



Agenda
Planning Advisory Committee

October 4, 2021

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Pages

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

RECOMMENDATION

THAT the October 4, 2021 Planning Advisory Committee agenda be accepted as presented.

4. **ACCEPTANCE OF MINUTES**

4

RECOMMENDATION

THAT the August 23, 2021 Planning Advisory Committee meeting minutes be approved and signed by the Chair and the Committee Secretary.

5. REPORTS

During the meeting the Chair will invite attendees to provide public comment for the application being considered by the Committee.

Virtually join the meeting by selecting the Zoom Webinar Link below to be an "attendee" and observe or participate in the meeting. Participants will be given the opportunity to provide comments related to the application being heard. The meeting will also be livestreamed on the Town's YouTube Channel.

Alternatively, any attendee may choose to join by telephone access by dialing the toll-free number below.

Video Participation:

<https://us06web.zoom.us/j/82287426108?pwd=L3VCbXlXczRXOHZyUXE3MEFYMkNDUT09>

Telephone Participation: 855-703-8985

Webinar ID: 822 8742 6108

Password: 216653

5.1. **DEV 46-2021 Application for Zoning By-law Amendment (Z04-2021) by Heybolt Ontario Ltd. for 17 Peel Street South**

7

RECOMMENDATION

THAT DEV 46-2021 Application for Zoning By-law Amendment (Z04-2021) by Heybolt Ontario Ltd. for 17 Peel Street South be received;

THAT the Planning Advisory Committee endorse the Application in principle; and,

THAT the Planning Advisory Committee recommend to Council:

THAT Council proceed with a public meeting to consider the Application

5.2. **DEV 47-2021 Review of Buffer Requirements in the Town of St. Marys Zoning By-law**

44

RECOMMENDATION

THAT DEV 47-2021 Review of Buffer Requirements in the Town of St. Marys Zoning By-law report be received for information purposes; and

THAT the Planning Advisory Committee direct Town staff to present a report to Council outlining possible enhancements to the Town's Zoning By-law with respect to buffering with new development.

6. UPCOMING MEETINGS

Town Staff will contact the Committee when an application has been deemed complete.

7. ADJOURNMENT

RECOMMENDATION

THAT this meeting of the Planning Advisory Committee be adjourned at _____ pm.



Minutes

Planning Advisory Committee

August 23, 2021

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Members Present	Chair Don Van Galen Councillor Craigmile William Galloway Susan McMaster
Member Absent	Councillor Hainer
Staff Present	Mark Stone, Town Planner Morgan Dykstra, Public Works and Planning Coordinator
Others Present	Caroline Baker, Baker Planning Group (Applicant's Agent) Scott McIntosh, 2398315 Ontario Limited (Applicant)

1. CALL TO ORDER

Chair Don Van Galen called the meeting to order at 6:00 pm.

Chair Don Van Galen advised how members of the public can participate in the meeting and provide comments related to the application being considered by the Planning Advisory Committee.

2. DECLARATION OF PECUNIARY INTEREST

None declared.

3. AMENDMENTS AND APPROVAL OF AGENDA

Moved By William Galloway

Seconded By Susan McMaster

THAT the August 23, 2021 Planning Advisory Committee agenda be accepted as presented.

Carried

4. ACCEPTANCE OF MINUTES

Moved By Susan McMaster

Seconded By Councillor Craigmile

THAT the April 6, 2021 Planning Advisory Committee meeting minutes be approved and signed by the Chair and the Committee Secretary.

Carried

5. REPORTS

- 5.1 DEV 39-2021 Application for Zoning By-law Amendment (Z03-2021) by 2398315 Ontario Limited (KLM Properties) for 615 Queen Street East

Chair Don Van Galen asked the Town's Planner, Mark Stone to speak to the Application. Mark Stone provided a brief overview of the Application and noted that since the circulation of the agenda, comments have been received from the Upper Thames River Conservation Authority who stated they have no concerns with the Zoning By-law Amendment being proposed.

Chair Don Van Galen asked the Applicant's Agent, Caroline Baker of Baker Planning Group to speak to the Application. Caroline provided an overview of the application as outlined in the Planning Justification Report.

Chair Don Van Galen asked the Committee if they had any questions regarding the Application, the Committee sought clarification regarding the use of outdoor amenity spaces.

Chair Don Van Galen asked Morgan Dykstra if there are any public comments. Morgan Dykstra confirmed that there are no public comments with respect to the application.

The Committee made the following recommendation:

Moved By William Galloway

Seconded By Councillor Craigmile

THAT DEV 39-2021 Application for Zoning By-law Amendment (Z03-2021) by 2398315 Ontario Limited (KLM Properties) for 615 Queen Street East be received;

THAT the Planning Advisory Committee endorse the Application in principle; and,

THAT the Planning Advisory Committee recommend to Council:

THAT Council proceeds with a public meeting to consider the Application.

Carried

6. UPCOMING MEETINGS

September meeting date to be confirmed.

7. ADJOURNMENT

Moved By William Galloway

Seconded By Councillor Craigmile

THAT this meeting of the Planning Advisory Committee be adjourned at 6:13 pm.

Carried

Don Van Galen, Chair

Morgan Dykstra, Committee Secretary

FORMAL REPORT

To:	Chair and Members of the Advisory Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	4 October 2021
Subject:	DEV 46-2021 Application for Zoning By-law Amendment (Z04-2021) by Heybolt Ontario Ltd. for 17 Peel Street South

PURPOSE

The purpose of this report is to: provide an overview of the Application; consider information and comments provided by the Applicant, Town departments, agencies and the public; and consider recommendation(s) to Council with respect to the further processing of this Application.

RECOMMENDATION

THAT DEV 46-2021 Application for Zoning By-law Amendment (Z04-2021) by Heybolt Ontario Ltd. for 17 Peel Street South be received;

THAT the Planning Advisory Committee endorse the Application in principle; and,

THAT the Planning Advisory Committee recommend to Council:

THAT Council proceed with a public meeting to consider the Application

BACKGROUND

The 1,670 m² (0.41 acre) subject property is located at the southeast corner of Peel Street South and Queen Street East as shown on the General Location Map (see Attachment 1 of this report). There are two existing buildings on the property as shown on the concept plan provided in Attachment 2. An institutional building (Building A), where the Salvation Army currently operates their outreach initiatives and an accessory building (Building B) used as a residence for the institutional leadership. There is an existing driveway access from Peel Street that connects to an asphalted off-street parking area on the east part of the property.

The Owner is proposing a phased adaptive reuse of the property, utilizing the two existing buildings to provide a range of residential and commercial uses. The first phase of the adaptive reuse would include:

1. The addition of three dwelling units (two in Building A and one in Building B)
2. The retention of 162 m² for the Salvation Army within Building A
3. A commercial kitchen for the retail sale of pre-purchased bulk frozen food items (30 m²) within Building A
4. Office for use by a massage therapist (30 m²) within Building A

The second phase of the redevelopment would include:

1. A total of eight dwelling units (six in Building A and two in Building B)
2. A commercial kitchen for the retail sale of pre-purchased bulk frozen food items (30 m²) within Building A

The purpose and effect of the Application is to amend the Town's Zoning By-law to change the zoning from "Institutional Zone (I)" to "Residential Zone Five (R5-XX)" with site-specific special provisions.

Application Submission Documents

Planning Justification Report

In support of the Application for Zoning By-law Amendment, a planning justification report was submitted to provide a detailed overview of the proposal and to review the application in the context of the Planning Act, the Provincial Policy Statement and the Town's Official Plan and Zoning By-law (copy provided as Attachment 3).

Site Servicing Report

A site servicing report was also submitted in support of the application and was prepared by MR Engineering and Design Ltd. The following is a summary of findings in the report:

- There is a 250mm (10") water main located west of the centreline of Peel Street South. The water service for Building A will be required to be upgraded to a minimum size of 1-1/2". The existing water service to Building B appears to be adequate.
- There is a 200mm (8") sanitary main located east of the centreline of Peel Street South.
- This site can be redeveloped without negative impact to the existing water supply and sanitary services.

REPORT

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 this Application.

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

- promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term
- accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs

Section 1.1.2 of the PPS states, in part, that sufficient land shall be made available in settlement areas through intensification and redevelopment and, if necessary, designated growth areas. Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land, resources, infrastructure, and public service facilities; minimize negative

impacts to air quality and climate change, and promote energy efficiency; and support active transportation.

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 of the PPS 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 by:

- permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements, and all forms of residential intensification, including second units, and redevelopment
- 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
- 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
- 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

Sections 1.6.3 and 1.6.6.1 promote the efficient use and optimization of existing infrastructure and public service facilities.

Official Plan

Goal 2.1.1 of the Official Plan states that “residential areas in St. Marys shall provide a range of housing accommodation suitable for all age groups and household incomes”.

The subject property is designated Residential in the Town’s 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. Residential Objectives are provided in Section 3.1.1 as follows:

- “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.
- 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.

- 3.1.1.9 To maintain at least a 10 year supply of land that is designated and available for residential uses and land with servicing capacity to provide a 3 year supply of residential units zoned to facilitate residential intensification and redevelopment, and in draft and registered plans”.

Section 3.1.2.3 of the Official Plan states the following:

“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.”

Section 3.1.2.4 states that “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”.

Section 3.1.2.5 states that “when reviewing development or redevelopment proposals, Council shall consider following density targets:

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

Council may moderately increase or decrease these densities dependent upon specific site circumstances, provision of on-site amenities, and capabilities of municipal servicing systems to accommodate any increase. Council will favour those developments with a mixture of lower and higher densities of development over those consisting of only low densities of development.”

