



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, August 29, 2022  
Council Chambers and Electronic Participation, 6:00 PM**

This Meeting of Council will be held in person at Council Chambers and electronically for the Members of Council. At this time the public can only participate electronically.

This Meeting may be viewed online at [www.stcatharines.ca/youtube](http://www.stcatharines.ca/youtube)

Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting [clerks@stcatharines.ca](mailto:clerks@stcatharines.ca) by Monday, August 29, 2022 before Noon. Comments submitted will be considered as public information and entered into public record.

Electronic Delegations: Those wishing to speak to an item on the agenda must complete the [City's Electronic Delegation Form](#) by Monday, August 29, 2022 before 9:00 a.m. and attend a test session with City staff on Monday, August 29, 2022 at 10:00 a.m.

*His Worship Mayor Walter Sendzik takes the Chair and opens the meeting with a Land Acknowledgement*

Page

- 1. Mayor's Report**
- 2. Adoption of the Agenda**
- 3. Adoption of the Minutes**

3.1 Regular Council, meeting of [August 8, 2022](#)  
[Addenda]

- 4. Declarations of Interest**
- 5. Motion to Move Consent Reports**

Consent Reports are approved in one motion which approves all of the recommendations contained in each report. Prior to this motion, a councillor may request that one or more of the reports listed under Item 6 be moved to the list of Discussion Reports.

Page

## 6. Consent Reports

- 6 - 40      6.1      Planning and Building Services, Planning Services  
Update to the St. Catharines Register of Non-Designated Cultural  
Heritage Properties
- 41 - 55      6.2      Legal and Clerks Services, Office of the City Clerk  
Council Correspondence

## 7. Public Meetings

- 56 - 110      7.1      Planning and Building Services, Planning Services  
Application to Amend Official Plan and Zoning By-law 2013-283 Subject  
Lands: 89 Page Street and 124 Niagara Street
- 111 - 130      7.2      Planning and Building Services, Planning Services  
Application to Amend the City's Zoning By-law 2013-283 Subject Lands:  
19 Melody Trail
- 131 - 146      7.3      Planning and Building Services  
Creation of a Vital Services By-law and Related Administrative Monetary  
Penalties

## 8. Presentations

## 9. Discussion Reports

- 147 - 153      9.1      Office of the Chief Administrative Officer  
City of St. Catharines People Strategy.  
*(Staff presentation will precede discussion of the item.)*
- 154 - 161      9.2      Financial Management Services  
Multi-Year Budget Policy  
*(Staff presentation will precede discussion of the item)*

## 10. Motions

### 10.1      **Budget Standing Committee held as Meetings of Council until 2023 Operating and Capital Budgets are Approved**

*Councillor Littleton will present the following motion:*

BE IT RESOLVED that the Budget Standing Committee be suspended as of and including the meeting scheduled for September 19, 2022, until the 2023 Operating and Capital Budgets are approved by City Council; and

BE IT FURTHER RESOLVED that the Budget Standing Committee meetings scheduled for September 19, 2022; November 2, 2022; November 9, 2022; and November 30, 2022, be held as meetings of Council; and

BE IT FURTHER RESOLVED that at the above-noted meetings City Council consider any items that would have otherwise been reviewed by the Budget Standing Committee; and

BE IT FURTHER RESOLVED that agendas for these meetings be published, where possible, five days prior to the meeting; and

BE IT FURTHER RESOLVED that Council suspend the rules in accordance with Procedural By-law 2021-124, article A4 Suspension of the Rules, to allow Councillor Littleton, as current Chair of the Budget Standing Committee, to Chair those meetings of City Council which are held this term, and Councillor Phillips, as current Vice-Chair of the Budget Standing Committee, to be the Vice-Chair for those meetings of City Council which are held this term.

**10.2 Paid Parking Exemption for Volunteers for the Terry Fox Run**  
*Councillor Garcia will present the following motion:*

WHEREAS the Terry Fox Run is an annual non-competitive charity event held around the world to raise money for cancer research in commemoration of Canadian hero and cancer activist Terry Fox and his Marathon of Hope; and

WHEREAS the event was first held 1981, including the first Run in St. Catharines, and there are now Runs in more than 30 countries around the world with over \$750 million having been raised for cancer research; and

WHEREAS the Run is managed and organized by community volunteers and it has no corporate sponsorship, in accordance with Terry's original wishes of not seeking fame or fortune from his endeavour; and

WHEREAS the annual Run in St. Catharines returns to Lakeside Park and Port Dalhousie on Sunday September 18, 2022 after a two-year pandemic hiatus; and

WHEREAS the volunteers were not aware that there was paid parking at Lakeside Park when they decided on the Run's return and they believe that if those registering have to pay for parking this would significantly affect participation and their ability to raise funds;

THEREFORE BE IT RESOLVED that the Terry Fox Run be granted an exemption to paid parking at the Lakeside Park lot between 8:00 a.m. and 1:00 p.m. on Sunday, September 18, 2022.

**10.3 Special Council Meeting - September 28, 2022**

*Councillor Sorrento will present the following motion:*

That Council approve a Special Council Meeting for Wednesday, September 28, 2022, at 6:00 pm; and

That the special meeting be held for the purpose of a presentation from the Ministry of Environment, Conservation, and Parks; and

That the City Clerk be directed to make the necessary notifications.

**11. Call for Notices of Motion**

**12. Committee and Task Force Minutes**

**12.1 Minutes to Receive:**

- Anti-Racism Advisory Committee, meeting of [July 19, 2022](#)(draft);
- Cultural Sustainability Committee, meeting of [August 17, 2022](#)(draft);
- Designations, Plaquing, and Ceremonies Sub-Committee, meeting of [June 24, 2022](#) and [July 22, 2022](#);
- Green Advisory Committee, meeting of [July 20, 2022](#) and [August 17, 2022](#) (draft);
- Heritage Permit Advisory Committee, meeting of [July 28, 2022](#) (draft)
- Museum Advisory Committee, meeting of [May 17, 2022](#) and [July 19, 2022](#) (draft);
- Recreation Master Plan Advisory Committee, meeting of [July 20, 2022](#) (draft);
- Social Sustainability Pillar Committee, meeting of [August 4, 2022](#) (draft).

[Addenda]

**12.2 Resolution from Social Sustainability Committee regarding Truth and Reconciliation Commission Calls to Action**

*Councillor Miller will present the following motion:*

That the resolution from the Anti-Racism Advisory Committee in Support of the Truth and Reconciliation Commission Calls to Action be received by City Council for information; and

That City staff develop an action plan to fulfill the municipal parts of the Truth and Reconciliation Commission calls to actions with a time frame; and

That City staff implement an education plan for staff about legal obligations under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and about Indigenous rights; and



That City Council renounce the Doctrine of Discovery.

- See the Social Sustainability Minutes of [August 4, 2022](#), page 11, for the Anti-Racism Advisory Committee's Resolution on Truth and Reconciliation Commission Action Plan.

**12.3 Resolution from Social Sustainability Committee regarding Jeff Dunham Performance at the Meridian Centre**

*Councillor Miller will present the following motion:*

That the resolution from the Anti-Racism Advisory Committee regarding Jeff Dunham's performance at the Meridian Centre be received by City Council for information; and

That City Council request that ASM Global consider cancelling the Jeff Dunham performance at the Meridian Centre; and

That going forward City staff look at creating guiding principles for future performances at all City facilities with input from equity seeking groups and / or advisory committees.

- See the Social Sustainability Minutes of [August 4, 2022](#), page 12, for the Anti-Racism Advisory Committee's resolution on Jeff Dunham Performance

**13. Closed Session**

Council will meet in Closed Session for the following purpose(s):

**14. Motion Arising from Closed Session**

**15. By-laws**

162 - 163

15.1 Reading of By-laws

[Addenda]

**16. Adjournment**



## Corporate Report City Council

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

**Report Date:** August 4, 2022

**Meeting Date:** August 29, 2022

**Report Number:** PBS-129-2022

**File:** 10.64.2

**Subject:** Update to the St. Catharines Register of Non-Designated Cultural Heritage Properties

### Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: Cultural



## Recommendation

That Council approve the following properties for listing on the St. Catharines Register of Non-Designated Cultural Heritage Properties (the “Register”), pursuant to Section 27 of the *Ontario Heritage Act*, being a list of properties that shall be subject to further review for heritage significance **only** where a building or structure is proposed for demolition or removal:

- 23 Centre Street
- 25 Duke Street
- 3 Elizabeth Street
- 8-10 Elizabeth Street
- 9 ½ Elizabeth Street
- 12-12 ½ Elizabeth Street
- 29 Elizabeth Street
- 31 Elizabeth Street
- 37 Elizabeth Street
- 127-129 King Street
- 165 King Street
- 211 King Street
- 213 King Street
- 217 King Street
- 219 King Street
- 180 Ontario Street

- 190 Ontario Street
- 170-176 St. Paul Street
- 1 Welland Avenue
- 41 Welland Avenue
- 43 Welland Avenue
- 51-53 Welland Avenue

## Summary

The St. Catharines Register of Non-Designated Cultural Heritage Properties (the “Register”) is a list of **potentially significant heritage** properties. Inclusion on the Register provides for a 60-day pause for any demolitions or removals that may be proposed for buildings or structures on the property.

Within the 60-day pause period, a further assessment of the building would be completed by staff in conjunction with the Heritage Advisory Committee and staff would advise Council of one of two outcomes:

1. That upon further investigation, that the building is worthy of Heritage Designation and the demolition permit not be issued; or
2. That upon further investigation, that the building is not worthy of Heritage Designation and the demolition permit may be issued.

The 60-day pause that is triggered by a listing on the Register is to provide Council with an opportunity to review the heritage significance of a building, prior to a demolition permit being issued.

Only those properties listed on the Register are subject to this review.

A property listed on the Register is not a Heritage Designated property that requires a review by the Heritage Permit Advisory Committee and does not require Heritage Permits for exterior renovations, alterations, physical improvements, etc. prior to a building permit being issued.

Properties on the Register are subject to a further review **only** if demolition or removal is proposed for the building or structure.

Along with the addition of properties to the Register in 2020, 2021 and February 2022, the group of properties before Council for consideration realizes staff’s intention to add properties to the Register on a more regular basis. This will ensure that properties that may be of cultural heritage significance are recognized and protected in the event of a demolition application. All properties listed in Appendix 2 have been recommended by the St. Catharines Heritage Advisory Committee (SCHAC) for inclusion onto the Register.

This report does not recommend any specific property for Heritage Designation at this time. It simply adds properties to the Register that **may** have significant heritage value, and, should demolition be proposed, that a 60 day pause be applicable to assess the heritage significance.

Report Page 2 of 10

## Relationship to Strategic Plan

The recommendation of this report directly supports the Cultural Renaissance Goal in the City's Strategic Plan:

4.1: addressing Heritage Preservation.

## Background

There are two categories that apply to properties in the City that exhibit some level of heritage interest:

**Heritage Register** (only applies if demolition is proposed by a property owner)

This listing is authorized under Section 27 of the *Ontario Heritage Act* and is relevant to property owners, **only if demolition or removal is proposed**. Properties on the Register do not require Heritage Permit Advisory Committee review or heritage permits.

**Heritage Designation** (applies if certain alterations are proposed by property owner)

These properties are designated under the *Ontario Heritage Act* as **individually designated properties or as part of a heritage conservation district**. Any demolition, renovation, or major alteration to the identified heritage attributes of the designated building is subject to review and recommendation by the Heritage Permit Advisory Committee and subject to a heritage permit being issued prior to a building permit. A Heritage Designation is registered on title to the property. This is the highest level of heritage protection under the *Ontario Heritage Act*. The issuance of a heritage permit is a delegated approval to the Director of Planning and Building Services, except for when full demolitions are proposed; at which time City Council is the approval authority.

On July 13, 2009, Council approved the initial Register and directed that staff continue to work on expanding the Register and report back to Council in due course.

Both City staff and the St. Catharines Heritage Advisory Committee – Research and Inventory Sub-Committee have been conducting research on an ongoing basis to determine which new properties should be added to the Register due to their potential cultural heritage value or interest. The St. Catharines Heritage Advisory Committee (SCHAC) is recommending that the properties identified in Appendix 2 be added to the Register and Staff concur with their recommendation. The properties have been surveyed by Staff and / or members of the SCHAC to determine whether the properties exhibit some level of cultural heritage value or interest.

This report summarizes the background, conclusions of the preliminary heritage research, consultation, and Provincial and Official Plan policies that support heritage conservation in St. Catharines. This report advances Council's direction of July 13, 2009.

## Report

The *Ontario Heritage Act* allows a property that has not been designated, but that Council believes to be of cultural heritage value or interest, to be placed on the Municipal Heritage Register, commonly referred to as listing. According to Section 27(2) of the Ontario Heritage Act, each property must be accompanied by the following information:

- a legal description of the property;
- the name and address of the owner; and
- a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

To guide Council's consideration of this matter, Heritage Planning Staff has reviewed the applicable legislative and policy framework together with *Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value Interest* (On. Reg. 9/06).

## Ontario Heritage Act (OHA)

Listing a property on a Municipal Heritage Register, as per 27(3) of the *Ontario Heritage Act* (OHA), enables municipalities to require at least 60-days' notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. This allows time for the municipality to decide whether to begin the designation process to give long term protection to the property. Should Council choose not to designate a property on the Register during the interim protection period, this time could also be used to further document the property for archival purposes. Unlike designation under the OHA, listing on the Register is not registered on the title of the property.

*Ontario Regulation 9/06 - Criteria for Determining Heritage Value or Interest* (O.R. 9/06) provides criteria for determining whether a property is of cultural value or interest under Section 29 of the *Ontario Heritage Act*. These criteria are found in the Garden City Plan (GCP) in Part C, Section 3.2 (1). This criterion is to be taken into account when evaluating a site for designation under the *Ontario Heritage Act*.

## 2021 Amendments to the Ontario Heritage Act

On July 1, 2021, changes to the Ontario Heritage Act came into effect. These changes impact Council decisions made with respect to additions to the municipal heritage register made on or after July 1, 2021. The primary impacts of the changes are:

- Formal requirement to notify property owners of a Council decision to add a property to the municipal heritage register (non-designated).
- Establishment of a process of appeal of a Council decision to add a property to the municipal heritage register (non-designated). Council is the body which would hear any appeals.

The changes do not substantially impact the way that the City of St. Catharines updates its municipal heritage register (non-designated). The City of St. Catharines already notifies property owners of Council's intent to include properties on the municipal heritage register and has been willing to hear concerns from property owners concerning the heritage status of properties in the past.

Report Page 4 of 10

## The Provincial Policy Statement (2020)

The *Provincial Policy Statement* (PPS) “provides appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.” Policy 2.6.1 of the PPS provides that significant built heritage resources and significant cultural heritage landscapes shall be conserved. In accordance with the PPS, a built heritage resource is defined as “a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and / or international registers.”

The properties identified in Appendix 2, through the listing process, would be identified by Council as built heritage resources as set out by the PPS. Listing these properties on the Register is consistent with the policies of the PPS.

## The Ontario Heritage Tool Kit

In 2006, the former Ministry of Culture (now Ministry of Heritage, Sport, Tourism and Culture) released the *Ontario Heritage Tool Kit* (the Tool Kit) shortly after the passage of the new OHA in April 2005. The Tool Kit is a series of guides for municipal Councils and heritage committees, heritage practitioners and property owners, designed to assist in understanding the heritage conservation process in Ontario. The guide entitled *Heritage Property Evaluation* addresses listing properties on a Municipal Heritage Register. It notes that, “Cultural heritage properties can be added to the register at any time by Council. In municipalities where there is a municipal heritage committee, the *Ontario Heritage Act* requires that Council consult with the committee before a non-designated property is added or removed from the register.” Further, “listed (non-designated) properties are candidates for protection under section 29 of the *Ontario Heritage Act*.”

In this context, the listing of properties on the Register identified in Appendix 2, is the first step that Council should take in the identification and evaluation of properties that may warrant some form of heritage conservation, recognition and / or long-term protection such as designation under the *Ontario Heritage Act*.

## The City of St. Catharines Official Plan (The Garden City Plan)

The Garden City Plan (GCP) contains a vision, guiding principles and policies that recognize the importance of heritage conservation.

Part B containing the Plan’s Vision and Guiding Principles envisions the City as celebrating its agricultural and historical assets (Section 2.1). Further, the vision recognizes that a sustainable community is one that respects and embraces its heritage to create a sense of identity and pride.

Part C of the Plan contains a number of relevant cultural heritage statements and policies. The GCP states that “conserving and enhancing our cultural heritage is important not only because it connects us to our past and helps us to interpret our

Report Page 5 of 10

history, but also makes economic sense. Heritage can benefit the local economy by attracting visitors to the City... The City's cultural heritage resources have in the past been threatened by neglect, obsolescence, redevelopment, and the lack of the financial means necessary for protection and rehabilitation" (Section 3). More specifically, Policy 3.1.1 of the Plan notes that "The City shall identify cultural heritage resources through a continuing process of inventory, survey, and evaluation."

The Vision, Guiding Principles, and policies in the GCP demonstrate Council's commitment to the identification, protection, and conservation of the city's cultural heritage resources.

Updating the St. Catharines Register of Non-Designated Cultural Heritage Properties conforms with the Garden City Official Plan.

## **Evaluation of the Request**

In 2006, the Province issued criteria for determining cultural heritage value or interest under the OHA, which must be satisfied if a property is to be designated. *Ontario Regulation 9/06 - Criteria for Determining Heritage Value or Interest (On. Reg. 9/06)* includes three broad categories: Design or Physical Value, Historical or Associative Value, and Contextual Value, under which three subsets of criteria are further identified (see Appendix 1).

Although enacted to assess cultural heritage value or interest within the context of Section 29 of the *Ontario Heritage Act* (i.e., individual property designation under Part IV), it is also appropriate to use proactively in consideration of listing properties on a Municipal Heritage Register prior to a full cultural heritage evaluation. A decision regarding listing a property on the Register should be based on the belief that the property contains cultural heritage value or interest. *On. Reg. 9/06* sets out criteria for determining cultural heritage value or interest. Those criteria are contained in Section 3.2.1 of the Garden City Plan (GCP).

## **Consultation with the St. Catharines Heritage Advisory Committee (SCHAC)**

At the Advisory Committee meetings on March 10, 2022, May 5, 2022, and July 14, 2022, the St. Catharines Heritage Advisory Committee (SCHAC) made recommendations to add properties to the municipal heritage register of properties which were determined to have potential cultural heritage value or interest in accordance with *Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest* and the City of St. Catharines *Rating System for Built Heritage Resources*. The SCHAC was in full support of adding these properties to the Register and the following motions were carried:

### **Motion from the St. Catharines Heritage Advisory Committee meeting of March 10, 2022**

"That the SCHAC receive the information about the update to the Heritage Register from James Neilson; and

That the SCHAC is supportive of the addition of the following properties to the Heritage Register:

- 23 Centre Street
- 127-129 King Street
- 165 King Street
- 211 King Street
- 213 King Street
- 217 King Street
- 219 King Street”

**Motion from the St. Catharines Heritage Advisory meeting of February 10, 2022**

The SCHAC was in full support of adding these properties to the Register and the following motion was carried:

“That the SCHAC receive the information about the update to the Heritage Register from James Neilson and Andrew Humeniuk; and

That the SCHAC is supportive of the addition of the following properties to the Heritage Register:

- 1 Elizabeth Street
- 3 Elizabeth Street
- 7 Elizabeth Street
- 8-10 Elizabeth Street
- 9 ½ Elizabeth Street
- 12-12 ½ Elizabeth Street
- 19 Elizabeth Street
- 27 Elizabeth Street
- 29 Elizabeth Street
- 31 Elizabeth Street
- 37 Elizabeth Street”

**Motion from the St. Catharines Heritage Advisory meeting of July 14, 2022**

“That the SCHAC receive the information about the update to the Heritage Register from James Neilson; and

That the SCHAC is supportive of the addition of the following properties to the Heritage Register:

- 1 Welland Avenue
- 41 Welland Avenue
- 43 Welland Avenue
- 51-53 Welland Avenue
- 180 Ontario Street
- 190 Ontario Street



## Consultation with property owners

A letter was sent to owners of the subject properties referenced in this report to inform them that their properties were considered for inclusion on the Heritage Register and that any concerns could be brought forward to staff and the Heritage Advisory Committee prior to the Committee's meeting. The letters provided information about the process and implications of inclusion on the Heritage Register and invited owners to provide comment and feedback. None of the properties brought forward as part of this report received objections.

## Follow-up to Report PBS-111-2020

On October 19, 2020, properties were brought forward by planning staff for inclusion on the Heritage Register in [Report PBS-111-2020](#). Of those properties, members of Council asked for certain properties to be removed from the list of properties before Council due to objections from the owners. Council requested that staff ask the owners to attend a Heritage Advisory Committee meeting to discuss the issue with the Committee members. The following outlines the request noted in Council's Outstanding Reports List:

Report back on excluding 101 Oakdale Avenue, 25 Duke Street and 160, 168, 174, 176 St. Paul Street from the register of non-designated cultural heritage properties. Report to include update on the request for the property owners of 101 Oakdale Avenue and 25 Duke Street to attend a Heritage Committee meeting about their request to be excluded. Report to include update on correspondence from 160, 168, 174, 176 St. Paul Street requesting exclusion from the register.

In June 2022, as part of the City's continued efforts to expand the Heritage Register, staff reached out to the owners of the properties noted above. The owners were invited by registered letter to attend a Heritage Advisory Committee meeting so that they could identify their concerns to the Committee members. None of the owners responded to this request. Given the lack of response, staff are bringing forward these properties today to ensure that they are protected.

Additionally, it should be noted that 160 St. Paul Street and 168 St. Paul Street were not part of the list of properties brought forward by staff to Council in October 2020 and their inclusion in this request from Council is presumed to have been an error. As such staff did not reach out to the owners of these properties. These two properties were designated by the City in 1986 (By-law #86-53) and were amongst the earliest properties in the City to be designated. Staff do not recommend removing the designation on these properties as they contain significant cultural heritage value.

## Omitted Properties Brought Forward by the SCHAC

Following the recommendations of the SCHAC, staff have reviewed the properties brought forward for inclusion on the Heritage Register by the Committee. Although the Committee passed a motion recommending the addition of 1, 7, 19 & 27 Elizabeth Street (and previously recommended 101 Oakdale Avenue in 2020), upon further review, staff do not feel that these properties contain an appropriate level of cultural

heritage value and / or architectural integrity / significance to merit their addition to the Heritage Register. As such, these properties have been omitted from the list of properties before Council for inclusion on the Heritage Register at this time. These properties may be re-visited at a later date should new information emerge that changes the perceived cultural heritage value of these properties.

## Financial Implications

There are no direct financial implications to the Corporation should Council approve this Recommendation.

## Environmental Sustainability Implications

Retention and reuse of built heritage resources can include positive environmental sustainability implications such as construction and demolition waste reduction and energy savings / embodied energy, according to the Architectural Conservancy Ontario. Further, a recent study commissioned by the National Trust for Canada found that 86% of Canadians agree preserving a historic building is more environmentally friendly than demolishing it and building something new.

## Conclusion

The land use policy applicable to heritage resources directed by the Provincial Policy Statement, the City's Official Plan and the City's Strategic Plan prioritizes retention of the City's cultural heritage resources. The St. Catharines Heritage Advisory Committee has recommended the properties in Appendix 2 as the first step that Council should take in the identification and evaluation of properties that may warrant some form of heritage conservation, recognition and / or long-term protection such as designation under the *Ontario Heritage Act*. Any Heritage Designation of a specific property would be subject to future review and Council approval.

## Notifications

All subject property owners will be notified of Council's decision.

## Prepared by

James Neilson  
Heritage Planner

## Submitted by

Margaret Josipovic  
Manager of Planning Services

## Approved by

Tami Kitay  
Director of Planning and Building Services

## **Appendices**

1. Appendix 1: Ontario Regulation 9/06 - Criteria for Determining Heritage Value or Interest
2. Appendix 2: Properties Recommended for Listing on the St. Catharines Register of Non-Designated Cultural Heritage Properties



## Ontario Heritage Act

### ONTARIO REGULATION 9/06

#### CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

**Consolidation Period:** From January 25, 2006 to the e-Laws currency date.

No amendments.

***This is the English version of a bilingual regulation.***

#### Criteria

**1.** (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
  - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
  - ii. displays a high degree of craftsmanship or artistic merit, or
  - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
  - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
  - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
  - i. is important in defining, maintaining or supporting the character of an area,
  - ii. is physically, functionally, visually or historically linked to its surroundings, or
  - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

#### Transition

**2.** This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.

# Properties to be added to the St. Catharines Heritage Register (Aug 2022)

**Address:**

23 Centre Street

**Legal Address:**

CP 2 LOT 163 to 163


**Property Location Description:**

Located on the corner of the intersection of Centre Street and Court Street

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 23 Centre Street was built in 1890 as the Court Street School, and was later purchased by the Masons in 1953. The building's history and impressive architecture contributes to the historical character of downtown St. Catharines.

**Potential Heritage Attributes:**

The building displays many elements of decorative brickwork including corbelled brick, semi-circular segmental arches and weaved brick designs. Stone arches, lintels and sills dominate the façade, which also incorporates rows of terra cotta emblems inset in the brick. A large chimney can be found on the south side of the roof. A modernist-era addition was constructed on the south side.





**Address:**

127-129 King Street

**Legal Address:**

CP 2 LOT 476



**Property Location Description:**

Located on the west side of King Street, between James Street and Carlisle Street

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 127-129 King Street consists of a c.1914 commercial building originally the location of Moyer Bros's Flour and Feed (and later Byers Feed and Seed Co.) that contributes to the historical character of downtown St. Catharines.

**Potential Heritage Attributes:**

The two-storey building features corbelled brickwork and a decorative parapet with a large projecting eaves. The building's storefront has been modernized though the cornice above the storefront remains.



**Address:**  
163 King Street

**Legal Address:**  
CP 2 LOT 501



**Property Location Description:**

Located on the west side of King Street between Carlisle Street and Academy Street

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 163 King Street is a c. 1880 residential building converted for commercial use. The building contributes to the historical character of downtown St. Catharines.

**Potential heritage Attributes**

The property consists of a two-storey residence converted for commercial use. The brick building has a number of significant details including an ornate wooden porch / balcony, a brick hood mould above the first storey window, stone sills and wooden brackets and scalloped shingles beneath the front gable.





**Address:**  
211 King Street

**Legal Address:**  
CP 2 LOT 190 PT LOT 191 R/W



**Property Location Description:**

Located on the west side of King Street on the corner of King Street and Court Street

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 211 King Street is a c.1914 building that contributes to the historical character of downtown St. Catharines.

**Potential Heritage Attributes**

The property consists of a two-storey 1914 brick building with stone sills and lintels, a large chimney and lead glass windows within the rooftop dormers. The southeast corner has a five-sided turret.



**Address:**

213 King Street

**Legal Address**

CP 2 LOT 193



**Property Location Description:**

Located on the west side of King Street between Court Street and Church Street

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 213 King Street is a residential property that contributes to the historical character of downtown St. Catharines.

**Potential Heritage Attributes**

The property at 213 King Street is a two-storey c.1880 brick building with a bay window, two entrances and a gable roof. The house originally had a wrap around porch that was likely removed when the neighbouring building was constructed.





**Address:**  
217 King Street

**Legal Address:**  
CP 2 PT LOT 194



**Property Location Description:**

The property is located on the west side of King Street between Court Street and Church Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 217 King Street contributes to the historical character of downtown St. Catharines.

**Potential Heritage Attributes**

The property consists of a c.1865 brick residence. The two-storey house has an entrance with sidelights and a transom, and also incorporates the segmentally-arched brickwork with a decorative keystone, which is a motif found throughout the building's fenestration. The front façade also includes a bay window. The roof has decorative wood beneath the front gable and bracks and dentils beneath the eaves.



**Address:**

219 King Street

**Legal Address:**

CP 2 PT LOT 195



**Property Location Description:**

Located on the west side of King Street between Court Street and Church Street

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 219 King Street contributes to the historical character of downtown St. Catharines.

**Potential Heritage Attributes**

The property consists of a c.1870 brick residence. The two-storey house has a side-entrance with covered wood porch with decorative columns and brackets. Segmentally arched windows are found through, though round arches are found on the second floor of the front facade.



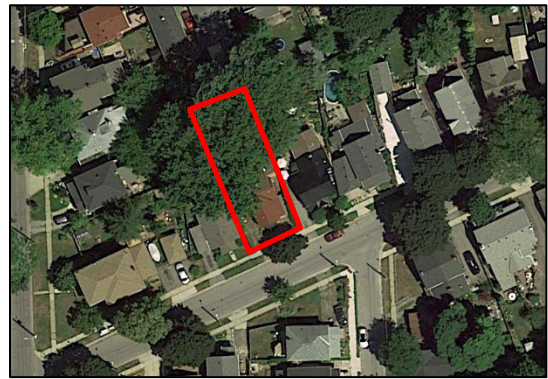


**Address:**

3 Elizabeth Street

**Legal Address:**

Plan 2 BLK T Lot 16



**Property Location Description:**

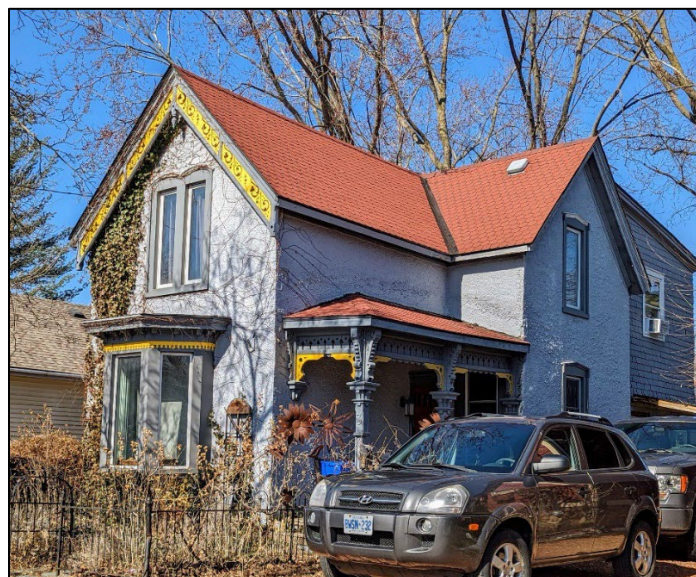
Located on the north side of Elizabeth Street, between York Street and Napier Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 3 Elizabeth Street is a fine example of craftsmanship and Victorian-era architecture. It is also representative of the period of growth and industrialization following the 1854 proclamation expanding the Town of St. Catharines. The inhabitants of Elizabeth Street were primarily working class people, many carpenters and trades people building houses during this period of growth or working in local factories such as the nearby WellandVale Manufacturing Company.

**Potential Heritage Attributes**

The house is known as the “Begy House” built c.1850. The two-storey residence features a stucco façade and cross-gable roof along with a number of ornate features with excellent craftsmanship. These include: the bay window with flat roof, brackets, gables with bargeboard and pendants; capped window sills and surrounds; and a decorative wood porch with brackets and fretwork.

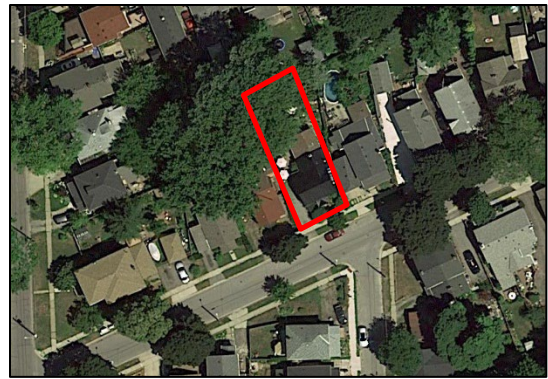


**Address:**

5 Elizabeth Street

**Legal Address:**

Plan 2 BLK T Lot 15



**Property Location Description:**

Located on the north side of Elizabeth Street, between York Street and Napier Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 5 Elizabeth Street is representative of the period of growth and industrialization following the 1854 proclamation expanding the Town of St. Catharines. The inhabitants of Elizabeth Street were primarily working class people, many carpenters and trades people building houses during this period of growth or working in local factories such as the nearby WellandVale Manufacturing Company.

**Potential Heritage Attributes**

The one storey residence was built c.1850. Though the house has been reclad and has a new roof, the original fieldstone foundation is visible and provides evidence of the building's age.





**Address:**

8-10 Elizabeth Street

**Legal Address:**

CON 5 PT LOT 19



**Property Location Description:**

Located on the southeast corner of Elizabeth Street and Napier Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 8-10 Elizabeth Street is representative of the period of growth and industrialization following the 1854 proclamation expanding the Town of St. Catharines. The inhabitants of Elizabeth Street were primarily working class people, many carpenters and trades people building houses during this period of growth or working in local factories such as the nearby WellandVale Manufacturing Company.

**Potential Heritage Attributes**

The one-and-a-half-storey neoclassical duplex was built c. 1850. The building has a gable roof, a pair of chimneys and a porch which stretches across the front façade. Though there are transoms above each entranceway, the fenestration has likely been altered with a window removed at 10 Elizabeth.



**Address:**

9 1/2 Elizabeth Street

**Legal Address:**

PLAN 2 BLK T LOT 12 PT



**Property Location Description:**

Located on the north side of Elizabeth Street between Napier Street and Lake Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 9 1/2 Elizabeth Street is representative of the period of growth and industrialization following the 1854 proclamation expanding the Town of St. Catharines. The inhabitants of Elizabeth Street were primarily working class people, many carpenters and trades people building houses during this period of growth or working in local factories such as the nearby WellandVale Manufacturing Company.

**Potential Heritage Attributes**

The one-and-a-half-storey residence was built c. 1875. The building has a gable roof, porch and stone foundation.





**Address:**

12 & 12 1/2 Elizabeth Street

**Legal Address:**

CON 5 PT LOT 19



**Property Location Description:**

Located on the south side of Elizabeth Street between Napier Street and Lake Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 12 & 12 1/2 Elizabeth Street is representative of the period of growth and industrialization following the 1854 proclamation expanding the Town of St. Catharines. The inhabitants of Elizabeth Street were primarily working class people, many carpenters and trades people building houses during this period of growth or working in local factories such as the nearby WellandVale Manufacturing Company.

