



Economic Development & Planning Committee

Tuesday, December 6th, 2011

Immediately following the Public Meeting
City Hall - Council Chambers

Committee Members

Councillor J. Baker, Chair
Councillor T. Blanchard
Councillor L. Bursey
Councillor M. Kalivas
Mayor D. Henderson,
Ex-Officio

Areas of Responsibility

Economic Development
Planning
Chamber of Commerce
DBIA
Heritage Brockville

Museum Board
Library Board
Arts Centre
Tourism

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DISCLOSURE OF INTEREST

DELEGATIONS

- 3 1. Mr. Michael Veenstra, Spring Valley Homes
 Mr. Veenstra will address the Committee regarding the Wildwood Phase II development.

STAFF REPORTS

- 4-18 1. 2011-116-12
 Final Sub-division Approval Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, (Liston Avenue – South Side)
 Owner: 1178420 Ontario Limited
 Agent: Collett Surveying Ltd.
- 19-39 2. 2011-136-12
 Proposed Zoning By-law Amendment
 158 Perth Street, Brockville
 Owner: Tory Deschamps and Erin Merkley
- 40-45 3. 2011-137-12
 Extension of Removal of Part Lot Control Lots 78 through 90 Inclusive
 Plan 388 Brock Street, City of Brockville (Brockwoods Subdivision - Phase 3B)
 Owner: 534499 Ontario Limited
- 46-63 4. 2011-139-12
 Community Improvement Plans – Program Extension

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STAFF REPORTS

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| 64-87 | 5. 2011-142-12
Response to Draft Decision - New Official Plan |
| 88-90 | 6. 2011-134-12
Career Services of Brockville Request for License to Permit the Construction of Parking on Hubbell Street |
| | 7. Verbal Report from David Paul, Director of Economic Development Employment Lands |

CONSENT AGENDA

MOTION TO MOVE INTO CLOSED SESSION

1. THAT pursuant to Municipal Act, 2001, Section 239 Sub. 2 (c), Council resolve itself in to the Committee of the Whole, In Camera, closed to the public to consider:
 1. a proposed or pending acquisition or disposition of land by the municipality or local board.

REPORT OF THE COMMITTEE OF THE WHOLE IN CAMERA

1. THAT Council rise from Committee of the Whole, In Camera and the Chairman report that all recommendations adopted in Committee of the Whole, In Camera, be adopted.

Daphne Livingstone

From: Maureen Pascoe Merkley
Sent: Friday, December 02, 2011 12:41 PM
To: Daphne Livingstone; Vicki Baker
Cc: Sandra Seale
Subject: FW: Delegation appearance request for next EDP meeting

Ladies: Please see the following message.

M. Maureen Pascoe Merkley, MCIP, RPP

Director of Planning

City of Brockville

1 King Street West, P.O. Box 5000

Brockville, ON K6V 7A5

Tel. (613) 342-8772 ext. 444

Fax (613) 498-2793

Email: mpmerkley@brockville.com

From: Spring Valley Homes Ltd. [<mailto:svhomes@ripnet.com>]

Sent: December 2, 2011 12:39 PM

To: Sandra Seale

Cc: Maureen Pascoe Merkley

Subject: Delegation appearance request for next EDP meeting

Hi Sandi,

Please add my name as a speaking delegate for the next EDP committee meeting being held at City Hall

I wish to discuss Wildwood Phase II issues related to moving forward on this project.

Please confirm by return email,

Thank you in advance,

Michael Veenstra | Spring Valley Homes | BCIN 31745

PO Box 1543 Brockville, ON, K6V 6E6

Site location : Wildwood Crescent

Mobile: 613.341.1383 | email:svhomes@ripnet.com

Information from ESET NOD32 Antivirus, version of virus signature database 6678 (20111202)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

24Nov2011

**REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 06 December
2011**

2011-116-12

**FINAL SUBDIVISION APPROVAL
LOT 3 AND PART OF LOTS 1, 2 AND 4 AND
PART OF GLASFORD PLACE, REGISTERED PLAN 380
CITY OF BROCKVILLE
(LISTON AVENUE – SOUTH SIDE)
OWNER: 1178420 ONTARIO LTD.
AGENT: COLLETT SURVEYING LTD.
FILE: 08T-10502**

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

RECOMMENDATIONS:

- 1. THAT Council for the Corporation of the City of Brockville, acting pursuant to Section 51 (6) of the Planning Act, R.S.O. 1990, grant final approval with respect to the plan of subdivision, as red-lined, on lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds.**
- 2. THAT the Owner's request to name the street within the plan of subdivision, as red-lined, "Steacy Gardens" be endorsed.**

ORIGIN AND BACKGROUND:

Collett Surveying Ltd., acting as Agent for 1178420 Ontario Ltd., Owner of lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds, has made application for a proposed Plan of Subdivision. The proposed Plan of Subdivision indicates the creation of five (5) lots for twenty (20) townhouse dwelling units, one (1) lot for an apartment building with approximately thirty (30) apartment units to be constructed in the future, one (1) public street and two Blocks, Block 1 being a 0.3 metre (1 ft.) reserve and Block 2 being a children's play area/community park. All development will be on a new street to be accessed from Liston Avenue. All residential lots have frontage on the proposed new street. A sketch showing the lands which are the subject of the application and a preliminary Plan of Subdivision, attached to this report as **Schedule "A-1"**, the red-lined draft approved plan is attached as **Schedule "A-2"**. The subject lands are currently vacant.

The subject lands are located on the south side of Liston Avenue, behind the townhouses that are currently being constructed. The subject lands are designated as Residential under the Official Plan for the City of Brockville_(current), designated as Neighbourhood Area under the pending Official Plan_(adopted June 14, 2011) and zoned as R5-X8-1 Multiple Residential

Final Subdivision Approval, Lot 3 And Part of Lots 1, 2 And 4 and Part of
Glasford Place, Registered Plan 380, City of Brockville (Liston Avenue – South Side)

Owner: 1178420 Ontario Ltd.

Agent: Collett Surveying Ltd.

File: 08T-10502

Zone under City of Brockville Zoning By-law 194-94, as amended.

On 08 February 2011, Council for the Corporation of the City of Brockville granted draft approval to a Plan of Subdivision on the subject lands, said Draft approval being subject to nine (9) conditions as presented under Report 2011-017-02. An excerpt showing the recommendation has been attached to this report as **Schedule “B”**

Pre-servicing has been underway through a Pre-Servicing Agreement authorized by Resolution of Council, dated April 5, 2011 (Report No. 2011-035-04).

Collett Surveying Ltd. has indicated that the developer is ready to proceed with development of the Liston Avenue Subdivision as shown on **Schedule “A-2”** to this report.

ANALYSIS:

The proposed Plan of Subdivision indicates the creation of five (5) lots for twenty (20) townhouse dwelling units, one (1) lot for an apartment building with approximately thirty (30) apartment units to be constructed in the future, one (1) public street and two Blocks, Block 1 being a 0.3 metre (1 ft.) reserve and Block 2 being a children’s play area/community park. The proposed development will be accessed from one (1) cul-de-sac street with direct access to Liston Avenue. Townhouse and apartment dwelling units are permitted under the current R5-X8-1 Zone.

A Subdivision Agreement has been prepared has been forwarded to the Owner for review, and has subsequently been executed. The Agreement addresses various conditions respecting development of the lands.

Prior to the granting of final approval, Council must be satisfied that the conditions of approval which Council imposed under Draft approval have been satisfied (See attached **Schedule “B”** for a complete list of the conditions). In this regard, each of the conditions is identified below in italics followed by comments which reflect how each of the conditions has been met.

- i) *That these conditions shall apply to the red-lined Draft Plan prepared by Brent Collett, O.L.S., dated October 29, 2010, showing Lots 1 through 6, inclusive, and Blocks 1 and 2, inclusive, said Blocks being delineated as to use on the aforementioned Draft Plan, as revised;*

Final Subdivision Approval, Lot 3 And Part of Lots 1, 2 And 4 and Part of
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The legal description of the land which is subject of the plan of subdivision and the layout of the lots and blocks in the plan of subdivision are included in the Subdivision Agreement as Schedules "A" and Schedule "B" respectively. The subdivision plan, as red-lined, being considered for final approval is consistent with the plan previously given draft plan approval by City Council.

Note: The legal description under Schedule "A" is required to be amended prior to registration of the Plan. At the time of Draft Plan approval, a children's play area was located in the south-east corner of the site with deeded access for residents of 21 Liston Avenue "The Camelot". On 11 October 2011, (Report 2011-103-10) Council granted approval to amend the Declaration of Condominium for 21 Liston Avenue to release its interest in an easement described as Parts of Lots 1, 2 and 3 on Registered Plan 380 designated as Parts 3 and 4 on Reference Plan 28R-8849, being a children's play area. As a result of this process, the legal description for the draft plan of subdivision will change. The revised legal description for Schedule "A" shall be prepared by the applicant's agent and provided to the Planning Department for use in the Subdivision Agreement, at no cost to the City.

- ii) *That the proposed Street "A" shown on the red-lined Draft Plan, shall be dedicated as a public highway to be named to the satisfaction of the City of Brockville;*

The proposed name for the "Proposed Street "A" shown on the Plan is "Steacy Gardens". Planning staff had suggested the naming of streets after prominent Brockvillians, as has often been the City's practice and referred the applicant to Heritage Brockville for consultation and to the City of Brockville Street Naming Policy. In this case, the name "Steacy" was chosen as a reminder of John Steacy who is profiled below:

"Born: 1815
Died: 3 July 1928

Steacy was builder and architect who was responsible for some of the early homes and public buildings put up in Brockville during the 1840's and 1850's. His design was chosen for the Town Hall in the West Ward, now the Arts Centre). He was also the contractor for this building, built in 1858, which also contained an indoor market, a fire hall and a concert space. His own home still stands at 3 Pearl Street West, as do the row of attached townhouses known as Pearl Terrace across the road at 2, 4, 6 Pearl Street West which he built for his children. His son, Thomas B.

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Steacy was the founder of a long established jewelry business on King Street."

(Source: Heritage Brockville)

This report has been prepared with the recommendation that Council endorse the street name "Steacy Gardens". Additionally, Clause 15 of the Subdivision Agreement has been drafted to reflect the street name. However, such clause would be modified should Council direct the use of an alternate street name.

- iii) *That such easements as may be required for services, drainage purposes and the like shall be granted gratuitously to the appropriate authority or authorities, including an easement in favour of the City over Lot 3 to provide access from the public highway to the existing storm sewer easement located on proposed Lots 3, 4, 5 and 6.*

Clause 17 - Conveyances / Easements, of the Subdivision Agreement states that the Owner shall gratuitously grant easements as are required by various agencies and the City in order to service the subdivision. The developer has confirmed that development of Lot 3 for a proposed apartment building has been deferred until a later date. Accordingly, it would be premature to establish formal access across Lot 3 of the proposed subdivision to access Part 2, Plan 28R-8849. However, a blanket easement will be provided initially so that the City has the right to gain access to the storm drainage system.

- iv) *That prior to final approval of the Plan, the Owner shall enter into a Subdivision Agreement with the City of Brockville which shall specify, among other things:*

- *All of the requirements, financial and otherwise, of the City of Brockville concerning the provision of roads, sidewalks, street lighting and the installation of services and drainage;*

The Subdivision Agreement addresses various standard requirements, as well as other items noted below, and as noted under the conditions of Draft Plan Approval granted on February 8, 2011 and attached to this report as Schedule "B":

- the dedication of Blocks 1 and 2 to the City for a 0.3 metre (1 ft.) reserve and a children's play area/community park, respectively;

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File: 08T-10502

- the installation of a concrete sidewalk from Liston Avenue along Steacy Gardens through to the west side of Lot 3;
- the creation and equipping of a children's play area and community park to be located on Block 2 of the Plan to the satisfaction of the City of Brockville including, but not limited to: a children's play structure; play area surface; lighting; landscaping; access; seating; etc. as shown on Clause 2, drawing 11 "Play Structure Pad", Clause 24 "Children's Play Area/Community Park-Block 2", and Schedule "C", Item 11 of the Subdivision Agreement
- payment of the Millwood Avenue Impost, prior to issuance of building permit, for each dwelling unit constructed within the plan of subdivision.
- *All of the requirements, financial and otherwise, of the City of Brockville concerning ensuring unobstructed access to all municipal services and easements;*

Clause 17 "Conveyance and Easements" addresses the requirement for the Owner to provide appropriate documentation to ensure clear and unobstructed access in perpetuity to Part 2, Plan 28R8849, being a municipal storm drain easement. Remaining municipal services are designed to be located within the road allowance or on Block 1 or 2, all of which will be conveyed to the City.
- *The dedication of lands within the subdivision for public purposes;*

Clause 17 - Conveyances / Easements, of the Subdivision Agreement states that the Owner shall gratuitously grant easements for public purposes. In this case, such lands include the proposed new street "A" being "Steacy Gardens", boulevards, Block 1, being a 0.3 metre reserve and Block 2, being an equipped children's play area and community park.
- *The elimination of the existing private equipped children's play area and easement therefore;*

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Clause 24 "Children's Play Area/Community Park", of the Subdivision Agreement states that the Owner shall assume all costs related to the elimination of the previous children's play area and the installation and equipping of the new children's play area and community park on Block 2, of the Plan.

- *The requirements of Canada Post with respect to the installation of Community Mailboxes and the installation of a centralized mail facility for the apartment building;*

The Subdivision Agreement, under Clause 18 "Mail Delivery/Mailboxes", specifies that all townhouse dwellings located within Lots 1, 2, 4, 5 and 6, inclusive, shall receive mail delivery to a centralized mail facility via community mailbox. The community mailbox shall be supplied and installed by Canada Post and shall be located to the satisfaction of the City and Canada Post. The Owner shall, at its expense, provide curb depressions at the community mailbox site location(s), a one (1.0) metre wide walkway across the boulevard, where a grassed boulevard is planned, between the curb and the sidewalk to access the mail facility all of which is handicap accessible from the roadway surface and designed and constructed to comply with all specifications and requirements and to the satisfaction of Canada Post.

The apartment building will receive mail delivery to a centralized mail facility via lock box assembly or mailroom. Given that the apartment building is not intended for immediate development, the method of mail delivery may vary from that identified in the Subdivision Agreement but will be determined at the time of review of the required Site Plan Control Application.

- *The requirements of Enbridge Consumers Gas, with respect to an overall distribution plan, installation strategy and installation standards;*

The Subdivision Agreement, under Clause 19 "Installation of Natural Gas", addresses the standard requirements of Enbridge Consumers Gas with respect to the natural gas distribution system to be installed within the road allowances and require the Owner to "arrange with Enbridge Consumers Gas for the installation of natural gas throughout the Plan".

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- *The requirements of Hydro One Networks Inc. with respect to the installation of electrical servicing;*

The Subdivision Agreement, under Clause 21 “Electrical Distribution Systems”, specifies that the Owner must enter into an Agreement with Hydro One Networks Inc. respecting the electrical distribution system to be installed. In addition, the clause references the requirements of the City of Brockville with respect to the installation of the street lighting distribution system and specifies that streetlight fixtures shall be magnetic-induction and shall be compatible with those street lighting fixtures currently in use within the City of Brockville. Use of alternative street lighting fixtures shall be at the discretion of the City Engineer.

- *The requirements of Bell Canada with respect to the installation of Bell servicing;*

Clause 22 “Bell Canada” within the Subdivision Agreement addresses the standard requirements of Bell Canada with respect to the provision of underground servicing. In addition, Clause 22 specifies that “*The City shall be advised, in writing, by the Owner that the Owner has entered into a Letter of Agreement with Bell Canada respecting the provision of underground servicing*”.

- *The requirements of Cogeco Cable Canada Inc. with respect to the installation of Bell servicing;*

Clause 20 “Installation of Cable” within the Subdivision Agreement addresses the standard requirements of Cogeco Cable Canada Inc. with respect to the provision of underground servicing.

- *The requirements of the Fire Department to ensure emergency services access and fire fighting capabilities and access;*

Clause 2 “Municipal Services”, Clause 13 “Fire Break Lots” and Schedule “C”, Clause 4 “Watermains and Distribution System” address requirements of the Fire Department to ensure emergency services access and fire fighting capabilities and access

- *The developer’s responsibility to prepare a Tree Saving Plan and Tree Planting Schedule for review and approval by the City of Brockville.*

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Clause 27 "Tree Saving Plan" and Schedule "C", Item 9-Tree Planting Standards addresses tree planting standards, including limitations on tree cutting, protection of existing trees minimum replacement standards, ensuring the Owner is responsible for ensuring the planting and viability of all tree plantings.

- v) *That prior to final approval of the red-lined Plan, lot grading, drainage, erosion and sediment control, and services plan(s) with best management practices be prepared by the Owner for inclusion in the Subdivision Agreement, to the satisfaction of the City of Brockville and the Cataraqui Region Conservation Authority;*

The following design drawings have been reviewed and approved by the Operations Department, Environmental Services Department and the CRCA:

Drawing No.:

1. BASE PLAN - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-BP, 3 of 12, Dated 2010/09/27, as revised.
2. GENERAL PLAN OF SERVICES - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-GP, 4 of 12, Dated 2010/09/27, as revised.
3. PLAN AND PROFILE – STREET 1+000 TO 1+095 - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-P1, 5 of 12, Dated 2010/09/27, as revised.
4. PLAN AND PROFILE – STREET 1+095 TO 1+165 - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-P2, 6 of 12, Dated 2010/09/27, as amended.
5. PLAN AND PROFILE – STREET 2+000 TO 2+084 - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-P2, 7 of 12, Dated 2010/09/27, as revised.
6. GRADING PLAN - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-GR, 8 of 12, Dated 2010/09/27, as

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File: 08T-10502

revised.

7. UTILITY PLAN - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-GR, 9 of 12, Dated 2010/09/27, as revised.
8. DETAILS 1 - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-D1, 10 of 12, Dated 2010/09/27, as revised.
9. STORM DRAINAGE AREA PLAN - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-SDA, 11 of 12, Dated 2010/09/27, as revised.
10. SANITARY AREA PLAN - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Genivar, Sheet No. 101-16700-SA, 9 of 12, Dated 2010/12/06, as revised.
11. PLAY STRUCTURE PAD - Villas of North Ridge Phase 3, Brockville, Ontario. Issued by Eastern Engineering Group Inc., Sheet No. 1, Project No. 5139, Dated 20/09/2011, as revised.

NOTE: Where the above-noted drawing, "Play Structure Pad" conflicts with design drawings 1. through 10., inclusive, as noted above, the design information shown on Drawing 11., Play Structure Pad, shall take precedence. Should any question(s) arise, resolution of such question(s) shall be determined by the City of Brockville.

Additional details for the equipping of the above-noted Play Structure Pad are shown on Drawing 12. and Drawing 13.

12. **Villas of North Ridge Phase 3. Little Tikes Commercial.** Project No. LH654_40843640625 1, Drawn 2011-10-28, Issued by Engineering Intent

13. **Villas of North Ridge Phase 3. Little Tikes Commercial.** Project No. LH654_40843640625 1, Drawn 2011-10-28, Issued by Maryanne Swinimer

- vi) *That prior to the final approval of the Plan, a Stormwater Management Brief shall be prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the City of Brockville and the Cataraqui Region Conservation Authority, and that*

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Owner: 1178420 Ontario Ltd.

Agent: Collett Surveying Ltd.

File: 08T-10502

appropriate text to implement its findings shall be included in the Subdivision Agreement;

Documentation associated with assessment of a Stormwater Management Brief, included in a Civil Engineering Servicing Report issued by Genivar, and full design drawings as identified under Clause 2 "Municipal Services" have been reviewed and approved by the Operations Department, Environmental Services Department and the Cataraqui Region Conservation Authority (CRCA). In addition, Schedule "C", item 3 "Stormwater Management" further addresses stormwater management.

