



THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 36 - 2004

BEING A BY-LAW TO REPEAL CERTAIN PROVISIONS TO BY-LAW 95-2003, AS AMENDED, AND TO AMEND BY-LAW 22-90, AS AMENDED. (Town of Orangeville proposed Official Plan and Zoning By-law Amendments OPZ 3/04, Loblaw Properties Limited).

WHEREAS on March 29, 2004, the Public Consultation Committee held a public meeting with respect to proposed Official Plan and Zoning By-law Amendments OPZ 3/04, in relation to lands at the northwest corner of C Line and Alder Street;

AND WHEREAS on April 5, 2004, Council approved the proposals;

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

1. THAT the provisions to By-law 95-2003, as amended, are hereby repealed insofar as they apply to the lands shown on Schedule "A" hereto.
2. THAT Zoning Map C2 to By-law 22-90, as amended, is hereby amended in accordance with Schedule "A" hereto.
3. THAT Section 2 of By-law 22-90, as amended, is hereby amended by adding the following text:

"2.28 "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 (excluding *automotive uses*). A drive through facility may be in combination with other uses such as a *financial establishment, dry cleaning or laundry establishment, personal service shop, restaurant, retail store, or a convenience retail use.*"

4. THAT Section 4.1 of By-law 22-90, as amended, is hereby amended by adding the following text under the headings "Zone Symbol" and "Zone", immediately below "C5" and "Restricted Commercial Residential":

"NMU Neighbourhood Mixed Use"

5. THAT By-law 22-90, as amended, is hereby further amended by adding the following text thereto:

"SECTION 24A

NEIGHBOURHOOD MIXED USE (NMU) ZONE

The following provisions shall apply to all *buildings* and *structures* to be erected in this zone:

24A.1 **Permitted Residential Uses**

a single detached dwelling
a group home

a *crisis care facility*
 a *semi-detached dwelling*
 a *row house dwelling*
 a public park or playground
 a *nursing home*
 a *home occupation* in accordance with the provisions of Section 5
 a *retirement home*

24A.2 **Permitted Non-Residential Uses at a Distance Not Greater than 30.0 metres from Thompson Road**

Business or professional offices in a residential building which are ancillary to the primary residential use and are limited to a maximum gross *floor area* of 92.9 sq. metres.

24A.3 **Permitted Non-Residential Uses at a Distance Greater than 30.0 metres from Thompson Road**

a *dwelling unit* or *units* on upper floors
 a *business or professional office*
 a *financial establishment*
 a *medical laboratory*
 a *nursery school*
 a *personal service shop*
 a *recreational establishment*
 a *restaurant*
 a *retail store*
 a repair, service or rental establishment
 a *veterinarian clinic*

24A.4 **Other Permitted Uses and Regulations**

The provisions of this by-law shall be deemed to permit a food store with a maximum of 4,175 sq. metres gross *floor area* as expanded, a retail store(s) with a maximum of 377 sq. metres gross *floor area*, associated parking, and a maximum 5 pump *gas bar* with a kiosk as proposed by Loblaw Properties Limited and all in accordance with the site plan approved by the Ontario Municipal Board Decision/Order No. 0399, Issued February 24, 2004, OMB File No. M030090, providing construction of the first phase of development is commenced within 1 year of the execution of the site plan agreement.

24A.5 **Prohibited Uses**

a *drive-through facility* and any other use not cited in Sections 24A.1 to 24A.4 inclusive.

24A.6 **Regulations for Permitted Residential Uses for a Lot with a Rear Lot Line that is adjacent to a Lane**

1)	<i>Lot Area</i> (minimum)	
	<i>Single Detached Dwellings</i>	240 sq. metres
	<i>Semi-Detached Dwellings</i>	360 sq. metres
	<i>Row House Dwellings</i>	570 sq. metres
	Other Residential Uses	240 sq. metres
2)	<i>Lot Frontage</i> (minimum)	
	<i>Single Detached Dwellings</i>	8.0 metres
	<i>Semi-Detached Dwellings</i>	12.0 metres
	<i>Row House Dwellings</i>	19.0 metres
	Other Residential Uses	8.0 metres
3)	<i>Front Yard</i> (minimum)	3.0 metres
4)	<i>Rear Yard</i> (minimum)	11.0 metres

