



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, March 21, 2016
Council Chambers, City Hall, 6:30 PM**

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting

Page

1. Presentations

- 1.1 Dheiksha Jayasankar, 2015 Ontario Junior Citizen as Recognized by OCN Member Newspapers for Outstanding Achievements

2. Public Meetings Pursuant to Planning Act

- 2.1 Planning and Building Services, Planning Services
Re-zoning of Agricultural Lands to Facilitate Boundary Adjustment and Severance; 1539, 1559 and 1569 (New Lot) Fourth Avenue; Applicant: Stephen Bouw and Linda Bouw; Agent: Daniel & Partners (Callum Shedden)

3. Mayor's Report

4. Adoption of the Agendas

5. Declarations of Interest

6. Adoption of the Minutes (Council and General Committee)

- 6.1 Regular Meetings of Council, [February 29, 2016](#), and [March 7 & 8, 2016](#)
6.2 General Committee Minutes, [February 29, 2016](#), and [March 7 & 8, 2016](#)

7. Delegations

- 7.1 Glen Walker, Chair; Rhonda Barron, Basic Income Working Group Chair; and Irene Motz, Member, Niagara Poverty Reduction Network
Re: Basic Income Guarantee
7.2 Len O'Connor, Airport Manager and Terry Flynn, Treasurer, Niagara District Airport Commission
Re: Niagara District Airport 2016 Budget
7.3 Perry Schlanger
Re: Recently Installed Parking Restrictions on Parnell Road by Prince Phillip School

4 - 19

- 7.4 Hank Beekhuis, President, Port Dalhousie Conservancy
Proposed Demolition of Pavilion in Lakeside Park - 9 Main Street (see
[General Committee Agenda, March 21, 2016, Item 3.2](#))

8. Call for Notices of Motion

9. Motions

9.1 Facer Street Revitalization

At the meeting of February 22, 2016, Councillor Britton gave notice that he would present the following Motion at the meeting of March 21, 2016:

That staff be directed to work with Facer Street business community to provide guidance on the necessary steps to undertake the organization and planning of street festival.

9.2 Appointment of Integrity Commissioner to Review Complaint of March 9, 2016

Councillor Phillips to present the following motion:

WHEREAS the City's Integrity Commissioner, Ms. Suzanne Craig, has resigned her appointment effective February 29, 2016; and

WHEREAS the City Clerk received a complaint on March 9, 2016, pursuant to the City's Code of Conduct for Elected Officials regarding the conduct of a member of Council; and

WHEREAS the City Clerk, in accordance with the City's Purchasing By-law, sought quotations for the services of an Integrity Commissioner to conduct an inquiry related to the March 9, 2016 complaint;

THEREFORE BE IT RESOLVED that Council, upon the recommendation of the City Clerk, does hereby appoint Mr. John Mascarin of the law firm Aird & Berlis LLP as the City's Integrity Commissioner for the purposes of conducting an inquiry pursuant to s. 223.4 of the Municipal Act, 2001 into the March 9, 2016 complaint, and directs Mr. Mascarin to report back to Council with the findings of the inquiry. FORTHWITH

10. Resolve into General Committee

11. Motion Arising from In-Camera Session

12. Motion to Ratify Forthwith Recommendations

13. By-laws

13.1 Reading of By-laws

14. Agencies, Boards, Committee Reports

Minutes to Receive:

- Public Art Advisory Committee, [December 18, 2015](#) and [February 12, 2016](#)
- Clean City Advisory Committee, [January 19, 2016](#) and [February 23, 2016](#)
- Arts and Culture Advisory Committee, [February 2, 2016](#)
- St. Catharines Heritage Advisory Committee, [February 11, 2016](#)
- Master Fire Planning Committee, [February 18, 2016](#)

15. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: March 1, 2016

Date of Meeting: March 21, 2016

Report Number: PBS-076-2016

File: 60.35.306 Vol. 3

Subject: Re-zoning of Agricultural Lands to Facilitate Boundary Adjustment and Severance; 1539, 1559 and 1569 (New Lot) Fourth Avenue; Applicant: Stephen Bouw and Linda Bouw; Agent: Daniel & Partners (Callum Shedden)

Recommendation

That Council approve an amendment to Zoning By-law 2013-283 for the lands described as Concession 3 part of Lot 5, City of St. Catharines, municipally known as 1539, 1559 and 1569 Fourth Avenue, as follows:

- a) That Schedule A, Zone Maps, be amended by changing the zoning of Area 1A, from Agriculture Only (A2) to Agriculture Only-133 (A2-133), as identified in Appendix 5 of this report;
- b) That Schedule A, Zone Maps, be amended by changing the zoning of Area 2B, from Agriculture Only (A2) to Agriculture-133 (A1-133), as identified in Appendix 5 of this report;
- c) That Schedule A, Zone Maps, be amended by changing the zoning of Area 3B, from Agriculture Only (A2) to Agriculture-133 (A1-133), as identified in Appendix 5 of this report;
- d) That Section 13.1, List of Special Provisions, be amended by adding Special Provision 133, as follows:

Special Provision	Zone	Schedule			Location	By-law
		A	B	C		
133	A1 and A2	11, 12, 17, 18	31		1539, 1559, 1569 Fourth Avenue	2016-_____

For Area 1A on Schedule B31 the following provisions shall apply:

Despite the provisions of Section 11.4, a minimum westerly side yard setback of 3.0m shall be permitted.

