

**Savoia, Ellen**

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**From:** Tanner, Mary Lou <marylou.tanner@niagararegion.ca>  
**Sent:** October 16, 2013 8:35 AM  
**To:** Savoia, Ellen  
**Cc:** Pihach, Judy; Blozowski, Kevin; Bellows, Bruce; Benson, Curt; Dick, Brian  
**Subject:** RE: Official Plan Amendment No. 2

Hi Ellen

Thank you for your email and the follow up phone call yesterday. I wasn't aware that comments had been sent. Not to worry – we'll sort out our internal discussion.

As the Region has sent comments, we consider this the totality of the Region's comments and will provide no further comments. Thank you.

Mary Lou

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**From:** Savoia, Ellen [mailto:esavoia@stcatharines.ca]  
**Sent:** Tuesday, October 15, 2013 10:24 AM  
**To:** Tanner, Mary Lou  
**Cc:** Pihach, Judy; Blozowski, Kevin; Bellows, Bruce; Benson, Curt; Dick, Brian  
**Subject:** FW: Official Plan Amendment No. 2

Hi Mary Lou

In response to your email dated October 14 2013 to Bruce and Judy regarding the Official Plan Amendment. Please see the email (below)received October 2, 2013 and the attached letter of comment from Pat Busnello Development Services, Public Works, Niagara Region. We had understood that the attached represented the Region's comments on the proposed OPA. Also attached for your information is a copy of the OPA matrix which details the proposed amendment. Pat refers to OPA No. 2 which is correct. I incorrectly referred to this proposed amendment as OPA No. 1 in my earlier correspondence.  
Ellen Savoia

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**From:** Busnello, Pat [mailto:pat.busnello@niagararegion.ca]  
**Sent:** October 2, 2013 5:03 PM  
**To:** Savoia, Ellen  
**Cc:** Radman, Marilyn; Colosimo, Peter; Benson, Curt; Dick, Brian; Mancuso, Connie  
**Subject:** Official Plan Amendment No. 2

Hi Ellen,

Please find attached Provincial and Regional comments on proposed Official Plan Amendment No. 2, which is provided by e-mail only. Let me know if you have any questions or require a hard copy.

Pat

**Pat Busnello, MCIP, RPP**  
Senior Development Planner  
Development Services  
Public Works  
Niagara Region

Phone: 905-685-4225 ext. 3379 Toll-free: 1-800-263-7215  
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**From:** Bellows, Bruce  
**Sent:** October 15, 2013 10:05 AM  
**To:** Savoia, Ellen  
**Subject:** FW: St. Catharines Zoning By-law and related OP Amendment

**From:** Tanner, Mary Lou [<mailto:marylou.tanner@niagararegion.ca>]  
**Sent:** Monday, October 14, 2013 6:57 PM  
**To:** Pihach, Judy; Bellows, Bruce  
**Cc:** Dick, Brian; Benson, Curt  
**Subject:** St. Catharines Zoning By-law and related OP Amendment

Hi Judy and Bruce

Some weeks ago Bruce and I spoke of the City's need to amend their OP as a result of the zoning by-law. Bruce indicated these were generally site specific addresses and wondered if they could be exempt from Regional approval. I indicated that was likely subject to the list being sent to us so we could ascertain if there were any Regional interest matters. I haven't seen the list personally so I am hoping you could send it to us as I understand the report was being finalized at the end of last week.

Thanks very much.

Mary Lou

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October 10, 2013

Ms. Ellen Savoia, MCIP, RPP  
 Planner  
 Planning and Development Services  
 City of St. Catharines  
 P.O. Box 3012  
 50 Church Street  
 St. Catharines, ON L2R 7C2

RPT	DECIDE	INFO	P.D.S.
			REFERRED TO INIT.
			E. Savoia
DATE REC'D →	OCT 16 2013	SCAN	<input type="checkbox"/>
FILE NO			

Dear Ms. Savoia:

**Re: Regional Comments on  
 Updated Draft City of St. Catharines Zoning By-law**

Regional Staff appreciates the consideration taken in regards to previous comments sent on July 19, 2013. Subsequent to these comments, staff has reviewed the final draft of the Zoning By-law for the City of St. Catharines and have three outstanding concerns. The comments provided address matters of Regional or Provincial interest within the draft zoning by-law.

Minimum Distance Separation Formulae (MDS)

Regional staff have noted that Appendix 3 from the Garden City Plan has been added to highlight Development Constraints in the Zoning By-Law. As this map has information from 2002 and is only provided for reference purposes, Regional staff recommend that the by-law include provisions implementing the MDS formula. City staff have noted that Section 1.1.3 Interpretation intends to serve as a provision through which other agency issues should be addressed. Although the MDS formula is prescribed by the Province, the local municipality is the implementing body and, therefore is responsible for ensuring that MDS is met for development on existing lots (i.e. building permits for new dwellings or livestock facilities). Without clear MDS provisions, the By-law does not appear to meet Policy 2.3.3.3 of the Provincial Policy Statement or Policy 6.A.16 of the Regional Policy Plan. A MDS provision example from the new Wainfleet Zoning By-law has been added as an example of how MDS could be addressed.

Natural Heritage

Staff appreciate the addition of Appendix 16.1.2 to the Zoning By-law which highlights the development constraints from Natural Heritage features (taken from Schedule F5 of the Garden City Plan and based on NPCA's development review screening layer). This map provides a good visual representation of where the natural heritage features are located throughout the City and associated buffers. As noted in NPCA's comments on the revised draft By-law, however, the status of the constraint mapping as an appendix to the By-law is unclear (the footnote indicates that the map is for convenience only and refers the reader back to the requirements of the applicable agency). Without specific zoning provisions to implement the constraint mapping, natural heritage features could be negatively impacted by development of permitted uses within the buffer area of a feature. Accordingly, in addition to the map's inclusion, staff recommend that the Zoning By-law make reference to Appendix 16.1.2 and include provisions to identify the extent of the required buffer/setback from the natural heritage feature. Including written zoning provisions for the setback will ensure that new development does not negatively impact the natural heritage features. Furthermore, in order to address development within the adjacent lands



of a natural heritage feature, we continue to recommend that the City consider adopting a similar approach as the Lincoln Zoning By-law that was provided as an example in our previous letter.

#### Agri-Tourism

Staff acknowledges the inclusion of 11.2.1c)iii) limiting the total gross leasable floor area of a winery to a maximum of 5% of the lot area as beneficial in ensuring wineries remain secondary to the principal farming operation. In addition, however, we note that without a maximum size limit the By-law could potentially permit very large estate wineries that may not be consistent with the requirement that agri-tourism/value-added uses be small in scale. Although this may not be of concern on smaller parcels, a farm parcel of 20 hectares, for example, could accommodate a winery with a floor area of approximately 10,000 square metres (107,640 sq.ft.). The By-law should, therefore, also include a maximum winery size. Some area municipalities have included a maximum size for smaller wineries (e.g. farm wineries) permitted as-of-right and provided zoning regulations for larger estate wineries requiring a zoning by-law amendment. The Niagara Escarpment Plan includes a maximum winery size of up to 2,323 square metres (25,000 sq.ft.).

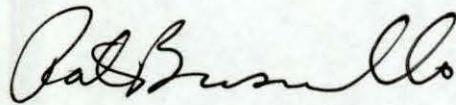
#### Conclusion

Regional staff appreciates your consideration in these remaining concerns. If City staff would like to discuss the provided comments further please contact our office at any time and we will arrange a meeting.

Yours truly,



Brian Dick, MCIP, RPP  
Senior Planner  
Regional Policy Planning



Pat Busnello, MCIP, RPP  
Senior Planner  
Development Services

BD/PB

Attachments: Wainfleet Example

cc. Ms. S. McInnes, MCIP, RPP, Manager, Watershed Development Services, NPCA  
Ms. M. Radman, MCIP, RPP, Manager of Development Planning  
Mr. C. Benson, MCIP, RPP, Manager of Regional Policy Planning



- b) Expansions, repairs and renovations of a *building* or *structure* containing a *legal non-conforming use*, or a *building* or *structure* containing a permitted *use* that is not in compliance with all of the one zone requirements, is permitted provided:
  - i) that the expansion, repair and renovation does not further increase the extent of the non-compliance and complies with the other provisions of the by-law; and
  - ii) septic systems can be appropriately provided in accordance with the requirements of the Ontario Building Code.
- c) Notwithstanding subsections (a) and (b), where the building is located in the Hazard Overlay Zone, the Niagara Peninsula Conservation Authority regulations shall apply.

#### 4.13 Setback Requirements From Streets

The required minimum *setback* of *buildings* and *structures* from an abutting *street* shall be calculated at right angles from the centre line of the *street* a distance equal to the sum of:

- a) the distance in metres of the required *front yard* or *exterior side yard setback* set out in the applicable zone, plus
- b) the distance in metres specified in Table 1 for the abutting *street*.

**Table 1: Street Setback Requirements**

Public Highway or Street	Distance from Centre Line of the Highway or Street
Provincial Highway No. 3	Variable (refer to MTO.)
Regional Roads	13 metres
All <i>Township Roads or Streets</i>	10 metres

#### 4.14 Minimum Distance Separation (M.D.S.) formulae

- a) Notwithstanding *building setback* and minimum *yard* requirements of any zone, the requirements of M.D.S. Formula 1 and M.D.S. Formula 2, as updated from time to time, shall prevail.
- b) The minimum acceptable separation distance shall be the distance determined in the application of M.D.S. Formula 1.
- c) This section shall not apply to prevent the expansion of a livestock barn or structure which is restricted by a *dwelling* on an adjoining *lot* which *dwelling* forms a part of the same *farm operation* as the expanding livestock barn or structure.



- d) Any *setback* distance required from farm and non-farm *buildings* by M.D.S. Formula 1 or M.D.S. Formula 2 shall also apply from farm and non-farm *buildings* in adjacent municipalities.

#### 4.15 Supplementary Setbacks from Any Drainage Works

Notwithstanding any other provisions of this By-law a minimum *setback* of 11 metres shall be provided from any *drainage works* to permit the maintenance of said *drainage works*.

#### 4.16 Provisions for Home Occupations

A *home occupation* shall be permitted as an *accessory use* to any *single detached dwelling* permitted by this By-law, in accordance with the following:

- a) The *home occupation* is clearly secondary to the *use* of the *dwelling unit* as a private residence and shall be smaller than or equal to 25% of the of the *dwelling gross floor area*;
- b) Outdoor storage and display of goods and materials or products shall be prohibited;
- c) The *home occupation* does not change the character of the *dwelling unit* as a private residence;
- d) The *home occupation* does not create or become a public nuisance, in particular in respect to noise, traffic or parking; and
- e) A maximum of one non-illuminated *sign* per home occupation is permitted provided that it is:
  - i) a maximum area of 0.36 square metres;
  - ii) attached to the dwelling or as a stand alone *sign* with a maximum height above the ground of 1.2 metres;
  - iii) not located in a day lighting triangle; and
  - iv) no closer than 1 metre to any lot line.

#### 4.17 Provisions for Home Industries

A *home industry* shall be permitted as an *accessory use* in Agricultural and Rural Zones, subject to the provision of Section 6 and in accordance with the following:



**Savoia, Ellen**

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**From:** McInnes, Suzanne <smcinnes@npca.ca>  
**Sent:** October 9, 2013 3:51 PM  
**To:** Savoia, Ellen  
**Cc:** Dick, Brian; Busnello, Pat; 'carlene.whittingham@ontario.ca'  
**Subject:** St. Catharines CZB comments  
**Attachments:** St. Catharines CZB comments Oct 2013.pdf

Hi Ellen, Please find attached a copy of NPCA's comments on the CZB.

Please contact me if you have any questions,

Suzanne McInnes, MCIP, RPP  
Manager, Watershed Development Services  
Niagara Peninsula Conservation Authority  
250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
phone: (905) 788-3135 ext. 235  
fax: (905) 788-1121  
[smcinnes@npca.ca](mailto:smcinnes@npca.ca)  
[www.npca.ca](http://www.npca.ca)

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October 9, 2013

File: MPR 9.27(C)

City of St. Catharines  
Planning and Development Services  
P.O. Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

Attention: Ms. Ellen Savoia, MCIP, RPP, Planner 1

Dear Ms. Savoia,

Re: Draft New City of St. Catharines Zoning By-law (August 23, 2013)

Thank you for the opportunity to provide comments on the draft Comprehensive Zoning By-law. The comments attached are based on the following Conservation Authority responsibilities including:

- the agency delegated by the Province to address Natural Hazards (PPS 2005) and
- the NPCA's Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Document (rev. October 2011).

Staff have not provided comments on the Comprehensive Zoning By-law regarding the Region's Environmental Policies. Section 3 of the Niagara Planning MOU indicates that the NPCA is the one window for Natural Environment comments on planning documents. In this case, the Region's ICP staff have advised that they will be providing comments based on the Region's Environmental policies.

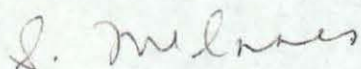
The Conservation Authority has a Memorandum of Agreement (MOU) with the Province regarding the delegated responsibilities for Natural Hazards. Conservation Authorities are responsible for reviewing Comprehensive Zoning By-laws to ensure that they have addressed Section 3.1 of the PPS. Under this MOU the Conservation Authority will apprise the Ministry of Municipal Affairs and Housing (MMAH) where there is an issue as to whether Section 3.1 has been appropriately addressed to determine whether or not direct involvement from the Province is required. The Ministry is copied on this letter for this reason.

Some of the NPCA's previous comments (July 2 2013) have been addressed. However, the NPCA is concerned that the exclusion of the Natural Area Extents (as identified in the City's Official Plan) creates an issue for the City with respect to achieving conformity with the Natural Hazard policies in the new Official Plan and Section 3.1 (Natural Hazards) of the Provincial Policy Statement. In addition, NPCA staff are seeking clarification from the City whether items included within the appendix of the Comprehensive Zoning By-law actually form part of the by-law. Detailed comments are attached.

NPCA staff would be pleased to meet with City staff to resolve these concerns prior to Council adoption of the new Comprehensive Zoning By-law.



Yours truly,

A handwritten signature in dark ink, appearing to read "S. McInnes". The signature is written in a cursive, flowing style.

Suzanne McInnes, MCIP, RPP  
Manager, Watershed Development Services (ext. 235)

cc: B. Dick, Region of Niagara, ICP  
M. Radman, Region of Niagara, Development Services  
C. Whittingham, MMAH



City of St. Catharines Draft Comprehensive Zoning By-law (August 23, 2013)

Section	NPCA Comments
Interpretation 1.1.3	A new phrase has been added that refers to development constraints reference mapping. What status does information in an appendix have in a Zoning By-law? Is it the same as an appendix in an Official Plan which isn't considered to be part of the plan? Please confirm what the status of items in an appendix is in a Comprehensive Zoning By-law.
Interpretation of Zone Boundaries  1.1.7(c)	<p>Same comments as previously made (July 2013). This section indicates that when determining the boundary of any zone, and (a),( b) or (c) don't apply then the zone boundary shall be scaled from the schedules. The City's new Official Plan 13.2.1.4 (i) states: "The Natural Area mapping set out on the Schedules of this Plan should not be construed as representing the precise boundaries or all of known Natural Hazard Lands and Natural Heritage." Since the Official Plan acknowledges that the Natural Area mapping doesn't represent precise boundaries, and the Comprehensive Zoning By-law uses the same mapping, how can the City accurately scale the zone boundaries from the schedules?</p> <p>One way to resolve this concern is to add another section here. The Town of Lincoln's CZB has a good example in Section 5.4 which states:  <i>"Accurate delineation of zoning boundaries which depict the limits of the Environmental Conservation Zone should be determined in consultation with the Niagara Peninsula Conservation Authority."</i></p>
Accessory Buildings and Structures 2.1	<p>NPCA staff are pleased to see revisions made to address exceptions for accessory buildings and structures in the Conservation/Natural Area (G1) Zone. However it remains silent on the Natural Area Extent Line shown in the Official Plan. Section 13.2.2.1 of the Official Plan states: "The following uses are permitted within the Natural Area designation and the Natural Area Extent Line, subject to the policies of this plan: i) legally existing uses, building and structures including existing agricultural uses....". The Comprehensive Zoning By-law does not address accessory buildings and structures in the Natural Area Extent Line as shown in the Official Plan. Exclusion of the Natural Area Extent Line in the CZB creates issues with conformity with the City's Official Plan and the Natural Hazards policies of the PPS. For example, the City's G1 zone does not include all of the lands that meet the definition of hazardous lands under the PPS (e.g. steep valleys like 12 Mile Creek or the Lake Ontario shoreline – see comment on Special Provision 6). The combination of the G1 zone and the Natural Area Extent Line (from the Official Plan) would include the lands that meet the definition of Natural Hazards in the PPS.</p> <p>One way to resolve this specific concern, and the broader concern about how the Natural Area Extent Line is addressed overall in the CZB is to consider including a new section in Section 2- General Provisions regarding lands abutting the G1 zone. The Town of Lincoln's CZB has a good example in Section 6.18.6 of their CZB.</p>
Non- Complying	This version of the CZB includes an introductory phrase that references the reader back to Section 1.1.3 of the by-law. While it is important to remind the reader about



Buildings and Lots 2.14	<p>complying with policies of others (e.g. Region and NPCA), the municipality also has a responsibility to address the Provincial Policy Statement in their planning documents. This policy allows for replacing or restoring to a safe condition of any existing building or structure. Section 3.1.1 of the PPS generally directs development to areas outside of hazardous land and hazardous sites. Section 3.1.6 includes some exceptions under specific conditions. This section in the CZB is too broad and allows for replacing structures in areas not permitted by the PPS nor the City's Official Plan. Section 13.2.3(ii) of the City's Official Plan states: Development and site alteration shall not be permitted: within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard....." The Conservation Authority Policy 3.18.1 (a) states: "Any Building or structure which is located in the floodplain and has been destroyed for reasons other than flooding may be allowed to be rebuilt, provided the building cannot be relocated to an area outside of the Floodplain, as determined by the Conservation Authority....." The NPCA policy also includes specific criteria for reconstruction. The NPCA recommends that the City revise this policy to address the City's official plan policies, the Natural Hazards Policies of the PPS and the Conservation Authority policies for replacing buildings in Natural Hazards.</p>
Section 9 Green Space	<p>The G1 Zone includes lands within the Natural Area designation of the City's Official Plan. As noted above in the comments on the Interpretation of Zone Boundaries, there is a concern that G1 zone does not reflect all of the known Natural Hazard lands in the City of St. Catharines (see text under Section 2.1). At a meeting with City staff on June 11, 2013 it was indicated that the Natural Area Extent line shown in the Official Plan was going to be added into the Comprehensive Zoning By-law in an Appendix. It does not appear to be included.</p>
Special Provision 6 Port Dalhousie Cottage Area	<p>There are residential properties located immediately adjacent to Lake Ontario that are subject to the Natural Hazards associated with the Lake (flooding, erosion, wave uprush). The G1 Zone located between the lake and the residential zone does not accurately reflect the extent of the Natural Hazard as defined in the PPS. See comments above on Section 2.1 and Section 9.</p>
Special Provision 106	<p>Please revise the location to reflect the tableland lots ( 358A, 358C, 358D and 358E Martindale Road). 358B Martindale Road is the City owned walkway and parkland along the shore of Martindale Pond.</p>



**Savoia, Ellen**

60.30-317  
60.35.11 v.c  
Comments

**From:** Busnello, Pat <pat.busnello@niagararegion.ca>  
**Sent:** October 2, 2013 5:03 PM  
**To:** Savoia, Ellen  
**Cc:** Radman, Marilyn; Colosimo, Peter; Benson, Curt; Dick, Brian; Mancuso, Connie  
**Subject:** Official Plan Amendment No. 2  
**Attachments:** OPA 2 - OP-ZB Alignment.pdf

Hi Ellen,

Please find attached Provincial and Regional comments on proposed Official Plan Amendment No. 2, which is provided by e-mail only. Let me know if you have any questions or require a hard copy.

