

**NOTICE OF THE PASSING OF A ZONING BY-LAW AND DECISION
WITH RESPECT TO A PROPOSED DRAFT PLAN OF SUBDIVISION
BY THE CORPORATION OF THE TOWN OF ST. MARYS**

TAKE NOTICE that the Council of the Corporation of the Town of St. Marys passed By-law No. Z141-2020 and approved a draft plan of subdivision subject to conditions on the 8th day of December, 2020 under Sections 34 and 51 of the *Planning Act*, R.S.O. 1990.

AND TAKE NOTICE that any person or agency may appeal to the Local Planning Appeal Tribunal in respect of the By-law and/or the approval of the draft plan of subdivision by filing with the Clerk of the Town of St. Marys not later than the 6th day of January, 2021 a notice of appeal setting out the reasons for the appeal(s) and accompanied by the proper fee(s) required by the Tribunal.

An Explanatory Note describing the plan of subdivision and the purpose and effect of the By-law is attached, along with a copy of the conditions of approval of a draft plan of subdivision. Additional information, including a copy of Zoning By-law Z141-2020, is available for inspection:

- in my office (by appointment only);
- by contacting Grant Brouwer, Director of Building and Development of the Town of St. Marys (408 James Street South, Telephone: 519-284-2340 ext. 215; Email gbrouwer@town.stmarys.on.ca); or
- via the Town's Current Planning / Development Applications webpage at:
www.townofstmarys.com/en/current-planning--development-applications.aspx

PLEASE NOTE

1. Only individuals, corporations and public bodies may appeal a zoning by-law or a decision in respect of a proposed plan of subdivision to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.
2. No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.
3. Any of the following may, at any time before the approval of the final plan of subdivision, may appeal any of the conditions imposed by the Town to the Local Planning Appeal Tribunal by filing a notice of appeal with the Town: the applicant; any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority; or the Minister of Municipal Affairs and Housing.
4. The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

5. A notice of appeal must include a completed Local Planning Appeal Tribunal Appeal Form (appeal forms are available from the Local Planning Appeal Tribunal website at www.elfto.gov.on.ca). A notice of appeal must be filed with Jenna McCartney, Clerk of the Town of St. Marys (see contact information below), **no later than December 6, 2021**, and must:
- (a) set out reasons for the appeal;
 - (b) be accompanied by the fee prescribed by the Tribunal for each application appealed, payable to the Minister of Finance; and,
 - (c) meet submission requirements as set out on the appeal forms.

Fees are payable by certified cheque or money order and must be in Canadian funds.

Dated at the Town of St. Marys this 17th day of December, 2020.

Jenna McCartney, Clerk
Town of St. Marys
175 Queen Street East, P.O. Box 998
St. Marys, Ontario N4X 1B6
Telephone (519) 284-2340; Fax (519) 284-3881

EXPLANATORY NOTE

BY-LAW NO. Z141-2020 & APPROVAL OF DRAFT PLAN OF SUBDIVISION 2503778 ONTARIO INCORPORATED IN THE TOWN OF ST. MARYS

The lands subject to these Applications are approximately 2.05 hectares in size. The proposed plan of subdivision is attached to this Explanatory Note and is summarized below:

- 2 blocks for 6 street townhouse units (Blocks 1 and 8)
- 4 blocks for 8 semi-detached units (Blocks 2, 3, 4 and 5)
- 2 blocks for 8 attached duplex dwelling units (Blocks 6 and 7)
- 1 block for 30 vacant land condominium townhouse dwelling units to be accessed via a private street from Egan Avenue (Block 9)
- 3.0 metre wide road widening along Wellington Street North (Block 10)
- 0.3 metre wide reserve along Wellington Street North (Block 11)

The purpose and intent of By-law No. Z141-2020 is to amend the Town's Zoning By-law No. Z1-1997 to change the zoning of the subject property from "Development Zone (RD)" to Residential Zone Four (R4-12-H), Residential Zone Four (R4-13-H), and Residential Zone Five (R5-14 a, b and c -H).

Z141-2020 would maintain holding ("-H") provisions on the subject lands, thus only permit existing uses until such time as the Town is in receipt of a Record of Site Condition, prepared in accordance with the Environmental Protection Act and acknowledged by the Ministry of the Environment and Climate Change, confirming that the subject property is suitable for residential land uses. Once holding provisions are removed, the applicable R4 and R5 regulations would apply, along with the site specific regulations summarized below.

