

Subject: 41 William Street, Recommendation Report, RZ-2021-01

Department: Infrastructure Services

Division: Planning

Report #: INS-2021-054

Meeting Date: 2021-09-27

Recommendations

That report INS-2021-054, 41 William Street, Recommendation Report, RZ-2021-01, be received;

And that the Zoning By-law Amendment Application (RZ-2021-01), be approved;

And that Council pass a By-law to amend Zoning By-law No. 22-90, as amended, to rezone Lots 8 and 9, Block 1, Plan No. 216, Town of Orangeville, County of Dufferin, municipally known as 41 William Street, from Residential Second Density (R2) Zone, to Residential Third Density (R3) Zone, with Special Provision 24.228 and subject to a Holding (H) Symbol, to permit an additional detached and semi-detached dwelling.

Background

On March 10, 2021, a site-specific Zoning By-law Amendment application was submitted by MHBC Planning Ltd. on behalf of the owner of the subject property at 41 William Street. The subject property is a corner lot located on the northeast corner of William and Hannah Streets. It is situated within a mature residential neighbourhood comprised predominantly of single detached dwellings, with some semi-detached dwellings and low-rise apartments interspersed throughout the area. The location of the subject lands is shown on Attachment 1.

The subject property is comprised of what was originally two separate lots (Lots 8 and 9) created through the original Plan of Subdivision (Plan 216) that set the current lot fabric for the neighbourhood. Because the property consists of two original detached lots and was never developed as such, it is the largest detached dwelling property in the neighbourhood. It is approximately 1,211 square metres in size and has a frontage of approximately 29.96 metres on William Street and 40.32 metres of flankage (exterior side yard) along Hannah Street.

An existing 1 and ½-storey single detached dwelling is situated centrally within the subject lands, more specifically on the Lot 8 portion of the site. The existing dwelling was built in 1878 and is listed as a [non-designated property on the Town's Municipal Heritage Register of properties of cultural heritage value or interest](#). The property also contains a detached garage located to the rear of the dwelling, with a driveway access located on Hannah Street.

Development Proposal

The applicant is proposing to construct a new single detached dwelling near the corner of William Street and Hannah Street, with a new driveway access on William Street. A new semi-detached dwelling is also proposed to be constructed on Hannah Street, to the rear of the existing detached dwelling. The existing dwelling located on the property is to remain and will continue to function as a detached dwelling, with a new driveway access on William Street. Attachment 2 includes a site plan illustrating the proposed new dwelling locations relative to the existing detached dwelling to remain on the property.

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 provides 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 Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. PPS policies require municipalities to facilitate the development of compact, complete communities in a manner that encourages efficient use of existing infrastructure and public service facilities, while protecting public health and safety and the natural environment.

This Zoning By-law amendment application is consistent with the policies of the PPS because the approval of this amendment would assist in:

- promoting cost-effective development to minimize land consumption and servicing costs (Section 1.1.1);
- contributing to land use patterns within a settlement area that are based on densities and a mix of land uses which a) efficiently use land and resources; and b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (Section 1.1.3.2);

- accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas (Section 1.1.3.3);
- implementing the minimum targets for intensification and redevelopment within built-up areas, as established by the County and Town (Section 1.1.3.5);
- promoting appropriate development standards which facilitate intensification, redevelopment and compact form while avoiding or mitigating risks to public health and safety (Section 1.1.3.4); and
- providing for an appropriate range and mix of housing options and densities to meet needs of current and future residents by permitting all types of residential intensification, including additional units and redevelopment in accordance with policy 1.1.3.3 (Section 1.4.3 b).

Growth Plan for the Greater Golden Horseshoe (2019)

The provincial Growth Plan (A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019) provides an overall growth strategy for the Greater Golden Horseshoe region aiming to create compact, vibrant and complete communities by directing new growth and development (i.e., residential and employment) to occur within settlement areas. To achieve this, Growth Plan policies focus on facilitating a diverse range of housing and employment uses, high quality public open spaces, easy access to local amenities and protection of cultural heritage resources.

This Zoning By-law amendment application conforms to the policies of the Growth Plan because the approval of this amendment would contribute to:

- focusing growth to a delineated built-up area within a settlement area that has existing municipal water and wastewater systems (Section 2.2.1);
- achieving the minimum intensification target that applies to the County of Dufferin for all residential development occurring annually (Section 2.2.2.1 b)); and
- supporting the achievement of a complete community through providing a diverse range and mix of housing options (Section 2.2.1.4).