**Potential Heritage Attributes**

The one-and-a-half-storey-neoclassical duplex residence was built c. 1850. The property is associated with the Swayze family, in particular the Swayze Brothers, who were prominent St. Catharines merchants in the late 19th and early 20th century. The building has a gable roof with chimneys at either end and a porch which stretches across the front of the residence.



**Address:**

29 Elizabeth Street

**Legal Address:**

PLAN 4 BLK B LOT 21 PT LOT



**Property Location Description:**

Located on the north side of Elizabeth Street between Henry Street and Lake Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 29 Elizabeth Street is representative of the period of growth and industrialization following the 1854 proclamation expanding the Town of St. Catharines. The inhabitants of Elizabeth Street were primarily working class people, many carpenters and trades people building houses during this period of growth or working in local factories such as the nearby WellandVale Manufacturing Company.

**Potential Heritage Attributes**

The two-storey residence was built c. 1875. The residence has a gable roof, a stone foundation, a front porch, and sidelights on both sides of the entrance.



**Address:**

31 Elizabeth Street

**Legal Address:**

PLAN 4 BLK B LOT 22



**Property Location Description:**

Located on the north side of Elizabeth Street between Henry Street and Lake Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 31 Elizabeth Street is representative of the period of growth and industrialization following the 1854 proclamation expanding the Town of St. Catharines. The inhabitants of Elizabeth Street were primarily working class people, many carpenters and trades people building houses during this period of growth or working in local factories such as the nearby WellandVale Manufacturing Company.

**Potential Heritage Attributes**

The one-storey residence was built c. 1860 and has a cross-gable roof with scalloped shingles beneath the front gable. Beneath the front gable is a porch which spans the east half of the front facade.





**Address:**

37 Elizabeth Street

**Legal Address:**

PLAN 5 BLK F PT LOT 1



**Property Location Description:**

Located on the north side of Elizabeth Street between Henry Street and George Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 37 Elizabeth Street is representative of the period of growth and industrialization following the 1854 proclamation expanding the Town of St. Catharines. The inhabitants of Elizabeth Street were primarily working class people, many carpenters and trades people building houses during this period of growth or working in local factories such as the nearby WellandVale Manufacturing Company.

**Potential Heritage Attributes**

The one-storey residence was built c. 1850. The house has a wraparound porch with detailed woodwork that is original to the house. A brick chimney on the side addition appears to be a later addition or replaced an earlier chimney.



**Address:**

1 Welland Avenue

**Legal Address:**

PLAN 53 RANGE 3 PT LOT 1



**Property Location Description:**

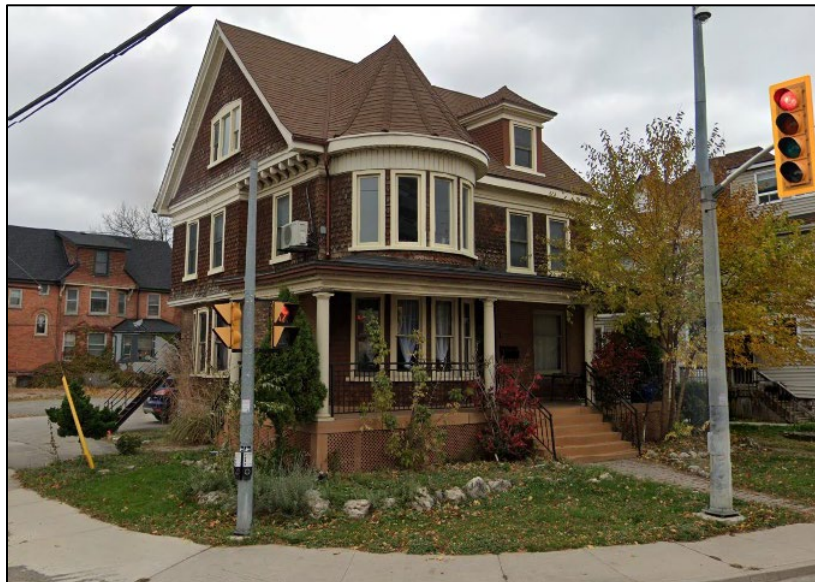
Located on the northeast corner of Welland Avenue and Ontario Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 1 Welland Avenue is recognized for its architectural value and is representative of the residential building stock constructed around the turn of the century.

**Potential Heritage Attributes**

Built c.1904, the two-storey residential building is dominated by its front turret. The lower exterior is comprised of brick, while scalloped wood shingles are found on the second floor and beneath the gable. The building has a prominent location at the corner of Welland Avenue and Ontario Street.



**Address:**

41 Welland Avenue

**Legal Address:**

PLAN 20 PT LOT 1 PT LOT 2 PT



**Property Location Description:**

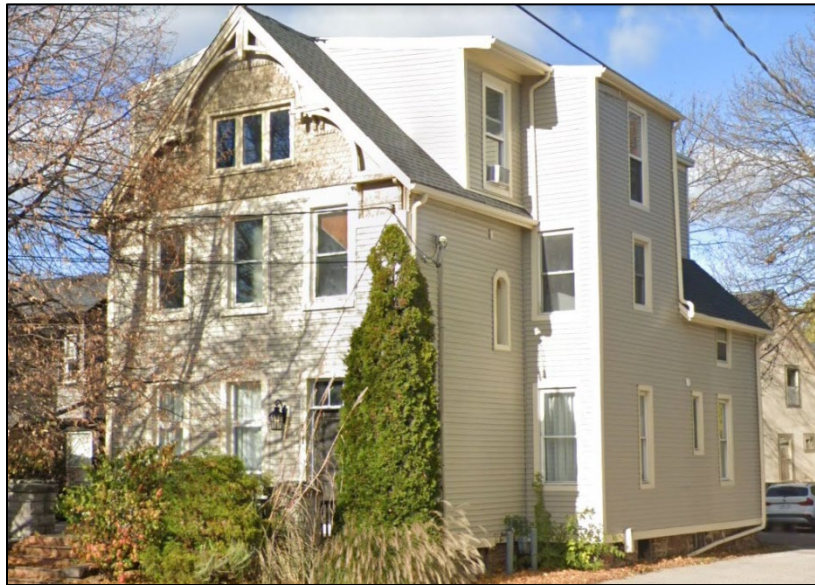
Located on the north side of Welland Avenue between York Street and Napier Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 41 Welland Avenue is recognized for its architectural value and is representative of the residential building stock constructed outside of the downtown in the 19<sup>th</sup> century.

**Potential Heritage Attributes**

The two-storey building dates to 1870. The residence had a stucco façade until 2021 when the vinyl siding was installed. Two large shed dormers are likely later additions. The architectural value lies in its wood trim (which is identical to next door) and wooden scalloped shingles beneath the gable.





**Address:**

43 Welland Avenue

**Legal Address:**

PLAN 20 PT LOT 2 PT LOT 17



**Property Location Description:**

Located on the north side of Welland Avenue between York Street and Napier Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 43 Welland Avenue is recognized for its architectural value and is representative of the residential building stock constructed outside of the downtown in the 19<sup>th</sup> century.

**Potential Heritage Attributes**

The two-storey residence was built c.1870. The house has been clad in vinyl, which covers a stucco façade underneath. The gable features decorative woodwork that matches the neighbouring building. A wooden front porch stretches across the front façade.



**Address:**

51-53 Welland Avenue

**Legal Address:**

CON 5 PT LOT 19



**Property Location Description:**

Located on the north side of Welland Avenue between Lake Street and Napier Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 51-53 Welland Avenue is recognized for its architectural value and is representative of the residential building stock constructed outside of the downtown in the 19<sup>th</sup> century.

**Potential Heritage Attributes**

The c.1880 two-storey brick duplex has a symmetrical front façade, with identical porches and fenestration. Brick details include semi-circular hoodmolds above the windows and corbelled brick patterns on the second storey. Stone lintels are found on the front elevation, while stone sills are found throughout the building. Gables with wooden brackets are found above the front window bays. The house also features a robust chimney and stone foundation.





**Address:**

180 Ontario Street

**Legal Address:**

PLAN 53 RANGE 3 PT LOTS 1 2



**Property Location Description:**

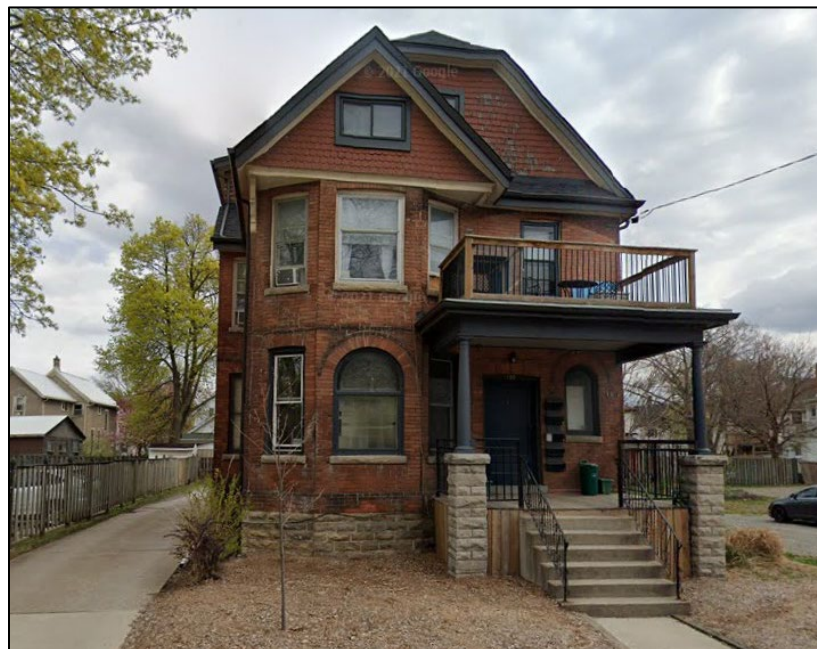
Located on the east side of Ontario Street between Welland Avenue and Adle Place.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 180 Ontario Street is recognized for its architectural value and is representative of the residential building stock constructed around the turn of the century.

**Potential Heritage Attributes**

The two-storey brick residence was built c. 1908. The building's most prominent feature is its unique roof shape with a half-hipped roof tapered shed dormer, and protruding front gable with wooden scallop shingles beneath the eaves. The first floor has a large semi-circular segmentally arched window with leaded glass. Stone lintels are found throughout the house, and the stone foundation is visible.



**Address:**

190 Ontario Street

**Legal Address:**

PLAN 53 RANGE 3 PT LOT 12 PT



**Property Location Description:**

Located on the east side of Ontario Street between Welland Avenue and Adle Place.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 190 Ontario Street is recognized for its architectural value and is representative of the residential building stock constructed around the turn of the century.

**Potential Heritage Attributes**

The two-storey brick residence was constructed c.1892. The building features a wooden wraparound porch and an entrance with a semi-circular transom and sidelights. Each of the windows contains segmental arches with keystones. The original first storey front windows have been removed and replaced by a window that spans across the two original openings. The keystones and arches have been retained, showing the location of the original windows.



**Address:**

25 Duke Street

**Legal Address:**

CP 2 Lot 802



**Property Location Description:**

Located on the east corner of the intersection of Duke Street and Wellington Street.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 25 Duke Street is recognized for its architectural value and is representative of the residential building stock constructed near the downtown in the nineteenth century.

**Potential Heritage Attributes**

The two-storey brick residence was constructed c.1880. The building features pairs of large segmentally arched windows with stone sills on the first and second storey. A porch and entranceway are found on the side elevation. The porch has a decorative frieze beneath the roof, while the entrance has an arched transom. A bay window is found above the porch. At the rear of the side elevation is an oriel window with scalloped shingles. Decorative brackets are found beneath the eaves and the stone foundation is visible.





**Address:**

170-176 St. Paul Street

**Legal Address:**

170 St. Paul Street - CP 2 Lot 52

176 St. Paul Street - CP2 Lot 53 PT LOT 66 & 67



**Property Location Description:**

Located on the south side of St. Paul Street between James Street and Helliwell Lane.

**Statement of Preliminary Evidence of Cultural Heritage Value**

The property at 170-176 St. Paul Street is reflective of the historic “Main Street” character of St Paul Street. The buildings are also significant for their architectural value.

**Potential Heritage Attributes**

170 St Paul Street is a two-storey building that historically was known as the Hippodrome. Though it is seen alterations over the years, the storefront has retained its recessed entranceways. Above the second storey windows is a band of precast concrete lintels, with a precast decorative column cap at both ends. The roof features a parapet with concrete caps. A decorative inset with “Hoffman” inscribed, sits beneath the roof line.

176 St Paul Street is a two-storey brick building. The storefront has been altered but retains its recessed entrance. Segmentally arched windows are found on the second storey. The parapet features a band of corbelled brick.





## Corporate Report City Council

**Report from:** Legal and Clerks Services, Office of the City Clerk

**Report Date:** August 19, 2022

**Meeting Date:** August 29, 2022

**Report Number:** LCS-141-2022

**File:** 10.12.1

**Subject:** Council Correspondence

**Strategic Pillar:**

### Recommendation

That Council receive and file the items listed within the report; and

That Council receive and file additional correspondence distributed for the meeting held August 29, 2022, which is available upon request.

### Report

The Office of the City Clerk is submitting, for the approval of Council, correspondence received during the period of July 29, 2022 to August 19, 2022.

### Resolutions

1. Town of Aylmer– re. Warming and Colling Centre Policy

### Correspondence

2. Correspondence from MPAC – re. Impact of Delayed Property Tax Reassessments
3. AMO Watchfile – August 4, 2022
4. AMO Watchfile – August 11, 2022
5. AMO Watchfile – August 18, 2022

### Reports Requested by Council

6. Outstanding Reports List – updated August 19, 2022

#### Prepared by

Sarah McWilliams  
Council and Committee Coordinator

#### Submitted and Approved by

Kristen Sullivan  
City Clerk



## Sub-Item 1

The Corporation of the Town of Aylmer  
46 Talbot Street West, Aylmer, Ontario N5H 1J7  
Office: 519-773-3164 Fax: 519-765-1446  
[www.aylmer.ca](http://www.aylmer.ca)

August 4, 2022

Honourable Sylvia Jones  
Minister of Health and Deputy Premier  
[Sylvia.Jones@pc.ola.org](mailto:Sylvia.Jones@pc.ola.org)

### **Re: Warming and Cooling Centre Policy**

Dear Honourable Sylvia Jones,

At their meeting of July 13, 2022, Aylmer Town Council adopted the following resolution regarding a request for increased federal and provincial funding for Health Units to develop uniform and comprehensive local responses to extreme heat and cold events:

That Report CAO 49-22 entitled Warming and Cooling Centre Policy, be received for information; and

That Council approve adoption of the Warming and Cooling Centre Policy; and

That Council request increased federal and provincial funding for Health Units to develop uniform and comprehensive local responses to extreme heat and cold events; and,

That a copy of this resolution be sent to the Minister of Environment and Climate Change, Minister of Health Canada, Minister of Natural Resources and Forestry Ontario, Ontario Minister of Health, Ontario municipalities and the Southwestern Public Health Unit.

Thank you,

**Owen Jaggard**  
**Deputy Clerk / Manager of Information Services | Town of Aylmer**  
46 Talbot Street West, Aylmer, ON N5H 1J7  
519-773-3164 Ext. 4913 | Fax 519-765-1446  
[ojaggard@town.aylmer.on.ca](mailto:ojaggard@town.aylmer.on.ca) | [www.aylmer.ca](http://www.aylmer.ca)

Cc:  
Honourable Steven Guilbeault, Minister of Environment and Climate Change  
Honourable Jean-Yves Duclos, Minister of Health

Honourable Graydon Smith, Minister of Natural Resources and Forestry Ontario,  
Ontario Municipalities

Delivered by email to: [Sylvia.Jones@pc.ola.org](mailto:Sylvia.Jones@pc.ola.org); [Steven.Guilbeault@parl.gc.ca](mailto:Steven.Guilbeault@parl.gc.ca);  
[hcmminister.ministresc@hc-sc.gc.ca](mailto:hcmminister.ministresc@hc-sc.gc.ca), [Graydon.Smith@pc.ola.org](mailto:Graydon.Smith@pc.ola.org)



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VIA EMAIL

July 28, 2022

Kristen Sullivan  
Acting City Clerk  
City of St. Catharines  
PO Box 3012  
50 Church Street  
St. Catharines, ON L2R 7C2

Dear Kristen Sullivan,

Thank you for your July 26, 2022 letter regarding the report received by St. Catharines City Council about the impact of delayed property tax reassessments and Council's motion.

Please be assured that the continued postponement of the assessment update does not change the work we do to maintain our extensive property database and annual assessment rolls. We continue to conduct market analysis through sales investigations, capture new assessment, complete tax applications, and manage requests for reconsideration and appeals.

MPAC remains in a strong position to deliver the next province-wide assessment update when the Ontario government provides direction on the timing and valuation date. We are committed to supporting our municipal partners and look forward to sharing market trends for their local communities in support of an assessment update.

Yours truly,

Nicole McNeill  
President and Chief Administrative Officer

Copy Jennifer Stevens, MPP, St. Catharines  
Jeff Burch, MPP, Niagara Centre  
Sam Oosterhoff, MPP, Niagara West-Glanbrook  
Donna Herridge, Executive Director, MFOA  
Brian Rosborough, Executive Director, AMO  
Scott Rosts, Chief of Staff, Mayor Sendzik's Office  
Brian York, Director, Economic Development and Government Relations  
Melissa Wenzler, Government Relations Advisor



## Sub-Item 3



August 4, 2022

### In This Issue

- An Integrated Approach to Mental Health and Addictions.
- Important AMO 2022 information to look for!
- Thank you to AMO 2022 partners, sponsors and exhibitors!
- Digital partner surveys - Feedback requested.
- Planning a Road Needs Study for 2023?
- Engaging with communities on electricity procurement.
- Municipalities, electrification and the economy of the future.
- Careers and RFP: OMTRA, KDSB and Hastings County.

### AMO Matters

On August 2, AMO was pleased to have the opportunity to submit An Integrated Approach to Mental Health and Addictions to the Ministry of Health.

### Eye on Events

On August 9 all registered AMO 2022 delegates will receive an email with important information on registering and planning for AMO's Conference in Ottawa August 14 – 17. Don't miss this helpful information. Check your spam folder if you don't receive the email by August 9. If someone else registered you, check with them. Haven't yet registered? You can register online until August 8 and in person as of Sunday August 14.

The importance of partners, sponsors and exhibitors to the success of the AMO 2022 Conference cannot be overstated. AMO is truly grateful and looks forward to their participation in Ottawa, August 14 -17. If you still need to register, you can do so online until August 8. Onsite registration will open Sunday, August 14, at noon in the Shaw Centre. Visit our program page to see all the outstanding educational offerings and events planned for AMO 2022

### LAS

LAS wants your feedback on two offerings from our digital partners - the accessible website builder and the digital citizen relationship management (CRM) software. The surveys will take approximately 5 minutes each to complete. Please submit your feedback by August 12.

Is a Road Needs Study on your schedule for 2023? Contact Tanner to receive a no-obligation quote for the LAS Road & Sidewalk Assessment Service. Save time and

money with high-quality data and the tools to make it useful.

### **Municipal Wire\***

The Independent Electricity System Operator (IESO) is seeking input by August 5 on the process to procure new electricity supply for Ontario. Visit the dedicated [LT RFP community engagement webpage](#) for more details.

Join Hydro One on Tuesday, August 16, in Governor General 1 room, at the AMO 2022 Conference in Ottawa, as we discuss how we can help your municipality plan and prepare for the economy of the future, including the electrification of transit, personal vehicles and industry.

### **Careers**

Request for Proposal - Ontario Municipal Tax and Revenue Association. Seeking a vendor who has demonstrated experience in successfully developing consensus-based strategic plans and has strong facilitation skills. Responses must be emailed to [stratplan@omtra.ca](mailto:stratplan@omtra.ca) by August 26.

Director/Chief of Emergency Medical Services - Kenora District Services Board. Provides overall direction, leadership and planning for direct and contracted ambulance and paramedic services. Apply to [hr@kdsb.on.ca](mailto:hr@kdsb.on.ca) by August 16.

Director of Finance/Treasurer - County of Hastings. The position will provide executive leadership of the Financial Services Department. Apply to [careers@hastingscounty.com](mailto:careers@hastingscounty.com) August 26.

### **About AMO**

AMO is a non-profit organization representing almost all of Ontario's 444 municipal governments. AMO supports strong and effective municipal government in Ontario and promotes the value of municipal government as a vital and essential component of Ontario's and Canada's political system. Follow [@AMOPolicy](#) on Twitter!

### **AMO Contacts**

AMO Watchfile Tel: 416.971.9856

[Conferences/Events](#)

[Policy and Funding Programs](#)

[LAS Local Authority Services](#)

[MEPCO Municipal Employer Pension Centre of Ontario](#)

[ONE Investment](#)

[Media Inquiries](#)

[Municipal Wire, Career/Employment and Council Resolution Distributions](#)

### **AMO's Partners**



\*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.

## Sub-Item 4



August 11, 2022

### In This Issue

- Important AMO 2022 information to look for.
- Thank you to AMO 2022 partners, sponsors and exhibitors!
- LAS Blog: You're invited to the AMO Conference.
- Win an iPad!
- Knowledge uncovers significant energy savings.
- Modern lighting to decrease your energy costs.
- Digital partner surveys - Feedback requested.
- Enhance your professional development with OMSSA.
- Careers: MOE, MOEDJCT, TTC, Innisfil and Simcoe County.

### Eye on Events

On August 9 all registered AMO 2022 delegates received an email with important information on registering and planning for AMO's Conference in Ottawa August 14 - 17. Don't miss this helpful information. Haven't yet registered? You can in person Sunday, August 14, from 9 am.

The importance of partners, sponsors and exhibitors to the success of the AMO 2022 Conference cannot be overstated. AMO is truly grateful and looks forward to their participation in Ottawa, August 14 -17. Onsite registration will open Sunday, August 14, at 9 am in the Shaw Centre. Visit our program page to see all the outstanding educational offerings and events planned for AMO 2022

### LAS

The AMO 2022 Conference starts this weekend and it's in person! Between August 14-17, delegates will have a wide variety of sessions to choose from. Read about some of the topics here.

It's your chance to have your say about how LAS can help your community work better, visit the LAS booth August 14 and 15 at the AMO Conference and fill out a survey. We'll enter your name in a draw to win an iPad.

Older lighting technology accounts for appx. 20 - 30% of your facility's energy cost. Upgrading to LED will change that. With over 65 lighting projects completed through the Facility Lighting Service, municipalities are collectively saving over \$1 million annually. Contact Christian Tham for your free budget proposal.

Knowledge gained from Energy Training workshops can uncover significant energy savings. In partnership with Stephen Dixon, with over 55 workshops and 300 attendees, participants have discovered huge energy savings opportunities in their municipal facilities. Contact Christian Tham to book your custom workshop.

LAS wants your feedback on two offerings from our digital partners - the accessible website builder and the digital citizen relationship management (CRM) software. The surveys will take approximately 5 minutes each to complete. Please submit your feedback by August 12.

### **Municipal Wire\***

This fall, the Ontario Municipal Social Services Association (OMSSA) offers a full slate of virtual workshops designed to build your key skills and competencies. Visit our website and register for a course today.

### **Careers**

Executive Director, Provincial and Demonstration Schools - Ministry of Education. Provides oversight and strategic leadership to superintendents and managers, that deliver education, curriculum, programs, maintenance, housekeeping, food service operations, IT, lodging, transportation and support services. Submission Deadline: August 31.

Senior Program Advisor - Ministry of Economic Development, Job Creation and Trade. Plan, organize and complete a diverse range of assigned projects. Submission Deadline: August 18.

Director, Planning & Growth - Town of Innisfil. Provides dedicated leadership across a portfolio that encompasses Capital & Development Engineering, Building/Inspection, Municipal By-Law, Economic Development and Planning. Submission Deadline: September 9.

Director, Talent Acquisition and Outreach - TTC. Oversees all aspects of: recruitment; retention strategies for the organization; compensation; internal client group hiring/partnering strategies; requests for proposals (RFP) for talent acquisition services; and more. Submission Deadline: September 2.

Legislative Coordinator - County of Simcoe. Position provides a wide-range of senior level pre- and post-meeting support services to Council, Committees and to staff. Submission Deadline: August 31.

Accounting Supervisor - County of Simcoe. responsible for supervising staff and performing financial requirements within their portfolio. Submission Deadline: August 24.



## About AMO

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[ONE Investment](#)

[Media Inquiries](#)

[Municipal Wire, Career/Employment and Council Resolution Distributions](#)

## AMO's Partners



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## Sub-Item 5



August 18, 2022

### In This Issue

- 2022 PJ Marshall Municipal Innovation Awards.
- Blog: What are group benefits - really?
- Knowledge uncovers significant energy savings.
- Modern lighting to decrease your energy costs.
- Enhance your professional development with OMSSA.
- Careers: MOE, Legal Services Board of Nunavut and Pembroke.

### AMO Matters

This year's recipients of the PJ Marshall Municipal Innovation Award at the 2022 AMO AGM are [Prince Edward County's proactive approach to financing infrastructure](#) and service expansion to support new housing development, [York Region's innovative use of microtunnelling technology](#) to improve wastewater infrastructure while reducing disruption to people and the environment; and, [Durham Region for its On Demand transit service](#) which ensures that all residents have access to transit regardless of where they live in the Region.

### LAS

If a municipality were shopping for a new group benefits insurance company or wanted to compare rates, the process isn't a simple 24-hour turnaround. We sat down with Group Benefits program partner, Mosey and Mosey, and [asked a few questions](#).

Older lighting technology accounts for appx. 20 - 30% of your facility's energy cost. Upgrading to LED will change that. With over 65 lighting projects completed through the [Facility Lighting Service](#), municipalities are collectively saving over \$1 million annually. Contact [Christian Tham](#) for your free budget proposal.

Knowledge gained from [Energy Training workshops](#) can uncover significant energy savings. In partnership with Stephen Dixon, with over 55 workshops and 300 attendees, participants have discovered huge energy savings opportunities in their municipal facilities. Contact [Christian Tham](#) to book your custom workshop.

### Municipal Wire\*

This fall, the Ontario Municipal Social Services Association (OMSSA) offers a full slate of virtual workshops designed to build your key skills and competencies. Visit our

website and [register](#) for a course today.

### Careers

[Chief Administrative Officer - Legal Services Board of Nunavut](#). Accountable for the leadership and implementation of programs that streamline the operational processes to deliver effective client legal services. Apply to [careers@phelpsgroup.ca](mailto:careers@phelpsgroup.ca) by September 13.

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# City Council Outstanding Reports List

## Sub-Item 6

### Reports by Strategic Pillar

<b>Cultural</b>	1	<b>Economic</b>	4
<b>Environmental</b>	3	<b>Social</b>	20

Reports Related to Strategic Plan 28

Reports Unrelated to Strategic Plan 3

Updated: August 19, 2022

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
<b>Cultural</b>	2020-15	19-Oct-20	Littleton / Siscoe / Harris	Report back on excluding 101 Oakdale Avenue, 25 Duke Street and 160, 168, 174, 176 St. Paul Street from the register of non-designated cultural heritage properties. Report to include update on the request for the property owners of 101 Oakdale Avenue and 25 Duke Street to attend a Heritage Committee meeting about their request to be excluded. Report to include update on correspondence from 160, 168, 174, 176 St. Paul Street requesting exclusion from the register.	PBS	August 29, 2022	Follow-up report to PBS-111-2020. See General Committee minutes from October 19, 2020. Due to the effects of the COVID-19 pandemic on downtown businesses, staff will report back to Council once the downtown economic climate strengthens. Staff will report back on 25 Duke Street upon completion of renovations at the property
<b>Economic</b>	2019-22	15-Jul-19	Townsend	Amend sign by-law to permit digital signage on City-owned properties and buildings, including the appropriateness and ability to include third-party advertising as part of digital signage on City-owned properties.	PBS / COMMS	September 26, 2022	Appeal Information Report - Application for Sign By-law Variance; 142 St. Paul Street; Owner: 2400795 Ontario Inc. was deferred 8-12-19 until ORL #2019-22 is presented to Council. COVID delayed.
<b>Economic</b>	2021-11	10-May-21	Social Pillar / Garcia	That the diverse supplier policy proposal from the Anti-Racism Advisory Committee, as amended, be sent to City Council to request a report back by the end of Q4 2021 from City staff on the development of a Diverse Supplier Policy.	FMS	September 12, 2022	Council approved a complementary motion from Cllr Garcia at the meeting of February 28, 2022. See Council Minutes Item 10.1 from February 28 for full motion
<b>Economic</b>	2021-14	10-May-21	Surplus Lands Dev TF	That staff be directed to prepare a report regarding 2 Facer Street, including condition of the facility and the potential to declare the property surplus with consideration to not displacing the existing tenant.	FMS / EFES	2022	
<b>Environmental</b>	2020-18	16-Nov-20	Townsend / Sorrento	That staff be directed to prepare a report on the costs associated with beautifying the Bunting Road corridor between Scott Street and the Garden City Skyway to include tree planting, grassed boulevards, floral, etc.	EFES	2022	From Nov. 18, 2020 GC meeting (formerly BSC) - That \$50,000 for a visioning or master streetscape plan to recommend improvements to the Bunting Road corridor be included in the Draft 2022 Operating Budget
<b>Environmental</b>	2021-24	18-Oct-21	Porter	Prepare a report with information on the following: •Tree management and protection policy, with a focus on construction •Feasibility of a fee for service agreement with the Region to have city take over tree planting and maintenance on Regional Roads •Mandatory tree planting on boulevards	MW	2022	Information will be provided as a memo
<b>Environmental</b>	2022-10	25-Apr-22	Townsend	Report back on a workplan to plant 100,000 trees over the next 10 years – developed as a Corporate-wide focus for all appropriate departments, with information on financial and staffing resources required, and potential community partnerships and grants to achieve the planting goal. Include information on the reforestation of Walkers Creek and Malcolmson Eco-Park and an enhanced maintenance plan for trees	MW / EFES / CRCS / FMS	2022	Residents, businesses, organizations and schools to be challenged to commit to planting to total of 500,000 trees in 10 years in the city (inclusive of the City's 100,000 promise). Efforts of the community-wide challenge be monitored and promoted by the City.
<b>Social</b>	2019-23	15-Jul-19	Littleton	Opportunities and strategies for the City to support neighbourhood associations and neighbourhood-based community groups, including best practices and information gathered from the forum	CRCS	Q4 2022	Staff report will come forward following the neighbourhood association forum. Forum was scheduled for March 28, 2020 but was postponed due to the COVID-19 pandemic
<b>Social</b>	2021-02	18-Jan-21	Miller	Repeal / review and update the City's loitering by-laws and report back to Council	MW	2022	Staff to provide a memo to Council noting issue will be included in Pilot study with Gateway of Niagara
<b>Social</b>	2021-04	18-Jan-21	Social Pillar	Produce a report on amending Facility and Design Standards (FADS) in the following sections: Section 4.2.7 Universal Washrooms and Section 4.5.2 Outdoor Recreational Facilities – Playground	CRCS / EFES	2022	See Council Minutes of January 18, 2021 for what is to be included in the report
<b>Social</b>	2021-12	10-May-21	Social Pillar	Amend current by-law for erection of signs and advertising devices to state that no person shall display or cause to be displayed a sign that bears a hate message or a logo, crest or graphic that would convey such a message	PBS / LCS	2022	
<b>Social</b>	2021-13	10-May-21	Social Pillar	That staff provide a report by Q4 2021 on the options for improving accessibility of the Carousel to make it more inclusive	CRCS / EFES	2022	Information will be provided as a memo
<b>Social</b>	2021-18	9-Aug-21	Social Pillar	Amend By-law 2007-295 (a By-law to address Public Nuisances) under Section 2 "Prohibitions" to add: "No person shall, in a public place, unnecessarily interfere with another person's use and enjoyment of the Public Place by using abusive or insulting language as a personal invective."	LCS	2022	Staff report to also include information on adding "aggressive behaviour" to the Public Nuisances by-law
<b>Social</b>	2021-21	27-Sep-21	Garcia	Review issues with bird feeders and seed		2022	Include what other municipalities are doing

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2021-23	18-Oct-21	Siscoe	Stop signs for Coronation Boulevard at Vansickle Road North and options for the creation of a safe crosswalk and other appropriate traffic calming measures in the school zone at the intersection of Dufferin and George Street	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer
Social	2021-22	4-Oct-21	Miller	Prepare a report exploring options for improving accessibility for those with invisible disabilities, including, but not limited to, providing closed captioning on livestreamed videos and identification options for those with invisible disabilities who are working at or otherwise accessing City facilities	CAO	2022	Consult with the Accessibility Advisory Committee in the creation of the report.
Social	2021-26	15-Nov-21	Social Pillar	Prepare a report regarding the Anti-Racism Advisory Committee's recommendations on a Racist / Hate Incident Response Protocol	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 45, for the Committee's recommendations on a Racist / Hate Incident Response Protocol.
Social	2021-28	15-Nov-21	Social Pillar	What Council can do to support initiatives in the motion from Anti-Racism Advisory Committee, and referred by the Social Sustainability Committee, regarding Calls to Action in the Wake of the London Islamophobic Attack.	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 40, for the Committee's recommended Calls to Action in the Wake of the London Islamophobic Attack.
Social	2021-30	29-Nov-21	Siscoe	Traffic calming on Dufferin Street East	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer
Social	2021-31	29-Nov-21	Dodge	Prepare a report on the suitability of modifying Bylaw 89-2000 to permit vehicles to legally park within the confines of a residential driveway apron subject to specific safety and operational constraints	EFES	Q4 2022	
Social	2022-05	07-Mar-22	Littleton	Alternatives to current road configuration on Oakdale Avenue, including crosswalks, traffic calming, traffic humps and bike lanes.	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer
Social	2022-07	28-Mar-22	Porter / Garcia	Prepare a report regarding item of correspondence from Friends of 12 Mile Creek with information on the questions posed in the item of correspondence.	CAO	2022	See Council Correspondence Report from March 28, 2022, Sub-Item 6, for the item of Correspondence.
Social	2022-11	25-Apr-22	Miller	Update Housing Action Plan to include emphasis on affordable housing	PBS	26-Sep-22	Updating the Housing Action Plan is on the PBS workplan for a 2023 start. Will provide a report on the status of the 2017
Social	2022-12	25-Apr-22	Mayor	Prepare a report on the creation of an Indigenous Relations Advisor position, including a job description developed in collaboration with the Niagara Regional Native Centre and a potential workplan. Workplan to include possibility of collaborating with St. Catharines Library and FirstOntario Performing Arts Centre	CAO / CSS	2022	Requested return date of Q3 2022. Funding for the position to be referred to the 2023 annual operating budget deliberations
None	2021-27	15-Nov-21	Williamson	Respond to the item of correspondence from Marianne Murray regarding Regional Road 87, including the legal questions raised by Ms. Murray	LCS	2022	Item of correspondence included as additional correspondence from meeting of November 15, 2021
None	2019-47	16-Dec-19	Miller / Mayor Sendzik	That the request for funds to be used to record in-camera meetings be referred to 2020 for a report including the upgrading of screening services for all meetings (open and closed sessions).	LCS	2022	
None	2022-06	07-Mar-22	Porter	Information on a lobbyist registry for St. Catharines and the possibility of a fee-for-service agreement with the Niagara Region	LCS	2022	Information will be provided as a memo

#### Follow Up Reports

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2020-17	09-Nov-20	Mayor Sendzik	That Council bring back the Accessory Dwelling Unit Program in 2022 to come back as part of an update on the overall CIP program annual report.	PBS	September 12, 2022	Follow up report to PBS-154-2020 and PBS-048-2022.
Social	2020-07	24-Feb-20	Porter	Revised Graffiti Program: Consult with the community, the relevant cultural committees and downtown stakeholder groups to modernize the graffiti program and by-law by 2021.	PBS	September 12, 2022	Follow up report. Initial report (PBS-010-2020) approved February 10, 2020. Delayed due to COVID.
Social	2022-03	17-Jan-22	Phillips	That staff report back with additional information on the boat launch	CAO	2022	Follow up report to CAO-004-2022. See Council minutes of January 17, 2022
Social	2022-08	11-Apr-22	Miller	Success of the 2022 beach strategy, residential beach parking permits and recommended amendments to the beach strategy, including discounted parking passes for seniors and variable pricing for parking	CAO		Follow up report to CAO-044-2022. See Council minutes of April 11, 2022. Report back to Council before the 2023 beach season



## Corporate Report City Council

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

**Report Date:** August 10, 2022

**Meeting Date:** August 29, 2022

**Report Number:** PBS-111-2022

**File:** 22 103092 ZA and 22 109252 OP

**Subject:** Planning Act Public Meeting – Recommendation Report Application to Amend Official Plan and Zoning By-law 2013-283; Subject Lands: 89 Page Street and 124 Niagara Street; Owner: Ed Van der Kooi

### Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: Economic



## Recommendation

### Official Plan

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described as Part of Lot 1 on the west side of Page Street Registered Plan 29 and Part of Lot 15, Concession 5, St. Catharines, known municipally as 89 Page Street, as follows:

- a) That Schedule D1, General Land Use, be amended to re-designate a portion of the lands known municipally as 89 Page Street from Neighbourhood Residential to Mixed Use as outlined in Appendix 11; and
- b) That Schedule E5, Central Planning District, be amended to re-designate a portion of the lands known municipally as 89 Page Street from Medium Density Residential to Mixed Use as identified in Appendix 11.

