

FILE

22 - OP - 3592 - 006

THE CORPORATION OF THE TOWN OF ORANGEVILLE

OFFICIAL PLAN AMENDMENT #6

DUPLICATE ORIGINAL

- 3



0 880189

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Section 17(11) of the
Planning Act, 1983

AND IN THE MATTER OF a referral to this
Board by The Honourable John Eakins,
Minister of Municipal Affairs, a request by
White Birch Lands Ltd. and Orangeville
Highlands Ltd., and by John Gilles for
consideration of Amendment No. 6 to the
Official Plan for the Town of Orangeville
Minister's File No. 0 880189

RECEIVED

MAY 23 1989

PLANS ADMINISTRATION BRANCH
CENTRAL & SOUTHWEST

B E F O R E :

C. G. CHARRON
Member

- and -

A. DELFINO
Member

)
)
)
)
)
)

Monday, the 20th day
of February, 1989

THIS MATTER having come on for public hearing on this day and at the hearing
the objection having been withdrawn;

THE BOARD ORDERS that Amendment No. 6 to the Official Plan for the Town of
Orangeville is approved in accordance with the terms of the Minutes of
Settlement filed as exhibit 2 at the hearing and attached hereto as Schedule
"A" and forming part of this order.

SECRETARY

ENTERED
O B No. 088-1
Folio No. 22
MAY 19 1989

ACTING SECRETARY, ONT. MUNICIPAL BOARD



Ontario Municipal Board

SCHEDULE "A"

to the order of the Ontario Municipal Board
made on the 20th day of February, 1989

Handwritten signature of the Secretary

MINUTES OF SETTLEMENT

BETWEEN:

THE CORPORATION OF THE TOWN OF
ORANGEVILLE (the "Town")

- and -

JOHN GILLIES ("Gillies")

- and -

ORANGEVILLE HIGHLANDS LIMITED
("Highlands")

- and -

WHITEBIRCH LANDS LIMITED
("Whitebirch")

WHEREAS Gillies is the owner of the lands described in Schedule
"A" attached hereto (the "Gillies Lands");

AND WHEREAS the Town has by By-Law No. 28-88 passed the 7th day
of March, 1988 adopted Amendment No. 6 to the Official Plan for
the Town of Orangeville (the "Amendment");

AND WHEREAS the Town has by By-Law No. 29-88 passed the 7th day
of March, 1988, as amended by By-Laws 89-88 passed the 29th day of
August, 1988 and 91-88 passed September 6, 1988, provided for the
zoning of the southerly portion of the Gillies Lands;

AND WHEREAS upon the request of Highlands, Whitebirch and
Gillies the Honourable Minister of Municipal Affairs has referred
the Amendment to the Ontario Municipal Board for hearing;

AND WHEREAS the Credit Valley Conservation Authority has
expressed concerns with respect to the appropriateness of the
Amendment in connection with the northerly portion of the Gillies
Lands;

AND WHEREAS the parties are desirous of resolving the various
concerns with respect to the Amendment;

NOW THEREFORE these Minutes of Settlement witnesseth as follows:

- 1. The parties agree that the northerly portion of the Gillies
lands shall be deleted from the Amendment such that the
Amendment shall only come into force and apply to those lands
which are referred to herein as the southerly portion of the
Gillies Lands, and which are the subject of the area of land
to which By-Law 91-88 of the Town of Orangeville applies. For
greater certainty Schedule "B" attached hereto is a true copy
of Schedule "A" to By-Law No. 91-88. The parties agree that the
balance of the Amendment is adjourned sine die.
2. The parties agree that the Amendment shall be modified to
restrict the permitted uses so as to prohibit a food store or
supermarket, and to prohibit a hardware store and a drug
store.
3. The parties agree that the Amendment shall be modified to
provide that the maximum gross floor area permitted shall be
18,000 square feet (1,672.2 square metres), and the maximum
permitted size of any individual retail store or outlet shall
be limited to 12,000 square feet (1,114.8 square metres).


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- 4. * ~~In consideration of the approval of the Amendment as so modified, Gillies shall forthwith following the issuance of the Board's Order approving of the Amendment as so modified, in keeping with these Minutes of Settlement, convey to the Town the right-of-way required for the extension of Hansen Boulevard from First Street to the Highway 10/24 By-Pass.~~
- 5. There shall be no Order as to costs.

