

BELLEVILLE PLANNING ADVISORY COMMITTEE

A G E N D A

NOVEMBER 2, 2015

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 AMENDMENTS TO ZONING BY-LAW NUMBER 3014, AS AMENDED – 56 SILLS ROAD, TOWNSHIP OF THURLOW, NOW IN THE CITY OF BELLEVILLE, COUNTY OF HASTINGS
FILE NUMBER: B-77-988
APPLICANT/OWNER: LLOYD PRINS
AGENT: WATSON LAND SURVEYORS LTD.
c/o KEITH WATSON**

Notice of Meeting and Map

1

4. **ADJOURNMENT**

BELLEVILLE PLANNING ADVISORY COMMITTEE

A G E N D A

NOVEMBER 2, 2015

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 September 8, 2015

4. DEPUTATIONS

5. CORRESPONDENCE

6. REFERRALS FROM PUBLIC MEETING

- 6.1 **PROPOSED AMENDMENTS TO ZONING BY-LAW NUMBER 3014, AS AMENDED – 56 SILLS ROAD, TOWNSHIP OF THURLOW, NOW IN THE CITY OF BELLEVILLE, COUNTY OF HASTINGS**
FILE NUMBER: B-77-988
APPLICANT/OWNER: LLOYD PRINS
AGENT: WATSON LAND SURVEYORS LTD.
c/o KEITH WATSON

Manager of Policy Planning's Report No. PP-2015-36

5

RESOLUTION

“THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the application to amend Zoning By-law Number 3014, as amended, for the property described as 56 Sills Road, former Township of Thurlow, now in the City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-law Number 3014, as amended, be amended by rezoning the subject land from ‘PA – Prime Agriculture’ to ‘PA-47 – Agriculture’ and ‘RR – Rural Residential’.”

7. REPORTS

- 7.1 **DIRECTION REGARDING MEDICAL CANNABIS PRODUCTION AND DISTRIBUTION**

Special Projects Planner's Report No. PP-2015-31

10

RESOLUTION

“THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that a Zoning By-law Amendment Application to define medical marihuana and cannabis-related uses within City of Belleville Zoning By-laws be prepared for Planning Advisory Committee and Council's consideration.”

- 7.2 **ONTARIO MUNICIPAL BOARD APPROVAL OF APPEAL OF COUNCIL'S REFUSAL TO AMEND ZONING BY-LAW NUMBER 10245, AS AMENDED – 250 BRIDGE STREET WEST, CITY OF BELLEVILLE, COUNTY OF HASTINGS, FILE NO: B-77-972
APPLICANT/OWNER: BELMONT LONG-TERM CARE FACILITY
AGENT: RFA PLANNING CONSULTANT INC.**

Manager of Policy Planning's Report No. PP-2015-37

12

RESOLUTION

“THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the permitted hours of operation for the Personal Fitness Training Facility and Massage Therapy Clinic located at 250 Bridge Street West shall be Monday to Friday, 6 AM to 8 PM and Saturdays, 8 AM to 1 PM.”

- 7.3 **URBAN AGRICULTURE - HENNING**

Manager of Policy Planning's Report No. PP-2015-38

31

RESOLUTION

“THAT the Manager of Policy Planning's Report No. PP-2015-38 be received.”

- 7.4 **NEW STREET NAME, REQUEST FOR DONATION – CHARITY FUNDRAISER, QUINTE CHILDREN'S FOUNDATION**

Manager, Approvals Section's Report No. APS-2015-38

34

RESOLUTION

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

THAT Belleville City Council accept the fundraising request from the Quinte Children's Foundation to auction off the naming rights to a new City street .”

8. INFORMATION MATTERS

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

Report to November 2, 2015

36

9. GENERAL BUSINESS AND INQUIRIES

10. ADJOURNMENT



City of Belleville

Engineering & Development Services Department

169 Front Street
Tel: 613-968-6481
Fax: 613-967-3262

File No.: B-77-988

**PUBLIC MEETING
CITY COUNCIL PLANNING COMMITTEE
CITY HALL - COUNCIL CHAMBER
169 FRONT STREET
MONDAY, NOVEMBER 2, 2015
AT 5:30 P.M.**

A Public Meeting will be held to consider an amendment to Zoning By-Law Number 3014, as amended. The applicant requests a rezoning of land that is subject to a consent application granted by the Committee of Adjustment on September 3, 2015 (Committee File # B 32/15). The consent is proposing to sever the existing farmhouse from the abutting farm fields as a surplus dwelling subject to farmlands being consolidated. In accordance with the surplus dwelling requirements of the Official Plan and the Provincial Policy Statement, the applicant is requesting that the land zoned "PA – Prime Agriculture" be rezoned to a special "PA" zone so as to not permit the construction of a residential dwelling. In addition the parcel that contains the farm dwelling (approximately 7,285 square metres of area) is to be rezoned from "PA" to "RR – Rural Residential".

The land is described municipally as 56 Sills Road, Township of Thurlow, now in the City of Belleville, County of Hastings.

OFFICIAL PLAN:

The land subject to this application is designated "Agricultural Land Use" in the City's Official Plan. The agricultural policies of the Plan permit the disposal of surplus farm dwellings when farmland is being consolidated, subject to satisfying various requirements.

ZONING BY-LAW:

The subject land is zoned "PA – Prime Agriculture" in Zoning By-Law Number 3014, as amended. The applicant requests that the land zoned "PA" be rezoned to a special "PA" zone so as to not permit the construction of a residential dwelling and to satisfy a condition of a consent application granted by the Committee of Adjustment (Committee File # B 32/15). The parcel containing the farm dwelling is to be rezoned to "RR - Rural Residential".

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: 613-967-3256, Fax: 613-967-3206, TTY: 613-967-3768, Email: mtmacdonald@city.belleville.on.ca).

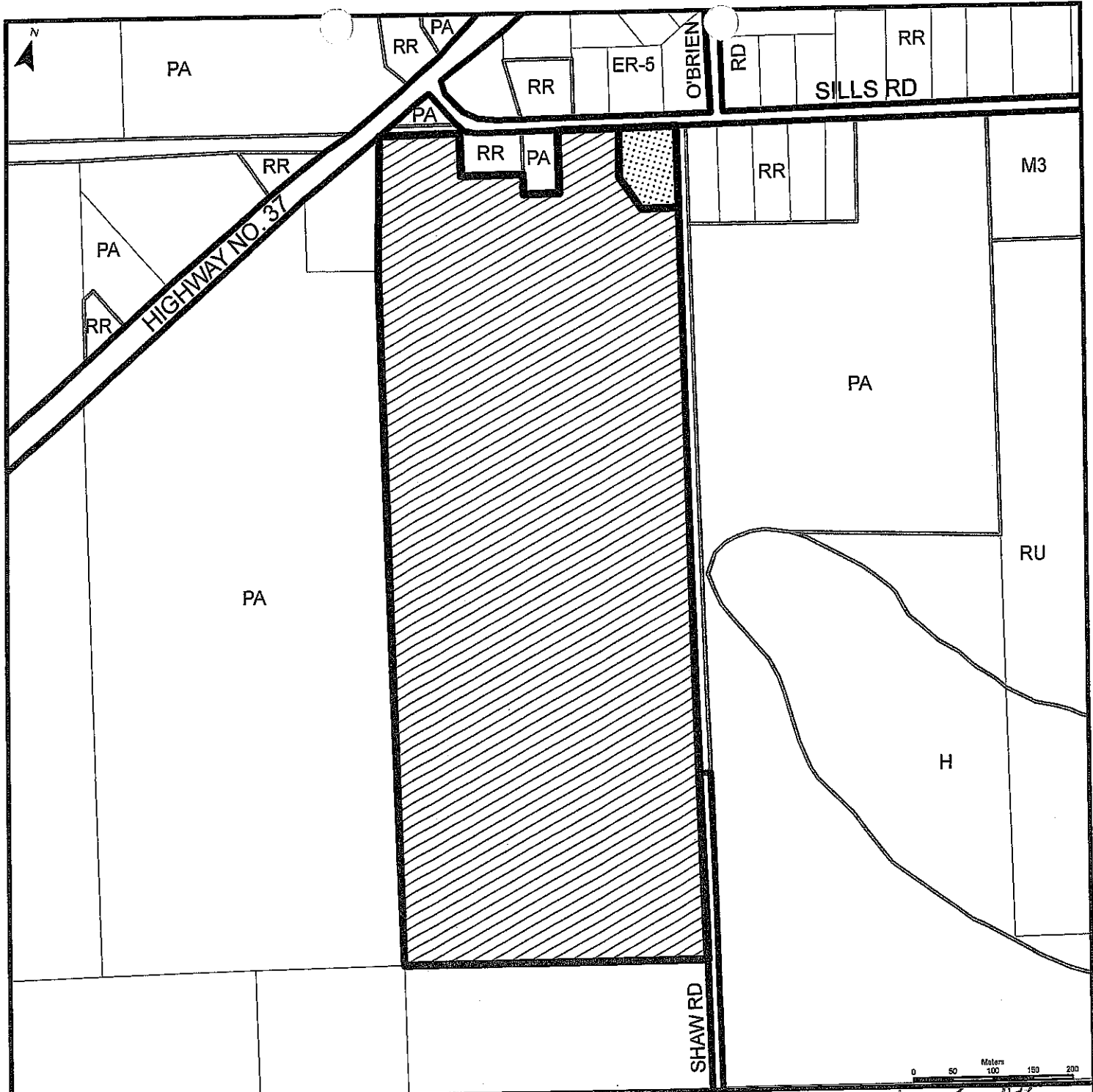
If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Belleville before the by-law is passed, the person or public body is not entitled to appeal the decision of the City of Belleville to the Ontario Municipal Board and may not be added 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.

