



THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 68 - 2004

BEING A BY-LAW TO AMEND BY-LAW 22-90, AS AMENDED (Loblaw Properties Limited, 50 Fourth Avenue, 54, 56, 60 Third Street, OPZ 4/03).

WHEREAS on May 31, 2004, the Public Consultation Committee held a public meeting with respect to Official Plan and Zoning Amendment Application OPZ 4/03;

AND WHEREAS on July 26, 2004, Council approved the application;

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

1. Zoning Map B4 of Schedule "A" of By-law 22-90, as amended, is hereby amended in accordance with Schedule "A" hereto.
2. Section 24.128 of By-law 22-90, as amended, is hereby amended by deleting the existing text and substituting the following text therefor:

"24.128 Notwithstanding the provisions of Sections 14.1, 14.2(4), 14.2(5) and 14.2(6) hereof, the following provisions shall apply to the lands shown on Schedule "A" hereto as C1 S.P. 24.128:

- 1) The following definitions shall apply only to the lands that are subject to Section 24.128:

"BEER STORE" means a retail establishment primarily devoted to the sale of beer, but shall not include an establishment where beer or wine-making supplies are sold, beer is brewed, or related services are provided.

"FLOOR AREA, GROSS" means the total area of all of the floors in a *building* above or below *grade*, measured from the outside of the exterior walls but excluding car parking areas, loading areas and storage areas within the *building*.

"FOOD AND GENERAL MERCHANDISE STORE" means a *retail store* engaged in merchandising of a wide range of commodities which may include but is not limited to food, apparel, hardware and household goods, garden supplies, leisure, pet and drug items, and toys and, for the sake of clarity, includes a department store and a *supermarket*.

"GOVERNMENT OFFICE" means any *office* in which local or other government administration is carried out, other than a branch office of the Ministry of Transportation.

"SHOPPING CENTRE" means a group of commercial establishments designed, developed and managed as a unit.

"SPECIALTY FOOD STORE" means a store specializing in a specific type or class of food items such as a bakery, butcher, delicatessen, fish or seafood store or gourmet food outlet, but shall not include a candy shop, an ice cream shop or a frozen food store.

“SUPERMARKET” means a *retail store* in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazine and videos.”

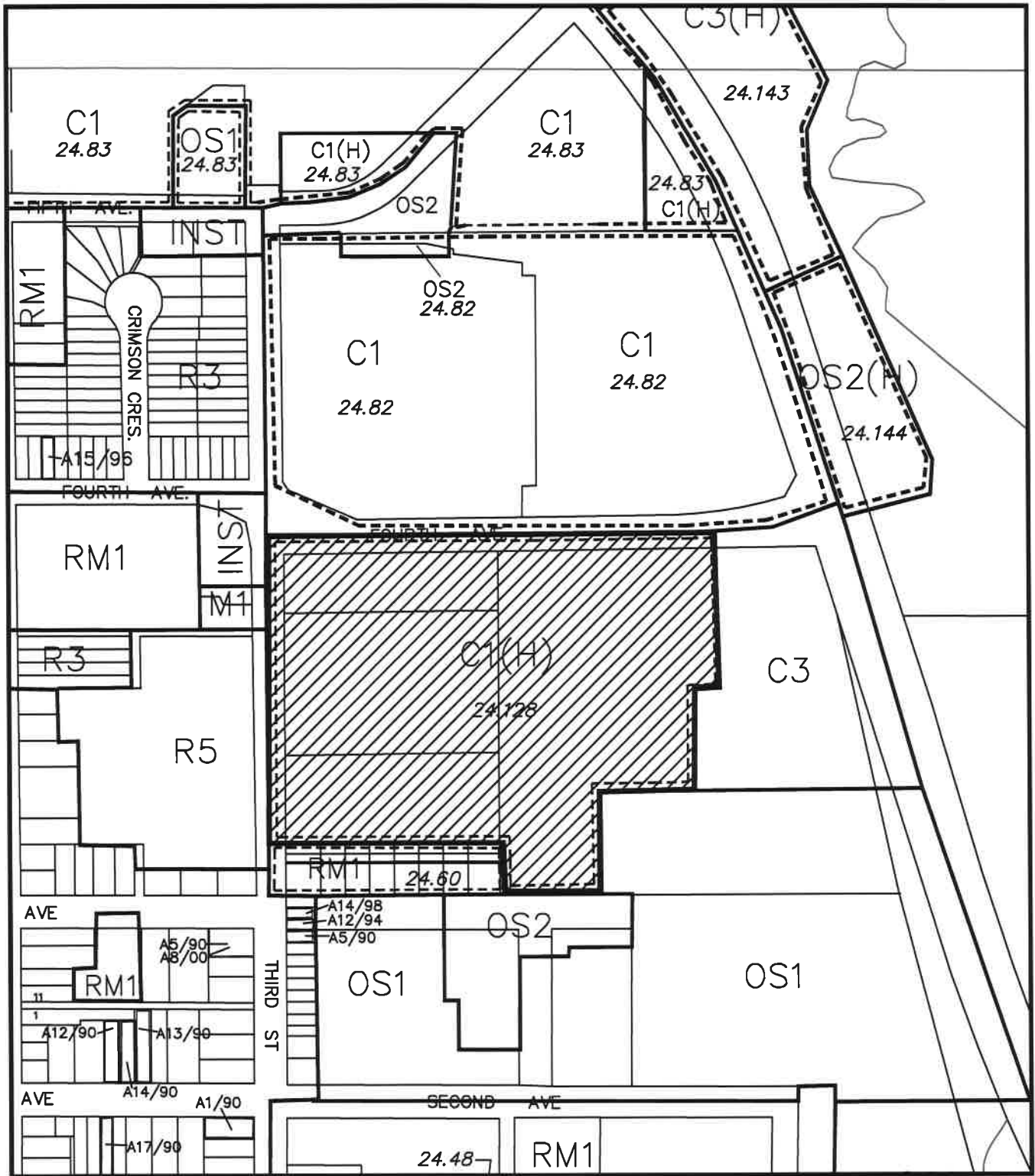
- 2) Permitted uses comprise a *shopping centre* within which may be located a *gas bar*, a *food and merchandise store*, and all of the uses permitted by Section 14.1 hereof except for a *financial establishment*, a *beer store*, a *government office*, a *liquor store* and a *specialty food store*.
- 3) The maximum *gross floor area* devoted to a *food and merchandise store* is 17,200 square metres.
- 4) Within the *food and merchandise store*, the *gross ground floor area* devoted to the sale of food shall occupy a minimum of 40% and a maximum of 60% of the *gross ground floor area* of the *food and merchandise store*.
- 5) The maximum aggregate *gross floor area* devoted to the permitted uses, other than a *food and merchandise store*, is 2,700 square metres.
- 6) The minimum *ground floor area* of a *retail store* or *personal service shop* is 465 square metres, except for up to two units for which the minimum *ground floor area* is 232 square metres.
- 7) The following uses are exempt from the minimum *ground floor area* requirements as set out in clause (6) above:
 - (a) a single electronics sales and service establishment;
 - (b) a single *retail store* selling new and used goods;
 - (c) a single hair care establishment; and
 - (d) a single pet supply sales establishment.
- 8) The *front lot line* shall be deemed to be the *lot line* dividing the *lot* from Fourth Avenue, and the *rear lot line* shall be deemed to comprise the *lot lines* dividing the *lot* from Rotary Park and the north *lot line* of the abutting *lot* that is zoned Multiple Residential Medium Density (RM1).
- 9) The following minimum *yards* shall be provided:
 - (a) *Exterior Side Yard* (minimum): 9.5 metres
 - (b) *Interior Side Yard* (minimum): 5 metres
 - (d) *Rear Yard* (minimum) 11 metres
- 10) A strip with a minimum width of three metres located along the south side of Fourth Avenue and the east side of Third Street shall be landscaped, except for entrance driveways.
- 11) A strip with a minimum width of eleven metres, located along the south *lot line* that is also the north *lot line* of the abutting *lot* that is zoned Multiple Residential Medium Density (RM1), shall be landscaped.
- 12) The Holding Symbol (H) that is applicable to the lands that are subject to Section 24.128 shall be removed when Council is satisfied that the following requirements have been met:

- (a) The Town allocates water supply and sewage treatment capacity;
- (b) A site plan has been submitted and has been found by the Town to be satisfactory;
- (c) The improvements to Third Street and Fourth Avenue, as contemplated by the finalized environmental assessment, will be in place prior to occupancy of the *food and merchandise store*;
- (d) Satisfactory arrangements have been made for the signalization of the intersection of the middle driveway and Fourth Avenue;
- (e) A Record of Site condition, in relation to the lands on Third Street, has been acknowledged by the Ministry of the Environment;
- (f) The site plan incorporates noise attenuation measures to meet Ministry of the Environment guidelines, as recommended in a study prepared by a qualified acoustical consultant to the satisfaction of the Town.

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 26th DAY OF JULY, 2004.


Ken Manwell, Councillor


Cheryl Johns, Clerk



THE CORPORATION OF THE
TOWN OF ORANGEVILLE

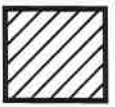
**SCHEDULE 'A'
TOWN OF ORANGEVILLE
ZONING BY-LAW 22-90**



SCHEDULE "A" TO BY-LAW NO. 68-2004

PASSED THE 26TH DAY OF JULY 2004


MAYOR



LANDS TO BE REZONED FROM
GENERAL INDUSTRIAL (M1) ZONE,
NEIGHBOURHOOD COMMERCIAL (C2)
ZONE, S.P.24.128 & SERVICE
COMMERCIAL (C3) ZONE, S.P. 24.128
TO GENERAL COMMERCIAL (C1)(H)
ZONE, S.P. 24.128


CLERK

ZONING MAP NO. B4