

Repealed by:
95-2003-Sept 8/03

THE CORPORATION OF THE TOWN OF ORANGEVILLE
BY-LAW NUMBER 65-93

BEING A BY-LAW TO REPEAL BY-LAW 59-90 AND AMEND ZONING BY-LAW NUMBER 22-90 TO REZONE PROPERTY DESCRIBED AS PART OF LOTS 3 AND 4, AND PART OF PLAN 7R-3969, CONCESSION "C" TO RESIDENTIAL, SEVENTH DENSITY (R7); NEIGHBOURHOOD MIXED USE (NMU1); COMMERCIAL (C6), OPEN SPACE - RECREATION (OS1) AND OPEN SPACE - CONSERVATION (OS2), AS SHOWN ON SCHEDULE "A" OF THIS BY-LAW.

This By-law shall be known as the Zoning By-law for the Montgomery Village One area of the Corporation of the Town of Orangeville as shown on Schedule "A" attached hereto and forming part of this By-law. Schedule "B", attached, also forms part of this by-law.

By-law 22-90 refers to Zoning By-law No. 22-90 of the Corporation of the Town of Orangeville. The provisions of By-law 22-90 apply except where they conflict with the following provisions, in which case the following provisions apply.

I. DEFINITIONS

1. Notwithstanding Section 2.1 of Zoning By-law 22-90, "ACCESSORY BUILDING" means an attached or detached building located on the same lot as the main building, the use of which is incidental to the main building, and which may be used for human habitation, a dwelling unit, residential floorspace accessory to a dwelling unit, a private garage, a tool shed, a greenhouse, a storage building, or combinations of these uses.
2. "ACCESSORY UNIT" means a self-contained residential dwelling unit designed for use by one household and created within a single detached dwelling, a semi-detached dwelling unit, or a row house dwelling unit.
3. For the purpose of Section II. 5.1 (2) of this by-law, "ALTERNATIVE HOUSING" means dwelling units which are operated by a government agency, a charitable institution, or a non-profit institution.
4. "CLUB" means an athletic, social or recreational club on private lands, whether or not operated for profit, and includes the premises of a fraternal organisation.
5. "COMMUNICATIONS AND BROADCASTING ESTABLISHMENT" means a lot, building or structure for radio or television broadcasting; cable television operations; motion picture film, audio or video production, leasing and distribution; location filming management, personal voice or data communications.
6. Notwithstanding Section 2.36 of Zoning By-law 22-90, "DWELLING HOUSE, CONVERTED" means a single detached dwelling, semi-detached dwelling or row house dwelling which includes one accessory unit.
7. "DATA PROCESSING ESTABLISHMENT" means a computer service firm engaged primarily in the use of computers to process data and not primarily in the design or marketing of computer programs.
8. "DESIGNER'S STUDIO" means a building or a portion of a building used for any of the following design uses: fashion design, interior decoration design, graphic art design, industrial design, architectural or landscape design.
9. Notwithstanding Section 2.52 of Zoning By-law 22-90, a "HOME OCCUPATION" may be carried out in a single detached dwelling, a dwelling unit in a semi-detached dwelling, a dwelling unit in a row house dwelling, or an accessory building, and notwithstanding Section 2.52 e), no additional parking spaces will be required for such use.
10. "LANE LINE" means the limit of a lane and is the dividing line between a lot and a lane.