In addition to the permitted uses of the Agriculture Only (A2) zone, an Agri-Tourism / Value Added Accessory Use with a maximum size of 464.5 square metres shall also be permitted for the display and retail sales of seasonal farm products, within the existing greenhouse.
For Area 1B on Schedule B31 the following provisions shall apply: Despite the Conservation / Natural Areas zone, agricultural and greenhouse uses established at the date of passing of this By-law shall be permitted.
For the combined Area 2A, 2B, 2C, and 2D the following shall apply: Despite the provisions of Section 11.3 a minimum lot frontage of 9.00 metres shall be permitted.
For Area 3A and 3B the following shall apply: Despite the provisions of Section 11.3 a minimum lot frontage of 9.00 metres shall be permitted.

- e) That Section 15.2 Schedule B of By-law No. 2013-283 be amended to include a new Schedule B31, to reflect the proposed amendments to the zoning outlined in Appendix 5; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c.P. 13, as amended, be processed by staff; and

That, upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final decision; and

That the City Solicitor be directed to prepare the necessary by-law; and

That the Mayor and City Clerk be authorized to execute the necessary by-law to give effect to Council's decision; and

Further, that the Clerk be directed to make all necessary notifications. FORTHWITH

Summary

On August 5, 2015, the owner of the lands received conditional approval from the Committee of Adjustment for a boundary adjustment and severance of a surplus farm dwelling. In order to comply with Provincial, Regional and Municipal planning policies, the approval was subject to certain conditions, including a zoning by-law amendment to recognize the existing agricultural and residential uses, and limit future residential development on the subject lands.

The proposed Zoning By-law amendment fulfils these conditions by recognizing the existing agricultural uses and setbacks, recognizing frontage requirements, and

ensuring that no new potential for residential development is created. The proposed amendment represents good planning and is supported by staff.

Background

a) Location:

The properties are located in the Agriculture Area Planning District on the north side of Fourth Avenue west of Third Street Louth, as shown on the attached Location Map, Appendix 1. The subject lands received conditional approval from the Committee of Adjustment on August 5, 2015 for a boundary adjustment and severance of a surplus farm dwelling which will be known as 1569 Fourth Avenue upon the finalization of the consent. The result of these applications would be the creation of three separate properties as identified on Appendix 5 and detailed in the chart below.

	Lot Area	Frontage
1539 Fourth Avenue (Areas 1A and 1B)	0.42 ha	95.8 m
1559 Fourth Avenue (Areas 2A, 2B, 2C, and 2D)	0.90 ha	9.14m
1569 Fourth Avenue (New Lot - Areas 3A and 3B)	0.45 ha	9.14m

b) Existing Land Use:

i) Site:

1539 Fourth Avenue: Agriculture, greenhouse with seasonal farm market (Area 1A), Natural Area (Area 1B)

1559 Fourth Avenue: Agricultural fields (Area 2A), single detached dwelling (Area 2B), natural areas (Area 2C and 2D)

1569 Fourth Avenue (new lot): Single detached dwelling (Area 3A and 3B)

ii) Land Use in the Neighbourhood:

North: Natural Area and Agricultural uses

South: Canadian National Railway, Agricultural uses

East: Natural Area and Agricultural uses

West: Agricultural Uses

c) Previous Applications

On August 5, 2015, the City's Committee of Adjustment approved a consent for the following:

- A boundary adjustment severing Areas 2B and 2C from Areas 1A and 1B and merging them with Areas 2A and 2D.

- Purpose: Increasing the size and farming viability of the resulting lot (2A, 2B, 2C and 2D) known as 1559 Fourth Avenue
- The creation of a separate small lot (3A and 3B) containing a surplus single detached dwelling which will be known as 1569 Fourth Avenue
 - Purpose: Creates a lot with a “surplus farm” dwelling and maintains the existing greenhouse operation on a smaller lot, while also containing the single detached dwelling. (Areas 1A and 1B)

In accordance with the surplus farm dwelling policies in the Official Plan the applicant was able to sever the dwelling which was surplus to the needs of the farm operation.

d) Garden City Plan:

The Garden City Plan (GCP) for the City of St. Catharines designates the majority of the land as Agricultural, permitting a range of agricultural and agricultural accessory uses, subject to the policies of the Plan (Appendix 2).

A northwesterly portion of the subject lands and approximately one half of the easterly side of the lands are designated Natural Area. This Natural Area designation is more specifically defined as Natural Hazard Lands and Natural Heritage by Section 13.2 (a)(b) of the GCP. The purpose of the Natural Area policies of the GCP is to promote the long term sustainability of Natural Hazard Lands and Natural Heritage by supporting:

- The protection, preservation, restoration, maintenance, and where possible, the improvement of a diverse, connected and integrated system of natural areas, features, hazard lands, habitats, corridors, and associated biological and ecological functions.
- A diverse, connected and integrated system of local natural heritage with that of the Region of Niagara Core Natural Heritage System, the Provincial Greenbelt Plan Protected Countryside and Natural Heritage System, and the Provincial Niagara Escarpment Plan.

The GCP provides that a consent for a minor boundary adjustment is permitted where the consent does not create a separate lot for a new residential dwelling, and there is no increased fragmentation of a natural area or feature, or a key hydrological feature.

In addition, the GCP permits the severance of a dwelling which becomes surplus to a farm operation as a result of a farm consolidation when two or more farms have been amalgamated to form one contiguous parcel of land under one ownership, and provided that no new residential building lot is established.

e) Zoning:

Zoning By-law 2013-83 zones the subject lands as follows:

- 1539 Fourth Avenue (Areas 1A and 1B on Appendix 3)

- Agricultural Only (A2) permitting only agricultural farm uses; and
- Conservation / Natural Area (G1) on the eastern part of the lot permitting trails, picnic shelters, boat ramps, and essential operations for the service infrastructure and utilities.
- 1559 Fourth Avenue (Areas 2A, 2B, 2C and 2D)
 - Agriculture (A1) permitting only agricultural farm uses with a single detached dwelling;
 - Agricultural Only (A2) permitting only agricultural farm uses; and,
 - Conservation / Natural Area (G1) on the western and eastern part of the lot permitting trails, picnic shelters, boat ramps, and essential operations for the service infrastructure and utilities.
- 1569 Fourth Avenue (New lot - Areas 3A and 3B)
 - Agriculture (A1) permitting only agricultural farm uses with a single detached dwelling; and,
 - Agricultural Only (A2) permitting only agricultural farm uses.