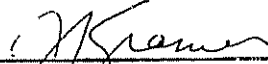
IN WITNESS WHEREOF the parties have hereunto set their hand and seal as evidenced by the signatures of their respective solicitors so authorized in that behalf.

DATED at the Town of Orangeville this 21st day of February, 1989.


THE CORPORATION OF THE TOWN OF ORANGEVILLE


 By Its Solicitors
 Wardlaw, Wardlaw, Mullin & Carter
 Per: G.T. Mullin

JOHN GILLIES


 By His Solicitors
 Tonkin, Manes, Cohen & Arbus
 Per: Jeffrey Kramer

ORANGEVILLE HIGHLANDS LIMITED


 By Its Solicitors
 Woolley, Dale & Dingwall
 Per: Dennis Trinaistich

WHITEBIRCH LANDS LIMITED


 By Its Solicitors
 Woolley, Dale & Dingwall
 Per: Dennis Trinaistich

* The parties agree that the Order of the Board as set out above shall not be issued until such time as Gillies has ^{delivered} conveyed to the Town ^{a deed of} the right-of-way for the extension of Hansen Blvd. from First St. to the Highway 10/24 By-pass, such deed to be ^{unencumbered and} held ^{to} by the Town in escrow pending registration of ~~the~~ site plan agreement for the southerly portion of the Gillies lands as set out in para. 1 above. The parties shall notify the Board when the requirements of this paragraph have been fulfilled.

SCHEDULE "A"

ALL and Singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Mono, in the County of Dufferin and being composed of Parts of Lots Numbers 5 and 6, according to Registered Plan Number 251 of the said Township of Mono, more particularly described as follows:

PREMISING that the bearings of the Westerly limit of the said Lots 5 and 6 is North 16 degrees 30 minutes West and referring all bearings mentioned herein thereto.

BEGINNING at the Northwest angle of the said Lot Number 6;

THENCE Easterly along the Northerly limit of the said Lot Number 6, a distance of 17.09 feet;

THENCE Northerly parallel to the Westerly limit of the said Lot Number 5, a distance of 57.6 feet to an iron bar planted at the point of commencement.

THENCE North 66 degrees 18 minutes 30 seconds East along a wire fence, a distance of 300 feet;

THENCE Southerly parallel to the Westerly limit of the said Lots Numbers 5 and 6, a distance of 300 feet;

THENCE South 66 degrees 18 minutes 30 seconds West, parallel to the above mentioned fence, a distance of 300 feet, more or less, to a point distant 17.09 feet measured Easterly from the Westerly limit of the said lot Number 6;

THENCE Northerly and parallel to the Westerly limit of the said Lots Numbers 6 and 5, a distance of 300 feet, more or less, to the point of commencement, containing 2.07 acres, more or less.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Mono, in the County of Dufferin and Province of Ontario, and being composed of Part of Lots 6 and 7, and Part of the Block shown as "Agricultural Grounds" on Registered Plan Number 251 for the said Township of Mono, containing by admeasurement 6.704 acres be the same more or less, more particularly describe in Schedule "A" hereunto annexed.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the TOWNSHIP OF MONO in the COUNTY OF DUFFERIN and PROVINCE OF ONTARIO, and being composed of Part of Lots 6 and 7, and Part of the Block shown as "Agricultural Grounds" on Registered Plan No. 251 for the Township of Mono, containing by admeasurement 6.704 acres be the same more or less and which said parcel of land is more particularly described as follows:

PREMISING that the East limit of Highway No. 10 and 24 as widened by Registered Instrument No. M.F. 5823 has a bearing of North 10 degrees 29 minutes 30 seconds West astronomic and relating all bearings herein thereto;

COMMENCING at a point in the South limit of Lot 7 as defined by a fence at a distance of 17.12 feet measured North 72 degrees 52 minutes 30 seconds East therealong from the South West angle of said Lot 7, which said point may be further described as being that point where the East limit of Highway No. 10 and 24 as widened by Registered Instrument No. M.F. 5823 is intersected by the line of said fence marking the existing South limit of said Lot 7;

THENCE North 72 degrees 53 minutes 00 seconds East along the line of a fence marking the existing South limit of said Lot 7 as fenced, which

.....
said limit may be further described as the South limit of those lands described in the "Firstly" part of Registered Instrument No. 14283, to the South East angle of those lands described in the said Registered Instrument No. 14283, and continuing North 72 degrees 53 minutes 00 seconds East along the South limit of those lands described in the "Thirdly" part of Registered Instrument No. 14283 as defined by the line of a fence, a distance in all of 295.63 feet more or less to the intersection with the line of a fence marking the existing East limit of the said "Thirdly" part of said Registered Instrument No. 14283, which said point is also the South East angle of those lands described in the said "Thirdly" part of Registered Instrument No. 14283;

