

Canada  
PROVINCE OF ONTARIO

**In the Matter of**

By-law 98-69, to amend By-law 97-38 of the Corporation of the City of Pembroke, which regulates the use of lands and the character, location and use of buildings and structures in the City of Pembroke.

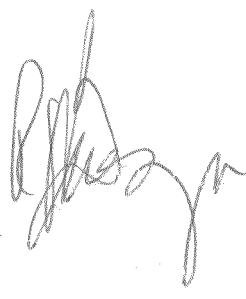
To Wit:

**I,** R.J. Brazeau  
of the City of Pembroke in the  
County of Renfrew  
**Do Solemnly Declare,** that

1. NOTICE was given on October 24, 1998 by advertisement in the local newspaper, the Daily Observer, to notify all residents of Pembroke.
2. A Public Meeting was held on December 1, 1998 in the Council Chambers of the City of Pembroke to consider the proposed amendment.
3. To the best of my knowledge no objections to the amendment were received by the Office of the Chief Administrative Officer or by any official of the City of Pembroke.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City  
of Pembroke  
in the County  
of Renfrew  
this 11<sup>th</sup> day of January 19 99



*Robert Spadon*  
A Commissioner, etc.

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW 98 - 69

A BY-LAW TO AMEND BY-LAW 97-38 OF THE CORPORATION OF THE CITY OF PEMBROKE, BEING A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE CITY OF PEMBROKE

WHEREAS Section 34 of The Planning Act R.S.O., 1990 provides that by-laws may be passed by Municipal Council for restricting the use of lands and the erection or use of buildings except as provided for in such by-laws;

AND WHEREAS the Council of the Corporation of the City of Pembroke did, on the fourth day of November, 1997, pass By-law 97-38 to provide for the use of lands and the character, location and use of buildings and the said by-law has, from time to time been amended;

AND WHEREAS it is deemed expedient to further amend the said by-law;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

1. That Schedule 'B' to By-law 97-38 of the Corporation of the City of Pembroke be amended by the addition to Section 11.3 thereof the following:

Section 11.3 (u) C3-21-holding and C3-21-flood fringe-holding

Notwithstanding any provisions of this By-law to the contrary, the property which is located in the C3-21 holding zone and C3-21-flood fringe - holding zone, and is bounded to the north by the Ottawa River, to the south by the Canadian Pacific Railway, to the east by Albert Street and to the west by the extension of Frank Nighbor Street and more particularly described as Part of Water Lot XM, being Part of Part 2 on 49R-8988, Plan 17, Water Lot 448 Pt., Plan 2, Water Lot 472 Pt., 413 Pt., 449 Pt., may be developed in accordance with the following provisions:

(i) Permitted Uses

The above property shall include all permitted "C3" uses with exception of:

- animal hospital,
- automobile service station and sales garage,
- automobile store,
- bus terminal,
- gasoline retail facility unless used in conjunction with the Pembroke Marina,
- parking garages,
- undertaker's establishment/funeral parlours and
- cemeteries.

(ii) Zone Provisions

1. In accordance with the Zone Provisions in Section 11.2 of the Comprehensive By-law.
2. A maximum building height of 60 feet shall be permitted

(iii) Parking

In accordance with the Parking Area Regulations in Section 3.22 of the Comprehensive Zoning By-law 97-38.

(iv) Loading Facilities

In accordance with the Loading Space Regulations in Section 3.13 of the Comprehensive Zoning By-law 97-38.

(v) Accessory Uses

In accordance with the Accessory Uses Provisions in Section 3.1 of the Comprehensive Zoning By-law 97-38.

(vi) Holding Zones

Notwithstanding any provisions of this By-law to the contrary, for the land in the "Central Commercial-21-holding - C3-21-h" and "Central Commercial-21-flood fringe-holding - C3-21-ff-h" zones, located within Part of Water Lot XM, being part of Part 2 on 49R-8988, Plan 17 Water Lot 448 Pt., Plan 2, Water Lot 472 Pt., 413 Pt., 449 Pt., City of Pembroke as shown on Schedule "A" attached hereto, the only permitted uses shall be the uses that existed as of the time of the passing of this By-law and open space.