Section 3.1.3.8 states that “proponents of townhouse and apartment developments are encouraged to provide on-site recreational facilities in keeping with the proposed development”.

Section 3.1.2.17 states that “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”.

And Section 3.1.2.22 states the following:

“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”.

It is concluded in the submitted planning justification report that:

- The proposed continued institutional use on the site is appropriate and conforms to the OP. The Site is well situated on an arterial road in proximity to the downtown area to provide a community supportive institutional use.
- The proposed wholesale kitchen with restricted retail space conforms to the OP, specifically Section 3.1.2.22. The proposed area will utilize the existing commercial kitchen already in operation within the building that originally supported the Salvation Army's food programs. The reuse of this facility is an efficient and effective use of resources and materials.
- Within the Residential designation, small-scale neighbourhood servicing uses are permitted provided they are small in scale, located on an arterial road, are permitted by site-specific zoning, and have an approved Site Plan Application. The Site is located on an arterial road, a Zoning By-law Amendment is being applied for and it is anticipated that Site Plan will be required should the Zoning By-law Amendment be approved. With the proposed limits on the square footage of the wholesale kitchen and professional office, each being 30 square metres in size, and the nature of both uses in terms of traffic generation and noise, is it our opinion that potential unacceptable adverse impacts to surrounding land uses have been appropriately addressed.

Zoning By-law

As per the Town's Zoning By-law, Z1-1997, as amended, the subject property is currently zoned "Institutional (I)".

The purpose and effect of the Application is to amend the Town's Zoning By-law to change the zoning from "Institutional Zone (I)" to "Residential Zone Five (R5-XX)" with the following site-specific special provisions:

- a) The following additional uses shall be permitted: dwelling units, wholesale establishment (commercial), institutional use, and professional office including a registered massage therapist
- b) The existing lot area, lot frontage, yard setbacks, lot coverage, sight and visibility triangles and building height shall be deemed to comply with the Zoning By-law
- c) A wholesale establishment (commercial) shall have a maximum gross floor area of 30 m²
- d) An institutional use shall have a maximum gross floor area of 400 m²
- e) A professional office shall have a maximum gross floor area of 30 m² and shall include the office of a registered massage therapist
- f) An off-street parking rate of 1.25 spaces per dwelling unit shall be required
- g) An off-street parking rate of 1.0 space per 30 m² of professional office shall be required
- h) To permit a planting strip to include either a minimum 1.5 metres of opaque visual barrier or a solid wood fence with a height 1.8 metres

COMMUNICATIONS

Notice of Receipt of a Complete Application for the Zoning By-law Amendment Application was circulated by first class mail to all land owners within 120 metres of the subject property and any agencies that may have an interest in the Application. Signage was also posted on the property.

At the time of preparing this report, the only comment received was from the Chippewas of the Thames First Nation stating no objection to the application.

PRELIMINARY PLANNING COMMENTS

The Residential designation in the Official Plan permits a range of housing types and forms. The proposed development would intensify the residential usage of the property and provide additional rental housing in the Town. The following is a preliminary list of matters to be considered further as the application progresses through the review process.

Affordable/attainable housing

In response to the Town's requirement for information to assess to what extent proposed development contributes to the provision of affordable and attainable housing, the applicant's planning justification report states, in part, the following:

- With respect to the provision of affordable housing, the Owner is proposed rental rates for the residential dwelling units between \$900 and \$1,500. The Town of St. Marys prepared a Affordable/Attainable Housing in St. Marys Report on October 27, 2020, that outlined the issues surrounding affordable and attainable housing as well as a recommended action plan. The Report notes that "housing options not only need to be affordable to the income level of the household, but must also be available at the time, appropriate to the circumstances of the individual or family (including of suitable quality), and an option that the household is able to put into action." The "affordable" and "alternate" monthly rental rates, based on 2018 data are as follows:
 - 1-Bedroom: \$780 (affordable); \$1,032 (alternate rate)
 - 2-Bedroom: \$920 (affordable); \$1,351 (alternate rate)
 - 3-Bedroom: \$1,017 (affordable); \$1,663 (alternate rate)
- With most of the units being between two (2) and three (3) bedrooms, the proposed rental rates are in line with the range between affordable and alternate rates. The above-noted rental rates were based on 2018 data, and the market has significantly shifted in the last three years with an average housing price increase of 39.4% (Huron Perth Association of Realtors).

Parking

The applicant is requesting relief from the Town's Zoning By-law to permit:

- An off-street parking rate of 1.25 spaces per dwelling unit
- An off-street parking rate of 1.0 space per 30 m² of professional office

The Town is currently completing a Town-wide Parking Study and the applicant's proposed reductions will be considered in the context of this study. In the planning justification report, the following points are made in support of the proposed parking rates:

- The proposed off-street parking rate is in compliance with the existing requirement in the St. Marys Zoning By-law for apartment dwellings and is reflective of the dwelling units being smaller in size and in, this particular proposal, a site that is within walking distance to the downtown area.
- The proposed rate is reflective of providing one parking space per dwelling unit and 0.25 parking spaces for visitor parking. The proposed visitor parking rate reflects the intent of the Zoning By-law to provide for a mix of land uses, where parking requirements can occur at different times during the day and week and thereby provide an opportunity to share parking spaces and provide land use efficiencies.
- It is also noted that both buildings are currently located on the Site, and the proposed Zoning By-law Amendment does not increase the overall floor area, but provides for a

greater range of uses. The proposed parking rates do not provide for an increase in overall floor area on the Site.

- The Zoning By-law requires a parking rate of 1.0 space per 20 square metres. This parking rate does not contemplate instances where a professional office is located on a mixed-use site that includes a range of uses with varying parking requirements in terms of number of spaces and utilization of those spaces. Typically, a professional office requires parking spaces during working hours when they are open; however, a portion of residential occupants require parking spaces in the evenings and weekends when not at work. This also includes the proposed residential visitor parking spaces, which may require greater use in the evenings and weekends when offices are generally closed.

FINANCIAL IMPLICATIONS

None known at this time.

SUMMARY

Staff will provide further comments and opinion following the review of Committee comments, public submissions, etc. Based on the review of the submission thus far, it is recommended that Planning Advisory Committee endorse the Application, in principle, and that Committee recommend to St. Marys Town Council that it proceed with the statutory public meeting.

ATTACHMENTS

- 1) General Location Map
- 2) Concept Site Plan
- 3) Planning Justification Report

Respectfully submitted,



Mark Stone,
Planner

GENERAL LOCATION MAP

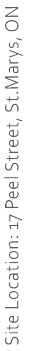
17 Peel Street South
Town of St. Marys



Subject Property



September 2021





Planning Justification Report

Zoning By-law Amendment Application

17 Peel Street, St. Marys

August 2021

Prepared For:
Heybolt Ontario Ltd.

Box 1507
St. Marys, ON
N6B 2B9

Prepared By:
Baker Planning Group

PO Box 23002 Stratford
Stratford, ON
N5A 7V8

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1 INTRODUCTION

On behalf of Heybolt Ontario Ltd. ("Owner"), Baker Planning Group is submitting a Zoning By-law Amendment Application for land known municipally as 17 Peel Street, St. Marys ("Site") (Figure 1).

The Site is an elevated property located at the intersection of Peel Street and Queen Street East and is 1,670 square metres in size with 36.531 metres of frontage on Queen Street East and 45.720 metres of frontage on Peel Street. The Site has two existing structures comprised of an institutional building (Building A), where the Salvation Army currently operates their outreach initiatives and an accessory building (Building B) used as a residence for the institutional leadership. The Site is bound by a retaining wall on Queen Street East and a portion along Peel Street, and a ten (10) foot wide vegetated Festival Hydro Easement to the south. There is an existing driveway access from Peel Street that connects to an asphalted off-street parking area on Site's eastern edge. There is a walkway/stair connection from the parking area to the intersection of Peel Street and Queen Street East. The remaining area of the Site is manicured lawn.

There is one (1) mature tree located in front of Building B along the Peel Street property line and a treeline along the southern and southeastern property line. There are also two (2) trees and some shrubbery along the northern property line between the retaining wall and Building A. The Site has a strong gradient from east to west, reflective of Queen Street East and the general topography of St. Marys.

The area surrounding the Site includes a mix of land uses (Figure 2), including:

South, east, northeast: low and medium density residential
West and northwest: commercial

The Central Commercial District and Business Improvement Area (BIA) for St. Marys has Peel Street as its eastern boundary. The properties to the immediate east of the Site are within the defined downtown.

The Site is within walking distance of a range of parks, commercial uses and community services. It is also in proximity to the local schools, including St. Marys District Collegiate and Institute (700m), Holy Name of Mary School (750m) and Little Falls Public School (1.5km).

The Site is designated "Residential" in the Town of St. Marys Official Plan ("OP") and Queen Street East is identified as an arterial road and Peel Street as a local road. To accommodate the existing uses, and in keeping with the OP, the Site is currently zoned "Institutional (I)" in the St. Marys Zoning By-law.

The Planning Justification Report ("Report") has been prepared to fulfill the submission requirements set-out by the Town of St. Marys. The Report provides a summary of the proposed land uses and the applicable land use policies and will address the appropriateness of the Application and if it constitutes good land use planning.