THENCE North 16 degrees 54 minutes 30 seconds West along the line of a fence marking the existing East limit of the "Thirdly" part of the said Registered Instrument No. 14283 as fenced, which said limit may be further described as the existing limit between the "Thirdly" part of Registered Instrument No. 14283 and the West limit of Instrument No. M.F.1872, 124.74 feet more or less to the intersection with the line of a fence marking the limit between those lands described in Registered Instrument No. 14283 and the Northerly limit of those lands described in Registered Instrument No. M.F.1872 as occupied, 60.64 feet more or less to the intersection with the line of a fence marking the existing Easterly limit of those lands described in the "Thirdly" part of Registered Instrument No. 14283, which said fence also marks the existing Westerly limit of the Agricultural Grounds, 82.38 feet more or less to an angle therein;

THENCE North 7 degrees 22 minutes 50 seconds East along the line of said fence, 78.71 feet more or less to an angle therein;

THENCE North 20 degrees 42 minutes 20 seconds East along the line of said fence marking the existing Easterly limit of the lands described in the "Thirdly" part of Registered Instrument No. 14283, which said fence also marks the existing Westerly limit of the Agricultural Grounds, a distance of 159.68 feet more or less to an angle therein;

THENCE North 40 degrees 15 minutes 30 seconds East along the line of said fence, 70.40 feet more or less to an angle therein;

THENCE North 46 degrees 53 minutes 40 seconds East along the line of said fence, 75.49 feet more or less to an angle therein;

THENCE North 70 degrees 35 minutes 50 seconds East along the line of a

fence marking the limit between the said "Thirdly" part of Registered Instrument No. 14253 and the Northerly limit of the Agricultural Grounds, 42.92 feet more or less to a South East angle of the "Thirdly" part of Registered Instrument No. 14253;

THENCE North 16 degrees 38 minutes 30 seconds West along the Easterly limits of those lands described in the "Secondly" and "Thirdly" parts of Registered Instrument No. 14253, which said limit is also the Westerly limit of those lands described in Registered Instrument No. M.F.14425, 161.19 feet more or less to the South East angle of those lands described in Part 2 of the Department of Highways Deposited Plan No. R.309, which is in a point of curvature to the right having a radius of 2218.46 feet, an arc distance of 45.54 feet for a chord equivalent to 5.54 feet and a chord bearing of North 59 degrees 05 minutes 47 seconds West;

THENCE North Westerly around said curve to the right an arc distance of 45.54 feet more or less to the end of curve;

THENCE North 31 degrees 30 minutes 10 seconds East along the Westerly limit of Part 2 of the said lands described in Deposited Plan No. R.309, 35.00 feet more or less to a point of curvature in a curve to the right having a radius of 2183.48 feet, an arc distance of 179.06^{feet} for a chord equivalent of 179.01 feet, and chord bearing of North 56 degrees 08 minutes 53 seconds West;

THENCE North Westerly around said curve to the right an arc distance of 179.06 feet more or less to the point of tangency in said curve, being its intersection with the South limit of Dufferin Street as shown on Registered Plan No. 275 for the said Township of Mono;

THENCE South 73 degrees 21 minutes 30 seconds West along the South limit of said Dufferin Street, 149.36 feet more or less to its point of intersection with the East limit of those lands described in Registered Instrument No. M.F.24050;

THENCE South 10 degrees 29 minutes 55 seconds East along the East limit of those lands described in said Registered Instrument No. M.F. 24050, 226.27 feet more or less to the South East angle of those lands described in Registered Instrument No. M.F.24050;

THENCE South 72 degrees 18 minutes 00 seconds West along the South limit of those lands described in Registered Instrument No. M.F.24050, 299.70 feet more or less to the intersection with the East limit of Highway No. 10 and 24 as widened by Registered Instrument No. M.F.5823;

