plan that apply to the rest of the neighbourhood would remain unchanged.

Finally, as mentioned in the above section on Heritage, the conceptual design of the townhomes has been revised to incorporate architectural features which are consistent with characteristics the surrounding neighbourhood. The proposed Official Plan Amendment no. 136 provides a site-specific policy provision which will require the proposed development to incorporate architectural elements that will better match the

neighbourhood character on York Street. In addition, the maximum permitted density is currently 25 units per hectare, whereas the proposed amendment would permit a maximum of 41 units per hectare, which is considered to be a similar order of magnitude and appropriate for a low-density neighbourhood.

It is planning staff's opinion that the Specific Area Policy requirements through the OPA, in combination with the revisions made to the conceptual design of the townhouse block and the unique configuration of the site, will limit any negative impacts the proposed development may have on the established neighbourhood character.

4. Site Design

The review of the applicant's submission included comments related to site plan design and function that are often detailed at a Site Plan Approval stage, but given the sensitivity of the subject site, Town staff wanted to confirm certain details to inform the land-use decision. Town staff also received comments from residents with concerns related to certain site plan details such as landscaping, snow removal, garbage pick-up, mailbox location, and others.

The initial Site Plan proposed a walkway through the small strip of land running between the adjacent lots at 13 York Street and 11 York Street, currently used as the driveway for the subject property. The plans also proposed garbage pick-up and mail-box area at York Street where the current driveway is. This raised concerns for residents due to future foot traffic through the walkway, and the garbage pick-up for 12 units which could allow garbage to accumulate at the public right-of-way between the properties. Town staff suggested the walkway, garbage pick-up, and mailbox be removed. The Site Plan has been revised to remove these elements and provide additional trees and plantings within the strip of land as shown in **Figure 4** below. The applicant has stated the future condominium would have private garbage pick-up, and a mail-box area has been provided internally.

