



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

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

Page

1. Presentations

2. Public Meetings Pursuant to Planning Act

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- 2.1 Planning and Building Services, Planning Services
Comprehensive Zoning By-law No. 2013-283 - Housekeeping
Amendment and associated Official Plan Amendment and Sign By-law
Amendment

98 - 113

- 2.2 Planning and Building Services, Planning Services
Application for Draft Plan of Vacant Land Condominium Approval for
29-Unit Townhouse Development at 60 Canterbury Drive; Owner:
Centennial Developments (Niagara) Inc.; Agent: Upper Canada
Consultants

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 Meeting of Council, May 16, 2016](#)
6.2 [General Committee Minutes, May 16, 2016](#)
6.3 [Special General Committee Minutes, May 16, 2016](#)

7. Delegations

- 7.1 Renee Guay
Re: Comprehensive Ban on Asbestos (see Council Agenda, May 30,
2016, Item No. 9.2)
- 7.2 Jane McFarlane, and Ryan Guetter - Weston Consulting
Re: Application for Draft Plan of Subdivision Approval for Residential
Development – 54 Mackenzie King Avenue; Sycamore Construction;
Weston Consulting (see [General Committee Agenda, May 30, 2016,
Item No. 3.1](#))

- 7.3 Nick Rosati, Niagara Region
Re: Geneva Street Underpass - Proposed Operation Changes (see [General Committee Agenda, May 30, 2016, Item 3.2](#))
- 7.4 Jeff Wallis, President of Signature Sign & Image, and Lou Marcantonio, Architect of 2 M Architect
Re: Appeal of Decision for Variance to Sign By-Law - 464 Welland Avenue, Project No. 16-106189-SN (see [General Committee Agenda, May 30, 2016, Item No. 4.7](#))
- 7.5 **Public Meeting (Pursuant to Notice By-law 2007-310, as Amended)**
Transportation and Environmental Services, Geomatics
Stopping up and Closing of Part of Tunis Street, Registered Plan TP 94 shown as Part 2, Plan 30R-14208 (Part of PIN 46175-0125(LT)) (see [General Committee Agenda, May 30, 2016, Item No. 3.4](#))

8. Call for Notices of Motion

9. Motions

9.1 Canada 150th Anniversary Task Force - Funding Requests for Special Events

(At the meeting of May 16, 2016, Councillor Sorrento gave notice that he would present the following Motion at the meeting of May 30, 2016)

Whereas in 2017 Canada will mark the 150th anniversary of Confederation;

Whereas several organizations and community groups may be requesting an appearance before Council for funding to host a special event;

Therefore be it resolved that Council direct all these organizations to The Canada 150 Anniversary Task Force for their review; and

That the Committee prepare a final report including all funding recommendations to Council. FORTHWITH

9.2 Comprehensive Ban on Asbestos

(At the meeting of May 2, 2016, Councillor Britton provided notice that he would bring forward a motion)

Whereas: It's estimated that more than 2,000 people die every year from diseases caused by asbestos exposure, like mesothelioma and lung cancer. Death from mesothelioma increased 60 percent between 2000 and 2012.

Whereas: Asbestos-related diseases are on the rise: In 1992, there were 276 recorded cases of mesothelioma. Twenty years later the number of new cases of mesothelioma has more than doubled, with 560 recorded in 2012.

Whereas: Asbestos imports into Canada are increasing: Imports of asbestos-related items rose to \$8.2 million in 2015.

Whereas: In addition to their health, Canadians' jobs are being put at risk: Canada is importing replacement brake pads and linings containing asbestos, despite the fact that Canada manufactures non-asbestos replacement alternatives.

Therefore Be It Resolved: The City of St. Catharines will support the Canadian Labour Congress' call for a comprehensive ban on asbestos; and

Therefore be It Further Resolved: The City of St. Catharines requests the federal government to pass legislation to officially ban the use, exportation, and import of asbestos. FORTHWITH

9.3 **Naming of Parkette**

(At the meeting of May 2, 2016, Councillor Haywood gave notice that he would present the following Motion)

Whereas, Bill Wiley was Principal of Merritton High School in 1980 and was there until his retirement in 1989;

Whereas, he was an Alderman representing the Merritton Ward on St. Catharines City Council from 1986 till 1997 - serving 4 consecutive terms as a Councillor, including one term serving as Deputy Mayor;

Whereas, he was a member of the Merritton Lions' Club for 28 years - also serving for a time as their President;

Whereas, he was a member of the Royal Canadian Legion Branch 138;

Whereas, he was a member of the Merritton Community Group and their amazing publication Merritton Matters newspaper;

Whereas, he was a founding member of the St. Catharines Green Committee;

Whereas, Bill Wiley's surviving family - in addition to all organization still active mentioned above - are supportive of this motion;

Therefore let it be resolved, that St. Catharines City Council support the naming of the St. Catharines Green Committee's Beautification project at 327 Glendale Avenue as the "Merritton Bill Wiley Memorial Parkette"

Let it be further resolved that city staff work with the St. Catharines Green Committee in this pursuit and that they prepare any related bylaws in relation to this motion. FORTHWITH
[Addenda]

9.4 Change to 2016 City Council Meeting Schedule

Whereas Council approved the 2016 Schedule of Meetings at their meeting of September 28, 2016; and

Whereas Mayor Sendzik's Invitational Golf Tournament is scheduled for July 25, 2016; and

Whereas this tournament is being held as a benefit for Pathstone Foundation – Mending Children's Mind and the Hotel Dieu Shaver's Health and Rehabilitation Foundation; and

Therefore be it resolved that Council direct staff to revise the 2016 Schedule of Meetings to cancel Monday, July 25, 2016; and

That the Office of the City Clerk be directed to make the necessary notifications. FORTHWITH

9.5 Event of Municipal Significance - Niagara Grape and Wine Festival

That Council of the City of St. Catharines declare the Niagara Grape and Wine Festival, to be held September 16 to 25, 2016, to be an event of municipal significance with respect to obtaining liquor permits in accordance with the Alcohol and Gaming Commission of Ontario requirements; and

That the Office of the City Clerk make the necessary notifications. 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

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14. Agencies, Boards, Committee Reports

Minutes to Receive:

- Heritage Advisory Committee, [October 8, 2015](#)
- Green Advisory Committee, [November 25, 2015](#), [January 13, 2016](#),
[March 9, 2016](#), [April 13, 2016](#)
- Heritage Permit Advisory Committee, [April 28, 2016](#)
- Master Fire Planning Committee, [May 5, 2016](#)

15. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: May 11, 2016

Date of Meeting: May 30, 2016

Report Number: PBS-119-2016

File: 60.35.11 Vol D, 60.30.326

Subject: Comprehensive Zoning By-law No. 2013-283 - Housekeeping Amendment and associated Official Plan Amendment and Sign By-law Amendment

Recommendation

1. That Council approve Official Plan Amendment No. 12 prepared in association with the zoning by-law housekeeping amendment, as outlined in Appendix 2; and
2. That Council approve the Housekeeping Amendment to the City's Comprehensive Zoning By-law No. 2013-283, as outlined in Appendix 1; and
3. That Council approve the amendment to the City's Sign By-law No. 2012-154 prepared in association with the zoning by-law housekeeping amendment, as outlined in Appendix 3; and

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

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

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

Summary

The City adopted a new comprehensive Zoning By-law No. 2013-283 on December 16, 2013. The new Zoning By-law represents a significant improvement and more flexible approach over the previous zoning structure in the municipality which dated back to the 1950's. At the time of adoption, it was anticipated that, after a period of use, revisions to the new Zoning By-law would be required to correct minor anomalies, clerical

inconsistencies, inadvertent omissions, and to clarify the intent, interpretation and implementation of Zoning By-law provisions.

Through a continuous monitoring program since its adoption, staff have identified proposed revisions to the Zoning By-law, and are recommending a Housekeeping Amendment to enact the changes. The vast majority of revisions are very minor in nature, and serve to clarify and strengthen the interpretation and implementation of the Zoning By-law. Only a very limited number of proposed revisions affect a change to regulatory provisions.

Certain of the proposed revisions to the Zoning By-law also require minor revisions to the City's Official Plan and the Sign By-law to ensure consistency between the three documents. In association with the recommended Zoning By-law Housekeeping Amendment, staff are recommending amendments to the Official Plan and the Sign By-law to enact these changes.

Background

The City adopted the new comprehensive municipal wide Zoning By-law No. 2013-283 on December 16, 2013. The new Zoning By-law represents the consolidation of 11 former zoning by-laws, some dating back to the late 1950's, and each covering a different part of the City. In addition to the consolidation, the new Zoning By-law reflects an entirely new framework and format from the previous by-laws, and establishes an up to date, streamlined, consistent, concise and uniform set of zoning standards, regulations, provisions and definitions.

Given the significant difference in the new Zoning By-law over the previous regulations, it was anticipated at the time of adoption that subsequent 'housekeeping' amendments would likely be required to address any anomalies, omissions, inconsistencies and issues that have been identified after a sustained period of time working with the new by-law.

Zoning By-law Housekeeping Amendment

With the Zoning By-law in use, and as part of a continuous monitoring program, staff has identified a number of revisions to the Zoning By-law, and is recommending a Housekeeping Amendment to effect the changes. The recommended Housekeeping Amendment is attached as Appendix 1.

The purpose of the revisions are fourfold:

- to correct minor clerical number, wording and mapping inconsistencies;
- to strengthen and clarify the original intent, interpretation and implementation of by-law provisions where necessary;
- to reinstate previous site specific use permissions inadvertently omitted at time of original approval of the by-law;
- to address any unforeseen general issues that have arisen since first adoption.

The recommended Housekeeping Amendment contains 105 proposed revisions to the by-law. Although the number of revisions are numerous, the vast majority are very minor in nature, and only 11 revisions reflect an actual change to an existing regulatory provision or use permission.

The revisions are characterized as follows:

- 97 revisions reflect changes to the general provisions and definitions of the Zoning By-law that affect properties City wide. Most of these revisions are clerical in nature and serve to strengthen and clarify the interpretation and implementation of the Zoning By-law;
- 5 revisions make minor corrections or additions to special provisions related to specific properties;
- 2 of the proposed revisions correct minor mapping inconsistencies;
- Only 1 of the proposed revisions to the Zoning By-law reflects a change to add specific land use permissions on a property, being 300/302 Lake Street (Appendix 8- location map). This site specific change reinstates residential use permissions that existed on the property prior to the adoption of the new Zoning By-law, but which were inadvertently omitted from the Zoning By-law at time of adoption.

Other than to reinstate land use permissions for 300/302 Lake Street as identified above, it is not the intent or purpose of the Housekeeping Amendment, nor are there any recommended revisions, to facilitate a change to the zoning or land use permissions on individual properties. Any consideration for such changes should more appropriately be addressed through a site specific Zoning By-law amendment process, which includes staff and agency review, and a public review process including an Open House and Public Meeting prior to Council consideration and decision.

Associated Official Plan Amendment

Pursuant to the Planning Act, the Zoning By-law must conform to Official Plan (Garden City Plan) policies. Certain of the proposed revisions to the Zoning By-law also require minor revisions to certain Official Plan policies to ensure consistency between the two documents. In association with the Zoning By-law Housekeeping Amendment, staff is recommending an official plan amendment (Amendment No. 12) to enact the required changes. The recommended amendment also contains minor revisions to official plan policy not directly associated with the recommended Zoning By-law changes, but as part of a continuous monitoring program, have been identified for change to better clarify the intent and purpose of existing policy. The recommended official plan amendment is attached as Appendix 2.

Associated Sign By-law Amendment

One of the proposed revisions to the Zoning By-law is to add a provision that home based business signs be regulated in accordance with the City's Sign By-law. The City's Sign By-law does not currently contain sign regulations for home based business, with the exception of a professional office in a residence. In association with the Zoning

By-law Housekeeping Amendment, staff is recommending an amendment to the Sign By-law to establish sign regulations for all home based business types. The recommended sign by-law amendment is attached as Appendix 3.

Report

Zoning By-law Housekeeping Amendment

Attached as Appendix 4 is a track change document identifying all of the actual word, numbering and mapping revisions, additions and deletions made to the Zoning By-law through the Housekeeping Amendment.

Appendix 5 is a matrix which provides a summary explanation and the context for which all of the proposed revisions to the Zoning By-law are being made.

As previously stated, the vast majority of revisions are minor in nature. The more substantive revisions relate to the following:

- reinstate use permissions for 300/302 Lake Street
- home based business
- limit as-of-right development opportunities on non-complying lots
- eliminate as-of-right extension of non-complying building setbacks

The items identified above are more fully described as follows:

300/302 Lake Street

300/302 Lake Street is located on the east side of Lake Street, north of Scott Street and south of Nihan Drive (Appendix 8 – location map). The 0.09 hectare (0.23 acre) property is surrounded by commercial uses, and contains a 2 storey building with the ground floor currently used for commercial and office uses, and the second floor being vacant.

The property is designated Arterial Commercial in the Official Plan which permits a range of retail and service commercial uses intended primarily to serve the travelling public. Other permitted uses include institutional, civic, cultural, indoor recreation, and office uses. Office uses are permitted to a maximum 10% of the gross leaseable floor area in an Arterial Commercial designation.

The property is zoned Arterial Commercial (C3) with Special Provision 124. The C3 zone allows a range of uses the same as that in the Official Plan, and also restricts office uses to 10% of the gross leaseable floor area on a property. However, Special Provision 124 establishes a site specific provision allowing office uses to 50% of the gross leaseable floor area on the property. Special Provision 124 was placed on the property to recognize the amount of office space existing on the site prior to adoption of the new Zoning By-law.

At the time of Zoning By-law adoption in 2013, the second floor of the building also contained residential dwelling units permitted as a legal non-conforming use, and a

request was made by the property owner at that time to have the residential uses formally recognized as a permitted use in the Zoning By-law.

Staff supported this request, however, a site specific provision to establish this permission was inadvertently omitted from the Zoning By-law at time of original adoption.

The recommended Housekeeping Amendment revises Special Provision 124 to add residential uses as a permitted use on the upper floor of the two storey building. This revision is identified in Appendix 4 (Track Changes) under track change item 26.

The change to land use permissions on the property also requires a site specific amendment to the Official Plan. Item 12 of the recommended official plan amendment (Appendix 2) establishes a special exception to recognize the expanded office and residential use permissions on the property consistent with the proposed revision to Special Provision 124 in the Zoning By-law.

Home Based Business

The recommended Housekeeping Amendment proposes changes to existing Home Based Business provisions contained in the Zoning By-law. The revisions are identified in Appendix 4 (Track Changes) under track change item 4 and 18.

Currently, Section 2.2.4 of the Zoning By-law permits one home based business to be conducted within a primary dwelling unit. The intent of home based business is to provide for the incubation of business enterprise without compromising the character of residential neighbourhoods. Once home based business reach a certain size, the intent is that they relocate to more appropriate facilities in commercial zones or elsewhere.

Restrictions are placed on home based business to ensure the subordinate nature of the business in relation to the primary residential use of the property, and that such uses do not cause disruption to adjacent properties and the surrounding neighbourhood.

Existing zoning provisions relating to home based business are as follows:

- The area that may be used for the home based business is limited to 25% of the size of the principal dwelling unit, to a maximum of 40 m² ;
- A home based business cannot be conducted in an attached garage or in an accessory structure (which includes a swimming pool), and no outside storage is permitted;
- There are restrictions on the type of business not permitted, including auto related uses, small engine repair and kennels (except in an agricultural zone);
- Only one non-resident employee is permitted. With the prevalence of hairdressing business conducted out of residences, the by-law limits such uses to one hairdressing chair.

Recognizing the value of business incubation through home based business, evolving business practices, technological advancements, and in support of enhanced economic activities on a community wide basis, the proposed revisions to the Zoning By-law enable more flexibility for home based business. At the same time, revisions have also been made to ensure the intended subordinate nature of such uses are maintained and strengthened.

The Housekeeping Amendment recommends:

- Expanded permissions to allow for more than one home based business to be located on the premises, and that a home base business may be conducted in an attached garage and in accessory structures, as well as the principal dwelling. This would, as an example, now enable the use of a pool (defined as an accessory structure) to conduct swimming lessons, or the use of an attached garage to store materials, the use of an accessory structure for an office or for massage therapy, hairdressing, etc., or if zoned to permit a detached accessory apartment, the use of the accessory structure for a bed and breakfast as a home based business;

The location of home based business may be segmented between the dwelling, garage and accessory structures, however, the existing size restrictions in the Zoning By-law are maintained – the total cumulative size of all businesses located on the premises cannot exceed 25% of the size of the principal dwelling unit, to a maximum of 40 m²;

- Clarification that one non-resident employee may also be a volunteer or assistant;
- Expanded restrictions on the type of uses not permitted to include restaurants, nightclubs and animal care establishments (doggy day care, grooming, etc.).
- Adds restriction on the number of on-site clientele. Currently there are no restrictions on the number of on-site clients that may access a home based business, and which may cause significant traffic and parking disruption in a neighbourhood.

To maintain the subordinate and small scale nature of home based business, and to support compatibility of uses, the Housekeeping Amendment adds a provision limiting the number of on-site clients or attendees of lessons, classes, instruction, treatment or service to a maximum of 5 at any one time, and not more than a total of 20 over a 24 hour period.

- Adds provision that signs for all types of home based business will be regulated in accordance with the City's Sign By-law. However, the Sign By-law currently has limited regulations pertaining to home based business signs. Staff is recommending an amendment to the Sign By-law (Appendix 3) to establish more

comprehensive sign regulations for home based business, and which is addressed under the applicable section of this report referencing the Sign By-law Amendment.

Limit As-of-Right Development on Non-Complying Lots

The recommended Housekeeping Amendment proposes a revision to Section 2.15.1 of the Zoning By-law which relates to development on existing lots of record. This revision is identified in Appendix 4 (Track Changes) under track change item 7.

Section 2.15.1 currently allows that where existing lots are not in compliance with the lot area and/or lot frontage requirements for the applicable zone in which they are located, that they may be developed for any of the uses permitted in that zone provided that all other requirements (yard setbacks, parking, landscaping, etc.) of the by-law are met as-of-right or through approval of a minor variance by the Committee of Adjustment.

This provision was established in recognition that, in comparison to the City's 11 previous zoning by-laws, the new Zoning By-law significantly reduces the number of residential zone categories (from 15 to 4) across the City, establishing more consistent and uniform lot area and lot frontage requirements municipal wide, and that in certain situations, existing lots may not meet the new lot area or lot frontage requirements. As such, this provision effectively grandfathers existing lot sizes.

However, in comparison to the City's previous zoning by-laws, the new Zoning By-law also allows a greater range of housing types that may be built in each of the residential zones. Where development of a detached dwelling on an undersized lot may be appropriate, concerns have been identified that development on undersized lots for more intensive types of housing, such as semi-detached dwellings and townhouses, may result in inappropriate over-development of the lot, especially where the lot is significantly undersized with respect to the Zoning By-law requirements.

Provincial land use policy, and the policies in the City's Official Plan, encourage the efficient use of land, smaller lot infill and intensification, and opportunities for development of a wide range of housing types. This direction, however, is balanced by policies directed towards establishing urban design standards and zoning regulations to ensure development proceeds in a site, streetscape and neighbourhood context sensitive and compatible manner.

To further strengthen the intent of Official Plan policies, the recommended Housekeeping Amendment revises Section 2.15.1 so that it only applies to grandfathering of undersized lots for development of a single detached dwelling. Any other type of housing development on an undersized lot would first have to seek Committee of Adjustment approval for variance to the lot area and/or lot frontage requirements of the Zoning By-law for the applicable zone.

Section 45 of The Planning Act legislates the Committee of Adjustment to consider approval of variances to the requirements of the Zoning By-law. It is staffs opinion that

consideration for development of more intensive types of housing on undersized lots be appropriately subject to Committee to Adjustment approval rather than permitted as-of-right. In this manner, the size of the lot in relation to the type of development contemplated would first be vetted through a formal staff review and approval process, including public input, to ensure that the lot size is appropriate for the intended use of the land.

Eliminate As-of-Right Extension of Non-Complying Building Setbacks

The recommended Housekeeping Amendment proposes to eliminate, in its entirety, Section 2.15.5 of the Zoning By-law which relates to the extension of existing non-complying building setbacks. This revision to the by-law is identified in Appendix 4 (Track Changes) under track change item 7.

Section 2.15.5 of the Zoning By-law effectively grandfathers an existing building setback from a lot line that is less than the minimum yard setback now established in the new Zoning By-law, and further, allows that an addition to the building need only comply with the existing setback already established on the lot instead of the new setback requirement in the new Zoning By-law. As an example, a dwelling may have been constructed with a 0.5 metre setback from a lot line. The current Zoning By-law establishes a 1.2 m setback requirement. Section 2.15.5 would permit an addition to the building to be setback 0.5 metres from the lot line rather than 1.2 metres.

This provision was carried over from the City's 11 previous Zoning By-laws, and was originally established to recognize and grandfather the existing location and setbacks of older structures built on a lot prior to any zoning controls in place.

The setback requirements in the current Zoning By-law have been established to support design initiatives and standards facilitating context sensitive and compatible development, and to minimize conflict with adjacent properties. This includes maintaining adequate spacing between buildings and from lot lines, providing adequate buffering and landscape opportunities, privacy and amenity space, lot accessibility, minimum safety separation distances, and minimizing the effects of building mass and height on adjacent properties.

Depending on the size of the non-complying yard setback, a building addition which extends the reduced setback along the distance of a lot line may have significant negative impact on adjacent properties.

Section 45 of The Planning Act legislates the Committee of Adjustment to consider approval of variances to the requirements of the Zoning By-law. It is staff's opinion that consideration to extend a non-complying yard setback be appropriately subject to Committee to Adjustment approval, and subject to the same process for consideration as any other requested variance to a Zoning By-law requirement. In this manner, the implications of extending the non-complying yard setback would first be vetted through a formal staff review and approval process, including public input from adjacent property

owners, to ensure the reduced setback is appropriate for the development contemplated.

Associated Official Plan Amendment

Pursuant to The Planning Act, the Zoning By-law must conform to Official Plan policies. Certain of the proposed revisions to the Zoning By-law also require minor revisions to Official Plan policies to ensure consistency between the two documents. In association with the recommended Zoning By-law Housekeeping Amendment, staff are recommending an amendment to the Official Plan (Appendix 2) to ensure harmony between official plan policy and zoning regulations.

The proposed official plan amendment contains 12 revisions to existing policy and 3 mapping changes. All of the revisions are minor in nature, and do not effect a change in the intent and purpose of existing policy. Five of the proposed revisions are not directly related to revisions in the recommended Zoning By-law Housekeeping Amendment, but have been identified through staff's continuous monitoring program of the Official Plan, and are included in the proposed amendment to clarify and strengthen the intent, interpretation and implementation of existing policies and mapping.

Attached as Appendix 6 is a track change document identifying all of the actual word, numbering and mapping revisions, additions and deletions made to the Official Plan through the recommended amendment.

Appendix 7 is a matrix which provides a summary explanation and the context for which all of the proposed revisions to the Official Plan are being made.

Associated Sign By-law Amendment

In association with the proposed Zoning By-law Housekeeping Amendment, staff are recommending an amendment to the City's Sign By-law pertaining to sign regulations for home based business. The Sign By-law currently only regulates signs for professional offices located within a residence, providing for a ground sign of not more than 0.2 m² (2.15 sq.ft.) in area and 1.5 m (4'11") in height. Professional offices are only one type of home based business, and as such, the Sign By-law currently has only limited applicability to regulating signs for home based business.

The recommended amendment to the City's Sign By-law (Appendix 3) establishes sign regulations for all types of home based business. It eliminates the allowance for ground signs for professional offices, and establishes new regulations allowing for one non-illuminated wall sign for all types of home based businesses located on a premises. The wall sign cannot exceed 0.2 m² (2.15 sq.ft.) in area, maintaining the size limitations of the ground sign, and must be placed on the face of a building wall. In the opinion of staff, the location of a wall sign is less obtrusive than a ground sign, and better supports the intended subordinate nature of home based business, and compatibility of design with neighbouring properties.

Existing ground signs for professional offices will be grandfathered, and may be replaced and repaired, but no new ground signs for home based business may be constructed.

Review Process

Open House Meeting

On April 19, 2016 staff hosted an open house at City Hall to present and discuss the proposed Zoning By-law Housekeeping Amendment and associated proposed amendments to the Official Plan and Sign By-law. A total of 4 persons attended the open house. The purpose and clarification of proposed revisions were discussed. No negative comments were received.

Circulation Comments and Staff Response

The proposed amendments to the Zoning By-law, Official Plan and the Sign By-law were circulated to all relevant review agencies for comment and input.

Only the Niagara Peninsula Conservation Authority (NPCA) and the Niagara Region Planning and Development Services provided comments on the proposed amendments, and are addressed as follows.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA provided comment on the proposed revision to Section 1.1.7 contained in the Zoning By-law Housekeeping Amendment. Section 1.1.7 provides that a Conservation/Natural Area (G1) Zone boundary may be changed without amendment to the Zoning By-law based on a natural change to the limits of a defined natural heritage feature or natural hazard land. The NPCA is seeking clarification that the natural change is first defined through watershed studies, environmental planning studies or environmental impact studies (EIS) approved by the NPCA and other government or regulatory authority and mapping.

The proposed revision to Section 1.1.7 does incorporate the concerns of the NPCA and is shown in Appendix 4 (Track Changes) under track change item 2.

