

Planning Justification Report

Zoning By-law Amendment Application

347 James Street South, St. Marys

February 2021

Prepared For:
BDS Construction

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1 INTRODUCTION

On behalf of BDS Construction (“Owner”), Baker Planning Group is submitting a Zoning By-law Amendment Application for land known municipally as 347 St. James Street South, St. Marys (“Site”)(Figure 1).

The Site is 1,300.6 square metres in size with 30.48 metres of frontage on James Street South. The Site is vacant with manicured lawn areas. There are two (2) trees along the rear property line and one (1) tree on the northern property line. The Site is relatively flat.

The area surrounding the Site includes a mix of land uses, including:

North and south: low density residential
East: St. Marys Arena and Pyramid Recreation Centre
West: Cascades – St. Marys

Within walking distance of the Site is St. Marys District Collegiate and Institute and Little Falls Public School.

The Site is designated as “Residential” in the Town of St. Marys Official Plan (“OP”) and James Street is identified as an arterial road. In keeping with the OP, the Site is zoned “Residential Zone Two (R2)” in the St. Marys Zoning By-law.

1-1 PROPOSED DEVELOPMENT

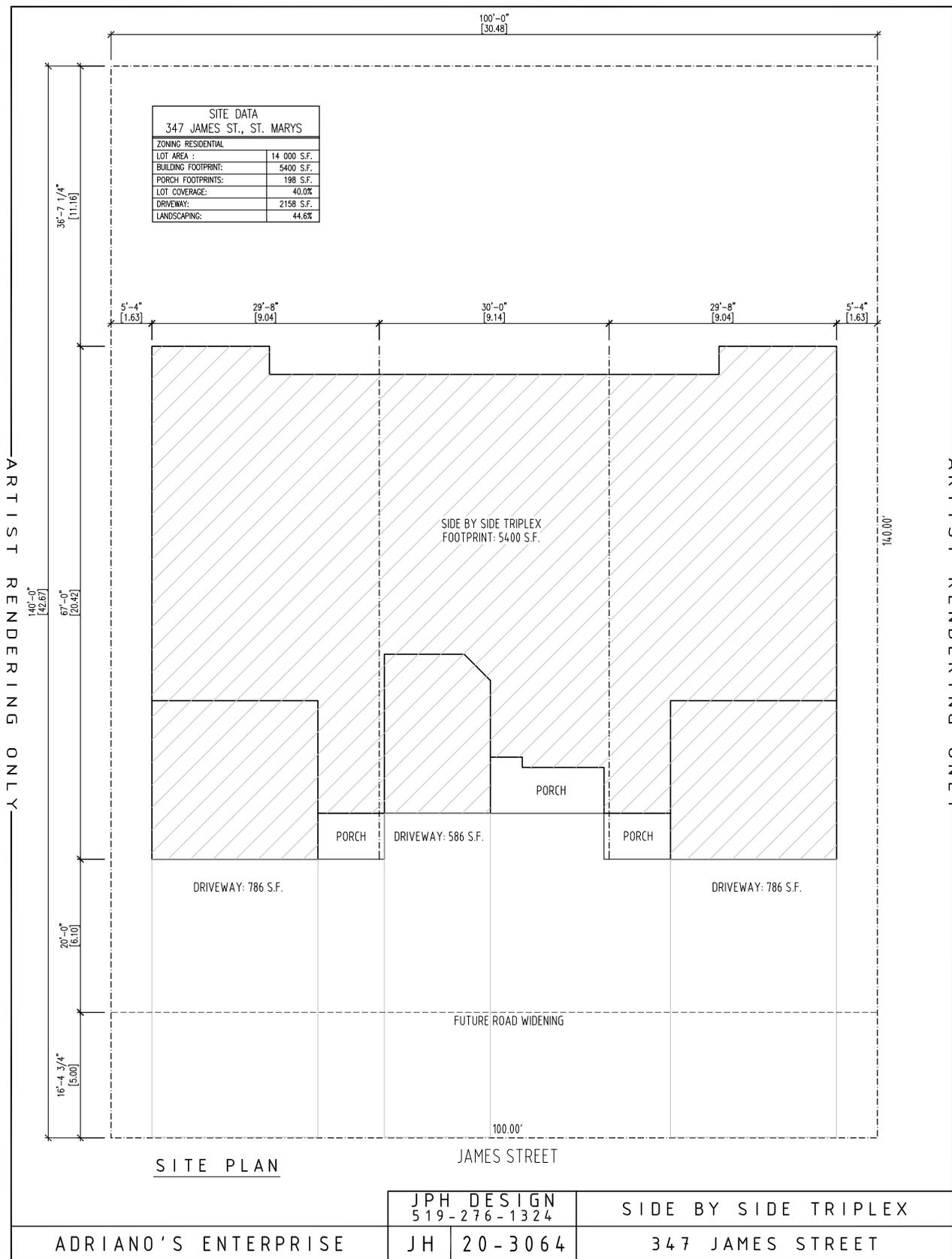
The Owner is proposing a residential development, comprising of three (3) street townhouse dwelling units (“Proposed Development”)(Figure 2a and 2b). The dwellings are proposed to be 1-storey in height and geared to older adults, seniors and those requiring accessible units. The proposed dwellings will all have access on James Street South, with connection to municipal sanitary, storm and water services. Each proposed lot will have a separate driveway and garage parking space, providing a minimum of two (2) parking spaces per dwelling unit.

The building elevations illustrate a complementary mix of building materials, including brick and siding. Varying roof lines provide interest and articulation and the inclusion of a covered front porch add an active element to the building design.

