



THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 016- 2006

BEING A BY-LAW TO AMEND BY-LAW 22-90, AS AMENDED, (Town of Orangeville, OPZ 7/05)

WHEREAS on July 18, 2005 Council adopted the recommendations of a town-wide Commercial Urban Design Study as a guideline for all future commercial development and redevelopment in the community;

AND WHEREAS on November 28, 2005 a public meeting was held on the proposed amendments to the Official Plan and Zoning By-law required to implement the Commercial Urban Design Study;

AND WHEREAS on February 27, 2006 Council approved the amendments;

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

1. That By-law 22-90, as amended, be further amended to add the word “canopies” after the word “awnings” and the following wording be added to as a new paragraph in Section 5.2 2C):

“An awning, at full extension, or canopy shall be a minimum of 2.4 metres in height, and a minimum of 1.2 metres from the face of the building.”

2. That By-law 22-90, as amended, be further amended to add the following definitions to Section 2 – Definitions:

“2.XX “Awning” means a rooflike cover, usually constructed of non-rigid materials, that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding an entrance to a building or window from the elements and can be retracted to the face of the building.”

and,

“2.XX “Canopy” means a roof construction or cantilevered roof, free of enclosing walls, over an entrance or entrances to a building.”

3. That By-law 22-90, as amended, be further amended to delete the text of Section 5.16 – Loading Space Regulation and replace it with the following:

“5.16 Loading Spaces

When a building is constructed in a CBD, C1, C2, C3 or M1 Zone or when an existing building in these zones is enlarged by more than 30 percent of its present ground floor area or 300 square metres, whichever is less, off-street loading space(s) shall be provided in a side or rear yard on the same lot in accordance with the following:

- a) *each loading space having minimum dimensions of 9 metres long by 3.5 metres wide;*
- b) *access and egress to and from the loading space(s) being provided by means of driveway(s) to a street or lane having a minimum width of 6 metres;*

- c) *the provision of 1 loading space for a total new or additional floor area of between 300 square metres to 2,300 square metres;*
- d) *the provision of 2 loading spaces for a total new or additional floor area of between 2,300 square metres to 7,500 square metres; and,*
- e) *the provision of 1 additional loading space for each new or additional floor area increment of 9,000 square metres or part thereof over 7,500 square metres.”*

4. That By-law 22-90, as amended, be further amended to add a new Section 5.32 as follows:

“5.32 Garbage Enclosures

In the CBD, C1, C2, C3 or M1 Zone exterior garbage enclosures are permitted in the interior side yard or rear yard only. They must be adequately screened from a street, and from any lot in a D, ER, R, RM or INST Zone, by means of a solid privacy fence, an enclosure of solid construction, or landscaping.”

5. That By-law 22-90, as amended, be further amended to delete the wording of Subsection 5.17(7)(a) and replace it with the following:

“7) Parking Area Location on a Lot

- (a) *Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas in other than residential zones, shall be permitted in the required yard provided no part of any parking area other than a driveway shall be located within 3 metres of any street line or residential zone, which area shall be landscaped.”*

6. That By-law 22-90, as amended, be further amended to add a new Section 5.33 as follows:

“5.33 Drive-Through Facilities

Drive-through facilities associated with any permitted use, including any outdoor speakers and/or order boxes, but not including any associated vehicle stacking lanes, are not permitted closer than 30 metres of an R or RM Zone. Such facilities, speakers and boxes shall be subject to the following:

- 1) *The attendant window, machine, outdoor speaker, etc. being located on a side of the building for which it serves that does not face the closest R, or RM Zone;*
- 2) *If an outdoor speaker or order box forms part of the facility, they are substantiated with the preparation of a noise impact study, with any recommended noise mitigation measures coming out of said study being implemented; and*
- 3) *The facility being sufficiently visually screened from any R and RM Zone, and street by fencing and/or landscaping.”*

7. That By-law 22-90, as amended, be further amended to add the following definition to Section 2 – Definitions:

“2.XX “Drive-Through Facility” means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or an automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane (this excludes automotive uses). A drive through facility may be in combination with other uses such as, but not limited to, a financial

establishment, dry cleaning or laundry establishment, personal service shop, restaurant, retail store, or a convenience retail use.”