Niagara Region Planning and Development Services

The Niagara Region provided similar comments to that of the NPCA regarding Section 1.1.7 of the Zoning By-law as addressed above.

The Region also provided comment on Section 2.5 of the Zoning By-law regarding Sight Triangles, suggesting additional wording be added to recognize that local sight triangle dimensions set out in Section 2.5 may vary from Regional standards applied on corner lots located on Regional roads. No specific Regional dimensions for sight triangles were provided and may vary depending on the specific roadway. Staff is satisfied that the Region's request is already addressed through Section 1.1.3 of the Zoning By-law which recognizes required compliance with upper tier government standards and regulations. As such, staff is not recommending any revisions to Section 2.5 other than

those originally proposed in items 23 and 24 of the Housekeeping Amendment and as shown in Appendix 4 (Track Changes) under track change item 5.

Public Submissions and Staff Response

A total of 4 submissions have been received from the public requesting site specific changes to land use permissions or regulatory provisions, and are addressed as follows.

30 Black Walnut Common

Request is made to include within the Zoning By-law a reduced garage setback requirement, from 6 metres to 1.2 metres, for the vacant 0.06 hectare (0.16 acre) property located within the Village-on-the-Twelve development off of Martindale Road. The requested revision to the Zoning By-law provision was the subject of a minor variance application before the Committee of Adjustment in September, 2012. The variance request was supported by staff, denied by the Committee, and subsequently appealed and approved by the Ontario Municipal Board (OMB) in March, 2013, with condition that it apply to a maximum driveway width of 6 metres.

The OMB approval falls within the transition clause of the Zoning By-law, whereby minor variance approvals received after January 1, 2011 and prior to the adoption of the Zoning By-law on December 13, 2013 are still applicable, provided that a building permit is issued within 3 years of the date of adoption of the Zoning By-law (December 13, 2016).

Although the variance approval is still applicable until December 13, 2016, a building permit has not been issued to date, and the property owner anticipates that an application for, and issuance of, a building permit will likely not be made prior to December 16, 2016.

Given staff's original support of the variance, and the close timing of OMB approval in relation to the adoption of the Zoning By-law, staff support the current request to have the variance included within the Zoning By-law. The recommended Housekeeping Amendment incorporates the site specific provision within Special Provision 19 of the Zoning By-law, which addresses a number of other site specific provisions for the Village-on-the-Twelve development. The revision is shown in Appendix 4 (Track Changes) under track change item 24.

168A Martindale Road

168A Martindale Road is a vacant 0.04 hectare (0.10 acre) site within the Village-on-the-Twelve development in close proximity to 30 Black Walnut Common. To support the proposed future development of 2 detached dwellings on the site, the owner is requesting that the Housekeeping Amendment include provision for a reduced setback requirement for garages similar to that for 30 Black Walnut Common as outlined above.

There has been no application before the Committee of Adjustment to consider this request, and it is not the intent of the Housekeeping Amendment to facilitate new site specific variance or zone change requests.

Section 45 of The Planning Act legislates the Committee of Adjustment to consider approval of variances to the requirements of the Zoning By-law. The request for 168A Martindale Road should more appropriately be vetted through a formal application before the Committee of Adjustment, and which would be subject to a staff and agency review, and a public process. Staff do not support the requested variance be included as part of the housekeeping amendment.

28, 30, 36 Tulip Tree Common (Village-on-the-Twelve, Stage IV) and Village-on-the-Twelve, Stage V

Similar to the above, request has also been made to include within the Zoning By-law approved variances for garage setback requirements for the above noted properties.

28, 30 and 36 Tulip Tree Common are part of the Village-on-the-Twelve, Stage IV development. In October, 2006 the Committee of Adjustment approved variances to reduce garage setback requirements from 6 metres to 2.9 metres for Stage IV.

The subject lands have now been developed and as such there is no impending need to now include the variances in the Zoning By-law.

Further, even if the lands had not yet been developed, the timing of the variance approval falls significantly outside the timing of the transition clause in the Zoning By-law for grandfathering of variance approvals in relation to obtaining a building permit. Under the transition clause, minor variance approvals received after January 1, 2011 and prior to the adoption of the Zoning By-law on December 13, 2013 are still applicable, provided that a building permit is issued within 3 years of the date of Zoning By-law approval (December 13, 2016). Staff do not support the request made for the subject lands within the Stage IV development.

In April, 2009 the Stage V lands received Committee of Adjustment approval for a variance to reduce garage setbacks from 6 metres to 2 metres for a 25 unit townhouse development. Since that time the lands have received site plan approval for a revised development concept for 12 townhouses and a 12 unit apartment building. Construction of the 12 townhouses is currently underway, and the design and location of the dwelling units does not utilize the approved reduction in garage setbacks. As such, there is no impending need to now include the variances in the Zoning By-law. Further, the timing of approval of the variances falls significantly outside the transition clause timing in the Zoning By-law for grandfathering of variance approvals. Staff do not support the request made for the subject lands within the Stage V development.

179 Rykert Street

To facilitate a proposed development on 179 Rykert Street, and which includes the property immediately to the east at 171 Rykert Street, request has been made to change the zoning of a small triangular portion of lands on 179 Rykert Street through the Housekeeping Amendment. The request is made in conjunction with a proposed lot boundary adjustment in which the small triangular parcel would be severed from 179 Rykert Street and added to 171 Rykert Street to accommodate development of a semi-detached dwelling.

179 Rykert Street is zoned Residential (R3) with a Special Provision 23 which allows only apartment use on the small triangular parcel. The lands are required to be rezoned to permit semi-detached uses.

It is not the intent of the Housekeeping Amendment to facilitate site specific zone changes to support future development, unless an existing approval was inadvertently omitted at time of original adoption of the new By-law. That is not the case in this situation. Further, the requested zone change is also tied to a proposed change to the lottage pattern, which is also not the purview of the Housekeeping Amendment, and which must first be considered by the Committee of Adjustment. Staff do not support the request for 179 Rykert Street.

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 is no direct financial impacts to the Corporation should Council approve the recommended amendments to the Zoning By-law, Official Plan and Sign By-law.

Relationship to Strategic Plan

The recommended amendments to the Zoning By-law, Official Plan and Sign By-law serve to strengthen an effective, clear, concise, coordinated and streamlined land use planning program and development approvals process, enhanced customer service and communication, and supporting the attraction of private investment.

Approval of the amendments supports Strategic Plan Goal 1 to attract public and private investment, support local businesses and provide excellent customer service to demonstrate the City is open for business; and, Goal 6 to provide excellent customer service and communication with citizens.

Prepared by:

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Submitted by:

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Manager of Planning Services

Approved by:

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Director of Planning and Building Services

CITY OF ST. CATHARINES

BY-LAW NO. 2016- _____

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."

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES
enacts as follows:

That By-law No.2013-283, as amended, is further amended as follows:

- 1) The PREAMBLE, Section 15 MAP SCHEDULES is amended by adding the word 'and' before the word 'site'; and, deleting the words 'and the Natural Area Extent Line showing the extent and limit of all natural heritage features and natural hazard lands currently identified by upper tier government and agencies'
- 2) The PREAMBLE, SECTION 16 APPENDICES is amended by adding the words ', including Development Constraints mapping.' at the end of the first sentence.
- 3) Section 1.1.3 Interpretation, second paragraph is amended by; replacing the words 'Schedule D' with the words 'Appendix 16.1.5.

sets out additional development constraints mapping, being the'; and,
adding the word 'which' before the word 'identifies'.

- 4) Section 1.1.3 Interpretation, third paragraph, is amended by removing the word 'additional' after the word 'identify'.
- 5) Section 1.1.3 is amended by moving paragraph two to paragraph three of the Section.
- 6) Section 1.1.6 Schedules is amended by deleting the fourth sentence.
- 7) Section 1.1.7 Interpretation of Zone Boundaries, Subsection b), is amended to read as follows:

' b) A Conservation/Natural Area (G1) zone boundary indicated as following the limits of a natural heritage feature or natural hazard lands, and which may include associated buffer areas, shall follow such limits as located through survey or other similar means. In the event of a natural change to the limits of a natural heritage feature or natural hazard lands defined more precisely through Watershed Studies, Environmental Planning Studies or Environmental Impact Studies (EIS) approved by the Niagara Peninsula Conservation Authority and other government or regulatory authority and mapping, the zone boundary shall move with the change to the limits as so defined.'
- 8) Section 2.2.1 Interior Accessory Dwelling Unit, Subsection a) is amended by replacing the word 'building' with the words 'dwelling unit'.
- 9) Section 2.2.1 Interior Accessory Dwelling Unit, Subsection b) is amended by replacing the word 'building' with the words 'dwelling unit (including the basement)'.
- 10) Section 2.2.2 Detached Accessory Dwelling, Subsection a) is amended by adding the words '(including the basement)' after the word 'unit'.
- 11) Section 2.2.4 Home Based Business, first paragraph is amended to read as follows:

'A home based business is permitted within any zone in a principal dwelling unit (including the use of an attached garage), accessory structures thereto, and within an interior accessory dwelling unit, subject to the following regulations:

- 12) Section 2.2.4 Home Based Business, Subsection a) is amended by revising subsection iii to remove the words 'except in the Agriculture (A1) Zone'; and adding the following subsections iv, v and vi, as follows:

'iv restaurant
v nightclub
vi animal care establishment'

- 13) Section 2.2.4 Home Based Business, Subsection b) is amended by replacing the word 'or' with a comma after the word 'radio': and, adding the words 'or telecommunication transmission' after the word 'television'.

- 14) Section 2.2.4 Home Based Business, Subsection c) is deleted and replaced with a new Subsection c) as follows:

'c) More than one home based business may exist within a principal dwelling unit (including attached garage) and accessory structures thereto, and a home based business may be segmented between the above, provided that the total cumulative size of the home based business or businesses does not exceed 25% of the gross floor area of the principal dwelling unit (excluding attached garage and accessory structures), to a maximum of 40 m2.'

In addition to the above, a home based business or businesses is permitted in an interior accessory dwelling unit provided that the business or businesses do not exceed 25 % of the total gross floor area of the interior accessory dwelling unit.'

- 15) Section 2.2.4 Home Based Business, Subsection d) is amended by adding the words 'Outside activities are permitted but' at the start of the sentence; and, replacing the word 'the' with the word 'a'.

- 16) Section 2.2.4 Home Based Business, Subsection e) is amended by adding the word 'principal' before the word 'dwelling'; and, adding the words 'unit, and/or a detached accessory dwelling unit' after the

word 'dwelling'; and, adding the words 'or volunteer or assistant at any one time for all of the home based businesses located in the principal dwelling unit (including attached garage) and/or accessory structures' at the end of the sentence; and, adding the following paragraph:

'A home based business located in an interior accessory dwelling unit is not permitted to have a non-resident employee, volunteer or assistant other than a resident of the principal dwelling unit or a detached accessory dwelling unit thereto'

- 17) Section 2.2.4 Home Based Business, Subsection f) is amended by replacing the word 'the' with the word 'a'.
- 18) Section 2.2.4 Home Based Business, Subsections g) and h) are deleted.
- 19) Section 2.2.4 Home Based Business is amended by adding a new Subsection g) as follows:
 - 'g) One sign for all home based businesses located on the premises is permitted in accordance with the City Sign By-law No. 2012 - 154, as amended.
- 20) Section 2.2.4 Home Based Business is amended by adding a new Subsection h) as follows:
 - 'h) The total cumulative number of on-site clients or attendees of lessons, classes, instruction, treatment or service provided by a home based business or businesses located in a principal dwelling unit and dwelling units and structures accessory thereto shall be limited to a maximum of 5 at any one time, and no more than a total of 20 over a consecutive 24 hour period.'
- 21) Section 2.2.4.1 Bed and Breakfast is amended by deleting the word 'a' after the word 'breakfast'; and deleting the word 'use'; and, adding the words 'and/or detached accessory dwelling' after the words 'detached dwelling' in the first sentence.

- 22) Section 2.2.4.3 Kennels is amended by deleting the Section in its entirety.
- 23) Section 2.5 Sight Triangle is amended by renaming the Section to read as follows: '2.5 Corner Lot Sight Triangle'; and, adding the word 'corner lot' after the words 'within a'; and, replacing the words 'Section 2.5.1.' with the words 'the following table'; and incorporating within and at the end of Section 2.5 the table that is located in Section 2.5.2 Sight Triangle Table
- 24) Section 2.5.1 Sight Triangle Table is amended by deleting the Section in its entirety.
- 25) Section 2.10.1 General Structures is amended by revising the wording in the first column, fourth row of the table to read as follows: 'Fire Escapes and Exterior Staircases, including a Landing'
- 26) Section 2.10.1 General Structures is amended by revising the wording in the second column, fourth row of the table to read as follows: 'Interior side, Exterior side, Rear'.
- 27) Section 2.10.2 Platform Structure (Deck, Porch, Balcony) is amended by revising the heading of the second column in the table so as to read 'Height above the grade from 0.15 m to 0.6 m*'; and, adding ' ** ' to the headings in column one, rows one through five in the table.
- 28) Section 2.10.2 Platform Structure (Deck, Porch, Balcony) is amended by adding the following below the table:

* A Platform Structure less than 0.15 m above grade is defined as

** For private road development, the minimum setback from a specified lot line, and maximum area, as set out in the table above, will be taken as the minimum setback and maximum area in the corresponding yard for the individual dwelling unit.'

- 29) Section 2.10.2 Platform Structure (Deck, Porch, Balcony) is amended by replacing the word 'exterior' with the word 'front' in the fourth row under the third column of the table.
- 30) Section 2.10.2 Platform Structure (Deck, Porch, Balcony) is amended by renaming the title to read as follows: 'Platform Structure (Deck, Porch, Balcony, Patio)'
- 31) Section 2.15.1 Existing Lots is amended by adding the words 'zoned to permit a detached dwelling but' after the words ',that is'; and, adding the word ' minimum' before the words 'lot frontage' and the words 'lot area'; and adding the words 'may be used for a detached dwelling' after the words 'requirements of this By-law'; and, deleting the words 'purpose permitted in this By-law in the zone applicable for that lot'.'
- 32) Section 2.15.4 'Lots Deemed to Comply' is amended by adding the word 'driveway' before the word 'width'.
- 33) Section 2.15.5 Rebuilding and Extensions is amended by deleting the Section in its entirety.
- 34) Section 2.17 Average Building Line is amended by adding the words 'provided that, with the exception of the Downtown Traditional Main Street (C6) Zone, the building line is setback a minimum 1 m from the lot line to be established by any required public acquisition of lands'.

- 35) Section 2.19 Development Constraints, Subsection a), first sentence is amended by replacing the words 'Schedule D of this By-law' with the words '(Appendix 16.1.5)'.
- 36) Section 2.19 Development Constraints is amended by re-naming subsections b), c), d), e) and f) to subsection a), b), c), d) and e); and, re-naming subsection a) to subsection f).
- 37) Section 3.9 Residential Parking is amended by revising the wording in the second column, second row of the table to read as follows:

'7.5 m or 50% of the front or exterior side lot line distance, whichever is less'
- 38) Section 3.12.1 Residential Uses is amended by deleting row twelve in the table so as not to duplicate the table headings; and, to add footnote (a) to Private Road Development.
- 39) Section 3.12.1 Residential Uses is amended by adding a row specific to parking requirements for Special Needs Housing, as follows:

Special Needs Housing	2 (a)
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- 40) Section 3.13.1 Landscape Buffer Provisions, first sentence, is amended by adding the words 'or zone boundary line' after the word 'line(s)'
- 41) Section 3.13.1 Landscape Buffer Provisions is amended by adding the word 'or' after the word 'Residential' and deleting the words 'or Green Space' in column one, third row of the Table; and adding a fourth row to the table to read as follows:

Abutting a Green Space Zone Boundary Line	3 m	3 m	3 m
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- 42) Section 3.14 Drive-Thru Facility is amended by adding Subsection c), as follows:

‘c) Each drive-thru stacking lane parking space shall be a minimum 2.6 m in width and 5.2 m in depth.’
- 43) Section 4.2 Uses and Zones is amended by adding footnote a) to Employee Convenience Uses in the E1 and E2 zone in Column 27 of the Table; and, deleting the words ‘Home Based Business –’ in Column 32 of the Table; and, deleting footnote a) in Column 32 for Kennels in a Agriculture (A1) Zone.
- 44) Section 5.2.1 Footnotes for Section 5.2 Permitted Uses, Subsection a) is amended by adding the words ‘on the ground floor’ after the word ‘permitted’.
- 45) Section 5.2.1 Footnotes for Section 5.2 Permitted Uses, Subsection a) i) is amended by revising the numerical value of 300 m² to 150 m².
- 46) Section 5.2.1 Footnotes for Section 5.2 Permitted Uses, Subsection a) ii) is amended by revising the numerical value of 3% to 5%.
- 47) Section 5.3 Provisions for Residential (R1) ZONE is amended by revising the Exterior Side Yard requirements as set out in the table for each of the Permitted Uses to read as follows: ‘4m to dwelling / 6m to garage’.
- 48) Section 5.4 Provisions for Residential (R2) ZONE is amended by revising the Exterior Side Yard requirements as set out in the table

for each of the Permitted Uses to read as follows: '3m to dwelling / 6m to garage'.

- 49) Section 5.5 Provisions for Residential (R3) ZONE is amended by revising the Exterior Side Yard requirements as set out in the table for Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Triplex Dwelling, Quadruplex Dwelling, Fourplex Dwelling, Townhouse, and Private Road Development to read as follows: '3m to dwelling / 6m to garage'.
- 50) Section 5.6 Provisions for Residential (R4) ZONE is amended by revising the Exterior Side Yard requirements as set out in the table for Triplex Dwelling, Fourplex Dwelling, Quadruplex Dwelling, Townhouse, and Private Road Development to read as follows: '3m to dwelling / 6m to garage'.
- 51) Section 5.3 Provisions for Residential (R1) ZONE is amended by adding footnote (e) to the 'Front Yard' and the 'Exterior Side Yard' headings in the table.
- 52) Section 5.4 Provisions for Residential (R2) ZONE and Section 5.5 Provisions for Residential (R3) ZONE is amended by adding footnote (f) to the 'Front Yard' and the 'Exterior Side Yard' headings in the table.
- 53) Section 5.6 Provisions for Residential (R4) ZONE is amended by adding footnote (c) to the 'Front Yard' and the 'Exterior Side Yard' headings in the table.
- 54) Section 5.3.1, Footnotes for Section 5.3 Provisions for Residential (R1) Zone is amended by adding footnote (e), as follows:

‘(e) the yard requirement for garage applies to an attached garage, and to the yard from which the attached garage is accessed by a driveway’.

- 55) Section 5.4.1, Footnotes for Section 5.4 Provisions for Residential (R2) Zone and Section 5.5.1, Footnotes for Section 5.5 Provisions for Residential (R3) Zone is amended by adding footnote (f), as follows:

‘(f) the yard requirement for garage applies to an attached garage, and to the yard from which the attached garage is accessed by a driveway’.

- 56) Section 5.6.1, Footnotes for Section 5.6 Provisions for Residential (R4) Zone is amended by replacing footnote (c) with new footnote (c) as follows:

‘(c) the yard requirement for garage applies to an attached garage, and to the yard from which the attached garage is accessed by a driveway’.

- 57) Section 5.4 Provisions for Residential (R2) ZONE is amended by revising the ‘Lot Area per Dwelling Unit (e)’ heading in the table to read as follows: ‘Lot Area (e)’

- 58) Section 5.4 Provisions for Residential (R2) ZONE is amended by revising the numerical value: for Dwelling, Duplex in row three, column one of the table from 280 m² to 560 m², and in row three, column two of the table from 465 m² to 930 m²; for Dwelling, Triplex in row four, column one of the table from 280 m² to 840 m², and in row four, column two of the table from 465 m² to 1395 m²; and for Dwelling, Fourplex in row five, column one of the table from 280 m² to 1120 m², and in row five, column two of the table from 465 m² to 1860 m².

- 59) Section 5.4 Provisions for Residential (R2) ZONE is amended by adding footnote (d) to column one, row two, six and eight of the table; and to column two, row two and six of the table.
- 60) Section 5.4.1 Footnotes for Section 5.4 Provisions for Residential (R2) Zone is amended by revising footnote (d) to read as follows: '(d) Lot Area is per dwelling unit'.
- 61) Section 5.5 Provisions for Residential (R3) ZONE is amended by revising the 'Lot Area per Dwelling Unit (d)' heading in the table to read as follows: 'Lot Area (d)'
- 62) Section 5.5 Provisions for Residential (R3) ZONE is amended by revising the numerical value: for Dwelling, Duplex in row three, column one of the table from 140 m² to 280 m², and in row three, column two of the table from 350 m² to 700 m²; for Dwelling, Triplex in row four, column one of the table from 140 m² to 420 m², and in row four, column two of the table from 350 m² to 1050 m²; and for Dwelling, Fourplex in row six, column one of the table from 140 m² to 560 m², and in row six, column two of the table from 350 m² to 1400 m².
- 63) Section 5.5 Provisions for Residential (R3) ZONE is amended by adding footnote (c) to column one, row two, five and seven of the table; and to column two, row two, five and seven of the table.
- 64) Section 5.5.1 Footnotes for Section 5.5 Provisions for Residential (R3) Zone is amended by revising footnote (c) to read as follows: '(c) Lot Area is per dwelling unit'.

- 65) Section 5.7 Additional Private Road Development Provisions is amended by adding the words 'yard and height' after the word 'applicable'.
- 66) Section 6.2 Permitted Uses is amended by adding footnote (h) for Emergency Service Facility in the C2 Zone.
- 67) Section 6.4 Provisions for Commercial (C1) to (C4) Zones is amended by moving the Min. Front Yard and the Max. Front Yard columns to before the Min. Exterior Side Yard column in the table.
- 68) Section 6.4.1, Footnotes for Section 6.4 Provisions for Commercial (C1) to (C4) Zones is amended by adding a second sentence to footnote b) as follows:

'Where non-residential glfa is 370 m2 or less, and where apartment dwelling units are provided in conjunction therewith, the residential density shall not exceed 32 dwelling units per hectare.'
- 69) Sections 7.3.4, 7.3.5, 7.3.6, 7.3.7 and 7.3.8 are amended by re-numbering the Sections in sequence to 7.3.3, 7.3.4, 7.3.5, 7.3.6 and 7.3.7.
- 70) Section 8.3 Provisions for Stand Alone Residential Buildings in Mixed Use (M1) Zone, Section 8.4 Provisions for Stand Alone Residential Buildings in Mixed Use (M2) Zone, and Section 8.5 Provisions for Stand Alone Residential Buildings in Mixed Use (M3) Zone is amended by adding footnote (g) to the 'Min. Front Yard' and Min. Exterior Side Yard' headings in the table.
- 71) Section 8.6 Footnotes for Section 8.3, 8.4 and 8.5 Provisions for Stand Alone Residential Buildings in Mixed Use (M1), (M2) and (M3) Zones is amended by adding footnote g) as follows:

'g) the yard requirement for garage applies to an attached garage, and to the yard from which the attached garage is accessed by a driveway'.

- 72) Section 8.3 Provisions for Stand Alone Residential Buildings in Mixed Use (M1) Zone, Section 8.4 Provisions for Stand Alone Residential Buildings in Mixed Use (M2) Zone, and Section 8.5 Provisions for Stand Alone Residential Buildings in Mixed Use (M3) Zone is amended by revising the 'Lot Area per Dwelling Unit (e)' heading in the table to read as follows: 'Lot Area (e)'
- 73) Section 8.3 Provisions for Stand Alone Residential Buildings in Mixed Use (M1) Zone is amended by revising the numerical value: for Dwelling, Triplex in row one, column one of the table from 100 m² to 300 m², and in row one, column two of the table from 250 m² to 750 m²; for Dwelling, Fourplex in row two, column one of the table from 100 m² to 400 m², and in row one, column two of the table from 250 m² to 1000 m².
- 74) Section 8.3 Provisions for Stand Alone Residential Buildings in Mixed Use (M1) Zone is amended by adding footnote (c) to column one and two, rows three, four and five of the table.
- 75) Section 8.4 Provisions for Stand Alone Residential Buildings in Mixed Use (M2) Zone is amended by revising the numerical value: for Dwelling, Duplex in row three, column one of the table from 100 m² to 200 m², and in row three column two of the table from 165 m² to 330 m²; for Dwelling, Triplex in row four, column one of the table from 100 m² to 300 m², and in row four, column two of the table from 165 m² to 495 m²; and for Dwelling, Fourplex in row five, column one

of the table from 100 m² to 400 m², and in row five, column two of the table from 165 m² to 660 m².

- 76) Section 8.4 Provisions for Stand Alone Residential Buildings in Mixed Use (M2) Zone is amended by adding footnote (c) to column one and two, rows six, seven, eight and nine of the table.
- 77) Section 8.5 Provisions for Stand Alone Residential Buildings in Mixed Use (M3) Zone is amended by revising the numerical value: for Dwelling, Triplex in row one, column one of the table from 75 m² to 225 m², and in row one, column two of the table from 115 m² to 345 m²; and for Dwelling, Fourplex in row two, column one of the table from 75 m² to 300 m², and in row two, column two of the table from 115 m² to 460 m².
- 78) Section 8.5 Provisions for Stand Alone Residential Buildings in Mixed Use (M3) Zone is amended by adding footnote (c) to column one, row three and four, and column two, rows three, four and five of the table.
- 79) Section 8.6 Footnotes for Section 8.3, 8.4 and 8.5 Provisions for Stand Alone Residential Buildings in Mixed Use (M1), (M2) and (M3) Zones is amended by revising footnote c) to read as follows: ' c) Lot Area is per dwelling unit.'
- 80) Section 11.2 Permitted Uses is amended by adding a fourth row in the Table for Principal Uses, as follows:

Kennel	A1		
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- 81) Section 11.2.1, Footnotes for Section 11.2 Permitted Uses, footnote a) is amended by deleting the word 'building' and replacing it with 'operation, including outdoor storage and processing,'.