The Concept Plan illustrates a future five (5) metre road widening on James Street South. The development has been designed to accommodate the road widening at a future date, either through Site Plan Approval or Consent. A sufficient front yard has been provided to accommodate one (1) exterior parking space and the 5.0 metre road widening.

The Functional Servicing Letter, prepared by MTE Consultants Inc., confirms that:

1. The proposed development will outlet to the existing 250mm diameter sanitary sewer on James Street South, via gravity sewers



ARTIST RENDERING ONLY

ARTIST RENDERING ONLY

Figure:

2A

PROPOSED DEVELOPMENT SITE PLAN

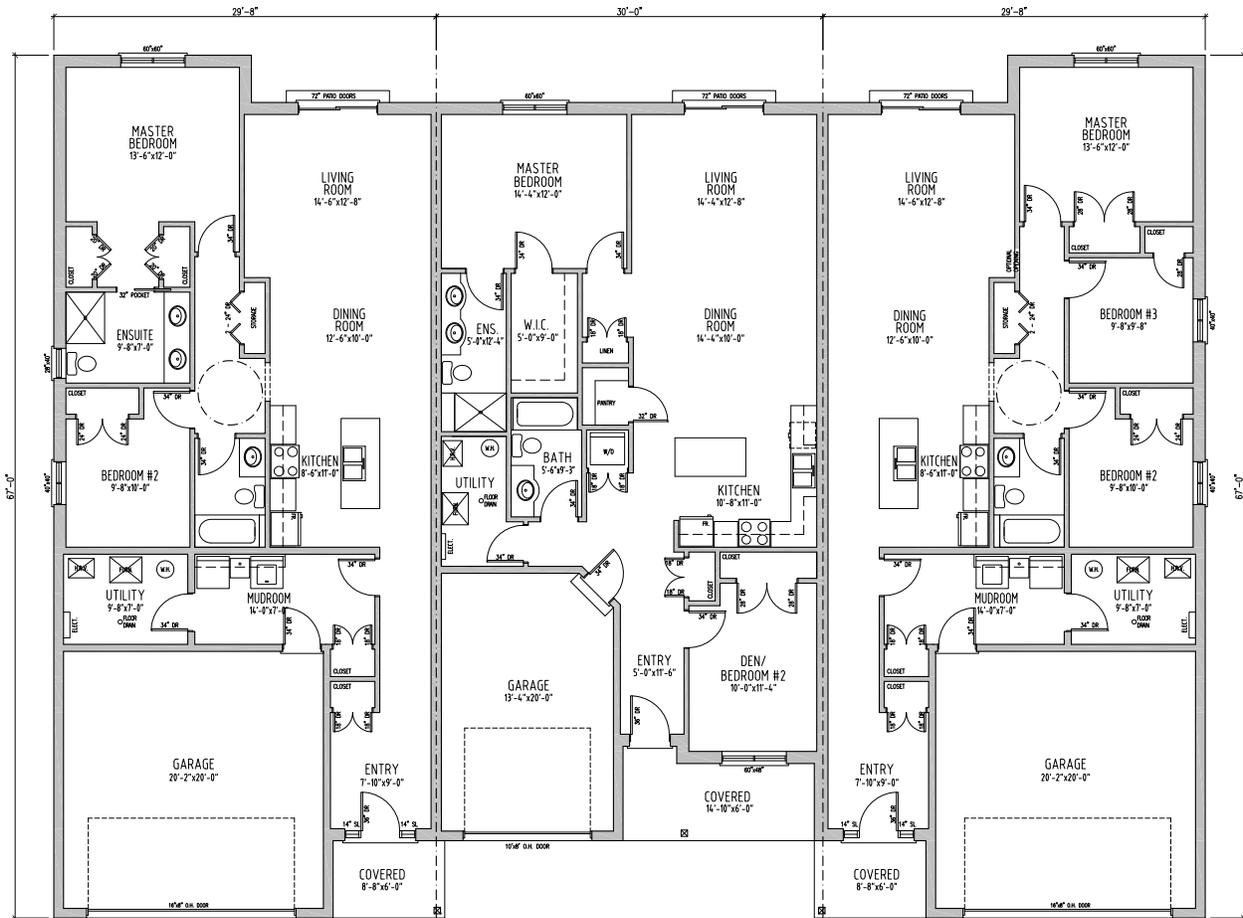
Site Location: 347 James Street South, St. Marys, ON



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FRONT ELEVATION



MAIN FLOOR PLAN
EXTERIOR OPTION '1' 2 BEDROOM
ENSUITE
1354 S.F.

MAIN FLOOR PLAN
EXTERIOR OPTION '1'
1266 S.F.

MAIN FLOOR PLAN
EXTERIOR OPTION '2' 3 BEDROOM
1354 S.F.

Figure:

2B

PROPOSED DEVELOPMENT FLOOR PLAN

Site Location: 347 James Street South, St.Marys, ON



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2. An upgraded water service to the proposed development, with a 38mm diameter is recommended
3. James Street South should account for the post development flows

1-2 ZONING BY-LAW AMENDMENT APPLICATION

To permit the Proposed Development, a Zoning By-law Amendment is required to rezone the Site from "Residential Zone Two (R2)" to "Residential Zone Five (R5)" with the following site-specific regulations:

- To permit a minimum side yard setback of 1.6 metres, whereas a minimum of 4.5 metres is required;
- To permit a maximum lot coverage of 40%, whereas a maximum of 35% is permitted; and,
- To permit the required planting strip required along the side lot lines as being a combination of solid wood fencing and landscaping.