8. That By-law 22-90, as amended, be further amended to add a new Subclause (f) to Subsection 5.17(4) as follows:

“f) Notwithstanding subsections (a) to (e) above, new driveway accesses to and from either side of Broadway will be prohibited on properties between Wellington Street and John Street on the south, and Third Street and Faulkner Street on the north.”

9. That By-law 22-90, as amended, be further amended to add a new Subclause (e) to Subsection 5.17(7) as follows:

“e) Handicapped parking spaces shall be provided for every development, calculated as a percentage of the total number of required parking stalls, with a minimum of one space per lot. Each space shall be at least 3.5 metres by 5.5 metres and shall be provided with unobstructed access to a street by a driveway, aisle or lane. Handicapped parking spaces shall be provided a maximum distance of 30 metres from the main entrance(s) of the building, and at a minimum rate of one percent of the total number of required parking spaces for industrial uses and two percent for residential and commercial uses. If the development is a facility serving the handicapped (e.g. a hospital, medical clinic, etc.) the percentage of handicapped parking spaces shall be provided at a rate of five percent of the total number of required parking spaces.”

10. That By-law 22-90, as amended, be further amended by deleting the title of Subsection 15.2 and replacing it with *“15.2 – Regulations for All Uses Except Automobile Service Station”*.

11. That By-law 22-90, as amended, be further amended by:

- (i) deleting Subsection 15.2(3) and replacing it with the following:

<i>“3) Front yard (minimum)</i>	<i>3.5 metres</i>
<i>(maximum)</i>	<i>22.5 metres”</i>

- (ii) adding the following to Subsection 15.2(4):

“(maximum) 22.5 metres”.

12. That By-law 22-90, as amended, be further amended by adding a new Subsection 15.3 as follows:

“15.3 Regulations for Automobile Service Stations

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| <i>1) Lot area (minimum)</i> | <i>900 sq. metres</i> |
| <i>2) Lot frontage (minimum)</i> | <i>30.0 metres</i> |
| <i>3) Front yard (minimum)</i> | |
| <i>- for building</i> | <i>10.5 metres</i> |
| <i>- for fuel pump</i> | <i>4.5 metres</i> |
| <i>4) Interior side yard (minimum)</i> | <i>½ building height, but not less than 4.5 metres when next to a Residential Zone</i> |
| <i>5) Rear yard (minimum)</i> | <i>7.5 metres”</i> |

13. That By-law 22-90, as amended, be further amended by deleting Subsection 16.2(3) and replacing it with the following:

“3) *Front yard (minimum) 3.5 metres*

14. That By-law 22-90, as amended, be further amended by amending Section 24.128 to:

- (i) add the numbers “5.32” and “5.33” after the word “Sections” in the opening sentence;
- (ii) add the word “*general*” before the words “merchandise store” in Clauses (2), (4) and (5), and Subclause (12)(c);
- (iii) delete Clause (8) and replace it with the following:

“8) *Notwithstanding any other provision of this by-law to the contrary, for zoning purposes, the front lot line shall be deemed to be that abutting Fourth Avenue, the rear lot line shall be deemed to be that abutting Rotary Park and the lot that is zoned Multiple Residential Medium Density (RM1), and the exterior side yard shall be deemed to be that abutting Third Street.*”

- (iv) add the following as a new Clause 13:

“13) *An exterior garbage enclosure shall be permitted in the yard abutting Third Street provided that it is sufficiently screened from the street by landscaping and berming, and/or fencing.*”

- (v) add the following as a new Clause 14:

“14) *A drive-through facility is permitted on the side of a building that faces the lot zoned RM1 south of the lands, provided that:*

- (a) *it is setback a minimum of 30 metres from the rear lot line;*
- (b) *no outdoor speakers or order boxes form part of the facility; and,*
- (c) *it is sufficiently visually screened from the lot that is zoned Multiple Residential Medium Density (RM1) and the street by fencing and/or landscaping.*”

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 27th DAY OF FEBRUARY, 2006.

Signed by D. Brown

DREW BROWN, MAYOR

Signed by C. Johns

CHERYL JOHNS, CLERK