- 82) Section 11.3 Provisions for Agriculture (A1) Zone is amended by adding a fourth and fifth row to the table, as follows:

Agriculture Farm Related Commercial or Industrial	-	-	12 m	7.5m	6 m	12 m	14 m	-
Kennel			60m	60m	60m	60m	11m	20%

- 83) Section 12 Definitions is amended by revising the definition of Home Based Business to read as follows:

'means a use conducted within a dwelling unit and/or accessory structure thereto, and which is secondary and subordinate to the principal residential use of the dwelling unit, does not create a public nuisance or adverse effect on abutting lands or the surrounding neighbourhood, and does not include outdoor storage but may include outdoor activities associated with the home based business.'

- 84) Section 12 Definitions is amended by adding a new definition of Hospital, as follows:

'Hospital: means an institution providing medical and surgical treatment and registered professional nursing care for sick or injured people.'

- 85) Section 12 Definitions is amended by revising the definition of Office by adding the words', and includes medically related functions and services, but not Hospital.'

- 86) Section 12 Definitions is amended by revising the definition of Service Commercial to add the words ', and excludes medically

related functions and services' after the word 'use'.

- 87) Section 12 Definitions is amended by adding a new definition of
Landing, as follows:

‘Landing: means a minimum unenclosed raised surface area
necessary to allow safe ingress and egress to a building.’
- 88) Section 12 Definitions is amended by revising the definition of
Landscaped Open Space by deleting the word ‘patios’ and adding
the words ‘platform structures under a certain height above grade’
after the word ‘walkways’.
- 89) Section 12 Definitions is amended by revising the definition of
Platform Structure by adding the word ‘,patios’ after the word
‘balconies’; and adding the words ‘, but does not include a Landing”
after the word ‘porches’.
- 90) Section 12 Definitions is amended by revising the definition of Motor
Vehicle Repair Garage to add the words ‘and/or boats’ after the word
‘vehicles’; and, to add the words ‘routine maintenance,’ after the word
‘including’.
- 91) Section 12 Definitions is amended by revising the definition of Motor
Vehicle Sales/Rental Service Centre to add the words ‘and/or boats’
after the word ‘vehicles’.
- 92) Section 12 Definitions is amended by revising the definition of
Parking Area by adding the words ‘designed and/or’ after the word
‘thereof’.
- 93) Section 12 Definitions is amended by revising the definition for
Residential Convenience Uses by deleting the words ‘(common
dining room (not a’

- 94) Section 12 Definitions is amended by revising the title of Sight Triangle to read as follows: 'Sight Triangle, Corner Lot'
- 95) Section 13.1 List of Special Provisions is amended by revising Special Provision 19 as follows: under Location in the heading, the words '2 and 36 Tulip Tree Common' are revised to read as '2 to 36 Tulip Tree Common'; and, Subsection 2. b) is amended by adding the words ';for 30 Black Walnut Common, the garage may be setback 1.2 m subject to a maximum driveway width of 6m.' after the words '6m to garage'.
- 96) Section 13.1 List of Special Provisions is amended by revising Special Provision 23, Subsection 1 to replace the word 'Part 1' with the word 'Area 1'; and, to amend Subsection 2 to add the words 'Area 2 of' after the words 'shown on'; and to amend 'B8b' to read as 'B8a'.
- 97) Section 13.1 List of Special Provisions is amended by revising Special Provision 47 to remove reference to Holding Provision (H8).
- 98) Section 13.1 List of Special Provisions is amended by revising Special Provision 62, Subsection 2.i), 3.k), and 4.g) to add the words 'tandem parking is permitted'.
- 99) Section 13.1 List of Special Provisions is amended by revising Special Provision 65, Subsection 7.to add the words 'tandem parking is permitted'.
- 100) Section 13.1 List of Special Provisions is amended by revising Special Provision 124 to add a second paragraph, as follows:

‘Apartment Dwelling Units are permitted as an additional use only on the second floor of the building, and are subject to the parking requirements as set out in Section 3.12 of the By-law.’

- 101) Section 15.1 Schedule A – Zoning Maps, Schedule A7 is amended by rezoning a portion of the lands known municipally as 101 Linwell Road from Minor Green Space (G2) to Conservation/Natural Area (G1), and from Major Green Space (G3) to Conservation/Natural Area (G1), as identified on Schedule A attached to and forming part of this By-law.
- 102) Section 15.1 Schedule A – Zoning Maps, Schedule A7 is amended by rezoning the rear portion of the lands known municipally as 383 Lake Street Road from Minor Green Space (G2) to Conservation/Natural Area (G1), as identified on Schedule A attached to and forming part of this By-law
- 103) Section 15 SCHEDULES is amended by deleting the words ‘Schedule D - Natural Area Extent Line’
- 104) Section 15.4 Schedule D - Natural Area Extent Line is amended by moving Section 15.4 to Section 16 APPENDICES; and, that schedule ‘Section 15.4 Schedule D - Natural Area Extent Line Maps Index’ is amended by re-naming the schedule to ‘Appendix 16.1.5 - Development Constraints - Natural Area Extent Line Maps Index’; and, that all other schedules within Section 15.4 be re-named from ‘Schedule D – Natural Area Extent Line’ to ‘Appendix 16.1.5 - Development Constraints - Natural Area Extent Line’.
- 105) Section 16 APPENDICES is amended by adding to the list the following:

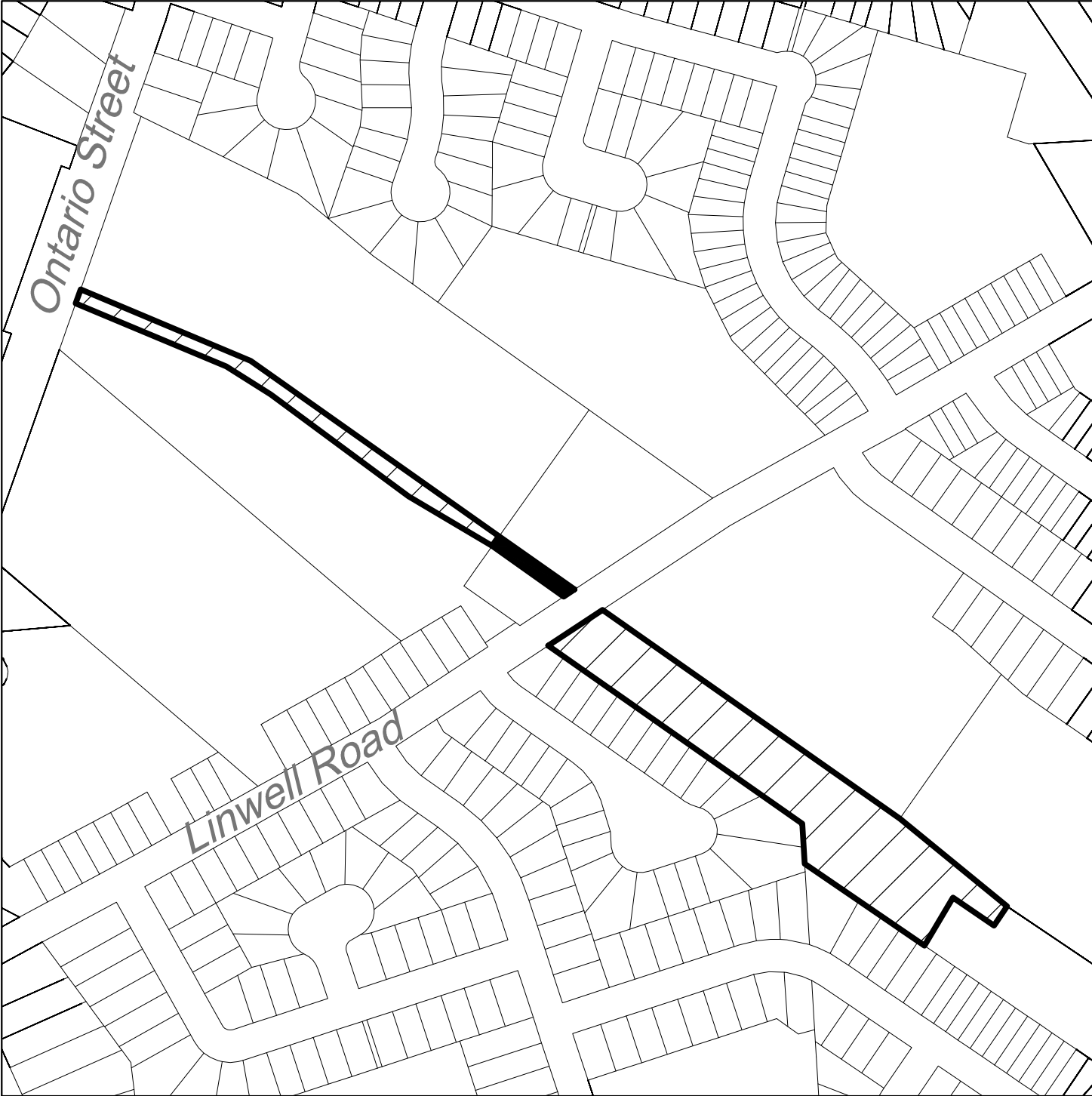
‘Appendix 16.1.5 -- Development Constraints - Natural Area Extent Line’
- 106) This By-law shall come into force and effect on the date of passing by Council, subject to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.



Read a third time and passed this day of 2016.

MAYOR

SCHEDULE A TO BY-LAW NO. _____

PASSED ON THE _____ DAY OF _____, 2016




-  Lands Rezoned from Minor Green Space (G2) to Conservation/Natural Area (G1)
-  Lands Rezoned from Major Green Space (G3) to Conservation/Natural Area (G1)

AN ILLUSTRATION SHOWING

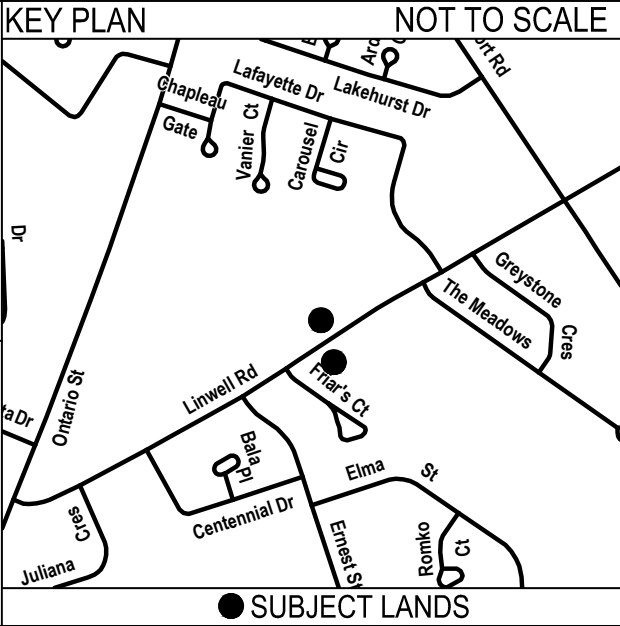
Pt Lt 20,21 Con 2 GRN, P Rd Allowance between Lots 20 & 21 Conc 2 GRN, being Pt 1 30R1012 as in RO320988; Pt Lt 20 Con 2 GRN, as in GRN24921 (Remainder), except RP679, RO747962, RO282717, RO188853, RO301996, RP671, Pt 1 30R1439

Pt Lt 19 (FMLY PCL 5 & 12) & Pt Lt 20 (FMLY PCL 1), Conc 3 as in GRN24921 Remainder, 51316(60), 312591, 381864, 230532, 338(Notice of Claim 761277; Pt Lt 3 RP281 as in 338 & 761277; Pt Lt 7 RP281 as in 381864, Pt 2 30R1631; S/T ROW Over Pts 2 to 5 30R7195 as in RO647370.

**IN THE CITY OF ST.CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA**



**DISTANCES SHOWN ARE IN METRES
NOT TO SCALE**



CITY OF ST.CATHARINES

BY-LAW NO. 2016-

A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. The attached text and maps forming Amendment No. 12 to the Garden City Plan (City of St. Catharines Official Plan) is hereby adopted.
2. This By-law shall come into force and effect on the day after the last day for filing notice of appeal or as otherwise provided for in the Planning Act.

Read a first time this 30 th day of May 2016.

Read a second time this 30 th day of May 2016.

Read a third time and passed this 30 th day of May 2016.

CLERK

MAYOR

Amendment No. 12 to the Garden City Plan
(City of St. Catharines Official Plan)

This Amendment No.12 to the Garden City Plan (City of St. Catharines Official Plan), which has been adopted by the Council of the Corporation of the City of St. Catharines, is approved under Section 17 of the Planning Act.

DRAFT

PART A – THE PREAMBLE	An explanation of the amendment but does not constitute part of the amendment.
PART B- THE AMENDMENT	Consisting of the following text and maps which constitutes Amendment No.12 to the Garden City Plan (City of St. Catharines Official Plan).
PART C- THE APENDICES	Do not constitute part of this Amendment. These Appendices contain background data, planning considerations and public involvement associated with the amendment.

PART A – THE PREAMBLE

Official Plan Amendment No. 12 is in association with a ‘housekeeping’ amendment to the City’s municipal wide Comprehensive Zoning By-law No. 2013-283, approved by City Council on December 16, 2013.

The ‘housekeeping’ amendment to the Zoning By-law contains a number of revisions to existing provisions in a manner to correct clerical number, wording and mapping inconsistencies; to strengthen and clarify the original intent, interpretation and implementation of by-law provisions where necessary; to reinstate previous site specific use permissions inadvertently omitted at time of original approval of the by-law; and to address any unforeseen general issues that have arisen since first adoption.

Certain changes to the Zoning By-law also require a number of minor amendments to the Official Plan. The amendment also includes 4 revisions not directly related to the zoning by-law housekeeping amendment, but as part of a continual monitoring program, have been identified for change to strengthen the intent, interpretation and implementation of the Official Plan.

The amendments to the Official Plan reflect minor changes to provisions related to home based business, accessory apartments, residential convenience uses in higher density developments, agricultural farm related commercial and industrial uses, kennels, policies related to contaminated lands and parkland dedication policies. Changes to Plan schedules have also been made to correct inconsistencies and omissions with respect to land use designations.

One of the amendments to the Zoning By-law is a minor site specific zone change to bring into effect the original intent of the By-law at time of Council approval. This amendment reinstates existing residential use permissions on the property known municipally as 300/302 Lake Street. This site specific zoning was inadvertently omitted from the By-law at time of original approval. To enact this zone change also requires a change to the Official Plan, and revisions are included in this amendment to recognize the intended site specific use permissions.

PART B – THE AMENDMENT

Details of Official Plan Amendment No. 12

The Garden City Plan (City of St. Catharines Official Plan) is hereby amended as follows:

1. Part D, Section 7.2 is amended by replacing Subsection iv) with a new Subsection iv) as follows:

‘iv) The City may, in accordance with City procedure, require for all lands conveyed or dedicated to the City, or purchased by the City, the submission of documentation from a qualified professional indicating the lands have been investigated for contaminants and are in accordance with Provincial standards for the intended use. A Record of Site Condition (RSC) may be required.’
2. Part D, Section 7.11 Home Based Business is amended by replacing in the first sentence the words ‘the confines of a principal residence’ with the words ‘a principle dwelling unit, accessory structures thereto, and accessory dwelling units’: and, replacing the word ‘residence’ with the words ‘dwelling unit’ in the second sentence; and, replacing the words ‘will not be permitted outside storage’ with the words ‘may permit outside activities but not outdoor storage’ in the second sentence; and, adding the words ‘, and the scale of operation’ at the end of the second sentence.
3. Part D, Section 8.3.4 is amended by replacing in the first paragraph the words ‘High Density’ with the words ‘higher density residential apartment and long term care’; and by replacing in the second paragraph the numerical value of ‘3%’ with the value ‘5%’; and deleting the words ‘or restaurants’.
4. Part D, Section 13.1.4 f) is amended by adding the word ‘generally’ after the word ‘will’.
5. Part D, Section 13.2.2.9 is amended by adding the words ‘unless approved in consultation with the NPCA’ after the word ‘EIS’.
6. Part D, Section 14.1 is amended by adding a new Subsection vii) as follows:

‘vii) Kennel’
7. Part D, Section 14.2.4 is amended by adding Subsection h) as follows:

‘h) the size of the operation including buildings, outdoor storage and processing should not exceed 930 square metres in area.’

8. Part D, Section 14.2.4.3 is amended by deleting the words 'gross floor'.
9. Part D, Section 14.2.6 is amended by adding the words ', and an accessory dwelling unit and non-farm structures that are directly accessory to the principal residence,' before the words 'in accordance'; and, replacing the words 'will not be permitted outside storage' with the words 'may permit outside activities but not outdoor storage' in the second sentence; and, adding the words 'and the scale of operation' at the end of the second sentence.
10. Part D, Section 14.2.7 is amended by deleting the word 'only' after the word 'permitted'; and deleting the word 'single -' after the word 'principal'; and, adding the words ',or in a non-farm related detached structure directly accessory to the principal residential dwelling,' before the words 'in accordance'
11. Part D, Schedule D1 (General Land Use Plan) is amended by re-designating a portion of the lands known municipally as 101 Linwell Road from Natural Areas to Parkland and Open Space, as identified on Schedule A attached to and forming part of this amendment.
12. Part E, Section 15.1.1 is amended by adding new Subsection k) as follows:
 - ' k) Notwithstanding Section 9.2.3 b) of the Plan, on lands known municipally as 300/302 Lake Street, offices uses are permitted to a maximum 50% of total gross leaseable floor area; and, residential apartment units are permitted on the upper floor of the two storey building.'
13. Part E, Schedule E1 (North Planning District) is amended by re-designating a portion of the lands known municipally as 101 Linwell Road, and the rear portion of lands known municipally as 383 Lake Street, from Parkland and Open Space to Natural Areas, as identified on Schedule B attached to and forming part of this amendment.
14. Part F, Schedule F1 (Parkland and Major Trails) is amended to include the entirety of the former Fairview Golf lands, known municipally as 325 Geneva Street, as Parkland, as identified on Schedule C attached to and forming part of this amendment.
15. Part F, Section 17.11 is amended by revising the definition for Home Based Business to read as follows:
 - ' means an occupation, business, enterprise or service conducted within a dwelling unit and/or accessory structure thereto, is generally undertaken only by residents of the dwelling unit, and which is secondary and subordinate to the principal residential use of the dwelling unit, is small in scale, does not create a public nuisance or adverse effect on abutting

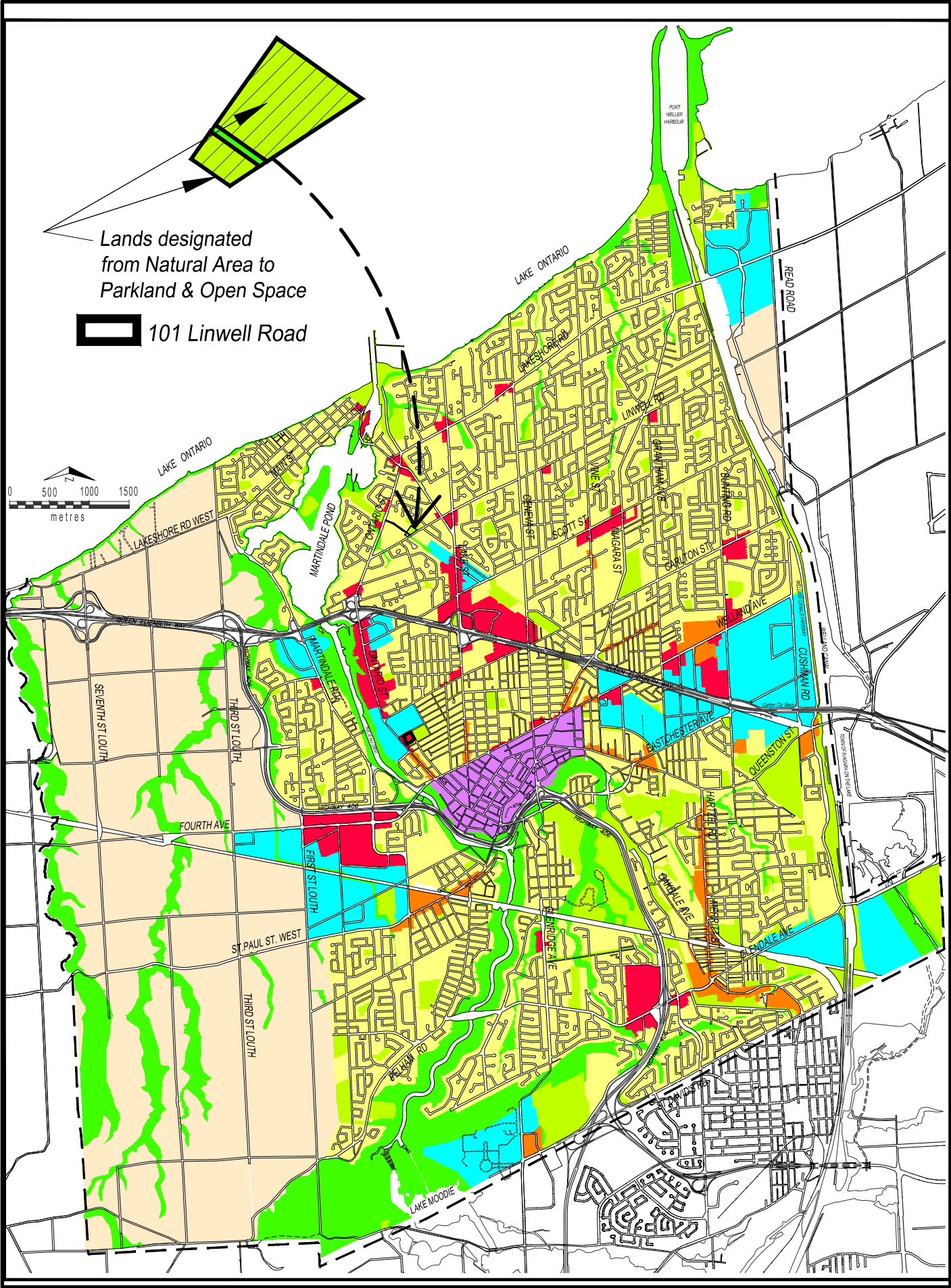
lands or the surrounding neighbourhood, and does not include outdoor storage but may include outdoor activities associated with the home based business.'

PART C – THE APPENDICES

The following Appendices do not constitute part of the amendment to the Official Plan but are included as information supporting the amendment.

- Appendix 1 A copy of the “Public Notice” to citizens which outlines City Council’s intent to consider an amendment to the Official Plan in association with a housekeeping amendment to the City’s Comprehensive Zoning By-law
- Appendix 2 A copy of the staff report which relates to the proposed Official Plan amendment and the associated housekeeping amendment to the City’s Comprehensive Zoning By-law.
- Appendix 3 Minutes of the Public Meeting held in the Council Chambers of City Hall on May 30, 2016.

