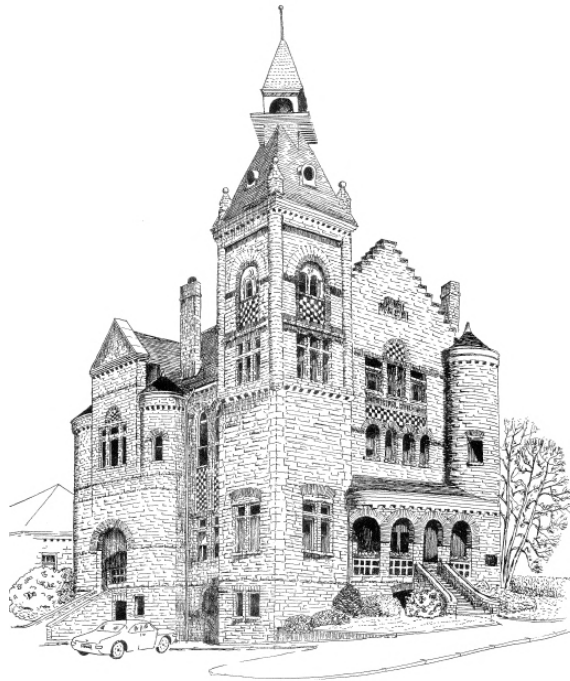




**OFFICIAL PLAN**  
**of the**  
**TOWN OF ST. MARYS**



Town Hall - St. Marys

Colin McQuinn '77

**Prepared by:**  
**Council of the Corporation of the Town of St. Marys**  
**October 1987**  
**(Consolidated October 1, 2007)**

**St. Marys Official Plan Review and Update**  
**Draft Amendments (August 2018)**

## **CONSOLIDATION NOTE**

October 1, 2007

This document is a consolidated copy of the Town of St. Marys Official Plan as adopted by the Council of the Town of St. Marys on September 22, 1987, as partially approved by the Ministry of Municipal Affairs and Housing on February 2, 1993 and finally approved by the Ministry of Municipal Affairs and Housing on April 20, 1999.

This consolidation of the Town of St. Marys Official Plan, and the various amendments thereto, has been prepared for use by Town of St. Marys Officials in the administration of the Town of St. Marys Official Plan. This consolidated By-law includes all of the amendments to the Town of St. Marys Official Plan that were legally in force as of October 1, 2007. A listing of these various amendments is included in this consolidated Town of St. Marys Official Plan.

Town Council wishes to emphasize that the attached Official Plan is only a consolidation of the Town of St. Marys Official Plan and amendments thereto, legally in force as of October 1, 2007. It is not a true copy of the Town of St. Marys Official Plan or the amendments thereto as adopted by Town Council and it should not be used as a true copy. The accuracy of the Official Plan information in this consolidated version should be confirmed by reviewing a true copy of the Town of St. Marys Official Plan and the applicable amendment(s). A true copy of the Town of St. Marys Official Plan and the amendments thereto are available for review at the Town Clerk's Office at the St. Marys Town Hall or the Building Department at the Municipal Operations Centre.

In this consolidated copy of the Town of St. Marys Official Plan, a number of minor text changes have been made to correct and/or improve grammar, punctuation, section number identification and cross-referencing, and map schedule identification. These changes have been made only for the purpose of providing greater clarity and understanding of the Town of St. Marys Official Plan.

The Town wishes to thank Mr. Colin McQuirk, a resident of the Town, for permitting the Town to include some of his wonderful sketches in the Official Plan document.

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## 1.0 SECTION 1 - INTRODUCTION

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Under the provisions of the Official Plan and ~~the Section 26 of the~~ Planning Act, RSO 1990, Council must consider the need to review the Official Plan every 5 years. ~~Since the Official Plan was enacted in 1980 Council has monitored the effectiveness of the document in terms of regulating land use and as an administrative tool of the Municipality.~~ Council completed a comprehensive review of the Official Plan in 1987 to ensure that land use planning policy would be adequate to ensure that St. Marys continued to attract new development in balance with preserving the Town's character and charm. ~~The Official Plan was adopted by Council on September 22, 1987, partially approved by the Ministry of Municipal Affairs and Housing on February 2, 1993, and finally approved by the Ministry of Municipal Affairs and Housing on April 20, 1999. Following a five-year review of the document, Council approved the current consolidated copy of the Official Plan on October 1, 2007.~~

~~The purpose of a Section 26 review is to ensure that the Official Plan conforms with provincial plans (or does not conflict with them), has regard to matters of provincial interest and is consistent with policy statements, such as the Provincial Policy Statement which was updated in 2014. In addition to meeting statutory requirements under the Planning Act, the review that resulted in this updated Official Plan involved a comprehensive public engagement component and was also supported by 11 Discussion Papers.~~

### **to be completed**

~~After consulting with the Public and holding a Public Meeting in the summer of 2004, Council determined that there was a need to further revise and update the Official Plan. Lead by the Town's Planning Advisory Committee, a series of background reports were prepared and reviewed, revised land use policies prepared, and public input sought. The Research Report to this Official Plan contains the necessary information in support of the Official Plan policies and land use designations. The principal goals, objectives, and policies are primarily based on the findings and recommendations contained in the Research Report. Although the Research Report is not a formal part of the Official Plan and therefore does not receive the approval of the Minister of Municipal Affairs and Housing, it should be reviewed to understand the reasoning behind the Official Plan policies.~~

~~Once the Official Plan is adopted by Council, it will be submitted to the Minister of Municipal Affairs and Housing. Upon approval, the Official Plan becomes a legal document such that no public work shall be undertaken and no by-law shall be passed for any purpose which does not conform to the Plan. Although the Plan is designed to be a firm policy document, it is also intended to be adaptable to changing conditions. As new information becomes available the Official Plan may be reviewed and amended where appropriate, to reflect changing circumstances affecting the Town.~~

~~Upon approval by the Minister of Municipal Affairs, this document constituted by Sections 1 to 7 and Schedules "A", "B" and "C" shall be known as the "Official Plan of the Town of St. Marys".~~



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## 2.0 SECTION 2 – GOALS AND GENERAL PRINCIPLES

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*~~Council supports policies that recognize and encourage economic prosperity for businesses and residents in the Town. Council also recognizes the importance of identifying and protecting local resources, including cultural heritage and natural heritage features, and the contribution these resources can have on the local economic prosperity. Council recognizes that there are competing interests within the municipality related to economic and heritage issues. This Plan is intended to provide some balance between preservation at all costs and progress within the municipality.~~ Council also recognizes and reinforces its desire to maintain the charm and attractiveness that are fundamental to the character and lifestyle of St. Marys.*

The following general statements are goals on which the detailed land use policies are based:

### 2.1 GOALS

- 2.1.1 Residential areas in St. Marys shall provide a range of housing accommodation suitable for all age groups and household incomes.
- 2.1.2 The Town will endeavour to provide stable, attractive residential areas for all its residents.
- 2.1.3 The central business area of the Town will continue as the primary retail, commercial, civic and cultural focus of the Town.
- 2.1.4 Owners will be encouraged to maintain and improve the physical condition and economic health of existing buildings in order to allow the Town to capitalize upon its natural and heritage resources and to provide for the integration of new, compatible uses.
- 2.1.5 The central business area will be encouraged to develop and redevelop with an efficient and harmonious overall design and to provide the widest possible range of goods and services to all residents in the market trading area.
- 2.1.6 Sufficient land will be allocated to attract a diversity of new light industry in locations which can be efficiently serviced.
- 2.1.7 Open space areas in the Town will be developed to enhance the attractiveness and accessibility of the riverfront, to maintain and protect areas of special topographic or environmental quality, and to provide local parks and recreation facilities for all residential areas in the Town.



- 2.1.8 Floodplain lands will generally be retained as open space; however, special policies will allow reasonable core area development while providing protection against loss of life and property due to flooding.
- 2.1.9 Municipal roads will be provided and maintained to allow safe and convenient movement of goods and people through and within the Town.
- 2.1.10 The Town will encourage and provide for recreational, health and social services to meet the needs of all its residents within the limits of its financial capabilities.

**~~Approved by the Ontario Municipal Board September 6, 2007 by Order 2443~~**

- 2.1.11 New development will follow the efficient expansion of municipal services.
- 2.1.12 The Town of St. Marys is a built up area where development is concentrated and which has a mix of land uses. The boundary of the settlement area, as defined in the Provincial Policy Statement, is shown on Schedule "A" to this Official Plan. Major land use designations indicate the primary functions and use of the areas described. Within any single land use category, however, a number of complementary and compatible activities can occur. These are permitted where they constitute subordinate or ancillary uses which serve the major activity or function and where they improve the quality, attractiveness, convenience or efficiency of the major function.

## 2.2 ECONOMIC DEVELOPMENT

*Council recognizes that the promotion of local economic development is the key to the continuing livelihood of the community. The retention of existing and the development of new business, retail, service, and manufacturing uses enhance employment opportunities for its residents and strengthens the general economic health of the Town. The Town recognizes that such promotion rests with the Town and its development of a culture which is positive to responsible business and development ventures.*

*The objectives and policies that follow have been developed for the purpose of fostering the Town's relationship with the business community in order to increase economic activity, employment opportunities, and the assessment base. Council appreciates that by maintaining a culture geared to retaining existing business and pursuing new business opportunities both the public and private sectors will benefit.*

### 2.2.1 OBJECTIVES

- 2.2.1.1 To encourage the retention of existing business and the establishment of new diversified business through the creation of a business friendly culture.
- 2.2.1.2 To advocate local business development for the general benefit of the community.
- 2.2.1.3 To be proactive in attracting new business opportunities to the Town.
- 2.2.1.4 To develop a plan to attract tourism and capitalize on the Town's cultural heritage.

### 2.2.2 POLICIES

- 2.2.2.1 Council will create ~~of~~ an environment that is business friendly by promoting the Town's existing values as an enjoyable, safe, and healthy community to work, live, and play.
- 2.2.2.2 Council will develop partnerships with Town businesses and assist them by facilitating business/government and business/business interactions, relationships, and synergies.
- 2.2.2.3 Council will provide the necessary infrastructure in an affordable manner to maintain a competitive taxation/impost environment that is a catalyst for the retention of existing business and an enticement for new business.
- 2.2.2.4 Council will ensure an adequate supply of available serviced land at all times and may enter into the marketplace, through the purchase of vacant land, for the development of industrial or commercial lands.

- 2.2.2.5 Council will continue with initiatives to market the Town on a national and international landscape as a means of attracting new business.
- 2.2.2.6 Council will continue with clear planning policies that detail requirements and conditions from which to evaluate reasonable development applications that implement the goals and objectives of the Town. Council will expedite approvals for those proposals that implement the Official Plan.
- 2.2.2.7 Council will monitor its planning policies to ensure that its strategy reflects the current needs and demands of the ever evolving business community. Where its planning policies need to be updated, Council will balance the need to initiate changes to the applicable planning documents with the needs of the community.
- 2.2.2.8 Council will continue to implement its downtown development strategies; encourage large and small scale manufacturing, information technology, and telecommunication business to locate in the Town.
- 2.2.2.9 Council will develop a marketing strategy to capitalize on the Town's historical built form, its natural heritage, its scenic valleyland setting, and its proximity to one of Canada's greatest theatrical destinations to attract and promote tourism.
- 2.2.2.10 In the Official Plan and Zoning By-law, the Town will provide for the broadest range of employment and commercial uses and flexible development standards, where appropriate. In addition, opportunities for smaller-scale or incubator businesses will be accommodated through flexible land use regulations.
- 2.2.2.11 The Town will explore opportunities to market St. Marys as a business-friendly community in order to retain and attract young people.
- 2.2.2.12 As part of any review and update of the Town's Zoning By-law, the Town will consider opportunities to pre-zone lands for employment and commercial uses.
- 2.2.2.13 The Town will encourage the maintenance, expansion and upgrade of existing tourism destinations and uses and encourage the establishment of additional high-quality facilities, accommodations, services, and events.
- 2.2.2.14 In recognition of the contributions art and culture make to the identity and economy of the community, the Town will work to remove any barriers to the establishment of related businesses and support opportunities for public art.

## 2.3 HERITAGE CONSERVATION

*Situated in the scenic valleylands of the Thames River and Trout Creek, St. Marys has developed a culture unique in Perth County. The valleyland vistas, the watercourses, and the local stone building materials supplied by the early development of the limestone quarry have created an impressive community in which the residents of the Town can be proud.*

*Council recognizes that many of the buildings and streetscapes in the Town of St. Marys are of special architectural and historic significance. As such they are considered to be worthy of conservation in order to maintain the attractive aesthetic and heritage character of the Town.*

*The development of a set of policies to deal with “Heritage Conservation” in the Town is an important step in the process of preserving and conserving those items that are important to capture the essence of the community. The “Heritage Conservation” areas are intended to secure areas of archaeological potential, built heritage resources, and cultural heritage landscapes.*

*The objectives and policies that follow have been developed for the purpose of preserving and enhancing the Town’s cultural heritage resources for future generations while moving forward with initiatives to foster their long term economic well-being in a planned and managed manner.*



THE MUSEUM, ST. MARYS

COLIN McGUIRE '78

## 2.3.1 OBJECTIVES

- 2.3.1.1 To identify the cultural heritage resources, including: heritage resources designated under the Ontario Heritage Act; archeological and historical resources; and sites or areas of architectural, cultural, social, political, economic, historical, or military significance.
- 2.3.1.2 To protect and enhance the Town's heritage resources by developing policies that ensure development and redevelopment occurs in a manner that is compatible with and prevents adverse impacts on heritage resources and associated attributes.~~strike a balance between conservation and preservation with development and re-development.~~
- 2.3.1.3 To be proactive in identifying cultural heritage sites that are considered worthy of conservation or preservation.
- 2.3.1.4 To recognize the Town's cultural resources as an instrument to promote economic development, tourism, and education/awareness programmes.
- 2.3.1.5 To encourage development and redevelopment in a manner that is generally in keeping with the character of the Town.

## 2.3.2 POLICIES

- 2.3.2.1 Council has established and will continue to maintain a citizen's heritage advisory committee known as "St. Marys Heritage Committee" to advise and assist Council on heritage matters. Council shall continue to consult with the St. Marys Heritage Committee on all matters and development applications that pertain to heritage resources.
- 2.3.2.2 The "Heritage Conservation" policies shall apply throughout the Town, where applicable. ~~The locations of Heritage Conservation Sites are shown on Schedule "D" to this Official Plan. Schedule "D" shows the location of those sites that are "Category 1 — Designated" for heritage conservation under Part IV of the Ontario Heritage Act as well as other sites of interest. Those sites identified on Schedule "D" as "Category 1 — Not Designated" are worthy of designation for reasons of architectural/historic significance and a designation for heritage conservation would be recommended for approved by the St. Marys Heritage Committee. Those sites identified on Schedule "D" as "Category 2 — Not Designated" and "Category 3 — Not Designated" are also important and may be worthy of designation for reasons of architectural/historic significance but may be less important or have been somewhat altered from their original condition.~~An inventory of built heritage resources within the Town shall be maintained in a register. Inventoried heritage resources may be considered for designation under the Ontario Heritage Act and/or conservation through the review of any proposed

development, subject to all relevant legislation. The inventory should contain documentation including legal description, owner information, and description of the heritage attributes and cultural heritage value for each designated and listed heritage resource. The Register shall be updated regularly and readily accessible to the public to ensure effective protection and to maintain its currency.

2.3.2.3 Council will encourage the identification and classification of the Town's cultural heritage resources by providing assistance to the St. Marys Heritage Committee and educating the public and individual property owners about the importance of the Town's cultural heritage resources.

2.3.2.4 In considering development applications, Council will attempt to protect the cultural heritage resources in its context by promoting the redevelopment of designated historical properties with uses compatible with the historical or architectural character of the structures(s) or natural features on the properties. Where this is not feasible, Council will attempt to protect important aspects of the cultural heritage resources, or where this is not feasible; will encourage the re-creation of the cultural heritage resources.

2.3.2.5 Council may require a Heritage Impact Assessment, undertaken by a qualified professional with expertise in heritage studies, –when reviewing development applications to alter, demolish, or erect a structure on a property designated under the Ontario Heritage Act or designated by the Historic Sites and Monuments Boards of Canada under Parks Canada, or recognized on the Canadian Register of Historic Places ~~or by the Federal Department of Canadian Heritage~~. Such assessment will outline the context of the proposal, describe the cultural heritage resource(s) to be affected by the development, any potential impacts the proposal may have on the heritage resource, and any mitigative measures required to avoid or lessen negative impacts on the cultural heritage resource.

A Heritage Impact Assessment may also be required for any proposed alteration work or development activities on lands contiguous to heritage resources to ensure that there will be no adverse impacts caused to the resources and their heritage attributes. Mitigation measures shall be imposed as a condition of approval of such applications.

2.3.2.6 Council may, upon the recommendation of the St. Marys Heritage Committee.

- a) designate individual properties for heritage conservation under Part IV of the Ontario Heritage Act;
- b) enter into Heritage Easements to protect property in perpetuity;
- c) give consideration to the preparation of a Heritage Conservation District Plan for the area or areas which will include design guidelines for both existing buildings and new construction;

- d) give consideration to designating a portion or portions of the Town, as identified in Heritage Conservation District Plan(s), as Heritage Conservation Districts under Part V of the Ontario Heritage Act; and,
- e) give consideration to implementing heritage grant or loan programmes or heritage property tax relief programmes;
- f) ~~update the inventory of built heritage resources as shown on Schedule "D" to this Official Plan.~~

2.3.2.7 The designation of a Heritage Conservation District enables the protection of the district while permitting compatible new development. Elements and features that give the District its distinctive character should be preserved. The Town has one Heritage Conservation District.

Prior to designating a Heritage Conservation District pursuant to the Ontario Heritage Act, Council will:

- a) pass a by-law to define an area to be examined for future designation;
- b) prepare and adopt a Heritage Conservation District Plan; and,
- c) establish a Heritage Committee to advise Council on matters pertaining to the designated district.

Within designated Heritage Conservation Districts, property owners, in consultation with the appropriate Heritage Conservation District Committee, will be encouraged to maintain and repair heritage buildings and seek government grants and loans, where applicable, for eligible conservation work.

2.3.2.8 The general principles pertaining to Heritage Conservation Districts will be outlined in a Heritage Conservation District Plan. The Heritage Conservation District Plan will:

- a) delineate boundaries of the designated area and reasons for the designation;
- b) inventory cultural heritage resources;
- c) prescribe policies, conservation and design guidelines, and other pertinent material relating to the sound and prudent management of the district's unique character;
- d) be adopted by Council after consultation with affected property owners and other interested agencies as considered appropriate; and,
- e) be implemented by municipal review of heritage permit applications for changes and alterations to individual buildings and structures within the designated district.

In reviewing proposals for the construction, demolition or removal of buildings or structures, or the alteration of buildings within a Heritage Conservation



District, Council shall be guided by the applicable Heritage Conservation District Plan.

2.3.2.9 Areas of the Town that Council considers to be of cultural heritage value or interest may be recognized as cultural heritage landscapes consistent with the Provincial Policy Statement and in conformity with the policies of this Plan. A Cultural Heritage Landscape refers to a defined geographical area that has been modified or characterized by human activity. It usually involves a grouping of features that are both man-made and natural. Collectively, they create unique cultural heritage that is valued not only for its historical, architectural or contextual significance but also for its contribution to the understanding of the forces that have shaped and may continue to shape the community including social, economic, political and environmental.

Significant cultural heritage landscapes may be designated under either Part IV or Part V of the Ontario Heritage Act, or listed on the Town's Register, as appropriate.

Development and site alteration on lands contiguous to a cultural heritage landscape, or as otherwise defined by Council, shall not be permitted except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has been demonstrated that the heritage attributes of the cultural heritage landscape will be conserved.

#### 2.3.2.10 Viewscape Protection

Council may also consider identifying viewscales of historical and scenic interest, and developing specific policies to protect and enhance these viewscales over time.

## 2.4 ARCHAEOLOGICAL REMAINS/RESOURCES

*Council also recognizes that there may be archaeological remnants of prehistoric habitation within the Town, and important archaeological evidence of historic activities which would be of value in future conservation of the built environment. ~~Council may, therefore, facilitate surveys by government or private agencies should those agencies deem it necessary, and will encourage the preservation or rescue excavation of archaeological resources which might be entailed. It is not the intention of Council to delay development unreasonably due to suspicions or the identification of minor archaeological remains.~~ Council also recognizes that there may be archaeological remnants of prehistoric habitation within the Town, and important archaeological evidence of historic activities which would be of value in future conservation of the built environment.*

2.4.1 Council shall therefore require archaeological impact assessments/reports and the preservation or excavation of significant archaeological resources in



accordance with Provincial policies. Archaeological impact assessments/reports by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport, as well as licensing requirements referenced under the Ontario Heritage Act.

2.4.2 The Town shall, in consultation with the Provincial Government, keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance and the inappropriate removal of resources.

2.4.3 Archaeological resources identified in an archaeological assessment shall be documented, protected, salvaged, and conserved.

2.4.4 Significant archaeological resources of an Aboriginal community as identified in the archaeological assessment report shall be considered as features to be preserved. Aboriginal communities shall be consulted to identify approaches for preservation or commemoration.

## 2.5 ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES

Council supports initiatives aimed at providing accessibility to persons with disabilities. Council will take accessibility issues into consideration when dealing with new development, including both private sector and public sector development. Development applications such as plans of subdivisions/condominiums and site plan agreements should be carefully reviewed during the review/approval processes to ensure that appropriate provisions are made for accessibility by persons with disabilities.

## 2.6 HEALTHY COMMUNITIES

Council encourages actions/initiatives that support a healthy community in the Town of St. Marys and healthy living by the residents of the Town. While the ability of an Official Plan document to achieve a healthy community and healthy living in the Town is limited, this Official Plan supports and encourages actions/initiative such as:

- a) the development of a compact development form in order to encourage and facilitate active transportation (i.e. walking, cycling, etc.);
- b) the siting of new public buildings, where appropriate, in locations that encourage and support active transportation;
- c) subdivision designs that include suitable open space areas, incorporate walkways, and provide space for active living;
- d) the linking of neighbouring residential and commercial areas with open spaces and the watercourses, where appropriate;
- e) the development of recreational facilities, open space areas, and trail systems to cater to the recreational and healthy lifestyle needs of the Town's residents; and
- f) encourage the use of and sustain existing trails and open spaces throughout the Town and linkages with those in Perth County.

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## 3.0 SECTION 3 – LAND USE POLICIES

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The following chapter provides the detailed requirements for each of the following land use categories: Residential, ~~Central-CommercialDowntown~~, Highway Commercial, General Industrial, Extractive Industrial, Environmental Constraint, Recreational, Natural Hazards, Natural Heritage, and Agricultural. The policies are intended to be read in conjunction with Schedules “A”, “B” “C” and “D” attached to the Official Plan. Schedule “A” delineates the land use areas, Schedule “B” identifies road classification, Schedule “C” delineates the Natural Hazards (Flood Plain Areas) and Natural Hazard Constraint Areas, ~~and~~ Schedule “D” delineates the ~~Community Improvement Areas and Heritage Conservation Sites~~Source Water Protection Areas, and Appendix “1” identifies natural heritage features and areas. The permitted uses and matters to be considered by Council are contained in the text of this Plan.

### 3.1 RESIDENTIAL

*Historically, St. Marys developed as a rural service centre augmented by the quarry industry. St. Marys has been successful in attracting additional industry to broaden the economic base. In addition, existing industries have been successful in expanding their own operations, thereby adding to the overall stability of the Town.*

*Over the last ~~650~~ years, the Town has experienced a steady increase in population in spite of fluctuations in the annual growth rates. Continued growth at a moderate rate of 1.0 % per annum is expected. The Official Plan must be able to guide development effectively during both normal and high growth levels. Within the overall population a higher than normal (Provincially) percentage is made up of Senior Citizens, less than normal percentage of in school age population and a higher percentage of working age people. These trends will be important to monitor in the future to ensure that the planning policies are adequate to achieve fulfillment of the needs of the entire population.*

*St. Marys continues to thrive as a community. Development activities averaging only 11 dwelling units per year in the mid 1980’s has swelled to over 4~~50~~ dwelling units per year over the last 15 years. Council has also been successful in providing a mixture of dwelling types with the number of single-detached dwellings ~~accounting for less than representing~~ 50 percent% of the new dwelling units created and the number of semi-detached dwelling units (20 percent) and apartment dwelling units (15 percent) accounting for the balance of remaining building stock ~~each accounting for 20% of the new stock.~~*

*The residential areas of the Town are well maintained and relatively free from conflicting land uses. Intensive livestock operations that previously hindered the expansion of urban type uses have, for the most part, ceased; providing opportunities to release the development potential for many areas in the Town.*

*The following goals and policies are designed to encourage development and redevelopment in keeping with the character of St. Marys and which will guide public and private sector activities.*

### 3.1.1 OBJECTIVES

- 3.1.1.1 To encourage the provision of an adequate supply and choice of housing for the existing and future residents of St. Marys in terms of quality, type, location and cost.
- 3.1.1.2 To promote creativity and innovation in new residential development in accordance with current design and planning principles and constantly evolving energy-saving measures and construction techniques and encourages sustainable living both from a community perspective and on an individual level.
- 3.1.1.3 To maintain and improve the existing housing stock and character of residential areas.
- 3.1.1.4 To prevent the location of non-compatible land uses in residential areas.
- 3.1.1.5 To continue to provide an attractive and enjoyable living environment within the Town.
- 3.1.1.6 To promote a full range and mix of housing types, affordability, and densities to meet the needs for Senior Citizens, persons with disabilities and households with lower incomes~~housing for Senior Citizens; the handicapped and low income families.~~
- 3.1.1.7 To encourage and promote additional housing through intensification and redevelopment.
- 3.1.1.8 To encourage a diversification and inter mixing of different housing types and forms.
- 3.1.1.9 To maintain at least a 10 year supply of land that is designated and available for residential uses and land with servicing capacity to provide a 3 year supply of residential units zoned to facilitate residential intensification and redevelopment, and in draft and registered plans.

### 3.1.23 POLICIES

- 3.1.2.1 Council shall designate sufficient land within the “Residential” designation to meet the housing needs of the community for up to 20 years. Council will encourage residential development and redevelopment by designating sufficient land to provide the marketplace with sufficient alternatives to

accommodate growth for a minimum of 10 years and Council will make available sufficient servicing to provide at least a 3 year supply of residential units.

3.1.2.2 Within the “Residential” designation on Schedule “A”, the primary use of land shall be for a range of dwelling types from single-detached dwellings to ~~walk-up-type~~ low rise apartments, parks and open spaces, as well as the institutional uses provided for in Section 3.1.2.1~~87~~ of this Plan. The various types of residential uses shall be controlled through the application of the Town’s implementing Zoning By-law.

3.1.2.3 Residential infilling type development is generally permitted throughout the “Residential” designation where such development is in keeping with the ~~attributes character~~ of the neighbourhood ~~in terms of building type, building form, and spatial separation~~. When evaluating the ~~attributes character~~ of the neighbourhood, regard shall be given to attributes such as: land use, lot sizes and fabric (i.e., area, frontage, and depth); and built building type, location, form and scale (i.e., setbacks from lots lines and roads, spacing from other buildings, massing, scale, and height), building materials and architecture, lot coverage (coverage of buildings and open/green space), and streetscapes and planned function of roads. ~~When evaluating the character of a neighbourhood, in cases where one or more of the existing zone provisions are not met, an amendment or a minor variance to the zone provisions may be considered to permit the proposed development provided that the spirit of this Section is maintained.~~ there should also be consideration of the extent to which a neighbourhood is homogenous in nature or consists of a mix of uses and diversity of building forms. Another consideration is the extent to which a neighbourhood is in a state of transition or located in or adjacent to an area that is undeveloped and/or planned for new development.

3.1.2.3.1 General Policies for Intensification/Infill Development

- a) Proposed land uses and development should have minimal impacts on adjacent properties in relation to grading, drainage, shadowing, access and circulation, and privacy.
- b) Existing trees and vegetation should be retained and enhanced where possible and additional landscaping should be provided to integrate the proposed development with the existing neighbourhood.

3.1.2.3.2 Policies for the Creation of Lot(s) for Single Detached and Semi-detached Dwellings Between Existing Lots

- a) Proposed building heights should reflect the pattern of heights of adjacent housing and shall not exceed two storey.
- b) Proposed lot coverage should be similar to the lot coverage permitted on adjacent housing through the applicable zoning.
- c) The predominant or average front yard setback for adjacent housing should be maintained to preserve the streetscape edge, and character.

- d) Similar side yard setbacks should be provided to preserve the spaciousness of lots on the street; and,
- e) The depth of a new dwelling should provide for a usable sized rear yard amenity area.