Figure:

1

SITE

Site Location: 17 Peel Street, St. Marys, ON



BAKER
Planning Group



Figure:

2

SURROUNDING LAND USE

Site Location: 17 Peel Street, St. Marys, ON



BAKER
Planning Group

1-1 PROPOSED DEVELOPMENT

The Owner is proposing a phased adaptive reuse of the Site, utilizing the two existing buildings to provide a range of residential and commercial uses ("Proposed Development")(Figure 3). The intent is to maintain the general site layout, including access from Peel Street, the parking area and the walkways and to re-purpose the interior of the existing buildings. Minor exterior building modifications will be required, including the addition of windows.

The first phase of the adaptive reuse would include:

1. The addition of three (3) dwelling units (two in Building A and one in Building B)
2. The retention of 162 square metres for the Salvation Army within Building A
3. A commercial kitchen for the retail sale of pre-purchased bulk frozen food items (30 square metres) within Building A
4. Office for use by a massage therapist (30 square metres) within Building A

The second phase of the redevelopment would include:

1. A total of 8 dwelling units (six in Building A and two in Building B)
2. A commercial kitchen for the retail sale of pre-purchased bulk frozen food items (30 square metres) within Building A

The proposed dwellings in both Phase 1 and Phase 2 will consist of 1 and two-bedroom units with a portion being affordable to the lowest 60 per cent of income distribution for Perth County households as outlined in the Stratford, Perth County, and St. Marys Housing and Homelessness Plan (5-year update 2020-2024).

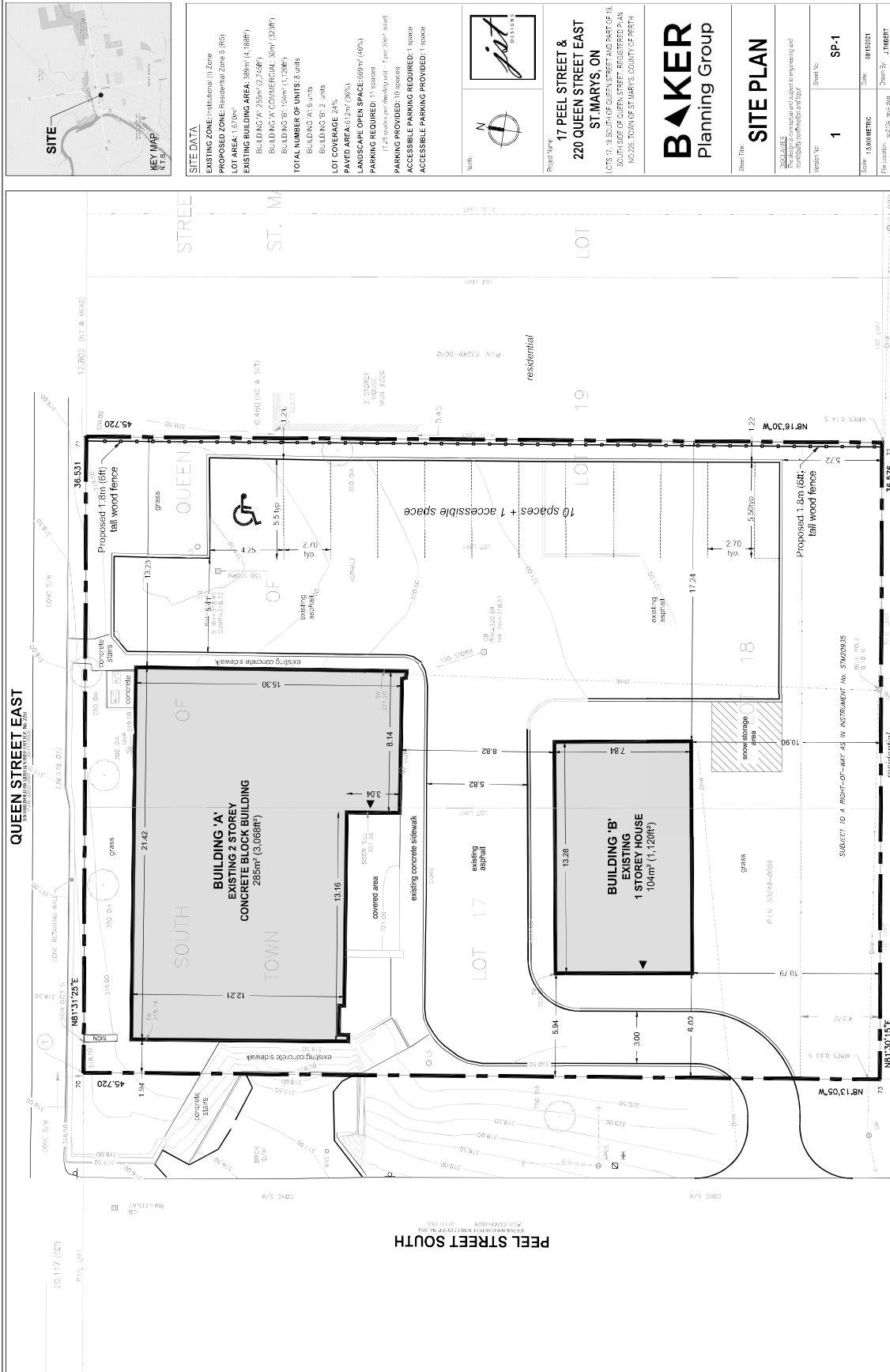
The dwellings units will contribute to the mix of rental housing, and the Owner is open to considering accessible units on the main floor of Building A. Both the off-street parkings and accessible parkings are proposed within the existing parking area on the Site. The enclosed garbage area and loading/unloading will continue to be located in defined loading area on Peel Street.

The existing concrete retaining wall is located within the municipal right-of-way and will continue to be maintained. The fencing on the Site will be replaced, including a new fence along the eastern property line.

As outlined in the Functional Servicing Letter, existing municipal sanitary, storm and water services connections are available to the Site. Through a future Site Plan Application, required servicing, grading and drainage plans will be provided.

To permit the proposed redevelopment, a Zoning By-law Amendment is required to a site-specific R5 Zone within the Town of St. Marys Zoning By-law.

1-2 ZONING BY-LAW AMENDMENT APPLICATION



To permit the Proposed Development, a Zoning By-law Amendment is required to rezone the Site from "Institutional (I)" to "Residential Zone Five (R5)" with the following site-specific regulations:

Permitted Uses

Notwithstanding the provisions of Section 12.1 of By-law No. Z1-1997 to the contrary, the following uses shall also be permitted on the lands located within the "**R5-XX**" zone as shown on Key Map 13 of Schedule "A" to this By-law (also shown on Schedule "A" to By-law No. Z19-2000):

- Dwelling Units
- Wholesale Establishment (commercial)
- Institutional Use
- Professional Office, including a registered massage therapist

Requirements

Notwithstanding the provisions of Section 12.2 of By-law No. Z1-1997 to the contrary, the following zone provisions shall apply to the lands located within the "**R5-XX**" zone as shown on Key Map 13 of Schedule "A" to this By-law (also shown on Schedule "A" to By-law No. Z19-2000):

- The existing lot area, lot frontage, yard setbacks, building separation setbacks, lot coverage, and building height shall be deemed to comply with the Zoning By-law
- Section 5.6 (Daylight or Sight Triangles) requirements shall not apply
- A Wholesale Establishment (commercial) shall have a maximum gross floor area of 30 square metres
- A Institutional Use shall have a maximum gross floor area of 400 square metres
- A Professional Office shall have a maximum gross floor area of 30 square metres and shall include the office of a registered massage therapist
- An off-street parking rate of 1.25 spaces per dwelling unit shall be required
- An off-street parking rate of 1.0 space per 30 square metres of Professional Office shall be required
- To permit a planting strip to include either a minimum 1.5 metres of opaque visual barrier or a solid wood fence with a height 1.8 metres

2 PLANNING POLICY FRAMEWORK

This Section of the Planning Justification Report provides an overview of the relevant planning policies to the Proposed Development and the Zoning By-law Amendment Application.

2-1 PLANNING ACT

The *Planning Act, R.S.O. 1990, CHAPTER P.13*, provides provincial legislation that “sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.”

Section 2 of the Planning Act outlines the matters of provincial interest that the council of a municipality, a planning board and the Local Planning Appeal Tribunal shall have regard to in carrying out their responsibilities under the Act. The following table provides a summary of the provincial interests, along with an analysis as it relates to the Proposed Development and the subject Zoning By-law Amendment Application.

Table 2-1: Summary of Provincial Interest

Section	Provincial Interest	Analysis
a)	the protection of ecological systems, including natural areas, features and functions	The Site does not contain any defined natural areas. The Owner will seek to maintain all existing healthy trees.
b)	the protection of the agricultural resources of the Province	The Site is not identified as being an area with known agricultural resources, and the land has already been developed for institutional uses. The development is an adaptive reuse development where no new structures are proposed.
c)	the conservation and management of natural resources and the mineral resource base	The Site does not contain any natural resources or mineral resources, as set out in the Town planning documents.
d)	the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest	There are no known significant features on the Site per the mapping in the Official Plan, and the Site is located within an existing built-up area.
e)	the supply, efficient use and conservation of energy and water	Full municipal water service is available for the proposed uses.
f)	the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems	<ul style="list-style-type: none"> • Communication services are available. • Water and Sanitary services are available on Queen Street. • Waste management to be accommodated on-site with unloading in the existing location on Peel Street South.