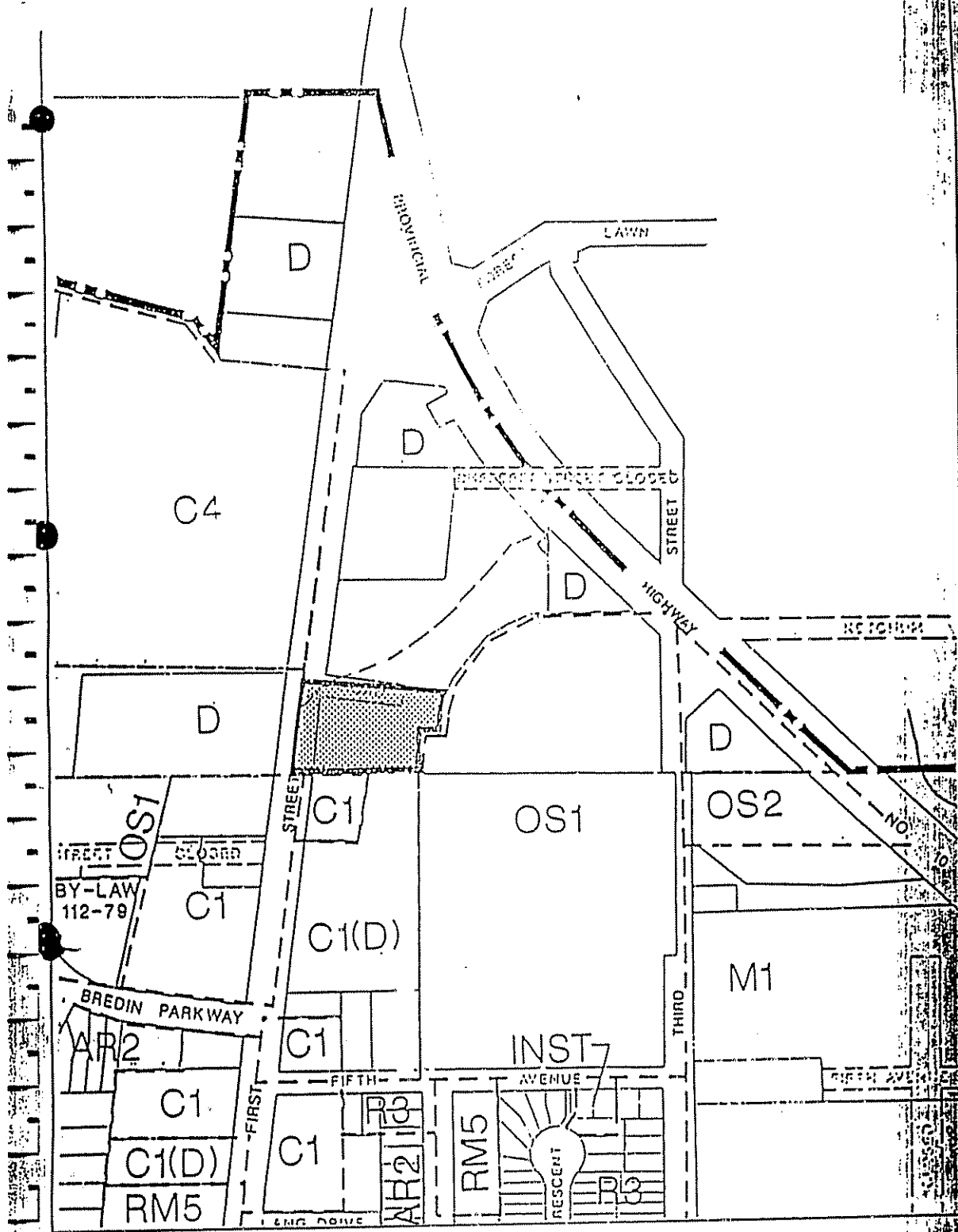
THENCE South 10 degrees 23 minutes 30 seconds East along the East limit of the said Highway No. 10 and 24, 321.30 feet more or less to its intersection with the North limit of Fairground Avenue:

THENCE North 79 degrees 56 minutes 30 seconds East along the North limit of Fairground Avenue, 223.00 feet more or less to its intersection with the East limit of Lot 7 according to Registered Plan No. 251:

THENCE South 10 degrees 28 minutes 30 seconds East along the last mentioned limit, 66.00 feet more or less to the South East angle of Fairground Avenue:

THENCE South 79 degrees 56 minutes 30 seconds West along the South limit of the said Fairground Avenue, 223.00 feet more or less to its intersection with the East limit of Highway No. 10 and 24 as widened by Registered Instrument No. M.F. 5823:

THENCE South 10 degrees 25 minutes 30 seconds East along the East limit of said Highway 10 and 24 as widened, 222.29 feet more or less to the point of commencement.



