



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

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

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**1. Presentations**

**2. Public Meetings Pursuant to Planning Act**

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2.1 Application to Amend the Zoning By-law to Permit Certain Accessory Uses, 368 Martindale Road; Owner: Ibtisam Kelada-Sedra; Agent: T. Johns Consulting Group

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2.2 Applications to Amend the Zoning By-law and for Draft Plan of Condominium (Vacant Land) Approval of a Private Road Development consisting of 13 detached dwellings, 37 Warkdale Drive; Owner: Warkdale Development Corporation; 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, Minutes of November 7, 2016](#)

6.2 [General Committee, Minutes of November 7, 2016](#)

6.3 [Budget Standing Committee, Minutes of October 17, 2016](#)

**7. Delegations**

7.1 Bram Cotton, Chief Executive Officer, Niagara Sport Commission  
Re: Partnership Investment Opportunity - 2018 FIBA (International Basketball Federation) Americas U18 Men's Championship Bid ([see General Committee Agenda, November 21, 2016, Item 3.1](#))

7.2 Doug Peters, Quartek Group Inc.  
Re: Request for Extension of Subdivision Draft Plan Approval, 39 Bromley Drive - "Bromley Gardens", Hetti Inc., Owner; Quartek Group Inc., Agent ([see General Committee Agenda, November 21, 2016, Item 3.2](#))

- 7.3 Katherine Nelson-Riley and Bonnie Cameron, Friends of the Carousel  
Re: License and Operating Agreement with District School Board of  
Niagara for Kernahan Park and Jeanne Sauvé Public School ([see  
General Committee Agenda, November 21, 2016, Item 4.3](#))

## **8. Call for Notices of Motion**

## **9. Motions**

- 9.1 **Request St. Catharines Heritage Advisory Committee Consider  
Heritage Designation of Rodman Hall under *Ontario Heritage Act***  
WHEREAS the Board of the Historical Society of St. Catharines has  
submitted a letter to Council urging that the property known as Rodman  
Hall (109 St. Paul Crescent) be designated under the Ontario Heritage  
Act (OHA), and listed the reasons for designation; and

WHEREAS Rodman Hall is already included in the St. Catharines  
Registry of Non-Designated Cultural Heritage Properties that could be  
considered for designation; and

WHEREAS at its November 10, 2016 meeting, the St. Catharines  
Heritage Advisory Committee passed a motion to conduct detailed  
research on Rodman Hall;

THEREFORE BE IT RESOLVED that Council requests the  
St. Catharines Heritage Advisory Committee consider the potential  
designation of the building and grounds at Rodman Hall under the  
Ontario Heritage Act, in consultation with Rodman Hall management  
and ownership. FORTHWITH

- 9.2 **Lakeside Pavilion Design**

WHEREAS at its November 7, 2016 meeting, Council passed the  
following motion:

"THEREFORE BE IT RESOLVED, that staff ensure the architects  
develop at least two sketches/illustrations of design alternatives  
that are more in keeping with the history of Port Dalhousie and  
Lakeside Park and, that the two Ward Councillors plus: the Mayor,  
Deputy Mayor, Parks Recreation and Culture Services staff, and  
the Chair of the St. Catharines Heritage Permit Advisory  
Committee [SCHPAC], promptly review all the alternatives and  
suggest one for approval by the SCHPAC; and

BE IT FURTHER RESOLVED that this be done expeditiously so  
the recommendation from the SCHPAC can be approved at the  
November 21, 2016 Council meeting and this does not cause any  
delays in construction or affect funding approvals; and

That the ward Councillors be included in the Building Design Committee. FORTHWITH"; and

WHEREAS while discussing this motion several Councillors and the Mayor expressed major concerns about the construction timetable that now called for the new pavilion to be completed by October 2017, after the busy Summer season; and

WHEREAS the group identified in the motion met on November 10, 2016 and reviewed in detail the current design and two alternative designs as called for in the motion; and

WHEREAS at the November 10, 2016 meeting the group also reviewed and identified ways in which a new pavilion could reflect and communicate the heritage of the Park and ways to expedite the construction timetable;

THEREFORE BE IT RESOLVED, that staff and the architects proceed immediately with the current design and, that the Public Art Advisory Committee and the Heritage Committees be consulted in order to incorporate elements in the glass windows and other components that reflect the heritage of the Park and;

BE IT FURTHER RESOLVED, that staff be directed to work with the architects and other suppliers to ensure that the construction timetable for all approved improvements to Lakeside Park is significantly expedited and shortened and, in particular, that staff be directed to ensure that the new pavilion and the new washrooms/concessions are ready and usable at the start of the 2017 Summer season, by the Victoria Day weekend in May. FORTHWITH

- 10. Resolve into General Committee**
- 11. Motion Arising from In-Camera Session**
- 12. Motion to Ratify Forthwith Recommendations**
- 13. By-laws**

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## **14. Agencies, Boards, Committee Reports**

### **14.1 Minutes to Receive:**

- Cultural Sustainability Committee, [October 26, 2016](#) (draft)
- [Green Advisory Committee, October 12, 2016](#) and [November 9, 2016](#)

## **15. Adjournment**

CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** October 20, 2016

**Date of Meeting:** November 21, 2016

**Report Number:** PBS-303-2016

**File:** 60.35.939 Vol. 3, 60.46.419

**Subject:** Application to Amend the Zoning By-law to Permit Certain Accessory Uses, 368 Martindale Road; Owner: Ibtisam Kelada-Sedra; Agent: T. Johns Consulting Group

### Recommendation

That Council approve an amendment to Zoning By-law 2013-283 for the lands described as Part of Lot 1, Con. 1 and Part of the Road Allowance Between Broken Front Con. and Con. 1, St. Catharines, municipally known as 368 Martindale Road, as follows:

- a) That Section 15.1, Schedule A (A6), Zoning Maps, be amended by rezoning the subject lands from Low Density Residential – Suburban Neighbourhood (R1) to Low Density Residential – Suburban Neighbourhood (R1-138), as outlined in Appendix 1.
- b) That Section 15.2, Schedule B, Lot Specific Maps for Special Provisions, be amended by inserting an additional lot specific map (Schedule B34), as outlined in Appendix 2.
- c) That Section 13.1, List of Special Provisions, be amended to add an additional special provision, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
138	R1	6	34	368 Martindale Road	
In addition to the permitted uses of the R1 Zone, a detached accessory dwelling unit shall be permitted in the existing barn on the property					
The following additional provisions shall also apply:					
1.	Maximum combined total floor area of a detached accessory dwelling unit and home based business			200 m <sup>2</sup>	
2.	Minimum number of parking spaces for home based business			1	
3.	Minimum Width of Landscape Buffer along the Northerly Lot Line, as shown on Schedule B34			1.0 m	

4.	Minimum Height of Landscape Buffer along the Northerly Lot Line, as shown on Schedule B34	3.0 m
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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 an application to the Ontario Municipal Board for approval of the Zoning By-law amendment, if any appeals are received; and

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

## Summary

The application proposes to allow a detached accessory dwelling unit within an existing barn on the subject property, and to increase the size of such a use from 105 m<sup>2</sup> as outlined in the General Provisions of the City's Zoning By-law, to 200 m<sup>2</sup>. The application also proposes to increase the size of a home based business, which is currently permitted on the property, from 40 m<sup>2</sup> to 200 m<sup>2</sup>. Combined, the proposed two uses will not be allowed to exceed 200m<sup>2</sup> which is the existing floor area of the accessory building/barn. It is noted that if a detached accessory dwelling unit is permitted in the barn, a bed and breakfast would also become a permitted use in the building. A concept site plan of the property, which shows the existing barn as well as the location of driveway and parking spaces, is attached as Appendix 3.

The application represents an efficient re-use of an existing building. The proposed uses will take advantage of existing driveway and parking areas on site. Staff is of the opinion that if additional driveway or parking areas are required to accommodate any future accessory use, such as a bed and breakfast or other type of home occupation, the residential appearance and character of the property may be compromised. Consequently, if the residential appearance and character of the premises are not maintained, the property would not comply with provisions of the Zoning By-law.

## Report

### Proposed Development

The subject application to amend the Zoning By-law seeks to make use of an existing barn building on the subject property. The owner has applied to permit a detached accessory dwelling unit within the existing barn on the subject property, and to increase the size of such a use from 105 m<sup>2</sup> as outlined in the General Provisions of the City's Zoning By-law, to 200 m<sup>2</sup>, the existing size of the barn. The application also proposes to increase the size of a home based business, which is currently permitted on the property, from 40 m<sup>2</sup> to 200 m<sup>2</sup>.

The Planning Justification Report submitted in conjunction with the subject application states that, “there are no immediate plans for the barn, but the intent is to maximize the potential as a home occupation (business office, artisan studio, medical practitioner etc) and/or a dwelling unit”. The proposal does not include any renovations to the exterior of the barn. No new development is proposed.

Staff has added provisions in the requested site-specific Zoning By-law amendment to require a landscape buffer strip along the closest property line adjacent to the barn and driveway leading to the barn, as well as to add a parking requirement for the home based business use. The owner’s agent has agreed to the proposed additional provisions.

## Location and Site Description

The subject lands are 2319.58 m<sup>2</sup> in size and contain a detached dwelling with an accessory structure (formerly used as a barn in conjunction with the former agricultural use of the property, Stokes Seeds). The property is located on the east side of Martindale Road, between the QEW and Golden Boulevard, backing onto Martindale Pond (see Location map attached as Appendix 4). The rear of the site slopes down toward the Pond and contains mature vegetation. The property is located in the City’s North Planning District. The neighbourhood consists of detached dwellings on generously sized lots.

Surrounding land uses include:

North:	Low density residential (detached dwellings)
South:	Low density residential (detached dwellings)
East:	Conservation/Natural Area (Martindale Pond)
West:	Low density residential (detached dwellings)

## Circulation of Application

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. There were no objections received. Further detail regarding circulation comments is provided in the Planning Analysis section of this report.

## Planning Analysis

### Planning Act

In 2011 the *Strong Communities through Affordable Housing Act, 2011* amended various sections of the *Planning Act* to facilitate the creation of second units in Ontario municipalities. Changes to the Act required municipalities to establish Official Plan policies and Zoning By-law provisions allowing second units in detached, semi-detached and townhouse dwellings, as well as in accessory structures. The fundamental change to the Act is that second units are required to be permitted in a municipality as-of-right (i.e. without needing to amend a Zoning By-law). Through the use of Official Plan policies and Zoning By-law provisions, municipalities can set parameters as to how and where second units are permitted.

## Provincial and Regional Policy Context

The lands are within a settlement area under the 2014 Provincial Policy Statement (PPS) and is within the built-up area of St. Catharines as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS and Growth Plan contain policies that direct major growth and development to settlement areas, encourage the development of complete communities, support intensification, and require the provision of an appropriate range of housing types and densities to meet the social, health and well-being requirements of current and future residents. Provincial policy specifically directs municipalities to develop strategies for intensification, including policies to encourage the creation of “secondary suites” throughout the built-up area. The subject application meets Provincial policy in this respect.

Similar to the Growth Plan, the Regional Official Plan (ROP) directs development to take place in urban areas and supports intensification where appropriate servicing and infrastructure exists. The Region’s Core Natural Heritage Mapping identifies the subject property as being with an Environmental Conservation Area (ECA), to the valley shoreline. The subject Zoning By-law amendment application is found to be consistent with the ROP as it is proposes to provide intensification in the built-up area, where existing services exist, and there is no new development being proposed within the ECA.

## Official Plan (Garden City Plan)

The City’s Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential and Natural Area (refer to Appendix 5), providing for a range of housing opportunities, types, forms and densities. Schedule E1 of the GCP (refer to Appendix 6) provides additional direction for the North Planning District and designates the lands as Low Density Residential and Natural Area, with a Natural Area Extent Line. The Low Density Residential designation permits a variety of residential uses, including detached, semi-detached, duplex, quadruplex, fourplex and townhouse dwellings.

With respect to the accessory dwelling unit, the GCP permits “accessory apartments” in detached, semi-detached and townhouse dwelling units, or in a detached structure accessory to a detached, semi-detached or townhouse dwelling unit in accordance with applicable Zoning By-law requirements and other applicable laws and requirements, including the Building Code, Fire Code and property standards. An “accessory apartment unit” is defined in the GCP as:

*A secondary apartment unit within a primary residential dwelling unit or within a detached structure accessory to a primary residential dwelling unit.*

With respect to the home based business, the GCP permits the use within a principle dwelling unit, accessory structures thereto, and accessory dwelling units in accordance with applicable By-law requirements to ensure the ancillary and subordinate nature of such use. The GCP states that home based businesses shall be small in scale in relation to the size of the principal dwelling unit, may permit outside activities but not



outdoor storage, and shall be strictly limited in the provision of on-site employees and outside signage, and the scale of the operation. A home based business is defined in the GCP as:

*An occupation, business, enterprise or service, conducted within a dwelling unit and/or accessory structures 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.*

The planning analysis contained in this report will evaluate the proposal against the policies of the Official Plan, including policies related to the accommodation of growth in the municipality, scale and compatibility, built form and urban design, and the natural area.

## Zoning By-law

Approximately 2065.33 m<sup>2</sup> are zoned Low Density Residential (R1) Zone. The entire property has a size of 2319.58m<sup>2</sup>. The remaining lands are zoned Conservation/Natural Area (G1) Zone (refer to Appendix 7). Uses permitted in the R1 Zone include detached, semi-detached, quadruplex and townhouse dwellings, as well as private road development.

An interior accessory dwelling unit is a permitted use in the R1 Zone, subject to several provisions. While the Zoning By-law also contains provisions for a detached accessory dwelling unit, this use is not a permitted use in any specific zone. Rather, a Zoning By-law amendment is required to assess the merits of each proposal for a detached accessory dwelling unit.

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, subject to several provisions. A home based business, with a floor area of 40 m<sup>2</sup> would currently be permitted on the subject lands.

The table below outlines the original requests by the owner and Staff alterations or caveat made to each request. The applicant is in agreement with the proposed Zoning By-law Amendment being recommended by Staff.

Provision	Zoning Requirement	Proposed Amendment	Staff Alteration
<b>2.2.2 Detached Accessory Dwelling</b>			
Maximum floor area	105 m <sup>2</sup> or 40% of the floor area of principal dwelling, whichever is less	200 m <sup>2</sup>	Total of a maximum of 200 m <sup>2</sup> for a detached accessory dwelling

Provision	Zoning Requirement	Proposed Amendment	Staff Alteration
			and/or a home based business
<b>2.2.4 Home Based Business</b>			
Maximum floor area	40 m <sup>2</sup> (25% of the floor area of principal dwelling, to a maximum of 40 m <sup>2</sup> )	200 m <sup>2</sup>	Total of a maximum of 200 m <sup>2</sup> for a detached accessory dwelling and/or a home based business
Minimum parking spaces required	0	-	1
<b>Landscape Buffer (Staff Addition)</b>			
Minimum width of landscape buffer	None	-	1.0 m along northerly lot line (as illustrated on Schedule B34)
Minimum height of landscape buffer	None	-	3.0 m along northerly lot line (as illustrated on Schedule B34)

The total floor area of the existing accessory structure is 200 m<sup>2</sup>. The applicant requested an amendment to the Zoning By-law to allow both a detached accessory dwelling unit and a home based business with floor areas of 200 m<sup>2</sup>. Staff has added language to the proposed Special Provisions for this site to ensure that in total, the two uses combined do not exceed 200 m<sup>2</sup>, which is the existing floor area of the accessory building/barn.