#### 3.1.2.3.3 Policies for the Development of Townhouse, Multiple and Apartment Dwellings

- a) The location and massing of new buildings should provide a transition between areas of different development intensity and scale. Appropriate transitions can be achieved through appropriate setbacks or separations of buildings and/or appropriate changes in densities and/or the stepping down of building heights.
- b) Lots shall be located in close proximity to a Collector or Arterial Road.
- c) When considering building heights, potential shadowing impacts, views onto adjacent lower density lots and abrupt changes in scale should be considered.
- d) New buildings that are adjacent to low rise areas shall be designed to respect a 45 degree angular plane measured from the boundary of a lot line which separates the lot from an adjacent lot with a low rise residential dwelling.
- e) Proposed development shall be located on a site that has adequate land area to incorporate required resident and visitor parking, recreational facilities, landscaping and buffering on-site.
- f) Proposed buildings should be designed following consideration of the materials and characteristics of existing buildings in the neighbourhood.
- g) Service, parking, loading and garbage areas should be located and screened to minimize impacts on adjacent uses.
- h) Potential adverse impacts between higher density and low density development shall be mitigated through building setbacks, visual screening, landscaping, fencing and other forms of buffering.
- i) Generally, there should be minimal changes to existing site grades.

3.1.2.4 Council will favour residential intensification through infilling and redevelopment over new green land residential development as a means of providing affordability and efficiencies in infrastructure and public services, capitalizing on existing investment, and utilizing under developed lands. -

3.1.2.5 When reviewing development or redevelopment proposals, Council shall consider following net density targets:

- |                                    |                          |
|------------------------------------|--------------------------|
| a) Single-detached dwellings       | 10-15 units per hectare; |
| b) Semi-detached, duplex dwellings | 15-25 units per hectare; |
| c) Townhouse dwellings             | 25-40 units per hectare; |
| d) Low rise apartments             | 40-75 units per hectare. |

- \_\_\_\_\_ Council may moderately increase or decrease these densities dependent upon specific site circumstances, provision of on-site amenities, and capabilities of municipal servicing systems to accommodate any increase. Council will favour those developments with a mixture of lower and higher densities of development over those consisting of only low densities of development.
- 3.1.2.6 Proposals involving mixed densities of residential types shall also be reviewed under the policies of Section 3.1.2.7.
- 3.1.2.7 In reviewing proposals for residential development ~~with a net density of more than 18 units per hectare~~, Council shall consider the impact on municipal capacity, hard services and utilities including sanitary sewer, municipal water supply, storm drainage, service utilities and roadways. Council shall take the following into account prior to enacting an amendment to the Zoning By-law:
- a) That the development will not involve a building in excess of three full stories above average finished grade and designed to be in keeping with the general character of the area;
  - b) That the physical condition of land proposed for development will not present a hazard to buildings structures and residents;
  - c) That the net density of development shall not exceed 75 units per hectare;
  - d) That the development is serviced by municipal water supply and sewage disposal facilities and that the design capacity of these services can accommodate such development;
  - e) That the proposed development is within 100 metres of an arterial or collector road as defined in Schedule "B" of this Plan; and
  - f) That sufficient on-site parking is provided and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing.
- 3.1.~~23~~.8 Proponents of townhouse and apartment developments are encouraged to provide on-site recreational facilities in keeping with the proposed development.
- 3.1.~~23~~.9 Proposals for townhouse and apartment development shall not be considered by Council unless a proposed site plan has been submitted with the application addressing the matters contained in Section 41 of the Planning Act, RSO1990.

### 3.1.2.10 Condominium Conversions

A condominium conversion refers to a change in the tenure of an existing residential housing unit(s) from rental type uses to an ownership type use.

The conversion of rental units to condominium type uses may be permitted by Council when the vacancy rates for rental accommodations as defined as the average private row (townhouse) and apartment vacancy rates for the latest three surveys conducted in the Stratford CA by the Canada Mortgage and Housing Corporation is above 1.5 per cent. Where the average private row (townhouse) and apartment vacancy rates is below 1.5 per cent, Council will discourage the conversion of the existing rental stock to condominium unless the proponent can demonstrate to Council's satisfaction that the proposed conversion will not adversely affect the rental housing market in the Town.

When considering application to convert the existing rental stock to condominium type ownership, Council will consider:

- a) the number of units included in the conversion application; and,
- b) the impact that the conversion will have on the existing rental and condominium market in the Town.

3.1.2.3.110 The conversion of older single-detached residences to multiple residential use may be permitted through an amendment to the Zoning By-law. In considering an amendment to convert a single-detached residence to multiple residential use, Council may consider the following:

- a) the conversion would be in keeping with the adjacent residential area;
- b) the conversion would not result in changes to the existing exterior of the building proposed for conversion;
- c) the site can accommodate adequate parking for the proposed dwelling units so as not to detract unduly from adjacent single detached residential development, or alternatively, such required parking area can be effectively buffered;
- d) the municipal services are adequate in the immediate area to accommodate the proposed conversion; and
- e) conversions which propose basement residential units will generally be discouraged.

### 3.1.2.12 Accessory Apartments

An accessory apartment is an accessory unit which is a self-contained dwelling unit supplemental to the primary residential use of the property.



Council will permit the establishment of accessory apartments in the Residential designation and on lands where a single-detached, semi-detached or rowhouse dwelling is specifically zoned as a permitted use subject to the following:

- a) An accessory apartment shall only be permitted within a single-detached, semi-detached or rowhouse dwelling if no building or structure ancillary to the single-detached, semi-detached or rowhouse dwelling contains a residential unit;
- b) An accessory apartment shall only be permitted within a building or structure ancillary to a single-detached, semi-detached or rowhouse dwelling if the single-detached, semi-detached or rowhouse dwelling contains a single residential unit;
- c) A maximum of one accessory apartment is permitted per primary dwelling unit. Where other supplementary housing (e.g. a garden suite, a mobile home etc.) exists that complements the primary dwelling, an accessory apartment is not appropriate and shall not be permitted. An accessory apartment shall only be created and used in accordance with the zoning provisions as set out in the Zoning By-law, as amended.
- d) The Zoning By-law shall contain regulations to permit accessory apartments and shall govern matters such as dwelling unit size for both the primary dwelling and the accessory apartment, and parking;
- e) An accessory apartment shall be connected to municipal water and sanitary services. Such services shall be adequate in the immediate area of the accessory apartment location to accommodate the accessory apartment in terms of supply, pressure, and capacity;
- f) An accessory apartment shall comply with all applicable health and safety standards, including but not necessarily limited to those set out in the Ontario Building Code and Ontario Fire Code;
- g) An accessory apartment shall comply with Ontario Regulation under the Conservation Authority Act as they relate to development within lands affected by flooding; and,
- h) An accessory apartment cannot be the host of a home occupation.

3.1.23.134 Mobile Homes and Mobile Home Parks are not permitted within the municipality. Mobile Homes are defined as a “single wide” factory built single-detached dwelling unit which is designed to be transported on its own wheels, whether later removed or not, and connected to service utilities so as to be suitable for long-term occupancy. The preceding definition excludes prefabricated “double wide” single-detached residential units where each half of the unit is transported separately to the site and subsequently joined.

3.1.2.142 Council intends to monitor the need and demand for various types of housing, including the need for additional senior citizen facilities and those with special needs through bi-annual review of relevant statistical information related to demographics, building permits and types of dwellings constructed.

3.1.23.153 If sufficient demand is demonstrated, Council may endeavour to encourage the provision of senior citizen and assisted family housing through participation in various programs of the senior governments.

Council, seeking to provide a balanced mix of housing types, has established targets of 60% lower density single-detached dwellings, 20% medium density attached dwellings and 20% higher density dwellings. These targets are holistic to the Town and it is not Council's intention that every development will meet these objectives.

3.1.2.164 Council will encourage the development of affordable housing with 30% of the new housing units created being considered by Council as affordable to households with incomes in the lowest 60 per cent of income distribution for Perth County households. To further encourage the development affordable housing, the Town will:

- a) pursue opportunities to partner with senior levels of government to promote the development of affordable housing in the Town;
- b) pursue funding mechanisms, including provincial and federal financial assistance programs, for affordable housing initiatives in the Town;
- c) work with community groups, social housing providers and developers to facilitate the development of affordable housing;
- d) consider options for streamlining and/or expediting the approvals process for affordable housing projects;
- e) consider exemptions or reduced development charge rates for affordable housing as part of the next Development Charges Background Study;
- f) consider affordable housing prior to considering other land uses when evaluating the sale or lease of surplus public lands;
- g) consider pre-zoning of certain lands, with a holding provision, to permit affordable housing;
- h) consider the implementation of innovative and flexible design standards through the Town's Zoning By-law to permit more efficient development of affordable housing; and,
- i) consider reduced Zoning By-law parking requirements in recognition of lower car ownership rates and/or lower car ownership usage in downtown or more walkable areas.

3.1.2.175 Council shall encourage the maintenance, conservation, and rehabilitation of the existing building stock by maintaining existing community infrastructures, assisting residents with Federal and Provincial funding programmes, and the development and enforcement of a Property Standards By-law, Demolishing Control By-law, Signage By-law, and Noise By-law.

### 3.1.3.16—Group Homes

~~a) Group Homes shall be considered a normal residential use of land and shall be permitted only within the "Residential" designation of this plan. Following types of Group Homes shall be permitted as a matter of right within any residential Zone in the Zoning By-law:~~

- ~~— accommodation services for the developmentally handicapped~~
- ~~— satellite residence for seniors~~
- ~~— homes for physically disable adults.~~

~~The following types of Group Homes may be permitted based on the merits of each application and subject to an amendment to the Zoning By-law:~~

- ~~— approved homes (psychiatric care)~~
- ~~— homes for special care (psychiatric care)~~
- ~~— supportive housing programmes, adult community mental health programme (psychiatric care)~~
- ~~— children's residences.~~

~~Any other type of Group Home shall only be considered based on the merits of each application and shall require an amendment to the Zoning By-law and Official Plan.~~

~~b) A Group Home is defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or receiving family) live as a family under responsible supervision consistent with the particular needs of its residents. The Home is licensed or approved under Provincial Statutes and in compliance with Municipal By-laws. The Zoning By-law may further restrict the maximum number of residents in any Group Home.~~

~~c) The following policies also apply to group homes:~~

- ~~i) The establishment of a group home must be based on local need for the particular type of group home to serve the population of the Town and the immediate surrounding rural area. In determining the need and suitability of each type of group home and the number of residents per group home, the size and general character of the Town together with the merits of each specific application must be given consideration.~~
- ~~ii) Existing group homes which do not comply with the provisions of the Zoning By-law will be allowed to continue in operation and may only be permitted to expand by amendments to the Zoning By-law, based on the merits of each application.~~

- ~~iii) Group homes may only operate subject to the provisions of this section, the provisions of the implementing Zoning By-law, and all necessary provincial approvals. All group homes must be registered with the Town pursuant to Section 236 of the Municipal Act, RSO 1980.~~
- ~~iv) No group home shall be located within 450 metres of another group home.~~
- ~~v) All group home applications shall be reviewed by the local municipality and Provincial agencies, and any locally based monitoring agency as may be established.~~

### 3.1.2.187 Institutional uses

Institutional uses of land such as hospitals, churches, schools, parks, senior citizen homes etc. are permitted in the “Residential” designation on Schedule “A” of this Plan except where prohibited by the policies of Section 3.8 of this Official Plan.



### 3.1.2.198 Home Occupations

Home occupations that comprise a secondary use carried on entirely within a single-detached dwelling or a semi-detached dwelling only by the person or persons residing in the dwelling may be permitted. Such home occupation shall be clearly secondary to the main use of the dwelling as a private residence such that it does not change the character of the dwelling as a private residence. The implementing Zoning By-law shall contain provisions to regulate matters such as the scale of use, the types of activities to be permitted, parking, and signage.

### 3.1.2.2049 Garden Suites

Garden Suite development consists of a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and is used for the temporary housing of individuals associated with the host dwelling. Council will permit the establishment of garden suites in all residential areas subject to the following:

- a) The host lot needs to be sufficiently large enough to accommodate the garden suite uses. Provisions for on-site amenity areas, parking, and buffering for abutting property shall be considered factors to determine the appropriateness of the use;
- b) The use must be serviced with full municipal services, including water and sanitary services;
- c) Council shall require a temporary use By-law be adopted to permit the use. Such By-law may be for any period of time as determined by Council but initially not exceed ~~ten~~ twenty years. Any subsequent temporary use By-law may be for any period of time as determined by Council but shall not exceed three years; and
- d) The owner of the subject property and the occupant(s) of the garden suite shall enter into an Occupancy Agreement and a Site Plan Agreement with the Town.

#### 3.1.2.2~~19~~ Bed and Breakfast Establishments

Bed and breakfast establishments carried on entirely within a single-detached dwelling may be permitted. Where permitted, the bed and breakfast establishment must be clearly secondary to the main use of the dwelling as a private residence and not change the character of the dwelling as a private residence. The implementing Zoning By-law shall contain provisions to regulate matters such as the scale of use, parking, and signage.

#### 3.1.2.2~~24~~ Brownfield Redevelopment

Applications to re-develop existing or previously used industrial lands for residential uses shall include best available information about the present and past uses of the property sufficient to identify the likelihood of site contamination. Where this preliminary information indicates the likelihood of contamination, further investigation will be required to determine the extent of contamination and any measures necessary to clean up the site in accordance with Ministry of Environment requirements. The proponent's professional engineer shall affirm that the necessary remedial/clean-up measures have been fully carried out and that the site is suitable for the proposed use prior to Council permitting any such redevelopment.

#### 3.1.2.2~~32~~ Neighbourhood Commercial Uses

Neighbourhood commercial type uses may be permitted in the "Residential" designation provided that such uses service the immediate neighbourhood, are located and have access on an Arterial or Collector Road, are small scale in nature, and take a form which is compatible to the character of the areas. An Amendment to the implementing Zoning By-law that shall regulate matters such as scale of use, parking, and building locations shall be required along

with a Site Plan Agreement pursuant to Section 41 of the Planning Act, RSO 1990 prior to any neighbourhood commercial uses being established.

3.1.2.2~~43~~ Zoning By-law

The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various forms of housing types. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).

3.1.3 EXCEPTIONS

- a) The 15.8 acre parcel being part of Lot 20, Concession 10, also described as part of Lots 9, 22 and 27, Registered Plan No. 210, north side of Queen St. West, part of which is designated "Residential", shall be provided street access for residential development from Queen Street West through that portion of the lands designated "Highway Commercial".
- b) In addition to the uses permitted within the "Residential" designation, the permitted uses on the lands described as:
  - i) Lots 4, 5 and 6 and part of Lot 3, south side of Queen Street, Registered Plan No. 209;
  - ii) Lot 14 and part of Lot 15, south side of Queen Street, Registered Plan No. 207;
  - iii) Lot 16 and part of Lot 15, south side of Queen Street, Registered Plan No. 207;
  - iv) part of Lot 15, south side of Queen Street, Registered Plan No. 207 and Lot 23 and part of Lots 21 and 22, south side of Queen Street, Registered Plan No. 211;
  - v) part of Lot 15, south side of Queen Street, Registered Plan No. 235; and
  - vi) part of Lots 3, 4 and 5, south side of Queen Street, Registered Plan No. 217.

shall include those uses legally existing on this land on the date of adoption of this Official Plan and a limited range of uses permitted by the Town's implementing Zoning By-law. (Explanatory Note: The Town's implementing Zoning By-law No. Z1-1997 has zoned these parcels "C4-1".)

- c) In addition to the uses permitted within the “Residential” designation, the permitted uses on the land described as:

- i) Lot 1, south side of Queen Street, Registered Plan No. 209;
- ii) Lots 29 and 30, north side of Queen Street, Registered Plan No. 225; and
- iii) Lots 10 and 11 and part of Raglan Street, south side of Queen Street, Registered Plan No. 217;

shall include those uses legally existing on this land on the date of adoption of this Official Plan and a limited range of uses permitted by the Town’s implementing Zoning By-law. (Explanatory Note: The Town’s implementing Zoning By-law No. Z1-1997 has zoned these parcels “C4”.

- d) In addition to the uses permitted within the “Residential” designation, the permitted uses on the land described as part of Park Lot 3, south side of Queen Street, Registered Plan No. 225 in the Town of St. Marys shall include those uses legally existing on this land on the date of adoption of this Official Plan; business or professional office uses and accessory uses; and a limited range of uses permitted by the Town’s implementing Zoning By-law.

- e) In addition to the uses permitted within the “Residential” designation, the permitted uses on the land described as Lots 1, 2 and 3, east side of James Street and north side of Queen Street, Registered Plan No. 225 shall include those uses legally existing on this land on the date of adoption of this Official Plan, a barber shop, a hairdressing shop, a shoe repair shop, a dressmaker shop, a tailor shop, a photographic studio, a business or professional office, and an automobile leasing establishment

- f) In addition to the uses permitted within the “Residential” designation, the permitted uses on the land described as:

- ~~i) part of Lot 13, north side of Park Street and east side of Thomas Street, Registered Plan No. 235 shall; and~~
- ~~ii) part of Lot 19, Concession 18, east side of James Street.~~

~~shall~~ include those uses legally existing on this land on the date of adoption of this Official Plan and the limited range of uses permitted by the Town’s implementing Zoning By-law.



- g) In addition to the uses permitted within the “Residential” designation and notwithstanding the policies of Section 3.1.3.11 of this Official Plan, the permitted uses on the land described as part of Lot 17, Concession 15, on the west side of Thames Road North, north side of Queen Street West, in the Town of St. Marys shall include single-wide or double-wide mobile homes. Any mobile home development shall be subject to the following:
- i) that each mobile home site is developed on full municipal services including sanitary sewers, water supply, storm drainage, and electric supply;
  - ii) that any proposed residential development shall require an amendment to the Zoning By-law. The Zoning By-law Amendment shall regulate elements such as the number, frontage, depth, and area of mobile home sites, a minimum floor area for the mobile home units, and the location of the mobile home units on the site;
  - iii) that prior to the establishment of any residential development, the owner shall enter into a site plan agreement pursuant to Section 51 of the Planning Act, RSO 1990;
  - iv) that an Environmental Site Assessment be completed in accordance with the Ministry of the Environment “Guidelines for Use at Contaminated Sites in Ontario (1996)” and that any actions required as a result of the report be completed to the satisfaction of the Town.
- h) In addition to the uses permitted in the “Residential” land use designation, a use described as a country inn and accessory uses shall be a permitted use on the land described as Lots 34 to 42, inclusive, northwest side of Thomas Street, Lots 34 to 37, inclusive, southeast side of Ontario Street, Lot 29, northwest side of Ontario Street, Lot 29, southeast side of Salina Street, part of Lot 23 in the Thames Concession, Block H, and part of Block J, on part of Lot 24, Thomas Concession, Registered Plan No. 235 in the Town of St. Marys.

The development of this land for a use described as a country inn and accessory uses shall be subject to the following:

- i) a site plan agreement pursuant to Section 41 of the Planning Act, R.S.O 1990;
- ii) the adequacy and potability of the water supply and the method of sewage disposal being satisfactory to and approved by the appropriate authority having jurisdiction over such matters;
- iii) a Zoning By-law implementing this amendment will contain provisions restricting the size of the development.



The following figures shall constitute the initial maximum size of the facilities:

guest rooms –	_____ 22
dining room –	_____ 45 seats
lounge –	_____ 20 seats
meeting room and banquet hall –	_____ 640 sq. ft.

The lands described above are located northwest of the St. Marys sewage treatment plant and the owner of the Inn acknowledges that odours from the plant may periodically interfere with the normal conduct of business. Therefore, the Town shall require a 100 metre setback from open sewage plant structures for all new buildings and facilities, excluding parking, and may also require buffering in accordance with guidelines of the Ministry of the Environment. The Town further acknowledges that it may be necessary to cover open plant structures as a means of resolving odour complaints.

- i) In addition to the uses permitted in the “Residential” land use, uses permitted on lands described as part of Lot 19, Concession 18, east side of James Street shall include those uses legally existing on this land on the date of adoption of the Official Plan and the limited range of uses permitted by the Town’s implementing Zoning By-law, including a highway commercial type use described as a landscaping outlet. A Zoning By-law Amendment to define and regulate the landscaping outlet shall be adopted by Council and a Site Plan Agreement pursuant to

Section 41 of the Planning Act to regulate the development shall be entered into between the Town and the proponent prior to any development being permitted.

## 3.2 CENTRAL COMMERCIAL DOWNTOWN

Central Commercial Downtown development in St. Marys has been focused primarily on the core area. The “Central Commercial Downtown” designation is and will continue to be recognized as the single largest concentration of retail and office uses in the Town and is viewed as an integral component of the community’s well being.

Council envisions the “Central Commercial Downtown” area as a significant resource which reflects the Town’s character and is an attribute from which to build upon with the Queen Street streetscape as a backdrop to the community and cultural activities of the Town.

Matters which have previously hampered core area development and redevelopment have, for the most part, been removed with the elimination of the industrial uses from the core area and the construction of the Floodwall to hold back the floodwaters of the Thames River and Trout Creek. Within the “Central Commercial Downtown” designation and adjacent to it, redevelopment opportunities will be possible under the Special Policy Area floodplain policies.

The Downtown will be the primary destination for residents and visitors by providing a wide range of retail shopping, events and festivals that celebrate the diversity and heritage of the Town.

### 3.2.1 OBJECTIVES

- 3.2.1.1 To provide for the widest possible range of goods and services within the market capabilities of St. Marys and surrounding area.
- 3.2.1.2 To allow for the growth of the Commercial sector in balance with the need to encourage a continuation of the dominant position of the Central Commercial Downtown area in the overall hierarchy of commercial function in the Town as well as the institutional uses.
- 3.2.1.3 To encourage commercial development which is consistent with the physical amenities of the Town and in particular, Council encourages the maintenance and improvement of the Central Commercial Downtown streetscape, heritage buildings, and landmarks.
- 3.2.1.4 To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Central Commercial Downtown” designation as a mixed commercial and institutional employment area.

3.2.1.5 To integrate the distinct natural environment associated with the Thames River and Trout Creek and the design elements and features of the Town's Urban Design policies with "~~Central Commercial~~Downtown" development.

3.2.1.6 To promote the "~~Central Commercial~~Downtown" designation as a focus for community festivals, celebrations, and gatherings.

3.2.1.7 To provide opportunities to increase the supply of parking spaces.

3.2.1.8 To effectively position the Downtown district as a vibrant social and cultural business centre.

3.2.1.9 To encourage sound urban design elements that is accessible to all persons.

### 3.2.2 PERMITTED USES

Uses permitted in the Downtown designation as shown on Schedule "A" to this Official Plan include all forms of retail and service commercial facilities, business and professional offices, schools, hotels, bed and breakfast establishments (in existing single detached dwellings), restaurants, places of worship, places for entertainment, recreational facilities, festival venues, parks, cultural activities, and utilities.

Ancillary residential uses accessory or incidental to the commercial use provided they are located above the ground floor grade level may also be permitted where they will not interfere with or detract from the primary commercial function of the area. However,

residential uses may be permitted on the ground floor grade level of a low-rise apartment building, provided such uses do not impact the primary commercial, service and tourism function of the downtown and:

- a) the lot does not have frontage onto an Arterial Road;
- b) the use will not have a negative impact on the enjoyment and privacy of adjacent residential properties;
- c) adequate parking facilities can be provided for the residents of the building and any on-site parking must be located and designed to be compatible with surrounding land uses; and,
- d) the property is not currently zoned for commercial uses.

### 3.2.32 POLICIES

3.2.23.1 The "~~Central Commercial~~Downtown" designation, as designated on Schedule "A" of this plan, shall remain the primary area of culture, trade and commerce within the Town.

~~3.2.2.2 Within the “Central Commercial” designation, a broad range of retail and personal service commercial facilities, professional administration and business offices, hotels, eating establishments, and places of entertainment are permitted. Residential uses are also permitted above the first floor in accordance with the “Natural Hazards” policies contained in Section 3.8.~~

3.2.~~32~~.3 Existing highway commercial uses are permitted in the “~~Central Commercial~~Downtown” designation, however, any such new uses should be encouraged to relocate in the “Highway Commercial” designation.

3.2.~~32~~.4 Existing industrial uses in and immediately adjacent to the “~~Central Commercial~~Downtown” designation are encouraged to relocate in more appropriate areas of the Town.

3.2.~~32~~.5 Council encourages the co-operative maintenance and improvement of the streetscape consistent with its architectural heritage. Accordingly, a combined effort between Council, the Downtown Merchants Association, Heritage St. Marys and the Business Improvement Area Board of Management is encouraged to adopt a façade improvement and maintenance strategy.

3.2.~~32~~.6 Institutional uses  
Institutional uses of land such as hospitals, churches, schools, parks, etc. are permitted in the “~~Central Commercial~~Downtown” designation on Schedule “A” of this Plan except where prohibited by the policies of Section 3.8 of this Official Plan.

3.2.~~32~~.7 Development or Redevelopment

a) Development or redevelopment of land for commercial purposes may be permitted only where the proponent demonstrates to Council's satisfaction that appropriate infrastructure to support the development or redevelopment is available. Appropriate infrastructure includes municipal sanitary collection and treatment facilities, municipal water supply, storm water sewers, road network and access points, street lighting, solid waste collection, electrical services, and police and fire protection.

b) When reviewing development or redevelopment of land for commercial purposes, Council shall ensure that the proposal is compatible with adjacent buildings and in keeping with the character of the core in terms of size, height, massing, and architecture, ~~and may require the proponent to prepare studies such as heritage impact assessment, environmental impact study and any other studies deemed appropriate.~~

- c) Opportunities to integrate walkways, pathways, parking areas, public spaces and the river/creek landscaped open spaces with any proposal shall also be encouraged. Those lands located in the Special Policy Area shall also be subject to the applicable policies of Section 3.8 of this Official Plan.
- d) To ensure compatibility with surrounding land uses Council shall require the proponent to enter into a site plan agreement that shows:
  - (i) the location of all buildings and structures;
  - (ii) adequate off street parking and loading areas;
  - (iii) adequate screening and buffering between the proposed use and sensitive land uses, either public or privately owned, and public streets; and
  - (iv) the implementation of the Town's Urban Design guidelines.
- e) Council may require a market study for any new development or redevelopment where the gross leasable floor area is greater than 1 000 square metres. Such study must demonstrate that the said development or redevelopment can be supported and what, if any, impacts said development or redevelopment will have on the "~~Central Commercial~~Downtown" designation. Where Council is of the opinion that said development or redevelopment will have negative impacts on the "~~Central Commercial~~Downtown" designation, such development or redevelopment may not be permitted.





- f)e) Development or redevelopment which involves the razing of more than one existing building shall be carefully considered by Council in order to assess its potential impact on the built form of the area, compatibility with adjacent development, and potential effects on heritage buildings.

Where Council is of the opinion that such development or redevelopment will have a negative potential impact on the built form of the area, incompatibility with adjacent development, or potential adverse effects on heritage buildings, Council will not support the proposed development or redevelopment.

- ge) The Town's implementing Zoning By-law shall contain provisions to regulate "~~Central~~ Commercial Downtown" uses and development standards. No new commercial building shall exceed four stories in height.

- he) Development or redevelopment of commercial uses or mixed uses shall be subject to site plan control pursuant to the Planning Act, RSO 1990. Such matters to be addressed regarding Site Plan Control include, for example, on site building location, landscaping, buffering, parking, lighting, and drainage.



#### 3.2.3.8 Residential to Commercial Conversion

The “Downtown” designation includes a number of existing residential uses. Where a proposal has been received for the conversion of a dwelling to a commercial use, prior to rezoning, Council shall be assured that:

- a) the building is structurally sound and suitable for the increased use associated with a commercial operation;
- b) there is sufficient parking available for the use proposed either on the site or through municipal parking; and,
- c) the proposed use would be compatible with adjacent development, and potential effects on existing character of the surrounding uses.

#### 3.2.3.9 Commercial to Residential Conversion

Conversion of lands within the Downtown, to non-employment uses shall only be permitted through a municipal comprehensive review that demonstrates:

- a) there is a need for the conversion;
- b) the conversion does not affect the overall viability of the employment area and the achievement of intensification and density targets;
- c) there is existing or planned infrastructure to accommodate the proposed conversion;
- d) the lands are not required over the long-term for employment purposes; and,
- e) the lands do not affect the operations or viability of existing or permitted Downtown uses on nearby lands.

#### 3.2.32.108 Cash in Lieu of Parking

Pursuant to the provisions of Section 40 of the Planning Act, RSO 1990, Council may establish a policy, pass a by-law, and enter into agreements to exempt the owner or occupant of land from the requirement of providing or maintaining parking on the land upon the making of one or more payments of money to the Town as consideration for the granting of such exemption. Such policy shall establish the terms and conditions under which such an exception shall be applied and all monies received by the Town shall be placed into a special parking account established by the Town.