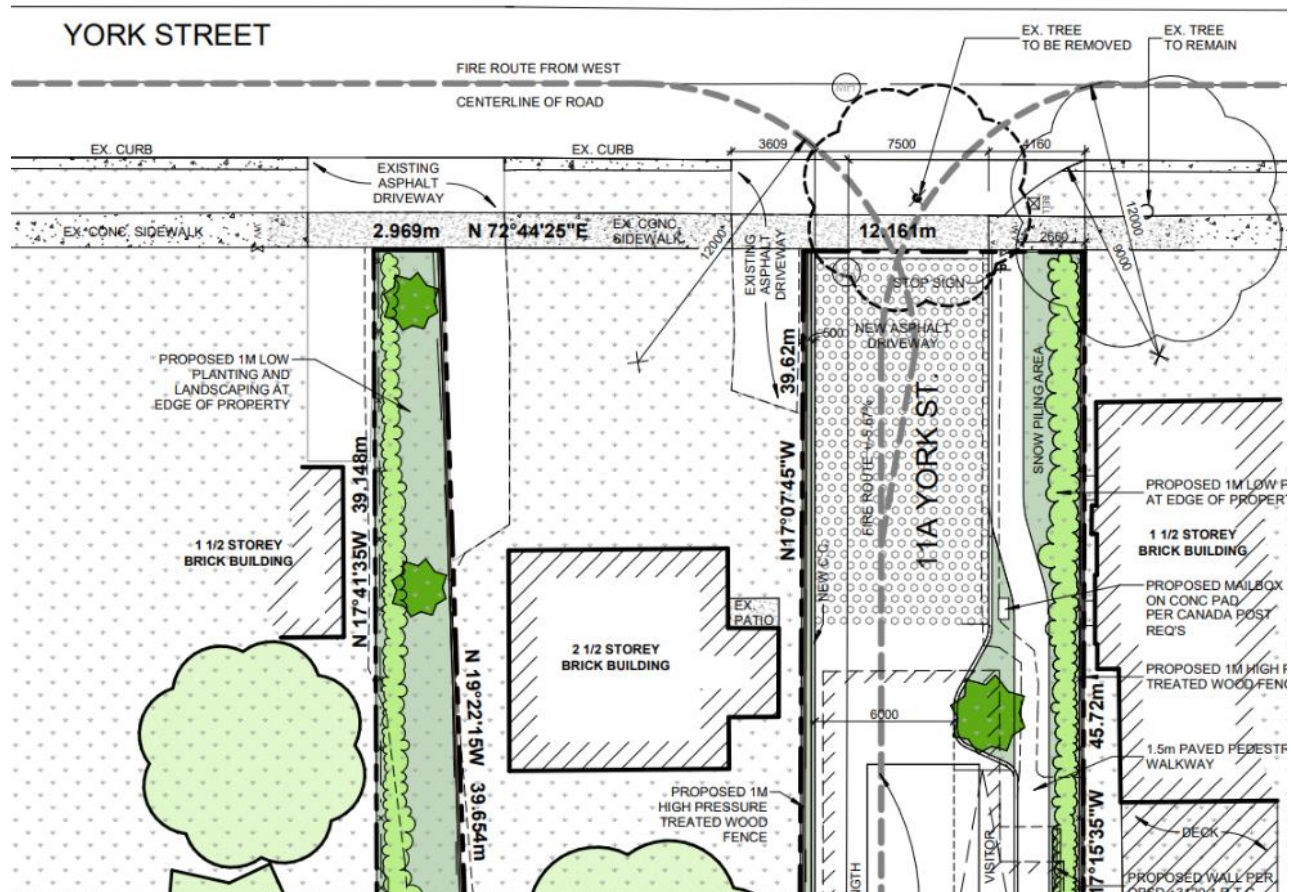


Figure 4. Excerpt from Landscape Plan showing updated plantings and mail-box area

In addition, Town staff received comments regarding the snow removal for the proposed development. The applicant has identified snow storage areas on the submitted Site Plan which can accommodate routine snow maintenance. In the event of excess snow fall, the applicant has stated that snow would be removed from the site. The details for this maintenance would be specified in a future Site Plan Agreement and condominium approvals. The applicant has made other minor revisions to address Town staff comments related to site design such as additional landscape buffering along the property lines, specifying the mailbox area which can meet Canada Post requirements, and confirming details on how the development would be serviced.

The application has gone through 4 submissions and rounds of review, with many revisions made to address comments related to site plan design. These details that have been reviewed are typically confirmed at the Site Plan Approval stage but have been required at this stage to ensure feasibility of the overall development concept to inform the land-use decision. In the opinion of Town staff, these revisions have adequately addressed all review comments and concerns raised by residents related to the conceptual site design.

5. Compatibility with adjacent properties

The present application seeks a Zoning By-law amendment to re-zone the property to R5 to permit townhomes, with special provisions for reduced rear-yards and lot area minimums. This is common for such an infill development, however the proximity of the proposed townhomes to the property lines and the perceived increase in height has raised overlook and privacy concerns that could negatively impact adjacent properties.

In addition to privacy and overlook concerns, Council also raised concerns with the potential shadow impacts of the proposed development on adjacent properties and Kaycee Gardens.

The proposed townhouse blocks are flanking a private street and will be oriented along the east and west property lines, therefore what was originally the side-yard of the subject property will be the rear-yards for the proposed townhouse lots. The original submission sought a reduction of the standard R5 rear-yard minimum from 7 metres to 5 metres. In response to resident concerns of overlook and privacy, Town staff have requested the applicant revise the proposed rear yard to 5.5 metres which is more appropriate and still allows an efficient unit design. This would change the existing side yard setback from 1.5 metres to a rear-yard setback of 5.5 metres and still ensure at least 7 metres of separation between any future buildings on adjacent lots.

In addition to this revised rear yard setback, Town staff have added special provisions to the proposed amending By-law, which would not allow any encroachments of balconies, stairs, porches, or decks into the rear yard and limit the height of any accessory structures to 2.1 metres. This will limit the uses in the rear-yard of the townhomes to ground-oriented patios or decks and mitigate against potential overlook conditions into adjacent properties.

The height of the proposed townhouse blocks is 9 metres, which meets the 9.2 metre height limit of the existing R2 zoning on the subject property. Therefore, the townhomes will be no higher than what is currently permitted, and as mentioned in sections above, the sloping grade of the site will mitigate the view of the townhomes from adjacent properties. The existing R2 zoning, which applies to most of the neighbourhood, would permit a detached building with up to three dwelling units, and of a similar footprint to the proposed townhouse blocks, provided the minimum height and setbacks were met. The existing zoning also permits large detached accessory structures for garages and/or additional dwelling units, such as the carriage house constructed on the adjacent lot at 15/17 York Street (**Figure 5** below), which can be constructed as-of-right within 1.5 metres of the property line.



Figure 5. Carriage house constructed on adjacent lot at 15-17 York Street.

It is planning staff's opinion that the 5.5 metre rear-yard setback, sloping grade of the site, and special provisions to limit any encroachments such as balconies or decks and accessory structures over 2.1 metres, will adequately mitigate potential overlook and privacy issues.