Staff has also added a parking space requirement for a home based business, as well as a landscape buffer requirement along the northerly lot line.

The maximum height of an accessory structure in the R1 Zone is 4.5 m. The height of the existing barn building is 7.75 m and is considered to be legal non-complying to the height provision of the Zoning By-law. This is an existing situation and is not required to be recognized in the Special Provisions.

The following subsections detail the merits of the Zoning By-law Amendment in greater detail.

### **Accommodation of Growth**

The Garden City Plan recognizes that the City has a finite Urban Area, and a diminishing vacant land supply and a finite occupied land base to accommodate projected population and employment growth. The Plan aims to accommodate growth by efficiently using vacant and occupied lands, develop a more compact built form and

density, and through the reuse, rehabilitation, regeneration, intensification and enhancement of the built environment.

The subject application proposes to repurpose an existing accessory building (barn) on the property for uses that support the growth policies of the Official Plan – both residential and employment. The proposal represents an efficient use of an existing accessory building to a residential use in the built-up area, which will help achieve growth targets and provide a new housing option.

Recognizing that the Plan prefers a mix and interaction of new and existing uses within the built-up area, the urban design policies of the plan become ever more important to assist in evaluating development proposals.

### **Built Form and Urban Design**

The existing accessory building on the property is a charming barn structure that dates back to the time when the site and surrounding area was used for farming. The barn was once part of the Stokes Seeds operation and is the only remaining building of the farm in this location. The reuse of the building as a detached accessory dwelling unit and/or home based business will help ensure the preservation of this building.

From an urban design perspective, the Official Plan seeks to achieve development that is compatible with surrounding buildings in the vicinity, and that respects and enhances the existing character of the area. The form of the building itself, even at 7.75 m tall, is compatible at the present time. The building sits on a large property with other large properties in the vicinity for a considerable amount of time and forms part of the character of the area.

### **Scale and Compatibility**

The floor area of the existing dwelling, including the basement, is approximately 443.5 m<sup>2</sup>. The total lot area is 2319.58 m<sup>2</sup>. The total floor area of the existing accessory structure is 200 m<sup>2</sup>, which equals 45% of the floor area of the existing dwelling. The general provisions of the Zoning By-law contemplate a home based business which is 25% of the size of the principal dwelling, and a detached accessory dwelling unit that is 40% of the principal dwelling. Generally, these size would be appropriate for a standard sized residential lot (e.g. maximum lot size in the R1 Zone is 490 m<sup>2</sup>) with an average sized house. The proposed floor area increase for accessory uses on the subject property is considered to be appropriate with regard to scale, given the larger size of the subject lot and dwelling, as well as the surrounding lots and dwellings.

From a design perspective, the accessory structure itself is compatible with the surrounding area. Staff are also of the opinion that the use of the building for a detached accessory dwelling unit and/or a home based business, including a bed and breakfast is compatible with surrounding uses. The applicant proposes to be able to make use of all of the floor area of the existing building. The application is an efficient re-use of an existing structure.

The General Land Use policies of the Garden City Plan state that development shall be evaluated having regard for building, site and streetscape context sensitive design to ensure, “adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimate conditions, and protection of the natural features, function and hazards”. This policy is the basis for the following analysis.

### *Parking*

The scale of uses (i.e., size and floor area) will dictate the number of parking spaces required on site, which is a factor to examine when considering possible impacts on surrounding properties.

The concept site plan submitted with the application (Appendix 3) shows four parking spaces on site, which are all existing. There are two legal spaces in the main driveway of the principal dwelling and two legal parking spaces in front of the accessory structure, at the rear of the property. A small area for vehicles to turnaround exists for the two spaces near the barn. Additionally, the principal dwelling has a side-facing garage with two other parking spaces inside. However, the garage spaces do not conform to the Zoning By-law because they are in tandem with the two spaces in the main driveway. The surface treatment of the parking areas and driveway is a combination of asphalt and gravel.

The existing dwelling requires one parking space. The proposed detached accessory dwelling unit also requires one parking space. These two spaces will be accommodated in existing areas on site. There will not be any impacts on adjacent properties in this respect.

The City’s Zoning By-law does not contain a parking requirement for a home based business use. However, because of the proposed increased size for an accessory dwelling unit and/or home based business, and since there is a possibility that both uses could exist at the same time on the site, Staff recommends that the home based business requires one parking space. This will ensure that there is no conflict between uses on site with respect to parking. The parking can be accommodated within the existing parking areas on site.

It should be noted that a bed and breakfast is permitted in the R1 Zone, to a maximum of four rented rooms. If the proposed accessory dwelling unit is permitted, a bed and breakfast would also be permitted within the accessory structure, with a maximum of four rented rooms on the property. One parking space is required per rented room. Whether a bed and breakfast would be feasible on the property in conjunction with a detached accessory dwelling and/or another type of home based business, is a function of parking availability and possibly further zoning approvals.

The Zoning By-law provisions for home based business state that “the residential appearance and character of the premises shall be maintained”. It is Staff’s opinion that

if new parking is needed to accommodate secondary uses on the site, the residential appearance and character of the property would be degraded. In other words, there is a tipping point at which point the size and number of home based businesses on site would cause the property to lose its residential character.

There is an existing cedar hedge along the north property line which provides a buffer between the driveway/parking areas on the subject property and the adjacent residential property to the north. To maintain this buffer, Staff recommends that the existing cedar hedge be maintained as indicated in Appendix 3, and that additional plantings be added to extend the landscape buffer along the northerly side of the accessory structures. Staff recommend that the minimum width of the buffer be 1.0 m and minimum height be 3.0 m, as outlined in the proposed Special Provisions. The recommended landscape buffer helps to minimize any visual or auditory impacts on the adjacent property to the north. There are no concerns with respect to mitigating impacts on the adjacent residential property to the south.

In summary, Staff are satisfied that the site can accommodate parking for a detached accessory dwelling unit and/or home based business, as proposed, utilizing existing surfaced parking and driveway areas. Should any future use require additional parking, such use would not meet the intent of the above noted zoning provisions related to residential appearance and character.

#### *Privacy*

It is a policy of the Official Plan to ensure that adverse impacts on adjacent properties are minimized in regard to privacy, among other matters. Maintaining privacy is therefore a consideration when reviewing a Zoning By-law amendment application. The accessory structure, as existing, has a second storey window that faces the rear yard of the property to the north. The building is setback 1.26 m from this property line. This type of side yard setback to a residential building is not uncommon in an urban environment. Staff does not consider overlook in this situation to cause an adverse impact on the neighbouring residential use.

To ensure that a level of privacy exists in perpetuity between the existing residential use to the north and the proposed uses on the subject property, Staff recommends that the Special Zoning Provisions for the site contain a requirement for a 1.0 m wide, 3.0 tall landscape buffer. The existing cedar hedge fulfills this provision along a portion of the property line. The owner will be required to extend the buffer along the northerly side wall of the accessory structure. This buffer minimizes privacy concerns from the residential use to the north.

There are no privacy concerns with regard to the adjacent residential use to the south.

#### **Natural Area**

The subject lands are impacted by a valley slope and fish habitat associated with Martindale Pond. The Niagara Peninsula Conservation Authority (NPCA) regulates all development and site alteration within 15 m of a steep slope. Generally, new

development and site alterations would be required to be set back a minimum of 7.5 m from the stable top of slope. The existing barn on the property is within this 7.5 m setback, however since there is no expansion or alteration to the barn proposed, the NPCA is satisfied there will be no impact on the stability of the slope as a result of the subject Zoning By-law amendment application. The fish habitat feature of Martindale Pond requires a 30 m vegetated buffer from the bank of the water. This 30 m buffer is entirely within the lands zoned Conservation/ Natural Area on the property. The existing barn building is within the R1 Zone.

The subject application will not affect the valley lands nor the fish habitat feature, since no physical development is being proposed.

## **Public Open House**

A Public Open House was held on Thursday, September 22, 2016 at City Hall. There were six members of the public in attendance. One written submission has been made from a member of the public, which is included as Appendix 8 to this report. The major themes of the discussion at the Open House, and of the written submission, have been addressed in the Planning Analysis section of this report.

## **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.

## **Relationship to Strategic Plan**

### **Economic Sustainability**

The approval of this Zoning By-law amendment will serve to support the goals for economic sustainability by:

- Facilitating private investment through development in the City (Goal 1).

### **Social Sustainability**

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

- Increasing the housing type and tenure options in the neighbourhood (Goal 4).

## Environmental Sustainability

The approval of this Zoning By-law amendment will serve to support the goals for environmental sustainability by:

- Protecting the state of the natural features on site (Goal 7).

## Conclusion

In summary, staff is supportive of the proposal to allow a detached accessory dwelling unit within an existing barn on the subject property. Staff recommends that a detached accessory dwelling unit and home occupation shall not exceed 200 m<sup>2</sup>, combined. Staff also recommends that a home occupation require one parking space, and that the northerly property line contain a landscape buffer. The application represents an efficient re-use of an existing building. The proposed uses will take advantage of existing driveway and parking areas on site. Staff is of the opinion that if new driveway or parking areas are required to accommodate any accessory use, such as a bed and breakfast or other type of home occupation, the residential appearance and character of the property will begin to degrade. This would make the property non-compliant with provisions of the Zoning By-law.

The Zoning By-law amendment proposal is consistent with provincial, regional and municipal policies, providing for intensification within an established neighbourhood.

## Notification

It is in order to advise Upper Canada Consultants, 261 Martindale Road, Unit 1, St. Catharines, ON, L2W 1A1, the owner's agent.

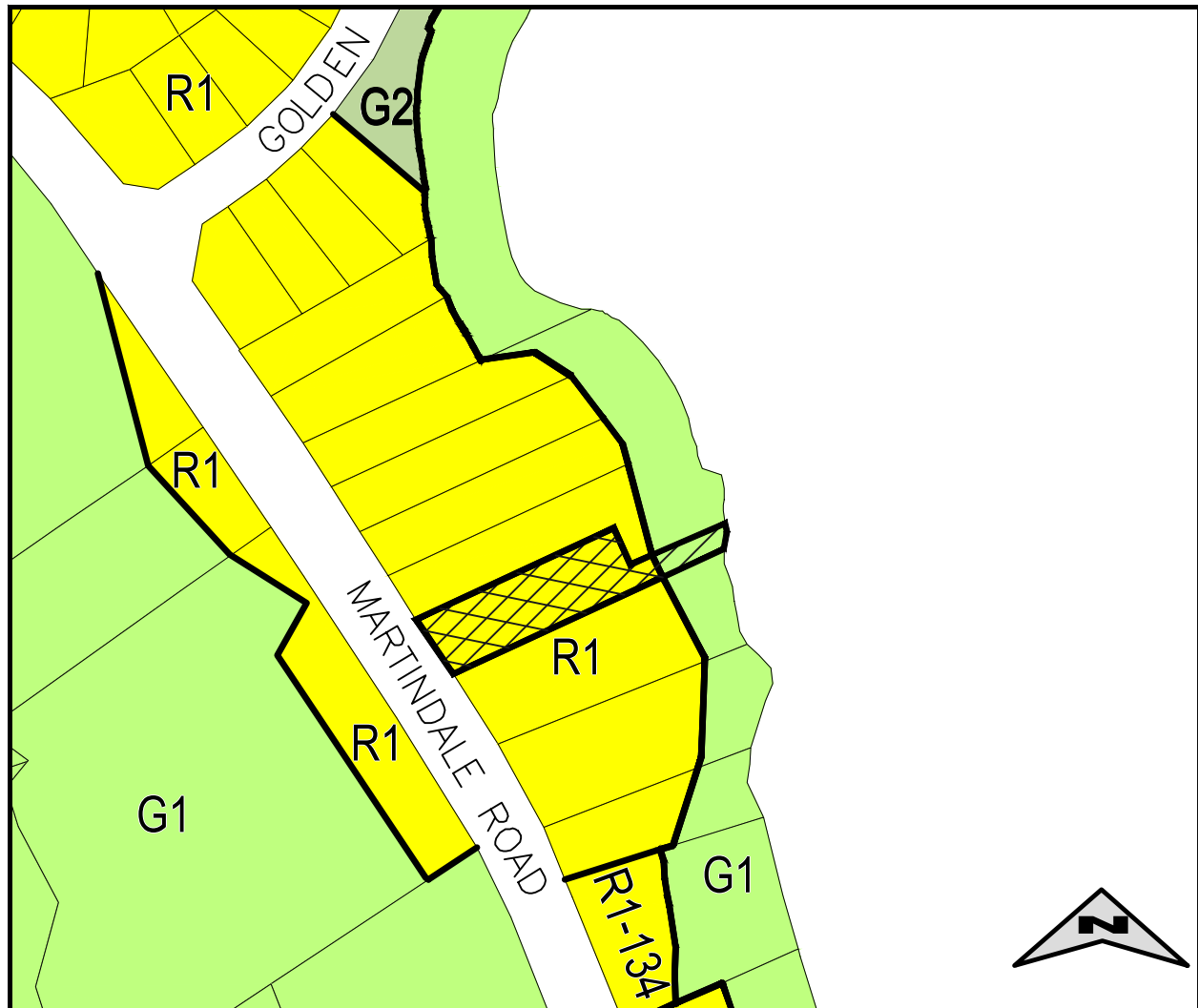
## Prepared and Submitted by:

Aaron Butler, MCIP, RPP  
Planner I

## Approved by:

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

# Proposed Amendment to Zoning By-Law 2013 - 283





 368 Martindale Road

 Subject Lands

Subject lands to be re-zoned from  
Low Density Residential - Suburban Neighbourhood (R1) to  
Low Density Residential - Suburban Neighbourhood (R1-138)

