

THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 58-96

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 22-90 TO REZONE PROPERTY DESCRIBED AS PART OF LOTS 1 TO 9, BLOCK 20, ALL OF LOTS 1 AND 2, PART OF LOTS 3, 4 AND 5, BLOCK 21, PARTS OF FIFTH AVENUE, SECOND, THIRD AND FOURTH STREETS, PART OF LOTS 10 TO 18, BLOCK 16, PART OF LOTS 10 TO 14, BLOCK 17, ALL OF LOTS 1 TO 6 AND PART OF LOTS 7 TO 9, BLOCK 19, PART OF LOTS 1 TO 5, 7 TO 12, PART OF 20-FOOT LANE (CLOSED BY BY-LAW 1958), BLOCK 18, REGISTERED PLAN NO. 222, PART OF LOTS 35, 36, 37, 38, 40 AND 41 AND ALL OF LOT 39, REGISTERED PLAN NO. 275, PART OF AGRICULTURAL FAIR GROUNDS LOT, REGISTERED PLAN NO. 251, PART OF LOT 2, CONCESSION 1 WEST OF HURONTARIO STREET, FORMERLY TOWNSHIP OF MONO, NOW ALL IN THE TOWN OF ORANGEVILLE, COUNTY OF DUFFERIN, FROM NEIGHBOURHOOD COMMERCIAL-HOLDING [C2(H)], OPEN SPACE-RECREATION (OS1) AND GENERAL INDUSTRIAL (M1) ZONES TO OPEN SPACE-CONSERVATION (OS2) ZONE AND GENERAL COMMERCIAL-HOLDING SPECIAL PROVISION [C1(H<sub>1</sub>H<sub>2</sub>) S.P. 24.83] ZONE.

WHEREAS THE CORPORATION OF THE TOWN OF ORANGEVILLE CONSIDERS 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 Maps A4 and B4 of Schedule "A" of By-law 22-90, as amended, are further amended by rezoning lands described as Part of Lots 1 to 9, Block 20, all of Lots 1 and 2, Part of Lots 3, 4 and 5, Block 21, Parts of Fifth Avenue, Second, Third and Fourth Streets, Part of Lots 10 to 18, Block 16, Part of Lots 10 to 14, Block 17, all of Lots 1 to 6 and Part of Lots 7 to 9, Block 19, Part of Lots 1 to 5, 7 to 12, Part of 20-foot lane (closed by By-law 1958), Block 18, Registered Plan No. 222, Part of Lots 35, 36, 37, 38, 40 and 41 and all of Lot 39, Registered Plan No. 275, Part of Agricultural Fair Grounds lot, Registered Plan No. 251, Part of Lot 2, Concession 1 West of Hurontario Street, formerly Township of Mono, now all in the Town of Orangeville, County of Dufferin from Neighbourhood Commercial-Holding [C2(H)], Open Space-Recreation (OS1) and General Industrial (M1) Zones to Open Space-Conservation (OS2) Zone and General Commercial-Holding Special Provision [C1(H<sub>1</sub>H<sub>2</sub>) S.P.24.83] Zone, as shown on Schedules "A" and "A1" attached to and forming part of this By-law..
2. THAT Section 24 Special Provisions of By-law 22-90 as amended be further hereby amended by adding the following special provisions:

"24.83

Notwithstanding the provisions of the General Commercial (C1) Zone, the following provisions shall apply to the lands shown on Schedule "A" as C1(H<sub>1</sub>H<sub>2</sub>) S.P. 24.83:

- 1) The following definitions shall apply only to the lands affected by this By-law:

"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.

"FAST FOOD OUTLET" means a restaurant where table service is not provided.

"FLOOR AREA, GROSS LEASABLE" (GLFA) shall mean the aggregate of the floor areas at each storey occupied by commercial uses and designed for exclusive commercial occupancy, measured from the exterior of outside walls and the centreline of common partition walls, including basements, cellars and upper storey areas but excluding the following:

- vestibules, foyers and entrance halls;
- washrooms;
- garbage rooms;
- storage areas not on the ground floor;
- for retail or service commercial uses, upper storey, basement and cellar areas not devoted to sales or customer services;
- mechanical, electrical and equipment areas; and,
- all parking or loading areas within the building at ground floor, upper storey, basement and cellar levels."

"GOVERNMENT OFFICE" means any office in which local or other government administration is carried out.

