To: Belleville Planning Advisory Committee

Subject: Notice of Complete Application and Introductory Public Meeting for Proposed Temporary Use By-Law Amendment to Zoning By-Law 3014, As Amended
1070 Thrasher Road, City of Belleville
OWNER/APPLICANT: Jessy Mathers

File: B-77-1102

Recommendation:

“That Report No. PP-2020-13 dated March 2, 2020 regarding Notice of Complete Application and Introductory Public Meeting for Application for a Temporary Use By-Law – 1070 Thrasher Road, 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:

On December 12, 2019 a Zoning Compliance Order was issued to the Owner of the subject land notifying them that the property was being used contrary to the provisions of Zoning By-Law 3014.

The Zoning Compliance Order indicated that the operation of the business “Pavement Pros” was in violation of the Home Occupation provisions of the Zoning By-Law.

On January 20, Planning Staff held a pre-consultation meeting with the Owner to discuss the Zoning Compliance Order and how they could address the issue.

On January 24, 2020 the City of Belleville received an application for a proposed temporary use by-law to allow the continued operation of Pavement Pros for a period of three (3) years as the Owner searched for a
new location for their business.

The Planning Act permits Council to pass a by-law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the zoning by-law for a period not exceeding three (3) years.

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 subject lands are identified on the attached Location Map (Attachment #1). Site Details for the subject land:

<table>
<thead>
<tr>
<th>Site Review</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Location</strong></td>
<td>The subject land is municipally known as 1070 Thrasher Road which is located east of Bronk Road and west of the Tyendinaga Township boundary.</td>
</tr>
<tr>
<td><strong>Site Size</strong></td>
<td>0.45 hectares</td>
</tr>
<tr>
<td><strong>Present Use</strong></td>
<td>Single detached dwelling, contractor’s yard (Pavement Pros)</td>
</tr>
<tr>
<td><strong>Belleville Official Plan Designation</strong></td>
<td>Agricultural &amp; Environmental Protection</td>
</tr>
<tr>
<td><strong>Present Zone Category</strong></td>
<td>Rural Residential (RR) Zone</td>
</tr>
<tr>
<td><strong>Land uses to the north</strong></td>
<td>Agriculture</td>
</tr>
<tr>
<td><strong>Land uses to the east</strong></td>
<td>Rural Residential</td>
</tr>
<tr>
<td><strong>Land uses to the south</strong></td>
<td>Wooded area</td>
</tr>
<tr>
<td><strong>Land uses to the west</strong></td>
<td>Rural Residential</td>
</tr>
</tbody>
</table>

No additional information, reports, or studies were provided with the rezoning application.

**Proposal**

The application proposes a three (3) year temporary use by-law to permit the continuation of an existing contractor’s yard (Pavement Pros).

**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:

1.1.1 Healthy, liveable and safe communities are sustained by:

   a) Promoting efficient development and land use patterns which sustain
the financial well-being of the Province and municipalities over the long term.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;

b) promoting regeneration, including the redevelopment of brownfield sites;

c) accommodating an appropriate range and mix of housing in rural settlement areas;

d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;

e) using rural infrastructure and public service facilities efficiently;

f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;

h) conserving biodiversity and considering the ecological benefits provided by nature; and

i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 2.4 and 2.5; or

b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a specialty crop area;

2. the proposed use complies with the minimum distance separation formulae;

3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
4. alternative locations have been evaluated, and
   
i. there are no reasonable alternative locations which avoid prime agricultural areas; and

   ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

**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 undertook a Municipal Comprehensive Review and the policies of the Official Plan are currently being updated 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 #2 – Official Plan Designation Map). Planning Staff use the policies within the Official Plan to make recommendations.

Within the Agriculture land use designation the Official Plan permits many forms of agricultural activity including the raising and/or growing of crops, animals and fish, uses that produce value added agricultural products from the farm operation on the property (i.e. maple syrup production, pick your own operations, and seasonal roadside produce stands); kennels and woodlots are also permitted uses. Agricultural-related tourist commercial uses are permitted also. Also permitted are farm-related commercial and farm-related industrial uses that are small in scale and directly related to the farming operation and required to be in close proximity to the farming operation such as a feed mill, seed cleaning facility, agricultural produce warehouses, abattoirs, or other similar agri-business.

The Environmental Protection designation on the land is intended for lands that require special care and regulation due to their inherent natural or physical characteristics.

**Zoning By-law**

The subject land is zoned Rural Residential (RR) Zone under Zoning By-Law 3014. This zone permits the following uses:

- Single family dwelling house;
- Converted dwelling house;
- Group home; and
The Zoning By-Law provides general provisions for home occupations which include the following:

- A home occupation must be contained entirely within a dwelling or accessory building;
- The floor space of the home occupation must not exceed 25% of the total floor space of the dwelling;
- No yards may be used for the home occupation, including the outside display or storage of materials;
- Commercial vehicles weighing more than 500 kilograms are prohibited, except that one commercial motor vehicle, not exceeding 1,000 kilograms capacity, may be stored in a private garage;
- No display, other than a 0.3 m² sign is permitted and must be 3 m from any property line; and
- There may be no employees other than those who live in the dwelling on the property.

Following consultation with the Owner of the subject land, By-Law and Planning Staff determined the existing use of the land was in contravention of the Zoning By-Law for the following reasons:

- An excess of 25% of the total floor space of the dwelling is used for the home occupation;
- The subject land contains commercial vehicles in excess of 500 kilograms;
- There is outside storage; and
- Employees other than those living in the dwelling are on site.

Zoning By-Law 3014 defines a “contractor’s yard” as meaning a yard of any building trade or contractor where equipment and material are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

A contractor’s yard is a listed use only under the General Industrial (M1) Zone.

Public Comments

On February 7, 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 lands notifying the general public that a public meeting was scheduled for March 2, 2019.
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, Quinte Conservation 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.

Transportation and Operation Services have provided comments that they have no concerns with this application.

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.

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 for a temporary use by-law. A recommendation report will be brought forward upon receipt of all agency and public comments.

Respectfully submitted

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Thomas Deming, CPT
Principal Planner, Policy Planning
Engineering and Development Services Department

Attachments

Attachment #1 – Location Map
Attachment #2 – Official Plan Designation
Attachment #1 – Location and Existing Zoning Map

LOCATION MAP
EXISTING ZONING

LOCATION: 1070 THRASHER RD

- SUBJECT LANDS

CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT

B-77-1102