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

2 PLANNING POLICY FRAMEWORK

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

2-1 PLANNING ACT

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

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

Table 2-1: Summary of Provincial Interest

Section	Provincial Interest	Analysis
a)	the protection of ecological systems, including natural areas, features and functions	The Site does not contain any defined natural areas. Where possible, the owners will seek to maintain existing healthy trees, particularly along the rear property line.
b)	the protection of the agricultural resources of the Province	The Site is not identified as being an area with known agricultural resources and the land was developed for previous residential uses.
c)	the conservation and management of natural resources and the mineral resource base	The Site does not contain any natural resources or mineral resources, as set out in the Town planning documents.
d)	the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest	There are no known significant features on the Site, per the mapping to the Town Official Plan.
e)	the supply, efficient use and conservation of energy and water	Full municipal water service is available for the proposed residential uses, as outlined by MTE Consultants Inc.
f)	the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems	<ul style="list-style-type: none"> • Communication services are available. • Sanitary services are available on James Street South.
g)	the minimization of waste	The Owners will explore opportunities to minimize waste through the construction process, should the application be approved.

Section	Provincial Interest	Analysis
h)	the orderly development of safe and healthy communities	The Site is located within a built-up area of the St. Marys and will contribute to providing residential development in the urban area with the provision of services and municipal roads. The proposed dwelling units will provide housing for the older adult segment of the population, ensuring an adequate supply of accessible units to age in place.
h.1)	the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies	The Owner is proposing 1-storey dwelling units that are fully accessible.
i)	the adequate provision and distribution of educational, health, social, cultural and recreational facilities	The Site is located within the urban area, in close proximity to schools, employment and recreation opportunities.
j)	the adequate provision of a full range of housing, including affordable housing	The development will contribute to the range of housing types in the immediate area, with the inclusion of townhouse dwellings geared to older adults.
k)	the adequate provision of employment opportunities	N/A
l)	the protection of the financial and economic well-being of the Province and its municipalities	The efficient use of land with existing and planned municipal infrastructure, provides for long-term financial stability and cost-effective development.
m)	the co-ordination of planning activities of public bodies	To be addressed through the circulation of the planning applications to applicable public bodies.
n)	the resolution of planning conflicts involving public and private interests	Planning conflicts involving public and private interests have not been identified through the pre-consultation review.
o)	the protection of public health and safety	The proposed urban residential uses will be fully serviced on municipal water and sanitary, providing for the protection of public health and safety.
p)	the appropriate location of growth and development	The Site is located within a built-up area of St. Marys and will contribute to providing residential development in the urban area with the provision of services and municipal roads
q)	the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians	The Site has frontage on municipal roads with a pedestrian sidewalk, connecting to the community at-large.
r)	the promotion of built form that:	

Section	Provincial Interest	Analysis
r.i)	is well-designed	The development provides for a modest intensification of an existing residential property that is located in a mixed-use area.
r.ii)	encourages a sense of place	
r.iii)	provides for public spaces that are of high quality, safe, accessible, attractive and vibrant	Area parks and recreation facilities are available within walking distance to the Site.
s)	the mitigation of greenhouse gas emissions and adaptation to a changing climate	The use of land within an urban area that is designated and zoned for residential uses and minimizes the consumption of agricultural land

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

2-2 PROVINCIAL POLICY STATEMENT, 2020

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

The following section provides a summary of the policy directives that are relevant to proposed development of the Site for residential uses and the implementing Zoning By-law Amendment Application.

Directive #1 – Efficient and Resilient Growth

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

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

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

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and
- g) are *freight-supportive*.

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

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

Directive #2 – Housing

Section 1.1 of the PPS provides general policies regarding growth and land use patterns. Section 1.4 of the PPS more specifically speaks to residential growth and the provision of an appropriate range and mix of housing types and densities. Section 1.4.3 states that planning authorities shall provide for a mix of housing types and densities by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities

may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;

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

f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Directive #3 – Supporting Existing Transportation Infrastructure

Section 1.6.7.2 of the PPS states that “efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.”

Directive #4 – Supporting Long-Term Economic Prosperity

Section 1.7 of the PPS provides a detailed list of policies to support long-term economic prosperity in the Province, including the optimization of land, resources and infrastructure.

Planning Analysis

It is our opinion, the Zoning By-law Amendment Application is consistent with the PPS. As outlined in the preamble to the PPS, the policy-led planning systems in Ontario seeks to address the complex inter-relationships between the pillars that contribute to good land use planning. This includes agricultural protection, range and mix of housing supply, housing for older persons, barrier-free building design, long-term economic prosperity and the mitigation of climate change.

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

- Minimizing the need to expand the built boundary and remove land from agricultural production by providing new housing supply within the built-up area (Section 1.1.1).
- Addressing climate change by supporting alternative transportation modes and minimizing further consumption of agricultural land (Section 1.1.1).

- Providing for street townhouse dwellings within an existing area, thus providing for modest intensification within the built boundary that is within walking distance to parks, schools and area amenities of (Section 1.1.1).
- Providing residential intensification within the settlement area that has well established transportation connections and pedestrian amenities (Section 1.1.2 and 1.4).
- Optimizing existing municipal infrastructure through the use of municipal water, storm and sanitary pipes, as well as the existing road network (Section 1.6.6.1 and 1.6.7.2).
- Contributing to the long-term prosperity of the Province by providing new development that does not require the extension of infrastructure, or increased long-term maintenance responsibilities (Section 1.7).
- Providing housing options for older persons that accommodate their specific needs for accessibility (Section 1.1 b) and i)).

