



AGENDA
Regular Council Meeting

January 14, 2020

6:00 pm

Council Chambers, Town Hall
175 Queen Street East, St. Marys

Pages

1. **CALL TO ORDER**
2. **DECLARATIONS OF PECUNIARY INTEREST**
3. **AMENDMENTS AND APPROVAL OF AGENDA**

RECOMMENDATION

THAT the January 14, 2020 regular Council meeting agenda be accepted as presented.

4. **PUBLIC INPUT PERIOD**

(Information provided during the Public Input Period shall be directed by the public to Council members and shall deal with matters specific to Agenda business. A maximum of two (2) minutes per person is allotted for questions, and the maximum time allotted for the Public Input Period as a whole is ten (10) minutes)

5. **DELEGATIONS, PRESENTATIONS, AND PUBLIC MEETINGS**

- 5.1 **Chris West re: Support on Plan to Release Canadians Imprisoned in China**

8

Appendices attached as addendum to agenda

6. ACCEPTANCE OF MINUTES

6.1 Special Council - December 3, 2019 16

RECOMMENDATION

THAT the December 3, 2019 special Council meeting minutes be approved by Council, and signed and sealed by the Mayor and the Clerk.

6.2 Regular Council - December 10, 2019 20

RECOMMENDATION

THAT the December 10, 2019 regular Council meeting minutes be approved by Council, and signed and sealed by the Mayor and the Clerk.

7. CORRESPONDENCE

7.1 Ministry of Municipal Affairs and Housing re: Building Code Service Transformation 30

RECOMMENDATION

THAT the correspondence from the Ministry of Municipal Affairs and Housing regarding the Building Code Service Transformation be received.

7.2 John Nater, MP re: Bilateral Agreement between Canada and Ontario 32

RECOMMENDATION

THAT the correspondence from John Nater, MP regarding the bilateral agreement between Canada and Ontario be received.

7.3 Township of Perth East re: 2020 UTRCA Levy 33

RECOMMENDATION

THAT the correspondence from the Township of Perth East regarding the 2020 UTRCA Levy be received.

7.4 Bluewater Recycling Association re: Transition of the Blue Box Program to Full Producer Responsibility 34

RECOMMENDATION

THAT the correspondence from the Bluewater Recycling Association regarding the transition of the blue box program to full producer responsibility be received.

- 7.5 Ministry of the Environment, Conservation and Parks re: Conservation Authority Concerns 38**

RECOMMENDATION

THAT the correspondence from the Minister of the Environment, Conservation and Parks regarding concerns of the Upper Thames River Conservation Authority be received.

- 7.6 Ministry of Environment, Conservation and Parks re: Concerns between UTRCA and St. Marys Golf and Country Club 40**

RECOMMENDATION

THAT the correspondence from the Minister of the Environment, Conservation and Parks regarding concerns between the Upper Thames River Conservation Authority and St. Marys Golf and Country Club be received.

- 7.7 Huron Perth Public Health re: Request for Resolution to Support Position 42**

RECOMMENDATION

THAT the correspondence from Huron Perth Public Health regarding a request for resolution to support position be received.

8. STAFF REPORTS

8.1 Building and Development Services

- 8.1.1 DEV 01-2020 Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc. 151 Water Street North 56**

RECOMMENDATION

THAT DEV 01-2020 Official Plan and Zoning By-law Amendment Applications for 1934733 Ontario Inc. 151 Water Street North report be received; and,

THAT Council refuse the Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc., 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016) for the reasons set out in this report and the December 2, 2019 Information Report to the Town's Planning Advisory Committee.

8.1.2	DEV 02-2020 St. Marys Official Plan Review	124
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RECOMMENDATION

THAT DEV 02-2020 regarding the St. Marys Official Plan review be received; and,

THAT Council authorize staff to circulate the updated discussion papers to Provincial staff for review and comments, and proceed with a non-statutory public open house to update the community and provide the opportunity for comments on the updated discussion papers and draft new Official Plan.

8.2 Finance

8.2.1	FIN 01-2020 2020 Interim Tax By-Law	275
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RECOMMENDATION

THAT FIN 01-2020 2020 Interim Tax By-law report be received; and

THAT By-law 03-2020 to provide 2020 interim tax levies be approved.

8.2.2	FIN 02-2020 Temporary Borrowing By-Law	277
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RECOMMENDATION

THAT FIN 02-2020 Temporary Borrowing By-law report be received; and

THAT By-law 04-2020 authorizing temporary borrowing be approved.

8.3 CAO and Clerks

8.3.1	CAO 04-2020 Smoking and Vaping By-law Update	279
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RECOMMENDATION

THAT CAO 04-2020 Smoking and Vaping By-law Update report be received; and

THAT Council direct staff to bring forward the final draft by-law at an upcoming meeting of Council for consideration of approval.

RECOMMENDATION

THAT CAO 05-2020 regarding the UTRCA Board representative appointment be received; and

THAT Tony Jackson be appointed the joint representative for Perth South, South Huron and St. Marys for the remainder of the 2018-2022 term of Council.

9. COUNCILLOR REPORTS

9.1 Operational and Board Reports

9.1.1 Bluewater Recycling Association - Coun. Craigmile

9.1.2 Library Board - Coun. Craigmile, Edney, Mayor Strathdee

9.1.3 Municipal Shared Services Committee - Mayor Strathdee,
Coun. Luna

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9.1.4 Perth District Health Unit - Coun. Luna

9.1.5 Spruce Lodge Board - Coun. Luna, Pridham

9.1.6 Upper Thames River Conservation Authority

9.2 Advisory and Ad-Hoc Committee Reports

9.2.1 Accessibility Advisory Committee - Coun. Hainer

9.2.2 Business Improvement Area - Coun. Winter

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9.2.3 CBHFM - Coun. Edney

9.2.4 Committee of Adjustment

9.2.5 Community Policing Advisory Committee - Coun. Winter, Mayor
Strathdee

9.2.6	Green Committee - Coun. Craigmile	
9.2.7	Heritage Advisory Committee - Coun. Pridham	
9.2.8	Huron Perth Healthcare Local Advisory Committee - Coun. Luna	
9.2.9	Museum Advisory Committee - Coun. Hainer	
9.2.10	Planning Advisory Committee - Coun. Craigmile, Hainer	300
9.2.11	Recreation and Leisure Advisory Committee - Coun. Pridham	
9.2.12	Senior Services Advisory Committee - Coun. Winter	
9.2.13	St. Marys Lincolns Board - Coun. Craigmile	
9.2.14	St. Marys Cement Community Liaison Committee - Coun. Craigmile, Winter	
9.2.15	Youth Centre Advisory Committee - Coun. Edney	
9.2.16	Youth Council - Coun. Edney	

10. EMERGENT OR UNFINISHED BUSINESS

11. NOTICES OF MOTION

12. BY-LAWS

RECOMMENDATION

THAT By-Laws 03-2020 and 04-2020 be read a first, second and third time; and be finally passed by Council, and signed and sealed by the Mayor and the Clerk.

12.1	By-Law 03-2020 Interim Tax Levy	307
12.2	By-Law 04-2020 Temporary Borrowing	309

13. UPCOMING MEETINGS

January 21, 2020 - 9:00 am, Special Meeting of Council (budget), Council Chambers

January 28, 2020 - 6:00 pm, Regular Council, Council Chambers

14. CLOSED SESSION

RECOMMENDATION

THAT Council move into a session that is closed to the public at ____pm as authorized under the *Municipal Act*, Section 239(2)(f) advice that is subject to solicitor - client privilege, including communications necessary for that purpose.

14.1 Minutes CLOSED SESSION

14.2 CAO 06-2020 CONFIDENTIAL Request from Perth South to Terminate James Street South Servicing Agreement

15. RISE AND REPORT

RECOMMENDATION

THAT Council rise from a closed session at ____pm.

16. CONFIRMATORY BY-LAW

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RECOMMENDATION

THAT By-Law 06-2020, being a by-law to confirm the proceedings of January 14, 2020 regular Council meeting be read a first, second and third time; and be finally passed by Council, and signed and sealed by the Mayor and the Clerk.

17. ADJOURNMENT

RECOMMENDATION

THAT this regular meeting of Council adjourn at ____ p.m.

“Free them”

A report presented to

The Town of St. Marys

By

Chris West

January 14, 2020

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Executive Summary

Michael Kovrig and Michael Spavor are the two names most commonly mentioned in news reports as Canadians held in China. Two names less often mentioned are Robert Schellenberg and Fan Wei, both presumably charged with drug related matters.

It seems that typical to China, charges are determined by the People's Republic and China, "PRC" and not in what are described as "courts". This PRC procedure is totally against the rule of law and that we enjoy in Canada.

Well respected CTV newsman, Craig Oliver, attributes the lack of action by Canada against the imprisonment of these Canadians as one of Canada's greatest failures of 2019.

The current Canadian parliament minority governing power have established priorities that may reflect on matters in mainland China. These priorities have been prepared in the privy council office then signed by the PM.

It would appear that China will be a priority for ministers in at minimum a number of areas including:

- Minister of Foreign Affairs and International Trade
- Minister of Innovation and Science and Economic Development
- Minister of Agriculture, Agri Food, Natural Resources
- Minister of Public Safety

Ministers, Members of Parliament and Senators that could be involved in matters concerning both the PRC and the four men identified in this executive summary and report.

In addition to actions that may be attributed to these representatives, there have been diplomatic actions by governments and individuals calling for the release of the Canadians mentioned.

Despite this, China is presumably much aware of their international image.

2. Background

Despite Canada's efforts to aid China since the 1950's, the PRC under the leadership of President Xi Jinping have taken unwelcome action including, but not limited to:

- Militarization of the South China Sea
- Incarceration and brainwashing of Uyghurs
- Jailing of human rights activists and their lawyers
- Detention of innocent Canadians
- Debt traps and port acquisitions in Belt and Road initiatives
- Threats to neighbours, such as Taiwan
- Exporting to Canada of dangerous goods, including fentanyl and those with misleading labels
- Lack of legal due process
- Reneging on commitments to Hong Kong after UK exit.

The Macdonald-Cartier Institute and senior fellow Margaret McCuaig-Johnston are a well respected organization:

- "inspired by Canada's deep-rooted intellectual tradition of ordered liberty—as exemplified by Macdonald and Laurier (sic)" (The Right Honourable Stephen Harper)
- "forged a reputation for brilliance and originality in areas of vital concern to Canadians (sic)" Brabara Kay, National Post Columnist
- "intelligent and informed debate contributes to a stronger healthier and more competitive Canadian society (sic)" John Manley, former deputy Canadian PM

China's affluent and upper-middle class is estimated to reach 220 million by the year 2022, while the number of high-net-worth individuals has increased nine-fold in the past decade — two-thirds of whom have investments in international property. The overall value of Chinese investment in international property ballooned from \$5 billion in 2010 to \$119.7 billion USD last year. (Montreal Gazette)

According to juwai.com, most likely countries for China and Chinese to invest in are #1 USA #2 Australia #3 Canada.

3. Important Government Contacts

The Honourable Navdeep Bains, Minister innovation, science, industry
The Honourable Marie-Claude Bibeau, Minister Agriculture, Agri-Food
The Honourable Bill Blair, Minister Safety, Emergency Preparedness
The Honourable Seamus O'Regan, Minister, Natural Resources
The Honourable Chrystia Freeland, Deputy PM
The Honourable Justin Trudeau, PM
The Honourable Andrew Scheer, Leader Official Opposition
The Honourable Jagmeet Singh, Leader NDP
The Honourable Francois-Philippe Champagne, Minister Foreign Affairs
John Nader, MP, Deputy Official Opposition House Leader
Elizabeth May, Leader Green Party
Yves-Francois Blanchet, Leader BQ Party
Michael Wernick, Clerk of Privy Council
Leo Housakos, Senator
Thanh Hai Ngo, Senator
Kim Pate, Senator
Murray Sinclair, Senator
Yuen Pau Woo, Senator
Peter Boehm, Senator
Peter Harder, Senator

4. Recommendations for action

We recommend a number of actions, including, but not limited to the following:

1. Cap and trade fee on all countries *shipping* goods to Canada based on the differential of tax on automotive fuel in Canada vis a vis country of export to a max of 4% in 2020, then increasing by 0.5% per year until 2050.
2. Additional controls at Canadian ports of entry and at Canada post to reduce shipments of illegal drugs, mislabeled products
3. Cancellation of R&D funding that has PRC as beneficiary
4. Enforcement of Magnitsky legislation with visa bans and seizure of assets
5. Letters to G7 leaders recommending support of all recommendations
6. Letters to important Canadian government contacts
7. Commencement of letter writing campaign
8. Increasing the cost of the sale of Canadian real estate to buyers from China
9. Sending home Chinese athletes training in Canada
10. Sending home Chinese pandas
11. Ignoring the 50th anniversary of Canada's recognition of China
12. Withdrawing from the Asian Infrastructure Investment Bank
13. Introducing Foreign Influence Transparency Act

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5. Acknowledgments

We acknowledge and appreciate the input of Margaret McCuaig-Johnston, The Town of St. Marys Ontario, Juwai, Montreal Gazette, Tom Welker and Larry Hughes.

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Contact Information

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MINUTES
Special Meeting of Council

December 3, 2019
9:00 am
Town Hall, Council Chambers

Council Present: Acting Mayor Luna
 Councillor Craigmile
 Councillor Edney
 Councillor Hainer
 Councillor Pridham

Council Regrets: Mayor Strathdee
 Councillor Winter

Staff Present: Brent Kittmer, CAO / Clerk
 Richard Anderson, Director of Emergency Services / Fire Chief
 Grant Brouwer, Director of Building and Development
 Stephanie Ische, Director of Community Services
 Jed Kelly, Director of Public Works
 Lisa Lawrence, Director of Human Resources
 Trisha McKibbin, Director of Corporate Services
 André Morin, Director of Finance / Treasurer
 Matthew Corbett, Library CEO
 Jenna McCartney, Deputy Clerk

1. CALL TO ORDER

Acting Mayor Luna called the meeting to order at 9:00 am.

2. DECLARATION OF PECUNIARY INTEREST

None.

3. AMENDMENTS AND APPROVAL OF AGENDA

Acting Mayor Luna acknowledged that the Town's flag will be lowered to half-mast on Friday, December 6 in support of National Day of Violence Against Women.

Resolution 2019-12-03-01

Moved By Councillor Pridham

Seconded By Councillor Edney

THAT the December 3, 2019 special meeting of Council agenda be accepted as presented.

CARRIED

4. 2020 BUDGET DELIBERATIONS

Acting Mayor Luna welcomed Council to the 2020 budget deliberations.

4.1 2020 Budget Introduction

Brent Kittmer provided an introduction to the 2020 budget and explained staff's overall approach and process for Council's budget deliberations.

4.2 2020 Draft Budget Overview

Andre Morin provided an overview of the 2020 draft budget.

4.3 Draft Operation Budgets

4.3.1 Library

Matthew Corbett, Library CEO, spoke to the draft Library operation budget and responded to questions from Council.

4.3.2 Corporate Services

Trisha McKibbin presented the Corporate Services 2020 draft operation budget and responded to questions from Council.

Council took a brief recess at 10:52 am.

Chair Luna called the meeting back to order at 11:02 am.

4.3.3 Community Services

Stephanie Ische spoke to the Community Services 2020 draft operation budget and responded to questions from Council.

4.3.4 Finance

Andre Morin spoke to the Finance 2020 draft operating budget and responded to questions from Council.

During the review of external transfers, Mr. Morin explained to Council that the overall 2020 budget for shared services came in at

\$43,000 less that what is included in the draft budget. Mr. Morin recommended to Council that this total be left in the budget and allocated to reserve as a budget strategy to managed forecasted 2021 increases in shared services. Council provided consensus to proceed with this course of action.

During the review of external transfers, Council passed the following resolution regarding the UTRCA levy:

Resolution 2019-12-03-02

Moved By Councillor Hainer

Seconded By Councillor Edney

THAT the 2020 UTRCA total municipal levy be restricted to the 2019 total levy amount with no increases as directed by Minister Yurek on August 16, 2019; and

THAT the Town of St. Marys is prepared to pay its proportionate share of that amount based on the formula prescribed in legislation.

CARRIED

Council took a brief recess at 12:10 pm.

Chair Luna called the meeting back to order at 12:48 pm.

4.3.5 Fire

Fire Chief Anderson spoke to the 2020 draft Fire operating budget and responded to questions from Council.

4.3.6 Human Resources

Lisa Lawrence spoke to the 2020 draft Human Resources operating budget and responded to questions from Council.

4.3.7 Public Works

Jed Kelly spoke to the 2020 draft Public Works operating budget and responded to questions from Council.

4.3.8 Building and Development

Grant Brouwer spoke to the 2020 draft Building and Development operating budget and responded to questions from Council.

5. PUBLIC INPUT PERIOD

None.

6. UPCOMING BUDGET MEETINGS

André Morin confirmed with Council that materials for the currently blank tabs in the budget binder will be distributed prior to the Christmas Break

Acting Mayor Luna reviewed the upcoming meetings as presented in the agenda.

Council agreed with maintaining a schedule of 9:00 am until 2:00 pm for budget related meetings.

7. BY-LAWS

Resolution 2019-12-03-03

Moved By Councillor Hainer

Seconded By Councillor Craigmile

THAT By-law 110-2019, being a by-law to confirm the proceedings of the December 3, 2019 special Council meeting, be read a first, second and third time; and be finally passed by Council, and signed and sealed by the Acting Mayor and the Clerk.

CARRIED

8. ADJOURNMENT

Resolution 2019-12-03-04

Moved By Councillor Pridham

Seconded By Councillor Edney

THAT this special meeting of Council adjourn at 2:00 pm.

CARRIED

Marg Luna, Mayor

Brent Kittmer, CAO / Clerk



MINUTES Regular Council

December 10, 2019
6:00pm
Town Hall, Council Chambers

Council Present: Acting Mayor Luna
Councillor Craigmile
Councillor Edney
Councillor Hainer
Councillor Pridham
Councillor Winter

Council Regrets: Mayor Strathdee

Staff Present: Brent Kittmer, CAO / Clerk
Grant Brouwer, Director of Building and Development
Jed Kelly, Director of Public Works
Lisa Lawrence, Director of Human Resources
Stephanie Ische, Director of Community Services
Trisha McKibbin, Director of Corporate Services
André Morin, Director of Finance / Treasurer, Acting CAO
Jenna McCartney, Deputy Clerk

1. CALL TO ORDER

Acting Mayor Luna called the meeting to order at 6:00 pm.

2. DECLARATIONS OF PECUNIARY INTEREST

None.

3. AMENDMENTS AND APPROVAL OF AGENDA

Resolution 2019-12-10-01

Moved By Councillor Edney

Seconded By Councillor Hainer

THAT the December 10, 2019 regular Council meeting agenda be accepted as presented.

CARRIED

4. PUBLIC INPUT PERIOD

Frank Doyle of St. Marys Independent inquired whether the Town had secured a Climate Change Coordinator.

Brent Kittmer stated that in partnership with the lower tiers of Perth County and the City of Stratford, Rebecca Garlick has been hired to serve as the Climate Change Coordinator, with the position being funded from a grant..

Mr. Doyle inquired whether the municipality had achieved the suggested 4% reduction in costs through the core service review.

Mr. Kittmer stated that the Town is projecting the service review will result in a minimum of \$223,000 in savings, with the upper end being close to \$300,000

Citing the recent announcement of early morning lane swim cancellation, Mr. Doyle inquired whether the review that was completed looked at reductions to salaries in addition to reductions in services.

Mr. Kittmer stated that the review that was completed looked at revenue generating ideas, service level adjustments, and cost reductions. Mr. Kittmer confirmed that costs related to staffing wages and benefits were considered by Council, and Council made the decision through the process to maintain its current pay scale and benefits package for staff. Mr. Kittmer further confirmed that only minor service level adjustments were considered by Council, with minor being defined as a service being for mostly private benefit or being provided to a very small population of users. Mr. Kittmer further confirmed that the municipality would realize \$38,000 in annual savings through the cancellation of the early morning lane swim.

Councillor Edney stated that Council has not focused on reducing staff wages and would prefer to focus on employing the best skilled staff for the job.

5. DELEGATIONS, PRESENTATIONS, AND PUBLIC MEETINGS

5.1 Ontario Clean Water Agency re: 3rd Quarter Reporting

Renee Hornick of Ontario Clean Water Agency spoke to the 3rd quarter reporting and responded to questions from Council.

Resolution 2019-12-10-02

Moved By Councillor Winter

Seconded By Councillor Hainer

THAT the Ontario Clean Water Agency 3rd quarter reporting presentation be received.

CARRIED

5.2 St. Marys Youth Council re: 2020 Priorities

Sam Truax, Chair of the St. Marys Youth Council spoke to the 2020 priorities of the St. Marys Youth Council and responded to questions from Council.

Resolution 2019-12-10-03

Moved By Councillor Edney

Seconded By Councillor Craigmile

THAT the delegation from the St. Marys Youth Council regarding 2020 priorities be received.

CARRIED

6. ACCEPTANCE OF MINUTES

6.1 Special Council - November 19, 2019

Resolution 2019-12-10-04

Moved By Councillor Pridham

Seconded By Councillor Hainer

THAT the November 19, 2019 special Council meeting minutes be approved by Council, and signed and sealed by the Mayor and the Clerk.

CARRIED

6.2 Regular Council - November 26, 2019

Resolution 2019-12-10-05

Moved By Councillor Winter

Seconded By Councillor Craigmile

THAT the November 26, 2019 regular Council meeting minutes be approved by Council, and signed and sealed by the Mayor and the Clerk.

CARRIED

7. CORRESPONDENCE

8. STAFF REPORTS

8.1 Building and Development

8.1.1 DEV 64-2019 Town Garden Modifications

Grant Brouwer spoke to DEV 64-2019 report and responded to questions from Council.

Resolution 2019-12-10-06

Moved By Councillor Pridham

Seconded By Councillor Edney

THAT DEV 64-2019 Town Garden Modifications be received for information.

CARRIED

8.2 Public Works

8.2.1 PW 80-2019 Mill Dam Repairs Tender Award

Jed Kelly spoke to PW 80-2019 report and responded to questions from Council.

Resolution 2019-12-10-07

Moved By Councillor Pridham

Seconded By Councillor Craigmile

THAT PW 80-2019 Mill Dam Repairs Tender Award be received; and,

THAT the tender for the Mill Dam Repairs be awarded to McLean Taylor Construction Ltd. for the bid price of \$279,711.95, inclusive of all taxes and contingencies; and,

THAT Council approve the unbudgeted amount as identified in PW 80-2019 Mill Dam Repairs Tender Award report with the variance funded from the OCIF grant fund; and,

THAT Council approve By-Law 112-2019 and authorize the Mayor and the Clerk to sign the associated agreement.

CARRIED

8.2.2 PW 81-2019 Water and Sewer Policies

Jed Kelly spoke to PW 81-2019 report and responded to questions from Council.

Council sought an amendment to the Frozen Water Services policy on page 3, paragraph 2 as follows:

If the Operating Authority and / or a licensed plumber retained by the Town are unable to thaw the frozen water pipes, or if thawing attempts are deemed impractical, the Town shall ~~arrange for~~ investigate the installation of a temporary connection from the neighbouring property *or other alternatives options for returning water supply. (insert)*

Resolution 2019-12-10-08

Moved By Councillor Pridham

Seconded By Councillor Hainer

THAT Report PW 81-2019, Water and Sewer Policies be received; and

THAT Policy PW4301, being a policy regarding Frozen Water Services within the Town of St. Marys be approved as amended; and,

THAT Policy PW4302, being a policy regarding Utility Repair and Restoration within the Town of St. Marys be approved; and,

THAT Policy PW4304, being a policy regarding Sewer Blockages within the Town of St. Marys be approved.

CARRIED

8.3 Administration

8.3.1 CAO 66-2019 December Monthly Report (Collaboration of Departments)

Brent Kittmer spoke to CAO 66-2019 report and responded to questions from Council.

Resolution 2019-12-10-09

Moved By Councillor Edney

Seconded By Councillor Craigmile

THAT CAO 66-2019 December Monthly Report (Collaboration of Departments) be received for information.

CARRIED

8.3.2 CAO 67-2019 Kin Canada Week Proclamation for 2020

Brent Kittmer spoke to CAO 67-2019 report and responded to questions from Council.

Resolution 2019-12-10-10

Moved By Councillor Winter

Seconded By Councillor Pridham

THAT CAO 67-2019 Kin Canada Week Proclamation for 2020 report be received; and

THAT Council proclaim the week of February 16 to 22, 2020 as Kin Canada Week in the Town of St. Marys.

CARRIED

8.3.3 CAO 68-2019 Allocation of Provincial One-Time Modernization Grant

Brent Kittmer spoke to CAO 68-2019 report and responded to questions from Council.

Staff will investigate the option of funding lighting projects through the Gas Tax Fund.

Resolution 2019-12-10-11

Moved By Councillor Hainer

Seconded By Councillor Edney

THAT CAO 68-2019 Allocation of Provincial One-Time Modernization report be received; and

THAT Council support the grant allocations presented in CAO 68-2019 report with the following amendments:

- Reallocate \$37,000 from lighting upgrades to the tourism kiosk proposal; and
- Allocate the remaining unallocated balance to the tourism kiosk proposal

CARRIED

Mr. Kittmer clarified to Council that the allocations listed under Category #2 will require further research and reporting to Council and are not considered to be final approved at this time. Council's final approval will be provided through future reports back from staff.

9. COUNCILLOR REPORTS

Each Councillor reviewed the minutes of recent meetings as included in the agenda.

Resolution 2019-12-10-12

Moved By Councillor Winter

Seconded By Councillor Edney

THAT agenda items 9.1.1 to 9.1.6 and 9.2.1 to 9.2.15 be received; and

THAT the Minute Item 10.2, 2020 Budget, from the November 27, 2019 Community Policing Advisory Committee minutes be raised for discussion.

CARRIED

9.1 Operational and Board Reports

9.1.1 Bluewater Recycling Association - Coun. Craigmile

9.1.2 Library Board - Coun. Craigmile, Edney, Pridham (interim)

9.1.3 Municipal Shared Services Committee - Coun. Craigmile (interim), Coun. Luna

9.1.4 Perth District Health Unit - Coun. Luna

9.1.5 Spruce Lodge Board - Coun. Luna, Pridham

9.1.6 Upper Thames River Conservation Authority

9.2 Advisory and Ad-Hoc Committee Reports

9.2.1 Accessibility Advisory Committee - Coun. Hainer

9.2.2 Business Improvement Area - Coun. Winter

9.2.3 CBHFM - Coun. Edney

9.2.4 Committee of Adjustment

9.2.5 Community Policing Advisory Committee - Coun. Winter, Coun. Edney (interim)

Resolution 2019-12-10-13

Moved By Councillor Winter

Seconded By Councillor Hainer

THAT Council accept the Stratford Police Service 2020 budget as presented to the Community Policing Advisory Committee.

CARRIED

9.2.6 Green Committee - Coun. Craigmile

9.2.7 Heritage Advisory Committee - Coun. Pridham

**9.2.8 Huron Perth Healthcare Local Advisory Committee - Coun.
Luna**

9.2.9 Museum Advisory Committee - Coun. Hainer

9.2.10 Planning Advisory Committee - Coun. Craigmile, Hainer

9.2.11 Recreation and Leisure Advisory Committee - Coun. Pridham

9.2.12 Senior Services Advisory Committee - Coun. Winter

9.2.13 St. Marys Lincolns Board - Coun. Craigmile

**9.2.14 St. Marys Cement Community Liaison Committee - Coun.
Craigmile, Winter**

9.2.15 Youth Council - Coun. Edney

10. EMERGENT OR UNFINISHED BUSINESS

Councillor Edney distributed the Huron - Perth United Way brochure titled "A Living Wage" to Council.

11. NOTICES OF MOTION

12. BY-LAWS

Resolution 2019-12-10-14

Moved By Councillor Pridham

Seconded By Councillor Hainer

THAT By-Laws 111-2019 and 112-2019 be read a first, second and third time; and be finally passed by Council, and signed and sealed by the Mayor and the Clerk.

CARRIED

12.1 By-Law 111-2019 Site Plan Control

**12.2 By-Law 112-2019 Authorize an Agreement with McLean Taylor
Construction Ltd.**

13. UPCOMING MEETINGS

Acting Mayor Luna reviewed the upcoming meetings as presented on the agenda.

Council took a brief recess at 7:53 pm.

Acting Mayor Luna called the meeting back to order at 7:59 pm.

14. CLOSED SESSION

Resolution 2019-12-10-15

Moved By Councillor Hainer

Seconded By Councillor Edney

THAT Council move into a session that is closed to the public at 8:00 pm as authorized under the Municipal Act, Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

14.1 Minutes CLOSED SESSION

14.2 Verbal Update from the CAO regarding Perth District Health Unit Merger and Request to Purchase Land

14.3 CAO 69-2019 CONFIDENTIAL Update on the Health Unit Merger and Consent to Purchase Land

15. RISE AND REPORT

Resolution 2019-12-10-16

Moved By Councillor Hainer

Seconded By Councillor Winter

THAT Council rise from a closed session at 8:32 pm.

CARRIED

Acting Mayor Luna report that a closed session was held with one topic being discussed. Council will now consider a resolution regarding the topic.

Resolution 2019-12-10-17

Moved By Councillor Craigmile

Seconded By Councillor Edney

THAT Council for the Town of St. Marys provides its consent, in principle, to the acquisition of Land from Huron County for the purposes of the newly amalgamated Huron Perth Health Unit, subject to the terms and conditions agreed upon on December 5, 2019; and

THAT Council for the Town of St. Marys will consider passing a resolution providing its formal consent to the acquisition of land once all necessary agreements to facilitate the transfer of land have been finalized and reviewed by Council.

CARRIED

16. CONFIRMATORY BY-LAW

Resolution 2019-12-10-18

Moved By Councillor Hainer

Seconded By Councillor Craigmile

THAT By-Law 113-2019, being a by-law to confirm the proceedings of December 10, 2019 regular Council meeting be read a first, second and third time; and be finally passed by Council and signed and sealed by the Mayor and the Clerk.

CARRIED

17. ADJOURNMENT

Resolution 2019-12-10-19

Moved By Councillor Pridham

Seconded By Councillor Hainer

THAT this regular meeting of Council adjourn at 8:35 pm.

CARRIED

Marg Luna, Acting Mayor

Brent Kittmer, CAO / Clerk

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2019-63

Dear Head of Council,

As you know, on September 24, 2019, my ministry launched a public consultation on potential changes to the delivery of building code services and released a discussion paper: *Transforming and Modernizing the Delivery of Ontario's Building Code Services*.

The building sector is a \$38 billion industry and key driver of Ontario's economy. It is essential that the people working in this sector have the support they need to keep Ontario's economy growing. Historically, the ministry has delivered a suite of building code services, however, over time the delivery of these services has not kept pace with the needs of the sector, making this model unsustainable. For years, building sector stakeholders have been asking for better, more modern and timely services and resources to support their ability to enforce the technical and complex building code requirements. We need to make sure that building sector and municipalities have the support they need to ensure Ontario's economy continues to grow, while protecting public health and safety.

To support this key sector, the ministry is consulting on the creation of a proposed new administrative authority to deliver a suite of enhanced and new user-driven services. The proposed administrative authority would support a more modern and responsive service delivery by having the ability to quickly scale and deliver services more nimbly, provide resources to enable a more consistent approach to building code interpretation and application, and deliver streamlined services across Ontario.

Details on how the proposed administrative authority would be funded will be guided by further consultation with municipalities and other building stakeholders. Our objective is to have the enhanced and new services provided by the administrative authority be paid for through a combination of user fees and regulatory charges associated with service delivery in the new model. No new tax is proposed.

.../2

Transforming and modernizing the delivery of Ontario's building code services will take time and we are just beginning the conversation. I look forward to your continued engagement in this important transformation initiative.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark". The signature is written in a cursive, flowing style.

Steve Clark
Minister

Perth Office
59 Lorne Avenue East, Unit A
Stratford, Ontario N5A 6S4
Tel: 519-273-1400
Fax: 519-273-9045



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

John Nater

Member of Parliament
Perth—Wellington

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House of Commons
Ottawa, Ontario K1A 0A6
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Website: johnnater.ca

December 10, 2019

Hon. Catherine McKenna
Minister of Infrastructure and Communities
House of Commons
Ottawa, ON K1A 0A6

Dear Minister McKenna:

Congratulations on your appointment as Canada's Minister of Infrastructure and Communities.

Since the bilateral agreement between the Governments of Canada and Ontario was announced in March 2018 the program has been fraught with bureaucratic delays.

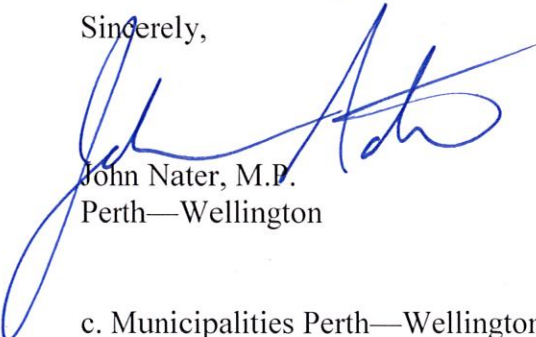
The application and approval process for the program is needlessly complicated, as it requires numerous applications between all three levels of government. Consequently, much time and resources are consumed by each individual application. This has caused delays to numerous projects in Perth—Wellington and across Canada as municipalities frequently received decisions late in the construction season.

These bureaucratic redundancies waste taxpayers' money and frustrate Canadians.

Rather than continuing with application-based infrastructure programs, I urge you to consider providing more per-capita based infrastructure money directly to municipalities. This would not only be more efficient, but it would also give municipalities the ability to plan for the long term and prioritize based on their needs.

I strongly urge you to make fixing the Investing in Canada Infrastructure Program a top priority.

Sincerely,


John Nater, M.P.
Perth—Wellington

c. Municipalities Perth—Wellington



Township of Perth East

P.O. Box 455, 25 Mill Street
Milverton, Ontario N0K 1M0

Phone- (519) 595-2800
Fax- (519) 595-2801

Ashley Carter, Dipl. M.A.
Municipal Clerk

email – acarter@pertheast.ca

December 18, 2019

Brent Kittmer
Chief Administrative Officer/Clerk
P.O. Box 998
St. Marys, ON, N4X 1B6

Re: 2020 UTRCA Levy

Dear Brent Kittmer,

At their Regular Meeting of Council on December 17, 2019 the Council of the Township of Perth East endorsed the following resolution;

THAT the Council of the Township of Perth East receive the letter from Chief Administrative Officer, Brent Kittmer regarding the 2020 Upper Thames River Conservation Authority (UTRCA) Levy for information;
AND THAT Council is in support of St. Mary's Council Resolution regarding the 2020 UTRCA Levy.

Council also endorsed the following resolution;

THAT the Council of the Township of Perth East receive the letter from Chief Administrative Officer, Brent Kittmer regarding the 2020 Upper Thames River Conservation Authority (UTRCA) Levy for information;
AND THAT the Council of the Township of Perth East request that the 2020 UTRCA total municipal levy be restricted to the 2019 total levy amount with no increases as directed by Minister Yurek on August 16, 2019;
AND THAT the Township of Perth East is prepared to pay its proportionate share of that amount based on the formula prescribed in legislation.

Should you have any questions, please contact the undersigned or Theresa Campbell, Chief Administrative Officer, tcampbell@pertheast.ca, 519-595-2800 Ext 232.

Sincerely,

Ashley Carter, Dipl. M.A.
Municipal Clerk
Township of Perth East

December 24, 2019



Re: Transition of the Blue Box Program to Full Producer Responsibility

Dear Mayor and Council:

You have been asked by AMO to endorse a certain resolution with regards to the transition of the blue box program to full producer responsibility. On behalf of the Bluewater Recycling Association, I would like you to consider the following before making your final decision.

As you should know, the Province has enacted new legislation which has recently begun the process to transition the Blue Box Program to Full Producer Responsibility. The actual transition is scheduled to occur between January 1, 2023 and December 31, 2025. You should have received a request from the AMO President to provide some direction on your intentions.

The Bluewater Recycling Association was created by and for communities like yours 30 years ago to manage the Blue Box Program on behalf of, and in cooperation with, the member municipalities. We have accomplished a lot together and this transition has to potential to do even more, if done right.

Your current commitments with the Association allow for a transition to occur at any time in the three-year window as members can leave the Association at any time by giving notice by June 30 of any year for departure anytime the following year. Other commitments related to waste collection may apply but they will not prevent you from transitioning if you wish to do so.

At this time, while we expect to recommend our members to transition, we cannot categorically do so in full conscience until the regulation is written so that we can fully comprehend the impact of such regulation. As they say: "the pudding is in the details."

In choosing a transition date, you have the flexibility to choose any date you wish. As tempting as it might be to be first to transition in January 2023 and shed that cost off your financial statements, let us remind you that a Provincial election is scheduled for June 2, 2022 which may bring about last minute changes and you will be busy introducing the newly elected councils from the October 24, 2022 Municipal election.

Generally, we would advise against a January 1 transition date in any year as it is historically the busiest time of the year in terms of recycling volume. It is also the worst time of the year for the variable weather conditions that have the potential to bring about collection cancellations. As such, January is the worst time to possibly change service provider and/or service delivery details.

Normally we would recommend a spring or fall transition as the volumes are reasonable, the weather is not a factor, the staff is available, and the residents are not

on vacation. The best dates appear to be May 1, 2023, April 1, 2024, or September 1, 2025. There is one more date that falls outside this advice and it is July 1, 2024. It is the midpoint in the transition, and it allows the service provider to reach seasonal residents, but it is at the expense of those permanent residents who may be on vacation.

Our members have collaborated and invested together since 1989. All of your achievements have been the results of a combined effort. Our systems are highly integrated as you share programs, equipment, and staffs that are all interdependent. The transition will bring about change. What the changes will be remains unknown until the regulation is written and the producers determine how they wish to meet their obligations. Regardless of the final details, we would highly recommend that all members transition at the same time. In order to plan and accommodate such a transparent transition we believe the best time for everyone to transition will be April 1, 2024.