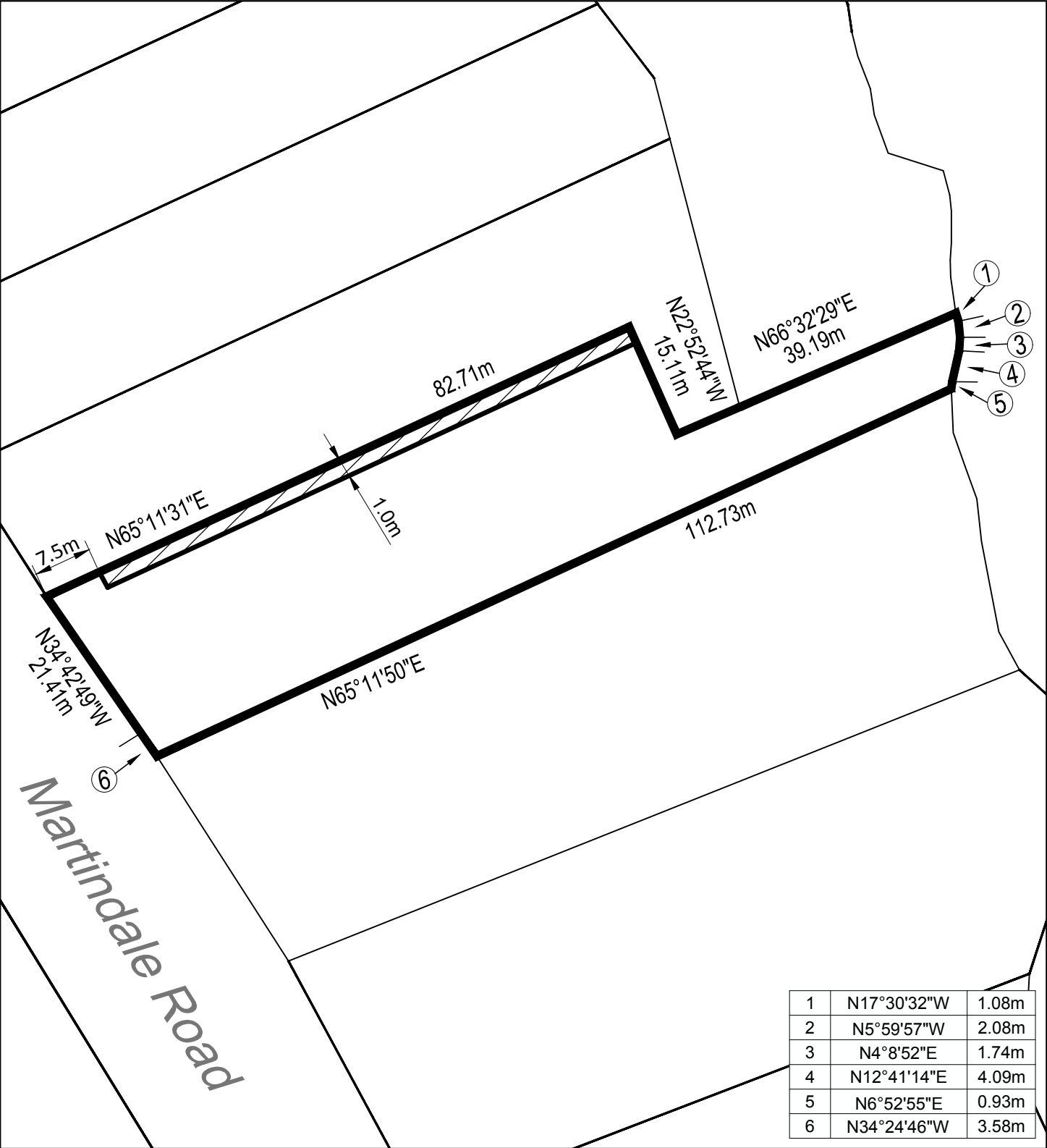
## Zones

 Low Density Residential  
- Suburban Neighbourhood

 Conservation / Natural Area  
 Minor Green Space



SPECIAL PROVISION	SCHEDULE A	SCHEDULE B	LOCATION	BY-LAW
138	6, 7	34	368 Martindale Road	



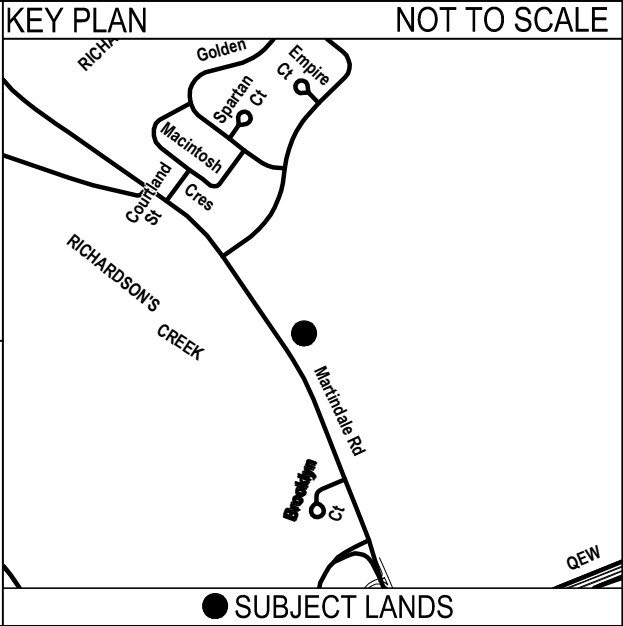
1	N17°30'32"W	1.08m
2	N5°59'57"W	2.08m
3	N4°8'52"E	1.74m
4	N12°41'14"E	4.09m
5	N6°52'55"E	0.93m
6	N34°24'46"W	3.58m

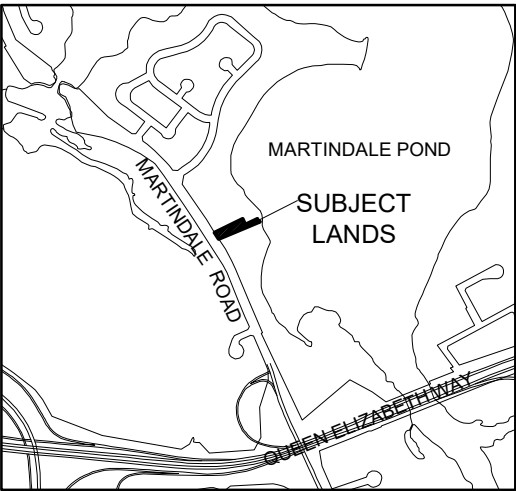
AN ILLUSTRATION SHOWING

Concession 1 Part Lot 1 and Part of Road Allowance between Broken Front Concession and Concession 1

IN THE CITY OF ST.CATHARINES REGIONAL MUNICIPALITY OF NIAGARA

DISTANCES SHOWN ARE IN METRES  
NOT TO SCALE





PART OF LOT 1 CON 1 AND  
PART OF THE R/A BETWEEN  
BROKEN FRONT CON AND CON 1  
IN THE  
**CITY OF ST. CATHARINES**  
REGIONAL MUNICIPALITY OF NIAGARA



## REVISIONS

C	RE-SUBMISSION	17-OCT-2016	JW
B	RE-SUBMISSION	12-OCT-2016	JW
A	SUBMISSION	28-JUL-2016	PV
REV.	DESCRIPTION	DATE	INIT.

## DISCLAIMER

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## PROJECT TITLE

368 MARTINDALE ROAD

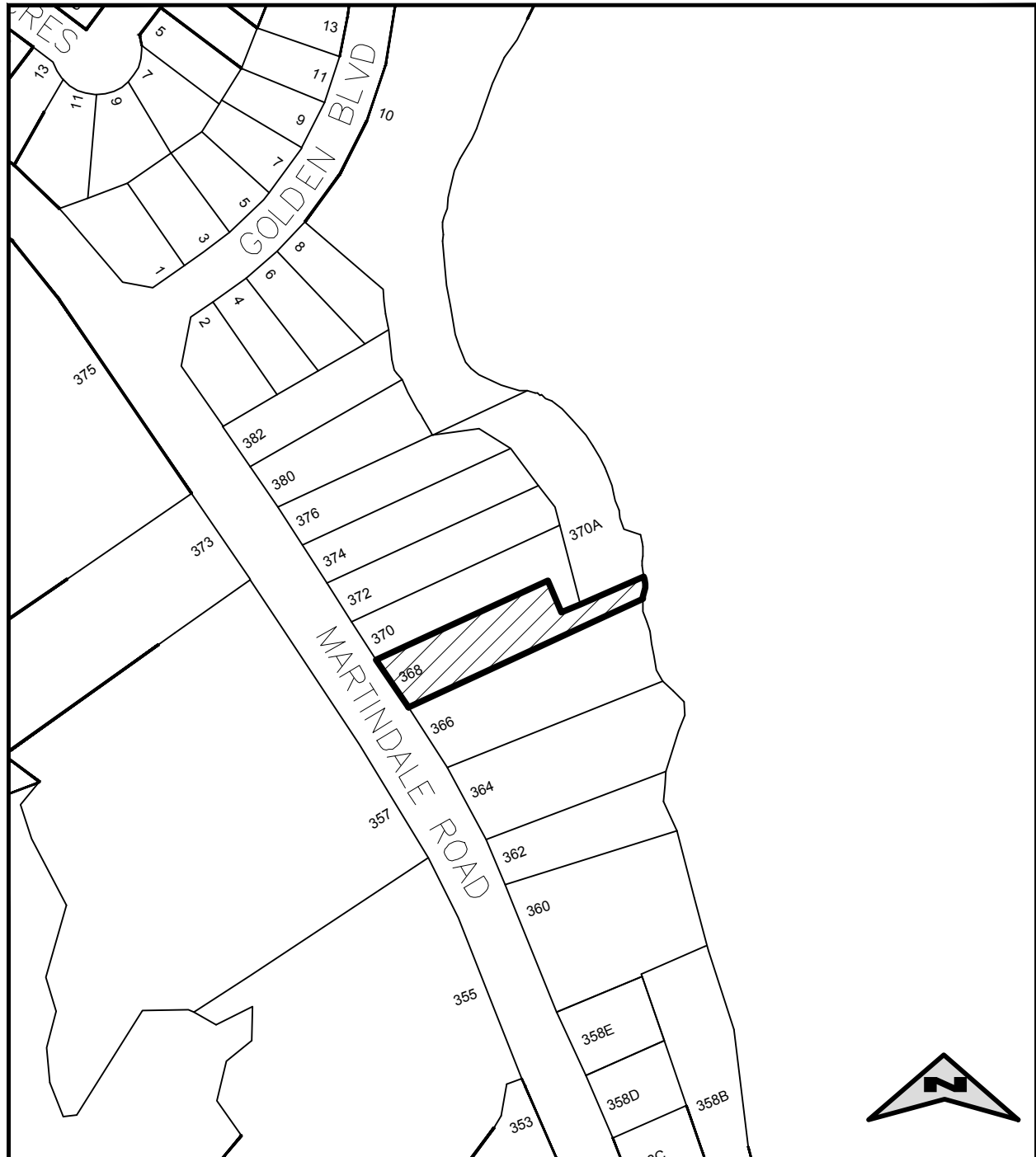
ST. CATHARINES, ONTARIO

## DRAWING TITLE

# SITE PLAN

DRAWN BY JW	DESIGNED BY JW
PRINT DATE 17-Oct-2016	PROJECT NUMBER 4801
REVISION C	DRAWING NUMBER  SP-1
SCALE 1:500	

# Location Map



368 Martindale Road  
File: 60.35.1015





## Existing Land Use Designation

(General Land Use Plan D1 - Garden City Plan)

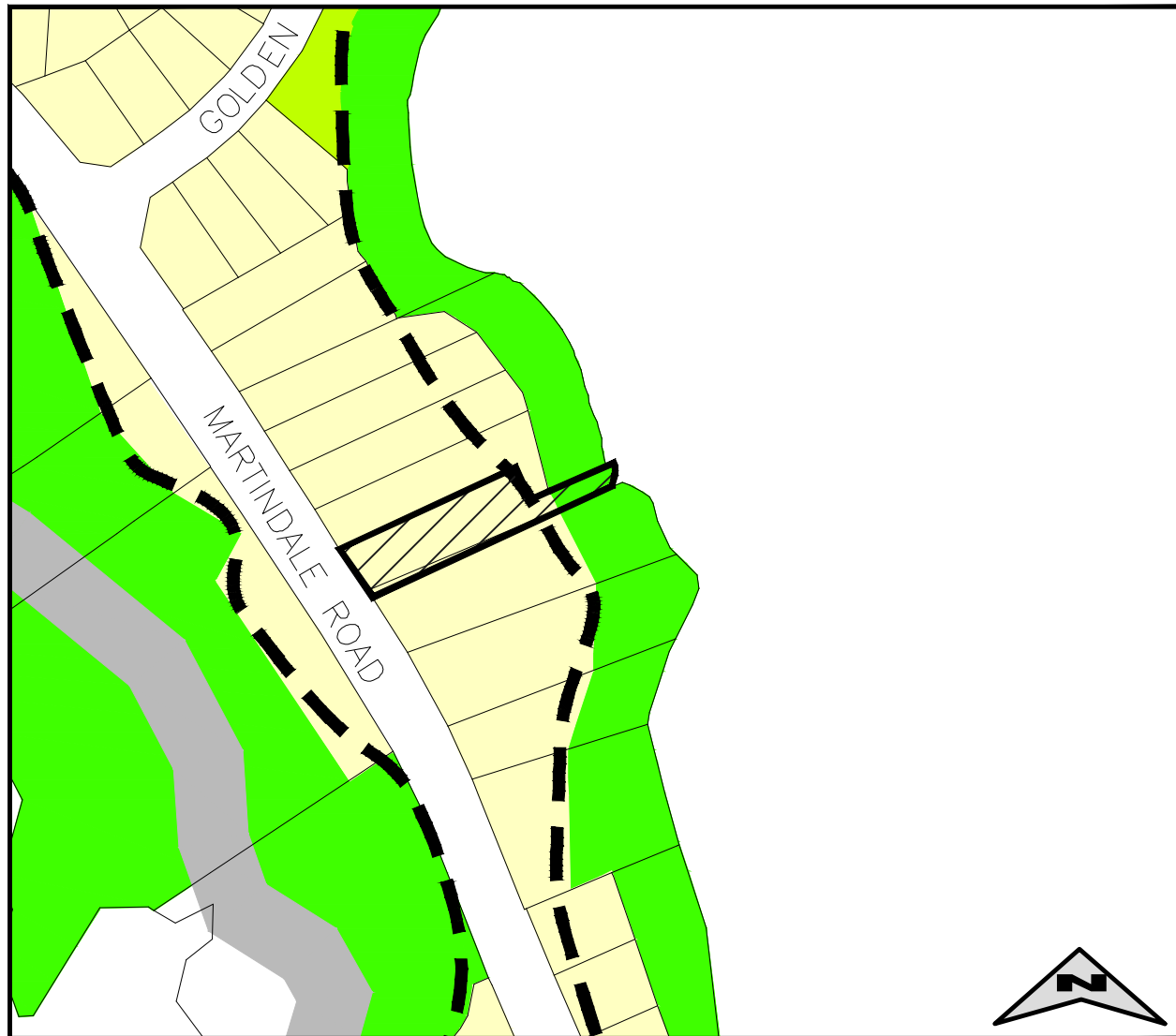


 368 Martindale Road

### Land Use Designations



- |   |   |
|---|---|
|  Neighbourhood Residential |  Parkland & Open Space |
|  Natural Areas             |  Urban Area Boundary   |



