

# BELLEVILLE PLANNING ADVISORY COMMITTEE

## A G E N D A

JULY 6, 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 2076-80, AS AMENDED – 540 C, 540 D, DUNDAS STREET WEST AND PART OF LOTS 33 AND 34, CONCESSION BROKEN FRONT, FORMER TOWNSHIP OF SIDNEY, NOW IN THE CITY OF BELLEVILLE, COUNTY OF HASTINGS**

**FILE NUMBER: B-77-982**

**APPLICANT: POTTERS CREEK DEVELOPMENT**

**OWNERS: POTTERS CREEK DEVELOPMENT, SUSAN  
PHILLIPS & VELETA WILSON**

**AGENT: RFA PLANNING CONSULTANT INC.**

Notice of Meeting and Map

- 3.2      **PROPOSED AMENDMENT TO ZONING BY-LAW  
NUMBER 3014, AS AMENDED – SOUTH SIDE OF  
MILLENNIUM PARKWAY, TOWNSHIP OF THURLOW, NOW  
IN THE CITY OF BELLEVILLE, COUNTY OF HASTINGS  
FILE NUMBER: B-77-984  
APPLICANT: 1308903 ONTARIO LTD., O/A BAY SUBURU  
OWNER:      PAN PROPERTIES LIMITED  
AGENT:      VAN MEER LIMITED**
- 

Notice of Meeting and Map

5

**4.      ADJOURNMENT**

**BELLEVILLE PLANNING ADVISORY COMMITTEE**

**A G E N D A**

**JULY 6, 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 June 1, 2015

**4. DEPUTATIONS**

- 4.1 Joe O'Connor of Sol Force Energy Inc. will make a deputation to the Committee  
Reports Item 7.1 refers

RESOLUTION

"THAT the deputation of Joe O'Connor of Sol Force Energy Inc. to the Planning Advisory Committee regarding municipal support for a proposed ground mount solar installation on 3 acres of land to be leased at 774 Scuttlehole Road, be received and referred to Reports Item 7.1."

**5. CORRESPONDENCE****6. REFERRALS FROM PUBLIC MEETING**

- 6.1 **PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER 2076-80, AS AMENDED – 540 C, 540 D DUNDAS STREET WEST AND PART OF LOTS 33 AND 34, CONCESSION BROKEN FRONT, FORMER TOWNSHIP OF SIDNEY, NOW IN THE CITY OF BELLEVILLE, COUNTY OF HASTINGS**  
**FILE NUMBER: B-77-982**  
**APPLICANT: POTTERS CREEK DEVELOPMENT**  
**OWNERS: POTTERS CREEK DEVELOPMENT, SUSAN PHILLIPS & VELETA WILSON**  
**AGENT: RFA PLANNING CONSULTANT INC.**

Manager of Policy Planning's Report No. PP-2015-19

9

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 540 C, 540 D Dundas Street West and Part of Lots 33 and 34, Concession Broken Front, former Township of Sidney, now in the City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-law Number 2076-80, as amended, be amended by rezoning the subject lands from 'UH – Urban Holding' and 'CD - District Commercial' to 'R2-28 – Residential Second Density' and 'R2-28-h – Residential Second Density-holding'. The 'h' holding provision shall not permit development until the City is satisfied that the standard of roadway access is suitable for the use."

- 6.2 **PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER 3014, AS AMENDED – SOUTH SIDE OF MILLENNIUM PARKWAY, TOWNSHIP OF THURLOW, NOW IN THE CITY OF BELLEVILLE, COUNTY OF HASTINGS  
FILE NUMBER: B-77-984  
APPLICANT: 1308903 ONTARIO LTD., O/A BAY SUBURU  
OWNER: PAN PROPERTIES LIMITED  
AGENT: VAN MEER LIMITED**
- 

Manager of Policy Planning's Report No. PP-2015-20

**16**

**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 located on the south side of Millennium Parkway, former Township of Thurlow, now City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-law Number 3014, as amended, be amended to rezone the subject lands from 'SI-1-h – Service Industrial-holding', 'SI-2 – Service Industrial' and 'H – Hazard' to a modified 'SI' zone and 'SI-2' zone, respectively, to recognize 43.5 metres of lot frontage and to add motor vehicle sales and service as a permitted use."

**7. REPORTS****7.1 774 SCUTTLEHOLE ROAD, PART OF LOT 31,  
CONCESSION 8, TOWNSHIP OF THURLOW, NOW IN THE  
CITY OF BELLEVILLE, COUNTY OF HASTNGS,  
MUNICIPAL SUPPORT FOR A GROUND MOUNT SOLAR  
SYSTEM**

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Manager of Policy Planning's Report No. PP-2015-21  
Deputations Item 4.1 refers

22

**RESOLUTION**

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that Council endorse the construction and operation by Sol Force Energy Inc. of ground mounted solar photovoltaic panels at 774 Scuttlehole Road, Part of Lot 31, Concession 8, Township of Thurlow, Now in the City of Belleville, County of Hastings, under the Ontario 4.0 Feed-In Tariff Program."

**7.2 NEW POLICY – TREE PLANTING IN NEW PLANS OF  
SUBDIVISION, CITY OF BELLEVILLE**

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Manager, Approvals Section's Report No. APS-2015-19

31

**RESOLUTION**

"THAT the Belleville Planning Advisory Committee recommends the following:

That the draft tree planting policy for new subdivisions as outlined in APPENDIX 2 attached to the Manager of Approvals' Report APS-2015-19 be circulated to the local development industry and applicable City Staff for review and comment and that a follow up report and tree planting policy be presented to the September 8, 2015 PAC meeting."

7.3 **NEW POLICY – PROVISION OF PARKLAND IN NEW PLANS OF SUBDIVISION, CITY OF BELLEVILLE**

Manager, Approvals Section's Report No. APS-2015-20

41

RESOLUTION

"THAT the Belleville Planning Advisory Committee recommends the following:

That a draft parkland policy for new subdivisions as outlined in **APPENDIX 3** attached to the Manager of Approval's Report APS-2015-20 be circulated to the local development industry and applicable City Staff for review and comment and that a follow up report and parkland policy be presented to the September 8, 2015 PAC meeting."

7.4 **NEW BY-LAWS – SITE ALTERATION AND TREE CUTTING IN NEW PLANS OF SUBDIVISION, CITY OF BELLEVILLE**

Manager, Approvals Section's Report No. APS-2015-21

52

RESOLUTION

"THAT the Belleville Planning Advisory Committee recommends the following:

That the site alteration by-law for new subdivisions as outlined in **APPENDIX 2** and the tree cutting by-law for new subdivisions as outlined in **APPENDIX 3** both attached to the Manager of Approval's Report APS-2015-21 be circulated for review and comment and that a follow up report and by-laws be presented to the September 8, 2015 PAC meeting."

8. **INFORMATION MATTERS**

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

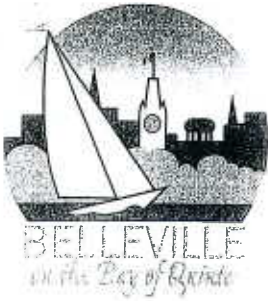
Report to July 6, 2015

74

**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-77-982

**PUBLIC MEETING  
CITY COUNCIL PLANNING COMMITTEE  
CITY HALL - COUNCIL CHAMBER  
169 FRONT STREET  
MONDAY, JULY 6, 2015  
AT 5:30 P.M.**

A Public Meeting will be held to consider an amendment to Zoning By-Law Number 2076-80, as amended. The application is for two (2) single detached residential parcels located at 540 C & 540 D, Dundas Street West, respectively, as well as adjacent vacant lands located in Lots 33 and 34, Concession Broken Front. The lands are currently zoned "UH – Urban Holding" and "CD – District Commercial" and the purpose of the application is to permit the enlargements of 540 C & D, Dundas Street West, as well as to allow the creation of two (2) new single detached residential lots. 540 C & 540 D, Dundas Street West are both proposed to be rezoned to "R2-28 - Residential Second Density" and the two (2) new residential lots rezoned to "R4-48 - Residential Fourth Density". The R4-48 zone would permit minimum lot frontages of 12 metres for the proposed parcels.

The lands are described as 540 C, 540 D Dundas Street West and Part of Lots 33 and 34, Concession Broken Front, former Township of Sidney, now in the City of Belleville, County of Hastings.

**OFFICIAL PLAN:**

The lands are designated "Residential" in the Official Plan as part of the Loyalist Planning Area. Single detached residential development is permitted in the "Residential" designation subject to satisfying various policies.

**ZONING BY-LAW:**

The lands are zoned "UH – Urban Holding" and "CD – District Commercial" in By-Law Number 2076-80, as amended. A rezoning is requested to "R2-28 – Residential Second Density" to permit the enlargements of two (2) existing single detached residential properties. In addition, a rezoning to "R4-48 – Residential Fourth Density" is requested to permit the creation of two (2) new single detached residential lots with proposed minimum frontages of 12 metres.

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).

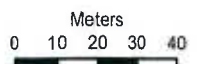
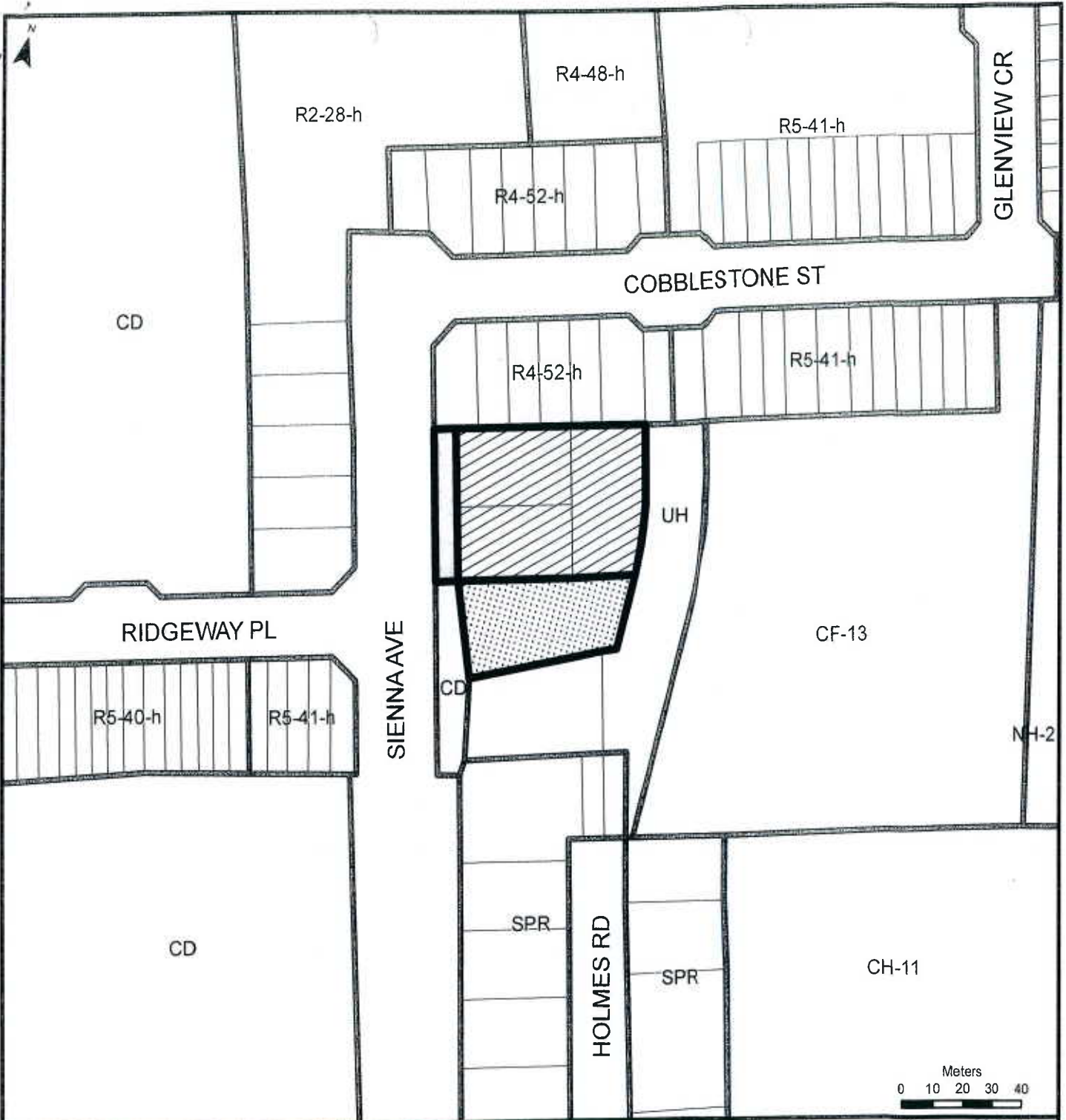
If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Belleville before the by-law is passed, the person or public body is not entitled to appeal the decision of the City of Belleville to the Ontario Municipal Board and may not be added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

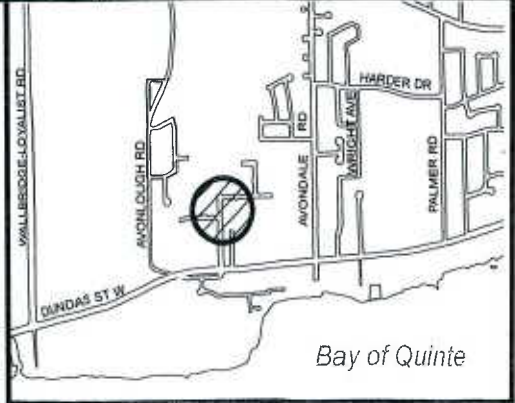
DATED at the City of Belleville this 16<sup>th</sup> day of June, 2015



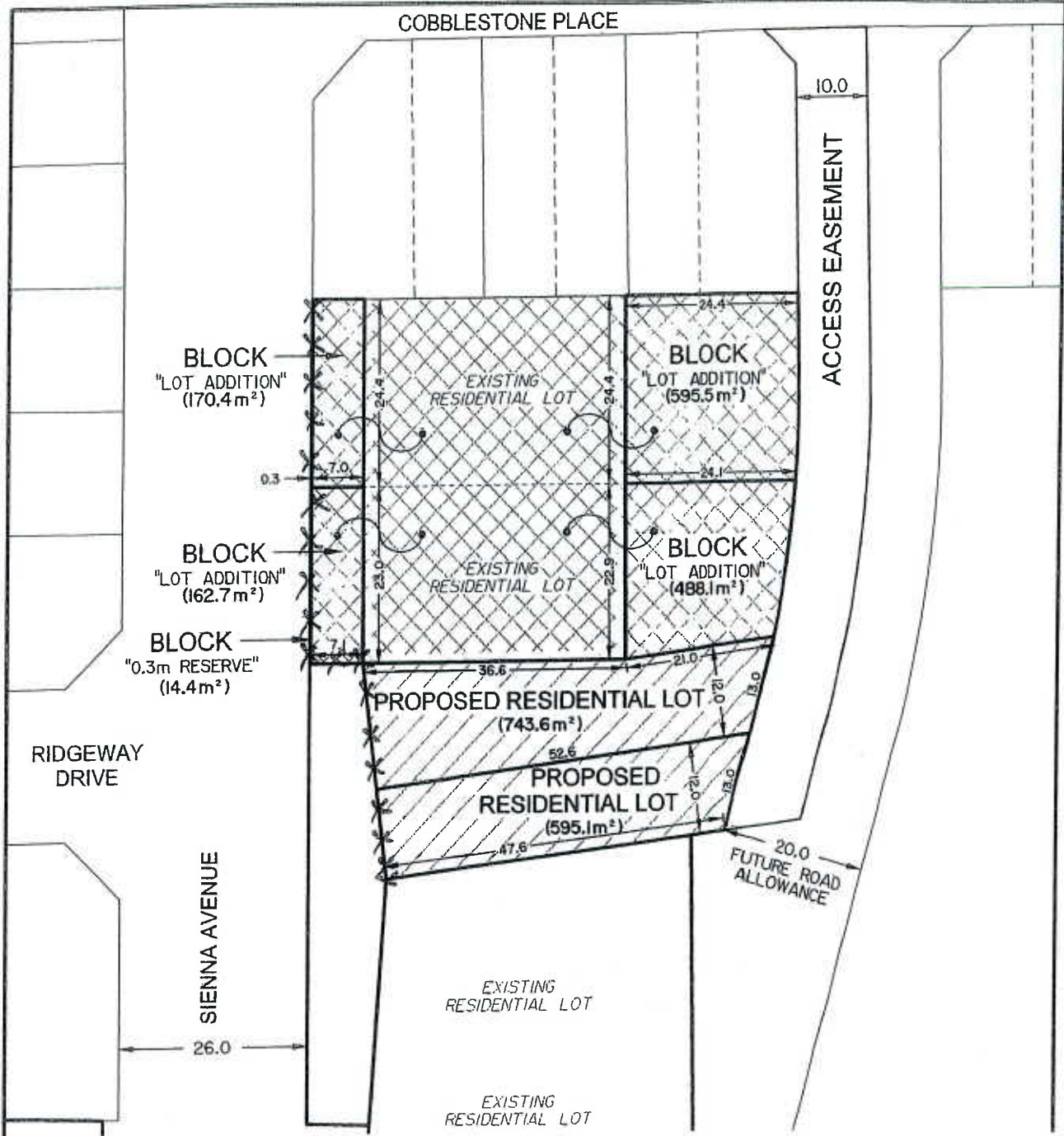
# PROPOSED ZONING BY-LAW AMENDMENT

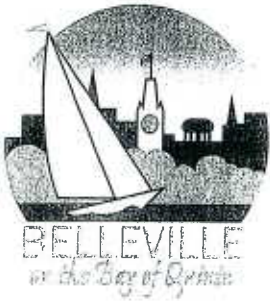
**LOCATION:** POTTERS CREEK PHASE 3

-  - PROPOSED ZONING CHANGE FROM UH (URBAN HOLDING ZONE) TO R2-28 (RESIDENTIAL SECOND DENSITY ZONE WITH SPECIAL PROVISIONS)
-  - PROPOSED ZONING CHANGE FROM CD (DISTRICT COMMERCIAL ZONE) TO R2-28 (RESIDENTIAL SECOND DENSITY ZONE WITH SPECIAL PROVISIONS)
-  - PROPOSED ZONING CHANGE FROM CD (DISTRICT COMMERCIAL ZONE) TO R4-48 (RESIDENTIAL FOURTH DENSITY ZONE WITH SPECIAL PROVISIONS)



**CITY OF BELLEVILLE**  
 ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT





City of Belleville

**Engineering & Development Services Department**

169 Front Street

Tel: 613-968-6481

Fax: 613-967-3262

File No.: B-77-984

**PUBLIC MEETING  
CITY COUNCIL PLANNING COMMITTEE  
CITY HALL - COUNCIL CHAMBER  
169 FRONT STREET  
MONDAY, JULY 6, 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 approximately 2.4 hectares of land located on the south side of Millennium Parkway that is subject to a consent application submitted to the Committee of Adjustment (Committee File # B 27/15). The property is zoned "SI-1-h – Service Industrial-holding", "SI-2 - Service Industrial" and "H – Hazard", and is presently vacant. The applicant requests a rezoning to "SI-2 – Service Industrial" for the proposed retained parcel (approximately 1.7 hectares) and "SI – Service Industrial" with special provisions for the proposed severed parcel (approximately 7,551 square metres). The purpose of the application is to add motor vehicle sales and service as a permitted use to the overall land holding, and to recognize a frontage of 43.5 metres for the proposed severed lot.

