

BELLEVILLE PLANNING ADVISORY COMMITTEE

AGENDA

FEBRUARY 1, 2016

5:30 P.M.

COUNCIL CHAMBER

Starting
Page No.

CITY COUNCIL PLANNING COMMITTEE MEETING

1. **ATTENDANCE**

Councillor Paul Carr
Councillor Jackie Denyes
Councillor Mike Graham

Councillor Kelly McCaw
Councillor Jack Miller

2. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

3. **PUBLIC MEETING - THE PLANNING ACT**

- 3.1 **PROPOSED DRAFT PLAN OF CONDOMINIUM AND PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER 2076-80 AS AMENDED – 773 & 777 BELL BOULEVARD, FORMERLY IN THE TOWNSHIP OF SIDNEY, NOW IN THE CITY OF BELLEVILLE, COUNTY OF HASTINGS
FILE NUMBER: B-77-992 & 12CD-16001
APPLICANT/OWNER: SHADY RIDGE STOCK FARMS INC. & JACK AND CHARLIE REAL ESTATE HOLDINGS INC.**

Notice of Meeting and Map

1

4. **ADJOURNMENT**

BELLEVILLE PLANNING ADVISORY COMMITTEE

A G E N D A

FEBRUARY 1, 2016

5:30 P.M.

COUNCIL CHAMBER

Starting
Page No.

PLANNING ADVISORY COMMITTEE MEETING

1. ATTENDANCE

Councillor Paul Carr	John Baltutis
Councillor Jackie Denyes	David Joyce
Councillor Mike Graham	Mike Letwin
Councillor Kelly McCaw	Ross Rae
Councillor Jack Miller	

2. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3. CONFIRMATION OF MINUTES

3.1 Minutes of the City Council Planning Committee Meeting and Planning Advisory Committee Meeting held on January 4, 2016

4. DEPUTATIONS

5. CORRESPONDENCE

6. REFERRALS FROM PUBLIC MEETING

- 6.1 PROPOSED DRAFT PLAN OF A COMMON ELEMENT CONDOMINIUM, PART OF LOT 31, CONCESSION 2, FORMERLY TOWNSHIP OF SIDNEY, NOW CITY OF BELLEVILLE, COUNTY OF HASTINGS – 773 & 777 BELL BOULEVARD
 FILE NUMBER: 12CD-16001
 OWNERS: JACK AND CHARLIE REAL ESTATE HOLDINGS INC., SHADY RIDGE STOCK FARMS INC.
 AGENT: SHADY RIDGE STOCK FARMS INC.

Manager, Approvals Section's Report No. APS-2016-7

3

RESOLUTION

"THAT the Belleville Planning Advisory Committee recommends the following to City Council:

'THAT approval of a Draft Plan of Common Element Condominium, as shown on APPENDIX 2 attached to the Manager of Approvals' Report No. APS-2016-7, be granted for the lands described as Part of Lot 31, Concession 2, formerly Township of Sidney, now City of Belleville and municipally known as 773-777 Bell Boulevard (File: 12CD-16001), subject to the draft plan conditions outlined in APPENDIX 3 of same."

- 6.2 PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER 2076-80, AS AMENDED – 773 & 777 BELL BOULEVARD, CITY OF BELLEVILLE, COUNTY OF HASTINGS
 FILE NUMBER: B-77-992
 APPLICANT/OWNER: SHADY RIDGE STOCK FARMS INC. & JACK AND CHARLIE REAL ESTATE HOLDINGS INC.
 AGENT: AL OSBORNE

Manager of Policy Planning's Report No. PP-2016-06

19

RESOLUTION

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the application to amend the City's Zoning By-law Number 2076-80, as amended, for 773 & 777 Bell Boulevard, City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-law Number 2076-80, as amended, be amended by modifying the provisions of the 'CH-32/MS – Highway Commercial/Special Industrial' zone to add a retail store as a permitted use and to incorporate special provisions to permit the development of the land for condominium purposes with a common elements road."

7. REPORTS

- 7.1 **PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER 10245, AS AMENDED – 52 SOUTH FRONT STREET, CITY OF BELLEVILLE, COUNTY OF HASTINGS
FILE NUMBER: B-77-970
APPLICANT/OWNER: MANUEL PEREIRA
AGENT: ALAN BRIDGE**
-

Special Projects Planners' Report No. PP-2016-07

24

RESOLUTION

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the application to amend the City's Zoning By-law Number 10245, as amended, for 52 South Front Street, City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-law Number 10245, as amended, be amended by rezoning the subject parcels from 'C6-1 – Water-Oriented Commercial' to a special 'C6' zone in order to permit the construction of a two storey single detached residential dwelling. An 'h – holding' symbol is requested to be attached to the site requiring that the subject parcels merge together on title before development is allowed to proceed."

8. INFORMATION MATTERS

**8.1 OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
MONITORING REPORT**

Report to February 1, 2016

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9. GENERAL BUSINESS AND INQUIRIES

10. ADJOURNMENT

NOTICE OF PUBLIC MEETING
and Complete Applications
CITY COUNCIL PLANNING COMMITTEE
CITY HALL - COUNCIL CHAMBER
169 FRONT STREET
MONDAY, FEBRUARY 1, 2016
AT 5:30 P.M.

A Public Meeting will be held to consider an amendment to Zoning By-Law Number 2076-80, as amended and to consider a proposed Plan of Condominium. The purpose of the amendment and proposed condominium is to create a total of five commercial blocks of land with common elements (ie: access). Currently two of the blocks of land are occupied by two commercial buildings. The requested zoning is a special "CH – Highway Commercial" zone to add a retail store as a permitted use and to recognize that three of the proposed blocks of land do not front directly onto a municipal street.

The subject lands are located on the south side of Bell Boulevard, east of Wallbridge Loyalist Road as shown on the location map on the back of this page. These lands are municipally known as **773 & 777 Bell Boulevard**.

OFFICIAL PLAN:

The land is designated "Employment Area" in the Loyalist Secondary Plan. This designation permits commercial development of the form and type proposed in this application subject to satisfying various policies. No change is required.

ZONING BY-LAW:

The affected land is zoned "CH-32/MS – Highway Commercial Exception No. 32/Special Industrial Zone" in Zoning By-Law Number 2076-80, as amended. It is requested that the land be rezoned to permit the proposed five blocks of land for commercial uses and to also add a retail store as a permitted use.

PLAN OF CONDOMINIUM:

The proposed Plan of Condominium consists of five blocks of land with a shared entrance from Bell Boulevard. This development is to be serviced with municipal services.

Additional information on this application is available by contacting or visiting the Policy Planning or Approvals Section, Development Services Department, 2nd floor, Belleville City Hall, 169 Front Street, Belleville. (Email: amackay@city.belleville.on.ca or by telephone: 613-967-3288). Please reference: **File No.: B-77-992 and 12CD-16001.**

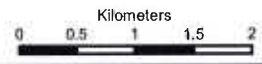
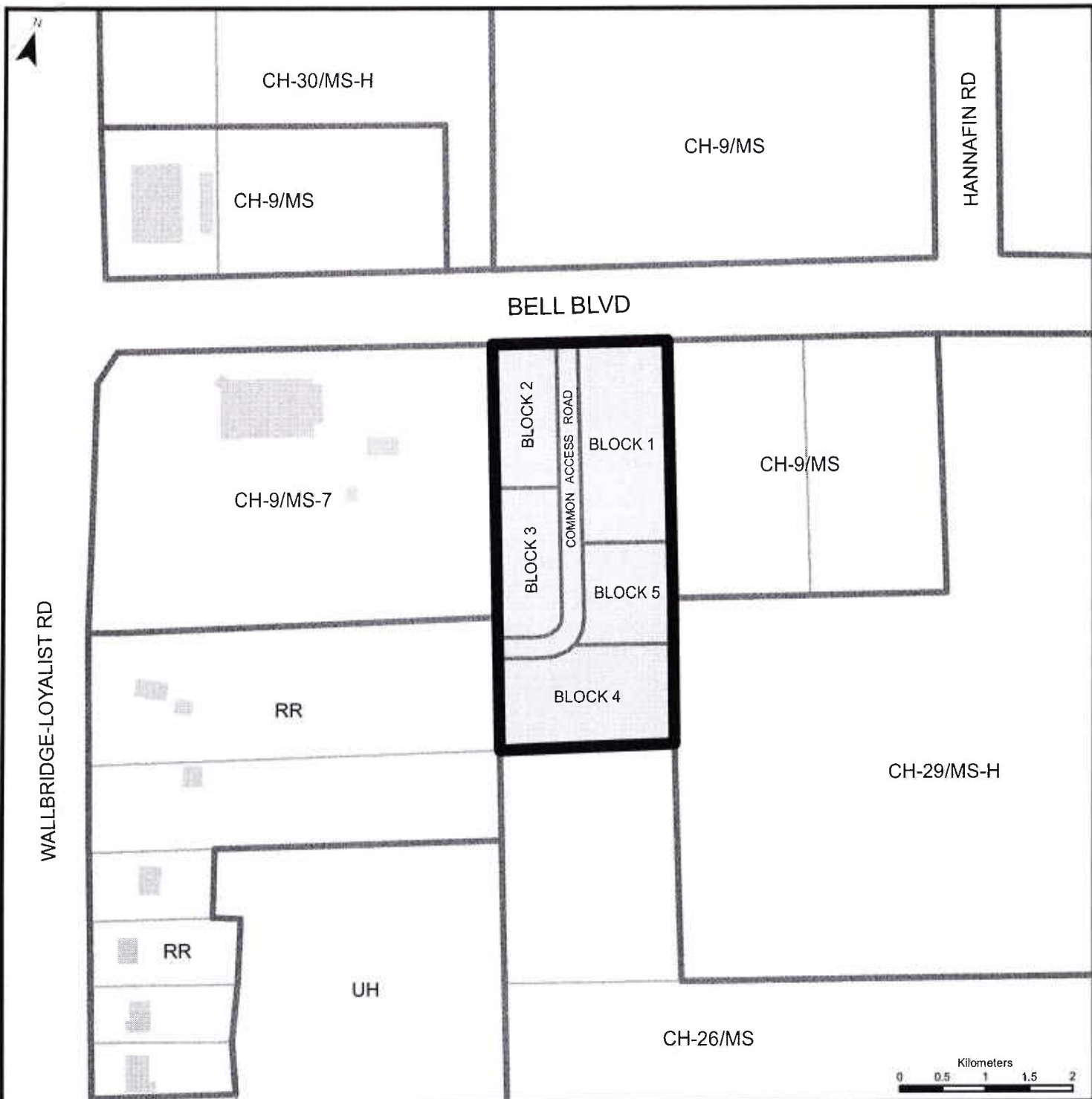
If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Belleville before the zoning by-law is passed, or in respect of the proposed plan of condominium before the City of Belleville gives or refuses to give approval to the draft plan of condominium, the person or public body is not entitled to appeal the decision of the City of Belleville to the Ontario Municipal Board and may not be added as a party to a hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the decision of the City of Belleville or Belleville Planning Advisory Committee in respect of this application, you must submit a written request to Matt MacDonald, Secretary, Planning Advisory Committee, City Hall, 169 Front Street, Belleville, K8N 2Y8 (Telephone: 613-967-3271, Fax: 613-967-3206, Email: mtmacdonald@city.belleville.on.ca).

