



*Schedule 2 to Item CCW 2020-252 – Midland Official Plan – Proposed Modifications by the County (Track Changes)*

# **TOWN OF MIDLAND OFFICIAL PLAN**

*November 20, 2019*

## **TERRITORIAL ACKNOWLEDGEMENT**

*Since time immemorial, the area which is now the Town of Midland has been the homeland of the Huron-Wendat Nation, Métis and the Anishinaabek people, who are now referred to in English as the Chippewa Tri-Council and comprised of Beausoleil First Nation, Rama First Nation, and the Georgina Island First Nation.*

*The land which the Town is situated is within a portion of pre-confederation Treaty #5, which was negotiated between the Crown of Britain and the Chiefs of Lakes Huron and Simcoe at the town of York on May 22, 1798. A small portion of Midland is situated within the territory of Treaty #16, signed between the Crown of Britain and the Chiefs of the Chippewas of Lakes Huron and Simcoe on November 18, 1815. These two pre-confederation treaties were also written into the Williams Treaties of 1923.*

*The land within Treaty #5 and #16, as well as all other Pre-confederation Treaties dealing with the Anishinaabe were obtained through conquest and several peace treaty agreements with the Haudenosaunee peoples, which had the Haudenosaunee people move back into upper New York State and at the mouth of the St. Lawrence in the late 1600's and early 1700's, until other communities were created in Ontario after the American Revolutionary War. Treaties were made on a Nation to Nation basis between the Anishinaabek and the Haudenosaunee. The Dish with One Spoon Waumpum Belt and the Five Nations Wampum Belt speak upon the peace agreements between these two nations.*

*Today, with their enduring presence, the Town of Midland acknowledges that these lands and this area remains the traditional territory of the Chippewa Tri-Council. The Anishinaabek people know these lands as their traditional harvesting grounds and relate to them through oral history passed down for generations. The Town of Midland also recognizes that it is the home to many citizens of the Métis Nation of Ontario and to a large and diverse community of Indigenous peoples.*



## CONTENTS

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### 1.0 INTRODUCTION

1.1 Purpose	1-1
1.2 Context	1-1
1.3 Basis of Official Plan	1-1
1.4 The Vision for Midland	1-2
1.5 Guiding Principles	1-3

### 2.0 GROWTH MANAGEMENT

2.1 Population and Employment Forecasts	2-1
2.2 Planning for Growth in an Urban Structure	2-1

### 3.0 GENERAL DEVELOPMENT POLICIES

3.1 A Successful Community	3-1
3.2 Housing	3-16
3.3 Economic Development	3-21
3.4 Cultural Heritage	3-23
<del>3.4.3.5</del> <u>Lands</u>	<u>Hazard</u> 3-323

### 4.0 LAND USE DESIGNATIONS

4.1 Introduction	4-1
4.2 Employment Districts	4-2
4.2.1 Introduction	
4.2.2 Employment Area Designation	
4.2.3 Employment Land Designation	
4.3 Neighbourhood Districts	4-10
4.3.1 Introduction	
4.3.2 Neighbourhood Residential Designation	
4.3.3 Shoreline Residential Designation	
4.3.4 Land Use Specific Policies	
4.4 Mixed Use Districts	4-17
4.4.1 Introduction	
4.4.2 Downtown Designation	
4.4.3 Waterfront District Designation – Midland Bay Landing	
4.4.4 Commercial Corridor Designation	
4.4.5 Mixed Use Corridor Designation	
4.4.6 Exceptions	
4.5 Greenlands	4-51
4.5.1 Introduction	



4.5.2 Open Space Designation	
4.5.3 Natural Heritage Designation	
4.5.4 Exceptions	
<b>4.6 Rural Areas</b>	<b>4-70</b>
4.6.1 Introduction	
4.6.2 Rural Designation	
4.6.3 Aggregate Extraction Area Designation	
<b>5.0 TRANSPORTATION</b>	
5.1 Introduction	5-1
5.2 Active Transportation	5-2
5.3 Public Transit	5-7
5.4 Roads	5-8
5.6 Transportation System Improvements	5-15
<b>6.0 MUNICIPAL INFRASTRUCTURE</b>	
6.1 Introduction	6-1
6.2 Servicing Midland	6-2
6.3 Water	6-5
6.4 Waste Water	6-11
6.5 Storm Water Management	6-13
6.6 Utilities and Telecommunications	6-18
6.7 Sustainable Energy	6-18
6.8 Waste Management	6-19
<b>7.0 IMPLEMENTATION AND ADMINISTRATION</b>	
7.1 Introduction	7-1
7.2 The Official Plan	7-2
7.3 By-laws	7-5
7.4 Site Plan Control	7-11
7.5 The Subdivision of Land	7-14
7.6 The Community Planning Permit System	7-18
7.7 Development Approvals and Complete Applications	7-20
7.8 Community Improvement	7-25
7.9 Existing and Non-conforming Land Uses	7-28
7.10 Committee of Adjustment	7-30
7.11 Building By-law	7-31
7.12 Property Maintenance and Occupancy By-law	7-31
7.13 Brownfield Development	7-32
7.14 Demolition Control	7-32
7.15 Exemptions from Required Parking Requirements	7-33
7.16 Municipal Finances	7-34



7.17 Municipal Land Acquisition and Deposition	7-36
7.18 Parkland Dedication	7-36
7.19 Indigenous Peoples and the Duty to Consult	7-37
<u>7.20 Public Involvement and Consultation</u>	<u>7-38</u>
<u>7.21 Transition – Existing Development Approvals</u>	<u>7-40</u>

## 8.0 INTERPRETATION

8.1 How to Read the Official Plan	8-1
8.2 Land Use Boundaries and Roads	8-3
8.3 Figures and Quantities	8-3
8.4 Accessory Uses	8-3
8.5 Definitions	8-3

## List of Schedules

- Schedule A – Growth Areas
- Schedule B – Urban Structure
- Schedule C – Land Use
- Schedule C1 – Midland Bay Landing
- Schedule D – Active Transportation
- Schedule E – Roads
- Schedule F – Infrastructure
- Schedule G – Source Protection



## 1.0 INTRODUCTION

### 1.1 Purpose

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- a) The purpose of this Official Plan is to set out a planning policy framework that provides direction for future growth and development within the Town of Midland. This Plan will assist in managing and directing physical change and its effects on the social, economic and natural environment in the Town to the year 2031.

### 1.2 Context

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- a) Midland's history is rich in terms of area events dating back to the aboriginal people of the Huron and Iroquois Nations, the French explorers and the Jesuit fathers. The harbours of the area, originally known as Mundy's Bay, provided access to the Great Lakes and beyond and, with the arrival of rail service, established the community as an important shipping and trade centre in the late 1800's. The lumber and farm trade, ship building and manufacturing all contributed to establishing a firm base for the employment opportunities that exist today. Tourism has also contributed heavily to the Town's success through a significant cottage presence in the area, the unparalleled boating opportunities and local recreational, natural, historical and religious attractions.

Today, Midland forms and functions as the centre of a broader community bounded by the Town of Penetanguishene, the Township of Tiny and the Township of Tay. It offers a regional setting which includes business, commerce, social, recreational and housing opportunities. The retail businesses along the County Road 93 corridor, the light industry located adjacent to Provincial Highway 12, the tourism, commercial and entertainment features of the Downtown and the recreational and leisure amenities of Georgian Bay form a balanced and appealing urban fabric.

### 1.3 Basis of Official Plan

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- a) The first Official Plan of the Town of Midland was approved in 1961. In 1978 and 1983 the Plan was revised to reflect changes to the *Planning Act* and changing circumstances regarding the Town's growth. These changes retained the strong commitment to industrial growth and added policies designed to encourage the development of additional tourism opportunities and support facilities.

In 1990, the Midland Community Planning Study was commenced to develop a strategic plan to guide future economic development. This study identified key



economic opportunities, development options for the Waterfront and established guidelines for the enhancement of the quality of life in Midland. Results from the study included a Waterfront Secondary Plan, improvements to the development review process and land use designation changes to reflect current economic circumstances and trends.

In 2001, the Town commenced a review of the entire Plan. In part this was required to incorporate new lands added to the Town through restructuring, to reflect changes in Provincial policy and the County of Simcoe Official Plan and to incorporate the findings of the Town's Growth Management Report, 2000. This review was also intended to produce a more streamlined document to facilitate growth and provide for greater flexibility for the Town in the development and decision making process. The Official Plan was adopted and approved by the County of Simcoe in 2003.

Ontario municipalities are required to review and update their Official Plans in accordance with the timeframes outlined in the Planning Act. To this end, the Town initiated a new review process in 2008, with the goal of adopting an updated Official Plan in 2009. However, as a result of the changing planning framework for the County of Simcoe at both the Provincial and County levels, Midland's Official Plan Review process was put on hold. The majority of the Simcoe County Official Plan was approved and Midland's Official Plan Review process was reinitiated in 2015.

This new Official Plan replaces the 2003 Official Plan in its entirety and is the result of a comprehensive evaluation of new and evolving Provincial policy, an understanding of the policy directions from the new County of Simcoe Official Plan, 2016 and a thorough stakeholder consultation process that has been ongoing since 2008. This Official Plan is intended to reflect and build upon the character, identity and cultural and natural features of the community and the surrounding area. This Plan is also intended to provide guidance, encouragement and security concerning economic development and investment to the year 2031.

In the text of the Official Plan, **bolded** terms refer to land use districts and designations as identified on Schedules B, C and C1 and *italicized* terms refer to Provincial legislation.

## 1.4 The Vision for Midland

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Midland is a picturesque and dynamic waterfront community that values its heritage character, small town feel and friendliness. The historic downtown and the extensive Georgian Bay shoreline are highly valued. Midland places importance on its recreational amenities and the major cultural and natural heritage assets that draw tourists from around the world.



Midland is a truly complete community. Midland is accessible to all ages and abilities and offers a full range of employment, housing, shopping, recreational and cultural opportunities. Midland has spiritual, health care and educational facilities that serve both the local and regional populations. The existing mixture of assets, opportunities and facilities promotes a highly desirable lifestyle.

Midland will continue to evolve into a healthy, active and resilient waterfront community that balances its vibrant heritage character with environmental sustainability, fiscal responsibility and innovative economic growth. It will thrive, grow and prosper by promoting its lifestyle assets and by attracting new residents and businesses that reflect the evolving economies, including recreation and tourism.

Midland will be a successful community, a great place to live, work, shop, learn and play. As a result, it will be a great place to invest.

## 1.5 Guiding Principles

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- 1.5.1 Based on a broad public consultation program conducted as part of the Official Plan Review process starting in 2015, the following 16 Guiding Principles were established to help guide how and where the Town of Midland will grow over the next 20 years.

### Heritage & Conservation

- a) Promote an environment first approach – becoming a recognized leader in town design that compliments and enhances the natural heritage features and their associated ecological and hydrologic functions for current and future residents.
- b) Protect the quality and quantity of municipal drinking water source resources.
- c) Preserve and promote Midland’s rich culture and unique cultural heritage resources.

### Sensitive Urban Design

- d) Ensure long-term sustainability, reduce greenhouse gas emissions, and reduce demands on energy, water and waste systems.
- e) Achieve design excellence through high quality community design and streetscaping techniques.

### Healthy & Complete Communities

- f) Encourage protection of the vistas and views to the Waterfront and improve pedestrian access and trail connections to the water’s edge.





- g) Preserve and promote the Downtown as the commercial and cultural hub of Midland that will create and support its identity as a true Georgian Bay waterfront community.
- h) Ensure that affordable housing will be available in various forms and types throughout the community.
- i) Require that new mixed-use development, intensification and revitalization efforts be compatible with surrounding properties and neighbours.
- j) Promote an active transportation system that will establish viable mobility options that are safe, economical and convenient for people of all ages and mobility levels.
- k) Establish a strong urban structure with a connected system of roads, trails and sidewalks within neighbourhoods and between key destinations.
- l) Attract a reinvigorated workforce that supports the new economy.
- m) Attract long-term economic development opportunities, including on the Waterfront, to keep Midland vibrant and robust.
- n) Ensure that growth and development is efficient and fiscally sustainable.
- o) Optimize appropriate opportunities for infill, mixed-use intensification and revitalization.
- p) Enable the strategic use of municipal assets to promote the Town's development objectives.



## 2.0 GROWTH MANAGEMENT

### 2.1 Population and Employment Forecasts

- a) The Province and Simcoe County have provided population and employment forecasts for the Town of Midland that form the basis for the growth management strategy included in this Plan. The Town of Midland is projected to grow to a total population of 22,500, with an employment target of 13,800 jobs, by 2031.
- b) Notwithstanding that the time horizon for this Plan is to the year 2031, the Town of Midland is expected to continue to grow and evolve well beyond 2031 and, as a result, this Plan does not represent an end state for the Town of Midland, but rather it is to be used as a tool to manage its ongoing growth and development.
- c) In accordance with the 2019~~7~~ Growth Plan for the Greater Golden Horseshoe (Growth Plan), the County of Simcoe is undertaking a Municipal Comprehensive Review which will provide the basis for an update of the County Official Plan. This work will involve allocating growth projections to 2041 and the completion of a multitude of County-wide studies. Once the County has completed this Growth Plan conformity exercise, Midland will be required to undertake a review and update of this Plan to accommodate allocated growth projections to 2041 and to incorporate new policy frameworks.
- d) The intent of this Section of this Plan is to ensure that the Town has an appropriate supply of land to accommodate projected growth within a planning policy framework that manages that growth over the prescribed planning horizon – to 2031. This Plan provides policies intended to properly direct growth within a logical and coherent urban structure and to guide and inform decisions about growth and development in accordance with the vision and guiding principles of this Plan.
- e) Nothing in this Plan shall limit the Town's ability to plan for infrastructure, public service facilities and Employment Areas beyond the prescribed planning horizon.

### 2.2 Planning for Growth in an Urban Structure

- a) This Plan sets out a balanced approach to managing growth by recognizing and building upon the Town's urban structure, which is partly based on historical development patterns, and partly based on the desire to achieve a more efficient, cost-effective and transit-supportive pattern focused on the Downtown and other identified Strategic Growth Areas.



- b) Understanding the organization of the Town on a broad level is necessary for directing growth of different types to appropriate locations, while protecting established and stable areas from development-related undue, adverse impacts.
- c) In Midland, the Municipal Boundary coincides with the identified Settlement Area Boundary. As such, the entire Town has been identified as a Settlement Area. In a general sense, this identification means that ongoing development is to be considered throughout the Town, with various levels of priority and permissions for growth within the 2031 planning horizon.
- d) Schedule A - Growth Areas, identifies those areas within the Settlement Area/Municipal Boundary that have been identified by Provincial, County and Town planning documents as key elements of the Town with respect to growth management. Each element of the Town has a specified role to play in long-term growth management, as follows:
  - i. The Delineated Built Boundary – The Delineated Built Boundary defines the Delineated Built-up Area and identifies the developed areas of the Town of Midland and lands that have been approved for development. All of the lands within the Delineated Built-up Area are considered as developed urban areas, and any new development within the Delineated Built-up Area is considered under the definition of intensification. This Plan implements a target of 40 percent of all new residential development on an annual basis within the Town being through intensification within the Delineated Built-up Area. While there is no target for the intensification of commercial, industrial or institutional forms of development, the concept of intensification is a positive principle of ongoing growth management for all land uses. However, not all lands within the Delineated Built-up Area are suitable for all forms of intensification and the Town, through this Plan, has identified Strategic Growth Areas where intensification will be directed;
  - ii. Greenlands – Greenlands consist of the protected natural heritage system and public parks. Together they form a strong character giving element of the Town. These areas are generally not available for urban development at this time;
  - iii. Strategic Growth Areas are identified and, in order of priority, listed below:
    - Downtown and Waterfront Strategic Growth Areas – Downtown and Waterfront Strategic Growth Areas consist of the lands that define the core area of the Town and which have been identified to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form, within a high quality public realm. These lands are further considered Intensification Areas as part of the Town's



- Intensification Strategy and identified as Mixed Use District on Schedule B – Urban Structure;
- Strategic Growth Areas I – Strategic Growth Areas I consist of lands within the Delineated Built-up Area which have been identified to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. These lands are further considered Intensification Areas as part of the Town’s Intensification Strategy and identified as Mixed Use District on Schedule B – Urban Structure; and,
  - Strategic Growth Areas II – Strategic Growth Areas II consist of lands outside of the Delineated Built Boundary which have been identified to be the focus for accommodating higher-density mixed uses in a more compact built form. These lands are further identified as Mixed Use District on Schedule B – Urban Structure; and,
- iv. Secondary Plan Areas – Secondary Plan Areas are lands where a Secondary Plan or Plans must be developed prior to future urban development, to ensure the coordination and comprehensive planning of growth and development opportunities.
- e) The planned urban structure identified on Schedule B – Urban Structure forms the basis upon which Midland’s future growth is to be focused and accommodated. The growth details for all of the lands within the Town of Midland will be further articulated in this Plan and provided with appropriate land use designations and development policies that will ensure that they achieve their identified planned function and provide for compatible development.
- f) The urban structure identified on Schedule B will have a focused Downtown, surrounded by neighbourhoods and employment areas that are connected by corridors which could accommodate mixed use development. The urban structure includes the following identifiable Districts:
- i. The **Waterfront** – The **Waterfront** is an important character-giving element of the Town and is intended to be a major destination for residents and visitors. The **Waterfront** consists of the entirety of the Georgian Bay and Little Lake waterfronts and is overlaid over several urban structure Districts whose specific development policies also apply. It is an objective of the Town to, over time, maximize the attributes of the Georgian Bay and Little Lake waterfronts to their full potential. This can be achieved, in part, through activities and public and private initiatives which will:
    - In all new development, ensure reasonable, controlled, public access to all areas of the **Waterfront** shoreline, for the benefit of the residents of Midland;

- Ensure that all waterfront development is of the highest quality and properly integrates with surrounding uses;
  - Ensure that the development of the Georgian Bay waterfront is supportive of the Downtown, by enhancing the waterfront public trail (Trans Canada Trail), park system and Town dock with particular focus on the retention of scenic views;
  - Create and encourage facilities and spaces which will enhance the tourism economy;
  - Ensure that all waterfront development adheres to Provincial storm water management practices for both quality and quantity;
  - Increase the amount of waterfront land in public ownership; and,
  - Utilize best practices and building techniques to mitigate the impacts of climate change in all public realm and building construction activities.
- ii. The **Neighbourhood Districts** – The **Neighbourhood Districts** represent Midland’s existing and planned residential neighbourhoods. These neighbourhoods accommodate a full range and mix of housing types.

The role of existing neighbourhoods (neighbourhoods within the Delineated Built-up Area) in growth management is modest intensification, which is expected to include the development of Second Units and other forms of compatible redevelopment.

The planned residential neighbourhoods that are located outside the Delineated Built Boundary and within the Designated Greenfield Area will accommodate new residential communities with a minimum gross density of 50 persons and jobs combined per hectare. 50 persons and jobs combined per hectare is a target that applies across all Designated Greenfield Areas.

New development on full urban services is required for residential growth in the **Neighbourhood Districts**. New residential development on partial or private services is expected to be limited to minor infilling and minor rounding out of existing development where there are no urban services available or expected.

The planning policy framework included in this Plan further subdivides the **Neighbourhood Districts** into **Neighbourhood Residential** and **Shoreline Residential**.



- iii. The **Mixed Use Districts** – The **Mixed Use Districts** accommodate, and are planned to accommodate, a mixture of retail, service commercial, office, institutional and, in some cases, higher density residential land uses. The **Mixed Use Districts** shall comprise the Strategic Growth Areas identified on Schedule A – Growth Areas, and will provide the justification for enhanced transit and active transportation investment over time.

The planning policy framework will identify the **Mixed Use Districts** as key locations for a full range and mix of compatible land uses to ensure that they evolve as an important connecting element of the Town's urban structure. The planning policy framework included in this Plan will also establish a hierarchy that will be more specific about the range and mix of permitted land uses and the scale of the built form anticipated.

The **Mixed Use Districts** are located both within the Delineated Built-up Area (intensification opportunities) and outside the Delineated Built Boundary (Designated Greenfield Areas), and it is anticipated that a substantial portion of new jobs and residents will be accommodated on these lands.

New development on full urban services is required for growth in the **Mixed Use Districts**. New development on partial or private services is expected to be limited to minor infilling and minor rounding out of existing development where there are no urban services available or expected.

The planning policy framework included in this Plan further subdivides the **Mixed Use Districts** into the **Downtown, Waterfront District – Midland Bay Landing, Commercial Corridor** and **Mixed Use Corridor**.

- iv. The **Employment Districts** – The **Employment Districts** identify Midland's traditional industrial uses, which have historically been an economic engine of the Town. These Districts include newer large-scale employment areas, and a number of smaller-scale employment land sites that are integrated within the older **Neighbourhood Districts**. In terms of growth management and economic development, it is expected that the existing **Employment Districts** will accommodate modest new employment land development through both new greenfield development, and through intensification.

The planning policy framework further subdivides the **Employment Districts** into **Employment Areas**, that will receive the full protection from conversion to other land uses, and **Employment Lands**, that currently accommodate industrial land uses but that may, during the time horizon of this Plan, be considered for conversion to other land uses.

- v. The **Rural Area** – The **Rural Area** is not expected to accommodate significant growth during the time horizon of this Plan. However, since it is located within



a Settlement Area, as defined by the Province and the County, it may be considered for development in the long-term. The planning policy framework included in this Plan will identify the **Rural Area** as well as the criteria through which a number of different land uses will be accommodated. It is the intent of this Plan to consider the **Rural Area's** role in comprehensive economic development, as well as the existing rural context. Limited rural residential development on existing lots of record is anticipated, however no new rural residential lot creation will be permitted.

- g) The redesignation of those lands identified as Rural Area on Schedule B – Urban Structure to permit new urban development may only be considered outside of a Municipal Comprehensive Review in accordance with the following criteria.

For adjustments:

- i. There would be no net increase in the land designated for urban development;
- ii. The adjustment will meet resident and job density targets;
- iii. The applicable requirements for settlement area expansion in the County Official Plan and Growth Plan are met; and,
- iv. The land is serviced or capable of being serviced and there is sufficient capacity.

For expansions:

- i. The lands will meet resident and job density targets;
- ii. The applicable requirements for a settlement area expansion in the County Official Plan and Growth Plan are met;
- iii. The land is serviced or capable of being serviced and there is sufficient capacity;
- iv. The land, and accompanying growth will be accounted for in the next Municipal Comprehensive Review; and,
- v. The land to be expanded is no greater than 40 ha.

- h) The Town may only consider future changes to the time horizon, the intensification target and/or the Designated Greenfield density target of this Plan following the completion of a County-wide Municipal Comprehensive Review and the approval of a new County of Simcoe Official Plan or appropriate implementing amendments thereto.



## 3.0 GENERAL DEVELOPMENT POLICIES

### 3.1 A Successful Community

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#### 3.1.1 Introduction

- a) A successful community is greater than the sum of its component parts. Midland, a complete and mature Town, has evolved over a long period of time and is a successful community. As Midland moves into the next millennium, success may be measured through a whole host of new elements that will continue to define the community. This Section of this Plan identifies a policy framework that includes important components of that future evolution.
- b) Placemaking is the creation of place. It is the actions of building a community that have a unique and authentic identity. This section also applies the principles of placemaking to the design of the Town at various scales ranging from the urban structure as a whole down to specific sites and buildings, to the spaces between buildings, and acknowledges the people who use them. The Town acknowledges that it has many partners in placemaking including our private sector development partners. The policies of this section are organized under complete community, community design, healthy community, sustainability, resiliency, viability including; active transportation; areas and districts; street network and block patterns, parks and open space; green buildings; and natural features. Successful placemaking will require the use of several planning tools to help achieve the goals and objectives within this section and will require the participation of many of our community building partners. While prescriptive language may be used in this section, the Town understands that not all sites or locations will be able to achieve each and every **one** of the objectives listed and as such an amendment to the policies of this Plan will not be required. Placemaking policies, like community building, must respond and be sensitive to the unique attributes and setting of each property, site, area and neighbourhood.
- c) This Section is intended to be read in conjunction with the policies related to the conservation of the natural heritage system, the achievement of an active transportation network as well as a more sustainable approach to green infrastructure emplacement and green building.

#### *Successful Community Elements*





- d) A successful community includes an array of elements that, when considered together, will ensure the long-term success of the Town of Midland. A successful community includes the following:
- i. **Complete** - A complete community meets people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, including age-friendly, barrier-free, social and/or affordable housing, public service facilities including educational and recreational facilities, and a robust open space system. Convenient access to public transportation and options for active transportation are crucial elements of a complete community;
  - ii. **Beautiful** - A beautiful community includes well designed buildings, streetscapes, parks and open spaces. A beautiful community protects natural heritage features and viewscales and includes an accessible and well-designed system of public parks and open spaces that celebrate the area and provide opportunities for enjoyment by the entire population. A beautiful community includes destinations, landmarks and gateways that distinguish it within its context and establish a sense of place. Crucial to a beautiful community is the attention to the interplay among built form, the public realm and the natural environment. A beautiful community should engender a sense of pride as a place to live and a sense of stewardship in its long-term care and maintenance;
  - iii. **Healthy** - A healthy community consciously seeks to improve the health of its citizens by putting public health high on the social and political agenda. Physical, social and mental well-being are the necessary components of public health, including access to healthy food, clean air and water, and opportunities for physical activity. The built environment should be designed to create opportunities to encourage residents to be physically active and socially engaged. A fundamental element of a healthy community is the inclusion of active transportation;
  - iv. **Sustainable** - A sustainable community is environmentally, financially and socially healthy and resilient. It meets the challenges of climate change, and other environmental issues through integrated solutions rather than through fragmented, incremental approaches that meet one objective at the expense of the others. A sustainable community manages its human, natural and financial resources equitably and takes a long-term view – one that is focused on both present and future generations. Sustainability success relies upon having specific and measurable targets for indicators related to energy, water, carbon and waste;
  - v. **Resilient** – A resilient community can effectively respond to emergencies because it has a plan in place, responsibilities assigned and facilities available. Natural or human made disasters are considered and the necessities of life are



provided, particularly for those who are most at risk. Access to power, food, water and health care is ensured, while emergency services are equipped to operate and provide assistance in all conditions;

- vi. **Viable** – A viable community is market responsive, efficient and cost effective. Within a successful community, there is inherent flexibility to allow new development to respond to the market over time, and to intensify over time. The local population will support modestly scaled retail and service commercial uses, and will require community infrastructure. Tourists and the travelling public will enhance the support for retail and service commercial uses; and,
- vii. **Engaged** – An engaged community is one where all residents feel involved with municipal processes and with the community as a whole. A strong sense of ownership is fostered across sectors with strong participation rates for a wide range of activities, consultation efforts and public events/festivals. Residents feel that their voices are heard and that they have a stake in Midland's future.

### Objectives

- e) Complete Community Objectives
  - i. Support the creation of a complete community with easy access for all residents to a wide range of uses including shopping and restaurants, trails, parks and open spaces, employment opportunities, educational and cultural opportunities, live-work options, mobility options, a mix and diversity of housing types, and a range of public service facilities, services and amenities;
  - ii. Encourage the development of a complete community that includes higher density built forms and higher intensity land uses as a way of reducing land consumption, and maximizing the efficiency and cost effectiveness of municipal service infrastructure;
  - iii. Support a high quality of life by encouraging initiatives that improve social equity, ensuring that residents have access to healthy food options and promoting a high quality public realm and a compact built form;
  - iv. Support the mitigation and adaptation to climate change impacts by building resilience and integrating green infrastructure and low impact development strategies;
  - v. Encourage and support the provision of a full range and mix of housing options throughout the Town to meet the needs of all residents throughout their life-cycles. New development and redevelopment should address shifting household structures, provide for affordable and accessible units and maximize the number of residential units which are in close proximity to active



transportation and transit routes, shops and services, and public service facilities. Higher density forms of housing may also enhance life-cycle and affordable housing options;

f) Community Design Objectives

- i. Promote an exemplary standard of design excellence in the development of the basic elements of the community, including streets, parks, public places, business uses, institutional facilities and residential neighbourhoods;
- ii. Develop a welcoming community with a desirable image that encourages and supports active living, social engagement, civic pride and the creation of a sense of place and well-being. Fundamental to achieving this objective is the celebration of the views over the water and public access to the water's edge;
- iii. Preserve, incorporate and develop landmarks and gateways that clearly identify where you are, and when you have entered a given area. Landmarks must be recognizable and visible from a distance. Landmarks and gateways can include buildings, structural elements and/or landscape features;
- iv. Require high quality architecture that transcends a theme or a specific period in time, which is fundamental to a beautiful community. Buildings should be compatible with one another, but there must be a diversity of scale and a diversity of style as it may be defined through building materials, colour and architectural details;
- v. Promote the concept of compatible development to ensure that new developments fit within the surrounding neighbourhood with consideration for the mix of uses, massing, height, scale, architecture and details of adjacent buildings. Compatible development is development that is not necessarily the same as, or even similar to nearby existing development, but enhances an existing community, without causing any undue, adverse impacts on adjacent properties;
- vi. Ensure that parks and open spaces, including the natural heritage system, are beautiful, accessible and linked. Parks and open spaces need to be visible and accessible from, and integrated with the street system, and include a full array of opportunities for outdoor festivals, recreation and play, as well as quiet contemplation. Where possible, parks should be located adjacent to school sites. High quality landscape architecture will ensure that these outdoor spaces include public art and appropriate grading, paving and planting materials that celebrate the landscape context;
- vii. Build beautiful streets and streetscapes. Streets need to accommodate all modes of transportation and be designed to be pedestrian friendly and safe.



Building facades play a crucial role in defining the street edge, animating the street and creating the image and character of the community. Together the streets and the adjacent building facades create a streetscape;

- viii. Promote private and public developments that include an integrated mix of uses, activities and experiences and that can be used for a variety of purposes, such as new community space, adapting over time to changing circumstances and opportunities;
  - ix. Require the implementation of accessibility design features, in accordance with the requirements of the *Accessibility for Ontarians with Disabilities Act*;
- g) Healthy Community Objectives
- i. Plan for an active transportation system which is highly integrated and connected within the community, the adjacent communities and to transportation systems that serve the broader region;
  - ii. Design the community around pedestrian activity with a substantial number of destinations, including parks, cultural and public service facilities, shopping and restaurant opportunities, within walking distance;
  - iii. Ensure that the appropriate level of infrastructure and amenities are provided along active transportation routes to ensure pedestrian and cyclist comfort, and enjoyable and safe environments through which to travel;
  - iv. Plan for age-in-place facilities within the community that anticipate changing housing needs for an aging population;
- h) Sustainability Objectives
- i. Protect and enhance local and regional ecosystems and biological diversity through the identification of a comprehensive and connected natural heritage system that includes key natural heritage features and their associated ecological and hydrologic functions;
  - ii. Respond to the Province's climate change plans and strategies;
  - iii. Protect from the adverse impacts of urban development the quality and quantity of the Town's municipal drinking water source resources and their associated catchment areas;
  - iv. Promote the responsible use of resources to ensure long-term sustainability, reduce greenhouse gas emissions, and reduce demands for energy, water and waste systems;

- v. Demonstrate leadership in sustainable forms of green building design and technology, including the incorporation of renewable and alternative energy sources;
- vi. Incorporate low impact design and other site design strategies to mitigate environmental impacts and to create a more comfortable urban environment;
- vii. Reduce dependency on the automobile as the primary mode of transportation and promote active transportation;
- i) Resiliency Objectives
  - i. Ensure access to power, food, water and health care services during and immediately following a disaster event;
  - ii. Enhance and diversify health care and emergency services within the community, and to ensure that they are adequately equipped to operate and provide assistance in all conditions;
  - iii. Develop a sufficient level of adaptive capacity to be able to withstand and mitigate the effects of climate change;
- j) Viability Objectives
  - i. Ensure that development is cost-effective and appropriate for the market place, and that the Plan has the flexibility to respond to, and encourage positive changes in the market place over time; and,
  - ii. Optimize the use of existing infrastructure investments and promote the coordinated, efficient and cost-effective delivery of service infrastructure and public service facilities that is appropriate for the planned urban development form.

### 3.1.2 Street Network and Block Pattern

- a) This Plan requires that a highly walkable community is developed to ensure that all residents and visitors have a range of transportation options, based on an interconnected network of streets with pedestrian supportive streetscapes that provide for ease of access, orientation and safety for pedestrian, cyclists, and motor vehicles.
- b) Development will be accommodated on a connected and permeable grid of streets - including Provincial Highways, Regional Roads, Arterial Roads, Collector Roads, Local Roads and Public Laneways - and associated public parks and open spaces to



- establish development blocks that achieve an orderly and efficient pattern and visual interest and diversity.
- c) Cul-de-sacs, crescent streets and loop streets will not be permitted unless they provide for pedestrian connections, are located near significant infrastructure, or are abutting the natural heritage system. Reverse frontage streets will not be permitted.
  - d) The street network shall be designed to provide vistas and view sheds to the Waterfront, public parks and open spaces and to the natural heritage system to assist in the creation of a sense of place.
  - e) The Town will encourage designs and patterns for roads that:
    - i. Provide appropriate access and integration for vehicles, pedestrians and cyclists;
    - ii. Create an environment supporting comfortable, safe and barrier free pedestrian activity and movement both within and beyond the development;
    - iii. Generally align on a grid or modified grid pattern in order to create development blocks appropriately sized for their intended use and possible future uses; and,
    - iv. Promote public safety which includes prohibiting reverse lotting along Arterial and/or Collector Roads.
  - f) All roads will be designed as important components of the public realm, providing a network that is appealing and safe for pedestrians, cyclists, motorists transit users.
  - g) Where feasible, development plans will maximize solar gains through street orientation to maximize potential for passive and active solar energy.
  - h) New Local Roads shall have shorter block lengths that are generally less than 250 metres in length to encourage active transportation.

### 3-1.3 Community Image

- a) Through effective community planning and design, the Town can foster an image of Midland that recognizes and promotes the high quality of the natural and built environment. The Town encourages the appropriate:
  - i. Retention and enhancement of distinctive built and natural features within the area, such as historic buildings, ridges, ravines, watercourses and woodlots that contribute to the image of the Town; and,



- ii. Siting of buildings of significant form and use at appropriate locations within the Town to enhance their visual and functional use.

#### 3.1.4 Climate Change

- a) The Town will promote development and land use patterns that conserve biodiversity and consider the impacts of a changing climate. To assist with this requirement the Town may consider the preparation of a Town-wide Climate Change Adaptation Plan, in response to the Province's climate change initiatives. In addition, the Town should consider:
  - i. The preparation of Sustainable Neighbourhood Action Plans for all existing communities identified as **Neighbourhood Districts** on Schedule B – Urban Structure;
  - ii. The establishment of climate change adaptation policies which would apply to all capital works projects, including those within existing neighbourhoods;
  - iii. Developing strategies to reduce greenhouse gas emissions and improve resiliency;
  - iv. The development of greenhouse gas inventories; and,
  - v. Establishing greenhouse gas emission reduction targets.
- b) As part of the next Official Plan update, and in accordance with Provincial policy, the County will develop a climate change mitigation policy framework aligned with the Province's applicable climate change plans and strategies. The Town will be required to incorporate this new policy framework following the update to the County Official Plan.

#### 3.1.5 Mix of Uses

- a) A mixed use community that is walkable, with connected public gathering places, where opportunities for social interaction are increased and where commercial and public service facilities can be provided within easy walking and cycling distances, is a key consideration of this Plan.
- b) This Plan will accommodate a range and mix of housing types to allow for a range of choice and opportunity for residents to remain in the community for their entire life cycle.
- c) Higher density house forms will provide opportunities for housing that is more affordable, and that will contribute to the affordable housing requirements of the County and Town. In addition, senior's housing, long-term care facilities, affordable



supportive and affordable accessible housing, and assisted living units will be incorporated into the housing stock within the Delineated Built-up Area and through greenfield development.

- d) Community infrastructure and institutional uses, recreational uses, public buildings, and arts and cultural facilities shall be in locations that are accessible by the active transportation network and, in the future, by public transit to meet the needs of people of all ages, backgrounds, and capabilities throughout the various stages of their lives.
- e) The Town shall continue to collaborate with the appropriate education authorities, particularly through the Secondary Plan process, in the planning of school facilities and the evaluation of existing educational facilities and services, to serve new and existing development.

### 3.1.6 Green Buildings

- a) The Town should take a leadership role in sustainable built form by considering that new civic buildings be constructed to meet LEED Gold performance level and, where possible, shall consider higher LEED ratings (or equivalent standard).
- b) The Town will promote green building design and construction and will work with the private sector to consider the following for all new building design:
  - i. Maximize solar gains through:
    - Building orientation to maximize potential for passive and active solar energy;
    - South facing windows; and,
    - Building construction that facilitates future solar installations (i.e. solar ready);
  - ii. Mitigate heat island effects by considering:
    - The incorporation of green/white or other high albedo roofs into building design for all buildings that achieve an FSI of 1.5 or greater;
    - Locating trees or other plantings to provide shading for sidewalks, patios, and driveways within 15 metres of new buildings; and,
    - Installing light-coloured paving materials including white concrete, grey concrete and open pavers; and,





- iii. Promote water conservation by considering opportunities to:
  - Achieve 10 percent greater water efficiency than the Ontario Building Code, 2017; and,
  - Include the installation of rainwater harvesting and re-circulation/reuse systems for outdoor irrigation and outdoor water use.
- c) In addition, the following sustainability elements should be considered for all new buildings:
  - i. Three stream waste collection capability in all multi-unit residential buildings;
  - ii. Diversion of construction waste from landfills;
  - iii. The use of regionally and locally sourced building materials to the greatest extent possible in new construction; and,
  - iv. Promotion of sustainable landscape practices by requiring:
    - The use of water efficient, drought resistant plant materials in parks, along streetscapes and in public and private landscaping;
    - The avoidance of turf grass areas, and when required, installing drought resistant sod; and,
    - The installation of permeable driveway and parking lot surfaces.

### 3.1.7 Crime Prevention Through Environmental Design (CPTED)

- a) All development, with a focus on streetscapes, parks and open spaces, parking lots and other publicly accessible areas, should consider the following CPTED principles:
  - i. Adequate lighting;
  - ii. Clear sight lines, allowing view from one end of the walkway to the other;
  - iii. Appropriate landscaping, but avoiding landscaping that might create blind spots or hiding places;
  - iv. Adequate fencing;
  - v. Clear signage that delineates permitted use and speed; and,
  - vi. Streetscape and building design that promotes “eyes on the street”.



- b) Lighting should be designed, where possible, with regard for vehicular, cyclist, and pedestrian requirements so that the size, height, and style of lighting reflects and complements the character of the community.

### **3.1.8 Resiliency**

- a) The Town may consider:
  - i. The preparation of an Emergency Action Plan that considers activities and requirements under a number of disaster scenarios;
  - ii. That all utilities and piped service infrastructure be located underground;
  - iii. Multiple vehicular access points into and out of every neighbourhood; and,
  - iv. That grocery stores, gas stations, health care facilities, seniors housing, schools and emergency service facilities be equipped with alternative power sources viable for a minimum of 3 days following a disaster event.

### **3.1.9 The Urban Forest**

- a) Trees or other plantings should be located throughout the Town to provide shading for sidewalks, parks and open spaces and other publicly accessible areas. In addition, the community should be planned to achieve a mature forest cover of 40 percent of the total land area of the Town. To this end, the Town should consider:
  - i. Implementing a Tree Protection By-law, which will include a tree replacement ratio where tree removal is unavoidable;
  - ii. Implementing street tree and naturalization programs to increase the urban tree canopy cover; and,
  - iii. Requiring the planting of trees in all public works projects.
- b) The urban forest shall include the same variety of species of trees as identified in the Town's Approved Landscape Species List, as amended.
- c) The Town may encourage:
  - i. Aided succession or reforestation through the planting of any cleared lands which are not proposed for development and which are not used for agricultural purposes;



- ii. Reforestation and maintenance along the waterfronts and watercourses to reduce flooding and soil erosion, and to provide fish and wildlife habitat; and,
  - iii. Protection of mature trees of aesthetic and heritage value.
- d) In all public works, trees should not be removed unnecessarily, and trees that must be removed will be replaced as soon as possible to enhance the appearance of these installations.
- e) When considering a Plan of Subdivision or any other development proposal, the Town may require that the owner enter into an agreement whereby:
  - i. Only such trees which directly impede the construction of buildings and services be removed and the developer will replace them with trees of sufficient maturity to enhance the appearance of the development; and,
  - ii. A reasonable minimum number of trees and/or other suitable vegetation per lot be provided by the developer regardless of the state of the area prior to being subdivided.
- f) Any development proposal on a site which includes a woodlot, hedgerow or trees may be required to prepare a Tree Preservation Plan. Tree Preservation Plans shall be submitted at the consent to sever and/or the draft plan of subdivision application stage, or at the site plan application stage, or as otherwise required by the Town.

A Tree Preservation Plan shall be prepared by a Certified Arborist or Registered Professional Forester and shall be approved by the Town. A Tree Preservation Plan shall identify the present conditions of the site and shall make recommendations on tree preservation in conjunction with the development proposed.

### 3.1.10 Designing with Nature

- a) Community design should encourage development that is properly integrated and connected to Midland's natural heritage system, while maintaining and enhancing ecological and hydrologic functions. The Town may, through the development review process, consider the following:
  - i. Ensure that key natural heritage features and ecological and hydrologic functions, such as watercourses, wetlands, woodlands and shorelines are protected as visual landmarks to maintain links with the Town's cultural, historic and environmental heritage;
  - ii. Promote the retention of native vegetation on development lands and permit such features to regenerate with minimal intervention;



- iii. Encourage the use of plant materials identified in the Town's Approved Landscape Species List, to create visual variety and to satisfy functional requirements, such as shade, screening, sound attenuation, buffering and stabilizing slopes; and,
- iv. Pay particular attention to the provision of attractive landscaping where parking lots and other large open spaces are provided, and in open areas around commercial, institutional and other large buildings.

### **3.1.11 Local Food Production**

- a) The creation of opportunities for local food production is supported by the Town, in accordance with Provincial laws and regulations governing food preparation for retail purposes. Development plans and building designs may provide opportunities for local food growing and production through:
  - i. Community gardens;
  - ii. Edible landscapes;
  - iii. Small scale food processing (i.e. community kitchens, food co-ops, community food centres);
  - iv. Food-related home occupations;
  - v. Small and medium scaled food retailers; and,
  - vi. Local market space (i.e. a farmer's market).