"3. Stormwater Management

The Owner shall provide a report(s) as required by the City's Stormwater Management Guidelines for Urban Developments (By-law 86-92, as amended). All municipal services shall be designed and constructed to comply with said report(s).

The Owner agrees to install stormwater control measures in accordance with the plans as detailed in Clause 2 "Municipal Services" and Schedule "C" to this Agreement. Any proposed alterations to the plans must receive prior concurrence from the City and the C.R.C.A."

The Civil Engineering Servicing Report issued by Genivar addresses the foregoing clause and the design drawings as included in the Agreement under Clause 2 incorporate the findings of the study.

- vii) *That, if final approval of the Plan is not granted within three (3) years of the date of approval of the red-lined Draft Plan, and no extensions have been granted, Draft Plan approval shall lapse in accordance with Section 51(32) of the Planning Act, R.S.O. 1990, c.P.13; and*

On 08 February 2011 (Report 2011-017-02) Council for the Corporation of the City of Brockville passed a resolution which granted draft approval for a period of three (3) years thereby expiring on 08 February 2014. Accordingly, assuming final approval of the Plan is granted as recommended in this report, the applicant is well within the three (3) year limit.

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File: 08T-10502

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- viii) *That the Final Plan, as approved by the City of Brockville, must be registered within thirty (30) 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.*

Collett Surveying Ltd. has confirmed that the intent is to register the Final Plan within thirty (30) days of final approval. Should this not occur and the Owner is still intending on proceeding with the development, the Owner is required to apply for an extension.

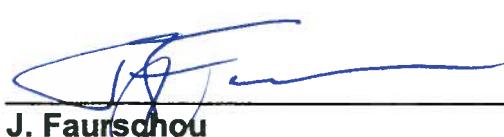
With Council's endorsement of the resolutions, the final plan of subdivision can be executed by the Mayor and Clerk. The Subdivision Agreement shall be registered on title following endorsement of the plan.

FINANCIAL IMPLICATIONS:

All costs associated with the preparation and registration of documentation necessary for the final approval of the proposed Plan of Subdivision are the responsibility of the Owner. All other financial matters as specified in this report and referred to in the Subdivision Agreement i.e. posting of financial securities, payment of imposts, etc. are the responsibility of the Owner.

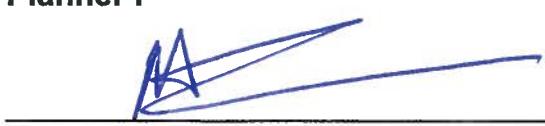
CONCLUSION:

All conditions of draft plan approval respecting the proposed residential subdivision to be known as "Steacy Gardens" have been met, and therefore it is appropriate for Council to exert its authority under Section 50 of the Planning Act to grant final approval per the recommendations outlined in this report.



J. Faurschou

Planner I



B. Casselman

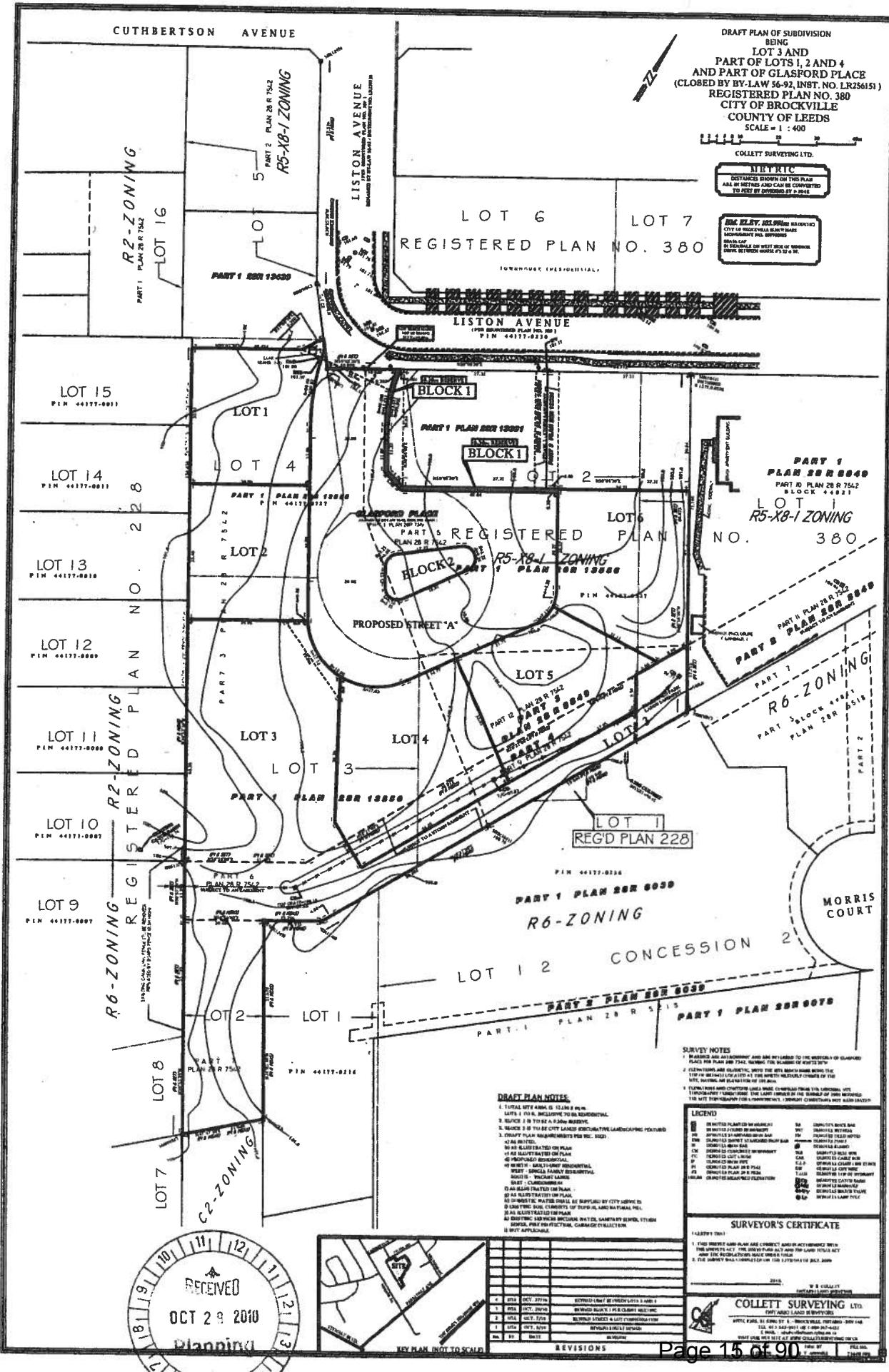
City Manager



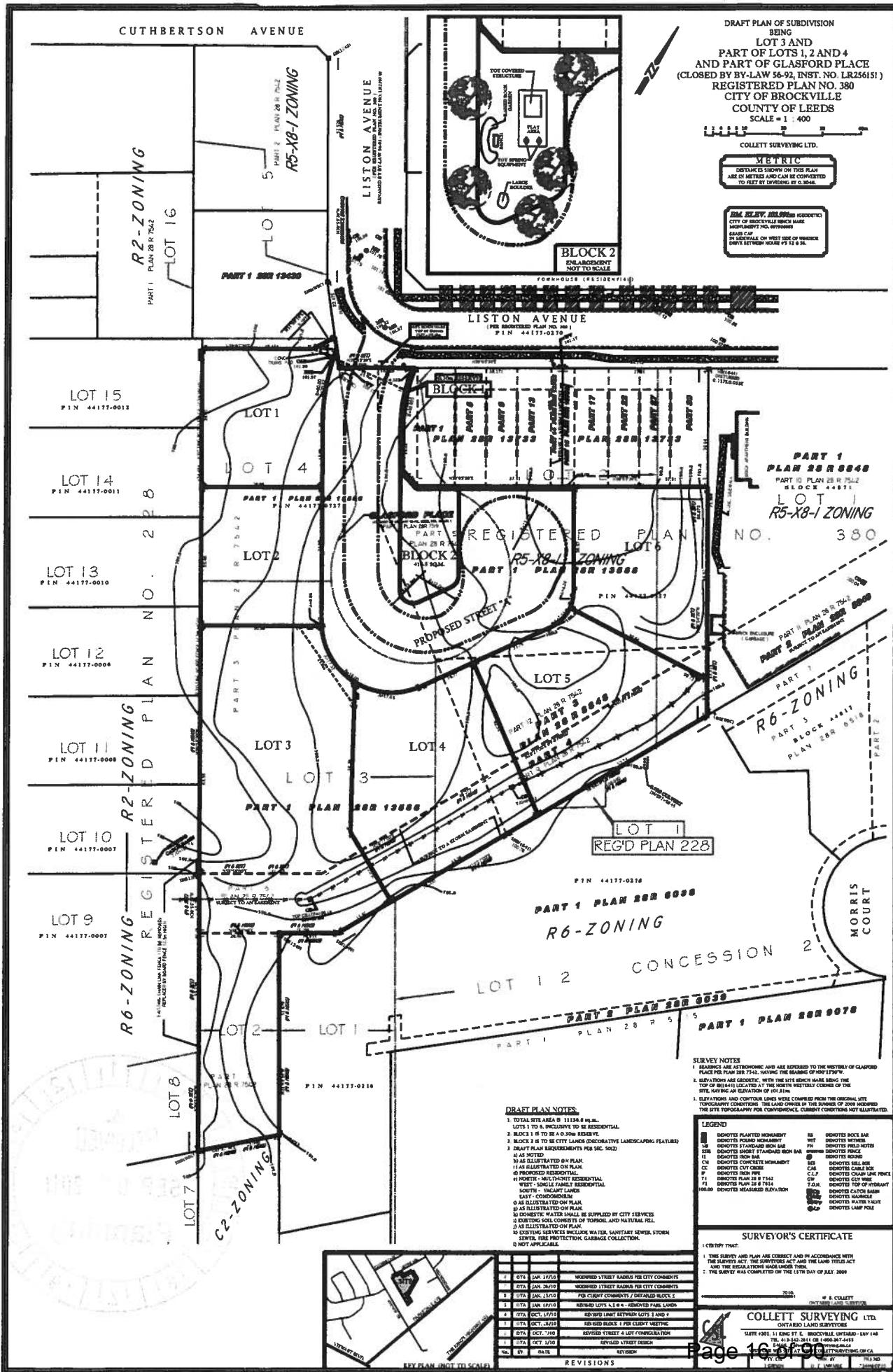
M. Pascoe Merkley

Director of Planning

Schedule 'A-1' – Report 2011-116-12



Schedule 'A-2' – Report 2011-116-12



Schedule 'B' – Report 2011-116-12

4. 2011-017-02

Proposed Plan of Subdivision Lot 3 and
Part of Lots 1, 2 and 4 and Part of
Glasford Place, Registered Plan 380, City of Brockville
(Liston Avenue - South Side)
Owner: 1178420 Ontario Ltd.

Moved by: Councillor Kalivas

1. THAT Council of the Corporation of the City of Brockville, acting pursuant to Section 51(6) of the Planning Act, R.S.O. 1990, c.P.13, grant approval to the Draft Plan of Subdivision as red-lined on lands described as Lot 3 and Part of Lots 1, 2 and 4 and Part of Glasford Place, Registered Plan 380, City of Brockville, County of Leeds subject to the following conditions:
 - i. That these conditions shall apply to the red-lined Draft Plan prepared by Brent Collett, O.L.S., dated October 29, 2010, showing Lots 1 through 6, inclusive, and Blocks 1 and 2, inclusive, said Blocks being delineated as to use on the afore-mentioned Draft Plan, as revised;
 - ii. That the proposed Street "A" shown on the red-lined Draft Plan, shall be dedicated as a public highway to be named to the satisfaction of the City of Brockville;
 - iii. That such easements as may be required for services, drainage purposes and the like shall be granted gratuitously to the appropriate authority or authorities, including an easement in favour of the City over Lot 3 to provide access from the public highway to the existing storm sewer easement located on proposed Lots 3, 4, 5 and 6.
 - iv. That prior to final approval of the Plan, the Owner shall enter into a Subdivision Agreement with the City of Brockville which shall specify, among other things:
 - All of the requirements, financial and otherwise, of the City of Brockville concerning the provision of roads, sidewalks, street lighting and the installation of services and drainage;
 - All of the requirements, financial and otherwise, of the City of Brockville concerning ensuring unobstructed access to all municipal services and easements;
 - The dedication of lands within the subdivision for public purposes;
 - The elimination of the existing private equipped children's play area and easement therefore;

- The requirements of Canada Post with respect to the installation of Community Mailboxes and the installation of a centralized mail facility for the apartment building;
 - The requirements of Enbridge Consumers Gas, with respect to an overall distribution plan, installation strategy and installation standards;
 - The requirements of Hydro One Networks Inc. with respect to the installation of electrical servicing;
 - The requirements of Bell Canada with respect to the installation of Bell servicing;
 - The requirements of Cogeco Cable Canada Inc. with respect to the installation of Bell servicing;
 - The requirements of the Fire Department to ensure emergency services access and fire fighting capabilities and access;
 - The developer's responsibility to prepare a Tree Saving Plan and Tree Planting Schedule for review and approval by the City of Brockville.
- v. That prior to final approval of the red-lined Plan, lot grading, drainage, erosion and sediment control, and services plan(s) with best management practices be prepared by the Owner for inclusion in the Subdivision Agreement, to the satisfaction of the City of Brockville and the Cataraqui Region Conservation Authority;
- vi. That prior to the final approval of the Plan, a Stormwater Management Brief shall be prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the City of Brockville and the Cataraqui Region Conservation Authority, and that appropriate text to implement its findings shall be included in the Subdivision Agreement;
- vii. That, if final approval of the Plan is not granted within three (3) years of the date of approval of the red-lined Draft Plan, and no extensions have been granted, Draft Plan approval shall lapse in accordance with Section 51(32) of the Planning Act, R.S.O. 1990, c.P.13; and
- viii. That the Final Plan, as approved by the City of Brockville, must be registered within thirty (30) 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.

CARRIED

29 November 2011

**REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 6 DECEMBER
2011**

2011- 136-12

**PROPOSED ZONING BY-LAW AMENDMENT
158 PERTH STREET, BROCKVILLE
OWNER: TORY DESCHAMPS AND ERIN MERKLEY
FILE NO.: D14-150**

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

RECOMMENDED

THAT City of Brockville Zoning By-law 194-94 be amended respecting lands described as Part of Lots 5 and 14, Block 50, Plan 67, Part 1, Reference Plan 128R-13677, City of Brockville, County of Leeds, municipal address 158 Perth Street, to C2 – General Commercial Site Specific Zone to allow for a Personal Service Establishment and other C2 – General Commercial uses, subject to the following site specific conditions:

- a minimum of four (4) on-site parking spaces;
- an interior side yard (north) of not less than 3.0 metres (10 feet);
- a buffer/fence between adjacent residential uses not be required; and,

THAT a site plan be prepared by a professional engineer and approved by the City to ensure appropriate design of the parking lot.

PURPOSE

The purpose of this report is to provide recommendations on a request for amendment to City of Brockville Zoning By-law 194-94 respecting the property located at 158 Perth Street, City of Brockville.

BACKGROUND

Tory Deschamps and Erin Merkley, owners of lands described as Part of Lots 5 and 14, Block 50, Plan 67, Part 1, Reference Plan 128R-13677, City of Brockville, County of Leeds, submitted an application for amendment to City of Brockville Zoning By-law 194-94. The subject lands, with municipal address 158 Perth Street, are located on the west side of Perth Street, immediately across from the intersection of Louis and Perth Streets, as indicated on **Schedule “A”** to this report.

The requested amendment to Zoning By-law 194-94 would, if approved, rezone the subject lands from R3-General Residential Zone to a C2-General Commercial Site Specific Zone to allow for the lands and existing building to be used for a personal service establishment with a reduction in required parking spaces from six (6) spaces to (4) spaces.

Proposed Zoning By-Law Amendment
158 Perth Street, Brockville
Owner: Tory Deschamps and Erin Merkley
File No.: D14-150

ANALYSIS

Schedule “A” to this report is a copy of the site plan showing the location of the existing building and indicating the proposed parking area and site layout for at 158 Perth Street.

Official Plan and Zoning:

Official Plan Designation (In Force):	Commercial General (no change proposed)
Official Plan Designation	
(New Plan adopted by Council June 14, 2011):	Corridor Commercial Area, within the Mixed Use Corridor
Existing Zoning:	R3 – General Residential
Proposed Zoning:	C2 – General Commercial Site Specific Zone (rezone to permit a personal service establishment with reduced parking).

Site Characteristics:

Total Site Area:	433.9 m ² (4670.74 sq.ft.)
Frontage - Perth Street:	13.7 m (45 ft.)
Average Depth:	33.5 m (109.9 ft.)
Building Area:	117.52 m ² (1265 sq.ft.)

The subject property is occupied by a single detached one and a half storey dwelling and detached garage. The rear of the property has a wooded area and green space and borders on Buell's Creek. The garage is proposed to be removed and three parking spaces are to be created at the rear of the existing building with the fourth parking spot to be located on the north side of the building, adjacent to the driveway. **Schedule “A”** to this report, being a site plan of the subject property, indicates the location of the proposed parking spaces. Photos of the subject and adjacent lands are attached to this report as **Schedule “B”**.

Surrounding Land Uses:

North:	The lands to the north with frontage on Perth Street are zoned R3-General Residential Zone, and are occupied by older single family dwellings, Brock Trail path and Butlers Creek.
East:	The lands to the east (opposite side of Perth Street) are zoned M3-Restricted Industrial Zone (occupied by older buildings used for residential and commercial uses); and R3-General Residential Zone (occupied by an older semi-detached dwelling). Louis Street entrance onto Perth Street is located immediately across from the subject property.

Proposed Zoning By-Law Amendment
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Owner: Tory Deschamps and Erin Merkley
File No.: D14-150

- South: The lands to the south are zoned C2-General Commercial and are occupied by an older building used for commercial uses (one of which is The 401 Electric Store) with associated parking.
- West: The lands to the west (at the rear of the property) are zoned R3-General Residential Zone (being the rear lands of the residential property with municipal address 10-12 Delhi Street); and Open Space Zone, adjacent to an Environmental Protection Zone bordering Butlers Creek.

Public Participation

The application has proceeded through the normal review process. On 1 November 2011 a Public Meeting was held by the Economic Development and Planning Committee. Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on 6 October 2011 and was circulated to property owners within 120 metres (400 feet) of the subject lands. In addition, a sign was posted on the subject property advising that the lands are the subject of Application for Amendment to City of Brockville Zoning By-law 194-94. Comments from City Departments and affected agencies were also solicited.

Comments Received

Minutes of the Public Meeting are attached as **Schedule "C"**, and reflect the discussion of issues at the Public Meeting, including the appropriateness of this location for a personal service establishment and parking issues.

Schedule "D" contains written submissions received.

1. Brent Caskenette, Chief Building Official (*memo dated October 12, 2011*)

The Chief Building Official has no concerns with the proposed use of the property; however, he advises that a "Change of Use" permit would be required.

He further advises that: "The applicant should be made aware that a review of completed construction drawings at the time of application for building permit may reveal requirements of the Ontario Building Code, not evident as part of this notice, which may affect the site development."

2. C. Cosgrove, Director of Operations

No comments.

Proposed Zoning By-Law Amendment
158 Perth Street, Brockville
Owner: Tory Deschamps and Erin Merkley
File No.: D14-150

3. S. Allen, Acting Supervisor of Engineering (*memo dated October 13, 2011*)

- Due to complexity and layout of work for the parking area a site plan, prepared by a Professional Engineer, must be submitted.
- It appears that the existing parking layout will have operational problems when vehicles attempt to exit either parking space 1 or 2.
- Drainage from the parking area can be achieved by sheet drainage from the asphalt across the grass to the creek. It should be noted that any sheet drainage must outlet to the creek via the owner's property and cannot flow across the adjacent property to the west limit of the subject property, then to the creek.
- Careful consideration should be given to the proposed reduction of parking spaces for this property from 6 to 4 as this is a location with very limited on street parking (Perth Street does not have parking on either side, Louis Street has limited parking spaces available that are not adjacent to private property, Delhi Street is designed to a minimum street width and has limited parking on the north side of the street).

