



The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, November 12, 2018
Council Chambers, City Hall, 6:30 PM

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

Page

- 1. Mayor's Report**
- 2. Adoption of the Agendas**
- 3. Adoption of the Minutes (Council and General Committee)**

- 3.1 Regular Meeting of Council, Minutes of [September 24, 2018](#)
- 3.2 General Committee, Minutes of [September 24, 2018](#)

- 4. Declarations of Interest**

- 5. Public Meetings Pursuant to Planning Act**

- | | |
|-----------|--|
| 5 - 72 | 5.1 Planning and Building Services, Planning Services
<i>Planning Act Continuation of Public Meeting - Recommendation Report</i>
Applications to Amend Zoning By-law 2013-283 and for Draft Plan of Vacant Land Condominium Approval; Subject Lands: 525 Niagara Street
Owner: Grey Forest Homes Ltd.; Agent: Upper Canada Consultants
<i>(Report contains links; copies available upon request)</i> |
| 73 - 153 | 5.2 Planning and Building Services, Planning Services
<i>Planning Act Public Meeting – Information Report</i>
Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Condominium Subject Lands: 102 and 104 Lakeport Road and 3 and 5 Avalon Place
Owner: John Maletta and John Ciocca
Agent: Better Neighbourhoods Inc. (Dan Romanko) |
| 154 - 193 | 5.3 Planning and Building Services, Planning Services
<i>Planning Act Public Meeting - Information Report</i>
Applications for Official Plan Amendment and Zoning By-law Amendment Subject Lands: 104 Maple Street, 97-99 Niagara Street and 101-103 Niagara Street; Owner: Global Travel Investment Group Ltd.; Agent: Exp. |

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- 5.4 Planning and Building Services, Planning Services
Planning Act Public Meeting - Information Report
Application to Amend Zoning By-law 2013-283 Subject Lands: 10
Benfield Drive Owner: Mountainview Belmont Ridley Heights Inc.
Additional Subject Lands: located opposite the intersection of Louth
Street and Crestcombe Road (no assigned municipal address) Owner:
Ministry of Transportation of Ontario Agent: Zelinka Priamo Ltd.

6. Delegations

7. Presentations

8. Motions

- 8.1 Installation of Safety Features by Niagara Region
Councillor Siscoe will present the following motion:
That City Council support the ongoing work of the suicide prevention
working group, which is exploring preventative actions and infrastructure
for suicide prevention in Niagara; and
That City Council recognizes the leadership of the Niagara Suicide
Prevention Coalition, providing outreach and crisis services, and suicide
prevention strategies; and
That Council requests that the Niagara Region immediately investigate
the installation of safety features (barriers / netting) on all relevant
infrastructure to prevent further suicides and protect public safety.
- 8.2 Changes to 2018 Budget Standing Committee Meeting Schedule
Councillor Siscoe will present the following motion:
That at the Budget Standing Committee meeting of May 23, 2018,
members approved the Budget Standing Committee meeting schedule;
and
That staff is requesting the following changes be approved as follows:
- Cancel the Budget Standing Committee meeting of Wednesday,
November 14, 2018, at 4:00 p.m.
 - Approve a Budget Standing Committee meeting, to be held on
Thursday, November 22, 2018, at 4:00 p.m.
 - Cancel the Budget Standing Committee meeting of Wednesday,
November 21, 2018, at 4:00 p.m.
 - Reschedule the Budget Standing Committee Open House of
Monday, November 5, 2018, at 6:00 p.m. at the St. Catharines
Kiwanis Aquatics Centre to Tuesday, November 20, 2018, at
6:00 p.m.
 - Reschedule the Budget Standing Committee Open House of
Wednesday, November 7, 2018, at 6:00 p.m. at the Seymour-
Hannah Sports and Entertainment Centre to Wednesday,
November 21, 2018, at 7:00 p.m.; and
- That staff be directed to provide appropriate notice.

- 8.3 Public Consultation regarding Recreational Cannabis Retail Stores
Councillor Phillips will present the following motion:
WHEREAS the Province of Ontario has introduced a private retail model for the sale of legalized, recreational cannabis, regulated by the Alcohol and Gaming Commission of Ontario, effective April, 2019; and
WHEREAS the Alcohol and Gaming Commission of Ontario will begin accepting applications for private retail stores in December 2018; and
WHEREAS municipalities have one opportunity to opt-out of hosting recreational cannabis retail stores by Council resolution by January. 22, 2019; and
WHEREAS the province will provide \$40 million over two years to help municipalities with the costs of recreational cannabis legalization;
THEREFORE BE IT RESOLVED that Council request staff to organize public consultation including an online survey and open house to gather feedback from residents, public health, the Niagara Regional Police, and social services, businesses and comparator municipalities; and
BE IT FURTHER RESOLVED that staff provide a report to Council in January 2019, including a summary of the public feedback and a comprehensive analysis of the policy issue to allow Council to make a decision by the January 22, 2019 deadline.
- 8.4 Rooming House and Boarding House Zoning Regulations
Councillor Kushner will present the following motion:
WHEREAS student housing continues to be problematic; and
WHEREAS prior to the zoning bylaw amendment in 2009, rooming and boarding houses were included in the City's zoning bylaws and were eliminated based on human rights which prohibited Provincial legislation from zoning premises based on related/unrelated people and with respect to tenure;
THEREFORE BE IT RESOLVED that Staff be directed to report on the use of rooming house and boarding house zoning regulations in the City of Toronto.
- 8.5 Appointment of Board Members to Port Dalhousie Business Association
Councillor Garcia will present the following motion:
WHEREAS the present Port Dalhousie Business Association has 4 sitting members; and
WHEREAS by-law 212-223, "A by-law to establish a Board of Management for the Port Dalhousie Business Improvement Area," allows for up to 9 sitting directors; and
WHEREAS at the Annual General Meeting of this Board to be held in March 2019 the new Board will be appointed; and
WHEREAS the Board is requesting that the following members be appointed by Council for the duration of this term.

THEREFORE BE IT RESOLVED that Jordan Campbell, Elaine McNeice, Loria Moffitt and Paula Malstrom be appointed to the Port Dalhousie Business Association Board of Management; and BE IT FURTHER RESOLVED that the Clerk make the necessary notifications.

9. Call for Notices of Motion

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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13.1 Reading of By-Laws

14. Agencies, Boards, Committee Reports

14.1 Minutes to Receive:

- Accessibility Advisory Committee, [September 26, 2018](#)
- Green Advisory Committee, [September 19, 2018](#)
- Public Art Advisory Committee, [August 29, 2018](#)
- Recreation Master Plan Advisory Committee, [September 18, 2018](#) and [October 16, 2018 \(draft\)](#)
- St. Catharines Heritage Permit Advisory Committee, [September 27, 2018 \(draft\)](#)

15. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: November 2, 2018

Date of Meeting: November 12, 2018

Report Number: PBS-217-2018

File: 60.35.1043 and 60.46.442

Subject: *Planning Act Continuation of Public Meeting - Recommendation Report*
Applications to Amend Zoning By-law 2013-283 and for Draft Plan of Vacant
Land Condominium Approval; Subject Lands: 525 Niagara Street
Owner: Grey Forest Homes Ltd.; Agent: Upper Canada Consultants

Recommendation Zoning By-law Amendment

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as Part Lot 13-14 Concession 3, Grantham Parts 1 & 2, 30R-14868, City of St. Catharines, municipally known as 525 Niagara Street, as follows:

- a) That Section 15.1, Schedule A (A15), Zoning Maps, be amended as identified in Appendix 10, as follows:
 - I. Area A – from Medium Density Residential (R3) to Conservation/Natural Area (G1)
 - II. Area B – from Conservation Natural Area (G1) to Medium Density Residential with Special Provision and Holding Provision (R3-150-H1)
 - III. Area C – from Medium Density Residential (R3) to Medium Density Residential with Special Provision and Holding Provision (R3-150-H1); and
- b) That Section 13.1 'List of Special Provisions' be amended by adding a special provision, as follows:

Special Provision	Zone	Schedule A	Location	By-law
150	R3	9	525 Niagara Street	2018-
1.	Minimum residential density of 23 units per hectare			
2.	Minimum distance from a private road to a dwelling:			
	a) from a southern facing exterior side wall to a parking space			1.25 m
	b) from a south west facing exterior side wall to a parking space			2.37 m

	c) from a north facing exterior side wall to a sidewalk	1.5 m
3.	Minimum setback from the rear (westerly) lot line to a platform structure at a height above the grade 0.6 m or greater	2 m

That approval of the Zoning By-law Amendment is granted on the basis that the application is consistent with the Provincial Policy Statement (2014), conforms with and does not conflict with the Provincial Growth Plan for the Greater Golden Horseshoe (2017), Regional Official Plan and Local Official Plan; and

That based on the revisions to the Zoning By-law Amendment applications after the Council meeting of September 10, 2018 when the application was presented, that in accordance with Section 34(17) of the Planning Act that no further public notice is required; 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 the Notice of Decision include a statement that public input has been received, considered and has informed the decision of Council; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Local Planning Appeals Tribunal for consideration and final approval; and

That, in the event of an appeal to the Local Planning Appeal Tribunal (LPAT), Council authorize the City Solicitor or her designate and City staff, as appropriate, to attend any LPAT hearing in support of Council's decision; and

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

Draft Plan of Vacant Land Condominium

That Council approve the Draft Plan of Vacant Land Condominium for the lands described as Part Lots 13-14 CON 3 Grantham designated as Parts 1 and 2 on 30R14868, municipally known as 525 Niagara Street, showing 35 townhouse dwelling units, 4 semi-detached dwelling units and 1 detached dwelling unit, together with common elements containing parking, landscaping, and servicing, as illustrated in Appendix 4 of this report, subject to the Conditions of Draft Plan of Vacant Land Condominium Approval, as outlined in Appendix 5 of this report; and

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

That the Notice of Decision include a statement that public input has been received, considered, and has informed the decision of Council; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Provincial Local Planning Appeals Tribunal (LPAT) (formerly the Ontario Municipal Board) for consideration and final approval; and

That after notice of Council's decision has been given, the Clerk be authorized to endorse the plan as "Draft Approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; and

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

Site Plan Approval

That Council direct staff, through the Site Plan Approval Process, to require stormwater quantity controls for the proposed development to be controlled to the 100-year storm event.

Summary

The applicant is requesting a Zoning By-law Amendment to change the Conservation/Natural Area (G1) zone boundary to reflect the extent of the existing regulatory floodplain associated with Walkers Creek and introduce a site specific provision for density and various setbacks within a proposed 40-unit residential private road development. The lands identified within the regulatory floodplain and zoned G1 are to be dedicated to the City. The 40 residential units are proposed to be under condominium tenure, allowing them to be sold individually.

Staff support the following zone changes for the subject lands:

- i. Amend the zoning for Area A (Appendix 10) from R3 to G1
- ii. Introduce a new Site Specific Provision (150) to the R3 zone (Appendix 11)
- iii. Placement of a Holding Provision (H1) on the developable lands
- iv. Amend the zoning for Area B (Appendix 10) from G1 to R3-150-H1
- v. Amend the zoning for Area C (Appendix 10) from R3 to R3-150-H1

Staff also recommend approval of the proposed Draft Plan of Vacant Land Condominium.

As a result of flooding concerns expressed by residents in the area, the applicant has proposed an increased level of stormwater management control for the site. The applicant proposes to design the site to control stormwater to the 100-year storm event, significantly higher than the City's standard requirement for control of the 5-year storm event. Staff recommend this increased standard be included through the Site Plan Approval process.

Background

This Recommendation Report is a follow-up to the Information Report ([linked here](#) and copy available upon request) that was received by Council at the September 10, 2018, Public Meeting, in accordance with the requirements of the Planning Act, to receive input on the proposed Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for 525 Niagara Street. Council did not close, but rather adjourned the public meeting at that time. The Information Report provided an overview of the applications, location and site description, planning context and policies, and circulation comments received. Since the Public Meeting, and in response to residents and staff concerns, the applicant has submitted written direction to remove the requested variances for rear yard setbacks from a platform structure along the north and south property lines from the proposed Site Specific Provision. The proposed setback reductions to platform structures along the western property line is maintained.

This Recommendation Report provides Council with a planning analysis and staff recommendation.

Report Proposal

The applicant proposes to develop a 40-unit private road development consisting of one detached dwelling unit, four semi-detached dwelling units and 35 townhouse dwelling units. The 40 residential units are proposed to be under condominium tenure, allowing each unit to be sold individually. The vacant land condominium would also establish common elements consisting of a private road, visitor parking, landscaping and services associated with the development.

The subject property is zoned Medium Density Residential (R3), which permits the private road development and Conservation / Natural Area (G1), which recognizes the setback and former regulatory floodplain associated with Walkers Creek that abuts this site on the west. The application has been made to amend the G1 zone boundary to accurately reflect the extent of the updated regulatory floodplain associated with Walkers Creek. The amendment also proposes to introduce site specific provisions regarding density and setbacks within the private road development. The plans provided indicate the dwellings to be one storey along the private road with 22 of the units proposed to have a walkout basement level at the rear. The proposed site plan and elevations are attached as Appendices 2 and 3 for reference.

Planning Policy Context

Provincial planning legislation requires Council's decision on a planning application to be consistent with the Provincial Policy Statement (2014), and must conform to Provincial plans, upper-tier official plans and lower-tier official plans. Accordingly, planning staff have evaluated this Application for Zoning By-law Amendment and Draft Plan of Vacant Land Condominium against the policies of the Provincial Policy Statement (2014), the Provincial Growth Plan for the Greater Golden Horseshoe (2017),

the Regional Official Plan, and the Garden City Plan, all of which apply to this application, and staff recommendations have been formulated accordingly.

For Council's reference, the land use planning framework in Ontario, as it relates to this application, is outlined in Appendix 6.

Provincial Policy Statement (2014)

The following provides an overview of the Provincial Policy Statement as it applies more specifically to this Application for Zoning By-law Amendment and Draft Plan of Vacant Land Condominium.

- Accommodate an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;
- Establish a land use plan and pattern that supports financial sustainability and cost effective development and provision of services;
- Promote the wise use and management of land and resources;
- Support an accessible, connected and complete community;
- Establish appropriate development standards to promote / facilitate intensification, redevelopment and compact built form;
- Ensure protection of natural features and areas for the long term;
- Protect and preserve natural heritage features and hazards, landform systems and functions; and
- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or property damage, and not create new or aggravate existing hazards.

Staff are of the opinion that the proposed amendments are consistent with the PPS in that policies related to protection and preservation of natural hazards and providing a range and mix of land uses through intensification and redevelopment are upheld. Further, the proposed amendments are consistent with the PPS through the provision of improved access and connectivity from the subject site to the surrounding community. The following commentary provides demonstration of consistency with the PPS.

- **Policy 1.1.1 c)** - *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- **Policy 1.1.1 h)** – *promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate; and,*
- **Policy 1.1.3.4** – *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety:*

The Zoning By-law Amendment proposes to amend the Conservation/Natural Areas (G1) boundary to reflect the accurate location of the updated Regulatory Floodplain associated with Walkers Creek. This will ensure the hazard area associated with the floodplain is zoned appropriately to ensure protection and preservation of the system. In

addition, through the proposed development, the hazard lands are to be dedicated to the City to ensure long term protection.

- **Policy 1.1.1 a)** – *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and,*
- **Policy 1.1.1 b)** – *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs:*

The Zoning By-law Amendment also proposes a site specific provision to address setback and density reductions to facilitate the layout of the proposed private road development which includes construction of a range and mix of permitted residential unit types, such as detached, semi-detached and townhouse dwelling units, in a neighbourhood comprised of predominantly detached dwellings.

- **Policy 1.1.1 e)** – *promoting cost effective development patterns and standards to minimize land consumption and servicing costs; and,*
- **Policy 1.1.1 f)** – *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society:*

The layout of the private road development provides an internal road circuit with sidewalk connections to Niagara Street, which support an accessible and connected community. The density proposed is 23 units per hectare, generally conforms with the 25-99 units per hectare permitted in the Official Plan and for a private road development in the R3 zone. At the proposed density, the applicant proposes 40 units of varying residential dwelling types that are compatible with the surrounding neighbourhood. The requested zone changes proposed by the site specific provision will facilitate the construction of a compact development form that is well connect and compatible with the surrounding neighbourhood.

Section 1.4 Housing

The PPS requires planning for an appropriate range and mix of housing types and densities to meet the needs of current and future residents.

Both the existing provisions and proposed amendments for the subject lands achieve the requirements of the 'Housing' policy by providing a mix of housing options generally in keeping with the density range. The proposal contributes to diversifying the types of residential dwellings available in the local area.

Section 1.6 Infrastructure and Public Service Facilities

The PPS provides that through development, promoting of sustainable, cost effective infrastructure services shall be ensured. Current and projected needs are to be met.

The policy requires that proper stormwater management be planned for. The applicant

proposes to exceed the City's standard requirements for stormwater management through the provision of stormwater quantity controls for the 100-year storm event.

Provincial Growth Plan for the Greater Golden Horseshoe (2017)

Similarly, Growth Plan policies stress the necessity for compact and well-designed development that prioritizes intensification. The Plan supports the achievement of complete communities that “ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.” Policies ensure that a range and mix of housing options are available including affordable housing.

The following provides an overview of the Provincial Growth Plan as it applies more specifically to this Application for Zoning By-law Amendment and Draft Plan of Condominium.

- Promote compact built form and transit supportive development, a diversity and mix of uses and opportunities, and the efficient use of land, infrastructure and service capacities to support development, redevelopment and growth;
- Foster safe, interactive, active transportation and connected communities;
- Ensure viability for long term development and community investment;
- Maintain, enhance vitality of main streets, and conservation of neighbourhoods;
- Encourage sense of place by promoting well designed built form and cultural planning to conserve features that help define the character, built heritage resources and cultural heritage landscapes of the area;
- Adapt to climate change through compact and nodal development;
- Conserve, promote cultural heritage to support social, economic and cultural well-being;
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions;
- Promote high quality built form, attractive / vibrant public realm through site design and urban design standards;
- Support complete communities; and
- Support multi modal transportation, including active transportation and transit.

Staff are of the opinion that the proposed Amendments conform with the Growth Plan in that policies related to fostering connected, accessible and complete communities are upheld while also ensuring the long term protection of natural features. The following commentary demonstrates conformity with the Growth Plan.

Section 2.2.1 of the Growth Plan directs the vast majority of growth to settlement areas that have a delineated built boundary, have existing or planned water and wastewater systems, and can support the achievement of complete communities. Municipalities are required to establish a hierarchy of growth within settlement areas, intended to achieve complete communities that provide a range and mix of land uses and housing, optimize infrastructure, and have a high quality and attractive private and public realm. The subject applications have been made for development which makes use of a vacant site

and provides a range of dwelling types in an established neighbourhood consisting largely of detached dwellings.

The Growth Plan also directs development to take place away from hazardous lands (2.2.1 e), which the applications propose to achieve by recognizing the hazards associated with Walkers Creek through appropriate zoning and dedication of the hazard lands to the City.

The Growth Plan provides a policy framework that is intended to be achieved within the context of each individual community, while being sensitive to adjacent areas. The City's Official Plan and Zoning By-law currently implement this existing framework for St. Catharines. For the subject applications, the provision of a private road development consisting of mostly bungalow townhouse units introduces a range and mix of unit types that is compatible with an established neighbourhood consisting of primarily one and two storey detached dwellings. The plans demonstrate a form and function that are fitting with the surrounding established neighbourhood in terms of density. The proposed amendment of the G1 zone is consistent with the protection of natural features and hazards.

Regional Official Plan

According to the Regional Official Plan (ROP), the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031 / Conformity Amendment), which is the focus of both residential and employment intensification and redevelopment within the Region over the long term.

Municipalities are encouraged to provide a full range of housing types to serve a variety of people as they age through the life cycle.

The ROP reiterates the land use pattern policies and objectives of the Provincial Policy Statement for residential intensification and sustainable communities outlined above. The Region's Sustainable Community Policies establish a residential intensification target of 95 per cent for the St. Catharines Built-up Area.

It should be noted that the Region of Niagara is undertaking a comprehensive review (MCR) of their Official Plan to bring it into conformity with the PPS and the Provincial land use plans. Once completed, local area municipalities will be required to update their Official Plans accordingly.

The proposed built-form and land uses align with the surrounding land use context and the proposed units will assist the City in achieving the residential growth targets. Further, the subject lands are located within close proximity to local transit and the natural hazard lands will be dedicated to the City for long term protection. Based on the above, staff consider the application and proposed development concept to align with Regional policy.

Local Official Plan (Garden City Plan)

The subject lands are designated as Neighbourhood Residential and Natural Areas by Schedule D1 (Appendix 7), General Land Use Plan in the City's Official Plan, the Garden City Plan (GCP). The North Planning District, Schedule E3, further designates these lands as Medium Density Residential and Natural Areas (Appendix 8).

The Medium Density Residential Designation of the GCP permits a range of residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres. The applicant proposes a private road development consisting of detached, semi-detached and townhouse dwelling units which results in a total density of 23 units per hectare on the developable portions of the site (excluding the G1 lands and road widening). The density of 23 units per hectare is slightly below the minimum of 25 units per hectare however, the design, form and function of this project has evolved over time and ultimately yielded a superior design for the project at the expense of a slightly lower density. The proposed density of 23 units per hectare is considered to be generally in keeping with the intended range of 25 to 99 units per hectare and therefore complies with the Official Plan.

There is a Natural Areas designation identified at the western boundary of the site associated with the Regulatory Floodplain of the adjacent Walkers Creek. The GCP allows for minor boundary adjustments to the existing Natural Areas designation without an Official Plan Amendment where more precise mapping becomes available. The applicant has provided a grading plan which shows the existing grades on site and identifies the extent of the Regulatory Floodplain, using the Niagara Peninsula Conservation Authority (NPCA) Regulatory Floodplain elevation for this section of Walkers Creek. The plan indicates there are portions of the site that are impacted by the Regulatory Floodplain that are currently zoned R3 and other portions that are zoned G1 that are not impacted by the Regulatory Floodplain. The grading plan submitted represents more accurate mapping of the Regulatory Floodplain than the existing zone boundary, as the grading plan is based upon a site specific survey. Further, the NPCA has reviewed the submitted grading plan and is satisfied with the amended boundary. An Official Plan Amendment is not required in this case since the requested zone boundary revision is considered minor and results from more accurate mapping now available.

The most relevant Official Plan policies to evaluate the application, as determined by Planning Staff, are outlined and discussed within the Information Report as Appendix 13.

Zoning By-law

Zoning By-law 2013-283 zones the subject lands as Medium Density Residential (R3) and Conservation / Natural Area (G1) (Appendix 9). The R3 zone permits a wide range of residential dwelling types including detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouses, apartments and private road development. Residential development is not permitted within the G1 zone.

The application proposes to amend the G1 zone to reflect the extent of the Regulatory Floodplain associated with Walkers Creek, as surveyed on site (Appendix 10). The G1 zoned lands are to be dedicated to the City. An easement over the G1 lands, in favour of the applicant, is to be established to permit the stormwater outlet associated with the proposed development to be located within City lands and allow access to the outlet for future maintenance. The applicant is also requesting Site Specific Provisions be added to the existing R3 zone.

The proposed amendment to the G1 zone boundary ensures that the hazard land associated with the regulatory floodplain is accurately identified and protected in the long term. The Niagara Peninsula Conservation Authority (NPCA) regulates floodplains and is satisfied that the proposed amendment zones the hazard appropriately and further protects the proposed development and floodplain through dedication of the lands impacted by the floodplain to the City. The NPCA also supports the installation of a fence at the boundary of the lands.

The proposed density at 23 units per hectare is generally in keeping with the permitted density of 25 to 99 units per hectare and staff acknowledge that the proposed private road development introduces a variety of unit types while maintaining an appropriate transition from the surrounding low density residential development, largely consisting of detached dwellings.

Reduced Setbacks – Interior Side Yard

The applicant has proposed reduced setbacks within the private road development for interior side yard from an end wall for three of the proposed 40 units. These three instances are the result of pinch points in the design where visitor parking or a sidewalk are located along the side yard of a unit. The majority of the site has demonstrated the required setbacks will be achieved.

Reduced Setbacks – Rear Yard to a Platform Structure (westerly lot line)

The applicant has also proposed reduced setbacks from a rear lot line to a platform structure. Each of the units are proposed to have a patio at the rear off of the main floor, and due to the grading of the site, the patios range from 0.3 to 2.4 metres in height from grade. The City's zoning by-law requires the setback from a rear lot line to increase as a patio or platform structure increases in height from the grade. This is intended to minimize impacts associated with overlook and provide adequate buffering. Through the review of the application, staff noted that the setbacks proposed by the applicant did not match the setbacks as indicated by the plans provided. Staff are satisfied that a reduction of the setback can be supported for platform structures located within rear yards along the western property line. These rear yards face Walkers Creek and do not overlook directly into any residences or areas that could be developed in the future. The reductions proposed for platform structures located within rear yards along the western property line range from 1 metre to 3.43 metres. Staff are of the opinion a minimum 2 metre setback should be provided to allow adequate space for access for lawn maintenance.

Reduced Setbacks – Rear Yard to a Platform Structure (north and south lot lines)

The platform structures proposed along the north and south property lines are located immediately adjacent to existing residential dwellings and their associated yards. Following the Public Meeting and further discussion with staff, the applicant has directed that the setback reductions along these property lines are no longer proposed as part of the subject applications.

Based on the above discussion, the following requested zoning provisions are recommended for approval:

Provision	Required	Proposed	Supported
Minimum Density	25-99 units per hectare	23 units per hectare	23 units per hectare
Interior Side Yard – From End Wall	3 metres	Unit 18 – 1.25 metres Unit 29 – 2.37 metres Unit 40 – 1.5 metres	Unit 18 – 1.25 metres Unit 29 – 2.37 metres Unit 40 – 1.5 metres
Minimum Setback from rear lot line to a platform structure facing west 0.6 m to 1.2 m or greater above grade	4.5 metres	1 metre applies to units 8-18	2 metres applies to units 8-18

Holding Provision (H-1)

A Phase 1 Environmental Site Assessment (ESA) was submitted and circulated for review. Regional planning staff have indicated that based on the conclusion of the Phase 1 ESA, further environmental work will need to be completed on the site prior to any site alteration. The Zoning By-law Amendment is being recommended for approval with a Holding (H1) Provision which requires that an Environmental Site Assessment shall be prepared and submitted to the City of St. Catharines for approval. If contamination above provincial guidelines is found, a Record of Site Condition, or other acceptable documentation, shall be required for submission to the Ministry of the Environment prior to the removal of the Holding (H) designation.

Affordable Housing

In June 2017, Council approved Phase I of the City's Housing Action Plan in recognition of rising market values, a low vacancy rate, and a low supply of affordable housing in the City. Currently, Staff are in the process of implementing priority recommendations that were outlined in the Housing Action Plan. While the City's Official Plan recognizes the need to provide for affordable housing, actual mechanisms to technically require and sustain an affordable housing supply in the City as per the definition in the Provincial Policy Statement is part of the ongoing work in implementing the Action Plan.

This includes consideration for Inclusionary Zoning which is a land use planning tool that a municipality may use to require affordable housing units to be included in proposed residential developments of 10 units or more. This tool is typically used to create affordable housing for low and moderate income households. In Ontario, this means families and individuals in the lowest 60 per cent of the income distribution for the regional market area, as defined in the Provincial Policy Statement (2014). Generally, housing is considered “affordable” when households do not pay more than 30 per cent of gross income on annual accommodation costs, or when the purchase price for housing is at least 10 per cent below average market value or when households do not pay more than 30 per cent of gross annual household income for rent or when the rent is at or below the average market rent.

In accordance with Provincial legislation, in order to implement inclusionary zoning, a municipality is required to undertake a series of steps including an assessment report to understand local housing supply and demand, as well as potential impacts which might arise from the inclusionary zoning requirement and then implement official plan policies and pass a zoning by-law guiding where and how Inclusionary Zoning will be implemented. Once implemented, the municipality is responsible for monitoring the affordable housing units and reporting outcomes.

This study requires considerable detail and, to date, as far as Staff are aware, no Ontario municipality has fully studied or implemented this tool to require such availability in the approval of development applications. The work to undertake this study and implement the mechanism is subject to discussion and approval of the department's draft Operating Budget for 2019. Given Council budget guidelines, provision is unable to be made to undertake this work in 2019 because of the lack of staff and financial resources.

The applicant has not indicated that any of the proposed units meet the definition of affordable housing as defined by Provincial policy.

Draft Plan of Condominium

Section 51(24) of the Planning Act guides staff in assessing plans of condominium, as described in the Information Report, which was considered at a Public Meeting under the Planning Act on September 10, 2018. To that end, the following analysis is provided.

- The development is consistent and does not conflict with matters of provincial interest, it is not premature and is in the public interest. Overall, the existing zoning allows for multi-unit residential uses, and contributes to the City's growth which is supported and encouraged by the Growth Plan and Provincial Policy Statement.
- The proposal complies with the Official Plan, and the lands are suitable for development as proposed. The proposed density is generally in keeping with medium density thresholds intended for this site, and the site contains adequate parking, access and landscaping.
- The adequacy of existing roads in the vicinity of the development is sufficient. The development is located on Niagara Street which is designated a Regional

Arterial Road in the Official Plan. The development also proposes a private road, which has adequate width to support a fire route and two-way traffic. These roads are considered adequate to support traffic generated by the subject development.

- The proposed development is compatible with the surrounding land uses. The surrounding uses are residential and natural areas. The buildings proposed are to be single storey dwellings with some units having walkout basements. The visual impact of the building massing is considered to be compatible with surrounding existing residential uses, while providing additional dwelling types such a detached, semi-detached and townhouse dwelling unit.
- The size of the units is appropriate and contributes to a mix of housing in the city.
- The existing utilities and services are adequate to support the development.

Site Plan Control

The City's Site Plan Control By-law requires that residential developments of four units or more be subject to site plan control. Under this by-law the private road development is subject to Site Plan Control. Site plan approval regulates the placement of buildings, architectural elevations of the buildings, parking, grading, drainage and storm water management, landscaping, fencing and similar details of site design. An application for Site Plan Approval has been submitted concurrent with the subject applications.

The plan proposes 35 townhouse dwelling units, 4 semi-detached dwelling units and 1 detached dwelling unit to be located on a private road with a single access to Niagara Street. The units are proposed as one storey structures along the private road with 22 units proposed to have walkout basements at the rear. Each unit is proposed to have an attached garage and driveway for parking and 13 visitor parking spaces have been provided along the private road. Appendix 2 shows the proposed site design.

Staff have included in the Recommendation that the Site Plan Approval required for this project include a requirement that the 100-year storm event be the threshold level for designing the storm water management system on site. This design standard has been offered by the applicant as a mitigation measure for extreme flood events.

Circulation of Application

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. The previous Information Report summarized comments received relating to the most recent submissions at the time of the Public Meeting.

Public Consultation

An Open House was hosted by Planning and Building Services on Tuesday, August 14, 2018. The purpose of the Open House was to present the applicant's proposal and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. There were thirty (30) members of the public in attendance. The previous Information Report summarized comments received at the Open House.

Public Meeting

In addition to the Open House that was held on August 14, 2018 and summarized in the Information Report, a Public Meeting was held by Council on September 10, 2018, in accordance with the Planning Act. Staff from Planning and Building Services presented an Information Report. The applicant's agent was in attendance. Six members of the public spoke to the application and the Public Meeting was adjourned. Additional written correspondence has been received since the Information Report and is attached as Appendix 12. Questions raised at the Public Meeting are summarized below, with corresponding staff responses.

Flooding

Comment: This section of the Creek experiences frequent flooding. The existing situation should be improved before any growth in the area is considered.

Response: Walkers Creek is a natural watercourse that has an associated Regulatory Floodplain, subject to NPCA regulations. The floodplain is an identified hazard area that is anticipated to flood. While it may be possible to improve upon the impacts of flooding, the flooding hazard will continue to exist.

It is not the responsibility of the applicant to improve the existing flooding situation. New development must demonstrate that the proposal adequately addresses City requirements and the regulations enforced by external agencies, such as the NPCA. Through the subject application, the developer has provided updated mapping that more accurately identifies the extent of the floodplain on the subject lands. The lands impacted by the floodplain will be dedicated to the City, which not only ensures their protection but also provides the City with access to the east bank of the Creek, which may provide further options and opportunities for restoration works.

It is important to note that the City has hired a consultant in May, 2018 to conduct a review of the current flooding occurring within the area surrounding this section of Walkers Creek. The City is aware that the NPCA is in the process of updating the model and 100-year floodplain for Walkers Creek, however the NPCA anticipates the update is not likely to be completed prior to summer of 2019. The City's consultant has continued with the review of the area to the extent possible, however it will be important to incorporate the results of the NPCA's update into the City's analysis as it will be necessary to obtain an accurate picture of the existing conditions and to establish relevant recommendations and solutions to the existing situation.

Comment: The stormwater flows from the subject site should be directed to an alternate outlet, not to the Creek.

Response: There are no existing storm sewers in this section of Niagara Street for the stormwater to be directed to. The site currently drains to the Creek and there are no existing alternate locations for the water to be directed to. Further, the City, Region and NPCA can entertain stormwater outlets to the Creek, subject to the issuance of required permits and provided that stormwater quantity and quality controls will be implemented to the appropriate standards. The City requires that the stormwater flows from the site

be controlled to pre-development peak flows, and as such, there will be no change in the rate of flow from the site to the Creek. In addition, following the Public Meeting, the applicant has submitted an updated storm water management plan that proposes to provide onsite storage of storm water for a major 100-year storm event. This proposal exceeds the City's requirement for management of the 5-year storm event. Staff have requested Council to require this threshold as part of the stormwater management plan for this development.

Comment: The flooding has worsened since the construction of a recent condominium project on Scott Street within the last 3 years. Is there any data to show how the stormwater management system on site is performing compared to the approval?

Response: The condominiums on Scott Street (379) required stormwater management that was reviewed and approved by City staff prior to construction. The stormwater controls are located on private property and the City does not have access to data related to the performance of the stormwater controls.

Decks / Patios

Comment: Concern there will be a loss of privacy because of the proximity and height of the proposed decks to the rear property line and adjacent residences.

Response: The applicant has removed their request for reduced setbacks from a rear lot line to a platform structure along the north and south property lines, where there are adjacent residences and yards. The proposed reduction is maintained along the western property line where the platform structures face Walkers Creek and do not overlook directly to any adjacent dwellings.

Public Notice

In accordance with established procedures, notice for the public meeting has been circulated.

Financial Implications

All costs associated with this development will be borne by the developer. No direct financial impacts to the City are triggered should Council approve this rezoning.

Second Planning Opinion Advisory

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

Relationship to Strategic Plan

The approval of this development proposal will serve to support the goals of the Strategic Plan through the pillars of economic and social sustainability by facilitating private investment through development in the City.

Potential Appeals

Council should be aware that, effective April 3, 2018, certain land use appeals in Ontario are subject to new legislation. For zoning by-law amendment applications, any appeals are submitted to the Local Planning Appeal Tribunal (LPAT) which replaces the former Ontario Municipal Board (OMB).

Conclusion

In summary, staff are supportive of the subject applications, however because of concerns relating to some of the proposed site specific setback reductions, staff recommend approval of this zoning by-law amendment with revisions and recommend approval of the Draft Plan of Vacant Land Condominium. This Recommendation Report provides the planning context and justification for staff's recommendation to support the Application for Zoning By-law Amendment and Draft Plan of Vacant Land Condominium Approval for 525 Niagara Street. The amendment would revise the Conservation / Natural Area (G1) boundary based on updated mapping and permit site specific provisions to recognize setbacks proposed to facilitate a 40-unit private road development. The approval of this application is consistent with the Provincial Policy Statement and conforms with and does not conflict with the Growth Plan, the Regional Official Plan and City Official Plan.

Notification

It is in order to advise Upper Canada Consultants, c/o William Heikoop, 30 Hannover, Unit 3, St. Catharines, ON L2W 1A3, the owner's agent.

Prepared by:

Taya Devlin
Planner 1

Submitted by:

Judy Pihach, MCIP, RPP
Manager, Planning Services

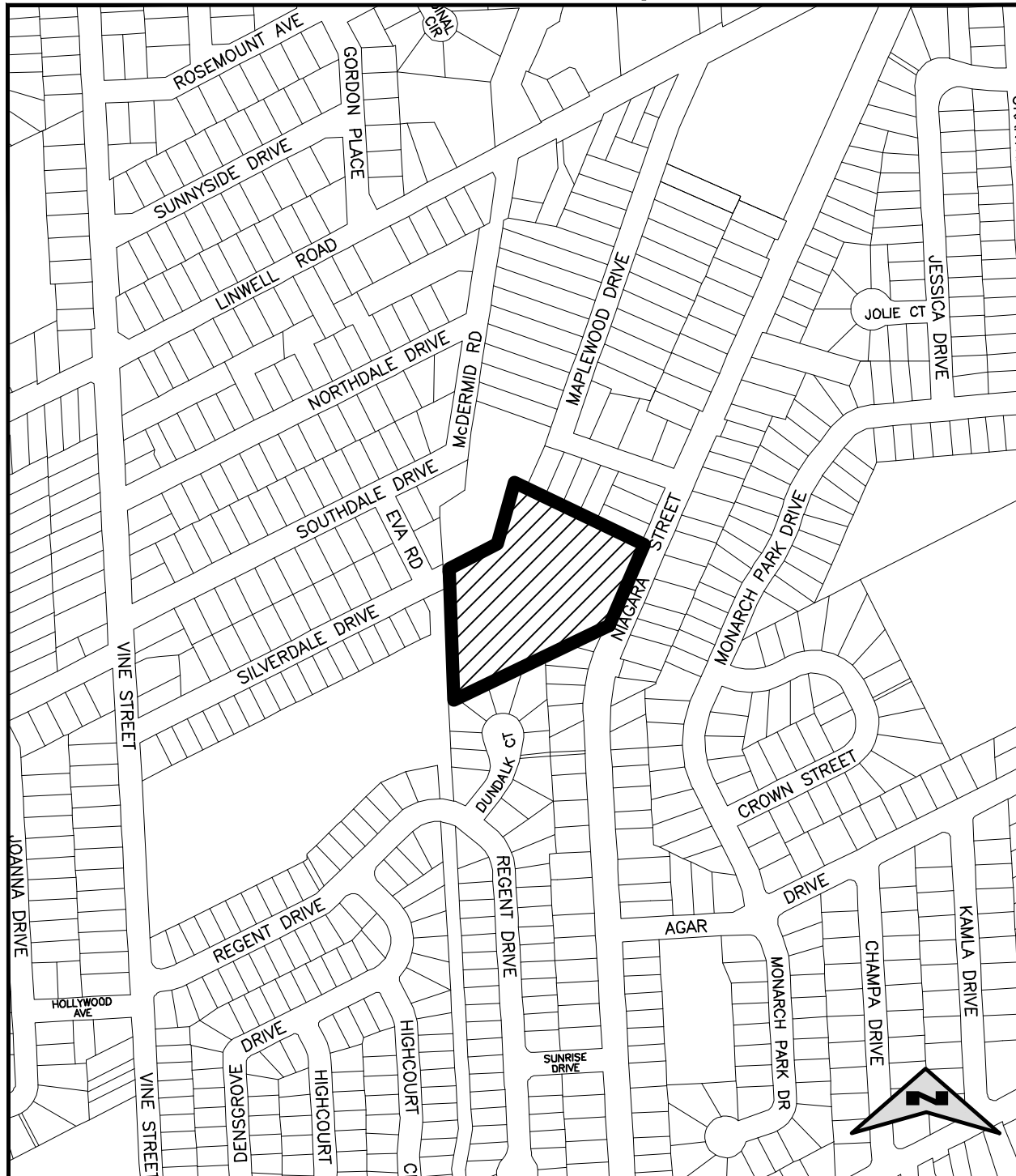
Approved by:

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

List of Appendices

1. Location Map
2. Concept Site Plan
3. Elevation Plan Units 19-20
4. Draft Plan of Condominium
5. Conditions of Draft Plan of Condominium
6. Ontario Land Use Planning Framework
7. Official Plan –Schedule D1, General Land Use Plan Map
8. Official Plan –Schedule E3, North Planning District
9. Zoning By-law 2013-283, Existing Schedule A9
10. Zoning By-law 2013-283, Proposed Schedule A9
11. Proposed Special Provision 150
12. Additional Public Correspondence Received
13. Applicable Garden City Policies

Location Map

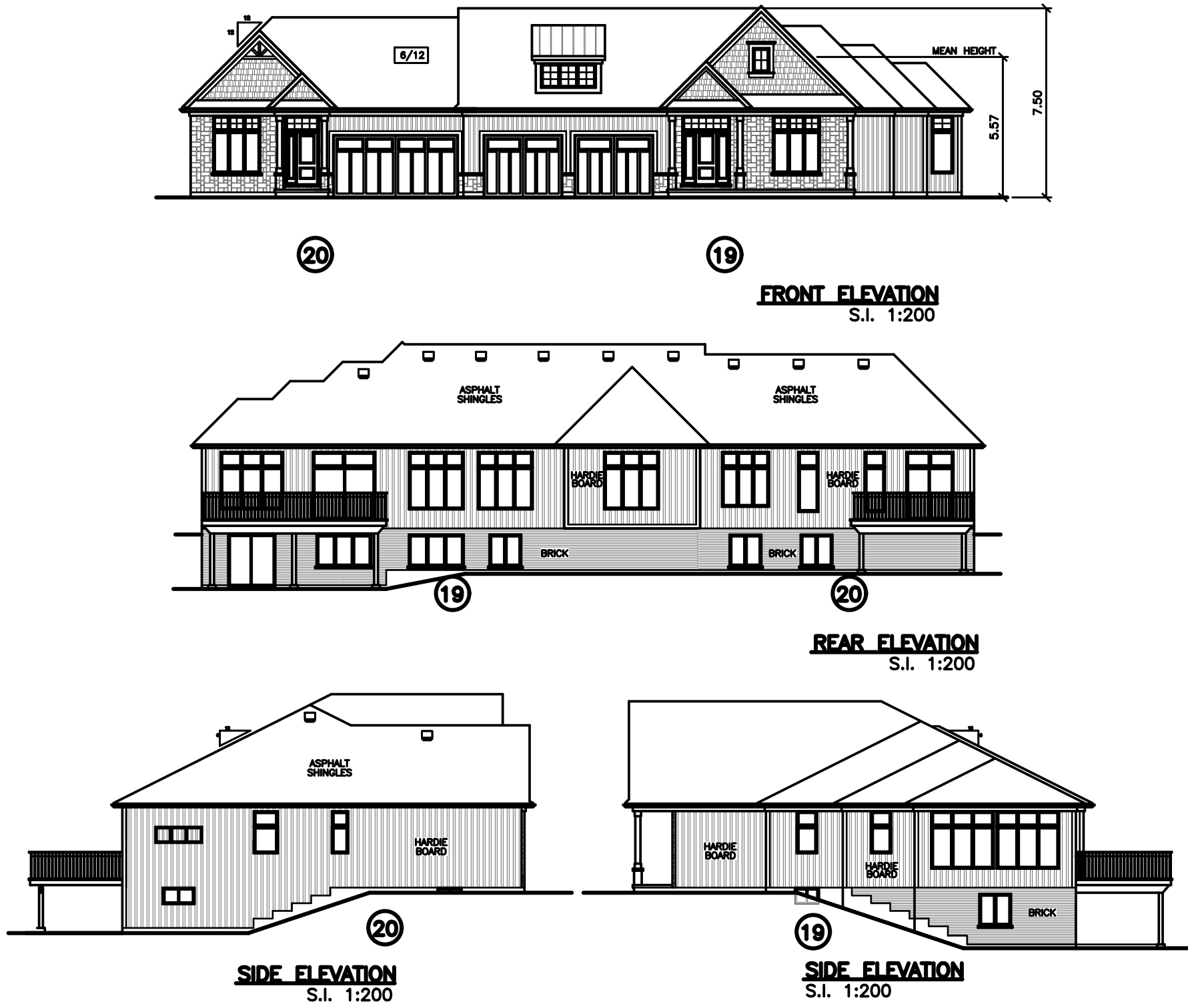


Subject Lands

525 Niagara Street

Files: 60.35.1043, 60.46.442 & 60.51.973





BLOCK 'E'
UNITS 19 TO 20

K & C RESIDENTIAL DESIGN INC. (905) 682-9677		CEDARBROOK LANDING NIAGARA STREET, ST. CATHARINES, ONTARIO GREY FOREST HOMES	
MARCH 9/18			
SHEET 5 OF 10			
ELEVATIONS			
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.		Required unless design is exempt under 2.17.5.1 of the building code	
OWNER'S NAME		QUALIFICATION INFORMATION	
SIGNATURE		Required unless design is exempt under 2.17.4.1 of the building code	
THE CORPORATION OF THE CITY OF ST. CATHARINES		REGISTRATION INFORMATION	
JAMES N. RIDDELL, DIRECTOR OF PLANNING AND BUILDING SERVICES		K. & C. RESIDENTIAL DESIGN INC.	
DATE: 20		FIRM NAME	
NOTE: THE DIMENSIONS, AREAS AND LOCATION SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN, PROVIDING THE DESIGNER HAS BEEN ADVISED OF ANY CHANGES TO THE PLAN AND HAS AGREED TO MAKE THE NECESSARY ADJUSTMENTS TO THE PLAN. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS FILED IN THE CITY ENGINEER'S OFFICE AND APPROVED BY THE ENGINEER.		DAN KEITH NAME 17/08/15 SIGNATURE BOIN 22057	

- Condominium Unit
- Exclusive Use
- Common Element



**Conditions of Draft Approval
525 Niagara Street
File No. 60.46.442**

General Approval

1. That this approval applies to lands described as Part Lots 13-14 CON 3 Grantham designated as Parts 1 and 2 on 30R14868; City of St. Catharines, municipally known as 525 Niagara Street, for a draft plan of vacant land condominium prepared by Upper Canada Consultants, dated April 4, 2018, and showing a 40-unit private road development.

Site Plan Agreement

1. That prior to final approval of the plan of condominium, the owner shall enter into a Site Plan Agreement with the City of St. Catharines, which shall be registered against the title of the lands. The Site Plan Agreement shall address certain matters including, but not limited to landscaping, fencing, parking, lighting, waste collection, noise mitigation, and servicing.

(City of St. Catharines)

2. The site plan agreement shall require, prior to final approval of the plan of condominium, that the Owner shall deposit securities in the amount of 100% of the estimated cost of all works that are incomplete and which comprise part of a common element.

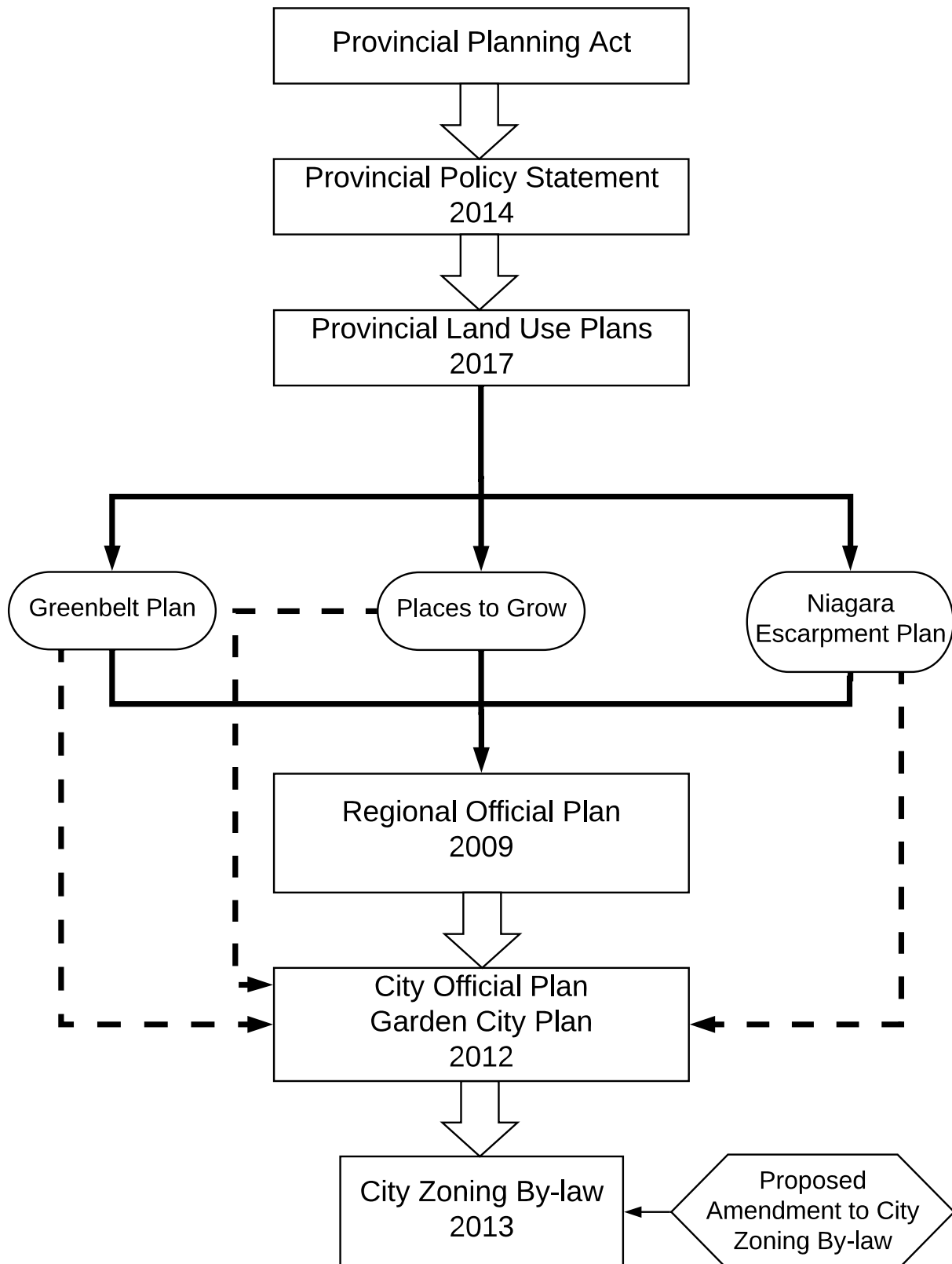
(City of St. Catharines)

Administration

3. That if final approval is not given within three years of the approval date and no extension has been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required must be received by the City prior to the lapsing date. An updated review and revisions to the conditions of approval may be necessary at that time.

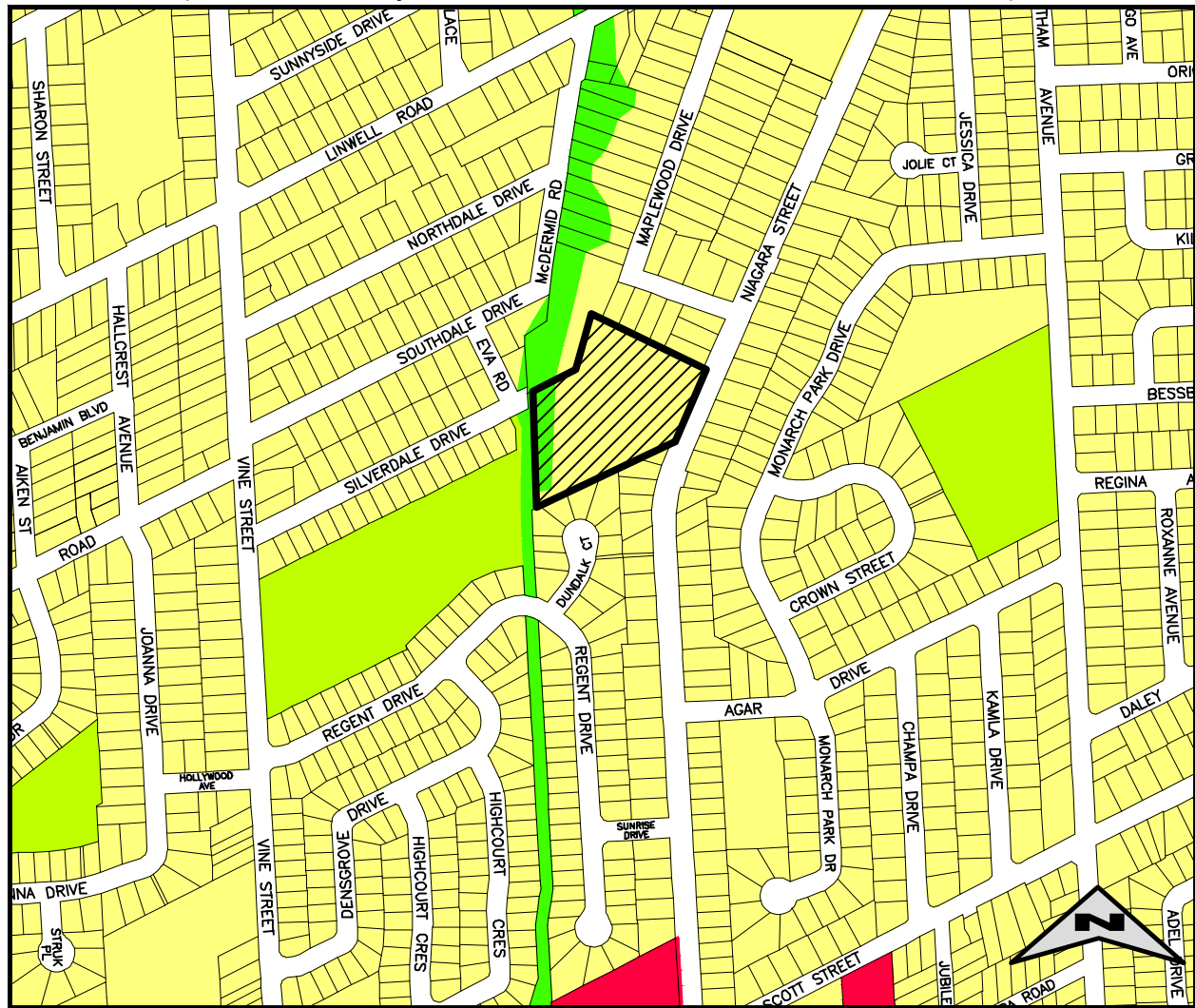
Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions herein have been satisfactorily met.