The Association intends to continue to provide Blue Box Program services into and after the Transition to Full Producer Responsibility assuming mutually agreeable commercial terms with the Producers. You may want the Association to continue providing the services to:

- 1) Maintain services for those who may be excluded from the new regulations. At this time it is expected that institutional, commercial, and industrial locations will be excluded from the system. This means arenas, libraries, municipal buildings, hospitals, police station, places of worship, retirement homes, campgrounds, downtown businesses, and larger industries will need to find alternate service providers.
- 2) Maintain the current waste collection discounted rates resulting from the efficiency of co-collecting waste and recyclables in the same truck at the same time as currently done in over 91% of our member households.
- 3) Know that new wheelie bins will always be in inventory to delivery to new homes along with the parts and service available to repair any defective ones.
- 4) Continue to have access to Other Diversion Services
- 5) Depend on reliable reachable local service talking to people you know and they know you and your residents as you have for that last three decades.
- 6) Maximize and utilize in the \$30 Million in assets you have built over the years to guarantee the uninterrupted service you have become accustomed to.
- 7) Know that your residents are serviced using the cleanest fleet in the industry powered by Natural Gas and positioned to convert to electricity when it is ready and available.
- 8) Keep jobs locally that benefit the local economy recycling tax dollars.



The members have benefitted from superior award winning recycling services for decades because they have worked together using a unique cooperative model to maximize economies of scale that would not be possible individually. As such, we would recommend that all members consider making the transition together.

Consider the enclosed alternate resolution when responding to AMO and the Ministry of the Environment.

Yours truly,

In this cleaner environment.

Francis Veilleux
President

Bluewater Recycling Association Suggested Resolution

Resolution on Transition to Full Producer Responsibility

WHEREAS the amount of single-use plastics leaking into our lakes, rivers, waterways is a growing area of public concern;

WHEREAS reducing the waste we generate and reincorporating valuable resources from our waste stream into new goods can reduce GHGs significantly;

WHEREAS the transition to full producer responsibility for packaging, paper and paper products is critical to reducing waste, improving recycling and driving better economic and environmental outcomes;

WHEREAS the move to a circular economy is a global movement, and that the transition of Blue Box programs would go a long way toward this outcome;

WHEREAS the municipality is a member of the Bluewater Recycling Association which has been providing the Blue Box program for the last 30 years to its member municipalities;

WHEREAS the Blue Box program is one of many resource management services that is part of an integrated system that the Association provides the municipality;

WHEREAS the **Municipality of X** is supportive of a timely, seamless and successful transition of Blue Box programs to full financial and operational responsibility by producers of packaging, paper and paper products;

AND WHEREAS the Association of Municipalities of Ontario has requested municipal governments with Blue Box programs to provide an indication of the best date to transition our Blue Box program to full producer responsibility;

THEREFORE BE IT RESOLVED:

THAT the **Municipality of X** would like to transition their Blue Box program to full producer responsibility April 1, 2024, preferably at the same time as all the other Bluewater Recycling Association.

AND THAT this decision is based on the following rationale:

1. 2023 is too close to the Provincial and Municipal election to plan a seamless transition.
2. January of any year is our busiest time of the year in terms of volume and the weather is not always cooperative making it the worst time of the year to transition.
3. April 1, 2024 date is more suitable if a new service provider is taking over as it removes the uncertainties associated with weather events and our busiest holiday season (January) and our seasonal residents are captive.
4. The recycling service is integrated (co-collection) with the waste collection service in most areas serviced with the same truck at the same time which may be substantially impacted by the transition.
5. The Municipality is part of a cooperative which has invested substantial capital resources that need to be optimized and considered as part of any new system.

AND THAT the **Municipality of X** through the **Bluewater Recycling Association** would be interested in providing collection, processing, marketing, and other services to Producers should we be able to arrive at mutually agreeable commercial terms.

AND FURTHER THAT any questions regarding this resolution can be directed to **Jane Doe, City Manager at xxx-xxx-xxxx or jane.doe@municipalityx.ca and Francis Veilleux, President of the Bluewater Recycling Association at 519-228-6678 or francis@bra.org**

AND FURTHER THAT the resolution be forwarded to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks.

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs

Office of the Minister

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Tél.: 416.314.6790



DEC 31 2019

357-2019-2874

Mr. Brent Kittmer, P.Eng., MPA
CAO/Clerk
Town of St. Marys
Email: bkittmer@town.stmarys.on.ca

Dear Mr. Kittmer:

Thank you for your letter about conservation authorities (CAs).

I appreciate you bringing your concerns regarding proposed levy increases by the Upper Thames River Conservation Authority to my attention.

On August 16, 2019, I sent a letter to CAs and participating municipalities stating that we will review all relevant legislation and regulations that govern CAs and explore more opportunities to re-focus CAs' efforts to ensure that they are best serving the interests of the people of Ontario. Bringing CAs back to their core mandate will allow for municipalities to better manage CA budgets and programs. The legislative changes we have made ensure CAs focus on delivering core services and programs that protect communities from natural hazards and flooding, while using taxpayer dollars efficiently and effectively.

On August 23, 2019, I sent a follow up email to Conservation Ontario indicating that the recent legislative amendments to the *Conservation Authorities Act* clearly specify that municipalities are able to enter into transparent and public funding agreements with CAs for non-core services, and strongly encouraging CAs to proactively formalize these arrangements with their municipal partners. I further indicated that CAs should not proceed with any increases to fees or levies while legislation and regulations are being reviewed and developed, unless they are supported by partner municipalities for 2020 and beyond.

Regarding your concerns with proposed levy increases by the Upper Thames River Conservation Authority, I am looking into creating better options to improve municipal control of CA budgets. Our review of legislation and regulations that govern CAs could also consider Ministerial oversight powers for CA budgets.

We have already begun pre-consultations with CAs. This winter, we will continue to engage with municipalities, Indigenous communities, and other interested parties that are involved with the stewardship of our lands to discuss how we can best focus on core mandate.

...2

Mr. Brent Kittmer, P.Eng., MPA
Page 2.

Thank you again for sharing your concerns with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Yurek', with a stylized, flowing script.

Jeff Yurek
Minister of the Environment, Conservation and Parks

c: The Honourable Ernie Hardeman, MPP, Oxford
Mr. Randy Pettapiece, MPP, Perth-Wellington

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs

Office of the Minister

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Tél. : 416.314.6790



DEC 30 2019

357-2019-2510

His Worship Al Strathdee
Mayor
Town of St. Marys
Email: astrathdee@town.stmarys.on.ca

Dear Mayor Strathdee:

Thank you for your email regarding the Upper Thames River Conservation Authority and the St. Marys Golf and Country Club.

I understand you have expressed concerns regarding the manner in which the Chair has interacted with a representative from the local business about the operation of the Wildwood Dam, the Chair's interpretation of their authority regarding conservation authority (CA) operations, and the level of transparency and accountability of decision making by the Board. I am taking the concerns you have expressed regarding the unsuitable conduct of the Chair seriously.

CAs are public sector organizations directed by representatives appointed from their member/participating municipalities. As such, CAs should be held to the same standards as all organizations that provide services to the public. It is important for representatives of public sector organizations to engage with the public in a respectful manner. I understand you are concerned that the responses provided by the Chair to the local business person are unacceptable and do not align with the goals of transparency and government service.

I also understand you have expressed concerns regarding the scope of the authority of the Chair of the Board. Currently, CAs can make by-laws regarding the roles, responsibilities and conduct of its members. Members of the Board are also required to make decisions collectively with one vote per member (except for the budget vote). Further, most CA Board meetings are required to be open to the public with minutes made available to each member municipality.

Our government is modernizing the *Conservation Authorities Act* to bring CAs back to their core mandate. As part of this review, there is an opportunity to look at how to best ensure our CAs work in a more transparent and open way with municipalities and members of the public. As part of these efforts, we are reviewing all of the relevant legislation and regulations that govern Ontario's CAs. Our aim is to ensure that we improve overall governance, oversight and accountability of CAs while respecting taxpayer dollars. We will consider the concerns you have raised as part of this review.

His Worship Al Stratthdee
Page 2.

Again, thank you for sharing your concerns with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Yurek', with a stylized, cursive script.

Jeff Yurek
Minister of the Environment, Conservation and Parks

c: Mr. Randy Pettapiece, MPP
Perth-Wellington

Mr. Brent Kittmer, CAO/Clerk
Town of St. Marys

Submission to the Ontario Ministry of Health's Discussion Paper: Public Health Modernization

January 2, 2020

Introduction

On behalf of the board and staff of Huron Perth Public Health (HPPH), thank you for this opportunity to provide feedback as you consider the modernization of Ontario's public health system. We are particularly pleased to respond with our unique perspective from the recent merger of the Perth District Health Unit and Huron County Health Unit; learnings we know will be valuable to the province's planning.

Before directly responding to your consultation questions, it is important to start by stating that any changes to Ontario's public health system must be evidence-based, and must be undertaken, firstly, to strengthen and enhance capacity in public health programs and services, and thereby improve population health in all of Ontario's communities.

Effective public health practice provides the opportunity to reduce hallway medicine and reduce the cost burden on the healthcare system. Conversely, cuts to public health programs and services are a false economy that may result in increased healthcare costs.

For example, through the prevention or even delay in the onset of chronic disease by addressing the four most common risk factors, public health strategies have the potential to save significant healthcare costs. A 2016 study by ICES demonstrated that the premium derived from improved health behaviours led to a 1.9% reduction in health care expenditures, estimated at \$4.9 billion, over the 10-year period from 2004 to 2013, even while the population was growing and aging. "We are not aware of other health interventions or strategies that have led to as large a reduction in expenditure as those reported in this study."¹

There are many other examples of public health strategies that both improve the health of the entire population and keep people out of the healthcare system. However, the main goal of public health is to reflect the value society puts on health: to improve health and wellbeing, and to reduce health inequalities.

We make several recommendations in the following paper based on our unique merger experience. Some of our responses also echo or highlight thoughts and recommendations from several other reports, including the 2017 Annual Report of the Office of the Auditor General of Ontario: Chronic Disease Prevention, the Thunder Bay District Health Unit Response to MOH Public Health Consultation, and the alPha Report on Public Health & EHS Modernization.

INSUFFICIENT CAPACITY: What is currently working well in the public health sector?

HPPH RESPONSE:

The public health system in Ontario is currently functioning with three components that each play an important role.

- Local public health agencies have in-depth knowledge of local resources and priorities, and strong relationships with key local partners/stakeholders such as municipalities and school boards to facilitate the delivery of local public health programs and services. Ontario's public health system recognizes the strength of local programming that takes into account local needs and resources and capitalizes on municipal input, while delivering on provincial directions. While the government is transforming the health care system to improve patient experience and strengthen local services, it is equally important to strengthen local public health services, and maintain local accountability and stability.
- The Ministry of Health and Long-Term Care (MOHLTC) provides funding to ensure that no communities are left behind, and a clear and consistent high-level mandate that also allows for local tailoring through the *Ontario Public Health Standards, Requirements for Programs, Services, and Accountability* (OPHS).
- Public Health Ontario (PHO) provides the scientific and technical support to ensure that Ontario's public health system is grounded in the best available evidence, and supported by modern and up-to-date lab services. PHO provides scientific and technical advice and support to clients working in government, public health, health care, and related sectors. PHO increases capacity of small health units to access scientific evidence and reduces duplication in every health unit attempting to develop the science, evidence, research.

INSUFFICIENT CAPACITY: What are some changes that could be considered to address the variability in capacity in the current public health sector? What changes to the structure and organization of public health should be considered to address these challenges?

HPPH RESPONSE AND RECOMMENDATIONS:

1. Plan Mergers only where there is evidence that they will enhance local public health programs and services

- Mergers that are undertaken for the right reasons (e.g. improved service and capacity in aligned communities) may be part of a solution to address limited capacity in Ontario's public health sector, by achieving critical mass while still maintaining local relationships with municipalities, school boards and other community agencies.
- It is not a given that mergers will enhance capacity and/or save money, and it is important to consider the increased complexity of mergers involving health agencies that are embedded into

municipal structures, and mergers involving larger populations and/or geography, while also understanding the costs of 'not doing this right'.

- Provincial supports (financial, legal, and administrative) must be provided during any mergers, and robust change management must be employed, in order to assist existing local public health agencies in their transition to any new state without interruption to front-line services.

Our Merger Experience and Learnings

The Huron County Health Unit and Perth District Health Unit completed another merger milestone on January 1, 2020, legally becoming Huron Perth Public Health (HPPH), and we have many lessons learned that we can share. It is important to not underestimate the challenges associated with a merger, which include the cost, the effort, the myriad of details, the influence of culture and the period of time that it will take to actually be fully integrated. In the case of the HPPH merger, additional challenges arose from the fact that the HCHU employees were actually employees of Huron County as the health unit was not autonomous; there is more complexity involved when a merger involves a health unit that is not autonomous. As of November 30, 2019, the number of hours devoted to merger work for HPPH is 6230 (equivalent to 3.4 FTE). This includes staff time from former HCHU, former PDHU and ISN Technologies (an IT systems integration company, who assisted with the data extraction).

Some of the factors to enable successful mergers include:

1. There must be good reason to merge and this must be clearly articulated by the leadership including the boards and the senior leadership teams. In the case of HPPH, the boards recognized that, as two small health units serving very similar and aligned municipalities, a **merger had the potential to enhance capacity and improve programs and services**. Cost savings were never a driver. We are expecting some increased complexity due to the larger geography, and some increased mileage costs. However, we believe that the benefits derived from the combining of staff working together with common partners and stakeholders will be greater than the costs. We have also invested in technology solutions to allow for digital meetings of teams to mitigate against the increased time and mileage costs associated with travel.
2. There was a history of prior collaboration between HCHU and PDHU with established **mutual regard and trust**, particularly at the program level, as both health units worked together with the same school boards, CAS, and other community working groups and tables.
3. A **Transition Team** was formed which consisted of an equal number of senior staff and board representatives from each health unit. The Transition team further established working groups to lead the work of merging various aspects of the organization (such as legal, HR, program).

4. The Transition team developed a **robust communications** plan which included that key messages were developed for staff and boards after every Transition Team and Working Group meeting, and posted to a portal along with other important documents as they were developed (for example, the Organizational Chart). A commitment to timely and transparent communications was an important component of Change Management, as it reduced staff anxiety, thereby reducing employee frustration, lower productivity, absenteeism and increased employee turnover rate.
5. **Staff engagement** was a foundational priority for the HPPH merger. It takes more time and effort, but has ensured that decisions include staff knowledge from the front line to the senior leadership team. This is particularly true with regard to the unique Program Planning review process we established to bring together programs and services across our communities.
6. The Transition team engaged a **third party consultant**, which not only acted as a Project Co-ordinator (alleviating some of the additional work required of staff), but also facilitated difficult conversations. This was critical to ensuring that the collaborative culture was maintained during the merger.
7. Our merger was **supported by the province** with a one-time grant to cover the one-time costs associated with amalgamation.

In all cases, the goal of any merger should be to improve the effective and efficient local delivery of evidence-based public health programs and services. The process undertaken to complete such a merger is also critical. It is relatively simple to create a legal entity. It is much more challenging and critical to create a functional entity that can move forward with the mandate of local public health. It is important that the MOHLTC, if it moves forward with mergers, supports a collaborative process that allows for a level playing field and opportunity for municipalities to find common ground; creating new entities that are able to immediately take advantage of increased capacity due to a merger.

While we recognize that the work of our merger is not finished on January 1, 2020, we are confident that the process we have followed, and recommend above, has increased the likelihood of a successful merger, freeing staff to move forward with the work of public health with greater shared capacity.

2. Carefully Integrate Appropriate Back Office Functions/Shared Services and/or a Regional Merger

- There may be opportunity for **carefully considered back-office integrations** to enhance capacity in some regions. This would need to balance the potential benefits with the challenges, and keep in mind that public health is delivered in the community. This could be one way to enhance capacity by sharing aspects of planning, communications, epidemiology/surveillance, finance, organizational policy, continuing professional development, and health education. However, even with regionalization of some functions, there will be need for capacity at the local level. For

example, local agencies will still be required to have capacity with regard to Emergency Response, local priority populations, and comprehensive health promotion that must be done at the local level such as community policy and supportive environment work.

- There would continue to be a need for local public health agency sites that maintain connections with local municipalities and local partners, and implement local public health programs and services.
- The regional governance structure should continue to consist of municipal representatives from across the region, especially given the larger funding responsibility in the new cost-share formula. In many regions, there would need to be consideration given to changing the *Municipal Act*, to allow for electronic participation to count toward quorum in board meetings, and to allow for electronic participation in closed meetings, given the large geography and dangers of winter weather. Regional senior leadership including the regional MOH would liaise with the CMOH and MOHLTC.
- There are other ways to **share resources** and improve capacity across a region. For example, *The Shared Library Services Partnership* (SLSP) provides Ontario public health units without an in-house library with access to up-to-date information and scientific resources. The SLSP is designed to support and strengthen relationships and promote knowledge exchange among public health units. Four existing health unit libraries (“hub health units”) currently provide services to health units without in-house libraries (“client health units”). The partnership relies on supports and resources from across Ontario’s public health library system, including PHO Library Services and the Ontario Public Health Libraries Association (OPHLA).
- Legal advice is a possible example where health units could **pool resources**. Health units that are part of a municipal structure often turn to municipal lawyers. Some larger health units have their own legal counsel. Smaller health units often seek legal advice on an as-needed basis. Ultimately, there may be 34 separate legal opinions on the same public health matter (such as the review of a data sharing agreement or the interpretation of a section of a regulation). There may be ways to develop shared legal support partnerships in some regions.
- There may also be additional opportunity to leverage **shared supply chain** management, although public health unit budgets are generally mostly dedicated to human resources and very lean on supplies. However, as an example, some health units participate in shared purchasing of contraception.

3. Support Provincial Groups

There are other provincial groups that support and improve local effectiveness.

- OPHA provides leadership on issues affecting the health of the public. It represents the collective interests of its members including individual practitioners and constituent societies

representing discipline specific front line staff and public health management staff. OPHA provides professional development, information and analysis on issues effecting community and public health, access to multidisciplinary networks, and advocacy on health public policy and the provision of expertise and consultation.

- alPha provides leadership to boards of health and health units. It advises and lends expertise on governance, administration and management of health units, improving a BOH efficiency and effectiveness. It also collaborates with governments and other health organizations, advocating for a strong, effective and efficient public health system.
- Communities of practice and provincial networks, such as the SDOH Nurses' Community of Practice, Ontario Public Health Evaluators Network and Ontario Communicators in Public Health provide essential peer support and reduce duplication through sharing of resources and materials developed. It is also a way for smaller, and/or less resourced health units to connect and be supported by health units with more resources.

MISALIGNMENT OF HEALTH, SOCIAL, AND OTHER SERVICES: What has been successful in the current system to foster collaboration among public health, the health sector and social services?

HPPH RESPONSE:

The Ontario Public Health Standards (OPHS) require that local public health agencies work in collaboration with partners and stakeholders to achieve their mandate. For example, "The board of health shall engage in multi-sectoral collaboration with municipalities, LHINs, and other relevant stakeholders" in decreasing health inequities. When health and social services sectors are not required to collaborate with public health, and their capacity is limited, it can be challenging to establish effective working relationships. It would be beneficial if such an understanding between public health and other relevant stakeholders were mutual.

Successful collaboration in Huron and Perth has been enabled by the long history of established relationships in our rural communities. It is routine practice for public health and providers of health and social services to reach out to one another when planning local programs and services. Additionally, public health brings strength in community engagement and development and collaboration.

Currently HPPH is a participant in the planning for the Huron Perth Ontario Health Team, one of the first 24 teams in the province to implement a new model of organizing and delivering health care. HPPH will continue to provide knowledge and skills with respect to population health data, upstream risk factor data, skills in community engagement, and primary prevention.

MISALIGNMENT OF HEALTH, SOCIAL, AND OTHER SERVICES: How could a modernized public health system become more connected to the healthcare system or social services?

HPPH RESPONSE and RECOMMENDATIONS:

1. The MOHLTC should **collaborate and coordinate with other ministries** to develop a comprehensive long term vision for the public health system, such as in British Columbia's *Guiding Framework for Public Health (2017)*.
2. The MOHLTC could lead a **Health in All Policies**, whole-of-government approach to assessing the public health impact of legislation and policy development.
3. It is necessary to **allocate sufficient resources**, including skilled time, to the work of coordination and integration. The health system in our region is dealing with acute pressures; it can be a challenge for local public health to bring upstream agenda to local tables that do not have sufficient capacity.

MISALIGNMENT OF HEALTH, SOCIAL, AND OTHER SERVICES: What are some examples of effective collaborations among public health, health services and social services?

HPPH RESPONSE:

Locally, public health in Huron and Perth has long participated in collaborations of the health care and social services systems, including, as examples:

- Huron Perth Area Providers Table; a forum for providers such as hospitals, Long-Term Care Facilities, community support services, mental health addictions services, family health teams and others to regularly meet, share information and identify local needs
- Huron Perth Sub-Region Integration Table: a LHIN initiative intended to create shared capacity, and coordinate, standardize and integrate care among hospitals, Long Term Care Facilities, community support services, mental health addictions services, family health teams and others
- Huron Perth Health Links: a local partnership of health care providers, community and social services organizations, that coordinates patient-centred care planning
- Perth Emergency Planning for Human Health Emergencies (PEP): to provide a forum for health care and social service providers and municipal emergency planners, and Huron County neighbours, to discuss emergency preparedness for a range of significant health events
- Opioid Strategy Community Partnerships
- Kids First – a coalition of service providers focused on youth well being
- Poverty to Prosperity – an anti-poverty coalition

DUPLICATION OF EFFORT: What functions of public health units should be local and why?

HPPH RESPONSE and RECOMMENDATIONS:

1. The **local public health governance body must be autonomous**, have a specialized and devoted focus on public health, with sole oversight of dedicated and non-transferable public health resources. The local public health governance body must reflect the communities that it serves through local representation, including municipal, citizen and/or provincial appointments from within the area. Appointments should be made with full consideration of skill sets, reflection of the area's socio- demographic characteristics and understanding of the purpose of public health.
2. The leadership role of the local Medical Officer of Health (MOH), as currently defined in the *Health Protection and Promotion Act*, must be preserved with **no degradation of MOH independence, leadership or authority**, in order to ensure an independent voice on local public health issues, and in order to maximise use of the public health physician's broad knowledge, skills and experience at the local level. The local MOH must be directly accountable to the board of health, and must have control of public health staff and resources to meet community needs.

DUPLICATION OF EFFORT: What population health assessments, data and analytics are helpful to drive local improvements? What changes should the government consider to strengthen research capacity, knowledge exchange and shared priority setting for public health in the province?

HPPH RESPONSE:

- The primary challenge for smaller health units is the lack of drilled down data at the community level that is available, often due to smaller numbers and the combining of data. We also struggle with having data specific to rural areas.
- The Association of Public Health Epidemiologists of Ontario is a critical network that ensures knowledge exchange of work in population health assessments. Smaller networks, such as the one that includes smaller, rural health units has also been a significant source of support for us.
- Locally Driven Collaborative Projects (LDCPs) have been very helpful at reducing duplication and effective at knowledge exchange. The quality of the work over the past several years has been excellent, with the outcomes being used at local level decision making (e.g. Mental Health Promotion, Food Skills Literacy).

DUPLICATION OF EFFORT: What are public health functions, programs or services that could be strengthened if coordinated or provided at the provincial level? Or by Public Health Ontario?

HPPH RESPONSE and RECOMMENDATIONS:

It is important that roles and responsibilities, both at the local level and/or regional level, and at the provincial level, are clearly defined. Some roles that may be situated at the provincial level include planning, communications, epidemiology/surveillance, finance, policy, and health education. However, even with centralization of functions such as surveillance, communications and health education, there will be need for capacity at the local and/or regional level. For example, active transportation and opioid programs require local surveillance and/or local messaging that may not be addressed by central capacity. This is also true for local priority populations. In trying to separate central from local functions, there is a danger of fragmentation of public health functions with subsequent oversight by non-public health directors/leaders, and erosion of the public health mandate. There is also increased risk that local data are overlooked.

1. The **Chief Medical Officer of Health** should continue to provide public health leadership to the field, and should continue to communicate directly to the public regarding urgent and emergency public health matters. It is imperative that the Chief Medical Officer of Health continue to:
 - Provide public health leadership to the public-health sector
 - Identify and assess risk and opportunities for improving public health in Ontario
 - Communicate directly with the public regarding public health matters such as the risk of the Zika virus to Ontarians
 - Report annually to the Legislature on the state of provincial public health.
 - Additionally, we feel it is critical that the CMOH role be autonomous and at arms length to ministry.

2. The **MOHLTC** should coordinate with other ministries to develop a long-term vision for public health, ensure stable funding, retain the OPHS and continue to establish performance indicators and targets related to the OPHS, and lead province-wide health education campaigns with options for local tailoring. We recommend that the MOHLTC:
 - Ensure predictable, protected and sufficient funding, including 3-year rolling forecasts and 10-year capital costs forecasts.
 - Retain the OPHS as the foundational basis for local planning and budgeting for public health programs and services
 - Develop comprehensive provincial approaches that include evaluation of public health programs (e.g. chronic disease prevention), as well as developing a comprehensive approach to assess the public health impact of legislation and policy development.
 - Collaborate and coordinate with other ministries to develop a comprehensive long term vision for the public health system, such as in British Columbia's *Guiding Framework for Public Health*

(2017), as well as a *Health in All Policies*, whole-of-government approach to assessing the public health impact of legislation and policy development.

- Continue to establish performance indicators and targets for local public health agencies, linked to the Ontario Public Health Standards, for public health units.
- Use the expertise of communicators in public health in the field and develop communications creatives for provincial campaigns (e.g. vaping, seniors oral health) which can be tailored at the local level to ensure images and language are appropriate. This health education is only one aspect of health promotion, and the other aspects need to be developed and delivered at the local level (supportive environments, local community policy etc.).

3. **Public Health Ontario** should continue to provide scientific and technical support to the field and to operate public health laboratories. We recommend that Public Health Ontario:

- Continue to provide scientific and technical advice and support activities, such as population health assessment, public health research, epidemiology, and program planning and evaluation
- Continue to operate the province's public health laboratories which offer services including clinical and environmental testing, bioterrorism testing, and evaluation of new laboratory technologies and methodologies.
- Identify other areas in which relevant data is not consistently available to all public health units, such as data on children and youth, and develop and implement a process to collect such data.
- Define and identify the benefits and limitations of various economic evaluation methods in the context of public health for local public health agencies to then complete economic evaluations at program levels.

DUPLICATION OF EFFORT: Beyond what currently exists, are there other technology solutions that can help to improve public health programs and services and strengthen the public health system?

HPPH RESPONSE and RECOMMENDATIONS:

1. We recommend that the province, together with the public health sector, lead the development of a **digital strategy for public health**, with sufficient resources to support aligned and necessary information systems, that facilitates the incorporation of public health information from individual clients into a provincial Electronic Health Record (EHR), and that includes appropriate consultation. The Council of Ontario Medical Officers of Health (COMOH) Digital Health Committee, which has been working since 2017, provided a collective written response to the consultation on Public Health Modernization which can be found here:

https://cdn.ymaws.com/www.alphaweb.org/resource/collection/FA7C5E7F-BA8C-4D15-9650-39628888027E/alPHa_Letter_EMR_280619.pdf

INCONSISTENT PRIORITY SETTING: What processes and structures are currently in place that promote shared priority setting across public health units?

HPPH RESPONSE:

- The Ontario Public Health Standards: Requirements for Programs, Services, and Accountability, which provide the public health mandate at a high level should be retained as the foundational basis for local planning and budgeting for the delivery of public health programs and services.
- Public Health Ontario's knowledge products situational assessments, literature searches, evidence-informed decision making tools/priorizing tools promote a common approach to priority setting.

INCONSISTENT PRIORITY SETTING: What should the role of Public Health Ontario be in informing and coordinating provincial priorities?

HPPH RESPONSE and RECOMMENDATIONS:

1. Public Health Ontario should continue as the **independent scientific and technical lead** in the province. PHO should continue to provide support to local public health agencies with regard to population health assessment, public health research, epidemiology, and program planning and evaluation. PHO should expand on its data products (situational assessments, literature searches, evidence-informed decision-making tools/priorizing tools), and thereby strengthen its role in informing and coordinating provincial priorities.

INCONSISTENT PRIORITY SETTING: What models of leadership and governance can promote consistent priority setting?

HPPH RESPONSE and RECOMMENDATIONS:

- We recommend that **boards be autonomous** with a specialized and devoted focus on public health and with sole oversight of dedicated and non-transferable public health resources. Boards which are autonomous and with a specialized and devoted focus on public health, with sole oversight of dedicated and non-transferable public health resources are best placed to promote consistent priority setting. The local public health governance body must reflect the communities that it serves through local representation, including municipal, citizen and/or provincial appointments from within the area. Appointments should be made with full consideration of skill sets, reflection of the area's socio- demographic characteristics and understanding of the purpose of public health. Local agencies can ensure that provincial and/or regional strategies can be adapted at the local level and implemented in a way that meets local needs.

- We recommend that the **local MOH must be independent**, and must report directly to the board of health, and must be responsible for the allocation and control of public health staff and resources.

INDIGENOUS AND FIRST NATION COMMUNITIES: What has been successful in the current system to foster collaboration among public health and Indigenous communities and organizations? Are there opportunities to strengthen Indigenous representation and decision-making within the public health sector?

HPPH RESPONSE and RECOMMENDATIONS:

- The Ontario Public Health Standards, which require that boards of health engage with Indigenous communities, provide direction through *the Relationship with Indigenous Communities Guideline*, 2018 to undertake this work. Some health units already have successfully developed relationships and formal or informal agreements and **best practices should be shared across the field**.

HPPH is early in the process of understanding our responsibilities under the *Truth and Reconciliation Committee Report*, and of seeking ways to engage Indigenous people within our boundaries, led by an internal Indigenous Cultural Working Group. We have completed some staff training on Cultural Humility and Indigenous History, and plan to continue. There are several good resources to support such training. We are working on developing better local data to guide our next steps.

FRANCOPHONE COMMUNITIES: What has been successful in the current system in considering the needs of Francophone populations in planning, delivery and evaluation of public health programs and services? What improvements could be made to public health service delivery in French to Francophone communities?

HPPH RESPONSE:

There are few Francophones in Huron and Perth; only 315 residents list French as their first official language in Huron², 355 in Perth³, and only 10 list French as the only official language spoken at home in each of Huron and Perth. The Francophone population is not a priority population in for HPPH, and so we have no expertise in this regard.

LEARNING FROM PAST REPORTS: What improvements to the structure and organization of public health should be considered to address these challenges? What about the current public health system should be retained as the sector is modernized? What else should be considered as the public health sector is modernized?

HPPH RESPONSE and RECOMMENDATIONS:

- Ontario's public health system must **remain financially and administratively separate and distinct** from the health care system to avoid degradation of the public health system.
- The total **funding envelope must be stable, predictable, protected and sufficient** for the full delivery of all public health programs and services.
- Any change must be predicated on **evidence-based** conclusions that it will demonstrably improve the capacity to deliver public health programs and services to the residents of that area.
- **Provincial supports (financial, legal, administrative) must be provided** to assist existing local public health agencies in their transition to any new state without interruption to front-line services

Conclusion

The goal of any changes should be to strengthen population health in Ontario through a properly resourced sector with clearly defined roles at the provincial and local level. In such a system, local public health agencies will reflect the geographical, demographic and social makeup of the communities they serve, and will have the capacity to efficiently and equitably deliver both universal public health programs and services and those targeted at priority populations. Local public health agencies will benefit from strong provincial supports, including a robust Ontario Agency for Health Protection and Promotion (Public Health Ontario) and a robust and independent Office of the Chief Medical Officer of Health.

Such a system will help relieve the stress on the acute healthcare system by keeping Ontarians healthier and out of hospitals. Additionally, the expertise and skills of Ontario's public health sector can be utilized by decision makers across sectors to ensure that health and health equity are assessed and addressed in all public policy.

References:

1. Manuel DG, Perez R, Bennett C, Laporte A, Wilton AS, Gandhi S, Yates EA, Henry DA. A \$4.9 Billion Decrease in Health Care Expenditure: The Ten-Year Impact of Changing Smoking, Alcohol, Diet and Physical Activity on Health Care Use in Ontario. Toronto, ON: Institute for Clinical Evaluative Sciences; 2016.
2. Statistics Canada. (modified 2018). Census Profile, 2016 Census. Huron, County [Census division], Ontario and Ontario [Province].
3. Statistics Canada. (modified 2018). Census Profile, 2016 Census. Perth, County [Census division], Ontario and Ontario [Province].

FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Mark Stone, Planner
Date of Meeting:	14 January 2020
Subject:	DEV 01-2020 Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc. 151 Water Street North

PURPOSE

To provide background information, staff comments and recommended direction for Council's consideration with respect to the above referenced Official Plan and Zoning By-law Amendment Applications.

RECOMMENDATION

THAT DEV 01-2020 Official Plan and Zoning By-law Amendment Applications for 1934733 Ontario Inc. 151 Water Street North report be received; and,

THAT Council refuse the Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc., 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016) for the reasons set out in this report and the December 2, 2019 Information Report to the Town's Planning Advisory Committee.

BACKGROUND

The subject property is a through lot with frontage onto Water Street North and Wellington Street North as shown on the general and specific location maps (refer to Attachment 1 of this report).

The applicant is seeking to develop the subject property as an age-in-place residential development in the form of multi-storey apartment type buildings, constructed in two phases. At full build-out, the development will consist of a mix of assisted living and seniors' apartment units with shared access to a dining hall and other ancillary uses such as a hair salon, games room and theatre room. Outdoor amenities include a patio/amenity area located at the north end of the property and resident gardens. On site parking for residents, visitors and staff will be provided via covered parking (first storey of some buildings) and surface parking areas.

Property Details	
Municipal Address	151 Water Street North
Lot Area	1.3 hectares
Official Plan	
Current	Residential
Proposed	Residential with site-specific exception to: <ul style="list-style-type: none"> • permit mid-rise apartments with maximum density of 138.5 units/hectare and maximum heights ranging from 3 to 5 storeys

	<ul style="list-style-type: none"> not apply Sections 3.1.2.3 and 3.1.2.5 of the Official Plan provided that: <ul style="list-style-type: none"> an Amendment to the Town's implementing Zoning By-law is approved to regulate the residential use of the property. Such Zoning By-law Amendment shall place the subject land within a site-specific zone classification which will regulate the maximum building height, lot area requirements and building setbacks; and the owner enter into an Site Plan Agreement with the Town to ensure that the building location, servicing arrangements, and building appearance (including building façades and cladding materials), will all be to the satisfaction of the Town.
Zoning By-law	
Current	Development Zone (RD)
Proposed	Residential Zone Six (R6) with special provisions to: <ul style="list-style-type: none"> reduce the minimum lot area requirement from 550 m² for the first dwelling unit plus 90 m² for each additional dwelling unit to 550 m² for the first dwelling unit plus 69 m² for each additional dwelling unit reduce the minimum front yard requirement from 7.5 to 3 metres reduce the minimum rear requirement from 10.5 to 6 metres increase the maximum building height requirement from 13.5 to 19.1 metres increase the maximum number of storeys permitted from 3 to 5 deem Wellington Street North as the front lot line and Water Street North as the rear lot line
Surrounding Land Uses	
North	<ul style="list-style-type: none"> Grand Trunk Trail Lands designated Residential and partially draft plan approved and zoned to permit 168 single detached lots and approximately 55 townhouse units
South	<ul style="list-style-type: none"> Low density residential
East	<ul style="list-style-type: none"> Wellington Street North Low density residential Vacant (former industrial) property located at northeast corner of Wellington Street North and Egan Avenue (designated Residential and zoned Development Zone - RD)
West	<ul style="list-style-type: none"> Water Street North Low density residential

DEVELOPMENT CONCEPT

The most recent proposed plans received by the Town in August 2017 are summarized as follows and copies are provided as Attachment 2:

- Site Plan (Drawing #A101) prepared by Phillip Agar Architect Inc. and dated August 8, 2017
- Schematic Elevations (Drawing #A301) prepared by Phillip Agar Architect Inc. and dated August 8, 2017
- Schematic Elevations (Drawing #A302) prepared by Phillip Agar Architect Inc. and dated May 1, 2017
- 3D Views (Drawing #A5) prepared by SPH Engineering Inc. and dated August 24, 2017

The following chart provides a summary comparison of the most recent development proposal (August 2017) to the initial proposal submitted with the applications in October 2016 and a resubmission in May 2017.

	OCTOBER 2016	MAY 2017	AUGUST 2017
UNITS			
Seniors Apartment	84	76	50 ¹
Assisted Living	115	126	130 ²
Total	199	202	180
LAYOUT	<ul style="list-style-type: none"> Buildings along south, west and north property lines Parking area facing Wellington Street North 	<ul style="list-style-type: none"> Buildings along west, north, east and part of south property lines Parking area internalized 	
GROSS FLOOR AREA	18,565 m ²	20,829 m ²	22,689 m ²
DENSITY (units/ha)	153	155	138.5
PARKING	132 (58 surface + 74 underground)	167 (62 surface + 105 covered)	107 (59 surface + 48 covered)
BUILDING HEIGHTS	<ul style="list-style-type: none"> Phase 1 – 5 storeys³ Phase 2 – 5 storeys 	<ul style="list-style-type: none"> Phase 1 – 4 storeys³ and 5 storeys³ Phase 2 – 4 storeys 	<ul style="list-style-type: none"> Phase 1 – 3 storeys³ and 5 storeys³ Phase 2 – 3 storeys and 4 storeys
LOT COVERAGE	35%		36%

Notes:

1 – 27 one-bedroom and 23 two-bedroom seniors apartment units

2 – 130 assisted living units

3 – part of basement above ground

Copies of the concept site plans and building elevations submitted by the applicant in October 2016 and May 2017, along with other supporting documents, are provided in the December 2, 2019 Information Report discussed below.

On December 2, 2019, the Town's Planning Advisory Committee (PAC) received an Information Report regarding the Applications. Text portions of the Information Report are provided in Attachment 3 of this report and a complete copy of the Information Report and all attachments are available on the Town's website and can also be accessed using the following link: <http://calendar.townofstmarys.com/council/Detail/2019-12-02-1800-Planning-Advisory-Committee>). A copy of draft minutes of the December 2, 2019 meeting are provided in Attachment 4 of this report.

The applicant made a presentation at the December 2, 2019 PAC meeting (a copy of the PowerPoint presentation is provided in Attachment 5 of this report).

At this meeting, the PAC also passed the following resolution:

Motion by: Councillor Lynn Hainer

Seconded by: Susan McMaster

THAT the Planning Advisory Committee receive this report; and,

THAT the Planning Advisory Committee recommend that Council refuse the Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc., 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016) for the reasons set out in this report.

Carried

REPORT

PLANNING CONTEXT

The December 2, 2019 Information Report includes an overview and discussion of relevant policies in the Provincial Policy Statement and the Town's Official Plan, and the current zoning of the property.