### **3.1.12 Buffering**

- a) Appropriate buffering may be required where there may be undue, adverse impacts on adjacent uses. Buffering should be appropriate for the circumstances and may include the following:
  - i. Landscaped strips including rows of trees and bushes and grassed areas;
  - ii. Perforated or solid walls, fences, or other appropriate screenings;
  - iii. Appropriate distance separation between uses; and,
  - iv. Berms, particularly around parking lots.
- b) Where residential uses abut non-residential uses, the following should be given consideration:



- i. Restriction of adjacent parking, loading, unloading and outside storage; and,
- ii. Regulation of lighting and signs so that light is focused and/or directed away from the residential uses.

### 3.1.13 Signage

- a) Good community design requires attention to signage. Signs for all types of uses should contribute to the visual attractiveness of both the development and the surrounding area. The Town will:
  - i. Encourage the design of signs to be used to add colour and enhance the appeal of developments and business establishments in order to contribute to the overall visual quality of the built environment;
  - ii. Encourage the use of an appropriate variety of signage types such as fascia signs, canopies and awnings, ground signs and directory signs, which compliment building designs rather than dominate them;
  - iii. Discourage the use of portable signs;
  - iv. Review and revise, where necessary, the Town's Sign By-law; and,
  - v. Comply with County and Provincial Sign By-laws where applicable.

### 3.1.14 Pollution Abatement

- a) While the public responsibility for improving the environment and reducing pollution is recognized, measures are required to mitigate unpleasant conditions. It is imperative that the strongest possible measures be taken to reduce existing pollution and particularly, to prevent any new sources from arising. An objective of the Municipality is to be a pollution-free Town.
- b) The Town will encourage an ongoing reduction in levels of pollution and improvements in air quality by statutory control, liaison with Provincial and other authorities and by engineering practices as may be appropriate and more particularly:
  - i. The sources of pollution will be controlled by appropriate by-laws and as provided for in the *Municipal Act*, the *Environmental Protection Act*, the *Clean Water Act* and the *Ontario Water Resources Act*, as amended;
  - ii. Development will conform with the standards of the Province regarding air, noise and water pollution;



- iii. The Town will promote and support initiatives to reduce greenhouse gas emissions, both through Town operations and through working with other agencies and the private sector; and,
- iv. Relevant agencies will be encouraged to take appropriate measures to reduce pollution in Little Lake, Georgian Bay, the Wye River and any tributaries together with any Town programs.

### 3.1.15 Public Service Facilities

- a) Planning for public service facilities will be coordinated with land use planning to achieve the vision and guiding principles of this Plan.
- b) The Town shall ensure the development of an appropriate range of public service facilities to meet the needs of the Town resulting from population changes and to foster complete communities. The Town will collaborate and consult with service planning, funding, and delivery sectors to facilitate the co-ordination and planning of community hubs and other public service facilities.
- c) The Town will consider:
  - i. Creative approaches to the development of facilities and delivery of services, with the Town participating in the co-design and co-delivery of services with other government agencies, the private sector and/or non-profit organizations;
  - ii. The co-location of public service facilities and public services in community hubs to promote cost-effectiveness and facilitate service integration;
  - iii. Prioritizing the maintenance and adaptation of existing public service facilities and spaces as community hubs to meet the needs of the community and optimize the long-term viability of public investments. Existing public service facilities that are located in or near strategic growth areas and are easily accessible by active transportation and transit should be the preferred location for community hubs; and,
  - iv. Prioritizing locations for new public service facilities, including hospitals and schools, which are easily accessible by active transportation and transit.
- d) The Town will maintain a Parks and Recreation Master Plan. The Master Plan may address the distribution of parks, community gardens, community centres, libraries, schools and other public service facilities, with the objective of minimizing travel distance for residents, and providing facilities in an equitable and sustainable manner. Where possible, parks should be located adjacent to school sites. The Master Plan may further identify and prioritize servicing gaps that can be addressed by the Town,



or other providers, through a neighbourhood by neighbourhood assessment of parkland and public service facility provision.

## 3.2 Housing

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### 3.2.1 Introduction

- a) Housing is vital to the creation of a successful community. Residents of all ages, income levels and abilities rely on a range and mix of housing types and densities to offer a meaningful place to grow and a safe and secure place to live. An appropriate range of housing choices will contribute to the overall health and well-being of Midland. The Town will work with the County and the County Service Manager to address the need for a coordinated, integrated and comprehensive approach to housing needs.

#### **Objectives**

- b) The objectives of this Plan related to housing, include:
  - i. Recognize and consider the housing needs and priorities of all residents when planning for new residential development and redevelopment throughout the Town;
  - ii. Maintain an appropriate supply of land within the Town in accordance with the policies of this Plan to accommodate residential growth, including opportunities for barrier-free, assisted and/or affordable housing components;
  - iii. Promote the development and sustainability of an appropriate and adequate mix of housing by fostering a range of types, tenures, unit sizes and affordability which can accommodate the broad needs of residents over time, regardless of age, income level, ability or household type;
  - iv. Work with the private sector, the non-profit sector, all levels of government, community agencies and other stakeholders in the implementation of the housing policies of this Plan; and,
  - v. Facilitate the development of housing that is barrier-free and affordable for low and moderate income households or individuals, as recognized in the County of Simcoe's 10-Year Housing and Homelessness Plan, as amended.

### 3.2.2 Supply of Land for Housing

- a) The Town shall encourage the provision of an adequate supply and a full range and mix of housing types and tenures to meet the needs of all current and future



residents, including affordable housing. To provide housing opportunities, the Town shall maintain a supply of land through residential intensification, redevelopment, and, as necessary, lands designated and available for residential development. This will include a three year supply of land zoned for residential intensification and residential lots/units in registered and draft plan approved subdivisions within the context of the population target to 2031 contained in this Plan.

- b) The Town shall maintain servicing capacity within the municipal sewer and water systems to provide a minimum three-year supply of residential units in draft approved and registered plans, or in cases of residential intensification and redevelopment, land appropriately zoned and available for development.
- c) The Town shall monitor its available land supply and infrastructure capacity to ensure its ability to enable the timely delivery of housing that meets community needs.
- d) The Town may prepare a Municipal Housing Strategy, either independently or in cooperation with the County, to consider and recognize housing needs and priorities.

### 3.2.3 Range and Mix of Housing

- a) Facilitating an appropriate and adequate mix of housing types is central to accommodating not only existing needs but also potential new growth. By creating a multitude of opportunities, the supply of housing available within the Town can more effectively respond to local housing needs and changes in demand, particularly as the existing population ages, new seniors are drawn to the Town, and as the Town strives to attract young families and professionals. The policies of this Plan are aimed at creating inclusive and diverse communities through the provision of an appropriate range of housing choices.
- b) The Town shall require:
  - i. Greater housing diversity by requiring a mix of housing types, sizes and densities in new development and encouraging a mixture of tenures, unit sizes and affordability which will accommodate changes in community needs over time; and,
  - ii. Opportunities for increased housing densities and intensification for residential development.

### 3.2.4 Existing Housing Stock

- a) It is important to maintain and improve the existing housing stock to acceptable property standards and to allow for the appropriate intensification to new and innovative housing. The Town should identify neighbourhoods as Community





Improvement Areas, and plan for, and implement neighbourhood improvement programs, in accordance with the applicable policies of this Plan.

### 3.2.5 Second Units

- a) A Second Unit is a self-contained dwelling unit that shall be permitted within a single detached, semi-detached, linked semi-detached, townhouse and street townhouse dwelling or located within a detached accessory building on the same lot in the **Neighbourhood Districts** and **Rural Area** identified on Schedule B – Urban Structure.
- b) A Second Unit shall be permitted as noted above, and in accordance with the zoning provisions dealing with the location of the dwelling, the size of the Second Unit, servicing requirements, parking provisions, landscape requirements and the external physical appearance of the dwelling.
- c) A Second Unit shall comply with all applicable health and safety standards, including but not necessarily limited to those set out in the Ontario Building Code and the Ontario Fire Code.
- d) The policy requirements of this Plan for **Neighbourhood Districts** and **Rural Areas** shall not apply to prevent the establishment of Second Units.
- e) The Town may establish a registration or licensing program to regulate and/or administrate Second Units.

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### 3.2.6 Barrier-Free, Assisted and/or Affordable Housing

- a) The Town shall work with public agencies and private developers to ensure an adequate supply of barrier-free, assisted and/or affordable housing forms, including: **market-based** ownership and rental opportunities, assisted living dwellings, special needs housing, nursing homes and other forms of housing for seniors, and innovative housing models such as co-housing.
- b) Appropriately scaled barrier-free, assisted and/or affordable housing forms shall be integrated throughout the Town in locations where public service facilities, amenities and active transportation facilities are easily accessible to ensure people with special needs have the best opportunity to care for themselves as much as possible in a non-institutional setting. Special needs and emergency housing shall be permitted in any land use designation that permits residential uses.
- c) This Plan establishes a Town-wide target for the provision of affordable housing at 10 percent of all new housing units and a minimum of 90 units of assisted housing by 2024. Part of the affordable housing target will be achieved in the form of Second Units.



- d) The following planning strategies may be considered by the Town in an effort to achieve barrier-free, assisted and/or affordable housing objectives:
- i. Promote higher density housing forms, where housing is more affordable due to reduced per unit land costs, within Strategic Growth Areas. Higher density housing forms should include a range of unit sizes;
  - ii. Encourage the development of smaller dwelling units, where housing is considered more affordable due to lower construction costs;
  - iii. Encourage the inclusion of barrier-free, assisted and/or affordable housing units within subdivisions and larger scale developments;
  - iv. Develop educational materials to increase awareness of innovative and non-traditional housing models that make home ownership more affordable;
  - v. Ensure that the provisions of the Zoning By-Law are sufficiently flexible to permit a range of innovative housing types and sizes, including Second Units, accessory dwelling units, garden suites, cohousing, communal housing and life- lease housing;
  - vi. Encourage the creation of residential uses above commercial uses within the **Commercial Corridor** and **Mixed Use Corridor** designations;
  - vii. Support, where appropriate, the conversion of single-detached dwellings into multiple dwellings, subject to an appropriate approval process; and,
  - viii. Encourage the renovation and rehabilitation of residential uses above commercial uses in the **Downtown** designation.
- e) The following strategies shall be considered by the Town in an effort to incentivize barrier-free, assisted and/or affordable housing:
- i. Consider barrier-free, assisted and/or affordable housing as a priority use for surplus Town-owned land and work with other levels of government to make surplus land available to providers of barrier-free, assisted and/or affordable housing at little or no cost;
  - ii. Provide targeted relief from development, planning, permit and other fees normally charged for projects that provide permanent barrier-free, assisted and/or affordable housing;
  - iii. Apply for government grants and/or subsidies, including land dedication, that will reduce overall development costs;



- iv. Inform the community of government grants available to encourage the creation of Second Units, converted units and accessory units;
  - v. Streamline the approvals process for projects that provide barrier-free, assisted and/or affordable housing; and,
  - vi. Reduce parking requirements and/or parkland dedication requirements for projects that provide barrier-free, assisted and/or affordable housing.
- f) The following agreements/partnerships and associated implementation tools may be considered by the Town in an effort to achieve barrier-free, assisted and/or affordable housing objectives:
- i. Coordinate and collaborate with local housing advocacy groups, community partners, government agencies and the private sector to support the housing policies of this Plan and to promote innovative housing forms, development techniques and incentives that will facilitate the provision of assisted, barrier-free and/or affordable housing; and,
  - ii. Provide planning support services to local housing advocacy groups and community service agencies who are interested in pursuing the provision of assisted/special needs housing, supportive housing, emergency shelters and transitional housing throughout the Town.

### 3.2.7 Monitoring

- a) In order to track the Town's housing stock, the Town should monitor, evaluate and report on changes within the housing market as well as the Town's progress in achieving its housing objectives through implemented housing policies including:
  - i. The inventory of vacant lands and lands with the potential for development;
  - ii. The affordable housing targets identified within this Plan;
  - iii. The supply of lands designated for residential uses; and,
  - iv. Residential construction activity, including the tenure and type of housing (single detached, semi-detached, townhouse, Second Units, garden suites and multi-unit forms) being developed.
- b) The Town shall review infrastructure programs so that any constraint on the supply of serviced residential land can be identified and overcome.



### 3.3 Economic Development

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#### 3.3.1 Introduction

- a) Industrial activities are vital to the development and growth of the local economy. However, Midland's economy has and continues to transition to a more post-industrial economy with an increased focus on technology and knowledge-based industries and institutions. The policies in this Plan seek to strengthen the economy, while supporting the transition to a more post-industrial economy.

#### **Objectives**

- b) Ongoing economic development will be supported and encouraged to create a positive business environment to provide local employment opportunities. It is expected that this can be achieved in part through the following objectives:
- i. Plan for an adequate supply of lands to accommodate the forecasted employment growth;
  - ii. Promote and strengthen the **Mixed Use Districts** as significant locations for commercial retail uses, commercial office space, administration, business, services, hotel and convention facilities, and plan for these areas to be well connected to a multi-modal transportation network, including access to transit;
  - iii. Support the retail sector by promoting compact built form and intensification and the integration of these uses with other land uses to support the achievement of complete communities;
  - iv. Provide strategically located highway commercial facilities within the **Mixed Use Districts** based on the need for expansive land requirements and optimum business exposure. These areas can also be considered as strategic locations for large footprint retail developments;
  - v. Protect key **Employment Areas** from conversion to other land uses and facilitate their ongoing development for appropriate employment generating land uses;
  - vi. Support the efficient use of **Employment Areas** and increased employment densities for new development or redevelopment;
  - vii. Attract new industries, support existing businesses and capitalize on the assistance and initiative programs of senior levels of government;



- viii. Support options for live/work units and by planning for an appropriate range of home-based occupations within the identified **Mixed Use Districts, Neighbourhood Districts** and **Rural Areas**;
- ix. Stimulate and encourage the growth of the tourism industry by:
  - Providing areas for the development of visitor attractions and accommodations; and,
- Utilizing federal and provincial assistance programs.
  - x. Support the growth and expansion of creative and cultural industries and clusters throughout the Town as an important sector of the economy.

### 3.3.2 Tourism

- a) The Town acknowledges that tourism brings economic benefits to Midland and that a strong tourism industry also contributes leisure, entertainment, cultural, recreational and hospitality services for residents and helps to attract new residents, businesses and industry.
- b) Tourism is supported by having a successful community, which includes a vibrant Downtown, and cultural and sports facilities, which are connected by an integrated active transportation system.
- c) The Town will support and promote tourism as an integral part of its ongoing economic development.

### 3.3.3 Creative Culture

- a) Arts and culture contribute to a successful community and enhance the quality of life for Midland's residents. The Town recognizes that arts and culture bring many benefits to the Town. Arts and culture contribute to the Town's economy, cultural landscape, quality of life, vibrancy, liveability and sense of place, and can play a significant role in the adaptive reuse of older buildings and the rejuvenation of deteriorated neighbourhoods and commercial areas.
- b) Arts and culture are supported by many policy directions of this Plan, including: compact urban and mixed-use development; appropriate flexibility in land use while ensuring compatibility with existing neighbourhoods; a focus on urban design to create vibrant, attractive and interesting places; emphasis on pedestrian oriented streets, and the creation of vibrant and well-designed public spaces that include public art.



- c) The Town will work collaboratively with the community, artists, cultural workers and organizations to guide the provision of arts and cultural programs, services and facilities.

#### **3.3.4 Employee Retention and Diversification**

- a) The Town will strive to ensure an appropriate and evolving source of qualified labour. To help attract and retain a diverse and skilled labour force, the Town will:
  - i. Ensure a successful community that includes a high quality of place and a high quality of life;
  - ii. Require a high standard of urban design;
  - iii. Provide for a full range and mix of housing, education, recreation facilities, cultural facilities, parks and open spaces and other public service facilities; and,
  - iv. Provide for a full range and mix of employment opportunities.

#### **3.3.5 Economic Development Strategy**

- a) The Town will continue to implement the Strategic Plan for Economic Development prepared with the Town of Penetanguishene and the Townships of Tay and Tiny.
- b) The Town will continue to collaborate with, and support the County, the Economic Development Corporation of North Simcoe, the North Simcoe Community Futures Development Corporation and neighbouring municipalities in an effort to grow in a manner that provides a wide range of employment opportunities, supports a diverse economy and contributes to Midland's future prosperity.

### **3.4 Cultural Heritage**

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#### **3.4.1 Introduction**

- a) The maintenance of Midland's cultural heritage resources will contribute to the Town's character by balancing the impact of new development and redevelopment with protecting the integrity of existing heritage. It is the intent of this Plan that the Town's cultural heritage resources be conserved, promoted, protected, identified and enhanced in situ wherever possible and that development should occur in a manner which respects the Town's heritage. Through an understanding of, and measures to protect its heritage, the Town can incorporate the past into planning for the future.



- b) The Town recognizes the importance of cultural heritage resources and their contribution to fostering a sense of place, particularly in Midland's strategic growth areas. The Town will identify properties of cultural heritage value or interest while ensuring their conservation, restoration, maintenance and enhancement.
- c) Cultural heritage resources include, but are not restricted to:
  - i. Archaeological Sites and Marine Archaeological Sites, including cemeteries and burial grounds;
  - ii. Buildings or sites associated with an historic event or person;
  - iii. Buildings and structural remains of historical and architectural value; and,
  - iv. Urban districts, rural areas, landscapes and viewscapes of historical and/or scenic interest.
- d) Heritage planning is a shared responsibility including the Federal and Provincial governments, the County, the Town and affected Indigenous peoples. In addition, a Midland Heritage Committee has been established to advise the Town on matters pertaining to heritage.
- e) The Town recognizes that the geographic area of the Town is of interest to a number of First Nations and the Métis Nation. As such, the Town will make every effort to ensure the notification and involvement of all First Nations and the Métis Nation having interest in cultural heritage and archaeological resource matters, as appropriate.

#### **Objectives**

- f) The following are the objectives of the Town with respect to matters involving cultural heritage resources:
  - i. To recognize, and conserve significant cultural heritage resources within the Town;
  - ii. To support the protection of cultural heritage resources;
  - iii. To encourage growth and development patterns which promote the conservation and sympathetic treatment and use of cultural heritage resources;
  - iv. To integrate structures of historic and architectural significance into development proposals where appropriate;



- v. To maintain and enhance the character of the built environment;
- vi. To convey the value of the Town's heritage features to the general public through a variety of educational programs and events and to encourage and foster public awareness, participation and involvement in the preservation, improvement and utilization of cultural heritage resources;
- vii. To consult and seek the advice of the Midland Heritage Committee and Indigenous peoples when making decisions regarding cultural heritage resources; and,
- viii. To continue to support the Heritage Inventory and Register of designated and listed properties of cultural heritage value or interest and to promote the preparation of a Town-wide Municipal Cultural Plan.

#### 3.4.2 The Midland Heritage Committee

- a) The Midland Heritage Committee has been established to advise and assist the Town in matters related to cultural heritage conservation, including matters related to Parts IV and V of the *Ontario Heritage Act*. The Town recognizes the crucial role of the Heritage Committee on matters of heritage conservation.
- b) The Midland Heritage Committee may prepare, publish and monitor an inventory of cultural heritage resources, undertake public awareness programs, advise and assist the Town to implement the provisions of this Section of this Plan, and participate in duties specified in Schedule 'A' of By-law 89-42, as amended, or its successors. In particular the Committee shall:
  - i. Be prepared to consider and advise on the conservation of cultural heritage resources throughout the Town;
  - ii. Adhere to the *Ontario Heritage Act* as well as guidelines and procedures which may be established by the Town, the Ministry of Tourism, Culture and Sport or other appropriate guidelines;
  - iii. Be prepared to act in a review and advisory capacity during the development planning process to assist in the accomplishment of the heritage conservation objectives and policies outlined in this Plan;
  - iv. Advise the Town on measures to enhance public appreciation of cultural heritage resources; and,
  - v. Implement plans and programs that promote public awareness and conservation of cultural heritage resources.





### 3.4.3 Designation

- a) The Town may designate properties of cultural heritage value or interest, cultural heritage landscapes and heritage conservation districts and other heritage elements in accordance with the *Ontario Heritage Act*. In the heritage designation of property under Parts IV and V of the *Ontario Heritage Act*, the Midland Heritage Committee and the Town will ensure that landowners are informed about all aspects of heritage conservation measures, which may affect the subject property or buildings.
- b) The Town may designate an individual property pursuant to Part IV of the *Ontario Heritage Act* if it meets the Town's Cultural Heritage Evaluation System and one or more of the following criteria for determining whether it is of cultural heritage value or interest:
- i. The property has design value or physical value because it:
    - Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
    - Displays a high degree of craftsmanship or artistic merit; or,
    - Demonstrates a high degree of technical or scientific achievement;
  - ii. The property has historical value or associative value because it:
    - Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
    - Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
    - Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community;
  - iii. The property has contextual value because it:
    - Is important in defining, maintaining or supporting the character of an area;
    - Is physically, functionally, visually or historically linked to its surroundings; or,
    - Is a landmark. O. Reg. 9/06, s. 1(2).

- c) The identification of the Town's cultural heritage resources will comprise an important component of the preservation process. The Town may direct to be prepared, published and updated, the Heritage Inventory and Register, which shall include individual built heritage properties, cultural heritage landscapes, heritage conservation districts and archaeological/marine archaeological sites that have defined heritage value or interest.
- d) All identified cultural heritage resources in the Heritage Inventory and Register will be described, documented and evaluated according to established heritage resource evaluation criteria formulated by the Midland Heritage Committee and adopted by The Town.
- e) To assist in the preparation of the inventory and the future identification of other cultural heritage resources, the Town may encourage both the public and private sectors to undertake analysis and/or surveys to identify sites of archaeological and historic significance.

#### 3.4.4 Heritage Impact Statement

- a) Applications for development of a heritage property that is Designated under the *Ontario Heritage Act* or Listed on the Heritage Inventory and Register by the Heritage Committee, or having known cultural heritage resources or adjacent to a property having known cultural heritage resources, will require a Heritage Impact Statement to demonstrate how the heritage values, attributes and integrity of the Designated or Listed heritage resources are to be conserved and how any impacts may be mitigated. This Heritage Impact Statement shall be prepared by a qualified heritage consultant, to the satisfaction of the Town, in collaboration with the Heritage Committee, and other appropriate authorities having jurisdiction, including First Nations, Indigenous peoples and the Métis Nation of Ontario.

#### 3.4.5 Development/Restoration

- a) It is the intent of the Town to conserve and enhance cultural heritage resources in situ, wherever possible. The proposed relocation, removal or demolition- of structures or features on a Designated Property, and the development of new structures on a Designated Property shall be subject to the provisions of the *Ontario Heritage Act*.
- b) All new development permitted by this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner which preserves and enhances the heritage context in which cultural heritage resources are situated.



- c) The character of an individual Designated or Listed Property shall be maintained or enhanced through the careful consideration of plans for additions, alterations, renovation and restoration.

#### 3.4.6 Archaeological/Marine Archaeological Sites

- a) Archaeological sites are distributed in a variety of settings across the Midland landscape, being locations or places that are associated with past human activities, endeavours, or events that are of cultural heritage value or interest. These sites may occur on or below the modern land surface.

A marine archaeological site is an archaeological site that is fully or partially submerged or that lies below or partially below the high-water mark of any body of water.

- b) The physical forms that these archaeological/marine archaeological sites may take include:
  - i. Surface scatters of artefacts;
  - ii. Subsurface strata which are of human origin or incorporate cultural deposits;
  - iii. Human remains, or the remains of structural features; or,
  - iv. A combination of these attributes.

Where burial sites are encountered during any excavation or other action, the provisions of the *Cemeteries Act* and its regulations will apply.

- c) Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, the Town will not take any action to approve the development, and the owner of such land will be requested to have an Archaeological Assessment and fieldwork studies carried out by a licensed archaeologist in accordance with the Provincial standards to:
  - i. Assess the property;
  - ii. Assess the impact of the proposed development;
  - iii. Indicate methods to mitigate any negative impact of the proposed development on any archaeological resources, including methods of recovery and preservation;
  - iv. Comply with current Ministry of Tourism, Culture and Sport standards and guidelines for consulting archaeologists; and,



- v. Provide a Compliance Letter issued by the Province for any completed archaeological study.
- d) A Stage 1 Archaeological Assessment and fieldwork, to be carried out by a licensed archaeologist, may be identified by the Town as a requirement for a Complete Application for any development prior to submission of an application for development. This Stage 1 Archaeological Assessment shall be prepared to the satisfaction of the Town, in collaboration with the Heritage Committee, and other appropriate authorities having jurisdiction, including First Nations and the Métis Nation.
- e) Where the Stage 1 Archaeological Assessment identifies areas of archaeological potential, a Stage 2 Archaeological Assessment and fieldwork shall be provided prior to the approval of any application for site alteration or development. If archaeological resources are identified in the Assessment, the application shall include a conservation plan to conserve any archaeological resources identified for protection prior to the approval of any site alteration or development approval. This Stage 2 Archaeological Assessment shall be prepared by a licensed archaeologist, to the satisfaction of the Town, in collaboration with the Heritage Committee, and other appropriate authorities having jurisdiction, including First Nations and the Métis Nation.
- f) Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential as determined through a Stage 1 or Stage 2 Archaeological Assessment, if the significant archaeological resources have been conserved by removal and documentation, or by conservation in situ, with conservation in situ being the preferred option. Where significant archaeological resources must be preserved in situ, only development and site alteration which maintains the heritage integrity of the site may be permitted.
- g) All Archaeological Assessments must be reviewed and a compliance letter issued by the Ministry of Tourism, Culture and Sport. A copy of the Assessment Report and the compliance letter will be provided to the Town by the licensed archaeologist who completed the assessment. The Town will maintain copies of all reports and compliance letters for information purposes.
- h) Where areas of archaeological potential or archaeological resources are identified through a Stage 2 Archaeological Assessment and are found to be First Nations or Métis in origin, the proponent is required, through their consultant archaeologist, to ensure all First Nations and the Métis Nation having interest as identified by the Town receive a copy of the Stage 2 Archaeological Assessment Report prior to the development proceeding.



Where the preservation of the archaeological resources in situ is not possible, the proponent should engage with all First Nations and the Métis Nation having interest as identified by the Town to address their interest in the resource and define interpretive and commemorative opportunities related to the resource.

These measures will apply to any development projects, including infrastructure development, conducted by private property owners or the Town of Midland.

- i) The Town intends to cooperate with the Provincial government to designate archaeological sites in accordance with the *Ontario Heritage Act*. The Town may also adopt by-laws for prohibiting any land use activities on a site which is a significant archaeological resource.
- j) It is the policy of the Town to keep confidential the existence and location of archaeological resources to protect against vandalism, disturbance, and the inappropriate removal of resources. The Town's Heritage Inventory and Register may, however, include available archaeological resource data and locations, and relevant mapping from the Provincial archaeological database of the Ministry of Tourism, Culture and Sport, under the provisions of a Municipal-Provincial Data Sharing Agreement. These site data and locations will be maintained for the purpose of heritage conservation planning and development review. The mapping database will be updated regularly when appropriate, as new archaeological resources are identified.

### 3.4.7 Municipal Cultural Plan

- a) The Town should consider the preparation of a Municipal Cultural Plan, which is undertaken by qualified heritage consultants including individuals licensed under the *Ontario Heritage Act*. The Municipal Cultural Plan will include the identification and mapping of cultural heritage resources including known provincially registered archaeological sites, features, landscapes or districts. A Municipal Cultural Master Plan would also outline policies, programs and strategies to conserve significant cultural heritage resources.
- b) The preparation of a Municipal Cultural Plan should be guided by the Midland Heritage Committee with direct representation of all First Nations and the Métis Nation having interest as identified by the Town.
- c) The Town shall support the preparation of an Archaeological Management Plan by the County of Simcoe and cooperate with the County with its implementation in the Town.

### 3.4.8 Midland Cultural Plan



- a) In accordance with the Midland Cultural Plan, implementation of the Plan will result in the following by 2020:
- i. Midland will be a major tourism destination based on its rich heritage, the vitality of its arts and culture community and its extraordinary natural assets.
  - ii. Cultural activities and amenities will be magnets attracting talent and investment in a vibrant creative economy of more year-round, well-paying jobs.
  - iii. Broad community awareness of the town's cultural resources will contribute to strong community support for cultural groups and activities.
  - iv. Midland's creative cultural industries will be major economic drivers in a diversified local and regional economy.
  - v. Creating quality of place will have infused all decisions, producing a town that boasts a vital downtown, a celebrated waterfront and beautiful places throughout the community.
  - vi. Midland will embrace a vision of a living heritage, connecting past and present and encompassing the many diverse cultural traditions in the community.
  - vii. The Town of Midland will be recognized as a leading municipality integrating culture into all facets of planning and decision-making.

### 3-4.9 Implementation

- a) It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources. Accordingly, the Town may:
- i. Use available government and non-government funding programs;
  - ii. Pass by-laws providing for the making of grants or loans where such alteration will serve to protect or enhance the cultural heritage resource. Financial assistance may occur through a Heritage Trust Fund and/or public and private donations;
  - iii. Consider continuing to fund the Heritage Property Tax Relief Program for Designated Properties, as per the Town of Midland Heritage Property Tax Relief Program by-law; and/or,
  - iv. Investigate and initiate methods to provide incentives. Incentives may include Site Plan Control provisions and/or relief from parking and/or parkland dedication requirements.



- b) Owners of a Designated Property are encouraged to seek any available government grants or loans for eligible heritage conservation works.
- c) The Town may consider design standards in historic areas that reflect the area's heritage, character and streetscapes. The Town may also require developers to communicate appropriate archaeological discoveries and/or cultural narratives to residents of development projects through innovative architectural and/or landscape architectural design, public art, or other public realm projects.
- d) The Town may, in partnership with First Nations, the Métis Nation, and stakeholders, prepare an Archaeological Management Plan, to be reviewed on the same schedule as this Plan. A Contingency Plan will also be prepared, with the advice of a licensed archaeologist and the Ministry of Tourism, Culture and Sport and adopted by by-law, for emergency situations to protect archaeological resources that are accidentally discovered or are under imminent threat(s).
- e) The Town may employ relevant legislation to encourage the preservation and enhancement of cultural heritage resources, which may include the *Ontario Heritage Act*, the *Planning Act*, the *Municipal Act*, the *Environmental Assessment Act*, and the *Aggregate Resources Act*.
- f) Where a designated or listed cultural heritage resource is involved in an application for development, the Town may invoke their procedure for demolition review and may consider heritage easement agreements.

### 3.5 Hazard Lands

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- a) Protecting public health and safety and considering the increasing risks associated with climate change are critical to the social well-being, environmental sustainability, and long-term prosperity of the Town. Both natural and human-made hazards, such as floodplains, wave uprush, unstable slopes, high water tables and contaminated sites can pose risks to health and safety as well as damage to property and infrastructure if not appropriately considered.
- b) Hazard lands include both natural and human-made hazards. Development will generally be directed to areas outside of hazardous lands adjacent to Georgian Bay and watercourse and small inland lake systems which are impacted by flooding, wave uprush and/or erosion hazards, and hazardous sites where there is an unacceptable risk to public health or safety or of damage to property.

#### 3.5.1 General Policies Applicable to Natural Hazards

- a) The delineation and regulation of hazardous lands and hazardous sites may be identified through a study approved by the Town, in consultation with the County



and any agency having jurisdiction or that the Town deems appropriate without the need to amend this Plan.

- b) Where a development proposal contains or abuts a steep slope, watercourse or shoreline in an area where no detailed floodplain mapping exists and/or erosion hazard limits have not been defined, development will be subject to the establishment of floodplain and erosion hazard limits by the Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate.
- c) New development is prohibited in the following areas in recognition of potential threats to public health and safety or damage to property:
  - i. Areas rendered inaccessible during times of flooding hazards, wave uprush hazards, erosion hazards, and/or dynamic beach hazards unless it has been demonstrated that the area has safe access that is appropriate for the nature of the development and the natural hazard; and,
  - ii. Areas located in a floodway, regardless of whether the area of inundation contains high points of land not subject to flooding.
- d) Some buildings, structures and lots are existing within or adjacent to a floodplain, wave uprush and/or erosion hazard. The expansion of an existing building or structure within or adjacent to hazardous lands will generally not be supported. Redevelopment or relocation of existing uses/structures within or adjacent to hazardous lands may be permitted subject to the approval of the Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate.
- e) A Special Policy Area may be applied in an area that has historically existed in the floodplain and where site-specific policies approved ~~by the Province in consultation with the County and any agency having jurisdiction or that the Town deems appropriate~~ are intended to address the significant social and economic hardships that would result from strict adherence to provincial policies.
- f) Development and site alteration will not be permitted within an identified flood, wave uprush or erosion prone area except where:
  - i. A Special Policy Area has been approved by the ~~Province County~~; or,
  - ii. The development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows or non-habitable accessory structures. Those identified uses which are required by the Town, or





other public agency, must meet the requirements of this Plan, and any other applicable County or Provincial requirements.

- g) Development adjacent to an identified flood or erosion prone area may be subject to a minimum setback of 15 metres from the Regulatory Flood or the stable top of bank, whichever is greater. The location of ~~this regional flood limit or elevation e-Regulatory Flood and~~ (stable top of bank) shall be determined by the Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate.
- h) Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:
  - i. An institutional use associated with hospitals, nursing homes, pre-school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities, or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works or erosion;
  - ii. An essential emergency service such as that provided by fire, police, and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures or protection works or erosion; and,
  - iii. Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- i) Floodplains, areas vulnerable to wave uprush and hazardous steep slopes are most often included within the **Open Space** or **Natural Heritage** designation. In these hazardous lands, land uses and site alteration will be restricted to protect the public. As part of the development approval process, the zoning of hazard lands to an appropriate open space zone shall be required.
- j) When reviewing an application for development, the Town shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

### 3.5.2 General Policies Applicable to Human Made Hazards

- a) Development on or adjacent to lands affected by mine hazards, oil, gas and salt hazards, former mineral mining operations, mineral aggregate operations, or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed.



- b) Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects to human health.



## 4.0 LAND USE DESIGNATIONS

### 4.1 Introduction

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**4.1.1** This Plan contains twelve land use designations. These land use designations further subdivide the urban structure Districts, as identified on Schedule B, and provide more detailed development policies. It is intended that development will occur in accordance with the policies of the land use designations as shown on Schedule C – Land Use Plan, and Schedule C1 – Midland Bay Landing. The Land Use Designations include:

#### **Employment Districts**

- a) Employment Area designation;
- b) Employment Land designation;

#### **Neighbourhood Districts**

- c) Neighbourhood Residential designation;
- d) Shoreline Residential designation;

#### **Mixed Use Districts**

- e) Downtown designation;
- f) Waterfront District – Midland Bay Landing designation;
- g) Commercial Corridor designation;
- h) Mixed Use Corridor designation;

#### **Greenlands**

- i) Open Space designation;
- j) Natural Heritage designation;

#### **Rural Areas**

- k) Rural designation; and,
- l) Aggregate Extraction Area designation.



## 4.2 Employment Districts

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### 4.2.1 Introduction

#### *General Discussion*

- a) The local economy in Midland continues to evolve, and needs to be diverse and adaptable to changing trends. The Town places a high priority on the protection of its designated **Employment Districts**, identified on Schedule B, to preserve its long-term economic health and vitality. Having an appropriate supply of designated land intended to accommodate employment generating land uses is critical to the economic health and fiscal sustainability of the Town.
- b) The potential for a diversity of uses within the identified **Employment Districts** requires a recognition and understanding of the competing and complementary circumstances that exist so as best to satisfy the needs of the various users and the community at large. The **Employment Districts** are expected to provide opportunities for business and commerce, and industrial development. These lands are intended to provide adequate lands for the future needs of this aspect of Midland over the time horizon of this Plan.
- c) The re-development of outmoded industrial uses to other compatible uses, particularly in conjunction with the **Mixed Use Districts**, is contemplated and may be considered where such proposed uses are deemed compatible with surrounding uses, and in conformity with the policies of this Plan.

#### *Objectives*

d) Development within the **Employment Districts**, identified on Schedule B, will be efficient, cost effective and fiscally responsible, while demonstrating context-appropriate urban design quality that contributes to the recognition of Midland as a beautiful Town. The objectives of this Plan with respect to the **Employment Districts** are to:

- i. Provide opportunities for a diversified economic base which supports a healthy, stable economy and enhances employment opportunities;
- ii. Provide for and maintain an adequate supply of developable land;
- iii. Reduce and respect the natural conflicts between business uses and residential and public uses;
- iv. Encourage more efficient use of land and intensified development, either in terms of added new jobs, or in assessment potential, and preferably both;



- v. Facilitate the development of active transportation networks and transit-supportive built forms for new development or redevelopment; and,
- vi. Ensure that the necessary infrastructure is available to support current and projected needs, including municipal services and transit connections for areas with higher employment densities.

#### **Designations**

e) Within the areas identified as **Employment Districts** on Schedule B – Urban Structure, there are two land use designations that are identified on Schedule C – Land Use, including:

- i. **Employment Area**; and,
- ii. **Employment Land**.

#### **422 Employment Area Designation**

##### **Intent**

- a) The **Employment Area** designation identified on Schedule C – Land Use generally applies to the Town’s inventory of modern employment districts, typically having prime exposure along Provincial Highways, County Roads or Arterial Roads. Lands within the **Employment Area** designation include clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. It is intended that development within the **Employment Area** designation will exhibit a high standard of building design and landscaping, and accommodate a full range and mix of employment generating land uses.

##### **Permitted Uses**

- b) Permitted uses within the **Employment Area** designation, as identified on Schedule C – Land Use, may include:
  - i. Land uses lawfully existing on the date of the approval of this Plan;
  - ii. Manufacturing in wholly enclosed buildings;
  - iii. Warehousing and distribution centres;
  - iv. Pharmaceutical uses in wholly enclosed buildings;
  - v. Research and development facilities, including data processing businesses;



- vi. ~~Modestly scaled business and professional offices~~ ~~Business and professional offices accessory to the other permitted uses;~~
  - vii. Limited retail sales of products manufactured, processed or assembled on the premises;
  - viii. Motor vehicle facilities (washing, repair, fuel and/or sales facilities);
  - ix. Banquet facilities, convention centres;
  - x. Contractor and construction premises;
  - xi. Recreational facilities and health clubs;
  - xii. Parks and open spaces;
  - xiii. Public service facilities, including small scale institutional uses but excluding major institutional uses;
  - xiv. Public uses and public and private utilities; and,
  - xv. Limited ancillary uses that specifically support the permitted employment uses such as restaurants, hotels, personal service establishments, gas bars and convenience retail.
- c) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use shall be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide-basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.
- d) Residential uses, major office uses, major retail uses and major institutional uses are specifically prohibited in the **Employment Area** designation.

#### **Development Policies**

- e) Business operations within the **Employment Area** designation are to be protected from intrusions of sensitive land uses that may restrict the operations of existing or planned industrial land users. Residential uses, major office uses, major institutional uses and major retail uses are not permitted in the **Employment Area** designation.
- f) All permitted development within the **Employment Area** designation shall be conducted in a manner that prevents impacts from smoke, noise, vibration, odour, dust or other forms of pollution, and be in compliance with all applicable municipal and Provincial policies, standards and guidelines.



- g) Building design, location and treatment should be compatible with surrounding uses. Buildings located adjacent to Provincial Highways, County Roads and Arterial Roads are expected to present a best face forward design approach, including landscaping, to heighten the aesthetic appeal of the location and the surrounding area.
- h) Adequate parking, loading and garbage collection/storage facilities will be provided on site. To promote a high quality appearance, these facilities, except for a limited amount of visitor parking, should generally not be located between the building(s) and a Provincial Highway, County Road or Arterial Road. Shared access and parking for adjacent developments is encouraged, together with shared internal roadways, to reduce the need to use local streets. Notwithstanding the above, surface parking should be minimized where possible, and alternative transportation solutions be considered.
- i) Adequate visual screening between the uses permitted in the **Employment Area** designation and adjacent residential and open space uses shall be provided.
- j) Outside storage or display areas may only be permitted provided that they are properly screened from public view, and shall be subject to the following:
  - i. All storage areas shall be located away from any adjacent existing residential and/or open space uses, or have adequate buffers that will visually screen the storage area from adjacent lands;
  - ii. All buffers, fencing and screening shall visually enhance the site, and shall be of permanent construction; and,
  - iii. Where natural landscaping is utilized it shall be of adequate size to appropriately screen the storage area when it is installed.
- k) The following locational and design features are to be applied to permitted motor vehicle facilities:
  - i. New service stations and gas bars should generally be permitted at Collector and Arterial Road intersections;
  - ii. Service stations and gas bars should be limited to no more than two at any intersection; and,
  - iii. Car washing facilities should be located and designed to minimize visual and noise impacts on adjacent properties.
- l) New development and redevelopment within the **Employment Area** designation shall be subject to Site Plan Control, in accordance with the policies of this Plan.



**Conversion Policies**

- m) This Plan specifically protects the **Employment Area** designation for future economic growth and development, recognizing their limited supply and the important contribution that these lands make to the Town's economy.
- n) To ensure the long-term protection of the existing **Employment Area** designation, amendments to this Plan that have the effect of reducing the extent of any **Employment Area** designation can only be considered at the time of a Municipal Comprehensive Review to be carried out by the County.
- o) The Town may request that the County consider **Employment Area** designation conversions through the County-wide Municipal Comprehensive Review. In considering such a request, it shall be demonstrated to the satisfaction of the County that:
  - i. There is a need for the conversion;
  - ii. An analysis of the Town-wide supply of, and demand for lands within the **Employment Area** designation, identifies a long-term oversupply of lands in the **Employment Districts**, and in each **Employment District** sub-designation;
  - iii. An analysis of the Town-wide supply of, and demand for the proposed land use identifies a shortfall in the inventory of land for the proposed use;
  - iv. The Town will continue to meet its allocated employment forecasts, as well as the density and intensification targets and any other applicable policies of the Province, County and/or Town;
  - v. The conversion will not adversely affect the overall viability of the adjacent **Employment District** lands;
  - vi. The conversion will not create a land use conflict and/or assists the Town in resolving an existing, defined land use conflict;
  - vii. There is existing or planned infrastructure and public service facilities to accommodate the proposed conversion; and,
  - viii. Cross-jurisdictional issues have been considered.

