

Technical Memorandum #7

Commercial Zones

Zoning By-law Review

Town of St. Marys

Prepared by NPG Planning Solutions Inc.

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1. Introduction

This Technical Memorandum forms part of the overall background review for the Town of St. Marys Zoning By-law Review.

The Town of St. Marys (“The Town”) adopted a new Official Plan on April 12, 2022, and it was approved by the Ministry of Municipal Affairs and Housing (MMAH) on October 9, 2024. The purpose of the Zoning By-law Review is to implement policy direction provided by the recently approved Official Plan. This Zoning By-law Review will introduce regulations that are concise, easy to understand, and provide clear direction on land use and built form while also providing flexible implementation where appropriate.

As part of this process, the Town of St. Marys is seeking to determine an appropriate approach to the use permissions and regulations for its Commercial Zones to ensure that it addresses the needs of the Town.

The purpose of this Technical Memorandum is to provide direction on updates to the Zoning By-law regarding Commercial uses, and zoning permissions and standards in the Commercial Zone categories.

This report will evaluate the existing Commercial Zones for conformity with the existing policy framework found in the proposed Town Official Plan, to identify gaps and challenges and determine how to address those gaps.

2. Overview

What are the Commercial Zones?

The Town Zoning By-law identifies four (4) Commercial Zones. The Commercial Zones permit a full range of commercial uses, and also permit, in some cases, residential, institutional and recreational uses.

The Town Zoning By-law describes these zones as follows:

Table 1 - Commercial Zone Categories

Zone Symbol	Description of Zone	Associated Official Plan Designation
Central Commercial Zone (C1)	The C1 zone permits a broad range of uses generally concentrated in or near the downtown core. Many of these properties are in flood constrained areas.	Downtown

Zone Symbol	Description of Zone	Associated Official Plan Designation
Limited Commercial Zone (C2)	The Limited Commercial Zone provides a limited range of commercial uses. The uses include an automobile gas bar, a convenience or variety store, a restaurant, personal services, and accessory uses. The zone currently applies to only two lots within the Town of St. Marys. The uses include a human resources consulting firm and an automotive gas bar.	Highway Commercial
Highway Commercial Zone (C3)	The Highway Commercial zone provides uses intended to serve the traveling public and to complement centrally located uses in St. Marys. Three subcategories exist for this zone, that being Columns A, B and C. The widest range of uses are permitted in Column A, allowing for different commercial retail and service-related uses. Uses permitted in Column B are focused on automobile repair, servicing and washing, and a fuel pump island. Column C uses are primarily associated with commercial retail and servicing, including supermarkets and department stores, and also include offices.	Highway Commercial
Special Commercial Zone(C4)	The Special Commercial refers to commercial uses generally located outside of the downtown area in predominantly residentially zoned areas. Commercial uses permitted here are more limited than the C1 zone.	Residential

3. Analysis and Proposed Changes

The following are recommended changes based on legislative and policy requirements, a review of trends pertaining to Zoning By-law Amendment Applications and Minor Variance trends, and technical issues identified by Town Staff.

3.1 Planning Act and Provincial Planning Statement

There are no changes recommended based on a review of the *Planning Act* and the Provincial Planning Statement.

3.2 Official Plan – Permitted Uses

Table 2 - Recommended Updates to Zoning By-law for Conformity with Official Plan Permitted Uses

Section No.	Proposed Zoning By-law Change	Rationale
9	Add “Place of Worship”, “Hospital” and “Park, Public” as permitted uses in the C1 zone.	Policy 3.2.2 of the Town Official Plan identifies “places of worship” as a permitted use in the Downtown designation. Policy 3.2.3.6 of the Town Official Plan states that “Institutional uses of land such as hospitals, churches...parks, etc.” are permitted uses in the Downtown designation.
9	Add “Bed and Breakfast Establishment” as a permitted use to the C1 zone, with a special provision that this occurs within an existing single detached dwelling.	Policy 3.2.2 of the Town Official Plan identifies “bed and breakfast establishments (in existing single detached dwellings)” as a permitted use in the Downtown designation.
9	Add “Automobile gas bar”, “Garden centre”, and “Lumber yard” as permitted uses in the C3 zone.	Policy 3.3.2 of the Town Official Plan identifies “gasoline bars”, “garden centres” and “lumber yards” as permitted uses in the Highway Commercial designation.
9	Add “Factory outlet” and “Office, Business” as permitted uses to the C3 zone. The Zoning By-law will need to specify that the Maximum Gross Leasable Floor Area for these uses is 1,000 square metres.	Policy 3.3.2 of the Town Official Plan the permits “factory outlets” and “large scale business and professional offices” not appropriate for the Downtown area in the Highway Commercial designation, so long as it is in accordance with Policy 3.3.3.1 of the Town Official Plan. Section 3.3.1 of the Town Official Plan states that “Council may require a market study for any new Highway Commercial development or redevelopment where the gross leasable floor