Residential Zone Four (R4-12) - Lots 6 and 7

Permitted uses are limited to two dwelling units of one attached duplex on one lot, a home occupation, and accessory uses, buildings and structures. The following definition of 'attached duplex' is provided: "a duplex dwelling, as defined, attached to another duplex dwelling, thereby accommodating four dwelling units in total in one building, but has been divided vertically".

The following regulations for attached duplexes are also provided in the R4-12 Zone:

Lot Area, Minimum	400 m ²
Lot Frontage, Minimum	11.0 metres
Lot Depth, Minimum	35 metres
Front Yard, Minimum	6.0 metres
Interior Side Yard Minimum	1.8 metres on both sides
Rear Yard Minimum	7.5 metres
Building Height, Maximum	10.5 metres
Lot Coverage Maximum	40 percent
Landscaped Open Space, Minimum	30 percent
Required Parking (attached duplex)	2 per dwelling unit

The minimum width of internal driveways shall be 3.0 metres.

Residential Zone Four (R4-13) - Lots 2 through 5

Permitted uses are limited to one semi-detached dwelling unit on one lot, a home occupation, and accessory uses, buildings and structures. Also, the provisions of Sections 11.3.10 and 11.4.10 (gross floor area ratio, maximum) shall not apply to those lands zoned “R4-13”.

Residential Zone Five (R5-14 a, b and c) - Blocks 1, 8 and 9

Permitted uses are limited to row or townhouse dwellings, and accessory uses, buildings and structures on those lands zoned “R5-14a”, “R5-14b” and “R5-14c”.

Notwithstanding the provisions of Section 12.4.1, the lot area minimum on lands zoned “R5-14a” will be 985 m².

Notwithstanding the provisions of Section 12.4.10 and 12.5.1, the following provisions shall apply to those lands zoned “R5-14a”, “R5-14b” and “R5-14c”:

Lot Coverage Maximum	50 percent
Lot Area, Minimum (corner lot)	430 m ²

Notwithstanding the provisions of Sections 12.5.1 and 12.5.5, the following provisions shall apply to those lands zoned “R5-14a”:

Lot Area, Minimum (interior lot)	295 m ²
Side Yard, Minimum (interior lot)	1.8 metres

Notwithstanding the provisions of Sections 3.85, 12.4.2 and 12.4.6, the following provisions shall apply to those lands zoned “R5-14c”:

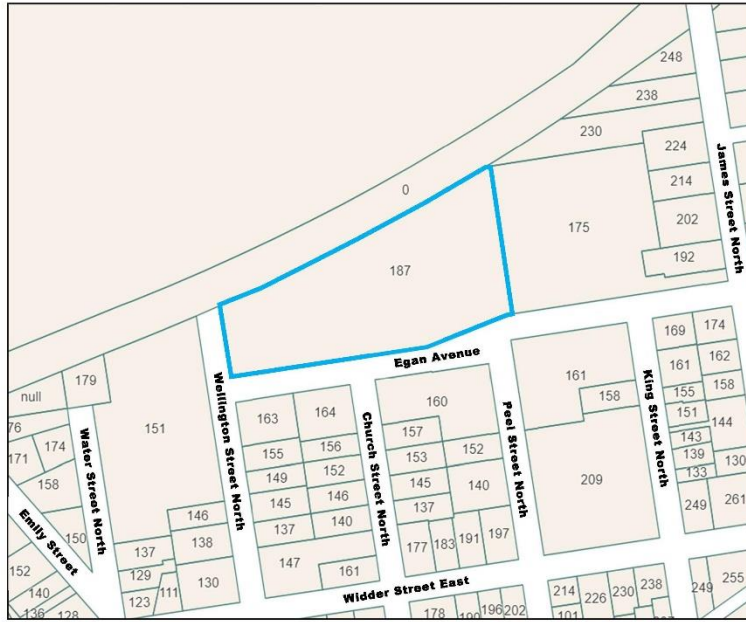
The Egan Avenue frontage is deemed to be the lot frontage of the lot.



Side Yard, Minimum	7.0 metres
Lot Frontage, Minimum	38 metres

Prior to making these decisions, Council considered all written and oral submissions received.