Pat

**Pat Busnello, MCIP, RPP**  
Senior Development Planner  
Development Services  
Public Works  
Niagara Region  
Phone: 905-685-4225 ext. 3379 Toll-free: 1-800-263-7215  
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VIA E-MAIL ONLY

October 2, 2013

Files: D.10.08.OPA-13-028  
D.18.08. ZA-13-074

Ms. Ellen Savoia  
Planner 1  
City of St. Catharines  
PO Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

Dear Ms. Savoia:

**Re: Provincial and Regional Review Comments  
Proposed Official Plan Amendment No. 2  
Garden City Plan Alignment with Draft Comprehensive Zoning By-law  
City of St. Catharines  
Your Files: 60.30.317 & 60.35.11 Vol. c**

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Regional Development Services staff has reviewed the revision matrix prepared by the City summarizing proposed amendments to the City's Garden City Plan to better align the Plan with the draft new Comprehensive Zoning By-law. A copy of the final draft By-law (August 23, 2013), incorporating revisions based on comments received by the City on the initial draft, was also received.

The proposed Official Plan amendment consists of various site specific policy or land use designation changes as well as several comprehensive policy revisions to the following Official Plan sections:

- North District Planning Area Policies – Port Dalhousie Harbour Area (west side)
- Downtown Policies and Mapping
- Employment Policies
- Local Neighbourhood Convenience Commercial Centres (LNCCC) Policies
- Major Commercial Policies
- Agriculture Policies
- Entire Official Plan – Administrative and "housekeeping" changes

The following Provincial and Regional comments are provided to assist the City in considering the proposed Official Plan amendment.

**Provincial and Regional Policies**

The proposed site specific changes affect approximately 34 properties that are situated within the St. Catharines Urban Area Boundary according to the Regional Policy Plan, which is an



urban settlement area under the 2005 Provincial Policy Statement (PPS). These properties are also within the built-up area as identified in the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan) and are within the Built Boundary under Regional Policy Plan Amendment 2-2009 (Niagara 2031 Sustainable Community Policies/conformity amendment), with the exception of 45 Lakeport Road (Lock One, Second Welland Canal parkette).

Provincial and Regional policies direct growth to settlement areas where appropriate levels of services and infrastructure exist and encourage the development of complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space, and easy access to local stores and services. Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term.

The site specific amendments, which will primarily recognize and reflect the existing use of these properties as well as provide for appropriate future development opportunities, are acceptable from a Provincial and Regional perspective. The majority of the comprehensive policy revisions primarily address land use policies applicable to lands within the Urban Area and are also acceptable as Provincial and Regional planning interests are not affected.

The proposed Agricultural Policies amendment (Section 14.2.1) would establish a size limit for wineries by limiting the gross leasable floor area to 5% of the area of the lot in order to ensure that agri-tourism and value added uses are secondary and subordinate to the principal farm operation on the lands. The City should, however, give further consideration to whether a 5% limit, particularly without an upper limit on the maximum gross floor area, is adequate to ensure that new wineries will be small scale and secondary to the farm operation. For instance, it is noted that a 5% limit would allow for a winery building of approximately 3,000 square metres (32,293 sq. ft.) on a six hectare (15 ac.) farm. For reference, we note that the best practices research paper *"Implementing Value Added Agricultural Policies"* prepared by Mr. Drew Semple (July 2012) suggested a maximum 500 square metre gross floor area for processing operations on smaller farm parcels (i.e. 4 to 6 ha in Specialty Crop Areas) and up to 2,000 square metres on larger farm parcels (i.e. 16 ha or more in Specialty Crop Areas).

We also note that the research paper identified the importance for the farm parcel on which the processing operation is located to be actively growing the crop being processed. The Town of Lincoln's winery policies, for instance, require that most of the land that is arable for viticulture and/or the production of fruit crops be planted and in full production. The City may wish to consider including a similar provision in the Garden City Plan through this amendment.

### Conclusion

Regional Development Services staff is not opposed to the approval of these amendments from a Provincial and Regional perspective subject to local planning requirements and the City's consideration of the above comments on the proposed revisions to the Agricultural Policies.

The Official Plan Amendment is exempt from Regional Council approval in accordance with the Memorandum of Understanding. **Please forward a copy of the draft Amendment for our review prior to approval of the Amendment by Council.**



If you have any questions, wish to discuss these comments, or require a hard copy, please contact me at extension 3379 or Marilyn Radman, Manager, Development Planning at extension 3485. Please send notice of Council's decision on these applications.

Sincerely,



Pat Busnello, MCIP, RPP  
Senior Development Planner

C: Marilyn Radman, MCIP, RPP, Manager, Development Planning  
Peter Colosimo, MCIP, RPP, Director of Development Services  
Curt Benson, MCIP, RPP, Manager, Regional Policy Planning  
Brian Dick, MCIP, RPP, Senior Planner, Regional Policy Planning

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**Savoia, Ellen**

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**From:** Sullivan, Kristen  
**Sent:** September 30, 2013 5:45 PM  
**To:** Savoia, Ellen; Benson, James; Green, Stuart  
**Subject:** Final Draft Zoning By-law Review

Ellen, Jim & Stuart

I have reviewed the final draft of the zoning by-law and have come across a few properties which I am debating on:


1. Seniors/Community Centres, – Dunlop Dr, Port Weller, and Russell Ave are proposed as Major Greenspace while Port Dalhousie and West St. Catharines are proposed as Institutional. Only Port Weller and Dunlop Dr are included as greenspace in the Rec Master Plan, and I worry the Greenspace zoning could restrict future uses of the site. What are your thoughts?
2. Merritton Cenotaph (343 Merritt) – a portion of the property was redeveloped into a parkette recently and a G2 zoning for this portion of the property may be more appropriate. This would also facilitate the potential disposition of the property.

Any thoughts on these matters would be appreciated.

**Kristen Sullivan**  
Project and Development Planner  
Recreation and Community Services

City of St. Catharines  
320 Geneva Street, P.O. Box 3012  
St. Catharines, ON L2R 7C2  
P: 905-688-5601 ext. 3145  
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[ksullivan@stcatharines.ca](mailto:ksullivan@stcatharines.ca)

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**Savoia, Ellen**

---

**From:** Kilian, Martin (MNR) <martin.kilian@ontario.ca>  
**Sent:** September 27, 2013 3:16 PM  
**To:** Savoia, Ellen  
**Cc:** Peters, Kim (MNR); Wynnycky, Bohdan (MNR); Bochenek, Annemarie (MNR)  
**Subject:** Zoning By-law Review - Zone Your St. Catharines File No(s). 60.35.11 Vol. c, 60.30.317

Ellen:

Further to your letter dated September 5, 2013, NEC staff wishes to thank the City's Planning and Development Services Department for incorporating its previous comments into revisions reflected in its latest draft document.

There is one mapping change within the Niagara Escarpment Plan (NEP) resulting from our discussions between the first and second drafts of the document, and that is the expansion of the institutional zone on the lands occupied by Brock University's existing building along the south side of Lockhart Drive (previously a public school). As per those discussions, NEC staff interprets the mapping of the NEP covering the area to which this zone has been expanded as "Escarpment Natural Area", based on City Official Plan mapping of its urban area at the time the NEP mapping was prepared. According to this interpretation, the amended mapping in the draft zoning by-law affects an area that is regulated by Development Control in a location where the NEC intends to retain Development Control to continue to implement the policies of the NEP. The Development Control regulation causes zoning provisions made pursuant to the Planning Act to not have legal effect. Because of this regulatory status, the revised zone mapping does not create a conflict with the NEP or its implementation.

It is acknowledged that, although the area to which this zone has been expanded does not conform to the criteria for designation in the NEP as "Urban Area" in the opinion of NEC staff, the site characteristics of this area may not meet the criteria for designation as "Escarpment Natural Area", either. The City may wish to raise the issue of the designation of these lands at the time of the 2015 NEP Review, or prior to that time in the context of the application of Part 1.1 (Interpretation of Boundaries) of the NEP. The processing of the draft zoning by-law may carry forward in its current form insofar as its relationship with the NEP is concerned.

---

**Martin Kilian, Planner**  
Niagara Escarpment Commission  
232 Guelph St.  
Georgetown Tel. 905-877-7524  
St. Catharines Tel. 905-704-3917  
**www.escarpment.org**  
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**Savoia, Ellen**

---

**From:** Raymond Beshro <Raymond.Beshro@cn.ca>  
**Sent:** September 18, 2013 4:20 PM  
**To:** Savoia, Ellen  
**Subject:** RE: Zoning By-Law Review 60.35.11 Vol. C

Thanks for the clarification Ellen.

Raymond Beshro, OUQ, MCIP  
Agent principal - Planification et développement communautaires  
Senior Officer - Community Planning and Development  
raymond.beshro@cn.ca

---

**From:** Savoia, Ellen [mailto:esavoia@stcatharines.ca]  
**Sent:** Wednesday, September 18, 2013 4:17 PM  
**To:** Raymond Beshro  
**Subject:** RE: Zoning By-Law Review 60.35.11 Vol. C

As CN's suggested setbacks vary depending upon multiple factors and are more appropriately applied on a case by case basis through development applications. Therefore they have not been included specifically, however clause 1.1.3 refers to requirements of agencies and governments that all so may restrict the use of land.

---

**From:** Raymond Beshro [mailto:Raymond.Beshro@cn.ca]  
**Sent:** September 18, 2013 8:37 AM  
**To:** Savoia, Ellen  
**Subject:** RE: Zoning By-Law Review 60.35.11 Vol. C

Noted. Will the by-law otherwise provide a railway setback for all other concerned zones?

Raymond Beshro, OUQ, MCIP  
Agent principal - Planification et développement communautaires  
Senior Officer - Community Planning and Development  
raymond.beshro@cn.ca

---

**From:** Savoia, Ellen [mailto:esavoia@stcatharines.ca]  
**Sent:** Wednesday, September 18, 2013 8:35 AM  
**To:** Raymond Beshro  
**Subject:** RE: Zoning By-Law Review 60.35.11 Vol. C

Special Provision 5, which includes a special setback from the railway is an existing exception, from a site specific zoning amendment approved in 2008, that is being carried over into this by-law.

---

**From:** Raymond Beshro [mailto:Raymond.Beshro@cn.ca]  
**Sent:** September 16, 2013 3:35 PM  
**To:** Savoia, Ellen  
**Subject:** RE: Zoning By-Law Review 60.35.11 Vol. C

p. 79, schedule for zone E1; I believe this is the only mention of a railway setback (5 meters).



Raymond Beshro, OUQ, MCIP  
Agent principal - Planification et développement communautaires  
Senior Officer - Community Planning and Development  
[raymond.beshro@cn.ca](mailto:raymond.beshro@cn.ca)

---

**From:** Savoia, Ellen [<mailto:esavoia@stcatharines.ca>]  
**Sent:** Monday, September 16, 2013 10:05 AM  
**To:** Raymond Beshro  
**Subject:** RE: Zoning By-Law Review 60.35.11 Vol. C

Could you please include a reference to the Section number where we have included the requirements to the CN corridors. They may be existing site specific provisions that we are carrying over into this by-law.

---

**From:** Raymond Beshro [<mailto:Raymond.Beshro@cn.ca>]  
**Sent:** September 16, 2013 9:48 AM  
**To:** Savoia, Ellen  
**Subject:** RE: Zoning By-Law Review 60.35.11 Vol. C

Hi Ellen,

I perused the final draft of the Zoning By-Law, and found few provisions relating to railway proximity, similar to those contained in the letter CN submitted back in April (attached).

I note the 5 m setback that is mentioned from CN corridors, which is substantially less than the generally-accepted setback of 30 m from a main line. I also could not find a fencing requirement for lots abutting a railway corridor; this item in particular is important for safety, considering the numerous incidents of trespassing that have been reported to us in recent months, particularly in the vicinity of Highway 406 (both east and west).

Could you please shed light on the City's position pertaining to railway proximity issues?

Raymond Beshro, OUQ, MCIP  
Agent principal - Planification et développement communautaires  
Senior Officer - Community Planning and Development  
[raymond.beshro@cn.ca](mailto:raymond.beshro@cn.ca)

---

**From:** Raymond Beshro  
**Sent:** Monday, April 29, 2013 2:03 PM  
**To:** 'esavoia@stcatharines.ca'  
**Subject:** Zoning By-Law Review 60.35.11 Vol. C

Mrs. Savoia,

Please see CN's comments, attached.

Also, please note that I am replacing Nick Coleman for Development Review and Community Planning here at CN. The mailing address for circulations will remain the same, in Concord, ON.

Regards,

Raymond Beshro, MOUQ, MCIP  
Agent principal - Planification et développement communautaires



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**Savoia, Ellen**

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**From:** Slattery, Barbara (ENE) <barbara.slattery@ontario.ca>  
**Sent:** September 13, 2013 2:33 PM  
**To:** Savoia, Ellen  
**Subject:** Proposed Zoning By-law

Hello Ellen,

I have reviewed the final draft zoning by-law (your files 60.35 11 Vol. c, 60.30.317) and can advise that we have no comments with the document. I would like to take this opportunity to ask that you have your contact lists updated. All matters relating to planning should be directed to my attention, and not to the district office as they do not have a planning function.

My contact information:

Barbara Slattery  
EA/Planning Coordinator  
Ministry of the Environment – West Central Region  
119 King Street West, 12<sup>th</sup> floor  
Hamilton, Ontario  
L8P 4Y7

Thank you Ellen,

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**Savoia, Ellen**

---

**From:** Busnello, Pat <pat.busnello@niagararegion.ca>  
**Sent:** August 16, 2013 5:56 PM  
**To:** Savoia, Ellen  
**Cc:** Benson, Curt; Dick, Brian  
**Subject:** RE: Regional Comments: St. Catharines Zoning By-law

Hi Ellen,

I called and left a voice message last week but had not heard back from you. I wasn't sure if you discussed this further with Brian or Curt so I thought I would follow up by e-mail.

With regard to the first question (Section 11.5), as agricultural related uses must be directly related to the farm operation and cannot be severed from the farm, a minimum lot area similar to that required for agricultural uses may be appropriate (i.e. 16.2 ha, which is also the lot area required by the By-law for kennels).

Regarding your second question, the Provincial policies do not specifically reference farm implement sales but define agriculture-related uses as those farm-related commercial and industrial uses that are small scale and directly related to the farm operation and required in close proximity to the farm operation (i.e. a single farm operation, which can consist of several farm parcels). As noted in a draft document prepared by OMAFRA several years ago (*Guide to Lot Creation in Prime Agricultural Areas* from OMAFRA's website) providing guidance on agriculture-related uses, a use is directly related to the farming operation if it is essential to the operation and its ability to function. Further, OMAFRA notes that uses must be related to a single agricultural operation rather than serve the general farming community. As a farm implement dealership is intended to serve the broader farming community, such uses would not fit under the definition of agriculture-related use.

I hope this is of assistance. Let me know if you have any further questions.

