

Economic Development & Planning Committee



Tuesday, October 6, 2009, 3:00 p.m.
City Hall - Council Chambers

| <u>Committee Members</u> | <u>Areas of Responsibility</u> | |
|------------------------------|--------------------------------|---------------------------|
| Councillor M. Kalivas, Chair | Economic Development | Vision 20/20 |
| Councillor G. Beach | Planning | * Community Council |
| Councillor J. Earle | Chamber of Commerce | * Downtown Revitalization |
| Mayor D. Henderson, | DBIA | * Industry Advisory |
| Ex-Officio | Heritage Brockville | * Tourism Advisory |

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COUNCILLOR TRAINING

1. Councillor Laptop Training 3:00 p.m.

DELEGATIONS

1. Brockville and District Chamber of Commerce

STAFF REPORTS

- | | |
|-------|--|
| 3-14 | 1. 2009-153-10 Proposed Amendments To The Official Plan and Zoning By-Law 194-94 4 Schofield Avenue, City of Brockville County of Leeds Owner: Blair Savage Files: 266-87, D14-138 |
| 15-18 | 2. 2009-154-10 Site Plan Control Approval Villas of North Ridge - Phase 1 Owner: 1178420 Ontario Ltd. Agent: Collett Surveying Ltd. File: D11-391 |
| 19-25 | 3. 2009-160-10 Removal of Part Lot Control From Lot 261 and 262, Plan 375 and Removal of H1 Holding Symbol Lot 261, Plan 375 Aspen Drive, City of Brockville (Bridlewood Subdivision) |

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STAFF REPORTS

Owner: 653973 Ontario Limited
Agent: Jordan and Wiseman Surveying Ltd.
File: 08T04502

27-30

4. 2009-161-10
Extension of Registration of Final Plan
of Subdivision, Part of Lot 11, Conc. 2
City of Brockville, County of Leeds
Flanders Road, Phase II
Owner: John Cassell, O/A Cass Dev Ltd.
Agent: Eastern Engineering Group Inc.
File: 08T-06501A

31-40

5. 2009-162-10
Enforcement of City of Brockville
Sign By-Law 84-89

41-45

6. 2009-165-10
Public Review Response
To The Initial Proposed
Built Environment Standards

NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL

MOTION TO MOVE INTO CLOSED SESSION

11 September 2009

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 6 OCT 2009

2009-153-10

PROPOSED AMENDMENTS TO THE OFFICIAL
PLAN AND ZONING BY-LAW 194-94,
4 SCHOFIELD AVENUE, CITY OF BROCKVILLE,
COUNTY OF LEEDS
OWNER: BLAIR SAVAGE
FILES: 266-87, D14-138

M. PASCOE MERKLEY
DIRECTOR OF PLANNING
ANDREW MCGINNIS
PLANNER II

RECOMMENDATIONS:

1. **THAT** the Official Plan Amendment No. 87 be adopted to redesignate lands described as Part of Lot D, Block 40, Plan 67, City of Brockville, County of Leeds with municipal address of 4 Schofield Avenue from "Commercial - General" to "Residential" and to repeal Policy 7.5(5): and,
2. **THAT** Zoning By-law 194-94 be amended to zone lands described as Part of Lot D, Block 40, Plan 67, City of Brockville, County of Leeds with municipal address of 4 Schofield Avenue to R3 – General Residential Zone, to permit a triplex dwelling.

PURPOSE:

The purpose of this report is to provide recommendations on applications filed respecting the property at 4 Schofield Ave.

ANALYSIS:

Mr. Blair Savage, Owner of lands described as Part of Lot D, Block 40, Plan 67, City of Brockville, County of Leeds, has submitted application for amendment to the Official Plan, being Official Plan Amendment No. 87, and application for amendment to Zoning By-law 194-94 to allow conversion of the building on the subject lands to a triplex dwelling.

Background and Description of Proposal

The lands that are the subject of this report are located on the north side of Schofield Avenue, west and south of the Royal Brock Hotel, as shown on the attached **Schedule "A"**. **Schedule "B"** to this report depicts how the property is proposed to be used as a triplex dwelling.

The site is 1,126.45 square metres, (0.11 ha/0.27 ac) with frontage on Schofield Avenue of 29.57 metres (97.0 ft), and is occupied by an older brick building that was previously operated by the Jehovah's Witnesses as a church. The building is a one storey brick building with fully finished basement. It is the intent of the applicant to renovate the existing building to create two (2) dwelling units in the lower level (basement) and a

**Proposed Amendments to the Official Plan and Zoning By-Law 194-94,
4 Schofield Avenue, City of Brockville, County of Leeds**

Owner: Blair Savage

Files: 266-87, D14-138

single dwelling unit on the main floor. The site is generally flat with a small slope running towards Schofield Avenue and east towards the Quality Hotel Conference Centre & Spa, Royal Brock. The site has typical vegetation as seen on comparable sized properties within the City of Brockville.

Photos of the subject property are attached as **Schedule "E"** to this report.

The subject lands are designated as "Commercial - General" in Brockville's Official Plan, located within Planning District No. 5, and are currently not zoned. The previous site specific general commercial zone is no longer in effect on the property due to non-compliance with an Ontario Municipal Board Order, dated 11 April, 1995, which required the subject property be merged with the adjacent hotel property and that a site plan agreement for the development of a tennis court be entered into with the City of Brockville and registered on the property.

The neighbourhood is a mix of primarily residential uses. The adjacent properties to the east are occupied by single family dwellings on the east side of Stewart Boulevard; to the south are occupied by multiple unit residential buildings on the south side of Schofield Avenue; and to the west are occupied by single family dwellings on the north side of Schofield Avenue. The Quality Inn "Royal Brock", is located northeast of the subject site with the associated parking for the hotel located to the east.

The proposed amendment to the Official Plan would redesignate the subject lands to "Residential".

A concurrent application for Amendment to City of Brockville Zoning By-law 194-94 has been submitted. The amendment to Zoning By-law 194-94 would zone the subject lands to R3 – General Residential, to permit the proposed residential triplex development.

Public Participation

The application has proceeded through the normal review process. On 1 September 2009, the Economic Development and Planning Committee held a Public Meeting. Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on 6 August 2009 and was circulated to property owners within 120 metres (400 feet) of the subject property. In addition, a sign was posted on the subject property advising that the lands are the subject of an Application for Amendment to City of Brockville Zoning By-law 194-94 and the Official Plan. Comments from City Departments and affected agencies were also solicited.

Written comments received to-date are attached as **Schedule "C"** to this report. A copy of the minutes of the Public Meeting is attached as **Schedule "D"** to this report. No issues or concerns were raised at the public meeting.

Proposed Amendments to the Official Plan and Zoning By-Law 194-94,
4 Schofield Avenue, City of Brockville, County of Leeds

Owner: Blair Savage

Files: 266-87, D14-138

Provincial Policy Statement Considerations:

The Provincial Policy Statement (PPS), issued under Section 3 of the Planning Act, came into effect on 01 March 2005 and requires that Council decisions respecting Planning matters shall be "consistent with" policies contained in the PPS when considering any amendment to the Official Plan or Zoning By-law.

From a review of the PPS, there are some relevant statements/policies under Part V, Section 1 "Building Strong Communities". The preamble in this section is a general statement which reads as follows:

"Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth."

This general statement is followed by more specific policies, promoting intensification of existing building stock with full municipal services located within settlement areas and promotion of appropriate ranges of housing types and densities.

Accordingly, as the conversion of an existing building to a triplex is proposed to be located on an underutilized parcel of land with full municipal services, access to public transit, and within an existing built-up area, the proposed triplex use further strengthens the area, represents intensification, and brings additional rental units to the City of Brockville, thereby being consistent with the policies within the PPS.

Official Plan Considerations:

4 Schofield Avenue is located within Planning District No. 5 and is currently designated as "Commercial General" under the Official Plan for the City of Brockville. This designation was placed on the lands by City Council in response to an application filed by the previous owner when the lands were proposed to be incorporated into the Royal Brock Hotel Site. The current request before Council is to redesignate the lands to Residential.

Section IV-Goals and Objectives, Sub-Section 4.1-Residential, identifies various residential goals and objectives which include: a variety of housing types; balance between ownership and rental accommodation and affordable housing to the residents.

Section V-General Development Policies, addresses development which is fully serviced with municipal services and which represents logical development within the City.

Proposed Amendments to the Official Plan and Zoning By-Law 194-94,
4 Schofield Avenue, City of Brockville, County of Leeds
Owner: Blair Savage
Files: 266-87, D14-138

Section VI-Land Use Policies, Sub-Section 6.2-Residential Districts addresses residential development within established residential areas on full municipal services with access to public roadways and municipal facilities.

Section VII-Planning Districts-Detailed Development Policies, Sub-Section 7.5 addresses policies applicable to the subject property. Specifically, Section VII, Subsection 7.5 states that "with respect to lands located on the north side of Schofield Avenue between Stewart Boulevard and Perth Street, known municipally as 4 Schofield Avenue, the onus is on the municipality to ensure that the issuance of any or all applicable permits, including building and occupancy permits, coincide with the completion of the upgrade of Phase 1 of the water pollution control plant".

The above policy is recommended to be repealed. This statement is no longer relevant as a condition to the use or development proposed.

The proposed development would utilize existing full municipal services, remove a small commercially designated parcel located within a predominantly residential area, and is an example of good planning by intensification and utilization of existing building stock, utilization of existing municipal services that are currently not being utilized to the potential of the site.

Zoning By-law Considerations:

The proposed amendment to Zoning By-Law 194-94 would zone the property to R3 – General Residential, to permit the conversion of the existing building to a triplex unit.