As per the requirements of the Planning Act, these applications are confirmed to be complete.

Matt MacDonald, Secretary
Planning Advisory Committee

DATED at the City of Belleville this 12th day of January, 2016

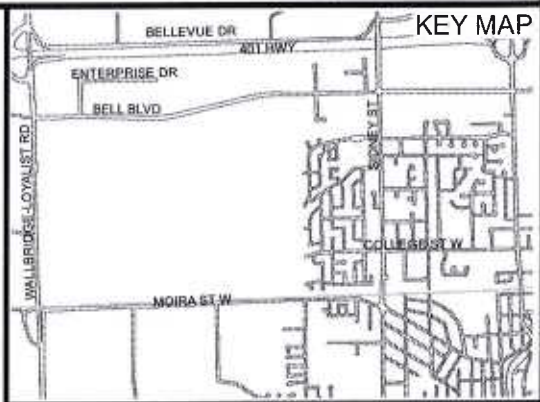


PROPOSED ZONING BY-LAW AMENDMENT & PLAN OF CONDOMINIUM

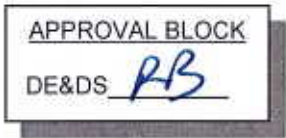
LOCATION: 773-777 BELL BLVD



PROPOSED ZONING CHANGE FROM CH-32/MS (HIGHWAY COMMERCIAL ZONE WITH SPECIAL PROVISIONS AND SPECIAL INDUSTRIAL) TO MODIFIED CH-32/MS ZONE



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT



CITY OF BELLEVILLE
Spencer Hutchison
Manager, Approvals Section
Engineering and Development Services Department
Report No. APS-2016-7
February 1, 2016

To: Belleville Planning Advisory Committee

Subject: Proposed Draft Plan of a Common Element Condominium
Part of Lot 31, Concession 2
formerly Township of Sidney
now City of Belleville
773-777 Bell Boulevard

OWNERS: Jack and Charlie Real Estate Holdings Inc.
Shady Ridge Stock Farms Inc.
AGENT: Shady Ridge Stock Farms Inc.

File: 12CD-16001

Recommendation:

That the Belleville Planning Advisory Committee recommends the following to City Council:

"THAT approval of a Draft Plan of Common Element Condominium, as shown on **APPENDIX 2** attached to the Manager of Approvals' Report No. APS-2016-7, be granted for the lands described as Part of Lot 31, Concession 2, formerly Township of Sidney, now City of Belleville and municipally known as 773-777 Bell Boulevard (File: 12CD-16001), subject to the draft plan conditions outlined in **APPENDIX 3** of same."

Background:

As shown on **APPENDIX 1**, the subject lands are located on the south side of Bell Boulevard, east of Wallbridge Loyalist Road. These lands are municipally known as 773 & 777 Bell Boulevard.

The subject lands have an overall area of 1.38 hectares and a lot frontage along Bell Boulevard of 76.2 metres. Currently situated on the subject lands are two buildings. Currently situated at 773 Bell Boulevard is Fireplace Specialties while at 777 Bell Boulevard is a medical building. Previously this property had been utilized as a storage depot by Hydro One.

Background: (cont'd)

Access to the property is currently provided by a shared driveway from Bell Boulevard.

The site is relatively flat and slopes slightly in an southerly direction towards the rear of the property. There is minimal vegetation existing on the property.

Surrounding uses include:

- 1) to the east: commercial building and vacant commercial land;
- 2) to the north: Bell Boulevard and vacant commercial land;
- 3) to the south: vacant commercial land;
- 4) to the west: single detached dwellings.

The property is serviced with municipal water and sewer services, hydro and other utilities.

Proposal:

From a processing point of view this application consists of a Draft Plan of Common Element Condominium application. Approval of the plan of common element condominium is required to create the common element (i.e.: the sharing of the common components contained within the Common Element). In this case, the "common element" consists of the entranceway and servicing. Concurrent with this application, the Owners have applied to the Committee of Adjustment to subdivide the property at 773 Bell Boulevard to create three additional parcels of land. These three parcels of land along with the two existing parcels through the condominium would share the legal responsibility for the common element. In effect, these five parcels will be "parcels of tied land".

For Blocks 3 to 5 the current Owners would seek three additional owners to purchase and develop their individual block of land each with a new commercial building.

Provincial Policy Statement:

The Provincial Policy Statement (PPS) has applied to all planning applications since April 30, 2014. All decisions related to land use planning matters "shall be consistent with" the PPS. This application for draft plan approval is consistent with the 2014 PPS.

Provincial Policy Statement: (cont'd)

Specifically this proposal is located within a designated urban settlement area of the City, which shall be the focus of growth; *"their vitality and regeneration shall be promoted"* (Policy 1.1.3.1).

Within settlement areas, land use patterns shall be based on densities that efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are available without the need for unjustified or uneconomical expansion; and which support active transportation and the use of transit (Policy 1.1.3.2).

The three additional uses proposed for this development allows for the efficient use of available land, infrastructure, public services and transit. (Policy 1.1.3.6)

Official Plan and Zoning By-law:

The land is designated "Employment Area" in the Loyalist Secondary Plan. This designation permits commercial development of the form and type proposed in this application subject to satisfying various policies. No change is required.

The affected land is zoned "CH-32/MS – Highway Commercial Exception No. 32/Special Industrial Zone" in Zoning By-Law Number 2076-80, as amended. It is requested that the land be rezoned to permit the proposed five blocks of land for commercial uses and to also add a retail store as a permitted use. A review of the proposed Zoning By-law Amendment is contained in the Manager of Policy Planning's Report No. PP-2016-06, dated February 1, 2016 which is being tabled concurrently at the February 1, 2016 Planning Advisory Meeting.

Public Comments:

On January 12, 2016 a written notice and location map was mailed by first class mail to all persons who own land within 400 feet of the subject lands announcing that a Public Meeting was scheduled for February 1, 2016 to discuss this proposed plan of condominium. In the notice it was indicated that additional information concerning this current application was available at City Hall.

Similarly, a newspaper ad was placed in the Belleville Intelligencer notifying the general public that a Public Meeting was scheduled for February 1, 2016 to discuss the plan of condominium proposed for the subject lands. In the advertisement it was indicated that additional information concerning the plan of subdivision was available at City Hall.

Public Comments: (cont'd)

Up until the present time, two owners of nearby properties have contacted Staff about this proposed development. Neither owner expressed concerns about the proposal but simply wanted more information.

Proposed Conditions of Draft Plan of Common Element Condominium Approval:

Condition No. 4 requires all related planning approvals to be completed before the condominium plan can be finalized.

Condition No. 5 lays out all of the responsibilities of the condominium corporation. In essence, the corporation and not the city is responsible for the development and on-going maintenance, repair and upkeep of all services required for the subject lands including snow removal, waste removal and the water and sewer lines.

Conditions No. 7 to No. 11 ensure that the city reviews and signs off on condominium documents and plans.

Conditions No. 12 ensures that all municipal financial charges are paid.

Lastly, draft plan approval expires on February 8, 2019 if all the conditions are not satisfied by that date.

Analysis of Proposed Draft Plan Approval

The proposed conditions for final approval of the plan of common element condominium for the subject lands essentially follows the standard city format.

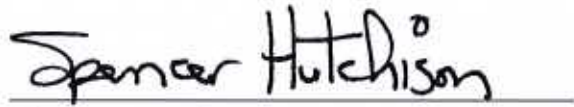
These conditions require that all of the technical issues that arise from developing this specific site are addressed to the City of Belleville's satisfaction before final approval is granted. Furthermore the development of each of the three vacant blocks of land tied to the condominium will be subject to site plan review and approval by the Municipality.

Lastly, the Municipality has no responsibility for the maintenance and upkeep of the "private services" on the subject lands. This role will reside with the condominium. Thus, compared to most other recent subdivisions in the city, for this development the municipality is faced with relatively little infrastructure to maintain in the future. However, the city will realize financial benefits from this project without the roads and other infrastructure to maintain.

Conclusion:

The Approvals Section supports the approval of a Draft Plan of Common Element Condominium for the lands described as Part of Lot 31, Concession 2, formerly Township of Sidney, now City of Belleville and municipally known as 773-777 Bell Boulevard (File: 12CD-16001), as submitted by Shady Ridge Stock Farms Inc. and recommends to the Belleville Planning Advisory Committee that Belleville City Council be requested to formally issue draft plan of common element condominium approval for this condominium, as shown on **APPENDIX 2**, subject to the conditions outlined in **APPENDIX 3**.