Schedule A to Amendment No.12 to The Garden City Plan
- General Land Use Plan (Schedule D1) By-Law _____

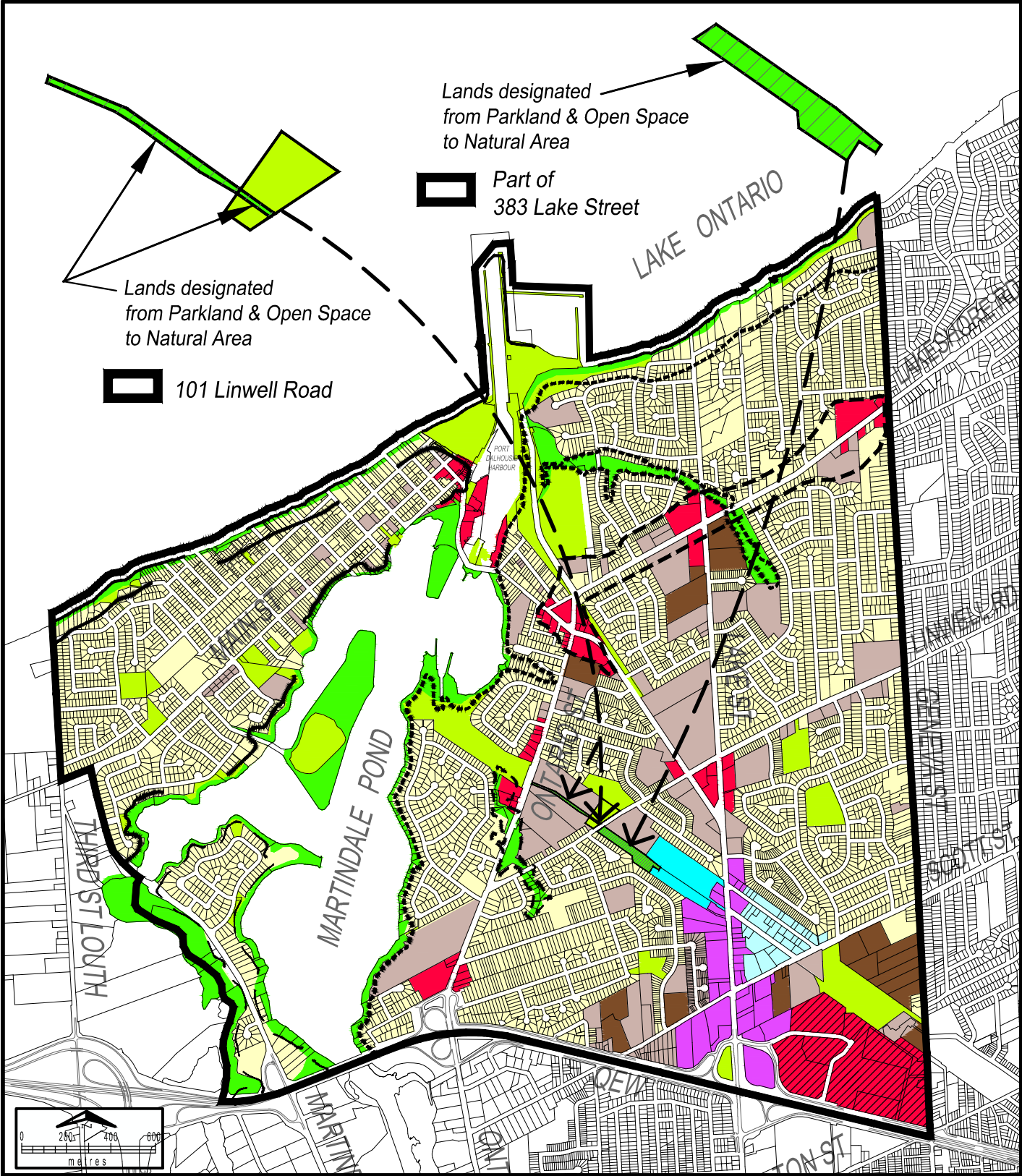


General Land Use Plan

- | | |
|---------------------------|-----------------------|
| Neighbourhood Residential | Parkland & Open Space |
| Employment | Agriculture |
| Commercial | Downtown |
| Mixed Use | Urban Area Boundary |
| Natural Areas | |

Schedule B to Amendment No. 12 to The Garden City Plan

- North Planning District (Schedule E1)By-Law

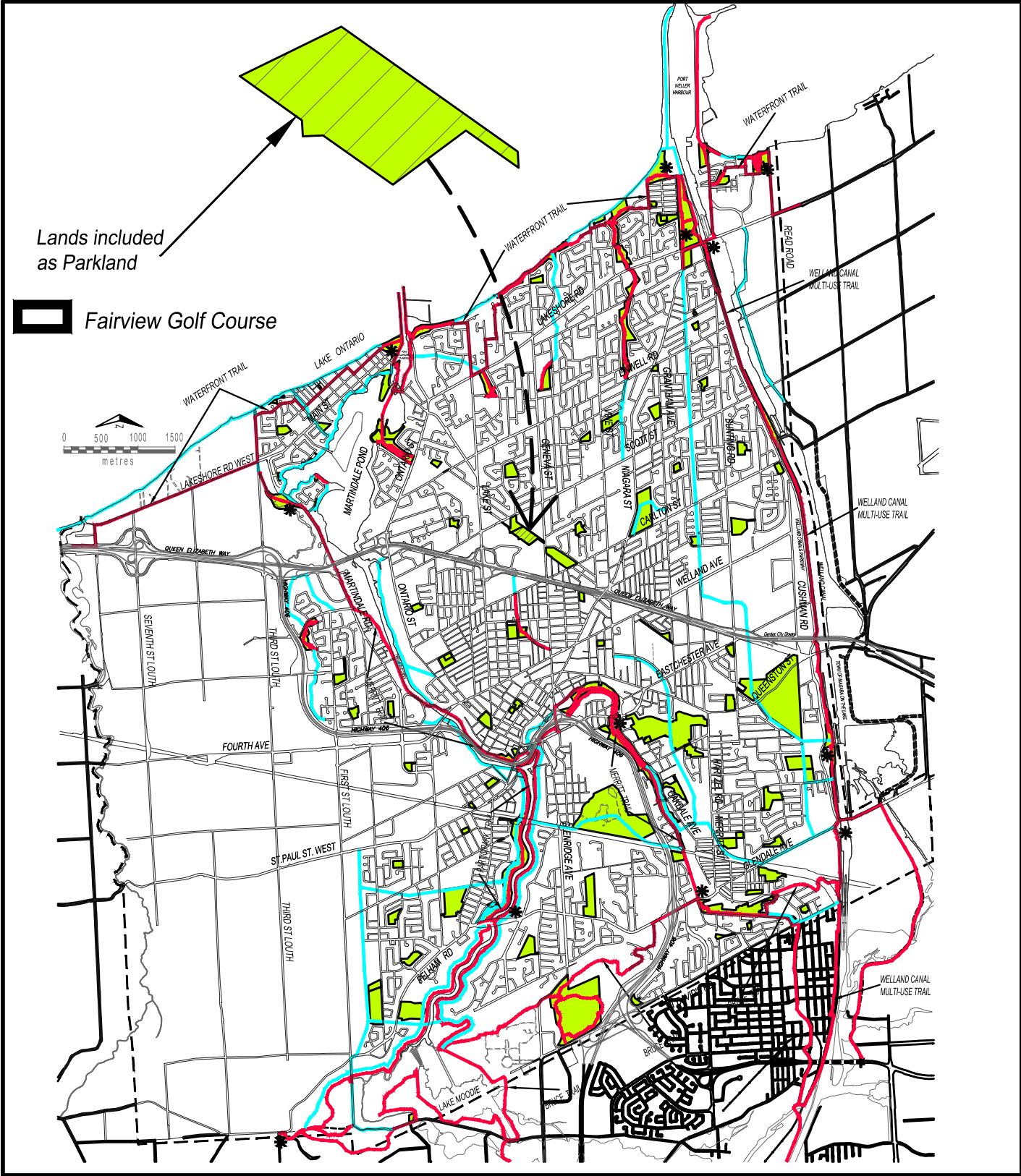


Land Use Designations	
Low Density Residential (20 to 32 units / ha)	Special Study Area
Medium Density Residential (25 to 99 units / ha)	Mixed Use
High Density Residential (85 units / ha or greater)	General Employment
Major Commercial	Business Commercial Employment
Community Commercial	Parkland & Open Space
Arterial Commercial	Natural Areas
	Natural Area Extent Line

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

Schedule C to Amendment No. 12 to The Garden City Plan

- Parkland and Major Trails (Schedule F1) By-Law



Parkland and Major Trails

PARKS

TRAIL SYSTEM

EXISTING TRAILS

FUTURE TRAILS
(MAY INCLUDE EXISTING UNIMPROVED TRAILS,
AND WHERE SHOWN ADJACENT TO AN EXISTING
TRAIL MAY INDICATE FUTURE UPGRADE TO
EXISTING TRAILS)

*

 EXISTING & FUTURE STAGING AREAS

CITY OF ST.CATHARINES
PLANNING AND BUILDING SERVICES
OFFICIAL PLAN JULY 31, 2012

CITY OF ST. CATHARINES

BY-LAW NO. 2016- _____

A By-law to amend By-law No. 2012-154 entitled "A By-law to regulate the erection of signs and other advertising devices in the City of St. Catharines."

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

That By-law No.2012-154 is hereby amended as follows:

- 1) SECTION 1- DEFINITIONS is amended by revising the definition of 'Director' by replacing the word 'Development' with the word 'Building' and removing the word 'his'.
- 2) SECTION 1- DEFINITIONS is amended by adding a new definition for 'Home Based Business' as follows:

" Home Based Business means a use conducted within a dwelling unit and/or accessory structure thereto, and which is secondary and subordinate to the principal residential use of the dwelling unit, does not create a public nuisance or adverse effect on abutting lands or the surrounding neighbourhood, and does not include outdoor storage but may include outdoor activities associated with the home based business.'
- 3) SECTION 1- DEFINITIONS is amended by revising the definition for 'Residential Lands' to read as follows:

'means any land in a Residential Zone, or principal residential dwelling in an Agriculture Zone, in accordance with the City's Comprehensive Zoning By-law 2013-283, as amended.'

4. SECTION 5.1 BUSINESS SIGNS, Subsection (a) is amended by replacing Subsection (a) with new Subsection (a) as follows:

‘(a) One non-illuminated Wall Sign is permitted to be erected, installed and maintained on Residential Lands, either on the building wall of the principal dwelling unit or accessory structure thereto, for the purpose of a Home Based Business or Businesses located on the premises.

The size of the Wall Sign shall not exceed 0.2 square metres (2.15 square feet) in area.’

- 5) This By-law shall come into force and effect on the date of passing by Council.

Read a first time this 30th day of May 2016.

Read a second time this 30th day of May 2016.

Read a third time and passed this 30th day of May 2016.

CLERK

MAYOR

PROPOSED ZONING BY-LAW HOUSEKEEPING AMENDMENT

TRACK CHANGES

The following sets out the track changes to the City's Comprehensive Zoning By-law No. 2013-283 as per the proposed housekeeping amendment.

(Words/numbers *shaded and italicized* represent additions to the By-law. Words/numbers ~~shaded and crossed out~~ represent deletions to the By-law.)

**** Track Change Item 1** (the following relates to By-law Amendment entries 1 to 6)

SECTION 15 MAP SCHEDULES

This section contains maps of the City showing the zoning of each lot, *and* site specific lot information where applicable, ~~and the Natural Area Extent Line showing the extent and limit of all natural heritage features and natural hazard lands currently identified by upper tier government and agencies.~~

SECTION 16 APPENDICES

The appendices contain a series of drawings, illustrations and maps, *including Development Constraints mapping*. The appendices do not constitute part of this By-law but contain information which will be applied in the interpretation and implementation of this By-law.

1.1.3 Interpretation

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other by-law of the City, or any other regulation, requirement or standard of upper tier governments and agencies, including but not limited to the Regional Municipality of Niagara, the Province of Ontario, the Government of Canada, the Canadian National Railway, the Niagara Peninsula Conservation Authority, the Ministry of Transportation, the Ministry of Agriculture Food and Rural Affairs, the Ministry of the Environment, the Niagara Escarpment Commission, and other Provincial and Federal Ministries, departments and agencies.

Appendices 16.1.1 to 16.1.4 identify ~~additional~~ development constraints reference mapping, including Transportation – Provincial Highway Control and Railway Control; the Niagara Natural Environment Screening Layer, the Niagara Escarpment Plan boundary and Development Control Area; Airport Zoning Regulations; currently identified former landfill sites; and currently identified livestock operations where Minimum Distance Separation formulae may be applicable.

~~Schedule D~~ *Appendix 16.1.5 sets out additional development constraints mapping, being the 'Natural Area Extent Line' which identifies the extent and limit of all natural heritage features and natural hazard lands currently identified by upper tier government and agencies where, in addition to zoning shown on the schedules of this By-law, the use of any land within or adjacent to the Natural Area Extent Line may be subject to additional regulations or restrictions by the City, upper tier government or agencies.*

1.1.6 Schedules

The Schedules attached to this By-law form part of this By-law. Schedule A shows the Zones and zone boundaries. Schedules B and C show detailed lot specific information. ~~Schedule D shows the Natural Area Extent Line indicating the extent and the limit of all natural heritage features and natural hazard lands currently identified by upper tier government and agencies.~~

**** Track Change Item 2** (the following relates to By-law Amendment entry 7)

1.1.7 Interpretation of Zone Boundaries

When determining the boundary of any zone as shown on the Schedules forming part of this By-law the following shall apply:

- a) A boundary indicated as following a highway, street, lane, railway right-of-way, or utility corridor shall be construed to be the centreline of such highway, street, lane, railway right-of-way, utility corridor.
- b) A *Conservation/Natural (G1) Zone* boundary indicated as following *the limits of a natural heritage feature or natural hazard lands, and which may include associated buffer areas, a shoreline or a top of bank* shall follow such *limits shoreline or top of bank* as located through survey or other similar means. In the event of a *natural change to the limits of a natural heritage feature or natural hazard lands defined more precisely through Watershed Studies, Environmental Planning Studies or Environmental Impact Studies (EIS) approved by the Niagara Peninsula*

Conservation Authority and other government or regulatory authority and mapping, in the shoreline or top of bank, the Conservation/Natural Area (G1) Zone boundary shall move with the change to the limits as so defined. actual shoreline or top of bank.

- c) A boundary indicated as following lot lines or the municipal boundaries of the City of St. Catharines shall follow such lot lines or municipal boundary.
- d) Where none of the above applies, the zone boundary shall be scaled from the Schedule(s).

****Track Change Item 3** (the following relates to By-law Amendment entries 8 to 10)

2.1 Accessory Uses to a Dwelling

2.2.1 Interior Accessory Dwelling Unit

One interior accessory dwelling unit is permitted in any detached dwelling, semi-detached dwelling unit or townhouse dwelling unit provided the following:

- a) The interior accessory dwelling unit is entirely within the exterior walls of the principal building *dwelling unit*;
- b) The floor area of the interior accessory dwelling unit shall not exceed 60 m² or 40% of the floor area of the building *dwelling unit (including the basement)* excluding an attached garage, whichever is less; and
- c) The lot complies with all other provisions of this By-law.

Interior accessory dwelling unit is not permitted in a Private Road Development.

2.2.2 Detached Accessory Dwelling

Where permitted by Section 13 Special Provision, a detached accessory dwelling unit shall be subject to Section 2.1 b) to f), Section 2.1.1, and the following provision:

- a) The floor area shall not exceed 105 m² or 40% of the floor area of the principal dwelling unit *(including the basement)*, whichever is less;

2.2.3 One Accessory Dwelling Unit

One accessory dwelling unit, either interior or detached, is permitted per principal dwelling unit.

****Track Change Item 4** (the following relates to By-law Amendment entries 11 to 22)

2.2.4 Home Based Business

A home based business is permitted *in any zone* within a *principal dwelling unit (including the use of an attached garage), accessory structures thereto, and within an interior accessory dwelling unit, in any zone* subject to the following regulations:

- a) Uses that are not permitted:
 - i. automotive related uses
 - ii. small engine repair
 - iii. kennel, ~~except in the Agriculture (A1) Zone~~
 - iv. *restaurant*
 - v. *nightclub*
 - vi. *animal care establishment*
- b) No machinery or processes which emit noise, vibration, glare, fumes, odour, dust, radio, ~~or~~ *or telecommunication transmission* interference beyond the premises are permitted in conjunction with a home based business;
- c) *More than one home based business may exist within a principal dwelling unit (including attached garage) and accessory structures thereto, and a home based business may be segmented between the above, provided that the total cumulative size of the home based business or businesses does not exceed The use occupies a maximum floor area of 25% of the gross floor area of the principal total dwelling unit (excluding attached garage and accessory structures) floor area, to a maximum of 40 m².*

In addition to the above, a home based business or businesses is permitted in an interior accessory dwelling unit provided that the business or businesses do not exceed 25% of the total gross floor area of the interior accessory dwelling unit.
- d) *Outside activities are permitted but* There shall be no outdoor storage associated with ~~a the~~ home based business;

- e) The home based business shall be conducted by a person(s) residing in the *principal dwelling unit and/or a detached accessory dwelling unit*, and may include one non-resident employee *or volunteer or assistant at any one time for all of the home based businesses located in the principal dwelling unit (including attached garage) and/or accessory structures.*

A home based business located in an interior accessory dwelling unit is not permitted to have a non-resident employee, volunteer or assistant other than a resident of the principal dwelling unit or a detached accessory dwelling unit thereto.

- f) The sale of goods that are incidental to ~~a~~ the home based business shall be permitted;
- g) ~~Only one hairdressing chair is permitted;~~ *One sign for all home based businesses located on the premises is permitted in accordance with the City's Sign By-law no. 2012-154, as amended.*
- h) ~~The use is not permitted in an attached garage or accessory structure; and~~ *The total cumulative number of on-site clients or attendees of lessons, classes, instruction, treatment or service provided by a home based business or businesses located in a principal dwelling unit and dwelling units and structures accessory thereto shall be limited to a maximum of 5 at any one time, and no more than a total of 20 over a consecutive 24 hour period.*
- i) The residential appearance and character of the premises shall be maintained.

2.2.4.1 Bed and Breakfast

A bed and breakfast is ~~a~~ permitted ~~use~~ within a detached dwelling and/ or detached accessory dwelling subject to Section 2.2.4 and the following additional regulations:

- a) Despite Section 2.2.4. c), a maximum of 4 rental rooms are permitted; and
- b) The bed and breakfast shall provide meals to guests of the bed and breakfast only.

2.2.4.2 Home Daycare

A home daycare is permitted subject to Section 2.2.4 and the following:

- a) The maximum number of non-resident persons being supervised is five;
- b) Section 2.2.4 c) does not apply.

2.2.4.3 Kennels

Despite Section 2.2.4 c) and h), a kennel is permitted in the Agriculture (A1) Zone, subject to the following:

- a) Also permitted in an accessory structure, and may include enclosed outdoor exercise areas or pens;
- b) Shall not exceed 93 m² glfa, inclusive of outdoor exercise areas or pens; and
- c) A minimum setback of 60 m from any property lot line for all kennel related facilities.

****Track Change Item 5** (the following relates to By-law Amendment entries 23 and 24)

2.5 Corner Lot Sight Triangle

Unobstructed sight triangles are required on all corner lots in all zones.

The area within a **corner lot** sight triangle shall be determined by measuring from the point of intersection of the front and exterior side lot lines on a corner lot to a point along each such lot line as set out in **the following table** Section 2.5.1, and joining such points with a straight line.

2.5.1 Sight Triangle Table

— Sight triangles shall be established in accordance with the following:

Zone	Minimum Distance along Each Lot Line from Corner
Residential Zones	6 m
All Other Zones	7.5 m

**** Track Change Item 6** (the following relates to By-law Amendment entries 25 and 30)

2.10 Permitted Encroachments

Except where otherwise permitted in this By-law every part of any required yard for a building or structure shall be open and unobstructed from the ground to the sky except for:

2.10.1 General Structures

Structure Type	Yard Permitted	Maximum Encroachment Into the Required Yard
Eaves and Gutters	All	to be within 0.15 m of the lot line
Uncovered Stairs or Ramps to first Storey	All	to lot line
Chimneys	All	0.6 m
Fire Escapes and Exterior Staircases, including a Landing	Interior side , and E xterior side, Rear	1.2 m
Cantilever – Walls or Windows	All	0.3 m and no greater than 50% of the total area of the wall facade
	Front and Rear	0.6 m and no greater than 25% of the total area of the wall facade

2.10.2 Platform Structure (Deck, Porch, Balcony, **Patio**)

	Height of Platform		
	Height above the grade from 0.15 m to 0.6 m*	Height above the grade more than 0.6 m and less than 1.2 m	Height above the grade 1.2 m or greater

Minimum Setback from Exterior Side Lot Line**	3 m	3 m	Required exterior yard of principal building
Minimum Setback from Interior Side Lot Line**	Required interior side yard of principal building		
Minimum Setback from Rear Lot Line**	1.8 m	3 m	4.5 m
Minimum Setback from Front Lot Line**	3 m	3 m	Required front exterior yard of principal building
Maximum Area**	50% of the yard in which it is located	50% of the yard in which it is located	30 m ²

* A Platform Structure less than 0.15 m above grade is defined as Landscaped Open Space.

** For private road development, the minimum setback from a specified lot line, and maximum area, as set out in the table above, will be taken as the minimum setback and maximum area in the corresponding yard for the individual dwelling unit.

** Track Change Item 7 (the following relates to By-law Amendment entries 31 to 34)

2.15.1 Existing Lots

Despite the provisions of this By-law to the contrary, a lot held in separate ownership from adjoining parcels on the date of the passing of this By-law, or a lot as shown on any plan of subdivision registered prior to the passing of this By-law, that is zoned to permit a detached dwelling but is not in compliance with the minimum lot frontage and/or minimum lot area requirements of this By-law, may be used for a detached dwelling purpose permitted in this By-law in the zone applicable for that lot, provided that all other provisions in this By-law are met.

2.15.4 Lots Deemed to Comply

Where a lot is created to permit the conveyance of a semi-detached, street townhouse or quadruplex dwelling unit, the lot shall be deemed to comply with the minimum landscaped open space, maximum lot coverage for accessory structures, and maximum residential parking coverage and **driveway** width requirements of this By-law as long as the original lot subject to the conveyance complied with these provisions prior to creation of the new lot.

2.15.5 Rebuilding and Extensions

~~Despite the provisions of this By-law, a lawfully existing building or structure lawfully constructed prior to the date of passing of this By-law and which has less than any of the yard requirements of this By-law, may be enlarged, repaired or renovated, provided that the enlargement, repair or renovation does not further reduce the existing yard(s), and all other provisions of this By-law are met.~~

2.17 Average Building Line

The minimum front yard and/or minimum exterior side yard may be reduced to the average of the established front and/or exterior side yards on abutting lots on either side of the subject lot, **provided that, with the exception of the Downtown Traditional Main Street (C6) Zone, the building line is setback a minimum 1 m from the lot line to be established by any required public acquisition of lands.** On a corner lot, the average of the established front and / or exterior side yard will be taken from the immediate abutting lot and the lot across the road on the same side of the road.

**** Track Change Item 8** (the following relates to By-law Amendment entries 35 and 36)

2.19 Development Constraints

In addition to the zone provisions of this By-law, lands may be subject to additional regulation or restriction of use by the City, upper tier government or agencies as set out in Section 1.1.3 of this By-law, including but not limited to:

- a) **f)** Lands within or adjacent to the Natural Area Extent Line as set out on ~~Schedule D of this By-law~~ **(Appendix 16.1.5)**. Any land within or adjacent to the Natural Area Extent Line may be subject to additional regulation or restriction of use with respect to protection, preservation, restoration, maintenance or improvement of natural heritage features and natural hazard lands.

- h) a) Lands subject to Provincial Highway Control or Railway Development Constraints (Appendix 16.1.1).
- e) b) Lands within the Niagara Natural Environment Screening Layer (Appendix 16.1.2).
- d) c) Lands subject to Airport Zoning Regulations (Appendix 16.1.3).
- e) d) Lands within or adjacent to Landfill Sites (Appendix 16.1.4).
- f) e) New or expanded livestock operations, and new development in proximity to existing livestock operations where Minimum Distance Separation formulae of the Province of Ontario may apply (Appendix 16.1.4).

**** Track Change Item 9** (the following relates to By-law Amendment entries 37 to 42)

3.9 Residential Parking

On a residential lot with 4 or fewer dwelling units the following provisions shall apply:

	Front Yard and / or Exterior Side Yard
Maximum Parking Area Coverage	50 %
Maximum Width	7.5 m or 50% of the front or exterior side lot line distance lot frontage, whichever is less

3.12 Required Parking

All uses permitted by this By-law shall provide required parking spaces as set out in this Section. Tandem parking shall not be permitted, except where otherwise noted.

3.12.1 Residential Uses

Permitted Uses	Min. Parking Spaces Per Dwelling Unit
Apartment Building	1.25
Apartment Dwelling Unit within a Mixed Use Building ^(b)	1
Accessory Dwelling Unit – Interior ^(a)	1
Accessory Dwelling Unit – Detached	1
Bed and Breakfast	1 space per rental room

Dwelling, Detached	1
Dwelling, Duplex	1
Dwelling, Fourplex	1
Dwelling, Quadruplex	1
Dwelling, Semi-Detached	1
Dwelling, Triplex	1
Permitted Uses	Min. Parking Spaces Per Dwelling Unit
Long Term Care Facility	0.4 per dwelling unit and per care bed
Private Road Development	1.25 (a)
Townhouse	1
Special Needs Housing	2 (a)

3.13 Landscape Provisions for Parking Areas

3.13.1 Landscape Buffer Provisions

A landscape buffer shall be provided between the edge of any parking area and an abutting lot line(s) **or zone boundary line** in accordance with the following table:

	Parking area with 5 to 20 parking spaces	Parking area with more than 20 parking spaces but fewer than 100	Parking area with 100 or greater parking spaces
Lot Line Abutting a Public Road	3 m	3 m	6 m
Lot Line Not Abutting a Public Road	-	3 m	3 m
Lot Line Abutting a Residential, or Institutional or Green Space Zone	3 m	3 m	4 m
Abutting a Green Space Zone boundary line	3m	3m	3m

3.13.2 Minimum Landscaped Open Space Within Parking Areas

A minimum landscaped open space equal to 10% of the parking area shall be required within all parking areas with 100 or more parking spaces.

3.14 Drive-Thru Facility

A drive-thru facility shall be subject to the following provisions:

- a) A minimum 3 m wide landscape buffer shall be provided between a drive-thru facility and a public road; and
- b) Shall be located no closer than 7.5 m to a Residential, Institutional or Green Space zone.
- c) *Each drive-thru stacking lane parking space shall be a minimum 2.6m in width and 5.2 m in depth.*

3.14.1 Drive-Thru Facility Stacking Lanes

The minimum number of stacking lane parking spaces for drive-thru facilities shall be:

Use	Minimum number of stacking lane tandem parking spaces
Restaurant	10 spaces
All other uses	3 spaces

**** Track Change Item 10** (the following relates to By-law Amendment entry 43)

4.2 Uses and Zones

The following sets out the uses permitted within the zones contained in this By-law. The placement of the zone symbol opposite the permitted use indicates the zone(s) in which the use is permitted. The table must be read in conjunction with the regulations for each zone as established in Sections 5 to 11. Other uses may be permitted by special provisions as set out in Section 13 of this By-law.