The proposal satisfies all the requirements within an R3 – General Residential Zone by providing adequate parking and yard areas while enhancing the aesthetics of Schofield Avenue in this location. Accordingly, no site-specific considerations are required as the proposed use complies with the R3 Zone provisions and other applicable general provisions of the Zoning By-law. Access to the property is proposed via a circular driveway off of Schofield Avenue. Should the recommendations in this report be supported, the zone would change to R3 – General Residential Zone.

Comments Received in Reply to Circulation Schedule "C":

1. *Eric Jones, Engineering Associate, City of Brockville*

No concerns or objections to the proposal. However, the City's Chief Building Official must approve pipe design, quantity & sizing.

2. *Dan Ethier, Planner, Ministry of Municipal Affairs and Housing*

No concerns. Complete construction drawings will be required.

Proposed Amendments to the Official Plan and Zoning By-Law 194-94,
4 Schofield Avenue, City of Brockville, County of Leeds

Owner: Blair Savage

Files: 266-87, D14-138

Issues raised at the Public Meeting:

No issues or concerns were raised at the public meeting.

POLICY IMPLICATIONS:

This matter involves amendment to the City's Official Plan, which establishes policy for land use and development. The required amendment is appropriate and supportable.

As noted previously in this report, there is a current site-specific policy within the Official Plan that must be repealed as part of the Official Plan Amendment.

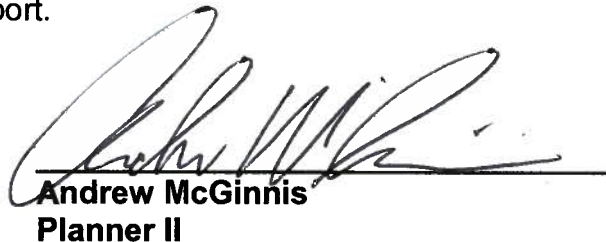
FINANCIAL IMPLICATIONS:


All costs associated with this development are the responsibility of the Owner. Upon conversion to residential use, the current value assessment on the property will change from the current commercial tax class to residential, with taxes payable at the residential rate.

CONCLUSION:

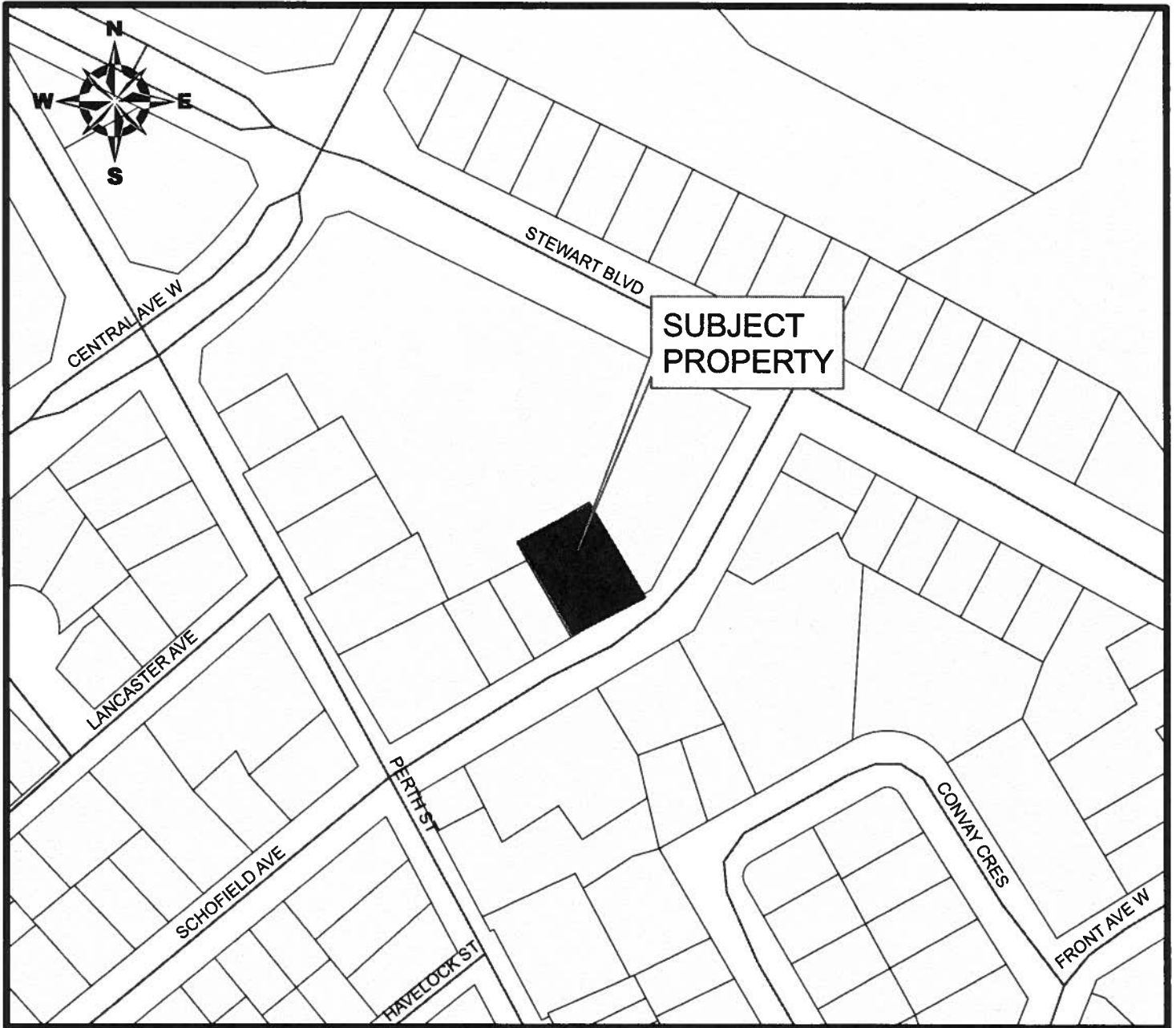
Following review of the PPS, the Official Plan, Zoning By-law 194-94, as well as submissions received respecting the request for Official Plan Amendment and Zoning By-law amendment for 4 Schofield Avenue, it is reasonable to redesignate and zone the subject property to intensify, utilize existing services/infrastructure and provide a mix of housing types within the central portion of the City of Brockville. The Owner's plan for conversion of this building to residential use will improve a property which has been dormant for a number of years. This is appropriate and therefore reflected in the recommendations at the beginning of this report.


M. Maureen Pascoe Merkley
Director of Planning


Andrew McGinnis
Planner II

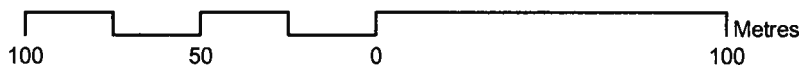

Bob Casselman
City Manager

SCHEDULE "R"



OFFICIAL PLAN AND ZONING AMENDMENT APPLICATIONS 266-87 & D14- 138

| | |
|---------------------------|--|
| CURRENT ZONING: | NONE |
| PROPOSED ZONING: | R3 - GENERAL RESIDENTIAL |
| OP DESIGNATION: | RESIDENTIAL |
| LEGAL DESCRIPTION: | PART OF LOT "D", BLOCK 40, PLAN 67, CITY OF BROCKVILLE, COUNTY OF LEEDS |