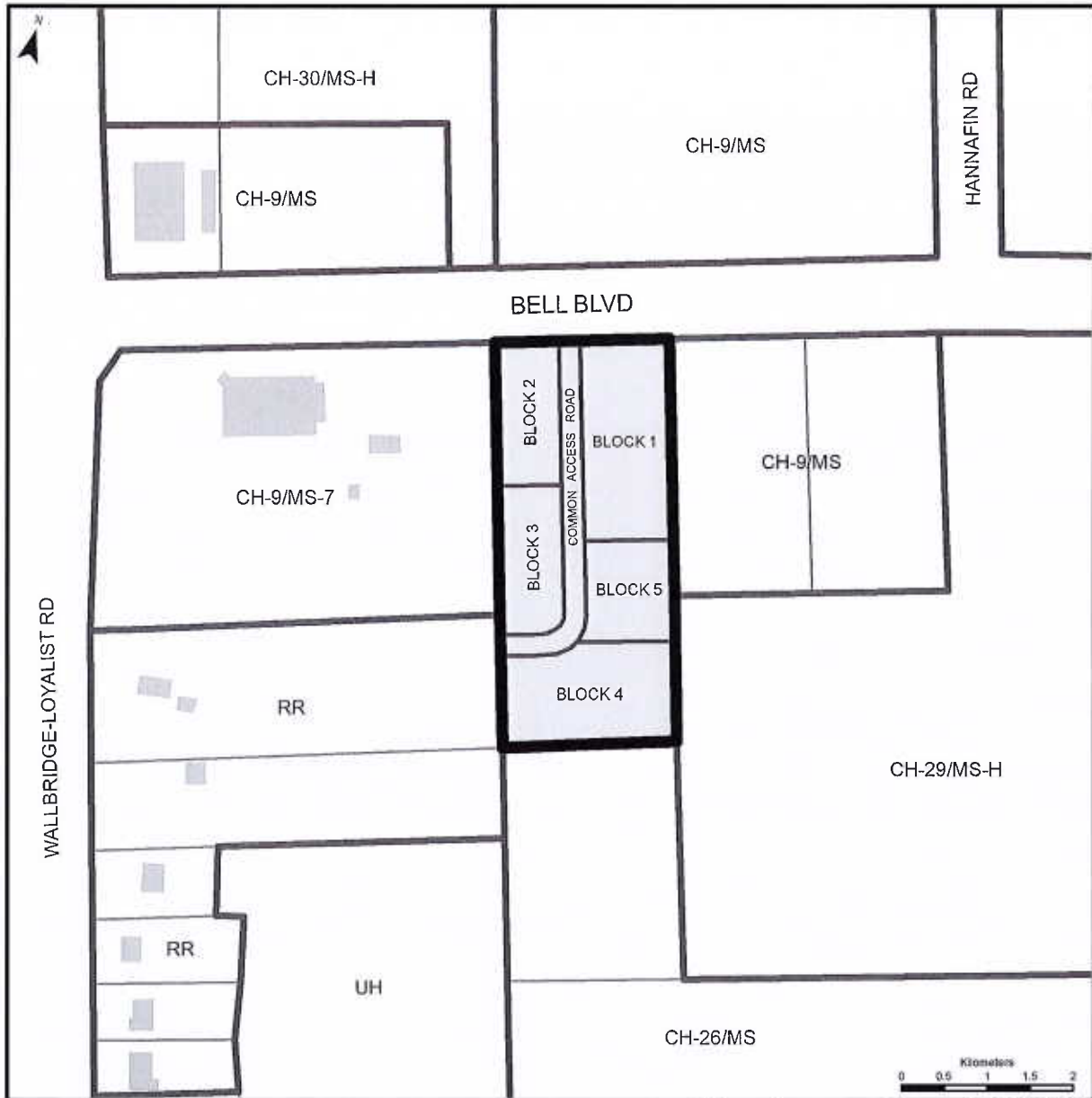
Respectfully submitted.

A handwritten signature in black ink that reads "Spencer Hutchison". The signature is written in a cursive style with a horizontal line underneath it.

Spencer Hutchison/ck
attachments

APPENDIX 1

Location of Subject Lands



**PROPOSED ZONING
BY-LAW AMENDMENT &
PLAN OF CONDOMINIUM**

LOCATION: 773-777 BELL BLVD



PROPOSED ZONING CHANGE FROM CH-32/MS
(HIGHWAY COMMERCIAL ZONE WITH SPECIAL
PROVISIONS AND SPECIAL INDUSTRIAL) TO
MODIFIED CH-32/MS ZONE

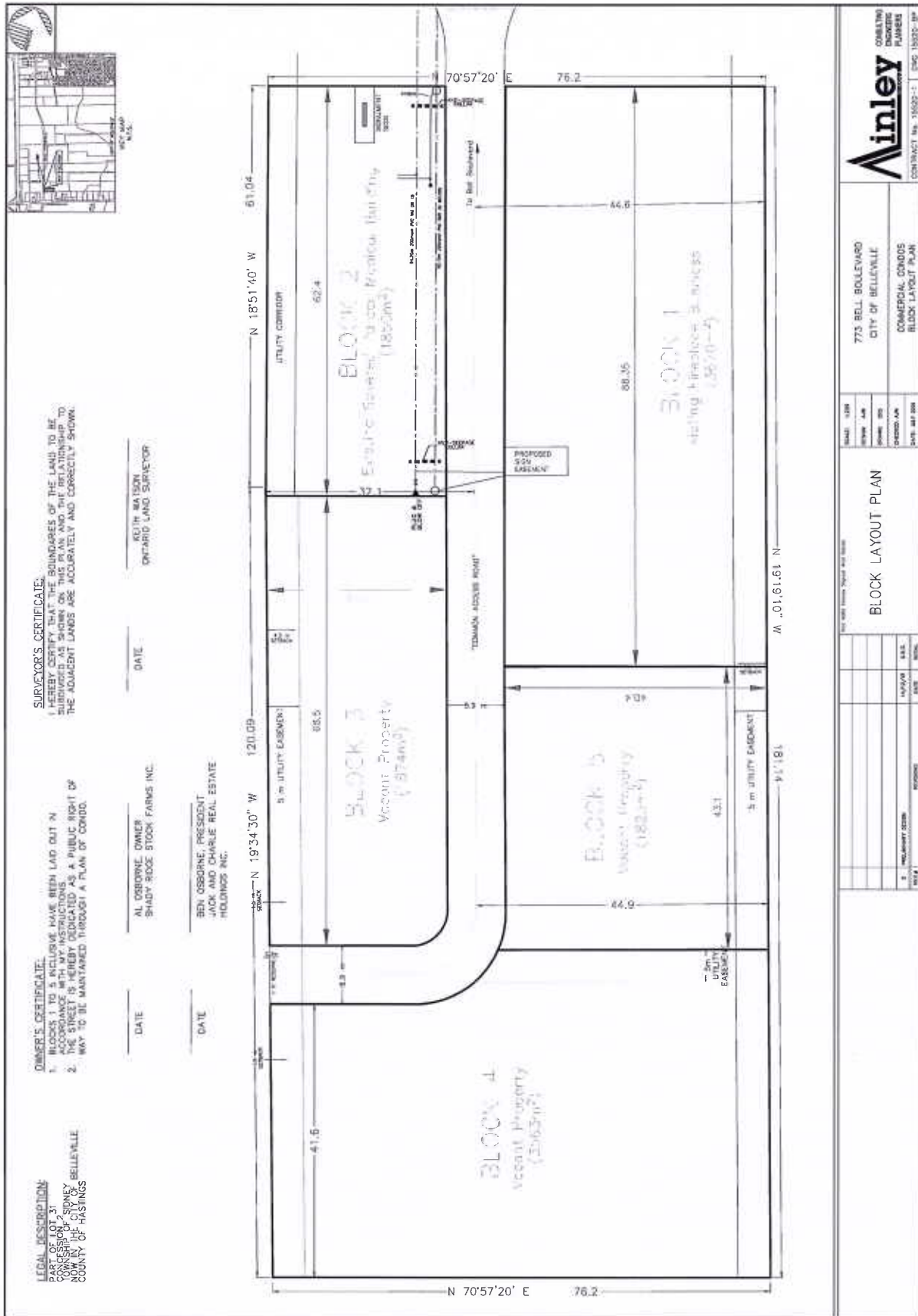
B-77-992



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT
SERVICES DEPARTMENT

APPENDIX 2

Proposed Draft Plan of Common Element Condominium



DRAWER'S CERTIFICATE:
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SHOWN ON THIS PLAN AS INDICATED BY THE ADJACENT LINES ARE ACCURATELY AND CORRECTLY SHOWN.

OWNER'S CERTIFICATE:
 1. BLOCKS 1 TO 4 INCLUDE HAVE BEEN LAD OUT IN ACCORDANCE WITH THE INSTRUCTIONS AND A PUBLIC RIGHT OF WAY TO BE MAINTAINED THROUGH A PLAN OF CONDO.

DATE: _____
 RETIR. MASON
 ONTARIO LAND SURVEYOR

DATE: _____
 AL OSBORNE, OWNER
 SHADY RIDGE STOCK FARMS INC.

DATE: _____
 BEN OSBORNE, PRESIDENT
 JACK AND CHARLIE REAL ESTATE HOLDINGS INC.



775 BELL BOULEVARD
 CITY OF BELLEVILLE
 COMMERCIAL CONDO'S
 BLOCK LAYOUT PLAN

SCALE: 1/8" = 1'-0"
 DRAWN: JAW
 CHECKED: JAW
 DATE: MAR 2016

BLOCK LAYOUT PLAN

NO.	REVISION	DATE	BY	CHK.

CONTRACT NO. 15022-1 ENG 15022-1P

APPENDIX 3**Draft Plan of Common Element Condominium Conditions**

The City of Belleville's conditions and amendments to final plan approval for registration of this Condominium are as follows:

No. Conditions

1. That this approval applies to the Draft Plan of Common Element Condominium, Drawing: DWG 15520-DP prepared by the Ainley Group Consulting Engineers Planners, dated July 2015, revised to December 14, 2015, that shows:
 - A common element block which contains a private roadway, water, sanitary sewer and storm sewer and other utility services ["Common Element"].
2. That the final plan shall be prepared in accordance with the above noted plan, with a copy of the final plan being approved by the City's Manager of Approvals.
3. The Owner shall enter into a Condominium Agreement with the City and register it on title for the provision of facilities and services on the lands.
4. Related planning approvals must be completed prior to final condominium approval, including the creation of the parcels of tied land by way of Section 53 of the Planning Act and the coming into force and effect of the related Zoning By-law Amendment.
5. That the Owner submit a draft Condominium Declaration for approval by the City's Manager of Approvals containing but not limited to the following provisions:
 - a. That public and private sidewalks, driveways and parking areas be maintained in a snow free condition and void of any obstructions 12 months of the year. Snow shall not be piled on City lands and City lands shall not be impacted from runoff from the snow removal. All owners and tenants/future purchasers acknowledge and agree that maintaining the common element unobstructed to ensure safe operations within this private development, and in the event of insufficient on-site snow storage, contracting for private snow removal from the site shall remain the sole responsibility of the Condominium Corporation;