The property is described as Part of Lot 30, Registered Plan No. 22, City of Belleville, County of Hastings.

**OFFICIAL PLAN:**

The land is designated "Commercial Land Use" in the City's Official Plan. Motor vehicle sales and service is a permitted use in this designation subject to satisfying various policies in the Plan.

**ZONING BY-LAW:**

The subject land is zoned "SI-1-h – Service Industrial-holding", "SI-2 – Service Industrial" and "H – Hazard" in Zoning By-Law Number 3014, as amended. The applicant is requesting a change to the SI zone provisions for the subject lands (approximately 2.4 hectares) that would add motor vehicle sales and service as a permitted use. In addition a special provision is requested for a parcel proposed to be severed (approximately 7,551 square metres) to recognize a minimum lot frontage of 43.5 metres versus the minimum requirement of 45 metres.

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).

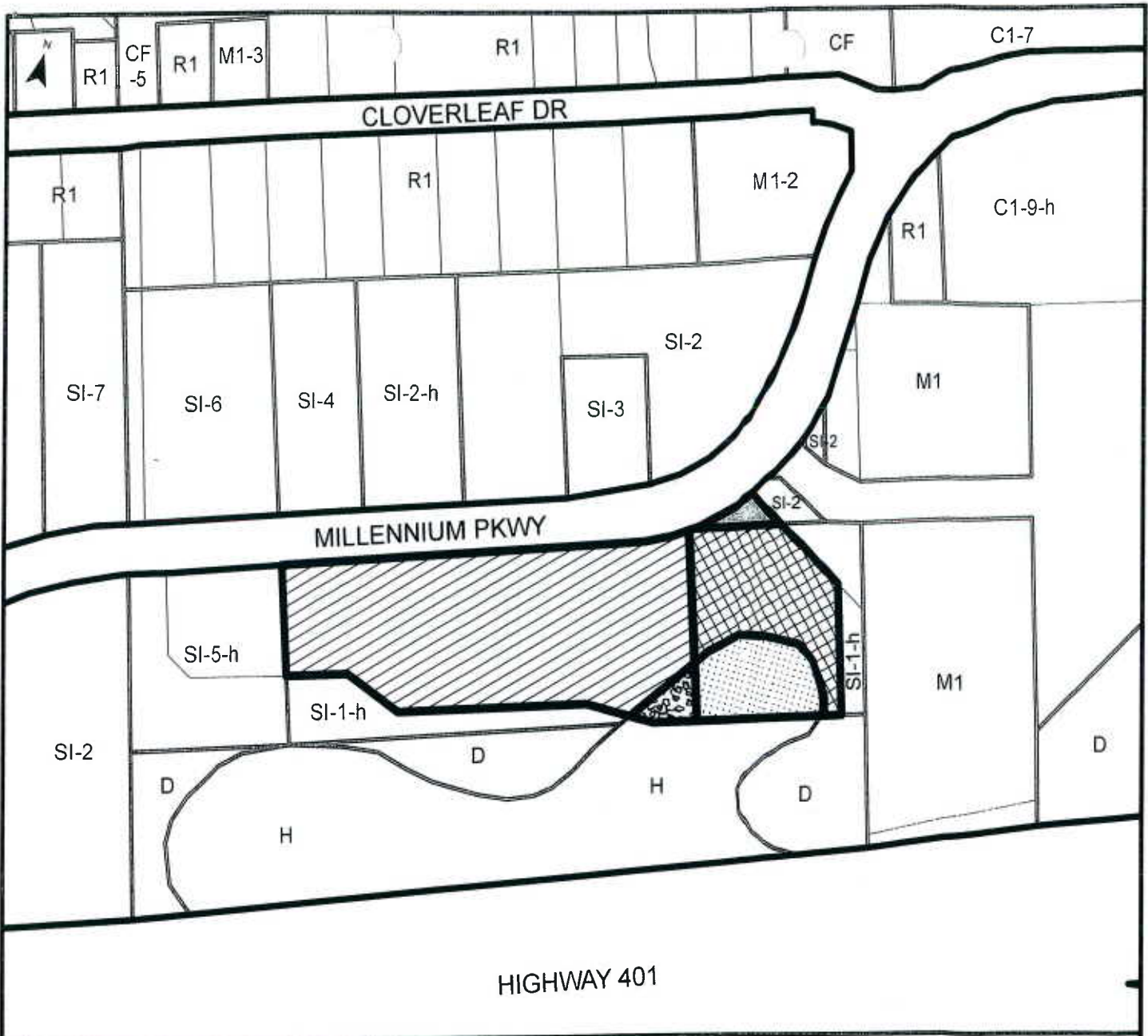
If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Belleville before the by-law is passed, the person or public body is not entitled to appeal the decision of the City of Belleville to the Ontario Municipal Board and may not be added 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 16<sup>th</sup> day of June, 2015



# PROPOSED ZONING BY-LAW AMENDMENT

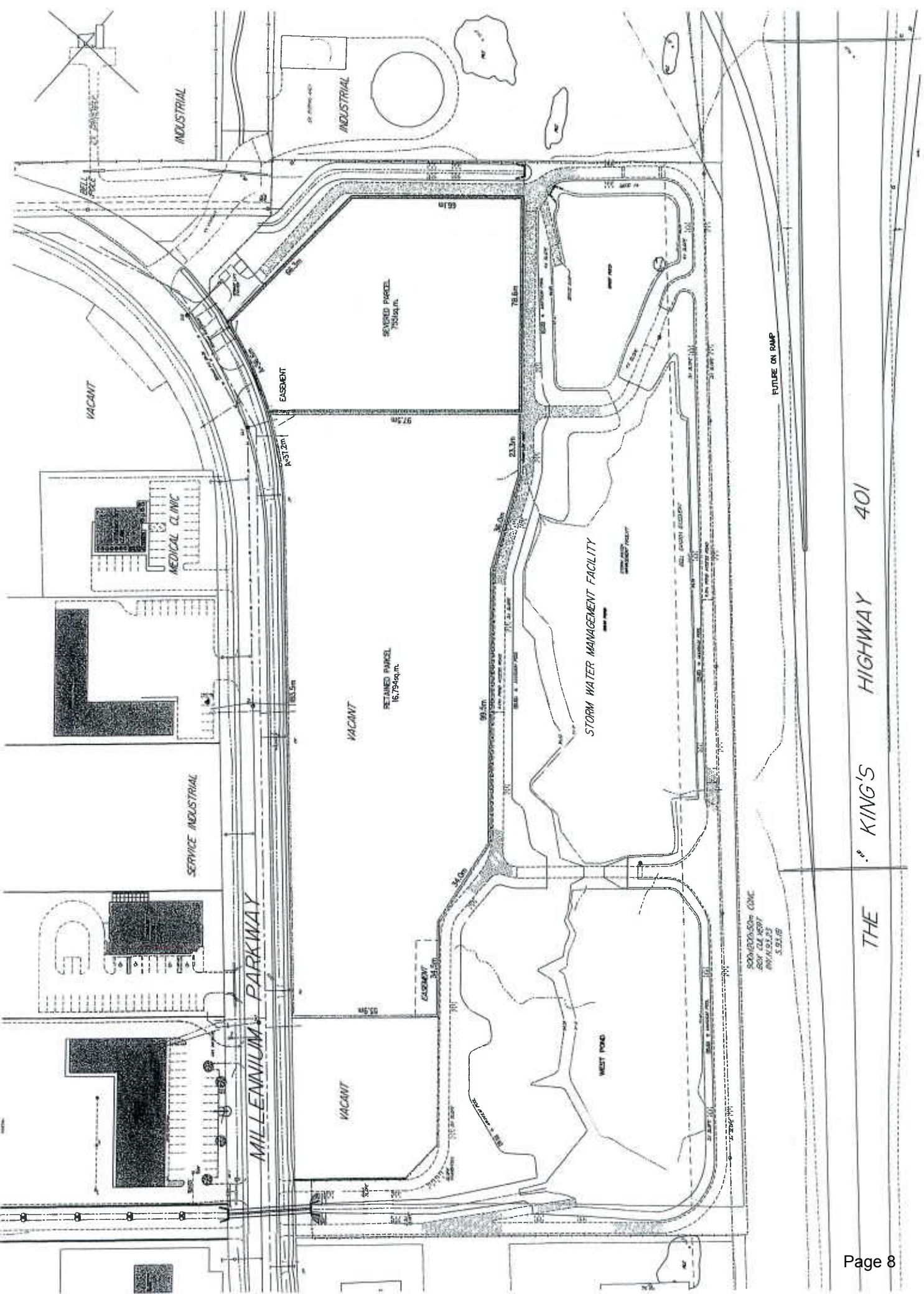
**LOCATION:** MILLENNIUM PKWY

-  - PROPOSED ZONING CHANGE FROM H (HAZARD ZONE) TO SI-2 (SERVICE INDUSTRIAL ZONE WITH SPECIAL PROVISIONS)
-  - PROPOSED ZONING CHANGE FROM H (HAZARD ZONE) TO SI (SERVICE INDUSTRIAL ZONE) WITH SPECIAL PROVISIONS
-  - PROPOSED ZONING CHANGE FROM SI-1-h (SERVICE INDUSTRIAL HOLDING ZONE WITH SPECIAL PROVISIONS) TO SI-2 (SERVICE INDUSTRIAL ZONE) WITH SPECIAL PROVISIONS
-  - PROPOSED ZONING CHANGE FROM SI-1-h (SERVICE INDUSTRIAL HOLDING ZONE WITH SPECIAL PROVISIONS) TO SI (SERVICE INDUSTRIAL ZONE) WITH SPECIAL PROVISIONS
-  - PROPOSED ZONING CHANGE FROM SI-2 (SERVICE INDUSTRIAL ZONE WITH SPECIAL PROVISIONS) TO SI (SERVICE INDUSTRIAL ZONE) WITH SPECIAL PROVISIONS



**CITY OF BELLEVILLE**

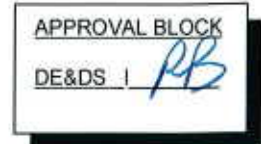
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT



500/200/50-01-01C  
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 01/15/2018  
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THE KING'S HIGHWAY 401





**CITY OF BELLEVILLE**  
**ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING SECTION**  
**Arthur MacKay, Manager of Policy Planning**  
**Report No. PP-2015-19**  
**July 6, 2015**

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

**Subject:** Proposed Amendment to Zoning By-Law Number 2076-80, as Amended –  
540 C, 540 D Dundas Street West and Part of Lots 33 and 34, Concession  
Broken Front, Former Township of Sidney, Now in the City of Belleville,  
County of Hastings  
File Number: B-77-982  
Applicant: POTTERS CREEK DEVELOPMENT  
Owners: POTTERS CREEK DEVELOPMENT, SUSAN PHILLIPS &  
VELETA WILSON  
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 application to amend the City's Zoning By-Law Number 2076-80, as amended, for 540 C, 540 D Dundas Street West and Part of Lots 33 and 34, Concession Broken Front, Former Township of Sidney, Now in the City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-Law Number 2076-80, as amended, be amended by rezoning the subject lands from 'UH - Urban Holding' and 'CD - District Commercial' to 'R2-28 - Residential Second Density' and 'R2-28-h - Residential Second Density-holding'. The 'h' holding provision shall not permit development until the City is satisfied that the standard of roadway access is suitable for the use."

**SUMMARY:**

The subject application is for the two (2) single detached residential parcels located at 540 C & 540 D, Dundas Street West, respectively, as well as adjacent vacant lands located in Lots 33 and 34, Concession Broken Front. The lands are currently zoned "UH – Urban Holding" and "CD – District Commercial" and the requested changes are for the purpose of permitting the enlargements of 540 C & 540 D, Dundas Street West, as well as to allow the creation of two (2) new single detached residential lots.

The Applicant has requested that 540 C & 540 D, Dundas Street West both be rezoned to "R2-28 – Residential Second Density" and that the two (2) new residential lots be rezoned to "R4-48 – Residential Fourth Density". The R4-48 zone would permit minimum lot frontages of 12 metres for the proposed parcels.

Based on comments received from the residents on Holmes Road, the size of the parcels contiguous to the north, as well as the condition of the laneway access that the proposed two (2) lots will be utilizing, Staff recommend, however, that this parcel be limited to a maximum of one (1) residential lot by also rezoning the land to the same R2-28 zone (minimum lot frontage of 15 metres). In addition, it is recommended that an "h" holding symbol be attached to this parcel that restricts development until the standard of the roadway access is determined to be satisfactory to the City.

On the basis of the foregoing, Planning Staff recommends that the application be approved.

**BACKGROUND:****Purpose and Effect**

The proposed Zoning By-Law amendment applies to approximately 2.2 hectares of land located contiguous to the Potters Creek Subdivision.

The purpose of the application is to amend Sidney Zoning By-Law Number 2076-80, as amended, to permit the enlargement of two (2) parcels that contain single detached residential dwellings, as well as to allow the construction of two (2) additional single detached dwellings.

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

**Subject Property**

- Site Characteristics

The site comprises approximately 2.2 hectares of land that includes two (2) single detached dwellings.

- Adjacent Land Uses

To the south are residential properties fronting on Holmes Road. To the west, north and east are lands within the Potters Creek residential development.

### **Official Plan**

The lands are designated "Residential" in the Official Plan as part of the Loyalist Planning Area. Single detached residential development is permitted in the "Residential" designation subject to satisfying various policies.

The proposal complies with the Official Plan.

### **Zoning By-Law**

The lands are zoned "UH – Urban Holding" and "CD – District Commercial" in By-Law Number 2076-80, as amended. A rezoning is requested to "R2-28 – Residential Second Density" to permit the enlargements of two (2) existing single detached residential properties. In addition, a rezoning to "R4-48 – Residential Fourth Density" is requested by the Applicant to permit the creation of two (2) new single detached residential lots with proposed minimum lot frontages of 12 metres.

### **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, Hastings & Prince Edward Counties Health Unit and Quinte Conservation on June 16, 2015.

Quinte Conservation advises that they have no concern.

- 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, the Department of Recreation, Culture and Community Services and the Manager of Approvals on June 16, 2015.

Recreation, Culture and Community Services and Belleville Fire and Emergency Services has no comment or concern.

The Approvals Section advises that the proposed zoning better reflects the current use.

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

- **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 June 16, 2015. Notice was also provided by advertisement in The Intelligencer.

On June 26 a meeting was held at City Hall with the residents of Holmes Road to discuss their concerns about allowing future access to Holmes Road from the subdivision to the north, as well as the specifics of the rezoning application.

These residents have been advised by both Staff and the developer that there will be no access for motor vehicles from Holmes Road where it currently terminates northwards into the lands of the Potters Creek subdivision.

### **Planning Analysis**

The Applicant has requested that 540 C & 540 D, Dundas Street West both be rezoned to "R2-28 – Residential Second Density" and that the two (2) new residential lots be rezoned to "R4-48 – Residential Fourth Density". The R4-48 zone would permit minimum lot frontages of 12 metres for the proposed parcels with lot areas of 743.6 square metres and 595.1 square metres, respectively.

The R2-28 zoning requested (from "UH – Urban Holding") for the two (2) residential dwellings better reflects the existing uses of these properties. It will also accommodate the additional land that is being conveyed to these properties which will permit access to the laneway to the east for the purpose of providing a connection to Cobblestone Street. This will serve to provide clearly identified access points for deliveries and emergency vehicles from Cobblestone, rather than the previous reliance on Dundas Street West. Due to the design and grading of Sienna Avenue to the west, there will be no driveways or entranceways from the east side of this road to the subject properties. Thus the only access available is to the east of these dwellings and then north to Cobblestone.

As well, placing the vacant land to the south in a residential zone classification is more appropriate than the current "CD – District Commercial" zoning. However, the laneway that will provide access to Cobblestone Street is graveled and is not contemplated to be assumed as a municipal street. Given that deficiency, Staff recommend that only one (1) dwelling be permitted rather than the two (2) requested by the Applicant.

In addition, the allowance for only a single lot is more appropriate given the relative sizes of the contiguous residential parcels to the north (1.04 and 0.98 hectares, respectively, accounting for the additional land to be conveyed) as well as the contiguous property to the south (approx. 1.5 hectares) that fronts on Holmes Road.

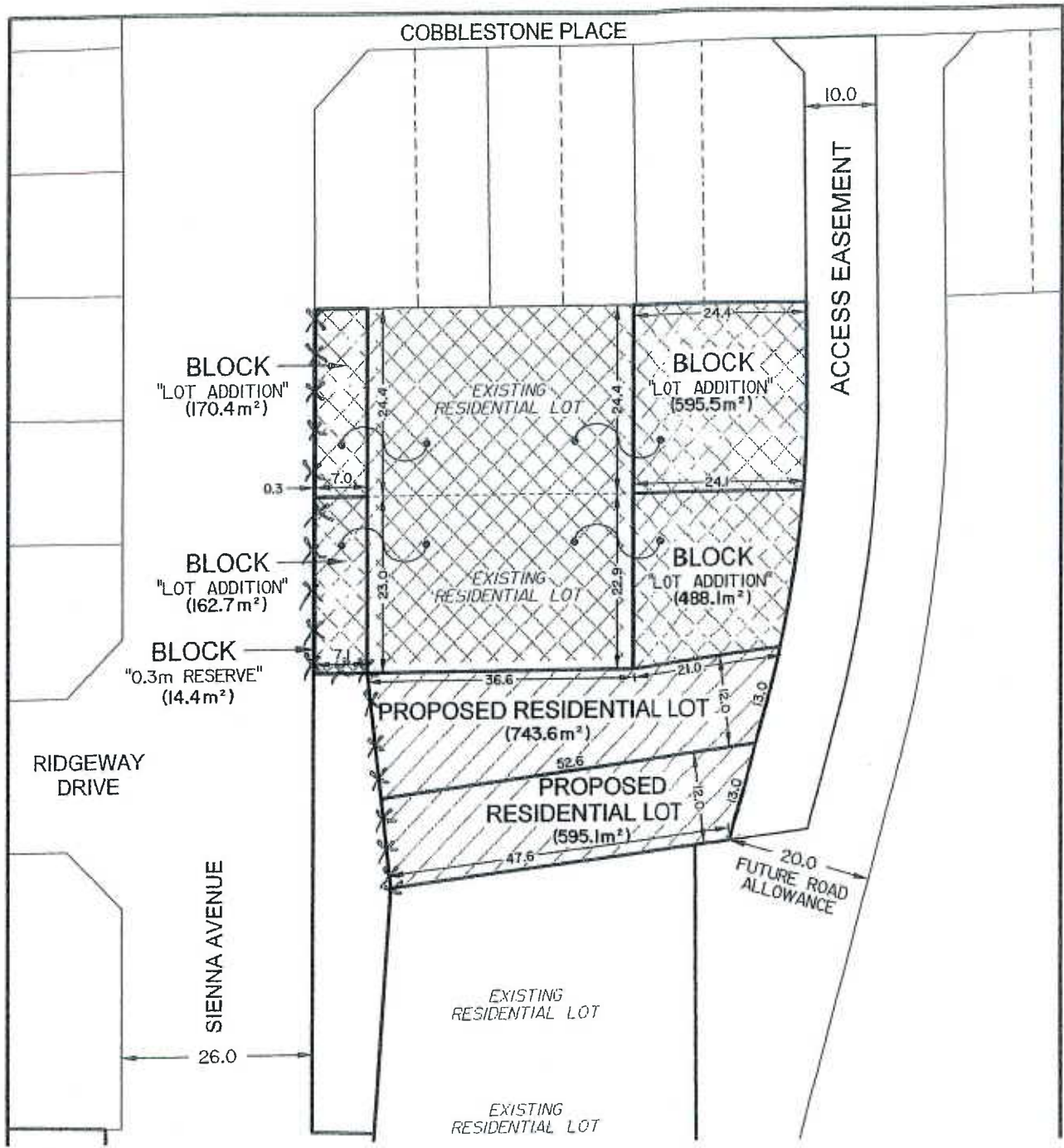
Attaching the R2-28 zone, with a minimum lot frontage of 15 metres, will achieve this result and will also match the proposed zoning of the parcels to the north.