Additional information is available by contacting or visiting the Planning Section, Engineering & Development Services Department, City Hall, 169 Front Street, Belleville, K8N 2Y8 (Telephone: 613-967-3288, Fax: 613-967-3262).

As per the requirements of the Planning Act, this application is confirmed to be complete.



Matt MacDonald, Secretary
Planning Advisory Committee

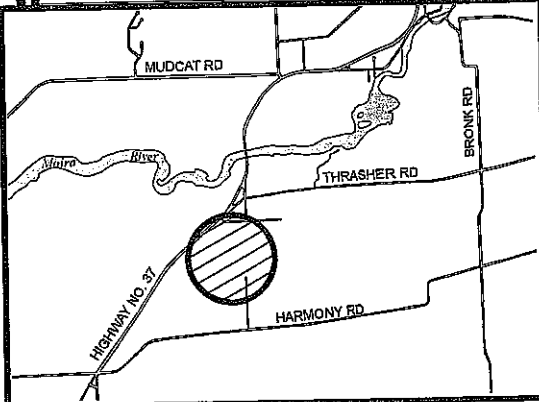
DATED at the City of Belleville this 13th day of October, 2015



PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 56 SILLS ROAD

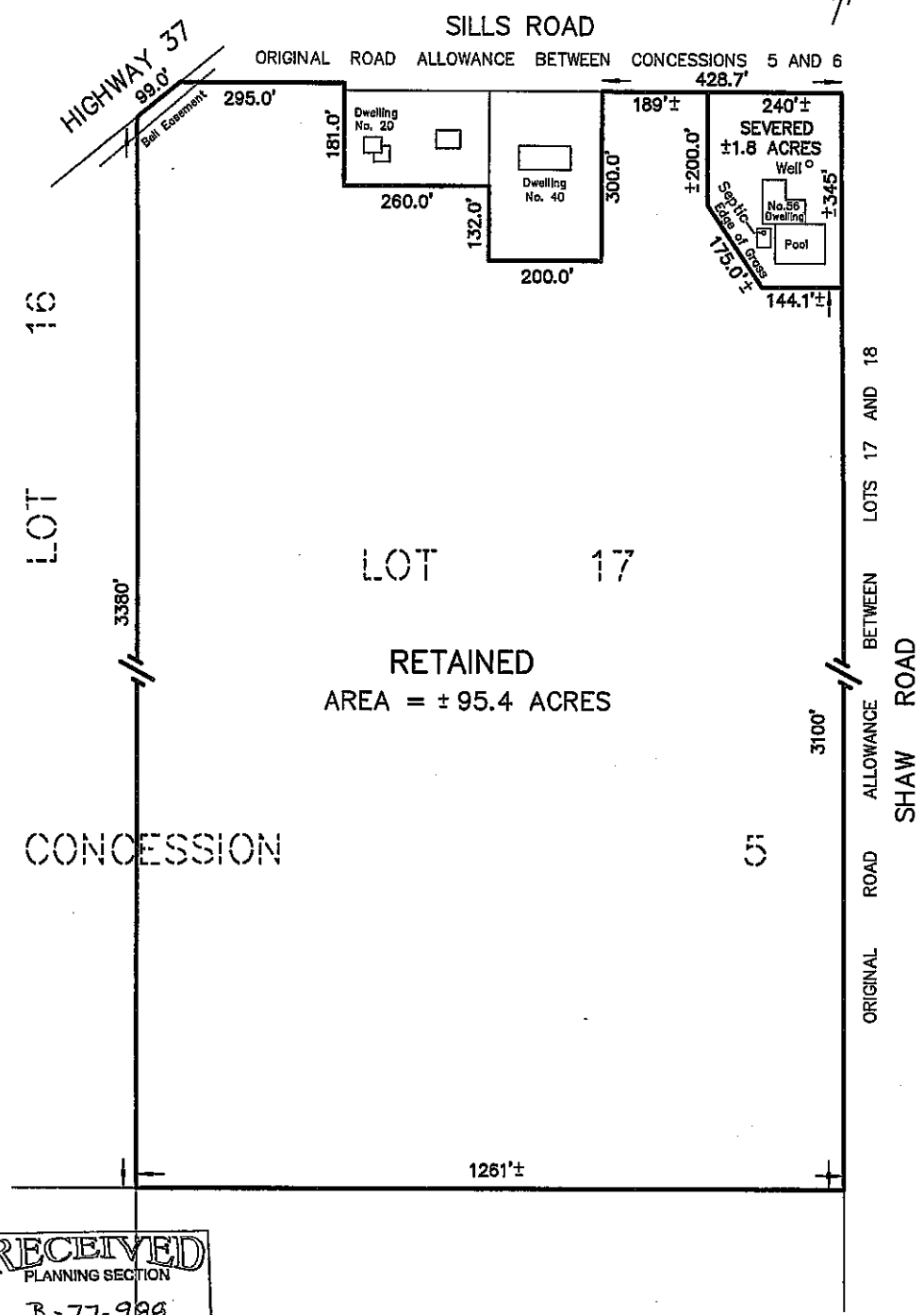
-  - PROPOSED ZONING CHANGE FROM PA (PRIME AGRICULTURE ZONE) TO PA-47 (PRIME AGRICULTURE ZONE WITH SPECIAL PROVISIONS)
-  - PROPOSED ZONING CHANGE FROM PA (PRIME AGRICULTURE ZONE) TO RR (RURAL RESIDENTIAL ZONE)



CITY OF BELLEVILLE
 ENGINEERING & DEVELOPMENT
 SERVICES DEPARTMENT

SKETCH

PART OF LOT 17
 CONCESSION 5
 TOWNSHIP OF THURLOW
 NOW IN THE CITY OF BELLEVILLE
 IMPERIAL SCALE 1" = 250'



RECEIVED
 PLANNING SECTION
 B-77-988
 SEP 3 0 2015

	ACTION	INFO
A.M.		
N.T.		
G.P.		
J.B.		

218 CHURCH STREET
 BELLEVILLE, ONTARIO

WATSON
 LAND SURVEYORS Ltd.

KBN - 3C3
 (613) 962 - 9521

CAUTION THIS IS NOT A PLAN OF SURVEY
 PORTIONS OF THIS SKETCH ARE FROM
 COMPILED AND CALCULATED INFORMATION

JULY 24, 2015

PROJECT No 8709-P-15



APPROVAL BLOCK

DE&DS | *RB*

CITY OF BELLEVILLE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING SECTION
Arthur MacKay, Manager of Policy Planning
Report No. PP-2015-36
November 2, 2015

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

Subject: Proposed Amendments to Zoning By-Law Number 3014, As Amended –
56 Sills Road, Township of Thurlow, Now in the City of Belleville, County
of Hastings

File Number: B-77-988

Applicant/Owner: LLOYD PRINS

Agent: WATSON LAND SURVEYORS LTD.
c/o KEITH WATSON

Recommendation:

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the application to amend Zoning By-Law Number 3014, as amended, for the property described as 56 Sills Road, former Township of Thurlow, now in the City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-Law Number 3014, as amended, be amended by rezoning the subject land from 'PA – Prime Agriculture' to 'PA-47 - Agriculture' and 'RR – Rural Residential'."