COMMUNICATIONS

The following is a summary of written comments received from Town Departments and agencies to date.

Department/ Agency	Date	Summary of Comments
Upper Thames River Conservation Authority	October 28, 2016	<ul style="list-style-type: none">• No objection to Applications• 15 metre setback from existing fence line must be maintained
	January 9, 2018	<ul style="list-style-type: none">• No additional comments
Fire Chief/CEMC	November 1, 2016	<ul style="list-style-type: none">• Although the St. Marys Fire Department has the ability to fight a fire in the buildings proposed for this development, there are several operational considerations for the Fire Department in servicing structures of five storeys in height.• A secondary means of providing rescue from an elevated platform, such as windows and balconies above the third storey, would not be achieved. The reason for this is the St. Marys Fire Department currently owns a 50 foot Aerial Ladder truck. The placement of the vehicle and proper angulation of the ladder to perform such rescue operations would not prove favourable for a structure exceeding three storeys in height. There are future plans to purchase a 75 foot Aerial Ladder truck. This would assist in meeting those demands.• Currently, none of the Fire Department's ground ladders would be able to reach the top three floors. The Fire Department currently owns a 40 foot ladder which would not be adequate to service this building.• The Fire Department currently does not have the equipment to assist with fighting a fire in a structure of this height, including high-rise packs that the firefighters would carry containing hoses, nozzles, wrenches, etc. required to connect to a standpipe system to assist in fighting a fire on a given floor.

Department/ Agency	Date	Summary of Comments
		<ul style="list-style-type: none"> This Department requires that it be demonstrated that water servicing is adequate in the immediate area of the development to provide fire protection to the site. Size of fire mains; and pressure and volume of water in the immediate area need to be confirmed. The Fire Department requires further details on the degree of Assisted Living proposed within the complex.
	September 6, 2017	<ul style="list-style-type: none"> No issues with August 2017 resubmission.
Town Engineering and Public Works Department	November 1, 2016	<ul style="list-style-type: none"> The primary vehicular access to the site as proposed from Wellington Street North is preferred. Proposed delivery truck entrance off of Water Street is not preferred. Proponent to clarify whether loading area is appropriately designed for truck maneuvering. Applicant to confirm sanitary system capacity requirement and that sanitary servicing to property is adequate. Applicant to confirm water system capacity requirement for fire protection and hydrant flow testing will need to be completed to confirm water servicing to property is adequate. Concrete curb and gutter system to be extended northerly from current termination point on Wellington St. adjacent to the property. Visual block should be provided for proposed garbage storage.
	November 24, 2016	<ul style="list-style-type: none"> Town's sanitary treatment and conveyance system, and water supply and distribution system are adequately sized to accommodate the proposed use. Assumptions on flow volumes generated from the site will need to be verified prior to site plan approval.
	September 6, 2017	<p>Regarding August 2017 resubmission:</p> <ul style="list-style-type: none"> Although servicing capacities were tentatively confirmed in theory, the developer at this stage has not provided any specific details to fully confirm system capacities. Capacity confirmation for utilities would be confirmed during detailed design. Regarding the garbage and delivery entrance for Phase I located at the north extent of the development, previous reviews identified a desire to have a hammerhead installed to prevent backing out onto Wellington Street in proximity to the intersection, as well as its collector road status, and potential extension north. The current design still does not identify this aspect.

Copies of public and agency submissions received are provided as an attachment to the December 2, 2019 Information Report.

PLANNING ANALYSIS

The December 2, 2019 Information Report to PAC provides a detailed planning analysis of relevant Provincial and Town policies, and specific considerations including neighbourhood character and compatibility, density, shadowing, traffic, and water and sanitary sewage services.

The Information Report also includes a discussion related to an Urban Design Brief (UDB) submitted by the applicant, dated June 12, 2019 and prepared by Sierra Construction Group, in support of the applications. The purpose of an urban design report is to describe an overall design strategy for a proposed development and to assess how the proposal responds to the surrounding physical context

and conforms to applicable planning policies. A copy of the UDB is provided in Attachment 8 of the December 2, 2019 Information Report to the Town's PAC. The Town retained Zelinka Priamo Ltd. to complete a peer review of the UDB and a copy of the peer review dated September 12, 2019 is also provided in Attachment 8 of the December 2, 2019 Information Report. The following is a brief summary of comments in the peer review of the UDB:

- Consideration should be given to examining the broader range of the existing neighbourhood and should include examining existing built form, existing lot fabric, and existing land uses.
- The proposed tiering of the building as it approaches the existing development to the northwest is commendable and effective. While this approach is effective, this statement should not be considered as approval of the overall design.
- No analysis of potential impacts on existing viewsapes is provided.
- No discussion of pedestrian circulation throughout the site, or connections to the public realm is provided.
- Additional analysis should be provided to better support the proposed built form and building placement, and whether or not the larger built form is compatible with the surrounding community.
- A detailed landscape plan should be undertaken to assist in better understanding the compatibility of the proposed development with the existing neighbourhood. A general landscape concept may be acceptable in advance of a site plan approval application.
- The subject lands are adjacent to 137 Water Street North which is a property designated under Part IV of the Ontario Heritage Act. The UDB does not provide an evaluation that demonstrates that the heritage attributes of the protected heritage property will be conserved in accordance with Section 2.6.3 of the Provincial Policy Statement (PPS). While such an evaluation may help inform an UDB, typically the evaluation itself is not provided in an UDB. Rather, it usually is in the form of a heritage study, such as a Heritage Impact Assessment.
- Adjacent listed non-designated properties are not considered protected heritage properties in the PPS, therefore, a HIA is not required. However, the listed non-designated properties may contribute to the neighbourhood character which should be addressed as part of an UDB.

The following is a brief summary of staff's planning analysis of these applications.

- The proposed development supports Provincial and Town policies with respect to encouraging development that efficiently uses land, infrastructure and public service facilities, and that provides a range and mix of housing types and densities to meet the needs of current and future residents.
- In considering sections 1.1.3.3 and 1.1.3.4 of the PPS, the proposed development represents an inappropriate level of intensification given the context of the surrounding area and the requested amendments do not provide appropriate development standards to regulate the proposed form of development on this property.
- Town staff is concerned that there will be significant impacts on the character of the area due to the combination of proposed building heights and lengths, massing, and reduced setbacks along road frontages. The applicant has not sufficiently defined the character of the area nor demonstrated that the proposed development will maintain and improve the character of this residential area.
- An analysis of potential impacts on existing viewsapes should be provided.
- A concept landscape plan should be provided to assist in better understanding the compatibility of the proposed development with the existing neighbourhood.

- The applicant has not provided an evaluation that demonstrates that the heritage attributes of the protected heritage property will be conserved in accordance with the PPS.
- A traffic impact study is not required at this time.
- The water and sanitary systems are adequately sized to accommodate the proposed use however, assumptions on flow volumes generated from the site will need to be verified prior to site plan approval.

FINANCIAL IMPLICATIONS

Not known at this time.

SUMMARY

It is staff's opinion that the proposed development is inconsistent with the PPS, does not meet all of the tests set out in the Official Plan and represents over-development of the site. It is staff's opinion that the applicant has not demonstrated that the design and scale of the proposed development is compatible within the context of the surrounding neighbourhood. Staff is concerned that the proposed building lengths, massing and form is out of scale with the existing context and character of the area. There is also a significant contrast when comparing the landscape pattern of the proposed development and existing areas. The applicant has not provided an evaluation that demonstrates that the heritage attributes of the protected heritage property will be conserved in accordance with the PPS.

For these reasons, it is recommended that the Applications for Official Plan Amendment and Zoning By-law Amendment be refused.

ATTACHMENTS

- 1) General and specific location maps
- 2) Site plan, schematic elevations and 3D views (August 2017 submission)
- 3) Text portions of Information Report to Planning Advisory Committee (December 2, 2019)

(Note: The December 2, 2019 Planning Advisory Committee meeting agenda, which includes a complete copy of the Information Report and all attachments, is available on the Town's website and can also be accessed using the following link: <http://calendar.townofstmarys.com/council/Detail/2019-12-02-1800-Planning-Advisory-Committee>)

- 4) Minutes (draft) of December 2, 2019 Planning Advisory Committee meeting
- 5) Applicant's December 2, 2019 PowerPoint presentation to the Planning Advisory Committee

REVIEWED BY

Recommended by the Department

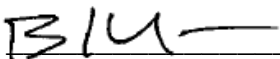


Mark Stone
Planner



Grant Brouwer
Director of Building and Planning


Recommended by the CAO



Brent Kittmer
CAO / Clerk

General Location Map
Town of St. Marys
151 Water Street
Part of Lot 16, Concession 17, Registered Plan No. 225

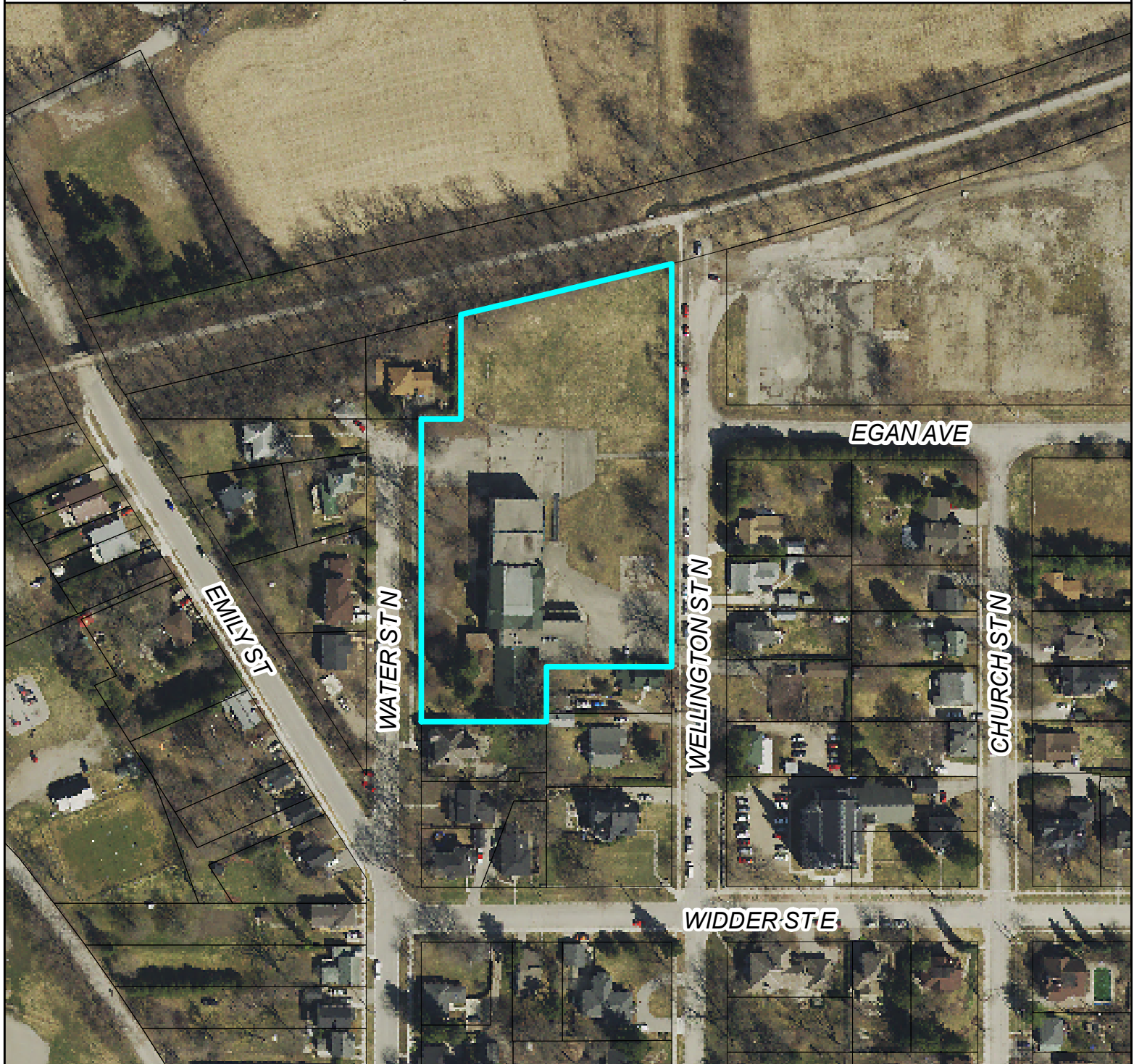


 Subject Lands

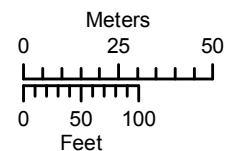
TOWN OF ST. MARYS

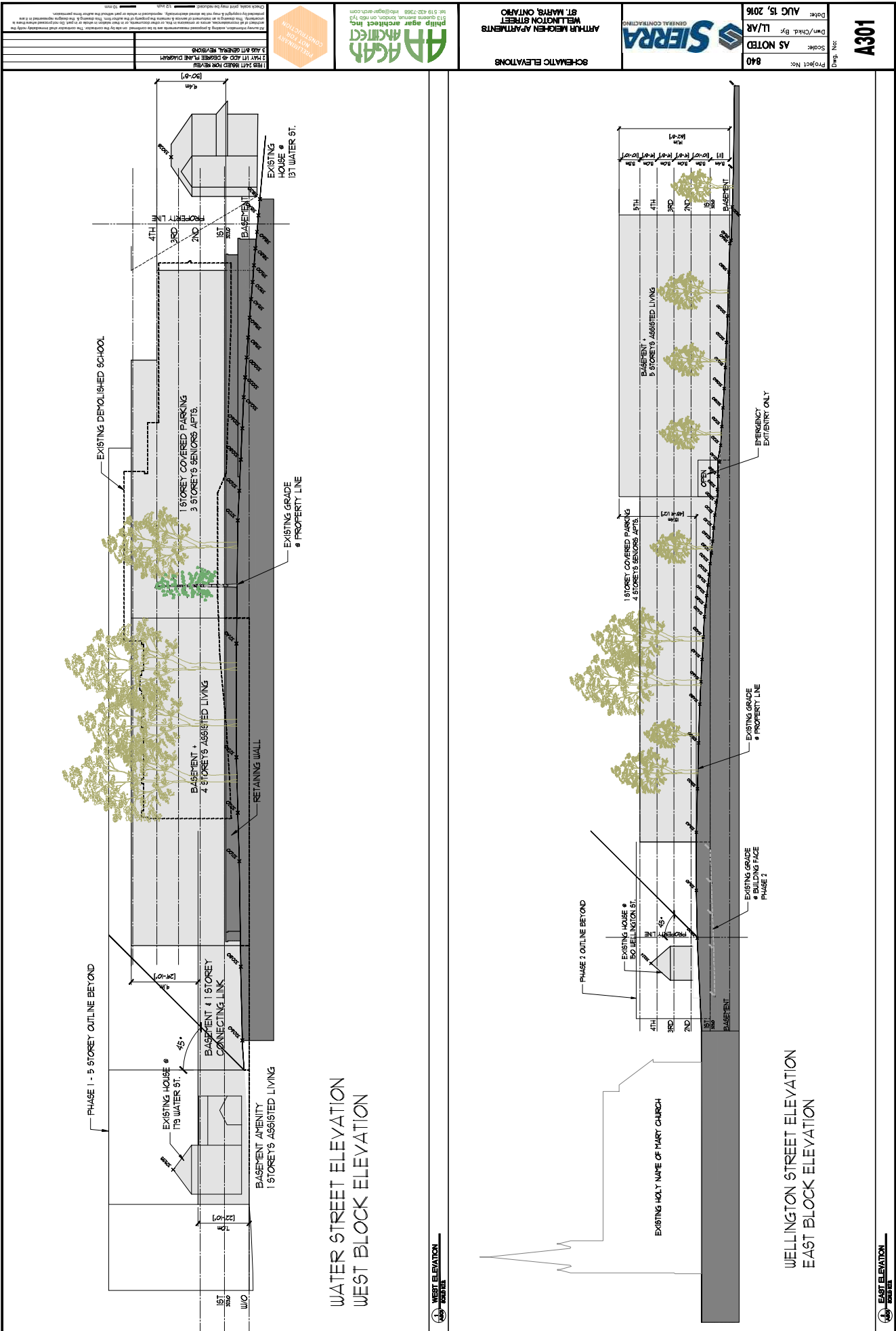
ATTACHMENT 1

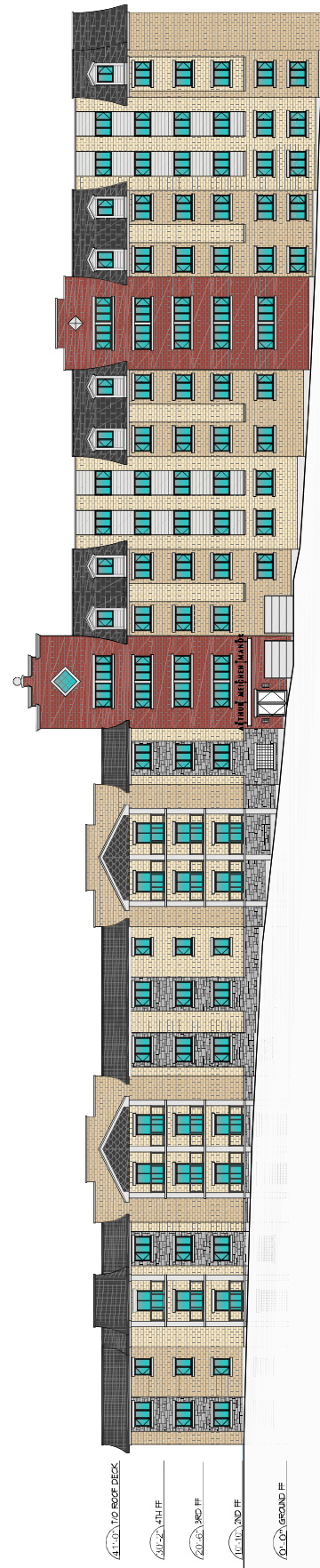
Lots 14-17, inclusive w/s Wellington Street, Lots 13-17, inclusive e/s Water Street, Registered Plan No. 225; Part of Lot 16, Concession 17
Application for Official Plan and Zoning By-law Amendments
by 1934733 Ontario Inc.



AREA SUBJECT TO PROPOSED
OFFICIAL PLAN AND
ZONING BY-LAW AMENDMENTS







EAST ELEVATION - WELLINGTON STREET

WEST ELEVATION
SCALE NTS



BUILDING LAYOUTS ARE CONCEPTUAL.
NEED TO BE REVIEWED AND DESIGNED
BY OTHERS.

SPH ENGINEERING INC.
 REAL WORLD ENGINEERING SOLUTIONS
 TEL: 519-539-5700 FAX: 519-539-5775
 65 SPRINGBANK AVE. N.
 UNIT #1
 TORONTO, ONTARIO M8S 4V8

3D VIEWS

PROJECT
 ARTHUR MEIGHAN
 MAJOR

BUILDING LAYOUTS ARE CONCEPTUAL. NEED TO BE REVIEWED AND DESIGNED BY OTHERS.

CLIENT USE
 2017-06-28

ZONING AMENDMENT APPLICATION
 2017-06-11

ISSUED FOR
 DATE

DRAWING REFERENCE:
 PHILIP AGAR ARCHITECT INC.
 DATES: 05-24-2017 to 06-28-2017

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 24636

PROJECT NUMBER
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INFORMATION REPORT

To:	Chair and Members of the Advisory Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	2 December 2019
Subject:	Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc. 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016)

PURPOSE

To provide background information, staff comments and recommended direction for Planning Advisory Committee's consideration with respect to the above referenced Official Plan and Zoning By-law Amendment Applications.

RECOMMENDATION

THAT the Planning Advisory Committee receive this report; and,

THAT the Planning Advisory Committee recommend that Council refuse the Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc., 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016) for the reasons set out in this report.

BACKGROUND

The subject property is a through lot with frontage onto Water Street North and Wellington Street North as shown on the general and specific location maps (refer to Attachment 2 of this report).

The applicant is seeking to develop the subject property as an age-in-place residential development in the form of multi-storey apartment type buildings, constructed in two phases. At full build-out, the development will consist of a mix of assisted living and seniors' apartment units with shared access to a dining hall and other ancillary uses such as a hair salon, games room and theatre room. Outdoor amenities include a patio/amenity area located at the north end of the property and resident gardens. On site parking for residents, visitors and staff will be provided via covered parking (first storey of some buildings) and surface parking areas.

Property Details	
Municipal Address	151 Water Street North
Lot Area	1.3 hectares
Official Plan	
Current	Residential
Proposed	Residential with site-specific exception to: <ul style="list-style-type: none"> • permit mid-rise apartments with maximum density of 138.5 units/hectare and maximum heights ranging from 3 to 5 storeys • not apply Sections 3.1.2.3 and 3.1.2.5 of the Official Plan provided that:

	<ul style="list-style-type: none"> – an Amendment to the Town's implementing Zoning By-law is approved to regulate the residential use of the property. Such Zoning By-law Amendment shall place the subject land within a site-specific zone classification which will regulate the maximum building height, lot area requirements and building setbacks; and – the owner enter into an Site Plan Agreement with the Town to ensure that the building location, servicing arrangements, and building appearance (including building façades and cladding materials), will all be to the satisfaction of the Town.
Zoning By-law	
Current	Development Zone (RD)
Proposed	Residential Zone Six (R6) with special provisions to: <ul style="list-style-type: none"> • reduce the minimum lot area requirement from 550 m² for the first dwelling unit plus 90 m² for each additional dwelling unit to 550 m² for the first dwelling unit plus 69 m² for each additional dwelling unit • reduce the minimum front yard requirement from 7.5 to 3 metres • reduce the minimum rear requirement from 10.5 to 6 metres • increase the maximum building height requirement from 13.5 to 19.1 metres • increase the maximum number of storeys permitted from 3 to 5 • deem Wellington Street North as the front lot line and Water Street North as the rear lot line
Surrounding Land Uses	
North	<ul style="list-style-type: none"> • Grand Trunk Trail • Lands designated Residential and partially draft plan approved and zoned to permit 168 single detached lots and approximately 55 townhouse units
South	<ul style="list-style-type: none"> • Low density residential
East	<ul style="list-style-type: none"> • Wellington Street North • Low density residential • Vacant (former industrial) property located at northeast corner of Wellington Street North and Egan Avenue (designated Residential and zoned Development Zone - RD)
West	<ul style="list-style-type: none"> • Water Street North • Low density residential

A copy of the applicant's proposed Official Plan Amendment is provided as Attachment 3.

DEVELOPMENT CONCEPT

The most recent proposed plans received by the Town in August 2017 are summarized as follows and copies are provided as Attachment 4:

- Site Plan (Drawing #A101) prepared by Phillip Agar Architect Inc. and dated August 8, 2017
- Schematic Elevations (Drawing #A301) prepared by Phillip Agar Architect Inc. and dated August 8, 2017
- Schematic Elevations (Drawing #A302) prepared by Phillip Agar Architect Inc. and dated May 1, 2017
- 3D Views (Drawing #A5) prepared by SPH Engineering Inc. and dated August 24, 2017

The following chart provides a summary comparison of the most recent development proposal (August 2017) to the initial proposal submitted with the applications in October 2016 and a resubmission in May 2017.

	OCTOBER 2016	MAY 2017	AUGUST 2017
UNITS			
Seniors Apartment	84	76	50 ¹
Assisted Living	115	126	130 ²
Total	199	202	180
LAYOUT	<ul style="list-style-type: none"> Buildings along south, west and north property lines Parking area facing Wellington Street North 	<ul style="list-style-type: none"> Buildings along west, north, east and part of south property lines Parking area internalized 	
GROSS FLOOR AREA	18,565 m ²	20,829 m ²	22,689 m ²
DENSITY (units/ha)	153	155	138.5
PARKING	132 (58 surface + 74 underground)	167 (62 surface + 105 covered)	107 (59 surface + 48 covered)
BUILDING HEIGHTS	<ul style="list-style-type: none"> Phase 1 – 5 storeys³ Phase 2 – 5 storeys 	<ul style="list-style-type: none"> Phase 1 – 4 storeys³ and 5 storeys³ Phase 2 – 4 storeys 	<ul style="list-style-type: none"> Phase 1 – 3 storeys³ and 5 storeys³ Phase 2 – 3 storeys and 4 storeys
LOT COVERAGE	35%		36%

Notes:

1 – 27 one-bedroom and 23 two-bedroom seniors apartment units

2 – 130 assisted living units

3 – part of basement above ground

Copies of the concept site plans and building elevations submitted by the applicant in October 2016 and May 2017 are provided as Attachment 5.

A copy of the most recent Planning Justification Report prepared by Sierra Construction Group (dated August 25, 2017) and an Addendum dated October 13, 2017 are provided as Attachment 6. In the October 13, 2017 Addendum, the applicant states that “the seniors’ apartments are proposed as ‘slab-on-grade’ construction (the main floor being covered parking) and the assisted-living portion is 5-storeys over a basement. Basement levels are not normally included in descriptions of the number of storeys even though they often contain habitable areas (e.g. a building with four floors of offices and three levels of underground parking would be considered to be a 4-storey office building). Due to the existing slope of the site, the assisted living portion would have a ‘walk-out’ basement at the north end”. It is recognized that it is common practice to not include underground areas in the description of the number of storeys in a building. However, portions of basements that are above ground are noted in the chart above for information purposes.

Phasing

Phase 1 consists of 3 connected buildings along Wellington Street North and the north property line:

1. 1 storey covered parking + 3 storeys seniors' apartments
2. Basement + 5 storeys assisted living units
3. Basement + main floor entry lobby + 4 storeys assisted living units along north property line, transitioning to basement + 1 storey amenity area

Phase 1 Gross Floor Area – 14,784 m²

Phase 2 consists of 2 connected buildings along Water Street North:

1. 1 storey covered parking + 3 storeys seniors' apartments, transitioning to 2 storeys seniors' apartments near south property line
2. Basement + 4 storeys assisted living units

Phase 2 Gross Floor Area – 7,905 m²

APPLICATIONS HISTORY

2016

October 17 - Official Plan and Zoning By-law Amendment Applications received by Town.

November 7 - The Planning Advisory Committee (PAC) received an Information Report dated November 4, 2016 regarding the preliminary review of the applications and requested that Staff prepare a follow-up report to address any issues and concerns raised at the meeting. Issues, comments and concerns discussed at the meeting included:

- concern that five storey buildings will be tallest in St. Marys and inappropriate in low density neighbourhood;
- shadowing and privacy impacts on adjacent lots;
- seniors housing is needed and appropriate but concerns with scale of development;
- concerns regarding location and design of loading and garbage areas, and patio;
- ability of Fire Services to respond to emergencies;
- increased traffic;
- impacts on servicing infrastructure;
- creating a precedent for future similar development in Town; and
- more appropriate to determine policies for heights and densities through Official Plan review rather than through site-specific applications.

2017

May 15 - The PAC received an Information Report dated May 15, 2017, deferred consideration of the applications to permit the applicant the opportunity to address issues including compatibility and scale of development, and directed Staff to prepare a final recommendation report to the PAC based on the review of revisions to the applications.

August 25 - Revised site plan, schematic elevations and 3D view plans, and revised planning justification report received by the Town.

October - Planning justification report addendum received by the Town. Following review of the revised submission, staff advised the applicant that there continue to be concerns with the scale of the proposed development and that the planning justification submissions did not provide sufficient analysis and justification to support the proposal. The applicant indicated to staff that they were satisfied with their latest submission and requested that the Town proceed to public meeting.

November 20 - The PAC received an Information Report dated November 15, 2017 and passed a resolution recommending that Council proceed to public meeting.

2018

January 9 - Council held the statutory public meeting, received a Formal Report dated January 9, 2018 and passed a resolution directing that the comments received at the public meeting be addressed in a comprehensive report presented at a subsequent PAC meeting, outlining staff recommendations on the disposition of the applications. A copy of the minutes of the public meeting are provided as Attachment 7. There were comments and concerns discussed at the public meeting including, but not limited to:

- concerns that the proposed development is not compatible with the neighbourhood / no effort to blend the design of the development with the community;
- potential impacts on the property designated under the Ontario Heritage Act at 137 Water Street North and insufficient consideration of the cultural heritage of the area;
- insufficient demonstrated need for this type of housing;
- support for the project due to economic benefits to the Town in the form of additional full-time jobs, and increased tax base and demand for medical, personal, entertainment and retail services from residents and visiting relatives/friends;
- impacts on viewscales;
- shadowing impacts;
- traffic and parking issues;
- many of the residents of the proposed facility may have acute or chronic health needs, and this may affect wait times at the local hospital; and,
- ability of the Town to provide appropriate fire services.

February 12 – Town staff met with applicants to discuss comments received at the public meeting, outstanding issues and requirements to demonstrate conformity with the Official Plan.

February 16 - M. Stone letter to applicant (K. Thompson) reiterating that:

- the resubmission received in the Fall of 2017 demonstrated some minor changes in the heights of some buildings however overall, changes to the proposal were limited and the revised planning justification submission did not provide an acceptable analysis of character, design, etc.;
- there is the need to identify and discuss the character of the neighbourhood based on a variety of attributes and accounting for differing contexts/interfaces; and,
- following the character assessment, the applicant should provide a summary of how the design of the proposed (revised) development responds to these attributes, and to evaluate the proposed development and site alterations to ensure that the heritage attributes of the designated heritage property adjacent to the south property line on Water Street will be conserved.

February 22 - Letter from C. Jasinski to M. Stone indicating that they did not understand some issues discussed at the last meeting but would undertake “to address with more clarity, the character

assessments and how a development could respond to those conditions” and provide additional information.

March 5 - C. Jasinski email to M. Stone stating that that the concerns of the Town would be addressed expeditiously and that “it will likely be best to engage an independent Planner to take the rezoning process forward from this point” and that the process of interviewing planners was underway.

May 30 - M. Stone letter to C. Jasinski referencing March 5th email and noting that the Town had not received any update regarding the status of the applications, and requesting an update in writing no later than June 13, including when the Town could expect a resubmission to address concerns raised by the Town.

June 12 - C. Jasinski letter to G. Brouwer and M. Stone stating that C. Zaluski and C. Jasinski were discussing a re-organization of the ownership structure of their company and once resolved, an independent planner will be retained. C. Jasinski also noted that “the concerns the Town is putting forth have been clear for a long time and could have been addressed in a much more efficient manner than we have done”. C. Jasinski also requested a meeting “with the intent of refining the planning report and drawing set to address your concerns and will be calling soon to coordinate our schedules”.

July 13 - G. Brouwer email to C. Jasinski referencing May 30 and June 12 letters and stating that there had been no substantial movement forward with respect to addressing Town concerns, and requested a written update no later than August 8 and timing for a resubmission as Town Council is expecting an update at the August 28 meeting.

August 1 - G. Brouwer and M. Stone met with C. Jasinski, K. Thompson and B. Jasinski. C. Jasinski presented concepts showing a preliminary revised design showing reduced densities, massing, etc.

2019

June 27 - C. Jasinski email to G. Brouwer and M. Stone informing the Town that he has agreed to sell his interest in the company.

June 28 - Town receives Urban Design Brief prepared by Sierra (dated June 12, 2019) – copy provided as Attachment 8.

September 12 - Town emails Peer Review of Urban Design Brief by Zelinka Priamo (dated September 12, 2019) – copy provided as Attachment 8

September 17 - S. Cornwell letter to M. Stone responding to September 12, 2019 Peer Review – copy provided as Attachment 8

November 4 - G. Brouwer and M. Stone met with C. Zaluski and S. Cornwell. During the meeting, the applicants indicated that it was their understanding that an urban design brief was suggested by the Town to assist in providing design justification to address concerns from the community. Town staff reminded the applicant that assistance from an architect or urban designer was recommended to assist the applicant in providing information and analysis lacking in the planning justification submissions. The applicants also suggested that the proposed development is appropriate as it meets the maximum lot coverage requirements of the Town’s R6 Zone. Town Staff reminded the applicants that lot coverage is not the only issue when considering compatibility, massing, building heights, etc. The applicants were reminded that the issues related to Official Plan conformity have been discussed throughout the process, and that Town staff have made a number of suggestions to address issues with their planning justification submissions and to modify the design of the site. At the end of the meeting, Town staff requested a response no later than November 8 indicating if they will be addressing outstanding concerns and issues, including those identified in the Peer Review of the Urban Design Brief.

November 11 - C. Zaluski and S. Cornwell letter to G. Brouwer and M. Stone requesting that the Town proceed to schedule a meeting with the PAC to consider their applications, stating that they “remain entirely satisfied that our applications are consistent with the Provincial Policy Statement and in compliance with the Official Plan of the Town of St. Marys (outside of our proposed site-specific changes), and that their approval represents good planning”. A copy of the letter is provided as Attachment 8.

In the November 11 Sierra letter, the applicants indicated that they were surprised to learn that their development is not in conformity with the Official Plan and would have expected such information to be included in the November 15, 2017 or January 9, 2018 staff reports. Town staff have indicated conformity issues on a number of occasions as noted above. In the November 15, 2017 staff report to PAC and Jan 2018 public meeting report, there was no suggestion by Town staff that the development conforms with the Official Plan, and did state there are a range of outstanding issues. In February 2018, in a meeting and a letter the Town indicated that the applicant has not demonstrated conformity with the Official Plan.

In the November 11, 2019 letter, the applicants also stated they were surprised that the Zelinka Priamo Peer Review memorandum did not note any Official Plan compliance issues either. Town staff notes that the applicant’s Planning Justification Report and Addendum already discussed Official Plan conformity and Zelinka Priamo was not asked to review these documents. Zelinka Priamo was retained to peer review the Sierra Urban Design Brief which did not include a review of Official Plan policies.

The applicant also stated that they were surprised that staff was not aware of their concerns about the Peer Review and refused to explain Official Plan policies in which there was non-conformity. At the November 4, 2019 meeting, staff specifically referenced their correspondence and invited the applicants to elaborate on their concerns so that the Town could respond. In addition, staff did not refuse to discuss the Official Plan policies where there were conformity issues. Staff clearly stated that the issues continue to be with respect to the scale of the development, compatibility, lack of a fulsome assessment of the character of the area, lack of consideration of the attributes of the adjacent property designated under the Ontario Heritage Act, etc. During the meeting and as reflected in the November 11, 2019 letter, the applicants indicated that they are satisfied with their proposed development and have no interest in revising their submission.

REPORT

PLANNING CONTEXT

Provincial Policy Statement

Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. The Provincial Policy Statement (PPS) was issued under the authority of Section 3 of the Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment. The purpose of this section is to identify policies in the PPS relevant to these Applications.

Section 1.1.1 of the PPS states, in part, that “healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and

commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs”.

Section 1.1.3.2 states, in part, that “land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which: 1. efficiently use land and resources; 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated”.

Section 1.1.3.3 states that “planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety”.

Section 1.1.3.4 states that “appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety”.

Section 1.4.3 states, in part, that “planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- b) permitting and facilitating: 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety”.

With respect to cultural heritage, the following PPS policies apply:

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”.

‘Adjacent lands’ are defined as for the purposes of policy 2.6.3, “those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan”.

‘Protected heritage property’ is defined as a property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

‘Heritage attributes’ is defined as the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property).

Town Official Plan

The subject property is currently designated Residential in the Town Official Plan. The primary use of land in the Residential designation is for a range of dwelling types from single detached dwellings to walk-up type apartments, parks and open spaces, and institutional uses subject to the policies of the Plan.

The following identifies and discusses relevant Official Plan policies.

SECTION	POLICY
Section 2 – Goals and General Principles	
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.

The development of this site for seniors’ housing would contribute to the supply of housing accommodation in the Town.

SECTION	POLICY
Section 2.3.2 – Heritage Conservation Policies	
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.

SECTION	POLICY
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.

The subject property is identified on Schedule “D” as “Category 3 – Not Designated” however, the property is not identified on the Town’s Properties of Cultural Heritage Value list. 137 Water Street North was designated under the Ontario Heritage Act (OHA) in November of 2013 and not reflected as such on Schedule “D” of the Official Plan. Schedule “D” identifies other nearby properties Designated under the OHA and Not Designated – Categories 1, 2 and 3.

SECTION	POLICY
Section 2.6 – Healthy Communities	
2.6	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.);

The proposal does represent a compact form of development.

SECTION	POLICY
Section 3.1.1 – Residential 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.
3.1.1.3	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 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.

The proposed development would contribute to the supply and choice of housing in the Town by providing a mix of seniors’ apartments and assisted living units through the redevelopment of this site. Refer to the Neighbourhood Character / Compatibility section of this report with respect to Residential Objective 3.1.1.3 (i.e. character of residential areas).

SECTION	POLICY
Section 3.1.2 – Residential Policies	
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 apartments, parks and open spaces, as well as the institutional uses.

SECTION	POLICY
3.1.2.3	Residential infilling type development is generally permitted throughout the “Residential” designation where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height). 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.
3.1.2.4	Council will favour residential intensification and redevelopment over new green land residential development as a means of providing affordability and efficiencies in infrastructure and public services.
3.1.2.5	<p>When reviewing development or redevelopment proposals, Council shall consider following density targets:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>Council will favour those developments with a mixture of lower and higher densities of development over those consisting of only low densities of development.</p>
3.1.2.7	<p>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:</p> <ul style="list-style-type: none"> 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; 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.
3.1.3.8	Proponents of townhouse and apartment developments are encouraged to provide on-site recreational facilities in keeping with the proposed development.
3.1.2.12	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.
3.1.3.13	<p>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.</p> <p>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.</p>
3.1.2.14	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.

SECTION	POLICY
3.1.2.17	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.
3.1.2.23	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).

A range of residential uses, ranging from single-detached dwellings to walk-up type apartments, are permitted in accordance with Section 3.1.2.2. The proposed site-specific Official Plan Amendment is required to permit low rise apartments.

The applicant provided a discussion of Section 3.1.2.3 in their August 2017 Planning Justification Report. However, the analysis was selective and did not sufficiently define the attributes of the neighbourhood and demonstrate that the proposed development is in keeping with these attributes. Refer to the Neighbourhood Character / Compatibility section of this report for further discussion in this regard. It is also noted that in the October 2017 Planning Justification Report Addendum, the applicant suggests that Section 3.1.2.3 should not apply to the proposed development and that the final sentence of the policy confirms that the “policy is intended to guide consideration of Zoning By-law Amendment and Minor Variance applications for infilling developments”. Section 3.1.2.3 applies to all proposed infill development:

- stating that residential infill development is generally permitted in the Residential designation provided such development is in keeping with the attributes of the neighbourhood;
- setting out considerations for the required evaluation of neighbourhood attributes for infill development; and,
- stating that if existing zone provisions are not met, an amendment to the Zoning By-law or minor variance may be considered provided the spirit of the Section is maintained.