11. Notwithstanding Section 2.62 of Zoning By-law 22-90, "LOT AREA" means the horizontal area within the lot lines of a lot and for the purpose of calculating the lot area of a lot having a sight triangle or having street lines rounding at the corner with a radius of 20 feet or less, the lot area shall be calculated as if the lot lines were produced to their point of intersection.
12. "MIXED USE BUILDING" means a building containing any combination of residential, office, commercial, retail, and other uses, as permitted in this by-law.
13. Notwithstanding Section 2.84 of Zoning By-law 22-90, "POINT OF INTERSECTION" means the point at which two street lines or lane lines abutting a lot intersect but if the two lines meet in a curve the point of intersection shall be the point at which the productions of the two lines abutting the streets or lanes intersect.
14. Notwithstanding Section 2.97 of Zoning By-law 22-90, "SIGHT TRIANGLE" means the triangular space formed by:
 - two intersecting street lines and a line drawn from a point in one street line to a point in the other street line; or
 - two intersecting lane lines and a line drawn from a point in one lane line to a point in the other lane line; or
 - the intersection of a lane line and a street line, and a line drawn from a point in the street line to a point in the lane line.
15. "SOFTWARE DESIGN AND DEVELOPMENT ESTABLISHMENT" means a building or a portion of a building used for the design and development of computer software.
16. Notwithstanding Section 2.116 of Zoning By-law 22-90, "YARD, REAR" means a yard extending the full width of the lot between the rear lot line and the nearest part of any building or structure other than an accessory building, porch or deck on such lot and for the purpose of this subsection a sight triangle shall be considered as part of such lot.
17. Notwithstanding Section 2.120 of Zoning By-law 22-90, "YARD, SIDE, EXTERIOR," means a side yard immediately adjoining a street, lane, public open space, or a reservation of not more than 2 feet abutting a street, lane or public open space, and for the purpose of this subsection a sight triangle shall be considered part of the lot.

II. GENERAL PROVISIONS

1. Accessory Uses and Buildings

Notwithstanding Section 5.2 2) of Zoning By-law 22-90, any accessory building or other structure which is not part of the main building shall be erected within a maximum distance of 7.0 metres from the rear lot line, shall not exceed a coverage of 42 square metres in area, 6.0 metres in height, nor be closer than 0.0 metres to a side or rear lot line.

2. Section 5.4 of Zoning By-law 22-90 is replaced with the following:

Notwithstanding any other provisions contained in this By-law, no building, other structure or vegetation shall be planted or maintained on a lot within the triangular space defined in this by-law as a "sight triangle", which obstructs the view of the driver of a vehicle on a street or lane approaching an intersection.

3. Dwelling Unit Below Grade

Notwithstanding Section 5.5 of Zoning By-law 22-90, an accessory unit may be entirely located in a basement, subject to meeting all applicable plumbing, fire and building codes.

4. Lane as a Yard

Section 5.11 of Zoning By-law 22-90 does not apply.

5. Parking Area Regulations

5.1 Notwithstanding Section 5.13 1a) of Zoning By-law 22-90:

- 1) dwelling units located in a building containing two or more dwelling units will require a minimum of 1 parking space, or 1 garage or 1 carport per unit;
- 2) alternative housing provided in a building containing two or more dwelling units will require a minimum of 0.6 parking spaces per unit;
- 3) for non-residential uses other than retail uses located in the Neighbourhood Mixed Use zone, parking shall be required at a level of one half of that required in Section 5.13 1a) of By-law 22-90;
- 4) retail uses located in the Neighbourhood Mixed Use zone, including an art gallery, an art or photographic studio, a dry cleaning or laundry establishment, a food store, a hardware store, a personal service shop, a restaurant, a retail store, a variety store, or a video film outlet do not require parking.

5.2 Notwithstanding Section 5.13 2) a) of Zoning By-law 22-90, for non-residential uses located within the Neighbourhood Mixed Use zone (other than retail uses listed above in S. 5.1 4) which do not require parking), parking may be provided in a location other than on the same lot that required such space provided that such parking is located within 300 metres of the said lot in a non-residential zone.

5.3 Notwithstanding Section 5.13 7) a) and b) of Zoning By-law 22-90, in the Neighbourhood Mixed Use (NMU1) zone and the Commercial (C6) zone, parking shall not be permitted in any required front yard or exterior side yard.

6. Yard Encroachments

- 1) In addition to provisions contained in Section 5.18 1) of Zoning By-law 22-90, unenclosed porches or decks may encroach on a front or rear yard requirement to a maximum distance of 2.0 metres.
- 2) In addition to provisions contained in Section 5.18 1), covered or uncovered exterior stairs, decks, porches or canopies associated with a side entrance may project up to 1.7 metres into a required exterior side yard.

III. RESIDENTIAL, SEVENTH DENSITY (R7) ZONE

In the Residential Seventh Density (R7) zone shown on Schedule "A" of this Zoning By-law, no land shall be used and no building or structure shall be erected or used except in accordance with the following provisions:

1. Permitted Uses

- a single detached dwelling
- a semi-detached dwelling
- a duplex dwelling
- a row house dwelling
- a converted dwelling house
- a triplex
- a multiple dwelling of up to four units
- a public park or playground
- a nursing home
- a home occupation in a dwelling unit
- a retirement home

2. Building Regulations for Single Detached Dwellings where a Lot Abuts a Lane

1)	Lot Area (minimum)	240 sq.m.
2)	Lot Frontage (minimum)	8.0 m
3)	Front Yard (minimum)	3.0 m
4)	Rear Yard (minimum)	11.0 m
5)	Exterior Side Yard (minimum)	2.0 m
6)	Interior Side Yard (minimum)	1.2 m and 1.2 m, or 0 m and 1.8 m
7)	Building Height (maximum)	11.0 m

3. Building Regulations for Semi-Detached Dwellings Where a Lot Abuts a Lane

1)	Lot Area (minimum)	360 sq.m.
2)	Lot Frontage (minimum)	12 m
3)	Front Yard (minimum)	3.0 m
4)	Rear Yard (minimum)	11.0 m
5)	Exterior Side Yard (minimum)	2.0 m
6)	Interior Side Yard (minimum)	1.2 m
7)	Building Height (maximum)	11.0 m

4. Building Regulations for Row House Dwellings Where a Lot Abuts a Lane

1)	Lot Area (minimum)	570 sq.m.
2)	Lot Frontage (minimum)	19.0 m
3)	Front Yard (minimum)	3.0 m
4)	Rear Yard (minimum)	11.0 m
5)	Exterior Side Yard (minimum)	2.0 m
6)	Interior Side Yard (minimum)	1.2 m
7)	Building Height (maximum)	11.0 m

5. Building Regulations for Other Permitted Residential Uses Where a Lot Abuts a Lane

1)	Lot Frontage (minimum)	8.0 m
2)	Front Yard (minimum)	3.0 m
3)	Rear Yard (minimum)	11.0 m
4)	Exterior Side Yard (minimum)	2.0 m
5)	Interior Side Yard (minimum)	1.2 m
6)	Building Height (maximum)	11.0 m

6. Minimum separation between dwellings

Minimum separation between dwellings 1.8 m.

7. Front Yard Setbacks - Special Case

In the portion of the R7 zone depicted within the heavy dashed line on Schedule "B" of this by-law, the minimum front yard setback is 5 m.

8. Parking Regulations for the R7 Zone Where a Lot Abuts a Lane

- 1) Notwithstanding Section 5.13 7) b) of Zoning By-law 22-90, where the rear of a lot abuts a lane, a parking area, garage or carport is permitted only within 7.0 m of the rear lot line.
- 2) A parking area, garage or carport may be located within a required rear yard.

9. Building Regulations for Lots not Abutting a Lane

Where a lot does not abut a lane, the following provisions will apply for single detached dwellings, semi-detached dwellings and row house dwellings:

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| 1) | Lot Area (minimum) | |
| | Single Detached Dwelling | 270 sq.m. |
| | Semi-detached Dwelling | 450 sq.m. |
| | Row House Dwelling | 570 sq.m. |
| 2) | Lot Frontage (minimum) | |
| | Single Detached Dwelling | 9.0 m. |
| | Semi-detached Dwelling | 15.0 m. |
| | Row House Dwelling | 19.0 m. |
| 3) | Front Yard (minimum) | 5.0 m. |
| 4) | Rear Yard (minimum) | 7.5 m. |
| 5) | Exterior Side Yard (minimum) | 2.0 m |
| 6) | Interior Side Yard (minimum) | |
| | Single Detached Dwelling | 1.2 m and 1.2 m or 0m
and 1.8m |
| | Semi-detached Dwelling | 1.2 m |
| | Row House Dwelling | 1.2 m |
| 7) | Building Height (maximum) | 11.0 m. |
| 8) | For single detached dwellings, semi-detached dwellings, and row houses, all parking spaces, carports and garages must be set back at a distance from the front lot line at least as great as the setback from the front lot line to the exterior wall of the dwelling that is closest to the front lot line. | |
| 9) | Where the lot frontage for a single detached dwelling is less than 10 metres, and for a semi-detached dwelling is less than 18 metres, and for all row house dwellings, and where a garage or carport is provided in the front of the house, a single car garage or carport only will be permitted. | |
| 10) | A parking area, garage or carport may be located within a required rear yard. | |
10. Building Regulations for Other Permitted Residential Uses Where a Lot Does Not Abut a Lane

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| 1) | Lot Frontage (minimum) | 9.0 m |
| 2) | Front Yard (minimum) | 5.0 m |
| 3) | Rear Yard (minimum) | 7.5 m |
| 4) | Exterior Side Yard (minimum) | 2.0 m |
| 5) | Interior Side Yard (minimum) | 1.2 m |
| 6) | Building Height (maximum) | 11.0 m |

IV. NEIGHBOURHOOD MIXED USE (NMU1)

In the Neighbourhood Mixed Use (NMU1) Zone shown on Schedule "A" of this Zoning By-law, no land shall be used and no building or structure shall be erected or used except in accordance with the following provisions.

1. Permitted Uses

- a dwelling unit or units on upper floors
- a row house dwelling
- a mixed use building
- a multiple dwelling
- an art gallery
- an art or photographic studio
- a business or professional office
- a club
- a commercial school
- a community centre or municipal building
- a data processing establishment
- a designer's studio
- a dry cleaning or laundry establishment
- a financial establishment
- a food store

a hardware store
 a hotel or motel
 a public library
 a medical clinic
 a nursery school
 a nursing home
 an office
 a parking area
 a personal service shop
 a private school
 a public park or playground
 a publishing establishment
 a real estate office
 a recreational establishment
 a religious institution
 a research and development establishment
 a restaurant
 a retail store
 a retirement home
 a service establishment
 a software design and development establishment
 a theatre other than a drive-in theatre
 a variety store
 a video film outlet
 a veterinarian clinic

2. Regulations

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|----|-----------------------------|------------------------|
| 1) | Front yard (minimum) | 0 m |
| 2) | Front yard (maximum) | 3 m |
| 3) | Exterior sideyard (minimum) | 2 m |
| 4) | Building Height (maximum) | 14 m and 4 storeys |
| 5) | Total Floor Area (maximum) | 2.5 times the lot area |
| 6) | Retail Floor Area (maximum) | |

Of the permitted Total Floor Area of 2.5 times the lot area, floor area of up to 0.5 times the lot area may be used for any of the following uses or any combination of the following uses:

- a dry cleaning or laundry establishment
- a food store
- a hardware store
- a personal service shop
- a restaurant
- a retail store
- a theatre other than a drive-in theatre
- a variety store
- a video film outlet

Other permitted uses listed in Section IV 1. are not limited in floor area to 0.5 times the lot area, subject to complying with the maximum total floor area permitted of 2.5 times the lot area.

- 7) Vehicular access to lots in the Neighbourhood Mixed Use zone is permitted only from an abutting rear lane; no vehicular access is permitted across the front lot line or side lot line.

3. Lot area

In the Neighbourhood Mixed Use zone, and for the purposes of calculating permissible density, "lot area" shall be deemed to include parcels of land which abut either side of the same lane or same portion of the same lane, and the area of the lane or portion of the lane which the parcels abut.

V. COMMERCIAL (C6) ZONE

In the Commercial (C6) Zone shown on Schedule "A" of this Zoning By-law, no land shall be used and no building or structure shall be erected or used except in accordance with the following provisions:

1. Permitted Uses

- an auditorium or place of assembly
- an art gallery
- an art or photographic studio
- an auto body shop
- an automobile service station
- an automobile tire store
- an automotive parts store
- an athletic club
- a bowling alley
- a building supply outlet
- a business or professional office
- a car wash, automatic
- a car wash, self-serve
- a club
- a commercial school
- a communications and broadcasting establishment
- a data processing establishment
- a designer's studio
- a dry cleaning or laundry establishment
- a farm implement outlet
- a food store
- a furniture store
- a gas bar
- a hardware store
- a hotel or motel
- an indoor participant recreation facility
- a mixed use building containing any combination of permitted uses
- a motor vehicle sales and service establishment
- a nursery garden
- offices accessory to any permitted use
- a personal service shop
- a public garage, mechanical
- a publishing establishment
- a real estate office
- a recreation use

- a restaurant, cafeteria or banquet hall
- a retail store
- a showroom
- a software, design and development establishment
- a theatre
- an undertaking establishment
- a video film outlet
- a warehouse with or without accessory retail
- a wholesale establishment

2. Regulations

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|----|--|---------------------|
| 1) | Lot area (minimum) | 2500 sq.m. |
| 2) | Front yard (minimum) | 3.0 m |
| 3) | Exterior side yard (minimum) | 3.0 m |
| 4) | Interior side yard (minimum) | 2.0 m |
| 5) | Rear yard (minimum) | 7.5 m |
| 6) | Building height (maximum) | 14 m |
| 7) | All parking spaces must be located at a greater distance from the front lot line than the exterior wall of the building closest to the front lot line. | |
| 8) | Coverage for building including hard surfaced parking (maximum) | 70% of the lot area |
| 9) | Outdoor storage shall not be permitted. | |

VI. OPEN SPACE - RECREATION (OS1) ZONE

The provisions of Section 20 of Zoning By-law 22-90 apply to areas designated Open Space - Recreation (OS1) Zone.

VII. OPEN SPACE - CONSERVATION (OS2) ZONE

The provisions of Section 21 of Zoning By-law 22-90 apply to areas designated Open Space - Conservation (OS2) Zone.

PASSED IN OPEN COUNCIL THIS 5th day of July A.D., 1993.

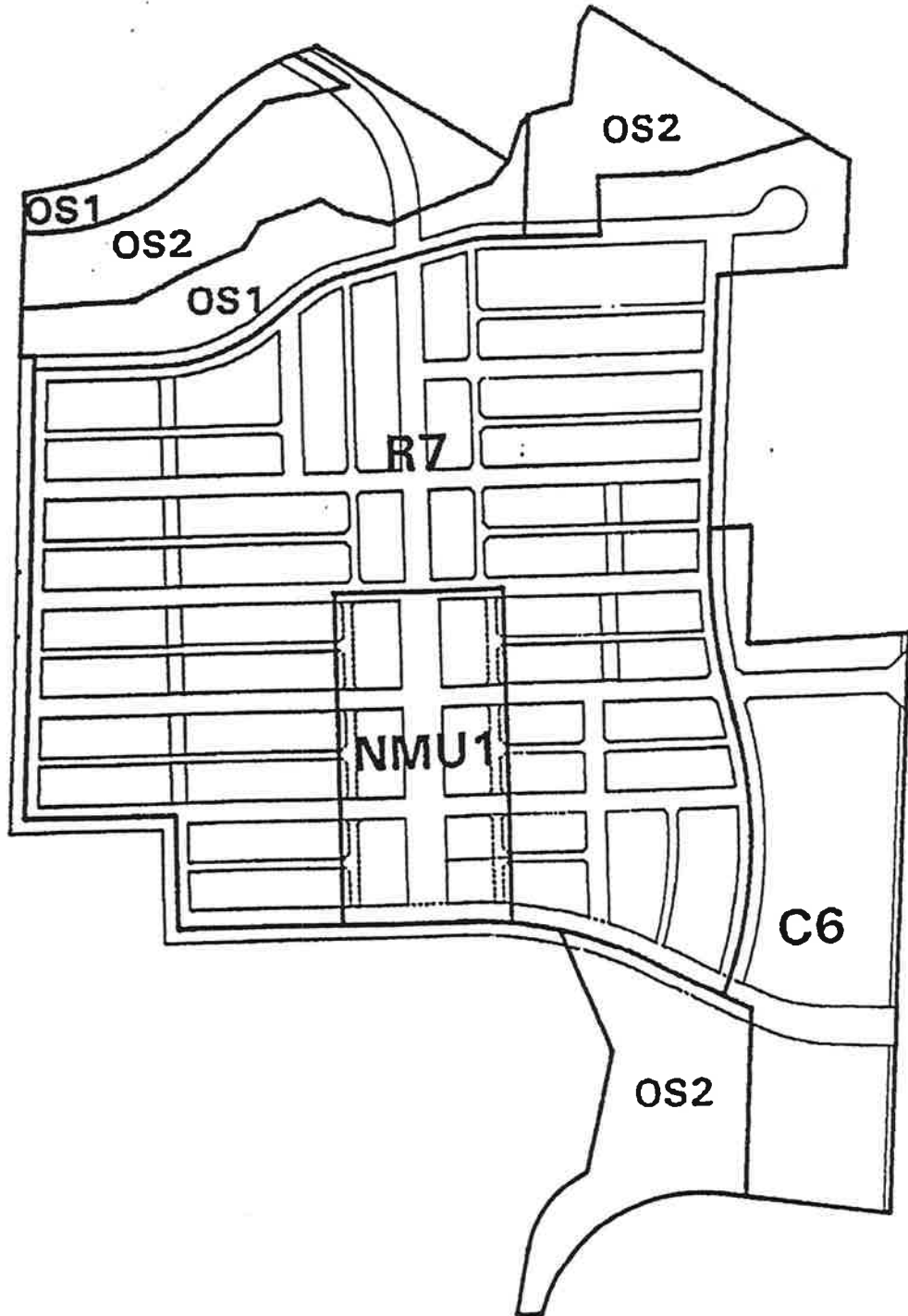
Mary T. Rose
HEAD OF COUNCIL

Ann E. Armstrong
CLERK.

By-law read a first and second time this 5th day of July A.D., 1993.

By-law read a third time this 5th day of July, A.D. 1993.