County of Dufferin Official Plan

The subject lands are located within the “Built Boundary” of Orangeville’s “Urban Settlement Area” designation on Schedule ‘B1’ in the County of Dufferin Official Plan (County OP).

Urban Settlement Areas are to function as focal points for growth in the County OP, accommodating a broad range of uses. These are areas that have full municipal services (i.e., sewage, water and stormwater management) and therefore support a broad range of land uses and densities, including a mix of housing types, affordable housing options, commercial, institutional and employment uses.

The “Built Boundary” reflects the general extent of lands within the settlement area that are currently developed. These areas are expected to accommodate future growth through intensification and infill development opportunities. The County OP acknowledges that while there may be limited opportunities for intensification and infill development, there are advantages to facilitating growth in this manner, including efficient land consumption, and optimizing the use of existing infrastructure and public service facilities. The County OP therefore directs that a minimum of 50% of new residential development occurring annually within the Town is to be developed within the Built Boundary. Its policies encourage intensification developments that are of an appropriate scale and character relative to their surroundings and provide criteria to assist the County and local municipalities in evaluating future intensification developments

This Zoning By-law amendment application conforms to the policies of the County OP.

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’ (Schedule ‘C’: Residential Density Plan). Single-detached and two-unit dwellings are permitted by this designation framework to a maximum density of 25 units per net developable hectare. The proposed development involves an additional detached dwelling and semi-detached dwelling, which are permitted uses within the Low-Density Residential policies of the OP.

New growth occurring through intensification within built-up areas is encouraged at all levels of our planning policy hierarchy, including the Provincial Policy Statement (PPS), the Growth Plan for the Greater Golden Horseshoe, and the County of Dufferin Official Plan and the Town’s OP. Given the obligation for the Town’s OP to align with this policy framework, the importance of encouraging and accommodating future growth through intensification is stated throughout the Town’s OP. For instance, the general Live/Work policies of the plan stipulate that future population and employment growth will be accommodated by “directing a significant portion of new growth to the built-up area through intensification (Section D9.2.4). In addition, a key objective of the residential policies of the Plan stipulates that “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” (Section E1.2.5).

Section E1.11 of the Town’s OP provides policy direction with respect to facilitating residential growth through infill and intensification developments. The policies stipulate

a target for a minimum of 50% of all residential development occurring annually within the Town to be situated within the built boundary.

Recognizing the challenges of facilitating new intensification developments within existing built-up neighbourhoods, the OP designates certain sites or areas intended for future intensification (Schedule 'B1'). This intends to pre-emptively identify sites that are suitable candidates for future intensification, where development for such purposes would proceed through a further evaluation and approval process. Intensification policies of the Plan recognize that the designation of such sites is not static, and potential sites will be identified on an on-going basis (Section E1.11.1). These policies prescribe the following criteria for how intensification areas are selected (Section E1.11.2):

- i) existing vacant or underutilized lots within previously-developed areas;
- ii) where there is potential on a property for infill development; or
- iii) there is potential to expand or convert existing buildings.

The subject lands are not identified as an Intensification Area on Schedule 'B1'. However, the collective policy framework of the OP does not explicitly prevent intensification development proposals from proceeding outside of identified Intensification Areas. In other words, it does not restrict intensification developments to proceed only within the Intensification Areas identified on Schedule 'B1'. When intensification developments are proposed on lands not identified as an Intensification Area on Schedule 'B1', it is prudent to consider whether the subject lands fulfill the above-noted criteria. It is Planning Division staff's opinion that the subject property meets the above-noted criteria for potential intensification and is a suitable site for considering future intensification.

For the Town to evaluate intensification developments, the policies prescribe an additional series of criteria to be addressed when considering such developments. This criteria includes:

- a) compatibility with adjacent buildings and adjacent residential areas;
- b) shadowing and access to sunlight for such areas as adjacent private property, public parks and sidewalks, etc.;
- c) urban design impacts and alternative design options, including scale and the relationship to adjacent street widths; and
- d) energy use and green building performance.

This Zoning By-law amendment application conforms to the policies of the Town OP because the proposed development would contribute to:

- increasing the supply of good quality living accommodations with a full range of types, densities and architectural forms (Section B2.2);
- providing a balanced range of housing that meets a variety of needs in terms of size, type, ownership status and location (Section E1.2.3);
- achieving the intensification target of 50% of all residential development occurring annually to be situated within the 'Built Boundary' (Section E1.11.8);
- the economic vitality and community value of the Central Business District (Section E1.11); and
- the creation of a complete community that provides a diverse mix of land uses, high quality of urban design, and complements the established character of the neighbourhood (Section E1.11.7).