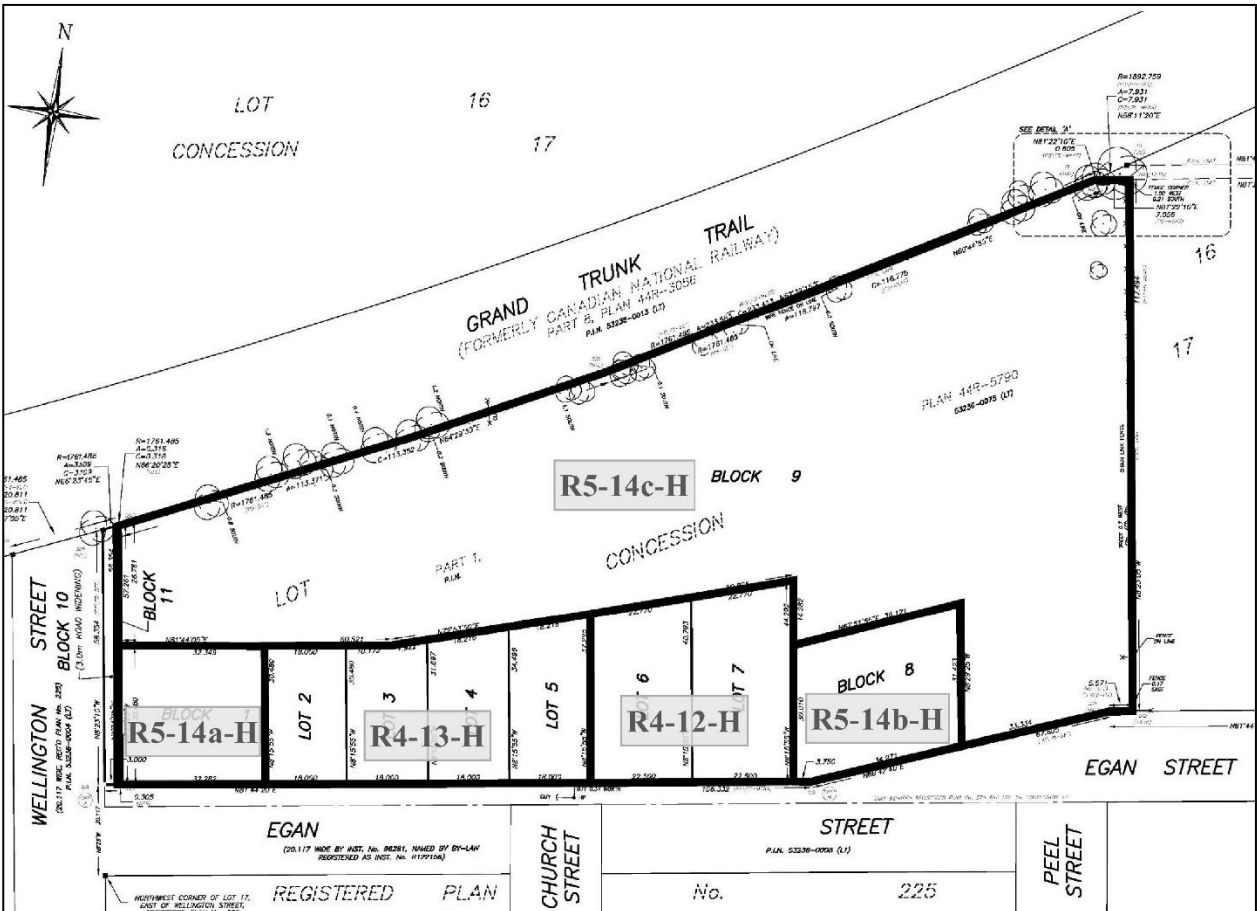
GENERAL LOCATION MAP

187 Wellington Street North
 Part Lot 16, Concession 17 Blanshard
 Town of St. Marys



	Subject Lands 	 July 9, 2020
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DRAFT PLAN OF SUBDIVISION (EXCERPT) AND AREA AFFECTED BY BY-LAW NO. Z141-2020



Applicant	2503778 Ontario Incorporated (Lang)	Date of Decision	December 8, 2020
File No.	STM 01-2020	Date of Notice	December 17, 2020
Municipality	Town of St. Marys	Last Date of Appeal/Referral	January 6, 2021
Location	Part of Lot 16, Concession 17, Blanshard, Town of St. Marys		

The Town of St. Marys' conditions and amendments to final plan approval for registration of this Plan of Subdivision are as follows:

No. Conditions

1. This approval applies to the draft plan prepared by MTE Ontario Land Surveyors Ltd. and signed by Trevor D.A. McNeil, OLS on December 4, 2020, consisting of the following:
 - a) 3 blocks for townhouse dwelling development (Blocks 1, 8 and 9);
 - b) 4 blocks for semi-detached dwelling development (Blocks 2, 3, 4 and 5);
 - c) 2 blocks for attached duplex dwelling development (Blocks 6 and 7);
 - d) 1 block (3.0 metre wide) for road widening purposes (Block 10); and,
 - e) 1 block for 0.3 metre reserve (Block 11).

