

Zoning By-law Review Project

Technical Memorandum on By-law Issues

Town of St. Marys

Prepared by NPG Planning Solutions Inc.

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Introduction

Purpose of the Zoning By-law Review Project

The Town of St. Marys recently completed a review of its Official Plan (“Town OP”). The Town OP is an overarching planning document and establishes the broad goals, objectives and policies for growth and development within the community.

Section 26 (9) of the *Planning Act* provides that no later than three (3) years after the Town completes a review of its Official Plan, the Town is required to amend all zoning by-laws that are in effect to ensure that they conform with the Town OP.

The Zoning By-law is the primary tool for regulating land use in the Town. It implements the objectives and policies of the Town OP and provides the required minimum regulations within each zone category. The Zoning By-law regulates the use of land and the character, erection, location and use of buildings and structures and prohibits certain buildings, structures and uses in various defined areas in the Town.

The purpose of this Technical Memorandum on By-law Issues is to perform a comprehensive review of available information to develop foundational knowledge of the project, including matters that will need to be considered as part of the Zoning By-law Review Project.

Several Technical Memorandums will follow in future phases of the Zoning By-law Review Project.

About the Town of St. Marys

St. Marys is located in a valley at the junction of the north branch of the Thames River and Trout Creek, southwest of Stratford, and is surrounded by the Township of Perth South in Perth County. For centuries, people have been drawn to this area. It was part of the traditional summer hunting routes of the Neutral and Haudenosaunee Nations, and subsequently the Anishinaabe. Although permanent settlements were closer to the Great Lakes, and further south along the Thames River, archaeological evidence confirms temporary summer encampments along the riverbanks near the current town limits.

By the early 19th century, with European settlement underway in Upper Canada, explorers likely followed the waterways to this site. The Town’s first official land records began with the Canada Company. Through a series of treaties in the 1820s, the British Crown acquired vast tracts of land from First Nations in what is now Southwestern Ontario. In 1826, the Crown chartered the Canada Company to administer land sales in the Huron Tract — a block of one million acres stretching from Perth County westward to Lake Huron.

In 1839, a Canada Company surveyor identified a potential settlement site at the junction of the Thames River and Trout Creek. The proposed town was named St. Marys. By the early 1840s, property was placed on the market and settlement began. The area's natural resources attracted the first settlers: the Thames River cascaded over limestone ledges, powering pioneer mills. Limestone, abundant along the riverbanks, was quarried for construction. Many 19th-century limestone structures survive today, giving St. Marys its enduring nickname: *Stonetown*.

The arrival of the Grand Trunk Railway in the late 1850s spurred growth, transforming St. Marys into a centre for milling, grain trading, and agricultural manufacturing. The railway connected the town to broader markets and introduced iconic trestle bridges across the waterways. By the late 1800s, prosperity was reflected in new churches and civic landmarks such as the Opera House (1880), Town Hall (1891), and Carnegie Library (1904).

Today, St. Marys preserves its historic atmosphere while embracing the amenities of a welcoming small town. The Downtown Heritage Conservation District is lined with century-old buildings, and a public walkway follows the path of the old millrace along the river. While limestone is no longer quarried for construction, it remains vital to production at St. Marys Cement, a major local industry. An abandoned limestone quarry, dating back to 1930, has been repurposed as a popular municipal swimming facility.

Planning Document Review

Planning Act, R.S.O. 1990, c. P.13 (RS)

The *Planning Act* is provincial legislation that establishes the framework for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.

Section 34(1) through to Section 34(5.1) of the *Planning Act* describes the scope of Zoning By-laws. Zoning By-laws are permitted to include regulations addressing matters such as:

Zoning By-laws may be passed by the councils of local municipalities to restrict:

- The use of land;
- The erecting, locating or using of buildings;
- The use or erection of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial peril;

- The use of land and the erecting, locating or using of buildings or structures on land that is contaminated, contains a sensitive groundwater feature or a sensitive surface water feature, or that is within an area identified as a vulnerable area in a drinking water source protection plan;
- the use of land and the erecting, locating or using buildings or structures within natural features and areas; and,
- The use of land and the erecting, locating or using of buildings or structures on land that is the site of a significant archaeological resource.

Zoning By-laws may also be passed by councils to regulate:

- The type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy;
- The minimum area of the parcel of land, the minimum and maximum density, and the minimum and maximum height of development; and,
- The minimum elevation of doors, windows or other openings in buildings or structures.

Zoning By-laws are also allowed to:

- Require owners or occupants of buildings or structures to provide and maintain loading or parking facilities, except where the *Planning Act* provides otherwise; and,
- Prohibit the use of land or the erection or use of buildings or structures, unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures.

A Zoning By-law zones for land use only and cannot zone for people and users. Section 35(2) of the *Planning Act* directs that Council cannot pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit.

The following are key *Planning Act* matters that will need to be considered:

Additional Residential Units

In 2022, the *Planning Act* was updated to include requirements pertaining to Additional Residential Units via the *More Homes Built Faster Act¹* (Bill 23), which received Royal Assent on November 28, 2022. Bill 23 aimed to

address the provincial housing crisis by increasing housing supply and incentivizing the construction of 1.5 million homes by 2031.

