



**Subject:** 62A-68 First Street, Recommendation Report, RZH-2020-01

**Department:** Infrastructure Services

**Division:** Planning

**Report #:** INS-2021-013

**Meeting Date:** 2021-03-08

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### **Recommendations**

That Report INS-2021-013, 62A-68 First Street, Recommendation Report, RZH-2020-01 be received;

And that the Removal of Holding (H) Symbol Application (RZH-2020-01) and By-law included as Attachment No. 4 to this Report, be approved;

And that Council allocate water and sewage treatment services to the proposed 40 townhouse units;

And that the By-law included as Attachment No. 5. to this Report, be enacted to repeal By-law 47-70 in part, applying only to the subject property, to reinstate the subject lands as Lots 3 and 4 within Registered Plan 275.

### **By-laws:**

That a By-law to remove a Holding (H) Symbol on lands legally described as Part of Lots 3 and 4, Plan 275, municipally known as 62A, 64, 66 and 68 First Street be read a first, second and third time and finally passed.

That a By-law to Repeal By-law 47-70 in part, on lands legally described as Part of Lots 3 and 4, Plan 275, municipally known as 62A, 64, 66 and 68 First Street be read a first, second and third time and finally passed.

### **Background**

The subject lands are comprised of four separate properties situated on the west side of First Street and north of Fead Street. The subject lands are legally described as part of Lot 3 and 4, Plan 275, municipally known as 62A-68 First Street and have a combined lot area of 0.79 hectares (1.95 acres) with approximately 81.0 metres of lot frontage onto First Street. Each

of the four (4) subject properties contains an existing detached dwelling. A location map is included as Attachment No. 1.

### **Development Proposal and Previous Approvals**

On March 18, 2019, Trolleybus Urban Development Inc. submitted applications on behalf of Saberwood Homes to amend the Town's Official Plan and Zoning By-law (OPZ-2019-02). On August 11, 2020, Council approved the applications, permitting the development of 40 condominium townhouse units, consisting of 7 dual-frontage townhouse units and 33 standard townhouse units. Access to the development is via 1 condominium road entrance onto First Street. Parking is provided at a rate of 2 spaces per unit, plus 10 shared visitor parking spaces. A 138.43 square metre parkette is also included. The Site Plan is included as Attachment No. 2.

A Residential Demolition application (RD-2018-01) for the dwelling located at 64 First Street was approved with conditions on June 25, 2018. Residential Demolition applications for the remainder of the dwellings at 62A, 66 and 68 First Street were approved with conditions on August 11, 2020.

### **Additional Applications Required**

1. A **Site Plan Approval** application (SPA-2020-04) has been submitted by the applicant and is currently in the final stages of review. The execution of a Site Plan Agreement between the applicant and the Town will be required upon the completion of this application.
2. A **Plan of Condominium Exemption** application will be required at a later stage to establish the common elements (i.e. internal roadway, parking, parkette, landscape areas, etc.) that will form the condominium. An application has not been submitted at this time.
3. **Part Lot Control Exemption** will be required at a later stage to establish the parcel boundaries for the individual units. An application has not been submitted at this time.

### **Repeal of By-law Number 47-70**

The Planning Act (Subsection 50(4)) allows a municipality to pass a by-law to deem any plan of subdivision, or part thereof, not to be a registered plan of subdivision. This has the effect of removing lands from a plan of subdivision or eliminating the plan altogether (i.e. deregistering part or all of a plan of subdivision). By removing lands from a plan of subdivision, or eliminating the plan in its entirety, it then merges those lands into a contiguous parcel. This enables the lands to be developed cohesively, or to be re-subdivided through a new subdivision approval process. It is a rare tool used in circumstances where historical lot fabric is sought to be eliminated in order to make way for a new development opportunity.

On September 24, 1970, the Town of Orangeville enacted By-law No. 47-70 which deemed a number of lots and blocks in various plans of subdivision throughout the Town not to be part of a registered plan. By-law 47-70 deemed the subject lands (62A-68 First Street) as well as the neighbouring lands to the south (60 to 62 First Street) to no longer be part of registered Plan No. 275. The applicant now wishes to reinstate the subject properties as lots within a registered plan. This would qualify the properties to be eligible for further subdivision through a Part Lot Control exemption process to create the proposed townhouse units.

According to a legal opinion, it is possible for the Town to repeal all or portion of the deeming by-law to allow the subject lands to once again be considered part of a registered plan. This is necessary to facilitate the proposed 40-unit condominium townhouse development. Being part of a registered plan will allow the owner to apply for an exemption from Part Lot Control (as described above) at a future date to subdivide the property, creating the individual townhouse lots.

The same approach was used to facilitate the development of 60 First Street, which is located immediately south of the subject property. Staff is recommending that only the portion of By-law 47-70 that pertains to the subject property be repealed, so as not to impact any other properties as part of this process. The By-law to repeal By-law 47-70 in part, as it applies to the subject lands, is included as Attachment 5.

## Analysis

The subject lands are zoned Multiple Residential High Density (RM2) Zone, Special Provision 24.211, and subject to a Holding (H) Symbol. The Holding (H) Symbol restriction prevents any permitted future development from proceeding until the Town is satisfied that the following conditions have been fulfilled:

<b>Condition</b>	<b>Clearance</b>
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 is satisfied that the allocation of sewage treatment and water supply capacity required to facilitate the development of 40 dwelling units is available and in accordance with the Town of Orangeville's Sewage Treatment Allocation Policy. A Servicing Allocation Memo providing further details is included as Attachment No. 3.
2. a satisfactory Water Conservation Plan has been submitted, which demonstrates that the development will achieve a minimum twenty (20%) reduction in potable water use.	The applicant submitted a Memo prepared by Soccia Engineers Limited outlining the proposed water closet, shower, lavatory and kitchen faucet fixtures. The memo compares the flow rates of the proposed fixtures to be used in this development against the typical flow rates outlined in the Ontario Building Code. Based on the conclusions of the memo, the Infrastructure Services Department is satisfied that the development will achieve a minimum twenty percent (20%) reduction in potable water use.

3. a satisfactory Energy Efficiency Assessment has been submitted, which demonstrates that the development will achieve a minimum ten percent (10%) energy savings in exceedance of applicable building code requirements for new dwelling construction.	The applicant submitted a Memo prepared by A&J Energy Consultants which outlines the proposed building design and equipment to be used in this development. Based on the conclusions of the memo, the Infrastructure Services Department is satisfied that the development will achieve a minimum ten percent (10%) energy savings in exceedance of applicable building code requirements for new dwelling construction.
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Staff is satisfied that the conditions to remove the Holding (H) Symbol have been fulfilled. An amending by-law to remove the Holding (H) Symbol from the subject lands is included as Attachment No. 4.

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## Strategic Alignment

### Orangeville Forward – Strategic Plan

Priority Area: Sustainable Infrastructure

Objective: Plan for Growth

### Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

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

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## Notice Provisions

The application was received on November 12, 2020 and deemed complete by Planning Division staff on December 7, 2020. In accordance with the requirements of the Planning Act, on February 11, 2021, a Notice of Intent to Remove a Holding (H) Symbol 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.

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## Financial Impact

There are no anticipated financial impacts to the Town arising from this Report.

Respectfully submitted

Douglas G. Jones, M.E.Sc., P.Eng.  
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Reviewed by

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Prepared by

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**Attachments:**

1. Location Map
2. Site Plan
3. Servicing Allocation Memo
4. Removal of Holding (H) Symbol By-law
5. By-law to Repeal By-law No. 47-70 in part