**423 Employment Land Designation****Intent**



- a) The **Employment Land** designation is identified on Schedule C – Land Use. This designation represents existing pockets of older industrial development that are integrated into the historic fabric of the Town. The **Employment Land** designated lands play an important role in the economy of the Town, but it is recognized that, given their location in proximity to residential neighbourhoods or other sensitive land uses, some existing businesses may be better served in the long-term in a more modern location within one of the Town’s **Employment Areas**.

**Permitted Uses**

- b) Permitted uses within the **Employment Land** designation, as identified on Schedule C – Land Use, may include:
- i. Land uses lawfully existing on the date of the approval of this Plan;
  - ii. Manufacturing in wholly enclosed buildings;
  - iii. Artisan studios, galleries and associated retail sales facilities;
  - iv. Micro-breweries and micro-distilleries and associated retail sales and hospitality facilities;
  - v. Research and development facilities, including data processing businesses;
  - vi. Business and professional offices accessory to the other permitted uses;
  - vii. Limited retail sales of products manufactured, processed or assembled on the premises;
  - viii. Contractor and construction premises;
  - ix. Parks and open spaces;
  - x. Public service facilities, including small scale institutional uses but excluding major institutional uses; and,
  - xi. Public uses and public and private utilities.
- c) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide-basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.



- d) Residential uses, motor vehicle sales facilities, major retail uses and major institutional uses are specifically prohibited from the **Employment Land** designation.

#### **Development Policies**

- e) Business operations within the **Employment Land** designation are to be protected from intrusions of sensitive land uses that may restrict the operations of existing or planned industrial land users. Residential uses and major retail uses are not permitted in the **Employment Land** designation.
- f) All permitted development within the **Employment Land** designation shall be conducted in a manner that prevents impacts from smoke, noise, vibration, odour, dust or other forms of pollution, and be in compliance with all applicable municipal and Provincial policies, standards and guidelines.
- g) Building design, location and treatment should be compatible with surrounding uses. Buildings are expected to present a best face forward design approach, including landscaping, to heighten the aesthetic appeal of the location and the surrounding area.
- h) Adequate parking, loading and garbage collection/storage facilities will be provided on site. To promote a high quality appearance, these facilities, except for a limited amount of visitor parking, should generally not be located between the building(s) and the street. Shared access and parking for adjacent developments is encouraged, together with shared internal roadways, to reduce the need to use Local Roads. Notwithstanding the above, surface parking should be minimized where possible, and alternative transportation solutions be considered.
- i) Adequate visual screening between the uses permitted in the **Employment Land** designation and adjacent residential and open space uses shall be provided. Notwithstanding the above, where appropriate and where negative impacts will not result, the integration of lands in the **Employment Land** designation with adjacent non-employment areas should be encouraged to develop vibrant, mixed use areas and to ease the transition between different uses.
- j) New development and redevelopment within the **Employment Land** designation shall be subject to Site Plan Control, in accordance with the policies of this Plan.

#### **Conversion Policies**

- k) An application for a conversion of a site or area identified as **Employment Land** on Schedule C – Land Use shall be implemented by an Official Plan Amendment accompanied by a study that demonstrates to the satisfaction of the Town that:
  - i. There is a need for the conversion;



- ii. An analysis of the Town-wide supply of, and demand for lands within the **Employment Districts** identifies a long-term oversupply of lands in the **Employment Districts**;
- iii. An analysis of the Town-wide supply of, and demand for the proposed land use identifies a shortfall in the inventory of land for the proposed use;
- iv. The Town will continue to meet its allocated employment forecasts, as well as the density and intensification targets and any other applicable policies of the Province, County and/or Town;
- v. The conversion will not adversely affect the overall viability of the adjacent **Employment District** lands;
- vi. The application has considered the opportunity to at minimum replace the jobs that the subject site/area accommodates, or has the potential to accommodate;
- vii. The application provides opportunities on the subject site/area for the accommodation of other employment generating land uses that may be appropriate to mitigate the defined impact on adjacent sensitive land uses;
- viii. The conversion will not create a land use conflict and/or assists the Town in resolving an existing, defined land use conflict;
- ix. There is existing or planned infrastructure and public service facilities to accommodate the proposed conversion; and,
- x. Cross-jurisdictional issues have been considered.

#### 4.2.3.1 Land Use Specific Policies

##### ***Outside Storage or Display Areas***

- a) Outside Storage or Display Areas may be permitted, provided those activities are properly screened from public view, and shall be subject to the following:
  - i. All storage areas shall be located away from any adjacent existing residential and open space uses, or have adequate buffers that will visually screen the storage area from adjacent lands;
  - ii. All buffers, fencing and screening shall visually enhance the site, and shall be of permanent construction; and,



- iii. Where natural landscaping is utilized it shall be of adequate size to appropriately screen the storage area when it is installed.

## 4.3 Neighbourhood Districts

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### 4.3.1 Introduction

#### *General Discussion*

- a) The **Neighbourhood Districts**, as identified on Schedule B, are intended to allow a variety of housing types and densities together with appropriately scaled and located neighbourhood commercial and institutional uses. It is the intent of this Plan to provide a range and mix of housing types, including opportunities for accessible, assisted and affordable housing throughout the **Neighbourhood Districts** to meet the expected needs of the community.

#### *Objectives*

- b) The objectives of this Plan with respect to **Neighbourhood Districts** are to:
  - i. Create, maintain and enhance residential areas, which foster a sense of neighbourhood, character and belonging and to protect these areas from incompatible forms of new development;
  - ii. Encourage a high standard of community design in existing and future residential development such that the overall image of the community is enhanced and that residential areas present a harmonious integration of housing types;
  - iii. Require new subdivision and condominium developments to incorporate traditional neighbourhood design elements that respect and reflect the character of the existing community;
  - iv. Encourage the provision of a broad range of housing styles including accessible, assisted and affordable housing types and tenures, and to consider incentives which would foster such development;
  - v. Encourage innovative development, redevelopment and intensification, particularly in older stable neighbourhoods, to satisfy market requirements;
  - vi. Foster and encourage the development of higher density forms of housing, including a mix of unit sizes, where appropriate community and commercial facilities can be provided; and,

- vii. Support housing affordability and create rental housing opportunities by permitting Second Units, where appropriate.

#### **Designations**

- c) Within the areas identified as **Neighbourhood Districts** on Schedule B – Urban Structure, there are two land use designations that are identified on Schedule C – Land Use, including:
  - i. **Neighbourhood Residential**; and,
  - ii. **Shoreline Residential**.

#### **4.3.2 Neighbourhood Residential Designation**

##### **Intent**

- a) The **Neighbourhood Residential** areas are crucial elements of the Town's attractiveness as a place to live, to work and to invest in. Generally, lands within the **Neighbourhood Residential** designation are not expected to accommodate significant intensification, as it is expected that the **Mixed Use Districts** will accommodate higher density developments. It is the intent of the Town to manage change within the **Neighbourhood Residential** designation by ensuring that these areas experience only modest change and accommodate only compatible development that is in keeping with the desirable character of these areas.

##### **Permitted Uses**

- b) The uses permitted within the **Neighbourhood Residential** designation identified on Schedule C – Land Use may include:
  - i. Land uses lawfully existing on the date of the approval of this Plan;
  - ii. Low and mid-rise residential;
  - iii. Second Units;
  - iv. Local institutional uses such as schools and places of worship;
  - v. Child care facilities;
  - vi. Neighbourhood-oriented commercial uses;
  - vii. Home occupations;



- viii. Bed and breakfast establishments;
  - ix. Cemeteries;
  - x. Parks and open spaces;
  - xi. Long term care facilities and retirement homes;
  - xii. Public service facilities; and,
  - xiii. Public uses and public and private utilities.
- c) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide -basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.
- d) Existing mobile home park developments are located within the **Neighbourhood Residential** designation and shall be subject to the appropriate controls and regulations established by the Town in the implementing Zoning By-law. New uses shall be subject to a Zoning By-law Amendment.

#### **Development Policies**

- e) Locations for low and mid-rise residential uses shall be determined through the policies of this Plan and implemented through the Zoning By-law. Similarly, local commercial and institutional uses will conform to the policies of this section and will be implemented through the Zoning By-law.
- f) All applications for development within the **Neighbourhood Residential** designation shall be subject to meeting the definition of compatible development. Key elements of determining compatibility will be neighbourhood context and character, transitions in height and density, massing, setbacks and, to a lesser extent, building materials and architectural character. The Town shall not approve any development that creates an undue, adverse impact on neighbouring residential properties within the **Neighbourhood Residential** designation.

#### **Height Specific Policies**

- g) Policies for low-rise residential development include:
- i. Low-rise residential development shall consist of single detached, semi-detached, linked semi-detached, duplex dwellings and Second Units; and,



- ii. Low-rise residential development should front on Local Roads rather than Collector or Arterial Roads.
- h) Policies for mid-rise residential development include:
- i. Mid-rise residential development may consist of a mix of triplexes, fourplexes, townhouses, street townhouses, apartments and similar multiple dwellings, or a mix of the above;
  - ii. Mid-rise residential buildings shall not exceed a height of 6.0 storeys or 21.0 metres, whichever is less; and,
  - iii. Mid-rise residential uses may be permitted, by amendment to the Zoning By-law, subject to the following:
    - Consideration must be given to the eventual community structure, desirability and compatibility of the proposed use, including an assessment of the potential impact of such development on adjacent low-rise residential uses;
    - The site should be well sited in terms of amenities such as schools, parks, recreational facilities, shopping, parking, public transportation, active transportation, traffic circulation and other surrounding transportation features;
    - The site should have direct access to Arterial or Collector Roads;
    - Mid-rise development may be encouraged in, and adjacent to the **Downtown** designation; and,
    - Mid-rise residential uses shall be subject to Site Plan Control.

#### 4.3.3 Shoreline Residential Designation

##### **Intent**

- a) The low-rise character of the lands designated **Shoreline Residential** on Schedule C – Land Use contributes to the quality of life enjoyed by the residents. It is the intent of this Plan to protect this character by including provisions in the Zoning By-law that ensure that the number and location of accessory buildings, shoreline structures and outdoor storage is compatible.



The **Shoreline Residential** designation consists of areas which are either partially serviced with municipal water and private sewage disposal or on full private services. It is not the intent of the Town to extend full municipal services during the timeframe of this Plan.

Generally these lands are located along the north shore of Midland Bay, south of Midland Point Road, and extending eastward from Fuller Avenue to the end of Islandview Lane. The following policies are also to be applied to Little Lake in the area of Sumac Lane.

#### **Permitted Uses**

- b) The uses permitted within the **Shoreline Residential** designation identified on Schedule C – Land Use may include:
  - i. Land uses lawfully existing on the date of the approval of this Plan;
  - ii. Seasonal and permanent low-rise residential uses;
  - iii. Neighbourhood-oriented commercial uses;
  - iv. Home occupations;
  - v. Bed and breakfast establishments;
  - vi. Parks and open spaces;
  - vii. Public service facilities; and,
  - viii. Public uses and public and private utilities.
- c) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.

#### **Development on Private Roads**

- d) Lots that do not have frontage and direct access to a public road, which is maintained year round, shall be placed in an appropriate zone in the Zoning By-law, which identifies the limited service aspects of these areas.
- e) The owner of a lot on a private road may be required to enter into an agreement with the Town regarding the servicing of such lots before new development or expansion





to the existing use is permitted. This agreement may take the form of a Site Plan Control Agreement.

- f) New private roads or extensions to existing private roads shall not be permitted. The creation of a new lot on a private road is not permitted.

#### **Land Division**

- g) It is not anticipated that this area will accommodate new growth and subdivisions are not supported.

#### **Lots by Consent**

- h) Within the **Shoreline Residential** designation, there are limited opportunities for the creation of new residential lots. Any new residential lot created by consent may be permitted, provided that the lot fronts on an existing public road maintained year round by the Town, does not cause a traffic hazard and can be serviced with an appropriate water supply and authorized means of sewage disposal.
- i) To preserve the integrity of the shoreline and the area's tree cover, new lots shall be subject to a Site Plan Control Agreement and are hereby deemed designated for this purpose. Any agreement generally will address the location of the building envelope, driveway and access to the shoreline. The majority of the existing tree cover on new shoreline lots should be preserved.
- j) Limited development is anticipated within the **Shoreline Residential** designation and shall be limited to infilling and minor rounding out of existing development, in accordance with provincial plans, including the Provincial Policy Statement.

#### **Setbacks from Midland Bay**

- k) The Zoning By-law shall include regulations concerning setbacks from the high water mark for all new development and redevelopment, save and except for boathouses. In addition, the Zoning By-law shall contain provisions to restrict the size and location of shoreline structures and boathouses.

### **4.3.4 Land Use Specific Policies**

- a) The following land uses may be permitted in both the **Neighbourhood Residential** designation and the **Shoreline Residential** designation.

#### **Neighbourhood-Oriented Commercial Uses**

- b) Neighbourhood-Oriented Commercial Uses, which include personal service uses, designed generally to service the day-to-day needs of the nearby residential



community, may be permitted. Such uses should be limited in terms of lot size, floor area and number of uses, be connected to full municipal services, be located at Collector and Arterial Road intersections and be appropriately buffered in regard to adjacent residential uses.

- c) The Zoning By-law may set out the specific permitted uses and contain appropriate regulations pertaining to requirements such as maximum floor area, parking, signage, storage and other regulations intended to protect adjacent uses. All Neighbourhood-Oriented Commercial Uses shall be subject to Site Plan Control.

#### ***Bed and Breakfast Establishments***

- d) Bed and Breakfast Establishments may be permitted by way of an amendment to the Zoning By-law. The review and approval of such a use should include the following:
  - i. The use should be located on a Collector or Arterial Road - and/or adjacent to parks or natural amenities - and/or where the building is of architectural or historic interest;
  - ii. The site is sufficient in area to provide for adequate buffering from adjacent residential uses and adequate on-site parking facilities;
  - iii. The use is located in an existing residential building, which requires no significant external modifications to permit the proposed use;
  - iv. The use will need to demonstrate the availability of appropriate water and sewage disposal facilities; and,
  - v. The Zoning By-law may set out the specific permitted uses and contain appropriate regulations pertaining to requirements such as maximum floor area, parking, signage, storage and other regulations intended to protect adjacent uses.

#### ***Home Occupations***

- e) Home Occupations may be permitted subject to the following:
  - i. The use is secondary to the residential use and does not involve any change to the external character of the dwelling unit, accessory building or property, such as outside storage or display areas;
  - ii. The use does not generate any adverse effect such as excessive traffic, noise, odour, any environmental impacts or parking problems, incompatible with the residential area; and,



- iii. The Zoning By-law may set out the specific permitted and/or prohibited uses and contain regulations pertaining to requirements such as maximum floor area, signage, storage, and other regulations intended to protect adjacent uses.

## 4.4 Mixed Use Districts

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### 4.4.1 Introduction

#### *General Discussion*

- a) The **Mixed Use Districts** have the potential to accommodate significant growth, in an intensified built form, with mid-rise and high-rise residential buildings and population related employment uses, including community or regionally scaled retail commercial, office and institutional facilities. The **Mixed Use Districts** also play a crucial role in defining the planned urban structure of the Town, in accommodating growth through intensification and in supporting a successful transit system.
- b) The **Mixed Use Districts** are intended to be flexible and responsive to land use pattern changes and demands, and permit a broad range of uses at different scales and intensities depending on the location within the Town's urban structure. An appropriate mix and range of commercial, retail, office, institutional and residential uses at different scales and intensities will be encouraged and supported within the various **Mixed Use Districts**.

#### *Objectives*

- c) With respect to the **Mixed Use Districts** identified on Schedule B – Urban Structure, the objectives of the Town are to:
  - i. Promote the accommodation of substantial anticipated growth in medium and higher density built forms;
  - ii. Ensure a significant and diverse supply of designated lands that provide opportunities for a diversified economic base, taking into account the needs of existing and future residents and businesses;
  - iii. Ensure that the necessary infrastructure is available to support current and projected growth and development; and,
  - iv. Require that all development within the **Mixed Use Districts** is transit-supportive and incorporates high-quality design to support active transportation and a strong public realm, including built form, architectural details, landscaping and signage.



### **Designations**

- d) There are four land use designations that are applicable to the **Mixed Use Districts**, which are identified on Schedule C - Land Use and Schedule C1 – Midland Bay Landing, including:
- i. **Downtown;**
  - ii. **Waterfront District – Midland Bay Landing;**
  - iii. **Commercial Corridor;** and,
  - iv. **Mixed Use Corridor.**

#### **4.4.2 Downtown Designation**

##### **Intent**

- a) Historically, Downtown Midland, and particularly King Street, has been the focal point for retail, arts, culture, entertainment and public institutions. Today, the vision is to establish the Downtown as a vibrant, mixed-use Town Centre with a definable identity and a rich mixture and balance of services, educational opportunities, businesses, housing options and cultural activities for residents, business owners and visitors.
- b) A strong and energetic Town Centre, linked to the Waterfront, is essential in promoting community growth and prosperity. This occurs in terms of economic well-being, community pride and character. It is the intent of the Town that the **Downtown** designation accommodate a significant portion of the Town's new population and employment growth. It is also intended that the policies of this Plan will encourage and foster economic and community confidence in this area so as to promote and enhance its role as the Town's prime business and cultural centre.
- c) Downtown Midland will be a green, beautiful and vibrant place, where area residents live and routinely shop, dine, work, learn, play or are entertained, and where visitors will stay to enjoy the area's many cultural and recreational attractions. It is the intent of this Plan to:
- i. Foster and promote the historic importance, qualities and opportunities that the **Downtown** offers as a unique and attractive area;
  - ii. Become the cultural, entertainment and administrative heart of the Town and a destination place for residents, businesses and tourists;



- iii. Be a neighbourhood that accommodates a broad range of housing types and tenures, and contributes substantially to a successful community;
  - iv. Become a focal area for investment in region-wide public services, as well as a full range of retail and office commercial uses, community and institutional uses and recreational, cultural and entertainment uses;
  - v. Include a hierarchy of urban park spaces including urban squares, parkettes and strong public linkages to Midland Bay; and,
  - vi. Act as a hub for the Town's active transportation network and as a local, regional and interregional transit hub that accommodates and supports major transit infrastructure.
- d) Buildings and sites throughout the **Downtown** designation are encouraged to accommodate an array of uses. A mixture of uses is encouraged not just within the **Downtown** designation in general, but also on individual development sites, and within individual buildings.

**Permitted Uses**

- e) Permitted uses on lands designated as **Downtown**, as identified on Schedule C – Land Use, may include:
- i. Land uses lawfully existing on the date of the approval of this Plan;
  - ii. Retail, service commercial uses and restaurants;
  - iii. Commercial, business, medical, social service, administrative and institutional office uses;
  - iv. Institutional uses, including public and private schools, post-secondary education facilities;
  - v. Cultural, recreational and theatre facilities, including private athletic clubs;
  - vi. Mid and high-rise residential uses, including above grade residential, live-work units and communal housing, which may include special needs housing and housing for seniors;
  - vii. Existing low-rise residential uses, including their use for:
    - Home occupations; and,
    - Bed and breakfast establishments.

- viii. Artisan studios, galleries and associated retail sales facilities;
  - ix. Micro-breweries and micro-distilleries and associated retail sales and hospitality facilities;
  - x. Hotels, including ancillary uses;
  - xi. Convention/conference facilities;
  - xii. Entertainment uses;
  - xiii. Brewpubs;
  - xiv. Places of worship;
  - xv. Child care facilities;
  - xvi. Funeral homes;
  - xvii. Parking facilities at-grade and/or in structures;
  - xviii. Parks and open spaces;
  - xix. Long term care facilities and retirement homes (excluding King Street Corridor);
  - xx. Public service facilities; and,
  - xxi. Public uses and public and private utilities.
- e) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.
- f) Motor vehicle facilities (washing, repair, fuel and/or sales facilities), drive-thrus and other auto-related uses are specifically prohibited in the **Downtown** designation.
- g) Notwithstanding the list of permitted uses above, long term care facilities and retirement homes are not permitted in the King Street Corridor.

**Development Policies**



- h) All new development or redevelopment shall be a minimum height of two storeys and a maximum height of six storeys, except development or redevelopment on King Street where the maximum height shall be four storeys.
- i) Notwithstanding any height limit established in this Plan, additional building height may be considered by the Town on a site by site basis. The Town may consider increases in height based on a test of development compatibility in accordance with the policies of this Plan, and subject to the satisfaction of the Town. Further, the Town will focus its permission for additional height to enhance the distinction and landmark quality of corner buildings or visual terminus sites where additional building height may be considered for design treatments that accentuate the visual prominence of a site.
- j) When considering an application for new development or redevelopment within the **Downtown** designation, the following development criteria shall be considered:
  - i. No undue, adverse impacts are created on adjacent properties in the vicinity;
  - ii. Identified on-site or adjacent cultural heritage resources are appropriately conserved;
  - iii. The height and massing of nearby buildings are appropriately considered, and buffers and/or transitions in height to adjacent properties are implemented, where necessary;
  - iv. At-grade uses may change over time. As a result, the floor-to-ceiling heights of ground floors for all buildings should be sufficient to adapt to a range of permitted uses and should generally be 4.25 metres;
  - v. Utilities, infrastructure and transportation system capacities exist to serve the proposed development and there are no undue impacts on the Town's sewer, water, storm water management and transportation systems; and,
  - vi. Building materials shall be durable and consistent with the historic character of the Downtown. The use of stone, bricks, decorative concrete and non- coloured glass is appropriate; the use of stucco, coloured glass and wood, vinyl, or aluminum siding is not.
- k) The entirety of the **Downtown** designation is within the Downtown Community Improvement Area.
- l) Development or redevelopment within the **Downtown** designation shall be subject to Site Plan Control.
- m) Policies for mid-rise residential development include:

- i. Mid-rise residential development may consist of a mix of triplexes, fourplexes, townhouses, street townhouses, apartments and similar multiple dwellings, or a mix of the above;
  - ii. Mid-rise residential buildings shall not exceed a height of 6.0 storeys or 23.0 metres, whichever is less; and,
  - iii. Mid-rise residential development shall be subject to Site Plan Control.
- n) Town may consider taller buildings within the **Downtown** designation. Policies for high-rise development include:
- i. High-rise buildings shall generally not exceed a height of 12.0 storeys or 43.0 metres, whichever is less; and,
  - ii. High-rise buildings may be permitted, by amendment to the Zoning By-law, subject to the following:
    - Consideration must be given to the eventual community structure, desirability and compatibility of the proposed use, including an assessment of the potential impact of such development on adjacent residential uses;
    - The site should be well suited in terms of amenities such as schools, parks, recreational facilities, shopping, parking, public transportation, active transportation, traffic circulation and other surrounding transportation features;
    - The site should have good accessibility along Arterial or Collector Roads; and,
    - High-rise development or redevelopment shall be subject to Site Plan Control.
- o) New development or redevelopment which introduces sensitive land uses may be required to carry out an appropriate Noise Impact Study in accordance with the noise attenuation policies of the **Waterfront District – Midland Bay Landing** designation included in this Plan.

#### **Parkland**

- p) The provision of public open space within the **Downtown** designation is recognized as an essential component for the enjoyment of workers, residents and visitors. All development on sites that are 1000 square metres or greater shall provide an on-site





parkland dedication or on site publically accessible private civic square or open space. As an incentive promoting new development within the **Downtown** designation, the Town may consider reductions in the parkland dedication requirement.

All cash-in-lieu of parkland that is collected by the Town from developments within the **Downtown** designation shall be utilized to enhance the public parkland system within the Downtown area.

### **Parking**

- q) Parking supply is a crucial element of a successful Downtown. New development shall be required to provide parking in accordance with the policies of this Plan and the requirements of the Zoning By-law. Parking is encouraged to be located in parking structures, either above or below grade, although surface parking lots are also permitted. Parking lots are subject to the following development requirements:
- i. Above grade parking structures shall be appropriately designed and landscaped to complement the surrounding streetscape;
  - ii. Above grade parking structures shall incorporate active uses at-grade facing onto any road;
  - iii. Surface parking lots shall be appropriately landscaped, and shall generally not have direct access or significant frontage on local streets; and,
  - iv. Surface parking lots shall generally be located to the rear of buildings for new development.
- r) To promote new development within the **Downtown** designation:
- i. Parking requirements may be waived or reduced by the Town;
  - ii. Parking may be provided off-site, where the off-site parking is adequately secured for the use of the new development, to the satisfaction of the Town. An off-site parking facility should be within 400 metres of the development that it is intended to serve; and/or,
  - iii. Cash-in-lieu or the exemption from cash-in-lieu for parking may be considered by Council. A cash-in-lieu policy and by-law shall be developed in consultation with the BIA and property owners in the Downtown area. All cash-in-lieu of parking that is collected by the Town from developments within the **Downtown** designation shall be utilized to enhance the public parking supply within the Downtown area.



- s) For development within existing buildings, including a change in use, only the parking that exists at the time of the approval of this Plan shall be required.
- t) Private parking should not be required for new or expanded commercial development within existing buildings. Over time, surface parking for commercial uses within the **Downtown** designation should be provided solely at the Town's public parking facilities, with existing privately owned surface parking lots -being freed up for future redevelopment.
- u) Council may consider expanding the Parking Exemption Area policy within the **Downtown** designation in consultation with the BIA and Downtown area property owners.

#### 4.4.2.1 King Street Corridor

- a) The King Street Corridor in the **Downtown** is the cultural hub of Midland. It has traditionally developed as a pedestrian oriented area characterized by ground floor commercial uses in narrow storefronts, providing frequent entrances for pedestrians and windows that create pedestrian interest. The intent is to maintain the pedestrian appeal of King Street as the area evolves into a more compact and diverse district by accommodating cultural and creative land uses and by continuing to accommodate and encourage a wide range of public events celebrating the local area.
- b) High and Mid-rise residential uses are encouraged in the King Street Corridor in accordance with the residential policies of this Plan. However, stand-alone residential buildings are not permitted within the King Street Corridor. Residential uses must be incorporated within a mixed use building, where primarily non-residential uses are located at-grade, with residential uses located above the ground floor.
- c) New development or redevelopment shall incorporate at-grade retail, restaurants, service commercial, financial institutions or other high activity uses which activate the streetscape. Commercial uses that generate low pedestrian traffic, such as professional offices, personal services or live-work space, should generally be discouraged on the ground floor.
- d) The reuse, repurposing and redevelopment of existing historical buildings is strongly encouraged. All new buildings shall contribute to a consistent street wall with minimal gaps or courts between buildings, except where there are opportunities for mid-block pedestrian connections. In addition, all new buildings shall:
  - i. Frame and address King Street;
  - ii. Have all servicing areas at the rear of buildings; and,



- iii. Be built to the property line, but may be setback at the ground floor to provide additional space for boulevard patios, landscaping and street furniture.
- e) The façade design and detailing of new development shall:
  - i. Respond to neighbouring properties and established development patterns by continuing floor-to-ceiling heights and the placement of windows, awnings, cornices and signage;
  - ii. Mimic the existing rhythm of storefronts, breaking down the at-grade façade into segments of a width of approximately 6.0 metres. Further, at-grade facades shall incorporate a minimum amount of 70 percent transparent glass that allows activity to be seen from the street for ground floor commercial frontages. “Blank walls” or covered windows shall not be permitted.
- f) Building heights for new development or redevelopment within the King Street Corridor shall be a minimum of 2 storeys and a maximum of 4 storeys. Notwithstanding this height limit, additional building height may be considered by- the Town on a site by site basis, based on a test of development compatibility in accordance with the policies of this Plan, and subject to the satisfaction of the Town.

#### 4.4.2.2 Waterfront Corridor

- a) The Waterfront Corridor, being along Bayshore Drive from Queen Street to Third Street, is intended to enhance the linkages between King Street/Downtown Midland and the Town dock/Waterfront lands, as well as with the Midland Bay Landing community. The future development and redevelopment of this corridor will support stronger active transportation connections across and along Bayshore Drive and act to showcase Midland’s Waterfront as one of its most valuable assets.
- b) New buildings shall frame and address adjacent streets and be located close to the front lot line. However, larger setbacks are allowed for active uses such as restaurant patios. Parking shall generally not be permitted between the front and sides of buildings and the street.
- c) Residential uses within the Waterfront Corridor shall be required to carry out an appropriate Noise Impact Study, in accordance with the noise attenuation policies of the **Waterfront District – Midland Bay Landing** designation included in this Plan.
- d) High and mid-rise residential uses are encouraged in the Waterfront Corridor in accordance with the residential policies of this Plan. However, stand-alone residential buildings are not permitted within the Waterfront Corridor. Residential uses must be incorporated within a mixed use building, where primarily non-residential uses are located at grade, with residential uses located above the ground floor.



- e) Notwithstanding the above, while mixed-use development opportunities are encouraged throughout the Waterfront Corridor, some low rise house forms currently exist, and new development in proximity to these homes must ensure appropriate transitions to existing buildings and uses to ensure compatibility.
- f) At-grade retail or restaurant uses are encouraged in new development or redevelopment at the corners of King Street and Bayshore Drive.
- g) Parking should be located underground or in parking structures located away from the street frontage or with active uses at-grade wherever possible. Surface parking lots should be minimized and located at the rear of buildings. Access to parking and servicing should be from Bay Street, First Street or Midland Avenue.
- h) Mid-block pedestrian connections should be provided.
- i) Building heights for new development or redevelopment within the Waterfront Corridor shall be a minimum of 3 storeys and a maximum of 6 storeys. Notwithstanding this height limit, additional building height may be considered by the Town on a site by site basis, subject to a test of development compatibility in accordance with the policies of this Plan, and subject to the satisfaction of the Town.
- j) One-storey pavilion style buildings for recreational uses can be located in a waterfront park. For these types of buildings, particular attention to the design of all sides of the building – front, back, and sides – is required.

#### 4.4.2.3 Shoulder Streets

- a) The Shoulder Street corridors, being Midland Avenue and First Street from Bayshore Drive to Yonge Street, are intended to accommodate those new development forms and uses that complement the full range and function of Downtown Midland, allowing the Downtown to grow and to evolve.
- b) New development should generally frame the street. However, buildings with residential uses at grade (either direct unit entrances or residential lobbies) may be setback. Landscaping shall be required in these areas to beautify the street and to provide privacy for residents.
- c) Buildings should contribute to a consistent street wall with minimal gaps or courts between buildings.
- d) Residential uses are encouraged in the Shoulder Street corridors. High and mid-rise residential development is permitted in accordance with the residential policies of this Plan. While mixed-use development opportunities are encouraged along the Shoulder Streets, some low rise house forms currently exist, and new development in



proximity to these homes must ensure appropriate transitions to existing buildings and uses to ensure compatibility.

- e) Parking and service uses for new development should be located at the rear of buildings. However, private parking should not be required for commercial development, which should be subject to cash-in-lieu of parking payments.
- f) Building heights for new development or redevelopment within the Shoulder Street corridors shall be a minimum of 2 storeys and a maximum of 4 storeys. Notwithstanding this height limit, additional building height may be considered by the Town on a site by site basis, subject to a test of development compatibility in accordance with the policies of this Plan, and subject to the satisfaction of the Town.

#### 4.4.3 Waterfront District Designation - Midland Bay Landing

##### *Intent*

- a) The **Waterfront District** designation is intended to guide and transform this important site on Midland's waterfront into a mixed-use, pedestrian-orientated, accessible neighbourhood, part of an overall Town-building opportunity for the Town of Midland.
- b) The policies contained within this Section are intended to support a site-specific, mixed-use development that complements the Downtown and existing surrounding neighbourhoods, improves public access to the waterfront, provides a network of parks and open space, respects the local environment and promotes high-quality design and energy efficient/sustainable building practices.
- c) The intent of the **Waterfront District** designation is based on a site specific and detailed planning study. The Unimin Waterfront Lands Master Plan (2013) was adopted by Council in August 2013. The Master Plan is a key document that, along with this Plan, will provide further guidance concerning urban design and built form to direct and manage development within the area for long-term implementation.

Further, the policies of this Section of this Plan are to be read in their entirety and in conjunction with all other policies of this Plan, including the interpretation policies. All the policies of this Plan shall be applied. Where there is a contradiction or conflict between the policies of this Section of this Plan, and any other policy of this Plan, the policies of this Section of the Plan shall apply.

##### *Objectives*

- d) The following principles express key directions for protecting and enhancing the core qualities that will define the future development within the **Waterfront District** designation. It is the objective of the designation to:



- i. Attract a broad range of residential, commercial and retail uses as well as water-based recreation and tourism-related uses, which will be developed to the highest architectural standard in an energy efficient and sustainable manner, and in a way that protects water resources and waterfront features;
- ii. Promote the development of a complete community that includes a diversity of housing options, amenities, parks and public service facilities, as well as an array of employment opportunities close to where people live;
- iii. Support and complement Downtown Midland and to be compatible with existing residential neighbourhoods;
- iv. Support and encourage the development of a healthy community by ensuring the built environment provides opportunities for active transportation and social interaction, including linking to the existing public trail networks, and providing easy and open public access to the water's edge; and,
- v. Support and encourage reasonable public access to all areas within the **Waterfront District** designation, for the benefit of the general populace of Midland.


#### **Development Policies**

- e) Additional, more detailed land use sub-designations within the **Waterfront District** designation area are identified on Schedule C1 – Midland Bay Landing, which shall be read in conjunction with the policies of this Plan.
- f) All new development shall be informed by, and be consistent with the Town adopted Unimin Waterfront Lands Master Plan (2013), including:
  - i. All new development shall be of the highest design and environmental standards;
  - ii. New development shall encourage the area as a waterfront tourist destination;
  - iii. The Town, along with private partners, shall ensure that a public multimodal trail be provided along the length of the Subject Site's waterfront, and that the lands adjacent to the water's edge be in public ownership for the long-term;
  - iv. All new development shall ensure and maintain public access to the waterfront, multimodal trail, public parks and open spaces while maintaining the liveability and character of the area;



- v. The Town shall consider all new development proposals in the interest of long-term sustainable Town-building rather than short-term financial implications;
- vi. The Water Lot Area may have sections accessible to transient boaters to moor boats and access the water at the discretion of the Town, and in conformity with all applicable policies and requirements;
- vii. All new development shall only proceed following the preparation of a Shoreline Condition Report and Shoreline Rehabilitation Plan, prepared to the satisfaction of the Town;
- viii. All new development shall only proceed following the preparation of comprehensive Site Plan and Urban Design Guidelines for the entire Site. The Site Plan and Guidelines will outline and illustrate how the Official Plan goals and objectives for the public realm and built form will be achieved within the Site and its relationships to the surrounding area. They will also provide specific, actionable and measurable directions for development to achieve these goals and will be flexible to accommodate change as it occurs while maintaining intact the essential urban ideas;
- ix. All new development proposals shall be subject to a Community Planning Permit or Site Plan Approval and may also be evaluated through a Design Review Process, as established by the Town. The Town, at its discretion, may require an Architectural Control process to be undertaken to provide design criteria that must be met to ensure consistent, high quality architectural outcomes including, but not limited to, architectural details, building materials and colour;
- x. All new development shall only proceed following the preparation of a Master Servicing Study, prepared to the satisfaction of the Town, that identifies appropriate approaches to the provision of sewer, water and storm water management facilities;
- xi. All of the Subject Site may be designated a Community Improvement Project Area, where a Community Improvement Plan may be prepared to help facilitate financial incentive programs to private sector partners;
- xii. Energy efficient building design and other conservation measures shall be incorporated in the design of new buildings through effective use of insulation, alternative energy sources, vegetation, and the design of streetscapes. All new development shall be encouraged to be built to the following requirements for sustainability:



- LEED Silver, or equivalent alternative, to the satisfaction of the Town, prior to and including 2021; and, LEED Gold, or equivalent alternative to the satisfaction of the Town, from 2022 up to and beyond 2031;
  - For grade-related residential buildings, achieve a minimum performance level that is equal to an ENERGY STAR  standard; and,
  - For mid-rise and taller residential and non-residential buildings, achieve 25% greater energy efficiency than the Model National Energy Code for Buildings;
- xiii. The Town will permit, promote and encourage the use of Alternative Development Standards (ADS) for all developments within the **Waterfront District** designation. The intent of permitting ADSs is to allow the creation of a compact, urban, mixed-use neighbourhood that reflects the range of road cross-sections and profiles set out in this Plan and that are not permitted by the Town's Greenfield Development Standards, to permit a more urban massing of built form, and to provide for a greater provision of public realm and public open spaces. The use of Alternative Development Standards shall be subject to the satisfaction of the Town;
- xiv. Key View Corridors shall be maintained and reinforced throughout the Subject Site to Georgian Bay;
- xv. Roadways and land use designation boundaries as identified on Schedule C1 – Midland Bay Landing, shall be considered flexible, in accordance with the interpretation policies of this Plan. Minor modifications to the land use designation boundaries and the road pattern, to the satisfaction of the Town, may be permitted without the need for an Official Plan Amendment;
- xvi. Gateways at key locations and/or major access points to the neighbourhood identified on Schedule C1 – Midland Bay Landing, shall receive special landscape and/or architectural treatment. Gateway features shall be landmarks offering a unique opportunity to create visual interest from greater distances, and if designed with distinction, can act as effective orientating devices where people can gauge their relative location in the Town;
- xvii. Public art shall be promoted and encouraged in visually strategic locations throughout the Site to enhance the public realm and serve as a wayfinding tool;
- xviii. Wherever possible, mid-block connections shall be promoted and encouraged to ensure ease of movement through the Subject Site for pedestrians and cyclists;

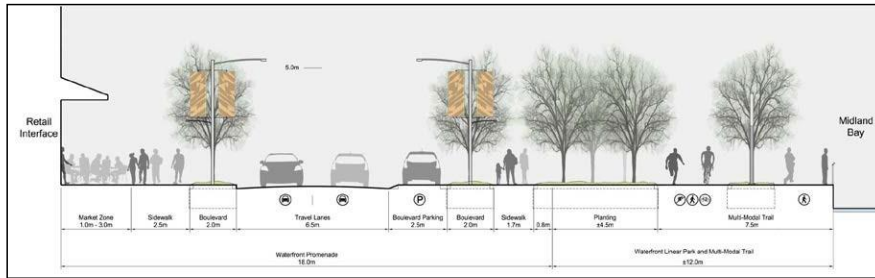


- xix. This Plan promotes alternative parking standards that will be established within the implementing zoning by-law(s). Reduced parking standards, shared parking and/or communal parking lots may be considered in order to encourage development which might otherwise not be possible or practical. Cash-in-lieu or the exemption from cash-in-lieu for parking may be considered by Council; and,
- xx. The development of the road pattern identified on Schedule C1 – Midland Bay Landing, shall be consistent with the road cross-sections for the Waterfront Promenade, the Local Streets and Park Mews typologies as shown in Figure A.
- xxi. Any new development shall only proceed in accordance with the brownfield development policies of this Plan.

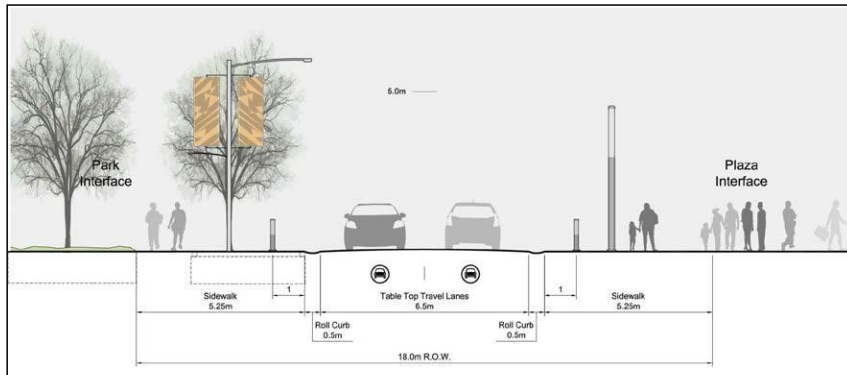


Figure A

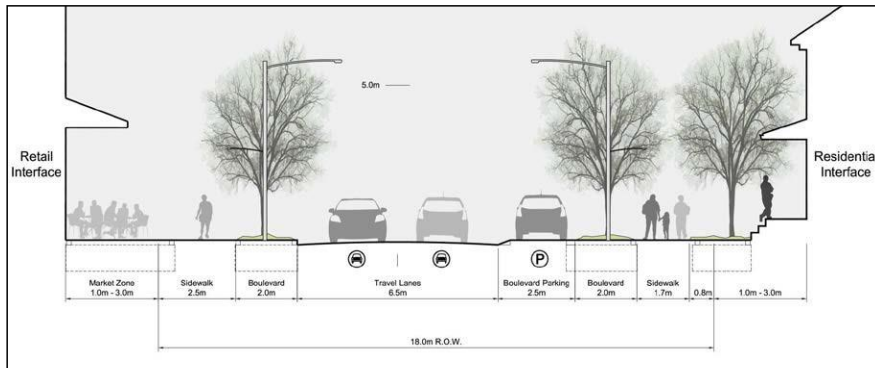
**Waterfront Promenade**



**Local Streets**



**Park Mews**



**Detailed Policies**

- g) Schedule C1 – Midland Bay Landing to this Plan identifies a more detailed land use pattern for the lands designated **Waterfront District**.

**4.4.3.1 Waterfront District 1 Sub-Designation****Intent**

- a) The **Waterfront District 1** sub-designation is intended to accommodate a vibrant waterfront mixed-use area that supports a diverse mixture of uses including retail, commercial, civic buildings and/or hotels and office buildings complemented by low and mid-rise residential buildings including townhouses and apartments.

**Permitted Uses**

- b) The list of permitted uses within this designation includes:
- i. Downtown-compatible, higher density buildings with a diverse mix of uses including at-grade retail and service commercial uses with above-grade residential dwelling units and/or office uses;
  - ii. Civic buildings, hotels and/or other tourism-related buildings;
  - iii. Parks and urban squares, mid-block connections and trails; and,
  - iv. Public and private utilities and infrastructure.