4. Cataraqui Region Conservation Authority (*letter dated October 17, 2011*)

CRCA Staff have no objection to the approval of the zoning by-law amendment based on their consideration of natural hazards and water quality and quantity protection policies.

Prior to any development or site alteration on the subject property, a permit under Ontario Regulation 148/06 is required if it is within 15 m of the regulatory floodplain of Butlers Creek or within 15 m of the erosion hazard. CRCA encourages the landowners to contact them to discuss the proposal and permitting requirements.

5. Leeds, Grenville & Lanark District Health Unit

No objections.

6. Greg Healy, Fire Prevention Officer

No fire safety concerns at this time; however, an inspection of the facility is requested to be conducted prior to occupancy of the premises to determine fire extinguisher placement.

7. Rudy & Grace Niles, 289 Reynolds Drive (Owners of 164 Perth Street)

Voiced concerns relating to potential parking issues from increased use.

Provincial Policy Considerations:

A Provincial Policy Statement (PPS) 2005 has been issued under authority of Section 3 of the Planning Act. The PPS provides policy direction on matters of Provincial interest related to land use planning and development. Section 3 of the Planning Act further directs that Council's decisions affecting planning matters "shall be consistent with" the Provincial Policy Statement. Not all policies in the PPS are relevant to the planning matter under consideration, and thus, only those relevant portions will be discussed in this report. 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, liveable 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.

"1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted."

"1.1.3.2 Land use patterns within settlement areas shall be based on:

- a. densities and a mix of land uses which:
 - a. efficiently use land and resources;
 - b. are appropriate for, and efficiently use, the *infrastructure and public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
 - c. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and
- b. a range of uses and opportunities for *intensification and redevelopment* in accordance with the criteria in policy 1.1.3.3."

*"1.1.3.3 Planning authorities shall identify and promote opportunities for *intensification and redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure and public service facilities* required to accommodate projected needs."*

"1.3.1 Planning authorities shall promote economic development and competitiveness by:

-
- b) *providing opportunities for a diversified economic base, including*

Proposed Zoning By-Law Amendment
158 Perth Street, Brockville
Owner: Tory Deschamps and Erin Merkley
File No.: D14-150

maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses:..."

The proposed "Personal Service Establishment" is to be located within an existing building with full municipal services, access to public transit, and will be located on a high traffic collector street. Accordingly, the proposed use is consistent with various policies contained within the PPS, as outlined above.

Official Plan Considerations (current):

158 Perth Street is located within Planning District No. 6, and is currently designated Commercial General under the Official Plan for the City of Brockville.

Section 4.2 states among others that goals in commercial development are to encourage transit and pedestrian supportive commercial development wherever possible, while also providing for automobile-oriented commercial development at appropriate locations. Another key objective in commercial development is to facilitate the safe and efficient movement of pedestrians and vehicles within commercial areas and on adjacent roads as well as encourage a mix of compatible commercial, residential and other land uses at appropriate locations.

Section 6.3.2 b) states among others, that where possible, development of vacant sites and redevelopment of existing areas in the Commercial General designation.

The proposed "Personal Service Establishment", would be located on a collector street servicing both vehicles and pedestrians. When examining the Official Plan Policies the proposal conforms to the current designation, creates additional employment lands and provides an additional opportunity for employment. Accordingly, an amendment to the current Official Plan is not required.

Official Plan Considerations - new - adopted by Council on June 14, 2011, awaiting MMAH approval:

The Official Plan adopted by Council on June 14, 2001 designates the subject land as Corridor Commercial Area within the Mixed Use Corridor.

The Official Plan contains various policies regarding the Commercial Corridor designation as well as the mixed use corridor. The intent of the Commercial Corridor Area is to optimize existing infrastructure, serve the travelling public and enable the City's transit to be more viable while ensuring that land use conflicts are minimized.

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According to Policy 4.6.2 Permitted Uses, states among others that the primary commercial uses shall include establishments that are destination oriented or are intended to serve the travelling public.

The proposed "Personal Service Establishment" is intended to serve clients within the City of Brockville as well as the surrounding area.

In addition, policies relating to "the Mixed Use Corridor" focus on the greatest mix of, commercial / retail / service and higher residential uses.

The subject land is located on a strip of land between retail uses to the south and residential lands to the north. The sites along this corridor are limited in geographic size by both the street layout and the presence of Butlers Creek to the west. Accordingly, the use of these lands for a commercial use satisfies both the Commercial Corridor designation as well as the Mixed Use Corridor policies. This is further supported by the situation in which the proposed use is to be located within an existing building with full municipal services.

Zoning By-law Considerations:

The current zoning on the subject property is R3 – General Residential which permits different types of dwelling units. The requested zoning, if approved, would rezone the property to a C2 – General Commercial Site Specific Zone to permit a personal service establishment with reduced parking.

Rezoning to C2 – General Commercial Site Specific is appropriate given that both the current and newly adopted Official Plans encourage commercial uses in this location. It is not necessary to limit the permitted uses to a personal service establishment to this mixed use area.

On the subject of parking, the property currently contains three (3) parking spaces which is more than adequate for the current residential use. Should Council approve the proposed amendment the required parking for a personal service establishment would be six (6) spaces. The applicant is requesting a reduction to four (4) spaces.

The proposed parking area will see the demolition of the existing detached garage and the construction of a parking area within the rear yard which will contain three (3) of the proposed four (4) spaces with the remaining space being supplied on the northern side of the building. The applicant has stated that there will be a maximum of five (5) stylist chairs within the establishment, however, is predicting a maximum of three (3) clients at any given time. The applicant has also been in conversation with adjacent lands owners concerning parking and the potential to use spaces off site if required.

Zoning By-law 194-94, as amended, requires a minimum interior side yard of 6.0 metres (20.0 feet) and a planting strip/buffer area when a commercial use abuts a residential

Proposed Zoning By-Law Amendment
158 Perth Street, Brockville
Owner: Tory Deschamps and Erin Merkley
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use. The planting/buffer area is being requested to not apply as placing a fence and or planting strip between two properties reduces the amount of land available for use as well as impacts the visual component that makes up a neighbourhood. The interior side yard setback regulation is being requested to be reduced to a minimum side yard requirement of 3.0 metres (10.0 feet) on the north side of the dwelling only. A reduction to the south side is not required as the abutting property is an existing commercial use.

There is no need indicated for outside storage or for dedicated loading spaces to take delivery of goods or materials for the proposed "Personal Service Establishment", and therefore there are no outdoor storage areas or loading space requirements needed to be established through the proposed zoning.

Given the nature of the building, proposed use and location on Perth Street, the rezoning to C2 – General Commercial Site Specific which will allow among other uses a "Personal Service Establishment" with a minimum of four (4) on-site parking spaces, a minimum side yard abutting a residential zone of 3.0 metres (10.0 feet), and no buffer be required between different uses is recommended.

Should Council accept the recommendations in this report, the proposed zone would read similar to the following:

"C2-X6-2 Zone

The uses permitted in the C2-X6-2 Zone shall be those permitted in the C2 – General Commercial Zone, with the following zone provisions:

<i>Parking</i>	<i>A minimum of four (4) on-site parking spaces be supplied</i>
<i>Interior Side Yard (North)</i>	<i>Minimum of 3.0 metres (10.0 feet)</i>
<i>A buffer/fence between adjacent uses not be required.</i>	

POLICY IMPLICATIONS

A review of this application in the context of Provincial and municipal land use policy has been conducted for purposes of this report, and appears in the Analysis section.

FINANCIAL CONSIDERATIONS

All costs associated with the current application for amendment to City of Brockville Zoning By-law 194-94, and with the fit-up of the existing building should approval be granted for the intended use, are the responsibility of the Owner.

Proposed Zoning By-Law Amendment
158 Perth Street, Brockville
Owner: Tory Deschamps and Erin Merkley
File No.: D14-150

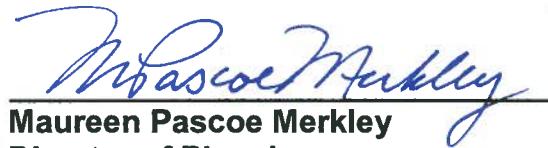
CONCLUSION

The requested amendment to Zoning By-law 194-94 would rezone the subject lands from R3 – General Residential to c2 – General Commercial Site Specific to allow for a personal service establishment with a reduction in required parking spaces from six (6) spaces to (4) spaces, a reduction to the required interior side yard setback between a commercial use and a residential use from 6.0 metres (20.0 feet) to 3.0 metres (10.0 feet), and that no buffer/fence be required between adjacent uses.

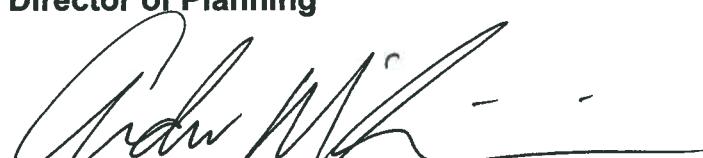
Based on the previous discussion respecting the Provincial Policy Statement, the Official Plan (new and proposed) and Zoning By-law 194-94, the proposed amendment to Zoning By-law 194-94 is supportable and is outlined within the recommendation section of this report.

Staff would like to make Council aware that a site plan will be required to be prepared by a professional engineer and submitted for approval by the Environmental Service Department, Engineering Division.

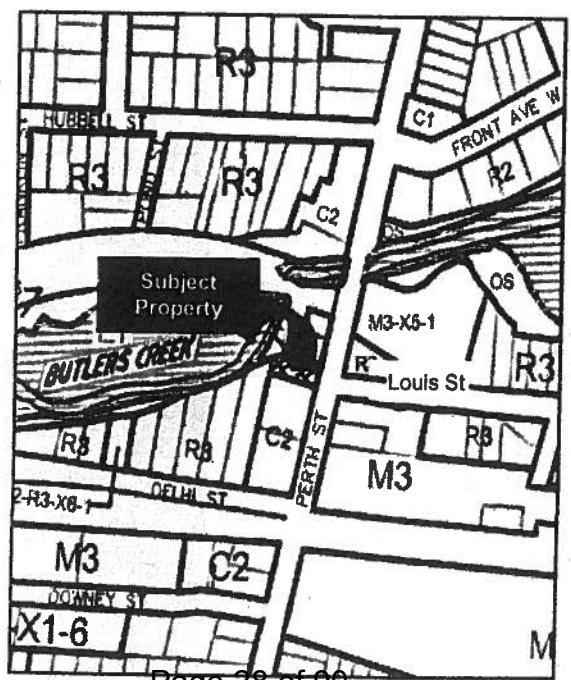
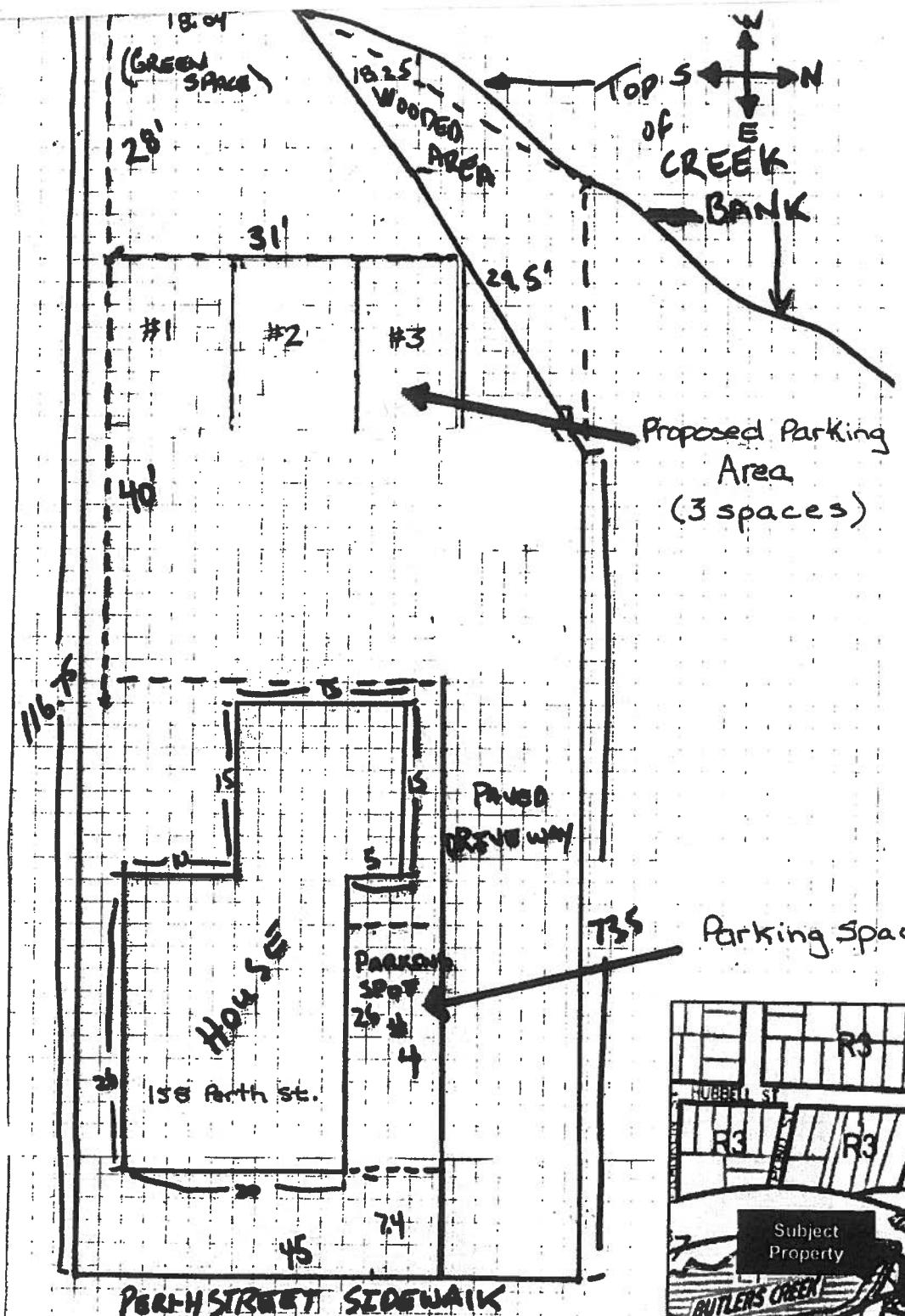
A by-law to amend Zoning By-law 194-94, consistent with the recommendation contained herein, has been prepared.


Maureen Pascoe Merkley
Director of Planning


B. Casselman
City Manager


Andrew McGinnis, MCIP, RPP
Planner II

SCHEDULE "A" TO REPORT 2011-136-12

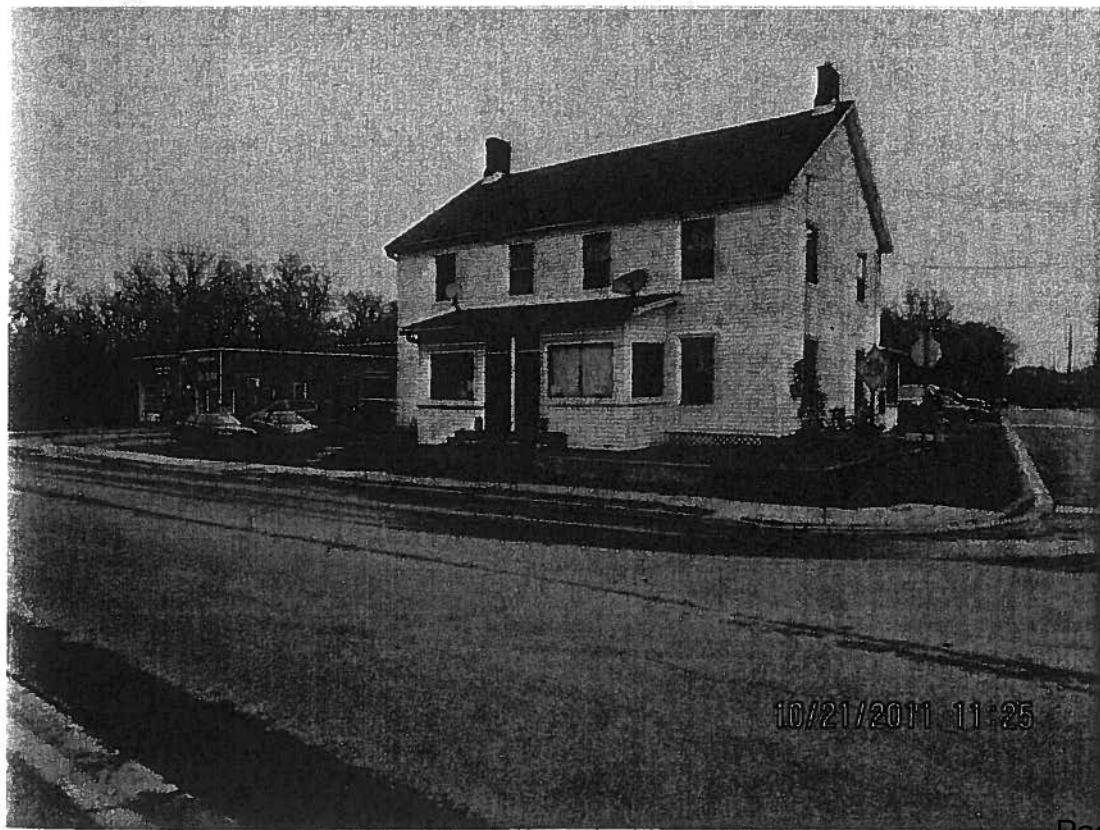


SCHEDULE "B" TO REPORT 2011-136-12

Properties on the east side of Perth Street , south of Louis Street (across from 158 Perth Street)



Properties on the east side of Perth Street , north of Louis Street (across from 158 Perth Street)



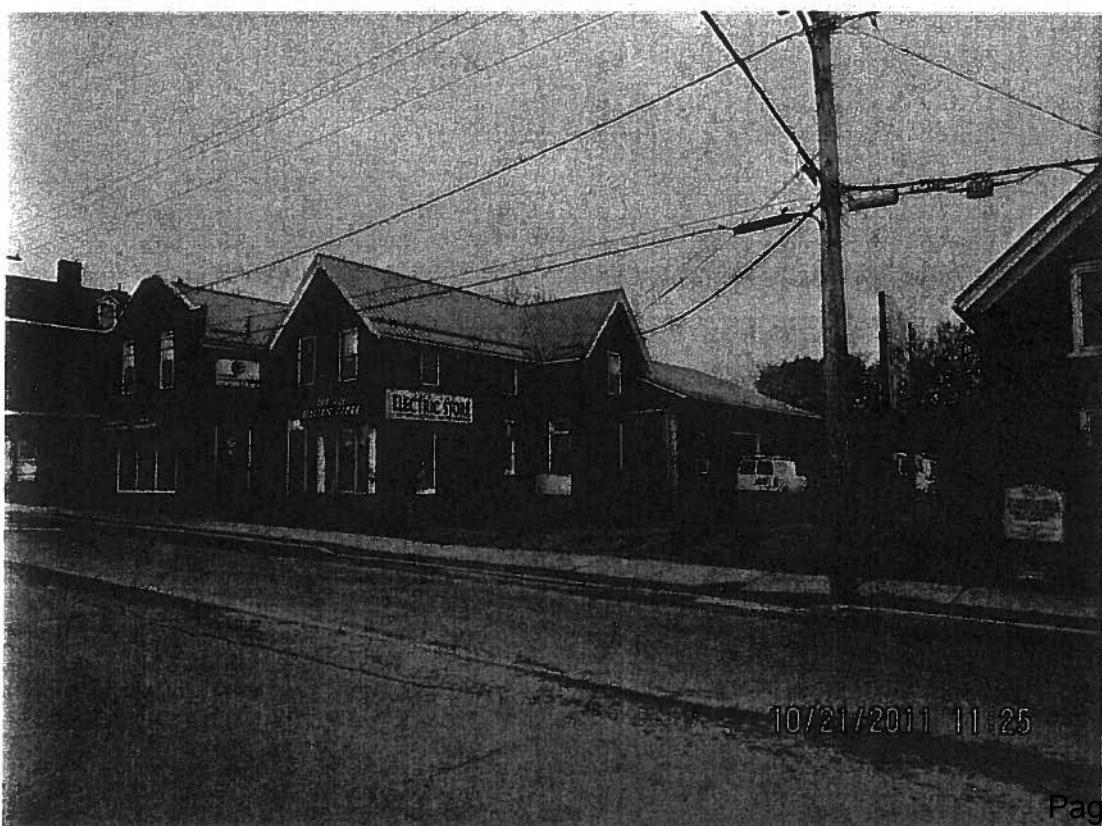
SCHEDULE "B" - Report 2011-115-11

Properties to the north of 158 Perth Street



10/21/2011 11:25

Properties to the south of 158 Perth Street



10/21/2011 11:25

158 Perth Street - front view



158 Perth Street - garage to be removed



SCHEDULE "C" TO REPORT 2011-136-12

File Copy



Public Meeting Economic Development & Planning Committee

Tuesday, November 01, 2011, 6:00 P.m.
City Hall, Council Chambers

COMMITTEE MINUTES

Roll Call

Committee Members:

Councillor M. Kalivas, Chair
Councillor J. Baker
Councillor D. Beatty
Councillor J. Earle

Regrets:

Councillor Mayor D. Henderson, Ex-Officio

Staff:

Mr. A. McGinnis, Planner II
Ms. M. Pascoe Merkley, Director of Planning
Ms. S. Seale, City Clerk

Councillor Kalivas called the meeting to order at 6:00 p.m.