## Existing Land Use Designation (North Planning District E1 - Garden City Plan)



 368 Martindale Road

### Natural Area Extents

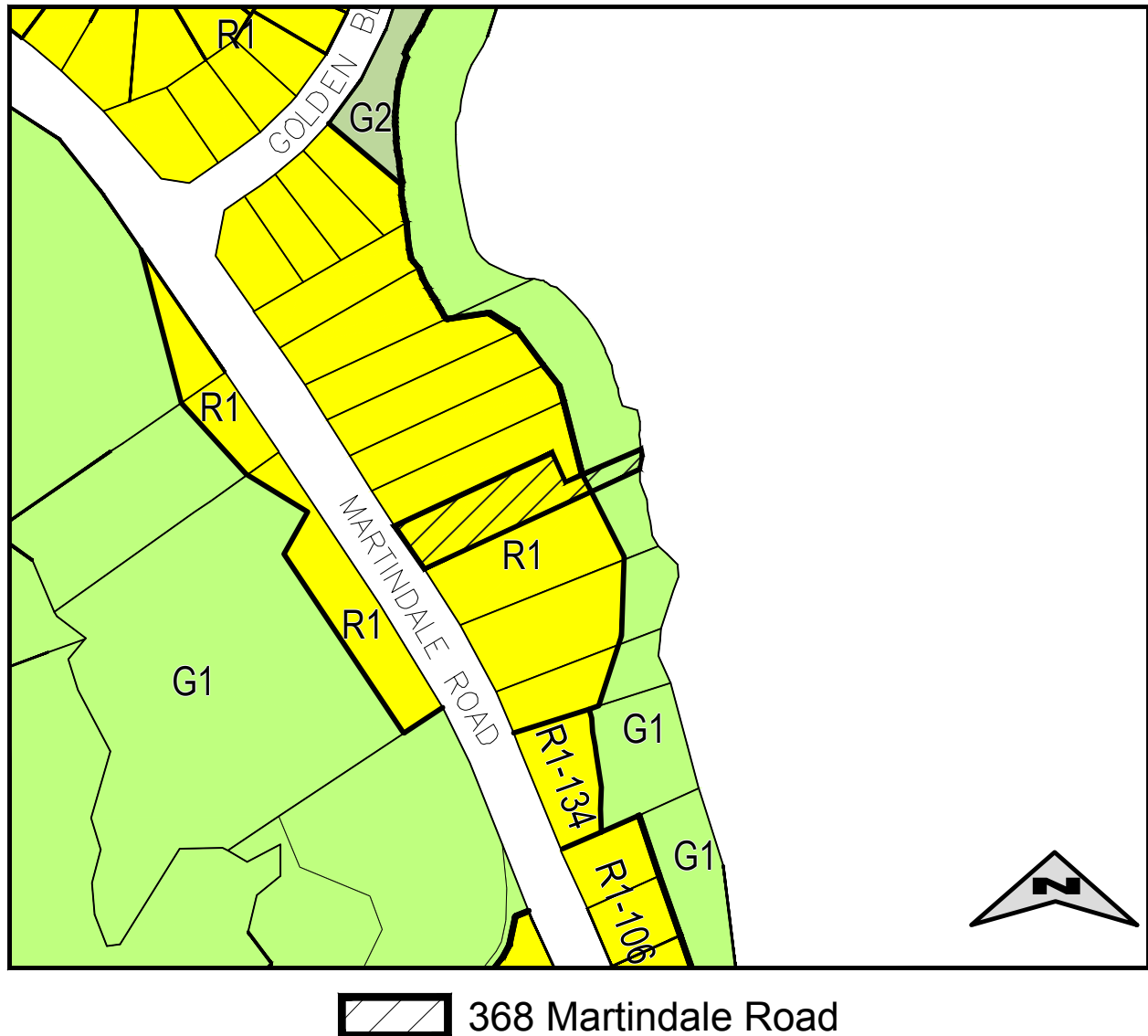
 Low Density Residential  
 Natural Areas

 Parkland & Open Space  
 Natural Area Extent Line

File: 60.35.1015

# Existing Zoning

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



## Zones

**R1** Low Density Residential  
- Suburban Neighbourhood

**G1** Conservation / Natural Area  
**G2** Minor Green Space

**COMMENTS REGARDING THE ZONING BY-LAW  
AMENDMENT APPLICATION FOR:**

368 Martindale Road

St. Catharines

FILE 60.35.1015

**Submitted By:**

Marco & Susan Marrone  
370 Martindale Road  
St. Catharines

October 14, 2016

## SUMMARY

A Zoning By-law Amendment (ZBA) application has been submitted by the owner of 368 Martindale Road to:

- Expand the land use permitted for an existing barn to allow for an accessory dwelling unit and further a home based business and bed and breakfast.

We are providing rationale for our position that the ZBA application be DENIED.

The summary of the rationale to DENY the application is as follows:

- The Official Plan outlines policies related to land use and the Zoning By-Law 2013-283 implements these policies by setting standards and limits.
- The application for the Zoning By-Law Amendment (ZBA) grossly exceeds the standards and limits that the Zoning By-Law has outlined and has material impacts on adjacent properties and the neighbourhood. Specifically, the size and scale of the proposed dwelling unit/accessory structure contravenes certain policies within the Official Plan.
- The application is not specific to a particular use for the property, but rather is wide in scope. Additionally the application states that there are no plans for the barn at the present time (page 4 of the Planning Justification Report).

Therefore the proposed amendment DOES NOT:

- Conform to the Official Plan, and
- Meet the intent of Zoning By-law 2013-283.

If the application is approved, then the result will be an accessory structure that:

1. Is an accessory dwelling unit (which is not the case at present)

PLUS

2. Allows for the size of the accessory dwelling unit to be almost double the maximum allowed under the by-law (199 vs 105 square metres)

PLUS

3. Allows the height of the structure to be well above the maximum 4.5 metres outlined in the by-law.

PLUS



4. Allows the maximum space for a home based business to be 5 times the maximum allowed in the by-law (ie 199 vs 40 square metres)

PLUS

5. Covers more than the maximum 10% of the lot area outlined in the by-law.

PLUS

6. Has material negative impact on the adjacent properties and neighbourhood including, but not limited to, privacy, security, noise pollution, light pollution, dust and vehicle congestion.

PLUS

7. Does not fit with the character of the neighbourhood where there are no other accessory dwelling units located at the rear of the properties.

PLUS

8. Provides for potential loopholes in the zoning by-law thereby increasing the negative impacts on the adjacent properties and neighbourhood: example: the size of the rooms in the bed and breakfast would be larger than contemplated in the by-law and therefore a greater number of individuals could stay in the room thus increasing the negative impacts on adjacent properties.

## **FACTS**

Address: 368 Martindale Road, St. Catharines  
Lot Area: i) Including G1 lands = 2,320 square metres  
ii) Excluding G1 lands = 2,065 square metres

Accessory Structure: Size: 199 square metres  
- main floor = 99 square metres  
- second level = 100 square metres  
Height: Not supplied at this time.

Area of accessory structure as a % of lot area:  
i. Including G1 lands = 8.6%  
ii. Excluding G1 lands = 9.6%

Principal Dwelling is set back approximately 30 metres from front lot line.

## **ANALYSIS**

### **Official Plan Definitions**




- Development (page 107) - means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act....
- Redevelopment (page 110) – means the creation of new units, uses or lots on previously developed lands, including brownfield and greyfield sites.


Therefore, this application would be considered a redevelopment and even a development and would covered under the Official Plan.

The following pages provide detailed analyses of the application and how it contravenes relevant sections of the Official Plan and Zoning By-Law 2013-283. The analyses supports the position that the application should be DENIED.

## ANALYSIS

### Current Official Planning & Zoning By-Law Requirements (pertinent sections only listed)

Use	Official Plan & Zoning By-Law	Comments
Accessory Structure 	Zoning by-law Section 2.1 states that accessory structures shall not: 2.1a) Be used as a dwelling unit 2.1d) Exceed a building height of 4.5m 2.1e) Exceed 10% of total lot area, excluding in-ground swimming pools.	Presently the structure is not an accessory dwelling unit. The building <b><u>exceeds</u></b> the height maximum by a large amount (the height of the structure has not been provided in the application) and the building covers close to 10% of lot area (excluding the G1 lands). In fact, given the substantial area that has been excavated to allow for a basement walk out, which is similar to an in-ground pool, the structure <b><u>covers more than 10%</u></b> of the lot area.
Accessory Dwelling Unit 	Section 2.2.2 of the by-law states “where permitted by Section 13 Special Provision, a detached accessory dwelling unit shall be subject to Section 2.1b) to f), Section 2.1.1 <b><u>and</u></b> the following provision:  a) The floor area shall not exceed 105 square metres or 40% of the floor area of the principal dwelling unit including the basement, <b><u>whichever is less</u></b> ”  Section 3.12.1 requires 1 additional parking spot for the accessory dwelling unit.	The proposed accessory dwelling unit does not meet the requirements of Section 2.2.2 as it does not meet the requirements of Section 2.1b) <b><u>and</u></b> 2.1e) <b><u>and</u></b> exceeds the second requirement of 2.2.2 limiting the size to 105 square metres. The accessory dwelling is almost <b><u>DOUBLE</u></b> the size of the maximum allowed under this section ie 199 square metres versus the 105 square metres maximum.
Home Based Business 	Official Plan Section 7.11 states that the home based business shall be <b>small in scale</b> in relation to the size of the principal dwelling unit. Additionally, the definition of home based business in the Official Plan (page 108) requires the resident of the dwelling unit to undertake the business <b><u>and</u></b> it should not have an adverse effect on abutting lands or the surrounding neighbourhood.	If the application is approved, the home based business would occupy <b><u>5 TIMES</u></b> the maximum square footage allowed under the zoning by-law Section 2.2.4c) ie <b>199</b> square metres versus the <b>40</b> square metres maximum. The home based business is <b><u>NOT</u></b> small in scale. The size and scale of this business is <b><u>substantially</u></b> larger than contemplated under the Official Plan and Zoning by-law.

Use	Official Plan & Zoning By-Law	Comments
	<p>Zoning By-law Section 2.2.4</p> <p>2.2.4c) limits size of business to 25% of gross floor area of principal dwelling unit (excluding garage and accessory structure) to a maximum of 40m<sup>2</sup>.</p> <p>2.2.4e) requires business to be conducted by person residing in the dwelling unit and may include 1 non-resident employee or volunteer or assistant.</p> <p>2.2.4h) states that the cumulative number of on-site clients shall be limited to a maximum of 5 at any one time.</p>	<p>As stated on the previous page, if the application is approved, the home based business would occupy <b>200</b> square metres, which is <b>5 TIMES</b> the maximum allowed in the by-law.</p> <p>Given the layout of the lot there is insufficient parking for an employee or assistant or volunteer <b>and</b> for up to 5 clients visiting at any time. Additionally, the size and scale of this business <b>will</b> have an adverse effect on abutting lands and neighbourhoods (see following section titled Official Plan-Context).</p>
Bed & Breakfast	<p>Zoning By-Law Section 2.2.4.1a) allows for a maximum of 4 rooms. Section 3.12 requires 1 parking space per rental room.</p>	<p>The definition of a bed and breakfast in the zoning by-law “means a home based business wherein rooms or beds are rented for a period not exceeding 28 consecutive days, and meals are served to overnight guests”.</p> <p>The by-law puts limits on the size of the home based business which in this case is 40 square metres. (Section 2.2.4c). In this application, the home based business would be 5 times the maximum allowed under the by-law.</p> <p>Additionally, City staff have advised that the bed and breakfast can be run out of both the primary dwelling unit and the accessory dwelling unit, up to a maximum of 4 rooms. However, there are no limits to the size of the rooms in the by-law, except the maximum of 40 square metres in total. This could mean that the applicant can have 2 rooms within the principal dwelling unit and 2 rooms in the accessory dwelling unit, with each room being on a single</p>

Use	Official Plan & Zoning By-Law	Comments
		<p>floor resulting in extremely large rooms. These large rooms could then be rented to a family, for example.</p> <p>We don't believe this is the intent of the Official Plan and the zoning by-law.</p> <p>The size and scale of this structure and/or businesses <b><u>will</u></b> lead to greater noise, vehicle traffic, light pollution and a substantial reduction in privacy, thereby negatively impacting the adjacent lands and the neighbourhood.</p> <p>Furthermore, the total additional parking requirements, per Section 3.12 would be <b><u>5 additional</u></b> parking spots – one for each room (ie 4) plus one required for the accessory dwelling unit.</p> <p>Given the set back of the principal dwelling unit from the front property line <b><u>plus</u></b> the area excavated to allow access to the basement walkout <b><u>plus</u></b> not being able to use the G1 lands for parking, there is not sufficient space for the parking requirements contrary to the assertion of the ZBA application as stated on pages 7 and 14 that parking is not a concern.</p>

**CONCLUSION**

The proposal to permit an accessory dwelling unit within the detailed accessory barn **DOES NOT** meet the intent of Zoning By-law 2013-283 **AND DOES NOT** conform to the Official Plan.

## OFFICIAL PLAN

Official Plan Section	Comments
<p>Part D Land Use Policies Section 7.1 Development / Redevelopment</p> <p>Development and redevelopment within the Urban Area shall be evaluated having regard for the following: 7.1c) Building, site and streetscape context sensitive design to ensure:</p>	
<p>ii. Adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimatic conditions, and protection of the natural features, functions and hazards;</p>	<p>The size and scale of the accessory dwelling unit and/or home based business and/or bed and breakfast (size well above the limits in the by-law) causes substantial negative impacts on adjacent properties and the neighbourhood.</p> <p>The increase in people, vehicle traffic, pedestrian traffic and commercial activity will result in:</p> <ul style="list-style-type: none"> <li>– Increased noise pollution</li> <li>– Increased light pollution</li> <li>– Increase level of dust and dirt given the unfinished driveway that abuts along the length of the adjacent property</li> <li>– Increased property and personal security risks</li> <li>– Loss of privacy given the set back and height of the accessory structure thus allowing for visibility in the rear of existing homes (which have a substantial amount of windows to take advantage of the views and vista).</li> </ul>
<p>iii. Possible negative impacts such as noise, odour, and emissions are not excessive in relation to the predominant land use character and function of the area;</p>	<p>The size and scale and nature of the accessory structure will have negative impacts as outlined above plus alters the land use and character of the neighbourhood.</p>

Official Plan Section	Comments
iv. Adequacy of lot size, access, on-site facilities and outdoor amenity areas to accommodate use;	<p>The size and scale of the proposed home business and bed and breakfast requires substantial space for parking which the lot cannot accommodate given:</p> <ul style="list-style-type: none"><li>i. That the G1 lands cannot be utilized</li><li>ii. The large setback of the principal dwelling from the front property line</li><li>iii. The large area that has been excavated in the rear of the principal dwelling to allow for a basement walk out.</li></ul> <p>This results in a small area being available for parking and vehicle turning.</p>
v. Provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.	See 7.1iv) above.



Official Plan Section	Comments
<p>4. Urban Design</p> <ul style="list-style-type: none"><li>– “Is the art of shaping communities. It is concerned with how buildings, landscapes and public spaces look and function together to create an overall character that reflects unique aspects of a community’s history and culture.”</li><li>– “Urban design applies to individual sites, neighbourhoods, as well as the whole community...”</li></ul>	<p>The proposed application results in an accessory dwelling that has a negative impact on the character and unique aspects of the neighbourhood given its size and scale and location at the rear of the property.</p>
<p>4.5 Built Form</p> <ul style="list-style-type: none"><li>– “Refers to the arrangements of buildings and their relationship to each other and to the natural environment. It plays a role in defining the character of an area.”</li></ul>	<p>The proposed application, due to its size and scope, does not fit the character of the area.</p>

## **CONCLUSION**

**The proposal DOES NOT conform to the Official Plan.**

## **ADDITIONAL COMMENTARY**

When we purchased our property in 2006 (and when the applicant purchased their property slightly after), the lots were zoned Agriculture. That zoning did not allow a home based business or an accessory dwelling unit.

The City in 2013 changed the zoning to R1 which allows for home based businesses and accessory dwelling units with limits (which the application for the ZBA substantially exceeds). The change in zoning took away attributes of our property which caused concern. We are assuming that the City in its analyses determined that the positives for the residents outweighed the negatives. In other words, it was a move to increase the greater good.

