



Corporation
of the Town of St. Marys

- Application for Approval of a Official Plan Amendment
(Under Section 22(4) of the Planning Act)
- Application for Zoning By-law Amendment
(Under Section 34 or 39 of the Planning Act)
- Application to Remove a Holding Symbol
(Under Section 34 and 36 of the Planning Act)

Instructions

Each application must be accompanied by the application fee in the form of either cash or a cheque payable to the Town. An accurate scaled drawing of the subject land must be submitted.

If the applicant is not the owner of the subject land, a written statement by the owner which authorizes the applicant to act on behalf of the owner as it relates to the subject application, must accompany the application See Section 13.0).

Please bear in mind that additional information may be required by the Town, local and provincial agencies in order to evaluate the proposed Amendment. The required information may include studies or reports to deal with such matters as impacts on: the environment; transportation network; water supply; sewage disposal; and storm water management.

In addition, the applicant may be required to submit a more detailed site plan in accordance with Section 41, of the Planning Act.

Completeness of the Application

The information in this form that must be provided by the applicant is indicated by black arrows (➤) on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 198/96 made under the Planning Act. The mandatory information must be provided with the appropriate fee and draft plan. If the mandatory information is not provided, the municipality will return the application or refuse to further consider the application.

The application form also sets out other information (eg. technical information or reports) that will assist the approval authority and others in their planning evaluation of the development proposal. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

Approval Process

Upon receipt of an application, the required fee and other information (as required) Council will determine whether there is sufficient merit in processing the application further (i.e. circulation of notice and the holding of a public meeting as required by the Ontario Planning Act). The applicant is encouraged to attend a public meeting, to present the proposal. The applicant will be provided notice of any decision made by Council concerning the application. Official Plan Amendments and Zoning By-law Amendment are adopted by St. Marys Council. If no notice of appeal is received within twenty days, the Official Plan Amendment and/or Zoning By-law Amendment is in force.

For Help

To help you complete the application form, please consult the Building Department in the Town Hall. You can also call the Building Department at (519) 284-2340.

Please Print and Complete or (✓) Appropriate Box(es)

1.0 Application Information

| | | | |
|---|------------------------|---|--|
| ➤ 1.1 Name of Owner(s) <small>An owner's authorization is required if applicant is not the owner (See Section 12.0)</small> | | | |
| Name of Owner(s) The Corporation of the Town of St. Marys | Home Telephone No. | Business Telephone No. | |
| Address 175 Queen Street East | Postal Code N4X 1B6 | Fax No. | |
| ➤ 1.2 Agent/Applicant - Name of the person who is to be contacted about the application, if different than the owner. (This may be a person or firm acting on behalf of the owner.) | | | |
| Name of Contact Person (and Firm) Brent Kittmer, CAO/Clerk | Home Telephone No. | Business Telephone No. 519-284-2340 x216 | |
| Address 175 Queen Street East | Postal Code N4X 1B6 | Fax No. 519-284-3881 | |

➤ 2.0 Location and Size of the Subject Land

| | | | |
|-----------------------------|---|---|--------------------------------------|
| Street No. 465 and 481 | Name of Street/Road Water Street South | Registered Plan No. | Lot(s)/Block(s) |
| Reference Plan No. | Part Number(s) | Concession Number(s) Thames Concession | Lot Number(s) Part Lots 21 and 35 |
| Lot Frontage 58.8 metres | Average Width 59.7 metres | Average Depth 63.6 metres | Lot Area 3,984.7 square metres |

➤ 2.1 Is there a mortgage or charge in respect of the subject land? Yes No If yes, give the names and addresses of any mortgages or charges

➤ 2.2 Are there any easements or restrictive covenants affecting the subject land? Yes No If yes, describe the easement or covenant and its effect.