2-3 THAMES-SYDENHAM & REGION SOURCE PROTECTION PLAN

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

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

Map 4-1-21 (St. Marys) to the Source Protection Plan identifies that the Site is outside any sourcewater protection area (Figure 3).

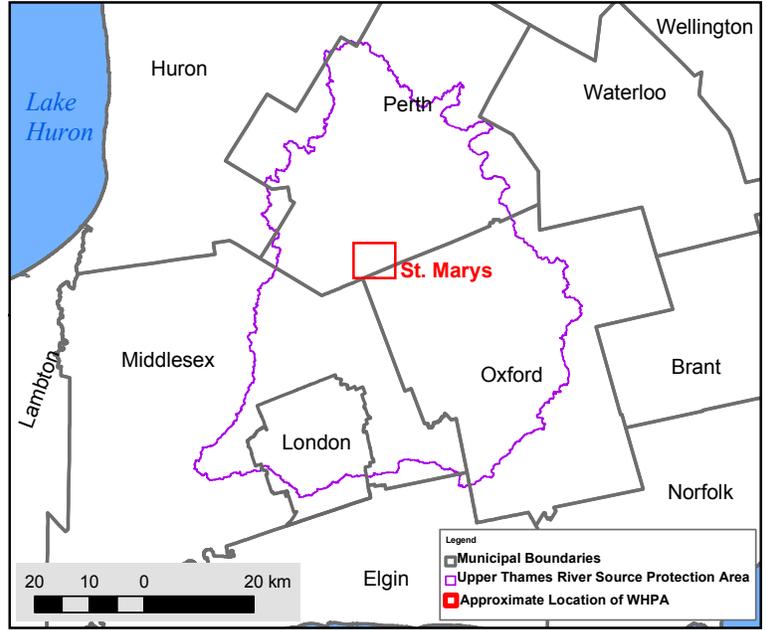
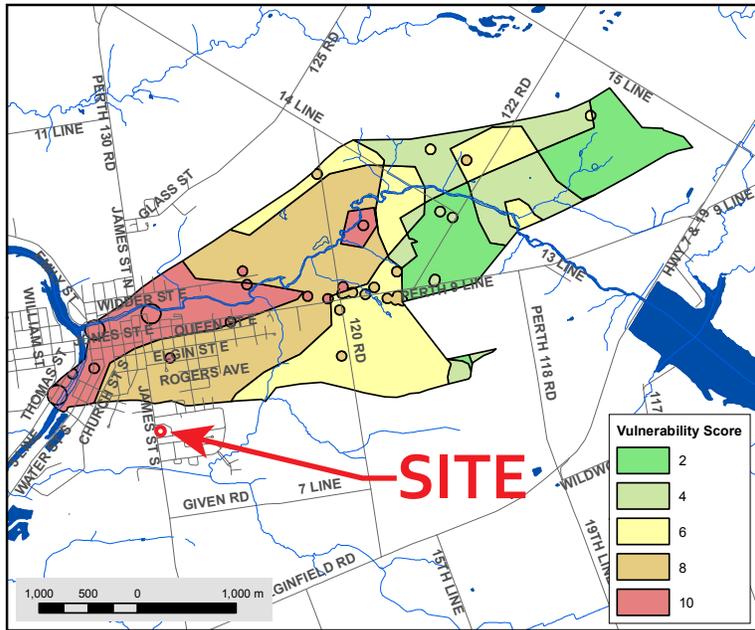
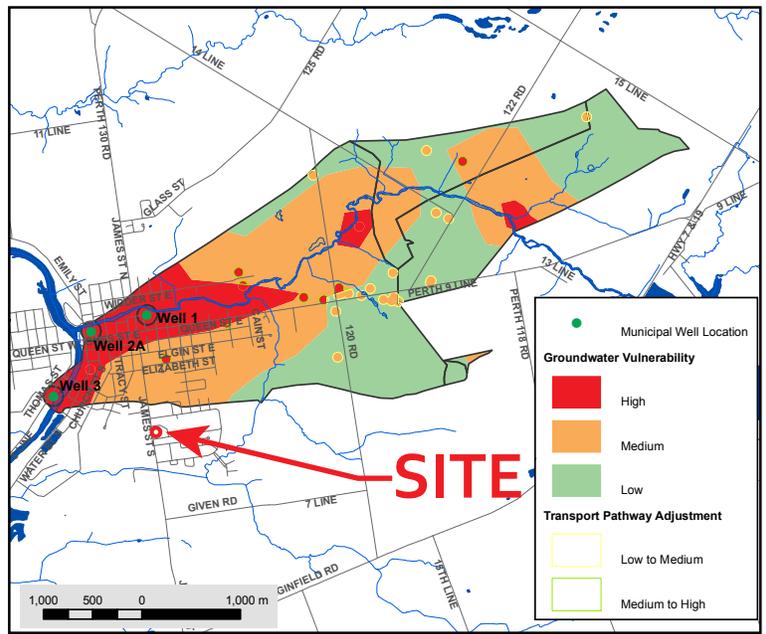
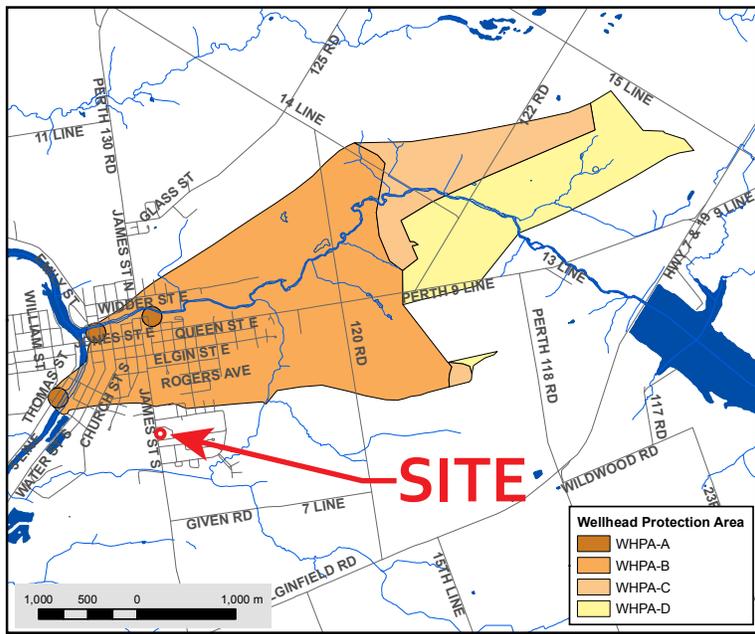
2-4 TOWN OF ST. MARYS OFFICIAL PLAN, 1987