Proposed Zoning

As a condition of the boundary adjustment and surplus farm dwelling severances, the GCP requires that the farm parcel to be established be zoned Agriculture Only (A2) to preclude the construction of a new dwelling and to protect the lands for farming purposes only. The Committee of Adjustment's decisions included the following conditions;

1. That Area 1A (Appendix 2) be rezoned to permit a 3 metre setback from the west lot line to recognize the location of the existing greenhouse.
2. That that the portion of land containing the single detached dwelling on Area 2B be re-zoned from Agriculture Only (A2) to Agriculture (A1) to recognize the existing dwelling.
3. That Area 3B be re-zoned from Agriculture Only (A2) to Agriculture (A1) to permit the existing dwelling and access.
4. That the zoning set out in the above conditions recognize the reduced lot frontages.

In addition to the above, the applicant has additionally requested that the zoning by-law amendment recognize the existing 465 square metre seasonal farm market within the existing greenhouse on Area 1A at 1539 Fourth Avenue.

Report

Circulation Comments

The application was circulated to various city departments and external agencies. No concerns or objections to the proposal were received, comments were offered as follows:

Niagara Region – Planning and Development Services

Provincial and Regional Policies

The subject lands are located within a prime agricultural area under the 2014 Provincial Policy Statement (PPS) and are within the Specialty Crop Area – Tender Fruit and Grape Lands of the Greenbelt Plan's Protected Countryside. The Regional Policy Plan designates the lands as Unique Agricultural Areas – Good Tender Fruit and Good Grape Areas. Provincial and Regional policies protect prime agricultural areas for long-term agricultural use.

As it relates to the re-zoning for the existing seasonal farm market, the Regional Official Plan allows for farm diversification uses which refer to agriculturally related and value added uses that complement farming activities in the Unique Agricultural Area. Farm diversification uses include Value Added Marketing uses such as agricultural retail facilities and produce stands that are small in scale, limited to the distribution of products produced from the farm operation and are compatible with the principal agricultural operation on the property and surrounding agricultural lands.

The intent of the Region's value added policies is to encourage a diversified and sustainable agricultural industry in Niagara. In this regard, the existing seasonal farm market can be considered a Value Added Marketing use provided the use assists in supporting the economic viability of the existing agricultural operation (i.e. the Greenhouse Operation).

Core Natural Heritage

The Region's Core Natural Heritage (CNH) Mapping identifies an Environmental Conservation Area (Significant Woodlands), an Environmental Protection Area (Greenbelt System), Fish Habitat (Important – Type 2). Lands along the easterly limit of Area 2C are traversed by a watercourse and are included in the Greenbelt Natural Heritage system. The Ministry of Natural Resource Data (NRVIS) has identified a Type 2 (Important) Fish Habitat and evaluated MNR Wetlands on the subject lands.

Private Servicing

Regional Private Sewage System staff advises that private servicing comments have been addressed as part of the consent applications.

Niagara Peninsula Conservation Authority

The subject lands are traversed by Richardson Creek and impacted by the associated floodplain, wetland, valley slope, and fish habitat. Authority objectives when reviewing applications and proposals on lots adjacent to steep slopes would pertain to minimizing soil erosion and sedimentation, protecting life and property from the potential for slope stability problems, and ensuring that the natural integrity of the valley slope is maintained over the long term. In accordance with the Authority's *"Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses"* (O.Reg. 155/06), the Authority can regulate all development within 15 metres of the stable top of bank. Any future development within this setback will require Conservation Authority review and approval, and may be subject to a Slope Stability

Analysis by a qualified Geotechnical Engineer and/or a work permit from this office. A minimum 7.5 metre setback for all new works and site disturbances will be required by this office. Under no circumstances will works or site alterations be permitted below the top of slope, on the valley wall.

Richardson Creek has been identified as Type 2 (Important) Fish Habitat and there is an extensive floodplain associated with this section of the Creek. NPCA mapping also identifies a wetland within the valley associated with the Creek. In accordance with the Authority's Regulations, no development is permitted within a wetland and a minimum 30 metre buffer from a wetland is required for all development and site alterations.

The subject application is proposed to recognize existing uses on the subject properties. The NPCA is satisfied that no new development is proposed as a result of this application and no changes to the existing G1 zone are proposed. NPCA staff are therefore satisfied there will be no significant negative impacts to the identified features as a result of the subject application.

In addition to commenting on proposals with respect to the Conservation Authority's regulations noted above, this agency has entered into a Memorandum of Understanding (MOU) with the Region of Niagara. In accordance with this MOU, the Conservation Authority has a responsibility to review and provide comments on planning applications as they relate to the Natural Environment on the Region's behalf. As such, the following comments pertain to the Core Natural Heritage System Policies within the Regional Policy Plan.

The Region's Core Natural Heritage Mapping identifies an Environmental Conservation Area (ECA) for Significant Woodland and other evaluated wetland. Since these lands also fall within the Natural Heritage System of the Greenbelt Plan, the woodlot and the wetland areas are classified as an Environmental Protection Area (EPA).

The subject application is proposed to recognize existing uses on the subject properties. The NPCA is satisfied that no new development is proposed as a result of this application and no changes to the existing G1 zone are proposed. NPCA staff are therefore satisfied there will be no significant negative impacts to the identified features as a result of the subject application.

Based on the above, the NPCA offers no objections to the proposed zoning bylaw amendment.

