

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 12, 2021

CASE NO(S): PL200131

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 19347733 Ontario Inc.
Subject: Request to amend the Official Plan – Refusal of request by Town of St. Marys
Existing Designation: Residential
Proposed Designated: To be determined (site specific)
Purpose: To permit a seniors' residential development
Property Address/Description: 151 Water Street North
Municipality: Town of St. Marys
Approval Authority File No.: OP01-2016
OLT Case No.: PL200131
OLT File No.: PL200131
OLT Case Name: 19347733 Ontario Inc. v. St. Marys (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 19347733 Ontario Inc.
Subject: Application amend Zoning By-law No. Z1-1997 – Refusal of Application by Town of St. Marys
Existing Zoning: Development Zone
Proposed Zoning: Residential Zone Six (R6) with special provisions
Purpose: To permit a seniors' residential development
Property Address/Description: 151 Water Street North
Municipality: Town of St. Marys
Municipality File No.: Z06-2016
OLT Case No.: PL200131
OLT File No.: PL200132

Heard: October 5, 2021 by video hearing

APPEARANCES:

Parties**Counsel**

19347733 Ontario Inc.

Analee Baroudi

Town of St. Mary's

Ken Strong

Paul King

Sarah Turney

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. BRAUN AND C. HARDY
ON OCTOBER 5, 2021 AND ORDER OF THE TRIBUNAL**

[1] 19347733 Ontario Inc. ("Appellant") wishes to develop a retirement home and assisted living residence for seniors on the property located at 151 Water Street North ("subject property"). To permit the proposed development, the Appellant applied to the Town of St. Mary's ("Town") for an Official Plan Amendment ("OPA") and a Zoning By-law Amendment ("ZBLA") in October 2016. The Town refused the applications and the Appellant appealed to the Tribunal pursuant to s. 22(7) and 34(11) of the *Planning Act*¹ ("Act").

[2] At a Case Management Conference held before a panel differently constituted on December 8, 2020, Paul King was granted party status and a hearing on the merits was scheduled for five days. In addition, the following individuals were granted participant status: Teresa Beresi; Stephen Glover; Ralph and Patricia Hopper; Susan McMaster; Henry Monteith; and Randy Warkentin.

[3] The Tribunal received a Request for Adjournment from all parties on March 31, 2021 after Counsel exchanged witness statements and realized that additional hearing days would be required. The Request for Adjournment was granted and a hearing on the merits was re-scheduled for ten days commencing September 27, 2021.

[4] Shortly before the scheduled hearing, the Tribunal was informed that the parties had worked diligently to arrive at an agreement which resolves the appeals. Accordingly, they requested a one-day settlement hearing to present Minutes of

¹ R.S.O. 1990, C. P. 13, AS AMENDED.

Settlement (“MOS”, Exhibit 2). Just prior to the settlement hearing, Mr. Warkentin withdrew as a participant.

[5] In support of the settlement, the parties called the evidence of Mark Stone (a Land Use Planning Expert) and jointly requested the Tribunal approve revised planning instruments (OPA, Exhibit 3 and ZBLA, Exhibit 4).

SUBJECT PROPERTY AND DEVELOPMENT PROPOSAL

[6] The subject property is currently vacant. It is an irregularly shaped lot approximately 1.3 hectares (“ha”) in size, with approximately 111 metres (“m”) of frontage on Water Street North and 147 m on Wellington Street North. The subject property was formerly occupied by the Arthur Meighan Public School, which was demolished in approximately 2016.

[7] The original proposal contemplated the redevelopment of the subject property with an age-in-place residence for seniors in the form of multi-storey apartment type buildings, ranging in height from one to five storeys with a density of 153 units per ha. In response to public and agency comments and as a result of discussions between the parties, the proposal was revised and it is now contemplated that at full build-out, the development will consist of apartment type buildings ranging from one to four storeys with between 125 and 140 assisted living and/or senior’s apartments resulting in a density of between 96 and 108 units per ha. The units will have shared access to a dining hall and other ancillary uses including a hair salon, games room and theatre room as well as outdoor amenities including a patio, resident gardens, and a barbecue area.