**Development Policies**

- c) The following general development policies are applicable within this **Waterfront District 1** sub-designation:
- i. All primary building entrances shall directly access the street and sidewalk;
  - ii. Building entrances shall be prominent in the design of the façade using techniques such as height, massing, overhang, punctuation and/or change in roof line;
  - iii. Facades will be articulated using horizontal tiers to express a base, middle and top;
  - iv. Where retail is provided at grade, ensure vertical articulation with narrow storefronts and provide for weather protection;



- v. Street frontages at key corners shall be further articulated through massing, entrances and/or distinctive architectural elements;
  - vi. All facades facing streets shall be articulated through entrances, windows, architectural details and/or signage to provide pedestrian interest;
  - vii. Communal parking shall be provided in rear yard surface lots, below-grade garages, on-street and/or above-grade garages;
  - viii. Above-grade garages shall be visually concealed from public streets;
  - ix. Vehicular access to parking shall, where possible, be located to the side or rear of sites to minimize the impact on primary streetscapes and pedestrians;
  - x. Front facing garages and parking in front yards is prohibited; and,
  - xi. Loading, storage, and utilities shall be concealed and/or out of view from public streets.
- d) For those areas identified symbolically on Schedule C1 – Midland Bay Landing with the letter A, the following additional development policies apply:
- i. Mid-rise apartments or office buildings are permitted, and buildings may include mixed-uses within a single building, with at-grade retail and/or service commercial uses;
  - ii. Buildings should be a minimum of 4 storeys, or 12.5 metres. Maximum permitted heights are 6 storeys, or 24.5 metres, whichever is less. The first floor shall be a minimum of 4.5 metres to accommodate retail or other commercial uses;
  - iii. Additional building heights may be permitted in exchange for public benefits through Section 37 of the *Planning Act*, and shall be subject to a test of compatibility, to the satisfaction of the Town; and,
  - iv. Private open space amenity areas for new residents shall be provided in the form of patios, decks, balconies and rooftop gardens.
- e) For those areas identified symbolically on Schedule C1 – Midland Bay Landing with the letter B, the following additional development policies apply:
- i. Mixed-use buildings with a civic/public focus are permitted adjacent to the hardscaped civic square/multi-purpose public space. Development may include a mixture of uses within a single building, including at-grade service

commercial, civic and retail uses. Residential uses may only be permitted above grade; and,

- ii. Buildings shall be a maximum height of 3 storeys, or 11.5 metres, whichever is less.
- f) For those areas identified symbolically on Schedule C1 - Midland Bay Landing with the letter C, the following additional development policies apply:
- i. Townhouses, low-rise apartments and buildings with a mixture of residential, office and retail uses are permitted;
  - ii. Buildings shall be a minimum height of 2 storeys, or 6 metres. Maximum permitted heights are 3 storeys, or 11.5 metres, whichever is less for townhouses, and a maximum of 4 storeys, or 14.75 metres, whichever is less for low-rise apartment buildings; and,
  - iii. For mixed-use buildings, the at-grade floor to ceiling height shall be a minimum of 4.5 metres.

#### 4.4.3.2 Waterfront District 2 Sub-Designation

##### *Intent*

- a) The **Waterfront District 2** sub-designation is intended to accommodate a waterfront residential neighbourhood that allows low-rise residential buildings and a lower density form of housing with limited commercial uses. This component of the Subject Site accommodates significant open space to complement the existing residential neighbourhood.

##### *Permitted Uses*

- b) Permitted uses include lower-scale mixed-use, predominantly residential uses with neighbourhood-oriented commercial uses such as local convenience stores and live-work units. The residential built form permitted includes townhouses or stacked townhouses.

##### *Development Policies*

- c) The following general development policies are applicable within the **Waterfront District 2** sub-designation:
  - i. Neighbourhood-orientated commercial uses should address the adjacent street;



- ii. Live-work units shall be fully contained units with the work space at-grade, facing the street;
  - iii. Townhouse or stacked townhouse entrances shall be prominent in the design of the façade using techniques such as porches, overhangs, architectural punctuation and/or change in roof line;
  - iv. Visible facades of the corner end units shall be addressed with a 'frontal' appearance on both street frontages such as entries, wrap-around porches and windows;
  - v. Communal parking should be provided in rear surface lots or in below-grade garages;
  - vi. Front facing garages and parking in front yards are prohibited; and,
  - vii. Additional resident and visitor parking shall be provided on-street.
- d) The following additional policies shall apply to townhouse developments:
- i. Buildings shall be a minimum height of 2 storeys, or 6 metres. The maximum permitted height is 3.5 storeys, or 13.25 metres, whichever is less;
  - ii. The design of the buildings shall be varied and/or articulated to provide visual interest to pedestrians; and,
  - iii. Individual resident parking shall be provided by rear accessed detached or attached garages, in rear yard or below grade communal parking lots.
- e) The following additional policies shall apply to stacked townhouse developments:
- i. Units shall be orientated to the street and/or private or public open spaces;
  - ii. The design of the buildings shall be varied and/or vertically articulated to provide visual interest to pedestrians; and,
  - iii. Individual resident parking shall be provided by rear accessed attached garages, in rear yard or below grade communal parking lots.

#### 4.4.3.3 Waterfront Parks and Open Space Sub-Designation

##### *Intent*

- a) The **Waterfront Parks and Open Space** sub-designation provides a framework for an open space system that offers programmed and passive areas, hardscapes and green



parks and multi-modal trails. Together, these diverse open spaces and trails will serve the varying year-round needs of residents and visitors and contribute to the vitality of the Subject Site. All parks and open spaces link into the Town's existing open space system.

#### **Permitted Uses**

- b) Permitted uses in this Sub-Designation include passive and active recreation uses, playgrounds, conservation areas, nature, multi-modal trails, waterfront promenade, and public art. Small-scale commercial uses, complementary to the recreational function of the area may be permitted by the Town, subject to an appropriate Community Planning Permit, or Zoning By-law.

#### **Development Policies**

- c) The following development policies shall apply within the **Waterfront Parks and Open Space** sub-designation:
  - i. A landscaped public square shall be located adjacent to the waterfront to act as a neighbourhood focal point and gathering space and should be framed by buildings and at-grade that include service commercial, civic and retail uses;
  - ii. Other park components shall be located in key locations to provide green amenity spaces for residents;
  - iii. A series of linear parks and multi-modal trails should be located along the waterfront, the water's edge and adjacent to Bayshore Drive to accommodate passive uses and serve as connector routes for pedestrians and cyclists to link to existing trails;
  - iv. The Town intends to retain ownership of all of the lands within the **Waterfront Parks and Open Space** sub-designation as public open space, including maintaining public access to the entire shoreline of the Subject Site; and,
  - v. The Town may consider innovative techniques related to the provision of parkland, for example, park space may be provided on top of below-grade parking garages or storm water management facilities. Where appropriate, strata agreements may be used to secure public ownership of parks built on top of privately owned structures.

#### **4.4.3.4 Noise Policy Framework for the Subject Site**

##### **Introduction**



- a) The Town of Midland has an evolving, multi-functional waterfront that includes the ADM Milling Co. facility, from which noise from the operations of the facility and vibrations from low frequency sound emitted by the shipping activity have the potential to impact sensitive land uses that may be developed on the Subject Site.
- b) In accordance with the Provincial Policy Statement, it is therefore the purpose of this Section of this Plan to:
  - i. First, ensure the long-term operation, viability and economic role of the ADM facility is appropriately considered as the Midland waterfront continues to evolve; and,
  - ii. Second, ensure that the future development of the Subject Site is appropriately designed and adequately buffered from the ADM operations and shipping activities in order to mitigate any potential adverse effects from noise and/or vibration.

***Definition of Sensitive Land Uses***

- c) For the purposes of this Plan, sensitive land uses and Points of Reception are to be defined as they are defined in the Provincial NPC- 300 Guideline document. Only sensitive land uses and Points of Reception will require appropriate noise and/or vibration attenuation.
- d) Public open spaces, including parks, urban squares and waterfront promenades are not considered sensitive land uses or Points of Reception for the purposes of this Section of this Plan.

***Policies that Apply to All Development on the Subject Site***

- e) The Subject Site is designated by the Town as a Class 4 Site, pursuant to the Provincial NPC-300 Guideline. Designating the Subject Site as Class 4 pursuant to the NPC-300 Guideline establishes a higher acceptable noise level for the Subject Site which recognizes its integration as part of a multi-functional waterfront that includes an active industrial facility and associated shipping activities. However, such integration may still require noise and/or vibration attenuation design features and warning clauses to be incorporated into future planning approvals in accordance with the policies set out in this Section of this Plan.
- f) The line that establishes the Noise Impact Precincts on Schedule C1 – Midland Bay Landing, as well as the policy framework articulated within this Section of this Plan will be reviewed in conjunction with the periodic review of this Plan, as required under the *Planning Act*, or at any time, subject to the discretion of the Town.

***Policies for Vibration Impacts due to Low Frequency Sound from Shipping Activities***





- g) The Town will address the potential undue, adverse vibration impacts due to low frequency sound for all building facades that incorporate a sensitive land use and a Point of Reception with direct exposure to Midland Bay by requiring that:
- i. Façade construction be brick veneer, or masonry equivalent, with a minimum thickness of 10.16 cm (4 inches);
  - ii. Central air conditioning is provided so that windows can remain closed;
  - iii. Windows are not greater than 50 percent of any affected facade surface on a room by room basis. Glass doors or sliding glass are considered the same as windows;
  - iv. Windows shall have a test report from an independent testing lab, where all of the following conditions are met:
    - The window, including the frame, was appropriately tested;
    - Operable vents for natural ventilation are not permitted unless they are part of the tested window assembly;
    - The tested window construction matches the installed window, including fixed and operable sections;
    - The surface area of the installed window unit does not exceed that of the tested window size by more than 20 percent;
    - The test lab report demonstrates an STC of 35 or higher using the ASTM E90 standard or equivalent; and,
    - The test lab report also indicates a transmission loss of 23 dB or higher at 63 Hz.
  - v. Techniques to minimize the potential for noise induced vibration should be employed, including, but not limited to: caulking or gasketing of metal to metal joints; closer spacing of fasteners; and/or, heavy materials such as concrete or masonry; and,
  - vi. If possible, intake or exhaust air openings associated with noise sensitive spaces should not be located on the facades with direct exposure to Midland Bay. If openings must be included, the design should be done such that the openings do not significantly degrade the sound isolation of the affected façade.



- h) Where construction techniques or building materials are proposed that are different than those identified above, the Town shall require, prior to construction, that the applicant carry out an Acoustic Performance Report, utilizing the accepted Acoustic Model, that will ensure that the proposed alternative construction techniques or building materials will adequately attenuate, to a standard not less than provided by the policies of this Plan, any undue, adverse vibration impacts due to low frequency sound. The standard used for an appropriate interior sound level is PNC 25.
- i) Following construction, the Town shall require that the applicant provide confirmation through reviews and on-site visual confirmation by a Professional Engineer that the approved techniques and materials have been properly installed in accordance with the standards identified in this Plan.

***Policies for Noise Impacts with respect to the ADM Operation***

- j) With respect to the potential undue, adverse noise impacts related to the ADM operations, the Subject Site is subdivided into 2 Noise Impact Precincts, each with a corresponding policy framework. These 2 Noise Impact Precincts are identified on Schedule C1 – Midland Bay Landing, and the associated policy framework is described in the text that follows.
- k) Noise Impact Precinct 1 – Noise Greater than 55dBA:
  - i. Buildings and associated outdoor living areas that are identified as sensitive land uses and Points of Reception within Noise Impact Precinct 1, as identified on Schedule C1 – Midland Bay Landing, are likely to be adversely impacted by noise and/or vibration from the ADM operations and shipping activities. As such, the development of sensitive land uses within Noise Impact Precinct 1 may only be permitted where it has been demonstrated, to the satisfaction of the Town in consultation with ADM, that there will be no undue, adverse impacts on the long-term function of the ADM operations;
  - ii. All applications for any development that includes a permitted sensitive land use and Point of Reception within Noise Impact Precinct 1 shall be required to carry out a Noise Impact Study to ensure that new development is appropriately designed to attenuate the undue, adverse impacts of noise and/or vibration from the ADM operations and shipping activities;
  - iii. The following indoor noise standards shall be utilized for the purposes of designing the necessary attenuation technique(s) for all sensitive land uses within Noise Impact Precinct 1: NC 30 and 40dBA; and,
  - iv. This Plan also establishes an outdoor living area noise standard within Noise Impact Precinct 1 of 55dBA. This outdoor noise standard is to be achieved for any outdoor living area defined as a Point of Reception.



l) Noise Impact Precinct 2 – Noise Less than 55dBA:

- i. Sensitive land uses with Points of Reception proposed within Noise Impact Precinct 2, as identified on Schedule C1 – Midland Bay Landing, are not adversely impacted by noise from the ADM operations, and there is no general requirement for a Noise Impact Study, nor are there any noise-related restrictions on development approvals for any permitted use within Noise Impact Precinct 2, except that for all permitted sensitive land uses, central air conditioning be provided.

**Implementation**

m) All further planning approvals shall be implemented in conformity with the following:

- i. All further planning approvals for new development on the Subject Site shall be based on an Acoustic Model, including the associated assumptions used within the model, developed for ADM and accepted by the Town. Any changes to the accepted Acoustic Model shall require the prior approval of the Town, in consultation with representatives of ADM;
- ii. All Noise Impact Studies and/or Acoustic Performance Reports required by the policies of this Plan shall utilize the accepted Acoustic Model and shall be carried out by a Professional Engineer, to the satisfaction of the Town, in consultation with representatives from ADM;
- iii. The Town, at its discretion, may carry out a peer review of any Noise Impact Study and/or any Acoustical Performance Report, the cost of which shall be paid on behalf of the Town by the applicant, and shall, if required, be a necessary element of a complete application;
- iv. Noise and/or vibration attenuation requirements or techniques, as identified in either a Noise Impact Study and/or an Acoustical Performance Report, that has been accepted by the Town, will be secured through the implementing Zoning By-law, and/or Site Plan Agreement, and/or any other legally binding agreement acceptable to the Town; and,
- v. In recognition of the potential for noise and/or vibration impacts from either the ADM operations, and/or the shipping activity, the Town will require that there be formal warning notices of the Subject Site being classified Class 4 and the identified harbour activities included in all purchase and sale (or rental/lease) agreements and for registration on title for all properties or condominium units that are identified as a sensitive land use and Point of Reception by the policies of this Section of this Plan.



#### 4.4.4 Commercial Corridor Designation

##### *Intent*

- a) Lands designated **Commercial Corridor** on Schedule C - Land Use are intended to serve the commercial/retail needs of the Town. They are characterized as major corridors for retail activity in the Town that, in addition to commercial uses, allow for higher density forms of housing, and a full range of institutional, community and service commercial land uses. Lands within the **Commercial Corridor** designation are considered to be key routes for an enhanced transit system.
- b) The lands within the **Commercial Corridor** designation are intended to represent a key commercial component of the Urban Structure, and will be designed as focal points for retail and other associated commercial development. It is the intent of this Plan to allow the ongoing evolution of the retail sector throughout the Town to occur with a minimum of policy interventions with respect to the amount and type of space/facilities. This Plan focuses on broadening the mixture of land uses within the **Commercial Corridor** designation, and promoting good urban design and high quality architecture and landscapes.
- c) Buildings and sites throughout the **Commercial Corridor** designation may develop as comprehensively planned commercial centres, consisting of individual buildings or multi-unit buildings. New development is encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. Uses within stand-alone buildings are also permitted, unless specified otherwise within the policies of this Plan or the implementing Zoning Bylaw.

##### *Permitted Uses*

- d) Permitted uses on lands designated as **Commercial Corridor**, as identified on Schedule C – Land Use, may include:
  - i. Land uses lawfully existing on the date of the approval of this Plan;
  - ii. Retail, service commercial uses and restaurants of all types and scales, including auto-focused uses such as motor vehicle sales facilities, service centres and repair shops;
  - iii. ~~Commercial, business, medical, social service, administrative and institutional~~ Office uses of all types and scales;
  - iv. High-rise and above grade residential uses, which may include special needs housing and housing for seniors;



- v. Institutional uses of all types and scales, including hospitals, schools or other uses pursuant to the *Education Act*;
  - vi. Hotels and motels, including ancillary uses;
  - vii. Convention/conference facilities;
  - viii. Cultural, recreational and theatre facilities, including private athletic clubs;
  - ix. Entertainment uses;
  - x. Places of worship;
  - xi. Child care facilities;
  - xii. Funeral homes;
  - xiii. Parking facilities at-grade and/or in structure;
  - xiv. Parks and open spaces;
  - xv. Public service facilities;
  - xvi. Long term care facilities and retirement homes;
  - xvii. Micro-breweries and micro-distilleries and associated retail sales and hospitality facilities; ~~and,~~
  - ~~xviii.~~ xviii. Public uses and public and private utilities;:-
  - xviii. Research and development facilities, including data processing businesses; and
  - xx. Ancillary garden centres and outdoor storage.
- e) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide -basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.

#### **Development Policies**

- f) Development in the **Commercial Corridor** designation shall generally be part of a retail commercial centre, where a group of retail, service commercial or other shopping facilities function with some common parking and/or loading facilities and shared ingress and egress. Freestanding buildings are also permitted on individual sites, provided they do not adversely affect access or traffic circulation within the broader



**Commercial Corridor** designation.

- g) Permitted office and residential uses shall be permitted in stand-alone buildings, or in upper storeys of a mixed use building/development. They may be located on individual sites, or form part of a larger, comprehensively planned retail commercial centre.
- h) Within the **Commercial Corridor** designation, the minimum building height for new development or redevelopment should be 2 storeys, or 8 metres, whichever is greater. The maximum building height shall be 4 storeys, or 16 metres, whichever is less.
- i) Notwithstanding the identified maximum height limit, additional building height may be considered by the Town on a site by site basis. Further, the Town will focus its permission for additional height to enhance the distinction and landmark quality of corner buildings or visual terminus sites where additional building height may be considered for design treatments that accentuate the visual prominence of a site. More specifically, the Town may consider taller buildings within the **Commercial Corridor** designation subject to the following policies:
- i. High-rise buildings shall not exceed a height of 12.0 storeys or 43.0 metres, whichever is less; and,
  - ii. High-rise buildings may be permitted, by amendment to the Zoning By-law, subject to the following:
    - Consideration must be given to the eventual community structure, desirability and compatibility of the proposed use, including an assessment of the potential impact of such development on adjacent residential uses;
    - The site should be well suited in terms of amenities such as schools, parks, recreational facilities, shopping, parking, public transportation, active transportation, traffic circulation and other surrounding transportation features;
    - The site should have good accessibility along Arterial or Collector Roads;
    - High-rise development or redevelopment shall be subject to Site Plan Control; and,
    - High-rise development, where permitted, shall be subject to a test of development compatibility in accordance with the policies of this Plan, and subject to the satisfaction of the Town.
- j) When considering an application for development or redevelopment within the **Commercial Corridor** designation, the following shall be considered:



- i. The landscape, built form and functional character of the surrounding community is enhanced;
  - ii. No undue, adverse impacts are created on adjacent properties in the vicinity;
  - iii. The natural heritage system and the key natural heritage features and ecological and hydrologic functions it incorporates are appropriately protected;
  - iv. Identified on-site or adjacent cultural heritage resources are appropriately conserved;
  - v. The height and massing of nearby buildings is appropriately considered, and buffers and/or transitions in height and density to adjacent properties are implemented, where necessary;
  - vi. At-grade uses may change over time. As a result, the floor-to-ceiling height of ground floors for all buildings should be sufficient to adapt to a range of permitted uses and shall generally be 4.5 metres;
  - vii. On-site amenity space is provided and it is reflective of the existing patterns of private and public amenity space in the vicinity;
  - viii. Streetscape patterns, including block lengths, setbacks and building separations are maintained; and,
  - ix. Utility, infrastructure and transportation system capacity exists to serve the proposed development and there are no undue adverse impacts on the Town's sewer, water, storm water management and transportation systems.
- k) Development or redevelopment within the **Commercial Corridor** designation will have regard for an adjacent land use or area, with respect to existing built form, building mass, height, setbacks, scale, orientation, landscaping, and visual impact. As such, where a development in the **Commercial Corridor** designation abuts a residential use, or lands within the **Neighbourhood Residential** designation, the Town shall moderate the height of new development through the application of an angular plane, setbacks, step backs and/or landscape buffer requirements.
- l) Adequate parking, loading and garbage collection/storage facilities for all permitted land uses shall be provided on the site. To promote a high quality appearance, these facilities, except for a limited amount of visitor parking, generally shall not be located between the building(s) and the Provincial Highway, County Road or Arterial Road network for new development or redevelopment. Shared access and parking among various properties is encouraged.

- m) All lands within the **Commercial Corridor** designation are identified as within a Community Improvement Area. The Town may consider the preparation of a Community Improvement Plan to establish a vision for the area, identify public realm improvement priorities and establish incentive programs to assist the private sector in improving their properties and to encourage the intensification of the corridors in accordance with the Town's planned urban structure.
- n) Permitted ancillary garden centres and outdoor storage may only be permitted through the Site Plan Approval process. They shall be properly screened, and shall be subject to the following:
- i. They shall be located away from any adjacent existing residential and/or open space uses, and shall have adequate buffers that will visually screen them from adjacent lands;
  - ii. All buffers, fencing and screening shall visually enhance the site, and shall be of permanent construction; and,
  - iii. Where natural landscaping is utilized it shall be of adequate size to appropriately screen the use if it is approved.

#### 4.4.5 Mixed Use Corridor Designation

##### *Intent*

- a) Lands within the **Mixed Use Corridor** designation function as the connective spine of the Town as well as a destination for the surrounding neighbourhoods. These lands provide a significant opportunity for creating vibrant, pedestrian and transit oriented places through investment in infrastructure, residential intensification, infill and redevelopment, with particular attention to urban design.
- b) Areas within the **Mixed Use Corridor** designation have evolved, and will continue to evolve over time. These corridors typically include an array of compatible land uses including retail and service commercial uses, mid-rise and high-rise residential uses, as well as institutional uses. These corridors are expected to accommodate significant intensified development, while maintaining a broad mix of land uses that support investment in transit and the achievement of a complete community.
- c) Buildings and sites throughout the **Mixed Use Corridor** designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. Uses within stand-alone buildings are also permitted, unless specified otherwise within the policies of this Plan or the implementing Zoning Bylaw.

##### *Permitted Uses*

- d) Permitted uses on lands designated as **Mixed Use Corridor**, as identified on Schedule





C – Land Use, may include:

- i. Land uses lawfully existing on the date of the approval of this Plan;
- ii. Moderately scaled retail, service commercial uses and restaurants of all types, motor vehicle service centres and repair shops;
- iii. Commercial, medical, social service, administrative and institutional office uses of all types and scales;
- iv. Low and mid-rise residential uses, including above grade residential, live-work units and communal housing, which may include special needs housing and housing for seniors;
- v. Second Units;
- vi. Home occupations;
- vii. Bed and breakfast establishments;
- viii. Moderately-scaled institutional uses of all types, including schools or other uses pursuant to the *Education Act*;
- ix. Hotels and motels, including ancillary uses;
- x. Convention/conference facilities;
- xi. Cultural, recreational and theatre facilities, including private athletic clubs;
- xii. Entertainment uses;
- xiii. Places of worship;
- xiv. Child care facilities;
- xv. Funeral homes;
- xvi. Parking facilities at-grade and/or structured;
- xvii. Parks and open spaces;
- xviii. Long term care facilities and retirement homes;
- xix. Public service facilities; and,
- xx. Public uses and public and private utilities.



- e) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide- basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.
- f) Motor vehicle sales facilities are specifically prohibited in the **Mixed Use Corridor** designation.

**Development Policies**

- g) Development in the **Mixed Use Corridor** designation shall generally be part of a comprehensively planned site, where a grouping of permitted uses function with some common parking and/or loading facilities and shared ingress and egress. Freestanding buildings are also permitted on individual sites, provided they do not adversely affect access or traffic circulation within the broader **Mixed Use Corridor** designation.
- h) Permitted office and residential uses shall be in stand-alone buildings, or in upper storeys of a mixed use building/development. They may be located on individual sites, or form part of a larger, comprehensively planned site.
- i) Within the **Mixed Use Corridor** designation, the minimum building height for new development or redevelopment should be 2 storeys, or 8 metres, whichever is greater. The maximum building height shall not exceed a height of 4.0 storeys or 16.0 metres, whichever is less.
- j) Notwithstanding the identified maximum height limit, additional building height may be considered by the Town on a site by site basis, subject to a test of development compatibility in accordance with the policies of this Plan, and subject to the satisfaction of the Town. Further, the Town will focus its permission for additional height on opportunities to enhance the distinction and landmark quality of corner buildings or visual terminus sites where additional building height may be considered for design treatments that accentuate the visual prominence of a site.
- k) When considering an application for a development or redevelopment within the **Mixed Use Corridor** designation, the following shall be considered:
  - i. The landscape, built form and functional character of the surrounding community is enhanced;
  - ii. No undue, adverse impacts are created on adjacent properties in the vicinity;
  - iii. The natural heritage system and the key natural heritage features and ecological and hydrologic functions it incorporates are appropriately protected;
  - iv. Identified on-site or adjacent cultural heritage resources are appropriately conserved;



- v. The height and massing of nearby buildings is appropriately considered and buffering and/or transitions in height and density to adjacent properties are implemented, where necessary;
  - vi. At-grade uses may change over time. As a result, the floor-to-ceiling height of ground floors for all buildings should be sufficient to adapt to a range of permitted uses and shall generally be 4.5 metres;
  - vii. On-site amenity space is provided and it is reflective of the existing patterns of private and public amenity space in the vicinity;
  - viii. Streetscape patterns, including block lengths, setbacks and building separations are maintained;
  - ix. Utility, infrastructure and transportation system capacity exists to serve the proposed development and there are no undue adverse impacts on the Town's sewer, water, storm water management and transportation systems; and,
  - x. The conservation of identified heritage resources.
- l) Development or redevelopment within the **Mixed Use Corridor** designation will have regard for an adjacent land use or area, with respect to existing built form, building mass, height, setbacks, scale, orientation, landscaping, and visual impact. As such, where a development in the **Mixed Use Corridor** designation abuts a residential use, or any lands within the **Neighbourhood Residential** designation, the Town shall ensure an appropriate transition between built forms and uses, and shall moderate the height of new development through the application of an angular plane, setbacks, step backs and/or landscape buffering requirements.
- m) Adequate parking, loading and garbage collection/storage facilities for all permitted land uses shall be provided on the site. Front yard parking should not be permitted for new development or redevelopment. Parking and servicing areas should be located at the rear or side of the building and not visible from the street.
- n) All lands within the **Mixed Use Corridor** designation are identified as within a Community Improvement Area. The Town may consider the preparation of a Community Improvement Plan to establish a vision for the area, identify public realm improvement priorities and establish incentive programs to assist the private sector in improving their properties and to encourage the intensification of the corridors in accordance with the Town's planned urban structure.
- o) Policies for low-rise residential development include:
- i. Low-rise residential development shall consist of single detached, semi-detached, linked semi-detached and duplex dwellings; and,

- ii. Low-rise residential development should front on Local Roads rather than Collector or Arterial Roads.
- p) Policies for mid-rise residential development include:
- i. Mid-rise residential development may consist of a mix of triplexes, fourplexes, townhouses, street townhouses, apartments and similar multiple dwellings, or a mix of the above.

#### **4.4.6 Exceptions**

##### **4.4.6.1 422 King Street**

- a) For those lands described municipally as 422 King Street and located on the west side of King Street, between Ellen and Hannah Streets and being legally described as Part of Block A, Registered Plan 464 in the Town of Midland and shown on Schedule C, the following policies shall apply to the redevelopment of the property:
- i. Notwithstanding the provisions for Residential Professional Offices of this Plan, the lands at 422 King Street shall be appropriately zoned for residential uses only in the Town of Midland Zoning By-law with appropriate regulations and performance standards with respect to the proposed redevelopment of the site for the heritage restoration and renovation of the existing building for three residential units and the construction of a new two-storey 10-unit residential building to the rear of the main building, subject to Site Plan Control approval;
  - ii. The redevelopment of 422 King Street for an increased density of 43 units per hectare, permitting 3 residential units in the existing heritage home and a new 10 unit 2-storey residential structure shall only be permitted subject to, at a minimum, the following requirements:
    - Be based on the preparation of a Heritage Assessment Report, to be approved by the Town, respecting the preservation and restoration of the exterior of the “Letherby Home” including but not limited to the wrap-around front porch and entry, and the restoration and renovation of the interior of the structure to accommodate the proposed three (3) residential units while still protecting and preserving as much of the heritage architectural features as possible; and,
    - An agreement addressing the permission for the additional residential density and the heritage restoration of the “Letherby Home” in accordance with the approved Heritage Assessment Report, including but not limited to the posting of the required securities to ensure the completion of the heritage restoration; and,
  - iii. Site Plan Control approval, in accordance with the policies contained in Section ~~7.48-8~~ Site Plan Control of this Plan, shall be required prior to the development of



the site for a new two-storey 10-unit residential building located to the rear of the heritage “Letherby Home” main building. In accordance with the policies of this Plan and the requirements of Section 41 of the Planning Act, the site plan application shall contain architectural approaches and design measures including but not limited to exterior cladding, colour, roof design, entrance features and a range of architectural features to produce a design that is in keeping with or sympathetic to the “Letherby Home” restoration and the unique setting of the site in the Grand Homes of King Street neighbourhood. Architectural design and site design approaches shall be proposed that will specifically ensure the appropriate integration of the development with the site and its neighbourhood. Mitigation measures may include dark sky compliant lighting, vegetative landscaping, landscape fencing or combinations thereof to screen the proposed development from land uses to the west and north and site maintenance requirements.

#### 4.4.6.2 8797 County Road 93

For those lands described municipally as 8797 County Road 93 and located northeast of the intersection of Highway 12 and County Road 93, the following policies shall apply to the development of the lands until the date this Plan is amended pursuant to the County municipal comprehensive review:

- a) Within the **Commercial Corridor** designation, the minimum building height for new development or redevelopment should be 2 storeys, or 6 metres, whichever is less. The maximum building height shall be 4 storeys, or 16 metres, whichever is less.

## 4.5 Greenlands

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### 4.5.1 Introduction

#### *General Discussion*

- a) A crucial structuring element of Midland are its **Greenlands**, including its abundant natural heritage features and ecological and hydrologic functions, its beautiful parks and the shorelines of Little Lake and Midland Bay. These elements provide an array of recreational opportunities and include the woodlands, wetlands and watercourses that keep the Town in contact with its environmental context, while providing habitat for numerous species of flora and fauna, including numerous species protected under the *Endangered Species Act*. Healthy **Greenlands** are fundamental to a successful community.

#### *Objectives*

- b) With respect to the **Greenlands**, it is the objective of this Plan to:



- i. Maintain biodiversity and provide for the long-term sustainability and viability of the ecosystem by only approving developments that are consistent with the natural heritage policies of the Provincial Policy Statement and the County of Simcoe Official Plan and which contribute to the Town's **Greenlands**;
- ii. Provide a range of leisure, recreational and cultural opportunities that are fully interconnected with the Town's ecosystem and active transportation network;
- iii. Maintain and enhance an appropriate municipal public open space system in terms of interconnectivity, land areas, uses and facilities;
- iv. Protect significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest, significant coastal wetlands, fish habitat and the habitat of endangered species and threatened species located within the Town;
- v. Encourage the joint use of community open spaces and institutional uses; and,
- vi. Maintain and extend a multi-level recreational trails system for local and regional interests.

#### **Designations**

- c) The **Greenlands**, as identified on Schedule B – Urban Structure includes the following designations:
  - i. **Open Space**; and,
  - ii. **Natural Heritage**.
- d) Both designations are identified on Schedule C – Land Use. However, this Plan also provides policy direction for Adjacent Lands, which are not identified on the Schedules to this Plan.

#### **4.5.2 Open Space Designation**

##### **Intent**

a) A growing and progressive community must try to retain, enhance and expand its open space resources and facilities so that an attractive and functional presence is evident. This positive presence has a direct impact on community pride and use and it is understood to be a significant factor in influencing location and investment decisions regarding residential, business and tourism development.

b) -The Town intends to develop parkland and recreational facilities and services in consultation with the local residents and in cooperation with other providers of open



space such as school boards.

a)c) The policies of this Section of this Plan are designed to recognize and promote the recreational, leisure, social and public and private uses required to meet the needs of local residents and visitors, while ensuring the protection of key natural heritage features and ecological and hydrologic functions.

b)d) Areas designated **Open Space** indicate major resources that, due to land area or significance, merit recognition. **Open Space** uses are permitted within other land use designations, as may be specified, and as such may not be specifically identified on Schedule C – Land Use. Such lands included in other designations will have regard for the applicable policies of this section.

#### **Permitted Uses**

e)e) **Open Space** uses may include lands for active and passive recreation and conservation uses, including public and private parks, museums, not-for-profit recreational facilities, marinas, government facilities, golf courses, beaches, arenas, playfields, and similar uses. Storm water management facilities are permitted however, such facilities do not form part of any parkland dedication obligation.

f)f) Accessory commercial and residential uses may be considered where deemed appropriate and supportive of the primary recreational use.

g)g) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.

#### **Development Policies**

h)h) The joint planning and shared use of facilities provided by different public agencies is encouraged, with particular emphasis on community and educational uses. Schools should be located adjacent to public parks and open space areas where possible. Schools should be centrally located in regard to the area served and the community roll it plays. Location should also be considered in regard to minimizing traffic hazards.

i)i) All residents shall generally be within 400 metres of a component of the parks and open space system and/or a publicly accessible component of the natural heritage system.

j)j) Public space/event space should be prioritized in the Downtown as well as near schools, senior's centres, workplaces and higher density residential developments.

k)k) All parks and open spaces shall be:



- i. Accessible and visible from the street network. Public parks shall include substantial street frontage; and,
  - ii. Developed with native, water efficient, drought resistant planting materials. Hard surface materials shall be permeable.
- h)l) Visual and physical means of access shall be provided, to Council's satisfaction, to all recreational areas, open space, parks and other similar public uses. Adequate parking shall be established and access points to parking areas shall be designed so that they minimize the danger of vehicular/pedestrian conflict.
- h)m) Appropriate buffering, screening, planting, and/or fencing between open space and adjacent residential areas will be provided as deemed necessary.
- h)n) Where a park or open space abuts the natural heritage system, native non-invasive plantings are required.
- h)o) Lands designated for **Open Space** uses which are under private ownership may not necessarily remain as such, nor shall it be construed that these areas are open to the general public or will be purchased by the Town. If proposals to develop such lands in private ownership are made and the Town does not wish to purchase the lands then an application for redesignation will be given due consideration.
- h)p) Development or redevelopment within this designation may be subject to Site Plan Control.
- h)q) Future growth will require additional open space lands and facilities and/or the upgrading or intensification of existing uses.
- h)r) For new development the Town can determine, through monitoring and future studies, the appropriate balance and allocation between the amounts of land required for parks or the desirability to accept cash-in-lieu of parkland. The monitoring and studies will also determine the location of lands and the facilities to be provided, the maintenance associated thereto or alternately, the allocation of cash-in-lieu funds.
- h)s) Public **Open Space** may be acquired by the Town by the following means:
- i. New development will not be approved unless parkland or funds in lieu of the amount as prescribed under the *Planning Act*, as amended, are dedicated or paid. Lesser dedications or payments may be permitted in extenuating circumstances;





- ii. Purchase, using monies allocated in the municipal budget or by any authority having jurisdiction;
- iii. Conservation easements; and,
- iv. Purchase, using donations, gifts, and bequests.

~~f)t)~~ All dedicated lands shall be conveyed in a satisfactory condition. Where open watercourses are involved, dedicated lands should further include a 30 metre vegetation protection zone on both sides of the watercourse.

~~s)u)~~ In subdivision applications involving the dedication of relatively small areas of parkland, Council shall have regard for the possibility of the future provision of adjacent available land to enlarge such a park. This policy is intended to encourage the acquisition of parkland rather than the acceptance of cash-in-lieu in the approval of relatively small subdivisions.

~~t)v)~~ Council should consider preparing a Parks and Recreation Master Plan to guide investments Town-wide. In addition, Master Design Plans should be developed for each Town park.

~~u)w)~~ The acquisition of waterfront land for public use should be a priority for the Town.

#### 4.5.3 Natural Heritage Designation

##### *Defining the Natural Heritage System*

- a) The Town recognizes the importance of protecting, restoring and enhancing the natural environment of Midland for the long-term and the contribution that natural heritage features and ecological and hydrologic functions make to the creation of a vibrant, sustainable and livable Town.

Developing a natural heritage system utilizes the “science based” approach that is required under the Provincial Policy Statement for protecting natural heritage features and ecological and hydrologic functions. The Town is guided by the Natural Heritage Reference Manual prepared by the Ministry of Natural Resources and Forestry, the policies of Fisheries and Oceans Canada and the *Ontario Endangered Species Act*.

A natural heritage system approach recognizes the interdependence of natural heritage features and ecological and hydrologic functions, and thus seeks to maintain connections among features so that existing ecological, hydrologic and hydrogeological functions are maintained or enhanced for the long-term. The natural heritage system for the Town is set out in Schedule C – Land Use, and is designated **Natural Heritage**.



**Intent**

- b) The **Natural Heritage** designation is intended to:
- i. Protect significant wetlands, woodlands, valleylands, wildlife habitat, areas of natural and scientific interest, coastal wetlands, fish habitat and the habitat of endangered species and threatened species located within the Town;
  - ii. Maintain ecosystem biodiversity and provide for the long-term sustainability and viability of the natural heritage system by only approving developments that are compatible with natural heritage features and ecological and hydrologic functions;
  - iii. Encourage and promote the use of a variety of resource management approaches and techniques to protect, restore and enhance the natural heritage system for the long-term; and,
  - iv. Ensure that any development proposed within, adjacent to, or in proximity to the **Natural Heritage** designation is adequately studied through the Town's Environmental Impact Study (EIS) process as well as a Species at Risk Screening/Evaluation, as required.

**Elements of the Natural Heritage Designation**

- c) The **Natural Heritage** designation, as shown on Schedule C – Land Use, is comprised of the following elements:
- i. Significant wetlands;
  - ii. Significant woodlands;
  - iii. Significant valleylands;
  - iv. Significant wildlife habitat attributes and functions; ~~including habitat for species at risk and rare plant communities;~~
  - ~~v. Habitat of endangered species and threatened species;~~
  - ~~vi. Habitat for rare plant communities;~~
  - ~~vii.~~ Significant areas of natural and scientific interest;
  - ~~vi.~~ Fish habitat; and,
  - ~~viii.~~ Other natural heritage features which might not be designated as significant (i.e. woodlands less than 2 ha, unevaluated wetlands, sloping topography and



cultural habitat features, such as thickets, meadows and major hedgerows). These “other natural heritage features” refer to natural areas and features which have a potential role in providing habitat for species at risk.

- d) The **Natural Heritage** designation also includes a 30 metre vegetation protection zone on both sides of all watercourses.

**Permitted Uses**

- e) Permitted uses on lands designated **Natural Heritage** may include:
- i. Conservation uses;
  - ii. Silviculture and woodlot management;
  - iii. Scientific research and education;
  - iv. Wildlife management activities;
  - v. Buildings or structures necessary for flood or erosion control;
  - vi. Existing agricultural uses; and/or,
  - vii. Existing lawful uses, restricted to the provisions of the applicable existing zoning as of the date of the approval of this Plan.
- f) The following uses, subject to the results of an Environmental Impact Study, may also be permitted on lands designated **Natural Heritage**:
- i. Public or private trails and other associated passive recreational opportunities and facilities that do not require substantial site alterations; and/or,
  - ii. Buildings or structures appropriate and supportive of public or private trails and other associated passive recreational opportunities and facilities; and/or,
  - iii. The extension of municipal infrastructure, in accordance with the policies of this Section.

**Development Policies**

- g) The biodiversity, ecological and hydrologic function and connectivity of the **Natural Heritage** designation shall be protected, maintained, restored or, where possible, improved for the long-term, recognizing linkages between and among natural heritage features and ecological and hydrologic functions. Development and site alteration will not be permitted within the **Natural Heritage** designation, nor within



significant portions of the habitat of endangered species and threatened species, where identified.

- h) The extension of municipal infrastructure where the alignments or locations of those facilities have been established in this Plan, approved Secondary Plans, Plans of Subdivision and/or approved Environmental Assessments, may be permitted within lands designated as **Natural Heritage** if there is no reasonable alternative and subject to an Environmental Impact Study.
- i) Where buildings, development and/or site alteration, including the removal or placing of fill of any kind, whether originating on the site or elsewhere, are proposed within the **Natural Heritage** designation, the Town shall require that an Environmental Impact Study be prepared that demonstrates that there will be no negative impacts on any natural heritage features or ecological and hydrologic functions.
- j) The Town may consider the preparation of landscaping and shoreline alteration design guidelines and a woodlot management manual outlining best practices to help guide property owners with lands in or adjacent to the **Natural Heritage** designation.

#### **Species at Risk**

- k) All buildings and development and/or site alteration in the Town must be evaluated in the context of the *Endangered Species Act (ESA)*. A Species at Risk Screening/Evaluation may be required as part of any application for development and/or site alteration. The terms of reference and scope shall be determined in consultation with the Town, the County and any agency having jurisdiction or that the Town deems appropriate, and in consideration of the context of the subject property and adjacent lands, and the type of development application.

#### **Approach to Ecological Offsetting**

- l) Where buildings, development and/or site alteration are necessary and a negative impact is unavoidable, then the Town, at its sole discretion, and in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, may accept an ecological offsetting mitigation approach, although this is not the preferred approach and may not be acceptable in all circumstances. Where ecological offsetting restoration/mitigation is proposed, it must be demonstrated through an Environmental Impact Study that the restoration/mitigation techniques proposed result in no net loss of the natural heritage feature and ecological and hydrologic functions, and shall be based on the principles of “significant net gain” in environmental conservation.