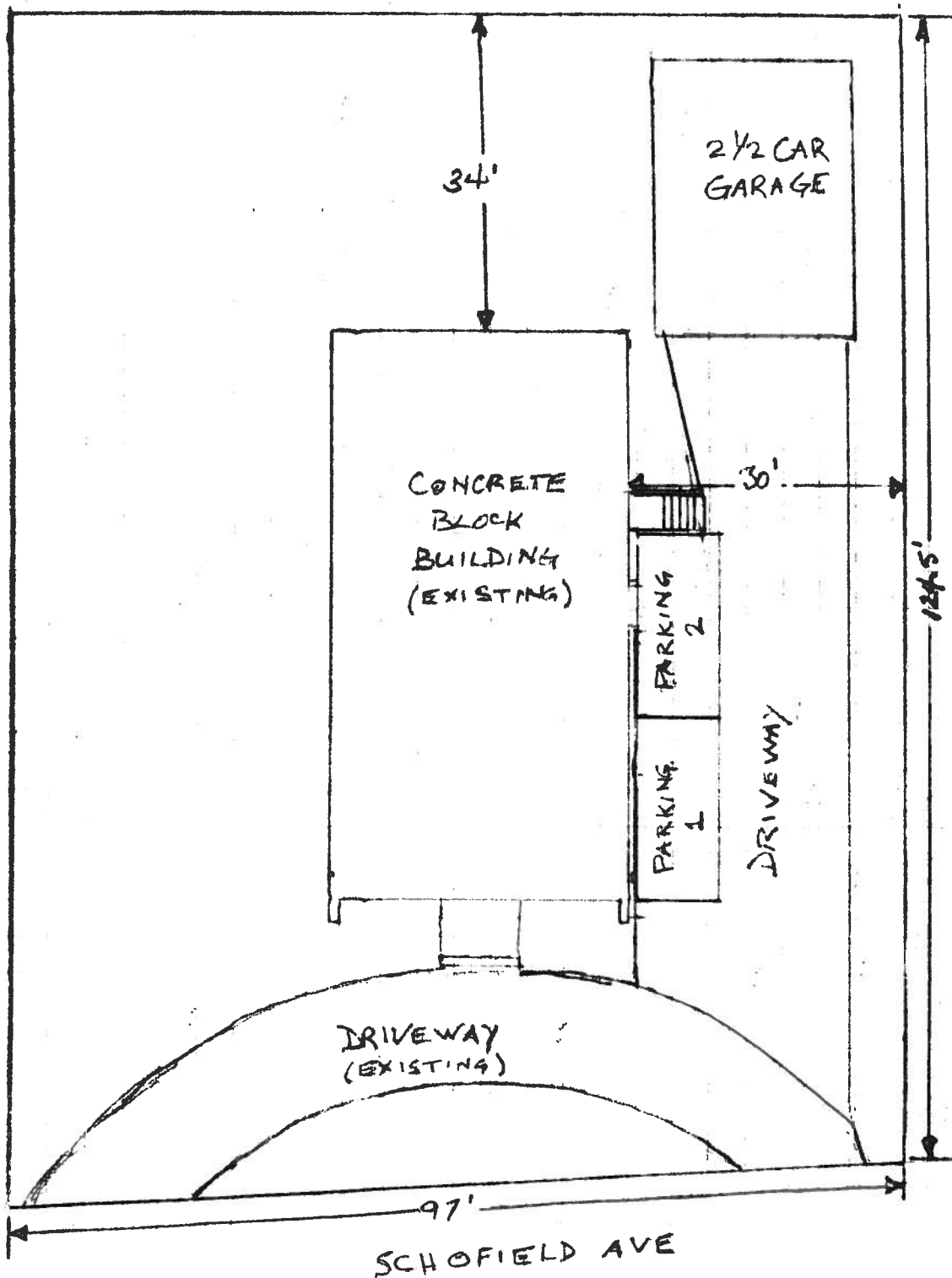


2009-153-10 Proposed Amendments To The Official Plan and Zo...

Based on TEDANET Information

PROPOSED SITE PLAN
4 SCHOFIELD AVE
BROCKVILLE

1"=16'



SCHEDULE "C"**Lorraine Bagnell**

From: Eric Jones
Sent: August 21, 2009 11:09 AM
To: Lorraine Bagnell
Subject: RE: REZONING 4 SCHOFIELD AVENUE

Hi Lorraine:

I have reviewed this site with Russ Fraser, Public Works Supervisor including site servicing. The City has no record of sewer services to this property, therefore, if it is assumed that the sanitary sewer is 4" diameter, it may not be adequate for the proposed conversion of the existing building to a triplex. The City's building official should be contacted for his opinion for minimum pipe diameter sizing and it may be a requirement to reconstruct to a size specified by the building official (see section 25 BY-LAW 352-90).

Our records for the water service do not indicate the size of the water service, therefore, if we assume that it is minimum $\frac{3}{4}$ " diameter, it may not be adequate to serve a triplex conversion.

Should the existing building be approved for conversion to a triplex, the City's By-Law 352-90, section 8 requires a separate and independent building sanitary sewer and storm sewer shall be provided for every single unit dwelling, semi-detached or duplex dwelling and each apartment building. The City's building official shall approve pipe design (quantity & sizing).

This section of Schofield Avenue was asphalt overlaid in 1999 and since it is now beyond the 5 year "No Excavation" moratorium, permission would be granted to allow an open excavation within the roadway if it is necessary to replace and/or upgrade the sewer and water services to this site. It is assumed that services to this site were probably installed in the 1960s or earlier , therefore they are in the order of 50 years old and should be considered for replacement.

ERIC J. JONES, C.E.T.
ENGINEERING ASSOCIATE

From: Lorraine Bagnell
Sent: Friday, August 21, 2009 8:24 AM
To: Eric Jones
Subject: RE: REZONING 4 SCHOFIELD AVENUE

Good Morning Eric,

Thank you for getting back to me. I have attached the notice for your review. If you have any questions, please contact me further.

CITY OF BROCKVILLE
PLANNING DEPARTMENT - BUILDING SERVICES DIVISION

INTEROFFICE MEMORANDUM

TO: LORRAINE BAGNELL
COPY:
FROM: BRENT CASKENETTE – CHIEF BUILDING OFFICIAL
SUBJECT: OP AND ZONING AMENDMENTS– FILE D14-138
BLAIR SAVAGE – 4 SCHOFIELD AVENUE
DATE: MONDAY, AUGUST 24, 2009

Lorraine:

Our review of the proposal for the above noted subject site development has been completed and at this time would advise that we have no objections.

The applicant should be made aware that a review of complete construction drawings at the time of application for a building permit may reveal requirements of the Ontario Building Code, not evident at this time that may affect the site development.

Specifically as noted by Engineering, water and sewer services are undetermined and will be addressed at the time of construction. Sizing will be based upon the number of units and fixture count for each unit. Without full construction drawings, it cannot be determined at this time.

Regards,



BRENT B. CASKENETTE – CHIEF BUILDING OFFICIAL
City of Brockville, One King Street West, P.O. Box 5000, Brockville, ON K6V 7A5
Tel. (613) 342-8772, ext. 441 – Fax (613) 498-2793 – Email: bcaskenette@brockville.com



**Public Meeting
Economic Development and
Planning Committee
September 1, 2009
City Hall - Council Chambers**

COMMITTEE MINUTES

ROLL CALL

COMMITTEE MEMBERS:

Councillor M. Kalivas, Chair
Councillor G. Beach
Councillor J. Earle
Mayor D. Henderson, Ex-Officio

OTHERS:

Councillor H. Noble
Councillor S. Williams

STAFF:

Mrs. T. Brons, Administrative Coordinator, Clerk's Office (Recording Secretary)
Mr. B. Casselman, City Manager
Mr. C. Cosgrove, Director of Operations
Mr. J. Faurschou, Planner I
Mr. A. McGinnis, Planner II
Ms. M. Pascoe Merkley, Director of Planning
Mr. D. Paul, Director of Economic Development
Ms. Sandi Seale, City Clerk

OTHERS:

Councillor Kalilvas, Chair announced the Public Meeting.

Notice of the Public Meeting for Staff Report No. 2009-137-09 was provided in the Recorder and Times Newspaper and a notice swas sent to surrounding property owners within 120 meters of the subject property and circulted to various agencies and departments. As well, the Operations Department was requested to place a sign on the subject property.

Councillor Kalivas asked that any person wanting further notice of the passage of the proposed amendment should give their full name, address adn postal code to teh Secretary prior to leaving the meeting.

Councillor Kalivas reviewed the procedures for the Public Meeting.

Councillor Kalivas called on the Planner to explain the purpose of the Public Meeting and the nature of the application.

Andrew McGinnis, Planner II, reviewed the proposed amendment to Zoning By-Law 194-94 and amendment to the Official Plan for the City of Brockville.

There were no objections noted to the proposed amendments.

- (i) 2009-137-09
PROPOSED AMENDMENTS TO THE OFFICIAL
PLAN AND ZONING BY-LAW 194-94
4 SCHOFIELD AVENUE, BROCKVILLE
OWNER: BLAIR SAVAGE
FILE NOS.: 266-87 AND D14-138

Mr. Blair Savage, owner of 4 Schofield Avenue appeared before the Committee regarding his application for amendments to the Official Plan for the City of Brockville and to the Zoning By-Law. Mr. Savage's application requests permission to convert the existing building (formerly the Jehovah Witness Church) to a triplex building.

Report 2009-137-09 was recieved for information purposes and staff was directed to prepare a report on this matter for consideration of the Economic Development Planning Committee at a future meeting.

The meeting adjourned at 6:10 pm.

SCHEDULE "E"



1 October 2009

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE - 6 OCTOBER 2009

2009-154-10

**SITE PLAN CONTROL APPROVAL
VILLAS OF NORTH RIDGE – PHASE 1
OWNER: 1178420 ONTARIO LTD.
AGENT: COLLETT SURVEYING LTD.
FILE: D11-391**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
ANDREW MCGINNIS
PLANNER II**

RECOMMENDATION:

THAT Site Plan Approval be granted for the creation of a four (4) unit townhouse complex located on Liston Avenue, City of Brockville. Said development shall be in accordance with the following drawings:

- i) "4 UNIT DRAINAGE PLAN – 52 UNIT PRIVATE DEVELOPMENT, LISTON DRIVE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C01, dated 04 September 2009, as revised;
- ii) "4 UNIT SERVICING AND LOT GRADING PLAN, LISTON DRIVE, BROCKVILLE, ON", Issued by GENIVAR, Contract No. KN-09-114-00-KN, Drawing No. C02, dated 04 September 2009, as revised;
- iii) "PROPOSED 4-UNIT TOWNHOUSE BLOCK "H"", Issued by SIDENHAM DESIGNS, Project No. Liston –H, Drawing No. A1, dated Sept 2009, as revised.

PURPOSE:

The purpose of this application is to consider approval for the creation of a four (4)-unit townhouse complex. This complex is Phase I to a larger project (Villas of North Ridge) that will have fifty-two (52) townhouse units in total. Phase II of Villas of North Ridge will be brought forward as a separate application for site plan approval.

ORIGIN:

An Application for Site Plan Approval has been submitted by Collett Surveying Ltd., acting on behalf of 1178420 Ontario Ltd., Owner of lands described as Part of Lots 4 and 5, Plan 380, being Part of Part 3, RP 28R-7542, City of Brockville, County of Leeds. The subject lands are currently vacant and located on Liston Avenue, south of Cuthbertson Avenue.

ANALYSIS:

The subject property has a total area of approximately 1,232.72 m² (13,269.33 ft²) / 0.12 hectares (0.3 acres). The property is designated "Residential" under the Official Plan for the City of Brockville and zoned R5-X8-1 Multiple Residential Site Specific Zone under Zoning By-law 194-94, as amended.

