



DISCUSSION PAPER #2
INTERPRETATION AND IMPLEMENTATION

- DRAFT -

Update December 2019



Presented to Town Council on
January 14, 2020

Introduction

The Town of St. Marys Official Plan was adopted by Council on September 22, 1987. The Official Plan was approved in part by the Minister of Municipal Affairs and Housing on February 2, 1993 with 15 modifications and two deferrals. Final approval from Minister of Municipal Affairs and Housing was received on April 30, 1999. Following a five-year review of the document, Council approved the current consolidated copy of the Official Plan on October 1, 2007.

This is the second of a series of Discussion Papers prepared to assist in the 5-year review of the Town of St. Marys Official Plan as per the Planning Act Section 26(1). The purpose of a Section 26 review is to ensure that the Official Plan conforms with provincial plans (or does not conflict with them), has regard to matters of provincial interest and is consistent with policy statements, such as the Provincial Policy Statement which was updated in 2014. In addition to meeting statutory requirements under the Planning Act, this review is also intended to ensure that the policies in the Official Plan are in keeping with the goals and objectives of the community and provides the opportunity to identify opportunities and issues that can be addressed through the Official Plan.

This Discussion Paper will identify areas and topics as they relate to the **Implementation and Interpretation** components of the Official Plan. This Discussion Paper is intended to bring information to Planning Committee for review and consideration when making recommendations to Town Council.

Part V - Policies of the Provincial Policy Statement (PPS) contains a number of policies geared to direct and manage growth of urban areas such as the Town (those Sections in the grey highlighting are from the 2014 Provincial Policy Statement).

Discussion and Recommendations

The following is a discussion regarding the recommended changes to the existing policies found in Section 7 – Implementation and Interpretation of the Town’s Official Plan. Those Sections in the grey highlighting are from the 2014 Provincial Policy Statement. The charts are broken into three sections, comments across the top, existing policy on the left side and proposed policy on the right.

<p>Comment</p> <p>The Provincial Policy Statement has experienced an update since the last revision of the St. Marys Official Plan. This means that the references to this legislation throughout the entire document need to be updated to reflect the most current legislation.</p>	
<p>Existing Policy</p> <p>7.1 GENERAL</p> <p>The policies of this Plan shall be implemented by the Town, its boards, agencies, and Committees through the powers conferred upon them by the <u>Planning Act, R.S.O. 1990</u>, the <u>Municipal Act, S.O. 2001</u>, the <u>Ontario Building Code Act, S.O. 1992</u>, and any other applicable statutes of the Province of Ontario. The construction of public works and adherence to capital works programmes shall also assist in implementing this Plan.</p>	<p>Proposed Policy</p> <p>No Changes.</p>

<p>Comment</p>	
<p>Existing Policy</p> <p>7.2 ZONING BY-LAW</p> <p>The Comprehensive Zoning By-law is the primary tool used to implement the policies of the Official Plan. It is intended that the Comprehensive Zoning By-law provide the specific zoning regulations and standards to implement the policies of the Official Plan land use designations.</p>	<p>Proposed Policy</p> <p>No Changes.</p>

Comment	
Existing Policy	Proposed Policy
<p data-bbox="219 338 824 401">7.3 CONFORMITY WITH THE OFFICIAL PLAN</p> <p data-bbox="219 438 824 669">It is intended that the Town’s existing Zoning By-law shall be brought into conformity with this Official Plan by Council. The By-law shall zone land in accordance with the policies contained in this Plan and the regulations contained within the By-law shall be changed, if necessary, to implement this Plan properly.</p> <p data-bbox="219 707 824 968">It is not intended to zone all lands for the ultimate use as designated on Schedule “A”, “B”, “C”, and “D”. Certain areas may be zoned as an interim measure in a holding or deferred development zone. When such areas are deemed necessary for development, they will be rezoned in an appropriate category to permit the uses set forth in this Plan.</p> <p data-bbox="219 1005 824 1104">7.3.1 Non-Conforming Standards of Development and Non-Conforming Uses</p> <p data-bbox="219 1142 824 1241">It shall be a policy of this Plan to differentiate between non-conforming standards of development and non-conforming uses of land.</p> <p data-bbox="219 1278 651 1310">7.3.2 Non-Conforming Uses</p> <p data-bbox="219 1348 485 1379">7.3.2.1 Definition</p> <p data-bbox="219 1417 824 1608">Non-conforming land uses are those uses legally existing on the date of adoption of this Plan that are not in conformity with the policies or land use designations of this Official Plan or the provisions of the implementing Zoning By-law.</p> <p data-bbox="219 1646 776 1677">7.3.2.2 Status of Non-Conforming Uses</p> <p data-bbox="219 1715 824 1841">Non-conforming uses throughout the Town should generally cease to exist in the long run so that the land affected may revert to a use in conformity with the intent of this Official Plan</p>	<p data-bbox="852 338 1024 369">No Changes.</p>

and the provisions of the implementing Zoning By-law. However, nothing in this Plan shall affect the continuance of any uses existing at the date of the adoption of this Plan.