### Zoning By-law

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as Part of Lot 1 on the west side of Page Street Registered Plan 29 and Part of Lot 15, Concession 5, St. Catharines, municipally known as 89 Page Street, as follows:

- a) That Section 15.1, Schedule A (A14), Zoning Maps, be amended as identified in Appendix 12, as follows:

- I. Area A – from Medium Density Residential (R3) to Medium Density Mixed Use (M1)
- II. Area B – from Medium Density Residential (R3) to Medium Density Residential with Special Provision 169 (R3-169).
- b) That Section 13.1 ‘List of Special Provisions’, be amended by adding Special Provision 169, as outlined in Appendix 12; and

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

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

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

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

## Summary

This report considers applications for Official Plan Amendment and Zoning By-law Amendment related to the privately owned lands located at 89 Page Street and 124 Niagara Street.

The applicant proposes to rezone a 172m<sup>2</sup> portion of the rear yard at 89 Page Street (Part 3 on the survey sketch, as shown in Appendix 2) from Medium Density Residential (R3) to Medium Density Mixed Use (M1). Part 3 is intended to be severed from 89 Page Street and merged with abutting 124 Niagara Street (Part 4 on the survey sketch, as shown in Appendix 2) through a future boundary adjustment application. The proposed rezoning of Part 3 is intended to match the existing Medium Density Mixed Use (M1) zoning of 124 Niagara Street. The applicant proposes to construct an accessory structure (detached garage) on Part 3 to serve the existing mixed-use building at 124 Niagara Street.

The applicant also proposes to add Special Provision 169 to the remnant 89 Page Street (Part 2) to allow an increased lot area and driveway coverage for the existing detached dwelling, which will be a result of the future boundary adjustment application. As such, this proposal will also rezone Part 2 from Medium Density Residential (R3) to Medium Density Residential with Special Provision 169 (R3-169).

Staff note that initially this application was submitted as a Zoning By-law Amendment, however, following staff review it was determined that an Official Plan Amendment was also required to facilitate the proposal. An Official Plan Amendment is being requested to redesignate the 172m<sup>2</sup> portion of the rear yard at 89 Page Street (Part 3) from Neighbourhood Residential to Mixed Use on Schedule D1. The Official Plan Amendment also requests to redesignate Part 3 from Medium Density Residential to Mixed Use on Schedule E5. The designations of Part 3 would be changed to match the existing Mixed-Use designation of 124 Niagara Street.



Staff are recommending approval of the subject applications. The applications are consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, and conforms to the Region of Niagara's Official Plan, and the City's Official Plan.

## Relationship to Strategic Plan

**Economic Sustainability:** The proposal supports private investment through facilitating expansion of an existing mixed-use property.

## Report

### Proposed Development

The applicant is proposing to construct an accessory structure (detached garage) to serve the existing mixed-use building, with one commercial unit used as office space and one residential unit, at 124 Niagara Street. The proposed accessory structure will be located in the future rear yard of 124 Niagara Street, on lands that are currently part of the abutting property 89 Page Street to the east. A future boundary adjustment application will be required to sever Part 3 from 89 Page Street and merge with 124 Niagara Street (Part 4). At this time, staff do not have concerns with the proposed boundary adjustment.

Section 2.1 of the Zoning By-law permits buildings and structures **accessory to a permitted use** in all zones except for in Conservation / Natural Area (G1). The proposed accessory structure on Part 3 for the mixed-use building on M1-zoned 124 Niagara Street is required to be located on lands zoned permitting a mixed-use building. The current R3 zone of 89 Page Street does not permit a mix of uses nor an apartment dwelling unit (outside of an apartment building), thus the proposed accessory structure would not be accessory to a permitted use under the current R3 zoning. As such, the applicant is requesting to rezone Part 3 from R3 to M1 to match the M1 zoning of 124 Niagara Street. Appendix 2 illustrates the site plan and proposed elevations of the accessory structure.

The applicant also proposes to add Special Provision 169 to the remnant 89 Page Street (Part 2) to allow an increased lot area and driveway coverage for the existing detached dwelling, which will be a result of the future boundary adjustment application. As such, this proposal will also rezone Part 2 to Medium Density Residential with Special Provision 169 (R3-169).

To facilitate the proposal, an Official Plan Amendment is required to redesignate Part 3 from Neighbourhood Residential to Mixed Use on Schedule D1 of the Garden City Plan. The Official Plan Amendment will also redesignate Part 3 from Medium Density Residential to Mixed Use on Schedule E5 of the Garden City Plan. This Amendment will ensure the Official Plan designations of Part 3 match the existing mixed-use designation of 124 Niagara Street and aligns with the proposed rezoning of Part 3.

The current uses of the detached dwelling at 89 Page Street and the mixed-use building at 124 Niagara Street are not proposed to change as part of this application.

## **Location and Site Description**

The subject properties 89 Page Street and 124 Niagara Street are located between Niagara Street and Page Street, which are generally situated north of Welland Avenue, south of the Queen Elizabeth Way and east of Geneva Street. A location map is attached as Appendix 1. The property 89 Page Street has a proposed area of 492m<sup>2</sup> and the property 124 Niagara Street has a proposed area of 764m<sup>2</sup>.

Land uses surrounding 124 Niagara Street include:

North: Low-rise mixed use and commercial buildings

East: Low-rise residential dwellings

South: Low-rise commercial, mixed use and residential uses

West: Low-rise mixed use and commercial buildings

Land uses surrounding 89 Page Street include:

North: Low-rise residential dwellings and an apartment building

East: Low-rise residential dwellings

South: Low-rise residential and commercial uses and a place of worship

West: Low-rise mixed-use buildings

There is an existing detached dwelling and detached garage at 89 Page Street. At 124 Niagara Street is an existing mixed-use building containing an office unit and one apartment unit. To the rear of the mixed-use building is a parking area containing four parking spaces.

## **Planning Policy Context**

Provincial planning legislation requires Council's decision on a planning application to be consistent with the Provincial Policy Statement (2020), and to conform to Provincial plans, upper-tier Official Plans and lower-tier Official Plans. Accordingly, planning staff have evaluated the application to amend the City's Official Plan and Zoning By-law against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the Garden City Plan, all of which apply to this application, and staff's recommendation has been 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 Statement (2020)**

The Provincial Policy Statement, 2020 (PPS), provides direction on matters of Provincial interest related to land use planning and development. Section 3(5) of the Planning Act stipulates that decisions of Council "shall be consistent" with the PPS.

The subject lands are located within a Settlement Area under the PPS. Section 1.1.3 of the PPS directs Settlement Areas as the focus for growth and development, and that land use patterns within Settlement Areas shall be based on a mix of densities and land uses. Section 1.3.1 of the PPS states that mixed use development that incorporates compatible employment uses to support liveable and resilient communities shall be encouraged to promote economic development and competitiveness. The PPS does not contain policies regarding accessory structures or buildings such as detached garages. The PPS also does not contain policies regarding residential lot sizes or driveway coverage within a Settlement Area.

Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with policies of the Provincial Policy Statement as they relate to supporting a mix of land uses within Settlement Areas.

## **Provincial Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan), provides growth management policy direction for the defined Growth Plan area. The Growth Plan provides a framework that is designed to promote economic growth, increase housing supply, create jobs, and build complete communities with the aim to make life easier, healthier, and more affordable for people of all ages. It 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 implement this framework for the City of St. Catharines.

The guiding principles of the Growth Plan include supporting the achievement of complete communities, prioritizing intensification, and higher densities to make efficient use of land and infrastructure, support transit viability, support a range and mix of housing options, protecting and enhancing natural heritage, and integrate climate change considerations into planning and managing growth.

The Growth Plan identifies the subject lands as within a Built-Up Area. Section 2.2.1 of the Growth Plan supports the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities. The Growth Plan does not contain policies regarding accessory structures or buildings such as detached garages. The Growth Plan also does not contain policies regarding residential lot sizes or driveway coverage within a Built-Up Area.

Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment conforms to policies of the Growth Plan as they relate to supporting a mix of land uses within a Built-Up Area.

## **Regional Official Plan**

Under the Regional Official Plan, 2014 (ROP), the subject lands are within the Urban Area Boundary for the City of St. Catharines and designated Built-Up Area.

Section 4 of the ROP outlines policies regarding growth management within the Region. The ROP aims to build compact, mixed use, transit supportive, active transportation friendly communities in the Built-Up Area and in Designated Greenfield Areas. The ROP also aims to build more sustainable, complete communities by encouraging mixed and integrated land uses. Further, section 4.1 of the ROP encourages the development of mixed-use areas in Niagara. The ROP states that mixed use areas should be planned to accommodate a variety of complementary land uses and housing types and should be planned to allow for the mixing of land uses at several scales.

The ROP does not have applicable policies regarding accessory structures or buildings such as detached garages for mixed-use buildings. However, the ROP encourages the development of “attractive, well designed residential development” through development that “de-emphasizes garages” and “creates or enhances an aesthetically pleasing and functional neighbourhood.” Although these policies speak to development within residential areas, staff note that the proposal to construct a detached garage to serve the mixed-use building at 124 Niagara Street will be located in the backyard and the design will not cause adverse impacts to the streetscape. The ROP does not have applicable policies regarding lot size and driveway coverage within a Built-Up Area.

Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment conforms to policies of the ROP as they relate to growth management, mixed use development and urban design within a Built-Up Area.

It should be noted that the Region of Niagara new Official Plan has been adopted by Regional Council but is awaiting approval from the Ministry of Municipal Affairs and Housing. Until the updated Official Plan is approved by the Province, the existing ROP (2014) is in effect and used to evaluate development applications.

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

The City’s Official Plan, The Garden City Plan (GCP), designates 89 Page Street as Neighbourhood Residential and 124 Niagara Street as mixed-use on Schedule D1 (Appendix 4). Schedule E5 of the GCP provides additional direction for the Central Planning District and designates 89 Page Street as Medium Density Residential and 124 Niagara Street as Mixed Use (Appendix 6).

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. The proposal will not change the existing use of a detached dwelling and accessory structure at 89 Page Street, which is a permitted use under the GCP. Staff note that the future boundary adjustment will bring the remnant lot 89 Page Street (Part 2) closer to conformity with a density of 20 units per hectare.

The Mixed-Use designation intends to provide a broad array and mix of medium and higher density housing, work live accommodation, commercial, local office, institutional, indoor recreation, and cultural uses intended to primarily serve the immediate



neighbourhood and community population. The proposal will not change the existing mixed-use building at 124 Niagara Street, with one office unit and one apartment unit. However, to facilitate the proposed construction of an accessory structure to serve the mixed-use building, the rear portion of 89 Page Street, which will be severed to merge with 124 Niagara Street, will need to be redesignated to match the mixed-use designation of 124 Niagara Street.

Staff note that initially this application was submitted as a Zoning By-law Amendment, however, following review it was determined that an Official Plan Amendment was also required to facilitate the proposal.

### **Proposed Official Plan Amendment**

The Official Plan Amendment application seeks to redesignate a portion of 89 Page Street (Part 3) from Neighbourhood Residential to Mixed Use on Schedule D1 of the GCP, as shown on Appendix 5. The Official Plan Amendment application also seeks to redesignate this portion of 89 Page Street from Medium Density Residential to Mixed Use on Schedule E5 of the GCP, as shown on Appendix 7. The proposed rezoning of this portion of 89 Page Street to M1 is not compatible with its current Official Plan designations. As such, the Official Plan Amendment is required so that Part 3 matches the existing Mixed-Use designation of 124 Niagara Street and aligns with the proposed rezoning of Part 3.

Section 16.1 of the Garden City Plan outlines general policies to be considered in evaluating an Official Plan Amendment application. This application for amendment to the Plan has been evaluated against these considerations, as follows:

### **Conformity with the Garden City Plan**

The degree of conformity of the proposed amendment will be evaluated against the general intent, purpose, and philosophy of the Plan, particularly the vision, guiding principles and general policies.

Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change, housing, and achieving a sustainable community. To achieve a sustainable community, this includes providing choices and opportunities for employment, housing, transportation, social, recreational, and cultural amenities. A sustainable community also makes efficient use of its infrastructure by focusing on a compact, mixed use, walkable, bikeable and connected community.

Part C of the Plan, 'General Policies', outlines general policies of the Plan, including the importance of urban design in St. Catharines, a mature city with a finite urban boundary. Given that future growth will primarily occur through intensification, compact development will require innovative and sensitive design to ensure compatibility and to create a sense of place.

Part D of the Plan, 'Land Use Policies', emphasizes more compact, innovative, and alternative design to manage development. Policies within Part D align with the Vision and Guiding Principles discussed above. Additional City regulations, such as the zoning by-law, urban design guidelines and site plan control, support Plan policies as they encourage efficient, integrated, accessible, sustainable and context sensitive development.

The proposed change from Medium Density Residential to mixed-use for a rear portion 89 Page Street will facilitate the proposed construction of an accessory structure to serve the mixed-use building at 124 Niagara Street. The proposal meets the intention of the Plan as it will support providing choices and opportunities for employment and housing. The proposal will not result in a loss of the commercial or residential unit at 124 Niagara Street nor the residential dwelling at 89 Page Street.

### **Consistent with Provincial and Regional Plans, Policies and Legislation**

The Garden City Plan is reflective of Provincial and Regional policies as it is required to conform to them. As demonstrated in earlier sections of this report, the proposal conforms with Provincial and Regional land use policies.

### **Availability and Suitability of Lands for Proposed Use**

The 172m<sup>2</sup> rear portion of 89 Page Street, to be merged with 124 Niagara Street, is considered excess for the use of a detached dwelling in an R3 zone at 89 Page Street. As such, the proposed boundary adjustment and redesignation of the lands to support the mixed-use building at 124 Niagara Street is considered appropriate and desirable.

### **Compatibility of the Proposal**

The surrounding uses include a range of low-rise residential, commercial, and mixed-use buildings. From a built form and urban design perspective, the proposed accessory structure is located to the rear of 124 Niagara Street with sufficient buffers to the surrounding lots. The proposed height and area of the structure complies with the Zoning By-law and as such has an appropriate massing. The proposal will not result in any changes to the streetscape, the detached dwelling at 89 Page Street or the mixed-use building at 124 Niagara Street. As such, staff are satisfied that the proposal is compatible with the surrounding area.

### **Potential to Cause Instability**

To facilitate the proposal this will require redesignating the rear 172m<sup>2</sup> portion of 89 Page Street to mixed-use. This area will merge with 124 Niagara Street, which is designated mixed-use. The resulting lot shape will mimic the lot pattern to the south, which consists of mixed-use properties fronting onto Niagara Street and Medium Density Residential properties fronting onto Page Street. As noted, the proposal does not include any changes to the existing buildings at 89 Page Street or 124 Niagara Street. Given the proposed lot shape and designations match the surrounding area, staff are satisfied that the proposal does not have the potential to cause instability within the area.

### **Infrastructure Capacity**

The nature of the proposal does not require additional servicing and will not result in additional traffic. As such, staff are satisfied that there are no potential concerns regarding infrastructure capacity.

### **Financial Implications to the City**

Given the nature of the proposal, it is not anticipated that there will be any financial implications to the City. Any permits and works required to facilitate the proposal will be at the sole cost of the applicant.

### **Potential to Establish an Undesirable Precedent**

The recommended approval of this application would not establish an undesirable precedent. The review of this proposal is based on the individual context and circumstances of the area. As noted, the proposal is to facilitate the construction of an accessory structure which is designed and located to ensure it is appropriate given the surrounding context. Further, there are mixed-use properties to the south of the subject lands which are of a similar size and shape than the proposed lot at 124 Niagara Street following the future boundary adjustment. The proposal is not anticipated to result in any adverse impacts to the surrounding area and therefore staff are satisfied that it will not establish an undesirable precedent.

### **Additional GCP Policies**

In addition to the proposal's evaluation against Section 16.1 of the Garden City Plan, there are other policies that need to be considered as they relate to the proposal. Relevant policies from Section 4.2 are assessed below. An analysis of urban design policies from Section 7.1(c) are conducted in the zoning by-law section of this report.

Section 4 of the GCP establishes urban design policies for the City of St. Catharines. Policy 4.2(d) calls for "compatibility of new development and redevelopment within established areas" as an urban design principle. Policy 4.3.1 establishes a basis for evaluating new development and redevelopment within a surrounding area, including building scale, height, and massing, as well as the placement of garages and spacing of buildings. Staff find that the proposed size, height and location of the accessory structure is compatible with the surrounding established neighbourhood and achieves design excellence sought by the urban design policies in the GCP.

### **Garden City Plan Summary Opinion**

Based on the policy evaluation above, staff are satisfied that the proposed Official Plan Amendment meets the intent of the Official Plan and recommend approval.

### **Zoning By-law**

Zoning By-law 2013-283 currently zones 89 Page Street as Medium Density Residential (R3) and 124 Niagara Street as Medium Density Mixed Use (M1), as shown on Appendix 8. The R3 zone permits a variety of residential uses including detached, semi-detached, duplex, triplex, townhouse, and apartment dwellings. The existing detached dwelling and accessory structure (detached garage) at 89 Page Street is a permitted use. The M1 zone permits a range of residential, commercial, institutional, and

recreational uses. The existing mixed-use building with an office unit and an apartment dwelling unit is a permitted use.

As noted, section 2.1 of the Zoning By-law permits buildings and structures **accessory to a permitted use** in all zones except for in Conservation / Natural Area (G1). The proposed accessory structure on Part 3 for the mixed-use building on M1-zoned 124 Niagara Street is required to be located on lands zoned permitting a mixed-use building. The current R3 zone for 89 Page Street does not permit a mix of uses nor an apartment dwelling unit (outside of an apartment building), thus the proposed accessory structure would not be accessory to a permitted use under the current R3 zoning.

### Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment seeks to change the zoning for a 172m<sup>2</sup> portion of 89 Page Street (Part 3), from Medium Density Residential (R3) to Medium Density Mixed Use (M1), as shown in Appendix 9. As noted, Part 3 will be merged with 124 Niagara Street through a future boundary adjustment application. As per section 2.1 of the Zoning By-law, Part 3 is required to be rezoned to M1 to match the M1 zone of 124 Niagara Street to facilitate the construction of an accessory structure to serve the mixed-use building at 124 Niagara Street.

The proposed Zoning By-law Amendment also seeks to change the zoning for the remnant 89 Page Street (Part 2) to Medium Density Residential with Special Provision 169 (R3-169), as shown in Appendix 9. The proposed special provision is to address the oversized lot area and driveway coverage at 89 Page Street as a result of the future boundary adjustment. The proposed special provision (R3-169) is outlined below and in Appendix 10.

Special Provision	Zone	Schedule A	Location	By-law
169	R3	14	89 Page Street	
The following provisions shall be permitted for a detached dwelling:				
1.	Maximum Lot Area			492m <sup>2</sup>
2.	Maximum Overall Parking Area Coverage			24%

Section 7.1 (c) of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site, streetscape, and neighbourhood 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) Adequate and appropriate lot size, shape and configuration, 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.

The proposed rezoning for Part 3 from R3 to M1 and rezoning for Part 2 from R3 to R3-169 have been evaluated below against these priorities and directions from the GCP.

### **Built Form and Integration into Neighbourhood**

The proposed detached garage for the mixed-use building at 124 Niagara Street would be located to the rear of the lot and would not result in a change to the existing streetscape. The proposed structure does not exceed maximum height or lot coverage provisions and meets setback requirements in the Zoning By-law for abutting mixed use and residential zoned properties. The surrounding area includes other low-rise mixed use and commercial buildings, many of which have rear parking areas. Staff are satisfied that the addition of a detached garage at 124 Niagara Street is compatible with the surrounding area.

The existing detached dwelling and garage at 89 Page Street was built in 1971 and is surrounded by other low-rise residential dwellings on similar sized lots. There are no proposed changes to the use or structures for this lot, therefore staff are satisfied that the resulting zoning deficiencies of the future boundary adjustment application are compatible with the surrounding area.

### **Adverse Impacts on Neighbouring Properties**

The proposed detached garage in the rear yard of 124 Niagara Street would not have any adverse impact on the neighbouring properties. The proposed garage complies with all zoning requirements, such as height, lot coverage and setbacks. Therefore, the proposed structure would not result in adverse impacts to the subject lands or the surrounding properties.

The proposed increase in lot area and driveway coverage at 89 Page Street, which would be a result of the future lot boundary adjustment application, is to recognize the existing detached dwelling and driveway on the property. There are no proposed changes to the property and all other zoning provisions are met, such as lot frontage, lot coverage, setbacks, and landscaped open space. Therefore, staff are satisfied that this would not result in adverse impacts to the subject lands or the surrounding properties.

### **Lot Area**

Section 5.5 of the Zoning By-law permits a maximum lot area of 370m<sup>2</sup> for a detached dwelling in an R3 zone. As a result of the future boundary adjustment application, 89

Page Street (Part 2) would have a lot area of 492m<sup>2</sup>. As such, this is included in the requested special provision.

The intent of this provision is to ensure a compact built form and prevent urban sprawl by guiding higher density development within an area. The requested special provision will recognize the existing detached dwelling on an oversized lot at 89 Page Street. Although the lot area is considered oversized given its depth, the property has a lot frontage of 14.32 metres, which is in line with zoning requirements for a detached dwelling and facilitates a compact built form and streetscape. The proposed lot shape and size is the same as abutting R3 lands to the south and compatible with abutting R3 lands to the north. Staff note that the proposal meets the intent of the Official Plan and Zoning By-law and will bring the lands closer to conformity than what currently exists.

### **Driveway Coverage**

Section 3.9.1 of the Zoning By-law states that within any residential zone the overall parking area coverage shall not exceed 20% of the total lot area. As a result of the future boundary adjustment application, the existing driveway at 89 Page Street would have a driveway coverage of 24%. As such, this is included in the requested special provision.

The intent of this provision is to ensure that lots are not overwhelmed by hardscape materials and areas dedicated to the parking of vehicles. This provision also ensures that adequate space is dedicated to landscaping. The existing driveway has a width of approximately 3.3m along the Page Street frontage and then continues beyond and behind the dwelling to provide access to the existing detached garage. Therefore, a portion of the driveway is not visible from the road. The remaining 11m width of the lot's front yard is landscaped, thus the driveway does not overwhelm the front yard of the property. The property exceeds the Zoning By-law's requirement for landscaped open space, providing adequate amenity space and buffers to surrounding properties. Therefore, staff find that the request to recognize the existing oversized driveway will not result in any adverse impacts and meets the intent of the Zoning By-law.

### **Circulation of Applications**

The application was circulated to all relevant departments and agencies in accordance with the *Planning Act*. Staff and external agencies offered no objections to the proposed Official Plan and / or Zoning By-law Amendments.

### **Public Consultation**

A public notice advising of a public open house was mailed to property owners within 120 metres of the property on May 25, 2022. This public notice was also shared through the City's digital channels and appeared on the City's website.

An online open house was held by Planning and Building Services over the Zoom platform on June 16, 2022. The purpose of the open house was to present the proposal and afford an opportunity for members of the public to ask questions and provide comments before staff recommendations are presented to Council for consideration. No members of the public registered to attend the Open House. As an alternative, the

public was also invited to submit written or emailed comments and questions. While the open house was conducted over the Zoom platform, it was live streamed on the City's YouTube channel and has been available for viewing on YouTube since the open house. No written correspondence regarding the proposal has been received.

## **Public Notice**

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

## **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 external consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Land Tribunal, then the planner who has provided the second opinion shall be retained for the purpose of a hearing.

## **Financial Implications**

There are no financial implications associated with this report.

## **Environmental Sustainability Implications**

There are no environmental implications associated with this report.

## **Conclusion**

In summary, staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment to facilitate the construction of an accessory structure (detached garage) to serve the mixed-use building at 124 Niagara Street, and to recognize the oversized lot and driveway coverage for the detached dwelling at 89 Page Street.

The applications for Official Plan Amendment and Zoning By-law Amendment have regard for matters of provincial interest, are consistent with the Provincial Policy Statement, conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe, and conform to and do not conflict with the Region of Niagara's Official Plan, subject to the staff recommendations herein.

## **Notifications**

It is in order to advise Owner: Ed Van der Kooi, and Susan Smyth, Quartek Group Inc, the owner's agent.

### **Prepared by**

Natasha MacDonald, MPL  
Planner I

**Submitted by**

Margaret Josipovic, BES, MPA  
Manager, Planning Services

**Approved by**

Tami Kitay, MPA, MCIP, RPP  
Director, Planning and Building Services

## **Appendices**

Appendix 1 – Location Map  
Appendix 2 – Site Plan and Elevations  
Appendix 3 – Ontario Planning Framework  
Appendix 4 – Official Plan Schedule D1  
Appendix 5 – Proposed Official Plan Schedule D1  
Appendix 6 – Official Plan Schedule E5  
Appendix 7 – Proposed Official Plan Schedule E5  
Appendix 8 – Existing Zoning  
Appendix 9 – Proposed Zoning  
Appendix 10 – Zoning Amendment – Special Provision  
Appendix 11 – Draft OPA By-law and Schedules  
Appendix 12 – Draft ZBA By-law and Schedule

# Location Map

1



Lands to be zoned M1 and designated Mixed Use



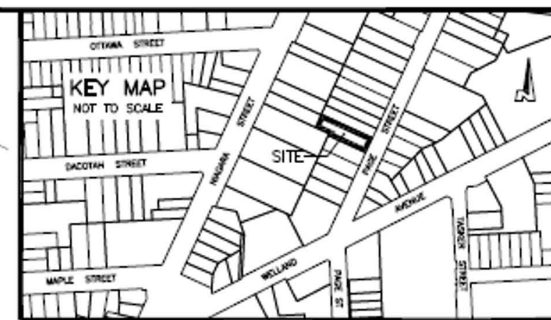
Lands to be zoned R3-169

## 124 Niagara Street and 89 Page Street

PART OF LOT 1 ON THE WEST SIDE OF PAGE STREET, REGISTERED PLAN 29 AND PART OF LOT 15, CONCESSION 5, GEOGRAPHIC TOWNSHIP OF GRANTHAM, ALL IN THE CITY OF ST. CATHARINES, REGIONAL MUNICIPALITY OF NIAGARA

**File No.: 22 103092 ZA**





2

**Part 5** (Future road widening along Niagara St)  
AREA=25m<sup>2</sup>±

**Part 3**  
(Area to be merged with 124 Niagara St)  
PART 3  
AREA=172m<sup>2</sup>±

**Part 2**  
(89 Page St)  
PART 2  
Area = 492m<sup>2</sup>±

**Part 1**  
(Future road widening along Page St)  
PART 1  
AREA=34m<sup>2</sup>±

**Part 4**  
(124 Niagara St)  
PART 4  
AREA=592m<sup>2</sup>±



BOARD FENCE AND CEDAR TREES TO BE REMOVED ALONG THIS LIMIT

POST & RAIL FENCE TO BE REMOVED

NOTE:

- 1) PART 3 TO BE SEVERED FROM PARTS 1 AND 2 AND MERGE IN TITLE WITH PART 4.
- 2) PARTS 1 AND 5 TO BE ROAD WIDENINGS.

## SKETCH

PREPARED FOR SEVERANCE APPLICATION

PART OF LOT 1 ON THE WEST SIDE OF PAGE STREET REGISTERED PLAN 29 AND PART OF LOT 15, CONCESSION 5 GEOGRAPHIC TOWNSHIP OF GRANTHAM ALL IN THE CITY OF ST. CATHARINES REGIONAL MUNICIPALITY OF NIAGARA SCALE 1:250 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY. DO NOT SCALE FROM THIS DRAWING.

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

\*THIS IS NOT AN ORIGINAL COPY UNLESS ENDORSED WITH SEAL\*

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THE REPRODUCTION, ALTERATION OR USE OF THIS SKETCH, IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAMBERS AND ASSOCIATES SURVEYING LTD. IS STRICTLY PROHIBITED.

