



August 17, 2021

**\*Delivered By Hand and Sent By Email**

**Town of Midland Municipal Office  
Steve Farquharson, MCIP RPP - Manager of Planning**

**Re: 9457 County Road 93  
Registered Owners: John & Elizabeth Marion  
Zoning By-law Amendment  
Planning Justification Report**

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## **1.0 Introduction**

MORGAN Planning & Development Inc. (herein, MP&D) was retained by John and Elizabeth Marion to assess the policy environment which applies to the property at 9457 County Road 93 in the Town of Midland. The purpose of the policy review was to determine if the conversion of the existing structure, most recently used for commercial purposes, back to its original residential use would conform to the applicable Planning policy documents, and the process in which to proceed to rezone the lands to a site specific zone to recognize the intended use.

After reviewing the applicable Provincial, County and Town policy environment, pre-consultation comments from the Town, and visiting the subject property MP&D determined that the proposed use is supportable. This Planning Justification Report has been prepared as part of the submission for a Zoning By-law Amendment application.

### **1.1 Purpose of Planning Justification Report**

The purpose of this Planning Justification Report is to provide an overview of the proposal, to summarize the purpose of the Zoning By-law Amendment application, and to explain how the application conforms to the applicable planning policies.

## **2.0 Location and Description of Land**

The subject property is located in the west portion of the Town of Midland, with frontage on County Road 93. The property is located just east of Midland Golf and Country Club, and approximately 0.5 km north of the Georgian Bay General Hospital and commercial area. The property is a square shaped parcel, with a total lot area of approximately 0.16 hectares (0.4 acres) in area, and 40 metres (131 feet) of frontage along County Road 93.

No environmental features are identified on the property from both the County of Simcoe or Town of Midland policy documents.

**Figure 1 – Location Map**



**Figure 2 – Aerial Image of Subject Property**



The property was developed as a residential lot, with a single detached dwelling and associated decking. The owners resided at this property for many years, before moving and renting it out to a commercial tenant (REMAX Real Estate). The commercial tenant has since relocated from the subject property, and the owners wish to move back into the dwelling as they were unable to find a replacement commercial tenant.

## 2.1 Surrounding Land Uses

### North

Lands adjacent to the north of the property are generally rural in nature, with some rural residential structures and primarily natural lands.

### East

The property adjacent to the east is a residential dwelling and rural lands, with the hospital and commercial area further southeast (approximately 0.5 km)

### South

Lands to the south, across County Road 93 are generally rural in nature.

### West

The properties adjacent to the west are residential dwellings. Further northwest is the Midland Golf and Country Club.

## 2.2 Wellhead Protection Area

The property is located within a wellhead protection area, specifically 'Wellhead Protection Area Zone C', as illustrated below in Figure 3.

**Figure 3 – Wellhead Protection Area**



### 3.0 Overview of Proposal

The purpose of the Zoning Bylaw Amendment is to rezone the subject lands from the 'Highway Commercial' (HC) Zone to a site specific 'Highway Commercial – Exception X' (HC-X) to recognize the previous residential use on the property and permit the occupation of the existing structure by the current owners. The site specific zone will add the following permitted use:

- Residential, single detached dwelling.