SUMMARY:

The Applicant requests a rezoning of land that is subject to a Consent Application granted by the Committee of Adjustment on September 3, 2015 (Committee File # B 32/15). The Consent is proposing to sever the existing farmhouse from the abutting farm fields as a surplus dwelling subject to farmlands being consolidated. In accordance with the surplus dwelling requirements of the Official Plan and the Provincial Policy Statement, the Applicant is requesting that the severed farmland zoned "PA – Prime Agriculture" be rezoned to special "PA-47" zone so as to not permit

the construction of a residential dwelling.

The proposed severed lot, comprising approximately 7,285 square metres of lot area, and which contains the farm dwelling, is to be rezoned to "RR – Rural Residential".

The land subject to this application is designated "Agricultural Land Use" in the City's Official Plan. The policies of the Plan permit the disposal of surplus farm dwellings when farmland is being consolidated, subject to satisfying various requirements. The owners are wishing to dispose of their farm holding and consolidate this farmland with nearby operations.

The Provincial Policy Statement (Subsection 2.3.4.1 c)) requires that the "planning authority" (i.e. the Municipality) ensures that no new residential dwellings are permitted on the remnant parcel of farmland when permitting the creation by Consent of a residence surplus to a farming operation. The approach that is used by the Municipality, and recommended by the Province, is a rezoning of the land to prohibit residential development.

On that basis, the proposal complies with the Official Plan and the Provincial Policy Statement.

Planning Staff recommend that the Zoning By-Law amendments be approved.

BACKGROUND:

Purpose and Effect

The proposed Zoning By-Law amendments apply to farmland located on Sills Road.

The purpose of the application is to satisfy a condition of Committee of Adjustment decision # B 32/15 and thereby amend the Thurlow Ward Zoning By-Law Number 3014, as amended. Consent Application # B 32/15 proposes to sever the existing farmhouse as a surplus dwelling. In accordance with the policies of the Official Plan and Provincial Policy the Applicant requests that the farm field zoned "PA – Prime Agriculture" be rezoned to "PA-47" to preclude the construction of a residential dwelling. In addition the severed parcel containing the farm dwelling is to be rezoned to "RR - Rural Residential".

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

Subject Property

The subject land is located on the south side of Sills Road and Provincial Highway # 37. A mix of rural residential and agricultural uses characterizes the adjacent land uses.

Official Plan

The property is designated "Agricultural Land Use" in the City's Official Plan. As per Subsection 7.2.3 e) of the Plan, as well as Subsection 2.3.4.1 c) of the Provincial Policy Statement, a Consent to enable disposal of a surplus dwelling in prime agricultural areas created through the consolidation of farmland may be permitted subject to the planning authority ensuring that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The proposal complies with the Official Plan.

Zoning By-Law

The land subject to this application is zoned "PA – Prime Agriculture" in Zoning By-Law Number 3014, as amended. The Applicant requests that the land be rezoned to "PA-47" so as to not permit the construction of a residential dwelling. In addition the Applicant requests that the farm dwelling be rezoned to "RR – Rural Residential".

The minimum requirement for a residential dwelling in the RR zone is 45 metres of lot frontage and 4,047 square metres of lot area. The proposed severed parcel would comply with these provisions.

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 Pipeline, Enbridge Pipelines, Trans-Northern Pipelines and Quinte Conservation on October 13, 2015.

To date, no other comments or concerns have been received.

- Internal Department Circulation

The subject application was circulated for comment to the Belleville Fire Department, Belleville Police Service, the Engineering and Development Services Department, Environmental & Operational Services Department, the Recreation, Culture and Community Services Department and the Manager of Approvals on October 13, 2015.

The Recreation, Culture and Community Services Department, the Fire Department and the Approvals Section advise that they have no comment or concern.

- 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 October 13, 2015. Notice was also provided in The Intelligencer.

No comments or concerns have been received.

Planning Analysis

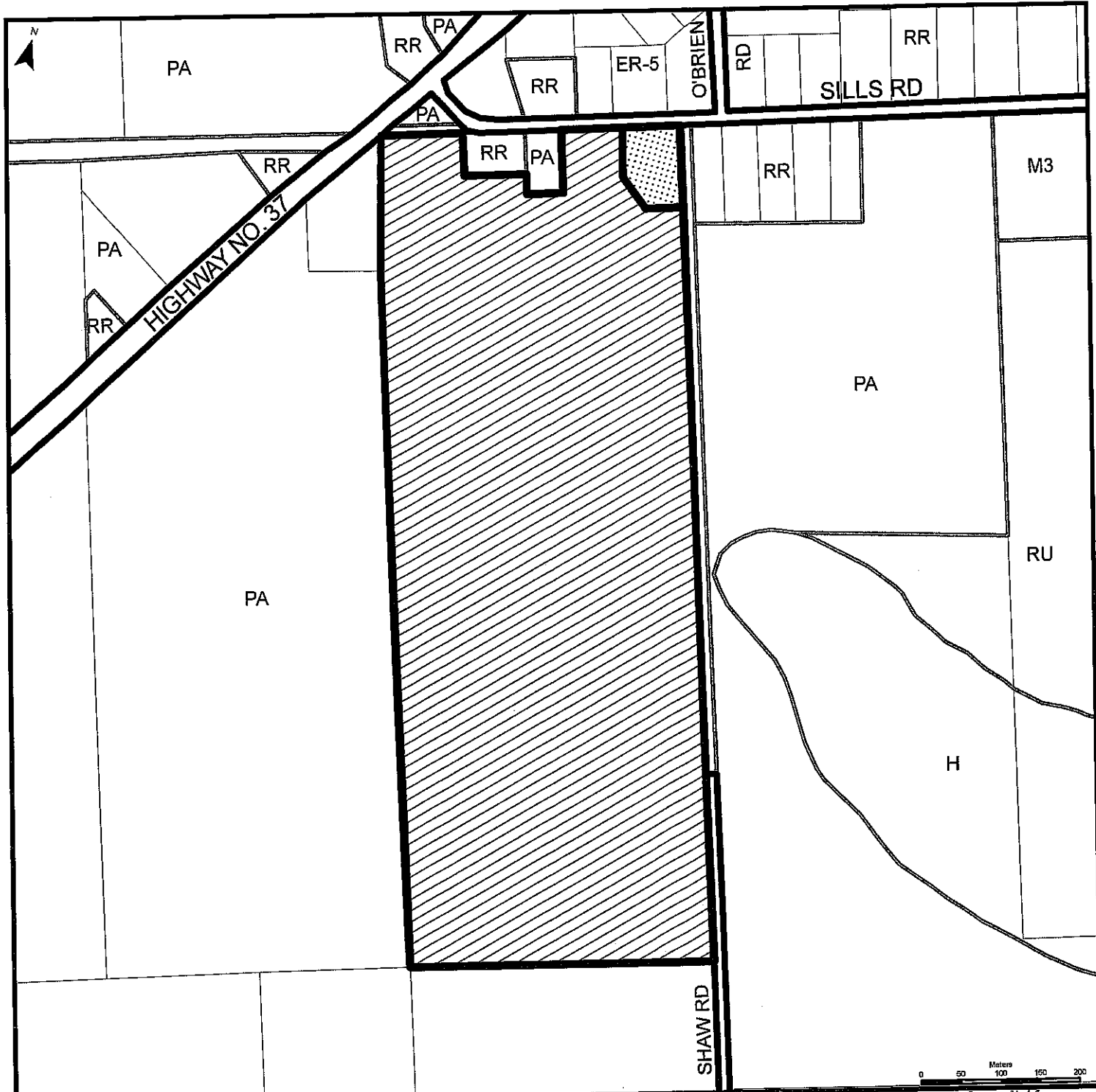
The granting of Consent Application File # B 32/15 by the Committee of Adjustment has resulted in the proposed severance of an existing farmhouse from the abutting farm fields. The Committee's approval of the surplus dwelling was granted in accordance with the surplus dwelling requirements of the Official Plan and the Provincial Policy Statement. Consequently, the Applicant is requesting that the retained farmland be rezoned from "PA – Prime Agriculture" to "PA-47" so as to not permit the construction of a residential dwelling. In addition the severed parcel containing the farm dwelling is to be rezoned to "RR – Rural Residential". The owners are wishing to dispose of their farm holding and consolidate this farmland with nearby operations.