7.3.2.3 Extension or Enlargement of Existing Non-Conforming Uses

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

Adjustment, prior to approving an application, shall consider the following:

- i) the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation already created by the existence of the use, especially with regard to the policies of this Plan and the requirements of the Zoning By-law;
- ii) whether the proposed extension or enlargement will be in appropriate proportion to the size of the non-conforming use established prior to the passing of the Zoning By-law;
- iii) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting, and traffic generating capacity. No variance shall be granted if one or more of such nuisance factors are present and are cause for the incompatibility of the use with the surrounding area;
- iv) the adequacy and availability of municipal services or the adequacy of private water supply and sewage disposal facilities;
- v) the traffic and parking conditions of the vicinity shall not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of loading and unloading facilities and access points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- vi) the proposed extension or enlargement and, where feasible, the established non-conforming use, shall provide for areas of landscaping, buffering or screening and appropriate setbacks for buildings and structures, and devices and measures to reduce nuisances, and where necessary regulations may be applied to alleviate adverse effects caused by outside storage, lighting, and

<p>advertising signs in order to improve the compatibility of the use with the surrounding area.</p> <p>vii) Council or the Committee of Adjustment shall not be obligated to grant permission to extend or enlarge a non-conforming use under any circumstances.</p> <p>viii) It shall be the policy of the Town to notify property owners in the vicinity of each application for an extension or enlargement of a non-conforming use prior to a final decision on the request in order to obtain their views and satisfy the requirements of the <u>Planning Act, RSO 1990</u>.</p> <p>ix) In accordance with Section 45 of the <u>Planning Act, RSO 1990</u>, the Committee of Adjustment may impose conditions that it considers appropriate to the approval of an application for the extension, enlargement, or change in a legal non-conforming use.</p>	
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<p>Comment</p>	
<p>This section explains what the Committee of Adjustment is and its function and the tool (s) that are used to grant relief from the Zoning By-law. The Committee of Adjustment grants Minor Variances and Permissions to the Zoning By-law as well as any other responsibility that is assigned.</p>	
<p>Existing Policy</p> <p>7.4 COMMITTEE OF ADJUSTMENT</p> <p>7.4.1 The Town's Committee of Adjustment is a body with no fewer than 3 persons, appointed by Council under the authority of Section 44 of the <u>Planning Act, RSO 1990</u>, that deals with specific application types addressed in Section 45 of the <u>Planning Act, RSO 1990</u>. The Committee of Adjustment considers the following:</p> <p>a) Applications for minor variance from the provisions of the Zoning By-Law or any other By-law;</p>	<p>Proposed Policy</p>

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

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

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

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

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

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

Comment

The Official Plan statement identifies whom the approval authority for granting consents and the factors used to subdivide land.

This section should indicate the specific section of the Official Plan (section 4.2) as well as consideration for each specific land use designation in the official plan that are to be referred to when granting a consent.

Existing Policy

7.5 CONSENT GRANTING AUTHORITY

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

Proposed Policy

No Changes.

Comment

Site Plan Control is a tool used to ensure specific development standards are being met when Council is considering development or redevelopment. To use this Council must first pass a By-law stating that all or some of the lands within the Town are subject to the Site Plan Approval. Site Plan documents includes a set of drawings that meets the requirements of the Section 41 of the Planning Act and any other provisions set out by the Town.

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

Existing Policy

7.6 SITE PLAN CONTROL

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

Proposed Policy

7.6 SITE PLAN CONTROL

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

Comment	
No Change to section 7.6.1, however the following subsections should be re-stated as a)-c) as follows to streamline readability:	
Existing Policy	Proposed Policy
<p>7.6.1 Pursuant to Section 41(2) of the <u>Planning Act, RSO 1990</u>, all of the lands within the corporate limits of the Town of St. Marys, as shown on Schedule “A” to this Official Plan, are hereby identified as a proposed site plan control area. Council may pass a by-law or by-laws designating any portion or portions of this area as a site plan control area.</p> <p>Although all of the lands within the Town of St. Marys have been identified as a proposed site plan control area, it is the intent of this Plan that the use of site plan control not apply to the following types of development:</p> <p>7.6.1.2 single-family detached dwellings; 7.6.1.2 agricultural buildings and structures; and 7.6.1.3 the use of land for the purpose of extracting aggregate resources.</p>	<p>Pursuant to Section 41(2) of the <u>Planning Act, RSO 1990</u>, all of the lands within the corporate limits of the Town of St. Marys, as shown on Schedule “A” to this Official Plan, are hereby identified as a proposed site plan control area. Council may pass a by-law or by-laws designating any portion or portions of this area as a site plan control area.</p> <p>Although all of the lands within the Town of St. Marys have been identified as a proposed site plan control area, it is the intent of this Plan that the use of site plan control not apply to the following types of development:</p> <p>7.6.1.2 a)Single family detached dwellings and semi-detached dwellings; 7.6.1.2 b)Agricultural buildings and structures; and 7.6.1.3 c)The use of land for the purpose of extracting aggregate resources.</p>

