

THE CORPORATION OF THE CITY OF BROCKVILLE
BY-LAW NO. 86 -99

BEING A BY-LAW TO AMEND CITY OF BROCKVILLE ZONING BY-LAW 194-94
(930 Stewart Blvd., Brockville - File D14-042)

WHEREAS the Council for the Corporation of the City of Brockville, on the 16th day of August, 1994, adopted City of Brockville Zoning By-law 194-94; and

WHEREAS the Council of the Corporation of the City of Brockville deems it expedient to amend said Zoning By-law 194-94.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE HEREBY ENACTS AS FOLLOWS:

THAT By-law 194-94 be amended as follows:

1. THAT Plate "A" to By-law 194-94 be and the same is hereby amended by rezoning lands known as 930 Stewart Boulevard, City of Brockville, to T-RU-X7-5 Rural Zone, said lands being shown on Schedule "A" hereto annexed as "Change to T-RU-X7-5 Zone".
2. THAT Part 8.0, Subsection 8.7, "Special Exception Zones - Planning District No. 7", be and the same is hereby amended by adding the following clause and relettering the remaining clauses:

"j) T-RU-X7-5 Zone

In addition to the uses permitted in the RU - Rural Zone, a Chip Wagon shall be permitted in the T-RU-X7-5 Zone as a temporary use, for a three (3) year period ending 14 September, 2002, in accordance with Section 39 of the Planning Act, R.S.O. 1990.

The Chip Wagon shall not be located closer than 15 metres (50 feet) to the front lot line and not closer than 6 metres (20 feet) to the interior side lot line.

Parking areas located on the Pipeline easement(s) may be constructed of crushed stone to a depth of at least 15 centimetres (6 inches) and with provisions for dust control."

3. THAT Schedule "A" hereto annexed shall be read with and form part of this By-law.

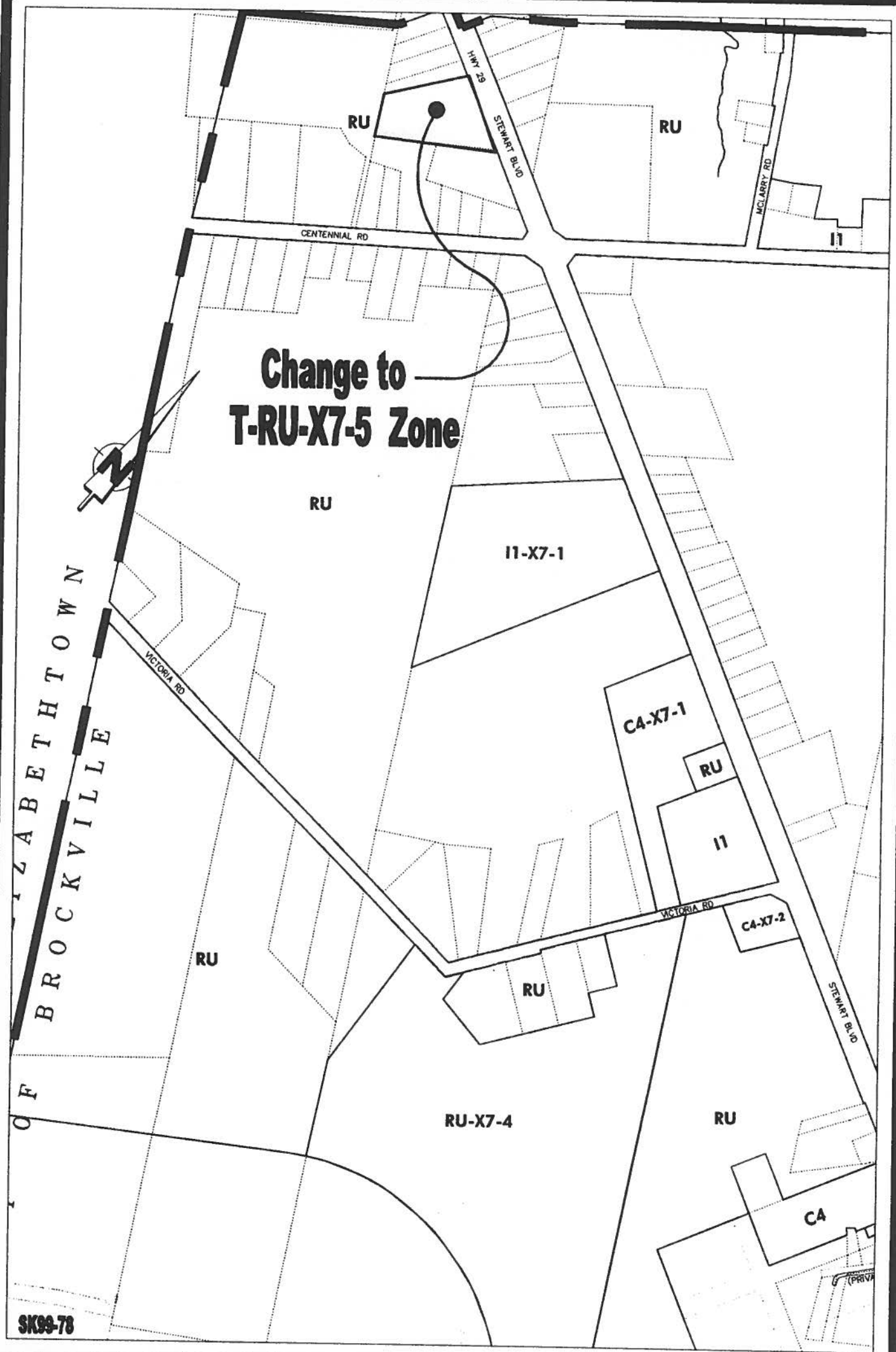
GIVEN UNDER THE SEAL OF THE CORPORATION
OF THE CITY OF BROCKVILLE AND PASSED THIS
14th day of September, 1999