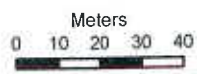
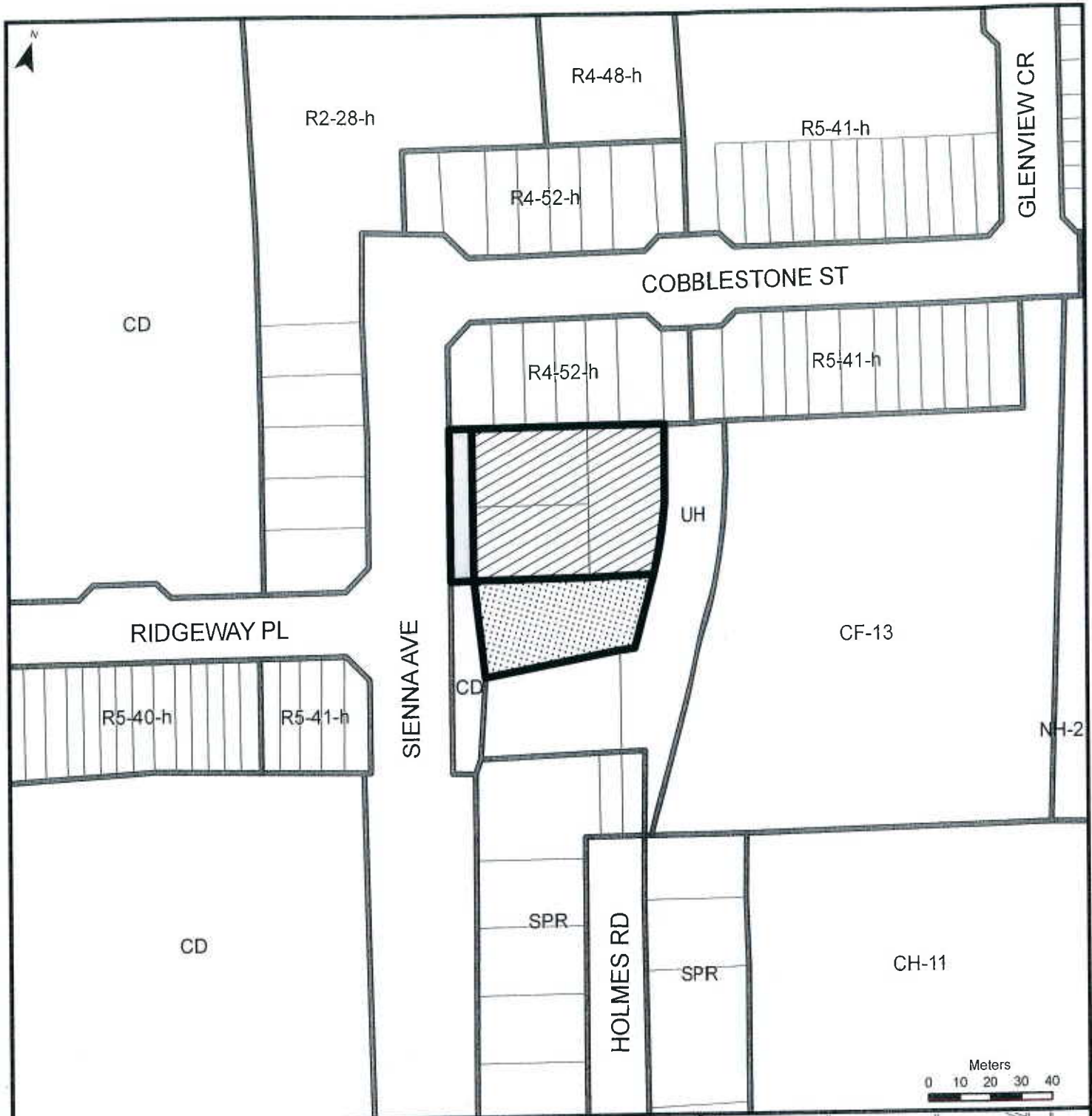
Finally, if this application is approved it is recommended that an "h" holding symbol be attached to this vacant parcel that would restrict development until the City determines the appropriate minimum construction standard required for the roadway access to this proposed parcel.



Arthur MacKay  
Manager of Policy Planning




atta

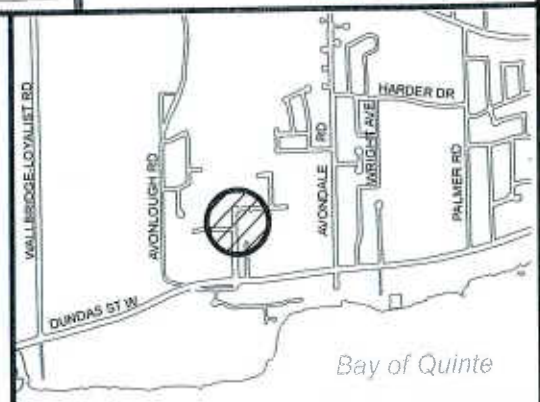




# PROPOSED ZONING BY-LAW AMENDMENT

**LOCATION:** POTTERS CREEK PHASE 3

- 
 - PROPOSED ZONING CHANGE FROM UH (URBAN HOLDING ZONE) TO R2-28 (RESIDENTIAL SECOND DENSITY ZONE WITH SPECIAL PROVISIONS)
- 
 - PROPOSED ZONING CHANGE FROM CD (DISTRICT COMMERCIAL ZONE) TO R2-28 (RESIDENTIAL SECOND DENSITY ZONE WITH SPECIAL PROVISIONS)
- 
 - PROPOSED ZONING CHANGE FROM CD (DISTRICT COMMERCIAL ZONE) TO R4-48 (RESIDENTIAL FOURTH DENSITY ZONE WITH SPECIAL PROVISIONS)



**CITY OF BELLEVILLE**  
 ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT



APPROVAL BLOCK

DE&DS. | RB

**CITY OF BELLEVILLE**  
**ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING SECTION**  
**Arthur MacKay, Manager of Policy Planning**  
**Report No. PP-2015-20**  
**July 6, 2015**

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

**Subject:** Proposed Amendment to Zoning By-Law Number 3014, As Amended –  
South Side of Millennium Parkway, Township of Thurlow, Now in the City  
of Belleville, County of Hastings  
File Number: B-77-984  
Applicant: 1308903 ONTARIO LIMITED, o/a BAY SUBARU  
Owner: PAN PROPERTIES LIMITED  
Agent: VAN MEER LIMITED

**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 property located on the south side of Millennium Parkway, former Township of Thurlow, now City of Belleville, County of Hastings, be APPROVED as follows:

THAT Zoning By-Law Number 3014, as amended, be amended to rezone the subject lands from 'SI-1-h – Service Industrial-holding', 'SI-2 – Service Industrial' and 'H – Hazard' to a modified 'SI' zone and 'SI-2' zone, respectively, to recognize 43.5 metres of lot frontage and to add motor vehicle sales and service as a permitted use."

**SUMMARY:**

The Applicant requests a rezoning of approximately 2.4 hectares of land located on the south side of Millennium Parkway that is subject to a consent application submitted to



the Committee of Adjustment (Committee File # B 27/15). The property is zoned "SI-1-h – Service Industrial-holding", "SI-2 – Service Industrial" and "H – Hazard", and is presently vacant. The Applicant requests a rezoning to "SI-2 – Service Industrial" for the proposed retained parcel (approximately 1.7 hectares) and "SI – Service Industrial" with special provisions for the proposed severed parcel (approximately 7,551 square metres). The purpose of the application is to add motor vehicle sales and service as a permitted use to the overall land holding, as well to recognize a frontage of 43.5 metres for the proposed severed lot.

The subject land is designated "Commercial Land Use" in the City's Official Plan. Within the "Commercial Land Use" designation, motor vehicle sales and service is a permitted use.

The proposed development complies with the Official Plan and is compatible with the adjacent land uses.

Planning Staff are satisfied that the use is appropriate for the location and therefore, it would be appropriate to approve the Zoning By-Law amendment.

## **BACKGROUND:**

### **Purpose and Effect**

The proposed Zoning By-Law amendment applies to approximately 2.4 hectares of vacant land located on the south side of Millennium Parkway.

The purpose of the application is to amend the Thurlow Ward Zoning By-Law Number 3014, as amended, to permit the proposed severed parcel subject to Committee of Adjustment File # B 27/15 to be developed for motor vehicle sales and service.

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

### **Subject Property**

- Site Characteristics

The site comprises approximately 2.4 hectares of vacant land on the south side of Millennium Parkway.

- Adjacent Land Uses

To the south are lands owned by the City and which contain a stormwater management facility. To the east is located a Ministry of Transportation sand/salt dome facility. To the north are located commercial uses and to the west the land is vacant.

## **Official Plan**

The property is designated "Commercial Land Use" in the City Official Plan as part of the Cannifton Planning Area. The policies of the Plan permit motor vehicle sales and service, in addition to a range of other commercial uses.

The proposal complies with the Official Plan.

## **Zoning By-Law**

The subject land is zoned "SI-1-h – Service Industrial-holding", "SI-2 – Service Industrial" and "H – Hazard" in Zoning By-Law Number 3014, as amended. The Applicant is requesting a change to the SI zone provisions for the subject lands (approximately 2.4 hectares) that would add motor vehicle sales and service as a permitted use. In addition a special provision is requested for a parcel proposed to be severed (approximately 7,551 square metres of area) to recognize a minimum lot frontage of 43.5 metres versus the minimum requirement of 45 metres.

## **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, Hastings & Prince Edward Counties Health Unit, Ministry of Transportation and Quinte Conservation on June 16, 2015.

Quinte Conservation advises that they have no concern.

The Ministry of Transportation does not object to the rezoning but advises that a Ministry permit is required given the separation distance of the development from Provincial Highway # 401. They also note that stormwater management will need to be addressed, including illumination and sign placement if visible from Highway 401. In addition, drainage from the site shall not negatively impact the Highway 401 drainage system.

If this application is approved, these matters will be addressed as part of the site plan review.

- 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, the Department of

Recreation, Culture and Community Services and the Manager of Approvals on June 16, 2015.

Recreation, Culture and Community Services and Belleville Fire and Emergency Services has no comment or concern.

The Approvals Section advises that, if approved, the property will be subject to the Site Plan Approval Process. They also suggest that the special frontage requirement requested should not be granted.

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

- 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 June 16, 2015. Notice was also provided by advertisement in The Intelligencer.

To date, no comments or inquiries have been received regarding this application.

### **Planning Analysis**

The proposed amendment complies with policies of the Official Plan and is appropriate for the location. It is noted that other lands in proximity to the west have been previously rezoned (1998) and subsequently developed to permit motor vehicle sales and service uses.

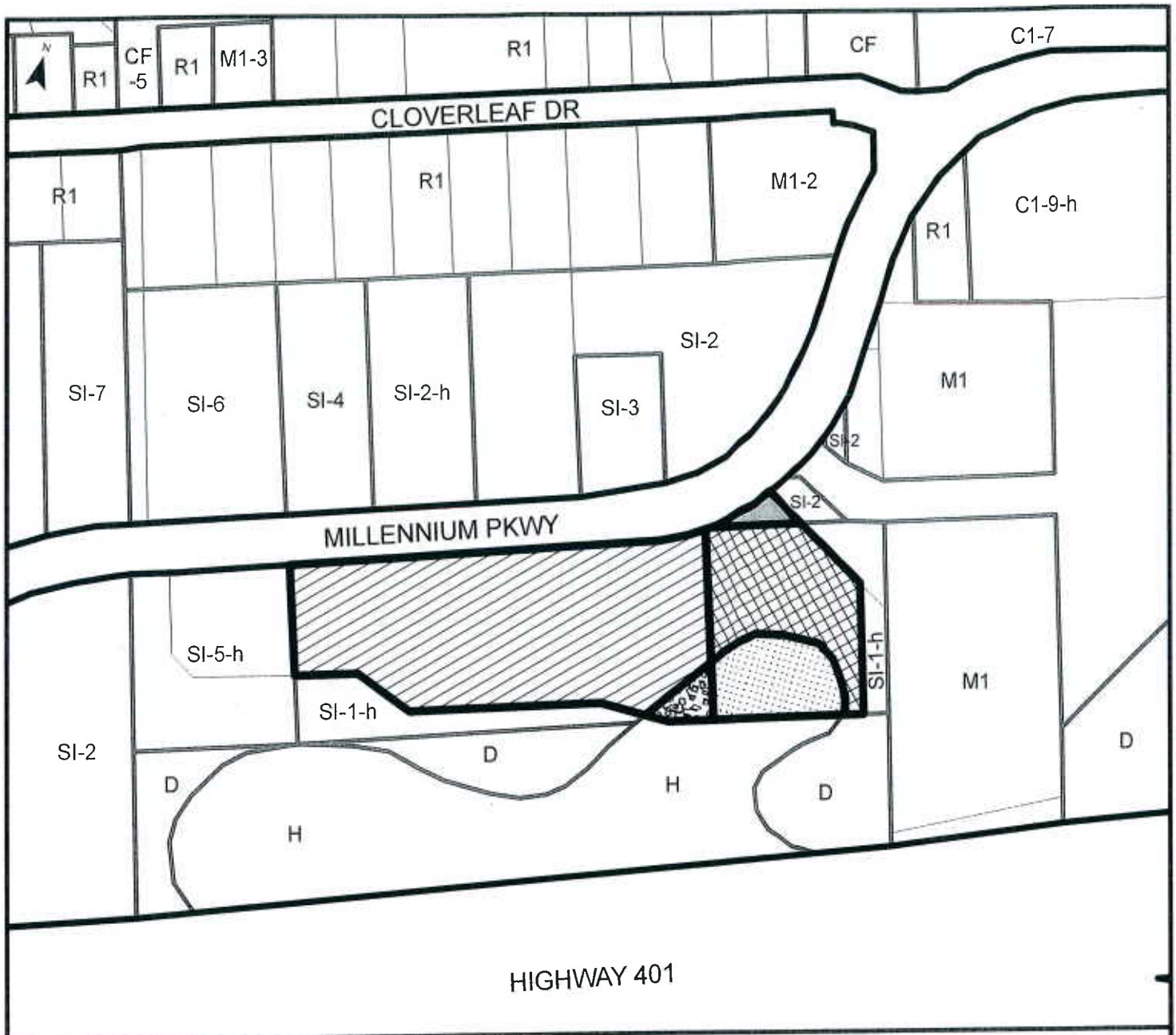
The request for frontage relief from the minimum requirement of 45 metres to 43.5 metres is dictated by the land owner not willing to convey additional land for this proposed transaction. It is also noted that for those lots with a curved front lot line, frontage is measured on a straight line which is tangent to the midpoint of a curved line which is 7.5 metres back from, and parallel to, the front lot line.

Finally, if approved, this proposal will be subject to Site Plan Control Approval which will address the pertinent engineering and technical requirements.