Comment	
Existing Policy	Proposed Policy
<p>7.6.2 The objectives and/or purposes of using site plan control are to ensure a high standard of development to ensure land use compatibility within the Town of St. Marys. The provision, maintenance, and regulation of certain on-site features (such as landscaping, tree planting, parking and loading areas, grading, and drainage), pursuant to the provisions of Section 41 of the <u>Planning Act, RSO 1990</u> are seen as a means of achieving the above noted objectives and/or purposes.</p>	<p>No Changes.</p>

<p>7.6.3 Site Plan control provisions will be used by Council within the area(s) designated by by-law where:</p> <p>7.6.4 Unless exempted under Section 7.6.1 of this Plan, Council may require drawings showing plan, elevation, and cross-section views for all residential buildings containing less than twenty-five dwelling units.</p>	<p>7.6.3 Site Plan control provisions will be used by Council within the area(s) designated by by-law where:</p> <p>7.6.4.3 Unless exempted under Section 7.6.1 of this Plan, Council may require drawings showing plan, elevation, and cross-section views for all residential buildings containing less than twenty-five dwelling units.</p>
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Comment	
Existing Policy	Proposed Policy
<p>7.6.5 All those proposals subject to the provisions of Section 7.6 may require Council approval of plans and drawings that illustrate the plan, elevation, and cross-section views for each building to be erected, the location of all buildings to be erected, and the location of all facilities and works to be provided.</p> <p>In accordance with the provisions of Section 41(7) of the Planning Act, RSO 1990, the owner of land may be required to enter into a site plan control agreement to provide to the satisfaction of, and at no expense to, the Town, any or all of the following:</p> <p>7.6.5.1 widening of highways;</p> <p>7.6.5.2 access to and from the land;</p> <p>7.6.5.3 off-street vehicular loading and parking facilities;</p> <p>7.6.5.4 pedestrian access;</p> <p>7.6.5.5 lighting facilities;</p> <p>7.6.5.6 landscaping and other facilities for the protection of adjoining lands;</p>	<p>7.6.5 All those proposals subject to the provisions of Section 7.6 may require Council approval of plans and drawings that illustrate the plan, elevation, and cross-section views for each building to be erected, the location of all buildings to be erected, and the location of all facilities and works to be provided.</p> <p>In accordance with the provisions of Section 41(7) of the Planning Act, RSO 1990, the owner of land may be required to enter into a site plan control agreement to provide to the satisfaction of, and at no expense to, the Town, any or all of the following:</p> <p>7.6.5.1 a) widening of highways;</p> <p>7.6.5.2 b) access to and from the land;</p> <p>7.6.5.3 c) off-street vehicular loading and parking facilities;</p> <p>7.6.5.4 d) pedestrian access;</p> <p>7.6.5.5 e) lighting facilities;</p> <p>7.6.5.6 f) landscaping and other facilities for the protection of adjoining lands;</p>

<p>7.6.5.7 facilities and enclosures for the storage of garbage and other waste material;</p> <p>7.6.5.8 required municipal easements; and</p> <p>7.6.5.9 grading of lands and disposal of storm water.</p>	<p>7.6.5.7g) facilities and enclosures for the storage of garbage and other waste material;</p> <p>7.6.5.8-h) required municipal easements; and</p> <p>7.6.5.9-i) grading of lands and disposal of storm water.</p> <p>j) Facilities designed to have regard for accessibility for persons with disabilities</p>
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Comment

This section may be revised at a date following a more in-depth review and discussion on policies relating to roads in the Transportation & Services section.

Existing Policy

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

The amount of adjacent land to be obtained for widening shall be taken in equal amounts from both sides of the highway, measured from the existing highway centrelines, except where geological, topographical, utility lines, or other conditions or obstructions dictate otherwise. However, in such cases, no more than half of the required widening will be taken by dedication from any one side through site plan control.

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

Proposed Policy

No Changes.

Comment	
Existing Policy	Proposed Policy
<p>7.7 BUILDING INSPECTION AND ADMINISTRATION</p> <p>This section identifies that the Chief Building official, whom Council appoints, is the person responsible for issuance of building permits and the enforcement of the building By-law. The Building By-law, which is passed by Council, is a tool used to protect the health and safety of its residents by conforming to the Building Code Act 1992. The Building By-law is intended to set out the rules and regulations concerning the building permit system.</p>	<p>No Changes.</p>

Comment	
<p>This section identifies that the Municipal Act is a tool for Council to use to regulate uses to implement the Official Plan Policies.</p>	
Existing Policy	Proposed Policy
<p>7.8 MUNICIPAL ACT</p> <p>It is intended that Council shall review existing legislation pursuant to the Municipal Act, RSO 1990, governing such uses as automobile wrecking yards, solid waste disposal areas, gravel pits, and trailers and where necessary, amend existing by-laws or pass such new by-laws as may be required to ensure that such uses are properly regulated and controlled. Council may pass a by-law to regulate the placing and size of signs and other advertisements through the adoption of a by-law passed under the Municipal Act, SO 1990.</p>	<p>7.8 MUNICIPAL ACT</p> <p>It is intended that Council shall review existing legislation pursuant to the Municipal Act, RSO 1990 SO 2001, governing such uses as automobile wrecking/salvage yards, solid waste disposal areas, gravel pits, and trailers and where necessary, amend existing by-laws or pass such new by-laws as may be required to ensure that such uses are properly regulated and controlled. Council may pass a by-law to regulate the placing and size of signs and other advertisements through the adoption of a by-law passed under the Municipal Act, SO 1990 SO 2001.</p>

Comment

This tool is used to ensure that all of the properties within the Town are in good repair and condition. The importance of this By-law is to keep the community environment attractive and healthy for all residents. It deals with the prevention of property neglect and maintenance.