[8] The subject property is designated Residential in Schedule A of the Town’s Official Plan (“OP”), which permits a range of dwelling types from single detached dwellings to walk up apartments with a maximum of three storeys. The OP provides that the net density of development shall not exceed 75 units per ha. As the proposal contemplates buildings of up to four storeys and a net density in excess of 75 units per

ha, an OPA is required.

[9] The proposed OPA maintains the Residential designation but adds site-specific policies permitting a seniors' apartment complex with a maximum density of 108 units per ha; limiting the total gross floor area to a maximum of 17,000 square metres; limiting building heights on different parts of the subject property (ranging from one to four storeys); and providing policy direction with respect to building and property design including landscaping, parking, loading, accessibility and walkway requirements; and cultural heritage.

[10] The subject property is zoned Development Zone (RD) in the Town's Zoning By-law. The proposed ZBLA rezones the subject property as Residential Zone 6 (R6-3) and Open Space (OS-6) and includes site specific exemptions providing relief from lot area, front and rear yard minimum requirements as well as maximum building heights and number of storeys.

SURROUNDING AREA AND LAND USES

[11] In terms of the surrounding area in general, it is important to note that the Town of St. Mary's is centered around a historic downtown area and boasts a number of properties either designated under the *Ontario Heritage Act*² ("OHA") or listed on the Town's heritage register.

[12] The immediate area surrounding the subject property includes a well-used recreational trail known as the Grand Trunk Trail, to the north. Further north are lands designated Residential, zoned to permit a mix of single detached and townhouse residences and a draft plan of subdivision has been approved to permit such development on a portion of those lands. South of the subject property are low density residential lots, including 137 Water Street North, which is designated under Part IV of the OHA.

² R.S.O. 1990, C. O. 18, AS AMENDED

[13] To the east are low density residential lots and lands designated Residential, including a former brownfield site which has been remediated, is the subject of an approved draft plan of subdivision and is zoned to permit townhouses, condominium townhouses, duplexes and semi-detached dwelling units. To the west is Water Street North and low-density residential lots.

PLANNING EVIDENCE

[14] Mark Stone, a Registered Professional Planner and full member of the Canadian Institute of Planners and the Ontario Professional Planners Institute, was qualified by the Tribunal to provide expert opinion evidence in the field of land use planning. He provided a detailed contextual and land use planning rationale to support the proposed settlement and reviewed the MOS, the OPA and ZBLA. His Affidavit is Exhibit 5 to this proceeding.

[15] Mr. Stone opined that the OPA and ZBLA before the Tribunal and the development these instruments will permit, satisfy all legislative tests under the Act, as they have appropriate regard for matters of Provincial interest in s. 2; are consistent with the Provincial Policy Statement (“PPS”); conform with the Town’s OP and; overall, constitute good planning. During the course of his testimony, he addressed concerns raised in the written statements of the participants referencing key aspects of the modifications found in the proposed settlement including, but not limited to: considerations of heritage character; density; height; massing; safety and accessibility; infrastructure and servicing (roads, water, sewer).

[16] In support of his overall conclusions, he noted the subject property is a large greenfield site located along Wellington Street North, which is identified as Collector Road in the OP, making this an ideal location for intensification. The subject property is intended for residential use and the proposed development will contribute to a mix of housing options, making efficient use of land, existing infrastructure and services. The Town’s Public Works Department confirmed there is sufficient capacity to accommodate the moderate increase in density associated with the proposed development.

[17] Mr. Stone testified that the Town's OP includes specific objectives and policies designed to strike a balance between the need for new development and due consideration for the character of the area in which new development is proposed. He further testified that the Town has identified a need for the specific type of development proposed, pointing out that there is currently no housing for seniors in the immediate area. With reference to an illustrative Design Concept (Schedule C to the MOS), Mr. Stone testified that the revised proposal and site-specific policies in the instruments before the Tribunal ensure that the proposed development demonstrates due consideration for the heritage character of the area.