Section	Provincial Interest	Analysis
g)	the minimization of waste	The Owners will explore opportunities to minimize waste through the conversion process, should the application be approved.
h)	the orderly development of safe and healthy communities	The Site is located within a developed residential urban area of St. Marys. The proposed project will provide effective and efficient use of existing land and infrastructure while offering redevelopment of underutilized structures to supply new housing and an appropriate mix of uses. The proposed dwelling units will contribute to an increase in available rental housing stock. The proposed non-residential uses are compatible with the surrounding residential and commercial uses and benefit from existing site functions and facilities.
h.1)	the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies	The Owner is desirable to providing accessible units on the main floor of Building A, where feasible.
i)	the adequate provision and distribution of educational, health, social, cultural and recreational facilities	The Site is located within the urban area, proximate to parks and recreational opportunities, commercial and public services, employment, and schools.
j)	the adequate provision of a full range of housing, including affordable housing	The redevelopment will contribute to the range of rental housing types available in the Town. The dwelling units will provide options for 1 and 2 bedroom units with a portion being affordable to the lowest 60 per cent of income distribution for Perth County households as outlined in the Official Plan and the Stratford, Perth County, and St. Marys Housing and Homelessness Plan (5 year update 2020-2024).
k)	the adequate provision of employment opportunities	The provision of institutional and small business uses create employment opportunities, and more specifically small businesses.
l)	the protection of the financial and economic well-being of the Province and its municipalities	The efficient use of structures and land with existing municipal infrastructure provides long-term financial stability and cost-effective development.
m)	the co-ordination of planning activities of public bodies	To be addressed through the circulation of the planning applications to applicable public bodies.

Section	Provincial Interest	Analysis
n)	the resolution of planning conflicts involving public and private interests	Planning conflicts involving public and private interests have not been identified through the pre-consultation review.
o)	the protection of public health and safety	The Site is fully serviced on municipal water and sanitary, providing for the protection of public health and safety.
p)	the appropriate location of growth and development	The redevelopment provides the reuse of existing underutilized structures. The Site is located within a built-up residential area of St. Marys and proximate to the Central Commercial District. The development will contribute to the available housing mix within an area of existing municipal services.
q)	the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians	The Site is located at the intersection of a local and arterial municipal road with a pedestrian sidewalk, connecting to the downtown core and the community at-large.
r)	the promotion of built form that:	
r.i)	is well-designed	The redevelopment provides for the adaptive reuse of existing structures to offer modest intensification and a mix of residential dwelling options located in an area with existing residential and commercial uses. The Site location is in an area that identifies you are entering the downtown area with the historically established pattern of residential and commercial mixed uses.
r.ii)	encourages a sense of place	
r.iii)	provides for public spaces that are of high quality, safe, accessible, attractive and vibrant	Area parks, recreation facilities, and the downtown core are available within walking distance to the Site.
s)	the mitigation of greenhouse gas emissions and adaptation to a changing climate	The reuse of existing structures on land within a developed urban area to provide modest intensification and increased availability of mixed housing options, will help to reduce greenhouse gas emissions while also minimizing the consumption of agricultural land. The Site is located outside of any flood zone or regulation limit.

In summary, the proposed development and the implementing Zoning By-law Amendment Application have regard for matters of public interest.

2-2 PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement ("PPS"), 2020 is a province-wide policy document that sets the foundation for regulating development and the use of land. The PPS is issued under Section 3 of the *Planning Act*. The PPS "provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment." The document is to be read in its entirety and all relevant policies are to be considered. Municipal official plans are the most important vehicle for implementing the PPS and for achieving comprehensive, integrated and long-term planning.

The following section summarizes the policy directives relevant to the proposed development of the Site and the implementing Zoning By-law Amendment Application.

Directive #1 – Efficient and Resilient Growth

Section 1.1 of the PPS outlines the general policies for the development of efficient and resilient land use patterns and growth. Specifically, Section 1.1.1 outlines the policies to create sustainable, healthy, liveable and safe communities, including:

- 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

Section 1.1.2 states that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years. Section 1.1.3.1 and 1.1.3.2 states that growth and development shall be focused to settlement areas and that land use patterns in these areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) 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;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and
- g) are *freight-supportive*.

Section 1.1.3.3 states that appropriate locations should be identified and opportunities promoted that accommodate a significant supply and range of housing options through *intensification* and *redevelopment*. Section 1.1.3.4 suggests that appropriate development standards should be promoted, which facilitate *intensification*, *redevelopment*, and compact form. Section 1.1.3.5 states that planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions.

Section 1.1.3.6 states that new development in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure, and public service facilities.

Section 1.1.3.7 b) of the PPS addresses the phasing of growth, stating that development should proceed in an orderly progression, in keeping with the provision of the necessary public services and infrastructure.

Directive #2 – Housing

Section 1.4 of the PPS addresses residential growth and the provision of an appropriate range and mix of housing types and densities. Section 1.4.1 states that to provide an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Section 1.4.3 states that planning authorities shall provide for a mix of housing types and densities by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households* and which aligns with applicable housing

and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
2. all types of *residential intensification*, including additional residential 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;

e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and

f) 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.

Directive #3 – Supporting Existing Transportation Infrastructure

Section 1.6.7.2 of the PPS states that “efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.” Section 1.6.7.4 states that a land use pattern, density, and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Directive #4 – Supporting Long-Term Economic Prosperity

Section 1.7 of the PPS provides a detailed list of policies to support long-term economic prosperity in the Province, including optimizing land, resources and infrastructure. Section 1.7.1 (b) also states that long term economic prosperity should be supported by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce. The support of a greater mix of land uses is also supported in Section 1.3.1a which states that Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs.

Planning Analysis

It is our opinion that the Zoning By-law Amendment Application is consistent with the PPS. As outlined in the preamble to the PPS, the policy-led planning systems in Ontario seek to address the complex inter-relationships between the pillars that contribute to good land use planning. This

includes agricultural protection, range and mix of housing supply, barrier-free building design, long-term economic prosperity and climate change mitigation.

The Application has demonstrated consistency to these key directives, or pillars, by:

- Minimizing the need to expand the built boundary and remove land from agricultural production by providing new housing supply within the built-up area (Section 1.1.1).
- Promoting efficient development and land use as an adaptive reuse project supported by existing municipal water, storm, and sanitary infrastructure (Section 1.1.1, 1.1.3, 1.4, 1.6, 1.7).
- Providing an appropriate affordable and market-based range and mix of residential types and institutional uses (Section 1.1.1, 1.4, 1.7); with a portion of the dwelling units being affordable to the lowest 60 percent of income distribution for Perth County households as outlined in the St. Marys Official Plan and the Stratford, Perth County, and St. Marys Housing and Homelessness Plan (5-year update 2020-2024) (Section 1.4.3).
- Introducing compatible non-residential uses to utilize existing facilities located in the building, including a wholesaling kitchen and one (1) registered massage therapist.
- Accommodating an appropriate range and mix of land uses by combining increased residential density with the existing institutional use and a small retail component (Section 1.1.2, Section 1.3.1);
- Reducing greenhouse gas emissions by reusing existing structures and materials on land within a developed urban area provides modest intensification and increased availability of mixed housing options (Section 1.1.3.1 and 1.1.3.2). Also addressing climate change by supporting alternative transportation modes and minimizing further consumption of agricultural land (Section 1.1.1, 1.1.3);
- Providing residential intensification within the settlement area that has well-established transportation connections and pedestrian amenities (Section 1.1.2 and 1.4);
- Promoting active transportation due to the walking proximity of the Site to the Central Commercial District as well as community and recreational services (Section 1.1.3, 1.4) and providing access to existing transportation infrastructure with access to both an arterial and local road (Section 1.6); and
- Contributing to the long-term prosperity of the Province by providing new development through a conversion that does not require the extension of infrastructure or increased long-term maintenance responsibilities (Section 1.7).

2-3 THAMES-SYDENHAM & REGION SOURCE PROTECTION PLAN

The Province of Ontario passed the Clean Water Act in 2006 to ensure clean, safe, and sustainable drinking water is available for Ontarians. The intent is to protect water before it enters the municipal drinking water system. All planning decisions shall conform with the policies that address significant drinking water threats as per Section 39 (1) (a) of the Clean Water Act.

The Act established 22 source water protection areas and source protection regions to manage existing and future risks to municipal drinking water sources. The Site is located within the Thames - Sydenham Source Protection Region and is subject to the policies of the Thames - Sydenham Region Source Protection Area (2015).

Map 3-1-10 (St. Marys) to the Source Protection Plan identifies that the Site is within a sourcewater protection area. The proposed development poses minimal risk as no modifications are intended.

2-4 TOWN OF ST. MARYS OFFICIAL PLAN, 1987

The Town of St. Marys Official Plan (OP), adopted in 1987 (Consolidated October 1, 2007), provides a series of policies to “ensure that St. Marys continued to attract new development in balance with preserving the Town’s character and charm.”

The Site is designated “Residential” on Schedule A to the OP (Figure 4). General goals and principles of the Official Plan (Section 2.1), applicable to the Proposed Development include:

- 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.
- 2.1.4 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.

Section 2.3 outlines the Heritage Conservation objectives and policies designed to conserve and maintain the “attractive aesthetic and heritage character of the Town” with a 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.”

Residential objectives and policies are provided in Section 3.1 of the OP and outline several objectives including the provision of a range in housing types, the promotion of creativity in new residential development, the promotion of housing for senior citizens and those with accessible needs and the encouragement of additional housing through intensification, diversification, and intermixing of different housing types and forms. The primary use of land shall be residential, including walk-up apartments, as well as institutional uses.