Planning Staff are satisfied the proposal complies with both the policies of the Official Plan and the Provincial Policy Statement. In this regard, the resultant rezoning will serve to protect farmland for future farming uses. On that basis, the application is recommended for approval.



Arthur MacKay
Manager of Policy Planning

atta



PROPOSED ZONING BY-LAW AMENDMENT

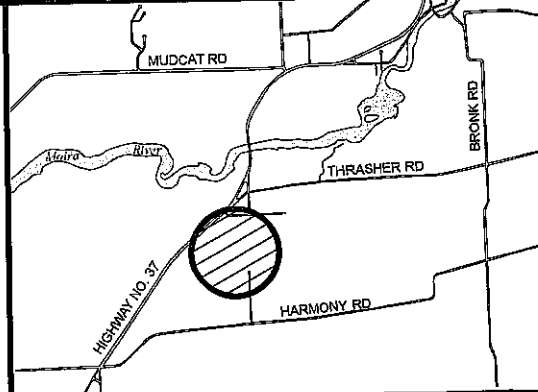
LOCATION: 56 SILLS ROAD



PROPOSED ZONING CHANGE FROM PA (PRIME AGRICULTURE ZONE) TO PA-47 (PRIME AGRICULTURE ZONE WITH SPECIAL PROVISIONS)



PROPOSED ZONING CHANGE FROM PA (PRIME AGRICULTURE ZONE) TO RR (RURAL RESIDENTIAL ZONE)



CITY OF BELLEVILLE
 ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT



APPROVAL BLOCK
DE&DS <u>RB</u>

CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT
PLANNING SECTION
Greg Pinchin, Special Projects Planner
Report No. PP-2015-31
November 2, 2015

To: Chair and Members of the
Belleville Planning Advisory Committee

Subject: Direction Regarding Medical Cannabis Production and Distribution

Recommendation:

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that a Zoning By-Law Amendment Application to define medical marihuana and cannabis-related uses within City of Belleville Zoning By-Laws be prepared for Planning Advisory Committee and Council's consideration."

Strategic Plan Alignment:

The City of Belleville's Strategic Plan identifies nine (9) strategic themes. The recommendation within this Report aligns with the City's strategic theme "Community health, safety and security" and its goals to ensure the safety of residents, and to foster a caring and responsive community that is compassionate to the needs of all of its citizens. Proactive identification of emerging land uses will provide an opportunity for public consultation, and will help guide such uses to appropriate locations.

Background:

The City has received inquiries over the past year about setting up medical marihuana production facilities, and more recently a dispensary for medical cannabis-related products. Such uses have come about in response to changing regulations from Health Canada, and are relatively new. The City's Zoning By-Laws do not specifically address such manufacturing or retail uses.

The Liberal Party of Canada committed to designing a new system of strict marihuana sales and distribution in their election platform. It is not yet known how this will be implemented.

Staff currently has the opportunity to bring forward proposed Zoning By-Law Amendments that would define such uses so that they may be regulated as the need arises.

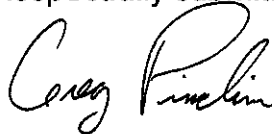
Financial:

Costs associated with preparing and processing the Application and Amendment would be covered by the City.

Conclusion:

Approval of the above recommendation is a first step in a proactive approach to regulation of medical marihuana production facilities and cannabis-related uses.

Respectfully submitted,



Greg Pinchin
Special Projects Planner



APPROVAL BLOCK

DE&DS |

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CITY OF BELLEVILLE

**Arthur MacKay, Manager of Policy Planning
Engineering & Development Services Department
Report No. PP-2015-37
November 2, 2015**

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

Subject: Ontario Municipal Board Approval of Appeal of Council's Refusal to Amend Zoning By-Law Number 10245, As Amended - 250 Bridge Street West, City of Belleville, County of Hastings
File Number: B-77-972
Applicant/Owner: BELMONT LONG-TERM CARE FACILITY
Agent: RFA PLANNING CONSULTANT INC.

Recommendation:

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that the permitted hours of operation for the Personal Fitness Training Facility and Massage Therapy Clinic located at 250 Bridge Street West shall be Monday to Friday, 6 AM to 8 PM and Saturdays, 8 AM to 1 PM."

Background:

As the Committee may be aware the Ontario Municipal Board granted the appeal by Belmont Nursing Homes Limited of Council's refusal which thereby allows a Personal Fitness Training Facility and Massage Therapy Clinic to locate in the accessory building north of the Belmont Nursing Home. The Final Order is being withheld pending confirmation from the parties that an agreement has been reached in regard to "hours of operation".

The Applicant is proposing Monday to Friday, 6 AM to 8 PM and Saturdays, 8 AM to 1 PM (see attached letter) and Staff does not object to this proposal.

Arthur MacKay
Manager of Policy Planning

atta

October 22, 2015
 pc - City Clerk
 Manager of Policy Planning
 from - Dir Dev Eng & Dev Serv/nt



September 21, 2015

Engineering & Development Serv Dept.	Refer To	Seen By
R. Bovay		AB
R. Ford		
J. Bouwman		
D. O'Leary		
A. Gaheen		
D. Hanna		
B. Simpson		
T. Marecak		
A. MacKay	✓	
S. Hutchinson		✓
P. Miles		✓

Mr. Rod Bovay, MCIP, RPP, Director
 Engineering and Development Services
 Corporation of the City of Belleville
 2nd Floor, City Hall
 169 Front Street
 Belleville, ON, K8N 2Y8

Dear Rod:

RE: Application for an Amendment to the Zoning By-law – B-77-972 – 250 Bridge Street West – Belcrest Nursing Homes Limited

I am writing to you to on behalf of Belcrest Nursing Homes Limited regarding City of Belleville File. No. B-77-972 and recent decision of the Ontario Municipal Board (OMB File No. PL150058) issued September 9, 2015. We have enclosed a copy of the OMB Order document for your convenience.

With respect to Article 69 of the OMB Order for File No. PL150058, please accept this letter as confirmation of the intended hours of operation for the proposed Personal Fitness Training Facility and Massage Therapy Clinic. The intended hours of operation for the proposed Personal Fitness Training Facility and Massage Therapy Clinic are Monday to Friday, 6 AM to 8 PM and Saturdays, 8 AM to 1 PM.

We respectfully request in writing of the City's agreement with the intended hours of operation for the purpose of issuing the OMB Final Order. Please do not hesitate to contact me in support of this request.

Yours truly,

Ruth Ferguson-Aulhouse, MCIP, RPP
 RFA PLANNING CONSULTANT INC
 /ks

Cc David Clegg, Belcrest Nursing Homes Limited
 Tony Fleming, Cunningham Swan

CITY OF BELLEVILLE
RECEIVED
 SEP 21 2015

ENGINEERING AND DEVELOPMENT SERVICES PLANNING SECTION

OCT 22 2015

	ACTION	INFO
A.M.		
N.T.		
G.B.	Page 13	
J.B.		

211 Dundas Street East, Suite 202, Belleville, Ontario K8N 1E2

📞 613.966.9070 🌐 www.rfaplanningconsultant.ca

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 9, 2015

CASE NO(S): PL150058

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Belmont Nursing Home Limited
Subject:	Application to amend Zoning By-law No. 10245 – Refusal of application by the City of Belleville
Existing Zoning:	NH-Nursing Home
Proposed Zoning:	NH-Nursing Home with special provisions
Purpose:	To permit a nursing home with detached accessory building for personal training facility and massage therapy clinic
Property Address/Description:	250 Bridge Street West
Municipality:	City of Belleville
Municipal File No.:	B-77-972
OMB Case No.:	PL150058
OMB File No.:	PL150058
OMB Case Name:	Belmont Nursing Home Limited v. Belleville (City)

Heard: June 18, 2015 in Belleville, Ontario

APPEARANCES:

Parties

Counsel

Belmont Nursing Home Limited (the
"Belmont")

A. E. Fleming

City of Belleville

W. Fairbrother and J. Savini

DECISION DELIVERED BY M. A. SILLS AND INTERIM ORDER OF THE BOARD

[1] The Belmont ("Applicant/Appellant") has appealed the decision of the Council of the City of Belleville ("Municipality/City") to refuse a Zoning By-law Amendment ("ZBA") for the property located at 520 Bridge Street West ("subject property").