Ontario Land Use Planning Framework







Existing Land Use Designation

(The Garden City Plan - General Land Use Plan, Schedule D1)



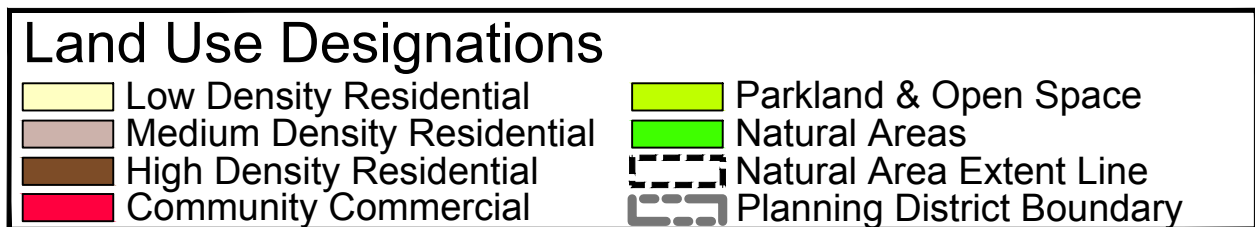
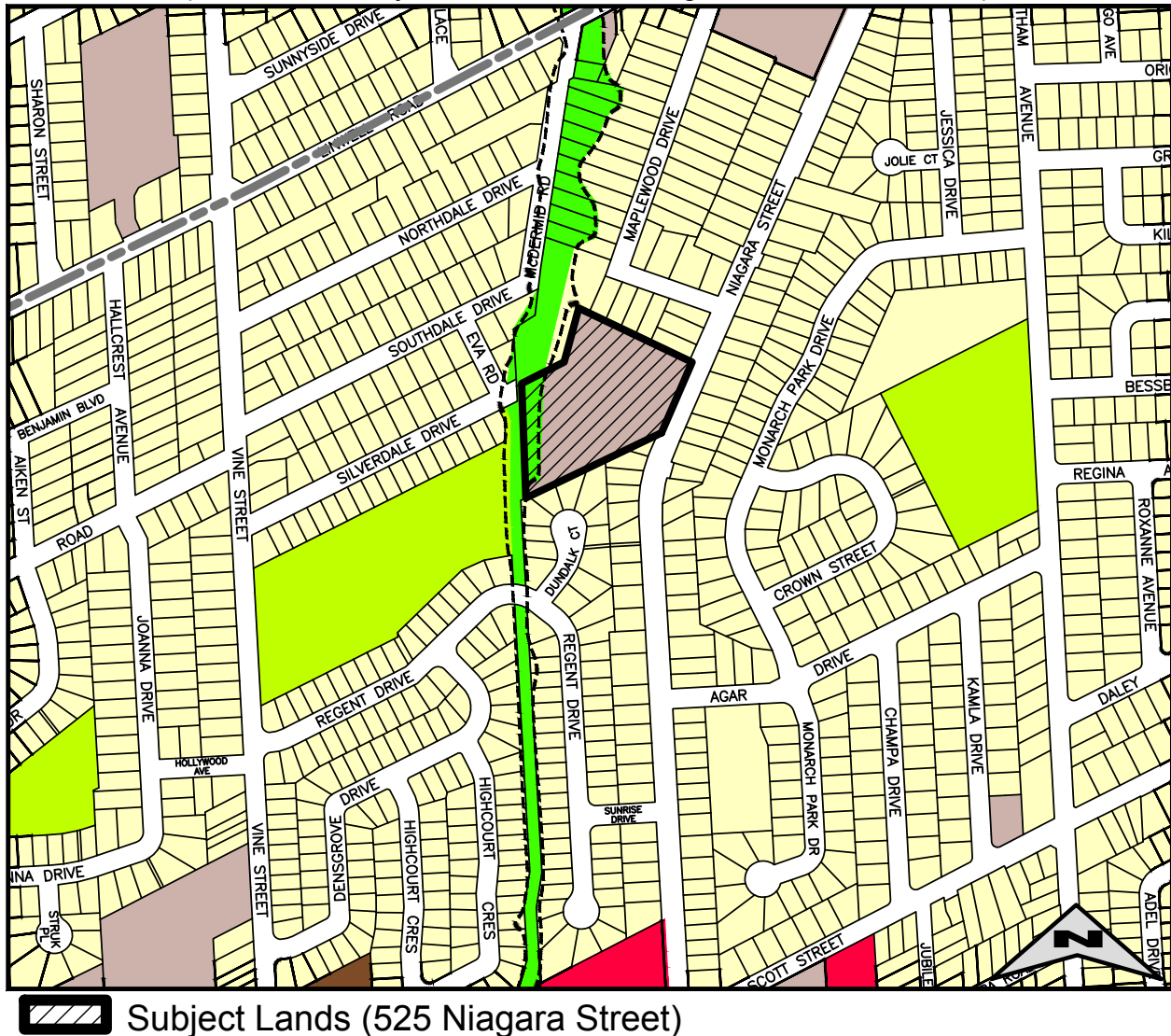
 Subject Lands (525 Niagara Street)

Land Use Designations			
	Neighbourhood Residential		Natural Areas
	Commercial		Parkland & Open Space

Files: 60.35.1043, 60.46.442 & 60.51.973

Existing Land Use Designation

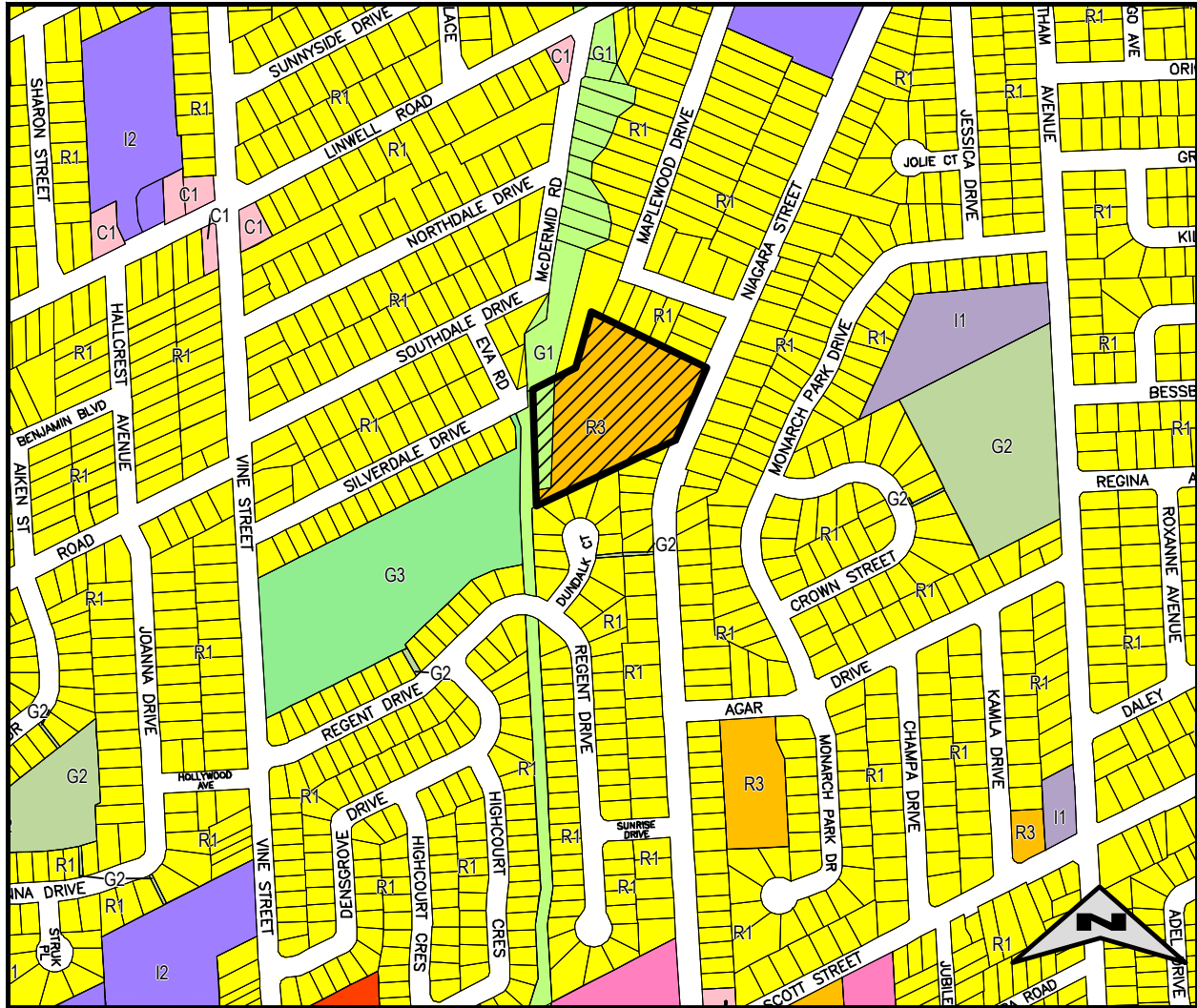
(The Garden City Plan - North Planning District, Schedule E3)




Files: 60.35.1043, 60.46.442 & 60.51.973











Existing Zoning

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



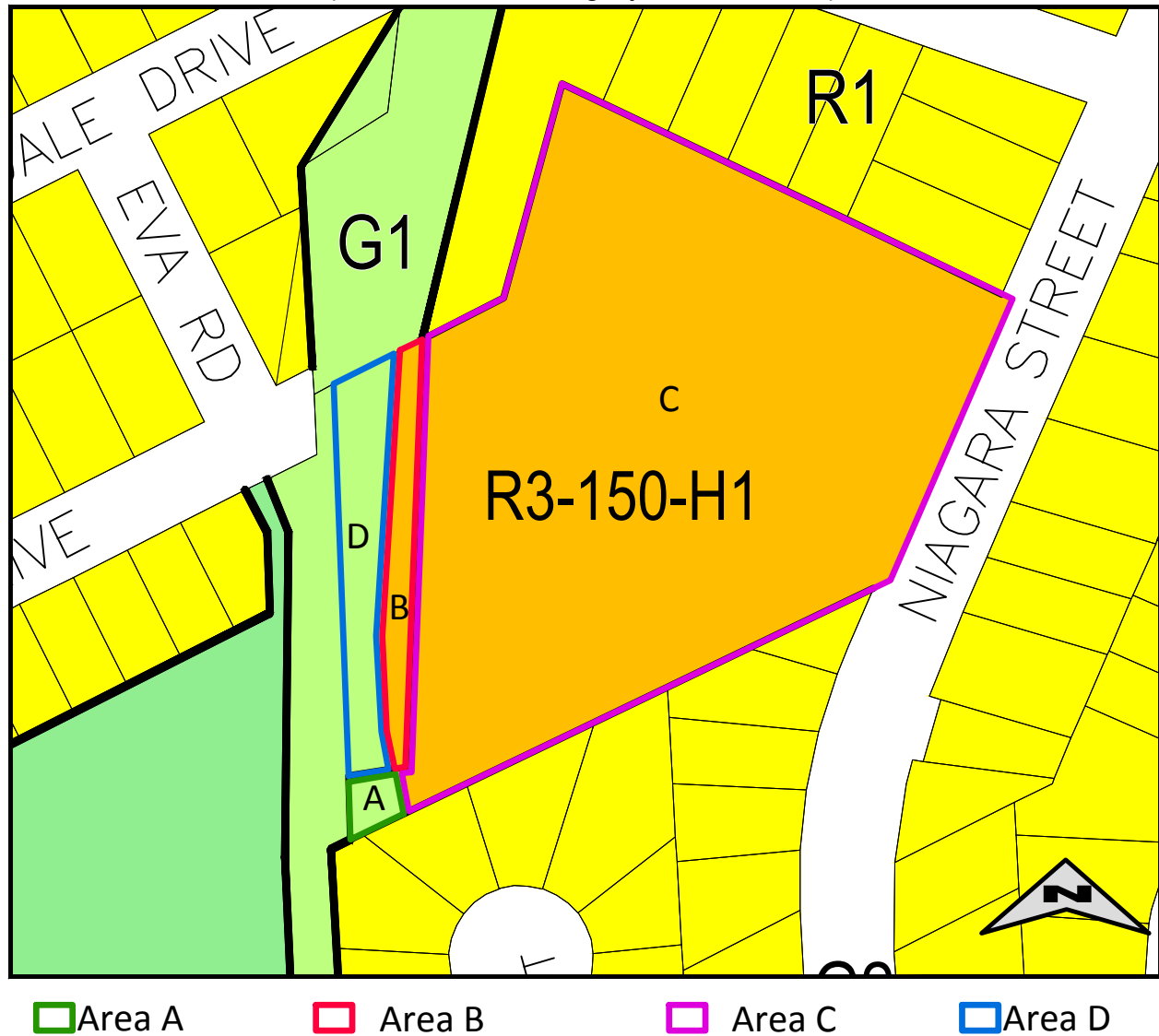
 Subject Lands (525 Niagara Street)

Zones

 R1 Low Density Residential - Suburban Neighbourhood	 G1 Conservation / Natural Area
 R3 Medium Density Residential	 G2 Minor Green Space
 R4 High Density Residential	 G3 Major Green Space
 C1 Local Convenience Commercial	 I1 Local Neighbourhood Institutional
 C2 Community Commercial	 I2 Community Institutional

Files: 60.35.1043, 60.46.442 & 60.51.973

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



Area	Existing Zoning	Proposed Zoning
A	Medium Density Residential (R3)	Conservation/Natural Area (G1)
B	Conservation/Natural Area (G1)	Medium Density Residential with Special Provision and Holding Provision (R3-150-H1)
C	Medium Density Residential (R3)	Medium Density Residential with Special Provision and Holding Provision (R3-150-H1)
D	Conservation/Natural Area (G1)	No Change Proposed - Remains Conservation/Natural Area (G1)

Zones

R1 Low Density Residential
- Suburban Neighbourhood
R3 Medium Density Residential

G1 Conservation / Natural Area
G3 Major Green Space

Files: 60.35.1043, 60.46.442 & 60.51.973

Special Provision	Zone	Schedule A	Location	By-law
150	R3	9	525 Niagara Street	2018-
1.	Minimum residential density of 23 units per hectare			
2.	Minimum distance from a private road to a dwelling:			
	a) from a southern facing exterior side wall to a parking space			1.25 m
	b) from a south west facing exterior side wall to a parking space			2.37 m
	c) from a north facing exterior side wall to a sidewalk			1.5 m
3.	Minimum setback from the rear (westerly) lot line to a platform structure at a height above the grade 0.6 m or greater			2 m

Devlin, Taya

From: Sullivan, Kristen
Sent: Friday, September 7, 2018 8:48 AM
To: Devlin, Taya; [REDACTED]
Subject: FW: 525 Niagara St.

Joanne – I've included Taya Devlin from Planning Services on this email, who I believe you spoke with yesterday, to ensure this letter is included in the correspondence letter to Council.

Kristen Sullivan

Council & Committee Coordinator

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x1501

From: Joanne Sarcevich [REDACTED]
Sent: Thursday, September 06, 2018 8:05 PM
To: Sullivan, Kristen <ksullivan@stcatharines.ca>
Subject: Re: 525 Niagara St.

Kristen:

I see that you received my photos of the flooding that occurred on Sept 3, 2018. The photos were taken beside and behind our house at 36 Silverdale Drive in St Catharines. The source of the flooding was from Walker's Creek after a heavy rainfall. My parents purchased this house in 1976. In the years that followed they experienced several house floods from this same situation. Eventually a sump pump was installed and the situation became manageable.

The application for zoning change to develop the land on the other side of the creek (525 Niagara Street) concerns me because I am afraid that the change in the drainage into Walker's Creek will worsen the extent of flooding. I think that if the drainage from the other side of the creek from us is increased it will create flooding that will not be manageable from our little sump pump. We will once again be flooded inside the house. I am assuming that the developers of 525 Niagara are taking the drainage and flooding into consideration in their plans but I don't understand how they plan to drain into Walker's Creek and not cause higher water levels here.

I still check the creek level every time there is a hard rain. I go outside and observe at the side of the house to see if the Creek is up and how close it is to the house.

The creek comes up very quickly and there is always a fast current.

The flooding is not confined to Realty Park and our house on Silverdale Drive and is a neighborhood concern that probably should have been addressed years ago.

I sincerely hope that the City takes into consideration the already fragile drainage in this area when they assess the developer's plans for drainage.

Sincerely

Joanne McDonald Sarcevich

From: Sullivan, Kristen <ksullivan@stcatharines.ca>
Sent: September 6, 2018 9:32:54 AM
To: Dave McDonald
Cc: [REDACTED]
Subject: RE: 525 Niagara St.

Thank you Joanne / Dave – is there a letter you would like to submit to explain your concerns?

From: Dave McDonald [REDACTED]
Sent: Wednesday, September 05, 2018 7:43 PM
To: Sullivan, Kristen <ksullivan@stcatharines.ca>
Cc: [REDACTED]
Subject: 525 Niagara St.

Please find attached Photos taken of flooding of walkers creek at 36 Silverdale Dr StCatharines September 3rd 2018 following a heavy rain creek flooded in less than 1 hour

Thanks Joanne McDonald

Thanks , Dave McDonald
TOWER SCAFFOLD SERVICES INC
[REDACTED]

Click [here](#) to report this email as spam.

City of St. Catharines Confidentiality Notice

The information contained in this communication, including any attachments, may be confidential, is intended only for the use of the recipient(s) named above and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, disclosure or copying of this communication or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system.

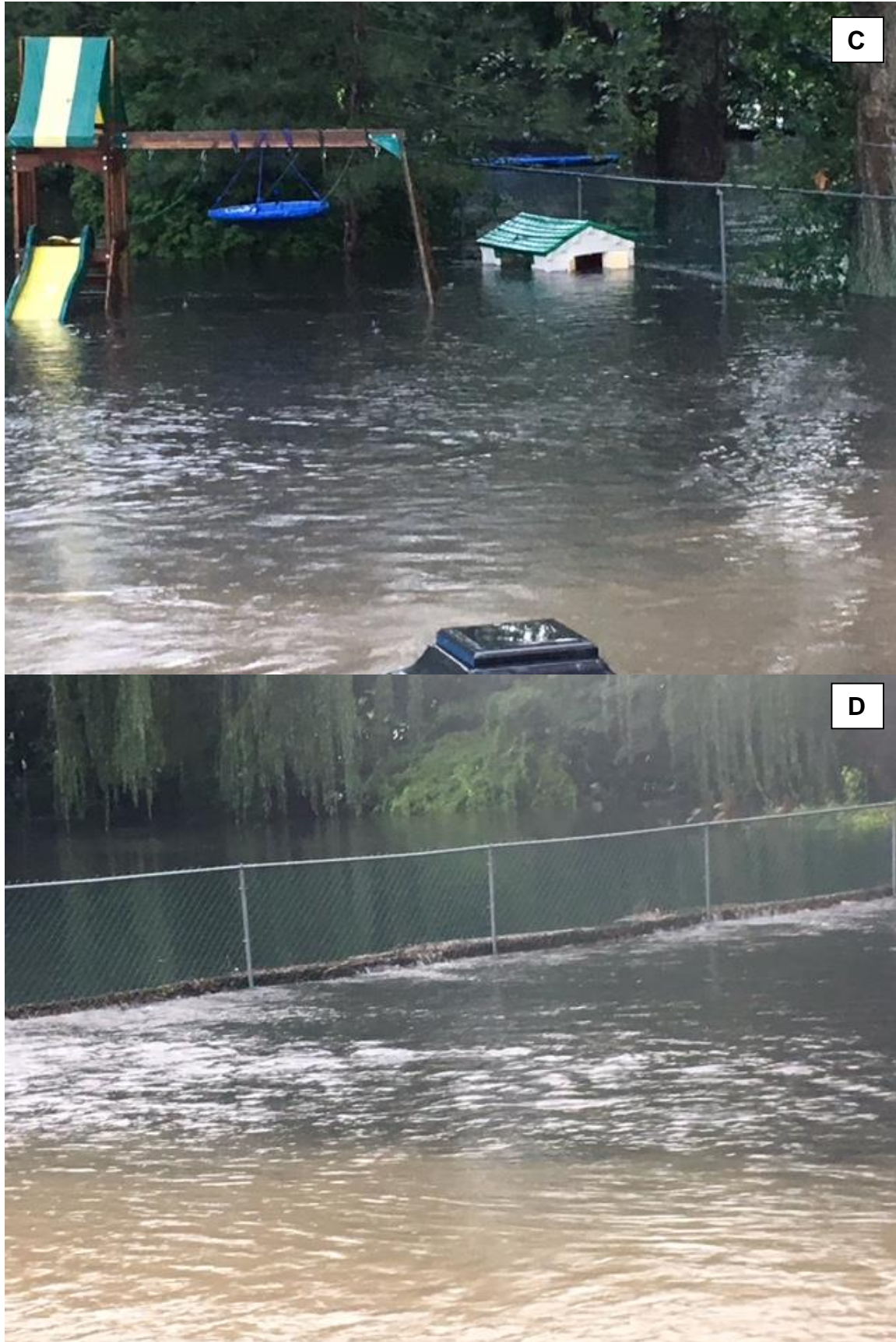






Photos A-H from
Derek Russell
15 Maplewood
Drive









**Photos of Walkers Creek at 2 Eva Road
Submitted by Gary and Wendy Kuenzel**







Applicable Official Plan Policies City of St. Catharines Garden City Plan

Policies
PART B: VISION AND GUIDING PRINCIPLES
<p>2.3. Managing Growth and Change</p> <p>2.3.1 Municipal Planning Structure</p> <p>3. Planning Areas The City is divided into two primary planning areas – the Urban Area and the Agriculture Area.</p> <p>i) Urban Area The Urban Area is established by the Region of Niagara Policy Plan and is set out on Schedule D ‘Municipal Structure’ of this Plan. This area is intended to provide urban development opportunities on full municipal services to accommodate the majority of the City’s projected future population and employment growth.</p> <p>2.3.3. Accommodation of Growth</p> <p>1. Projected population, housing and employment will primarily be accommodated within the Urban Area as defined on Schedule D ‘Municipal Structure’.</p> <p>2. The Plan recognizes a finite Urban Area, and within it, a diminishing vacant land supply and a finite occupied land base to accommodate projected population and employment growth.</p> <p>3. Growth will be accommodated by:</p> <ul style="list-style-type: none"> i) the efficient usability of vacant and occupied lands; ii) more compact built form and density of development; iii) the reuse, rehabilitation, regeneration, intensification and enhancement of the built environment; iv) redevelopment and build out of underutilized properties; v) a more integrated, interactive mix of uses, activity and functions; vi) service, infrastructure, energy, transportation sustainable, accessible, efficient and supportive development; vii) design initiatives to support: <ul style="list-style-type: none"> • compatible, innovative, efficient and sustainable building and site design; • enhanced natural and cultural heritage protection, preservation and conservation;

- greening;
- an accessible, integrated, interactive, usable and connected public realm within and between different use and activity areas, functions, landscapes and identities;

viii) recognizing the preferred mix and interaction of uses contemplated, the City's Urban Design Guidelines shall be emphasized in the evaluation of all development, redevelopment and intensification opportunities;

ix) the upgrading of existing infrastructure and public service facilities, and where required, the provision of new infrastructure and public service facilities to ensure adequate service capacity to support development, redevelopment and intensification.

x) providing a balance of housing and employment opportunities to maximize the opportunities for people to live and work in St. Catharines, and to maintain a sustainable healthy tax base to support a balanced and complete community, and sustainable long term growth and development opportunities.

4. This Plan establishes a land use planning framework consistent with and supporting the growth and intensification strategy and the achievement of minimum density targets set out in the Provincial Growth Plan for the Greater Golden Horseshoe, 2006, (referenced as the Provincial Growth Plan) as follows:

i) Built Boundary – the Provincial Growth Plan establishes a Built Boundary which represents the limits of the developed Urban Area of the municipality, as defined by the Ministry of Infrastructure Renewal. The Built Boundary for St. Catharines is defined on Schedule D 'Municipal Structure' of this Plan.

ii) Intensification Target – the Provincial Growth Plan establishes a minimum 40 per cent of all residential development occurring annually within the municipality is to be within the Built Boundary. A higher percentage target may be set out in the upper tier Region of Niagara Policy Plan. Consistent with the Region of Niagara Policy Plan, this Plan establishes a minimum intensification target of 95 per cent.

iv) Vacant Lands - Notwithstanding Part B, Section 2.3.3.4 iii) above, this Plan establishes a minimum density target of 50 residents and jobs per hectare on all vacant designated residential and employment lands within the Urban Area, whether within or outside the Built Boundary.

5. Housing

i) If past trends towards development of primarily low density housing were to continue, the vacant residential land supply is not adequate to accommodate all of projected future population and housing needs. To accommodate projected future growth requires evolution from traditional development patterns and trends.

- ii) This Plan emphasizes the provision of new housing through the efficient use of vacant and occupied lands; higher density of development; small lot infill; intensification; mixed use development; and reuse, rehabilitation and redevelopment of the built form, including brownfield and greyfield sites.
- iii) All types of new housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods and other activity areas; cultural and heritage landscapes, buildings and identities; and the City's network of parks, open space and natural areas, and public realm opportunities.
- iv) All types of new housing will be encouraged to support housing diversity for a range of life stages, special needs, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities.
- v) This Plan establishes higher housing density standards and opportunities for a greater mix of housing types than has traditionally been directed by the municipality. While it is recognized that new housing development and intensification may occur in all residential neighbourhoods, the primary emphasis for housing intensification is directed towards the Urban Growth Centre and Intensification Areas as set out on Schedule D 'Municipal Structure', along major road corridors, at commercial centres and mixed use areas. The range and scale of housing permitted is further defined in Part D 'Land Use Policies' and in Part E 'District Plans'.
- vi) Housing Targets
- The residential growth strategy set out in this Plan is generally intended to support the distribution of new housing across the municipality as follows:
- | | |
|--------------------------|-----------|
| % of Household Number of | |
| Forecast Dwelling Units | |
| Urban Growth Centre | 21 % 1500 |
| Intensification Areas* | 21 % 1500 |
| Greenfield Areas** | 6 % 430 |
| Vacant Lands*** | 52 % 3760 |
- * includes general intensification as set out in Part B, Section 2.3.3.4 vii).
- ** vacant designated residential lands outside the Built Boundary
- *** vacant designated residential lands within the Built Boundary

PART C: GENERAL POLICIES

4. URBAN DESIGN

4.1. Urban Design Principles

Good urban design is a key planning tool to create sustainable communities. Sustainable design involves the holistic design of communities and buildings for long-term economic prosperity, social harmony and stability, minimized environmental impact, and strengthened cultural identity.

The development of St. Catharines will be based on the following sustainable design

principles:

- a) a strong sense of identity and place as the “Garden City”;
- b) innovative and sustainable design;
- c) a stimulating, attractive, and safe public realm;
- d) compatibility of new development with established areas;
- e) universal access to public areas;
- f) conservation of heritage buildings and structures;
- g) protection of the natural environment and processes;
- h) a compact, walkable, bikeable and well connected community;
- i) a range of choices for housing and transportation ;
- j) mixed-use nodes and corridors;
- k) complete streets for all users;
- l) building design to support street life.

4.3. The Natural Environment

St. Catharines is located between Lake Ontario and the Niagara Escarpment, with numerous creek systems and environmentally sensitive natural areas. In the urbanized areas, the relationship to these natural features and areas will be enhanced through a thoughtful approach to their conservation, visibility, and accessibility.

2. The enjoyment of the valleys and ravines will be protected and enhanced by ensuring that adjacent development, particularly from building height and massing, will protect for views and vistas.

3. Development and redevelopment activities will be designed to be compatible in scale and character with natural features and areas, and enhance the visual qualities and public enjoyment of those features and areas.

4. Site design and planning will consider the existing topography and the preservation and enhancement of vegetation, natural features and areas, open space, and naturalized areas. This includes:

- a) Ensuring that existing naturalized open space on lands proposed for development/redevelopment is retained to the maximum extent possible, and where retained, is allowed to regenerate with minimum intervention;
- b) Enhancing ecological stability by supporting the use of low maintenance landscape features and materials;
- c) Supporting the use of native plant species when creating new plant communities or when adding to existing native plant communities;
- d) Applying development standards designed to maximize retention of all woodlots and other natural features and areas;

6. A program of tree planting, preservation, and landscaping will be undertaken so

that all areas are provided with trees and other vegetation to maintain a high standard of amenity and appearance, with specific emphasis given to the Urban Growth Centre and Intensification Areas, as set out on Schedule D 'Municipal Structure', at the time of infrastructure renewal and reinvestment.

7. In all public works, trees should be retained and when trees must be lost to accommodate the works, they will be replaced as soon as possible by other trees of sufficient maturity and in sufficient numbers to enhance the appearance of the public works.

8. Where development or redevelopment may necessitate the loss of existing trees or vegetative planting on a public right-of-way, they will be replaced and relocated on the public right-of-way in the immediate vicinity of the affected lands, to the satisfaction of the City or the Region of Niagara, and at the cost of the proponent.

4.4. The Public Realm

The public realm – the streets, parks, squares, public buildings, and open spaces, is a critical component of city life, drawing people together and providing the setting for festivals, cultural events, and recreational and leisure activities, as well as for daily casual contact. They create strong social bonds and help establish our public identity.

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

- a) the introduction or improvement of linkages where existing areas are inadequately connected to each other or between public places;
- b) improvements to streetscapes, including pedestrian-scale lighting, bicycle facilities, street furniture, signage, landscaping, and enhanced active transportation wherever road improvements occur;
- c) naturalization opportunities including the use of native species of trees in development of open spaces;
- d) the placement of a broad range of art works in publicly accessible and visible locations;
- e) roadway design to maximize the preservation and maintenance of natural features and the development of complete streets;
- f) the protection and enhancement of major vistas, gateways, and scenic routes;
- g) measures to mitigate light trespass and glare to minimize the effects of sky glow.

3. Where feasible, major public and private development projects will be required to

incorporate public spaces, bicycle facilities and sidewalks to support connections to the City's pedestrian, bike and transit network.

4.5. Built Form

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

- a) Building scale, height, gradation of height, and massing.
- b) Spacing of buildings.
- c) The level and visibility of the ground floor relative to exterior grade
- d) Roof form and pitch, together with any other structures on the roof.
- e) The placement, number, type and proportion of doors and windows.
- f) Use of materials, textures, and colours.
- g) Continuity in the provision, location, and linkage of amenity, open space, and green corridors.
- h) Preservation and enhancement of significant views and vistas.
- i) Retention of natural vegetation and other distinctive landscape or streetscape features.
- j) The overall scale of the development as it relates to the surrounding area. In this regard, factors contributing to compatibility include avoiding long unbroken expanses of walls; creating relief in walls; the use of varied colours, textures, types, qualities and patterns of finish materials; roofline articulation.
- k) Mitigating light trespass and glare and to minimize the effects of sky glow.
- l) Mitigating wind, sun shadow impacts.

2. Development/redevelopment will locate parking, service areas, and utilities to minimize the impact on the property, surrounding area, and the environment by:

- a) Consolidating and minimizing the width of driveways and curb cuts.
- b) Providing underground parking or parking structures where possible.
- c) Limiting surface parking between the front and flanking face of a building and the public street.
- d) Providing perimeter landscaping as well as landscaped interior islands.
- e) Using permeable pavement systems or other low impact development practices.
- f) Connecting parking areas to the street through safe, landscaped pedestrian walkways.
- g) Integrating utilities as part of the building and site design, where feasible.
- h) Ensuring safety for active transportation.

3. Development/Redevelopment may be required to provide amenities for adjacent streets and open spaces such as street furniture, bicycle parking facilities, trees, signage, and lighting to ensure they are fully integrated into the surrounding

neighbourhood.

4. Major development/redevelopment proposals shall be required to prepare an urban design scheme (site plans, building elevations, context plans, and other studies) to determine impacts on the physical compatibility of the surrounding area and on the long term development or redevelopment potential of the area.

4.6. Universal Access

Universal access means providing a broad range of users with varying needs the opportunity to move through the City independently with as few obstacles, physical and psychological, as possible.

1. New buildings, the retrofitting of existing municipal buildings and public spaces shall be designed to foster and support accessibility by all citizens. The full range of abilities of all ages and users shall be considered in the design of the built environment.

2. The travelled portion of pedestrian and bicycle routes shall be kept free from obstructions or projections of street furniture, fixtures, or buildings.

3. Barrier-free features shall be well-integrated within the functional and aesthetic design composition, including but not limited to:

- i) ensuring appropriate driveway and sidewalk height to length ratios to support safe accessibility and travel for all;
- ii) requiring sidewalk curb cuts at all intersections;
- iii) requiring paving changes be incorporated at grade changes and intersections;
- iv) requirements for accessibility parking spaces;
- v) encouraging other features appropriate to ensure that barrier free design is provided.

4.7. Personal Safety

Design, through sensitive site layout, location of public spaces and road design, can have a significant influence on the safety of an environment based on the “eyes on the street” philosophy.

1. Publicly accessible spaces shall be located near public roads, transit stops, or other public spaces in order to allow public surveillance.

2. Adequate lighting shall be provided in concealed areas or those areas where visibility may be poor.

3. Views shall be provided into, out of, and through publicly accessible spaces.

4. Access points from public and public accessible spaces shall be clearly identified.

5. Public spaces shall be designed to encourage a variety of activities on a daily, weekly, and seasonal basis.

4.8. Landscaping

Landscaping has a number of significant roles to play in creating interesting and functional places.

1. Landscaping design shall:

- a) enhance the visual appeal of development.
- b) buffer unsightly areas or uses that are incompatible.
- c) promote the use of native species.
- d) provide seasonal variation in form, colour, texture, and representation.
- e) promote human scale and create an attractive environment for pedestrian movement.
- f) assist in energy conservation.
- g) mitigate the effects of inclement weather.
- h) preserve and compliment existing natural landscape.

2. Appropriate buffering will be required between all uses of land where there may be a conflict and where one use may detract from the enjoyment.

5. TRANSPORTATION

5.1. General Policies

1. A Sustainable Transportation Master Plan will be prepared that will outline the City's strategic direction for the development of its transportation networks, programs, and priorities, and how it can best implement the complete streets concept and integration with transit, active transportation, trails and bike route networks. The policies of this Plan together with the Sustainable Transportation Master Plan will contribute to the overall transportation management strategy for the City.

2. The transportation system shall be designed to complement and facilitate the City's achievement of planned land use patterns, growth objectives, and urban structure, and shall have regard for upper tier government transportation policies and initiatives.

3. To facilitate a greater multi-modal split, with less emphasis on the automobile, the City will balance the provision of a safe, functional, and attractive pedestrian and cycling oriented environment with an acceptable level of vehicular traffic. The City may accept a level of automobile service which is less than optimum in return for a more pedestrian and cycling oriented environment, transit supportive development, and a vibrant public realm.

4. The City will encourage and facilitate alternative forms of transportation that promote energy conservation and a healthy lifestyle.

5 A Transportation Impact Study may be required for new development or redevelopment to assess transportation demands, impacts, and opportunities.

6. To implement the findings of the Transportation Impact Study, the City will include conditions of approval that support safe and functional pedestrian and cyclist movement, including:

- a) The acquisition of easements and dedication of land for sidewalks, bicycle trails, transit stops, or other facilities;
- b) The provision of associated amenities such as transit shelters, bicycle parking facilities, and lighting;
- c) Site, building, and road designs that meet the needs of pedestrians, cyclists, and transit users.

7. The City shall consider various traffic calming and transportation demand management measures to reduce the negative impacts of traffic, and to promote safer streets and the concept of complete streets.

5.3. Alternative Forms of Transportation

This Plan recognizes that in order to achieve a healthy and livable community, the transportation system now and in the future, will need to reduce reliance on the automobile in favour of more sustainable forms of connective transportation such as walking, cycling, and transit.

1. Transit

1. Transit will provide access to residential areas, employment areas, schools and other institutions, community facilities, downtown, shopping areas and recreational areas in an efficient and reliable manner.

7. The City shall encourage the provision of convenient, safe pedestrian access and a maximum walking distance of 400 metres to transit facilities through its planning approvals.

3. Pedestrians

1. The City shall ensure that the transportation system will be designed to provide continuous and direct access by sidewalks and walkways to schools, recreation and cultural destinations, community services, major activity centres, and other high volume pedestrian centres.

2. Streetscape design shall provide safe, convenient, and attractive pedestrian ways and connections.

4. Pedestrian safety will be enhanced on sidewalks and walkways through the provision of lighting and /or public visibility, where feasible.

5. Sidewalks are to be built to a standard that facilitates the mobility of persons with disabilities.

5.4. Parking

Parking is an integral component of the transportation system, influencing travel patterns and development potential. It is the intent of this Plan to ensure the location and design of parking facilities will provide sufficient and safe functioning of the transportation system, and balances the needs of the travelling public with the goal of promoting other modes of transportation. In keeping with the “Garden City” image, it is also important to ensure that large expanses of barren asphalt lots are not created.

1. Vehicle parking standards will be established for all land uses in the implementing zoning by-law, and adequate off-street parking shall be provided for development/redevelopment in accordance with these standards. Zoning bylaws may establish maximum as well as minimum parking requirements for both vehicles and bicycles.

6. The negative impacts of vehicular parking on the urban environment, cycling and pedestrian activity shall be minimized through:

- a) locating parking and loading areas at the rear of buildings where feasible;
- b) use of alternative paving materials such as permeable pavement systems;
- c) alternative surface water management such as swales and ditches;
- d) landscape treatments and pedestrian walkways in accordance with the Urban Design Guidelines;
- e) Buffering sidewalk users from through traffic, where feasible.

6. ACHIEVING A SUSTAINABLE CITY

6.1. General Policies

1. The City shall develop an Integrated Community Sustainability Plan that will provide guidance for the development or alignment of all municipal plans, policies and decisions under one integrated decision-making framework.

2. The City shall support sustainable development through land use and development patterns that:

- b) Promote the use of public transit and other alternative transportation modes among residential, employment and commercial areas, and other activity centres;
- c) Promote development/redevelopment throughout the City’s Urban Area on

sites that are or will be well served by public transit, with particular emphasis on the Downtown Urban Growth Centre and Intensification Areas as set on Schedule D 'Municipal Structure'.

d) Promote design and orientation that maximizes the use of alternative or renewable energy sources, such as solar and wind, and the mitigating effects of vegetation.

3. All of the City's sustainable development principles shall be considered when reviewing applications for development, public works, and capital expenditures.

6. In making decisions about planning, development, and conservation, within the sustainability framework, the City shall employ an ecosystem approach addressing:

- a) The interrelationships among air, land, water, plant and animal life, and human activities;
- b) The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions;
- c) The long term and cumulative impacts on the ecosystem.

7. Development should maintain, enhance, or restore ecosystem health and integrity.

8. The City will collaborate with Niagara Region, the Niagara Peninsula Conservation Authority and other appropriate stakeholders, in developing and maintaining an environmental data base and monitoring program to assess ecosystem health and integrity and recommend improvements, where necessary, to this Plan.

6.5. Water Resources

1. Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts on:

- a) The quantity and quality of surface and ground water;
- b) The functions of ground water recharge and discharge areas, aquifers and headwaters;
- c) The natural hydrologic characteristics of water courses such as base flow;
- d) The natural drainage systems, streams, forms and shorelines;
- e) Flooding or erosion;
- f) Surface or ground water resources adversely impacting on the ecological function of natural hazards and heritage as set on Schedule F2 'Natural Hazard Lands' and Schedules F3 and F4 'Natural Heritage' of this Plan.

2. Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to water supplies so that the safety and quality of drinking water will be protected and improved.

3. Efficient and sustainable use of water resources shall be promoted, including practices to conserve water and protect or enhance water quality.

4. A Stormwater Management Plan prepared by a qualified engineer, and based on sediment and erosion control guidelines from the Niagara Peninsula Conservation Authority (NPCA), as amended from time to time, may be required with an application for development, redevelopment or site alteration depending on:

- i. The scale and nature of the proposal.
- ii. Site specific environmental conditions.

The City, in conjunction with the Region, the Niagara Peninsula Conservation Authority (NPCA) and other authorities will determine the need for such a plan as part of the complete application process. Stormwater Management Plans will be required to consider alternative approaches to traditional stormwater management such as Low Impact Development practices as noted in Part D, Section 7.1 g) of this Plan.

6. Development and site alteration shall not have significant adverse impacts on ground and surface water quality or quantity. In areas where development and site alteration could significantly affect ground or surface water quality or quantity the City shall require that an assessment of potential groundwater impacts be submitted with the development application, and mitigating measures and/or alternative development approaches may be required.

6.6. The Urban Forest

4. Planning applications shall integrate natural features and natural vegetation, including the planting of native species, into development plans.

PART D: LAND USE POLICIES

7. GENERAL POLICIES

7.1 Development / Redevelopment

Development and redevelopment within the Urban Area shall be evaluated having regard for the following:

- a) Support for safe, accessible and connected active transportation linkages within and between residential neighbourhoods, other activity centres, uses, and the City's public realm and open space network.
- b) Opportunities to create or enhance public places, active transportation linkages, facilities and gateways.
- c) Building, site and streetscape context sensitive design to ensure:
 - i) Integration of compatible building form, scale, massing, height,

setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;

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.

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;

iv) Adequacy of lot size, access, on-site facilities and outdoor amenity areas to accommodate use;

v) Provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.

d) The preservation, conservation, enhancement and integration of natural and cultural heritage features, landscapes and identities.

e) Opportunities to support and improve connectivity and accessibility to public transit and active transportation, including carpooling and carsharing.

f) Treatment of existing topographic and vegetative features, and greening and landscaping opportunities.

g) The best use of existing resources, infrastructure and service capacity. Development/redevelopment will only be permitted where there is adequate municipal water and wastewater service, waste management, and public service facilities. Compatible and practical on-site renewable water, waste and energy management techniques and design are encouraged, including Low Impact Development (LID) practices.

h) Surface parking areas should be minimized and shared parking areas, standards and access shall be encouraged where compatible, and adequate and appropriate for intended level of service.

Parking areas and access should be designed to optimize greening opportunities, and to support reduction of heat islands, sustainable storm water management, limited access points to public roads, and provide for safe and friendly active transportation circulation.

i) Development will only be permitted where the sustainable transportation system is adequate to accommodate anticipated traffic volumes, generation, circulation and use.

j) Land assembly and configuration will not detract from the potential development or redevelopment on adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential.

k) Alternative and innovative lotage patterns are supported provided that compatible street, building and site context sensitive design with adjacent

properties and the surrounding neighbourhood can be achieved; and adequate and maintained access to a public road is provided and ensured.
 I) Direct vehicular access from individual properties to the Welland Canals Parkway is not permitted.

7.2 Contaminated Sites

ii) On all lands known or suspected of potential environmental hazards, the City shall require, prior to consideration of approval for development /redevelopment or site alteration, appropriate studies to assess potential hazards. Protective or mitigating measures may be applied to the subject lands, subject to study evaluation and Provincial standards. A record of site condition may be required.

iii) On all lands subject to Official Plan or Zoning By-law amendment or Subdivision approval, an environmental site assessment from the proponent will be required as a condition of approval, identifying that the site has been investigated and found to be free from contamination subject to Provincial standards. A record of site condition may be required. Where hazards are identified, they shall be subject to appropriate studies, and protective or mitigating measures may be applied.

8. NEIGHBOURHOOD RESIDENTIAL

8.1. Residential Use Designations

2. Medium Density

The Medium Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

8.2. General Policies

1. Residential development, redevelopment and intensification will be integrated within Low, Medium and High Density residential designations having regard for Part D, Section 7 and all other policies of this Plan.

13. GREEN SPACE

13.1. PARKLAND AND OPEN SPACE

The Parkland and Open Space designation is intended to provide opportunities for a variety of active and passive recreational opportunities, to provide relief from the built environment, and to support opportunities for conservation and enhancement of cultural and natural heritage.

Parkland and Open Space is designated on Schedule D1 'General Land Use Plan' and on District Plans in Part E. Schedule F1 'Parkland and Major Trails' of this Plan also identifies public parkland, and existing and proposed major trails. For the convenience of mapping, not all parkland and open space may necessarily be shown on the Schedules of this Plan, primarily where they are small in size such as small trails and special urban parks. Specific reference should be made to the City's Parks Policy Plan and the Recreation Master Plan.

1. Permitted Uses

Permitted uses include:

- i) private and public parks, and open space linkages;
- ii) cemeteries;
- iii) active or passive indoor and outdoor recreational facilities;
- iv) cultural heritage;
- v) essential operations for service infrastructure and utilities.

a) Permitted uses may be allowed provided that:

- i) the use of land does not conflict with the policies in this Plan related to natural hazard lands, natural heritage or cultural heritage resources;
- ii) the design minimizes or eliminates any potential instability of slopes;
- iii) all structures, parking areas and active playing fields are attractively designed and landscaped in order to enhance their appearance, and are appropriately setback and buffered between adjacent properties.

b) Ancillary uses may be permitted where they provide complementary services and facilities to the main use, and will be limited in size subject to zoning bylaw regulation.

3. Park Acquisition

Parkland acquisition to achieve the objectives of the Parks Policy Plan and the Recreation Master Plan may occur through purchase, donation, bequest, expropriation, and dedication,

- i) the City should establish incentive programs, including preferred or beneficial zoning, to encourage acquisition of parkland.

a) Priorities for Acquisition

Parkland acquisition priorities that should be implemented on an opportunity basis include:

- i) lands to link, connect and extend the City's Green Space and cultural heritage landscapes and routes, and link together with other local municipal and upper tier government or agency parkland, open space, natural and cultural heritage areas and corridors;

4. Parkland Dedication

- a) The City will, as a condition of development, redevelopment or subdivision of land, require that land in an amount not exceeding, in the case of land proposed for commercial and employment purposes, 2 % and in all other cases 5 % of the land proposed for development, redevelopment or subdivision be conveyed to the municipality for parks or other recreational purposes, pursuant to the provisions of the Planning Act.
- d) Notwithstanding a) to c) above, not more than 30 % of any lands proposed for development or redevelopment shall be required for parkland dedication.
- e) Land conveyed to the City as parkland dedication will be expected to meet standards for location, size, drainage, grading, topography, and other criteria as outlined in the Parks Policy Plan and the policies of this Plan.
- f) The municipality will generally not accept the conveyance of lands for parkland dedication that are designated Natural Area or zoned for environmental protection, or that are to be designated Natural Area or zoned for environmental protection as part of the development approval process.
- i) The municipality encourages the provision of indoor and outdoor recreation and amenity space in the design of medium and high density residential developments. The provision of private open space and recreational and amenity space in medium and high density developments will be in addition to the requirements for parkland dedication.
- j) Cash-in- lieu of parkland dedication as set out in Section 13.1.4 a) to c) may be accepted by the municipality, pursuant to the Planning Act, where:
 - i) required dedication of land would render the remainder of the site unsuitable or impractical for development or redevelopment;
 - ii) required dedication of land fails to provide an area of suitable shape, size, location or other criteria, including priority for land acquisition as set out in Section 13.1.3 of this Plan, and in the Parks Policy Plan.

13.2. NATURAL AREA

The City's Natural Area is comprised of a diverse natural heritage system of rivers, streams, valleylands, wetlands, shoreline, woodlots, forests, natural areas, habitats and corridors. Not only are these natural areas and features environmentally significant on a local neighbourhood and community basis, but many are also of regional, provincial, national or world significance.

The Natural Area is more specifically defined as Natural Hazard Lands and Natural Heritage as set as follows:

a) Natural Hazard Lands

- i) shoreline;
- ii) floodplain;
- iii) significant valleylands;

b) Natural Heritage

- i) wetlands;
- ii) significant woodlands;
- iii) fish habitat;
- iv) areas of natural and scientific interest;
- v) significant habitat of endangered species and threatened species;
- vi) significant wildlife habitat;
- vii) natural corridors;
- viii) key hydrologic features.

The purpose of the Natural Area policies of this Plan is to promote the long term sustainability of Natural Hazard Lands and Natural Heritage by supporting:

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

13.2.1 Natural Area Mapping

1. Natural Area Designation

Lands designated Natural Area on Schedule D1 'General Land Use Plan' and on District Plans in Part E contain one or more of Natural Hazard Lands and/or Natural Heritage mapped by the City.

Development, redevelopment, site alteration and use of lands within and adjacent to the City's Natural Area designation is subject to the policies set out in Section 13.2 of the Plan.

2. Natural Area Extent Line

Natural Hazard Lands and Natural Heritage are also mapped by the Province, the Region of Niagara and the Niagara Peninsula Conservation Authority (NPCA). This mapping is shown on Schedule F2 'Natural Hazard Lands' and Schedules F3

and F4 'Natural Heritage' of this Plan.

Upper tier government and NPCA mapping of Natural Hazard Lands and Natural Heritage on Schedule F2, F3 and F4 does not necessarily coincide with, and often extends beyond the City's Natural Area designation shown on Schedule D1 'General Land Use Plan' and on District Plans in Part E of this Plan.

The combined furthest extent and limit of all the Natural Hazard Lands and Natural Heritage mapping identified on Schedules F2, F3 and F4 is shown as an overlay on District Plans in Part E, identified as the 'Natural Area Extent Line'. Development, redevelopment, site alteration and use of lands within and adjacent to the Natural Area Extent Line is subject to the policies set out in Section 13.2 of the Plan.

3. Niagara Natural Environment Screening Layer

Further to Natural Area mapping set out in Section 13.2.1.1 and 13.2.1.2 above, the NPCA establishes a Niagara Natural Environment Screening Layer. The 'Screening Layer' is shown on Schedule F5 of this Plan, and the limits of which generally extend onto lands beyond the City's Natural Area designation as well as the Natural Area Extent Line.

Development, redevelopment, site alteration and the use of lands within the 'Screening Layer' may be subject to Provincial or Region of Niagara policies, regulation or controls as applied to Natural Hazard Lands and Natural Heritage and/or subject to NPCA regulation or controls in accordance with Ontario Regulation 155/06 as amended from time to time. Ontario Regulation 155/06 applies to watercourses, significant valleylands, floodplains, shorelines and wetlands.

4. Interpretation

- i) The Natural Area mapping set out on the Schedules of this Plan should not be construed as representing the precise boundaries or all of known Natural Hazard Lands and Natural Heritage.
- ii) Natural Hazard Lands and Natural Heritage may be defined more precisely through Watershed, Environmental Planning Studies, Environmental Impact Studies (EIS), the NPCA, or other government or regulatory authority and mapping.
- iii) Where through the review of a planning application it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist in consultation with the City, Region of Niagara and where appropriate, the NPCA and the Ministry of Natural Resources. If the evaluation finds one or more natural features meeting criteria set out by the Region of Niagara Policy Plan and/or the NPCA for inclusion as Natural Hazard Lands or Natural Heritage, the applicable policies for such features as set out in Part D, Section 13.2 of this Plan will apply.

iv) Where new Natural Hazard Lands or Natural Heritage are identified or where more accurate mapping is available in which may modify the location or extent of Natural Hazard Lands or Natural Heritage, Schedules F2, F3, F4 and the Natural Area Extent Line shown on District Plans in Part E may be updated without amendment to this Plan.

Where new Natural Hazard Lands or Natural Heritage are identified, they shall be considered for inclusion as a Natural Area designation in this Plan. Where a new Natural Area designation is to be added or where a significant modification is made to an existing Natural Area designation on Schedule D1 'General land Use Plan' and District Plans in Part E, an amendment to this Plan is required. Minor boundary adjustments to an existing Natural Area designation may be made without an amendment to this Plan.

v) Schedule F5 of this Plan represents the general location of the Niagara Natural Environment Screening Layer. Reference to the precise boundaries of the subject Screening Layer should be made to the NPCA.

Modification to the Niagara Natural Environment Screening Layer shown on Schedule F5 may be made without an amendment to this Plan.

vi) Where lands contain two or more Natural Hazard Lands and/or Natural Heritage features of differing significance, the more restrictive policies pertaining to the applicable Natural Hazard Lands and/or Natural Heritage features shall apply.

13.2.2. General Policies

1. Permitted Uses

The following uses are permitted within the Natural Area designation and the Natural Area Extent Line, subject to the policies of this Plan:

- i) legally existing uses, buildings and structures including existing agricultural uses;
- ii) new agriculture uses subject to Part D, Section 13.2.5;
- iii) fish, wildlife and conservation management including forestry management;
- iv) essential linear public uses including transportation, utility, and communication facilities subject to Federal or Provincial Environmental Assessment approval;
- v) watershed management and flooding and erosion control facilities where it has been demonstrated that they are necessary in the public interest and other alternatives are not available, subject to an Environmental Impact Study (EIS) to the satisfaction of the Region of Niagara;
- vi) passive small scale recreation features such as trails, walkways, and bicycle paths that will have no significant negative impact on natural features or ecological functions.

2. Where planning applications to establish a new use, or expand a permitted use,

are not subject to the Environmental Assessment Act, an approved Environmental Impact Study (EIS) shall be required, subject to the policies of this Plan, for any development, redevelopment or site alteration within or adjacent to Natural Hazard Lands or Natural Heritage. Protection or mitigating measures may be required to be implemented by the applicant.

3. Where an EIS is required, it shall be prepared in accordance with Environmental Impact Study (EIS) Guidelines or subsequent guidelines adopted by the Region of Niagara.

The required scope and/or content of an EIS may be reduced, after consultation with the Niagara Region and the NPCA where the environmental impacts of a development application are thought to be limited; or other environmental studies fulfilling some or all requirements of an EIS have been accepted by the City, Niagara Region and the NPCA.

4. The City may require an independent peer review of an EIS with costs to be borne by the applicant.

5. On lands within or adjacent to a designated Natural Area or the Natural Area Extent Line where no development or placement of fill and site grading is permitted, the erection, location or use of any buildings or structures is prohibited other than those which legally exist.

6. Subject to other policies of this Plan, expansion of an existing use located within or adjacent to Natural Hazard Lands or Natural Heritage may be permitted subject to approval of an EIS and any mitigation measures that may be required.

7. Where development, redevelopment or site alteration is approved within Natural Hazard Lands, Natural Heritage or the associated adjacent land buffer zone, the applicant will submit a Tree Saving Plan maintaining or enhancing the ecological functions to be retained. The Plan shall be prepared in accordance with the Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.

8. Where lands are not subject to Section 13.2.2.7 above, the City should enact and maintain a by-law regulating the destruction or injuring of trees in identified woodlots less than 0.5 hectares of land in size.

Where a woodland greater than 0.5 hectares of land in size is located on or adjacent to lands subject to an application for plan of subdivision, consent, site plan approval or other development approval, the applicant shall be required to prepare a Tree Saving Plan as a condition of approval. A grading or building permit shall not be issued until the Tree Saving Plan, with appropriate implementation and monitoring measures, has been approved by the City in consultation with the NPCA.

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

10. The City will, where deemed appropriate, pursue the acquisition of Natural Hazard Lands and Natural Heritage lands by way of land dedication or other means, and which will be adequately sized to support the protection of natural features, function, access and maintenance. It should not be assumed that these lands will be accepted as parkland dedication, and lands having inherent environmental constraints will generally not be accepted as parkland dedication pursuant to the Planning Act.

11. The City recognizes that lands designated Natural Area, whether in private or public ownership, are accessible to the public at the discretion of the owner.

12. The City shall encourage and provide assistance, where feasible, to private landowners and interest groups in developing and maintaining stewardship programs to support retention and enhancement of Natural Hazard Lands and Natural Heritage.

13. Prior to any planning approvals, new development applications requiring a Provincial Permit to Take Water shall satisfy the City, the NPCA and the Niagara Region that the water taking will not have any negative impacts on natural ecosystems or the quantity and quality of water to meet existing and planned uses.

13.2.3. Natural Hazard Lands

Natural Hazard Lands mapping is shown on Schedule F2 of this Plan.

Notwithstanding policies related to Shoreline, Floodplains and Valleylands in Sections 13.2.3.1-3 below, the following policies apply to all Natural Hazard Lands and hazardous sites.

- i) Development shall generally be directed to areas outside of Natural Hazard Lands and hazardous sites.
- ii) Development, redevelopment and site alteration shall not be permitted:
 - within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site

has safe access appropriate for the nature of the development and the natural hazard.

Notwithstanding the above, development, redevelopment and site alteration may be permitted in certain areas identified above where the development is limited to uses which by their nature must locate within the floodplain, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

- iii) Development or redevelopment shall not be permitted where the use is:
- an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
 - an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion control;
 - associated with the disposal, manufacture, treatment or storage of hazardous substances.

2. Floodplains

Development, redevelopment and site alteration may be permitted within floodplains in accordance with the Conservation Authority's Ontario Regulation 155/06 as amended from time to time, and subject to NPCA approval.

13.2.4. Natural Heritage

Natural Heritage mapping is shown on Schedule F3 and F4 of this Plan.

7. Regional Natural Heritage Corridors

Where development, redevelopment or site alteration is proposed in or near a Regional Natural Heritage Corridor, as generally illustrated on Schedule F3, the corridor shall be considered in the development review process. An EIS may be required to demonstrate that there will be no negative impact to the natural features and ecological functions within the corridor, and to the system and linkages within and between natural features and processes within the corridor.

8. Key Hydrologic Features

Key Hydrologic Features include permanent and intermittent streams, lakes, and their littoral zones, seepage areas, springs, and wetlands. Where not already included within Natural Hazard Lands or Natural Heritage shown on Schedules F2, F3 and F4 of this Plan, they may be identified through a future EIS or other

studies and shown on the Schedules of this Plan, and may be subject to minimum adjacent land buffer zone and other requirements.

Specific policies for key hydrological features within the Provincial Greenbelt Plan Protected Countryside designation and Natural Heritage System are included in Section 13.2.5 below.

PART F: IMPLEMENTATION AND INTERPRETATION

16: IMPLEMENTATION

16.1 Official Plan

Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:

- i) the degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan;
- ii) consistency with Provincial and upper tier government plans, policies and legislation;
- iii) the availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use;
- iv) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
- v) the potential of the proposal to cause instability within an area intended to remain stable;
- vi) the ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City;
- vii) the financial implications, both costs and revenues, to the City;
- viii) the degree to which approval of the amendment would establish an undesirable precedent.

16.2. Zoning

1. Zoning by-laws shall be used to implement the policies of the Plan by regulating the use of land, buildings or structures in accordance with the Planning Act, and may be more restrictive than the provisions of the Plan. By-laws will establish the following criteria:

- a) Land use zones which will permit the type of development specified in the Plan
- b) Development and performance standards appropriate to each type of use
- c) Any regulations needed to implement the intent of the Plan

2. Notwithstanding, in the area of the Niagara Escarpment Plan, certain lands are subject to Niagara Escarpment Development Control, as identified in Part F,

Schedule F5. In these areas of Development Control, City zoning by-laws have no force or effect. Subject to Niagara Escarpment Regulations, permits are required from the Niagara Escarpment Commission for all new development in the Development Control Area.

16.3. Holding By-Laws

1. The City may, in a zoning by-law, affix an “H” in conjunction with any zoning category in order to limit or prevent the use of certain lands which are considered inappropriate or premature for immediate development.

2. Where a holding designation is in effect, the lands shall generally be limited to existing uses or uses which will not prejudice the future development of these lands. In addition, no building or structure may be erected on the site until such time as an application has been approved by Council to remove the “H” symbol. The holding symbol shall not apply to minor accessory buildings and structures such as sheds, garages, or pools.

3. Prior to enacting a by-law to remove the holding provision in accordance with the Planning Act, Council shall be satisfied that:

- a) Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, and roads can be provided;
- b) All necessary requirements of the city have been satisfied;
- c) All necessary development agreements have been entered into, and that the conditions of these agreements have been, or will be met;
- d) Development satisfies all other relevant policies of the Plan.

16.7. Site Plan Control

1. All lands within the limits of the City shall be designated a proposed Site Plan Control Area.

2. The City shall, by by-law, identify specific types of development subject to site plan control. It may also deem certain types of development exempt from site plan control.

3. Unless an exemption is granted under Part F, Section 16.7.2, site plan approval shall be required for all of the following:

- a) All lands used, zoned or to be zoned for residential purposes, save and except lands used, zoned or to be zoned for residential buildings having less than 4 dwelling units.
- b) All lands used, zoned or to be zoned for commercial, employment, institutional, public or recreational purposes.
- c) All lands used, zoned or to be zoned for mixed-use purposes.
- d) All lands within the “Agriculture Area” which are used, zoned or to be

zoned for:

- i. Existing and expanded non-agricultural uses, except residences, where there is an enlargement of existing uses, as set out in Part D, Section 14.2.10.
- ii. Wineries as set out in Part D, Section 14.2.2.
- iii. Agriculture farm related commercial and industrial uses directly related to and serving the surrounding agricultural uses as set out in Part D, Section 14.2.4.
- iv. Agri-tourism and value-added uses and activities greater than 93 square metres, as set out in Part D, Section 14.2.1, with the exception of bed and breakfast accommodation and uses set out in Part D, 14.2.1.b).

e) All lands used for the purpose of public service by the Corporation of the City of St. Catharines and any Local Board or Commission thereof, as defined by the Municipal Affairs Act, and the Regional Municipality of Niagara and any Local Board or Commission thereof as defined by the Municipal Affairs Act.

4. No development shall be undertaken within a site plan control area designated in accordance with Section 16.7.3, until the City has approved drawings and/or agreements sufficient to ensure the matters set out Subsections 41(4) and 41(5) of the Planning Act as amended, including but not limited to:

- a) Matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design.
- b) Sustainable design elements within and adjoining a City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle facilities.
- c) Matters relating to the protection and continued function of natural areas, features and hazard lands.

5. As a condition of approval of the plans and/or drawings required in this section, the City may require the owner of the land to:

- a) Provide and maintain, to the satisfaction of and at no expense or risk to the City, the facilities, works, or matters set out in Section 41(7) of the Planning Act as amended.
- b) Enter into one or more agreements with respect to the provision and maintenance of such facilities, works, or matters.
- c) Enter into one or more agreements to ensure that the development proceeds in accordance with the approved plans and drawings as required by this Section.

16.9. Development Permits

1. The City may, in a by-law, designate one or more development permit areas pursuant to the provisions of the Planning Act.
2. Upon authorization of a development permit system, the City may implement this Plan, as it applies to the designated development permit area(s) by the use of a development permit regime independent or supplemental to its powers of implementation described in this Plan.
2. Only those plans of subdivision which conform to the following criteria will be recommended for approval.
 - a) The plan of subdivision conforms with the policies of this Plan.
 - b) Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and communications/telecommunications infrastructure, and access can be provided.
 - c) The City is able to provide necessary community services without imposing undue increases in taxation on all residents.

17. INTERPRETATION

This Plan must be read in its entirety. The policies in this section provide guidance for the interpretation of the text and schedules of this Plan.

17.1. In the case of a conflict between this Plan and a Provincial Plan, the applicable Provincial Plan shall prevail.

17.2. In the event of a conflict between this Plan and the Region of Niagara Policy Plan, the more restrictive provision shall apply.

17.3. In the case of a conflict between a general policy and District Plan policy, the District Plan policy shall prevail.

17.4. Changes to the text or schedules of this Plan to correct grammatical or reference errors, punctuation, or to alter formatting, numbering or sequencing may be made without a Plan amendment, provided the general intent of this Plan is maintained.

17.5. The auxiliary verbs “may”, “should” and “shall” are used throughout this Plan in the following context:

- a) “may” implies that the policy is permissive and not mandatory or obligatory;
- b) “should” implies that the policy is directive and requires compliance unless proven otherwise on good planning grounds; and,

c) “shall” implies that the policy is mandatory and requires full compliance.

17.6. Minor boundary adjustments to land use designations may be permitted without amendment to this Plan where deemed to not be contrary to the established land use designations and applicable policies established in this Plan, and consistent with the intent of the land use designations and policies established in this Plan.

017.7. In cases where a parcel of land contains more than one land use designation, the policies of each designation shall apply to the portion of the property so designated.

17.8. An amendment to this Plan shall not be required for the minor realignment of roads provided the general purpose and intent of this Plan are maintained. The precise routes for new roads shall be determined by future studies.

17.9. Where lists or examples of permitted uses are provided in this Plan, they are intended to indicate the possible range and type of uses that are to be considered. Specific uses that are not listed, but are considered to be similar to the listed uses and to conform to the general intent of the applicable land use designation, may be recognized as a permitted use.

17.10 Density

1. Density is measured based on gross site hectares.

2. Notwithstanding Section 17.10.1 above, for the purposes of measuring density requirements, consideration may be given for excluding from the measurement of gross site hectares, the following:

- i) lands to be conveyed for parkland dedication, public road widening, and public roads.
- ii) lands within and to be protected for wetlands, significant valleylands, significant woodlands, fish habitat, areas of natural and scientific interest, significant habitat of threatened and endangered species, significant wildlife habitat, and the shoreline dynamic beach hazard limit;
- iii) lands within any required adjacent land setback or buffer zone for natural heritage and hazard lands as set out in ii) above, where the required adjacent land setback or buffer zone, or portion thereof, cannot be included within a required yard to a principal building on the site;
- iv) lands required by the Ministry of Transportation, Ministry of Environment, CN Rail, or other public agency, for distance separation from principal buildings, where the required lands for distance separation, or portion thereof, cannot be included within a required yard to a principal building on the site.

3. Within a low density designation, consideration to relax the established minimum density standard may be given for small lot creation by way of an individual consent, where the consent:

- i) maximizes the potential development of the subject lands, including the proposed severed and remnant parcel of land; and
- ii) does not jeopardize future development opportunities on the subject or adjacent lands; and
- iii) will result in compatible and context sensitive lot design and development.

4. Accessory apartments shall be excluded in the measurement of density.

5. The residential densities established in this Plan apply to development or redevelopment of properties for residential or mixed use residential development. The reuse or conversion of existing buildings to add residential units or intensification of existing residential uses to add new residential units shall not be subject to the minimum densities established in this Plan.



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: October 20, 2019

Date of Meeting: November 12, 2018

Report Number: PBS-235-2018

File: 60.30.334, 60.35.1033
and 60.46. 445

Subject: *Planning Act Public Meeting – Information Report*
Applications for Official Plan Amendment, Zoning By-law Amendment, and
Draft Plan of Condominium Subject Lands: 102 and 104 Lakeport Road and
3 and 5 Avalon Place
Owner: John Maletta and John Ciocca
Agent: Better Neighbourhoods Inc. (Dan Romanko)

Recommendation

That Council consider this Information Report as part of the Public Meeting; and,

That Council consider a Recommendation Report regarding the Applications for Official Plan Amendment and Zoning By-law Amendment and Draft Plan of Condominium for lands municipally known as 102 and 104 Lakeport Road and 3 and 5 Avalon Place at a future meeting of Council, pursuant to the two-step process for planning applications. FORTHWITH.

Summary

This Information Report provides Council and the public with information regarding the applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium approval for 102 and 104 Lakeport Road and 3 and 5 Avalon Place, to be considered at a Public Meeting, in accordance with the Planning Act, tentatively scheduled for November 12, 2018.

A summary of the applicant's request is as follows.

5 Avalon Place (a portion of the site)

The lands are designated in the Official Plan and zoned for residential purposes. The proposal is to amend the Official Plan and change the zoning of the lands to permit the proposed residential/commercial mixed use building. Specifically, the applicant seeks to re-designate the lands from Low Density Residential to Community Commercial in the Official Plan and rezone the lands from Low Density Residential – Traditional Neighbourhood (R2) to Community Commercial (C2).

102 and 104 Lakeport Road and 3 Avalon Place (a portion of the site)

The lands are designated in the Official Plan and zoned for commercial purposes and permit the proposed residential/commercial mixed use building. No changes are proposed to the land use designation and zoning category. The existing Community Commercial designation and the Community Commercial (C2) zoning are to be retained.

102 and 104 Lakeport Road and 3 and 5 Avalon Place (the entire site)

The applicant is proposing that certain site specific zoning provisions apply to the entirety of the lands to allow the intended uses. The draft plan of condominium application applies to the entirety of the lands, for (ownership) tenure of the residential and commercial units.

These requests are intended to facilitate the construction of a mixed use building on the land, with apartment dwelling units and commercial space. The tenure of the premises is intended to be condominium ownership. Details of the proposed development and planning change requests will be set out in this report.

A Recommendation Report containing planning analysis of how the applications relate to Provincial, Regional and City land use policies, addressing any outstanding concerns raised at the Public Meeting, will be considered by Council at a future meeting.