PERMITTED USES			
Employee Convenience Facilities	E1(a)	E2(a)	

PERMITTED USES				
Home Based Business				A1 ^(a)
Home Based Business Kennel				A1 ^(a)
Home Industry				A1 ^(a)

4.2.1 Footnote to Section 4.2 Uses and Zones

- a) Only permitted as an accessory use.

****Track Change Item 11** (the following relates to By-law Amendment entries 44 to 46)

5.2.1 Footnotes for Section 5.2 Permitted Uses

- a) Residential Convenience Uses shall be permitted **on the ground floor** subject to the following provisions:
- i) No individual use shall exceed ~~300~~ **150** m² glfa; and
 - ii) The combined maximum glfa of all uses shall not exceed ~~53~~ **53**% of the total residential gross floor area on the premises.

**** Track Change Item 12** (the following relates to By-law Amendment entries 47 to 65)

5.3 Provisions for Residential (R1) ZONE

Permitted Uses	Minimum Yards			
	Front Yard (e)	Rear Yard	Interior Side Yard	Exterior Side Yard (e)
Dwelling, Detached	6 m to dwelling / 7 m to garage	7.5 m	1.2 m	4 m to dwelling/ 6 m to garage
Dwelling, Semi-detached	6 m to dwelling / 7 m to garage	7.5 m	1.2 m ^(c)	4 m to dwelling/ 6 m to garage

Permitted Uses	Minimum Yards			
	Front Yard (e)	Rear Yard	Interior Side Yard	Exterior Side Yard (e)
Dwelling, Quadruplex	6 m to dwelling / 7 m to garage	7.5 m ^(c)	1.2 m ^(c)	4 m to dwelling/ 6 m to garage
Townhouse	6 m to dwelling / 7 m to garage	7.5 m	1.2 m ^(c)	4 m to dwelling/ 6 m to garage
Private Road Development ^(b)	6 m to dwelling / 7 m to garage	See Section 5.7		4 m to dwelling/ 6 m to garage

5.3.1 Footnotes for Section 5.3 Provisions for Residential (R1) Zone

- (a) Minimum lot frontage shall be per dwelling unit
- (b) Private Road Development shall permit all dwelling types that are permitted in the Low Density Residential – Suburban Residential (R1) Zone.
- (c) Common walls shall be centred on the common lot line. (See Section 2.4)
- (d) Accessory dwelling units shall not be included in the calculation of lot area, lot frontage, or density, nor shall accessory dwelling units be included in the maximum number of attached dwelling units.
- (e) *The yard requirement for garage applies to an attached garage and to the yard from which the attached garage is accessed by a driveway.*

5.4 Provisions for Residential (R2) ZONE

Permitted Uses	Lot Area per Dwelling Unit ^(e)		Front Yard ^(f)	Exterior Side Yard ^(f)
	Min.	Max.		
Dwelling, Detached	300 m ²	465 m ²	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Dwelling, Semi-detached	280 m ² ^(d)	465 m ² ^(d)	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Dwelling, Duplex	280 m² 560 m ²	465 m² 930 m ²	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6

Permitted Uses	Lot Area per Dwelling Unit ^(e)		Front Yard ^(f)	Exterior Side Yard ^(f)
	Min.	Max.		
				m to garage
Dwelling, Triplex	280 m ² 840 m ²	465 m ² 1395 m ²	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Dwelling, Fourplex	280 m ² 1120 m ²	465 m ² 1860 m ²	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Dwelling, Quadruplex	280 m ² ^(d)	465 m ² ^(d)	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Townhouse	280 m ²	-	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Private Road Development ^(b)	280 m ² ^(d)	-	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage

5.4.1 Footnotes for Section 5.4 Provisions for Residential (R2) Zone

- (a) Minimum lot frontage shall be per dwelling unit
- (b) Private Road Development shall permit all dwelling types that are permitted in the Low Density Residential – Traditional Neighbourhood (R2) Zone.
- (c) Common walls shall be centred on the common lot line. (see Section 2.4)
- (d) Lot Area is per ~~Per ground floor~~ dwelling unit
- (e) Accessory dwelling units shall not be included in the calculation of lot area, lot frontage, or density, nor shall accessory dwelling units be included in the maximum number of attached dwelling units.

(f) The yard requirement for garage applies to an attached garage and to the yard from which the attached garage is accessed by a driveway.

5.5 Provisions for Residential (R3) ZONE

Permitted Uses	Lot Area per Dwelling Unit ^(d)		Front Yard (f)	Exterior Side Yard (f)
	Min.	Max.		
Dwelling, Detached	275 m ²	370 m ²	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Semi-Detached	200 m ² (c)	350 m ² (c)	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Duplex	140 m² 280 m ²	350 m² 700 m ²	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Triplex	140 m² 420 m ²	350 m² 1050 m ²	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Quadruplex	140 m ² (c)	350 m ² (c)	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Fourplex	140 m² 560 m ²	350 m² 1400 m ²	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Townhouse	165 m ² (c)	350 m ² (c)	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Private Road Development (a)	-	-	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Apartment Building / Long Term Care Facility on a Local / Collector Road	-	-	5 m	5 m
Apartment Building / Long Term Care Facility on an Arterial Road	-	-	5m for portion of building less than 16 m in height / 7m	5 m for portion of building less than 16 m in height

Permitted Uses	Lot Area per Dwelling Unit ^(d)		Front Yard ^(f)	Exterior Side Yard ^(f)
	Min.	Max.		
			for portion of building 16 m in height or greater	/ 7 m for portion of building 16 m in height or greater

5.5.1 Footnotes for Section 5.5 Provisions for Residential (R3) Zone

- (a) Private Road Development shall permit all dwelling types that are permitted in the Medium Density Residential (R3) Zone
- (b) Minimum lot frontage shall be per dwelling unit
- (c) **Lot Area is per Per ground floor dwelling unit**
- (d) Accessory dwelling units shall not be included in the calculation of lot area, lot frontage, or density, nor shall accessory dwelling units be included in the maximum number of attached dwelling units.
- (e) Common walls shall be centred on the common lot line (see Section 2.4)
- (f) **The yard requirement for garage applies to an attached garage and to the yard from which the attached garage is accessed by a driveway.**

5.6 Provisions for Residential (R4) Zone

Permitted Uses	Min. Lot Frontage	Front Yard ^(c)	Exterior Side Yard ^(c)
Dwelling, Triplex	16 m	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Dwelling, Fourplex	18 m	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Dwelling, Quadruplex	6 m ^(b)	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage

Townhouse	6 m ^(b) ^(e)	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Private Road Development ^(a)	12 m	3 m to dwelling / 6 m to garage	3 m to dwelling/ 6 m to garage
Apartment Building / Long Term Care Facility	30 m	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater

5.6.1 Footnotes for Section 5.6 Provisions for Residential (R4) Zone

- (a) Private Road Development shall permit all dwelling types that are permitted in the High Density Residential (R4) Zone.
- (b) Minimum lot frontage shall be per dwelling unit.
- (c) ~~Per ground floor dwelling unit.~~ The yard requirement for garage applies to an attached garage and to the yard from which the attached garage is accessed by a driveway.
- (d) Common Walls shall be centred on the common lot line (see Section 2.4)
- (e) Accessory dwelling units shall not be included in the calculation of lot frontage or density, nor shall accessory dwelling units be included in the maximum number of attached dwelling units.

5.7 Additional Private Road Development Provisions

On Private Road Developments, all dwellings except apartment buildings and long term care facilities shall be subject to the following additional requirements. Apartment buildings and long term care facilities in Private Road Developments in the R3 or R4 Zone are subject to the applicable yard and height regulations for apartment buildings and long term care facilities as set out in Section 5.5 or 5.6.

**** Track Change Item 13** (the following relates to By-law Amendment entries 66 to 69)

6.2 Permitted Uses

USES	Zones			
Emergency Service Facility		C2 ^(h)	C3	C4 ^(h) C5

6.2.1 Footnotes for Section 6.2 Permitted Uses

- Only permitted above or below the first storey.
- Must be located on the same lot as commercial uses, to a maximum 15% lot coverage.
- Motor vehicle sales / rental service centres are not permitted.
- Dwelling units are only permitted above, to the rear and/or below non-residential uses.
- Only permitted with other uses to a maximum 10% of total site glfa.
- Also permitted in upper storeys if in conjunction with a first floor non-residential use.
- Apartment buildings only permitted north of Carlisle Street.
- Constitutes a non-commercial use.

6.4 Provisions for Commercial (C1) to (C4) Zones

Zone	Min. Front Yard	Max. Front Yard	Min. Exterior Side Yard	Max. Exterior Side Yard	Min. Front Yard	Max. Front Yard
C1	3 m	24 m	3 m	24 m	3 m	24 m
C2	3 m	24 m	3 m	24 m	3 m	24 m
C3	3 m	24 m	3 m	24 m	3 m	24 m
C4	3 m	24 m	3 m	24 m	3 m	24 m

6.4.1 Footnotes for Section 6.4 Provisions for Commercial (C1) to (C4) Zones

- Maximum 370 m² glfa per individual non-residential use
- Where non-residential glfa exceeds 370 m², apartment dwelling units shall be provided on the same lot at a density range of between 20 and 32 dwelling units per hectare. *Where non-residential glfa is 370 m² or less, and where apartment dwelling units are provided in conjunction therewith, the residential density shall not exceed 32 dwelling units per hectare.*
- Limit per use.
- Non-commercial uses are set out under Section 6.2.

7.3.4 3 Adult Oriented Entertainment Establishment

Adult Oriented Entertainment Establishments are not permitted on any lot:

- a) Within 150 m of any Residential Zones, Mixed Use Zones, Institutional Zones, Green Space Zones, the Downtown Commercial Core (C5) Zone, or the Downtown Traditional Main Street (C6) Zone;
- b) Within 150 m of the municipal boundary;
- c) Within 150 m of Glendale Avenue, Queenston Street, Welland Canals Parkway, Lakeshore Road, Fourth Avenue, and St. Paul Street West; and
- d) Within 1000 m of another Adult Oriented Entertainment Establishment.

7.3.5 4 Street Facing Façades

Exterior walls facing a public road shall not be constructed of concrete blocks unless the blocks are decorative masonry units; or used in a decorative pattern or surfaced with stucco; or with a permanent coloured finish which does not include paint.

7.3.6 5 Front Yard and Exterior Side Yard Parking Areas

In addition to the General Parking Provisions set out in Section 3 of this By-law all parking areas in the front yard and/or the exterior side yard shall be:

- a) Paved with concrete or asphalt;
- b) Defined by poured concrete curbing; and
- c) Clearly marked with pavement markings for each parking space.

7.3.7 6 Vehicle Wash Bays

Vehicle wash bays, other than those located entirely within an enclosed building are not permitted in a yard abutting a Residential Zone, Institutional Zone, or Mixed Use Zone.

7.3.8 7 Outdoor Storage and Outdoor Processing

Outdoor storage and outdoor processing is subject to the provisions outlined in Section 2.9 of this By-Law and the following:

- a) Outdoor storage and outdoor processing is not permitted in any yard that abuts a Provincial 400 series Highway or an arterial or collector road as shown on Appendix 16.1.1.
- b) No outdoor scrap yard, recycling storage yard, or outdoor processing shall be located closer than 150 m to any Residential, Mixed Use, Institutional or Green Space zone.

- c) In Business Commercial Employment Zones (E1) the total of all outdoor storage yards cannot occupy more than 10 % of the total glfa on a lot.
- d) No outdoor processing is permitted in the Business Commercial Employment (E1) zones.

**** Track Change Item 14** (the following relates to By-law Amendment entries 70 to 79)

8.3 Provisions for Stand Alone Residential Buildings in Mixed Use (M1) Zone

Permitted Uses	Lot Area per Dwelling Unit ^(e)		Min. Lot Frontage ^(e)	Min. Front Yard ^(g)	Min. Exterior Side Yard ^(g)
	Min.	Max.			
Dwelling, Triplex	100 m² 300 m ²	250 m² 750 m ²	16 m	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Fourplex	100 m² 400 m ²	250 m² 1000m ²	18 m	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Townhouse	100 m ² (c)	250 m ² (c)	6 m ^(b)	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Private Road Development ^(a)	100 m ² (c)	250 m ² (c)	12 m	3 m to dwelling / 6 m to garage	3 m
Apartment Building / Long Term Care Facility	100 m ² (c)	250 m ² (c)	20 m	6 m	6 m

8.4 Provisions for Stand Alone Residential Buildings in Mixed Use (M2) Zone

Permitted Uses	Lot Area per Dwelling Unit ^(e)		Min. Lot Frontage ^(e)	Min. Front Yard ^(g)	Min. Exterior Side Yard ^(g)
	Min.	Max.			
Dwelling, Detached	-	165 m ²	8 m	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Semi-Detached	100 m ²	165 m ²	6.5 m ^(b)	3 m to dwelling/6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Duplex	100 m² 200 m ²	165 m² 330 m ²	8 m	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Triplex	100 m² 300 m ²	165 m² 495 m ²	16 m	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Fourplex	100 m² 400 m ²	165 m² 660 m ²	18 m	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Quadruplex	100 m ² (c)	165 m ² (c)	6 m ^(b)	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Townhouse	100 m ² (c)	165 m ² (c)	6 m ^(b)	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Private Road Development ^(a)	100 m ² (c)	165 m ² (c)	12 m	3 m to dwelling / 6 m to garage	3 m
Apartment Building / Long Term Care Facility	45 m ² (c)	165 m ² (c)	20 m	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater

8.5 Provisions for Stand Alone Residential Buildings in Mixed Use (M3) Zone

Permitted Uses	Lot Area per Dwelling Unit ^(e)		Min. Lot Frontage ^(e)	Min. Front Yard ^(g)	Min. Exterior Side Yard ^(g)
	Min.	Max.			
Dwelling, Triplex	75 m² 225 m ²	115 m² 345 m ²	16 m	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Dwelling, Fourplex	75 m² 300 m ²	115 m² 460 m ²	18 m	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Townhouse	75 m ² (c)	115 m ² (c)	6 m ^(b)	3 m to dwelling / 6 m to garage	3 m to dwelling / 6 m to garage
Private Road Development ^(a)	75 m ² (c)	115 m ² (c)	12 m	3 m to dwelling / 6 m to garage	3 m
Apartment Building / Long Term Care Facility	-	115 m ² (c)	20 m	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater

8.6 Footnotes for Section 8.3, 8.4 and 8.5 Provisions for Stand Alone Residential Buildings in Mixed Use (M1), (M2) and (M3) Zones

- Private Road Development in the M1, M2 and M3 Zones shall permit the dwelling types permitted in the applicable zones.
- Minimum lot frontage shall be per dwelling unit.
- ~~Lot Area is per~~ Per ground floor dwelling unit.
- A minimum amenity space, at or above grade shall be provided on each lot, at a total equal to or greater than 10% of the ground floor area of the building. Each amenity space shall have a dimension of not less than 1.5 m in width, and shall not be permitted to extend into any required yard.

- e) Accessory dwelling units shall not be included in the calculation of lot area or lot frontage, nor shall accessory dwelling units be included in the maximum number of attached dwelling units.
- f) Common walls shall be centred on the common lot line (See Section 2.4).
- g) *The yard requirement for garage applies to an attached garage, and to the yard from which the attached garage is accessed by a driveway*

**** Track Change Item 15** (the following relates to By-law Amendment entries 80 to 82)

SECTION 11 AGRICULTURE

No person shall use any lot or construct, alter or use any building or structure in any Agricultural Zone except in accordance with Sections 11.1 to 11.5 of this By-law. In addition to the above, any lot may be subject to additional regulation or restriction of use by the City, upper tier government or agencies. Refer to Section 1.1.3 and Section 2.19 of this By-law.

11.2 Permitted Uses

Principal Uses	Zones		
Agriculture Farm Related Commercial or Industrial ^(a)	A1		A3
Agriculture Farm	A1	A2	A3
Dwelling, Detached	A1		
<i>Kennel</i>	<i>A1</i>		

11.2.1 Footnotes for Section 11.2 Permitted Uses

- a) The maximum size of an agriculture farm related commercial or industrial building operation, including outdoor storage and processing shall be 930 m² glfa.

11.3 Provisions for Agriculture (A1) Zone

Permitted Uses	Min. Lot Area	Min. Lot Frontage	Minimum Yards				Max. Building Height	Max. Lot Coverage
			Front	Rear	Interior Side	Exterior Side		
Agriculture Farm	16.2 ha	60 m	15 m	15 m ^(a)	15 m ^(a)	15 m	15 m	20% ^(b)
Detached Dwelling	4,050 m ²	40 m	9 m	11 m	3 m	5 m	11 m	5% when not associated with an agr. use
Building and Structures Accessory to Permitted Uses and/or Permitted Accessory Uses ^(c)	-	-	9 m ^(d)	2 m	2 m	5 m ^(d)	6 m	-
Agriculture Farm Related Commercial or Industrial	-	-	12 m	7.5 m	6 m	12 m	14 m	
Kennel			60 m	60 m	60 m	60 m	11m	20%

**** Track Change Item 16** (the following relates to By-law Amendment entry 83)

Home Based Business: means a use conducted within a dwelling unit, and/or accessory structure thereto, which is secondary to the ~~primary~~ **principal** residential use of the dwelling unit, **does not create a public nuisance or adverse effect on abutting lands or the surrounding neighbourhood, and does not include outdoor storage but** and may include outdoor activities associated with the home based business.

**** Track Change Item 17** (the following relates to By-law Amendment entry 84 to 86)

Hospital: means an institution providing medical and surgical treatment and registered professional nursing care for sick or injured people.

Office: means a building or part thereof where administrative and clerical functions are carried out in the management of a business, profession, organization, or public administration, *and includes medically related functions and services, but not a Hospital.*

Service Commercial: means a non-retail commercial use *and excludes medically related functions and services.*

**** Track Change Item 18** (the following relates to By-law Amendment entry 87 to 89)

Landing: means a minimum unenclosed raised surface area necessary to allow safe ingress and egress to a building.

Landscaped Open Space: means a space used for the growth and maintenance of grass, flowers, shrubs, or similar landscape material and includes landscape buffers, walkways, *platform structures under a certain height above grade* patios, in ground swimming pools, playgrounds and similar facilities but excludes driveways, parking areas, ramps, and curbs.

Platform Structure: means a raised level surface, including but not limited to decks, balconies, *patios* and porches, *but does not include a Landing.*

**** Track Change Item 19** (the following relates to By-law Amendment entry 90 to 92)

Motor Vehicle Repair Garage: means a premises where mechanical repairs on motor vehicles *and/or boats* including *routine maintenance*, painting and body repairs are performed and may include a motor vehicle gas station.

Motor Vehicle Sales / Rental Service Centre: means premises where new and used vehicles *and/or boats* are kept for sale, lease or rent and may include a motor vehicle repair garage.

Parking Area: means a lot, or part thereof *designed and/or* used for the temporary parking of vehicles, including driving aisles, but does not include outdoor storage.

**** Track Change Item 20** (the following relates to By-law Amendment entry 93)

Residential Convenience Use: means a place of worship, service commercial, retail store, day care, ~~common dining facility (not a~~ restaurant), office, or indoor recreation facility that is accessory to an apartment building or long term care facility.

**** Track Change Item 21** (the following relates to By-law Amendment entry 94)

Sight Triangle, Corner Lot: means an unobstructed triangular area where the front lot line and exterior side lot line meet on a corner lot.

**** Track Change Item 22** (the following relates to By-law Amendment entry 95 and 96)

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
19	R3	13		168, 168A, 170 Martindale Road 30 Black Walnut Common 2 and to 36 Tulip Tree Common	
1.	Permitted uses: One apartment building with a maximum of 32 dwelling units				
	a)	Maximum height			16 m
	b)	Minimum setback from private road			3 m
	c)	Minimum parking requirement			1 parking space per unit
	d)	Minimum landscaped open space			25%
2.	Permitted uses: private road development				
	a)	Maximum height			10.8 m
	b)	Minimum setback from private street			2 m to main dwellings 6 m to garage; for 30 Black Walnut Common, the garage may be setback 1.2 m subject to a maximum driveway width of 6 m
	c)	Minimum parking requirement			1.75 spaces per unit. Tandem parking shall be permitted.
	d)	Minimum landscaped open space			25%

	e)	Minimum setback from property line and between dwellings	1 m
	f)	Maximum number of attached units	7 units
	g)	Maximum number of accessory dwelling units per multiple attached dwelling unit	1 unit
	h)	Maximum floor area of accessory dwelling unit	74.32 m ²
	i)	Interior Accessory Dwelling Unit is permitted in a private road development.	
3.	Permitted uses: Bed and Breakfast Inn		
	a)	Maximum number of Bed and Breakfast rooms	8 (excluding owner's residence)
	b)	Maximum height to the peak of the building	16 m
	c)	Minimum setback from private street	3 m
	d)	Minimum parking requirement	1 parking space per bed and breakfast room and two spaces for the owner
	e)	Minimum landscaped open space	25%

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
23	R3	19	8 a & b	179 Rykert Street	
1.	The lands shown as Part Area 1 on Schedule B8a shall be subject to the following:				
	a)	Permitted uses	Detached dwellings Semi-detached dwellings		
	b)	Minimum lot frontage	10.2 m for detached dwellings 17 m for a semi-detached dwelling (8.5 m per dwelling unit)		
	c)	Minimum lot area	271 m ² for a single detached dwelling 452 m ² for a semi-detached dwelling (226 m ² per dwelling unit)		
	d)	Maximum lot coverage	45%		
	e)	Minimum front yard	5.2 m to dwelling unit 6 m to a garage		
	f)	Minimum exterior side yard	4 m		
	g)	Minimum interior side yard	1.2 m		
	h)	Minimum parking	2 spaces per dwelling unit Tandem parking is permitted		
	i)	Maximum front yard parking area for detached dwellings	30% of the width of the front yard, or a maximum width of 3 m, whichever is less		

Special Provision		Zone	Schedule A	Schedule B	Location	By-law
23		R3	19	8 a & b	179 Rykert Street	
		For semi-detached dwellings		40% of the width of the front yard or a maximum width of 3 m, whichever is less		
	j)	Garages		Attached garages shall be recessed back a minimum of 1.2 m from the front facade of the dwelling or front edge of a porch or deck located in the front yard; and that the garage for the single detached dwelling at the corner of Rykert Street and Westland Street be located within the building envelope as shown on Schedule B 8b.		
2.	The lands shown on Area 2 of Schedule B8b-a shall be subject to the following:					
	a)	Permitted uses		An apartment building		
	b)	Minimum lot frontage		23 m		
	c)	Minimum lot area		0.43 ha		
	d)	Minimum front yard		6 m		
	e)	Minimum rear yard		7.5 m		
	f)	Maximum height		11 m		

**** Track Change Item 23** (the following relates to By-law Amendment entry 97)

47	R3	15	40 Woodburn Avenue	By-law
Provisions for apartment building/retirement dwelling/private road development				
1.	Minimum lot frontage			10 m
2.	Minimum yard from the Municipal Golf Course			6 m
3.	Minimum northerly side yard			10 m
4.	Minimum rear yard (west)			13.5 m
5.	Minimum landscape buffer			4 m along side and rear lot lines abutting an R2 zone
6.	Balconies			Balconies shall be permitted to encroach 1.2 m into any required yard.
7.	A retirement dwelling shall be permitted			
	a)	Retirement dwelling means a building containing dwelling units with a maximum floor area of 60 m ² . Individual dwelling units may not include		

		facilities for cooking, dining, recreation or fitness activities but, rather, have access to facilities within the retirement dwelling for any one or more of these purposes;
	b)	Retirement dwelling shall be subject to apartment building provisions;
8.	Density per hectare:	No maximum number of dwelling units
9.	Section 5.7 shall not apply;	
10.	Additional provisions for private road development – townhouses;	
	a)	Minimum easterly side yard: 6 m
	b)	Minimum parking requirement: 2 spaces per unit, including one space to be provided in an attached garage. Tandem parking is permitted;
11.	Minimum side yard for detached dwelling:	1 m
12.	Maximum number of attached dwelling units:	8
13.	No maximum lot area shall apply to detached dwelling, semi-detached dwelling and duplex.	
Note: Holding Provision H8 also applies to the subject lands.		