May 24, 2022

DATE

**CHAMBERS AND ASSOCIATES SURVEYING LTD**

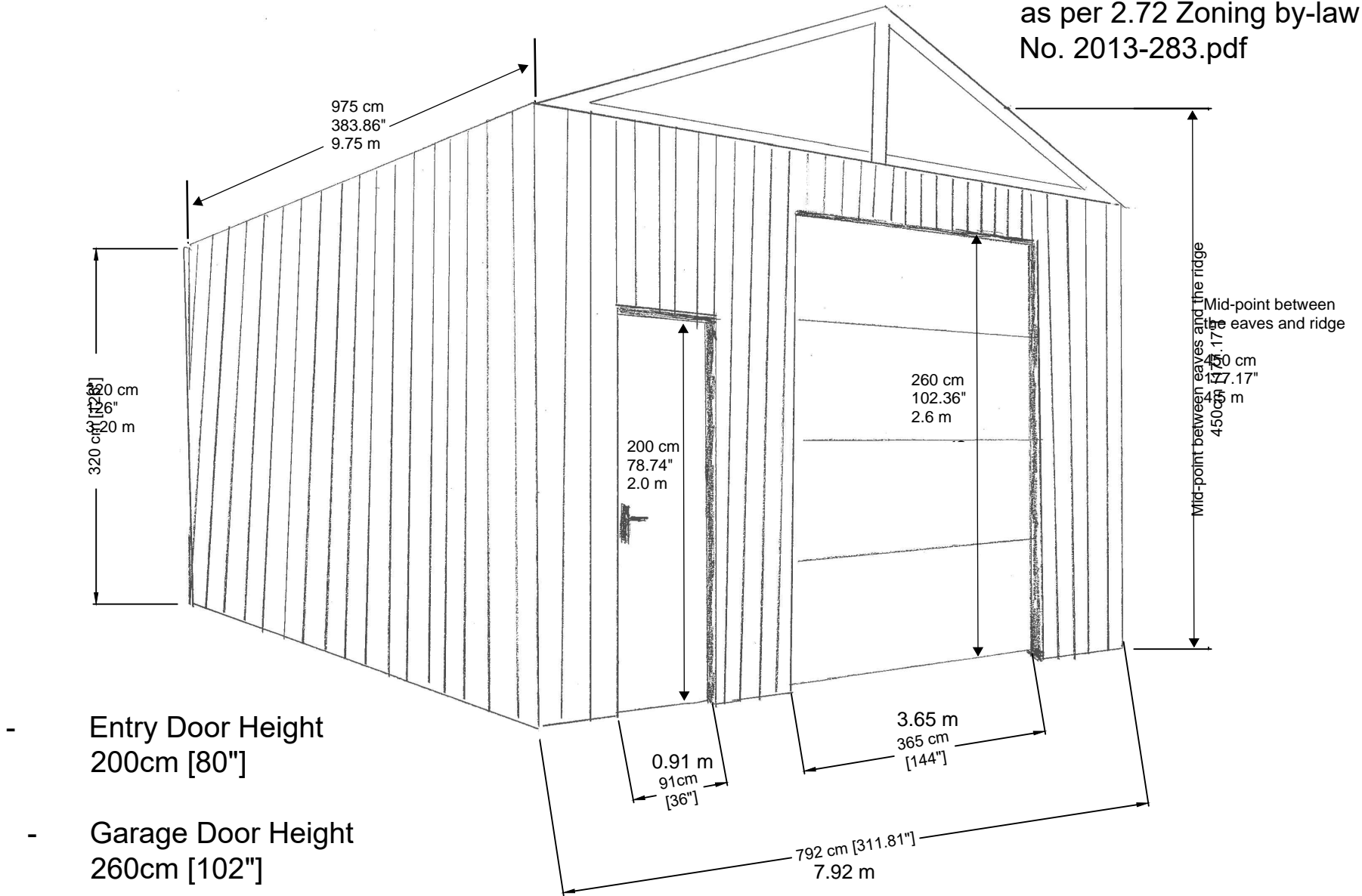
12 THOROLD ROAD EAST WELLS, ONTARIO L3C 3T2 (800) 735-7841 / 735-7844 FAX (905) 735-7333 www.cas-surveying.com

DWG 19008-1-SEV2 FILE 19-08-1

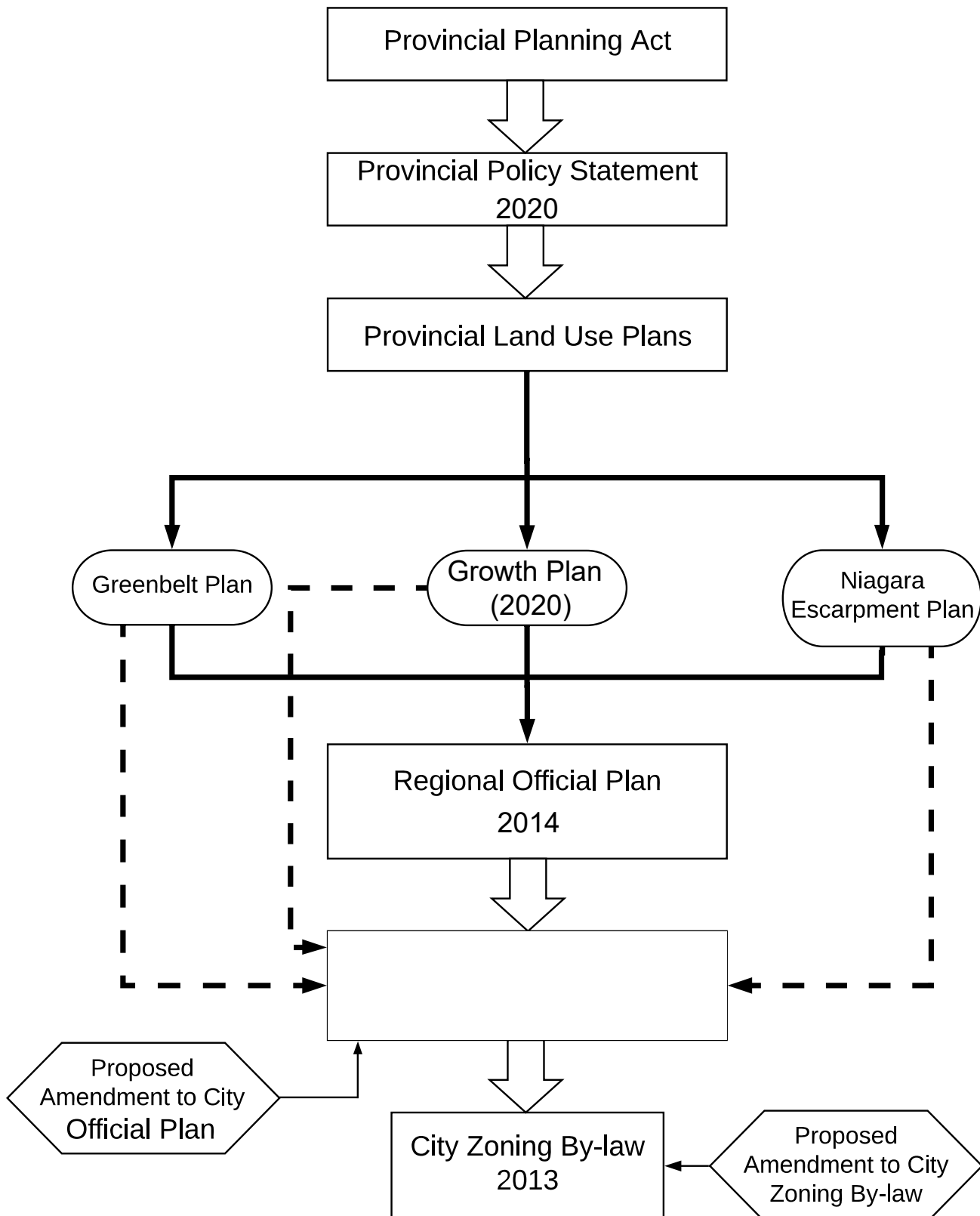
## ACCESSORY STRUCTURE

## ASSORY BUILDING

Maximum Height  
as per 2.72 Zoning by-law  
No. 2013-283.pdf



# Ontario Land Use Planning Framework



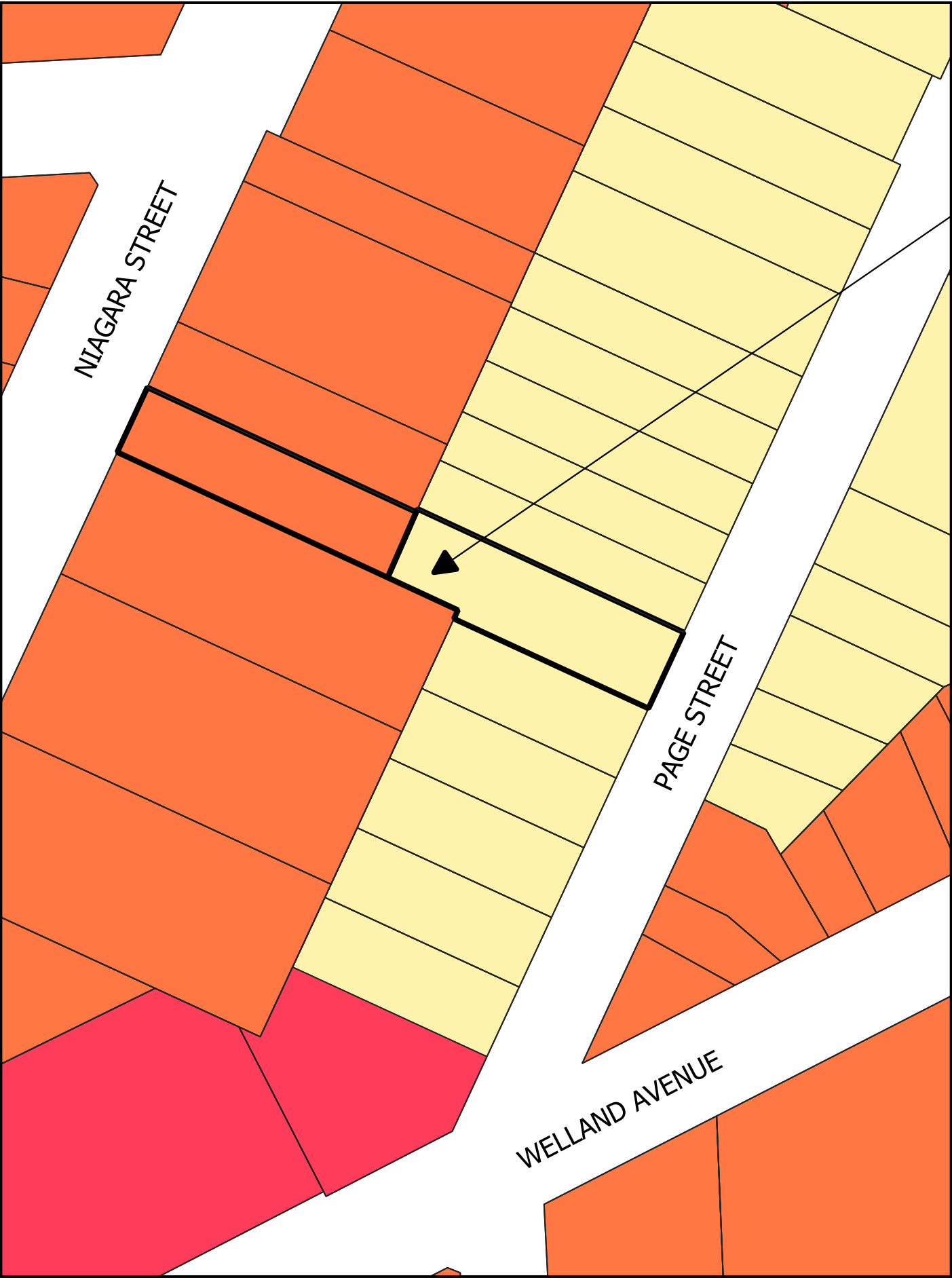
**Subject Lands**

124 Niagara Street and  
89 Page Street

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

**Land Use Designations**

- Commercial
- Neighbourhood Residential
- Mixed Use



**Subject Lands**

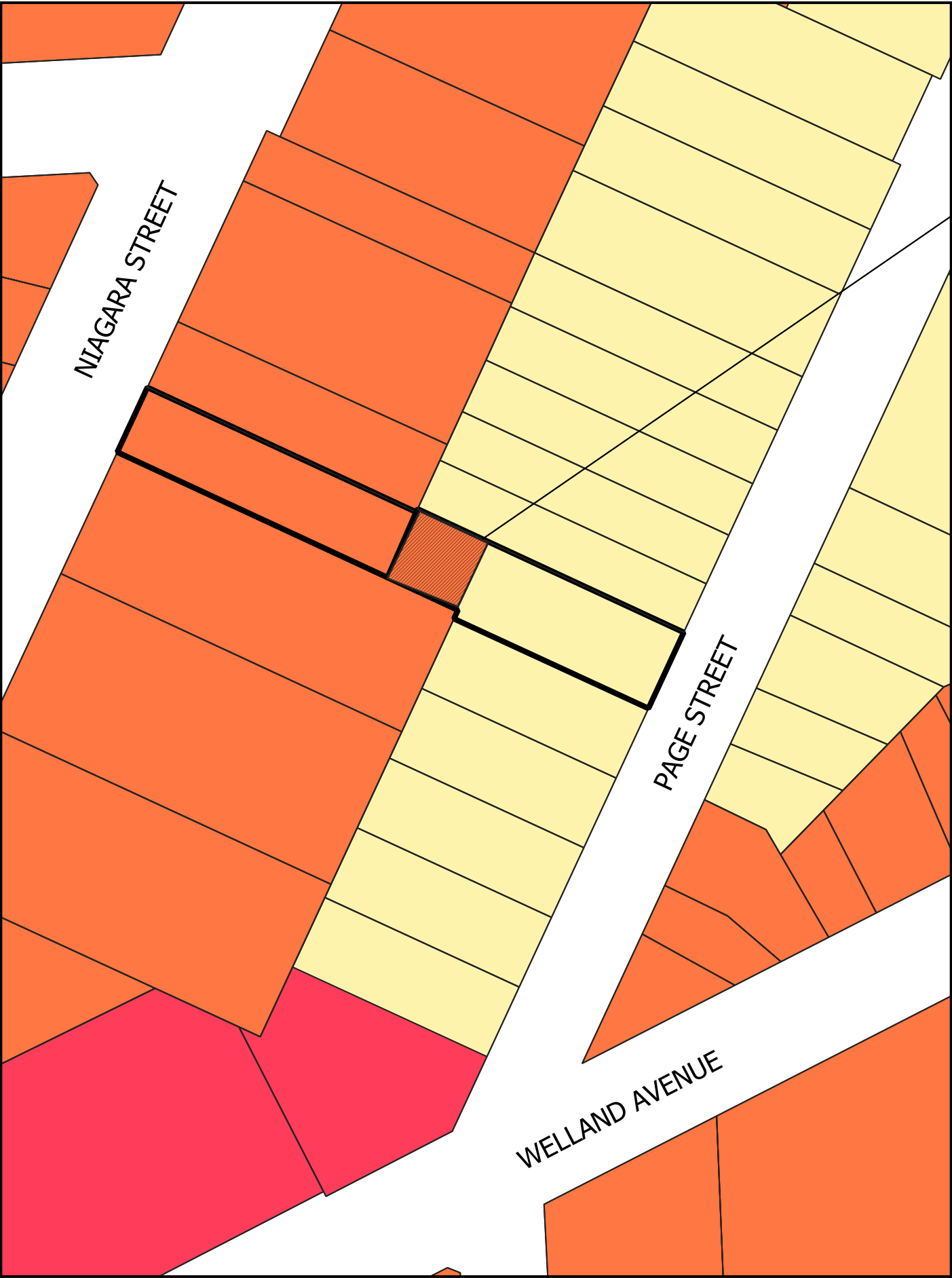
124 Niagara Street and  
89 Page Street

Redesignating from Neighbourhood  
Residential to Mixed Use

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

**Land Use Designations**

- Commercial
- Neighbourhood Residential
- Mixed Use







**Subject Lands**

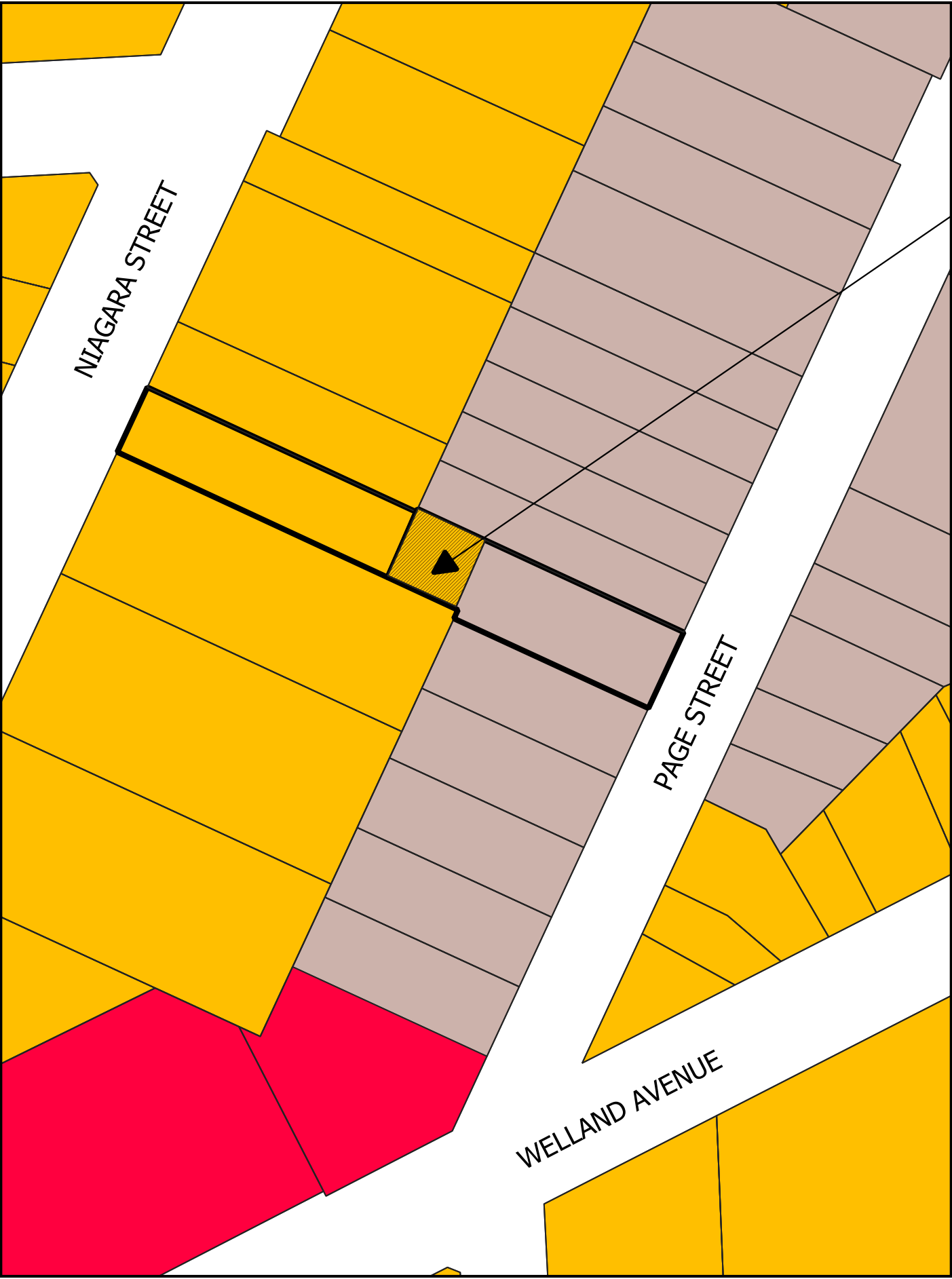
124 Niagara Street and  
89 Page Street

The Garden City Plan  
Central Planning District  
(Schedule E5)

**Land Use Designations**

- Community Commercial
- Medium Density Residential
- Mixed Use





**Subject Lands**

124 Niagara Street and  
89 Page Street

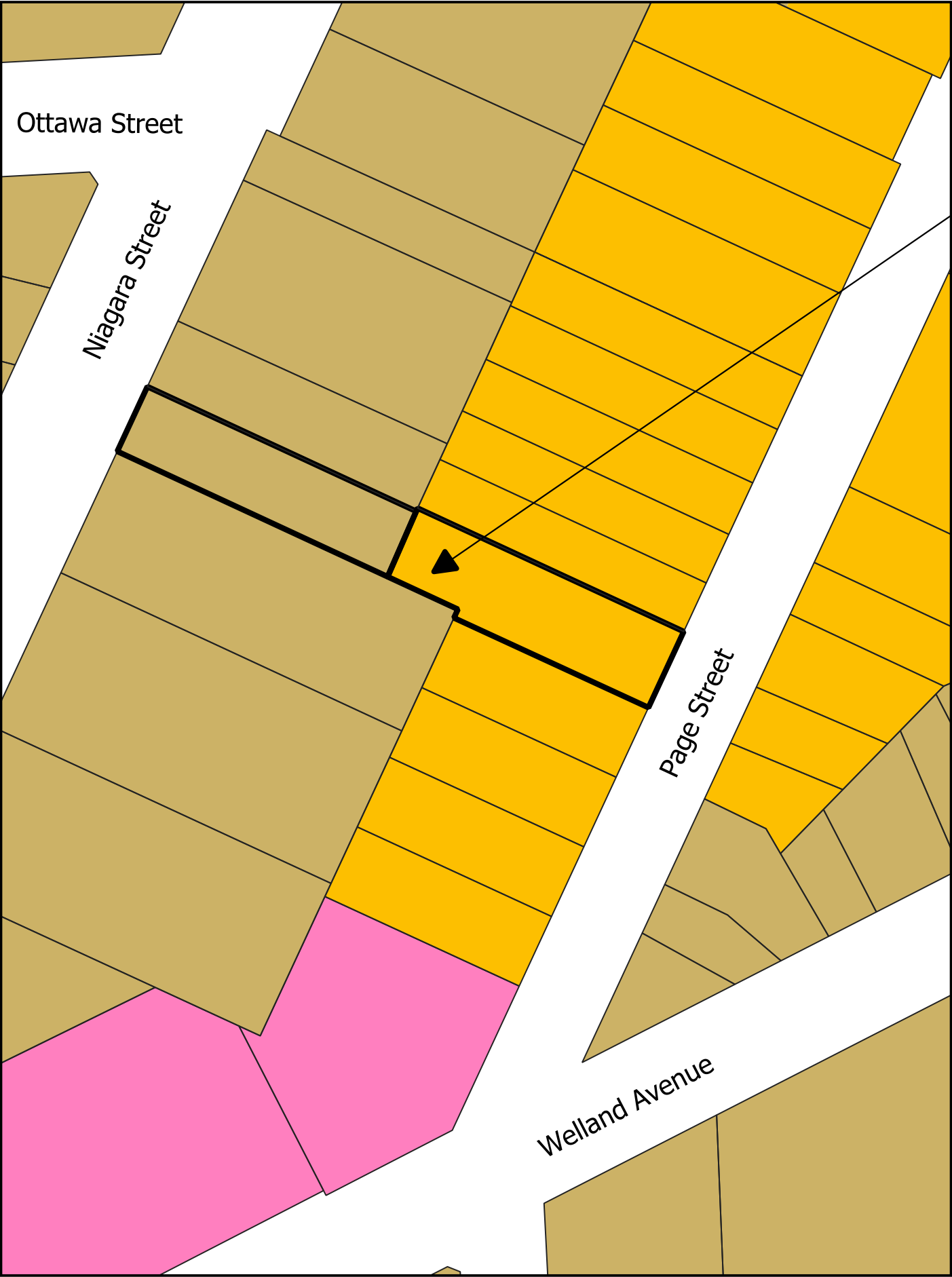
Redesignating from Medium Density  
Residential to Mixed Use

The Garden City Plan  
Central Planning District  
(Schedule E5)

**Land Use Designations**

- Community Commercial
- Medium Density Residential
- Mixed Use





**Subject Lands**

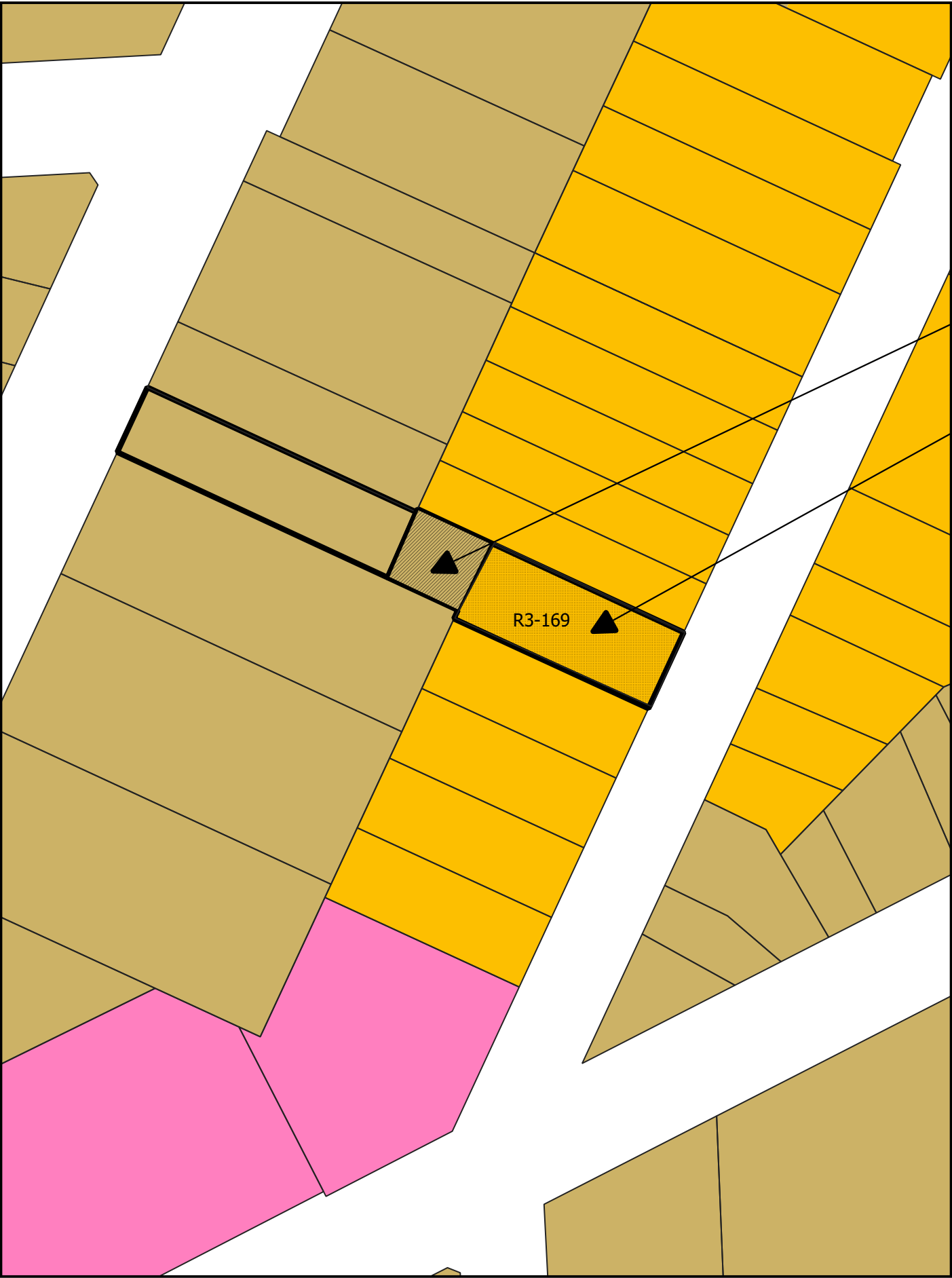
124 Niagara Street and  
89 Page Street

Zoning By-Law 2013-283

**Zones**

- C2** Community Commercial
- M1** Medium Desnity Mixed Use
- R3** Medium Density Residential





**Subject Lands**

124 Niagara Street and  
89 Page Street

Proposed to be rezoned from R3 -  
Medium Density Residential to M1 -  
Medium Density Mixed Use Zone.

Proposed to be rezoned from R3 -  
Medium Density Residential to R3 -  
Medium Density Residential with  
Special Provision 169.

Zoning By-Law 2013-283

**Zones**

- C2 Community Commercial
- M1 Medium Desnity Mixed Use
- R3 Medium Density Residential



Zoning Amendment – Special Provision

Special Provision	Zone	Schedule A	Location	By-law
169	R3	14	89 Page Street	
The following provisions shall be permitted for a detached dwelling:				
1.	Maximum Lot Area		492m <sup>2</sup>	
2.	Maximum Overall Parking Area Coverage		24%	



CITY OF ST. CATHARINES  
BY-LAW NO. \_\_\_\_\_

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

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

- 1. The attached maps forming part of Amendment No. 33 to the Garden City Plan (City of St. Catharines Official Plan) are hereby adopted.
- 2. This By-law shall come into force and effect on the day after the last day for filing notice of appeal or as otherwise provided for in the Planning Act.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

CLERK MAYOR

Amendment No. 33 to the Garden City Plan  
(City of St. Catharines Official Plan)

This Amendment No. 33 to the Garden City Plan (City of St. Catharines Official Plan), which has been adopted by the Council of the Corporation of the City of St. Catharines, is approved under Section 17 of the Planning Act.

PART A – THE PREAMBLE	An explanation of the amendment but does not constitute part of the amendment.
PART B – THE AMENDMENT	Consisting of the following maps (Schedule A and Schedule B) which constitute Amendment No. 33 to the Garden City Plan (City of St. Catharines Official Plan).
PART C – THE APPENDICES	Do not constitute part of this Amendment. These Appendices contain background data, planning considerations and public involvement associated with the amendment.

## PART A – THE PREAMBLE

Official Plan Amendment No. 33 is an amendment to:

- a) Schedule D1 to redesignate a portion of the lands known municipally as 89 Page Street, as illustrated in Schedule A, from Neighbourhood Residential to Mixed Use to permit a mix of land uses; and
- b) Schedule E5 to redesignate a portion of the lands known municipally as 89 Page Street, as illustrated in Schedule B, from Medium Density Residential to Mixed Use to permit a mix of land uses.

## PART B – THE AMENDMENT

Details of Official Plan Amendment No. 33

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

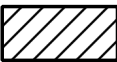
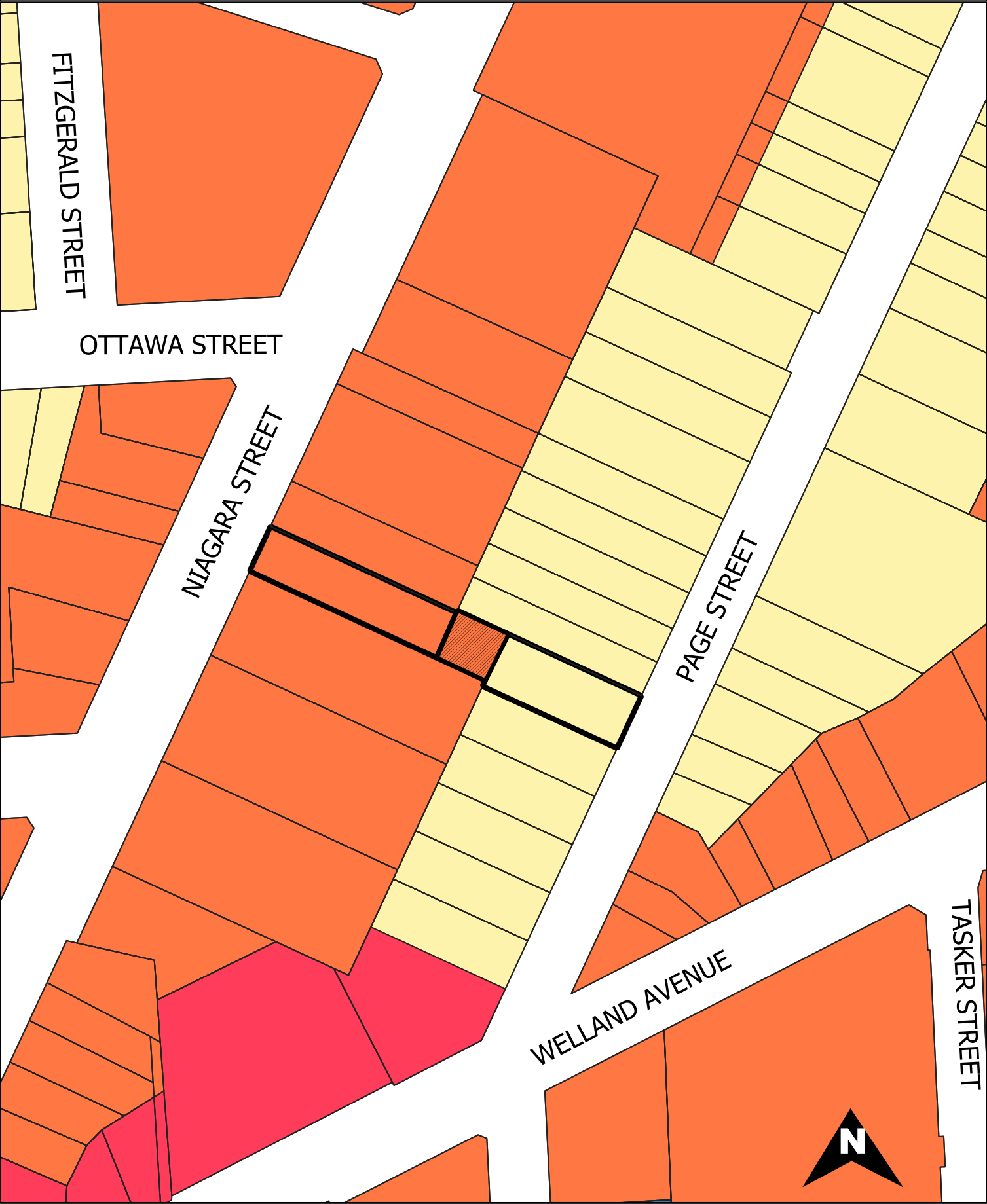
- a) That Schedule D1, General Land Use Plan, be amended by designating a portion of the lands known municipally as 89 Page Street, as illustrated in Schedule A, to Mixed Use.
- b) That Schedule E5, Central Planning District, be amended by designating a portion of the lands known municipally as 89 Page Street, as illustrated in Schedule B, to Mixed Use.

## PART C – THE APPENDICES

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

- Appendix 1      A copy of the “Public Notice” to citizens which outlines City Council’s intent to consider an amendment to the Official Plan in association with an amendment to the City’s Comprehensive Zoning By-law.
- Appendix 2      A copy of the staff report which relates to the proposed Official Plan Amendment and the associated Zoning By-law Amendment to the City’s Comprehensive Zoning By-law.
- Appendix 3      Minutes of the Public Meeting held virtually on August 29, 2022.