At the public meeting, members of Council raised concerns about potential shadow impacts from the proposed 3-storey townhouse blocks, and suggested a Shadow Impact Analysis be required. As mentioned, the proposed townhouse blocks are 9 metres in height, whereas the existing R2 Zone permits building heights of 9.2 metres. The Town's approved 2022 Design Guidelines state that a Sun Shadow Analysis should typically only be required when the proposed development is 6-storeys or more in height and in close proximity to a shadow sensitive area. The proposed development does not meet this criteria and a Shadow Analysis was not requested by Planning staff. However, in response to concerns raised, the applicant has prepared a Shadow Analysis which uses software modelling to illustrate the anticipated shadow impacts from the proposed development during the seasonal peak shadow days of March and September. Plans illustrating existing and post-development shadow conditions are included as **Attachment 4**.

The findings of the analysis show that there will be limited change in shadow impact from the existing and post-development conditions. The analysis shows minor shadow impacts on the rear yard of the adjacent property to the west at 15/17 York Street. The existing conditions show that the trees on the subject site and surrounding area already produce significant shadowing, therefore the massing of the proposed townhouse

blocks does not result in a significant increase in shadows. Further, the orientation of the site means that the shadows are cast to the north towards York Street, and the grade change limits this shadowing, and there are no shadow impacts to Kaycee Gardens. The demolition of the existing building will result in less shadowing at certain times of day on the adjacent lots at 11 York and 9 York Street. Due to the townhouse blocks being situated in the rear yard of the existing property, the grade change on site, and the orientation of the development, the shadow impacts are negligible.

6. Environmental Impacts

The subject property is located in close proximity to the adjacent Mill Creek and Kaycee Gardens, and a portion of the property is within the CVC regulation limits. As such, the application was reviewed by CVC to ensure the development would not adversely impact the watercourse. The adjacent natural features were a major concern during public consultation, with residents and Council commenting on potential environmental impacts, including increase in impervious areas and salt run-off to the creek, effects on adjacent natural habitat, removal of trees, and impacts of sanitary servicing.

In response to these concerns, Council passed the motion at the Public Meeting to require an Environmental Impact Study (EIS) be submitted by the applicant to ensure potential impacts to Mill Creek and Kaycee Gardens Park are mitigated. The EIS assessed the site and development to ensure compliance with all applicable policies including the following:

- Provincial Planning Statement (2020)
- Endangered Species Act (2007)
- Fisheries Act (1985)
- Migratory Bird Convention Act (1994) & Migratory Bird Regulations (2022)
- Conservation Authorities Act (2024)
- Greenbelt Plan (2017)
- Dufferin County Official Plan (2017 consolidation)
- Town of Orangeville Official Plan (2020 consolidation)
- Town of Orangeville Zoning By-law 22-90 (2022)

The EIS demonstrates compliance with all of the above listed Policies, aside from the Town's Official Plan and Zoning By-law which the application seeks to amend to permit the proposed development.

The EIS findings concluded that impacts would be minimal, such as the removal of vegetation and grading on-site, and provides a list of recommended mitigation measures that would ensure no negative impacts to the surrounding natural features. The recommendation are as follows:

1. Prepare and implement an Erosion and Sediment Control (ESC) Plan as part of detailed design, for protection of the Mill Creek.

2. Minimize tree loss through the completion of a Tree Protection Plan at detailed design stage, including the installation of a silt and sediment control barrier.
3. Complete all vegetation clearing and grubbing outside of the Generalized Breeding Bird Nesting Period from April 1 to August 31 and the bat maternity window of April 1-September 30.
4. The area of construction disturbance shall be kept to a minimum.
5. Equipment is to be limited to the construction allowance area and is not to encroach within adjacent natural features.
6. Works and equipment storage are to be located as far as possible from the existing natural features.
7. Implement a Salt Management Plan to mitigate impacts from runoff to the adjacent natural communities.
8. Provide educational materials to residents to foster natural heritage stewardship.

These recommendations are considered minor, and many of them are included as part of the Town's requirements for Site Plan Approval. The applicant has prepared and submitted the ESC Plan as part of this application and has agreed to a 3:1 tree replacement ratio, as shown in their revised Landscape Plan.

In addition to the Salt Management Plan that will also be required at the Site Plan Approval stage, the applicant has included Low Impact Design (LID) features through the provision of bio-swales in the conceptual site design and an accompanying LID Brief outlining their design. These bio-swales will assist with managing run-off from the subject property into the adjacent Mill Creek and increase water infiltration on site to ensure it meets pre-development levels to offset the increased impervious area. The design of these LIDs has been reviewed by Town staff and deemed sufficient.