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| 5) | <i>Exterior Side Yard</i> (minimum) | 2.0 metres |
| 6) | <i>Interior Side Yard</i> (minimum) | 1.2 metres |
| 7) | <i>Building Height</i> (maximum) | 11.0 metres |
| 8) | Notwithstanding Section 5.17(7), a driveway, a <i>parking area</i> , garage or <i>carport</i> is permitted only within: | |
| | (i) | 9.0 metres of a <i>rear lot line</i> that is curved, or |
| | (ii) | 7.0 metres of a <i>rear lot line</i> that is not curved. |

24A.7 **Regulations for Permitted Residential Uses for a Lot with a Rear Lot Line that is not Adjacent to a Lane**

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| 1) | <i>Lot Area</i> (minimum) | |
| | <i>Single Detached Dwelling</i> | 270 sq. metres |
| | <i>Semi-detached Dwelling</i> | 450 sq. metres |
| | <i>Row House Dwelling</i> | 570 sq. metres |
| | Other Residential Uses | 270 sq. metres |
| 2) | <i>Lot Frontage</i> (minimum) | |
| | <i>Single Detached Dwelling</i> | 9.0 metres |
| | <i>Semi-detached Dwelling</i> | 15.0 metres |
| | <i>Row House Dwelling</i> | 19.0 metres |
| | Other Residential Uses | 9.0 metres |
| 3) | <i>Front Yard</i> (minimum) | 5.0 metres |
| 4) | <i>Rear Yard</i> (minimum) | 7.5 metres |
| 5) | <i>Exterior Side Yard</i> (minimum) | 2.0 metres |
| 6) | <i>Interior Side Yard</i> (minimum) | 1.2 metres |
| 7) | <i>Building Height</i> (maximum) | 11.0 metres |
| 8) | All parking spaces, <i>carports</i> and garages must be set back at a distance from the <i>front lot line</i> at least as great as the distance between the front wall of the dwelling, or the foundation wall of a fully roofed porch or verandah, and the <i>front lot line</i> . | |
| 9) | A single-car garage or <i>carport</i> only is permitted for a <i>row house dwelling</i> , a <i>single detached dwelling</i> on a lot with a <i>lot frontage</i> of less than ten metres, or a <i>semi-detached dwelling</i> on a lot with a <i>lot frontage</i> of less than 18 metres. | |

24A.8 **Residential Yard Encroachments**

In addition to the encroachments permitted by Section 5.22,

- 1) an unenclosed porch or deck may encroach up to 2.0 metres into a required *front yard* or *rear yard*;
- 2) an enclosed or unenclosed stair, deck, porch, or canopy associated with a side entrance may encroach up to 1.7 metres into a required *exterior side yard*; and
- 3) an unenclosed stair and landing associated with a side entrance may encroach up to 1.0 metre into a required *interior side yard*.

24A.9 **Regulations for Non-Residential Uses**

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| 1) | <i>Lot Area</i> (minimum) | 800.0 sq. metres |
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| 2) | <i>Lot Frontage</i> (minimum) | 20.0 metres |
| 3) | <i>Front Yard</i> (minimum) | 3.0 metres |
| 4) | <i>Exterior Side Yard</i> (minimum) | 3.0 metres |
| 5) | <i>Interior Side Yard</i> (minimum) | 2.0 metres |
| 6) | <i>Rear Yard</i> (minimum) | 7.5 metres |
| 7) | <i>Building Height</i> (maximum) | 14.0 metres |
| 8) | Coverage for all <i>buildings</i> and
<i>parking areas</i> (maximum) | 70% |
| 9) | All parking spaces shall be located a greater distance from the <i>front lot line</i> than the exterior wall of the main <i>building</i> closest to the <i>front lot line</i> . | |
| 10) | No parking spaces are permitted in a required <i>front yard</i> or <i>exterior side yard</i> . | |
| 11) | Maximum gross <i>floor area</i> for
a <i>retail store</i> , including a
food store” | 929.0 sq. metres |

(Lands bounded by C Line, Alder Street, Thompson Road and Cottonwood Street)

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 5th DAY OF APRIL, 2004.

Signed by D. Brown

Drew Brown, Mayor

Signed by C. Johns

Cheryl Johns, Clerk.