**Pat Busnello, MCIP, RPP**

Senior Development Planner  
 Development Services  
 Public Works  
 Niagara Region  
 Phone: 905-685-4225 ext. 3379 Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)  
 Mailing address: 2201 St. David's Rd. West, Thorold, Ont. L2V 4T7

---

**From:** Savoia, Ellen [mailto:esavoia@stcatharines.ca]  
**Sent:** Friday, July 26, 2013 12:35 PM  
**To:** Dick, Brian  
**Cc:** Benson, Curt; Busnello, Pat  
**Subject:** RE: Regional Comments: St. Catharines Zoning By-law

Please clarify comment regarding Section 11.5 regarding the need for a minimum lot area for Agriculture Farm Related Commercial/Industrial zone.

Agriculture Farm related Commercial industrial comment that farm implement sales is not supported by the Province. Is there some place in the PPS or Greenbelt Plan or other document that you could provide that indicates this?

Thanks  
 Ellen



---

**From:** Dick, Brian [mailto:brian.dick@niagararegion.ca]  
**Sent:** July 26, 2013 11:56 AM  
**To:** Savoia, Ellen  
**Cc:** Benson, Curt; Busnello, Pat  
**Subject:** Regional Comments: St. Catharines Zoning By-law

Hi Ellen,

I received your voicemail this morning as I was out of the office yesterday afternoon at the Town of Pelham. I am using today to quickly finish a few tasks around the office before I go on vacation next week. As such, I will not be able to return your voicemail today and discuss the Region's comments on the City's Zoning By-law. To provide any clarification or to answer any outstanding questions you may have on the comments can you please put your thoughts in an email and in my absence Pat Busnello in Development Services or alternatively Curt Benson will be able to provide you with a written or verbal response early next week. Sorry for any inconvenience this may cause you.

Sincere thanks,

Brian

**Brian Dick, MSc.Pl., MPA, MCIP, RPP**  
Senior Policy Planner  
Integrated Community Planning  
Regional Municipality of Niagara  
2201 St. David's Road  
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www.escarpment.org



Niagara Escarpment Commission  
An agency of the Government of Ontario

August 14, 2013

Ellen Savoia, Planner 1  
City of St. Catharines  
Planning and Development Services  
P.O. Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

RPT	DISCUSS	INFO	P.D.S	INIT.
			REFERRED TO	
			E. Savoia	
DATE	AUG 16 2013			SCAN <input type="checkbox"/>
FILE NO	60.35.11 v.c			

Dear Ms. Savoia:

**Re: Zoning By-law Review (Second Letter)**  
**Zone Your St. Catharines – Draft New Zoning By-law**  
**File No: 60.35.11 Vol. C**

Further to our recent meeting requested by you to discuss City staff's concerns with some aspects of the initial Niagara Escarpment Commission (NEC) staff comments dated July 8, 2013 about the above-noted matter, NEC staff agreed to review existing site conditions and its own file records relating to past development permits and other related planning approvals within the portion of the City designated "Urban Area" in the Niagara Escarpment Plan (NEP). NEC staff also reviewed other relevant cases involving municipal planning policies established in other "Urban Area" designations in the NEP. The purpose of this additional review was to provide a more comprehensive assessment of the areas identified by NEC staff as areas of concern for building height provisions proposed in the draft by-law. The following comments represent the results of this assessment in the context of determining what modifications to the proposed zoning provisions will achieve compliance with the relevant policies of the NEP.

**"M1" Medium Density Mixed Use:**

This zone affects several properties along Merritt Street, south of Glendale Avenue, and adjacent property on the south side of Glendale. The only other area by Glenridge Avenue and St. David's Road will be discussed in conjunction with other zones in that area.

This zone does not provide a maximum building height except for residential uses. For such uses, the maximum height is as much as 20 metres. The vast majority of these properties are already developed, and the current built form ranges from one to four storeys. The Escarpment feature is not as prominent in this area, comprising a relatively low height from toe to brow and a relatively narrow corridor of undisturbed Escarpment features.

...2



However, what remains of the natural and visual environment of the Escarpment must still be protected in accordance with the NEP Objectives for Urban Areas. NEC staff initially recommended that maximum building heights of 12 metres be provided as a modification to the zone for the properties affected by the NEP. Based on NEC staff's more recent review, stricter building height provisions than those currently proposed are still required. However, NEC staff is now recommending that, for all proposed uses whose building height provisions are greater than 11 metres, the provisions recognize an existing building's number of storeys if equal or greater than 3 storeys and, for all other sites, that a maximum building height of 13.5 metres be imposed. Although not applicable to the current zoning provisions for these properties, NEC staff notes that 13.5 metres is a building height provision which currently applies to other lands within the NEP area in the vicinity of these lands. Further to this, each property with a 3 storey limit or a 13.5 metre limit may include a holding provision for a maximum building height of 18 metres subject to a Visual Impact Assessment (VIA) approved by the City in consultation with the NEC.

### **"R3" Medium Density Residential:**

The areas of the NEP affected by this zone include the easterly limit of Townline Road East, along the east side of Merritt Street south of Glendale, the west side of Tremont Drive, and the property adjacent to the dead end of Tremont, abutting the Escarpment Natural Area designation and Highway 406. The building height provisions of concern in NEC staff's original comments related to apartment buildings and long term care facilities whose maximum building height provisions are proposed at 16 or 20 metres depending on the category of the road servicing the site. NEC staff initially recommended a maximum building height for these uses of 12 metres.

Based on NEC staff's more recent review, stricter building height provisions than those currently proposed are still required in the NEP area. However, NEC staff is now recommending a maximum building height for these specific facilities in this zone a maximum building height of 13.5 metres. Further to this, each affected property may include a holding provision for a maximum building height of 18 metres subject to a VIA approved by the City in consultation with the NEC. Finally, the one property abutting the Escarpment Natural Area above the Escarpment brow shall also include a modified minimum building setback provision of 15 metres from the Escarpment brow.

### **"R4" High Density Residential:**

The two properties within the NEP under this zone are on the east side of Tremont Drive. The larger of the two properties supports a 12 storey apartment building, and the smaller property supports a 7 storey apartment building. Both of these buildings pre-date the NEP and neither building represents an urban design compatible with the visual environment of the Escarpment. NEC staff does recognize, however, that these buildings were legally established. Based on this status, the R4 zone is appropriate but, for each property, only the existing building height should be protected in the context of the policies of the NEP. This is consistent with NEC staff's initial recommendation. The maximum building height provisions in these two cases may best be described by the number of storeys of the existing buildings rather than a figure in metres.



However, based on NEC staff's more recent review and the proximity of the 12 storey building to the 7 storey building, it is further recommended that the property supporting the 7 storey building may include a holding provision for a maximum building height of 12 storeys subject to a VIA approved by the City in consultation with the NEC.

**"I" Institutional (all NEP areas) and "M1" Medium Density Mixed Use (above the Escarpment brow):**

The I1, I2 and I3 zones all contain building height provisions that were initially of concern to NEC staff. The I1 maximum height provision of 14 metres affects the strip of urban lands on the south side of Lockhart Drive adjacent to the Escarpment Natural Area of the NEP. This is partially a greenfield site and partially a built site supporting a 1 storey building originally used as a public school with adjacent playground and now used by Brock University as an institutional research facility. There are 3 single dwelling lots which interrupt the strip owned by Brock University. NEC staff's initial recommendation was to modify the maximum building height to 11 metres. Based on further review, NEC staff remains of the opinion that 11 metres is an appropriate building height maximum given surrounding site conditions and the built form of adjacent development. However, NEC staff now recommends that a holding provision may be added for a maximum building height of 14 metres subject to a VIA approved by the City in consultation with the NEC.

The I2 zone is found in the NEP area on three sites, one at the southwest corner of Glenridge Avenue and Lockhart Drive, and the other two on opposite sides of Burleigh Hill Drive. The first property supports a church. NEC staff has reviewed the site conditions at this location and notes that Glenridge Avenue ascends the Escarpment slope which impacts the Escarpment feature immediately adjacent to this property. The height of the church has not been determined by NEC staff, but appears to be less than 16 metres. However, the visual impact of a building as high as 16 metres as provided under this zone will not be significant in this setting on this property of relatively small area. For this reason, NEC staff is satisfied with this zone as drafted for the church site.

The Burleigh Hill Drive sites each support a school, 1 to 2 storeys high. The Escarpment feature is not as prominent in this area, comprising a relatively low height from toe to brow and a relatively narrow corridor of undisturbed Escarpment features. The adjacent properties to the north (also in the NEP area) are developed commercial lands. The height of both schools appears to be less than 16 metres. Based on NEC staff's recommendation for the commercial lands and all of the other factors noted, the visual impact of buildings as high as 16 metres as provided under this zone will not be significant in this setting on these properties. For this reason, NEC staff is satisfied with this zone as drafted for these two school sites.

The I3 zone is concentrated above the Escarpment brow. The area includes Brock University which supports a collection of buildings on a large scale. The Arthur Schmon Tower, 14 storeys in height and in close proximity to the Escarpment brow, represents a



non-conforming development to the NEP, but legally established prior to the NEP. Other pre-NEP buildings on the site were built no higher than 3 storeys. However, 4 and 5 storey building additions (19 metres and 23 metres respectively) to the university were issued development permits by the NEC and determined to be in compliance with the NEP. These building projects had the added benefit of site specific and building-specific reviews. The key elements to the policy compliance of these developments included their location relative to the Escarpment brow and other existing buildings, the generous building setbacks from any public roadways, and the presence at the Escarpment brow of a continuous mature woodlot providing an effective visual screen. Only the 14 storey building skylines above the Escarpment forest. Further skylining of buildings on this site or the sites on the east side of Glenridge Avenue would be contrary to the relevant NEP policies.

The other I3 zoned lands include the Hotel Dieu-Shaver Hospital, a children's rehabilitation centre, and municipal office buildings. The adjacent M1 zoned lands include student residence townhouses and office buildings of various heights. None of these buildings exceed 4 storeys or 23 metres. Both the I3 and M1 zones have no maximum building height provisions.

NEC staff's initial recommendation was to modify these zones for the properties discussed above to include a maximum building height provision of 12 metres. Based on NEC staff's more recent review, a maximum building height provision is still considered necessary. However, NEC staff now recommends the following in that regard:

- For the I3 zones abutting or including the Escarpment brow, an additional building setback of 15 metres from the Escarpment brow;
- For the I3 zones, a maximum building height of 16 metres 200 metres or closer to the Escarpment brow, with a holding provision for 19.5 metres, subject to a VIA approved by the City in consultation with the NEC;
- For the I3 zones, a maximum building height of 19.5 metres further than 200 metres from the Escarpment brow, with a holding provision for 23 metres, subject to a VIA approved by the City in consultation with the NEC;
- For the M1 zone (which is entirely farther than 200 metres from the Escarpment brow), a maximum building height of 19.5 metres with a holding provision for 23 metres, subject to a VIA approved by the City in consultation with the NEC.

### **"C2" Community Commercial:**

There is a strip of properties on the south side of Glendale Avenue towards Merritt Street under this zone within the NEP area. All of these properties support existing commercial development. Only one, the most westerly of these lots, abuts a predominantly natural Escarpment feature designated Escarpment Natural Area. This is the Pendale Shopping Plaza supporting single storey buildings. A portion of the natural Escarpment slope remains visible above the roof of the plaza. The other sites are much less connected visually to the Escarpment. This zone provides no maximum building height. NEC staff initially recommended that a maximum building height provision of 12 metres be imposed for these properties.



Based on NEC staff's more recent review, maximum building height restrictions are still warranted. However, NEC staff now recommends that, for the Pendale Shopping Plaza property, a maximum building height of 11 metres be provided (the existing buildings appear to be lower than this height), and 14 metres with a holding provision, subject to a VIA approved by the City in consultation with the NEC. Furthermore, the NEC recommends that a 14 metre building height maximum apply to the remaining properties (consistent with the City's proposed C1 zone category), and a 16 metre maximum building height may be included with a holding provision, subject to a VIA approved by the City in consultation with the NEC (all of the existing buildings appear to be lower than 14 metres in height).

The comments provided by NEC staff in its letter of July 8, 2013, which pertained to matters other than maximum building height provisions, continue to apply.

Yours truly,



Bohdan Wynnycky  
Manager

c. Martin Kilian, NEC Planner



**Savoia, Ellen**

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**From:** Sullivan, Kristen  
**Sent:** August 1, 2013 2:34 PM  
**To:** Savoia, Ellen  
**Subject:** Draft Zoning By-law - RCS Comments  
**Attachments:** DraftZoningBylaw\_RCSCComments.doc; RCS\_ZoningNotes.pdf

Ellen,


As previously noted I'm still waiting to hear back from Mike Anderson regarding the golf courses, but I don't want to hold off any longer. As such, I've attached a memo as well as a photocopy of our comments on grammatical and consistency items.

It is my understanding after speaking with Dave that an office building at the Cemetery would be considered as an accessory structure to the use. Although we do not foresee the office building being higher than 4.5 m if this is desired we could request a minor variance.

Kristen Sullivan  
Project and Development Planner  
Recreation and Community Services

City of St. Catharines  
320 Geneva Street, P.O. Box 3012  
St. Catharines, ON L2R 7C2  
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[ksullivan@stcatharines.ca](mailto:ksullivan@stcatharines.ca)

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## Memorandum

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**To:** Ellen Savoia, Planner I, Planning & Development Services  
**From:** Kristen Sullivan, Project and Development Planner  
Recreation and Community Services  
**Date:** July 30, 2013  
**Subject:** Draft Zoning By-lawing

---

Please be advised that we have reviewed the draft zoning by-law and offer the following comments:

- s. 3.13 – There were previous discussions about whether or not to incorporate requirements for permeable surfaces in parking lots. Has PDS considered making this a requirement through site plan for any areas beyond the maximum parking number outlined in the zoning by-law?
- s. 3.14 – If landscape buffers around the perimeter of parking lots are going to be included in the zoning by-law RCS would request that the buffer required for parking lots abutting residential zones also be required for parking lots abutting parks and greenspaces. This will prevent situations where parkland is essentially acting as the landscape buffer.
- s. 3.15 – RCS request that drive-thru facilities have the same setback requirements from Parks and Greenspaces as is required for Residential and Institutional Zones.
- s. 4.2 – Would Greenhouses be considered to be a maintenance/utility building? There are currently greenhouses at Malcolmson Park and Pearson Park, neither of which is really accessory to the properties main use.
- s. 4.2 – Is there a reason that playgrounds have not been proposed to be permitted as an accessory use to institutional lands? Playgrounds could often be built in association with a daycare or other facility on institutional lands.
- s. 4.2 – Is there a reason that outdoor recreation facilities have not been proposed to be a permitted use in the same zones as indoor recreation facilities? There are numerous outdoor recreation facilities in private ownership throughout the City which offer an invaluable service to the community (i.e. Club Roma, old Racquet Club, etc). These uses should be permitted where appropriate, including land that is not inherently thought of as greenspace. The Recreation Facility Master Plan states that these types of not-for-profits and businesses should be fostered.
- Definitions – RCS request that the definition of a Cultural Facility be more similar to that of Recreation Facility and include ancillary office, restaurant, retail and service commercial uses.
- Schedule A3 – there is a parcel of land on Parnell Road that is shown as roadway but which appears to be Greenspace of Conservation/Natural Area. This parcel has been identified on the attachment.
- Schedule A7 – there is a parcel of land that holds the old Lock and should likely be considered Green Space as opposed to Community Commercial. This parcel has been identified on the attachment.



- Schedule A9 – there is currently a building in Pearson Park which was most recently used as an office but that is currently unused. It is possible that this building will have no use on the day that this by-law is passed and RCS wants to ensure that the building can be used as office space in the future. The office space is not accessory to the park use. How can this be accomplished?

Further to the above we made comment on a number of grammatical and consistency related items throughout the document, a pdf of which is attached to this email.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 3145.

Kristen Sullivan  
Project and Development Planner  
Recreation and Community Services



**Savoia, Ellen**

---

**From:** Adams, Christine  
**Sent:** July 29, 2013 12:20 PM  
**To:** Savoia, Ellen; Bellows, Bruce  
**Cc:** Tripp, Ron  
**Subject:** RE: Consolidated Zoning By-law - TES Engineering comments (submission 2)

Ellen and Bruce: A few additional TES comments on the draft consolidated zoning by-law:

- a) Section 4.2 Uses and Zones, subject to receiving the exact wording regarding blanket exemption for Public Utilities,
  - i) please provide a rational why Essential Operation for Service Infrastructure and Utilities is not extended these additional zoning categories, particularly C1-C6, E1-E2, and I1-I3.
  - ii) Maintenance / Utility Buildings, are currently restricted to G1-G3. Can municipally owned maintenance / Utility buildings be permitted in E1 & E2, I1-I3 without rezoning.
  - iii) I am concerned that with washrooms and Change Rooms excluded from G1 that the ability to offer future washroom facilities at multi-use trail heads will be difficult. For example along the 12 Mile Creek corridor.
- b) Section 9, Green Space – further to comment a)ii) please clarify if standalone parking lots are permitted in G1. I foresee wanting to construct small parking lots at multi-use trails to encourage use. Many of the City's trails or future trails are within G1 zonings.
- c) Special Provision 25 for the transit centre – appears to be mistitled #24 and accompanying text should read "In addition to E1 uses all principal E2 **uses** shall be permitted and shall be subject to E1 provisions."
- d) Schedule A4 – Happy Rolph's the boundary between G1 and G3 has placed the existing house where Friends of the Carousel reside in G1. As this area is serviced, various options have been discussed for the area should the house be demolished. The G3 area is confined to the existing petting zoo and parking lot with little room for expansion.
- e) Schedule A7 - Dalhousie House – PDS was to initiate OP amendment to increase the potential options for the use of Dalhousie House. If included in G1 that would also necessitate a Zoning change in the future.
- f) Schedule A7 – 383 Lake Street (LSSC) – limits of E2 are smaller than the current fenced limits of LSSC. The remainder is shown as G1. There is no creek in this area as a storm sewer was installed.
- g) Schedule A13 – 376 Ontario Street may be existing road allowance not City owned land. Dave Stringer has been asked to confirm status.
- h) Schedule A21 – 355 Merritt Street – Dave Stringer to confirm if City owned land or road allowance. The property contains a realigned Wedsworth Street constructed when the Merritt Street bridge was replaced.
- i) Schedule A25 – Morningstar Mill is included within G1 zoning. Should it be G3? Will the G1 zoning restrict the construction of future stand-alone washrooms? Would a washroom be considered an ancillary use to the existing legal non-conforming use?

j)

Please advise if any further clarification of my concerns is required.