STAFF REPORTS

1. 2011-115-11
Proposed Amendment to Zoning By-Law 194-94
158 Perth Street, Brockville
Owner: Tory Deschamps and Erin Merkley

Moved by: Councillor Beatty

THAT Report 2011-115-11 be received as information and that a report on this matter be prepared by staff for consideration of the Development Planning Committee at a future meeting.

CARRIED

Councillor Kalivas announced the Public Meeting.

Mr. McGinnis, Planner II, announced that Notice of the Public Meeting for Staff Report No. 2011-115-11 was given in the Recorder and Times newspaper on October 6, 2011, a notice was sent to surrounding property owners within 120m (400 Feet) of the subject property and a sign was placed on the property.

Councillor Kalivas reviewed the procedures for the Public Meeting.

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

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

Mr. McGinnis reviewed the amendment to the Zoning By-law 194-94.

Chair Kalivas then opened the floor for questions and comments.

The following persons spoke in support of the proposed amendment:

Mr. Tory Deschamps, Applicant, spoke in favour of the amendment. He indicated that he will be relocating from another location.

Ms. Erin Merkley, Co-applicant, spoke in favour of the amendment.

The following persons spoke in opposition to the proposed amendment.

Mr. Rudy Niles and Ms. Grace Niles, 289 Reynolds Drive, Brockville, ON K6V 1X8

Mr. Niles explained that as the owners of 164 Perth Street, Brockville, their tenants have voiced their concerns to potential parking issues from increased use. The properties of 158 and 164 Perth St., Brockville, share a driveway.

Mr. Deschamps indicated that 158 Perth St., is strictly a commercial property without any residential tenants. They expect to have five (5) client chairs, which in normal use would be three (3) chairs in service at one time. Mr. Deschamps also indicated that they have spoken with owners of other properties in the area with regard to parking staff off site.

Mr. Niles clarified that his tenants have not had any problems but are worried that the increase in use for a commercial business could negatively impact the parking.

The meeting adjourned at 6:23 p.m.

SCHEDULE "D" TO REPORT 2011-136-12



CITY OF BROCKVILLE PLANNING DEPARTMENT - BUILDING SERVICES DIVISION

INTEROFFICE MEMORANDUM

TO: LORRAINE BAGNELL – ADMINISTRATIVE COORDINATOR
COPY:
FROM: BRENT CASKENETTE – CHIEF BUILDING OFFICIAL
SUBJECT: ZONING BY-LAW AMENDMENT- FILE D14-150
158 PERTH STREET
DATE: OCTOBER 12, 2011

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 concerns.

As a minimum, the proposal will require the applicant to apply for a Change of Use permit.

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.

Regards,

A handwritten signature in black ink, appearing to read 'Brent Caskenette'.



Memorandum

File No. D14-149

Date: October 13, 2011

To: Loraine Bagnell
Administrator Coordinator - Planning

From: Steven Allen, C.E.T., M.M.
Engineering Technologist

Subject: **Application for Zoning for By – Law Amendment, 158 Perth Street, City of Brockville.**

The Environmental Services Department has reviewed the request for zoning by-law amendment dated October 6, 2011 and has the following comments;

1. Due to the complexity and layout of this work for the parking area in the rear of the building a site plan prepared by a Professional Engineer must be submitted. It appears that the existing parking layout will have operational problems when vehicles attempt to exit from either parking space number 1 or 2.
2. As previously discussed drainage from the parking area can be achieved by sheet drainage from the asphalt across the grass then to the creek. It should be noted that any sheet drainage must outlet to the creek via the owner's property; drainage cannot flow across the adjacent property at the west limit of this property then to the creek.
3. Careful consideration should be given regarding the reduction of parking spaces for this property from 6 to 4 as this is a location with very limited on street parking; Perth Street does not have parking on either side, Louis Street has limited parking spaces available that are not adjacent to private property, Delhi Street is designed to a minimum street width and has limited parking on the north side of the street.

SEA:sea

A handwritten signature in black ink, appearing to read "SEA:sea".



CATARAQUI REGION CONSERVATION AUTHORITY
1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Toll-free (613 area code): 1-877-956-CRCA
Fax: (613) 547-6474 E-mail: cra@cataraquiregion.on.ca
Websites: www.cleanwatercataraqui.ca & www.cataraquiregion.on.ca

October 17, 2011

File: ZBL/BR/136/2011

Sent by email

Ms. Maureen Pascoe Merkley
Director of Planning
City of Brockville
One King Street West
P.O. Box 5000
Brockville, ON
K6V 7A5

Dear Ms. Pascoe Merkley:

**RE: City of Brockville
Zoning By-law Amendment D-14-150
Lots 5 & 14, Part 1, Block 50, Registered Plan No. 67
158 Perth Street
Waterbody: Butlers Creek**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for an amendment to Zoning By-law 194-94 and offer the following comments for Council's consideration. The site was not visited.

Summary of Proposal

The purpose of the amendment is to create a site-specific General Commercial zone to reflect the proposed use of a Hair and Esthetics Salon at 158 Perth Street. The subject property is currently zoned Residential 3 'R3'.

Site Description

The subject property is designated General Commercial in the current Official Plan and Corridor Commercial in the new Official Plan. As previously mentioned, the property currently has a residential zoning designation. The property backs on to Butlers Creek .

Discussion

The main interests of the CRCA for this application are the protection of water quality of Butlers Creek as well as the avoidance of natural hazards associated with flooding and erosion.

Natural Hazards

Flooding: The CRCA has floodplain mapping for Butlers Creek. The regulatory floodplain for Butlers Creek near the subject property is 80.9 m GSC. CRCA policies for implementing

Ontario Regulation 148/06 require all development and site alteration to be setback a minimum of 5 m from the regulatory floodplain limit.

Erosion: CRCA planning and regulation policies define the extent of potential erosion hazards for river and stream systems (including small inland lakes) to be the sum of the stable slope allowance plus an access allowance of 6 m.

According to the application, the garage in the rear of the property is proposed to be demolished and will be replaced by four parking spaces. The parking spaces must be located such that they meet the above-mentioned setbacks. A permit under Ontario Regulation 148/06 will be required for any future development or site alteration within 15 m of the regulatory floodplain of Butlers Creek or within 15 m of the erosion hazard.

Recommendation

Staff have no objection to the approval of zoning by-law amendment D14-150 based on our consideration of natural hazards and water quality and quantity protection policies. Please inform this office in writing of any decision made by Council with respect to this application.

The CRCA has a Regulation controlling Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 148/06), made pursuant to Section 28 of the *Conservation Authorities Act*. Prior to any development or site alteration on the subject property, a permit under Ontario Regulation 148/06 will be required if it is within 15 m of the regulatory floodplain of Butlers Creek or within 15 m of the erosion hazard. Present and future landowners are encouraged to contact the CRCA to discuss the proposal and permitting requirements.

If there are any questions about the above, please contact the undersigned at 613-546-4228 extension 236 or by e-mail at macisaac@cataraquieregion.on.ca.

Yours truly,

Christie MacIsaac
Christie MacIsaac
Environmental Planner



Leeds, Grenville & Lanark District HEALTH UNIT

Your Partner in Health

October 13, 2011

City of Brockville
Zoning Department
P.O. Box 5000, One King Street West
Brockville, ON K6V 7A5

Dear S.M.Seale:

Re: Zoning By-Law Amendment for 158 Perth Street in the City of Brockville

Please be advised that our office has no objection to the proposed zoning by-law amendment for 158 Perth Street in the City of Brockville.

If you have any questions, please do not hesitate to contact me.

Yours truly,

THE CORPORATION OF THE LEEDS, GRENVILLE
AND LANARK DISTRICT HEALTH UNIT

Kim McCann, B.A.Sc., C.P.H.I.(C)
Senior Public Health Inspector
KM:la

An Accredited Health Unit Since 1990

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FAX: (613) 345-2879

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FAX: (613) 283-1679

KEMPTVILLE OFFICE
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Kemptville, ON
K0G 1J0
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FAX: (613) 258-1407

GANANOQUE OFFICE
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Gananoque, ON
K0G 1L0
Page 18 of 90
(613) 382-4231
FAX: (613) 382-7599



MEMO



DATE: October 25, 2011

MEMO TO: Lorraine Bagnell, Administrative Coordinator - Planning

FROM: Greg Healy, Fire Prevention Officer

RE: **158 Perth St.. (Louis & Perth)**
File No. D14-150

After reviewing the notice for the above noted, please be advised this Department has no fire safety concerns at this time.

We do request, however, that an inspection of the facility be conducted prior to occupancy of the premises to determine fire extinguisher placement.

A handwritten signature in black ink that reads "Greg Healy". Below the signature, the initials "GH/lm" are written.

Copy to: R. Burke, Chief Fire Prevention Officer

09 November 2011

**REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 06 December
2011**

2011-137-12

**EXTENSION OF REMOVAL OF PART LOT CONTROL
LOTS 78 THROUGH 90 INCLUSIVE, PLAN 388
BROCK STREET, CITY OF BROCKVILLE
(BROCKWOODS SUBDIVISION – PHASE 3B)**

**OWNER: 534499 ONTARIO LIMITED
AGENT: R. WALKER, PRESIDENT, WALKER DEVELOPMENT
FILE: 267-39**

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

RECOMMENDATION:

THAT By-law 101-2007 be amended to extend the sunset date from 18 December 2011 to 18 December 2016 as it affects lands described as Lots 78 through 90, inclusive, Plan 388, in the City of Brockville.

PURPOSE:

The purpose of this request is to consider extension of the expiry date for removal of Part Lot Control from Lots 78 through 90, inclusive, Plan 388, City of Brockville, County of Leeds, to enable further development within Brockwoods Subdivision - Phase 3B.

BACKGROUND:

On 18 December 2007, By-law 101-2007 was enacted pursuant to Section 50(7) of the Planning Act R.S.O. 1990 to remove lands described as Lots 78 through 90, inclusive, Plan 388, in the City of Brockville from Part Lot Control to permit lot realignment and freehold ownership. By-law 101-2007 will remain in effect until 18 December 2011 at which time the lot alignment for lands which have not been developed or sold to a third party shall revert back to the original lot alignments under Plan 388. A copy of By-law 101-2007 has been attached as **Schedule “A”** to this Report.

A letter of request to extend the expiry date of 18 December 2011 for removal of Part Lot Control, dated 31 October 2011, has been submitted by Mr. Rick Walker, acting as Agent for 534499 Ontario Limited, Owner of lands described as Lots 78 through 90, inclusive, Plan 388, City of Brockville. A copy of the letter of request has been attached as **Schedule “B”** to this report.

The location of the subject properties, including the underlying lot alignment under Plan 388, referred to in Mr. Walker's letter is identified on Reference Plan 28R-13108 and is attached as **Schedule “C”** to this report.

Extension of Removal of Part Lot Control, Lots 78 through 89 inclusive, Plan 388

Brock Street, City of Brockville (Brockwoods Subdivision – Phase 3B)

OWNER: 534499 Ontario Limited

AGENT: R. Walker, President, Walker Development

File: 267-39

ANALYSIS:

The subject lands were subdivided for development under Registered Plan 388 and form part of Phase 3 of Brockwoods Subdivision. The subject lands front on the westerly extension of Brock Street from the intersection of Wolthausen / Adley Drive through to Centre Street.

Lots 78 and 79 are zoned as R3-X1-3 Zone. Lots 80 through 90, inclusive, are zoned as R2-X1-2 Zone.

Removal of Part Lot Control allows the following:

- Realignment of Part of Lot 79 and Lots 80 through 88, inclusive, for single detached dwellings;
- Realignment of Part of Lot 79 and all of Lot 78 to developed for semi-detached dwellings.

All units are to be freehold tenure. With Part Lot Control lifted, the lots may be subdivided so that each unit may be held under freehold ownership, accommodating the complete building envelope.

The necessary amendment to by-law to remove these lands from Part Lot Control has been 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 four (4) years from the date of its passing. This allows sufficient time for the dwelling units to be completed and sold.

POLICY IMPLICATIONS:

The request currently before the Committee has no relevant City policies to consider.

FINANCIAL CONSIDERATIONS:

All costs associated with removal of Part Lot Control, 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.

All costs associated with development of the westerly extension of Brock Street are the responsibility of the Developer.

Extension of Removal of Part Lot Control, Lots 78 through 89 inclusive, Plan 388

Brock Street, City of Brockville (Brockwoods Subdivision – Phase 3B)

OWNER: 534499 Ontario Limited

AGENT: R. Walker, President, Walker Development

File: 267-39

CONCLUSION:

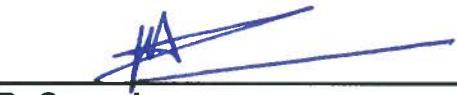
The Planning Department supports the request to By-law 101-2007 to extend the sunset date from 18 December 2011 to 18 December 2016 as it affects lands described as Lots 78 through 90, inclusive, Plan 388, in the City of Brockville from Part Lot Control.



J. Fauruschou
Planner I



M. M. Pascoe Merkley
Director of Planning



B. Casselman
City Manager

THE CORPORATION OF THE CITY OF BROCKVILLE

By-Law Number 101-2007

*By-law to Remove Certain Lands described as Lots 78 through 90, inclusive, Plan 388,
City of Brockville, County of Leeds from Part Lot Control
(Brock Street West, Brockwoods Subdivision – File 267-39)*

WHEREAS all property within registered Plans of Subdivision in Ontario is subject to the provisions of Part Lot Control; and

WHEREAS Subsection 7 of Section 50 of The Planning Act, R.S.O. 1990, c.P.13, authorizes a municipality to pass a by-law exempting certain lands from the provisions of Part Lot Control; and

WHEREAS it is deemed expedient to exempt certain lands in the City of Brockville, described as Lots 78 through 90, inclusive, Plan 388, City of Brockville, County of Leeds, from Part Lot Control to permit lot realignment and freehold ownership.

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

1. THAT Subsection 5 of Section 50 of the Planning Act, R.S.O. 1990, c.P.13 does not apply to the following lands:

Lots 78 through 90, inclusive, Plan 388, City of Brockville, County of Leeds

2. THAT this By-law shall remain in effect until the 18th day of December, 2011, at which time it shall become null and void.

Given under the Seal of the
Corporation of the City of Brockville
and passed this 18th day of December, 2007

Mayor

Clerk

Schedule 'B' – Report 2011-137-12



555 STEWART BLVD., BROCKVILLE,
ONTARIO K6V 7H2
TELEPHONE: (613) 342-9111
FAX: (613) 342-8446

October 31st, 2011

Ms Maureen Pascoe Merkley
Director of Planning
City of Brockville; Planning Department
One King St West,
Brockville, Ont.

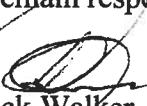
Dear Maureen

This is in response to your correspondence of the 25th of October. I am requesting the extension of the By-Law for Removal of Part Lot Control on Parts 4,5,6,9,10,11,12,14,15 and 16, Reference Plan 28R-13108 for a five year time frame from the expiry date of December of this year.

Unfortunately the sale of these lots has been slower than expected due to the economy and the fact that since the City has waved the Development charges but not the impost fees we have been at a competitive disadvantage with the other developers in the City.

Trusting the above is satisfactory.

I remain respectfully


Rick Walker
President
Walker Development



1 Dec 2011

**REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE –
6 DECEMBER 2011**

2011-139-12

**COMMUNITY IMPROVEMENT PLANS
PROGRAM EXTENSION**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

**D. PAUL
DIRECTOR OF ECONOMIC DEVELOPMENT**

RECOMMENDATION:

THAT a further extension to the programs available under the Community Improvement Plan for Downtown Brockville and City of Brockville Brownfields Community Improvement Plan be granted for a period of 6 months, to June 30, 2012.

PURPOSE

This report provides a recommendation on a further extension to the life of existing incentive programs available under the City's two Community Improvement Plans while a critique of program offerings is finalized and recommendations are prepared on the future of the CIP's.

ANALYSIS

In June of this year, EDP Committee and Council considered Report 2011-061-06, attached hereto as **Schedule "A"**, which recommended extending the life of the current CIP programs while the analysis of the existing programs and review of other opportunities was underway. By consensus, at its meeting of 14 June 2011, Council resolved to extend the programs under both the Downtown and Brownfields CIP's by six months, to December 31, 2011.

Throughout this period, the following actions respecting review of the CIP's have been underway:

- Receipt of the DBIA Economic Development Committee's Community Improvement Plan Review (attached as **Schedule "B"**) and discussions with that Committee on its findings;
- Research on successful CIP programs and associated administration in other municipalities;
- Analysis of the uptake of current programs and return on investment; and
- Review of other programs which may compliment the incentives offered through Brockville's CIP programs. Examples include the *Community Retrofit Program* administered by the 1000 Islands CDC, CMHC financial assistance programs for landlords and homeowners, and *Heritage Tax Rate Relief Program* introduced to the EDP Committee by Heritage Brockville.

Addition time is needed to complete the analysis and report to Council. In the interim, it is desirable to allow programs to continue to be offered.

POLICY IMPLICATIONS

There are no policy implications with respect to an extension to existing programs while under review.

FINANCIAL IMPLICATIONS

The 2012 budget has been premised on the continuation of CIP grant programs into 2012.

CONCLUSION

Another short extension to the life of the current programs under the Downtown and Brownfields CIP's is recommended until the comprehensive review of programs has been completed.


M. Pascoe Merkley, RPP, MCIP
Director of Planning

D. Paul
Director of Economic Development


B. Casselman
City Manager

Schedule 'A' to Report 2011-139-12

2 June 2011

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 7 JUNE, 2011

2011-061-06

COMMUNITY IMPROVEMENT PLANS
PROGRAM EXTENSION

M. PASCOE MERKLEY
DIRECTOR OF PLANNING
D. PAUL
DIRECTOR OF ECONOMIC DEVELOPMENT

RECOMMENDATION:

THAT the programs available under the Community Improvement Plan for Downtown Brockville and City of Brockville Brownfields Community Improvement Plan be extended for a period of 6 months from the date of expiry, being June 30, 2011.