Bill 23 amended Section 35.1 of the *Planning Act*, so that municipalities cannot pass Zoning By-laws to prohibit up to two Additional Residential Units (ARU) on an urban residential land parcel with a single detached house, semi-detached house or rowhouse. The Town has discretion to permit ARUs outside the Urban Area Boundary and on lands without full municipal services. Up to three (3) units are permitted within the existing residential structure if there are no dwelling units in ancillary structures. Alternatively, two (2) units are permitted to be in the existing residential structure, and one (1) unit is permitted within an ancillary structure. The following figure provides examples of how these options would be integrated into buildings/dwellings and the property overall.

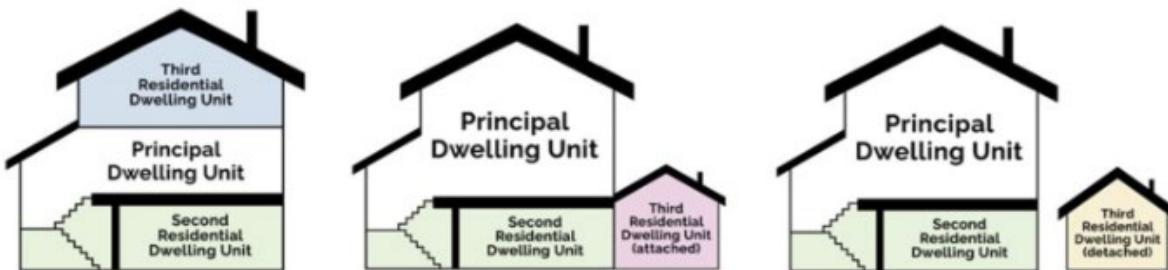


Figure 1 – Example of ARU configurations - Image Courtesy of Whitchurch-Stouffville¹

The *Planning Act* permits the Minister to make regulations establishing requirements and standards for ARUs, which are applicable in the same way as a Zoning By-law. If a municipal Zoning By-law is not consistent with the regulations, the regulations prevail. The Province has established regulations regarding ARUs. Municipalities must comply with these standards and may introduce additional local requirements if desired.

Table 1 identifies requirements and standards for ARUs from the Provincial regulations that must be considered by the Town in the review of its Zoning By-law:

Table 1 – Requirements and Standards from Provincial Regulations

Requirement / Standard	Description
Zoning Permissions	ARUs are permitted on any Parcel of Urban Residential Land which means:

¹ “Additional Residential Units Zoning By-law Update,” Town of Whitchurch-Stouffville, <https://www.cometogetherws.ca/aru>

Requirement / Standard	Description
	<p><i>a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,</i></p> <p><i>sewage works within the meaning of the Ontario Water Resources Act that are owned by,</i></p> <p><i>a municipality,</i></p> <p><i>a municipal service board established under the Municipal Act, 2001,</i></p> <p><i>a corporation established under sections 9, 10 and 11 of the Municipal Act, 2001 in accordance with section 203 of that Act, or</i></p> <p><i>a municipal drinking water system within the meaning of the Safe Drinking Water Act, 2002 (See Section 1(1) of the Planning Act).</i></p> <p>Municipalities have discretion to permit ARUs outside the Urban Area Boundary and on lands without full municipal services.</p>
Number of ARUs on a parcel of land	Three (3) units are permitted as-of-right. However, municipalities may choose to permit more than three (3) units.
Parking	Zoning By-laws are not permitted to require more than one (1) parking space for an ARU other than the primary residential unit. A parking space that is provided for the sole use of the occupant of an ARU may be a “tandem” parking space (meaning a parking space that can only be accessed by passing through another parking space from a street, lane or driveway).
Minimum Floor Area	Zoning By-laws are not permitted to regulate the minimum floor area for an ARU.
Angular Plane	Angular plane refers to an imaginary flat surface projecting over a parcel of land at an inclined angle measured up from the horizontal. A building or structure that contains an ARU may penetrate any angular plane that is described in the by-law.
Separation Distances	A building or structure that contains an ARU is required to be located at least 4 metres from another building or structure on the parcel if the other building or structure contains a residential unit. A municipal

Requirement / Standard	Description
	<p>Zoning by-law may permit a reduced separation distance. The Zoning By-law cannot require increased separation distances.</p> <p>A Zoning By-law may permit a reduced separation distance. The Town's Zoning By-laws cannot require increased separation distances.</p>
Lot Coverage	<p>Up to 45% of the surface of the parcel is permitted to be covered by buildings and structures for parcels of urban residential land on which ARUs are located. The Town Zoning By-law may permit greater coverage.</p>
Floor Space Index	<p>Floor space index means the sum of the total area of each floor of all buildings and structures on a parcel of land divided by the area of the parcel. Zoning By-laws are not permitted to limit the floor space index for parcels of urban residential land on which ARUs are located.</p>
Minimum Lot Area	<p>The Zoning By-law is not permitted to include increased lot area requirements to accommodate ARUs, from that which is established in the Zoning By-law for the same parcel if no additional residential units were located on the parcel.</p>