➤ 2.3 When were the subject lands acquired by the current owner?
August 5, 2014

➤ 3.0 Proposed and Current Land Use

➤ 3.1 What is the proposed use of the subject land?
Commercial and light industrial uses - see attachment for additional information

➤ 3.2 What is the current use of the subject land?
Single detached dwelling and vacant lands

➤ 3.3 How is the subject land currently designated in the Official Plan?
Recreational

➤ 3.4 How is the subject land currently zoned in the applicable Zoning By-law?
481 Water South: Highway Commercial (C3-12)
465 Water South: Extractive Industrial (M3)

➤ 3.5 Provide the following details for all buildings, both existing or proposed. (Should be shown on the Site Plan submitted with this Application).

| | Existing Buildings | Proposed Buildings | | Existing Buildings | Proposed Buildings |
|------------------|--------------------|----------------------------|------------------------|-----------------------------|----------------------------|
| 3.5.1 Front yard | 5.42 m | none proposed at this time | 3.5.5 Height | 2.5 storeys | none proposed at this time |
| 3.5.2 Rear yard | 2.64 m | | 3.5.6 Dimensions | +/- 11.4 x 14.9 (irregular) | |
| 3.5.3 Side Yard | 3.56 m (north) | | 3.5.7 Gross Floor Area | | |
| 3.5.4 Side Yard | 27.4 m (south) | | 3.5.8 Date Constructed | early 1850's | |

➤ 4.0 Official Plan Amendment (proceed to Section 5.0 if a Official Plan Amendment is not proposed)

- 4.1 Does the Proposed Official Plan Amendment:
- | | | |
|---|---|--|
| 4.1.1 Add a Land Use designation to the Official Plan? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4.1.2 Change a land use designation in the Official Plan? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.3 Replace a policy in the Official Plan? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4.1.4 Delete a policy from the Official Plan? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4.1.5 Add a policy to the Official Plan? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

If applicable, please provide the policy section number to be changed, and suggested policy wording on a separate page.

See attachment for additional information

4.2 What is the purpose of the Official Plan Amendment and land uses that would be permitted by the proposed Official Plan Amendment?

See attachment for additional information

4.3 Explain how this proposal has regard to the principles of the Provincial Policy Statement issued under the Planning Act (attach a separate page if necessary).

See attachment for additional information

➤ 5.0 Zoning By-law Amendment (proceed to Section 6.0 if a Zoning By-law Amendment is not proposed)

- 5.1 Does the Proposed Zoning By-law Amendment:
- | | | |
|---|---|--|
| 5.1.1 Add a Zone Category to the Zoning By-law? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5.1.2 Change a Zone Category in the Zoning By-law? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 5.1.3 Replace a zoning provision in the Zoning By-law? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5.1.4 Delete a zoning provision from the Zoning By-law? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5.1.5 Add a zoning provision to the Zoning By-law? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

If applicable, please provide the provision section number to be changed, and suggested provision wording on a separate page.

See attachment for additional information

5.2 What is the purpose of the proposed Zoning By-law Amendment and what are the land uses proposed?

See attachment for additional information

6.0 Previous Industrial or Commercial Uses

- 6.1 Has there previously been an industrial or commercial use on the subject land or adjacent land? If Yes, specify the uses and dates. Yes No
 Railway line transecting the central portion of the property. Refer to Phase 1 and Phase 2 Environmental Site Assessments
- 6.2 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? Yes No
- 6.3 What information did you use to determine the answers to the above questions? See Section 6.4 below. Knowledge of the historic use of the property
- 6.4 If Yes, to (6.1), (6.2) or (6.3), a previous use inventory showing all former uses of the subject land, or if appropriate, the adjacent land, is needed. Is the previous use inventory attached? Yes No

➤ 7.0 Status of Other Applications under the Planning Act

Is the subject land also the subject of an application for a consent, approval of a site plan, minor variance, Zoning By-law Amendment or Zoning Order Amendment? Yes No If Yes, indicate the type of application, the file number and the status of the application.

➤ 8.0 Servicing

8.1 Indicate the existing/proposed servicing type for the subject land.

| Sewage Disposal | Existing | Proposed | Water Supply | Existing | Proposed |
|--------------------------------------|----------|----------|---------------------------------------|----------|----------|
| a) Public piped sewage system | X | X | a) Public piped water system | X | X |
| b) Public or private communal septic | | | b) Public or private communal well(s) | | |
| c) Individual septic system(s) | | | c) Individual well(s) | | |
| d) Other | | | d) Other | | |

| Storm Drainage | Existing | Proposed | Road Access | Existing | Proposed |
|----------------------|----------|----------|-------------------|----------|----------|
| a) Sewers | X | X | a) Arterial Road | X | X |
| b) Ditches or swales | | | b) Collector Road | | |
| c) Other | | | c) Local Road | | |

► 9.0 Justification

9.1 Indicate how the proposed use(s)/ zone complies with the relevant portions of the Official Plan - or complete an Official Plan Amendment Application.