*Christine Adams, P. Eng.  
 Manager of Engineering and Construction  
 Ext. 1604*



**From:** Adams, Christine

**Sent:** Friday, July 26, 2013 5:43 PM

**To:** Savoia, Ellen; Bellows, Bruce

**Subject:** Consolidated Zoning By-law - TES comments (submission 2)

1. Centennial Park (off Oakdale) is shown as G1. It has an existing community garden and paved parking lot, totem pole, etc. I have heard of plans to expand the community garden. Section 2.13 explicitly excludes community gardens from G1. Please give consideration to splitting Centennial Park west and east of Dick's Creek (the former 2<sup>nd</sup> Welland Canal) or giving a special provision.
2. Henley Rowing Course timing stand – Ellen promised to extend the special exemption for Henley Island rowing facilities to also include judges' timing stands at Rennie Park
3. Renown Road – City storage building, storage yard, snow dump and fire training tower are shown with G1 zoning. Please confirm that reconstruction of these facilities would be permitted. Is this covered by your public utilities clause? Please send me the definition of public utility.

I am still checking...I was side tracked for most of the afternoon.

*Christine Adams, P. Eng.*

*Manager of Engineering and Construction*

*Ext. 1604*



July 19, 2013

Ms. Ellen Savoia, MCIP, RPP  
Planner  
Planning and Development Services  
City of St. Catharines  
P.O. Box 3012  
50 Church Street  
St. Catharines, ON L2R 7C2

RPT	DECISION	INFO	P.D.S	INIT.
			REFERRED TO	
			E. Savoia	
DATE REC'D	JUL 24 2013			SCAN <input type="checkbox"/>
FILE NO	60-35.11 v. c			

Dear Ms. Savoia:

**Re: Regional Comments  
Draft City of St. Catharines Zoning By-law**

Regional Policy Planning and Development Services staff have completed a review of the draft zoning by-law for the City of St. Catharines. The new comprehensive draft zoning by-law for the City is an impressive achievement as it replaces the 11 current in effect zoning by-laws and provides new provisions for development in accordance with the vision contained within the new Garden City Plan approved by Regional Council on July 5, 2012.

Regional staff is supportive of the City's efforts to develop a new comprehensive zoning by-law which reflects the intent of the new St. Catharines Official Plan, the Regional Policy Plan and Provincial plans. The comments provided below address matters of Regional or Provincial interest identified within the draft zoning by-law.

Alignment with Approved City of St. Catharines Official Plan (2012)

The draft zoning by-law is the primary tool for implementing the City's Official Plan. Within the draft zoning by-law there are some inconsistencies between the provisions and Official Plan policy (i.e. Group Homes and Minimum Distance Separation). Consistency between the Official Plan and Zoning By-law will ensure a uniform approach to development is applied within the City. Regional planning staff recommends that the City amend the draft zoning by-law to reflect the policies contained within the Garden City Plan.

Agriculture

In reviewing the draft zoning by-law the City has ensured that non-agricultural uses are not permitted in all Agricultural zones. Regional staff note that in Section 11.2 Permitted Uses a kennel is included as a principal use in both an Agricultural A1 and A3 zone. Kennels are considered a home industry and should only be permitted as a secondary use to agriculture. With respect to the provisions for home industries listed in Section 11.2.1 e), the City should consider expanding the list of regulations to include such provisions as the sales of goods from the property and parking requirements in order to keep home industries accessory to the principle agricultural use of the property.

Agri-Tourism

In Section 11.2.1 the draft zoning by-law establishes a maximum floor area limit for farm related commercial or industrial uses as well as for agri-tourism/value added and home industry uses but does not set a limit on the size of wineries. An appropriate size limit should be included to



ensure that wineries remain small in scale and secondary to the principal use of the property for farming.

Section 11.5 establishes a maximum lot area for an Agriculture Farm Related Commercial or Industrial Use. The Farm Diversification policies of the Regional Plan require that agriculture related uses be directly related to the farm operation and that lot creation would not be permitted to accommodate farm diversification uses. An appropriate minimum lot area for a Farm Related Commercial or Industrial should also be determined.

Finally with respect to the definition for Agri-Tourism and Value Added Use, agriculture related special event facilities are included under this definition with no restrictions placed on the timing and duration of special events. This is contrary to the Region's Farm Diversification policies (Policy 6.A.26), which require that a special event be an occasional activity and not a regular occurring activity. For some guidance, the Town of Lincoln recently amended its By-law to add additional regulations for temporary special events tents. For your assistance we have included information on the Lincoln by-law to this letter.

#### Minimum Distance Separation Formulae (MDS)

The Garden City Plan contains policies requiring compliance with the Minimum Distance Separation (MDS) Formulae and Appendix 3 Potential Development Constraints of the Official Plan highlights known livestock operations as of the year 2002. The draft zoning by-law does not address the requirements of MDS as the by-law should include provisions implementing MDS for development on existing lots of record. It has been brought to Regional staff's attention that Section 1.1.3 Interpretation intends to serve as a provision through which other agency issues should be addressed. In our experience, provisions that refer the responsibility of regulating land use, including establishing setbacks between livestock and sensitive land uses through MDS, do not effectively articulate known and accepted standards to the reader. Without clear MDS provisions, the By-law does not meet Policy 2.3.3.3 of the Provincial Policy Statement or Policy 6.A.16 of the Regional Policy Plan.

#### Natural Heritage

As indicated in Niagara Peninsula Conservation Authority (NPCA) correspondence dated July 2, 2013 Regional staff will provide comments on the draft zoning by-law with respect to the Region's Environmental policies.

With respect to the Core Natural Heritage System, Regional staff conclude that for the most part the Core Natural Areas consisting of Environmental Protection and Environmental Conservation Areas have been sufficiently captured and mapped on the zoning schedules. Regional staff note that several watercourses and woodlots displayed on Schedule E 11 (Agriculture Area Planning District) of the Garden City Plan have not been fully translated onto the appropriate schedules of the draft zoning by-law. Accordingly, the schedules will need to be revised to reflect these missing watercourses and woodlots. To assist City staff we have attached a map highlighting some of the non-mapped fish habitat and woodlots.

Regional staff echo the NPCA comment on Section 1.1.7 c) Interpretation of Zone Boundaries with respect to natural area features. The City will need to ensure that the boundaries for natural features on the zoning schedules are drawn as accurately as possible.

As a final point, the G1 Conservation/Natural Area Zone does not capture the required natural buffer area from the natural heritage feature. Setback requirements from significant natural heritage features need to be incorporated in the zoning by-law. This could be accommodated within an overlay zone or in the general provisions. Further, the draft zoning by-law does not appear to address development within the adjacent lands of a natural heritage feature. Please



see Lincoln Zoning By-law Section 6.18.6 which we have attached to this letter as an example of requirements for development within adjacent lands.

#### Group Homes

Group Homes are administered under Provincial legislation. The policy direction provided under Policy 5.4.17 of the Regional Policy Plan is captured in Policy 7.9 of the approved St. Catharines' Official Plan. Though the Garden City Plan contains policies for Group Homes/ Special Needs Housing, the draft zoning by-law does not contain any provisions to implement these policies. As Regional and local policies permit group homes within all residential zones and residences in the municipality, the draft by-law should be amended to include group homes within Section 2 General Provisions as a permitted use in any residential zone or residence.

Further, Group Homes have not been identified as a permitted use in Agricultural zones in Section 11.2 of the draft zoning by-law. Staff suggest that group homes be identified as a permitted use, and additional provisions (being in "existing dwellings or in a new residential dwelling on existing lots of record") be included.

#### Trails

Policy 4.A.11 of the Regional Policy Plan requires that the Greater Niagara Circle Route, Lake Ontario Waterfront Trail and the Trans Canada Trail be identified and protected within local official plans and zoning by-laws. The draft zoning by-law does not currently contain any provisions related to public trails nor is the Lake Ontario Waterfront Trail delineated on the zoning schedules. Regional staff encourages the City to provide provisions for public trails (possibly within the Green Space designation) within the zoning by-law and include the Lake Ontario Waterfront Trail and the Welland Canals Parkway Trail on the appropriate zoning schedules.

#### Transportation and Infrastructure

Section 2.5.1 of the draft by-law establishes sight triangle measurement requirements of a minimum 6 metres and 7.5 metres within Residential zones and all other zones, respectively (i.e. for Sight Triangles on Regional roads). The Region's Transportation policies (Policy 9.A.14) however, restrict sight triangles to a maximum length of 4.5 metres in an Urban Area and 15 metres in an Agricultural Area except under unusual circumstances. It would appear that the minimum provisions conflicts with the Regional Plan's normal maximum sight triangle size in the Urban Area. As such, this section should include reference to the Region's requirements for sight triangles on Regional roads.

Essential Operations for Service Infrastructure and Utilities as listed in Section 9.2 are a permitted use in all three categories of an Open Space zone rather than through a General Provision exemption clause. Public uses are therefore restricted to only these three zone categories and facilities such as a pumping station would require a zoning by-law amendment. Accordingly, the City may consider a standard of public use clause to address public uses.

#### Employment

Section 7.3.3 of the draft zoning by-law concerns Employee Convenience Facilities for employment uses. The City should consider excluding a day care use as an Employee Convenience Facility from the E2 General Employment Zone, which permits Heavy Industry use due to potential compatibility concerns. Further, Section 7.3.8 b) would permit outdoor processing and outdoor storage within 150 metres of sensitive land uses. MOE D-6 Guidelines categorizes industrial facilities with outside storage and open processing as Class II or III facilities having a potential influence area of 300 metres to 1,000 metres where impacts can be expected and requiring a minimum separation distance ranging from 70 metres to 300 metres. The proposed 150 metre setback listed in the provision may, therefore, be insufficient to prevent



land use conflicts. The City should revise this setback distance to more accurately reflect MOE Guidelines.

#### Definitions & Other Comments

- Agriculture Farm Related Commercial or Industrial- This definition should include reference to uses that are "small scale and directly related to agriculture". Also, the use of farm implement sales is not supported by the Province as agriculture related use that requires a close proximity to agriculture location.
- Industry, Heavy and Light- The City may wish to consider aligning these definitions with the Industrial Categorization Criteria of the MOE's D-6 Guidelines to assist in implementation.
- Winery- The definition of winery could be interpreted to not allow the processing of fruit from surrounding local farm operations. The following wording of "...where the majority of fruit is from the farm or from surrounding local operations" could be added to provide clarity.
- General Provisions Section 2.2.4.1 b)- This provision limits Bed and Breakfasts to a maximum of 4 rental rooms. Bed and breakfast accommodations in the Agriculture Zone (Policy 6.A.24) are, however, permitted to have up to 6 guest bedrooms. The City may want to adjust this to be consistent with other local municipal requirements (Section 11.2.1 b) iii) or provide clarification if the 4 room limit applies to a specific location such as the Urban Area.
- Required Parking Table, Non-residential uses- The By-law should consider parking requirements for agri-tourism and value added uses.

#### Conclusion

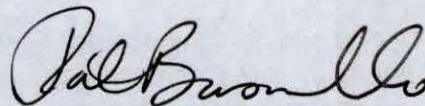
Regional planning staff appreciates the opportunity to comment on the draft zoning by-law. If staff City would like to discuss the provided comments further please contact our office at any time and we will arrange a meeting.

Regional staff requests that the City recirculate a copy of the modified Draft Zoning By-law for review prior to City Council's approval.

Yours truly,



Brian Dick, MCIP, RPP  
Senior Planner  
Regional Policy Planning



Pat Busnello, MCIP, RPP  
Senior Planner  
Development Services

BD/PB

#### Attachments

- cc. Ms. S. McInnes, MCIP, RPP, Manager, Watershed Development Services, NPCA  
Ms. M. Radman, MCIP, RPP Manager of Development Services  
Mr. C. Benson, MCIP, RPP, Manager of Regional Policy Planning



## DRAFT ZONING BY-LAW PROVISIONS FOR SPECIAL EVENT TENTS

Note: Text to be added is shown as bold, italic and underlined

### 6.35 TEMPORARY USES

Nothing in this By-law shall prevent the temporary use of land for the following uses:

- (i) The use of a tent for special events provided the special event is restricted to no more than three consecutive days at a time on any one lot and the tent is erected no longer than the duration of the special event. However, between May 1<sup>st</sup> to September 30<sup>th</sup> each year, a seasonal tent for special events may be permitted and may remain erected on any one lot provided the number of special events is restricted to a maximum of 24 events per year.

### 6.38 USES PROHIBITED IN ALL ZONES

- (f) The use of tents for human habitation, or for business or other purposes is prohibited, provided, however, that this provisions shall not prevent the use of tents in accordance with subsection 6.35(i) of this By-law or for children's play or for picnics.



- (a) A parcel of land existing at the date of the passing of this By-law, which is situated in the Agricultural (A) Zone and which lacks the required lot frontage on an improved street and/or the required lot area may be used for any permitted use within the Agricultural (A) Zone, except kennels, new greenhouses and new farm wineries provided all other requirements of this By-law are satisfied, and provided the minimum lot frontage on a public street or road is 20 metres;
- (b) A parcel of land existing at the date of the passing of this By-law, which is situated in the Estate Residential (ER), Hamlet Residential (HR), Residential 1 (R1) or Residential 2 (R2) Zone and which lacks the required lot frontage on an improved street and/or the required lot area, may be used for a single detached dwelling, provided all other requirements of this By-law are satisfied and provided the minimum lot frontage on an improved street is 7.5 metres.

#### 6.18.5 EXISTING LOTS OF RECORD

Where an existing lot of record in any zone has lesser lot frontage on an improved street and/or lesser lot area than is required by this By-law, an addition to any existing building or structure may be erected and used on such lot, provided that such addition to such building or structure meets all other requirements of this By-law. However, where a parcel of land is not serviced by sanitary sewers, approval from the Regional Public Health Department is required prior to any development taking place.

#### 6.18.6 LANDS ABUTTING AN ENVIRONMENTAL CONSERVATION ZONE

With the exception of lands designated Urban on Schedule 'A' to the Town of Lincoln Official Plan, no building or structure shall be erected when said building or structure is located within the adjacent lands to the Environmental Conservation (EC) Zone as specified in Table 1, unless:

- (a) An Environmental Impact Study (EIS) prepared by a qualified environmental professional has been approved by the Niagara Peninsula Conservation Authority; or
- (b) The proposed building involves an expansion to an existing building of not more than 25% of the ground floor of the existing building; or
- (c) The proposed building involves the construction of an accessory structure to an existing legal use or an addition to an existing accessory building or structure and the Niagara Peninsula Conservation Authority has reviewed the development proposal and has found the proposed construction to be a minor expansion to an existing legal use and an Environmental Impact Study (EIS) is not necessary.



Table 1

Environmental Conservation (EC) Feature as Designated on Schedule 'C1' to the Town's Official Plan	Adjacent Lands Where an Environmental Impact Study is Required
Provincially Significant Wetland	120 metres
Area of Natural and Scientific Interest (A.N.S.I.)	50 metres
Environmentally Sensitive Area and Significant Woodlots	50 metres
Fish Habitat	30 metres

#### 6.18.7 DEVELOPMENT WITHIN ENVIRONMENTAL CONSERVATION ZONE

Additions to and/or reconstruction of existing buildings and structures shall not be permitted within the (EC) Zone unless appropriate approvals have been received by the Niagara Peninsula Conservation Authority in accordance with the provisions of the Conservation Authorities Act and the Town in accordance with the Planning Act.

#### 6.18.8 NUMBER OF SINGLE DETACHED DWELLINGS PER LOT

Where this By-law allows a single detached dwelling to be located on a lot, not more than one single detached dwelling unit shall be permitted, except in the case of a farm helphouse.

#### 6.19 MINIMUM DISTANCE SEPARATION REQUIREMENTS

##### 6.19.1 MINIMUM DISTANCE SEPARATION ONE (MDS I)

No land shall be used and no building or structure, or part thereof shall be erected or used for the purpose of a residential, commercial, industrial, institutional or recreational use unless such residential, commercial, industrial, institutional or recreational use complies with the provisions of the Minimum Distance Separation Formula I.

##### 6.19.2 MINIMUM DISTANCE SEPARATION TWO (MDS II)

No livestock facility shall locate or expand unless such location or expansion is in compliance with the Minimum Distance Separation Formula II.