Existing Policy

7.9 MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

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

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

- 7.9.2.1 pest prevention;
- 7.9.2.2 garbage disposal;
- 7.9.2.3 structural maintenance of buildings;
- 7.9.2.4 safety of buildings;
- 7.9.2.5 general cleanliness of buildings;
- 7.9.2.6 adequacy of services to buildings, such as plumbing, heating, and electricity;
- 7.9.2.7 keeping lands free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, machinery, and mechanical equipment or material;
- 7.9.2.8 maintenance of yards, lands, parking, storage, loading, and unloading areas;
- 7.9.2.9 maintenance of fences, swimming pools, accessory buildings, and signs;

Proposed Policy

7.9 MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

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

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

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

7.9.2.10 standards of occupancy.	7.9.2.9 i) maintenance of fences, swimming pools, accessory buildings, and signs; 7.9.2.10 j) standards of occupancy.
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<p>Comment</p> <p>This policy states that Council is the approval authority for plans of subdivision. Council should only approve plans of subdivision that can be supplied with the adequate services (it lists specific examples) that will not put a financial strain on the Town’s resources. The subdivision must be timely and necessary.</p>	
<p>Existing Policy</p> <p>7.10 PLANS OF SUBDIVISION</p> <p>It shall be the policy of this Plan that Council approves plans of subdivision that conform to the policies of this Plan and which, to the satisfaction of Council, can be supplied with adequate services such as schools, fire and police protection, water supply, sewage disposal, storm drainage facilities, road maintenance, solid waste collection and disposal, and where such approval would not adversely affect the financial position of the Town. The subdivision must, above all, be deemed to be necessary, timely, and in the public interest.</p>	<p>Proposed Policy</p> <p>No Changes.</p>

<p>Comment</p> <p>This section outlines the application of the consent tool. Council should only consider Consents when a plan of subdivision is not necessary and that the land can be adequately serviced, and that it is necessary, timely and in the public interest.</p>	
<p>Existing Policy</p> <p>7.11 CONSENTS</p> <p>It shall be the policy of this Plan to discourage generally the creation of individual parcels of land. Consents shall be approved only if it is apparent to the Committee of Adjustment that a plan of subdivision is unnecessary, the land subject to the application can be adequately</p>	<p>Proposed Policy</p> <p>No Changes.</p>

serviced, and the consent is necessary, timely, and in the public interest.	
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Comment
 This section requires that council keep a five-year time line on capital works projects in order to make realistic budgets.

Existing Policy	Proposed Policy
7.12 CAPITAL WORKS PROGRAMME It is intended that this Plan will enable Council to prepare and adopt successive five year capital works programmes based upon the policies contained herein. By undertaking this step, Council will be able to assess its immediate and long-term requirements and be able to plan major expenditures within its financial resources.	No Changes.

Comment
 Identifies that the Town may acquire land and carry out Public Works projects that are in line with this plan.

Existing Policy	Proposed Policy
7.13 PUBLIC WORKS AND LAND ACQUISITION It is a policy of this Plan that the construction of all public works and the public acquisition of land within the Town shall be carried out in accordance with the policies of this Plan.	No Changes.

Comment
 Council may control the timing of the development of land that is permitted by the official plan by imposing an interim measure that will be lifted only when certain conditions have been satisfied. Council may do so in order to ensure that there is a balance between residential and industrial land and that the services the Town must provide are affordable.

Existing Policy	Proposed Policy
7.14 FINANCIAL CONSIDERATIONS	7.14 FINANCIAL CONSIDERATIONS

<p>The ability of the Town to finance public services is highly dependent upon property taxes and development charges related to the type of development that occurs.</p> <p>Future development will be considered carefully under this Plan to ensure that the level of expenditure and debt on the part of the municipality is equitable. More particularly, Council may control the timing of development permitted by the Plan by zoning lands in a future development zone as an interim measure until it is satisfied that:</p> <p>7.14.1 a reasonable balance between industrial and residential assessment will be maintained; and</p> <p>7.14.2 any large scale public works necessary to service such development can be financed adequately; at such time that Council is satisfied, development may proceed by rezoning in accordance with the land use designation.</p>	<p>The ability of the Town to finance public services is highly dependent upon property taxes and development charges related to the type of development that occurs.</p> <p>Future development will be considered carefully under this Plan to ensure that the level of expenditure and debt on the part of the municipality is equitable. More particularly, Council may control the timing of development permitted by the Plan by zoning lands in a future development zone as an interim measure until it is satisfied that:</p> <p>7.14.1 a) a reasonable balance between industrial and residential assessment will be maintained; and</p> <p>7.14.2 b) any large scale public works necessary to service such development can be financed adequately; at such time that Council is satisfied, development may proceed by rezoning in accordance with the land use designation.</p>
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<p>Comment Delete Section 7.15 – covered under Recreational section in Official Plan.</p>	
<p>Existing Policy</p> <p>7.15 GENERAL PARK POLICY</p> <p>The Town is supportive of a healthy and active community through the provisions of accessible and affordable recreational services.</p> <p>7.15.1 Community Services Master Plan The Town completed a Community Services Master Plan in 1994 to identify important long term planning needs for the community. Council will continue to implement its recommendations and, from time to time, initiate updates to this Master Plan.</p> <p>7.15.2 Trails</p>	<p>Proposed Policy</p> <p>Section 7.15 deleted.</p>