What we now have is an application that substantially exceeds the limits and standards set in the by-laws, all to the benefit of 1 resident at the expense of multiple residents and the neighbourhood. This does not add to the greater good of the residents of St. Catharines.

**From:** [Marco's Gmail](#)  
**To:** [Butler, Aaron](#)  
**Subject:** RE: 368 Martindale Rd By-Law Amendment Application  
**Date:** Sunday, October 16, 2016 5:11:15 PM

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Aaron,

Per my email on Friday, I do have some additional comments and some additional questions. One question pertains as to whether you have conducted a site visit?

My additional comments are as follows:

Part D (Land Use Policies), Section 7.1 c)ii) states that adverse impacts on adjacent properties from development and redevelopment are to be minimized.

Section 7.11 states that a home based business should be small in scale to the size of the principal dwelling and the definition of home based business (page 108 of the Official Plan) states that it should not have an adverse effect on abutting lands or the surrounding neighbourhood.

The ZBA application is broad in its intended use:

(ie Page 4 of the application: "The proposal is to expand the land use permitted for the existing barn to allow for an accessory dwelling unit and to further a home based business and bed and breakfast". There are no immediate plans for the barn, but the intent is to maximize the potential use as a home occupation and/or dwelling unit").

The size and scale of the proposed application and the non-compliance of the application to the by-law has raised numerous issues. Has the applicant submitted site plans for each intended use in order to assess the impacts on abutting lands? If so can I review them? If the applicant has not submitted site plans, when will they be submitted?

Thanks for your time.

---

**From:** Marco's Gmail [mailto:mmarrone7@gmail.com]  
**Sent:** Friday, October 14, 2016 7:22 AM  
**To:** 'Butler, Aaron' <abutler@stcatharines.ca>  
**Subject:** 368 Martindale Rd By-Law Amendment Application

Aaron,

Please find attached my comments regarding the above noted application.

As we discussed yesterday, I may have some additional comments to provide as I am still conducting research on this matter.

I appreciate the time you have spent answering my questions and helping me understand the process.

If you have any questions and/or comments regarding the attached document please let me know.

Thanks.

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Version: 2016.0.7858 / Virus Database: 4664/13205 - Release Date: 10/13/16



CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** October 20, 2016

**Date of Meeting:** November 21, 2016

**Report Number:** PBS-304-2016

**File:** 60.35.939 Vol. 3, 60.46.419

**Subject:** Applications to Amend the Zoning By-law and for Draft Plan of Condominium (Vacant Land) Approval of a Private Road Development Consisting of 13 Detached Dwellings, 37 Warkdale Drive; Owner: Warkdale Development Corporation; Agent: Upper Canada Consultants

### Recommendation

That Council approve an amendment to Zoning By-law 2013-283 for the lands described as Concession 10 Part Lot 13, Plan 483 Lot 52, RP 30R3745 Part 1 to Part 17, St. Catharines, municipally known as 37 Warkdale Drive, as follows:

- a) That Section 15.1, Schedule A (A21 & A27), Zoning Maps, be amended by rezoning the subject lands from Conservation/Natural Area (G1) to Low Density Residential – Suburban Neighbourhood (R1-137), and from Low Density Residential – Suburban Neighbourhood (R1) to Conservation/Natural Area (G1), as outlined in Appendix 1.
- b) That Section 15.2, Schedule B, Lot Specific Maps for Special Provisions, be amended by inserting an additional lot specific map (Schedule B33), as outlined in Appendix 2.
- c) That Section 13.1, List of Special Provisions, be amended to add an additional special provision, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
137	R1	21, 27	33	37 Warkdale Drive	
A private road development is subject to the following additional requirements:					
1.	Density Per Hectare			Min. = 17 units	
2.	Maximum Unit Driveway Width			51% of unit width	
3.	Minimum Setback from Rear Lot Line* for a Deck or Porch with a Height Above Grade of more than 0.6 m and less than 3.0 m, where such Lot Line does not abut a Residential Zone			3.0 m	
4.	Minimum Width of Landscape Buffer adjacent to a Residential Zone			1.6 m as shown on Schedule B33	

\* For private road development, the minimum setback from a specified lot line, for a platform structure, is taken as the minimum setback in the corresponding yard for the individual dwelling unit.

That Council defer a decision on the application for Draft Plan of Condominium Approval for a private road development consisting of 13 detached dwellings, for the lands described as Concession 10 Part Lot 13, Plan 483 Lot 52, RP 30R3745 Part 1 to Part 17, St. Catharines, municipally known as 37 Warkdale Drive, as illustrated in Appendix 3; 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 an application to the Ontario Municipal Board for approval of the Zoning By-law amendment, if any appeals are received; and

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

## Staff Recommendation

That Council close the Public Meeting and defer consideration of the Draft Plan of Condominium application until such time as the existing site plan application has been processed further. FORTHWITH

## Summary

The applications propose a private road development consisting of 13 detached dwellings, at a net density of 17.83 units per hectare. Each dwelling unit is proposed within a Vacant Land Condominium, attached as Appendix 3. The common elements of the condominium would be made up of the private road as well as the required building setback from the Highway 406 property line along the western boundary of the site. The site plan for the development is attached as Appendix 4.

The southern portion of the property is impacted by steep topography associated with the Niagara Escarpment. A small watercourse traverses the site at the base of the Escarpment. A Zoning By-law amendment is required to adjust the boundary between the Low Density Residential (R1) Zone and the Conservation/Natural Area (G1) Zone, to reflect these physical conditions of the property. The boundary is proposed to be located 2.0 m from the physical top of bank associated with the watercourse. The Zoning By-law amendment also includes special provisions related to minimum density, driveway widths, rear yard setbacks for porches and decks, as well as landscape strips adjacent to the private road.

The owner has requested deferral of a decision on the Draft Plan of Vacant Land Condominium application, after the Public Meeting is held. The applicant wishes to make further refinements to elements of the site plan (e.g., tree preservation, landscaping, site servicing) prior to finalizing the Draft Plan of Condominium. An application for site plan control has been submitted to the City, however further detail is required prior to finalizing the design. Staff is supportive of this approach, however it is noted that an additional Public Meeting may be required if the Draft Plan changes substantially.

## **Report**

### **Proposed Development**

The subject application to amend the Zoning By-law seeks to adjust the boundary between the R1 Zone and the G1 Zone on the property, to reflect the physical condition of the stable top of slope on the site. Currently the G1 Zone boundary extends beyond the existing watercourse and stable top of slope, into the developable area of the property. The amendment proposes to rectify this situation.

The proposed Zoning By-law amendment also adds several Special Provisions for the property related to minimum density, maximum driveway width, minimum setback from rear lot line for decks and porches, and minimum width of landscape buffer adjacent to a residential zone. These requests will be detailed further in the report.

The Draft Plan of Condominium, which the applicant has requested to defer, proposes a private road development consisting of 13 detached dwelling units.

### **Location and Site Description**

The subject lands are located directly east of Highway 406, at the toe of the Niagara Escarpment. The site slopes down to the north and west. The property has frontage on Warkdale Drive, at the bend in the road where the name changes to Rockdale Avenue. The neighbourhood consists entirely of detached dwellings. The property is in the City's East Planning District. A Location Map is attached as Appendix 5.

Surrounding land uses include:

North:	Low density residential (detached dwellings)
South:	Natural Area (Niagara Escarpment)
East:	Low density residential (detached dwellings)
West:	Highway 406

The subject lands are 2.33 ha in area, with the Niagara Escarpment traversing the southern portion of the property. A small drainage ditch traverses the site east to west, following the toe of the Escarpment. The natural area of the site will be dedicated to the City as part of the site plan approval process. The remaining lands total approximately 0.95 ha, which includes a 14.0 m building setback requirement from the Highway 406 lands to the east. No development can occur within the required Ministry of

Transportation setback. A sanitary sewer easement in favour of the City traverses the western edge of the property. No building can occur within the City easement.

## **Circulation of Application**

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. Overall, there were no objections received. Future conditions of Draft Plan approval will address City and agency comments. Further detail regarding circulation comments is provided in the Planning Analysis section of this report.

## **Planning Analysis**

### **Provincial and Regional Policy Context**

The subject property is located within the Niagara Escarpment Plan (NEP) Area. The southern portion of the property is designated Escarpment Natural Area within the NEP. This area of the property (i.e., the portion of the property south of the drainage ditch) is subject to Niagara Escarpment Development Control. The NEP aims to maintain natural Escarpment features within this designation. There is no development proposed for this area of the property. The northern portion of the property, which is proposed to be developed, is within the Urban Area designation of the NEP. The objective of this designation is to minimize impact and further encroachment of urban growth on the Escarpment environment. Niagara Escarpment Commission Staff have commented that the proposal meets all relevant Urban Area policies of the NEP.

The subject lands are also within a settlement area under the 2014 Provincial Policy Statement (PPS) and the Built-Up Area for St. Catharines as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS and Growth Plan contain policies that direct growth and development to settlement areas, encourage the development of complete communities, support intensification, and require the provision of an appropriate range of housing types and densities to meet the social, health and well-being requirements of current and future residents. Land use patterns shall be based on densities and a mix of land uses that efficiently use land, resources, infrastructure, and public service facilities which are planned or available to settlement areas.

Similarly to the Growth Plan, the Regional Official Plan (ROP) directs development to take place in urban areas and supports intensification where appropriate servicing and infrastructure exists. The ROP establishes a residential intensification target of 95 % for the St. Catharines Built-Up Area. The subject Zoning By-law amendment application is found to be consistent with Provincial and Regional policy and plans.

### **Official Plan (Garden City Plan)**

The City's Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential and Natural Area (refer to Appendix 6), providing for a range of housing opportunities, types, forms and densities. Schedule E9 of the GCP (refer to Appendix 7) provides additional direction for the East Planning District and

designates the lands as Low Density Residential and Natural Area, with a Natural Area Extent Line.

The Low Density Residential designation permits a variety of residential uses, including detached, semi-detached, duplex, quadruplex, fourplex and townhouse dwellings generally at a density range between 20 and 32 units per hectare, excluding lands being dedicated to the City and lands within the required Ministry of Transportation setback. The proposed development has a density of 17.83 units per hectare, slightly below the minimum density of 20 units per hectare. If this were a public road development, lands dedicated to the City for roads would be excluded from the density calculation. This could be done on the property, resulting in fewer units (with a technically higher density) and a less efficient use of land. At a proposed density of 17.83 units per hectare, the private road development style represents an efficient use of vacant land, and generally complies with the Official Plan density policies.

The Natural Area designation is assigned to lands comprised of a natural feature or hazard that is environmentally significant, such as: rivers, streams, valleylands, wetlands, shoreline, woodlots, forests, floodplains, habitats and corridors. The southern portion of the subject property, containing the Escarpment environment and its woodlot, as well as the small watercourse and associated floodplain, is designated Natural Area. The property also includes a Natural Area Extent Line, which includes natural features mapped by the Province, Region and Niagara Peninsula Conservation Authority (NPCA).

The current Zone boundary between the Conservation/Natural Area (G1) Zone and the Low Density Residential (R1) Zone on the subject lands generally reflects the Official Plan mapping described above. The subject Zoning By-law amendment proposes to adjust the Conservation Natural Area (G1) Zone boundary to be 2.0 m from the physical top of bank associated with the watercourse on site. The Amendment brings the Low Density Residential (R1) Zone boundary closer to the natural feature. The Niagara Peninsula Conservation Authority has reviewed an Environmental Impact Study and Slope Stability Assessment to support the amendment, and offer no objection. As part of the site plan approval, the NPCA will require the submission of a Creek Restoration Plan as a condition of any development on the property, to address stability along the watercourse.

Section 13.2.1 4(iv) of the Official plan does not require an amendment to the Plan in instances where minor boundary adjustments are made to the Natural Area line, based on more accurate mapping. This application provides more accurate mapping and has been reviewed and approved by NPCA and NEC. Staff is satisfied the boundary adjustment falls within the intent of this policy and no Official Plan amendment is required. The proposal complies with the policies of the Official Plan.

## **Zoning By-law**

Zoning By-law 2013-283 zones the northern portion of the lands as Low Density Residential (R1) Zone and the southern portion of the lands as Conservation/Natural



Area (G1) Zone (refer to Appendix 8). Uses permitted in the R1 Zone include detached, semi-detached, quadruplex and townhouse dwellings, as well as private road development. The G1 Zone does not permit development. The applicant has requested an amendment to the Zoning By-law to recognize site conditions between the developable area of the property and the natural area of the property. The amendment makes adjustment to the boundary adjustment between the R1 and G1 Zones, as well as additional special development provisions. The table below outlines the requests originally applied for by the owner, whether or not Staff supports each request, and any Staff alteration made to each request. The applicant is in agreement with the proposed Zoning By-law Amendment being recommended by Staff.

Provision	Zoning Requirement	Proposed Amendment	Staff Support?	Staff Alteration
<b>5.3 Residential (R1) Zone</b>				
Minimum density for private road development	20 units per hectare	17.83 units per hectare	Yes	
Minimum lot area per dwelling unit	315 m <sup>2</sup>	261 m <sup>2</sup>	Error by applicant - not needed	Removed from Special Provisions
<b>5.7 Private Road Development</b>				
Maximum unit driveway width	50%	51%**	Yes	
<b>2.10.2 Platform Structures (Deck, Porch, Balcony, Patio)</b>				
Minimum setback from rear lot line* for deck, porch or balcony greater than 1.2 m above grade	4.5 m	3 m	In part	3.0 m for deck or porch (not balcony) with a height above grade more than 0.6 m and less than 3.0 m, where yard does not abut Residential Zone
* For private road development, the minimum setback from a specified lot line, for a platform structure, is taken as the minimum setback in the corresponding yard for the individual dwelling unit.				
<b>3.12 Required Parking</b>				
Tandem Spaces	Permitted for private road development	Permit spaces in tandem	This amendment is not needed	
<b>3.13.1 Landscape Buffer Provisions for Parking Areas</b>				
Landscape buffer width abutting a Residential Zone	3 m	1.6 m at a pinch point	Yes	Pinch point illustrated on Schedule B (Appendix 2)

\*\*This proposed amendment was a request made by the applicant based on discussion with Staff during the circulation period

### **Density**

For private road developments, the minimum density required in the Zoning By-law is 20 units per hectare, calculated using net lot area, which excludes:

- i. lands to be conveyed for parkland, public road widening, or public roads;
- ii. lands within a Conservation/Natural Area (G1) Zone
- iii. lands subject to a minimum buffer requirement of an upper tier government or agency where the lands subject to buffer requirement cannot be included within a required yard.

The proposed density of the development is 17.83 units per hectare. Land dedicated to the City and land within the required Ministry of Transportation building setback are excluded from the net lot area in this calculation. Land used for a private road is not excluded from the density calculation.

If the site was developed with a public road, the road would be excluded from the net lot area calculation, resulting in fewer dwelling units on the property. The proposed development pattern is a more efficient use of the land than a public road development, even though the density of the development is technically less.

To achieve a density of 20 units per hectare, the development would have to include an additional 2 units for a total of 15 dwellings. This could likely be achieved by reducing the unit widths and unit areas, or by varying the building form to semi-detached or townhouse dwellings. Relaxing the minimum density standard in this instance does not offend policies of the Official Plan and meets the intent of the Zoning By-law. The Zoning By-law amendment allows for an efficient use of a constrained property.