on a total land area of approximately 2.05 hectares.
2. The road allowances included in the draft plan shall be dedicated to the Town as public highways.
3. Prior to final approval, the owner shall enter into a subdivision agreement with the Town of St. Marys to satisfy all servicing, financial and other requirements of the Town. Such requirements include the provision of roads, the installation of sanitary and storm sewage systems, stormwater retention systems, drainage, water supply and distribution systems, sidewalks, street lighting and other development and/or financial requirements specified by the Town. This agreement shall also contain satisfactory provisions to address requirements as determined necessary by other review agencies.
4. The subdivision agreement between the owner and the Town shall contain phasing arrangements to the satisfaction of the Town to indicate the timing and sequence of the development of lots and blocks, site access to each phase, grading, road improvements, infrastructure, servicing capacity and allocation (water and sanitary), etc.
5. The owner shall not undertake any earthworks on the site until the Owner has entered into a site alteration agreement or subdivision agreement with the Town. Site alteration shall only occur in accordance with the Town's Site Alteration By-law.
6. Prior to final approval, such easements as may be required for utilities, including telephone, television cable, gas, electrical, drinking water, sanitary sewer and/or stormwater drainage purposes shall be granted gratuitously to the appropriate authorities. The owner shall enter into any agreements required by any utilities, including telephone, television cable, gas, electrical, drinking water, sanitary sewer and/or stormwater drainage purposes for the installation of these services.

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7. Prior to final approval, the zoning of the subject lands shall be changed to permit the proposed residential development to the satisfaction of the Town of St. Marys
8. Prior to final approval, the owner shall prepare a detailed construction management plan and agree to implement the Plan's recommendations. The construction management plan shall address approaches to mitigate impacts on the adjacent existing neighbourhood, including a dust control program, interim drainage plan, controls on construction traffic and the period of day on which construction will occur. The construction management plan will also consider impacts to properties within the development itself during construction, especially if construction phasing is implemented. All construction access routes shall be clearly signed and controlled to the satisfaction of the Town of St. Marys. The construction management plan shall be approved by the Town of St. Marys prior to the commencement of any earth moving works.
9. The Owner shall coordinate the preparation of an overall utility distribution plan showing the location and the installation, timing, and phasing of all required utilities (on-grade, below-grade, or above-grade, including on-site drainage facilities and streetscaping) with such plan to be to the satisfaction of all affected authorities and shall consider their respective standards and specification manuals, where applicable.
10. Prior to final approval, the owner shall enter into an agreement with Festival Hydro regarding the adequate provision for electrical services for the plan of subdivision.
11. Prior to final approval, the owner shall submit for the review and approval of the Town of St. Marys and the Upper Thames River Conservation Authority, a final stormwater management plan, a final detailed servicing and grading plan, an operations manual and a landscaping plan for the stormwater management blocks.
12. That prior to final approval, the owner shall submit for the review and approval of the Town of St. Marys and the Upper Thames River Conservation Authority, a detailed sediment and erosion control plan. Erosion and sediment control measures should be in place prior to construction works being undertaken and maintained during all phases of construction, to the satisfaction of the Town of St. Marys and the Upper Thames River Conservation Authority.
13. The owner shall not remove trees without written approval by the Town. The owner shall submit a natural features and vegetation plan prepared by a practicing landscape designer. This plan shall include: an inventory of all existing trees and vegetation; existing elevations, drainage and swales; and, the location and species health of all proposed trees and vegetation plantings. The plan shall also demonstrate methods of preservation and how the lot grading plans have been prepared to minimize the loss of trees and natural vegetation.
14. The owner shall agree in the subdivision agreement to erect permanent 1.2 m high

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galvanized chain link fencing or approved equivalent along the limits of the residential lots and blocks that abut walkways, stormwater management ponds and other public green space blocks.