#### 3.2.3.11 Electricity generation

Electricity generation through systems such as, standalone or roof mounted solar panels and passive solar collectors shall be permitted in the “Downtown” designation. The placement, design, and setting of such systems shall be in such a manner to ensure compatibility with neighbouring sensitive land uses.

#### 3.2.3.13 Utility Uses

Utility uses are permitted in accordance with the policies of Section 7.13.

### 3.2.32.149 Bonus By-laws

Pursuant to the provisions of Section 37 of the Planning Act, RSO 1990, Council may establish a policy, pass a by-law, and enter into agreements to increase the height and density of ~~central-commercial~~Downtown development otherwise permitted by the Zoning By-law in accordance with the policies of Section 7.23 of this Official Plan.

### 3.2.32.150 Zoning By-law

The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of "~~Central Commercial~~Downtown" uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).

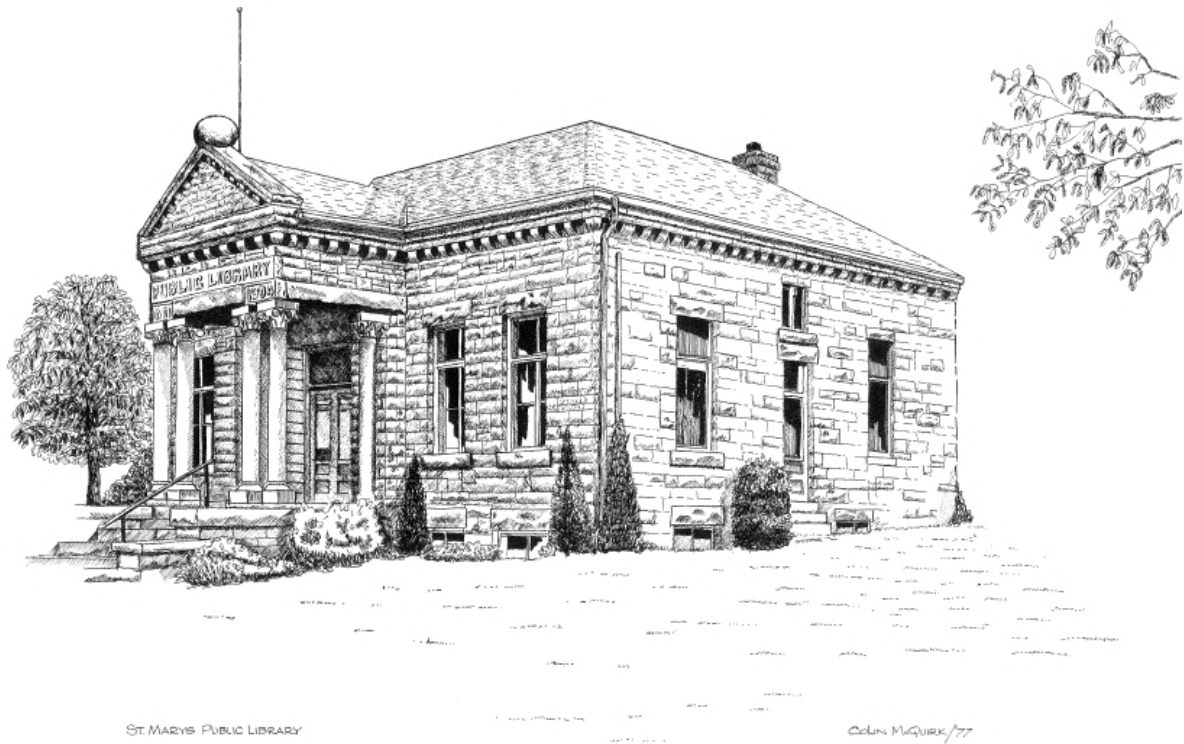
### 3.2.43 EXCEPTIONS

- a) Any development or redevelopment that is to occur on that part of Lots 1 and 2, east side of Thomas Street, Registered Plan No. 235 which is designated "~~Central-Commercial~~Downtown" and which lies above the 1:100 year floodline shall be subject to all applicable policies and regulations of the Upper Thames Conservation Authority.
- b) Any development or redevelopment that is to occur on that part of Lots B, C, and D, south side of Queen Street, Registered Plan No. 232 which is designated "~~Central-Commercial~~Downtown" and which lies between the 1:100 year floodline and the Regulatory Floodline shall be subject to all applicable policies and regulations of the Upper Thames River Conservation Authority.
- c) The lands consisting of Lot 1 and Part of Lot 2, north side of Jones Street and west side of Church Street, Part of Lot 10 south side of Queen Street, Registered Plan No. 225 in the Town of St. Marys may also be permitted one additional ground floor residential use and accessory uses provided that:
  - i) the additional residential use is located only within an existing building; the total gross floor area for the additional residential use and accessory uses does not exceed 100 square metres;
  - ii) an Amendment to the Town's implementing Zoning By-law shall be required to regulate items such as the size, location, height, and parking for the additional residential use and accessory uses. Such Zoning By-law Amendment shall place the subject land within a site specific zone classification which will permit the additional residential use and accessory uses in addition to the full range of

- ~~“Central Commercial~~Downtown” uses as established by the Town’s implementing Zoning By-law, as amended from time to time;
- iii) the owner shall enter into a site plan agreement pursuant to the provisions of the Planning Act, RSO 1990 to govern items such as screening and buffering from abutting commercial uses;
  - iv) the owner shall enter into an agreement with the Town acknowledging that the existing and proposed land uses surrounding the subject property are General Commercial in nature and from time to time they may generate noise and traffic normal to commercial activities during various hours of the day.

d) The lands consisting of Lots 7, 8, and 9 north side Elgin Street, west side Church Street, Registered Plan No. 225 in the Town of St. Marys may also be permitted one additional ground floor residential use and accessory uses provided that:

- (i) the additional residential use is located only within an existing building;
- (ii) the total gross floor area for the additional residential use and accessory uses does not exceed 100 square metres;
- (iii) an amendment to the Town’s implementing Zoning By-law shall be required to regulate the additional residential use. Such Zoning By-law Amendment shall place the subject land within a site specific zone classification which will permit the additional residential use and accessory uses in addition to the full range of “Downtown” uses as established by the Town’s implementing Zoning By-law, as amended from time to time;
- (iv) the owner enter into an agreement with the Town acknowledging that the existing and proposed land uses surrounding the subject property are “General Commercial” in nature and from time to time they may generate noise and traffic normal to commercial activities during various hours of the day.



### 3.3 HIGHWAY COMMERCIAL

*The “Highway Commercial” areas are viewed as an integral component of the commercial well being of the community which are located toward the outer edges of the Town where commercial uses oriented to the travelling public and which require large land areas are located. Such areas are supportive and complementary to the “Central Commercial Downtown” area.*

#### 3.3.1 OBJECTIVES

3.3.1.1 To provide for a range of commercial uses appropriate to meet the needs of the local residents and the travelling public which comple~~ments~~<sup>iments</sup> the role and function of the ~~central-commercial~~Downtown area.

3.3.1.2 To encourage highway commercial type uses to locate in the “Highway Commercial” designation by providing a range of commercial opportunities to meet local and ~~non-resident~~non-resident demand and to attract new ventures.

3.3.1.3 To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Highway Commercial” designation as a commercial employment area.

3.3.1.4 To provide an adequate supply of land to meet the demands of the marketplace.

3.3.1.5 To formulate policies and development standards which will guide and maintain a desirable level and standard of building and site design in order to maintain the visual images and character of the Town, in accordance with the Town’s Urban Design policies.

3.3.1.6 To integrate the natural environment and the design elements and features of the Town’s Urban Design policies with Highway Commercial development.

3.3.1.7 To encourage sound urban design elements that is accessible to all persons.

3.3.1.8 To partner with neighbouring municipalities to strengthen the competitiveness of the Town’s economic base.

#### 3.3.2 PERMITTED USES

The “Highway Commercial” designation is generally found in the peripheral areas of the Town with the uses focused along Queen Street, both east and west of the commercial core of St. Marys and James Street South. It is intended that the “Highway Commercial” areas will provide a supportive and complementary role to the commercial core area.

Uses permitted in the “Highway Commercial” Designation as shown on Schedule “A” to this Official Plan include automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards, open space uses, and utility uses.

Other uses that have extensive land requirements and are not appropriate for the Downtown area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.3.1.

### ~~3.3.32~~ POLICIES

~~3.3.2.1 The “Highway Commercial” designation is generally found in the peripheral areas of the Town with the uses focused along Queen Street, both east and west of the commercial core of St. Marys and James Street South. It is intended that the “Highway Commercial” areas will provide a supportive and complementary role to the commercial core area.~~

~~3.3.2.2 “Highway Commercial” uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted.~~

~~Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.2.3.~~

~~3.3.32.13~~ Development or redevelopment of land for “Highway Commercial” purposes may be permitted only where appropriate infrastructure to support the development or redevelopment is available. Appropriate infrastructure includes municipal sanitary collection and treatment facilities, municipal water supply, storm water sewers and management facilities, road network and access points, street lighting, solid waste collection, electrical services, and fire protection.

Council may require a market study for any new “Highway Commercial” development or redevelopment where the gross leasable floor area is greater than 1,000 square metres. Such study must demonstrate that the said development or redevelopment can be supported and what, if any, impacts

said development or redevelopment will have on the “Central Commercial Downtown” designation. Where Council is of the opinion that said development or redevelopment will have negative impacts on the “Central Commercial Downtown” designation, such development or redevelopment may not be permitted.

3.3.3.2 To evaluate its capability with surrounding land uses Council shall require the proponent to enter into a site plan agreement that shows:

- a) the location of all buildings and structures;
- b) adequate off street parking and loading areas and vehicle movements;
- c) adequate lighting, and drainage.;
- d) adequate screening for any open storage and as a buffer between the proposed use and any sensitive land uses, either public or privately owned, and public streets; and
- e) the implementation of the Town’s Urban Design guidelines.

3.3.~~32~~.34 Development or redevelopment shall be subject to site plan control pursuant to the Planning Act, RSO 1990. Such matters to be addressed regarding Site Plan Control include on site building locations, landscaping, buffering, parking and vehicle movements, lighting, and drainage.

3.3.~~32~~.45 Development or redevelopment along the gateways to the Town (i.e., Queen Street and James Street) shall incorporate landscape green spaces along these corridors. The Town’s Zoning By-law shall regulate the extent of these landscaped green spaces.

3.3.3.5 Council may consult with the abutting Township of Perth South to ensure that cross-jurisdictional issues with the Municipal boundary do not impede Highway Commercial development or redevelopment in the Town or the Township of Perth South.

3.3.3.6 Parks, open space, recreational, and passive agricultural uses are permitted as interim uses on lands located within the “Highway Commercial” designation provided that such uses and activities involve minimal public or private capital inputs and would not preclude or hinder the expansion or continued use of existing operations or the feasibility of changing the parks, open space, recreational, or passive agricultural use land use to an highway commercial use for reasons of cost of conversion, public health or public safety. Buildings used to house livestock are prohibited.

3.3.3.7 Electricity generation through systems such as standalone or roof mounted solar panels, passive solar collectors, and geothermal system generators shall be permitted in the “Highway Commercial” designation. The placement,



design, and setting of such systems shall be in such a manner to ensure compatibility with sensitive neighbouring uses.

**3.3.3.8 Utility Uses**

Utility uses are permitted in accordance with the policies of Section 7.13.

**3.3.~~32.96~~ Zoning By-law**

The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Highway Commercial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).

**3.3.~~32.107~~** Highway Commercial uses shall be zoned in a separate zone with appropriate regulations in the Zoning By-law. Any new proposed uses shall be in accordance with those zone standards.

### 3.3.43 EXCEPTIONS

- a) The lands situated northwest of the corner of Queen Street and Thames Road, consisting of part of Lot 17, Concession 15, (formerly in the Township of Blanshard) in the Town of St. Marys may also be permitted one accessory residential use to the “Highway Commercial” uses provided that such accessory residential use is located only in the upper portions of a building used for highway commercial uses and that such accessory residential use does not exceed 185 square metres of total gross floor area.
- b) The lands consisting of Part of Lots 19 and 20, Concession 17, more particularly described as Parts 4 , 5, 9, 13, and 14, Reference Plan No. 44R-3819, in the Town of St. Marys may also be permitted a limited range of general commercial type uses that shall be of such a nature that they ~~complement~~complement those commercial uses established in the commercial core area, including such uses as business or professional offices, a barber shop or hairdresser, and a commercial retail store with a maximum gross floor area of not more than 250 square metres square, and accessory uses and buildings, but not including a shopping centre. A site plan agreement pursuant to the provisions of the Planning Act, RSO 1990 shall regulate development of this parcel.
- c) Within the lands consisting of Lot 1 and Lot 2, Registered Plan No. 210 in the Town of St. Marys business or professional office uses are permitted and shall be zoned such in the Implementing Zoning By-law.
- d) Within the lands consisting of Part of Lots 8 and 9, Registered Plan No. 215, ancillary uses for residential uses on the abutting property to the north are permitted and may be zoned such in the Implementing Zoning By-law.
- e) The lands consisting of Part of Lot 15, Concession 18, more particularly described as Part of Lot 2, Reference Plan No. 44R-4789 in the Town of St. Marys may also be permitted a limited range of general commercial type uses that shall be of such a nature that they complement those commercial uses established in the commercial core area, including such uses as business or professional offices, a taxi stand, a commercial retail store with a maximum gross floor area of not more than 250 square metres square, and accessory uses and buildings, but not including a shopping centre.

Notwithstanding the policies of Section 3.3.3.1 to the contrary, the redevelopment of the lands described in the paragraph above may be

permitted using the existing method of private sanitary servicing for a period not to exceed three years from the day of adoption of Official Plan Amendment No 29.

A Zoning By-law Amendment to define and regulate the additional permitted uses shall be adopted by Council. Council may also consider a temporary use by-law to permit the redevelopment of the lands using the existing method of private sanitary servicing for a period of not to exceed three years. Such temporary use by-law shall contain provisions which stipulate that the lands shall be serviced with municipal services, including sanitary sewers, water supply, and storm water sewer.

A Site Plan Agreement pursuant to Section 41 of the Planning Act R.S.O 1990 to regulate the development shall be entered into between the Town and the proponent prior to any development being permitted.

- f) Within the lands described as 825 and 895 Queen Street East, Part of Lot 17, Concession 19, in the Town of St. Marys, existing single detached dwellings and accessory uses are recognized as additional permitted uses. In addition, consents, to create a maximum of two residential lots for the existing residential uses with a maximum area of 4,000 m<sup>2</sup> per lot, are permitted.



WEST WARD SCHOOL - ST. MARYS, ONTARIO

Colin McQuinn, '77

### 3.4 GENERAL INDUSTRIAL

*General Industrial land uses provide a strong economic base that offers the residents of the Town a diversity of employment opportunities directly related to the industrial sector and the related spin-off sectors. The intention of the plan is to recognize existing industrial land areas as well as designate an adequate supply of lands for future industrial development with the intention of expanding the economic base of the Town while balancing this industrial development with the environment and the Town's ability to service this development.*

*Over the last several decades, the Town has reaped the benefits of increased assessment and tax revenue associated with a policy to aggressively encourage expansion of the existing industrial land base as well as the pursuit of new industrial partners for the continuing development of St. Marys as a community. It is the Town's intention to continue to along this path of planned, responsible, and managed growth of the industrial sector.*

*It is the intention of this plan to establish a classification system for industrial uses. This classification system will be based on the characteristics of the uses such as physical size, scale of operation, probability of emissions, on site activity. Those industrial uses that are less dependent on municipal services will be favoured over those that are more dependent.*

#### 3.43.1 OBJECTIVES

The following have been adopted as the objectives for the "Industrial" land use designation:

- 3.43.1.1 to create an atmosphere attractive to industrial investment and development;
- 3.43.1.2 to expand the employment opportunities available to the residents of the Town;
- 3.43.1.3 to encourage the development of sustainable light industry which will not impose a burden on municipal service systems;
- 3.43.1.4 to minimize the potential adverse effects of "General Industrial" areas on other land uses, sensitive land uses, and the residents of the community by establishing a classification system of industrial uses;
- 3.43.1.5 to promote and create attractive industrial environments through aesthetic and functional site and urban design measures that create barrier free places.

- 3.4.1.6 To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “General Industrial” designation as an industrial employment area.
- 3.4.1.7 To encourage more intensive use of existing industrial lands.
- 3.4.1.8 To mitigate adverse effects of industries on adjacent land uses and the natural environment -and where possible incorporate technologies and procedures to reduce carbon emissions.
- 3.4.1.9 To encourage brownfield redevelopment.
- 3.4.1.10 To protect industrial areas from incompatible land uses.
- 3.4.1.11 To encourage rehabilitation of the existing vacant and/or underutilized factory buildings and the adaptive reuse of the buildings for other industrial activities.
- 3.4.1.12 To partner with neighbouring municipalities to strengthen the competitiveness of the Town’s economic base.

#### 3.4.2 PERMITTED USES

Uses permitted in the “General Industrial” designation as shown on Schedule “A” to this Official Plan include manufacturing, assembling, fabricating, processing, warehousing, distribution, wholesaling, repair activities, service trades and construction, transportation terminals, business and professional offices, data processing and communication establishments, research and development facilities and incubators, public storage facilities, film or recording studios, recycling centres, service commercial uses, hotels, public halls, conference and convention centres, commercial recreational uses, and utilities. Ancillary uses such as restaurants, and small scale retail and commercial uses may be permitted provided they are directly related to the principal use.

Automobile wrecking yards, salvage yards, large plate commercial uses, residential uses, and places of worship are not permitted in the “General Industrial” designation.

#### 3.4.32 POLICIES

- ~~3.4.2.1 Within the “General Industrial” areas designated on Schedule “A” to this Plan the primary use shall be manufacturing, processing, warehousing, wholesaling, repair, servicing, transportation terminals, communication facilities, and research and development facilities, and goods storage facilities. Ancillary uses such as eating establishments and accessory uses are also permitted as accessory uses to the Industrial activities and may~~

~~include minor retail sales and office uses provided they are directly related to the principal industrial use.~~

3.4.~~32.12~~ Council will encourage a wide variety of new industrial uses that provides a balanced mixture of uses across the industrial sector while continuing to support the Town's existing industrial community. It is Council's intention to categorize industrial activity into three classifications. Each classification has its unique attributes and the Town's Zoning By-law will establish appropriate development standards.

3.4.~~32.12~~.1 Class I-Light Industry

Light industry is a self-contained operation of small scale and physical size that has a low probability of point source or fugitive emissions such as noise, dust, vibration or odour that produces, manufactures, stores, or assembles a product that is contained in a package. This type of industry normally operates during daytime hours and has no outside storage of materials or products. There is an infrequent movement of trucks and products.

Examples of Light Industry include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, auto parts supply, laundry and linen supply.

3.4.~~32.12~~.2 Class II- Medium Industry

Medium Industry is one that is of medium physical size and scale, operating on shifts that have several stages of manufacture with occasional noise, dust, odour and vibration of point source or fugitive emissions. There is outdoor storage of materials and wastes with frequent movement of trucks and products during daytime hours.

Examples of Medium Industry: printing establishments, dry cleaning services, paint spray booths, large vehicle repair shops, welding shops, bulk fuel storage, and food production.

3.4.~~32.12~~.3 Class III- Heavy Industry

Heavy Industry is one that is of large scale and physical size that has large production volumes with a continuous movement of people and products 24 hours a day. There is a high probability of point source and fugitive emissions such as noise, odour, dust and vibrations. There is outdoor storage of the finished product or raw materials.

Examples of Heavy Industrial: large automotive manufacturing, breweries, soaps, and detergent manufacturing, metal manufacturing, food production.

3.4.~~32.23~~ All new industrial uses must be connected to municipal services (i.e., sanitary sewer system). Council recognizes that some industrial users will place more demands on the municipal services, such as the sanitary services, than other



users. When considering a new industrial use, Council shall evaluate its impacts to determine if there are adequate municipal services, including water supply, sewage disposal, waste management, roads and fire protection. Council may consult appropriate authorities to evaluate any impacts on municipal services. ~~Council will encourage all effluent producing industries to construct on-site wastewater management treatment facilities.~~

3.4.~~32.34~~ Council will encourage all effluent producing industries to construct on-site wastewater management treatment facilities, renewable energy sources, on site composting, recycling and other practices to maximize the sustainability of the industry. Council will favour non-effluent producing industrial uses over effluent producing uses.

3.4.~~32.45~~ Industrial uses that will pose a significant health risk or safety risk to the residents of St. Marys or the environment by any means of pollution or by virtue of any other adverse environmental impact will not be permitted and the development policies of Section 3.8 will apply where applicable. Environmental approvals shall be obtained where required from the proper issuing authority.

3.4.~~32.56~~ Development or redevelopment of land for “General Industrial” purposes may be permitted only where infrastructure, appropriate to support the classification of industrial use proposed, is available. Appropriate infrastructure includes municipal sanitary collection and treatment facilities, municipal water supply, storm water sewers and management facilities, road network and access points, street lighting, solid waste collection, electrical services, and fire protection.

3.4.~~32.67~~ Development or redevelopment shall be subject to site plan control pursuant to the Planning Act, RSO 1990. Such matters to be addressed regarding Site Plan Control include on site building locations, landscaping, buffering, parking and vehicle movements, lighting, and drainage. Such matters shall be appropriate for the classification of industrial use proposed.

3.4.~~32.78~~ All new industrial uses shall require an amendment to the Zoning By-law (i.e., removal of a holding symbol). In considering any such amendment, Council shall have regard for the classification of industry, its impact on Municipal services and its compatibility with surrounding land uses and sensitive land uses. To evaluate its capability with surrounding land uses Council shall require the proponent to enter into a site plan agreement that shows:

- a) the location of all buildings and structures;
- b) adequate off street parking and loading areas; ~~and~~
- c) adequate screening for any open storage and as a buffer between the proposed use and any non-industrial uses and sensitive land uses, either public or privately owned, and public streets; ~~and.~~

d) the implementation of the Town's Urban Design guideline dealing with matters such as barrier free movements, pedestrian safety, lighting, and landscaping.

3.4.~~32.89~~ The lot area shall be large enough to accommodate for all activities relating to the classification of the industrial use. Such activities include parking, maneuvering of vehicles, loading, storage of materials and wastes, storm water management, landscaping, and emergency vehicle access.

3.4.~~32.940~~ Existing industrial uses not in areas designated Industrial shall be zoned as non-conforming uses in the implementing Zoning By-law.

3.4.3.10 Redevelopment of the existing vacant and/or under-utilized factory buildings and the adaptive reuse of the buildings for other industrial activities are encouraged. Council may develop Community Improvement policies to facilitate brownfield re-development of these and other sites.

3.4.3.11 Conversion of lands within employment areas, to non-employment uses shall only be permitted through a municipal comprehensive review that demonstrates:

- a) there is a need for the conversion;
- b) the conversion does not affect the overall viability of the employment area and the achievement of intensification and density targets;
- c) there is existing or planned infrastructure to accommodate the proposed conversion;
- d) the lands are not required over the long-term for employment purposes; and,
- e) the lands do not affect the operations or viability of existing or permitted employment uses on nearby lands.

3.4.3.12 Parks, open space, recreational, and passive agricultural uses are permitted as interim uses on lands located within the "General Industrial" designation provided that such uses and activities involve minimal public or private capital inputs and would not preclude or hinder the expansion or continued use of existing operations or the feasibility of changing the parks, open space, recreational, or passive agricultural use to an industrial use for reasons of cost of conversion, public health or public safety. Buildings used to house livestock are prohibited.

3.4.3.13 Council may consult with the abutting Township of Perth South to ensure that cross-jurisdictional issues with the Municipal boundary do not impede industrial development or redevelopment in the Town or the Township of Perth South.

3.4.32.144 Existing industrial uses adjacent to the “~~Central Commercial~~Downtown” area or in “Residential” areas shall be encouraged to relocate to an appropriately designated area.

~~3.4.2.12 Zoning By-law~~

~~The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Industrial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).~~

3.4.3.15 Electricity generation though systems such as small scale wind power generating systems, standalone or roof mounted solar panels, passive solar collectors, geothermal system and biomass generators shall be permitted in the “Employment Areas - General Industrial” designation. The placement, design, and setting of such systems shall be in such a manner to ensure compatibility with neighbouring sensitive land uses.

3.4.3.16 Utility Uses

Utility uses are permitted in accordance with the policies of Section 7.13.

3.4.3.17 Zoning By-law

The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Industrial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).

### **3.5      EXTRACTIVE INDUSTRIAL**

*Significant amounts of land in St. Marys have known deposits of mineral aggregates such as sand, gravel and limestone. The St. Marys Cement Plant owns a majority of these lands in Town and is well recognized for the extraction of limestone and the production of cement for export to areas throughout North America.*

#### **3.5.1      OBJECTIVES**

- 3.5.1.1      To protect as much of the mineral aggregate resources as is realistically possible.
- 3.5.1.2      To create an atmosphere attractive to extractive industrial investment and development.
- 3.5.1.3      To expand the employment opportunities available to the residents of the Town.
- 3.5.1.4      To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Extractive Industrial” designation as an industrial employment area.
- 3.5.1.5      To minimize the social and environmental impacts of “Extractive Industrial” activities on other land uses and the residents of the community and the natural environment.
- 3.5.1.6      To protect “Extractive Industrial” areas from incompatible land uses.
- 3.5.1.7      To permit interim land uses that are compatible with “Extractive Industrial” operations.
- 3.5.1.8      To encourage progressive rehabilitation, redesignation, and redevelopment of “Extractive Industrial” areas once the resource as the aggregate material has been depleted.

#### **3.5.2      PERMITTED USES**

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Uses permitted in the “Extractive Industrial” designation as shown on Schedule “A” to this Official Plan shall be intended for the extraction and processing of mineral aggregate resources. Activities normally associated with extraction such as crushing, screening, washing, stockpiling, storage, and recycling of aggregate products are permitted. Similar uses such as concrete batching plants are also permitted. Other uses permitted include Parks, Open Space, Recreational, and Passive Agricultural activities.

### 3.5.32 POLICIES

- 3.5.32.1 Within the “Extractive Industrial” areas designated on Schedule “A” to this Plan the primary use shall be processing, crushing, screening washing, and stockpiling of aggregate material. Ancillary uses are also permitted as accessory uses to the “Extractive Industrial” uses.
- 3.5.32.2 Existing extractive industrial operations shall be licensed by the Ministry of Natural Resources and Forestry. The licensee shall comply with all terms and conditions of such license, including the provisions for rehabilitation.
- 3.5.32.3 New extractive industrial operations and the expansion of existing extractive industrial operations shall be permitted provided that such uses are located in the “Extractive Industrial” designation. Where new or expanded extractive industrial operations are proposed beyond the limits of the ‘Extractive Industrial’ designation, Council shall require an amendment to this Official Plan.

When reviewing an application for a new or proposed expansion of an extractive industrial operation:

- a) Council shall not require a supply/demand analysis, notwithstanding the availability, designation, or licensing for extraction of mineral aggregate resources locally.
- b) Council shall take into consideration how the new/expanded operation will be compatible with surrounding uses, in terms of noise, odor, dust, wildlife, and ground water; and incorporate appropriate buffering and infrastructure such as water supply and roads.

#### 3.5.3.4 Rehabilitation of Extraction Sites

The rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the rehabilitation plan submitted to the Ministry of Natural Resources and Forestry as part of the site plan for licensing purposes.

It is a policy of this Official Plan that all subsequent land uses proposed through rehabilitation be both consistent and compatible with surrounding land uses.

Rehabilitation plans that involve the establishment of uses that are inconsistent and/or incompatible with surrounding land uses and which are not in accordance with the permitted use provisions of Section 3.5.2 shall not be permitted. All rehabilitation plans included with a site plan submitted for licensing purposes shall be reviewed during the application review process to

ensure that the subsequent land use resulting from the rehabilitation is appropriate and in conformity with this Official Plan.

#### 3.5.3.5 Sensitive Land Uses

Generally, sensitive land uses such as schools and residential uses shall be located no closer than 500 metres from an existing quarry or aggregate operation. Where a proposal for a sensitive use is proposed within 500 metres of the "Extractive Industrial" designation, the appropriate assessment reports shall be completed to reflect the nature of the development proposed and how impacts such as noise, dust, and vibration normally associated with extraction can be mitigated to the satisfaction of the Town and Provincial regulations.

#### 3.5.3.6 Wayside Pits and Portable Asphalt Plants

Aggregate extraction operations under the authority of a wayside permit issued by the Ministry of Natural Resources and Forestry pursuant to the provisions of the Aggregate Resources Act, shall be permitted in the "Extractive Industrial" designation. The implementing Zoning By-law shall permit and make provision for wayside permit aggregate operations in the extractive industrial zone.

#### 3.5.3.7 Portable Asphalt Plants

Portable asphalt plants, used by a public road authority or its agent, are permitted throughout the "Extractive Industrial" designation without the need to amend this Plan or the implementing Zoning By-law. Portable asphalt plants are subject to the following criteria:

- a) A certificate of approval for each plant must be obtained from the Ministry of Environment Climate Change;
- b) Each plant shall comply with minimum separation distances established by the Ministry of Environment and Climate Change; and,
- c) Each plant shall be removed from the site upon completion of the public project.

#### 3.5.3.8 Minerals and Petroleum

The Town has no known deposits of minerals (e.g. asbestos, graphite, salt, or talc) or petroleum resources. Where a proponent is seeking permission from Council for prospecting, mineral exploration, mine development or petroleum resource development, Council shall consult with the Ministry of Northern Development and Mines or the Ministry of Natural Resources and Forestry for assistance with the evaluation of any planning application approval and the development of appropriate policies to protect the resource.

#### 3.5.3.9 Electricity generation though systems such as small-scale wind generation systems, standalone or roof mounted solar panels, passive solar collectors, and geothermal system generators shall be permitted in the "Extractive Industrial" designation. The placement, design, and setting of such systems

shall be in such a manner to ensure compatibility with sensitive neighbouring uses.

3.5.3.10 Utility Uses

Utility uses are permitted in accordance with the policies of Section 7.13.

3.5.~~32.114~~ \_\_\_\_\_ Parks, Open Space, Recreational, and Passive Agricultural uses are permitted as interim uses on lands located within the “Extractive Industrial” designation provided that such uses and activities would not preclude or hinder the expansion or continued use of existing operations for reasons of public health or public safety. Such interim uses will be of a nature that they will not impact the feasibility of recovering the resource on which they are located. Buildings used to house livestock are prohibited.

3.5.~~32.125~~ Zoning By-law

The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Extractive Industrial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).



### **3.6 ENVIRONMENTAL CONSTRAINT**

*The “Environmental Constraint” designation is intended to apply to existing and former solid waste disposal sites and the sewage treatment plant in the Town. Currently, there are two known former solid waste sites and one operational site in the Town. Council recognizes the need to identify their location and develop policies to ensure compatibility between these uses and more sensitive uses.*

#### **3.6.1 OBJECTIVES:**

- 3.6.1.1 To identify existing and former solid waste disposal sites.
- 3.6.1.2 To establish policy to regulate land uses on and near existing and former solid waste disposal areas.

#### **3.6.2 POLICIES**

- 3.6.2.1 The two known abandoned solid waste disposal sites and the one existing operational solid waste disposal site shall be identified by the “Environmental Constraint” designation on Schedule “A” of this plan and shall be subject to the policies of the underlying “Environmental Constraint” designation.

- 3.6.2.2 In the “Environmental Constraint” areas on Schedule “A”, no use may be made of the former waste disposal site and no construction of buildings, structures and hard surface paving will be permitted except, subject to the Environmental Protection Act, and subject to the following policies.

- a) Approval, as required, by the Minister of the Environment has been obtained pursuant to the Environmental Protection Act;
- b) Studies of leachate and methane gas production and migration have been carried out to the satisfaction of the Town and the Ministry of the Environment to indicate that development can safely take place; and
- c) Such studies shall be carried out by a qualified hydrogeologist.

In the event that controls are required for leachate collection facilities and methane gas barriers, a buffer of 30 metres or 20 metres respectively, will be imposed around the perimeter of the filled area of the site.

- 3.6.2.3 Under no circumstances will residences be permitted in the area of land which was used for waste disposal.
- 3.6.2.4 Council has completed studies of the former solid waste disposal area located north of Widder Street East, between Huron Street North and St. Andrew Street North. The results of these studies demonstrate that the material

contained therein have a low probability leachate or methane gas generation. Where development is proposed within 500 metres of the former solid waste disposal area located north of Thomas Street or within 500 metres of the existing solid waste disposal area located on Water Street South:

- a) The Town and the Ministry of the Environment shall be consulted regarding any actions necessary to identify and mitigate any potential environmental concerns; and
- b) In order to facilitate a recommendation by the Ministry of the Environment to the approving authority, evidence, where appropriate, shall be provided to the Town and the Ministry of the Environment that such development, including construction of buildings, structures, underground utilities and services, as well as hard surface paving, can safely take place.

3.6.2.5 The “Environmental Constraint” areas shall be zoned in a separate category in the Zoning By-law and a buffer zone may be established to identify those lands located within 500 metres of a former or operational solid waste disposal site.

3.6.2.6 When all of the requirements of Section 3.6.2.2 are met and an appropriate land use designation is determined, in consultation with the Ministry of the Environment, then that land use may be put in place by an official plan amendment.

3.6.2.7 Additional Facilities

The establishment of a new land fill site or the expansion of an existing land fill site by Council will not require an amendment to this Official Plan. However, prior to the establishment of a new land fill site or the expansion of an existing land fill site Council shall obtain a Certificate of Approval for the Ministry of the Environment pursuant to Section 27 of the Environmental Protection Act.

Where a proposal for the establishment of a new land fill site or the expansion of an existing land fill site is not initiated by Council, an amendment to this Official Plan shall be required.

3.6.2.8 Zoning By-law

The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Environmental Constraint” uses or to delimitate any buffer areas around an “Environmental Constraint” and regulate uses therein. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).

### 3.7 RECREATIONAL

Recreational opportunities within the Town range from the small neighbourhood “tot lot” to the nationally renowned Canadian Baseball Hall of Fame. Recreational facilities are located in every area of the Town. The Recreational land use designation shown on Schedule “A” includes land used or intended for active and/or passive recreation uses

#### 3.7.1 OBJECTIVES

3.7.1.1 To promote a healthy, active community by providing a range of recreational activities which are accessible to all of the residents of the Town.

3.7.1.2 To recognize and promote existing recreational facilities and the establishment of new facilities.

3.7.1.3 To integrate recreational uses with all designations within the Town.

3.7.1.4 To promote community festivals, celebrations, and gatherings.

3.7.1.5 To recognize the Town’s “Recreational” areas as an instrument to promote economic development, tourism, and education/awareness programmes.

3.7.1.6 To promote the Town’s natural heritage features such as the Thames River, Trout Creek, Birches Creek and the swimming Quarry as unique recreational opportunities.

3.7.1.7 To encourage other agencies to provide recreational areas for public use.

#### 3.7.2 PERMITTED USES

Uses permitted in the “Recreational” Designation as shown on Schedule “A” to this Official Plan include parks, open spaces, trails, golf courses, recreational facilities, the Canadian Baseball Hall of Fame, and utility uses.

#### 3.7.~~32~~ POLICIES

3.7.~~32~~.1 The Town completed a ~~Community Services Master Plan in 199~~Recreation and Leisure Services Master Plan<sup>4</sup> to identify important long term planning needs for the community. Council will continue to implement its recommendations and, from time to time, initiate updates to this Master Plan.

3.7.~~32~~.2 Council will encourage the development of an open space system to extend throughout the Town. Where possible, existing recreational uses, parks and open spaces will be connected to the overall open space system. In the

~~“Central Commercial Downtown”~~ area, an integrated system of walkways along the riverfront will be developed to serve pedestrian traffic.

### 3.7.32.3 Park Classification

The Town has established a hierarchy of service levels for the park system in the Town. The system is based on the park’s purpose, its size, its service area, and its intended use and not on the park’s importance to the Town. In some cases, the parks described below may be located in other land use designation (i.e., “Residential”, “Natural Hazards”).

#### a) Town Parks

~~These uses~~ Town Parks are generally designed to primarily serve the Town population and on a more limited basis the surrounding rural areas; they are located along an arterial or collector road and are accessible by motorized and non-motorized forms of transportation. They generally consist of large lighted sports fields, ball diamonds, arenas, ~~golf courses, and~~ community centres, playgrounds and more. Ancillary uses including concession stands, pavilions, washrooms parking, washrooms and bleachers are also common to these types of facilities. Community programmes, special events, organized sports teams, and sports tournaments are also supported. ~~Organized sports teams and community programmes are also common.~~ These uses are often serviced with water, sanitary sewers, and electricity.

~~These facilities range from 10 ha to 50 ha in size, from very large land areas to much smaller in size if, for example, a cenotaph is the main focus. They may include unique natural and physical features. service 1,500 to 10,000 people and attract people from across the community.~~

#### b) Neighbourhood Parks

Neighbourhood parks are intended to serve local residential areas within a larger settlement area being designed to provide recreational areas and open space to serve residents within a 10 minute walking distance (approximately 800 metre service radius), without obstruction of physical boundaries, preferably on the corner of two intersecting local roads. Permitted recreation uses include unlit sports fields, hard surface courts, playgrounds, and other neighbourhood-level recreation facilities. Supporting amenities may include seating and open space.

The size of neighbourhood parks generally ranges between 0.5 hectares to 4 hectares in area. Larger park sizes are also acceptable. ~~These uses are generally smaller than Community Facilities as they are designed to provide recreational areas and open space to serve that nearby neighbourhood community. Playground equipment, benches,~~

~~green spaces are generally found in these parks. A water fountain may be the only type of service to these uses.~~

~~These facilities range from 0.5 ha to 4.0 ha in size, service 1,000 to 2,000 people who are generally located within 2 kilometres of the site.~~

c) Parkette/Tot Lots

These facilities are generally the smallest form of open space in the community, ~~being 1 to 2 building lots in size.~~ They are designed to serve the population in immediate proximity to the facility. Passive recreation uses ~~with little or no~~including playground equipment and and supporting amenities including seating and open space are permitted~~no infrastructure are common.~~

These facilities service 50 to 100 people who are generally located within 500 metres of the site. Due the type of user (younger children), physical barriers such as busy roadways and train tracks often define the service boundary.

The development of parkettes/tot lots smaller than 0.5 hectares should be discouraged, except in instances that may be advantageous to the Town to reconcile gap areas and to address shortages in parkland.

d) Other Open Spaces

Passive open spaces and parks including, walking, and biking trails, natural areas, gardens, storm water management area, cemeteries, elementary and secondary school open space areas also function as community facilities. Although the Town does not have direct influence over these uses, they are important as an open space resource.

These facilities are not directly driven by population demand.

e) Canadian Baseball Hall of Fame and Museum

The Canadian Baseball Hall of Fame and Museum is located toward the south end of Church Street, east of the Quarry. The Hall of Fame and Museum provides a unique recreational experience including active baseballs fields, a museum housing some of Canada's great baseball artefacts and memorabilia, and passive open spaces. The Hall of Fame and Museum is permitted in the "Recreational" designation and other ancillary uses such as an education centre, walking trails, picnic grounds, a stadium, and a dormitory may also be permitted on this site in accordance with applicable polices of this Official Plan.

3.7.32.4 ~~Trails~~Active Transportation

Trails are an excellent example of an active transportation opportunity where the benefit of activities such as walking, running, biking, in-line skating and

cross-country skiing lead to stronger community interaction and healthier residents. Trails located within the “Recreation” designation consist of hiking, walking, and bicycle trails.

The development of hiking, walking, and bicycle trails is a significant resource to the Town. Opportunities to develop new trails or extend existing trails throughout the Town will continue to be encouraged and shall be identified on Schedule “B” to the Official Plan. The use of public lands, the floodplains adjacent to the watercourses, and private lands may be used to develop or extend the trail system. As a condition of new development, proponents shall provide for the dedication of land to the Town for pedestrian and bicycle pathways in accordance with the Planning Act.

Infrastructure improvements such as accessible trail head development and accessible access points, water crossings and extensions are important components to the Trail System. Adequate signage and parking facilities shall be provided.

The Town should consider the preparation of an Active Transportation Master Plan to assist with long-term implementation of the conceptual active transportation network contained in the Town’s Recreation and Leisure Master Plan. The Active Transportation Master Plan can identify key trail development priorities and policies to effectively guide pedestrian trail network decision-making.



### 3.7.3.5 Water Resources

The Thames River, Trout Creek, Birches Creek and their tributaries and the swimming Quarry are a treasured recreational asset. While any recreational opportunities shall play a subordinate role to the functions of the watercourses as part of the Town's natural heritage system, activities such as canoeing, kayaking, stand up paddleboarding, and fishing are encouraged and structures such as boat launches and seasonal docks are permitted to the extent allowed by the Upper Thames River Conservation Authority.

### 3.7.32.65 New Parkland Acquisitions

~~Council recognizes that need for the establishment of a new Town Wide park in the north Ward. Opportunities to develop such a facility, in conjunction with private land developers, will be explored when considering any new development applications.~~

The Plan of Subdivision/Condominium and the Consent process is the principal method for Council to obtain parkland. Council may require that parkland/open space be provided as a part of the subdivision process and/or that cash-in-lieu of parkland dedication be acquired.



Where development is proposed, Council may impose as a condition to the approval of the subdivision process, that land be dedicated to the Town for park or other public recreational purposes. The rate of such dedications shall not exceed, in the case of a subdivision proposal for commercial or industrial purposes, 2 per cent of the land included in the proposal and in all other cases, 5 per cent of the land included in the proposal.

Where parkland dedication is being considered, the land which is to be conveyed to the Town must be suitable for parkland purposes and acceptable to the Town. Accepting parkland smaller than 0.5 hectares is discouraged, except instances that may be advantageous to the Town to reconcile gap areas and to address shortages of parkland.

Woodlots, storm water management ponds, naturalized areas, and environmentally sensitive areas should not be accepted as a part of parkland dedication, although the Town may assume these lands (over and above) for the purposes of protecting, natural areas for passive recreation (e.g., trail development) and educational uses.

Where Council requires a dedication for park or other public recreational purposes, in lieu of accepting the conveyance, Council may require the cash for all or part of the required parkland dedication in circumstances where the neighbourhood has sufficient park and recreational areas to meet the needs of the residents, where the area of land to be dedicated would be impractical to use for park or recreational uses due to its size or shape.

Council may specify a fixed amount of cash per dwelling unit created by By-law where such amount of cash is based on the market value of land in the Town.

3.7.~~32~~.76 Land which is designated in this Plan as “Recreational” that is in private ownership will not necessarily remain as “Recreational” indefinitely. If proposals to develop any such lands are made and the Town does not wish to purchase the land in order to maintain it as “Recreational”, then an application for the redesignation of such land for other purposes will be given due consideration by Council. Any proposal or application for redevelopment shall conform with the policies and intent of this Plan.

3.7.~~32~~.8 While public ownership is a satisfactory way of maintaining “Recreational” areas, the “Recreational” designation shall not be construed to imply that all lands thus designated will be purchased by public authorities.

3.7.3.9 It is recognized that the School Boards, the Upper Thames River Conservation Authority, and other outside agencies and bodies provide recreational opportunities for the residents of St. Marys. Council encourages this relationship and where appropriate may enter into joint management or

use agreements with these outside agencies and bodies and other private organizations to augment and foster these relationships for the betterment of the residents of St. Marys.

3.7.3.10 Electricity generation through systems such as standalone or roof mounted solar panels, passive solar collectors, and geothermal system generators shall be permitted in the “Recreational” designation. The placement, design, and setting of such systems shall be in such a manner to ensure compatibility with sensitive neighbouring uses.

3.7.3.11 Utility Uses

Utility uses are permitted in accordance with the policies of Section 7.13.

3.7.32.129 Implementation

It is intended that the creation and/or improvement of parks within the Town shall be guided by the policies of Section 3.7 and 7.157.15 of this Official Plan.

3.7.32.130 Zoning By-law

The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of recreational uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).

### 3.8. NATURAL HAZARDS

*Being situated at the scenic confluence of the North Thames River and Trout Creek, the citizens of St. Marys enjoy the benefits of beautiful vistas and scenic landscapes but they are also aware of the natural hazards associated with this setting.*

*In the Town there are steeply sloped lands that are susceptible to erosion and valley lands that are susceptible to flooding ~~from time to time~~. These lands are primarily located along the Thames River, Trout Creek, and Birches Creek and include a significant portion of the downtown business area. These watercourses, and their associated valley lands, fall within the jurisdiction of the Upper Thames River Conservation Authority (UTRCA) who have assisted the Town with the development and implementation of a comprehensive set of policies to protect life and property in the ~~flood-prone areas~~ case of a regulatory (1:250 year) flood event. The UTRCA uses the 1937 - Observed Flood ~~Storm~~ Event as its Regulatory Flood level.*

*~~The Town has developed, with the assistance of the UTRCA, the Ministry of Natural Resources, and the Ministry of Municipal Affairs and Housing has approved,~~ a Special Policy Area for the downtown business area where it is recognized and warranted that development and redevelopment ~~need to~~ can occur to a standard of flood protection which is less than that required to withstand the Regulatory Flood. Specific policy for this Special Policy Area has been developed for the downtown business area.*

*In addition to the development of a Special Policy area, the Town also uses a Two-Zone Concept approach that allows limited development in the “flood fringe” portion of the flood plain. Specific policy for the “flood fringe” has been developed to regulate uses in this area.*

#### 3.8.1 OBJECTIVES

- 3.8.1.1 To assist in identifying those lands that are subject to flooding hazards and/or erosion hazards.
- 3.8.1.2 To prevent the needless destruction of property from flooding by prohibiting new development and regulating the redevelopment and expansion of existing development.
- 3.8.1.3 To develop a flood plain management program which will ensure proper land use and prevent or minimize the risk of property damage, loss of life, and disruption from flood hazards and/or erosion hazards.
- 3.8.1.4 To encourage and promote cooperation amongst the Ministry of Natural Resources and Forestry, the Conservation Authority, the Town, and individual property owners in dealing with issues and concerns related to flooding hazards and/or erosion hazards within the identified “Natural Hazards” areas.

The intent of these policies is to protect life and property from risks associated with natural hazards, ensure people and vehicles are able to safely travel during emergencies, and ensure that no new hazards are created.

3.8.1.5 To preserve, conserve, and enhance the distinct natural environment associated with identified "Natural Hazards" areas.

3.8.1 6 To provide natural and man made recreational opportunities.

3.8.1.7 To recognize that the "Natural Hazard" areas are part of the Town's natural heritage system.

### 3.8.2 PERMITTED USES

The permitted uses of land in the floodway portion of the "Natural Hazard" designation shall be forestry, conservation uses, flood or erosion control works/infrastructure, agriculture, utilities, and outdoor recreation uses, including seasonal small craft access areas[A1]. The flood fringe area will function as an "overlay" area and the permitted uses of land in the flood fringe shall be those uses permitted in accordance with the applicable policies of the underlying land use designations established by this Plan provided they receive the appropriate approval/permit from both the Town and the Conservation Authority.

### 3.8.32 POLICIES

3.8.3.14 A number of properties in the Town of St. Marys are situated within the floodplain and erosion hazards of the North Thames River, Trout Creek, and other small watercourses. In addition to the applicable policies associated with their respective land use designations, these properties ~~shall be~~are subject to the policies of the Upper Thames River Conservation Authority.

3.8.32.2 Where the two-zone concept applies, the flood plain shall consist of the floodway and flood fringe. The floodway is the inner portion of the flood plain, representing that area required for the safe passing of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. The outer portion of the flood plain is called the flood fringe where depths and velocities of flooding are generally less severe than those experienced in the floodway. The flood fringe is the area where development and site alteration may be permitted, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Ministry of Natural Resources and Forestry.

3.8.32.3 The Regulatory Flood Line shall be determined by the Upper Thames River Conservation Authority with regard to the natural heritage and natural hazard

policies as outlined under the Provincial Policy Statement and with regard to the regulations made pursuant to the Conservation Authorities Act.

The development or redevelopment of properties below the Regulatory Flood Elevation shall be discouraged.

In those situations, in the Special Policy Area, where development and redevelopment is deemed necessary by the Town and the Conservation Authority ~~as per the approved Special Policy Area policies, it shall be flood proofed to a minimum of the 1:100 year flood elevation. Development and redevelopment should, where feasible, be flood proofed to the Regulatory flood elevation. The level of flood proofing shall be determined by the Town and the Conservation Authority.~~

3.8.32.4 Notwithstanding any other policy in this plan, ~~development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:~~

- ~~a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;~~
  - ~~b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or~~
  - ~~c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.~~
- 
- ~~a) new development associated with substances of a chemical, hazardous or toxic nature, which would pose an unacceptable threat to public safety, if damaged as a result of flooding or failure of flood proofing measures, is not permitted to locate in the floodplain;~~
  - ~~b) new development associated with institutional uses, such as hospitals, nursing homes and schools, which would pose a significant threat to the safety of the inhabitants (e.g. the sick, the elderly, the disabled or the young), if involved in an emergency evacuation situation as result of flooding or failure of flood proofing measures, is not permitted in the floodplain; and~~
  - ~~c) new development associated with essential services, such as police, fire and ambulance stations and electrical substations, which must continue to function during a flood emergency, are not permitted to locate in the floodplain, if as a result of flooding or failure of flood proofing measures, delivery of the service would be impaired.~~

3.8.32.5 SPECIAL POLICY AREA

In accordance with 3.8.2.2, the Town of St. Marys, the Upper Thames River Conservation Authority, the Ministry of Natural Resources and Forestry, and

the Ministry of Municipal Affairs agree that a higher flood risk than normally acceptable is warranted for those lands designated as a Special Policy Area on Schedule "C" to this Plan.

This Special Policy Area designation may permit controlled development and redevelopment to a standard of flood protection less than that required to withstand the Regulatory flood. This higher flood risk is necessary to sustain the economic viability of St. Marys' ~~central-commercial~~Downtown areas.

Except for the flood proofing criteria described in Section 3.8.32.4, the minimum level of flood protection within the Special Policy Area is the 1:100 flood elevation.

- a) notwithstanding Sections 3.8.32.3 existing land uses, including residences and institutions, are recognized within the floodplain. The intensification of existing uses, however, is generally not permitted.
- b) furthermore, in the event of fire or other disaster, redevelopment of such uses shall be permitted at similar densities. However, where there is mutual agreement between the affected property owner and the Conservation Authority, redevelopment should be flood proofed to the Regulatory Flood elevation, where this is not possible redevelopment should incorporate as much flood proofing as feasible.

### 3.8.32.6 SPECIAL POLICY AREAS (SUB AREAS)

Given that the extent and type of redevelopment contemplated within the Special Policy Area is varied, three sub-areas have been established. These sub-areas are labeled A, B, and C, as delineated on Schedule "C" and are subject to the specific flood proofing criteria outlined as follows:

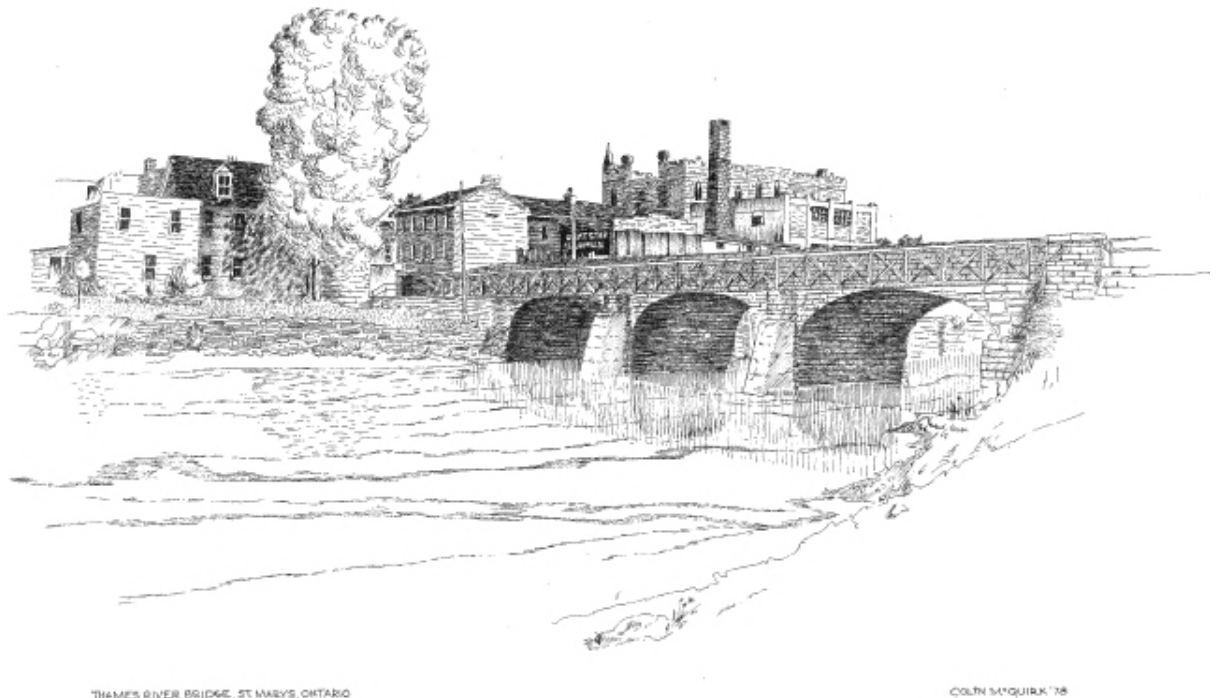
With regard to each sub-area, development and redevelopment and their associate flood proofing criteria may take place subject to the following criteria:

#### a) ALL SUB-AREAS

Proposed commercial, residential or institutional uses subject to Section 3.8.32.4 of this Plan are permitted in all sub-areas provided:

- i) the land use designations on Schedule "A" permit such uses;
- ii) vehicular and pedestrian access is achieved to the extent that new ingress/egress routes shall be equal to the elevation of the existing Municipal roadway with which they intersect;
- iii) living spaces and building or window openings are not situated below the 1:100 year flood elevation;

- iv) mechanical, electrical and heating services are not situated below the 1:100 year flood elevation unless flood proofed;
- v) new sanitary sewers are tight against inflow below the 1:100 year flood elevation;
- vi) structural integrity is achieved to withstand hydrostatic, hydrodynamic, and buoyant loading associated with the 1:100 year flood elevation; and
- vii) parking lots associated with proposed residential or institutional uses are constructed in accordance with the policy of Section 3.8.2.3 and in no case shall be lower than that obtained for the provision of access as outlined in Section 3.8.2.5 above.



b) SUB AREA "A" (FORMERLY Sub Areas A1, A2 and D)

There shall be no development or redevelopment of the properties:

- i) bounded on the south side of Trout Creek by Trout Creek, the Thames River, Jones Street, and Wellington Street;
- ii) bounded on the north side of Trout Creek by Trout Creek, Peel Street, and Wellington Street; and
- iii) abutting the north side of Trout Creek between Water and Wellington Street.

unless floor proofed to a minimum of 1:100 regulatory elevations.

For any attached structures fronting on Queen St, between Water St. and Wellington St., redevelopment should be flood proofed to the Regulatory flood elevation. Where this is not feasible structures must be



flood proofed to a minimum of 1:100 year flood elevation. Regard should be had for maintaining consistency with the facades of adjacent properties and for maintaining compatibility with the existing densities of second and third storey residential units.

c) SUB-AREA "B" (*FORMERLY Sub Areas B AND E*)

Most properties in this sub area are already protected to the 1:100 year flood elevation. The policies of Section 3.8.32.6.a) apply.

d) SUB-AREA "C"

Development or redevelopment in this sub-area is feasible through the placement of fill and/or structural flood proofing to an amount which provides flood proofing to the minimum of the 1:100 year flood elevation.

3.8.32.7 In accordance with Section 3.8.32.2, a two-zone designation shall apply to those lands which are below the Regulatory flood line and outside the Special Policy Area designation on Schedule "C" of this Plan. The boundaries of this two-zone designation should be the Regulatory flood line as identified on Schedule "C".

In the floodway, it is a policy of this Plan that development shall generally be discouraged. However, buildings and structures for flood control purposes, public works purposes, and active and passive recreation may be permitted. In addition, limited development associated with existing uses located in the floodway may be permitted where the circumstances warrant the development. Where buildings and structures are permitted, they shall be subject to the approval of any flood proofing measures required by the Upper Thames River Conservation Authority.

In the flood fringe, development shall be permitted subject to the following:

- a) the approval of the Upper Thames River Conservation Authority for the erection of buildings and structures and the placement of fill;
- b) all buildings and structures erected shall be flood proofed to withstand the Regulatory flood; and
- c) safe access, pedestrian and vehicular, must be available for all new residential uses.

3.8.32.8 In considering development or redevelopment applications within the Special Policy Area and anywhere else within the floodplain, the Town and the Conservation Authority shall both be satisfied that the application includes feasible flood proofing measures, to the extent required under Sections 3.6.3, 3.6.5.1, and 3.6.5.4 of this Plan.

- 3.8.32.9 It is essential that some form of public notification be given to signify the potential flood risks and flood proofing methods which may be necessary for any new development or redevelopment proposed on these flood prone lands.

Implementation of these flood protection policies shall be provided through a separate zone category in the Town's comprehensive zoning by-law which, among other matters, will establish provisions that regulate basements, the locations of buildings and structures, and the minimum elevations of windows and doors, outside storage, and building setbacks as necessary to achieve the flood proofing requirements of this plan for development within the Special Policy Area.

- 3.8.32.10 Site plan control, pursuant to Section 41 of the Planning Act, RSO 1990, shall also be applied to regulate development or redevelopment within the Special Policy Area.

- 3.8.32.11 The Town in conjunction with the Conservation Authority shall consider means of improving the level of flood protection within the Special Policy Area and throughout the floodplain through remedial works, where feasible, and by continuing its flood advisory and warning program.

- 3.8.32.12 The areas which are designated "Natural Hazards" on Schedule "C" shall also be identified as "Natural Hazards" in the implementing Zoning By-law. The Zoning By-law will contain provisions consistent with the policies for the "Natural Hazards" designation as set forth in this Plan.

- 3.8.32.13 Generally, consents for the purpose of creating new lots for development within the "Natural Hazards" designation shall be prohibited. However consents for the purpose of creating lots for public use such as municipal parks and open space areas or for flood or erosion control may be permitted. Consent may also be granted for lot boundary adjustments/corrections provided that such adjustments/corrections are minor in nature. Consideration shall be given to the provisions of Sections 50(3) and (5) of the Planning Act, RSO 1990 and to the provisions of the implementing Zoning By-law when dealing with such applications.

When reviewing such Consent applications, input is to be obtained from the Upper Thames River Conservation Authority prior to the Committee of Adjustment making its decision.

- 3.8.32.14 The floodplain areas provide an excellent opportunity for both active and passive open space and recreational uses through the development of a park system which could extend throughout the Town. Where no negative impacts on the form and function of natural heritage feature/systems have been

identified by the appropriate environmental impact assessment, tThe development of walking and bicycle trails along the watercourses will continue to be encouraged. Council will continue to explore opportunities to further expand the existing parks and open spaces in the floodplain and may initiate a program for land acquisition along the water front in conjunction with the Upper Thames River Conservation Authority.

3.8.32.15 Open Space uses in private ownership, such as golf courses and sports fields, are also permitted in the floodplain areas. Proponents seeking the establishment of new open space uses shall demonstrate through an environmental impact assessment that such development shall have no negative impacts on the form and functions of the natural heritage feature/systems.

3.8.32.16 Natural Hazards Constraint Areas

The “Natural Hazards Constraint Area” overlay shall apply to those lands and watercourses which have been flooded, are susceptible to flooding under severe conditions, or are subject to erosion and which have not been designated as “Natural Hazards” in this Official Plan.

3.8.32.16.1 Scope

The “Natural Hazards Constraint Area” overlay is not intended to be a separate land use designation, but rather is intended to be superimposed over and above other land use designations established by this Official Plan. The policies for the “Natural Hazards Constraint Area” shall apply in addition to all applicable policies for the underlying land use designation.

3.8.32.16.2 Boundaries

In the absence of more detailed mapping, the boundaries for the “Natural Hazards Constraint Area” designation as shown on attached Schedule “C” are to be considered as general and not absolute. These boundaries are based on the approved ~~flood line~~natural hazard mapping criteria of the Upper Thames River Conservation Authority and aerial photograph interpretation. It should be noted that CA regulated areas are text based. In the event of a discrepancy between the mapping and the text of the policy, the text shall prevail.

3.8.32.16.3 Permitted Uses

The permitted uses in areas located within a “Natural Hazards Constraint Area” shall be in accordance with the applicable land use policies for the underlying land use designation as identified on Schedule “A” to this Official Plan only to the extent that they do not conflict with the policies established for the “Natural Hazards Constraint Area” designation.

#### 3.8.32.16.4 Studies

Where detailed floodline information or hazard related information is required to assess the development proposal, the development proponent shall be responsible for preparing a study to the satisfaction and the approval of the Upper Thames River Conservation Authority and the Town. The purpose of this study is to locate the hazardous area and avoid it for new development.

#### 3.8.32.16.5 Setbacks

Where the nature of a hazard and the physical characteristics of a site warrant it or an assessment study deems it appropriate, setbacks for buildings and structures from areas located within a “Natural Hazards Constraint Area” shall be imposed. The extent of such setbacks shall be determined in consultation with the Upper Thames River Conservation Authority and will be implemented through the Town’s implementing Zoning By-law, where appropriate.

#### 3.8.32.16.6 Rehabilitation

Council encourages the reestablishment of vegetation cover and buffer areas along the watercourses that are located within a “Natural Hazards Constraint Area”. The advice and assistance of the Ministry of Natural Resources and Forestry, and the Upper Thames River Conservation Authority may be sought to assist Council in regard to such matters.

3.8.3.17 Small-scale hydro electrical generation facilities along the North Thames River and Trout Creek may be permitted subject to the applicable policies of the UTRCA, Ministry of Natural Resources and Forestry, the Ministry of the Environment and Climate Change and all other applicable regulations.

#### 3.8.3.18 Utility Uses

Utility uses are permitted in accordance with the policies of Section 7.1

#### 3.8.32.196.7 Zoning By-law

The implementing Zoning By-law shall be the principle tool to execute the policies of the “Natural Heritage” designation and the “Natural Hazards Constraint Area” overlay through the establishment of zones classification to regulate the development in its various forms. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height) and shall contain provisions consistent with the policies for the “Natural Heritage” designation and the “Natural Hazards Constraint Area” as set forth in this Official Plan.

### 3.9 NATURAL HERITAGE

The natural resources of the Town have been altered and fragmented since the settlement of this community, in order to meet the needs of the community. Little remains of the original natural condition and what does remain has generally been reduced to below the thresholds needed to sustain themselves.

Council proposes to develop a strategy to identify the environmentally significant features, functions, and linkages within the Town in order to protect and enhance the remaining natural heritage features in the Town. The Natural Heritage system is an ecologically based delineation of nature and natural functions which need a coordinated approach to integrate the various components in a comprehensive manner.

The “Natural Heritage” designation is intended to apply to locally and provincially significant wetlands, locally significant woodlands, significant portions of the habitats of endangered and threatened species, fish habitats, natural watercourses, significant valley lands, significant wildlife habitats, Areas of Natural and Scientific Interest (ANSIs), and ground water recharge areas.

While the location and significance of these features has yet to be determined in some cases, all of these features need to be considered when applications for development and site alteration are being evaluated. Appendix 1 is intended to reflect the following natural heritage features and areas:

- a) Significant wetlands;
- b) Significant woodlands;
- c) Significant valleylands; and,
- d) Areas of Natural and Scientific Interest.

Locally and provincially significant wetlands, significant portions of the habitats of endangered and threatened species, significant valley lands, significant wildlife habitats, and Areas of Natural and Scientific Interest (ANSIs) have not been identified in the Town; however, it is recognized that a Natural Heritage Study of the Town may determine whether any of these features exist in the Town and need protectionthe extent of other Natural Heritage features remaining in the Town that can be protected and enhanced. Where such Natural Heritage Features are identified, such areas shall be appropriately recognized and policies will be developed by Official Plan Amendment and included on Appendix 1.

### 3.9.1 OBJECTIVES

3.9.1.1 To assist in identifying natural heritage systems through a science based study which measures their environmentally significant features, functions, and linkages within the Town.

3.9.1.2 To assist with the protection of natural heritage systems and their functions and linkages within the Town from incompatible activities.

3.9.1.~~32~~ To preserve, conserve, and enhance the distinct natural environment associated with identified “Natural Heritage” areas.

3.9.1.4 To establish a set of policies to evaluate land use applications in, near, or regarding/relating to natural heritage features.

### 3.9.2 PERMITTED USES

Lands located within the “Natural Heritage” designation should generally be undisturbed from development but subject to the policies of Section 3.8, uses that may be permitted within the “Natural Heritage” designation corresponding to significant natural heritage features and areas will be regulated to the following:

- a) activities that create or maintain infrastructure authorized under an approved environmental assessment process;
- b) buildings or structures intended for flood or erosion control or management of the natural feature approved by the Town and the UTRCA;
- c) use of the area for an approved wildlife, wetland or fishery management project as approved by the Town and the Upper Thames River Conservation Authority and/or the Ministry of Natural Resources and Forestry;
- d) use of the area for passive recreation, such as recreational walking trails and passive environmental education and research; and,
- e) minor additions to existing buildings developed and located on existing cleared land in accordance with the Town’s implementing Zoning By-Law.

### 3.9.~~32~~ POLICIES

#### 3.9.3.1 Significant

The Province has provided guidance through the PPS as to the definition of “significant” based on the identified feature. Council recognizes that the original natural condition of the Town has been degraded and those natural features which do remain have generally been reduced below the thresholds of significant as defined by the Province. Council may move beyond the

criteria as recommended by the Province and identify some Natural Heritage features as locally significant and needing protection, preservation, conservation, and enhancement.

### 3.9.3.2 Significant Wetlands

There are no known Significant Wetlands within the Town limits. Where wetlands are identified, Council will seek advice from the Upper Thames River Conservation Authority for their protection

#### 3.9.2.1 Fish Habitats

~~Fish Habitats are locations of spawning grounds, nurseries, feeding areas, and migration areas on which fish depend upon for survival. Such habitats are governed under the Federal Fisheries Act and administered by Fisheries and Oceans Canada or their delegate. The Upper Thames River Conservation Authority is currently delegated as the Level II approval authority in these matters.~~



~~Specific policies for fish habitat areas are as follows:~~

- ~~(a) Development proponent must ensure that their activities will not harm, alter, disrupt or destroy fish habitat as defined in the Federal Fisheries Act. The advice of the Fisheries and Oceans Canada or their delegate should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption or destruction of fish habitat the proponent may be required to submit an environmental impact study or other appropriate study for review by the Fisheries and Oceans Canada or their delegate;~~
- ~~(b) Development and site alterations shall not adversely affect any fish habitat. Generally, development or site alterations are most likely to create adverse impacts within 30 metres of the water body. Development will not be permitted within 15 metres of a watercourse. Where development is proposed within 30 metres of a water body, it must be demonstrated that there is no negative impact;~~
- ~~(c) Extensions or enlargements of existing buildings and structures in the adjacent land area may be permitted provided that it is demonstrated to the satisfaction of the Ministry of Natural Resources or other appropriate regulatory agency that such extension or enlargement will have no negative impact on the fish habitat;~~
- ~~(d) When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat;~~
- ~~(e) The Town's implementing Zoning By-laws shall zone fish habitats and their adjacent land areas to preclude development and site alteration excepting that permitted above.~~

### 3.9.32.32 ~~Wood~~ Lands/Significant ~~Wood~~ Lands

Council has engaged the Upper Thames River Conservation Authority to complete a Natural Heritage Study.

In accordance with Provincial Policy, significant wood lands are characterized by the Province on the basis of the size and ecological functions (such as amount of interior, buffering, or water quality), characteristics (such as unique species, vegetation communities, habitat, or age of the wood land), and economic and social functional values.

Council recognizes that little of the natural woodland cover remains in the Town. Development and site alterations involving wood lands identified on Appendix 1 may be permitted provided that as much of the wood land, as possible, is preserved. Council may, as a condition of development approval,

require the replacement of wood land equal to that destroyed by the development or site alteration.

Significant Wood Lands, as shown on Appendix 1 Schedule "A" to this Official Plan, represent those areas of the Town where larger wood land areas remain relatively undisturbed. Development and site alterations within involving significant wood lands identified on Appendix 1 shall not be permitted unless the development is supported by an environmental impact study or other appropriate study to assess the impact of development and that there will be no negative impacts on the ecological function of the wood land and as much of the wood land, as possible, is to be preserved and enhanced. Council may, as a condition of development approval, require the replacement of wood land equal to three times the area that is destroyed by the development or site alteration.

Adjacent lands shall be defined as those lands within 30 metres of an identified Wood Lands/Significant Wood Lands.

Development and site alterations involving wood lands identified on Schedule "A" may be permitted within the 30 metres adjacent land/buffer area provided that such development will not result in negative impacts on the significant wood lands. An environmental impact study or other appropriate study may be required in order to assess the impact of development.  
proponent of development can demonstrate that there will be no negative impacts on the ecological function of the wood land.

#### 3.9.3.4 Significant Valley Lands

There are no known Significant Valley Lands within the Town limits. Council recognizes the value of the Valley Lands associated with the Thames River and Trout Creek and that further study of the Valley Land areas is required in order to determine whether any of the Valley Land areas are considered to be significant. Where significant Valley Land areas are identified, such areas shall be appropriately recognized and specific policies for such areas will be developed through the Official Plan Amendment process.

#### 3.9.3.5 Significant Wildlife Habitat

There are no known Significant Wildlife Habitats within the Town limits. Where such habitats are identified through an Environmental Impact Study, Council will seek advice from the Ministry of Natural Resources and Forestry or other expert for their protection.

### 3.9.3.6 Significant Areas of Natural of Scientific Interest (ANSI)

There are no known Earth Science or Life Science ANSIs within the Town limits. Where such areas are identified, they shall be appropriately recognized and specific policies for such areas will be developed through the Official Plan Amendment process.

~~Council recognizes that little of the natural woodland cover remains in the Town; however, efforts to preserve, maintain, and enhance this feature will be promoted by Council. Development and site alterations involving wood lands identified on Schedule "A" may be permitted provided that as much of the wood land, as possible, is preserved. Council may, as a condition of development approval, require the replacement of wood land equal to that destroyed by the development or site alteration.~~

### 3.9.3.7 Fish Habitats

Fish Habitats are locations of spawning grounds, nurseries, feeding areas, and migration areas on which fish depend upon for survival. Such habitats are governed under the Federal Fisheries Act and administered by Fisheries and Oceans Canada or their delegate. The Upper Thames River Conservation Authority is currently delegated as the Level II approval authority in these matters.

Specific policies for fish habitat areas are as follows:

- (a) Development proponent must ensure that their activities will not harm, alter, disrupt or destroy fish habitat as defined in the Federal Fisheries Act. The advice of the Fisheries and Oceans Canada or their delegate should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption or destruction of fish habitat the proponent may be required to submit an environmental impact study or other appropriate study for review by the Fisheries and Oceans Canada or their delegate;
- (b) Development and site alterations shall not adversely affect any fish habitat. Generally, development or site alterations are most likely to create adverse impacts within 30 metres of the water body. Development will not be permitted within 15 metres of a warm water watercourse or within 30 metres of a cold water watercourse. Where development is proposed within 30 metres of a water course, it must be demonstrated that there is no negative impact;
- (c) Extensions or enlargements of existing buildings and structures in the adjacent land area may be permitted provided that it is demonstrated to the satisfaction of the Ministry of Natural Resources or other appropriate regulatory agency that such extension or enlargement will have no negative impact on the fish habitat;

(d) When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat;

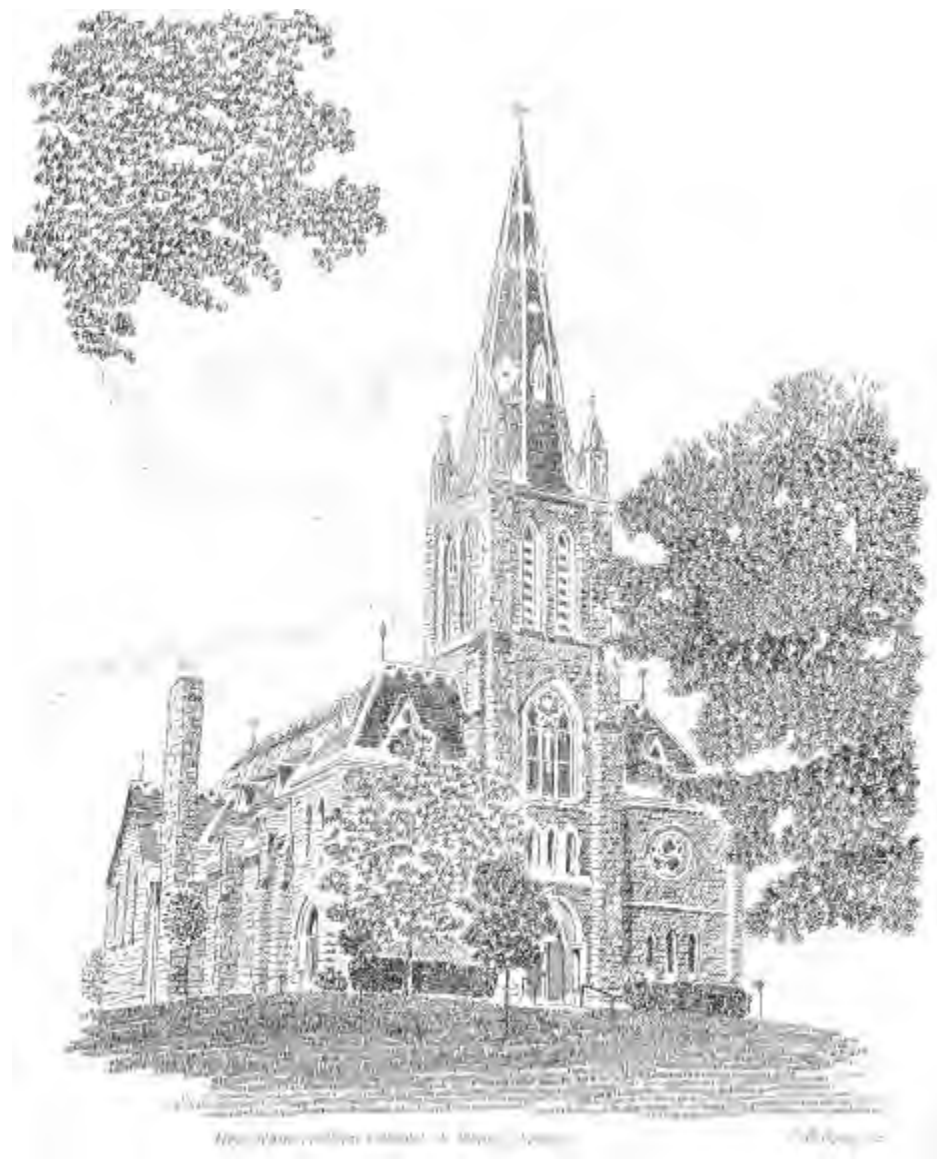
(e) The Town's implementing Zoning By-laws shall zone fish habitats and their adjacent land areas to preclude development and site alteration excepting that permitted above.

3.9.~~32.83~~ Top Soil Preservation

This Plan encourages the use of appropriate farming/farm management practices to ensure the continued preservation of topsoil. Council may adopt a Topsoil Preservation By-law in respect to the removal of topsoil.

3.9.3.9 Zoning By-law

The implementing Zoning By-law shall be the principal tool to execute the policies of this designation through the establishment of zones classification to regulate development.



### 3.10 AGRICULTURAL RURAL

*There are a number of existing agricultural operations in St. Marys. The growing of crops and other passive agricultural uses are encouraged to continue until such time as Council determines that these lands are required for urban type uses. While the vast majority of the intensive agricultural uses have ceased, there remains a few that continue to operate within the Town. Those existing livestock and poultry operations shall be recognized as existing uses and shall be allowed to continue ~~to the same development standard and these uses shall not be permitted to expand.~~ Expansion of existing livestock and poultry operations may be permitted where deemed appropriate by policy of this Plan.*

#### 3.10.1 OBJECTIVES

3.10.1.1 To encourage a continuation of the agricultural operations within the municipality until such time as the ~~landbase~~ land base is required for more urban uses.

3.10.1.2 ~~To encourage the relocation or cessation of intensive animal operations to protect the development capability of lands which may be required for urban uses. In the interim, all existing livestock and poultry operations shall be recognized as existing uses and be allowed to continue until the lands are required for urban development purposes. These uses shall not be permitted to expand.~~ To support agricultural activity and land uses that are complementary to and supportive of agriculture as an interim use until the lands are required for urban development purposes.

3.10.1.3 To prevent scattered urban type development and the fragmentation of the agricultural land base.

#### 3.10.2 PERMITTED USES

Uses permitted in the Rural designation as shown on Schedule "A" to this Official Plan include agricultural uses, including existing livestock and poultry operations, residential uses, limited commercial uses, open space uses, and utility uses.

#### 3.10.~~32~~ POLICIES

3.10.~~32~~.1 —The designation of ~~Agricultural Rural~~ lands ~~in~~ in Schedule "A" of this Plan is not necessarily intended as a permanent designation but rather to prevent scattered and fragmented development in the rural areas of the Town. ~~Existing residential uses are permitted in the Agricultural designation.~~

3.10.3.2 Existing residential uses are permitted and the expansion of the dwelling and ancillary uses are also permitted. Other residentially related uses such as home occupations, bed and breakfast establishments, and secondary dwelling units in the existing dwelling and/or one garden suite are also permitted in the "Rural" designation. New residential uses on larger sized parcels of land (i.e. lots with an area exceeding 1.0 hectares) shall not be permitted.

The policies of Section 3.1.2.23 of this Official Plan shall apply to second dwelling units in the "Rural" designation. Second dwelling units and garden suites shall meet the MDS I requirements or be no closer to neighbouring livestock and/or poultry operations than the existing dwelling.

The policies of Section 3.1.2.18 of this Official Plan shall apply to home occupations in the "Rural" designation.

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The policies of Section 3.1.2.20 of this Official Plan shall apply to bed and breakfast establishments in the "Rural" designation.

3.10.32.32 New livestock or poultry operations, shall not be permitted in the Agricultural Rural designation, except for Veterinarian clinics and boarding facilities for household pets. However, all existing livestock and poultry operations shall be recognized as existing uses and be allowed to continue until the lands are required for urban development purposes. These uses shall not be permitted to expand. Existing livestock and poultry operations are recognized as existing uses and are allowed to continue until the lands are required for urban purposes. Expansion to existing livestock operations shall only be permitted where such expansion is in accordance with the Nutrient Management Act, the provisions of the Minimum Separation Distance documents, and implements Best Management Practices.

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The repair or replacement of livestock facilities shall be permitted provided it does not increase the amount of floor area used for housing livestock. These repairs or replacements may result in a change in the type of livestock and/or change in the number livestock housed. Where a change in the type of livestock involves a change in the Factor "A" for livestock type in Table 1 of the MDS II, the livestock type change shall be permitted provided that the number of Nutrient Units decrease/increase is proportionately to the Factor "A" change.

3.10.3.4 Other uses such as commercial greenhouses, veterinarian clinics, kennels, boarding facilities for household pets, public spaces, cemeteries, parks, trails, and utilities are permitted in the "Rural Lands" designation. Prior to the establishment of any of these uses, the proponent shall demonstrate to the Town's satisfaction:



- a) how the proposed use(s) is compatible with the nearby uses in terms level of activity, noise, lighting, and parking and meet the Minimum Distance Separation requirement from nearby agricultural uses; and,
- b) that the level of services (i.e., water supply, sewage disposal, electrical, roads is appropriate for the proposed use(s) without the need for unjustified and/or uneconomical expansion of this infrastructure.

3.10.3.5 This Plan encourages the use of appropriate farming/farm management practices to ensure the continued preservation of topsoil. The provisions of any Topsoil Preservation By-law shall apply in respect to the removal of topsoil throughout the Town.

3.10.3.6 On-farm electrical generation facilities (e.g. small scale wind power generation systems, solar panels, methane digesters) shall be permitted on "Rural" subject to the policies of Section 5.8.4 of this Plan and all other applicable regulations.

3.10.3.7. Utility Uses

Utility uses are permitted in accordance with the policies of Section 7.15.

3.10.32.83 Agriculture uses shall be zoned in a separate category with appropriate Zone Standards in the Implementing Zoning By-law. The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of recreational uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), and building form (i.e. yard setbacks, floor area, and height).

3.10.43 EXCEPTIONS

- a) Council will consider proposals for residential development on the land described as part of Lot 17, Concession 15, on the west side of Thames Road North, more particularly described as Part 1, Reference Plan No. 44R-2095, in the Town of St. Marys subject to the following criteria:
  - (i) that the proposed residential uses will not unreasonably interfere with adjacent agricultural operations;
  - (ii) that the land is not suitable for agricultural purposes;
  - (iii) that each lot is developed on full municipal services including sanitary sewers, water supply, frontage on a public road, storm drainage, and electric supply;
  - (iv) that the policies of Section 4 of this Official Plan shall be used for the evaluation of any lots to be created;
  - (v) that any proposed residential development shall require an amendment to the Zoning By-law.

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## **4.0 SECTION 4 – ~~POLICY FOR THE~~ DIVISION OF LAND AND GENERAL LAND USE POLICIES**

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*Policy for the division of land in the Town of St. Marys is contained in this section of the Plan. These policies shall be adhered to by the Town Council, the St. Marys Committee of Adjustment and any other agency that may be involved with the creation of new lots in the Town.*

*The division of land within the Town will occur by either plan of subdivision or individual applications for consent (severance applications). The method of division employed will depend upon the circumstances of each individual situation.*

*Council will encourage all forms of condominiums including, Standard Condominiums, Amalgamated Condominiums, Phased Condominiums, Vacant Land Condominiums, and Leasehold Condominiums.*

### **4.1 PLANS OF SUBDIVISION**

#### **4.1.1 Policy for Plans of Subdivision**

In cases where consents are considered to be unacceptable as a means of dividing land for the purposes of future development within the Town, the plan of subdivision process shall be used to create parcels of land. It is anticipated that the plan of subdivision process will be used in newly developing areas of the Town where the extension of the municipal water, sewage, storm sewer and road systems will be required.

Council and any other reviewing agency when reviewing development proposals involving the division of land by plan of subdivision shall consider the following policies:

- 4.1.1.1 All information required under the Planning Act, RSO 1990 or the Condominium Act 1998, in connection with draft plans of subdivision shall be submitted by the developer.
- 4.1.1.2 All proposed plans of subdivision will be carefully examined as to whether they will preclude the satisfactory use, development, or redevelopment of surrounding lands. Any plan of subdivision which precludes the satisfactory use, development, or redevelopment of surrounding lands shall not be approved.
- 4.1.1.3 All proposed plans of subdivision will be carefully examined as to whether or not they will adversely affect existing amenities and the predominant character of the area in which such proposed subdivision is located. Where there is a potential for conflict between adjoining land uses, adequate

landscaping, screening, and buffering provisions may be required in order to alleviate and/or eliminate any conflict.

- 4.1.1.4 The social aspects of residential development, including the mix of housing types and the density of the development, shall be reviewed.
- 4.1.1.5 All proposed plans of subdivision will be carefully examined as to their suitability for the intended purposes and their effect on public facilities, utilities, and services.
- 4.1.1.6 All proposed plans of subdivision shall be designed in a manner which is sensitive to the contour of the land.
- 4.1.1.7 All unique natural assets, including topographic features of vegetation such as groves of trees, and mature individual trees, should be preserved to the greatest extent possible.
- 4.1.1.8 The Town shall enter into subdivision agreements with proponents of plans of subdivision or the owner of the lands as a condition of the approval of the plan of subdivision, and these agreements shall pertain to the internal and external services that must be provided by the proponent or owner to the specifications established by the Town as well as any other items of construction or development which may not be regulated by the Zoning By-law.
- 4.1.1.9 Council shall require that the developer pay a development charge fee for each lot created to offset the capital cost of trunk services such as sanitary sewer lines and sewage treatment plant, water lines and water treatment plant, storm sewers, roadways, recreational, and administrative facilities.
- 4.1.1.10 Before approving a plan of subdivision/condominium, Council shall be satisfied that adequate services such as schools, municipal recreation facilities, fire protection, water supply, sewage disposal, storm drainage facilities, solid waste disposal facilities, and road maintenance are or can be supplied and that the provision of these services will not adversely affect the financial position of the Town. Consideration will also be given to all matters outlined in Section 51(4) of the Planning Act, RSO 1990.
- 4.1.1.11 Council should consider energy related factors in its review of proposed plans of subdivision.
- 4.1.1.12 Council will approve only plans of subdivision/condominium that conform to the policies and land use designation of this Plan. Before making a decision, Council may seek professional planning advice regarding the various aspects of the proposed subdivision.

#### 4.1.2 STAGING OF PLANS OF SUBDIVISION

It is the intent of this Plan that development by plan of subdivision in the Town be phased in accordance with the provision of full municipal services. Council shall assess the measured capacity of the municipal service system and take into account general conditions and financial implications when determining the number of new residential units to be permitted in each phase of a plan of subdivision. The same factors shall be considered by Council when deciding on the general phasing of plans of subdivision for residential development in the Town as a whole.

Proponents of plans of subdivision shall indicate their proposed staging and the facilities to be provided with each stage, when required by Council. If for some reason the first stage of any plan of subdivision approved by Council is not satisfactorily completed with respect to the facilities to be provided, the condition of the development or the maintenance of the open or landscaped areas, the next stage may not be allowed to proceed until the suitable conditions or works have been completed to the satisfaction of Council.

As part of a subdivision agreement, proponents may be required to stipulate the time in which each stage will be completed, in conjunction with the cost of the services. The Subdivision Agreement will also address the issue of sewage capacity and will require the subdivider to relinquish allocated sewage capacity if the subdivision is not completed within certain specified time periods as may be determined appropriate by Council.

#### 4.2 CONSENTS

Consents will generally be discouraged and will be recommended to the Committee of Adjustment only when it is clear that a plan of subdivision is not necessary in the public interest. Where a consent is deemed to be appropriate, the following criteria shall be adhered to, as well as the other applicable policies of this Plan when the application for consent is reviewed.

##### 4.2.1 GENERAL CONSENT POLICIES

###### 4.2.1.1 Application

An applicant must submit an application form that is completed to the satisfaction of the Committee of Adjustment. The plan or sketch accompanying the application must show the location of existing and proposed buildings on the subject lands and adjacent lands and applicable yard distances (i.e. front, side, and rear yards) to enable the reviewing agencies to determine whether the application complies with the policies of this Plan, and with the Zoning By-law.

4.2.1.2 Land Use Plan

All development proposed by a consent application must be in accordance with the land use designations.

4.2.1.3 Infilling

Consent applications should generally have the effect of infilling the existing built-up area within the Town.

4.2.1.4 Public Roadways

All parcels of land involved in a consent application shall front on and have access from an existing public roadway which is maintained year round and which is of a reasonable standard of construction, in the opinion of the authority having jurisdiction over the roadway.

4.2.1.5 Access

Consents which would create hazardous conditions with regard to access points from public roadways or proximity to intersections shall be considered carefully by the appropriate bodies in order to identify methods of alleviating the traffic hazards.

In situations where the hazardous condition, such as limited sight lines on curves or grades cannot be satisfactorily alleviated, the Committee of Adjustment shall not approve the consent application.

4.2.1.6 Size Requirements

The lot frontage, depth, and size of any parcel of land created by consent (severed or retained portion) shall be adequate for the proposed use of the land and consistent where possible with adjacent lots. The Committee of Adjustment shall be satisfied that the proposed parcel(s) can be properly integrated into the anticipated urban development of the area. Both the severed lot and the retained lot created as a result of a consent shall conform to the provisions of the implementing Zoning By-law.

4.2.1.7 Availability of Services

Consents should be granted only in areas where the parcels created by the consent can be adequately and reasonably serviced with satisfactory water supply and sewage disposal services. Consideration shall also be given to the availability and adequacy of existing community services and facilities to ensure that the proposed new development does not place an undue burden on these services and facilities. Consents should only be granted in areas where the undue extension of any major service would not be required.

4.2.1.8 Soil, Drainage and Topography

The soil, drainage, and topography of any parcel of land in a consent application shall be suitable for the construction and proper siting of any

proposed buildings or structures. A parcel of land which is subject to flooding, serious erosion, or other physical hazards should not be the subject of a consent if the use or proposed use of the parcel requires the erection of buildings and structures.

Every effort shall be made to reduce the possibility of conflicts arising due to the location and maintenance of drainage works, especially if these works are situated on lands involved in the consent application.

4.2.1.9 Compatibility of Land Uses

Compatibility with neighbouring land uses shall be considered during the review of all consent applications. Where adverse effects could occur as a result of the proximity of non-compatible land uses, adequate screening or buffering provisions may be required in order to reduce or eliminate the non-compatibility.

4.2.1.10 Section 49(3) and 49(5) of The Planning Act, RSO 1990

The Committee of Adjustment shall impose the provisions of Sections 50(3) and 50(5) of the Planning Act, RSO 1990 as a condition of consent to any subsequent conveyance or transaction where land is to be conveyed and registered in the same name as abutting lands, as permitted by Section 50(12) of the Planning Act, RSO 1990, and this condition shall be noted on the certificate of consent provided for in Section 53(21) of the Planning Act, RSO 1990.

4.2.1.11 Conditions of Consent

The Committee of Adjustment will give consideration to the following conditions which may be stipulated as conditions of consent, where applicable:

- a) that taxes be paid in full;
- b) that a lot levy be paid to the Town to offset some of the cost of providing services or community facilities;
- c) that land, not exceeding 5 per cent of the land being severed, be conveyed to the Town for park purposes, or alternatively, the Town may accept money equal to the value of the land required to be conveyed if authorized by the Minister;
- d) that any required road widening be dedicated to the authority having jurisdiction over the roadway;
- e) that the applicant (or proposed purchaser) enter into an agreement with the Town to plant a sufficient number of trees to compensate for any trees lost or removed as a result of the proposed use of the parcel to be severed;
- f) that the applicant (or proposed purchaser) enter into an agreement to construct or maintain fences around the subject property;



- g) that the applicant (or proposed purchaser) enter into an agreement with the Town, subject to the consent of the Town, whereby the roadway upon which the severance fronts will be improved to a standard satisfactory to the authority having jurisdiction.

#### 4.3 RESIDENTIAL CONSENTS

The following policies shall apply to all consent applications within the “Residential” land use designation as shown on the Land Use Plan (Schedule “A”). These policies are intended to complement the policies in the preceding subsection and they are also intended to implement the goals and policies of Subsection 3.1 of this Plan.

##### 4.3.1 Servicing Requirements

Consent applications involving the creation of new residential lots shall be approved only if they involve land which is serviced by municipal water and sewage systems.

##### 4.3.2 Lot Enlargement

Consents may be permitted where the lands to be conveyed are to be added to an abutting property, provided that an undersized lot is not created, the conveyance is for convenience purposes only, and the minimum amount of land comprises the enlargement.

##### 4.3.3 Corrections and Regularization

Consents may be granted for the sole purpose of lot boundary corrections and adjustments and for the purpose of title clearance. Consents may also be granted to create individual lots for dwellings of reasonable construction and capable of use where a parcel of land contained more than one existing dwelling or other building at the date of adoption of the Town’s Zoning By-law.

#### 4.4 ~~Other Land Use Designations~~ CONSENTS – OTHER LAND USE DESIGNATIONS

The following policies shall apply to all consent applications which involve land use designations other than “Residential” as shown on the Land Use Plan (Schedule “A”).

##### 4.4.1 Servicing Requirements

Consent applications involving the creation of new lots shall be approved only if they involve land which is serviced by municipal water and sewage systems except as specifically provided for elsewhere in this Plan.

##### 4.4.2 Adjacent Uses

Where the land involved in a consent application for non-residential purposes abuts a residential dwelling, the Committee of Adjustment shall consider

imposing as a condition of consent whatever requirements are necessary in order to make the uses more compatible.

#### 4.4.3 Lot Enlargement

Consents may be permitted where the lands to be conveyed are to be added to an abutting property provided that an undersized lot is not created, the conveyance is for convenience purposes only, and the minimum amount of land comprises the enlargement.

### 4.5 GENERAL LAND USE POLICIES

#### 4.3.1 Noise, Vibration and Air Quality

All land uses shall comply with provincial environmental approvals and regulations respecting the release of pollutants into the air, onto land or into water, or for the storage, transportation or disposal of waste that is produced by the operation of the use.

Depending on the type, purpose and location of a development application, a supporting study that addresses potential noise, vibration and air quality impacts may be required. The study may recommend various measures that must be implemented by the proponent of a development as a condition of approval.

Incompatible land uses will be appropriately buffered from each other in order to prevent adverse effects from noise, vibration and air quality. Potential sources may include major roads, railways and industrial operations.

#### 4.3.2 Urban Design and Sustainable Development

The purpose of urban design policies is to encourage and provide guidance with respect to the creation of built environments in communities that are attractive, functional and sustainable. The successful implementation of urban design policies can:

- support and enhance community identity
- support economic development and enhance property values
- support sustainable development objectives
- balance the needs of pedestrians and motorists
- create attractive, walkable and safe streets, neighbourhoods and business areas

The purpose of sustainable design policies is to reduce impacts on our environment by promoting sustainable forms of development and redevelopment, including 'green' building design, construction methods and innovative technologies.

#### 4.3.2.1 Urban Design

It is the policy of the Town to encourage:

- a) new buildings designed to present principal building facades, doors and window openings to public roads;
- b) the minimization of the visual presence of garages in residential areas;
- c) the location of parking, loading, garage and other similar service areas away from street frontages and designed to ensure compatibility with surrounding land uses;
- d) the design of large parking areas with internal landscaped planting strips and medians to break up large paved areas and to increase urban canopy;
- e) the screening of rooftop mechanicals;
- f) the design and orientation of lighting to reduce glare on adjacent properties;
- g) outdoor storage areas to be located at the rear and sides of buildings, and screened from public view;
- h) the design of sidewalks and walkways to provide uninterrupted and safe pedestrian movements;
- i) the design and placement of signage, street lighting and street furniture that supports the character of the community and/or local neighbourhood;
- j) a high quality of design at gateways into the community;
- k) personal safety and crime prevention design measures that improve lighting and visibility, reduce unobstructed views to allow for public surveillance ('eyes on the street'); and,
- l) accessibility for all people by providing barrier-free access for persons using walking or mobility aids, and providing barrier free access features (such as level surfaces, ramps, curb cuts, railings, automatic door openers and rest areas).

#### 4.3.2.2 Sustainable Development

It is the policy of the Town to encourage:

- a) practices which protect or enhance water quality;
- b) low impact development practices to reduce runoff from storm water;
- c) the use of low water use / drought tolerant landscaping to reduce water consumption;
- d) reductions in impervious hard surfaces, including the use of permeable pavement systems;
- e) innovative building design to reduce water and energy consumption and take advantage of passive solar heating, natural lighting, passive ventilation and shading for cooling;

- f) the use of light-coloured roofing material for new commercial and industrial development;
- g) reductions in vehicle usage by promoting car sharing opportunities and accommodating pedestrians and cyclists, including reducing barriers to cyclists and creating distinct, safe routes; and,
- h) the protection and enhancement of tree canopies to contribute to improvements to air and water quality, reductions in greenhouse gases, the support of biodiversity, and enhancement of natural features and systems.

a) —



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## 5.0 SECTION 5 – TRANSPORTATION & SERVICES

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*This section contains the transportation and servicing policies for St. Marys. Policies are included with regard to roads, water supply, sanitary waste disposal, storm drainage, solid waste, and electric power. The policies are established within the framework provided by the following goals.*

### 5.1 OBJECTIVES

- 5.1.1 To establish a transportation system capable of providing for the safe and efficient movement of people, goods, and services including the collection of garbage, the removal of snow, and the movement of emergency vehicles.
- 5.1.2 To provide a system of municipal services and public utilities that protects the health and safety ~~capable of satisfying the various needs of the community, and is adequately capable of meeting the various needs of the community. Such municipal services will be provided in a manner that takes while at the same time taking~~ into consideration the Municipality's financial capacity, the avoidance of any adverse environmental impacts, and the use of innovative techniques and efficiency in design.

### 5.2 POLICIES

- 5.2.1 Buildings and structures related to the provision of public utilities and services are permitted in any designation in this Plan.
- 5.2.2 Existing and future pipelines above the ground, or at grade, will be permitted in all zones in the Town's Zoning By-law.

### 5.3 ROADS

- The Road policies are to be read in conjunction ~~to~~ with the information shown on Schedule "B" to this Official Plan.

#### 5.3.1 ROAD CLASSIFICATIONS

Each road classification has different functions and as a result will have different characteristics. The importance of classifying roads accurately is to keep the movement of traffic within the Town efficient and safe for pedestrians and vehicular traffic. Any changes to traffic patterns may require new road developments to occur and/or updates to existing roads to meet the demands and pressures that the traffic will place on the road network. In the Town of St. Marys there are three relevant road classifications: Arterial Roads, Collector Roads, and Local Roads.

#### 5.3.1.1 Arterial Roads

Arterial Roads are the major routes in the road network that are designed to carry high volumes of traffic from one area of Town to another. (Schedule “B” illustrates the roads that are classified as Arterial Roads.)

Arterial Roads connect to other Arterial Roads, Collector Roads, and some Local Roads. As a principal route in the road network, an Arterial Road has the capacity to carry the largest amounts of traffic and acts as a connector to the residential, industrial and commercial centres. All types of vehicles travel along Arterial roads with a larger amount of transports using these roads over Local or Collector. The right-of-way for Arterial Roads is generally 30 metres, with direct access limited and on street parking prohibited, except within the Downtown Core. Generally, sidewalks are provided on both sides of the road.

#### 5.3.1.2 Collector Roads

The Collector Roads collect traffic from the Local Roads and distribute it to the other Local Roads and to the Arterial Roads. (Schedule “B” of the Official Plan illustrates the roads that are currently classed as Collector Roads.)

Collector roads connect to all other roads. All types of traffic utilize these roads although trucks are typically service types. Traffic flow is interrupted by stop conditions and turning at land access points. The right-of-way for Collector Roads is generally 26 metres, with direct access and on street parking regulated. Generally, sidewalks are provided on both sides of the road.

#### 5.3.1.3 Local Roads

The Local Roads collect traffic from lands that are adjacent to the roads. They carry low volumes of traffic (with not set standard) since most of the traffic on a local road will have its origin or destination to be to the lands that lie alongside the road. (Schedule “B” of the Official Plan illustrates the roads that are currently classed as the Local Roads.)

Local roads connect primarily Collector roads and other local roads. The traffic flow is interrupted frequently as vehicles are turning into driveways. The right-of-way for Local Roads is generally 20 metres with direct access and on street parking both being permitted. Generally, sidewalks are provided on one side of the road.

- 5.3.2 The Municipality will continue to improve and upgrade the existing road network in accordance with a five-year program. Priority for road improvements may be given where local residents are prepared to assist the Municipality under The Local Improvement Act, or where it is desirable to undertake improvements in conjunction with other public works projects.



- 5.3.3 Road alignments, widths, layout and construction standards will be appropriate to the functional classification of the road, projected traffic volumes, and emerging design guidelines and safety standards. Restrictions to on-street parking and access may be imposed on roads to protect their primary traffic function and to increase their traffic carrying capacity.
- 5.3.4 The Municipality may establish standards and regulations with respect to minimum setbacks from roads, off-street parking, off-street loading, and driveways in its Zoning By-law.
- 5.3.5 Development on private roads shall not be permitted unless such roads meet the requirements of the Municipality and satisfy Provincial Policy and are registered as private roads under the provisions of the Condominium Act, R.S.O. 1998.
- 5.3.6 Development of new roads will generally occur through plan of subdivision/condominium with new roads created as a result of a plan of subdivision/condominium or land severance being constructed to the standards of the Municipality prior to their assumption by the Municipality. Any new Local, Collector or Arterial Roads must meet the applicable minimum road standards, except when permitted by Council.
- 5.3.7 When a road allowance does not meet minimum Town's standards, it may, through plan of subdivision/condominium, consent, site plan agreement or other legislative means, be improved. Where additional land is required for roadway widenings, extensions or Right of Ways such land will be obtained through Plan of subdivision/condominium, Consents, and/or Site Plan Agreements.
- 5.3.8 All new developments must front on and have access to a public road, which is constructed to meet the minimum standards established by Council. New development or redevelopment proposals of more than thirty (30) dwelling units shall incorporate at least two points of public road access. Council will not approve infilling development in areas served by only one public road if those areas currently exceed thirty (30) dwelling units or where such infilling development will increase the number of dwelling units beyond thirty (30) dwelling units.
- 5.3.9 *At the expense of the developer, the Town will require as a condition of development or site plan approval, the submission of detailed drawings indicating the emergency access to be provided at all phases of the development for review and approval by the Town's Fire Chief.*

5.3.109 Access driveways should not create traffic hazards. The driveways should be limited in number and designed to minimize dangers to pedestrians and vehicles. Council may regulate the number of driveway access as a function of the road classification.

5.3.1~~19~~ Bridge Improvements

It is intended that as traffic and safety conditions warrant, improvements shall be made to existing bridges requiring upgrades and that these improvements will meet the appropriate current or forecasted road classification. Any Bridge that is in need of repair may be subject to studies to evaluate the cost to improve or replace. Decisions will be made in the public best interests.

In those cases where a bridge has been designated under the Ontario Heritage Act or is subject to an easement agreement with the Ontario Heritage Trust, a heritage impact study may be required to be completed prior to the commencement of any bridge improvement project.

5.3.1~~24~~ Intersection Improvements

Road widening in excess of road allowance may be necessary at major intersections, for any planned road realignments, future road corridors, regulation of turning movements, signage, and marking of travelling lanes or where other physical conditions necessitate, will be undertaken at those intersections that require these improvements.

5.3.1~~32~~ Future Roads

To meet the needs for the growing community, Council may need to extend existing roads or construct new roads or bridges. The location of new or extended roads and proposed roads are shown on Schedule "B". The locations shown on Schedule "B" are to be considered as approximate and not absolute.

5.3.1~~43~~ Sidewalks

In consideration of pedestrian safety, Council had developed guidelines for sidewalk development in the Town. Generally, sidewalks are included on both sides of Arterial and Collector Streets and on one side for Local Streets and cul-de-sacs with higher lot/unit counts.

5.3.1~~54~~ Trails

As an alternative to motorized conveyance, opportunities to integrate walking, hiking and cycling trails with the road network is encouraged.

5.3.1~~65~~ Wayside Pits

Wayside pits and quarries, portable asphalt plants, and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act, RSO 1990 in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

## 5.4 RAILWAYS

- 5.4.1 Where residential and other noise sensitive uses are proposed within 300 metres of any railway line, the owner or the developer is required to conduct a noise and vibration impact assessment which shall include measures necessary to achieve acceptable attenuation levels in accordance with applicable Provincial standards and/or guidelines to the satisfaction of the Town and any appropriate Provincial ministry and/or appropriate railway authority. ~~the Ministry of the Environment and the Railway criteria.~~ The measures may take the form of fencing, increased setbacks, earthberms, tree planting, acoustical insulation, site plans or combinations thereof in order to minimize potential safety hazards and visual, noise and vibration impacts, to the satisfaction of the Town and ~~the any appropriate Provincial m~~Ministry of the Environment, and in consultation with the appropriate Railway.



## 5.5 WATER SUPPLY

- 5.5.1 No development will be approved which cannot be adequately serviced from the Town's municipal water supply system unless specifically identified as being permitted with on-site services.
- 5.5.2 The Town of St. Marys will continue to upgrade the existing water supply distribution system in St. Marys. The Town may also take appropriate measures to increase the existing Water Supply through necessary means

such as increasing the Town's well capacity, and/or construction of new water storage facilities.

- 5.5.3 St. Marys Municipal water supply is obtained from three groundwater wells referred to by the Town as Well No. 1, Well No. 2, and Well No 3 - their locations are found on Schedule "C". The Town is currently reviewing issues regarding the municipal water supply and Well Head Protection. Preliminary Well Head Protection Area mapping that models the movement of groundwater through the aquifer to the Wells over a defined period of time has been completed. This mapping is a surface representation of the capture area (zone) of water that finds its way into the well. The defined capture zones found in Appendix "A" indicate the best estimates for the time for groundwater to move within the aquifer to the municipal wells.

Council intends further study to determine which capture zone is most appropriate for the Town and formulate development policies to minimize potential impacts on the Town's water sources.



## 5.6 SOURCE WATER PROTECTION

The Ontario Clean Water Act, 2006 is intended to ensure the protection of municipal drinking water supplies through the development of local, watershed-based assessment reports and source protection plans. Assessment reports identify vulnerable areas, and threats to municipal drinking water sources, and source protection plans set out policies to eliminate or reduce the risks posed by those identified threats. Within the Town of St. Marys, the Thames-Sydenham Region Source Protection Plan (SPP), which came into effect on December 31, 2015 applies to land use activity. All planning decisions shall have regard for the policies of the SPP, as may be amended from time to time, to address low and moderate municipal drinking water threats in accordance with Section 39 (1)(b) of the Clean Water Act, which speaks to decisions under the Planning Act conforming with the significant threat policies set out in Source Protection Plan (SPP).

In conformity with the Clean Water Act, 2006, and the Thames-Sydenham Source Protection Plan, it is the intent of this Plan to protect existing and future sources of drinking water. In cases of conflict between the policies and direction of this Official Plan and any of the SPPs, the policies of the SPP shall prevail.

### 5.6.1 OBJECTIVES

5.6.1.1 To protect existing and future sources of drinking water.

5.6.1.2 To identify vulnerable areas, uses or activities that are, or would be, a significant drinking water threat or where a significant drinking water threat could occur.

5.6.1.3 To identify uses prohibited uses within Well Head Protection Areas which have a high Vulnerability Score.

5.6.1.4 To educate and raise public awareness for Source Water Protection.

### 5.6.2 POLICIES

5.6.2.1 Policies for the "Source Water Protection" overlay shall apply to the area shown as Well Head Protection Areas (WHPAs) on Schedule "D" to this Official Plan. These areas are site specific in nature.

5.6.2.2 Lands within a Wellhead Protection Area (WHPA) and their applicable vulnerability scores are shown on Schedule "D" of this plan. These lands, shown as an overlay, may have special policy direction applied to them. Coordinated efforts between the Town and the Upper Thames River Conservation Authority will mitigate any potential land use, and land activity conflicts within these areas.

5.6.2.3 Vulnerable areas in which a significant drinking water threat could occur are identified on Schedule “D” as “Significant Threat Areas”. The mapping of vulnerable areas is provided for information purposes only. For accuracy and more detailed information, reference should be made to the Thames-Sydenham Source Protection Plan and the detailed mapping in the related Assessment Report.

5.6.2.4 The wellheads throughout the Town act as the source of groundwater for the water supply systems. These water supplies must be protected from contamination associated with certain land uses in order to secure the long-term protection of our potable water supply for existing and future residents, businesses and the natural environment. This can be achieved by permitting only those land uses which represent a low level of risk to groundwater quality within the WHPAs.

5.6.2.5 Within the vulnerable areas identified in the Thames-Sydenham Source Protection Plan (SPP), any use or activity that is, or would be, a significant drinking water threat is required to conform with all the applicable SPP policies and, as such, may be prohibited, restricted, or otherwise regulated by those policies. Significant drinking water threats which are prohibited shall be those identified in accordance with the significant drinking water threat specific policies of the SPP. Vulnerable areas include wellhead protection areas, significant groundwater recharge areas and highly vulnerable aquifers.

5.6.2.6 Future (Prohibited) Activities

The policies of the Thames-Sydenham Region Source Protection Plan include a number of prohibited uses within WHPA's which have a Vulnerability Score of 8 or 10. While existing uses may require a Risk Management Plan, any new or future uses within highly vulnerable (8 or 10) areas shall be prohibited. Specific activities relating to the following future uses trigger a Section 57 prohibition under the Clean Water Act, 2006, and thus, are prohibited through the policies found within this Official Plan:

- a) Fuel storage (>250L below ground) in WHPA A or B with a score of 10
- b) Fuel storage (>2500L) in WHPA A or B with a score of 10
- c) Handling and storage of dense non-aqueous phase liquids (DNAPLs)(>25L) in WHPA A B and C
- d) Handling and storage of organic solvents (<250L below ground) with score of 10
- e) Handling & storage of organic solvents (>2500L above ground) with a score of 10
- f) Agricultural source materials (application or storage) application prohibited in A and future storage prohibited in A or B with score of 10
- g) Non-agricultural source materials (NASM) future application prohibited in A, future storage prohibited in A or B with a score of 10
- h) Commercial fertilizer storage prohibited in A or B with score of 10



- i) Pesticides storage prohibited in A or B with a score of 10
- j) Grazing, pasturing and outdoor confinement yards prohibited in A or B with a score of 10
- k) Septic systems for new lots prohibited in A or B with score of 10 unless septic is outside of the WHPA zone
- l) Sewage systems prohibited in A or B with a score of 8 or 10 of storm water management, sewage treatment plants, treatment or holding tank
- m) Waste disposal prohibited in A or B with a score of 8 or 10
- n) Small amounts of hazardous waste in A or B with score of 10 where there is no ECA
- o) Snow storage in A or B with a score of 8 or 10
- p) Road salt storage in A or B with a score of 8 or 10

For the list of the specific prohibited activities occurring under each of the abovementioned uses, refer to the applicable Source Protection Plan.

#### 5.6.2.7 Prescribed Drinking Water Threats

The Ministry of the Environment and Climate Change (MOECC), in collaboration with a Technical Experts Committee, identified 21 land use activities that have the potential to contaminate or deplete sources of drinking water. These activities are designated as prescribed drinking water threats under Ontario Regulation 287/07:

- a) The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act.
- b) The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
- c) The application of agricultural source material to land.
- d) The storage of agricultural source material.
- e) The management of agricultural source material.
- f) The application of non-agricultural source material to land.
- g) The storage and handling of non-agricultural source material to land.
- h) The application of commercial fertilizer to land.
- i) The handling and storage of commercial fertilizer.
- j) The application of pesticide to land.
- k) The handling and storage of pesticide.
- l) The application of road salt.
- m) The handling and storage of road salt.
- n) The storage of snow.
- o) The handling and storage of fuel.
- p) The handling and storage of a dense non-aqueous phase liquid (DNAPLs).
- q) The handling and storage of an organic solvent.
- r) The management of runoff that contains chemicals used in the de-icing of aircraft.

- s) An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
- t) An activity that reduces the recharge of an aquifer.
- u) The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.

#### 5.6.2.8 Restricted Land Use Policy

In accordance with Section 59(1) of the Clean Water Act, all land uses set out within the Official Plan or Zoning By-law for the Town where this Source Protection Plan is in effect, are designated as restricted land uses in all areas where designated threats are or would be significant. In effect, a person shall not construct or change the use of a building in any location, or make an application under the Planning Act or Condominium Act where Section 57 (Prohibition) or Section 58 (Risk Management Plan) applies unless the risk management official issues a notice under s. 59 to the person.

For the purpose of Section 59(1) of the Clean Water Act, 2006, the date for the policies regarding restricted land uses came into full force and effect is the same date that the Source Protection Plan came into full force and effect, December 31, 2015.

In certain instances, moderate and low threat septic systems may exist within the Source Protection Area. The Conservation Authority, in collaboration with the Town, shall address these systems through Education and Outreach measures.

The Town may elect to post signage which helps to raise awareness for the travelling public. Such signage will be provided from the Ministry of Transportation and will help to identify the various Wellhead Protection Areas within the Source Protection Areas within the Town.

#### 5.6.2.8 Zoning By-law

Within two years of the coming into force of these policies, the Town will amend the implementing Zoning By-law in order to protect WHPAs in accordance with the policies of this section. The Zoning By-law shall incorporate appropriate requirements to implement the policies for wellhead protection. More specifically, the Zoning By-law shall implement the use of prohibitions, performance requirements and other policies described in the appropriate Source Protection Plan.

## 5.76 SANITARY SEWAGE DISPOSAL

5.76.1 The Municipality ~~, in conjunction with the Ontario Ministry of the Environment,~~ will closely monitor the ~~remaining available~~ treatment capacity ~~available in of~~ the Town's sanitary sewage system, and ~~shall take whatever appropriate~~ actions ~~is appropriate~~ as may be necessary to ensure that sufficient –to increase the capacity of the system is available to continue to meet the needs of the Town.

5.76.2 No development will be approved by the Municipality unless sufficient treatment capacity exists to accommodate the development. In this regard, the municipality may require that a report, prepared by a qualified engineer, be submitted projecting the sewage effluent which will be generated by the proposed development except where development is approved by the appropriate authority for on-site sewage disposal facilities in specific circumstances as otherwise set out in this Plan.

5.76.3 In approving new developments, the Municipality may implement phasing policies to allow sufficient time to assess the impact of the development on the capacity of the sewage treatment system before permitting subsequent development stages to proceed.

5.7.4 The Town of St. Marys may take appropriate measures to investigate, identify and mitigate Inflow and Infiltration issues within the sanitary sewer system as may be necessary to limit or eliminate non-sanitary sources of water from the system.

## 5.87 STORM DRAINAGE

5.87.1 The Municipality may undertake the preparation of a comprehensive drainage plan to be implemented.

5.87.2 Council may request the preparation of a Stormwater Management Plan for development as may be required by site plan agreement pursuant to Section 41 of the Planning Act, RSO 1990. All Stormwater Management Plans shall require a "Certificate of Approval" from the Ministry of the Environment pursuant to the Ontario Water Resources Act.

## 5.98 ELECTRIC POWER

5.98.1 The Town of St. Marys in cooperation with Festival Hydro and with Ontario Hydro will endeavour to provide a satisfactory level of electric power to meet the existing and future needs of the Town.

5.98.2 New electric power sub-stations may be located in any area designated on Schedule "A" subject to the following provisions:

a) ~~5.8.2.1~~ buildings or structures are designed and maintained in general harmony with the character of the area designated;

a) \_\_\_\_\_

b) ~~5.8.2.2~~ site landscaping and buffering is undertaken and maintained;

b) \_\_\_\_\_

e) ~~5.8.2.3~~ any outside storage of goods, materials and equipment in an area designated "residential" does not occur; and

c) \_\_\_\_\_

d) ~~5.8.2.4~~ all relevant provisions of the Zoning by-law are complied with.