Section 3.1.2.22 of the OP states neighbourhood commercial type uses may be permitted in the “Residential” designation, subject to a Zoning By-law Amendment, provided that such uses:

- Service the immediate neighbourhood,
- Located on an Arterial Road
- Small scale
- Compatible to the character of the areas

Site Plan Approval is required for neighbourhood commercial uses to be located on land that is designated as Residential.

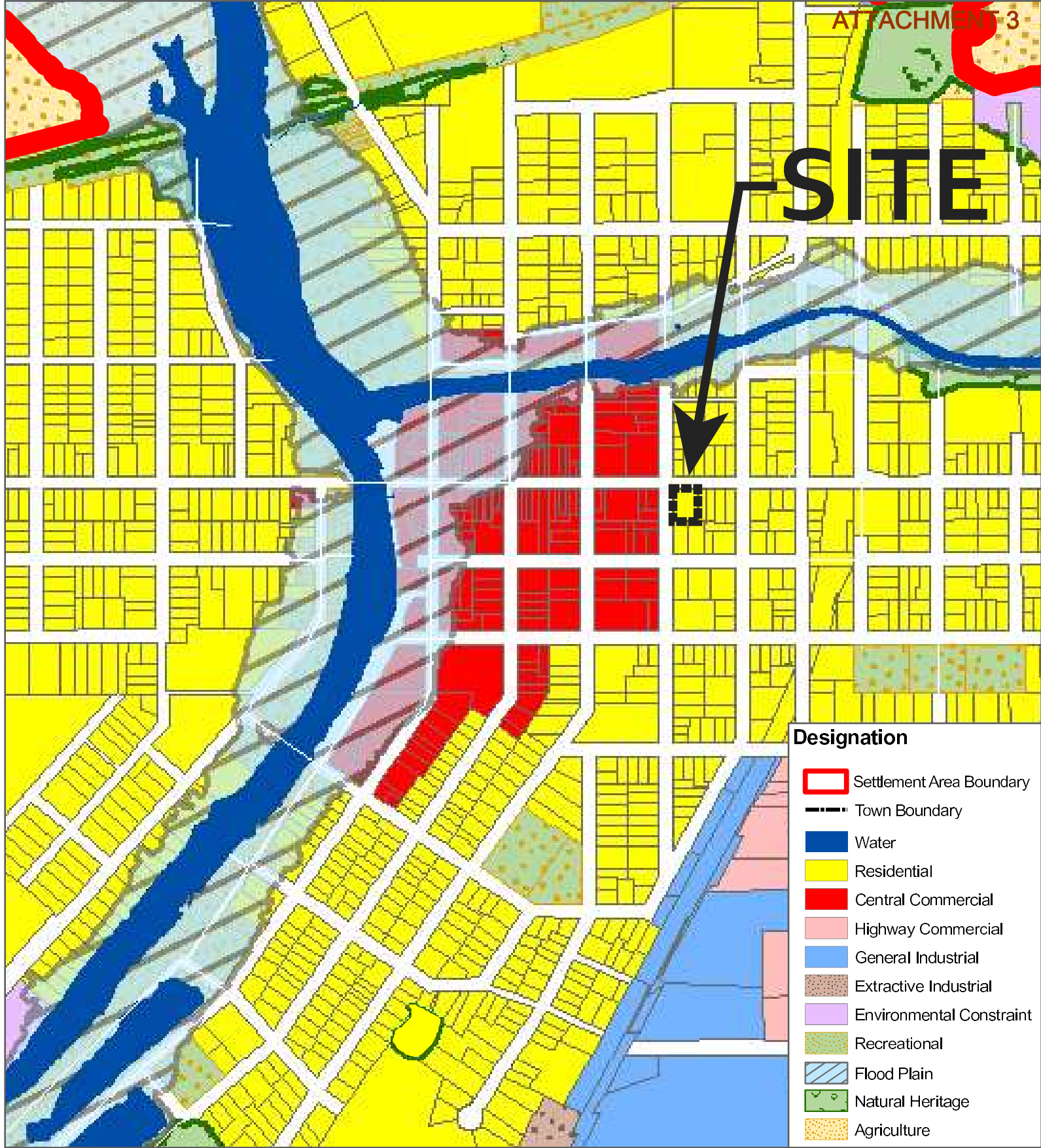


Figure:
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TOWN OF ST.MARYS OFFICIAL PLAN SCHEDULE 'A': LAND USE PLAN

Site Location: 17 Peel Street, St.Marys, ON

The OP supports residential infilling (Section 3.1.2.3) provided the development is in keeping with the inherent neighbourhood qualities and building type, form, and separation. Further, Section 3.1.2.3 states that “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.” Preference shall be given to intensification and redevelopment over greenfield development as a means of providing affordability and efficiencies in infrastructure and public services.

Further to the infilling policies, Section 3.1.2.5 indicates a preference for developments with a mixture of lower and higher densities of development over those consisting of only low densities of development. Development with a residential density greater than 18 units per hectare shall take into account the following before approval:

- a) That the development will not involve a building in excess of three full stories above average finished grade and designed to be in keeping with the general character of the area;
- b) That the physical condition of land proposed for development will not present a hazard to buildings structures and residents;
- c) That the net density of development shall not exceed 75 units per hectare;
- d) That the development is serviced by municipal water supply and sewage disposal facilities and that the design capacity of these services can accommodate such development;
- e) That the proposed development is within 100 metres of an arterial or collector road as defined in Schedule “B” of this Plan; and
- f) That sufficient on-site parking is provided, and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing.

In keeping with the PPS, Section 3.1.2.14 states that Council will encourage affordable housing development, with 30% of the new housing units created being considered by Council as affordable to households with incomes in the lowest 60 percent of income distribution for Perth County households.

With the conversion of the existing single detached dwelling on the Site for two (2) dwelling units, Section 3.1.3.10 of the OP applies. The policy states that conversions of older single-detached residences to a multiple residential use may be permitted through an amendment to the Zoning By-law, and that Council may consider:

- 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.

The existing institutional use on the Site is permitted through Section 3.1.2.17 the OP, which states that institutional uses are permitted in the “Residential” designation except were prohibited by the policies of Section 3.8 (Natural Hazards).

Section 3.1.2.22 permits neighbourhood commercial uses 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, and that an Amendment to the implementing Zoning By-law shall regulate matters such as scale of use, parking, and building locations shall be required along with a Site Plan Agreement.

Section 3.8 addresses the objectives and policies related to Natural Hazards. Due to the “steeply sloped lands that are susceptible to erosion and valley lands that are susceptible to flooding from time to time” the Town has developed a Special Policy Area and a Two-Zone Concept approach limiting the development and regulated uses in these areas. The Site is located outside the Regulated Area of the Upper Thames Valley Conservation Authority.

Planning Analysis

It is our opinion that the Application conforms to the OP as it provides effective use of existing resources and infrastructure with an efficient adaptive reuse of existing structures providing an increase in range of available housing and neighbourhood supporting commercial and institutional uses.

The OP permits the proposed range and mix of uses on the Site, including multi-unit residential dwelling units, institutional uses outside any natural hazards, and neighbourhood serving commercial uses.

The proposed redevelopment provides for a compatible development that addresses any potential unacceptable adverse impacts, including (per Section 3.1.2.3, 3.1.2.5 and 3.1.3.10):

- The proposed redevelopment does not result in any modification to the built-form, setbacks or building height on the Site, minimizing any change to the character of the neighbourhood
- The existing lot fabric is not altered through the proposed redevelopment
- The development does not exceed 75 units per hectare
- Significant slope and vegetation along the interior property lines, in combination with the proposed fencing, ensures that privacy is maintained to neighbouring residential uses
- The existing driveway access to the Site will be maintained, limiting changes to site access from Peel Street
- The assessment of off-street parking provisions, as provided in Section 2-5 of this Report demonstrates that the proposed rates are appropriate and address the specific nature of the proposed uses on the Site
- Sufficient services are available to accommodate the proposed redevelopment
- The proposed redevelopment provides a transition in use and built-form from the lower density residential uses to the east and south to the downtown area to the west

With respect to the provision of affordable housing, the Owner is proposed rental rates for the residential dwelling units between \$900 and \$1,500. The Town of St. Marys prepared a Affordable/Attainable Housing in St. Marys Report on October 27, 2020, that outlined the issues surrounding affordable and attainable housing as well as a recommended action plan. The Report notes that "housing options not only need to be affordable to the income level of the household, but must also be available at the time, appropriate to the circumstances of the individual or family (including of suitable quality), and an option that the household is able to put into action." The "affordable" and "alternate" monthly rental rates, based on 2018 data are as follows:

- 1-Bedroom: \$780 (affordable); \$1,032 (alternate rate)
- 2-Bedroom: \$920 (affordable); \$1,351 (alternate rate)
- 3-Bedroom: \$1,017 (affordable); \$1,663 (alternate rate)

With most of the units being between two (2) and three (3) bedrooms, the proposed rental rates are in line with the range between affordable and alternate rates. The above-noted rental rates were based on 2018 data, and the market has significantly shifted in the last three years with an average housing price increase of 39.4% (Huron Perth Association of Realtors).

In our opinion, the proposed continued institutional use on the Site is appropriate and conforms to the OP. The Site is well situated on an arterial road in proximity to the downtown area to provide a community supportive institutional use.

It is further our opinion that the proposed wholesale kitchen with restricted retail space conforms to the OP, specifically Section 3.1.2.22. The proposed area will utilize the existing commercial kitchen already in operation within the building that originally supported the Salvation Army's food programs. The reuse of this facility is an efficient and effective use of resources and materials.