Public Open House

Planning and Building Services hosted a public open house on January 12, 2016. The owner, their agent, and one (1) member of the public were in attendance. The purpose of the meeting was to present the applicant's proposal and provide an opportunity for questions to be asked and comments to be received by City staff before formulating a recommendation. The attendee was concerned about residential development in the agricultural area and incompatibility between new residents and farmers. Additionally,

one letters of correspondence were received by staff regarding this application. This echoed concerns about the use of the land.

This concern is addressed in the Planning Analysis section of this report.

Planning Analysis

The Provincial Policy Statement (2014)

The subject lands are located within a prime agricultural area under the 2014 Provincial Policy Statement (PPS) and are within the Specialty Crop Area – Tender Fruit and Grape Lands of the Greenbelt Plan's Protected Countryside. These policies protect prime agricultural areas for long-term agricultural use.

The proposed amendments seek to recognize and preserve the existing agricultural uses. The approval of this application would protect the prime agricultural area for long term agricultural use and will conform to Provincial land use policy.

Region of Niagara Policy Plan

The Regional Policy Plan designates the lands as Unique Agricultural Areas – Good Tender Fruit and Good Grape Areas. Regional policies protect prime agricultural areas for long-term agricultural use. The proposed amendments seek to recognize and preserve the existing agricultural uses. Regional staff have confirmed that the proposal is consistent with the Regional Plan.

Garden City Plan (GCP)

The lands are designated as Agriculture Area and Natural Area. In accordance with Section 14.1 of the GCP, the Agriculture designation permits a full range of agricultural uses, secondary uses, existing single detached dwellings and agricultural related commercial uses.

Section 14.12.3 of the GCP provides that consent for a minor boundary adjustment, is permitted where the consent does not create a separate lot for a new residential dwelling, and there is no increased fragmentation of a natural area or feature, or a key hydrological feature.

Section 14.12.2 permits a consent for a residence surplus to a farm operation as a result of a farm consolidation where two or more farms have been amalgamated to form one contiguous parcel of land under one ownership, and provided that the dwelling proposed for severance be surplus to the present and anticipated needs of the agricultural operation for farm residence and for farm help houses. In addition, the surplus dwelling must meet the Minimum Distance Separation Formula as established by Provincial Standards. This permission is conditional on the remnant parcel being re-zoned to preclude any future residential development. In this case, the Committee of Adjustment has approved the consents subject to conditions which are outlined in this report.

Section 14.2 of the GCP permits Agri-Tourism and Value added uses where they are subordinate to the principle farm operation. Agri-Toursim and Value added uses are

farm based business activities that cater to the traveling public and agricultural tourism, and which support, promote and sustain the viability of the agricultural operation. These uses are secondary and subordinate to the principle farm operation and may include farm markets, restaurants related to a winery, bed and breakfasts, on-farm tours, pick your own facilities, farm mazes, agriculture related special events facilities, and uses and practices necessary to support the day to day farm operation.

The Natural Area designation is assigned to lands comprised of a natural feature or hazard that is environmentally significant, such as: rivers, streams, valleylands, wetlands, shoreline, woodlots, forests, floodplains, habitats and corridors. Section 13.2 of the GCP sets out the policies with respect to the city's Natural Area. The subject lands are identified as being within the Natural Area Extent Line. Section 13.2.1.2 of the GCP (Natural Area Extent Line) provides that development, redevelopment, site alteration, and use of lands within and adjacent to the Natural Area Extent Line is subject to the policies set out in Section 13.2 of the Plan. Section 13.2.1.4 (Interpretation) states that Natural Area mapping set out on the Schedules of the Plan should not be construed as representing the precise boundaries or all of known Natural Hazard Lands and that these lands may be defined more precisely through Watershed, Environmental Planning Studies. Environmental Impact Studies (EIS), the NPCA, or other government or regulatory authority and mapping.

Further to the City's Natural Area mapping set out in the GCP the NPCA establishes a Niagara Natural Environmental Screening Layer. As noted in the Circulation Comments section of this report the NPCA has reviewed these applications under the Memorandum of Understanding (MOU) between Niagara Region, the local municipalities and the NPCA and offers no objections. No amendments are proposed or recommended within the Natural Areas designation.

Based on the matters outlined above, staff is satisfied that the proposed Zoning By-law amendment meets the policies of the Plan.

Zoning By-law

Amendment to By-law 2013-283

Area 1A (1539 Fourth Avenue)

The existing greenhouse is located 3.0m from the proposed lot line whereas the Zoning By-law requires 15.0 metres. The reduced setback is necessary to facilitate access to the existing dwelling on area 2B, by way of the existing driveway immediately west of Area 1A (Appendix 4).

Staff note that Area 1A is already zoned for Agricultural purposes only (A2), which precludes future residential development. Therefore, no further restrictions or amendments for these lands are necessary to preclude future residential use in the Zoning By-law.

In addition to the conditions of the Committee of Adjustment decision, the applicant has requested permission to recognize the existing seasonal farm market located within the

greenhouse on Area 1A. This existing seasonal market has a maximum size of 464.5 square metres and sells a variety of seasonal flowers, vegetables, herbs, perennials and grasses which are produced by the agricultural operation. Agricultural Tourism Uses are supported by the Garden City Plan where they are subordinate to the principle farm operation, however, the zoning by-law only permits Agricultural Tourism uses such as the seasonal farm market within the A1 zone. Given the A2 zoning of the subject lands, staff recommend that the amending by-law recognize the existing 464.5 square metre use within the A2 zone.

Area 1B (1559 Fourth Avenue)

Area 1B currently contains a small portion of the greenhouse operation. This is an established land use. Section 16.12 of the GCP allows non-conforming uses to be zoned in accordance with their present use provided that the zone does not permit any significant change in use and that the use will not interfere with the intent of the GCP. In this case, staff recommend recognition of the existing agricultural use within the Conservation / Natural Area Zone, however, any expansion of the agricultural operation will need to occur within the Agricultural zone.