Section 5.01 of the Town Zoning By-law permits one accessory apartment in a single-detached, semi-detached or row or townhouse dwelling. Where there is no accessory apartment within the single-detached, semi-detached or townhouse dwelling, one accessory apartment may be permitted in an accessory building. Preliminarily, Section 5.01 of the Town Zoning By-law will need to be updated as follows:

1. Replace the term "accessory apartment" with "additional residential unit" as utilized in the *Planning Act*.
2. Permit up to two (2) additional residential units with up to two (2) being within the main dwelling, and up to one (1) being within an accessory building.
3. The general provisions will also need to comply with O. Reg 299/19. For example, Section 5.01.2 (b) of the Town Zoning By-law provides that an accessory building or structure with an ARU must comply with minimum front, rear, interior side and exterior side yard requirements for the main building in the applicable zone. If the main building has more stringent setbacks than what would be required for an

accessory building or structure, the provision may conflict with Section 35.1(1) of the *Planning Act*, as the provision would effectively prohibit the use of an ancillary structure for an ARU.

Areas of Employment

Bill 97 updated the *Planning Act* to include a strict definition of areas of employment. An area of employment means:

1. An area of land designated in an official plan for clusters of business and economic uses.
2. The uses consist of business and economic uses including any of the following:
 - Manufacturing uses,
 - Uses related to research and development in connection with manufacturing anything,
 - Warehousing uses, including uses related to the movement of goods,
 - Retail uses and office uses that are associated with the above,
 - Facilities that are ancillary to the uses identified above, and
 - Any other prescribed business and economic uses (of note, none have been prescribed to date).
3. The uses are not any of the following uses:
 - Institutional uses, and
 - Commercial uses, including retail and office uses that are not associated with business and economic uses that are specifically permitted.

Areas of employment are afforded extra protection under the *Planning Act*. Specifically, there is no appeal if a municipality chooses to refuse an Official Plan Amendment or Zoning By-law Amendment that proposes to remove any land from an area of employment.

The Town Official Plan does not have areas of employment as per the definition under the *Planning Act*. The closest designation in the Town Official Plan is its General Industrial designation. However, as business and professional offices and commercial uses are permitted within the designation, the General Industrial designation is not considered to be an area of employment. Therefore, through its Zoning By-law Review, the Town may permit business and professional offices and commercial uses within the General Industrial designation. However, the *Planning Act* does not provide lands within the General Industrial designation enhanced protections to prevent their conversion to non-employment uses.

Provisions re: Maximum Standards

The *Planning Act* has been amended to permit as-of-right reductions to minimum setbacks, on parcels of urban residential land, excluding parcels of land in proximity to railway lines, wetlands, lake shorelines, and river or stream valleys. As per Section 1.1 under O. Reg 545/06, the prescribed percentage is 90 per cent. For example, if the Zoning By-law requires a 5-metre front yard setback from the property line, the front yard setback would effectively be reduced to 4.5 metres.

The *Planning Act* has been further amended to permit as-of-right reductions or increases to other standards (examples may include lot coverage, height, lot area, lot coverage, lot depth, gross floor area, etc.). Prescribed percentages to implement these as-of-right reductions or increases have not yet been put in place.

Restrictions for Elementary and Secondary Schools

The *Planning Act* has been updated to remove the ability of the Town to pass a Zoning By-law that prohibits the use of a parcel of urban residential land for an elementary school or secondary school of a school board or any ancillary uses to such schools, including the use of a childcare centre located in the school. Any existing Zoning By-laws are of no effect to the extent that they impose restrictions that conflict with this provision. The Zoning By-law should be updated to be consistent with the *Planning Act* by permitting schools in zones applicable to parcels of urban residential land.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) sets the policy foundation for regulating the development and use of land province wide. The 2024 PPS was implemented in October 2024.

The PPS gains its authority from Section 3 of the *Planning Act*, which authorizes policy statements “on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.” All decisions affecting planning matters are required to be consistent with the PPS. The PPS prioritizes growth and development within urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas, local food production, and the agri-food network. The PPS also includes policies for the protection of natural and cultural heritage, water, agriculture, mineral, petroleum and aggregate resources, and human health and safety by directing development from natural and human-made hazards.

Zoning By-laws play an important role in implementing the 2024 PPS policy direction. The creation of forward-looking by-law is promoted, and emphasis is directed to developing a range and mix of housing and employment options, fostering active communities and promoting compact, transit-supportive development. Zoning and development permit by-

laws are required to keep up to date with the PPS by establishing development standards to accommodate growth and development.

St. Marys Official Plan was approved prior to the 2024 PPS coming into effect. The PPS requires that planning authorities keep their zoning and development permit by-laws up to date with their official plans and the Provincial Planning Statement. Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the PPS, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the 2024 PPS.

With respect to zoning, the PPS 2024 encourages residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use. Through the Zoning By-law Review Project, it is appropriate to consider how zoning can facilitate appropriate redevelopment of underutilized commercial and institutional sites for residential use, while ensuring that land use compatibility is maintained, and Town priorities are achieved.

