

DB#	1995	FOLIO #	160
ORDER ISSUE DATE			
JAN 29 1996			
OB #	1996	FOLIO #	205

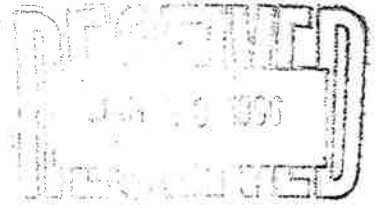


R950172

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Orangeville Mall has appealed to the Ontario Municipal Board under section 34(19) of the Planning Act, R.S.O. 1990, c.P. 13, against Zoning By-law 34-95 of the Town of Orangeville, County of Dufferin



**COUNSEL:**

Mary Flynn - Guglietti for Orangeville Mall

David Golden for Broadway Holding  
& J. Kadish

**DISPOSITION delivered by B. W. KRUSHENICKI on December 19, 1995  
AND ORDER OF THE BOARD**

---

The prehearing conference was adjourned for one week pending a possible settlement of the main issue. Upon reconvening the Board has learned that settlement has been reached. On the strength of Mr. Young's affirmed evidence as to the appropriateness of the settlement, the Board will allow the appeal in part in order that the proposed by-law can be amended in accordance with Exhibit 5 of these proceedings. The Board approves By-law 34-95 (Exhibit 3) as amended by Exhibit 5 and so orders. The final amended version of By-law 34-95 will be provided to the Board and will then be attached as Schedule 'A' to this disposition.

The Board so orders.

A handwritten signature in cursive script, appearing to read "B. W. Krushenicki".

B. W. KRUSHENICKI  
MEMBER

THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 34-95

BEING A BY-LAW TO AMEND BY-LAW 22-90, TO REZONE PROPERTY DESCRIBED AS PART OF LOTS 3, 5, 6 and 8, REGISTERED PLAN 251, MUNICIPALLY KNOWN AS 163 FIRST STREET, TOWN OF ORANGEVILLE, TO CHANGE THE ZONING CATEGORY APPLIED TO THE LANDS FROM "DEVELOPMENT (D) ZONE" TO "NEIGHBOURHOOD COMMERCIAL (C2) (H) ZONE, "OPEN SPACE CONSERVATION (OS2) ZONE" AND "OPEN SPACE CONSERVATION (OS2) SPECIAL PROVISION 24.85 ZONE".

WHEREAS the Corporation of the Town of Orangeville deems it appropriate to enact this By-law.

NOW THEREFORE the Corporation of the Town of Orangeville by the Municipal Council thereof enacts as follows:

1. That Zoning Maps A7 and B7 to By-law 22-90 as amended, are further amended by rezoning lands described as Part of Lots 3, 5, 6 and 8 of Registered Plan 251, Town of Orangeville, from "Development (D) Zone" to "Neighbourhood Commercial (C2) (H) Zone", "Open Space Conservation (OS2) Zone" and "Open Space Conservation (OS2) Special Provision 24.85 Zone", as shown on Schedule "A", attached.
2. That Section 24 of Zoning By-law 22-90, as amended, is hereby further amended by adding the following new subsection:

"24.85

Notwithstanding the provisions of the "Open Space Conservation (OS2) Zone" applied to the lands described as Part of Lots 3, 5, 6 and 8 of Registered Plan 251, Town of Orangeville, an automobile parking area used in conjunction with the adjacent commercial development to the south shall be permitted."

Notwithstanding the provisions of the Neighbourhood Commercial (C2) Zone, applied to the lands described as Part of Lots 5, 6 and 8, Registered Plan 251, a supermarket is a permitted use provided the aggregate floor area devoted to supermarkets does not exceed 750 square metres.

For the purpose of this section, a supermarket means a store in which various kinds of foodstuffs are kept and offered for retail sale including fresh, frozen, prepared and preserved groceries, meats, poultry, fish, fruit, beverages, garden produce, dairy produce and bakery products. In addition, within a supermarket, goods and merchandise such as, but not limited to, hardware, patent medicines, toilet preparation products, personal hygiene products, household supplies, wine, photofinishing products and magazines may be kept and offered for sale as an accessory use. A supermarket does not mean a caterer's establishment, a variety store, a convenience store, a health food store, a drug store or pharmacy, a photofinishing business, a garden centre, a hardware store, a video film outlet or a liquor store.

3. This By-law shall take effect from the date of its passage by Council and shall come into force either upon approval of the Ontario Municipal Board or upon compliance with Section 34 (19) of the Planning Act, R.S.O. 1990, Chapter P. 13.

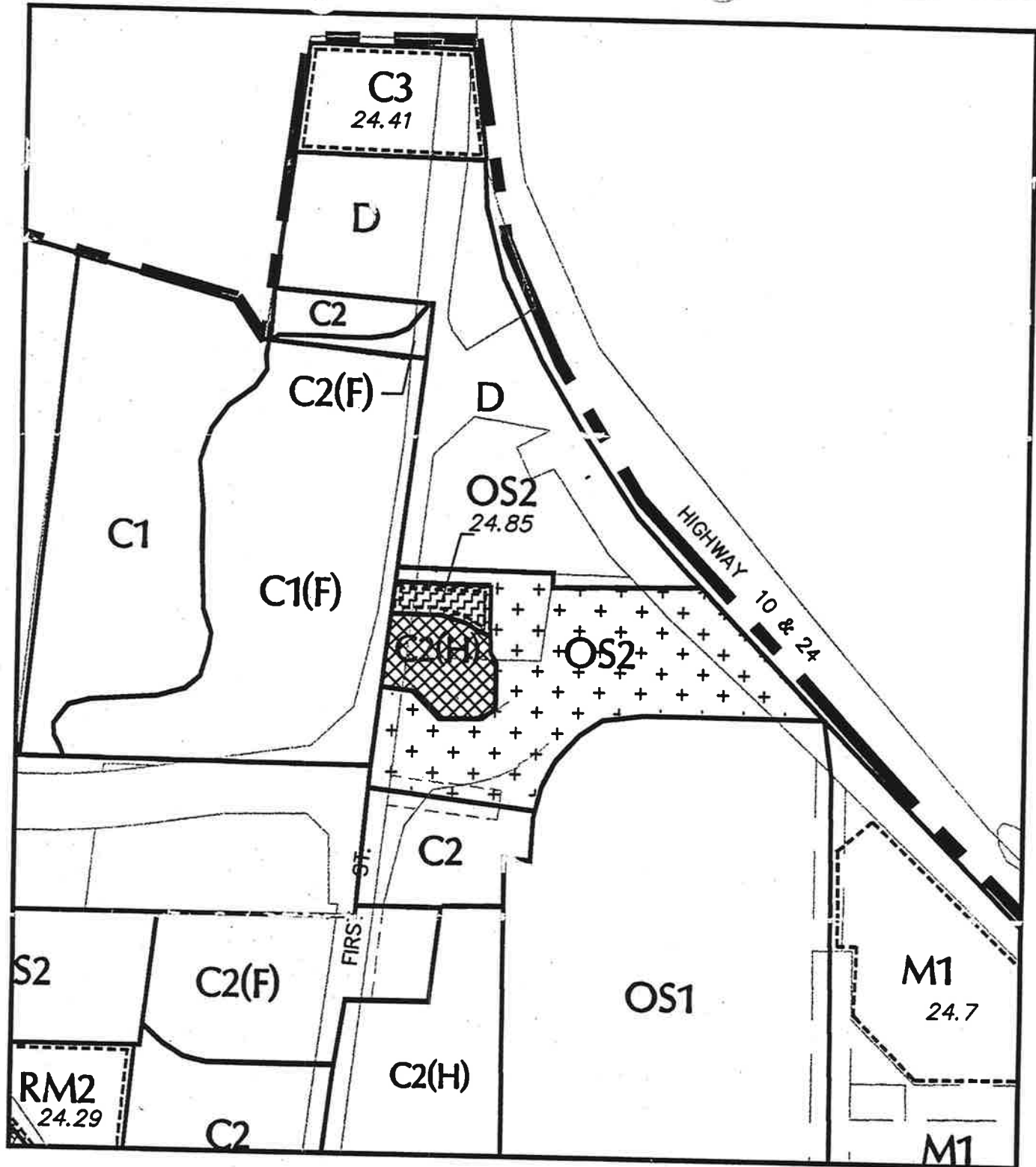
PASSED IN OPEN COUNCIL THIS (1st) DAY OF (May) , 1995.