A plan showing the location of the proposed four (4)-unit development known as Part of Lots 4 and 5, Plan 380, being Part of Part 3, RP 28R-7542, City of Brockville, County of Leeds, has been attached as **Schedule "A"** to this report.

The building will contain four (4) linked residential townhouse dwelling units with a total building footprint of approximately 541.0 m² (5,823.73 ft²). Each unit within the proposed development will have its own driveway and access directly off Liston Avenue. The remainder of the site is proposed to be seeded and landscaped with a swale running across the rear of the properties for drainage purposes. All other applicable zoning regulations (ie. lot areas, setbacks and building heights, etc.) have been satisfied with the proposal.

The proposal for Phase I has an estimated construction value of \$600,000.00 and is part of a 52-Unit townhouse development that is currently under review.

A set of drawings for the proposed development may be viewed in the Planning Department prior to the EDP meeting and shall be available at the time of presentation of this report to the EDP Committee. Schedules A, B and C, inclusive, to this report are the Drainage Plan, Servicing and Lot Grading Plan and the Elevation Plans, respectively.

All comments have been received and those from the City of Brockville Engineering Division are currently being addressed. Final approval will be based on the Engineering Division accepting the plans.

The Site Plan Control Agreement will contain various standard clauses pertaining to snow clearing, refuse and recycling collection, financial security, etc.

POLICY IMPLICATIONS:

The proposed application conforms to all applicable municipal policies, standards and regulations.

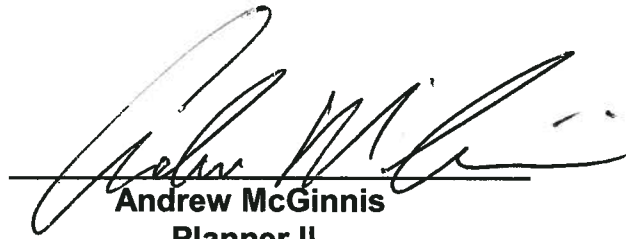
FINANCIAL CONSIDERATIONS:

The applicant is responsible for all costs associated with the Site Plan Control Agreement and with development of the site as proposed.

Per Council's direction on building permit fees, no building permit fees are applicable. In the absence of development charges, only the Millwood Avenue Impost is payable at the time of building permit issuance.

CONCLUSION:

Based on the foregoing discussion, it is reasonable to enter into a Site Plan Control Agreement for development of a four (4)-unit townhouse complex located on Liston Avenue, City of Brockville. This is reflected in the recommendation at the beginning of this report.



Andrew McGinnis
Planner II

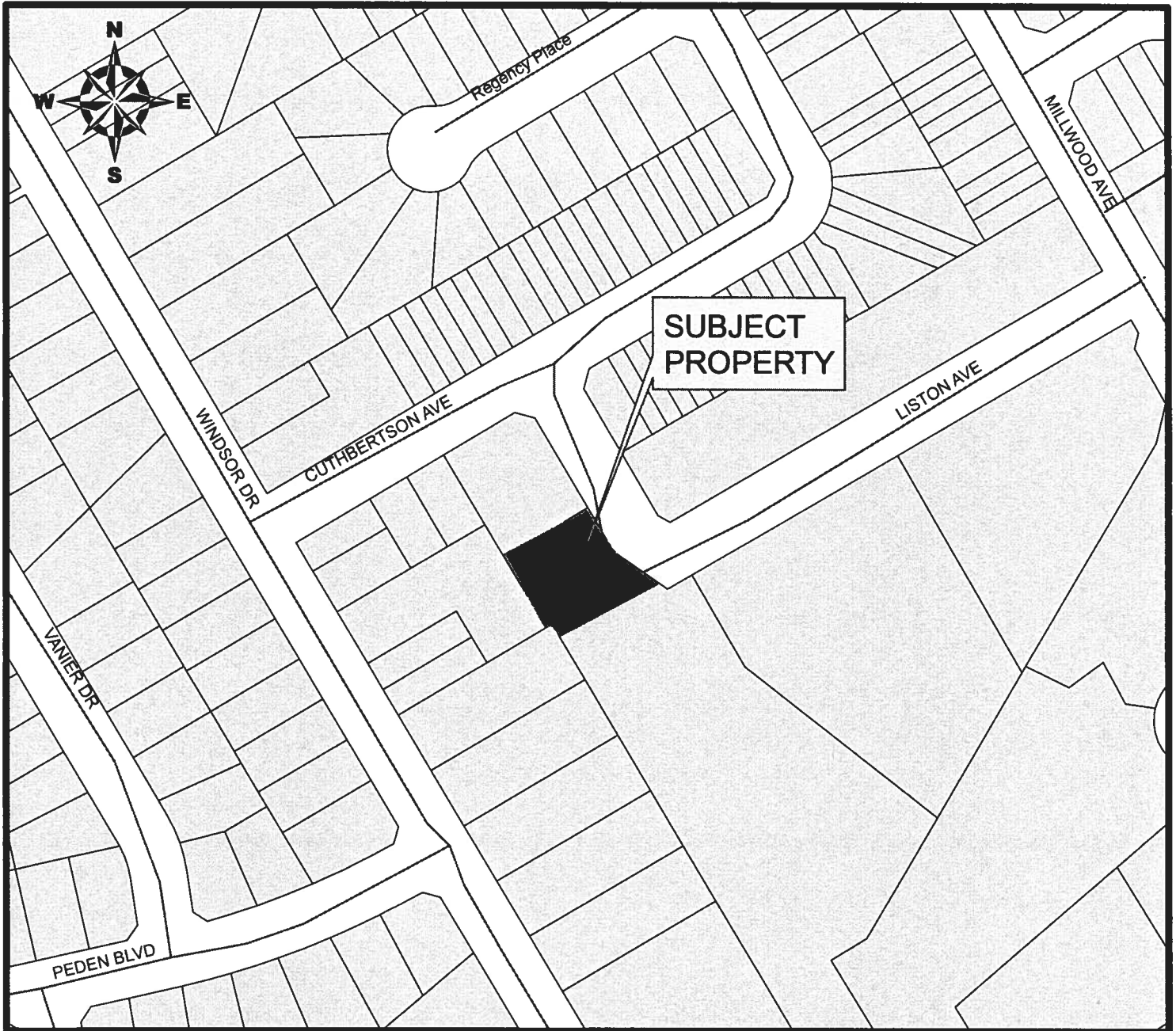


M. Pascoe Merkley
Director of Planning



B. Casselman
City Manager

REPORT 2009-154-10 SCHEDULE "A"



SITE PLAN CONTROL APPROVAL D11-391

| | |
|---------------------------|---|
| ZONING: | R5-X8-1 MULTIPLE RESIDENTIAL |
| OP DESIGNATION: | RESIDENTIAL |
| LEGAL DESCRIPTION: | PART OF LOTS 4 AND 5, PLAN 380 BEING PART OF PART 3, RP 28R-7991 |

24Sept2009

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 06 OCTOBER 2009

2009-160-10

**REMOVAL OF PART LOT CONTROL FROM
LOTS 261 AND 262, PLAN 375 AND
REMOVAL OF H1 HOLDING SYMBOL
LOT 261, PLAN 375**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
J. FAURSCHOU
PLANNER I**

ASPEN DRIVE, CITY OF BROCKVILLE (BRIDLEWOOD SUBDIVISION)

OWNER: 653973 ONTARIO LIMITED

AGENT: JORDAN AND WISEMAN SURVEYING LTD.

FILE: 08T-04502

RECOMMENDATIONS:

1. **THAT** a by-law be enacted pursuant to Section 50(7) of the Planning Act R.S.O. 1990 to remove Lots 261 and 262, Plan 375, City of Brockville, County of Leeds from Part Lot Control.
2. **THAT** a by-law be enacted pursuant to Section 36 of the Planning Act, R.S.O. 1990 to remove the "H1" holding symbol on Lot 261, Plan 375, City of Brockville, County of Leeds.

PURPOSE:

The purpose of this request is to:

- i) consider removal of Part Lot Control from Lots 261 and 262, Plan 375, City of Brockville, County of Leeds, to permit lot realignment.
- ii) consider removal of the "H1" holding symbol from Lot 261, Plan 375, City of Brockville, County of Leeds, to permit development in accordance with the zoning in effect on the subject lands.

BACKGROUND:

A letter of request, dated 04 September 2009, and subsequently revised on 23 September 2009, for removal of Part Lot Control from Lots 261 and 262, Plan 375, and for removal of the H1-Holding Symbol from Lot 261, Plan 375, City of Brockville, County of Leeds, has been submitted by Mr. Robert Jordan, O.L.S., acting as Agent for 653973 Ontario Ltd., owner of the subject lands. The letters of request are attached as **Schedule "A-1"** and **Schedule "A-2"** to this report. The location of the subject property is indicated on **Schedule "B"** to this report.

Removal Of Part Lot Control, Lots 261 and 262, Plan 375 and Removal of the H1- Holding Symbol,
Lot 261, Plan 375, Aspen Drive, City of Brockville (Bridlewood Subdivision)

Owner: 653973 Ontario Ltd.

Agent: Jordan and Wiseman Surveying Ltd.

File: 08T-04502

ANALYSIS:

The subject lands were subdivided under Registered Plan 375 (Bridlewood Subdivision). To-date, the subject lands remain undeveloped pending extension of municipal servicing northerly on Aspen Drive.

Lots 261 and 262, Plan 375, are zoned H1-R3 General Residential Zone. The H1 prefix refers to the need for the provision of full municipal services prior to development.