The removal of the holding symbol is contingent upon the following:

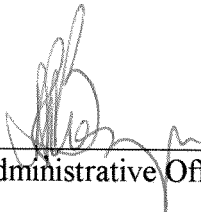
- (1) a signed Site Plan Agreement,
- (2) Submission to the Ministry of the Environment of a "Record of Site Condition" to be submitted following cleanup of property,
- (3) Submission to the Ministry of the Environment of a Noise Impact Assessment Report and Noise Impact Management Plan, and
- (4) Submission of the Ministry of the Environment of a copy of a development agreement between the City and the proponent agreeing to implement the noise report.


Upon removal of the holding (h) symbol, the permitted uses and zone provisions of the "C3-21" and "C3-21-ff" zones shall apply.

2. That Schedule 'B' to By-law 97-38 of the Corporation of the City of Pembroke be amended to show the property municipally located along the shores of the Ottawa River and legally known as Pt. Water Lot CL-3895, being Part 1 on 49R-6879, Part of Water Lot XM, being Part of Part 2 on 49R-8988, Plan 17, Water Lot 448 Pt., Plan 2, Water Lot 472 Pt., 413 Pt., 449 Pt., Part 3 on 49R-5785 and Part 1 on 49R-5639 in the City of Pembroke in an "Open Space-flood fringe - OS-ff" zone in place and instead of a "Flood Plain - fp" zone. The property which is rezoned is shown on Schedule 'A' attached hereto. This zone shall be for public access and maintain a width of 100 feet.
3. In order to provide flood protection in accordance with provincial flood plain criteria, no buildings or structures shall be allowed under 112.9 metres G.S.D. contour lines. Due to the nature of flooding being low velocity and shallow flow between the elevations of 112.9 metres and the 1:100 year flood elevation of 113.9 metres C.G.D., development may be permitted subject to adequate floodproofing measures. This area is known as the flood fringe. Development may occur according to the underlying land use designation if floodproofed to the design elevation of 114.2 metres C.G.D. Any land below 112.9 m C.G.D. will remain zoned as "Flood Plain - fp".

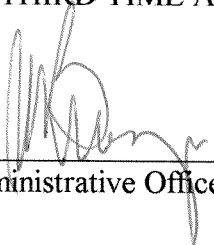
4. That Schedule 'B' to By-law 97-38 of the Corporation of the City of Pembroke be amended to show the property described as Part of Water Lot XM, being Part 2 on 49R-8988, Plan 17 Water Lot 448 Pt., Plan 2, Water Lot 472 Pt., 413 Pt., 449 Pt., Pt. Water Lot CL-3895, being Part 1 on 49R-6879, Part 3 on 49R-5785 and Part 1 on 49R-5639 in the City of Pembroke in a "Central Commercial-21-holding - C3-21-h" zone, a "Central Commercial-21-flood fringe-holding- C3-21-ff-h" zone and an "Open Space-flood fringe - OS-ff" zone. The property which is rezoned is shown as the lined area on Schedule 'A' attached hereto.
  
5. This by-law shall be circulated in the manner provided for by the regulations enacted pursuant to Section 34 (18) and (19) of The Planning Act R.S.O., 1990. In the event that no objection is filed within 20 days of the date of giving notice, this by-law shall come into force and take effect. In the event that any objection to the approval of this by-law is filed within the required time period, this by-law shall be submitted to The Ontario Municipal Board for approval and shall come into force and take effect only upon the approval of the Board, as evidenced by the issuance of its formal order in that respect.


READ A FIRST AND SECOND TIME this 1<sup>st</sup> day of December, 1998.

  
\_\_\_\_\_  
Chief Administrative Officer

  
\_\_\_\_\_  
Mayor

READ A THIRD TIME AND PASSED this 1<sup>st</sup> day of December, 1998.

  
\_\_\_\_\_  
Chief Administrative Officer

  
\_\_\_\_\_  
Mayor

This is Schedule 'A' to By-law 98-69  
of the Corporation of the City of Pembroke  
passed this 1<sup>st</sup> day of December, 1998

*[Signature]*  
Mayor

*[Signature]*  
Chief Administrative Officer

Subject Property to be Rezoned  
from  
"Flood Plain - fp", "Open Space - OS" and "Open Space-flood fringe - OS-ff" zones  
to  
"Central Commercial-21-holding - C3-21-h" and  
"Central Commercial-21-flood fringe-holding - C3-21-ff-h"  
and "Open Space-flood fringe - OS-ff" zones