#### 6.20 MINOR VARIANCES TO BY-LAW NUMBER 78-85, AS AMENDED

A minor variance approved by the Town of Lincoln Committee of Adjustment granted in relief to the provisions of By-law Number 78-85, as amended, of the Town of Lincoln, shall remain in effect and a building permit may be issued by the Chief Building Official up to the effective date of this By-law.

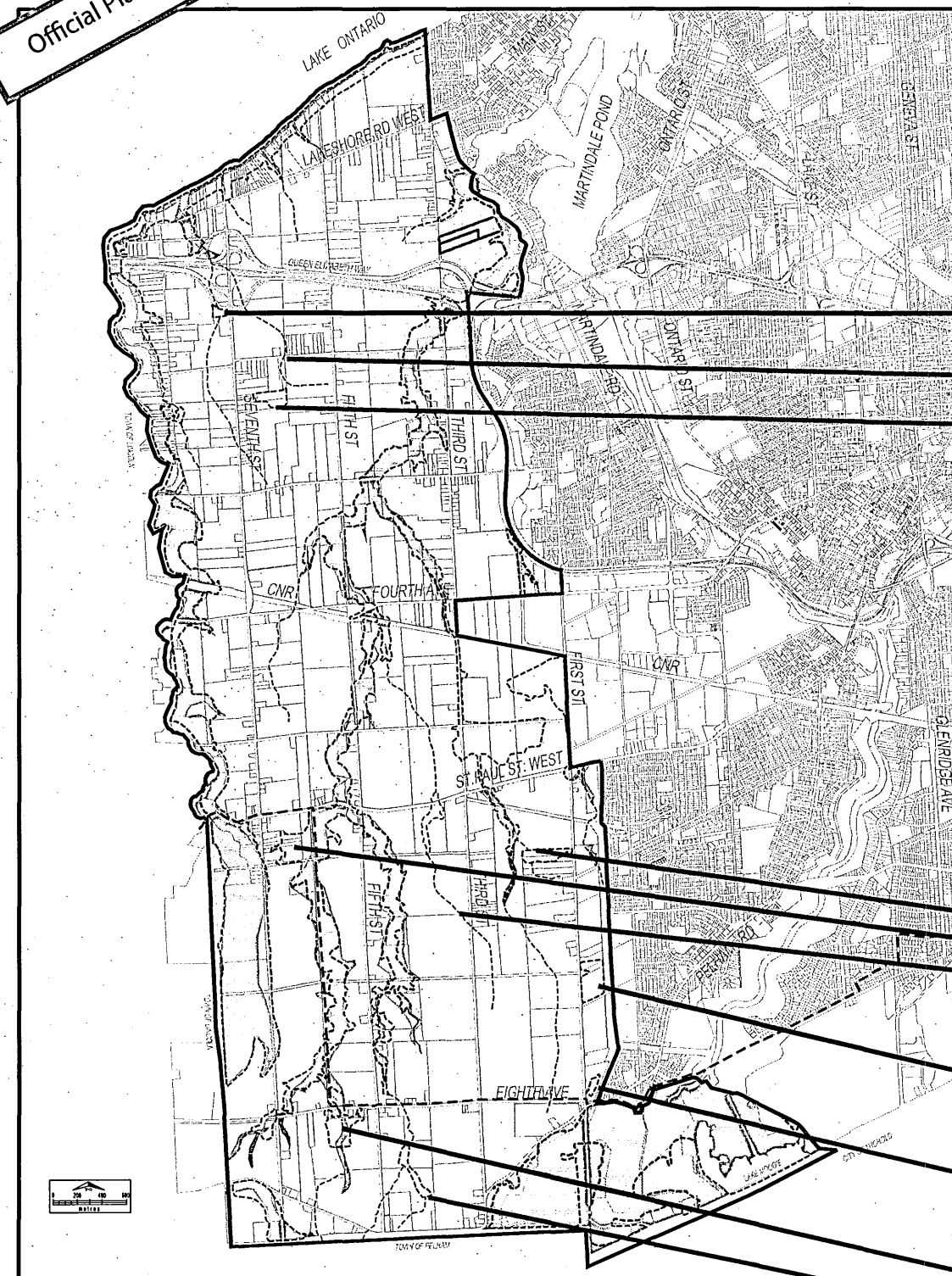
#### 6.21 MOBILE HOMES



# The Garden City Plan

Agriculture Area Planning District Schedule E 11

Official Plan



## Land Use Designations

- Agriculture
- Natural Area
- Natural Area Extent Line
- Parkland & Open Space
- Niagara Escarpment Plan Boundary

NOTWITHSTANDING LAND USE DESIGNATIONS SHOWN ON THIS SCHEDULE, THE USE OF LAND WITHIN OR ADJACENT TO THE NATURAL AREA EXTENT LINE MAY BE SUBJECT TO ADDITIONAL REGULATION OR RESTRICTION. REFER TO PART D, SECTION 13.2 NATURAL AREA POLICIES, ALSO SEE SCHEDULES F2, F3, F4 AND F5

CITY OF ST. CATHARINES  
PLANNING SERVICES DEPARTMENT  
OFFICIAL PLAN AUGUST 27, 2012



- ① Missing ECA Woodlot
- ② Missing Fish Habitat
- ③ Missing ECA Woodlot
- ④ Missing ECA Woodlot
- ⑤ Missing ECA Woodlot
- ⑥ Missing Fish Habitat
- ⑦ Missing ECA Woodlot
- ⑧ Missing ECA Woodlot
- ⑨ Missing ECA Woodlot
- ⑩ Missing ECA Woodlot



**Niagara Escarpment Commission**

232 Guelph St.  
Georgetown, ON L7G 4B1  
Tel: 905-877-5191  
Fax: 905-873-7452  
www.escarpment.org

**Commission de l'escarpement du Niagara**

232, rue Guelph  
Georgetown ON L7G 4B1  
No de tel. 905-877-5191  
Télécopieur 905-873-7452  
www.escarpment.org



Niagara Escarpment Commission  
An agency of the Government of Ontario

July 8, 2013

Ellen Savoia, Planner 1  
City of St. Catharines  
Planning and Development Services  
P.O. Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

RPT	INFO	P.D.S	REFERRED TO	INIT.
			E. Savoia	
DATE REC'D	JUL 10 2013	SCAN	<input type="checkbox"/>	
FILE NO	60-35.11 v. c			

Dear Ms. Savoia:

**Re: Zoning By-law Review  
Zone Your St. Catharines – Draft New Zoning By-law  
File No: 60.35.11 Vol. C**

Niagara Escarpment Commission (NEC) staff has reviewed the above-noted document and offers the following comments.

Portions of the City are included in the Niagara Escarpment Plan (NEP) and Niagara Escarpment Development Control (DC) areas. Where the DC regulations apply, zoning by-laws made pursuant to the *Planning Act* do not have legal effect. Therefore, any zoning information pertaining to such lands is not necessarily required to comply with the NEP. However, DC areas may be amended from their current areas.

To recognize the above-noted regulatory regime within the City for land use controls, Section 1.1.1 should be revised as follows:

"This Zoning By-law shall be administered and enforced by the City and applies to all lands within the City of St. Catharines, *save and except those areas to which regulations made pursuant to the Niagara Escarpment Planning and Development Act apply.*"

Section 1.1.3 appropriately references the need for any person to comply with the requirements of the NEC.

.../2



Regarding the potential for amendments to the DC area, NEC staff and City staff have been in discussions on specific goals in this regard. These goals would effectively allow all designated Urban Areas of the NEP to be regulated by City zoning by-law provisions and the remaining designations of the NEP to be regulated by DC. This would require DC boundary changes in some areas. Therefore, NEC staff's review of this document will pay specific attention to the areas of the City designated "Urban Area" in the NEP to ensure that the proposed zoning by-law provisions in such areas comply with the relevant policies of the NEP.

The main relevant NEP policies applicable to this exercise include:

- Part 1.7, Objective: *"To minimize the impact and further encroachment of urban growth on the Escarpment environment."*
- Part 1.7, Development Objective 1: *"All development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape."*
- Part 2.2 (General Development Criteria), subsection 1: *"Permitted uses may be allowed provided that:*
  - a) *The long term capacity of the site can support the use without a substantial negative impact on Escarpment environmental features such as contours, water quality, water quantity, natural vegetation, soil, wildlife, population, visual attractiveness and cultural heritage features."*
  - b) *The cumulative impact of development will not have serious detrimental effects on the Escarpment (e.g. water quality, vegetation, soil, wildlife and landscape."*
- Part 2.2, subsection 4: *Any development permitted should be designed and located in such a manner as to preserve the natural, visual and cultural characteristics of the area."*

There is one specific provision in the draft by-law relating to the protection of the visual environment of the Escarpment which for some proposed zones will conflict with these policies, and that is maximum building height provisions. The zones of concern include:

1. "I" Institutional (present on Glenridge Avenue between St. David's Road and Lockhart Drive, the south side of Lockhart Drive, and on Burleigh Hill Drive) – maximum heights proposed are either 14 metres, 20 metres, or not provided.
2. "C" Commercial (present on the south side of Glendale Avenue near Tremont Drive and near Burleigh Hill Drive) – maximum heights proposed are either 11 metres, 14 metres, or not provided.
3. "M" Mixed Use (present on Merritt Street, the south side of Glendale Avenue near Merritt Street, and the northeast corner of Glenridge Avenue and St. David's Road) – maximum heights proposed are either 11 metres, 20 metres, or not provided.

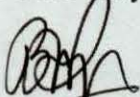


4. "R3" Residential (present on the north side of Townline Road East adjacent to the CNR line and two zoned sections on/adjacent to Tremont Drive) – maximum heights proposed are either 11 metres, 16 metres, 20 metres, or not provided.

NEC staff is aware that the lands to be zoned "R4" on Tremont Drive reflect the existing multi-storey apartment buildings. Therefore, provided that the R4 provisions do not allow for an increase in the existing building heights, there is no concern about this zone applied to these properties.

To ensure that the by-law complies with the stated policies of the NEP in these areas, NEC staff recommends that the lands proposing these zones inside the NEP include a modified maximum building height of 12 metres, except for the lands zoned "I" excluding the Brock University campus on the Escarpment brow which is recommended to include a modified maximum building height of 11 metres. The proposed 11 metre maximum building heights are for properties whose existing development and surrounding development includes relatively low profile built form compared to the areas being recommended for 12 metres, which are recognized to include or be amongst built form compatible with this recommended building height provision.

Yours truly,



Bohdan Wynnycky  
Manager

c. Martin Kilian, NEC Planner



60.35.11 V-C

**Savoia, Ellen**

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**From:** Lecinski, Diana  
**Sent:** July 4, 2013 11:43 AM  
**To:** Savoia, Ellen  
**Subject:** MACOA minutes May and June  
**Attachments:** 2013 06 26 MACOA Minutes.pdf; 2013 05 22 MACOA Minutes.pdf

Thank you again for your draft zoning by-law presentation. I've attached the last 2 sets of minutes, as time got short in the May meeting and the chair had suggested that park audits, zoning by-law and CIP discussion be brought forward to June to ensure members had adequate opportunity for input.

Attached. ☺

Diana Lecinski  
Accessibility Coordinator  
Corporate Support Services  
City of St. Catharines  
50 Church Street, P.O. Box 3012  
St. Catharines, ON L2R 7C2  
905-688-5601 #1510  
905-688-4TTY (4889) TTY enabled service



**Savoia, Ellen**

---

**From:** Lecinski, Diana  
**Sent:** June 27, 2013 11:49 AM  
**To:** Savoia, Ellen  
**Cc:** Bellows, Bruce; Blozowski, Kevin  
**Subject:** MACOA's motion re draft zoning by-law  
**Attachments:** 2013 05 22 MACOA Minutes.docx

Hi all – thank you again for the excellent presentation to MACOA on May 22. Per attached minutes from May (Item 4.a.) they were to review the draft in context with your presentation and discuss at the next meeting, which was yesterday.

Mayor's Advisory Committee on Accessibility (MACOA), June 26 motion:

Moved by: Bob Asham  
Seconded by: Shelley Stewart

That the Mayor's Advisory Committee on Accessibility (MACOA) acknowledges that the Niagara area has one of oldest populations in Canada which therefore benefits from increased accessible parking opportunities that includes fully accessible, safe and connective routes between parking areas and the building; and

That the accessible parking ratio chart contained in Section 3.7 of the proposed Zoning By-law be amended back to its original requirement for a minimum of 2% of accessible parking spaces in parking lots between 501-1000 spaces instead of 10; and

That while concerned about the change from 2 to 5 parking spaces as the minimum requirement for 1 accessible parking space it is recognized that a greater concern is in large developments with numerous parking spaces and busy vehicle traffic.

CARRIED

Let me know how we can help further support this motion and accessibility within the zoning by-law.

Thank you

Diana Lecinski  
Accessibility Coordinator  
Corporate Support Services  
City of St. Catharines  
50 Church Street, P.O. Box 3012  
St. Catharines, ON L2R 7C2  
905-688-5601 #1510  
905-688-4TTY (4889) TTY enabled service



# **City of St. Catharines**

## **Mayor's Advisory Committee on Accessibility (MACOA) MINUTES, Wednesday, May 22, 2013**

**A meeting of the Mayor's Advisory Committee on Accessibility was held on Wednesday, May 22, 2013 in Committee Room #1 at City Hall at 1:30 p.m.**

Present: Shelley Stewart, Co-chairperson  
Diane Foster, Co-chairperson (until 3:30 p.m.)  
Bob Asham  
Steve Kurtic-Lentinello (until 3:30 p.m.)  
Julie Morris  
David Reed (until 3:30 p.m.)  
Linda Marie O'Hagan  
Mary Jane Waszynski (at 2:35 p.m.)

Regrets: Councillor Matthew Harris  
Chantal Barrette  
Ian Crawford  
Tony DiPaola

Staff: Diana Lecinski, Accessibility Coordinator, CSS  
Ellen Savoia, Planner I, PDS  
Bruce Bellows, Planner I, PDS  
Kevin Blozowski, Planner I, PDS  
Erin O'Hoski, Corporate Planning Officer, EDCS  
Kristen Sullivan, Project & Development Planner, RCS  
Mauro Becchetti, Horticulture Foreman, RCS

### **Facility Accessibility Design Standards (FADS):**

The FADS guideline was approved by the Region of Niagara in September 2005 and adopted by the City of St. Catharines Council on April 24, 2006 for use in municipal facilities.



**1. Call to order:**

Shelley Stewart, co-chairperson called the meeting to order at 1:35 p.m.

**2. Introductions:**

Everyone was welcomed and round table introductions were made.

**3. Approval of Previous Minutes:**

The minutes of the Mayor's Advisory Committee on Accessibility for April 24, 2013 were approved.

That the minutes of April 24, 2013 be approved.

Motion by: Diane Foster

Seconded by: Linda Marie O'Hagan

CARRIED

**4. Presentations/Discussions:**

a. **Draft Zoning By-law**, Ellen Savoia, Bruce Bellows, Kevin Blozowski, PDS. Shelley Stewart welcomed the presentation team from PDS. Planning staff provided a comprehensive review of the draft zoning by-law. Each Planning staff provided detail through PowerPoint and discussion. Hand-outs were provided and MACOA was given the link to the City's webpage for further detail and review. It is a consolidation of numerous zones that provides a new approach, new format and uniformity to the City's zoning. The existing by-law is approximately 5000 pages but has been streamlined into approximately 150 pages and provides a balance between flexibility and certainty.

Of particular interest were any items relating to accessibility. It was noted that ratios have changed slightly for accessible parking, by having no requirement for accessible parking when sites have less than 5 parking spaces. There is no signed accessible parking in areas such as townhouse developments. There were a number of questions relating to accessible parking space size and signage that haven't changed from existing requirements. Accessible pedestrian connectivity was also noted as being a priority to MACOA.

Parallels were drawn between the sequencing and level of guiding documents for City planning from the Official Plan, to the Urban Design Guidelines, the draft zoning by-law and onto the Site Plan Manual that was discussed in detail



at MACOA's previous meeting in April 2013. Planning staff noted that MACOA's input is appreciated by the end of June. Shelley Stewart thanked Planning staff and suggested that this item be placed on the June agenda in order to follow up with more final and comprehensive access comments after members have had another opportunity to review the presentation and new zoning information on the City's website.

b. **Community Improvement Plan (CIP)**, Erin O'Hoski provided a backgrounder on CIP, defining its purpose and its establishment in 2003 under the Planning Act. This subsidy program has supported revitalization and renewed facades throughout the community. The CIP program is being reviewed on its 10<sup>th</sup> anniversary in 2013. MACOA has long advocated for accessibility to be a part of this program. This was previously discussed at MACOA's meeting in March 2012 and notes Planning's annual budget submission for an accessible component to the CIP which has never been successful.

Members noted concern that funding is being provided for businesses to visually improve their facades, but not to provide an accessible entry. Accessibility has to begin somewhere and starting at the front entry is recommended.

Identified and discussed:

- 2013-2015 Accessibility Plan identified access as missing and needed within CIP programs
- CIP funding to improve facades but not provide accessibility at the entrance is detrimental to an inclusive community
- Accessibility must start at the entrance; although interiors of buildings may not currently be accessible, that is a next step.
- Acknowledgement that interiors are assumed to be Ontario Building Code (OBC) compliant of that time and only upon interior renovation is there any requirement to implement newer OBC design (FADS continues to be recommended as a best practice for accessible design over and above OBC requirements)
- Building owners may come to recognize the value of becoming more accessible to their customers
- Accessibility is the new normal in Ontario
- Education helps support accessibility
- Is CIP to be city-wide or within established boundaries?
- Local neighbourhood convenience stores are generally very inaccessible



- Access needs to be prioritized, starting with on-grade wider doors with power door operators (PDO)
- CIP currently centered on downtown facades, but ramps may have encroachment issues (look at solutions, including raising stretches of sidewalk)
- Entering a businesses is the starting point
- Niagara is an aging population, therefore barrier-free access is essential
- Some areas become more inaccessible without public transit
- Sometimes landscaping encroaches onto accessible pedestrian pathways (e.g. hanging tree branches impede people with visual disabilities)

Erin O'Hoski noted the importance of all stakeholder input and asked for any final input by the end of June. Shelley Stewart asked that this item also be revisited on MACOA's June agenda.