Schedule A to Amendment No. 33 to The Garden City Plan  
- General Land Use Plan (Schedule D1) By-Law\_\_\_\_\_



Subject Lands

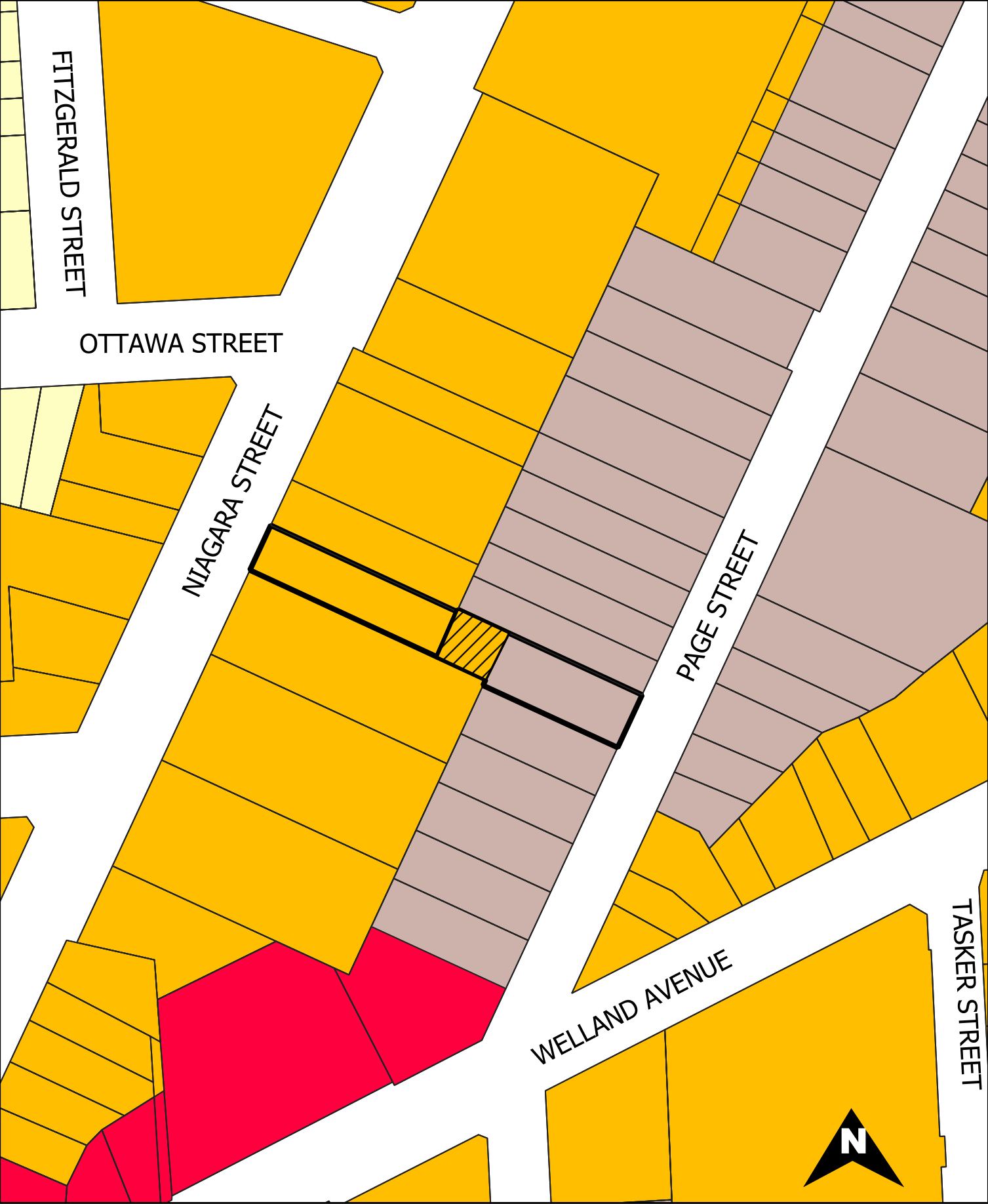
**Redesignate a portion of the lands known municipally as 89 Page Street from Neighbourhood Residential to Mixed Use**

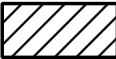
**General Land Use Plan**

- Commercial
- Neighbourhood Residential
- Mixed Use

CITY OF ST.CATHARINES  
PLANNING SERVICES DEPARTMENT  
OFFICIAL PLAN JANUARY 31, 2014





 Subject Lands

**Land Use Designations**

- Community Commercial
- Low Density Residential (20 to 32 units / ha)
- Medium Density Residential (25 to 99 units / ha)
- Mixed Use

**Redesignate a portion of the lands known municipally as 89 Page Street from Medium Density Residential to Mixed Use**

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

**Appendix 1** A copy of the “Public Notice” to citizens which outlines City Council’s intent to consider an amendment to the Official Plan.



Planning and Building Services

Planning Services  
PO Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

Phone: 905.688.5600  
Fax: 905.688.5873  
TTY: 905.688.4TTY (4889)

July 27, 2022

File Nos: 22 103092 ZA and 22 109252 OP

City of St. Catharines  
Legislated Public Meeting

To consider an application to amend the Zoning By-law and  
Official Plan at 89 Page Street and 124 Niagara Street

The Site

The proposed Zoning By-Law and Official Plan Amendment is for the lands shown on the map below:

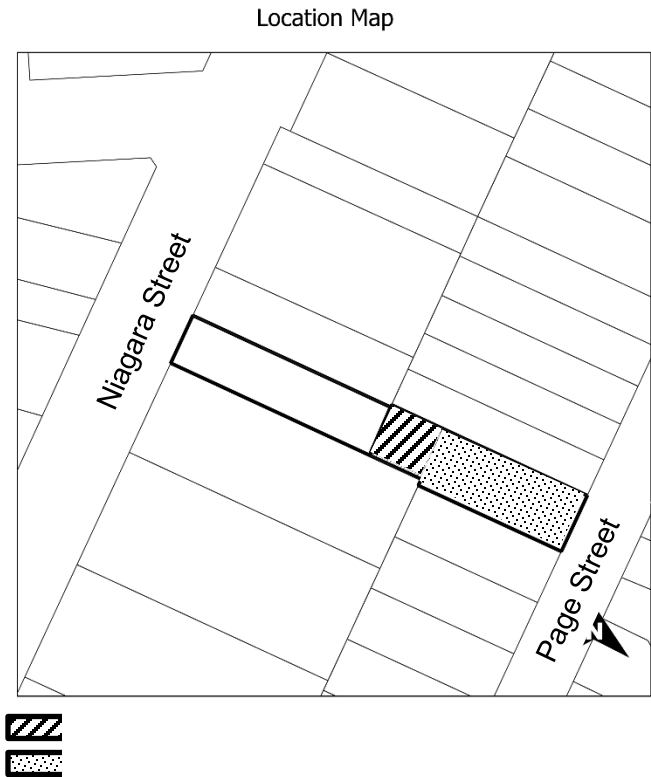
The Proposal

The Planning and Building Services Department received an application for a Zoning By-law Amendment for lands located at 89 Page Street and 124 Niagara Street. The application was declared complete on April 27, 2022, pursuant to section 34 (10.4) of the Planning Act., based on the information submitted with the application and a preliminary review by staff. Following staff review it was determined that an Official Plan Amendment is also required to facilitate the proposal.

The Applicant proposes to rezone a 172m<sup>2</sup> portion of the rear yard at 89 Page Street (Part 3 on the sketch attached) from Medium Density Residential (R3) to Medium Density Mixed Use (M1). Part 3 is intended to be severed from 89 Page Street and merged with abutting 124 Niagara Street (Part 4) through a future boundary adjustment application. The zoning of Part 3 is being changed to match the existing Medium Density Mixed Use (M1) zoning of 124 Niagara Street. The Applicant proposes to construct an accessory structure (detached garage) on Part 3 to serve 124 Niagara Street.

The proposed Zoning By-law Amendment will also include Special Provision 169 to allow an increased lot area and driveway coverage for the existing detached dwelling at 89 Page Street (Part 2), which will be a result of the future boundary adjustment. As such, Part 2 will be rezoned to Medium Density Residential with Special Provision 169 (R3-169). The special provision details are outlined below:

	Zone Requirement (R3)	Proposed Provision (R3-169)
Maximum Lot Area	370m <sup>2</sup>	492m <sup>2</sup>
Maximum Driveway Coverage	20%	24%



The Official Plan Amendment will redesignate Part 3 from Neighbourhood Residential to Mixed Use on Schedule D1 of the Garden City Plan. The Official Plan Amendment will also redesignate Part 3 from Medium Density Residential to Mixed Use on Schedule E5 of the Garden City Plan. This Amendment will ensure the Official Plan designations of Part 3 match the existing Mixed Use designation of 124 Niagara Street.

The current uses of the detached dwelling at 89 Page Street and the mixed-use building at 124 Niagara Street are not proposed to change as part of this application.

The application materials are available for review and comment and may be found in the 89 Page Street and 124 Niagara Street folder at [www.stcatharines.ca/development](http://www.stcatharines.ca/development) as well as at the Planning and Building Services Department, City Hall.

### **Legislated Public Meeting**

City Council is hosting a Legislated Public Meeting on August 29, 2022, to receive input and comment on the proposed Zoning By-law Amendment, after which Council will consider approval of the amendment.

Details of the Legislated Public Meeting are as follows:

**Date:** Monday, August 29<sup>th</sup>, 2022

**Time:** 6:00 pm

**Location:** Meeting will be held electronically

Due to COVID-19 protocols, this meeting will be an electronic meeting, affording both telephone and electronic participation. Please note that in-person participation is not permitted at this time.

Visit [www.stcatharines.ca/Council](http://www.stcatharines.ca/Council) for information on how to access and participate in the meeting, and how to request and make a delegation before Council.

Written submissions must be received by noon the Thursday before the public meeting by mailing or delivering them to:

City of St. Catharines Legal and Clerk Services/City's Clerks Division, City Hall, 50 Church Street, P.O. Box 3012, St. Catharines, ON, L2R 7C2.  
Refer to File Nos: 22 103092 ZA and 22 109252 OP

Email submissions may also be made by noon the day of the public meeting and directed to [clerks@stcatharines.ca](mailto:clerks@stcatharines.ca). Both oral and written comments and recommendations received will be taken into account by City Council in making a decision on the subject matter.

### **Important Public Meeting Information**

i. If a person or public body would otherwise have an ability to appeal the decision of Council of the City of St. Catharines to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of St. Catharines before the by-law is passed, the person or public body is not entitled to appeal the decision.

ii. If a person or public body does not make oral submissions at a public meeting, or make written submissions to Council of the City of St. Catharines before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Corporation of the City of St. Catharines on the proposed Zoning By-law and Official Plan Amendment, you must make a written request to:

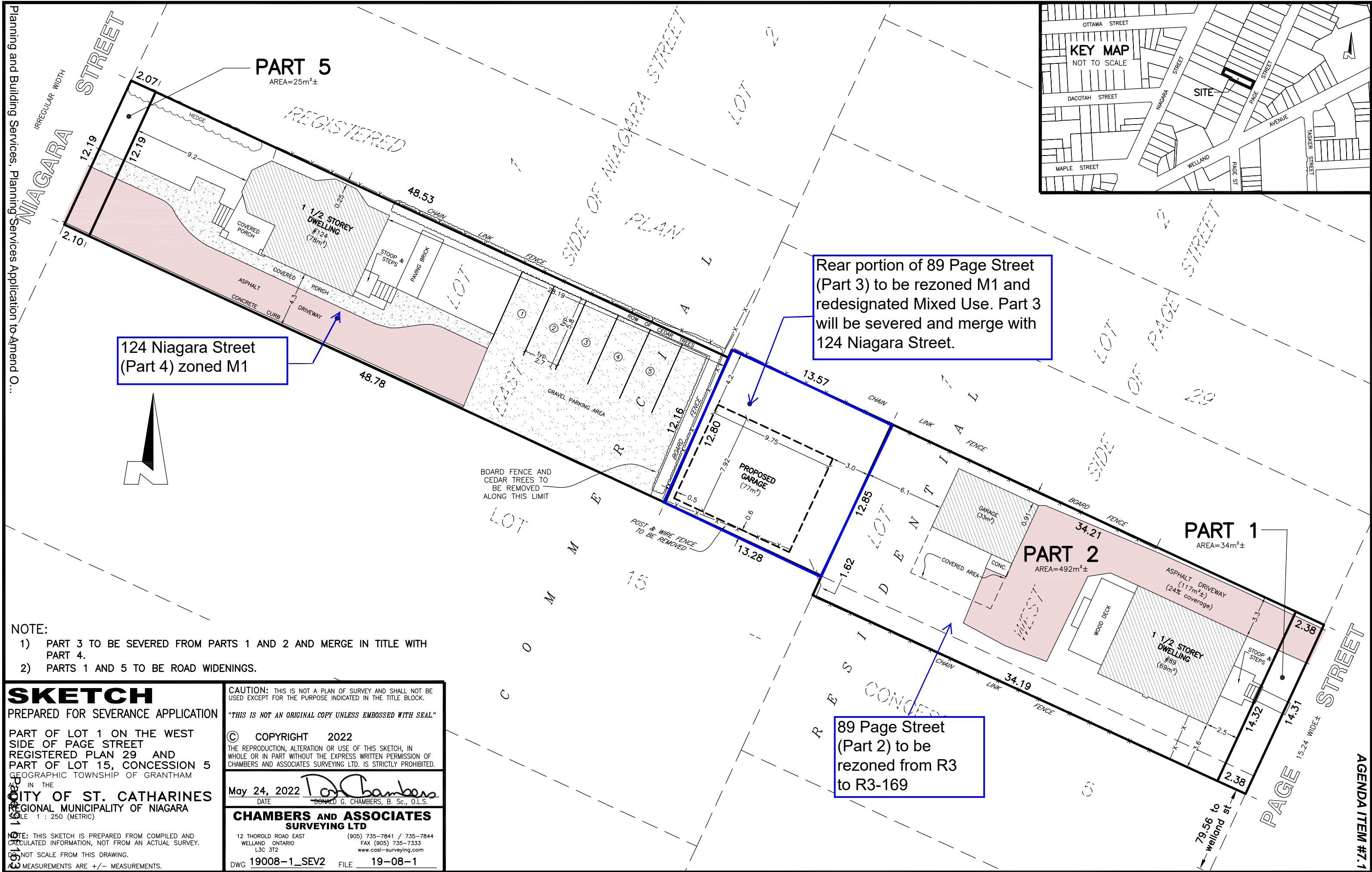
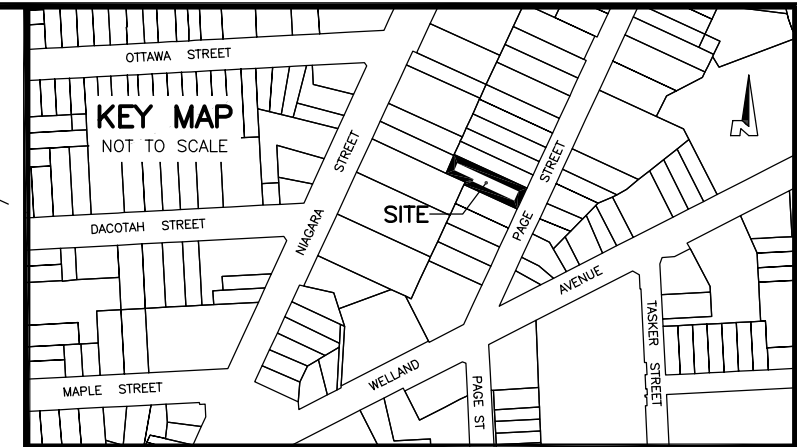
City of St. Catharines Legal and Clerk Services/City's Clerks Division, City Hall, 50 Church Street, P.O. Box 3012, St. Catharines, ON, L2R 7C2.  
Refer to File Nos: 22 103092 ZA and 22 109252 OP.

**Contact**

For more information about this matter, including information about appeal rights, please contact Natasha MacDonald, Planner I, Planning and Building Services Department at 905-688-5601, ext. 1728, via email at [nmacdonald@stcatharines.ca](mailto:nmacdonald@stcatharines.ca) or the City's TTY number (text telephone) at 905-688-4889.



Kristen Sullivan, Acting City Clerk



NOTE:

- 1) PART 3 TO BE SEVERED FROM PARTS 1 AND 2 AND MERGE IN TITLE WITH PART 4.
- 2) PARTS 1 AND 5 TO BE ROAD WIDENINGS.

# SKETCH

PREPARED FOR SEVERANCE APPLICATION

PART OF LOT 1 ON THE WEST  
SIDE OF PAGE STREET  
REGISTERED PLAN 29 AND  
PART OF LOT 15, CONCESSION 5  
GEOGRAPHIC TOWNSHIP OF GRANTHAM  
AND IN THE  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 250 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND  
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ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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May 24, 2022 *Donald G. Chambers*  
DATE                                           DONALD G. CHAMBERS, B. Sc., O.L.S.

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DWG 19008-1\_SEV2 FILE 19-08-1



**Appendix 2** A copy of the staff report which relates to the proposed Official Plan amendment and the associated amendment to the City's Comprehensive Zoning By-law.



## Corporate Report City Council

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

**Report Date:** August 10, 2022

**Meeting Date:** August 29, 2022

**Report Number:** PBS-111-2022

**File:** 22 103092 ZA and 22 109252 OP

**Subject:** Planning Act Public Meeting – Recommendation Report Application to Amend Official Plan and Zoning By-law 2013-283; Subject Lands: 89 Page Street and 124 Niagara Street; Owner: Ed Van der Kooi

### Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: Economic



## Recommendation

### Official Plan

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described as Part of Lot 1 on the west side of Page Street Registered Plan 29 and Part of Lot 15, Concession 5, St. Catharines, known municipally as 89 Page Street, as follows:

- a) That Schedule D1, General Land Use, be amended to re-designate a portion of the lands known municipally as 89 Page Street from Neighbourhood Residential to Mixed Use as outlined in Appendix 11; and
- b) That Schedule E5, Central Planning District, be amended to re-designate a portion of the lands known municipally as 89 Page Street from Medium Density Residential to Mixed Use as identified in Appendix 11.

### Zoning By-law

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as Part of Lot 1 on the west side of Page Street Registered Plan 29 and Part of Lot 15, Concession 5, St. Catharines, municipally known as 89 Page Street, as follows:

- a) That Section 15.1, Schedule A (A14), Zoning Maps, be amended as identified in Appendix 12, as follows:
  - I. Area A – from Medium Density Residential (R3) to Medium Density Mixed Use (M1)
  - II. Area B – from Medium Density Residential (R3) to Medium Density Residential with Special Provision 169 (R3-169).
- b) That Section 13.1 'List of Special Provisions', be amended by adding Special Provision 169, as outlined in Appendix 12.

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

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

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

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

## **Summary**

This report considers applications for Official Plan Amendment and Zoning By-law Amendment related to the privately owned lands located at 89 Page Street and 124 Niagara Street.

The applicant proposes to rezone a 172m<sup>2</sup> portion of the rear yard at 89 Page Street (Part 3 on the survey sketch, as shown in Appendix 2) from Medium Density Residential (R3) to Medium Density Mixed Use (M1). Part 3 is intended to be severed from 89 Page Street and merged with abutting 124 Niagara Street (Part 4 on the survey sketch, as shown in Appendix 2) through a future boundary adjustment application. The proposed rezoning of Part 3 is intended to match the existing Medium Density Mixed Use (M1) zoning of 124 Niagara Street. The applicant proposes to construct an accessory structure (detached garage) on Part 3 to serve the existing mixed-use building at 124 Niagara Street.

The applicant also proposes to add Special Provision 169 to the remnant 89 Page Street (Part 2) to allow an increased lot area and driveway coverage for the existing detached dwelling, which will be a result of the future boundary adjustment application. As such, this proposal will also rezone Part 2 from Medium Density Residential (R3) to Medium Density Residential with Special Provision 169 (R3-169).

Staff note that initially this application was submitted as a Zoning By-law Amendment, however, following staff review it was determined that an Official Plan Amendment was also required to facilitate the proposal. An Official Plan Amendment is being requested to redesignate the 172m<sup>2</sup> portion of the rear yard at 89 Page Street (Part 3) from Neighbourhood Residential to Mixed Use on Schedule D1. The Official Plan Amendment also requests to redesignate Part 3 from Medium Density Residential to

Mixed Use on Schedule E5. The designations of Part 3 would be changed to match the existing Mixed-Use designation of 124 Niagara Street.

Staff are recommending approval of the subject applications. The applications are consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, and conforms to the Region of Niagara's Official Plan, and the City's Official Plan.

## Relationship to Strategic Plan

**Economic Sustainability:** The proposal supports private investment through facilitating expansion of an existing mixed use property.

## Report

### Proposed Development

The applicant is proposing to construct an accessory structure (detached garage) to serve the existing mixed-use building, with one commercial unit used as office space and one residential unit, at 124 Niagara Street. The proposed accessory structure will be located in the future rear yard of 124 Niagara Street, on lands that are currently part of the abutting property 89 Page Street to the east. A future boundary adjustment application will be required to sever Part 3 from 89 Page Street and merge with 124 Niagara Street (Part 4). At this time, staff do not have concerns with the proposed boundary adjustment.

Section 2.1 of the Zoning By-law permits buildings and structures *accessory to a permitted use* in all zones except for in Conservation / Natural Area (G1). The proposed accessory structure on Part 3 for the mixed-use building on M1-zoned 124 Niagara Street is required to be located on lands zoned permitting a mixed-use building. The current R3 zone of 89 Page Street does not permit a mix of uses nor an apartment dwelling unit (outside of an apartment building), thus the proposed accessory structure would not be accessory to a permitted use under the current R3 zoning. As such, the applicant is requesting to rezone Part 3 from R3 to M1 to match the M1 zoning of 124 Niagara Street. Appendix 2 illustrates the site plan and proposed elevations of the accessory structure.

The applicant also proposes to add Special Provision 169 to the remnant 89 Page Street (Part 2) to allow an increased lot area and driveway coverage for the existing detached dwelling, which will be a result of the future boundary adjustment application. As such, this proposal will also rezone Part 2 to Medium Density Residential with Special Provision 169 (R3-169).

To facilitate the proposal, an Official Plan Amendment is required to redesignate Part 3 from Neighbourhood Residential to Mixed Use on Schedule D1 of the Garden City Plan. The Official Plan Amendment will also redesignate Part 3 from Medium Density Residential to Mixed Use on Schedule E5 of the Garden City Plan. This Amendment will

ensure the Official Plan designations of Part 3 match the existing Mixed-Use designation of 124 Niagara Street and aligns with the proposed rezoning of Part 3.

The current uses of the detached dwelling at 89 Page Street and the mixed-use building at 124 Niagara Street are not proposed to change as part of this application.

## **Location and Site Description**

The subject properties 89 Page Street and 124 Niagara Street are located between Niagara Street and Page Street, which are generally situated north of Welland Avenue, south of the Queen Elizabeth Way and east of Geneva Street. A location map is attached as Appendix 1. The property 89 Page Street has a proposed area of 492m<sup>2</sup> and the property 124 Niagara Street has a proposed area of 764m<sup>2</sup>.

Land uses surrounding 124 Niagara Street include:

North: Low-rise mixed use and commercial buildings

East: Low-rise residential dwellings

South: Low-rise commercial, mixed use and residential uses

West: Low-rise mixed use and commercial buildings

Land uses surrounding 89 Page Street include:

North: Low-rise residential dwellings and an apartment building

East: Low-rise residential dwellings

South: Low-rise residential and commercial uses and a place of worship

West: Low-rise mixed-use buildings

There is an existing detached dwelling and detached garage at 89 Page Street. At 124 Niagara Street is an existing mixed-use building containing an office unit and one apartment unit. To the rear of the mixed-use building is a parking area containing four parking spaces.

## **Planning Policy Context**

Provincial planning legislation requires Council's decision on a planning application to be consistent with the Provincial Policy Statement (2020), and to conform to Provincial plans, upper-tier Official Plans and lower-tier Official Plans. Accordingly, planning staff have evaluated the application to amend the City's Official Plan and Zoning By-law against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the Garden City Plan, all of which apply to this application, and staff's recommendation has been 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 Statement (2020)**

The Provincial Policy Statement, 2020 (PPS), provides direction on matters of Provincial interest related to land use planning and development. Section 3(5) of the Planning Act stipulates that decisions of Council “shall be consistent” with the PPS.

The subject lands are located within a Settlement Area under the PPS. Section 1.1.3 of the PPS directs Settlement Areas as the focus for growth and development, and that land use patterns within Settlement Areas shall be based on a mix of densities and land uses. Section 1.3.1 of the PPS states that mixed use development that incorporates compatible employment uses to support liveable and resilient communities shall be encouraged to promote economic development and competitiveness. The PPS does not contain policies regarding accessory structures or buildings such as detached garages. The PPS also does not contain policies regarding residential lot sizes or driveway coverage within a Settlement Area.

Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with policies of the Provincial Policy Statement as they relate to supporting a mix of land uses within Settlement Areas.

## **Provincial Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan), provides growth management policy direction for the defined Growth Plan area. The Growth Plan provides a framework that is designed to promote economic growth, increase housing supply, create jobs and build complete communities with the aim to make life easier, healthier and more affordable for people of all ages. It 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 implement this framework for the City of St. Catharines.

The guiding principles of the Growth Plan include supporting the achievement of complete communities, prioritizing intensification and higher densities to make efficient use of land and infrastructure, support transit viability, support a range and mix of housing options, protecting and enhancing natural heritage, and integrate climate change considerations into planning and managing growth.

The Growth Plan identifies the subject lands as within a Built-Up Area. Section 2.2.1 of the Growth Plan supports the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities. The Growth Plan does not contain policies regarding accessory structures or buildings such as detached garages. The Growth Plan also does not contain policies regarding residential lot sizes or driveway coverage within a Built-Up Area.



Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment conforms to policies of the Growth Plan as they relate to supporting a mix of land uses within a Built-Up Area.

## **Regional Official Plan**

Under the Regional Official Plan, 2014 (ROP), the subject lands are within the Urban Area Boundary for the City of St. Catharines and designated Built-Up Area.

Section 4 of the ROP outlines policies regarding growth management within the Region. The ROP aims to build compact, mixed use, transit supportive, active transportation friendly communities in the Built-Up Area and in Designated Greenfield Areas. The ROP also aims to build more sustainable, complete communities by encouraging mixed and integrated land uses. Further, section 4.1 of the ROP encourages the development of mixed-use areas in Niagara. The ROP states that mixed use areas should be planned to accommodate a variety of complementary land uses and housing types, and should be planned to allow for the mixing of land uses at several scales.

The ROP does not have applicable policies regarding accessory structures or buildings such as detached garages for mixed use buildings. However, the ROP encourages the development of “attractive, well designed residential development” through development that “de-emphasizes garages” and “creates or enhances an aesthetically pleasing and functional neighbourhood.” Although these policies speak to development within residential areas, staff note that the proposal to construct a detached garage to serve the mixed-use building at 124 Niagara Street will be located in the backyard and the design will not cause adverse impacts to the streetscape. The ROP does not have applicable policies regarding lot size and driveway coverage within a Built-Up Area.

Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment conforms to policies of the ROP as they relate to growth management, mixed use development and urban design within a Built-Up Area.

It should be noted that the Region of Niagara new Official Plan has been adopted by Regional Council but is awaiting approval from the Ministry of Municipal Affairs and Housing. Until the updated Official Plan is approved by the Province, the existing ROP (2014) is in effect and used to evaluate development applications.

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

The City's Official Plan, The Garden City Plan (GCP), designates 89 Page Street as Neighbourhood Residential and 124 Niagara Street as Mixed Use on Schedule D1 (Appendix 4). Schedule E5 of the GCP provides additional direction for the Central Planning District and designates 89 Page Street as Medium Density Residential and 124 Niagara Street as Mixed Use (Appendix 6).

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. The proposal will not change the

existing use of a detached dwelling and accessory structure at 89 Page Street, which is a permitted use under the GCP. Staff note that the future boundary adjustment will bring the remnant lot 89 Page Street (Part 2) closer to conformity with a density of 20 units per hectare.

The Mixed-Use designation intends to provide a broad array and mix of medium and higher density housing, work live accommodation, commercial, local office, institutional, indoor recreation, and cultural uses intended to primarily serve the immediate neighbourhood and community population. The proposal will not change the existing mixed-use building at 124 Niagara Street, with one office unit and one apartment unit. However, to facilitate the proposed construction of an accessory structure to serve the mixed-use building, the rear portion of 89 Page Street, which will be severed to merge with 124 Niagara Street, will need to be redesignated to match the Mixed Use designation of 124 Niagara Street.

Staff note that initially this application was submitted as a Zoning By-law Amendment, however, following review it was determined that an Official Plan Amendment was also required to facilitate the proposal.

### **Proposed Official Plan Amendment**

The Official Plan Amendment application seeks to redesignate a portion of 89 Page Street (Part 3) from Neighbourhood Residential to Mixed Use on Schedule D1 of the GCP, as shown on Appendix 5. The Official Plan Amendment application also seeks to redesignate this portion of 89 Page Street from Medium Density Residential to Mixed Use on Schedule E5 of the GCP, as shown on Appendix 7. The proposed rezoning of this portion of 89 Page Street to M1 is not compatible with its current Official Plan designations. As such, the Official Plan Amendment is required so that Part 3 matches the existing Mixed-Use designation of 124 Niagara Street and aligns with the proposed rezoning of Part 3.

Section 16.1 of the Garden City Plan outlines general policies to be considered in evaluating an Official Plan Amendment application. This application for amendment to the Plan has been evaluated against these considerations, as follows:

### **Conformity with the Garden City Plan**

The degree of conformity of the proposed amendment will be evaluated against the general intent, purpose and philosophy of the Plan, particularly the vision, guiding principles and general policies.

Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change, housing, and achieving a sustainable community. To achieve a sustainable community, this includes providing choices and opportunities for employment, housing, transportation, social, recreational and cultural amenities. A sustainable community also makes efficient use of its infrastructure by focusing on a compact, mixed use, walkable, bikeable and connected community.

Part C of the Plan, 'General Policies', outlines general policies of the Plan, including the importance of urban design in St. Catharines, a mature city with a finite urban boundary. Given that future growth will primarily occur through intensification, compact development will require innovative and sensitive design to ensure compatibility and to create a sense of place.

Part D of the Plan, 'Land Use Policies', emphasizes more compact, innovative and alternative design to manage development. Policies within Part D align with the Vision and Guiding Principles discussed above. Additional City regulations, such as the zoning by-law, urban design guidelines and site plan control, support Plan policies as they encourage efficient, integrated, accessible, sustainable and context sensitive development.

The proposed change from Medium Density Residential to Mixed Use for a rear portion 89 Page Street will facilitate the proposed construction of an accessory structure to serve the mixed-use building at 124 Niagara Street. The proposal meets the intention of the Plan as it will support providing choices and opportunities for employment and housing. The proposal will not result in a loss of the commercial or residential unit at 124 Niagara Street nor the residential dwelling at 89 Page Street.

#### **Consistent with Provincial and Regional Plans, Policies and Legislation**

The Garden City Plan is reflective of Provincial and Regional policies as it is required to conform to them. As demonstrated in earlier sections of this report, the proposal conforms with Provincial and Regional land use policies.

#### **Availability and Suitability of Lands for Proposed Use**

The 172m<sup>2</sup> rear portion of 89 Page Street, to be merged with 124 Niagara Street, is considered excess for the use of a detached dwelling in an R3 zone at 89 Page Street. As such, the proposed boundary adjustment and redesignation of the lands to support the mixed-use building at 124 Niagara Street is considered appropriate and desirable.

#### **Compatibility of the Proposal**

The surrounding uses include a range of low-rise residential, commercial and mixed-use buildings. From a built form and urban design perspective, the proposed accessory structure is located to the rear of 124 Niagara Street with sufficient buffers to the surrounding lots. The proposed height and area of the structure complies with the Zoning By-law and as such has an appropriate massing. The proposal will not result in any changes to the streetscape, the detached dwelling at 89 Page Street or the mixed-use building at 124 Niagara Street. As such, staff are satisfied that the proposal is compatible with the surrounding area.

#### **Potential to Cause Instability**

To facilitate the proposal this will require redesignating the rear 172m<sup>2</sup> portion of 89 Page Street to Mixed Use. This area will merge with 124 Niagara Street, which is designated Mixed Use. The resulting lot shape will mimic the lot pattern to the south, which consists of Mixed-Use properties fronting onto Niagara Street and Medium Density Residential properties fronting onto Page Street. As noted, the proposal does

not include any changes to the existing buildings at 89 Page Street or 124 Niagara Street. Given the proposed lot shape and designations match the surrounding area, staff are satisfied that the proposal does not have the potential to cause instability within the area.

### **Infrastructure Capacity**

The nature of the proposal does not require additional servicing and will not result in additional traffic. As such, staff are satisfied that there are no potential concerns regarding infrastructure capacity.

### **Financial Implications to the City**

Given the nature of the proposal, it is not anticipated that there will be any financial implications to the City. Any permits and works required to facilitate the proposal will be at the sole cost of the applicant.

### **Potential to Establish an Undesirable Precedent**

The recommended approval of this application would not establish an undesirable precedent. The review of this proposal is based on the individual context and circumstances of the area. As noted, the proposal is to facilitate the construction of an accessory structure which is designed and located to ensure it is appropriate given the surrounding context. Further, there are Mixed Use properties to the south of the subject lands which are of a similar size and shape than the proposed lot at 124 Niagara Street following the future boundary adjustment. The proposal is not anticipated to result in any adverse impacts to the surrounding area and therefore staff are satisfied that it will not establish an undesirable precedent.

### **Additional GCP Policies**

In addition to the proposal's evaluation against Section 16.1 of the Garden City Plan, there are other policies that need to be considered as they relate to the proposal. Relevant policies from Section 4.2 are assessed below. An analysis of urban design policies from Section 7.1 (c) are conducted in the zoning by-law section of this report.

Section 4 of the GCP establishes urban design policies for the City of St. Catharines. Policy 4.2 (d) calls for "compatibility of new development and redevelopment within established areas" as an urban design principle. Policy 4.3.1 establishes a basis for evaluating new development and redevelopment within a surrounding area, including building scale, height, and massing, as well as the placement of garages and spacing of buildings. Staff find that the proposed size, height and location of the accessory structure is compatible with the surrounding established neighbourhood and achieves design excellence sought by the urban design policies in the GCP.

### **Garden City Plan Summary Opinion**

Based on the policy evaluation above, staff are satisfied that the proposed Official Plan Amendment meets the intent of the Official Plan and recommend approval.

### **Zoning By-law**

Zoning By-law 2013-283 currently zones 89 Page Street as Medium Density Residential (R3) and 124 Niagara Street as Medium Density Mixed Use (M1), as shown on

Appendix 8. The R3 zone permits a variety of residential uses including detached, semi-detached, duplex, triplex, townhouse and apartment dwellings. The existing detached dwelling and accessory structure (detached garage) at 89 Page Street is a permitted use. The M1 zone permits a range of residential, commercial, institutional, and recreational uses. The existing mixed-use building with an office unit and an apartment dwelling unit is a permitted use.

As noted, section 2.1 of the Zoning By-law permits buildings and structures *accessory to a permitted use* in all zones except for in Conservation / Natural Area (G1). The proposed accessory structure on Part 3 for the mixed-use building on M1-zoned 124 Niagara Street is required to be located on lands zoned permitting a mixed-use building. The current R3 zone for 89 Page Street does not permit a mix of uses nor an apartment dwelling unit (outside of an apartment building), thus the proposed accessory structure would not be accessory to a permitted use under the current R3 zoning.

### Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment seeks to change the zoning for a 172m<sup>2</sup> portion of 89 Page Street (Part 3), from Medium Density Residential (R3) to Medium Density Mixed Use (M1), as shown in Appendix 9. As noted, Part 3 will be merged with 124 Niagara Street through a future boundary adjustment application. As per section 2.1 of the Zoning By-law, Part 3 is required to be rezoned to M1 to match the M1 zone of 124 Niagara Street to facilitate the construction of an accessory structure to serve the mixed-use building at 124 Niagara Street.