Arthur MacKay  
Manager of Policy Planning

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# PROPOSED ZONING BY-LAW AMENDMENT

**LOCATION:** MILLENNIUM PKWY

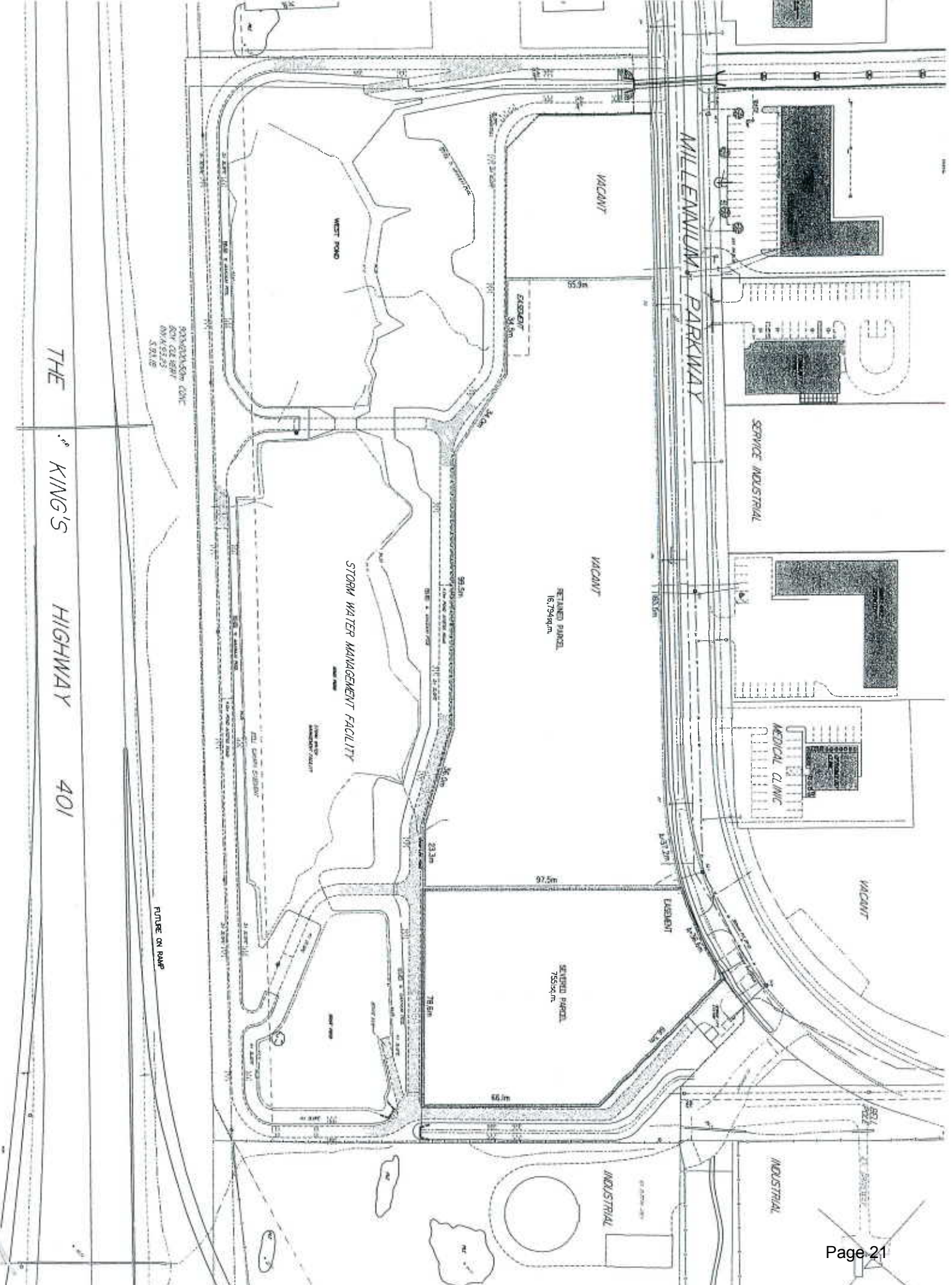
-  - PROPOSED ZONING CHANGE FROM H (HAZARD ZONE) TO SI-2 (SERVICE INDUSTRIAL ZONE WITH SPECIAL PROVISIONS)
-  - PROPOSED ZONING CHANGE FROM H (HAZARD ZONE) TO SI (SERVICE INDUSTRIAL ZONE) WITH SPECIAL PROVISIONS
-  - PROPOSED ZONING CHANGE FROM SI-1-h (SERVICE INDUSTRIAL HOLDING ZONE WITH SPECIAL PROVISIONS) TO SI-2 (SERVICE INDUSTRIAL ZONE) WITH SPECIAL PROVISIONS
-  - PROPOSED ZONING CHANGE FROM SI-1-h (SERVICE INDUSTRIAL HOLDING ZONE WITH SPECIAL PROVISIONS) TO SI (SERVICE INDUSTRIAL ZONE) WITH SPECIAL PROVISIONS
-  - PROPOSED ZONING CHANGE FROM SI-2 (SERVICE INDUSTRIAL ZONE WITH SPECIAL PROVISIONS) TO SI (SERVICE INDUSTRIAL ZONE) WITH SPECIAL PROVISIONS



**CITY OF BELLEVILLE**

ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT

THE KING'S HIGHWAY 401



90x60x15.0m CONC  
80V C28 80M  
0M/4.52/5  
5.21/6

STORM WATER MANAGEMENT FACILITY

MILLENNIUM PARKWAY

SERVICE INDUSTRIAL

MEDICAL CLINIC

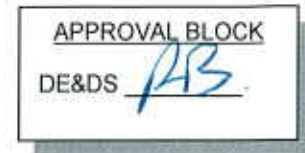
INDUSTRIAL

INDUSTRIAL

RETAINED POND  
16,794sq.m.

GENERAL POND  
7551sq.m.

FUTURE ON RAMP



**CITY OF BELLEVILLE**  
**ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING SECTION**  
**Arthur MacKay, Manager of Policy Planning**  
**Report No. PP-2015-21**  
**July 6, 2015**

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

**Subject:** 774 Scuttlehole Road, Part of Lot 31, Concession 8, Township of Thurlow,  
Now in the City of Belleville, County of Hastings  
Municipal Support for a Ground Mount Solar System

**Recommendation:**

"THAT the Belleville Planning Advisory Committee recommends to the Council of The Corporation of the City of Belleville that Council endorse the construction and operation by Sol Force Energy Inc. of ground mounted solar photovoltaic panels at 774 Scuttlehole Road, Part of Lot 31, Concession 8, Township of Thurlow, Now in the City of Belleville, County of Hastings, under the Ontario 4.0 Feed-In Tariff Program."

**BACKGROUND:**

The subject application for Municipal support under the 4.0 Feed-in-Tariff (FIT) Program pertains to the proposed installation of 250 kW ground mounted solar panels on approximately three (3) acres of land that is part of a larger land holding comprising approximately 142 acres that extends both north and south of Scuttlehole Road. As noted by Sol Force Energy in their submitted correspondence the project will be set back approximately 150 metres (492 feet) from the road and screened by a six (6) foot high fence covered with green textilene.

Joe O'Connor on behalf of Sol Force Energy will be a deputation before the Committee to speak to this request.

The location of the project is zoned "RU – Rural" in the Zoning By-Law and are designated "Rural Land Use" in the Official Plan. Given the "Rural Land Use" designation of the Plan, the lands are not protected as an agricultural resource by the Ministry of Agriculture, Food and Rural Affairs or the Provincial Policy Statement.

A handwritten signature in black ink that reads "A. MacKay". The signature is written in a cursive style with a large, looping "A" and "K".

---

Arthur MacKay  
Manager of Policy Planning



June 23, 2015

Mayor Taso A. Christopher and Council

<b>RECEIVED</b>		
PLANNING SECTION		
JUN 29 2015		
	ACTION	INFO
A.M.		AM
N.T.		
G.P.		
J.B.		

Sol Force Energy Inc and its numbered company, 1933360 Ontario Inc, are asking for your municipal council support on an application which will be submitted for a FIT4 contract. The project is a 250 kW ground mount solar installation on 3 acres of land leased from Mr Goodfellow located at 774 Scuttlehole Rd.

Sol Force Energy is a locally owned company located in Napanee. We have built dozens of solar projects in Eastern Ontario and we are currently developing four FIT2 roof top solar projects in Greater Napanee.

There are many factors which make our site ideal for this ground mount installation on Scuttlehole Road.

The footprint of the panels will occupy an area half the size of a football field and the panels will be screened by a 6 foot high fence covered with green textilene around the perimeter. Existing trees will completely hide the site from the road.

As with all of our sites, and according to the IESO rules, this site is on non-prime 4-7 soil classification on the Canada Land Inventory Maps and it is zoned rural.

Before construction begins, we must apply for a permit from EASR ( Environmental Activity Registry Sector).

The site is ideal for drainage as the soil is over fractured limestone that will continue to absorb water as it always has.

The landowner would like to have the 20 year guaranteed income from cropping solar. As well, Mr Goodfellow would be in a position to help with construction and long term operation and maintenance, namely grass cutting, snow removal and panel washing.

This small solar garden will prevent 87,000 tons or more of carbon from entering the environment over the twenty year contract.

We employ local labour, we buy from local suppliers (concrete, gravel, electrical parts and equipment rental etc), money stays here in the community.

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P.O. Box 314 Napanee, Ont. K7R 3M4 613-354-1100 / 1-855-354-1110

www.solforceenergy



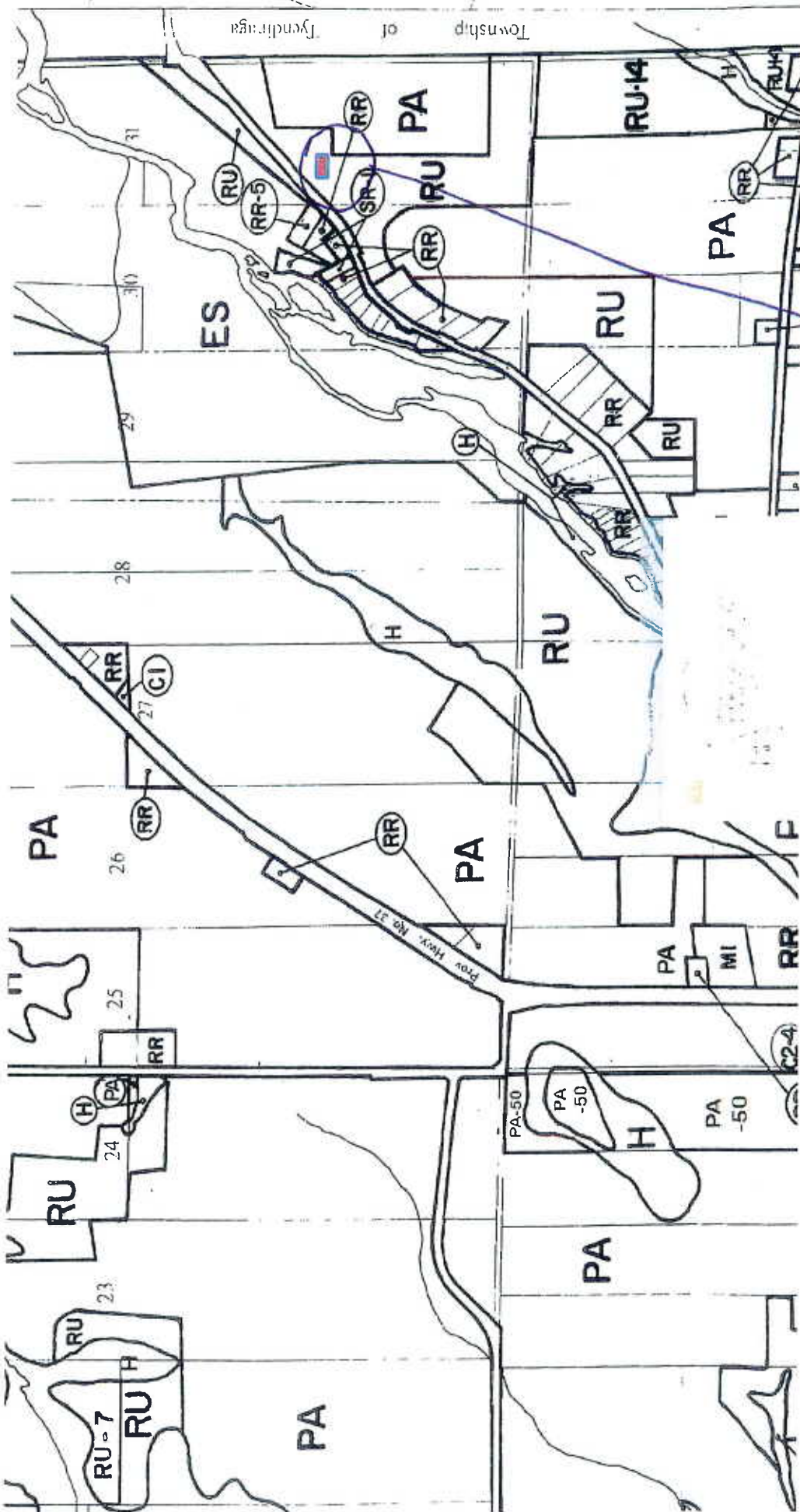


We are competing for a small amount of available capacity on the electrical grid. We need the two points that Council has in its power to give us in order to be awarded a contract. We ask that you support our application because we are local and we will maintain the site to the highest standards.

Thank you all for your consideration,

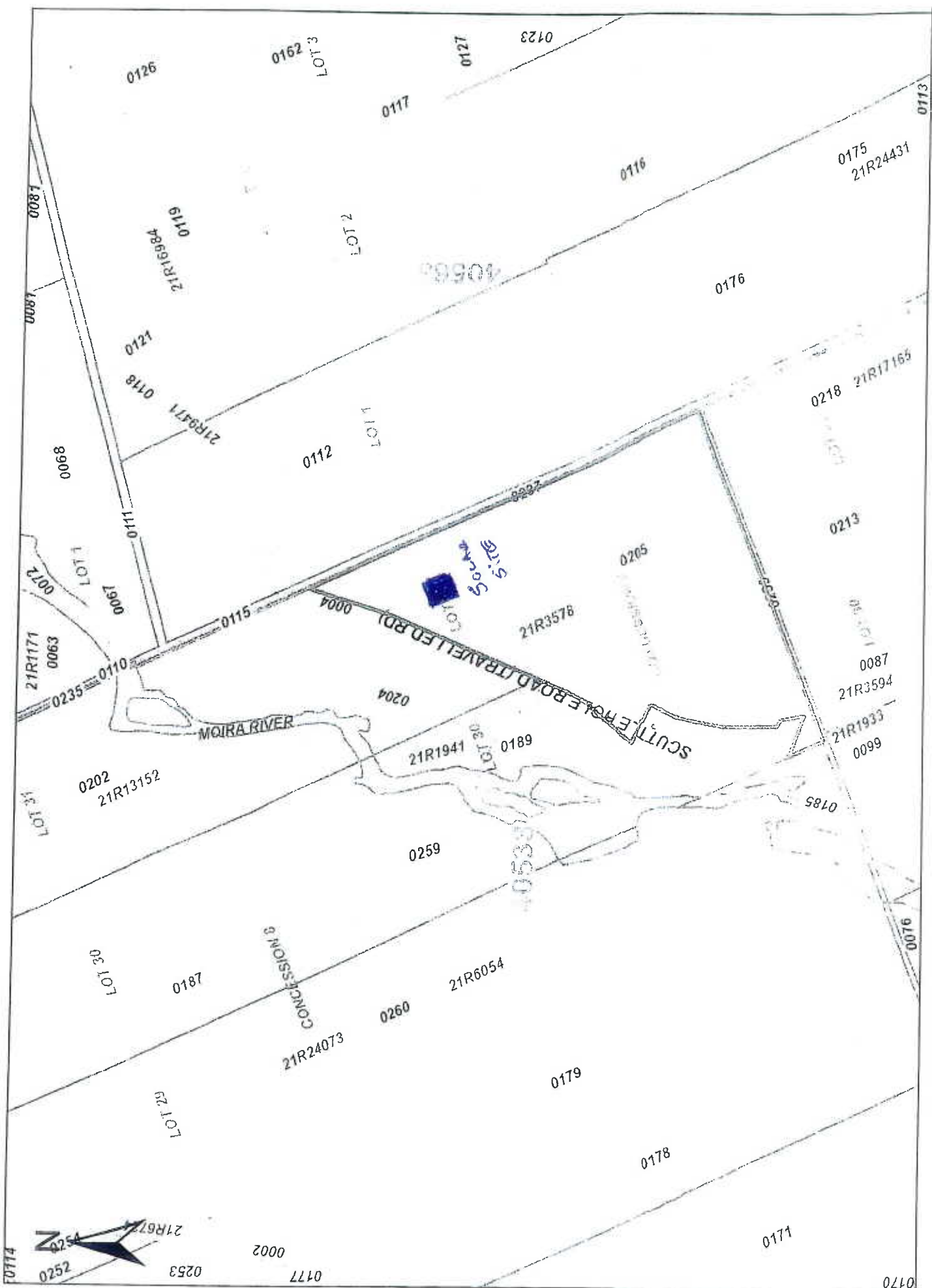
A handwritten signature in blue ink that reads "Joe O'Connor". The signature is fluid and cursive.

Joe O'Connor

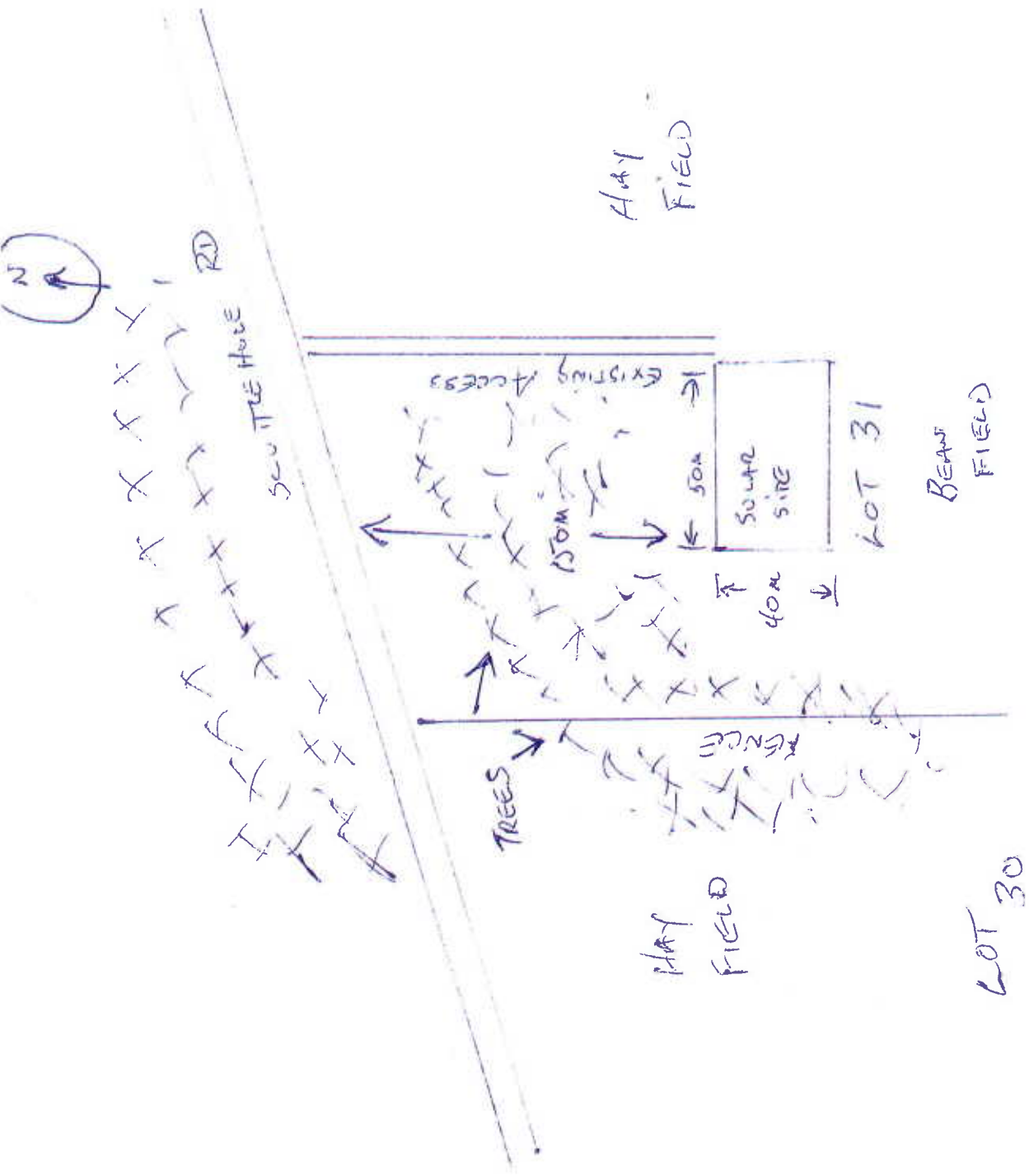


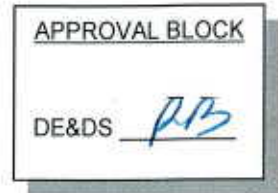
SOLAR SITE











**CITY OF BELLEVILLE**  
Spencer Hutchison  
Manager, Approvals Section  
Engineering and Development Services Department  
Report No. APS-2015-19  
July 6, 2015

**To:** Belleville Planning Advisory Committee

**Subject:** New Policy – Tree planting in new Plans of Subdivision  
City of Belleville

**Recommendation:**

“That the Belleville Planning Advisory Committee recommends the following:

That the draft tree planting policy for new subdivisions as outlined in **APPENDIX 2** attached to the Manager of Approval’s Report APS-2015-19 be circulated to the local development industry and applicable City Staff for review and comment and that a follow up report and tree planting policy be presented to the September 8, 2015 PAC meeting.”