[18] For instance, he explained that the siting of the proposed buildings, height restrictions on certain parts of the property and tiered building heights (which gradually step down toward the OHA designated property at 137 Water Street North) are indicative of a well-designed built form considerate of the characteristics of not only 137 Water Street North specifically, but the broader heritage character of the surrounding area in general. In addition, the spacing between the buildings, planned walkways/courtyards, ground floor porches, etc. effectively breaks up the massing of the development, providing pedestrian friendly opportunities for safe and accessible connections between the residents and the neighbourhood.

FINDINGS AND DISPOSITION

[19] The Tribunal accepts the uncontradicted planning evidence and opinions of Mr. Stone and finds the development of the subject property as proposed and the planning instruments to effect this development satisfy all legislative tests as listed above.

[20] In particular, the proposed development supports Provincial initiatives and policy directives aimed at encouraging a mix of housing options and fulfills a specific need for local seniors' housing, as identified by the Town. The Tribunal is satisfied that the site-specific policies enshrined in the OPA and ZBLA including, but not limited to: minimum setbacks and separation distances, open space and tiered building heights ensure that the proposed development will demonstrate due consideration for the heritage character

of the surrounding area.

ORDER

[21] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and:

a) the Official Plan for the Town of St. Mary's is amended as set out in Attachment 1 to this Order; and

b) Zoning By-law No. Z1-1997 is amended by By-law No. Z146-2021, as set out in Attachment 2 to this Order.

"S. Braun"

S. BRAUN
MEMBER

"C. Hardy"

C. HARDY
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1



AMENDMENT NO. 37

TO THE

TOWN OF ST. MARYS OFFICIAL PLAN

Prepared by:

Council of the Corporation of the Town of St. Marys

September __, 2021

THE CORPORATION OF THE TOWN OF ST. MARYS
BY-LAW NO. 86-2021
TO ADOPT AMENDMENT NO. 37 TO THE TOWN OF ST. MARYS OFFICIAL PLAN

Pursuant to the Order/Decision of the Ontario Land Tribunal issued on _____, 2021, the following are hereby enacted in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990:

1. Amendment No. 37 to the Town of St. Marys Official Plan, consisting of the attached explanatory text and schedule.
2. This By-law shall come into force and take effect on _____, 2021 (the date the Order/Decision was issued by the Ontario Land Tribunal).

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute part of this Amendment.

PART B - THE AMENDMENT, consisting of the following text and map (designated Schedule "A-37"), constitutes Amendment No. 37 to the Town of St. Marys Official Plan.

Also attached is **PART C - THE APPENDICES** which does not constitute part of this Amendment. These appendices (I through V inclusive) contain the background data, planning considerations, and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this Amendment is to set forth specific policies within the “Residential” designation which will apply only to the area affected by this Amendment, as identified on the attached Schedule “A-37”.

Location

This Amendment consists of two parts which shall be referred to as Items (1) and (2):

Item (1)

The land that is affected by this Amendment is described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys, as shown in bold outline on the attached Schedule “A-37”.

Items (2)

Specific policies, in the form of an exception, governing only the land affected by this Amendment, will be provided through revisions to Section 3.1.3 of the Town Official Plan.

Basis

The subject property is approximately 1.3 hectares in size and is a through lot with frontage onto Water Street North and Wellington Street North. The property is also bounded by the Grand Trunk Trail to the north and single detached lots to the south. The property was the former site of an elementary school (Arthur Meighan Public School) and is currently vacant.

The proponent is seeking to develop the subject property as an age-in-place residential development in the form of multi-storey apartment type buildings, ranging in height from one to four storeys and constructed in two phases. At full build-out, the development will consist of between 125 and 140 units (assisted living units and/or seniors’ apartment units) resulting in a density of between 96 and 108 units per hectare. The units will have 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 overlooking the ravine to the north, resident gardens and a barbeque area.