### 3.1 Overview of Existing and Proposed Servicing

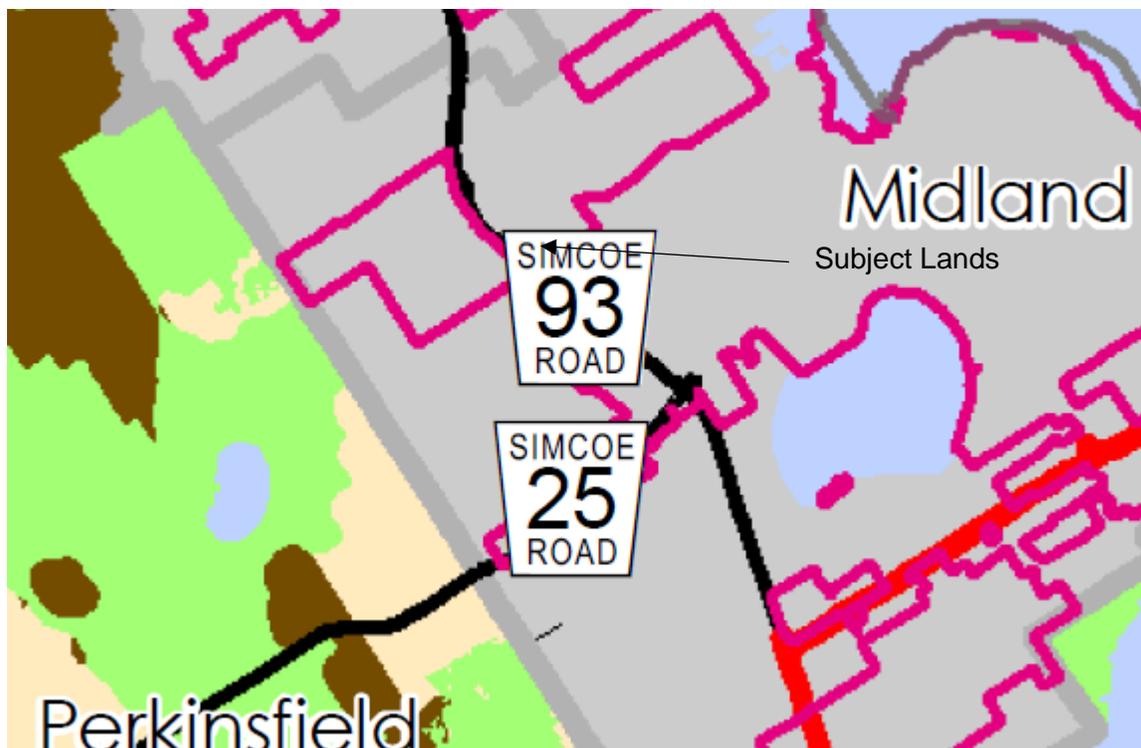
The subject lands are located within the serviced area of Midland; however the subject lands appear to be serviced by private septic and well, given its location outside of the built boundary. The proposed Zoning Bylaw Amendment would not result in any change to the existing development or servicing on the subject property.

### 4.0 Overview of Official Plans and Zoning By-law

#### 4.1 County of Simcoe Official Plan (OMB Approved 2016)

The subject lands are designated as 'Settlement' as per *Schedule 5.1 – Land Use Designations* of the County of Simcoe Official Plan ('COP').