- b. that neither the City or its agents are responsible for garbage or recycling pick up and that a private contractor will pick up and dispose of garbage refuse from the subject lands or any designated refuse area;
- c. that, if required, the location, design and construction of a communal mail box facility to serve the condominium will be the responsibility of the Owner, subject to the approval of Canada Post;
- d. That access rights will be maintained for all utilities.
- e. The following clauses:
 - i. "All owners and tenants/future purchasers acknowledge and agree that the ownership and maintenance of the common element shall remain the sole responsibility of the Condominium Corporation under the provisions of the Common Element Condominium Act and the City of Belleville will have no jurisdiction and further liabilities within the common element. The City of Belleville will not agree to accept on-site roadways as a public road allowance".
 - ii. Entry for Emergency Repairs

The Owner agrees that, at any time or from time to time, employees or agents of the Municipality may, in the Municipality's sole discretion, enter the subject lands for the purpose of making emergency repairs to any of the sanitary sewers, water mains, storm sewers, drainage systems, roadways, curbs, sidewalks and streetlights, and other services situated within and serving the condominium (hereinafter called the "Private Services"). Such entry and repairing shall not be deemed an acceptance of any of the Private Services by the Municipality, nor an assumption by the Municipality of any liability in connection therewith, nor a release of the Owner from any of its obligations under this Agreement.
 - iii. Use of Private Services by Municipality

The Owner agrees that the Municipality or other authorized persons may use any of the Private Services acting as agent for the Owner, for the purposes for which they are designed. Such entry and repairing shall not be deemed

an acceptance of any of the Private Services nor an assumption by the Municipality of any liability in connection therewith nor ownership thereof, nor a release of the Owner from any of its obligations under this Agreement.

iv. Liability of Owner

1. The Owner covenants and agrees personally and on behalf of its successors and assigns that it shall be responsible for all required actions, works, costs, and expenses with respect to the use, operation, maintenance, repair, replacement and alteration of the Private Services in accordance with all required permits, authorizations or certificates of approval required from time to time.
2. Notwithstanding the sale of any part or all of the subject lands the Owner shall remain bound by all obligations, covenants and agreements whatsoever created by this Agreement, and shall remain jointly and severally liable therefore to the Municipality. The Owner hereby acknowledges and agrees that neither the Performance Guarantee, Maintenance Guarantee nor any policy of insurance that the Owner is required to provide or maintain, if any, shall in any way be deemed to limit the liability of the Owner.

v. Building Permits

The Municipality may refuse the issuance of a building permit for any structure or unit, if in the sole and unfettered opinion of the Municipality:

1. the Owner is in default of any of the provisions of this Agreement;
2. suitable access has not been provided by the Owner for vehicular traffic for the structure or Unit;
3. The Owner has not furnished the Municipality with satisfactory evidence that the Private Services have been designed to the satisfaction of the Municipality.

4. all applicable Laws have not been complied with.
- vi. Occupancy Requirements
1. The Owner hereby agrees that no structure or unit erected shall be occupied for any purpose whatsoever until:
 - a. the completion of the structure as required by the Building Code Act, R.S.O. 1990, c. B.13, as amended; and
 - b. the structure has been completed in accordance with the plans and specifications submitted with the building permit; and
 - c. the Private Services have been installed and are operative pursuant to all applicable Municipal and Provincial legislation; and
 - d. any other matter or thing being a requirement of this Agreement, with respect to compliance with any Applicable Laws.
 2. The Owner hereby covenants and agrees to advise any purchaser of any Unit in the proposed Common Element Condominium or any part of the subject lands of the requirements pertaining to occupancy certificates as herein contained, and hereby further covenants and agrees that in any agreement whereby the Owner purports to sell, convey, transfer, assign, lease or otherwise deal with any Unit, the Owner shall obtain an acknowledgement from the other party to such an agreement that such other party is aware of the provisions of this Agreement pertaining to occupancy certificates. In the event the Owner does not obtain such an acknowledgement, the Owner shall be deemed to be in default pursuant to the terms of this Agreement.
 3. The Municipality may refuse to issue an occupancy certificate if:
 - a. The Owner is in default of any of the provisions of this Agreement.

- b. Private Services have not been installed, operative and available to the structure or Unit.
- c. Suitable access for vehicular traffic for the Unit has not been provided by the Owner or is not continuing to be provided by the Owner, including secondary access if required by the Municipality, and for the purposes of this paragraph, suitable access shall be deemed to include keeping all roadways clear of debris and obstructions and free of snow and ice in accordance with Municipality standards.
- d. The Owner has not furnished the Municipality with satisfactory evidence that the Private Services have been installed as required by the Municipal and Provincial legislation.
- e.
 - 1. the installation of an electric distribution system to adequately service the lands, units and all structures to be erected on the lands has been completed;
 - 2. all fees, charges and costs required to be paid to the applicable electricity provider to provide for such a system have been paid; and
 - 3. the conveyance of all easements or lands or the execution of all agreements required by the said provider in connection with electric services for the lands, units and structures to be erected has been completed.
- g. the structure has not been constructed in accordance with all plans in respect of which a building permit has been issued and in compliance with the Building Code Act, R.S.O. 1190, c. B.13, as amended, or in the opinion of the Chief Building Official for the Municipality, the structure is not habitable.
- h. the driveways and parking areas serving the unit or structure are not constructed to a

standard which will facilitate vehicular traffic as may be required by the Municipality.

- i. all applicable Laws have not been complied with.
6. That the following clauses have been included in all offers of purchase and sale and to the extent permissible under the *Condominium Act*, the disclosure statement and the Condominium Agreement which must be registered on title against all units and common elements in the condominium:

The Purchasers are advised that:

- a. all "Private Services" are under the private ownership and responsibility of the condominium corporation and comprise part of the common elements and that all required actions, work, costs and expenses with respect to the use, operation, maintenance, repair, replacement and alteration of the Private Services are the responsibility, liability and obligation of the condominium corporation in accordance with all required permits, authorizations or certificates of approval as may be required from time to time. The Purchaser acknowledges that the Corporation of the City of Belleville shall have no responsibility, liability or obligation whatsoever with respect to any other use, operation, maintenance, repair, replacement and alteration of the Private Services or the obtaining of such certificates of approval, authorizations or permits as may be required.
- b. their properties may be subject to any necessary and required easements, rights-of-way or blanket easements in favour of the condominium corporation or utility service providers or the Municipality as may be required for inspection, monitoring, repair or replacement of water supply, sanitary sewer systems, and related equipment or systems to accommodate for and allow the installation, placement, operation and maintenance by the condominium corporation of the above grade or below grade Private Services which form part of the common elements or the placement, operation and maintenance of utility services, including, gas, hydro, cable, telephone, fibre optics and telecommunications.
- c. all Private Services shall be and remain at all times under the separate ownership of the Condominium Corporation. The Condominium Corporation shall:

- be responsible for the regular maintenance, repair and upkeep of the Private Services and,
 - such Private Services are to form part of the common elements comprising the condominium.
- d. the Corporation of the City of Belleville is not responsible in any manner whatsoever with respect to the maintenance, repair or upkeep of such Private Services.
 - e. all costs and expenses associated with the construction, establishment, maintenance, repair and upkeep of such Private Services are the responsibility of the Condominium Corporation and the unit owners.
 - f. that access rights/easements shall be reserved and maintained for the Condominium Corporation and the Municipality for those purposes set out in paragraph 5.e. above.
7. Prior to registration of any Condominium Plan and Condominium Declaration and prior to occupancy of any structure or unit on Blocks 3 to 5, the Municipality shall be in receipt of written confirmation from the Owner's solicitor that those provisions contained in Conditions No. 5 and No. 6 of the City of Belleville's Draft Plan of Common Element Condominium Approval have been incorporated into the Condominium Agreement.
 8. That the surveyors for the Owner shall advise the City's Manager of Approvals, in writing, that the required description and other plans to be registered by the Owner in order to achieve registration of the common elements condominium have been unconditionally approved as to form and content by the Land Registry Office.
 9. That the solicitors for the Owner shall advise the City's Manager of Approvals, in writing, that the proposed condominium declaration has been unconditionally approved as to form and content by the Registry Office.
 10. That the solicitors for the Owner advise the City's Manager of Approvals that the declaration has been executed on behalf of the Owner and that all of the schedules to the proposed condominium declaration have been signed by the requisite signatories including the Owner, the project surveyor, the project solicitor and the project engineer and/or architect and all mortgagees.

11. That the Owner submit a draft of the executed declaration, with the provisions as required in Condition No. 5 hereof, for approval by the City's Manager of Approvals.
12. That satisfactory arrangements be made with the City of Belleville for the payment of any outstanding municipal property taxes, utility accounts, and/or local improvement charges.

NOTES TO DRAFT APPROVAL

1. Measurement

All measurements in the final condominium plans must be presented in metric units.

2. Clearing Conditions

It is the Owner's responsibility to satisfy all conditions of draft approval in an expeditious manner. The conditions of draft approval may be reviewed periodically and may be amended by the City of Belleville at any time prior to final approval.

To expedite the approval for registration, the Owner shall submit to the City's Manager of Approvals a detailed written submission documenting how all conditions imposed by this approval that require completion prior to the registration of the plan, have been satisfied.

3. Registry Act

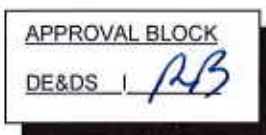
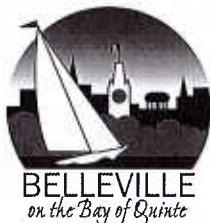
The final plans for Registration must be in conformity with Ontario Regulation 43/96, as amended, under the Registry Act. The condominium plan for registration must be in conformity with Ontario Regulation 43/96 as amended, under the Registry Act.

4. Final Plans – Condominium

When the survey has been completed and the final plan prepared to satisfy the requirements of the Registry Act, they should be forwarded to the City of Belleville. If the plans comply with the terms of approval, and we have received assurance from the applicable clearance agencies that the necessary arrangements have been made, the signature of the Manager of Approvals will be endorsed on the plan and it will be forwarded to the Registry Office for registration.