The subject property is designated “Residential” in the Town of St. Marys 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 (Section 3.1.2.2). The proposed development is not limited to walk-up type apartments (i.e. exceeds 3 storeys in height) and therefore, does not conform with Section 3.1.2.2. An amendment to the Official Plan is required to permit the proposed development.

Section 3.1.2.3 of the Official Plan states in part that “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 considering proposed residential development with a net density of greater than 18 units per hectare, Council must consider the following, as set out in Section 3.1.2.7 of the Official Plan, prior to enacting an amendment to the Town's Zoning By-law:

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

While the property is located within 100 metres of collector road and municipal services are available, the proposed development will exceed three storeys in height and 75 units per hectare and therefore an amendment to the Official Plan is required.

Section 7.17.4 of the Official Plan requires 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 the following criteria:

- 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."

The Official Plan Amendment is consistent with the policies of the Provincial Policy Statement as it will permit intensification development that efficiently uses land and infrastructure, and contribute to a mix of housing types and densities in the community, while conserving cultural heritage resources.

The proposed development meets the objectives of Section 3.1.1 of the Official Plan. The particularly relevant policies include the objectives to promote:

- the provision of adequate supply and choice of housing (Section 3.1.1.1);
- creativity and innovation in new residential development” (Section 3.1.1.2);
- housing for Senior Citizens” (Section 3.1.1.6),
- additional housing through intensification and redevelopment” (Section 3.1.1.7); and,
- diversification and inter mixing of different housing types and forms” (Section 3.1.1.8).

The Applications promote an efficient form of development that would minimize land consumption and utilize existing infrastructure, and would contribute to the range of residential forms in the Town. Municipal water and sanitary services, and roads are available and sufficient to service the proposed development. The Town is satisfied that there is a need for the proposed use and has considered any potential financial effects on the Municipality.

The design of the proposed development, the policies in this Official Plan Amendment and the provisions of the proposed implementing Zoning By-law Amendment were prepared based on an assessment of the character of the neighbourhood, and are intended to maintain and/or enhance a sense of place, conserve features that help define character such as built heritage resources and ensure compatibility with nearby uses.

PART B - THE AMENDMENT

All of this document entitled “Part B - The Amendment” consisting of the following text and attached Map, designated Schedule “A-37” (Land Use Plan), constitutes Amendment No. 37 to the Town of St. Marys Official Plan.

DETAILS OF THE AMENDMENT

The Town of St. Marys Official Plan is hereby amended as follows:

Item 1

Schedule “A”, being the Land Use Plan for the Town of St. Marys Official Plan, is hereby amended by labelling the land use designation of lands described 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys as shown in bold outline on Schedule “A-37” attached hereto as subject to the policies of Section 3.1.3 k).

Item 2

By adding a new clause to Section 3.1.3 - Exceptions to the Town of St. Marys Official Plan which reads as follows:

“k) The property described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys, may be developed for a seniors’ apartment complex to a maximum density of 108 units per hectare and a maximum total gross floor area of 17,000 square metres.

General

- i) 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.
- ii) Buildings should be designed to present principal building facades, doors and window openings to public roads.
- iii) Building facades greater than 50 metres in length should be articulated through design measures such as recesses, courtyards, step-backs and/or replacing one building with multiple buildings.
- iv) Buildings should be designed to effectively screen roof-top mechanical and telecommunication equipment from public view. Mechanical penthouses should be designed and clad with materials to complement the building façades.
- v) Ground floor porches should be provided along the Wellington Street North and Water Street North frontages to enhance streetscapes.

Building Heights

- i) Maximum building heights and number of storeys of all buildings in Areas H1, H2, H3 and H4 on Schedule 'A' are provided in the following table:

Area on Schedule 'A'	Maximum Height	
	in metres	in storeys
H1	5.5	1
H2	8.5	2
H3	11.5	3
H4	14.5	4

Lot Lines and Building Setbacks

- i) The minimum front yard shall be 4.5 metres and the minimum rear yard shall be 8.6 metres.

