



THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 119 -2001

**A BY-LAW TO AMEND ZONING BY-LAW 22-90, AS AMENDED** (Central Business District, OPZ 6/00)

WHEREAS on May 28, 2001, Council held a public meeting with respect to Official Plan and Zoning Amendment proposal OPZ 6/00 to redesignate and rezone a portion of the lands in the Central Business District being: that portion of the properties along Broadway and Mill Street that front onto those respective streets; 6-34 First Avenue and 10-12 Second Street both inclusive; and, Alexandra and Mill Parks;

AND WHEREAS on August 13, 2001, having considered the public submissions, Council approved the proposal;

AND WHEREAS on November 12, 2001, Council reconsidered the proposal and approved a site specific exception to the proposal;

AND WHEREAS on November 26, 2001, Council considered further public submissions, reconsidered the proposal and withdrew its approval of the site specific exception;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Orangeville as follows:

1. THAT Zoning Maps B3, B4, C3 and C4 of Schedule "A" of By-law 22-90, as amended, are hereby further amended in accordance with Schedule "A" attached hereto;
2. THAT Section 24 of By-law 22-90, as amended, is hereby further amended by adding the following text thereto:
  - i) "24.148 Notwithstanding the provisions of Section 13A.2 of By-law 22-90, as amended, the following regulations shall apply to the lands zoned Central Business District (CBD) Zone - Special Provision 24.148 as shown on Schedule "A":


Regulations

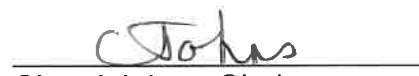
*Height* (maximum) 12.0 metres"

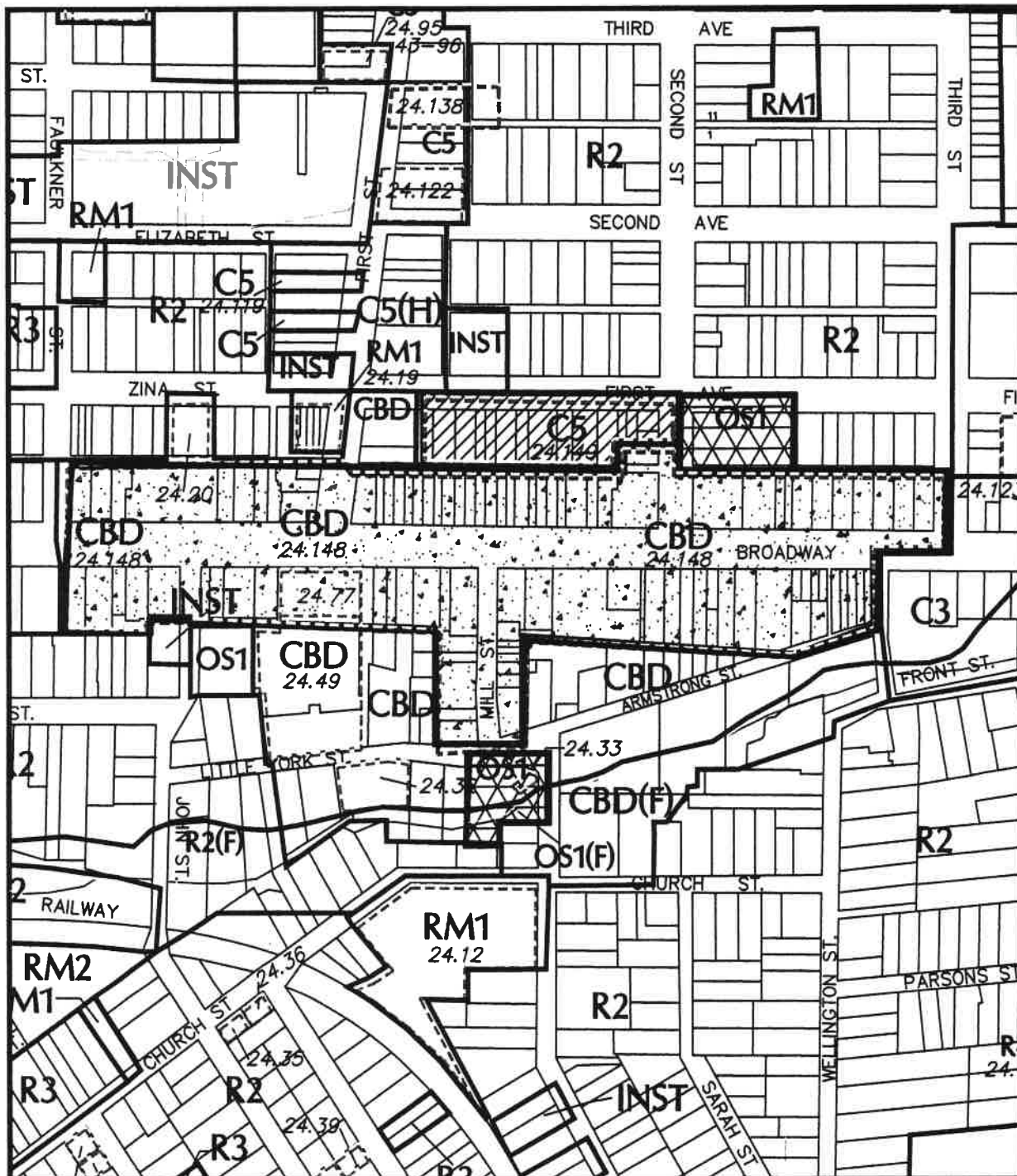
- ii) "24.149 Within the area of the lands affected by this section, as shown on Schedule "A" hereto, the uses and *buildings* that existed on November 26, 2001, are permitted, despite any non-conformity or non-compliance with Sections 18.1 and 18.2 (1), (2), (3), (4), (5), (6), (7), (8) and (9) hereof, and no parking spaces are required for *floor area* that existed on November 26, 2001, despite Section 5.17 hereof. Nothing in this by-law shall prevent repairs to a *building* that existed on November 26, 2001, or its reconstruction in the event of damage or destruction by fire subject to the repaired or reconstructed *building* having:

- a gross floor area not exceeding that of the existing *building*,
- a *height* not exceeding that of the existing *building*, and
- *yards* at least equivalent to those of the existing *building*.”

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 26<sup>TH</sup> DAY OF NOVEMBER, 2001.

  
Drew Brown, Mayor

  
Cheryl Johns, Clerk



THE CORPORATION OF THE  
TOWN OF ORANGEVILLE

**SCHEDULE 'A'  
TOWN OF ORANGEVILLE  
ZONING BY-LAW 22-90**



SCHEDULE "A" TO BY-LAW NO. 119-2001

PASSED THE 26<sup>TH</sup> DAY OF NOVEMBER 2001

*Paul Brown*

MAYOR

*C. Johns*

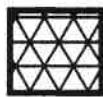
CLERK



LANDS TO BE REZONED FROM  
CENTRAL BUSINESS DISTRICT (CBD)  
ZONE TO RESTRICTED COMMERCIAL/  
RESIDENTIAL (C5) ZONE, S.P. 24.149



SPECIAL PROVISION 24.148 TO BE  
ADDED TO SUBJECT LANDS



LANDS TO BE REZONED FROM  
CENTRAL BUSINESS DISTRICT (CBD)  
ZONE TO OPEN SPACE RECREATION  
(OS1) ZONE AND (OS1)(F) ZONE

ZONING MAPS NO. B3, B4, C3 AND C4

ISSUE DATE:

**OCT. 09. 2003**

DECISION/ORDER NO:

**1355**



PL020016

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

Carollellen Norskey, Judy Bryan, and Ruth Robertson appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Town of Orangeville to approve Proposed Amendment No. 80 to the Official Plan for the Town of Orangeville  
O.M.B. File No. 0020187

Frank Gray Holdings Limited, Peter T. Parkinson, Robert V. Stinson, and Lutilium Inc. appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 119-2001 of the Town of Orangeville  
O.M.B. File No. R020002

**APPEARANCES:**

**Parties**

Town of Orangeville

Judy Bryan and Carollellen Norskey

Frank Gray Holdings Ltd.

Peter T. Parkinson, Robert Stinson &  
Lutilium Inc.

**Counsel**

Patricia Foran

Geoffrey Mullin

Mary Flynn Guglietti

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID J. CULHAM  
ON SEPTEMBER 8, 2003 AND ORDER OF THE BOARD**

Frank Gray Holdings Ltd., Peter T. Parkinson, Robert Stinson & Lutilium Inc. appealed to the Board, the Zoning By-law 119-2001 of the Town of Orangeville. In response to these appeals, the Town conducted further studies of the height limitation. Settlement with the appellants resulted. However, this in turn, prompted the appeal of proposed Amendment No. 80 to the Official Plan by Ms Norskey and Bryan. Ruth Robertson, who had appealed this amendment because of the potential impact on her property, withdrew with a confirming letter dated August 21, 2003.

Judy Bryan and Carollellen Norskey expressed the concern that the Town of Orangeville's compromise with the landowners represented excessive built form.