Background

The subject lands are bounded by Lakeport Road, Avalon Place, Bernhardt Street, and Embassy Avenue. There are existing detached dwellings on 3 and 5 Avalon Place. 102 and 104 Lakeport Road are vacant (see appendix 1).

Report Proposal

The applicant proposes to construct a six-storey mixed use building on the lands. Appendices 2 and 3 outline the proposed site plan and building elevations for the proposed residential/commercial building. The proposed mixed-use development will be located on the edge of a commercial node at Lakeshore and Lakeport Roads. The proposed building includes 63 apartment dwelling units and 100m² of commercial space on the ground floor. Conceptual plans submitted with the application show a total of 64 parking spaces. Forty-eight of those parking spaces are to be provided underground on two levels within the building with the remaining 16 spaces at grade outside of the building.

The proposed building is “L shaped” with the bulk of the massing oriented towards Lakeport Road and commercial uses to the east. The applicant has advised that it is their intention to sell the apartment dwellings and commercial space as condominium units. Draft plan of condominium approval also is being requested. Further application for site plan approval will be needed if the proposed amendments and draft plan of condominium are approved by Council.

The proposed preliminary site plan and elevations are attached to this report as Appendices 2 and 3, respectively.

Location and Site Description

The combined lands (102 and 104 Lakeport Road and 3 and 5 Avalon Place) have a total area of approximately 0.4 hectares with frontage on both Avalon Place and Lakeport Road. Specifically, the lands are located on the south side of Lakeport Road, east of Avalon Place, in the City's North Planning District. The lands have 67 metres of frontage on Avalon Place and 75 metres of frontage on Lakeport Road. A location map is attached as Appendix 1.

Surrounding land uses include:

North:	Detached dwellings commercial uses;
South:	Detached dwellings fronting onto Bernhardt Street;
East:	Commercial uses;
West:	Detached dwellings fronting onto Avalon Place and townhouses to the west of Avalon Place.

Planning Policy Context

Provincial planning legislation requires Council's decision on a planning application to be consistent with the Provincial Policy Statement (2014), and must conform to Provincial plans, upper-tier official plans and lower-tier official plans. Accordingly, planning staff will evaluate these Applications for Official Plan Amendment and Zoning By-law Amendment against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe (2017), the Regional Official Plan, and the Garden City Plan, all of which apply to this application: and staff recommendations will be formulated accordingly.

For Council's reference, the land use planning framework in Ontario, as it relates to these applications, is outlined in Appendix 4.

Provincial Policy Context

The subject lands are located within a Settlement Area, as defined by the Provincial Policy Statement (2014) and within the Built-up Area as identified by the Provincial Growth Plan for the Greater Golden Horseshoe (2017). These documents contain policies that support all forms of residential intensification and urban area regeneration, directing growth to Built-up Areas. Provincial policies place an emphasis on intensification and infill to foster the development of complete communities which efficiently use land, resources, infrastructure and public service facilities.

Provincial Policy Statement (2014)

The following provides an overview of the Provincial Policy Statement (PPS) themes applicable to these applications for Official Plan Amendment and Zoning By-law Amendment and Draft Plan of Condominium.

- Accommodate an appropriate range and mix of residential, employment (industrial and commercial), institutional (including places of worship), recreation, park and open space, and other uses (including commercial) to meet long-term needs;
- Settlement areas are to be the focus of growth and development, and their vitality and regeneration is to be promoted;
- Establish a land use plan and pattern that supports financial sustainability and cost effective development and provision of services;
- new development should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities;
- Promote the wise use and management of land and resources;
- Support an accessible, connected and complete community;
- Establish appropriate development standards to promote/facilitate intensification, redevelopment and compact built form;
- Improve accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society
- Ensure protection of natural features and areas for the long term

Relevant PPS policies will be considered and analyzed in the future Planning Recommendation Report.

Provincial Growth Plan for the Greater Golden Horseshoe (2017)

Similarly, guiding principles within the Growth Plan stress compact and well-designed development that prioritizes intensification. The Plan supports the achievement of complete communities that ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards. Policies ensure that a range and mix of housing options are available including affordable housing.

The following provides an overview of the Provincial Growth Plan themes applicable to these applications for Official Plan and Zoning By-law Amendment.

- Promote compact built form and transit supportive development, a diversity and mix of uses and opportunities, and the efficient use of land, infrastructure and service capacities to support development, redevelopment and growth;
- Foster safe, interactive, active transportation and connected communities;
- Ensure viability for long term development and community investment;

- Maintain, enhance vitality of main streets, and conservation of neighbourhoods;
- Encourage sense of place by promoting well designed built form and cultural planning to conserve features that help define the character, built heritage resources and cultural heritage landscapes of the area;
- Adapt to climate change through compact and nodal development;
- Promote high quality built form, attractive/vibrant public realm through site design and urban design standards;
- Support complete communities by ensuring that lands are adequately zoned and that development is designed to meet this policy;
- Support multi modal transportation, including active transportation and transit

Relevant Growth Plan policies will be considered and analyzed in the future Recommendation Report.

Regional Official Plan

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

The ROP, 2014 PPS and 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and delineated built-up areas to support intensified development and to build upon existing servicing and infrastructure. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have mix of diverse land uses and housing choices, improved social equity and quality of life, new and expanded access to multiple forms of transportation, and the provision of spaces that are vibrant and resilient in their design.

Given the site specific nature of the application, the Official Plan amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and Regional Official Plan Policy 14.E7.

It should be noted that the Region of Niagara is undertaking a comprehensive review (MCR) of their Official Plan to bring it into conformity with the PPS and the Provincial land use plans. Once completed, local area municipalities will be required to update their Official Plans accordingly.

Official Plan (Garden City Plan)

The Official Plan (Schedule D1, Appendix 5) designates the lands at 5 Avalon Place as Neighbourhood Residential and the lands at 102 and 104 Lakeport Road and 3 Avalon Place as Commercial. The North Planning District of the Plan (Schedule E1, Appendix 6) further designates the lands at 5 Avalon Place as Low Density Residential and the lands at 102 and 104 Lakeport Road and 5 Avalon Place as Community Commercial.

The Low Density Residential Designation of the Plan provides for a range of residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres. Apartment dwelling units are not allowed.

The Community Commercial designation of the Plan (Section 9.2.2 (a)) provides for a range of commercial uses, excluding auto dealerships, adult oriented uses and hotels. Other uses permitted include institutional, civic, cultural, indoor recreation, entertainment and residential apartment dwellings units.

The Official Plan identifies the lands generally bounded around the intersection of Lakeport Road and Lakeshore Road as being designated Community Commercial. 102 and 104 Lakeport Road and 3 Avalon Place are currently within that designation. The City's previous Official Plan (approved by the Region of Niagara on March 12, 1999) similarly designated these lands for commercial purposes. As such, 102 and 104 Lakeport Road and 3 Avalon Place have long established permissions for commercial/apartment uses with no height limit and do not represent a new or freestanding Community Commercial Centre designation.

Community Commercial Centres are to be located at the intersection of arterial roads and well served by public transit. They are generally between 2 and 12 hectares in size and shall not exceed a total gross leaseable floor area of 30,000 square metres for all uses except residential, and non-retail/service commercial uses should be limited in size and scale to protect the primary function of the centre for the provision of shopping and service commercial facilities. The size of individual uses shall be limited in a manner that supports a diversity and mix of uses in the Centre. Residential uses shall be located in freestanding buildings or in upper storeys of commercial buildings, providing adequate outdoor amenity space for residents (Section 9.2.2 (b and c)).

The proposal is to re-designate 5 Avalon Place to Community Commercial (Appendix 7) and to merge with the remainder of the site which is already designated Community Commercial in the Official Plan.

The subject lands also form part of a Mixed Use Intensification 'Special Study Area' which is intended to "establish an appropriate range of transit supportive medium and higher density housing opportunities, with a mix of commercial, employment, institutional and recreational uses" (15.1.1.d). While special detailed study has not yet been undertaken, the GCP does acknowledge that this corridor is anticipated to transition into more of a higher density mixed use corridor.

The Plan (9.2.2 (d)) provides that an application to establish a new centre or to expand an established centre beyond existing property limits will require an amendment to the Plan, and may be subject to studies as set out in Part F, Section 16.16 of the Plan including but not limited to, market analysis, land use compatibility, and traffic (see Appendix 10 to this report).

Section 16.1 of the GCP details specific matters that must be evaluated when considering applications of an Official Plan Amendment. Every application for amendment is to be evaluated on the basis of the following considerations:

- i) “the degree of conformity of the proposed amendment to the general intent, purpose and philosophy of the Plan, particularly the vision, planning principles and general policies of the Plan;
- ii) consistency with Provincial and upper tier government plans, policies and legislation;
- iii) the availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use;
- iv) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
- v) the potential of the proposal to cause instability within an area intended to remain stable;
- vi) the ability of the City’s infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City;
- vii) the financial implications, both costs and revenues, to the City; and
- viii) the degree to which approval of the amendment would establish an undesirable precedent”.

Relevant Official Plan policies will be addressed and analyzed in the future Recommendation Report.

All relevant City Official Plan policies that apply to this Application have been excerpted and included in the table attached as Appendix 10.

Zoning By-law

Zoning By-law 2013-283 zones the lands at 5 Avalon Place Low Density Residential – Traditional Neighbourhood (R2). The R2 Zone permits a broad range of residential uses; however, apartment dwellings are not permitted in this zone. The lands at 102, 104 Lakeport Road and 3 Avalon Place are zoned Community Commercial (C2) The C2 zone permits a broad range of commercial uses including apartment dwelling units in association with a commercial use (see Appendix 8). The proposal is to change the zoning for 5 Avalon Place to the Community Commercial (C2) zoning to enable these lands to be developed as proposed (Appendix 9).

The applicant is also requesting Site Specific C2 Provisions applicable to the entirety of the lands (ie.102 and 104 Lakeport Road and 3 and 5 Avalon Place) as follows:

Provision	Required	Proposed
Minimum exterior side yard setback from building to Lakeport Road	3 metres	1.4 metres
Minimum exterior side yard setback from balconies to Lakeport Road	3 metres	0.4 metres
Minimum rear yard setback of balconies to commercial uses to the east	4.5 metres	4.1 metres
Minimum landscape buffer abutting a public road – Avalon Place	3 metres	2.1 metres

Affordable Housing

In June 2017, Council approved Phase I of the City's Housing Action Plan in recognition of rising market values, a low vacancy rate, and a low supply of affordable housing in the City. Currently, Staff are in the process of implementing priority recommendations that were outlined in the Housing Action Plan. While the City's Official Plan recognizes the need to provide for affordable housing, actual mechanisms to technically require and sustain an affordable housing supply in the City as per the definition in the Provincial Policy Statement is part of the ongoing work in implementing the Action Plan. This includes consideration for Inclusionary Zoning which is a land use planning tool that a municipality may use to require affordable housing units to be included in proposed residential developments of 10 units or more. This tool is typically used to create affordable housing for low and moderate income households. In Ontario, this means families and individuals in the lowest 60 per cent of the income distribution for the regional market area, as defined in the Provincial Policy Statement (2014). Generally, housing is considered "affordable" when households do not pay more than 30 per cent of gross income on annual accommodation costs, or when the purchase price for housing is at least 10 per cent below average market value or when households do not pay more than 30 per cent of gross annual household income for rent or when the rent is at or below the average market rent.

In accordance with Provincial legislation, in order to implement inclusionary zoning, a municipality is required to undertake a series of steps including an assessment report to understand local housing supply and demand, as well as potential impacts which might arise from the inclusionary zoning requirement and then implement official plan policies and pass a zoning by-law guiding where and how Inclusionary Zoning will be implemented. Once implemented, the municipality is responsible for monitoring the affordable housing units and reporting outcomes.

This study requires considerable detail and, to date, as far as Staff are aware, no Ontario municipality has fully studied or implemented this tool to require such availability in the approval of development applications. The work to undertake this study and implement the mechanism is subject to discussion and approval of the department's

draft Operating Budget for 2019. Given Council budget guidelines, provision is unable to be made to undertake this work in 2019 because of the lack of staff and financial resources.

The applicant has not indicated that any of the proposed units meet the definition of affordable housing as defined by Provincial policy.

Draft Plan of Condominium

The proposed Draft Plan of Condominium is attached as Appendix 11. Section 51(24) of the Planning Act directs the matters to be considered in recommending approval for a Draft Plan of Condominium, include:

- The development does not have a detrimental effect on matters of provincial interest, it is not premature and is in the public interest.
- The proposal complies with the Official Plan, and the lands are suitable for development as proposed.
- The suitability of the land for residential purposes.
- Adequacy of any public streets and how they are designed and how they link with adjacent streets.
- The adequacy of the proposed size and shape of lots and blocks.
- Any restrictions on the subject lands or adjoining lands.
- Flood control measures, if any.
- Adequacy of existing utilities and municipal services.
- Adequacy of school sites in the vicinity.
- Any land considered for dedication for public purposes.
- Any considerations regarding the subdivision of the land and matters relating to site plan approval.

An analysis of the proposed Draft Plan of Condominium, as well as any recommended conditions of draft plan approval will be provided in the Recommendation Report.

Circulation of Applications

The applications were circulated to all relevant departments and agencies in accordance with the Planning Act. No department or agency has objected to the proposed Official Plan and Zoning By-law Amendments and Draft Plan of Condominium. The following feedback has been received:

Region of Niagara

The proposed development has frontage along Lakeport Road (Regional Road 87). A road right-of-way widening will be required to be dedicated to the Region through the site plan process should these applications be approved. The applicant has incorporated the Region's requirement in this regard into the proposed site plan (Appendix 2). Given the site specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and Regional Official Plan Policy 14.E7. Region of Niagara requirements (e.g. archaeology, road right-of-way dedications, storm water

management, encroachments, and waste collection) will be appropriately dealt with as part of the future site plan approvals process.

Parks, Recreation and Culture Services (PRCS)

Landscape strips should be maintained at a minimum of 3.0m. A future application for Site Plan Agreement shall include necessary tree protection measures to ensure the preservation of healthy trees, where possible. Additional boulevard trees shall be required along Avalon Place through the Site Plan Agreement.

Development Engineering - Planning and Building Services

As part of the submission requirements for these applications the proponent has provided a servicing report concerning capacity of existing infrastructure to support the proposed development and any requirements that might be generated to support it. Staff has reviewed the submission and is satisfied that the local infrastructure can accommodate the proposed development. The proponent will be required to convey to the City a road right-of-way widening of 1.52m across the entire frontage of the subject property along Avalon Place. A sidewalk will be required along the Avalon Place frontage.

Traffic

Traffic staff has no objections or comments concerning these applications.

Site Plan

An application for Site Plan Approval will be required to be submitted should these applications be approved. The City's Site Plan Control By-law requires that mixed use developments (in this case residential and commercial) be subject to site plan control. Site plan approval regulates the placement of buildings, architectural elevations of the buildings, parking, grading, drainage and storm water management, landscaping, fencing and similar details of site design.

The conceptual site plan (see Appendix 2) shows the siting of the building, access, landscaping, etc. Conceptual elevations and renderings are shown in Appendix 3.

An additional open house relating to the detailed design of the site will be hosted by City staff as part of the site plan process should these applications be approved.

Public Consultation

A public open house was hosted by Planning and Building Services on October 3, 2018. The purpose of the open house was to present the applicant's proposal and provide an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. There were approximately 45 attendees, including the ward councilors, owner, and his agent. Matters raised at the Open House are summarized below, with staff responses accordingly.

Public submissions have been received and are attached as Appendix 12.

Official Plan compliance

Comment: Will the proposal be evaluated with regard to Official Plan policies?

Response: The future Recommendation Report will provide an analysis of the proposal based on the Official Plan (Garden City Plan (GCP)), together with provincial policies (Provincial Policy Plan and Growth Plan), and the Regional Official Plan. See relevant Official Plan policies in Appendix 10 to this report.

Avalon Place status

Comment: Is Avalon Place a collector road or an arterial road?

Response: Avalon Place is a local road.

5 Avalon Place uses

Comment: Can semi-detached dwellings be built on 5 Avalon Place? Further, can townhouses be constructed on the entire lands under consideration?

Response: The Official Plan and Zoning By-law currently permit semi-detached dwellings at 5 Avalon Place. Town houses are not currently a permitted use on the remainder of the lands. The proposal will be evaluated based on the applications and proposal presented for consideration.

Condominium unit sales/configuration/construction

Comment: What amount of pre-sale is required for the condominium to proceed? How high will interior ceilings be? How long will construction take if the proposal is approved?

Response: The owner's agent addressed these queries. Depending on the requirements of the financial institution who are financing the project, typically 50% pre-sale of units is required for development to obtain financing. The interior ceiling heights of the condominium units will be approximately 3 metres. The estimated time frame for construction is approximately one year.

Parking

Comment: How is parking being provided for?

Response: The Zoning By-law requires one parking space per dwelling unit plus 5 parking spaces (at the rate of one space per 20 m²) for the commercial use. The by-law waives the first four required commercial parking spaces in mixed uses developments. As such, one parking space is required for the commercial component of the proposed development and 63 spaces are required for the residential component. The rationale is that typically commercial uses demand parking during daytime business hours when residential demand for parking is the lowest.

Conceptual plans submitted with the application show a total of 64 parking spaces. Forty-eight of those parking spaces are to be provided underground on two levels within the building with the remaining 16 spaces at grade outside of the building.

Traffic

Comment: The proposed development will result in increased traffic flows and will compromise safety.

Response: Lakeport Road (Regional Road 87) is a Regional road of Niagara. Avalon Place is a local road and is under the jurisdiction of the City of St. Catharines. Circulation of these applications did not generate traffic related concerns or requirements for a traffic impact study (TIS). Increased traffic flows can be expected should the development be approved and constructed. Surrounding roads can accommodate this development.

Adequacy of infrastructure

Comment: Are there adequate services (i.e. sewer (storm/sanitary) and water) available to accommodate the proposed development?

Response: The proponent has submitted a servicing report as part of the application requirements. Staff has reviewed the submission and is satisfied that the local infrastructure can accommodate the proposed development.

Impact of construction on adjacent residences

Comment: The construction of the proposed building will result in damage to adjacent residences.

Response: Prior to any development or site works beginning the applicant is required to conduct preconstruction assessments of neighbouring properties when there is any chance that damage may occur. It is in the Owner's interest and diligence to protect their interests against potential claims.

Compatibility/Overdevelopment

Comment: The proposed development is too much/too high for the site and as it relates to the neighbourhood.

Response: The Official Plan (Garden City Plan) contains policies/criteria that address compatibility and scale of development, as do applicable senior government level plans (Provincial Policy Statement, Places to Grow, and the Region of Niagara Official Plan). The Recommendation Report will provide analysis of these matters in accordance with these policy plans.

It should be noted that the majority of the site already permits the proposed use. The applications request the expansion of the development site to include the additional

lands at 5 Avalon Place, which is a residential lot with a frontage of 16.8 metres and depth of 27.4 metres.

Loss of privacy

Comment: The proposed development will result in the loss of privacy. Has there been a shadow study done?

Response: A shadow study has been submitted in support of the application. The study indicates that shadow effects will be limited primarily to the season(s) or parts thereof in which amenity areas are generally not in use. Should these applications be approved, the site plan approval process will provide an opportunity to address privacy issues through a number of means (eg. landscaping and fencing etc). Council has directed that staff host a public open house upon submission of site plan applications. As such residents will be invited to view more detailed plans and provide input in the future.

Location of Property – Community Commercial Centre

Comment: The property is 0.4 hectares in size. The Official Plan provides that the size of a Community Commercial Centre shall generally range from 2 hectares to 12 hectares of land.

Response: The Official Plan identifies the lands generally bounded around the intersection of Lakeport Road and Lakeshore Road as being designated Community Commercial. 102 and 104 Lakeport Road and 3 Avalon Place are currently within that designation. The overall size of the lands identified as being within this Community Commercial designation is approximately 3.7 hectares.

The City's previous Official Plan (approved by the Region of Niagara on March 12, 1999) similarly designated these lands for commercial purposes. As such, 102 and 104 Lakeport Road and 3 Avalon Place have long established permissions for commercial/apartment uses with no height limit and do not represent a new or freestanding Community Commercial Centre designation.

The proposal is to add 5 Avalon Place, with an area of 460 square metres to this designation.

Further public submissions received on November 2, 2018, are attached as Appendix 13.

Public Notice

In accordance with established procedures, notice for the public meeting has been circulated.

Financial Implications

All costs associated with this development will be borne by the developer. No direct financial impacts to the City are triggered by these approvals. If approved and constructed, additional tax revenues would be generated by the development.

Relationship to Strategic Plan

The relationship of the proposal to the City's Strategic Plan will be evaluated as part of the future recommendation report on this matter.

Conclusion

In summary, this report provides the planning context and explains the applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Condominium for 102, 104 Lakeport Road and 3 and 5 Avalon Place. The amendments would facilitate land use designation and zoning for 5 Avalon Place that is consistent with the rest of the site (102, 104 Lakeport Road and 3 Avalon Place). The Zoning By-law Amendment also proposes Special Provisions applicable to the entirety of the lands as outlined in this report. A Recommendation Report will be presented to Council at a future meeting, to be scheduled.

Notification

It is in order to advise Dan Romanko, Better Neighbourhoods Development Consultants, 190A Ontario Street, St. Catharines, Ontario, L2R 5K9, the Owner's agent.

Prepared by:

Kevin Blozowski, MCIP, RPP, CAHP
Heritage Planner

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

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

List of Appendices

1. Location Map
2. Concept Site Plan
3. Conceptual Elevations and Renderings
4. Ontario Land Use Planning Framework
5. Official Plan – Existing Schedule D1, General Land Use Plan Map
6. Official Plan – Existing Schedule E1, North Planning District
7. Official Plan – Proposed Schedule E1, North Planning District
8. Zoning By-law 2013-283, Existing Schedule A7
9. Zoning By-law 2013-283, Proposed Schedule A7
10. Applicable Official Plan Policies
11. Proposed Draft Plan of Condominium
12. Public Submissions
13. Public Submissions – November 2, 2018

Aerial Photo Surrounding Area



Niagara Regional Air Photo (April, 2015)



102 & 104 Lakeport Road; 3 Avalon Place

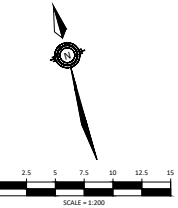


5 Avalon Place

File: 60.30.334 & 60.35.1033



Proposed Building	
Residential Units	63
Commercial Unit	1 (100 m ²)
Site Area	3554 m ²
Density	180 u/ha
Building Coverage	43%
Pavement Coverage	25%
Landscape Coverage	32%
Parking	
	Required Provided
Residential	59 59
Commercial	5 5



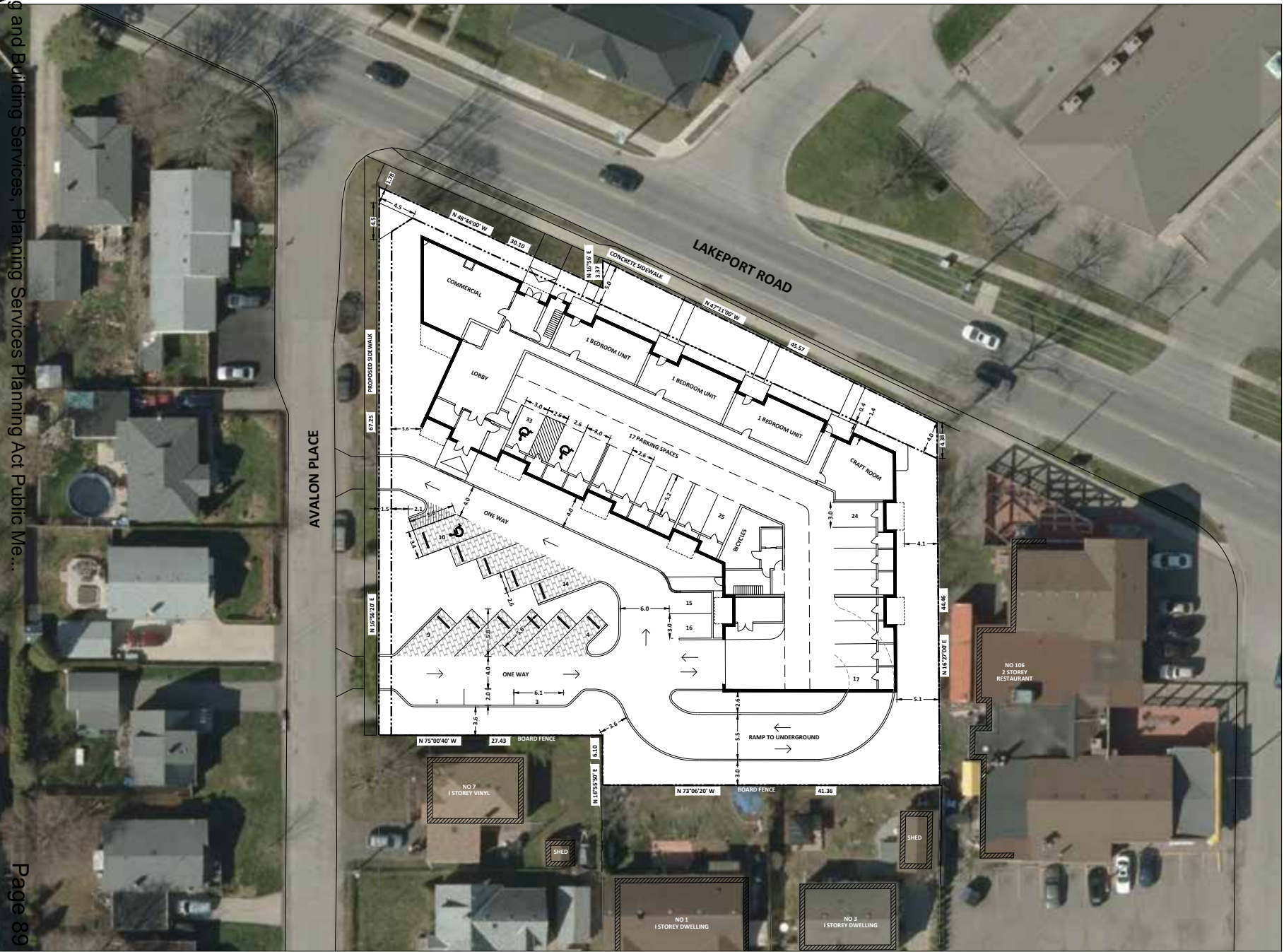
PROJECT TITLE:
104 LAKEPORT ROAD
St. Catharines, Ontario

DRAWING TITLE:
SITE PLAN

DATE OF ISSUE:
2018 08 31

DRAWING No:
0241 - SP1

AGENDA ITEM #5.2





NORTH ELEVATION (LAKEPORT RD)



WEST ELEVATION (AVALON PLACE)



EAST ELEVATION



SOUTH ELEVATION



REVISIONS

LAKEPORT CONDOMINIUM APARTMENTS
104 LAKEPORT RD.
ST. CATHARINES, ONTARIO

Parker Architects Inc.
156 St. Paul Street
St. Catharines, ON, L2R 9M2
tel: 905-687-6951
email: info@parkerarchitects.ca

A3.1	
drawing	BUILDING ELEVATIONS
drawn	DTP
checked	-
scale	1 : 200
NL: 16-110	date: JUNE 11, 2011



VIEW FROM CORNER OF LAKEPORT RD. & AVALON PLACE



VIEW FROM AVALON PLACE AT LAKEPORT RD. INTERSECTION



REVISIONS	
NO.	DESCRIPTION

LAKEPORT CONDOMINIUM APARTMENTS
104 LAKEPORT RD.
ST. CATHARINES, ONTARIO

Parker Architects Inc.
156 St. Paul Street
St. Catharines, ON, L2R 9M2
tel: 905-687-6851
email: info@parkerarchitects.ca

A4.1	
drawing	3D IMAGES
drawn	DTP
checked	-
scale	1 : 200
NL 16-110	date JUNE 1, 2017



VIEW FROM AVALON PLACE



VIEW LOOKING NORTH ON LAKEPORT RD.



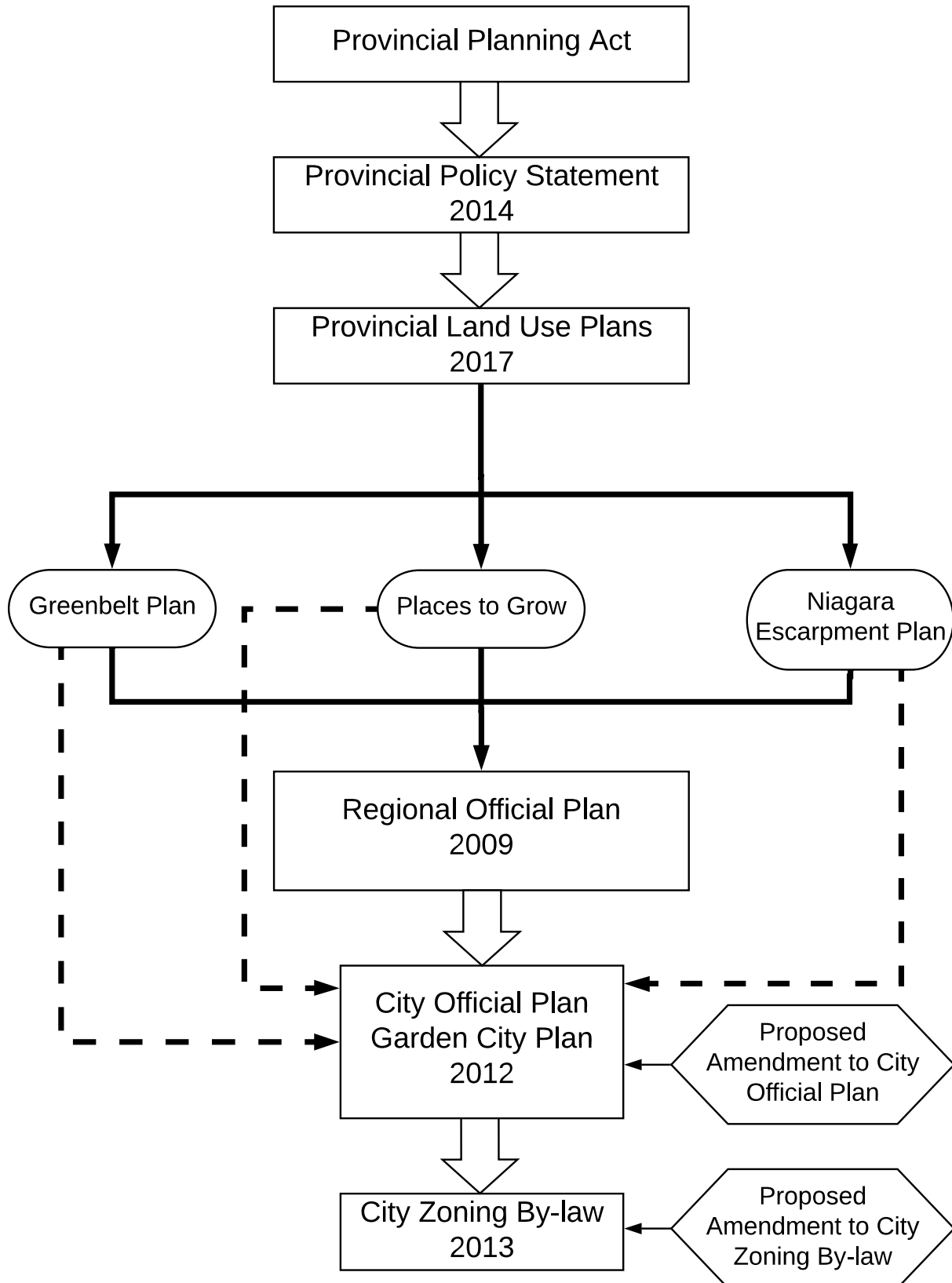
REVISIONS	
NO.	DESCRIPTION

LAKEPORT CONDOMINIUM APARTMENTS
104 LAKEPORT RD.
ST. CATHARINES, ONTARIO

Parker Architects Inc.
156 St. Paul Street
St. Catharines, ON, L2R 3M2
tel: 905-687-6851
email: info@parkerarchitects.ca

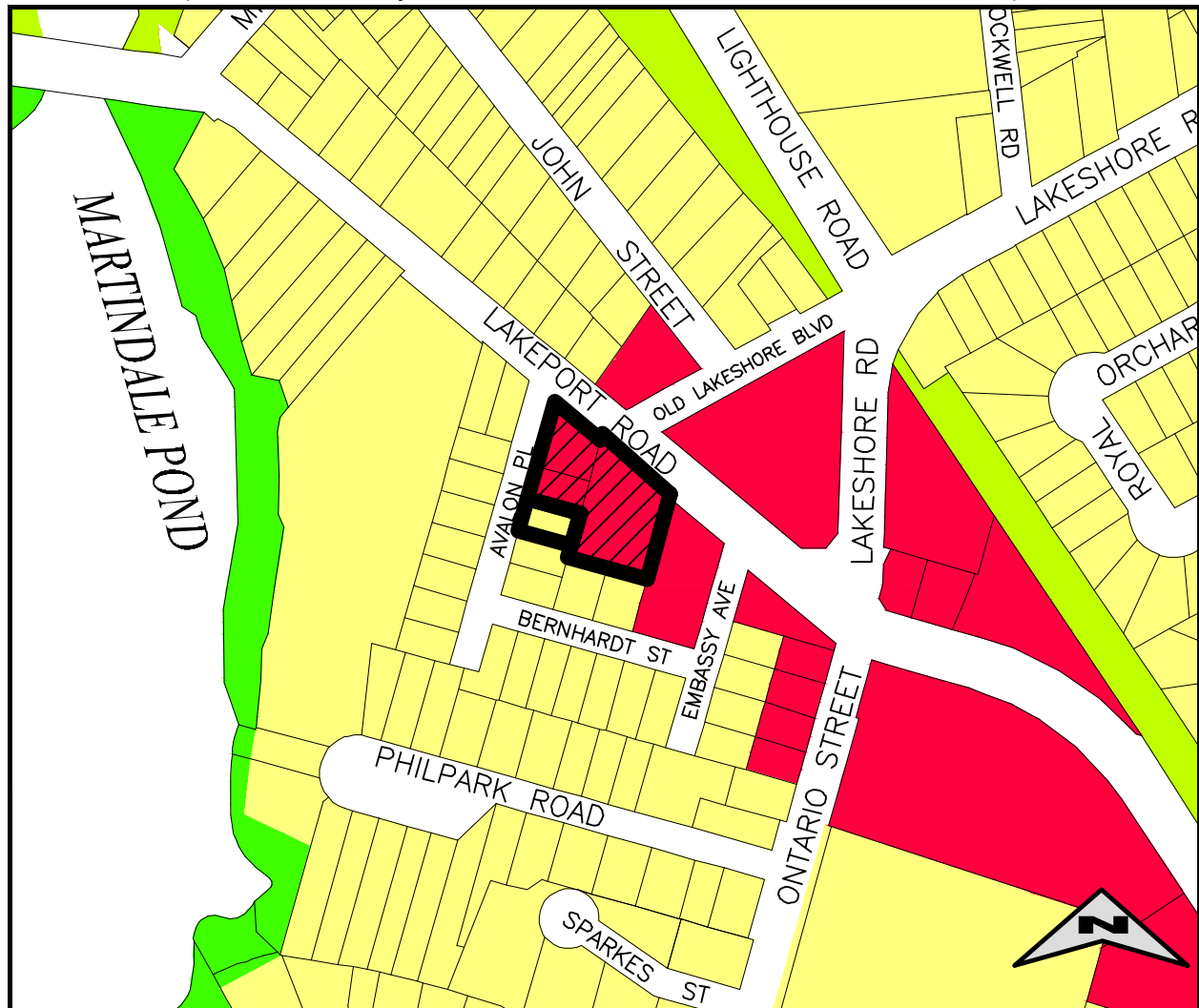
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drawn	DTP
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NL 16-110	date JUNE 1, 2011

Ontario Land Use Planning Framework




Existing Land Use Designation

(The Garden City Plan - General Land Use Plan, Schedule D1)





 Area A (102 & 104 Lakeport Road; 3 Avalon Place)

 Area B (5 Avalon Place)

Land Use Designations

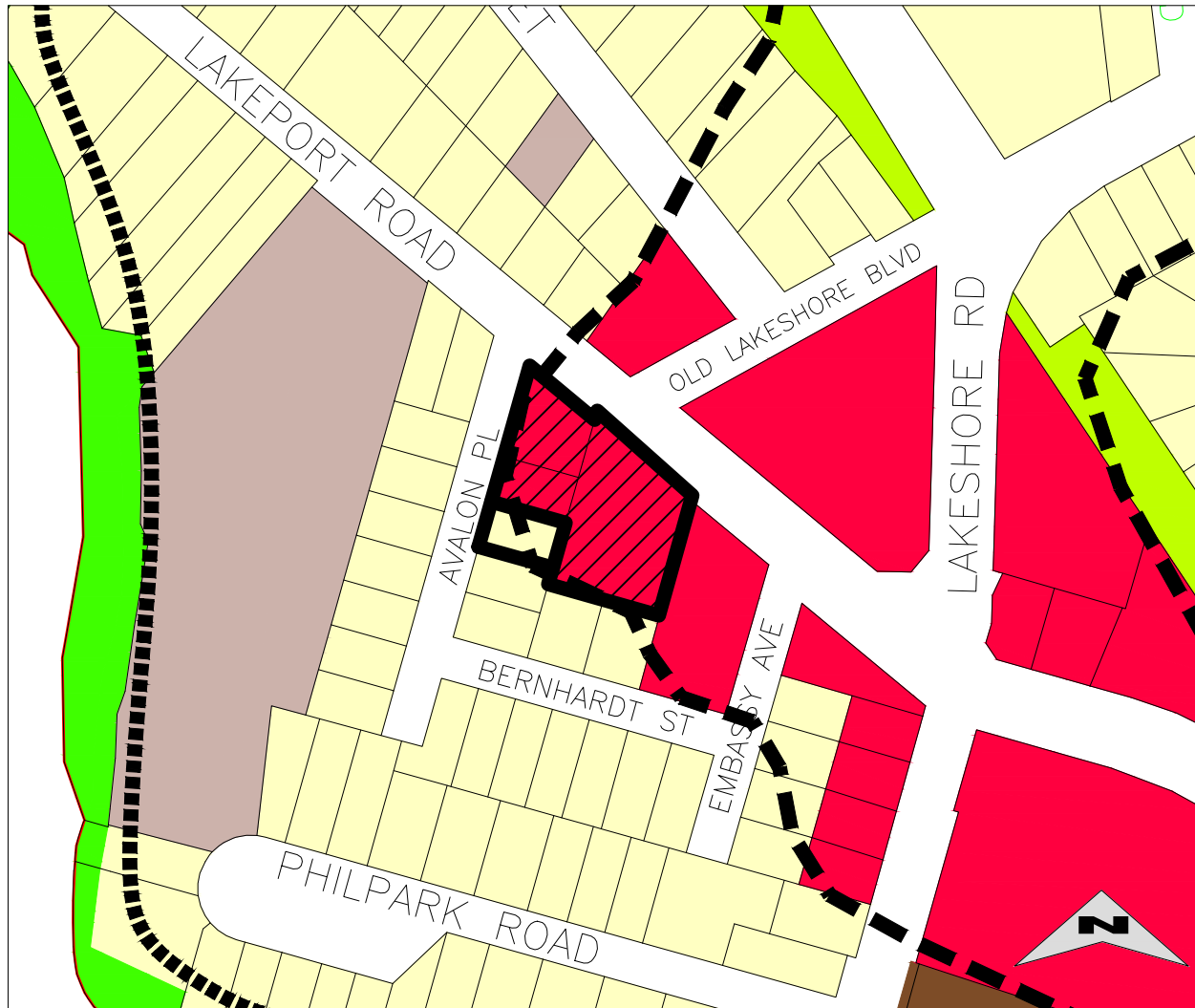
 Neighbourhood Residential
 Commercial

 Natural Areas
 Parkland & Open Space


Files: 60.30.334 & 60.35.1033

Existing Land Use Designation

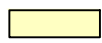



(The Garden City Plan - North Planning District, Schedule E1)



 Area A (102 & 104 Lakeport Road; 3 Avalon Place)

 Area B (5 Avalon Place) - Lands to be re-designated from Low Density Residential to Community Commercial

Land Use Designations

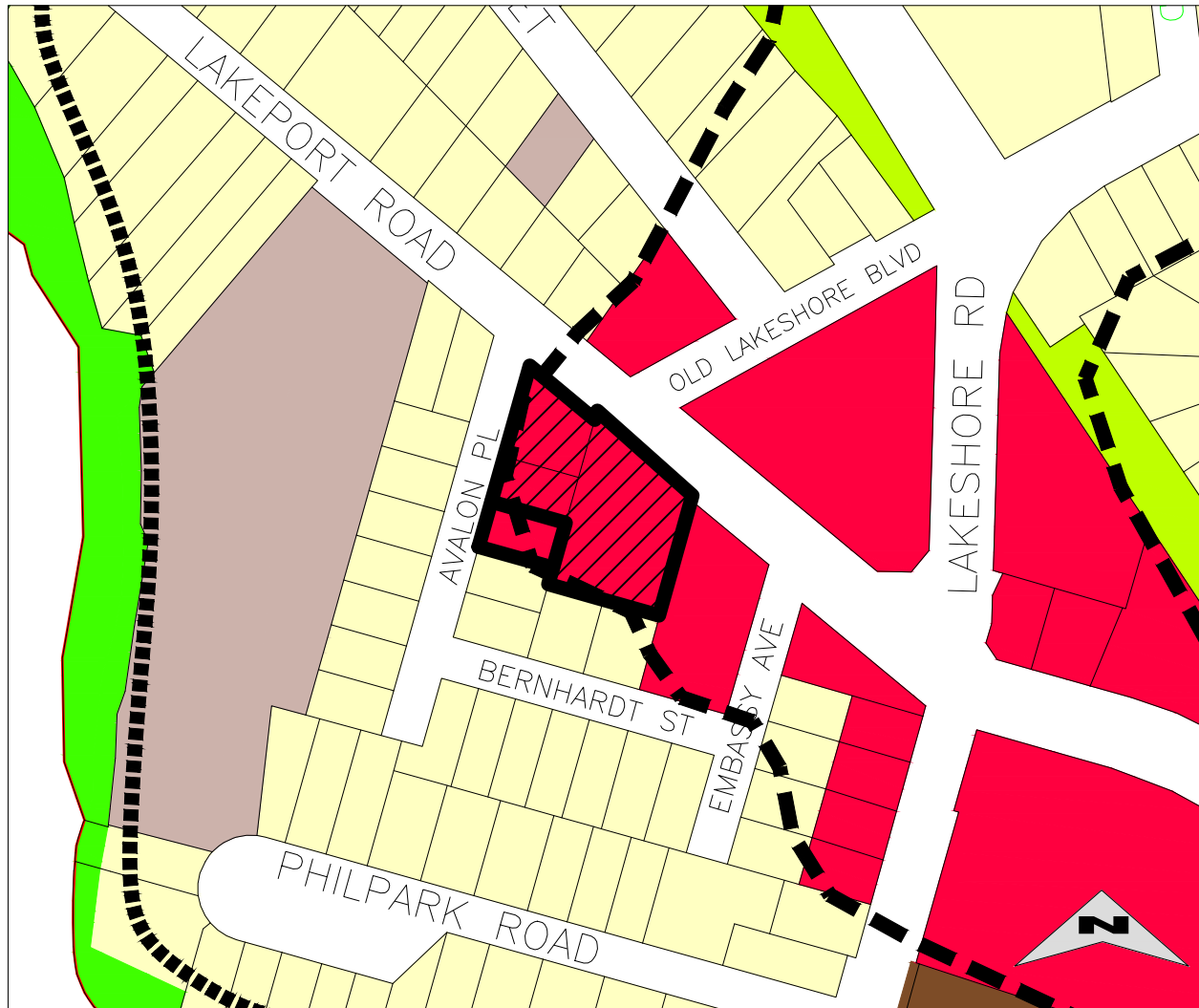
 Low Density Residential
 Medium Density Residential
 High Density Residential
 Community Commercial

 Natural Areas
 Parkland & Open Space
 Natural Area Extent Line
 Special Study Area


File: 60.30.334 & 60.35.1033

Proposed Official Plan Amendment

(The Garden City Plan - North Planning District, Schedule E1)



 Area A (102 & 104 Lakeport Road; 3 Avalon Place)

 Area B (5 Avalon Place) - Lands to be re-designated from Low Density Residential to Community Commercial

Land Use Designations

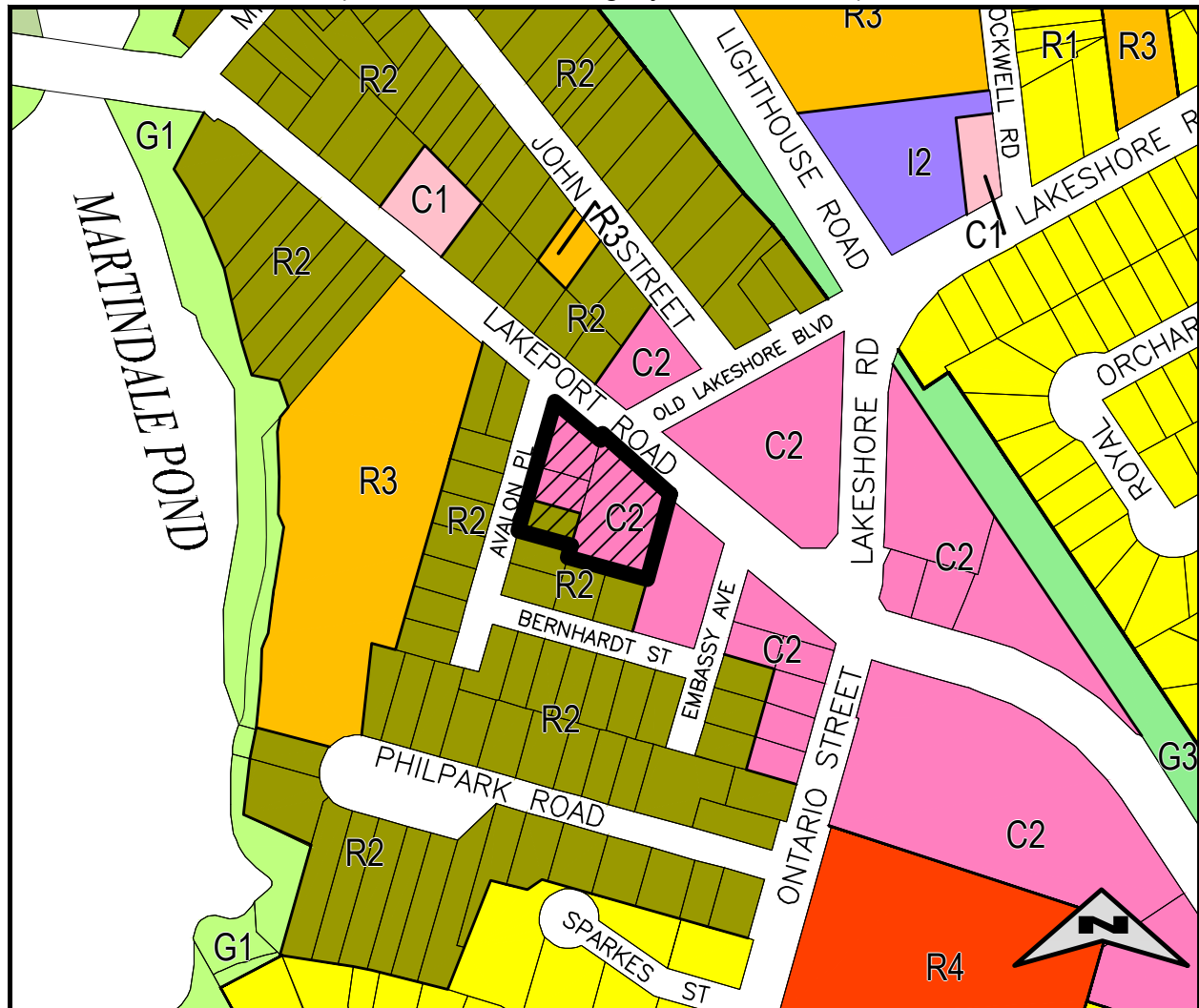
 Low Density Residential
 Medium Density Residential
 High Density Residential
 Community Commercial

 Natural Areas
 Parkland & Open Space
 Natural Area Extent Line
 Special Study Area

File: 60.30.334 & 60.35.1033

Existing Zoning

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



Subject Lands

102 & 104 Lakeport Road; 3 & 5 Avalon Place

Zones

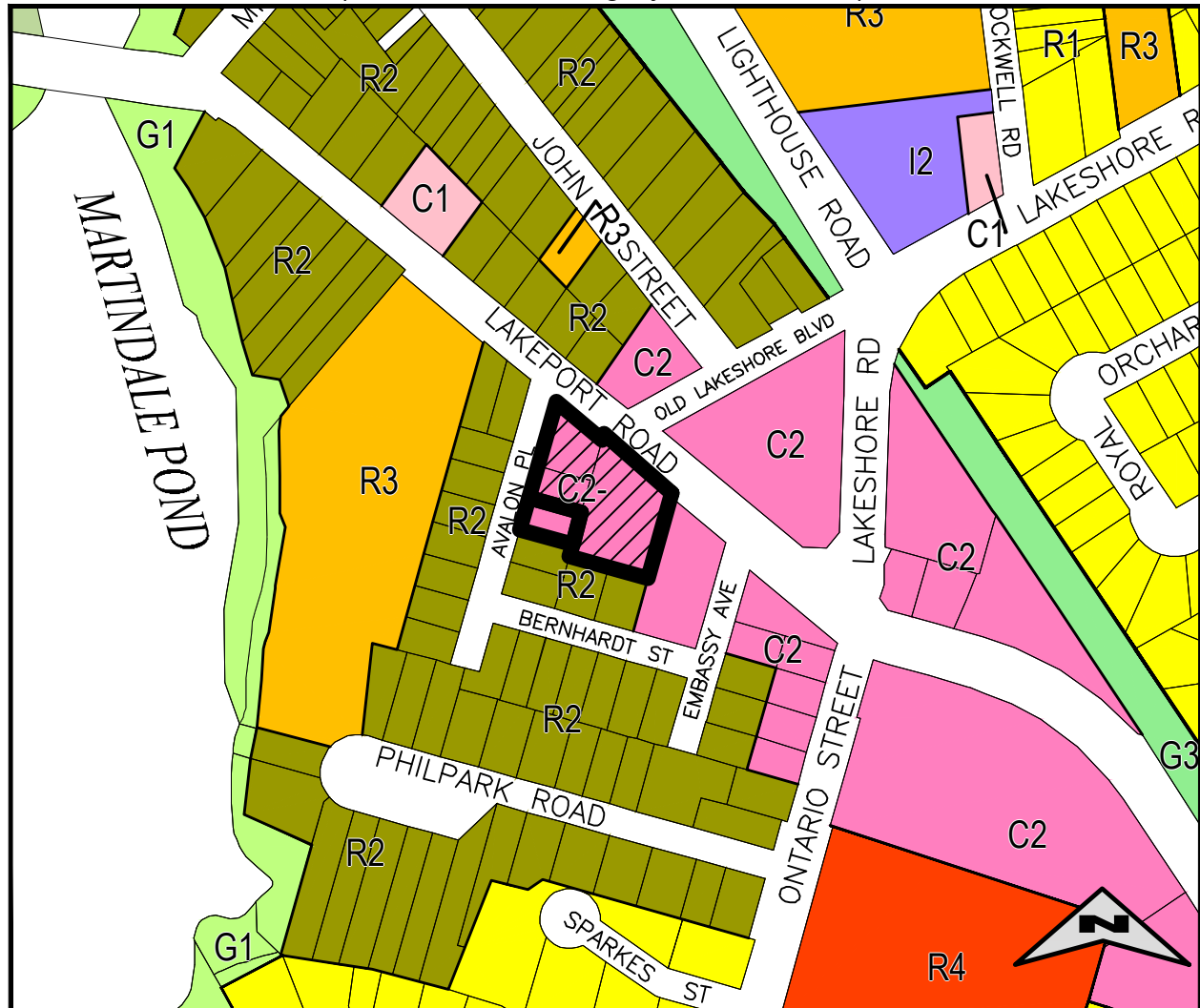
- R1** Low Density Residential
- Suburban Neighbourhood
- R2** Low Density Residential
- Traditional Neighbourhood
- R3** Medium Density Residential
- R4** High Density Residential

- C1** Local Convenience Commercial
- C2** Community Commercial
- G1** Conservation / Natural Area
- G2** Minor Green Space
- G3** Major Green Space
- I2** Community Institutional

Files: 60.30.334 & 60.35.1033


Proposed Amendment to Zoning By-Law 2013-283

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






 Area A (102 & 104 Lakeport Road; 3 Avalon Place)

Lands to be rezoned from Community Commercial (C2) to
Community Commercial with Special Provision No. (C2-)

 Area B (5 Avalon Place)

Lands to be rezoned from Low Density Residential - Traditional Neighbourhood (R2) to
Community Commercial with Special Provision No. (C2-)

Zones

-  R1 Low Density Residential
- Suburban Neighbourhood
-  R2 Low Density Residential
- Traditional Neighbourhood
-  R3 Medium Density Residential
-  R4 High Density Residential

-  C1 Local Convenience Commercial
-  C2 Community Commercial
-  G1 Conservation / Natural Area
-  G2 Minor Green Space
-  G3 Major Green Space
-  I2 Community Institutional

Files: 60.30.334 & 60.35.1033

Applicable Official Plan Policies
City of St. Catharines Garden City Plan

Policies
PART B: VISION AND GUIDING PRINCIPLES
<p>2.3. Managing Growth and Change</p> <p>2.3.1 Municipal Planning Structure</p> <p>3. Planning Areas</p> <p>The City is divided into two primary planning areas – the Urban Area and the Agriculture Area.</p> <p>i) Urban Area</p> <p>The Urban Area is established by the Region of Niagara Policy Plan and is set out on Schedule D ‘Municipal Structure’ of this Plan. This area is intended to provide urban development opportunities on full municipal services to accommodate the majority of the City’s projected future population and employment growth.</p> <p>2.3.3. Accommodation of Growth</p> <p>1. Projected population, housing and employment will primarily be accommodated within the Urban Area as defined on Schedule D ‘Municipal Structure’.</p> <p>2. The Plan recognizes a finite Urban Area, and within it, a diminishing vacant land supply and a finite occupied land base to accommodate projected population and employment growth.</p> <p>3. Growth will be accommodated by:</p> <p>i) the efficient usability of vacant and occupied lands;</p> <p>ii) more compact built form and density of development;</p> <p>iii) the reuse, rehabilitation, regeneration, intensification and enhancement of the built environment;</p> <p>iv) redevelopment and build out of underutilized properties</p> <p>v) a more integrated, interactive mix of uses, activity and functions;</p> <p>vi) service, infrastructure, energy, transportation sustainable, accessible, efficient and supportive development;</p> <p>vii) design initiatives to support:</p> <ul style="list-style-type: none">• compatible, innovative, efficient and sustainable building and site design;• enhanced natural and cultural heritage protection, preservation and conservation;• greening;• an accessible, integrated, interactive, usable and connected public realm within and between different use and activity areas, functions, landscapes and identities; <p>viii) recognizing the preferred mix and interaction of uses contemplated, the City’s Urban Design Guidelines shall be emphasized in the evaluation of all development, redevelopment and intensification opportunities;</p> <p>ix) the upgrading of existing infrastructure and public service facilities, and where required, the provision of new infrastructure and public service facilities to ensure adequate service capacity to support development, redevelopment and intensification.</p> <p>x) providing a balance of housing and employment opportunities to maximize the opportunities for people to live and work in St. Catharines, and to maintain a sustainable healthy tax base to support a balanced and complete community, and sustainable long term growth and development opportunities.</p> <p>4. This Plan establishes a land use planning framework consistent with and supporting the growth and intensification strategy and the achievement of minimum density targets set out in the Provincial Growth Plan for the Greater Golden Horseshoe, 2006, (referenced as the Provincial Growth Plan) as follows:</p> <p>i) Built Boundary – the Provincial Growth Plan establishes a Built Boundary which represents the limits of the developed Urban Area of the municipality, as defined by the Ministry of Infrastructure Renewal. The Built Boundary for St. Catharines is defined on Schedule D ‘Municipal Structure’ of this Plan.</p> <p>Intensification Areas are set out on Schedule D ‘Municipal Structure’, and are to be planned to support:</p> <p>i) minimum housing densities that are generally higher than surrounding areas together with a range and mix of commercial, employment, institutional, recreational and cultural uses primarily intended to serve the local area neighbourhood;</p>

- ii) context sensitive building, site and streetscape design to support an accessible, connected, interactive and vibrant public realm, and compatible and appropriate transition of built form with adjacent areas;
- iii) public transit service and active transportation networks and opportunities.

Specific parameters for development and redevelopment within Intensification Areas are set out in Part E ‘District Plans’.

vii) General Intensification – notwithstanding Intensification Areas set out in Part B, Section 2.3.3.4 vi) above, this Plan also recognizes and provides opportunities for housing intensification within the Urban Area, as follows:

- on all Local Neighbourhood Convenience Commercial, Major Commercial and Community Commercial Centres in a manner not to detract from the intended primary commercial use of such Centres as set out in Part D, Sections 8.3.3, 9.2.1 and 9.2.2 of this Plan.
- on all designated Residential and Mixed Use properties subject to the policies and density standards set out in Part D, Section 8 and 12 of this Plan.

5. Housing

- i) If past trends towards development of primarily low density housing were to continue, the vacant residential land supply is not adequate to accommodate all of projected future population and housing needs. To accommodate projected future growth requires evolution from traditional development patterns and trends.
- ii) This Plan emphasizes the provision of new housing through the efficient use of vacant and occupied lands; higher density of development; small lot infill; intensification; mixed use development; and reuse, rehabilitation and redevelopment of the built form, including brownfield and greyfield sites.
- iii) All types of new housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods and other activity areas; cultural and heritage landscapes, buildings and identities; and the City’s network of parks, open space and natural areas, and public realm opportunities.
- iv) All types of new housing will be encouraged to support housing diversity for a range of life stages, special needs, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities.
- v) This Plan establishes higher housing density standards and opportunities for a greater mix of housing types than has traditionally been directed by the municipality. While it is recognized that new housing development and intensification may occur in all residential neighbourhoods, the primary emphasis for housing intensification is directed towards the Urban Growth Centre and Intensification Areas as set out on Schedule D ‘Municipal Structure’, along major road corridors, at commercial centres and mixed use areas. The range and scale of housing permitted is further defined in Part D ‘Land Use Policies’ and in Part E ‘District Plans’.

6. Employment

- i) The land use plan provides opportunities for a diverse range, mix, scale and location of economic activities to accommodate projected employment growth forecasts.

To accommodate projected employment growth forecasts, and support long term sustainable employment opportunities, economic development and competitiveness, this Plan promotes and emphasizes:

- the provision of an adequate, available, suitable, variable and competitive choice of vacant employment lands to attract and accommodate a diverse range of new economic activities.
- reuse, rehabilitation, redevelopment and enhancement of occupied employment lands to accommodate new or expanded economic activity and employment opportunities;
- transit supportive, public realm, design and greening initiatives to provide compatible, efficient, functional, connected, accessible, interactive, environment friendly and sustainable development.
- clustering of like activities to support compatible development and encourage integrated, interactive and connected business and employment opportunities.

- iv) Population serving commercial, institutional, recreation, and cultural uses generate significant employment opportunities outside the Urban Growth Centre and Employment Lands.

- ii) This Plan will ensure opportunities for commercial, institutional, recreational and cultural activities to help build complete communities adequately serve and support local resident needs and employment opportunities, and to support and attract tourist related activity and employment.

v) Work Live accommodation and home based business are encouraged to enhance accessible and transit supportive business and employment opportunities.
Work Live accommodation will generally be directed to the Urban Growth Centre, Intensification Areas and mixed use areas, and is most desirable to be developed on a larger scale to support business or research clusters with shared support services.

PART C: GENERAL POLICIES

4. URBAN DESIGN

4.1. Urban Design Principles

Good urban design is a key planning tool to create sustainable communities. Sustainable design involves the holistic design of communities and buildings for long-term economic prosperity, social harmony and stability, minimized environmental impact, and strengthened cultural identity.

The development of St. Catharines will be based on the following sustainable design principles:

- a) a strong sense of identity and place as the “Garden City”;
- b) innovative and sustainable design;
- c) a stimulating, attractive, and safe public realm;
- d) compatibility of new development with established areas;
- e) universal access to public areas;
- f) conservation of heritage buildings and structures;
- g) protection of the natural environment and processes;
- h) a compact, walkable, bikeable and well connected community;
- i) a range of choices for housing and transportation ;
- j) mixed-use nodes and corridors;
- k) complete streets for all users;
- l) building design to support street life.

4.3. The Natural Environment

St. Catharines is located between Lake Ontario and the Niagara Escarpment, with numerous creek systems and environmentally sensitive natural areas. In the urbanized areas, the relationship to these natural features and areas will be enhanced through a thoughtful approach to their conservation, visibility, and accessibility.