Access, Parking and Service Areas

- i) Vehicular access to the property will be via a driveway located at and aligned with the three-way intersection at Wellington Street North and Egan Avenue, to the satisfaction of the Town. The minimum separation between buildings on either side of the driveway to the internal on-site parking area shall be 12 metres.
- ii) Parking, loading, and other similar service areas should be located away from street frontages and shall be designed to ensure compatibility with surrounding land uses.
- iii) Parking areas should have internal landscaped planting strips and medians to break up large paved areas and to increase urban canopy.
- iv) A private road or driveway access shall not be permitted from Water Street North.

- v) The minimum setback from a surface parking space to Wellington Street North or Water Street North shall be 30 metres.

Mobility

- i) All development, streetscapes and boulevards shall be designed to be accessible to people with disabilities in accordance with the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Building Code.
- ii) A common walkway shall be provided on the subject property in the area between the proposed building and the Water Street North streetline.

Landscaping and Grading

- i) 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. Prior to site plan approval, a tree inventory and arborist report shall be submitted for the review and approval of the Town. The tree inventory and arborist report shall provide an inventory of existing trees on the property to detail the location, size, height, species and condition of each tree. The report shall also provide recommendations with respect to preservation and protection, removal and compensation.
- ii) The use of retaining walls along street frontages and abutting adjacent properties should be avoided.

Cultural Heritage

- i) The character and architectural style of the built form and massing shall be respectful and supportive of the heritage character of the area.
- ii) To reduce impacts on the designated heritage property to the south (137 Water Street North), a minimum 14.6 metre wide landscaped open space area shall be provided on the subject property along the mutual property lines, to the satisfaction of the Town.
- iii) To reduce impacts on the listed heritage property to the south (146 Wellington Street North), a minimum 12.2 metre wide landscaped open space area shall be provided on the subject property along the mutual property lines, to the satisfaction of the Town.

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 37 to the Town of St. Marys Official Plan, but are included as information supporting the Amendment.

APPENDIX I - BACKGROUND TO THE AMENDMENT

The owner of the subject property has made application to amend the Official Plan in to permit a seniors' apartment complex.

APPENDIX II - LAND USE SURVEY

Land uses in the vicinity of the subject property described in the attached Town Staff Report DEV 01-2020.

APPENDIX III - SERVICES

There are existing services and utilities available to the property.

APPENDIX IV - PLANNING CONSIDERATIONS

Refer to planning considerations in attached Town Staff Report DEV 01-2020.

APPENDIX V - PUBLIC PARTICIPATION

Includes the following:

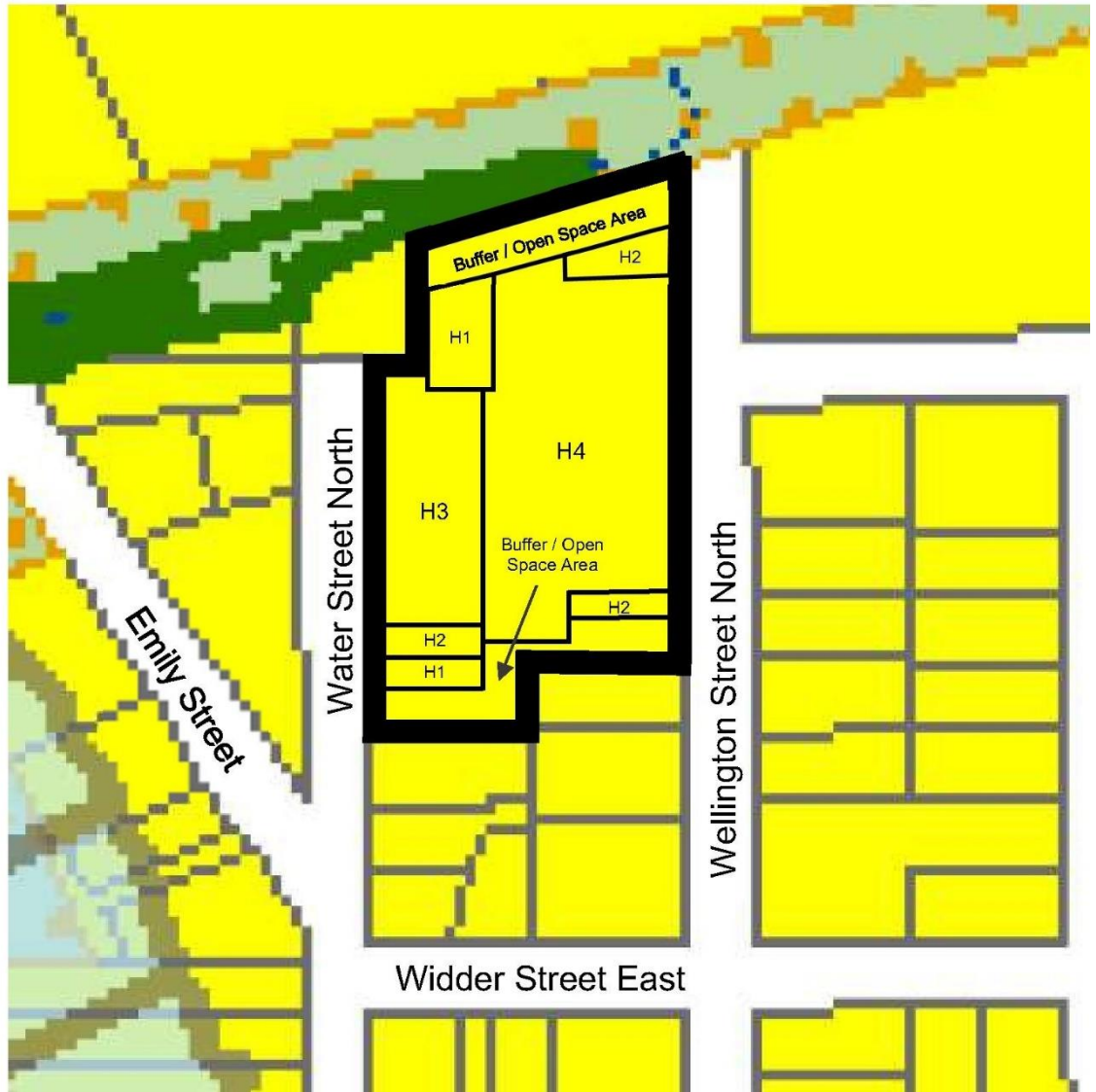
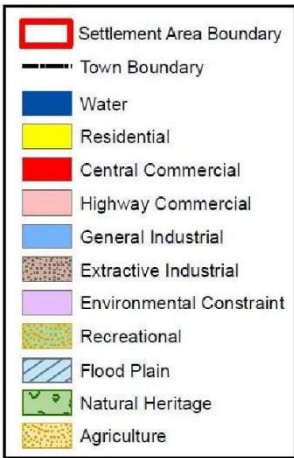
- a) Agency comments summarized in Town Staff Report DEV 01-2020 and,
- b) Notice of Public Meeting at Council (dated December 18, 2017).

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____ ,
2021.