The ecological offsetting restoration/mitigation techniques identified in an Environmental Impact Study will be secured through the execution of a Restoration



and Ecological Offsetting Agreement between the Town and the property owner. The Agreement shall address the following:

- i. Provide for removal of certain natural heritage features on the subject property;
- ii. Provide for the restoration/ecological offset of these features either elsewhere on the subject property, or on other lands elsewhere in the Town;
- iii. The identification of the restoration/ecological offset lands;
- iv. A description of works related to environmental restoration and/or enhancements and the timing of these works; and,
- v. Monitoring of the restoration/ecological offset works.

The agreement will be further secured through the submission of financial securities to the Town.

#### **Minor Development**

- m) Where an application for development and/or site alteration is of a minor nature, the Town in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, may scope the Environmental Impact Study requirements. For the purposes of this section, minor development is defined as development that generally conforms with the existing applicable zoning on the site, and the proposed development is not expected to negatively impact natural heritage features and ecological and hydrologic functions, either as a result of size, use, or location. Specifically, development that proceeds through the minor variance process may be defined as minor development for the purposes of this policy.

#### **Subdivision or Dedication of Natural Heritage Lands**

- n) Wherever possible and practical, lands designated **Natural Heritage** should not be further subdivided or form part of new lots to be created. When the subdivision of land does occur, any residual lands identified as within the **Natural Heritage** designation shall be appropriately zoned. Where such lands are deemed important to the Town, they may be appropriately secured by the Town, the County, or other appropriate agency.
- o) Where lands designated **Natural Heritage** are proposed for dedication to the Town, they shall be conveyed in a satisfactory physical condition and if an open watercourse is involved, dedicated lands should further include a 30 metre vegetation protection zone on both sides of the watercourse. Such land shall not be acceptable as parkland dedication.



#### Restrictions on Redesignation

- p) There is no obligation on the Town to redesignate for development any lands designated **Natural Heritage** if there is an existing or potential hazard that would be difficult or excessively costly to overcome.
- q) The removal or destruction of a natural heritage feature or ecological and hydrologic functions by unauthorized development or site alteration is prohibited. Such removal or destruction will not provide the rationale for the removal of these lands from the **Natural Heritage** designation. Rather, restoration, to the satisfaction of the Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, will be required.

#### 4.5.3.1 Policies for Adjacent Lands

- a) Adjacent lands, as defined by the Province, are those areas which, if developed or are subject to site alteration, have a reasonable probability of creating negative impacts on adjacent natural heritage features and/or ecological and hydrologic functions within the **Natural Heritage** designation. Development and site alteration shall not be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated through an Environmental Impact Study and it has been demonstrated that there will be no negative impacts on the natural features or ecological functions. The intent of recognizing adjacent lands in this Plan is to trigger the requirement for the preparation of an Environmental Impact Study in support of applications for development.
- b) Adjacent lands are not identified on the Schedules of this Plan. Adjacent lands are defined as those lands which abut or are contiguous to the **Natural Heritage** designation identified on Schedule C – Land Use and as defined in the Ministry of Natural Resources and Forestry Natural Heritage Reference Manual by type of natural heritage feature, as follows:

PPS Natural Heritage Feature Or Area	Adjacent Lands Width (distance from feature for considering potential negative impacts)
Significant habitat of endangered species and threatened species	120 m
Significant wetlands and significant coastal wetlands	120 m
Significant woodlands	120 m
Significant valleylands	120 m
Significant wildlife habitat	120 m
Significant areas of natural and scientific interest – life science	120 m

Significant areas of natural and scientific interest – earth science	50 m
Fish habitat	Inland lake trout lake (at capacity) on the Canadian Shield 300 m All other fish habitat 120 m

- c) The following policies must be read in conjunction with the policies of the land use designation that is identified for any specific site, on Schedule C - Land Use:
- i. Prior to any lands being considered for development, redevelopment or site alteration, within any area identified as subject to the adjacent lands policies, an Environmental Impact Study is to be undertaken by the proponent in accordance with Town requirements; and,
  - ii. Subject to the conclusions and requirements of the Environmental Impact Study, the lands may be developed in accordance with the permitted uses and development policies of the land use designation for the site that is identified on Schedule C – Land Use. Any changes to the extent of the developable land area, restrictions on any permitted land use and/or any required impact mitigation requirements identified in the Environmental Impact Study shall be identified, implemented, regulated or otherwise secured to the satisfaction of the Town.
- d) The extension of municipal infrastructure where the alignments or locations of those facilities have been established in this Plan, approved Secondary Plans, Plans of Subdivision and/or approved Environmental Assessments, may be permitted within lands identified as adjacent lands, if there is no reasonable alternative and subject to the application of specific mitigation measures as set out in an Environmental Impact Study.

#### 4.5.3.2 Policies for Fish Habitat

- a) The Town of Midland supports important fish habitat features and functions such as spawning, feeding and nursery habitat, as well as migratory corridors that support and sustain a wide variety of species. The key fish habitat features are located within Midland Bay, Little Lake, Wye River, and associated tributaries to these aquatic features. These key fish habitat features may not always be identified on the Schedules of this Plan.
- b) The intent of this Plan is to ensure “no net loss” of the productive capacity of fish habitat. The principle of “no net loss” may balance unavoidable habitat losses with habitat replacement and rehabilitation.
- c) Where development is proposed adjacent to, or within fish habitat, the proposal shall conform to the applicable senior government guidelines for fish habitat protection and shall include as part of an Environmental Impact Study the following information:



- i. The identification, evaluation and classification of areas of fish habitat to ensure their adequate protection;
  - ii. An assessment of the development's potential impact on fish habitat features and functions, as well as water quality parameters, natural channel processes, sediment transport, erosion/siltation, and floodplain functions; and,
  - iii. A strategy whereby the proposed development will maintain the quality, quantity and thermal regime of the fish habitat.
- d) Where proposed development is within, or adjacent to a fish habitat area and the proposed alteration, disruption or destruction of that habitat cannot be mitigated or compensated for, due to the nature and sensitivity of the habitat, the proposal shall not be permitted.
- e) The **Natural Heritage** designation also includes a 30 metre vegetation protection zone on both sides of all watercourses to protect and enhance their associated ecological and hydrologic functions. The 30 metre vegetation protection zone is a minimum buffer and may be increased as a result of further analysis carried out in an Environmental Impact Study to accommodate slope stability, flood flow conveyance and/or natural channel processes.
- f) Notwithstanding e) above, the minimum 30 metre vegetation protection zone may not always be achievable within the Delineated Built-up Area, on existing lots of record. Where the 30 metre vegetation protection zone is not feasible, the Town will require an Environmental Impact Study that establishes an alternate vegetation protection zone that appropriately maintains the ecological and hydrologic functions of the watercourse.
- g) Where fish habitat is associated with an open watercourse, a vegetation protection zone will be required. A minimum 30 metre vegetation protection zone will be required for development adjacent to a watercourse, unless a reduced setback is supported by an Environmental Impact Study. Additional setbacks may be required to accommodate slope stability, flood flow conveyance and natural channel processes (meander belt width). Uses within the vegetation protection zone may be restricted to uses which maintain or enhance the natural feature.
- h) Where stream banks or watercourses have been identified as requiring restoration or enhancement, the Town shall encourage and may participate in rehabilitative efforts.
- i) Areas of significant fish habitat may be zoned in the implementing Zoning By-law in accordance with the policies of this Plan.

#### 4.5.3.3 Acquisition Policies





**Cooperation**

- a) It is the intent of the Town to work cooperatively with the County and any agency having jurisdiction or that the Town deems appropriate, as well as private property owners, to establish ongoing financial, policy and legislative support for the protection and enhancement of all lands that have been identified as within the **Natural Heritage** designation, in accordance with the policies of this Plan.
- b) It is recognized that the Town will not be able to acquire or secure all of the lands that are within the **Natural Heritage** designation. Where lands within the **Natural Heritage** designation are not in public ownership or otherwise secured through other tools, the Town will work cooperatively with the property owners to protect the key natural heritage features and ecological and hydrologic functions.

**Acquisition Tools**

- c) Where acquiring lands within the **Natural Heritage** designation is deemed by Council to be in the public interest, the following property acquisition tools may be considered by the Town:
  - i. Land dedications/conveyance;
  - ii. Voluntary sale and public purchase through funds allocated in the Town's budget;
  - iii. Land swaps/exchanges;
  - iv. Donations, gifts, bequests from individuals and/or corporations; and/or,
  - v. Other appropriate land acquisition methods.

**Securement Tools**

- d) In instances where the Town is not be able to acquire lands that are within the **Natural Heritage** designation, the Town shall consider the following securement tools to ensure the appropriate level of protection for the key natural heritage features and ecological and hydrologic functions:
  - i. Municipal land use controls including zoning;
  - ii. Information and education programs;
  - iii. Environmental stewardship agreements;



- iv. Charitable tax receipts;
- v. Conservation easements; and/or,
- vi. Any other appropriate agreements with the property owners.

#### ***Lands Held by Other Public Agencies***

- e) The lands identified as within the **Natural Heritage** designation include substantial land areas that are owned by various public agencies. The Town may enter into negotiations with these public agencies to ensure these lands remain in public ownership in the long term and are developed and/or managed in accordance with the policies of this Plan.

#### ***Private Lands Not Open to the Public***

- f) Nothing in this Plan shall be construed to imply that the lands within the **Natural Heritage** designation are free and open to the general public, or that such lands will be purchased or secured by the Town or any other public agency.

#### **4.5.3.4 Policies for Boundary Adjustments**

- a) The boundaries of the **Natural Heritage** designation are considered to be approximate. The boundaries identified on Schedule C – Land Use shall be used as a guideline for the implementation of the policies of this Plan.

#### ***Minor Boundary Changes***

- b) Minor refinements to the **Natural Heritage** designation on the Schedules to this Plan will be undertaken as part of the Zoning By-law conformity exercise, which may include alignment with property lines, more accurately identifying existing development/cleared building envelopes and regularizing the boundaries. This exercise may result in the **Natural Heritage** designation decreasing, being eliminated, increasing or remaining unchanged on any given property, depending upon the findings of the Zoning By-law conformity exercise.
- c) The Town may make minor amendments to the Schedules of the Official Plan if and when more detailed mapping for the **Natural Heritage** designation becomes available from any agency having jurisdiction or that the Town deems appropriate and/or through an Environmental Impact Study. Based on an assessment of impact by the Town, these minor adjustments to the **Natural Heritage** designation may not require an Official Plan Amendment.

If an Official Plan Amendment is deemed unnecessary by the Town, in consultation with the County and any agency having jurisdiction or that the Town deems



appropriate, the adjacent land use designation as identified on Schedule C – Land Use, shall apply and the Town may amend the boundary of the **Natural Heritage** designation through an implementing Zoning By-law. Where no Official Plan Amendment is required, only Schedule C – Land Use is required to be amended;

- d) Where the boundaries of the **Natural Heritage** designation are in question through a development application, the Town shall consult with the County and any agency having jurisdiction or that the Town deems appropriate to determine the necessity for an Environmental Impact Study, a scoped Environmental Impact Study, and/or an Official Plan Amendment.

#### ***Significant Boundary Changes***

- e) Significant changes to the boundaries of the **Natural Heritage** designation may be considered by the Town through an Environmental Impact Study, submitted in support of an Official Plan Amendment application. Such an application shall show that:
- i. In flood-prone lands or steep slopes the works to overcome the environmental hazards will not transfer hazards to other areas;
  - ii. The methods by which hazards or environmental impacts are to be overcome or mitigated are consistent with accepted engineering practices, resource management and conservation practices;
  - iii. The cost of the remedial or mitigative works will be borne by the developer; and,
  - iv. There is no negative impact on key natural heritage features and their ecological and hydrologic functions.
- f) Where an Official Plan Amendment that would result in the redesignation of land from **Natural Heritage** is approved, and the Official Plan Amendment does not involve the redesignation of any lands adjacent to the lands to be removed from the **Natural Heritage** designation, the adjacent land use designation as identified on Schedule C – Land Use, should apply.

#### **4.5.3.5 Policies for Existing Development**

##### ***Existing Legal Land Uses***

- a) It is not the intent of the **Natural Heritage** designation to restrict existing legal land uses, lifestyles and enjoyment of property, but rather to regulate development and manage associated environmental impacts in order to satisfy Provincial, County and



Town responsibilities for protecting natural heritage features and ecological and hydrologic functions.

- b) It is the intent of the Town to ensure that existing development rights on lands within the **Natural Heritage** designation are appropriately recognized, and that those existing rights are permitted within the designation, and are permitted to expand in accordance with the applicable zoning. As such, all legally existing development, as of the date of the approval of this Plan, permitted by the Zoning By-law that is within the **Natural Heritage** designation is deemed to be a permitted use.
- c) Where additional built form is proposed on lands within the **Natural Heritage** designation, or that include legally existing development, and no further planning approvals are required, the additional built form shall be permitted as-of-right.

#### ***Changes in Use/Additional Built Form***

- d) Where a land use change and/or additional built form is proposed on lands within the **Natural Heritage** designation that includes legally existing development, and where a Zoning By-law Amendment and/or Official Plan Amendment is required to facilitate that change in use or additional built form, an Environmental Impact Study shall be required to support the application.

#### ***Existing Legal Non-Conforming Uses***

- e) Existing legal non-conforming uses, as per the Zoning By-law in effect as of the date of the approval of this Plan, within the **Natural Heritage** designation are permitted to continue in accordance with the policies of this Plan. An application for the expansion or enlargement of such uses may be considered by the Town, subject to the submission of an Environmental Impact Study.

#### **4.5.3.6 Policies for Environmental Impact Studies**

- a) The purpose of an Environmental Impact Study is to document existing conditions, to confirm where development can and cannot occur, to identify potential development related impacts to the natural heritage system (on-site, adjacent lands, larger landscape setting), to assess the cumulative impacts of the proposal on the natural heritage system, and alternative undertakings, including the “do nothing” option, and to provide a recommended mitigation, or restoration/ecological offsetting strategy to avoid negative impacts to the natural heritage system and ecological and hydrologic functions. The key objectives of the Environmental Impact Study are to:
  - i. Identify and evaluate the potential impacts of a proposed development, redevelopment or site alteration on the natural heritage system;



- ii. Recommend means of preventing, minimizing or mitigating impacts as well as opportunities for enhancing or restoring the quality and connectivity of the elements comprising the natural heritage system;
  - iii. Identify and evaluate the presence and significance of elements of the natural heritage system, where insufficient information exists; and,
  - iv. Interpret and refine the boundaries of the **Natural Heritage** designation, where appropriate.
- b) All Environmental Impact Studies required by this Plan shall be prepared by the proponent and shall be approved by the Town in consultation with the County and any agency having jurisdiction or that the Town deems appropriate. As a condition of approval, the Town may peer review all or part of an Environmental Impact Study prepared by the proponent in support of a development application, at the sole expense of the proponent.
- c) An Environmental Impact Study shall meet the following requirements:
  - i. Demonstrate that the proposed development, site alteration, or boundary adjustment will have no adverse effects or negative impacts on the defined **Natural Heritage** designation features and ecological and hydrologic functions;
  - ii. If development and/or site alteration is permissible, identify planning, design and construction practices that will maintain or restore and, where feasible, improve the health, diversity and size of the natural heritage features and ecological and hydrologic functions;
  - iii. Demonstrate how connectivity within the **Natural Heritage** designation will be maintained or restored and, where possible, improved during and after construction to allow for the effective dispersal and movement of plants and animals;
  - iv. Establish a vegetation protection zone that is sufficient to protect the ecological and hydrologic functions of the various natural heritage features, and the area being evaluated;
  - v. Determine if any lands within the identified adjacent lands area would be appropriate for restoration or re-naturalization to enhance the features and functions that are within the **Natural Heritage** designation; and,
  - vi. Determine if any lands within the identified adjacent lands area should be redesignated to the **Natural Heritage** designation because they are required to protect natural heritage features and their associated ecological and hydrologic functions.

- d) All development applications are required to carry out a Species at Risk Screening/Evaluation. Where fish habitat and/or the habitat of endangered species and/or threatened species are identified, the required Environmental Impact Study shall ensure that all Provincial and Federal policy requirements and guidelines have been satisfied.
- e) The need for, scope and acceptability of an Environmental Impact Study will be determined by the Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate. If the natural heritage feature extends beyond the boundaries of the Town, the adjacent municipality will be offered the opportunity to participate in this determination.
- f) The Town may, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, develop a standard terms of reference for an Environmental Impact Study.
- g) Any required Environmental Impact Study will be prepared by a qualified professional and submitted together with the development application as part of the Complete Application Requirements, in accordance with the policies of this Plan.
- h) The completion of an Environmental Impact Study does not guarantee that the proposed development, redevelopment or site alteration will be approved. Proposed development, redevelopment or site alteration will not be approved where it is in conflict with other policies of this Plan.

***Waiving or Scoping an Environmental Impact Study (EIS)***

- i) The Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, may waive the requirement to conduct an Environmental Impact Study or appropriately scope the study requirements.

**4.5.4 Exceptions**

**4.5.4.1 Existing Lots of Record**

- a) For an existing vacant lot of record, the Town will respect the development rights established by the existing zoning applicable to the subject property, as of the date of the approval of this Plan. In addition, the **Natural Heritage** designation is identified as a Site Plan Control Area. All new development within the **Natural Heritage** designation on an existing lot of record will be required to obtain Site Plan Approval prior to obtaining a building permit. For the purposes of this policy, new development only includes development permitted by existing zoning on an existing vacant lot of record.



Site Plan Approval, and the required Environmental Impact Study, will identify a building envelope based on the least intrusive location, unless the entire property is covered by a key natural heritage feature.

Site Plan Approval within the **Natural Heritage** designation may include:

- i. The determination of the least intrusive location for the building envelope that preserves the key natural features and ecological and hydrologic functions on the property, through an Environmental Impact Study. The Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, has the discretion to scope the Environmental Impact Study, as appropriate; and,
- ii. A Species At Risk Screening/Evaluation exercise in consultation with Ministry of Environment, Conservation and Parks, which may determine that an Overall Benefit Permit from the Ministry of Environment, Conservation and Parks Minister is required.

In the case of the construction of a single detached house and/or accessory buildings on an existing vacant lot of record, approval of Site Plan Control may be delegated to staff.

## 4.6 Rural Areas

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### 4.6.1 Introduction

#### *General Discussion*

- a) This Plan recognizes that the **Rural Areas**, including the aggregate resources and limited agricultural elements, constitute an important component of the Town's land use structure and contribute to the local economy. The policies for managing these lands are designed to protect and enhance the value of the resource. The **Rural -Areas** are an employment source, important to the Town's historical, cultural and economic character and key to the ability of other sectors such as tourism to create jobs and sustain prosperity.
- b) It is the intent of this Plan to promote an array of associated and complementary uses within the **Rural Areas** that promote economic development within the Town and support the financial sustainability of the local agricultural/vinicultural community.

#### *Objectives*

- c) The objectives of this Plan for **Rural Areas** identified on Schedule B – Urban Structure, are to:



- i. Sustain the Town's **Rural Areas** as longer term future growth areas while maintaining a secure, financially viable rural resource area;
- ii. Recognize the importance of aggregate resources, protect them from conflicting uses and minimize the effects of aggregate extraction and processing on surrounding uses;
- iii. Protect the potential for future urban development within the **Rural Areas**;
- iv. Recognize the need for flexibility in responding to the ongoing diversification of agri-business and support the growth of the local economy;
- v. Minimize potential land use conflicts with non-farm uses; and,
- vi. Conserve and enhance the identified **Natural Heritage** designation and its key natural heritage features and ecological and hydrologic functions.

#### **Designations**

- d) Within the areas identified as **Rural Area** on Schedule B – Urban Structure there are two land use designations that are identified on Schedule C – Land Use, including:
  - i. **Rural**; and,
  - ii. **Aggregate Extraction Area**.

#### **4.6.2 Rural Designation**

##### **Intent**

- a) The **Rural** designation is intended to identify those lands which, due to their location, physical features or current level and type of development, are not considered as areas for urban forms of development in the near future. It is expected that new development within these areas will be limited. Further, it is the intention of the policies of this Section of this Plan to avoid development, which might preclude or interfere with the proper and orderly urban development of these areas in the future through appropriate study and amendments to this Plan.
- b) The intent of this Plan with respect to the **Rural** designation is to:
  - i. Protect lands adjacent to the **Urban Service Area** from incompatible development to assure that the future expansion of the **Urban Service Area** will be cost-effective and efficient; and,





- ii. Discourage the development of scattered residential, commercial and industrial uses.

**Permitted Uses**

- c) The uses permitted within the **Rural** designation include innovative forms of rural development that respect the rural character of the area, are appropriate in scale and are part of and support the rural economy. Uses permitted may include:
  - i. Land uses lawfully existing on the date of the approval of this Plan;
  - ii. Agricultural uses;
  - iii. Agriculture-related uses;
  - iv. On-farm diversified uses;
  - v. Agri-tourism uses;
  - vi. Bed and breakfast establishments;
  - vii. Single detached dwellings, including Second Units;
  - viii. Home occupations and home industries;
  - ix. Artisan studios, galleries and associated retail sales facilities;
  - x. Existing golf courses;
  - xi. Parks and open spaces;
  - xii. Cemeteries;
  - xiii. Public service facilities; and,
  - xiv. Public uses and public and private utilities.
- d) Notwithstanding the list of permitted uses, nothing in this Plan requires that every permitted use be permitted on every site. The implementing Zoning By-law shall establish the appropriate range of permitted uses on a site-specific or area wide basis. Further, the full range of permitted uses may not be permitted in instances where the location is subject to area specific policies contained in this Plan.

**Development Policies**



- e) The creation of new lots shall not be permitted in the **Rural** designation.
- f) Existing land uses may be recognized and permitted through the Zoning By-law. The development and re-development of existing uses, together with appropriate changes to existing uses, may be permitted within the context of the restrictive nature of the policies of this section. This is intended to provide for some reasonable flexibility to allow for limited growth and change. Any proposal will need to demonstrate that there would be no negative impact on the objective to avoid development which might preclude or interfere with the proper and orderly development of these lands or adjacent areas in the future.

#### 4.6.2.1 Land Use Specific Policies

- a) The following land uses may be permitted in the **Rural** designation.

##### ***Agricultural-Related Uses***

- b) Agriculture-related uses that include processing, storage, packing, sale or adding value to agricultural products and primarily service the farm operations in the area in which they are located, may be permitted on lands within the **Rural** designation, subject to the following:
  - i. The Zoning By-law may set out the specific permitted uses and contain appropriate regulations pertaining to requirements such as maximum floor area, parking, signage, storage and other regulations intended to protect adjacent uses.

##### ***On-Farm Diversified Uses***

- c) On-farm diversified uses are secondary industrial or commercial uses that are limited in area and are accessory to an active agricultural operation. These uses should not detract from the primary use of the property for agricultural purposes, nor shall these uses detract from the objectives of this Plan as they relate to the Rural designation.

Such uses may include contracting businesses, workshops for skilled trades and services, or small-scale production, or value-added processing facilities undertaken in a workshop or agricultural building. The accessory retail sale of products produced in conjunction with the on-farm diversified uses is also permitted. For the purpose of this policy, campgrounds are not considered to be an on-farm diversified use.

The establishment of an on-farm diversified use shall be subject to a zoning by-law amendment. In considering the zoning by-law amendment, Council shall be satisfied the following criteria have been addressed:



- i. The building housing the use is dedicated to the use and is located within the existing farm-building cluster, where the use is located on a farm property;
- ii. The building housing the use has a floor area that is no greater than 185 .8 m<sup>2</sup> (2,000 ft<sup>2</sup>);
- iii. The use and any activity area associated with the use is suitably set back from all lot lines;
- iv. The noise, dust and odour that could potentially emanate from the use will not have an adverse impact on adjacent land uses;
- v. The type and level of traffic generated by the use is compatible with the character of the area and the function of adjacent roads;
- vi. The operator of the on-farm diversified use permanently resides on the property however limited number of employees of seasonal or permanent nature may be permitted;
- vii. All machinery and equipment, with the exception of motor vehicles, required for the use is located within the building dedicated to the use;
- viii. Any permitted open storage associated with the use is screened from view and located within a fenced compound;
- ix. Any retail component of the use is clearly accessory and does not detract from the primary use of the property or adjacent properties;
- x. Access to the site is safe and appropriate relative to the nature of the use;and,
- xi. The owner/operator has entered into a site plan agreement with the Town.

#### **Agri-Tourism Uses**

- d) Agri-tourism uses that are either directly related to the agricultural use of the property, or take advantage of the rural/agricultural setting, may be permitted as an accessory use to an active agricultural operation, which includes a dwelling, subject to a zoning by-law amendment. For the purpose of this policy, an agri-tourism use does not include a campground involving overnight accommodation. Such uses will be clearly secondary to the existing and future agricultural use on the property and will satisfy the following criteria:
  - i. The activity does not interfere with and is compatible with surrounding uses;
  - ii. The activity does not generate off site undue, adverse impacts;



- iii. The scale of the operation and floor area of any building is appropriate to the site and the surrounding area;
- iv. The timing and duration of activities does not hinder agricultural operations on site or in the area;
- v. For special events, the activity represents an occasional activity and is not a regular occurring activity;
- vi. Vehicular access and on-site parking can be accommodated without impacting the agricultural operation; and,
- vii. Products used or sold in conjunction with the use are generally locally -produced on-farm.

#### ***Bed and Breakfast Establishments***

- e) Bed and breakfast establishments may be permitted by way of an amendment to the Zoning By-law. The review and approval of such a use should include the following:
  - i. The use should be located on an Arterial or Collector Road;
  - ii. The site is sufficient in area to provide for adequate buffering from adjacent residential uses and adequate on-site parking facilities;
  - iii. The use is located in an existing residential building, which requires no significant external modifications to permit the proposed use;
  - iv. The use can demonstrate the availability of appropriate water and sewage disposal facilities; and,
  - v. The Zoning By-law may set out the specific permitted uses and contain appropriate regulations pertaining to requirements such as maximum floor area, parking, signage, storage and other regulations intended to protect adjacent uses.

#### ***Single-Detached Residential Dwellings***

- f) One single-detached residential dwelling unit is permitted on any lot that is within the **Rural** designation. In addition, one Second Unit is permitted on lots with sufficient area to accommodate required sewer and water services.

#### ***Home Occupations and Home Industries***



- g) Home occupations and home industries may be permitted subject to the following:
- i. The use is secondary to the residential or agricultural use;
  - ii. The use does not generate any adverse effects such as excessive traffic, noise, odour, any environmental impacts or parking problems, incompatible with the residential area;
  - iii. The use can demonstrate the availability of appropriate water and sewage disposal facilities; and,
  - iv. The Zoning By-law may set out the specific permitted uses and contain appropriate regulations pertaining to requirements such as displays, minimum lot size, maximum floor area, parking, signage, storage, number of employees, and other regulations intended to protect adjacent uses.

***Artisan Studios, Galleries and Associated Retail Sales Facilities***

- h) Artisan studios, galleries and associated retail sales facilities may be permitted within the **Rural** designation through a site specific Zoning By-law Amendment and Site Plan Control, subject to the following conditions:
- i. The retail sale of goods made on the premises will be permitted when such use is accessory to, and complements the on-site artisan studio or gallery;
  - ii. The maximum total floor area for retail use shall be limited so as not to detract from the main use of the land and not adversely affect other uses permitted in the area;
  - iii. Artisan studios and galleries shall be required to locate with direct access and frontage onto a Public Road that has sufficient capacity to accommodate the anticipated traffic;
  - iv. The use can demonstrate the availability of appropriate water and sewage disposal facilities; and,
  - v. The Zoning By-law may set out the specific permitted uses and contain appropriate regulations pertaining to requirements such as maximum floor area, parking, signage, storage, number of employees, and other regulations intended to protect adjacent uses.

***Golf Courses***

- i) Only existing golf courses are permitted within the **Rural** designation, subject to the following:



- i. Any redevelopment of an existing golf course will be required to submit an Environmental Impact Study to recognize the role that this use can play in supporting natural heritage components.

#### 4.6.3 Aggregate Extraction Area Designation

##### **Intent**

- a) This Plan recognizes existing pits and quarries approved under the *Aggregate Resources Act* or its successor. It is the intent of this Plan to protect these existing uses from conflicting uses and to minimize the effects of pits and quarries on surrounding uses.

##### **Permitted Uses**

- b) Lands identified through this section are primarily intended for the extraction of gravel, sand and other aggregates in existing pits and quarries operated pursuant to the *Aggregate Resources Act*, or its successor. Other permitted uses, associated with the primary permitted uses, include:
  - i. Crushing;
  - ii. Aggregate storage;
  - iii. Concrete and asphalt plants and slurry pits, provided they will not have a detrimental impact on the rehabilitation of the site;
  - iv. An accessory office use and scale office;
  - v. An accessory residential dwelling;
  - vi. Agricultural and forestry uses; and,
  - vii. Aggregate recycling.

##### **Development Policies**

- c) ~~New pits and quarries are not permitted.~~ Applications for approval of new pits and quarries, with the exception of wayside pits, shall require an amendment to the Zoning By-law and this Plan and will be subject to the *Aggregate Resources Act*, or its successor. Such proposals shall be evaluated based on:
  - i. The site plan filed with the Ministry of Natural Resources and Forestry;



- ii. A study by a qualified professional concerning the impact of the use on the natural environment and particularly ground and surface water. The study shall address storm water quality and have regard for the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks, Interim Storm Water Quality Control Guidelines, or its successor;
  - iii. A plan for the ultimate rehabilitation of the site and planning or other studies to support its viability or appropriateness;
  - iv. A study by a qualified professional to determine the impact on adjacent areas in terms of noise and vibration and which outlines methods to meet acceptable levels as determined by the Town and the Ministry of Environment, Conservation and Parks;
  - v. Compatibility with surrounding land uses, including but not limited to noise, vibration and dust;
  - vi. Exits, entrances and haul routes do not create traffic hazards;
  - vii. The operation can effectively be screened from surrounding sensitive land uses and major transportation routes;
  - viii. The operation shall not be located within a significant wetland, significant coastal wetland, habitat of endangered species and threatened species or significant woodlands other than a young plantation or early succession habitat and shall not be located within any other natural heritage feature, adjacent lands, Significant Groundwater Recharge Area or Highly Vulnerable Aquifer unless it has been demonstrated that there will be no negative impact to the natural heritage features and ecological and hydrologic functions;
  - ix. Preserving the connectivity between key natural heritage features and key hydrologic features before, during and after the extraction of mineral aggregate resources, replacing key natural heritage features and key hydrologic features that may be lost and protecting or enhancing water resource systems;
  - x. There is a satisfactory and viable plan for the progressive and ultimate rehabilitation of the site; and,
  - xi. Understanding of the impact on cultural heritage resources and the mitigation of any negative impacts on significant cultural heritage resources.
- d) A rehabilitation plan for a new or existing mineral aggregate operation shall demonstrate how the following will be achieved:



- i. Rehabilitation of the disturbed area to a state of equal or greater ecological value and the maintenance or enhancement of long-term ecological integrity for the entire site;
  - ii. Maintaining or enhancing the health, diversity and size of any key natural heritage features and key hydrologic features on the site;
  - iii. Ensuring that rehabilitation will occur as early as possible in the life of the operation where permitted extraction occurs in a key natural heritage feature or key hydrologic feature;
  - iv. Rehabilitation of aquatic areas to aquatic enhancement, representative of the surrounding natural ecosystem;
  - v. Except as provided in the preceding criteria, final rehabilitation will reflect the long-term land use of the general area, taking into account the applicable policies of this Plan.
- e) Aggregate resource areas shall be subject to Site Plan Control. In this circumstance Site Plan Control should only be applied to those uses, which involve the construction, erection or placement of buildings and structures. The agreement may set out locations, hours of operation and conditions related to outside storage and requirements concerning the buffering and screening of adjacent uses.





## 5.0 TRANSPORTATION

### 5.1 Introduction

#### 5.1.1 General Discussion

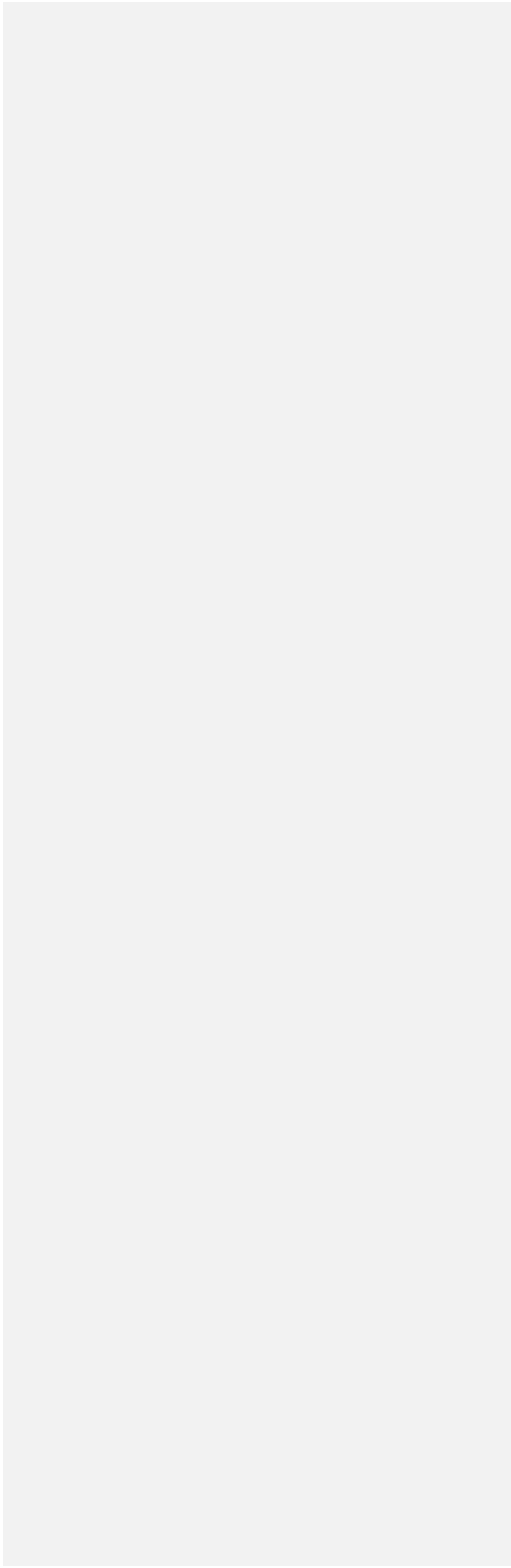
- a) Successful communities are supported by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, cyclists and transit users, foster social interaction and facilitate community connectivity.
- b) The Town's transportation system is intended to move goods and people in a safe, efficient and economical manner. The system may include roads, public transit, pedestrian linkages, bicycle routes and multi-use trails, air and marine facilities.
- c) A modern transportation system:
  - i. Is multi-modal and multi-purpose;
  - ii. Recognizes and raises the priority of pedestrians and cyclists, and promotes and supports transit and active transportation initiatives;
  - iii. ~~Is linked to, and supportive of the evolving urban structure and land use pattern; and-~~
  - iv. ~~Promotes and integrates multimodal goods movement and freight-supportive land use and transportation system planning.~~
- d) ~~The Town's transportation vision, goals, strategy and initiatives shall be guided by the 2019 Multi-Modal Transportation Master Plan or its replacement.~~

#### 5.1.1 Objectives

- a) The objectives of this Plan related to Transportation will ensure the provision of a modern transportation system that:
  - i. Provides a safe, sustainable, integrated and efficient system that enhances Midland's economy and livability;
  - ii. Promotes land uses and development forms that encourage bicycle, pedestrian, and transit travel;
  - iii. Satisfies the evolving needs of both the existing population and businesses, as well as of future growth with a focus on optimizing the existing network to better serve travel demands and extend service life as opposed to the



construction of new infrastructure;



- iv. Facilitates efficient and convenient movement within the Town and integrates with the transportation systems of the County, Province and adjoining municipalities;
- v. Minimizes the length and number of vehicle trips, and reduces greenhouse gas emissions that result from transportation choices;
- vi. Ensures that travelers of all ages and abilities can move safely and efficiently along and across a network of complete streets;
- vii. Facilitates increased bicycling and walking and integrates pedestrian and bicycle networks into transportation planning to provide safe, comfortable travel for pedestrians and cyclists throughout the Town;
- viii. Promotes the reconstruction of all Town roads to appropriate standards, including the incorporation of active transportation facilities; and,
- ix. Has regard for the environmental, social, historic, scenic and cultural amenities of the Town and which is planned, designed and constructed to minimize the effects of noise, fumes and vibration on existing and future developments.

## 5.2 Active Transportation

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### 5.2.1 Introduction

- a) The Town's existing and proposed active transportation network is identified on Schedule D – Active Transportation. Proposed sidewalks, bike lanes, multi-use trails and other elements of an active transportation network are conceptual only and may be refined, revised or eliminated based on operational necessity and/or other approvals of the Town without the requirement for amendment to this Plan. At such time as the Town completes a Municipal Active- Transportation Plan in accordance with Section 5.2.4 of this Plan, Schedule D to this Plan shall be updated by way of amendment. In addition, while proposed active transportation network improvements are identified on Schedule D, the timing and priority for the each will be subject to Council approval and the allocation of capital budget for the works.
- b) This Plan requires that all development contribute to the creation of a 4-season walkable and connected community with multiple destinations within walking or cycling distance of all residents.



- c) Sidewalks, bike lanes and multi-use trails will connect to the street network and to community amenities and will ensure that corridors between key destinations are fully accessible and support active transportation. The winter maintenance of active transportation facilities will be an important consideration, particularly along routes that connect pedestrians to key destinations such as schools.
- d) Active transportation routes, such as sidewalks, bike lanes and multi-use trails, will include streetscaping elements that promote pedestrian and cyclist comfort and safety, and are designed to enhance accessibility for all residents, in compliance with the *Accessibility for Ontarians with Disabilities Act*.

#### 5.2.2 Streetscapes/Sidewalks

- a) The coordinated installation of roadways, utilities, sidewalks, bike lanes, streetscaping elements, lighting and tree planting will be part of the planning, design, and development of all streets. Particular regard will be given to adequate space and safety provisions for the movement of pedestrians and cyclists, with a clear system of through routes, and for safe transfers on and off of transit vehicles.
- b) Streets shall be designed to function well through all 4-seasons and shall:
  - i. Contribute to the character of the immediate area and provide a high level of amenities;
  - ii. Compliment adjacent built forms and open spaces to provide shade and visual interest in all seasons;
  - iii. Support where appropriate, the use of sidewalks;
  - iv. Comply with all of the requirements of the *Accessibility for Ontarians with Disabilities Act*;
  - v. Avoid the development of blank walls along the streetscape; and,
  - vi. Identify appropriate locations for snow storage areas, solid waste disposal containers, community mailboxes and bicycle parking.
- c) Sidewalks shall form a continuous network throughout the community, connect to the trails network and constitute an integral part of the pedestrian system to promote active transportation. The Town should identify fragmented sidewalks and connectivity within existing residential areas and develop a plan for the construction of sidewalks or multi-use trails where needed.



- d) All utilities should be located underground. Where components of utilities must be located above ground, utility providers will be encouraged to consider innovative methods of containing utility services on or within streetscape features including, but not limited to, gateway features and lamp posts, when determining appropriate locations for larger equipment and cluster sites. Specifically, utilities shall be:
- i. Located where there is no conflict with the street lighting or tree planting line; and,
  - ii. Clustered and screened away from public streets and from view.
- e) Signalized pedestrian crosswalks should be provided at locations where important civic destinations and/or significant walking traffic is anticipated, such as near large scale retail stores and public service facilities including recreation centres and libraries. Pedestrian crossings shall:
- i. Have a minimum width of 3.0 metres;
  - ii. Utilize distinctive feature paving through the use of alternative pavement markings or materials to minimize the conflict between vehicles and pedestrians. At minimum, they should be identified with distinctive painted lines;
  - iii. Be highly visible to motorists and include appropriate signage;
  - iv. Be continuous and connected to adjacent sidewalks;
  - v. Minimize the height of the curb cuts to facilitate wheel-chair and stroller usage;
  - vi. Design curb ramps with raised tactile surfaces or materials with contrasting sound properties to help pedestrians with visual impairments, and,
  - vii. Be designed in accordance with the requirements of the *Accessibility for Ontarians with Disabilities Act*.
- f) Streetscaping elements shall be provided throughout the community. They shall be designed to be consistent and complementary to the character of the community. Streetscaping elements shall include a unified furnishings palette, and include a paving pattern that denotes modal priority. The streetscaping palette shall include, but is not limited to:
- i. Street lighting;
  - ii. Street trees;

- iii. Landscape plantings;
- iv. Street furnishings such as:
  - Benches;
  - Planter boxes;
  - Waste/recycling receptacles;
  - Bicycle racks; and,
  - Newspaper boxes.
- v. Signage/wayfinding.
- g) The Town should develop an active urban street tree planting program which shall include:
  - i. Locations and distribution of street trees;
  - ii. Appropriate tree species; and,
  - iii. Design and planting specifications.
- h) The Town may develop winter maintenance standards for cycling, pedestrian and multi use trails network.
- i) The Town may develop a pedestrian Safety Plan that encompasses an evaluation scoring system for pedestrian crossing to identify safety concerns.

### 5.2.3 Multi Use Trails

- a) The street system provides part of the active transportation network and the other part is the multi use trails network for use by pedestrians, cyclists and other non-vehicular modes of transportation. Multi use trails are also a crucial component of an integrated parks and open space system.
- b) In developing a comprehensive multi use trails network throughout the Town, the following will apply:
  - i. The multi use trails network will include and link to trails within the natural heritage system, storm water management facilities, parks and open spaces and the sidewalks and bike lanes within the street network;
  - ii. Right-of-ways for the multi use trails network that are not already on public lands, will be dedicated to the Town as part of the land requirements for



transportation;

- iii. Multi use trails, where adjacent to the street network, will generally be separated from the road right-of-way by a landscaped berm. Where a landscaped berm is not practical or feasible, other separation strategies may be considered; and,
  - iv. Where a multi use trail is adjacent to, and within the prescribed buffer of the natural heritage system, it will be designed to avoid impact on the features and ecological and hydrologic functions, including the requirement to utilize native, non-invasive plant materials.
- c) The multi use trails network shall be designed to:
- i. Be of a sufficient width to accommodate all users, of all abilities, and to accommodate two-direction travel;
  - ii. Meet the requirements of the *Accessibility for Ontarians with Disabilities Act*, including with respect to slopes;
  - iii. Encourage water infiltration, including the use of permeable materials;
  - iv. Include wayfinding signage throughout;
  - v. Provide, at trail heads, and at regular intervals along the route, benches, waste and recycling receptacles and bicycle racks; and,
  - vi. Minimize vehicular crossings, but where they do cross, provide clear signage and appropriate curb-cuts.
- d) Where appropriate, and subject to reasonable regulations to protect the needs of all trail users, the Town will support the use of multi use trails for snowmobiling.