Town of St. Marys Official Plan

The Town OP is the principal policy document which the Town uses to express its goals and objectives for the community, significant environmental conditions and its development or redevelopment. The Town OP provides a general policy direction and planning framework to guide the physical, social, economic and environmental management and growth of the Town of St. Marys.

In Section 2.1 of the Town OP, the Town of St. Marys has established thirteen goals to guide future development. To summarize, these goals relate to:

- providing for range of housing accommodation;
- providing stable, attractive residential areas;
- supporting the central business area as the primary retail, commercial, civic and cultural focus of the Town;
- maintaining and improving the physical condition and economic health of existing buildings;
- allocating land to attract new light industry in locations which can be efficiently serviced;
- developing open space areas to enhance the attractiveness and accessibility of the waterfront, maintain and protect areas of special topographic or environmental quality, and to provide local parks and recreation facilities;

- retaining floodplain as open space, except in the core areas, which would allow reasonable development while providing protection against loss of life and property;
- providing for recreational, health and social services; and
- achieving an intensification target of 20 percent of all new residential development to be provided through intensification and redevelopment.

Building on these goals, the Town OP identifies specific land use designations and town-wide policy matters that provide detailed direction for managing growth and guiding the preparation of the Zoning By-law.

Land Use Designations

The Town OP identifies ten (10) land use designations. There have not been any new designations identified as part of the Town OP review. Zoning By-laws largely implement the designations identified in the Town OP.

Table 2, below, identifies the applicable Official Plan designations, their function, and how the Zoning By-law relates to these designations:

Table 2 – Land Use Designations

Designation	Function
Residential	<ul style="list-style-type: none">• Encourage an adequate supply and choice of housing for current and future residents of St. Marys in terms of quality, type, location, and cost.• Maintain and improve the existing housing stock and the character of residential areas.• Prevent non-compatible land uses from locating in residential areas.• Promote additional housing through intensification and redevelopment.• A range of land uses is permitted in the Residential designation including a range of dwelling types from single-detached dwellings to low rise apartments, parks and open space as well as institutional uses. A list of neighbourhood character attributes are identified.

Designation	Function
	<ul style="list-style-type: none"> • New development, intensification and infilling is permitted throughout the Residential designation provided it is in keeping with the character of the neighbourhood. • Within the Residential designation, the Town has established a Medium/High Density Residential sub-designation intended, in part, to ensure the early provision of higher density, affordable housing on Greenfield properties. The Medium/High Density Residential sub-designation is not shown on Town mapping. • The Medium/High Density Residential sub-designation differs from the Residential designation as development is limited to low and mid-rise apartments, stacked or back-to-back townhouses, and similar higher density forms of housing.
Downtown (formerly Central Commercial)	<ul style="list-style-type: none"> • Provide a wide range of goods and services within the market capabilities of St. Marys and surrounding area. • Support growth of the commercial sector while maintaining the Downtown as the dominant commercial and institutional hub. • Promote economic development and competitiveness by protecting and preserving Downtown lands as a mixed-use employment area. • Encourage the Downtown as a focus for community festivals, celebrations, and gatherings. • Create opportunities to increase the supply of parking spaces. • Ancillary residential uses accessory or those incidental to the commercial use are also permitted above the ground floor grade level, and on the ground floor of low-rise apartment buildings.
Highway Commercial	<ul style="list-style-type: none"> • Provide a range of commercial uses to meet the needs of local residents and the travelling public while complementing the Downtown area.

Designation	Function
	<ul style="list-style-type: none"> • Encourage highway commercial uses to locate within the designation by offering opportunities to meet local and non-resident demand and attract new ventures. • Promote economic development and competitiveness by servicing, protecting, and preserving lands in the Highway Commercial designation as a commercial employment area. • Subject to criteria, residential uses in the form of apartment units may be permitted in addition to a planned or established commercial use above the ground floor grade level or in a standalone apartment dwelling.
General Industrial	<ul style="list-style-type: none"> • Create an atmosphere attractive to industrial investment and development. • Expand employment opportunities for residents of the Town. • Encourage sustainable light industry that does not burden municipal service systems. • Avoid or minimize adverse effects of industrial areas on other land uses and sensitive uses through a classification system. • Promote attractive industrial environments with aesthetic and functional site and urban design that create barrier-free places. • Encourage brownfield redevelopment. • Protect industrial areas from incompatible land uses.
Extractive Industrial	<ul style="list-style-type: none"> • Expand employment opportunities for residents of the Town. • Promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Extractive Industrial” designation as an industrial employment area..