Area 2B (1559 Fourth Avenue)

The existing single detached dwelling located in the north end of the subject lands is currently zoned Agriculture Only (A2). This dwelling is considered to be a legal non-conforming use. Re-zoning this area from Agriculture Only (A2) to Agriculture (A1) would recognize the existing use. The boundary adjustment conditionally approved by the Committee of Adjustment, would result in these lands being merged with agricultural lands in Area 2A, therefore complying with the A1 zone. Section 16.12.2 of the Garden City Plan recognizes permission for legal non-conforming uses. The reduced lot frontage from the required 60.0 metres for a farm to 9.0 metres will continue to provide sufficient access and recognize the existing frontage on Fourth Avenue.

Area 3B (1569 Fourth Avenue – new surplus residential lot)

The re-zoning of Area 3B from A2 to A1 will facilitate access and frontage to the existing dwelling which currently abuts the municipal right of way as well as the Canadian National Railway (CN) lands. The portion of land which abuts CN lands, is not considered to be legal frontage. The reduced lot frontage from the required 40.0 metres to 9.0 metres will continue to provide sufficient access and recognize the existing frontage on Fourth Avenue.

The zone exceptions as noted above will be identified as Special Provision 133 for the subject lands.

Open House Comments

Resident concerns related to residential development in the agricultural area and incompatibility between new residents and farmers. Staff advise that no new residential development will occur as a result of this application. The proposed amendments will recognize the existing uses as they relate to the boundary adjustment and severance,

and will actually preclude any additional residential development, and ensure agricultural viability over the long term.

Second Planning Opinion Advisory

Should Council consider not supporting the Staff Recommendation, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the planner who has provided the second opinion shall be retained for the purpose of a hearing.

Financial Implications

There are no financial implications.

Relationship to Strategic Plan

Environmental Sustainability

The approval of this residential development proposal will serve to support the goals for environmental sustainability by:

- Ensuring local agricultural resources are preserved.

Conclusion

In summary, the proposed zoning by-law amendment will recognize the existing agricultural uses as they relate to the lot lines conditionally approved by the Committee of Adjustment. The amendments will recognize existing agricultural uses and preserve agricultural viability over the long term. The proposed zoning by-law amendment represents good planning and is supported by staff.

Notification

It is in order to advise Mr. Stephen Bouw of Council's decision.

Financial Implications

Not applicable.

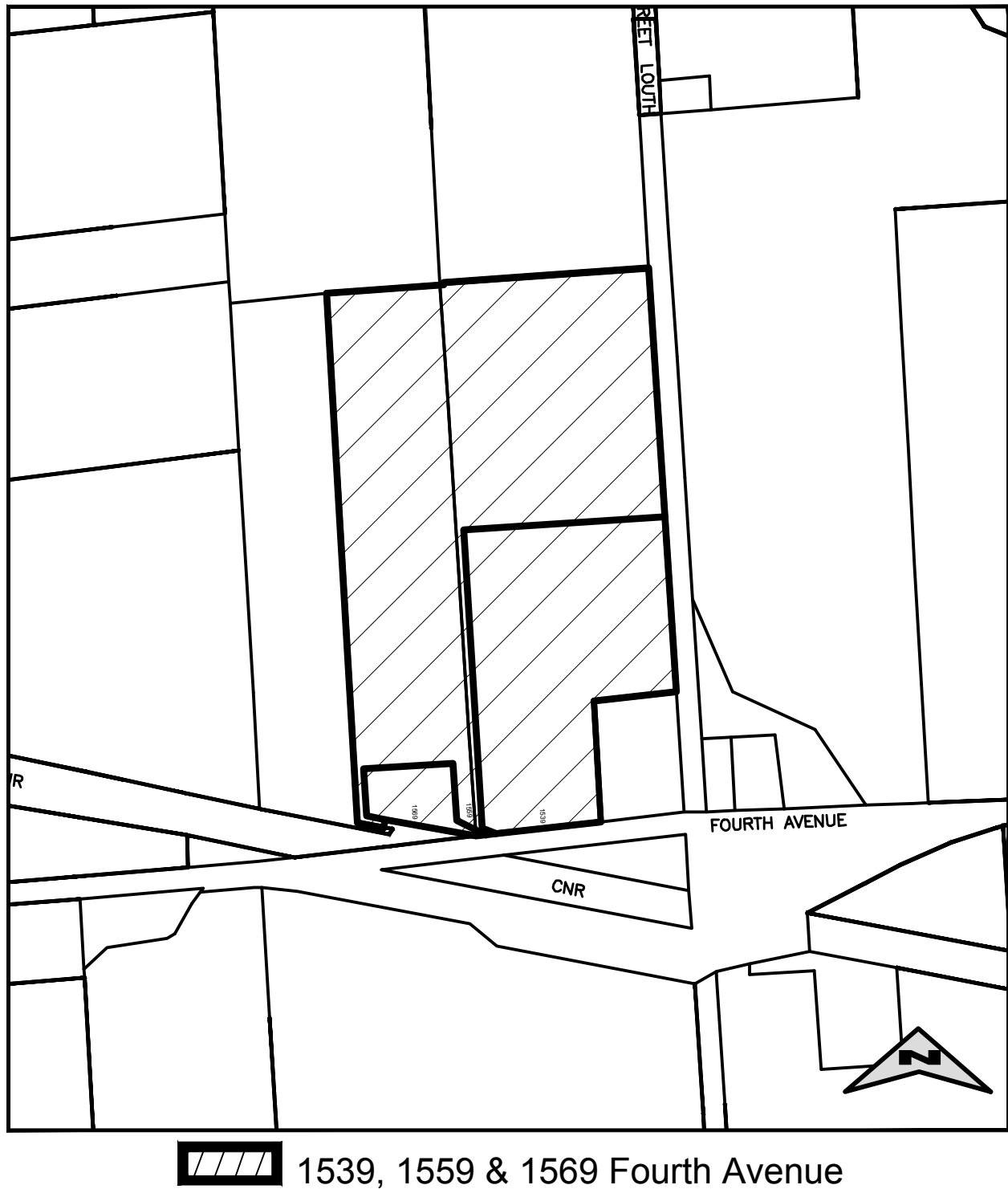
Prepared by:

Jessica Button MCIP, RPP
Planner I

Submitted and Approved by:

James N. Riddell, M.PL., MCIP, RPP
Director of Planning and Building Services


Location Map



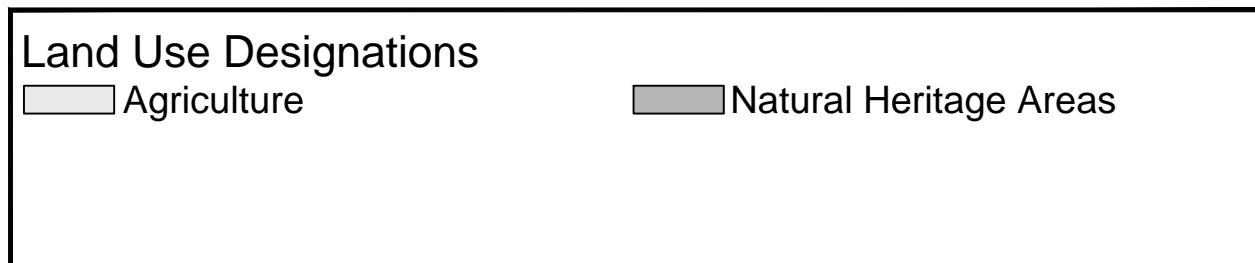
NOTE: Lots to be created upon finalization of consent applications.

Existing Land Use Designation (General Land Use Plan D1 - Garden City Plan)



 1539, 1559 & 1569 Fourth Avenue

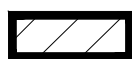
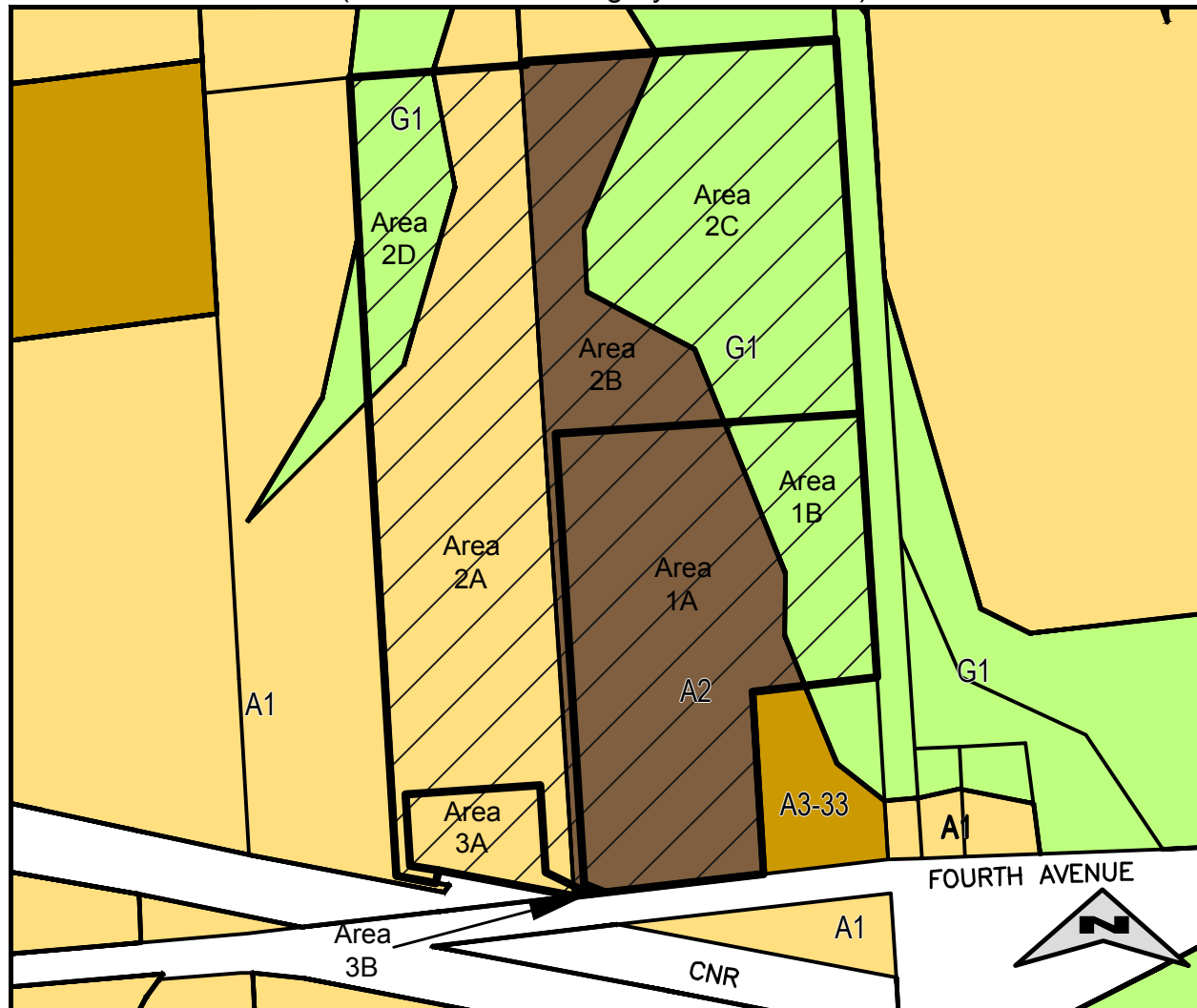
Note: Lots to be created upon finalization of consent applications