1. The natural features and areas of the City will be connected to the surrounding environment by improving physical and visual access from adjacent public spaces and by designing these to create connectivity and enhance a comprehensive, interconnected and safe open space network.

2. The enjoyment of the valleys and ravines will be protected and enhanced by ensuring that adjacent development, particularly from building height and massing, will protect for views and vistas.

3. Development and redevelopment activities will be designed to be compatible in scale and character with natural features and areas, and enhance the visual qualities and public enjoyment of those features and areas.

4. Site design and planning will consider the existing topography and the preservation and enhancement of vegetation, natural features and areas, open space, and naturalized areas. This includes:

- a) Ensuring that existing naturalized open space on lands proposed for development/redevelopment is retained to the maximum extent possible, and where retained, is allowed to regenerate with minimum intervention;
- b) Enhancing ecological stability by supporting the use of low maintenance landscape features and materials;
- c) Supporting the use of native plant species when creating new plant communities or when adding to existing native plant communities;
- d) Applying development standards designed to maximize retention of all woodlots and other natural features and areas;

5. Where they remain, the pleasant tree-lined streets of the older areas will be protected and where trees have to be removed, they will be replaced as soon as possible.

6. A program of tree planting, preservation, and landscaping will be undertaken so that all areas are provided with trees and other vegetation to maintain a high standard of amenity and appearance, with specific emphasis given to the Urban Growth Centre and Intensification Areas, as set out on Schedule D ‘Municipal Structure’, at the time of infrastructure renewal and reinvestment.

7. In all public works, trees should be retained and when trees must be lost to accommodate the works, they will be replaced as soon as possible by other trees of sufficient maturity and in sufficient numbers to enhance the appearance of the public works.

8. Where development or redevelopment may necessitate the loss of existing trees or vegetative planting on a public right-of-way, they will be replaced and relocated on the public right-of-way in the immediate vicinity of the affected lands, to the satisfaction of the City or the Region of Niagara, and at the cost of the proponent.

4.4. The Public Realm

The public realm – the streets, parks, squares, public buildings, and open spaces, is a critical component of city life, drawing people together and providing the setting for festivals, cultural events, and recreational and leisure activities, as well as for daily casual contact. They create strong social bonds and help establish our public identity.

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

- a) the introduction or improvement of linkages where existing areas are inadequately connected to each other or between public places;
- b) improvements to streetscapes, including pedestrian-scale lighting, bicycle facilities, street furniture, signage, landscaping, and enhanced active transportation wherever road improvements occur;
- c) naturalization opportunities including the use of native species of trees in development of open spaces;
- d) the placement of a broad range of art works in publicly accessible and visible locations;
- e) roadway design to maximize the preservation and maintenance of natural features and the development of complete streets;
- f) the protection and enhancement of major vistas, gateways, and scenic routes;
- g) measures to mitigate light trespass and glare to minimize the effects of sky glow.

2. Public buildings will be located and designed to promote their public status on prominent, accessible sites. Public space associated with public buildings will be designed to accommodate a variety of public functions.

3. Where feasible, major public and private development projects will be required to incorporate public spaces, bicycle facilities and sidewalks to support connections to the City’s pedestrian, bike and transit network.

4. Wherever feasible, utilities will be placed underground and/or designed to minimize negative impacts, maintain existing area character, and enable further aesthetic improvements such as boulevard trees planting.

Consideration shall be given to the location of utilities within the public rights of way as well as on private property. Utilities shall be clustered or grouped where possible to minimize visual impact. The City encourages utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters, etc. when determining appropriate locations for large utility equipment and utility cluster sites.

5. The City’s Urban Design Guidelines shall identify certain locations as design priority areas given their importance as growth areas, major activity areas, or prominent focal points. These areas will include:

- a) Downtown and the Urban Growth Centre
- b) Intensification Areas as set on Schedule D ‘Municipal Structure’.
- c) City and neighbourhood nodes, gateways, and traditional main streets as identified in the City’s Urban Design Guidelines.
- d) major activity centres and mixed use areas.
- e) major vistas, landscapes

6. Design features for the design priority areas identified in Part C, Section 4.4.5 above will be established through the City’s Urban Design Guidelines and may include but are not limited to decorative lighting, public art, distinct signage, wider sidewalks, boulevard and median treatment and planting, traffic calming, entrance features, and enhanced pedestrian surfaces to support the achievement of complete streets.

4.5. Built Form

Built form refers to the arrangement of buildings and their relationship to each other, and to the natural environment. It plays a large role in defining the character of an area. New

<p>development in St. Catharines will primarily be by way of intensification and redevelopment, and urban design will have a significant impact on how the new development will fit with established areas. Compatibility of development does not necessarily mean the same as or similar to existing buildings in the vicinity, but rather that new development respects and enhances the existing character and context of an area. Where there is no discernable character, new development will set the standard for future development.</p> <p>1. As a basis for evaluating compatibility and for achieving design excellence, development/redevelopment will be designed in a manner that reflects the principles established in Part C, Section 4.1 of this Plan and that maximizes compatibility with the surrounding area in terms of the following matters:</p> <ul style="list-style-type: none">a) Building scale, height, gradation of height, and massing.b) Spacing of buildings.c) The level and visibility of the ground floor relative to exterior graded) Roof form and pitch, together with any other structures on the roof.e) The placement, number, type and proportion of doors and windows.f) Use of materials, textures, and colours.g) Continuity in the provision, location, and linkage of amenity, open space, and green corridors.h) Preservation and enhancement of significant views and vistas.i) Retention of natural vegetation and other distinctive landscape or streetscape features.j) The overall scale of the development as it relates to the surrounding area. In this regard, factors contributing to compatibility include avoiding long unbroken expanses of walls; creating relief in walls; the use of varied colours, textures, types, qualities and patterns of finish materials; roofline articulation.k) Mitigating light trespass and glare and to minimize the effects of sky glow.l) Mitigating wind, sun shadow impacts. <p>2. Development/redevelopment will locate parking, service areas, and utilities to minimize the impact on the property, surrounding area, and the environment by:</p> <ul style="list-style-type: none">a) Consolidating and minimizing the width of driveways and curb cuts.b) Providing underground parking or parking structures where possible.c) Limiting surface parking between the front and flanking face of a building and the public street.d) Providing perimeter landscaping as well as landscaped interior islands.e) Using permeable pavement systems or other low impact development practices.f) Connecting parking areas to the street through safe, landscaped pedestrian walkways.g) Integrating utilities as part of the building and site design, where feasible.h) Ensuring safety for active transportation. <p>3. Development/Redevelopment may be required to provide amenities for adjacent streets and open spaces such as street furniture, bicycle parking facilities, trees, signage, and lighting to ensure they are fully integrated into the surrounding neighbourhood.</p> <p>4. Major development/redevelopment proposals shall be required to prepare an urban design scheme (site plans, building elevations, context plans, and other studies) to determine impacts on the physical compatibility of the surrounding area and on the long term development or redevelopment potential of the area.</p> <p>4.6. Universal Access</p> <p>Universal access means providing a broad range of users with varying needs the opportunity to move through the City independently with as few obstacles, physical and psychological, as possible.</p> <p>1. New buildings, the retrofitting of existing municipal buildings and public spaces shall be designed to foster and support accessibility by all citizens. The full range of abilities of all ages and users shall be considered in the design of the built environment.</p> <p>2. The travelled portion of pedestrian and bicycle routes shall be kept free from obstructions or projections of street furniture, fixtures, or buildings.</p> <p>3. Barrier-free features shall be well-integrated within the functional and aesthetic design composition, including but not limited to:</p> <ul style="list-style-type: none">i) ensuring appropriate driveway and sidewalk height to length ratios to support safe accessibility and travel for all;ii) requiring sidewalk curb cuts at all intersections;iii) requiring paving changes be incorporated at grade changes and intersections;iv) requirements for accessibility parking spaces;
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v) encouraging other features appropriate to ensure that barrier free design is provided.

The City may prepare specific design guidelines for accessibility to ensure that accessible design initiatives are considered in the evaluation of development and redevelopment proposals.

4.7. Personal Safety

Design, through sensitive site layout, location of public spaces and road design, can have a significant influence on the safety of an environment based on the “eyes on the street” philosophy.

- 1. Publicly accessible spaces shall be located near public roads, transit stops, or other public spaces in order to allow public surveillance.
- 2. Adequate lighting shall be provided in concealed areas or those areas where visibility may be poor.
- 3. Views shall be provided into, out of, and through publicly accessible spaces.
- 4. Access points from public and public accessible spaces shall be clearly identified.
- 5. Public spaces shall be designed to encourage a variety of activities on a daily, weekly, and seasonal basis.

4.8. Landscaping

Landscaping has a number of significant roles to play in creating interesting and functional places.

- 1. Landscaping design shall:
 - a) enhance the visual appeal of development.
 - b) buffer unsightly areas or uses that are incompatible.
 - c) promote the use of native species.
 - d) provide seasonal variation in form, colour, texture, and representation.
 - e) promote human scale and create an attractive environment for pedestrian movement.
 - f) assist in energy conservation.
 - g) mitigate the effects of inclement weather.
 - h) preserve and compliment existing natural landscape.
- 2. Appropriate buffering will be required between all uses of land where there may be a conflict and where one use may detract from the enjoyment.

6. ACHIEVING A SUSTAINABLE CITY

6.1. General Policies

- 1. The City shall develop an Integrated Community Sustainability Plan that will provide guidance for the development or alignment of all municipal plans, policies and decisions under one integrated decision-making framework.
- 2. The City shall support sustainable development through land use and development patterns that:
 - a) Promote compact form and a structure of nodes and corridors, and which directs development, redevelopment and intensification primarily to the Downtown Urban Growth Centre and Intensification Areas as set out on Schedule D ‘Municipal Structure’.
 - b) Promote the use of public transit and other alternative transportation modes among residential, employment and commercial areas, and other activity centres;
 - c) Promote development/redevelopment throughout the City’s Urban Area on sites that are or will be well served by public transit, with particular emphasis on the Downtown Urban Growth Centre and Intensification Areas as set on Schedule D ‘Municipal Structure’.
 - d) Promote design and orientation that maximizes the use of alternative or renewable energy sources, such as solar and wind, and the mitigating effects of vegetation.
- 3. All of the City’s sustainable development principles shall be considered when reviewing applications for development, public works, and capital expenditures.
- 6. In making decisions about planning, development, and conservation, within the sustainability framework, the City shall employ an ecosystem approach

<p>addressing:</p> <ul style="list-style-type: none">a) The interrelationships among air, land, water, plant and animal life, and human activities;b) The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions;c) The long term and cumulative impacts on the ecosystem. <p>7. Development should maintain, enhance, or restore ecosystem health and integrity.</p> <p>8. The City will collaborate with Niagara Region, the Niagara Peninsula Conservation Authority and other appropriate stakeholders, in developing and maintaining an environmental data base and monitoring program to assess ecosystem health and integrity and recommend improvements, where necessary, to this Plan.</p> <p>6.2. Corporate Policies</p> <p>1. The City shall require all new major municipal buildings to achieve a LEED silver rating or equivalent, where feasible.</p> <p>2. The City shall establish an environmental sustainability policy and related procedures such as a sustainable green purchasing procedure and a sustainable green fleet procedure.</p> <p>3. The City shall require all municipal renovation and retrofitting, including the adaptive reuse of heritage buildings for public use, to incorporate sustainable building techniques wherever feasible.</p> <p>4. The City shall consider the installation of green or light reflecting roofs in the feasibility and design phase of all new municipal buildings.</p> <p>5. The City shall consider the installation of solar panels, geothermal heating/cooling systems and other sustainable energy practices in the feasibility and design phase of all new municipal buildings.</p> <p>6.3. Energy Efficiency/Generation</p> <p>3. The City shall promote innovative subdivision and site plan design that minimizes energy consumption through road design and lot layouts which maximize passive solar energy opportunities and other alternative energy sources.</p> <p>6.5. Water Resources</p> <p>1. Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts on:</p> <ul style="list-style-type: none">a) The quantity and quality of surface and ground water;b) The functions of ground water recharge and discharge areas, aquifers and headwaters;c) The natural hydrologic characteristics of water courses such as base flow;d) The natural drainage systems, streams, forms and shorelines;e) Flooding or erosion;f) Surface or ground water resources adversely impacting on the ecological function of natural hazards and heritage as set on Schedule F2 'Natural Hazard Lands' and Schedules F3 and F4 'Natural Heritage' of this Plan. <p>2. Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to water supplies so that the safety and quality of drinking water will be protected and improved.</p> <p>4. A Stormwater Management Plan prepared by a qualified engineer, and based on sediment and erosion control guidelines from the Niagara Peninsula Conservation Authority (NPCA), as amended from time to time, may be required with an application for development, redevelopment or site alteration depending on:</p> <ul style="list-style-type: none">a) The scale and nature of the proposal.b) Site specific environmental conditions. <p>The City, in conjunction with the Region, the Niagara Peninsula Conservation Authority (NPCA) and other authorities will determine the need for such a plan as part of the complete application process. Stormwater Management Plans will be required to consider alternative approaches to traditional stormwater management such as Low Impact Development practices as noted in Part D, Section 7.1 g) of this Plan.</p> <p>6.6. The Urban Forest</p> <p>4. Planning applications shall integrate natural features and natural vegetation,</p>

<p>including the planting of native species, into development plans.</p> <p>5. The City shall ensure that appropriate space for tree protection and tree planting within road rights-of-way are included in the design of new roads and road improvements.</p>
<p>PART D: LAND USE POLICIES</p> <p>7. GENERAL POLICIES</p> <p>7.1 Development / Redevelopment Development and redevelopment within the Urban Area shall be evaluated having regard for the following:</p> <p>a) Support for safe, accessible and connected active transportation linkages within and between residential neighbourhoods, other activity centres, uses, and the City's public realm and open space network.</p> <p>b) Opportunities to create or enhance public places, active transportation linkages, facilities and gateways.</p> <p>c) Building, site and streetscape context sensitive design to ensure:</p> <p>i) Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;</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>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>iv) Adequacy of lot size, access, on-site facilities and outdoor amenity areas to accommodate use;</p> <p>v) Provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.</p> <p>d) The preservation, conservation, enhancement and integration of natural and cultural heritage features, landscapes and identities.</p> <p>e) Opportunities to support and improve connectivity and accessibility to public transit and active transportation, including carpooling and carsharing.</p> <p>f) Treatment of existing topographic and vegetative features, and greening and landscaping opportunities.</p> <p>g) The best use of existing resources, infrastructure and service capacity. Development/redevelopment will only be permitted where there is adequate municipal water and wastewater service, waste management, and public service facilities. Compatible and practical on-site renewable water, waste and energy management techniques and design are encouraged, including Low Impact Development (LID) practices.</p> <p>h) Surface parking areas should be minimized and shared parking areas, standards and access shall be encouraged where compatible, and adequate and appropriate for intended level of service. Parking areas and access should be designed to optimize greening opportunities, and to support reduction of heat islands, sustainable storm water management, limited access points to public roads, and provide for safe and friendly active transportation circulation.</p> <p>i) Development will only be permitted where the sustainable transportation system is adequate to accommodate anticipated traffic volumes, generation, circulation and use.</p> <p>j) Land assembly and configuration will not detract from the potential development or redevelopment on adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential.</p> <p>k) Alternative and innovative lottage patterns are supported provided that compatible street, building and site context sensitive design with adjacent properties and the surrounding neighbourhood can be achieved; and adequate and maintained access to a public road is provided and ensured.</p> <p>l) Direct vehicular access from individual properties to the Welland Canals Parkway is not permitted.</p> <p>7.2 Contaminated Sites</p> <p>ii) On all lands known or suspected of potential environmental hazards, the City shall require, prior to consideration of approval for development /redevelopment or site alteration, appropriate studies to assess potential hazards. Protective or mitigating measures may be applied to the subject lands, subject to study evaluation and Provincial standards. A record of site condition may be required.</p>

- iii) On all lands subject to Official Plan or Zoning By-law amendment or Subdivision approval, an environmental site assessment from the proponent will be required as a condition of approval, identifying that the site has been investigated and found to be free from contamination subject to Provincial standards. A record of site condition may be required.
Where hazards are identified, they shall be subject to appropriate studies, and protective or mitigating measures may be applied.
- iv) The City may, in accordance with City procedure, require for all lands conveyed or dedicated to the City, or purchased by the City, the submission of documentation from a qualified professional indicating the lands have been investigated for contaminants and are in accordance with Provisional standards for the intended use. A record of site condition may be required.
- v) All environmental and legal requirements, including but not limited to soil or water studies, audits, and satisfactory mitigating and engineering measures, are the sole responsibility of the developer.

7.6 Special Study Areas – Notwithstanding the general land use policies of this Plan, certain lands may be set out as a ‘Special Study Area’ in accordance with Part F, Section 16.20. A ‘Special Study Area’ is subject to future study by the City or by development proponents to determine and implement appropriate land use designations and/or policies to guide future development, redevelopment or intensification in the affected area(s). Special Study Areas are set out in Part E, District Plans. District Plans may also set out the general vision and parameters as the basis of future study. Until such time as revised land use designations and/or policies have been implemented by amendment to this Plan, the underlying land use designations and applicable policies established in this Plan will apply.

8. NEIGHBOURHOOD RESIDENTIAL

8.1. Residential Use Designations

1. Low Density

The Low Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

2. Medium Density

The Medium Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

3. High Density

The High Density residential designation permits triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally 85 units per hectare of land or greater.

8.2. General Policies

1. Residential development, redevelopment and intensification will be integrated within Low, Medium and High Density residential designations having regard for Part D, Section 7 and all other policies of this Plan.

2. New Medium and High Density development sites may be permitted in the Neighbourhood Residential designation by way of zoning by-law amendment, provided:

- a) the permission represents only a change from low to medium density residential, or medium to high density residential, as defined in Part D, Section 8.1 above;
- b) the subject lands are located on arterial or collector roads, in close walkable proximity and accessibility to commercial centres, community facilities and parks, are well served by public transit and should most appropriately be located adjacent to or in close proximity to existing medium or high density residential sites;

Any proposal for new medium or high density residential development will be evaluated having regard for urban design principles and policies set out in this Plan to ensure building, site and streetscape design will support compatible and context sensitive development with adjacent properties and those in close proximity to the subject lands; and, may be subject to studies as set out in Part F, Section 16.16 of this Plan.

Through regular monitoring of this Plan, the subject lands will be appropriately designated in Part E ‘District Plans’, and subject to the applicable policies established for that designation.

3. Apartments are permitted on arterial roads in low density residential designations, subject to zoning by-law amendment, having regard for the density and height provisions established in Section 8.1.1. Any such proposal will be evaluated having regard for urban design principles and policies set out in this Plan to ensure building, site and streetscape design will support compatible and context sensitive development with adjacent properties and those in close proximity to the subject lands, and may be subject to studies as set out in Part F, Section 16.16 of this Plan.

4. New residential development may be subject to Provincial guidelines to ensure adequate minimum distance separation from designated employment lands.

8.3 Ancillary Uses

The Neighbourhood Residential designation also permits elementary and secondary schools, places of worship and other local public serving institutional uses, neighbourhood commercial uses, home based business, parks and open space uses.

1. Parkland and open space uses are permitted by way of zoning by-law amendment where they are compatible with the residential environment.

2. Elementary and Secondary Schools, places of worship and other local public serving institutional uses are permitted subject to zoning by-law amendment where:

- a. Compatible with the surrounding residential environment, and where potential negative impacts such as noise, odours, emissions, litter, and traffic generation are not excessive in relation to the predominant use;
- b. Located in areas appropriate and accessible for the intended level of service; In close walkable and bikeable proximity to public transit service;
- c. The transportation system is adequate to accommodate anticipated traffic volumes and circulation.

- i) Low, medium or high density residential standards are set out in Part E ‘District Plans’ to establish residential development parameters on existing school and place of worship sites where redevelopment for residential purposes may be proposed. Medium density residential standards will generally apply to those properties located on arterial or collector roads.
- ii) Policy 8.3.2 i) above should not be construed as the City supporting the redevelopment or relocation of existing elementary and secondary school sites. This Plan supports the retention of existing elementary and secondary school sites recognizing the integral role of these schools in providing essential and accessible community and neighbourhood facilities and resource, and in providing neighbourhood focus and identity.

3. a) Local Neighbourhood Convenience Commercial Centres cater to the day to day convenience needs of nearby local residents and may include small scale retail and service commercial, office, institutional and indoor recreation uses, and residential dwelling units. New Local Neighbourhood Convenience Commercial Centres, or the expansion of existing Centres onto adjacent properties may be permitted subject to zoning by-law amendment and will be evaluated based on the following criteria:

- i) compatible with surrounding residential environment;
- ii) total site size of the centre should not exceed 0.4 hectares of land;
- iii) total gross leaseable floor area for commercial uses should not exceed 930 square metres;
- iv) total gross leaseable floor area per individual commercial use should not exceed 370 square metres;
- v) the centre shall be located at the intersection of arterial or arterial and collector roads, central to it’s intended service area, have an intended service radius of not more than 0.8 kilometres and should not be located within this distance from a Commercial land use designation.
- vi) residential units should be provided where gross leaseable commercial floor area exceeds 370 square metres, and in a manner not to detract from the primary convenience commercial function of the centre.
- vii) auto related uses, excluding a gas bar, are not permitted.

b) Residential intensification of local neighbourhood convenience commercial centres is encouraged where it does not detract from the primary convenience commercial function of the centre.

Any application to increase the size of a centre beyond 0.4 hectares of land and/or 930 square metres in gross leaseable floor area will only be considered where such application includes development of residential dwelling units.

<p>c) Notwithstanding Section 8.3.3 b) above, minor boundary adjustments to a local neighbourhood convenience commercial centre may be permitted where deemed to be consistent with, and not contrary to the intent of Section 8.3.3 a) and b) above.</p> <p>4. Small scale local convenience commercial uses are permitted in higher density residential apartment and long term care complexes where sized, designed and intended to primarily serve the residents of the complex. The combined size of all convenience commercial uses should not exceed 5% of the total residential gross floor area of the complex, and shall not include auto related uses.</p>
<p>9. COMMERCIAL</p> <p>9.1. It is expected that the commercial areas designated in this Plan are sufficient in number, size and location to serve the commercial needs of area residents throughout the Plan time horizon. The expansion of commercial designations is discouraged. Intensification, redevelopment and reuse of existing commercial designations is intended to be the primary means of accommodating new or expanded commercial facilities. The City may require a commercial market study and other studies as set out in Part F, Section 16.16 of this Plan in consideration to expand or establish new commercial designations.</p> <p>9.2. Commercial Use Designations</p> <p>1. Major Commercial</p> <p>Major Commercial Centres are primarily intended to provide for major concentrations of commercial facilities to support shopping opportunities to serve and attract a city wide and broader regional population base and market.</p> <p>a) Permitted Uses A range of commercial uses are permitted, excluding auto dealerships and adult oriented uses. Other uses permitted include institutional, civic, cultural, indoor recreation, entertainment, and residential apartment dwelling units.</p> <p>b) Major Commercial Centres:</p> <ul style="list-style-type: none">i) are to be located on arterial roads with close proximity and adequate and accessible access to 400 series Provincial highways;ii) shall be developed and designed in campus and nodal format, occupying one or more properties functioning as a singular site or node, and may include lands on other quadrants of an intersection;iii) shall be designed to ensure:<ul style="list-style-type: none">a) integrated, common and shared access and parking, where feasible;b) strip or linear development and access points along arterial roads are minimized;c) adequate on-site parking is provided to accommodate all uses;d) safe internal vehicular traffic circulation, and to minimize traffic impacts on adjacent roads and uses;e) safe, connected, convenient, accessible and barrier free pedestrian and bike networks within and adjacent to the site development;f) common landscaping and design features;g) on- site and internal parking area landscaping and greening opportunities, and in support of pod parking design;h) that loading areas, outside storage not intended for retail display and sale of merchandise, and waste management facilities will be located away from, and screened from view from on-site pedestrian and vehicular activity areas; and screened from view from other on-site uses, internal and external roads, pedestrian use activity areas, and adjacent properties and uses not part of the site development;i) context sensitive building, site and streetscape design to support compatible development between on-site uses, and with adjacent properties and uses not part of the site development, including building form, scale, massing, height, setbacks, spacing, siting, orientation, facades, architectural materials, buffering, screening, landscaping;j) well defined and clearly articulated street edges.iv) are to be well served by public transit and will incorporate convenient and accessible transit transfer, arrival and departure facilities to serve as a major transit depot.<ul style="list-style-type: none">v) outside storage areas intended for retail display and sale of merchandise will be regulated through the implementing zoning by-law to ensure ancillary use, minimize negative impacts on pedestrian, bike, transit and vehicular circulation, and to enhance building, site and streetscape context sensitive design. <p>c) To support the primary function for city wide and regional population based shopping opportunities, the following applies:</p> <ul style="list-style-type: none">i) the Major Commercial Centre shall be at least 25 hectares of land in size

- and have a minimum total gross leaseable retail commercial floor area of 47,000 square metres;
- ii) non-retail uses should be limited in size and scale to protect the primary function of the Centre for shopping purposes;
- iii) residential uses shall be located in freestanding buildings or in upper storeys of commercial buildings, and will provide adequate exclusive outdoor amenity space for residents;
- iv) local office uses should not exceed 20 % of total gross leaseable retail commercial floor area.

d) The full range and scale of uses permitted in a Major Commercial Centre may not be allowed in all locations so designated. The precise range and scale of permitted uses on individual sites within the Major Commercial designation may be stipulated in District Plans or the implementing zoning by-law, and may be subject to impact studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, use compatibility, traffic, parking, market analysis, and building and site design.

e) Any application to establish a new centre or to expand an established centre beyond existing property limits will require an amendment to this Plan, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, market analysis, land use compatibility and traffic.

2. Community Commercial

Community Commercial Centres are to be spatially dispersed throughout the Urban Area, primarily intended to provide concentrations of commercial facilities to support day to day and weekly shopping and service needs for the local surrounding community population.

a) Permitted Uses

A range of commercial uses are permitted, excluding auto dealerships, adult oriented uses and hotels. Other uses permitted include institutional, civic, cultural, indoor recreation, entertainment and residential apartment dwelling units.

b) Community Commercial Centres:

- i) are to be located at the intersection of arterial roads and well served by public transit service;
- ii) are subject to Section 9.2.1 b) ii), iii) and v);
- iii) shall generally not exceed a total gross leaseable floor area of 30,000 square metres for all uses except residential, and non retail/service commercial uses should be limited in size and scale to protect the primary function of the Centre for the provision of shopping and service commercial facilities;
- iv) shall limit the size of individual uses in a manner to support a diversity and mix of uses within the Centre;
- v) residential uses shall be located in freestanding buildings or in upper storeys of commercial buildings, and will provide adequate exclusive outdoor amenity space for residents;

c) In recognizing the diversity in size of established and designated Community Commercial Centres, the permitted size of centres shall generally range between 2 hectares and 12 hectares of land.

The full range and scale of uses permitted in Community Commercial Centres may not be allowed on all properties so designated. The precise range and scale of uses permitted on properties designated Community Commercial may be stipulated in District Plans or the implementing zoning by-law, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, use compatibility, traffic, parking, market analysis, and building and site design.

d) Any application to establish a new centre or to expand an established centre beyond existing property limits will require an amendment to this Plan, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, market analysis, land use compatibility and traffic.

3. Arterial Commercial

Arterial Commercial designations are primarily intended to provide a range of service commercial uses, and uses to serve the travelling public and the automobile using consumer, and will be established only in a very limited number of suitable locations along arterial roads.

a) Development of Arterial Commercial properties is encouraged through campus format, occupying one or more properties functioning as a singular site, and will be evaluated pursuant to Section 9.2.1 b) iii).

b) Permitted Uses
Permitted uses include retail and service commercial uses, excluding large scale retail food stores and adult oriented uses. Other uses permitted include institutional, office, civic, cultural, and indoor recreation uses.

i) Office uses shall generally not exceed a maximum 10 % of permitted total gross leaeable floor area on the property.
ii) Outside storage areas intended for retail display and sale of merchandise will be regulated through the implementing zoning by-law to minimize negative impacts on adjacent or adjoining properties, on pedestrian, bike, transit and vehicular circulation, to enhance building, site and streetscape design, landscaping opportunities, and to support well defined and clearly articulated street edges.

c) The full range of arterial commercial uses permitted may not be allowed in all locations so designated. The precise range and scale of permitted uses on individual sites within the Arterial Commercial designation may be stipulated in District Plans or the implementing zoning by-law, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, use compatibility, traffic, parking, market analysis, and building and site design.

Any application to expand an existing, or establish a new Arterial Commercial designation will require an amendment to this Plan, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including but not limited to use compatibility, traffic, parking, market analysis, and building and site design.

12. MIXED USE

12.1. General Policies

Lands currently designated mixed use, or to be developed or redeveloped for mixed use, are subject to the following:

i) Are to be developed to support minimum densities of 100 people and jobs per hectare of land;
ii) Work Live Accommodation is permitted, and encouraged to locate in campus format to support integrated and shared support services and business incubation opportunities.
iii) Retail and service commercial uses will only be permitted on the ground floor;
iv) The development or redevelopment for commercial, institutional and recreational buildings generally in excess of 930 square metres of gross floor area shall only be permitted in combination with residential units. Commercial, institutional and recreation buildings shall generally not exceed 1860 square metres in gross floor area;
v) Height will be restricted to ensure street animated development, and to recognize the character of surrounding neighbourhoods. Building height will be stepped back to support street animated development and protect adjacent neighbourhoods from intrusive development. The height of buildings will generally not exceed 20 metres;
vi) Parking requirements may be minimized, and shared parking and access is encouraged in order to reduce street front parking areas and support transit friendly development;
vii) All development will be of high quality design that considers the integration of new and existing buildings, connected building façade treatments and streetscape initiatives to ensure pedestrian first design principles and greening;
viii) Prohibited uses in the mixed use designation include vehicle sales and auto related service facilities. Gas bars and car washes may be permitted subject to zoning bylaw amendment;
ix) Recognizing the preferred mix of uses contemplated, the City’s urban design guidelines should be emphasized in the evaluation of all development, redevelopment and intensification opportunities.

13. GREEN SPACE

13.1. PARKLAND AND OPEN SPACE

4. Parkland Dedication

a) The City will, as a condition of development, redevelopment or subdivision of land, require that land in an amount not exceeding, in the case of land proposed for commercial and employment purposes, 2 % and in all other cases 5 % of the land proposed for development, redevelopment or subdivision be conveyed to the municipality for parks or other recreational purposes, pursuant to the provisions of the Planning Act.
b) In the case of development, redevelopment or subdivision of land proposed

- for mixed use purposes, the conveyance of land shall be calculated at 2% for commercial or employment uses, and 5 % for all other uses.
- c) The City will use alternative requirements where dedication of parkland is greater than a) and b) above, pursuant to the Planning Act, as follows:
- i) for residential development:
- up to 40 units per hectare of land, park dedication will be calculated based on 1 hectare of land for every 300 dwelling units;
 - between 40 units and 80 units per hectare of land, parkland dedication will be calculated based on 1 hectare of land for every 400 dwelling units;
 - exceeding 80 units per hectare of land, parkland dedication will be calculated based on 1 hectare of land for every 500 dwelling units.
- d) Notwithstanding a) to c) above, not more than 30 % of any lands proposed for development or redevelopment shall be required for parkland dedication.
- e) Land conveyed to the City as parkland dedication will be expected to meet standards for location, size, drainage, grading, topography, and other criteria as outlined in the Parks Policy Plan and the policies of this Plan.
- f) The municipality will generally not accept the conveyance of lands for parkland dedication that are designated Natural Area or zoned for environmental protection, or that are to be designated Natural Area or zoned for environmental protection as part of the development approval process.
- g) Land conveyed to the City as parkland dedication in the Downtown will be taken, where suitable, to increase landscaped areas along the street front to enhance pedestrian circulation, opportunities for streetscape amenities, and to extend or establish special urban parks and active transportation routes.
- h) Lands conveyed to the City as parkland dedication on properties adjacent to the Lake Ontario waterfront will be taken, where suitable, as the lands on that portion of the property adjacent to the waterfront.
- i) The municipality encourages the provision of indoor and outdoor recreation and amenity space in the design of medium and high density residential developments. The provision of private open space and recreational and amenity space in medium and high density developments will be in addition to the requirements for parkland dedication.
- j) Cash-in- lieu of parkland dedication as set out in Section 13.1.4 a) to c) may be accepted by the municipality, pursuant to the Planning Act, where:
- i) required dedication of land would render the remainder of the site unsuitable or impractical for development or redevelopment;
 - ii) required dedication of land fails to provide an area of suitable shape, size, location or other criteria, including priority for land acquisition as set out in Section 13.1.3 of this Plan, and in the Parks Policy Plan.

PART E: DISTRICT PLANS
NORTH DISTRICT

15.1. NORTH DISTRICT

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

1. Schedule E1

- a) Auto dealerships shall not be permitted on lands designated Business Commercial Employment fronting on Secord or Nihan Drive.
- b) Notwithstanding Part D, Section 9.2.2 of the Plan, the following applies on the lands designated Community Commercial located to the west of Lakeport Road and north of Gertrude Street, and generally known as Port Dalhousie Commercial Core:
- i) a) an appropriate range and mix of medium or higher density residential housing, commercial, employment, institutional and indoor recreation uses are permitted, to support regional based tourist facilities to enhance the economic vitality of the area;
 - b) no ground floor residential dwelling units are permitted;
 - c) office uses which do not generate a significant amount of pedestrian traffic or require a ground floor location are encouraged to locate on upper floors;
 - d) retail functions are permitted on upper floors only where in conjunction with a ground floor commercial use.
- ii) In addition to Section 15.1.1 b) i) above, the following applies to the lands designated Community Commercial west of Lakeport Road, north of Lock Street, and specific to the lands described as Port Place lands and

- subject to the Ontario Municipal Board Final Orders issued on May 14, 2010, and August 3, 2010 with respect to Case No. PL060850:
- a) a multi-use commercial/residential building is permitted having a 17 storey height limit to a maximum of 62 metres, provided that:
 - i) the residential component is part of a multi-use commercial redevelopment scheme including retail, office, restaurant, hotel and theatre uses, and
 - ii) appropriate development standards are established in the related zoning amendment, site plan agreement, heritage easement agreement and any other approval or applicable development agreement, and
 - iii) a Holding (H) designation shall be applied to the residential component; and buildings and structures may be erected on the subject lands prior to the removal of the specific Holding (H) designation, however, the residential component shall not be used for residential purposes until such time as the provisions of the zoning by-law are met, including all conditions related to the Holding (H) conditions.
 - c) Lands located on the east side of Lakeport Road, west of Port Dalhousie Harbour, the following applies:
 - i) Notwithstanding the Community Commercial land use designation, the development or redevelopment of these lands permit an appropriate range and mix of medium and higher density residential housing, commercial, employment, institutional and indoor recreation uses to support regional based tourist facilities to enhance the economic vitality of the area.
 - ii) prior to development or redevelopment of the subject lands, an urban design study shall be undertaken by the proponent(s), to the satisfaction and approval of the City, to ensure implementation of appropriate design standards to support a connected public realm, protection for public access, vistas and views to the waterfront, and protection of cultural heritage amenities.
 - d) Mixed Use Intensification ‘Special Study Area’ as set out in Part F, Section 16.20
 - Lakeshore Road between Ontario Street and Geneva Street.
 - primary basis/focus for study: to establish an appropriate range of transit supportive medium and higher density housing opportunities with a mix of commercial, employment, institutional and recreation uses, pursuant to Part D, Section 12 of the Plan; and to establish urban design strategies to guide redevelopment and intensification.
 - e) Harbour industrial marine uses, excepting boat slips and administrative office, shall not be permitted on the west side of Port Dalhousie Harbour.
 - f) Port Dalhousie Residential Neighbourhood - Notwithstanding Part D, Section 8.1 of the Plan, for the applicable lands subject to Special Provision 7 in Zoning By-law No. 2013 -283, height of buildings should not exceed 9 metres.
 - g) Port Dalhousie Residential Neighbourhood - Notwithstanding Part D, Section 8.1 of the Plan, on lands bounded by Lake Ontario, Bayview Drive, Christie Street, and the rear lot line of properties fronting Considine Avenue, height of buildings should not exceed 7.5 metres.
 - h) Notwithstanding the Low Density Residential designation, business offices are permitted on lands known as 1-3 Lakeshore Road.
 - i) Notwithstanding the Low Density Residential designation, a medium density residential development consisting of one single detached dwelling and a 15 unit apartment building, for a maximum of 16 dwelling units, is permitted on lands known municipally as 6 and 10 Dalhousie Avenue.
 - j) Rowing facilities and associated uses are permitted on lands known municipally as 72 Henley Island Drive, and 60 Lakeport Road, subject to the policies in Part D, Section 13 of the Plan.
 - k) Notwithstanding Section 9.2.3 b) of this Plan, on lands known municipally as 300/302 Lake Street, office uses are permitted to a maximum 50 % of total gross leaseable floor area, and residential apartment units are permitted on the upper floor of the two storey building.

PART F: IMPLEMENTATION AND INTERPRETATION

16: IMPLEMENTATION

16.1 Official Plan

Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular

<p>application:</p> <ul style="list-style-type: none">i) the degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan;ii) consistency with Provincial and upper tier government plans, policies and legislation;iii) the availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use;iv) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;v) the potential of the proposal to cause instability within an area intended to remain stable;vi) the ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City;vii) the financial implications, both costs and revenues, to the City;viii) the degree to which approval of the amendment would establish an undesirable precedent. <p>16.2. Zoning</p> <p>1. Zoning by-laws shall be used to implement the policies of the Plan by regulating the use of land, buildings or structures in accordance with the Planning Act, and may be more restrictive than the provisions of the Plan. By-laws will establish the following criteria:</p> <ul style="list-style-type: none">a) Land use zones which will permit the type of development specified in the Planb) Development and performance standards appropriate to each type of usec) Any regulations needed to implement the intent of the Plan <p>2. Notwithstanding, in the area of the Niagara Escarpment Plan, certain lands are subject to Niagara Escarpment Development Control, as identified in Part F, Schedule F5. In these areas of Development Control, City zoning by-laws have no force or effect. Subject to Niagara Escarpment Regulations, permits are required from the Niagara Escarpment Commission for all new development in the Development Control Area.</p> <p>16.3. Holding By-Laws</p> <p>1. The City may, in a zoning by-law, affix an "H" in conjunction with any zoning category in order to limit or prevent the use of certain lands which are considered inappropriate or premature for immediate development.</p> <p>2. Where a holding designation is in effect, the lands shall generally be limited to existing uses or uses which will not prejudice the future development of these lands. In addition, no building or structure may be erected on the site until such time as an application has been approved by Council to remove the "H" symbol. The holding symbol shall not apply to minor accessory buildings and structures such as sheds, garages, or pools.</p> <p>3. Prior to enacting a by-law to remove the holding provision in accordance with the Planning Act, Council shall be satisfied that:</p> <ul style="list-style-type: none">a) Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, and roads can be provided;b) All necessary requirements of the city have been satisfied;c) All necessary development agreements have been entered into, and that the conditions of these agreements have been, or will be met;d) Development satisfies all other relevant policies of the Plan. <p>16.7. Site Plan Control</p> <p>1. All lands within the limits of the City shall be designated a proposed Site Plan Control Area.</p> <p>2. The City shall, by by-law, identify specific types of development subject to site plan control. It may also deem certain types of development exempt from site plan control.</p> <p>3. Unless an exemption is granted under Part F, Section 16.7.2, site plan approval shall be required for all of the following:</p> <ul style="list-style-type: none">a) All lands used, zoned or to be zoned for residential purposes, save and except lands used, zoned or to be zoned for residential buildings having less than 4 dwelling units.b) All lands used, zoned or to be zoned for commercial, employment, institutional, public or recreational purposes.

- c) All lands used, zoned or to be zoned for mixed-use purposes.
- d) All lands within the “Agriculture Area” which are used, zoned or to be zoned for:
 - i. Existing and expanded non-agricultural uses, except residences, where there is an enlargement of existing uses, as set out in Part D, Section 14.2.10.
 - ii. Wineries as set out in Part D, Section 14.2.2.
 - iii. Agriculture farm related commercial and industrial uses directly related to and serving the surrounding agricultural uses as set out in Part D, Section 14.2.4.
 - iv. Agri-tourism and value-added uses and activities greater than 93 square metres, as set out in Part D, Section 14.2.1, with the exception of bed and breakfast accommodation and uses set out in Part D, 14.2.1.b).
- e) All lands used for the purpose of public service by the Corporation of the City of St. Catharines and any Local Board or Commission thereof, as defined by the Municipal Affairs Act, and the Regional Municipality of Niagara and any Local Board or Commission thereof as defined by the Municipal Affairs Act.

4. No development shall be undertaken within a site plan control area designated in accordance with Section 16.7.3, until the City has approved drawings and/or agreements sufficient to ensure the matters set out Subsections 41(4) and 41(5) of the Planning Act as amended, including but not limited to:

- a) Matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design.
- b) Sustainable design elements within and adjoining a City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle facilities.
- c) Matters relating to the protection and continued function of natural areas, features and hazard lands.

5. As a condition of approval of the plans and/or drawings required in this section, the City may require the owner of the land to:

- a) Provide and maintain, to the satisfaction of and at no expense or risk to the City, the facilities, works, or matters set out in Section 41(7) of the Planning Act as amended.
- b) Enter into one or more agreements with respect to the provision and maintenance of such facilities, works, or matters.
- c) Enter into one or more agreements to ensure that the development proceeds in accordance with the approved plans and drawings as required by this Section.

16.10. Subdivision Control

1. All lands within the City shall be subject to subdivision control pursuant to the Planning Act. The provisions of the Planning Act, including subdivision agreements, will be used to ensure that the land use designations and policies of the Official Plan are complied with, and that a high standard of design is maintained in all development.

2. Only those plans of subdivision which conform to the following criteria will be recommended for approval.

- a) The plan of subdivision conforms with the policies of this Plan.
- b) Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and communications/ telecommunications infrastructure, and access can be provided.
- c) The City is able to provide necessary community services without imposing undue increases in taxation on all residents.

16.11. Lot Creation

1. Creation of lots shall only be effected through consent or plans of subdivision,

2. Consents to sever parts of lots as an alternative to a registered plan of subdivision will be discouraged and will only be permitted when such a plan would clearly not be needed to ensure the intent of applicable policies in this Plan are followed.

3. Consents to sever individual parcels of land will only be given where:

- a) It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.

- b) They contribute to the infilling of areas that are already substantially developed.
- c) The size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

4. Provisions for severing individual parcels of land within the Agriculture Area are found in the Agriculture policy section of the Plan.

5. It is the general intent of this Plan to provide for the severance of land or the creation of easements for public parks, open space and trails, where such consents do not result in the creation of additional building lots.

16.12. Non-Conforming Uses

1. A land use that does not conform to the zoning by-law, but which lawfully existed prior to the approval of the zoning by-law, is a non-conforming use. If such nonconforming uses ceases, then the rights derived from the non-conforming use shall terminate.

2. Non-conforming uses that are deemed to comply with the intent of the Plan may be zoned in accordance with their present use provided:

- a) The zoning does not permit any significant change of use or performance standards that will result in or aggravate any situation detrimental to adjoining land uses.
- b) It does not interfere with desirable development in adjacent areas that are in conformity with the Plan.

3. It is the intention and expectation that non-conforming uses shall eventually cease to exist and be replaced by uses that conform with the intent of the Plan and the zoning by-law.

4. In special circumstances, it may be appropriate to consider the extension or enlargement of non-conforming uses provided:

- a) the expansion or enlargement will not jeopardize the possibility of future development/redevelopment in their vicinity that may comply more closely with the intent of this Plan.
- b) special efforts are made to enhance the compatibility of the uses and to improve the amenity and design, more particularly buffering, landscaping, parking, and active transportation and vehicular circulation.
- c) the expansion or enlargement is directed to areas outside natural heritage and natural hazard lands.

5. Notwithstanding the provisions on extensions or enlargements of non-conforming uses, nothing will prevent the rebuilding or repair of any building or structure that is damaged or destroyed by fire or natural disaster subsequent to the adoption of this Plan provided:

- a) The dimensions of the building or structure that was destroyed are not increased.
- b) The use of the building is not altered.
- c) The building or structure is not located in a flood plain, unstable slope or erosion area.

6. However, where the area of the lot is sufficient, the new buildings or structures shall be located in conformity with the requirements of the zoning by-law.

Further, nothing shall prevent the upgrading to a safe condition any such building or structure provided such repair or alteration does not increase the size or height of the building or structure.

- a) Inadequacy of some or all hard services, including water, sanitary sewers, storm sewers, roads, lighting and sidewalks;
- b) A significant portion of the housing stock and other buildings are in need of maintenance, rehabilitation or redevelopment;
- c) An inadequate mix of housing types; inadequate affordable housing;
- d) The presence of non-compatible land uses;
- e) Inadequacy of social, recreational, open space and cultural facilities and services;
- f) Within commercial areas, there is deterioration in the appearance of building facades, inappropriate signage, inadequate parking facilities or inadequate pedestrian accessibility;
- g) Within employment areas, the inefficiency of employment sites, access to, from and within the employment areas, inadequacies of parking, loading and outside storage areas, conflicts with neighbouring uses or the presence of obsolete buildings;
- h) Areas where there is significant environmental contamination and areas of potential environmental contamination;
- i) Areas exhibiting environmental, social or community economic development problems

- j) Areas exhibiting natural hazard land or natural heritage deterioration or degradation;
- l) Improvement of housing and/or employment opportunities to support density targets established in this Plan for residential neighbourhoods, employment areas, mixed use areas, intensification areas and the Urban Growth Centre.

16.15. Committee of Adjustment

The Committee of Adjustment for the City of St. Catharines shall be guided by the general intent and purpose of this Plan and the implementing zoning by-law in making decisions on applications for minor variances.

16.16. Pre-Consultation and Complete Application Submission Requirements

1. Consultation with the City is required prior to the submission of an application for an Official Plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium, consent or site plan control, unless the Director of the Planning and Development Services Department or designate determines that preconsultation is not necessary based on the scale of the development or the complexity of planning issues associated with the proposed application.
2. Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application, development and planning issues, the need for additional information and/or report(s) to be submitted with the application, and the planning and approval process including the appropriateness of concurrent applications, where applicable.
3. Pre-consultation may also involve the Region of Niagara, the Niagara Peninsula Conservation Authority, or other agencies and adjacent municipalities that may have an interest in the application as determined by the City.
4. Pre-consultation shall be considered a requirement for the submission of a complete application.
5. Mapping, drawings, reports and technical studies shall be required to support any application requiring a Planning Act approval. The supporting information and materials required shall be determined by the City in consultation with the Region of Niagara, Niagara Peninsula Conservation Authority, other appropriate agencies, adjacent municipalities, and the applicant, prior to the submission of the application as part of the pre-consultation process.
6. In addition to the information and materials required under the Planning Act and any other legislation or regulation, additional information in the form of studies or assessments identified in Section 16.16.5 may be required to consider a planning application complete.
7. The additional information will be required as part of a complete application and shall be provided along with the prescribed information required under the Planning Act in order to ensure that all the relevant and required information pertaining to a development application is available at the time of submission to enable the City to make informed decisions within the prescribed time periods. It also ensures that the public and other stakeholders have access to all relevant information early in the planning process.
8. The additional information or material that may be required includes, but is not limited to the following:
 - a) Planning
 - justification report
 - land use needs assessment
 - economic study
 - market study
 - green space/trail needs assessment
 - financial impact assessment
 - b) Environmental Assessment
 - environmental assessment
 - environmental impact statement/study
 - soil, environmental audit, record of site condition
 - slope stability study
 - tree inventory and preservation study
 - energy assessment report
 - air quality report
 - natural features restoration plan
 - noise vibration, shadow, wind study
 - agriculture impact assessment
 - minimum distance separation
 - health impact assessment
 - hazard lands study
 - c) Servicing/Infrastructure

- servicing study
- grading and drainage plan
- stormwater management study
- hydrology, soils and/or geotechnical study
- sub-watershed study

d) Transportation

- traffic impact study
- parking demand analysis
- active transportation circulation plan
- transportation impact study
- transportation demand management plan

e) Urban Design/Culture

- archaeological impact assessment
- streetscape design study
- building elevations
- built form/site design
- cultural heritage study
- cultural heritage impact assessment
- landscape plan

9. The information and material submitted shall be in an electronic format along with a hard copy to the City to make this information readily available to the public and commenting agencies, and shall be prepared by a qualified professional to the satisfaction of the City, retained by and at the expense of the applicant. The City shall review all reports and studies and may also require a peer review by an appropriate public agency or by a professional consultant retained by the City at the applicant's expense.

10. The Director of Planning and Development Services or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the local municipality, the Region of Niagara, Niagara Peninsula Conservation Authority or any other public agency, the application may be deemed to be incomplete.

16.17. Processing Times

1. The City endeavors to process all development applications as expeditiously as possible. However, it is recognized that certain development proposals are complex and may require considerable time to fully review. As such, it is difficult to predict a consistent time frame for all proposals. Notwithstanding, the City of St. Catharines will attempt to process applications within the time frames provided for in the Planning Act as amended from time to time, provided all the necessary information has been provided by the applicant.

2. The City shall establish target timeframes for processing other types of planning applications for which the Province has not established time frames.

16.20. Special Study Areas

1. Certain lands or areas in the City may be set out as a 'Special Study Area'.

2. A 'Special Study Area' is subject to future study by the City or by development proponents to determine and implement appropriate land use designations and/or policies to guide future development, redevelopment or intensification in the affected area(s).

3. The general boundaries of a 'Special Study Area' will be identified on District Plans in Part E of this Plan, and may be more specifically identified at the commencement of the study process.

The general vision and parameters for study of the 'Special Study Area' will also be set out in Part E 'District Plans' of this Plan.

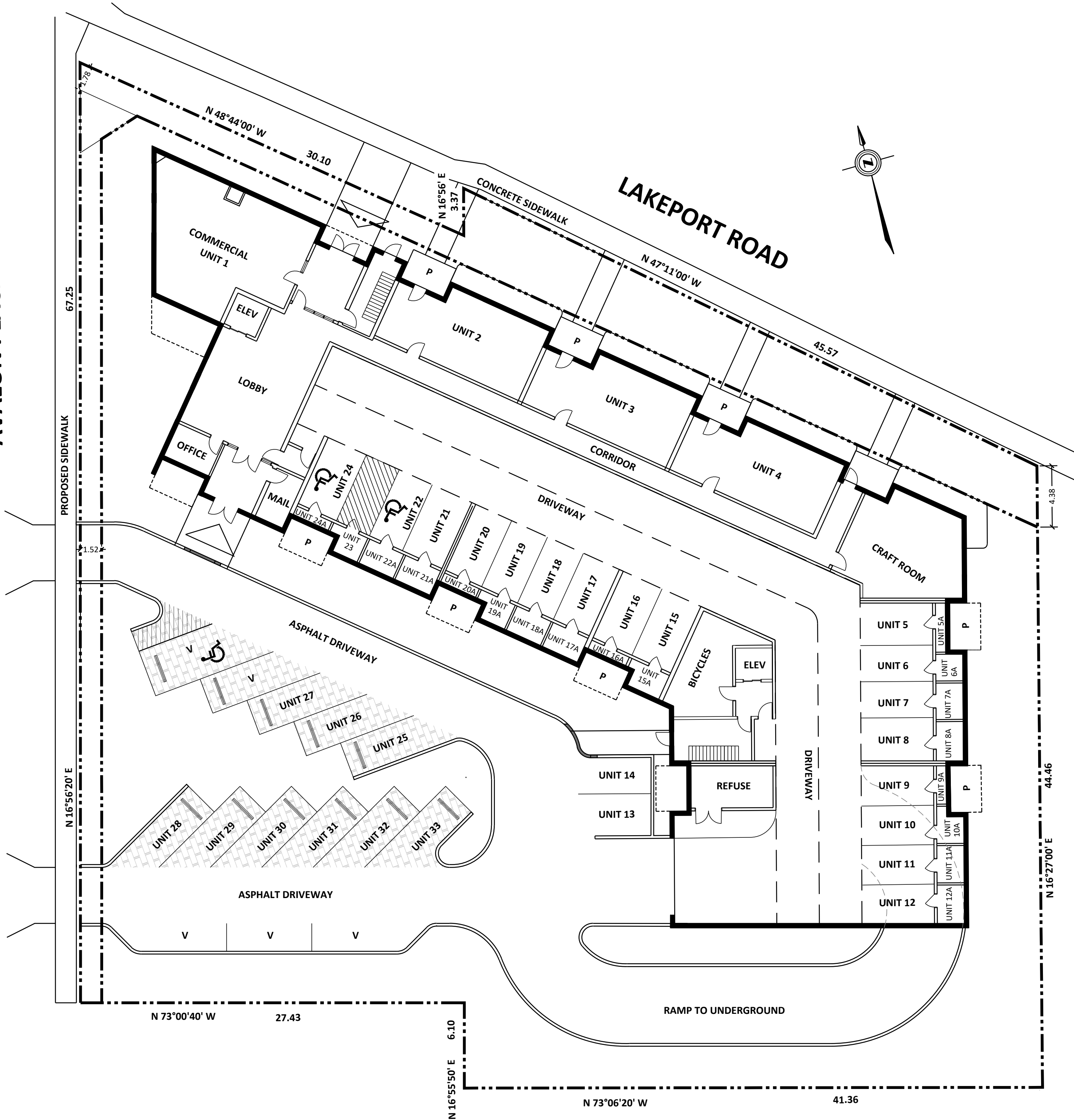
4. The Special Study will commence subject to an approved municipal works program or at such time as a major Official Plan Amendment, Zoning By-law Amendment or development application is brought forward affecting any lands within the Special Study Area.

The municipal works program will set out a priority phasing schedule for undertaking study of the Special Study Areas, to be reviewed on an annual basis. The priority phasing schedule will be based, in part, on the need to assess infrastructure and public service facility requirements and improvements necessary to support the general study vision and parameters set out for the specific study areas, and the overall growth strategy established in this Plan.

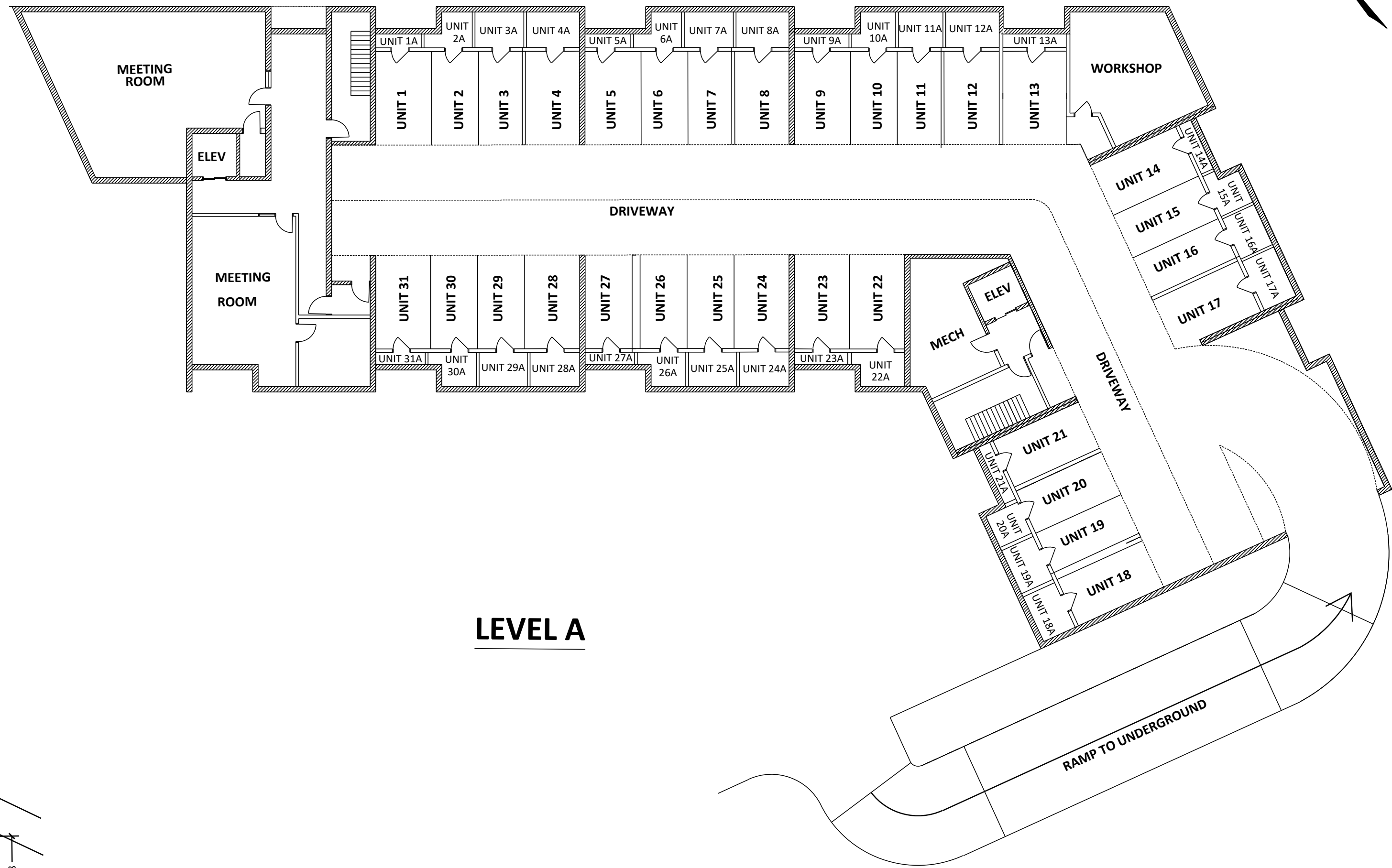
<p>5. Terms of Reference for the study of the Special Study Area will be prepared and are subject to the approval of City Council.</p> <p>6. The findings of the Special Study shall be implemented by Amendment to this Plan considered in relation to Part F, Section 16.1.</p> <p>Until such time as revised land use designations and/or policies have been implemented by amendment to this Plan, the underlying land use designations and applicable policies established in this Plan will apply.</p> <p>16.21. Exemption Status</p> <p>i) Where site plan approval, plan of subdivision or plan of condominium final approval, or draft plan of subdivision or condominium approval has been granted by the City prior to the final adoption of this Plan, such approval is exempt from the policies of this Plan only insofar as to the policies of this Plan that are directly applicable to the plan or draft plan approval, and where those applicable policies for approval are more restrictive in this Official Plan than policies in effect at time of approval.</p> <p>This policy does not apply to draft plan approvals granted prior to the final adoption of this Plan that have lapsed.</p> <p>ii) Where draft plan of subdivision or condominium approval has been granted prior to final adoption of this Plan, the City will generally not grant an extension of lapsing draft plan approval beyond 6 years from the date of final adoption of this Plan, unless it can be demonstrated that such draft plan meets the growth management strategy and policies of this Plan.</p>
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Planning & Development Consultants Ltd. 2018-09-05 10:23:33

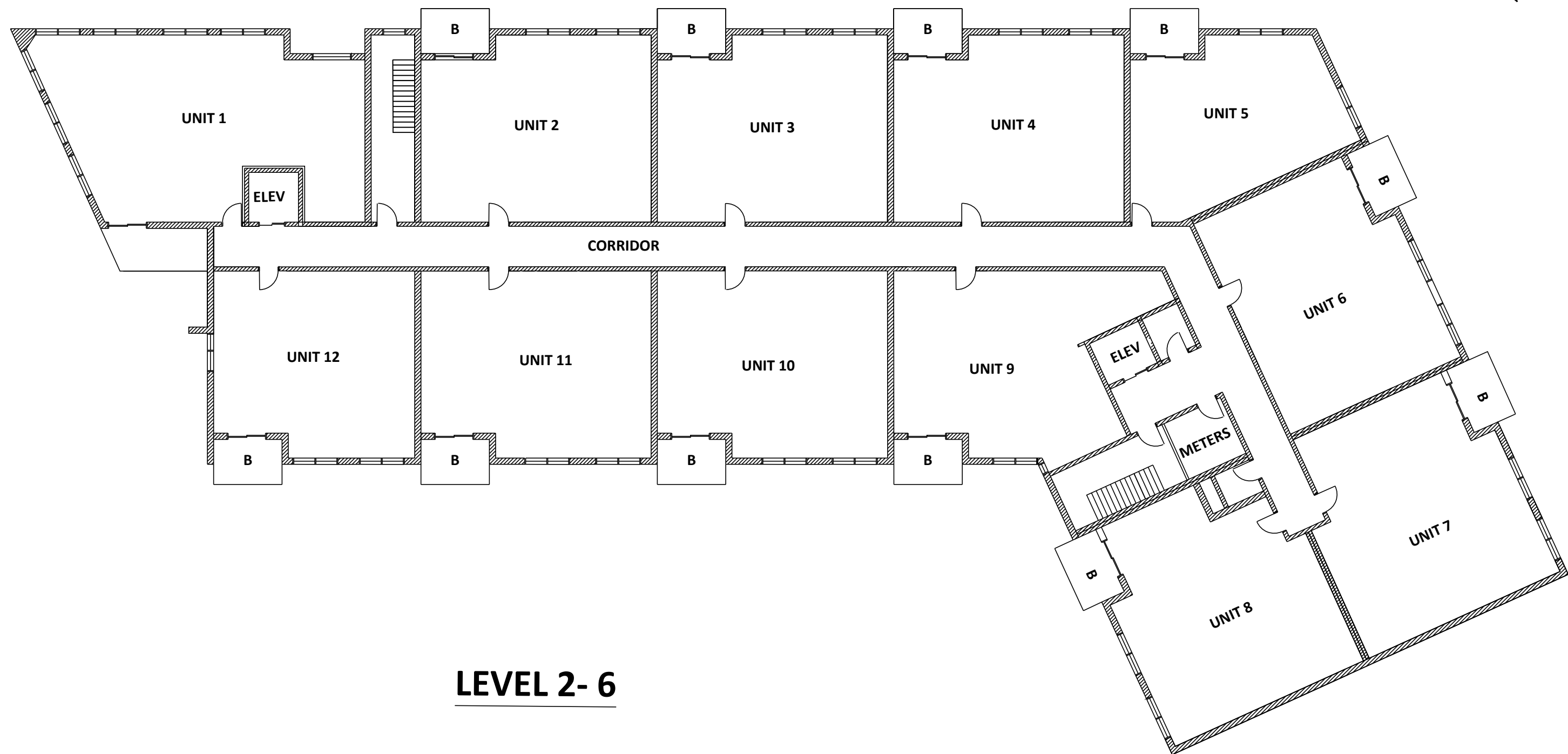
AVALON PLACE



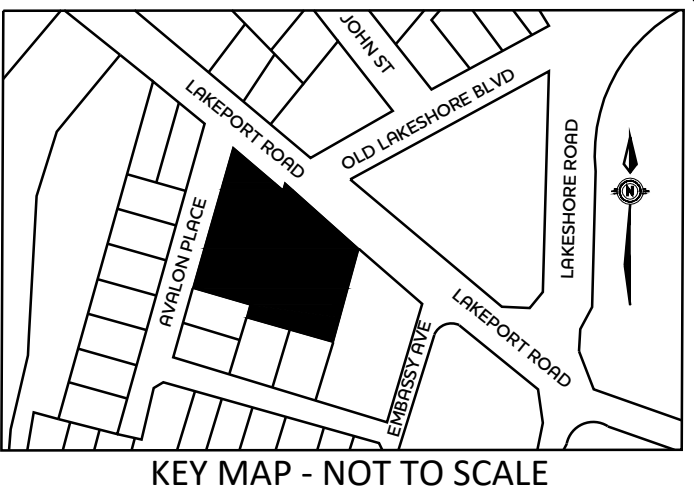
LEVEL 1



LEVEL A



LEVEL 2- 6



REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | |
|-------------------|---------------|
| (A) SEE PLAN | (B) SEE PLAN |
| (C) SEE PLAN | (D) SEE PLAN |
| (E) SEE PLAN | (F) SEE PLAN |
| (G) SEE PLAN | (H) MUNICIPAL |
| (I) SILTY CLAY | (J) SEE PLAN |
| (K) FULL SERVICES | (L) SEE PLAN |

METRIC NOTE
DISTANCE SHOWN ON THIS PLAN ARE IN METERS
AND CAN BE CONVERTED TO FEET BY DIVIDING BY
0.3048

- LEGEND**
- V - VISITOR PARKING
 - P - PORCH
 - B - BALCONY

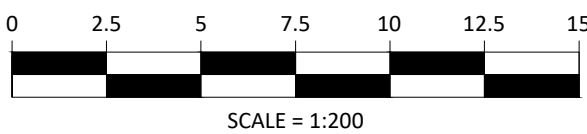
LEGAL DESCRIPTION
LOTS 19, 20, 21, & 22 REGISTERED PLAN No. 214
PART OF LOT 20, CONCESSION 2 AND PART OF
ROAD ALLOWANCE BETWEEN CONCESSION 1 & 2
GEOGRAPHIC TOWNSHIP OF GRANTHAM, CITY
OF ST. CATHARINES, REGIONAL MUNICIPALITY OF
NIAGARA.