### **Lot Area**

The owner's agent applied for a reduction to the minimum lot area per unit requirement. It was determined through the application review process that this request was not needed. The owner's agent agrees with the removal of this request from the proposed amendment.

### **Parking & Driveway Width**

For a private road development, the required number of parking spaces is 1.25 per unit. With 13 units proposed, the property requires 16.25 spaces (for parking calculation only, rounded down to 16 as per Section 3.11 of the Zoning By-law). The owner's agent incorrectly applied to amend the Zoning By-law to permit parking spaces in tandem with another. The By-law already permits this condition for private road developments.

The current site plan (attached as Appendix 4) has a total of 35 parking spaces on the property. Each unit has one space in the garage and one space in the driveway. Units 5 to 13 have an additional space in the driveway. To permit the additional space in the driveway of units 5 to 13, an amendment to the Zoning By-law is needed to allow a driveway to be 51% of the width of the unit, as opposed to 50%. Planning Staff have no concern with this proposed amendment.

The current development proposal does not have dedicated visitor parking spaces. It is anticipated that with two and three parking spaces on the property of each unit, visitor parking will not be necessary on site. If the applicant wishes to include visitor parking elsewhere on the site, this can be done through the detailed site plan review.

### **Platform Structures**

The owner's agent applied to allow a deck, porch or balcony to be setback 3.0 metres from the rear lot line of a unit, rather than 4.5 m required in the Zoning By-law, specifically for such a structure that is 3.0 metres above grade. Staff is not supportive of this amendment where the platform structure is in a yard adjacent to a Residential Zone, and is not supportive of this amendment for a structure that is 3.0 m above grade. In consultation with the owner's agent, the amendment has been altered so that a 3.0 m setback would be allowed for a deck or porch that is:

- i) between 0.6 m (2.0 ft) and 3.0 m (9.8 ft) above grade; and
- ii) is not in a rear yard located adjacent to a Residential Zone

The provision, as proposed, only applies to first storey decks (uncovered) and porches (covered). It excludes second storey balconies. Additionally, the provision would not apply to Units 1 and 2, which are adjacent to the existing residential dwelling to the north. All other units back onto each other or the Escarpment.

### **Landscape Buffer**

The Zoning By-law requires a 3.0 m landscape strip between the private road and all property lines abutting a Residential Zone. The proposed plan conforms to this provision, except for one "pinch point" at the northeast corner of the site, where the private road is 1.6 m from the adjacent property line. Staff is supportive of this amendment as it is not anticipated that this reduction will cause any adverse impacts. The pinch point is illustrated in the proposed Schedule B for this Zoning By-law amendment (attached as Appendix 2).

### **Draft Plan of Condominium**

The applicant has filed an application for Draft Plan of Vacant Land Condominium, which was circulated for review and comment to all relevant departments and agencies. The applicant has requested that the required Public Meeting for this application be held, but that the decision by Council be deferred until a later date. The applicant wishes to finalize details of the site plan prior to finalizing the unit and common element boundaries of the Draft Plan of Condominium. Staff does not object to this approach.

There were no objections received with respect to the condominium application, however, some comments are conditional upon the finalization of a detailed site plan for the proposal. For example, Parks, Recreation & Culture Services (PRCS) commented that more detail is needed with regard to the Arborist Report and Tree Preservation Plan submitted with the proposal. The results of this report and plan could have an effect on the final condominium unit boundaries, depending on whether there are significant trees on the property that are required to be saved.

There were no major comments that would likely alter the layout of the site significantly. If there are significant changes to the Draft Plan of Condominium, a subsequent Public Meeting would be required. Conditions of Draft Plan of Condominium approval will be brought forward for Council's consideration when the applicant requests to move forward with a Council decision sometime in the near future. There are no comments or requested conditions of Draft Plan approval that would alter whether or not the proposed Zoning By-law amendment is appropriate.

### **Site Plan Control**

The proposed development of the site will be subject to the Developer entering into a site plan agreement with the City, which will address matters such as access, parking, lighting, buffering, servicing, stormwater management, tree preservation, façade finishes and treatments, and noise mitigation, among other matters. The owner has filed an initial site plan agreement application, however more detail is needed to finalize comments. It is anticipated that if the Zoning By-law amendment is approved, the applicant will continue to work on finalizing details of site plan control. The execution of a site plan agreement would be a condition of a Draft Plan of Condominium approval.

### **Public Open House**

A Public Open House was held on Tuesday, August 16, 2016 at City Hall. There were 12 members of the public in attendance. Public comments are listed below, with corresponding Staff responses.

#### **Is there contaminated soil on the property?**

An Environmental Site Assessment (ESA) or Record of Site Condition were not required to be submitted with the subject applications. The previous use of the site (vacant) does not trigger the need for an assessment. At the Open House, the applicant informed Staff and residents that a Phase I ESA was completed by the owner as a precautionary measure. A Phase II ESA was not needed.

#### **What are the Ministry of Transportation requirements?**

The application was circulated to the Ministry of Transportation (MTO) for review and comment. The MTO requires a minimum setback of 14.0 metres from the Highway 406 property line for any all permanent buildings and structures, utilities, roads/fire routes, essential parking areas, stormwater management ponds, or any other amenity deemed necessary to the operation of the site.

Surface drainage on the site currently flows to the ditch along Highway 406, on MTO property. It is proposed that flows from the site will continue to drain to this ditch, at the same rate of flow that exists at present time (i.e., post-development flows will equal pre-development flows). The rate of flow will be controlled using oversized pipes on site. The stormwater management plan shall be approved by the MTO.

As a result of the proximity to Highway 406, an acoustic barrier will be required to be installed along the MTO property line. The barrier will reduce noise on the property to

levels acceptable to the Ministry of Environment. Conditions related to noise mitigation will be required as part of site plan approval.

**Concern with respect to stormwater management**

Concerns were expressed that the existing stormwater management system in the neighbourhood is failing, and that this development would only add to this issue. As detailed above, stormwater from the site will outlet to the existing Highway 406 drainage ditch. With respect to the existing situation on Warkdale Drive, the City is undertaking an Environmental Assessment to address sewer capacity questions in this area. To alleviate current flooding issues, a second sewer is proposed to be installed on Warkdale Drive. There are other measures being proposed downstream of this neighbourhood, to provide additional relief to the Warkdale sewer and to prevent backflow from occurring from the Glendale Avenue & Burleigh Hill Drive area.

The proposed development is not anticipated to add flows to the existing Warkdale system, as the entire site will drain to the Highway 406 ditch.

**Will there be fencing installed along property lines?**

Fencing is proposed along the north and east property lines where the development site abuts existing residential properties. The City will be responsible for the review and approval of a landscape plan for the site, which will include detailed fence drawings.

**Concern with additional traffic in the neighbourhood, including on-street parking**

It is not anticipated that 13 new units will cause a significant traffic concern on existing streets. There were no concerns or requirements expressed by the Transportation and Environmental Services department. Thirty-five parking spaces are proposed on the development site and it is anticipated that each unit will have sufficient parking available for owners and guests. The applicant is still considering the inclusion of dedicated visitor parking on the site.

**Concern with construction noise, dust and disruptions**

Construction is a temporary component of any development. City staff can work with the builder to minimize any disruptions.

**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.

## Relationship to Strategic Plan

### Economic Sustainability

The approval of this Zoning By-law amendment will serve to support the goals for economic sustainability by:

- Facilitating private investment through development in the City (Goal 1).

### Environmental Sustainability

The approval of this Zoning By-law amendment will serve to support the goals for environmental sustainability by:

- Protecting the natural state of the Niagara Escarpment and its related features (Goal 7).

## Conclusion

In summary, staff is supportive of the proposed Zoning By-law amendment to facilitate the private road development consisting of 13 detached dwellings. The proposal makes efficient use of the lands, will be compatible with the surrounding neighbourhood and protects the Escarpment and valleylands to the south. The Zoning By-law amendment proposal is consistent with provincial, regional and municipal policies, providing for intensification within an established neighbourhood to help meet the current and future housing needs of the City. At the request of the applicant, a decision on the Draft Plan of Condominium is being recommended for deferral until such time that further site plan details have been finalized.

## Notification

It is in order to advise Upper Canada Consultants, 261 Martindale Road, Unit 1, St. Catharines, ON, L2W 1A1, the owner's agent.

### Prepared by:

Aaron Butler, MCIP, RPP  
Planner I

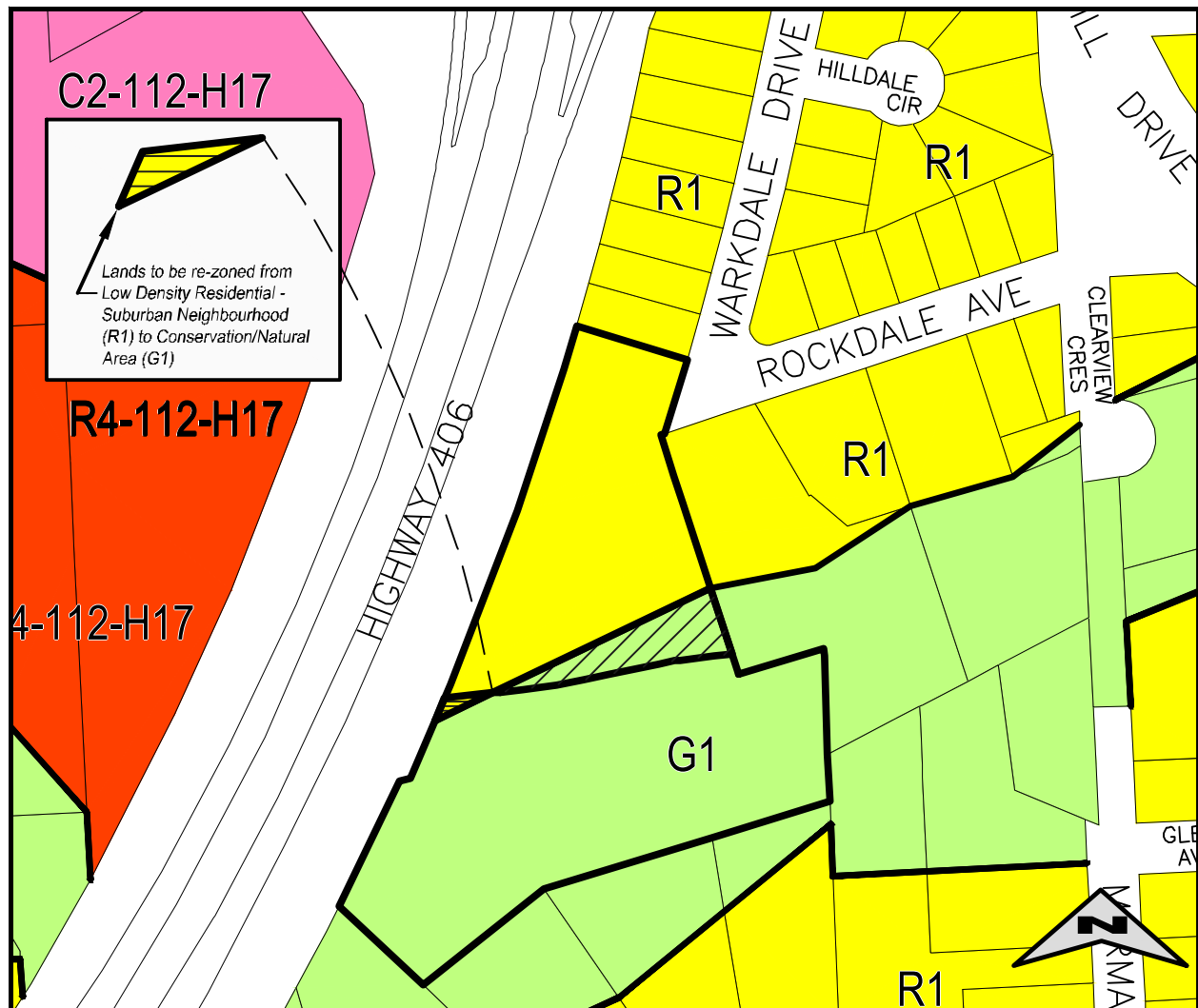
### Submitted by:




Judy Pihach, MCIP, RPP  
Manager of Planning Services

### Approved by:

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

# Proposed Amendment to Zoning By-Law 2013 - 283 (Schedule A - Zoning By-law 2013-283)



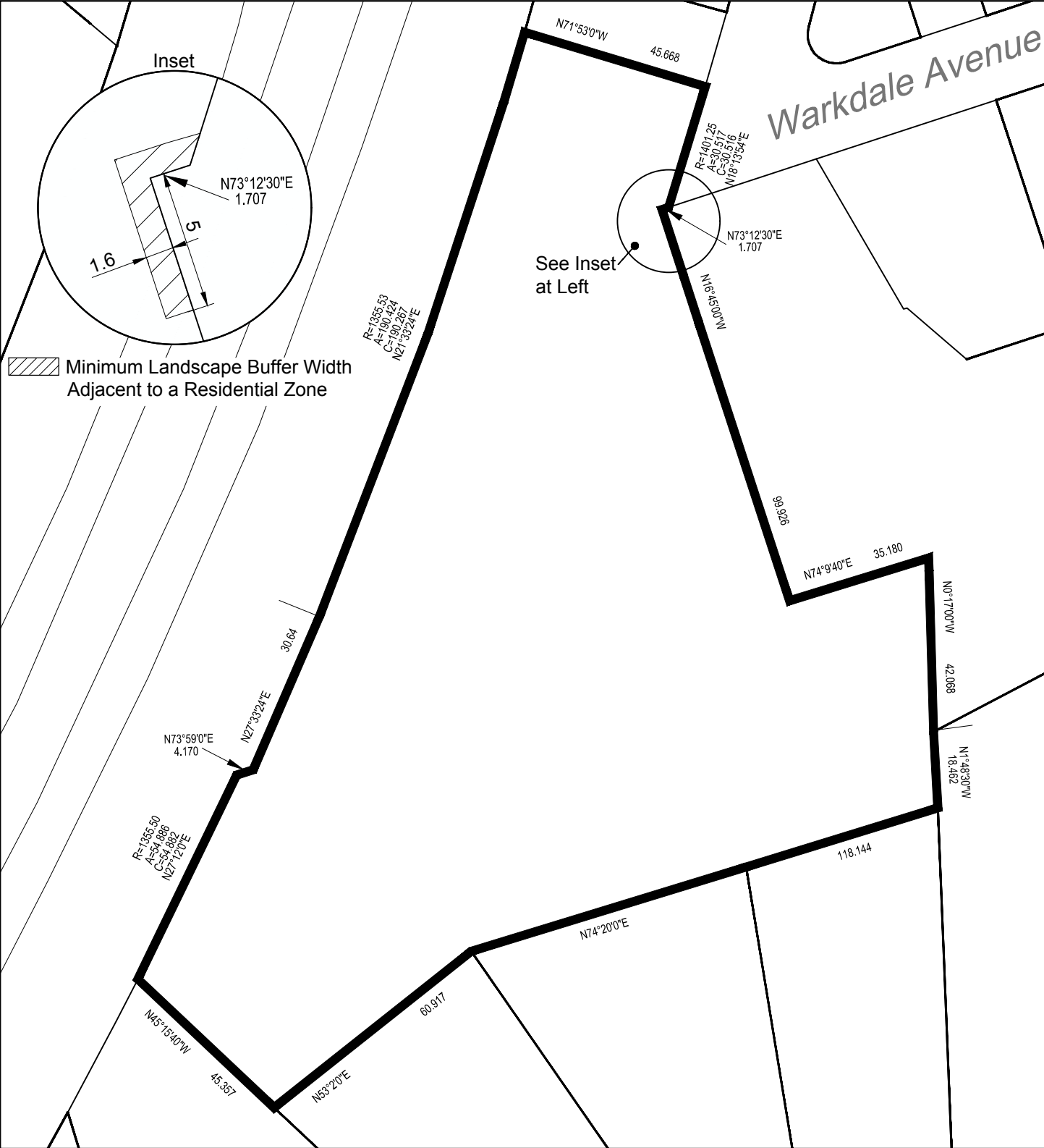
-  37 Warkdale Drive
-  Area to be rezoned from G1 to R1-137
-  Area to be rezoned from R1 to G1

