CITY OF BELLEVILLE
Andrew Chan, Policy Planner
Engineering and Development Services Department
Report No. PP-2020-11
March 2, 2020

To: Belleville Planning Advisory Committee

Subject: Notice of Complete Application and Introductory Public Meeting for Application for Proposed Amendment to Zoning By-Law Number 3014, As Amended
1139 Airport Parkway, City of Belleville
OWNER: Ellen McFaul
APPLICANT: Warren McFaul

File: B-77-1100

Recommendation:

"That Report No. PP-2020-11 dated March 2, 2020 regarding Notice of Complete Application and Introductory Public Meeting for Application for Proposed Amendment to Zoning By-Law Number 3014, As Amended – 1139 Airport Parkway, City of Belleville, County of Hastings be received as information, and;

That Staff report back at such time as input from the public, commenting agencies, and municipal departments has been received, assessed, and addressed to the satisfaction of the Engineering and Development Services Department."

Background:

An application for 1139 Airport Parkway was received by the City of Belleville on January 22, 2020. The subject land is identified on the attached Location and Existing Zoning Map (Attachment #1).

The initial public meeting is held in accordance with the requirements of the Planning Act. The purpose of this meeting is for Committee Members to formally hear and receive public comments. The intent of this statutory public planning meeting is to receive public feedback and incorporate it into a recommendation report from Staff.

The Applicant is proposing to rezone the subject land as a condition of consent application B4/20. The severed parcel containing the existing dwelling would be rezoned Rural Residential (RR) Zone with special...
provisions to permit 50% of the existing barn to be used for a home occupation; and the retained parcel would be rezoned Prime Agriculture (PA-47) Zone with special provisions to prohibit future severances and Hazard (H) Zone. The proposed zoning is shown on the Proposed Zoning Map (Attachment #2).

Since farming and keeping of livestock would not be permitted on the severed parcel, the application proposes to permit 50% of the existing barn on the severed parcel to be used for a home occupation, which could allow the building to be better utilized.

Site details for the subject land:

<table>
<thead>
<tr>
<th>Site Review</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td><strong>Site Location</strong></td>
<td>The subject land is municipally known as 1139 Airport Parkway which is located on the north side of Airport Parkway, east of Mitchell Road, and west of the Tyendinaga Township boundary</td>
</tr>
</tbody>
</table>
| **Site Size**                      | Retained: ~48.3 ha  
Severed: ~0.67 ha |
| **Present Use**                    | Agriculture with one dwelling                                                                                                               |
| **Proposed Use**                   | Retained: agriculture  
Severed: residential                                                                                                                        |
| **Belleville Official Plan Designation** | Agriculture and Environmental Protection                               |
| **Present Zone Category**          | Prime Agriculture (PA) Zone, Rural (RU) Zone, and Hazard (H) Zone                                                                          |
| **Proposed Zone Category**         | Retained: Prime Agriculture (PA-47) Zone with special provisions to prohibit future severances and Hazard (H) Zone  
Severed: Rural Residential (RR) Zone with special provisions to permit 50% of the existing barn to be used for a home occupation |
| **Land uses to the north**         | Agriculture                                                                                                                              |
| **Land uses to the east**          | Agriculture                                                                                                                              |
| **Land uses to the south**         | Agriculture                                                                                                                              |
| **Land uses to the west**          | Agriculture and Residential                                                                                                               |

No additional information, reports, or studies were provided with the rezoning application. This document has been available for public review at the Planning Department.

**Proposal**

The Applicant is proposing to rezone the subject land from Prime Agriculture (PA) Zone, Rural (RU) Zone, and Hazard (H) Zone to Rural Residential (RR) Zone with special provisions to permit 50% of the existing barn to be used for a home occupation for the smaller severed parcel and Prime Agriculture (PA-47) Zone with special provisions to prohibit future severances and
Hazard (H) Zone as a condition of consent application B4/20.

**Provincial Policy Statement**

Municipalities are required to ensure all decisions related to land use planning matters shall be consistent with the Provincial Policy Statement.

Planning Staff will consider the following policies in the PPS:

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

   a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

   b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

   c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

      1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

      2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or
based on municipal approaches which achieve the same objective; and
d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

2.3.4.3 The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).

Official Plan

The current Official Plan was adopted by City Council on June 18, 2001 and approved by the Ministry of Municipal Affairs and Housing on January 7, 2002. Since 2002, a significant number of new and updated policies and legislation have occurred at the provincial level. The City is currently undertaking a Municipal Comprehensive Review and update to the policies of the Official Plan to ensure they comply with current provincial policies and legislation. The City will have to comply with the province’s new legislation, regulations, and policies when updating the Official Plan.

The land is designated “Agriculture” and “Environmental Protection” in the City’s Official Plan (Attachment #3 – Official Plan Designation Map). Planning Staff use the policies within the Official Plan to make recommendations.

The following policy regarding the Agriculture Land Use will be considered:

- A consent to enable disposal of a surplus dwelling created through the consolidation of lands may be permitted, as would a technical severance to correct a lot boundary, provided that:
  - inappropriate fragmentation of agricultural land is not promoted; and
  - the Provincial minimum distance separation formulae has been met.