(Ann Armstrong)  
CLERK

(Mayor Mary Rose)  
HEAD OF COUNCIL

BY-LAW READ A FIRST AND SECOND TIME THIS (1st) DAY OF (May) A.D., 1995.

BY-LAW READ A THIRD TIME THIS (1st) DAY OF (May) A.D., 1995.



THE CORPORATION OF THE  
TOWN OF ORANGEVILLE

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



SCHEDULE "A" TO BY-LAW NO. \_\_\_\_\_

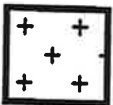
PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



AREA TO BE REZONED  
FROM DEVELOPMENT (D) ZONE  
TO NEIGHBOURHOOD COMMERCIAL (C2) (H)  
ZONE HOLDING



AREA TO BE REZONED  
FROM DEVELOPMENT (D) ZONE  
TO OPEN SPACE - CONSERVATION (OS2) ZONE



AREA TO BE REZONED  
FROM DEVELOPMENT (D) ZONE  
TO OPEN SPACE - CONSERVATION (OS2) ZONE -  
SPECIAL PROVISION 24.85

THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 34-95

BEING A BY-LAW TO AMEND BY-LAW 22-90, TO REZONE PROPERTY DESCRIBED AS PART OF LOTS 3, 5, 6 and 8, REGISTERED PLAN 251, MUNICIPALLY KNOWN AS 163 FIRST STREET, TOWN OF ORANGEVILLE, TO CHANGE THE ZONING CATEGORY APPLIED TO THE LANDS FROM "DEVELOPMENT (D) ZONE" TO "NEIGHBOURHOOD COMMERCIAL (C2) (H) ZONE, "OPEN SPACE CONSERVATION (OS2) ZONE" AND "OPEN SPACE CONSERVATION (OS2) SPECIAL PROVISION 24.85 ZONE".

WHEREAS the Corporation of the Town of Orangeville deems it appropriate to enact this By-law.

NOW THEREFORE the Corporation of the Town of Orangeville by the Municipal Council thereof enacts as follows:

1. That Zoning Maps A7 and B7 to By-law 22-90 as amended, are further amended by rezoning lands described as Part of Lots 3, 5, 6 and 8 of Registered Plan 251, Town of Orangeville, from "Development (D) Zone" to "Neighbourhood Commercial (C2) (H) Zone", "Open Space Conservation (OS2) Zone" and "Open Space Conservation (OS2) Special Provision 24.85 Zone", as shown on Schedule "A", attached.
2. That Section 24 of Zoning By-law 22-90, as amended, is hereby further amended by adding the following new subsection:  
  
"24.85  
  
Notwithstanding the provisions of the "Open Space Conservation (OS2) Zone" applied to the lands described as Part of Lots 3, 5, 6 and 8 of Registered Plan 251, Town of Orangeville, an automobile parking area used in conjunction with the adjacent commercial development to the south shall be permitted."
3. This By-law shall take effect from the date of its passage by Council and shall come into force either upon approval of the Ontario Municipal Board or upon compliance with Section 34 (19) of the Planning Act, R.S.O. 1990, Chapter P. 13.