"HOME AND AUTOMOTIVE SUPPLY STORE" means a store primarily engaged in retailing home and automotive supplies, including but not limited to tires, batteries, parts and accessories for motor vehicles, garden supplies, hardware and small household items, building supplies, recreational and entertainment equipment. For the sake of clarity, such a store may also include a public garage mechanical, a propane-dispensing facility and a car and truck rental kiosk.

"LIQUOR STORE" means a self-contained store primarily for the sale of wine and spirits for home consumption, and shall include both private and government-operated outlets.

"MASS GENERAL MERCHANDISE STORE" means a store engaged in general merchandising of a wide range of commodities and services which may include but is not limited to apparel, hardware and household goods, garden supplies, leisure, pet and drug items, toys, and may also include a restaurant and public garage mechanical. For the sake of clarity, a mass general merchandise store shall include a department store, and shall have a minimum gross leasable floor area of 2,325 m<sup>2</sup> (25,000 ft<sup>2</sup>).

"SHOPPING CENTRE" means a group of commercial establishments designed, developed and managed as a unit, and which shall include one or more of a mass general merchandise store or a home and automotive supply store.

"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.

2) Permitted uses shall comprise a shopping centre within which may be located the following:

- a) a mass general merchandise store
- b) a home and automotive supply store
- c) the following service commercial and office uses:

- i) a financial establishment;
  - ii) the following eating establishment uses:
    - a fast food outlet;
    - a restaurant;
    - a tavern;
  - iii) the following office uses:
    - a business or professional office;
    - an office;
    - a real estate office;
  - iv) the following specified personal services:
    - a dry cleaning or laundry establishment;
    - a hair care establishment;
    - a photofinishing business;
    - a shoe repair shop;
    - a video film outlet;
  - v) the following other service commercial uses:
    - an amusement arcade;
    - a bowling alley;
    - a caterer's establishment;
    - a cinema;
    - a hotel or motel;
    - an indoor participant recreation facility;
    - a medical clinic
    - a personal service shop, excluding those specified in subsection c) iv) above;
    - a recreational establishment;
    - a service establishment;
  - d) the following other retail commercial uses:
    - an art gallery;
    - an art or photographic studio;
    - an automotive parts store;
    - a building supply outlet;
    - a candy shop;
    - a drug store;
    - a florist;
    - a frozen food store;
    - a gas bar;
    - a hardware store;
    - an ice cream shop;
    - a retail store;
    - a variety store;
    - a wholesale establishment
  - e) the following additional uses:
    - a parking area; and,
    - a stormwater management facility
  - f) uses accessory to those permitted uses listed above.
- 3) Notwithstanding subsection 2) hereof, the following uses are not permitted on the subject lands:

- a beer store
- a government office
- a liquor store
- a specialty food store

4) The permitted uses listed in subsection 2) above are subject to the "holding" (H) provisions of subsection 5) and the gross leasable floor area (GLFA) restrictions in relation to the date indicated on the following table:

**Table of Floor Space Restrictions**

<b>USE/CATEGORY</b>	<b>PHASE 1: GLFA permitted (m<sup>2</sup>)/(ft<sup>2</sup>) before January 1, 2001</b>	<b>PHASES 1 + 2: GLFA permitted <sup>1</sup> (m<sup>2</sup>)/(ft<sup>2</sup>) after January 1, 2001</b>
<b>a) Mass General Merchandise Store</b>	9,661 (104,000)	9,661 (104,000)
<b>b) Home and Automotive Supply Store</b>	4,645 (50,000)	8,361 (90,000)
<b>c) Service Commercial and Office: <sup>2</sup></b>		
<b>i financial establishments</b>	929 (10,000) <sup>3</sup>	929 (10,000) <sup>3</sup>
<b>ii eating establishments</b>	1,858 (20,000) <sup>4</sup>	no specific limit <sup>4</sup>
<b>iii offices</b>	697 (7,500)	929 (10,000)
<b>iv specified personal services <sup>5</sup></b>	325 (3,500)	650 (7,000)
<b>v other service commercial <sup>6</sup></b>	no specific limit	no specific limit
----- <b>Total</b>	5,574 (65,000)	6,503 (70,000)
<b>d) Other Retail Commercial <sup>7</sup></b>	1,858 (20,000)	1,858 (20,000)
<b>TOTALS</b>	<b>22,203 (239,000)</b>	<b>26,383 (284,000)</b>

**Notes -- Table of Floor Space Restrictions**

**Note 1:** No building permit for the additional gross leasable floor area (GLFA) "permitted" in Phase 2 shall be granted before January 1, 2000, and the said GLFA shall not be occupied before January 1, 2001.