PURPOSE

The purpose of this report is to provide an interim recommendation with respect to the extension of programs available under the City's two Community Improvement Plans.

ANALYSIS

The City of Brockville has two (2) Community Improvement Plans, created under authority of Section 28 of the Planning Act whereby a municipality with provisions in their Official Plan relating to community improvement may designate a "community improvement project area" and prepare a "community improvement plan" for the project area.

The Community Improvement Plan for Downtown Brockville was initially adopted in April 2004 with the primary goal of promoting and encouraging commercial revitalization in the downtown area, and the ancillary goal of promoting the construction and rehabilitation of residential development, and the conversion of upper floor commercial buildings into residential space. The stated objectives are to improve the existing building stock, and to encourage infill development on underutilized sites downtown.

While interest in the Downtown CIP programs gained momentum in the early years of implementation, feedback received from the development community expressed concern that requirements and associated costs of environmental remediation of contaminated sites was a disincentive to investment.

Council took action by creating the City of Brockville Brownfields Community Improvement Plan, adopted in April 2007. At the same time, the Downtown CIP was modified for seamless integration of the two (2) Plans.

The CIP Downtown contains three (3) incentive programs:

- Tax Increment Equivalent for Rehabilitation and Redevelopment (TIERR) Grant*
- Heritage Signage Grant (funded from 2005 to 2007 only)
- Building and Plumbing Permit Fee Grant*

The Brownfields CIP contains the following programs:

- Brownfields Remediation Tax Increment Equivalent Grant (TIEG)*
- Environmental Remediation Tax Cancellation Assistance*
- Environmental Site Assessment (ESA) Grant (unfunded to date)
- Brownfield Building Permit Fees Grant*
- Key Sites Marketing Database

A brief description of these programs is contained in the marketing and promotional brochure produced by the Planning Dept. attached to this report as *Schedule "A"*. The priority areas to which programs apply are also depicted therein.

Those programs indicated above with an asterisk will expire on June 30, 2011 unless this deadline is extended by resolution of Council.

Staff are currently analysing the uptake and relative success of the programs, and are obtaining feedback through a variety of means, including face to face interviews with stakeholders such as the DBIA and Chamber of Commerce. Input from the DBIA with respect to the CIP's is attached as *Schedule "B"*. A survey to property owners and past applicants is also in the works.

It is intended that a full report be prepared for Council with respect to the success of our CIP programs, and the extent to which we have reached our goals. We also anticipate providing recommendations respecting potential extension of and/or modification to existing programs, and also with reference to potential new program enhancements.

Given that a thorough review is not yet complete, it is recommended that a short six (6) month extension be provided, by resolution of Council, to keep the current slate of active programs alive.

A disruption in the programs prior to the 6 month formal review period could negatively impact on the current momentum and established marketing and promotion of the CIP that exist in print and on our websites. Additionally, we have at least three confirmed clients who are in a readiness mode to potentially execute an agreement within the calendar year.

POLICY IMPLICATIONS

The current and future Official Plans recognize that Community Improvement provisions under the Planning Act provide the City with a range of tools to proactively stimulate rehabilitation, redevelopment and revitalization.

The Downtown and Waterfront Master Plan and Urban Design Strategy, adopted in December of 2009, recognizes that the CIP's for Downtown Brockville and for Brownfields Remediation provide important tools and incentives to help stimulate reinvestment.

While optional on the part of Council, the use of such tools can effectively advance the City's goals and objectives within the targeted areas.

The Community Strategic Plan of 2009 does identify, under the Economy banner, that the Community Improvement and Brownfields Remediation Program are to be evaluated.

FINANCIAL IMPLICATIONS

Financial elements of the CIP programs have been incorporated into the City's budget since their inception. The 2011 budget was premised on the CIP grant programs being available for the full calendar year.

CONCLUSION

A short extension to the life of the current programs under the Downtown and Brownfields CIP's is desirable while a comprehensive review of programs, expected later this year, is complete.


M. Pascoe Merkley, RPP, MCIP
Director of Planning

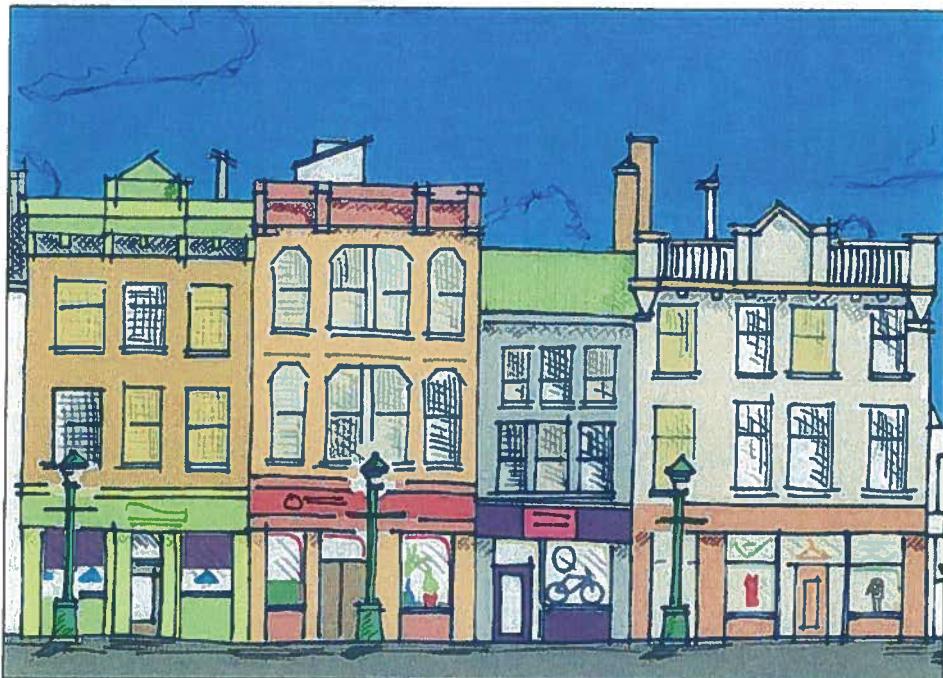

D. Paul
Director of Economic Development


B. Casselman
City Manager

SCHEDULE "A" - Report 2011-061-06



COMMUNITY IMPROVEMENT PLANS



Brockville Downtown and Brownfield Financial Incentive Programs

The City of Brockville is committed to taking a leadership role to continue to promote a high quality of life in the downtown and waterfront as a strategy to protect the sense of place, promote its way of life and ensure economic vitality.

Downtown & Waterfront Master Plan & Urban Design Strategy, 2009

SCHEDULE "A" - Report 2011-061-06

WHAT IS A COMMUNITY IMPROVEMENT PLAN (CIP)?

Community improvement planning activities are shaped by local needs, priorities and circumstances. Through community improvement plans, our community can:

- Focus public attention on local priorities and municipal initiatives
- Target areas in transition or in need of repair, rehabilitation and redevelopment
- Facilitate and encourage community change in a coordinated manner
- Stimulate private sector investment through municipal incentive-based programs.

A community improvement approach is a framework for dealing with lands and buildings, which can address many physical, social, economic and environmental matters.

Goals and Benefits

Brockville's CIPs have created financial grant, loan and tax incentives in order to promote regeneration and development. Projects such as:

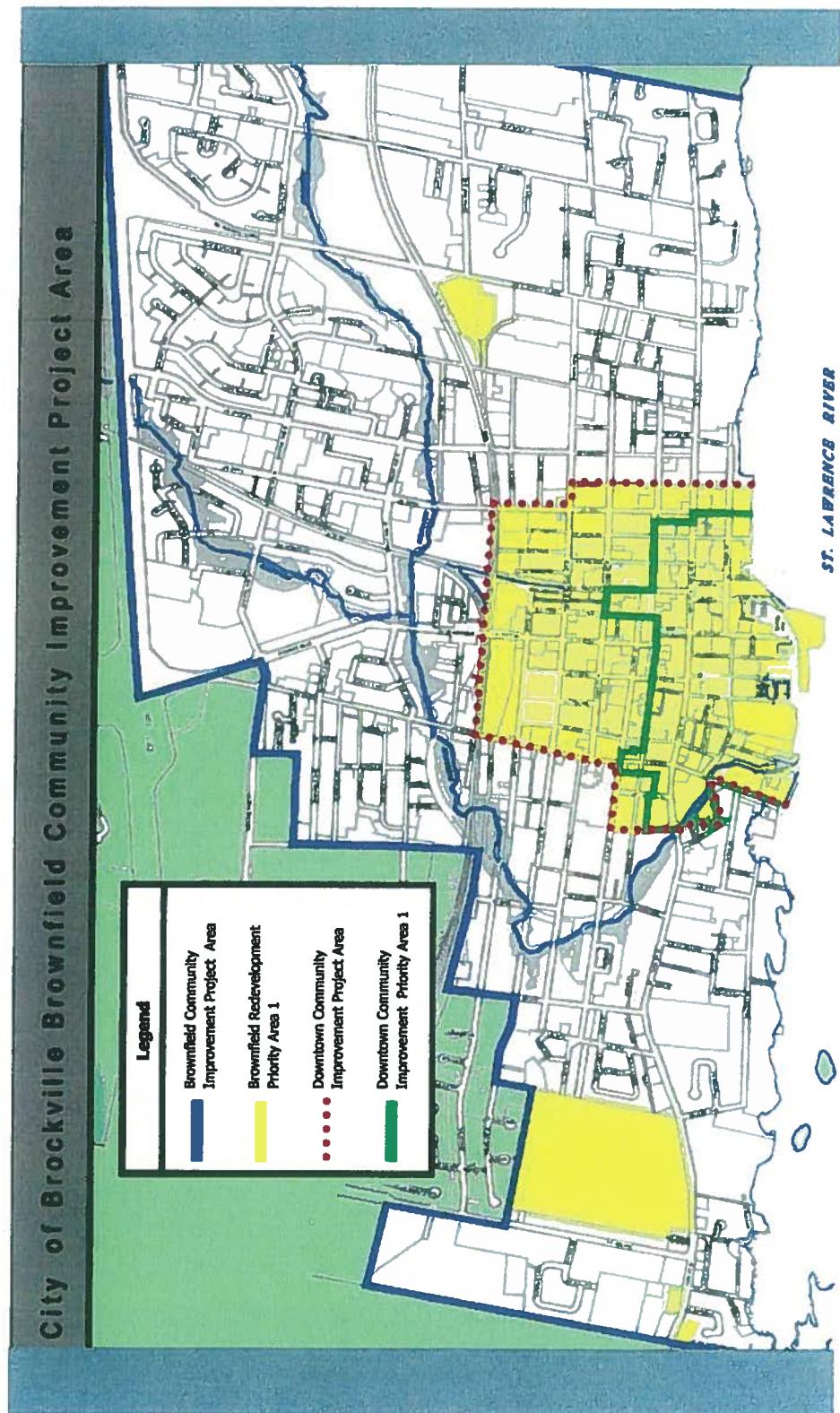
- Infill developments on vacant and/or contaminated lots
- Upper-storey residential or office conversion
- Façade and building repairs and restoration, and
- Renovations and building additions

may be eligible for one or multiple financial incentives depending on the property's location and current condition.

Who's Eligible?

All land and building owners within the Downtown CIP project area boundary qualify through this project (see page 3). Brownfield sites (former industrial or commercial lands) are covered under the Brownfield CIP and in certain areas, financial incentives from both programs may be applicable.

SCHEDULE "A" - Report 2011-061-06



SCHEDULE "A" - Report 2011-061-06

HOW DO BROCKVILLE'S COMMUNITY IMPROVEMENT PLAN FINANCIAL INCENTIVES WORK?

The City has two Community Improvement Plans: the Downtown CIP, bordered by the dotted red and solid green lines, and the Brownfields CIP, bordered by the blue line and shaded yellow zones, shown on page 3.

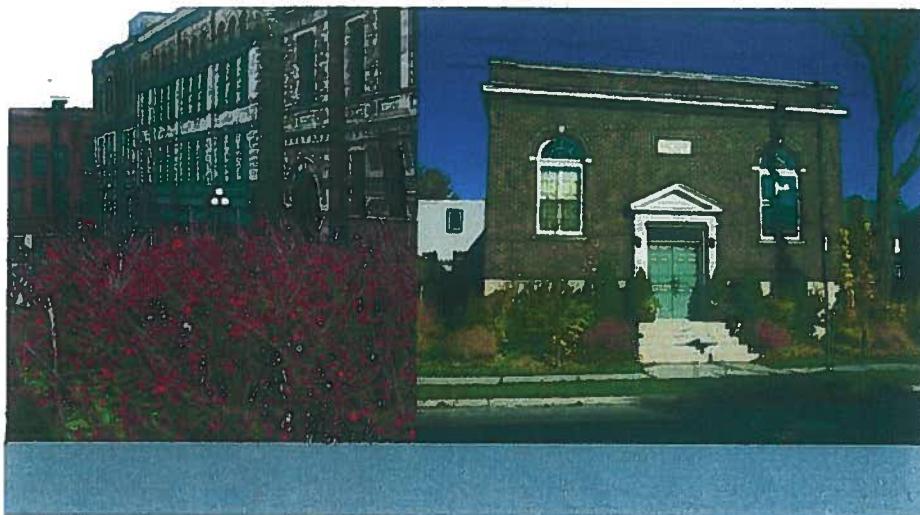
Financial Assistant Programs are available to those landowners within the Community Improvement Project Areas and who meet the general eligibility requirements. Some projects may be eligible for more than one of the Financial Incentive Programs.

DOWNTOWN CIP

The Downtown CIP supports the preservation and enhancement of downtown's unique role and character.

Building and Plumbing Permit Fee Grant

All commercial and residential property owners within the Downtown Improvement Area may apply for involvement in the program. This program provides the equivalent to 100% of the fees paid for building permits and plumbing permits.

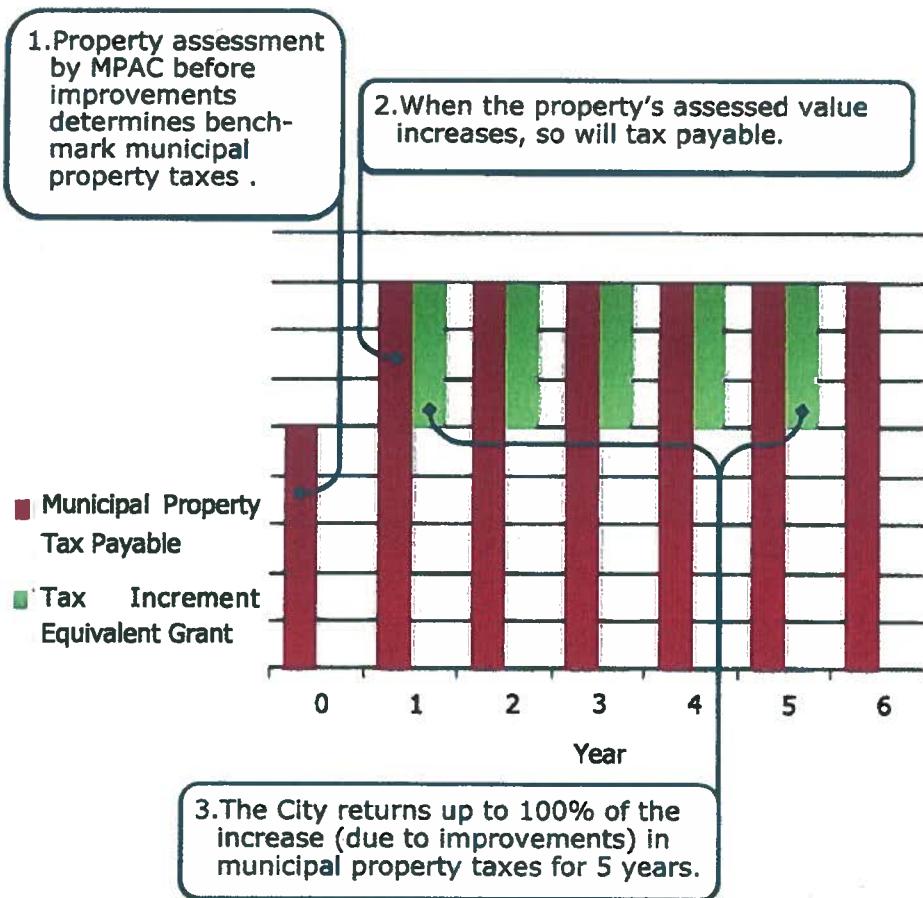


SCHEDULE "A" - Report 2011-061-06

DOWNTOWN CIP

Tax Increment Equivalent for Rehabilitation and Redevelopment (TIERR) Grant

This program provides grants to building and land owners who undertake improvements or redevelopment that would result in an increase in property assessment. The TIERR Grant Program offers a grant of up to 100% of the increase in municipal realty taxes associated with the increased property assessment due to improvements or redevelopment, for up to 5 years. The deadline for receipt of Registration of Intent for the TIERR Grant Program is **June 30, 2011.**



SCHEDULE "A" - Report 2011-061-06

BROWNFIELDS CIP

Are you the owner of a contaminated site interested in cleaning it up prior to development? The City of Brockville can help with eligible costs such as:

- Environmental Site Assessments (Phase I and II ESAs and Risk Assessment)
- Environmental remediation and costs of achieving a Record of Site Condition and Certificate of Property Use, as may be required, including Risk Management Plans
- Waste transfer to landfill and tipping fees for contaminated soils landfill
- Fill and grading to replace contaminated soils
- Demolition costs, at the discretion of Council, where demolition is required as part of the overall site remediation
- Site development and infrastructure work, at the discretion of Council, triggered by the existence of contamination and requirements for remediation
- Legal fees directly related to site investigation and remediation and filing a RSC and compliance with Certificate of Property Use
- Insurance premiums for Cost Cap Insurance and Pollution Legal Liability (PLL) insurance
- Ongoing site environmental monitoring and management for environmental control
- Interim financing on eligible rehabilitation costs



SCHEDULE "A" - Report 2011-061-06

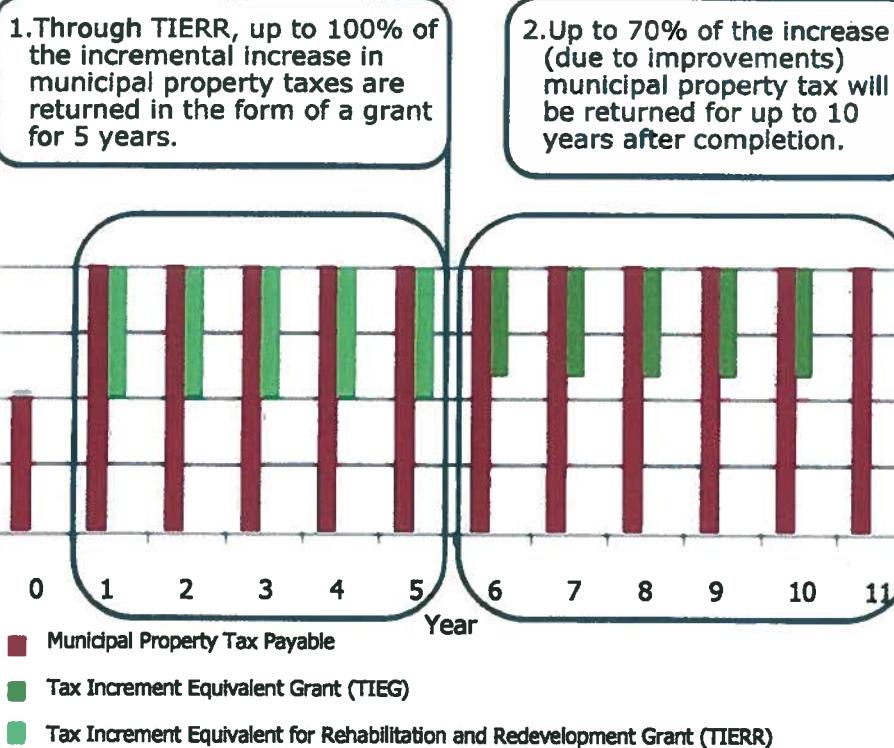
BROWNFIELDS CIP

Tax Increment Equivalent Grant (TIEG)

Qualifying properties which undergo building improvements or redevelopment receive a grant equivalent to up to 70% of any incremental increase for up to 10 years or until all eligible costs are recovered, whichever occurs first. Deadline for a Registration of Intent is **June 30, 2011** with approval in principle by Council by **December 31, 2011**.