The following is required for registration under the Registry Act and for our use:

- One (1) original mylar copy of plan
 - Six (6) mylar copies of plan
 - Six (6) white paper prints of plan
 - One (1) white paper print of plan with AOLS submission form
 - One (1) Registry Office pre-approval print of plan
 - Two (2) copies of Condominium Declaration
 - One (1) electronic copy of the approved Condominium Plan
5. Further revisions to the draft plan may be required to incorporate changes required through the review and approval of studies and plans yet to be finalized and approved by the City of Belleville and Quinte Conservation.
6. Development Charges
- That the payment of development charges will be required prior to the issuance of any building permits for any lots in the condominium, in accordance with the City of Belleville's Development Charges By-law.
7. Lapsing
- This draft plan approval expires on February 8, 2019 if all the conditions contained herein are not satisfied by that date. The Owner shall apply for any extension at least 60 days prior to the lapsing date and such request for an extension shall not be unreasonably withheld.
8. Site Plan Approval
- The development of this draft plan and any of the parcels of tied land shall be subject to site plan approval pursuant to Section 41 of the Planning Act.



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT
PLANNING SECTION
Arthur MacKay, Manager of Policy Planning
Report No. PP-2016-06
February 1, 2016

To: Councillor Denyes, Chair and
Members of the Belleville Planning Advisory Committee

Subject: Proposed Amendment to Zoning By-Law Number 2076-80, As Amended –
773 & 777 Bell Boulevard, City of Belleville, County of Hastings
File Number: B-77-992
Applicant/Owner: SHADY RIDGE STOCK FARMS INC. & JACK AND
CHARLIE REAL ESTATE HOLDINGS INC.
Agent: AL OSBORNE

Recommendation:

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the application to amend the City's Zoning By-Law Number 2076-80, as amended, for 773 & 777 Bell Boulevard, City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-Law Number 2076-80, as amended, be amended by modifying the provisions of the 'CH-32/MS – Highway Commercial/Special Industrial' zone to add a retail store as a permitted use and to incorporate special provisions to permit the development of the land for condominium purposes with a common elements road."

SUMMARY:

The application pertains to 773 Bell Boulevard and 777 Bell Boulevard comprising a total area of 1.4 hectares. The Applicant requests a modification to the existing "CH-32/MS – Highway Commercial/Special Industrial" zone by adding a retail store as a permitted use and incorporating special provisions to permit the development of the land for condominium purposes with frontage on a common elements road.

The land is subject to an application for a common elements plan of condominium with parcels of tied land (POTL). The common elements are the private road and servicing and the POTL are five (5) proposed commercial blocks. Consequently, the land is also subject to Committee of Adjustment Severance File Numbers B 5/16 and B 6/16 to be considered by the Committee on February 18, 2016.

Presently, two (2) of the blocks are developed with commercial buildings (i.e. a fireplace retail and installation business and a medical office). The special provisions shall include recognition that the blocks will front on an internal condominium road.

The land is designated "Employment Area" in the Loyalist Secondary Plan and the Application complies with policies of the Plan.

Planning Staff recommend approval of the Zoning By-Law amendment.

BACKGROUND:

Purpose and Effect

The proposed Zoning By-Law amendment applies to commercial land located on the south side of Bell Boulevard.

The purpose of the application is to amend Zoning By-Law Number 2076-80, as amended, by adding a retail store as a permitted use as well as incorporating special provisions to permit the development of the land for condominium purposes with frontage on a common elements road.

The lands subject to the proposed amendment are shown on the attached location plan.

Subject Property

- Site Characteristics

The land is developed with a two (2) commercial buildings.

- Adjacent Land Uses

To the north, on the north side of Bell Boulevard, is located vacant commercial land. To the west is an OPP Station. To the east and south the land is vacant.

Official Plan

The land is designated "Employment Area" in the Official Plan which permits the requested amendment.

Zoning By-Law

The property is zoned "CH-32/MS – Highway Commercial/Special Industrial" in Zoning By-Law Number 2076-80, as amended. The Applicant has requested a rezoning to a modified CH-32/MS zone to allow a total of 1.4 hectares of land to be developed by plan of condominium and to add "retail store" as a permitted use. It is noted that the zoning currently permits a range of retail related uses (i.e. retailing warehouse outlet, home improvement and/or interior decoration centre, motor vehicle sales, convenience store, etc.). However, the Applicant wishes to broaden the retail potential of the site by adding the generic "retail store" use to the zone.

In addition, the CH-32/MS zone needs to be further modified to recognize the proposed condominium type of development and the frontages of the proposed blocks on a common elements road.

Application Circulation

- External Agency Circulation

The subject application was circulated for comment to Canada Post, Union Gas, Hydro One, Cogeco Canada, Bell Canada and Quinte Conservation on January 8, 2016. Notice was also provided to the Algonquin & Lakeshore Catholic School Board, the Hastings & Prince Edward District School Board, Ontario Power Generation and the City of Quinte West on January 12, 2016.

Quinte Conservation advises that they have no concern and note that stormwater will need to be properly accommodated at the development stage.

- Internal Department Circulation

The subject application was circulated for comment to Belleville Fire and Emergency Services, Belleville Police Service, the Department of Engineering and Development Services, the Environmental & Operational Services Department, and the Development Engineer on January 8, 2016.

The Development Engineer comments as follows:

"I have reviewed the proposed Draft Plan of Condominium and Zoning By-law Amendment attached to your letter dated January 8, 2016. The applicant should be advised that the property will need to be developed in accordance with the Site Plan process which among other items will include the following;

1. A cost contribution to share in the cost of extending a sanitary sewer and watermain to the west end of Bell Boulevard will be required in the amount of \$1000 for each sanitary sewer extension and \$1500 for each watermain extension.

2. A Stormwater Management Report is to be prepared for the provision of stormwater management, to the satisfaction of both Quinte Conservation, and the City of Belleville. Requirements for siltation and erosion controls are also to be included in this report. As per the Potter's Creek Master Drainage Plan Implementation Report, cash in lieu will need to be paid toward the Facility 8 Pond.
3. As a minimum the private road should be constructed to meet the requirements of the Provisions for Fire Fighting of the Ontario Building Code, as certified by a Professional Engineer."

- Public Circulation

Notice of the subject application was circulated to all registered owners of land within 120 metres (400 feet) of the subject property on January 12, 2016. Notice was also provided in The Intelligencer.

Greg Reid of 774 Wallbridge-Loyalist Road emailed Staff requesting additional information as to the nature of the proposal.

No other comments have been received.

Planning Analysis

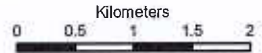
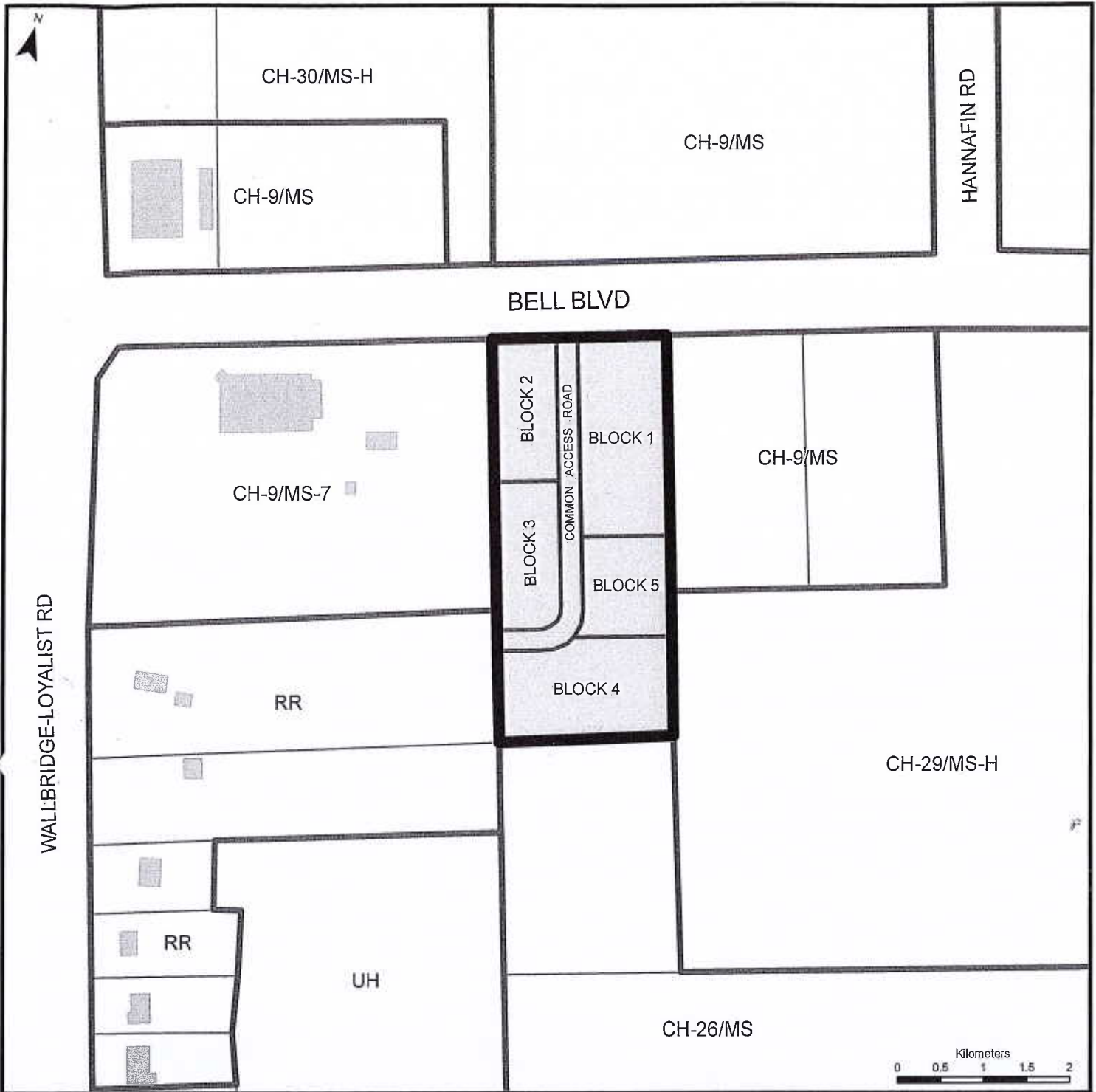
Special zoning provisions to accommodate plan of condominium development on a common elements road have been granted previously by the City, including Dockside Quinte, Harbour Landing and the condominium development adjacent to Black Bear Ridge Golf Course. The creation of the proposed commercial blocks serviced by an internal common elements road will also limit the access to a single point of ingress/egress onto Bell Boulevard.