**Background:**

Recently a developer approached the City to request that the City of Belleville consider a policy to require the installation of street trees in new subdivisions. At the present time, no such policy or requirement exists.

If such as policy was implemented this would require the developer of all new residential subdivisions to install a tree in the boulevard in front of each new dwelling.

A review of the development policies of many other municipalities in Ontario such as Peterborough, Clarington, Brampton, Hamilton and Mississauga to name a few, shows that a street tree planting policy is in wide spread use throughout the province.

**Strategic Plan Alignment:**

The City of Belleville’s Strategic Plan identifies nine strategic themes including the Environment.

“Environment is defined as a strategic theme as we need to protect and enhance the quality of our natural environment to ensure there is clean water and air and a liveable environment, for the benefit of current residents and future generations.”

**Planning Act:**

Section 51(25) of the Planning Act grants to the City of Belleville the authority to impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed.

**Comments:**

A discussion around street trees is in effect a discussion of how the City interprets and defines the quality of life in the community and the environment. As mentioned above, the City's Strategic Plan supports the enhancement of our natural environment.

Similarly, the Planning Act, as outlined on **APPENDIX 1**, affords the City the right to impose such conditions on the approval of a plan of subdivision as is considered reasonable. As indicated, many other municipalities have already determined that a street tree planning policy is reasonable and represents good planning and already have a tree planting policy in place.

With this background in mind for the Committee's consideration, attached as **APPENDIX 2** to this report is a proposed draft Street Tree policy for the City of Belleville.

A large part of the policy has to do with technical specifications such as the type of trees that are allowed and where they are to be located within the road allowance. The policy also requires the developer to look after and maintain the trees until the end of the subdivision above ground maintenance period. This is the same standard that applies to new roads, sidewalks, curbs, streetlights, etc. All requirements that a developer of a new subdivision must meet.

The policy as written requires street trees to be planted along all residential streets within a new subdivision that has yet begun construction. However, as a transition policy, street trees will only be required in new phases of on-going plans of subdivision along major streets in the subdivision and/or where there is a clearly defined physical separation between phases.

It is noted that there has **not** been public consultation regarding the proposed draft policy. Input from developers and their engineering consultants along with City Staff involved in the operation and maintenance of municipal infrastructure would ensure that the technical aspects of the proposed policy are carefully vetted.

Lastly, it is always important to remember that when a policy is adopted that impacts the private sector, consideration also has to be given to the public sector as well. If private developers are required to plant trees along new streets in new subdivisions, should the City not be held to the same standard and a comparable policy be prepared to incorporate tree planting for municipal capital projects involving the construction or reconstruction of a city street.



**Financial:**

The initial cost of a tree planting policy will be with the developer of each subdivision and in turn the new home buyers. The attached tree planting policy if adopted would require the developer to plant a tree in the road allowance in front of each new house in a subdivision. Invariably this cost would be passed onto the new home owner.

In time, as the developer turns responsibility for the subdivision over to the municipality, the cost of ongoing maintenance will transfer to the City. Thus whether it be the future maintenance of the streets and sidewalks within a new subdivision, if adopted, the City's Environmental and Operational Services Department would be responsible for the maintenance of all trees on the City road allowance.

**Summary:**

Through the use of the subdivision approval process the City of Belleville has the ability to define the standards by which the city is to grow. Policies can also establish the visual and esthetic characteristics that the City's wishes to incorporate along our roadways. In this vein, a proposed Street Tree policy for new subdivisions in the City of Belleville has been prepared and is attached as **APPENDIX 2** to this report.

Staff recommend that this proposed policy be circulated for comments and the results of the consultation be presented to the September 8, 2015 PAC meeting.

Respectfully submitted.

  
 \_\_\_\_\_  
 Spencer Hutchison



SH/ck

**APPENDIX 1****Section 51(25) of the Planning Act**

- (25) The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,
- (a) that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;
  - (b) that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;
  - (b.1) that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;
  - (c) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of the highway to such width as the approval authority considers necessary; and
  - (d) that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services. 1994, c. 23, s. 30; 2005, c. 26, Sched. B, s. 1; 2006, c. 23, s. 22 (5).

**APPENDIX 2****Proposed City of Belleville Tree Planting Policy****1.0 STREET TREES****1.1 General**

- a) The City shall require the Developer to plant street trees in a subdivision according to a Landscaping Plan. Trees shall be planted on public right-of-ways so that the City can manage the stock as part of the City's urban forest.
- b) Notwithstanding a) above, as of the date of adoption of this policy, street trees will only be required in new phases of on-going plans of subdivision in the following situations:
  - i) along major streets in the subdivision;
  - ii) where there is a clearly defined physical separation between phases.

**1.2 Design Process**

- a) The Developer shall submit a Landscaping Plan prepared by a Landscape Architect or qualified Arborist a component of the 1<sup>st</sup> submission of the engineering design drawings for City approval.
- b) The Landscaping Plan shall define the locations for all plantings, and provide a list in table format of the selected species by common and cultivar name, size, planting state and include in the notes all required specifications including any additional ones that are specific to the site.
- c) The Landscaping Plan may include perennial/annual shrub beds or entrance gates/walls and related plantings on road allowances, which when provided are typically placed at the entrances to the subdivision.

Where such features are proposed, the City is not obligated to accept such plantings, and may consent to such improvements provided the Developer enters into a maintenance agreement to assume responsibility for such areas for an extended period of time, either until responsibility is assumed by the City or by a local neighbourhood association.

**3.6.3 Location and Separation Criteria**

- a) As a general design principle, the Landscaping Plan shall provide for boulevards being planted with a continuous row of trees, generally spaced 9.0 metres apart. Trees are to be planted between the curb and the sidewalk or multi-purpose trail. To provide a balanced and canopied streetscape, the trees should be located an equal distance back from the curb on both sides of

the street.

The location of where street trees are to be planted is illustrated on the City's Standard Municipal Road Cross-Sections.

- b) Trees will be planted along all streets in a consistent pattern and coordinated with the location of street lighting and utilities. The location of trees shall be subject to the following separation distances:
- Street lights                      3.0 metres
  - Sidewalks                            1.0 metre
  - Curbs                                    1.5 metres to back of curb
  - Driveways                            1.0 metre
  - Intersection                        9.0 metres (at the projection of the sight triangle)
  - Electric transformers    3.0 metres from the access hatch side
  - Hydrants                                1.5 metres
  - Water/sewer lines            2.0 metres
  - Hydro lines                            1.0 meter from line or as required by Veridian

#### **3.6.4 Tree and Planting Specifications**

- a) Appearance – All trees furnished shall be well branched according to species and well rooted with a uniform straight trunk. No double leaders will be accepted.
- b) Caliper – The minimum caliper tree shall be 60 mm measured 150 mm above the root ball.
- c) Pruning – Dead or broken branches of 25 mm in diameter and greater shall be removed. All trees shall show evidence of pruning and shall be free of mechanical injuries, disfiguration, sun scale, frost cracks, broken bark, broken and dead branches, or any other objectionable features.
- d) Topsoil – Topsoil shall consist of loose friable loam, free of subsoil refuse or other deleterious material, and shall not contain less than 5% nor more than 20% organic matter.
- e) Tree wound dressing – Paint for wounds or cuts shall be an approved tree wound dressing compound, containing no ingredient harmful to the plant cambium. Cuts or wounds measuring 25 mm in diameter and greater, and all exposed wood or scars resulting from previous work or damage, shall be painted with an approved tree wound dressing.
- f) Anchoring Stakes – Stakes for anchoring tree guy wires shall be spruce, 50mm x 750 mm, pointed at one end and notched at the other to securely hold the guy wires.

- g) Wire – Wire used for bracing the tree shall be #12 galvanized steel wire. All wire shall be new and free from bends or kinks.
- h) Hose – Hose to be used with the wire bracing shall be 17 mm diameter (5/8 inch) rubber or plastic garden hose.
- i) Tree Stakes – All trees are to be staked according to detail with 2 steel “t” bars not less than 2m long hammered into the ground free of the disturbed soil.
- j) Root Pruning – The ends of all broken or damaged roots of 6mm diameter or larger must be pruned with a clean cut.
- k) Planting Balled and Burlapped Stock – All trees shall be balled and burlapped (B & B). Tree ball size shall be approximately 80 cm in diameter.
- l) Tree Holes – Tree holes shall be dug to a diameter greater in width and depth than the root ball. Surplus excavated material shall be removed from the site. A permeable surface area of 10m<sup>2</sup> minimum shall be provided.
- m) The landscape design should incorporate strategies to minimize water consumption (i.e. use of mulches and compost and rainwater collection systems).

### 3.6.5 Species Selection

- a) Recommended landscape tree species should include non-invasive, non-cultivar species that are native to the Belleville area. Species that are generally drought and disease resistant and require minimal maintenance are also encouraged.

Where there is a conflict with utility wires, smaller or compact canopy species may be substituted.

- b) Ideally, a total of 5 different species of trees should be selected for tree planting from the tables of approved street trees below. It is to be noted that trees are to be planted so that no two species of the same type are side by side unless approved by the City.
- c) The recommended planting order is based on 5 species of trees being planted in the following order: A, B, C, D, E, A, B, C etc., with each tree species being reflected by a letter. NOTE: No more than one species of Ash will be permitted out of the 5 selected trees.

Street Shade Trees Recommended for Residential Streets

Common Name	Planting Time*	Latin name
Freeman Maple		Acer x freemani
<b>Emerald Queen Maple (Norway)</b>	Spring	Acer Plantanoides 'Emerald Queen' 'Deborah'
<b>Parkway Maple</b>		Acer Plantanoides 'Parkway'
<b>Globe Maple</b>		Acer Plantanoides 'Globosum'
<b>Red Maple</b>	Spring	Acer rubrum var. Morgan/Red Sunset
<b>Sugar Maple</b>		Acer saccharum
<b>Hackberry</b>	Spring	Celtis occidentalis
<b>Ash</b>		Fraxinus var: White/Marshall's Seedless/Summit/Green
<b>Honey Locust</b>		Gleditsia triacanthos var. Shademaster/Skyline
<b>Maidenhair tree (male only)</b>	Spring	Ginkgo biloba
<b>Red Oak</b>	Spring	Quercus rubur
<b>Linden</b>		Tilia var cordata Glenleven/Euchlora (Crimean)

*\*Tree species that should be planted in the spring because they are sensitive to fall planting.*

Street Trees Recommended for Small Lots, Cul-de-sacs or where Servicing Limits Available Space – Note: single leader trees only – no multi-stem stock.

Common Name	Planting Time	Latin name
<b>Katsura Tree</b>		Ceridiphyllam japonicum
<b>Amur Cork tree</b>		Phellodendron amurense
<b>Ornamental Pears /Bradford, Redspire</b>	Spring	Pyrus calleryana
<b>Ivory Silk Tree</b>		Syringa amurensis japonica 'Ivory Silk'
<b>Serviceberry</b>	Spring	Amelanchier canadensis
<b>Amur Maple</b>		Acer ginnala
<b>Thornless Cockspur Hawthorn</b>	Spring	Craetaegus crusgalli 'inermis'
<b>Crab Apple</b>		Malus (most) Sargeants, Siberia, Centurion
<b>Purpleblow Maple</b>		Acer truncatum

### 3.6.6 Cash-in-Lieu Payments

- a) Where the Developer cannot meet the minimum targets for tree planting on residential streets, the City may require the Developer to make a cash-in-lieu payment for the value of the trees not planted.<sup>1</sup>

### 3.6.7 Tree Maintenance Period and Certificate of Street Tree Compliance

- a) Two full growing seasons following the planting of the trees shall be referred to as the Tree Maintenance Period.<sup>2</sup>
- b) The Developer shall be responsible for maintaining the planted trees during the Tree Maintenance Period to ensure that all trees are healthy, growing vigorously, and have a fully established root system. To that end, the Developer shall be required to provide the following services:
  - i) The Developer shall water all trees on a weekly basis with 25 gallons (95 litres) of water per week. All planted trees will receive supplementary watering from the first day of May to the last day of September. Additional or increased weekly watering may be required if drought conditions exist.
  - ii) The Developer shall regularly inspect and service all of the planted trees, which shall include the inspection of the tree stakes, removal of broken or dead branches, the maintenance of the mulched area, and the undertaking of any required corrective measures. It is the Developer's responsibility to replace any tree that dies or becomes unhealthy.
  - iii) After the first year of maintenance, the Developer shall arrange for the Landscape Architect to conduct an inspection of all trees<sup>3</sup>, and to provide a written tree inspection report to the Developer with a copy provided to the Manager of Approvals concerning the health and vigour of the trees.
  - iv) At the completion of the Tree Maintenance Period and prior to issuance of a Certificate of Assumption, the Developer shall remove all tree stakes.
- c) At the completion of the Tree Maintenance Period, the Developer shall arrange for the Landscape Architect or Arborist to conduct an inspection of all trees.

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<sup>1</sup> The cash-in-lieu calculation shall include in addition to the value of the trees, the value of required soil volumes, and installation and maintenance costs. These costs are typically determined by Consulting Engineer in the Works Cost Estimate.

<sup>2</sup> To assist with interpretation, if the tree planting process is completed on July 31<sup>st</sup> of year A, the Tree Maintenance Period will commence on August 1<sup>st</sup>, Year A, and come to an end on July 31<sup>st</sup>, Year C.

<sup>3</sup> The inspection of trees shall occur during the active growing season, being June 1<sup>st</sup> to September 30<sup>th</sup>.

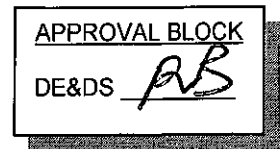
Once the Landscape Architect/ Arborist is satisfied that all requisite trees under the Landscaping Plan are healthy and growing vigorously and no longer require supplementary watering, the Landscape Architect/Arborist shall issue a "Certificate of Street Tree Compliance"<sup>4</sup> to the Manager of Approvals.

Should the Landscape Architect/Arborist not be prepared to issue the Certificate, the Developer shall continue to be responsible for maintenance of trees until such time as the Landscape Architect or Arborist issues a "Certificate of Street Tree Compliance".

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<sup>4</sup> The Certificate of Street Tree Compliance shall confirm that all of the trees required by the Landscaping Plan are established, healthy and growing vigorously, and no longer require supplementary watering. Assessment of plant vigour will be based, in part, on evidence of regular watering throughout the tree maintenance period.





**CITY OF BELLEVILLE**  
Spencer Hutchison  
Manager, Approvals Section  
Engineering and Development Services Department  
Report No. APS-2015-20  
July 6, 2015

**To:** Belleville Planning Advisory Committee

**Subject:** New Policy – Provision of Parkland in new Plans of Subdivision  
City of Belleville

**Recommendation:**

“That the Belleville Planning Advisory Committee recommends the following:

That a draft parkland policy for new subdivisions as outlined in **APPENDIX 3** attached to the Manager of Approval’s Report APS-2015-20 be circulated to the local development industry and applicable City Staff for review and comment and that a follow up report and parkland policy be presented to the September 8, 2015 PAC meeting.”

**Background:**

Earlier in the year the City was involved in a discussion regarding the provision of playground equipment in new parks that are being created as part of the development of new subdivisions around Belleville.

At the present time when considering the approval of new subdivisions and the provision of parkland within these developments, the City relies on Section 51.1 of the Planning Act (**APPENDIX 1**) and Section 7.11.2 of the City’s Official Plan (**APPENDIX 2**) to guide the City’s actions. Essentially these aforementioned policies do not extend beyond the requirement to provide parkland in a new subdivision if the City so decides. There is no policy direction with regards to the state of the parkland, how it is to be improved or where it is to be located, etc.

At the same time it is noted that the City has not yet implemented the direction given in the Official Plan to “prepare and adopt a comprehensive parks system plan in conformity with the policies of this Plan”. Without this park plan to follow the municipality does not have a blueprint or financial plan to determine how parkland throughout the city is to be developed. For as the Official Plan states, “While it is preferable that all areas of the community be adequately serviced with all types of parks, this Plan recognizes that providing a range of all types of parks in all areas of the City is not possible, which should be reflected in the parks system plan”.

**Background:**

Thus from a planning perspective it is somewhat difficult to discuss improvements to parkland in new subdivisions in the absence of an overall park system plan to follow.

**Comments:**

To assist with the aforementioned policy deficiency, draft parkland policies for new subdivisions were prepared as outlined in **APPENDIX 3** to this report. It is felt that these policies are comprehensive and should address any questions that may arise in the process for developing parkland in any new subdivision. In this way, the development industry would have a clear set of guidelines to follow.

However, it is noted that there has **not** been public consultation regarding the proposed draft policies. Input from City Staff involved in the operation and maintenance of city parkland along with developers and their consultants would ensure that all aspects of the proposed policy are carefully vetted.

**Financial:**

The initial cost of the development of parkland will be with the developer of each subdivision and in turn new home buyers. However, it is noted that not every subdivision may require a park site depending on the circumstances of the individual subdivision. Thus not every developer will be required to deal with providing parkland but will instead provide a cash in lieu of parkland payment.

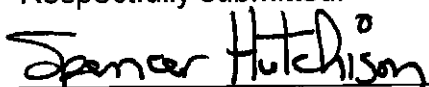
In time, as the developer turns responsibility for the subdivision over to the municipality, the cost of ongoing maintenance of the parks will transfer to the City. Thus whether it be the future maintenance of the streets or sidewalks within a new subdivision, ultimately it will fall to the City's Environmental and Operational Services Department to maintain all of the new parks dedicated to the City.

**Summary:**

Through the use of the subdivision approval process the City of Belleville has the ability to define the standards for new parks in new subdivisions. In this vein, proposed parkland policies for new subdivisions in the City of Belleville have been prepared and are attached as **APPENDIX 3** to this report.

Staff recommend that these proposed policies be circulated for comments and the results of the consultation be presented to the September 8, 2015 PAC meeting.

Respectfully submitted.

  
Spencer Hutchison



SH/ck

**APPENDIX 1****Sections 51(25) and 51.1 of the Planning Act****Section 51**

- (25) The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,
- (a) that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;

**Section 51.1****Parkland**

- 51.1 (1) The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes.

**Other criteria**

- (2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality.

**Payment in lieu**

- (3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting the conveyance, require the payment of money by the owner of the land,
- (a) to the value of the land otherwise required to be conveyed; or
- (b) where the municipality would be entitled to require a conveyance under subsection (2), to the value of the land that would otherwise be required to be so conveyed.

**Determination of value**

- (4) For the purpose of determining the amount of any payment required under subsection (3), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision.