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

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

- 2.1.1 Residential areas in St. Marys shall provide a range of housing accommodation suitable for all age groups and household incomes.
- 2.1.2 The Town will endeavour to provide stable, attractive residential areas for all its residents.

Residential policies are provided in Section 3.1 of the OP and outline a number of objectives including the provision of a range in housing types, the promotion creativity in new residential development, the promotion of housing for senior citizens and the handicapped and the encouragement of



Map created by UTRCA, August 18, 2010.

Base mapping produced under license with the Ontario Ministry of Natural Resources. © 2010.

Wellhead Protection Areas and Vulnerability Assessment - as per Part V and VII of the Technical Rules: Assessment Report (MOE, proposed amendments August 2009).

Wellhead and Vulnerability - Draft St. Marys Wellhead Protection Area Modelling, Schlumberger Water Service (Canada) Inc. July 2010.

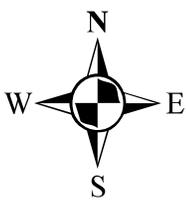


Figure:

3

WELLHEAD PROTECTION AREA MAP 4-1-21

Site Location: 347 James Street South, St. Marys, ON



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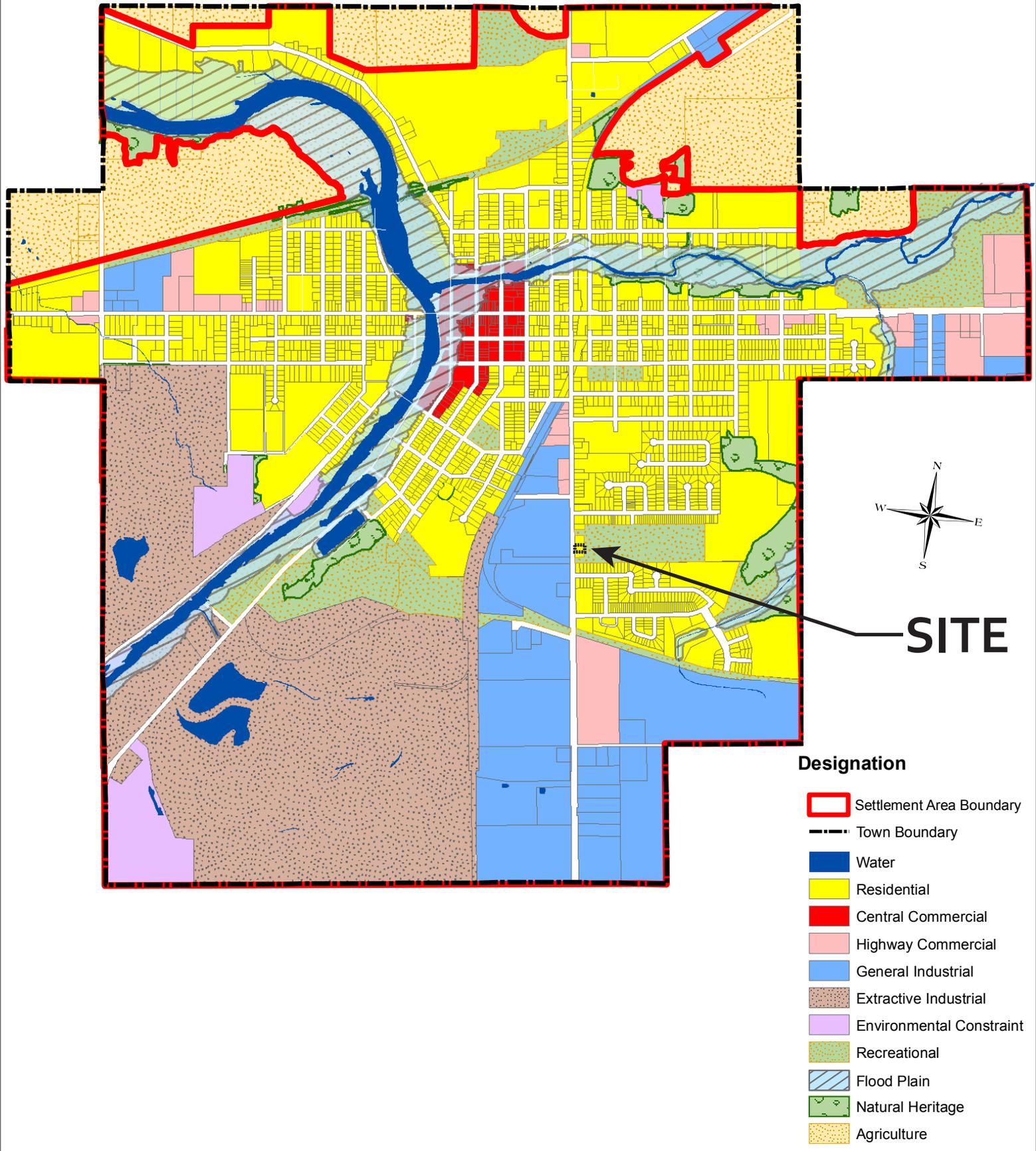