[2] The subject property is designated "Residential Land Use" by the City's Official Plan ("OP") and zoned "NH-Nursing Home" Zone by By-law No. 10245 ("ZBL").

[3] The purpose and effect of the proposed ZBA is to allow a portion (approximately 186 square metres ("sq m") or 38 percent) of a secondary building on the subject property to be used as a personal fitness training facility and massage therapy clinic.

[4] The subject property, at approximately 1.3 hectares ("ha") in size, is located at the intersection of Bridge Street West (a major collector road) and Stinson Avenue (a local road). There are two points of vehicular access/egress to the property; one from Bridge Street at the south, and the other from Stinson Avenue at the west.

[5] Surrounding land uses include the Belleville Fairgrounds and Curling Club to the east, mid and high density residential, schools and recreation playing fields/facilities to the south, a church and vacant lands (currently zoned for townhouse units) to the west, and a single detached residential neighbourhood to the north (the "Boyce Court Neighbourhood").

[6] By way of background, the 128-bed Belmont long term care facility ("Building 1") was constructed in 2002, and employs 135 staff working in three shifts daily. A secondary building ("Building 2") approximately 486 sq m in area was constructed in 2014. Building 2 has a separate entrance from Stinson Avenue and 9 dedicated parking spaces. The proposed ZBA pertains to Building 2.

[7] Building 2 was the subject of a minor variance application to allow the structure to be constructed to an increased height of 7.4 metres ("m"), whereas a maximum

height of 4.5 m is permitted by the ZBL. At the time the minor variance application was submitted, the use of the proposed building was purported to be for accessory uses to the nursing home; specifically, administrative offices, and storage space for equipment and supplies associated with the long term care facility.

[8] The local Committee of Adjustment ("COA") approved the minor variance application subject to the building being located a minimum of 10 m from the north/rear property line and a 1.8 m wooden privacy fence being constructed along the full length of the northern property line. The decision of the COA was not appealed. The requisite Site Plan was approved in February 2014 and Building 2 was completed in October 2014. Shortly thereafter, the current ZBA application was submitted.

[9] Boyce Court Neighbourhood residents Susan Primeau, David Livingston and Trevor Percy sought and were granted Participant status. Notably, following the presentation by Ms. Primeau, Mr. Livingston told the Board that all his concerns had been covered and he had nothing further to add.

CONCERNS OF BOYCE COURT NEIGHBOURHOOD RESIDENTS

[10] Ms. Primeau takes issue with what she maintains was a deliberate attempt by the owner to misrepresent the intended uses of Building 2. In this regard, she said that after becoming aware that the constructed building was being used for commercial purposes, she filed a complaint with City By-law Enforcement officials. As a result, the owner was forced to shut down the commercial uses, leading to this application for rezoning.

[11] Ms. Primeau claims that during the COA meeting at which the minor variance application was considered, committee members, City staff and concerned neighbors were assured that the proposed building would be used for accessory uses to the nursing home; she said "they were not informed about the planned commercial uses".

[12] Furthermore, at a meeting held with local residents at the Livingston home, Brad Stinson [agent] and David Clegg [owner] confirmed that the building would be used for things such as office space, boardroom and/or staff training room, and the storage of pandemic supplies, tools and equipment.

[13] Ms. Primeau alleges that the drawings submitted with the minor variance application did not disclose the “planned” commercial use of the building “even though it was known to the applicant at that time”. In this regard, she is contending that the information respecting the commercial aspect of the building “was purposely withheld” until after the construction of Building 2 was completed (October 2014).

[14] Since completion, residents of the Boyce Court Neighbourhood have witnessed an array of items being moved into the building, including a large and small boat, snowmobiles, collectible signs, and a large food cart trailer (photographs provided – Exhibit 5), all of which she said would appear to be the personal property of Mr. Clegg. In fact, if this is not his personal property, then he has already made use of a large portion of the building to rent out space for storage to third parties (commercial activity), or for his other commercial enterprises (Caddy Shack). In her view, it appears that the accessory building was built mainly for the personal and commercial use of Mr. Clegg – “not for the use of the nursing home”.

[15] Principally, Ms. Primeau is concerned that allowing a portion of the building to be rezoned for commercial uses will set a precedent for the next application and open the door in future to permit any developer, business, or individual to likewise “misrepresent a planning application”. She told the Board that in the event the personal fitness training facility and massage therapy clinic business fails, she fully expects the owner will be back to press for other commercial activity in the building.

[16] Ms. Primeau contends that from the beginning Mr. Clegg and his agent have thwarted the required process for building commercial buildings. They did not disclose the true nature of the building during the minor variance process, at the meeting held

with Boyce Court Neighbourhood residents, or when applying for the building permit. Immediately following its construction, the building was used for commercial storage purposes and fitness/yoga classes for outside clients, and within days, the ZBA application was filed. In her view, "a person should not profit from subverting the law", and the appeal should be denied".

[17] Mr. Percy's concern pertained to the use of the building by private individuals and/or for commercial uses, and the additional traffic that will be generated within the Boyce Court Neighbourhood.

[18] The Board notes that several of the letters of objection from residents of the Boyce Court Neighbourhood cited over-flow parking along Stinson Avenue as a concern. When asked about this concern by Mr. Fairbrother, Mr. Percy said that although this had been a problem in the past, it has not been an issue since the additional on-site parking spaces were installed.

PLANNING EVIDENCE

[19] The Board heard planning evidence and opinion from two qualified land use planners; Ruth Ferguson Aulhouse in support of the application, and the City's Manager of Policy Planning, Arthur MacKay, in opposition.

[20] Ms. Ferguson Aulhouse stated that in June 2014 she advised her client that as the proposed personal fitness training facility and massage therapy clinic was not an accessory use to the nursing home, a ZBA was required. Consequently, a ZBA application with drawings and a planning rationale was submitted to the City on October 23, 2014.

[21] On November 12, 2014, she and the owner of the Belmont hosted a public information Open House in regard to the current application. This meeting was attended by only one resident.

[22] On November 26, 2014, the ZBA application was considered by the Planning Advisory Committee ("PAC"). Residents of the Boyce Court Neighbourhood attended this meeting and spoke in opposition to the application. As a result of issues raised during this meeting in regard to traffic and parking, Ms. Ferguson Aulhouse requested that the application be deferred so these concerns could be fully addressed. However, the request for deferral was disregarded, and the PAC proceeded to pass a motion recommending to Council that the application be denied. The application was subsequently denied by Council at a meeting held on December 8, 2014. The appeal of that decision was filed with the City on January 5, 2015.

[23] Subsequently, and for the purpose of this hearing, the Applicant/Appellant obtained a Traffic Impact Study (Exhibit 2, Tab M) and a Parking Justification Study (Exhibit 2, Tab N), completed by Tranplan Associates. Key among the principle findings of these studies was that:

- The present study road network/intersections operate at a good LoS (Level of Service) during weekday peak hours periods.
- There will be no perceptible infiltration of new traffic from the site into the Boyce Court Neighbourhood.
- New site traffic will have little impact on adjacent roads and intersections - no new road infrastructure and/or improvements to adjacent roads and intersections will be required to support future traffic.
- The west driveway provides safe access/egress to the facility. There is sufficient sight distance at the west entrance driveway to Stinson Avenue. Drivers will be able to select gaps in the Stinson Avenue traffic stream of sufficient length to assure safe entry into the Stinson Avenue corridor.
- The personal fitness training and massage therapy clinic operations would require between 7 and 9 parking spaces, calculated using the City's By-law rate and the first principles rate, respectively. The City's By-law would

require between 39 and 49 parking spaces for the Belmont Long Term Care Facility including Building 2. The current supply of 75 parking spaces far exceeds the City's By-law requirements.