Additionally, the Official Plan defines the Environmental Protection Land Use designation as lands requiring special care and regulation due to their inherent natural or physical characteristics. Development is generally discouraged on and in close proximity to natural hazards or heritage features under this designation.

Zoning By-Law

Currently, the subject land is zoned Prime Agriculture (PA) Zone, Rural (RU)
Zone, and Hazard (H) Zone. The applicant is proposing to rezone the severed portion to Rural Residential (RR) Zone with special provisions to permit 50% of the existing barn to be used for a home occupation and the retained parcel to Prime Agriculture (PA-47) Zone with special provisions and Hazard (H) Zone.

The severed portion contains an existing dwelling and barn. A picture of the barn has been included in this report (Attachment #4). The barn has a building footprint of approximately 333 square metres and a height of approximately 20 metres. The Rural Residential (RR) Zone does not permit farm uses which would prohibit the barn to be used for livestock and other agriculture-related uses.

The barn can be used for personal use and/or a home occupation. Home occupations, however, are limited to occupying 25% of the gross floor area of the main building. The main building’s gross floor area is approximately 160 square metres; meaning only approximately 40 square metres of the total floor area of the barn could be used for a home occupation under current provisions of Section 4.8 of the Zoning by-Law.

Since farming and keeping of livestock would not be permitted on the severed parcel, the application proposes special provisions to permit up to 50% of the existing barn may be used for a home occupation, which could allow for the adaptive reuse of the existing building.

The retained would be primarily rezoned to Prime Agriculture (PA-47) Zone with special provisions to prohibit future severances, as the Official Plan designation is Agriculture.

A portion of the retained parcel is currently zoned Hazard (H) Zone. This portion will remain as Hazard (H) Zone to conform with the current Official Plan land use designation.

Public Comments

On February 10, 2020, a written notice and location map was mailed by first class mail to all registered owners of land within 120 metres of the subject property. The notice provided information that a public meeting was scheduled for March 2, 2020.

Similarly, a sign was placed on the subject land notifying the general public that a public meeting was scheduled for March 2, 2020.

At the time of writing this report, no correspondence from the public has been received by the City regarding this application.
**Staff and Agency Comments**

**External Agency Circulation**

The subject application was circulated for comment to the Algonquin & Lakeshore Catholic School Board, the Hastings & Prince Edward District School Board, Hastings and Prince Edward Health Unit, Bell Canada, Canada Post, Ontario Power Generation, Union Gas, Elexicon Energy, Hydro One, TransCanada Pipeline, Enbridge Pipelines, Trans-Northern Pipelines, MPAC, and the Health Unit.

At the time of writing this report, no comments or concerns have been received regarding this application.

**Internal Department Circulation**

The subject application was circulated for comment to the Belleville Fire Department, Belleville Police Service, the General Manager of Transportation & Operations Department, General Manager of Environmental Services, the Director of Recreation, Culture and Community Services, the Manager of Parks & Open Spaces, the Chief Administrative Officer, the Manager of Economic & Strategic Initiatives, the City Clerk, and the Chief Building Official.

Belleville Transportation & Operations Services, Recreation, Culture and Community Services, and Parks & Open Spaces Departments have provided correspondence and they have no concerns.

At the time of writing this report, no other comments have been received regarding this application.

**Considerations:**

**Public**

Circulation to the public complies with the requirements of the Planning Act, R.S.O. 1990.

**Financial**

The fees of the application have been received by the City.

**Impact on and input from other Departments/Sources**

Circulation of this application to other departments/agencies has occurred.
Strategic Plan Alignment

The City of Belleville’s Strategic Plan identifies nine strategic themes. This application aligns with each of the City’s nine strategic themes and the City’s mission statement.

Conclusion:

Comments received at this public meeting, as well as subsequent written comments will be considered by the Engineering and Development Services Department in analysis of the application received to amend the City of Belleville Zoning By-Law 3014. A recommendation report will be brought forward upon receipt of all agency and public comments.

Respectfully submitted,

Andrew Chan, BES
Policy Planner, Policy Planning
Engineering and Development Services Department

Attachments

Attachment #1 – Location and Existing Zoning Map
Attachment #2 – Proposed Zoning Map
Attachment #3 – Official Plan Designation
Attachment #4 – Photograph of Barn on Severed Parcel
Attachment #1 – Location and Existing Zoning Map

LOCATION MAP
EXISTING ZONING

LOCATION: 1139 AIRPORT PARKWAY

- SUBJECT LANDS

CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT
SERVICES DEPARTMENT
PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 1139 AIRPORT PARKWAY

- SUBJECT LANDS
- PROPOSED ZONING CHANGE TO PA-47 (PRIME AGRICULTURE)
- WITH SPECIAL PROVISIONS
- PROPOSED ZONING CHANGE TO RR (RURAL RESIDENTIAL)
Attachment #3 – Official Plan Designation

LOCATION MAP
LAND USE

LOCATION: 1139 AIRPORT PARKWAY

- SUBJECT LANDS

CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT
Attachment #4 – Photograph of Barn on Severed Parcel