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Existing Zoning

(Schedule A - Zoning By-law 2013-283)



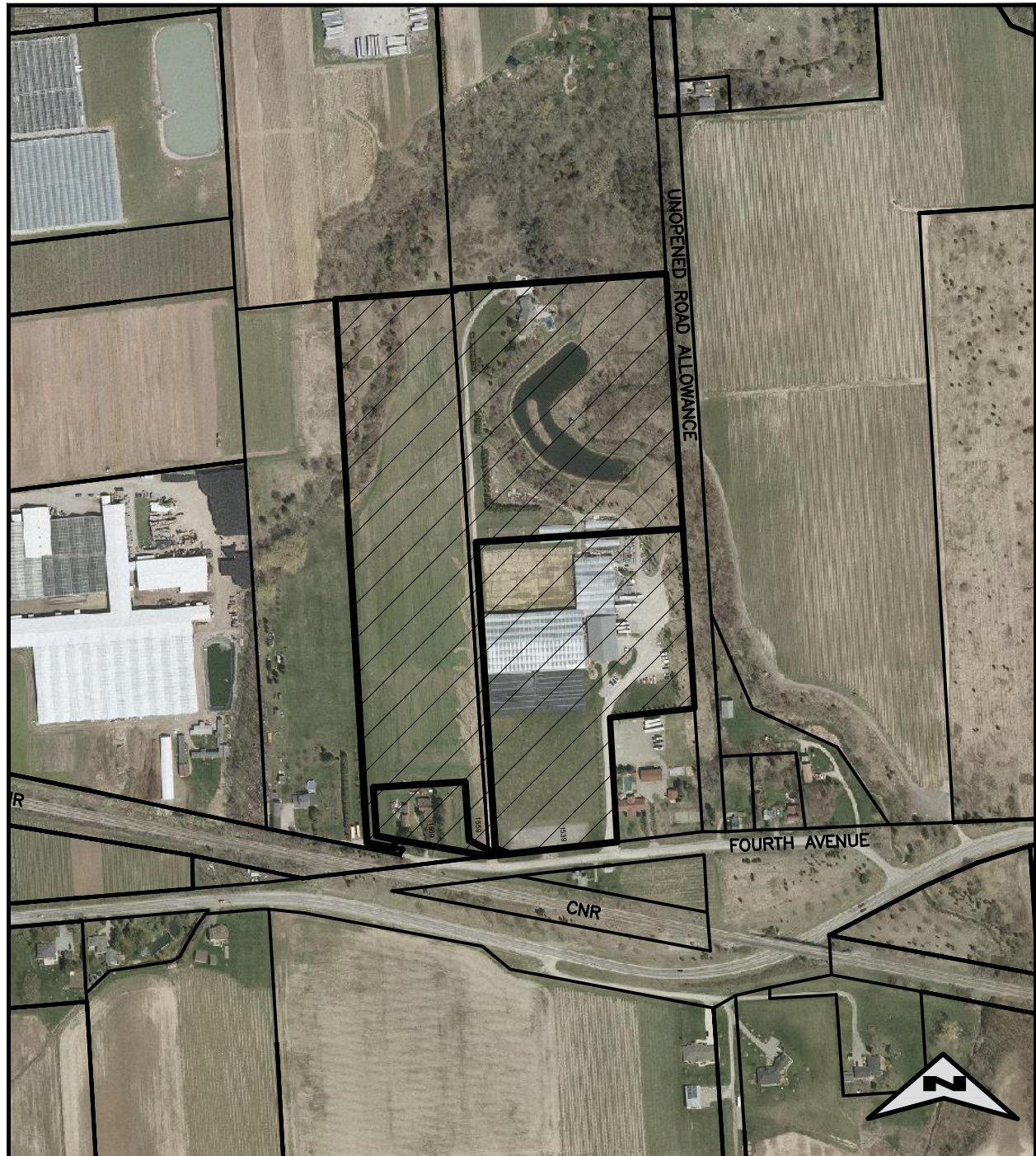
1539 Fourth Avenue (Areas 1A & B)
1559 Fourth Avenue (Areas 2A, B, C & D)
1569 Fourth Avenue (Areas 3A & B)

Note: Lots to be created upon finalization of consent applications

Zones

G1 Conservation / Natural Area	A2 Agriculture Only
A1 Agriculture	A3 Agriculture - Commercial / Industrial