15. The Owner covenants and agrees in the subdivision agreement, that in accordance with the provisions of Section 51.1 of the *Planning Act*, that the Town seeks a cash-in-lieu payment for the provision of parkland based upon 5% of the Plan area.
16. The Owner shall construct a 1.5 metre sidewalk on one side of all local roads in the plan of subdivision, and both sides of the following streets:
 - a) Wellington Street North
17. Prior to final approval, the owner shall provide the necessary easements and/or agreements required by Enbridge Gas Inc. (Union Gas Limited).
18. Prior to final approval, the owner shall provide a Record of Site Condition, prepared in accordance with O. Reg. 153/04, as amended, under the Environmental Protection Act and acknowledged by the Ministry of the Environment, Conservation and Parks, confirming that the subject property is suitable for residential land uses, to the satisfaction of the Town of St. Marys.
19. Prior to final approval, the owner shall complete to the satisfaction of the Town of St. Marys and Canada Post, the installation of Community Mail Box(es): Such installation will detail the location of the Community Mail Box(es), the timing of their installation, notification to prospective purchaser of the location the Community Mail Box(es) and that the home/business mail delivery will be from a designated Centralized Mail Box(es) and that the owner/developer provide the centralized mail facility at its/their own expense.
20. The owner shall enter into an agreement with the Town requiring the owner's completion of the following to the satisfaction of the Town of St. Marys and of Canada Post:
 - a) that the owner include a statement in every offer of sale that will advise the prospective purchaser that the home/business mail delivery will be from a designated Centralized Mail Box(es) and that the owner/developer is responsible for officially notifying the purchasers of the exact Centralized Mail Box location(s) prior to the closing of any lot/home sales;
 - b) that the owner agrees to work with Canada Post to determine and provide a temporary suitable Centralized Mailbox location(s) which may be utilized by Canada Post until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;
 - c) that the owner will install a concrete pad in accordance with the requirements of, and in locations approved by, Canada Post to facilitate the placement of Community Mailboxes. The concrete pad(s) will be identified on engineering

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servicing drawings. The pad(s) are to be poured at the time of the sidewalk and/or curb installation;

- d) that the owner shall determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific centralized mail facility locations;
- e) Canada Post's multi-unit policy, which requires that the owner provide the centralized mail facility at its/their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

The above-noted requirements shall be incorporated into the subdivision agreement and registered against the land to which it applies.

- 21. That prior to final approval, the owner shall enter into an undertaking with the Town which stipulates that the subdivision agreement between the owner and the Town of St. Marys will be registered against the lands to which it applies once the plan of subdivision has been registered.
- 22. That the Town of St. Marys be advised in writing by the owner/developer how Conditions 1 through 21 inclusive, have been completed satisfactorily.
- 23. That prior to final approval, the Town of St. Marys be advised in writing by Festival Hydro that Condition 10 has been satisfied.
- 24. That prior to final approval, the Town of St. Marys be advised in writing by the Upper Thames River Conservation Authority how Condition(s) 11 and 12 have been satisfied.
- 25. That prior to final approval, the Town of St. Marys be advised in writing by Enbridge Gas Inc. (Union Gas) how Condition 17 has been satisfied.
- 26. That prior to final approval, the Town of St. Marys be advised in writing by Canada Post how Condition(s) 19 and 20 have been satisfied.

NOTES TO DRAFT APPROVAL

- 1. It is the owner responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town of St. Marys quoting the File No. STM 01-2020.
- 2. Clearance is required from the following agencies:
 - a) Goran Borovickic, Engineering Manager, Festival Hydro, 187 Erie Street, Stratford,

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Ontario N5A 2M6

519-271-4703

- b) Upper Thames River Conservation Authority, 1424 Clarke Road, London, Ontario N5V 5B9, 519-451-2800
- c) Brian Roberts, Sr. Analyst, Enbridge Gas Inc (Union Gas) 109 Commissioners Road W., London, Ontario, N6A 4P1
brobert@uniongas.com
- d) Delivery Planning Officer, Delivery Planning, Canada Post Corporation, 955 Highbury Avenue, London, Ontario, N5Y 1A3, 226-927-1737

3. We suggest you make yourself aware of the following subsections of the Land Titles Act:
 - a) subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a lands titles division; and,
 - b) subsection 144(2) allows certain exceptions.
4. All measurements in subdivision/condominium final plans must be presented in metric units. That draft plan approval for this development is for a period of 3 years from the date of the decision. If final approval is not given to this plan within 3 years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. The owner shall apply for any extension at least 60 days prior to the lapsing date. There is no authority to reactivate the draft approval after the lapsing date. It is the applicant's responsibility to obtain a Council resolution for extension of draft approval if you wish the approval authority to grant an extension of draft approval prior to the lapsing date.
5. We advise that the Upper Thames River Conservation Authority has a technical review fee for the peer review of the final stormwater management and sediment erosion plans. Please consult with the UTRCA to confirm applicable fee(s). We further advise a permit will be required from the UTRCA for any development or construction activity within Regulated areas.

Registration:

6. The final plan approved by the Town of St. Marys must be registered within (30) thirty days or the Town may withdraw the approval under section 51(59) of the Planning Act.