

Subject: 2 & 4 Hannah Street, Holding (H) Zone Symbol Removal Recommendation (File no. RZH-2023-01)

Department: Infrastructure Services

Division: Planning

Report #: INS-2023-074

Meeting Date: 2023-11-13

Recommendations

That report INS-2023-074, 2 & 4 Hannah Street, Holding (H) Zone Symbol Removal Recommendation (File no. RZH-2023-01), be received;

And that the application to remove the Holding (H) Symbol (RZH-2023-01) be approved;

And that the By-law included as Attachment no. 4 to this Report, be passed to remove the Holding (H) Zone Symbol from the lands legally described as Lots 8 & 9, Block 1 of Registered Plan 216, 7R-6765 Parts 2 and 3, in the Town of Orangeville, County of Dufferin, known as 2 and 4 Hannah Street;

And that Council pass a by-law authorizing the Mayor and Clerk to execute the Development Agreement included as Attachment no. 3. to this report, to satisfy a condition to the Holding (H) Zone Symbol removal.

Background

The land subject to this application is comprised of two (2) parcels known as 2 and 4 Hannah Street, which are legally described as Lots 8 & 9, Block 1 of Registered Plan 216, 7R-6765 Parts 2 and 3. The subject land has a total area of approximately 450 square metres (0.11 acres), with approximately 15 metres of frontage (49.2 feet) along Hannah Street.

The subject lands were subdivided from a broader property known as 41 William Street, which occurred through a Part Lot Control Exemption approval in December 2022. The subject land currently contains a detached garage with access from Hannah St, which is

associated with the 41 William Street residence. A location map of the subject land is included as Attachment No. 1.

On March 10, 2021, the property owner (Duncan Shaw) submitted a zoning by-law amendment application to permit an intensification development of the 41 William Street property, which proposed to: i) sever a 250 square metre lot from the southwest corner to construct a single-detached dwelling; ii) create a new semi-detached dwelling to the rear of the property; and iii) retain the existing detached dwelling. A copy of the site development plan is included as Attachment no. 2. This re-zoning application followed a previous application for consent to sever the 250 square-metre detached lot and minor variances to the Committee of Adjustment, which was refused and subsequently appealed to the Ontario Land Tribunal (“OLT”).

On September 27, 2021, Council refused the zoning by-law amendment application, and the applicant appealed this decision to the OLT. This appeal consolidated the previously refused consent to sever and minor variance applications with the re-zoning application refusal. The OLT ultimately approved the zoning by-law amendment and consent application (Case No. OLT-21-001691) following its hearing of May 11, 2022, to consider the appeals.

On December 12, 2022, Council approved an application for Part Lot Control (PLC) Exemption to create the proposed semi-detached lots (i.e. 2 & 4 Hannah Street) at the rear of the 41 William Street property.

The OLT decision established as-of-right zoning permissions to allow the proposed development to proceed. The approved site-specific zoning applied a Holding (H) Zone Symbol to the proposed semi-detached lot portion of the property, with certain conditions needing to be met before the “H” Symbol can be lifted and allow the semi-detached dwelling units to proceed.

Current Applications and Analysis

On August 2, 2023, an application for removal of the Holding (H) Symbol (File no. RZH-2023-01) was submitted by Spencer Brown on behalf of the owner (Duncan Shaw), to permit the construction of the semi-detached dwelling, as shown in the attached Site Plan (Attachment 02). The application was circulated to relevant internal divisions and external agencies for comment on September 19, 2023. As a result of the circulation, no major concerns were raised with respect to the removal of the Holding (H) symbol.

The Holding (H) Zone Symbol can only be removed once the Town is satisfied that specific conditions for its removal have been fulfilled. The following provides a summary of how the specific conditions for this Holding (H) Zone symbol have been met:

1. There is sufficient water supply and sewage treatment capacity to service the development or portion thereof as the case may be;

The Infrastructure Services Department has reviewed the application and is satisfied that the proposed development does not warrant significant additional sewage treatment and water supply capacity. Staff are satisfied that servicing capacity allocation for this redevelopment can be accommodated within ongoing system capacity considerations that account for small-scale infill developments.

2. a satisfactory servicing plan has been approved by the Town and that all required water and wastewater services have been installed to the satisfaction of the Town; and

The applicant has provided a satisfactory servicing plan for the proposed service connections (i.e. sanitary sewer service and watermain service) from the semi-detached dwelling lots to the existing municipal services on William Street. Installation of these service connections has commenced and is being completed to the satisfaction of Transportation and Development Division staff through a Road Occupancy Permit approval.

3. the Owner has entered into a Development Agreement with the Town, to be registered on title, which includes the following obligations for the owner to:
 - a) implement low impact development (LID) measures recommended in a Functional Servicing Report and Preliminary Water Balance, to the satisfaction of the Town;
 - b) include warning clauses in any purchase and sale agreements for the new dwelling lots, advising future owners of the presence and function of the LID features, along with recommended maintenance practices;
 - c) carry-out tree protection measures and any compensation planting as recommended in an Arborist report, all to the satisfaction of the Town; and
 - d) accept all future maintenance obligations for water and sanitary service extensions from the municipal service mains on William Street, and to advise any future home buyers of these obligations.

The attached development agreement has been drafted to include the specific clauses required in the Holding (H) Symbol conditions as noted above. Clauses within this agreement will require the installation of Low Impact Development (LID) measures, along with tree protection and compensation planting to occur prior to any occupancy permit issuance for the proposed semi-detached dwelling units. The agreement also requires warning clauses to be provided in future purchase and sale agreements advising of future maintenance requirements for the LID measures and municipal servicing connections to the units. The agreement will be registered on title to the semi-detached lots, meaning that its obligations will “run with the lands” and be binding against future owners of the lots. A copy of the development agreement proposed for execution between the Town and the owner is included as Attachment no. 3.

Accordingly, Town staff is satisfied that all conditions have been met, and that the Holding (H) symbol can be removed. A copy of the Holding (H) Zone symbol removal By-law is included as Attachment no. 4.

Strategic Alignment

Strategic Plan

Objective: Economic Resilience

Strategic Goal: 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 August 3, 2023 and deemed complete by Planning Division staff on September 1, 2023. In accordance with the requirements of the Planning Act, on October 19, 2023, a Notice of Intent to Remove a Holding (H) Symbol was:

- i. advertised in the Orangeville Citizen;
 - ii. published to the Town website.
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Financial Impact

Zoning application fees are collected at the time of application. Fees are included within the operating budget for the Planning Division of Infrastructure Services.

Respectfully submitted

Tim Kocialek P. Eng, PMP
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Reviewed by

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Prepared by

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Attachment(s):

1. Location Map
2. Site Plan
3. Development Agreement
4. Removal of Holding (H) Symbol By-law