Figure:

4

ST. MARYS OFFICIAL PLAN SCHEDULE 'A' LAND USE PLAN

Site Location: 347 James Street South, St. Marys, ON



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additional housing through intensification. The primary use of land shall be residential, from single-detached dwellings to walk-up apartments.

Section 3.1.2.3 states that residential infilling is generally permitted throughout the Residential designation, provided the development is in keeping with the inherent neighbourhood qualities and building type, form and separation. Further, Section 3.1.2.3 states that “when evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height). In cases where one or more of the existing zone provisions are not met, an amendment or a minor variance to the zone provisions may be considered to permit the proposed development provided that the spirit of this Section is maintained.” Preference shall be given to intensification development over greenfield development.

Density ranges for townhouse dwellings is suggested to be between 25 and 40 units per hectare. Council may moderately increase or decrease these densities dependent upon specific site circumstances, provision of on-site amenities, and capabilities of municipal servicing systems to accommodate any increase.

Section 3.1.2.7 shall be considered as the Proposed Development provides a density of 20 units per hectare. Where development projects are 18 units per hectare or greater, Council shall consider impact on municipal services and infrastructure, access to an arterial or collector road and the provision of off-street parking and adequate buffering. For townhouse developments, on-site recreation facilities are encouraged.

Planning Analysis

It is our opinion that the Application conforms to the OP as it is a permitted use within a reasonable tolerance of suggested densities for townhouses that has access to full municipal infrastructure, is located on an arterial road and that is within walking distance to a range of community services and facilities.

The character of the area surrounding the Site is diverse in its use, built form and lotting fabric. To the immediate north and south are two older residential lots with frontage on James Street South, while land to the west is primarily large industrial lots. To the east is the Town’s recreation complex, comprising of buildings and a parking lot. Through the Proposed Development, the Owner has sought to integrate the new residential dwellings with a building setback that balances providing sufficient depth for parking with the desire for a consistent streetwall on James Street South. Increased rear yard setbacks are proposed to provide amenity area for the future residents, to maintain separation to the recreation complex and where feasible, protect the existing tree line.

The proposed building design addresses policies in the OP that support a range of housing types to support the continuum of housing requirements as individuals age and promoting accessibility. The proposed density at 20 units per hectare is below the target set-out in the OP for townhouses at 25 units per hectare; however, it is a target and not a minimum requirement. In our opinion, the proposed density conforms to the OP as the additional land area required to accommodate 1-storey housing for older persons results in the lower density of 20 units per hectare.

2-5 TOWN OF ST. MARYS OFFICIAL PLAN REVIEW, 2020

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

The Site is designated “Residential” on Schedule A to the OP (Figure 5). General goals and principles (Section 2.1), applicable to the Proposed Development include:

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

The Town of St. Marys Zoning By-law (By-law), adopted in 1997, zones the Site as “Residential Two Zone” (Figure 6). The R2 Zone permits one single detached dwelling on a lot, bed and breakfast, home occupation and a public park. The required side yard setback for a single detached dwelling with an attached garage is 1.2 metres.

Through the Zoning By-law Amendment Application, it is requested that the Site be rezoned to “Residential Five Zone (R5)” with the following site-specific regulations (Figure 7):

- To permit a 1.6 metre side yard setback, whereas the Zoning By-law requires a minimum of 4.5 metres;
- To permit a maximum lot coverage of 40%, whereas the Zoning By-law permits a maximum lot coverage of 35%; and,
- To permit the required planting strip required along the side lot lines as being a combination of solid wood fencing and landscaping.

The following table provides a zoning analysis of the Proposed Development in relation to the R5 regulations.

Regulation	R5	Proposed Development	Complies?
Minimum Lot Area	1017.5 sq.m	1,300 sq.m.	Yes
Maximum Density	50 units per hectare	20 units per hectare	Yes
Minimum Lot Frontage	27.5 m	30.48	Yes
Maximum Number of Attached Dwelling Units	8	3	Yes
Minimum Lot Depth	37.0m	42.67m	Yes
Minimum Front Yard	6.0m	6.1m	Yes
Minimum Side Yard	4.5m	1.6m	NO
Minimum Rear Yard	7.5m	11.16m	Yes
Maximum Building Height	10.5m	<10.5m	Yes
Maximum Lot Coverage	35%	40%	NO
Minimum Dwelling Floor Area (3-bedroom)	75.0 sq.m.	117.0 sq.m.	Yes
Minimum Landscaped Open Space	35%	47.1%	Yes