#### 5.2.4 Municipal Active Transportation Plan

- a) Walking and cycling are recognized by the Town as viable modes of transportation for a variety of trips that are in the range of 5 kilometres or less. Other personal motorized and non-motorized modes of transportation (such as scooters and e-bikes) are also viable transportation modes within the Midland context. To facilitate growth in these modal choices, the Town should develop a Municipal Active Transportation Plan. The Municipal Active Transportation Plan shall include, at a minimum, requirements for:
- i. Sidewalks/trails in new development;
  - ii. New sidewalks and trails, and enhancements to existing sidewalks and trails in the built-up areas;



- iii. Dedication of lands in new development to complete future road and multi use trail connections;
- iv. Cycling and pedestrian safety measures (bike lanes, signage);
- v. Implementation of *Accessibility for Ontarians with Disabilities Act* standards; and,
- vi. Secure bike racks and shelters, with appropriate connections to buildings.

### **5.3 Public Transit**

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#### **5.3.1 Introduction**

- a) It is a policy to promote a public transit system to appropriately service the Town. The transit system should be coordinated to service the Town in response to need, demand and financial capabilities.

#### **5.3.2 Planning for Public Transit**

- a) This Plan promotes higher densities and compact development to support a more sustainable and convenient transit service that has links to, between, and through major destinations within the community, and to the broader region. Transit supportive design requires the following:
  - i. Locate stops within a 5 minute walk of a destination. The walking distance for residents is generally 200 to 400 metres (3 to 5 minute walk);
  - ii. A system design which allows for safe pedestrian access to as many residential, employment and retail locations as possible;
  - iii. Incorporating design features to facilitate transit use in new development or redevelopment;
  - iv. Ensure the coordination of the transit network with the multi use trails and paths network to further the accessibility of transit; and,
  - v. Provide a range of transit facility amenities including, but not limited to: bicycle parking, weather protection, seating, waste/recycling receptacles, lighting, route information, and automated fare machines.
- b) Service frequency shall be designed to be adequate for the patronage, having regard to the density of the area served and the type and degree of demand.





- c) The Town shall work with the County, Province, adjacent municipalities and any other applicable agencies to support transit service integration within and across municipal boundaries.

## 5.4 Roads

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### 5.4.1 Introduction

- a) It is the intent of the Plan to ensure the provision of a road network that will accommodate adequately the predicted volume of vehicular, pedestrian and cycling traffic. This network is to be classified according to the function of the roads so that conflicts between local and through traffic may be minimized.
- b) Points of pedestrian, cyclist, and vehicular conflict should be minimized, and the amenity of residential areas should be protected from the adverse effects of vehicular traffic infiltration, wherever possible.

### 5.4.2 Road Design/Complete Streets

- a) In the design of all roads, regard will be given to the provision of adequate space and safety measures for pedestrians and cyclists, and for safe transfers on and off transit vehicles. Specific road requirements shall be determined at the detailed design stage and in addition to traffic demand, be based upon considerations such as the preservation of trees and overall effect upon the streetscape.
- b) Improvements, construction and standards will follow, as much as possible, the most recently adopted Transportation Master Plan, and the applicable policies of this Plan and in particular the policies related to complete streets.
- c) A complete street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including cyclists, pedestrians, transit riders, and motorists, appropriate to the function and context of the facility.
- d) The Town will establish a complete streets approach for the design of new streets, as well as the refurbishment and reconstruction of all existing Arterial, Collector and Local Roads to accommodate the needs and safety of all road users. As such, the Town shall:
  - i. Provide for the needs of travelers of all ages and abilities in all planning, programming, design, construction, operations, and maintenance activities and products on the public road network;
  - ii. View all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in the Town and to recognize bicycle,



pedestrian, and transit modes as integral elements of the Town's transportation system;

- iii. Ensure bicycle, pedestrian, and transit interests are appropriately represented on interdisciplinary planning and project delivery development teams;
  - iv. Build "complete streets" that facilitate bicycle, pedestrian, and transit travel, beginning early in system planning and continuing through project delivery, maintenance and operations;
  - v. Within the **Downtown** designation, a "Pedestrian First" principle shall apply to all design and capital works as a significant part of implementing the Town's Downtown Master Plan;
  - vi. Promote collaboration and partnerships among Provincial and County governments, all Town departments and community stakeholders to plan, develop, and maintain a network of complete streets;
  - vii. Prepare a Complete Streets Manual that outlines statutory requirements, planning policy, and project delivery procedures to facilitate multimodal travel, which includes connectivity to public transit for bicyclists and pedestrians, and that provides tools and establishes processes that ensure regular maintenance and operations activities meet the safety and mobility needs of cyclists, pedestrians, and transit users. The Complete Streets Manual should be developed in consultation with the County, and should include consideration of:
    - Reduced maximum right-of-way and reduced maximum traffic lane widths;
    - Permission for on-street parking;
    - A hierarchy of bike lanes, from fully separated to demarcated to sharrows;
    - Requirements for wider sidewalks and mid-block pedestrian crossings;
    - Requirements for transit amenities; and,
    - The use of design features such as curb bump-outs, enhanced medians and boulevards and defined standing areas for pedestrians and/or cyclists at intersections.
- e) All roads shall be provided with curbs, gutters and storm sewers. In addition:

- i. Sidewalks shall be required on both sides of the road for all County Roads, Arterial Roads and Collector Roads within the Town. Sidewalks are preferred on both sides of all Local Roads, but shall be required on only one side, except where the Local Road provides a link to a key destination or in the vicinity of public service facilities such as schools, where sidewalks shall be required on both sides. Sidewalks will also be required on at least one side of new condominium private roads and public or private lanes. All sidewalks shall be designed to enhance accessibility for all residents and will comply with the *Accessibility for Ontarians with Disabilities Act*. Sidewalk widths shall:
  - A minimum of 1.5 metres on Local Roads; and,
  - A minimum of 2.0 metres on all other road types.
- ii. Bike lanes should be required on all County Roads, Arterial Roads and Collector Roads within the Town. The required bicycle lanes shall be separated from the vehicular traffic lanes, wherever possible; and,
- iii. Street trees shall be required on both sides of all public roads within the Town of Midland.

#### 5-4-3 Road Classification

- a) Roads are classified according to their function as Provincial Highways, Arterial Roads, Collector Roads and Local Roads. Provincial Highways, County Roads, Arterial Roads, ~~and~~ Collector Roads, **Local Roads and Flex Streets** are identified on Schedule E – Roads. All other roads are deemed to be Local Roads.
- b) Roads are intended to function in accordance with the following guidelines:
  - i. Provincial Highways 12 and 93 (portion which is south of Highway 12) are under the jurisdiction of the Ministry of Transportation. Provincial highways should have as few access points as possible to permit through traffic to move quickly and safely. All access points will be designed to provide optimum safety and minimum traffic congestion. Combined access from service roads and/or adjoining Arterial, Collector and/or Local Roads should be encouraged. Specific provincial regulations shall apply in the vicinity of these highways, as set out by the Ministry of Transportation;
  - ii. Arterial Roads provide through routes across the Town. Access to property may be permitted. However, the location, number and design will be controlled and limited so as not to detract from moving traffic efficiently. New residential access should be permitted only where traffic movement, volume, speed and safety are not compromised or no Local Road or Collector Road access is available.



The Arterial Road classification also includes County Roads 25 and 93 (portion which is north of Highway 12), to which specific regulations together with access and setback requirements may apply. Development adjacent to a County Road will typically be required to provide a Traffic Study and Storm Water Management Report and/or be subject to a Site Plan Control Agreement;

- iii. Collector Roads provide for traffic movement between Arterial Roads and Local Roads. Through traffic is discouraged on Collector Roads; ~~and,~~
  - iv. Local Roads accommodate low volumes of traffic and typically serve only abutting properties; ~~and,~~
  - ~~iv.~~ v. Flex Street is a street with a single grade or surface that is shared by people using all modes of travel at slow speeds. Flex Street is intended to have a slow speed as to allow for pedestrians to intermingle with bicycles, motor vehicles, and transit.
- c) In the placement of traffic control devices, Arterial Roads are to be favoured as through streets or have priority for traffic flow over Collector Roads and similarly Collector Roads are to be favoured over Local Roads.
- d) Except where existing development or circumstance precludes it, the general standards for right-of-way widths are as follows:
- i. Arterial Roads – 30 metres;
  - ii. Collector Roads – 26 metres; and,
  - iii. Local Roads – 20 metres.
- Topographic conditions may require a greater width in order to achieve design requirements. Widening may be added to the road width requirement in these circumstances, justified through engineering studies.
- e) The right-of-way widths identified above are required to provide for road surfaces, boulevards, utilities and ditches. The *Planning Act* provides, as a condition of development, that a landowner convey land for road widening purposes. Those roads subject to this provision are identified on Schedule E – Roads, or where the right-of-way width does not meet the standards outlined in this Plan. The amount of land to be acquired is to be consistent with the road widths as set out above, or as otherwise approved by the Town.
- f) Day lighting triangles at intersections may be required to provide sight distances, turning lanes and traffic control facilities. Turning lanes may be required to facilitate traffic movement at major traffic generators.



- g) Where cycling or trail systems are indicated as forming part of a roadway, a maximum additional dedication of 1.5 metres per side may be required.
- h) The Town may consider reduced right-of-way widths within new development, subject to appropriate technical studies that are prepared to the satisfaction of the Town.
- i) Road widenings should be taken in equal proportions from each side but if this is impractical a greater portion or the entire widening on only one side of the right of way may be acquired.
- j) The maximum block length for any Local Road shall generally be less than 250 metres. Longer block lengths may only be considered where no reasonable alternative exists.

#### 5.4.4 Road Assumption

- a) A road within a Registered Plan of Subdivision where a Subdivision Agreement has been entered into but the road will not be assumed until the end of the maintenance period is recognized as a road for the purposes of this Plan.

#### 5.4.5 Impact Mitigation

- a) Where existing development will reasonably allow, special restrictions may be required along Arterial Roads to provide protection to adjacent residential uses and also to maintain circulation and traffic flow. Such restrictions may include extra setbacks especially for corner lots, as set out in the Zoning By-law, collective access from commercial, industrial or institutional uses and buffering to screen residential development from the road.
- b) Where alternative routes exist and where truck traffic is detrimental to the amenity of adjacent residential areas, the regular use of residential streets by heavy trucks should be prohibited.
- c) Provincial guidelines recognize potential noise impacts created by road facilities and may require adjacent development to implement attenuation measures. Proposed residential development within 30 metres of a provincial highway or arterial road should prepare a noise assessment to implement attenuation measures if required.
- d) Development and redevelopment proposals that require an amendment to this Plan or proposals which may have an impact on nearby County Roads may be required to carry out and implement a transportation impact study.
- e) In existing instances where road salt is applied, the Town will comply with all current standards and best practices to ensure the application of road salt ceases to be or does not become a significant drinking water threat.

#### 5.4.6 Traffic Impact Study



- a) A Traffic Impact Study may be required where new development or expansion of an existing use will generate increased traffic that may impact the adjacent roadway system. The study would assess the impact of development on the system and identify improvements that may be required.

#### 5.4.7 Traffic Calming

- a) Traffic calming may be applied on neighbourhood streets by using:
  - i. Pedestrian-priority streets, woonerfs (mixed pedestrian and vehicular traffic or shared streets) or home-zones (i.e., the speed limit is under 15 km/hr and vehicles must yield to pedestrians and cyclists);
  - ii. Street design techniques that discourage vehicle speeding;
  - iii. Maximum traffic lane widths; and/or,
  - iv. Maximum number of traffic lanes in the roadway.
- b) On-street parking shall be designed as follows:
  - i. Parking should be provided on at least one side of the street for all Local and Collector Roads; and,
  - ii. On-street parking areas may be demarcated with a special pavement treatment in limited special areas in order to distinguish the parking lane from the roadway.
- c) The Town may consider developing a Traffic Calming Policy to provide guidelines and procedures for the consideration of traffic calming measures within residential neighbourhoods and school zones.

#### 5.4.8 Transportation Demand Management

- a) Appropriate ~~T~~ransportation ~~D~~emand ~~M~~anagement measures ~~to reduce single occupancy automobile trips~~ will be identified in transportation studies and in development applications. Transportation Demand Management will encourage sustainable travel choices by supporting alternative options over single occupancy automobile trips. This could include preferential carpool parking, bicycle facilities, transit opportunities, reducing the number of trips, and alternative work arrangements.
- ~~b)~~ The Town may develop a Transportation Demand Management Checklist for applicable Transportation Demand Management measures for new developments based on land use.
- ~~b)c)~~ The Town may coordinate with local school boards to develop a School Travel Planning Program shall work cooperatively with the County in its transportation demand



~~management program, including the establishment of carpooling locations.~~

#### 5.4.9 Parking

- a) Alternative parking requirements will be required to address new development forms and broader community needs, as follows:
- i. ~~For all building forms and uses, other than residential uses, development shall include parking for vehicles located at-grade and/or located within a structure (above and/or below grade), unless otherwise exempt. All development shall also include appropriate spaces for visitor parking, parking for green vehicles and parking for persons with disabilities. Minimum and maximum vehicular parking requirements, including spaces for visitor parking, parking for green vehicles and parking for persons with disabilities shall be set in the implementing Zoning By-law; and,~~
  - ii. ~~Contextual parking requirements should be considered. Reduced parking requirements shall be considered where the development supports alternative modes of transportation. Reduced parking requirements can be considered based on implementation of Traffic Demand Management measures.~~
- b) All development shall include parking for bicycles, in accordance with the following:
- i. For residential apartments in mid-rise or high-rise residential buildings, accessible and secure bicycle parking facilities shall be provided at a rate of at least 1 storage space per residential unit. Bicycle parking facilities must be within 30 meters walking distance of any functional entry;
  - ii. Accessible and secure bicycle parking shall be located in proximity to all recreational, cultural and community buildings, as well as all mixed-use, retail, commercial and employment buildings and shall be provided at a minimum of 1.25 spaces/100 m<sup>2</sup> of gross leasable floor area; and,
  - iii. Accessible and secure bicycle parking shall be provided in all public parks.
- c) Where large scale, at grade parking lots are provided, they will be designed to include light coloured and porous/permeable paving surfaces and shall incorporate some, or all of the following:
- i. Appropriate building orientation, including building entrance locations;
  - ii. Clearly defined pedestrian access, connectivity and circulation routes; ~~and,~~
  - iii. Pedestrian lighting, tree planting and other landscaping elements, including landscaped islands; ~~and,~~



- d) The Town may develop a Downtown Parking Plan for the purpose of considering special events, future parking and curbside demand needs.

## 5.5 Transportation System Improvements

### 5.5.1 Introduction

- a) In establishing priorities for reconstruction or maintenance, Arterial Roads will be favoured over Collector Roads and Collector Roads over Local Roads. Existing roads should be brought up to standards indicated in the TMP. It is recognized that due to financial considerations, this policy will be accomplished as funds are made available.
- b) Transportation and mobility are changing every day as new technological advances are being made at a rapid pace. The Town should be proactive and prepare for emerging technology to leverage their benefits.

### 5.5.2 Identified Improvements

- a) The following transportation system improvements have been identified as priorities for consideration:
- i. Establish a strategy to improve the connectivity of the sidewalk system where a 'recommended pedestrian improvementsmissing link' has been identified in the 2019 Multi-Modal Transportation Master Plan;
  - ii. Establish a strategy to improve the accessibility of the sidewalk system and to improve surface conditions throughout the Town, ensuring that all sidewalks are *Accessibility for Ontarians with Disabilities Act* compliant;
  - iii. Work with the County and neighbouring municipalities to establish convenient inter-municipal transit facilities;
  - iv. Develop an interconnected network of active transportation facilities, with a focus on:
    - Routes to schools;
    - **Commercial and Mixed Use Corridors;**
    - The **Downtown;**
    - The **Waterfront;** and,
    - Key community service locations.
  - v. Build upon existing trail linkages and opportunities to ensure that the trails network is interconnected with the waterfronts, parks and natural areas and the





- public road network. Enhance access points and the quality of the trails system;
- vi. Promote the use of water-based transportation facilities for both recreational and functional purposes;
  - vii. Consider shuttle services to and from parking areas for major events and accommodation for park and ride facilities;
  - viii. Promote ~~T~~ransportation ~~d~~emand ~~m~~anagement and implement the TDM recommendations from the ~~2012~~2019 Multi-Modal Transportation Master Plan;
  - ix. Fill in missing pedestrian links, as illustrated on Schedule D – Active Transportation and implement road section and intersection improvements, as illustrated on Schedule E – Roads and as recommended in the 2012 Transportation Master Plan. All improvements should be viewed as opportunities to improve the transportation experience for all transportation modes;
  - x. Designate Yonge Street between King Street and William Street as a truck route to complete the truck route grid already in place throughout the Town. In addition, discourage truck traffic on Local Roads and through the Downtown through enforcement and physical restriction techniques;
  - xi. Initiate the required process for the realignment of Bayshore Drive as illustrated on Schedule E – Roads and as recommended in Midland’s Downtown Master Plan;
  - xii. Major new road alignments are shown on Schedule E- Roads are conceptual and in accordance with existing approvals or approved Master Plans. The actual road alignment may change subject to the requirements of the *Planning Act* and/or the *Environmental Assessment Act* without the requirement to amend Schedule E to this Plan.



## 6.0 MUNICIPAL INFRASTRUCTURE

### 6.1 Introduction

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#### 6.1.1 Intent

- a) Municipal services and utilities, which support the day-to-day needs of residents, businesses and visitors, are an essential part of a successful community. Municipal services and utilities include ensuring the economical and efficient provision of adequate water, sewage disposal, solid waste collection services, and utilities for energy and communications/telecommunications. While the Town does not have jurisdiction for the provision and maintenance of all the aforementioned services and utilities, the Town will work collaboratively with public and private sector service providers to ensure that appropriate facilities and infrastructure are in place.

This section sets out the Town's general policies governing the planning and provision of municipal infrastructure in Midland. Detailed policies for certain services related to all modes of transportation are set out in Section 5.0 Transportation. Detailed information on infrastructure plans and priorities are contained in supporting Town Plans including the Transportation Master Plan, Water Master Plan, and Wastewater Master Plan. As this Plan requires the close link and relationship between land use planning and infrastructure planning, a review of this Plan may lead to a review of the supporting plans, and vice versa.

- b) It is the intent of this Official Plan to ensure the coordination of infrastructure planning and investment with land use planning and recognize the key role that infrastructure plays in shaping future growth and development. Objectives related to infrastructure include:
- i. Ensure the provision of infrastructure is planned in a responsible, efficient and cost-effective manner that is integrated with planning for growth so that these services are available to meet current and projected needs;
  - ii. Ensure that the provision of new or upgraded infrastructure supports the policies of this Official Plan, including in meeting the intensification and density targets;
  - iii. Provide sufficient infrastructure capacity in strategic growth areas;
  - iv. Optimize the use of existing infrastructure, wherever feasible, before considering developing new infrastructure;



- v. Undertake the appropriate financial planning, including identifying full life cycle costs, to make the necessary investments in infrastructure to accommodate long term growth; and,
  - vi. Consider the impacts of a changing climate, including assessing infrastructure risks and vulnerabilities and identifying strategies to address these challenges.
- c) New planning, engineering and conservation concepts need to be considered and incorporated, particularly related to climate change, energy conservation and green infrastructure. The Town shall encourage and provide policy direction on the following:
- i. The implementation of strategies or initiatives related to water conservation, energy conservation, air quality protection and integrated waste management opportunities;
  - ii. Opportunities for energy efficiency and alternative energy strategies, such as district energy generation, renewable/alternative energy systems and distribution and demand management plans, as well as land use patterns and urban design standards to support energy conservation objectives;
  - iii. The promotion of innovative residential and public building designs that contribute to energy reduction and natural resource conservation, as well as synergies between buildings and site management practices; and,
  - iv. Green infrastructure to complement existing infrastructure, including the requirement for innovative low impact development (LID) opportunities and best practices that minimize the risks associated with natural hazards.
- d) Notwithstanding the planning horizon of this Plan, longer term population and employment forecasts may be used for infrastructure planning studies undertaken by or for the Town, provided that they conform to Provincial growth forecasts.

## 6.2 Servicing Midland

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### 6.2.1 Introduction

- a) Development of municipal infrastructure projects will be:
- i. Coordinated and phased in a manner which is efficient, cost effective, and minimizes disruption;
  - ii. Prioritized where investments support intensification;



- iii. Supported by infrastructure master plans, asset management plans, community energy plans, watershed planning, and other relevant studies, where appropriate and available;
- iv. Considered in the context of an assessment of infrastructure risks and vulnerabilities, including those caused by the impacts of climate change, and potential mitigative strategies; and,
- v. Undertaken in accordance with the *Environmental Assessment Act*, and the appropriate Class EA requirements.

#### 6.2.2 Development Policies

- a) All development within the Town shall be provided with municipal water, sanitary sewers and a storm water drainage system, unless otherwise specifically exempted by the policies of this Plan.
  - i. The Town will require existing developments/areas on private services to connect to municipal services wherever financially feasible and possible; and,
  - ii. It is the intent of the Town to extend full municipal services to the Sunnyside area, being the area west of Fuller Avenue and north of Harbourview Drive.
- b) Municipal services and utilities which are required to service the public will be permitted to locate in any land use designation.
- c) The cost of providing services to facilitate development shall be borne by the landowner. However, the Town may utilize its capital infrastructure programs and/or the provisions of the Municipal Act to extend or provide municipal infrastructure where it supports the growth management and economic development objectives of this Plan and where Council deems it in the best interest of the Town to do so.
- d) To support the implementation of this Plan, the Town will define technical specifications for municipal servicing and infrastructure in a Town of Midland Development Manual(s). For development applications that require the extension or creation of municipal infrastructure, the Town will require performance securities from landowners in a form suitable to the Town up to the full value of the works and other engineering measures as may be defined in the Town's Development Manual or other applicable policies or specifications as approved by Council.
- e) Where construction of any municipal infrastructure project is proposed within or on lands adjacent to the **Natural Heritage** designation, the project shall be required to submit an Environmental Impact Study, and/or other appropriate studies, in accordance with the policies in this Plan.



- f) The extension of municipal sewer and water services shall be planned, designed and constructed in accordance with a comprehensive water or wastewater master plan or equivalent, informed by watershed planning, which:
- i. Demonstrates that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water;
  - ii. Identifies the preferred option for servicing growth and development in accordance with the policies of this Plan, and not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological and other needs;
  - iii. Identifies the full life cycle costs of the system and develop options to pay for these costs over the long term; and,
  - iv. Includes a servicing strategy for those lands which are designated for development in this Plan, but which are outside of the Urban Service Area.
- g) The Town has identified the following priorities for the extension of municipal services:
- i. Provision of sufficient capacity to accommodate anticipated intensification in Downtown and Waterfront Strategic Growth Areas and Strategic Growth Areas I;
  - ii. Provision of municipal services for all lands within the Delineated Built Boundary;
  - iii. Provision of municipal services for all lands identified as Strategic Growth Areas II; and,
  - iv. Planned extension of municipal services to and within the identified Secondary Plan Areas.

### 6.2.3 Servicing Priority

- a) Full municipal services are the preferred form of servicing for new development and redevelopment. The priority for new urban development is to be focused within the Delineated Built-up Area, followed by the Urban Areas.
- b) Where full municipal services are not available, the Town may allow the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. These services may only be used for infilling and minor rounding out of existing development.



- c) Development within Urban Areas shall be subject to comprehensive planning and engineering studies that will ensure the efficient and cost-effective delivery of full municipal services and utilities, to the satisfaction of the Town.
- d) Before the approval of an application for new development, infill development, intensification or the redevelopment of sites and buildings, the Town must be satisfied that adequate services are available or can be efficiently and economically provided to support the proposal. Where adequate services do not exist, the Town may use Holding provisions in the Zoning By-law to regulate the timing of development.
- e) Where adequate municipal services and utilities do not exist to support a proposed development, the Town will not be obligated to provide such services in advance of the intended development.

#### **6.2.4 Urban Servicing Limit**

- a) The Urban Service Area is indicated on Schedule F – Infrastructure.
- b) Any development within the boundaries of the Urban Service Area shall be on full municipal services.
- c) It is an objective of the Town to promote comprehensive service provision strategies for those lands outside of the Urban Service Area but within the Urban Areas. At a minimum, any development outside of the Urban Service Area, but within the Urban Areas as indicated on Schedule A – Growth Areas shall be designed to facilitate the eventual connection to full municipal services when they are extended. Further, property owners will be required to connect to such services at the time of extension. In the meantime, such development may be serviced by private services subject to the approval of the Town, and any other agency having jurisdiction.

### **6.3 Water**

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#### **6.3.1 Municipal Water Supply System**

- a) The Town shall direct and accommodate growth in a manner that promotes the efficient use of water. Further, the Town will pursue and promote programs that promote water use reduction in new development, and throughout the Town, in accordance with the policies of this Plan.
- b) The design of water mains will provide sufficient capacity to serve all existing areas of the Town as well as to proposed development, which may ultimately be connected to that part of the system. In addition, water and treatment supply facilities shall be designed, constructed and maintained to:



- i. Provide sufficient quantity and flow to meet capacity for domestic use and fire protection;
  - ii. Accommodate full development of the lands within the Delineated Built-up Area and the Urban Areas; and,
  - iii. Satisfy the servicing standards of the Town.
- c) Expansion of the system will be coordinated with planning for new areas as well as street reconstruction.
- d) Water pressure will be maintained to meet the current fire underwriters' standards. No extensions will be made where the resulting pressure would fall below these standards and requirements of pressure and flow will be met by the installation of booster systems and pressure control valves.

### 6.3.2 Drinking Water Source Protection

- a) The developed portion of the Town is served by water mains, which are supplied from ground water wells. The Town's water system has a total maximum capacity of 22,180 cubic metres a day. By 2031 it is estimated that the Town will require 9,590 cubic metres of water per day. The Town will need to manage demand to ensure that it does not outpace supply and that the wells are not drawn down below their safe limits.
- b) Since the Town's water supply comes from wells, groundwater resources are critical to the long-term economic, social and environmental wellbeing of the Town. Properly managed and protected, groundwater provides a cost effective and safe source of drinking water. Groundwater also provides base flow- to- springs, -wetlands, streams and ponds, thus maintaining the ecosystem and supporting unique aesthetic and recreational areas. It is a policy of this Plan to ensure a sustainable groundwater resource through the conservation, protection, and where necessary, enhancement of the quality and quantity of groundwater. Source Protection has been included in this Plan to implement the information and policies contained in the South Georgian Bay Lake Simcoe Source Protection Plan and the Provincial Policy Statement. Terms found in the Source Protection Plan carry the same meaning when referenced in this Official Plan.
- c) The protection of water supply is an important component in the process of delivering safe potable water. In order to protect municipal drinking water resources, the Town will endeavour to achieve the following:
- i. Support the Severn Sound Environmental Association and other relevant stakeholders in the development and administration of watershed management plans and watershed based source protection plans;



- ii. Identification, designation and/or zoning of wellhead protection areas;
  - iii. Identification, designation and/or zoning of significant groundwater recharge areas (SGRAs) and discharge areas;
  - iv. Identification of all major point and non-point sources of contamination;
  - v. Identification of all significant water withdrawals;
  - vi. Improving knowledge of water resources and vulnerable source areas;
  - vii. Establishing procedures for monitoring water quality and quantity before, during and after development;
  - viii. Consideration of impacts to water resources resulting from development;
  - ix. Development of a Water Conservation Plan to ensure that water use in the Town remains sustainable;
  - x. Support education and community outreach programs to promote best management practices to protect surface and groundwater resources;
  - xi. Development of a program identifying and properly decommissioning abandoned wells excavations, quarries and other risks to the groundwater source; and
  - xii. Promotion of water conservation.
- d) Vulnerable Areas, identified by Wellhead Protection Areas A to E, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas, are shown on Schedule G – Source Protection to this Plan. Based on the Tier 3 Report information related to water supply in the Town, this Plan will apply the WHPA-Q1 and WHPA-Q2 water supply requirements to the entire Town. Vulnerable areas within the Town of Midland are defined as follows:
- i. Wellhead Protection Area A (WHPA-A): 100 metre radius surrounding a municipal well;
  - ii. Wellhead Protection Area B (WHPA-B): Two (2) year travel time for water to enter the municipal well;
  - iii. Wellhead Protection Area C1 (WHPA-C1): Ten (10) year travel time for water to enter the municipal well;





- iv. Wellhead Protection Area D (WHPA-D): Twenty-Five (25) year travel time for water to enter the municipal well;
  - v. Wellhead Protection Area E (WHPA-E): The vulnerable area for groundwater supplies which are under the direct influence of surface water. The area is calculated based on a two hour travel time of surface water to the municipal well;
  - vi. Wellhead Protection Area Q1 (WHPA-Q1): An area delineated through a Tier 3 Water Budget and Water Quantity Risk Assessment as being the combined area that is the cone of influence of the well and the whole of the cones of influence of all other wells that intersect that area;
  - vii. Wellhead Protection Area Q2 (WHPA-Q2): An area delineated through a Tier 3 Water Budget and Water Quantity Risk Assessment as being the area that includes the WHPA-Q1 and any area where the future reduction in recharge would significant impact that area;
  - viii. Highly Vulnerable Aquifer (HVA): An aquifer that can be easily changed or affected by contamination from both human activities and natural processes as a result of (a) its intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, or (b) by preferential pathways to the aquifer. The Director's rules will permit the use of various methods, such as the Intrinsic Susceptibility Index (ISI), to determine those aquifers that are highly vulnerable. Ontario's ISI defines a highly vulnerable aquifer as having a value of less than 30. An ISI is a numerical indicator that helps to indicate where contamination of groundwater is more or less likely to occur as a result of surface contamination due to natural hydrogeological features. The ISI is the most commonly used method of index mapping and was the prescribed method set out in the provincial 2001/2002 Groundwater Studies; and,
  - ix. Significant Groundwater Recharge Area (SGRA): These are areas on the landscape that are characterized by porous soils, such as sand or gravel, that allows the water to seep easily into the ground and flow to an aquifer. A recharge area is considered significant when it helps maintain the water level in an aquifer that supplies a community with drinking water.
- e) Within WHPA-A to WHPA-E, the following future land uses shall be prohibited where they would be a significant drinking water threat:
- i. Waste disposal sites within the meaning of Part V of the Environmental Protection Act (excluding storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste (O.Reg 347) and storage of hazardous or liquid industrial waste);

- ii. Large (more than 10, 000 L) on-site sewage systems;
  - iii. Agricultural source material storage facilities;
  - iv. Non-agricultural source material storage facilities;
  - v. Commercial fertilizer storage facilities;
  - vi. Pesticide storage facilities;
  - vii. Road salt storage facilities;
  - viii. Snow storage facilities;
  - ix. Fuel storage facilities;
  - x. Dense non-aqueous phase liquid storage facilities;
  - xi. Organic solvent storage facilities; and,
  - xii. Outdoor confinement or farm-animal yard in WHPA-A.
- f) New major development (excluding single detached residential, barns and non-commercial structures that are accessory to an agricultural operation) with moderate or significant risk level are only permitted where it can be demonstrated through the submission of a Hydrogeological Study that the existing water balance can be maintained through the use of best management practices such as low impact development, in accordance with WHPA-Q2 water supply requirements. Where necessary, implementation and maximization of off-site recharge enhancement to compensate for any predicted loss of recharge from the development shall occur.
- g) The use of best management practices such as low impact development to maintain pre-development recharge rates for non-major developments or site alterations that would be a significant drinking water threat in a WHPA-Q2 assigned a moderate or significant risk level shall be required.
- h) The Town will develop a By-law requiring the removal of fuel tanks from abandoned properties within one (1) year of known abandonment, and unused tanks from occupied properties within one (1) year in vulnerable areas where the handling and storage of fuel is or would be a significant drinking water threat.
- i) No *Planning Act* application may be made and no Building Permit or Change of Use Permit under the Ontario Building Code may be issued to establish a use that is detailed by policy RLU-1 of the Source Protection Plan. The Zoning By-law shall detail these uses as set out in RLU-1 and provide direction for the Risk Management Official



(RMO) to review the use and provide written notice in accordance with the *Clean Water Act*.

- j) In the Town of Midland, the Risk Management Official (RMO) and/or the planning approval authority or appropriate Provincial Ministry is responsible for determining when an existing or future land use or activity is or may be a significant drinking water threat.
- k) The Town may develop a screening process and tools for development applications in vulnerable areas, including requiring a pre-consultation meeting.
- l) This Plan shall require that, where necessary, existing land uses be prohibited or develop Risk Management Plans where they are a significant threat to municipal drinking water.
- m) All new development, including changes in land use, will be required to demonstrate conformity with the Local Source Protection Plan and this Plan. Additionally, any planning application for non-residential uses that is submitted on lands within WHPA-A to WHPA-E must include a Notice from the Risk Management Official as part of a complete application.
- n) The Town shall encourage:
  - i. Parking area design that minimizes the amount of impervious surface area and minimizes the need for road salt; and,
  - ii. Grading, maintenance activities and drainage designs that reduce ponding and direct any run-off outside of vulnerable areas or into storm sewers.
- o) Where a development proposal includes a new stormwater management facility or sewage services in a Vulnerable Area, a Master Servicing Study/Servicing Options Report shall be required as part of a complete application to ensure the design minimizes the risk of contaminating drinking water. The Master Servicing Study/Servicing Options Report shall also ensure that the stormwater discharge is directed to lands outside the Vulnerable Area, where it would be a low, moderate or significant drinking water threat.
- p) Major development applications within Significant Groundwater Recharge Areas must be assessed to ensure that groundwater recharge is not detrimentally affected through impervious surfaces and pre-development recharge rates are maintained.

### 6.3.3 Water Takings



- a) Where an application for an Official Plan Amendment is submitted to permit a land use that requires the removal of water from an aquifer without returning the water to the same aquifer in a WHPA-Q1 that has a significant or moderate risk level, the following, at a minimum, must be demonstrated:
- i. The taking of water would not cause draw down impacts beyond a safe level and preclude the Town of Midland from maintaining their well(s) above a safe level of drawdown under the scenarios tested in the Tier 3 Risk Assessment as part of the Source Protection Plan; and,
  - ii. That the increased water removal beyond the allocated demand is sustainable as determined by the Ministry of Environment, Conservation and Parks (MECP) in accordance with the Source Protection Plan and the *Ontario Water Resources Act*.

#### 6.3.4 Future Water Servicing Strategy

- a) It is an objective of the Town to avoid and/or minimize any negative environmental impacts that may be associated with the water servicing strategy. To this end mitigative strategies will be applied, which may include:
- i. Continuing water conservation measures;
  - ii. Undertaking a Water Efficiency Study to select and monitor new, cost-effective water saving initiatives that have broad-based support in the Town and reducing unaccounted for volumes of water through implementing a Leak Detection Program;
  - iii. Development of additional wells to include pumping well impact assessments for water table levels and surface stream flows and levels;
  - iv. Implementation of the Water Quantity policies of the SPP and the Tier 3 study respecting groundwater quantity protection; and,
  - v. Detailed environmental impact and mitigative measure assessments conducted at the time that individual water supply and storage projects are undertaken as the site specific analysis is required. This applied to both groundwater management and construction considerations and is to be conducted in accordance with the Class Environmental Assessment process.

## 6.4 Waste Water

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### 6.4.1 Municipal Waste Water Treatment Plant



- a) The treatment and disposal of waste water is an integral component of all land use development. Growth and prosperity is very much dependent on the safe, economical and efficient treatment and disposal of waste water. The Town shall promote and encourage appropriate and cost effective measures and systems.
- b) Most of the developed portion of the Town is adequately served by a trunk sewer system. In anticipation of future growth the Town may initiate engineering studies for the purposes of expanding the capacity of the Waste Water Treatment Plant. The Plant will be expanded as necessary to a size sufficient to service population forecasts beyond the planning horizon of this Plan, provided that they conform to Provincial growth forecasts.

#### 6.4.2 Municipal Sanitary Sewers

- a) New development will be responsible for the installation of all necessary sanitary sewer services, which will meet the Town's standards and specifications. Sanitary sewer services shall be designed, constructed and maintained to:
  - i. Provide adequate service to the proposed development;
  - ii. Accommodate full development of the drainage area;
  - iii. Utilize gravity flow wherever possible, to avoid the need for pumping stations;
  - iv. Protect the natural characteristics of the landscapes in which they are located; and,
  - v. Provide for sufficient depth and capacity to serve those areas which may ultimately be connected.
- b) All sanitary sewers will be separate from any storm drainage facilities. The Town will require any existing storm drainage to be progressively separated from sanitary sewers.
- c) Pumping stations may be considered as an alternative option to gravity based sanitary servicing. Details such as feasibility, cost analysis, operation and maintenance, and related studies shall be determined by the Town as part of the development approvals process.

Where a pumping station is proposed by an owner/applicant to service a proposed development, the cost related to the feasibility studies, environmental assessment, design, construction and start-up, operation and maintenance, removal and decommissioning, and the integration of the system with the permanent servicing solution will be the responsibility of the developer.



- d) The Town will monitor the quality and quantity of industrial sewage effluent entering the municipal sanitary sewage system, to control its impact on the operation and capacity of the waste water collection and treatment system and on the receiving watercourse.
- e) New private communal sewage services or municipal sewage services should be located outside of vulnerable areas where it would be a significant drinking water threat, where possible. Where a development proposal includes new private communal sewage services or municipal sewage services, a Master Environmental Servicing Plan shall be required as part of a complete application.

#### 6.4.3 On-site Sewage Systems

- a) The Town will enact a by-law that mandates connecting to municipal sewage services in vulnerable areas where individual on-site sewage services are a significant drinking water threat where services and reserve sewage system capacity exist.
- b) The Town will establish an inspection program for small on-site sewage systems that are located in vulnerable areas where they are a significant drinking water threat in accordance with the Ontario Building Code.
- c) In vulnerable areas where a future individual on-site sewage service would be a significant drinking water threat, new development may be permitted only where the lot size for the proposed development is based on the most current version of [Ministry of Environment, Conservation and Parks ECP's](#) guidelines for individual on-site servicing. Lots of record that exist on the effective date of the Source Protection Plan are exempted.

### 6.5 Storm Water Management

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#### 6.5.1 Introduction

- a) The effects and impact of storm water management and quality control form an integral and important part of development, redevelopment and public works. As such, storm water management should be an important part of any development consideration.
- b) Storm water management facilities, including storm water management ponds, shall be permitted on lands in any land use designation, with the exception of the **Natural Heritage** designation. Where storm water management facilities are located on lands within 90 metres of the **Natural Heritage** designation, an Environmental Impact Study shall be prepared.

#### 6.5.2 Objectives

- a) The objectives of this Plan with respect to storm water management are to:



- i. Provide provisional guidance for the choice of best storm water management practices in order to control flooding, erosion, sedimentation and water quality in any natural or human-made waterway;
- ii. Ensure that storm water will be considered as a resource, not a waste product and to ensure that storm water management strategies will be designed and implemented to replicate the existing hydrologic cycle where feasible;
- iii. Employ appropriate environmental management policies considering both the upstream and downstream characteristics of the watershed, while encouraging the appropriate integration of natural waterways, ponds and valleys, to enhance and develop functional corridors for wildlife habitat, open space and parkland systems;
- iv. Protect and enhance the water quality, environmental, aesthetic and recreational potential of the waterways and water bodies within and in proximity to the Town;
- v. Ensure that land dedications for storm water facilities shall not replace, substitute, or be included in the calculations of required parkland or other public space land dedications;
- vi. Strive to maintain groundwater quality and promote groundwater recharge by means of runoff retention, detention ponds and/or other low impact development (LID) methods; and,
- vii. Control the flow, improve surface drainage quality and minimize the impact of new development on local and area wide drainage patterns. The impact from development shall be appropriately controlled, especially during construction. Post development peak flows should equal predevelopment levels and a suitable method of handling surface runoff shall be developed as an aspect of the approval process.

### 6.5.3 Development Policies

- a) The Town may undertake Master Drainage Plans to ensure appropriate storm water control and management.
- b) No Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision shall be approved if the proposed development would have a significant adverse impact on surface drainage.
- c) Required storm water facilities shall not be considered as part of any parkland dedication.



- d) The Town may acquire, where deemed appropriate, access to watercourses or easements along watercourses for the purpose of stream improvement works and maintenance.

#### 6.5.4 Required Studies

- a) A Master Drainage Plan which addresses both quantity and quality control aspects of storm water management may be required to be submitted by a developer for a catchment area of the applicable sub-watershed area in which the development is located to minimize erosion and ensure drainage structures have adequate capacity. The determination of the applicable watershed area to be reviewed will be established by the Town and/or the applicable government agency. Storm drainage works should be consistent with the guidelines of the Stormwater Management Planning and Design Manual (Ministry of Environment, Conservation and Parks, 2003) or its successor and the Urban Stormwater Management Strategy (A. Mattson, Severn Sound Remedial Action Plan, 1998). Approvals of the appropriate government agencies may be required for development abutting County roads and Provincial highways.
- b) Storm Water Management Plans are required for all new Secondary Plans, Plans of Subdivision, a one lot severance, Official Plan Amendments, vacant land Plan of Condominium Zoning By-law Amendments, developments under Site Plan Control, and may be required for developments, which by their nature, magnitude or location have a potential for negative impact on the drainage area. The proposed Storm Water Management Plan shall be acceptable to the relevant agencies and bodies having jurisdiction and shall be designed in accordance with any Town design standards, and if applicable, the Master Drainage Plan for the sub-watershed area. The storm water management plan will:
  - i. Be informed by a subwatershed plan or equivalent;
  - ii. Incorporate an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, including the incorporation of appropriate low impact development and green infrastructure;
  - iii. Establish planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces;
  - iv. Align with the Town-wide stormwater master plan, where applicable; and,
  - v. Address such matters as best management practices, consideration of watershed flow regimes and headwater areas, storm water flow control, centralized facilities, impact on groundwater resources, maintenance of base





flow and storage levels and effects on water quality including temperature, wildlife, fisheries and the implementation of any mitigating measures.