The undeveloped lots lying adjacent to, and south of, the subject lands are zoned R3-General Residential Zone and are proposed to be developed as semi-detached dwellings.

The request for removal of Part Lot Control and for removal of the H1-Holding Symbol are discussed below.

i) Removal of Part Lot Control:

The applicant has requested that Part Lot Control be removed from Lots 261 and 262, Plan 375 to permit re-alignment of Lots 259 and 260. Lots 259 and 260 were the subject of a previous request to lift Part Lot Control in 2007 (By-law 102-2007, expiring 18 December 2009).

The developer has since determined that due to the corner location of Lots 259 and 260, the lots are not of sufficient size to accommodate the proposed two (2) new semi-detached dwellings for a total of four (4) dwelling units. Additional land from the east side of Lot 261 is required to be added to the rear of Lots 259 and 260 to enable the proposed development. As a consequence of the lot line shift westerly, a portion of Lots 262 will be added to Lot 261 to ensure the minimum lot frontage for a development in the R3 Zone is achieved.

Once Part Lot Control is lifted on Lots 261 and 262, in conjunction with the lifting of Part Lot Control on Lots 259 and 260, all of the subject lots may be subdivided to accommodate the proposed development and meet minimum standards for future development. A draft reference plan will be prepared and finalized. As the land is located wholly within a registered plan of subdivision, being Plan 375, the most expedient method of re-subdivision of the land is by removing Part Lot Control.

The Operations Department - Engineering Division has reviewed the request and has no objection to the proposal.

Removal Of Part Lot Control, Lots 261 and 262, Plan 375 and Removal of the H1- Holding Symbol,
Lot 261, Plan 375, Aspen Drive, City of Brockville (Bridlewood Subdivision)

Owner: 653973 Ontario Ltd.

Agent: Jordan and Wiseman Surveying Ltd.

File: 08T-04502

Council for the Corporation of the City of Brockville has the authority to enact a By-law to remove Part Lot Control through Section 50(7) of the Planning Act R.S.O. 1990.

The necessary by-law to remove these lands from Part Lot Control will be prepared for enactment by City Council. It is appropriate for the by-law to be in effect for a limited period of time only, and therefore the by-law contains a sunset clause, providing for it to be effective for one (1) year from the date of its passing. This allows sufficient time for the Reference Plan to be prepared and registered on title.

ii) Removal of H1-Holding Symbol:

The applicant has requested that the H1-Holding Symbol be removed from Lot 261, Plan 375 to permit development of the adjacent Lots 259 and 260. A development schedule for Lot 261 has not been confirmed as servicing is not available at this time and no servicing is currently available for these lots.

The "H1" Holding Symbol in place before the R3-General Residential Zone Symbol represents a Servicing Holding Zone. Council may remove the holding symbol, once servicing is available, or once Council is satisfied that an appropriate servicing agreement is in place.

In this case, a subdivision agreement is currently in place but servicing is not in place for Lot 261, Plan 375. The removal of the H1-Holding Symbol is necessary for a short period as a consequence of the requested lot line realignment discussed above as the H1 Symbol affects all of Lot 261 and therefore adversely affects the future development of Lots 259 and 260, Plan 375.

Should the EDP Committee endorse the recommendation, a notice of Council's intent to pass a by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, will be sent to the property owner, and the necessary by-law will be prepared.

The Operations Department - Engineering Division has reviewed the request and has no objection to the proposal.

POLICY IMPLICATIONS:

There are no policy implications associated with the request for removal of part lot control from Lots 261 and 262, Plan 375, and for the request for removal of the H1-Holding symbol from Lot 261, Plan 375.

Removal Of Part Lot Control, Lots 261 and 262, Plan 375 and Removal of the H1- Holding Symbol,
Lot 261, Plan 375, Aspen Drive, City of Brockville (Bridlewood Subdivision)

Owner: 653973 Ontario Ltd.

Agent: Jordan and Wiseman Surveying Ltd.

File: 08T-04502

FINANCIAL CONSIDERATIONS:

All costs associated with removal of Part Lot Control from Lots 261 and 262, Plan 375, and with removal of the H1-Holding symbol from Lot 261, Plan 375, City of Brockville, County of Leeds, including, but not limited to, such items as payment of required fees, preparation of Reference Plan(s), deeds and registration, are the responsibility of the Applicant.

CONCLUSIONS:

The Planning Department supports the requests which are the subject of this report.



M. Maureen Pascoe Merkley
Director of Planning



B. Casselman
City Manager

J. Faurschou
Planner I



SCHEDULE "A-1" - Report 2009-160-10

**JORDAN
& WISEMAN
SURVEYING LTD.**

33 PERTH STREET
P.O. Box 485
BROCKVILLE
ONTARIO K6V 5V7

TELEPHONE: (613) 342-7525

FAX: (613) 342-9513

September 04, 2009

City of Brockville
P.O. Box 5000,
Brockville, ON
K6V 7A5

Attention: Jon Faurschou, Planner

Dear Mr. Faurschou:

**Re: Part-Lot Control Removal
Lot 261 Reg'd Plan 375
Aspen Drive**


In December of 2007 the City passed By-Law No. 102-2007 (copy attached) removing part-lot control from Lots 259 & 260. We have now found that when we position two of our existing semi-detached models on these lots we are still short of rear-yard room. A plan prepared by Greg Ham is attached showing the layout. A small triangular portion of Lot 261, 84.7 sq.m. in size, is also required in order to have enough space for these two semi-detached dwellings.

On behalf of the owners, 653973 Ontario Ltd., I wish to apply for removal of part-lot control from Lot 261 on Registered Plan 375. It is my understanding that an application fee of \$415.00 is required. I will notify Joe Malovic that you are expecting this payment from him.

If you have any questions or require further information, please contact me at this office.

Yours truly,

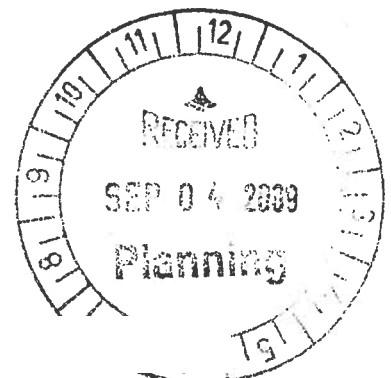
JORDAN & WISEMAN
SURVEYING LTD.


Robert J. Jordan, O.L.S.

ROBERT J. JORDAN
B.A., B.Sc., O.L.S.

SURVEY RECORDS OF:
K. M. WISEMAN O.L.S.
T. J. INGRAHAM O.L.S.

Encl.
c.c. Joe Malovic





**JORDAN
& WISEMAN
SURVEYING LTD.**

33 PERTH STREET
P.O. Box 485
BROCKVILLE
ONTARIO K6V 5V7

TELEPHONE: (613) 342-7525

FAX: (613) 342-9513

September 23, 2009

City of Brockville
P.O. Box 5000,
Brockville, ON
K6V 7A5

Attention: Jon Faurschou, Planner

Dear Mr. Faurschou:

**Re: Part-Lot Control Removal
Lot 261 & 262 Reg'd Plan 375
Aspen Drive**

On behalf of the owners, 653973 Ontario Ltd., I wish to revise my application for removal of part-lot control from Lot 261 on Registered Plan 375 to now include Lot 262 as well. I would also like to apply for removal of the "Holding" designation on these lots. It is my understanding that an application fee of \$330.00 is required for removal of the holding symbol. I will notify Joe Malovic that you are expecting this payment from him and also remind him that \$415 is still due for the original part-lot control application.

A sketch is attached illustrating the new lot configurations we are proposing.

If you have any questions or require further information, please contact me at this office.

Yours truly,

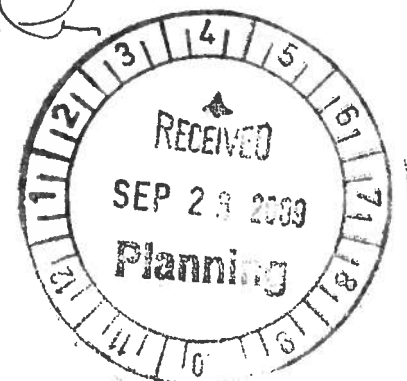
JORDAN & WISEMAN
SURVEYING LTD.