Designation	Function
	<ul style="list-style-type: none"> • Protect Extractive Industrial areas from incompatible land uses. • Permit interim land uses that are compatible with Extractive Industrial operations. • Encourage progressive rehabilitation, redesignation, and redevelopment of Extractive Industrial areas.
Environmental Constraint	<ul style="list-style-type: none"> • Identify existing and former solid waste disposal sites. • Establish policies to regulate land uses on and near these areas.
Recreational	<ul style="list-style-type: none"> • Promote a healthy, active community by providing accessible recreational activities for all residents. • Integrate recreational uses with all land use designations across the Town. • Support community festivals, celebrations, and gatherings. • Highlight the Town's natural heritage features such as the Thames River, Trout Creek, Birches Creek, and the swimming Quarry as unique recreational opportunities.
Natural Hazards	<ul style="list-style-type: none"> • Prevent property damage from flooding by prohibiting new development and regulating redevelopment or expansion. • Encourage and promote cooperation amongst the Ministry of Natural Resources and Forestry, the Conservation Authority, the Town, and individual property owners in dealing with issues and concerns related to flooding hazards and/or erosion hazards within the identified "Natural Hazards" areas. • Preserve, conserve, and enhance the distinct natural environment in identified Natural Hazards areas. • Provide natural and man-made recreational opportunities.
Natural Heritage	<ul style="list-style-type: none"> • Identify and protect natural heritage systems, their environmentally significant features, functions, and linkages.

Designation	Function
	<ul style="list-style-type: none"> Preserve, conserve, and enhance the distinct natural environment in identified Natural Heritage areas.
Agricultural	<ul style="list-style-type: none"> Protect prime agricultural areas for long-term agricultural use. Support agricultural activity and complementary land uses that support farming. Prevent scattered urban development and fragmentation of the agricultural land base.

The above land use designations identify permitted uses, and policies that will need to be translated to zoning provisions. Of note, the Town OP includes policies regarding density targets which will have implications on lot size for low density residential uses and built form for medium and high-density residential uses. These matters will be discussed in future Technical Memorandums.

Source Water Protection

The Town OP has been updated to include policies regarding source water protection. These policies were approved to conform with the *Clean Water Act, 2006*, and the Thames-Sydenham Source Protection Plan. The intent of these policies is to protect existing and future sources of drinking water. The Town OP identifies vulnerable areas, uses or activities that are, or would be, a significant drinking water threat or where a significant drinking water threat could occur. The Zoning By-law will be required to implement the use of prohibitions, performance requirements and other policies described in the appropriate Source Protection Plan.

Measuring Height

The Town OP includes policies for how height is to be measured and provides that when a policy refers to a maximum height in metres, the height of a building shall be measured from the lowest point on the finished grade around the building to the peak or highest point of the roof. The Zoning By-law should be updated to align its height measurement standards with those in the Town OP.

Densities and Height

The Town OP includes updated net density targets for residential use. The Town OP differentiates between “Net Density” and “Gross Density”, and defines these terms as follows:

- “Net density” means the total number of dwelling units per hectare divided by the developable portion of a property or site, and does not include natural heritage, floodplain, parkland, roads and infrastructure.
- “Gross density” means the total number of dwelling units per hectare divided by the developable portion of a property or site. Gross density does not include natural heritage or floodplain but would include other forms of non-residential development (such as roads, parks, infrastructure, etc.).

The following are net density targets by use:

Table 3 – Net Density Targets for uses

Unit Type	Density
<ul style="list-style-type: none"> • Single-detached • Semi-detached • Duplex dwellings 	15-25 units per hectare
<ul style="list-style-type: none"> • Street townhouses • Multiple dwellings 	25-40 units per hectare
<ul style="list-style-type: none"> • Low-rise apartments • Mid-rise apartments • Stacked townhouses • Back-to-back townhouses 	40-90 units per hectare

The Town OP further states: 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. Council will favour those developments with a mixture of lower and higher densities of development over those consisting of only low densities of development.

The Town OP provides more specific policies for uses including locational criteria, heights, densities, coverage and setbacks for the following uses:

- Detached and Semi-detached Dwellings Between Existing Lots; and
- Townhouse, Multiple and Apartment Dwellings.

The Town also has a Medium/High Density Residential Sub-designation. This designation is intended to ensure the early provision of higher density, affordable housing on Greenfield properties. Medium/High Density Residential blocks are required to be provided on any Greenfield lot or area 5.0 hectares or larger in size. A minimum of 20

percent of units within such lot is required to fall within the Medium/High Density Residential category and provide a minimum overall density of 45 units per net hectare. The maximum height of apartment buildings in Medium/High Density Residential Blocks is the lesser of six storeys or 20.0 metres in height.

Generally, higher density is preferred within 100 metres of an arterial or collector road and on Greenfield properties.

The Zoning By-law Review Project will potentially involve the following components:

1. Mapping changes to facilitate higher density development where such density is directed per the Town OP policies;
2. Updates to lot area provisions to implement density targets; and
3. Implementation of height policies in the Zoning By-law based on uses that are identified in the Town OP.

Urban Design

Section 4.5.2.1 of the new Town OP has included urban design policies. The purpose of the urban design policies is to encourage and provide guidance with respect to the creation of built environments in communities that are attractive, functional and sustainable. These policies relate to:

- architectural design (e.g. new buildings designed to present principal building facades, doors and window openings to public roads),
- site design and circulation (e.g. outdoor storage areas to be located at the rear and sides of buildings, and screened from public view),
- landscaping (e.g. the design of large parking areas with internal landscaped planting strips and medians to break up large paved areas and to increase urban canopy)

These urban design policies will need to be interpreted through zoning provisions where appropriate.