**Figure 4 – Excerpt of Schedule 5.1 – Land Use Designations (County of Simcoe)**

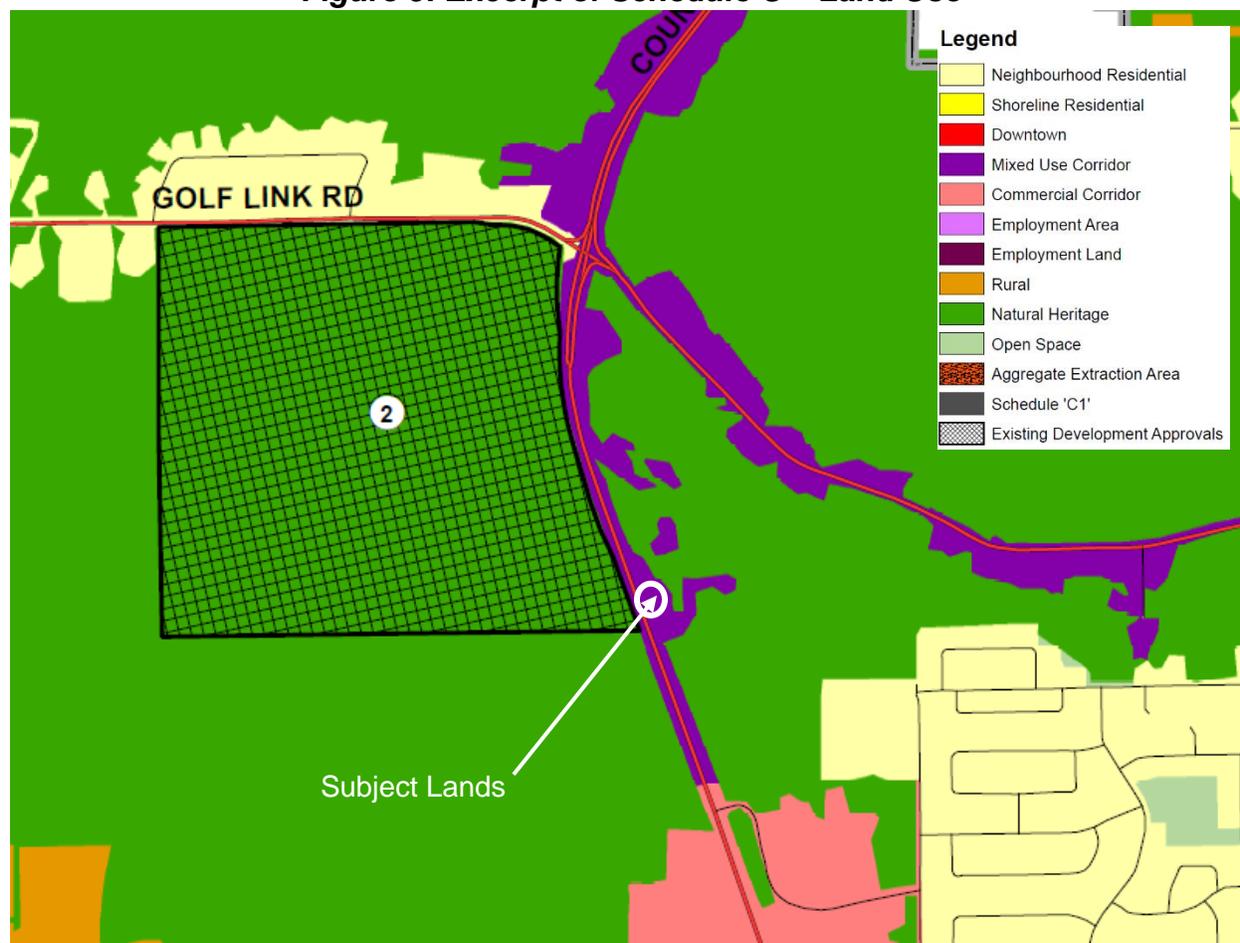


The proposed addition of 'Residential' as a permitted use generally conforms to those permitted within this designation as per Section 3.5 of the COP.

#### 4.2 Town of Midland Official Plan (2021)

The subject lands are designated '**Mixed Use Corridor**', as per *Schedule C – Land Use* within the Town of Midland Official Plan.

**Figure 5: Excerpt of Schedule C – Land Use**



The proposed addition of 'Residential' as a permitted use generally conforms to those permitted within this designation as per Section 4.4.5 of the Official Plan.

#### 4.3 Town of Midland Zoning By-law 2004-90

The subject lands are currently zoned '**Highway Commercial**' as per the Town of Midland Zoning By-law online mapping tool.

**Figure 6 – Current Zoning**



Section 6.2.2 of the Zoning Bylaw provides the permitted uses within the current HC zone. It is identified that the proposed residential use is not currently permitted, therefore a Zoning Bylaw Amendment is required in order to add 'Residential' as a permitted use. It is noted that the property does not meet the minimum lot area within the HC zone; and therefore, through this application it is requested to identify the existing lot area. The subject property and its existing development appear to meet the remaining provisions of the HC zone.

The following section of the report lists the applicable zoning provisions, and Section 5.1 of this report provides a summary of the proposed ZBA.

#### **4.4 Zone Matrix**

The following Zone Matrix lists the proposed relief requested through this Zoning Bylaw Amendment:

<b>Zone Matrix – 9457 County Road 93</b>		
	<b>HC Zone</b>	<b>HC-X Zone (Proposed)</b>
Permitted Use	As listed in Section 6.2.2 of Zoning By-law.	Residential ( <i>single detached dwelling – existing</i> )
Total Lot Area	3,000 m <sup>2</sup>	1,600 m <sup>2</sup> ( <i>existing</i> )

## 5.0 Planning Instruments

### 5.1 Zoning By-law Amendment (ZBA)

The purpose of the Zoning Bylaw Amendment is to rezone the subject property from the Highway Commercial ('HC') zone to a site-specific Highway Commercial Exception ('HC-X') Zone.

The proposed site-specific zone would permit the following additional use:

- Residential (*single detached dwelling – existing*)

The proposed site-specific zone would also recognize the following performance standard:

- Minimum lot area – 1,600 m<sup>2</sup> (*existing*)

## 6.0 Policy Analysis

In formulating the planning rationale for the proposal, the following documents have been reviewed:

Provincial Policy Statement (2020)

A Place to Grow: the Growth Plan for the Greater Golden Horseshoe (2020)

County of Simcoe Official Plan (2016 OMB Approved)

Town of Midland Official Plan (2021)

Town of Midland Zoning By-law 2004-90

The following is an overview of the most directly applicable policies as they apply to enclosed Zoning By-law Amendment application:

### 6.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters related to land use planning and sets the policy foundation for regulating the development and use of all land in the province.

The subject property is located within a 'Settlement Area' and there is no alternation or expansion proposed to the existing development (single-detached dwelling). The proposed Zoning Bylaw Amendment is intended to permit the existing dwelling on the

subject lands to be reverted back to a residential use from commercial. Residential uses are permitted within Settlement Areas, and no environmental features are identified on the property.