- c) Water quality monitoring shall be required of parties proposing development concerning bodies of water receiving surface run off. If deterioration in water quality occurs, appropriate measures shall be implemented or required by the appropriate authority including restrictions on development, treatment of surface runoff or regulations for on-site disposal.
- d) Developments, which may impact surface drainage, shall provide comprehensive plans detailing methods of treating storm water and discharging it to a receiving watercourse and any impact on affected properties. In circumstances where flow attenuation is not required, post development peak storm water runoff should be limited to predevelopment levels.

#### **6.5.5 Storm Water Management Facility Design**

- a) All storm water management systems and facilities shall be designed by a Professional Engineer, in consultation with a landscape architect and ecologist, to the satisfaction of the Town, in consultation with the Severn Sound Environmental Association and any other agency having jurisdiction.
- b) All new storm water management systems shall be designed using the principles of low impact development (LID), which is an approach to managing storm water by infiltrating it in the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. LID includes the use of:
  - i. Infiltration systems, including bioretention cells, or rain gardens;
  - ii. Vegetated swales;
  - iii. Permeable pavement, including pervious concrete, porous asphalt, interlocking concrete pavers and grid pavers;
  - iv. Green roofs;
  - v. Rainwater harvesting into a rain barrel or a cistern;
  - vi. Downspout disconnection; and,
  - vii. Tree planting.
- c) Further, storm water management facilities will be designed and constructed to:



- i. Control the quantity and quality of storm water runoff entering the receiving watercourses and to minimize surface ponding and flooding inconveniences throughout the Town;
  - ii. Protect receiving watercourses and adjacent land uses from any potential adverse impacts of storm water runoff, including stream erosion, water quality, and nutrient loading;
  - iii. Maintain environmental and ecological integrity, and to provide a net benefit to the environment;
  - iv. Achieve a naturalized setting and to provide connections to trails, where appropriate;
  - v. Be a landscape feature, appropriately integrated into the parks and open space system;
  - vi. Maintain natural stream geometry wherever possible; and,
  - vii. Control erosion and sedimentation during construction.
- d) The retention of existing tree cover or natural vegetation, particularly along water courses and water stream valleys, and the provision of significant grassed and natural areas shall be encouraged to facilitate the infiltrating of storm water runoff into the ground where soil conditions permit.
- e) Channelization of natural watercourses should be minimized. Alteration of natural watercourses should only be undertaken as part of an approved renaturalization/replacement plan subject to the requirements of the appropriate approval authority.
- f) Where end of pipe management facilities are required, such facilities shall be designed to retain surface runoff during peak flow periods, to permit settling of pollutants and to reduce the cost of storm sewers, related works and maintenance. End of pipe storm water quality controls should include wet storm detention pond wetlands, oil/grit separators, buffer strips and/or infiltration basins or trenches. For new development, Enhanced Level Storm Water Management Measures should be implemented. Where deemed necessary by the Town, existing storm water management facilities should be retrofitted to achieve the environmental goals of this Plan.
- g) The design of new stormwater management facilitates in vulnerable areas shall minimize the risk of contaminating drinking water, and direct the discharge of stormwater to lands outside of vulnerable areas where it would be a significant drinking water threat. Where a development proposal includes stormwater

management facilities in a vulnerable area, a Master Environmental Servicing Plan shall be required as part of a complete application.

## 6.6 Utilities and Telecommunications

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- a) All local power and telecommunications/communications facilities and other cable services shall be located underground and be grouped into a single utility conduit, where feasible. For larger equipment, and facilities that are required to be located above grade, the Town shall ensure that appropriate locations are identified and/or cluster sites have been determined, which take into consideration the location requirements for larger infrastructure within public rights-of-way, as well as easements on private property.
- b) Utility and telecommunications/communications services shall be permitted in all land use designations. Where any of these facilities are to be located on lands within the **Natural Heritage** designation, an Environmental Impact Study shall be prepared.
- c) The Town shall support the shared placement of utilities, including distribution pipelines, within easements and rights-of-way to minimize land requirements and increase efficiency of utility construction and maintenance.
- d) Distribution pipelines will be encouraged to locate in such a manner so as not to impact on the function, amenity or safety of adjacent land uses and shall be designed and constructed in consultation with the Town and at the sole cost of the utility and/or the appropriate developer.
- e) The Town will encourage, support and pursue the provision of electronic communications technology involving high capacity fibre optic networks, or other technologies, to enhance telecommunications and high-speed broadband throughout the entire Town. The Town will continue its support of the SouthWestern Integrated Fibre Technology (SWIFT) Network as a forward-looking, financially sustainable plan to help the region connect, compete and keep pace by building a holistic, ultra-high-speed fibre optic network across the region. The Town will consider a development standard that would ensure the provision of high capacity fibre optic lines in all new developments.
- f) Lands required to be used for large utility structures shall be shown as a block(s) on a draft plan of subdivision and the location shall be confirmed as a condition of draft plan approval or site plan approval, to the satisfaction of the utility provider and the Town.

## 6.7 Sustainable Energy

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- a) The Town is a willing host for green energy facilities of a modest scale, including wind turbines and solar farms.
- b) Notwithstanding any other policy of this Plan, for any proposed green energy facility, the Town shall require the proponent to proceed through an Environmental Assessment process, or, at a minimum, through a land use planning approval process under the *Planning Act*, or both. The approvals process will evaluate and assess:
  - i. Whether the nature, scale and impact will be appropriate, and if possible, how identified impacts can be mitigated; and,
  - ii. The impact on the viewsapes, vistas and cultural landscapes in the vicinity, ensuring no undue adverse impacts are created.
- c) The Town may impose limits on the extent, height and location of any proposed green energy facility.
- d) The Town in partnership with the Province, as appropriate, shall ensure that the necessary agreements are in place to deal with ongoing operation and maintenance of any green energy facilities, as well as appropriate protocols for their ultimate decommissioning.

## **6.8 Waste Management**

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### **6.8.1 Introduction**

- a) The County is responsible for solid waste management, collection and disposal for the Town of Midland.
- b) The Town will support the County in developing an expanded solid waste management program, updating its Solid Waste Management Strategy on a regular basis, and showing environmental leadership in its efforts to reduce, reuse, and recycle all waste streams.
- c) The Town shall cooperate with the County on planning for solid waste collection in all new developments.

### **6.8.2 Waste Disposal Assessment Area**

- a) There are five existing or former waste disposal sites either within the Town or which may have an impact on lands within the Town, as indicated on Schedule F – Infrastructure:
  - 1. Former County waste disposal site #39 (closed 1985);



2. Former Town waste disposal site at Tiffin Park (closed 1972);
  3. Active private waste disposal site (Certificate of Approval number A680060);
  4. Former private waste disposal site; and,
  5. Active private waste disposal site (Certificate of Approval number A252903) which is located just outside the Town's boundary in the Town of Penetanguishene.
- b) In accordance with the MOE Guideline D-4 "Land Use On or Near Landfills and Dumps" the most significant contaminant discharges and visual problems are normally found within 500 metres of the perimeter of a fill area. This area consists of the Waste Disposal Assessment Area, indicated on Schedule F – Infrastructure and is subject to the policies of this Section.
- c) No new development will be permitted within the Waste Disposal Assessment Areas until such time as the appropriate D-4 Studies are completed and approved which determine the actual influence area for the subject waste disposal site and make recommendations respecting buffer areas.
- d) Upon completion of the required D-4 Studies, should it be determined that the actual influence area of a waste disposal site is less than the 500 metres study area, the study area for land use proposals can be reduced to coincide with the actual influence area on Schedule F – Infrastructure, without an amendment to this Plan.
- e) The nature and scope of the D-4 Studies shall be determined by the Town, and in consultation with the County of Simcoe where the subject development is in proximity to a County owned waste site, and will include, but not be limited to, an assessment of:
- i. The impact of any methane gas migration;
  - ii. Whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors;
  - iii. Whether the proposed use will be adversely affected by ground and surface water contamination by leachate migration; and,
  - iv. Those applicable items as outlined in the Province's Guideline D-4, April 1994, or its successor.



- f) Notwithstanding the policies of this Section, the implementing Zoning By-law may permit renovations or replacement of existing buildings and the construction of non-habitable accessory buildings such as garages or barns.
- g) The Waste Disposal Assessment Areas are to be considered as an overlay in regard to any other land use designation. Lands within the assessment area will generally be subject to a Holding provision in the implementing Zoning By-law. The removal of the Holding provision will only occur once the Town, in consultation with the County, are satisfied that the relevant studies have been completed and that development can safely occur. The appropriate studies will also be required in regard to any other *Planning Act* approval circumstance.
- h) Notwithstanding the above policies, no Waste Disposal Assessment Area is indicated for the former Town waste disposal site located at Tiffin Park as the requisite MOE D-4 Studies have been completed and approved.



## 7.0 IMPLEMENTATION AND ADMINISTRATION

### 7.1 Introduction

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- a) This Section outlines and describes the tools that the Town may use to implement the policies of this Plan. These tools will be used by the Town to achieve the vision, principles, objectives and policies for the realization of a successful community.
- b) The Official Plan provides a long term vision based on principles for building our ideal Town, but detailed action-oriented plans, programs and strategies will be needed to implement the Plan and adapt to the changing urban structure of the Town over the life of this Plan. Implementation plans and strategies are not amendments to the Plan, but are needed for the effective implementation of the Plan and as such must be consistent with it. They provided more detailed guidance about implementation that cannot be captured in this Plan while at the same time providing the ability to respond creatively to changing circumstances and priorities over time. Implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and principles of this Plan and while an expression of Council policy, are not part of this Plan unless it is specifically amended to include them, in whole or in part.

Existing and proposed implementation plans and strategies will include over time:

- i. Transit Plan to set priorities for new transit investment;
- ii. Urban design guidelines to provide a more detailed framework for community design and public improvements in strategic growth areas and throughout the Town;
- iii. Transportation Master Plan;
- iv. Water Master Plan including a water efficiency strategy to better conserve our groundwater resources;
- v. Wastewater Master Plan;
- vi. Stormwater Management Master Plan;
- vii. Secondary Plans for Strategic Growth Areas and Tertiary Plans for smaller geographic areas requiring comprehensive planning for development;



- viii. Community Energy Strategy to reduce energy consumption and promote sustainable energy sources;
- ix. Parks and Recreation Master Plan;
- x. An air quality strategy to improve air quality and promote public health and wellbeing;
- xi. Active Transportation Master Plan to create a safe and attractive pedestrian environment and a comprehensive cycling trail and path system throughout the Town; and,
- xii. Cultural Master Plan.

## **7.2 The Official Plan**

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### **7.2.1 Official Plan Review**

- a) The Town will review the policies in this Plan as part of a Provincially mandated review program, to ensure the continued relevance of the vision, principles, objectives and policies of this Plan. Such a review will be in accordance with the requirements of the *Planning Act*.
- b) Reviews of this Plan are required to ensure its continuing relevance and effectiveness. As such, this Plan shall be reviewed at least once within 10 years of the approval of this Plan, and at least once every five years subsequent to the 10 year review, at a meeting of Council. The review shall consist of an assessment of:
  - i. The continuing relevance of the assumptions of this Plan;
  - ii. The degree to which the objectives of this Plan have been met; and,
  - iii. The effectiveness of the policies in this Plan.
- c) The Town will review existing and future legislation contained in the *Planning Act*, the *Municipal Act* and other relevant Provincial statutes, plans and policy statements that apply to areas of municipal jurisdiction. The Town will, where appropriate, amend existing By-laws or pass new By-laws to ensure such uses are properly regulated in accordance with the relevant legislation and associated regulations and in-accordance with the policies of this Plan.
- d) The Town may, as a result of a review, amend this Plan. The public shall be advised of the review meeting by notification in accordance with the requirements of this Plan.





The notice shall include information regarding the purpose of the meeting. An opportunity shall be provided for written or verbal presentations.

### 7.2.2 Monitoring

- a) The Town may monitor the policies of this Plan in conjunction with environmental, economic and social changes. This may involve research, data collection and analysis, which will measure the effectiveness of the Plan's policies, and to determine if:
  - i. The assumptions of this Plan remain valid;
  - ii. The implementation of the policies to fulfill the overall vision, principles and objectives of this Plan;
  - iii. Provincial growth and intensification targets are being met; and,
  - iv. The priorities identified in this Plan remain constant or require change.
- b) Monitoring and measuring performance will be conducted through both available qualitative and quantitative measures. The Town in consultation with the County will undertake performance measurement in a variety of ways including, but not limited to:
  - i. Residential Monitoring Report, including residential unit creation within the Delineated Built-up Area and residential intensification objectives; and,
  - ii. Provincial and/or County-wide performance measures reporting.
- c) The Town, in consultation with the County, adjacent municipalities, Severn Sound Environmental, Provincial agencies and other interested organizations will consider the establishment of environmental monitoring programs to measure the effectiveness of the Plan's environmental policies.
- d) The Town may undertake a variety of planning studies to monitor progress of current planning initiatives, understand new trends, ensure an appropriate response is provided to issues which may arise, or for any other purpose deemed suitable by the Town. As such, the Town shall consider dedicating sufficient resources, or seek partnership funding where possible, for planning studies so that the work can be undertaken with appropriate professional diligence.
- e) The Town may implement the findings of a planning study with an Official Plan Amendment, a Secondary Plan, a Zoning By-law Amendment, a By-law or any mechanism deemed appropriate.

### 7.2.3 Amendments to this Plan



- a) The Town will consider applications for Amendments to this Plan within the context of the policies and criteria set out throughout this Plan.
- b) An applicant for an Official Plan Amendment shall be required to submit a planning justification report(s) to demonstrate the rationale for an Amendment to this Plan, and shall be required to evaluate and address such matters, including but not limited to:
  - i. Conformity with Provincial policies, plans and guidelines and the County of Simcoe Official Plan;
  - ii. Conformity to the vision, principles, objectives and policies of this Plan, and other Town approved policies and plans;
  - iii. Justification of the need for the proposed Amendment;
  - iv. Suitability of the lands for the proposed use;
  - v. Land use compatibility with the existing and future uses on surrounding lands; and,
  - vi. Adequacy of service infrastructure and community infrastructure, including public service facilities, to support the proposed use.
- c) In accordance with the *Planning Act*, there will be no appeal with respect to the refusal or failure of the Town to adopt an Official Plan Amendment and/or the passage of a Zoning By-law Amendment:
  - i. For the re-designation or conversion of lands designated as an **Employment Area** on Schedule C – Land Use.
  - ii. For the conversion of lands from Rural Areas to Urban Areas.
- d) Technical revisions to this Plan will not require an Official Plan Amendment provided they do not change the intent of the Plan. Technical revisions include:
  - i. Changing the numbering, cross-referencing and arrangement of the text, tables, Schedules and maps;
  - ii. Altering punctuation or language for consistency;
  - iii. Correcting grammatical, dimensional and boundary, mathematical or typographical errors; and,



- iv. Adding technical information to the Schedules which may improve clarity of interpretation.
- e) Notice of Official Plan Amendments will be given in accordance with the procedures as provided for in the *Planning Act* and the applicable policies of this Plan.

#### 7.2.4 Secondary Plans

- a) Secondary Plan Areas are identified on Schedule A – Growth Areas.
- b) The Urban Areas outside of the Delineated Built Boundary are lands which have been determined to be significant locations for future urban growth. It is intended that prior to future growth in these areas, a Secondary Plan, or Plans, are to be developed to coordinate and set out growth and development opportunities in a comprehensive manner. Until such a plan is completed and adopted, development and redevelopment should generally be restricted and the division of land which might interfere with the efficient and proper planning of the area should not be permitted.
- c) The Secondary Plan areas may be subdivided based on logical servicing and/or planning boundaries, at the discretion of the Town, for the purposes of carrying out Secondary Plan studies.
- d) The properties at 8797 County Road 93 (North American (Midland) Corporation and 794730 Ontario Limited) are included in the Designated Built-up Area and are located within the County Road 93 South Secondary Plan area. In the event that the Town's master water and wastewater studies determine that these lands are best serviced from the Highway 12 servicing corridor, then the requirement of this Plan for a Secondary Plan study would not be applicable and the lands may be developed without the requirement for a Secondary Plan and shall be removed from the Secondary Plan area without the requirement for an amendment to this Plan. The lands may then be developed in accordance with the policies and designations in this Plan and serviced in accordance with the Town's approved Master Plans without the requirement for a Secondary Plan study or amendment to this Plan.

### 7.3 By-laws

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#### 7.3.1 Comprehensive Zoning By-law

- a) A comprehensive Zoning By-law shall implement the policies of this Plan by regulating the use of land, buildings or structures in accordance with the provisions of the *Planning Act* and, where appropriate, may be more restrictive than this Plan.



- b) Until such time as the Zoning By-law can be amended to bring it into conformity with this Plan, the present Zoning By-law shall remain in effect. It is not intended that all lands be zoned at the outset for uses indicated on Schedule C – Land Use, but rather the existing Comprehensive Zoning By-law will recognize existing uses and be of a restrictive nature.
- c) Within three years of the approval of this Plan, the existing Comprehensive Zoning By-law will be reviewed and amended, or a new Zoning By-law prepared and adopted, to conform to the policies of this Plan, in accordance with the *Planning Act*.
- d) This Plan and the natural heritage system will be further refined as part of the Zoning By-law conformity process and this refinement process will include but not be limited to:
  - i. Review of updated data and information produced by the Town, Severn Sound Environmental Association, County and/or Province;
  - ii. Delineation and definition of existing building envelopes and building areas for existing uses;
  - iii. Review of any Environmental Impact Studies produced in support of development applications; and,
  - iv. Site inspections where appropriate.

### 7.3.2 Applications for Rezoning

- a) Applications for rezoning will be considered in terms of the vision, principles, objectives and policies of this Plan. With this approach, development plans and other details will be reviewed so that design, amenity, density, public works, environmental concerns and all other matters for which this Plan sets policy may be ascertained.
- b) All Amendments to the comprehensive Zoning By-law shall be in conformity with this Plan.

### 7.3.3 Inclusionary Zoning

- a) Council may consider the use of inclusionary zoning to support the provision of affordable housing subject to the completion of an Assessment Report and implementation through Official Plan and Zoning By-law Amendments.

### 7.3.4 Holding Zones

- a) The *Planning Act* provides for the use of the holding symbol 'H' in conjunction with any land use zone found within the implementing Zoning By-law. The purpose of this



- zone is to prevent or limit the use of land until the Town is satisfied that development may proceed.
- b) The objective of the holding symbol is to advise as to pending development and to prevent or limit the use of land in order to achieve orderly, phased development and to ensure that servicing and design criteria have been met.
- c) The holding symbol should be applied to undeveloped or unserviced areas where development is anticipated by the Official Plan. Further, a holding symbol may be used to implement this Plan for one or more of the following purposes:
- i. To ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met;
  - ii. To achieve orderly phasing or staging of development, in accordance with Town, and/or Provincial policies;
  - iii. To ensure that adequate transportation and servicing infrastructure and community services and facilities are, or will be, available in accordance with municipal standards;
  - iv. To adopt measures to mitigate negative impacts resulting from the proximity of lands to transportation and utility corridors, incompatible land uses or any other source of nuisance or hazard to public health and safety;
  - v. To satisfy the policies of this Plan related to cultural heritage conservation, urban design, Site Plan Approval, potentially contaminated sites, protection of the natural environment and the **Natural Heritage** designation, community improvement, and all other planning matters determined to be relevant to the development or redevelopment of the lands;
  - vi. To achieve the exchange of community benefits set out in this Plan;
  - vii. To ensure the payment of monies for services and/or local improvements; and,
  - viii. To ensure the execution of legal agreements, approval of plans of subdivision and approval of necessary studies by the appropriate authority to satisfy any of the criteria set out above.
- d) The holding symbol shall be applied to all lands within the 500 metre Waste Disposal Assessment Area of all public and private waste disposal sites as shown on Schedule F - Infrastructure. The lifting of the holding symbol permitting the development of any new or enlarged buildings or structures within the assessment area shall not occur until The Town is satisfied that all of the studies required by the Town and County have been completed.

- e) The holding symbol may be used in conjunction with any land use zone. The By-law shall specify the use to which the lands may be put, if any, while the holding symbol is in effect and shall specify the use or uses permitted when the holding symbol is removed. Holding symbols may be applied Town wide or to portions of the Town or on a site-specific basis.
- f) Interim uses permitted while the holding symbol is in place may include existing uses and other uses permitted by this Plan within the land use designation of the subject lands that are deemed appropriate by the Town and which do not adversely affect the future development potential of the lands.
- g) Where the holding symbol is used, generally no development or site alterations will be permitted while the holding symbol is in effect. Uses existing prior to the By-law may be recognized if the recognition of the existing use will not likely hinder the long-term use of the property.
- h) Before the removal of a holding symbol, the Town shall be satisfied that all conditions and agreements have or will be met and that the relevant policies of this Plan have been met, including, but not limited to:
  - i. Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads and any other required utility can be provided;
  - ii. All necessary requirements of the Town have been satisfied; and,
  - iii. All necessary subdivision or development agreements have been entered into, and that the conditions of these agreements have been, or will be met.

#### 7.3.5 Interim Control By-laws

- a) The *Planning Act* permits the Town to enact a By-law to control the development of land within the municipality on an interim basis while a study of land use planning policies is undertaken by the municipality.
- b) Interim Control By-laws will specify the permitted uses and any additional applicable regulations, while the By-law is in effect, provided that such interim uses do not conflict with the ultimate designated use of the lands.
- c) Interim Control By-laws shall define the specific area affected and establish an expiry date of not more than one year from the date of passing thereof.



- d) The Town may pass a further By-law to grant an extension of the Interim Control By-law for up to one additional year. The Town may not enact another Interim Control By-law on the same lands where one has lapsed, for a period of three years.
- e) Interim Control By-laws shall not prohibit the use of lands for any purpose lawfully in existence, or for which a building permit has been issued under the *Building Code Act*, on the date of passing of the Interim Control By-law.

### 7.3.6 Temporary Use By-laws

- a) The *Planning Act* permits the Town to pass a Temporary Use By-law permitting the temporary use of lands, buildings or structures for a purpose that would otherwise not be permitted in the Zoning By-law.
- b) A Temporary Use By-law will define the land to which it applies and will prescribe the period of time during which it is in effect.
- c) The Town may grant extensions of the temporary use. Any extension will be granted through passage of a By-law, in accordance with the provisions of the *Planning Act*.
- d) The Town will, in considering the enactment of a Temporary Use By-law, be satisfied that:
  - i. The proposed temporary use is compatible with surrounding uses;
  - ii. There is sufficient on-site parking to accommodate the proposed temporary use; and,
  - iii. The proposed temporary use will be properly serviced and will not require the extension or expansion of existing municipal services.
- e) Upon the expiry of the time period(s) authorized by a Temporary Use By-law, the use of land, buildings or structures that were permitted under such a By-law will cease to exist and will not be considered legal non-conforming within the context of the *Planning Act* or this Plan.

### 7.3.7 Community Benefits By-laws

- a) Section 37 of the *Planning Act* permits the Town to pass a By-law authorizing the provision of community benefits that may include such facilities, services or matters as set out in the By-law.
- b) Community benefits may include the following:



- i. Housing units which assist in meeting the housing targets established from time to time by the Town and/or County, including accessible, assisted and affordable housing units;
- ii. Public service facilities/services, including emergency services and fire facilities, child care facilities, cultural facilities, public art or arts facilities, recreational facilities and/or educational facilities;
- iii. Enhanced park and trail facilities, capital improvements and/or parkland dedication/acquisition;
- iv. Enhanced environmental/conservation management measures, including the conveyance of components of the **Natural Heritage** designation to a public authority;
- v. Improvements to traffic and pedestrian movement including enhanced streetscaping and amenities for active transportation, such as pedestrian or cycling facilities;
- vi. Improvements to public transit infrastructure, facilities or services;
- vii. Enhancements to various public works, beyond those required to service the development;
- viii. Enhanced energy conservation methods and innovative designs, which are effective in reducing costs;
- ix. Improvements to the environment and viability of the Downtown;
- x. Increased buffering or landscaping beyond the requirements of the Zoning By-law;
- xi. The use or re-use of vacant land and buildings, particularly within the Delineated Built-up Area;
- xii. Improvements to the compatibility among existing land uses;
- xiii. The heritage restoration and preservation of identified, listed and/or designated heritage resources; and,
- xiv. Improvements to public access and connections to public service facilities, open space, natural areas and the water's edge, including multi-use pathways and trails system.





### 7.3.8 Site Alteration By-law

- a) In accordance with the Town's Site Alteration By-law, the Town shall restrict the removal of top soil or the filling of land or other site alteration activities and shall require the use of best practices for the management of excess soil and fill during development or site alteration, including infrastructure development, while protecting human health and the environment.

### 7.3.9 Tree Protection By-law

- a) The Town may pass a By-law regulating the removal of trees within the Town.

## 7.4 Site Plan Control

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### 7.4.1 Purpose

- a) Site Plan Control is a tool used to achieve high quality site and exterior building design. It is used to achieve appropriate siting and massing of development and to ensure the safety, accessibility, attractiveness and compatibility of a development within the site context and overall urban landscape. Site Plan Control is also used by the Town to secure land for road widenings and to implement streetscape improvements in public boulevards adjoining development sites.
- b) Site Plan Control is one of the key tools for implementing the policies of this Plan related to achieving a successful community. The purpose of Site Plan Control is set out as follows:
  - i. To protect adjacent uses from development where it is likely that the new use would have a detrimental impact either visually or physically;
  - ii. To ensure adherence to proper development standards and to encourage aesthetic design and proper landscaping;
  - iii. To ensure the safe and efficient movement of both vehicular and pedestrian traffic as it relates to the development and the surrounding area;
  - iv. To ensure the conveyance of any required easements to the municipality for maintenance or improvement of drainage works, watercourses, public utilities, roadways and similar undertakings;
  - v. To ensure proper grading, storm drainage and maintenance; and,
  - vi. To control the location of buildings, utilities and site facilities.

- c) Where the Town has identified an area or use as requiring Site Plan Control, the Town shall require, as a condition of development or redevelopment, the entering into of a Site Plan Agreement between the municipality and land owner. The agreement may stipulate, through the text and/or the use of plans and drawings, the location of buildings and structures and show or describe the location of all works and facilities to be provided.

#### 7.4.2 Scope of Site Plan Control

- a) Where Site Plan Control is required, proposed development or redevelopment may not be permitted until such time as the Town has approved drawings showing plan, elevation and cross-section views for all buildings to be erected (including all buildings to be used for residential purposes regardless of the number of units) and for other site development works sufficient to display the following:
- i. Exterior building design considerations including, without limitation:
- Massing;
  - Scale;
  - Signage, where applicable; and,
  - Sustainable design.

The Town may also prepare appropriate design guidelines that specify requirements for architectural detail, building materials and colour.

- ii. Design elements within and/or adjacent to the Town right-of- way including, without limitation:
- Bicycle parking facilities;
  - Buffers;
  - Curb cuts and driveway ramps;
  - Other plantings and groundcover;
  - Public transit facilities, where applicable;
  - Street furniture including location of public art;
  - Landscaping including trees, shrubs and/or hedges; and,
  - Waste, recycling and composting containers.
- iii. Site development works and site design including, without limitation:
- Barrier-free and universal accessibility;
  - Grading, drainage, erosion and sedimentation control;
  - Landscaping and fencing;
  - Lighting;
  - Loading and parking areas, including shared parking and connections between private parking areas;
  - Outdoor amenity and/or play facilities, where appropriate;
  - Pedestrian access and bicycle facilities;
  - Signage, where applicable;



- Storm water management design and areas;
  - Snow storage design and areas;
  - Road widenings and road improvements; and,
  - Facilities for the storage of garbage, recycling and other waste material.
- b) The Town shall acquire the widenings for rights-of-way, turn lanes, intersection improvements and daylight triangles at intersections, in accordance with the policies of this Plan, as a condition of Site Plan Approval, free and clear of all encumbrances.
- c) The exterior design of all buildings proposed through the Site Plan Control process, shall be consistent with any applicable policies contained in this Plan and any other design policies, guidelines and/or reports adopted by Council.
- d) For the purposes of this Section the following areas of the Town are suitable for the application of the Architectural Control provisions of Subsection 41(4)(d) and (e) of the *Planning Act* including but not limited to the character, scale, appearance and design features of buildings and their sustainable design:
- i. 422 King Street located on the west side on King Street, between Ellen and Hannah Streets, and legally described as of Part of Block A, Registered Plan 464.
  - ii. **Waterfront District – Midland Bay Landing;**
  - iii. **Downtown;**
  - iv. **Commercial Corridor;**
  - v. **Mixed Use Corridor;** and,
  - vi. Medium and high-rise residential development.
- e) The Town may exempt specific development applications from fulfilling all of the identified elements of the Site Plan Control process. Any refinement of the required Site Plan Control elements shall be on an application by application basis.
- f) The Town may develop Urban Design Guidelines which would be applicable Town-wide, to a sub-area of the Town, or to a specific class of development applications.
- g) The Town may require an Urban Design Brief to be submitted in support of a development application or public realm improvement project. The Urban Design Brief will be in accordance with the policies of this Plan, and may be used to guide the Site Plan Control process.



- h) The Town supports the implementation of Crime Prevention Through Environmental Design (CPTED) principles as part of the Site Plan Control process to ensure development or redevelopment has regard for the safety and security of all persons. The Town may require a CPTED Report to be prepared by a qualified professional, in accordance with the CPTED objectives and policies of this Plan, as part of the Site -Plan Control process.

#### 7.4.3 Where Applicable/Not Applicable

- a) The Town may pass a by-law designating the whole of the Town, or any part thereof, as a Site Plan Control Area. In addition, the Town may, by By-law:
  - i. Require Site Plan Approval as a condition of a subdivision agreement; and/or,
  - ii. Require Site Plan Approval as a condition of any decision of the Committee of Adjustment.
- b) The *Planning Act* permits a municipality to require, as a condition of development, a Site Plan Agreement setting out the aspects and conditions of development. The Act requires that areas where Site Plan Control is to be implemented be shown or described in this Plan. As such, the Town shall update its Site Plan Control Area By-law to bring it into conformity with the Plan, which will be applicable to all development.
- c) Further, and notwithstanding any other policy of this Plan, the Town may exempt development which would otherwise be subject to Site Plan Control where it considers such approval to be unnecessary due to the type or scale of development proposed.

### 7.5 The Subdivision of Land

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#### 7.5.1 Subdivision Control

- a) All lands in the Town are subject to subdivision control and part-lot control. The Town shall exercise the power of subdivision control and part-lot control in accordance with the *Planning Act*. Old registered plans of subdivision, which the Town feels are inadequate, may be deemed to be no longer registered under authority of the *Planning Act*.

#### 7.5.2 Plans of Subdivision

- a) The division of land shall occur by plan of subdivision where:



- i. A new road or extension to an existing road, an extension of services and/or the reconfiguration of the storm water management system is required; or,
  - ii. Four or more lots are being created and/or the owner is retaining sufficient lands for the development of additional lots; or,
  - iii. The Town deems it necessary in the public interest for the proper development of the lands.
- b) It shall be a policy to approve only those plans of subdivision which conform with the vision, principles, objectives, and policies of this Plan, and comply with the *Planning Act*, related Provincial policies and plans, and the County of Simcoe policies and procedures. In addition, the Town will approve only those plans of subdivision that meet the following criteria:
- i. The plan can be supplied with adequate municipal service infrastructure and community infrastructure, including public service facilities;
  - ii. The plan will not impose an unacceptable financial burden on the Town;
  - iii. The plan will not adversely affect the economy of the Town;
  - iv. The plan will not adversely impact upon the transportation system and will support public transit, cycling and walkability;
  - v. The plan will not adversely impact the **Natural Heritage** designation;
  - vi. The plan will be integrated with surrounding lands, subdivisions and streets; and,
  - vii. The plan is not deemed premature by the Town.
- c) As a condition of draft plan of subdivision approval, the Town shall require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant may be required to meet the conditions within three years which, if not met, may cause the draft plan approval to lapse. To ensure that conditions are bound to the owner and the land, the Town shall require the proponent to enter into a subdivision agreement which will be registered on title.
- d) Subdivision agreements may deal with all applicable aspects of development such as landscaping, parking, traffic circulation, access, parkland dedication, sign control and design, drainage, grading, lighting, services, staging and timing.

### 7.5.3 Condominiums



- a) It shall be a policy to approve only those proposals submitted under the *Condominium Act* which conform with the vision, principles, objectives, and policies of this Plan, and comply with the *Planning Act*, related Provincial policies and plans, and the County of Simcoe policies and procedures. In addition, the Town will approve only those proposals that meet the following criteria:
- i. The proposal can be supplied with adequate municipal service infrastructure and community infrastructure, including public service facilities;
  - ii. The proposal will not impose an unacceptable financial burden on the Town;
  - iii. The proposal will not adversely affect the economy of the Town;
  - iv. The proposal will not adversely impact upon the transportation system and will support public transit, cycling and walkability;
  - v. The proposal will not adversely impact the **Natural Heritage** designation;
  - vi. The proposal will be integrated with surrounding lands, subdivisions and streets; and,
  - vii. The proposal is not be deemed premature by the Town.
- b) The Town may approve applications for exemption from condominium approval subject to the following:
- i. The property is subject to Site Plan Approval and/or has received Site Plan Approval and the appropriate agreement with securities is in place and in full force and effect;
  - ii. The property is zoned for the proposed use;
  - iii. The property is or will be adequately serviced; and,
  - iv. Council is of the opinion that Draft Conditions of Draft Plan of Condominium Approval are not required for the proposed development of the subject building and/or development condominium.

#### 7.5.4 Land Severances/Consents

- a) The following provides policies for the Committee of Adjustment who shall be guided by the general intent and specific policies of this Plan and the regulations of the Zoning By-law in considering applications for the severance of land. Consents should only be considered where a plan of subdivision is deemed to be unnecessary and where the application conforms with the policies of this Plan.



- b) The maximum number of new lots approved by the Town on one property through provisional consent shall be three (3). Proposals for four (4) or more new lots shall be processed by a plan of subdivision.
- c) All new lots, including the retained lands, must have frontage on and have direct access to an open, improved public road which is maintained on a year round basis and is of a reasonable standard of construction. In addition, approval for consents to create new lots will only be considered where:
  - i. The lots are fully serviced by municipal water and wastewater systems or meet the servicing policies of this Plan;
  - ii. The lots comply with the policies of this Plan;
  - iii. The lots comply with the Zoning By-law or an approved minor variance;
  - iv. The lots will not restrict the development of adjacent lands; and,
  - v. The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontage and area, building height, coverage, mass, setbacks, privacy, and overview.
- d) Lots with direct access from Provincial Highways or County Roads will only be permitted where the appropriate authority advises that an entrance permit will be issued.
- e) Specifically, a consent should not be granted if the result is to land lock adjacent properties so that the property will no longer have frontage on a public road. In addition:
  - i. Lots shall not be created which would access onto a road where a traffic hazard would be created due to limited sight lines; and/or,
  - ii. Strip development shall generally be prohibited although infilling in existing built up areas may be permitted.
- f) Road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.
- g) The Town may require that land be conveyed to the Town for park purposes or that a cash payment in lieu of parkland be made in accordance with the Town's Parkland and Public Recreation By-law, or a Community Benefits By-law. Conveying land to the Town for park purposes is the Town's preferred option.



- h) A consent for technical or legal purposes may be permitted where a separate lot is not being created (such as a boundary adjustment, validation of title, easement or right-of-way).
- i) The Town may require Agreements and other planning instruments as a condition of approval for the severed lot or the retained lot, as may be appropriate:
  - i. The Agreement may be registered on title and may address such matters as development charges, drainage and local improvement charges, provisions for municipal sewers and/or water systems and storm water management, road dedications and improvements, park dedications or payment in lieu, and fences;
  - ii. Approval of a Zoning By-law Amendment; and,
  - iii. Approval of a Site Plan Control Agreement.

## 7.6 The Community Planning Permit System

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### 7.6.1 Introduction

- a) The *Planning Act* permits the Town to implement a Community Planning Permit System that is intended to combine Zoning and Site Plan Approval processes, as identified in this Plan. Council considers the following area of the Town appropriate and where it may consider the implementation of a Community Planning Permit System:
  - i. **Waterfront District 1** sub-designation and **Waterfront District 2** sub- designation as shown on Schedule C1 – Midland Bay Landing.

### 7.6.2 Objectives

- a) The objectives of the Town in implementing a Community Planning Permit System include but are not limited to the creation of new and vibrant neighbourhoods in the Waterfront Mixed-Use designation, creation of an attractive public waterfront district, creation of a vibrant and attractive destination, rehabilitation of a brownfield site, the creation of civic squares, green spaces and multi-use trails and to provide for their interconnectivity to the Downtown area and adjacent neighbourhoods, increasing diversity of arts, cultural and recreational opportunities and the protection of the natural environment.
- b) A Community Planning Permit By-law shall clearly articulate and establish development and design requirements, provisions and standards which must be demonstrated to the satisfaction of the Town prior to the granting of any approval.





The Community Planning Permit By-law(s) will provide for a streamlined approach to the review and approval of development applications and allow for flexibility with a clearly articulated vision for the area. The Community Planning Permit By-law shall establish specific development requirements on the basis of consistency with this Plan and The Unimin Waterfront Lands Master Plan (2013).

### 7.6.3 Application Requirements

- a) All Applications for Community Planning Permits are required to submit a full drawing and plan set which includes elevation and cross section drawings for any proposed building or structure. The Town shall determine, in its Community Planning Permit By-law, the detailed requirements for the submission of a Complete Application which will include, but not be limited to, matters of ownership, current planning controls, existing and proposed uses, location of natural features, and a comprehensive description of the proposed development. If any variations are requested, servicing and related engineering matters will also be required. The requirements of this Plan with respect to Complete Applications and Supporting Studies shall apply to Community Planning Permit Applications.
- b) Technical reports, plans and studies may be required to assist in the review process of a Community Planning Permit Application. The requirements for Complete Applications and Supporting Studies as set out in Section 8.7 of this Plan shall apply.

### 7.6.4 Discretionary Uses

- a) As shall be provided in the Community Planning Permit By-law, a permit may be issued to allow, as a discretionary use, any use not specifically listed as a permitted use provided that the proposed use is similar and compatible with the listed permitted uses and would maintain the intent, principles, policies and objectives of this Plan.

### 7.6.5 Variations

- a) The Community Planning Permit System may allow for defined variations to the standards and regulations outlined in the Community Planning Permit By-law. Such variations will only be permitted if they are consistent with the intent, principles, policies and objectives of this Plan.

### 7.6.6 Delegation of Approval Authority

- a) The Town may delegate to Staff the approval or issuance of Community Planning Permits. Limits on and criteria for such delegation shall be established in the Community Planning Permit By-law. All approvals issued through the Community Planning Permit System must be deemed to be consistent with the policies of this Plan.



### 7.6.7 Conditions and Agreements

- a) The Town may impose conditions and grant provisional approval prior to final approval as set out in the Community Planning By-law.
- b) A Development Agreement, registered on title, may be required prior to final approval for any Community Planning Permit Application.
- c) As a condition of the approval of a Community Planning Permit Application and as set out in the required Development Agreement, the Town may require the owner to provide to the satisfaction of and at no expense to the Town any or all of road widenings, facilities for access to and from the lands such as ramps, curbing and traffic signals, off-street parking and loading facilities, walkways and ramps, facilities designed to have regard to the accessibility for person with disabilities, lighting of any land or buildings, vaults and enclosures for the storage of waste and recycling materials, easements for engineered services and public utilities, and the grading of the lands including the provision of storm water management controls and facilities. The agreement may also include, but shall not be limited to, the provision of public benefits, maintenance of the works, securities and insurance, timing of construction including commencement and completion, fees, and cash-in-lieu of parking and/or parkland dedication.

## 7.7 Development Approvals and Complete Applications

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### 7.7.1 Pre-Submission Consultation Meetings

- a) To ensure a fair, efficient and open planning application review process, the Town requires Pre-Submission Consultation Meetings in advance of an applicant submitting some types of development applications. Through this process, the Town will identify the additional information and studies that are required in order to accept an application as complete under the *Planning Act*. Requiring this information and material to be submitted at the same time as an application is submitted to the Town allows Committees and Council to make well informed decisions within the timeframes provided in the *Planning Act*.
- b) A proponent will be required to participate in a Pre-Submission Consultation Meeting prior to the submission of an application for a Plan of Subdivision, a Plan of Condominium, an Official Plan Amendment, a Zoning By-law Amendment, a Provisional Consent, a Community Planning Permit Application and/or a Site Plan. In respect of all other applications, proponents are encouraged to consult with the Town prior to the submission of the application. The County or other relevant agencies or Ministries, as applicable, will be invited to participate in the required Pre-Submission Consultation Meeting in order to streamline this stage of the local



planning review process. Where the County or other agencies or Ministries cannot attend, the proponent shall be required to consult with the applicable agency as indicated by the Town and the results of same shall be included in the Complete Application submission.

- c) Notwithstanding b) above, the Town may waive the requirement for a Pre- Submission Consultation Meeting, where the Town has identified that, due to the nature of the proposal, the need for and scope of the required information and studies can be determined without a Pre-Submission Consultation Meeting. The Town will provide the applicant correspondence that identifies the necessary information and studies to be submitted with the application(s) to deem it complete.
- d) The purpose of the Pre-Submission Consultation Meeting is to identify any other information, studies or materials, as listed in Table 1 – Other Information and Studies below, which may be necessary and required to review the application. Some of these matters as listed in Table 1 may be scoped or waived through the Pre- Submission Consultation Meeting. Where other information, studies or materials have been identified to be submitted with the development application, the information, studies and materials will be:
  - i. In keeping with the scope and complexity of the application(s);
  - ii. Prepared by a qualified professional (as defined in applicable legislation or alternatively to the satisfaction of the Town) retained by and at the expense of the applicant;
  - iii. Prepared in accordance with any applicable Federal, Provincial and County Guidelines and Policies and any Town Guidelines or Policies that have been endorsed by the Town;
  - iv. Other Information and Studies required to process a Site Plan Approval Application will be limited to those matters set out under Section 41 of the *Planning Act*, as may be amended from time to time.