## Zones

-  R1 Low Density Residential - Suburban Neighbourhood
-  R4 High Density Residential

-  C2 Community Commercial
-  G1 Conservation / Natural Area


SPECIAL PROVISION	SCHEDULE A	SCHEDULE B	LOCATION	BY-LAW
137	21, 27	33	37 Warkdale Avenue	



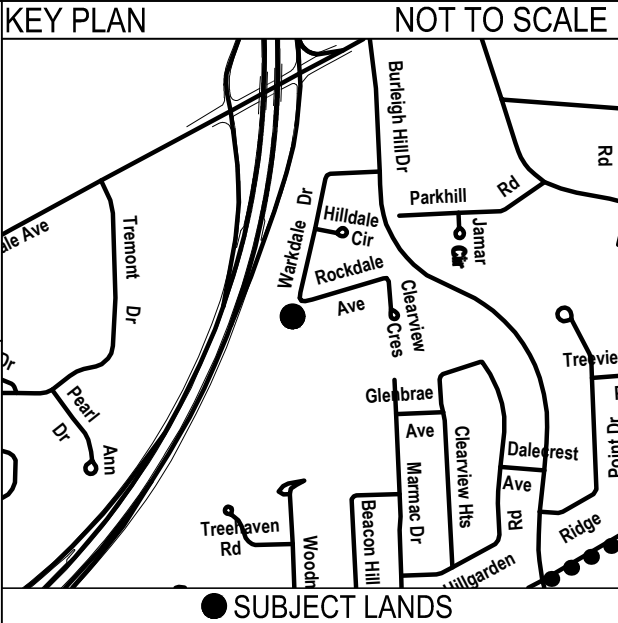
AN ILLUSTRATION SHOWING

Lot 52 Registered Plan 483 and Part Lot 13, Concession 10,  
designated as Parts 1 to 17 on 30R-3745

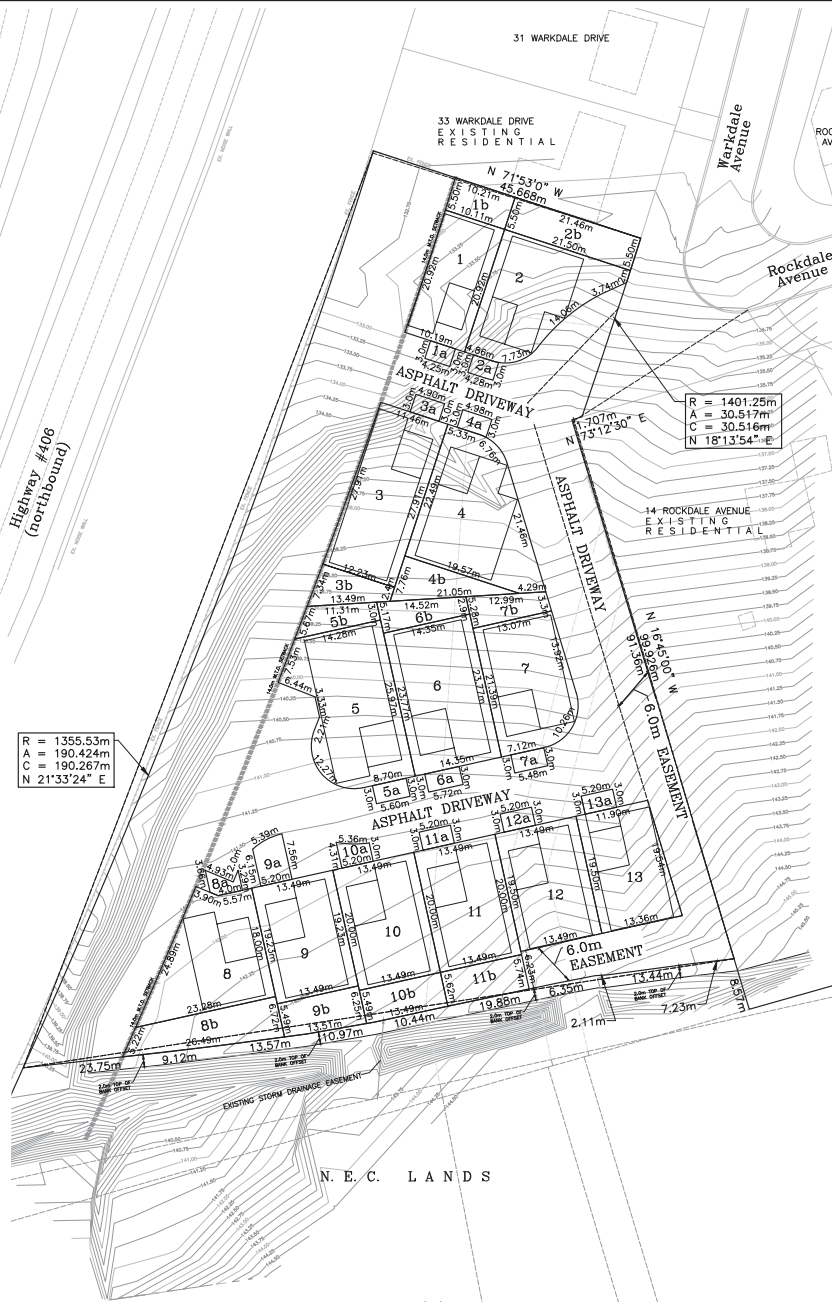
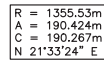
IN THE CITY OF ST.CATHARINES REGIONAL  
MUNICIPALITY OF NIAGARA



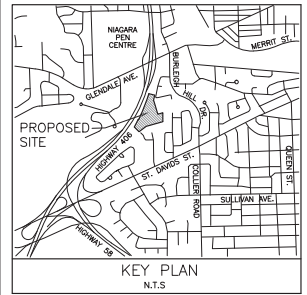
DISTANCES SHOWN ARE IN METRES  
NOT TO SCALE







LAND USE SCHEDULE		
AREA	m <sup>2</sup>	%
BUILDING	2539.5	34.84
DRIVEWAY/PARKING	1632.5	22.41
LANDSCAPING	3116.1	42.75
DEVELOPMENT	7288.1	100.00
M.T.O. SETBACK	2185.3	
N.E.C. LANDS	1383.2	
TOTAL	23310.6	
UNITS		13
DENSITY		17.83u/ha
REQUIRED PARKING SPACES		
PARKING SPACES PER UNIT		1.25
TOTAL REQUIRED SPACES		16
PROVIDED PARKING SPACES		
GARAGE SPACES		13
DRIVEWAY SPACES		13
PARKING LOT SPACES		0
TOTAL SPACES PROVIDED		26



# ROCKDALE DRAFT PLAN OF VACANT LAND CONDOMINIUM

LOT 52 REG'D. PLAN 483  
AND PART OF LOT 13, CON.10  
GEOGRAPHIC TOWNSHIP OF GRANTHAM  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA

BEING THE REGISTERED OWNER, I HEREBY  
AUTHORIZE UPPER CANADA CONSULTANTS TO  
PREPARE AND SUBMIT THIS DRAFT PLAN OF  
SUBDIVISION

PREMIER CONGLOMERATE GROUP INC.

I HEREBY CERTIFY THAT THE BOUNDARIES OF  
THE LANDS TO BE SUBDIVIDED AND THEIR  
RELATIONSHIP TO THE ADJACENT LANDS ARE  
ACCURATELY AND CORRECTLY SHOWN ON  
THIS PLAN.

William A. Mascoe  
WILLIAM A. MASCOE  
(ONTARIO LAND SURVEYOR)

JANUARY 23, 2012  
DATE

REQUIREMENTS OF SECTION  
51(17) OF THE PLANNING ACT

- |                        |                     |                   |
|------------------------|---------------------|-------------------|
| (a) SEE PLAN           | (e) SEE PLAN        | (i) SILTY CLAY    |
| (b) SEE PLAN           | (f) SEE PLAN        | (j) SEE PLAN      |
| (c) SEE PLAN           | (g) SEE PLAN        | (k) FULL SERVICES |
| (d) 20 TOWNHOUSE UNITS | (h) MUNICIPAL WATER | (l) SEE PLAN      |

REVISIONS		
REV#	DESCRIPTION	DATE
3	REVISED REAR LOT LINE	APRIL 14/16
2	AS PER NEW UNIT DESIGN	JULY 10/15
1	AS PER NEW UNIT DESIGN	SEPT.28/11
0	ISSUED FOR APPROVAL	MAY 27/09



261 Mortindale Rd.#1  
St. Catharines, Ontario  
L2W 1A1  
Phone:(905)555-9400

Phone (905) 655-9400

DRAWING TITLE:  
ROCKDALE  
DRAFT PLAN OF  
VACANT LAND  
CONDOMINIUM

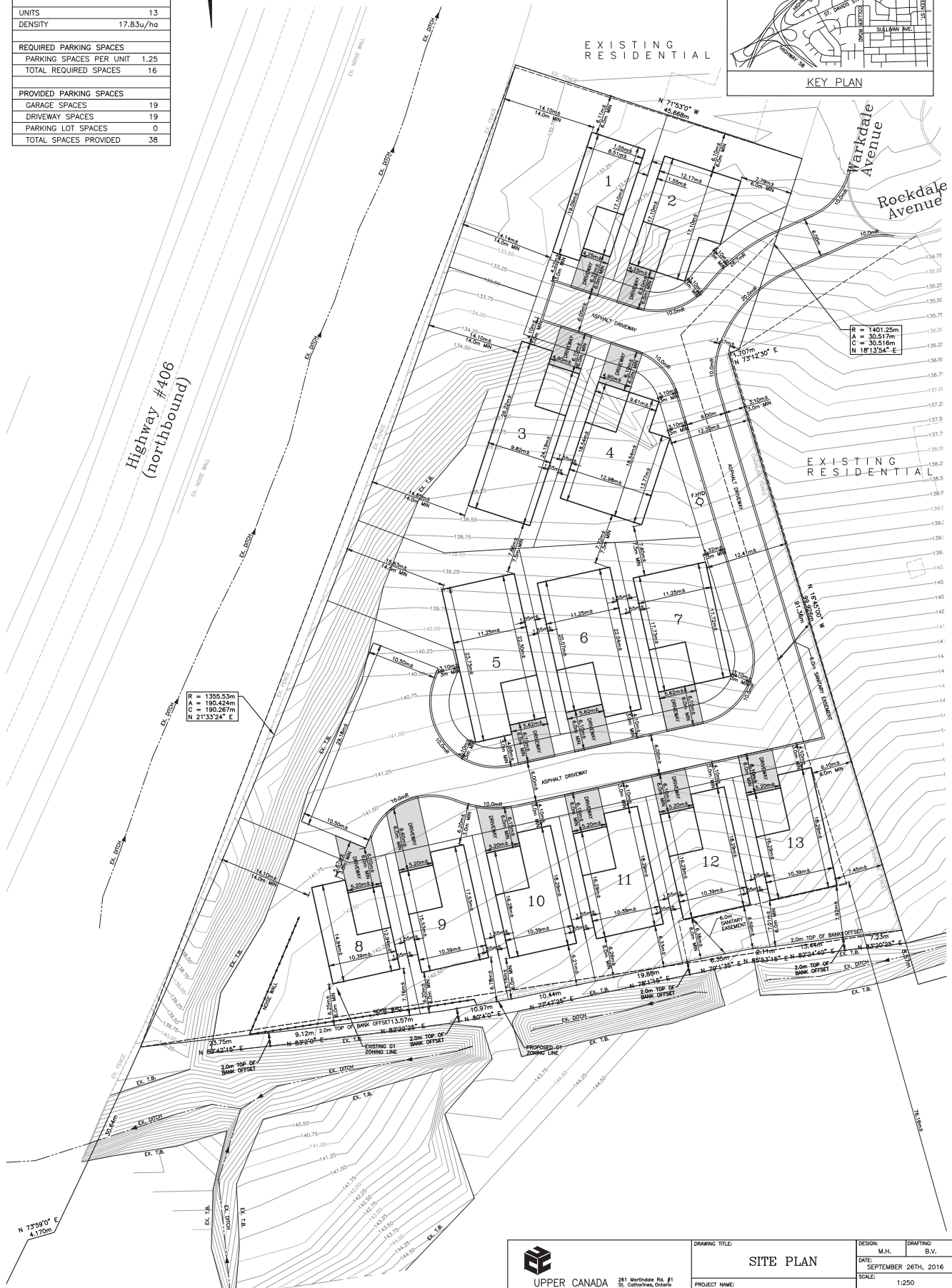
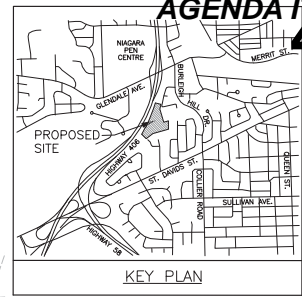
DRAWN BY:	LW
DATE:	OCTOBER 18, 2016
SCALE:	1:750
DRAWING NO.	0488-PI-3

# AGENDA

LAND USE SCHEDULE		
AREA	m <sup>2</sup>	%
BUILDING	2539.5	34.85
DRIVEWAY/PARKING	1632.5	22.40
LANDSCAPING	3116.1	42.75
DEVELOPMENT	7288.1	100.00
M.T.O. SETBACK	2185.3	
N.E.C. LANDS	13837.2	
TOTAL	23310.6	
UNITS		
DENSITY	17.83u/ha	
REQUIRED PARKING SPACES		
PARKING SPACES PER UNIT	1.25	
TOTAL REQUIRED SPACES	16	
PROVIDED PARKING SPACES		
GARAGE SPACES	19	
DRIVEWAY SPACES	19	
PARKING LOT SPACES	0	
TOTAL SPACES PROVIDED	38	



LEGAL DESCRIPTION  
 PLAN 30R-3745  
 LOT 52 REG. PLAN 483  
 AND PART OF LOT 13, CONC.10  
 CITY OF ST. CATHARINES  
 REGIONAL MUNICIPALITY OF NIAGARA