**APPENDIX 2****Parkland Policies in City of Belleville Official Plan****Section 3.6. Open Space****3.6.2 Policies**

- a) The definitions of the various types of open space provided for within this Plan are as follows:
- i) Local or neighbourhood parks are open spaces located usually within residential areas that tend to serve the residents of that area. Uses are usually limited to small parks and playgrounds and include passive and active recreational activities such as outdoor sports fields (soccer or baseball) and children's playgrounds consisting of fixed play structures, with landscaped or natural open spaces and accessory uses incidental to local recreational uses.
  - ii) Community parks are open spaces that by reason of their location, access, use or potential for development tend to serve the population of the whole City, or serve a specific purpose for much of the community. Uses usually consist of parks and playgrounds and include passive and active recreational uses such as a wide range of outdoor sports fields, indoor sports facilities, picnic areas, botanical gardens, and landscaped or natural open space areas. Accessory uses such as parking lots, change rooms, concession facilities, and other service uses usually are located in such parks.
  - iii) Regional parks are open spaces that by reason of their location, access, development or functional use, serve a more extensive population than just the residents of the City. Uses usually consist of large scale parks and playgrounds which include both active and passive uses, and include picnic grounds, exhibition grounds, outdoor and indoor sports facilities, botanical and zoological gardens, and landscaped or natural open space areas which have a regional focus and often cater the needs of visitors to the community. Accessory uses such as parking lots, small retail shops and restaurants, and other service facilities can be found in such parks.

Active open space areas consist of facilities where users participate in physical activities (baseball fields, soccer pitches); passive open space consists of space intended for quiet or more leisurely enjoyment (hiking trails and natural areas).

**Section 7.11.****7.11.1 Parks System Plan**

- a) The Municipality should prepare and adopt a comprehensive parks system plan in conformity with the policies of this Plan, which should:
- develop and identify recreational and leisure time goals for the City;
  - inventory the existing open space system;
  - provide direction in development, improvement and expansion of the public park system and recreational facilities;

- provide direction and recommendations for development of school sites, and other lands in the open space system not owned by the Municipality;
  - identify deficiencies in the open space system and specifically the public park system; and
  - provide recommendations for improvements to the park system and recreational facilities.
- b) The parks system plan should be developed in context with the nature of the total open space system, and account for present and future recreational needs of the citizens of the region including visitors to the community.
- c) While it is preferable that all areas of the community be adequately serviced with all types of parks, this Plan recognizes that providing a range of all types of parks in all areas of the City is not possible, which should be reflected in the parks system plan.

In developing areas, the Municipality should ensure that open space meeting the needs of such areas is adequately provided. In developed areas of the City within which deficiencies exist, this Plan encourages the Municipality to attempt to remedy such deficiencies as opportunities and financial circumstances permit.

#### 7.11.2 Standards for the Dedication of Parkland

- a) As a condition of the approval of subdivision of land, Council may require:
- in the instance of subdivisions for primarily residential purposes, dedication of up to 5% of the land area for open space purposes; and
  - in the instance of subdivisions for primarily commercial or industrial purposes, dedication of up to 2% of the land area for open space purposes.
- b) The dedication of land for open space may be waived or reduced if Council is of the opinion that:
- adequate open space facilities are provided by the owner;
  - adequate open space facilities are in close proximity to the proposed development; or
  - such dedication is not required for industrial or commercial subdivisions.
- c) Council may adopt a by-law applicable to any part or the whole of the City stipulating that pursuant to the approval of residential, commercial or industrial development, parkland should be dedicated to the Municipality.
- The by-law may require dedication of up to 2% of the land area proposed for industrial or commercial development, and in all other cases up to 5% of the land area proposed for development, for park or other public recreational purposes. Council may waive or reduce such requirements if in Council's opinion:
- adequate open space facilities are provided by the owner;
  - adequate open space facilities are in close proximity to the proposed development; or
  - such dedication is not required for industrial or commercial subdivisions.

- d) Council, at its discretion, may elect to require cash-in-lieu of park land where:
- the allowable land dedication fails to provide an area of suitable shape, size or location for appropriate parkland development;
  - the required dedication of land would render the remainder of the site unsuitable or impractical for development; or
  - the existing parkland and recreational development in the vicinity of the site are adequate to serve the needs of existing and future residents of the area.

Such payment should be based on an appraisal by a qualified land appraiser. Where, in the opinion of the Municipality, the cost to prepare a land appraisal would be unreasonable given the anticipated cash-in-lieu value, the Municipality may utilize a standard for cash-in-lieu of parkland. In establishing such a standard, the Municipality should ensure that application of such a standard would not result in cash requirements exceeding the maximum permitted.

Money acquired as cash-in-lieu is to be placed in a fund specifically for parkland acquisition and development of recreational facilities.

- e) As an alternative to the requirement to dedicate 5% of the land within a residential subdivision or development for open space purposes, Council may require the dedication of lands at a rate of up to 1 hectare for each 300 dwelling units.
- f) The Municipality should not accept any lands as parks dedication that would not be suitable for use as parkland; areas of steep hillsides and ravines or wetlands generally would not be suitable for dedication as parkland. This same policy should be applied with respect to configuration and location, dimensions and other matters that affect the suitability of lands for recreational purposes.
- g) Council may elect to accept lands for parks purposes for resale or trade in order to consolidate lands of acceptable size, shape and location for park purposes.

**APPENDIX 3****Proposed City of Belleville Parkland Policies for New Subdivisions****1.0 PARKLAND****1.1 Background**

- a) The Planning Act allows the City to:
  - o take up to 5% of land in a plan of subdivision for parks at no cost to the City, or
  - o require the Developer to pay cash-in-lieu of parkland to the City.
- b) It is the City's policy to take land when the City is desirous of establishing a park within a subdivision plan, and to take cash-in-lieu of parkland where the City does not wish to establish a park within a proposed plan of subdivision.
- c) The standard for determining the required land dedication or the amount of the cash-in-lieu shall be at 5% of the total land area of the subdivision.

**1.2 Pre-Consultation Meeting**

- a) At the requisite pre-consultation meeting, the need for parks, multi-purpose trails and open space facilities will be considered. It is crucial that at this meeting, the Developer and the City reach consensus on whether parkland dedication or cash-in-lieu of such dedication will be required, as this issue has significant bearing on the design of the subdivision plan.
- b) If the City determines that dedication of parkland is required, City staff will work with the Developer to develop a design for the subdivision plan that provides the best option for a park, for the benefit of the neighbourhood and the community.
- c) The Developer will be advised officially at the draft plan approval stage whether the City will either require the payment of cash-in-lieu of parkland, or the dedication of parkland as a condition of the subdivision plan being approved.
- d) The following lands shall not be deemed parkland, regardless of whether such lands are to be conveyed to the City:
  - o lands within 1:100 year flood plain and other hazard lands,
  - o stormwater management lands or other lands required for utilities or servicing,
  - o sites known to contain contaminants, or
  - o walkway blocks.

**1.3 Parkland Types and Characteristics**

- a) Within new subdivision plans, parks may be created to provide different functions, including parks that accommodate:
  - o active recreational activities such as sports fields and other similar recreation facilities;

- passive recreational activities such as informal green space, children's playgrounds, squares, gardens and walkways; and
  - woodlots and tree stands that warrant preservation.
- b) In the design of the subdivision plan, where a park is being created, consideration can be given to developing higher density residential buildings adjacent to the park to capitalize on exceptional views and connections to the multi-purpose trail system.

#### **1.4 Locational Criteria for Parks**

- a) The subdivision plan should be designed to ensure:
- parks and open spaces are connected to multi-purpose trails, and are easily accessible by public transit;
  - public access to parks, both physical and visual, is enhanced by combining public open spaces with other public facilities such as school campuses, lands accommodating stormwater management ponds, or by placement adjacent to natural environmental features; and
  - parks have the majority of their frontage on public roads to make a visible contribution to the neighbourhood.
- b) The following design guidelines are intended to direct the location of parks within a new subdivision plan:
- i) Parks should be positioned with frontage and orientation along collector streets or in locations that can become focal points for community interaction. Blocks set aside for parks should be configured to accommodate buildings close to the street and with parking to the side or rear.
  - ii) Parks should be located so that they front onto at least two streets, or have the longest edge front onto the street. It is preferable to locate parks at 'T' intersections to terminate the streetscape views.
  - iii) Community parks should be located along arterial or collector streets, and if possible connected to other open spaces, be shaped to accommodate sports fields and other facilities, and be in the order of 3.25 hectares in size.
  - iv) Neighbourhood parks should be located along collector or local streets, generally square or rectangular in shape depending on features within the park, and be in the order of 0.8 hectares in size.

#### **1.5 Park Design and Development Standards**

- a) Where the City requires land be dedicated as parkland, the Developer shall be required to abide by the following development standards in respect of such parkland:
- i) The Developer shall be required to engage the services of a Landscape Architect or other qualified parks planner, to prepare a Park Development Plan for the lands to be dedicated as parkland, to set out the ultimate design for the park. This plan should ensure that:



- good sight lines are provided in and through the park from the abutting streets,
- a sufficient number of trees are planted to achieve at least 40% mature tree canopy cover within the active parkland,
- the park is accessible, with the selection of site furnishings, hardware and fixtures based on ease of use for a wide range of capabilities and age groups, and
- the park is accessible for the City's maintenance equipment.

The Park Development Plan shall be submitted to the City as a component of the 1<sup>st</sup> submission for City approval.

- ii) The Developer shall be required to provide connections for a water service and an electrical service to the edge of the parkland; typically a 50 mm water service will be required unless a larger service is identified as being necessary due to functions planned for and/or the size of the proposed park<sup>1</sup>.
  - iii) The Developer shall be required to grade the park site and install drainage as required by the City.
  - iv) The Developer shall be required to seed and/or sod the parkland as required by the City; seeding will commonly be accepted but the City may require sloping lands, peripheral areas, and lands adjacent to walkways and trails to be sodded.
  - v) The Developer shall be required to plant trees and preserve existing trees as confirmed in a Tree Inventory and Preservation Plan, as set out in the Park Development Plan. Trees should be provided along the edge of parks.
  - vi) The Developer shall be required to construct sidewalks and multi-purpose trails as set out in the Park Development Plan. This typically would include sidewalks across the frontage of all parklands.
  - vii) The Developer shall be required to construct fencing and install lighting as set out in the Park Development Plan.
  - viii) The Developer shall be required to install playground structures and equipment as set out in the Park Development Plan.
- b) The costs for such facilities outlined in Sections ii) to vii) above will be borne 100% by the Developer.

The costs for such facilities outlined in Section viii) above will be borne by the City and the Developer evenly (50%/50%), and provisions for the payment of sufficient funds by the City to the Developer to help cover the costs of such facilities will be set out in the subdivision agreement.

- c) The City may require the Developer to construct facilities in the parkland beyond those set out in Section 1.5 a) above. Such facilities would be defined in the Park

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<sup>1</sup> The cost of a water service over 50mm will be considered oversizing and funded by the City.

Development Plan. Examples of the types of facilities that the City may require the Developer to construct include:

- sports fields,
  - parking lot.
  - public washroom facilities,
  - in-ground irrigation systems,
  - public gardens and squares, and
  - maintenance buildings.
- d) The costs for such facilities will be borne by the City, and provisions for the payment of sufficient funds by the City to the Developer to cover the costs of such facilities will be set out in the subdivision agreement.
- e) The City is under no obligation to proceed to fully implement the Park Development Plan as a component of the subdivision development. The City, at its discretion, may elect to defer the construction of additional facilities until a future date, and construct such features at such time as it sees fit.

## **1.6 Accessibility**

- a) Where the Park Development Plan provides for the development of any facilities in the park, a pedestrian system of walkways and multi-purpose trails shall be provided that provide continuous, barrier-free access from the entry point to the park or parking lot, to the park facilities, suitable for use by wheelchairs. The primary accessible route to park facilities should be at a maximum grade of 5%.
- b) Play equipment proposed for parks shall include components that are fully accessible and usable by those who are physically challenged. The design of the play equipment shall include ramps or transfer platforms that can be used with the assistance of parents or caregivers. Specific play components will take into consideration the needs of those with special needs.

## **1.7 Grading and Drainage for Parks**

- a) The Developer shall prepare a detailed grading and drainage plan for all lands within the subdivision, which shall include lands to be dedicated for park purposes. The grading and drainage plan in respect of blocks to be dedicated for park purposes will include details on:
- rough grading and erosion control,
  - rough grading and erosion control for proposed multi-purpose trail corridors,
  - proposed vegetation protection measures where required,
  - final grades,
  - details of drainage works, and
  - park seeding and sodding details, including preparation, watering, and required maintenance.

**1.8 Timing of Parkland Development**

Unless otherwise specified by the City in the subdivision agreement, the development of the parkland in a subdivision shall be completed, to the satisfaction of the City, within 120 days of the issuance of the first building permit for a residential building, apart for a model home within that subdivision. However, if the first residential permit is issued after August 1 of any given year, the development of the required parkland shall be completed by July 1<sup>st</sup> of the following year.

**1.9 Cash-in-lieu of Parkland**

- a) If the City wishes to accept cash-in-lieu of parkland as a condition of approval of a proposed plan of subdivision, the cash-in-lieu payment will be made at the time of execution of the subdivision agreement.
- b) The value of the cash-in-lieu contribution shall be based on 5% of the value of the land within the subdivision. The City may base its determination of the amount of the cash-in-lieu of parkland on the value of land being \$34,000/acre or \$84,000/ hectare.

Should the City or the Developer not be in agreement with the use of the standard land value, the City may require the Developer to provide, or the Developer at its discretion may provide an independent appraisal to establish the land value for the purposes of calculating cash-in-lieu of parkland. The City will require such appraisal to be prepared by an appraiser with an AACI designation.



APPROVAL BLOCK
DE&DS <i>RS</i>

**CITY OF BELLEVILLE**  
Spencer Hutchison  
Manager, Approvals Section  
Engineering and Development Services Department  
Report No. APS-2015-21  
July 6, 2015

**To:** Belleville Planning Advisory Committee

**Subject:** New By-laws – Site Alteration and Tree Cutting in new Plans of Subdivision  
City of Belleville

**Recommendation:**

“That the Belleville Planning Advisory Committee recommends the following:

That the site alteration by-law for new subdivisions as outlined in **APPENDIX 2** and the tree cutting by-law for new subdivisions as outlined in **APPENDIX 3** both attached to the Manager of Approval’s Report APS-2015-21 be circulated for review and comment and that a follow up report and by-laws be presented to the September 8, 2015 PAC meeting.”

**Background:**

With increasing frequency City Staff are receiving complaints from citizens because of the site work that surrounds the development of new subdivisions. Trees are being removed and the ground stripped and regraded. This has led to problems with dust, noise as well as dirt on surrounding streets.

Under the development process there is a “loophole” in the system in that until the developer receives final approval and all the paperwork including a subdivision agreement is signed, there is no legal mechanism under the Planning Act to prevent a developer going onto a future subdivision site and cutting down all the trees and/or stripping the land. Fortunately through the Municipal Act the city is able to enact several by-laws that would help regulate this situation.

It is not Staff’s desire to create additional paperwork and bureaucracy but when a clear and reoccurring problem arises it is necessary to consider remedies.

**Comments:**

To assist with the aforementioned situation, a comprehensive review of this type of activity across Ontario was undertaken to see what other municipalities have done. As a result of this work, two by-laws were drafted as outlined on **APPENDICES 2** and **3** to this report.

**Comments:** (cont'd)

It is felt that these two by-laws would address the concerns raised by the public and give the city tools which to address this situation.

However, it is noted that there has **not** been public consultation regarding the proposed draft by-laws. Input from City Staff, the development industry and the public at large would ensure that all aspects of the proposed by-laws are carefully vetted.

**Financial:**

For the city, the potential cost of the two proposed by-laws would arise from the Staff needed to administer and, if need be, enforce the by-laws. However, it is felt that this work could be dealt with by current staff levels and procedures.

For the development industry there would be the need to prepare and submit additional paperwork. However, it is felt that this requirement is not onerous or overly time consuming. Moreover, with foreknowledge of these two by-laws the developer would have plenty of time to file the necessary applications as part of the development process.

**Summary:**

Through tools provided in the Municipal Act the City has the ability to control the cutting of trees and the alteration of land on future subdivision lands in the municipality. In this vein, two draft by-laws have been prepared and are attached as **APPENDICES 2 & 3** to this report.

Staff recommend that these proposed by-laws be circulated for comments and the results of the consultation be presented to the September 8, 2015 PAC meeting.

Respectfully submitted.

  
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 Spencer Hutchison



SH/ck

**APPENDIX 1**

**Proposed Site Alteration By-law**

**THE CORPORATION OF THE CITY OF BELLEVILLE**

**BY-LAW 2015 - \_\_\_\_\_**

**A BY-LAW TO PROHIBIT OR REGULATE THE PLACING OR DUMPING OF FILL, THE REMOVAL OF TOPSOIL, AND THE ALTERATION OF THE GRADE OF THE LAND WITHIN THE CITY OF BELLEVILLE**

WHEREAS Section 142 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes the Municipal *Council* to adopt a by-law to prohibit or regulate the *placing* or *dumping* of *fill*, the removal of *topsoil*, and the alteration of the *grade* of the land in the City of Belleville;

AND WHEREAS *Council* may require that a *Permit* be obtained for the *placing* or *dumping* of *fill*, the removal of *topsoil*, and the alteration of the *grade* of the land within the City of Belleville, and may prescribe the fees for the *Permit*, the circumstances under which a *Permit* may be issued, and the conditions to such a *Permit*;

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

**SECTION 1.0 BY-LAW TITLE AND GENERAL PURPOSE AND INTENT**

1.1 This By-law may be cited as the "City of Belleville Site Alteration By-law".

1.2 The general purpose and intent of this By-law is to:

- a) Maintain existing *drainage* patterns;
- b) Limit interference and damage to *watercourses* or *waterbodies*;
- c) Prevent *erosion* and sedimentation;
- d) Protect natural heritage features and areas, and archaeological resources;
- e) Prevent the use of hazardous or improper *fill*;
- f) Maintain water quality; and
- g) Prevent unanticipated *drainage* and *site alteration* changes.