MAYOR



CLERK



SCHEDULE 'A' TO BY-LAW No. 86-99

MAYOR: *[Signature]*

CLERK: *[Signature]*

ISSUE DATE:

Mar. 07, 2000

DECISION/ORDER NO:

0323



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Copy: H. Pascoe Markle
file in Bu-law → 86-99
PL990993

Shirley King and Arnold King have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, against Zoning By-law 86-99 of the City of Brockville, United Counties of Leeds and Grenville
OMB File No. R990230

APPEARANCES:

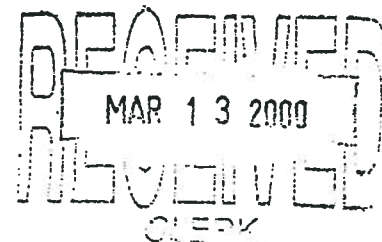
Parties

Shirley and Arnold King

City of Brockville

Counsel* or Agents

J. Simpson*



MEMORANDUM OF ORAL DECISION DELIVERED BY N.M. KATARY ON JANUARY 12, 2000 AND ORDER OF THE BOARD

At the commencement of the hearing, the counsel for the City requested the Board take a recess in order to enable him to explore the feasibility of arriving at a mutually satisfactory agreement on the dispute with the appellants.

When the hearing resumed, counsel with the City stated that the parties were able to come to an agreement.

Counsel also detailed the nature of the dispute and the planning process that was followed by the City.

Mr. Jonathan S. Faurschou, a land use planner with the City, detailed the nature of the proposed zoning by-law amendment and how it conformed to the intent of the official plan.

Based upon an examination of the evidence, the Board finds that the proposed zoning by-law as amended [Exhibit 2] conforms to the official plan.

The Board, therefore, allows the appeal in part and By-law 86-99 of the City of Brockville, United Counties of Leeds and Grenville is amended as shown in Exhibit 2.

The Board so orders.

The Board thanks the parties for coming to an agreement in such an amicable fashion and appreciates the efforts of the counsel for the City in reaching such an agreement.

"N. M. Katary"

N. M. KATARY
MEMBER

THE CORPORATION OF THE CITY OF BROCKVILLE
BY-LAW NO. _____-2000

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2. THAT Part 8.0, Subsection 8.7, "Special Exception Zones - Planning District No. 7", be and the same is hereby amended by adding the following clause and relettering the remaining clauses:

"j) T-RU-X7-5 Zone

Driveways and Parking Areas:

Driveways and parking areas, in addition to those paved areas currently in existence, may be constructed of crushed stone to a depth of 15 centimetres (6 inches).

Crushed stone parking areas shall be subject to a scheduled dust control program approved by the City of Brockville. Should dust be deemed by the City Engineer to require additional dust control beyond that which is scheduled, additional dust control shall be applied immediately, upon notification by the City Engineer, at the owners expense.

In addition to those conditions set out under By-law 194-94 and other applicable conditions for driveways and parking areas, the driveways and parking areas shall be subject to the following conditions:

- The parking areas shall be located not closer than 8.0 metres (27 feet) to the front lot line.
- The driveways and parking areas shall be located not closer than 6 metres (20 feet) to the interior side lot line.

Temporary Permitted Uses and Applicable Conditions:

In addition to the uses permitted in the RU - Rural Zone, a Chip Wagon shall be permitted in the T-RU-X7-5 Zone as a temporary use, for a three (3) year period ending three (3) years from the date of approval of this amendment to By-law 194-94, in accordance with Section 39 of the Planning Act, R.S.O. 1990.