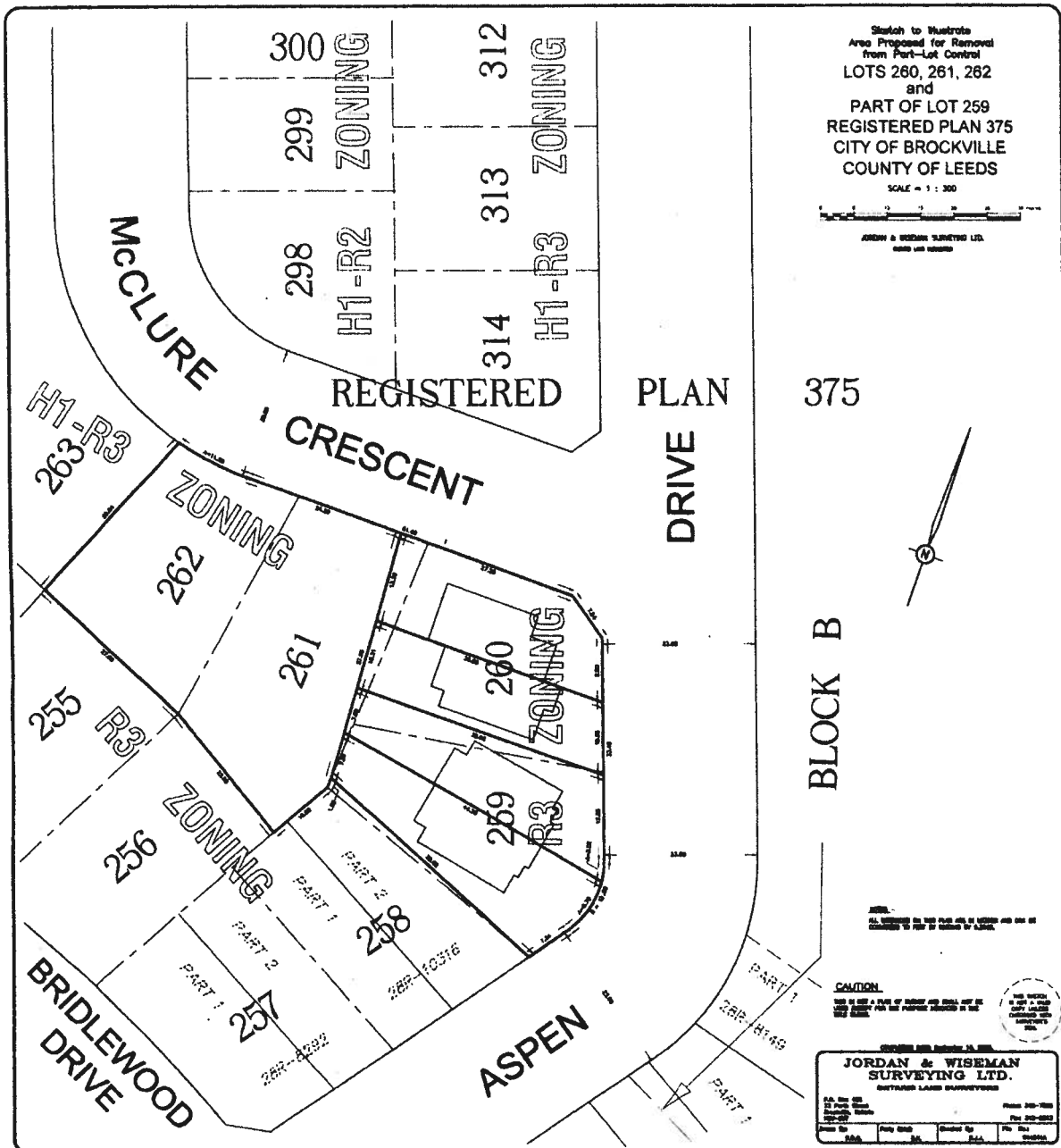

Robert J. Jordan, O.L.S.

Encl.
c.c. Joe Malovic

ROBERT J. JORDAN
B.A., B.Sc., O.L.S.

SURVEY RECORDS OF:
K. M. WISEMAN O.L.S.
T. J. INGRAHAM O.L.S.





24September2009

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 06 OCTOBER 2009

2009-161-10

**EXTENSION OF REGISTRATION OF FINAL PLAN
OF SUBDIVISION, PART OF LOT 11, CONC. 2
CITY OF BROCKVILLE, COUNTY OF LEEDS
FLANDERS ROAD, PHASE II
OWNER: JOHN CASSELL, O/A CASS DEV LTD.
AGENT: EASTERN ENGINEERING GROUP INC.
FILE: 08T-06501A**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
J. FAURSCHOU
PLANNER 1**

RECOMMENDATION:

THAT the date for registration for final approval of the Flanders Road Phase II Plan of Subdivision on lands described as Part of Lot 11, Concession 2, City of Brockville, County of Leeds be extended for an additional eighteen (18) months from the current extended date of Final Approval.

PURPOSE:

The purpose of this report is to make recommendation respecting a request for further extension of the date on which the Flanders Road Phase II Plan of Subdivision is to be registered.

BACKGROUND:

Eastern Engineering Group Inc., acting as Agent for Mr. John Cassell, o/a Cass Dev Ltd., Owner of lands described as Part of Lot 11, Concession 2, City of Brockville, County of Leeds, made application for a proposed Plan of Subdivision.

The subject lands, located on the north side of Laurier Boulevard, immediately west of 458 Laurier Boulevard (Health Unit), are currently vacant.

On 10 April 2007, Council for the Corporation of the City of Brockville passed resolution 2007-064-04 which granted draft approval to a Plan of Subdivision on the subject land, said draft approval being subject to eleven (11) conditions.

On 10 March 2009, Council for the Corporation of the City of Brockville passed resolution 2009-031-03 which granted final approval to a Plan of Subdivision on the subject land.

On 12 May 2009, Council for the Corporation of the City of Brockville passed resolution 2009-061-05 which granted an extension of 120 days for registration of final approval to the Plan of Subdivision on the subject land.

Extension of Registration of Final Plan of Subdivision
Block B, Plan 42, Part of Lot 11, Concession 2, City of Brockville
Owner: John Cassell, O/A Cass Dev Ltd.
Agent: Eastern Engineering Group Inc.
File: 08T-06501A

ANALYSIS:

Condition 11 of Report 2007-064-04, being the background report to Plan of Subdivision for Cass Dev Subdivision Phase II, reads as follows:

"11. That the Final Plan, as approved by the City of Brockville, must be registered within sixty (60) days of the date of final approval or the City's approval may be withdrawn in accordance with Section 51(59) of the Planning Act, R.S.O. 1990, c.P.13."

An initial extension for registration of Final approval was granted based on the need to resolve various title related issues. These issues have now been resolved. However, the Agreement remains unexecuted and the Final Plan has not been registered. Accordingly, the Agent, being Eastern Engineering Group Inc., has requested a further extension of 18 months. A copy of the request has been attached as **Schedule "A"** to this report.

The request for a further extension of eighteen (18) months is based on the following premise:

"Attempts to find a buyer for the property in the current economic environment have not been successful. Mr. Cassell does not wish to change the tax status of the property and incur the additional costs and concern without the likelihood of a possible sale."

In addition, the following items remain outstanding:

- i) A draft Agreement was provided to the developer for review. No response has been received to-date.
- ii) A registered consolidated legal description was required for use in the Agreement and for registration purposes. To-date a draft consolidated description has been provided but no registration information has been submitted as the matter is in the developer's solicitor's hands.

The request has been circulated to the Operations Department for comment and received the following response:

"The servicing allocation would remain with the subdivision and I believe the cost sharing agreement has the city paying its proportion the year following so it would not have an impact on the budget."

Given that the project has complete engineering drawings and appropriate approvals, it is reasonable to grant an extension for the registration of the Final Plan for a period of eighteen (18) months. The date for final registration would then be moved forward to 07 March 2011.

Extension of Registration of Final Plan of Subdivision
Block B, Plan 42, Part of Lot 11, Concession 2, City of Brockville
Owner: John Cassell, O/A Cass Dev Ltd.
Agent: Eastern Engineering Group Inc.
File: 08T-06501A

However, it is also reasonable to establish that no further extensions shall be considered on this project beyond the eighteen (18) months requested in order to ensure that sanitary capacity assigned to this project may be reassigned to another project should this project be further delayed. Following the expiry of the extension, the City should consider withdrawing its approval for Final Plan of Subdivision.

POLICY IMPLICATIONS:

There are no policy implications associated with the proposed extension of the time frame for registration of the Final Plan of subdivision.

FINANCIAL IMPLICATIONS:

There is a potential financial implication of not proceeding to registration of Final Plan of Subdivision. The subject landholding, following amalgamation into one parcel, would be taxed at a vacant residential rate. Alternatively, should the registration proceed, the lands would be taxed per lot, a substantially higher rate.


Conversely, should the request be denied and the developer fail to proceed with the development, the taxes would remain at the current rate.

Aside from the tax implications, there are no financial implications associated with the proposed extension of the time frame for registration of the Final Plan of subdivision as the financial security required under the Subdivision Agreement is based on current pricing provided by the developer at the time of construction and the City portion of cost sharing identified under the Agreement is paid out in the year following completion of the work in order to ensure that funds are included in the budget process.

CONCLUSION:

The Planning Department is recommending extension of the time frame for registration Final Plan of Subdivision for an additional eighteen (18) months in order to ensure that an Agreement is executed, and to enable the developer to arrange the sale of the subject land to another developer. The date for registration of Final Plan of Subdivision would then be moved to 07 March 2011.


M. Maureen Pascoe Merkley
Director of Planning


B. Casselman
City Manager

J. Fauschou, Planner I

File: 3005

September 16, 2009

City of Brockville
P.O. Box 5000
1 King St. W.
Brockville, ON K6V 3P5

Attention: Ms. M.M. Pascoe-Merkley

Dear Ms. Pascoe Merkley:

Re: Deer Trails Phase 2

I am writing on behalf of Mr. John Cassell to request that a delay of up to 18 months be granted for registration of this phase of the development.

Attempts to find a buyer for the property in the current economic environment have not been successful. Mr. Cassell does not wish to change the tax status of the property and incur the additional cost and concern without the likelihood of a possible sale.

Please review this matter and advise.

Yours very truly,

EASTERN ENGINEERING GROUP INC.



BRT: rie

B.R. Tuthill, P.Eng.

c.c. Mr. J. Cassell



28 September 2009
REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 6 OCTOBER
2009

2009-162-10
ENFORCEMENT OF CITY OF BROCKVILLE
SIGN BY-LAW 84-89

M. PASCOE MERKLEY
DIRECTOR OF PLANNING
ANDREW MCGINNIS
PLANNER II

RECOMMENDATION:

1. **THAT** Report 2009-162-10 respecting Sign By-law enforcement be received as information; and
2. **THAT** amendments to Sign By-law 84-89 to facilitate Short Wording be endorsed.