**** Track Change Item 24** (the following relates to By-law Amendment entry 98 and 99)

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
62	R3	22	16	527A Glendale Avenue	
1.	Minimum number of units as shown on Schedule B16			Area 1 = 24 Area 2 = 8 Area 3 = 20	
2.	Detached Dwellings are subject to the following provisions:				
	a)	Minimum lot area		270 m ²	
	b)	Minimum lot frontage		11 m	
	c)	Minimum front yard from the <ul style="list-style-type: none"> Front facade of the garage Front facade of the dwelling unit 		6 m 3 m	
	d)	Minimum rear yard <ul style="list-style-type: none"> Lots with a depth of less than or equal to 29 m = 6 m Lots with a depth greater than 29 m = 7.5 m 			
	e)	Minimum exterior side yard		3 m	
	f)	Minimum interior side yard		1.2 m	

	g)	Maximum lot coverage	50%
	h)	Maximum building height	11 m
	i)	Minimum number of parking spaces	2 spaces per dwelling unit; <i>tandem parking is permitted</i>
3.	Street Townhouse Dwellings are subject to the following provisions:		
	a)	Minimum lot area per dwelling unit	208 m ²
	b)	Minimum lot frontage per dwelling unit	7 m
	c)	Minimum front yard from the <ul style="list-style-type: none"> Front facade of the garage Front facade of the dwelling unit 	6 m 3 m
	d)	Minimum rear yard	6 m
	e)	Minimum exterior side yard	3 m
	f)	Minimum interior side yard	1.2 m
	g)	Minimum separation between two interior side walls	2.4 m
	h)	Maximum building height	11 m
	i)	Maximum lot coverage	50%
	j)	Maximum number of attached dwelling units	7
	k)	Minimum number of parking spaces	2 spaces per dwelling unit; <i>tandem parking is permitted</i>
4.	Provisions for Private Road Development		
	a)	Minimum yards	
	i)	Setback from north lot line 6 m to the rear of a dwelling unit and 3 m to the side of a dwelling unit	
	ii)	Setback from south lot line 6 m to the rear of a dwelling unit and 3 m to the side of a dwelling unit	
	iii)	Setback from east lot line 6 m to the rear of the dwelling unit, 6 m to the front of the dwelling unit, 3 m to the side of a dwelling unit, 6 m to the front of a garage	
	iv)	Setback from west lot line 6 m to the rear of a dwelling unit, 3 m to the side of dwelling unit	
	b)	Minimum width of a dwelling unit	6.6 m
	c)	Building Separation	
	i)	Between two side walls	2.4 m
	ii)	Rear wall to side wall	9 m
	iii)	Rear wall to rear wall	12 m
	d)	Maximum lot coverage	40%
	e)	Minimum landscaped open space	35%
	f)	Maximum building height	11 m
	g)	Minimum number of parking spaces	2 spaces per dwelling unit; <i>tandem parking is permitted</i>

	h)	Maximum garage width	Not to exceed 50% of the width of the dwelling unit
5.	Provisions for Apartment Building		
	a)	Minimum frontage	65 m
	b)	Maximum height	13 m and a height of 4 storeys

Special Provision	Zone	Schedule A	Location	By-law
65	R3	20	3 Hainer Street	
Townhouses shall be subject to the following:				
1.	Minimum setback from Hainer Street and St. Paul Crescent		0 m	
2.	Minimum easterly side yard		9 m	
3.	Minimum westerly side yard		1 m	
4.	Minimum lot area		450 m ²	
5.	Maximum lot coverage		77%	
6.	Maximum building height		9 m	
7.	Minimum parking		2 garage spaces per unit; tandem parking is permitted	
8.	Maximum attached dwellings		4	
Note: Holding Provision H20 also applies				

**** Track Change Item 25** (the following relates to By-law Amendment entry 100)

Special Provision	Zone	Schedule A	Location	By-law
124	C3	8	302 Lake Street	
Despite Section 6.2.1 e) of this By-law, office is permitted with other uses to a maximum 50% of total glfa.				
<i>Apartment dwelling units are permitted as an additional use only on the second floor of the building, and are subject to the parking requirements as set out in Section 3.12 of the By-law.</i>				

**** Track Change Item 26** (the following relates to By-law Amendment entry 101 and 102)

Change to Section 15.1 –Zone Maps, Schedule A7 to rezone a portion of the lands known municipally as 101 Linwell Road from Minor Green Space (G2) to Conservation/Natural Area (G1), and from Major Green Space (G3) to Conservation/Natural Area (G1).

Change to Section 15.1 –Zone Maps, Schedule A7 to rezone the rear portion of the lands known municipally as 383 Lake Street Road from Minor Green Space (G2) to Conservation/Natural Area (G1).

**** Track Change Item 27** (the following relates to By-law Amendment entry 103 to 105)

(By-law entry 103)

SECTION 15 SCHEDULES

Schedule A –Zoning Maps

Schedule B – Lot Specific Maps for Special Provisions

Schedule C – Lot Specific Maps for Holding Provisions

~~Schedule D – Natural Area Extent Line~~

(By-law entry 104)

~~15.4 Schedule D – Natural Area Extent Line~~

~~Section 15.4 Schedule D~~ *Appendix 16.1.5 – Development Constraints* - Natural Area Extent Line

(By-law entry 105)

SECTION 16 APPENDICES

Appendix 16.1.1 – Development Constraints – Transportation

Appendix 16.1.2 – Development Constraints – Natural Heritage

Appendix 16.1.3 – Development Constraints – Airport Zoning Regulations

Appendix 16.1.4 – Development Constraints – Landfill Sites and Livestock Operations

Appendix 16.1.5 - Development Constraints – Natural Area Extent Line

Appendix	16.2.1 – Illustration – Sight Triangle
Appendix	16.2.2 – Illustration – Lot Frontage on Public Roads
Appendix	16.2.3 - Illustration - Height
Appendix	16.2.4 - Illustration - Height
Appendix	16.2.5 - Illustration – Average Building Line
Appendix	16.2.6 - Illustration – Parking Space Dimensions
Appendix	16.2.7 - Illustration – Lot Types
Appendix	16.2.8 - Illustration – Yard Definitions
Appendix	16.2.9 - Illustration – Basement and Storey Definition
Appendix	16.2.10 - Illustration- Parking for Recreation Vehicle, Boat, Recreation Trailer, Utility Trailer
Appendix	16.2.11 - Kushner Metric Conversion Table

Zoning By-law Housekeeping Amendment - Summary Explanation and Context/Purpose of Proposed Revisions

Track Change Item #	Related By-law Item #	Context/ Purpose	Summary Explanation
1, 8, 28	1 to 6, 35, 36, 103 to 105	Natural Area Extent Line mapping Minor - streamline implementation	Changes Schedule D maps (Natural Area Extent Line) to Appendices; The intent of Natural Area Extent Line mapping is to assist with interpretation of the By-law. Mapping may change subject to updated mapping from upper tier gov't, agencies (NPCA, MNR, etc.). By reclassifying maps as appendices vs. schedules, changes to Natural Area Extent Line mapping to coincide with approved updated mapping from upper tier gov't/agencies may be made without formal amendment to the Zoning By-law.
2	7	Natural Area mapping Minor- clarify interpretation, implementation	Clarifies that a Conservation/Natural Area (G1) Zone boundary may move, without a formal amendment, based on a natural change to <u>any</u> natural heritage feature or lands (vs. just changes to a shoreline or top-of bank) and subject to approved natural changes identified by upper tier gov't or agency (NPCA, MNR, etc.).
3	8,9,10	Accessory Apts. Minor - clarify interpretation	Clarifies what constitutes the calculation of dwelling unit size (to include the basement) in relation to the % allowed for an accessory apt.
4,18	11 to 22, 83	Home Based Business Regulatory Change	Expands/clarifies provisions, definition for home based business (full explanation in body of report)
5, 23	23, 24, 94	Sight Triangle Minor – streamline implementation	Clarifies, streamlines interpretation and definition that sight triangle relates to corner lots

Track Change Item #	Related By-law Item #	Context/ Purpose	Summary Explanation
6, 20	25 to 30, 87 to 89	Permitted Encroachments/ Platform Structures Minor – clarify interpretation, definitions; clerical corrections	Clarifies that: a ‘landing’ is a permitted yard encroachment; patios are considered a platform structure; that platform structures below 0.15 m (6 inches) above grade are considered landscape open space; adds definition for ‘landing’ and revises definition for platform structure and landscape open space accordingly; clarifies applicable yard encroachments in private road developments.
7	31 to 34	Non-complying lot area/lot frontage/yard setback permissions; average building line Regulatory Change; strengthen implementation of Official Plan policy	Limits development permissions on lots with non-complying lot area and/or lot frontage; deletes permission to extend non-complying yard setbacks (full explanation provided in body of report); clarifies implementation of average building line provisions where public land acquisition (eg. road widening) is required. (full explanation in body of report)
9	37 to 42	Parking Requirements Minor regulatory change, clarify interpretation	Establishes a minimum parking requirement for special needs housing; provides for tandem parking in private road developments; clarifies landscape buffer requirements adjacent to greenspace zones, and drive thru stacking lane parking space dimensions.
10	43	Excerpt of Use Table (as it applies to Employee Convenience Uses/Kennels) Minor regulatory change, clarification	Clarifies that employee convenience uses in Employment zones are accessory uses vs. a primary use, and that kennels are permitted as a primary use in an Agriculture (A1) zone vs. being permitted as a home based business.

Track Change Item #	Related By-law Item #	Context/ Purpose	Summary Explanation
11, 22	44 to 46, 93	Residential Convenience Uses in Apartment Complexes Minor regulatory change	Revise regulations to expand total size permissions for commercial convenience uses, and reduce individual unit size to ensure client target market geared to immediate site/local neighbourhood population; minor revision to residential convenience use definition
12	47 to 65	Provisions for Residential Zones (lot/yard requirements, etc.) Minor - clerical, clarify interpretation, implementation	Minor revisions to each of the residential R1, R2, R3 and R4 zone provision tables to clarify interpretation of lot area requirements, and yard requirements for garages.
13	66, 67	Commercial Uses Minor – clerical, clarification	Minor revision to clarify that emergency service facilities constitute a non – commercial use, and clerical revisions are made to the commercial C1 to C4 zone use provision table to correct format consistency with other by-law tables
14	68	Local Convenience Commercial (C1) Zone Minor regulatory addition, clarify interpretation	Minor regulatory addition to clarify the intent of Official Plan policies that residential uses built in conjunction with any commercial uses are limited to low density residential density provisions.
15	69	Employment Uses Minor – clerical correction	Clerical revision to correct numbering inconsistency

Track Change Item #	Related By-law Item #	Context/ Purpose	Summary Explanation
16	70 to 79	Provisions for Mixed Use Zones (lot/yard requirements, etc.) Minor - clerical, clarify interpretation, implementation	Minor revisions to each of the Mixed Use M1, M2 and M3 zone provision tables to strengthen clarity and interpretation of lot area requirements and yard requirements for garages.
17	80 to 82	Agriculture Uses Minor regulatory change, clarify interpretation, correct clerical omission	Minor regulatory change to transfer kennels, and associated regulations, from a permitted home based business to a primary use in an Agriculture (A1) Zone; correct clerical omission that the requirements applying to agriculture farm related commercial and industrial uses in the Agriculture (A3) Zone are also intended to apply to the same uses permitted in the Agriculture (A1); clarify that maximum size requirements for the above uses apply to the entire use, including outdoor processing and storage, and not just building size.
19	84 to 86	Use Definitions (office, service commercial, hospital) Minor – clarify/strengthen definitions, interpretation	Adds definition for hospital, and revises definitions for office and service commercial uses to clarify interpretation that medically related facilities(doctor office, laboratory, etc.) are considered office uses and not service commercial uses

Track Change Item #	Related By-law Item #	Context/ Purpose	Summary Explanation
21	90 to 92	Use Definitions (motor vehicle repair/sales, parking area) Minor – clarify/strengthen definitions, interpretation	Revises definition for motor vehicle repair garage use and motor vehicle sales/rental service centre use to clarify that uses also applies to boat repair and sales; strengthen definition of parking area.
24	95	Special Provision 19 Minor regulation addition, clerical correction	Revision to existing special provision for 30 Black Walnut Common to add a site specific regulation for garage setback that was subject of a minor variance approval by the OMB in 2013; corrects an addressing inconsistency
25	96 to 99	Special Provisions 23, 47, 62, 65 Minor – clerical, clarification	Clerical revisions to Special Provisions to correct minor omissions
26	100	Special Provision 124 (300/302 Lake Street) Adds site specific use permissions to correct omission	Adds site specific residential use permissions to property to correct inadvertent omission at time of original By-law adoption (full explanation in body of report)
27	101, 102	Mapping Changes to Schedule A7 Minor – mapping correction	Minor mapping changes to City property for part of 101 Linwell Rd. and 383 Lake St. to correct inaccurate zoning classification of lands from Major and Minor Greenspace G3 and G2 Zones (parkland) to a Conservation/Natural Area (G1) Zone (identified on Schedule A of the Amendment)

PROPOSED OFFICIAL PLAN AMENDMENT

TRACK CHANGES

The following sets out the track changes to the City's Official Plan as per proposed Amendment No. 12 which is in association with the Housekeeping Amendment to the City's Comprehensive Zoning By-law

(Words/numbers *shaded and italicized* represent additions to the By-law. Words/numbers ~~shaded and crossed out~~ represent deletions to the By-law)

****Track Change Item 1** (the following relates to Amendment entry 1)

7.2 Contaminated Sites

- iv) The City *may, in accordance with City procedure,* ~~shall~~ require for all lands ~~being conveyed or dedicated to the City,~~ *conveyed or purchased by the City, the submission of documentation from a qualified professional indicating the lands a* ~~sworn statement that the site has~~ *have* been investigated and found to be free from ~~for~~ *contaminates and are in accordance with* ~~subject to~~ Provincial standards *for the intended use.* A ~~Record of~~ *Site* ~~Condition~~ *(RSC)* may be required.

**** Track Change Item 2** (the following relates to Amendment entry 2)

- 7.11 ~~Home Based Business - is permitted within the confines of a principal residence~~ *a principal dwelling unit, accessory structure thereto, and accessory dwelling units* in accordance with applicable by-law requirements to ensure the ancillary and subordinate nature of such use. Home based business shall be small in scale in relation to the size of the principal ~~residence~~ *dwelling unit,* ~~will not be~~ may permitted outside *activities but not outdoor* storage, and shall be strictly limited in the provision of off- site employees and outside signage, *and the scale of operation .*

**** Track Change Item 3** (the following relates to Amendment entry 3)

- 8.3.4. Small scale local convenience commercial uses are permitted in ~~High Density~~ *higher density* residential *apartment and long term care* complexes where sized, designed and intended to primarily serve the residents of the complex.

The combined size of all convenience commercial uses should not exceed 3
5% of the total residential gross floor area of the complex, and shall not
include auto related uses or restaurants.

**** Track Change Item 4** (the following relates to Amendment entry 4)

13.1..4 f) The municipality will **generally** not accept the conveyance of lands for parkland dedication that are designated Natural Area or zoned for environmental protection, or that are to be designated Natural Area or zoned for environmental protection as part of the development approval process.

**** Track Change Item 5** (the following relates to Amendment entry 5)

9. Where development, redevelopment or site alteration is approved in or adjacent to Natural Hazard Lands or Natural Heritage, new lots thus created shall not extend into either the area to be retained in a natural state or the required adjacent buffer zone identified through an EIS **unless approved in consultation with the NPCA**. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a block and zoned to protect their natural features and ecological functions, and where appropriate and desirable, be dedicated to the municipality or a public agency.

**** Track Change Item 6** (the following relates to Amendment entry 6)

14.1. Permitted Uses:

Permitted uses within the Agriculture land use designation include:

- i) A full range of agriculture uses including vineyards, livestock, field crops, fruits, vegetables, greenhouses and horticultural specialities.
- ii) Secondary uses, provided they are incidental and subordinate to the main agriculture operation, including wineries, agri-tourism and value added uses, home based business, and home industries related to agriculture.
- iii) Existing single-detached residential dwellings; New single-detached residential dwellings on the same property as, and where related and secondary to a main agricultural use, or on an existing vacant lot of record, subject to the applicable policies of this Plan.
- iv) Agriculture farm related small scale commercial and farm related small scale industrial uses intended to primarily serve the agricultural community.
- v) Linear infrastructure and utilities, other than administrative facilities, subject to the

Environmental Assessment Act, where required, and consistent with the policies of this Plan.

vi) Compatible uses such as forestry and natural area protection and conservation.

v) *Kennebec*

**** Track Change Item 7** (the following relates to Amendment entry 7 and 8)

14.2.4 Agriculture Farm Related Commercial or Farm Related Industrial Uses may be permitted by way of zoning by-law amendment and site plan control where:

1. a) the use is small in scale, required in close proximity to, and directly related to and predominately serving agriculture uses and farm operations;
- b) it is not practical to locate within the Urban Area;
- c) the use has adequate access to a publically maintained road, is adequately served by sustainable private services and other on-site services such as parking and waste management, and does not require any new municipal services;
- d) negative impacts on surrounding uses and agricultural operations are minimized, and shall be compatible with existing and permitted future uses on adjacent lands;
- e) the use does not cause or generate off-site negative impacts related to infrastructure, noise or traffic;
- f) the use will not negatively impact natural areas, features and functions;
- g) the lot size and location is appropriate for the intended use.
- h) the size of the operation including buildings, outdoor storage and processing should not exceed 930 square metres in area.*
2. The zoning by-law will limit the maximum floor space and establish site design criteria to ensure compliance with Section 14.2.4.1 above.
3. Larger scale operations generally in excess of 930 square metres

in ~~gross floor~~ area shall be subject to an Official Plan amendment, Zoning By-law amendment and site plan control.

**** Track Change Item 8** (the following relates to Amendment entry 9)

14.2.6. Home Based Business - is permitted within the confines of the principal residence on the property, *and in an accessory dwelling unit and non-farm structures that are directly accessory to the principal residence*, in accordance with applicable by-law requirements to ensure the ancillary and subordinate nature of such use. Home based business shall be small in scale in relation to the size of the principal residence, ~~will not~~ *may* be permitted outside *activities but not outdoor* storage, and shall be strictly limited in the provision of non-resident employees and outside signage, *and the scale of operation*.

**** Track Change Item 9** (the following relates to Amendment entry 10)

14.2.7. Accessory Apartment - notwithstanding Part D, Section 7.10, an accessory apartment unit is permitted ~~only~~ within the principal ~~single-~~ detached residential dwelling on a property, *or in a non-farm related structure directly accessory to the principal residential dwelling*, in accordance with applicable zoning by-law requirements and other applicable laws and requirements, including the Building Code, Fire Code and property standards.

**** Track Change Item 10** (the following relates to Amendment entry 11)

Change to Part D, Schedule D1 (General Land Use Plan) to re-designate a portion of the lands known municipally as 101 Linwell Road from Natural Area to Parkland and Open Space.

**** Track Change Item 11** (the following relates to Amendment entry 12)

15.1. NORTH DISTRICT

The following specific or special policies apply to lands located on the following schedules:

1. Schedule E1

- j) Rowing facilities and associated uses are permitted on lands known municipally as 72 Henley Island Drive, and 60 Lakeport Road, subject to the policies in Part D, Section 13 of the Plan.

- k) *Notwithstanding Section 9.2.3 b) of the Plan, on lands known municipally as 300/302 Lake Street, offices uses are permitted to a maximum 50% of total gross leaseable floor area; and, residential apartment units are permitted on the upper floor of the two storey building.*

**** Track Change Item 12** (the following relates to Amendment entry 13)

Change to Part E, Schedule E1 (North Planning District) to re-designate a portion of the lands known municipally as 101 Linwell Road and 383 Lake Street from Parkland and Open Space to Natural Area.

**** Track Change Item 13** (the following relates to Amendment entry 14)

Change to Part F, Schedule F1 (Parkland and Trails) to include the entirety of the former Fairview Golf Course lands, known municipally as 325 Geneva Street, as Parkland

**** Track Change Item 14** (the following relates to Amendment entry 15)

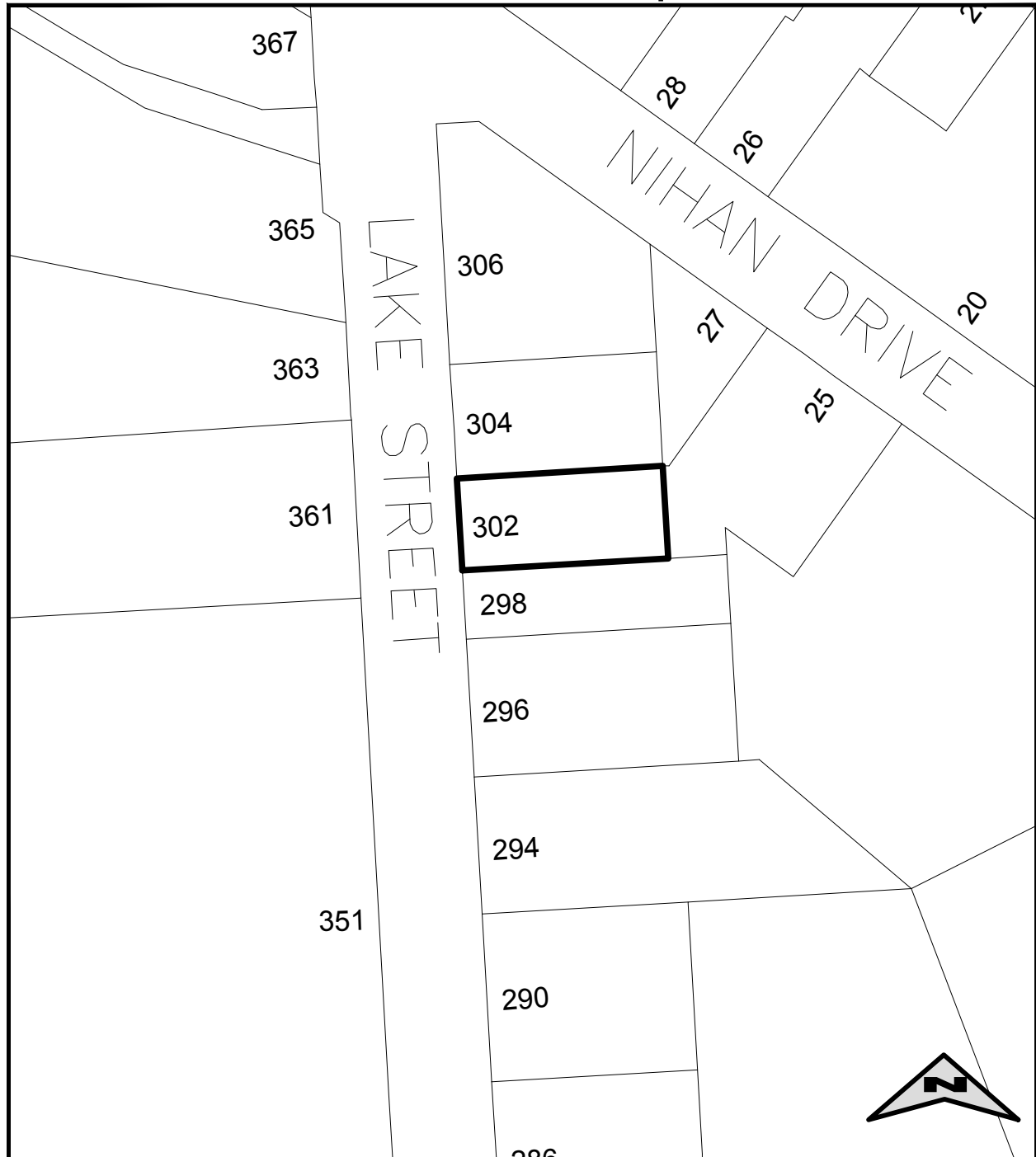
Home Based Business: means an occupation, business, enterprise or service, conducted entirely within a dwelling unit and/or accessory structure thereto, and is generally undertaken only by residents of the such dwelling units, and which is secondary and subordinate to the principal residential use of the dwelling unit, is small in scale, does not create a public nuisance or adverse effect on abutting lands or the surrounding neighbourhood, and does not include outdoor storage but may include outside activities associated with the home based business.

Associated Official Plan Amendment (to the Zoning By-law Housekeeping Amendment) - Summary Explanation and Context/Purpose of Proposed Revisions

Official Plan Amendment item #	Related to Zoning By-law Amendment Item #	Context/Purpose	Summary Explanation
1	----	Contaminated Lands Minor - strengthen interpretation, implementation	Clerical wording change to strengthen interpretation and implementation consistent with current practice
2, 9,15	11 to 22, 83	Home Based Business Minor Regulatory Change	Expands/clarifies provisions, definition for home based business (full explanation provided in body of report)
3	44 to 46, 93	Residential Convenience Uses in Apartment Complexes Minor regulatory change	Revise regulations to expand total size permissions for commercial convenience uses, and reduce individual unit size to ensure client target market geared to immediate site/local neighbourhood population; minor revision to residential convenience use definition
4	----	Parkland Dedication Clarify interpretation, implementation	Clerical revision to ensure consistency with other policy (Pt. D, Section 13.2.2.9) and implementation
5	----	Lot Creation Minor – clarify implementation	Clarifies the NPCA as an approval authority for creation of new lot lines in a Natural Area.