Current Zoning By-law for the Town of St. Marys

The Zoning By-law creates land use categories (zones), each with its own set of allowed uses and zone-specific rules (e.g., permitted uses, required parking, minimum lot areas, setbacks from property lines, etc.). The zoning schedules show where various zones apply within the Town.

The Town's existing Zoning By-law was originally enacted in 1997. From the time of approval, the Zoning By-law has been amended to address housekeeping and technical

matters, and site-specific provisions for properties. The Zoning By-law is applicable law for the purposes of the *Building Code Act*.

The Town of St. Marys Zoning By-law Z1-1997 is organized as follows:

Table 4 - Organization of the existing Town Zoning By-law

Section	Description
Section 1: Introduction	This section identifies that the Zoning By-law is applicable to all lands in the Town, and requirements for land use, building and lot conformity
Section 2: Administration, Enforcement, and Penalties	This section outlines requirements for permits, certificates, licences and confirmation of zoning conformity; inspection-related matters; and violations and penalties
Section 3: Definitions	This section defines terms in the Zoning By-law to assist with interpretation and understanding
Section 4: Zones and Interpretation	This section identifies the zones and zone symbols applicable to the Town; specifies the purposes of Key Maps (Schedule "A"); clarifies how zone symbols are intended to be interpreted; and clarifies how certain words are intended to be interpreted (e.g., "shall", present versus future tense, plural versus singular, and bold/italics).
Section 5: General Provisions	This section provides standards that apply to all zones in the Town. Examples of standards in this section include, but are not limited to, accessory buildings/accessory dwelling units, bicycle and vehicle parking provisions, non-conforming or non-complying uses, daylight triangles and planting strips, home occupation, and permitted encroachments into required yards.
Section 6: Agricultural Zone One (A1)	This section identifies the permitted uses and requirements for lands zoned A1, including those with special provisions. Specific requirements are included for kennels.

Section	Description
Section 7: Agricultural Zone Two (A2)	This section was deleted by By-law No. Z107-2014.
Section 8: Residential Zones	This section identifies the permitted uses and zone requirements for the seven (7) Residential Zones in the Town (R1 – R7), including those with special provisions.
Section 9: Commercial Zones	This section identifies the permitted uses and zone requirements for Commercial Zones in the Town, including those with special provisions. There are four (4) commercial zones, and three (3) C3 zoning subcategories.
Section 10: Light Industrial Zone (M1)	This section identifies the permitted uses and zone requirements for lands zoned Light Industrial (M1) in the Town, including those with special provisions.
Section 11: General Industrial Zone (M2)	This section identifies the permitted uses and zone requirements for lands zoned General Industrial (M2) in the Town, including those with special provisions.
Section 12: Extractive Industrial Zone (M3)	This section identifies the permitted uses and zone requirements for lands zoned Extractive Industrial (M3) in the Town.
Section 13: Environmental Constraint Zone (EC)	This section identifies the permitted uses and zone requirements for lands zoned Environmental Constraint (EC) in the Town.
Section 14: Institutional Zone (I)	This section identifies the permitted uses and zone requirements for lands zoned Institutional (I) in the Town, including those with special provisions.
Section 15: Open Space Zone (OS)	This section identifies the permitted uses and zone requirements for lands zoned Open Space (OS) in the Town, including those with special provisions.
Section 16: Flood Plain Zone (FP)	This section identifies the permitted uses and zone requirements for lands zoned Flood Plain (FP) in the Town, as well as associated special provisions.

Section	Description
Section 17: Special Policy Area Constraint Zone (SPA)	This section identifies the permitted uses and zone requirements for lands zoned Special Policy Area Constraint (SPA) in the Town, as well as associated special provisions. The SPA constraint zone is intended to be an overlay applied to flood prone areas throughout the central portion of the Town. These areas are shown on Schedule "A" mapping. The regulations of the SPA zone apply in conjunction with the provisions of the parent zone of a parcel of land.
Section 18: Natural Hazard Constraint Areas	This section identifies the Natural Hazard Constraint Areas in the Town, specifically the flood plain areas and wetlands. The natural hazard constraint area boundaries are meant to be consistent with the outer boundaries of the Natural Hazard Constraint Area mapping that is shown on Schedule C of the Town's Official Plan. Of note, the uses that are permitted in the Natural Hazard Constraint Areas are to be permitted to the extent allowed by the regulations of the <i>Conservation Authorities Act</i> , as amended.
Section 19: Holding Zone (-H)	This section identifies the Holding zones that are present throughout the Town. Lands that have a Holding "-H" symbol are not permitted to be used for specific purposes until the removal of the "-H" Symbol.
Section 20: Development Zone (D)	This section speaks to the Development zones throughout the Town. Lands that contain the "RD" zone symbol indicate that some sort of future residential development is contemplated on the lands in the future.

On a preliminary basis, the following will need to occur through the Zoning By-law Review Project:

1. The schedules of the Zoning By-law will need to be updated to implement any mapping changes that have occurred through the update to the Town OP.