PURPOSE:

To outline the enforcement techniques that will be utilized to enforce the City of Brockville Sign By-law 84-89.

To amend City of Brockville Sign By-law 84-89 to allow for approval of Short Wording.

BACKGROUND:

Report 2009-107-07 (attached as **Schedule “A”**) was the initial report prepared for Council consideration on 25 August, 2009. The recommendation contained in said report was that amendments be made to the City’s Sign By-law to facilitate short working and thus ticketing for enforcement purposes.

On 25 August 2009, Brockville City Council requested that the proposed short wording be referred back to staff to provide a report on how the enforcement of the proposed short wording will occur. This report will provide an analysis and breakdown of how City By-law Enforcement Officers will administer enforcement of the proposed short worded by-law.

ANALYSIS:

Under Subsection 5.23 of City of Brockville Sign By-law 84-89, department staff currently has certain authority to deal with a sign that is in violation.

5.23 Signs in Violation

- (i) *Whenever the Chief Building Official, or his/her designate after inspecting a sign finds such sign to be in violation of the provisions of this By-law, shall notify the owner of the property and the owner of the sign, in writing or by causing a notice to be delivered personally to such owners, requiring them or either of them to repair, alter or change or remove such sign within ten (10) days from the receipt of such notice.*
- (ii) *Where the repair, alteration or change or removal is a matter of public safety, in the sole opinion of the Chief Building Official or his/her designate, the Chief Building Official may give notice orally and may reduce the period within which the owner or owners has to take action*

to a period, which in the Chief Building Official's sole discretion, is adequate taking into account the circumstances at the time the Notice was given.

When removal is appropriate, such Notice as provided in Subsection (i) or (ii) hereof shall terminate the relevant sign permit.

- (iii) *A-board signs located on any highway may be removed by the Chief Building Official or his/her designate without notice.*

The proposed by-law is attached as **Schedule "B"** to this report. Please note that the amending by-law includes a change in the timeframe allotted to a violator to gain compliance. The timeframe has been changed from 10 business days to 15 business days.

The enforcement for erecting a sign without a permit, erecting a sign in contravention of the approved permit, or erecting a portable sign in excess of the time allotted under the Sign By-law will be as follows:

Offence:

1. Conduct a site inspection and subsequent file search to determine whether a violation is occurring.
2. A letter, stating the nature of the violation will be sent to the property owner, business owner and/or the sign company that placed the sign. The requirements set out in the Sign By-law and instructions for obtaining compliance would be included within the letter sent out by the Planning Department. A date (15 business days from date of Notice) would be provided to allow time for the violator to obtain compliance.

A follow-up contact will be made within the 15-day compliance period.

3. If no compliance is received within the given timeframe, a ticket of \$100.00 will be issued to the property owner, business owner and/or the sign company. This decision will be based on information provided and obtained through discussion with all parties. Where responsibility cannot be established, all parties may be served. (Example, property owners and/or business owners sometimes rely on the sign company to obtain the required permits.)

Council should note that the proposed short wording of the Sign By-law does provide staff the opportunity to ticket at any time in relation to any violation under the Sign By-law. This includes all signs except for those that are exempt. Below is an excerpt from the City of Brockville Sign By-law 84-89, describing the types of signs that are exempt from obtaining a permit.

"SECTION 4 - PERMIT EXEMPTIONS"

4.1 No permit under this By-law shall be required for:

- (a) any poster, banner, or sign of a candidate in a Municipal, Provincial, or Federal Election;

- (b) *signs of a public authority, including agents of the City of Brockville;*
- (c) *signs prescribed by law;*
- (d) *signs for public convenience (such as delivery, caution, entrance, construction or detour signs);*
- (e) *temporary signs of non-profit charitable organization;*
- (f) *municipal exhibition or event signs;*
- (g) *real estate signs;*
- (h) *no trespassing signs 0.55 sq. metres (6 sq. ft.) or less in area;*
- (i) *interior window signs 0.55 sq. metres (6 sq. ft.) or less in area;*
- (j) *signs 0.55 sq. metres (6 sq. ft.) or less in area identifying parking areas;*
- (k) *identification signs 0.20 sq. metres (2 sq. ft.) or less in area which signs identify the owners/occupants of a building;*
- (l) *awnings carrying no advertising and which do not overhang a public highway;*
- (m) *signs interior to any building which signs are not visible from the exterior of the said building;"*

All other signs not listed above are required to submit application and obtain a permit before placement of the sign can occur. Periods and expiration dates will be monitored and appropriate action will be taken as previously described.

The violator(s) will be given a warning and ample notice to obtain a permit and compliance with the Sign By-law.

EXISTING POLICY:

Enforcement of the Sign By-law is primarily on a complaint-driven basis or to act on directives/initiatives established by Council.

FINANCIAL CONSIDERATIONS:

There are no financial considerations associated with this report.

CONCLUSION:

City of Brockville Sign By-law 84-89 requires the proposed amendment to allow for short wording enforcement. If the short wording of the by-law does not occur, staff has no means to obtain penalty for violators of the current by-law other than sign removal and/or court proceedings.



Andrew McGinnis, Planner II
Planning

M. Pascoe Merkley, Director of



B. Casselman, City Manager

June 25, 2009

REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE – July 7th, 2009

2009-107-07

**REQUEST FOR AMENDMENTS TO
CITY OF BROCKVILLE SIGN BY-LAW 84-89**

**S.M. SEALE
CITY CLERK
M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

RECOMMENDATION

THAT Council authorize the passing of the attached by-law [Schedule A] authorizing amendments to City of Brockville Sign By-law 84-89.

PURPOSE

To amend City of Brockville Sign By-law 84-89 to allow for approval of Short Wording.

BACKGROUND

Brockville City Council passed City of Brockville Sign By-law 84-89 on April 11th, 1989 in order to prohibit or regulate signs and other advertising devices and the posting of notices within the City of Brockville.

ANALYSIS

It has been brought forward by members of Council and the public, the concern that there is a proliferation of portable signs lacking permits and that there is a need for enforcement. In order to enforce and lay charges for contravention of Sign By-law 84-89, the City of Brockville must apply for short wording of the said by-law. On June 23rd, 2009, staff forwarded a copy of the Sign by-law, along with the proposed amendments, to the Crown Attorney's office for comment and review. The Crown Attorney's office confirmed that the amendments proposed by staff were sufficient to have short wording approved for this by-law.

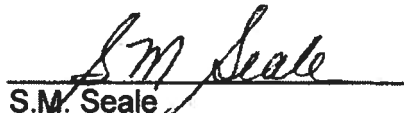
The proposed amendments, and subsequent approval of short wording, will allow staff to lay charges for erecting a sign without a permit, erecting a sign in contravention of the approved permit, or erecting a portable sign in excess of the time allotted under the Sign by-law. A synopsis of offences that staff are looking to have short wording approved for are identified in Schedule B to this report.


EXISTING POLICY

Amendments to the Sign By-law require Council's authorization.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.


S.M. Seale
City Clerk


B. Casselman
City Manager


M. Pascoe Merkley
Director of Planning

THE CORPORATION OF THE CITY OF BROCKVILLE

By-Law Number XXX-2009

By-law to Amend City of Brockville Sign By-law 84-89

WHEREAS Council for the Corporation of the City of Brockville passed City of Brockville Sign By-law 84-89 on April 11th, 1989; and

WHEREAS Council for the Corporation of the City of Brockville deems it necessary to amend by-law 84-89;

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

THAT Section 5, General Regulations Applicable to All Signs in All Zones, be amended by deleting Sub Section 5.1 in its entirety; and, replaced with the following:

- 5.1 (a) No person shall erect or cause to be erected, a sign or its structure, temporary or permanent, awning or other advertising device for any purpose within the City of Brockville without a permit.
- (b) No person shall erect or cause to be erected, a sign or its structure, temporary or permanent, awning or other advertising device for any purpose within the City of Brockville not in accordance with the approved permit conditions.

THAT Section 5, General Regulations Applicable to All Signs in All Zones, be amended by deleting Sub Section 5.20 (ii) Off Premises Advertising Signs section 1) and replaced with the following:

- 1) No person shall erect or cause to be erected off premises advertising signs except where such signs are permitted by amendment to this by-law.

THAT Section 5, General Regulations Applicable to All Signs in All Zones, be amended by deleting Sub Section 5.29 and replaced with the following:

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

This by-law shall be administered by the Chief Building Official or his/her appointed designate.

THAT Section 8 – Signs in Commercial and Industrial Zones, Sub Section 3.0, Portable Signs be amended by adding:

- 3.1 No person shall erect or cause to be erected a portable sign without first obtaining a permit.