Within the Residential designation, small-scale neighbourhood servicing uses are permitted provided they are small in scale, located on an arterial road, are permitted by site-specific zoning, and have an approved Site Plan Application. The Site is located on an arterial road, a Zoning By-law Amendment is being applied for and it is anticipated that Site Plan will be required should the Zoning By-law Amendment be approved. With the proposed limits on the square footage of the wholesale kitchen and professional office, each being 30 square metres in size, and the nature of both uses in terms of traffic generation and noise, is it our opinion that potential unacceptable adverse impacts to surrounding land uses have been appropriately addressed.

There are no identified built heritage features on the Site and those closest to the south are a Not Designated Category 1 and a Not Designated Category 2. As the proposal does not alter the exterior of the existing building a Heritage Impact Assessment was not required.

In summary, it is our opinion that the proposed developed addresses the policies in the OP by providing a mix of housing density and an expanded range of available rental dwelling units. The proposal provides efficient use of resources and infrastructure. The proposed adaptive reuse of existing structures provides additional needed housing mix without altering the current neighbourhood rooflines or geometry.

2-5 TOWN OF ST. MARYS OFFICIAL PLAN REVIEW and UPDATE, Draft Amendments (December 2019)

The Town of St. Marys is currently going through an Official Plan (OP) review process. The proposed draft OP (December 2019), adopted in 1987, provides a series of policies to “ensure that St. Marys continued to attract new development in balance with preserving the Town’s character and charm.”

The Site continues to be designated “Residential” on Schedule A to the draft OP. The proposed development supports the intended purpose and goals of the draft OP, and there are no recommended policy changes that would alter the planning analysis of the proposed development.

In keeping with the Provincial Policy Statement, the draft OP has an increased emphasis on infill and intensification (Sections 3.1, 3.1.1, 3.1.2). The draft OP also provides additional encouragement for the development of affordable housing (Section 3.1.2.16)

2-6 TOWN OF ST. MARYS ZONING BY-LAW, 1997

The Town of St. Marys Zoning By-law (By-law), adopted in 1997, zones the Site as “Institutional” (Figure 5). The I Zone permits a range of uses, including the current use by the Salvation Army within both structures.

Through the Zoning By-law Amendment Application, it is requested that the Site be rezoned to “Residential Five Zone (R5)” with the following site-specific regulations (Figure 6):

Permitted Uses

Notwithstanding the provisions of Section 12.1 of By-law No. Z1-1997 to the contrary, the following uses shall also be permitted on the lands located within the “**R5-XX**” zone as shown on Key Map 13 of Schedule “A” to this By-law (also shown on Schedule “A” to By-law No. Z19-2000):

- Dwelling Units
- Wholesale Establishment (commercial)
- Institutional Use
- Professional Office, including a registered massage therapist

Requirements

Notwithstanding the provisions of Section 12.2 of By-law No. Z1-1997 to the contrary, the following zone provisions shall apply to the lands located within the “**R5-XX**” zone as shown on Key Map 13 of Schedule “A” to this By-law (also shown on Schedule “A” to By-law No. Z19-2000):

- The existing lot area, lot frontage, yard setbacks, lot coverage, sight and visibility triangles and building height shall be deemed to comply with the Zoning By-law

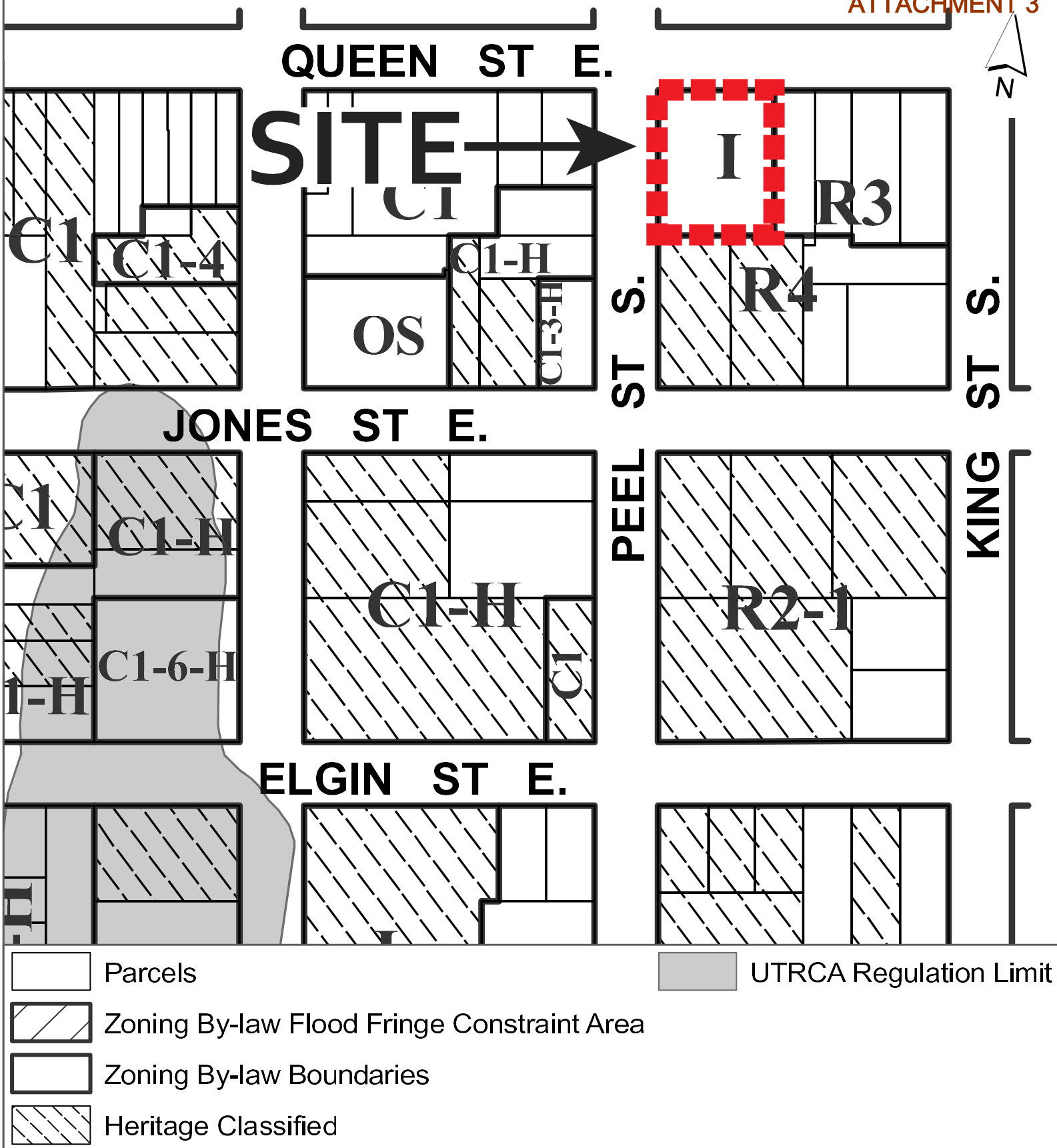


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ST.MARYS ZONING BY-LAW

Site Location: 17 Peel Street, St.Marys, ON



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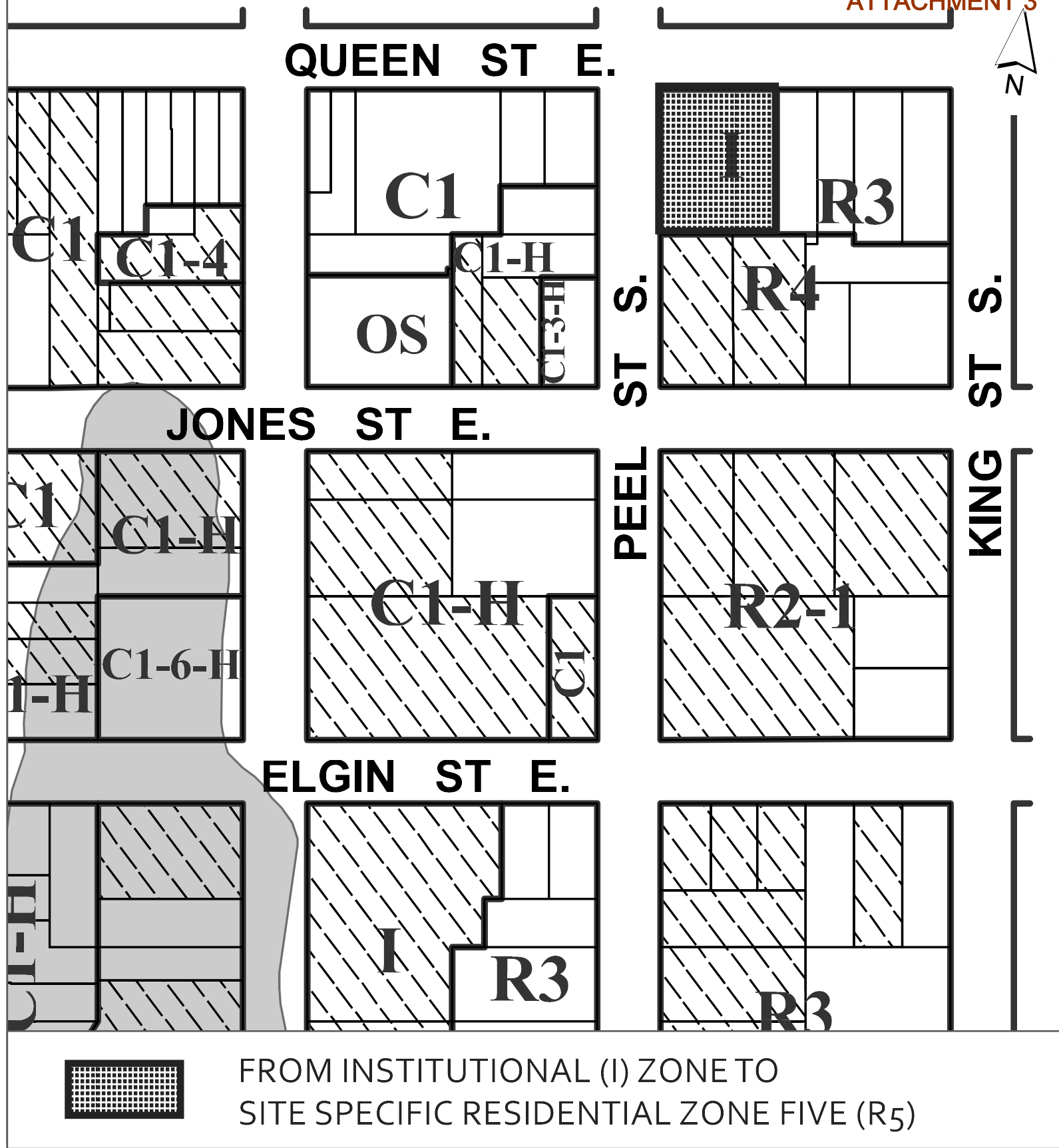