[24] Ms. Ferguson Aulhouse submitted that based on the findings of these studies, she is satisfied that there will be no traffic and/or parking impact to the surrounding residential area (including the Boyce Court Neighbourhood) resulting from the proposed uses. Parenthetically, Mr. Fairbrother has confirmed that the City accepts the findings of the Traffic Impact and Parking Justification studies.

[25] It is Ms. Ferguson Aulhouse's professional opinion that the proposed ZBA is consistent with the applicable policies of the Provincial Policy Statement, 2014 ("PPS"). The subject property is within a Settlement area where growth is to be focused. The mix of complementary land uses and intensification as proposed is an efficient use of existing infrastructure, supports active transportation, and is transit supportive (s. 1.1.3.2).

[26] The nursing home is recognized in the OP as a permitted residential land use that provides specialized housing for the elderly. Secondary non-residential uses are also permitted in the Residential Land Use designation provided such uses are compatible with residential development. She said that often the secondary uses perform a service function in support of the residential area in which they are located. In this case, the proposed personal fitness training facility and massage therapy clinic are secondary uses which will support the long term care residential use, as well as the surrounding residential neighbourhood.

[27] The OP does not require that a non-residential use be accessory to the primary use. With respect to the examples of secondary uses listed in the OP (s. 3.10.1), it is her position that the proposed uses are similar to "service shop" or "office" uses since a personal service is being provided.

[28] The OP establishes criteria for determining if a secondary non-residential use is appropriate in the Residential Land Use designation (s. 3.10.3). Essentially, such uses are to cater to the needs of the immediate residential neighbourhood or be of a minor nature, and are to be restricted to areas appropriate for large scale density development (s. 3.10.3 a)).

[29] In her opinion, the proposed uses are appropriate at this location. The proposed secondary uses will cater to the needs of the immediate neighbourhood; that being the long term care facility, the surrounding residential areas, and employers in the area.

[30] The OP also sets out that "Residential uses in combination with such uses [commercial development] may be permitted provided both land uses are designated to exist compatibly on the same lot" (s. 3.10.3 a)).

[31] Section 3.10.3 a) establishes site development criteria to be applied where commercial development is to be permitted. In this case, the floor area will be limited to no more than 186 sq m, less than the 200 sq m permitted. The proposed uses represent an indoor, small-scale, Monday to Friday business operation which will be compatible with the adjoining residential uses. The site is in an area capable of adequately servicing the needs of the local neighbourhood and/or is otherwise inconsequential.

[32] The Belmont property is located on the perimeter of the low density Boyce Court Neighbourhood, and does not infiltrate into that neighbourhood. There are two secondary commercial uses being proposed; whereas, where grouped, the OP allows a cluster of no more than three to four separate commercial uses within areas designated for Residential Land Use.

[33] Ms. Ferguson Aulhouse maintains that care was taken during the variance and Site Plan approval processes to ensure that the building form (including height) and architecture of Building 2 is complementary to the surrounding buildings. The architectural approach of Building 2 recognizes the character of the neighbourhood, and

the uses being proposed will not result in any changes to the site or the exterior of Building 2.

[34] The prevailing lot coverage is 25 per cent of the lot area whereas lot coverage of 40 is permitted by the ZBL. Building 2 has been setback 10 m from the property line abutting the Boyce Court Neighbourhood whereas the ZBL requires a setback of only 7.5 m. Privacy fencing and landscape buffering has been established along the property line adjacent to the existing Boyce Court Neighbourhood homes, and the entrances to the building and the parking are oriented to the east and south, away from the existing homes.

[35] There are no areas of outside storage of garbage proposed, the impact of loading, parking and service areas have been minimized, and there is no exterior lighting that will impact the residential properties. Safe pedestrian access and circulation is provided via on-site walkways and public sidewalks along local streets. A total of 75 on-site parking spaces is being provided (including 9 spaces dedicated to Building 2 uses), whereas a combined total of only 50 spaces is required by the ZBL.

[36] As well, the locational criteria pertaining to large scale high density development as established in s. 3.10.2 d) is satisfied. The subject property has immediate access to a major collector street and is close to an intersection and the main route is not through low residential areas. This area is more than adequately serviced with open space, community facilities and services, it is in close proximity to other non-residential land uses which service the residential area, and immediately abuts a non-residential land use within the Community Facility designation (Belleville Fairgrounds).

[37] In conclusion, it is Ms. Ferguson Aulthouse's professional opinion that the proposed uses are permitted as secondary, non-residential uses in accordance with s. 3.10.1, and meets all the criteria for non-residential uses established by s. 3.10.3. The proposed ZBA is consistent with the PPS, conforms to the policies of the OP, and represents good land use planning.

[38] Mr. MacKay takes the position that a personal fitness training facility and massage therapy clinic are commercial uses which are not permitted within the "Residential Land Use" designation. In order to permit the proposed uses at this location, both an Official Plan Amendment ("OPA") and a ZBA would be required.

[39] In this regard, the ZBL defines a "Service Shop" as that which provides a personal service, such as a barber shop, a beauty salon, a shoe repair shop or other similar uses. Given that a personal fitness training facility falls under the definition of "Recreational facilities" in the ZBL, it is his opinion that this type of use is not a "Service Shop".

[40] The OP explicitly directs recreational uses to locate within areas designated "Commercial Land Use" (s. 3.9.2 to s. 3.9.6, inclusive), and the ZBL specifies that these types of facilities [recreational] are to be located in either commercial or industrial zones. He said that other personal training facilities in the City are located in either Commercial or Industrial zones, "not residentially designated areas".

[41] Mr. MacKay maintains that a personal training fitness facility and massage therapy clinic are not contemplated or permitted by the non-residential policies of the OP. The OP contains detailed policies for non-residential uses (s. 3.10.3), including that commercial uses within areas designated Residential Land Use should be restricted to uses that cater to the needs of the immediate residential neighbourhood, or which are of a minor nature (similar impact to comparable residential use).

[42] The subject property is located in a Residential area. There are single detached homes located immediately adjacent to the north/northwest (Boyce Court Neighbourhood), and the vacant lands immediately across Stinson Avenue to the west are zoned for future single detached or townhouse dwellings.

[43] In his opinion, the proposed commercial use will change the character of the neighbourhood because it is not comparable to a residential use, and will introduce commercial traffic on a local street.

[44] The proposed commercial use will be open to the general public and will serve non-residents; the Applicant/Appellant has confirmed that the proposed personal fitness training facility and massage therapy clinic will be used by private clients as well as Belmont staff. Mr. MacKay maintains that once established there will be no ability to control the numbers or extent of private clientele that will be using the facility. In fact, he said, all users could be off-site to the property [private clients].

[45] Furthermore, he contends the proposed commercial use is not "needed" for the immediate residential neighbourhood, as there are already two comparable facilities in the area, as well a commercial plaza in the vicinity which has zoning for recreational facilities.

[46] The OP requires Council to carefully consider the character of the neighbourhood when determining appropriate locations for high density residential development (s. 3.10.2 d). The OP states that high density residential development should not be permitted "where unreasonable land use conflict between high density residential development and areas of lower density would be unavoidable".

[47] Mr. MacKay contends that as the existing neighbourhood is comprised of low density development, and the vacant lands across the street is zoned for low or medium density development, the subject site is not within an "area appropriate for large scale high density residential development".

[48] Under cross-examination, Mr. MacKay conceded that secondary uses are permitted in this neighbourhood; the current form and architectural design of Building 2 does not create any issues with respect to compatibility, and there will not be any physical changes to the exterior of the building resulting from the proposed uses; the commercial traffic generated by the proposed use of the facility will be negligible and parking is not an issue.

ANALYSIS AND DISPOSITION

[49] In arriving at this disposition, the Board has considered the concerns of the participants, the documentary and *viva voce* evidence of the planners, and the submissions of counsel.