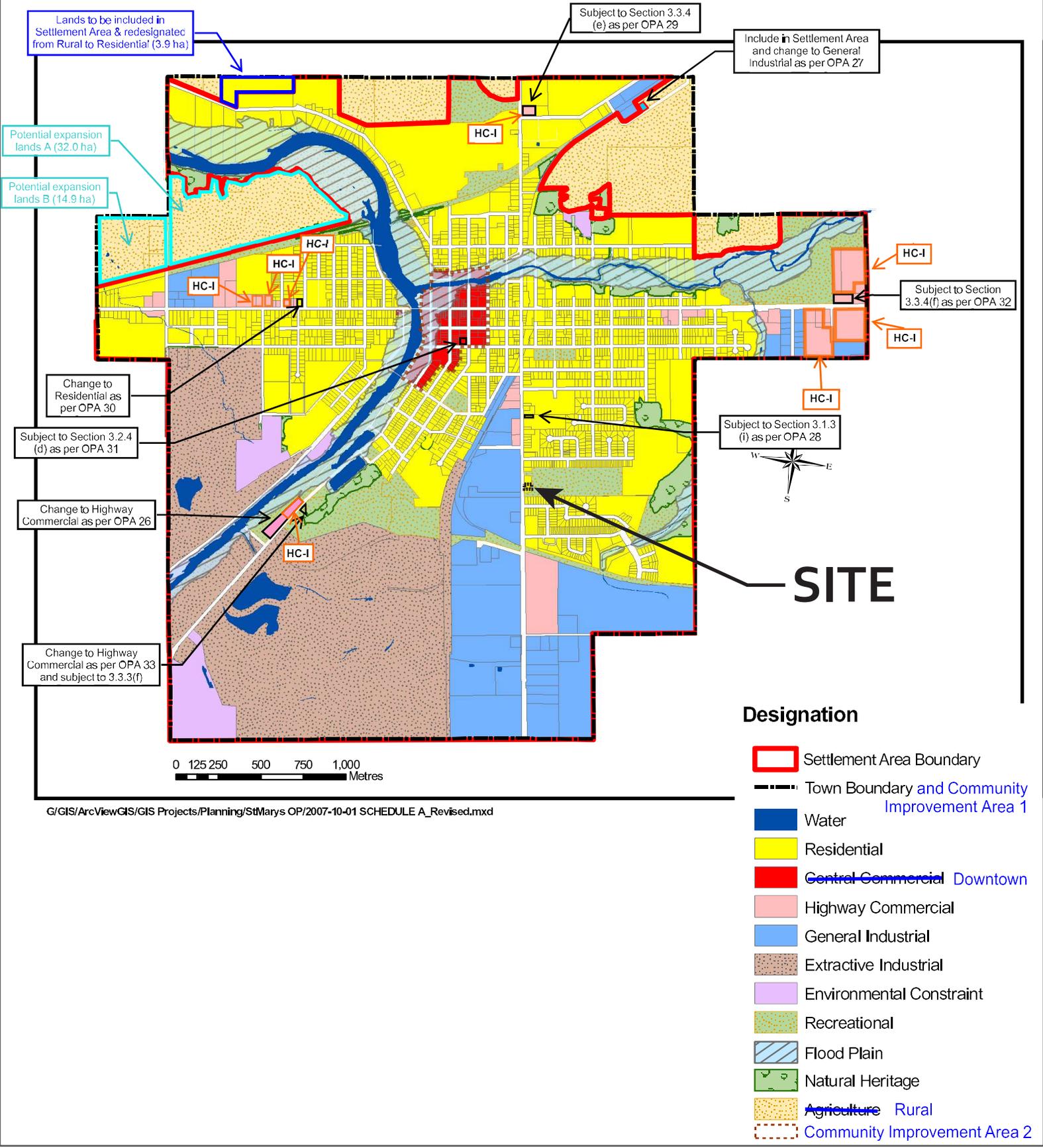


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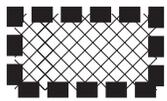
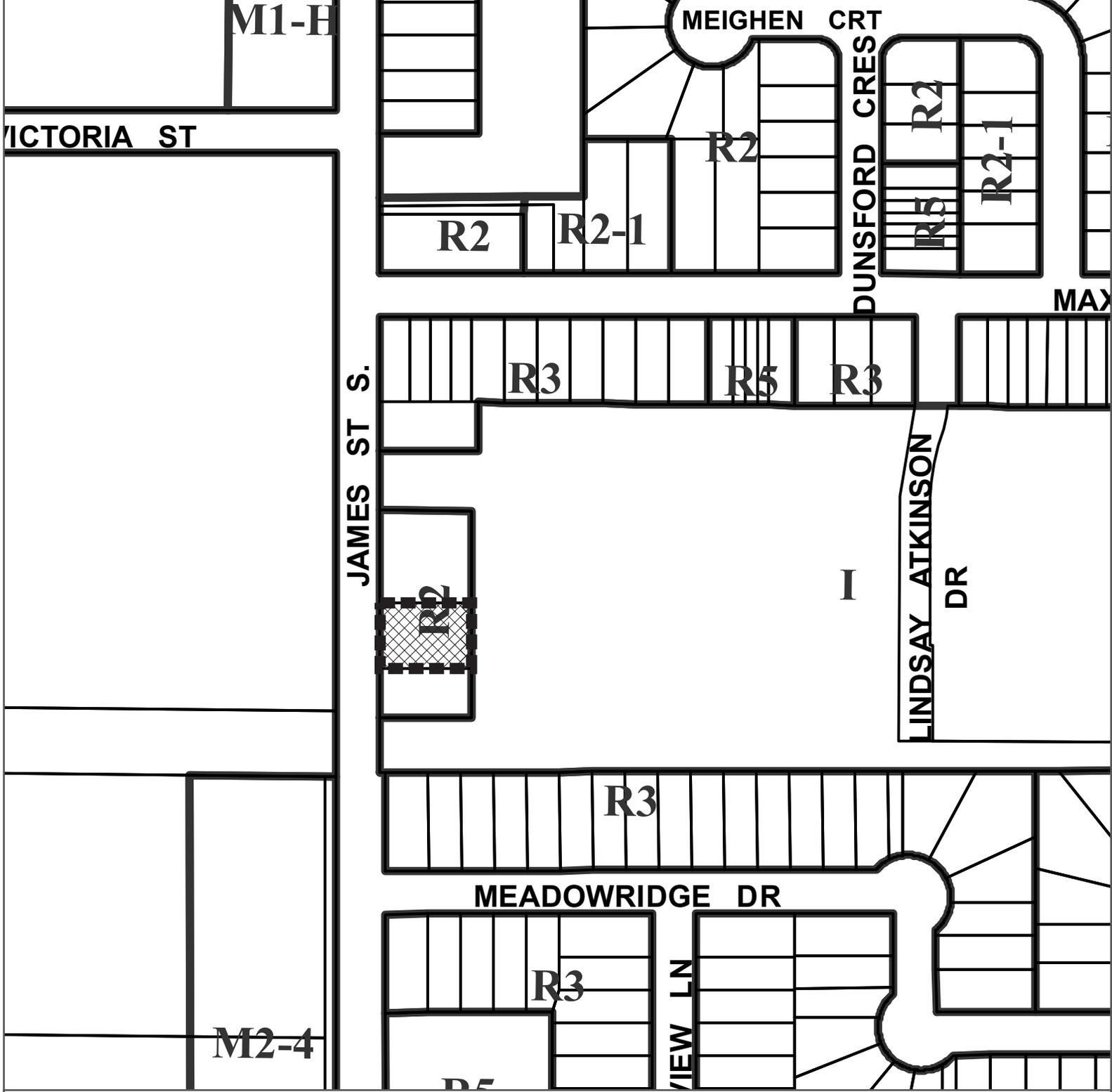
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ST.MARYS DRAFT OFFICIAL PLAN

Site Location: 347 James Street South, St.Marys, ON



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FROM RESIDENTIAL ZONE TWO (R2) TO
SITE SPECIFIC RESIDENTIAL ZONE FIVE (R5)

Figure:

7

**DRAFT AMENDMENT
BY-LAW SCHEDULE**

Site Location: 347 James Street South, St.Marys, ON



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Regulation	R5	Proposed Development	Complies?
Required Planting Strip	Minimum width of 1.5m with vegetation	Combination of fencing and vegetation	No
Off-Street Parking	1.5 spaces/unit (tandem permitted)	Minimum 2 spaces per unit	Yes
Off-Street Parking Space Size	2.7m by 5.5m	Minimum of 2.7m by 5.5m	Yes

The proposed development complies with all regulations in the R5 Zone, except for the maximum lot coverage and the minimum side yard setback. In our opinion, the proposed site-specific regulations are appropriate and conform to the Official Plan for the following reasons:

1. To permit a maximum lot coverage of 40%, whereas the Zoning By-law permits a maximum lot coverage of 35%:

In our opinion the proposed lot coverage is appropriate for the development of the Site as the lots comply with the required minimum landscaped open space and addresses matters related to overlook and privacy through the 1-storey building height, increased rear yard setback and the introduction of fencing. The lot coverage naturally increases with the proposal for a 1-storey dwelling, as the floor area is all at-grade. In our opinion, the minor increase is appropriate as it provides the ability to introduce accessible dwelling units to the residents of St. Marys.

2. To permit an interior side yard setback of 1.6 metres, whereas a minimum of 3.0 metres is required:

From a functional perspective, the 1.6 metre side yard setback is of a sufficient size to provide a connection from the front yard and garage to the rear yard and the width to move lawn maintenance equipment (i.e. lawnmower, snowblower, etc.).