Notwithstanding the foregoing, for the additional Phase 2 GLFA permitted in the "Service Commercial and Office" category, occupancy shall not occur before either January 1, 2001 or upon the County of Dufferin reaching a population of 52,000, whichever is the later.

- Note 2:** The stated "Service Commercial and Office" restrictions are in the aggregate. Although some individual uses are listed with "no specific limit", they are subject to the aggregate "Total Service Commercial and Office" GLFA restrictions of 5,574 m<sup>2</sup> (65,000 ft<sup>2</sup>) before January 1, 2001, and 6,503 m<sup>2</sup> (70,000 ft<sup>2</sup>) after January 1, 2001 or upon the County of Dufferin reaching a population of 52,000, whichever is the later.
- Note 3:** Notwithstanding the aggregate floor space restriction applicable to financial establishments, there shall be no more than one (1) bank branch and one (1) trust company branch permitted on the subject lands.
- Note 4:** "Eating Establishments" are those uses listed in subsection 2) c) ii) of this By-law. No more than four (4) such units may have less than 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) of GLFA, provided that such restriction shall not apply to fast food outlets.
- Note 5:** "Specified Personal Services" are those uses listed in subsection 2) c) iv) of this By-law.
- Note 6:** "Other Service Commercial" uses are those uses listed in subsection 2) c) v) of this By-law. No more than five (5) such units may have less than 232 m<sup>2</sup> (2,500 ft<sup>2</sup>) of GLFA.
- Note 7:** "Other Retail Commercial" uses are those uses listed in subsection 2) d) of this By-law. The stated "Other Retail Commercial" restrictions are in the aggregate. No more than 25% of permitted "Other Retail Commercial" floor space may be in units with less than 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) of GLFA. For such units with less than 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) of GLFA, the minimum unit size shall be 232 m<sup>2</sup> (2,500 ft<sup>2</sup>) of GLFA.
- 5) The "holding" symbols (H<sub>1</sub> and H<sub>2</sub> respectively) shall be applicable to the first and second phases of the development as described on the "Table of Floor Space Restrictions" in subsection 4) of this by-law, and shall be removed when Council is satisfied that the following requirements have been met for each phase or any portion thereof:
- a) when a site plan has been submitted and approved for the phase or sub-phase of development then under consideration;
  - b) when adequate transportation capacity is available or will be available upon completion of required improvements appropriately secured by agreement to accommodate the uses permitted by this By-law;
  - c) when safe and adequate access points are available or will be provided upon completion of required improvements appropriately secured by agreement to accommodate the uses permitted by this By-law and to the satisfaction of the Ministry of Transportation as required; and,
  - d) when adequate services are available or will be available upon completion of required improvements appropriately secured by agreement to accommodate the uses permitted by this By-law.
- 6) Until the first "holding" (H<sub>1</sub>) symbol is removed, the uses of the subject lands shall be restricted to those existing as of the date of passage of this By-law.

- 7) Notwithstanding the provisions of the General Commercial (C1) Zone, the location of buildings on the subject lands shall be governed by the following requirements:
- a) minimum building setback from the lot line adjoining Fifth Avenue shall be 6 metres, except where the abutting zone is Residential, in which case the minimum building setback shall be 12 metres from the lot line adjoining Fifth Avenue.
  - b) minimum building setback from the lot line adjoining Highway 10 & 24 shall be 15 metres.
  - c) minimum building setback from the lot line adjoining First Street shall be 6 metres.
  - d) minimum building setback from all other lot lines shall be 8 metres, or 0.4 metres from the limits of an adjacent Open Space-Conservation (OS2) Zone, whichever is the lesser.
- 8) Nothing in By-law 22-90 as amended shall preclude the construction or use of an access driveway to serve the subject lands from the extension of Hansen Boulevard east of First Street. Such access driveway shall intersect Hansen Boulevard at a point between 82 metres and 161 metres east of the centreline of First Street, as measured along the centreline of the Hansen Boulevard extension.
- 9) Notwithstanding any other provision of By-law 22-90 as amended to the contrary, the lands subject to these special provisions shall be treated as a single lot for zoning purposes.

3. This By-law shall take effect from the date of its passage by Council and shall come into force upon compliance with subsection 34(21) of the Planning Act R.S.O. 1990, as amended.