<p>The development of hiking, walking, and bicycle trails is a significant resource to the Town. Opportunities to develop new trails or extend existing trails throughout the Town will continue to be encouraged and shall be identified on Schedule “B” to the Official Plan. The use of public lands, the floodplains adjacent to the watercourses, and private lands may be used to develop or extend the trail system.</p> <p>7.15.3 Park Classification The Town has established a hierarchy of service levels for the existing park system in the Town. The system is based on the park’s purpose, its size, its service area, and its intended use.</p> <p>7.15.4 New Parks Council recognizes that need for the establishment of a new Town Wide park in the north Ward. Opportunities to develop such a facility, in conjunction with private land developers, will be explored when considering any new development applications.</p>	
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<p>Comment Provisions in the <u>Planning Act, RSO 1990</u> regarding dedication of parkland are not limited to plans of subdivision. Sections 42, 53, as well as 51.1, address parkland dedication for site plans and consents to sever as well.</p>	
<p>Existing Policy</p> <p>7.15.5 Implementation</p> <p>It is intended that the creation and/or improvement of parks within the Town shall be guided by the following policies:</p> <p>a) the provisions of Subsections (5) and (8) of Section 51 of the <u>Planning Act, RSO 1990</u> shall apply to all new plans of subdivision. In accordance with these provisions, land not exceeding 5 per cent of the land included in the draft plan of subdivision or cash-in-lieu thereof shall be</p>	<p>Proposed Policy</p> <p>7.15.5 Parkland Dedication Requirements</p> <p>It is intended that the creation and/or improvement of parks within the Town shall be guided by the following policies:</p> <p>a) the provisions of Subsections (5) and (8) of Section 51 of the <u>Planning Act, RSO 1990</u> shall apply to all new plans of subdivision/condominium or consent approvals. In accordance with these provisions, land not exceeding 5 per cent of</p>

<p>conveyed to the municipality as a condition of the approval of the plan of subdivision;</p> <p>b) land conveyed to the Town in accordance with 7.15.5 a) above shall be suitable for development as a public recreational area. Lands subject to physical limitations such as flooding, steep slopes, erosion, or other similar limitations will not necessarily be accepted for park purposes. All lands dedicated to the municipality shall be conveyed in a physical condition satisfactory to the municipality. Where an open water-course is involved, adequate open space shall be provided for the maintenance thereof; and lands conveyed to the municipality in accordance with 7.15.5 a) above shall be located in a manner which affords appropriate access to the surrounding community.</p>	<p>the land included in the draft plan of subdivision or cash-in-lieu thereof shall be conveyed to the municipality as a condition of the approval of the plan of subdivision;</p> <p>b) land conveyed to the Town in accordance with 7.15.5 a) above shall be suitable for development as a public recreational area. Lands subject to physical limitations such as flooding, steep slopes, erosion, or other similar limitations will not necessarily be accepted for park purposes. All lands dedicated to the municipality shall be conveyed in a physical condition satisfactory to the municipality. Where an open water-course is involved, adequate open space shall be provided for the maintenance thereof; and lands conveyed to the municipality in accordance with 7.15.5 a) above shall be located in a manner which affords appropriate access to the surrounding community.</p>
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<p>Comment</p> <p>The information in the official Plan shall be made available to the public at a reasonable cost.</p>	
<p>Existing Policy</p> <p>7.16 PUBLIC INFORMATION</p> <p>In order to inform the public adequately of the policies contained in this Plan, Council shall, upon receiving the Minister’s approval of this Plan, reproduce the Plan or a summary of the Plan, and make it available to the general public at a reasonable cost.</p>	<p>Proposed Policy</p> <p>No Changes.</p>

<p>Comment</p> <p>The plan must be reviewed by Council, not less than, every five years. The public must be notified and invited to determine if revisions are necessary.</p>	
<p>Existing Policy</p> <p>7.17 REVIEW OF THE OFFICIAL PLAN AND AMENDMENTS</p>	<p>Proposed Policy</p> <p>No Changes.</p>

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

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

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

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

7.17.4 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

- a) the rationale or basis for the change and/or the need for the proposed use;