From a design perspective, the side building elevations on the north and south will appear to the adjacent residential properties as a single-detached dwelling (with only one unit abutting a side yard). In combination with the proposed fencing, privacy will be maintained to the existing residential properties.

3. Notwithstanding Section 12.4.13 and 5.25.1, a planting strip may consist of a solid wood fence or landscaping, or a combination of the two.

The intent of the planting strip requirement is to provide screening between residential properties, particularly when a higher residential density is proposed. The screening enhances privacy and minimizes overlook. In our opinion, a solid wood fence can achieve a comparable level of screening to maintain privacy. The proposed

development is one-storey in height, and a solid fence will prevent any overlook from the new units to the two adjacent residential properties.

3 SUMMARY

On behalf of BDS Construction is proposing an infill project in the urban area of St. Marys, consisting of three (3) accessible street townhouse dwellings. To permit the proposed development, the Owner is seeking an amendment to the Town of St. Marys Zoning By-law.

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

- The Application is consistent with provincial policy, by providing for the efficient and effective use of land within the built-up area and that addresses a specific housing need within the community
- Conforms to both the OP, with the continuation of low density residential development along the east side of James Street South
- Provides housing intended for older adults that is in close proximity to community recreation resources
- The proposed dwelling units have access to an existing municipal road, municipal infrastructure and are in walking distances to area parks and schools
- The proposed zoning regulations address matters related to privacy and overlook with the siting of the buildings in relation to adjacent development and the proposed building heights
- Appropriate municipal servicing is available to support the proposed development