Finally it is noted that the lands currently have zoning that permits several retail related uses, including, a retailing warehouse outlet, home improvement and/or interior decoration centre, motor vehicle sales and a convenience store. The request to add a "retail store" as a use will help to broaden the retail potential of the site and be in conformity with the "Employment Area" policies of the Loyalist Secondary Plan which permit a full range of retail uses. In addition, the location for these uses is appropriate because Bell Boulevard is designated in the Secondary Plan as the main arterial road which bisects the north portion of the Secondary Plan area.




Arthur MacKay
Manager of Policy Planning

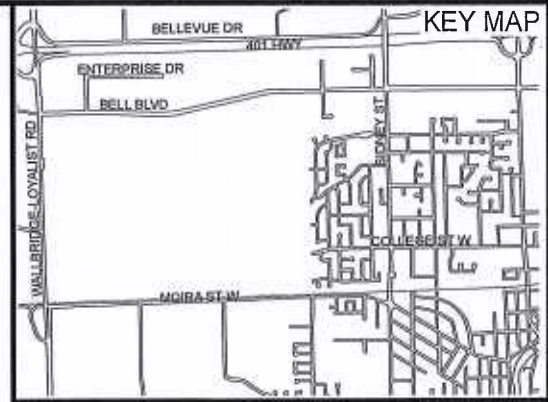
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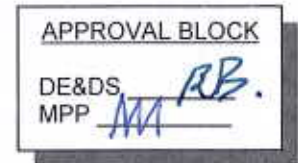
PROPOSED ZONING BY-LAW AMENDMENT & PLAN OF CONDOMINIUM

LOCATION: 773-777 BELL BLVD

 PROPOSED ZONING CHANGE FROM CH-32/MS (HIGHWAY COMMERCIAL ZONE WITH SPECIAL PROVISIONS AND SPECIAL INDUSTRIAL) TO MODIFIED CH-32/MS ZONE



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT
PLANNING SECTION
Greg Pinchin, Special Projects Planner
Report No. PP-2016-07
February 1, 2016

To: Chair and Members of the
Belleville Planning Advisory Committee

Subject: Proposed Amendment to Zoning By-Law Number 10245, as Amended –
52 South Front Street, City of Belleville, County of Hastings
File Number: B-77-970
Applicant/Owner: MANUEL PEREIRA
Agent: ALAN BRIDGE

Recommendation:

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the application to amend the City's Zoning By-Law Number 10245, as amended, for 52 South Front Street, City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-Law Number 10245, as amended, be amended by rezoning the subject parcels from 'C6-1 – Water-Oriented Commercial' to a special 'C6' zone in order to permit the construction of a two-storey single detached residential dwelling. An 'h – holding' symbol is requested to be attached to the site requiring that the subject parcels merge together on title before development is allowed to proceed."

SUMMARY:

The applicant requests a rezoning of approximately 259 square metres of land with approximately 13 metres of frontage. The subject land is zoned "C6-1 – Water-Oriented Commercial" and the applicant requests an amendment to the C6 zone provisions in order to construct a two-storey single detached residential dwelling on the foundation of the existing boat house, with a new attached garage to be built to the south-east.

The application was originally considered on November 3, 2014 by the Planning Advisory Committee, and the report from that meeting is attached as Appendix 'A' to this Report. At that time, it was deferred pending resolution of issues identified by Staff, including:

- the lack of a northerly side yard setback;
- encroachment onto waterfront leased land;
- the merging of title for the parcels; and
- further input from Quinte Conservation.

The Applicant has addressed these issues, and further consideration is in order.

The site is designated "City Centre" in the City's Official Plan, and is part of "The Harbour" Neighbourhood. The Plan permits residential uses subject to satisfying various policies.

BACKGROUND:

Application Circulation

- Public Circulation

Notice of the application being returned to the Committee was provided to members of the public who signed the podium sheet at the November 3, 2014 meeting, as well as those who submitted written comments on the application.

Planning Analysis

The application was originally considered on November 3, 2014 by the Planning Advisory Committee, and Report PP-2014-32 from that meeting is attached as Appendix 'A' to this Report. At that time, the matter was deferred pending resolution of the following four (4) key issues identified by Staff. Following each issue is a summary of the progress that has been made.

- a) The lack of a northerly side yard setback:

The Applicant has modified the sketch layout to provide a 1.2 metre side yard setback between the new building and the northerly side lot line. 1.2 metres is a common setback used within new residential subdivisions. The proposal merits special consideration, as it is intended to allow the existing foundation and floor deck structure, which extends to between 0.02 and 0.06 metres of the property line, to be used to support the new building. The modified sketch layout dated July 7, 2015 is attached as Appendix 'B' to this Report.

b) Encroachment onto waterfront leased land:

The Applicant has modified the sketch layout to angle the west wall of the proposed building to follow the property boundary so that it will no longer encroach on the waterfront leased land. The modified sketch layout dated July 7, 2015 is attached as Appendix 'B' to this Report.

c) The merging of title for the parcels:

The Applicant has agreed to merge the parcels. A holding symbol may be placed on the properties to ensure that they are merged prior to development.

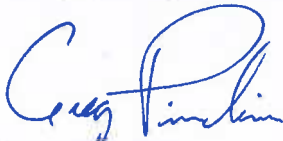
d) Further input from Quinte Conservation:

Quinte Conservation submitted comments on December 3, 2015 stating that their Executive Board supports the rezoning to permit a two-storey single detached dwelling. The Comments from Quinte Conservation are attached as Appendix 'C' to this Report.

As discussed in the previous Report PP-2014-23, it should again be noted that Recreation, Culture and Community Services may have future comments in relation to plans for docking at the site. The proposed new floating dock shown on the modified sketch layout dated July 7, 2015 would also need to be addressed through the terms of the lease.

It should be noted that this type of development is not without precedent. A similar application was approved on a vacant property to the south for a four-unit dwelling, albeit on a larger property, while providing the same proposed 1.2 metre front and side yard setbacks, and a rear yard setback of nil. The application detailed in this Report represents medium-density redevelopment of an existing boat-house within the Harbour Neighbourhood of the City Centre.

Respectfully submitted,



Greg Pinchin
Special Projects Planner

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CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT
PLANNING SECTION
Greg Pinchin, Special Projects Planner
Report No. PP-2014-32
November 3, 2014

To: Councillor Lafferty, Chair and
Members of the Belleville Planning Advisory Committee

Subject: Proposed Amendment to Zoning By-Law Number 10245, as Amended –
52 South Front Street, City of Belleville, County of Hastings
File Number: B-77-970
Applicant/Owner: MANUEL PEREIRA
Agent: ALAN BRIDGE

Recommendation:

OPTION #1

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the application to amend the City's Zoning By-Law Number 10245, as amended, for 52 South Front Street, City of Belleville, County of Hastings, be DENIED" or;

OPTION #2

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the application to amend the City's Zoning By-Law Number 10245, as amended, for 52 South Front Street, City of Belleville, County of Hastings, be DEFERRED pending resolution of issues identified by Staff including the lack of a northerly side yard setback; encroachment onto waterfront leased land; the merging of title for the parcels; and further input from Quinte Conservation."

SUMMARY:

The Applicant requests a rezoning of approximately 259 square metres of land with approximately 13 metres of frontage. The subject land is zoned "C6-1 – Water-Oriented

Commercial" and the Applicant requests an amendment to the C6 zone provisions in order to construct a two-storey single detached residential dwelling on the foundation of the existing boat house, with a new attached garage to be built to the south-east.

The site is designated "City Centre" in the City's Official Plan, and is part of "The Harbour" Neighbourhood. The Plan permits residential uses subject to satisfying various policies.

A similar application was submitted in 2004 to renovate the existing boathouse for residential purposes. The Applicant has since acquired the lot to the south to include in the proposal. Several concerns were identified with the previous application, including opposition from the adjacent Condominium Corporation and consequently it was denied by the Planning Committee and Council. Some of the original concerns have been addressed in this application, while others remain.

Planning Staff has concerns with regard to this proposal. Based on information submitted by the Applicant, the north limit of the existing boathouse wall ranges from .02 to .06 metres from the north property line, essentially resulting in an interior side yard width of NIL. The north property line is shared with the condominium lands (The Moorings) located to the north, and the water's edge. Without the establishment of any appreciable building setback the Applicant has no ability to conduct either maintenance to the building's façade or to achieve proper access or circulation around the building without encroaching on adjacent properties.

As per Reference Plan 21R-20865, there is evidence that a portion of the existing boathouse footprint encroaches within Harbour lands under the jurisdiction of the City. Staff has been advised by the City Solicitor that the lease with the Applicant allows the City to request the removal of this encroachment at the end of the lease period (2017), thus it would not be advisable to permit the corner of a new building within this area.

BACKGROUND:

Purpose and Effect

The proposed Zoning By-Law amendment applies to a total site area of approximately 259 square metres, which presently contains a boathouse and associated deck. The site is zoned "C6-1 – Water-Oriented Commercial" and the Applicant has requested an amendment to the C6 zone provisions in order to construct a two-storey single detached residential dwelling on the foundation of the existing boat house, with an attached garage to the south-east.

The purpose of the application is to amend Belleville Zoning By-Law Number 10245, as amended, to permit the use of the property for a two-storey single detached dwelling. As the existing boathouse is proposed to be removed and the dwelling constructed on the existing foundation, special provisions would be included to specify minimum yard setback requirements as proposed by the applicant.

The land subject to the proposed amendment is shown on the attached location plan.

Subject Property

- Site Characteristics

The site is located on the west side of South Front Street and contains a boathouse and associated deck. The subject land is made up of two smaller parcels that are currently deeded separately. Should the application be approved, the owner would need to take necessary steps to merge the parcels together prior to developing the property as proposed.

- Adjacent Land Uses

To the immediate north are located multiple attached condominium units. To the west is Victoria Harbour and the Moira River. To the east and south are located a mix of commercial and residential uses.

Official Plan

The land is designated "City Centre" in the City's Official Plan, and is part of "The Harbour" Neighbourhood. It is not specifically identified as an intensification site. The policies of this designation permit a wide range of residential uses subject to satisfying various policies in the Plan. The proposal represents a net residential density of 38.5 units per hectare, which fits within the category of medium density, as enabled by Section 3.8.2. Section 4.6.14 notes that redevelopment of low density uses should be undertaken in a manner sympathetic to the qualities of the existing residential community; and new structures should be sympathetic to the massing and scale of existing uses.