The application does not intend on removing the subject lands from the current Highway Commercial zoning, nor any existing permitted uses. The application would allow for the property owners to use the lands as they did previously, while maintaining the future development opportunity as envisioned within the Township planning documents.

On the basis of the foregoing, it is the opinion of the undersigned that the proposed ZBA application is consistent with the Provincial Policy Statement (2020).

## **6.2 Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) was prepared under the Places to Grow Act, 2005 to guide decisions on a wide range of issues such as transportation; infrastructure planning; land-use planning; urban form; housing; natural heritage and resource protection. All planning decisions made within the Greater Golden Horseshoe must have regard for the Growth Plan, and the Growth Plan prevails where there is a conflict between it and the Provincial Policy Statement.

The subject lands are identified within the Designated Greenfield Area, and the Growth Plan has been reviewed in its entirety. The proposed additional permitted 'Residential' use on the subject lands while maintaining the existing designation and zoning category, in order for the property owners to reside in their previous home will not negatively impact the general purpose and intent of the Designated Greenfield Area policies under Section 2.2.7.

The future opportunity for redevelopment and intensification to service the Town of Midland will be maintain through this application, and therefore it is opinion of the undersigned that the proposed ZBA application is supported by A Place to Grow: the Growth Plan for the Greater Golden Horseshoe (2020).

## **6.3 County of Simcoe Official Plan (OMB Approved December 2016)**

The entirety of the subject property is designated '*Settlement*' by the County of Simcoe Official Plan, and is located outside of the identified built boundary therefore considered 'Designated Greenfield Area'.

The County Official Plan has been reviewed in its entirety in relation to this application. The proposal intends to add an additional permitted use (Residential) that is consistent with those permitted within the Settlement designation. The proposal will not remove the subject property from its current designation and commercial zoning category, therefore ensuring that the future development potential of the property is maintained as envisioned within the County Official Plan.

On this basis, it is the opinion of the undersigned that the proposed ZBA application is consistent with the direction provided in the County of Simcoe Official Plan.

#### **6.4 Town of Midland Official Plan (2021)**

The entirety of the subject property is designated '**Mixed Use Corridor**' within the Town of Midland Official Plan. As noted in Section 4.4.5, the intent of this designation is to function as the connective spine of the Town and provide an opportunity for creating vibrant, pedestrian and transit-oriented places through infrastructure investment, residential intensification, infill and redevelopment.

Section 4.4.5.(d) outlines the permitted uses within the Mixed Use Corridor designation, including low density residential uses. Subsection (o) states that low rise residential development shall consist of single detached, semi-detached, linked semi-detached and duplex dwellings, and that they should front on local roads rather than collector or arterial roads.

The proposed Zoning Bylaw Amendment would permit the use of the subject lands to revert back to residential, using an existing structure. Though County Road 93 is not considered a local road, the subject property and adjacent lands have been existing for well beyond 20 years.

As identified on Schedule G – Source Protection, the property is located within the Wellhead Protection Area C (WHPA-C). Section 6.3.2 of the Official Plan has been reviewed and no concerns with the proposed Zoning Bylaw Amendment are identified, as no additional development or site alteration would be permitted.

The proposed Zoning Bylaw Amendment application would add a permitted use that is recognized within the existing Mixed Use Corridor designation. This application would not prohibit any future redevelopment of the subject property that would align with the general intent and purpose of the designation, and therefore it is the opinion of the undersigned that the proposal conforms to the policies within the Town of Midland Official Plan.

#### **7.0 Concluding Remarks**

The purpose of the enclosed Zoning By-law Amendment (ZBA) application is to rezone the lands which are zoned Highway Commercial (HC) to a site-specific Highway Commercial Exception (HC-X) Zone.

The proposed HC-X Zone would permit a 'Residential – Single Detached Dwelling (*existing*)' use and recognize the following performance standard:

- A minimum lot area of 1,600 m<sup>2</sup> (*existing*).

As outlined in the preceding sections of this report, the application is supported by the policies of the Provincial Policy Statement (2020), A Place to Grow: the Growth Plan for the Greater Golden Horseshoe (2019), the County of Simcoe Official Plan (OMB Approved December 2016) and the Town of Midland Official Plan.

On the basis of the foregoing, we respectfully request that the ZBA application be considered by Town Council at its earliest opportunity.

Respectfully submitted,  
MORGAN Planning & Development Inc.



Victoria Lemieux, MCIP, RPP  
*Senior Planner*

Attachments :

1. Survey
2. Zoning Bylaw Amendment Schedule (based on survey)
3. Site Photos
4. Pre-Consultation Form
5. Town Correspondence re: Removal of Condition #6 from Pre Consultation List