Schedule "A-37" – Land Use Plan

AMENDMENT NO. 37

to the Town of St. Marys Official Plan



Modify Residential land use designation and add site specific policies with addition of Section 3.1.3 k

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____, 2021.

assisted living	dwelling unit or unit
(iii) Front Yard, Minimum	4.5 metres
(iv) Rear Yard, Minimum	8.6 metres
(v) Building Height, Maximum (for R6-3 Zone and R6-3a, R6-3b and R6-3c Overlays on Schedule "A")	
R6-3	14.5 metres
R6-3a	11.5 metres
R6-3b	8.5 metres
R6-3c	5.5 metres
(vi) Number of Storeys, Maximum (for R6-3 Zone and R6-3a, R6-3b and R6-3c Overlays on Schedule "A")	
R6-3	4
R6-3a	3
R6-3b	2
R6-3c	1
(vii) The lot line fronting onto Wellington Street North shall be deemed to be the front lot line and the lot line fronting onto Water Street North shall be deemed to be the rear lot line .	
(viii) Gross Floor Area, Maximum	17,000 square metres
(ix) A private road or driveway access shall not be permitted from Water Street North.	
(x) The minimum setback from a surface parking space to Wellington Street North or Water Street North shall be 30 metres.	
(xi) The entrance to the property will be via an access located at and aligned with the three-way intersection at Wellington Street North and Egan Avenue, to the satisfaction of the Town. The separation between buildings to accommodate access to the site shall be a minimum of 12 metres.	
(xii) Building facades greater than 50 metres in length should be articulated through design measures such as recesses, courtyards, step-backs and/or replacing one building with multiple buildings .	
(xiii) A minimum of 25 percent of the surface area of each wall facing and located within 30 metres of the front lot line or rear lot line shall be comprised of openings .	
(xiv) Rooftop mechanical equipment, including any appurtenances thereto, shall be fully enclosed within a mechanical penthouse or screened by an architectural feature, and shall not exceed 3.0 metres in height,	

- (xv) A balcony shall be permitted to encroach into the required **front or rear yard** a distance of not more than 1.5 metres.
- (xvi) **Retirement home** means a **building** or part thereof designed exclusively to accommodate seniors or other special needs users with central kitchen and dining facilities, common indoor and outdoor amenity areas, consisting of either **dwelling units** or **assisted living units** or both.
- (xvii) **Assisted living unit** means a place of residence with one or more habitable rooms containing separate bathroom facilities for private use as a single housekeeping unit and where personal support services may be provided.
- (xviii) **Openings** means any window on a building façade which provides clear, unobstructed visibility to goods, exhibits, or the interior spaces of a **building** through the use of transparent glazing; or any public entrance on a **building** façade which provides clear access from the outside to the interior spaces of a **building**, but does not include entrances to any stairwell, boiler room, maintenance room, mechanical or electrical or utility room.
- (xix) **Mechanical penthouse** means a room or enclosure on the roof of a **building** exclusively used for mechanical equipment, a stair or elevator tower, elevator equipment, or any combination thereof.
- (xx) Minimum Number of Required Parking Spaces

Type of Use	Number of Spaces
Retirement Home – Dwelling Unit	0.5 per dwelling unit (for residents) plus 0.2 per dwelling unit (for visitors and employees)
Retirement Home – Assisted Living Unit	0.3 per assisted living unit (for residents) plus 0.2 per assisted living unit (for visitors and employees)

- c) Section 4.4 shall not apply.
 - d) All other provisions of this By-law, as amended, shall apply.
4. That Section 24.4 of By-law No. Z1-1997 is hereby amended by adding the following special provision:
- 24.4.6 OS-6
- a) Location: 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, Key Map 7
 - b) Notwithstanding the provisions of Section 24.1, the following provisions shall apply to those lands zoned “OS-6”:
 - (i) Permitted uses are limited to **landscaped open space**.

- c) Section 4.4 shall not apply.
- d) All other provisions of this By-law, as amended, shall apply.
- 5. Schedule "A", attached hereto, shall form part of this By-law.
- 6. All other provisions of By-law No. Z1-1997, as amended, shall apply.
- 7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act, as amended, and to Regulations thereunder.

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____ ,
2021.