5.98.3 The Municipality shall require underground wiring of low voltage lines for all new development to improve the overall appearance of the community and to minimize failures due to inclement weather.

#### 5.98.4 WIND ENERGY GENERATION SYSTEMS

Wind Energy Generation Systems (WEGS) consist of mechanical devices designed to convert wind energy into electricity. These systems can occur on small or large scales. Small scale systems, referred to as Small Wind Energy Generating Systems (SWEGS) are primarily intended for on-site domestic consumption of wind energy generated electricity and normally are comprised of only one generating device. Large scale systems, referred to as Commercial Wind Energy Generating Systems (CWEGS) involve one or more generating devices that are primarily intended to feed electricity into the transmission grid. The latter systems are generally referred to as “Wind Farms” and are usually located in areas where climate (i.e. wind) conditions create a conducive environment for WEGS.

Council supports the development of Wind Energy Generation Systems (WEGS) for the production of electricity. These systems will be a source of renewable energy for the economic and environmental benefit to both the Town and the Province.

##### 5.98.4.1. Small Wind Energy Generating Systems

As required by the Provincial Planning Policy Statement, Small Wind Energy Generation Systems (SWEGS) shall be permitted in all land use designations in the Town provided that they conform to the Town’s Zoning By-law and Federal and Provincial regulations. Council will develop provisions in the Zoning By-law to implement this policy. Where a proposal for a SWEGS does not meet the provisions established by Council in the Zoning By-law, Council will consider an application to amend the Zoning By-law. As part of Council review, the proponent will be required to prepare and submit a planning study which is completed to the satisfaction of Council that addresses the potential impacts of the wind generation system on the adjacent sensitive land uses, and explain how such impacts may be mitigated.

##### 5.98.4.2 Commercial Wind Energy Generating Systems

Given the typically large scale of Commercial Wind Energy Generating Systems (CWEGS), it is anticipated that these facilities will tend to locate outside of urban areas. However, the Provincial Planning Policy Statement permits renewable energy systems (including CWEGS) in settlement areas, in accordance with federal and provincial requirements. It is important to carefully regulate the establishment of these large systems, to ensure the compatibility of the land use, and the safety of neighbouring residents. As such, Council will develop policies for the establishment of such uses in the Town.

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## **6.0 SECTION 6 – COMMUNITY IMPROVEMENT**

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*Council recognizes the need to maintain and rehabilitate the physical environment within the Town of St. Marys and Council is therefore committed to ongoing improvement efforts where deficiencies exist. Specific objectives for community improvement have been selected and areas in need of community improvement have been delineated within the Town based on specific criteria relating to improvement needs.*

### **6.1 COMMUNITY IMPROVEMENT OBJECTIVES**

Council has adopted a number of objectives for community improvement associated with residential, commercial, and industrial activity areas as follows:

- 6.1.1 To develop or rehabilitate hard and soft services in the Town to meet acceptable community standards, without placing undue burden on the Town's financial resources;
- 6.1.2 To enhance the Town's ability to accommodate development, redevelopment and economic growth and to foster a climate favourable to private investment;
- 6.1.3 To preserve and protect, without placing undue burden to the Town's financial resources, man-made or natural features of the community that Council believes are important community assets; and
- 6.1.4 To preserve the viability of the ~~Central-Commercial~~Downtown area as the primary retail-commercial, civic and cultural focus of the Town.

### **6.2 CRITERIA FOR AREA SELECTION**

The following criteria shall be used in the delineation of areas in need of community improvement and in the selection of specific project areas for which community improvement plans will be prepared and implemented:

- 6.2.1 Roads in need of resurfacing;
- 6.2.2 Sidewalk or curb replacements required;
- 6.2.3 Outdated sanitary sewer, storm sewer, or water distribution systems;
- 6.2.4 Insufficient or inadequate social or recreational facilities;
- 6.2.5 Inadequate or outdated street-lighting, traffic signals or signage;
- 6.2.6 Lack of off-street parking;
- 6.2.7 Older buildings or properties suffering from poor maintenance or decay and in need of rehabilitation;
- 6.2.8 Lack of appropriate land to accommodate community growth in existing developed areas;
- 6.2.9 Properties requiring improved storm water drainage or flood protection;

- 6.2.10 Insufficient quantity and/or variety of housing to meet community needs in existing developed areas; and
- 6.2.11 Properties which are underutilized with good potential for development or redevelopment.

### 6.3 DELINEATION OF AREAS IN NEED OF COMMUNITY IMPROVEMENT

The criteria for selection were applied to all parts of the Town and two community improvement areas were identified. Both areas exhibit many of the deficiencies noted in the criteria for area selection. Projects within these areas shall be designated at a future date by Council. Council shall be satisfied that it can reasonably finance and afford the Town's share of any costs associated with community improvements prior to approving any implementation plans.

The two community improvement areas are found on Schedule "D" and each of these areas are described below.

- 6.3.1 Improvement Area 1  
Improvement Area 1 encompasses the commercial core area of the Town of St. Marys. The predominant land use type in this area is commercial and most of the deficiencies listed in Section 6.2 as criteria for area selection are present.
- 6.3.2 Improvement Area 2  
Improvement Area 2 encompasses the entire Town of St. Marys with the exception of the commercial core area. The predominant land use type in this area is residential and most of the deficiencies listed in Section 6.2 as criteria for area selection are present. This Area is also anticipated as including the industrial areas of St. Marys.

### 6.4 PHASING OF COMMUNITY IMPROVEMENTS

Council has established the following general priorities for the phasing of community improvement activities:

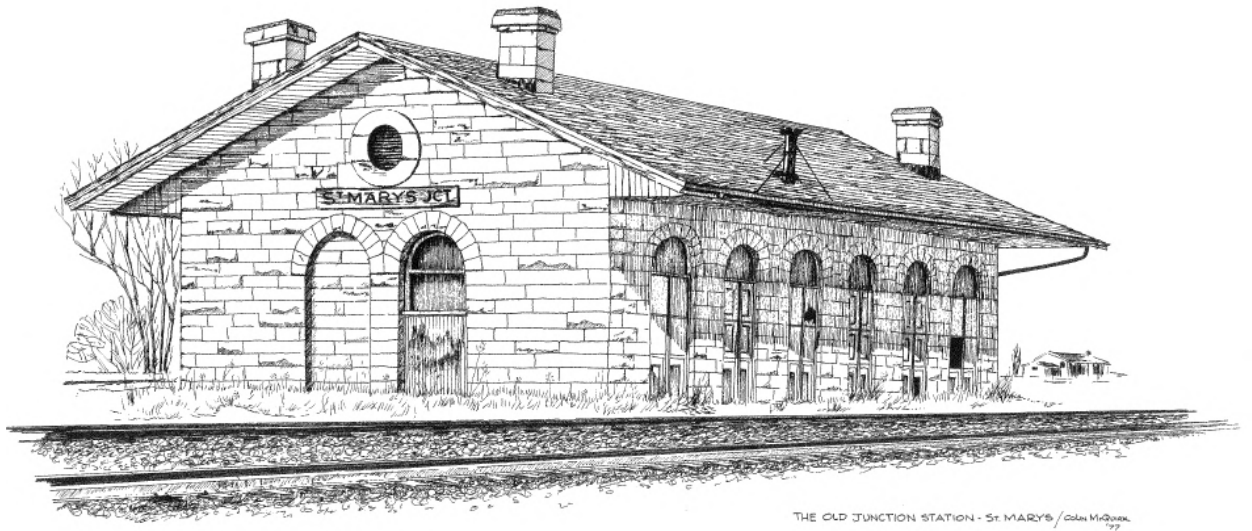
- 6.4.1 Emphasis shall be placed on developing a high level of hard and soft municipal services to areas in need of development.
- 6.4.2 Emphasis shall be placed on improving the business community in the ~~Central Commercial~~Downtown area to protect its viability as a location for business.

### 6.5 METHODS OF IMPLEMENTING COMMUNITY IMPROVEMENTS

Some of the methods which Council may choose to achieve community improvement objectives are as follows:



- 6.5.1 Establish a special committee of Council that will prepare and oversee the implementation of community improvements by utilizing the community improvement provisions outlined in Section 28 of the Planning Act, RSO 1990.
- 6.5.2 Take advantage of senior government programs that are available to assist municipal community improvement projects.
- 6.5.3 Support the provisions of the Town's Maintenance and Occupancy Standards By-law.
- 6.5.4 Acquire land utilizing any assistance available through senior government programs.
- 6.5.5 Encourage the redevelopment or rehabilitation of privately-owned properties in need of improvement and take advantage of senior government programs that are available to assist property owners in their efforts.
- 6.5.6 Dispose of municipally-owned land to private sector investors who will develop projects that Council believes will be important assets to the community.
- 6.5.7 Support and assist the Business Improvement Area and Merchants' Association in their efforts to improve the viability of the Town as a location for business.
- 6.5.8 Co-operate and liaise with community service clubs in efforts to improve community services.
- 6.5.9 Encourage and support the development of infill projects on underutilized properties.
- 6.5.10 Support the preservation of properties that Council believes to be historically significant.



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## **7.0 SECTION 7 – IMPLEMENTATION & INTERPRETATION**

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### **7.1 GENERAL**

The policies of this Plan shall be implemented by the Town, its boards, agencies, and Committees through the powers conferred upon them by the Planning Act, R.S.O. 1990, the Municipal Act, S.O. 2001, the Ontario Building Code Act, S.O. 1992, and any other applicable statutes of the Province of Ontario. The construction of public works and adherence to capital works programmes shall also assist in implementing this Plan.

### **7.2 ZONING BY-LAW**

The Comprehensive Zoning By-law is the primary tool used to implement the policies of the Official Plan. It is intended that the Comprehensive Zoning By-law provide the specific zoning regulations and standards to implement the policies of the Official Plan land use designations.

### **7.3 CONFORMITY WITH THE OFFICIAL PLAN**

It is intended that the Town's existing Zoning By-law shall be brought into conformity with this Official Plan by Council. The By-law shall zone land in accordance with the policies contained in this Plan and the regulations contained within the By-law shall be changed, if necessary, to implement this Plan properly.

It is not intended to zone all lands for the ultimate use as designated on Schedule "A", "B", "C", and "D". Certain areas may be zoned as an interim measure in a holding or deferred development zone. When such areas are deemed necessary for development, they will be rezoned in an appropriate category to permit the uses set forth in this Plan.

#### **7.3.1 Non-Conforming Standards of Development and Non-Conforming Uses**

It shall be a policy of this Plan to differentiate between non-conforming standards of development and non-conforming uses of land.

#### **7.3.2 Non-Conforming Uses**

##### **7.3.2.1 Definition**

Non-conforming land uses are those uses legally existing on the date of adoption of this Plan that are not in conformity with the policies or land use designations of this Official Plan or the provisions of the implementing Zoning By-law.

#### 7.3.2.2 Status of Non-Conforming Uses

Non-conforming uses throughout the Town should generally cease to exist in the long run so that the land affected may revert to a use in conformity with the intent of this Official Plan and the provisions of the implementing Zoning By-law. However, nothing in this Plan shall affect the continuance of any uses existing at the date of the adoption of this Plan.

#### 7.3.2.3 Extension or Enlargement of Existing Non-Conforming Uses

- a) In special instances, it may be necessary to permit an extension or enlargement of a non-conforming use in order to prevent unnecessary hardship. Hardship is defined as the potential failure of a business or industry if the extension is not granted and that the relocation of the use to an appropriately designated area is not feasible.
- b) Before any application for the extension or enlargement of an existing non-conforming use, the Committee of Adjustment or Council shall evaluate the possibility and feasibility of acquiring the property at the time of the application or possibly at some future date and of holding, selling, leasing or redeveloping the property for an appropriate permitted use in accordance with the provisions of the Planning Act, RSO 1990.
- c) Consideration shall be given to the possibility of relocating the use under consideration to a designated and/or zoned location where it would be able to function under improved conditions in accordance with the policies of this Plan.
- d) If the actions noted above are not feasible, it is the intent of this Plan that extensions and enlargements of non-conforming uses may be handled through the use of Section 34(10) or Section 45(2) of the Planning Act, RSO 1990, without an amendment to this Plan.
- e) Before making any decision, the Committee of Adjustment or Council may seek planning and other advice as is appropriate in the circumstances on the various aspects of the proposal.
- f) In order to safeguard the interests of the general public, Council, prior to passing a by-law, and the Committee of Adjustment, prior to approving an application, shall consider the following:
  - i) the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation already created by the existence of the use, especially with regard to the policies of this Plan and the requirements of the Zoning By-law;

- ii) whether the proposed extension or enlargement will be in appropriate proportion to the size of the non-conforming use established prior to the passing of the Zoning By-law;
- iii) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting, and traffic generating capacity. No variance shall be granted if one or more of such nuisance factors are present and are cause for the incompatibility of the use with the surrounding area;
- iv) the adequacy and availability of municipal services or the adequacy of private water supply and sewage disposal facilities;
- v) the traffic and parking conditions of the vicinity shall not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of loading and unloading facilities and access points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- vi) the proposed extension or enlargement and, where feasible, the established non-conforming use, shall provide for areas of landscaping, buffering or screening and appropriate setbacks for buildings and structures, and devices and measures to reduce nuisances, and where necessary regulations may be applied to alleviate adverse effects caused by outside storage, lighting, and advertising signs in order to improve the compatibility of the use with the surrounding area.
- vii) Council or the Committee of Adjustment shall not be obligated to grant permission to extend or enlarge a non-conforming use under any circumstances.
- viii) It shall be the policy of the Town to notify property owners in the vicinity of each application for an extension or enlargement of a non-conforming use prior to a final decision on the request in order to obtain their views and satisfy the requirements of the Planning Act, RSO 1990.
- ix) In accordance with Section 45 of the Planning Act, RSO 1990, the Committee of Adjustment may impose conditions that it considers appropriate to the approval of an application for the extension, enlargement, or change in a legal non-conforming use.

## 7.4 COMMITTEE OF ADJUSTMENT

7.4.1 The Town's Committee of Adjustment is a body with no fewer than 3 persons, appointed by Council under the authority of Section 44 of the Planning Act, RSO 1990, that deals with specific application types addressed in Section 45 of the Planning Act, RSO 1990. The Committee of Adjustment considers the following:

- a) Applications for minor variance from the provisions of the Zoning By-Law or any other By-law;
- b) Applications to allow extensions or enlargements to a legal non-conforming use;
- c) Application to allow a change in the use of a building or land from a legal non-conforming use to a similar more compatible non-conforming use;
- d) Applications to allow uses that conform with the uses permitted in a By-Law where the uses permitted are defined in general terms.

7.4.2 In considering an application for minor variance, the Committee should consider the following:

- ~~a) That there is a valid reason why the By-law requirements cannot be met;~~
- ab) That the variance maintains the general intent and purpose of the Zoning By-law or other provisions being varied;
- be) That the results of the variance maintain the general intent and purpose of the Official Plan;
- cd) That the variance should not have a detrimental effect on adjacent or surrounding land uses. Consideration is given to the concerns of owners, residents of adjacent properties and the community in general; and
- de) That the variance is consistent with the existing physical conditions in the area and desirable for the appropriate development or use of the land, building, or structure which is the subject of the application.

7.4.3 The Committee may impose such conditions as it considers appropriate upon the approval of a minor variance, in accordance with the provisions of the Planning Act, RSO 1990.

## 7.5 CONSENT GRANTING AUTHORITY

Decisions regarding applications for Consents (severance of land) are made by the Town of St. Marys Committee of Adjustment. This committee shall carefully consider and be guided by the general Consent policies found in Section 4.2 of this Official Plan as well as policies of the applicable land use designations.

## 7.6 SITE PLAN CONTROL

The use of Site Plan Control ensures that high standards of development are being met with each new development. The provision, maintenance and regulation of certain on-site features are monitored using the following policies.

- 7.6.1 Pursuant to Section 41(2) of the Planning Act, RSO 1990, all of the lands within the corporate limits of the Town of St. Marys, as shown on Schedule "A" to this Official Plan, are hereby identified as a proposed site plan control area. Council may pass a by-law or by-laws designating any portion or portions of this area as a site plan control area.

Although all of the lands within the Town of St. Marys have been identified as a proposed site plan control area, it is the intent of this Plan that the use of site plan control not apply to the following types of development:

- ~~a) 7.6.1.2~~ single-family detached and semi-detached dwellings;  
~~a)~~
- ~~b) 7.6.1.2~~ agricultural buildings and structures; and  
~~b)~~
- ~~c) 7.6.1.3~~ the use of land for the purpose of extracting aggregate resources.

- 7.6.2 The objectives and/or purposes of using site plan control are to ensure a high standard of development to ensure land use compatibility within the Town of St. Marys. The provision, maintenance, and regulation of certain on-site features (such as landscaping, tree planting, parking and loading areas, grading, and drainage), pursuant to the provisions of Section 41 of the Planning Act, RSO 1990 are seen as a means of achieving the above noted objectives and/or purposes.

~~7.6.3 Site Plan control provisions will be used by Council within the area(s) designated by by-law where:~~

- 7.6.~~34~~ Unless exempted under Section 7.6.1 of this Plan, Council may require drawings showing plan, elevation, and cross-section views for all residential buildings containing less than twenty-five dwelling units.

- 7.6.~~45~~ All those proposals subject to the provisions of Section 7.6 may require Council approval of plans and drawings that illustrate the plan, elevation, and cross-section views for each building to be erected, the location of all



buildings to be erected, and the location of all facilities and works to be provided.

In accordance with the provisions of Section 41(7) of the Planning Act, RSO 1990, the owner of land may be required to enter into a site plan control agreement to provide to the satisfaction of, and at no expense to, the Town, any or all of the following:

~~a) 7.6.5.1~~ widening of highways;

~~a)~~ \_\_\_\_\_

~~b) 7.6.5.2~~ access to and from the land;

~~b)~~ \_\_\_\_\_

~~c) 7.6.5.3~~ off-street vehicular loading and parking facilities;

~~c)~~ \_\_\_\_\_

~~d) 7.6.5.4~~ pedestrian access;

~~d)~~ \_\_\_\_\_

~~e) 7.6.5.5~~ lighting facilities;

~~e)~~ \_\_\_\_\_

~~f) 7.6.5.6~~ landscaping and other facilities for the protection of adjoining lands;

~~f)~~ \_\_\_\_\_

~~g) 7.6.5.7~~ facilities and enclosures for the storage of garbage and other waste material;

~~g)~~ \_\_\_\_\_

~~h) 7.6.5.8~~ required municipal easements; **and**

~~h)~~ \_\_\_\_\_

~~i) 7.6.5.9~~ grading of lands and disposal of storm water; **and,**

~~j) facilities designed to have regard for accessibility for persons with disabilities.~~

7.6.6 In regard to Section 7.6.5. a) above, it is Council's policy that road widening may be required under these Site Plan control provisions along all roads in the Town in accordance with the road classification policies of Section 5.3.1.

The amount of adjacent land to be obtained for widening shall be taken in equal amounts from both sides of the highway, measured from the existing highway centrelines, except where geological, topographical, utility lines, or other conditions or obstructions dictate otherwise. However, in such cases,

no more than half of the required widening will be taken by dedication from any one side through site plan control.

- 7.6.7 For the purposes of Section 7.6.6; a highway is defined as being any public road allowance.

## 7.7 BUILDING INSPECTION AND ADMINISTRATION

Council, has appointed a Chief Building Official who is responsible for the enforcement of the Town's Building By-law and the issuance of building permits in conformity with the Building By-law and the Zoning By-law.

Council has also enacted a by-law to provide for the issuing of permits, the establishment of fee schedules, and the inspection of construction carried out in accordance with the Ontario Building Code Act, RSO 1992.

It is intended that Council will review its Building By-law from time to time and amend it as may be required. The By-law, in addition to the policies of this Plan and the requirements of the Zoning By-law, will continue to be used to maintain control over the erection, demolition, and moving of structures in the Town. This By-law will assist Council in ensuring the health and safety of the Town residents and the general public.

In accordance with section 6(1) of the Ontario Building Code Act, RSO 1992, building permits will not be issued which do not conform to this Official Plan or the Town's Comprehensive Zoning By-law.

## 7.8 MUNICIPAL ACT

It is intended that Council shall review existing legislation pursuant to the Municipal Act, RSO ~~2001~~1990, governing such uses as automobile wrecking/salvage yards, solid waste disposal areas, gravel pits, and trailers and where necessary, amend existing by-laws or pass such new by-laws as may be required to ensure that such uses are properly regulated and controlled. Council may pass a by-law to regulate the placing and size of signs and other advertisements through the adoption of a by-law passed under the Municipal Act, SO ~~1990~~2001.

## 7.9 MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

- 7.9.1 Since the improvement and maintenance of all property are essential for a healthy community environment, programmes that will aid in the prevention of property neglect and aid in property maintenance will be pursued by the Town.

7.9.2 In order to conserve, sustain, and protect existing and future development within the Town, Council may pass a by-law, pursuant to Section 15.1 of the Building Code Act, ~~1996~~1992, to establish minimum standards for the maintenance and occupancy of all property and associated buildings and open areas within the Town. This by-law may have regard for any and all of the following matters or related items and set appropriate standards or conditions pertaining to many of the following:

- ~~a) 7.9.2.1~~ pest prevention;  
~~a)~~ \_\_\_\_\_
- ~~b) 7.9.2.2~~ garbage disposal;  
~~b)~~ \_\_\_\_\_
- ~~c) 7.9.2.3~~ structural maintenance of buildings;  
~~c)~~ \_\_\_\_\_
- ~~d) 7.9.2.4~~ safety of buildings;  
~~d)~~ \_\_\_\_\_
- ~~e) 7.9.2.5~~ general cleanliness of buildings;  
~~e)~~ \_\_\_\_\_
- ~~f) 7.9.2.6~~ adequacy of services to buildings, such as plumbing, heating, and electricity;  
~~f)~~ \_\_\_\_\_
- ~~g) 7.9.2.7~~ keeping lands free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, machinery, and mechanical equipment or material;  
~~g)~~ \_\_\_\_\_
- ~~h) 7.9.2.8~~ maintenance of yards, lands, parking, storage, loading, and unloading areas;  
~~h)~~ \_\_\_\_\_
- ~~i) 7.9.2.9~~ maintenance of fences, swimming pools, accessory buildings, and signs;  
~~i)~~ \_\_\_\_\_
- ~~j) 7.9.2.10~~ standards of occupancy.

7.9.3 In addition to prescribing standards for the above, the by-law may prohibit the occupancy or use of such property that does not conform to the standards. The by-law may also require property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris, or refuse and left in a graded and levelled condition. The by-law will prohibit the removal from any premises of any sign, notice, or placard placed thereon.

7.9.4 Council intends to appoint a Property Standards Officer who will be responsible for administering and enforcing the maintenance and occupancy by-law.

- 7.9.5 Council, in adopting a maintenance and occupancy standards by-law, also intends to appoint a property standards committee for the purpose of hearing appeals against an order of the property standards officer.
- 7.9.6 The measures to be used generally in achieving the property maintenance programme would include an education and public relations programme to show people the benefits of continuing property maintenance together with information showing what improvements can be made without increasing assessment.
- 7.9.7 Complementary to the enforcement of standards on private properties, the Town will undertake to keep in a fit and well-maintained condition all municipally-owned properties and structures and to provide or maintain in good repair municipal services such as roads and sidewalks.

#### 7.10 PLANS OF SUBDIVISION

It shall be the policy of this Plan that Council approves plans of subdivision that conform to the policies of this Plan and which, to the satisfaction of Council, can be supplied with adequate services such as schools, fire and police protection, water supply, sewage disposal, storm drainage facilities, road maintenance, solid waste collection and disposal, and where such approval would not adversely affect the financial position of the Town. The subdivision must, above all, be deemed to be necessary, timely, and in the public interest.

## 7.11 CONSENTS

It shall be the policy of this Plan to discourage generally the creation of individual parcels of land. Consents shall be approved only if it is apparent to the Committee of Adjustment that a plan of subdivision is unnecessary, the land subject to the application can be adequately serviced, and the consent is necessary, timely, and in the public interest.

## 7.12 CAPITAL WORKS PROGRAMME

It is intended that this Plan will enable Council to prepare and adopt successive five year capital works programmes based upon the policies contained herein. By undertaking this step, Council will be able to assess its immediate and long-term requirements and be able to plan major expenditures within its financial resources.

## 7.13 PUBLIC WORKS AND LAND ACQUISITION

It is a policy of this Plan that the construction of all public works and the public acquisition of land within the Town shall be carried out in accordance with the policies of this Plan.

## 7.14 FINANCIAL CONSIDERATIONS

The ability of the Town to finance public services is highly dependent upon property taxes and development charges related to the type of development that occurs.

Future development will be considered carefully under this Plan to ensure that the level of expenditure and debt on the part of the municipality is equitable. More particularly, Council may control the timing of development permitted by the Plan by zoning lands in a future development zone as an interim measure until it is satisfied that:

a) ~~7.14.1~~ a reasonable balance between industrial and residential assessment will be maintained; and

a) ~~\_\_\_\_\_~~.

b) ~~7.14.2~~ any large scale public works necessary to service such development can be financed adequately; at such time that Council is satisfied, development may proceed by rezoning in accordance with the land use designation.

## ~~7.15 — GENERAL PARK POLICY~~

~~The Town is supportive of a healthy and active community through the provisions of accessible and affordable recreational services.~~

### ~~7.15.1 — Community Services Master Plan~~

~~The Town completed a Community Services Master Plan in 1994 to identify important long term planning needs for the community. Council will continue to implement its recommendations and, from time to time, initiate updates to this Master Plan.~~

### ~~7.15.2 — Trails~~

~~The development of hiking, walking, and bicycle trails is a significant resource to the Town. Opportunities to develop new trails or extend existing trails throughout the Town will continue to be encouraged and shall be identified on Schedule “B” to the Official Plan. The use of public lands, the floodplains adjacent to the watercourses, and private lands may be used to develop or extend the trail system.~~

### ~~7.15.3 — Park Classification~~

~~The Town has established a hierarchy of service levels for the existing park system in the Town. The system is based on the park’s purpose, its size, its service area, and its intended use.~~

### ~~7.15.4 — New Parks~~

~~Council recognizes that need for the establishment of a new Town Wide park in the north Ward. Opportunities to develop such a facility, in conjunction with private land developers, will be explored when considering any new development applications.~~

## ~~7.15.5 — Implementation~~ PARKLAND DEDICATION REQUIREMENTS

It is intended that the creation and/or improvement of parks within the Town shall be guided by the following policies:

- a) the provisions of ~~Subsections (5) and (8) of Section 51 of the Planning Act, RSO 1990~~ shall apply to all new plans of subdivision/condominium or consent approvals. In accordance with these provisions, land not exceeding 5 per cent of the land included in the draft plan of subdivision or cash-in-lieu thereof shall be conveyed to the municipality as a condition of the approval of the plan of subdivision;
- b) land conveyed to the Town in accordance with 7.15.5 a) above shall be suitable for development as a public recreational area. Lands subject to physical limitations such as flooding, steep slopes, erosion, or other similar limitations will not necessarily be accepted for park purposes. All

lands dedicated to the municipality shall be conveyed in a physical condition satisfactory to the municipality. Where an open water-course is involved, adequate open space shall be provided for the maintenance thereof; and

- c) lands conveyed to the municipality in accordance with 7.15.5 a) above shall be located in a manner which affords appropriate access to the surrounding community.

## 7.16 PUBLIC INFORMATION

In order to inform the public adequately of the policies contained in this Plan, Council shall, upon receiving the Minister's approval of this Plan, reproduce the Plan or a summary of the Plan, and make it available to the general public at a reasonable cost.

## 7.17 REVIEW OF THE OFFICIAL PLAN AND AMENDMENTS

- 7.17.1 In accordance with Section 26(1) Planning Act, R.S.O. 1990, Council, after adopting this Plan, shall hold a special meeting of Council, open to the public, for the purpose of determining the need for a revision of the Plan.

- 7.17.2 This Plan shall be subject to continuing review by Council and whenever it is found necessary, due to economic, social, or technical developments or environmental considerations, Council may amend the Plan to keep abreast of the changes and trends in the Town. When changing conditions necessitate the need for an amendment to this plan [or the creation of secondary plan(s)], the procedures established in the Planning Act, RSO 1990 regarding public notification will be followed.

Prior to adopting any amendment to this Plan, Council shall prepare the amendment and provide notice subject to Section 17 (2) of the Planning Act, RSO 1990.

- 7.17.3 It is intended that amendments to the Land Use Schedules (Schedule "A", "B", "C", and "D") can be made by the use of more detailed additional maps covering only the area affected by the amendment. Such maps will be included in the amendment as Schedules "A1", "A2", etc. and will, therefore, not require the reprinting and/or redrafting of the Land Use Schedules. In such cases, the designations on the more detailed schedules will prevail. Updated Schedules of this Official Plan incorporating the approved amendments will be available for review at the Municipal Offices.