The applicant is requesting an exception in the Official Plan that would exempt the development from Section 3.1.2.3.

The applicant is also proposing site specific provisions that would exempt the property from Section 3.1.2.5 of the Official Plan provided an amendment to the Zoning By-law is approved to apply site-specific provisions and the owner enters into a site plan agreement with the Town.

SECTION	POLICY
Section 5 – Transportation and Services	
5.3.1.2	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	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

SECTION	POLICY
	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.
5.3.8	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	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.
5.3.12	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.
5.3.13	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.

According to Schedule "B" of the Official Plan, Wellington Street North is classified as a Collector Road, while Water Street North is classified as a Local Road. The Town will require the provision of sidewalks in accordance with the Official Plan and Town development standards. The Town's Public Works Department has not identified any major concerns with respect to transportation considerations however, more detailed submissions and review will be required at the site plan approval stage.

SECTION	POLICY
Section 7.17 – Review of Official Plan and Amendments	
7.17.4	<p>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:</p> <ul style="list-style-type: none"> a) 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 conforming 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. <p>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.</p>

Section 7.17.4 of the Official Plan states, that 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 certain criteria. The applicant has indicated that a market study has been prepared by CBRE however, this has not been provided to the Town. Compatibility of the proposed use is discussed in the Neighbourhood Character / Compatibility section of this report. Any potential environmental considerations will be assessed at the site plan approval stage however, the applicant has indicated that Phase 1 and Phase 2 Environmental Assessments have been conducted and no environmental concerns were noted. The existing road system in the area is adequate to accommodate the proposed uses and existing services and utilities are available to service the property.

Town Zoning By-law

The subject property is currently zoned Development Zone (RD) in the Town's Zoning By-law Z1-1997. Permitted uses are limited and Section 28.3.1 states that "the 'RD' zone symbol indicates that some form of residential development is contemplated in the future for the lands within the 'RD' zone; however timing for development and development standards (i.e. housing type and density) have yet to be determined".

COMMUNICATIONS

The following is a summary of comments received from Town Departments and agencies to date.

Department/ Agency	Date	Summary of Comments
Upper Thames River Conservation Authority	October 28, 2016	<ul style="list-style-type: none"> No objection to Applications 15 metre setback from existing fence line must be maintained
	January 9, 2018	<ul style="list-style-type: none"> No additional comments
Fire Chief/CEMC	November 1, 2016	<ul style="list-style-type: none"> Although the St. Marys Fire Department has the ability to fight a fire in the buildings proposed for this development, there are several operational considerations for the Fire Department in servicing structures of five storeys in height. A secondary means of providing rescue from an elevated platform, such as windows and balconies above the third storey, would not be achieved. The reason for this is the St. Marys Fire Department currently owns a 50 foot Aerial Ladder truck. The placement of the vehicle and proper angulation of the ladder to perform such rescue operations would not prove favourable for a structure exceeding three storeys in height. There are future plans to purchase a 75 foot Aerial Ladder truck. This would assist in meeting those demands. Currently, none of the Fire Department's ground ladders would be able to reach the top three floors. The Fire Department currently owns a 40 foot ladder which would not be adequate to service this building. The Fire Department currently does not have the equipment to assist with fighting a fire in a structure of this height, including high-rise packs that the firefighters would carry containing hoses, nozzles, wrenches, etc. required to connect to a standpipe system to assist in fighting a fire on a given floor. This Department requires that it be demonstrated that water servicing is adequate in the immediate area of the development to

Department/ Agency	Date	Summary of Comments
		provide fire protection to the site. Size of fire mains; and pressure and volume of water in the immediate area need to be confirmed. <ul style="list-style-type: none"> • The Fire Department requires further details on the degree of Assisted Living proposed within the complex.
	September 6, 2017	<ul style="list-style-type: none"> • No issues with August 2017 resubmission.
Town Engineering and Public Works Department	November 1, 2016	<ul style="list-style-type: none"> • The primary vehicular access to the site as proposed from Wellington Street North is preferred. • Proposed delivery truck entrance off of Water Street is not preferred. Proponent to clarify whether loading area is appropriately designed for truck maneuvering. • Applicant to confirm sanitary system capacity requirement and that sanitary servicing to property is adequate. • Applicant to confirm water system capacity requirement for fire protection and hydrant flow testing will need to be completed to confirm water servicing to property is adequate. • Concrete curb and gutter system to be extended northerly from current termination point on Wellington St. adjacent to the property. • Visual block should be provided for proposed garbage storage.
	November 24, 2016	<ul style="list-style-type: none"> • Town's sanitary treatment and conveyance system, and water supply and distribution system are adequately sized to accommodate the proposed use. Assumptions on flow volumes generated from the site will need to be verified prior to site plan approval.
	September 6, 2017	Regarding August 2017 resubmission: <ul style="list-style-type: none"> • Although servicing capacities were tentatively confirmed in theory, the developer at this stage has not provided any specific details to fully confirm system capacities. Capacity confirmation for utilities would be confirmed during detailed design. • Regarding the garbage and delivery entrance for Phase I located at the north extent of the development, previous reviews identified a desire to have a hammerhead installed to prevent backing out onto Wellington Street in proximity to the intersection, as well as its collector road status, and potential extension north. The current design still does not identify this aspect.

Public submissions received are provided in Attachment 9 of this report.

PLANNING ANALYSIS

The proposed development supports Provincial and Town policies with respect to encouraging development that efficiently uses land, infrastructure and public service facilities, and that provides a range and mix of housing types and densities to meet the needs of current and future residents.

However, Sections 1.1.3.3 and 1.1.3.4 of the PPS speak to planning authorities promoting intensification and redevelopment that takes into account existing building stock or areas, and also promoting appropriate development standards to facilitate such development. As discussed below, the proposed development represents an inappropriate level of intensification given the context of the surrounding area and the requested amendments do not provide appropriate development standards to regulate the proposed form of development on this property.

The applicant has not met the tests of the Official Plan with respect to demonstrating that the proposed development will be in keeping with the attributes and character of the surrounding neighbourhood.

Neighbourhood Character / Compatibility

The area surrounding the subject property is predominantly characterized by one and two storey single detached lots and some of the key features of the area are the greenery, open spaces and spacing between buildings.

Residential objective 3.1.1.3 of the Town's Official Plan is to maintain and improve the existing housing stock and character of residential areas. The applicant has not sufficiently defined the character of the area nor demonstrated that the proposed development will maintain and improve the character of this residential area.

Section 3.1.2.3 of the Official Plan generally permits residential infill development in the Residential designation provided such development is in keeping with the attributes of the neighbourhood "in terms of building type, building form, and spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height)". The applicant's planning justification and urban design submissions do not sufficiently identify and discuss the attributes of the neighbourhood in terms of building type, form, spatial separation, setbacks, massing, scale and height.

Town staff is concerned that there will be significant impacts on the character of the area due to the combination of proposed building heights and lengths, and reduced setbacks along road frontages.

In the August 2017 Planning Justification Report, the applicant suggests that "as the former school was deemed compatible with the surrounding neighbourhood when it was constructed, the proposed residential infill will be compatible in the same way". Staff does not agree with this assumption. The previous school design and built form had significant differences in terms of massing, heights and setbacks of buildings, and lot coverage/amount of open space, when compared to this proposed redevelopment project.

In the August 2017 Report, the applicant also states that "the height of the proposed senior's complex is comparable to the former school". The applicant goes on to state that "the lot coverage of the development is proposed to be 35%, which is identical to the lot coverage of the surrounding R2 neighbourhood's maximum lot coverage. Similarly, both the R6 and R2 zones require 30% landscaped open space". Town staff is of the view that these comparisons are selective and do not provide appropriate justification for the scale, height and coverage of the proposed development. While the R2 Zone permits a maximum lot coverage of 35 percent and requires a minimum of 30 percent landscaped open space, the only permitted dwelling type is a single detached dwelling with a maximum building height of 10.5 metres. The Zoning By-law Amendment Application for the subject lands is proposing site specific regulations to permit low rise apartments with a maximum height of 19.1 metres, which would permit a scale of development that is very different to what is permitted in the R2 Zone.

Density

In the August 2017 Planning Justification Report, the applicant states that "due to the nature of a senior's development, the higher density will not equal a high impact on the surrounding neighbourhood" and contends that "this can be demonstrated by examining existing densities in the Town of St. Marys". The applicant mistakenly assumes that a residence for seniors means that there will not be a high impact on the surrounding neighbourhood and it raises a question: does the applicant suggest that impacts are acceptable provided such impacts are not "high"? The applicant references other developments in Town with similar or higher densities and on this basis, seems to therefore

conclude that this proposal is appropriate in this neighbourhood, without any detailed assessment of the specific developments and surrounding neighbourhoods.

The applicant also states that “the proposed 138.5 units per hectare (UPH) would not be the most dense development in the Town” with “the Kingsway Lodge and Mattiussi Apartments have a density of 170 UPH, the Trillium Apartments have a density of 149.3 UPH, and many other developments have a density higher than the maximum permitted 75 UPH (Knox Apartments, Jones St. Apartments, and the Cain Street Apartments)”. What the applicant fails to point out is that the proposed development at 151 Water Street North will have a significantly higher gross floor area (GFA) and floor space index (FSI) than the other developments referenced. FSI is calculated by dividing the GFA of the proposed development by lot area. This is an important, overlooked consideration because it provides an indication of the scale and massing of development. The following chart provides a comparison of the proposed development to existing apartment-type development in St. Marys

Name	Storeys	Property Size (ha)	Units	Density (units/ha)	GFA (m ²)	FSI
Kingsway Lodge	3.5	0.63	108	171.4	6,038	0.96
Knox Apts.	3	0.21	17	81.0	2,075	0.99
Mason Apts.	2.5	0.43	24	55.8	1,737	0.40
Wildwood Nursing	1	1.56	85	54.5	3,376	0.22
Trillium Apts.	4	0.20	30	150.0	2,072	1.04
Mattiussi Apts.	3	0.14	24	171.4	1,774	1.27
Cain St. Apts.	3	0.08	6	75.0	356	0.45
Elgin St. Apts.	2	0.13	6	46.2	734	0.56
Little Falls Co-op	2	0.49	35	71.4	2,078	0.42
Stoneridge	2.5	1.40	30	21.4	4,055	0.29
151 Water Proposal (Aug 2017)	3 to 5	1.30	180	138.5	22,689	1.75

Of the properties referenced by the applicant, the Kingsway Lodge is 3.5 storeys in height, has 108 units and fronts onto Queen Street East (an Arterial Road). The Mattiussi Apartments is 3 storeys in height, has 24 units, is located on lands designated Central Commercial and fronts onto Church Street (Arterial Road). The Trillium apartments is 4 storeys in height, has 30 units, fronts onto Queen Street West (Arterial Road) and is located in a mixed-use neighbourhood with low density residential, commercial uses and the St. Marys Memorial Hospital directly across on the north side of Queen Street West.

Section 3.1.2.5 of the Official Plan identifies a target density for low rise apartments ranging from 40 to 75 units per hectare subject to Council allowing moderate increases or decreases subject to certain criteria. The applicant is proposing 180 units which is almost double what would be permitted at a density of 75 units per hectare (i.e. 1.3 ha x 75 = 97.5 units).

Urban Design Brief and Peer Review

Following a review of the various submissions, Town staff suggested that the applicant have their architect or urban designer prepare an urban design brief to assist with the Official Plan conformity exercise, including neighbourhood character assessment and recommended changes to the design of their proposal. The purpose of an urban design report is to describe an overall design strategy for a

proposed development and to assess how the proposal responds to the surrounding physical context and conforms to applicable planning policies.

Urban Design Brief

The applicant submitted an Urban Design Brief (UDB) dated June 12, 2019 and prepared by Sierra Construction Group in support of the applications. The UDB provides a site description, a review of existing neighbourhood character, and a proposed facility design response. The following is a summary of the discussion in the proposed facility design response:

- Like the institutional uses previously occupying the site, the proposed building is significantly larger than the surrounding built form.
- The proximity to the streets provides for the extension of the built form along Water Street North and Wellington Street North, helping to define and delineate the extent of the public realm within those corridors.
- The proposed facility has been designed with three storey portions bordering the existing single-family homes adjacent to the south of the subject property to avoid shade/shadow and loss of privacy impacts, as well as to more seamlessly integrate the proposed facility into the scale of existing development.
- The design utilizes the existing slope of the site, which slopes down towards the small watercourse at the north end of the site, to reduce the visibility of the taller portions of the planned buildings. The northerly residential units would have views overlooking the small ravine and trail area, without impacting the use of existing residential areas to the east, west and south.
- The centralized surface parking generally reflects rear-access, shared driveway facilities in the area, albeit at a larger scale. This arrangement reduces the visibility of surface parking area, and is in keeping with the character of the existing neighbourhood.
- While no new construction could be expected to perfectly match the 19th century characteristics of existing development in the area, the building façade would include a mix of brick and stone cladding as well as window elements that are generally consistent with the existing buildings. The massing of the building would be fragmented through roof design elements, textures, fenestration, and projections.

The UDB provides the following summary:

1. The existing neighbourhood has a character that is a mixture of late 19th century homes on the west, and early to mid-20th century home on the east.
2. The subject property has historically contained structures larger than the surrounding single-family homes.
3. The proposal would fill gaps in the existing streetscape with a building designed as a contemporary response to the character of this historic neighbourhood.
4. The proposed facility would make use of the existing grading and changes to the urban fabric (the conversion of a rail corridor to a community trail) to provide intensification that avoids conflicts with existing development.

Peer Review

The Town retained Zalinka Priamo Ltd. to complete a peer review of the UDB and the following is a summary of comments:

- Consideration should be given to examining the broader range of the existing neighbourhood of up to 400 m (approximate 5 minute walk) from the subject lands in all directions and should

include examining existing built form (architectural style, massing/scale, spatial separation etc.), existing lot fabric, and existing land uses.

- The UDB briefly lists the proposed materials; however, no details are provided with regard to how those materials will be implemented or how they will relate to the style/character of the existing low-density residential uses. Additional details on the proposed materials is needed to better evaluate compatibility with existing buildings in the area.
- The proposed tiering of the building as it approaches the existing development to the northwest is commendable and effective. While this approach is effective, this statement should not be considered as approval of the overall design.
- The proposed 3-storey portion adjacent to existing designated heritage property at 137 Water Street should be lowered or tiered to reduce the crowding impact on the property. Alternatively, the setback along that property could be increased. The impact of the proposed 3-storey building which is also sited higher because of grading changes (retaining walls) could be substantial.
- Street level amenity area (patios, sitting areas etc.) along Water Street & Wellington Street should be provided to animate the streetscapes and help integrate the proposed development into existing streetscapes.
- No analysis of existing views is provided. The proposed 5-storey building may have significant impacts to existing views, particularly from the east, along Egan Street, where the basement becomes a 'walk-out' creating the appearance of a 6-storey building (the UDB makes no reference to this 'walk-out' condition). Renderings showing the proposed changes to those views would be beneficial in evaluating the compatibility of the proposed development with the existing character of the neighbourhood.
- The UDB does not discuss pedestrian circulation throughout the site, or connections to the public realm, particularly how residents can access the adjacent Grand Truck Trail system.
- It is recognized that the garbage access from Water Street North is consistent with the vehicular and garbage access of the previous institutional use. However, as the main vehicular access has been relocated to Wellington Street, perhaps consideration should be given to relocating the garbage access to eliminate all vehicular access from Water Street North for the proposed development.
- The UDB states that the reduced setback provides an extension of the built form along Water Street North, and Wellington Street North. While the existing building line is maintained, built form also includes elements such as building type and design, massing, amount of landscaping etc. Additional analysis should be provided to better support the proposed building's built form and its placement.
- While the previous institutional building was larger than the surrounding built form, the proposed building has a lot coverage three times the previous building. Additional analysis is needed to support such a significant increase and whether or not the larger built form is compatible with the surrounding community.
- No Tree Preservation Plan was provided as part of the UDB, or the full application package. Given the mature state of some of the trees on the subject lands, and along the streetscape, a Tree Preservation Plan should be undertaken to determine potential impacts to the existing trees.
- Given the scale of the proposed development, a detailed landscape plan should be undertaken to assist in better understanding the compatibility of the proposed development with the existing neighbourhood. A general landscape concept may be acceptable in advance of a Site Plan Approval application.

- The subject lands are adjacent to 137 Water Street North which is a property designated under Part IV of the Ontario Heritage Act (OHA). There are also three listed non-designated properties adjacent to the subject lands. Section 2.6.3 of the PPS is relevant stating that “planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”. The UDB provided does make reference to 137 Water Street North as being a property designated under Part IV of the Ontario Heritage Act; however, it does not provide an evaluation that demonstrates that the heritage attributes of the protected heritage property will be conserved. The UDB references the character of the neighbourhood but does not address the individual heritage attributes of the neighbouring property. While such an evaluation may help inform an UDB, typically the evaluation itself is not provided in an UDB. Rather, it usually is in the form of a heritage study, such as a Heritage Impact Assessment.
- Adjacent listed non-designated properties are not considered protected heritage properties in the PPS, therefore, a HIA is not required. However, the listed non-designated properties may contribute to the neighbourhood character which should be addressed as part of an UDB.

Traffic Impacts

Concerns have been expressed with respect to potential traffic impacts as a result of this development. Town Staff has indicated that a traffic impact study is not required at this time.

Shadowing Impacts

The applicant has submitted a Shadow Impact Study prepared by Phillip Agar Architect Inc. and dated February 24, 2017 (see Attachment 10) that concluded that “there is minimal to no impact on the surrounding buildings and properties” and that “most of the shadow impact is on public streets” with “some minimal shadow impacts to the adjacent buildings and properties”.

Impacts on Servicing

Concerns have been expressed regarding the ability of the Town’s sanitary treatment and conveyance system, and water supply and distribution system to accommodate the proposed development. Town Staff have indicated that the water and sanitary systems are adequately sized to accommodate the proposed use however, assumptions on flow volumes generated from the site will need to be verified prior to site plan approval.

CONCLUSION

It is staff’s opinion that the proposed development is inconsistent with the PPS, does not meet all of the tests set out in the Official Plan and represents over-development of the site. It is staff’s opinion that the applicant has not demonstrated that the design and scale of the proposed development is compatible within the context of the surrounding neighbourhood. Staff is concerned that the proposed building lengths, massing and form is out of scale with the existing context of the area and could alter the character of the area. There is also a significant contrast when comparing the landscape pattern of the proposed development and existing areas.

For these reasons, it is recommended that the Applications for Official Plan Amendment and Zoning By-law Amendment be refused.

ATTACHMENTS

- 1) Application for Official Plan and Zoning By-law Amendments
- 2) General and specific location maps
- 3) Proposed Official Plan Amendment
- 4) Site plan, schematic elevations and 3D views (August 2017 submission)
- 5) Concept site plan and building elevation (October 2016 and May 2017 submissions)
- 6) Planning Justification Report and Addendum
- 7) Minutes of January 9, 2018 public meeting
- 8) Urban design brief, peer review and related correspondence
- 9) Correspondence received
- 10) Shadow impact study

Respectively submitted,



Mark Stone
Planner



MINUTES
Planning Advisory Committee

December 2, 2019

6:00 pm

Boardroom, Municipal Operations Centre

Members Present: Chair Van Galen
Councillor Hainer
Councillor Craigmile
Susan McMaster

Members Absent: William Galloway

Staff Present: Mark Stone, Planner
Grant Brouwer, Director of Building and Development
Jed Kelly, Director of Public Works
Richard Anderson, Fire Chief
Jason Silcox, Building Inspector
Jenna McCartney, Deputy Secretary / Treasurer

Others Present: Cliff Zaluski, Sierra Construction Group
Steve Cornwell, Sierra Construction Group

1. CALL TO ORDER

Chair Van Galen called the meeting to order at 6 pm.

2. DECLARATION OF PECUNIARY INTEREST

None declared

3. AMENDMENTS AND APPROVAL OF AGENDA

Chair Van Galen stated the Committee received one delegation request related to the matter. The delegation will be from Henry Monteith.

Moved By Councillor Lynn Hainer

Seconded By Susan McMaster

THAT the December 2, 2019 Planning Advisory Committee agenda be accepted as presented.

Carried

4. ACCEPTANCE OF MINUTES

Moved By Councillor Lynn Hainer

Seconded By: Susan McMaster

THAT the June 3, 2019 Planning Advisory Committee meeting minutes be approved and signed by the Chair and the Secretary - Treasurer.

Carried

5. REPORTS

5.1 Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc. 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016)

Mark Stone, Planner for the Town of St. Marys, spoke to the planning application for 151 Water Street North.

Chair Don Van Galen asked the applicant, Cliff Zaluski, to speak to the planning applications.

Cliff Zaluski and Steve Cornwell provided a presentation to the Committee which was distributed upon arrival to the meeting.

Cliff Zaluski provided some of the historical background on the property and stated that their proposal consists of a large structure with similar size and heights as the former school. Mr. Zaluski explained their approach following the January 2018 statutory public meeting to blending the proposed development with the neighbourhood surroundings and addressing shadowing concerns. Mr. Zaluski advised that the south end of the building will be lower in height than the height of the former school building.

Mr. Cornwell provided a summary of his planning experience and stated that the plans submitted to date conform to the requirements of the Planning Act and Provincial Policy Statement. Mr. Cornwell stated the Town does not have any urban design policies or guidelines and therefore did not understand the request for an urban design brief.

Mr. Cornwell stated that a number of the peer review recommendations would be more appropriately dealt with as part of the site plan approval process and is uncertain why the applicant must speak to those details at this stage of planning approvals.

Mr. Cornwell spoke to the heritage designation of an adjacent property and explained that the planning application does not violate any *Heritage Act* regulations in his opinion. The applicant has considered shadowing of the proposed development and provided the Town with a shadowing study. The study revealed that shadowing should not be an issue for the heritage designated home. Mr. Cornwell stated that the applicant is prepared to provide additional reports as would be required at the time of site plan agreement that would safeguard the heritage designation of the adjacent property.

Mr. Cornwall noted that they are seeking an amendment to Section 3.1.2.3 of the Town's Official Plan. Mr. Zaluski and Mr. Cornwell provided two examples of current buildings in St. Marys that blend in with surrounding one story homes and are not causing problems today. When considering traffic, the applicant does not believe that traffic related to the proposed development will be an issue for this area.

Mr. Cornwell provided the following summary of matters related to the planning application:

1. The proposed amendment to the Official Plan would increase the maximum density and height for the proposed residential development are appropriate.
2. The proposed changes to the typical R6 regulations consist of a change to the density and height regulations, and some setback adjustments that will allow the development to better match the existing setbacks of the surrounding uses.
3. The proposed amendments are consistent with the Provincial Policy Statement and conform with the relevant policies of the St. Marys Official Plan.
4. The design of the proposed facility will ensure that there are no urban design related impacts on surrounding land uses, and there will be no significant impacts on the adjacent heritage property.
5. The proposal will help meet a demand for new seniors' housing in St. Marys.
6. Given the proximity to downtown, walking trails and other amenities, the subject property is the best possible location for this type of residential development in St. Marys.
7. The design of the facility has been advanced sufficiently to show that the resulting buildings will be attractive and functional. The final design will be developed through the Site

8. Given the proximity of the proposed development to downtown, we are expecting there will be economic benefits to downtown businesses.
9. The proposed facility will provide new employment opportunities and add to the municipal tax base.
10. Keeping local seniors in town and attracting new residents to St Marys will contribute to economic and social prosperity.

Chair Van Galen thanked the applicant for their presentation and asked the Committee if there were questions.

Susan McMaster recognizes that the south end of the proposed development nearest the heritage designated property is three stories in height while the north end seems to tower the property. Ms. McMaster asked if the three stories are higher than the original school structure.

Mr. Cornwell stated that the proposed development's third story will be about the same height as the original school structure's second story.

Mr. Stone stated the proposed development appears to be closer to Water Street North than the original school structure and would necessitate retaining walls.

Mr. Cornwell stated the proposed development has been moved closer to Water Street North. Mr. Cornwell agreed that the applicant would proposing a 1.5 metre high retaining wall along Water Street North in the southwest corner of the site.

Susan McMaster asked the applicant the reason for seeking relief for such a large proposed development rather than decreasing the size of the development.

Mr. Cornwell stated the applicant is attempting to keep the five stories in the northeast corner of the site, closer to the previous industrial property. Mr. Cornwell stated that the applicant will be incorporating many characteristics to keep the façade of the development complimentary to the area.

Susan McMaster stated that the proposed development appears to be six stories at the north end with parking on the first level and therefore, there would be no residential windows on the first level to improve the appearance of the development.

Mr. Cornwell stated the majority of parking will be below grade at the south end of the development.

Chair Van Galen asked what is the plan for the basement floor.

Mr. Cornwell advised there would be community rooms, a cafeteria, storage units, mechanical rooms, and a patio to the lounge area.

Councillor Hainer asked if staff had received a copy of the market study from the applicant. Mr. Zaluski responded that he will forward the study to staff if it has not already been received.

Mr. Cornwell stated that the area covered in the market study included south of Stratford and north of London as the target market.

Councillor Hainer asked who will manage and operate the proposed development. Mr. Zaluski responded that the applicant intends to retain the property as ownership but will be procuring the services of a management company.

Councillor Hainer raised the issue of affordability and inquired if rental rates are known at this time.

Mr. Zaluski stated the proposed development will encompass 75% two bedroom units and 25% one bedroom units. The final rental fee is not known at this time.

Councillor Hainer raised the concern of what will happen with the occupants of the proposed development when increased care requirements are needed as long term care facilities in St. Marys are already citing shortage of beds.

Mr. Zaluski advised that long term care facilities are regulated by the Province, and they choose where the beds are located. Mr. Cornwell stated the proposed development is offering an opportunity for occupants to reside in St. Marys for longer periods of time with assisted care being available.

Councillor Craigmile stated he has issues with massing and height. Councillor Craigmile asked why each amendment to the proposal appears to come back with increased massing and height.

Mr. Cornwell advised the south end of property was decreased in height.

Chair Van Galen asked Henry Monteith to come forward with his delegation to the Committee.

Henry Monteith of 111 Widder Street East is the Treasurer of the Community for Compatible Development organization. Mr. Monteith believes there have been no material changes to the planning applications since 2016. Mr. Monteith spoke to a petition of 128 signatories that oppose this development. Mr. Monteith suggested that a revisit to the development restrictions presented in the Request for Proposal for 121 Ontario Street South be considered for this proposed development and all future development in St. Marys. Mr. Monteith highlighted that the character of the neighbourhood should be considered when reviewing planning applications.

Mr. Monteith cited the restriction in the Town's Official Plan of three stories and suggested that it should apply to developments in all of the stable neighbourhoods in St. Marys. Mr. Monteith stated he is not against the proposed development in a compatible neighbourhood.

Mr. Monteith addressed traffic. He stated that there will be a significant increase in traffic flow in the coming years as Thames Crest Farms is built out. Coupled with the anticipated traffic related to a 180 unit development that will encompass occupants, visitors, staff and deliveries. Mr. Monteith suggested that the increased traffic volume would not be fair to the existing inhabitants of Wellington Street North.

In conclusion, Mr. Monteith stated that he endorses Mr. Stone's recommendation to the Planning Advisory Committee for this planning application.

Motion by: Councillor Lynn Hainer

Seconded by: Susan McMaster

THAT the Planning Advisory Committee receive this report; and,

THAT the Planning Advisory Committee recommend that Council refuse the Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc., 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016) for the reasons set out in this report.

Carried

Chair Van Galen explained that the recommendation of the Planning Advisory Committee would be received by Council at an upcoming meeting for deliberation on the matter.

6. UPCOMING MEETINGS

Chair Van Galen reviewed the upcoming meeting as presented on the agenda.

7. ADJOURNMENT

Moved By Councillor Lynn Hainer

Seconded By: Susan McMaster

THAT this meeting of the Planning Advisory Committee be adjourned at 7:22 pm.

Carried

Don Van Galen, Chair

Jenna McCartney, Deputy Secretary - Treasurer

Arthur Meighen Manor

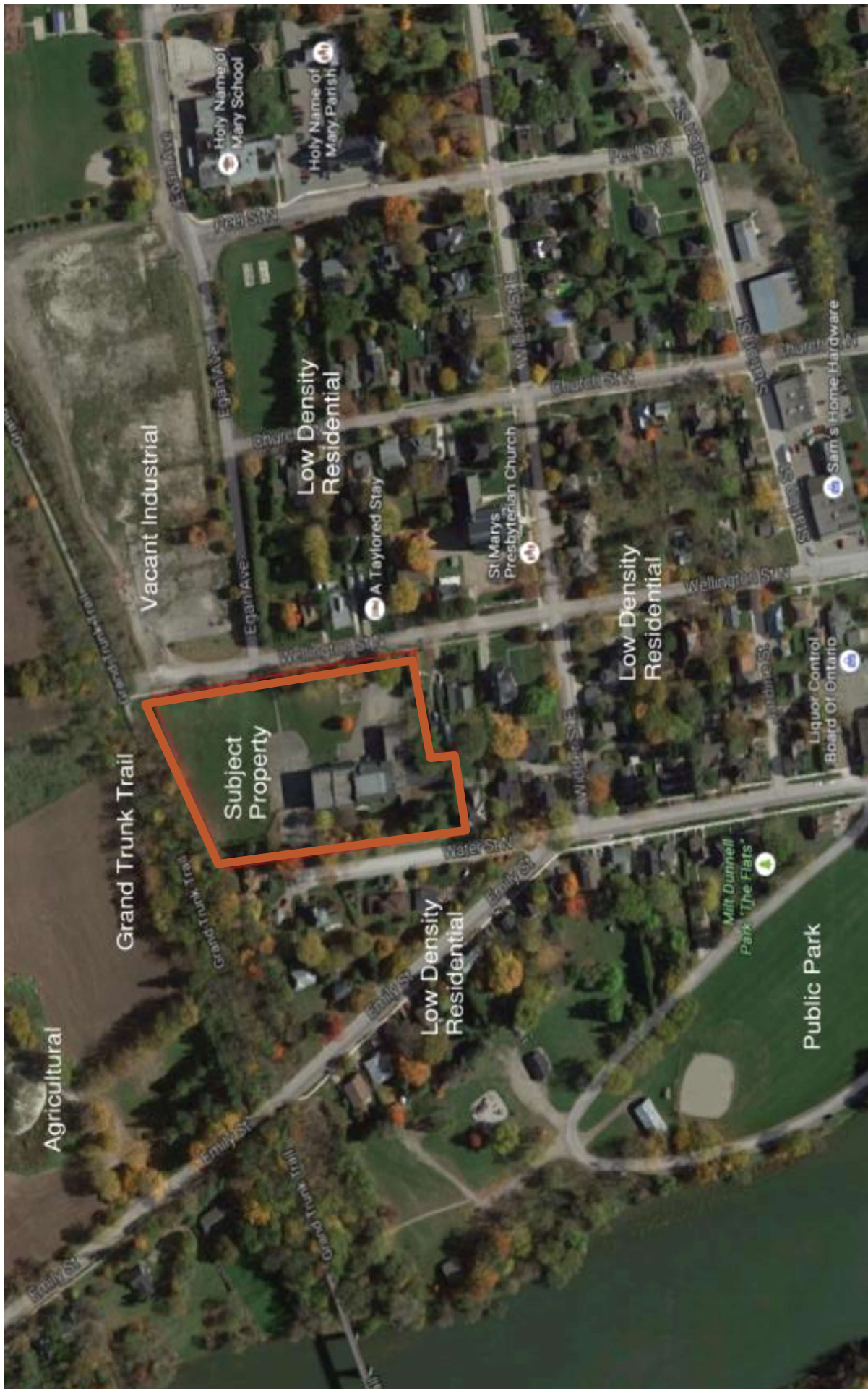
151 Water Street North

Official Plan and Zoning By-law
Amendment

St. Marys Planning Advisory Committee

December 2, 2019

Project Location



Former School Building



What we had in 2015, was a tired building that was unsafe, derelict and beyond salvage.

Oxford Gardens, Woodstock



Our Proposal

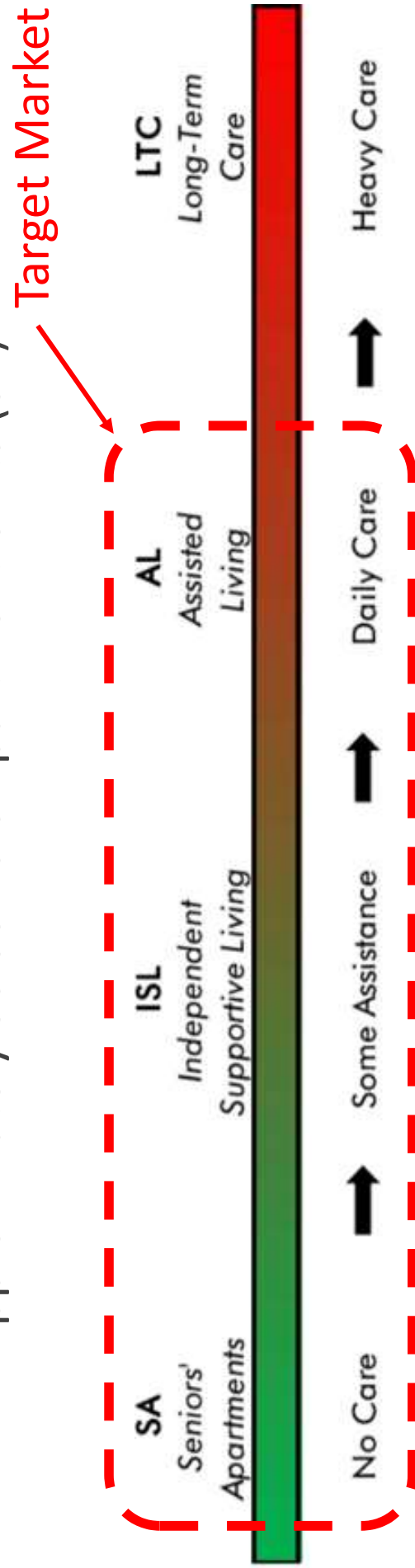
Amendments to the current Zoning and Official Plan to permit the development of a value driven senior's (65+) residence with age-in-place facilities and services.

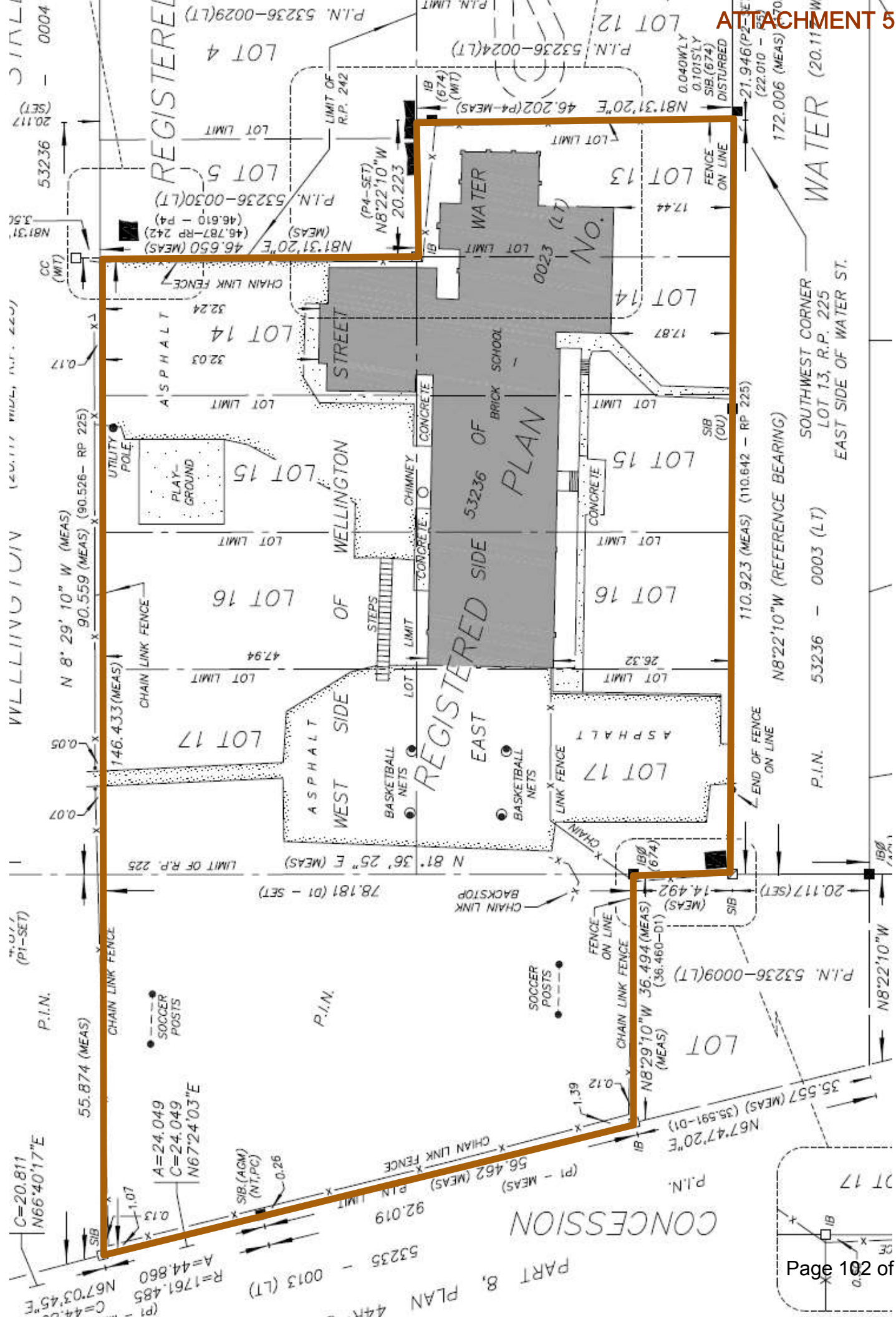
The project will be built in two phases (based on market demand).

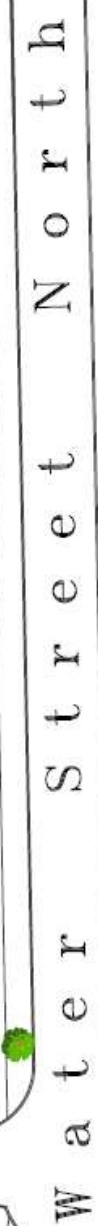
A Market Study has shown significant demand for Seniors' housing.

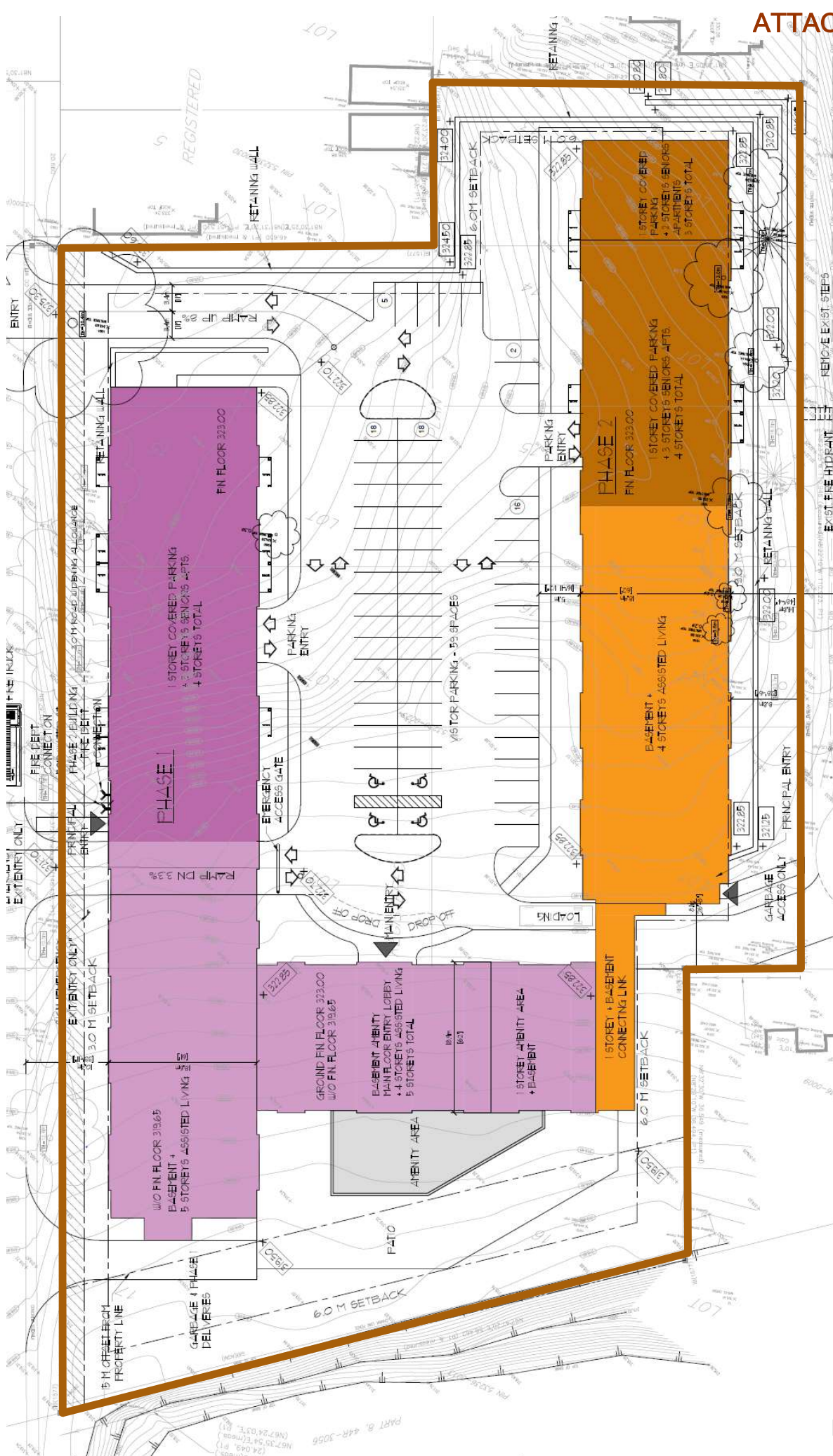
180 total dwelling units (153u/Ha), comprised of:

- Approximately 130 Assisted Living Units (ISL & AL)
- Approximately 50 Seniors Apartment Units (SA)





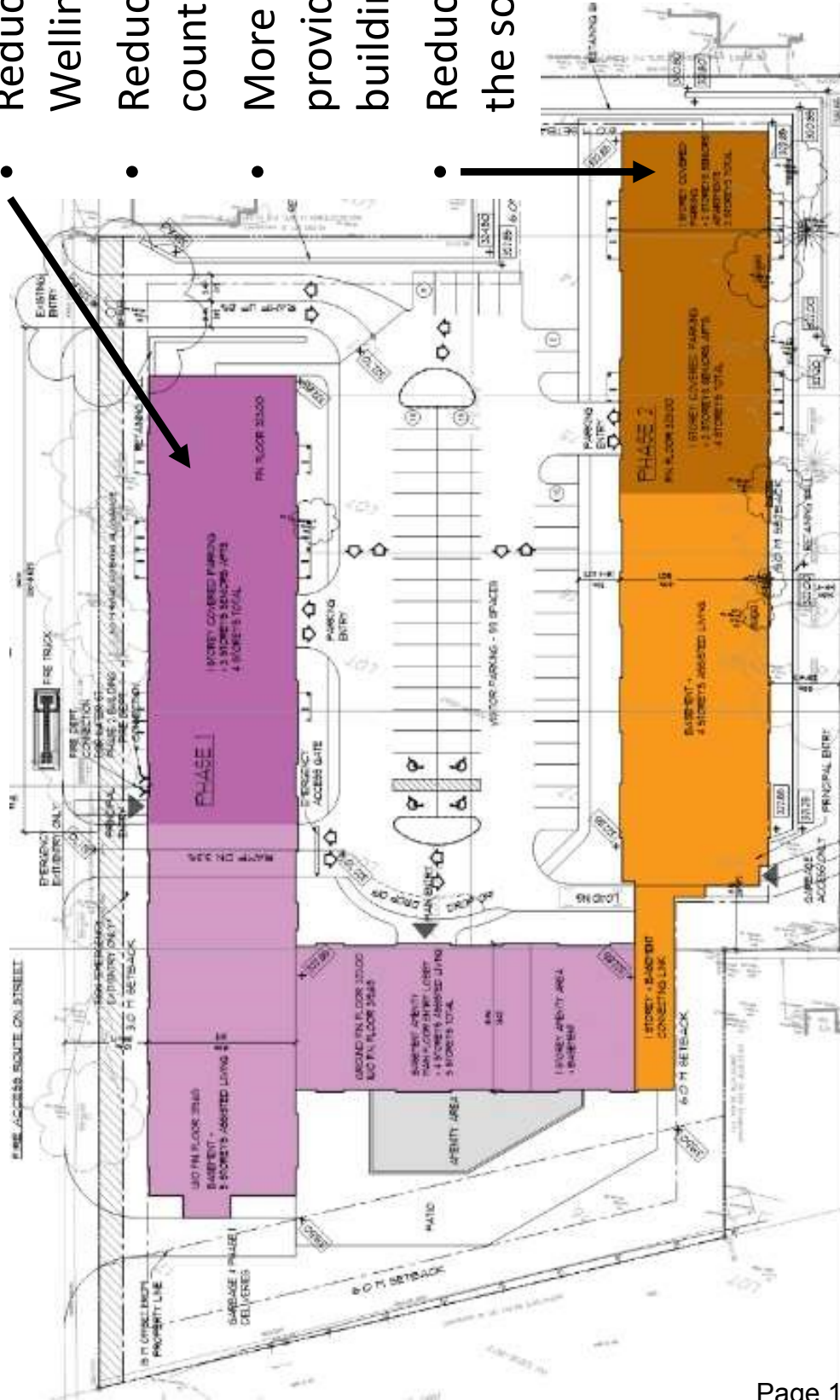




Proposed Development

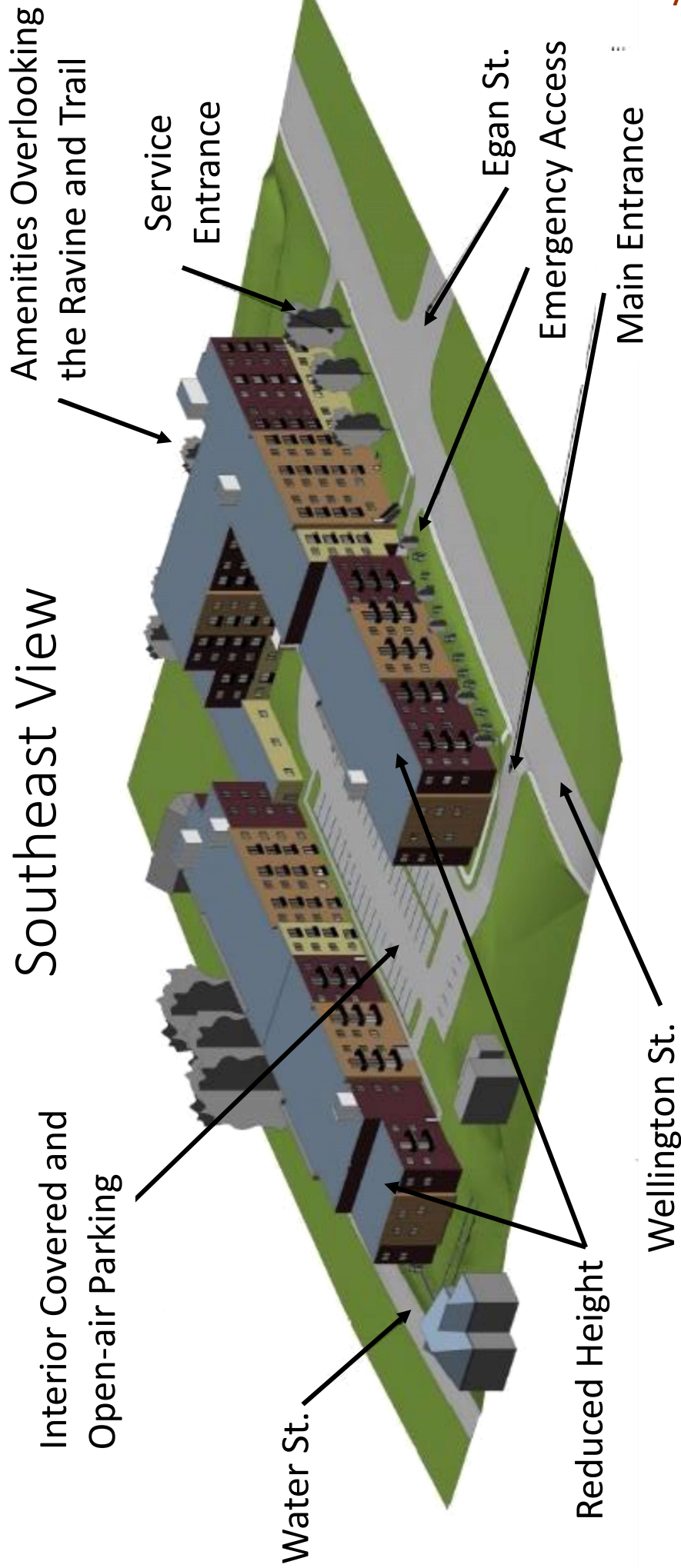
(unchanged from November PAC meeting)

- Reduced height along Wellington St.
- Reduced total unit count (202 to 180)
- More details provided on the building design
- Reduced height in the southwest corner

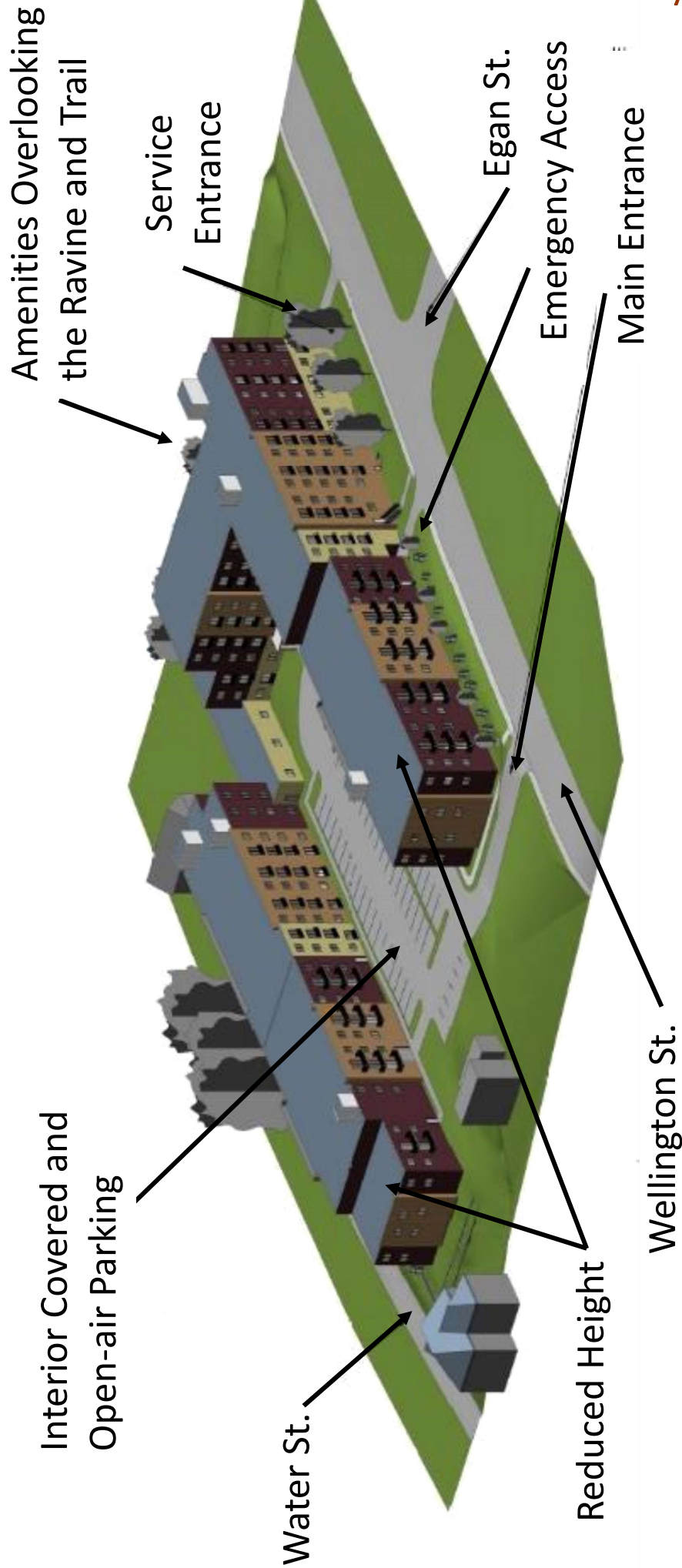


Our Vision

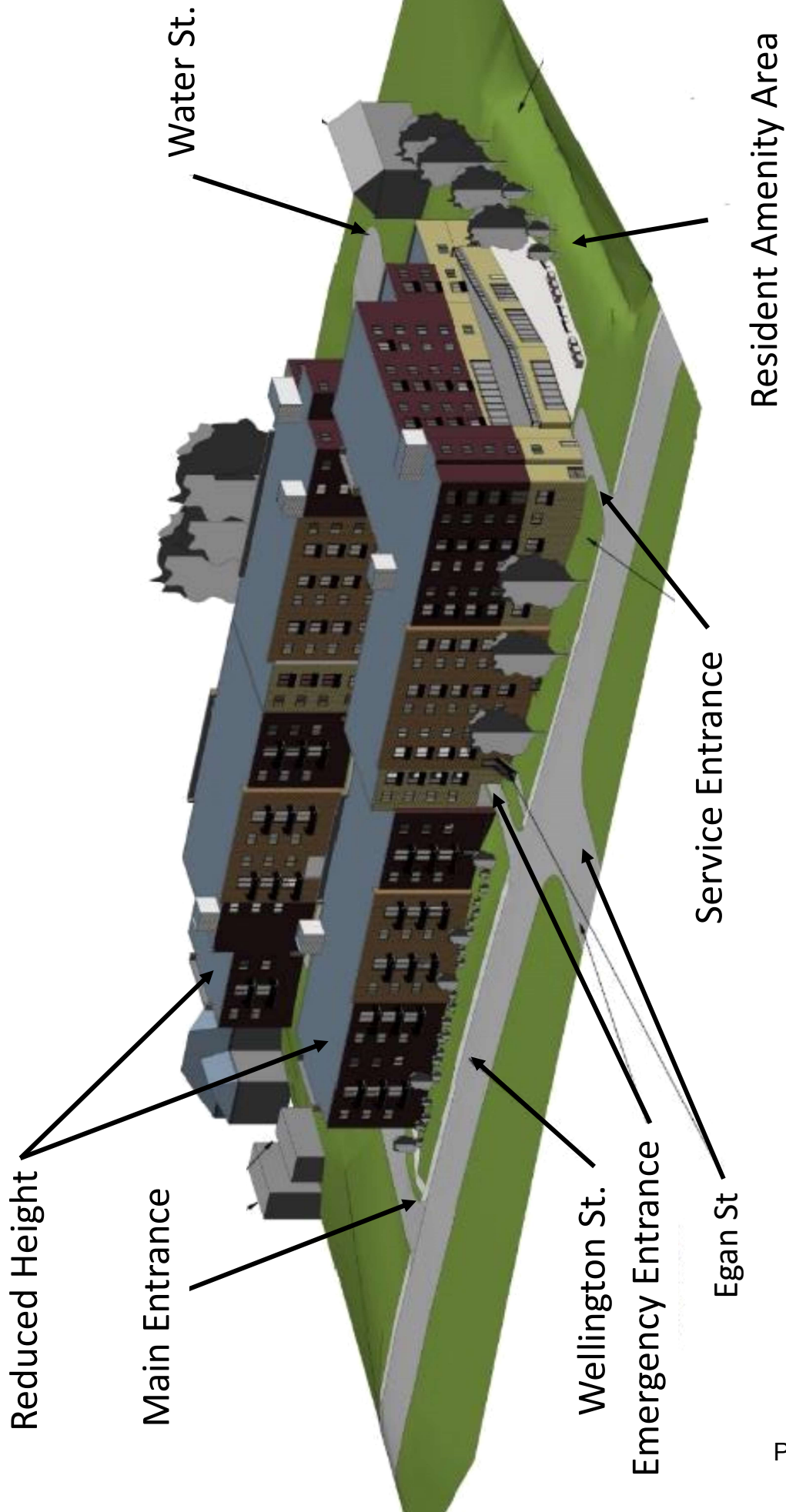
Southeast View



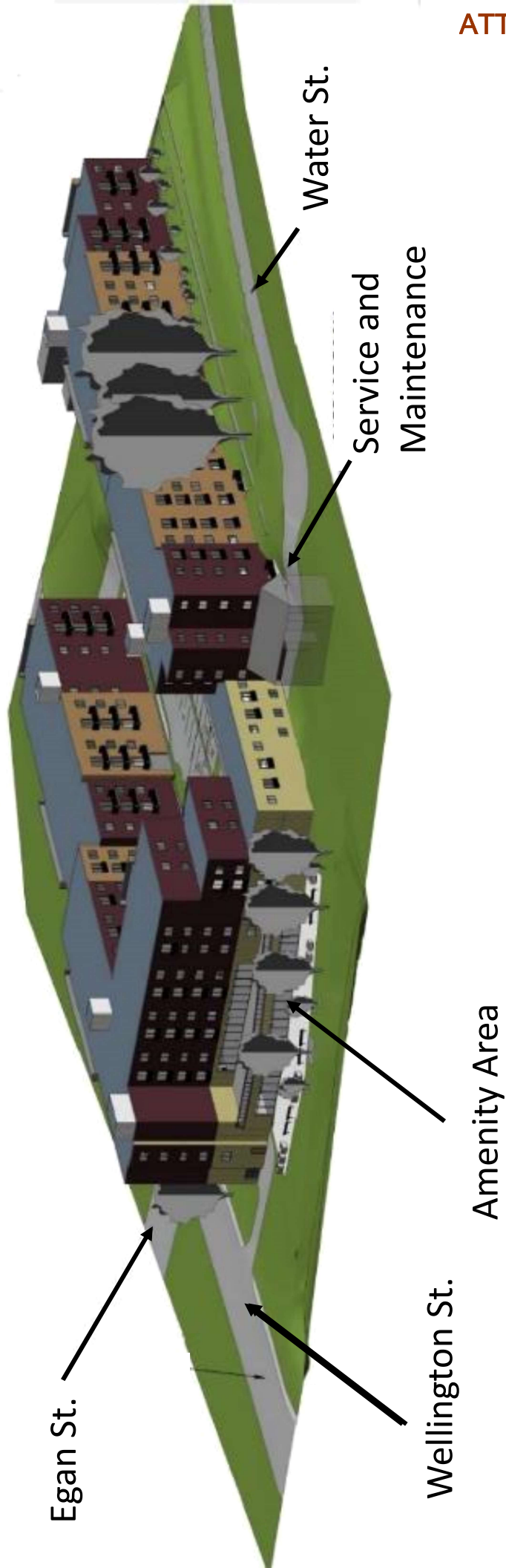
Southeast View



Northeast View

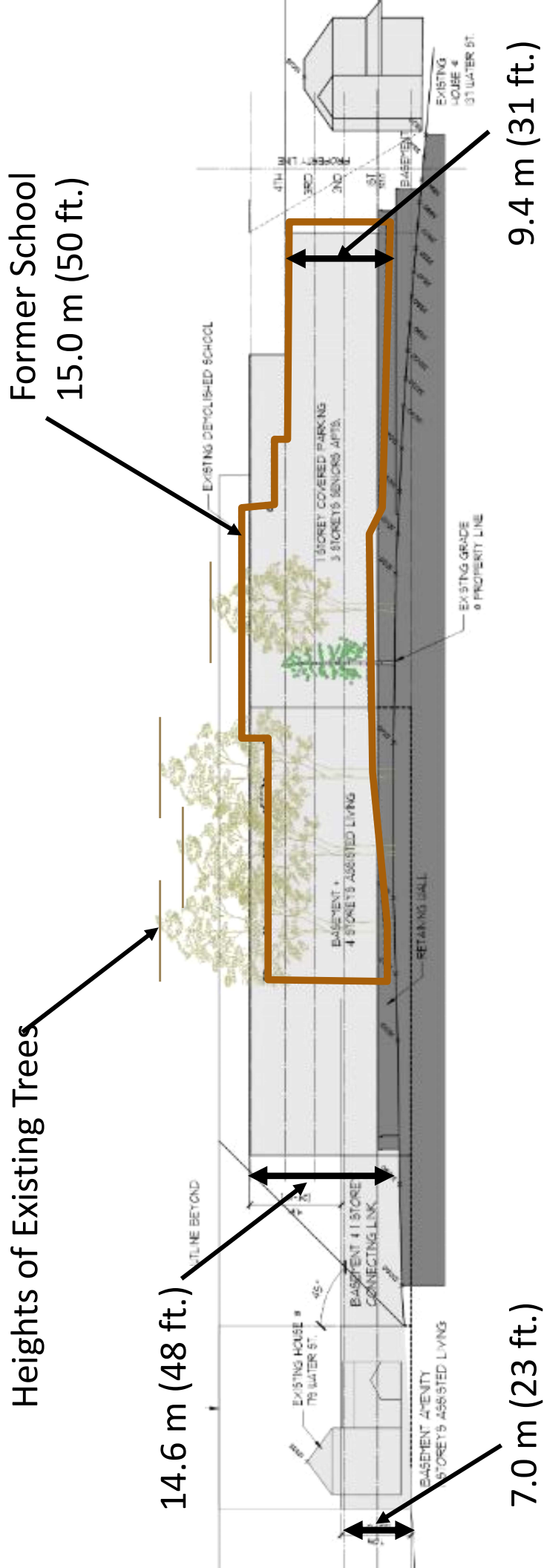


Northwest View



Schematic Elevation

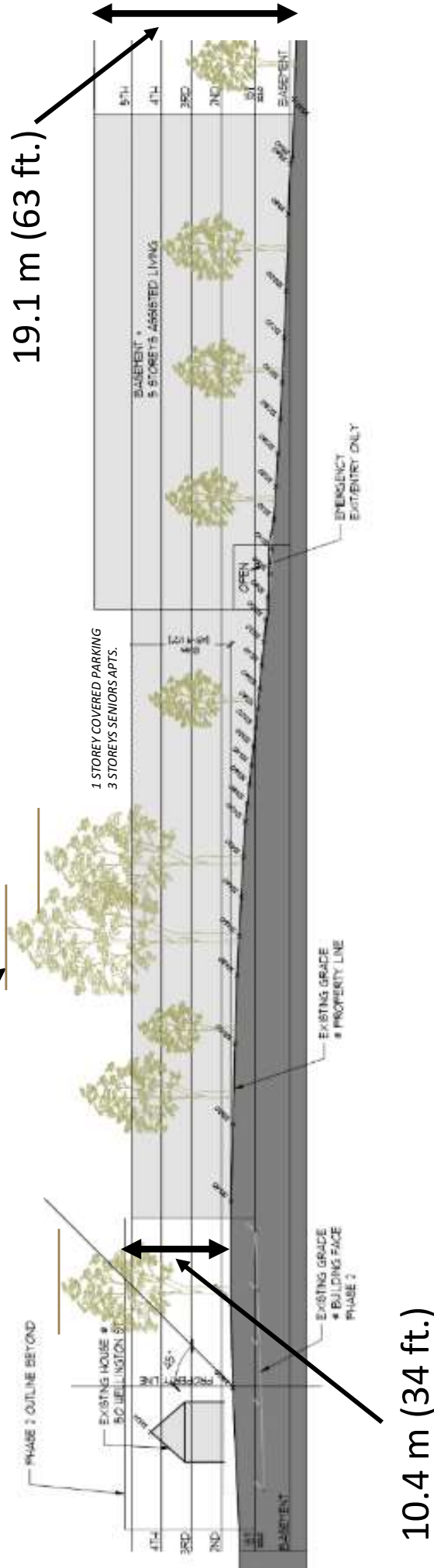
Proposed structure compared to the previous structure....



Water Street North

Schematic Elevation


Heights of Existing Trees



Wellington Street North

Urban Design Brief/Peer Review

[illegible]



ZELINKA PRIAMO LTD
A Professional Planning Practice

MEMO

TO: Grant Brouwer, Director, Building and Development
Town of St. Marys

Mark Stone, Principal
MLS Planning Consultants

FROM: Casey Kulchicky, Senior Planner
Heather Garrett, Senior Planner
Zelinka Priamo Ltd.

DATE: September 12, 2019

RE: Peer Review of Urban Design Brief
151 Water Street, St. Marys, ON
Our File: STMSTM19-01

INTRODUCTION

As requested, we have reviewed the Urban Design Brief ('UDB') that was submitted in support of the proposed Official Plan and Zoning By-law Amendment applications relating to a proposed development at 151 Water Street in the Town of St. Marys. Our comments on the UDB are as follows.

NEIGHBOURHOOD CONTEXT

- The UDB addresses the built form of some of the existing houses on the three bounding streets. Consideration should be given to examining the broader range of the existing neighbourhood of up to 400m (approximate 5 minute walk) from the subject lands in all directions. This analysis should include examining existing built form (architectural style, massing/scale, spatial separation etc.), existing lot fabric, and existing land uses.
- Some photos in the UDB are not labeled, and some photos are not referenced in the text with no analysis provided of the features shown in the provided photos.
- The proposed 5-storey building will impact existing views/capes. An examination of the existing neighbourhood would provide a more thorough context for consideration of the proposed development.
- The drawings provided do not adequately show how the proposed development will integrate into the greater neighbourhood. No surrounding context is provided on the Site Plan, no streetscape plans are provided, and the renderings include only the immediately adjacent buildings.

BUILDING & SITE DESIGN

- The UDB contains only one detailed elevation drawing (east elevation from Wellington Street); and, material labels are not provided. Detailed elevations should be provided

1 | Page

Peer Review Recommendations

- Detailed building elevation drawings;
- Specific building materials information;
- A pedestrian circulation analysis;
- A tree preservation plan; and
- A detailed landscape plan.

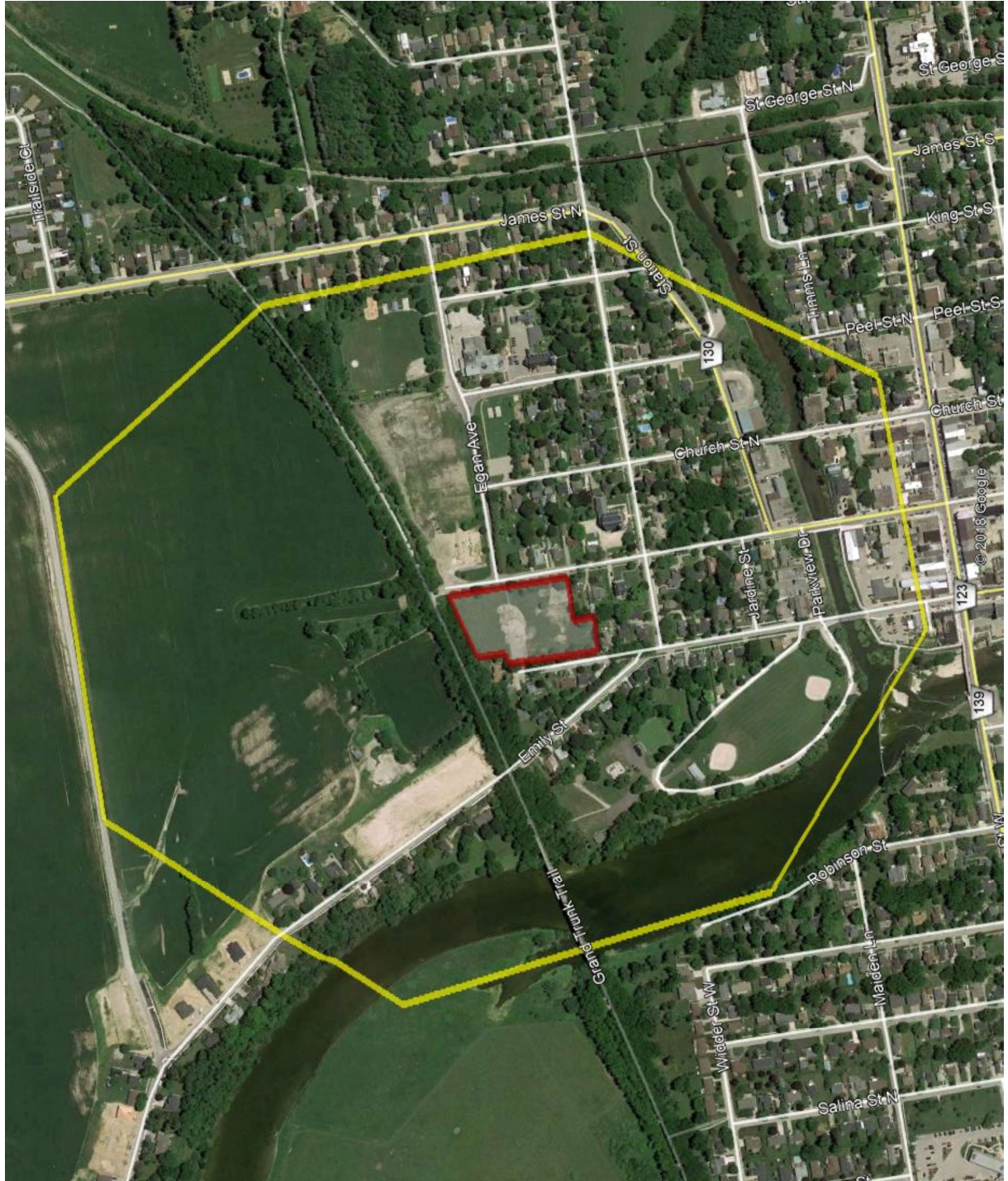
* These documents are all normally prepared and submitted as part of the Site Plan Approval process.

Peer Review Recommendations

- an examination of the built form within a 400 m radius of the site;
- a viewscape analysis;
- building type and design analysis
- a massing analysis
- an analysis of the amount of landscaping provided,
- a lot coverage analysis.

* These documents are not useful within the context of the proposed development.

Approximate 400 m Radius



ATTACHMENT 5

Page 116 of 310

137 Water Street North, St. Marys, Ontario
Lot 12, east side, Water Street North



Date of Construction: 1889

Reason for Designation:

Impressive exterior elements include: a traditional rectangular floor plan with main entrance in centre of west façade onto Water Street, with a two-storey servants' wing at the east or back, symmetry that is offset by a dominant two-storey bay on the west side, incorporated into the north-west rooms on both the first and second floors; a west-facing gable that crowns the bay with original ornate bargeboard; large veranda that starts at the main entrance and wraps around the west and south sides of the house; an original veranda balustrade and decorative elements at veranda eaves; curved balustrade on both sides of steps leading from sidewalk to veranda; fascia and soffit with the original paired brackets with Greek chi design at base and continuous suspended dentillings; cambered lintels made of brick; windows and main entrance door framed to fit; double windows on both levels of the bay with elongated decorative bracket between the two window components – a feature indicating William Williams' design or influence; some original shutters; original shutter hardware in place on windows.

Potential Heritage Impacts (Ontario Heritage Toolkit)

Destruction of any, or part of any, *significant heritage attributes* or features;

Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;

Shadows created that alter the appearance of a *heritage attribute* or change the viability of a natural feature or plantings, such as a garden;

Isolation of a *heritage attribute* from its surrounding environment, context or a *significant relationship*;

Direct or indirect obstruction of *significant views or vistas* within, from, or of built and natural features;

A change in land use such as rezoning a battlefield from open space to residential use, allowing *new development or site alteration* to fill in the formerly open spaces;

Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an *archaeological resource*.

St. Marys Official Plan

Section 3.1.2.3

3.1.2.3 Residential infilling type development is generally permitted throughout the “Residential” designation where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height). 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.

- The proposed amendment is to exempt the property from this Section
- Does not account for circumstance of a one large facility being replaced with another
- Testing an inherently different building form against character of the surrounding single detached uses is not useful

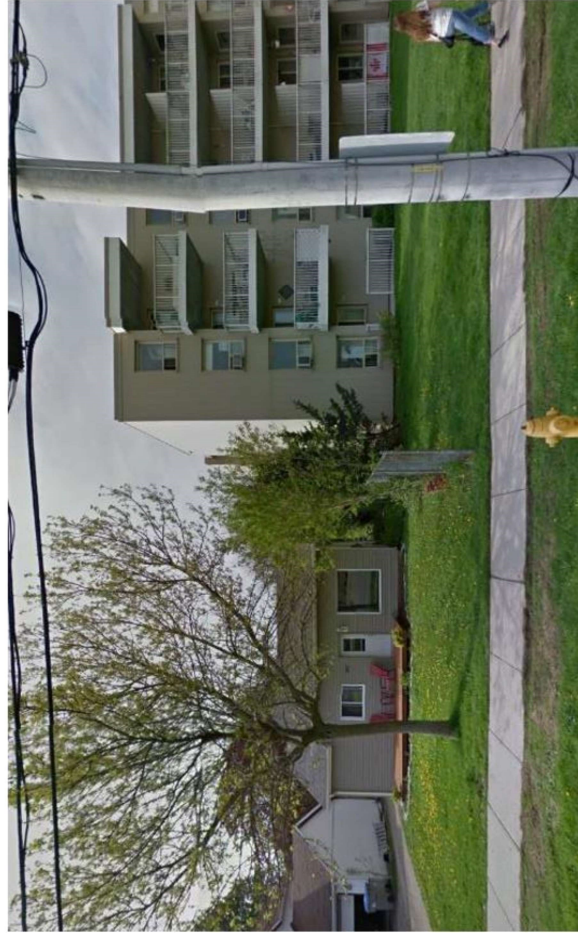
Density

Name	Storeys	Property Size (ha)	Units	Density (units/ha)	GFA (m ²)	FSI
Kingsway Lodge	3.5	0.63	108	171.4	6,038	0.96
Knox Apts.	3	0.21	17	81.0	2,075	0.99
Mason Apts.	2.5	0.43	24	55.8	1,737	0.40
Wildwood Nursing	1	1.56	85	54.5	3,376	0.22
Trillium Apts.	4	0.20	30	150.0	2,072	1.04
Mattiussi Apts.	3	0.14	24	171.4	1,774	1.27
Cain St. Apts.	3	0.08	6	75.0	356	0.45
Elgin St. Apts.	2	0.13	6	46.2	734	0.56
Little Falls Co-op	2	0.49	35	71.4	2,078	0.42
Stoneridge	2.5	1.40	30	21.4	4,055	0.29
151 Water Proposal (Aug 2017)	3 to 5	1.30	180	138.5	22,689	1.75

Density Table from Staff Report

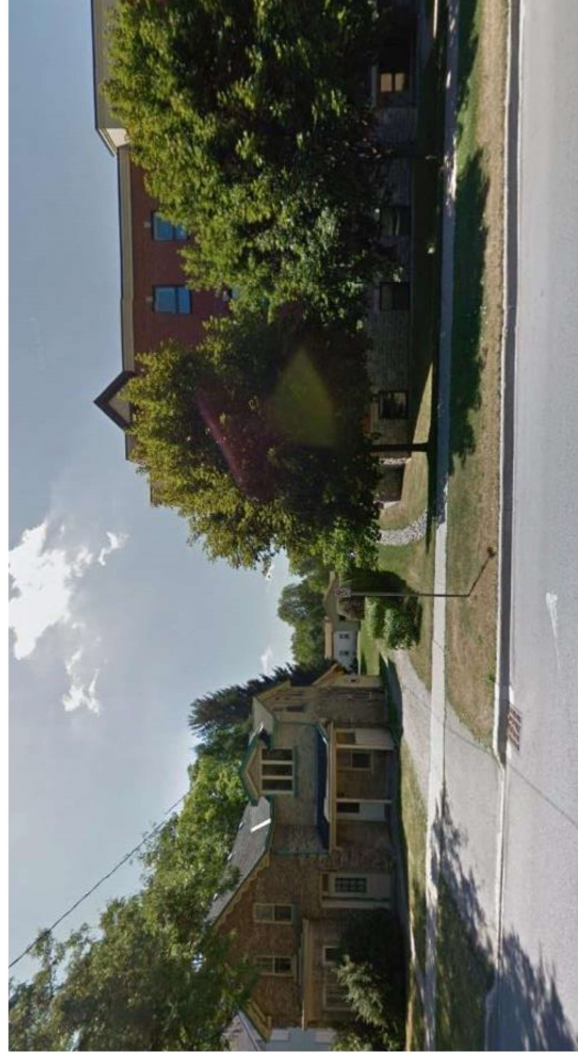
Density

Trillium Apartments – St Marys



4 storeys - 149.3 u/Ha

Kingsway Lodge – St Marys



3.5 Storeys - 170.7 u/Ha

Summary

1. The proposed amendment to the Official Plan would increase the maximum density and height for the proposed residential development are appropriate.
2. The proposed changes to the typical R6 regulations consist of a change to the density and height regulations, and some setback adjustments that will allow the development to better match the existing setbacks of the surrounding uses.
3. The proposed amendments are consistent with the Provincial Policy Statement and conform with the relevant policies of the St. Marys Official Plan.
4. The design of the proposed facility will ensure that there are no urban design related impacts on surrounding land uses, and there will be no significant impacts on the adjacent heritage property.

Summary

5. The proposal will help meet a demand for new seniors' housing is in St. Marys.
6. Given the proximity to downtown, walking trails and other amenities, the subject property is the best possible location for this type of residential development in St. Marys.
7. The design of the facility has been advanced sufficiently to show that the resulting buildings will be attractive and functional. The final design will be developed through the Site Plan and Building Permit approval processes.

Summary

8. Given the proximity of the proposed development to downtown, we are expecting there will be economic benefits to downtown businesses.
9. The proposed facility will provide new employment opportunities and add to the municipal tax base.
10. Keeping local seniors in town and attracting new residents to St Marys will contribute to economic and social prosperity.



FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Mark Stone, Planner
Date of Meeting:	14 January 2020
Subject:	DEV 02-2020 St. Marys Official Plan Review

PURPOSE

The purpose of this report is to provide a summary of changes to the discussion papers and draft Official Plan, and an overview of updates related to population projections, growth management and significant woodlands.

RECOMMENDATION

THAT DEV 02-2020 regarding the St. Marys Official Plan review be received; and,

THAT Council authorize staff to circulate the updated discussion papers to Provincial staff for review and comments, and proceed with a non-statutory public open house to update the community and provide the opportunity for comments on the updated discussion papers and draft new Official Plan.

BACKGROUND

The purpose of a Section 26 review is to ensure that an 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 (PPS). The review also provides an important opportunity for the Town to identify and address administrative, interpretation, policy and mapping issues with the current Official Plan, and provides the community and agencies with the opportunity to assist with the identification of opportunities and issues that can be addressed through the Official Plan.

The Official Plan review also supports the Town's Strategic Plan, in particular with respect to Strategic Pillars 2 (Communication and Marketing), 3 (Balanced Growth), 4 (Culture and Recreation), 5 (Economic Development) and 6 (Housing), in the following ways:

- A comprehensive communication strategy which includes: a dedicated Town webpage that provides updates and downloadable information; notices provided through newspaper advertisements and social media and mailouts to those registered on the Official Plan review mailing list.
- Demographic analysis to identify the needs of current and future residents, identifying infrastructure needs, implementing policies to retain existing industry and attracting new industry to Town, and supporting the commercial sector.
- Policies to:
 - implement the Town's Recreation and Leisure Services Master Plan
 - protect the cultural heritage of the Town and support the downtown
 - encourage a variety of housing options in terms of building forms, tenure, accessibility and affordability

On June 25, 2019, Council adopted the recommendations of the June 18, 2019 Strategic Priorities Committee recommendations as follows:

THAT staff be directed to include policies in the Official Plan review to:

- *Increase the Maximum Permitted Height for all Residential Areas from 3 to 4 storeys*
- *Provide clarity how the average height above grade will be defined, with consideration given to defining the 4 storey maximum by the primary vantage point for the development*
- *Allow for flexibility in the 4 storey maximum for residential developments on green fields and fringe lands of the Town where the impact to the surrounding neighbourhood is limited*

THAT the lands identified and recommended by staff in DEV 40-2019 be included in the Town of St. Marys' residential supply for the purposes of the Official Plan Review and Update; and

THAT Council directs the Planner to create a 'special residential designation' that limits permitted building forms to mid-rise apartments, stacked or back-to-back townhouses and similar medium density development, and/or requires a minimum density of development (e.g. 60 units / hectare) for the purposes of identifying appropriate locations for higher density development in new mixed use areas.

In late June and July, staff updated the Discussion Papers and draft Official Plan based on Council's direction. However in late July, the Province released proposed revisions to the PPS. The following is a summary of some of the key changes to the PPS:

- planning horizon increased from 20 to 25 years;
- housing land supply requirement increased from 10 to 12 years;
- increased flexibility for municipalities with respect to compact form, mixing of uses, densities and phasing;
- added flexibility for settlement area expansions – minor adjustments permitted outside of a comprehensive review subject to certain requirements including no net increase within the settlement area, the ability to meet intensification and redevelopment targets, and appropriate servicing;
- introduction of reference to housing options;
- fast-tracking requirement for certain types of development applications, including for housing; and,
- enhancement of engagement with Indigenous communities.

Based on ongoing discussions with Provincial staff, staff believes that it is likely the proposed changes to the PPS will be approved in the next few months. Town staff have modified the draft Official Plan to conform to the proposed new modified PPS.

The issue for the Town is that Council cannot adopt an Official Plan that does not conform to the current PPS (2014) and cannot adopt the modified new Official Plan until the new PPS is approved.

On November 12, 2019, Council considered a Formal Report from the Building and Planning Department that provided an update on the Official Plan review project, discussed the implications of proposed changes to the PPS, and requested Council direction on next steps in the project. In order to keep the process moving, and also to take this as an opportunity to bring the community up to speed with changes to the discussion papers and the draft Official Plan, Council passed the following resolution:

THAT DEV 62-2019 regarding the St. Marys Official Plan Review – Project Update be received;
THAT Council direct staff to proceed with revisions to the Discussion Papers and draft Official Plan based on the proposed modified Provincial Policy Statement, including the proposed 25-year planning horizon; and

THAT staff present the modified draft Official Plan to Council, circulate the revised Discussion Papers to the Province for review, and proceed with a public open house.

While Provincial staff are not in a position to review the draft Official Plan since it is technically a non-conforming document until the new PPS comes into effect, Provincial staff has agreed to review and provide comments on the updated Discussion Papers.

REPORT

Discussion Papers

A series of discussion papers have been prepared to review and make recommendations with respect to various components of the Official Plan, identify and make recommendations on Provincial conformity and other requirements and, respond to issues identified by the community, Planning Advisory Committee (PAC), Council and agencies. Copies of the updated draft discussion papers are available on the Town's Official Plan review webpage (<https://www.townofstmarys.com/en/doing-business/official-plan-review.aspx>). Key updates to the discussion papers include modifications to the population projections and residential land supply and needs analysis based on the 25-year planning horizon proposed by the Province.

Growth Management

On September 25, 2018, St. Marys Council endorsed an annual growth rate of 1.5 percent for the purposes of the Official Plan review. Staff updated the population growth projections for the Town based on the 1.5 percent growth rate and the 25-year planning horizon under the proposed new PPS.

The estimated 2019 population for St. Marys is 7,268. A 1.5 percent growth rate will increase the total population to 10,547 people in 2044, an increase of 3,279 people over the 25-year planning period.

Residential Paper #4 was updated based on the updated growth projections. In total, 1,808 new dwelling units would be required to meet the needs for the 2039 population (see Table 4 below from the updated Residential Paper).

Population Projections for Town of St. Marys - 2019-2044 (5-year intervals based on 1.5% annual growth rate)

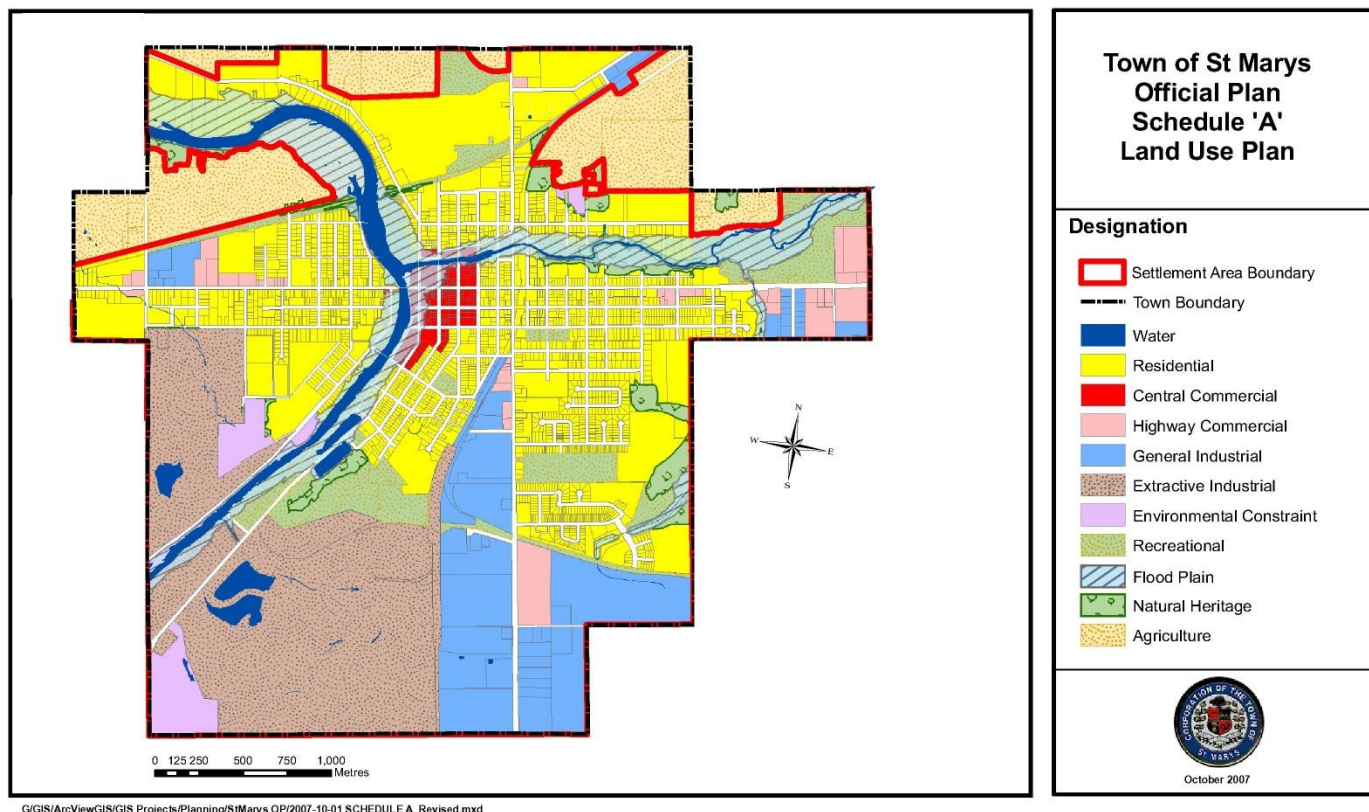
Year	Population
2019	7,268
2024	7,830
2029	8,436
2034	9,088
2039	9,790
2044	10,547

Table 4. Number of Dwellings to Meet Demand

Projected 2044 Population	Persons per Dwelling	Total Dwellings Required to House 2044 Population	Current Number of Dwellings	New Dwellings Required to House 2044 Population
10,547	2.15	4,906	3,098	1,808

*projected number of dwellings based on 2,955 dwellings (2016 Census adjusted) + 143 (actual and projected number of building permits for dwellings issued 2017 to 2019)

A comprehensive review under the PPS may allow for the expansion of a settlement area boundary if there are insufficient opportunities for growth through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon, and subject to other requirements or tests under the PPS. The boundaries of the current settlement area in St. Marys are shown in red on Schedule 'A' of the Official Plan. All lands located outside of the settlement area are designated Agriculture.



As summarized in Table 10 of Residential Paper #4 (shown below), it is estimated that there will be a supply of approximately 1,071 new dwellings units provided within the settlement area through existing registered and draft approved plans of subdivision, site plan approved lands, undeveloped lands designated Residential in the Official Plan, through the creation of infill lots via consent, and secondary units.

Table 10: Assessment Summary

	Units Available
Final approved plans of subdivision	82
Draft approved plans of subdivision	223
Final approved plans of condominium	0
Final approved site plan development	39
Potential residential development areas	602
Potential infill units/lots (next 20 years)	125
Total	1,071

Therefore, there is the need for an additional 737 units (1,808 - 1,071) of supply for the 25-year planning period. However, there is the need to first consider any other opportunities for intensification. Staff has included policies in the Official Plan to allow for some mixed-use development in the form of residential apartment units in commercial buildings and low-rise apartment buildings on some properties designated Highway Commercial. Vacant or underutilized properties designated Highway Commercial,

mainly along the Queen St., Corridor, have been identified as potential sites for intensification in the land inventory and mapping shown below.

Potential Highway Commercial Intensification Sites

HC-	Address	Land Area - ha			% of Net for Residential Intensification	Land Area for Residential Intensification	Land Area for Residential Intensification at 25% Coverage (3)	m ²			Storeys	
		Gross	Constraints (1)	Net (2)				Apartment Floor Area (3 storeys)	Apartment Floor Area (4 storeys)	Floor area per unit	3	4
1	385 Queen W	0.53		0.53	25%	0.13	0.03	994	1,325	90	11	15
2	365 Queen W	0.5		0.50	20%	0.10	0.03	750	1,000	90	8	11
3	780 Queen E	4.24		4.24	10%	0.42	0.11	3,180	4,240	90	35	47
4	940 Queen E	3.88		3.88	20%	0.78	0.19	5,820	7,760	90	65	86
5	895 Queen E	4.5	2.00	2.50	20%	0.50	0.13	3,750	5,000	90	42	56
6	323 Queen W	0.22		0.22	25%	0.06	0.01	413	550	90	5	6
7	665 James N	0.42		0.42	100%	0.42	0.11	3,150	4,200	90	35	47
8	478 Water S	0.53		0.53	100%	0.53	0.13	3,975	5,300	90	44	59
TOTALS											245	326

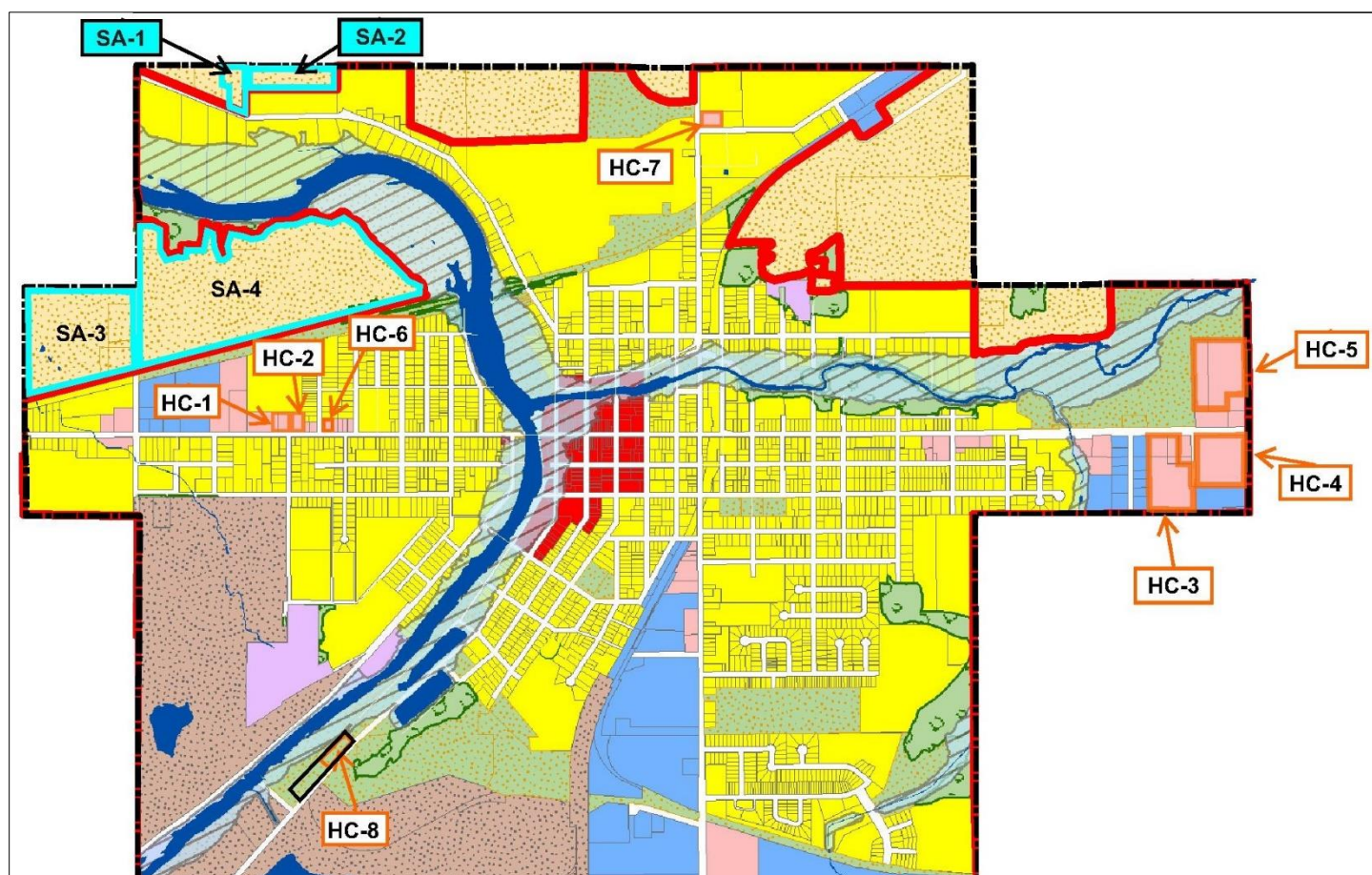
1 Constraints = natural heritage or hazards

2 Net = gross - constraints

3 35% maximum lot coverage in R5 Zone - 25% used based on review of other low rise projects in Ontario with similar community context as St. Marys

Assuming 50% of potential units will be built in next 25 years

122 163



Based on the above analysis, it estimated that intensification on Highway Commercial sites will provide in the range of 122 to 163 apartment units over 25-year planning period. Using the lower end of the range, the number of additional units required is reduced to 615 (737 - 122). The Town has identified supply in existing designated growth areas and redevelopment and intensification opportunities in accordance with the PPS. In order to ensure that there is a sufficient supply of land for anticipated

population growth, it is necessary to consider lands currently designated Agriculture and outside of the settlement area.

As summarized in previous staff reports, an analysis has been undertaken to identify and assess potential lands for expansion of the Town's settlement area to add additional lands for future growth. A number of factors and potential constraints to development have also been considered including:

- the availability of municipal services (water and sanitary);
- the need for road improvements;
- floodplain or hazard lands;
- topographical conditions that make it difficult and/or costly to develop;
- natural heritage features, including potential significant woodlands;
- degree to which development has already occurred in the area;
- size and configuration of lands; and,
- existing and planned uses in area.

Two initial properties, previously discussed, have been identified for potential settlement area expansion as summarized in the following chart. 15 units per net hectare has been used to estimate the unit yield on available lands (i.e. available land does not include natural heritage, hazards, roads and parks).

	Address (Owner)	Description/Constraints	Net Land Area (ha)	Potential Units
Settlement area expansions				
SA-1	555 Emily (Hensel)	<ul style="list-style-type: none"> • Potential to contribute to comprehensive planning/development with SA-2 and could help address potential issues with lack of water looping in area. 	1.03	16
SA-2	0 Emily (Stonetown Farms)	<ul style="list-style-type: none"> • Logical to apply Residential designation along with southern half of property already designated Residential and could help address potential issues with lack of water looping in area. • Potential significant woodland – EIS submitted concluding that woodland is not significant 	2.9	44
Totals			3.93	60

With the addition of these lands, the number of additional units required for the 25-year planning period is further reduced to 555 (615 - 60).

Two larger areas, previously discussed, located west and east of Thames Road and north of Queen Street West have been identified for potential settlement area expansion as summarized in the following chart:

	Address (Owner)	Description/Constraints	Net Land Area (ha)
Settlement area expansions			
SA-3	555 Emily (Hensel)	• There may be some challenges with sanitary servicing.	14.9
SA-4	0 Emily (Stonetown Farms)		32.0
Total			46.9

Targets of 60 percent low density (single and semi-detached) and 40 percent medium and higher density development has been used to assist in determining the yield on these larger potential Greenfield lands. As directed by Council, staff added a new Medium/High Density Designation to the draft Official Plan that limits building forms to mid-rise apartments, stacked or back-to-back townhouses and similar medium density development, and is intended to ensure early provision of higher density, affordable housing on Greenfield properties. Based on the above, the following assumptions have been made for new Greenfield development:

- 60% singles and semi-detached units at an average density of 15 units per net hectare
- 20% townhouses and multiples at an average density of 25 units per net hectare
- 20% stacked and back-to-back townhouses and apartments at an average density of 45 units per net hectare

Dwelling Types	Targets (%)	Net Land Area (ha) ¹	Average Density (units/net ha)	Potential Units
Single and semi-detached	60	28.14	15	422
Townhouses and multiples	20	9.38	25	236
Stacked and back-to-back townhouses Apartments	20	9.38	45	422
		46.9		1,080

1 – Total net land area for SA-3 and SA-4 (46.9 ha) x applicable target

Based on the above, only about half of the lands comprising SA-3 and SA-4 will be required to meet the 25-year land supply requirements. Following Council's consideration and direction, further assessment will be required with respect to determining a recommended settlement area expansion at the north end of Thames Road.

Natural Heritage

There are no known significant wetlands, valley lands, wildlife habitats, areas of natural or scientific interest, habitat of endangered and threatened species in the Town, however policies are required in the Official Plan to provide direction with respect to the identification and protection of such areas and features in accordance with the PPS.

In order to assist in this conformity requirement, the Town agreed to participate in the Perth Natural Heritage System Study (NHSS). The NHSS provides a landscape level assessment of natural heritage features and functions in Perth County including St. Marys and Stratford, and is intended to assist in the establishment of a local approach for identifying the terrestrial natural heritage system as required by the PPS (fish habitat and other aquatic habitat features are not identified in the NHSS). The NHSS

incorporates the most current information available from the Ministry of Natural Resources and Forestry to identify the natural heritage features and areas that they are responsible for identifying as per the PPS definition of significant (e.g. provincially significant wetlands and Areas of Natural and Scientific Interest).

The Perth NHSS established 1 hectare as minimum size requirement to classify any woodland vegetation group as significant. As noted in the NHSS, the County “had already defined/established significant woodlands as ≥ 1 ha in their Official Plan” and “to ensure the current level of protection is maintained, this PNHSS also adopts the ≥ 1 ha as the woodland size cutoff”. At the outset of the NHSS project, a reduced woodland size threshold was considered appropriate for St. Marys however, local concern has been expressed with the 1-hectare threshold. Council directed staff to analyze alternative size thresholds for the identification of significant woodlands in the Town.

The Province’s Natural Heritage Reference Manual provides technical guidance for implementing the natural heritage policies of the PPS. The Manual provides direction for the criteria for evaluating the significance of woodlands. In addition to woodland size criterion, other criterion based on functions or characteristics are used in the identification of significant woodlands, and may be obtained only by site inspection, usually completed at later stages in the planning process and on a more area or property specific basis (e.g. as part of applications for official plan amendment, zoning by-law amendment, plan of subdivision, consent and/or site plan approval). An excerpt from Table 7-2 of the Manual, showing the woodland size criteria and standards, is provided below.

Table 7-2: Recommended Significant Woodland Evaluation Criteria and Standards

CRITERIA COMMENTS	STANDARDS
1. WOODLAND SIZE CRITERIA	
<ul style="list-style-type: none"> Size refers to the areal (spatial) extent of the woodland (irrespective of ownership). Woodland areas are considered to be generally continuous even if intersected by narrow gaps 20 m or less in width between crown edges. Size value is related to the scarcity of woodland in the landscape derived on a municipal basis with consideration of differences in woodland coverage among physical sub-units (e.g., watersheds, biophysical regions). Size criteria should also account for differences in landscape-level physiography (e.g., moraines, clay plains) and community vegetation types. 	<p>Where woodlands cover:</p> <ul style="list-style-type: none"> is less than about 5% of the land cover, woodlands 2 ha in size or larger should be considered significant is about 5–15% of the land cover, woodlands 4 ha in size or larger should be considered significant is about 15–30% of the land cover, woodlands 20 ha in size or larger should be considered significant is about 30–60% of the land cover, woodlands 50 ha in size or larger should be considered significant occupies more than about 60% of the land, a minimum size is not suggested, and other factors should be considered <p>Note:</p> <p>The size threshold should be reduced in the absence of information for the other three criteria.</p> <p>As a consideration in addressing the potential loss of biodiversity, the largest woodland in the planning area (or sub-unit) should be identified as significant.</p>

It is important to note that the size of a property is not relevant when considering the size of a woodland. Also, the size of a woodland is not affected if the woodland extends across multiple properties or across municipal boundaries. Furthermore, woodland areas are considered to be generally continuous even if intersected by narrow gaps 20 metres or less in width between crown edges.

According to the NHSS, forest cover in St. Marys is in the 6 to 7 percent range. Based on Table 7-2 above, where there is woodland cover between 5 and 15 percent, woodlands 4 hectares in size or larger should be considered significant. In moving to a 4-hectare threshold for significant woodlands in the Town it is noted that wooded areas that would no longer meet the threshold may still be considered as significant woodlands if other criteria are met. For example, significance can be determined if a woodland vegetation group is located within 30 metres of an open watercourse, or within or touching a significant valleyland.

Draft Official Plan

Proposed amendments to the Official Plan are shown in track changes format, however it is noted that a detailed Official Plan Amendment will ultimately be required for Council approval. The following is a high level summary of proposed modifications to the Town's Official Plan:

- Section 2.3 (Heritage Conservation) – removal of Schedule D and associated policies respecting location of heritage conservation sites, and addition of policies respecting heritage impact assessments, designation of Heritage Conservation Districts, cultural heritage landscapes and viewscape protection. (Boundaries of community improvement areas moved to Schedule A).
- Section 3.1 (Residential) – addition of policies respecting compatible development, evaluating neighbourhood character, infill and intensification, accessory apartments and encouraging affordable housing. Increase to the maximum permitted height from 3 to 4 storeys. Introduction of new Medium/High Density designation that limits permitted building forms to mid-rise apartments, stacked or back-to-back townhouses and similar medium density development for the purposes of identifying appropriate locations for higher density development in Greenfield areas.
- Section 3.2 (Central Commercial) – designation name changed to 'Downtown' and addition of policies to allow residential on ground floor of low rise apartment buildings in certain areas based on criteria.
- Section 3.3 (Highway Commercial) – addition of policies to permit some mixed-use development in the form of residential apartment units in commercial buildings and low-rise apartment buildings on some properties designated Highway Commercial.
- Section 3.4 (General Industrial) – broadening of permitted uses and addition of policies restricting the conversion of employment areas to non-employment at the time of a comprehensive review.
- Section 3.5 (Extractive Industrial) – addition of policies respecting rehabilitation of extraction sites, sensitive land uses, and wayside pits and portable asphalt plants.
- Section 3.7 (Recreational) – update to park classification to implement Town's Recreation and Leisure Services Master Plan, and addition of policies promoting active transportation.
- Section 3.9 (Natural Heritage) – addition of policies to ensure conformity with Provincial Policy Statement including policies respecting significant wetlands, wood lands, significant valleylands, significant wildlife habitat, etc.
- Section 3.10 (Agricultural) – change designation name to 'Rural'.
- Section 4 (Division of Land and General Land Use Policies) – addition of policies regarding urban design and sustainable development.
- Section 5.6 (Source Water Protection) – new section added to ensure the protection of municipal drinking water supplies and addition of new Schedule D.
- Section 7.25 (Complete Applications) – new section added to provide policy direction with respect to pre-consultation, required information and studies in support of Planning Act application(s), and part lot control.
- Consolidation of Official Plan Amendment Nos. 26 to 33 into the Official Plan.
- Changes to Schedule B to reflect physical changes to road network and reclassification of section of Water Street North (between Queen & Emily) from Collector to Local Road
- Addition of new Appendix 1 to identify potential significant woodlands

FINANCIAL IMPLICATIONS

None known at this time.

SUMMARY

It is recommended that Council authorize staff to circulate the updated discussion papers to Provincial staff for review and comments, and proceed with a non-statutory public open house to update the community and provide the opportunity for comments on the updated discussion papers and draft new Official Plan.

STRATEGIC PLAN

- ☒ This initiative is supported by the priorities, outcomes, and tactics in the Strategic Plan, as summarized in the 'Report' section of this report.

OTHERS CONSULTED

None.

ATTACHMENTS

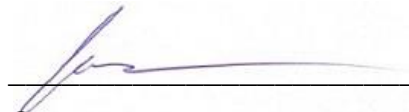
- 1) Draft Official Plan
- 2) Draft Discussion Papers

REVIEWED BY

Recommended by the Department

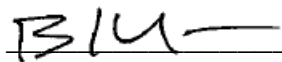


Mark Stone
Planner



Grant Brouwer
Director of Building and Planning

Recommended by the CAO



Brent Kittmer
CAO / Clerk



OFFICIAL PLAN

of the Town of St. Marys



Town Hall - St. Marys

Colin McQuinn '97

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 (December 2019)

1.0 SECTION 1 - INTRODUCTION

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



2.0 SECTION 2 – GOALS AND GENERAL PRINCIPLES

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 M'GUIRE '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.

3.0 SECTION 3 – LAND USE POLICIES

The following chapter provides the detailed requirements for each of the following land use categories: Residential, Central Commercial, ~~Downtown~~, 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.

The Town has identified an average annual growth rate of 1.5 percent for the Official Plan 20-year planning period. Some of the considerations leading Council to select this growth rate include: St. Marys’ growth rate of 1.14% between 1986 and 2016, and 1.81% between 2011 and 2016; Ministry of Finance projections for long term growth in the Province which have increased from 1.1 to 1.8 percent in 2018 (reference projection); increases in long-term projections for Perth County from the 1.2 percent projected decline between 2012 and 2036 (2013 Ministry update) to a projected 11.4 percent increase between 2017 and 2041 (2018 Ministry update); increasing residential development activity based on Town building permit data; and, more aggressive growth expectations for the Town as a result of a number of policy initiatives approved or being considered (e.g. encouraging more infill and intensification development, increasing the maximum permitted height of residential buildings from three storeys, permitting secondary units in residential dwellings as-of-right, intensification/mixed use on some Highway Commercial properties, policies that will encourage updates to the Town’s Zoning By-law to permit more intense development).

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 450 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 ~~120~~ 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 250 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 120 years and Council will make available sufficient servicing to provide at least a 33 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 3.1.2.187 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 New development, intensification and infilling is permitted throughout the “Residential” designation provided it 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.~~
- 3.1.2.3.1 3.1.2.3.1 General Policies for New Development and Intensification/Infill
- a) Development shall respect the existing character of the surrounding neighbourhood through compatible and complementary building siting, massing, height and scale.
 - b) Proposed land uses and development should have minimal impacts on adjacent properties in relation to grading, drainage, shadowing, access and circulation, and privacy.
 - c) 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 storeys.
 - 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, changes in densities and massing, and 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) The exterior design of buildings should be compatible with the materials and characteristics of existing buildings in the neighbourhood, including materials, colours, architectural detail, landscaping, and streetscape elements.
- g) The preservation and protection of the natural open space system, cultural heritage resources, views and vistas shall be considered in the design of new development.
- h) Proposed development will not create a traffic hazard or an unacceptable increase in traffic on local roads.
- i) Generally, there should be minimal changes to existing site grades.

3.1.2.4 3.1.2.4—Council will favour encourage 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 The approval of draft plans of subdivision and draft plans of condominium will ensure a range of housing types and choices in each phase of development.

3.1.2.6 In designing new Greenfield areas, a vision and general pattern of development for the area should first be established and should include determining:

- a) the location, size and density of various forms of residential development;
- b) the pedestrian network;
- c) the location, size and configuration of parks and schools (if required); and,
- d) general servicing schemes and phasing of development.

A mix of various types of housing on each street is encouraged while considering the relationship and compatibility of housing (including forms, heights and massing). Greenfield areas may consist of one or more ownerships.

3.1.2.7 “Net density” means total number of dwelling units per hectare divided by the developable portion of a property or site, and does not include natural heritage, floodplain, parkland, roads and infrastructure. “Gross density” means the total number of dwelling units per hectare divided by the developable portion of a property or site. Gross density does not include natural heritage or floodplain, but would include other forms of non-residential development (such as roads, parks, infrastructure, etc.).

3.1.2.8 Medium/High Density Residential Sub-designation

Within the “Residential” designation, the Town has established a “Medium/High Density Residential” sub-designation intended, in part, to ensure the early provision of higher density, affordable housing on Greenfield properties. Building forms on lands designated “Medium/High Density Residential” shall be limited to low and mid-rise apartments, stacked or back-to-back townhouses, and similar higher density forms of housing.

Medium/High Density Residential block(s) shall be provided on any Greenfield lot or area 5.0 hectares or larger in size, and the location, size and density of these areas shall be determined based on certain criteria established by the Town including:

- a) A minimum of 20 percent of units shall fall within the Medium/High Density Residential category with a minimum overall density of 45 units per net hectare on Medium/High Density blocks;
- b) Consideration of all of the policies of this plan including the policies of Sections 3.1.2.3.1 and 3.1.2.3.3 for the development of townhouse, multiple and apartment dwellings and the urban design policies of Section 4.3.2.1; and,
- c) The maximum building height of apartment buildings shall be six storeys or 20.0 metres whichever is less.

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

- a) Single-detached dwellings 10-15 units per hectare;
- b) Semi-detached and duplex dwellings 15-25 units per net hectare;
- be) Street Townhouses and multiplex dwellings 25-40 units per net hectare;
- cd) Low and mid-rise apartments, and stacked and back-to-back townhouses 40-90 units per net 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.~~

~~3.1.2.117 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-four full stories above average finished grade (with the exception of lands designated Medium/High Density Residential) 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 90 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, RSO 1990.

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.

3.1.23.110 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. On any lot in the Residential designation, one accessory apartment shall be permitted in any a single-detached, semi-detached or rowhouse dwelling. An accessory apartment shall also be permitted in any building or structure ancillary to a single-detached, semi-detached or rowhouse dwelling. The following policies shall apply to any accessory apartment in the Town:

- a) 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;
- 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 and semi-detached-detached dwellings, 20% medium density attached townhouse and multiple dwellings, and 20% higher density dwellingsdevelopment. These targets are holistic to the Town and it is not Council's intention that every development will meet these objectives. The achievement of the housing mix target on a yearly basis shall not be required; however, the Town will review the achievement of the target at least every five years and will monitor the achievement of the target on an annual basis. Appropriate planning justification shall be provided with any proposed residential development to demonstrate that approval of the development will contribute to, or will not adversely impact, the achievement of the housing mix target.

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 of 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.

3.1.2.2019 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.

3.1.2.21~~0~~ 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.

3.1.2.22~~4~~ 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.

3.1.2.23~~2~~ 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.

3.1.2.243 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; and,
- 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.

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.

- gd) 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).

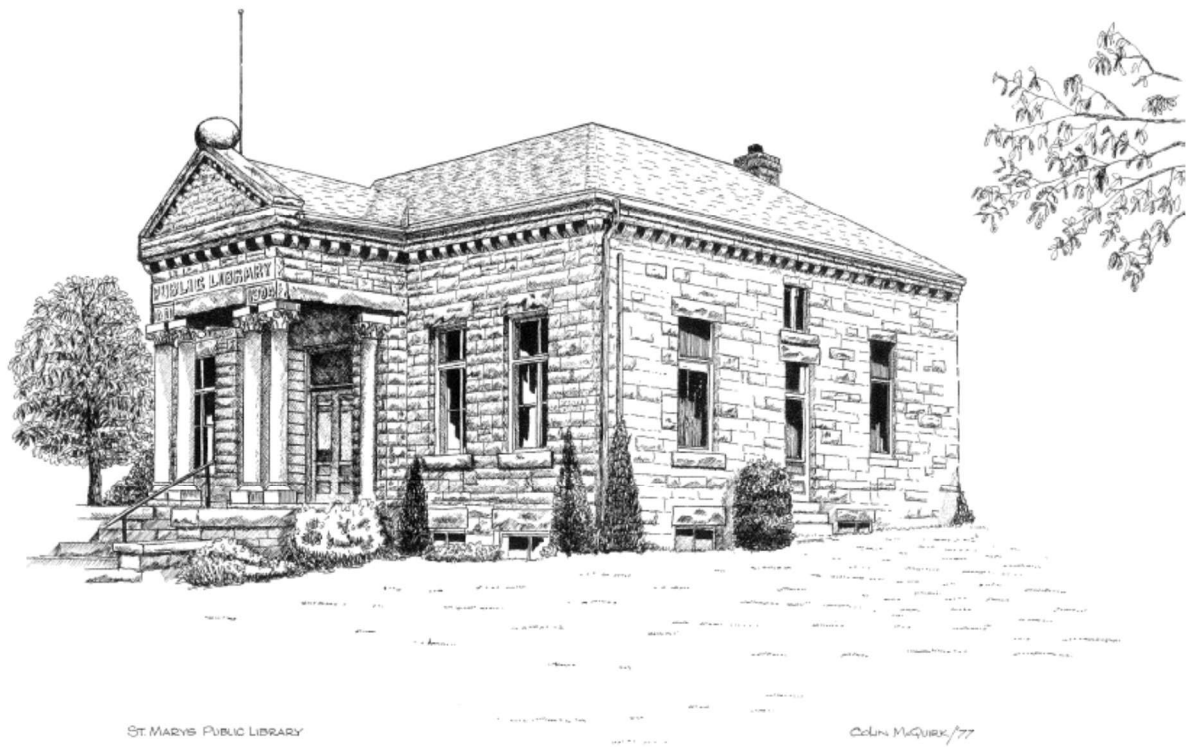
3.2.43 EXCEPTIONS

- 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 complements 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.

On lands identified as “HC-I” on Schedule A, residential uses in the form of apartment units may be permitted in addition to a planned or established commercial use above the ground floor grade level or in an standalone apartment dwelling, provided the residential use of the land does not interfere with or detract from the primary commercial function of the area. The location, height, size and density of development shall be determined based on the consideration of all of the policies of this plan including the policies of Sections 3.1.2.3.1 and 3.1.2.3.3 for the development of apartment dwellings and the urban design policies of Section 4.3.2.1. The maximum building height of buildings shall be four storeys or 14.0 metres whichever is less.

~~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 ~~compliment~~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 m² 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.

3.4.32.141 Existing industrial uses adjacent to the "~~Central-CommercialDowntown~~" 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

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 cement 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 1999 Recreation and Leisure Services Master Plan⁴ 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

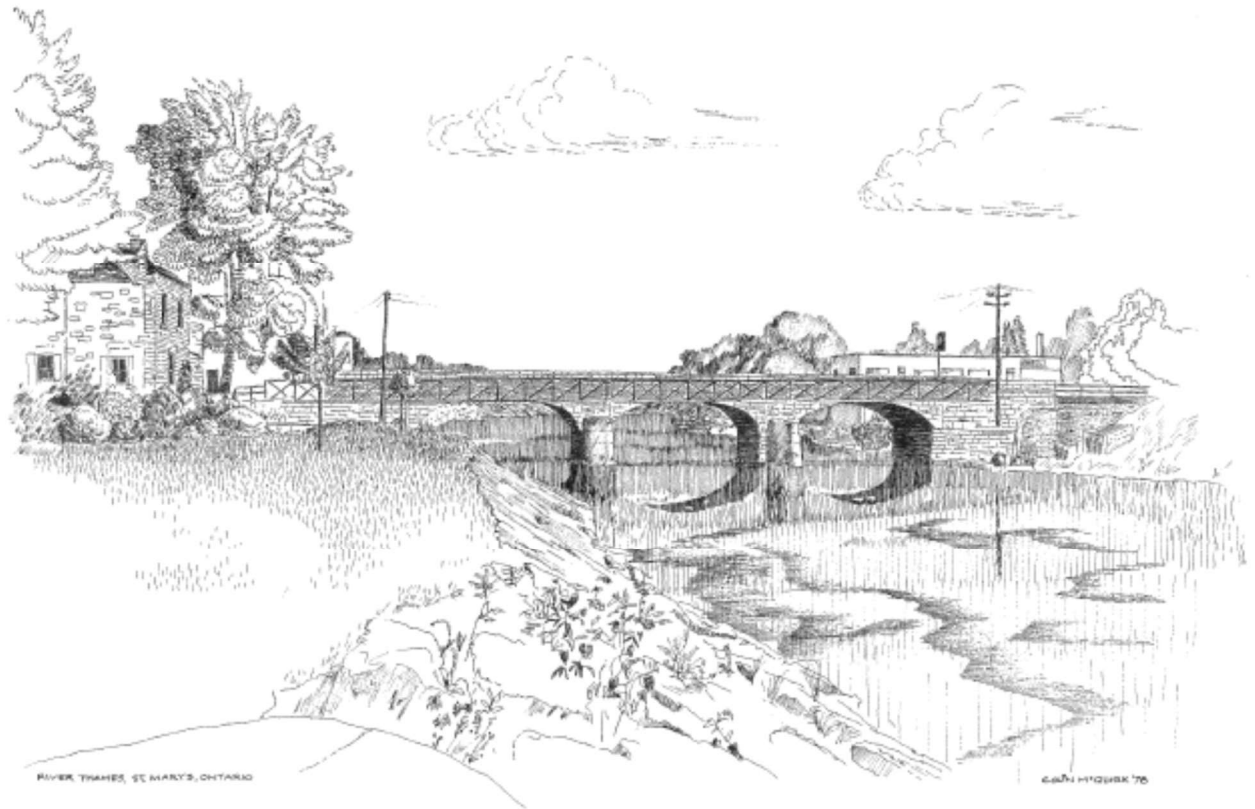
Trails are an excellent example of an active transportation opportunity where the benefit of activities such as walking, running, biking, in-line skating and

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. 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 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. In accordance with the Provincial Policy Statement, is also recognized that natural heritage systems vary in size and form in settlement areas due to limited opportunities for linkages and connections.

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, and Areas of Natural and Scientific Interest (ANSIs) have not been identified in the Town; however, it is recognized that a Natural Heritage Study may determine the 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 Woodland/Significant Woodland

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 Woodland, as shown on Appendix 1 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 wWoodl-Lands.

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:

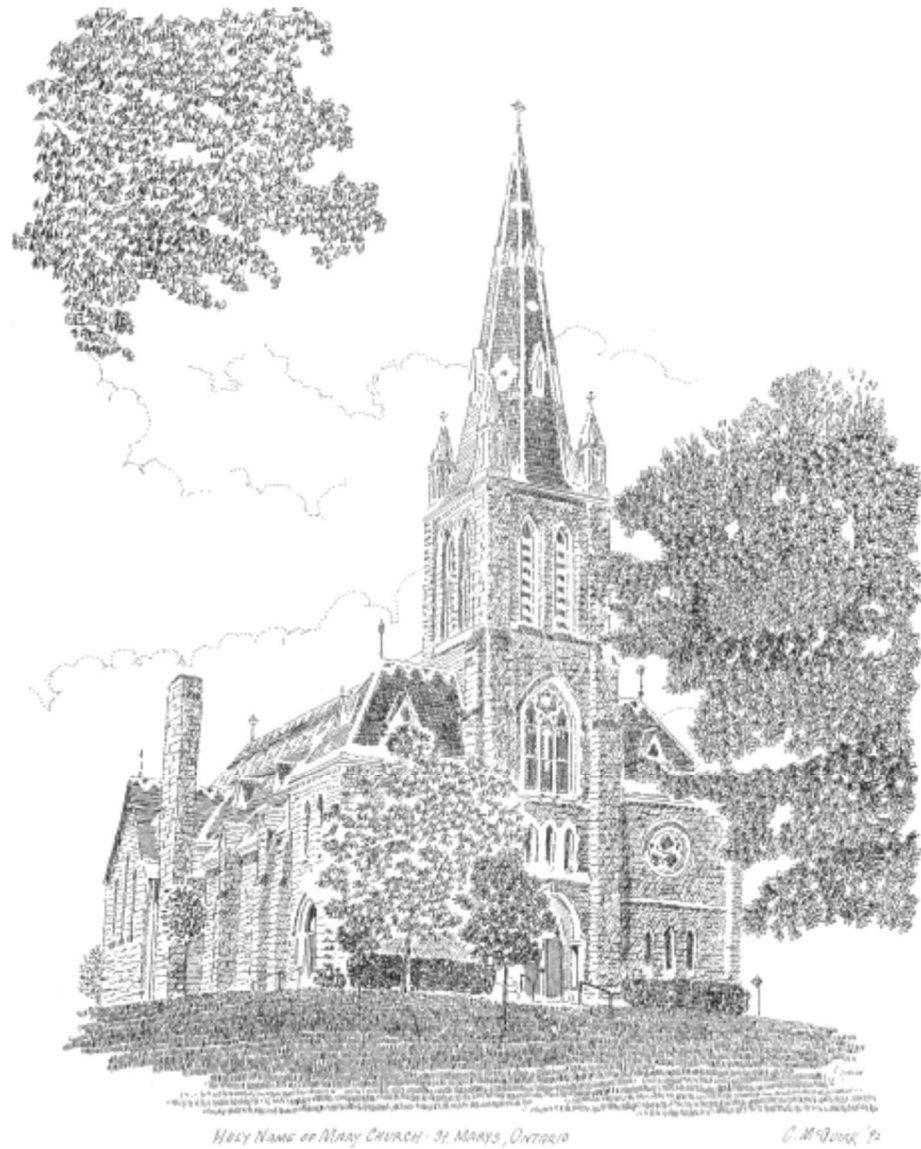
- (a) Development proponent must ensure that their activities will not harm, alter, disrupt or destroy fish habitat as defined in the Federal Fisheries Act. The advice of the Fisheries and Oceans Canada or their delegate should be sought where any proposal may potentially impact fish habitat. In instances 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.



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C. M. Jones '92

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 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.

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.

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.

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

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:

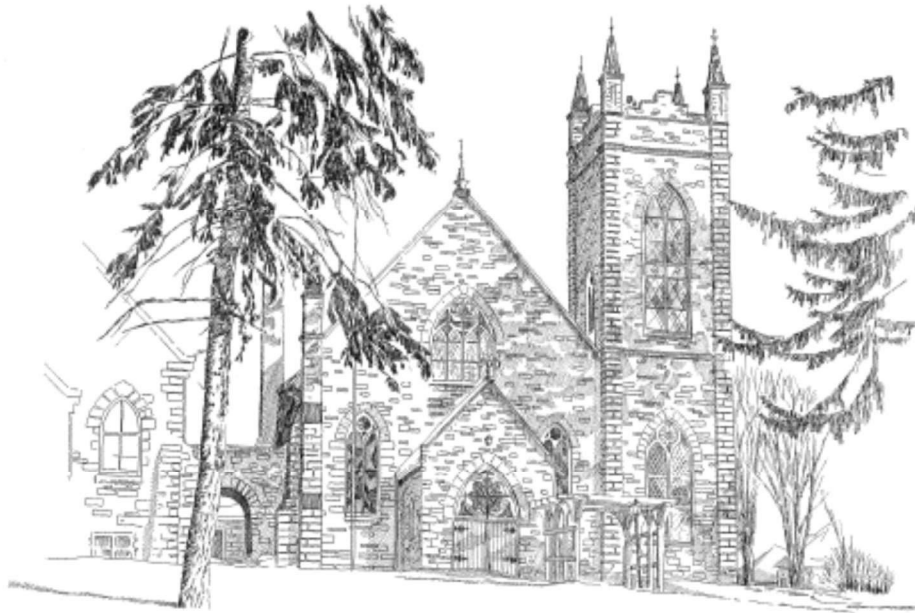
- a) new buildings designed to present principal building facades, doors and window openings to public roads;
- b) the minimization of the visual presence of garages in residential areas;
- c) the location of parking, loading, garage and other similar service areas away from street frontages and designed 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)-



ST. JAMES' ANGLICAN CHURCH - ST. MARY'S, ONTARIO

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5.0 SECTION 5 – TRANSPORTATION & SERVICES

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 ~~rights-of-way~~, such land will be obtained through Plan of subdivision/condominium, Consents, and/or Site Plan Agreements.

It is recognized there may be instances where the establishment of rights-of-way in accordance with Town minimum standards may not be appropriate or achievable for reasons of community design, economics or physical features such as existing building setbacks, mature trees, etc. A further evaluation or study may be required to justify a deviation from the Town's requirements and to determine a practical right-of-way width.

- 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. In the area bounded by the CNR tracks to the west and Trout Creek to the south, ~~n~~New development, —or—redevelopment or infill proposals—development, including the establishment of any new dwelling unit or accessory apartment, of more than thirty (30) dwelling units shall not be permitted until incorporate at least two points of public road access are established to the satisfaction of Council. 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.

5.3.110 —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.

5.3.124 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.

5.3.132 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.

5.3.143 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.

5.3.154 Trails

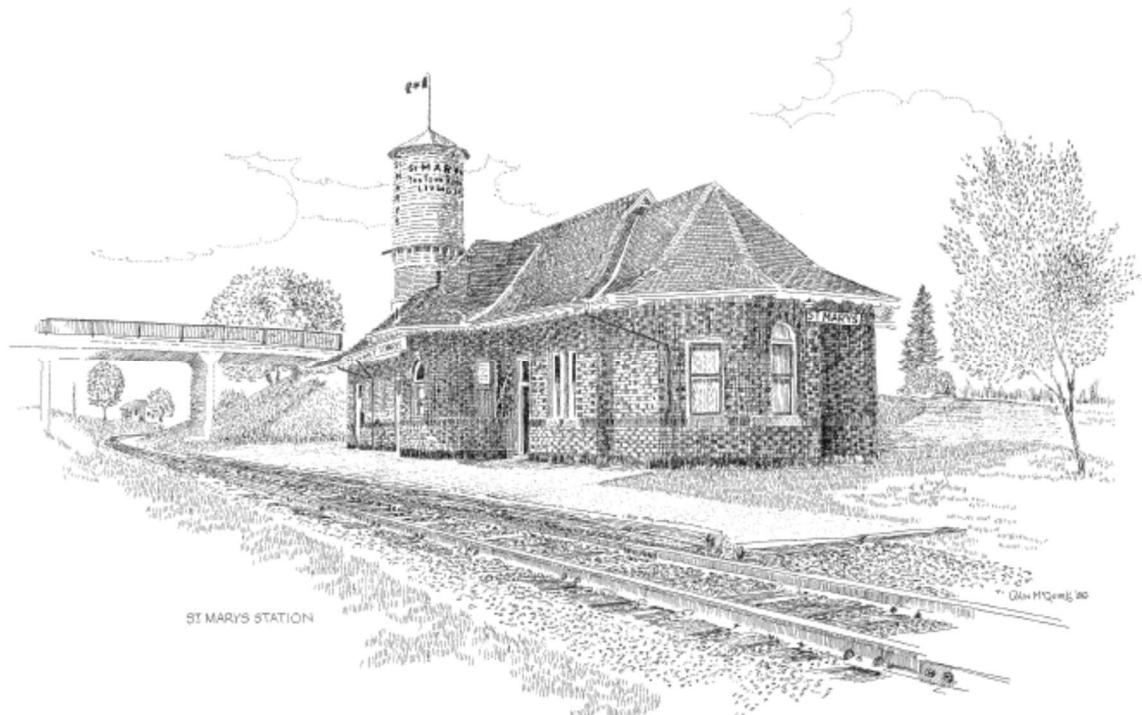
As an alternative to motorized conveyance, opportunities to integrate walking, hiking and cycling trails with the road network is encouraged.

5.3.165 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) _____

c) ~~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.

6.0 SECTION 6 – COMMUNITY IMPROVEMENT

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~~ shown on Schedule "AD" and each of these areas are described below.

6.3.1 Improvement Area 1

Improvement Area 12 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.

~~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 21 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.

~~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:

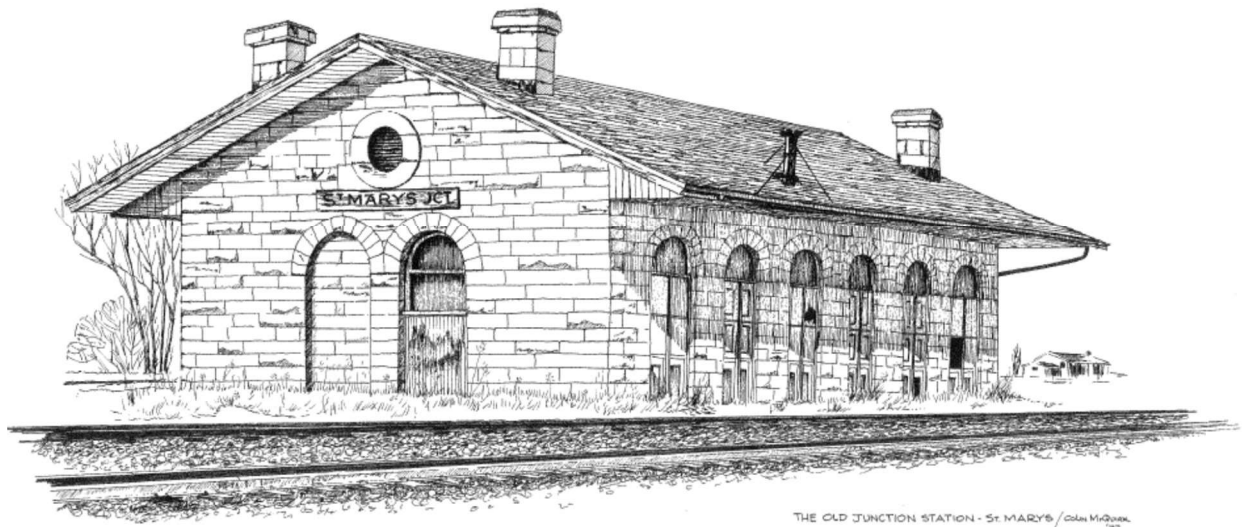
- 6.4.1 Emphasis shall be placed on developing a high level of hard and soft municipal services to areas in need of development.

- 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.



7.0 SECTION 7 – IMPLEMENTATION & INTERPRETATION

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 20011990, 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 19902001.

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, 19961992, 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 area~~conforming 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.

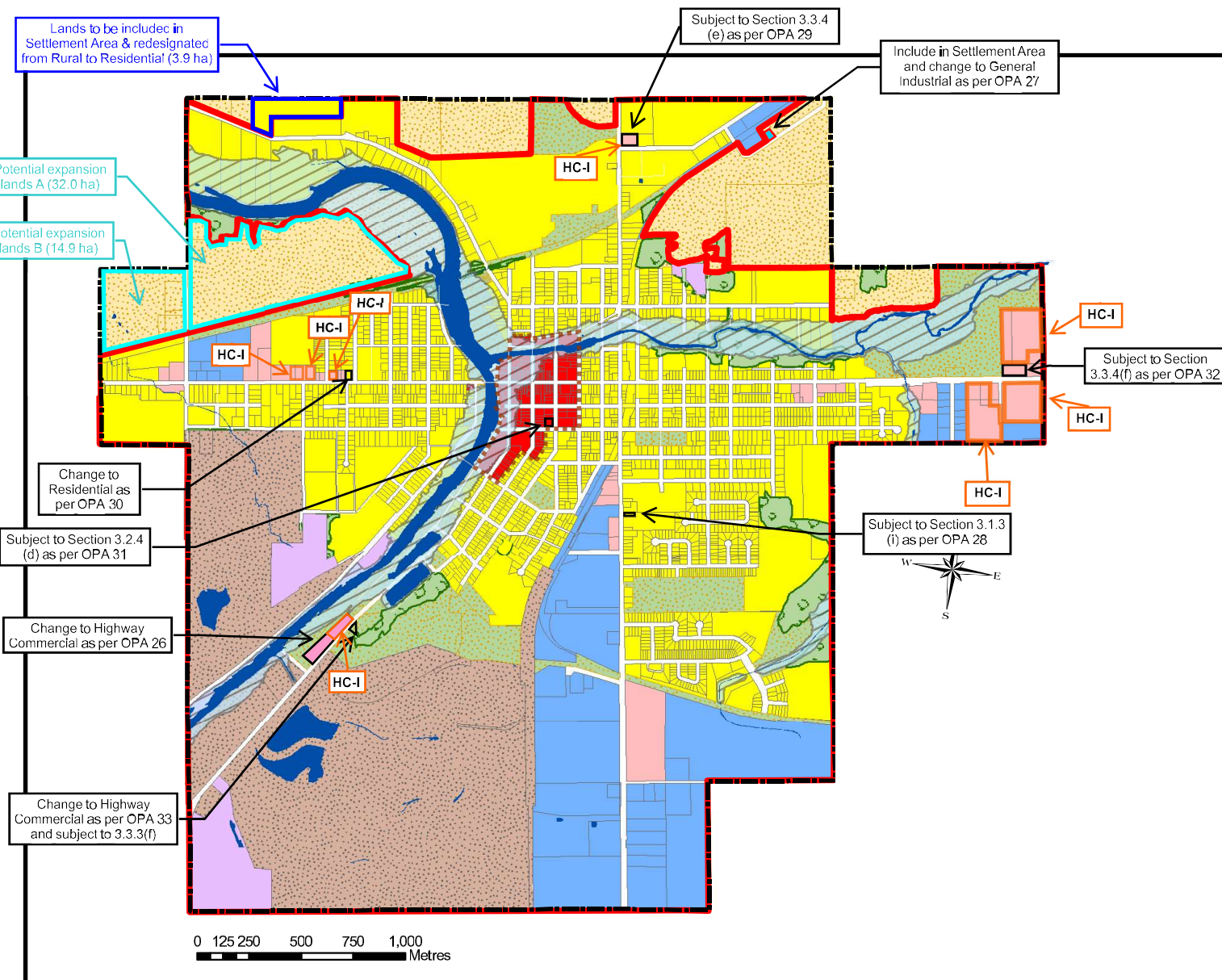
Town of St Marys Official Plan Schedule 'A' Land Use Plan

Designation

- Settlement Area Boundary
- Town Boundary and Community Improvement Area 1
- Water
- Residential
- ~~Central Commercial~~ Downtown
- Highway Commercial
- General Industrial
- Extractive Industrial
- Environmental Constraint
- Recreational
- Flood Plain
- Natural Heritage
- ~~Agriculture~~ Rural
- Community Improvement Area 2



October 2007



G:\GIS\ArcView\GIS Projects\Planning\StMarys OP\2007-10-01 SCHEDULE A_Revised.mxd

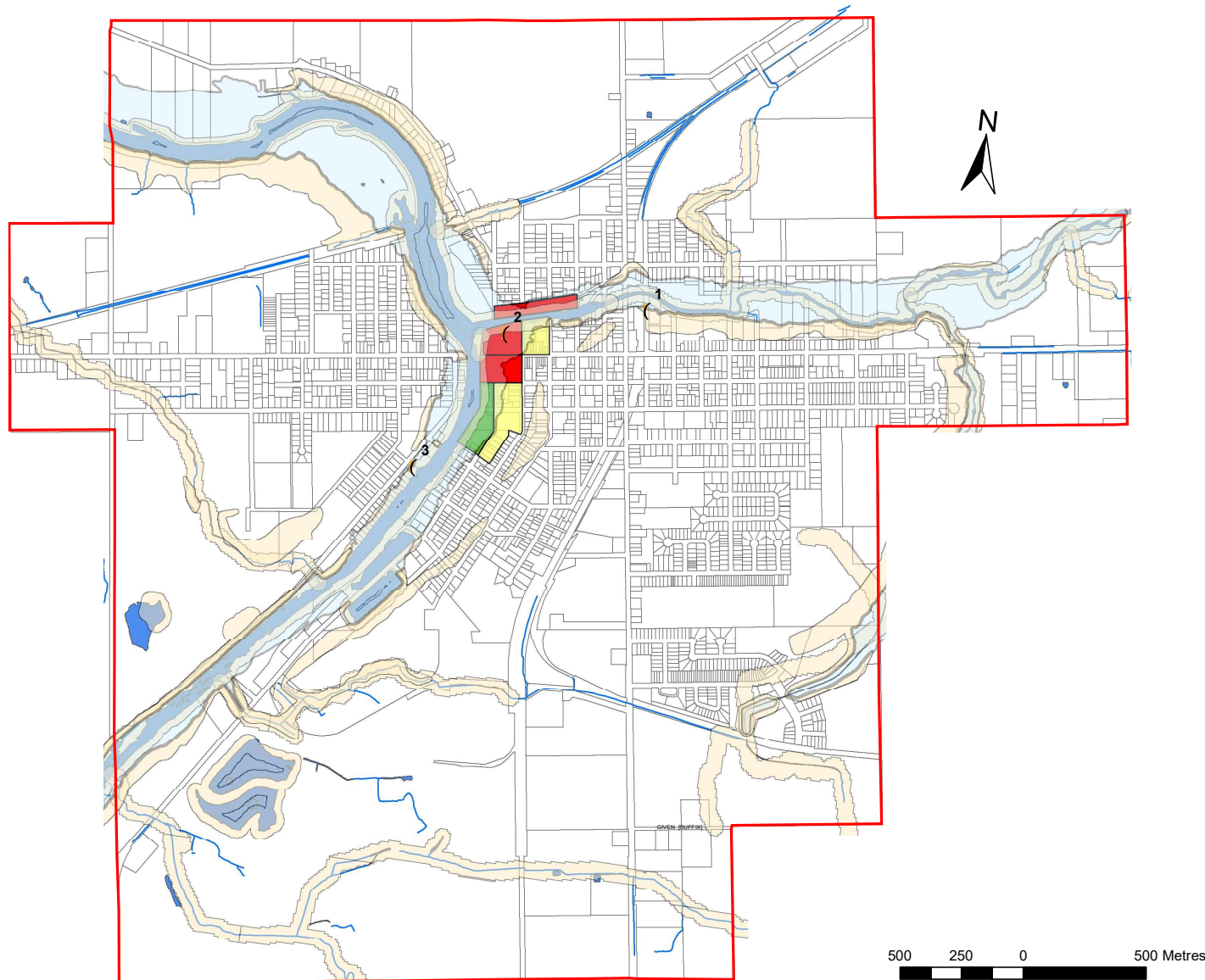
Town of St Marys Official Plan Schedule 'C' Flood Plain Areas

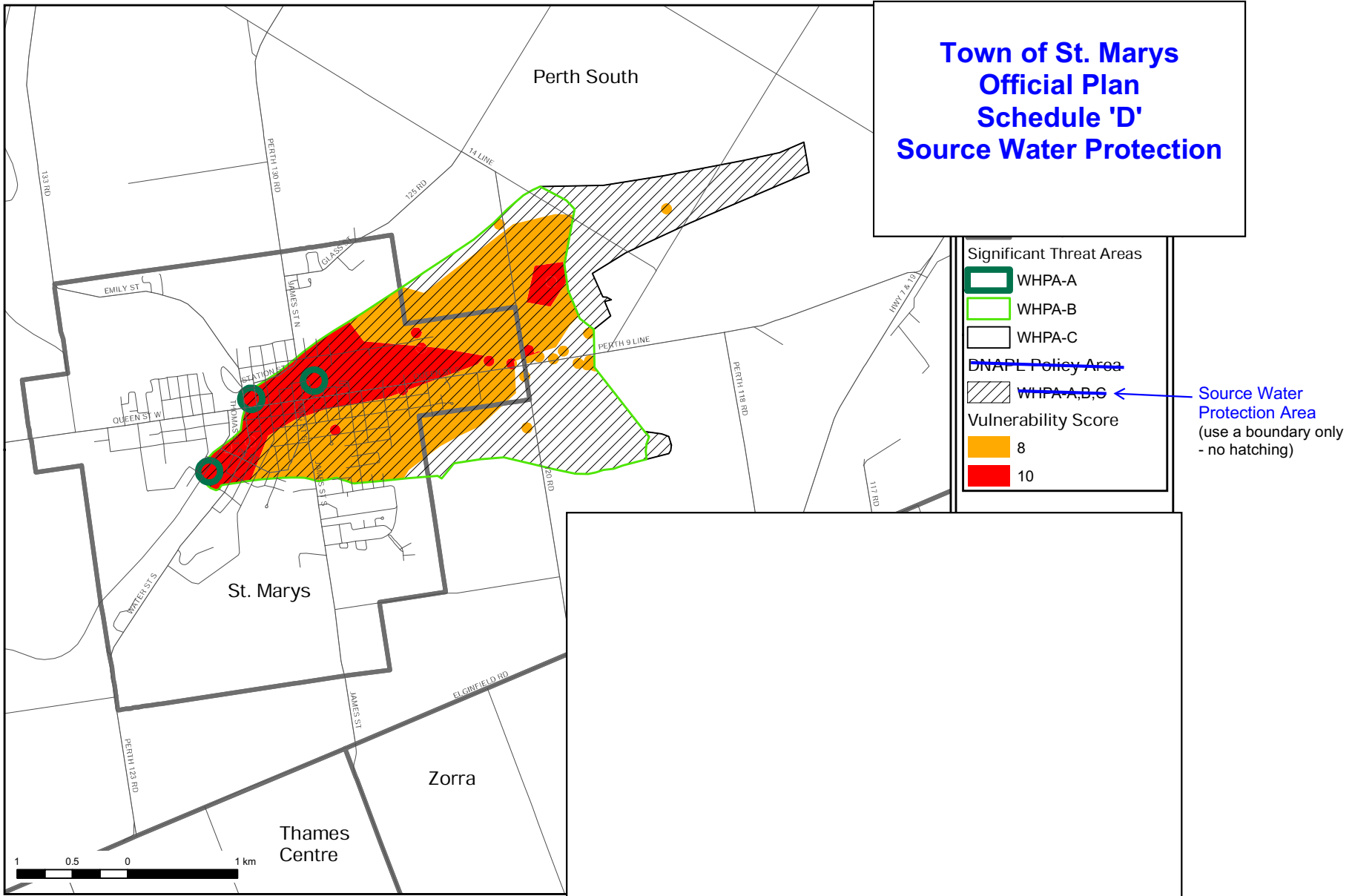
Legend

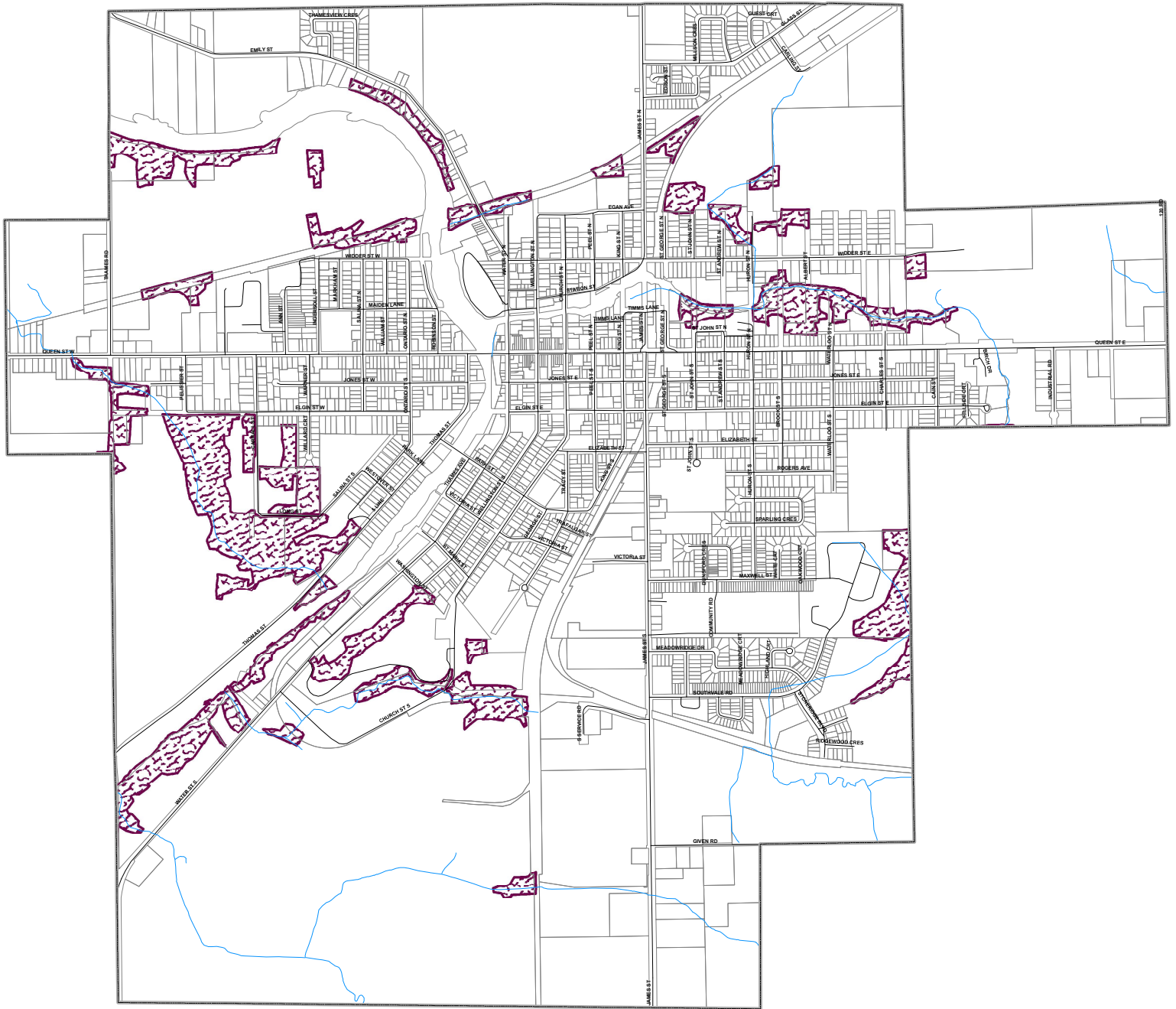
- Sub Area A
- Sub Area B
- Sub Area C
- Flood Plain
- Natural Hazards Constraint Area
- Water
- Water Course
- Municipal Pumping Well
(Well size not to scale)




August 2006







Legend
 Woodland Cluster

Appendix 1
Town of St Marys
Potential Significant Woodlands



FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	André Morin, Director of Finance / Treasurer
Date of Meeting:	14 January 2020
Subject:	FIN 01-2020 2020 Interim Tax By-Law

PURPOSE

The purpose of this report is to facilitate the passing of a By-law to authorize the collection of the interim property taxes for 2020

RECOMMENDATION

THAT FIN 01-2020 2020 Interim Tax By-law report be received; and

THAT By-law 03-2020 to provide 2020 interim tax levies be approved.

BACKGROUND

The *Municipal Act 2001*, S.O. 2001, c.25, as amended, Section 317 provides that the Council of a local municipality, before the adoption of estimates for the year under Section 290, may pass a by-law levying amounts on the assessment of property in the local municipality ratable for local municipality purposes.

The amount levied shall not exceed 50% of the total amount of taxes on the property for the previous year.

REPORT

As in the past, the Town of St. Marys will issue interim tax bills in mid to late January 2020. The interim tax bill will have two (2) installments, first due February 28, 2020 and the second due May 29th. The interim tax levy provides adequate cash flow to meet expenses required to operate the Town services and programs until the final municipal budget is passed and final tax levies are set. The final tax bill will also have two (2) installments due August 28, 2020 and October 30, 2020.

FINANCIAL IMPLICATIONS

The interim tax levy is expected to have a total levy of approximately \$6,100,000.

SUMMARY

The approval of the interim tax levy by-law is an annual requirement to authorize the Treasurer to proceed with the interim collection of property taxes prior to Council finalizing the annual budget and setting final tax levies.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

N/A

ATTACHMENTS

N/A

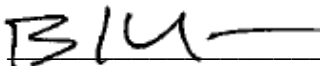
REVIEWED BY

Recommended by the Department



André Morin
Director of Finance/Treasurer

Recommended by the CAO



Brent Kittmer
CAO / Clerk

FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	André Morin, Director of Finance / Treasurer
Date of Meeting:	14 January 2020
Subject:	FIN 02-2020 Temporary Borrowing By-Law

PURPOSE

The purpose of this report is to recommend the adoption of an annual temporary borrowing by-law for 2020.

RECOMMENDATION

THAT FIN 02-2020 Temporary Borrowing By-law report be received; and

THAT By-law 04-2020 authorizing temporary borrowing be approved.

BACKGROUND

The *Municipal Act* provides Council and the Treasurer the authority to borrow funds from time to time to meet current expenditures, until the budgeted property taxes have been collected. In order for the Treasurer to borrow these temporary funds, an annual by-law must be passed.

Section 407 of the *Municipal Act* stipulates that the amount that may be borrowed at any one time shall not exceed from January 1 to September 30 of the year, 50 percent of the total, and from October 1 to December 31, 25 percent of the total of the estimated revenues of the corporation as set forth in the estimates adopted for the year.

REPORT

It is not expected that the Town will require any temporary borrowing in 2020, however, it is a best practice to have the by-law in place in case the need arises.

The Town has the following option immediately available through its banking agreement with BMO if temporary funds are required;

- \$2,000,000 operating demand loan
- Interest payable monthly at prime rate
- repayable on demand

FINANCIAL IMPLICATIONS

The Town has approximately \$4,000,000 in its general bank account as of December 19, 2019. The first payment of the interim 2020 tax bill will be due on February 28, 2019.

It is not expected that any funds will be required to be borrowed for operational purposes in 2020.

SUMMARY

The borrowing by-law is recommended to be passed in order for the Treasurer to access temporary funds to fulfil the Town's operating requirements, if the need arises.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

N/A

ATTACHMENTS

N/A

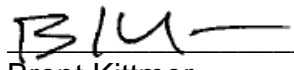
REVIEWED BY

Recommended by the Department



André Morin
Director of Finance/Treasurer

Recommended by the CAO



Brent Kittmer
CAO / Clerk



FORMAL REPORT

To: Mayor Strathdee and Members of Council

Prepared by: Jenna McCartney, Deputy Clerk

Date of Meeting: 14 January 2020

Subject: **CAO 04-2020 Smoking and Vaping By-law Update**

PURPOSE

To update Council on the legislative developments surrounding the *Smoke Free Ontario Act*, and to seek Council's input on an updated draft of the municipal smoking by-law so that Council can repeal the current Smoking By-laws and pass an updated By-law at a future meeting.

RECOMMENDATION

THAT CAO 04-2020 Smoking and Vaping By-law Update report be received; and

THAT Council direct staff to bring forward the final draft by-law at an upcoming meeting of Council for consideration of approval.

BACKGROUND

On October 17, 2018 cannabis use for medicinal and recreation purposes became legal in Canada. Staff recognized that the existing municipal by-laws would require updating to include provisions about cannabis use, and vaping of tobacco and cannabis. On October 9, 2018 during emergent business, Council directed staff to research the possibility of imposing greater restrictions on areas in St. Marys where smoking is permitted, including considering a full ban on all smoking on all Town properties. Of key interest to the former Council was a ban on smoking in public parks, as well as on sidewalks.

REPORT

The *Smoke Free Ontario Act* (the "SFOA"), as amended in 2018 is the piece of legislation that regulates the sale, supply and promotion of tobacco and vapour products. Within Perth County, the Perth District Health Unit employs enforcement officers that ensure the Act is complied with.

The SFOA, sets out the following prohibited places for smoking:

Prohibited places

12 (2) The following are the places for the purposes of subsection (1):

1. An enclosed public place.
2. An enclosed workplace.
3. A school within the meaning of the *Education Act*.
4. A building or the grounds surrounding the building of a private school within the meaning of the *Education Act*, where the private school is the only occupant of the premises, or the

grounds annexed to a private school, where the private school is not the only occupant of the premises.

5. Any indoor common area in a condominium, apartment building or university or college residence, including, without being limited to, elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies and exercise areas.
6. A child care centre within the meaning of the *Child Care and Early Years Act, 2014*.
7. A place where home child care is provided within the meaning of the *Child Care and Early Years Act, 2014*, whether or not children are present.
8. A place where an early years program or service is provided within the meaning of the *Child Care and Early Years Act, 2014*.
9. The reserved seating area of a sports arena or entertainment venue.
10. A prescribed place or area, or a place or area that belongs to a prescribed class.

Philosophically, staff's approach to crafting by-laws is to not include provisions in by-laws which are already covered in legislation. This approach is preferred because that avoids a situation of a by-law becoming out of date or unenforceable once the legislation changes. It is a principle of law that if there is a piece of legislation that speaks to the same topic as a municipal by-law, the legislation prevails.

This is true of the SMFO, however it does take a slightly different approach. The SFOA provides preference to the piece of legislation, whether provincial or municipal, which is more restrictive to smoking and vaping. Section 18 of the Act includes where there is a conflict between a provision of this Act and a municipal by-law that deals with a matter to which the Act applies, the provision that is more restrictive of the matter prevails.

Attached to this report is the updated draft smoking by-law. The Clerks department developed this by-law with assistance from the Perth District Health Unit. The by-law breaks out what a designated public space includes, and the actions that are prohibited within that space. As the municipality has the authority to be more restrictive than the Act's prohibition of smoking or vaping in an enclosed public place, staff have drafted the terms of the by-law to be more restrictive in an effort to meet the request of the previous term of Council to consider restricting smoking on all Town properties, and in particular at parks and on municipal sidewalks. How this is accomplished in the by-law is further elaborated below.

Smoking at Parks and All Municipal Property

O. Reg. 268/18 prescribes the prohibition of smoking and vaping within 20 metres of any point on the perimeter of a children's playgrounds and community recreation facilities. Therefore, at minimum, in the Town of St. Marys persons wishing to smoke or vape cannot do so within 20 metres of the perimeter of a children's playground or community recreation facility (i.e. nowhere on the property of the PRC).

Prior to the passing of O. Reg. 268/18, the Town has generally held a restrictive approach to smoking at its municipal facilities including the Pyramid Recreation Centre. The Act now includes the restrictive provision for enclosed public places and therefore, the municipal by-law no longer needs to duplicate the regulation.

The draft by-law being presented to Council for consideration includes a ban on smoking and vaping on any municipal property including parks which speaks directly towards designated public places.

Municipal Sidewalks

In 2018 leading up to the legislation permitting medicinal and recreational use of cannabis, the previous term of Council inquired about the possibility of banning smoking and vaping on sidewalks (municipal road allowance) within St. Marys. Research has yielded that the *Highway Traffic Act* removes the Town's ability to regulate the smoking or vaping of tobacco and cannabis on a highway. The definition

of a highway includes road allowance which takes into consideration a sidewalk. Therefore, the Town is not permitted to regulate smoking or vaping of tobacco and cannabis on a sidewalk.

FINANCIAL IMPLICATIONS

\$2,500 for new signage in public places (parks and trails)

SUMMARY

The *Smoke Free Ontario Act* governs smoking and vaping of tobacco and cannabis products in Ontario. Under the *Municipal Act*, the Town has the authority to further restrict where smoking and vaping may be permitted within St. Marys. Council directed staff to review the Smoking By-law in light of the recent legislation which legalized cannabis consumption for personal use. The former Council's intent was to consider a ban on smoking and vaping on all Town properties, in particular parks and sidewalks.

This report presents a draft Smoking By-law that has been formed based on consultation that was conducted with the Perth District Health Unit. The basis of the draft By-law proposes to prohibit smoking and vaping tobacco and cannabis on all municipally-owned property, including parks, and within 9 metres of any entrance or exit of a municipal owned property.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

Senior Management Team
Perth District Health Unit

ATTACHMENTS

Draft Smoking By-law

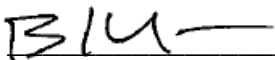
REVIEWED BY

Recommended by the Department



Jenna McCartney
Deputy Clerk

Recommended by the CAO



Brent Kittmer
CAO / Clerk

BY-LAW XX-2019

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to regulate smoking in public places within the Town of St. Marys.

- WHEREAS:** The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, Section 8, provides that the powers of a municipality shall be interpreted broadly so as to confer board authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to response to municipal issues;
- AND WHEREAS:** Section 10 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;
- AND WHEREAS:** Clause 6 of subsection 10(2) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents;
- AND WHEREAS:** Section 115 of the *Municipal Act, 2001*, as amended, authorizes the council of a local municipality to pass a by-law regulating the smoking or vapourizing of tobacco and cannabis in public places and workplaces within the municipality and designating public places or workplaces or classes or parts of such places as places in which smoking tobacco or holding lighted tobacco, cannabis or an electronic cigarette is prohibited;
- AND WHEREAS:** Section 115 of the *Municipal Act, 2001*, as amended, provides that Section 115 of the Act shall not apply to a highway;
- AND WHEREAS:** Section 18 of the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, as amended, provides that if there is a conflict between a provision of that Act and a provision of another Act, a regulation or a municipal By-Law that deals with a matter to which that Act applies, the provision that is more restrictive of the matter to which the Act applies prevails;
- AND WHEREAS:** Section 425 of the *Municipal Act, 2001*, as amended, provides that a municipality may pass By-Laws providing that a person who contravenes a By-Law of the municipality passed under that Act is guilty of an offence;
- AND WHEREAS:** Section 429 of the *Municipal Act, 2001*, as amended, provides that a municipality may establish a system of fines for offences under a By-Law of the municipality passed under that Act;

AND WHEREAS: It has been determined that second-hand smoke and vapour are a serious health hazard or discomfort for many inhabitants of and visitors to the Town of St. Marys;

NOW THEREFORE: The Council of the Corporation of the Town of St. Marys hereby enacts as follows;

1.0. DEFINITIONS

1) For the purpose of this By-law:

“Cannabis” means cannabis as defined in section 2(1) of the *Cannabis Act* (Canada) and includes any products containing cannabis;

“Council” means the Council for the Corporation of the Town of St. Marys;

“Electronic Cigarette” or “E-Cigarette” or “Electronic Smoking Device” includes inhalant-type devices, whether called an electronic cigarette or any other name, that contains a power sources and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine or Cannabis;

“Entrance” or “Exit” means any entrance or exit used by the public and / or staff to enter or exit a municipal building;

"Inspector" means any employee or class of employee of the Perth District Health Unit, or their successor, authorized by the Medical Officer of Health to carry out an inspection under and to enforce the provisions of this By-law, or a person or class of person appointed by Council of the Town as a by-law enforcement officer to enforce this by-law, or any police officer;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of Vehicles and includes the area between the lateral property lines thereof;

“Park” means any land, owned or leased or controlled by the Town, designed or used for public recreation or that is or hereafter may be established, dedicated, set apart or made available by the municipality for recreational purposes, including but not limited to: parklands, playgrounds, trails, gardens, natural areas, dog parks, skate parks, sports fields, playing fields, swimming pools and splash pads, including any buildings, structures, or facilities erections and improvements location in or on such land;

“Person” includes a corporation;

“Proprietor” means the person who ultimately controls, governs or directs the activity carried on within a Public Place and includes the person actually in charge or the premises at any particular time;

“Public Place” means the whole or part of any building, place or area to which members of the general public are invited or permitted access but does not include any area located on a Highway;

"Smoke" or "Smoking" means the smoking or holding of lighted tobacco, Cannabis or Electronic Cigarette in any form and includes the holding or carrying of a lighted cigar, cigarette, E-Cigarette, pipe, water pipe, hookah, or any other lighted smoking equipment;

“Town” means the Corporation of the Town of St. Marys;

“Vaporizing” or “Vaping” or “Vape” means inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, Cannabis or any other substance, and includes holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco, Cannabis or any other substance.

2.0. DESIGNATED PUBLIC PLACES

- 1) The following are designated Public Places for the purposes of this By-law:
 - a) Every place as set out in Section 12(2) of the Smoke-Free Ontario Act, 2017, S.O. 2017 c. 26, Schedule 3;
 - b) A Park;
 - c) Any portion of a municipal property; and
 - d) Within nine (9) metres of any Entrance or Exit of a municipal owned building;
- 2) Every Proprietor, or their designate, in charge of a designated Public Place in which Smoking or Vaporizing are prohibited, shall ensure compliance with this By-law.
- 3) Every Proprietor, or their designate, in charge of a designated Public Place shall post No Smoking No Vaping signs in accordance with the *Smoke Free Ontario Act*, S.O. 2017, c. 26 as amended.
- 4) No person shall Smoke or Vape in any designated Public Place within the Town whether or not signage is posted.
- 5) Notwithstanding section 2.4 such prohibition shall not apply to a municipal sidewalk within a road allowance or any part of a Highway.
- 6) No person shall remove a sign posted under this section while the prohibition remains in force.
- 7) No person shall obstruct or hinder or attempt to obstruct or hinder an authorized person carrying out the enforcement of this By-law.

3.0. ENFORCEMENT AND PENALTIES

1) Enforcement

- a) This by-law may be enforced by an Inspector of the Perth District Health Unit, or their successor, a Police Officer or a Municipal Law Enforcement Officer appointed by Council.
- b) An Inspector may, at any reasonable time, enter any Public Place for the purpose of determining compliance with this By-law.

2) Penalty

- a) Every person who contravenes any provision of this By-Law is guilty of an offence and;
 - i. Upon a first conviction is subject to a maximum fine of five thousand dollars (\$5,000);
 - ii. Upon a subsequent conviction is subject to a maximum fine of ten thousand dollars (\$10,000).
- b) Despite subsection (1), of section 5.2, where the person convicted is a corporation, the corporation is liable;
 - i. Upon a first conviction is subject to a maximum fine of ten thousand dollars (\$10,000);
 - a. Upon a subsequent conviction is subject to a maximum fine of twenty-five thousand dollars (\$25,000).
- c) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

4.0. VALIDITY

- 1) If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

5.0. SHORT TITLE

This By-law may be referred to as the “Smoking By-law”.

6.0. REPEALED

- 1) That By-law 63-93, Prohibiting of Smoke at Community Centre, is hereby repealed.

- 2) That By-law 23-2003, Regulating Smoking in Public Places and Workplaces, is hereby repealed.
- 3) That By-law 16-2004, Amendment to By-law 63-93, is hereby repealed.
- 4) That By-law 47-2004, Set Fines, is hereby repealed.
- 5) That By-law 20 of 2012, Amendment to By-law 23-2003, is hereby repealed.

7.0. ENACTMENT

This By-Law comes into force on the final passing thereof.

Read a first, second and third time and finally passed this XXth day of XXXXX, 2019.

Mayor Al Stratheed

Brent Kittmer, CAO / Clerk

Penalties of Infraction

Part I: Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Smoke or vape in a designed public place	2(4)	\$150.00
2	Remove a sign	2(6)	\$150.00
3	Obstruct or hinder or attempt to obstruct or hinder an authorized person	2(7)	\$150.00

NOTE: The penalty provisions for the offences listed above is Section 3(2)(c) of by-law XX-2019, a certified copy of which has been filed.

FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Brent Kittmer, CAO/Clerk
Date of Meeting:	14 January 2020
Subject:	CAO 05-2020 Appoint UTRCA Board Representative

PURPOSE

This report is presented for Council to give consideration to appointing a representative to the UTRCA Board of Management for the remainder of the 2018-2020 Council term.

RECOMMENDATION

THAT CAO 05-2020 regarding the UTRCA Board representative appointment be received; and

THAT Tony Jackson be appointed the joint representative for Perth South, South Huron and St. Marys for the remainder of the 2018-2022 term of Council.

BACKGROUND

The Township of Perth South, Town of St. Marys and Municipality of South Huron share an Upper Thames River Conservation Authority (UTRCA) board member representative as set out in the Administrative By-law for UTRCA and the *Conservation Authorities Act, R.S.O. 1990, c. C. 27* under Sections 2 and 14.

During the committee appointment process, the Councils for Perth South, South Huron and St. Marys each had a discussion about the shared UTRCA board representative moving into the future. The general agreement was to appoint Mr. Tony Jackson (our historic representative) for a period of one-year and to have a Perth South Councillor shadow Mr. Jackson as orientation. Moving forward, at the start of each term of Council, the UTRCA representative would be alternated between Perth South and St. Marys and with South Huron also being asked if they would wish to have a member of their council included in the rotation.

Accordingly, Council passed the following resolution:

Resolution 2019-02-12-13

THAT CAO 14-2019 regarding the UTRCA Board representative appointment be received; and

THAT Tony Jackson be appointed the joint representative for Perth South, South Huron and St. Marys for one year; and

THAT Staff be directed to bring back an amending by-law for the 2018-2022 Committee and Board Appointments reflective of the change; and

THAT a Perth South member of Council be appointed for 2020 through to January 31, 2023 term; and

THAT Council agrees to alternate the UTRCA Board member appointment between Perth South, St. Marys and South Huron Council members for future terms of Council.

REPORT

Mr. Jackson's one-year term is approaching its end, and Perth South and St. Marys need to decide on an UTRCA Board appointee for the balance of the term. In conversation with the Clerk at Perth South, the CAO has learned that Perth South does not have a councillor who is prepared to take on the role at this time.

After discussion, staff from Perth South and St. Marys agree that appointing Mr. Jackson for the remainder of the term is our recommended course of action. To date, Mr. Jackson has done a more than fine job of representing both municipalities' respective positions. With the pending changes to the *Conservation Authorities Act*, as well as the budget concerns that both municipalities have, staff believe that Mr. Jackson's expertise will be imperative to represent Perth South's and St. Marys' respective concerns regarding conservation authority accountability.

The CAO contacted Mr. Jackson and he is willing to serve as the municipal representative to the UTRCA Board for the remainder of the term.

Perth South dealt with this appointment at their December 17, 2019 meeting and passed the following resolution:

Moved by Councillor Jeffrey

Seconded by Councillor Orr

"That Council recommends appointing Tony Jackson as the UTRCA Board member representative for the Township of Perth South as well as the Town of St. Marys and the Municipality of South Huron from January 2020 until November 30, 2022." Carried

Corresponding to this appointment, South Huron has also appointed Mr. Jackson as the UTRCA Board member for the remainder of the term of Council.

FINANCIAL IMPLICATIONS

None.

SUMMARY

Staff from Perth South and St. Marys are recommending the appointment of Mr. Jackson to the UTRCA Board for the remainder of the 2018-2022 term.

During the 2022 appointment process, the three municipalities will need to decide if the appointment to the UTRCA Board will alternate between St. Marys, Perth South, and South Huron (if they choose). It is expected the first St. Marys appointment would be for the 2022-2026 term of Council.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

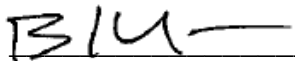
Bob Wilhelm (Mayor), Lizet Scott (Clerk), Rebecca Clothier (Administrator/Treasurer), Perth South
Tony Jackson (UTRCA Board Representative)

ATTACHMENTS

None.

REVIEWED BY

Recommended by the CAO

A handwritten signature in black ink, appearing to read 'BK' followed by a horizontal line.

Brent Kittmer
CAO / Clerk



Municipal Shared Services Committee

Thursday, November 21, 2019 – 1:30 p.m.

Stratford Rotary Complex (Tim Taylor Lounge), 353 McCarthy Rd. W., Stratford ON

BUDGET MEETING

A budget meeting of the Municipal Shared Services Committee was held at
1:30 p.m. on November 21, 2019
Stratford Rotary Complex (TTL), 353 McCarthy Rd. W., Stratford ON

Where appropriate, motions contained in the Municipal Shared Services Committee Minutes are considered recommendations to the affected municipalities.

Committee Members Present:

Mayor Dan Mathieson, City of Stratford (Chairperson)
Councillor Tom Clifford, City of Stratford
Councillor Bonnie Henderson, City of Stratford
Warden Walter McKenzie, County of Perth
Councillor Robert Wilhelm, County of Perth
Councillor Jim Aitcheson, County of Perth

Absent:

Councillor Margaret Luna, Town of St. Marys
Councillor Jim Craigmile, Town of St. Marys

Staff Present:

Joan Thomson – Acting CAO, City of Stratford
Michael Humble – Director of Corporate Services, City of Stratford
Eden Grodzinski – Manager of Housing, City of Stratford
Shannon Archer – Social Services Financial Officer, City of Stratford
Lori Wolfe – Acting CAO, County of Perth
Mac Gilpin – Director of Paramedic Services, County of Perth
Linda Becker – Manager of Court Services, County of Perth
Betty Jo Belton – Manager of Archives Services/Archivist, County of Perth

Cory Bridges – Manager of Finance/Treasurer, County of Perth
Andre Morin – Treasurer, Town of St. Marys
Brent Kittmer – CAO/Clerk, Town of St. Marys

Also Present:

*Dr. Miriam Klassen – Medical Officer of Health, Perth District Health Unit
*Julie Pauli – Business Administrator, Perth District Health Unit
Peter Bolland – Administrator, Spruce Lodge Home for the Aged
David Schlitt – Business Manager, Spruce Lodge Home for the Aged
John Kastner – General Manager, Stratford Perth Museum

1.0 Call to Order

The Budget Meeting of the Municipal Shared Services Committee with quorum present was called to order by Committee Chair, Mayor Mathieson at 1:30 p.m.

2.0 Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

None disclosed.

3.0 Confirmation of Agenda

Moved by: Councillor Aitcheson
Seconded by: Councillor Wilhelm

That the Committee Agenda for the November 21, 2019 meeting be approved.
Carried.

4.0 Adoption of the Previous Minutes – September 19, 2019

Moved by: Councillor Clifford
Seconded by: Councillor Henderson

That the Municipal Shared Services Committee minutes dated September 19, 2019 be adopted as printed.
Carried.

5.0 Business Arising from the Previous Minutes

None identified.

6.0 2020 Budget Presentations

6.1 Spruce Lodge Home for the Aged – Peter Bolland, Administrator and David Schlitt, Business Manager

Peter Bolland presented the Spruce Lodge Home for the Aged 2020 operating and capital budget reports as circulated with the agenda.

Councillor Henderson inquired how long the tubs that they install in the residences last. Mr. Bolland stated that they expect them to last approximately 10 years.

Councillor Henderson also inquired if Spruce Lodge purchases items, such as the tubs, as a bulk order with other local facilities? Mr. Bolland stated that they are involved in bulk purchasing for almost all the items they purchase.

Moved by: Councillor Wilhelm

Seconded by: Councillor Aitcheson

THAT the Municipal Shared Services Committee recommends to their respective Councils the 2020 budget, as presented by Spruce Lodge Home for the Aged.

Carried.

6.2 Stratford Perth Museum – John Kastner, General Manager

John Kastner presented the Stratford Perth Museum 2020 budget report as circulated with the agenda. He also informed members of exhibit plans for the upcoming year.

Moved by: Councillor Henderson

Seconded by: Councillor Clifford

THAT the Municipal Shared Services Committee recommends to their respective Councils the 2020 budget, as presented by the Stratford Perth Museum.

Carried.

6.3 Perth District Health Unit – Dr. Miriam Klassen, Medical Officer of Health and Julie Pauli, Business Administrator

Julie Pauli presented the Perth District Health Unit 2020 budget report as circulated with the agenda.

Ms. Pauli noted that as of January 1, 2020, the new merged health unit will be called the Huron Perth Health Unit, operating as Huron Perth Public Health. Dr. Klassen stated that to cover the geographical area, the offices located in Clinton and Stratford will both remain open.

Joan Thomson stated that the CAO's in Perth County have been meeting regarding the current offices in Clinton and Stratford both remaining open. Knowing that at

some point there may be further amalgamations. Staff is currently working on language to put in the draft agreement to secure the Stratford and Clinton sites will remain operating for a minimum of a number of years. There are also provisions for the buildings, should the new Board make a decision regarding the future locations of the two sites, based on further amalgamations.

Andre Morin noted that they are also working on a draft cost sharing agreement that will be sent to Huron County next week for their comments.

Moved by: Warden McKenzie
Seconded by: Councillor Wilhelm

THAT the Municipal Shared Services Committee recommends to their respective Councils the 2020 budget, as presented by the Perth District Health Unit.
Carried.

*Dr. Klassen and Julie Pauli no longer present (2:00 p.m.)

6.4 Perth County Paramedic Services – Mac Gilpin, Director of Paramedic Services

Mac Gilpin reported the Perth County Paramedic Services 2020 budget is based upon the May 2, 2019 operational review document. The report evaluating the Paramedic operations review is being presented to the Perth County Council today, and that may slightly alter the final budget document. However, no changes to the total operating budget are being considered at this time.

Moved by: Warden McKenzie
Seconded by: Councillor Clifford

THAT the Municipal Shared Services Committee receives the verbal report on the 2020 budget for the Perth County Paramedic Services
Carried.

6.5 Provincial Offences Administration – Linda Becker, Manager of Court Services, County of Perth

Linda Becker presented the Provincial Offences 2020 budget report as circulated with the agenda.

Moved by: Councillor Clifford
Seconded by: Councillor Wilhelm

THAT the Municipal Shared Services Committee recommends to their respective Councils the 2020 budget, as presented by Provincial Offences.
Carried.

6.6 Stratford Perth Archives – Betty Jo Belton, Manager of Archives Services/Archivist, County of Perth

Betty Jo Belton presented the Stratford Perth Archives 2020 budget report as circulated with the agenda. She reported that their annual exhibit theme for 2020 is going to be focusing on community theatre.

Moved by: Councillor Aitcheson

Seconded by: Councillor Henderson

THAT the Municipal Shared Services Committee recommends to their respective Councils the 2020 budget, as presented by the Stratford Perth Archives.

Carried.

6.7 Social Services – Eden Grodzinski, Manager of Housing and Shannon Archer, Social Services Financial Officer

Eden Grodzinski presented the Social Services 2020 budget report as circulated with the agenda.

Moved by: Councillor Henderson

Seconded by: Warden McKenzie

THAT the Municipal Shared Services Committee recommends to their respective Councils the 2020 budget, as presented by Social Services.

Carried.

7.0 New Business

None identified.

8.0 Next Meeting – Thursday, December 19, 2019 @ 1:30 p.m. – County of Perth**9.0 Adjournment**

Motion by: Councillor Clifford

Seconded by: Councillor Aitcheson

That the budget meeting adjourn. Carried.

Time: 2:10 p.m.

St. Marys Business Improvement Area (BIA) Board Meeting

Minutes

Date: Monday, December 9th, 2019

Location: Town Hall, Council Chambers, 2rd floor, 175 Queen
Street East, St. Marys, ON Time: 6:00 p.m.

BIA Board: Lanny Hoare (Chair), Councillor Tony Winter, Amie
Rankin (Secretary/Treasurer), Kyle Burnside, Gwendolen Boyle
Lanny Hoare

BIA Staff: Lauren Eedy

Town of St. Marys Staff: Kelly Deeks, Economic Development

Agenda Items

1.0 Call to order and confirmation of Quorum

Called to order by T. Winter at 6:00pm

2.0 Declaration of Pecuniary / Conflict of Interest

None

3.0 Additions to the Agenda (to be added in Section 11.0 Other Business)

Adding 9.3 Appointment of Treasurer

4.0 Approval of Agenda

THAT the December 9th, 2019 BIA Board Agenda be Accepted as amended

Motion: A. Rankin

Seconded: G. Boyle

Carried

5.0 Approval of Meeting Minutes from the November 18th, 2019 Meeting:

THAT the Meeting Minutes from the November 18th, 2019 BIA Board Meeting are approved by the BIA Board and signed by the Chairperson and Recording Secretary.

Motion: K. Burnside

Seconded: A. Rankin

Carried

6.0 Public Input Period

B. Barnes, Owner, Eclectic Treasure

M. Richardson, St. Marys Independent Newspaper

Karen Payton

7.0 Council Report

Purchased one-ton truck for plowing.

Police budget being increased for 2020, mainly for gasoline usage \$37,936.00

Dam repairs to be completed

Council has taken over flowers on Queen St bridge

8.0 Delegations

8.1 Jed Kelly, Director of Public Works regarding Christmas lights.

Mickey hats were funded by BIA in 2016-2017

Historically fees for installing lights has gone up

Lights take approx. 30-40 minutes to complete versus 5 minutes

\$4500 annually versus \$1000 before, also safety issues

The town proposes this is not sustainable and looking toward something more cost effective and manageable such as the 'snowflakes' on street sides

3 options:

1- \$8300.00 plus HST to replace (12 in total), original cost is approximately \$14,000.00

Can be put into public auction for other municipalities

2- Still have former lights that are functional, plus inventory

3- Jed is looking at price to modify

THAT Jed Kelly provides pricing on inventory at next meeting.

Motion: A. Rankin

Seconded: G Boyle

Carried

8.2 Kelly Boudreau, Community Living St. Marys & Area.

Absent: could not make it

9.0 New Business

9.1 Quadro regarding current active account.

THAT Lauren Eedy will ask Quadro if there a termination fee.

Motion: A Rankin

Seconded G Boyle

Carried

9.2 Treasurer to be added

THAT the Board appoint Kyle Burnside as the Treasurer for the St. Marys Business Improvement Area for the term of the Board.

Motion: G Boyle

Seconded: A Rankin

Carried

10.0 Project & Committees

10.1 Treasurer's Report

*Treasure's report has not been received because need to remove former signers.

THAT the Board to remove Mary Van den Burge, Emily Legace and Chantal Lynch from

BMO BIA Board Account

Motion: A. Rankin

Seconded: G. Boyle

Carried

THAT Kyle Burnside, Lanny Hoare and Amie Rankin be added to the BMO BIA Board

Account

Motion: K. Burnside

Seconded: G. Boyle

Carried

11.0 Other Business

11.1 Advertising budget

Ad to promote Merchant's Open House created a lot of foot traffic and was a success. Will continue to advertise in future.

12.0 Upcoming Meetings

January 20, 2020

13.0 Motion to Adjourn

THAT this meeting be adjourned at 6:40pm

Motion: G. Boyle

Seconded: A. Rankin

Carried



MINUTES
Planning Advisory Committee

December 2, 2019
6:00 pm
Boardroom, Municipal Operations Centre

Members Present: Chair Van Galen
Councillor Hainer
Councillor Craigmile
Susan McMaster

Members Absent: William Galloway

Staff Present: Mark Stone, Planner
Grant Brouwer, Director of Building and Development
Jed Kelly, Director of Public Works
Richard Anderson, Fire Chief
Jason Silcox, Building Inspector
Jenna McCartney, Deputy Secretary / Treasurer

Others Present: Cliff Zaluski, Sierra Construction Group
Steve Cornwell, Sierra Construction Group

1. CALL TO ORDER

Chair Van Galen called the meeting to order at 6 pm.

2. DECLARATION OF PECUNIARY INTEREST

None declared

3. AMENDMENTS AND APPROVAL OF AGENDA

Chair Van Galen stated the Committee received one delegation request related to the matter. The delegation will be from Henry Monteith.

Moved By Councillor Lynn Hainer

Seconded By Susan McMaster

THAT the December 2, 2019 Planning Advisory Committee agenda be accepted as presented.

Carried

4. ACCEPTANCE OF MINUTES

Moved By Councillor Lynn Hainer

Seconded By: Susan McMaster

THAT the June 3, 2019 Planning Advisory Committee meeting minutes be approved and signed by the Chair and the Secretary - Treasurer.

Carried

5. REPORTS

5.1 Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc. 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016)

Mark Stone, Planner for the Town of St. Marys, spoke to the planning application for 151 Water Street North.

Chair Don Van Galen asked the applicant, Cliff Zaluski, to speak to the planning applications.

Cliff Zaluski and Steve Cornwell provided a presentation to the Committee which was distributed upon arrival to the meeting.

Cliff Zaluski provided some of the historical background on the property and stated that their proposal consists of a large structure with similar size and heights as the former school. Mr. Zaluski explained their approach following the January 2018 statutory public meeting to blending the proposed development with the neighbourhood surroundings and addressing shadowing concerns. Mr. Zaluski advised that the south end of the building will be lower in height than the height of the former school building.

Mr. Cornwell provided a summary of his planning experience and stated that the plans submitted to date conform to the requirements of the Planning Act and Provincial Policy Statement. Mr. Cornwell stated the Town does not have any urban design policies or guidelines and therefore did not understand the request for an urban design brief.

Mr. Cornwell stated that a number of the peer review recommendations would be more appropriately dealt with as part of the site plan approval process and is uncertain why the applicant must speak to those details at this stage of planning approvals.

Mr. Cornwell spoke to the heritage designation of an adjacent property and explained that the planning application does not violate any *Heritage Act* regulations in his opinion. The applicant has considered shadowing of the proposed development and provided the Town with a shadowing study. The study revealed that shadowing should not be an issue for the heritage designated home. Mr. Cornwell stated that the applicant is prepared to provide additional reports as would be required at the time of site plan agreement that would safeguard the heritage designation of the adjacent property.

Mr. Cornwall noted that they are seeking an amendment to Section 3.1.2.3 of the Town's Official Plan. Mr. Zaluski and Mr. Cornwell provided two examples of current buildings in St. Marys that blend in with surrounding one story homes and are not causing problems today. When considering traffic, the applicant does not believe that traffic related to the proposed development will be an issue for this area.

Mr. Cornwell provided the following summary of matters related to the planning application:

1. The proposed amendment to the Official Plan would increase the maximum density and height for the proposed residential development are appropriate.
2. The proposed changes to the typical R6 regulations consist of a change to the density and height regulations, and some setback adjustments that will allow the development to better match the existing setbacks of the surrounding uses.
3. The proposed amendments are consistent with the Provincial Policy Statement and conform with the relevant policies of the St. Marys Official Plan.
4. The design of the proposed facility will ensure that there are no urban design related impacts on surrounding land uses, and there will be no significant impacts on the adjacent heritage property.
5. The proposal will help meet a demand for new seniors' housing in St. Marys.
6. Given the proximity to downtown, walking trails and other amenities, the subject property is the best possible location for this type of residential development in St. Marys.
7. The design of the facility has been advanced sufficiently to show that the resulting buildings will be attractive and functional. The final design will be developed through the Site

8. Given the proximity of the proposed development to downtown, we are expecting there will be economic benefits to downtown businesses.
9. The proposed facility will provide new employment opportunities and add to the municipal tax base.
10. Keeping local seniors in town and attracting new residents to St Marys will contribute to economic and social prosperity.

Chair Van Galen thanked the applicant for their presentation and asked the Committee if there were questions.

Susan McMaster recognizes that the south end of the proposed development nearest the heritage designated property is three stories in height while the north end seems to tower the property. Ms. McMaster asked if the three stories are higher than the original school structure.

Mr. Cornwell stated that the proposed development's third story will be about the same height as the original school structure's second story.

Mr. Stone stated the proposed development appears to be closer to Water Street North than the original school structure and would necessitate retaining walls.

Mr. Cornwell stated the proposed development has been moved closer to Water Street North. Mr. Cornwell agreed that the applicant would be proposing a 1.5 metre high retaining wall along Water Street North in the southwest corner of the site.

Susan McMaster asked the applicant the reason for seeking relief for such a large proposed development rather than decreasing the size of the development.

Mr. Cornwell stated the applicant is attempting to keep the five stories in the northeast corner of the site, closer to the previous industrial property. Mr. Cornwell stated that the applicant will be incorporating many characteristics to keep the façade of the development complimentary to the area.

Susan McMaster stated that the proposed development appears to be six stories at the north end with parking on the first level and therefore, there would be no residential windows on the first level to improve the appearance of the development.

Mr. Cornwell stated the majority of parking will be below grade at the south end of the development.

Chair Van Galen asked what is the plan for the basement floor.

Mr. Cornwell advised there would be community rooms, a cafeteria, storage units, mechanical rooms, and a patio to the lounge area.

Councillor Hainer asked if staff had received a copy of the market study from the applicant. Mr. Zaluski responded that he will forward the study to staff if it has not already been received.

Mr. Cornwell stated that the area covered in the market study included south of Stratford and north of London as the target market.

Councillor Hainer asked who will manage and operate the proposed development. Mr. Zaluski responded that the applicant intends to retain the property as ownership but will be procuring the services of a management company.

Councillor Hainer raised the issue of affordability and inquired if rental rates are known at this time.

Mr. Zaluski stated the proposed development will encompass 75% two bedroom units and 25% one bedroom units. The final rental fee is not known at this time.

Councillor Hainer raised the concern of what will happen with the occupants of the proposed development when increased care requirements are needed as long term care facilities in St. Marys are already citing shortage of beds.

Mr. Zaluski advised that long term care facilities are regulated by the Province, and they choose where the beds are located. Mr. Cornwell stated the proposed development is offering an opportunity for occupants to reside in St. Marys for longer periods of time with assisted care being available.

Councillor Craigmile stated he has issues with massing and height. Councillor Craigmile asked why each amendment to the proposal appears to come back with increased massing and height.

Mr. Cornwell advised the south end of property was decreased in height.

Chair Van Galen asked Henry Monteith to come forward with his delegation to the Committee.

Henry Monteith of 111 Widder Street East is the Treasurer of the Community for Compatible Development organization. Mr. Monteith believes there have been no material changes to the planning applications since 2016. Mr. Monteith spoke to a petition of 128 signatories that oppose this development. Mr. Monteith suggested that a revisit to the development restrictions presented in the Request for Proposal for 121 Ontario Street South be considered for this proposed development and all future development in St. Marys. Mr. Monteith highlighted that the character of the neighbourhood should be considered when reviewing planning applications.

Mr. Monteith cited the restriction in the Town's Official Plan of three stories and suggested that it should apply to developments in all of the stable neighbourhoods in St. Marys. Mr. Monteith stated he is not against the proposed development in a compatible neighbourhood.

Mr. Monteith addressed traffic. He stated that there will be a significant increase in traffic flow in the coming years as Thames Crest Farms is built out. Coupled with the anticipated traffic related to a 180 unit development that will encompass occupants, visitors, staff and deliveries. Mr. Monteith suggested that the increased traffic volume would not be fair to the existing inhabitants of Wellington Street North.

In conclusion, Mr. Monteith stated that he endorses Mr. Stone's recommendation to the Planning Advisory Committee for this planning application.

Motion by: Councillor Lynn Hainer

Seconded by: Susan McMaster

THAT the Planning Advisory Committee receive this report; and,

THAT the Planning Advisory Committee recommend that Council refuse the Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc., 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016) for the reasons set out in this report.

Carried

Chair Van Galen explained that the recommendation of the Planning Advisory Committee would be received by Council at an upcoming meeting for deliberation on the matter.

6. UPCOMING MEETINGS

Chair Van Galen reviewed the upcoming meeting as presented on the agenda.

7. ADJOURNMENT

Moved By Councillor Lynn Hainer

Seconded By: Susan McMaster

THAT this meeting of the Planning Advisory Committee be adjourned at 7:22 pm.

Carried

Don Van Galen, Chair

Jenna McCartney, Deputy Secretary - Treasurer

BY-LAW 03-2020

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to provide for 2020 interim tax levies.

- WHEREAS:** The Municipal Act 2001, S.O. 2001, c.25, as amended Section 317 provides that the council of a local municipality, before the adoption of estimates for the year under Section 290, may pass a by-law levying amounts on the assessment of property in the local municipality ratable for local municipality purposes;
- AND WHEREAS:** The Council of this municipality deems it appropriate to provide for such interim levy on the assessment of property in this municipality;
- THEREFORE:** The Council of the Town of St. Marys enacts:
1. That the Council of The Town of St. Marys hereby imposes an interim levy in 2020 in an amount of 50% of the total annualized taxes for municipal and school purposes levied on the property in the previous year.
 2. For the purposes of calculating the total amount of taxes for the previous year, if any taxes for municipal and school purposes were levied on a property for only part of the previous year because assessment was added to the tax roll during that year, an amount shall be added equal to the additional taxes that would have been levied on the property if taxes for municipal and school purposes had been levied for the entire year.
 3. All taxes levied under this by-law shall be payable into the hands of the Tax Collector in accordance with the provisions of this by-law.
 4. If the taxes of any class or installment thereof so levied in accordance with this By-law remain unpaid on the due date, a penalty of one and one quarter per cent (1 $\frac{1}{4}$ %) (or 15% per annum) of the taxes remaining unpaid shall be levied on the first day of default and shall continue to accrue until paid in full.
 5. On the first day of the calendar month following the due date and every month thereafter for as long as there are taxes remaining unpaid, interest at the rate of one and one quarter per cent (1 $\frac{1}{4}$ %) (or 15% per annum) of the unpaid taxes shall be levied and shall continue to accrue until paid in full.
 6. The interim tax levy imposed by this by-law shall be paid in two equal installments due on the 28th day of February 2020 and 29th day of May 2020.
 7. A notice specifying the amount of taxes payable, may be mailed or caused to be mailed to the address of the residence or place of business of each person taxed under this by-law by the Tax Collector.

8. The notice to be mailed under this by-law shall contain the particulars provided for in this by-law and the information required to be entered in the Tax roll under section 340 of the Act.
9. The subsequent levy for the year 2020 to be made under the Act shall be reduced by the amount to be raised by the levy imposed by this by-law.
10. The Tax Collector shall be authorized to accept part payment from time to time on account of any taxes due, and to give a receipt of such part payment, provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectable in respect of non-payment or late payment of any taxes or any installment of taxes.
11. Nothing in this by-law shall prevent the Tax Collector from proceeding at any time with the collection of any tax, or any part thereof, in accordance with the provisions of the statutes and by-laws governing the collection of taxes.
12. In the event of any conflict between the provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.
13. This by-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second and third time and finally passed this 14th day of January, 2020.

Mayor Al Strathee

Brent Kittmer, CAO / Clerk

BY-LAW 04-2020

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to authorize temporary borrowing to meet current year expenditures during the fiscal year ending December 31, 2020.

- WHEREAS:** Section 407 (1) of the **Municipal Act, 2001**, S.O. 2001, c.25, as amended, provides that a municipality may authorize temporary borrowing from time to time such sums as the council considers necessary to meet, until the taxes are collected, the current expenditures of the corporation for the year;
- AND WHEREAS:** Section 407 (2) of the **Municipal Act, 2001**, S.O. 2001, c.25, as amended, stipulates that the amount that may be borrowed at any one time shall not exceed from January 1 to September 30 of the year, 50 percent of the total, and from October 1 to December 31, 25 percent of the total of the estimated revenues of the corporation as set forth in the estimates adopted for the year;
- AND WHEREAS:** The council of the corporation deems it advisable to have authority in place to borrow within the above limits to meet current year expenditures of the corporation for the year until taxes and are collected;
- NOW THEREFORE:** The Council of the Town of St. Marys enacts:
1. The head of council and the Treasurer are hereby authorized to borrow from time to time during the year 2020 (hereinafter referred to as the current year) such sums as may be necessary to meet, until the taxes are collected, the current expenditures of the Corporation and the other amounts that are set out in subsection 407 (1) of the *Municipal Act*.
 2. This by-law comes into force on the final passing thereof.

Read a first, second and third time and finally passed this 14th day of January, 2020.

Mayor Al Stratthdee

Brent Kittmer, CAO / Clerk

BY-LAW 06-2020

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to confirm all actions and proceedings of the Council of The Corporation of the Town of St. Marys at its regular meeting held on January 14, 2020.

WHEREAS: The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, Section 5(3), provides that the jurisdiction of every council is confined to the municipality that it represents and its powers shall be exercised by by-law;

AND WHEREAS: The Council of the Corporation of the Town of St. Marys deems it expedient to confirm its actions and proceedings;

NOW THEREFORE: The Council of The Corporation of the Town of St. Marys hereby enacts as follows:

- 1.** That all actions and proceedings of the Council of the Corporation of the Town of St. Marys taken at its regular meeting held on the 14th day of January, 2020 except those taken by by-law and those required by by-law to be done by resolution are hereby sanctioned, ratified and confirmed as though set out within and forming part of this by-law.
- 2.** This by-law comes into force on the final passing thereof.

Read a first, second and third time and finally passed this 14th day of January, 2020.

Mayor Al Stratheedee

Brent Kittmer, CAO / Clerk