<p>are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;</p> <ul style="list-style-type: none"> 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) location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto; h) the adequacy and availability of municipal services and utilities; and i) the adequacy of parks and educational facilities and the location of these facilities. <p>If it is necessary for Council to request information relating to any or all of the foregoing criteria from the applicant, the proposal will not be considered or proceeded with before this requested information is provided in full by the applicant, and/or if special consulting reports are required they shall be at the cost of the applicant.</p>	<ul style="list-style-type: none"> 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 the character of the area; d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties; e) the potential effects of the proposed use on the financial position of the Town; f) the potential suitability of the land for such proposed use in terms of environmental considerations; g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto; h) the adequacy and availability of municipal services and utilities; and i) the adequacy of parks and educational facilities and the location of these facilities. <p>If it is necessary for Council to request information relating to any or all of the foregoing criteria from the applicant, the proposal will not be considered or proceeded with before this requested information is provided in full by the applicant, and/or if special consulting reports are required they shall be at the cost of the applicant.</p>
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<p>Comment</p> <p>A development may be exempt from providing some parking if Council determines that it is in the Town's best interests. Further it may through agreement, permit the required number of parking spaces off site.</p>	
<p>Existing Policy</p> <p>7.18 EXEMPTION FROM REQUIRED PARKING REQUIREMENTS</p> <p>The Town of St. Marys may accept cash-in-lieu of parking pursuant to Section 40 of the <u>Planning Act, RSO 1990</u> when after reviewing a specific development application, it can be shown that such an arrangement would be in the best interest of the Town. This would, for example, permit the Municipality to reduce or eliminate parking for a specific development and to provide the required number of parking spaces by agreement in a municipal parking facility or another site.</p>	<p>Proposed Policy</p> <p>No Changes.</p>

<p>Comment</p> <p>Holding Zones, signified with an H, are implemented through the Zoning By-law and are used in conjunction with any land use. The Official Plan must contain provisions for the implementation of Holding Zones, including what conditions must be satisfied prior to the Holding zone being removed. Council must pass a by-law to remove the Holding symbol to allow development of the land to proceed.</p>	
<p>Existing Policy</p> <p>7.19 HOLDING ZONE PROVISIONS</p> <p>7.19.1 It is a policy of Council to utilize "holding zones" pursuant to the provisions of Section 36 of the <u>Planning Act, R.S.O. 1990</u> in the following instances:</p> <ul style="list-style-type: none"> a) to assist in the phasing of development and or redevelopment; b) to co ordinate development and or redevelopment with the provisions of services. Such as sanitary sewers, storm sewers and water supply; c) to control development that may need specific design requirements; 	<p>Proposed Policy</p> <p>7.19 HOLDING ZONE PROVISIONS</p> <p>7.19.1 It is a policy of Council to utilize "holding zones" pursuant to the provisions of Section 36 of the <u>Planning Act, R.S.O. 1990</u> in the following instances:</p> <ul style="list-style-type: none"> a) to assist in the phasing of development and or redevelopment; b) to co ordinate development and or redevelopment with the provisions of services. Such as sanitary sewers, storm sewers and water supply; c) to control development that may need specific design requirements;

<p>d) to forestall development and or redevelopment until such time that the planning related criteria can be met.</p> <p>7.19.3 Prior to the removal of any holding symbol, Council shall be satisfied by the developer, that all conditions of any agreements have been met or will be met and that the policies and directions of this Plan have been met or fulfilled in regard to such aspects as phasing, servicing and design criteria.</p> <p>7.19.4 In accordance with Section 5 of the <u>Planning Act, RSO 1990</u>, Council may consider passing a by-law to remove the holding symbol and allow development to take place in accordance with the zoning category or categories assigned.</p>	<p>d) to forestall development and or redevelopment until such time that the planning related criteria can be met.</p> <p>7.19.3 2 Prior to the removal of any holding symbol, Council shall be satisfied by the developer, that all conditions of any agreements have been met or will be met and that the policies and directions of this Plan have been met or fulfilled in regard to such aspects as phasing, servicing and design criteria.</p> <p>7.19.4 3 In accordance with Section 5 of the <u>Planning Act, RSO 1990</u>, Council may consider passing a by-law to remove the holding symbol and allow development to take place in accordance with the zoning category or categories assigned.</p>
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<p>Comment</p> <p>A temporary use by-law is a tool utilized to allow land to be used for a purpose that is not in compliance with the Zoning By-law or the Official Plan. The By-law allows the use for a period of no more than 3 years and the By-Law must state the area affected and an expiry date and up to 20 years for garden suites.</p>	
<p>Existing Policy</p> <p>TEMPORARY USE BY-LAWS</p> <p>This tool is utilized to allow land to be used for a purpose that is not in compliance with the Zoning By-law or the Official Plan. The By-law allows the use for a period of no more than 3 years and the By-Law must state the area affected and an expiry date.</p> <p>7.20.1 The temporary use of land, buildings or structures may be authorized by council by a by-law passed pursuant to Section 38 of the <u>Planning Act, RSO 1990</u>, notwithstanding that such use is otherwise prohibited by the Zoning By-law and no amendment to this Official Plan will be required to permit such by-</p>	<p>Proposed Policy</p> <p>Recommend: Revision to the Section referred to in the Planning Act; Temporary Use Provisions are listed in Section 39 of the <u>Planning Act, RSO 1990</u>.</p>