Blended Tax Assistance for Contaminated Downtown Land

Lands which are both contaminated and located within Priority Area 1 of the Downtown CIP may be eligible for blended tax assistance through both CIPs. In this scenario, years 1 through 5 receive grants under the Downtown CIP's TIERR program. Following this, the TIEG grant under the Brownfields CIP is applied from years 6 to 10.



SCHEDULE "A" - Report 2011-061-06

BROWNFIELDS CIP

Ontario Brownfield Financial Tax Incentive Program (BFTIP)

Similar to the TIEG, this program provides provincial education property tax assistance to match municipal property tax assistance for cleanup of eligible brownfield properties. Under the program, the province can cancel all, or part of the education property taxes of a property for up to three years. Municipalities can apply for an extension prior to the termination of the tax assistance.

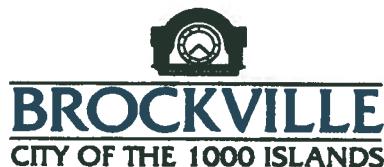
1000 ISLANDS COMMUNITY DEVELOPMENT CORPORATION COMMUNITY RETROFIT PROGRAM

Upgrades which increase the viability, use and efficiency of commercial and industrial buildings may qualify for zero-interest loans through the Community Retrofit Program. Façade, structural and utilities improvements are covered under the program.

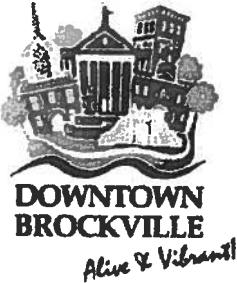
QUESTIONS

Questions and requests for additional information can be directed to the City of Brockville's Planning Department. Staff can help you take advantage of these programs and get the most out of your development plans and needs.

City of Brockville
P.O. Box 5000
1 King Street West
Brockville, ON K6V 7A5
www.brockville.com
613.342.8772x449



SCHEDULE "B" - Report 2011-061-06



May 19th, 2011

**Dave Paul
Director of Economic Development
1 King St. W.
Brockville, ON
K6V 7A5**

Dear Dave,

The DBIA Economic Development Committee has recently met to review the existing CIP and we would like to see it continue in its existing form for an additional 12 months.

We have reviewed another communities program and would like to have the opportunity to work with you and the planning department on potentially enhancing the current CIP.

In the next 6 months we are planning a landlord meeting and to review additional programs so we may put a proposal together that could enhance the existing program.

Our goal is to work towards having a CIP that will be beneficial for existing landlords and tenants and to also potentially help with attracting new enhancements/ upgrades to the Downtown.

We hope that this is in keeping with your focus for the next 12 months and would appreciate your support with this direction.

Sincerely,

**Brenda Clarke
Executive Director
Downtown Business Improvement Area**

**DBIA ~ Economic Development Committee
Community Improvement Plan Review**

A Community Improvement Plan (CIP) is a tool that is intended to achieve positive change to the existing physical landscape, either through municipally driven or incentive-based programs. CIP's are used widely across Ontario, particularly in downtowns, to overcome investment hurdles inherent in city centre redevelopment. They are implemented to encourage reinvestment in Downtowns and allow for financial incentives to be developed and made available to Downtown properties.

The programs developed may include grants or loans to:

- improve or restore building facades;
- improve streetscape features such as signs or awnings;
- undertake feasibility studies; and/or
- convert upper storey space for residential use

It's purpose is to attract public and private sector investment to help ensure the long-term economic sustainability of Downtowns.



DBIA ~ Economic Development Committee ~ Community Improvement Plan Review

Comparison to other Community CIP's

Brockville	<p>Tax Increment Equivalent for Rehabilitation and Redevelopment (TIERR) Grant Program</p> <p>This program would provide a grant to owners of lands and buildings who undertake improvements or redevelopment that would result in an increased property assessment. The amount of the grant provided will depend on the amount of the municipal portion of property taxes that has increased as a result of the improvements. The TIERR Grant program offers a grant of 100% of the increase in municipal realty taxes paid annually for a period of five consecutive years. All commercial and residential property located within Priority Area 1 of the Community Improvement Project Area will be the target of this program.</p> <p>Streetscape Grant Program</p> <p>This program would provide a grant for signs, awning and other exterior features aimed at the aesthetic of a façade. This grant would be for new or existing signs, awnings or other exterior features. A grant of \$1000 or 50% of the cost of the sign, awning or other exterior feature whichever is lesser, will be paid to the property owner or tenant by the City following submission and review by the Planning Department of the detailed bill as provided by the designer and endorsed by the owner or tenant. The program is meant to assist new businesses, stimulate property improvements, increase building visibility, and encourage visual beautification of the downtown area. The Streetscape Grant Program applies to the "downtown core area" as defined in the City's Sign By-law.</p> <p>Building and Plumbing Permit Fee Grant Program</p> <p>This program provides for a grant for the equivalent fees paid for Building Permits and Plumbing Permits within a designated area. The program is meant to stimulate and encourage development and property improvements in downtown Brockville. All commercial and residential property within Priority Areas 1 and 2 of the Community Improvement Project Area will be the target of this program.</p> <p>The grant represents 100% of equivalent fees paid for building permits and plumbing permits for approved properties.</p>		comments

DBIA ~ Economic Development Committee ~ Community Improvement Plan Review

Comparison to other Community CIP's

			Comments
Brockville	<p>*Brownfield Community Improvement Plan</p> <p>This program would provides a number of financial incentives, tax concessions and grants to developers on the remediation cost associated with Brownfield sites. Through out the City.</p> <p>10-Year Interest-Free Loans ~ CDC</p> <p>The 1000 Islands Community Development Corporation through the Eastern Ontario Development Fund they offer a 10 Year Interest-Free Loan up to \$10,000 if you're making improvements to your Downtown building</p>	<p>*To include the entire city</p>	
Halton Hills	<p>Residential Conversion/Rehabilitation and Retail Conversion Grant & Interest Free Loan</p> <p>\$15/sq ft of space rehabilitated or created to a max. of \$15,000 per unit and a maximum of 4 units per property \$15/sq ft of vacant or non retail floor space converted to retail to a max. of \$15,000 per property.</p> <p>Heritage Building and Façade Improvement Grant Program</p> <p>50% of eligible preservation, restoration and improvement for properties designated under the Ontario Heritage Act or listed by the Town to a max of \$20,000</p> <p>Building and Façade Improvement Grant Program</p> <p>70% of eligible costs to a maximum of \$12,500 (\$17,500 if designated heritage) for both façade improvement and building improvement grants. Can apply for both grants for one property or project.</p>	<p>\$ amounts would need to be reviewed</p>	

DBIA ~ Economic Development Committee ~ Community Improvement Plan Review

Comparison to other Community CIP's

Comparison to other Community CIP's		Comments
London	<p>Property Assessment Grant</p> <p>A program that provides a one-time grant to property owners to assess the existing interior and exterior condition of an occupied or vacant downtown building that identifies engineering/restoration/conservation work necessary to stabilize the structure to ensure long-term viability, and to identify missing features and means to restore them.</p> <p>Grant equates to $\frac{1}{2}$ the value of consulting fees, to a maximum of \$5,000 per distinct building</p> <p>Requirements include but are not limited to: A Professional consulting fees from a qualified architect or engineer with demonstrated expertise in this field associated with the preparation of a Building Assessment Report. The report becomes the property of the City of Brockville</p>	<p>The Advisory Committee would consist of a member from the DBIA Economic Development Committee, a Downtown Brockville Landlord, a representative from the City of Brockville Planning Department and the Economic Development Director and a Council representative.</p> <p>The CIP Advisory Committee would be formed to periodically review the existing CIP and to ensure that it is being promoted and supported. It would review the current usage and make recommendations , or suggestions to update or alter the program if deemed necessary by the committee .</p>

30 November 2011

**REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE –
06 DECEMBER 2011**

2011-142-12

**RESPONSE TO DRAFT DECISION
NEW OFFICIAL PLAN**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

RECOMMENDATIONS:

THAT the Ministry of Municipal Affairs and Housing be notified of Council's support of the draft decision respecting the approval of the new City of Brockville Official Plan adopted by Council on June 14, 2011, said draft decision and related correspondence dated November 18, 2011 being attached to Report 2011-142-12; and

THAT, respecting Item 6, Section 3.6.5(30) in the Draft Decision, the Ministry be requested to replace the reference to "Section 3" in the last line with "*Schedule 3*".

PURPOSE:

The purpose of this report is to provide a recommended response to the draft decision issued by the Ministry of Municipal Affairs and Housing (MMAH) respecting the new Official Plan adopted by Council on June 14, 2011. By letter dated November 18, 2011, the City was advised by MMAH of the draft decision. The letter and draft decision are both attached as **Schedule "A"**.

ANALYSIS:

As is established through the Planning Act R.S.O. 1990, the MMAH is the approval authority for municipal Official Plans. Upon adoption of the City's new Official Plan, it was submitted to MMAH for approval.

As noted in the MMAH letter, of primary concern in its review of our adopted Official Plan are matters of provincial interest as outlined in the Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act, RSO 1990. While the contents of our Official Plan reflect the local vision, goals, objectives and policies supporting the future use of land in our City and the development of our community based on sound planning principles and through extensive public consultation, the Official Plan must also be consistent with the PPS.

The Draft Decision identifies ten (10) suggested modifications, which are relatively few considering this extensive document is 271 pages and 6 schedules. The Draft Decision includes an explanation for each of the suggested modifications.

The normal order of business, as noted in the MMAH letter, is for Council to give consideration to the suggested modifications, and if in agreement, to submit a resolution

of support for the Draft Decision. This report will address each of the ten (10) suggested modifications in the order outlined in the Draft Decision.

Part A, Item 1

To rectify a simple omission, the addition of the word “consent” to the definition of “Development application” in Section 1.5.1 Terms Used in our Plan is appropriate.

Part A, Items 2 through 6

These five items all pertain to Section 3.6.5 Natural Heritage Features and Functions. For reference, the Section 3.6.5 of the adopted Official Plan is reproduced and attached as **Schedule “B1”**.

Item 2. MMAH contends in its explanatory note that the clause used in 5 different subsections in the Natural Heritage policies to introduce the option of mitigating any potentially negative impacts to natural heritage features from development on or adjacent to such features offends the PPS. The Ministry indicates that the language of the PPS. require development prohibition where negative impacts to natural heritage features will occur. Despite our intent to introduce some flexibility, the removal of these clauses will be necessary for consistency with the PPS.

Item 3. The new clause recommended to replace Clause 3.6.5(13) has become the accepted language preferred by Ministry of Natural Resources (MNR) and MMAH, and would add clarity on the subject of identification of potential habitat of endangered and/or threatened species, as well as the circumstances under which an Ecological Site Assessment or Environmental Impact Study would be required.

Item 4. Similar to Item 2, the language recommended for Section 3.6.5(15) removes the potential for any negative impacts to be mitigated, rather, establishes the onus to ensure that there will be no negative impacts from development on or adjacent to significant habitat of endangered and/or threatened species, for consistency with the PPS. The new clause also clarifies when MNR is to be consulted.

Item 5. This adds some clarification and provides a better link between the Fish Habitat policies and where they are to be applied. Mapping of watercourses and waterbodies appears on Schedule 3 to the Official Plan.

Item 6. This recommended modification also adds some clarification respecting the identification of Significant Valleylands and should be accepted.

NOTE: While reviewing this proposed modification to Section 3.6.5(30), we have discovered that the existing reference to “Section 3” in the last sentence should in fact be a reference to “Schedule 3”. The MMAH should be alerted to this and be requested to include this change in its final decision.

Part A, Item 7

Section 4.7.1 is provided for reference. See **Schedule “B2”**.

This modification is consistent with an observation made by Planning staff when giving consideration to a recent request for Amendment to Zoning By-law 194-94 (108 Waltham Road). The issue was communicated to MMAH, and subsequently appears as a recommended modification.

Part A, Item 8

See **Schedule “B3”** for reference to the Site Specific Policy for the Reynolds Site (Section 4.9.4.3).

The Ministry believes that an additional statement should be added here to avoid confusion as to what will prevail respecting the direction for future use of these lands – the land use designation “Parks and Open Space”, or the uses which become permissible by meeting environmental standards through a Record of Site Condition or Risk Assessment and Certificate of Property Use issued under the Environmental Protection Act (EPA). Council’s desire for the future use of this site is clearly expressed through the land use designation. The intent behind the existing language of this Section is to acknowledge that environmental regulation under the EPA may limit the intended use, given that the lands are, due to their location along a waterbody and due to their intended use for public parkland, considered “sensitive”. The additional sentence recommended by MMAH is somewhat redundant, since Council is very much aware that procedurally, an amendment to the Official Plan would be necessary to provide for alternate uses not contemplated or consistent with the “Parks and Open Space” designation. However, there is no harm in adding this point of clarification.

Part A, Item 9

See **Schedule “B4”** for reference to Section 5.2.2.1 Provincial Highway.

This additional paragraph to be inserted into the preamble for this policy area provides appropriate background information respecting the potential future alignment of the North Augusta Road interchange and its impact.

Part B

The six Schedules to the Official Plan are to be replaced in their entirely for the reasons noted by MMAH, and this is appropriate.

POLICY IMPLICATIONS:

The Official Plan, once approved, will provide a new slate of policies to guide land use and community development through the planning period to 2031.

FINANCIAL CONSIDERATIONS:

Nil.

CONCLUSIONS:

To advance the approval of the new Official Plan, it is appropriate for Council to advise the MMAH of its support for the modifications listed in the Draft Decision, and also to request that an incorrect reference in Section 3.6.5(30) be corrected prior to the issuance of the Final Decision.

Upon the issuance of its Final Decision, MMAH will give notice in accordance with the Planning Act. The decision is appealable to the Ontario Municipal Board.



M. Pascoe Merkley, MCIP, RPP
Director of Planning



B. Casselman
City Manager

Schedule 'A' to Report 2011-142-12

**Ministry of
Municipal Affairs
And Housing**

**Ministère des
Affaires municipales
et du Logement**



Municipal Services Office Bureau des services aux municipalités
Eastern Region Région de l'Est
8 Estate Lane 8 chemin Estate
Rockwood House Maison Rockwood
Kingston ON K7M 9A8 Kingston ON K7M 9A8
Phone: (613) 545-2100 Téléphone: (613) 545-2100
Fax: (613) 548-6822 Télécopieur: (613) 548-6822
Toll Free: 1-800-267-9438 Sans frais: 1-800-267-9438

November 18, 2011

Ms. Maureen Pascoe-Merkley
Director of Planning
City of Brockville
P.O. Box 5000
Victoria Building
Brockville, ON, K6V 7A5



**Re: City of Brockville Official Plan
Draft Decision for Discussion Purposes
MMAH File #: 08-OP-0175**

Dear Ms. Pascoe-Merkley,

The Ministry has completed our review of the adopted City of Brockville Official Plan. We would like to thank you and MMM Group for the level of consultation that took place with respect to this Official Plan.

Please find attached a copy of the Ministry's Draft Decision with Modifications which are designed to appropriately reflect provincial interest as outlined in the Provincial Policy Statement, 2005 (PPS). The modifications are presented in two parts. Part A outlines proposed changes to Official Plan policies for which a note has been provided to assist in understanding the purpose of the requested modification. Part B identifies requested changes to the land use schedules of the Official Plan.

At this time, we request a Council Resolution in support of the attached Draft Decision to the Official Plan in advance of the Ministry's issuance of a Final Decision on the new City of Brockville Official Plan.

Should you have any questions or concerns, please do not hesitate to contact me at (613) 545-2118 or at dan.ethier@ontario.ca.

Sincerely,


Dan Ethier, MCIP RPP
Planner
MSO-Eastern

c. Chris Tyrell- Manager and Partner, MMM Group Limited

“DRAFT” DECISION

With respect to an Official Plan
Subsection 17(34) of the Planning Act

(For Discussion Purposes Only)

PART A

1. Section 1.5.1- Terms Used in Our Plan (Page 1-21)

That in the definition of “Development application”, the word “*consent*” be inserted after the words “*plan of subdivision*”.

Note: The above modification is recommended to recognize that an application for consent should also be referenced within the definition of “Development application”.

2. Sections 3.6.5- Natural Heritage Features & Functions (Page 3-70)

That the words “*that cannot be adequately mitigated*” be deleted from the following sub-sections as follows:

- a. The first sentence in sub-section 3.6.5(10)
- b. The second sentence in sub-section 3.6.5(26)
- c. The first sentence in sub-section 3.6.5(27)
- d. The second sentence in sub-section 3.6.5(31)
- e. The first sentence in sub-section 3.6.5(32)

Note: The above-noted modifications are recommended to ensure consistency with Section 2.1.6 of the 2005 Provincial Policy Statement which states: “*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*” It must be noted that this section does not contemplate permitting development or site alteration if negative impacts can be mitigated, but rather prohibits new development or site alteration if it is demonstrated that negative impacts will occur as a result of such activity.

3. Section 3.6.5(13)- Natural Heritage Features & Functions (Page 3-72)

That this policy be deleted in its entirety and replaced with:

“13. In accordance with common practices to protect the associated features from disturbance, the Significant Habitat of Endangered Species and Threatened Species are not illustrated on the schedules of this Plan. Instead, a screening map, prepared by the Ontario Ministry of Natural Resources showing areas of potential habitat of endangered and/or threatened species has been provided to the City for reference. Where the screening map identifies the potential habitat of endangered and/or threatened species, an ecological site assessment (ESA) shall be required in support of a planning application. The ecological site assessment shall assess the potential for significant habitat and delineate the extent of significant habitat of endangered and/or threatened species within or adjacent to an area proposed for development or site alteration. In cases where an environmental impact study (EIS) is triggered by this Plan, the above requirements may be addressed as part of the environmental impact study, provided it is undertaken by a qualified individual.”

The Ontario Ministry of Natural Resources is the responsible authority to approve the delineation of significant habitat of endangered and/or threatened species identified by an ecological site assessment or as part of an environmental impact study.

In addition, on all sites proposed for development or site alteration, a site inventory for butternut, an endangered tree species, will be required prior to the disturbance or removal of trees. Where harm to (cutting of branches, root disturbance, etc.) or removal of butternut is proposed, prior assessment of health of the species by a qualified Butternut Health Assessor is required. If butternut is determined to be "not retainable", a certificate will be issued by the assessor and the tree can be removed/harmed. If, however, the butternut is "retainable" a permit will be required for its removal pursuant to the Endangered Species Act, 2007."

Note: The Ministry of Natural Resources has prepared a screening map to be utilized by planning staff to screen applications in determining if the planning application is an area of habitat potential. If an application is found to be within an area of potential habitat, an Ecological Site Assessment shall be required to determine if the site is the habitat of a threatened or endangered species, and the physical extent of the habitat. The modification is also structured to recognize that habitat potential may be identified as part of an Environmental Impact Study provided it is undertaken by a qualified individual. In this regard, Modification #3 is recommended to ensure consistency with PPS 2.1.3(a) and conformity with the *Endangered Species Act, 2007*.