Official Plan Amendment Item #	Related to Zoning By-law Amendment Item #	Context/ Purpose	Summary Explanation
6	80	Kennels Minor regulatory change	Establishes kennels as a primary use in Agriculture designation vs. permitted only as a home based business
7,8	81	Agriculture Farm Related Commercial or Industrial Use Minor - clarify interpretation	Clarify that maximum size requirements for subject uses apply to the entire use, including outdoor processing and storage, and not just building size.
10	----	Detached Accessory Apartment Minor - clarify interpretation, implementation	Clarify that accessory apartments are permitted in detached structures directly related to a primary residence in the agricultural area
11,13	101,102	Mapping Change Minor – correct mapping inconsistency	Minor mapping changes to City property for part of 101 Linwell Rd. and 383 Lake St. to correct inconsistent designations between Parkland and Open Space and Natural Area. (identified on Schedules A and B of the amendment)
12	100	300/302 Lake Street Adds site specific use permissions to correct omission	Adds site specific office and residential use permissions to correct inadvertent omission
14	----	Mapping Change Minor – correct mapping inconsistency	Minor mapping change to correct omission and add the former Fairview Golf Course lands to Schedule F1 depicting the Parkland and Trails system (identified on Schedule C of the Amendment)

Location Map



Subject Lands

300 / 302 Lake Street

File: 60.35.11 Vol. D



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: May 10, 2016

Date of Meeting: May 30, 2016

Report Number: PBS-140-2016

File: 60.46.416

Subject: Application for Draft Plan of Vacant Land Condominium Approval for 29-Unit Townhouse Development at 60 Canterbury Drive; Owner: Centennial Developments (Niagara) Inc.; Agent: Upper Canada Consultants

Recommendation

That Council refer the report from the Planning and Building Services, dated May 10, 2016, concerning a draft plan of condominium approval for consideration at the Council meeting of June 13, 2016, after the Public Meeting scheduled for May 30, 2016.

FORTHWITH

Staff Recommendation

That approval be granted to a draft plan of vacant land condominium for the lands described as Part of Lot 12, Concession 8 Grantham, Part 1 Plan 30R-14313 St. Catharines and Lot 44 Plan 680 Grantham, City of St. Catharines, municipally known as 60 Canterbury Drive, as illustrated on Appendix 1 of this report, subject to the Conditions of Draft Plan of Condominium Approval, as outlined in Appendix 2 of this report; 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 after notice of Council's decision has been given, the Clerk be authorized to endorse the plan as "Draft Approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; 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

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

Summary

The purpose of the application is to request approval of a draft plan of condominium (vacant land) for 29 townhouse dwellings situated on a common private road, as illustrated on Appendix 1. The plan of condominium will allow each of the units to be

sold individually. Staff is recommending approval of this draft plan of condominium subject to the Conditions of Draft Plan Approval outlined in Appendix 2. The proposal conforms to Provincial, Regional and local Official Plan policies. A Site Plan Agreement was registered on the lands on January 20, 2016.

Report

Location and Site Description

The subject lands are located on the southernmost part of Canterbury Drive, west of Hartzel Road, in the City's East Planning District. A location map is attached as Appendix 3.

The subject lands are approximately 1.0 hectare in size, with frontage along Canterbury Drive and a pedestrian access to Hartzel Road. The property is vacant with sparse vegetation. Some site disturbances have been made to accommodate the proposed development.

Surrounding land uses include:

North:	Detached and semi-detached dwellings
South:	Commercial lands
East:	Commercial lands and Hartzel Road
West:	Carter Creek and Trillium rail line

The Proposal

The applicant proposes to construct 29 townhouse dwellings on six blocks, as illustrated on Appendix 1. All of the dwellings will have frontage along a common private road. Parking is to be provided within private driveways, attached garages, and in common areas. Ten visitor parking spaces are proposed along the centre common area and at the southernmost portion of the lands. The applicant has requested Draft Plan of Vacant Land Condominium Approval so that each of the 29 units can be sold individually. The approved site plan for the development is provided in Appendix 4.

Official Plan Designation

The City's Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential (see Appendix 5), providing for a range of housing opportunities, types, forms, and densities. Schedule E9 of the GCP (see Appendix 6) provides additional direction for the East Planning District and designates the lands as Medium Density Residential, permitting detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse, and apartment dwellings at a density range generally between 25 and 99 units per hectare of land.

The applicant proposes 29 townhouse dwellings on the site at a density of 39 units per hectare. The applicant's proposal is permitted under the Medium Density Residential designation of the GCP.

Zoning

By-law 2013-283 zones the lands as Medium Density Residential (R3) (see Appendix 7). The R3 zone permits a range of residential uses, including detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouses, private road developments, apartments, and long term care facilities, subject to a number of provisions.

The proposed townhouse development is a permitted use under the R3 zoning.

Circulation Comments

This application for Draft Plan of Condominium Approval was circulated to all appropriate City departments and agencies for their comments and requirements. There were no objections received. Most departments and agencies confirmed that their technical requirements have been addressed through the Site Plan Approval process. This is discussed in further detail below.

City Departments

There were no concerns or requirements identified by City departments. Securities will be obtained through the Condominium Assumption Agreement process for street lighting installations.

Niagara Region

Regional Planning and Development Services staff have no objection to the proposed Draft Plan of Vacant Land Condominium, subject to any NPCA comments and the Region's recommended Conditions of Draft Plan Approval.

The subject lands are adjacent to Carter Creek, which is an identified watercourse on the Region's Core Natural Heritage mapping that contains Type 2 (Important) Fish Habitat. On the adjacent lands, Regional natural heritage mapping appears to indicate significant woodlands. In accordance with the Memorandum of Understanding and the protocol between the Region and the Niagara Peninsula Conservation Authority (NPCA), the NPCA is responsible for the review and comment on all planning applications for impacts on the natural environment.

As the subject lands are proximate to Carter Creek, there is the potential for Archaeological Resources to be unearthed during development and/or site alteration. Regional staff requests that the Condominium Agreement for this development include a standard clause addressing deeply buried archaeological remains

As the proposed development represents a change in use from Industrial to Residential, the applicant was required to complete a Phase One and Two Environmental Site Assessment (ESA) and a mandatory filing a Record of Site Condition (RSC) with the Ministry of the Environment and Climate Change (MOECC). Regional staff acknowledges that the Phase I and II ESA work has been completed and that the RSC was filed on the Ministry Brownfield Registry website on August 15, 2014.

Regional staff requested conditions related to noise mitigation, waste management, and servicing. Conditions regarding noise mitigation and waste management are included in the approved Site Plan Agreement for the lands.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA advises that all of its requirements were addressed during the site plan process and that it has no objections or requirements arising from this application.

Public Open House

A public open house was hosted by Planning and Building Services on April 20, 2016. The purpose of the open house was to present the applicant's proposal and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. The owner and their agent and thirteen 13 neighbourhood residents attended. Comments and questions received are as follows:

- Traffic
 - The introduction of 29 new dwellings into the neighbourhood will increase local traffic and may pose safety concerns. Is there a means to put traffic calming measures in place?
- Buffering to Adjacent Properties
 - What buffering measures will be put in place (eg. fencing) between the development and rear yards of properties on Loraine Drive?
- Construction Issues
 - Servicing of the site has begun. What hours of the day is construction restricted to and what measures are being taken to ensure that Canterbury Drive remains clean of debris?
- Waste Collection
 - Will waste be collected from the public road (Canterbury Drive) or internally?

Planning Analysis

Provincial Policy Context

The subject lands are located within a settlement area under the Provincial Policy Statement (2014) and within the built-up area as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (2006). These documents contain policies that direct growth to settlement areas, support all forms of residential intensification and urban area regeneration, and require the provision of all forms of housing, which may be required to meet the social, health and well-being needs of current and future residents.

At a density of 39 units per hectare, this development provides for the efficient use of underutilized lands with access to existing infrastructure and services. Commercial and

community uses are located in close proximity to the site. Public transit is available within walking distance, along Hartzel Road. Clifford's Creek and Eastmount Parks are located to the north and east. The proposed townhouse development contributes to the range of available housing types in the neighbourhood. The proposal meets the spirit and intent of the applicable Provincial policies.

Regional Official Plan

The subject lands are located within the St. Catharines Urban Area, as defined by the Regional Official Plan (ROP). The St. Catharines Urban Area is considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS).

The ROP, 2014 PPS and 2006 Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of uses, are active-transportation and transit supportive, and have high quality public open spaces.

The subject lands are located within the provincially designated Built Boundary for the City of St. Catharines. The proposed development is considered as Intensification and will count towards the City's annual residential intensification target of 95%, as set by the Regional Official Plan.

Official Plan

The subject lands are designated as Medium Density Residential (Appendix 6) by the City's Official Plan, The Garden City Plan (GCP). The Medium Density Residential designation of the GCP provides for a range of housing types, including townhouse dwellings, at a density range generally between 25 and 99 units per hectare.

The applicant proposes to construct 29 townhouse dwellings on the lands at a density of 39 units per hectare on the subject lands. The proposed vacant land townhouse development is a permitted use under the existing Medium Density Residential designation and complies with the applicable land use policies. An Official Plan Amendment is not required.

The GCP supports residential development and emphasizes the provision of a variety of housing types. It provides that growth will be accommodated through, among other means, the efficient use of underutilized lands, and more compact building form and densities (2.3.3).

The proposed development will implement the growth management objectives of the GCP by providing a greater mix of housing types and by promoting an efficient use of the City's urban land supply.

The GCP provides that all development and redevelopment within the urban area be evaluated having regard for urban design principals and policies set out in the Plan to

ensure building, site and streetscape design will support compatible and context sensitive development with adjacent properties and those in close proximity to the subject lands (7.1).

Staff is satisfied that the built form - that is the height and massing of the proposed townhouse dwellings - will be compatible with adjacent detached and semi-detached dwellings, and commercial uses. Building setbacks are proposed to meet the requirements of the Zoning By-law and will provide adequate amenity space for residents of the development. The units will front internally onto a shared common area. The urban design aspects of the development have been reviewed through the Site Plan Approval process.

Zoning By-law

By-law 2013-283 zones the lands as Medium Density Residential (R3). The R3 zone permits a range of residential uses, including detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouses, private road developments, apartments, and long term care facilities, subject to a number of provisions. Among other matters, By-law 2013-283 requires a minimum density of 20 units per hectare. At a proposed density of 39 units per hectare, the development meets this requirement.

The proposed townhouse development is a permitted use under the property's existing R3 zoning and meets the provisions of By-law 2013-283.

Draft Plan of Condominium

The application proposes vacant land condominium tenure, a form of property ownership, for 29 townhouse dwelling units, plus common element areas, which include a private road, visitor parking, landscaped areas and access for maintenance. Upon assumption, the condominium corporation will be responsible for the ongoing maintenance of all of the common elements. The Application for Draft Plan of Condominium Approval deals with the type of ownership and not the form of development.

The Planning Act (51[24]) guides staff in assessing plans of condominium and outlines certain criteria to be considered. This includes, among other matters, the effect of the development on matters of Provincial and public interest; its conformity with the Official Plan; the conservation of natural resources; the availability of adequate services; and the overall suitability of the lands for development.

Staff is satisfied that the proposed vacant land condominium development fulfills these criteria, subject to the conditions of draft plan approval outline in Appendix 2.

Site Plan Approval and Condominium Assumption

The City's Site Plan Control By-law, as amended, requires that all residential development of four or more units be subject to Site Plan Control. Site Plan Control is the City's principal tool through which staff can implement design considerations to maximize compatibility with the surrounding neighbourhood and ensure the long-term maintenance and functionality of the site. Site Plan Control also ensures that developments are designed to meet minimum municipal standards. This process addresses building elevations, landscaping, tree preservation, access, parking, lighting, site servicing, grading and drainage, stormwater management, noise attenuation, waste collection, and related site details. A Site Plan Agreement was registered on the lands on January 20, 2016.

To bind the future condominium corporation to the terms of the Site Plan Agreement, the applicant and future condominium corporation will also be required to enter into a Condominium Assumption Agreement with the City. Additional securities for incomplete primary services within common elements may be required.

Staff recommends that the requirement to enter into a Condominium Assumption Agreement be included as conditions of Draft Plan of Condominium Approval (Appendix 2).

Open House Comments

With regard to the comments expressed at the Public Open House, the following is offered.

Traffic

Comment: The introduction of 29 new dwellings into the neighbourhood will increase local traffic and may pose safety concerns. Is there a means to put traffic calming measures in place?

Response: The addition of 29 new dwellings into the neighbourhood will not significantly impact the capacity of local roads. The City does, however have a process for consideration of traffic calming measures. This process requires residents to fill out a brief petition identifying the location(s) and brief reason for concern. Staff will then evaluate the request and advise the proponent accordingly. Residents were provided a copy of the requisite form and guidance towards initiating a request for the introduction of traffic calming measure

Buffering to Adjacent Properties

Comment: What buffering measures will be put in place (eg. fencing) between the development and rear yards of properties on Loraine Drive?

Response: The Site Plan Agreement requires that a privacy fence be constructed on the property line between the subject lands and rear yards of properties on Loraine Drive. In addition there will be a mix of coniferous and deciduous trees in this location. The City has securities as part of the Site Plan Agreement to ensure that these elements are installed.

Construction Issues

Comment: Servicing of the site has begun. What hours of the day is construction restricted to and what measures are being taken to ensure that Canterbury Drive remains clear of debris?

Response: The City's Noise By-law (By-law 95-198) requires, among other matters, that the operation of construction equipment not occur before 7:00am. Staff has provided the proponent with a copy of the By-law and advised that construction operations be governed accordingly.

Waste Collection

Comment: Will waste be collected from the public road (Canterbury Drive) or internally?

Response: The Site Plan Agreement has provisions requiring that waste be collected internally on the subject land by the Region.

Public Notice

In accordance with established procedures, notices for the public meeting have been circulated.

Second Planning Opinion Advisory

Should Council consider not supporting the staff Recommendation provided in this report, 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 before the Ontario Municipal Board.

Financial Implications

Not applicable.

Strategic Plan

Economic Sustainability

The approval of this residential development will support the goals of economic sustainability by:

- Attracting private sector investment in developing an underutilized, serviced, urban parcel of land

Social Sustainability

The approval of this residential development will support the goals of social sustainability by:

- Increasing the housing form options in the neighbourhood and connectivity for future residents (ie. pedestrian access to Hartzel Road).

Conclusion

In summary, staff is supportive of the application for Draft Plan of Vacant Land Condominium Approval, subject to the conditions of Draft Plan Approval outlined in this report and included as Appendix 2. A plan of condominium will allow each of the proposed townhouse dwellings to be sold individually. The proposal is consistent with Provincial, Regional and local Official Plan policies. The Site Plan Agreement registered on the lands has considered the form and function of the development in the context of the greater community.

Notification

It is in order to advise Carmela Agro, Upper Canada Consultants.

Prepared by:

Kevin Blozowski, MCIP, RPP
Planner I

Submitted by:

Judy Pihach, MCIP, RPP
Manager, Planning Services

Approved by:

James N. Riddell, M.P.L., MCIP, RPP,
Director, Planning and Building Services

CH#	USE AREA	AREA	UNIT	USE AREA	AREA
1	LOT AREA	177.54	1	LOT AREA	177.54
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
2	LOT AREA	126.34	17	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
3	LOT AREA	126.34	18	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	11.84		EXCLUSIVE USE AREA - DRIVEWAY	11.84
4	LOT AREA	125.34	19	LOT AREA	125.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.14		EXCLUSIVE USE AREA - DRIVEWAY	0.14
	LOT AREA	127.00	20	LOT AREA	127.00
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
5	LOT AREA	126.34	21	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
	LOT AREA	126.34	22	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
6	LOT AREA	146.64	23	LOT AREA	146.64
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
7	LOT AREA	146.64	24	LOT AREA	146.64
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
8	LOT AREA	126.34	25	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
9	LOT AREA	126.34	26	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
10	LOT AREA	126.34	27	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
11	LOT AREA	126.34	28	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
12	LOT AREA	126.34	29	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
13	LOT AREA	126.34	30	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
14	LOT AREA	126.34	31	LOT AREA	126.34
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		EXCLUSIVE USE AREA - DRIVEWAY	0.00
15	LOT AREA	126.34		TOTAL LOT EXCLUSIVE USE AREA - DRIVEWAY	438.64
	EXCLUSIVE USE AREA - DRIVEWAY	0.00		TOTAL LOT EXCLUSIVE USE AREA - DRIVEWAY	0.00
				TOTAL AREA	1049.44



KEY PLAN
N.T.S.

**DRAFT PLAN OF VACANT
LAND CONDO**

LEGAL DESCRIPTION

LOT 44, REG PLAN 630
DEEMED NOT TO BE A PART OF A REG PLAN OF SUBDIVISION UNDER
BY-LAW No. 2007-10, 58 & 60 CANTERBURY DRIVE NOW MERGES WITH
147 HARTZEL ROAD AS A SINGLE LOT TO BE DEVELOPED AS A
SINGLE ENTITY, NOW MUNICIPALLY KNOWN AS
60 CANTERBURY DRIVE
ST. CATHARINES, REGION OF NIAGARA

SITE STATISTICS		
29 UNIT CONDO SITE		
LANDUSE	m ²	% COVERAGE
ROAD/DRIVEWAY/PARKING	2724.2	28.9
LANDSCAPING	988.8	45.8
TOTAL	10140.1	100.0
DEVELOPABLE AREA EXCLUDING ROADS/DRIVEWAY	2415.9	
UNITS		
DENSITY (UNITS/DEVELOPABLE AREA)		39.1 Units/m ²
PARKING SPACES - DRIVEWAY		51
PARKING SPACES - GUESTS		16

0	ISSUED FOR APPROVAL	2018-01-12	T
#	RECEIVED	DATE	



UPPER CANADA
CONSULTANTS
ENGINEERS / PLANNERS

261 Martindale Road
Unit #1
St. Catharines, ON
L2W 1A1
Phone: (905) 688-9400
Fax: (905) 688-5274

DRAWING TITLE

DRAFTING	3.4
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**DRAFT PLAN OF
VACANT LAND CONDO**

DATE JANUARY 12, 2016

PRINTED FEBRUARY 8, 2018

SCALE 1:300

DWG No.	REV
1602-DB	0

1002-DF

AGENDA ITEM #2.2

**Conditions of Draft Approval
60 Canterbury Drive
File No. 60.46.416
Submission No. 26CD—10-16002**

General Approval

1. That this approval applies to lands described as Part of Lot 12, Concession 8 Grantham, Part 1 Plan 30R-14313 St. Catharines and Lot 44 Plan 680 Grantham, City of St. Catharines, municipally known as 60 Canterbury Drive, for 29 townhouse units, and common element areas for a private road, servicing, parking, landscaping, access for maintenance, etc., as illustrated on the plan prepared by Upper Canada Consultants, Engineers/Planners, and dated January 12, 2016.

Condominium Assumption Agreement

2. That the owner and condominium corporation to-be-formed shall enter into a Condominium Assumption Agreement with the City of St. Catharines, which shall be registered against the title of the lands immediately following registration of the final plan of condominium.

(City of St. Catharines)

Administration

3. That if approval is not given to this plan within three years of the approval date and no extension has been granted, draft plan approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required shall be submitted to the Director of Planning and Building Services.

Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions have been satisfactorily met.

Location Map

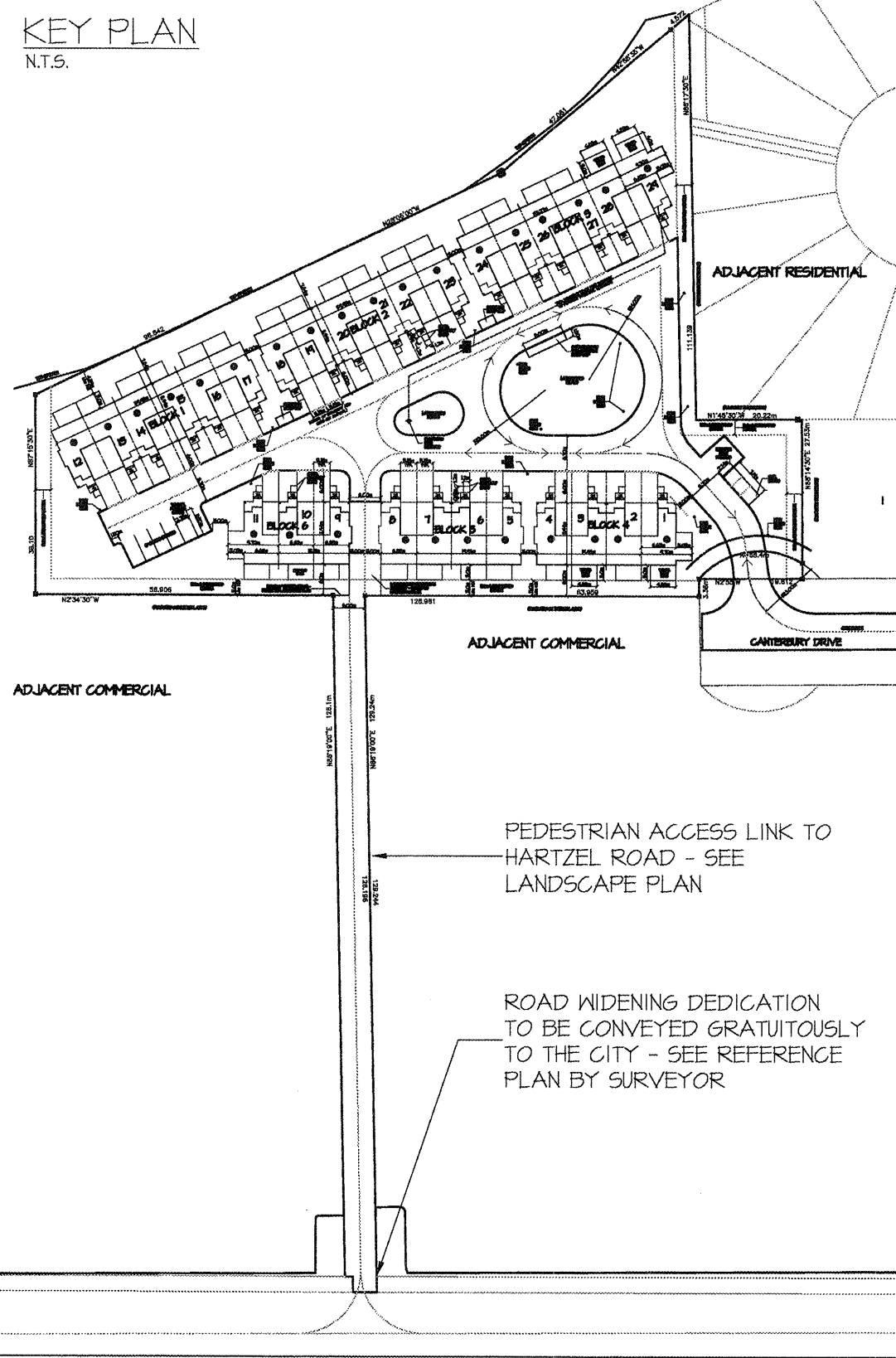


Subject Lands

60 Canterbury Drive

File: 60.46.416

KEY PLAN N.T.S.



LOT 44, REG. PLAN 680

DEEMED NOT TO BE A PART OF A REG. PLAN OF SUBDIVISION UNDER BY-LAW NO. 2007-10

58 & 60 CANTERBURY DRIVE NOW MERGES WITH 147 HARZEL ROAD AS A SINGLE LOT TO BE DEVELOPED AS A SINGLE ENTITY, NOW MUNICIPALLY KNOWN AS 60 CANTERBURY DRIVE.

BUILDING AREA:

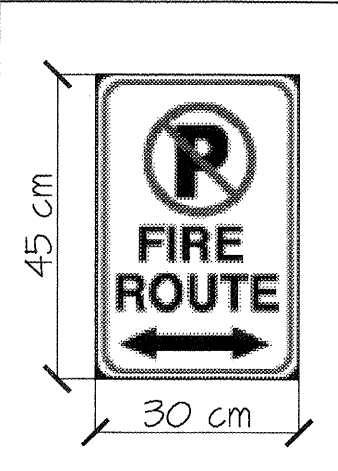
BLOCK 1	444.1m ²
BLOCK 2	442.1m ²
BLOCK 3	458.2m ²
BLOCK 4	310.4m ²
BLOCK 5	248.2m ²
BLOCK 6	240.4m ²
TOTAL BUILDING AREA:	2193.4m²

GROSS AREA:

BLOCK 1	741.3m ²
BLOCK 2	735.2m ²
BLOCK 3	770.5m ²
BLOCK 4	525.1m ²
BLOCK 5	446.2m ²
BLOCK 6	409.2m ²
TOTAL GROSS AREA:	3678.4m²

DISTANCES FROM FIRE HYDRANT, TAKEN TO MIDPOINT OF BLOCK:

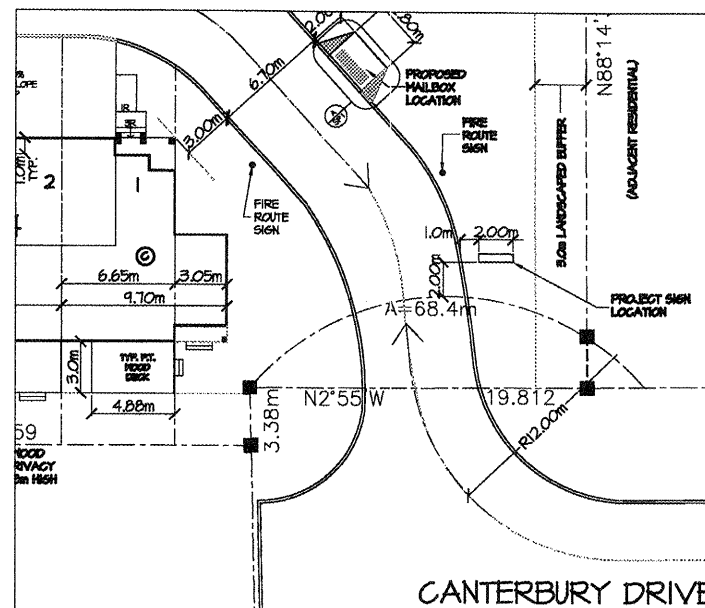
BLOCK 1	38.7m
BLOCK 2	25.2m
BLOCK 3	58.8m
BLOCK 4	42.8m
BLOCK 5	13.7m
BLOCK 6	16.2m



GARBAGE COLLECTION:

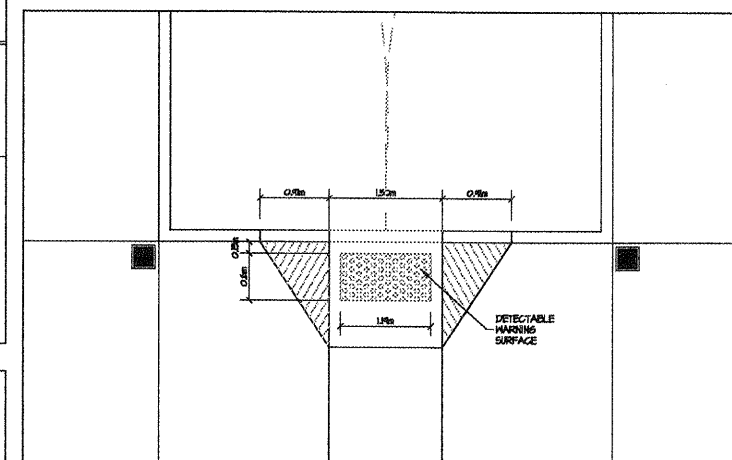
UNITS 9-14 (11 UNITS TOTAL) ARE SERVICED BY A DESIGNATED GARBAGE AND RECYCLING AREA. EACH AREA IS A 1.0m X 2.0m CONCRETE PAD EMBOSSED WITH UNIT NUMBER.