Town of Orangeville Zoning By-law No. 22-90

The subject property is zone Residential Second Density (R2) in the Town's Zoning By-law (No. 22-90, as amended). The R2 zone only permits single detached dwellings. Because the proposed development includes a semi-detached dwelling, the applicant has filed a Zoning By-law amendment application to re-zone the subject lands to Residential Third Density (R3) Zone, which permits both single detached and semi-detached dwelling types.

Special Site-specific Standards

Several site-specific zone standards are also proposed to be applied to the subject property through this amendment. These standards generally include reductions to minimum lot dimensions (i.e., area and frontage), yard setbacks (i.e., rear and side yards) and maximum lot coverage requirements, in comparison to the prevailing requirements of the R3 Zone. The maximum building height and minimum front yard setback requirements of the R3 Zone will be met by the proposed development without needing additional reductions (or increases) to these standards. The proposed Zoning By-law Amendment is included as Attachment No. 3.

The nature of the site-specific zone standards proposed for this development are similar to the type of reductions often sought for intensification developments of this type. Since residential intensification developments typically consists of more concentrated dwelling formats within existing sites, they necessitate special standards in comparison to the prevailing zone category. Notwithstanding this, many of the special provisions proposed by this amendment also relate to an irregularity in the original lot fabric in this location. The right-of-way boundary for Hannah Street staggers along the subject property and the adjacent lands to the northeast. This is caused by a difference between two original abutting historic subdivision plans. Plan 216 (approved in 1873) contains the subject properties (Lots 8 and 9) and provides a wider right-of-way width for this section of Hannah Street. The abutting plan to the northeast is Plan 195 (approved in 1870) provides a narrower right-of-way for Hannah Street, in comparison to what is provided for in Plan 216. This created a stagger in the Hannah Street right-of-way boundary. As

the Hannah Street roadway physically extends linearly within its right-of-way limits across these two plans, it provides a greater physical separation to the subject property than it does for the neighbouring lots in the abutting Plan. This means that with buildings being setback at a similar distance to the physical roadway along Hannah Street, the subject property will have reduced setbacks and lot dimensions, in comparison to neighbouring properties.

Prohibition on Second Dwelling Units

The Town's Official Plan and Zoning By-law permit second dwelling units in any detached and semi-detached dwelling, subject to meeting criteria related to parking and dwelling access. This recognizes that these are the housing types that are generally the most conducive to facilitating second dwelling units. This is because accommodating second units in existing dwellings can sometimes create challenges with respect to facilitating adequate parking, sufficient resident access and amenity space, and so-on. The Zoning By-law provisions attempt to address these factors with respect to parking and access requirements. Notwithstanding this, concerns were expressed from the public regarding the ability of this proposed intensification development to accommodate second dwelling units in the future. Concerns are that this would introduce additional residents causing parking challenges and increased residential density that may not be suitable for this site. To address these concerns, a site-specific provision has been included in the amending By-law to prohibit future second dwelling units for the proposed semi-detached dwellings facing Hannah Street.

Holding (H) Symbol

The proposed Zoning By-law amendment applies a Holding (H) Symbol to the portions of the subject property proposed for new dwelling units. The "H" Symbol will not apply to the existing dwelling portion of the property.

The "H" Symbol prevents any future development from proceeding as permitted by the By-law, until all conditions specified by the "H" Symbol have been satisfied. Removal of this Holding (H) Symbol requires a subsequent Zoning By-law amendment application submission, with approval granted by Council if it is demonstrated that all conditions have been fulfilled.

The Holding (H) Symbol included in this Zoning By-law amendment contains several conditions to ensure that specific elements of this application are developed according to what has been submitted for approval through this amendment. The following table lists the holding provisions to be applied and provides a rationale for their inclusion:

Holding Provision	Rationale
1. That there is sufficient water supply and sewage treatment capacity to	This is a standard condition to ensure the appropriate servicing capacity needed to accommodate the proposed development is formally