4. Section 3.6.5(15)- Natural Heritage Features & Functions (Page 3-72)

That this policy be deleted in its entirety and replaced with:

"15. Development and site alteration shall not be permitted on land adjacent to the Significant Habitat of Endangered Species and Threatened Species, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. For the purposes of this policy, the extent of adjacent land shall be defined as 120 metres. If the results of an EIS, which includes an ecological site assessment, identify that habitat for an endangered species or threatened species may be present, consultation with the MNR is required for further technical advice on delineating significant habitats of endangered and threatened species. An EIS shall be required for all development proposals within 120 metres of land adjacent to areas identified as being the Significant Habitat of Endangered Species and Threatened Species."

Note: Modification #4 is recommended to provide clarity with respect to the consultation requirements between the City and Ministry of Natural Resources as it pertains to the requirements of an Ecological Site Assessment and Environmental Impact Study.

5. Section 3.6.5(18)- Natural Heritage Features & Functions (Page 3-73)

That the following sentence be inserted after the third sentence: **"For the purposes of this policy, all watercourses in the City shall be considered as potential fish habitat."**

Note: Policy 3.6.5(18) of the Official Plan recognizes that development within 120 metres of existing or potential fish habitat shall be reviewed by the City in respect of potential impacts on fish habitat, however the Official Plan does not clearly denote where existing or potential fish habitat is located in the City. Modification #5 is recommended to

improve the implementation of the policy as staff will now have a textual reference of where potential fish habitat exists.

6. **Section 3.6.5(30)- Natural Heritage Features & Functions (Page 3-75)**

That the following words be inserted after the word "identified" in the second sentence of this policy: "***through consultation with the MNR or by an EIS triggered by another policy of this Plan.***"

Note: This policy outlines that the City will work with the Ministry of Natural Resources to identify significant valleylands. Modification #6 is recommended to recognize that significant valleylands may also be identified as part of an Environmental Impact Statement triggered by other policies of the Official Plan.

7. **Section 4.7.1- Introduction (Page 4-41)**

That the last sentence in the first paragraph be deleted in its entirety.

Note: The above modification is recommended to recognize that the City's employment areas contain local roads and that specifically directing prestige employment uses to arterial and collector roads may cause restrictions for future prestige employment uses that wish to locate within the City's designated employment areas.

8. **Section 4.9.4.3(2)- SSPA- Reynolds Site (Page 4-51)**

That the following sentence be inserted after the first sentence of this policy:

"Should it be proposed to develop the site with a use that differs from what is currently permitted, an amendment to this Official Plan shall be required."

Note: Currently, the site is designated as "Parks and Open Space Area" which allows for recreational-type uses. This policy outlines that the specific land uses for the site shall be established through the completion of a Record of Site Condition or Risk Assessment and Certificate of Property Use. In order to ensure transparency, as the studies may outline that a different land use may be acceptable, it is recommended that an Official Plan amendment be triggered should it be proposed for the site to be developed to an alternative use than what is currently permitted.

9. **Section 5.2.2.1- Provincial Highway (Page 5-7)**

That the following sentence be added after the first sentence of the opening paragraph:

"All schedules to this Official Plan have been modified by the Ministry of Municipal Affairs and Housing to reflect the long term improvements to the Highway 401/North Augusta Road interchange that were determined from a Planning, Preliminary Design and Environmental Assessment study that was completed by the Ministry of Transportation in consultation with the City of Brockville. The interchange configuration is being protected for the long term upgrades that may be implemented in the future over several decades to meet the travel demands of provincial and local traffic."

Note: The above modification is recommended to provide clarity to readers of the Official Plan that the schedules of the Official Plan reflect the future configuration of the interchange for Highway 401 and North Augusta Road, as proposed by the Ministry of Transportation. It is recommended to depict the interchange in accordance with the Ministry of Transportation's plans to ensure that the lands required for improvements are

not developed in a manner that would prohibit the design of their proposed improvements.

PART B

10. That Schedules 1, 3, 4, 5, and 6, dated June 14, 2011, be deleted and replaced with new Schedules 1, 3, 4, 5, and 6, dated August 25, 2011 as attached hereto.

Note: The modifications to the schedules are recommended to reflect the Ministry of Transportation's "North Augusta Road Recommended Long Range Plan- Highway 401 Interchange Designation Plan" for the North Augusta/Highway 401 interchange and correct a mapping error on Schedule 4 as it relates to the depiction of Arterial and Collector Roads. Furthermore, the modification also corrects a cross-reference on Schedule 6 as it relates to 100 Strowger Boulevard.

BROCKVILLE

official plan

our city, our plan

Schedule 1

City Structure

Land Use Designations

- Downtown and Central Waterfront Area
(See Section 4.2)
- Neighbourhood Areas
(See Section 4.3)
- Neighbourhood Development Area
(See Section 4.4)
- Mixed Use and Commercial Area
(See Section 4.5)
- Corridor Commercial Areas
(See Section 4.6)
- Employment Area
(See Section 4.7)
- Institutional Area
(See Section 4.8)
- Parks and Open Space Areas
(See Section 4.9)
- Urban Reserve Areas
(See Section 4.10)

Legend

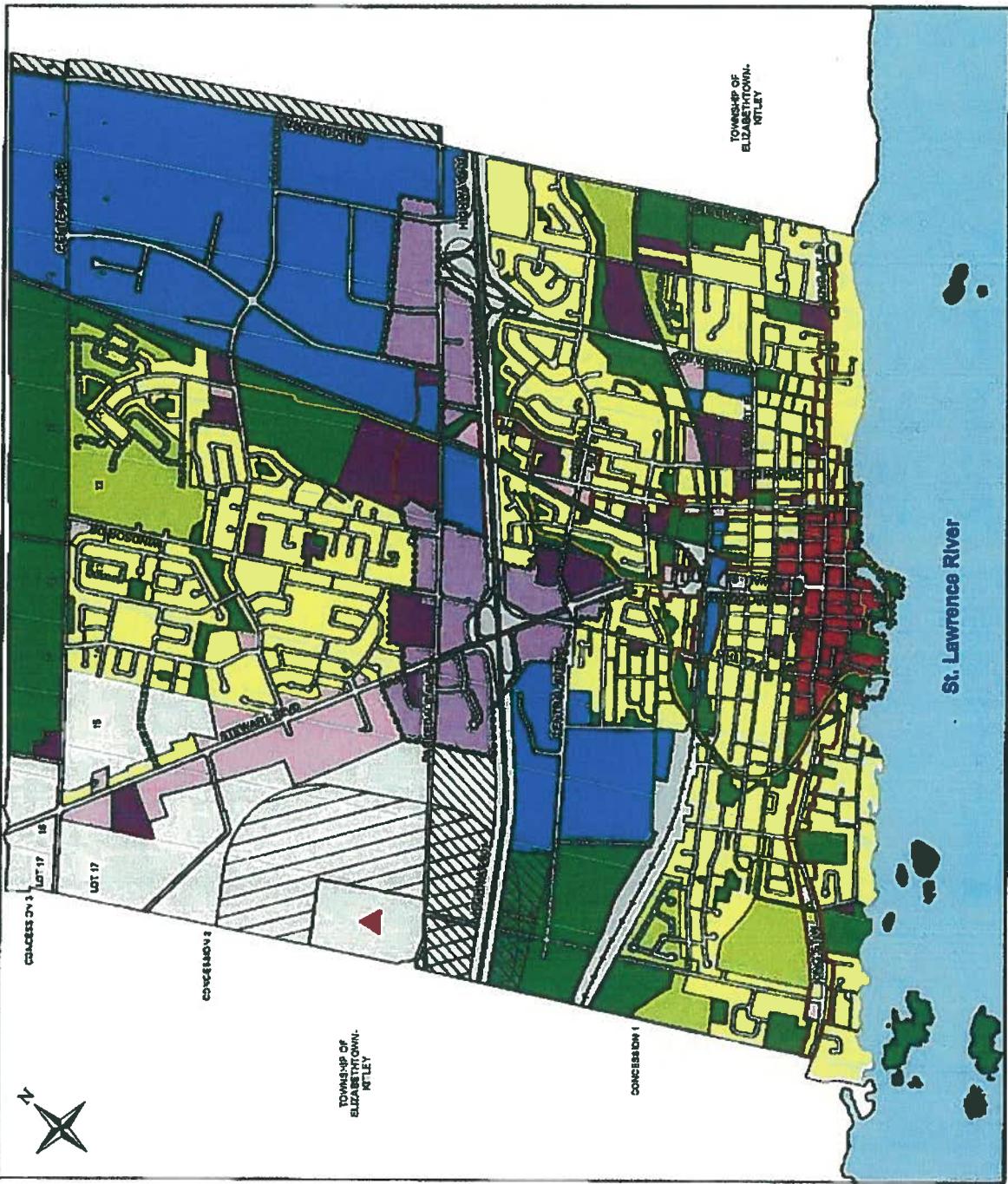
- Mixed Use Node (See Section 3.2.2.1)
- Mixed Use Corridor (See Section 3.2.2.1)
- Future Employment (See Section 3.2.5)
- Waste Disposal Site (See Section 5.4)
- Waste Site Buffer - 500m (See Section 4.4)
- Provincial Highway
- Future Roads
- Railways
- Brock Trail

Information Notes: This Schedule will be read and interpreted in conjunction with the Official Plan.



Adopted by Council June 14, 2011

Entered August 25, 2011





our city, our plan

Schedule 3

Natural Heritage System, Open Space & Constraints

Parks and Open Space (See Section 3.5.3.1)

- N Neighbourhood Parks
- G Community Parks
- W City-Wide Parks
- Private Recreational Areas
- CL City Island
- PI Private Island

Existing and Proposed Elementary or Secondary School Sites (See Section 3.6.5)

Natural Heritage Features (See Section 3.6.5)

- PS Productively Significant Wetlands
- SW Significant Woodlands

Natural Hazards (See Section 3.7.1)

- Flood Hazards

Legend

- Screening Area for the Cateragui Region Conservation Authority
- Waste Disposal Site
- Waste Disposal Site Buffer - 500m
- Provincial Highway
- Future Roads
- Railway

Watercourses and Waterbodies
0 0.5 1 km

Information Note: This Schedule will be read and interpreted in conjunction with the Official Plan in its entirety.
MM GROUP
Adopted by Council June 14, 2011
Updated August 25, 2011





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Schedule 4

Street Network

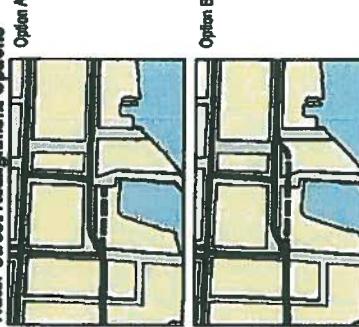
Hierarchy of Roads

- Provincial Highway (See Section 5.2.2.1)
- Aerial Road - 20-30m (See Section 5.2.2.2)
- Collector Road - 20-25m (See Section 5.2.2.3)
- Local Road - up to 22m (See Section 5.2.2.4)

Legend

- Grade Separation Proposed
- Railway
- Future Roads

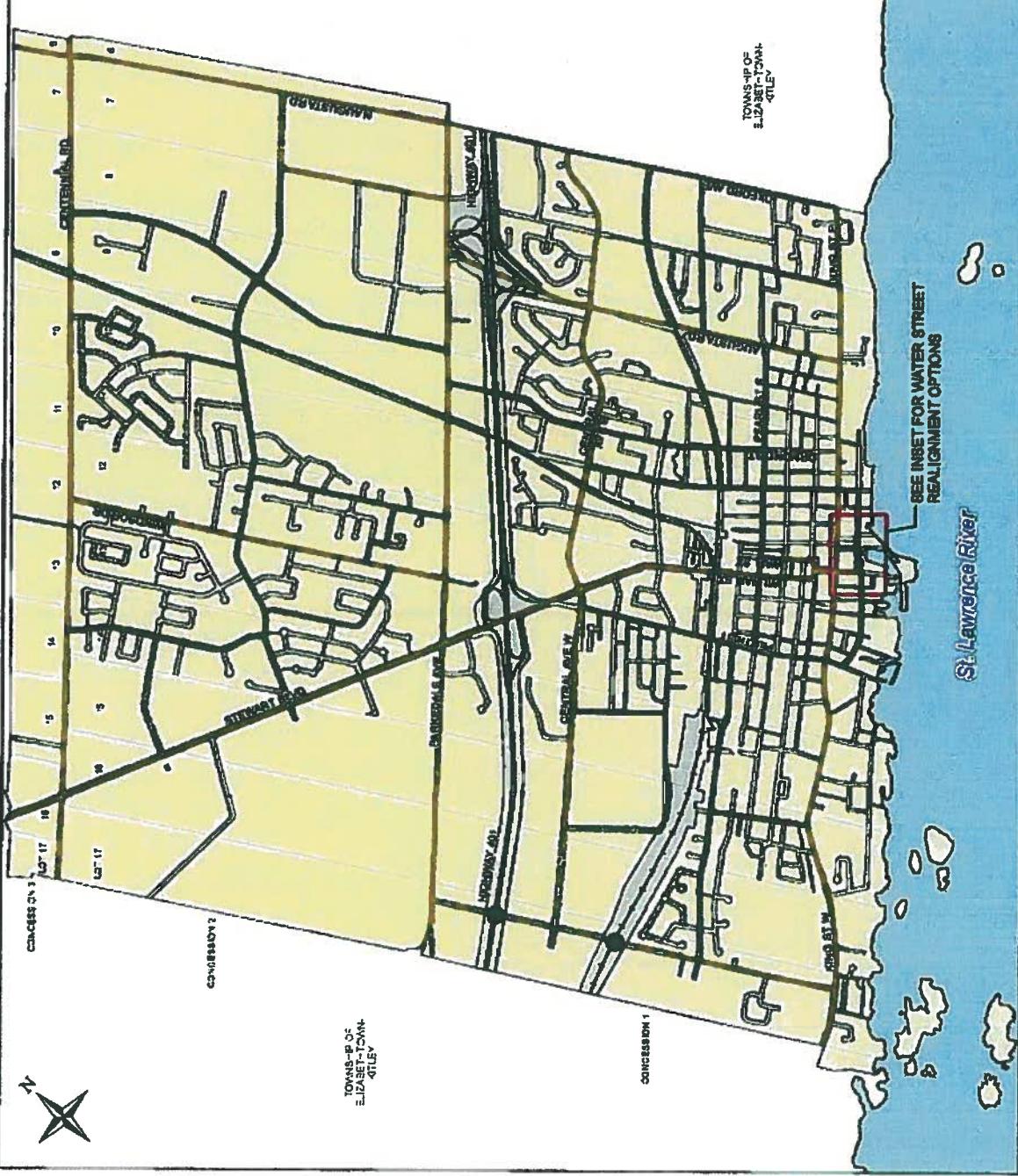
Water Street Realignment Options



Interpretation: Note: The proposed alignment is subject to change in accordance with the Critical Path. In its present form, the proposed alignment is not intended to be adopted.

0 0.5 1 km

MM GROUP
Adopted by Council June 14, 2011
Updated August 25, 2011





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Schedule 5

Active Transportation Network

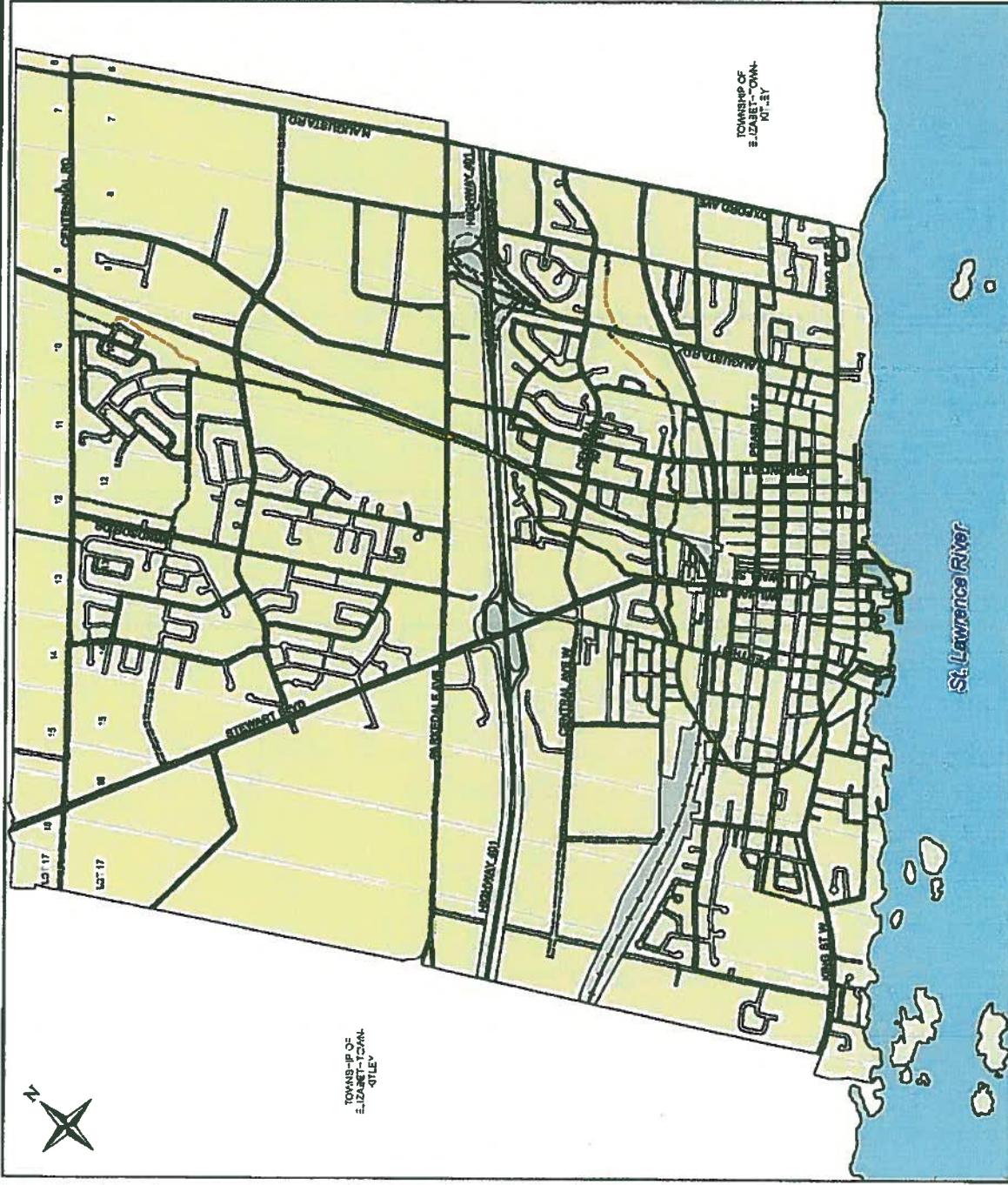
Legend

- Brock Trail
- Future Brock Trail
- Potential Spine Cycling Routes
- Potential Neighborhood Cycling Routes
- Waterfront Trail
- Provincial Highway
- Railway
- Future Roads

0 0.5 1 km

MM GROUP
Adopted by Council June 14, 2011
Last Updated August 25, 2011

Interpretation Note: The information will be read and interpreted in conjunction with the Official Plan in its entirety.





our city, our plan

Schedule 6

Site Specific Policy Areas

Legend

■ Site Specific Policy Area

0 0.5 1 km



Information Note: The Schedule will be read and interpreted in conjunction with the Official Plan in its entirety.



the increased use of electric, hybrid, and alternative fuel vehicles, for example, by:

- i. establishing electric plug-in sites for electric vehicles;
 - ii. purchasing hybrid vehicles for the City vehicle fleet; and
 - iii. encouraging fuel-efficient systems to be installed on all City buses.
9. The City shall encourage the design and development of neighbourhoods and buildings that conserve energy in accordance with Section 3.4.1.2 of this Plan.
 10. The City shall promote and encourage business and homeowner participation in programs that reward or incentivize investments in energy efficient technologies.