Given under the Seal of the
Corporation of the City of Brockville
and passed this 28th Day of July, 2009

Mayor

Clerk

City of Brockville
Part I Provincial Offences Act
Sign By-law No. 84-89, as amended

Report 2009-107-07

| Column 1 Item | Column 2 Short Form Wording | Column 3 Provision creating or defining offence | Column 4 Set Fine |
|--------------------------|---|--|------------------------------|
| 1 | Erected a sign without obtaining a permit. | Section 5.1(a) | \$100 |
| 2 | Caused to erect a sign without obtaining a permit. | Section 5.1(a) | \$100 |
| 3 | Erected a sign not in accordance with approved permit | Section 5.1(b) | \$100 |
| 4 | Caused to erect a sign not in accordance with approved permit | Section 5.1(b) | \$100 |
| 5 | Located a temporary construction sign within a visibility triangle. | Section 5.6 | \$100 |
| 6 | Located a temporary project announcement sign within a visibility triangle. | Section 5.6 | \$100 |
| 7 | Located a portable sign within a visibility triangle. | Section 5.6 | \$100 |
| 8 | Located an A-board sign within a visibility triangle. | Section 5.6 | \$100 |
| 9 | Located a panel sign within a visibility triangle. | Section 5.6 | \$100 |
| 10 | Erected an off-premises sign. | Section 5.20 | \$100 |

SCHEDULE “B” – REPORT 2009-162-10

THE CORPORATION OF THE CITY OF BROCKVILLE

By-Law Number 000-2009

By-law to Amend City of Brockville Sign By-law 84-89

WHEREAS Council for the Corporation of the City of Brockville, on the 11th day of April, 1989, adopted City of Brockville Sign By-law 84-89; and

WHEREAS Council of the Corporation of the City of Brockville deems it necessary to amend said Sign By-law 84-89;

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

THAT By-law 84-89 be amended as follows:

1. THAT Section 5 – General Regulations Applicable to All Signs in all Zones, be amended as follows:
 - a) Subsection 5.1 is deleted in its entirety and replaced with the following clause:
 - “5.1 (a) No person shall erect or cause to be erected, a sign or its structure, temporary or permanent, awning or other advertising device for any purpose within the City of Brockville without a permit.
 - (b) No person shall erect or cause to be erected, a sign or its structure, temporary or permanent, awning or other advertising device for any purpose within the City of Brockville not in accordance with the approved permit.”
 - b) Subsection 5.23, Signs in Violation, clause (i), is deleted in its entirety and replaced with the following clause:
 - “(i) Should the Chief Building Official or his/her designate, after inspecting a sign, determine such sign to be in violation of the provisions of this By-law, a written notice shall be sent to the property owner, the business owner and/or the sign company, requiring them to bring such sign into compliance with this By-law within fifteen (15) business days from the date of the notice.”

- c) Subsection 5.29, Penalty, is deleted in its entirety and replaced with the following clause:

"5.29 Penalty

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

This By-law shall be administered by the Chief Building Official or his/her appointed designate."

Given under the Seal of the
Corporation of the City of Brockville
and passed this 13th day of October, 2009

Mayor

Clerk

October 1, 2009

REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE –
October 6, 2009.

2009-165-10

S. SEALE, CITY CLERK

PUBLIC REVIEW RESPONSE TO THE INITIAL PROPOSED BUILT ENVIRONMENT
STANDARDS

RECOMMENDED

THAT Council endorse *The Case for Harmonization of the AODA Standards* model proposed by the Association of Municipalities of Ontario and include the model in the City of Brockville's public review response to the province regarding the initial proposed Built Environment Standard.

PURPOSE

To provide information regarding AMO's message to the province with respect to Accessibility and Municipalities at Risk with Initial Proposed Built Environment Standard and to recommend that Council support The Case for Harmonization of the AODA Standards.

BACKGROUND

On July 14, 2009, the government released the initial proposed Accessible Built Environment Standard under the Accessibility for Ontarians with Disabilities Act for public review. The standard sets out specific requirements for making the built environment in Ontario accessible, including all new construction.

AMO is recommending that the Government adopt their proposed model for harmonization, THE CASE FOR HARMONIZATION OF AODA STANDARDS.

AMO recommends that municipalities endorse and include their proposed *Case for Harmonization of the AODA Standards* in their public review response to the initial proposed Built Environment Standard. The deadline for municipalities to respond to the review is October 16, 2009.

See attached member communication from AMO. (attachment 1)
See dates for compliance table for Built Environments. (attachment 2)


FINANCIAL CONSIDERATIONS

AMO believes that if the government chooses to adopt the proposed *harmonization model*, many of the concerns, including the cost and human resource implication of implementing any and all of the proposed standards will be addressed and significantly mitigated.

CONCLUSION

The Association for Municipalities of Ontario will continue to work with the government and municipalities to ensure the implementation of the AODA is fiscally responsible and manageable and to ensure the intent and objectives of the Act are achieved by 2025.

Updates and information regarding the AODA standards will be brought to Council on a regular basis from the Clerk's Department.



B. Casselman
City Manager



S. Seale
City Clerk



200 University Ave, Suite 801
Toronto, ON M5H 3C6
Tel.: (416) 971-9856 | Fax: (416) 971-6191
E-mail: amo@amo.on.ca

ALERT

MEMBER COMMUNICATION

ALERT N°: 09/067

To the attention of the Clerk and Council
September 28, 2009

FOR MORE INFORMATION CONTACT:
Petra Wolfbeiss, AMO Senior Policy Advisor
(416) 971-9856 ext 329

AMO's Message to the Province: Accessibility and Municipalities at Risk with Initial Proposed Built Environment Standard

Issue:

On July 14, 2009, the government released the initial proposed Accessible Built Environment Standard under the *Accessibility for Ontarians with Disabilities Act* for public Review. The initial proposed standard sets out specific requirements for making the built environment in Ontario accessible, including all new construction.

AMO is strongly encouraging municipalities to respond to the public review. The deadline to respond is **October 16, 2009**.

Background:

AMO continues to support the need for increased and improved accessibility for Ontarians in all aspects of community and civic life. AMO believes that since the enactment of the AODA four years ago, important advancements have been made in discussions on the key barriers to achieving accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

AMO also appreciates the government's inclusive approach to the standard development process and at the same time appreciates the challenges associated with reaching "consensus" on issues in a process where common ground has not been clearly defined.

Bearing this in mind, it is unclear the degree to which the initial proposed Built Environment Standard as written will improve accessibility for people with disabilities.

It is important to note, that the financial burden and expectations the proposed standard places on municipalities will not only undermine the objectives of the Act and the potential for greater accessibility for all Ontarians, but conflict with the provincial objective of "*Open for Business*". The timelines, requirements and cost of implementing all of the requirements proposed in the standard may undermine Ontario's competitiveness.

AMO will be providing a detailed response to the Built Environment Standard Development Committee and will be responding to the Minister Meilleur. Addressing key areas of concern related to the continued lack of harmonization across standards, the overall scope and applicability of the standard and the cost impact on municipalities if the standard is implemented as proposed, AMO's key recommendations are:



1. ***AMO is recommending that the Government adopt the proposed model for harmonization, The Case for Harmonization of AODA standards.***
2. ***AMO is recommending that in the absence of financial support to municipalities to implement the AODA, the Province should reject retrofit requirements. In addition, the Government should conduct a thorough impact analysis on the economic implications of implementing the standard as proposed.***
3. ***AMO recommends that if the standard is to include compliance when undertaking renovations, flexibility must be provided in recognition that in some cases compliance is not feasible. Rather than a specific definition for compliance, degrees of accommodation should be considered. However, prior to any acceptance of the standard into regulation, high minimum thresholds for compliance must be developed in consultation with the building sector and construction industry representatives.***
4. ***AMO recommends that maintenance be removed from the proposed built environment standard as standards currently exist in municipal by-laws and provincial legislation such as the Highway Traffic Act.***
5. ***AMO recommends that the technical requirements set out in the proposed standard be reviewed by industry experts prior to finalizing any aspects of the standard. AMO also recommends that the cost implications be understood by way of an impact analysis and that the cost implications be considered in timelines to implement as well as through appropriate provincial funding.***
6. ***AMO recommends that administration responsibilities be significantly reduced and be integrated into existing Provincial government processes. And, that increased administrative costs and impacts resulting from implementation and compliance review of the standard be paid for by the provincial government.***
7. ***AMO recommends in light of the potential province-wide financial impact of the proposed standard, further impact analysis is required to ensure that the Ministry is fully aware of the economic implications prior to the adoption of a regulation.***

Regarding the proposed harmonization model, AMO believes that if the government chooses to adopt the proposed harmonization model, many of the concerns, including the cost and human resource implications of implementing any and all of the proposed standards will be addressed and significantly mitigated.

Action: AMO recommends that municipalities endorse *The Case for Harmonization of the AODA Standards* and include the model as a recommendation in your public review response to the initial proposed Built Environment Standard. AMO will continue to work with the government and municipalities to ensure the implementation of the AODA is fiscally responsible and manageable and to ensure the intent and objectives of the Act are achieved by 2025.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.

Table 2.3 Compliance DatesAttachment A to
2009-165-10

Dates for Compliance for Built Environments constructed prior to the date that the standards become effective for construction of new built Environments

| # | Occupancy/Organization | Compliance Date |
|---|---|--------------------------------------|
| 1 | Institutional Buildings (Group B) and Medical offices from Group D – Public – see Appendix E | 5 years from filing new regulations |
| 2 | Assembly Type Buildings (Group A) – Public – see Appendix E | 5 years from filing new regulations |
| 3 | Institutional Buildings and Medical offices – Private similar to above, not funded by public funds | 7 years from filing new regulations |
| 4 | Non Medical Office and Personal Service Buildings (Group D) – Public – see Appendix E | 7 years from filing new regulations |
| 5 | Assembly type Buildings – Private similar to above | 8 years from filing new regulations |
| 6 | Office and Personal Service Buildings – Private similar to above | 9 years from filing new regulations |
| 7 | Retail Buildings – see Appendix E | 10 years from filing new regulations |
| 8 | Residential Buildings (as described in article 3.8.1.1 of Division B of the Ontario Building Code) – see Appendix E | 12 years from filing new regulations |
| 9 | Industrial Buildings – see Appendix E | 13 years from filing new regulations |