The Corporation of the
Town of Orangeville



AREA TO BE REZONED
 NEIGHBOURHOOD
 COMMERCIAL HOLDING
 C2(D) to
 NEIGHBOURHOOD
 COMMERCIAL C2

Schedule 'A' to By-Law No. 91-83

Passed this 6th day of SEPTEMBER 1983

John Henry
 HEAD OF COUNCIL

William Chittenden
 CLERK

Scale 1:4000

28-88

CORPORATION

William E. Work
CLERK

THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 28-88

The Council of the Corporation of the Town of Orangeville, in accordance with the provisions of Section 21 of The Planning Act S.O., 1983 and amendments thereto, hereby enacts as follows:

- 1) Amendment No. 6 to the Official Plan for the Town of Orangeville, consisting of the explanatory text is hereby adopted.
- 2) The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for the approval of Amendment No. 6 to the Official Plan for the Town of Orangeville.
- 3) This By-law shall come into force and take effect on the day of final passing thereof.

Enacted and passed this 7th day of March, A.D., 1988.

Robert Haney
HEAD OF COUNCIL

William E. Work
CLERK.

7th DAY OF March,

THE OFFICIAL PLAN
FOR THE
TOWN OF ORANGEVILLE
AMENDMENT NO. 6

The attached map and explanatory text, constituting Amendment Number 6 to the Official Plan for the Town of Orangeville was adopted by the Council of the Corporation of the Town of Orangeville, under the provisions of Section 21 of The Planning Act, S.O., 1983.

on the 7th day of March 1988.

William Morris
Clerk

Gordon Elving
Mayor

I, MR. W.C. NORRIS, CLERK OF THE TOWN OF ORANGEVILLE, HEREBY
DECLARE THAT NOTICE OF A PUBLIC MEETING WAS GIVEN IN ACCORDANCE
WITH THE PROVISIONS OF SECTION 17(2) OF THE PLANNING ACT, S.O.,
1983. I ALSO DECLARE THAT THE REQUIREMENTS OF GIVING NOTICE OF
THE ADOPTION OF AMENDMENT NUMBER 6 HAVE BEEN COMPLIED WITH IN
ACCORDANCE WITH SECTION 17(8) OF THE PLANNING ACT, S.O., 1983.

DATE

CLERK

PART A - THE PREAMBLE

1) Purpose of the Amendment

The purpose of this Amendment is to redesignate the areas shown on Schedule "A" to Neighbourhood Commercial to permit the development of commercial, retail and office uses on the lands described below.

2) Location

The subject lands consist of 3.68 hectares (9.1 acres) and are described as Part of Lots 5, 6, 7 and 8, Registered Plan 251, Orangeville. The property fronts First Street and is bounded by Highway No. 10 to the east and the Orangeville Raceway to the south.

3) Basis of the Amendment

The 1985 Official Plan for the Town of Orangeville designated portions of the property as Highway Commercial with a special policy E8.5. A portion of the lands traversed by a tributary of the Credit River was designated Open Space Conservation. In addition, the potential extension of Hansen Boulevard was designated as a collector road from First Street, through the property to a potential intersection with Highway No. 10.

When the Minister of Municipal Affairs approved the new Official Plan, portions of the Highway Commercial designation applying to the subject lands were deferred given concerns expressed by the Credit Valley Conservation Authority. The Conservation Authority was concerned with the extent of the Regional floodplain in the area.

Special Policy E8.5 of the Official Plan clearly requires Conservation Authority approval prior to further development of the subject lands.

The new Official Plan establishes a commercial hierarchy consisting of General Commercial, Neighbourhood Commercial, Restricted Commercial Residential, Highway Commercial and Convenience Commercial. The General Commercial designation would apply only to the Orangeville Highlands Mall, the Downtown and the West Broadway Mall. Other commercial lands along First Street (south of the subject property) have been designated as Neighbourhood Commercial.