#### 7.7.2 Required Information/Studies

- a) The following Table 1 identifies the current list of information/studies that may be required to support an application for development, as applicable. Additional information or reports may be required by the Town as part of the Complete Application in addition to the information and materials listed in Table 1 – Other Information and Studies, where circumstances necessitate the need for such information in the decision-making process.

**Table 1 – Other Information and Studies**

**1. CULTURAL HERITAGE RESOURCES**



<b>Table 1 – Other Information and Studies</b>
<ul style="list-style-type: none"> <li>• Archaeological Assessment</li> <li>• Heritage Impact Assessment</li> <li>• Heritage Building Structural Assessment</li> </ul>
<b>2. PLANS AND DRAWINGS</b>
<ul style="list-style-type: none"> <li>• Site Plan or Concept Plan in accordance with Town requirements, including a digital submission</li> <li>• Tertiary Plan</li> <li>• Subdivision Plan or Condominium Plan in accordance with Town requirements, including a digital submission</li> <li>• Building Elevation Drawings</li> <li>• Angular Plane Analysis</li> <li>• Shadow Impact Study</li> <li>• Accessibility Analysis</li> </ul>
<b>3. ENVIRONMENTAL/NATURAL HERITAGE/NATURAL HAZARDS</b>
<ul style="list-style-type: none"> <li>• Aggregate Resource Analysis</li> <li>• Slope Stability and Cut/Fill Analysis including Erosion Hazards</li> <li>• Environmental Impact Study</li> <li>• Hydrogeological Assessment including a Wellhead Protection Area Plan</li> <li>• Tree Preservation Plan/Enhancement Plan</li> <li>• Energy Conservation Study</li> <li>• Environmental Site Assessments and/or Record of Site Condition</li> <li>• Shoreline Engineering Report</li> <li>• Species At Risk (SAR) Screening/Evaluation</li> <li>• Notice from the Risk Management Official</li> </ul>
<b>4. SERVICING/INFRASTRUCTURE</b>
<ul style="list-style-type: none"> <li>• Municipal Water and Sanitary Sewer Servicing Feasibility Study</li> <li>• Private Servicing Study</li> <li>• Soils or Geotechnical Study</li> <li>• Preliminary Grading Plan</li> <li>• Preliminary Storm water Management Report and Plan</li> <li>• Traffic Impact Study (both internal and external)</li> <li>• Parking, Pedestrian and Sidewalk Analysis</li> <li>• Fire Suppression Analysis</li> <li>• A Master Environmental Servicing Plan</li> <li>• A Master Servicing Study/Servicing Options Report</li> </ul>
<b>5. LAND USE COMPATIBILITY</b>
<ul style="list-style-type: none"> <li>• Land Use Compatibility Study</li> <li>• Landfill Impact Study (D4 Studies)</li> <li>• Noise and/or Vibration Impact Study</li> <li>• Dust and/or Odour Impact Study</li> <li>• Agricultural Impact Analysis</li> <li>• Photometric Report and Plan</li> <li>• Public Accommodation Study</li> </ul>

<b>Table 1 – Other Information and Studies</b>
<b>6. PLANNING</b>
<ul style="list-style-type: none"> <li>• Planning Justification Report</li> <li>• Affordable Housing Report</li> <li>• Rental Housing Conversion Assessment</li> <li>• Retail Impact Study</li> <li>• Urban Design Report and Streetscape/Public Realm Plan</li> <li>• Notice to Proceed from Risk Management Official and Risk Management Plan</li> <li>• Municipal Financial Impact Assessment</li> </ul>

- b) The Town may refuse the information and studies submitted if it considers the quality of the submission unsatisfactory.
- c) The Town requires electronic versions of all submissions, material and studies and any other information and materials submitted and may stipulate the format of the digital submissions.
- d) The Town may conduct a peer review of any part of the application or other information and materials submitted where necessary to determine whether the quality of the submission is satisfactory. Such peer review will be completed by an appropriate agency or professional consultant retained by the Town at the applicant's expense.
- e) Where an application for development or redevelopment which includes sensitive land uses is located within 300 metres to the ADM Milling property, the applicant shall be required to carry out an appropriate Noise and/or Vibration Impact Study as part of a complete application. The applicant shall work with the Town and ADM in respect of the appropriate noise model and the range of noise and vibration issues that shall be addressed in the studies and the peer review of the submitted works by the Town and ADM.

### 7.7.3 Deemed a Complete Application

- a) The Town will, within 30 days of receiving a development application, provide Notice to the applicant that the application is complete or, alternatively indicate additional information and material that is required to constitute a complete application in accordance with the requirements of the *Planning Act*. The date of application will be the date upon which all required information and material is submitted in a form that is satisfactory to the Town.
- b) The Town will not accept an application for an Official Plan Amendment, a Zoning By-law Amendment, a Plan of Subdivision, a Plan of Condominium, a Provisional Consent or Site Plan Control Approval for processing unless the application is considered to be a Complete Application. To be deemed complete, an application must satisfy the following:



- i. Include all applicable statutory requirements under the *Planning Act* and *Clean Water Act*, including the submission of the prescribed information and the requirements as listed on the application forms and the required studies and plans/and or drawings;
  - ii. Be submitted with the prescribed fee;
  - iii. Include the Record of Pre-Submission Consultation Meeting, where one is required;
  - iv. Include all other information and materials that are necessary to support the application that have been identified by either this Official Plan or at the mandatory Consultation meeting.
- c) Notice signs shall be installed in accordance with the Town of Midland's Notice Signs Procedures and Protocols.
- d) In respect of all other applications, the provisions and requirements of the *Planning Act* shall apply.
- e) The Town may require applicants who amend development applications to participate in an additional Consultation Meeting or Meetings and may require the submission of revised or additional supporting information and materials before the Town will consider the amended application complete under the *Planning Act*.
- f) Through the course of the planning application review process for an application(s) which has otherwise been deemed a Complete Application, additional reports, studies, maps, plans or other information may be required by the Town if circumstances necessitate the need for such information and material as part of the decision making process.
- g) The Town may establish a protocol for the development of Risk Management Plans. The purpose of the protocol would be to provide direction related to the information that may, or may not be included in the Risk Management Plan, and/or requested by the Risk Management Official.

#### 7.7.4 Tertiary Plans

- a) Tertiary Plans are a non-statutory planning tool that helps to inform Council and staff as they consider applications for development. The purpose of a Tertiary Plan shall be to:
- i. Promote comprehensive planning at a scale appropriate to the type and scale of the proposed development;



- ii. Provide contextual information that will help to determine the compatibility of the proposed development with adjacent properties and other properties in the vicinity;
  - iii. Understand the impact of the proposal on the future development potential of adjacent properties and other properties in the vicinity;
  - iv. Determine appropriate requirements/dedications for the provision of parkland, community benefits and other public service facilities; and,
  - v. Determine appropriate requirements for the provision/connection to municipal service infrastructure.
- b) Town staff will identify the need for a Tertiary Plan and the requirements and scope of the Plan, including definition of the adjacent properties and other properties in the vicinity, at the required Pre-Submission Consultation Meeting.

## **7.8 Community Improvement**

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### **7.8.1 Introduction**

- a) The Community Improvement provisions of the *Planning Act* give the Town tools and powers that may be used to achieve a broad range of goals and objectives of this Plan. Community Improvement Plans identify specific projects that need to be carried out in a particular area to improve the quality of life and the built environment, and/or incentives for private sector investment to stimulate the redevelopment, rehabilitation or improvement of an area.

### **7.8.2 Eligibility**

- a) All lands within the Town are considered to be eligible for Community Improvement initiatives, and eligible to be designated as a “Community Improvement Project Area”, pursuant to the provisions of the *Planning Act*. Community Improvement Project Areas may be established by the Town and designated by By-law, in accordance with the provisions of the *Planning Act*, as long as the area satisfies one or more of the following criteria:
- i. Deficient or substandard municipal infrastructure and service facilities such as sewers, water supply and distribution and storm water management;
  - ii. Inappropriate or incompatible land use arrangements including deteriorated industrial uses and lands or uses which exhibit environmental or pollution problems;



- iii. There are old residential, industrial and commercial buildings and properties that are in need of upgrading, rehabilitation, or replacement;
- iv. The area contains an inappropriate range of housing types and densities including insufficient affordable housing;
- v. There are deficient and/or deteriorated local public parks and recreational and/or public service facilities in terms of size, space, location, access, landscaping, grading or equipment;
- vi. There are deficient streetscapes in terms of poor roads, curbs, sidewalks, boulevards, tree planting, street furniture and street lighting;
- vii. There is inadequate flood protection;
- viii. There is a need for greater energy or water efficiency on land or in buildings;
- ix. There is a need for waste reduction or achieving other environmental sustainability objectives;
- x. There are opportunities for intensification and redevelopment of under-utilized sites;
- xi. There is known or perceived environmental contamination, i.e. brownfields;
- xii. There are cultural and built heritage resources in an area warranting conservation and/or enhancement;
- xiii. There are a number of screening, buffering or landscaping deficiencies in the area; or,
- xiv. The area is in need of environmental, social or community economic development.

### 7.8.3 Community Improvement Plans

- a) To initiate a Community Improvement Plan, a study must be undertaken to identify the “Community Improvement Project Area” in compliance with the above criteria. Once identified, the Town may pass a By-law designating the “Community Improvement Project Area”. Such designation will then permit the Town to implement funding applications, acquire and clear land, make grants or loans and undertake other appropriate activities.
- b) The Town, through Community Improvement Plans, will involve the affected residents and businesses of the area in the identification and evaluation of the





deficiencies and the setting of improvement priorities. Community improvement planning may be undertaken to achieve a number of benefits, including but not limited to:

- i. Providing a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods;
  - ii. Encouraging a diversity of housing types to meet the changing needs of residents, including accessible, assisted and affordable housing;
  - iii. Providing high quality public open spaces;
  - iv. Revitalizing neighbourhoods through mixed use infill development and redevelopment, streetscaping, beautification projects, façade improvement, and the promotion of tourism activities;
  - v. Bolstering local community growth, including with regard to agriculture, arts and culture, tourism, commerce and industry;
  - vi. Preserving, restoring, or adaptively re-using older buildings and buildings of cultural heritage value or interest;
  - vii. Addressing climate change mitigation and adaptation, such as through building retrofits for energy efficiency, renewable energy systems, water conservation and Low Impact Development strategies;
  - viii. Promoting active transportation initiatives, complete streets and universal accessibility; and,
  - ix. Upgrading and maintaining municipal services, transportation systems, public utilities, and social and recreational facilities so that they meet or exceed minimum standards and are inclusive and accessible for people of all ages and abilities.
- c) Community Improvement Plans may be undertaken in conjunction with senior levels of government funding assistance programs and will be subject to the eligibility and implementation regulations of such programs and the priorities and availability of municipal funding. The Town will be satisfied that its participation in Community Improvement activities will be within the financial capabilities of the Town.

#### **7.8.4 Area Specific Community Improvement Plans**

- a) The Town shall pass a By-law designating the lands designated Waterfront District Designation on Schedule C – Land Use as a Community Improvement Project Area, and shall prepare a Community Improvement Plan. The Community Improvement



Plan may consider a number of financial incentive programs, including, but not limited to:

- i. Tax increment financing;
- ii. A per unit grant for the production of housing;
- iii. Site remediation grant;
- iv. Waiver/reduction of Development Application Fees, Development Charges and/or Building Permit Fees for development proposals that incorporate Alternative Design Standards, significant public realm improvements and/or energy efficient/sustainable design features; and/or,
- v. Reduction of parking requirements.

## 7.9 Existing and Non-conforming Land Uses

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- a) Nothing in this Plan shall interfere with the continuation of a land use which legally exists at the time of the passing of this Plan.
- b) The Zoning By-law may recognize legally existing uses not in conformity with the policies of the Official Plan.
- c) Any land use legally existing at the date of approval of this Plan that does not conform with the land use designations shown on the Schedules to this Plan or the policies related thereto, as a general rule, should cease to exist in the long run. In special instances it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship. It is intended that extensions and enlargements shall be subject to the provisions of the *Planning Act*.
- d) Any application for the extension or enlargement of a use, which does not conform to the Zoning By-law (hereinafter called a legal non-conforming use) and which existed at the time of passing of such By-law shall be dealt with in the following manner:
  - i. The Town shall determine the feasibility of acquiring the subject property and of holding, selling, leasing or redeveloping it. Consideration will be given to the opportunity to re-establish the use in another location where it would be able better to exist in accordance with the policies of this Plan;
  - ii. If acquisition is not feasible and if the merits of the situation make it desirable to grant permission for the extension or enlargement of the use, the Town may consider amending the Zoning By-law and such amendment may be passed



without amending this Plan providing it complies with the policies of this Section of this Plan;

- iii. The Town, before passing an amending By-law, shall be satisfied that the following relevant requirements to the application are, or will be, fulfilled in order to safeguard the wider interests of the public:
- The extension or enlargement shall not aggravate unduly the existing situation created by the use, especially in regard to the policies of the Plan and the requirements of the Zoning By-law;
  - The extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use;
  - An application which would affect the boundary areas of different land use designations on Schedule C - Land Use will only be processed under these policies, if it can be considered as a "minor adjustment" permitted under the applicable policies of this Plan. Major variances may require an amendment to this Plan;
  - The characteristics of the use and the extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation. No amendment to the Zoning By-law shall be passed which would significantly increase the incompatibility of the use with the surrounding area;
  - Where necessary, neighbouring uses will be protected by landscaping, buffering or screening, appropriate setbacks, measures to reduce or regulate nuisances and outside storage, lighting, advertising signs and other similar impacts;
  - That traffic and parking conditions in the vicinity will not be adversely affected and traffic hazards will be kept to a minimum;
  - That adequate provisions will be made for off-street parking and loading facilities; and,
  - That applicable municipal services such as storm drainage, water supply and roads, as well as public and/or private utilities are adequate or can be made adequate.
- e) Notwithstanding any other policy in this Section of this Plan, a legal non-conforming use(s) destroyed by fire or natural disaster may be rebuilt provided that the dimensions of the building and/or structure are not substantially increased and the

use of the building and/or structure is not substantially altered and all applicable approvals are obtained.

## **7.10 Committee of Adjustment**

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### **7.10.1 Introduction**

- a) Applications for minor variances to the regulations of the Zoning By-law and applications for consent to convey land shall be dealt with by the Committee of Adjustment. In deciding upon applications, the Committee shall implement the policies of this Plan.
- b) Where Council determines to withdraw its delegation to the Committee of Adjustment of the authority to grant minor variances and/or provisional consents, an amendment to this Plan shall not be required and Council shall be guided by the policies of this Section.

### **7.10.2 Minor Variances**

- a) The *Planning Act* identifies that the Committee of Adjustment, in considering applications for minor variances, will ensure that the application meets the following criteria:
  - i. The application is minor;
  - ii. The application is desirable for the appropriate development or use of the lands;
  - iii. The application maintains the general intent of this Plan; and,
  - iv. The application maintains the general intent of the Zoning By-law.
- b) Council may by by-law establish other criteria that shall be satisfied in the consideration and approval of applications for minor variance.

### **7.10.3 Other Powers**

- a) In accordance with the *Planning Act*, the Committee of Adjustment may also permit an extension or enlargement of a legal non-conforming use, building or structure, where:
  - i. The land, building or structure was lawfully used for a purpose prohibited by the Zoning By-law on the day the Zoning By-law was approved; and,



- ii. The use has continued until the date of application to the Committee of Adjustment.
- b) If the criteria identified in this Plan are met, the Committee of Adjustment may also permit a different use for the land, building or structure, provided the use of the land, building or structure is similar or more compatible than the purpose it was used for on the day the Zoning By-law was passed.
- c) In no circumstance may permission be granted to enlarge or extend the building or structure beyond the limits of the land owned and used in connection with the use on the day the Zoning By-law was approved.
- d) Prior to permitting an extension or enlargement of lands, buildings or structures associated with a legal non-conforming use, the Committee of Adjustment shall be satisfied that the proposed development:
  - i. Is in the public interest;
  - ii. Represents good planning;
  - iii. Will not create undue, adverse impacts upon abutting properties with regard to increased noise, vibration, fumes, smoke, dust, odours, lighting or traffic; and,
  - iv. Represents an evolution of the existing legal non-conforming use, or in the case of a similar or more compatible use, will be an improvement over the existing use in terms of appearance and function in relation to the surrounding area and will more closely satisfy the intent of the policies of this Plan and provisions of the Zoning By-law than the purpose for which it is being used.

### **7.11 Building By-law**

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- a) The regulations of the *Ontario Building Code Act* and the Town's Building Permit By-law shall govern the issuance of all building permits within the Town.

### **7.12 Property Maintenance and Occupancy By-law**

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- a) The Town may enact a by-law in regard to minimum standards of maintenance and occupancy to help maintain a reasonable standard of building and property maintenance and safety.
- b) In order to maintain a sound housing stock, the Town will:



- i. Encourage an adequate standard of housing maintenance on all property including the condition of yards, sanitation, waste disposal, garbage and the physical condition of buildings and accessory buildings; and,
- ii. Advise residents of the standards to be met and the assistance available to improve individual properties.

### **7.13 Brownfield Development**

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- a) Proposed development on any known or suspected contaminated site shall be the subject of a study by a qualified professional, in accordance with any applicable senior government guidelines, which will investigate and provide a remedial plan as required.
- b) Where the need for remediation is confirmed, the proposed restoration works will be completed or implemented prior to development taking place or as a secured condition of the required development agreement.

### **7.14 Demolition Control**

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- a) Demolition Control enables the Town to:
  - i. Maintain the integrity of residential neighbourhoods;
  - ii. Prevent the premature loss of housing stock;
  - iii. Avoid the creation of vacant parcels of land in stable neighbourhoods; and,
  - iv. Retain existing residential units until new uses have been considered and redevelopment plans have been approved.
- b) The Town may, by By-law, designate all lands or certain areas within the Town as a Demolition Control Area. A Demolition Control By-law may be used as a tool to:
  - i. Preserve and enhance the character of an area;
  - ii. Protect existing housing stock; and/or,
  - iii. Preserve other buildings, structures or features, within the Town as deemed appropriate.
- c) The Demolition Control By-law shall not apply where:



- i. The demolition of part of the residential property does not reduce the number of dwelling units on the residential property;
  - ii. The residential property is exempted under federal or provincial regulations; or,
  - iii. The residential property is deemed unsafe in accordance with the Building Code Act, and an order for demolition has been issued by the Chief Building Official.
- d) No person shall demolish or otherwise remove the whole or any part of a residential property in a Demolition Control Area, unless that person is the holder of a demolition permit for that residential property issued by the Town.
- e) Under the provisions of the *Planning Act*, the Town may delegate authority to the Chief Building Official to issue demolition permits where:
- i. No Town concerns have been raised regarding the proposed demolition; or,
  - ii. The property is not designated or listed under the *Heritage Act*.
- f) Where a demolition permit has been issued by the Chief Building Official, the Town may impose conditions related to the timing of completion of replacement buildings, and impose a fee for non-compliance, in accordance with the *Planning Act*.
- g) Applications to demolish designated cultural heritage buildings or structures shall be considered in accordance with the provisions of the *Ontario Heritage Act* and all other applicable policies of this Plan.

#### **7.15 Exemptions from Required Parking Requirements**

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- a) The *Planning Act* permits the owner or occupant of a building to enter into an agreement with the Town, exempting the requirement of providing or maintaining parking facilities otherwise required.
- b) The Town should strive to ensure that development or redevelopment meet the parking requirements of the Zoning By-law. However, where circumstances dictate, this section may be implemented.
- c) Notwithstanding anything to the contrary contained within this Plan or the Zoning By-law, no amendment to the Zoning By-law will be required to permit a change in the regulations for maintaining parking facilities where an agreement has been entered into. Any changes made in regard to the regulations of the Zoning By-law shall be deemed to be in conformity with the Zoning By-law.



- d) The agreement may provide for the payment of money or alternate provisions in consideration for the granting of the exemption.
- e) Monies received under the agreement may be paid into a special account used to offset Town parking related expenses.
- f) The Town will consider passing a cash-in-lieu of parking by-law which will set out applicable areas of Town and rates per parking space.

## **7.16 Municipal Finances**

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### **7.16.1 Introduction**

- a) The implementation of this Plan must be financially responsible, by ensuring that the required capital expenditures to provide services for development and infrastructure improvements are paid for in an equitable and appropriate manner. The Town will strive to maintain financial sustainability and integrity by managing its financial resources and by undertaking development in a fiscally responsible manner.
- b) The Town shall continue to maintain a balance between the demands for services and its overall fiscal capacity and, in approving new development, the Town shall be cognizant of maintaining an appropriate balance between residential and non-residential assessment. In addition, future development will be monitored to ensure that a balance is maintained between demands for service and the overall fiscal capacity of the Town.
- c) Municipal capital expenditures implementing any aspect of this Plan will be guided by an Asset Management Plan and a Multi-Year Capital Budget, which will be reviewed annually. The Town will undertake capital works programs, in accordance with the approved Asset Management Plan and Capital Budget, to provide the municipal services and infrastructure necessary for intensification areas and new growth.
- d) Where possible, the Town will use financial mechanisms available to it under any legislative authority, including the *Municipal Act*, *Development Charges Act*, *Planning Act* and any other applicable legislation, for the purposes of land use planning and the provision of infrastructure and community infrastructure.

### **7.16.2 Municipal Financial Impact Assessment**

- a) The Town may request a Municipal Financial Impact Assessment from the owner/applicant of any development application, including a review of capital costs, the degree to which development-related charges finance these costs and potential mitigation that could reduce the magnitude of any negative impacts. The terms of reference of such a study will be determined by the Town.





- b) A Municipal Financial Impact Assessment will be prepared and may be peer reviewed at the owner/applicant's expense. Development proposals may be refused or deferred on the basis of financial impact and burden on the Town, if suitable mitigation measures are not available.

#### 7.16.3 Development Charges

- a) It is a principle of this Plan that the cost of servicing new development or redevelopment shall be borne by that development, that the capital cost of growth related services shall not place a financial burden upon the Town's existing taxpayers and that new taxpayers shall not bear more than the growth-related net capital cost attributable to providing the current level of services;
- b) To finance the costs of servicing growth, the Town shall enact a By-law under the *Development Charges Act*, that applies to the Town as a whole and/or that applies only to specific geographic areas within the Town.
- c) The Town may exempt some or all of the Development Charge or exempt certain development or redevelopment or certain areas or classes of development from the Development Charge as a means to promote specific development, redevelopment or revitalization objectives in accordance with this Plan.

#### 7.16.4 Other Financing Sources

- a) The capital costs of providing municipal services that are not required to meet the demands and burdens of growth may be financed by general tax revenues and available grants, subsidies and donations.
- b) The Town has the authority under applicable statutes to finance any capital project through local improvement charges, heavy loading fees, special area rates, reserve or special purpose funds, Community Benefit funds and/or and other forms of financing. The Town may utilize any or all of these financing alternatives.
- c) Debentures may be issued to finance any capital projects with debt servicing requirements provided by way of general tax revenues, specified revenues, reserves or reserve funds or Development Charges.

#### 7.16.5 Waterfront Development Fund

- a) The Town may establish a Waterfront Development Fund to be used to provide financial resources to implement any incentive program identified in the Community Improvement Plan for those lands designated **Waterfront District 1** sub-designation and **Waterfront District 2** sub-designation on Schedule C1 – Midland Bay Landing. The



Waterfront Development Fund may also be used to pay capital improvements on Town-owned lands abutting the water's edge anywhere within the Town.

#### **7.16.6 Financial Assistance**

- a) The Town may avail itself of any federal or provincial programs and incentives that will result in a benefit to the residents of the planning area.

#### **7.17 Municipal Land Acquisition and Deposition**

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- a) In order to implement this Plan the Town may acquire, sell, or lease land. Such action will be subject to the applicable policies and provisions of senior levels of government, which may have jurisdiction. In general, this will be conducted pursuant to the provisions of the *Municipal Act* and in accordance with the Town's Municipal Lands By-law and policies, except where more specific legislation may also serve.
- b) The Town may acquire land pursuant to the *Municipal Act* for the purpose of establishing industrial sites and may offer the land to prospective industries to make their establishment economically attractive.
- c) The Town may acquire land pursuant to the *Planning Act* for community improvement purposes.

#### **7.18 Parkland Dedication**

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- a) In accordance with Section 42 of the *Planning Act*, the Town shall require the conveyance of land for park or other public recreational purposes, as a condition of development, as follows:
  - i. For industrial and commercial development, require a maximum of 2 percent of the land proposed for development or redevelopment be conveyed to the Town for public parkland purposes;
  - ii. For development related to all other land uses, require 5 percent of all the land proposed for development or redevelopment;
  - iii. For mixed-use development, the parkland calculations, in accordance with this Section of this Plan, shall be pro-rated to take into account the proportions of residential and non-residential lands within the net land area; and,
  - iv. The Town may prepare a Community Benefits By-law under Section 37 of the *Planning Act* that includes a parkland dedication component and would thereby

replace the Parkland Dedication By-law prepared under Section 42 of the *Planning Act*.

- b) The Town may accept cash-in-lieu of all or part of the required parkland dedication in accordance with the provisions of the *Planning Act*. The amount paid shall be equal to the value of the land to be conveyed and shall be determined in accordance with the provisions of the *Planning Act*. However, the conveyance of land for park purposes is the Town's preferred option.
- c) Where the *Planning Act* authority is used to require the dedication of land, that land will be intended for park or trail purposes, and be free from any encumbrances such as steep slopes, natural heritage features, cultural heritage features, municipal infrastructure, and overflow routes, and shall be fully accessible to the public.
- d) Storm water management facilities within the **Natural Heritage** designation, valley lands, hazardous lands, woodlots and major utility corridors and easements shall not be considered acceptable lands eligible to satisfy parkland dedication requirements and shall be not be considered for the purpose of calculating the land area subject to the parkland dedication.
- e) The Town's Parkland Dedication By-law, or alternatively the Community Benefits By-law, may include provisions for reductions or exemptions from parkland dedication requirements for the purposes of achieving intensification, economic development and/or other objectives of this Plan.
- f) The Town may enter into agreements/arrangements with an owner/developer for the purposes of developing a park at the owner/developer's expense, to be conveyed to the Town, and reimbursed to the owner/developer through a reduction in Development Charges.
- g) Designated school sites do not comprise part of the net developable area of a development with respect to parkland dedication or cash in lieu of parkland.

## 7.19 Indigenous Peoples and the Duty to Consult

- a) Midland is located on land which is the traditional territory of the Anishinabek, Haudenosaunee, and Huron-Wendat Indigenous peoples. This territory is covered by the Williams Treaties, including Treaty 5 and Treaty 16, and within the Treaty territory of the Chippewa Tri-Council comprised of Beausoleil First Nation, Rama First Nation, and the Georgina Island First Nation. Midland is also part of the homelands to the Métis Nation of Ontario and also home to many diverse Indigenous peoples who live within the community.
- b) In the spirit of reconciliation, in acknowledging the "free, prior and informed consent" as set out in the *United Nations Declaration on the Rights of Indigenous Peoples* as applied and interpreted by Courts of competent jurisdiction, and the right to carry out



traditional pursuits in a respectful and unrestricted manner, Midland intends to continue its work on building a new relationship with First Nations, Métis Nation, and the diverse Indigenous peoples who call Midland home.

- c) Midland recognizes its Duty to Consult and the requirements of the Provincial Policy Statement that it be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights as set out in section 35 of the Constitution Act, 1982 has changed the manner and nature of how and when the Town will engage and consult with First Nations, Métis Nation and with Indigenous peoples.
- d) In recognition of these new obligations, the Town of Midland will endeavour to define this new relationship as follows:
  - i. Midland will continue its on-going discussions with the Council of the Beausoleil First Nation, Georgian Bay Council of the Métis Nation of Ontario, and Huron-Wendat First Nation leading to memorandums of understanding and/or agreements or other protocols to better establish and define this new relationship between the Town and Indigenous peoples;
  - ii. Midland will negotiate Notification and Consultation Protocols as necessary to ensure that culturally appropriate consultation is occurring prior to making of decisions on matters that may impact treaty and/or territorial rights and pursuits;
  - iii. Midland will acknowledge that it is located on the traditional and territorial lands of Indigenous peoples as part of it meeting procedures, public consultations and public documents as much as is practical in order to assist in reconciliation efforts by the Federal and Provincial governments who are obligated to lead the reconciliation efforts of the Crown;
  - iv. Midland will consider establishing separate Joint Relations Committees with First Nations and the Métis Nation to ensure that these relationship and partnership building efforts are founded on regular and respectful dialogue and discussions; and,
  - v. Midland will ensure that its land use planning and approvals process recognizes, protects and preserves the cultural heritage of all Indigenous persons who inhabited the lands that Midland now encompasses in a manner that both respects territorial and treaty rights and is in full compliance with Federal and Provincial laws and regulations.

## **7.20 Public Involvement and Consultation**

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- a) The Town recognizes that resident and stakeholder engagement and involvement is an essential component of community building and the local planning review and



decision making process. The Town will seek methods to improve resident and stakeholder participation, while balancing the need to process planning applications within the timelines prescribed in the *Planning Act*. In order to ensure public involvement and consultation, the Town will:

- i. Encourage all residents and stakeholders to provide input and support public participation in the local planning review and decision making process, where everyone is treated fairly and without bias in an open, orderly and respectful manner;
  - ii. Promote awareness of applications, studies and initiatives by involving and informing residents and stakeholders early and as often as practical;
  - iii. Make available to the public the Town's Official Plan and Zoning By-law and other planning studies, policies and guidelines in order to foster greater awareness and knowledge of planning matters;
  - iv. Engage, consult and partner as appropriate with First Nations, Indigenous peoples and the Métis Nation when considering development applications and studies that may affect their interests; and,
  - v. Utilize a range of approaches and methods to encourage and support public involvement and consultation including traditional notices and print media advertisements, web based information and social media where practical while recognizing that the Town has legal obligations to process specific applications within prescribed timelines that are set out in the *Planning Act*.
- b) The *Planning Act* permits a municipality to set out in its Official Plan provisions for securing the views of the public and government agencies in respect to amendments to the Official Plan and Zoning By-law, and Plans of Subdivision and Condominium. The Town will use the provisions for alternative method as outlined in policy 7.19.c) below to allow for enhanced notice and consultation during the local planning review and decision making process and not rely solely on the notice provisions of the *Planning Act* for applications to amend to the Official Plan and/or Zoning By-law, and for applications for Plan of Subdivision and/or Condominium. For all other planning applications the provisions of the *Planning Act* shall apply.
- c) Pursuant to the provisions of the *Planning Act*, the following alternative notification procedures will be followed by the Town with respect to applications to amend the Official Plan and/or Zoning By-law, and for applications for Plan of Subdivision and/or Condominium:
- i. Notice of a Public Meeting with respect to applications to amend the Official Plan and/or Zoning By-law, and for applications for Plan of Subdivision and/or Condominium shall be provided by property Notice Sign in accordance with the

approved “Notice Signs Procedures and Protocols”, by regular mail and by newspaper advertisement. The minimum notice distances and periods as set out in the *Planning Act* must be complied with for all three notice methods; and,

- ii. In addition to the notice provisions above, Notice shall also be posted on the Town of Midland website ([www.midland.ca](http://www.midland.ca)) and on the Town’s Notice Board in the Town Hall in accordance with the minimum notice periods as set out in the *Planning Act*.
- d) Where the Town is undertaking a municipally-initiated comprehensive review and update to this Plan, an area specific Secondary Plan or a review and update to the Town of Midland Zoning By-law, the Town shall consider and determine a detailed Public Consultation Plan prior to the commencement of the work. The Public Consultation Plan shall include the proposed plan to communicate and consult with the public including, but not limited to, the methods and types of notice, the number and purpose of the consultation meetings, how comments will be addressed and responded to and where changes in land use or zoning are proposed for specific properties as part of the comprehensive process, how those owners will be notified and consulted.
- e) Where the Town proposes to consider changes following a public meeting which, in the Town’s opinion, are of significance or may resolve concerns or where needed additional information is to be presented or is appropriate in the public interest, a second public meeting may be scheduled. The second public meeting shall not be held sooner than seven (7) days following the giving of second notice. This section may also apply where for reasons beyond the Town’s control a public meeting has been cancelled. Where the Town determines that the change does not warrant any further notice, the determination is final in accordance with the provisions of the *Planning Act* and is not subject to review in any court regardless of the extent of the change made.
- f) The Town will develop and update, where appropriate, a “Notice Signs Procedures and Protocols” to provide guidance to applicants to install the required application Notice Signs for applications to amend the Official Plan and/or Zoning By-law, and for applications for Plan of Subdivision and/or Condominium.

## **7.21 Transition – Existing Development Approvals**

~~7.21.4 a)~~ All planning decisions shall conform to the Provincial Growth Plan and shall be consistent with the Provincial Policy Statement, subject to applicable Provincial transition provisions.



~~7.21.1~~ b) ~~That~~ Legally existing land uses that conform with the Official Plan and Zoning By-Law at the time this Plan is approved, are permitted to continue to the extent provided for in this Official Plan and the Town Zoning By-Law.

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~~7.21.2~~ c) ~~That~~ the Town's Zoning By-Law and amendments thereto shall be brought into conformity with this Plan, except as provided for in policies ~~7.21.4 and 7.21.5~~ of this Section.

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~~7.21.3~~ d) ~~That~~ Applications for draft plans of subdivision and condominium, consents, zoning, site plans or minor variances, which are complete as of the date of approval of this Plan and that conform with the existing Official Plan are required to conform only with the policies in-force at the time of the complete application, until the date this Plan is amended pursuant to the County municipal comprehensive review.

~~7.21.4e)~~ ~~That~~ the provisions of this Plan represent Council's opinion of best planning practices and policies, and accordingly, proponents with applications that meet the requirements of ~~7.21.4~~ above, are encouraged but not required to work with the Town to make those applications meet the objectives and policies of this Plan.

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~~7.21.5f)~~ Properties with existing development approvals as of the date of the adoption of this Plan and subject to the **Natural Heritage** designation are outlined on Schedule C – Land Use, and are indicated with numbers corresponding with the policies below. Properties with existing development approvals are permitted to continue with their existing uses and further develop in accordance with those existing development approvals without the requirement for additional Environmental Impact Study ~~(EIS)~~ work.

However, should a new, extended or amended planning approval or approval conditions from the Town be required, the property owner may be required to undertake an Environmental Impact Study in accordance with the policies of this Plan. The Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, may waive and/or scope the Environmental Impact Study, with consideration of the context of the new planning approvals.

Applications for extension of draft approval and/or revisions to draft plan approval that meet the following criteria shall not be considered as proposing new development within the context of adjacent lands of the **Natural Heritage** designation and shall not trigger the requirements for an **Environmental Impact Study**:

- ~~vii.~~ redline revisions requested do not propose new development in areas not previously approved for development;
- ~~viii.ii.~~ redline revisions requested do not propose significant increases in density, coverage or impervious surfaces;
- ~~viii.iii.~~ redline revisions do not propose changes in land uses from one category to another (e.g. residential to commercial).

Regardless of the existing development approvals for the identified properties, the requirements of the *Endangered Species Act* shall apply. The following sets out the specific transition policies for each of the listed properties:

1. Midland Bay Estates Draft Plan of Subdivision – File No. MD-T-0001

The current draft plan approval for the Midland Bay Estates subdivision will continue and the lands may be developed in accordance with the draft plan approval without the requirement for a further Environmental Impact Study or amendment to this Plan. However, where there are changes proposed to the open space and conservation areas or draft plan approval lapses, the **Natural Heritage** designation policies shall apply.

2. Midland Golf and Country Club – 9536 County Road 93

This property currently contains a golf course and associated uses. The **Natural Heritage** designation policies shall apply should the golf club use expand and/or change to a different use is proposed.

3. Midland Sand and Gravel Inc. - 8946 County Road 93

A portion of this property is currently licensed for aggregate extraction (ARA Licence #3674). The **Natural Heritage** designation policies shall apply should the current use change and/or expand beyond the current licensed lands.

4. Somerset Gables (Hanson) Draft Plan of Subdivision – File No. 43T-95021

The current draft plan approval for the Somerset Gables (Hanson) subdivision will continue and the lands may be developed in accordance with the approval without the requirement for a further Environmental Impact Study or amendment to this Plan. Changes to the draft plan that do not significantly change the use, built form or density of the development shall not trigger the requirements for an Environmental Impact Study in respect of being adjacent lands. However, where the draft plan approval lapses or development is proposed that would significantly change the use, built form or density of the proposed development, the **Natural Heritage** designation policies shall apply in respect of being adjacent lands.

5. Pratt Development Inc. Draft Plan of Subdivision – File No. MD-T-0108

The current draft plan approval for the Pratt-Galloway subdivision will continue and the lands may be developed in accordance with the approval without the requirement for a further Environmental Impact Study or amendment to this Plan. Changes to the draft plan that do not significantly change the use, built form or density of the development shall not trigger the requirements for an Environmental Impact Study in respect of being the site of or being in the context of adjacent lands to the **Natural Heritage** designation. However, where the draft plan approval lapses or development is proposed that would significantly change the use, built form or density of the proposed development, the **Natural Heritage** designation policies shall apply.

6. Brooklea Golf and Country Club – 8566 and 8567 Highway 93





These properties currently contain a golf course and associated uses. The **Natural Heritage** designation policies shall apply should the golf course use expand and/or change to a different use is proposed.

Notwithstanding the above, accommodation uses are recognized as an additional permitted use on the subject property and may be permitted without the need for an Official Plan Amendment and may be subject to an [Environmental Impact Study](#) in accordance with the policies of this Plan.

7. CRH Canada Group Inc. - 16892 Highway 12

This property is currently licensed for aggregate extraction (ARA License #3607). The **Natural Heritage** designation policies shall apply should the current use change and/or expand beyond the current licensed lands.



## 8.0 INTERPRETATION

### 8.1 How to Read the Official Plan

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- a) The Town of Midland Official Plan recognizes and addresses the complex interrelationships among environmental, economic and social factors in land use planning. The Plan supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

#### 8.1.1 Read the Entire Official Plan

- a) The Official Plan is more than a set of individual policies or land use designation. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, the reader should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist users in understanding how the policies are to be implemented.
- b) While specific policies sometimes refer to other policies or policy sections for ease of use, these cross references do not take away from the need to read the entire Official Plan as a whole.
- c) There is no implied priority in the order in which the policies appear.

#### 8.1.2 Consider Specific Policy Language

- a) When applying the Town of Midland Official Plan it is important to consider the specific language of the policies. Each policy provides direction on how it is to be implemented, how it is situated within the broader Plan, and how it relates to other policies.
- b) Some policies set out positive directives and others set out limitations and prohibitions, such as “development and site alteration shall not be permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”
- c) The choice of language is intended to distinguish between the types of policies and the nature of implementation. There is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition.

#### 8.1.3 Geographic Scale of Policies



- a) The Official Plan recognizes that with the diversity of the Town, context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial, County and Town interests are upheld. While the Official Plan is to be read as a whole, not all policies will be applicable to every site, feature or area. The Official Plan applies at a range of geographic scales.
- b) Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality as a whole, and are not necessarily applicable to a specific site or development proposal.

#### **8.1.4 Policies Represent Minimum Standards**

- a) The policies of the Official Plan represent minimum standards. Within the framework of the provincial planning system, Council may go beyond these minimum standards to address matters of importance, unless doing so would conflict with any other policy of this Official Plan.

#### **8.1.5 Defined Terms and Meanings**

- a) Except for references to legislation which are italicized, other terms in the Official Plan are to be defined in accordance with Section 8.54 a) of this Plan

#### **8.1.6 Guidance Material**

- a) Guidance material and technical criteria may be issued from time to time to assist Owners and Consultants with implementing the policies of the Town of Midland Official Plan. Information, technical criteria and approaches outlined in guidance material are meant to support but not add to or detract from the policies of the Official Plan.

#### **8.1.7 Relationship with other Plans**

- a) The Town of Midland Official Plan provides overall policy directions on matters of Town interest related to land use planning and development.
- b) Provincial plans, such as the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan 2019) and the County of Simcoe Official Plan, build upon the policy foundation provided by the Provincial Policy Statement and provided guidance and direction on the preparation of the Town of Midland Official Plan to ensure conformity with those Plans.
- c) Land use planning decisions made by the Town must be consistent with the Provincial Policy Statement, and in conformity or not conflict with the Growth Plan 2019 and County of Simcoe Official Plan.



## 8.2 Land Use Boundaries and Roads

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- a) It is intended that the boundaries of the land use classifications shown on the Land Use Schedules, including the **Natural Heritage** designation, be considered as approximate, except where defined by highways, arterial roads, rivers or streams or other similar geographic barriers or confirmed by on-site inspection. It is also intended that the location of roads as indicated on Schedules '**A**' through '**G**'-'**X**' be considered as approximate and not absolute. Therefore, amendments to the Official Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads, provided the general intent of the Plan is preserved. Such minor deviations will not be reflected on the Schedules.
- b) The Schedules forming part of this Plan were created using a Geographic Information System (GIS) and as such, the Town may make interpretations of the Schedules using the GIS software tool and other applicable data at its sole discretion and without being subject to appeal.

## 8.3 Figures and Quantities

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- a) Generally it is intended that all figures and quantities herein may be considered as approximate only and not absolute unless the context indicates otherwise. Amendments to the Plan may not be required for any reasonable variance from any of the figures set out herein where in the opinion of Council, the intent of the Official Plan is maintained.

## 8.4 Accessory Uses

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- a) Generally, wherever a use is permitted in a land-use classification, it is intended that uses, buildings or structures normally incidental to that use may also be permitted.

## 8.5 Definitions

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- a) For the purposes of the interpretation of this Plan, the definitions in the *Planning Act*, the Provincial Policy Statement ~~2020-2014~~, the Growth Plan (2019), the County of Simcoe Official Plan, the South Georgian Bay - Lake Simcoe Source Protection Plan and other applicable Provincial Plans shall apply. In all other instances, terms shall be defined in accordance with their common usage and if necessary, reference to the Canadian Oxford Dictionary.