### 7.17.4



~~7.17.4~~ In considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as the following criteria:

- a) the rationale or basis for the change and/or the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;
- c) the compatibility of the proposed use with the character of the areaconforming uses in adjoining areas;
- d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;
- e) the potential effects of the proposed use on the financial position of the Town;
- f) the potential suitability of the land for such proposed use in terms of environmental considerations;
- g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;
- h) the adequacy and availability of municipal services and utilities; and
- i) the adequacy of parks and educational facilities and the location of these facilities.

If it is necessary for Council to request information relating to any or all of the foregoing criteria from the applicant, the proposal will not be considered or proceeded with before this requested information is provided in full by the applicant, and/or if special consulting reports are required they shall be at the cost of the applicant.

## 7.18 EXEMPTION FROM REQUIRED PARKING REQUIREMENTS

The Town of St. Marys may accept cash-in-lieu of parking pursuant to Section 40 of the Planning Act, RSO 1990 when after reviewing a specific development application, it can be shown that such an arrangement would be in the best interest of the Town. This would, for example, permit the Municipality to reduce or eliminate parking for a specific development and to provide the required number of parking spaces by agreement in a municipal parking facility or another site.

## 7.19 HOLDING ZONE PROVISIONS

7.19.1 It is a policy of Council to utilize “holding zones” pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990 in the following instances:

- a) to assist in the phasing of development and or redevelopment;
- b) to ~~co-ordinate~~coordinate development and or redevelopment with the provisions of services. Such as sanitary sewers, storm sewers and water supply;
- c) to control development that may need specific design requirements;
- d) to forestall development and or redevelopment until such time that the planning related criteria can be met.

7.19.~~23~~ Prior to the removal of any holding symbol, Council shall be satisfied by the developer, that all conditions of any agreements have been met or will be met and that the policies and directions of this Plan have been met or fulfilled in regard to such aspects as phasing, servicing and design criteria.

7.19.~~34~~ In accordance with Section 5 of the Planning Act, RSO 1990, Council may consider passing a by-law to remove the holding symbol and allow development to take place in accordance with the zoning category or categories assigned.

## 7.20 TEMPORARY USE BY-LAWS

7.20.1 The temporary use of land, buildings or structures may be authorized by council by a by-law passed pursuant to Section 38 of the Planning Act, RSO 1990, notwithstanding that such use is otherwise prohibited by the Zoning By-law and no amendment to this Official Plan will be required to permit such by-law to be passed. Such a by-law shall describe the area affected and set an expiry date for the by-law no more than 3 years after the passing thereof, except in the case of a by-law passed under the policies of Section 3.1.2.19 in which case the expiry date for the by-law shall be for no more than 10 years after the passing thereof.

7.20.2 Council may pass subsequent by-laws granting extensions of up to 3 years, however, once the by-law has lapsed, the use permitted by the by-law must cease and any use which continues will be viewed as an illegal use in regard to the Zoning By-law.

7.20.3 In the consideration of such application, Council shall satisfy itself that the use will be of a temporary nature only, that the use is reasonably compatible with the surrounding area and that the use will not have a deleterious effect on the surrounding area with regard to such matters as type of use, parking, traffic, access and egress and parking.

## 7.21 DEVELOPMENT CHARGES POLICY

The Development Charges policy of the Town shall be set out in a separate by-law for that purpose and shall be reviewed on a regular basis.

## 7.22 INTERIM CONTROL BY-LAWS

Interim Control By-laws are By-laws that are passed by Council to control/regulate the use of land, buildings or structures within an identified area for a certain time period not to exceed one year in length with the possibility of extending the time period for a further period of time again not exceeding one year (for a total period of time not exceeding 2 years). In a situation where an Interim Control By-law is applied to the land in question, the land affected must be under review or under study with respect to a planning or land use issue.

Council must first pass a resolution or by law directing that a review or study be undertaken with respect to the land use planning policies in the municipality or in the area of question. The purpose of the Interim By-law is to control the development of land in a designated area or areas while the study is taking place. Once an Interim By-law expires, Council may not apply another Interim Control By-law on the property or portion of that property for a period of 3 years.

## 7.23 BONUS BY-LAWS

Pursuant to Section 37 of the Planning Act, the Town may enact a Zoning By-law to allow increases in height and density of development beyond those permitted by this Plan and the Zoning By-law in exchange for facilities, services, or matters of public benefit as set out in the Section 37.

Any facilities, services or matters obtained through height and density bonusing shall be logically applied to areas impacted by bonusing provisions so that the impacted neighbourhood or community realizes benefits obtained through density bonusing.

Bonus provisions shall be considered where the bonus density and height conforms to the intent of the Plan and the increase in height and density is compatible with adjacent existing or proposed development. The resulting development must continue to represent good planning.

An agreement relating to the bonus provisions shall be required between the landowner and the Town. Prior to Council passing a

~~Bonus Zone By-law they should consider if the bonus will achieve the following objectives:~~

- ~~a) affordable housing;~~
- ~~b) esthetically attractive development in keeping with architectural heritage of the area using similar building materials and colours. The development be enhanced with landscaped features;~~
- ~~c) provision of open space in addition to the parkland dedication requirements;~~
- ~~d) daycare facilities;~~
- ~~e) preservation of structures or districts identified as architecturally, culturally, or historically significant; or~~
- ~~f) environmental sensitive development that protects natural features, promotes energy conservation, encourages construction techniques that minimize waste and promote water conservation.~~

~~The Zoning By-law may contain bonus zoning for all types of development. Where bonus provisions are provided, the provisions will describe the facilities, services or matters that qualify. It will also include the height and density increases that would be acceptable. The developer must enter into an agreement prior to the passing of the Bonus By-law.~~

## 7.24 INTERPRETATION

### 7.24.1 LAND USE BOUNDARIES

The boundaries of the land use designations as shown on the Land Use Plans (Schedule “A”, “B”, “C”, and “D”) are approximate only and shall be considered as absolute only where they coincide with roads, railway lines, rivers, lot lines shown in the implementing Zoning By-law, or other clearly defined physical features and in these cases, they are not open to flexible interpretation.

It is also intended that the location of roads and proposed road or trail extensions as indicated on Schedule “B” be considered as approximate and not absolute.

Amendments to this Plan will not be required in order to make minor adjustments to the boundaries of the land use designations and to the location of roads, correct typographical or patent errors, provided that the general intent of the Plan is preserved. Such minor deviations will not need to be incorporated on the Schedules (Schedule “A”, “B”, “C”, or “D”).

### 7.24.2 FIGURES

It is intended that all figures and quantities contained in this Plan are to be considered as approximate and not rigid. Reasonable variances (minor) from

any of the figures or quantities will be permissible providing the intent and spirit of the Plan are preserved.

#### 7.24.3 ACCESSORY USES

Wherever a use is permitted within a land use designation, it is intended that uses, buildings, or structures normally incidental, accessory, and essential to that use are also permitted.

#### 7.24.4 SCHEDULE COLOURS

Some land use designations or constraint areas are shown as semitransparent “overlays” on Schedules “A”, “B”, “C”, or “D”. Where the combination of the overlay and the underlining designation causes variances to the colour presentation on the Schedules to either the overlay or the underlining designation, such colour variances shall not be considered a different land use designation or constraint area.

#### 7.24.5 PROVINCIAL POLICY STATEMENT

In the preparation or review of an Official Plan, municipalities and planning authorities must be consistent with the Provincial Policy Statement, a document which provides policy direction on matters of provincial interest related to land use planning and development. Together with a municipal official plan, the intent is to provide a framework for comprehensive, integrated and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

Council has reviewed and revised this plan to be consistent with provincial interests such as promoting efficient and cost-effective development, accommodating a range and mix of residential, employment, recreational and open space uses to meet long-term needs, providing opportunities for intensification and redevelopment including brownfields, providing for a full-range of housing types and densities, maintaining the well-being of the downtown, ensuring the efficient use of planned public services, supporting energy efficiency and improved air and water quality, providing an adequate supply of affordable housing, providing for the wise use and protection of a variety of resources such as natural heritage and cultural heritage, which also affects the Town. Council's development and adoption of this Official Plan provides for appropriate development, responsible and efficient land use planning and management while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. In exercising its authority in the formulation and adoption of this Official Plan, Council has been consistent with the Provincial Policy Statement issued under Section 3 of the Planning Act, RSO 1990.

## 7.25 COMPLETE APPLICATIONS

Applications for amendments to the Official Plan, Plans of Subdivision, Plans of Condominium, Zoning By-law Amendment, and applications for Site Plan Approval will not be accepted by the Town for processing in the absence of a complete application.

To be deemed complete, an application must satisfy all applicable statutory requirements and be accompanied by the studies, information or other material listed below. The specific studies, information and material required may be scoped as set out through pre-consultation with the Town Building and Development Department and the other agencies as appropriate.

### 7.25.1 PRE-CONSULTATION

Any applicant requesting amendment to the Town Official Plan or for approval of a Plan of Subdivision, Plan of Condominium, Zoning By-law Amendment, or Site Plan Approval shall be required to pre-consult with the Town pursuant to the Town of St. Marys Pre-Consultation By- law.

### 7.25.2 REQUIRED INFORMATION

The content scope and necessity of the studies, information or other material will be determined through a Pre-consultation meeting with the Town and other agencies as required.

The studies, information or other material submitted must be conducted and/or prepared by a qualified professional retained by and at the expense of the applicant.

The Town may refuse studies, information or other material submitted if it considers the quality of the submission unsatisfactory.

The Town may require a peer review of any studies, information or other material submitted by an appropriate agency or professional consultant retained by the Town at the applicant's expense.

Through the course of the review of a complete application, additional studies, information or other material may be required to address specific issues to enable Town Council to make informed decisions.

### 7.25.3 STUDIES, INFORMATION OR OTHER MATERIAL

Studies, information and other material that may be required to process an application are listed below:

- a) Accessibility Design Matrix
- b) Affordable Housing Report/ Rental Conversion Assessment
- c) Aggregate Extraction Area Report
- d) Aggregate Resource Analysis
- e) Aggregate Restoration/Rehabilitation Plan
- f) Agricultural Impact Assessment
- g) Air Emissions/Quality Study
- h) Archaeological Assessment
- i) Architectural Control Guidelines
- j) Built Heritage Resource Assessment/Impact Study
- k) Composite Utility Plan
- l) Construction Management Plan
- m) Cultural Heritage Resource Assessment/ Impact Study
- n) Cut and Fill Analysis
- o) Detailed Service Plan
- p) Dust Impact Analysis
- q) Elevation Plans
- r) Energy Management Plan
- s) Environmental Impact Study
- t) Environmental Site Assessment (Phase 1 or Phase 2)
- u) Erosion and Sediment Control Plan
- v) Financial Impact Analysis
- w) Fish Habitat Assessment
- x) Functional Servicing Report
- y) Geotechnical/Soils Report
- z) Hydrogeological Evaluation
- aa) Landfill Impact Study
- bb) Landscape and Open Space Plan
- cc) Lighting Plan
- dd) Master Drainage Plan
- ee) Minimum Distance Separation Analysis
- ff) Municipal Financial Impact Assessment
- gg) Natural Heritage Study
- hh) Noise Study
- ii) Nutrient Management Plan
- jj) On-street Parking Analysis
- kk) Park Concept Plan
- ll) Parking Supply Study and Design Plan
- mm) Pedestrian Route and Sidewalk Analysis
- nn) Phasing Plan
- oo) Planning Justification Report
- pp) Retail Market Impact Study
- qq) Servicing Options Report
- rr) Septic System Design Report
- ss) Site Plan
- tt) Site Remediation Plan



- uu) Slope Stability and Erosion Report
- vv) Storm Water Management Plan
- ww) Streetscape Plan
- xx) Sun-Shadow Analysis
- yy) Surrounding Land Use Compatibility Analysis
- zz) Traffic Impact Study
- aaa) Transportation Study
- bbb) Tree Compensation and/or Preservation Plan
- ccc) Tree Inventory and Arborist Report
- ddd) Source Water Protection Plan
- eee) Urban Design Guidelines
- fff) Vegetation Protection, Enhancement and Restoration Plan
- ggg) Vibration Study
- hhh) Well Impact Study

## 7.26 PART LOT CONTROL

Part lot Control (PLC) is a power used by Public authorities to prohibit a property-owner from conveying a part of any parcel of land without approval from the appropriate approval authority. Exemption from Part lot Control (PLC) is an alternative form of land division to Plans of Subdivision and Consents which is generally favoured by the development industry as it is quicker and removes the uncertainty of the public meeting/appeal process from development approval.

Under Section 50 of the Planning Act, by-laws may be passed by Council to suspend or “lift” part lot control thereby exempting any or all parcels in a registered Plan of Subdivision from part lot control so that the further division of individual parcels can occur without further Council/Committee of Adjustment approvals. Such a by-law is named an Exemption from Part Lot Control (PLC) By-law. An Exemption from PLC By-law will usually be in place for a fixed period of time, after which the By-law will expire and the PLC provisions of the Planning Act come into force and effect.

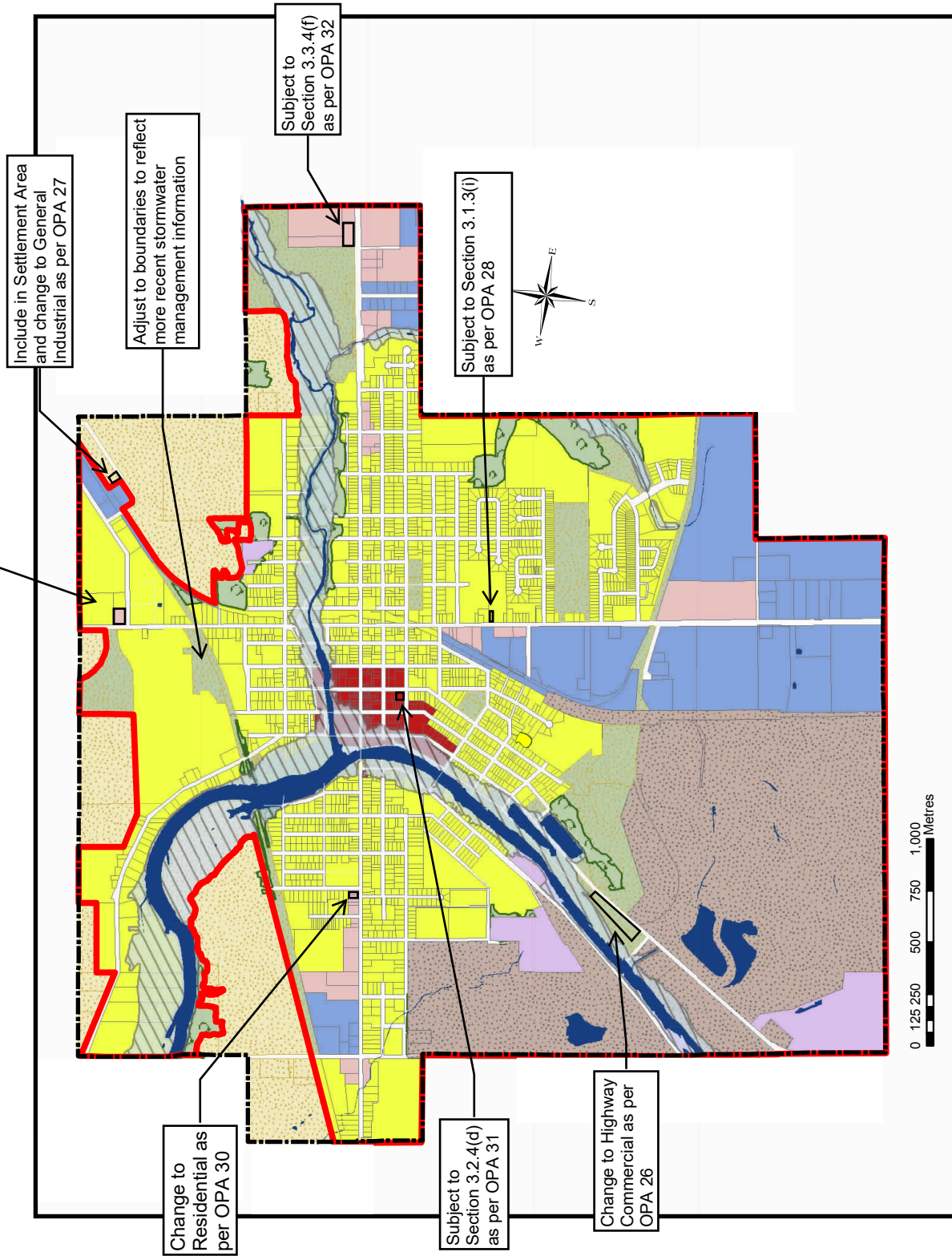
# Town of St Marys Official Plan Schedule 'A' Land Use Plan

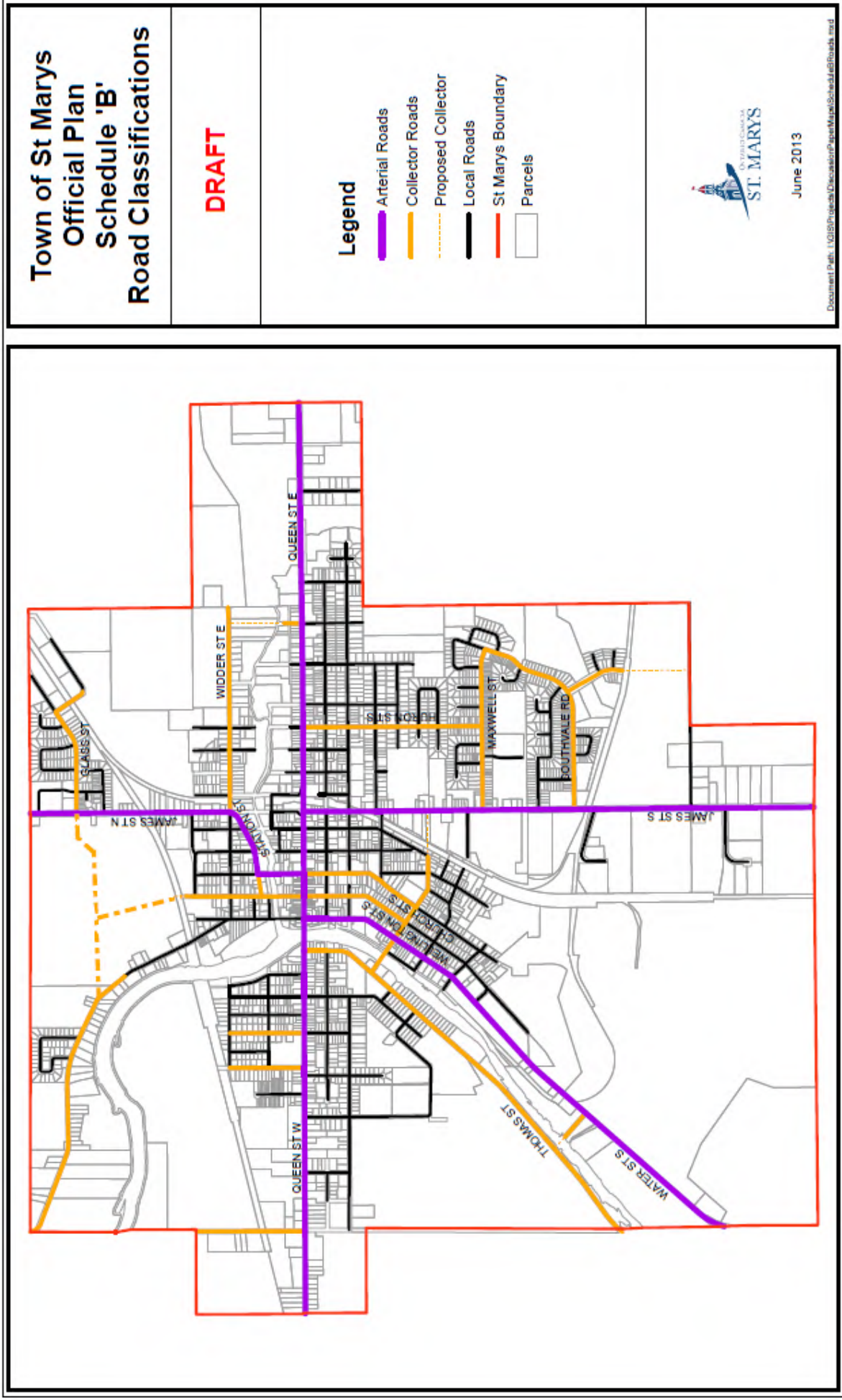
## Designation

- Settlement Area Boundary
- Town Boundary
- Water
- Residential
- ~~Central Commercial~~ Downtown
- Highway Commercial
- General Industrial
- Extractive Industrial
- Environmental Constraint
- Recreational
- Flood Plain
- Natural Heritage
- ~~Agriculture~~ Rural



October 2007







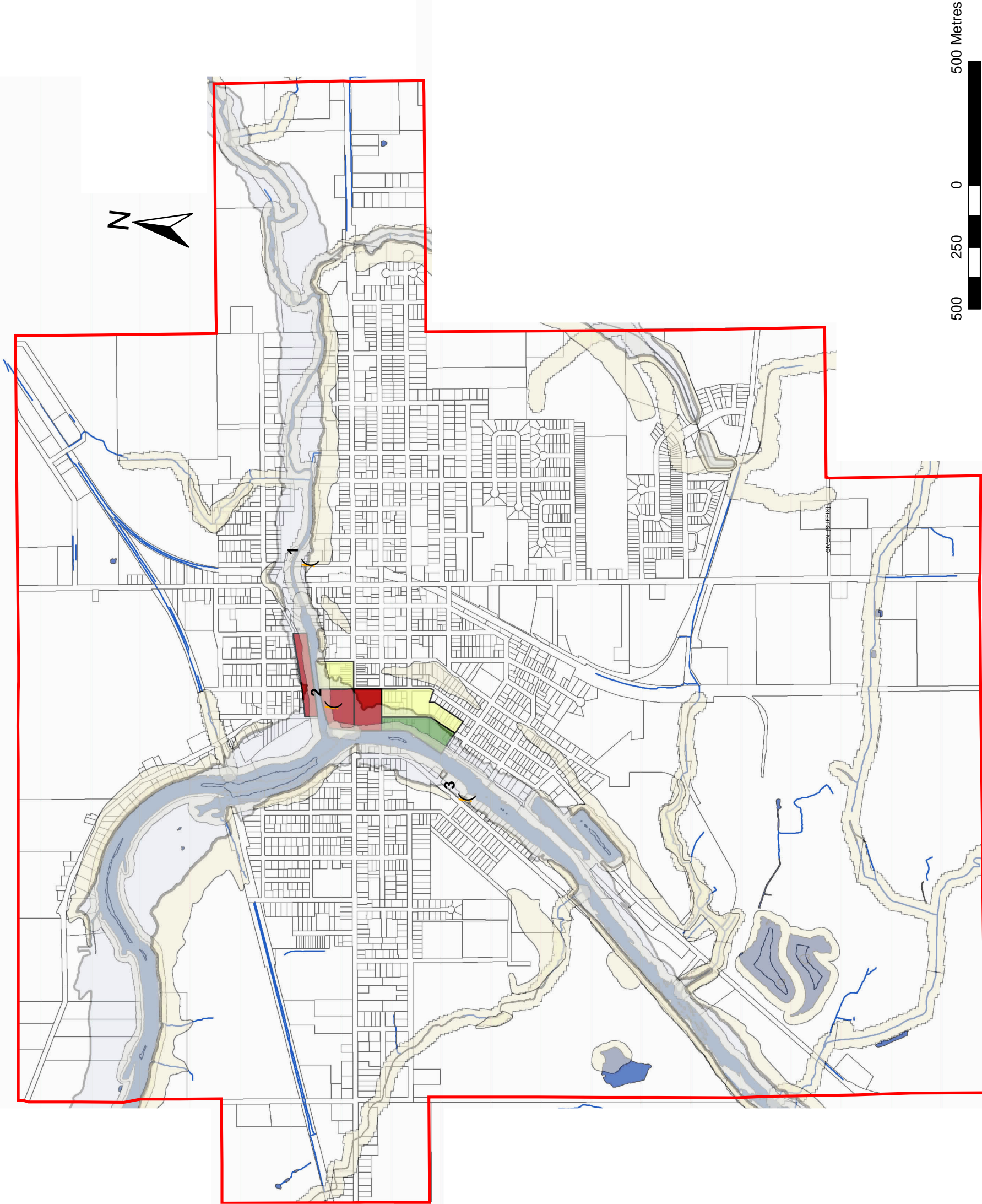
# Town of St Marys Official Plan Schedule 'C' Flood Plain Areas

## Legend

- Sub Area A
- Sub Area B
- Sub Area C
- Flood Plain
- Natural Hazards Constraint Area
- Water
- Water Course
- Municipal Pumping Well  
(Well size not to scale)



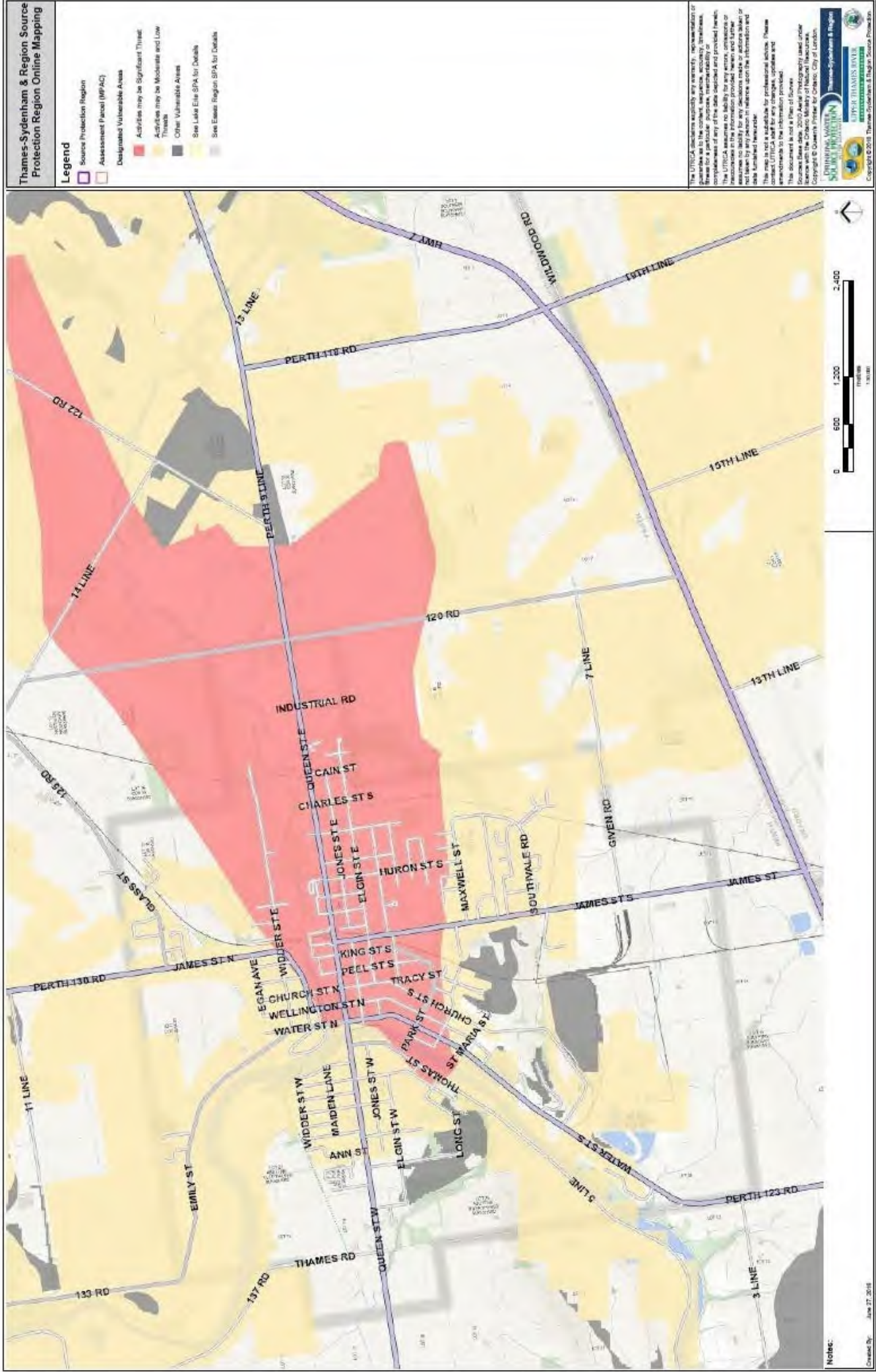
August 2006





# ATTACHMENT 1

## New Schedule 'D'





### New Schedule 'D'