ENTRANCE PLAN N.T.S.



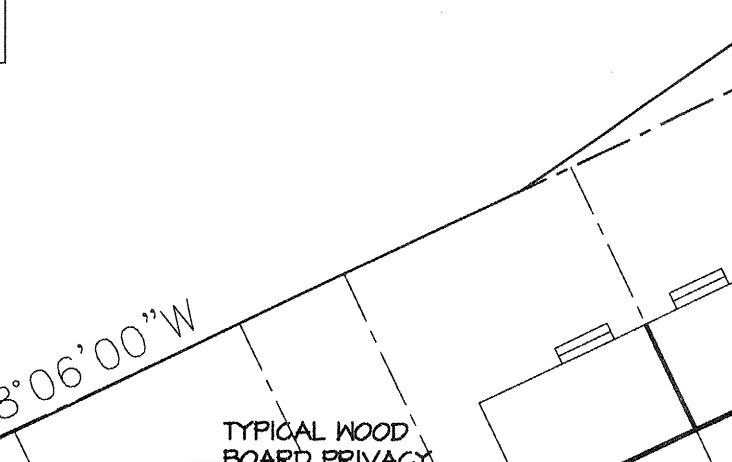
ACCESSIBLE CURB DETAIL A

SCALE: 1:100

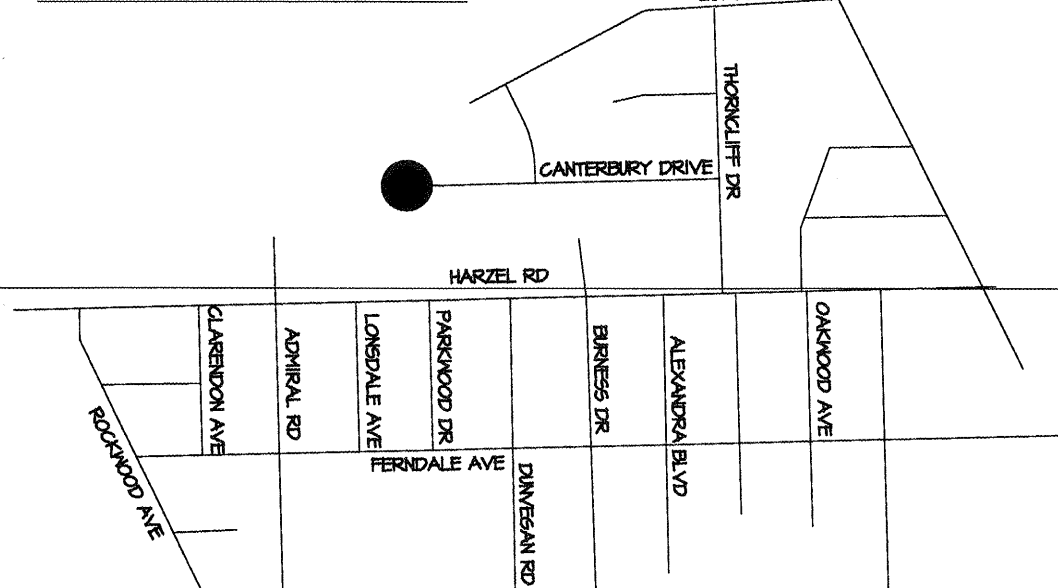


ACCESSIBLE CURB DETAIL B

SCALE: 1:100



LOCATION DIAGRAM



PROJECT DATA

****ALL UNITS ARE SPRINKLERED****

60 CANTERBURY DRIVE
TOTAL AREA: 10.14m²
STREET FRONTAGE: 19.2m CANTERBURY DRIVE

NUMBER OF PARKING SPACES REQUIRED:
1.75 SPACES PER UNIT
24 UNITS X 1.75 = 51 SPACES

NUMBER OF PARKING SPACES PROVIDED:
2 SPACES (TANDEM) PER UNIT = 50
VISITOR PARKING SPACES = 10
TOTAL NUMBER OF PARKING SPACES PROVIDED = 60

BUILDING AREA	2193.4 m ²	23.4%
PARKING AREA	106.4 m ²	1.0%
LANDSCAPED AREA	5129.1 m ²	54.9%
PAVED AREA	1066.1 m ²	19.9%
TOTAL LOT AREA:	9361.1 m ²	100.0%

NOTES:

ALL DIMENSIONS REFERENCED TO CONCRETE CURBS ARE TAKEN FROM INSIDE FACE OR ASPHALT SIDE OF CURB

SETBACK FROM SURVEYED TOP OF BANK IS SET AT 1.60m (N.P.C.A. MIN. 1.5m)

FIRE ROUTE SIGNS TO BE LOCATED AT EACH LIMIT OF FIRE ROUTE AND AT INTERVALS OF 15m TO 45m ALONG FIRE ROUTE

LEGAL DESCRIPTION:

PIN 4633-0215 LT.
PT. LT. 12 CON. B. GRANTHAM AS IN R0516011, PT. 1 30R3866;
CITY OF ST. CATHARINES

PIN 4633-0128 LT.
LT. 44 PL. 680 GRANTHAM; CITY OF ST. CATHARINES
60 CANTERBURY DRIVE
ST. CATHARINES

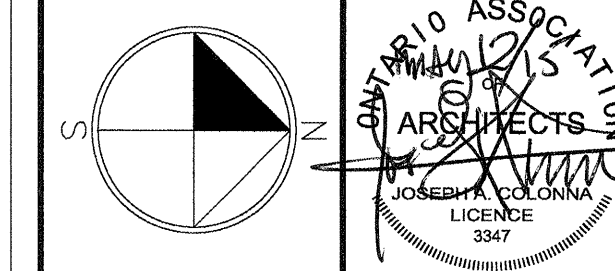
DOVEDALE DEVELOPMENTS INC.	
OWNER'S NAME	
<i>D. Chutani</i>	
SIGNATURE	
THE CORPORATION OF THE CITY OF ST. CATHARINES	
DIRECTOR OF PLANNING & BUILDING SERVICES	
DATE: 20	
NOTE: THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED BY THE FINAL DESIGN. PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SURVEYING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS APPROVED BY THE ENGINEER.	

JOSEPH G.A. COLONNA
ARCHITECT INC.
8 FAXTON AVENUE
PORT DALHOUSIE
ST. CATHARINES
ONTARIO L2N 5H8
TEL: 905 937 8779
FAX: 905 937 4191

CONTRACTOR MUST VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR THE SAME. REPORT ANY DISCREPANCIES TO DESIGNER BEFORE COMMENCING THE WORK.

DO NOT SCALE DRAWINGS.

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED, DATED AND COUNTERSIGNED.



4	FINAL SITE PLAN SUBMISSION	MAY 13/15
6	FINAL SUBMISSION FOR SPA	NOV. 11/14
1	SECOND SUBMISSION FOR SPA	JUL. 25/14
15	SITE PLAN APPROVAL	MAR. 12/14
NO.	PLOTTING:	ISSUED:
8	FINAL SITE PLAN SUBMISSION	MAY 13/15
7	RE-SUBMISSION AS PER APRIL 6/15 COMMENTS	APR. 22/15
6	RE-SUBMISSION FOR SPA	MAR. 17/15
5	FINAL SUBMISSION FOR SPA	NOV. 11/14
4	REVISED FOR THIRD SUBMISSION FOR SPA	OCT. 24/14
3	REVISED FOR SECOND SUBMISSION FOR SPA	JUL. 25/14
2	REVISED FOR SPA HTG. JUNE 3/14	JUL. 14/14
1	SITE PLAN APPROVAL	MAR. 12/14
NO.	REVISIONS:	ISSUED:

CLIENT:
DOVEDALE DEV. INC.
C/O MR. ABDULLAH CHUTANI

40 VOGELL RD. STE. 13
RICHMOND HILL, ON L4B 3N6

PROJECT:
CARTER CREEK ESTATES
29 UNIT RESIDENTIAL CONDO DEV.
60 CANTERBURY DRIVE
ST. CATHARINES, ON

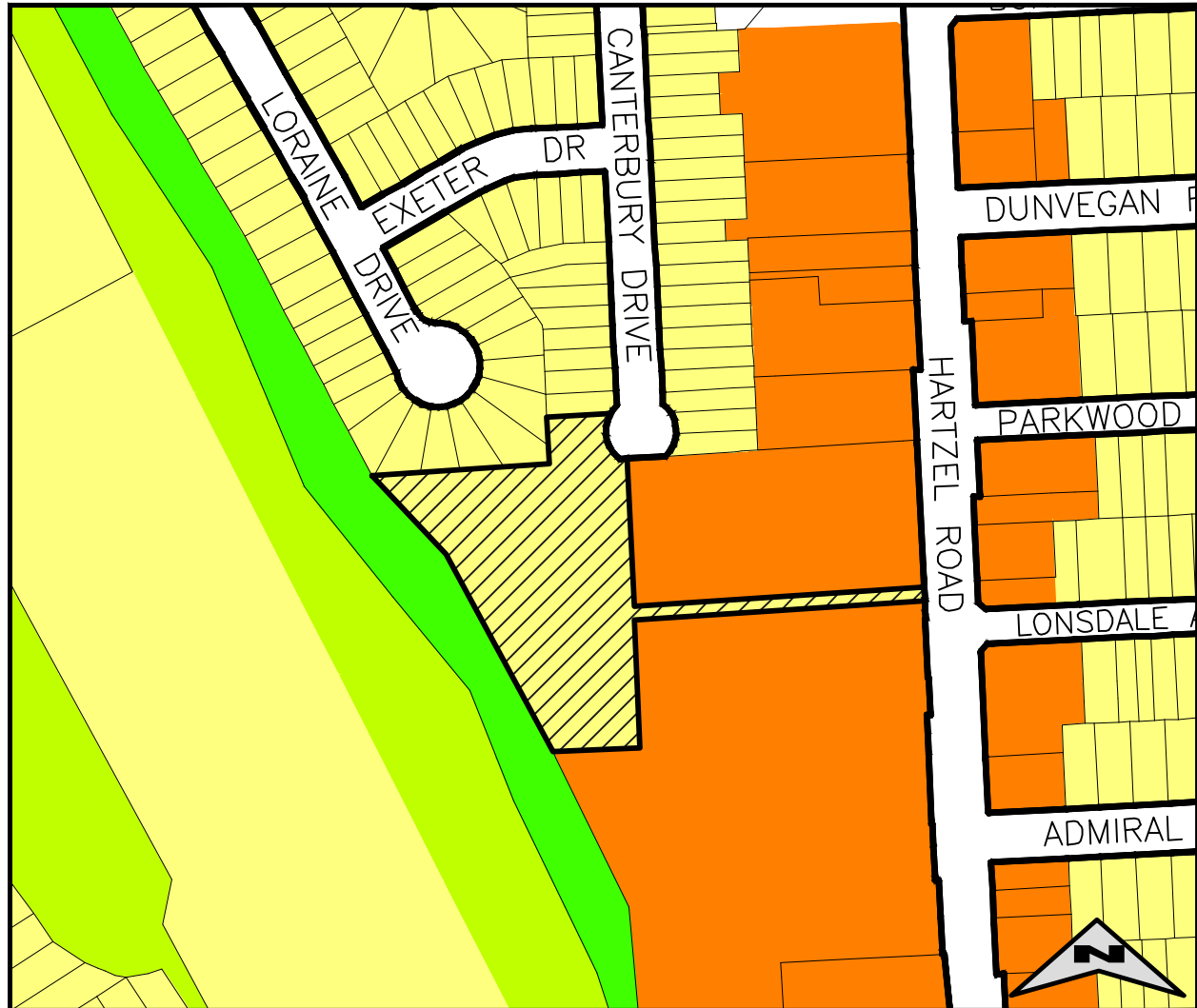
SHEET TITLE:

SITE PLAN

project number:	13-011
scale:	1:200
date:	JAN. 24/14
drawn by:	JM
design by:	JGCA
approved by:	JGCA
drawing number:	SP-1
	OF 6

Existing Land Use Designation

(General Land Use Plan D1 - Garden City Plan)




 60 Canterbury Drive

Land Use Designations

 Neighbourhood Residential

 Mixed Use

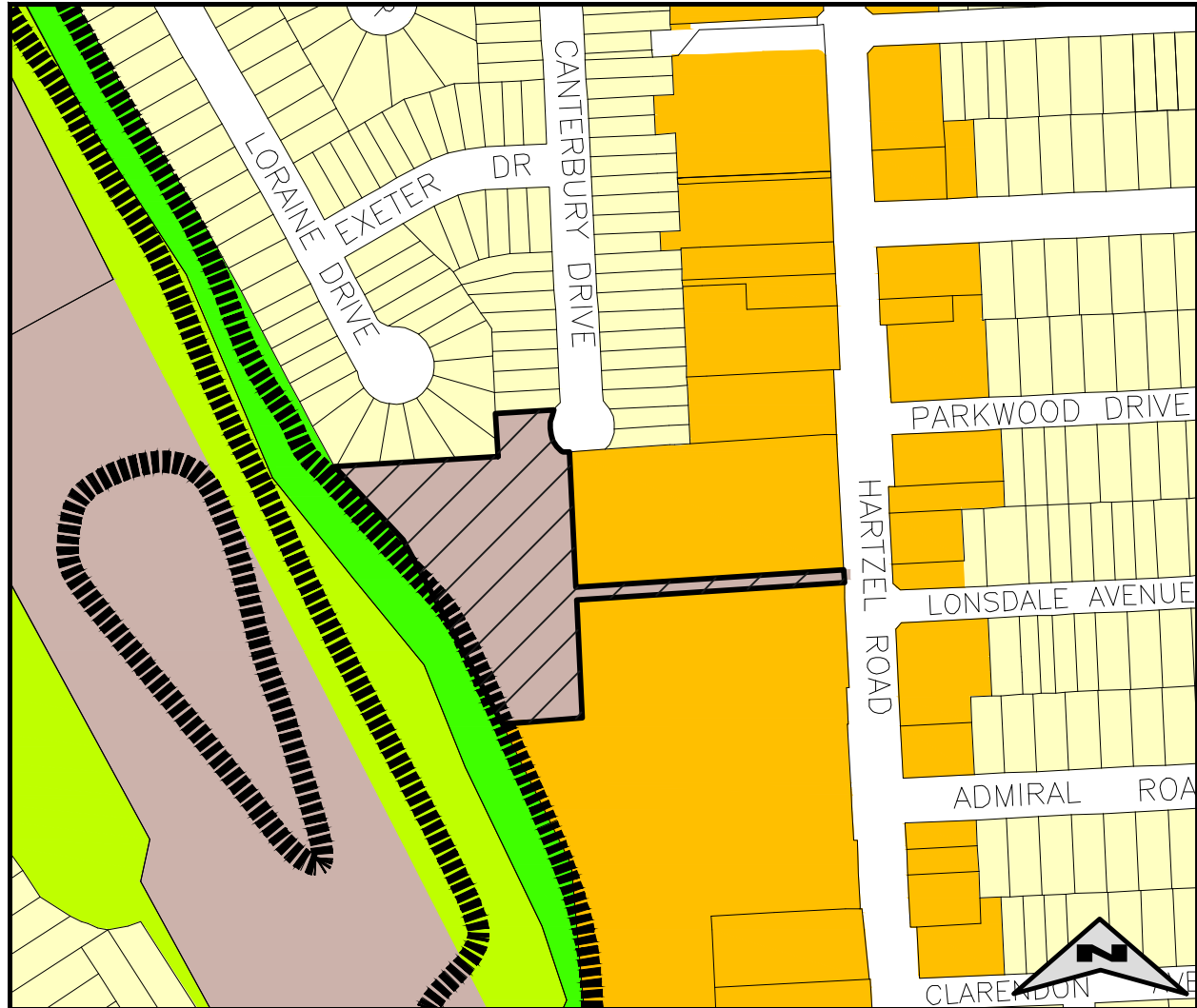
 Natural Heritage Areas

 Parkland & Open Space

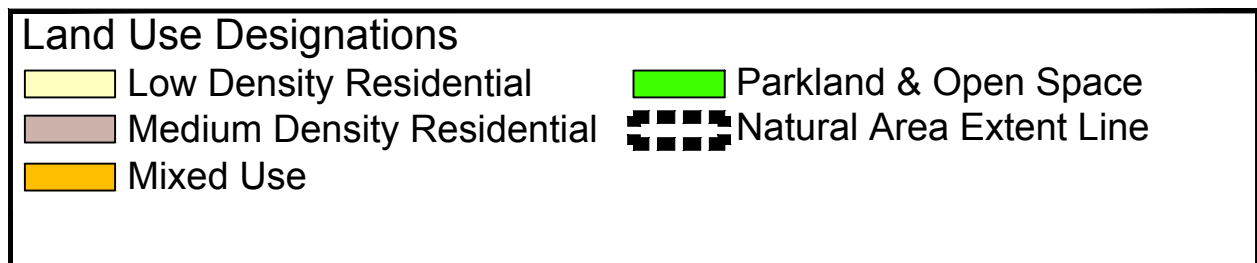
File: 60.46.416

Existing Land Use Designation

(East Planning District - Garden City Plan)



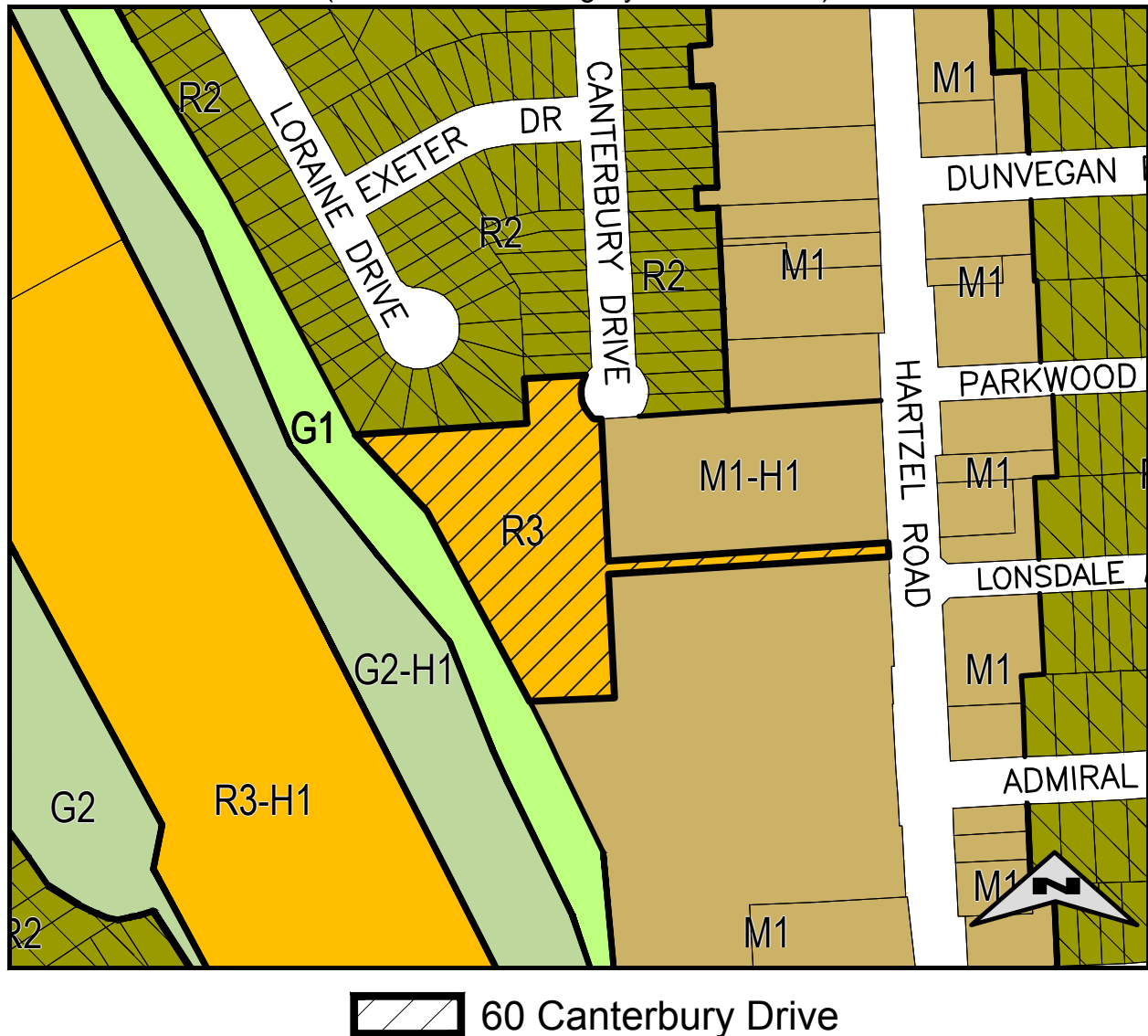
 60 Canterbury Drive



Files: 60.46.416

Existing Zoning

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



Zones

- R2 Low Density Residential - Traditional Neighbourhood
- R3 Medium Density Residential
- M1 Medium Density Mixed Use

- G1 Conservation / Natural Area
- G2 Minor Green Space

Files: 60.46.416

By-laws to be considered Monday, May 30, 2016

- (a) A By-law to authorize the acceptance of a conveyance of certain lands from Christopher Phelan and Wayne Allan for the widening of Pelham Road, Josephine Street and Rykert Street. (One reading – with respect to condition of severance for 71A Pelham Road. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a Subscription Agreement with Emergency Services Marketing Corp., Inc. (One reading – with respect to a subscription for access to lamResponding.com services by Fire Services. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize a contract with Rankin Construction Inc. (One reading – with respect to 2016 Resurfacing Program – Part 2, under Project No. P16-080. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize the acceptance of a conveyance of certain lands from District School Board of Niagara for the widening of Ferndale Avenue. (One reading – with respect to the widening of Ferndale Avenue to accommodate the municipal sidewalk. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to authorize an Assignment of Licence with Diane Taylor o/a “H2O Patio” to Paul Vok. (One reading – with respect to operating a chip truck at 530 Eastchester Avenue. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to amend By-law No. 89-2000 entitled “A By-law regulating traffic and parking on City Roads.” (One reading – with respect to the Geneva Street underpass. To be considered by General Committee, May 30, 2016.)
- (g) A By-law to authorize an Agreement with Raimondo + Associates Architects Inc. (One reading – with respect to Design and Construction Administration Services for Project No. P13-180 - New Administration Building for the Victoria Lawn Cemetery. To be considered by General Committee, May 30, 2016.)
- (h) A By-law to close permanently that part of Tunis Street re-named by Township of Grantham By-law No. 933 registered as Instrument No. GRN24900, formerly Alexander Street by Registered Plan TP94, and shown as Part 2, Plan 30R-14208 forming part of PIN 46175-0125 (LT) formerly in the Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara. (One reading – with respect to lands adjacent 130 Louth Street. To be considered by General Committee, May 30, 2016.)
- (i) A By-law to authorize a Licence Agreement with The St. Catharines Athletics Lacrosse Club. (One reading – with respect to a one-day community event “Lacrosse Day in Niagara” to be held on June 4, 2016. To be considered by General Committee, May 30, 2016.)

- (j) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading – with respect to minor housekeeping revisions, and to reinstate land use permissions for the property known municipally as 300/302 Lake Street. To be considered by Council, May 30, 2016.)
- (k) 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 minor housekeeping revisions, and to reinstate land use permissions for the property known municipally as 300/302 Lake Street. To be considered by Council, May 30, 2016.)
- (l) A By-law to amend By-law No. 2012-154 entitled “A By-law to regulate the erection of signs and other advertising devices in the City of St. Catharines.” (One reading – with respect to minor housekeeping revisions, and provision for home based business signs. To be considered by Council, May 30, 2016.)
- (m) A By-law to confirm the proceedings of council at its meeting held on the 30th day of May, 2016. (One reading – with respect to confirming the proceedings of the meeting held on May 30, 2016.)