In addition to those conditions set out under By-law 194-94 and other applicable conditions, the chip wagon and all other associated accessory uses associated with the chip wagon shall be subject to the following conditions:

- The side of the chip wagon facing Stewart Boulevard shall be located not closer than 8.0 metres (27 feet) and not further than 10.0 metres (33 feet) to the front lot line
- The side of the chip wagon facing 920 Stewart Boulevard shall be located not closer than 6 metres (20 feet) to the interior side lot line.
- The chip wagon shall be aligned in an approximate east-west direction with the awning and service opening facing approximately north-west, towards the farmers market, and the exhaust vent facing Stewart Boulevard.
- The season and the hours of operation of the chip wagon shall be limited to the season and the hours of operation of the farmers market at 930 Stewart Boulevard.
- Refuse receptacles, tables, umbrellas and all other accessory uses associated with the chip wagon shall be located fronting and east of the awning and service opening, being approximately north-east and east of the chip wagon only and not within the required interior side yard setback.
- No open storage of refuse, stock or other materials shall be permitted on the site.
- The chip wagon shall be removed from the site during the off-season.

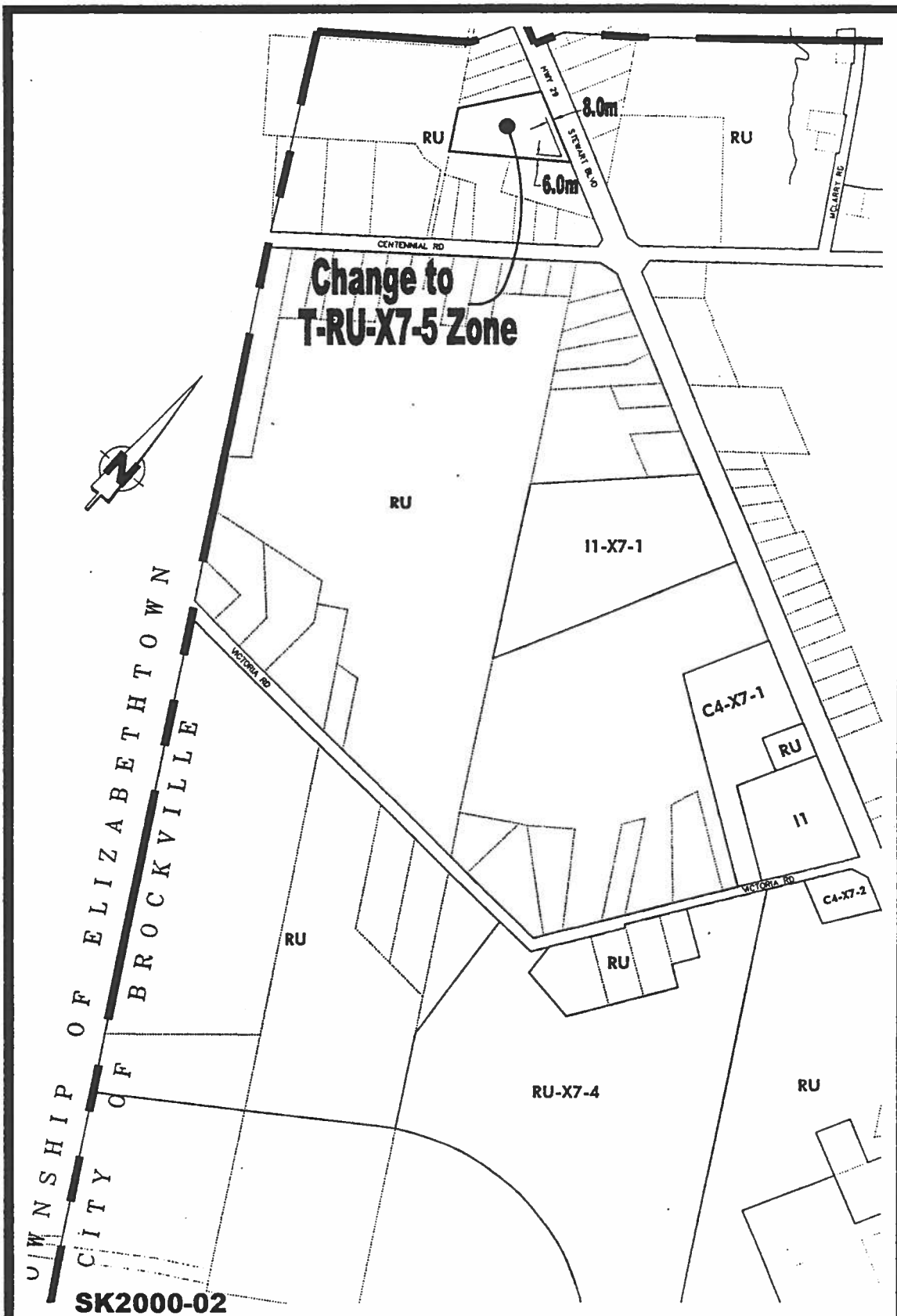
3. THAT Schedule "A" hereto annexed shall be read with and form part of this By-law.

GIVEN UNDER THE SEAL OF THE CORPORATION
OF THE CITY OF BROCKVILLE AND PASSED THIS

__ day of ____, 2000

MAYOR

CLERK



SCHEDULE 'A' To BY-LAW No. _____

MAYOR: _____

CLERK: _____

0 200m
SCALE: 1:6,000

DATE: _____