3.6.5 NATURAL HERITAGE FEATURES & FUNCTIONS

The City and the Cataraqui Region Conservation Authority encourage the protection and enhancement of Natural Heritage Features. The significant Natural Heritage Features are lands that represent the legacy of the natural landscape of the area and as a result have important environmental and social value. The City shall work to conserve, restore and enhance Natural Heritage Features and functions, wherever possible. The Plan divides Natural Heritage Features and functions into five categories:

1. Provincially Significant Wetlands;
2. the Significant Habitat of Endangered Species and Threatened Species;
3. fish habitat;
4. Significant Woodlands; and
5. Significant Valleylands.

It shall be the policy of the City that:

1. Delineation of certain Natural Heritage Features is based on data provided by the Ministry of Natural Resources and the Conservation Authority. These features shall be protected for the long-term and given due consideration in the development, redevelopment and alteration of land within the identified areas. The delineation of these features may be determined and/or refined through the preparation of a detailed Environmental Impact Study (EIS), as described in Section 3.6.7.
2. The City shall encourage that, wherever possible and appropriate, trees are replanted to replace trees removed if a development proceeds. The City shall encourage the conservation or replanting of roadside and fence-line shrubs and trees, and riparian area vegetation, wherever possible and appropriate in the context of new development. Financial

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- compensation for tree loss is not considered as the preferable means of appropriate mitigation for development.
3. The City shall use the MNR's Natural Heritage Reference Manual as a guideline for the completion of an EIS, referenced in Section 3.6.7, to ensure that development proposals are consistent with Provincial policies and the City's Natural Heritage policies.
 4. When considering development proposals, the City shall encourage the exploration of opportunities for creating new habitats, natural vegetation regeneration, conserving natural landforms and functions for protecting and enhancing groundwater and surface water resources, and for promoting environmental education and interpretation.
 5. The City shall encourage the protection of species at risk, either aquatic or terrestrial, and species recovery strategies. The City shall support the implementation of the relevant findings of recovery strategies.
 6. Where components of a Natural Heritage Features are held in private ownership, nothing in this Plan shall require that these lands be free and available for public use, and the identification of land shall not oblige the City or Conservation Authority, or other public agencies to purchase the land.
 7. The City shall, to the extent feasible, ensure that required maintenance of existing drains is carried out in a manner that mitigates impacts of the maintenance of existing drains on Natural Heritage Features and functions.
 8. When considering applications or initiating projects under the *Drainage Act* or *Ontario Water Resources Act* for drainage works, the City, in consultation with the Province and/or Conservation Authority shall be satisfied that the works will be engineered and constructed to ensure no negative impact on Natural Heritage Features and functions. Such considerations may include completion of an EIS or an environmental evaluation/appraisal carried out under the *Drainage Act*.

Provincially Significant Wetlands

9. Provincially Significant Wetlands (PSWs) and the contiguous land within 120 metres adjacent to the PSW are delineated on Schedule 3. The contiguous land adjacent to PSWs represents an area where it is likely that development or site alteration would have a negative impact on the feature or area. Development and site alteration shall not be permitted within a Provincially Significant Wetland.
10. Development and site alteration shall not be permitted on land adjacent to a PSW, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological and/or hydrologic functions that cannot be adequately mitigated. For the purposes of this policy, the extent of adjacent land shall be defined as 120 metres. An

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Environmental Impact Study shall be required for all development proposals within 120 metres or abutting areas identified as being a Provincially Significant Wetland. Prior to considering development and/or site alteration, the City, in consultation with the Ministry of Natural Resources and the Conservation Authority, shall be satisfied that the EIS demonstrates that there will be no negative impacts on the PSW and the sustaining ecological and/or hydrologic functions.

11. The boundaries of PSWs are defined based on an evaluation carried out in accordance with Ministry of Natural Resources (MNR) procedures, which may be amended from time to time, and must be approved by MNR prior to taking effect. The boundaries of PSWs may be refined without an amendment to this Plan provided approval is obtained by MNR. The addition or removal of a PSW shall require an amendment to this Plan.

Significant Habitat of Endangered Species & Threatened Species

12. In accordance with common practices to protect the associated features from disturbance, the Significant Habitat of Endangered Species and Threatened Species are not illustrated on the schedules of this Plan. Significant Habitat of Endangered Species and Threatened Species shall be defined based on the *Endangered Species Act* and the Species at Risk in Ontario (SARO) list.
13. The Ministry of Natural Resources approves the identification of Significant Habitat of Endangered Species or Threatened Species. The City shall refer to the Natural Heritage Information Centre database and, in consultation with the Ministry of Natural Resources, shall determine the areas to which the policies related to the Significant Habitat of Endangered Species and Threatened Species shall apply.
14. Development and site alteration shall not be permitted in the Significant Habitat of Endangered Species and Threatened Species.
15. Development and site alteration shall not be permitted on land adjacent to the Significant Habitat of Endangered Species and Threatened Species, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions that cannot be adequately mitigated. For the purposes of this policy, the extent of adjacent land shall be defined as 120 metres. An EIS and/or Ecological Site Assessment (EcoSA) shall be required for all development proposals within 120 metres or abutting areas identified as being the Significant Habitat of Endangered Species and Threatened Species. Prior to considering development and/or site alteration on within 120 metres or abutting areas, the City, in consultation with the Ministry of Natural Resources, shall be satisfied that the EIS and/or EcoSA demonstrates that there will be no negative impacts on the habitat values upon which the species depend directly and indirectly,

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and any related ecological functions. If the results of an EIS and/or EcoSA identify that habitat for an endangered species or threatened species may be present, consultation with the MNR is required for further technical advice on delineating significant habitats of endangered and threatened species.

Fish Habitat

16. The City recognizes that the health of the aquatic environment is a fundamental indicator of the health of the overall ecosystem. The harmful alteration, disruption or destruction of fish habitat is prohibited under the *Fisheries Act*.
17. Development shall only be permitted provided that it does not harmfully alter, disrupt or destroy fish habitat. Through a fish habitat mitigation/compensation assessment, in consultation with the City, the Conservation Authority and the Department of Fisheries and Oceans (DFO), it is the City's objective to secure no net loss of productive capacity of fish habitat, and where possible, secure a net gain of productive capacity of fish habitat.
18. Any development or change in land use within 120 metres of an existing or potential fish habitat area shall be reviewed by the City and Conservation Authority in consultation with the DFO and Ministry of Natural Resources with respect to the potential impact. Any such proposal shall be subject to an Environmental Impact Study, in accordance with the *Fisheries Act* and *Endangered Species Act*, to determine if proposed development will adversely impact the fish habitat. If it is determined that development will impact the fish habitat, development may not be permitted.
19. The City in consultation with the Conservation Authority may determine the minimum vegetative buffer zone adjacent to existing or potential fish habitat areas where development is proposed.
20. Where it has been determined by the Conservation Authority in consultation with the DFO and Ministry of Natural Resources that the development or change in land use will affect the natural functions of the fish habitat, the preparation of a fish habitat mitigation/compensation assessment shall be required. The assessment will typically be required to include the following information:
 - i. identify the nature and extent of potential impacts;
 - ii. determine appropriate mitigative measures to protect the affected fish habitat;
 - iii. specify compensation for loss of fish habitat through near-site replacement of habitat, off-site replacement of fish habitat or an on-site increase of fish habitat capacity;
 - iv. determine appropriate buffering and how such buffering will be protected in the future; and

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- v. address other matters as determined by the DFO.
21. Any requirements imposed through a fish habitat mitigation/compensation assessment shall be implemented by the proponent with input from, and to the satisfaction of the City, the Conservation Authority and/or the DFO.
22. Where it is determined by the City, the Conservation Authority and/or the DFO, that any development will cause negative impacts to fish habitat, such development shall not be permitted.
23. Subwatershed studies may be prepared to provide additional policy guidance related to the protection and enhancement of fish habitat and the specification of protective or mitigative measures.

Significant Woodlands

24. Significant Woodlands are areas which are ecologically important in terms of species composition, age of trees and stand history. Significant Woodlands are functionally important due to their contribution to the broader landscape because of their location, size or extent of forest cover; and/or are economically important due to their site quality, species composition, or management history. Wildlife habitat is one of the primary ecological functions provided by Significant Woodlands. Wildlife habitat is an area where plants, animals and other organisms live, and find adequate amounts of food, shelter, water and space needed to sustain their populations. All plants and animals have individual habitat requirements, which vary for different periods in their life cycles.
25. Significant Woodlands identified on Schedule 3 of this Plan shall be subject to the policies of the underlying land use designation, as shown on Schedule 1.
26. Development or site alteration proposed in a Significant Woodland feature illustrated on Schedule 3 shall be subject to the completion of an EIS prior to development or site alteration. Development or site alteration in a Significant Woodland feature shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions that cannot be adequately mitigated.
27. Development and site alteration shall not be permitted on land adjacent to a Significant Woodland feature unless it has been demonstrated that there will be no negative impacts on the Significant Woodland feature or on their ecological functions that cannot be adequately mitigated. For the purposes of this policy, the extent of adjacent land shall be 120 m from the edge of the Significant Woodland. Subject to the policies of Section 3.6.7, an EIS shall be required for all development proposals on lands adjacent to an identified Significant Woodland.

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28. Prior to considering development and/or site alteration on or within adjacent lands or abutting areas of a Significant Woodland, the City, in consultation with the Cataraqui Region Conservation Authority and MNR, will be satisfied that the EIS demonstrates that there will be no negative impacts on the habitat values upon which the species depend directly and indirectly, and any related ecological functions.

Significant Valleylands

29. Significant Valleylands are natural areas that occur in a valley or other landform depression that have water flowing through or standing for some period of the year. Valleys are the natural drainage systems for the watersheds and as such, they provide an appropriate context for planning and evaluating water related resources.
30. Significant Valleylands shall be defined by the City in consultation with the MNR, and shall be subject to the policies of the underlying land use designation. Where valleylands are identified, they shall be subject to the policies of this Section and may be mapped accordingly on Section 3 through an amendment to this Plan.
31. Development or site alteration proposed in a Significant Valleyland shall be subject to the completion of an EIS prior to development or site alteration. Development or site alteration in a Significant Valleyland shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions that cannot be adequately mitigated.
32. Development and site alteration shall not be permitted on land adjacent to a Significant Valleyland unless it has been demonstrated that there will be no negative impacts on the Significant Valleyland or on their ecological functions that cannot be adequately mitigated. For the purposes of this policy, the extent of adjacent land shall be 120 metres from the stable top of bank of the Significant Valleyland. In accordance with Section 3.6.7, an EIS shall be required for all development proposals on adjacent lands or abutting areas identified as being the Significant Valleyland.
33. Prior to considering development and/or site alteration on or within adjacent lands to a Significant Valleyland, the City, in consultation with the CRCA and MNR, shall be satisfied that the EIS demonstrates that there will be no negative impacts on the habitat values upon which the species depend directly and indirectly, and any related ecological functions.

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4.7 EMPLOYMENT AREA

4.7.1 INTRODUCTION

Employment Areas are intended to accommodate industrial, manufacturing, logistics and related uses that require separation from sensitive land uses. Existing employment areas include the Broome Business Park, and the Western Industrial Park, which have excellent access to Highway 401, as well as lands along the CN and CP rail lines. The intent of the Employment Areas are to ensure that there are sufficient lands to accommodate a full range of employment uses while ensuring land use conflicts are minimized and separation distances are adhered to. To achieve this, Prestige Employment uses are being directed to front onto Collector and Arterial Roads whereas more intensive Employment Uses are directed to the interior of the employment areas.

Due to their strategic location, lands that warrant protection outside of the Plan's horizon have been identified on Schedule 1 as a "Future Employment" overlay. The underlying land use shall apply until such time that these lands are to be redesignated and developed.

4.7.2 PERMITTED USES

Subject to the Land Use and Built Form policies of Section 4.7.3, the following uses shall assist in guiding the broad range of development permitted within Employment Areas, recognizing that a more definitive list shall be provided in the Zoning By-law.

1. The predominant use of land shall be a wide range of office and industrial uses, and ancillary service commercial uses serving the Employment Area employees, subject to the policies of this Section and locational criteria. Heavy industrial uses include manufacturing facilities and uses for storage, processing, refinement or production of hazardous or toxic substances. Light industrial uses include small-scale facilities, warehouses, wholesale establishments, and offices and business services. Prestige employment uses include office employment uses and associated accessory uses such as restaurants, parking facilities and business services.
2. Retail and Commercial uses associated with and clearly ancillary to the main employment use shall be permitted.
3. Uses accessory to any of the permitted uses in the Employment Area shall be permitted.

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Schedule 'B3' to Report 2011-142-12

2. The retention and expansion of Parks within the Parks and Open Space Area is of a high priority and shall be encouraged subject to the lands ownership, location, and existing conditions. For development and redevelopment applications along the waterfront in the Downtown and Central Waterfront Area, the City shall require the conveyance of lands along the water's edge, in accordance with Section 6.4.11, to accommodate a pedestrian walkway, linear park, trail or any additional lands that the City deems reasonable to connect to the trail system and improve public access to the water's edge. The nature and configuration of the conveyance will be determined on a site specific basis. Prior to acquiring new Parks, the completion of an Environmental Site Assessment shall be required to determine the level of contamination, if any.
3. Where the Parks and Open Space Area is applied to privately owned lands, it shall not imply that the lands are free and open to the general public. There shall be no obligation for the City, or any other public agency, to purchase the lands.

4.9.4 SITE SPECIFIC POLICY AREA

4.9.4.1 SSPA – City Islands

1. SSPA 4.9.4.1 is identified on Schedule 6 and relates to the City-owned islands in the St. Lawrence River.
2. Islands under the jurisdiction of the City shall be protected from overuse by achieving a balance between recreational use and environmental protection, in accordance with Section 3.5.3.1. No new development or site alteration shall be permitted and the current use of the islands shall be monitored by the City and the CRCA.

4.9.4.2 SSPA – Private Islands

1. SSPA 4.9.4.2 is identified on Schedule 6 and relates to the private islands on the St. Lawrence River.
2. Existing uses shall be permitted to continue in accordance with Section 6.4.8; however, any proposal for site alteration or development, including the replacement of a private sewage disposal system, shall be approved by the City and the CRCA, and in accordance with Section 5.3.3.

4.9.4.3 SSPA – Reynolds Site

1. SSPA 4.9.4.3 is identified on Schedule 6 and relates to the property known as the Reynolds Site south of Water Street on the St. Lawrence River.

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2. While the lands have been designated to permit Parks and Open Space uses, the specific future land use shall be established based upon a Record of Site Condition (RSC) filed and acknowledged or Risk Assessment and Certificate of Property Use on the MOE Environmental Site Registry, in compliance with applicable Ministry of the Environment guidelines, objectives, and regulations, and in accordance with Section 3.7.2.

4.9.4.4 SSPA – Parks and Open Space Commercial Uses in the DCWA

1. SSPA 4.9.4.4 is identified on Schedule 6 and relates to the Parks and Open Space Areas in the Downtown and Central Waterfront Area.
2. While the lands have been designated to permit Parks and Open Space uses, commercial uses that are clearly ancillary and complementary to the principal parks and open space use including confectionary stands, kayak/boat rentals, boat cruise ticketing, snack bars and similar uses shall be permitted.
3. Development of ancillary and complementary commercial uses within SSPA 4.9.4.4 shall be designed and oriented in a manner that enhances the immediate Parks and Open Space Area, and does not interrupt views and vistas to and from the water.

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Schedule 'B4' to Report 2011-142-12

that the urban design policies of this Plan intend to draw buildings closer to the street, thereby creating a positive environment for pedestrians.

9. Any proposals to widen, extend, realign or improve roads shall consider Natural Heritage Features and cultural heritage resource factors and attributes of adjacent land, or by views created by the road. The City may require a landscape assessment prior to approval or endorsement of any proposals to widen, extend, realign or improve roads.
10. Paved streets, curbs and gutters shall be provided for any major new development or redevelopment in the Urban Areas to the satisfaction of the City. Sidewalks may be required to be provided in new development or redevelopment as determined by the City in accordance with the policies of this Plan.
11. The City shall encourage the use of traffic calming management techniques to reduce the impact of traffic on neighbourhoods by improving road user safety and quality of life. This may include the use of physical road treatments such as reduced right-of-way widths, textured pavements, curb extensions or medians, traffic circles, bicycle lanes or on-street parking. The type of traffic calming technique shall depend on the road characteristics and degree of required traffic flow impedance.

5.2.2.1 Provincial Highway

Highway 401 is a Provincial Highway, which is under the jurisdiction of the Ministry of Transportation, and it is illustrated on Schedule 4.

It shall be the policy of the City that:

1. The Ministry of Transportation shall have jurisdiction and control over access to Highway 401, and development within the Ministry's permit control area.
2. The Ministry of Transportation shall determine the right-of-way width for the Provincial Highways.
3. All development in proximity and adjacent to a Provincial Highway shall be subject to the safety and geometric requirements and permits of the Ministry of Transportation. The Ministry of Transportation may require a site specific transportation impact study to be submitted for review and approval in order to determine the impact of development on a Provincial Highway.
4. Generally, open storage and loading areas shall be screened from Provincial Highways.

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November 21, 2011

**REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE –
December 6, 2011**

2011-134-11

**CAREER SERVICES OF BROCKVILLE
REQUEST FOR LICENSE TO PERMIT THE
CONSTRUCTION OF PARKING ON HUBBELL STREET**

**SANDRA M. SEALE
CITY CLERK**

RECOMMENDED

THAT Council authorize the Mayor and City Clerk to execute a licence agreement with the Career Services of Brockville for the use of a portion of land on the south side of Hubbell Street for a parking area as per the submitted drawing.

PURPOSE

Career Services of Brockville have submitted a proposal for the construction of a parking area on the south side of Hubbell Street adjacent to their property.

ANALYSIS

An application was made to the Planning Department for a minor change to the Site Plan Control Agreement for changes to the parking area in front of 89 Hubbell Street. These changes would see the replacement of existing sidewalk with a new concrete sidewalk with sloping to accommodate access from the additional barrier free parking and drop off areas in front of the building.

In November 2011, Ms. Pascoe Merkley, Director of Planning authorized the minor changes subject to a license agreement with the City for the area where the parking spaces extend onto the road allowance.

Staff are recommending the approval of a license agreement with Career Services of Brockville for the use of the Hubbell Street road allowance. The use of the road allowance will not infringe on the travelled roadway and have little to no impact on abutting properties as there is no current development or any proposed development with the vicinity. Attached as Schedule 1 is a drawing showing the lands subject to the license.

The proposal was circulated to the Operations, Environmental Services and Planning Departments for review and comment. The departments have no comments with respect to the proposal.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report. All costs, including legal, will be borne by the applicant.

S. Seale
City Clerk

B. Casselman
City Manager

Richard D. Steele
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BENCHMARK:
BRADY CAP IN SOUTHEAST
CORNER OF RT. OF STROWGER BLVD.
AND HUBBELL ST.
LEFT: E. SIDE (FRONT)

NOTE:
CONTRACTOR TO DETERMINE TIME,
COMPLIES TO DETERMINE TIME,
LOCATION, AND CONFIGURATION OF
EXISTING PLUMB.

EASTERN ENGINEERING GROUP INC.
BUILDING CODE APPLICATIONS
CLASSES OF ILLUSTRATION
MANUFACTURED
HABITATIONAL
INSTITUTIONAL
INDUSTRIAL
WATER USE
WATER SUPPLY
SEWERAGE
DRAINAGE

NOTES:
The following dimensions and elevations
are for the proposed site plan only. The
existing conditions are to be determined
by the contractor. All dimensions and elevations
are in feet unless otherwise indicated.
The contractor is to verify all dimensions
and elevations by survey and make any
adjustments as required.

**EASTERN
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Land Surveyors
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CAREER SERVICES
BRICKVILLE
89 HUBBELL STREET
BRICKVILLE, ONTARIO

NOV - 8 2011
SITE PLAN
BARRIER FREE
ENTRANCE