Zoning By-Law

The property is zoned "C6-1 – Water-Oriented Commercial" in Zoning By-Law Number 10245, as amended. The Applicant has requested an amendment to the C6 zone provisions in order to construct a two-storey single detached residential dwelling on the foundation of the existing boat house, with an attached garage to the south-east.

As per the provisions of the C6-1 zone, private boat houses are permitted with 0 metre rear and side yard setbacks. The minimum front yard depth requirement is 7.5 metres. The existing boat house has a front yard depth of approximately 4.8 metres, and a building height of approximately 5.5 metres. The proposal would create the following development scenario:

- Front Yard Depth – 1.2 metres (approx.);
- Interior Side Yard Width (north) – NIL (+/-);

- Interior Side Yard Width (south) – 1.2 metres (approx.);
- Rear Yard Depth – NIL (+/-) with some evidence of an apparent encroachment;
- Lot Coverage – 60.4 % (+/-); and
- Building Height – two storeys (+/- 7.3 metres scaled from drawing).

A typical residential standard (i.e. the R4 zone) would be the following minimums and maximums:

- Front Yard Depth – 3.6 metres;
- Interior Side Yard Width – 1.8 metres (2 storey dwelling);
- Rear Yard Depth – 7.5 metres;
- Lot Coverage – 35 %; and
- Building Height – 10.6 metres.

Council has approved 1.2 metre front and side yard setbacks in the past, as are proposed for the south and east yards. The condominium development to the north has staircases and concrete barriers between driveways that extend from the building to within 1.2 metres of the sidewalk.

The proposed north side yard setback reduction to **NIL** in this situation is unprecedented.

Application Circulation

- External Agency Circulation

The subject application was circulated for comment to the Algonquin & Lakeshore Catholic School Board, the Hastings & Prince Edward District School Board, Bell Canada, Canada Post, Ontario Power Generation, Union Gas, Hydro One, Veridian Connections, TransCanada Pipelines, Enbridge Pipelines, Trans-Northern Pipelines, Quinte Conservation, and Hastings & Prince Edward Counties Health Unit on October 14, 2014.

Quinte Conservation advises that the application will require a review by the Quinte Conservation Executive Board, and that their next meeting is scheduled for Thursday, November 20, 2014.

No other comments or concerns have been received regarding this application.

- Internal Department Circulation

The subject application was circulated for comment to the Belleville Fire and Emergency Services Department, Belleville Police Service, the Engineering & Development Services Department, the Recreation, Culture and Community Services Department, the Environmental & Operational Services Department, and the Manager of Approvals on October 14, 2014. Due to additional questions about leased Harbour lands, the

application was further circulated to the Property Management Section on October 23, 2014.

The Approvals Section advises as follows:

"We have no objection to the proposed Zoning By-Law Amendment. The Applicant should be advised that the north existing driveway will need to be removed as part of the project."

The Manager of Approvals inquires about conformity with the City Centre Intensification Policies in the Official Plan.

The Recreation, Culture and Community Services Department advises that their only comment and/or concern is what plans are in place for docking.

The Belleville Fire Department advises that they have no issues surrounding the application.

The Property Management Section provided the following advice from the City's Solicitor:

"if the new dwelling occupies the same footprint as the existing metal building to be removed, the southwest corner of the new building (to the extent of Part 2 21R5423) will again encroach on the harbour lands"

The City's Solicitor recommends against allowing a new building to encroach as the lease allows the City to require removal of the structure at the end of the lease. He suggests the floating docks and decks would be less of a concern as they may be more readily removed.

No other comments have been received.

- Public Circulation

Notice of the subject application was circulated to all registered owners of land within 120 metres (400 feet) of the affected area on October 14, 2014. Notice was also provided by advertisement in The Intelligencer.

One letter has been received to date in opposition to the proposal, as the writer notes being unable to attend the Meeting. The letter presented concerns about pedestrian safety as the garage is to project close to the sidewalk, stated disagreement with the proposal of a two- storey building and two-car attached garage, and suggested limiting the building to a single storey on the existing boat house footprint only.

Planning Analysis

Planning Staff has concerns with regard to this proposal. The proposal is similar to the 2004 application B-77-751, which was denied by Council for various reasons. Since then, the Applicant has addressed some earlier issues by acquiring the abutting lot to the south, and modifying the building proposal to reduce the height, making the side wall approximately the same height as the existing boat house but adding a hip roof, an attached garage, and proposing 1.2 metre setbacks from the front and south side property lines.

The proposal still does not establish any interior side yard to the north. Consequently, access to the north side of the building is not obtainable without encroaching on adjacent properties. The Applicant does not enjoy any easement over the Condominium Corporation's lands for constructing or making changes, repairs or modifications to the building. It is not clear from the application package whether the proposed roof and eaves would overhang the north or west property lines.

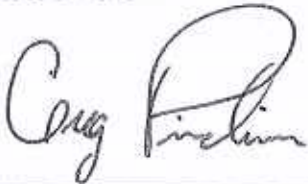
Planning Staff also note concerns with the apparent encroachment into leased City Harbour lands that takes in the south-west corner of the boat house building, and the majority of the existing deck. The City Solicitor has advised not to allow the corner of a new building to encroach into the leased land, as clauses in the lease allow the City to require its removal at the end of the lease period.

The Applicant should have the properties merged on title prior to any development taking place.

Recreation, Culture and Community Services may have future comments in relation to plans for docking at the site. The proposed new floating dock shown on the sketch layout submitted with the application would also need to be addressed through the terms of the lease.

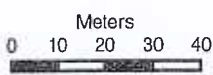
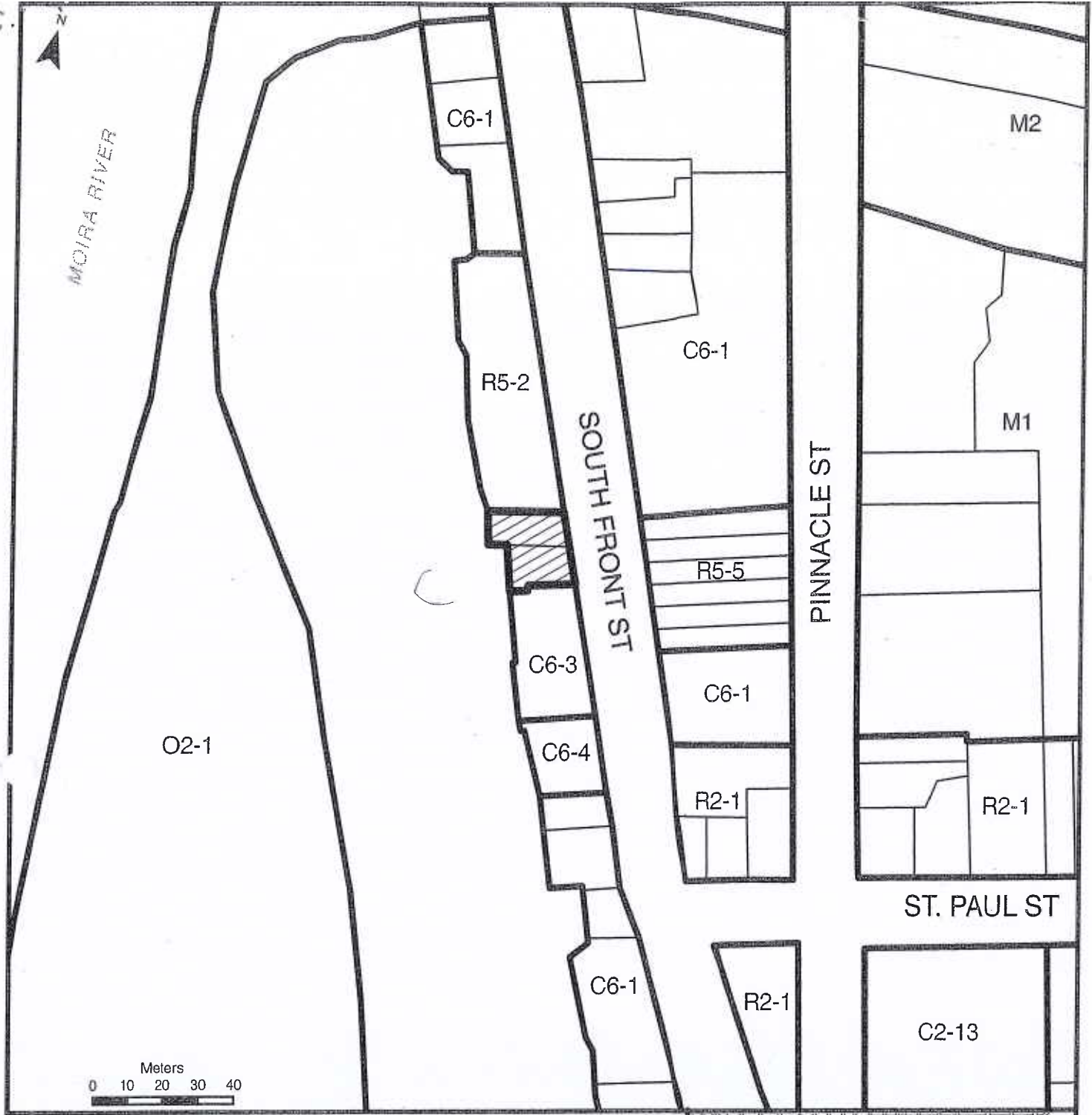
Quinte Conservation has advised that this application will require a review by the Quinte Conservation Executive Board. Until this occurs, it is not known whether their organization could support the proposal. Conservation Authority approval would be required before such a project could proceed.

Clearly, the application has deficiencies and issues of concern that, at minimum, need further review.