<p>service the development or portion thereof as the case may be.</p>	<p>allocated to the development before it proceeds to construction.</p>
<p>2. a satisfactory servicing plan has been submitted to the Town and that all required water and wastewater services have been installed to the satisfaction of the Town; and</p>	<p>Existing servicing infrastructure is located on William Street, which will be utilized to serve the proposed new dwellings. The proposed detached dwelling would utilize servicing connections already in place. Water and sanitary services will be extended along Hannah Street to serve the proposed semi-detached dwellings, which will be implemented at the owner's expense. This condition ensures that this is completed to the satisfaction of the Town and is in place before the proposed dwellings can be constructed.</p>
<p>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:</p>	
<p>a) implement low impact development (LID) measures recommended in a Functional Servicing Report and Preliminary Water Balance, to the satisfaction of the Town;</p> <p>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;</p>	<p>This condition obligates the owner to ensure that the proposed LID features will be implemented to the satisfaction of the Town. It will also ensure that warning clauses are in place for future purchasers to bring awareness to the presence of the LID features and their maintenance requirements.</p>
<p>c) carry-out tree protection measures and any compensation planting as recommended in an Arborist report, all to the satisfaction of the Town</p>	<p>The applicant has submitted a tree protection and compensation plan, which identifies trees within, and immediately adjacent to the property that will require protection. It also identifies trees that will be removed and proposes additional trees to be planted to compensate for these removals. This condition obligates the owner to ensure that the tree protection</p>

	and planting compensation measures are fulfilled to the satisfaction of the Town.
d) submit a site plan and building elevations to the satisfaction of the Planning Division, for any new single detached dwelling, prior to the submission of any building permit application to the Town.	This condition intends to ensure that the appearance and design of the proposed detached dwelling is compatible with the adjacent existing detached dwelling, which is on the Town’s Municipal Heritage Register as a listed (non-designated) property.

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. All departments and agencies circulated have concluded their reviews expressing no concerns with the proposed development. They have confirmed that the proposed development and supporting materials are satisfactory, and any remaining interests in this development can be satisfied through the remaining approval process described later in this report.

Public Consultation

A public meeting was held in accordance with the Planning Act requirements on June 7, 2021. The purpose of this 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 raised about the proposed development.

Comments and concerns were expressed at the public meetings seeking clarification on certain aspects of the proposal and responses were provided by Planning division staff and the applicant’s representative in attendance at the meeting. The comments raised at the meeting which required further exploration as part of the application review process, as well as staff responses, are summarized in the Public Comment Response table included as Attachment 4.

Summary and Next Steps

Based on the analysis contained herein, this Zoning By-law amendment and development proposal:

- i. are consistent with the Provincial Policy Statement (2020);
- ii. conform to the Growth Plan for the Greater Golden Horseshoe, 2019;

- iii. conform to the County of Dufferin Official Plan; and
- iv. conform to the Town's Official Plan.

The proposed development represents an appropriate form of intensification for the subject lands and surrounding neighbourhood. Alternative dwelling types and forms have been explored before filing this application, which could involve greater magnitudes of intensification and density for this site. Although such development formats could also align with policies that encourage intensification efforts, the proposed development represents a more modest degree of intensification and consists of dwelling types that are compatible with the surrounding neighbourhood. Furthermore, the development proposal maintains the existing dwelling on the property that is identified as a municipal heritage register property. Other intensification development approaches that could be pursued for this property would likely necessitate the removal of this dwelling as part of the redevelopment of the site.

Pending approval of this Zoning Bylaw amendment, the following additional approvals will be required:

1. **Removal of the Holding (H) Symbol:** to confirm that the conditions outlined above have been addressed to the satisfaction of the Town.
2. **Building Permit:** The proposed development involves new single-detached and semi-detached dwellings, as well as residential zone categories that are not subject to Site Plan Control per the Town's Site Plan Control By-law. Therefore, an application for Site Plan Approval will not be required for this development to proceed. All applicable Building Permit approvals would be required under the Ontario Building Code.
3. **Lot Creation through Part Lot Control Exemption:** Since the subject properties are lots within an original plan of subdivision, they may be subdivided through an application for exemption from the Part Lot Control provisions of the Planning Act. This is an effective way to allow the lot creation to proceed for this development, since it would follow the planning process undertaken with respect to this Zoning By-law amendment application.

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.

Notice Provisions

The applications were received on March 10, 2021 and deemed complete by Planning Division staff on April 16, 2021. In accordance with the requirements of the Planning Act, on April 22, 2021, a 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.

An additional Notice of Public Meeting was advertised in the Orangeville Citizen and published to the Town website on May 13, 2021.

Financial Impact

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

Respectfully submitted

Prepared by

Douglas G. Jones, M.E.Sc., P. Eng.
General Manager, Infrastructure Services
Example:

Brandon Ward, MCIP, RPP
Manager, Planning

Attachment(s):

1. Location Map
2. Proposed Site Plan
3. Zoning By-law Amendment
4. Public Comment Response Table