2. Any updates to permitted uses and policies that relate to zoning that have occurred as part of the review of the Town OP will need to be included in related zone categories.
3. There appear to be inconsistencies between the text and mapping of the Zoning By-law regarding flood plain zoning and natural hazards. For example, the Zoning By-law identifies a Special Policy Area Constraint Zone (SPA) which is intended to be an overlay and Natural Hazard Constraint Areas. Schedule A to the Zoning By-law identifies a UTRCA Regulation Limit and a Zoning By-law Flood Fringe Constraint Area.

Additional Policy Documents for Consideration

The following are additional documents that the Zoning By-law Review Project will need to have regard for:

- **Environmental Planning Policy Manual for the Upper Thames River Conservation Authority** – This document provides policies which will guide development and site alteration while protecting, preserving and enhancing the natural environment. This document also includes policies regarding the St. Marys Special Policy Area, within the Downtown, being a viable community that feasibly cannot be protected from the risk of flooding. The Upper Thames River Conservation Authority will need to be consulted as part of the Zoning By-law Review Project to ensure that the Zoning By-law is in alignment with its policies and mapping.
- **Town of St. Marys Heritage Conservation District Plan** – There is a Heritage Conservation District Plan applicable to the Central Commercial Area of St. Marys. Included within the Heritage Conservation District Plan are several guidelines impacting development. Section per Section 41.2 (1) of the *Ontario Heritage Act*, if a heritage conservation district plan is in effect in a municipality, the council of the municipality is not permitted to pass a by-law for any purpose that is contrary to the objectives set out in the plan.
- **Thames-Sydenham Source Protection Plan** – This plan has been prepared with the intent to protect existing and future sources of drinking water. The Zoning By-law will need to conform with the Source Protection Plan.

Review of Zoning By-law Amendments and Minor Variance Applications

Zoning By-law Amendments

Recent examples of Zoning By-law Amendment Applications were provided by Town Staff as follows:

- **Z158-2024 (428 Queen Street West)** – Zoning By-law Amendment to rezone lands from R2-H2 to R5-18. This Zoning By-law Amendment added stacked townhouse dwelling units as a permitted use to the Subject Lands, and defined the use as follows:
 - *Stacked townhouse dwelling units* means a building containing 3 or more dwelling units, with each dwelling unit may be separated either or both vertically and horizontally, and may have a private independent entrance from a yard or a shared entrance from a common corridor, vestibule, or landing.

The previous zoning for the lands permitted residential use but limited the built-form to single-detached dwellings. The R5 Zone permits higher density residential uses including apartment dwellings and row or townhouse dwellings.

- **Z159-2025 (121 Ontario Street South)** – Zoning By-law Amendment to increase the number of units on lands zoned R5-11 from 23 to 32.
- **Z160-2025 (11 Cain Street and part of 16 Hillside Court)** – Zoning By-law Amendment to rezone lands from R3 and I to R5-19. The previous zoning permitted low-density dwellings in the following forms: converted, single-detached, duplex, and single-detached. The Zoning By-law Amendment was required to permit apartments at a density of 95 units per hectare.
- **Z161-2025 (178 Thomas Street)** – Zoning By-law Amendment to rezone the lands from R2-1 to R2-11A and R2-11B. The Zoning By-law would continue to permit single-detached dwellings, however, a range of site-specific provisions were proposed including lot area, lot frontage, lot depth, setbacks, for a daylight/sight triangle, and gross floor area. The Zoning By-law Amendment was required to facilitate the development of two dwelling units.

The examples provided demonstrate the need to add and define “stacked townhouse dwelling units” as a use in the Town Zoning By-law. Opportunities to reduce the need for Zoning By-law Amendment applications including reducing requirements for lot area, lot frontage and lot depth to be inline with current development trends, and permitting higher

density residential development such as apartment buildings “as-of-right” in areas that such uses are contemplated in the Town OP.

Minor Variance Applications

Recent examples of Minor Variance Applications were provided by the Town, with a total of 25 Minor Variance Applications being analyzed. A total of 41 specific variances were applied for by means of the 25 Minor Variance Applications. Of note, the majority of variances were associated with residential (specifically Single Detached Dwelling) uses. The table below highlights the number of variances associated with each variance type. Variances related to setbacks contributed to nearly half of all variance applications.

Table 5 – Minor Variance Applications in the Town

Type of Variance	Number of Variances
Setbacks	19
Coverage	2
Parking/Driveway	4
Associated with a Consent Application	5
Lot Variances (area, frontage, depth, landscaping)	10
Enlargement of a Legal Non-conforming Use	1
Total	41

Preliminary Consultation

The Zoning By-law Review Project will include significant amounts of consultation with public bodies, interested parties and the public-at-large. Preliminary consultation events occurred prior to the finalization of this Technical Memorandum on By-law Issues.

Development Review Committee

The Development Review Committee (DRC) is a group that is appointed by Council for the purposes of providing Council with recommendations specific to community planning matters, development and policies.