**SECTION 2.0 DEFINITIONS**

2.1 For the purposes of this By-law, the following definitions shall apply:

- a) "*Administrator*" means a *person* who is an employee of the Corporation of the City of Belleville and who is or has been appointed by the Director of Engineering and Development Services to administer all or part of this By-law;
- b) "*Applicant*" means the *Owner* of the property, where such an *Owner* is an individual, or means any *person*, authorized in writing by the *Owner*, to apply for a *Permit* on the *Owner's* behalf;

- c) “City” means the Corporation of the City of Belleville and includes all areas within its territorial limits;
- d) “Clearing and grubbing” means the removal of all surface objects, brush, roots and other protruding obstructions, trees and stumps which result in the removal of *topsoil* or the alteration of *grade* of the land;
- e) “Council” means the Council of the Corporation of the City of Belleville;
- f) “Drainage” means the movement of water across a property, whether by way of the natural characteristics of the ground surface or by an artificial method to a place of disposal;
- g) “Dump, dumped or dumping” means the depositing of *fill* in a location other than where the *fill* was obtained and includes the movement or depositing of *fill* from one location on a property to another location on the same property;
- h) “Erosion” means the detachment and movement of *soil*, sediment or rock fragments by water, wind, ice or gravity;
- i) “Fill” means any type of material deposited or *placed* on lands and includes, but is not limited to *soil*, stone, concrete, asphalt, rubbish, garbage, turf, dirt, earth, aggregate, and binder either singly or in combination, whether originating on the site or elsewhere, used or capable of being used to raise, lower, or in any other way affect or alter the contours of the ground;
- j) “Grade” means the elevation of the ground surface, and shall be more particularly defined as follows:
  - i) “Existing Grade” means the elevation of the existing ground surface of the land as of the date that this By-law is passed, including abutting ground surface up to three (3) metres wide surrounding such lands;
  - ii) “Finished Grade” means the approved elevation of ground surface of land upon which *fill* has been *placed* in accordance with this By-law; and,
  - iii) “Proposed Grade” means the proposed elevation of ground surface of land upon which *fill* is proposed to be *placed*.
- k) “Lot” means a parcel of land, described as an individual parcel of land in a registered plan of subdivision or a parcel of land described by metes and bounds in a deed registered in the Registry Office of the County of Hastings which parcel complies with the provisions of the Ontario Planning Act;
- l) “Normal Farm Practice” means any activity undertaken in accordance with the Farming and Food Production Protection Act;
- m) “Officer” means a *person* designated by the *City* to enforce the provisions of this By-law and includes but is not limited to the *Administrator*, the *City’s* By-law Enforcement Officer, any Police Officer or any other *persons* authorized to enforce or perform inspections pursuant to this By-law;

- n) "Owner" means a *person*, firm or corporation having any right, title, interest or equity in land or property, and includes an occupant, tenant or lessee;
- o) "Permit" means the written authorization issued by the *Administrator* pursuant to the provisions of this By-law, to perform a *site alteration*;
- p) "Permit Application" means an application prepared pursuant to this By-law requesting permission to *place or dump fill*, remove *topsoil* or alter the *grade* of land, submitted to the *Administrator*;
- q) "Person" includes an individual, a sole proprietorship, a partnership, a corporation, a not for profit corporation, a registered charity and their respective heirs, executors, administrators, assigns or other duly appointed representatives;
- r) "Place, Placed or Placing" means the distribution of *fill* on lands to establish a *finished grade* different from the *existing grade*;
- s) "Ponding" means the accumulation of surface water in an area not having *drainage* therefrom where the lack of *drainage* is caused by the *placing or dumping of fill* or other *site alteration*;
- t) "Retaining Wall" means a wall designed to contain and support *fill*, which has a *finished grade* higher than that of adjacent lands;
- u) "Site Alteration" means *placing or dumping of fill*, the removal of *topsoil* or *fill* from land, or the alteration of the *grade* of land by any means including *clearing and grubbing*, the compaction of *soil* or the creation of impervious surfaces, or any combination of these activities;
- v) "Soil" means material commonly known as earth, *topsoil*, loam, subsoil, clay, sand or gravel;
- w) "Swale" means a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of *drainage*;
- x) "Topsoil" means those horizons in a *soil* profile, commonly known as the "O" and "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;
- y) "Watercourse" means a natural or artificial channel or *swale* in which water flows, either continuously or intermittently with some degree of regularity.

### **SECTION 3.0 APPLICATION OF THE BY-LAW**

- 3.1 This By-law shall apply to all lands within the geographic limit of the City of Belleville other than that portion of any property that is subject to regulations made under Section 28 of the Conservation Authorities Act, ROS, 1990, c.27, as amended.



**SECTION 4.0 PROHIBITIONS AND REGULATIONS**

- 4.1 No *person* shall *place* or *dump fill*, remove *topsoil* or alter the *grade* of the land in the City except in accordance with this By-law.
- 4.2 Where a *Permit* has been issued, no *person* shall *place* or *dump fill*, remove *topsoil* or alter the *grade* of the land, except in accordance with the provisions of that *Permit*.
- 4.3 No *person* shall obstruct or attempt to obstruct the *Administrator*, any *Officer* or any *person* acting under the *Administrator's* instructions in the exercise of an authority under this By-law.
- 4.4 No *person*, in the performance of a *site alteration*, shall injure or destroy a municipal tree or other tree, which is subject to tree protection measures as set out in the Tree By-law or an approved Tree Preservation Plan.
- 4.5 No *person* shall *place* or *dump fill* that includes material from the demolition of any structure, or includes refuse, toxic or hazardous materials, glass or sewage.
- 4.6 No *person* shall carry out *site alteration* for storage purposes, unless the storage of such *fill* on the land is permitted by this By-law and the *City's* Zoning By-laws.
- 4.7 No *person* shall *place* or *dump fill* or alter the *grade* resulting in *soil erosion* or *soil* pollution, blockage or siltation of any *watercourse*, pollution of any *watercourse*, flooding or *ponding* on any land or detrimental effect on any environmentally significant area or wetland.
- 4.8 No *person* shall fail to comply with an Order issued pursuant to this By-law.

**SECTION 5.0 EXEMPTIONS FROM THE BY-LAW**

- 5.1 The provisions of this By-law do not apply to:
- a) Activities or matters undertaken by the *City* or a local board of the *City*;
  - b) Activities or matters conducted in accordance with a license or permission obtained under applicable Provincial or Federal legislation;
  - c) *Site alteration* imposed as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53 of the Planning Act or as a requirement of a site plan agreement, subdivision agreement or pre-servicing agreement entered into under those sections;
  - d) *Site alteration* undertaken by a transmitter or distributor under the Electricity Act, for the purpose of constructing and maintaining a transmission system or a distribution system;
  - e) *Site alteration* undertaken on land described in a license for a pit or quarry or a *Permit* for a wayside pit or wayside quarry issued under the Aggregate Resources Act;

- f) *Site alteration* undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under the Aggregate Resources Act or a predecessor of that Act, and on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the Planning Act; or
- g) *Site alteration* undertaken as an incidental part of drain construction under the Drainage Act or the Tile Drainage Act.

5.2 No *Permit* is required for:

- a) The installation of a swimming pool, provided a pool permit is obtained from the *City*;
- b) Construction of a building or structure pursuant to a valid building permit which has been issued for the erection of a building or structure and/or on-site sewage system, and the site plan accompanying the building permit application provides sufficient information to determine that the *placing* or *dumping* of *fill* conforms with the provisions of this By-law, and the mount of *fill* to be *dumped* or *placed* pursuant to the building permit does not exceed five hundred (500) cubic metres;
- c) The *placing* or *dumping* of *soil* on lands or removal of *fill* for the purpose of lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that the ground elevation of the lands is not increased by more than twenty (20) centimetres and there is no significant change in the location, direction, elevation or rate of any *watercourse*, open channel, *swale* or ditch used to drain land. Such alteration shall not take *place* within 0.6 metres of any property line. The functionality of any *drainage* infrastructure shall not be impeded;
- d) The *placing* or *dumping* of *fill* in an excavation to the elevation of *existing grade* following the demolition or removal of a building or structure for which a demolition permit has been issued;
- e) *Fill* being *placed* or *dumped* on lands for the purpose of flood or *erosion* control to establish *finished grade* shown on a Grading and Drainage Plan approved by the Conservation Authority or by the *City* in conjunction with a subdivision approval;
- f) *Site alteration* as part of a *Normal Farm Practice*, including, but not limited to sod farming, greenhouse operations, and nurseries for horticultural products, but not including the removal of *topsoil* for sale, exchange or other disposition.

## SECTION 6.0 ADMINISTRATION AND ENFORCEMENT

- 6.1 The *Administrator* is responsible for the administration of this By-law and is hereby delegated the authority to review *Permit Applications*, issue *Permits*, refuse *Permits*, and include conditions of *Permits*.
- 6.2 The *Administrator* may delegate any of his/her duties under this By-law to an *Officer*.
- 6.3 For purposes of conducting inspections or determining compliance with this By-law, the *Administrator* or *Officer* may, upon producing the appropriate identification, at any reasonable time, enter and inspect any *lot*.

**SECTION 7.0 PERMIT APPLICATION**

- 7.1 An *Owner* applying for a *Permit* shall pre-consult with the *Administrator* and the Quinte Conservation Authority, and any other *persons* that the *Administrator* deems necessary to review the proposal to determine if a *Permit* is necessary or can be issued under the requirements of this By-law.
- 7.2 Where a *Permit* pursuant to this By-law is required, an *Owner* who intends to alter the land shall submit a *Permit Application* to the *Administrator* in the form provided by the City with payment of the prescribed fee, as set out in the City's Fees and Charges By-law.
- 7.3 Upon receipt of a *Permit Application*, the *Administrator* or any *person* acting under the *Administrator's* instructions may inspect the *lot* to determine whether or not a *Permit* should be issued, and if so what conditions should be established.
- 7.4 The *Administrator* may require an Environmental Impact Statement, an Environmental Site Assessment Phase 1, Stage 1 Archaeological Assessment and/or any other information deemed necessary to access the *Permit Application*.
- 7.5 The *Administrator* may require, as a component of a *Permit Application*, a *Site Alteration Plan*, which shall include any or all of the following to the satisfaction of the *Administrator*:
- a) A key map showing the location, boundaries and size of each *lot*, including the nearest major intersection and north arrow;
  - b) The existing or proposed use of the land and the location and use of the buildings and other structures adjacent to each *lot*;
  - c) The location, dimensions and use of any building and other structures existing or proposed to be erected on each *lot*;
  - d) The location of lakes, streams, wetlands, channels, ditches, other *watercourses* and other bodies of water on and within a minimum of 30 metres beyond each *lot* boundary;
  - e) The location of all Regulatory Flood Lines and Conservation Authority Fill Regulation lines;
  - f) The location and identification of the predominant existing *soil* types;
  - g) The species, *grade* at base and size of all trees greater than 20 centimetres DBH, all shrubs, trees and hedges within three (3) metres of the property line;
  - h) Driveways on each *lot* and all easements and rights-of-way over, under, across or through each *lot*;
  - i) The location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of 30 metres beyond each *lot* boundary;

- j) The location and dimensions of utilities, structures, roads, highways and paving located within a minimum of 30 metres beyond each *lot* boundary;
- k) The *proposed grades* of each *lot*;
- l) The location and dimensions of all proposed land disturbance activities, including construction of access roads;
- m) The location and dimensions of all temporary *soil* or *fill* stockpiles;
- n) The location, dimensions, design details and design calculations of all construction site *erosion* control measures that may be necessary to minimize the impact of the proposal;
- o) A schedule of the anticipated starting and completion dates of each land disturbance or land development activity;
- p) Provisions for the maintenance of the construction site *erosion* control and dust control measures during construction and after as required;
- q) An indication on the drawing of directions of overland flow and overland flow route;
- r) *Proposed grades* and *drainage* system to be used upon completion;
- s) A description of the proposed *fill*, including a list of the sources and geotechnical reports as to content and quality, prepared by qualified experts;
- t) A certificate of the *Owner*, *Applicant* and each qualified expert certifying that the *fill* contains no contaminants as defined in the Environmental Protection Act;
- u) A plan showing the design details to proper scale of any *retaining wall* that may be required and the dimensions of any materials to be used in construction of such *retaining wall*, security in a form and amount to be determined by the *Administrator* to secure performance of the work for which the *Permit* is being applied.

## **SECTION 8.0 ISSUANCE OF A PERMIT**

- 8.1 The *Administrator* is hereby authorized and directed to issue a *Permit* and may impose conditions, where an *Applicant* has satisfied the requirements of this By-law.
- 8.2 The *Administrator* may, prior to the issuance of a *Permit*, require the *Owner* and/or *Applicant* to enter into an agreement which may be registered on title to the subject lands containing such requirements of this By-law as the *Administrator* considers necessary to ensure that the *site alterations* are done in accordance with the prevailing City design standards and proper engineering principles.
- 8.3 Requirements contained in an agreement may include:
  - a) The *Owner* and/or *Applicant* releasing and indemnifying the City;

- b) Certifying that the *fill* contains no contaminants as defined in the Environmental Protection Act;
  - c) Posting with the City the required security; and
  - d) Where, in the opinion of the *Administrator*, extensive activities are proposed, certification by a geotechnical engineer or other similarly qualified *person*, both prior to issuance of a *Permit* and upon completion of the work. All such certification shall state that the *Owner* and/or *Applicant* can and has complied with all the obligations and conditions contained in the applied for and issued *Permit*.
- 8.4 The *Administrator* may draw upon the security posted pursuant to recover the cost of the *City* performing any required work, which the *Owner* or the *Applicant* has failed to perform.
- 8.5 The *Administrator* may, from time to time and at the *Applicant's* expense, require the testing of any *fill* by a qualified expert retained by the *City*.
- 8.6 The *Administrator* may require an *Applicant* to install such site remediation measures, including *topsoil*, seeding, sodding, berms and landscaping, as are necessary to minimize the visual impact of *fill* or *grade* alteration proposals.
- 8.7 The issuance of a *Permit* does not relieve the *Owner* or the *Applicant* from the responsibilities of obtaining all other approvals which may be required by the *City* or by any level of government and agencies thereof, or from compliance with any other by-law, legislation or regulation.
- 8.8 *Council* may adopt policies to guide the *Administrator* in the use of conditions for *Permits*.
- 8.9 The *Administrator* may refuse to issue a *Permit* when the requirements and general intent and purpose of this By-law have not been met. Where the *Administrator* refuses to issue a permit, the *Applicant* shall be informed in writing of the refusal. The *Permit Application* may be reconsidered if the *Applicant* submits additional required information or documentation.
- 8.10 It is a condition of each *Permit* that the *Permit* may be revoked by the *Administrator* under the following circumstances:
- a) If it was obtained on mistake, false or incorrect information;
  - b) If it was issued in error;
  - c) If the *Owner* and/or *Applicant* requests in writing that it be revoked;
  - d) If the terms of an agreement under this by-law have not been complied with; or
  - e) If an *Owner* and/or *Applicant* fails to comply with the provisions of the by-law or with an order requiring work to be done to correct contraventions of this By-law.

- 8.11 Any *Permit* issued pursuant to this By-law shall be issued in the name of the *Owner* and shall expire one year after the date of issuance or at such time as the *Owner* at the time of the issuance of the *Permit* ceases to be an *Owner*.
- 8.12 A *Permit* may be renewed prior to the date of expiry by making written application to the *Administrator* accompanied by a payment of 50% of the original *Permit* fee, provided that the proposed work has not been revised.

## SECTION 9.0 ORDERS TO DISCONTINUE ACTIVITIES

- 9.1 Where the *Administrator* or any *Officer* has reasonable and probable grounds to believe that a contravention of this By-law or a *Permit* has occurred, the *Administrator* or *Officer* may make an Order setting out the particulars of the contravention and requiring the *Owner*, or such other *person* contravening this By-law, to carry out the required work to be done to correct the contravention.
- 9.2 An Order issued in accordance with this Section shall set out:
- a) The name of the *Owner*, the municipal address or other suitable description of the *lot* upon which the contravention has occurred;
  - b) Reasonable particulars of the contravention;
  - c) What the *Owner* must do to rectify the contravention;
  - d) A statement that if the work is not done in compliance with the Order within a specified time period, the *City* may have the work done at the expense of the *Owner*;
  - e) The date and time by which the Order must be complied with;
  - f) Information regarding whom to contact with the *City* for information relating to the Order.
- 9.3 An Order issued pursuant to this By-law shall be served personally or by prepaid registered mail to the last known address of the *Owner* and any other *person* to be served.
- 9.4 If the *City* is unable to effect service on the *Owner* under section 9.3, a placard containing the terms of the Order may be placed in a conspicuous place on the *lot* where the contravention has occurred, and placement of the placard will be deemed sufficient service of the Order on the *Owner*.
- 9.5 If the work required by an Order or a *Permit* is not done within the specified period, the *City*, in addition to all other remedies it may have, may do the work at the *Owner's* expense and may enter upon the land, at any reasonable time, for this purpose.
- 9.6 If the costs for work pursuant to section 9.5 are not paid to the *City* within 30 days of written demand therefor, the *City* may recover the costs incurred by adding the costs, including interest, to the tax roll for the *lot* and collect them in the same manner as taxes.

**SECTION 10.0 APPEALS**

- 10.1 Where the *Administrator* refuses to issue a *Permit*, or where the *Administrator* has imposed conditions on a *Permit* to which the *Owner* is not prepared to accept, the *Owner* may within fifteen (15) days of the date of refusal of the *Permit Application* or receipt of the *Permit* subject to conditions, appeal the matter to *Council* by filing a written request with the *Administrator* that the matter be considered by *Council*.
- 10.2 Where the *Owner* has filed an appeal with the *Administrator*, the *Administrator* shall prepare and forward a report on the appeal to *Council* within thirty (30) days of receipt of the appeal, setting out the grounds for his/her decision on the *Permit Application*.
- 10.3 *Council* shall consider the appeal and may:
- a) Confirm the original decision of the *Administrator*, or
  - b) Direct the *Administrator* to issue a *Permit* or to issue a *Permit* with revised conditions.

**SECTION 11.0 PENALTIES**

- 11.1 Any *person* who contravenes any provision of this By-law, any term or condition of a *Permit*, or an Order issued pursuant to this By-law is guilty of an offence and is liable:
- a) On first conviction, to a fine of not more than Ten Thousand Dollars (\$10,000); and
  - b) On any subsequent conviction, to a fine of not more than Twenty Five Thousand Dollars (\$25,000).
- 11.2 Despite Subsection 11.1, where the *person* convicted is a corporation, the maximum fines shall be Fifty Thousand Dollars (\$50,000) for a first conviction and One Hundred Thousand Dollars (\$100,000) on any subsequent conviction.
- 11.3 Upon conviction of an offence under this By-law, in addition to any other remedy or penalty, the court in which the conviction is entered and any court of competent jurisdiction thereafter, may order the *person*, in such manner and within such a period as the Court considers appropriate, to:
- a) Rehabilitate the land;
  - b) Remove the *fill dumped or placed* contrary to this By-law or to a *Permit* issued under this By-law; and/or,
  - c) Restore the *grade* of the land to its original condition.

**SECTION 12.0 SEVERABILITY**

- 12.1 If a court or tribunal of competent jurisdiction declares any provision, provisions, or part of a provision of this By-law to be illegal or unenforceable for any reason, such provision, provisions, or part of a provision shall be severed and all other provisions of this By-law





**APPENDIX 2**

**Proposed Tree Cutting By-law**

**THE CORPORATION OF THE CITY OF BELLEVILLE**

**BY-LAW 2015 - \_\_\_\_\_**

**A BY-LAW TO REGULATE OR PROHIBIT THE INJURY OR DESTRUCTION OF TREES WITHIN THE CITY OF BELLEVILLE**

WHEREAS Section 135 of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes the Municipal Council to adopt a by-law to prohibit or regulate the destruction or injuring of trees;

AND WHEREAS the Council of the Corporation of the City of Belleville wishes to establish a by-law to prohibit and regulate the destruction or injuring of trees of significance on certain lands in the City which will be subject to future development;

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

**SECTION 1.0 BY-LAW TITLE AND GENERAL PURPOSE AND INTENT**

- 1.1 This By-law may be cited as the "City of Belleville Tree By-law".
- 1.2 The general purpose and intent of this By-law is to:
  - i) encourage the retention of trees of significance;
  - ii) prohibit the unnecessary injury or destruction of trees of significance;
  - iii) ensure there is valid justification when a tree of significance is to be injured or destroyed; and
  - iv) where appropriate provide for the planting of replacement trees where trees of significance are to be injured or destroyed.

