

Most recent Notwithstanding Clause submitted by Armstrong Harrison Associates

“11. x.x This Section is intended to encourage and facilitate only the relocation of the existing business known as Abe’s Auto recycling, currently operating at 2532 Concession Road 3, Part of Lot 13, Concession 3 former Darlington Township:

Notwithstanding subsections 11.3.2, 11.7.2, 11.8.2, 11.8.3, 11.8.5, 11.9.2 (a), relocation of the business known as Abe’s Auto Recycling of 2532 Concession Road 3 to suitable Employment Lands may be permitted subject to the following specific provisions which in context may be implemented in any Zoning provision and/or Site Plan or other implementing Agreement made between the Owner and the Municipality of Clarington;

Outside Storage not exceeding 50% of the site area is permitted provided that the site is screened from public view either by existing natural features of the site, topography and/or vegetation, and/or by the continuous application of berms, landscaping and tree planting;

No more than 12 hectares (30 acres) of any site including open storage shall be used for vehicle recycling; and

For purposes of this Section, EOL (End of Life), wrecked, insurance write-off, scrapped, disabled or abandoned vehicles shall be defined as “raw materials.

That a comprehensive EIS shall be submitted with any application for re-zoning or site plan approval that in addition to all other matters required to be addressed in Local or Regional OP’s or other planning documents shall incorporate a Contamination Management Program including operational protocols and monitoring for spills and leakage; the EIS shall also make recommendations concerning the physical properties of surface materials to be applied to the site, and recommending enhancements to Stormwater Management practices as appropriate to the proposed uses;

That the terms of reference for professional environmental consultants to be retained by the proponent shall be submitted for review and comment by staff of the Municipality of Clarington in the context of the operational uses intended to be carried out on the site;

That if relocation is proposed in an area intended to be serviced, the owner shall enter into such financial or other Agreements with the Region of Durham and/or the Municipality of Clarington with respect to the installation of Regional or Municipal services, such that there is no adverse impact on the timing or funding for the installation of underground municipal services, and including provision for the location and servicing of such collector roads as may be required;

That upon occupancy at any new location the owner will acknowledge discontinuance of the legal non-conforming use of 2531 Concession Road 3 part Lot 13 Con 3 former Darlington Township.”