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ST.MARYS ZONING BY-LAW AMENDMENT

Site Location: 17 Peel Street, St.Marys, ON



- A Wholesale Establishment (commercial) shall have a maximum gross floor area of 30 square metres
- A Institutional Use shall have a maximum gross floor area of 400 square metres
- A Professional Office shall have a maximum gross floor area of 30 square metres and shall include the office of a registered massage therapist
- An off-street parking rate of 1.25 spaces per dwelling unit shall be required
- An off-street parking rate of 1.0 space per 30 square metres of Professional Office shall be required
- To permit a planting strip to include either a minimum 1.5 metres of opaque visual barrier or a solid wood fence with a height 1.8 metres

The following table provides a zoning analysis of the R5 provisions and the proposed development.

Regulation	R5 - Apartment	Proposed Development	Complies
Minimum Lot Area	1620 sq.m (900m ² + 90/additional unit)	1,670 sq.m.	Yes
Maximum Density	N/A	Max of 50 uph	Yes
Minimum Lot Frontage (Peel Street)	30.5 m	45.72m	Yes
Minimum Lot Depth	37.0m	36.531m	No*
Minimum Front Yard	7.5m	1.94m	No*
Minimum Side Yard (Interior)	7.5m	10.9m	Yes
Minimum Side Yard (Exterior)	7.5m	2.73m	No*
Minimum Rear Yard	12.0m	13.23m	Yes
Maximum Building Height	13.5m	>13.5m	No*
Maximum Number of Stories	3	3	Yes
Maximum Lot Coverage	35%	24%	Yes
Setbacks Between two (2) Buildings Windows Facing Each Other	21.0m	8.82m	No*
Minimum Dwelling Unit Floor Area	1 bedroom: 55.0 sq.m. 2 bedroom: 65.0 sq.m. 3 bedroom: 75 sq.m.	To comply	Yes
Minimum Landscaped Open Space	35%	40%	Yes
Required Planting Strip	Minimum width of 1.5m with vegetation	>1.5m (southern line) 1.2m (eastern line)	No
Off-Street Parking	2/unit (converted dwelling) 1.25/unit (apartment dwelling)	1.25/dwelling unit	No Yes

Regulation	R5 - Apartment	Proposed Development	Complies
	1/20 sq.m. (Professional Office)	1.25/unit (apartment dwelling)	No
	1/30sq.m (wholesale use)	1/30 sq.m. (Professional Office)	Yes
	1/40 sq.m. (institutional use)	1/30sq.m (wholesale use)	Yes
		1/40 sq.m. (institutional use)	
Off-Street Parking Space Size	2.7m by 5.5m	2.7m by 5.5m	Yes

**Legal Non-Conforming*

In our opinion, the proposed range of uses within the site-specific zoning is appropriate and compatible with the surrounding uses. The Site has operated as a non-residential use, being an institutional use, for approximately 60 years. The mixed-use development provides an opportunity to transition from the residential uses to the east and south, the commercial uses within the downtown area of St. Marys.

In our opinion, the necessary supporting site functions can be accommodated on the Site for the proposed range of uses, including access, off-street parking, buffering, garbage collection, pedestrian connections, and snow storage areas.

A site-specific provision is proposed to address the existing legal non-complying matters to recognize the existing building and Site. The inclusion of this provision does not provide the opportunity to add additional building area but is simply required to ensure that the proposed redevelopment complies with the Zoning By-law.

In our opinion, the proposed site-specific provisions are appropriate and conform to the Official Plan for the following reasons:

A Wholesale Establishment (commercial) shall have a maximum gross floor area of 30 square metres

The intent of this provision is to limit the size and scale of the proposed wholesale commercial establishment to the existing commercial kitchen in Building A, in keeping with Section 3.1.2.22 of the OP. Further, the proposed building floor area limit intends to ensure that the use is secondary to the existing institutional use in the interim and residential use over the long-term development plan.

An Institutional Use shall have a maximum gross floor area of 400 square metres

The proposed institutional use is existing on the Site, and the intent of the proposed maximum floor area is to limit its continued use to Building A. Building B is proposed to

be converted to two (2) dwelling units and institutional uses within that building will not be required.

A Professional Office shall have a maximum gross floor area of 30 square metres and shall include the office of a registered massage therapist

A maximum floor area has been proposed for the professional office to reflect the desire to provide a transition in uses from the residential area to the downtown area. The maximum floor area has also been proposed to ensure that sufficient parking is available on Site for the range of proposed uses.

The proposed restriction on permitted floor area is also proposed to address Section 3.1.2.22 of the OP, which permits small-scale neighbourhood commercial uses within the Residential designation.

An off-street parking rate of 1.25 spaces per dwelling unit shall be required

The proposed off-street parking rate is in compliance with the existing requirement in the St. Marys Zoning By-law for apartment dwellings and is reflective of the dwelling units being smaller in size and in, this particular proposal, a Site that is within walking distance to the downtown area.

The proposed rate is reflective of providing one (1) parking space per dwelling unit and 0.25 parking spaces for visitor parking. The proposed visitor parking rate reflects the intent of the Zoning By-law to provide for a mix of land uses, where parking requirements can occur at different times during the day and week and thereby provide an opportunity to share parking spaces and provide land use efficiencies.

It is also noted that both buildings are currently located on the Site, and the proposed Zoning By-law Amendment does not increase the overall floor area, but provides for a greater range of uses. The proposed parking rates do not provide for an increase in overall floor area on the Site.

An off-street parking rate of 1.0 space per 30 square metres of Professional Office shall be required

The Zoning By-law requires a parking rate of 1.0 space per 20 square metres. This parking rate does not contemplate instances where a professional office is located on a mixed-use site that includes a range of uses with varying parking requirements in terms of number of spaces and utilization of those spaces. Typically, a professional office requires parking spaces during working hours when they are open; however, a portion of residential occupants require parking spaces in the evenings and weekends when not at work. This also includes the proposed residential visitor parking spaces, which may require greater use in the evenings and weekends when offices are generally closed.

The concept of shared parking and the promotion of mixed-use developments is to improve the efficiency of off-street parking, minimizing land area required for parking lots.

To permit a planting strip to include either a minimum 1.5 metres of opaque visual barrier or a solid wood fence with a height 1.8 metres

The intent of the planting strip requirement is to provide screening between residential properties, particularly when a higher residential density is proposed. The screening enhances privacy to adjacent land uses and minimizes overlook. In our opinion, a solid wood fence can achieve a comparable level of screening to maintain privacy. The proposed development is one-storey in height, and a solid fence will prevent any overlook from the new units to the two adjacent residential properties.

3 SUMMARY

The Owner proposes an adaptive re-use of the existing Site , transitioning the use from the existing institutional use, as the Salvation Army reduces its needs.

The Owner is seeking an amendment to the Town of St. Marys Zoning By-law to permit the phased development of eight (8) dwelling units and limited non-residential, while maintaining the existing institutional uses.

Based on the foregoing analysis, it is our opinion that the proposed development and the implementing Zoning By-law Amendment Application is appropriate, is in the public interest, and represents good land use planning. This opinion is supported by the following:

- The Site is well situated to provide a transitional use between the residential area to the south and east and the downtown area of St. Marys to the west and northwest
- The Application is consistent with provincial policy, by providing for the efficient and effective use of land within the built-up area and addressing a specific housing need within the community, and the re-use of existing resources in line with the direction to address climate change
- Conforms to the OP, as it provides for the effective use of resources with the adaptive reuse of existing structures providing an increase in range of available housing and a transition of land uses. The current institutional and proposed residential developments are permitted uses within the Residential designation
- The proposed zoning regulations address matters related to potential impact to surrounding land uses, including appropriate screening and buffering, sufficient off-street parking, and the general maintenance of the existing built-form
- Appropriate municipal servicing is available to support the proposed development

FORMAL REPORT

To: Chair and Members of the Advisory Committee

Prepared by: Mark Stone, Planner

Date of Meeting: 4 October 2021

Subject: **DEV 47-2021 Review of Buffer Requirements in the Town of St. Marys Zoning By-law**

PURPOSE

The purpose of this report is to report back on the process, timelines, and implications of amending the Town Zoning By-Law to include buffering for residential zones, including the R3-16 zone.