Moved by: Diane Foster  
Seconded by: Linda Marie O'Hagan

That MACOA continues to support an accessibility component as a priority part of CIP; and

That MACOA advocates for façade improvements to include an accessible entry; and

That MACOA's detailed comments in these minutes of this date accompany this motion.

CARRIED

c. Park access audit and maintenance, Kristen Sullivan, Mauro Becchetti. Kristen Sullivan reviewed all park access audits made by MACOA reps during the summer of 2012. There were a number of recurring themes that increased awareness. A list of themes based on these audits was distributed and are attached as an appendix to these minutes. A number of issues were identified along with opportunities to improve and plan for necessary resources.

THEME – parking;

THEME – washrooms;

THEME – site furnishings;



THEME – trails;

THEME – way-finding and signage;

Shelley Stewart thanked Kristen Sullivan and Mauro Becchetti for their review of barriers in parks and trails, and to actively continue to address access issues through maintenance and renovation improvements.

Meeting Note:

Shelley Stewart, co-chairperson, adjourned the meeting as the time was 3:40 p.m. and quorum was lost at 3:30 due to the long discussions. It was decided that all remaining agenda items would be carried forward to the June agenda. Shelley Stewart asked that Diana Lecinski provide any further time-sensitive information to MACOA via email including a reminder about the March of Dimes, Breaking the Barriers Awards event on May 29<sup>th</sup> as MACOA reps will attend and host an information table at this event.

**5. Next Meeting:**

Wednesday, June 26, 2013 at 1:30 p.m. in Committee Room #1.

**6. Adjournment:**

The meeting of the Mayor's Advisory Committee on Accessibility adjourned.

Quorum had been lost at 3:30 p.m. therefore the meeting was adjourned at 3:40 p.m. by Shelley Stewart, MACOA co-chairperson.

Attachment: re Item 4.c.



Attachment - Agenda Item 4.c.

Main Themes from Park Audits  
MACOA Meeting - May 22, 2013

1. Parking

- Spot and sign are FADS compliant
- Spot is FADS compliant but sign is not
- Spot is FADS compliant but there is no sign
- Spot is not FADS compliant and there is a sign
- Spot is not FADS compliant and there is no sign

2. Washrooms/Change rooms

- Permanent
- Portables

3. Site Furnishings

- Access to and accessibility of: benches, picnic tables, garbage cans

4. Trails

- Erosion and material at edges
- Trip Hazards

5. Way-finding and Signage



60.35.11 v C



NIAGARA PENINSULA  
**CONSERVATION**  
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

July 2, 2013

File: MPR 9.27(C)

City of St. Catharines  
Planning and Development Services  
P.O. Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

Attention: Ms. Ellen Savoia, MCIP, RPP, Planner 1

Dear Ms. Savoia,

Re: Draft New City of St. Catharines Zoning By-law (March 19, 2013)

Thank you for the opportunity to provide comments on the draft Comprehensive Zoning By-law. The comments attached are based on the following Conservation Authority responsibilities including:

- the agency delegated by the Province to address Natural Hazards (PPS 2005) and
- the NPCA's Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Document (rev. October 2011).

Staff have not provided comments on the Comprehensive Zoning By-law regarding the Region's Environmental Policies. Section 3 of the Niagara Planning MOU indicates that the NPCA is the one window for Natural Environment comments on planning documents. In this case, the Region's ICP staff have advised that they will be providing comments based on the Region's Environmental policies.

Detailed staff comments are provided in the attached table. Do not hesitate to contact this office should you have any questions.

Yours truly,

A handwritten signature in cursive script, appearing to read "S. McInnes".

Suzanne McInnes, MCIP, RPP  
Manager, Watershed Development Services (ext. 235)

cc: B. Dick, Region of Niagara, ICP  
M. Radman, Region of Niagara, Development Services  
E. Ivanic, MMAH



City of St. Catharines Draft Comprehensive Zoning By-law (March 18, 2013)

Section	NPCA Comments
<p>Interpretation of Zone Boundaries</p> <p>1.1.7(c)</p>	<p>This section indicates that when determining the boundary of any zone, and (a),( b) or (c) don't apply then the zone boundary shall be scaled from the schedules. The City's new Official Plan 13.2.1.4 (i) states: "The Natural Area mapping set out on the Schedules of this Plan should not be construed as representing the precise boundaries or all of known Natural Hazard Lands and Natural Heritage." Since the Official Plan acknowledges that the Natural Area mapping doesn't represent precise boundaries, and the Comprehensive Zoning By-law uses the same mapping, how can the City accurately scale the zone boundaries from the schedules?</p>
<p>Accessory Buildings and Structures</p> <p>2.1</p>	<p>This section indicates that "Buildings and structures accessory to a permitted use are permitted in all zones, and except as noted elsewhere in this By-law, shall be subject to the following provisions...." Section 13.2.2.1 of the Official Plan states: "The following uses are permitted within the Natural Area designation and the Natural Area Extent Line, subject to the policies of this plan: i) legally existing uses, building and structures including existing agricultural uses....". The Comprehensive Zoning By-law does not address the Natural Area Extent Line as shown in the Official Plan. It is unclear how accessory buildings and structures can be permitted in all zones when the Official Plan indicates that only existing buildings and structures are permitted in the Natural Area designation and the Natural Area Extent Line.</p>
<p>Non-Complying Buildings and Lots</p> <p>2.14.3</p>	<p>This policy allows for replacing or restoring to a safe condition of any existing building or structure. This policy is too broad and allows for replacing structures in areas not permitted by the Official Plan. Section 13.2.3(ii) of the City's Official Plan states: Development and site alteration shall not be permitted: within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard....." The Conservation Authority Policy 3.18.1 (a) states: "Any Building or structure which is located in the floodplain and has been destroyed for reasons other than flooding may be allowed to be rebuilt, provided the building cannot be relocated to an area outside of the Floodplain, as determined by the Conservation Authority....." The NPCA policy also includes specific criteria for reconstruction. The NPCA recommends that the City revise this policy to address the City's official plan policies and the Conservation Authority policies for replacing buildings in Natural Hazards.</p>
<p>Rebuilding and Extensions</p> <p>2.14.4</p>	<p>This policy allows for the enlargement, repair or renovation of buildings or structures constructed prior to the date of the passing of the by-law and has less than any of the yard requirements. Section 13.2.3(ii) of the City's Official Plan states: Development and site alteration shall not be permitted: within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard....." The Conservation Authority Policy 3.18.2 includes provisions for minor additions to existing buildings subject to criteria. The NPCA recommends that the City revise this policy to address the City's official plan policies and the Conservation Authority policies for rebuilding and enlargement of structures in Natural Hazards.</p>



Section 9 Green Space	<p>The G1 Zone includes lands within the Natural Area designation of the City's Official Plan. As noted above in the comments on the Interpretation of Zone Boundaries, there is a concern that Natural Area zone does not reflect all of the known Natural Hazard lands in the City of St. Catharines. Through a Memorandum of Understanding with the Province, the Conservation Authority has been delegated the responsibility to ensure that Section 3.1 of the Provincial Policy Statement is addressed in planning documents. The NPCA staff would like to understand how the Comprehensive Zoning Bylaw conforms with Section 3.1 of the PPS is achieved when all of the known Natural Hazard lands aren't mapped. At a meeting with City staff on June 11, 2013 it was indicated that the Natural Area Extent line shown in the Official Plan was going to be added into the Comprehensive Zoning By-law in an Appendix. It is not clear to Conservation Authority staff what status an Appendix in a Comprehensive Zoning By-law has. In an Official Plan, an Appendix is not considered part of the Plan. Does the same hold true for an Appendix in a Comprehensive Zoning By-law?</p>
Special Provision 6 Port Dalhousie Cottage Area	<p>There are residential properties located immediately adjacent to Lake Ontario are subject to the Natural Hazards associated with the Lake (flooding, erosion, wave uprush). The G1 Zone located between the lake and the residential zone does not accurately reflect the extent of the Natural Hazard for lots immediately adjacent to the lake. There is a steep slope associated with the shoreline in this part of the City that left unprotected will be subject to erosion. The Lake Ontario Shoreline Management Plan indicates that the shoreline recession rate in this location is 0.3/m annually. This part of Lake Ontario shoreline is in private ownership (many other sections of the shoreline in the City are in public ownership and have shoreline protection in place). It is difficult to get comprehensive shoreline protection where there are multiple owners of the shoreline. See comments above on Section 9.</p>
Special Provision 21 59 Wellandvale Road	<p>This property is shown on Schedule F2 of the City's Official Plan as "Natural Hazard Lands" Significant Valleyland. It is recognized that the existing structures on the site, however, external additions or converting the existing use to residential requires additional studies to determine the location of the 100 year floodplain and confirming that the site has safe access during times of flooding and erosion hazards ( see Section 13.2.3ii)). The Conservation Authority does not have 100 year floodplain mapping for this site. The floodplain mapping will need to be completed prior to the consideration of external additions to existing structures or converting the site to a residential use. Any new development will be located above the 100 year floodplain elevation. The NPCA recommends that the City include a holding provision for this property that require the completion of floodplain mapping prior to the consideration of external additions to existing structures or converting the site to a residential use.</p>
Special Provision 106 358D Martindale Road	<p>The provisions for 358D Martindale Road should also apply to 358A, 358C and 358E because all 4 lots were created at the same time and subject to the same development criteria established at an Ontario Municipal Board Hearing. While 3 of the lots have already been built on, the OMB determined that no building or structure will be located below the 90.0m contour.</p>
Section 14 Holding Provisions	<p>Please consider adding a holding provision for 59 Wellandvale Road to ensure that the 100 year floodplain mapping is completed prior to the consideration of external additions to existing structures or converting the site to a residential use. Any new development will be located above the 100 year floodplain elevation.</p>





June 28, 2013

Ms. Ellen Savoia, MCIP, RPP  
Planner  
Planning and Development Services  
City of St. Catharines  
PO Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

RPT	SECURS	INFO	P.D.S	INIT
			REFERRED TO	
			E. Savoia	22
DATE REC'D →		JUN 28 2013		SCAN <input type="checkbox"/>
FILE NO		60.35.11 v. 2		

**Re: City of St. Catharines Draft Zoning By-law Review (March 2013)**

Dear Ms. Savoia,

We are pleased to have the opportunity to participate in the Zoning By-law Review process and to comment on the City of St. Catharines Draft Zoning By-law (March 2013). We thank you for contacting us through your April 15, 2013 letter in order to provide us this opportunity.

As you are aware, Bell Canada is Ontario's principal telecommunications infrastructure provider. The *Bell Canada Act*, a federal statute, requires that Bell manage and operate most of the trunk telecommunications system in Ontario. Bell is also responsible for the infrastructure that supports most 911 emergency services in the Province.

The Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (Places to Grow) both strongly support the integrated planning of communities, including telecommunications infrastructure. The PPS specifically requires that "planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs" (Section 1.6.1). Furthermore, the PPS states that infrastructure should be located to support the delivery of emergency management services (Section 1.6.3). We note that the definition of infrastructure in the PPS includes communications/telecommunications.

In light of Provincial policy, it is critical to understand the complexity of expanding and enhancing the telecommunications network to accommodate growth, both through outward expansion of an urban area and through intensification, infill, and redevelopment. All types of growth and development place demands on the telecommunications network and its associated support infrastructure. Beyond simply extending fibre or copper cable, growth and development can precipitate the need for reinforcement and replacement of the support infrastructure. Reinforcement and replacement of the telecommunications network can represent an extensive and costly undertaking, which needs to be managed to avoid disruption of public services. This is particularly critical in

Bell Canada  
Development and Municipal Services Control Centre  
Floor 5 BLUE, 100 Borough Drive  
Toronto, Ontario  
M1P 4W2

Telephone 905-853-4044  
Fax 905-895-3872  
john.lachapelle@bell.ca



relation to the provisioning of 911 emergency services and the services essential to businesses in St. Catharines that are operating in a global economy.

Over recent years, we have had discussions with numerous municipalities with respect to Zoning By-law provisions for utilities and associated structures. With past discussions and experiences in mind, we have reviewed the Draft Zoning By-law and respectfully submit our comments as follows.

## **Section 2 – General Provisions**

Bell would request that a provision be added to Section 2 to allow both infrastructure and utilities, such as communication / telecommunications, to be permitted in any zone to ensure servicing can be provided to meet the public need.

This request is in line with the intent of the Official Plan policies, specifically Sections 6.8.1 and 6.8.2 that permit utility infrastructure in all land use designations and identifies that the City will ensure adequate utility networks are established to support anticipated development through discussions with public and/or private utility providers.

## **Section 4.2 – Uses and Zones**

We note that Section 4.2 of the Draft Zoning By-law includes a table that details the By-law's permitted uses and the zones in which the uses are permitted. In this table, the only infrastructure and utility related provisions appear to be in relation to 'Essential Operations for Service Infrastructure and Utilities' and 'Maintenance/ Utility Building' which are permitted in Green Space zones (i.e. G1 – Conservation/Natural Area; G2 – Minor Green Space; and G3 – Major Green Space). We believe the intent is not to restrict the permission of utilities in all zones but rather to ensure that utilities are sensitive to natural heritage features. For example, Section 4.2.1 of the Greenbelt Plan explicitly permits existing, expanded and new infrastructure within the Protected Countryside, subject to certain policies and objectives of the Plan being met. The Greenbelt Plan therefore recognizes the need for infrastructure to occur in Green Spaces when necessary. Bell will work with municipalities to ensure that the placement and operation of telecommunications utilities are sensitive to natural heritage features. We would also note that the request to permit public uses in any zone would address our concern with the table contained in Section 4.2 of the Draft Zoning By-law.

## **Section 12 – Definitions**

Bell requests that the City consider the following definitions to clarify the intent of the Zoning By-law and to align the By-law with the Provincial Policy Statement definitions explicitly with respect to the inclusion of



June 28, 2013

3

communications/telecommunications in its definitions for "infrastructure", as follows:

***Infrastructure:*** means physical structures (facilities or corridors) that form the foundation for development or resource use. Infrastructure includes: sewage and water systems, sewage treatment systems, waste management systems, electric power generation and transmission including renewable energy systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

***Utility (ies):*** means an essential public service such as electricity, gas, television or communications/telecommunications that is provided by a regulated company or government agency.

We also request the inclusion of definitions in Section 12 of the Zoning By-law that would clarify what is meant by 'Essential Operations for Service Infrastructure and Utilities' and 'Maintenance/Utility Building' uses. We encourage the City, in developing these definitions, to align them with the above-noted definitions and policies of the Provincial Policy Statement.

We would like to thank you again for the opportunity to comment on the City of St. Catharines Draft Zoning By-law (March 2013). Please advise Bell of any further meetings, reports, drafts, decisions, etc. related to this matter. We request that all documentation and information be forwarded to our Development and Municipal Services Control Centre:

Mr. John La Chapelle, MCIP, RPP  
Associate Director – Municipal Relations  
Access Network Provisioning, Ontario  
Development and Municipal Services Control Centre  
Bell Canada  
Floor 5 BLUE, 100 Borough Drive  
Toronto, Ontario  
M1P 4W2

ha JV  
#564

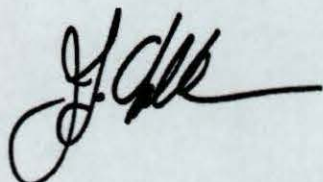


June 28, 2013

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If you have any questions, please direct them to the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. La Chapelle', with a long horizontal flourish extending to the right.

John La Chapelle, MCIP, RPP  
Associate Director – Municipal Relations  
Access Network Provisioning, Ontario

cc: Frank Fucile – Bell Canada  
Chris Tyrrell – MMM Group Ltd.



## Savoia, Ellen

---

**From:** Levinski, Kathy <Kathy.Levinski@ncdsb.com>  
**Sent:** June 19, 2013 3:41 PM  
**To:** Savoia, Ellen  
**Subject:** FW: area of school properties  
**Attachments:** School Property Data as of 2013 Jan 07.xlsx

Good afternoon Ellen, please find attached chart showing acreage for the schools within Niagara Catholic DSB. The chart below shows reference benchmarks for elementary and secondary school sites.

This is the link we spoke of:

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_980020\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_980020_e.htm)

Elementary Schools	
Number of pupils	Maximum area (acres)
1 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 or more	8
Secondary Schools	
Number of pupils	Maximum area (acres)
1 to 1000	12
1001 to 1100	13
1101 to 1200	14
1201 to 1300	15
1301 to 1400	16
1401 to 1500	17
1501 or more	18

Kathy Levinski,  
Manager of Facilities Services  
**Niagara Catholic DSB**  
427 Rice Road,  
Welland, ON L3C 7C1  
905-735-0240 ext. 273  
[kathy.levinski@ncdsb.com](mailto:kathy.levinski@ncdsb.com)

---

**From:** Savoia, Ellen [<mailto:esavoia@stcatharines.ca>]  
**Sent:** Friday, June 14, 2013 3:54 PM  
**To:** Labbancz, Tunde  
**Subject:** area of school properties

Hello

We are working through comments we have received regarding the draft new zoning by-law. There have been concerns raised regarding the lot size requirements as proposed for Institutional zones. Could you please provide a list of all of the boards school properties with their lot sizes. Thank you for your assistance in this matter.