<p>law to be passed. Such a by-law shall describe the area affected and set an expiry date for the by-law no more than 3 years after the passing thereof, except in the case of a by-law passed under the policies of Section 3.1.2.19 in which case the expiry date for the by-law shall be for no more than 10 years after the passing thereof.</p>	
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<p>Comment</p>	
<p>7.21 DEVELOPMENT CHARGES POLICY</p>	
<p>Existing Policy</p>	<p>Proposed Policy No Changes.</p>

Comment	
7.22 INTERIM CONTROL BY-LAWS	
<p>Existing Policy</p> <p>Interim Control By-laws are By-laws that are passed by Council to control/regulate the use of land, buildings or structures within an identified area for a certain time period not to exceed one year in length with the possibility of extending the time period for a further period of time again not exceeding one year (for a total period of time not exceeding 2 years). In a situation where an Interim Control By-law is applied to the land in question, the land affected must be under review or under study with respect to a planning or land use issue.</p> <p>Council must first pass a resolution or by law directing that a review or study be undertaken with respect to the land use planning policies in the municipality or in the area of question. The purpose of the Interim By-law is control the development of land in a designated area or areas while the study is taking place. Once an Interim By law expires Council may not apply another Interim Control By-law on the property or portion of that property for a period of 3 years.</p>	<p>Proposed Policy</p> <p>Recommend: Minor spelling and grammar corrections in the second-last sentence. (Spelling of By-law, and addition of the word 'to')</p>

Comment	
7.23 BONUS BY-LAWS	
<p>Existing Policy</p> <p>Prior to Council passing a Bonus Zone By-law they should consider if the bonus will achieve the following objectives:</p> <ul style="list-style-type: none"> a) affordable housing; b) esthetically attractive development in keeping with architectural heritage of the area using similar building materials and 	<p>Proposed Policy</p> <p>Pursuant to Section 37 of the Planning Act, the Town may enact a Zoning By-law to allow increases in height and density of development beyond those permitted by this Plan and the Zoning By-law in exchange for facilities, services, or matters of public benefit as set out in the Section 37.</p>

<p>colours. The development be enhanced with landscaped features;</p> <p>c) provision of open space in addition to the parkland dedication requirements;</p> <p>d) daycare facilities;</p> <p>e) preservation of structures or districts identified as architecturally, culturally, or historically significant; or</p> <p>f) environmental sensitive development that protects natural features, promotes energy conservation, encourages construction techniques that minimize waste and promote water conservation.</p> <p>The Zoning By-law may contain bonus zoning for all types of development. Where bonus provisions are provided, the provisions will describe the facilities, services or matters that qualify. It will also include the height and density increases that would be acceptable. The developer must enter into an agreement prior to the passing of the Bonus By-law.</p>	<p>Any facilities, services or matters obtained through height and density bonusing shall be logically applied to areas impacted by bonusing provisions so that the impacted neighbourhood or community realizes benefits obtained through density bonusing.</p> <p>Bonus provisions shall be considered where the bonus density and height conforms to the intent of the Plan and the increase in height and density is compatible with adjacent existing or proposed development. The resulting development must continue to represent good planning.</p> <p>An agreement relating to the bonus provisions shall be required between the landowner and the Town.</p>
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Comment	
7.24 INTERPRETATION	
Existing Policy	Proposed Policy
To be discussed when land use Schedules are being prepared.	No Changes.

Comment	
7.24.5 PROVINCIAL POLICY STATEMENT	
Existing Policy	Proposed Policy
Council's development and adoption of this Official Plan provides for appropriate development, responsible and efficient land use planning and management while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. In exercising its authority in the formulation and adoption of	Recommend: To reflect changes in the Planning Act and the Provincial Policy Statement the text of Section 7.24.5 should be deleted and replaced with the following: "In the preparation or review of an Official Plan, municipalities and planning authorities must be consistent with the Provincial Policy

<p>this Official Plan, Council has been consistent with the Provincial Policy Statement issued under Section 3 of the Planning Act, RSO 1990.</p>	<p>Statement, a document which provides policy direction on matters of provincial interest related to land use planning and development. Together with a municipal official plan, the intent is to provide a framework for comprehensive, integrated and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.</p> <p>Council has reviewed and revised this plan to be consistent with provincial interests such as promoting efficient and cost-effective development, accommodating a range and mix of residential, employment, recreational and open space uses to meet long-term needs, providing opportunities for intensification and redevelopment including brownfields, providing for a full-range of housing types and densities, maintaining the well-being of the downtown, ensuring the efficient use of planned public services, supporting energy efficiency and improved air and water quality, providing an adequate supply of affordable housing, providing for the wise use and protection of a variety of resources such as natural heritage and cultural heritage, which also affects the Town.”</p>
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Complete Applications

Changes to the Planning Act, made through Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts to clarify requirements for complete applications under the Planning Act. Bill 51 amended the Planning Act in a number of ways, including enacting clauses permitting municipalities to adopt Official Plan policies regarding complete application requirements. Such policies are valuable for giving prospective applicants a better understanding of the information requirements for submitting applications governed by the Planning Act, and empowers municipalities to make better informed decisions in a timely manner.