The proposed Zoning By-law Amendment also seeks to change the zoning for the remnant 89 Page Street (Part 2) to Medium Density Residential with Special Provision 169 (R3-169), as shown in Appendix 9. The proposed special provision is to address the oversized lot area and driveway coverage at 89 Page Street as a result of the future boundary adjustment. The proposed special provision (R3-169) is outlined below and in Appendix 10.

Special Provision	Zone	Schedule A	Location	By-law
169	R3	14	89 Page Street	
The following provisions shall be permitted for a detached dwelling:				
1.	Maximum Lot Area			492m <sup>2</sup>
2.	Maximum Overall Parking Area Coverage			24%

Section 7.1 (c) of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site, streetscape, and neighbourhood 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) Adequate and appropriate lot size, shape and configuration, 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.

The proposed rezoning for Part 3 from R3 to M1 and rezoning for Part 2 from R3 to R3-169 have been evaluated below against these priorities and directions from the GCP.

### **Built Form and Integration into Neighbourhood**

The proposed detached garage for the mixed-use building at 124 Niagara Street would be located to the rear of the lot and would not result in a change to the existing streetscape. The proposed structure does not exceed maximum height or lot coverage provisions and meets setback requirements in the Zoning By-law for abutting mixed use and residential zoned properties. The surrounding area includes other low-rise mixed use and commercial buildings, many of which have rear parking areas. Staff are satisfied that the addition of a detached garage at 124 Niagara Street is compatible with the surrounding area.

The existing detached dwelling and garage at 89 Page Street was built in 1971 and is surrounded by other low-rise residential dwellings on similar sized lots. There are no proposed changes to the use or structures for this lot, therefore staff are satisfied that the resulting zoning deficiencies of the future boundary adjustment application are compatible with the surrounding area.

### **Adverse Impacts on Neighbouring Properties**

The proposed detached garage in the rear yard of 124 Niagara Street would not have any adverse impact on the neighbouring properties. The proposed garage complies with all zoning requirements, such as height, lot coverage and setbacks. Therefore, the proposed structure would not result in adverse impacts to the subject lands or the surrounding properties.

The proposed increase in lot area and driveway coverage at 89 Page Street, which would be a result of the future lot boundary adjustment application, is to recognize the existing detached dwelling and driveway on the property. There are no proposed changes to the property and all other zoning provisions are met, such as lot frontage, lot coverage, setbacks, and landscaped open space. Therefore, staff are satisfied that this would not result in adverse impacts to the subject lands or the surrounding properties.



### **Lot Area**

Section 5.5 of the Zoning By-law permits a maximum lot area of 370m<sup>2</sup> for a detached dwelling in an R3 zone. As a result of the future boundary adjustment application, 89 Page Street (Part 2) would have a lot area of 492m<sup>2</sup>. As such, this is included in the requested special provision.

The intent of this provision is to ensure a compact built form and prevent urban sprawl by guiding higher density development within an area. The requested special provision will recognize the existing detached dwelling on an oversized lot at 89 Page Street. Although the lot area is considered oversized given its depth, the property has a lot frontage of 14.32 metres, which is in line with zoning requirements for a detached dwelling and facilitates a compact built form and streetscape. The proposed lot shape and size is the same as abutting R3 lands to the south and compatible with abutting R3 lands to the north. Staff note that the proposal meets the intent of the Official Plan and Zoning By-law and will bring the lands closer to conformity than what currently exists.

### **Driveway Coverage**

Section 3.9.1 of the Zoning By-law states that within any residential zone the overall parking area coverage shall not exceed 20% of the total lot area. As a result of the future boundary adjustment application, the existing driveway at 89 Page Street would have a driveway coverage of 24%. As such, this is included in the requested special provision.

The intent of this provision is to ensure that lots are not overwhelmed by hardscape materials and areas dedicated to the parking of vehicles. This provision also ensures that adequate space is dedicated to landscaping. The existing driveway has a width of approximately 3.3m along the Page Street frontage and then continues beyond and behind the dwelling to provide access to the existing detached garage. Therefore, a portion of the driveway is not visible from the road. The remaining 11m width of the lot's front yard is landscaped, thus the driveway does not overwhelm the front yard of the property. The property exceeds the Zoning By-law's requirement for landscaped open space, providing adequate amenity space and buffers to surrounding properties. Therefore, staff find that the request to recognize the existing oversized driveway will not result in any adverse impacts and meets the intent of the Zoning By-law.

### **Circulation of Applications**

The application was circulated to all relevant departments and agencies in accordance with the *Planning Act*. Staff and external agencies offered no objections to the proposed Official Plan and / or Zoning By-law Amendments.

### **Public Consultation**

A public notice advising of a public open house was mailed to property owners within 120 metres of the property on May 25<sup>th</sup>, 2022. This public notice was also shared through the City's digital channels and appeared on the City's website.

An online open house was held by Planning and Building Services over the Zoom platform on June 16, 2022. The purpose of the open house was to present the proposal

and afford an opportunity for members of the public to ask questions and provide comments before staff recommendations are presented to Council for consideration. No members of the public registered to attend the Open House. As an alternative, the public was also invited to submit written or emailed comments and questions. While the open house was conducted over the Zoom platform, it was live streamed on the City's YouTube channel and has been available for viewing on YouTube since the open house. No written correspondence regarding the proposal has been received.

## **Public Notice**

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

## **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 external consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Land Tribunal, then the planner who has provided the second opinion shall be retained for the purpose of a hearing.

## **Financial Implications**

There are no financial implications associated with this report.

## **Environmental Sustainability Implications**

There are no environmental implications associated with this report.

## **Conclusion**

In summary, staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment to facilitate the construction of an accessory structure (detached garage) to serve the mixed-use building at 124 Niagara Street, and to recognize the oversized lot and driveway coverage for the detached dwelling at 89 Page Street.

The applications for Official Plan Amendment and Zoning By-law Amendment have regard for matters of provincial interest, are consistent with the Provincial Policy Statement, conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe, and conform to and do not conflict with the Region of Niagara's Official Plan, subject to the staff recommendations herein.

## **Notifications**

It is in order to advise Owner: Ed Van der Kooi, and Susan Smyth, Quartek Group Inc, the owner's agent.

### **Prepared by**

Natasha MacDonald, MPL  
Planner I

**Submitted by**

Margaret Josipovic, BES, MPA  
Manager, Planning Services

**Approved by**

Tami Kitay, MPA, MCIP, RPP  
Director, Planning and Building Services

**Appendices**

Appendix 1 – Location Map  
Appendix 2 – Site Plan and Elevations  
Appendix 3 – Ontario Planning Framework  
Appendix 4 – Official Plan Schedule D1  
Appendix 5 – Proposed Official Plan Schedule D1  
Appendix 6 – Official Plan Schedule E5  
Appendix 7 – Proposed Official Plan Schedule E5  
Appendix 8 – Existing Zoning  
Appendix 9 – Proposed Zoning  
Appendix 10 – Zoning Amendment – Special Provision  
Appendix 11 – Draft OPA By-law and Schedules  
Appendix 12 – Draft ZBA By-law and Schedule

**Appendix 3** Minutes of the Public Meeting held virtually on August 29, 2022.

CITY OF ST. CATHARINES

BY-LAW NO. \_\_\_\_\_

A By-law to amend By-law No. 2013-283 entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines.”

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

1. THAT Section 15.1, Schedule A (A14), Zoning Maps, be amended by changing the zoning of the lands known municipally as 89 Page Street as follows:

a. Area A – from Medium Density Residential (R3) to Medium Density Mixed Use (M1)

b. Area B – from Medium Density Residential (R3) to Medium Density Residential with Special Provision 169 (R3-169)

2. THAT Section 13.1, List of Special Provisions, be amended by adding a new Special Provision No. 169, as follows:

Special Provision	Zone	Schedule A	Location	By-law
169	R3	14	89 Page Street	2022-
The following provisions shall be permitted for a detached dwelling:				
1.	Maximum Lot Area		492m²	
2.	Maximum Overall Parking Area Coverage		24%	

3. All other provisions of By-law No. 2013-283, as amended from time to time, not considered in this By-law shall continue to apply to the lands described on the Schedule attached hereto and forming part of this By-law.

4. This By-law shall come into force and effect on the date of passing by Council,  
subject to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.

Read and passed this                      day of    2022.

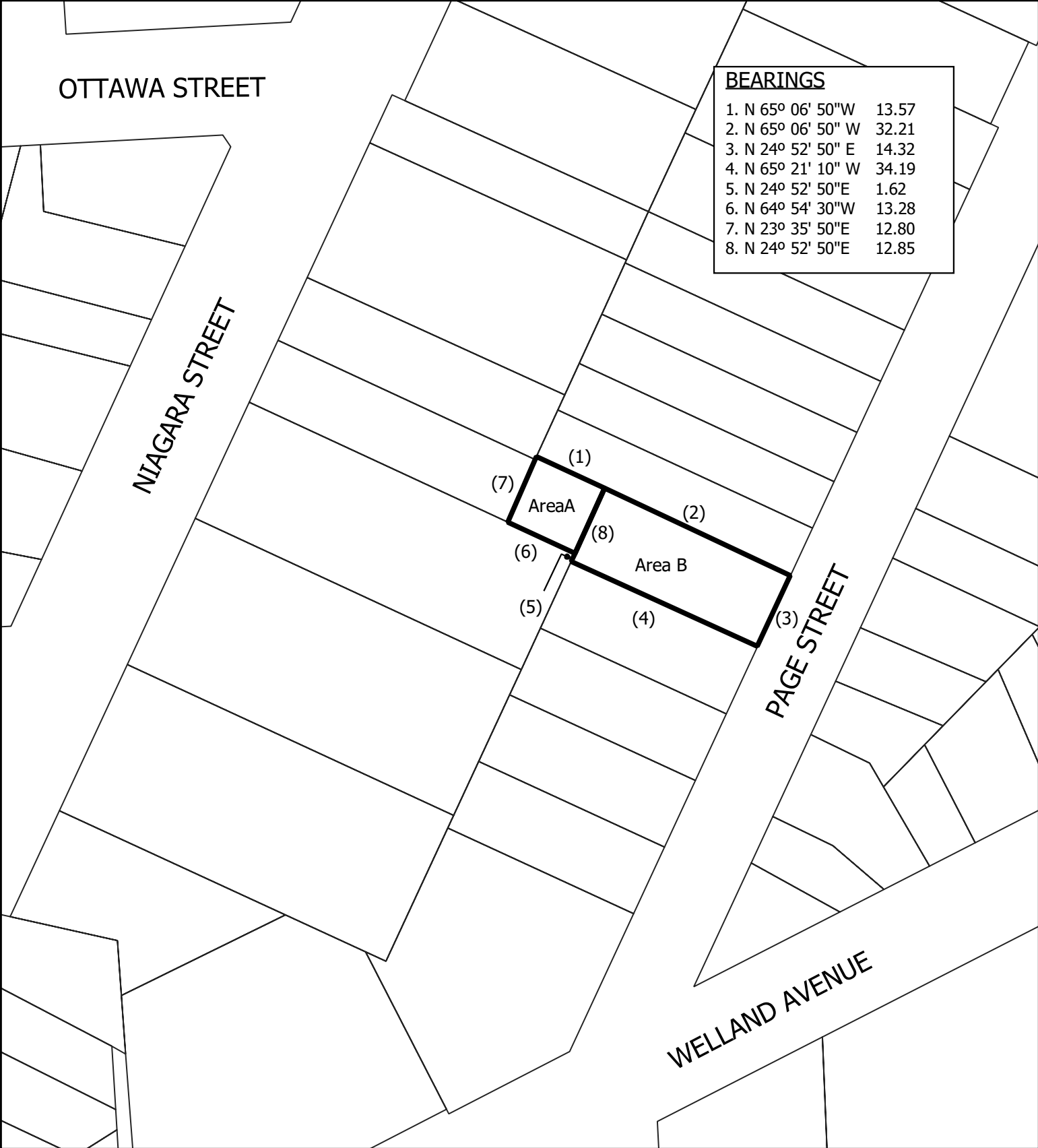
CLERK

MAYOR



SCHEDULE A TO BY-LAW NO. \_\_\_\_\_

PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022



BEARINGS	
1. N 65° 06' 50"W	13.57
2. N 65° 06' 50" W	32.21
3. N 24° 52' 50" E	14.32
4. N 65° 21' 10" W	34.19
5. N 24° 52' 50"E	1.62
6. N 64° 54' 30"W	13.28
7. N 23° 35' 50"E	12.80
8. N 24° 52' 50"E	12.85

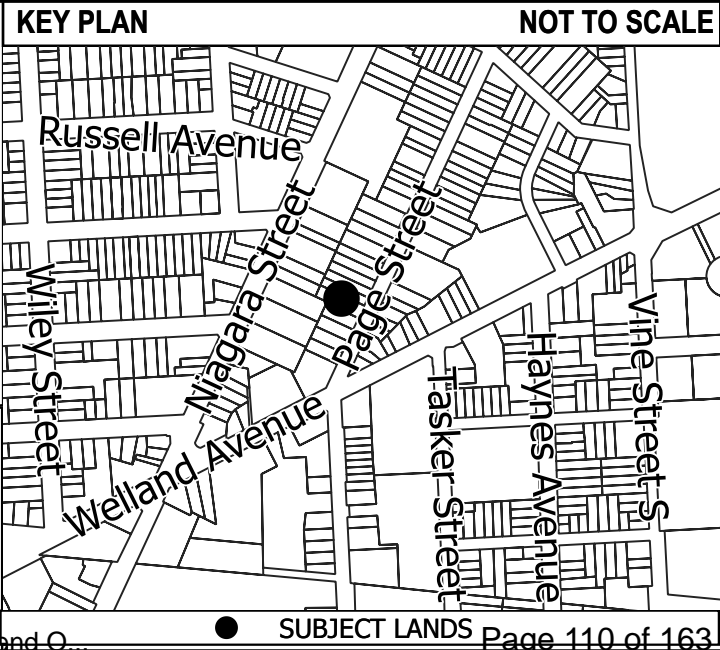
AN ILLUSTRATION SHOWING

PART OF LOT 1 ON THE WEST SIDE OF PAGE STREET  
REGISTERED PLAN 29 AND PART OF LOT 15,  
CONCESSION 5

IN THE CITY OF ST.CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA



DISTANCES SHOWN ARE IN METRES  
NOT TO SCALE





## Corporate Report City Council

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

**Report Date:** August 19, 2022

**Meeting Date:** August 29, 2022

**Report Number:** PBS-135-2022

**File:** 22 101511 ZA

**Subject:** Planning Act Public Meeting – Recommendation Report  
Application to Amend the City's Zoning By-law 2013-283  
Subject Lands: 19 Melody Trail  
Owner: Natasha Atoragalian  
Agent: Upper Canada Consultants

### Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: economic and environmental



## Recommendation

That Council approve an amendment to Zoning By-law 2013-283 for the lands described as Lots 635 & 636, Registered Plan No. TP 111, City of St. Catharines, Regional Municipality of Niagara, municipally known as 19 Melody Trail, as follows:

- a) That Section 15.1, Schedule A (A3), Zoning Maps, be amended by changing the portion of 19 Melody Trail to the south of the stable top of bank to Low Density Residential – Traditional Neighbourhood with Special Provision 170 (R2-170) as outlined in Appendix 7; and
- b) That Section 13.1 'List of Special Provisions', be amended by adding Special Provision 170 as outlined in Appendix 8; and

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

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

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

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

## Summary

Staff are recommending approval of the subject application to rezone a portion of the subject lands to more accurately reflect the natural feature location on site. The application is consistent with the Provincial Policy Statement, conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, and conforms to and does not conflict with the Region of Niagara's Official Plan, and the City's Official Plan. Staff are satisfied the rear yard setback outlined in the recommended special zoning provision will help preserve and protect the existing woodland.

## Relationship to Strategic Plan

**Economic Sustainability:** The proposed development supports private investment through new construction on vacant, developable lands.

**Environmental Sustainability:** The proposed zoning amendment facilitates the protection of the existing Significant Woodland, Significant Valley Lands and Fish Habitat while allowing appropriate development on suitable lands.

## Report

### Proposed Development

The applicant is requesting a portion of the lands, which are currently zoned Conservation / Natural Area (G1), be rezoned to a site-specific Low Density Residential – Traditional Neighbourhood (R2) with a special provision to permit an increased maximum lot area for a detached dwelling. A portion at the north end of the lot beyond the stable top of bank would remain zoned G1. The requested zone boundary reflects the confirmed extent of the Significant Woodland and valley land slope features on and adjacent to the site, as outlined in an Environmental Impact Study (EIS) submitted by the applicant, prepared by Beacon Environmental Limited. The requested zoning amendment would permit a detached dwelling to be constructed on the property, subject to the R2 zoning provisions and the recommended site-specific zoning provisions (Appendix 8). A conceptual Site Plan is attached as Appendix 2.

### Location and Site Description

The lands are known municipally as 19 Melody Trail. They are located on the north side of Melody Trail, west of Arthur Street. The lot area is 0.083 hectares in size. The property has 18.28 metres of frontage on Melody Trail. The site is currently vacant of any buildings or structures. There are portions of significant woodland significant valley lands on-site. A location map is attached as Appendix 1. Surrounding land uses include:

North: Natural area  
 East: Residential dwellings  
 South: Residential dwellings  
 West: Natural area

## Planning Policy Context

Provincial planning legislation requires Council's decision on a planning application to be consistent with the Provincial Policy Statement (2020), and 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 against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the Garden City Plan, all of which apply to this application, and staff's 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 3.

## Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS), provides direction on matters of Provincial interest related to land use planning and development. Section 3(5) of the Planning Act stipulates that decisions of Council "shall be consistent" with the PPS.

The subject lands are located within a Settlement Area under the PPS. Sections of the PPS, which are particularly relevant to the subject proposal, are summarized below.

### Settlement Areas

The PPS requires settlement areas to be the focus of growth and development, with land use patterns based on densities and a mix of land uses that efficiently use land, resources, and infrastructure, and which are transit supportive, among other matters. A range of uses and opportunities for intensification and redevelopment are to be provided, with planning authorities having the ability to identify suitable locations for growth, subject to appropriate development standards. The subject lands are located within a settlement area.

The subject application facilitates the intensification of lands within an established settlement area in a manner that is in keeping with appropriate development standards within the context of the neighbourhood. The additional residential development land will contribute to the number of dwellings available in the city as a whole.

### Natural Heritage

The PPS states that development and site alteration shall not be permitted on adjacent lands to significant woodlands or significant valley lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. An Environmental Impact Study (EIS) prepared by Beacon Environmental Limited and submitted by the applicant has confirmed that the proposed zoning amendment and the facilitated development will not have negative impacts nor compromise the ecological functions of the adjacent natural features.

### Implementation and Interpretation

The PPS indicates the importance of Official Plans and Zoning By-laws in implementing the policies of the Province. Land use designations and policies of Official Plans, along

with development standards of Zoning By-laws, are important tools to protect and advance provincial interests and direct development to suitable areas.

### **PPS Summary Opinion**

Staff are of the opinion that the proposed Zoning By-law Amendment is consistent with the policies of the Provincial Policy Statement in that the policies related to land use compatibility, growth, and natural heritage are upheld.

### **Provincial Growth Plan for the Greater Golden Horseshoe (2020)**

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 implement this framework for the City of St. Catharines. Guiding principles within the Growth Plan direct compact and well-designed development to prioritize intensification. Growth and development should be directed to established built-up areas to avoid expanding existing urban boundaries where possible by encouraging intensification. The subject lands are located within a Provincially designated Built Up Area.

The subject application is supported by the vision outlined in the Growth Plan to encourage the development of complete communities, and support intensification. The proposed detached dwelling along an existing public road will contribute to an established residential neighbourhood by intensifying currently underutilized lands and will help to serve the housing needs of the City. The proposed zoning amendment facilitates appropriate development within an established area in a manner that is compatible with surrounding uses. The policies of the Growth Plan are upheld.

### **Regional Official Plan**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland, Significant Valley Land and Type 2 Fish Habitat. Consistent with Regional Official Plan (ROP) policies 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is required in support of site alteration and / or development proposed adjacent to these CNHS features, to demonstrate that there will be no significant negative impact on the features or their ecological function.

An EIS was prepared by Beacon Environmental Limited (dated October 2018), followed by an EIS Addendum prepared by the same firm (dated September 1, 2021) in support of the application. An Arborist Report and Tree Inventory and Preservation Plan has also been prepared by Beacon Environmental Limited (dated February 14, 2022) to characterize the trees on and adjacent to the subject property and provide recommendations for tree removal and / or protection based on the consideration of construction-related impacts and tree health / condition.

The submitted reports have been reviewed and demonstrate that the proposed zone boundary accurately reflects the existing location of the natural features. Regional staff have reviewed the submitted reports and provided a recommendation that site specific provisions be added to the lands to best ensure the protection of the natural features on and adjacent to the site. These provisions and the Region's comments are discussed in greater detail later in this report. The rezoning will not have any negative impact on the

**Report Page 4 of 12**

features or their ecological function, and the policies of the ROP are upheld, subject to the site-specific provisions outlined in the Zoning By-law section of this report.

### **Garden City Plan**

The City's Official Plan, The Garden City Plan (GCP), designates the lands as Natural Areas (Appendix 4). Schedule E2 of the GCP (Appendix 5) provides additional direction for the North Planning District and designates the lands as Low Density Residential and Natural Areas, within the Natural Area Extent Line.

The Natural Area designation is assigned to lands comprised of a natural feature or hazard that is environmentally significant, such as: rivers, streams, valley lands, wetlands, shoreline, woodlots, forests, floodplains, habitats and corridors. The City's Official Plan identifies the presence of Significant Valley Lands (Schedule F2), Significant Woodlands (Schedule F3), and Fish Habitat (Schedule F4) on the subject lands. The property also lies just within the Natural Area Extent Line, which encompasses natural features mapped by the Province, Region and Niagara Peninsula Conservation Authority (NPCA).

Section 13.2.1 4(iv) of the GCP specifically does not require an amendment to the GCP in instances where minor boundary adjustments are made to the Natural Area Extent Line, and to the Natural Area designation, based on more accurate mapping. This application provides information resulting in more accurate mapping of the features present on the property. The applicant has submitted an Environmental Impact Study (EIS) and addendum, prepared by Beacon Environmental Limited, and dated October 2018 and September 2021, respectively (the EIS). The EIS confirms the presence and size of the Significant Woodlands and Significant Valley Lands associated with Beamer Creek that impact the northern portion of this property. The EIS also confirms the remainder of the property is occupied by a cultural woodlot comprised primarily of non-native invasive species and that removal of the cultural woodlot will not negatively impact the forest interior. The EIS has been reviewed and approved by Region of Niagara and the Niagara Peninsula Conservation Authority. Staff are satisfied the proposed zoning amendment falls within the intent of Section 13.2.1 4(iv) and no Official Plan amendment is required.

### **Summary Official Plan Opinion**

Based on the matters outlined above, staff are satisfied that the proposed Zoning By-law Amendment meets the relevant GCP policies.

### **Zoning By-law**

Zoning By-law 2013-283 zones the subject lands Conservation / Natural Area (G1) Zone (Appendix 6). The G1 zone does not permit development. The applicant has requested an amendment to the Zoning By-law to recognize the currently existing site conditions provide an appropriate developable area while conserving the natural features on and adjacent to the site. The amendment requests a rezoning of the portion of the property south of the stable top of bank from G1 to Low Density Residential – Traditional Neighbourhood (R2) with a special provision, as outlined in Appendix 7.

### **G1 Zone Location**

The subject Zoning By-law amendment proposes to adjust the Conservation / Natural Area (G1) Zone boundary to follow the stable top of bank that runs across the north end of the property, based on the recommendation of the submitted EIS. The amendment proposes to rezone the remainder of the lands as Low Density Residential – Traditional Neighbourhood (R2).

The G1 designation promotes the long-term sustainability of natural hazard and natural heritage lands. The proposed rezoning of a portion of the subject lands to delineate the significant natural features more accurately on the site does not compromise the preservation or environmental integrity of the natural area lands. The zone designation of adjacent residential lands to the east and south is currently R2. In the existing residential context, R2 is considered the most compatible residential zone for 19 Melody Trail.

Regional staff have reviewed the EIS and Tree Preservation reports circulated in support of the application. As a result of that review, in an effort to ensure that the natural features are sufficiently protected from the impacts of future development, the Region recommends that the amended zoning for the subject property include a provision whereby a 15-metre setback is required from the valley land physical top of bank, prohibiting any development and / or site alteration including structures. The 15-metre setback from the physical top of bank equates to a 6.4 metre setback from the stable top of bank. The stable top of bank is located along the proposed G1 zone boundary, establishing a 6.4 metre setback from the G1 zone would satisfy Regional requirements. The special provision has been written and recommended accordingly.

In an effort to mitigate any future ecological or hydrological impacts to the adjacent valley land system, Regional staff also recommend that the City consider including a zoning provision that requires a 5-metre landscape strip, as measured from the valley land physical top of bank. In order to best protect the vegetated slope and significant woodland, City staff recommend that the landscape buffer be extended up to the stable top of bank, being the new G1 boundary, which would provide a buffer of 8.6 metres from the physical top of bank. This would provide an even greater protection of the natural features, and a clear delineation between the R2 and G1 zones.

The above zoning provisions are reflected in the staff-recommended Special Provision outlined below and in Appendix 8.

### **Site Specific Maximum Lot Area**

The applicant has requested a site-specific provision to permit a detached dwelling on a lot that exceeds 465m<sup>2</sup>. The lot, as it currently exists, is just under 830m<sup>2</sup>. While the single dwelling would be less than the target density for the area, it does represent intensification of an underutilized parcel. Given the natural heritage context, and location of the site at the very end of a local road, permitting a single dwelling here represents an appropriately gentle increase in density. Staff are supportive of the increase in maximum lot area for a detached dwelling on the subject lands and



recommend that it be added to the Zoning By-law as part of Special Provisions 170 outlined below and in Appendix 8.

### Special Provision 170

The applicants have requested a Special Provision be applied to the lands to permit a detached dwelling with a maximum lot area of 830 m<sup>2</sup>. The City and Region have proposed two additional site-specific provisions, outlined below as provisions 2 and 3. As such, the below table represents the recommended Special Provision 170 to be considered by Council, also included as Appendix 8.

Special Provision	Zone	Schedule A	Location	By-law
170	R2/G1	3	19 Melody Trail	
The property is subject to the following additional requirements:				
1.	Maximum lot area for a detached dwelling		830 square metres	
2.	Minimum setback from the northerly G1 zone boundary to all buildings and structures		6.4 metres	
3.	The extent of the G1 zone on the property shall be entirely maintained as a landscape buffer.			

The property contains adequate room within the proposed R2 zone for a detached dwelling that meets all required setbacks to adjacent properties, as well as height, parking and landscape open space requirements. There are no concerns with the compatibility of the development with adjacent residential dwellings, and no further Special Provisions are recommended.

### 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 comments received from the Region of Niagara, the Niagara Peninsula Conservation Authority and from internal City departments have been summarized below.

### Niagara Peninsula Conservation Authority (NPCA)

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valley lands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. A section of valley land slopes associated with Walker/Beamer Creek is found within the rear of the subject lands. NPCA Staff have previously approved the location of the identified physical top of slope. NPCA Staff have reviewed the "Slope Stability Assessment, Proposed Single Family Dwelling, 19 Melody Trail, St. Catharines, Ontario" prepared by Soil-Mat Engineers & Consultants Ltd., dated July 9, 2021, and do not offer objections to the calculated location of the stable top of slope. As such, this area beyond stable top of slope should remain zoned with appropriate Conservation / Natural Areas zoning designation. Future development proposals on this property should include the locations of stable and physical tops of slope on an approved grading plan. The Geotechnical Engineer will need to review and

approve the design. As per NPCA Policy, development and / or site alteration will not be permitted beyond the most restrictive limit of stable or physical tops of slope.

Given the above, the NPCA does not offer objection to the approval of this application, provided the above-mentioned zoning is implemented. Any future works, or development proposals on this property would need to be circulated to the NPCA for review and approval to ensure compliance with policies. Development permits from the NPCA would be required for any works within regulated areas.

## **Niagara Region**

Regional staff have reviewed the EIS and Tree Preservation reports circulated in support of the application and are satisfied that the results, proposed mitigation measures, and recommendations identified in the submissions sufficiently address Provincial and Regional environmental policies. Therefore, regional staff do not object to the proposed Zoning By-law Amendment, provided the features and associated buffers remain in an appropriately restrictive environmental zone, and provided that the following zoning provisions are incorporated into the site-specific zoning for the property:

- a) a minimum 15 metre setback from the valley land physical top of bank, prohibiting any development and/or site alteration including structures. (This is equal to a 6.4 metre setback from the stable top of slope which forms the new G1 zone boundary, and is reflected as such in the Special Provision)
- b) a 5-metre landscape strip, as measured from the valley land physical top of bank.

These recommendations have been taken into account by City staff and integrated in the recommended Special Provision 170 (Appendix 8).

## **Community, Recreation and Culture Services**

The EIS confirms that removal of the cultural woodlot will not negatively impact the forest interior and recommends certain measures be implemented prior to and during construction to mitigate impacts on the Significant Woodlands. Based on the findings of the EIS; Community, Recreation and Culture Services (CRCS) staff offer no objection to the proposed re-zoning of these lands to permit a detached dwelling.

In the interest of enhancing the protection of the natural features, CRCS staff previously recommended that conditional zoning be applied to the residential portion of the lands requiring the owner to dedicate the natural heritage lands at the rear of the property to the City, submit a Tree Preservation and Protection Plan addressing existing trees located on that portion of the subject lands confirmed to be Significant Woodlot, as well as existing trees within four metres of the subject lands, and enter into a development agreement to be registered on title to the property, requiring the owner to implement the recommendations of the EIS and Tree Preservation and Protection Plan.

Through subsequent discussions, CRCS and Planning staff have agreed that, as an alternative to the measures outlined above, the long-term preservation and maintenance of the Significant Woodlands can be supported through certain site-

specific zoning provisions. CRCS concurs with Planning Services' recommendation that a substantial setback from the natural heritage / natural hazard features be imposed for all buildings and structures, in addition to the requirement that the entirety of the lands that are to be zoned G1 – Conservation / Natural Area be maintained as a landscape buffer. This alternative approach, which will prohibit development from encroaching into or infringing upon the Significant Woodlands, satisfies CRCS staff that the intent of the City's planning objectives related to environmental conservation, protection, and stewardship will be upheld.

### **Development Engineering Section**

Development Engineering staff have no objections to the proposed Zoning By-law Amendment application, other than noting that a typical grading plan will be a requirement through the Building Permit application review process, as well as payments for water and sewer provisions to the lot.

### **Public Consultation**

A digital public open house was hosted by Planning and Building Services over the Zoom platform on May 11, 2022. The purpose of the open house was to present the applicant's proposed Zoning By-law Amendment and conceptual site plan and provide an opportunity for the public to ask questions and provide comments before staff's recommendations are presented to Council for consideration. The applicant and their agent were in attendance. Ten members of the public attended. Written correspondence was received from nine individuals, six most of whom also attended and spoke at the Open House. Between the Open House and the written submissions, a total of 13 members of the public participated in this consultation process. Two of the open house attendees spoke in support of this application. Concerns raised by the other attendees of the Open House and through written correspondence are summarized below, with staff responses.

### **Lot Drainage**

**Comments:** There is concern that permitting development of a building at 19 Melody Trail will cause drainage issues on adjacent lots and negatively impact the residential and natural properties surrounding the lot.

**Response:** A grading plan will be a required through the Building Permit application review process and must be reviewed and approved by the City's engineering staff. The plan must demonstrate that flows are not increased as a result of development. Staff are satisfied that drainage will be addressed adequately and will not have negative impacts on surrounding dwellings or natural features.

### **Tree 340**

**Comments:** One resident of the condominium townhouse development to the east of 19 Melody Trail has requested that one tree, identified on the Tree Preservation Plan as #340, be removed instead of preserved.

**Response:** The tree in questions is located on the shared property line between 19 Melody Trail and the condominium townhouse development to the east. Since the tree

is shared, it may not be removed without the permission of both owners. As such, the owner and the condominium would need to agree and remove the tree. City staff do not specifically require the tree to be kept, so this matter lies with the landowners to resolve.

### **Loss of Habitat**

**Comments:** There is concern that the rezoning of the property from Conservation / Natural Area (G1) to Residential will result in the loss of habitat and important green space that should be conserved.

**Response:** The EIS confirms that outside of the top of bank, the property is occupied by a woodlot comprised primarily of non-native invasive species and that removal of the cultural woodlot will not negatively impact the forest interior. The identified Significant Woodland will be preserved, and no significant wildlife habitat has been identified. The key natural features are still zoned appropriately as G1.

### **Loss of View**

**Comments:** A resident of the abutting townhouse development to the east has requested the proposed building footprint on 19 Melody Trail be setback a few metres further from the street to allow them to maintain the view they currently have from their deck.

**Response:** The builder of a dwelling at 19 Melody Trail could choose to have a setback greater than the minimum. However, an increased front yard setback it is not considered necessary for the development to be generally compatible, and therefore does not form part of the staff-recommended special provision.

### **Ravine Stability**

**Comments:** There is concern that permitting the development of the lot will cause stability issues with the ravine to the north.

**Response:** NPCA Staff have reviewed the “Slope Stability Assessment, Proposed Single Family Dwelling, 19 Melody Trail, St. Catharines, Ontario” prepared by Soil-Mat Engineers & Consultants Ltd., dated July 9, 2021, and do not offer objections to the calculated location of the stable top of slope. It is determined that the area beyond stable top of slope should remain zoned as Conservation / Natural Areas (G1). As per NPCA Policy, development and / or site alteration will not be permitted beyond the most restrictive limit of stable or physical tops of slope. There are no concerns with the proposed re-zoning and the overall stability of the ravine.

### **Future of 9, 11, 13, and 15 Melody Trail**

**Comments:** There is concern that, should this application be approved, it will set a precedent allowing four lots to the east (9, 11, 13 and 15 Melody Trail) which are currently zoned G1 to be rezoned for residential development as well. The concern is that this would increase the overall impact of development on the surrounding area.