The remaining recommendations can all be enforced at the Site Plan stage through provisions in the Site Plan Agreement that would need to be executed with the Town before any construction can proceed. The recommendations related to construction would be detailed in the Construction Management Plan that is submitted as part of that approval process. Therefore, Town staff are confident all recommendations in the EIS can be adhered to for the proposed development.

As mentioned in the policy section of this report, Town staff and CVC have added the requirement that the portion of the subject property within the natural hazards lands is redesignated and re-zoned to "Open Space Conservation" through the present Official Plan and Zoning By-law amendments. This will provide a 30-metre buffer between any future development and the adjacent Mill Creek and ensure this part of the subject

property remain unaltered. This buffer is sufficient and meets the requirements of applicable regulations through the CVC and in the Town's Official Plan.

Another concern raised by residents related to potential environmental impacts of the development is the proposed sanitary servicing. The topography of the site which slopes away from York Street, does not permit the proposed development to be serviced via a gravity-fed sanitary sewer. Therefore a "pumping station" and force-main is required to which the sanitary waste from the townhouse blocks would run to be pumped up to the sanitary main running along York Street. This is a common piece of infrastructure used to service developments that are situated below grade of existing services. The maintenance of the pumping infrastructure would be the responsibility of the future condominium corporation and would have backflow prevention valves and a back-up pump to ensure operation in the event of failure. These technical details have been reviewed by Town staff and deemed sufficient and would be confirmed at the detailed design stage.

To conclude, the applicant was required to prepare and submit an EIS, despite the policies that would normally trigger this requirement not applying to the proposed development. The EIS found no potential for significant environmental impact and provided minor recommendations to be followed through the Site Plan Approval process. In addition, the submission materials have been reviewed by CVC due to proximity to the Mill Creek, and all plans and reports reviewed have received clearance. The proposed Official Plan and Zoning By-Law amendment will result in a portion of the site being re-designated to Open Space Conservation, which will assist in preserving the adjacent natural features. Therefore, it is Town staff's opinion that all comments and concerns related to potential environmental impacts have been adequately addressed.

Corporate Implications

The Planning Act prescribes responsibilities to planning authorities, including Council, when exercising its authority in making decisions affecting planning matters. Such decisions must be consistent with provincial policy statements, conform to provincial plans (where applicable) and the upper-tier official plan. Such decisions must also conform-to and implement relevant policies of the municipal official plan.

The recommendations provided in this report are based on staff's assessment of the application in accordance with the applicable provincial, county and Town planning policy framework. Based on this assessment, staff are of the opinion that the application meets these policy considerations and therefore recommend approval of proposed Official Plan Amendment 136 and Zoning By-law amendment to permit the proposed development.

Following Council's decision on the application, a notice of the decision must be issued within 15-days, and in the manner prescribed by the Planning Act. Only certain parties

have rights to appeal this decision within 20-days of the notice, including the applicant/subject land owner, “specified persons” (i.e. electrical or gas utility companies, railway operators, telecommunications infrastructure provider operating in the area, etc.) or public bodies (i.e. a municipality, local board, ministry, agency, etc.).

Should Council proceed with an alternative decision from the recommendations provided in this report, there are financial impacts anticipated, as there may be a likelihood of appeal in this situation. In this scenario, there would be additional costs and further financial impacts anticipated for the Town’s legal Counsel representation and legal support to Council in defending its position in an appeal. It may also be necessary to hire external consultants to provide testimony and evidence to support any such decision of Council.

Strategic Alignment

Strategic Plan

Strategic Goal: Economic Resilience

Objective: Readiness - Ensure availability and affordability of employment lands and housing

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities.

Notice Provisions

The application was received on December 21th, 2023 and deemed complete by Planning Division staff on April 18th, 2024. In accordance with the requirements of the Planning Act, on April 26th, 2024, a joint Notice of Complete Application and Public Meeting was:

- i. circulated to all property owners within 120 metres of the subject property;
 - ii. advertised in the Orangeville Citizen;
 - iii. published to the Town website; and
 - iv. posted via signage on the subject property
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Respectfully submitted,

Tim Kocialek
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Reviewed by:

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Manager, Planning

Prepared by:

Matthew Mair, MA, BURPI
Planner, Development & Community Improvement, Planning

Attachment(s):

1. Location Map
2. Site Plan
3. Comment Response Matrix
4. Sun Shadow Analysis Plans