RECOMMENDATION

THAT DEV 47-2021 Review of Buffer Requirements in the Town of St. Marys Zoning By-law report be received for information purposes; and

THAT the Planning Advisory Committee direct Town staff to present a report to Council outlining possible enhancements to the Town's Zoning By-law with respect to buffering with new development.

BACKGROUND

In July of this year, the Town received correspondence from some residents who reside on Wilson Court asking two questions:

1. Understand at present, there is no buffering requirement for the King property at R3-16 zone facing Carrell St. and running adjacent to Ardmere (Lovers Lane) and backing on to Wilson Crt. Can the bylaw be amended to allow for some trees to remain at the edge of this property, to create a buffer?
2. With the rapid growth in St. Marys, is it time to create a bylaw protecting trees on private property?

The correspondence was received by Council during the July 27, 2021 meeting and the following resolution was carried:

THAT the correspondence from residents of Wilson Court regarding an amendment to the Town's Zoning By-law be received; and

THAT staff report back on the process, timelines, and implications of amending the Town Zoning By-Law to include buffering for residential zones, including the R3-16 zone; and

THAT staff report back on the Town's tree management policies for private and public property.

On September 22, 2021 in response to the direction that staff report back on the Town's tree management policies for private and public property, the Town's Green Committee received Formal Report PW 72-2021 "Town of St. Marys Forestry Management Policies". The purpose of the report

was to discuss the Town's existing urban forest policies, and to discuss comments and recommendations that have been received by the Town by members of the community. The Green Committee received Report PW 72-2021 for information purposes and passed a resolution recommending that Council:

- launch education campaigns related to forestry management for both public and private properties;
- investigate subsidized tree programs for private property; and,
- amend the Forestry Management Plan tree planting locations to consider existing residential areas with a reduced amount of shading and to include more robust language regarding the circumstances under which trees can be removed.

This report provides a review of buffering requirements, and discusses the process, timelines, and implications of amending the Town Zoning By-Law.

REPORT

Town Official Plan

The lands to the west of the Wilson Court subdivision are designated Residential according to the Town's Official Plan. Section 4.1.1.3 of the Official Plan requires that:

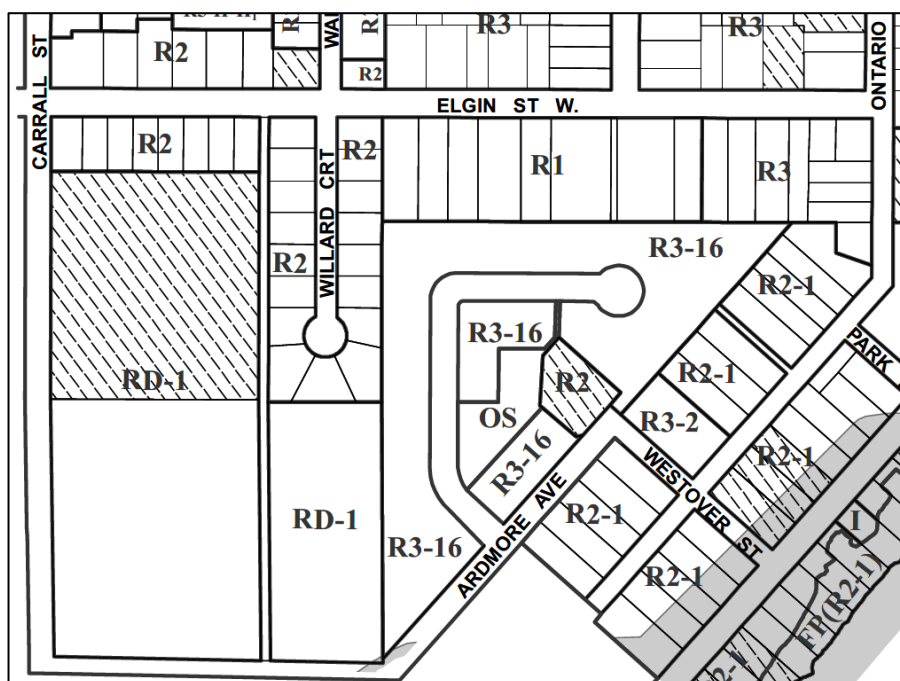
"All proposed plans of subdivision will be carefully examined as to whether or not they will adversely affect existing amenities and the predominant character of the area in which such proposed subdivision is located. Where there is a potential for conflict between adjoining land uses, adequate landscaping, screening, and buffering provisions may be required in order to alleviate and/or eliminate any conflict".

Town Zoning By-law

The Residential Three Zone (R3-16) applies to the Wilson Court subdivision permitting single detached dwellings and accessory uses, buildings and structures.

The lands to the west are zoned Development Zone (RD-1) indicating that some form of residential development is contemplated in the future for these lands, however timing for development and development standards (i.e. housing type and density) have yet to be determined. Until such time, only existing uses are permitted on these lands and no specific buffering requirements have been established.

The Residential Zone Five (R5) and Residential Zone Six (R6), that permit uses such as apartments and senior citizen housing, both require a planting



strip “in accordance with the provisions of Section 5.25 where an interior side or rear lot line of a lot being developed for apartment dwelling purposes abuts a lot that is:

- (a) in a Residential Zone or a Residential (-H) Zone.
- (b) used for residential purposes;
- (c) used for a non-residential purpose and on which no planting strip exists adjacent to the mutual lot line”.

The Zoning By-law defines a planting strip as “an opaque visual barrier formed by a row of trees or a continuous unpierced hedgerow of evergreens or shrubs having a minimum width of 1.5 metres”.

Section 5.25 of the Zoning By-law sets out the following requirements for required planting strips:

“5.25 Planting Strip

A required planting strip shall be located in proximity to the lot line or portion thereof, on which such planting strip is required. A planting strip may be located in any yard except within a daylight or sight triangle or in such a manner as to impede or obscure the vision of the operator of a motor vehicle travelling on an adjacent street.

5.25.1 Requirements

The minimum height of trees, evergreens, and shrubs in a planting strip at the time of planting shall be 1.0 metres and they must be of such a species or type so as to achieve a minimum height of 2.0 metres at maturity and shall have a minimum width of 1.5 metres.

5.25.2 Driveways and Walkways

In all cases where ingress and egress driveways and walkways extend through a planting strip, it shall be permissible to interrupt the planting strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

5.25.3 Alternatives

Subject to site plan approval and the registration of a site plan agreement, a solid fence may be considered as an alternative to a planting strip. Where a solid fence or wall is deemed appropriate and is approved by the Corporation, such fence or wall must have a minimum height of 2.0 metres, be of a type and/or construction as is set out in the site plan agreement, and the remaining portion of the 1.5 metres wide planting strip which is not used for the physical location of the fence shall be maintained as landscaped open space”.

Discussion

Significant Woodlands

Section 3.9.2.2 of the Official Plan states that “development and site alterations within significant wood lands shall not be permitted unless the proponent of development can demonstrate that there will be no negative impacts on the ecological function of the wood land”. Section 4.1.1.7 states that when reviewing proposed plans of subdivision, “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”.

Proposed amendments to the Town’s Official Plan are being considered including the identification of significant woodlands on an Appendix to the Plan and policies prohibiting development and site alteration “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” (3.9.3.3).

Adoption of the new Official Plan is targeted for 2021 with final approval by the Province by the Spring of 2022. Section 34(1) of the Planning Act permits Councils of local municipalities to pass Zoning By-laws for a variety of reasons including for the protection of natural features and areas as follows:

- “3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,
- i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
 - ii. that is a significant corridor or shoreline of a lake, river or stream, or
 - iii. that is a significant natural corridor, feature or area.”

Upon approval of the Town’s new Official Plan, the Town will consider changes to the Zoning By-law to implement policies related to the identification and protection of significant woodlands.

Buffering Requirements

A review of other zoning by-laws reveals approaches in other municipalities similar to St. Marys wherein buffering and/or planting strips are required along the rear or interior side yards on lands where there is non-residential or higher density development abutting residential lands.

It is also noted that Section 41(7)(a) of the Planning Act permits a municipality to require an owner to agree to certain conditions of site plan approval including, but not limited to, “6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands”. And Section 7.6.2 of the Official Plan states that:

“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”.

The Town’s Official Plan requires buffering to address potential compatibility issues with new and existing development areas, and the Planning Act provides the Town with the ability to require buffering measures as a condition of site plan approval. While the Town’s Zoning By-law does contain requirements for buffering with non-residential and higher density residential development, there may be the opportunity to review the Town’s requirements further. For example, the Town could consider an increase to the width of required planting strips (from 1.5 metres to 3.0 metres) to ensure there is adequate room for appropriate landscaping and buffering.

If the Town were to initiate a Zoning By-law Amendment to update buffering requirements in the Town, it is estimated that the process would take between three and four months depending on any study requirements and issues to be addressed.

FINANCIAL IMPLICATIONS

None known at this time.

SUMMARY

It is recommended that the Planning Advisory Committee direct Town staff to present a report to Council outlining possible enhancements to the Town's Zoning By-law with respect to buffering with new development.

ATTACHMENTS

None.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'M Stone', is written above a horizontal line.

Mark Stone,
Planner