**Response:** All applications are considered on their own merits and site-specific context. The decision being made about 19 Melody Trail has no direct bearing on any future decisions to re-zone G1 lands. The location of natural features, impact on the  
Report Page 10 of 12

environment and the access to public roads and servicing may be very different, even on lots in close proximity. The decision made on 19 Melody Trail cannot be interpreted as an indication of what the decision would be on any of these abutting parcels.

### **Cost to Service 19 Melody Trail**

**Comments:** There is concern that there will be a need to extend services in the public right-of-way in order to service development at 19 Melody Trail, and that this will cost the City and, by extension the taxpayers, money.

**Response:** Any costs to develop 19 Melody Trail will be borne by the owner. This includes any costs to connect to City services. There are services within the Melody Trail right-of-way that extend in front of the subject lands, and the City's engineering staff have no concerns with the availability of services for the property.

### **Access to 5 Melody Trail**

**Comments:** The residents of 5 Melody Trail, located a few lots west of the subject property, are concerned that the development will compromise their access to their lot. They currently access via a driveway which they pay annually to access over City-owned land that lies between their property and 19 Melody Trail.

**Response:** The access to 5 Melody Trail does not cross 19 Melody Trail and will not be impeded by any development on 19 Melody Trail. Any new dwelling at 19 Melody would be required to provide parking on their own lot, and to access the city-owned right-of-way directly. It could not impede the driveway to 5 Melody Trail, to the west of the subject lands.

### **Impacts on Existing Well (5 Melody Trail)**

**Comments:** There is concern that construction at 19 Melody Trail could impact the groundwater quality, affecting a well at 5 Melody that the residents rely on for water.

**Response:** There is no concern from City or Regional staff that the well would be impacted by future development at 19 Melody Trail. The Government of Ontario website contains information for residential well owners and states that "a well should be kept a minimum separation distance away from all property lines because you can't control what happens on adjacent properties." In this case, 5 Melody Trail is separated from 19 Melody Trail with four parcels of land between them.

### **Second Planning Opinion Advisory**

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

### **Financial Implications**

There are no financial implications associated with this report.

## Environmental Sustainability Implications

The proposed Zoning Amendment to realign the Natural Areas (G1) boundary facilitates the protection of an existing Significant Woodland, Significant Valley Lands and Fish Habitat while allowing appropriate development on suitable and underutilized lands.

## Conclusion

In summary, staff are recommending approval of the proposed Zoning By-law Amendment, subject to the recommendations set out in this report. The proposed Zoning By-law Amendment has regard for matters of provincial interest, is consistent with the Provincial Policy Statement, conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, and conforms to and does not conflict with the Region of Niagara's Official Plan, nor the City's Official Plan, subject to the staff recommendations herein.

## Notifications

It is in order to advise the following of the decision:

- William Heikoop of Upper Canada Consultants, 3-30 Hannover Drive, St. Catharines, ON L2W 1A3, the owner's agent.

### Prepared by

Charlotte McEwan, MCIP, RPP  
Planner I

### Submitted by

Margaret Josipovic, BES, MPA  
Senior Manager, Planning Services

### Approved by

Tami Kitay, MPA, MCIP, RPP  
Director, Planning and Building Services

## Appendices

- Appendix 1 – Location Map
- Appendix 2 – Site Layout
- Appendix 3 – Ontario Planning Framework
- Appendix 4 – Official Plan Schedule D1
- Appendix 5 – Official Plan Schedule E2
- Appendix 6 – Existing Zoning
- Appendix 7 – Proposed Zoning
- Appendix 8 – Special Provision 170

JARROW ROAD



CHERIE ROAD



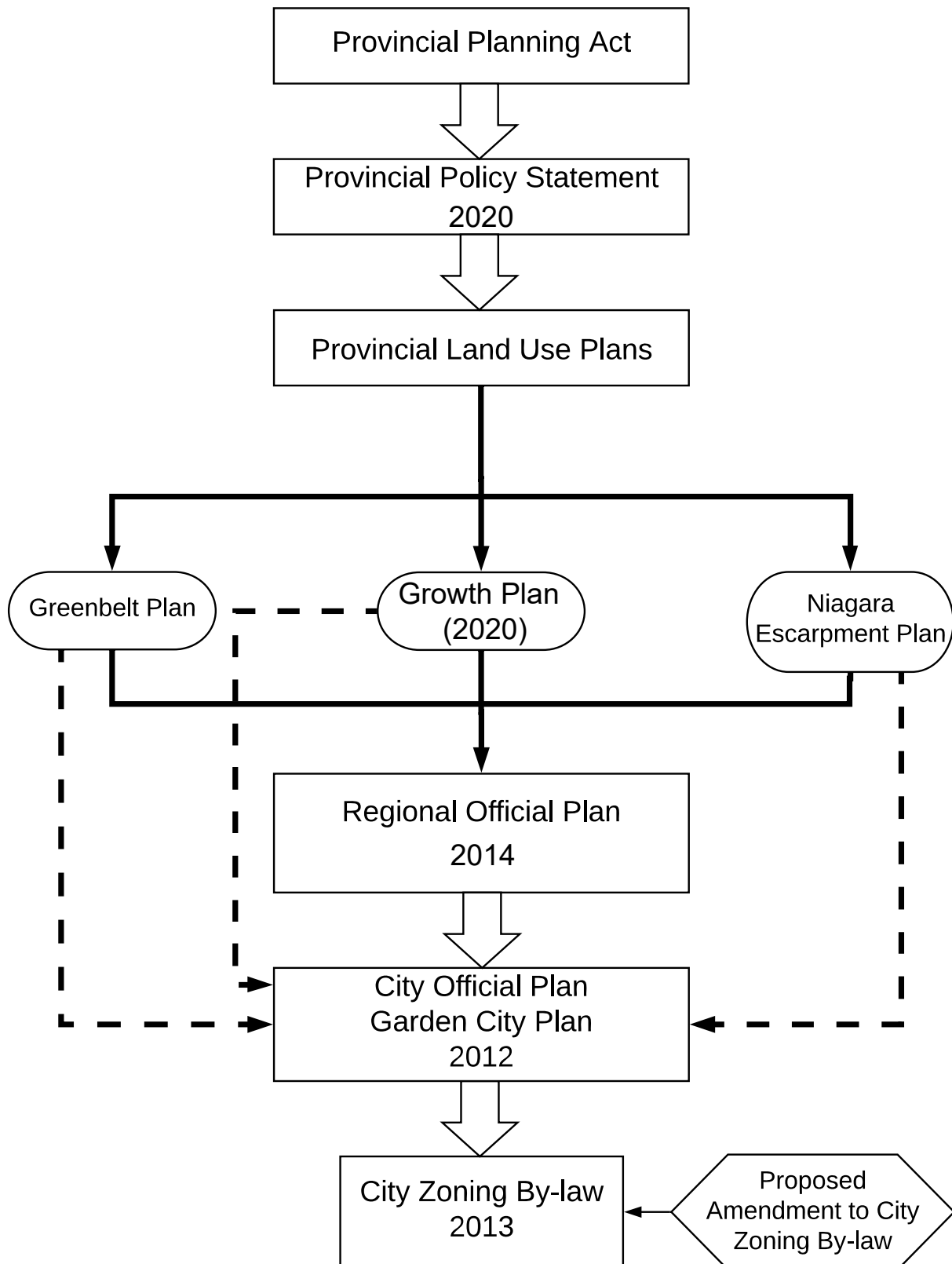
Subject Lands      **19 Melody Trail**



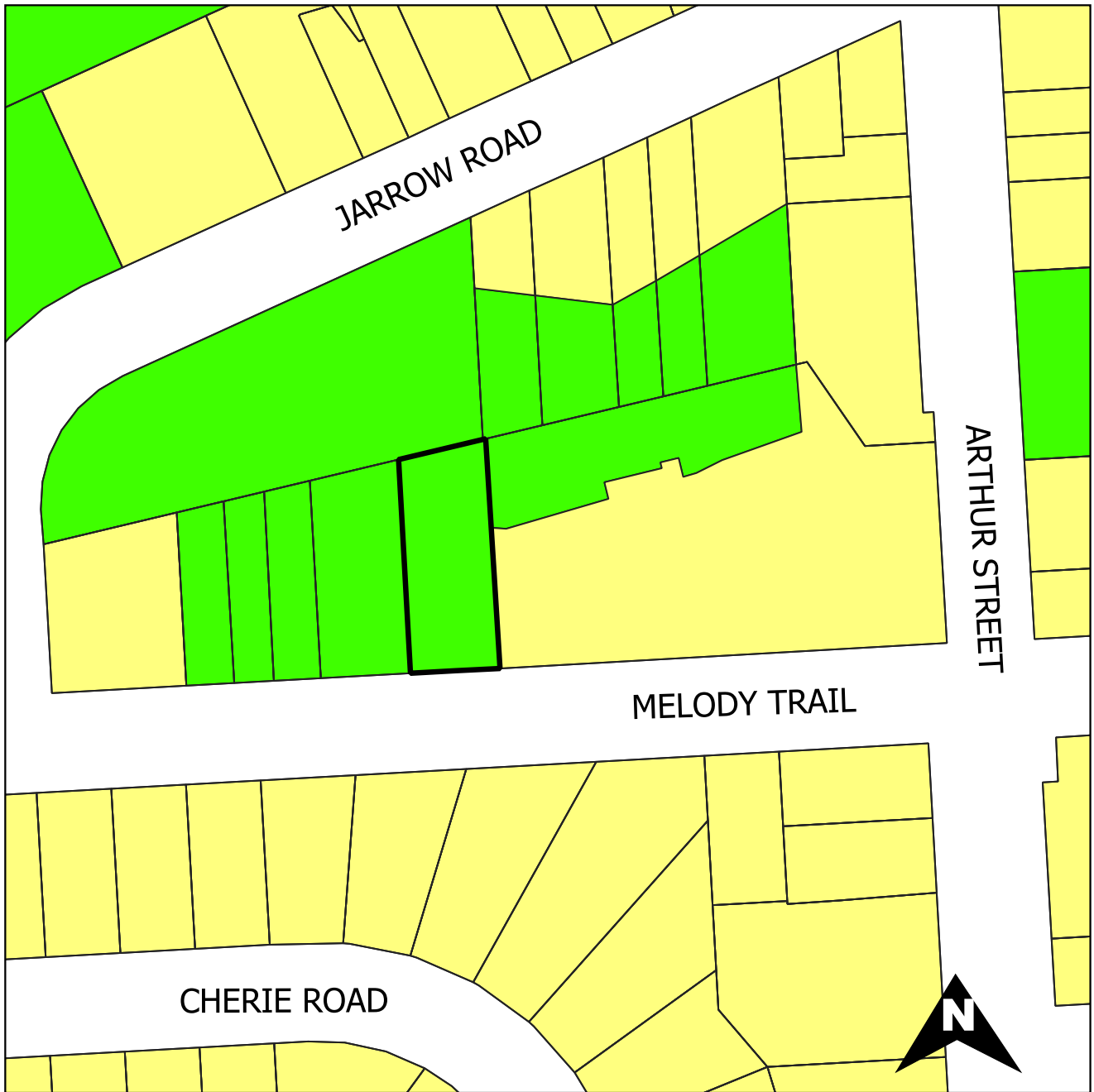


DATE	2021-10-27
SCALE	1:200 m
REF No.	.
DWG No.	<b>21109-BASE</b>

# Ontario Land Use Planning Framework



# The Garden City Plan General Land Use Plan (D1)

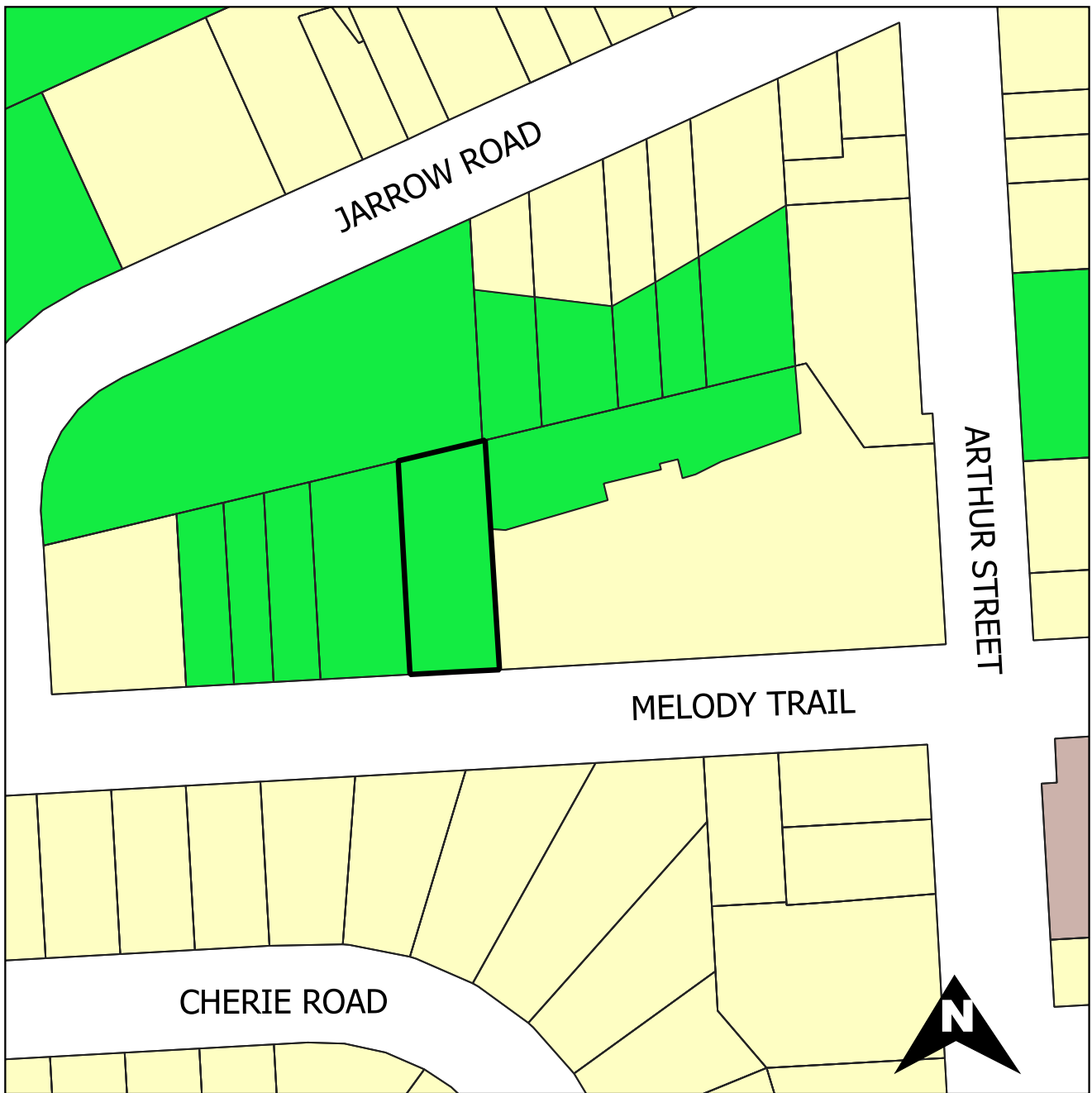


Subject Lands    **19 Melody Trail**

## Land Use Designations

- Neighbourhood Residential
- Natural Areas

# Existing Land Use Designation The Garden City Plan District Plan E2

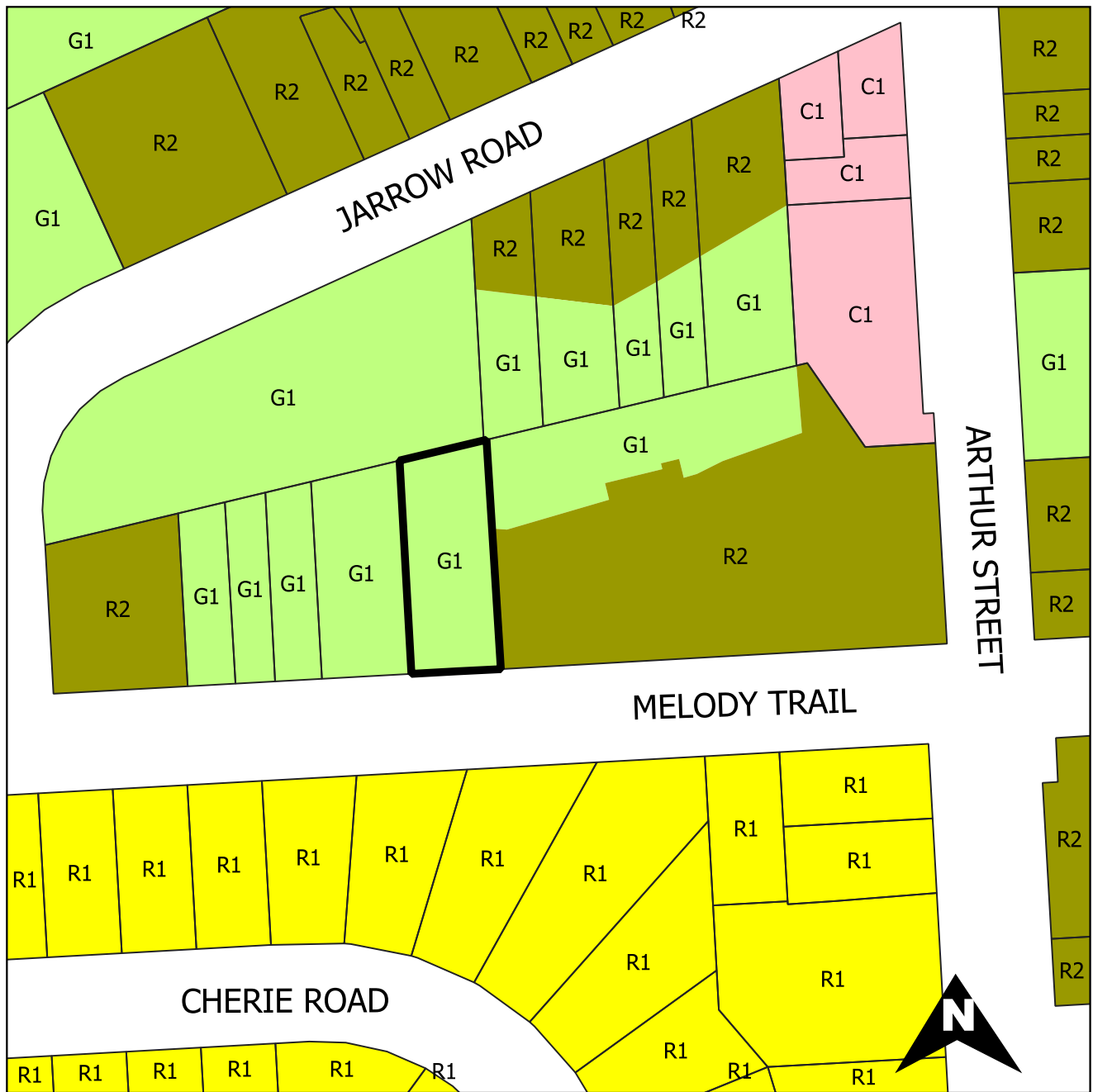


Subject Lands    **19 Melody Trail**

## Land Use Designations

- Low Density Residential (20 to 32 units / ha)
- Medium Density Residential (25 to 99 units / ha)
- Natural Areas

# Existing Zoning Schedule A3 Zoning By-law 2013-283

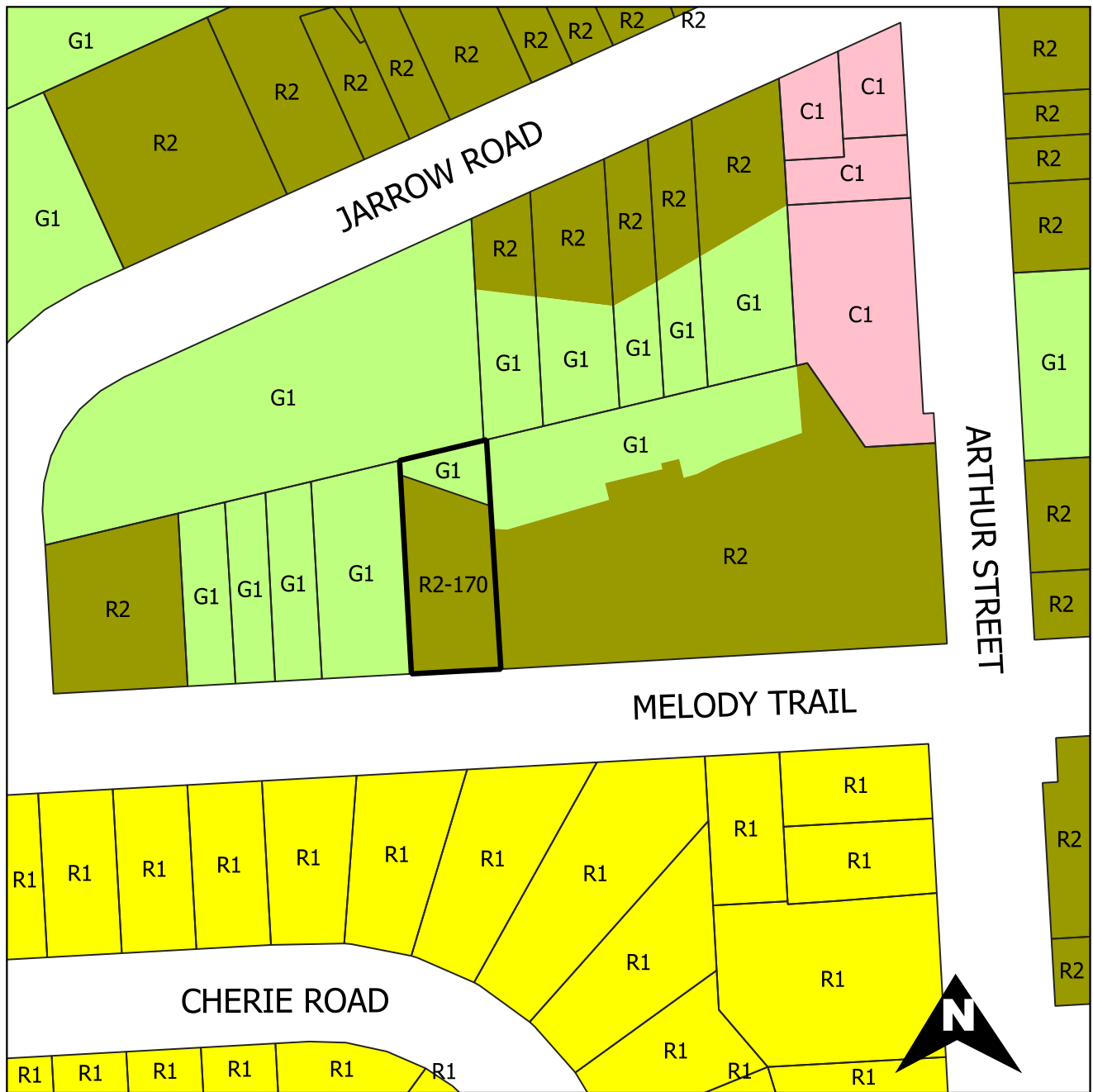


Subject Lands    **19 Melody Trail**

## Zones

- C1 - Local Convenience Commercial
- G1 - Conservation / Natural Area
- R1 - Low Density Residential - Suburban Neighbourhood
- R2 - Low Density Residential - Traditional Neighbourhood

# Proposed Amendment to Zoning By-law 2013-283 Schedule A3



**Subject Lands 19 Melody Trail**

Portion of subject lands to be re-zoned from  
G1 - Conservation / Natural Area  
to

Low Density Residential -Traditional Neighbourhood with Special  
Provision 170 (R2-170)

## Zones

- C1 - Local Convenience Commercial
- G1 - Conservation / Natural Area
- R1 - Low Density Residential - Suburban Neighbourhood
- R2 - Low Density Residential - Traditional Neighbourhood

### Proposed Special Provision 170

Special Provision	Zone	Schedule A	Location	By-law
170	R2/G1	3	19 Melody Trail	
The property is subject to the following additional requirements:				
1.	Maximum lot area for a detached dwelling		830 square metres	
2.	Minimum setback from the northerly G1 zone boundary to all buildings and structures		6.4 metres	
3.	The extent of the G1 zone on the property shall be entirely maintained as a landscape buffer.			





## Corporate Report City Council

**Report from:** Planning and Building Services

**Report Date:** June 21, 2022

**Meeting Date:** August 8, 2022

**Report Number:** PBS-134-2022

**File:** 10.13.1

**Subject:** Recommendation Report to create a Vital Services By-law and related administrative monetary penalties.

**Strategic Pillar:**

This report aligns with the following St. Catharines Strategic Plan pillars: Social



### Recommendation

That Report PBS-134-2022, regarding a Recommendation to create a Vital Services By-law be referred to City Council for consideration of the Staff Recommendation after a public meeting to be scheduled for August 29, 2022, for which notice will be duly given.

### Staff Recommendation

That Council approve the Vital Services By-law, attached as Appendix 1; and

That Council approve an amendment to Schedule "B" of the Non-Parking Administrative Penalties By-law 2021-68, to include the City of St. Catharines Vital Services By-law, as a Designated By-law, as attached as Appendix 2; and

That the City Solicitor be directed to prepare the necessary by-law(s).

## Summary

Vital Services are utilities which are necessary to sustain a healthy and safe dwelling unit. These include gas, electricity, potable water (cold), and hot water. Vital Services By-laws prescribe responsibilities to ensure these services are maintained in tenanted properties and provide enforcement tools for matters of non-compliance.

## Background

In or about September 2021, the City's By-law Enforcement Division received a complaint from a tenant regarding gas services being disrupted to their dwelling. Consequently, as there was no primary source of heat available (furnace), the tenant maintained a moderate level of heat by utilizing an auxiliary source, such as a space heater.

As a result of an investigation triggered by the complaint, a Property Standards Order was subsequently issued to the property owner / landlord with a compliance date in October 2021, to satisfy the statutory minimum compliance period under the Ontario Building Code Act.

Further investigation was carried out at the property following the compliance date. It was confirmed that gas had not been restored, and there was still no primary source of heat. A request was immediately placed to register the Property Standards Order on title of the property and the Order was registered on title within days at the earliest opportunity.

In or about early November 2021, a subsequent letter was issued by the City's By-law Division to the property owners / landlords regarding non-compliance; however, no response was received. Further, in or about early December 2021, the City's By-law Division received a call from a tenant at the same dwelling unit advising that the hydro and water services to the dwelling had been severed, in addition to the gas being shut off. At this juncture, the tenant was without heat, hydro, and potable water.

As there was a confirmed Property Standards Order issued and registered on title of the property requiring the provision of Vital Services, the City evoked authority under the Ontario Building Code Act to comply the confirmed Order and to restore Vital Services at the property.

In addition to the foregoing, an electrician attended at the property and confirmed that the electrical panel had been tampered with, and that a significant number of wires had been severed inside the electrical panel.

With respect to gas, after a lengthy process, the City was able to facilitate a call with the gas provider and property owners to have service restored. Electricity and gas were restored in or about early December 2021. With respect to water services, the water had been severed just after the meter inside the dwelling unit. The City's Building Division staff attended at the property in or about early December 2021, along with a City By-law Officer, and confirmed the work was performed without the benefit of a

required permit. As a result, a plumber contracted by the City restored water to the dwelling on or about December 2, 2021, and all Vital Services were restored.

## Report

The City currently does not have a Vital Services By-law. Vital Services are addressed under the City's Property Standards By-law, 2014-248, as amended, which require a 14-day Property Standards Order plus five days for mailing (total of 19 days), be issued for matters of non-compliance, such as the example above.

These Orders are subject to appeal, and if appealed, could extend the timelines to obtain compliance. Alternatively, for matters of non-compliance, a Property Standards Officer would be required to issue an Emergency Order under the Ontario Building Code Act, which mandates attendance at Superior Court to get the Property Standards Order confirmed after the fact as there is no appeal mechanism. This process requires significant involvement from Legal Services in legal proceedings, in addition to By-law Division staff being required to remain on site until the imminent threat has been removed.

Section 216 of the *Residential Tenancies Act, 2006*, permits a Council of a municipality to pass a By-law requiring every property owner or landlord to provide adequate and suitable vital services to each of the property owner or landlord's rental units, unless an agreement explicitly states that it is the responsibility of a tenant. Under a Vital Service By-law, if a property owner or landlord refuses to provide a vital service for a rental unit in accordance with a Vital Service By-law, the local municipality may arrange for the service to be restored and provided. All costs incurred, and an additional 10% administrative fee of the amount, would be registered on title as a lien indebted to the municipality but does not have a "priority lien" status. Utilizing this method would relieve the current statutory minimum of a 19-day waiting period to address an issue, especially in circumstances which may include vulnerable persons such as children and the elderly.

Under the City's Non-Parking Administrative Penalties By-law 2021-68, a Vital Service By-law can be a Designated By-law. As such, Administrative Penalties can be imposed on a non-compliant property owner or landlords and may expedite compliance based on the penalty amounts that can be accumulated. A modernized progressive penalty system would be recommended (tier 1, tier 2, tier 3), to address problematic property owners and landlords. As Non-Parking Administrative Penalties are added to the property tax roll if not paid, the municipality not only has leverage to ensure penalty payment, but also increases accountability to property owners and landlords where a cost / benefit analysis would show a significant monetary not restoring or maintaining Vital Services.

With respect to Local Area Municipalities (LAMs), currently no municipality in the region has a Vital Services By-law. If a municipality addresses Vital Services, there are provisions in their respective Property Standards By-law, which is consistent with what the City currently has. Outside of the region, numerous municipalities such as Hamilton,

Brampton, Toronto, Mississauga (adequate heat only), Caledon (adequate heat only, but currently revising), Vaughan, and Cambridge, to name a few have Vital Services By-laws.

## Financial Implications

Administrative penalties administered for non-compliance will be collected in the same manner as property taxes. Increased compliance because of a Vital Services By-law with an Administrative Monetary Penalty System (AMPS) will require less By-law Division staff time to prepare prosecution briefs and attend court. Furthermore, the amount of follow-ups and By-law Division staff time and travel for non-compliance will be reduced based on the enforcement leverage that a Vital Services By-law with AMPS provisions provides.

## Conclusion

The City's current By-law and enforcement tools to ensure tenants are provided with adequate and suitable vital services are deficient. Implementing a Vital Services By-law partnered with an Administrative Monetary Penalty System (AMPS), will provide enhanced enforcement tools to the By-law Division with respect to ensuring vital services are provided to tenants. In addition, the timelines to obtain compliance and restore a vital service will be significantly increased, as there will no longer be a requirement to wait the minimum 14 days plus five days for mailing. Furthermore, penalties that can be applied directly to the tax roll of the property will result in a higher probability of recovering monetary penalties imposed and obtaining compliance from property owners and landlords.

### Prepared and Submitted by

Paul Chudoba, Manager By-law Enforcement and Licensing

### Approved by

Tami Kitay, Director Planning and Building Services

Sandor Csanyi, Acting Director Clerks and Legal Services

## Appendices

- Appendix 1 - City of St. Catharines Vital Service By-law.
- Appendix 2 - Amendment to Schedule "B" of the City of St. Catharines By-law 2021-68.

CITY OF ST. CATHARINES

BY-LAW NO. \_\_\_\_\_

**Being a By-law to require adequate and suitable vital services for rental units**

**WHEREAS** subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

**AND WHEREAS** Council deems it necessary to require the supply of Vital Services by landlords and the suppliers of such vital services and to prohibit the cancellation of such vital services to rental units;

**AND WHEREAS** Part XIII, Sections 215 through 223 of the Residential Tenancies Act, 2006, S.O. 2006 Chapter 17, provides for the enactment and enforcement of a vital services by-law, lien and rent collection rights, and related matters;

**AND WHEREAS** subsection 11(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** subsection 11(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and wellbeing of persons;

**AND WHEREAS** section 23.1 of the Municipal Act, 2001 provides that a municipality may delegate its powers and duties under that Act;

**AND WHEREAS** Section 446 of the Municipal Act, 2001 provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and allowing the municipality for that purpose enter upon lands at any reasonable time;

**NOW THEREFORE** the COUNCIL OF THE CORPORATION OF THE CITY OF ST.

CATHARINES enacts as follows:

## PART I – SHORT TITLE

1. This By-law may be referred to as the “The Vital Services By-law”.

## PART II – DEFINITIONS

2. For the purposes of this By-law:

"adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is twenty (20) degrees Celsius at one and one-half (1.5) metres from above floor level and one (1) metre from exterior walls in all habitable space and in any area intended for normal use by tenants, including recreation rooms and laundry rooms but excluding locker rooms and garages;

"adequate and suitable supply of hot water" means a supply of hot water at the ordinary temperature of at least forty-nine (49) degrees Celsius in a quantity of at least one hundred sixty-five (165) litres for fifteen (15) minutes with a minimum recovery rate for the temperature of forty-five (45) litres per hour;

"adequate and suitable supply of water" means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities;

“By-law” means this By-law;

“City” means The Corporation of the City of St. Catharines;

“Council” means the Council of The Corporation of the City of St. Catharines;

“Director” means the Director of Planning and Building Services, or their designate;

“Landlord” means and includes,

- a. the owner of a Rental Unit or any other person who permits occupancy of a Rental Unit, other than a tenant who occupies a Rental Unit in a residential complex and permits another person to also occupy the unit or any part of the unit,
- b. the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and

- c. a person, other than a tenant lawfully occupying a Rental Unit in a residential complex, who is entitled to possession of the Rental Unit and who attempts to enforce any of the rights of a landlord under a tenancy agreement or applicable legislation, including the right to collect rent;

“Person”, or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust or body corporate, or an individual in his or her capacity as a trustee, executor, administrator or other legal representative;

“Rental Unit” means any living accommodation used or intended for use as rented residential premises, and “rental unit” includes,

- a. a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and
- b. a room in a boarding house, rooming house or lodging house and a unit in a care home;

"Vital Service" means hot or cold water, fuel, electricity, gas or heat; and

“Municipal Law Enforcement Officer” means a person employed by the City and appointed as a Municipal Law Enforcement Officer by the City.