The NPG Team met with the DRC on November 20, 2025. The following were the key points that were raised:

- **Accessibility** – The final By-law will need to be accessible and compliant with the *Accessibility for Ontarians with Disabilities Act (AODA), 2005*.

- **Additional Residential Units** – Height restrictions make it difficult to construct a second storey Additional Residential Unit in an attached garage.
- **Agriculture** – It was requested that consultation occur with the Ontario Federation of Agriculture.
- **Building to Next Closest Zone** – There was a comment that consideration should be given towards granting permissions to build to densities associated with the next closest zone (e.g., if a property is zoned only for single-detached dwellings, as of-right, landowners can develop densities at the next closest zoning such as semi-detached dwellings or townhouse dwellings).
- **Cellar Definition** – This may need to be considered in relation to Additional Residential Units.
- **Corn Stands** – People have been selling corn/produce from their front yards. Consider permitting the use as-of-right. There is also consideration to remove the definition and mention of farm market and farmer's market from the Town Zoning By-law.
- **Definition of Kennel** – There is an issue with the definition of kennel as it only speaks to purebred animals.
- **Kennels, Boarding, and Animal Daycare** – The Zoning By-law should identify permitted zones or prohibited zones for kennels, boarding, and animal daycare.
- **Driveway Widening** – Consider wider driveways in the Town Zoning By-law.
- **Engineering Standards** – Town Staff will identify sections of the Engineering Standards that will be relevant to zoning.
- **Fire** – There is an issue with vehicles parking in fire lanes. This is related to a lack of visitors parking.
- **Flood Hazards and Conservation Authority** – The Conservation Authority will do a technical review to ensure alignment with its policies.
- **Front Yard Setbacks / Parking Overhang** – When front yard setbacks are reduced, car bumpers often overhang sidewalk
- **Height of Buildings** – Heights need to be looked at in the context of site grading.
- **Height of Fence** – Height of fence needs to be considered to permit noise mitigation for commercial development.
- **Heritage** – Remove heritage properties from zoning maps.

- **Illegal/non-conforming uses** – Consider appropriate opportunities to bring properties into compliance.
- **Issue with Density & Parking Vehicles on Roads** – While not a zoning provision, with increased density anticipated there may need to be changes to existing By-laws to permit street parking.
- **Pole Structures in the Driveways** – These are often used to cover cars, and there needs to be consideration as to where these may be located.
- **Recreational Vehicle Parking on Residential Lots** – There should be consideration as to whether these should be permitted or prohibited in driveways.
- **Sanitary Capacity** – There should be consideration of zoning provisions to restrict development (subdivision/site plan approval) until sanitary capacity is available.
- **Side Yard Setbacks / Encroachments of Platforms** – Platforms (or surface walkways) at the side of a dwelling could interfere with swales. Potentially minimum amount / minimum width of soft landscaping should be required in side yards.
- **Site Triangles** – Parking in site triangles has been an issue. There should be standards applicable within and outside commercial districts, and depending on whether the intersection is a 4-way stop.
- **Stormwater** – Negative grading towards garage can be problematic because of flooding.
- **Thames-Sydenham Source Protection Plan** – The source water protection plan document includes minimum requirements for Zoning By-laws. The Conservation Authority will provide these requirements through their review. The City of Stratford and Municipality of Thames Centre have effective zoning provisions. Mapping will also be required.

Developers “Tailgate Meeting”

On December 3, 2025, the NPG Team attended an annual meeting with the development industry hosted by the Town, to obtain feedback for the Zoning By-law Review Project. The following matters were identified:

- **Additional Residential Units** – There was a question on how three (3) units would work with existing lot frontages.
- **Height for Additional Residential Units** – Consider permitting increased height for accessory buildings with Additional Residential Units.
- **Parking** – Parking requirements have been identified as a barrier to development.

- **Pre-zoning** – This can be considered as an option to facilitate development.
- **Stacked Townhouses** – Zoning provisions are required for stacked townhouses.

Additional Comments Received to Date

Written comments were also provided. The following is a summary:

- **Mobile Home Parking/Prohibited Uses** – Section 5.26(a)(ix) of the Zoning By-law prohibits mobile home parks in any zone unless specifically permitted in the Zoning By-law. It was suggested that this matter be revisited.
- **Parking Requirements** – Parking requirements for low-density residential uses are an issue when houses are being rented by the room.

In addition to the above, there were detailed technical comments/issues provided by the Town's Building & Planning Department, Clerk, Cultural Services Manager and Fire Chief, and the Upper Thames River Conservation Authority that will need considered as part of the updates to the Zoning By-law. These will be addressed as part of future Technical Memorandums.

Next Steps

This Technical Memorandum on By-law Issues provides a “snap-shot” of the current planning context to guide future phases on the Project. This Technical Memorandum is intended to provide foundational knowledge of the project.

The next phase of the Project includes the preparation of Technical Memorandums based on the sections of the Zoning By-law, to guide updates to each of the sections of the Zoning By-law.

A draft Zoning By-law Amendment will be prepared for the purposes of conducting on-going engagement with stakeholders and the public.

The Project will conclude with the preparation of a Zoning By-law Amendment intended for Council adoption.