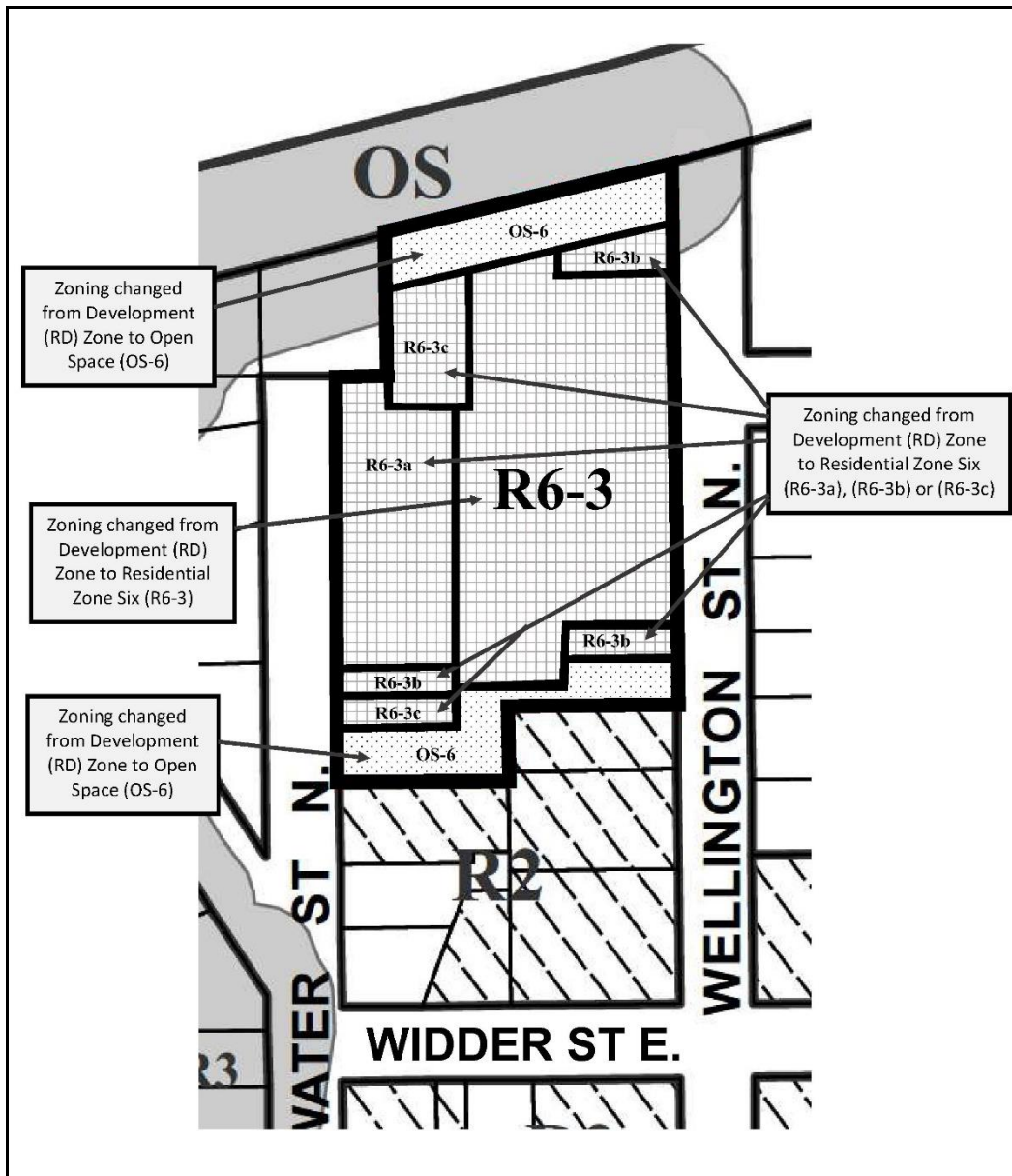
THIS IS SCHEDULE "A"

TO BY-LAW NO. Z1__-2021

OF THE CORPORATION OF THE TOWN OF ST. MARYS

PASSED THIS __th DAY OF SEPTEMBER, 2021

AREA AFFECTED BY THIS BY-LAW



Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____ ,
2021.