Mr. Allan Young, a qualified planner and the Director of Planning, testified in support of the Town's position. Mr. Jason Wu, a qualified urban designer testified in support of the settlement reached in relation to the properties of Peter Parkinson and Lutilium Inc. Mr. Michael Hannay, a qualified planner and urban designer, testified in support of the settlement in relation to the property of Frank Gray Holdings Limited.

After hearing all the testimony and after reviewing all the documents, the Board makes several findings. Firstly, the Board finds, based upon the qualified testimony of Mr. Young, that Amendment No. 80 and the proposed amendments to Zoning By-law 119-2001 give appropriate regard for the Provincial Policy Statement. In particular, this finding relates to Mr. Young's testimony with respect to section 1.1.3. (e) in maintaining the well being of downtowns and mainstreets and section 2.5.1 in the conservation of significant built heritage resources and cultural heritage landscapes.

Secondly, the Board finds, based upon Mr. Young, Mr. Wu and Mr. Hannay's testimony that, the proposed Amendment No. 80 is an important addition to and is consistent with the policies of the Official Plan. The Board finds that it represents good planning. Amendment No. 80 establishes a general height limit of 12 metres in the designated historic Central Business Area and specifically along Broadway and Mill Streets. Initially, while establishing the 12 metres limit, the Town recognized, based upon meeting five specific criteria, that applicants could obtain approvals to build up to 18 storeys through an amendment to the Zoning By-law and through a site plan process. This occurs as an amendment to section E2.4.8 of the Official Plan.

Based upon further specific analysis of the three objecting properties, which already possess zoning rights to build to a height of 23 metres, the Town provides a further amendment to section E8 which allows building heights up to 23 metres on portions of the subject properties subject to seven specific criteria.

Based upon the unrefuted and qualified testimony of Mr. Young, Wu and Hannay, the Board finds that the proposed Zoning By-Law 119-2001, as amended by exhibit 11, gives appropriate regard to the Provincial Policy Statement, is consistent with the Official Plan and represents good planning. Based upon Mr. Hannay's testimony and the documentation for the shadow impacts by exhibit 14, as prepared by James Ziegler, the Board finds that the impacts are not significantly different than that

represented by the “as of right “ zoning. They are acceptable for an area adjacent to a downtown area. The roof terracing, as proposed in exhibit 13A, supported by Mr. Hannay’s testimony and incorporated in a site-specific zoning amendment, represents a good planning response to this site. Similarly, the Board finds that the detailed “Townscape” study represented in exhibit 8B, supported by the testimony of Mr. Wu and incorporated in the site-specific zoning amendment represents good planning for this Central Business Area site.

In conclusion, while being empathetic to the concerns raised by the citizen objectors, the Board concludes that Amendment No. 80 and the amendments to the Zoning By-law incorporate the details of the three specific site settlement, provides the appropriate type of protection to the abutting residents, while giving the landowners clear direction for the future re-development of these sites. The settlements are consistent and work with the approved guidelines of the recently approved Downtown Orangeville Heritage Conservation District.

As a result, the Board dismisses the appeals by Carollellen Norskey and Judy Bryan, and Ruth Robertson under section 17(24) of the *Planning Act*, and approves the proposed Amendment No. 80 to the Official Plan for the Town of Orangeville.

Further, the Board allows the appeals in part by Frank Gray Holdings Limited, Peter T. Parkinson, Robert V. Stinson, and Lutilium Inc. under section 34(19) of the *Planning Act*, in so far as certain amendments are incorporated in the Zoning By-law. The Board amends the Zoning By-law 119-2001 of the Town of Orangeville as detailed in exhibit 11 and appears as Attachment 1 to this decision.

The Board so Orders.

“David J. Culham”