<p>Comment</p> <p>The purpose of the proposed amendment is to bring the Official Plan in line with legislative changes and is expected to provide clarity for prospective applicants and increase the ability of the Town to make informed decisions on planning applications.</p>	
<p>Existing Policy</p> <p>No Policy.</p>	<p>Proposed Policy</p> <p>7.25 COMPLETE APPLICATIONS</p> <p>Applications for amendments to the Official Plan, Plans of Subdivision, Plans of Condominium, Zoning By-law Amendment, and applications for Site Plan Approval will not be accepted by the Town for processing in the absence of a complete application.</p> <p>To be deemed complete, an application must satisfy all applicable statutory requirements and be accompanied by the studies, information or other material listed below. The specific studies, information and material required may be scoped as set out through pre-consultation with the Town Building and Development Department and the other agencies as appropriate.</p>
	<p>7.25.1 PRE-CONSULTATION</p> <p>Any applicant requesting amendment to the Town Official Plan or for approval of a Plan of Subdivision, Plan of Condominium, Zoning By-law Amendment, or Site Plan Approval shall be required to pre-consult with the Town pursuant to the Town of St. Marys Pre-Consultation By- law.</p> <p>7.25.2 REQUIRED INFORMATION</p> <p>The content scope and necessity of the studies, information or other material will be determined through a Pre-consultation meeting with the Town and other agencies as required.</p> <p>The studies, information or other material submitted must be conducted and/or prepared by a qualified professional retained by and at the expense of the applicant.</p>

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

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

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

7.25.3 STUDIES, INFORMATION OR OTHER MATERIAL

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

- a) Accessibility Design Matrix
- b) Affordable Housing Report/ Rental Conversion Assessment
- c) Aggregate Extraction Area Report
- d) Aggregate Resource Analysis
- e) Aggregate Restoration/Rehabilitation Plan
- f) Agricultural Impact Assessment
- g) Air Emissions/Quality Study
- h) Archaeological Assessment
- i) Architectural Control Guidelines
- j) Built Heritage Resource Assessment/Impact Study
- k) Composite Utility Plan
- l) Construction Management Plan
- m) Cultural Heritage Resource Assessment/ Impact Study
- n) Cut and Fill Analysis
- o) Detailed Service Plan
- p) Dust Impact Analysis
- q) Elevation Plans
- r) Energy Management Plan
- s) Environmental Impact Study
- t) Environmental Site Assessment (Phase 1 or Phase 2)
- u) Erosion and Sediment Control Plan
- v) Financial Impact Analysis

	<ul style="list-style-type: none"> w) Fish Habitat Assessment x) Functional Servicing Report y) Geotechnical/Soils Report z) Hydrogeological Evaluation aa) Landfill Impact Study bb) Landscape and Open Space Plan cc) Lighting Plan dd) Master Drainage Plan ee) Minimum Distance Separation Analysis ff) Municipal Financial Impact Assessment gg) Natural Heritage Study hh) Noise Study ii) Nutrient Management Plan jj) On-street Parking Analysis kk) Park Concept Plan ll) Parking Supply Study and Design Plan mm) Pedestrian Route and Sidewalk Analysis nn) Phasing Plan oo) Planning Justification Report pp) Retail Market Impact Study qq) Servicing Options Report rr) Septic System Design Report ss) Site Plan tt) Site Remediation Plan uu) Slope Stability and Erosion Report vv) Storm Water Management Plan ww) Streetscape Plan xx) Sun-Shadow Analysis yy) Surrounding Land Use Compatibility Analysis zz) Traffic Impact Study aaa) Transportation Study bbb) Tree Compensation and/or Preservation Plan ccc) Tree Inventory and Arborist Report ddd) Source Water Protection Plan eee) Urban Design Guidelines fff) Vegetation Protection, Enhancement and Restoration Plan ggg) Vibration Study hhh) Well Impact Study
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Additional Recommendations

<p>Comment</p> <p>Recommend: to include into Official Plan in order for Council to be able to utilize this tool in the planning process.</p>	
<p>Existing Policy</p> <p>No Policy</p>	<p>Proposed Policy</p> <p>Part Lot Control By-law</p> <p>Part lot Control (PLC) is a power used by Public authorities to prohibit a property-owner from conveying a part of any parcel of land without approval from the appropriate approval authority. Exemption from Part lot Control (PLC) is an alternative form of land division to Plans of Subdivision and Consents which is generally favoured by the development industry as it is quicker and removes the uncertainty of the public meeting/appeal process from development approval.</p> <p>Under Section 50 of the Planning Act, by-laws may be passed by Council to suspend or “lift” part lot control thereby exempting any or all parcels in a registered Plan of Subdivision from part lot control so that the further division of individual parcels can occur without further Council/Committee of Adjustment approvals. Such a by-law is named an Exemption from Part Lot Control (PLC) By-law. An Exemption from PLC By-law will usually be in place for a fixed period of time, after which the By-law will expire and the PLC provisions of the Planning Act come into force and effect.</p> <p>Part Lot Control By-laws are not in the current Official Plan</p>