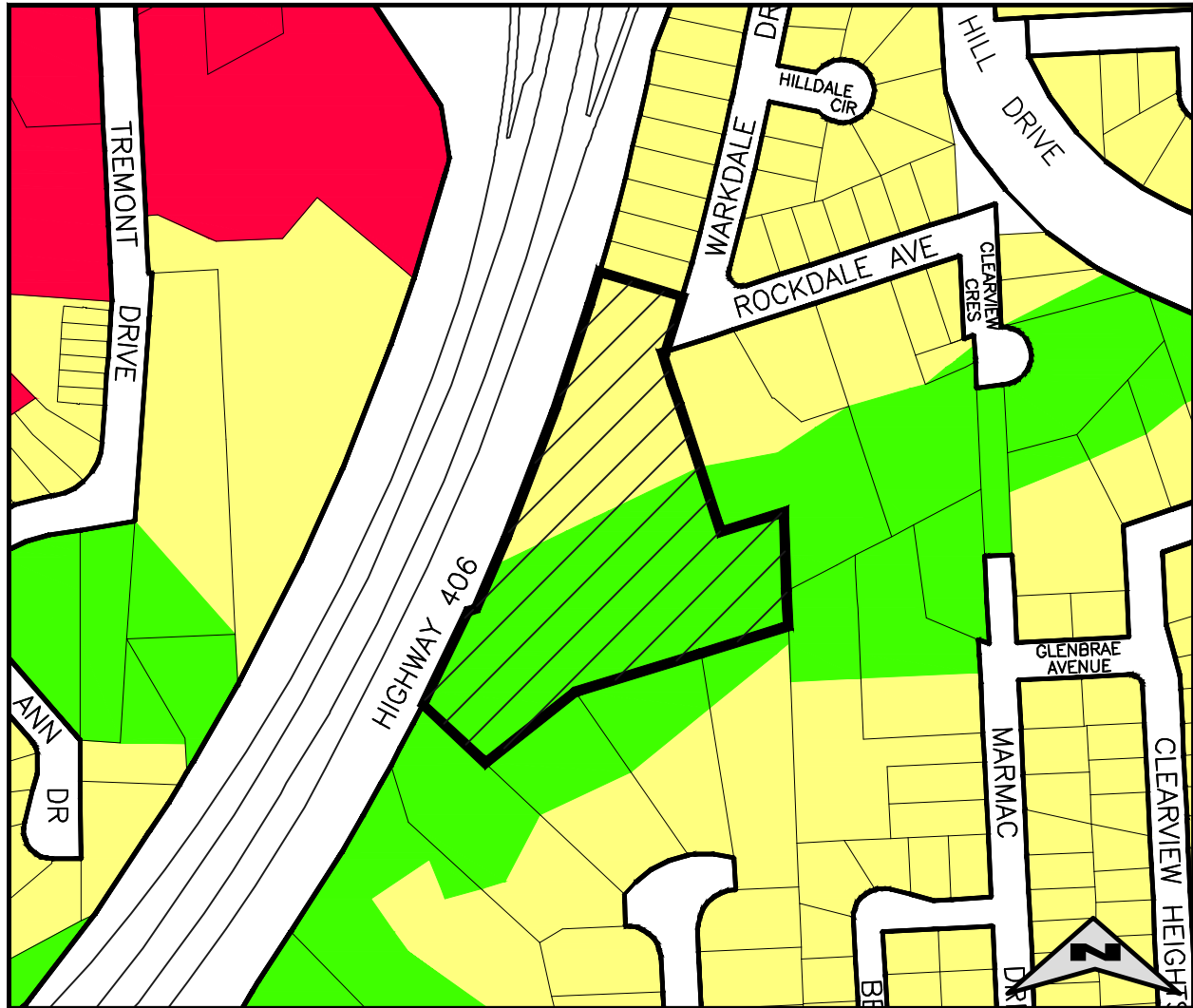
<p>UPPER CANADA CONSULTANTS ENGINEERS/PLANNERS</p> <p>261 Northdale Rd. #1 St. Catharines, Ontario L2W 1A1 Phone: (905) 688-9400 Fax: (905) 688-5274</p>	DRAWING TITLE: <b>SITE PLAN</b>	DESIGN: M.H.	DRAWING: B.V.
	PROJECT NAME: <b>37 WARKDALE AVENUE</b>	DATE: SEPTEMBER 26TH, 2016	
		SCALE: 1:250	
		DRAWING NO: 0455	

# Location Map

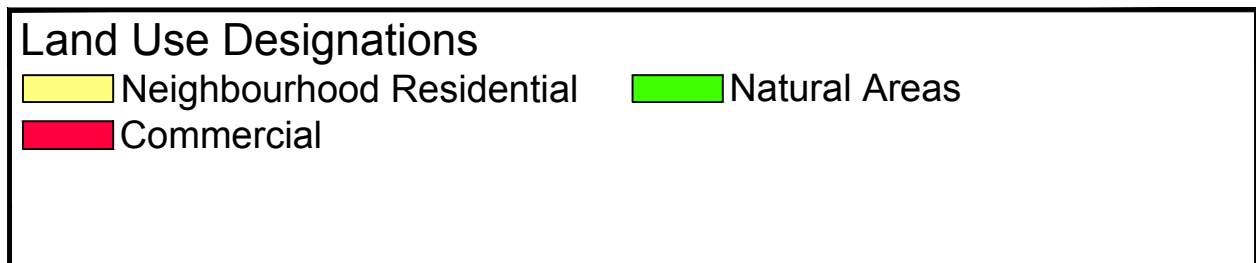


**Subject Lands**  
**37 Warkdale Drive**  
**File: 60.35.939 Vol. 3 & 60.46.419**

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

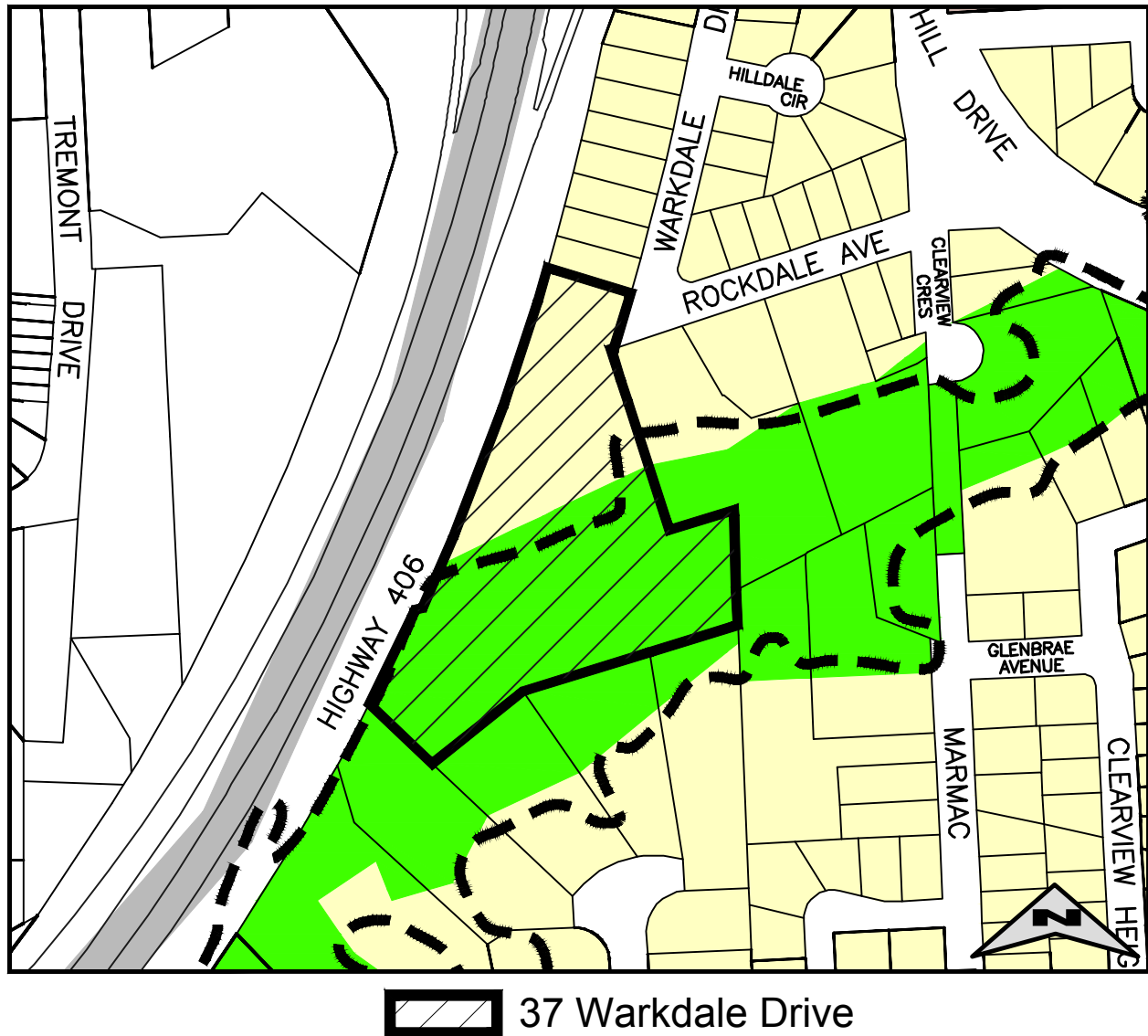


 37 Warkdale Drive



File: 60.35.939 Vol. 3 & 60.46.419

## Existing Land Use Designation (East Planning District - Garden City Plan)

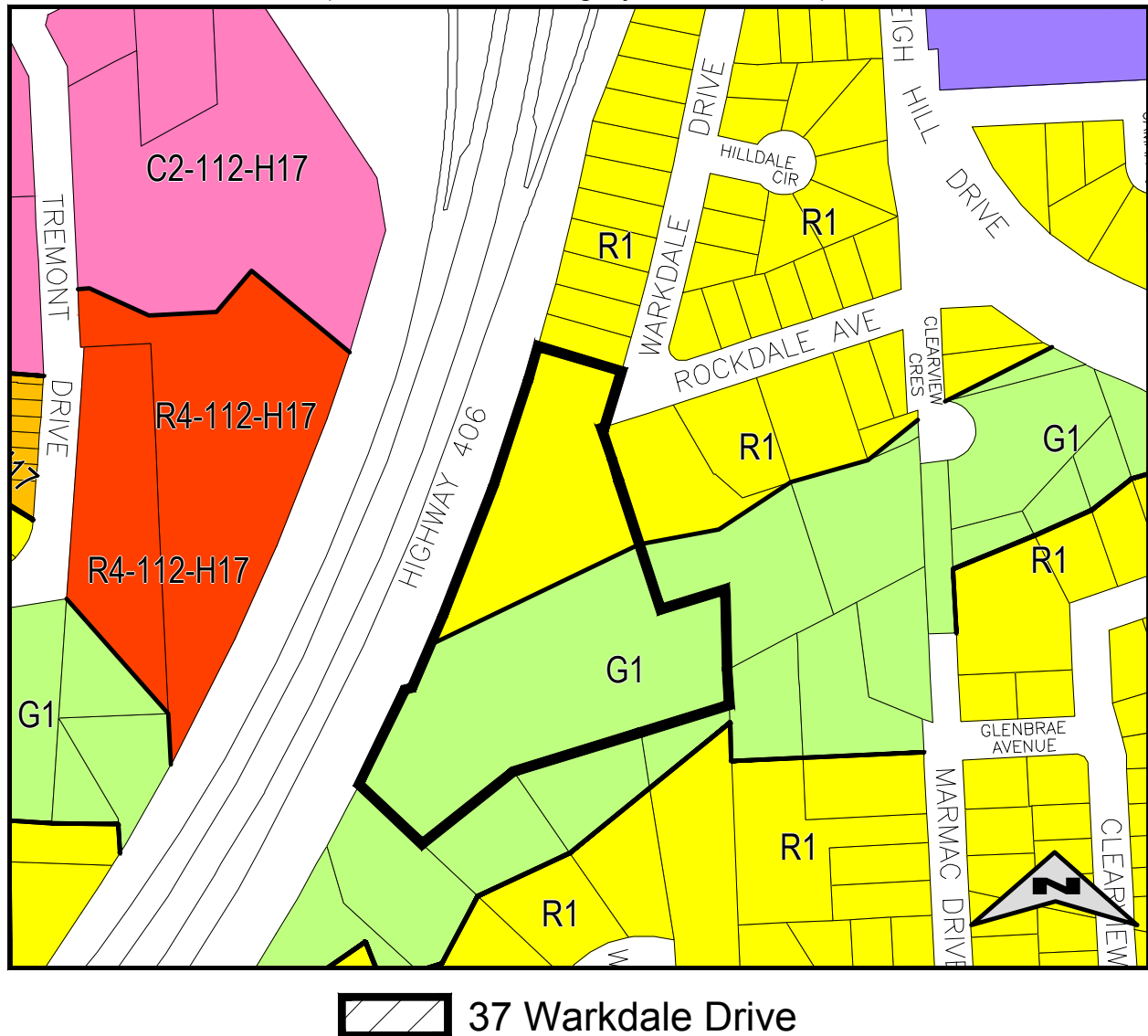


Files: 60.35.939 Vol. 3 & 60.46.419



## Existing Zoning

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



### Zones

- R1 Low Density Residential  
- Suburban Neighbourhood
- R3 Medium Density Residential
- R4 High Density Residential

- I2 Community Institutional
- C2 Community Commercial
- G1 Conservation / Natural Area

## **By-laws to be considered Monday, November 21, 2016**

- (a) A By-law to authorize the execution of resolutions passed at the Special Shareholder Meeting of St. Catharines Hydro Inc. and the execution of agreements and other documents approved and authorized. (One reading – with respect to the Special Shareholder Meeting of St. Catharines Hydro Inc. of November 21, 2016.)
- (b) A By-law to appoint Heather A. Salter as Interim Director of Legal and Clerks Services/City Solicitor and to repeal By-law No. 2011-134. (One reading. In Camera Session, November 7, 2016, Item No. 2.4.)
- (c) A By-law to assume and declare certain lands to be a highway and to be known as Vincent Drive. (One reading – with respect to 388 Ontario Street – Central Park Estates Subdivision. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize a Funding Agreement with The Tourism Partnership of Niagara. (One reading – with respect to Discover St. Catharines & Twenty Valley Project. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to authorize a Financial Services Agreement with U.S. Bank Canada. (One reading – with respect to a purchasing card program. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to designate the property at 101 South Drive to be of cultural heritage value or interest. (One reading – with respect to 101 South Drive. General Committee, September 26, 2016, Item No. 3.2.)
- (g) 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 parking prohibition on Stepney Street. To be considered by General Committee, November 21, 2016.)
- (h) A By-law to provide for the collection of taxes for all property classes and to authorize an interim tax levy for the Year 2017. (One reading – with respect to 2017 property tax due dates and interim tax billings. To be considered by General Committee, November 21, 2016.)
- (i) A By-law to authorize a Licence and Operating Agreement with The District School Board of Niagara. (One reading – with respect to the joint use of a portion of Kernahan Park and Jeanne Sauve Public School. To be considered by General Committee, November 21, 2016.)

- (j) A By-law to authorize a Sub-Licence Agreement with The Friends of Carousel. (One reading – with respect to the use of space within Jeanne Sauve Public School. To be considered by General Committee, November 21, 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 368 Martindale Rd. To be considered by General Committee, November 21, 2016.)
- (l) 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 37 Warkdale Drive. To be considered by General Committee, November 21, 2016.)
- (m) A By-law to confirm the proceedings of council at its meeting held on the 21<sup>st</sup> day of November, 2016. (One reading – with respect to confirming the proceedings of the meeting held on November 21, 2016.)