Ellen Savoia, M.C.I.P., R.P.P.



Planner  
Planning and Development Services  
City of St. Catharines  
Phone 905-688-5601, ext. 1752  
TTY 905-688-4889

**Help zone your St. Catharines! Take our surveys at  
<http://www.stcatharines.ca/en/buildin/DraftZoningBy-law.asp> and visit us on facebook at  
[www.facebook.com/zoneyourstcatharines](http://www.facebook.com/zoneyourstcatharines)**

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**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
SCHOOL PROPERTY DATA AS OF JANUARY 7, 2013**

SCHOOLS		SITE SIZE IN ACRES	SITE SIZE IN HECTARES
ELEMENTARY SCHOOLS			0.404686
ASSUMPTION		4.94	2.00
ALEXANDER KUSKA		12.44	5.03
CANADIAN MARTYRS		7.91	3.20
CARDINAL NEWMAN		4.27	1.73
FATHER HENNEPIN		9.49	3.84
HOLY NAME		6.63	2.68
LORETTO CATHOLIC		15	6.07
MARY WARD		4	1.62
MICHAEL J. BRENNAN		2	0.81
MONSIGNOR CLANCY		11.6	4.69
MOTHER TERESA		4.55	1.84
NOTRE DAME		5.14	2.08
OUR LADY OF FATIMA (GRIMSBY)		4	1.62
OUR LADY OF FATIMA (VINE)		5.46	2.21
OUR LADY OF MOUNT CARMEL		8.5	3.44
OUR LADY OF VICTORY		9.5	3.84
SACRED HEART		5.2	2.10
ST. ALEXANDER		4.98	2.02
ST. ALFRED		6.84	2.77
ST. ANDREW		4.6	1.86
ST. ANN (ST. CATHARINES)		3.93	1.59
ST. ANN (FENWICK)		8.9	3.60
ST. ANTHONY		5.04	2.04
ST. AUGUSTINE		5.66	2.29
ST. CHARLES		3.5	1.42
ST. CHRISTOPHER		6.3	2.55
ST. DENIS		4.32	1.75
ST. EDWARD		6.86	2.78
ST. ELIZABETH		8.01	3.24
ST. GABRIEL LALEMANT		6.94	2.81
ST. GEORGE CATHOLIC		7.85	3.18
ST. JAMES		5.41	2.19
ST. JOHN (B)		9.27	3.75
ST. JOHN BOSCO		11	4.45
ST. JOSEPH (STEVENSVILLE)		9.88	4.00
ST. JOSEPH (GRIMSBY)		3.96	1.60
ST. KEVIN		4.2	1.70
ST. MARK CATHOLIC		7.57	3.06
ST. MARTIN		3.41	1.38
ST. MARY (NIAGARA FALLS)		3.64	1.47
ST. MARY (WELLAND)		6.62	2.68
ST. MICHAEL		6.45	2.61
ST. NICHOLAS		0.59	0.24
ST. PATRICK (NIAGARA FALLS)		1.5	0.61
ST. PATRICK (PORT COLBORNE)		1.88	0.76
ST. PETER		3.85	1.56
ST. PHILOMENA		10.55	4.27
ST. THERESA		5.61	2.27
ST. THERESE		15.25	6.17
ST. THOMAS MORE		4.47	1.81
ST. VINCENT DE PAUL		5.04	2.04
<b>SECONDARY SCHOOLS</b>			
SAINT PAUL HIGH		9.4	3.80
NOTRE DAME COLLEGE		11.09	4.49
SAINT MICHAEL HIGH		15.8	6.39
LAKESHORE CATHOLIC HIGH		11.02	4.46
DENIS MORRIS		7.67	3.10
HOLY CROSS		8.01	3.24
SAINT FRANCIS		7.86	3.18
BLESSED TRINITY		16.8	6.80



**Savoia, Ellen**

---

**From:** Savoia, Ellen  
**Sent:** June 18, 2013 9:29 AM  
**To:** 'Benson, Curt'; Bellows, Bruce; Blozowski, Kevin  
**Cc:** Tanner, Mary Lou; Edgar, Darlene; Gartner, Tiffany; Dick, Brian; Radman, Marilyn  
**Subject:** RE: Comments Relating to Home Day Care Uses - New Zoning By-Law for the City

Hi Curt

Thanks for the comments on home daycare. Based upon earlier discussions with Kathryn Ballantyne we have revised the definition of day care to 'means premises caring for persons for a portion of a day.' We believe this will permit overnight accommodation in home daycare. We have also changed home day care to refer to maximum number of people being cared for instead of clients to clarify the intent. We look forward to receiving your comprehensive comments.

Ellen Savoia

---

**From:** Benson, Curt [<mailto:curt.benson@niagararegion.ca>]  
**Sent:** June 17, 2013 3:55 PM  
**To:** Savoia, Ellen  
**Cc:** Tanner, Mary Lou; Edgar, Darlene; Gartner, Tiffany; Dick, Brian; Radman, Marilyn  
**Subject:** Comments Relating to Home Day Care Uses - New Zoning By-Law for the City

Hi Ellen – please see attached letter.

Let us know when you might be available to discuss further. Thanks, Curt

**Curt Benson, MCIP, RPP** | Manager of Policy Planning | Integrated Community Planning | Niagara Region | Tel: 905-685-4225 ext 3367 | [curt.benson@niagararegion.ca](mailto:curt.benson@niagararegion.ca)

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## Savoia, Ellen

---

**From:** Benson, Curt <curt.benson@niagararegion.ca>  
**Sent:** June 17, 2013 3:55 PM  
**To:** Savoia, Ellen  
**Cc:** Tanner, Mary Lou; Edgar, Darlene; Gartner, Tiffany; Dick, Brian; Radman, Marilyn  
**Subject:** Comments Relating to Home Day Care Uses - New Zoning By-Law for the City  
**Attachments:** ltr to esavoia re SC ZBLA home daty care 061713.pdf

Hi Ellen – please see attached letter.

Let us know when you might be available to discuss further. Thanks, Curt

**Curt Benson, MCIP, RPP** | Manager of Policy Planning | Integrated Community Planning | Niagara Region | Tel: 905-685-4225 ext 3367 | [curt.benson@niagararegion.ca](mailto:curt.benson@niagararegion.ca)

### The Regional Municipality of Niagara Confidentiality Notice

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June 17, 2013

Ms. Ellen Savoia, MCIP, RPP  
Planner  
Planning and Development Services  
City of St. Catharines  
P.O. Box 3012  
50 Church Street  
St. Catharines, ON L2R 7C2

Sent by email: [esavoia@stcatharines.ca](mailto:esavoia@stcatharines.ca)

Dear Ms. Savoia:

**Re: Comments Relating to Home Day Care Uses  
New Comprehensive Zoning By-Law  
City of St. Catharines**

---

This letter provides comments on Regional interests as it relates to Home Daycare Uses in the City's New Zoning By-Law. Regional staff are currently reviewing the New Zoning By-Law and will be providing comments that capture a range of policy matters through a separate letter.

There are two types of home child care: licensed and unlicensed caregivers. There are three home child care licensing agencies in Niagara - Niagara Region Children's Services, Wee Watch and Adolescent's Family Support Services of Niagara (AFSSN). The responsibilities of the licensing agency is to select and monitor home child care providers and ensure each provider meets provincial standards for the number of children, nutritional standards, fire, health and safety procedures and appropriate programming to ensure quality care.

Home child care is different from centre-based care as it enables flexible child care arrangements such as evening, early morning, weekend and overnight care. Flexible hours of service for child care are important to maintaining individuals in employment, education, and training.

Upon reviewing the Zoning By-Law, Regional staff have a concern that the By-Law would prohibit "Home Daycares" from operating overnight. This would present difficulties for families working evening shifts that are in need of overnight care to support their employment and education. It would have implications for Regional operations as well as other licensed home child care agencies operating in the City.



In order to address this issue, we recommend the definition of Daycare allow flexibility and not expressly prohibit overnight care. For example, the definition could include a provision to suggest care is provided "for not more than a 24 hour period". This approach appears to be consistent with many other communities across Ontario.

Further, the By-Law as currently written does not provide sufficient clarity around the term 'clients'. We understand that this is due to the general definition of "Home Day Care" and its application to children, seniors and adults with disabilities, etc. There may be some confusion as to whether a 'client' is the *parent* of a child in a daycare or the *child* him or her-self.

We recommend adding definitions for the word 'clients', 'children' and 'home day care' to include the distinction between licensed and unlicensed home child care. There may be an opportunity to include exceptions to the bylaw for licensed home child care providers, which could potentially rectify our concerns.

We are happy to meet with you to discuss these matters with you at your earliest convenience. Please let us know a time that is convenient for us to meet before a recommendation to City Council is made on the By-Law. We also recommend you make contact with the other two licensing agencies noted above.

We hereby request that a Notice of Decision on the Comprehensive Zoning By-law and/or any part of the Zoning By-Law relating to these matters be forwarded to both parties below. Thank you for your consideration of these matters.

Sincerely,

Mary Lou Tanner, MCIP, RPP  
Associate Director  
Regional Policy Planning  
Integrated Community Planning

Darlene Edgar, RECE  
Director Children's Services  
Community Services

CB/

cc (email only): Mr. B. Dick, Senior Planner, Regional Policy Planning  
Ms. M. Radman, Manager of Development Planning, Public Works  
Ms. T. Gartner, Manager of Children's Services, Community Services





# District School Board of Niagara

Achieving Success Together

191 Carlton Street, St. Catharines, Ontario L2R 7P4 (905) 641-1550 Fax: (905) 685-8511

June 14, 2013

City of St. Catharines  
P.O. Box 3012, 50 Church Street  
St. Catharines, Ontario  
L2R 7C2

VIA E-MAIL ONLY  
jridell@stcatharines.ca

Attention: Jim Riddell,  
Director of Planning & Development Services

RE: Proposed Draft Zoning By-law

Don  
June 17,  
2013

Dear Mr. Riddell;

I would like to thank you for the opportunity to comment on the proposed zoning by-law circulated March 18, 2013.

Board staff have reviewed the proposed zoning, the permitted uses and the provisions for all of the Board's properties. The Board has concerns with respect to the proposed maximum lot size for the Institutional zones in which the Board's properties fall.

- ✓ • The proposed Local Neighbourhood Institutional zone would apply to fourteen (14) of the Board's properties and only one (1) property would conform to the proposed new zoning by-law, based on the maximum lot area of 1 hectare or 2.47 acres.
- ✓ • The proposed Community Institutional zone would apply to twenty-four (24) of the Board's properties and only eleven (11) properties would conform to the proposed new zoning by-law, based on the maximum lot area of 3 hectares or 7.41 acres. The majority of the properties that exceed the proposed maximum lot size are the secondary school sites.

Attached, please find a list of the Board's properties, the site size, the current zoning and the proposed zoning for your reference. The highlighted properties would conform to the proposed new zoning by-law.

I would be pleased to meet with you to discuss the concerns with respect to the proposed new zoning by-law at your convenience.

Yours truly

Christine Thompson,  
AMCT, CIM, MCIP, RPP, PLE  
Supervisor of Planning

cc. Cam Hathaway, Superintendent of Planning and Transportation



### District School Board of Niagara Properties

	School	Address	Site Size (acres)	Current Zoning	Proposed Zoning
1	Alexandra	84 Henry Street	2.85	G	I1
2	Applewood	130 Woodrow Street	4.94	R1B	I1
3	Briardale	1A Caroline Street	4.35	RA	I1
4	Burleigh Hill	15 Burleigh Hill	6.35	R1B	I2
5	Carleton	1 Carleton Park Drive	10.11	R1B	I2
6	Connaught	28 Prince Street	4.99	R2B	I1
7	Dalewood	61 Duncan Drive	5.59	R1B	I1
8	E.I. McCulley	16 Berkley Drive	4.97	R1B	I1
9	Edith Cavell	1 Monck Street	4.52	R1B	I2
10	Ferndale	35 Ferndale Avenue	8.48	R2B	I1
11	Glen Ridge	101 South Drive	2.22	I	I1
12	Gracefield	117 Bayview Drive	5.61	I	I1
13	Grapeview	106 First Street Louth	5.44	G	I2
14	Lincoln Centennial	348 Scott Street	5.56	R2A	I2
15	Lockview	505 Bunting Road	6.01	R1B	I1
16	Maywood	140 Haig Street	4.82	R2A	I2
17	Meadowvale	63 Cecil Street	5.31	R1B	I1
18	Memorial	17-21 Welland Avenue	4.03	G	I2
19	Oakridge	1 Marsdale Avenue	6.03	RA	I1
20	Parnall	507 Geneva Street	7.98	R1B	I2
21	Pine Grove	690 Lake Street	4.45	H	I1
22	Port Weller	273 Parnell Road	8.80	R1B	I2
23	Power Glen	34 Westland Street	4.45	G	I2
24	Prince of Wales SC	95 Facer Street	2.67	G	I1
25	Prince Philip SC	600 Vine Street	6.85	H	I2
26	Queen Mary	Carlton Street	10.60	R3	I2
27	Sheridan Park	114 Linwell Road	6.60	M1	I2
28	Westdale	130 Rykert Street	4.74	R2A	I2
29	Woodland	1511 7TH Street Louth	6.01	A	A1
30	Eden/Lifetime Learning	535 Lake Street	16.46	H	I2
31	Governor Simcoe	15 Glenview Avenue	13.76	R1B	I2
32	Kernahan Park	91 Bunting Road	12.80	R1B	I2
33	Laura Secord Secondary	349 Niagara Street	14.48	H	I2
34	Sir Winston Churchill	101 Glen Morris Drive	15.98	RA	I2
35	St. Catharines Collegiate /Queen Mary	34 Catharine Street/ 20 Maple Street	11.44	G	I2
36	West Park	130 Louth Street	11.43	R2A	I2
37	Education Centre	185 Carlton Street	6.30	R3	I2
38	St. Cath. Serv. Centre	9 Wright Street	1.69	M1	E2

Note: 1 hectare = 2.47 acres, 3 hectares = 7.41 acres



School	Address	Legal Desc & PIN	Site Size (acres)	Current Zoning	Proposed Zoning
Alexandra	84 Henry Street	Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Blk 5, City Plan 45; PIN 46225 - 0091 R	2.85	G	I1
Applewood	130 Woodrow Street	Lt 1-18, Blk 5, City Plan 45, Grantham PIN 46225-0091 LT	4.94	R1B	I1
Briardale	1A Caroline Street	Pt Lot 15, Con 9 Grantham; PIN 46339 - 0133 LT	4.35	RA	I1
Burleigh Hill	15 Burleigh Hill	Pt Lots 863, 865, CP 6; Grantham PIN 46343 - 0018 LT	6.35	R1B	I2
Carleton	1 Carleton Park Drive	CP Plan 5 Grantham Part Lot 139 PIN 46313 - 0403 LT	10.11	R1B	I2
Connaught	28 Prince Street	CP 2 Pt Lot 4108 Pt Lot 4109 PIN 46274-0005 LT	4.99	R2B	I1
Dalewood	61 Duncan Drive	Pt Lot 16, Con 2 Grantham PIN 46244-0054 LT	5.59	R1B	I1
E.I. McCulley	16 Berkley Drive	Pat Blk C, D, Plan 626 PIN 46321-0026 LT	4.97	R1B	I1
Edith Cavell	1 Monck Street	CP 2 Lot 2168A Grantham, except Pt 10, Hwy 765 PIN 46182 - 0344 R	4.52	R1B	I2
Ferndale	35 Ferndale Avenue	Lot 91, Twp Plan 97, Grantham; PIN 46349 - 0128 LT	8.48	R2B	I1
Glen Ridge	101 South Drive	CP 2 Lot 2625; PIN 46337 - 0103 LT	2.22	I	I1
Gracefield	117 Bayview Drive	Plan 319 Lot 20 to Lot 22 Bf Con Pt Lot 1 PIN 46192 - 0118 R	5.61	I	I1
Grapeview	106 First Street Louth	Con 4 Pt Lot 23	5.44	G	I2
Lincoln Centennial	348 Scott Street	Pt Lot 3, TP Pl 44, Grantham PIN 46256-0019 LT	5.56	R2A	I2
Lockview	505 Bunting Road	Pt Lot 116, CP Plan 5, Grantham ..PIN 46307-0074 LT	6.01	R1B	I1
Maywood	140 Haig Street	Pt Lot 20, Con 4 Grantham; Pt Lot 11, Twp Plan 79; PIN 46207 - 0025 LT	4.82	R2A	I2
Meadowvale	63 Cecil Street	Pt Lots 5 & 6, Twp Plan 146; Lot Lots 20 & 21, Con 3 Grantham; Pt Rdal Btn Lots 20 & 21, Con 3, Grantham; PIN 46204 - 0137 R	5.31	R1B	I1
Memorial	17-21 Welland Avenue	Part Lot 2, CY 73A; Part Lot 4, CY73A; Pt Lot 19, Con 5 Grantham - 46215 - 0654 LT	4.03	G	I2