DAVID J. CULHAM  
MEMBER



**THE CORPORATION OF THE TOWN OF ORANGEVILLE**

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### **Regulations**

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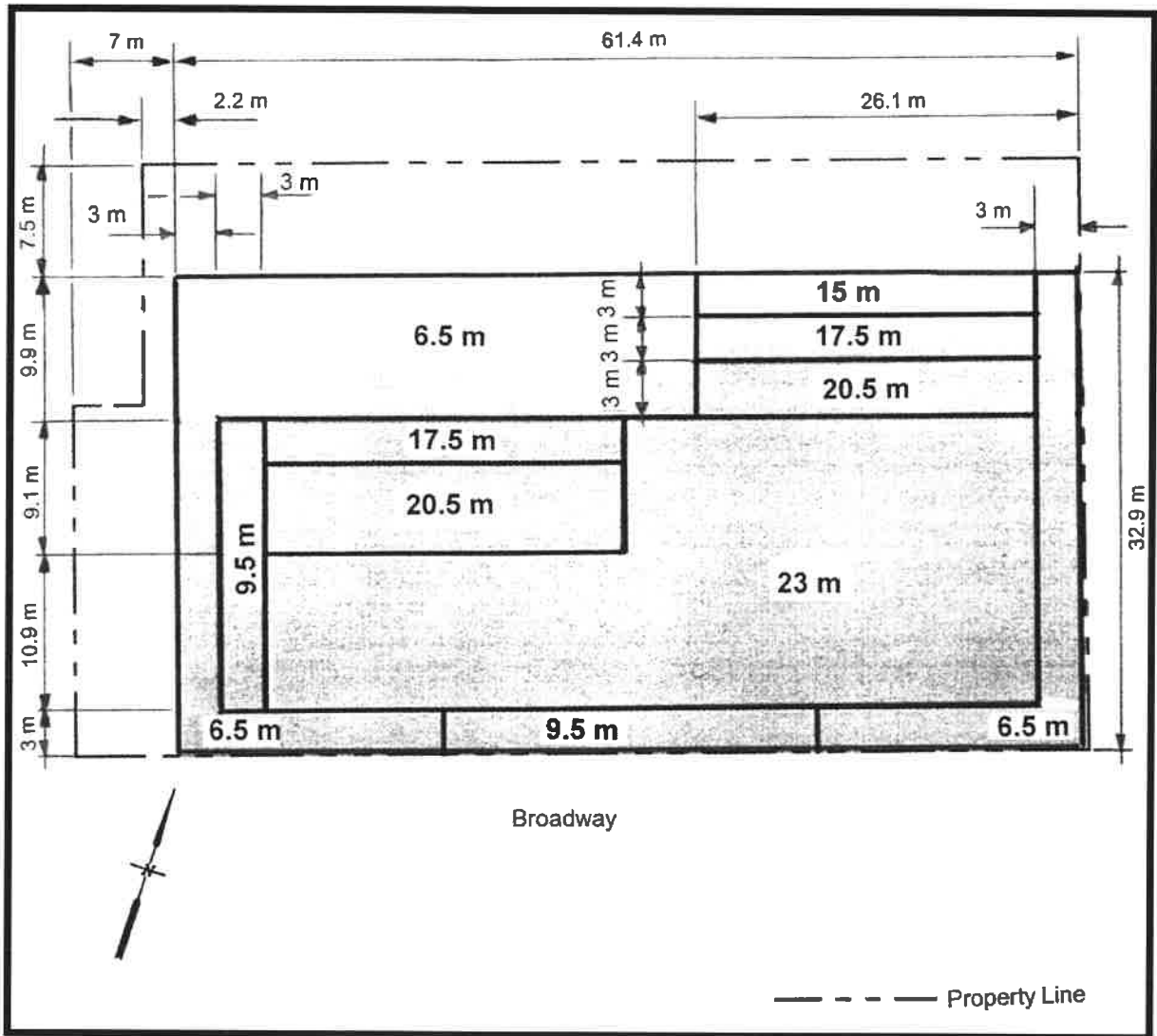


- a *height* not exceeding that of the existing *building*, and
- *yards* at least equivalent to those of the existing *building*.”

iii) “24.151 Notwithstanding Sections 13A.2(7) and 24.148 hereof, the maximum *building heights* shown on Map 1 shall apply. “

**221-229 Broadway**

**MAP 1 – Maximum Permitted Building Heights**



- iv) "24.160 Notwithstanding Sections 13A.2(2), 13A.2(7) and 24.148 hereof, the following regulations shall apply:
- (1) *Front Yard* (minimum) 0 metres
  - (2) *Front Yard* (maximum) 0.5 metre for the portion of the *building* that does not exceed 6 metres in height, except for recessed pedestrian

entrances that span, in the aggregate, up to 30% of the length of the front wall of the *building*

(3) *Building height (minimum)*  
6 metres for the portion of the *building* that *abuts* the *front lot line*

(4) *Building height (maximum)*  
12 metres or three storeys, whichever is the lesser, for the portion of the *building* that is within four metres of the *front lot line* or within three metres of a *side lot line*; and 18 metres for the remainder.”

**102-112 and 116-126 Broadway**

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 26TH DAY OF NOVEMBER, 2001.

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**Drew Brown, Mayor**      **Cheryl Johns, Clerk**