SCHEDULE "A"
TOWN OF ORANGEVILLE
ZONING BY-LAW No. 65-93



THE CORPORATION OF THE
TOWN OF ORANGEVILLE

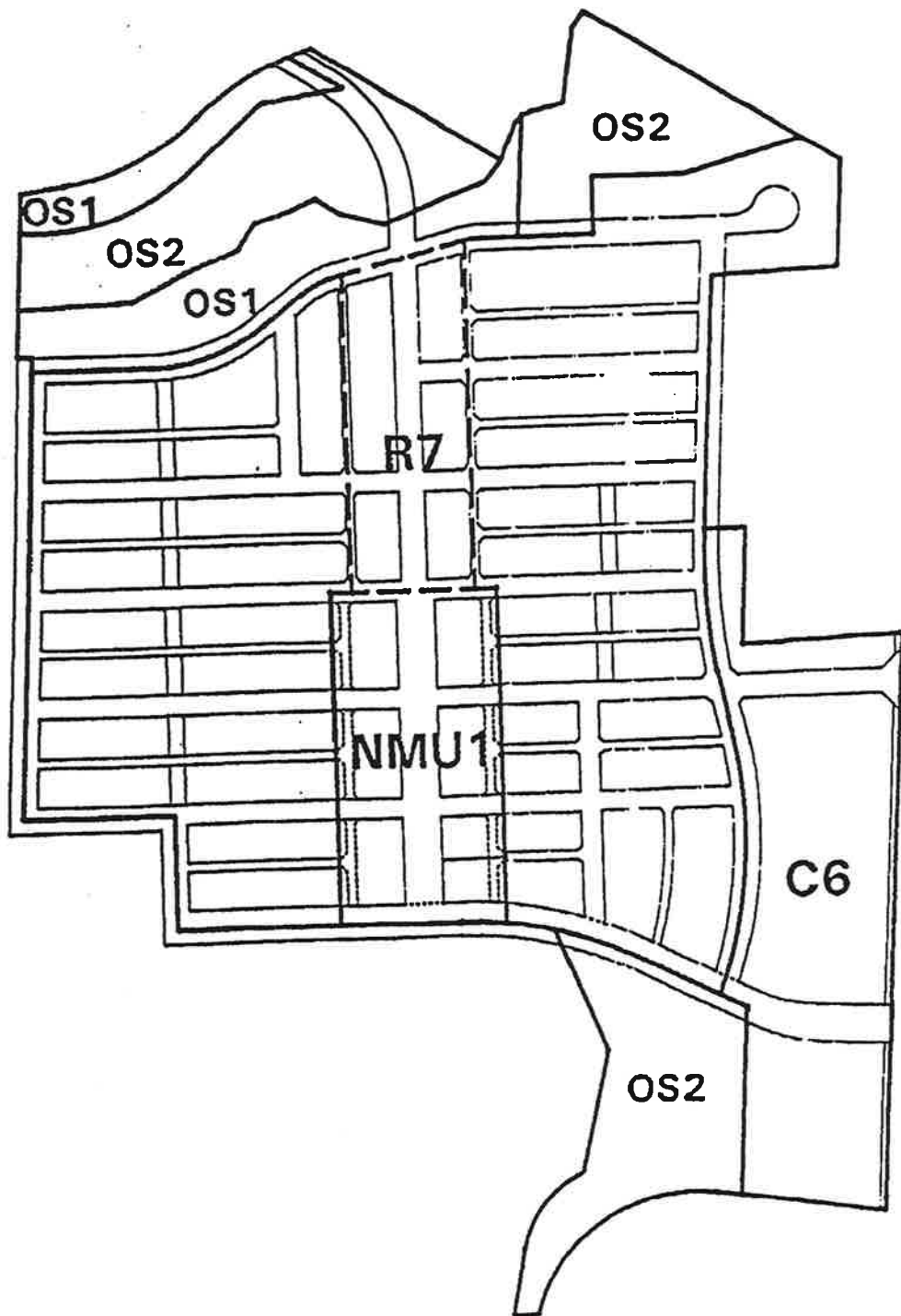
SCHEDULE "A" TO BY-LAW NO. 65-93

PASSED THE 5th DAY OF July, 1993

Mary T. Rose
HEAD OF COUNCIL

Ann E. Cunningham
CLERK

SCHEDULE "B"
TOWN OF ORANGEVILLE
ZONING BY-LAW No. 65-93



THE CORPORATION OF THE
TOWN OF ORANGEVILLE

SCHEDULE "B" TO BY-LAW NO. 65-93

PASSED THE 5th DAY OF July, 1993

Mary J. Rose
HEAD OF COUNCIL

Ann E. Armstrong
CLERK