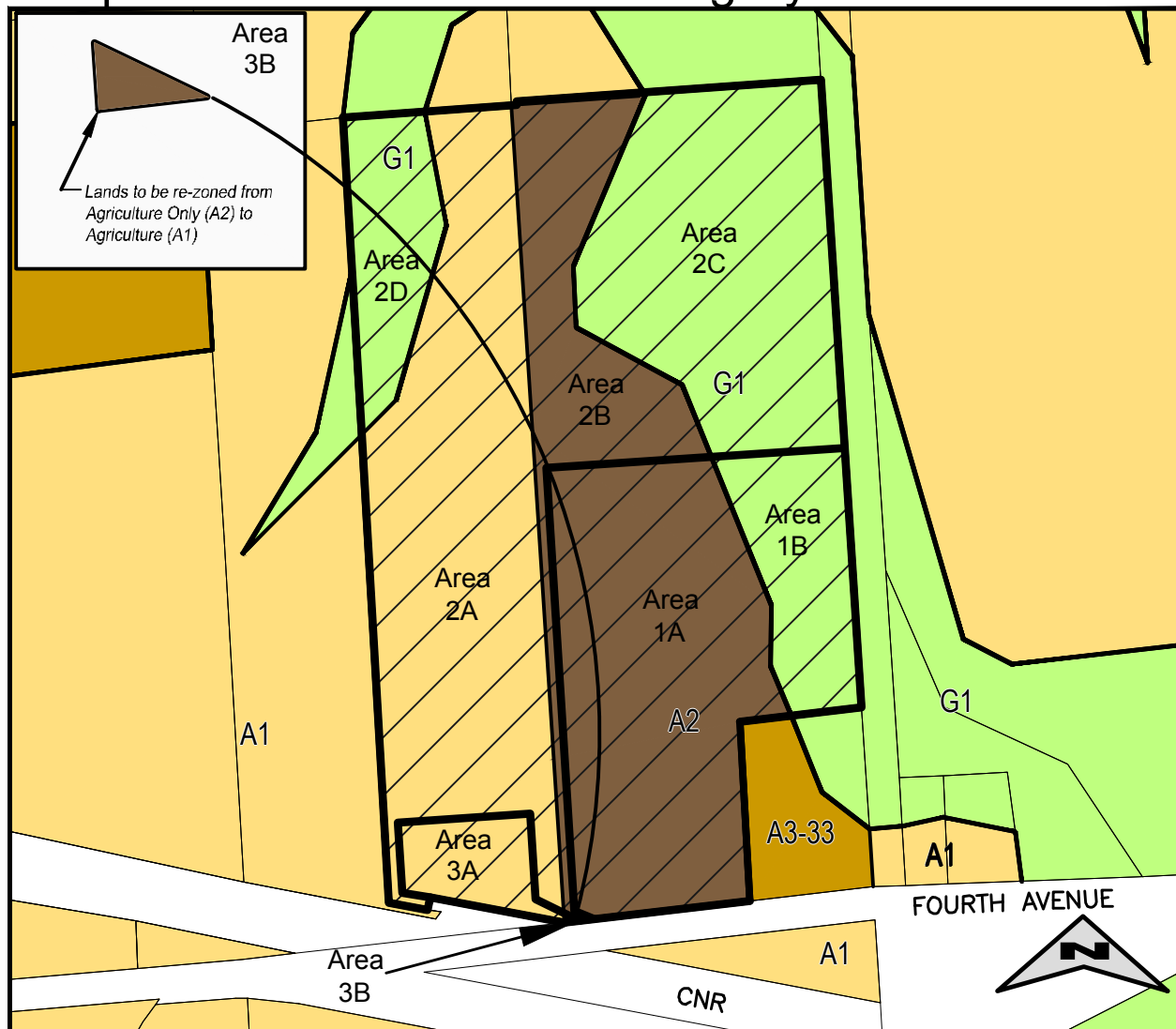
Location Map



1539, 1559 & 1569 Fourth Avenue

Note: Lots to be created upon finalization of consent applications

Proposed Amendment to Zoning By-Law 2013 - 283



1539, 1559 & 1569 Fourth Avenue

1539 Fourth Avenue

Area 1A to retain A2 zoning

Area 1B to retain G1 zoning

1559 Fourth Avenue

Area 2A to retain A1 zoning

Area 2B to be re-zoned from A2 to A1

Area 2C to retain G1 zoning

Area 2D to retain G1 zoning

1569 Fourth Avenue

Area 3A to retain A1 zoning

Area 3B to be re-zoned from A2 to A1


Note - Special Provision 133 is to be added to the Subject Lands (1B)
- Lots to be created upon finalization of consent applications

Zones

 G1 Conservation / Natural Area

 A2 Agriculture Only

 A1 Agriculture

 A3 Agriculture
- Commercial / Industrial

By-laws to be considered Monday, March 21, 2016

- (a) A By-law to authorize a Lease with Grantham Mennonite Brethren Church. (One reading – with respect to the use of the parking lot abutting Grantham Avenue Park. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a contract with Dynamic Industrial Services Incorporated. (One reading – with respect to 2016 Sewer Flushing and Cleaning, Project Number P16-013. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to amend By-law No. 2015-128 entitled “A By-law to authorize a contract with Gauboc Construction Limited.” (One reading – with respect to the renewal of the Sidewalk Repairs Program for 2016 and 2017. Delegation By-law 2004-277, as amended.)
- (d) A By-law to authorize a Subdivision Agreement with Centennial Construction and Contracting (Niagara) Inc. (One reading – with respect to 29B Vansickle Road to be known as Power Glen Estates Subdivision. Delegation By-law 2004-277, as amended.)
- (e) A By-law to authorize a Release of Agreements over certain lands municipally known as 16 Berkley Drive. (One reading – with respect to a release of the registered Site Plan Agreements from the title of the lands. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to amend By-law No. 2013-283, entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines.” (One reading – with respect to 1539, 1559 and 1569 Fourth Avenue. To be considered by Council, March 21, 2016.)
- (g) A By-law to authorize a Service Agreement with Folk Arts Council of St. Catharines. (One reading – with respect to the 2016, 2017 and 2018 Niagara Folk Arts Festivals. To be considered by General Committee, March 21, 2016.)
- (h) A By-law to amend By-law No. 89-305 entitled “A By-law to provide for regulating, supervising and governing the parking of vehicles in various municipal parking facilities.” (One reading - with respect to addition of First Ontario Performing Arts Centre. To be considered by General Committee, March 21, 2016.)
- (i) A By-law to confirm the proceedings and decisions of the Council of The Corporation of the City of St. Catharines at its meeting held on the 21st day of March, 2016. (One reading – with respect to ratification and adoption of City Council Minutes of March 21, 2016 and General Committee Minutes of March 21, 2016.)