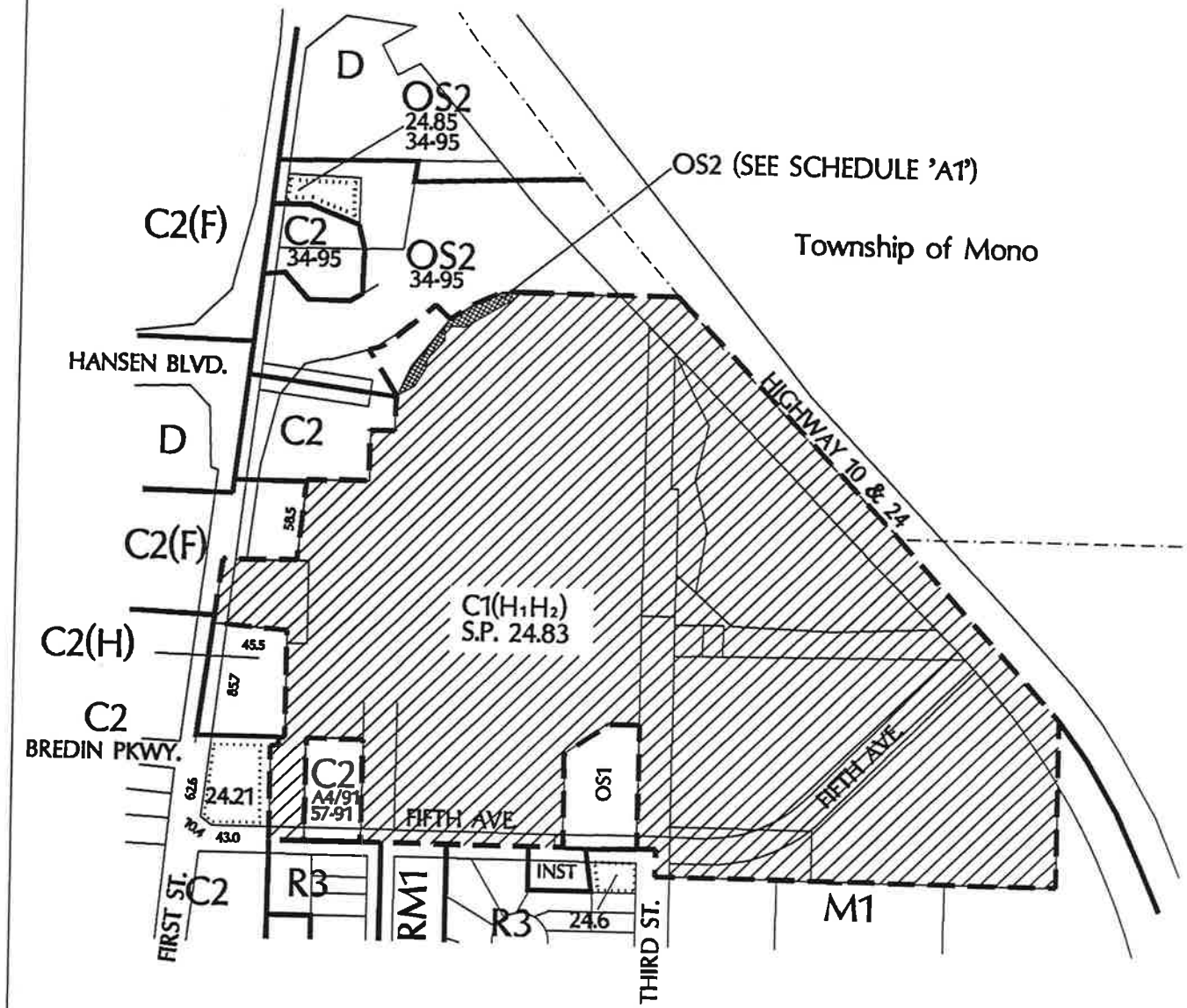
BY-LAW READ A FIRST AND SECOND TIME THIS 17<sup>TH</sup> DAY OF JUNE, AD 1996

BY-LAW READ A THIRD TIME THIS 17<sup>TH</sup> DAY OF JUNE, AD 1996.