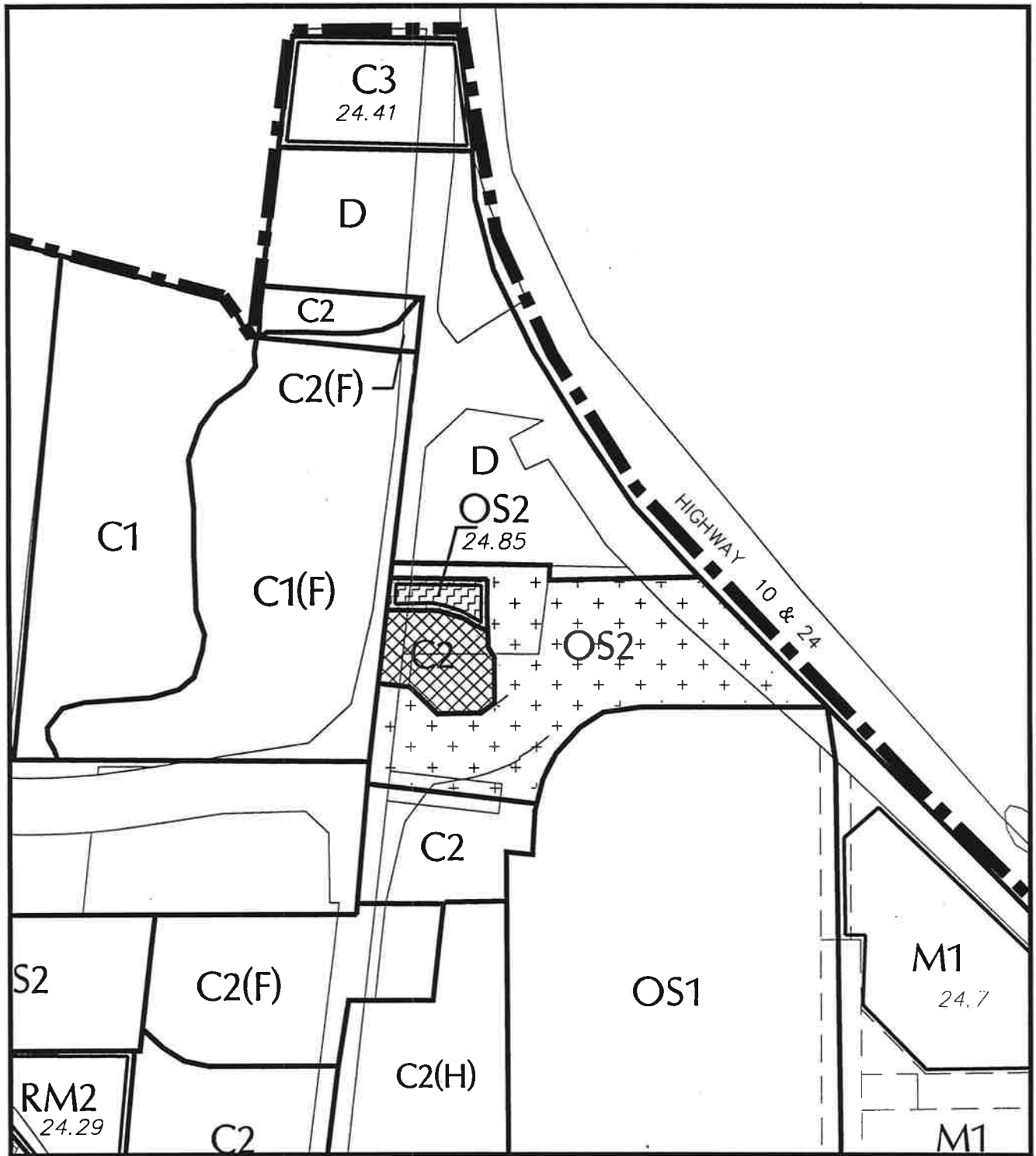
PASSED IN OPEN COUNCIL THIS 1st DAY OF May A.D., 1995.

Ann E. Remington  
CLERK

Mary T. Rose  
HEAD OF COUNCIL

BY-LAW READ A FIRST AND SECOND TIME THIS 1st DAY OF May A.D., 1995.

BY-LAW READ A THIRD TIME THIS 1st DAY OF May A.D., 1995.



THE CORPORATION OF THE  
TOWN OF ORANGEVILLE

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



SCHEDULE "A" TO BY-LAW NO. 34-95

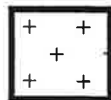
PASSED THE 1st DAY OF May, 1995

Mary T. Rose  
MAYOR

Ann L. Armstrong  
CLERK



AREA TO BE REZONED  
FROM DEVELOPMENT (D) ZONE  
TO NEIGHBOURHOOD COMMERCIAL (C2) ZONE



AREA TO BE REZONED  
FROM DEVELOPMENT (D) ZONE  
TO OPEN SPACE - CONSERVATION (OS2) ZONE



AREA TO BE REZONED  
FROM DEVELOPMENT (D) ZONE  
TO OPEN SPACE - CONSERVATION (OS2) ZONE -  
SPECIAL PROVISION 24.85

ZONING MAP NO. A7 AND B7