Greg Pinchin
Special Projects Planner

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PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 52 SOUTH FRONT ST



PROPOSED ZONING CHANGE FROM C6-1 (WATER-ORIENTED COMMERCIAL WITH SPECIAL PROVISIONS) TO C6 WITH SPECIAL PROVISIONS



CITY OF BELLEVILLE
 ENGINEERING & DEVELOPMENT
 SERVICES DEPARTMENT

SURVEY INFORMATION TAKEN FROM PLANS OF SURVEY BY: HINE AND PICKARD LTD. APRIL 28, 1988 AND WATSON LAND SURVEYORS LTD. OCTOBER 23, 2008

TOTAL SITE AREA = 25,09 SQ. METRES
 LOT COVERAGE OF BUILDING = 116.78 SQ. METRES OR 45.21 % OF LOT
 LOT COVERAGE OF EXISTING OPEN WOOD DECK = 46.33 SQ. METRES OR 18.09 % OF LOT
 LOT COVERAGE OF COVERED PORCH AREAS = 19.22 SQ. METRES OR 7.5 % OF LOT
 LANDSCAPE AREA = 14.16 SQ. METRES OR 25.20 % OF LOT

PROPOSED SKETCH LAYOUT
 FOR
 52 SOUTH FRONT STREET
 BELLEVILLE ONTARIO
 BY
 MANUEL PEREIRA

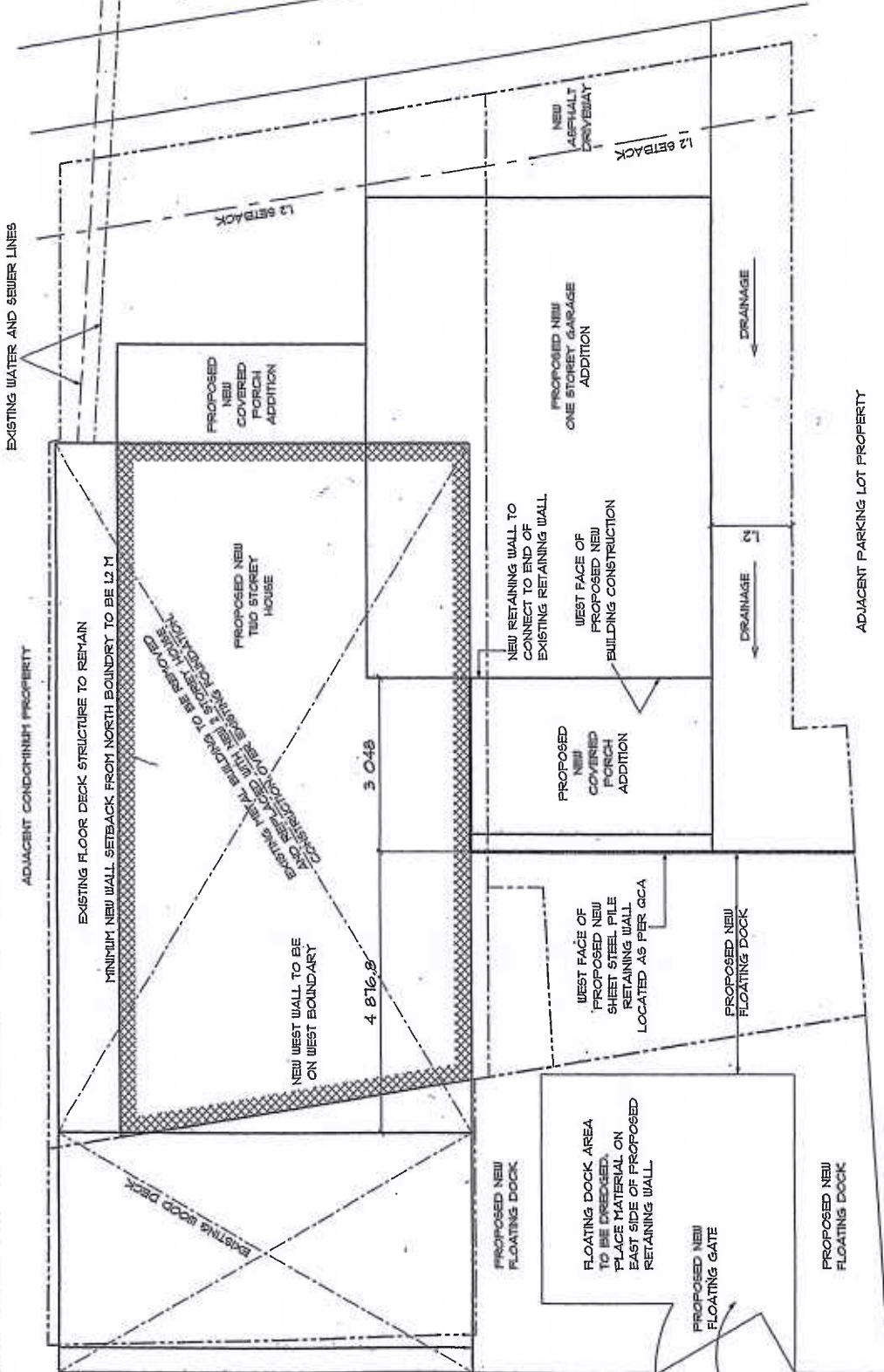
30 SEPTEMBER 2014
 REVISED 1 JULY 2015
 RESIDENTIAL CONCEPTS INCORPORATED
 9 PARKDALE DRIVE, BELLEVILLE ONT. K8P 2T
 613-969-2033

METRIC SCALE 1:75

Appendix 'B' to Report PP-2016-07



52 SOUTH FRONT STREET
 1 6 1 M m m 1



V I C T O R I A H A N D O U R



Quinte
CONSERVATION

clean world. safe homes. healthy life.

613-968-3434 Belleville

613-354-3312 Napanee

RR2, 2061 Old Hwy 2,
Belleville, ON. K8N 4Z2

QUINTE CONSERVATION PLANNING ACT REVIEW

File: Zoning By-Law Amendment File No. B-77-970
Site Address, Lot, Con: 52 South Front Street
Municipality: City of Belleville
Owner/Agent: Manuel Pereira/Alan D. Bridge
Regulated Feature: Bay of Quinte

As per the application provided to this office, it is our understanding that the rezoning will permit the construction of a two-storey single detached dwelling to be constructed on the foundation of an existing boat house (part of the foundation is within the Bay of Quinte), along with an addition for a two car garage.

Staff have reviewed the application along with all pertinent information relating to the subject property, and reviewed the application with respect to the applicability of Natural Hazard Policy of the Provincial Policy Statement, Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), and Quinte Conservation Policies. Based on a review by the QC Executive Board on November 19th, Quinte Conservation will support the rezoning of 52 South Front Street, City of Belleville to a special 'C6-Water Oriented Commercial' zone in order to permit a two-storey single detached dwelling. This decision was based on the following information:

1. The lands that are the subject of the application are hazardous lands as defined in Section 28 (25) of the **Conservation Authorities Act** and are located within the 1:100 year flood plain of Lake Ontario as set out in Section 2 (1) of Ont. Reg. 319/09.
2. Section 3.1.1 of the PPS provides that development shall generally be directed to areas outside of hazardous lands adjacent to the shorelines of the Great Lakes, St. Lawrence River system and this would include the subject lands.
3. Section 3.1.2 of the PPS provides that development shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards unless the owner has demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. A flooding hazard is defined as the inundation of areas along the shorelines of the Great Lakes St. Lawrence River system that would be inundated by flooding based on the 100 year flood level plus an allowance for uprush and other water related hazards. The main floor and the entrance from the street of the proposed structure would not be subject to flooding during a 100 year flood event therefore it would not be rendered inaccessible to people and vehicles.
4. Pursuant to Section 3.1.1.2 (c) of the PPS, development or site alteration may be permitted if the owner can demonstrate that the site has safe access appropriate for the nature of the development and the natural hazard. Access to the proposed structure is above the 100 year flood level.

c.c. Manuel Pereira (owner)
Alan D. Bridge (consultant)

Tim Trustham

Tim Trustham
Planner/Ecologist

December 3, 2015

Date

**ENGINEERING AND DEVELOPMENT SERVICES DEPARTMENT
PLANNING SECTION
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT MONITORING REPORT**

FILE NO.	DATE REC'D	APPLICANT/OWNER/AGENT	PROPOSAL	STATUS
2013				
B-77-944	July 3/13	Brian & Karen Rosebush Watson Land Surveyors Ltd.	25 <i>Blessington Road, Thurlow</i> Zoning By-Law amendment to permit a proposed heating & plumbing shop with associated parking of trucks as well as allowance for a future store & lock facility. The severed parcel is to be rezoned to recognize the existing single detached dwelling.	Public Mtg: Aug. 6/13 PAC Decision - Deferred pending Property Standards Order PAC: Dec. 7/15 - Appl. to remain open.
2014				
B-77-970	Oct. 1/14	Manuel Pereira Alan D. Bridge	52 <i>South Front Street</i> Zoning By-Law amendment to rezone to a special "C6 - Water-Oriented Commercial" zone in order to permit a two-storey single detached dwelling on the foundation of the existing building, along with an addition to the south side for a two-car garage.	Public Mtg: Nov. 3/14 PAC Decision - Deferred pending different issues.
2015				
B-77-990	Nov. 3/15	Thamer Younes 1609416 Ontario Inc. Taskforce Engineering Inc.	486-488 <i>Dundas Street West</i> Zoning By-Law amendment to permit a medical clinic & obtain relief on the required rear yard depth.	Public Meeting: Dec 7/15 PAC Decision: Tabled to Jan. 4/16 Council Approved: Jan 11/16 Appeal Date: Feb 1/16
B-77-991	Dec. 8/15	City of Belleville	Zoning By-Law amendments to define medical marihuana and cannabis-related uses.	Public Meeting: Jan. 4/16 PAC Decision: Approved Council Approved: Jan 11/16 Appeal Date: Feb 1/16
B-77-992	Dec. 18/15	Shady Ridge Stock Farm Inc. and Jack and Charlie Real Estate Holdings Inc. Al Osbourne	773 & 777 <i>Bell Boulevard</i> Zoning By-Law amendment to add retail store and allow a common elements plan of condominium.	Public Meeting: Feb. 1/16

**ENGINEERING AND DEVELOPMENT SERVICES DEPARTMENT
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FILE NO.	DATE REC'D	APPLICANT/OWNER/AGENT	PROPOSAL	STATUS
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2016

B-77-993	Jan. 22/16	Fred Prins/Keith Watson	42 A & B <i>Shaw road</i> Zoning By-Law amendment to permit the severance of a surplus farm dwelling	Public Mtg: March 7/16
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B-77-994	Jan. 22/16	Brian Todd Waite Keith Watson	1450 <i>Harmony Road</i> Zoning By-Law amendment to permit the severance of a surplus farm dwelling	Public Mtg: March 7/16
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February 1, 2016
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