[50] The current application seeks to introduce two secondary non-residential (commercial) uses within an existing building in an area designated for residential uses. In order to approve the application the Board must be satisfied that the policy intent of the OP is being maintained, that the public interest has been duly considered and is appropriately safeguarded, and that the proposal is consistent with the principles of good land use planning

[51] In this case, the relevant policy provisions are set out in the Residential Land Use policies of the OP (s. 3.10), as follows:

s. 3.10.1 Permitted Uses

Certain secondary uses of land of a non-residential nature may be permitted. Such uses would be restricted to those that are compatible with residential uses and which often perform a service function in support of the residential area within which they are located, or otherwise have such a minor impact that location within residential areas is of little or no consequences. Examples would include small retail and service shops and offices, churches, day care centres, branch libraries, and home occupations [emphasis added by Board].

s. 3.10.3 a) Non-Residential Policies

Commercial uses within areas designated Residential land use should be restricted to uses that cater to the needs of the immediate residential neighbourhood, or which are of a minor nature (similar impact to a comparable residential use). As a guiding principle, such uses should be restricted to areas which are considered appropriate for large scale high density residential development as set out in Section 3.10.2 d) of this Plan". [emphasis added by Board].

Residential uses in combination with such development may be permitted provided that both land uses are designed to exist compatibly on the same lot.

[52] The underlining added by the Board in the above is for the purpose of emphasizing the discretionary manner in which these policies are intended to be applied. Principally, it is not the intent of these policies to outright prohibit secondary uses, including certain commercial uses, in areas designated for Residential Land Use. Rather, the policy intent is to ensure that any non-residential use(s) to be permitted, including commercial uses, are "compatibility" with surrounding residential development.

[53] In this case, the Board is satisfied that the personal fitness training facility and massage therapy clinic uses as proposed can co-exist harmoniously with the surrounding residential area. In arriving at this conclusion, the Board found the detailed planning analysis and opinion of Ms Ferguson Aulthouse to be persuasive. Her planning rationale was on-point in regard to the very types of impacts typically associated with commercial development in residential areas, and specifically, the criteria established by OP policies 3.10.3 a) and d) [reference: paragraphs 31, 32, 33 and 34].

[54] In reality, the proposed commercial uses will occupy a relatively small portion (186 sq m or 38 percent) of the existing Building 2, and will operate on weekdays during daytime hours only. In this regard, the floor space constraint established by the ZBA, in combination with the limited hours of operation, will effectively limit the number of clientele that can be accommodated at these business operations at any given time. The Board agrees that the proposed uses, both individually and combined, amount to a small-scale business operation.

[55] The evidence was that Building 2 was purposely and carefully designed and sited to avoid conflict with the adjacent Boyce Court Neighbourhood; there was otherwise no evidence indicating that Building 2 has in fact resulted in any compatibility issues with the residential development in this area. Furthermore, there is no reason to believe that the proposed commercial uses will result in the creation of any new impacts. The proposed uses will not result in any physical changes to either the exterior of Building 2,

or the Belmont site as a whole. Likewise, there is no evidence of operational conflict between the long term care facility and the uses being proposed.

[56] The Traffic Impact Study indicates that the infiltration of new traffic into the Boyce Court Neighbourhood will be negligible, and no changes to the area road network will be required. The Parking Justification Study confirms that the 75 on-site parking spaces currently provided (inclusive of nine spaces dedicated to Building 2 uses) exceeds both the requirement established by the City's by-law (between 39 and 59 spaces), and the estimated peak requirement of 66 spaces (at the 3 p.m. shift change).

[57] Mr. MacKay has taken the position that a personal fitness training facility is defined as "Recreational facilities". Ms. Ferguson Aulhouse suggested that the proposed uses are more akin to a "Service Shop". For ease of reference, the ZBL definitions are provided, as follows:

"Recreational facilities" shall mean the use of land for indoor and outdoor recreational facilities such as playgrounds, parks and other facilities, buildings and/or structures for athletic and/or recreational uses such as: a racquet club, a gymnasium, swimming pool, ice rink and similar indoor and outdoor recreational uses.

"Service Shop" shall mean a building or part of a building where personal services are provided such as a barber shop, a beauty salon, a shoe repair shop, and/or other similar services.

[58] Setting aside that I am not convinced that the proposed uses are more appropriately defined as Recreational facilities (as opposed to a Service Shop use), in this case, I find the correctness of definition is inconsequential.

[59] Primarily, both the definitions set out in the ZBL and s. 3.10.1 provide "examples" of permitted uses; by no means can these be taken as an exhaustive list of defined and/or permitted uses. More significantly, notwithstanding Mr. MacKay's evidence "that other personal training facilities in the City are located in either commercial or industrial zones", the Board was not referred to any policy direction indicating that "Recreational facilities" are not permitted in areas designated for Residential use. In fact, the current Provincial planning regime and the principles of good land use planning generally

encourage the provision of playgrounds/parks (also defined as Recreational facilities) within existing and newly developing residential neighbourhoods. Conversely, it is unlikely that an Industrial area would be seen as a favorable location for a park/playground.

[60] The Board gives no weight to the argument that the proposed commercial uses are not "needed" for the "immediate residential neighbourhood". Market demand, and/or consumer choice are not legitimate land use planning considerations. That being said, it is worth noting that from a planning analysis perspective, and for the purpose of s. 3.10.3 a), the low density Boyce Court Neighbourhood alone does not constitute the "immediate residential neighbourhood". At minimum, the mid and high density development (apartment buildings) directly across Bridge Street from the Belmont property would have to be considered.

[61] Likewise, the concern that it would not be possible to control the future clientele of these operations is untenable. Notwithstanding that the same would be true of a convenience store, hair salon, barber shop, or home business (all of which are commercial uses which are permitted in Residential areas) I find the imposing and/or strict adherence of this type of requisite to be problematic because it gives the appearance of "zoning people".

[62] Mr. MacKay cited the introduction of commercial traffic on a local street as a compatibility issue. Given the findings of the Traffic Study in regard to new site traffic, and the City's stated acceptance of the findings of that Study, the Board finds this argument is not sustainable.

[63] Some residents of the Boyce Court Neighbourhood contend that the property owner was not forthright and/or deliberately misrepresented the intended use of Building 2 from the beginning. However, while the Board acknowledges this concern, such is not a legitimate land use planning consideration. In other words, the intent and/or conduct

of an individual is not something which factors into the merits or the determination of a planning application.

[64] Ms. Primeau also expressed concern that the owner could in the future choose to either change or add new commercial uses. To be clear, the permissions being sought by the proposed ZBA provides for a personal fitness training facility and massage therapy clinic occupying a specified area of Building 2 (186 sq m), only. Before the current or any future owner could either expand or change uses, additional approvals would have to be obtained.

[65] As in this case, a concern commonly heard by the Board is that the approval of a certain application will establish precedence. However, planning applications are not decided solely on the basis of precedence. Notwithstanding, that there are planning proposals which are seen to establish "good precedence", both municipal planning authorities and the Board are obligated to assess the planning merits of each application on an individual basis.

[66] Based on the evidence before me, I am satisfied that the policy intent the OP is being appropriately maintained, and the public interest is being duly safeguarded. The uses being proposed will not adversely impact the existing or planned residential uses in this area, nor will they otherwise change the character of the neighbourhood.

[67] In his closing submissions, Mr. Fairbrother raised a concern about the conflicting hours of operation listed in various documents provided by the Applicant/Appellant. Albeit "hours of operation" is not a matter of zoning, per say, given that the Board has considered same in assessing the planning merits of this application, I will withhold the Final Order pending notification from the parties that an agreement has been reached in this regard.

ORDER

[68] The Board orders that the appeal is allowed and the municipality is directed to amend By-law No. 10245 in accordance with the Board's decision.

[69] The Final Order is being withheld pending confirmation from the parties that an agreement has been reached in regard to the "hours of operation".

[70] In this regard, if it is necessary to do so, the Board may be spoken to further.

"M. A. Sills"

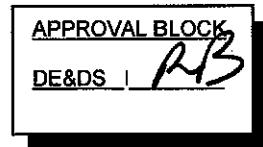
M. A. SILLS
MEMBER

If there is an attachment referred to in this document,
please visit www.elfto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT
PLANNING SECTION
Arthur MacKay, Manager of Policy Planning
Report No. PP-2015-38
November 2, 2015

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

Subject: Urban Agriculture – Henning

Recommendation:

"THAT the Manager of Policy Planning's Report No. PP-2015-38 be received."

SUMMARY:

Ms. Tammy Crew of 20 Linton Park Road has had discussions with the Green Task Force regarding this matter who have subsequently directed her to contact Planning Staff. As per her attached correspondence she is desirous of the City passing a By-Law to allow the keeping of chickens in the urban area of Belleville. This issue has been intensely debated in many communities across Canada, although there does not appear to be any common approach to dealing with the issue.

There are numerous issues that are a concern to City Staff, including property standards, neighbourhood disputes, noise, animal control, and public health. The Ontario Ministry of Agriculture, Food and Rural Affairs has advised that urban agriculture is a complicated issue and that, unlike backyard gardening, the municipality should take a very cautious approach to the idea of urban livestock. They suggest that the following points should be carefully considered:

Animal Health and Public Health:

Livestock and poultry can be sources of diseases that are passed to humans. These animals require health management and veterinary care, as well as bio-security measures to minimize the occurrence and spread of diseases.

Food Safety:

There are both provincial and federal regulations regarding food safety. For example, regulations under the Food Safety and Quality Act, 2001 govern the sale of ungraded eggs.

While people are allowed to keep a limited number of chickens for egg production for their own consumption, ungraded eggs can only be sold for a consumer's own use (i.e. not a commercial activity).

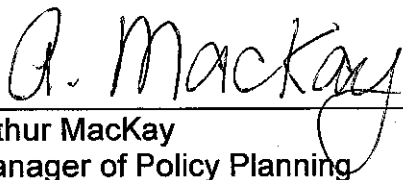
Animal Care:

Basic hygiene is essential when caring for animals, which also need proper shelter, food, water and adequate space to stay healthy. Manure must be disposed of in a safe and environmentally responsible manner. But even with the best care, some animals will die, which means there have to be plans in place for disposing of dead animals. There are Provincial regulations dealing with the disposal of livestock, which can have a significant impact on the costs of keeping livestock.

Predators:

Livestock and poultry also attract predators such as coyotes, rats, skunks, raccoons, foxes and neighbourhood pets. Besides the issue of attracting predators to the urban area there is also a financial component to this issue as a municipality is obligated to compensate an owner for any livestock lost to predators. This could become a significant issue if a large number of individuals keep chickens in the City. Current rates of compensation range from \$30 to \$1200 dollars per chicken depending on the type of chicken and its purpose. The City continuously deals with coyote complaints within the urban area and those and other predators will become more of an issue if large numbers of chickens are kept in the urban area.

In her letter Ms. Crew references certain municipalities, including the City of Quinte West. By-Law 11-138 is the licensing By-Law for Quinte West which permits up to four (4) hens on a minimum of 0.5 acres of land for an 18 month trial basis. The Zoning By-Law amendments that have been passed for the various Quinte West Wards require a minimum of 1 (one) acre of land subject to the enclosure satisfying certain minimum setback requirements from lot lines and adjacent uses.



Arthur MacKay
Manager of Policy Planning

atta

July 10, 2015

To the Planning Advisory Committee,

I have had several conversations with the Green Task Force and Melanie Moorish over the possibility of Belleville getting backyard hens. While they support it in principle, I was referred to the planning department.

I would like to have a few chickens to act as both pets for my children and as producers of eggs for food. I feel that they would teach my children responsibility and understanding on where some of our food comes from. It will also supplement our food (eggs only).

There are several local cities that are now allowing backyard hens, for example Frankford, Trenton, Guelph and Kingston. There are restrictions such as property size, coop size, distance from lot lines, amount of hens allowed, whether roosters are allowed. Quinte West By-Law 11-138 states restrictions regarding waste, selling eggs and disposal of dead hens. Quinte West and Kingston also require coops/hens to be licensed. The city of Guelph will allow its residents to have ducks, geese and pigeons within the city limits as well as poultry as long as they are kept in pens that are kept clean and 50' from other dwellings (not including the owner). There are an increasing number of cities that are allowing backyard hens. There are various regulations in some of the B-Laws, but essentially it basically common sense information. Your lot should be a certain size and have a coop for the chickens that is a certain distance from your lot edge. Roosters are not allowed in the city (due to noise) and chicks need to be at least 4 months old. The amount of waste on the property has to be kept down and any dead birds disposed of and no slaughter the hens on the property. Coops need to be kept clean and hens fed and watered. A lot of the regulations are the same as if you had a dog that stayed outside. I can see the city requiring licenses for the hens, but they need to be reasonable especially if people are doing this to supplement their grocery bill. I would suggest \$5 a bird per year or no more than \$20 per year for a coop (max 4-6 hens included). I think these prices are reasonable and less likely to have unlicensed hens or coops.

Sincerely,

Tammy Crew

Tammy Crew

RECEIVED		
PLANNING SECTION		
SEP - 2 2015		
	ACTION	AMFO
A.M.		AVI
N.T.		
G.P.		
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APPROVAL BLOCK
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CITY OF BELLEVILLE
Spencer Hutchison
Manager, Approvals Section
Engineering and Development Services Department
Report No. APS-2015-38
November 2, 2015

To: Belleville Planning Advisory Committee

Subject: New Street Name
Request for Donation - Charity Fundraiser
Quinte Children's Foundation

Recommendation:

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

"THAT Belleville City Council accept the fundraising request from the Quinte Children's Foundation to auction off the naming rights to a new City street."

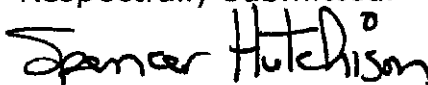
Background:

The Quinte Children's Foundation is seeking the City's support in raising funds by proposing to offer as part of a live auction the rights to name a municipal street in a new subdivision. The Foundations' request is attached as **APPENDIX 1**.

Pursuant to the Municipal Act, City Council has the authority to establish the name of a street and this is normally done as part of the approval of a new plan of subdivision where one or more new streets are to be constructed. To a large extent the developer of a subdivision chooses the street names they wish to have and these names are accepted by the City.

Thus, in this particular case, in a future subdivision in 2016 the municipality will assign the "winning" name to a new street. In doing so, the chosen street name must follow regular street naming protocols in that the name must conform to 9-1-1 requirements and be accepted by City Council.

Respectfully submitted.



Spencer Hutchison

APPENDIX 1**Letter of Request**

October 22, 2015

Mr. Spencer Hutchison
 Manager of Approvals
 Engineering & Development Services Department
 City of Belleville

Dear Spencer,

The following letter is to request a donation for the rights to name a street in Belleville to auction at our Annual Guardian Angel Gala. On March 5th, we will be honouring **Heather and John Williams** for their extraordinary commitments to our Community. We are recognizing this couple who have made an exceptional difference in the lives of our children. On March 5th, 2016 the Sears Atrium will be transformed into "An Affair to Remember" for the 15th Annual Quinte Children's Foundation Guardian Angel Gala.

This is the largest fundraiser for the Foundation. Funds raised will go towards programs such as: Helping Hands, Camps of Hope, Playing for Keeps, Reach for Success Bursary program, just to name a few of the programs The Children's Foundation supports to help children and youth in our community.

The Guardian Angel Gala has a live and silent auction and we would like to have the Naming of a Street as a Live Auction item. Boyd Sullivan is the auctioneer. The tickets for this event are \$150 per person.

If you require additional information please contact Connie Reid at 613.962.9292 ext, 2391, Thank you for your consideration.

Sincerely,

Tom Lafferty

Tom Lafferty, Co-Chair
 Guardian Angel Gala Committee

c Connie Reid, Executive Director

363 Dundas Street West, Belleville, ON K8P 1B3
 t.613.962.9292 f.613.966.3868 e tcf@highlandshorescas.com

www.thechildrensfoundation.ca

Charitable # B92996966 RR0001



**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 Blessington Road, <i>Thurflow</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
2014 B-77-970	Oct 1/14	Manuel Pereira Alan D. Bridge	52 South Front Street 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
B-77-972	Oct 24/14	Belmont Long-Term Care Facility RFA Planning Consultant Inc.	250 Bridge Street West Zoning By-Law amendment to permit personal fitness training facility & massage therapy clinic as an accessory use to nursing home	Public Mtg: Nov 3/14 PAC Decision: Denied Council Denied: Dec 8/14 Appealed to OMB - File Forwarded Jan 22/15 OMB Hearing Date: June 18/15 Final Order Pending Agreement re 'Hours of Operation' - Sept 9/15
2015 B-77-988	Sept 30/15	Lloyd Prins Watson Land Surveyors Ltd.	56 Sills Road, <i>Thurflow</i> Zoning By-Law amendment to permit the severance of a surplus farm dwelling	Public Meeting: Nov 2/15