See attachment for additional information

9.2 Indicate how the proposed use(s) will be compatible with the surrounding land uses.

See attachment for additional information

10.0 Other Information

► 11.0 Application Drawing

Please submit an accurate, scaled drawing of the proposal showing the following information:

- The subject land, including its boundaries and dimensions, and the location, and nature of any easement or restrictive covenants which affect the subject land;
- The uses of adjacent and abutting land;
- The location of all existing as well as proposed buildings and their dimensions, uses, and setbacks from lot lines;
- The location of all natural and man-made features on the land and the location of these features on adjacent and abutting lands; and
- Scale and north arrow.

► 12.0 Affidavit or Sworn Declaration

I, Brent Killmer of the St. Marys in the County/Region of Perth

make oath and say (or solemnly declare) that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me at the Town of St. Marys

In the County/Region of Perth

this 29th day of July, 2020

Jenna M'Cartney
Commissioner of Oaths

B Killmer
Applicant

► 13.0 Authorization of Owner for Agent to Make the Application

I (we), _____ of the _____ in the County/Region of _____

am the owner of the land that is the subject of this application for an Official Plan Amendment/Zoning By-law Amendment and I hereby

authorize _____ to act as my agent in the application.

Date

Signature of Owner

► 14.0 Acknowledgement

ACKNOWLEDGEMENT

With the filing of this application, the applicant is aware of, and agrees, that if the decision of the Council of the Town of St. Marys regarding this application is appealed by a third party (a party other than the applicant), all costs incurred by the Corporation of the St. Marys for legal counsel and other associated costs to represent the Corporation of the St. Marys in defending the decision before the Ontario Municipal Board will be solely the responsibility of, and paid for by the applicant.

Dated at the Town of St. Marys

in the County/Region of Perth

this 29th day of July, 2020

B Killmer
Applicant

Jenna M'Cartney, Deputy Clerk
Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of St. Marys
Authorized by virtue of Office

Additional Supporting Information for Official Plan and Zoning By-law Amendment Applications for 465 and 481 Water Street South, St. Marys

Current Planning Summary

The subject properties are owned by the Corporation of the Town of St. Marys. In February of 2019, the Town approved Official Plan Amendment No. 33 redesignating 481 Water Street South from Recreational to Highway Commercial with site specific policies, and Zoning By-law Amendment No. Z132-2019 rezoning 481 Water Street South from Institutional (I-4) to Highway Commercial (C3-12) with site specific provisions.

| | Official Plan | Zoning |
|------------------------|--------------------|----------------------------|
| 465 Water Street South | Recreational | Extractive Industrial (M3) |
| 481 Water Street South | Highway Commercial | Highway Commercial (C3-12) |

Purpose and Intent of Applications

The purpose and intent of the proposed Official Plan and Zoning By-law Amendment Applications is to amend the land use permissions for 481 Water South and extend these permissions to approximately 0.25 hectares of land to be conveyed from 465 Water Street South and merged with 481 Water South (the subject lands).

Proposed Official Plan Amendment

The Highway Commercial designation with amended site specific policies [Section 3.3.3(f)] would apply to the subject lands. Section 3.3.3(f) with proposed amended policies (in red) are provided below:

3.3.3 f) Within the lands described as 481 Water Street South, Part of Lots 21 and 35, Thames Concession, in the Town of St. Marys, permitted uses are limited to the following:

- Business or professional office
- Contractor's yard or shop
- Convenience store or variety store
- Equipment sales and rental business
- Laboratory or research facility
- Office
- Office, business
- Office, support
- Private club
- Production studio (premises used for producing motion pictures, or audio or video recordings or transmissions)
- Repair shop
- Restaurant
- Retail store including the sale of cannabis and related products and vitamins
- Accessory uses, buildings, and structures