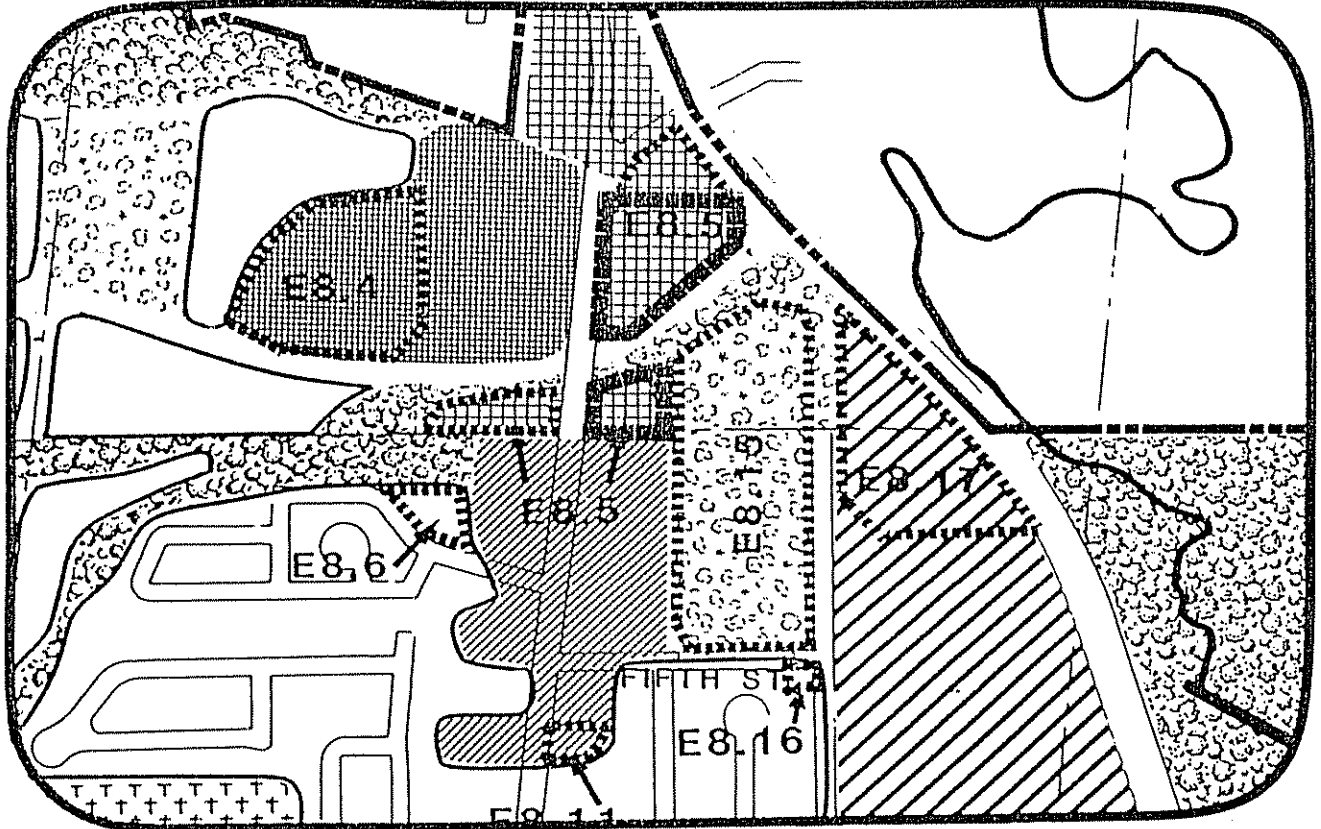
Neighbourhood Commercial permits food stores, hardware stores, service establishments, as well as smaller stores, shops and offices and restricts individual retail outlets other than food and hardware stores to a maximum gross floor area of 1,858 square metres (20,000 square feet).

PART B - THE AMENDMENT

The Official Plan for the Town of Orangeville is amended as follows:

- 1) Schedule "A" of the Official Plan of Orangeville is amended by redesignating from Highway Commercial to Neighbourhood Commercial the area shown on the attached Schedule "A".
- 2) Special Policy E8.5 is amended by adding the words "and Neighbourhood Commercial" after the words "Highway Commercial" in the first and second lines.

SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT NO. 6



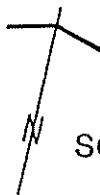
SCHEDULE A

THE OFFICIAL PLAN OF THE ORANGEVILLE PLANNING AREA














LAND USE PLAN



AREA TO BE DESIGNATED
NEIGHBOURHOOD COMMERCIAL



SCALE 1:10 000

-  Residential
-  General Commercial
-  Neighbourhood Commercial
-  Restricted Commercial Residential
-  Highway Commercial
-  Convenience Commercial
-  Industrial
-  Open Space Recreation
-  Open Space Conservation
-  Institutional
-  Contingency Secondary School Site
-  Policies for Specific Areas
Refer to Section 56 of the Official Plan
-  Approximate Extent of Mill Creek Floodline
(See Policy 15.6.1)