OWNER'S CERTIFICATE
BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE BETTER NEIGHBOURHOODS INC.
TO PREPARE AND SUBMIT THIS DRAFT PLAN TO
THE PLANNING DEPARTMENT OF THE CITY OF
ST. CATHARINES.

SIGNATURE	DATE
SIGNATURE	DATE
SIGNATURE	DATE

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED AND THEIR
RELATIONSHIP TO THE ADJACENT LANDS ARE
ACCURATELY AND CORRECTLY SHOWN.

2018 09 05
WILLIAM A. MASCOE DATE
ONTARIO LAND SURVEYOR



better neighbourhoods
DEVELOPMENT CONSULTANTS
190A Ontario Street, Ontario L2R 5K9
Office: 905.684.8585 betterneighbourhoods.ca

PROJECT TITLE:
**104 LAKEPORT ROAD
St. Catharines, Ontario**

DRAWING TITLE:
**DRAFT PLAN OF
CONDOMINIUM**

DATE OF ISSUE:
2018 09 05

DRAWING No: 0241 DPC1	REV. NO: 0
--------------------------	---------------

102 and 104 Lakeport Road and 3 and 5 Avalon Place Public Submissions

Blozowski, Kevin

From: Colleen Beard [REDACTED]
Sent: Tuesday, October 09, 2018 8:36 AM
To: Mayor's Administration; Blozowski, Kevin; Sendzik, Walter
Cc: Williamson, Bruce; Garcia, Carlos
Subject: Attention Mayor, City Council and Staff - Re: 104 Lakeport Rd. Proposal
Attachments: 104Lakeport_Rd-proposal_response-BEARD.pdf

Good morning,

As a home owner on Lakeport Rd., please accept my response regarding the 102 & 104 Lakeport Road development application (see pdf attached).

I trust this will be forwarded to appropriate City staff and Council for their review as part of the application process.

Thank you,
Colleen Beard
91 Lakeport Rd.
St. Catharines

Click [here](#) to report this email as spam.

Colleen Beard
91 Lakeport Rd. (owner)
St. Catharines, ON
[REDACTED]

October 9, 2018

TO: Mayor of the City of St. Catharines, City Councillors, and City Planning staff

RE: 102 & 104 Lakeport Road Development Application

Although most of us in the immediate neighbourhood of Avalon Pl., Bernhardt St., Lakeport Rd., and surrounding area do not oppose development on this site, we do strongly oppose the magnitude of the proposed development mainly for the reason that it is **NOT** compliant with the permitted uses of a C2 Community Commercial as outlined in the *Garden City Plan* and the *Zoning By-Law 2013-283*.

I trust our City planning staff and councillors will be informed and consider the following:

ISSUE 1: Size of Building Property

According to Official Plan, Section 9.2.2 c) **Community Commercial Centres** "...the permitted size of centres shall generally range between 2 hectares and 12 hectares of land."

Comment: Please note that the proposed development is on a property of 0.4 hectare!
This leads to the following concern ...

ISSUE 2: This is a Zone R4 proposal, NOT a C2.

Typically, Zone C2 Community Commercial centres "... are primarily intended to provide concentrations of commercial facilities to support day to day and weekly shopping and service needs for the local surrounding community population." (*Garden City Plan, Section 9.2.2*)

AND, should a C2 complex include residential occupancy, these units "Must be located on the same lot as commercial uses, to a **maximum 15% lot coverage**" AND/OR "Dwelling units are **only permitted above**, to the **rear and/or below** non-residential uses." (*Zoning by-law 6.2.1*)

Comments: The proposed residential space occupies much beyond 15% of the property (41%), and IS the main function of the building, not a commercial centre.

Is this the intent of the proposal? I think not! The application is suspicious!

In fact, the density of residential occupancy in this proposal meets the definition of a **high density** residential (R4) zone.

The **High Density** residential designation (R4) permits "... apartment dwellings at a density generally 85 units per hectare of land or greater." (*Garden City Plan Section 8.1.3*)

THIS PROPOSAL HAS A DENSITY OF 160 UNITS PER HECTARE! ... and therefore is regarded as a "high density" residential complex!

Comments: This proposal is for a high density residential development. No question! It includes a small commercial space in its attempt to call it a "Mixed Use Building", **AND** to avoid the parking requirement of 1.25 spaces per unit (required for an apartment). Let's not be fooled. Is the City this desperate to jeopardize the integrity of our city

Proposed Mixed Use Building		
Units	63	
Commercial Space	100 sqm	
Site Area	0.4 ha	
Density (unit/ha)	160	
Building Coverage	41%	
Pavement Coverage	23%	
Lanscaping Coverage	36%	
Parking		
	Required	Provided
Residential	59	59
Commercial	5	5

planners and councillors? This development has no benefit to our neighbourhood other than profiting the developers.

In a recent Mayor debate, Mayor Sendzik identified the availability of affordable housing as an issue the City is currently facing (**St. Catharines Standard, October 5**). Is this complex, (and the four others in Port Dalhousie that have been approved by City Council, with amendments) going to be “affordable” to the average citizen? Again, I think not!

ISSUE 3: Local street access

According to Official Plan, Section 9.2.2 b) i) for Community Commercial states:
“CC Centres are to be located at the intersection of arterial roads”.

Comments: There is a good reason for this. I assume it is that arterial roads can accommodate the flow of in—out traffic, and not rely on a small residential side street, like Avalon Place.

City staff should be challenged to identify an example of where, within the North planning district E1, there is a CC of equal proportion on this size a footprint (.4 ha) that uses a low residential dead-end side street to accommodate its traffic flow.

IF there is – what has the impact been on the neighbourhood?

IF there is not – this is setting a serious and dangerous precedence, and it won’t be long before the rest of Lakeport Rd north will be C2.

ISSUE 4: Re-zoning of 5 Avalon from R2 to C2

Comments: the current resident at #7 Avalon grew up and then purchased this house, in a quiet residential neighbourhood. She is now facing the possibility of her neighbouring property transform into a thoroughfare for 6-stories of condo traffic. Pause for a minute, and put yourself in her shoes! No doubt, the value of her property will plummet, not to mention the overall quality of life.

The City is chipping and eroding away low density residential and affordable housing to accommodate vertical growth. Let’s do this in areas that are already zoned for this kind of development and abide by the rules. Enough of the amendments!

ISSUE 5: Traffic/Parking impact study

Garden City Plan, Section 9.2.2 c) *“The full range and scale of uses permitted in Community Commercial Centres may not be allowed on all properties so designated. The precise range and scale of uses permitted on properties designated Community Commercial may be stipulated in District Plans or the implementing zoning by-law, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, use compatibility, traffic, parking, market analysis, and building and site design.*

Comments: In the last few years City Council has approved four residential developments in Port Dalhousie, all in proximity to one another, where none of them have reached completion so as to evaluate their impact on traffic (Port Tower complex, Harbour Club, 57 Lakeport, The Beaches). But yet the Niagara Region and City staff feel there is no need to conduct a traffic impact study for a fifth proposal, so we’ve been told. Traffic flow has already increased considerably over the last several year – to levels where crossing the street and backing out of a driveway have become unsafe. After hearing repeated concerns at the Open House meeting of Oct. 3rd, I strongly suggest City staff to consider a traffic impact study in this area, especially for Lakeport Road.

The neighbourhood is already experiencing the effects of inadequate parking from the Dental Office complex at 95 Lakeport Rd. At any given time of day cars are parked along Old Lakeshore Rd. and jam the rear of the adjacent plaza parking spaces. This proposal dictates the same scenario. It may

meet the requirements of a C2 complex (1 parking space per unit) BUT NOT a high density residential condo complex (1.25 spaces per unit). And it omits visitor parking all together!

Also, does this development meet the building and site design that will "better" the neighbourhood?; Is it compatible with the adjacent low-residential properties?

General Comments:

Clearly this submission has demonstrated that the 104 Lakeport Rd. proposal is not compliant with a Zone C2 development. The applicant is not only requesting Site Specific C2 provisions, but also to ignore the guiding principles that should be applied when considering a Community Commercial development, as set out in the *Garden City Plan* and *Zoning By-law*.

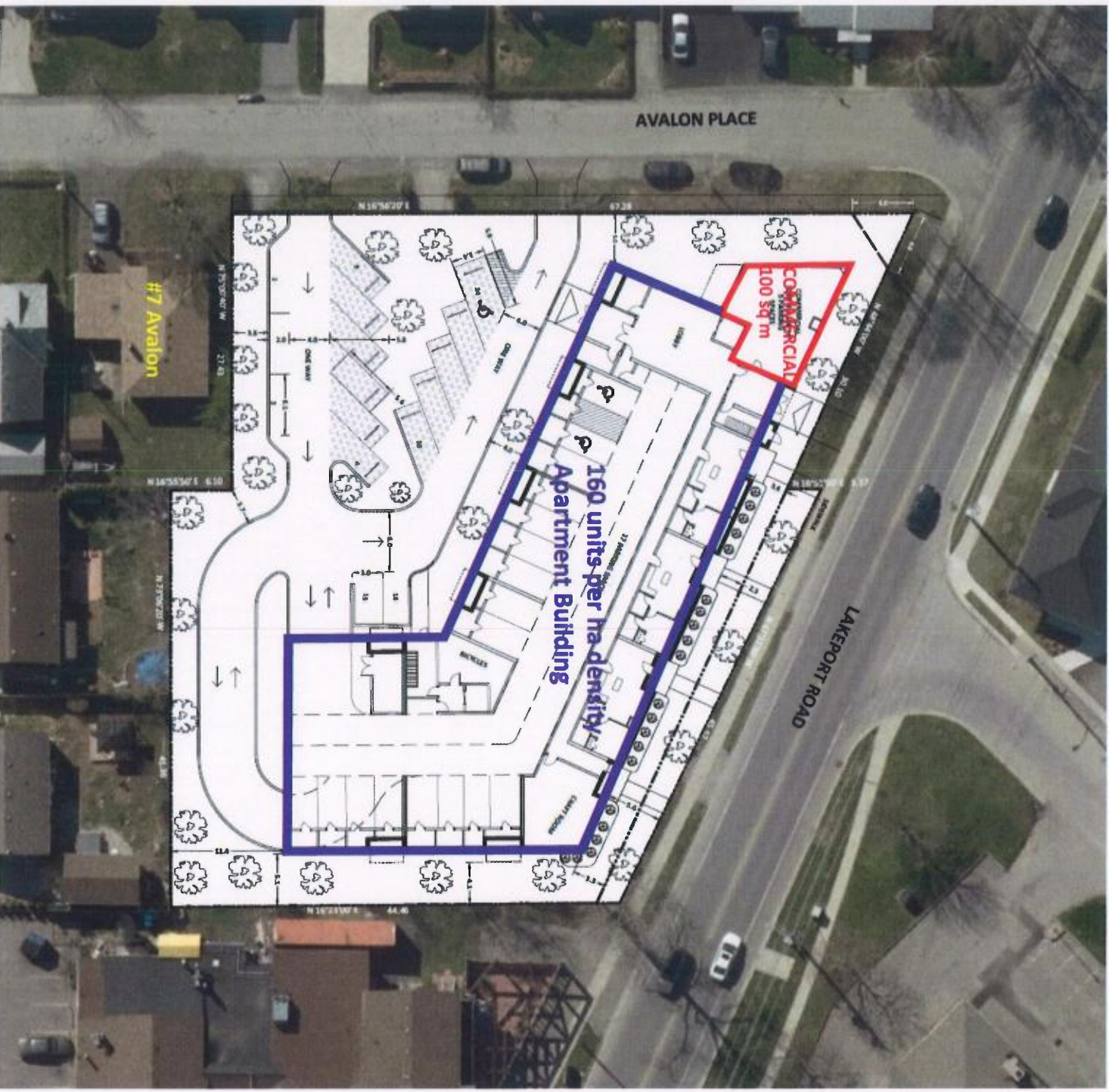
City staff make great efforts to include the general public to establish our land use planning policies that govern our future growth. Why should we take an interest and participate in these processes when it appears that amendments can be made so easily? (we have witnessed this many times of late with approved projects in Port Dalhousie.)

We have heard no argument from local residents that support this proposal. This was evident at the recent Open House meeting of October 3rd. I urge City councillors and planners to deny approval of this application and ensure this property is developed for the betterment of the neighbourhood, and that it adheres to the city planning principles they were established to achieve.

Respectfully submitted,



Colleen Beard



Blozowski, Kevin

From: Sue Fountain [REDACTED]
Sent: Monday, October 08, 2018 12:16 PM
To: Blozowski, Kevin
Cc: Mayor's Administration
Subject: Lakeport 102 /104, 3/5 Avalon Building Proposal

I live at 92 Lakeport Rd. and spoke at the Open House about my concern about traffic, safety and the infusion of even more vehicles in a small residential area. I question the use of Avalon as the entrance and exit for all vehicles visiting or parking there. There is only pedestrian accessibility from the major arterial road in the proposal.

How is it that this proposed high density 6 story is exempt from following the rules which require car accessibility from the only major artery, Lakeport Rd?

The fact that this project is in a quad of 3 dead end streets fronted by a major artery and NOT at an intersection should stop the whole project as outlined.

Snowplowing does not happen on Avalon often for at least 2 days after a storm. Access to Avalon is dangerous and unsafe for pedestrians and cars slipping on ice and snow. I am certain that the reason for the artery rule is in recognition of the need for safety in accessibility.

Emergencies happen during storms and rescue and services should be considered and addressed as part of any proposal of a high density complex.

Respectfully submitted
 Sue Fountain

Blozowski, Kevin

From: Hughes, Julie
Sent: Thursday, October 04, 2018 11:18 AM
To: Lesley Hirst
Cc: Blozowski, Kevin
Subject: RE: 5 Avalon Place rezoning

Good Morning Ms. Hirst,

On behalf of Mayor Sendzik, I'd like to acknowledge your email.

I'm copying in Kevin Blozowski, the planner assigned to 104 Lakeport Road/ Avalon. Mr. Blozowski is collecting all comments from the public for consideration prior to the staff report coming to Council.

The Mayor and council appreciate you making the effort to be engaged and forward your comments with respect to this development.

Warm regards,
 Julie

Julie Hughes
Administrative Assistant - Mayor's Office
Email: jhughes@stcatharines.ca
Tel: 905.688.5601 x1542

From: Lesley Hirst [REDACTED]
Sent: Wednesday, October 03, 2018 6:31 PM
To: Mayor's Administration
Cc: Stu Hirst; Garcia, Carlos; Williamson, Bruce
Subject: 5 Avalon Place rezoning

Hello
 Unfortunately neither my husband or I were able to attend tonight's public meeting re the rezoning of 5 avalon place. Therefore we wish for it to be recorded that we strongly oppose the rezoning.

The plaza at lake and lakeshore is unable to maintain vendors with shops empty so this proves there is no need for more commercial properties. There are other commercial properties empty along lakeshore and Ontario streetm again not viable and demonstrates the lack of need for this type of zoning.

The impact to the community is not acceptable with likely 6 to 8 story buildings which are out of character as well as the impacts: traffic, light, noise.
 There is already extensive development in Port with the Ranking legion and Lincoln fabrics buildings. This is money for the developers and not in the interest of the community.
 Please accept our opposition to this proposal and keep us informed of further developments.
 Thank you.

Lesley and Stewart Hirst

Click [here](#) to report this email as spam.

Blozowski, Kevin

From: Hughes, Julie
Sent: Friday, October 05, 2018 1:37 PM
To: mike sullivan
Cc: Blozowski, Kevin
Subject: RE: Concerning 102&104 Lakeport Road 3&5Avalon Place

Good Afternoon Mr. Sullivan,

On behalf of Mayor Sendzik, I'd like to acknowledge your email. I apologize if this is the second acknowledgement but I was away from the office and I want to ensure that your comments are in possession of the assigned planner, Kevin Blozowski to incorporate into the staff report on this proposed development.

Kevin is collecting all public feedback which will form part of the staff report which will come to council for consideration.

Many thanks for connecting.

Julie

Julie Hughes
Administrative Assistant - Mayor's Office
Email: jhughes@stcatharines.ca
Tel: 905.688.5601 x1542

From: mike sullivan [REDACTED]
Sent: Thursday, September 06, 2018 5:20 PM
To: Mayor's Administration
Subject: Concerning 102&104 Lakeport Road 3&5Avalon Place

Avalon has always been a quiet ,quaint single family residential neighbourhood .Our house is directly across from the proposed entrance .We aren't against the development of this property just against the immense size that a six storey condo would be on this parcel of land .Everybody on Avalon and Bernhardt would be in shade for a good portion of the day .We have parking on both sides of the street now would this change and would the street be overrun with cars parked from residents of this development because a lot of people have more than one car.Traffis is bad now on lakeport it is near impossible to turn left onto Avalon now you want another 50 to 100 cars to do just that .These are just some of our concerns
Mike &Val Sullivan 6Avalon Place St Catharines
Sent from my iPad

Blozowski, Kevin

From: Hughes, Julie
Sent: Friday, October 05, 2018 1:06 PM
To: Natalie Millhiser
Cc: Blozowski, Kevin
Subject: RE: For the attention of The Mayor and City Council

Good Afternoon Ms. Millhiser,

On behalf of Mayor Sendzik, I'd like to acknowledge your email and thank you for providing comment on this project.

I'm copying in Kevin Blozowski, the planner assigned to 104 Lakeport Road/ Avalon application. Mr. Blozowski is collecting all comments from the public for consideration prior to the staff report coming to Council.

The Mayor and Council sincerely appreciate you making the effort to be engaged and forward your comments with respect to this proposed development. All feedback will be considered prior to Council making their decision.

Warm regards,
 Julie

Julie Hughes
 Administrative Assistant - Mayor's Office
 Email: jhughes@stcatharines.ca
 Tel: 905.688.5601 x1542

From: Natalie Millhiser [REDACTED]
Sent: Thursday, October 04, 2018 3:52 PM
To: Sendzik, Walter
Subject: For the attention of The Mayor and City Council

Let me start by saying that we are not opposed to the development, just the size and driveways.

- As everyone knows Port Dalhousie is in a unique location. We have the beauty of the lake and beach and also Lakeside Park.
- To get down to Port there is Lakeport Rd and Main St. With all the new developments proposed there will be excessive traffic on those roads. Already trying to cross Lakeport is a task. At times on a weekday it could take someone almost 10 minutes to cross. Trying to get onto or off Lakeport in a car is just as futile. Cars

just won't stop to let you out. It hasn't gotten any better since school has started, the buses tie up the traffic at every stop.

- With this proposed development Avalon and Bernhardt will become traffic congested. Already we have delivery trucks traveling through our streets from the Rib Crib. There have been instances in the past where the truck has knocked down wires. Where will our friends and families park when they come to visit? I don't want to widen my driveway and destroy my gardens. These streets have no sidewalks or curbs, which we all agree works for us. Will there be road improvements such as curbs? At whose expense? Our taxes will go up and our property values will drop.

- Avalon and Bernhardt are not by definition collector or arterial roads they are local roads as outlined in The City of St. Catharines Official plan re- road Classification section 5.2

- Because road improvements (including road widening) can have a significant impact on the character of a neighbourhood, the City shall ensure that the design process will minimize the impact on the livability of affected residential areas by: a) Reducing the use of local roads by through traffic; b) Minimizing conflicts between local and through traffic. c) Minimizing any adverse impacts on the social and natural environments of adjacent lands.

- Character of the neighbourhood should be taken into consideration. Style design, scale and spacing should be uniform to the area. This proposed development will impact the style and spacing in the area. I fear that home values will drop but our taxes will increase. Children will have nowhere to play or ride their bicycles. Our privacy will be depleted along with the community feeling we now have.

- A six storey building will shade my house and my neighbours. At this moment there are trees which are only about two stories high and they shade my yard for the most of the morning. What will six stories do?

Also, why must all the traffic be routed down Avalon and Bernhardt, with the exit driveway right at my living room window. My privacy will be eliminated with cars constantly going out. This is not what I asked for when I purchased my home.

Please take into consideration our concerns. We are taxpayer and therefore we pay your salaries to look out for OUR interests. I have lived in my house since 1980 and my late husband and I had loved living here. I was hoping one of my children would buy it and raise their children here. Alas, none of them want to live across the street from a 6 storey condo which towers over them.

Thank You

Natalie Millhiser

4 Avalon Pl

Click [here](#) to report this email as spam.

Blozowski, Kevin

From: Hughes, Julie
Sent: Friday, October 05, 2018 8:47 AM
To: Yvan Seguin
Cc: Blozowski, Kevin
Subject: RE: Got the Mayor and City Council

Good Morning Mr. Seguin,

On behalf of Mayor Sendzik, I'd like to acknowledge your email and thank you for providing comment on this project.

I'm copying in Kevin Blozowski, the planner assigned to 104 Lakeport Road/ Avalon. Mr. Blozowski is collecting all comments from the public for consideration prior to the staff report coming to Council.

The Mayor and council appreciate you making the effort to be engaged and forward your comments with respect to this proposed development.

Warm regards,
 Julie

Julie Hughes
 Administrative Assistant - Mayor's Office
 Email: jhughes@stcatharines.ca
 Tel: 905.688.5601 x1542

From: Yvan Seguin [REDACTED]
Sent: Thursday, October 04, 2018 4:36 PM
To: Sendzik, Walter
Subject: Got the Mayor and City Council

I live at 4 Bernhardt which is a very small residential dead end street consisting of only 7 bungalows, on the south side of the proposed development of 102 and 104 Lakeport Rd.
 My main concern is the density of the proposed 6 story development with cars, parking and traffic impacting and changing the quality and nature of living on our quiet street.
 These issues need to be seriously addressed by Council . Please consider and approve a much smaller, less invasive proposal.

Yvan Seguin
 4 Bernhardt St.

Sent from my iPad

Blozowski, Kevin

From: Hughes, Julie
Sent: Friday, October 05, 2018 1:39 PM
To: Blozowski, Kevin
Cc: Councillors
Subject: Resident comment:
Attachments: lakeport, avalon pl dev't ap, losier.pdf

Hi Kevin,

Please see the attached letter from resident, Lee Anne Losier, 7 Avalon Place.

These comments are with respect to the proposed development for Lakeport Road/Avalon Place.
Please incorporate them into your staff report.

I'm copying Council as per the resident's request.

Julie

Julie Hughes

Administrative Assistant - Mayor's Office

Email: jhughes@stcatharines.ca

Tel: 905.688.5601 x1542

My name is Lee Anne Losier and live at 7 Avalon Place

RECEIVED
MAYOR'S OFFICE

Just want to give a quick overview of our neighbourhood.

OCT 05 2018

initial

On Avalon Place we currently have 13 homes. 9 bungalows ~~3 2-storey~~ and 1 2 -storey (deemed community commercial)

On Bernhardt we have 7 bungalows.

Our neighbourhood is small, established, affordable, and for the most part quiet, and people have moved here for that reason. We are in Port Dalhousie leading down on Lakeport Road to the core. We have several working families and retired and semi-retired folks amongst us.

The neighbourhood was well aware that 104/102 Lakeport and 3/5 Avalon were purchased. Some got letters asking if interested to sell, some were visited by the developer and some received annoying phone calls.

We are not opposed to progress, however seeing the proposal of a 63 unit "monster footprint plan" we had grave concerns as you have heard this evening with traffic, parking, elevation of building, privacy of adjacent buildings.

This proposed "monster footprint plan" is an oversized building on an undersized lot. They chose to put this "Footprint" to include one lot specifically #5 Avalon Place which is currently Residential. That is why we are here this evening as they want it changed to Commercial to reflect their proposed development.

Our City is always looking for affordable housing for our citizens so why would one think to tear down an affordable residential home to be replaced with a driveway and a concrete parking lot on a small established street?

We did speak with the Planning Department and it was confirmed 5 Avalon would be driveway and parking lot/spaces.

I want to read an excerpt from Niagara this Week in February Re: Stakeholders have their say on Infills

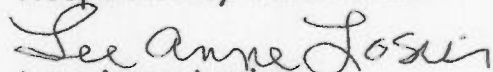
The concern from Policy Bruce Bellows was "some of the builds do not fit in well with the neighbourhoods they're going up in "

The interim bylaw passed on December 5 temporarily put a stop to multi unit development and creation of new lots on properties zoned R1 or low density residential.

Mayor Sendzik says "we have a job as elected officials to listen to the concerns of residents living in these neighbourhoods."

In closing I will reiterate...we are not opposed to development, however it should be with compatibility of existing neighbourhood and therefore would prefer to keep 5 Avalon zoned Residential.

Respectively Submitted


Lee Anne Losier
7 Avalon Place

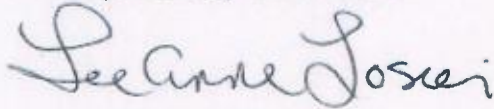
We have now participated in the Open House portion with the Planning Department & Developer. Currently, there is 1 empty seat, and 3 or 4 are running for Region on Council in the upcoming Municipal Elections October 22nd.

Based on fact that the current council is in a transitional mode, We believe it would only be fair to all concerned the Public Meeting be held in front of the new 4-year duly elected Council.

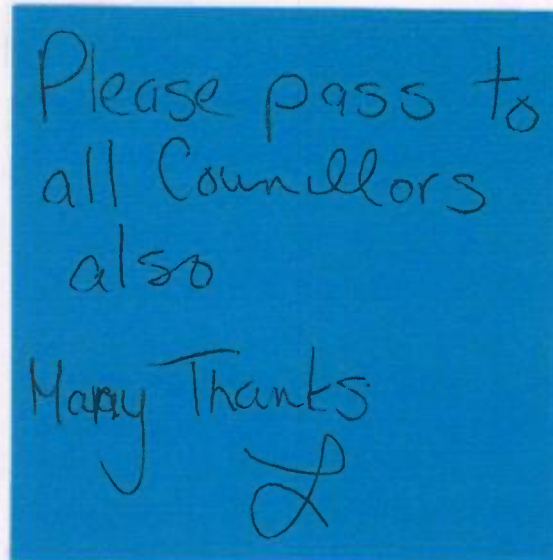
Regards to all seeking and holding a seat on Council!!!!

Thanking you in advance for your consideration.

Respectively submitted



Lee Anne Losier
7 Avalon Place



Please pass to
all Councillors
also
Many Thanks
L

Blozowski, Kevin

From: Dilts, Ann
Sent: Monday, October 15, 2018 9:37 AM
To: Blozowski, Kevin
Cc: Pihach, Judy; Riddell, Jim
Subject: FW: 104, 105 Lakeport Rd. 3 and 5 Avalon Place

Kevin - FYI

Ann Dilts
Office Manager
Email: adilts@stcatharines.ca
Tel: 905.688.5601 x1601

From: Nistico-Dunk, Bonnie
Sent: Monday, October 15, 2018 9:04 AM
To: Riddell, Jim ; Pihach, Judy ; Dilts, Ann
Subject: Fwd: 104, 105 Lakeport Rd. 3 and 5 Avalon Place

Sent from my iPhone

Bonnie Nistico-Dunk CMO, B.A.
City Clerk
Email: bdunk@stcatharines.ca
Tel: 905.688.5601 x1506

Begin forwarded message:

From: Pat [REDACTED]
Date: October 14, 2018 at 2:03:47 PM EDT
To: "mayorcouncil@stcatharines.ca" <mayorcouncil@stcatharines.ca>
Subject: 104, 105 Lakeport Rd. 3 and 5 Avalon Place

Dear Mayor and City Council,

I am a resident on Avalon Place and I am horrified at the proposal of the building that you are considering to build at the end of my street. This street is a quiet street with a lot of seniors. This quiet neighborhood is what drew me to this area. It is amazing that I can sit out on my front porch and if I close my eyes I would think I was in the country because of the lack of noise. Yes I do hear the traffic from Lakeport but very few cars come down the street unless they live here.

With this eyesore that you are so eager to approve the traffic on this street would increase. Not only that but the proposal also says that there are only enough parking for 1.5 cars per unit. You need to take a trip down Avalon and see that parking on the street is not really an option. If one person has a party on the street there would be no room to park. And with being that said you wouldn't be able to get an emergency vehicle down the street.

I also understand that there was traffic studies done to make sure that traffic wouldn't be an issue. All this was done when there is no other condos in Port Dalhousie. With the 3 being built now where is the correct traffic study?? I don't think that was taken in consideration was it? Have you ever tried to go down Ontario St. and try to make that turn onto Lakeport RD?? I have and I'll tell you it's frustrating. Your answer maybe certain times of the day! Yes when everyone is going to work or home or on the weekend. Heaven help us if it is in the summer or something is going on in Port.

So what I am asking is to show some consideration and hold this decision over to the next new elected council so that every avenue is discussed and considered. This building is out of place and too big on the site. Please don't make another mistake like the Port Tower and GM plant on Ontario. Let them decide if is then the right thing to do!

Pat and Art Hardy
11 Avalon Place

Sent from Mail for Windows 10

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S. Robert Hazra, RPP

8 John Street, St. Catharines, Ontario L2N 4P1

October 5, 2018

Mr. Kevin Blozowski, M.C.I.P, R.P.P, CAHP
Planning and Building Services
City of St.Catharines

Dear Mr. Blozowski:

102 and 104 Lakeport Road & 3 and 5 Avalon Place

As a follow up to the Public Meeting regarding the above-noted property on October 3, 2018, please accept this correspondence as my formal written comments.

To begin, the proposed use is too large for the site and does not meet the spirit and intent of the Official Plan; nor does it comply with the proposed zoning of the site. The proposal is essentially a high density residential proposal on an undersized lot.

A 6 storey building abutting Lakeport Road with minimal green space and setbacks will be incompatible with the neighbourhood and perhaps set a precedent for similar overdevelopment of small properties in the area. The architectural design of the building is also out of keeping with the surrounding neighborhood – the building looks institutional in nature.

This site - in particular - is unable to accommodate this scale of development because it is adjacent to two commercial uses that do not meet their parking requirements on site due to special exceptions approved by previous Councils.

The Rib Crib depends on parking on an adjacent lot, and the Dentist's office across the street does not meet the parking requirements of the zoning by-law and depends on considerable on street parking during the day.

In other words, the streets in this neighborhood are saturated and cannot accommodate the on-street parking the development will generate. The parking requirements for this proposal should align with the normal requirements for a multi-residential development – 1.25 spaces per unit, plus parking for the commercial component.

The very fact that this proposal cannot meet the performance standards of the zoning by-law with respect to setbacks confirms that this site is too small for this development; the density of the proposal is also well beyond what is appropriate for this small property, and the parking required by the proposed zoning of this site is not expected to be met on-site.

The preliminary site plan for the proposal suggests that the provision of on-site amenities and requirements such as garbage pickup, emergency access, children's play area, storm water drainage, etc. will be difficult, and at the expense of the limited green space on this site.

S. Robert Hazra, RPP

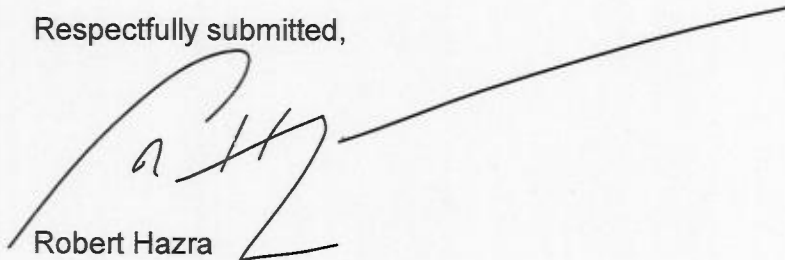
8 John Street, St. Catharines, Ontario L2N 4P1

If Council does choose to approve this development against the wishes of the neighbors, I would respectfully ask that Council seek a compromise and require a reduction in the number of units to reduce the lot coverage and increase the setbacks of this proposal, and also require the proponent to provide more parking on-site.

Neighbors should also be invited to participate in the site plan approval process as they are heavily impacted by this proposal.

Thank you for taking the time to consider these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Hazra', with a long horizontal line extending from the end of the signature.

Robert Hazra

Condo Proposal Concerns
September 06, 2018 Meeting
St. Catharines City Hall

*** Please note: This meeting was postponed until Wednesday, October 03, 2018 when I presented my concerns.

I have been a resident at 10 Bernhardt St. for 66 years. I was raised here. It has always been a very quiet neighbourhood and a great place to raise children.

The land, for this proposal, was previously owned by Mr. Long. It had a small orchard, a farmhouse and his business "Long Electric". All buildings were only 2 storey in height, like the surrounding neighbourhood. The thought of a 6 storey condominium building to be built here is outrageous. What are the developers and city councillors thinking? They certainly are not thinking of a peaceful neighbourhood.

My main concern, of many, is in regard to our ageing infrastructure and the potential harm it could cause, such as damage and flooding. Will it be upgraded prior to building? Who is financially responsible for the costs to upgrade and if there is flooding? (City or Developer)

The proposed property is presently a field which absorbs much of the rain. Environmentalists are telling us rain and winds are to increase in frequency and severity. This summer seems to be evidence of that fact. The proposal with all its concrete and asphalt will only compound the issue to our existing infrastructure.

What harm will be done to our existing roads and homes with the vibrations caused by the heavy equipment transporting dirt, cut trees, etc. when they dig the 2 floor underground garage? Our homes are made of plaster. What about the potential cracks caused from the vibrations? Who is financially responsible for the repairs? (Developer or Home owner)

There are already commercial buildings on each corner (Old Lakeshore Rd., Lakeshore Rd., Lakeport Rd. and Ontario St.). We do not need more commercial establishments in the area. Where would anyone park? In the proposal there does not appear to be access to the 5 parking spots at the corner of Avalon Rd. and Lakeport Rd.

The crisis right now in the city is affordable housing. As condos are built, the cost of buying one is **not** for the middleclass buyer. It is for the wealthier purchaser. Would the Developer consider building a Townhouse complex, which would be much more suitable for the area? It would give the middleclass buyer some hope. It would also maintain our quiet neighbourhood.

- "Shadowing" and "Loss of Privacy" concerns were listed on Pg. 31 of the 57A, 59A, 61, 63 Lakeport Rd. Proposal and they certainly apply here. Neighbours and residents, as far away as Philpark Rd. & John St., are concerned about privacy do to the height of the building proposed. There is no home or building in this neighbourhood that is higher than 2 storeys.
- Increased traffic impact is a concern listed on Pg. 39 of the 57A, 59A, 61, 63 Lakeport Rd. Proposal and they certainly apply here as well. Already it is difficult to enter or exit Lakeport Rd. from Avalon St. and Embassy Dr. What happens to accessibility when the two approved proposals in the Port Dalhousie core begin construction?
- **What is the hurry?** Would it not be prudent to wait until the other two approved proposals are built, so traffic impact, noise, street accessibility and any other issues which may arise can be determined and dealt with prior to approval of this proposal? Winter is coming, which only enhances these concerns. It may even be economically sound.
- Since the present Council is in a "lame duck" situation, because of the October 22, 2018 election, this proposal should be dealt with, in my opinion, by the new Council.

I thank you for allowing me this time to express a few of my concerns.

Respectfully submitted,

Barbara Munroe

beam@vaxxme.com

10 Bernhardt St.

**102 and 104
Lakeport Road and
3 and 5 Avalon
Place
Public Submissions
Received
November 2, 2018**

Blozowski, Kevin

From: Conrad Losier [mailto:conrad.losier@cityofvaldosta.com]
Sent: Friday, November 02, 2018 7:54 AM
To: Mayor & Council; Blozowski, Kevin
Cc: Sue Fountain
Subject: 104/102 Lakeport Road 3/5 Avalon

Mayor, Councillors and Kevin Blozowski

Our neighbourhood still remains concerned regarding the compatibility of this 6 storey condo footprint on a low density residential street.

The Planning Department will be releasing their report for the above proposal on November 5th, to be heard at City Hall November 12th. This is only a 1 week time span.

Our neighbourhood has been working hard and diligent on this proposal and are seeking a deferral in order to prepare full substantial responses to the report.

Thanking you in advance for consideration.

Respectively Submitted

Lee Anne Losier
7 Avalon Place

Sent from [Mail](#) for Windows 10

Click [here](#) to report this email as spam.

Blozowski, Kevin

From: Colleen Beard [REDACTED]
Sent: Friday, November 02, 2018 8:41 AM
To: Mayor & Council
Cc: Mayor's Administration; Blozowski, Kevin; Sue
Subject: 104 Lakeport Rd - request to postpone decision on application
Attachments: Petition_letter.pdf; Petition-signed.pdf

Dear Mayor Sendzik and City Council members,

Please accept this submission (see documents attached) on behalf of concerned residents in the Avalon/Lakeport roads neighbourhood to consider postponement of discussion and voting on the proposal for reasons outlined.

Colleen Beard
91 Lakeport Road

Click [here](#) to report this email as spam.

Nov. 1, 2018

TO: Mayor Sendzik, City of St. Catharines
CC: City Councillors, and City Planning staff

**RE: November 12th Council meeting agenda item: development application for
102/104 Lakeport Rd & 3 Avalon Place**

Please accept this petition as our request to consider postponing discussion of this proposal to: provide reasonable time for residents to prepare a response, AND until the newly elected council is in place.

The developers have been given ample time to consult with the City to formulate their proposal over the last 9 months. It is only fair that the citizens, whom are directly affected by this proposal, also have time to do their work and prepare a comprehensive response.

This proposed development was first presented to the general public at an Open House meeting on October 3. Since then, we have been informed that the City staff recommendation will be available November 5, and a meeting of Council has been scheduled to discuss the proposal as soon as November 12. The residents of Avalon, Bernhardt, Lakeport roads, and beyond, feel that seven (7) days (or 4 days for written submissions) is not a reasonable amount of time to prepare a well-informed response.

You have pointed out in an earlier response to our request (Oct. 12) the importance of the 180 day timeline for the City to make a decision, that is fast approaching. However, we were also informed at the Open House meeting that this deadline lapsed long ago. Therefore, the urgency to hold the public Council meeting on Nov. 12th to fulfill this mandate is a null factor.

Given that there are 26 documents to review (21 application docs; Official Plan; Zoning by-laws; and the City staff recommendation), there is a lot for the residents to digest and organize in order to formulate a comprehensive response to Council.

As well, 5 of the 12 Councillors are leaving council as of early December. It would be prudent to allow newly-elected councillors to participate in the process and to make a well-informed decision about the future growth of our city.

**PETITION TO City of St. Catharines Mayor and City Council to
Postpone voting on the development application for 102/104 Lakeport
Rd & 3 Avalon Place**

We, the undersigned, are opposed to the scheduling of the discussion Re: development application for 102/104 Lakeport Rd & 3 Avalon Place at the November 12th Council meeting. We call on St. Catharines City Council to please:

***Postpone discussion and voting on this application to provide
reasonable time for residents to prepare a response, AND until the
newly elected council is in place.***

This proposed development was first presented to the general public at an Open House meeting on October 3. We have been informed that the City staff recommendation will be available November 5, and a meeting of Council has been scheduled to discuss the proposal as soon as November 12. The residents in the immediate neighbourhood directly affected by this proposal are requesting the meeting be postponed since seven (7) days is not a reasonable amount of time to prepare a response.

NAME	ADDRESS	SIGNATURE
KAREN ALLEN	3 BERNHARDT	<i>K. Allen</i>
<i>Marilyn Wallace 72 Philpark</i>		<i>M. Wallace</i>
BARBARA MUNROE	10 BERNHARDT ST.	<i>Barbara Munroe</i>
<i>Catherine Champagne</i>	<i>6 Embury</i>	<i>Catherine Champagne</i>
<i>Keith Bradley</i>	<i>" no email</i>	<i>Keith Bradley</i>
YVAN SEGUIN	4 BERNHARDT ST.	<i>Yvan Seguin</i>
Diane Nay	585 Ontario St.	<i>Diane Nay</i>
Marjorie McCullough	585 Ontario St	<i>Marjorie McCullough</i>
MIKE DUHACHEL	2 PHILPARK RD.	<i>M. Duhack</i>
LESLIE Duhack	" "	<i>L Duhack</i>
<i>W. Duhack</i>	<i>17 PHILPARK</i>	<i>W. Duhack</i>
Alan Holder <i>0360 outbox.com</i>	8 Bernhardt St	<i>Alan Holder</i>
<i>Sarah Douse 803@hotmail.com</i>	<i>2 Bernhardt st</i>	<i>S Douse</i>
<i>John Keddy</i>	"	

**PETITION TO City of St. Catharines Mayor and City Council to
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NAME	ADDRESS	SIGNATURE
SUE FOUNTAIN	92 LAKEPORT RD	Sue Fountain
GAIL FRAPPIER	92 LAKEPORT RD	Gail Frappier
CELESTE BRAD	92 LAKEPORT RD	Celeste Brad
URSULA MAUSBERG	89 LAKEPORT RD.	Ursula Mausberg
RICK BROUGHTON	87 LAKEPORT RD.	Rick Broughton
KRISTINE BROUGHTON	87 LAKEPORT RD	Kristine Broughton
VINCE BENVENUTI	88 LAKEPORT RD ^{UNIT 30}	Vince Benvenuti
BEN DE-JONG	3 OLD LAKESHORE BLVD	Ben De-Jong
DIANNE DEJONG	3 OLD LAKESHORE BLVD	Dianne DeJong
LIH DEJONG	50 OLD LAKESHORE BLVD	Lih DeJong
DRK DEJONG	50 Old Lakeshore Blvd	Drk DeJong
MIC NEUFIELD	109 OLD LAKESHORE RD	Mic Neufield
KEITH LITZKE	8 John St.	Keith Litzke
SHAMPA SENGUPTA	8 John St.	S. Sengupta

**PETITION TO City of St. Catharines Mayor and City Council to
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NAME	ADDRESS	SIGNATURE
Natalie Millhaer	4 AVALON PL	Natalie Millhaer
LeeAnne Hosier	7 Avalon Pl	PROXY: Natalie Millhaer
Conrad Hosier	7 Avalon Pl	PROXY: Natalie Millhaer
Gary Versluis	9 Avalon Pl	Gary Versluis
Kim Versluis	9 Avalon Pl	Kim Versluis
Ellaine G. Trottier	14 Avalon Pl	Ellaine G. Trottier
Frankie Brown	10 Avalon Pl	Frankie Brown
Pat Hardy	11 Avalon Pl	Pat Hardy
Art Hardy	11 Avalon Pl	Art Hardy
KIMILA WILLS	10 AVALON PL	Kimila Wills
CHIM WILLS	10 AVALON PL	Chim Wills
Kary SWIERCZ	10 JOHN ST	K. Swiercz
LARRY SWIERCZ	10 JOHN ST	L. Swiercz
KRISTY SHOCK	12 AVALON PL	Kristy Shock
Margaret Salisbury	11 Bernhardt St	M. Salisbury

PROXY PERMISSION

Sue Fountain

From: "Conrad Losier" [REDACTED]
Date: October-20-18 6:34 AM
To: "Sue Fountain" [REDACTED]; "Natalie M" [REDACTED]; "Colleen Beard"
Subject: Petition

I cannot sign this petition as it is delivered to my Cogeco address.....you certainly have our permission to sign for us both Conrad and myself.

Conrad Losier Lee Anne Losier

If you are uncomfortable signing, Natalie will!
You all have been working diligently!

Thanks guys.....WE CAN DO THIS!!!!!!!!!!

Sent from for Windows 10



20/10/2018

Blozowski, Kevin

From: Sarah Dowse [redacted]
Sent: Friday, November 02, 2018 10:22 AM
To: Mayor & Council; Blozowski, Kevin
Cc: [redacted]
Subject: Condo Development on Lakeport Road

To whom it may concern,

My family and I live at 2 Bernhardt Street in St. Catharines which we moved into 11 years ago. I am writing to show our concern for the large condo building being proposed for Lakeport Road.

The traffic turning onto Lakeport from Avalon and Embassy is already hectic. Turning left is almost impossible on a weekend, and the weekday traffic has also increased drastically over the past couple of years.

When that area gets congested, vehicles think they can skip the intersection and cut the corner by speeding down Avalon and along Bernhardt. With the added congestion and parked cars on those streets, due to not having enough onsite parking spaces in the proposed plan, someone is going to get hurt.

We are not opposed to something being built on that property, just the idea of adding something so drastic in size along with the amount of vehicles it will then bring to the area, will really negatively effect the quaintness of our little community that we have grown to love and call our home.

We are hoping there is some compromise in what is built on that lot to make it work for the residents and for the city.

Thank you for your time,

Sarah Dowse

Click [here](#) to report this email as spam.



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: November 2, 2018

Date of Meeting: November 12, 2018

Report Number: PBS-204-2018

File: 60.30.335 and 60.35.1035

Subject: *Planning Act Public Meeting - Information Report*
Applications for Official Plan Amendment and Zoning By-law Amendment
Subject Lands: 104 Maple Street, 97-99 Niagara Street and 101-103
Niagara Street; Owner: Global Travel Investment Group Ltd.; Agent: Exp.

Recommendation

That Council consider this Information Report as part of the Public Meeting in accordance with the Planning Act; and,

That Council consider a Recommendation Report regarding applications for Official Plan Amendment and Zoning By-law Amendment for lands municipally known as 104 Maple Street, 97-99 Niagara Street and 101-103 Niagara Street, tentatively scheduled for the meeting of Council on November 26, 2018, pursuant to the two-step process for planning applications previously approved by Council. FORTHWITH

Summary

This Information Report is to provide Council and the public with information regarding applications for an Official Plan Amendment for 104 Maple Street, and Zoning By-law Amendment for 104 Maple Street, 97-99 Niagara Street and 101-103 Niagara Street, to be considered at a Public Meeting scheduled for November 12, 2018 in accordance with the Planning Act. This Information Report provides an overview of the applications, and a summary of applicable planning policies and circulation comments.

The applications have been made to permit and recognize an existing parking lot that has been constructed at 104 Maple Street which serves the mixed use development consisting of commercial businesses and residential units at 97-99 and 101-103 Niagara Street. All three properties are owned by the applicant, however they have not merged into one lot and remain separate lots.

A Recommendation Report containing planning analysis, addressing any outstanding concerns raised at the Public Meeting, and providing a staff recommendation is tentatively scheduled for consideration by Council at its November 26, 2018 meeting.

Background

The subject lands at 104 Maple Street previously contained a detached dwelling which was demolished and a parking lot was subsequently established on the vacant site, without required planning approvals to provide parking for commercial and residential uses on the adjacent properties to the east, 97-99 and 101-103 Niagara Street, also owned by the applicant. Previously no parking was provided for the existing mixed use development. The lands at 104 Maple Street are designated and zoned for residential use only.

Report Proposal

The applicant proposes to amend the City's Official Plan and Zoning By-law to permit and recognize the existing parking lot on the separate lot known as 104 Maple Street. The parking lot will be reconfigured to accommodate seven parking spaces, including 1 accessible parking space and a drive aisle. The parking lot configuration extends beyond the lands at 104 Maple Street, onto adjacent lands owned by the applicant, 97-99 Niagara Street and 101-103 Niagara Street.

The applicant proposes to amend the Official Plan designation for 104 Maple Street from Medium Density Residential to Community Commercial and to amend the zoning from Medium Density Residential (R3) to Community Commercial with a Site Specific Provision (C2-XX). The proposed Official Plan and Zoning By-law Amendment are necessary to permit the existing parking lot on the lands known as 104 Maple Street and other community commercial uses. The parking lot also is partially located on 97-99 and 101-103 Niagara Street and serves to provide parking for the existing mixed use development consisting of ground floor commercial businesses and upper level residential units on these properties. The Zoning By-law Amendment is proposed to implement a Site Specific provision for all three properties to address existing setback deficiencies on these sites and recognize newly proposed deficiencies to accommodate the parking lot. The Official Plan Amendment proposes to expand the Community Commercial designation by including one additional lot, being 104 Maple Street, to the existing Community Commercial Centre which includes 97-99 and 101-103 Niagara Street.

The proposed Site Plan is attached for Council's reference (Appendix 2).

Location and Site Description

The subject lands are located on the south side of Maple Street, west of Niagara Street and north of the intersection of Niagara Street and Welland Avenue. The properties combined have a lot area of 0.07 hectares, 34 metres of frontage on Maple Street and 26 metres of frontage on Niagara Street. A location map is attached as Appendix 1.

Surrounding land uses include:

North: Detached dwellings, commercial

East: Commercial

South: Commercial

West: Detached dwellings

Planning Policy Context

Provincial planning legislation requires Council's decision on planning applications to be consistent with the Provincial Policy Statement (2014), and must conform with and not conflict with Provincial plans, upper-tier official plans and lower-tier official plans. Accordingly, planning staff will evaluate these Applications for Official Plan Amendment and Zoning By-law Amendment against the policies of the Provincial Policy Statement (2014), the Provincial Growth Plan for the Greater Golden Horseshoe (2017), the Regional Official Plan, and the Garden City Plan, all of which apply to this application, and staff recommendations will be formulated accordingly.

For Council's reference, the land use planning framework in Ontario, as it relates to this application, is outlined in Appendix 3.

Provincial Policy Context

The subject lands are located within a Settlement Area, as defined by the Provincial Policy Statement (2014) and within the Built-up Area as identified by the Provincial Growth Plan for the Greater Golden Horseshoe (2017). These documents contain policies that support all forms of residential intensification and urban area regeneration, directing growth to Built-up Areas. Provincial policies place an emphasis on intensification and infill to foster the development of complete communities which efficiently use land, resources, infrastructure and public service facilities.

Provincial Policy Statement (2014)

The following provides an overview of the Provincial Policy Statement (PPS) themes applicable to these applications for Official Plan Amendment and Zoning By-law Amendment.

- Accommodate an appropriate range and mix of residential, employment (industrial and commercial), institutional (including places of worship), recreation, park and open space, and other uses (including commercial) to meet long-term needs;
- Settlement areas are to be the focus of growth and development, and their vitality and regeneration is to be promoted;
- Establish a land use plan and pattern that supports financial sustainability and cost effective development and provision of services;
- New development should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities;
- Promote the wise use and management of land and resources;
- Support an accessible, connected and complete community;
- Establish appropriate development standards to promote / facilitate intensification, redevelopment and compact built form;
- Improve accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society; and,
- Ensure protection of natural features and areas for the long term.

Relevant PPS policies will be considered and analyzed in the future Recommendation Report.

Provincial Growth Plan for the Greater Golden Horseshoe (2017)

Similarly, guiding principles within the Growth Plan stress compact and well-designed development that prioritizes intensification. The Plan supports the achievement of complete communities that ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards. Policies ensure that a range and mix of housing options are available including affordable housing.

The following provides an overview of the Provincial Growth Plan themes applicable to these applications for Official Plan and Zoning By-law Amendment.

- Promote compact built form and transit supportive development, a diversity and mix of uses and opportunities, and the efficient use of land, infrastructure and service capacities to support development, redevelopment and growth;
- Foster safe, interactive, active transportation and connected communities;
- Ensure viability for long term development and community investment;
- Maintain, enhance vitality of main streets, and conservation of neighbourhoods;
- Encourage sense of place by promoting well designed built form and cultural planning to conserve features that help define the character, built heritage resources and cultural heritage landscapes of the area;
- Adapt to climate change through compact and nodal development;
- Promote high quality built form, attractive / vibrant public realm through site design and urban design standards;
- Support complete communities by ensuring that lands are adequately zoned and that development is designed to meet this policy; and,
- Support multi modal transportation, including active transportation and transit.

Relevant Growth Plan policies will be considered and analyzed in the future Recommendation Report.

Regional Official Plan

According to the Regional Official Plan (ROP), the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031 / Conformity Amendment), which is the focus of both residential and employment intensification and redevelopment within the Region over the long term. The St. Catharines Urban area is considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS).

The ROP, 2014 PPS and 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and delineated built-up areas to support intensified development and to build upon existing servicing and

infrastructure. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have mix of diverse land uses and housing choices, improved social equity and quality of life, new and expanded access to multiple forms of transportation, and the provision of spaces that are vibrant and resilient in their design.

Given the site specific nature of the application, the Official Plan amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and Regional Official Plan Policy 14.E7.

It should be noted that the Region of Niagara is undertaking a comprehensive review (MCR) of their Official Plan to bring it into conformity with the PPS and the Provincial land use plans. Once completed, local area municipalities will be required to update their Official Plans accordingly.

Official Plan (Garden City Plan)

97-99 and 101-103 Niagara Street

The lands are designated Commercial (Appendix 4) by the City's Official Plan, The Garden City Plan (GCP). The Central Planning District (E5) further identifies the properties as Community Commercial (Appendix 5). The Community Commercial designation of the Plan (Section 9.2.2 (a) provides for a range of commercial uses, excluding auto dealerships, adult oriented uses and hotels. Other uses permitted include institutional, civic, cultural, indoor recreation, entertainment and residential apartment dwellings units. The existing commercial and residential uses that exist within the existing structures on site, as well as the existing parking lot located on portions of both properties, are permitted by the GCP. As such, the Official Plan Amendment request does not apply to the properties fronting on Niagara Street.

104 Maple Street

The subject lands are designated as Neighbourhood Residential (Appendix 4) by the City's Official Plan, The Garden City Plan (GCP). The Central Planning District (E5) further designates 104 Maple Street as Medium Density Residential (Appendix 5). The Medium Density Residential Designation of the GCP provides for a range of residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres. This designation does not permit a parking lot or the extent of commercial uses permitted in the Community Commercial designation.

The Official Plan Amendment application seeks to amend the designation from Neighbourhood Residential to Commercial (Appendix 6) and the Central Planning District designation from Medium Density Residential to Community Commercial (Appendix 7). The Official Plan Amendment is required to designate one lot, being 104 Maple Street, to permit the commercial designation including the existing parking lot associated with the adjacent mixed use development.

Community Commercial Centres are to be located at the intersection of arterial roads and well served by public transit. They are generally between 2 and 12 hectares in size and shall not exceed a total gross leaseable floor area of 30,000 square metres for all uses except residential, and non-retail / service commercial uses should be limited in size and scale to protect the primary function of the centre for the provision of shopping and service commercial facilities. The size of individual uses shall be limited in a manner that supports a diversity and mix of uses in the Centre. Residential uses shall be located in freestanding buildings or in upper storeys of commercial buildings, providing adequate outdoor amenity space for residents (Section 9.2.2 (b and c)).

The Plan (9.2.2 (d)) provides that an application to establish a new centre or to expand an established centre beyond existing property limits will require an amendment to the Plan, and may be subject to studies as set out in Part F, Section 16.16 of the Plan including but not limited to, market analysis, land use compatibility, and traffic.

Section 16.1 of the GCP details specific matters that must be considered when considering applications for an Official Plan Amendment. Every application for amendment is to be evaluated on the basis of the below general considerations and any other considerations that are pertinent to the particular application. These matters will be considered by staff in the future recommendation report to Council.

- i) the degree of conformity of the proposed amendment to the general intent, purpose and philosophy of the Plan, particularly the vision, planning principles and general policies of the Plan;
- ii) consistency with Provincial and upper tier government plans, policies and legislation;
- iii) the availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use;
- iv) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
- v) the potential of the proposal to cause instability within an area intended to remain stable;
- vi) the ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City;
- vii) the financial implications, both costs and revenues, to the City; and
- viii) the degree to which approval of the amendment would establish an undesirable precedent.

Relevant Official Plan policies will be addressed and analyzed in the future Recommendation Report.

All relevant City Official Plan policies that apply to this application have been excerpted and included in Appendix 10 of this report.

Zoning By-law

Zoning By-law 2013-283 zones the lands at 104 Maple Street as Medium Density Residential (R3) (Appendix 8). The R3 Zone permits a broad range of residential uses, however commercial uses, including an associated parking lot, is not a permitted use. As such, the proposal is to change the zoning to Community Commercial with Site Specific Provisions (C2-XX) to facilitate the provision of a parking lot that serves the commercial uses and apartment dwellings on the adjacent lands to the east, also owned by the applicant (Appendix 9).

Through the reconfiguration of the parking lot to accommodate seven (7) parking spaces, there are site specific setback deficiencies that are proposed through a Site Specific Provision which is to apply to all three properties. The Site Specific Provisions are proposed as follows:

Provision	Required	Existing	Proposed
Minimum front yard setback	3 m	0 m	0 m
Minimum exterior side yard setback	3 m	0 m	0 m
Minimum landscape buffer abutting a residential zone	3 m	0 m	0.6 m
Minimum landscape buffer from a parking area with 5 to 20 parking spaces to a lot line abutting a public road	3 m	0 m	0.6 m
Minimum landscape buffer from a parking area with 5 to 20 parking spaces to a lot line abutting a residential zone	3 m	0 m	0.6 m
Minimum standard parking spaces	18 (1/20 m ² glfa)	0	6

In the Recommendation Report staff will address the appropriateness of the proposed amendments within the context of both the surrounding area and the overall planning policy framework.

Circulation of Applications

The applications were circulated to all relevant departments and agencies in accordance with the Planning Act. No department or agency has objected to the proposed Official Plan and Zoning By-law Amendment. The following feedback has been received, comments largely relating to site details, which will be addressed through a future agreement, should this application be approved by Council.

Region of Niagara

Regional Development Services staff has no objection to the proposed Official Plan and Zoning By-law Amendment applications from a Provincial or Regional perspective, subject to the satisfaction of any local requirements.

Parks, Recreation and Culture Services (PRCS)

No objection to the proposed Official Plan and Zoning By-law Amendment. Landscape details, fencing, boulevard re-instatement and boulevard trees will be required through a future agreement.

Traffic

While there are a number of dimensions shown in the parking area, overall there looks to be sufficient space for the parking area.

Site Plan

Site Plan Approval for the subject lands will be addressed in further detail in staff's Recommendation Report. The proposed Site Plan is attached for Council's reference (Appendix 2).