**SECTION 2.0 DEFINITIONS**

- 2.1 For the purposes of this By-law, the following definitions shall apply:
  - a) "Administrator" means the Chief Building Official of the City of Belleville, or designate.
  - b) "City" means the Corporation of the City of Belleville.
  - c) "Council" means the Council of the Corporation of the City of Belleville.
  - d) "DBH" or "Diameter Breast Height" means the diameter, measured outside the bark, of the stem or trunk of a tree, and shall be measured at a point 1.37 metres above the existing grade of the ground adjoining the base of the tree, or where there are multiple stems to a tree, means the total of the diameters of the three (3)

largest stems measured at a point 1.37 metres above the existing grade of the ground adjoining the tree.

- e) "Dead", "Dying" or "Diseased" in reference to a tree means a tree with no living tissue, a tree where seventy (70) percent or more of its crown is dead, or a tree infected by a lethal pathogen as certified by a Qualified Tree Expert.
- f) "Destruction" means the removal, ruin or harm of a tree by cutting, burning, girding of the tree or its roots, interfering with roots or uprooting, interfering with water supply, chemical application, compaction or regarding, within the drip line of a tree, or by other means including irreversible injury to a tree, which may result from accident or design, but does not include the pruning or removal of branches or maintenance purposes provided any such pruning is limited to the appropriate removal of more than one third of the live branches or limbs of a tree, and "destroy", "destroyed", "destroying", and similar words have the same meaning.
- g) "Emergency work" means any work necessary to protect lives or property and includes utility repairs and structural repairs to a building.
- h) "Good Arboricultural Practice" means the proper implementation of removal, renewal, and maintenance activities known to be appropriate for individual trees in and around urban areas to minimize detrimental impacts on urban forest values, and includes pruning of trees to remove dead limbs, maintain structural stability and balance, or to encourage their natural form, provided that such pruning is limited to the appropriate removal of not more than one-third (1/3) of the live branches or limbs of a tree, but does not include pruning to specifically increase light or space.
- i) "Hazard Tree" means a tree that is severely damaged to the extent that it is or poses an immediate safety threat to persons or property.
- j) "Injury" means lasting damage to a tree which has or is likely to have the effect of inhibiting or terminating its growth, but does not include pruning or removing branches for maintenance purposes, provided that any such pruning or branch removal is limited to the removal, as appropriate, of not more than one-third of the live branches or limbs of a tree, and "injure", "injuring", and similar words have the same meaning.
- k) "Maintenance" includes all work or operations related to trimming, pruning, spraying, injecting, fertilizing, treating, cabling and bracing a tree in accordance with Good Arboricultural Practice.
- l) "Lot" means a parcel of land, described as an individual parcel of land in a registered plan of subdivision or a parcel of land described by metes and bounds in a deed registered in the Registry Office of the County of Hastings which parcel complies with the provisions of the Ontario Planning Act.
- m) "Lot Area" means the total horizontal area within the lot lines of a lot.
- n) "Officer" means a person designated by the Corporation of the City of Belleville for the enforcement of this By-law and includes but is not limited to the Chief Building

Official, the City's By-law Enforcement Officer, any police officer or any other persons authorized to enforce or perform inspections pursuant to this By-law.

- o) "Owner" means a person having any right, title, interest or equity in land or property, or any such person's authorized representative, and includes an occupant, tenant or lessee.
- p) "Permit" means permission or authorization given in writing pursuant to this By-law by the City to injure, destroy or remove a tree.
- q) "Permit Application" means an application prepared pursuant to this By-law requesting permission to injure or destroy one or more trees on a lot, submitted to the Administrator along with the prescribed fee.
- r) "Person" includes an individual, a sole proprietorship, a partnership, a corporation, a not for profit corporation, a registered charity and their respective heirs, executors, administrators, assigns or other duly appointed representatives.
- s) "Pruning" means the removal, as appropriate, of not more than one-third of the live branches or limbs of a tree in accordance with Good Arboricultural Practice.
- t) "Qualified Tree Expert" means a person who has graduated from an accredited college or university with a diploma or degree in Urban Forestry, Arboriculture or equivalent.
- u) "Tree" means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres at maturity, provided that where multiple stems grow from the same root system, the number of trees shall be the number of stems that can be counted at a point of measurement 1.37 metres from the ground.
- v) "Tree of Significance" means a tree that:
  - i) has a DBH of 20 centimeters or greater;
  - ii) is an endangered species as defined in the Endangered Species Act, R.S.O. 1990, c.E. 15, as amended; or
  - iii) is a nationally rare species as defined in the Species at Risk Act, 2002, S.O. 2002, c. 24, or successor legislation.

### **SECTION 3.0 APPLICATION OF THE BY-LAW**

3.1 This By-law shall apply to any lot that has a lot area of 2 hectares or more located within the Urban Service Area as set out in the City of Belleville Official Plan.

3.2 This By-law shall apply to trees having a DBH of 20 centimetres or greater.

### **SECTION 4.0 EXEMPTIONS FROM THE BY-LAW**

4.1 The provisions of this By-law do not apply to the following:

- a) Activities or matters of the injury or destruction of any tree exempted pursuant to subsection 135(12) of the Municipal Act, 2001, S.O. 2001, c.25, as amended;

- b) The injury or destruction of any tree located within a waste disposal site as defined in Part V of the Environmental Protection Act, R.S.O 1990, c.E.19, as amended;
- c) The injury or destruction of any tree that:
  - i) is dead, dying or diseased;
  - ii) is a hazard tree;
  - iii) is required as a result of emergency work;
  - iv) is required under an order pursuant to the City's Property Standards By-law;
  - v) requires pruning or maintenance where the branches or limbs interfere with existing utility conductors, buildings or structures;
  - vi) is a tree on a raised podium, in an indoor courtyard, in a solarium or on a rooftop garden;
  - vii) is in a tree nursery, tree farm, or cultivated orchard;
  - viii) is removed, injured or destroyed where the Owner has entered into a Development (Site Plan) Agreement, a Pre-Servicing Agreement, or a Subdivision Agreement with the City to develop the lot.

4.2 In all other circumstances, prior to the injury or destruction of any tree, a Permit shall first be obtained from the City in accordance with Sections 7.0 and 8.0 of this By-law.

#### **SECTION 5.0 ADMINISTRATION AND ENFORCEMENT**

- 5.1 The Administrator is responsible for the administration of this By-law and is hereby delegated the authority to review Permit Applications, issue Permits, refuse Permits, and include conditions of Permits.
- 5.2 The Administrator may delegate any of his/her duties under this By-law to an Officer.
- 5.3 For purposes of conducting inspections or determining compliance with this By-law, the Administrator or Officer may, upon producing the appropriate identification, at any reasonable time, enter and inspect any lot.
- 5.4 No person shall obstruct the Administrator or an Officer who is carrying out an inspection pursuant to this By-law, and any person who obstructs the Administrator or Officer is guilty of an offence.

#### **SECTION 6.0 GENERAL PROHIBITIONS**

- 6.1 Except as provided in Section 4 of this By-law, no person through his/her own actions or through the actions of another, shall:
  - i) injure or destroy any tree without first obtaining a Permit in respect of that tree;
  - ii) injure or destroy any tree without complying with any conditions of a Permit issued in respect of that tree;
  - iii) fail to comply with any condition or term of a Permit;
  - iv) fail to comply with any Order issued pursuant to this By-law or remove or deface any Order issued pursuant to this By-law, without obtaining the prior consent of the Administrator;
  - v) obstruct or attempt to obstruct the Administrator, any Officer or any person acting under the Administrator's instructions in the exercise of an authority under this By-law;

- vi) contravene any other provision of this By-law.

## **SECTION 7.0 PERMIT APPLICATION**

- 7.1 Where a Permit pursuant to this By-law is required, an Owner or other person who intends to injure or destroy a tree shall submit a Permit Application to the Administrator in the form provided by the City with payment of the prescribed fee.
- 7.2 Upon receipt of a Permit Application, where the Administrator determines that the application is exempt from the requirements for a Permit, the prescribed fee shall be refunded to the applicant.
- 7.3 The Administrator may require, as a component of a Permit Application, a report by a Qualified Tree Expert in support of the Permit Application, notwithstanding that such a report is not required as a component of the initial Permit Application.
- 7.4 Where any part of a tree subject of a Permit Application is located on an adjacent lot, the Permit Application shall include the written permission of the owner of the adjacent lot.

## **SECTION 8.0 ISSUANCE OF A PERMIT**

- 8.1 Upon receipt of a Permit Application, the Administrator or any person acting under the Administrator's instructions may inspect the lot and tree(s) to determine whether or not a Permit should be issued, and if so what conditions should be established.
- 8.2 The Administrator may issue a Permit to injure or destroy a tree where the Administrator is satisfied that:
  - i) the application satisfies the requirements of this By-law;
  - ii) the application is to permit the establishment or extension of a building or structure which requires the tree(s) to be removed;
  - iii) the tree is causing structural damage to load bearing structures, drains, or buildings; or
  - iv) removal of the tree(s) is necessary to support a permitted agricultural use or activity.
- 8.3 The Administrator may refuse to issue a Permit to injure or destroy a tree where the Administrator where any one or more of the following applies:
  - a) The Permit Application form has not been submitted in full, does not contain all required information, or is considered incomplete;
  - b) The Administrator requires a report by a Qualified Tree Expert in support of the application and the report has not been provided;
  - c) An application for rezoning, consent, minor variance, plan of subdivision, or site plan approval for the lot on which the tree(s) is located has been submitted to the City but has not yet received approval;
  - d) The tree that is requested to be injured or destroyed is an endangered species as defined in the Endangered Species Act, R.S.O 1990, c.E. 15, as amended;

- e) The tree is a nationally rare species as defined in the Species at Risk Act, 2002, S.O. 2002, c. 24, or successor legislation;
  - f) Where required and where the lot size and conditions would accommodate replacement, no adequate provision for replacement of the tree(s) has been included in the Permit Application;
  - g) The injury or destruction of the tree(s) contravenes the general intent and purpose of this By-law.
- 8.4 Any Permit issued pursuant to this By-law shall be issued in the name of the Owner and shall expire ninety (90) calendar days after the date of issuance, unless a written request for an extension is received by the Administrator prior to expiration of the Permit, in which case the Administrator may issue one extension for a maximum of ninety (90) calendar days.
- 8.5 The Administrator may impose conditions on any Permit including but not limited to:
- i) the manner and timing in which the injury or destruction of the tree(s) is to be carried out;
  - ii) the qualifications of the persons authorized to injure or destroy the tree(s);
  - iii) the requirement for replacement tree(s) or plantings, including the species, number, location and timing of replacement tree(s) or plantings;
  - iv) where replacement tree(s) or plantings are not physically possible on the lot, requiring replacement trees or plantings at another suitable location to which the Owner agrees or the payment of cash-in-lieu of the planting of replacement trees to the City, to be used by the City to plant trees on public lands;
  - v) measures to be implemented by the Owner to mitigate the direct and indirect effects of the destruction of the tree(s) on other nearby trees, properties, water bodies or natural areas.
- 8.6 Council may adopt policies to guide the Administrator in the use of conditions for Permits.

## **SECTION 9.0 ORDERS TO DISCONTINUE ACTIVITIES**

- 9.1 Where the Administrator or any Officer is satisfied a contravention of this By-law or a Permit has occurred, the Administrator or Officer may make an Order setting out the particulars of the contravention and requiring the Owner or such other person contravening this By-law to stop the injury or destruction of a tree, or requiring work to be done to correct the contravention.
- 9.2 An Order issued in accordance with this Section shall set out:
- i) the name of the Owner, the municipal address or other suitable description of the lot upon which the contravention has occurred;
  - ii) reasonable particulars of the contravention;
  - iii) what the Owner must do to rectify the contravention;
  - iv) a statement that if the work is not done in compliance with the Order within a specified time period, the City may have the work done at the expense of the Owner;
  - v) the date and time by which the Order must be complied with;

- vi) information regarding who to contact with the City for information relating to the Order.
- 9.3 An Order issued pursuant to this Section may be served personally or by sending it by prepaid registered mail to the last known address of the Owner.
- 9.4 Where an Order issued pursuant to this Section is made by mail, it shall be deemed to have been effected on the fifth day after the date the Order is mailed.
- 9.5 In the event that service cannot be carried out under Subsection 9.3 of this By-law, the Administrator or an Officer shall place a placard containing the terms of the Order in a conspicuous place on the lot where the contravention has occurred, and placement of the placard will be deemed sufficient service of the Order on the Owner.
- 9.6 Wherever this By-law or a Permit directs or requires any matter or thing be done, in default of its being done, the matter or thing may be done by the City under direction of the Administrator or an Officer at the Owner's expense, and the City may enter upon the lot upon which the matter or thing was to have been done at any reasonable time for this purpose, and the City may recover the costs incurred by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

## **SECTION 10.0 APPEALS**

- 10.1 Where the Administrator refuses to issue a Permit, or where the Administrator has imposed conditions on a Permit to which the Owner is not prepared to accept, the Owner may within fifteen (15) days of the date of refusal of the Permit Application or receipt of the Permit subject to conditions, appeal the matter to Council by filing a written request with the Administrator that the matter be considered by Council.
- 10.2 Where the Owner has filed an appeal with the Administrator, the Administrator shall prepare and forward a report on the appeal to Council within thirty (30) days of receipt of the appeal, setting out the grounds for his/her decision on the Permit Application.
- 10.3 Council shall consider the appeal and may:
- i) confirm the original decision of the Administrator; or
  - ii) direct the Administrator to issue a Permit or to issue a Permit with revised conditions.

## **SECTION 11.0 PENALTIES**

- 11.1 Any person who contravenes any provision of this By-law or an Order issued pursuant to this By-law is guilty of an offence.
- 11.2 All contraventions of any provision of this By-law or an Order issued pursuant to this By-law are designated as multiple offences and continuing offences pursuant to subsection 429(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law, and for greater certainty, when multiple trees are injured or destroyed, the injury or destruction of each tree is a separate offence.

- 11.3 Upon conviction of an offence under this By-law, a person is liable to a fine in accordance with Section 429 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, as follows:
- a) The minimum fine for an offence is \$500.00 and the maximum fine for an offence is \$100,000.00;
  - b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and the total of all daily fines for the offence is not limited to \$100,000.00;
  - c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00.
- 11.4 Upon conviction of an offence under this By-law, in addition to any other remedy or penalty, the City may further request the court in which the conviction is entered and any court of competent jurisdiction thereafter to make and order:
- i) prohibiting the continuation or repetition of the offence by the person convicted; and
  - ii) requiring the person convicted to correct the contravention in the manner and within the period the court may consider appropriate, which may include a request for an order for the planting or replanting of any tree or trees injured, removed or destroyed in a specified location and within a specified period of time, and the application of any silvicultural treatment that may be necessary to re-establish the tree or trees.

**SECTION 12.0      PRESCRIBED FEES**

- 12.1 The prescribed fees payable to the City in respect of the submission of a Permit Application shall be as set out in Table 1 in this By-law.
- 12.2 Where a Permit is issued with a condition requiring the planting of replacement trees with a DBH of 6 centimetres minimum, upon completion of the planting of the required replacement trees and the meeting of all other conditions if applicable, the Owner may submit a request to the Administrator for reimbursement of all or a portion of the fee for the Permit Application, as set out in Table 1 of this By-law.

**Table 1**

<b>Number of Trees Subject of the Permit Application</b>	<b>Application Fee</b>	<b>Reimbursement</b>
1 to 5 trees	\$50 for each tree, minimum \$150	\$30 for each replacement tree, to a maximum of the permit application fee paid
6 to 15 trees	\$40 for each tree, minimum \$300	\$20 for each replacement tree, to a maximum of the permit application fee paid
More than 15 trees	\$750	\$15 for each replacement tree, to a maximum of the permit application fee paid



**SECTION 13.0 SEVERABILITY**

13.1 If a court or tribunal of competent jurisdiction declares any provision, provisions, or part of a provision of this By-law to be illegal or unenforceable for any reason, such provision, provisions, or part of a provision shall be severed and all other provisions of this By-law shall be deemed to be separate and independent therefrom and shall be valid and enforceable to the fullest extent permitted by law.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read a first time this \_\_\_\_ day of \_\_\_\_\_ 2015.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

Read a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
TASO CHRISTOPHER MAYOR

\_\_\_\_\_  
MATT MACDONALD CITY CLERK

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

<b>FILE NO.</b>	<b>DATE REC'D</b>	<b>APPLICANT/OWNER/AGENT</b>	<b>PROPOSAL</b>	<b>STATUS</b>
<b>2013</b>				
B-77-944	July 3/13	Brian & Karen Rosebush Watson Land Surveyors Ltd.	25 Blessington Road, Thurlow 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
<b>2014</b>				
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>B-77-972</b>	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 Awaiting OMB Ruling
<b>2015</b>				
B-77-981	April 1/15	Rebecca Kilpatrick Rhonda Barriage	14 Maple Drive, 615 Sidney Street Zoning By-Law amendment to permit additional land to be used for parking in association with Beauty Works Day Spa	Public Meeting: May 4/15 Referred back to June 1/15 PAC Meeting PAC Decision: Approved Council Approved: June 8/15 Appeal Date: June 29/15

**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
<b>2015</b>				
B-77-982	April 13/15	Potters Creek Dev Inc. Ainley Group Consulting Engineers & Planners	<i>Block 57 - Dundas Street West</i> Zoning By-Law amendment to recognize two (2) existing residential lots & permit two (2) additional residential lots as part of the Potters Creek subdivision	Public Meeting: July 6/15
B-77-983	April 24/15	Darnell & David Cummins Watson Land Surveyors Ltd.	<i>439 Blessington Road, Thurlow</i> Zoning By-Law amendment to permit the disposal of a surplus dwelling	Public Meeting: June 1/15 PAC Decision: Approved Council Approved: June 8/15 Appeal Date: June 29/15
B-77-984	June 3/15	1308903 Ontario Ltd., o/a Bay Subaru Van Meer Limited Pan Properties Limited	<i>Part of Lot 30, Reg Plan 22, Thurlow</i> Zoning By-Law amendment to add motor vehicle sales & service as a permitted use	Public Meeting: July 6/15
B-77-985	June 29/15	Dagmar & Peter Settle	<i>593 Mudcat Road, Thurlow</i> Zoning By-Law amendment to permit the temporary use of the existing dwelling while a second dwelling is under construction	Public Meeting: Aug 4/15