C. Johns  
DEP. CLERK

Mary T. Rose  
MAYOR

ORGBL1.WPD



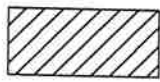


THE CORPORATION OF THE TOWN OF ORANGEVILLE

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

SCHEDULE 'A' TO BY-LAW NO. 58-96  
PASSED THE 17<sup>TH</sup> DAY OF JUNE 1996

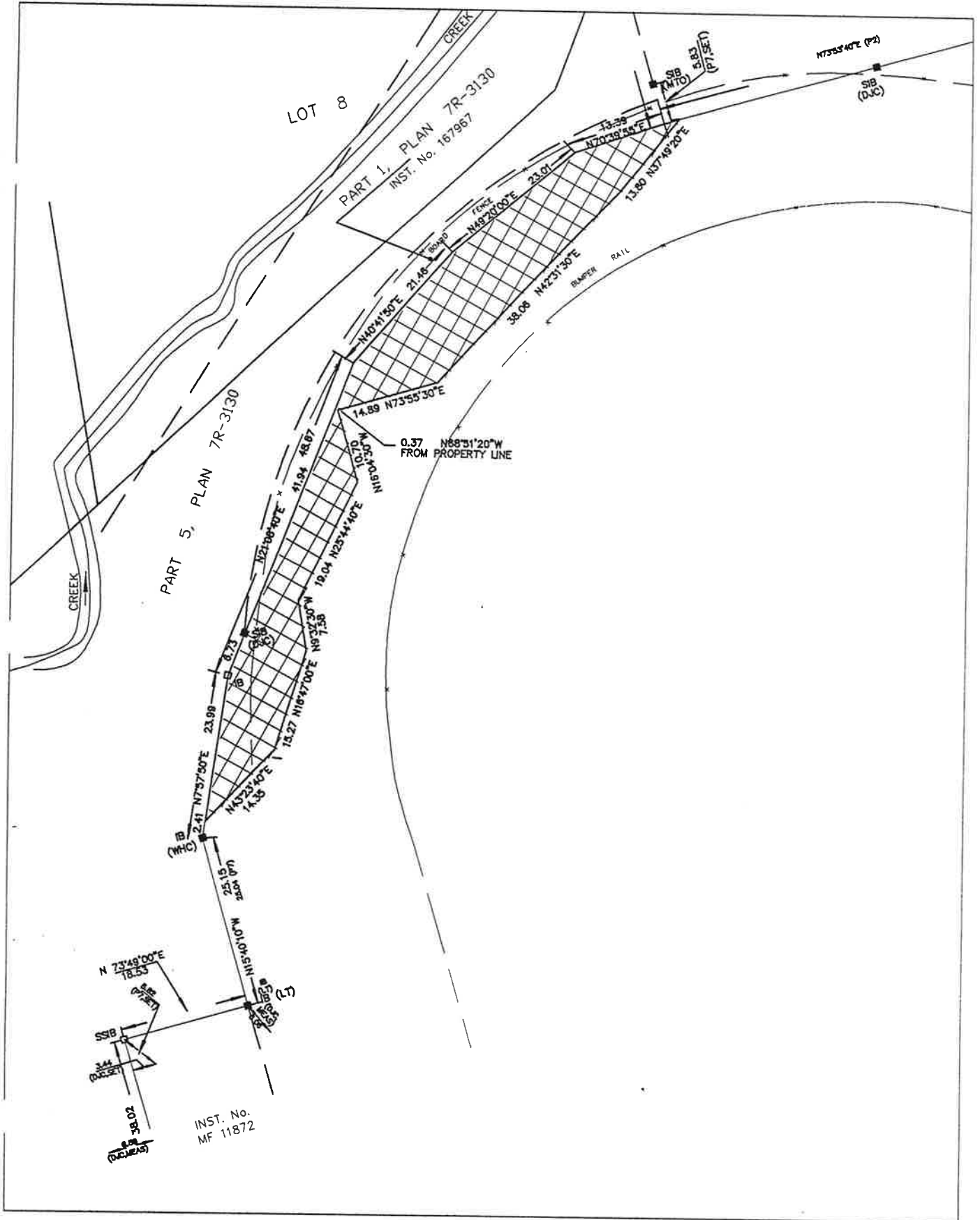
MAYOR Mary T. Rose

DEP. CLERK C. Johns

-  AREA TO BE REZONED  
GENERAL COMMERCIAL-HOLDING  
SPECIAL PROVISION  
[C1(H1H2) S.P. 24.83]
-  AREA TO BE REZONED  
OPEN SPACE-CONSERVATION (OS2)  
(SEE SCHEDULE 'A1')
-  SPECIAL PROVISIONS REFER TO  
SECTION 24.83 OF TEXT



ZONING MAP NO. A4 & B4



THE CORPORATION OF THE  
TOWN OF ORANGEVILLE

**SCHEDULE 'A1'**  
**TOWN OF ORANGEVILLE**  
**ZONING BY-LAW 22-90**

SCHEDULE 'A1' TO BY-LAW NO. 58-96  
PASSED THE 17<sup>TH</sup> DAY OF JUNE 1996

MAYOR Mary T. Rose

 AREA TO BE REZONED  
OPEN SPACE-CONSERVATION (OS2)

EP. ERK CTohn



**ZONING MAP NO. A4**