Public Consultation

A public open house was hosted by Planning and Building Services on July 19, 2018. The purpose of the open house was to present the applicant's proposed Official Plan Amendment and Zoning By-law Amendment and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. The agent for the applicant was in attendance. One (1) member of the public attended. The attendee had no concerns with the proposal and indicated they were there for information only. No written correspondence has been received to date.

Public Notice

In accordance with established procedures, notice for the public meeting has been circulated.

Financial Implications

All costs associated with this development will be borne by the developer. No direct financial impacts to the City are triggered should Council approve the subject applications.

Relationship to Strategic Plan

The proposed development has the potential to tie into several aspects of the City's Strategic Plan. These related goals and actions are listed below. The degree to which the below goals of the Strategic Plan will be achieved will be evaluated as part of the future recommendation report.

Economic Sustainability

- Goal: Attract public and private investment, support local businesses and provide excellent customer service to demonstrate we are open for business

Social Sustainability

- Goal: Connect people, places and neighbourhoods

Conclusion

In summary, this report provides the planning context and explains the applications for Official Plan Amendment for 104 Maple Street and Zoning By-law Amendment for 104 Maple Street, 97-99 Niagara Street and 101-103 Niagara Street. The amendments would facilitate land use designation and zoning for 104 Maple Street that recognizes and permits its use as a parking area for the adjacent lands owned by the applicant, 101-103 Niagara Street and 97-99 Niagara Street. The Zoning By-law Amendment has also been proposed to recognize site specific setback deficiencies across all three properties. A Recommendation Report will be presented at the Council meeting tentatively scheduled for November 26.

Prepared by:

Taya Devlin
Planner I

Submitted by:

Judy Pihach, MCIP, RPP
Manager, Planning Services

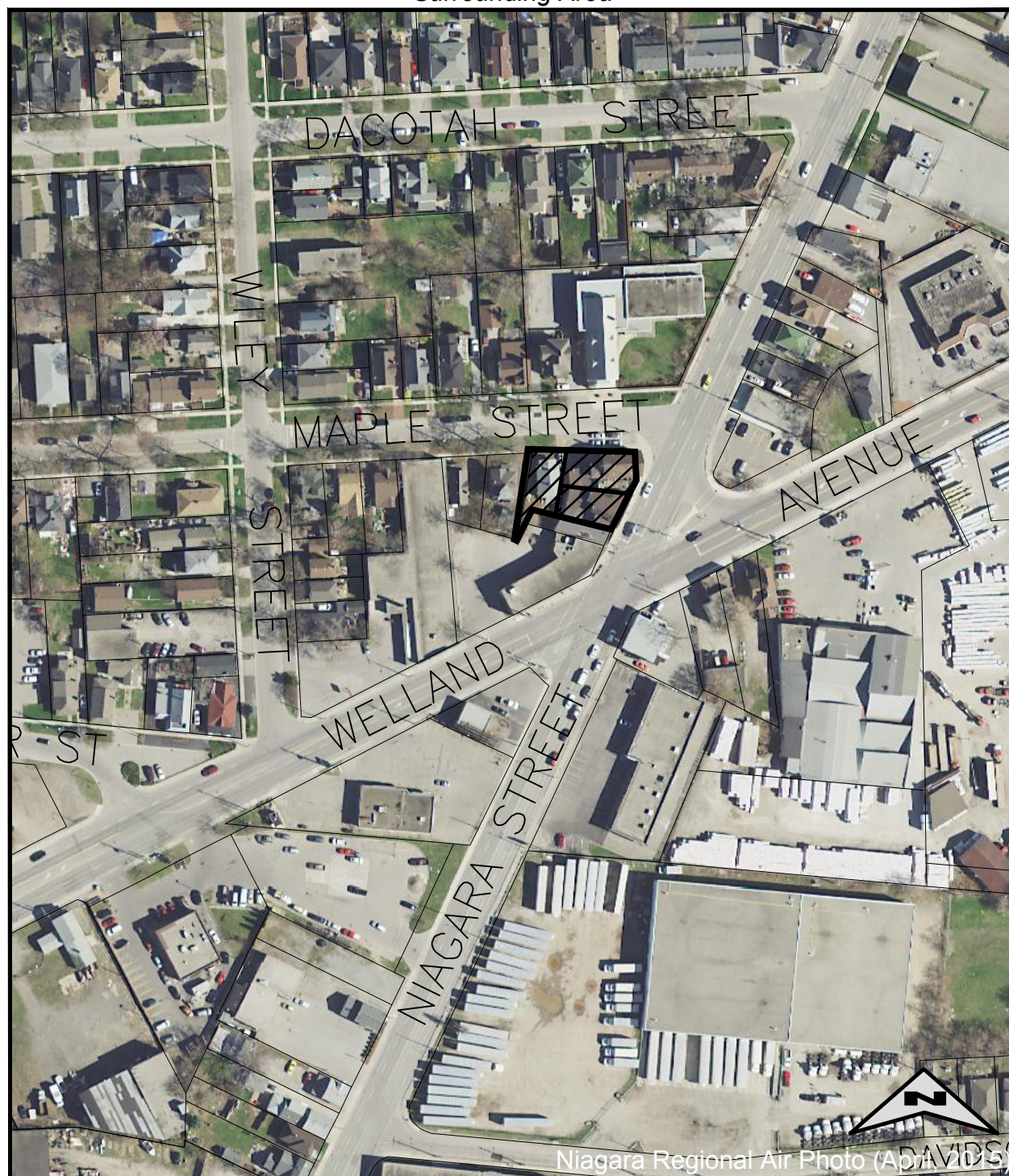
Approved by:

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

List of Appendices

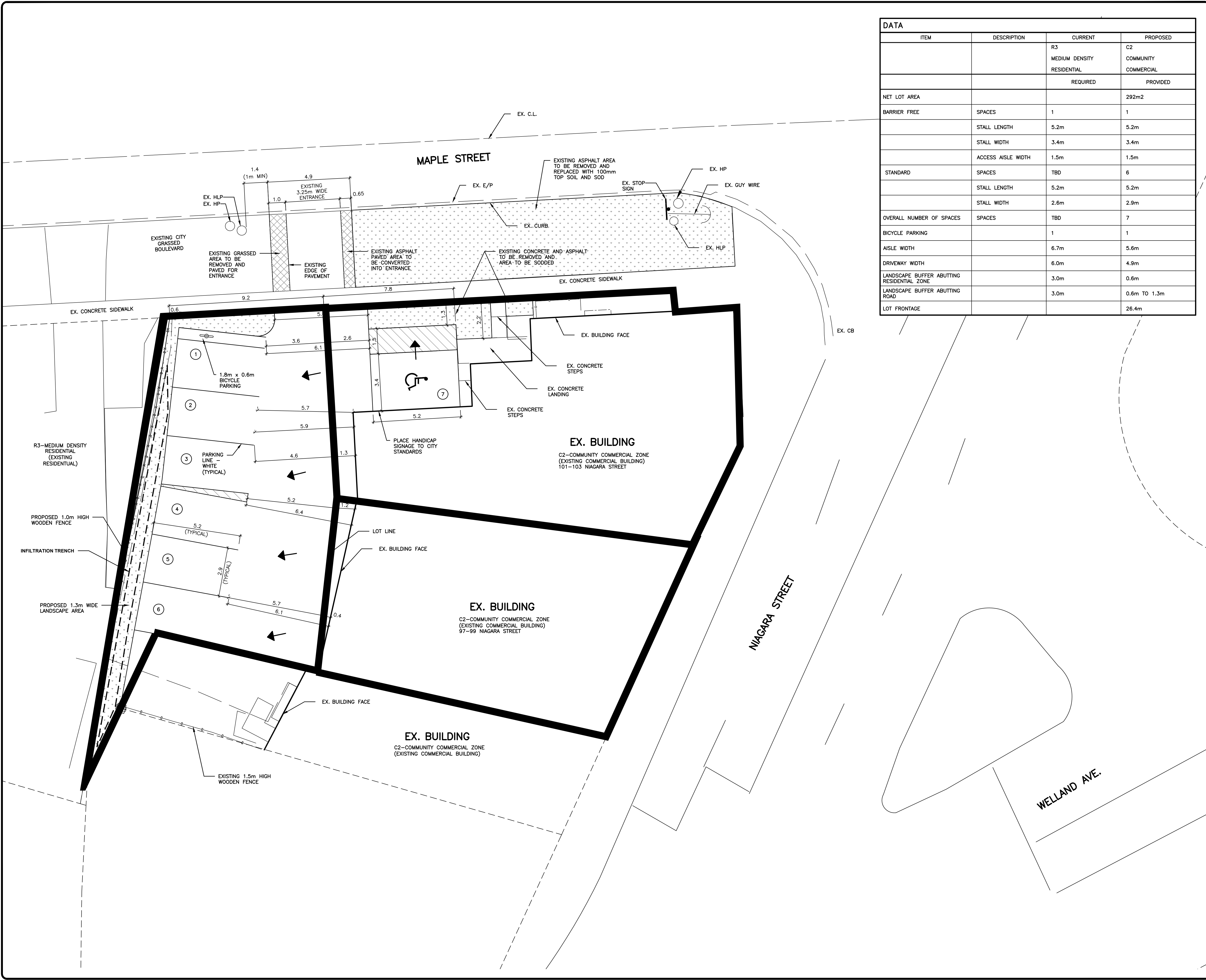
1. Location Map
2. Concept Site Plan
3. Ontario Land Use Planning Framework
4. Official Plan – Existing Schedule D1, General Land Use Plan Map
5. Official Plan – Existing Schedule E5, Central Planning District
6. Official Plan – Proposed Schedule D1, General Land Use Plan Map
7. Official Plan – Proposed Schedule E5, Central Planning District
8. Zoning By-law 2013-283, Existing Schedule A14
9. Zoning By-law 2013-283, Proposed Schedule A14
10. Applicable Garden City Policies

Aerial Photo Surrounding Area



Subject Lands

104 Maple Street, 97-99 Niagara Street and 101-103 Niagara Street
File: 60.30.335 & 60.35.1035



DATA			
ITEM	DESCRIPTION	CURRENT	PROPOSED
		R3 MEDIUM DENSITY RESIDENTIAL	C2 COMMUNITY COMMERCIAL
		REQUIRED	PROVIDED
NET LOT AREA			292m2
BARRIER FREE	SPACES	1	1
	STALL LENGTH	5.2m	5.2m
	STALL WIDTH	3.4m	3.4m
	ACCESS AISLE WIDTH	1.5m	1.5m
STANDARD	SPACES	TBD	6
	STALL LENGTH	5.2m	5.2m
	STALL WIDTH	2.6m	2.9m
OVERALL NUMBER OF SPACES	SPACES	TBD	7
BICYCLE PARKING		1	1
AISLE WIDTH		6.7m	5.6m
DRIVEWAY WIDTH		6.0m	4.9m
LANDSCAPE BUFFER ABUTTING RESIDENTIAL ZONE		3.0m	0.6m
LANDSCAPE BUFFER ABUTTING ROAD		3.0m	0.6m TO 1.3m
LOT FRONTAGE			26.4m

LEGAL DESCRIPTION:

PT LT 7-8 BLK H CY PL 19 GRANTHAM AS IN R0357144; T/W R0357144;
ST. CATHARINES

D	ISSUED FOR SUBMISSION	MAR 14 2018	D.L.	B.M.	
C	ISSUED FOR REVIEW	FEB 21 2018	M.M.	B.M.	
B	ISSUED FOR SUBMISSION	2017 11-08	Y.X.	B.M.	
A	ISSUED FOR REVIEW	2017 10-27	B.M.	B.M.	
No.	REVISIONS	Date	By	App.	

exp Services Inc.

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Owner/Client:

MATHURA P. RAVINDRAN MEDICINE
PROFFESIONAL CORPORATION
96 NIAGARA STREET
CITY OF ST. CATHARINES

Location:

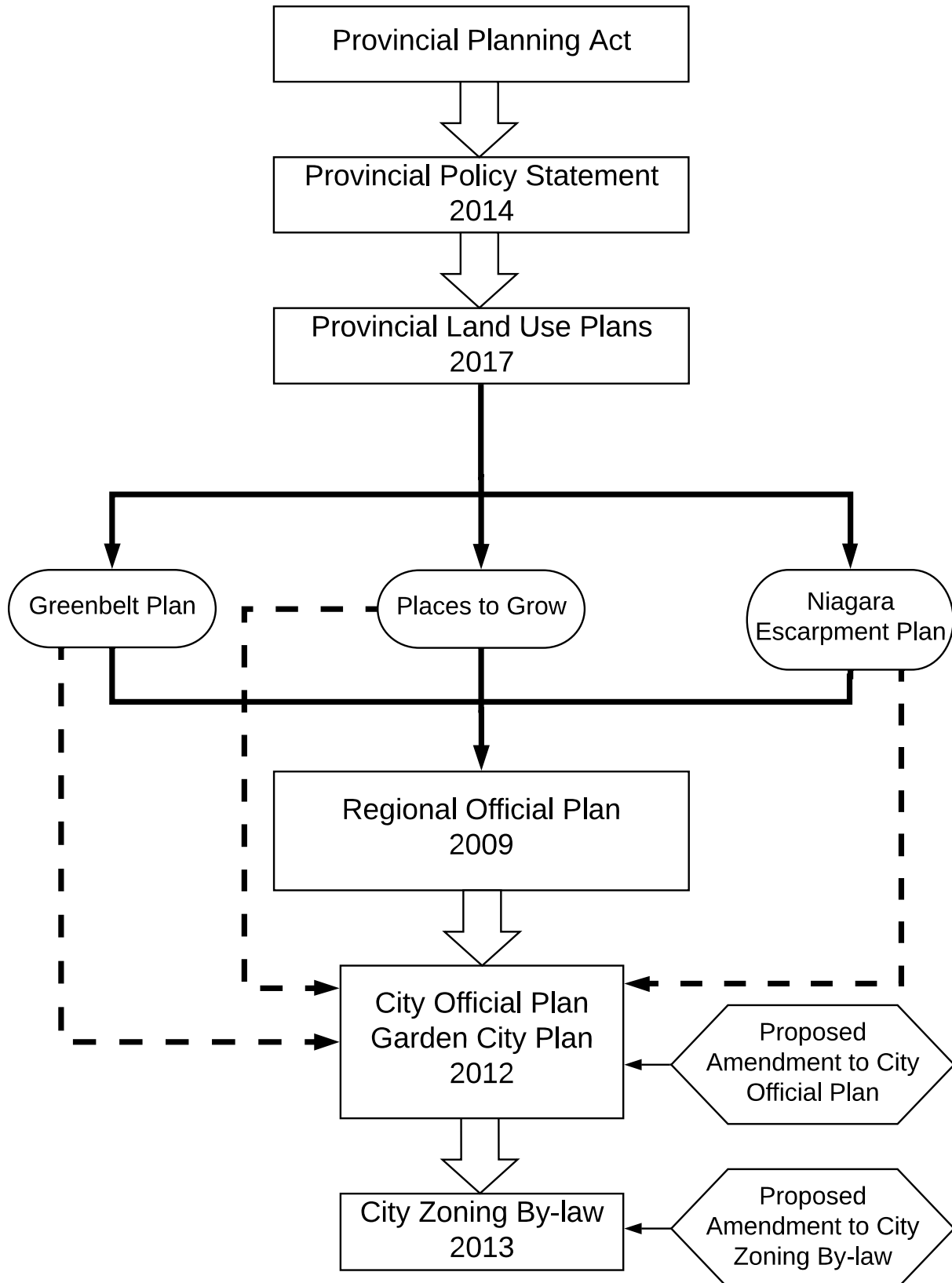
104 MAPLE STREET
ST. CATHARINES

Title:

SITE PLAN

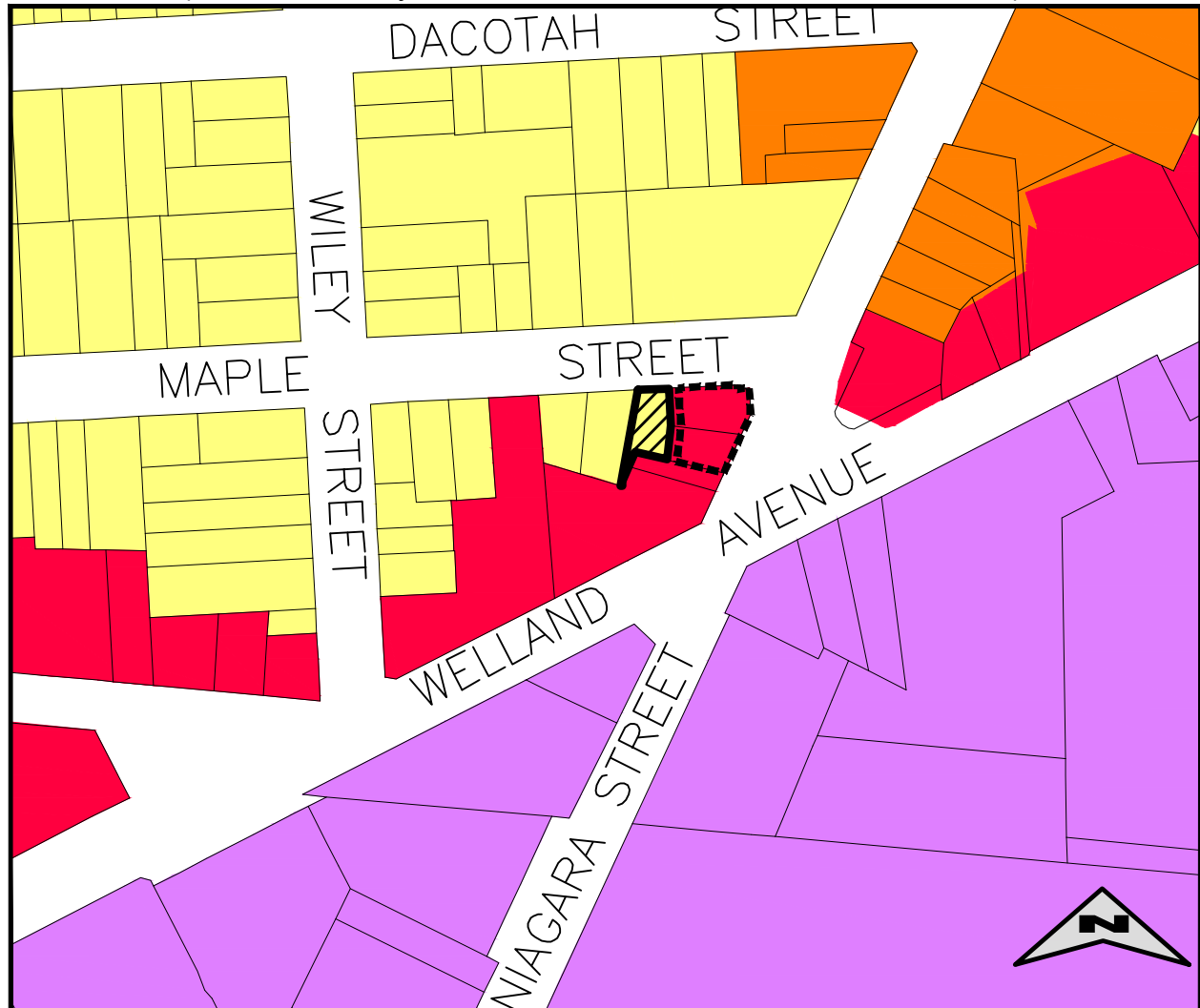
Designed By: B.M.	Drawn By: B.M.	Checked By: M.H.B.M.
Scale: 1:100	Date: SEPT, 2017	Drawing No.: SP-02
Project No.: BRM00605804a		


Ontario Land Use Planning Framework




Existing Land Use Designation





(The Garden City Plan - General Land Use Plan, Schedule D1)



 Subject Lands (104 Maple Street)

 Adjacent Lands Owned by Applicant
(97-99 Niagara Street & 101-103 Niagara Street)

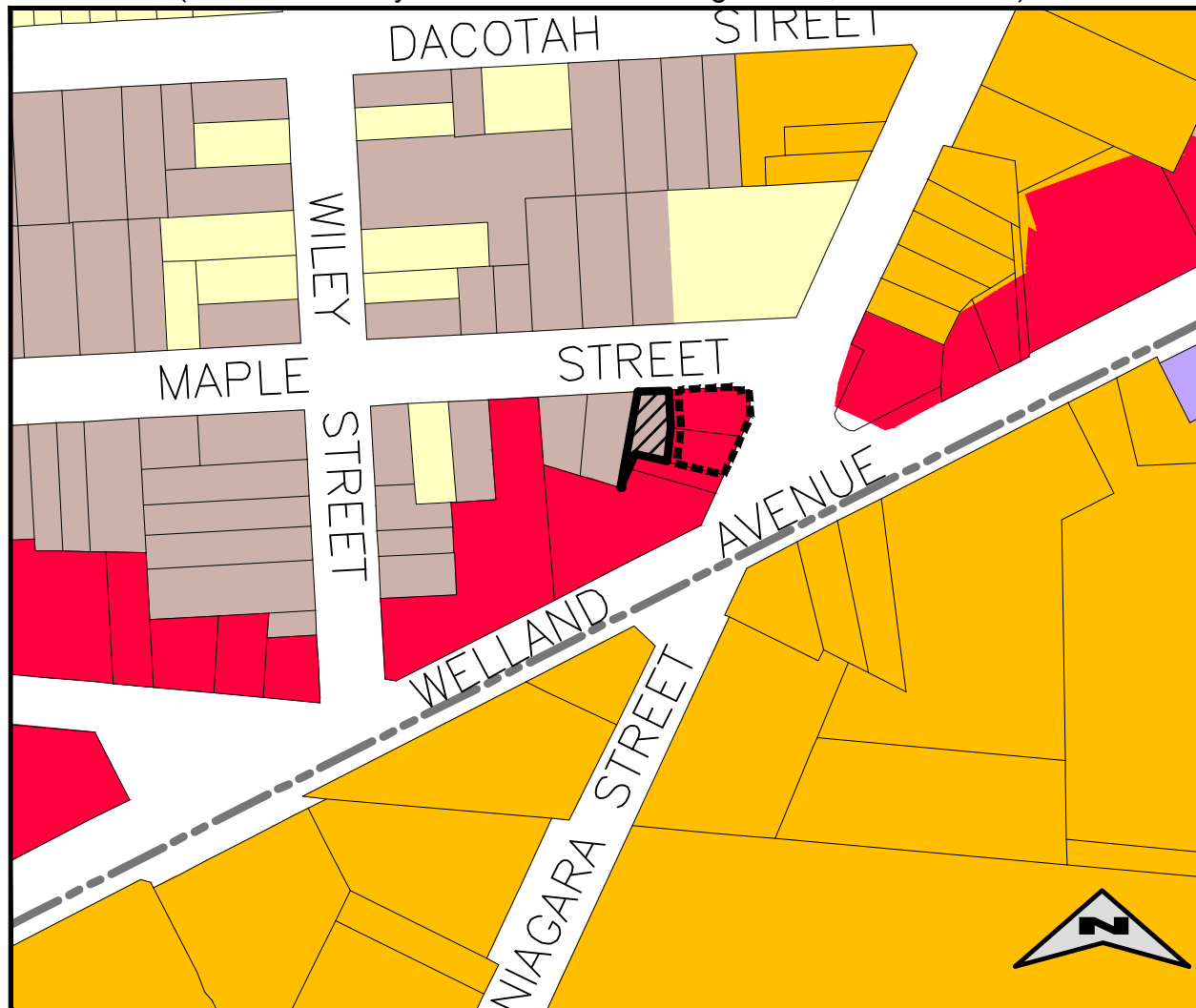
Land Use Designations


 Neighbourhood Residential	 Mixed Use
 Commercial	 Downtown


Files: 60.30.335 & 60.35.1035

Existing Land Use Designation

(The Garden City Plan - Central Planning District, Schedule E5)



 Subject Lands (104 Maple Street)

 Adjacent Lands Owned by Applicant
(97-99 Niagara Street & 101-103 Niagara Street)

Land Use Designations

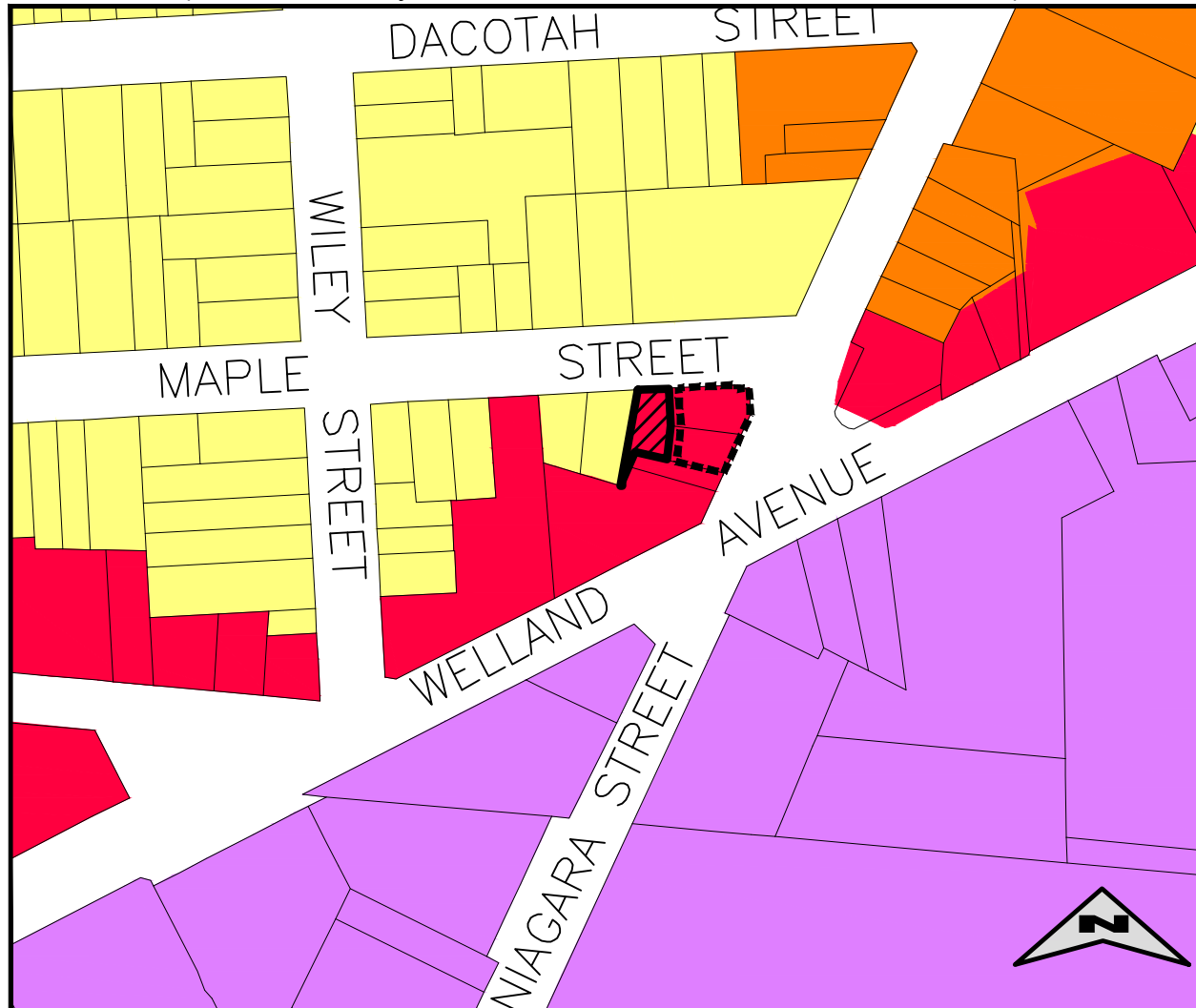
- | | |
|--|--|
|  Low Density Residential |  Mixed Use |
|  Medium Density Residential |  Planning District Boundary |
|  Community Commercial | |


Specific to Downtown Planning District

- | |
|--|
|  Mixed Medium High Density Residential / Commercial |
|  Mixed High Density Residential / Commercial |


Files: 60.30.335 & 60.35.1035

Proposed Official Plan Amendment (The Garden City Plan - General Land Use Plan, Schedule D1)







 Subject Lands (104 Maple Street)

Lands to be re-designated from Neighbourhood Residential
to Commercial

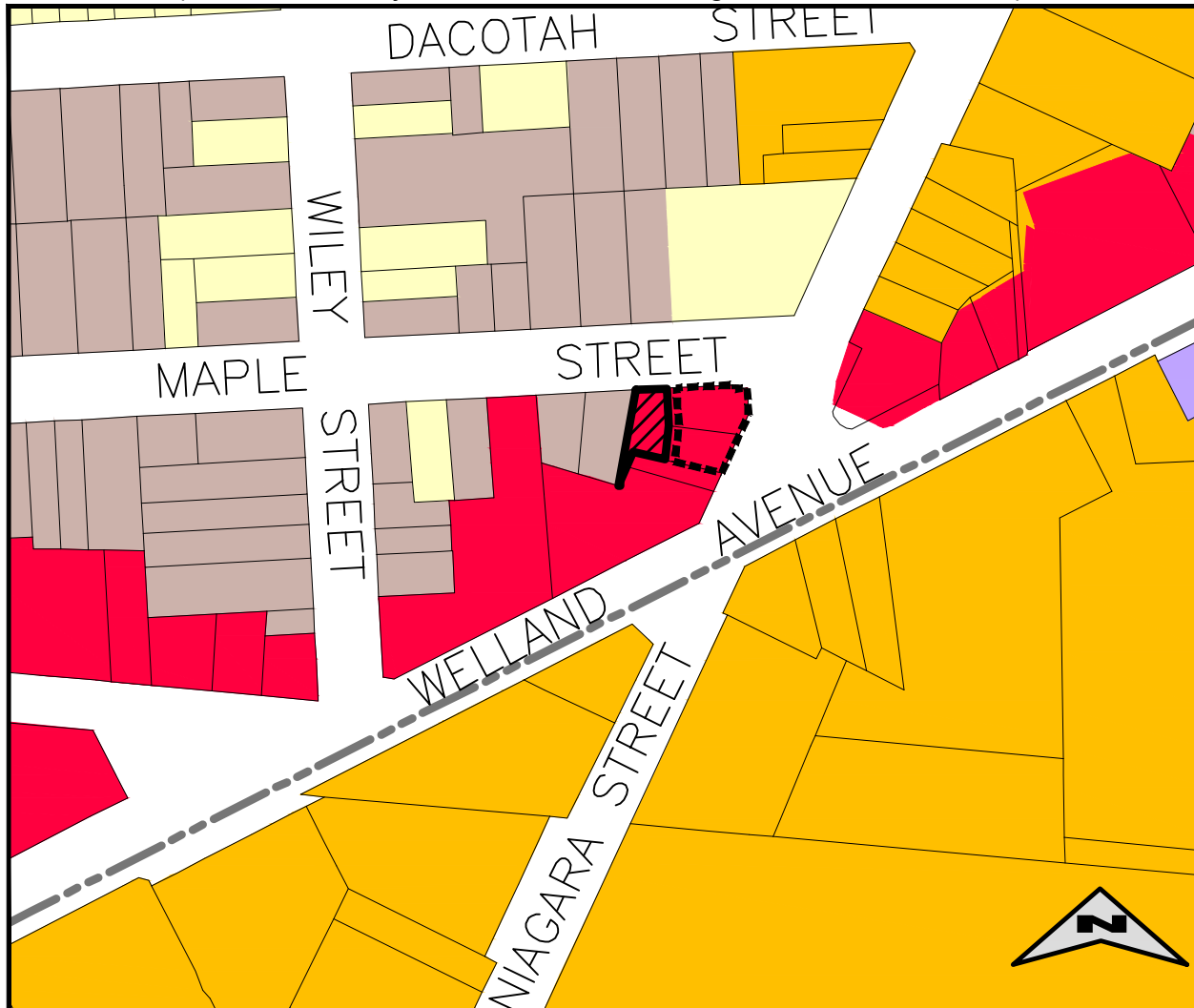
 Adjacent Lands Owned by Applicant
(97-99 Niagara Street & 101-103 Niagara Street)


Land Use Designations

 Neighbourhood Residential	 Mixed Use
 Commercial	 Downtown


Files: 60.30.335 & 60.35.1035

Proposed Official Plan Amendment (The Garden City Plan - Central Planning District, Schedule E5)



 Subject Lands (104 Maple Street)



Lands to be re-designated from Medium Density Residential
to Community Commercial

 Adjacent Lands Owned by Applicant
(97-99 Niagara Street & 101-103 Niagara Street)

Land Use Designations

- | | |
|--|--|
|  Low Density Residential |  Mixed Use |
|  Medium Density Residential |  Planning District Boundary |
|  Community Commercial | |

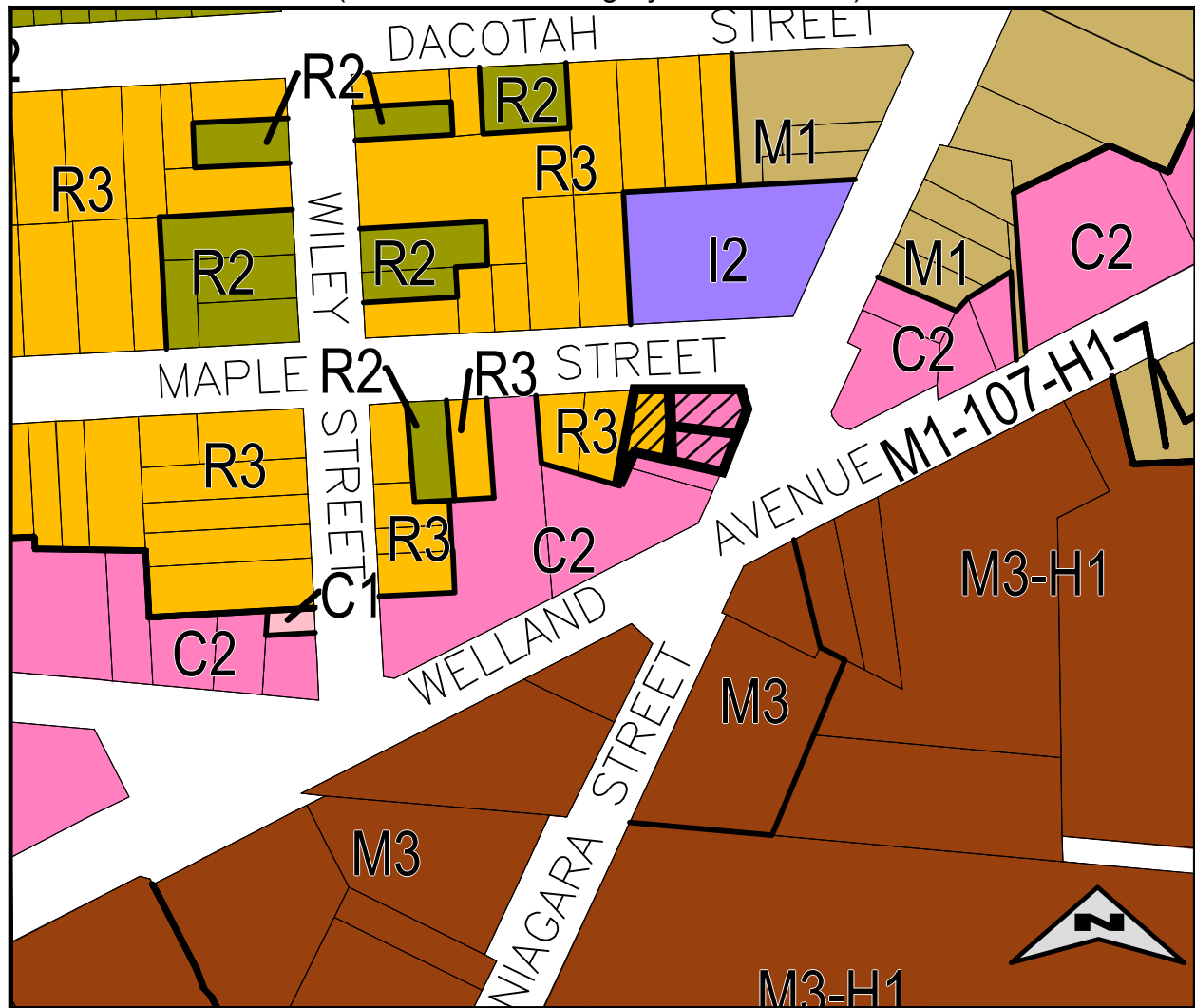
Specific to Downtown Planning District

- | |
|--|
|  Mixed Medium High Density Residential / Commercial |
|  Mixed High Density Residential / Commercial |

Files: 60.30.335 & 60.35.1035

Existing Zoning

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



Subject Lands

104 Maple Street, 97-99 Niagara Street & 101-103 Niagara Street

Zones

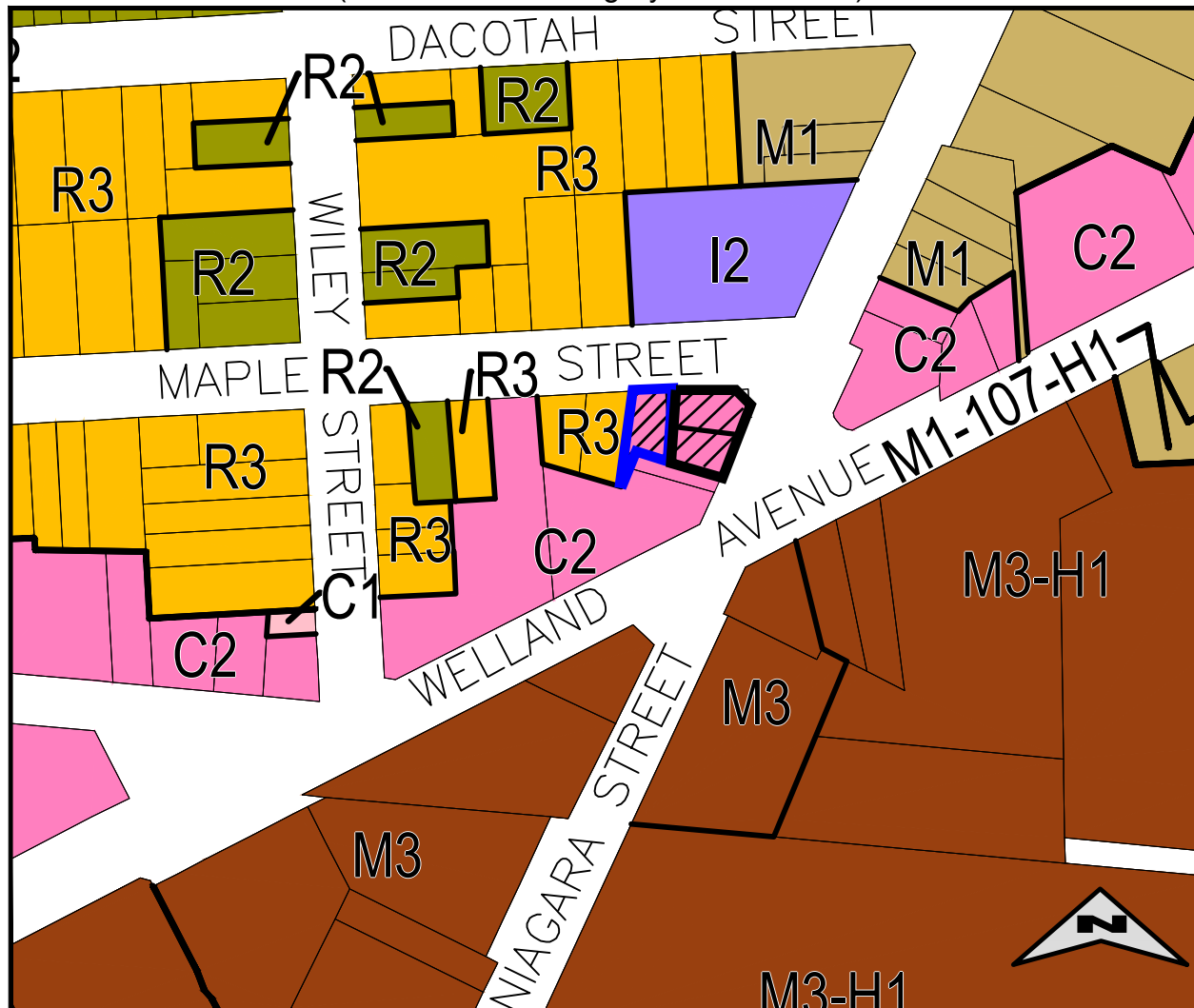
R2 Low Density Residential
- Traditional Neighbourhood
 R3 Medium Density Residential
 C1 Local Convenience Commercial

C2 Community Commercial
 M1 Medium Density Mixed Use
 M3 High Density Mixed Use
 I2 Community Institutional

Files: 60.30.335 & 60.35.1035

Proposed Amendment to Zoning By-Law 2013-283

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



Subject Lands (104 Maple Street)

Lands to be re-zoned from Medium Density Residential (R3) to Community Commercial with Special Provision (C2-XX)

Subject Lands (97-99 & 101-103 Niagara Street)

Lands to be re-zoned from Community Commercial (C2) to Community Commercial with Special Provision (C2-XX)

Zones

 R2 Low Density Residential - Traditional Neighbourhood
 R3 Medium Density Residential
 C1 Local Convenience Commercial

 C2 Community Commercial
 M1 Medium Density Mixed Use
 M3 High Density Mixed Use
 I2 Community Institutional

Applicable Official Plan Policies
City of St. Catharines Garden City Plan

Policies
PART B: VISION AND GUIDING PRINCIPLES
2.3. Managing Growth and Change
2.3.1 Municipal Planning Structure
3. Planning Areas
The City is divided into two primary planning areas – the Urban Area and the Agriculture Area.
i) Urban Area
The Urban Area is established by the Region of Niagara Policy Plan and is set out on Schedule D ‘Municipal Structure’ of this Plan. This area is intended to provide urban development opportunities on full municipal services to accommodate the majority of the City’s projected future population and employment growth.
2.3.3. Accommodation of Growth
1. Projected population, housing and employment will primarily be accommodated within the Urban Area as defined on Schedule D ‘Municipal Structure’.
2. The Plan recognizes a finite Urban Area, and within it, a diminishing vacant land supply and a finite occupied land base to accommodate projected population and employment growth.
3. Growth will be accommodated by:
i) the efficient usability of vacant and occupied lands;
ii) more compact built form and density of development;
iii) the reuse, rehabilitation, regeneration, intensification and enhancement of the built environment;
iv) redevelopment and build out of underutilized properties
v) a more integrated, interactive mix of uses, activity and functions;
vi) service, infrastructure, energy, transportation sustainable, accessible, efficient and supportive development;
vii) design initiatives to support:
<ul style="list-style-type: none">• compatible, innovative, efficient and sustainable building and site design;• enhanced natural and cultural heritage protection, preservation and conservation;• greening;• an accessible, integrated, interactive, usable and connected public realm within and between different use and activity areas, functions, landscapes and identities;
viii) recognizing the preferred mix and interaction of uses contemplated, the City’s Urban Design Guidelines shall be emphasized in the evaluation of all development, redevelopment and intensification opportunities;
ix) the upgrading of existing infrastructure and public service facilities, and where required, the provision of new infrastructure and public service facilities to ensure adequate service capacity to support development, redevelopment and intensification.
x) providing a balance of housing and employment opportunities to maximize the opportunities for people to live and work in St. Catharines, and to maintain a sustainable healthy tax base to support a balanced and complete community, and sustainable long term growth and development opportunities.
4. This Plan establishes a land use planning framework consistent with and supporting the growth and intensification strategy and the achievement of minimum density targets set out in the Provincial Growth Plan for the Greater Golden Horseshoe, 2006, (referenced as the Provincial Growth Plan) as follows:
i) Built Boundary – the Provincial Growth Plan establishes a Built Boundary which represents the limits of the developed Urban Area of the municipality, as defined by the Ministry of Infrastructure Renewal. The Built Boundary for St. Catharines is defined on Schedule D ‘Municipal Structure’ of this Plan.
Intensification Areas are set out on Schedule D ‘Municipal Structure’, and are to be planned to support:
i) minimum housing densities that are generally higher than surrounding areas together with a range and mix of commercial, employment, institutional, recreational and cultural uses primarily intended to serve the local area neighbourhood;

- ii) context sensitive building, site and streetscape design to support an accessible, connected, interactive and vibrant public realm, and compatible and appropriate transition of built form with adjacent areas;
 - iii) public transit service and active transportation networks and opportunities.
- Specific parameters for development and redevelopment within Intensification Areas are set out in Part E ‘District Plans’.
- vii) General Intensification – notwithstanding Intensification Areas set out in Part B, Section 2.3.3.4 vi) above, this Plan also recognizes and provides opportunities for housing intensification within the Urban Area, as follows:
- on all Local Neighbourhood Convenience Commercial, Major Commercial and Community Commercial Centres in a manner not to detract from the intended primary commercial use of such Centres as set out in Part D, Sections 8.3.3, 9.2.1 and 9.2.2 of this Plan.
 - on all designated Residential and Mixed Use properties subject to the policies and density standards set out in Part D, Section 8 and 12 of this Plan.

5. Housing

- i) If past trends towards development of primarily low density housing were to continue, the vacant residential land supply is not adequate to accommodate all of projected future population and housing needs. To accommodate projected future growth requires evolution from traditional development patterns and trends.
- ii) This Plan emphasizes the provision of new housing through the efficient use of vacant and occupied lands; higher density of development; small lot infill; intensification; mixed use development; and reuse, rehabilitation and redevelopment of the built form, including brownfield and greyfield sites.
- iii) All types of new housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods and other activity areas; cultural and heritage landscapes, buildings and identities; and the City’s network of parks, open space and natural areas, and public realm opportunities.
- iv) All types of new housing will be encouraged to support housing diversity for a range of life stages, special needs, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities.
- v) This Plan establishes higher housing density standards and opportunities for a greater mix of housing types than has traditionally been directed by the municipality. While it is recognized that new housing development and intensification may occur in all residential neighbourhoods, the primary emphasis for housing intensification is directed towards the Urban Growth Centre and Intensification Areas as set out on Schedule D ‘Municipal Structure’, along major road corridors, at commercial centres and mixed use areas. The range and scale of housing permitted is further defined in Part D ‘Land Use Policies’ and in Part E ‘District Plans’.

6. Employment

- i) The land use plan provides opportunities for a diverse range, mix, scale and location of economic activities to accommodate projected employment growth forecasts.
- To accommodate projected employment growth forecasts, and support long term sustainable employment opportunities, economic development and competitiveness, this Plan promotes and emphasizes:
- the provision of an adequate, available, suitable, variable and competitive choice of vacant employment lands to attract and accommodate a diverse range of new economic activities.
 - reuse, rehabilitation, redevelopment and enhancement of occupied employment lands to accommodate new or expanded economic activity and employment opportunities;
 - transit supportive, public realm, design and greening initiatives to provide compatible, efficient, functional, connected, accessible, interactive, environment friendly and sustainable development.
 - clustering of like activities to support compatible development and encourage integrated, interactive and connected business and employment opportunities.
- iv) Population serving commercial, institutional, recreation, and cultural uses generate significant employment opportunities outside the Urban Growth Centre and Employment Lands.
- ii) This Plan will ensure opportunities for commercial, institutional, recreational and cultural activities to help build complete communities adequately serve and support local resident needs and employment opportunities, and to support and attract tourist related activity and employment.

v) Work Live accommodation and home based business are encouraged to enhance accessible and transit supportive business and employment opportunities.
Work Live accommodation will generally be directed to the Urban Growth Centre, Intensification Areas and mixed use areas, and is most desirable to be developed on a larger scale to support business or research clusters with shared support services.

PART C: GENERAL POLICIES

4. URBAN DESIGN

4.1. Urban Design Principles

Good urban design is a key planning tool to create sustainable communities. Sustainable design involves the holistic design of communities and buildings for long-term economic prosperity, social harmony and stability, minimized environmental impact, and strengthened cultural identity.

The development of St. Catharines will be based on the following sustainable design principles:

- a) a strong sense of identity and place as the “Garden City”;
- b) innovative and sustainable design;
- c) a stimulating, attractive, and safe public realm;
- d) compatibility of new development with established areas;
- e) universal access to public areas;
- f) conservation of heritage buildings and structures;
- g) protection of the natural environment and processes;
- h) a compact, walkable, bikeable and well connected community;
- i) a range of choices for housing and transportation ;
- j) mixed-use nodes and corridors;
- k) complete streets for all users;
- l) building design to support street life.

4.3. The Natural Environment

St. Catharines is located between Lake Ontario and the Niagara Escarpment, with numerous creek systems and environmentally sensitive natural areas. In the urbanized areas, the relationship to these natural features and areas will be enhanced through a thoughtful approach to their conservation, visibility, and accessibility.

1. The natural features and areas of the City will be connected to the surrounding environment by improving physical and visual access from adjacent public spaces and by designing these to create connectivity and enhance a comprehensive, interconnected and safe open space network.

2. The enjoyment of the valleys and ravines will be protected and enhanced by ensuring that adjacent development, particularly from building height and massing, will protect for views and vistas.

3. Development and redevelopment activities will be designed to be compatible in scale and character with natural features and areas, and enhance the visual qualities and public enjoyment of those features and areas.

4. Site design and planning will consider the existing topography and the preservation and enhancement of vegetation, natural features and areas, open space, and naturalized areas. This includes:

- a) Ensuring that existing naturalized open space on lands proposed for development/redevelopment is retained to the maximum extent possible, and where retained, is allowed to regenerate with minimum intervention;
- b) Enhancing ecological stability by supporting the use of low maintenance landscape features and materials;
- c) Supporting the use of native plant species when creating new plant communities or when adding to existing native plant communities;
- d) Applying development standards designed to maximize retention of all woodlots and other natural features and areas;

5. Where they remain, the pleasant tree-lined streets of the older areas will be protected and where trees have to be removed, they will be replaced as soon as possible.

6. A program of tree planting, preservation, and landscaping will be undertaken so that all areas are provided with trees and other vegetation to maintain a high standard of amenity and appearance, with specific emphasis given to the Urban Growth Centre and Intensification Areas, as set out on Schedule D ‘Municipal Structure’, at the time of infrastructure renewal and reinvestment.

7. In all public works, trees should be retained and when trees must be lost to accommodate the works, they will be replaced as soon as possible by other trees of sufficient maturity and in sufficient numbers to enhance the appearance of the public works.

8. Where development or redevelopment may necessitate the loss of existing trees or vegetative planting on a public right-of-way, they will be replaced and relocated on the public right-of-way in the immediate vicinity of the affected lands, to the satisfaction of the City or the Region of Niagara, and at the cost of the proponent.

4.4. The Public Realm

The public realm – the streets, parks, squares, public buildings, and open spaces, is a critical component of city life, drawing people together and providing the setting for festivals, cultural events, and recreational and leisure activities, as well as for daily casual contact. They create strong social bonds and help establish our public identity.

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

- a) the introduction or improvement of linkages where existing areas are inadequately connected to each other or between public places;
- b) improvements to streetscapes, including pedestrian-scale lighting, bicycle facilities, street furniture, signage, landscaping, and enhanced active transportation wherever road improvements occur;
- c) naturalization opportunities including the use of native species of trees in development of open spaces;
- d) the placement of a broad range of art works in publicly accessible and visible locations;
- e) roadway design to maximize the preservation and maintenance of natural features and the development of complete streets;
- f) the protection and enhancement of major vistas, gateways, and scenic routes;
- g) measures to mitigate light trespass and glare to minimize the effects of sky glow.

2. Public buildings will be located and designed to promote their public status on prominent, accessible sites. Public space associated with public buildings will be designed to accommodate a variety of public functions.

3. Where feasible, major public and private development projects will be required to incorporate public spaces, bicycle facilities and sidewalks to support connections to the City’s pedestrian, bike and transit network.

4. Wherever feasible, utilities will be placed underground and/or designed to minimize negative impacts, maintain existing area character, and enable further aesthetic improvements such as boulevard trees planting.

Consideration shall be given to the location of utilities within the public rights of way as well as on private property. Utilities shall be clustered or grouped where possible to minimize visual impact. The City encourages utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters, etc. when determining appropriate locations for large utility equipment and utility cluster sites.

5. The City’s Urban Design Guidelines shall identify certain locations as design priority areas given their importance as growth areas, major activity areas, or prominent focal points. These areas will include:

- a) Downtown and the Urban Growth Centre
- b) Intensification Areas as set on Schedule D ‘Municipal Structure’.
- c) City and neighbourhood nodes, gateways, and traditional main streets as identified in the City’s Urban Design Guidelines.
- d) major activity centres and mixed use areas.
- e) major vistas, landscapes

6. Design features for the design priority areas identified in Part C, Section 4.4.5 above will be established through the City’s Urban Design Guidelines and may include but are not limited to decorative lighting, public art, distinct signage, wider sidewalks, boulevard and median treatment and planting, traffic calming, entrance features, and enhanced pedestrian surfaces to support the achievement of complete streets.

4.5. Built Form

Built form refers to the arrangement of buildings and their relationship to each other, and to the natural environment. It plays a large role in defining the character of an area. New

<p>development in St. Catharines will primarily be by way of intensification and redevelopment, and urban design will have a significant impact on how the new development will fit with established areas. Compatibility of development does not necessarily mean the same as or similar to existing buildings in the vicinity, but rather that new development respects and enhances the existing character and context of an area. Where there is no discernable character, new development will set the standard for future development.</p> <p>1. As a basis for evaluating compatibility and for achieving design excellence, development/redevelopment will be designed in a manner that reflects the principles established in Part C, Section 4.1 of this Plan and that maximizes compatibility with the surrounding area in terms of the following matters:</p> <ul style="list-style-type: none">a) Building scale, height, gradation of height, and massing.b) Spacing of buildings.c) The level and visibility of the ground floor relative to exterior graded) Roof form and pitch, together with any other structures on the roof.e) The placement, number, type and proportion of doors and windows.f) Use of materials, textures, and colours.g) Continuity in the provision, location, and linkage of amenity, open space, and green corridors.h) Preservation and enhancement of significant views and vistas.i) Retention of natural vegetation and other distinctive landscape or streetscape features.j) The overall scale of the development as it relates to the surrounding area. In this regard, factors contributing to compatibility include avoiding long unbroken expanses of walls; creating relief in walls; the use of varied colours, textures, types, qualities and patterns of finish materials; roofline articulation.k) Mitigating light trespass and glare and to minimize the effects of sky glow.l) Mitigating wind, sun shadow impacts. <p>2. Development/redevelopment will locate parking, service areas, and utilities to minimize the impact on the property, surrounding area, and the environment by:</p> <ul style="list-style-type: none">a) Consolidating and minimizing the width of driveways and curb cuts.b) Providing underground parking or parking structures where possible.c) Limiting surface parking between the front and flanking face of a building and the public street.d) Providing perimeter landscaping as well as landscaped interior islands.e) Using permeable pavement systems or other low impact development practices.f) Connecting parking areas to the street through safe, landscaped pedestrian walkways.g) Integrating utilities as part of the building and site design, where feasible.h) Ensuring safety for active transportation. <p>3. Development/Redevelopment may be required to provide amenities for adjacent streets and open spaces such as street furniture, bicycle parking facilities, trees, signage, and lighting to ensure they are fully integrated into the surrounding neighbourhood.</p> <p>4. Major development/redevelopment proposals shall be required to prepare an urban design scheme (site plans, building elevations, context plans, and other studies) to determine impacts on the physical compatibility of the surrounding area and on the long term development or redevelopment potential of the area.</p> <p>4.6. Universal Access</p> <p>Universal access means providing a broad range of users with varying needs the opportunity to move through the City independently with as few obstacles, physical and psychological, as possible.</p> <p>1. New buildings, the retrofitting of existing municipal buildings and public spaces shall be designed to foster and support accessibility by all citizens. The full range of abilities of all ages and users shall be considered in the design of the built environment.</p> <p>2. The travelled portion of pedestrian and bicycle routes shall be kept free from obstructions or projections of street furniture, fixtures, or buildings.</p> <p>3. Barrier-free features shall be well-integrated within the functional and aesthetic design composition, including but not limited to:</p> <ul style="list-style-type: none">i) ensuring appropriate driveway and sidewalk height to length ratios to support safe accessibility and travel for all;ii) requiring sidewalk curb cuts at all intersections;iii) requiring paving changes be incorporated at grade changes and intersections;iv) requirements for accessibility parking spaces;
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v) encouraging other features appropriate to ensure that barrier free design is provided.

The City may prepare specific design guidelines for accessibility to ensure that accessible design initiatives are considered in the evaluation of development and redevelopment proposals.

4.7. Personal Safety

Design, through sensitive site layout, location of public spaces and road design, can have a significant influence on the safety of an environment based on the “eyes on the street” philosophy.

- 1. Publicly accessible spaces shall be located near public roads, transit stops, or other public spaces in order to allow public surveillance.
- 2. Adequate lighting shall be provided in concealed areas or those areas where visibility may be poor.
- 3. Views shall be provided into, out of, and through publicly accessible spaces.
- 4. Access points from public and public accessible spaces shall be clearly identified.
- 5. Public spaces shall be designed to encourage a variety of activities on a daily, weekly, and seasonal basis.

4.8. Landscaping

Landscaping has a number of significant roles to play in creating interesting and functional places.

- 1. Landscaping design shall:
 - a) enhance the visual appeal of development.
 - b) buffer unsightly areas or uses that are incompatible.
 - c) promote the use of native species.
 - d) provide seasonal variation in form, colour, texture, and representation.
 - e) promote human scale and create an attractive environment for pedestrian movement.
 - f) assist in energy conservation.
 - g) mitigate the effects of inclement weather.
 - h) preserve and compliment existing natural landscape.
- 2. Appropriate buffering will be required between all uses of land where there may be a conflict and where one use may detract from the enjoyment.

6. ACHIEVING A SUSTAINABLE CITY

6.1. General Policies

- 1. The City shall develop an Integrated Community Sustainability Plan that will provide guidance for the development or alignment of all municipal plans, policies and decisions under one integrated decision-making framework.
- 2. The City shall support sustainable development through land use and development patterns that:
 - a) Promote compact form and a structure of nodes and corridors, and which directs development, redevelopment and intensification primarily to the Downtown Urban Growth Centre and Intensification Areas as set out on Schedule D ‘Municipal Structure’.
 - b) Promote the use of public transit and other alternative transportation modes among residential, employment and commercial areas, and other activity centres;
 - c) Promote development/redevelopment throughout the City’s Urban Area on sites that are or will be well served by public transit, with particular emphasis on the Downtown Urban Growth Centre and Intensification Areas as set on Schedule D ‘Municipal Structure’.
 - d) Promote design and orientation that maximizes the use of alternative or renewable energy sources, such as solar and wind, and the mitigating effects of vegetation.
- 3. All of the City’s sustainable development principles shall be considered when reviewing applications for development, public works, and capital expenditures.
- 6. In making decisions about planning, development, and conservation, within the sustainability framework, the City shall employ an ecosystem approach

<p>addressing:</p> <ul style="list-style-type: none">a) The interrelationships among air, land, water, plant and animal life, and human activities;b) The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions;c) The long term and cumulative impacts on the ecosystem. <p>7. Development should maintain, enhance, or restore ecosystem health and integrity.</p> <p>8. The City will collaborate with Niagara Region, the Niagara Peninsula Conservation Authority and other appropriate stakeholders, in developing and maintaining an environmental data base and monitoring program to assess ecosystem health and integrity and recommend improvements, where necessary, to this Plan.</p> <p>6.2. Corporate Policies</p> <p>1. The City shall require all new major municipal buildings to achieve a LEED silver rating or equivalent, where feasible.</p> <p>2. The City shall establish an environmental sustainability policy and related procedures such as a sustainable green purchasing procedure and a sustainable green fleet procedure.</p> <p>3. The City shall require all municipal renovation and retrofitting, including the adaptive reuse of heritage buildings for public use, to incorporate sustainable building techniques wherever feasible.</p> <p>4. The City shall consider the installation of green or light reflecting roofs in the feasibility and design phase of all new municipal buildings.</p> <p>5. The City shall consider the installation of solar panels, geothermal heating/cooling systems and other sustainable energy practices in the feasibility and design phase of all new municipal buildings.</p> <p>6.3. Energy Efficiency/Generation</p> <p>3. The City shall promote innovative subdivision and site plan design that minimizes energy consumption through road design and lot layouts which maximize passive solar energy opportunities and other alternative energy sources.</p> <p>6.5. Water Resources</p> <p>1. Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts on:</p> <ul style="list-style-type: none">a) The quantity and quality of surface and ground water;b) The functions of ground water recharge and discharge areas, aquifers and headwaters;c) The natural hydrologic characteristics of water courses such as base flow;d) The natural drainage systems, streams, forms and shorelines;e) Flooding or erosion;f) Surface or ground water resources adversely impacting on the ecological function of natural hazards and heritage as set on Schedule F2 'Natural Hazard Lands' and Schedules F3 and F4 'Natural Heritage' of this Plan. <p>2. Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to water supplies so that the safety and quality of drinking water will be protected and improved.</p> <p>4. A Stormwater Management Plan prepared by a qualified engineer, and based on sediment and erosion control guidelines from the Niagara Peninsula Conservation Authority (NPCA), as amended from time to time, may be required with an application for development, redevelopment or site alteration depending on:</p> <ul style="list-style-type: none">a) The scale and nature of the proposal.b) Site specific environmental conditions. <p>The City, in conjunction with the Region, the Niagara Peninsula Conservation Authority (NPCA) and other authorities will determine the need for such a plan as part of the complete application process. Stormwater Management Plans will be required to consider alternative approaches to traditional stormwater management such as Low Impact Development practices as noted in Part D, Section 7.1 g) of this Plan.</p> <p>6.6. The Urban Forest</p> <p>4. Planning applications shall integrate natural features and natural vegetation,</p>

<p>including the planting of native species, into development plans.</p> <p>5. The City shall ensure that appropriate space for tree protection and tree planting within road rights-of-way are included in the design of new roads and road improvements.</p>
<p>PART D: LAND USE POLICIES</p> <p>7. GENERAL POLICIES</p> <p>7.1 Development / Redevelopment Development and redevelopment within the Urban Area shall be evaluated having regard for the following:</p> <p>a) Support for safe, accessible and connected active transportation linkages within and between residential neighbourhoods, other activity centres, uses, and the City's public realm and open space network.</p> <p>b) Opportunities to create or enhance public places, active transportation linkages, facilities and gateways.</p> <p>c) Building, site and streetscape context sensitive design to ensure:</p> <p>i) Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;</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>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>iv) Adequacy of lot size, access, on-site facilities and outdoor amenity areas to accommodate use;</p> <p>v) Provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.</p> <p>d) The preservation, conservation, enhancement and integration of natural and cultural heritage features, landscapes and identities.</p> <p>e) Opportunities to support and improve connectivity and accessibility to public transit and active transportation, including carpooling and carsharing.</p> <p>f) Treatment of existing topographic and vegetative features, and greening and landscaping opportunities.</p> <p>g) The best use of existing resources, infrastructure and service capacity. Development/redevelopment will only be permitted where there is adequate municipal water and wastewater service, waste management, and public service facilities. Compatible and practical on-site renewable water, waste and energy management techniques and design are encouraged, including Low Impact Development (LID) practices.</p> <p>h) Surface parking areas should be minimized and shared parking areas, standards and access shall be encouraged where compatible, and adequate and appropriate for intended level of service. Parking areas and access should be designed to optimize greening opportunities, and to support reduction of heat islands, sustainable storm water management, limited access points to public roads, and provide for safe and friendly active transportation circulation.</p> <p>i) Development will only be permitted where the sustainable transportation system is adequate to accommodate anticipated traffic volumes, generation, circulation and use.</p> <p>j) Land assembly and configuration will not detract from the potential development or redevelopment on adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential.</p> <p>k) Alternative and innovative lottage patterns are supported provided that compatible street, building and site context sensitive design with adjacent properties and the surrounding neighbourhood can be achieved; and adequate and maintained access to a public road is provided and ensured.</p> <p>l) Direct vehicular access from individual properties to the Welland Canals Parkway is not permitted.</p> <p>7.2 Contaminated Sites</p> <p>ii) On all lands known or suspected of potential environmental hazards, the City shall require, prior to consideration of approval for development /redevelopment or site alteration, appropriate studies to assess potential hazards. Protective or mitigating measures may be applied to the subject lands, subject to study evaluation and Provincial standards. A record of site condition may be required.</p>

- iii) On all lands subject to Official Plan or Zoning By-law amendment or Subdivision approval, an environmental site assessment from the proponent will be required as a condition of approval, identifying that the site has been investigated and found to be free from contamination subject to Provincial standards. A record of site condition may be required.
Where hazards are identified, they shall be subject to appropriate studies, and protective or mitigating measures may be applied.
- iv) The City may, in accordance with City procedure, require for all lands conveyed or dedicated to the City, or purchased by the City, the submission of documentation from a qualified professional indicating the lands have been investigated for contaminants and are in accordance with Provisional standards for the intended use. A record of site condition may be required.
- v) All environmental and legal requirements, including but not limited to soil or water studies, audits, and satisfactory mitigating and engineering measures, are the sole responsibility of the developer.

7.6 Special Study Areas – Notwithstanding the general land use policies of this Plan, certain lands may be set out as a ‘Special Study Area’ in accordance with Part F, Section 16.20. A ‘Special Study Area’ is subject to future study by the City or by development proponents to determine and implement appropriate land use designations and/or policies to guide future development, redevelopment or intensification in the affected area(s). Special Study Areas are set out in Part E, District Plans. District Plans may also set out the general vision and parameters as the basis of future study. Until such time as revised land use designations and/or policies have been implemented by amendment to this Plan, the underlying land use designations and applicable policies established in this Plan will apply.

8. NEIGHBOURHOOD RESIDENTIAL

8.1. Residential Use Designations

1. Low Density

The Low Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

2. Medium Density

The Medium Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

3. High Density

The High Density residential designation permits triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally 85 units per hectare of land or greater.

8.2. General Policies

1. Residential development, redevelopment and intensification will be integrated within Low, Medium and High Density residential designations having regard for Part D, Section 7 and all other policies of this Plan.

2. New Medium and High Density development sites may be permitted in the Neighbourhood Residential designation by way of zoning by-law amendment, provided:

- a) the permission represents only a change from low to medium density residential, or medium to high density residential, as defined in Part D, Section 8.1 above;
- b) the subject lands are located on arterial or collector roads, in close walkable proximity and accessibility to commercial centres, community facilities and parks, are well served by public transit and should most appropriately be located adjacent to or in close proximity to existing medium or high density residential sites;

Any proposal for new medium or high density residential development will be evaluated having regard for urban design principles and policies set out in this Plan to ensure building, site and streetscape design will support compatible and context sensitive development with adjacent properties and those in close proximity to the subject lands; and, may be subject to studies as set out in Part F, Section 16.16 of this Plan.

Through regular monitoring of this Plan, the subject lands will be appropriately designated in Part E ‘District Plans’, and subject to the applicable policies established for that designation.

3. Apartments are permitted on arterial roads in low density residential designations, subject to zoning by-law amendment, having regard for the density and height provisions established in Section 8.1.1. Any such proposal will be evaluated having regard for urban design principles and policies set out in this Plan to ensure building, site and streetscape design will support compatible and context sensitive development with adjacent properties and those in close proximity to the subject lands, and may be subject to studies as set out in Part F, Section 16.16 of this Plan.

4. New residential development may be subject to Provincial guidelines to ensure adequate minimum distance separation from designated employment lands.

8.3 Ancillary Uses

The Neighbourhood Residential designation also permits elementary and secondary schools, places of worship and other local public serving institutional uses, neighbourhood commercial uses, home based business, parks and open space uses.

1. Parkland and open space uses are permitted by way of zoning by-law amendment where they are compatible with the residential environment.

2. Elementary and Secondary Schools, places of worship and other local public serving institutional uses are permitted subject to zoning by-law amendment where:

- a. Compatible with the surrounding residential environment, and where potential negative impacts such as noise, odours, emissions, litter, and traffic generation are not excessive in relation to the predominant use;
- b. Located in areas appropriate and accessible for the intended level of service; In close walkable and bikeable proximity to public transit service;
- c. The transportation system is adequate to accommodate anticipated traffic volumes and circulation.

- i) Low, medium or high density residential standards are set out in Part E ‘District Plans’ to establish residential development parameters on existing school and place of worship sites where redevelopment for residential purposes may be proposed. Medium density residential standards will generally apply to those properties located on arterial or collector roads.
- ii) Policy 8.3.2 i) above should not be construed as the City supporting the redevelopment or relocation of existing elementary and secondary school sites. This Plan supports the retention of existing elementary and secondary school sites recognizing the integral role of these schools in providing essential and accessible community and neighbourhood facilities and resource, and in providing neighbourhood focus and identity.

3. a) Local Neighbourhood Convenience Commercial Centres cater to the day to day convenience needs of nearby local residents and may include small scale retail and service commercial, office, institutional and indoor recreation uses, and residential dwelling units. New Local Neighbourhood Convenience Commercial Centres, or the expansion of existing Centres onto adjacent properties may be permitted subject to zoning by-law amendment and will be evaluated based on the following criteria:

- i) compatible with surrounding residential environment;
- ii) total site size of the centre should not exceed 0.4 hectares of land;
- iii) total gross leaseable floor area for commercial uses should not exceed 930 square metres;
- iv) total gross leaseable floor area per individual commercial use should not exceed 370 square metres;
- v) the centre shall be located at the intersection of arterial or arterial and collector roads, central to it’s intended service area, have an intended service radius of not more than 0.8 kilometres and should not be located within this distance from a Commercial land use designation.
- vi) residential units should be provided where gross leaseable commercial floor area exceeds 370 square metres, and in a manner not to detract from the primary convenience commercial function of the centre.
- vii) auto related uses, excluding a gas bar, are not permitted.

b) Residential intensification of local neighbourhood convenience commercial centres is encouraged where it does not detract from the primary convenience commercial function of the centre.

Any application to increase the size of a centre beyond 0.4 hectares of land and/or 930 square metres in gross leaseable floor area will only be considered where such application includes development of residential dwelling units.

<p>c) Notwithstanding Section 8.3.3 b) above, minor boundary adjustments to a local neighbourhood convenience commercial centre may be permitted where deemed to be consistent with, and not contrary to the intent of Section 8.3.3 a) and b) above.</p> <p>4. Small scale local convenience commercial uses are permitted in higher density residential apartment and long term care complexes where sized, designed and intended to primarily serve the residents of the complex. The combined size of all convenience commercial uses should not exceed 5% of the total residential gross floor area of the complex, and shall not include auto related uses.</p>
<p>9. COMMERCIAL</p> <p>9.1. It is expected that the commercial areas designated in this Plan are sufficient in number, size and location to serve the commercial needs of area residents throughout the Plan time horizon. The expansion of commercial designations is discouraged. Intensification, redevelopment and reuse of existing commercial designations is intended to be the primary means of accommodating new or expanded commercial facilities. The City may require a commercial market study and other studies as set out in Part F, Section 16.16 of this Plan in consideration to expand or establish new commercial designations.</p> <p>9.2. Commercial Use Designations</p> <p>1. Major Commercial</p> <p>Major Commercial Centres are primarily intended to provide for major concentrations of commercial facilities to support shopping opportunities to serve and attract a city wide and broader regional population base and market.</p> <p>a) Permitted Uses A range of commercial uses are permitted, excluding auto dealerships and adult oriented uses. Other uses permitted include institutional, civic, cultural, indoor recreation, entertainment, and residential apartment dwelling units.</p> <p>b) Major Commercial Centres:</p> <ul style="list-style-type: none">i) are to be located on arterial roads with close proximity and adequate and accessible access to 400 series Provincial highways;ii) shall be developed and designed in campus and nodal format, occupying one or more properties functioning as a singular site or node, and may include lands on other quadrants of an intersection;iii) shall be designed to ensure:<ul style="list-style-type: none">a) integrated, common and shared access and parking, where feasible;b) strip or linear development and access points along arterial roads are minimized;c) adequate on-site parking is provided to accommodate all uses;d) safe internal vehicular traffic circulation, and to minimize traffic impacts on adjacent roads and uses;e) safe, connected, convenient, accessible and barrier free pedestrian and bike networks within and adjacent to the site development;f) common landscaping and design features;g) on- site and internal parking area landscaping and greening opportunities, and in support of pod parking design;h) that loading areas, outside storage not intended for retail display and sale of merchandise, and waste management facilities will be located away from, and screened from view from on-site pedestrian and vehicular activity areas; and screened from view from other on-site uses, internal and external roads, pedestrian use activity areas, and adjacent properties and uses not part of the site development;i) context sensitive building, site and streetscape design to support compatible development between on-site uses, and with adjacent properties and uses not part of the site development, including building form, scale, massing, height, setbacks, spacing, siting, orientation, facades, architectural materials, buffering, screening, landscaping;j) well defined and clearly articulated street edges.iv) are to be well served by public transit and will incorporate convenient and accessible transit transfer, arrival and departure facilities to serve as a major transit depot.<ul style="list-style-type: none">v) outside storage areas intended for retail display and sale of merchandise will be regulated through the implementing zoning by-law to ensure ancillary use, minimize negative impacts on pedestrian, bike, transit and vehicular circulation, and to enhance building, site and streetscape context sensitive design. <p>c) To support the primary function for city wide and regional population based shopping opportunities, the following applies:</p> <ul style="list-style-type: none">i) the Major Commercial Centre shall be at least 25 hectares of land in size

- and have a minimum total gross leaseable retail commercial floor area of 47,000 square metres;
- ii) non-retail uses should be limited in size and scale to protect the primary function of the Centre for shopping purposes;
- iii) residential uses shall be located in freestanding buildings or in upper storeys of commercial buildings, and will provide adequate exclusive outdoor amenity space for residents;
- iv) local office uses should not exceed 20 % of total gross leaseable retail commercial floor area.

d) The full range and scale of uses permitted in a Major Commercial Centre may not be allowed in all locations so designated. The precise range and scale of permitted uses on individual sites within the Major Commercial designation may be stipulated in District Plans or the implementing zoning by-law, and may be subject to impact studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, use compatibility, traffic, parking, market analysis, and building and site design.

e) Any application to establish a new centre or to expand an established centre beyond existing property limits will require an amendment to this Plan, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, market analysis, land use compatibility and traffic.

2. Community Commercial

Community Commercial Centres are to be spatially dispersed throughout the Urban Area, primarily intended to provide concentrations of commercial facilities to support day to day and weekly shopping and service needs for the local surrounding community population.

a) Permitted Uses

A range of commercial uses are permitted, excluding auto dealerships, adult oriented uses and hotels. Other uses permitted include institutional, civic, cultural, indoor recreation, entertainment and residential apartment dwelling units.

b) Community Commercial Centres:

- i) are to be located at the intersection of arterial roads and well served by public transit service;
- ii) are subject to Section 9.2.1 b) ii), iii) and v);
- iii) shall generally not exceed a total gross leaseable floor area of 30,000 square metres for all uses except residential, and non retail/service commercial uses should be limited in size and scale to protect the primary function of the Centre for the provision of shopping and service commercial facilities;
- iv) shall limit the size of individual uses in a manner to support a diversity and mix of uses within the Centre;
- v) residential uses shall be located in freestanding buildings or in upper storeys of commercial buildings, and will provide adequate exclusive outdoor amenity space for residents;

c) In recognizing the diversity in size of established and designated Community Commercial Centres, the permitted size of centres shall generally range between 2 hectares and 12 hectares of land.

The full range and scale of uses permitted in Community Commercial Centres may not be allowed on all properties so designated. The precise range and scale of uses permitted on properties designated Community Commercial may be stipulated in District Plans or the implementing zoning by-law, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, use compatibility, traffic, parking, market analysis, and building and site design.

d) Any application to establish a new centre or to expand an established centre beyond existing property limits will require an amendment to this Plan, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, market analysis, land use compatibility and traffic.

3. Arterial Commercial

Arterial Commercial designations are primarily intended to provide a range of service commercial uses, and uses to serve the travelling public and the automobile using consumer, and will be established only in a very limited number of suitable locations along arterial roads.

a) Development of Arterial Commercial properties is encouraged through campus format, occupying one or more properties functioning as a singular site, and will be evaluated pursuant to Section 9.2.1 b) iii).

b) Permitted Uses
Permitted uses include retail and service commercial uses, excluding large scale retail food stores and adult oriented uses. Other uses permitted include institutional, office, civic, cultural, and indoor recreation uses.

i) Office uses shall generally not exceed a maximum 10 % of permitted total gross leaeable floor area on the property.

ii) Outside storage areas intended for retail display and sale of merchandise will be regulated through the implementing zoning by-law to minimize negative impacts on adjacent or adjoining properties, on pedestrian, bike, transit and vehicular circulation, to enhance building, site and streetscape design, landscaping opportunities, and to support well defined and clearly articulated street edges.

c) The full range of arterial commercial uses permitted may not be allowed in all locations so designated. The precise range and scale of permitted uses on individual sites within the Arterial Commercial designation may be stipulated in District Plans or the implementing zoning by-law, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, use compatibility, traffic, parking, market analysis, and building and site design.

Any application to expand an existing, or establish a new Arterial Commercial designation will require an amendment to this Plan, and may be subject to studies as set out in Part F, Section 16.16 of this Plan including but not limited to use compatibility, traffic, parking, market analysis, and building and site design.

12. MIXED USE

12.1. General Policies

Lands currently designated mixed use, or to be developed or redeveloped for mixed use, are subject to the following:

i) Are to be developed to support minimum densities of 100 people and jobs per hectare of land;

ii) Work Live Accommodation is permitted, and encouraged to locate in campus format to support integrated and shared support services and business incubation opportunities.

iii) Retail and service commercial uses will only be permitted on the ground floor;

iv) The development or redevelopment for commercial, institutional and recreational buildings generally in excess of 930 square metres of gross floor area shall only be permitted in combination with residential units. Commercial, institutional and recreation buildings shall generally not exceed 1860 square metres in gross floor area;

v) Height will be restricted to ensure street animated development, and to recognize the character of surrounding neighbourhoods. Building height will be stepped back to support street animated development and protect adjacent neighbourhoods from intrusive development. The height of buildings will generally not exceed 20 metres;

vi) Parking requirements may be minimized, and shared parking and access is encouraged in order to reduce street front parking areas and support transit friendly development;

vii) All development will be of high quality design that considers the integration of new and existing buildings, connected building façade treatments and streetscape initiatives to ensure pedestrian first design principles and greening;

viii) Prohibited uses in the mixed use designation include vehicle sales and auto related service facilities. Gas bars and car washes may be permitted subject to zoning bylaw amendment;

ix) Recognizing the preferred mix of uses contemplated, the City’s urban design guidelines should be emphasized in the evaluation of all development, redevelopment and intensification opportunities.

13. GREEN SPACE

13.1. PARKLAND AND OPEN SPACE

4. Parkland Dedication

a) The City will, as a condition of development, redevelopment or subdivision of land, require that land in an amount not exceeding, in the case of land proposed for commercial and employment purposes, 2 % and in all other cases 5 % of the land proposed for development, redevelopment or subdivision be conveyed to the municipality for parks or other recreational purposes, pursuant to the provisions of the Planning Act.

b) In the case of development, redevelopment or subdivision of land proposed

- for mixed use purposes, the conveyance of land shall be calculated at 2% for commercial or employment uses, and 5 % for all other uses.
- c) The City will use alternative requirements where dedication of parkland is greater than a) and b) above, pursuant to the Planning Act, as follows:
- i) for residential development:
- up to 40 units per hectare of land, park dedication will be calculated based on 1 hectare of land for every 300 dwelling units;
 - between 40 units and 80 units per hectare of land, parkland dedication will be calculated based on 1 hectare of land for every 400 dwelling units;
 - exceeding 80 units per hectare of land, parkland dedication will be calculated based on 1 hectare of land for every 500 dwelling units.
- d) Notwithstanding a) to c) above, not more than 30 % of any lands proposed for development or redevelopment shall be required for parkland dedication.
- e) Land conveyed to the City as parkland dedication will be expected to meet standards for location, size, drainage, grading, topography, and other criteria as outlined in the Parks Policy Plan and the policies of this Plan.
- f) The municipality will generally not accept the conveyance of lands for parkland dedication that are designated Natural Area or zoned for environmental protection, or that are to be designated Natural Area or zoned for environmental protection as part of the development approval process.
- g) Land conveyed to the City as parkland dedication in the Downtown will be taken, where suitable, to increase landscaped areas along the street front to enhance pedestrian circulation, opportunities for streetscape amenities, and to extend or establish special urban parks and active transportation routes.
- h) Lands conveyed to the City as parkland dedication on properties adjacent to the Lake Ontario waterfront will be taken, where suitable, as the lands on that portion of the property adjacent to the waterfront.
- i) The municipality encourages the provision of indoor and outdoor recreation and amenity space in the design of medium and high density residential developments. The provision of private open space and recreational and amenity space in medium and high density developments will be in addition to the requirements for parkland dedication.
- j) Cash-in- lieu of parkland dedication as set out in Section 13.1.4 a) to c) may be accepted by the municipality, pursuant to the Planning Act, where:
- i) required dedication of land would render the remainder of the site unsuitable or impractical for development or redevelopment;
 - ii) required dedication of land fails to provide an area of suitable shape, size, location or other criteria, including priority for land acquisition as set out in Section 13.1.3 of this Plan, and in the Parks Policy Plan.

PART E: DISTRICT PLANS
NORTH DISTRICT

15.1. NORTH DISTRICT

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

1. Schedule E1

- a) Auto dealerships shall not be permitted on lands designated Business Commercial Employment fronting on Secord or Nihan Drive.
- b) Notwithstanding Part D, Section 9.2.2 of the Plan, the following applies on the lands designated Community Commercial located to the west of Lakeport Road and north of Gertrude Street, and generally known as Port Dalhousie Commercial Core:
- i) a) an appropriate range and mix of medium or higher density residential housing, commercial, employment, institutional and indoor recreation uses are permitted, to support regional based tourist facilities to enhance the economic vitality of the area;
 - b) no ground floor residential dwelling units are permitted;
 - c) office uses which do not generate a significant amount of pedestrian traffic or require a ground floor location are encouraged to locate on upper floors;
 - d) retail functions are permitted on upper floors only where in conjunction with a ground floor commercial use.
- ii) In addition to Section 15.1.1 b) i) above, the following applies to the lands designated Community Commercial west of Lakeport Road, north of Lock Street, and specific to the lands described as Port Place lands and

subject to the Ontario Municipal Board Final Orders issued on May 14, 2010, and August 3, 2010 with respect to Case No. PL060850:

a) a multi-use commercial/residential building is permitted having a 17 storey height limit to a maximum of 62 metres, provided that:

- i) the residential component is part of a multi-use commercial redevelopment scheme including retail, office, restaurant, hotel and theatre uses, and
- ii) appropriate development standards are established in the related zoning amendment, site plan agreement, heritage easement agreement and any other approval or applicable development agreement, and
- iii) a Holding (H) designation shall be applied to the residential component; and buildings and structures may be erected on the subject lands prior to the removal of the specific Holding (H) designation, however, the residential component shall not be used for residential purposes until such time as the provisions of the zoning by-law are met, including all conditions related to the Holding (H) conditions.

c) Lands located on the east side of Lakeport Road, west of Port Dalhousie Harbour, the following applies:

- i) Notwithstanding the Community Commercial land use designation, the development or redevelopment of these lands permit an appropriate range and mix of medium and higher density residential housing, commercial, employment, institutional and indoor recreation uses to support regional based tourist facilities to enhance the economic vitality of the area.
- ii) prior to development or redevelopment of the subject lands, an urban design study shall be undertaken by the proponent(s), to the satisfaction and approval of the City, to ensure implementation of appropriate design standards to support a connected public realm, protection for public access, vistas and views to the waterfront, and protection of cultural heritage amenities.

d) Mixed Use Intensification ‘Special Study Area’ as set out in Part F, Section 16.20

- Lakeshore Road between Ontario Street and Geneva Street.
- primary basis/focus for study: to establish an appropriate range of transit supportive medium and higher density housing opportunities with a mix of commercial, employment, institutional and recreation uses, pursuant to Part D, Section 12 of the Plan; and to establish urban design strategies to guide redevelopment and intensification.

e) Harbour industrial marine uses, excepting boat slips and administrative office, shall not be permitted on the west side of Port Dalhousie Harbour.

f) Port Dalhousie Residential Neighbourhood - Notwithstanding Part D, Section 8.1 of the Plan, for the applicable lands subject to Special Provision 7 in Zoning By-law No. 2013 -283, height of buildings should not exceed 9 metres.

g) Port Dalhousie Residential Neighbourhood - Notwithstanding Part D, Section 8.1 of the Plan, on lands bounded by Lake Ontario, Bayview Drive, Christie Street, and the rear lot line of properties fronting Considine Avenue, height of buildings should not exceed 7.5 metres.

h) Notwithstanding the Low Density Residential designation, business offices are permitted on lands known as 1-3 Lakeshore Road.

i) Notwithstanding the Low Density Residential designation, a medium density residential development consisting of one single detached dwelling and a 15 unit apartment building, for a maximum of 16 dwelling units, is permitted on lands known municipally as 6 and 10 Dalhousie Avenue.

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

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

PART F: IMPLEMENTATION AND INTERPRETATION

16: IMPLEMENTATION

16.1 Official Plan

Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular

<p>application:</p> <ul style="list-style-type: none">i) the degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan;ii) consistency with Provincial and upper tier government plans, policies and legislation;iii) the availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use;iv) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;v) the potential of the proposal to cause instability within an area intended to remain stable;vi) the ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City;vii) the financial implications, both costs and revenues, to the City;viii) the degree to which approval of the amendment would establish an undesirable precedent. <p>16.2. Zoning</p> <p>1. Zoning by-laws shall be used to implement the policies of the Plan by regulating the use of land, buildings or structures in accordance with the Planning Act, and may be more restrictive than the provisions of the Plan. By-laws will establish the following criteria:</p> <ul style="list-style-type: none">a) Land use zones which will permit the type of development specified in the Planb) Development and performance standards appropriate to each type of usec) Any regulations needed to implement the intent of the Plan <p>2. Notwithstanding, in the area of the Niagara Escarpment Plan, certain lands are subject to Niagara Escarpment Development Control, as identified in Part F, Schedule F5. In these areas of Development Control, City zoning by-laws have no force or effect. Subject to Niagara Escarpment Regulations, permits are required from the Niagara Escarpment Commission for all new development in the Development Control Area.</p> <p>16.3. Holding By-Laws</p> <p>1. The City may, in a zoning by-law, affix an "H" in conjunction with any zoning category in order to limit or prevent the use of certain lands which are considered inappropriate or premature for immediate development.</p> <p>2. Where a holding designation is in effect, the lands shall generally be limited to existing uses or uses which will not prejudice the future development of these lands. In addition, no building or structure may be erected on the site until such time as an application has been approved by Council to remove the "H" symbol. The holding symbol shall not apply to minor accessory buildings and structures such as sheds, garages, or pools.</p> <p>3. Prior to enacting a by-law to remove the holding provision in accordance with the Planning Act, Council shall be satisfied that:</p> <ul style="list-style-type: none">a) Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, and roads can be provided;b) All necessary requirements of the city have been satisfied;c) All necessary development agreements have been entered into, and that the conditions of these agreements have been, or will be met;d) Development satisfies all other relevant policies of the Plan. <p>16.7. Site Plan Control</p> <p>1. All lands within the limits of the City shall be designated a proposed Site Plan Control Area.</p> <p>2. The City shall, by by-law, identify specific types of development subject to site plan control. It may also deem certain types of development exempt from site plan control.</p> <p>3. Unless an exemption is granted under Part F, Section 16.7.2, site plan approval shall be required for all of the following:</p> <ul style="list-style-type: none">a) All lands used, zoned or to be zoned for residential purposes, save and except lands used, zoned or to be zoned for residential buildings having less than 4 dwelling units.b) All lands used, zoned or to be zoned for commercial, employment, institutional, public or recreational purposes.

- c) All lands used, zoned or to be zoned for mixed-use purposes.
- d) All lands within the “Agriculture Area” which are used, zoned or to be zoned for:
 - i. Existing and expanded non-agricultural uses, except residences, where there is an enlargement of existing uses, as set out in Part D, Section 14.2.10.
 - ii. Wineries as set out in Part D, Section 14.2.2.
 - iii. Agriculture farm related commercial and industrial uses directly related to and serving the surrounding agricultural uses as set out in Part D, Section 14.2.4.
 - iv. Agri-tourism and value-added uses and activities greater than 93 square metres, as set out in Part D, Section 14.2.1, with the exception of bed and breakfast accommodation and uses set out in Part D, 14.2.1.b).
- e) All lands used for the purpose of public service by the Corporation of the City of St. Catharines and any Local Board or Commission thereof, as defined by the Municipal Affairs Act, and the Regional Municipality of Niagara and any Local Board or Commission thereof as defined by the Municipal Affairs Act.

4. No development shall be undertaken within a site plan control area designated in accordance with Section 16.7.3, until the City has approved drawings and/or agreements sufficient to ensure the matters set out Subsections 41(4) and 41(5) of the Planning Act as amended, including but not limited to:

- a) Matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design.
- b) Sustainable design elements within and adjoining a City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle facilities.
- c) Matters relating to the protection and continued function of natural areas, features and hazard lands.

5. As a condition of approval of the plans and/or drawings required in this section, the City may require the owner of the land to:

- a) Provide and maintain, to the satisfaction of and at no expense or risk to the City, the facilities, works, or matters set out in Section 41(7) of the Planning Act as amended.
- b) Enter into one or more agreements with respect to the provision and maintenance of such facilities, works, or matters.
- c) Enter into one or more agreements to ensure that the development proceeds in accordance with the approved plans and drawings as required by this Section.

16.10. Subdivision Control

1. All lands within the City shall be subject to subdivision control pursuant to the Planning Act. The provisions of the Planning Act, including subdivision agreements, will be used to ensure that the land use designations and policies of the Official Plan are complied with, and that a high standard of design is maintained in all development.

2. Only those plans of subdivision which conform to the following criteria will be recommended for approval.

- a) The plan of subdivision conforms with the policies of this Plan.
- b) Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and communications/ telecommunications infrastructure, and access can be provided.
- c) The City is able to provide necessary community services without imposing undue increases in taxation on all residents.

16.11. Lot Creation

1. Creation of lots shall only be effected through consent or plans of subdivision,

2. Consents to sever parts of lots as an alternative to a registered plan of subdivision will be discouraged and will only be permitted when such a plan would clearly not be needed to ensure the intent of applicable policies in this Plan are followed.

3. Consents to sever individual parcels of land will only be given where:

- a) It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.

- b) They contribute to the infilling of areas that are already substantially developed.
- c) The size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

4. Provisions for severing individual parcels of land within the Agriculture Area are found in the Agriculture policy section of the Plan.

5. It is the general intent of this Plan to provide for the severance of land or the creation of easements for public parks, open space and trails, where such consents do not result in the creation of additional building lots.

16.12. Non-Conforming Uses

1. A land use that does not conform to the zoning by-law, but which lawfully existed prior to the approval of the zoning by-law, is a non-conforming use. If such nonconforming uses ceases, then the rights derived from the non-conforming use shall terminate.

2. Non-conforming uses that are deemed to comply with the intent of the Plan may be zoned in accordance with their present use provided:

- a) The zoning does not permit any significant change of use or performance standards that will result in or aggravate any situation detrimental to adjoining land uses.
- b) It does not interfere with desirable development in adjacent areas that are in conformity with the Plan.

3. It is the intention and expectation that non-conforming uses shall eventually cease to exist and be replaced by uses that conform with the intent of the Plan and the zoning by-law.

4. In special circumstances, it may be appropriate to consider the extension or enlargement of non-conforming uses provided:

- a) the expansion or enlargement will not jeopardize the possibility of future development/redevelopment in their vicinity that may comply more closely with the intent of this Plan.
- b) special efforts are made to enhance the compatibility of the uses and to improve the amenity and design, more particularly buffering, landscaping, parking, and active transportation and vehicular circulation.
- c) the expansion or enlargement is directed to areas outside natural heritage and natural hazard lands.

5. Notwithstanding the provisions on extensions or enlargements of non-conforming uses, nothing will prevent the rebuilding or repair of any building or structure that is damaged or destroyed by fire or natural disaster subsequent to the adoption of this Plan provided:

- a) The dimensions of the building or structure that was destroyed are not increased.
- b) The use of the building is not altered.
- c) The building or structure is not located in a flood plain, unstable slope or erosion area.

6. However, where the area of the lot is sufficient, the new buildings or structures shall be located in conformity with the requirements of the zoning by-law.

Further, nothing shall prevent the upgrading to a safe condition any such building or structure provided such repair or alteration does not increase the size or height of the building or structure.

- a) Inadequacy of some or all hard services, including water, sanitary sewers, storm sewers, roads, lighting and sidewalks;
- b) A significant portion of the housing stock and other buildings are in need of maintenance, rehabilitation or redevelopment;
- c) An inadequate mix of housing types; inadequate affordable housing;
- d) The presence of non-compatible land uses;
- e) Inadequacy of social, recreational, open space and cultural facilities and services;
- f) Within commercial areas, there is deterioration in the appearance of building facades, inappropriate signage, inadequate parking facilities or inadequate pedestrian accessibility;
- g) Within employment areas, the inefficiency of employment sites, access to, from and within the employment areas, inadequacies of parking, loading and outside storage areas, conflicts with neighbouring uses or the presence of obsolete buildings;
- h) Areas where there is significant environmental contamination and areas of potential environmental contamination;
- i) Areas exhibiting environmental, social or community economic development problems

- j) Areas exhibiting natural hazard land or natural heritage deterioration or degradation;
- l) Improvement of housing and/or employment opportunities to support density targets established in this Plan for residential neighbourhoods, employment areas, mixed use areas, intensification areas and the Urban Growth Centre.

16.15. Committee of Adjustment

The Committee of Adjustment for the City of St. Catharines shall be guided by the general intent and purpose of this Plan and the implementing zoning by-law in making decisions on applications for minor variances.

16.16. Pre-Consultation and Complete Application Submission Requirements

1. Consultation with the City is required prior to the submission of an application for an Official Plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium, consent or site plan control, unless the Director of the Planning and Development Services Department or designate determines that preconsultation is not necessary based on the scale of the development or the complexity of planning issues associated with the proposed application.
2. Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application, development and planning issues, the need for additional information and/or report(s) to be submitted with the application, and the planning and approval process including the appropriateness of concurrent applications, where applicable.
3. Pre-consultation may also involve the Region of Niagara, the Niagara Peninsula Conservation Authority, or other agencies and adjacent municipalities that may have an interest in the application as determined by the City.
4. Pre-consultation shall be considered a requirement for the submission of a complete application.
5. Mapping, drawings, reports and technical studies shall be required to support any application requiring a Planning Act approval. The supporting information and materials required shall be determined by the City in consultation with the Region of Niagara, Niagara Peninsula Conservation Authority, other appropriate agencies, adjacent municipalities, and the applicant, prior to the submission of the application as part of the pre-consultation process.
6. In addition to the information and materials required under the Planning Act and any other legislation or regulation, additional information in the form of studies or assessments identified in Section 16.16.5 may be required to consider a planning application complete.
7. The additional information will be required as part of a complete application and shall be provided along with the prescribed information required under the Planning Act in order to ensure that all the relevant and required information pertaining to a development application is available at the time of submission to enable the City to make informed decisions within the prescribed time periods. It also ensures that the public and other stakeholders have access to all relevant information early in the planning process.
8. The additional information or material that may be required includes, but is not limited to the following:
 - a) Planning
 - justification report
 - land use needs assessment
 - economic study
 - market study
 - green space/trail needs assessment
 - financial impact assessment
 - b) Environmental Assessment
 - environmental assessment
 - environmental impact statement/study
 - soil, environmental audit, record of site condition
 - slope stability study
 - tree inventory and preservation study
 - energy assessment report
 - air quality report
 - natural features restoration plan
 - noise vibration, shadow, wind study
 - agriculture impact assessment
 - minimum distance separation
 - health impact assessment
 - hazard lands study
 - c) Servicing/Infrastructure

- servicing study
- grading and drainage plan
- stormwater management study
- hydrology, soils and/or geotechnical study
- sub-watershed study

d) Transportation

- traffic impact study
- parking demand analysis
- active transportation circulation plan
- transportation impact study
- transportation demand management plan

e) Urban Design/Culture

- archaeological impact assessment
- streetscape design study
- building elevations
- built form/site design
- cultural heritage study
- cultural heritage impact assessment
- landscape plan

9. The information and material submitted shall be in an electronic format along with a hard copy to the City to make this information readily available to the public and commenting agencies, and shall be prepared by a qualified professional to the satisfaction of the City, retained by and at the expense of the applicant. The City shall review all reports and studies and may also require a peer review by an appropriate public agency or by a professional consultant retained by the City at the applicant's expense.

10. The Director of Planning and Development Services or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the local municipality, the Region of Niagara, Niagara Peninsula Conservation Authority or any other public agency, the application may be deemed to be incomplete.

16.17. Processing Times

1. The City endeavors to process all development applications as expeditiously as possible. However, it is recognized that certain development proposals are complex and may require considerable time to fully review. As such, it is difficult to predict a consistent time frame for all proposals. Notwithstanding, the City of St. Catharines will attempt to process applications within the time frames provided for in the Planning Act as amended from time to time, provided all the necessary information has been provided by the applicant.

2. The City shall establish target timeframes for processing other types of planning applications for which the Province has not established time frames.

16.20. Special Study Areas

1. Certain lands or areas in the City may be set out as a 'Special Study Area'.

2. A 'Special Study Area' is subject to future study by the City or by development proponents to determine and implement appropriate land use designations and/or policies to guide future development, redevelopment or intensification in the affected area(s).

3. The general boundaries of a 'Special Study Area' will be identified on District Plans in Part E of this Plan, and may be more specifically identified at the commencement of the study process.

The general vision and parameters for study of the 'Special Study Area' will also be set out in Part E 'District Plans' of this Plan.

4. The Special Study will commence subject to an approved municipal works program or at such time as a major Official Plan Amendment, Zoning By-law Amendment or development application is brought forward affecting any lands within the Special Study Area.

The municipal works program will set out a priority phasing schedule for undertaking study of the Special Study Areas, to be reviewed on an annual basis. The priority phasing schedule will be based, in part, on the need to assess infrastructure and public service facility requirements and improvements necessary to support the general study vision and parameters set out for the specific study areas, and the overall growth strategy established in this Plan.

<p>5. Terms of Reference for the study of the Special Study Area will be prepared and are subject to the approval of City Council.</p> <p>6. The findings of the Special Study shall be implemented by Amendment to this Plan considered in relation to Part F, Section 16.1.</p> <p>Until such time as revised land use designations and/or policies have been implemented by amendment to this Plan, the underlying land use designations and applicable policies established in this Plan will apply.</p> <p>16.21. Exemption Status</p> <p>i) Where site plan approval, plan of subdivision or plan of condominium final approval, or draft plan of subdivision or condominium approval has been granted by the City prior to the final adoption of this Plan, such approval is exempt from the policies of this Plan only insofar as to the policies of this Plan that are directly applicable to the plan or draft plan approval, and where those applicable policies for approval are more restrictive in this Official Plan than policies in effect at time of approval.</p> <p>This policy does not apply to draft plan approvals granted prior to the final adoption of this Plan that have lapsed.</p> <p>ii) Where draft plan of subdivision or condominium approval has been granted prior to final adoption of this Plan, the City will generally not grant an extension of lapsing draft plan approval beyond 6 years from the date of final adoption of this Plan, unless it can be demonstrated that such draft plan meets the growth management strategy and policies of this Plan.</p>
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CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: October 19, 2018

Date of Meeting: November 12, 2018

Report Number: PBS-236-2018

File: 60.51.1045

Subject: *Information Report for Public Meeting*

Application to Amend Zoning By-law 2013-283

Subject Lands: 10 Benfield Drive

Owner: Mountainview Belmont Ridley Heights Inc.

Additional Subject Lands: located opposite the intersection of Louth Street and Crestcombe Road (no assigned municipal address)

Owner: Ministry of Transportation of Ontario

Agent: Zelinka Priamo Ltd.

Recommendation

That Council receive this Information Report; and

That Council consider a Recommendation Report regarding the Application for Zoning By-law Amendment for lands municipally known as 10 Benfield Drive and additional lands with no assigned municipal address located opposite the intersection of Louth Street and Crestcombe Road at a future meeting of Council, pursuant to the two-step process for planning applications. FORTHWITH

Summary

This Information Report provides Council and the public with information concerning an Application for Zoning By-law Amendment for lands municipally known as 10 Benfield Drive and additional lands with no assigned municipal address, which are located opposite the intersection of Louth Street and Crestcombe Road (Appendix 1).

The Applicant is requesting that the zoning of the subject lands be changed from Major Commercial (C4) to Medium / High Density Mixed Use (M2) in order to permit a residential private road development on the lands, which will include 28 townhouse dwelling units and approximately 192 apartment dwelling units within four 4-storey buildings. The Applicant also requests that a Special Provision be applied to the subject lands to address certain site specific matters, including, but not limited to building height, setbacks, and driveway widths. The proposed 220 dwelling units represent a density of 87 units per hectare or 202 people per hectare.

The Application will be considered at a Public Meeting scheduled for November 12, 2018. A Recommendation Report addressing any outstanding concerns raised at the

Public Meeting, and providing a planning analysis and staff recommendation will be considered by Council at a future meeting.

Background

On May 7, 2018, Council adopted the Go Transit Station Secondary Plan (GTSSP) and implementing Official Plan Amendment No. 19 (OPA 19). Subsequently, the Region of Niagara approved the GTSSP on July 5, 2018. OPA 19 is now in force and effect, however Planning staff have not yet initiated the zoning by-law amendment process that is necessary to implement the new official plan policies. OPA 19 amended the land use designation of the subject lands from Commercial to Mixed Use.

Report

Proposed Development

The Applicant has submitted a concept site plan (Appendix 2), which illustrates how the subject lands could be developed for a mix of residential uses. Four blocks of townhouse dwellings (28 units) are situated along the south side of a private road that bisects the lands from Benfield Drive to the west through to Louth Street to the east. An 8.0 metre wide noise attenuation barrier, including a berm and fencing, is proposed between the private rear yards of the townhouse dwellings and the southerly lot line of the subject lands, and adjacent to existing industrial uses to the south. Four 4-storey apartment buildings frame the street edge along Benfield Drive and Louth Street. Three of the buildings will include 50 apartment dwelling units, while the fourth would include 42 dwelling units. In total, 220 dwelling units are proposed at a density of 87 units per hectare or 202 people per hectare.

A total of 301 parking spaces are shown: 240 spaces being allocated to the apartment buildings and located to the interior of the site, while each of the townhouse dwellings are provided with two tandem parking spaces (one in the garage and one in the driveway). An additional five parking spaces are intended for visitors of the townhouse dwellings. The remainder of the subject lands is proposed for common amenity space for use by the apartment dwellings.

The Applicant has submitted concept elevations in support of this Application, which are attached to this report as Appendices 3 and 4. These plans are intended to provide a visual reference only; detailed elevations will have to be refined through the future site plan approval process. Appendix 3 shows a sample townhouse block that is two storeys in height with each unit having an attached single car garage. The building façade provides for variation in exterior finish and colour. Appendix 4 shows an apartment building that is four storeys in height with each unit having a protruding balcony. Exterior finishes are varied in colour and materials and are placed in such a manner to achieve both vertical and horizontal articulation. A massing model submitted by the Applicant is also attached to this report as Appendix 5.

Location and Site Description

The subject lands are located within the Go Transit Station Secondary Plan Area in the City's West Planning District. Specifically, the lands are situated at the southeast corner of Benfield Drive (a local road) and Louth Street (a Regional arterial road) and are served by public transit. A location map is attached as Appendix 1.

The subject lands known municipally as 10 Benfield Drive are irregular in shape and have a total lot area of 2.54 hectares, with approximately 130 metres of frontage along Benfield Drive and 255 metres of flankage along Louth Street. The additional subject lands, which are owned by the Ministry of Transportation of Ontario, have no assigned municipal address. This triangular parcel, located opposite the intersection of Louth Street and Crestcombe Road, is 0.02 hectares in size, with approximately 28 metres of frontage along Louth Street. All of the subject lands are vacant, and relatively flat, with the exception of an existing berm that extends the length of the southerly lot line and is approximately 2.0 metres in height. The lands were recently cleared of trees and brush.

Surrounding land uses (Appendix 6) include:

North:	Low- to mid-rise residential, Vintage Park
East:	Ridley College
South:	Industrial uses
West:	Mix of commercial uses

Planning Policy Context

Recent changes to Provincial planning legislation (Building Better Communities and Conserving Watersheds Act, 2017) require that an approval authority's decision on a planning application must be consistent with the Provincial Policy Statement (2014), and must conform with and not conflict with Provincial plans, upper-tier official plans and lower-tier official plans. Accordingly, planning staff will evaluate this Application for Zoning By-law Amendment against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe (2017), the Regional Official Plan, and the Garden City Plan, all of which apply to the proposal, and staff recommendations will be formulated accordingly.

Provincial Policy Context

The subject lands are located within a Settlement Area, as defined by the Provincial Policy Statement (2014) and within the Built-up Area as identified by the Provincial Growth Plan for the Greater Golden Horseshoe (2017). These documents contain policies that support all forms of residential intensification and urban area regeneration, directing growth to Built-up Areas. Provincial policies place an emphasis on intensification and infill to foster the development of complete communities which efficiently use land, resources, infrastructure and public service facilities.

Provincial Policy Statement (2014)

The following provides an overview of the Provincial Policy Statement (PPS) themes applicable to this Application for Zoning By-law Amendment.

- Accommodate an appropriate range and mix of housing opportunities, as well as employment (industrial, commercial, and office), institutional, and active and passive recreation to meet long term needs.
- Settlement areas are to be the focus of growth and development, and their vitality and regeneration is to be promoted.
- Establish a land use plan and pattern that supports financial sustainability and cost effective development and provision of services.
- New development should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.
- Promote the wise use and management of land and resources.
- Support an accessible, connected and complete community.
- Establish appropriate development standards to promote / facilitate intensification, redevelopment and compact built form.
- Improve accessibility for persons with disabilities and older persons by identifying, preventing, and removing land use barriers which restrict their full participation in society.
- Ensure protection of natural features and areas for the long term.

Relevant PPS policies will be considered and analyzed in the future Planning Recommendation Report.

Provincial Growth Plan for the Greater Golden Horseshoe (2017)

Similarly, guiding principles within the Growth Plan stress compact and well-designed development that prioritizes intensification. The Plan supports the achievement of complete communities that ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards. Policies ensure that a range and mix of housing options are available including affordable housing.

The following provides an overview of the Provincial Growth Plan for the Greater Golden Horseshoe (the Growth Plan) themes applicable to this Application for Zoning By-law Amendment.

- Promote compact built form and transit support development, a diversity and mix of uses and opportunities, and the efficient use of land, infrastructure and service capacities to support development, redevelopment and growth.
- Foster safe, interactive, active transportation and connected communities.
- Ensure viability for long term development and community investment.
- Maintain and enhance the vitality of main streets and the conservation of neighbourhoods.
- Encourage sense of place by promoting well designed built form.
- Adapt to climate change through compact and nodal development.
- Promote high quality built form and an attractive and vibrant public realm through site design and urban design standards.
- Support complete communities by ensuring that lands are adequately zoned and that development is designed to meet this policy.

- Support multi-modal transportation, including active transportation and transit.

Relevant PPS and Growth Plan policies will be considered and analyzed in staff's future Recommendation Report.

Regional Official Plan

According to the Regional Official Plan (ROP), the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031 / conformity amendment), which will be the focus of residential and employment intensification and redevelopment within the Region over the long term. Municipalities are encouraged to provide a full range of housing types to serve a variety of people as they age through the life cycle. The Region's Sustainable Community Policies establish a residential intensification target of 95 per cent for the St. Catharines Built-up Area.

The Region of Niagara is currently undertaking a comprehensive review of their Official Plan to bring it into conformity with the PPS and the Provincial land use plans. Once completed, local area municipalities will be required to update their Official Plans accordingly.

Local Official Plan (Garden City Plan)

The City's Official Plan, The Garden City Plan (GCP) sets out land use designations, policies, and principles to direct and manage the future orderly and efficient growth of the City. The Plan reflects the City's individual community interests within the context of Provincial and Region planning regimes. Section 1.1 b) i) of the Official Plan states that "no By-law may be passed... that does not conform to this Plan". The following sections of the Official Plan are particularly relevant to this Application and will be reviewed and analyzed in detail as part of the future Recommendation Report.

Part B - Vision and Guiding Principles Managing Growth and Change

A framework for managing growth in the City is set out in Section 2.3 of the Official Plan. The Plan provides a balanced approach that reflects and respects the character, function, scale and context of each area of the City, and which is consistent with and supports the growth and intensification strategies as set out in the Growth Plan. Growth and development in the City will occur by using land and infrastructure efficiently, building compact forms, having a mix of uses and housing forms, achieved through a compatible design.

The primary areas for intensification within the built boundary are the Urban Growth Centre, Intensification Areas and other vacant lands dispersed throughout the City. The Plan also recognizes and supports general intensification, including intensification on all designated Residential and Mixed Use properties, subject to the Land Use Policies of the Plan (Section 2.3.3.4).

Part C - General Policies

Urban Design

The Official Plan provides a framework for the evaluation of development and redevelopment proposals with respect to matters of urban design. These urban design policies are “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” (Section 4). Specifically, the Plan describes urban design policies and deliverables, which seek to both maximize compatibility and to promote design excellence within the community. Urban Design policy sections that are particularly relevant to this development proposal include Section 4.1, Urban Design Guidelines and, in particular, the related Go Transit Station Secondary Plan Urban Design Guidelines; Section 4.3, Built Form; Section 4.6, The Public Realm, and Section 4.7 Universal Access.

Part D - Land Use Policies

General Policies

The Official Plan emphasizes more compact, innovative and alternative design to manage growth and development. Section 7.1 stipulates that any proposal for development or redevelopment within the Urban Area must be evaluated having regard for the following matters.

- Support safe, accessible and connected active transportation linkages.
- Provide opportunities to create or enhance public spaces, active transportation linkages, facilities and gateways.
- Require building, site, streetscape, and neighbourhood context sensitive design to ensure:
 - the integration of compatible built form, scale, massing, height, setbacks, spacing, siting, orientation, facades, and architectural materials with adjacent uses and the surrounding neighbourhood;
 - adverse impacts on adjacent properties are minimized as they relate to grading, drainage, access, circulation, and parking, etc.;
 - possible negative impacts, such as noise, odour, and emissions, are not excessive;
 - adequate and appropriate lot size, shape and configuration, access, on-site facilities, and outdoor amenity areas;
 - that parking areas do not dominate the site physically or visually.
- Provide opportunities to support and improve connectivity and accessibility to public transit and active transportation.
- Consideration for the treatment of existing topographic features, and greening and landscaping opportunities.
- Promote the best use of existing resources, infrastructure and service capacity.
- Minimize surface parking areas and promote shared parking areas, standards, and access, where appropriate and compatible.
- Ensure land assembly and configuration will not detract from the potential development or redevelopment of adjacent properties.

Part D - Land Use Policies

Mixed Use

The subject lands are located within the boundaries of the Go Transit Station Secondary Plan (GTSSP), which was adopted by Council on May 7, 2018. As a result of the GTSSP and implementing official plan amendment (OPA 19) the land use designation of the subject lands was changed from Commercial to Mixed Use (Appendix 7). The Mixed Use designation of the City's Official Plan (the Garden City Plan or GCP) is intended to provide a broad array and mix of medium and higher density housing, live/work accommodation, commercial, local office, institutional, indoor recreation, and cultural uses primarily intended to serve the immediate neighbourhood and community population. Mixed Use areas are so designated to recognize opportunities for redevelopment and intensification, which may support compact, transit supportive development.

The range and scale of land uses permitted in the City's various Mixed Use areas are set out in District Plans contained within the GCP. Previously designated Major Commercial, OPA 19 amended the refined land use designation of the subject lands to Mixed Use 2 (Appendix 8). The Mixed Use 2 designation of the West Transit Station Area permits a broad range and mix of uses intended to serve not only the neighbourhood and community populations, but also an intra-and inter-regional population and market. The Mixed Use 2 policies support medium and higher density residential and mixed use development at a density equivalent to 150 people and jobs per hectare, and are intended to promote the optimum use of the West Transit Station Area.

Permitted uses include triplex, fourplex, townhouse and apartment dwellings, as well as retail, service commercial, office, institutional, indoor recreation and community and cultural facilities. Live / work accommodated is also permitted, as well as transit station uses. Maximum building height shall generally not exceed 35 metres (10 storeys) on the subject lands.

Zoning By-law

With the Go Transit Station Secondary Plan and implementing official plan amendment having been recently approved, a City-initiated zoning by-law amendment must now be undertaken for the entire Plan area (scheduled for 2019). However, it is appropriate to undertake this site specific amendment in advance of the upcoming city-initiated amendment, provided the site specific amendment is consistent with the policies of the City's Official Plan and recent amendments thereto.

Zoning By-law 2013-283 currently zones the subject lands as Major Commercial (C4), permitting a broad range of commercial uses, including retail, service commercial, and automobile-related uses, as well as non-commercial uses, such as office and places of worship (Appendix 9). Residential uses are also permitted in the C4 zone, but only in conjunction with a commercial use and to a maximum lot coverage of 15%. Building height is not restricted in the C4 zone. The Applicant requests that the zoning for the subject lands be changed to Medium / High Density Mixed Use (M2) so that stand-alone residential uses may be permitted (that is to say that residential uses may be permitted without the requirement for an accompanying commercial use).

The Applicant also requests that a Special Provision be applied to the property to deal with certain site specific matters, including building height for apartment buildings, reduced front yards and interior and exterior side yards, reduced setbacks for platform structures (such as balconies), increased driveway widths for townhouse dwellings, and density. These requests are outlined in detail in the chart attached to this report as Appendix 10. Additionally, the Applicant requests:

- a) that the two parcels comprising the subject lands be interpreted as one lot for the purposes of applying zoning regulations;
- b) that the subject lands be permitted to develop in phases, provided the overall development complies with the zoning by-law;
- c) that the westerly lot line running parallel to Benfield Drive be deemed to be the front lot line; and
- d) that apartment buildings be permitted to a maximum height of 23.5 m with no required podium or additional setbacks.

Affordable Housing

In June 2017, Council approved Phase I of the City's Housing Action Plan in recognition of rising market values, a low vacancy rate, and a low supply of affordable housing in the City. Currently, staff are in the process of implementing priority recommendations that were outlined in the Housing Action Plan. While the City's Official Plan recognizes the need to provide for affordable housing, actual mechanisms to technically require and sustain an affordable housing supply in the City as per the definition in the Provincial Policy Statement is part of the ongoing work in implementing the Action Plan. This includes consideration for Inclusionary Zoning which is a land use planning tool that a municipality may use to require affordable housing units to be included in proposed residential developments of 10 units or more. This tool is typically used to create affordable housing for low and moderate income households. In Ontario, this means families and individuals in the lowest 60 per cent of the income distribution for the regional market area, as defined in the Provincial Policy Statement (2014). Generally, housing is considered "affordable" when households do not pay more than 30 per cent of gross income on annual accommodation costs, or when the purchase price for housing is at least 10 per cent below average market value or when households do not pay more than 30 per cent of gross annual household income for rent or when the rent is at or below the average market rent.

In accordance with Provincial legislation, in order to implement inclusionary zoning, a municipality is required to undertake a series of steps including an assessment report to understand local housing supply and demand, as well as potential impacts which might arise from the inclusionary zoning requirement and then implement official plan policies and pass a zoning by-law guiding where and how Inclusionary Zoning will be implemented. Once implemented, the municipality is responsible for monitoring the affordable housing units and reporting outcomes.

This study requires considerable detail and, to date, as far as staff are aware, no Ontario municipality has fully studied or implemented this tool to require such availability in the approval of development applications. The work to undertake this study and

implement the mechanism is subject to discussion and approval of the department's draft Operating Budget for 2019. Given Council budget guidelines, provision is unable to be made to undertake this work in 2019 because of the lack of staff and financial resources.

The applicant has not indicated that any of the proposed units meet the definition of affordable housing as defined by Provincial policy.

Circulation of Applications

This Application was circulated to all relevant departments and agencies in accordance with the Planning Act. No department or agency has objected to the proposed zoning by-law amendment. The following feedback has been received.

Regional Municipality of Niagara

Noise: Regional staff have reviewed the Noise Feasibility Study submitted in support of this Application, which concludes that there would be significant noise impacts on the proposed residential units and which recommends that mitigation measures will be required, including the provision of a noise barrier along the southerly lot line, adjacent to existing industrial uses. The Applicant will be required to submit a detailed noise study as part of the site plan approval process, once detailed building designs are available.

Compatibility: The Applicant has submitted a D-6 Compatibility Assessment to address land use compatibility concerns between the proposed residential development and the existing adjacent industrial and commercial uses. The Assessment concludes that there are four potential Class II industrial facilities of concern located south of the subject lands, two of which did not meet the recommended minimum separation distance from the proposed development. Because of this, the study recommended an Ambient Air Quality Assessment (AAQA) be completed. An AAQA was thereafter completed the Applicant and submitted for review by the City and Region. The AAQA found that total volatile organic compounds were above the southern Ontario average for one monitoring day at one monitoring station, but were below the southern Ontario average for the remainder of the monitoring period. All total volatile organic compound levels measured were below the national average. While the study concluded that additional air quality assessment would not be necessary unless there was a specific odour issue identified, Regional staff will require an odour study be completed prior to the proposed zoning by-law amendment given the proposal to introduce a new residential receptor downwind of the Class II industrial facilities of concern. The Applicant has advised that this study is underway and will be submitted in advance of City staff's recommendation report.

Traffic: The Applicant has submitted a Transportation Impact Study (TIS) to address concerns regarding sight lines from the access to the private road proposed off of Louth Street. The TIS was prepared based on a right-in / right-out only access scenario. Regional staff have reviewed the TIS and have concerns regarding the analysis of the right-out turning movement and will require that revisions to the median design and analysis be made. Regional staff advise that this information may be submitted through the site plan approval process.

Urban Design: Regional staff advise that they are encouraged by the Applicant's development approach, which seeks to provide medium to higher density residential development on the lands, but suggest that additional building height and density would be appropriate, in addition to ground floor commercial uses. Regional staff have provided detailed commentary (Appendix 11) regarding the concept design submitted, specifically as it relates to the recently approved Go Transit Station Secondary Plan Urban Design Guidelines. Regional staff have noted their preference to review an urban design brief for the development prior to approval of the zoning by-law amendment, particularly given the Applicant's request for reductions in setbacks along portions of Louth Street and Benfield Drive. Regional staff are not completely satisfied that the design of the development, particularly the interface between the buildings and the public realm, will meet the objectives of the Urban Design Guidelines; a full urban design brief will be required as part of the site plan approval process. In the interim, the Applicant will provide, prior to a staff recommendation being prepared for this Application, additional justification for reduced setbacks in the form of perspectives or a "walk about" illustration for the perimeter of the site, as it abuts the public realm.

Transportation and Environmental Services (TES) – Traffic Division

Traffic: TES staff have no concerns with respect to traffic as it relates to the local road, Benfield Drive.

Planning and Building Services (PBS) – Development Division

Sidewalks: As part of the site plan approval process, the Applicant will be required to construct 1.5 metre-wide sidewalks along both the Benfield Drive and Louth Street frontages of the subject lands.

Wastewater: The Applicant has submitted a Functional Servicing Report, which concludes that upgrades to two existing sewer legs on Benfield Drive will be required to provide sufficient capacity for the proposed 220 dwelling units. If upgrades are not completed, a maximum of 176 dwelling units can be accommodated on the site. The Applicant will be required to enter into a servicing agreement for any sanitary sewer upgrade, prior to site plan approval.

Stormwater: The Applicant's Functional Servicing Report concludes that the site can accommodate the post-development stormwater flows to pre-development rates. Staff are satisfied with the conclusions of this report.

Geotechnical: A preliminary geotechnical investigation was completed in support of this Application, which concludes that the proposed shallow footings or raft foundation systems are appropriate and can support the proposed structures. Staff are satisfied with the conclusions of this report.

Parks, Recreation and Community Services (PRCS)

Through the site plan approval process, the Applicant will be required to design landscape islands of a sufficient size to support landscape materials. The buffers shown adjacent to the townhouse visitor parking appear to be undersized.

CN Rail

The subject lands are located approximately 200 metres north CN Rail's mainline. While a Noise Feasibility Study has been submitted by the Applicant in support of this Application, a Detailed Noise Study will be required through the site plan approval process for review by CN. The Applicant will be required to transfer to CN a standard environmental easement as it relates to possible noise and vibration impacts stemming from the mainline. Standard warning clauses will be also required in the future site plan agreement and agreements of purchase and sale or lease.

Fire Services

Through the site plan approval process, the Applicant may be required to refine the design of the site to satisfy Fire Services standard requirements related to the provision of fire access routes, fire hydrants, and fire department connections.

Alectra Utilities

Alectra Utilities has advised that a minimum four-metre horizontal clearance must be maintained from the existing overhead lines and that the relocation, modification, or removal of any existing hydro facilities will be at the owner's expense. The developer will be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. Transformer vault access and locations will require approval by Alectra Utilities.

Public Consultation

Planning and Building Services hosted an Open House related to this Application on September 19, 2018. The purpose of the Open House was to share information with the community regarding the Application and development proposal and to gather feedback from those in attendance. The Applicant and members of their consulting team were in attendance to answer questions. Twelve members of the public completed the sign-in sheet. To-date, one written submission has been received (Appendix 12). Issues raised at the Open House and through correspondence are summarized below, with corresponding staff responses, where available at this time.

Comment: The proposed four-storey apartment buildings are too high and will impact privacy and cause shadowing on low-rise residential uses located north of Louth Street. The location of the townhouses and apartment buildings should be flipped so that the lower rise dwellings line the Louth Street frontage.

Response: The Recommendation Report will provide an analysis of the proposed building design, including its height, massing, orientation, and façade treatments.

Comment: Traffic flow along Louth Street will be impacted by the additional trips generated by this development.

Response: The TIS submitted in support of this Application was based on a maximum residential dwelling unit count of 550. It concluded that under existing conditions all signalized intersections are operating at acceptable levels of service, however some

movements at the intersection of Louth Street and Fourth Avenue are experiencing delay. Specifically, the eastbound through and westbound left turn movements are deemed “critical” during the weekday PM peak hour due to high traffic volumes. Under future conditions, these specific movements at the Louth Street and Fourth Avenue intersection are expected to experience capacity constraints. However, should the initiatives identified in the Niagara 2041 Transportation Master Plan be implemented, relief would result at the intersection in question. These initiatives include a new interchange at Highway 406 and third Avenue, and a new connection across 12 Mile Creek somewhere between the QEW and Fourth Avenue. Regional staff have reviewed the Applicant’s TIS and have not noted any specific concerns with respect to increased traffic resulting from the proposed development.

Comment: Construction activities will be a nuisance for area residents and businesses.

Response: Prior to issuance of a building permit for any development on these lands, the Applicant will be required to submit a construction plan to the City, which must address matters such as nuisance and access for construction vehicles. The Applicant will be governed by the City’s noise by-law and will be required to address issues related to dust should they be reported to the City.

Comment: Both the Noise Feasibility Study and D-6 Compatibility Assessment underestimate the operations of the existing industrial facilities to the south. Further, the height of the existing industrial buildings appears to be inaccurate. These inaccuracies should be addressed so that future residents of the development are fully aware of the potential impacts of living in proximity to industrial uses.

Response: Planning staff have reached out to the owners / operators of the existing industrial uses to the south and have requested a meeting to discuss their concerns. In response, the owners / operators advised that formal written comments would be provided to the City on the Application. To-date, those comments have not been received. In any event, the Applicant’s consultant will submit clarification on the discrepancies noted prior to staff’s recommendation to Council on the Application.

Comment: Numerous mature trees exist on the site; these should be integrated into the site design and/or relocated within the adjacent municipal boulevards.

Response: The City does not currently have a private tree by-law to prohibit or regulate the removal of trees from private property. While this particular comment was passed along to the Applicant for consideration, the site has since been cleared of trees. As part of the site plan approval process, the Applicant will be required to plant trees both internal to the site, as well as within the Louth Street and Benfield Drive boulevards.

Comment: There is not enough publicly accessible greenspace in the area for the proposed number of units. The Applicant should be required to both provide green space within the site and to upgrade the existing Vintage Park as a condition of this development.

Response: The Applicant's concept site plan provides for private amenity space for the townhouse dwelling units, as well as common amenity space for the apartment dwelling units, in addition to private balconies. Staff note that the Go Transit Station Secondary Plan recently approved by Council recommended streetscaping and public space improvements at certain locations within the Plan area, including the Seymour-Hanna Sports and Entertainment Complex, and a new public space within the existing "power centre" west of the subject lands. The Plan did not recommend public space improvements to Vintage Park.

Comment: Accessibility should be considered when designing the site and buildings.

Response: The Applicant will be required to meet the standards set out in the Ontario Building Code for matters such as percentage of accessible dwelling units, ramps, and barrier-free paths of travel from parking areas to building entrances. As a condition of site plan approval, the Applicant will be required to demonstrate an accessible and highly connected site design.

The Applicant's development proposal will be subject to site plan control and condominium draft plan approval; additional public consultation will be undertaken as part of those future applications once detailed designs are available.

Public Notice

In accordance with established procedures, notice for the public meeting has been circulated.

Financial Implications

All costs associated with this development will be borne by the developer. If approved and constructed, additional tax assessment would be generated by the development.

Relationship to Strategic Plan

The relationship of the proposal to the City's Strategic Plan will be evaluated as part of the future recommendation report on this matter.

Conclusion

In summary, this report provides the planning context and explains the Application for Zoning By-law Amendment for 10 Benfield Drive and the adjacent triangular parcel of land with no assigned municipal address located opposite the intersection of Louth Street and Crestcombe Road. The Amendment would permit a residential private road development on the subject lands, including 28 townhouse dwelling units and 192 apartment dwelling units. A Recommendation Report will be presented to Council at a future meeting, to be scheduled.

Notification

It is in order to advise Jonathan Rodger, Zelinka Priamo, 20 Maud Street, Suite 305, M5V 2M5, the owner's agent.

Prepared by:

Amanda Knutson, Planner II

Submitted by:


Judy Pihach, MCIP, RPP
Manager, Planning Services

Approved by:

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

Aerial Photo Subject Site



 Subject Lands
10 Benfield Drive
File: 60.35.1045

ZONING BYLAW REQUIREMENTS

M2 Zone Regulations

Parking Regulations	Required	Provided
Parking Spaces - Min		
Apartment	240	240
Townhouse	35	61
Total	282	301
Accessible	7	7
Parking Space Dimensions - Min (Standard) (m)		
Apartment	2.6m by 5.2m	2.6m by 5.2m
Townhouse	3m by 5.2m	3m by 5.2m
Accessible	5.2m by 5.2	5.2m by 5.2
Parking Area - Landscape Buffer - Min (m)		
Lot line Abutting a Public Road	6	>6
Lot Line Not Abutting a Public Road	3	>3
Parking Area - Landscaped Open Space - Min (%)	10	12.9
Parking Area Lot Coverage - Max	20%	30%
Bicycle Parking		
Min spaces - Apartment Building (10+ Units)	40	40
Min space dimensions (m)	1.8 by 0.3	1.8 by 0.3
Apartment Building		
Lot Area - Min (sq. m)	45	>45
Lot Area - Max (sq. m)	165	<165
Lot Frontage - Min (m)	20	>20
Front Yard - Min (m)		
Portion of Building up to 14 m in height	3	3
For portion of Building 14 m in height or greater	5	N/A
Front Yard - Max (m) to dwelling	5	3
Rear Yard - Min (m)		
Portion of Building up to 14 m in height	4.5	3
Additional for each additional 1 m in building height	0.5	0
Interior Side Yard - Min (m)	1.2	0.558
Exterior Side Yard - Min (m)		
Portion of Building up to 14 m in height	3	2.9
For portion of Building 14 m in height or greater	5	2.9
Private Road Development (Townhouses)		
Lot Area - Min (sq. m)	100	>100
Lot Area - Max (sq. m)	165	<165
Lot Frontage - Min (m)	12	>12
Front Yard - Min (m)		
To dwelling	3	3
To garage	6	3
Front Yard - Max (m)	5	6.05
Rear Yard - Min (m)		
From End Wall	3	3
From Rear Wall	6	N/A
Interior Side Yard - Min (m)		
Between End Walls	3	N/A
Between Rear Walls	6	>6M
Yard Between Buildings - Min (m)		
Between End Walls	3	3
Between Rear Walls	7.5	N/A
Between End and Rear Walls	6	N/A
Distance from Private Road - Min (m)		
To Attached Garage	6	6.05
To Dwelling	6	6.05
Unit Driveway Width - Maximum (% of Unit Width)	50	49
Number of Attached Dwelling Units - Max	8	7
Max Building Height (m)	11	8.2



UNIT COUNT			PARKING REQUIREMENTS		SITE STATS			PARKING STATS						
UNITS PER HECTARE: 87 UNITS PER ACRE: 35	BUILDING A	= 50 UNITS	800 sq.ft. per unit average	APARTMENT	= 1.25 PER UNIT	= 192 UNITS X 1.25 = <u>240</u>	DESCRIPTION	AREA (SM)	AREA (SF)	%	TYPE	DESCRIPTION	COUNT	
	BUILDING B	= 50 UNITS		TOWNHOUSE	= 1.25 PER UNIT	= 28 X 1.25 = <u>35</u>	BUILDING FOOTPRINT	6390 m ²	68800 ft ²	25.1%	ACCESSIBLE PARKING	5.2m x 5.2m	7	
	BUILDING C	= 42 UNITS		ACCESSIBLE PARKING REQUIREMENTS (INCLUDED IN ABOVE)					6390 m ²	68800 ft ²	25.1%	TYPICAL PARKING	2.6m x 5.2m	233
	BUILDING D	= 50 UNITS		APARTMENT ACCESSIBLE = 2% OF REQUIRED + 2 = 240 x 0.02 = 4.8(5) + 2 = <u>7</u>				HARD LANDSCAPE					240	
	<u>TOTAL</u>	<u>= 192 UNITS</u>		<u>TOTAL PARKING REQUIRED = 282</u>				ASPHALT	9070 m ²	97640 ft ²	35.6%			
TOWNHOUSES = 28 UNITS <u>TOTAL = 220 UNITS</u>	1,550 sq.ft. per unit average			PARKING PROVIDED			1340 m ²	14380 ft ²	5.3%					
				CONDO PARKING	= 240	SOFT LANDSCAPE	10410 m ²	112020 ft ²	40.9%					
				TOWNHOUSE PARKING	= 61(INCLUDING GARAGE + VISITOR PARKING)	LANDSCAPE	8650 m ²	93080 ft ²	34.0%					
				TOTAL	= 301		8650 m ²	93080 ft ²	34.0%					
							25450 m ²	273900 ft ²	100.0%					
						OVERALL SITE	25450 m ²	273920 ft ²	100.0%					
									BIKE SPACE			1.8m x 0.3m	40	
													40	

Chamberlain Architect
Services Limited

4871 Palladium Way (Unit 1)
Burlington, Ontario, L7M 0W9
CANADA

Phone: 905.631.7777

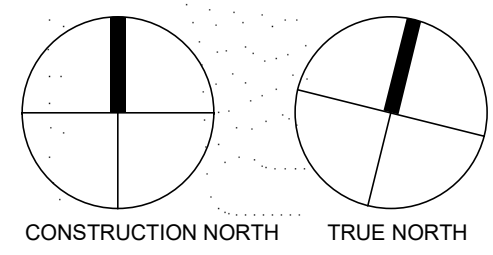
www.chamberlainPD.com

NO.	ISSUED	DATE
1.	PRECONSULTATION CITY MEETING	2017-10-20
2	SITE PLAN REVIEW	2018-06-01
3	SITE PLAN REVIEW	2018-06-29



BELMONT EQUITY
PARTNERS

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SEAL



10 BENFIELD
DRIVE
St. CATHARINES

10 BENFIELD DRIVE, St.
CATHARINES

SHEET NAME

SITE PLAN
4 STOREY
4 BUILDINGS &
TOWNS

START DATE
OCTOBER 2017

DRAWN BY
CMC

CHECKED BY
JM

SCALE
1 : 400

PROJECT NO.
117093

DRAWING

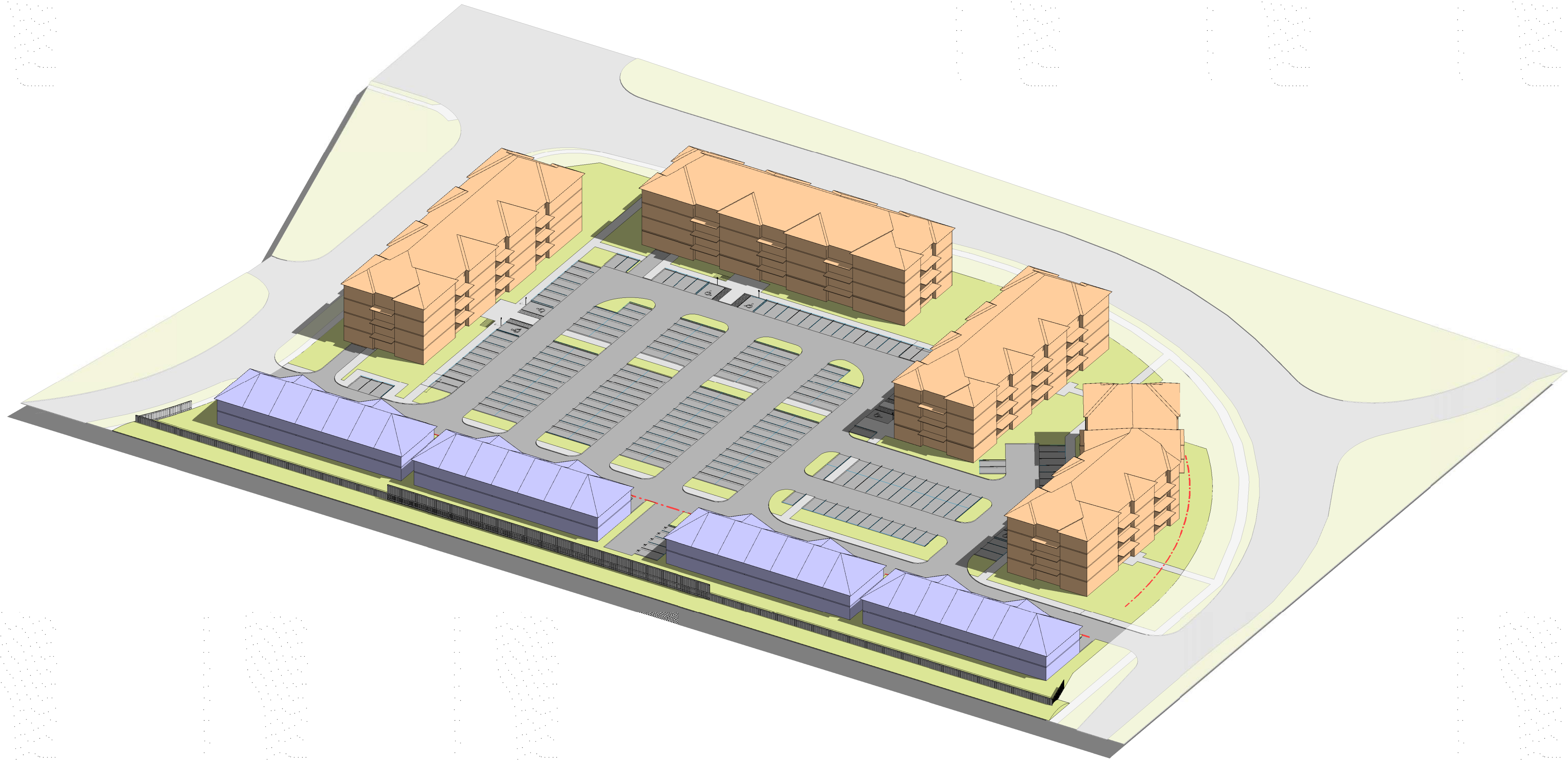
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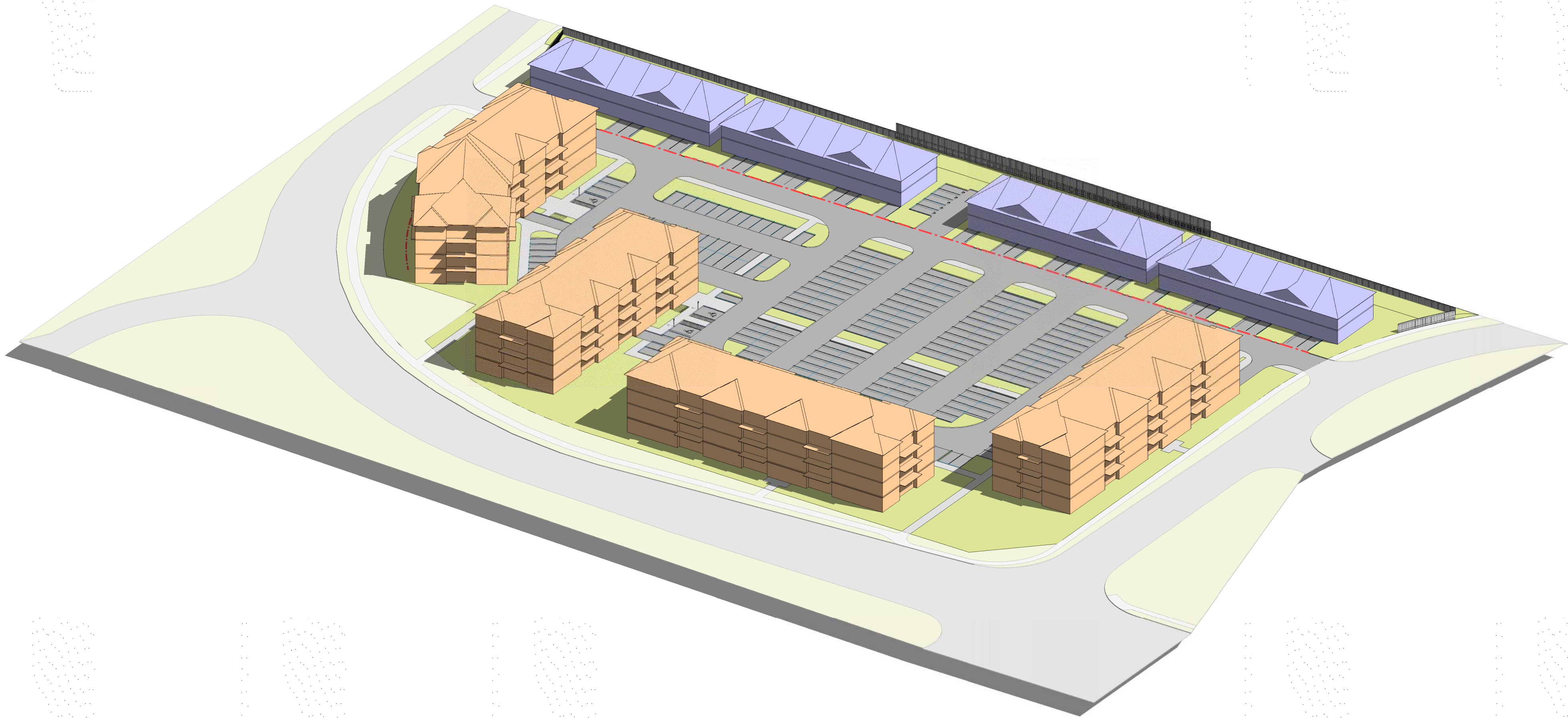


Planning and Building Services, Planning Services Planning Act Public Me...

Location and boundaries are approximate



1 AXO - SE - SLOPED ROOF
A600



2 AXO - NW - SLOPED ROOF
A600

NO.	ISSUED	DATE
1.	SITE PLAN REVIEW	2018-06-01
2.	SITE PLAN REVIEW	2018-06-29



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SEAL

10 BENFIELD
DRIVE
St. CATHARINES

10 BENFIELD DRIVE, St.
CATHARINES

SHEET NAME

MASSING

START DATE
OCTOBER 2017

DRAWN BY
Author

CHECKED BY
Checker

SCALE

PROJECT NO.
117093

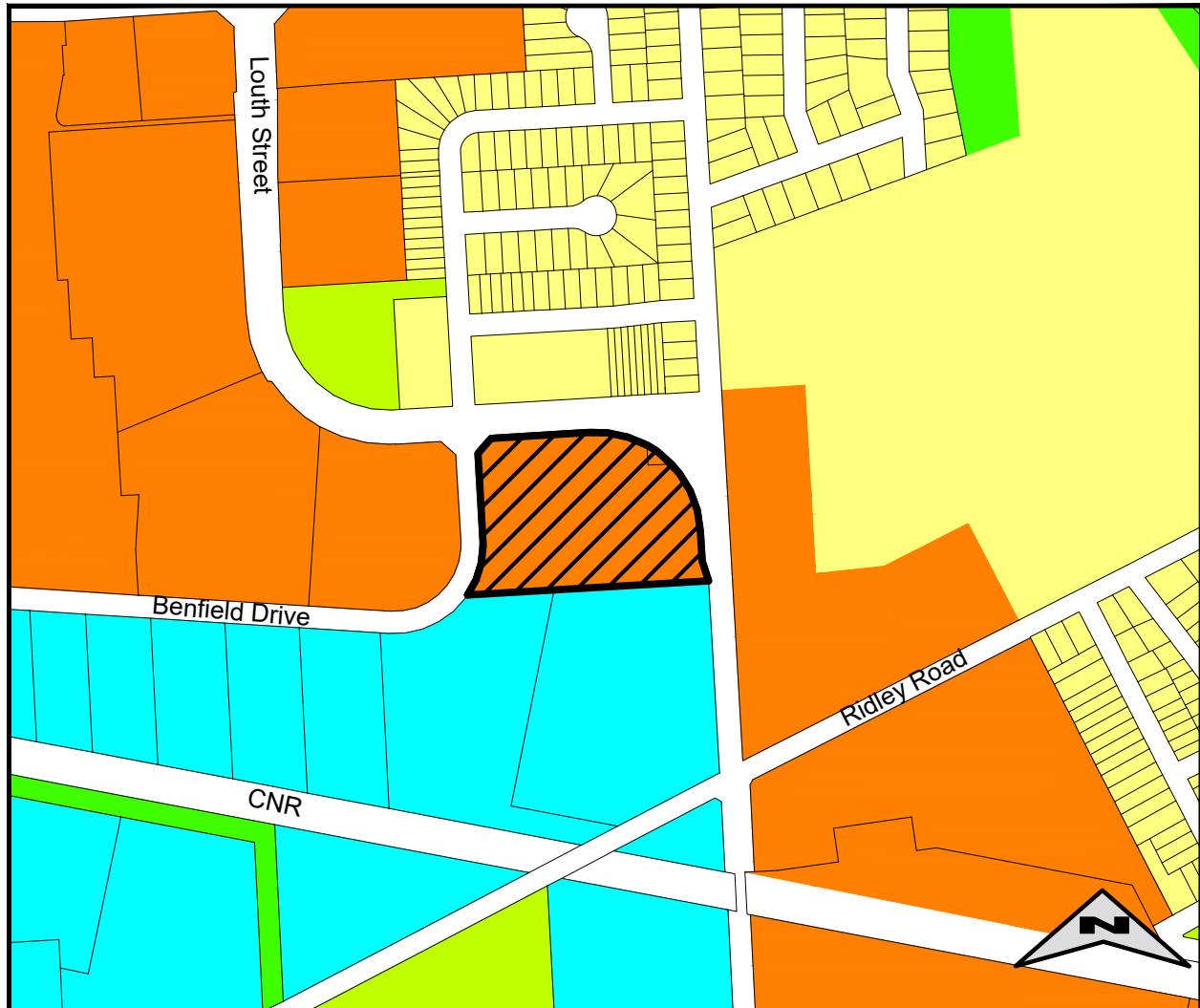
DRAWING


A600

This is an aerial photograph of a portion of the Niagara Region, overlaid with a street map. A specific parcel is highlighted with a black outline and diagonal hatching. The parcel is located south of Louth Street and east of Benfield Drive, bounded by Louth Street to the east and a curved road to the south. The map shows various streets including Highway 406, Fourth Avenue, Louth Street, Benfield Drive, and several residential streets like Elderwood Drive, Farmington Drive, and Springbank Dr. A large green field is visible to the east of the highlighted parcel. A north arrow is located in the bottom right corner, pointing towards the top right of the image.






File: 60.35.1045

Existing Land Use Designation (The Garden City Plan - Schedule D1)



 Subject Lands
10 Benfield Drive

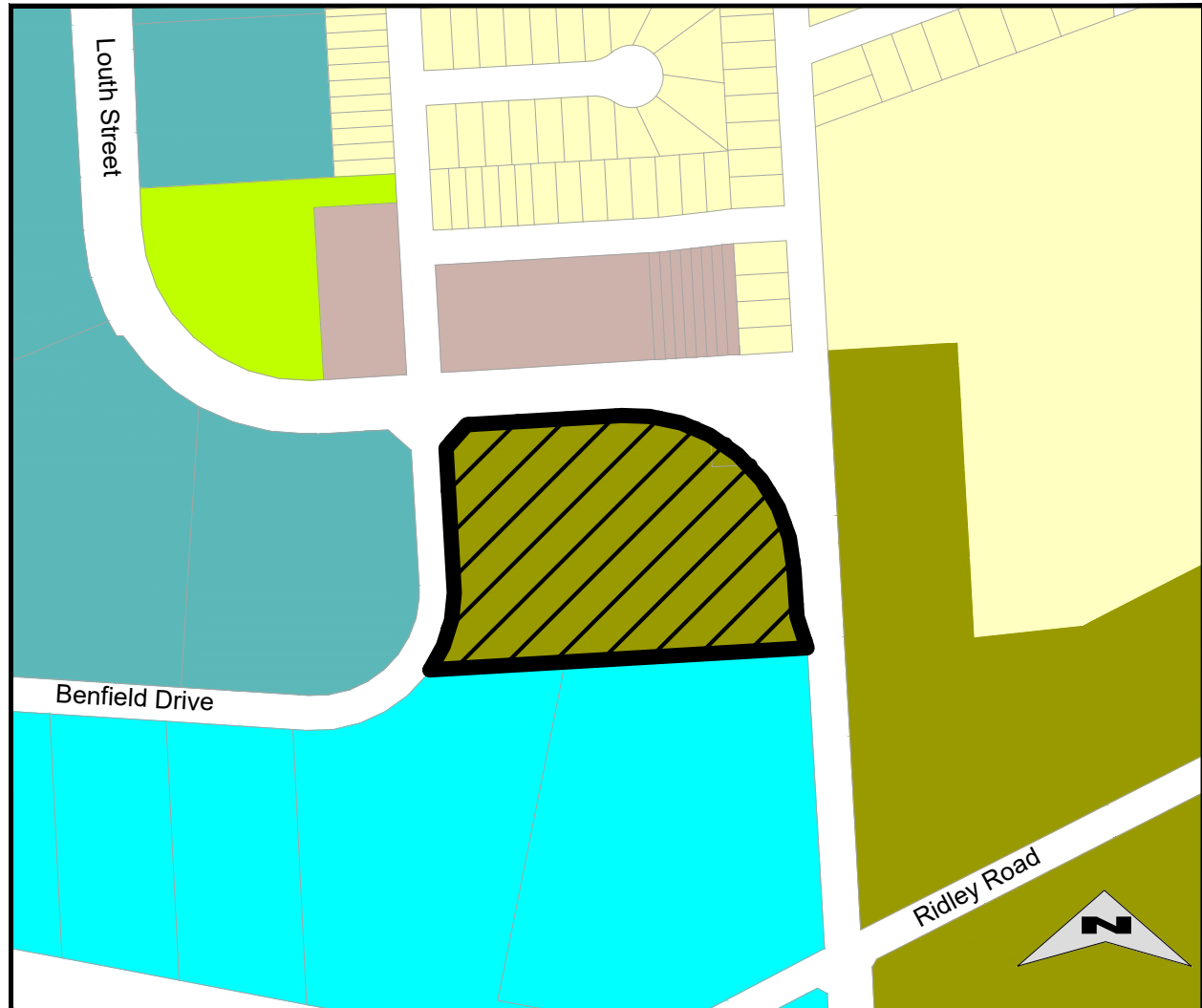
Land Use Designations


-  Mixed Use
-  General Employment
-  Low Density Residential
-  Parkland & Open Space
-  Natural Areas

File: 60.35.1045

Existing Land Use Designation

(The Garden City Plan - GO Transit Station Secondary Plan, Schedule E6/7)



 Subject Lands
10 Benfield Drive

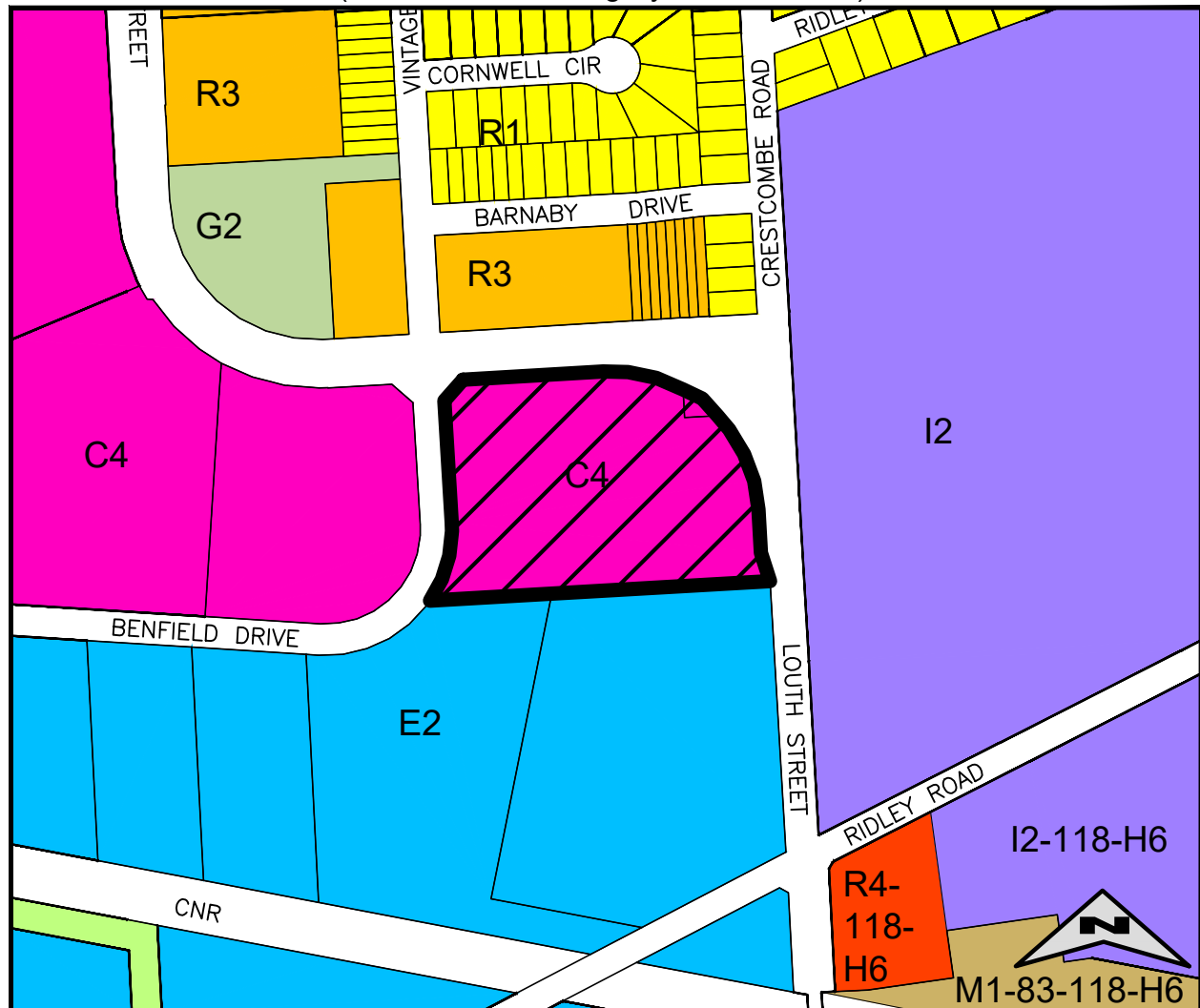
Land Use Designations


- | | |
|---|--|
|  Mixed Use 1 |  Low Density Residential |
|  Mixed Use 2 |  Medium Density Residential |
|  Mixed Use 3 | |
|  General Employment | |
|  Parkland & Open Space | |

File: 60.35.1045



Existing Zoning

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



 Subject Lands
10 Benfield Drive

Zones

 R1	Low Density Residential	 C4	Major Commercial
 R3	Medium Density Residential	 M1	Medium Density Mixed Use
 R4	High Density Residential	 I2	Community Institutional
 G2	Minor Green Space		
 E2	General Employment		

File: 60.35.1045

Additional Proposed Zoning Changes

Application for Zoning By-law Amendment

10 Benfield Drive (together with a parcel of land with no assigned municipal address opposite the intersection of Louth Street and Crestcombe Road)

Zoning Provision	Current Requirement	Requested Change	Comment
General Provisions			
Maximum Parking Area Coverage	Does not apply in mixed use zones	35%	Requested for overall site Note: 20% maximum applies in residential zones
Maximum Driveway Width	7.5 m or 50% of the front or exterior lot line distance, whichever is less	55% of the width of the dwelling unit	Requested as it relates to proposed townhouse dwelling units
Platform structures – height above grade between 0.15 m and 0.6 m	Minimum 3 m setback from the exterior lot line; Minimum 1.8 m setback from the rear lot line; Required interior side yard setback for the principal building for an interior lot line	May encroach to the lot line of any yard	
Platform structures – height above grade more than 0.6 m and less than 1.2 m	Minimum 3 m setback from the exterior and rear lot lines; Required interior yard setback for the principal building for an interior lot line	May encroach to the lot line of any yard	
Platform structures – height above grade 1.2 m or greater	Minimum 4.5 m setback from the rear lot line; Required interior	May encroach to the lot line of any yard	

	and exterior side yard setbacks for the principal building for the respective lot lines		
Provisions for Stand Alone Residential Buildings in Mixed Use 2 (M2) Zone – Apartment Buildings			
Minimum Lot Area	45 m ² per dwelling unit	n/a	
Maximum Lot Area	165 m ² per dwelling unit	n/a	
Minimum Front Yard	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater	2.5 m	
Maximum Front Yard	5 m to dwelling	7.5 m	
Minimum Rear Yard	4.5 m for portion of building up to 14 m in height / additional 0.5 m for each additional 1 m in building height	n/a	By definition, the subject lands do not have a rear yard
Minimum Interior Side Yard	1.2 m	0 m	Requested to address yards adjacent to the additional lands owned by the MTO (triangular parcel with no address)
Minimum Exterior Side Yard	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater	1.5 m	Requested to address pinch points along the curve of the Louth Street
Maximum Building Height	Does not exist	35 m	Requested to align with height

			permissions of the Garden City Plan
Provisions for Stand Alone Residential Buildings in Mixed Use 2 (M2) Zone – Private Road Development			
Minimum Lot Area	100 m ² per dwelling unit	n/a	
Maximum Lot Area	165 m ² per dwelling unit	n/a	
Minimum Front Yard	3 m to dwelling / 6 m to garage	2.5 m	
Maximum Front Yard	5 m to dwelling	7.5 m	
Minimum Rear Yard from End Wall	3 m	n/a	By definition, the subject lands do not have a rear yard
Minimum Rear Yard from Rear Wall	6 m	n/a	By definition, the subject lands do not have a rear yard
Minimum Exterior Side Yard	3 m	2.5 m	(adjacent to Louth Street)

**Region of Niagara
Urban Design Comments
10 Benfield Drive**

The proposed development is the first significant re-development opportunity within the St. Catharines GO Transit Secondary Plan. Development on this large site represents an excellent opportunity to embark on a planning and design path, guided and informed by the relevant and newly minted secondary plan and urban design guidelines to initiate the successful transformation of this area into a best practice high order transit supportive community. The urban design opportunity afforded by the potential of this site should be optimized to provide for multiple, well-design and attractive, multi-storey, mixed use buildings with active grade related uses, residential units above, all contributing to an enlivened and vibrant pedestrian oriented streetscape.

Regional urban design staff has reviewed the proposed application for rezoning of the property at 10 Benfield Drive. The proposed zoning application is within the GO Transit Station Secondary Plan (GTSSP). The GTSSP, establishes a vision and planning framework to guide change for the lands surrounding the transit station ensuring the optimization of use and function for development opportunity sites and the protection of existing stable areas. The Plan includes urban design guidelines that describe a vision for development and its relationship to the public realm, and the public capital improvement needed to transform streets to become vibrant, multi-modal, and complete. The GTSSP supports; compact mixed use intensification within the Plan Area, balanced modes of transportation, complete streets, and improved pedestrian connectivity to the station, a well-designed and integrated station and surrounding hub, protection of existing stable residential areas, leveraging transit to attract a variety of employment uses, and build on the cultural value and presence of iconic and historic Ridley College buildings and the historic VIA station building.

GTSSP Mixed Use 2 Designation and Urban Design

The GTSSP applies a **Mixed Use 2** land use designation to the lands at 10 Benfield Drive. This designation permits a broad range and mix of land uses intended to serve the neighbourhood and community in a way that supports the evolution of the Plan area in the direction toward a complete transit-oriented community. The Mixed Use 2 designation accommodates the highest potential for density within the Transit Station Plan area.

“This designation provides opportunities for transit supportive medium and higher density residential and mixed use development, and larger scale developments intended to support the optimum development and use of the West Transit Station Area as set out on Schedule E6/7. (See GTSSP Mixed use 2 Designation)”

The design character of development within the Mixed Use 2 designation is of medium and higher densities of residential development and a mix of small scale, ground oriented commercial, institutional, recreational and community and cultural uses. These uses are ideal to supporting the successful fruition of a mixed use transit area. To achieve medium and high densities the Secondary Plan permits building heights up to 10 stories with a mix of uses and a minimum development density of 150 people and jobs per hectare. Building heights of up to 10 stories provide development with the necessary flexibility to achieve higher densities beyond the minimum stated in the Secondary Plan.

Development within the Mixed Use 2 designation is intended to include retail, service commercial, institutional, and recreational uses within the ground floors of buildings - a best practice approach to having active uses on the ground floor to enliven and activate streetscapes. Active and vibrant streetscapes within a transit supportive community support density and contribute to complete streets that promote active transportation and transit usage. Development within this mixed use designation is designed to be oriented and sited close to the property line so as to contribute to a pedestrian friendly environment, create a sense of enclosure of the streetscape, and encourage the spill-out of ancillary uses such as patios.

The Mixed Use 2 designation in this Station Area Secondary Plan promotes a form of development that is multi-storey, with non-residential uses at the ground floor contributing to pedestrian friendly, transit-oriented streets. The Plan Guidelines depict how the design of streetscapes like Louth Street “must accommodate pedestrian circulation and an attractive public realm (Section 3.1 pg13)”. This is shown as streets with boulevard elements comprising elements trees, bicycle parking, wide sidewalks, public art, transit shelters, street lighting and furniture, and “adequate space for commercial and social activity”. This approach meets with the Region’s Complete Streets policy as a best practice for delivering pedestrian oriented streetscapes designed with wide sidewalks, a ‘Frontage and Marketing Zone’, that contributes positively to the grade commercial uses intended to activate the semi-public and public realms. The streetscape of Louth Street is to receive major improvements including active transportation facilities, pedestrian oriented street design, and 3 future gateways one of which being a minor gateway at Louth and Crestcombe Road.

Chapter 4 of the GTSSP Urban Design Guidelines provides Urban Design Guidelines related to site and building design and should be referenced by the development. These guidelines provide a consistent approach for fusing private development with the significant public investment needed to transform the Plan Area into a successful example of an attractive, pedestrian oriented, mixed use transit supportive station area.

Staff has reviewed the proposed development through the policy and design frameworks mentioned above. In principle, staff is encouraged by a development approach that seeks to provide multi-unit and multi-storey residential development along Louth Street, a traditional townhouse form, and surface parking that is mostly screened from public view. However, staff suggest that the potential of the site, as envisioned in the Secondary Plan, has yet to be realized. The proposed planning and design approach limits development to low rise residential only uses that leave behind considerable development and urban design value that other exemplary best practice developments regularly seek to capture. As a large property, this site is unique within this transit oriented area. Supported by a generous secondary plan designation, this development can include non-residential grade related uses, greater density, taller building heights, an invested interface with the public realm, and a refined internal site design.

At the pre-consultation stage Staff requested the preparation of an urban design brief to demonstrate how the proposed design rationale has been guided and informed by the relevant policy framework. An urban design brief would demonstrate how the proposed zoning of the site applies and achieves the intended goals and policies of the secondary plan and urban design guidelines. Through examples, illustration, and descriptions, the urban design brief would demonstrate proposed interface and streetscape conditional along Louth Street, how the proposed development contributes to the creation of a minor gateway at Crestcombe Road, the

relationship of use and forms, the design of parking, the locations and connections and design of internal pedestrian paths with public sidewalks, and the design condition at grade along Louth South. Regional Staff has not received the requested brief that would provide staff with supporting rationale. Staff continue to request the preparation of an urban design brief prior to approval of the zoning.

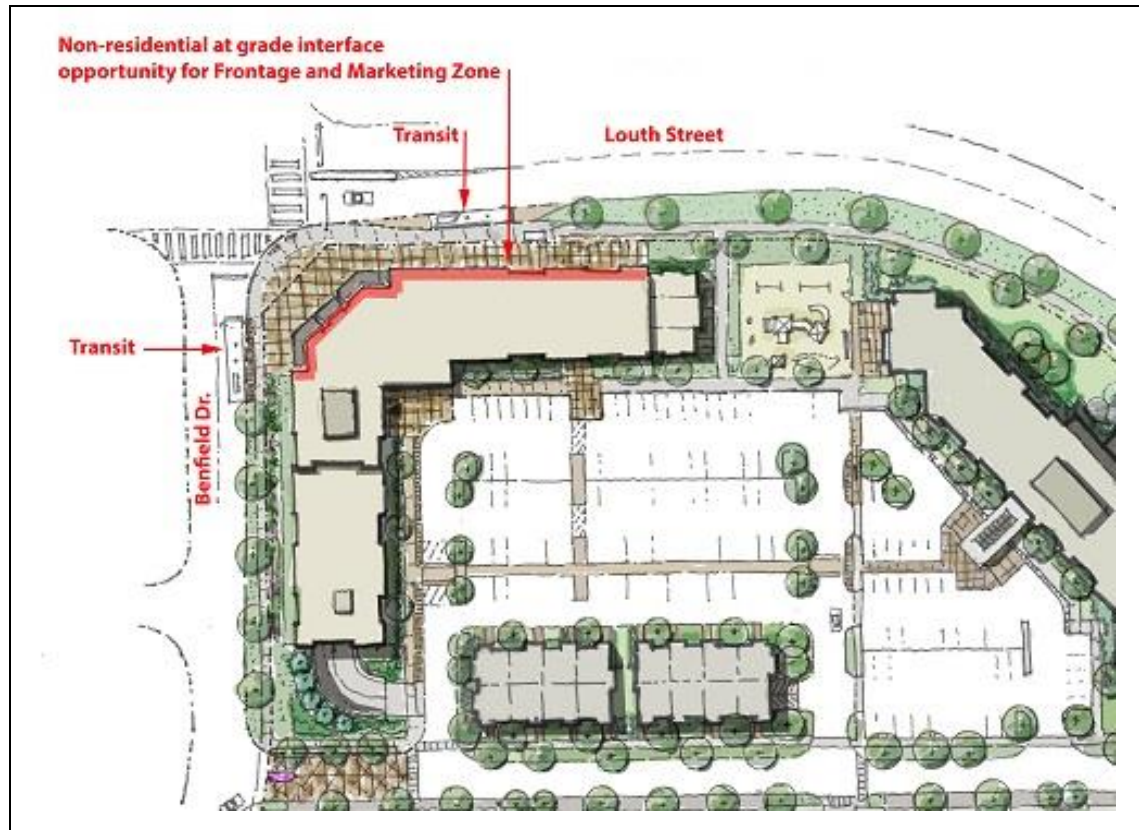
Notwithstanding, staff have prepared comments that correspond with numbered illustrative points on the attached concept layout.

1. **At-grade Interface condition along Louth Street:** The proposed development and associated zoning does not appear to include uses other than residential uses. The secondary plan, permits a broad range of uses that are intended to provide a design solution (shown in the urban design guidelines) to the treatment of the ground floor when buildings are placed close to the property line. By incorporating non-residential uses on the ground floors of buildings A to D the quality and design of the ground floor and the resulting interface between the ground floor and the public realm can be greatly improved. Non-residential uses complement the bus transit stops located nearby at the Benfield Drive and Louth Street intersection. Non-residential uses on the ground floor provide a best practice solution for enlivening and activating the streetscape - especially key for a transit oriented community. Non-residential uses locate close to Benfield Drive and Louth Street can provide an approach consistent with best practice for transitioning from the large format auto oriented commercial uses (Mixed Use 3 designation) west of Benfield Drive to a finer grain of pedestrian and transit oriented development. Non-residential uses on the ground floor eliminate the condition where intensive landscaping treatment must be provided and maintained between ground floor units and the property line to provide a buffer that mitigates negative impacts associated with diminished privacy. Ground floor residential units on busy arterial roads can not provide an interface or treatment that can activate the streetscape. Furthermore, the GTSSP Urban Design Guidelines did not contemplate residential uses at grade along arterial roads and thereby do not provide a design treatment to suit such a condition.

Thereby it is suggested that:

- 1.a. At grade non residential uses are integrated along Louth Street frontages for buildings A to D. Non-residential at grade such as commercial, institutional, or community uses are well suited and fit well within this development. The development can provide a range of square footage options that might not otherwise be appropriate or available in the large commercial site across Benfield Drive. Small local service commercial uses, a children's daycare, and office spaces complement the residential uses above contributing to a more complete community approach to development. The proposed zoning should allow for a range of complementary non-residential mixed uses to be integrated into the development as permitted by the Secondary Plan.

The attached Staff concept demonstrates how non-residential uses can be accommodated along Louth Street with spill-out areas for sidewalk patios that address and activate the public realm and existing transit stops.



Or

1.b. The proposed zoning provide a minimum setback from the property line of 5 metres for buildings along Louth South and for that setback to include a landscape treatment that can provide ground related residential units with privacy yet provide visual interest. This may entail provisions such as garden terraces with low landscape walls, trees, and shrub rows that are able to provide screening and privacy for at grade residents of these buildings. This treatment must be detailed in a subsequent urban design brief. It is suggested that zoning include a requirement for a minimum planting strip of 3 metres.

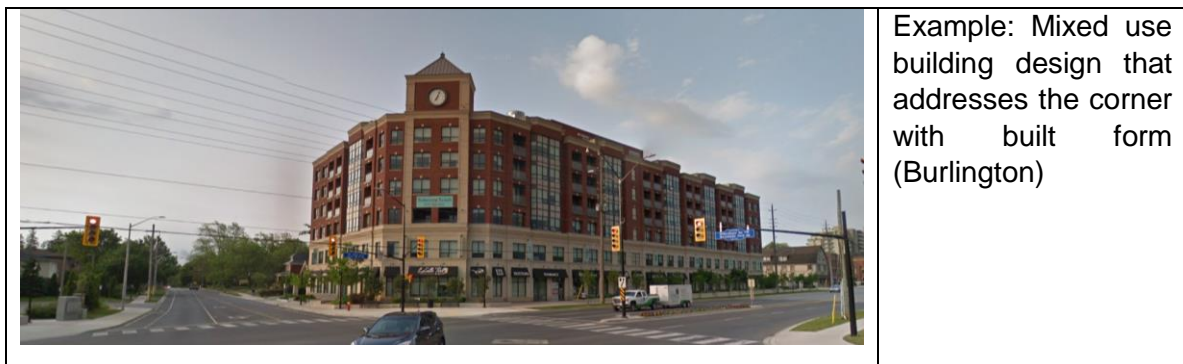


Example: Residential building with at grade residential units. A substantial landscape buffer coupled with a 5.5 meter setback provides ground floor residents with privacy (Burlington).	Concept of a building setback from the property line to provide at grade residential units with privacy.
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The attached staff concept demonstrates buildings with residential uses at grade setback from the property line to provide a landscaping buffer to mitigate loss of privacy for at grade residential units.

2. **Addressing the Corner at Louth Street and Benfield Drive:** The GTSSP Urban Design Guidelines direct the placement of building massing close to the street wall. The Guidelines also direct buildings to provide a consistent street wall condition to activate streetscapes.

To respond and address the streetscape, the proposed design should remove the area between buildings A and B as this space does not appear to benefit the design in a meaningful way. Fusing these buildings to form a corner building is an urban design best practice that anchors the site design and provides a visually interesting architectural treatment at the corner. This also provides the potential for added density, added height, and a prime setting for at grade related non-residential uses and patio spaces on the ground floor. The proposed zoning should include zoning provisions for a maximum building setback of 3 meters beyond any required daylighting or widenings. Staff is willing to work with the Proponent on developing a public realm that complements the development.



3. **Building Design:** The design of buildings should be informed by the GTSSP Urban Design Guidelines which encourages buildings to have a high quality of aesthetic design as a vital element of creating an attractive pedestrian and transit oriented community.

The zoning for this development should implement the GTSSP Urban Design Guidelines which direct that 60% of the ground floor building frontage be glazing to allow for views of indoor uses and creation of visual interest and animation of the streetscape.

The zoning for the development should implement the GTSSP Urban Design Guidelines which directs buildings over 5 storeys (17m) to incorporate a podium design with upper storeys that are setback.

Additional zoning provisions should be included to ensure that applicable building design principles in the GTSSP Urban Design Guidelines can be implemented at subsequent planning stages such as well articulated and inviting building entrances facing public streets, articulation of facades and delineation of podiums, screening of utilities and services, avoidance of blank walls facing public streets, etc.

4. **Optimization of the Site Design:** As noted, the design opportunity of consolidating buildings A and B into a single larger building that addresses the corner of Benfield Drive and Louth Street enhances and optimizes the site. A larger building at the corner improves the prospect for integrating at least 1 level of below grade parking for building residents. Although below grade increases the cost of constructing a building, it can also contribute to better use of the site by reducing the surface area needed for parking. Below grade parking improves the potential for residents to choose transit more frequently – knowing that their cars are protected from the elements for extended periods. Parking below grade provides many benefits which can unlock greater potential from this site and that are typically found in contemporary buildings including basement storage areas and secure bike parking. Coupled with a progressive parking standard that reduces the number of required parking spaces in support of transit usage (see suggestion below), the space required for below grade parking can be reduced substantially. Ultimately, less surface parking provides more developable land, increases density, increases and enhances landscaped areas, and improves the overall quality and value of the development – for example the proposed townhouse units would not face as large an expanse of surface parking.

Similarly, buildings C and D can also be consolidated into a larger building to improve the potential for below grade parking, provide a building that can complement the Minor Gateway, and contribute to any plans for phasing of the construction of the development overtime.

5. **Parking Design:** The overall design and layout of the parking should be refined at subsequent planning approval stages - when these occur. The design of the surface parking area can be optimized and enhanced if parking is oriented east-west and consolidated in the centre and ringed by drive aisles. Adequate landscape islands with the parking can help to visually breakup the parking area. The design of paths through the parking lot should be direct, safe, and barrier free.

The development should be designed such that, overtime, areas of surface parking can become developed. For this to occur, the parking layout should be designed such that rows of parking spaces can be removed without impact to the overall parking grid.



Example: Design of parking should provide for future conversion and development of surface parking areas.

6. **Building Height:** The GTSSP permits a maximum building height of 10 storeys. The proposed development appears to be limited to 4 storeys. The proposed zoning should not limit height of multi-unit buildings below the 10 storeys permitted by the Plan. There is ample opportunity to provide taller buildings and greater massing within this development, in particular, at the corner of Benfield Drive and Louth Street.

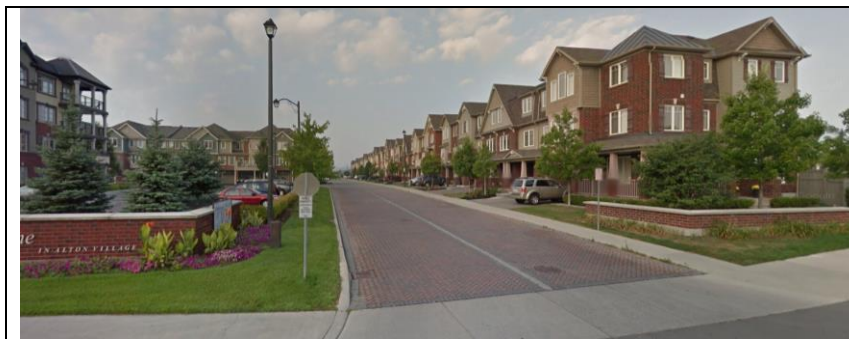
Building heights can step to provide a human scale along the public realm, transition with adjacent lower storey building forms, provide added amenity spaces such as on rooftops or terraces, and mitigate shadows.

The buildings closer to Louth Street and Benfield Drive should be tallest and transitioning down in height as buildings approach the southern property boundary. Development on this site is not hampered by negative impacts of shadow and overview providing further opportunity for the development to explore heights above 4 storeys.

7. **Pedestrian Connectivity and Design:** To support the development of this a transit oriented community, the development should integrate current design best practices that facilitate and encourage people to choose walking. The following design elements should be integrated into the design:

7.a. Townhouse backyard along the southern boundary should not remove the potential for a 1.5 metre sidewalk and 1.5 metre planted boulevard along the main drive aisle connecting Louth Street to Benfield Drive.

7.b. Urban design techniques for calming vehicular traffic through the development including tree lined sidewalks and placemaking features such as entrance gateways and medians, and textured paving should be incorporated into the design of vehicular entrances to the development



Example:
Gateway
elements, and
traffic calming
pavement
treatment at the
entrance of this
development
(Burlington).

7.c. The main aisle into the development functions like a small street and provides residents of either side of the development with a strong connection linking Louth Street to Benfield Drive across the site. On this basis, it is recommended that the design of the cross-section includes sidewalks and trees on both sides.

- 7.d. Ample, well-designed connections from the proposed Louth Street public sidewalk into the development and pathway connections between buildings should be safe, direct, barrier free, encouraging residents and visitors to choose active transportation modes and transit.
- 7.e. The internal parking aisle network should be aligned and consistent and should accommodate and consider desire lines to main building entrances. Align the entrance of the townhouse visitor parking as demonstrated by the attached concept.
- 7.f. Integration of a right-in only at the vehicular entrance at Louth Street.
8. **Minor Gateway:** The GTSSP Urban Design Guidelines refer to the intersection with Crestcombe Road as a minor intersection. The proposed development should address and incorporate provisions for contributing to the establishment of a minor gateway. The proposed design of buildings, location of entrances, massing and architectural elements, and landscaping can be integrated into the overall design to facilitate a gateway.
9. **Amenity Spaces:** GTSSP Urban Design Guidelines encourage development to integrate amenity areas into the design of the site and buildings such as outdoor passive and play areas and rooftop amenity spaces. Notwithstanding the proximity of public parks and alleviate the difficulty of accessing Vintage Park from this development, developments of this scale should consider an on-site 'tot-lot' playground for small children. Implementation of the GTSSP can include zoning provisions requiring amenity areas of various types.
10. The design of townhouses should group units so as to provide blocks with even numbers. This provides for the paring of driveways to maximize the green areas between driveways. The attached concept shows 28 townhouse units along the south edge divided into two 8 unit blocks and two 6 unit blocks. The visitor parking is aligned with the drive aisle above.
11. **Parking standards for apartment units in transit oriented developments:** As a best practice, to effect and enhance the usage and reliance on transit, parking ratios for multi-unit buildings (apartments) should be lessened from the propose 1.25spaces per unit. At this early stage in the transformation of the area, it is suggested at a minimum 1.0spaces per unit is incorporated into the site specific zoning standards.

-Khaldoon Ahmad

10 Benfield Drive, St. Catharines
Urban Design Concept

Urban Design and Landscape Architect Section | Niagara Region

September 14, 2018



Knutson, Amanda

From: Knutson, Amanda
Sent: Tuesday, October 23, 2018 3:27 PM
To: Knutson, Amanda
Subject: FW: 10 Benfield zoning meeting Wednesday Sept, 19.

From: Linda Crabtree [REDACTED]
Sent: Tuesday, September 18, 2018 3:14 PM
To: Knutson, Amanda <aknutson@stcatharines.ca>
Subject: 10 Benfield zoning meeting Wednesday Sept, 19.

Hello Amanda: I've live on Springbank just round the corner from Benfield for almost 30 years and have watched that property at 10 Benfield go from vineyard through several owners and always wondered when or if it might ever be developed.

I'm concerned about the density issues with the existing plan. There is very little green space in that area. Ridley College has closed its grounds to the public and the small park across the road has seen trees planted and ignored year after year. Nothing is done to beautify it or make it habitable except a new play station for children that is rarely used. I do see men/boys playing basketball there from time to time but there is no shade, no flowers, no side walk within the park for strollers or wheelchairs/scooters as it has been left to disintegrate. If the development goes ahead, I think it should contingent on having more green space around/in it and also rejuvenating the parkette across the road.

There are probably 100 fairly mature Shade Master locust trees on 10 Benfield planted by Mountain View developers when they owned it. Rather than simply clear the land and mow those trees down, they could be used to landscape the property and some could be relocated to the park across the road.

The area in question is already fairly heavily populated and I would dearly like to see that this development does not add to the congestion or least gives people who live there some green breathing space.

It also doesn't help that there is what amounts to a six lane road around the development that isn't easy to cross.

I do not walk and it is not easy for me to come to a meeting at City Hall but I would like my opinion registered. Can I do that in writing or must I come to City Hall on Wednesday night? If I can do it in writing would you please tell me to whom write to and expect answers from?

Many thanks,
 L.
 Linda Crabtree C.M., O.Ont.
 One Springbank Drive
 St. Catharines, ON, Canada L2S2K1
 [REDACTED]

Knutson, Amanda

From: Linda Crabtree <[REDACTED]>
Sent: Wednesday, September 19, 2018 2:31 PM
To: Knutson, Amanda
Subject: Re: 10 Benfield Greenspace and accessibility

Hello Amanda and thank you very much for getting back to me. Upon further thought, I'm wondering if the developer has ever considered green roof space on the condominiums considering the fact that there will be very little green space in the development. There is no place for children to play, for mothers to sit with their babies, for people to walk and for the general calming of the area. Green space makes a huge difference in resident's health and well-being. That's why it's so important that the park across the road be made the best it can be.

And, I would like the committee to also consider accessibility. There is no place for well people who live in west St. Catharines to retire to. We do not have a Royal Henley, Heatherwood or Anchor Pointe. Making access a focal point and using the concept of universal design (UD) in the building plans would mean that people who have lived in west St. Catharines all of their lives and wish to continue living here into retirement but cannot maintain a home could possibly consider one of the condos. Universal Design doesn't cost more, it just takes more thought. UD is also a huge selling point as it allows people who buy to age in place as there is no need to move should they have a stroke, or other physically debilitating concern..They buy and they can stay.

I will be watching for updates on the project.

Thanks again,

Linda C.

Linda Crabtree C.M., O.Ont.
 One Springbank Drive
 St. Catharines, ON, Canada L2S2K1
 [REDACTED]



By-laws to be considered Monday, November 12, 2018

- (a) A By-law to authorize the acceptance of a conveyance of certain lands from Lucchetta Homes Ltd. for a road widening along Grapeview Drive. (One reading – with respect to 20-20A Grapeview Drive. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a contract with TM3 Inc. (One reading - with respect to Street Lighting Upgrades – Various Locations, under Project No. P18-098. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to amend By-law No. 2014-169 entitled “A By-law to appoint a Chief Building Official and Inspectors under the Ontario Building Code Act, 1992.” (One reading – with respect to appointment. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to amend By-law No. 2014-253 entitled “A By-law to appoint Deputy Clerks for the purpose of the Commissioners for Taking Affidavits Act.” (One reading - with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (e) 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 stop sign locations on Brucedale Avenue and Hanson Drive. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to amend By-Law No. 89-2000 entitled “A By-law regulating traffic and parking on City Roads. (One reading – with respect to parking prohibitions and loading zone on James Street. Delegation By-law No. 2004-277, as amended.)
- (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 prohibitions on Pennachetti Street and Pathstone Way. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to authorize the acceptance of a Transfer of Easement from Kathy Huynh. (One reading – with respect to maintenance of a sanitary sewer on the lands municipally known as 9 Gormley Street. Delegation By-law No. 2004-277, as amended.)
- (i) A By-law to authorize a Grant Funding Agreement with the Folk Arts Council of St. Catharines. (One reading – with respect to the use of Robertson Hall for the Out of the Cold Program by Start Me Up Niagara. Delegation By-law No. 2004-277, as amended.)



- (j) A By-law to authorize a Software Licence Agreement with Stantec Consulting Ltd. (One reading – with respect to software product(s) to be used as part of the Road Condition Data Collection Services Agreement (Project No. ST16-05.) General Committee, June 11, 2018, Item No.4.2.)
- (k) A By-law to authorize a Software Maintenance Agreement with Stantec Consulting Ltd. (One reading – with respect to software product(s) to be used as part of the Road Condition Data Collection Services Agreement (Project No. ST16-05.) General Committee, June 11, 2018, Item No.4.2.)
- (l) A By-law to authorize a Cost Sharing Agreement with The Regional Municipality of Niagara. (One reading – with respect to Valley Road Sanitary Sewer Rehabilitation Contract, under Project No. P15-005. General Committee, August 27, 2018, Item No. 4.2.)
- (m) 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 525 Niagara Street. -To be considered by Council, November 12, 2018.)
- (n) A By-law to amend By-law No. 2004-277 entitled “A By-law to authorize delegation of certain matters to staff.” (One reading – with respect to Special Free Parking. To be considered by General Committee, November 12, 2018.)
- (o) A By-law to repeal By-law No. 2002-118 being “A By-law to provide for the remuneration of members of Council.” (One reading – with respect to removal of Non-Taxable Municipal Officers Expense Allowance. To be considered by General Committee, November 12, 2018.)
- (p) A By-law to amend By-law No. 2000-276 entitled “A By-law to provide for the remuneration of members of Council.” (One reading – with respect to adjustment to the annual allowance for City Councillors. To be considered by General Committee, November 12, 2018.)
- (q) A By-law to fix the remuneration of the Mayor and to repeal By-Law No. 2003-270, as amended. (One reading – with respect to adjustment to the annual allowance for City Councillors. To be considered by General Committee, November 12, 2018.)
- (r) 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 Heavy Vehicle prohibitions on Haig Street. To be considered by General Committee, November 12, 2018.)



- (s) A By-law to amend By-law No. 2004-277 entitled “A By-law to authorize delegation of certain matters to staff.” (One reading – with respect to Heavy Vehicle Prohibitions. To be considered by General Committee, November 12, 2018.)
- (t) A By-law to confirm the proceedings of council at its meeting held on the 12th day of November 12, 2018. (One reading - with respect to confirming the proceedings of the meeting held on November 12, 2018.)