Proposed Zoning By-law Amendment

The Highway Commercial (C3-12) Zone with amended regulations [Section 17.4.12] would apply to the subject lands. Section 17.4.12 with proposed amended regulations (in red) are provided below:

17.4.12 C3-12

- a) Location: 481 Water Street South, Part of Lots 21 and 35, Thames Concession, Key Map 19
- b) Notwithstanding the provisions of Section 17.1, permitted uses are limited to the following on those lands zoned “C3-12”:
 - (i) business or professional office;
 - (ii) contractor’s yard or shop;
 - (iii) convenience store or variety store;
 - (iv) equipment sales and rental business;
 - (v) laboratory or research facility;
 - (vi) office;
 - (vii) office, business;
 - (viii) office, support;
 - (ix) private club;
 - (x) production studio;
 - (xi) repair shop;
 - (xii) restaurant;
 - (xiii) retail store including the sale of cannabis and related products and vitamins;
 - (xiv) accessory uses, buildings, and structures.
- c) For the purpose of those lands zoned “C3-12”, a production studio means premises used for producing motion pictures, or audio or video recordings or transmissions.
- d) Notwithstanding the provisions of Sections 17.2 D, 17.2 E and 17.2 G, the following provisions shall apply to those lands zoned “C3-12”:
 - (i) Front Yard, Minimum 5 metres
 - (ii) Interior Side Yard, Minimum (from east property line) 1.5 metres
 - ~~(iii) Rear Yard, Minimum 2.5 metres~~

With the merger of the lands, a reduced minimum rear yard is no longer required.

Justification

- The proposed amendments are consistent with the policies of the Provincial Policy Statement. The proposed uses contribute to the Town’s ability to provide for an appropriate mix and range of employment uses, and a diversified economic base to meet long-term needs of the community. The proposal contributes to a sense of place by conserving built heritage resources while integrating employment uses on the property.
- As noted in the August 28, 2018 report to Council (DEV 35-2018) regarding the Town’s Official Plan review project, the Town is considering the establishment of a new Highway Commercial – Light Industrial designation to “support the Town’s goals with respect to economic development” and provide “additional opportunities to provide a mix of and range of employment options and a range of suitable sites”. As further noted in the report, “this new designation would be based on the Highway Commercial designation and would also permit smaller scale light manufacturing, processing and storage/warehouse uses, wholesale establishments, recreational uses, institutional uses, and business offices that are compatible with the surrounding neighbourhood. A requirement of this

designation would be that all uses are located indoors and the designation would only apply to lands currently designated Highway Commercial and not abutting residential lands". The proposed Highway Commercial designation to be applied to this property will allow for a mix of employment uses in keeping with the proposed new Highway Commercial – Light Industrial designation.

- Section 7.17.4 of the Official Plan states, that in considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as certain criteria. The following discussion addresses the criteria in Section 7.17.4.
 - a) the need for the proposed use;
the proposed permitted uses will provide additional opportunities for commercial and industrial uses and the redesignation and rezoning of the subject lands will allow for the revitalization of this property
 - 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;
there are other lands designated Highway Commercial in the Town however, the proposal will provide opportunities to use this underutilized property
 - c) the compatibility of the proposed use with conforming uses in adjoining areas;
 - *The area surrounding the subject property is predominantly zoned for industrial and commercial purposes. There are several properties on the west side of Water Street South that are zoned Highway Commercial (C3).*
 - *Prior to any development of the site, approval of a Site Plan Application will be required to ensure the appropriate layout and design of the site including the location of parking areas, landscaping and buffering.*
 - 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;
see response to c) above
 - e) the potential effects of the proposed use on the financial position of the Town;
no negative effects are anticipated
 - f) the potential suitability of the land for such proposed use in terms of environmental considerations;
any potential environmental considerations will be assessed at the site plan approval stage
 - 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;
the existing road system in the area is adequate to accommodate the proposed uses
 - h) the adequacy and availability of municipal services and utilities; and,
existing services and utilities are available to service the property
 - i) the adequacy of parks and educational facilities and the location of these facilities.
not applicable