### **PART III – REQUIREMENTS OF LANDLORDS**

- 3. Every Landlord shall provide Vital Services for Rental Units, as provided for in this By-law.
- 4. Every Landlord shall ensure that:
  - a. each Rental Unit is provided with adequate and suitable heat between the 15th day of September in each year and the first day of June of the following year, or as ordered by the Director of Planning and Building Services pursuant to Subsection 12 of this By-law;
  - b. there is heating equipment or a heating system capable of maintaining adequate and suitable heat that supplies each Rental Unit;
  - c. each Rental Unit is not equipped with auxiliary heating equipment as the primary source of heat; and



- d. each Rental Unit is provided with an adequate and suitable supply of hot or cold water, fuel, electricity, and gas.
5. No Landlord shall cause or allow the discontinuance of a Vital Service to a Rental Unit, except when it is necessary to safely make repairs or alterations to the Rental Unit and then only for the minimum period necessary to effect the repair or alteration.
6. For the purposes of Subsection 5, a Landlord shall be deemed to have caused the cessation of a Vital Service for a Rental Unit if the Landlord is obligated to pay the supplier for the Vital Service and fails to do so, and as a result of the non-payment, the Vital Service is no longer provided for the Rental Unit.
7. No Landlord shall advise a supplier of a Vital Service to bill a tenant directly except where such tenant has expressly assumed the obligation to pay for that service directly in a tenancy agreement.
8. No person shall obstruct, hinder, delay or prevent a Municipal Law Enforcement Officer in the exercise of any power conferred or the performance of any duty imposed by this By-law.

#### **EXTRAORDINARY CLIMATE CONDITIONS**

9. The Director is hereby delegated the authority to shorten or extend the dates for the provision of adequate and suitable heat set out in Subsection 4 of this By-law resulting from extreme variations and deviations from normal climatic conditions.
10. For the purposes of Subsection 9, the Director will:
  - a. commence monitoring environmental conditions no later than two weeks prior to the 15th day of September in each year and the first day of June of each year to assess extreme and prolonged heat/cold climatic conditions;
  - b. post and communicate in a coordinated manner an order setting out the date upon which a Landlord shall comply with the provisions of Subsection 4(a), on the City of St. Catharines website, no later than one week prior to the 15th day of September in each year and the first day of June of each year; and
  - c. continue to monitor the environmental conditions and amend the order as necessary.

## PART IV – ADMINISTRATION AND ENFORCEMENT

11. A Municipal Law Enforcement Officer may, at all reasonable times, enter and inspect a building or part of a building for the purpose of determining compliance with the provisions of this Bylaw.

12. Despite Subsection 11, a Municipal Law Enforcement Officer shall not enter a Rental Unit,

- a. unless the Municipal Law Enforcement Officer has obtained the consent of the occupier of the Rental Unit after informing the occupier that he or she may refuse permission to enter the unit; or
- b. the Municipal Law Enforcement Officer is authorized to do so under the authority of a warrant duly issued.

13. The Director is authorized to administer and enforce this By-law, including but not limited to prescribing the format and content of any forms or other documents required under this By-law.

14. A Municipal Law Enforcement Officer may, for the purposes of the inspection under sections 11:

- a. require the production for inspection of documents or things relevant to the inspection;
- b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c. require information in writing or otherwise as required by the Municipal Law Enforcement Officer from any person concerning a matter related to the inspection; or
- d. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

15. Any cost incurred by the City in exercising its authority to inspect under Subsection 11, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner of the property where the inspection takes place.

16. A Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under Section 438 of the Municipal Act, 2001 where he or she has been prevented or is likely to be prevented from carrying out an inspection under Subsection 12.

17. If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law and/or who caused or permitted the contravention and/or the owner of the property on which the contravention occurred to:

- a. discontinue the contravening activity; and
- b. to do work to correct the contravention;

18. An order under Subsection 17 shall set out, including but not limited to:

- a. reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred;
- b. the time frame, date, or dates by which there must be compliance with the order;
- c. the work to be completed; and
- d. the time frame, date, or dates by which the work must be completed.

19. An order under Subsection 17 may be served personally, by registered mail, or by email to the last known address or email address of:

- a. the owner of the property where the contravention occurred; and/or
- b. such other persons affected by it as the Municipal Law Enforcement Officer making the order determines.

20. Service by registered mail shall be deemed to have taken place five (5) business days after the date of mailing.

21. In addition to service given in accordance with Subsection 19, an order made under Subsection 17 may be served by a Municipal Law Enforcement Officer, placing a placard containing the order in a conspicuous place on the property where the contravention occurred.

22. Where service cannot be affected in accordance with Subsection 19, sufficient service is deemed to have taken place when given in accordance with Subsection 21.

23. Where a person does not comply with a direction, an order, or a requirement under this By-law to do a matter or thing, the Director, with such assistance by others as may be required, may carry out such direction, order, or requirement at the owner(s) expense.

24. The City may recover the costs of doing a matter or thing under section 23 by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of 10 per cent per year commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.

## **OFFENCES**

25. Every Person is guilty of an offence if the Person,

- a. hinders, obstructs or interferes with the Director or Municipal Law Enforcement Officer in the exercise of his or her powers and duties under this By-law;
- b. prevents a Municipal Law Enforcement Officer from entering land or premises, refuses to answer questions on matters relevant to the inspection or provides the Municipal Law Enforcement Officer with information, on matters relevant to the inspection, that the person knows, or ought reasonably to know, to be false or misleading;
- c. contravenes any provisions of this By-law; or
- d. refuses or neglects to obey or carry out the order and/or directives of the Director or a Municipal Law Enforcement Officer given under the authority of this By-law.

## **PENALTY, PERSON**

26. A Person convicted of an offence under Subsection 26 is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a subsequent offence.

## **SAME, CORPORATION**

27. A corporation convicted of an offence under Subsection 26 is liable to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence.

## **OFFENCE, DIRECTOR OR OFFICER OF A CORPORATION**

28. A director or officer of a corporation who knows that the corporation is violating or has violated a provision of this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a subsequent offence.

## **OFFENCE, REMOVAL OF POSTED ORDER**

29. Any person who removes a copy of an order or of a notice posted in accordance with this By-law without the approval of the Director or a Municipal Law Enforcement Officer is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for a subsequent offence.

## **OFFENCE, FAILURE TO COMPLY WITH ORDER, DIRECTION, OR REQUIREMENT**

30. Every Person who fails to comply with a direction, an order, or a requirement made under this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$20,000 for every day during which the default continues, and the imposition or payment of the fine does not relieve the person from complying with the order.

## **POWER TO RETRAIN, DISCONTINUE, OR REMEDY**

31. Sections 431 and 440 of the Municipal Act, 2001, S.O. 2001, c. 25, apply to this By-law, providing respectively that if this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order:

- a. prohibiting the continuation or repetition of the offence by the Person convicted; and
- b. requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## ADMINISTRATIVE PENALTIES

32. Administrative Penalties (Non-Parking) By-law 2021-68, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in “Schedule B” of the Administrative Penalties (Non-Parking) By-law 2021-68, shall upon issuance of a Penalty Notice be and is liable to pay to the City of St. Catharines an administrative penalty in the amount set out in the Administrative Penalties (Non-Parking) By-law 2021-68, as amended.

## GENERAL PROVISIONS

33. All measurements in this By-law are given in the metric short form.

34. Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part II of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

35. Wherever a word defined in Part II of this By-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.

36. All words importing the singular shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.

37. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this Bylaw shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

38. This By-law shall not apply to a Landlord with respect to a Rental Unit and Vital Service in connection thereof, to the extent that the tenant has expressly agreed to obtain and maintain the Vital Service.

## ENACTMENT

39. This By-law comes into force on the date of its passing.

Read and passed this                      day of                      2022.

CLERK

MAYOR

DRAFT



## X. DESIGNATED BY-LAW PROVISIONS – VITAL SERVICES BY-LAW [BY-LAW 2022-XX]

For the purposes of this By-law:

X.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.

X.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.

X.3 Column 3 (“Administrative Penalty Tier 1”) sets out the Administrative Monetary Penalty amounts that are payable for the first (1st) contravention of the designated provision listed in Columns 1.

X.4 Column 4 (“Administrative Penalty Tier 2”) sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column.

X.5 Column 5 (“Administrative Penalty Tier 3”) sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same person(s) within a one (1) year period since the previous penalty notice was issued for the second (2<sup>nd</sup>) or greater, contravention of the of the designated provision in Column 3.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty Tier 1	COLUMN 4 Administrative Penalty Tier 2	COLUMN 5 Administrative Penalty Tier 3
1.	3	Fail to provide a Vital Service	\$500	\$750	\$1,000
2.	4(a)	Fail to provide Adequate and Suitable Heat	\$500	\$750	\$1,000
3.	4(b)	Fail to provide a heating system capable of supplying Adequate and Suitable Heat	\$500	\$750	\$1,000

		to each Rental Unit			
4.	4(c)	Fail to equip a Rental Unit with auxiliary heating equipment	\$500	\$750	\$1,000
5.	4(d)	Fail to provide an adequate supply of Vital Services	\$500	\$750	\$1,000
6.	5	Allow or cause the discontinuance of Vital Service	\$500	\$750	\$1,000
7.	7	Advise supplier to bill tenant directly	\$500	\$750	\$1,000
8.	8	Obstruct a Municipal Law Enforcement Officer	\$500	\$750	\$1,000



## Corporate Report City Council

**Report from:** Office of the Chief Administrative Officer

**Report Date:** August 10, 2022

**Meeting Date:** August 29, 2022

**Report Number:** CAO-130-2022

**File:** 10.4.99

**Subject:** City of St. Catharines People Strategy

### Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars:



## Recommendation

That the City of St. Catharines People Strategy, as outlined in Report CAO-130-2022, be approved in principle; and

That Staff prepare a multi-year phased implementation strategy to be considered as part of the 2023 Budgets and subsequent Budgets.

## Summary

In collaboration with Council, the Senior Leadership Team is continuously evaluating strategy, structure, processes, people, and culture to become a modern, strategic organization that can adapt to global and local opportunities and find innovative ways to meet Council expectations and community needs.

The need for a modern workforce strategy was identified as a transformational opportunity under the [Audit and Accountability Report](#) and is further reinforced in Council's [2021 Strategic Plan revisions](#) that created a new pillar focused on improving internal capacity. Operationalized as the organizational excellence pillar, this work focuses on strategy, structure, processes, people, culture, and technology. Strengthening organizational foundations to better enable service to the community was a core theme outlined by the Chief Administrative Officer during the recruitment process for that position and is central to the mandate of the Chief Administrative Office.

The objectives of the People Strategy are to:

- Secure a workforce with the right skills, competencies, and characteristics to advance the City's Strategic Plan, maintain an operationally and fiscally sustainable organization, deliver on Council objectives, and meet community needs into the future.
- Establish a culture of leadership, service, and innovation across the corporation.
- Ensure the City of St. Catharines is positioned for success in an increasingly competitive labour market.

Specific action plans to advance this work are outlined further within this report.

## Relationship to Strategic Plan

The people who work with the City are essential to the implementation of community mandates and Council direction, and as such the objectives of the People Strategy are foundational to advancing all goals and objectives under the Strategic Plan in all pillars: economic prosperity, social well-being, environmental stewardship, and cultural renaissance.

The People Strategy is most closely aligned with the fifth and most recent pillar of the Strategic Plan, organizational excellence. Developing a modern workforce strategy was identified as a transformational opportunity under the 2019 Audit and Accountability Report, which was a key driver for the development and approval of the fifth pillar in 2021.

## Background

Since it was recommended in the [Audit and Accountability Report](#) in 2019, the need for a People Strategy has become more apparent. On a global and national scale, the labour market has tightened making talent attraction and retention more difficult than previous years. Canada continues to experience a tight labour market with historically low unemployment. In July 2022, the Canadian unemployment rate was 4.9 per cent, with Ontario and St. Catharines-Niagara experiencing 5.3 per cent and 4.9 per cent unemployment, respectively.

Labour shortages have had real consequences for service delivery in the City of St. Catharines and recent challenges include, but are not limited to:

- Loss of local employees and prospective candidates to new competitors with higher compensation bands, learning and development opportunities – these are organizations that are based outside of traditional commuting distances but now offer permanent remote working arrangements.
- Loss of employees to organizations offering higher compensation for similar work, and difficulty filling positions when vacated due to comparatively lower compensation rates in specific positions.
- Challenges in recruiting for select professional occupations on both contract and full-time permanent basis, such as Inspectors, Plans Examiners, Committee of

Adjustment, Zoning Examiners, Planners, Engineers, Solicitors, and other skilled professionals.

- Inability to fill available casual and student positions, particularly in front facing service operations which has particularly impacted services in Municipal Works (parks, sports fields, and cemetery maintenance) and Community, Recreation and Cultural Services (lifeguard shortages).

Recent local and global trends demonstrate that employers are operating within an employee's market. Employees are looking for places that offer career development, competitive compensation, and flexibility. Organizations who will be able to compete are those who build an adaptable knowledge workforce and offer flexibility, growth, and benefits. Retaining existing employees is crucial – a 2022 study by Ernst and Young (EY) found that 29 per cent of employees are likely to leave their current employer in the next 12 months, up from seven per cent in 2021.

## Report

To compete in the new talent marketplace and ensure ongoing delivery of quality services to the community, the City of St. Catharines is redefining traditional notions of what it means to be an employer of choice, transitioning from hierarchical models of management to leadership based on shared purpose and results.

The People Strategy, developed in collaboration with EY, provides a road map that will help the City become more attractive to top talent and gain efficiencies in the recruitment and retention of employees.

The People Strategy is centred on a shared purpose or understanding that all employees on Team STC are here to support our community by providing quality, inclusive services and developing and maintaining infrastructure. The objectives of the People Strategy are to:

- Secure a workforce with the right skills, competencies, and characteristics to advance the City's Strategic Plan, maintain an operationally and fiscally sustainable organization, deliver on Council objectives, and meet community needs into the future.
- Establish a culture of leadership, service, and innovation across the corporation.
- Ensure the City of St. Catharines is positioned for success in an increasingly competitive labour market.

## People Strategy Action Plan

To fulfill the above objectives, the following seven action plan items are the basis for the People Strategy. Each action plan item is described below including rationale, associated activities, investment targets and performance measures that will help the City objectively demonstrate results or adapt as necessary:

1. Strengthen leadership development and succession planning
  - Rationale: People leaders (supervisors, managers, and directors) are a primary driver for employee decisions to join or stay with organizations. By prioritizing leadership skills, the City can increase employee recruitment, retention, and succession planning success.
  - Actions: Create an evidence-based leadership development program based on competency gaps, formalize succession planning on a corporate wide basis.
  - Performance Measures: employee engagement scores, retention rates, participation rates, duration of training, participant feedback.
  - Investment Target: 0.14 per cent of payroll costs.
2. Revise and resource learning and development offerings for employees with high focus on growth, upskilling and knowledge sharing
  - Rationale: Training, development and growth are key considerations in the new talent marketplace and an opportunity for the City to differentiate itself from competitors. Training and development also ensure the City can meet business and community needs through the development of existing staff, where possible.
  - Actions: Prepare draft framework, adapt to unique departmental needs, develop program through a combination of in-house and external learning providers.
  - Performance Measures: employee engagement scores, retention rates, participation rates, participant feedback, annual investment compared to industry standards.
  - Investment Target: 1.98 per cent of payroll costs.
3. Modernize talent acquisition strategy and processes
  - Rationale: In an employee market, the City needs to do more to sell the organization to prospective candidates and ensure first impressions are positive.
  - Actions: Create an employee value proposition that is attractive to candidates, improve the new employee experience, modernize candidate sourcing, align recruitment with diversity, equity, and inclusion objectives.
  - Performance Measures: number of qualified applicants, reduction in time to hire for vacancies, candidate and manager feedback, evidence of diversity and inclusion.
  - Investment Target: 0.43 per cent of payroll costs.
4. Address positions with compensation lags
  - Rationale: Preliminary analysis demonstrates some positions within the corporation are below the midpoint (50<sup>th</sup> percentile) of comparator communities, and lag even further behind the midpoint (50<sup>th</sup> percentile) of competitor communities. This adversely affects the City's ability to compete

in a tight marketplace - since 2015, 129 individuals have left the City of St. Catharines citing compensation as a primary or contributing factor.

- Actions: Ensure accuracy of current job descriptions, validate based on comparable positions and Mercer data, address discrepancies.
- Performance Measures: number of qualified applicants, employee retention rates, percentage of positions lagging behind the midpoint of comparator, and competitor communities.
- Investment Target: Analysis is underway and will be reported as part of 2023 and subsequent Operating Budget development. Please note the positions within the Senior Leadership Team are not being considered as part of the Action Plan.

5. Address workforce planning gaps through a core service review

- Rationale: The [2019 Audit and Accountability](#) report demonstrated that headcount in the City is leaner than other municipalities relative to number of services and service levels. Reviewing services and service levels will help to address workload concerns and ensure sustainable workforce pressures that are aligned with legislative requirements, Council objectives and community needs.
- Actions: Complete core service reviews on a departmental basis, identify resourcing gaps for key initiatives under Strategic Plan, and complete associated resource planning.
- Performance Measures: customer satisfaction, reduced resourcing challenges identified through budget development, employee retention rates.
- Investment Target: 0.43 per cent of payroll costs, potentially more depending on scope and level of details for core service reviews.

6. Create a performance measurement program focused on results

- Rationale: Consistent, formalized, corporate-wide performance measurement programs ensure that expectations for results are clear to employees, and employees are active participants in growth and succession planning opportunities.
- Actions: Create a consistent corporate-wide performance management program and annual process cycle, develop tools and resources for managers and employees, create recognition opportunities that align with program, align performance management to succession planning opportunities.
- Performance Measures: number of opportunities to progress through the organization, employee and manager feedback, participation rates.
- Investment Target: 0.07 per cent of payroll costs.

## 7. Evolve a culture of leadership, innovation, and service excellence

- Rationale: Intentional, concerted effort is required to ensure the work environment, leaders and employees consistently reinforce values of leadership, innovation, and service excellence. By creating ongoing feedback opportunities and listening to employees, leaders can understand where there are opportunities to strengthen the employee experience and ensure these behaviours are strengthened and celebrated.
- Actions: Create a wide range of employee feedback opportunities, re-initiate employee engagement survey and implement on an authentic, consistent basis, strengthen internal diversity and inclusion training and initiatives.
- Performance Measures: customer satisfaction, employee engagement scores, employee retention rates, employee feedback, evidence of diversity and inclusion.
- Investment Target: 0.19 per cent of payroll costs.

## Financial Implications

Investments in people are the most significant and most important operational investment in the organization. The People Strategy is designed to maximize the City's investments in its people.

Implementation of the People Strategy is anticipated to require a combination of one-time investments and sustained ongoing funding, phased over a period of four to five years. Should Council approve the People Strategy in principle, Staff will prepare a multi-year phased implantation strategy to be considered as part of the 2023 Operating Budget and subsequent or multi-year Operating Budgets.

It should be noted that a centralized transformation office will be essential to the success of the People Strategy, responsible for overseeing implementation, coordinating initiatives, monitoring progress and performance measures, and change management. It is anticipated that this office will require a combination of existing roles and one to two additional Full Time Employees (FTEs) on a contract basis. Any additional resource needs will be included as part of multi-year phased implementation and considered as part of annual and multi-year budget processes.

## Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

## Conclusion

The People Strategy represents a critical milestone in the modernization of the City of St. Catharines, enabling strong service delivery to the public by strengthening the



foundational building blocks of the organization: strategy, structure, processes, people, culture, and technology. The People Strategy is one of the most important initiatives within this work, recognizing that organizations with the strongest employee engagement and experiences are those that offer exceptional customer experiences, and that investments in our people directly translate to results in our community.

**Prepared by**

Erin O'Hoski, Deputy Chief Administrative Officer

**Submitted and Approved by**

David Oakes, Chief Administrative Officer



## Corporate Report City Council

**Report from:** Financial Management Services, Director

**Report Date:** August 10, 2022

**Meeting Date:** August 29, 2022

**Report Number:** FMS-139-2022

**File:** 10.57.12

**Subject:** Multi-Year Budget Policy

### **Strategic Pillar:**

This report aligns with the following St. Catharines Strategic Plan pillars: None

## **Recommendation**

That the Multi-Year Budget Policy, attached as Appendix 1, be approved.

## **Background**

At its meeting of June 20, 2022, BSC received Report FMS-B014-2022 (Appendix A), regarding Multi-Year Budget Policy, and approved the following motion:

“That the Multi-Year Budget Policy attached as Appendix 1 be approved; and

That staff provide Council with a presentation when this report comes forward for approval.”

At the Council Meeting of July 18, 2022, Council received report [FMS-109-2022](#), Budget Standing Committee Report – Meeting of June 20, 2022, which noted that the Multi-Year Budget Policy Report will be discussed at the Council Meeting of August 29, 2022. Attached as Appendix A to this report is Report FMS-B014-2022 regarding the Multi-Year Budget Policy; the proposed policy is included in that report as Appendix 1.

### **Prepared by**

Wilrik Banda  
Council and Committee Coordinator

### **Submitted and Approved by**

Adam Smith  
Associate Director of Financial Management Services

## **Appendices**

A. Report FMS-B014-2022, Multi-Year Budget Policy



## Corporate Report Budget Standing Committee

**Report from:** Financial Management Services, Director

**Report Date:** June 6, 2022

**Meeting Date:** June 20, 2022

**Report Number:** FMS-B014-2022

**File:** 10.57.12

**Subject:** Multi-Year Budget Policy

### Recommendation

That the Multi-Year Budget Policy attached as Appendix 1 be approved.

### Summary

In [BSC Report FMS-B016-2020](#), staff laid out a plan to move towards multi-year budgeting as part of a multi-year recovery plan. This report is a follow up to that report requesting BSC's approval of a multi-year budget policy. One of the challenges ahead of BSC, City Council and staff is to implement budget strategies that will enable the city to accommodate inflationary and staffing level pressures in the budget to maintain service levels, while addressing various enhanced service levels. The approval of a multi-year budget policy is another tool that will provide BSC, Council and staff with greater efficiencies, in a more predictable financial framework which encourages forward looking analysis and evaluation. Finally, the Municipal Act, 2001 provides City Council with the ability to approve multi-year budgets.

### Background

As discussed in BSC report FMS-B016-2020, best practices indicate that multi-year budgets result in the best outcomes when they are based on approved policy that clearly articulates the objectives of the multi-year budget and is fully supported by Council.

Over the past year, staff have been researching and communicating with municipalities that have implemented multi-year budget policies. The City of St. Catharines currently budgets on an annual basis. The City has also presented operational Multi-Year Forecasts in recent years. In addition, the City has adopted several long-term strategic plans including St. Catharines Strategic Plan (2019-2028), Strategic Asset Management Policy (2019), 2021 Asset Management Plan (AMP) for Core Assets, Development Charges Background Study and Related Charges (2021); Transportation Master Plan (2021), Culture Plan (2015), Recreation Facility and Programming Master Plan (2015), Climate Adaptation Plan (2021), Energy Conservation and Demand Management Plan

(2019) and Four-Year Capital Forecasts. These strategic documents support the development of a multi-year budgets for both operating and capital.

## Report

Based on research conducted by the Government of Finance Officers Association (GFOA), implementing multi-year budgeting and planning processes enables Council to implement multi-year visions which improves financial management and long-range planning. As the City continues to navigate out of the global pandemic and a new term of Council set to begin later this year, this is an ideal time to implement a multi-year budget policy as it aligns well with long-term financial planning which is critical to a comprehensive recovery strategy. A multi-year budget policy also allows Council to focus on objectives within the strategic plan, while ensuring staff can also align workplans to a long-term program.

## Multi-Year Budget Approval

Section 291 of the Municipal Act, 2001 provides Council with the ability to approve multi-year budgets. The first year of any Council term must be a one-year budget approval, but the remaining three years can be approved in one, three-year approval if Council desires.

Some of the advantages of multi-year budgets include the ability to:

- Set priorities and deliver services that are efficient, accountable and innovative
- Balance competing needs across various strategic areas of focus
- Greater integration between short term goals to long range plans
- Identify future opportunities and challenges
- Provide tax / rate payers / residents with greater certainty regarding the direction of the City's services, finances, and tax levies / rates
- Improve cash flow management and identify potential investment opportunities

The current legislation gives Council the flexibility to adjust the approved budget. Council may make specific or strategic adjustments. As with a one-year approval, both the capital and operating budgets can be completely re-visited in year two and / or year three if Council wishes. However, the primary goals of the three-year budget approval are to gain efficiencies in administration by focusing on the required adjustments in year two and year three as opposed to rebuilding the entire budget.

## Changes and Challenges Moving Forward

The upfront challenge to prepare a three-year budget is much more significant than that of preparing a one-year budget. Staff believe that the benefits of a three-year budget approval will outweigh the additional upfront effort required to prepare it. With the organizational realignment being implemented by the Chief Administrative Officer, which includes the creation of a Budget Office and the introduction of three additional Budget Specialists, this will continue and further enhance the partnership between all City Departments with Financial Management Services while maintaining a focus on financial predictability and aligning Council term and strategic plan with the budget and

business cycle. Therefore, staff are recommending that BSC consider the Multi-Year Budget Policy with the first three-year budget approval for 2024 to 2026.

With the City moving towards multi-year budgeting this is both an exciting and challenging time. As shared by the City's external auditor in the audit findings report in the past couple of years, the City's current accounting software creates certain limitations which impede management's ability to efficiently carry out their tasks and is in critical need of replacement. City staff have begun working on the replacement plan starting with the City's tax billing system which is expected to go live later this year. In addition, City staff are working with the Niagara Region in partnership which includes the development of a shared services agreement for the replacement of the City's financial enterprise resource planning system (ERP) with a report scheduled to come forward to Council this July.

As the staff teams move through the ERP replacement, there may also be some changes to the City's budgeting software and processes. This is likely to create the need to adjust some other existing budget policies and procedures, such as our current policy which utilizes a portion of the prior year surplus in the following year's budget and the movement toward reserve usage being for one-time / limited-time expenditures. This means directly linking cash flow, operating costs and timing for the Capital Budget, and moving to business cases for all new services or removal of existing services and change cases for increasing or decreasing the level of service. This creates the ability to clearly identify the service changes being brought forward, what they're intended to address, how you can measure the success and what the costs and any potential related revenues would be.

Currently the budget information provided is very detailed and moving to multi-year budgets will mean the movement to more summarized information, especially with the longer-term goal being towards service level budgeting. However, this is a longer-term objective.

One of the challenges that staff will be looking to address over the next year or more, is around the capital budget improvements. Currently, capital budgets are developed using Microsoft Excel. This does provide some limitations with available information to complete a multi-year budget and adequately link to expected operating costs of capital projects to the following years operating budget. There is a lot of work to be done and this is a significant change for staff and City departments to undergo over the next twelve months or so. The introduction of the Budget Office will help facilitate this transformational shift in the City's budget processes. As a result of these changes, BSC and staff need to remain flexible and accommodating as we complete this makeover to the City's budgeting processes. Staff will provide updates to BSC on the transition to multi-year budgeting and bring forward any policies that require revisions or updates.

### **Next Steps**

- 2022 – One Year Operating Budget developed and presented to Council; One year Capital Budget developed with four-year forecast and presented to Council

- 2023 – Three Year (2024 to 2026) Operating Budget developed and presented to Council; Three Year Capital (2024 to 2026) Budget with four-year (2027 to 2030) forecast
- 2024 – Reconfirmation of the Operating and Capital Budgets
- 2025 - Reconfirmation of the Operating and Capital Budgets and expansion of the Capital Budget Forecast from four to seven years which needs to be aligned with the implementation of a capital budget software system
- 2026 and beyond development of service level budgets

## Financial Implications

This report does not have a direct impact on the City's finances. The approval of a multi-year budget policy serves an important tool for the City that will provide BSC, Council and staff with greater efficiencies, in a more predictable financial framework which encourages forward looking analysis and evaluation, especially as the City moves forward and out of the global pandemic.

## Conclusion

As the City continues to navigate out of the global pandemic and a new term of Council set to begin later this year, this is an ideal time to implement a multi-year budget policy as it aligns well with long-term financial planning and the requirements of the Municipal Act, 2001. Based on research multi-year budgets best outcomes occur when they are based on an approved policy that clearly articulates the objectives of the multi-year budget and is fully supported by Council. Appendix 1 of this report includes the proposed multi-year budget policy for the City. The introduction and approval of a multi-year budget policy allows Council to focus on objectives set out within the strategic plan, while ensuring staff can also align workplans to a long-term program.

## Notifications

Ken Su and Karen Smith Curtis, St. Catharines Public Library  
 Dan Pilon, Niagara District Airport  
 Colleen Smith and Carlos Robayo, FirstOntario Performing Arts Centre  
 Jeff Dixon, Meridian Centre

## Prepared and submitted by

Kristine Douglas, CPA, CMA  
 Director, Financial Management Services / City Treasurer

## Approved by

David Oakes  
 Chief Administration Officer

## Appendices

1. Multi-Year Budget Policy

**Subject:** Multi-Year Budget Policy  
**Prepared by:** Financial Management Services  
**Approved by:** City Council  
**Issue Date:** June 20, 2022 **Policy #:**  
**Review Date:** May 1, 2026 **Revision Date:**

### **Policy:**

The Council for the City of St. Catharines is committed to demonstrating financial leadership and sustainability. This policy assists in formalizing a defined, transparent, and flexible process for budgeting.

### **Purpose:**

The purpose of this policy is to establish guidelines and approach for the planning, development, and approval of multi-year budgets. This policy also provides direction for the adjustment of multi-year budgets, if required, to recognize major changes in budgetary assumptions, legislation, and Council priorities.

### **Scope:**

The scope of multi-year planning and operating budgeting extends to all City departments, as well as the Agencies, Boards and Commissions and any civic partners whose budget requests are included in the corporate budget document.

### **Background:**

The Ontario Municipal Act, 2001 as amended provides greater flexibility allowing municipalities to prepare and adopt a budget covering a multi-year period. Several Canadian municipalities have acknowledged the benefits of a multi-year budget and have been successful in its implementation.

Benefits of a multi-year budget approach can include the ability to:

- Set priorities and deliver services that are efficient, accountable, and innovative
- Balance competing needs across various strategic areas of focus
- Greater integration between short term goals to long range plans
- Identify future opportunities and challenges
- Provide tax/rate payers/residents with greater certainty regarding the direction of the City's services, finances, and tax levies/rates
- Improve cash flow management and identify potential investment opportunities

**Application:****Budget and Business Plans**

1. Departments will prepare a one-year budget in the first year of a new Council term and a three-year budget in the second year for the remaining term of Council with business plans that will establish three years of service levels and three years of revenue requirements.
2. Departments are expected to operate within their approved budget in each of the three years.
3. Annually, if a surplus exists, it will be allocated to respective reserve funds based on existing surplus allocation policies.

**User Fees**

1. Rates and Fees will be reviewed and approved by Council as part of the budget process for a single year in the first year of a Council term followed by a three-year approval for the remainder term of Council.
2. Significant changes, including legislated changes will be brought to Council for review and approval.

**Adjustment Process**

The intent is to adhere to the three-year business plans and budgets while providing the opportunity to fine tune them only when warranted by the circumstances. Adjustments are not meant to reopen the plans or the budgets for a full-scale review. In the second and third years of the three-year cycle and as required under the Municipal Act, 2001, City Council is required to review and readopt the budget for that year.

Proposed changes to future years' business plans and operating budgets should only be brought forward and approved during the annual adjustment process. Adjustments are limited to once per year, during the annual update period, to ensure that all requests are considered together and from a corporate perspective. One exception to once per year adjustments, is that changes with no net budget impact related to grants can be made outside of the annual adjustment process.

Capital Budget adjustments, being more time sensitive may be brought forward anytime during the year. Delegated authority for capital allows at the discretion of management to transfer projects budgets up to \$250,000 to other related/similar asset categories.

Annual adjustment process will occur late in the calendar year to allow for adjustments to the business plans and budgets for the following years. Adjustments can be made for the following circumstances:

- a) Legislated or regulatory required changes with a financial impact to the municipality;
- b) Unforeseen change to economic forecasts affecting costs, service demand or revenue projections;
- c) Adjustments to the operating budget for impact related to capital project adjustments;



d) Council directed changes.

The City Treasurer or designate is authorized to adjust considered “housekeeping” in nature including operating and capital budget transfers made by a service that do not change the net budget.

**Compliance:**

It is the responsibility of the City to make every effort to ensure all employees are aware of the policy through internal communication methods. Implementation and ensuring staff comply with this policy is the responsibility of staff management team under the direction of the Chief Administrative Officer. In cases of policy violation, the City may investigate and determine appropriate corrective action.

**Questions:**

Questions concerning the interpretation of this policy will be addressed by Financial Management Services Department.

**Reference:**

Municipal Act, 2001, section 291



## By-laws to be considered Monday, August 29, 2022

- (a) 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 at Derby Lane and Shetland Crescent. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) 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 at Tanera Crescent. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) 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 at Village Road Crescent. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) 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 at Willver Drive. Delegation of Powers and Duties By-law No. 2020-156.)
- (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 adding a stop sign location at Gormley Crescent and Roseland Avenue. Delegation of Powers and Duties By-law No. 2020-156.)
- (f) A By-law to amend By-law No. 89-304 entitled "A By-law to designate private roadways as fire routes along which no parking of vehicles is permitted." (One reading – with respect to the new Fire Route at 1076 Vansickle Road N. Delegation of Powers and Duties By-law No. 2020-156.)
- (g) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading – with respect to 89 Page Street. To be considered by Council, August 29, 2022.)
- (h) 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 89 Page Street. To be considered by Council, August 29, 2022.)
- (i) 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 19 Melody Trail. To be considered by Council, August 29, 2022.)



- (j) A By-law to require adequate and suitable vital services for rental units. (One reading – with respect to vital services for rental units. To be considered by Council, August 29, 2022.)
- (k) A By-law to amend By-law No. 2021-68 entitled “A by-law to establish a system for non-parking related administrative penalties. (One reading – with respect to administrative penalties under the “Vital Services By-law”. To be considered by Council, August 29, 2022.)
- (l) A By-law to confirm the proceedings of council at its meeting held on the 29th day of August 2022. (One reading - with respect to confirming the proceedings of the meeting held on August 29, 2022.)