Note: 1 hectare = 2.47 acres, 3 hectares = 7.41 acres



School	Address	Legal Desc & PIN	Site Size (acres)	Current Zoning	Proposed Zoning
Oakridge	1 Marsdale Avenue	City Plan 192 Lot 70, Grantham <b>PIN 46170-0016 (LT)</b>	6.03	RA	I1
Parnall	507 Geneva Street	Pt Lot 17, Con 2, Grantham, as in GRN33553 Except RO181774 <b>PIN 46233 - 0146 LT</b>	7.98	R1B	I2
Pine Grove	690 Lake Street	Part Lot 18 Con 1 Grantham <b>PIN 46239 - 0042 LT</b>	4.45	H	I1
Port Weller	273 Parnell Road	CP5 Part Lot 53; <b>PIN 46296 - 0185 LT</b>	8.80	R1B	I2
Power Glen	34 Westland Street	Plan 30M204 Blk 175 (purchased June 28, 1991, <b>46164 - 0023 LT</b> ); Lots 34, 35 and Part of Lots 36, 37 Plan 30M-204 being Parts 1, 2, 3 & 4 Plan 30R-9890 (purchased Feb 13, 2002, <b>46164 - 0086 LT</b> )	4.45	G	I2
Prince of Wales SC	95 Facer Street	Lots 78-105, City Plan 107, Grantham <b>PIN 46284 - 0121 LT</b>	2.67	G	I1
Prince Philip SC	600 Vine Street	Part Lot 14, Con 2 Grantham; <b>PIN 46317 - 0003 LT</b>	6.85	H	I2
Queen Mary	Carlton Street	Pt Lot 18, Con 4 Grantham; <b>PIN 46236-0058 LT</b>	10.60	R3	I2
Sheridan Park	114 Linwell Road	Con 3 Pt Lot 19, Grantham Parts 1-5 30R1202 and Part 1 30R1357; Pt Lot 20, Con 3 Grantham, , Parts 1 & 5 30R1202; <b>PIN 46203 - 0062 LT</b>	6.60	M1	I2
Westdale	130 Rykert Street	(School, 130 Rykert Street) Con 7 Pt Lot 21, Grantham (see parcel register for as in's; s/t) <b>PIN 46162 - 0099 LT</b> (Lot Beside School 128 Rykert purchased Nov 15/99, Con 7 Pt Lot 21, as in RO709080, <b>PIN 46162 - 0130 LT</b> )	4.74	R2A	I2
Woodland	1511 7TH Street Louth	Con 1 Louth, Pt Lot 7 <b>PIN 46144-0146 LT</b>	6.01	A	A1
Eden	535 Lake Street Unit 1	See Lakeport Secondary	16.46	H	I2
Governor Simcoe	15 Glenview Avenue	Pt Lot 15, Con 2 Grantham <b>PIN 46246 - 0027 LT</b>	13.76	R1B	I2
Kernahan Park	91 Bunting Road	Pt Lot 11, Con 7 Grantham (see parcel register for as in's, s/t, t/w) <b>PIN 46328 - 0042 LT</b>	12.80	R1B	I2

Note: 1 hectare = 2.47 acres, 3 hectares = 7.41 acres



School	Address	Legal Desc & PIN	Site Size (acres)	Current Zoning	Proposed Zoning
Lakeport	535 Lake Street	Part Lot 19, Con 2, Grantham (see parcel register for as in's) <b>PIN 46201 - 0026 LT</b>	Same as Eden	H	I2
Laura Secord Secondary	349 Niagara Street	Pt Lt 14, Con 4, Grantham, as in ----, <b>PIN 46287-0044 LT</b>	14.48	H	I2
Lifetime Learning Centre	535 Lake Street	See Lakeport Secondary	Same as Eden	H	I2
Sir Winston Churchill	101 Glen Morris Drive	Con 8 to 9 Pt Lot 14 Pt Lot 15 Plan 1001 <b>**NOTE: Not a complete legal description**</b> ; <b>PIN 46338 - 0443 LT (see parcel register for full description)</b>	15.98	RA	I2
St. Catharines Collegiate /Queen Mary	34 Catharine Street/ 20 Maple Street	Plan 10 Plan 8 Lot 7 Lot 2 to 3 Lot 9 to 10 Pt Lot 7 Pt Lot 14 (parking lot off Hetherington St) Section A Pt Lot 66 to Pt Lot 68 PL 30R3528 Pt 12 <b>**NOTE, not a complete legal description**</b> ; <b>PIN 46223 - 0183 LT; 46223-0186 R; 46223-0187 R; 46223-0185 LT</b>	11.44	G	I2
West Park	130 Louth Street	Lot 530, Twp Plan 94, Grantham; <b>PIN 46175 - 0126 LT</b> ; and Lot 533, Twp Plan 94, St. Catharines; <b>PIN 46175 - 0127 LT</b> ; and Pt Lot 20, Con 8, Grantham, <b>PIN 46175 - 0128 LT (see parcel register for full description)</b>	11.43	R2A	I2
Education Centre		Pt Lot 18, Con 4 Grantham; <b>PIN 46236-0058 LT</b>	6.30	R3	I2
St. Cath. Serv. Centre	9 Wright Street	Plan 187 Pt Lot 10 Pt Lot 12 RP 30R2457 Part 2 RP 30R7483 Part 3 RP 30R7813 Part 1	1.69	M1	E2

note: 1 hectare = 2.47 acres, 3 hectares = 7.41 acres



**Ministry of the Environment**

West-Central Region  
Technical Support Section  
Air, Pesticides & Environmental  
Planning  
12th Floor  
119 King St W  
Hamilton ON L8P 4Y7  
Fax: (905)521-7820  
Tel:

**Ministère de l'Environnement**

Direction régionale du Centre-Ouest  
Section du Soutien Technique  
Air, pesticides et planification  
environnementale  
12e étage  
119 rue King W  
Hamilton ON L8P 4Y7  
Télécopieur: (905)521-7820  
Tél:



May 29, 2013

Ms. E. Savoia  
Planning and Development Services  
P.O.Box 3012, 50 Church Street  
St. Catharines, Ontario  
L2R 7c2

Dear Ms Savoia

**RE: Zoning By-law Review**

Zone Your St. Catharines - Draft New Zoning By-law  
Your File No. 60.35.11 Vol. C  
Reference Number 0176-985RHR

REP	ISS	INFO	P.D.S	INIT.
			REFERRED TO	
			E. Savoia	
			J. P. P. P.	
REC'D			MAY 30 2013	SCAN <input type="checkbox"/>
FILE NO			60.35.11 V.C	

As per your request, the Draft Zoning By-law dated March 18, 2013 has been reviewed. Please be advised that we have no comments or concerns with the proposed document..

Yours truly,

A handwritten signature in blue ink that reads "Barbara Slattery".

Barbara Slattery  
EA/Planning Coordinator  
West Central Region

File Storage Number: AQ04 ST. CATHARINES  
cc. Mr. C. Benson, Region of Niagara



**Savoia, Ellen**

---

**From:** Savoia, Ellen  
**Sent:** May 22, 2013 9:06 AM  
**To:** 'Michelle.McPhee@dsbn.org'  
**Subject:** FW: question regarding the new draft zoning

Hello Michelle

The draft by-law has proposed that for I1- local neighbourhood institutions the maximum size of a lot is 1 ha to keep any new facilities an appropriate scale and fit within a usually lower density residential neighbourhood. Any existing sites that are larger would be grandfathered. Section 2.14.1 will be modified to refer to both existing under sized and existing over- sized lots.

Please let me know if you have any other questions.

Ellen Savoia, M.C.I.P., R.P.P.  
Planner  
Planning and Development Services  
City of St. Catharines  
Phone 905-688-5601, ext. 1752  
TTY 905-688-4889

**Help zone your St. Catharines! Take our surveys at**  
**<http://www.stcatharines.ca/en/buildin/DraftZoningBy-law.asp>** and visit us on facebook at  
**[www.facebook.com/zoneyourstcatharines](http://www.facebook.com/zoneyourstcatharines)**

---

**From:** Henderson, Emma  
**Sent:** May 22, 2013 8:54 AM  
**To:** Michelle McPhee  
**Cc:** Savoia, Ellen  
**Subject:** RE: question regarding the new draft zoning

Good morning Michelle,

I have forwarded your question to Ellen Savoia, one of the planners that wrote the Draft Zoning By-Law. She'll be able to answer your questions.

Emma Henderson



\* Zoning Technician  
Planning and Development Services  
City of St. Catharines  
Phone: 905-688-5601 ext. 1637  
Fax: 905-641-4450

---

**From:** Michelle McPhee [<mailto:Michelle.McPhee@dsbn.org>]  
**Sent:** Tuesday, May 21, 2013 4:43 PM  
**To:** Henderson, Emma  
**Subject:** question regarding the new draft zoning

Hi Emma:

I had a question regarding the 'draft zoning' designations. Our schools are all re- zoned I1 or I2 (except Woodland which remains A) in the permitted use descriptions it lists under 10.3 Provisions for Institutional (I1) to (I3) Zones that the lot area max is 1 ha. Some of our schools sites that are being re designated I1 are larger than 1 ha? Should it read 'min' 1 ha?  
I2 lot area max is 3 ha?

thanks,  
Michelle

---

Michelle McPhee, BA, GIS(pg)  
Junior Planner  
DISTRICT SCHOOL BOARD OF NIAGARA  
191 Carlton Street  
St. Catharines, Ontario L2R 7P4  
905-641-2929 ext. 54228  
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[www.dsbn.org](http://www.dsbn.org)  
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**Savoia, Ellen**

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**From:** Leonard, Chris  
**Sent:** May 21, 2013 3:06 PM  
**To:** Savoia, Ellen  
**Subject:** RE: Proposed Zoning by-law

My apartment is at 239 York Street and the place next door at 237 has I believe 4 units. Also thanks for the clarification on the number of persons requiring care or supervision. Im not sure if there is a difference for those facilities that will have over night care. The province will be making the city now keep a registry of all places providing care which will likely exceed 2 persons but wouldn't be a day care for children. This is just new legislation that has passed so we have to do more research into the ramifications.

**Chris Leonard**

Chief Fire Prevention Officer  
St. Catharines Fire Services  
64 Geneva Street  
St. Catharines, Ontario L2R 4M7  
905-688-5601 extension 4223  
FAX 905-685-4690  
CELL 905-327-5115

---

**From:** Savoia, Ellen  
**Sent:** May-21-13 2:33 PM  
**To:** Leonard, Chris  
**Subject:** RE: Proposed Zoning by-law

Hi Chris  
The intent was five people requiring supervision, 5 kids, 5 seniors, 5 development delayed adults etc. Thanks for the comment. We will be looking at revising the wording to clarify our intent.

Ellen

---

**From:** Leonard, Chris  
**Sent:** May 21, 2013 12:44 PM  
**To:** Savoia, Ellen  
**Subject:** Proposed Zoning by-law

I have been through the by-law book submitted and have one comment:  
Under 2.2.4.2 Home Daycare clause a states that the maximum number of clients is five. You may wish to review the wording of this as five clients with two or three children each could result in a home day care having 10-15 children then it is becoming a day care center and I am not sure if that is what you are intending.

**Chris Leonard**

Chief Fire Prevention Officer  
St. Catharines Fire Services  
64 Geneva Street  
St. Catharines, Ontario L2R 4M7



905-688-5601 extension 4223  
FAX 905-685-4690  
CELL 905-327-5115





# NIAGARA CENTRE

RASC Niagara  
% Dr. Brian Pihack  
4245 Portage Road  
Niagara Falls, Ontario  
L2E 6A2

www.astronomyniagara.com

ROYAL ASTRONOMICAL SOCIETY OF CANADA

Britney Williamson, Planner  
50 Church Street  
PO Box 3012  
St. Catharines, Ontario  
L2R 7C2

FILE NO	60.35.11 v.c
DATE	MAY 14 2013
TIME	SSAN
FILE NO	60.35.11 v.c

Dear Ms. Williamson,

We are writing on behalf of the Niagara Centre of the Royal Astronomical Society of Canada with respect to the Draft Zoning Bylaws.

We note that the current Draft makes no reference to policies in the Official Garden City Plan that mention exterior lighting.

The Garden City Plan makes several positive references to lighting management:

from Part C, Sec. 4.4 1. g) :

1. Urban design opportunities to enhance the quality of the public realm shall be encouraged as part of the design of all municipal undertakings, including public parks and buildings, public streets, natural areas, and all municipal engineering projects related to public spaces. The design of such projects will consider:

g) measures to mitigate light trespass and glare to minimize the effects of sky glow.

from Part C, Sec. 4.5 1. k) :

1. As a basis for evaluating compatibility and for achieving design excellence, development/redevelopment will be designed in a manner that reflects the principles established in Part C, Section 4.1 of this Plan and that maximizes compatibility with the surrounding area in terms of the following matters:

k) Mitigating light trespass and glare and to minimize the effects of sky glow.

from Part D, Sec. 10.4 c) iv) :

iv) "lighting should be directed away from adjacent uses"

Many municipalities in Canada and around the world have implemented policies and bylaws to regulate exterior lighting and help control light pollution, so it is entirely appropriate that St. Catharines also develop such policies. Your major revision of city bylaws is the perfect time to incorporate them.



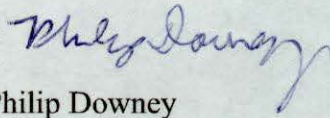
Moreover, management of exterior lighting reflects the Region's policy about outdoor lighting (DPD 155-2005, Appendix I):

Policy 7.C.1.8 The Region, recognizing that excessive, unnecessary or misdirected outdoor lighting can have adverse impacts on the environment, the economy and human health as well as on the quality of the night sky, will investigate outdoor lighting and develop a strategy to address it.

Although some aspects of outdoor lighting are best regulated through Site Plan Control, it is reasonable that a bylaw intended to implement the policies of the Garden City Plan should contain provisions for regulation of outdoor lighting.

We therefore suggest that appropriate implementation plans be incorporated into the Draft Bylaw. We are willing to meet with you to discuss how these plans can be set up. We can also provide you with sample bylaws from other Canadian cities.

Clear skies,



Philip Downey  
Secretary  
philip.downey.1998@alum.bu.edu

Wayne Liebau  
Dark Skies Coordinator  
wayne@earthstar.ca



60-35.11 V.C



www.cn.ca

**Affaires juridiques**

**Raymond Beshro**  
Agent principal - Planification et  
développement communautaires

15<sup>e</sup> étage  
935, rue de La Gauchetière Ouest  
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Canada  
T 514-399-7627  
Tc 514-399-4296  
C raymond.Beshro@cn.ca

**Law**

**Senior Officer**  
Community Planning and Development

15th Floor  
935 de La Gauchetiere Street West  
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Canada  
T 514-399-7627  
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E raymond.Beshro@cn.ca

April 29, 2013

File: 60.35.11 Vol. C

Ellen Savoia, MCIP, RPP - Planner 1  
City of St. Catharines  
Planning and Development Services  
PO Box 3012, 50 Church Street  
St Catharines, ON L2R 7C2

**Subject: Zoning By-law Review – Draft New Zoning  
By-law**

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Mrs. Savoia,

Upon review of the Draft Zoning By-law circulated by the City and for which comments are due by June 28<sup>th</sup>, 2013, CN would like to issue the following comment:

CN's adjacent development criteria have been accounted for with the City's Official Plan stipulation that development and redevelopment in the vicinity of the railway would be subject to CN's review and approval. A similar statement exists in the draft Zoning By-law, again to our satisfaction. CN would nevertheless recommend that the attached provisions be included in the by-law, as to provide applicant's with an indication of the best development practices that are expected, but mainly to ensure that minimum safety standards are upheld.

Thank you for your time and consideration.

Raymond Beshro, MOUQ, MCIP





**Railway Properties**

1 Administration Rd  
Concord, ON L4K 1B9  
Telephone: 514-399-7627  
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CN requests that the following provisions be included in municipal land use planning regulatory documents:

1. A minimum building setback for residential and other sensitive land uses from a railway right-of-way is 30 metres in conjunction with a 2.5 metre high earthen berm (with 2.5 to 1 side slopes, adjoining and parallel to the railway right-of-way with returns at the ends). In absence of a safety berm, a 120 metres setback is required. \*

*\* The 30 m setback and 2.5 m high earthen berm requirement is for Principal Main Lines. For Secondary Main Lines, the requested setback is 30 m but the minimum berm height is 2.0 m. For Principal Branch Lines, the requested setback is 15 m and the minimum berm height is 2.0 m.*

2. A 1.83 metre chain link security fence is required along the mutual property line with the railway right-of-way, to be installed and maintained at the Applicant/Owner's own expense.
3. Any future residential development adjacent to the railway right-of-way will require approval from the railway for noise and vibration mitigation measures.
4. New residential development or other sensitive land uses will not be permitted within 300 metres of a rail yard (if applicable).



## Savoia, Ellen

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**From:** Raymond Beshro <Raymond.Beshro@cn.ca>  
**Sent:** April 29, 2013 2:03 PM  
**To:** Savoia, Ellen  
**Subject:** Zoning By-Law Review 60.35.11 Vol. C  
**Attachments:** CN Letter St. Catharines Zoning review.pdf

Mrs. Savoia,

Please see CN's comments, attached.

Also, please note that I am replacing Nick Coleman for Development Review and Community Planning here at CN. The mailing address for circulations will remain the same, in Concord, ON.

Regards,

Raymond Beshro, MOUQ, MCIP  
Agent principal - Planification et développement communautaires  
Senior Officer - Community Planning and Development  
[raymond.beshro@cn.ca](mailto:raymond.beshro@cn.ca)

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