Section No.	Proposed Zoning By-law Change	Rationale
		area is greater than 1,000 square metres.”
9	Create new zone based on C3 zone and column 3 setbacks, with exceptions being as follows: <u>Permitted Uses:</u> Add “Dwelling units (only permitted in the upper portion or upper floor levels of a commercial building)” <u>Requirements for Permitted Uses, Buildings, and Structures</u> Add “Building Height: 15 metres / 4 storeys” <u>Mapping Change</u> Rezone properties to new provided the following criteria are met: • Fronting an arterial road • Greater than 300 metres from a General Industrial designation, or buffered by residential lands use	Policy 3.3.2 of the Town Official Plan provides that “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, provided the residential use of the land does not interfere with or detract from the primary commercial function of the area.”

3.3 Official Plan – Lot and Building Requirements

There are no changes required based on the updated Town Official Plan.

3.4 Zoning and Minor Variance Trends

There are no changes recommended based on a review of Zoning By-law amendments and minor variance decisions between 2020 and 2025.

3.5 Technical Issues

Table 3 - Recommended changes to Zoning By-law to address Technical Matters

Section No.	Proposed Zoning By-law Change	Rationale
9	Modify “Automobile gas bar” to “Automotive Gas Bar”.	“Automobile gas bar” used in Table 9B, but “Automotive Gas Bar” is defined
9	Modify “Day nursery” to “Child Care Centre”.	“Day Nursery” used in Table 9A, but “Child Care Centre” is defined.
9	Modify “Dry cleaner’s establishment” to “Laundry plant”.	“Dry cleaner’s establishment” used in Table 9A, but “Laundry plant” is defined.
9	Add “Adult Day Service Facility” as a permitted use in the C1 Zone.	This use should be permitted in zones where a Child Care Centre is permitted.
9	Add “Pet Hotel to C1 and C3 Zones”	There was a question from Town Staff regarding where animal day care use should be permitted. The inclusion of Pet Hotel in certain commercial zones meets this need, while addressing potential impacts regarding noise.
Table 9B	This section needs to be rewritten to address three categories of uses: Category A uses would be subject to Column A zone restrictions; Category B uses would be subject to Column B zone restrictions; Category C uses would be subject to Column C zone restrictions.	The only difference between these Columns is the parcel size. Parcels categorized as Column A are the smallest, and parcels categorized as Column C are the largest. The Zoning By-law is written so that many of the uses that are permitted on smaller parcels are not permitted on larger parcels. There does not appear to be any planning reasons for restricting uses on larger parcels that are presently

Section No.	Proposed Zoning By-law Change	Rationale
		permitted on smaller parcels in the C3 Zone category.

4. Conclusion and Recommendations

This Technical Memorandum reviewed the four existing commercial zones within the Town of St. Marys. It is recommended that the changes outlined in Section 3 be incorporated into the updated Zoning By-law to ensure consistency with the 2024 Provincial Planning Statement, and the conformity with the updated Town Official Plan, while also maintaining appropriate consideration of the local context, recent planning trends, and technical issues identified by Staff.

Appendix A - Correspondence of Commercial Zones with Official Plan Designations and Use Permissions

Table 4- Correspondence of Commercial Zones with Official Plan Designations and Use Permissions

Official Plan Designations	Official Plan Commercial-related Permitted Uses	Commercial Zones
Downtown	- All forms of retail and service commercial facilities - Business and professional offices - Schools - Hotels - Bed and breakfast establishments (in existing single detached dwellings) - Restaurants - Places of worship - Places for entertainment - Recreational facilities - Festival venues - Parks - Cultural activities - Utilities - Ancillary residential uses accessory or incidental to the commercial use (provided they are located above the ground floor grade level may also be permitted where they will not interfere with or detract from the primary commercial function of the area.)	C1, C4
Highway Commercial	- Automobile-oriented uses - Drive-thru or fast food restaurants - Automobile sales and service establishments - Gasoline bars - Lodging establishments - Garden centres - Hardware/automotive type uses - Lumber yards - Open space uses - Utility uses	C2, C3

Official Plan Designations	Official Plan Commercial-related Permitted Uses	Commercial Zones
	- Large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets	