



422, 424, 426 Yonge Street

PLANNING JUSTIFICATION REPORT

Town of Midland

IPS File No. 21-1150

February 2023



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422, 424, & 426 YONGE STREET

Part of Lot 20, East Side of Queen Street Registered Plan 169A

TOWN OF MIDLAND, COUNTY OF SIMCOE

APPLICATION FOR

ZONING BY-LAW AMENDMENT & CONSENT APPLICATION

PREPARED BY

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ON BEHALF OF

LES & GREG SHANNON

~~OCTOBER 2022~~-REVISED FEBRUARY 2023

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1.0 INTRODUCTION

Innovative Planning Solutions (IPS) has been retained by the landowner Les Shannon to complete a Planning Justification Report in support of Zoning By-law Amendment and Consent applications, for lands municipally known as 422, 424, & 426 Yonge Street in the Town of Midland, County of Simcoe.

Figure 1 illustrates the location of the subject Land. **Figure 1B** demonstrates the lands from a streetside view.

The intent of the proposed Zoning By-law Amendment (ZBA) is to amend the Town of Midland's Zoning By-law 2004-90 to rezone the lands from the '*Residential (R2)*' zone to the '*Residential Townhouse - RT with Special Provisions (RT)(SP-XXX)*' zone. The ZBA application will facilitate an Application for Consent to sever the existing three-unit residential dwelling into three individual street townhouse units (freehold).

This Report will review the proposed applications in the context of Provincial and Municipal policies found within the documents noted below:

- Provincial Policy Statement (2020)
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
- County of Simcoe Official Plan (2016)
- Town of Midland Official Plan (2019)
- Town of Midland Official Plan (2002)
- Town of Midland Zoning By-law 2004-09



LEGEND

 Subject Property

Figure 1
Subject Lands Aerial View

Source: Google Images

Drawn By: LJ

File: 21-1150



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LEGEND

Figure 1(B)
Subject Lands Street View

Source: Google Images

Drawn By: LJ

File: 21-1150



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2.0 SITE DESCRIPTION

The subject land contains a combined lot area of 583.5 m² with 29.2 m. of frontage along the north side of Yonge Street. The property is located between Queen Street and Manly Street and is within walking distance to a variety of amenities offered in the downtown area of Midland.

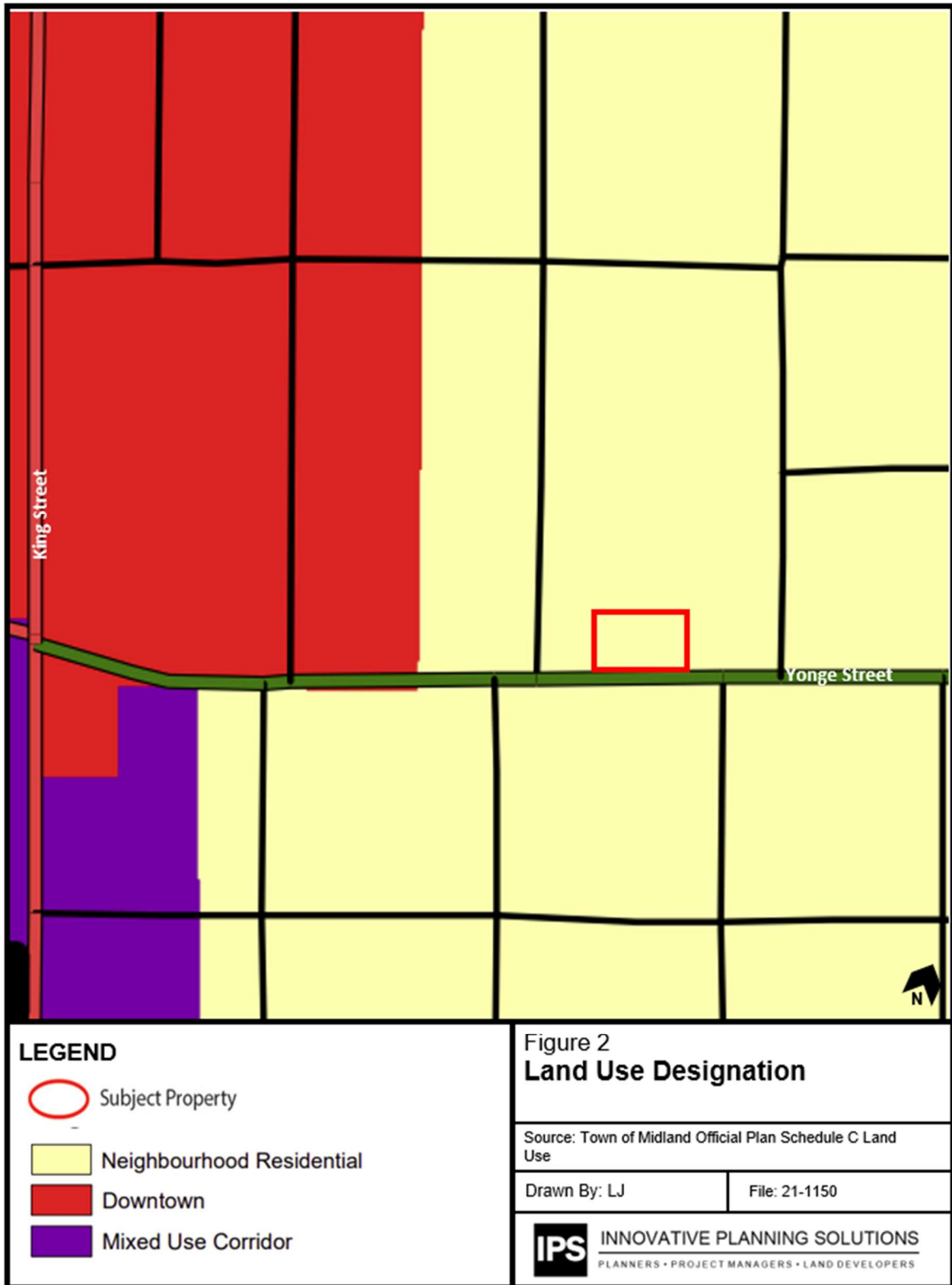
The property contains a three-unit residential building for rental tenure. The units are divided vertically, each with a separate front and back door entrance at grade. The existing dwelling units take on the form of street townhouse units on one common lot. The existing multi-unit dwelling is 2-storeys in height, offering two, 2-bedroom rental units, and one 3-bedroom rental unit. There are currently two multi-car driveways with access off Yonge Street; one on the east end and one on the west end of the property. Three accessory sheds exist on the lands, located in the northeast corner and the northwest corners of the property.

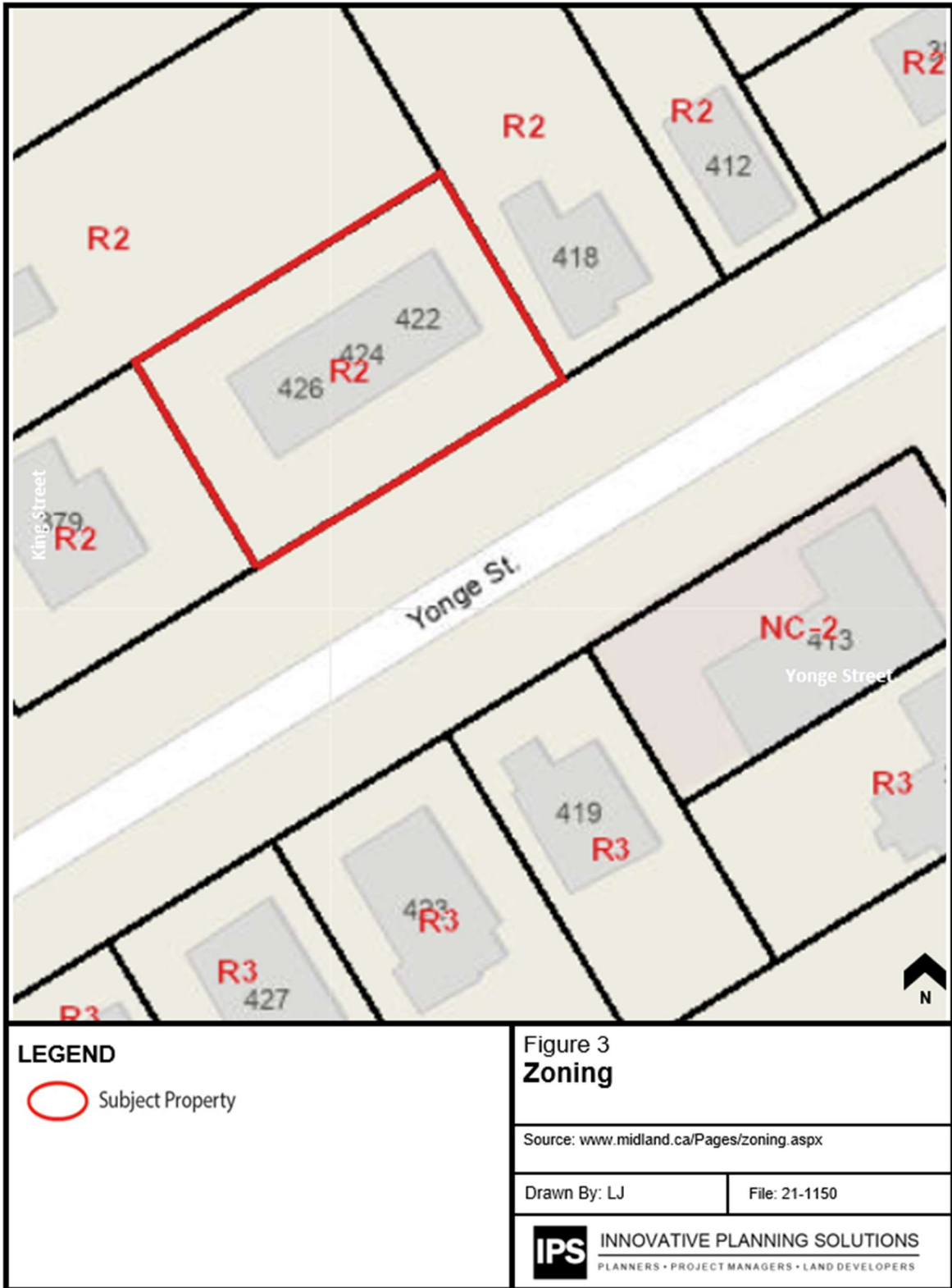
The subject lands are within the 'Urban Service Area' as identified on Schedule F of the Official Plan and are currently utilizing municipal services. The property is relatively flat in nature with minimal vegetation.

The County of Simcoe Official Plan designates the subject lands as 'Settlements' on Schedule 5.1. The subject lands are designated by the Town of Midland Official Plan (Schedule A) as 'Neighbourhood Residential' and zoned 'Residential (R2)' by the Town of Midland Zoning By-law 2004-90. The current street townhouse use is a legal non-conforming use as the 'R2' zone does not permit the townhouse dwelling type.

According to Schedule E in the Town of Midland Official Plan, Yonge Street is identified as an 'Arterial' road. The subject lands are a short walking distance from Downtown Bus Stop ID:1001 with access to both the South (Red) route and North (Blue) route connecting future and current residents to a variety of commercial, institutional, and recreational uses throughout the Town of Midland.

Figure 2 shows the designation of the subject lands. **Figure 3** shows the zoning of the subject lands.



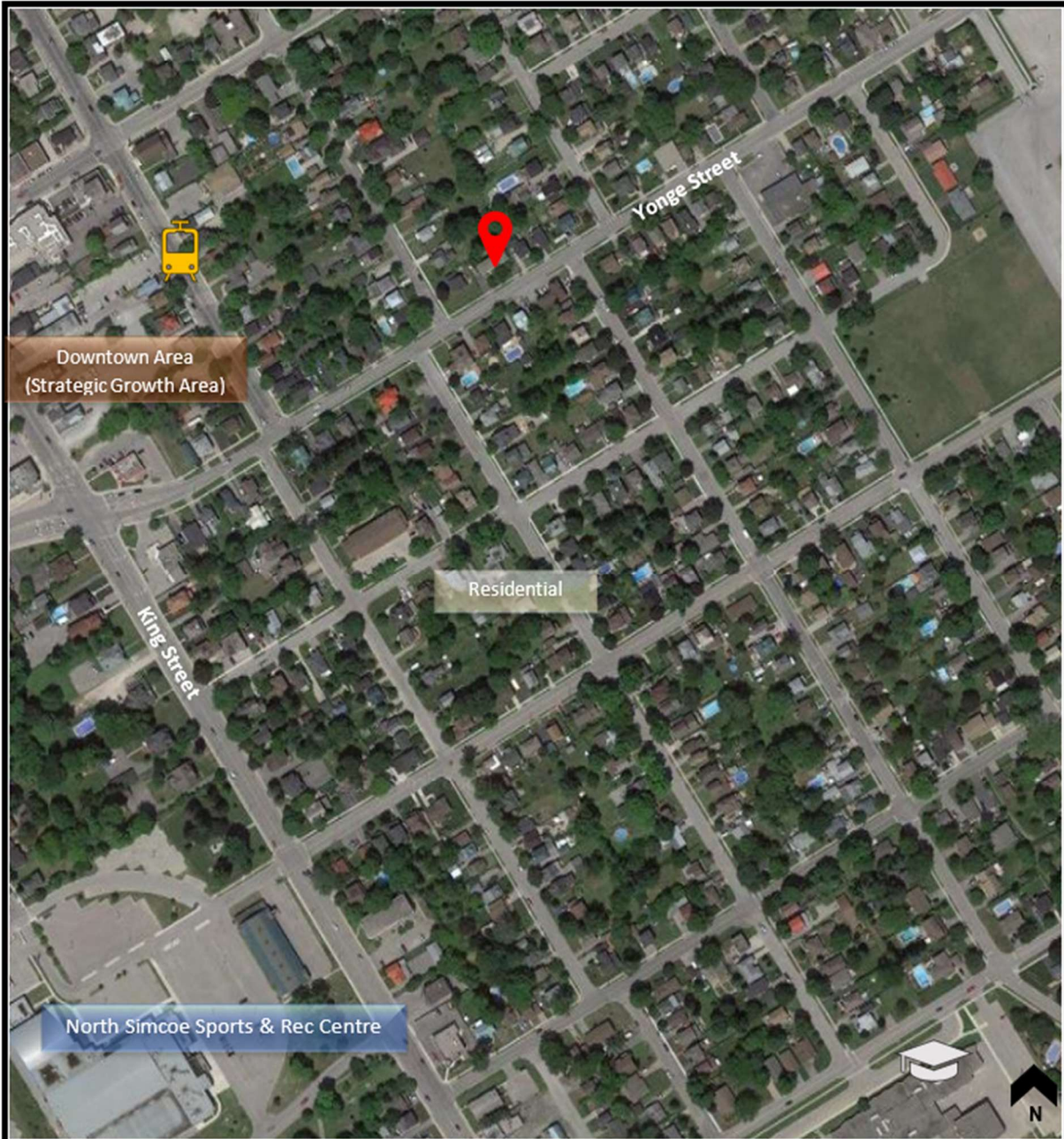


3.0 EXISTING & SURROUNDING LAND USES

The surrounding land uses of the subject lands are as follows:

- North:** Detached residential dwellings exist to the north of the subject lands. Properties north of the subject land are zoned as 'R2' according to the Town Zoning By-law 2004-90.
- East:** Land uses immediately east encompass low-density single detached residential dwellings.
- South:** Yonge Street is adjacent, with detached residential dwellings located on the south side of Yonge Street. An existing sidewalk is located within the right-of-way along Yonge Street. One neighbourhood commercial use for a Laundromat, exists directly south across Yonge Street. Majority of land uses further south are residential uses zoned 'R3'.
- West:** Low-density residential land uses are located adjacent and further to the west along Queen Street, zoned as 'R2'. Lands further west are recognized as 'Downtown and Waterfront Strategic Growth Area' as per Schedule 'A' in the Town of Midland Official Plan and zoned 'DC-F2'

Figure 4 depicts aerial photography of the subject lands and surrounding land uses.



LEGEND

-  Subject Lands
-  Bus Stop
-  Public School

Figure 4

Surrounding Lands

Source: Google Images

Drawn By: LJ

File: 21-1150



4.0 DESCRIPTION OF THE PROPOSAL

The intent of the subject applications is to create three (3) freehold street townhouses for resale. ZBA approval will be required to facilitate the proposed Consent application to sever the existing property into three individual lots.

A Site Plan drawing is detailed in **Appendix 1**.

The proposal requires minimal site alteration to facilitate the townhouse conversion. Each existing unit will maintain its current built form and general floor layout. The proposed Conceptual Site Plan recognises the current units municipally known as 426 Yonge Street as Lot 1, 424 Yonge Street as Lot 2, and 422 Yonge Street as Lot 3. Development of one new driveway is proposed to satisfy parking requirements for Lot 2 (424 Yonge Street). To facilitate the proposed driveway, the existing tree in the front yard of Lot 2 would be removed and the Bell utility box will be relocated as a condition of Consent approval.

The existing driveways located on the east and west sides of the property will continue to function as is for the proposed street townhouse units (422 and 426). In addition, the two existing sheds located in the side yard of Lot 1, one existing shed located in the rear yard of Lot 2, and one existing shed located in the rear yard of Lot 3, will remain, and continue to be used for outdoor storage for each individual unit.

As demonstrated on the attached Site Plan in **Appendix 1**, the proposed lots will offer the following:

- Lot 1 (426 Yonge Street) will be 249.6 m² of area with 12.7 m. of frontage along Yonge Street. Lot 1 will accommodate a 2-bedroom street townhouse, with an existing driveway connecting directly to Yonge Street.
- Lot 2 (424 Yonge Street) will be 121.6 m² of area with 6.1 m. of frontage along Yonge Street. Lot 2 will accommodate a 2-bedroom street townhouse with a proposed driveway directed off Yonge Street to provide adequate parking space.

- Lot 3 (422 Yonge) will be 212.3 m² of area with 10.3 m. of frontage along Yonge Street. Lot 3 will accommodate a 3-bedroom street townhouse with an existing driveway that connects to Yonge Street.

Detailed floor plans of each unit are provided in **Appendix 2**. However, no interior changes of the existing units are proposed in this Report.

The proposal represents an opportunity to diversify the existing housing market by utilizing the existing housing stock to capitalize new freehold tenure units within the Town of Midland. The proposed applications will convert three existing rental units into three individual townhouses available on the freehold market: a more attainable housing type in the regional market.

5.0 ZONING BY-LAW AMENDMENT

As previously mentioned, the subject land is currently zoned '**Residential (R2)**' per the Town of Midland By-law 2004-90. To convert the existing three-unit dwelling into three individual townhouses, a Zoning By-law Amendment is required to rezone the lands from 'R2' to the '**Residential Townhouse – RT with Special Provisions (RT)(SP-XXX)**' zone.

A Draft Zoning By-law Amendment and Schedule are included as **Appendix 3** of this report. Flexibility of site-specific provision requirements has been provided in the Draft Zoning By-law.

Table 1 below provides a zoning conformity review against the Residential Townhouse – RT (Street Townhouse) zoning requirements outlined in Section 5.6.3 of the Zoning Bylaw 2004-90.

Table 1. Zoning Compliance Table

Residential Townhouse (RT) Zone Requirements (Section 5.6)

	Permitted	Lot 1	Lot 2	Lot 3
Permitted Uses	Street Townhouse Dwelling Unit	Street Townhouse Dwelling Unit	Street Townhouse Dwelling Unit	Street Townhouse Dwelling Unit
Min. Lot Area	220m ²	249.6m ²	121.6m ²	212.3m ²
Min. Lot Frontage	7.6m	12.7m	6.1m	10.3m
Max. Lot Coverage	36%	19.2%	47.6%	27.4%
Min. Front Yard	5.5m	7.5m	7.5m	7.5m
Min. Interior Side Yard	1.22m	6.2m	n/a	3.1m
Common Wall (Interior)	0.0m	0.0m	0.0m	0.0m
Min. Exterior Side	4.5m	n/a	n/a	n/a
Min. Rear Yard	7.6m	4.9m	4.9m	4.9m
Max. Building Height	11.0m	<11.0m	<11.0m	<11.0
Required Parking: Street Townhouse (4.1.5)	1 space/unit	2+ spaces	1 space	>1 space
Private Driveways – Max. Width (4.1.7)	If Lot Frontage is 9m or greater = The Max. Driveway Width shall be 50% of the lot frontage to a maximum of 8.5m	5.8m (45.6%)	n/a (Lot Frontage is less than 9m)	3.0m (29.1%)

	If Lot Frontage is 9m or less = Max. Driveway Width Permitted - 3.5m	n/a (Lot frontage is greater than 9m)	2.8 m	n/a (Lot frontage is greater than 9m)
Accessory Uses (3.8)	No accessory building shall be located in a minimum Front, Interior Side or Exterior Side Yard. Where an accessory building is erected in a Rear Yard it shall be set back from the rear property line a minimum of 1.22m (3.8.3)	Alum. Shed is 0.56m from interior lot line & 2.76m from rear lot line.	2.87m from rear lot line	0.3m from rear lot line.
	Lot Coverage of Accessory Building in residential zone shall not exceed 12% (3.8.6)	5.6%	4.2%	2.3%
	Accessory buildings shall be set back a minimum of 1.5m from any main building (3.8.5)	2.7m	0m	2.2m
Decks (3.14)	Decks shall be permitted to encroach 3.05 m into the required minimum Rear Yard setback in all Residential Zones, provided that they shall be located no closer than 1.22 m from the rear property line.	3.7m	2.5m	3.7m
	Decks of a Street Townhouse Dwelling unit shall maintain the required minimum	>0.61m	n/a	>0.61m

	maintenance easement width of 0.61m per interior side yard.			
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****The highlighted cells identify requested provisions****

5.1 ZONING ANALYSIS

This section provides planning rationale for the requested special provisions. Rezoning the subject lands to '(RT)(SP-XXX)' would accommodate the site-specific provisions outlined in **Table 1** that are required to recognize the existing built form. In reiteration of the proposed applications, the ZBA will permit the existing dwelling units to be sold as individual freehold tenure townhouses whereas the current zoning of the lands does not permit Street Townhouse Dwellings.

The following provides a detailed summary and justification of the requested site-specific zoning provisions.

1) Maximum Lot Coverage

The subject application requires a maximum lot coverage of 47.6% whereas By-law 2004-90 permits a maximum of 36%. Maximum lot coverage provisions generally limit the footprint of a development relative to the size of the lot in part to minimize visual impacts to adjacent properties and to ensure site functionality. As demonstrated in the Site Plan provided in **Appendix 1**, the site will not generate any negative impacts to the land's current functions and municipal services. The subject application seeks to recognize the existing built form; therefore, the proposal would not alter the street view and neighbourhood character. Lot 1 and Lot 3 proposed both conform to the By-law requirement, however, due to the nature of the existing dwelling configuration, an increase to lot coverage is requested to accommodate the existing built form on Lot 2.

2) Minimum Rear Yard Setback

The proposal requests a reduced rear yard setback of 4.9 m. where the By-law requires minimum 7.6 m. The existing three-unit dwelling currently functions with a 4.9m rear yard setback, therefore, this specific provision is to recognize the existing conditions. Further, upon review of the adjacent property to the north, the subject built form is uniquely

positioned adjacent to their rear yard. The intent of this provision is to create adequate separation to adjacent uses; therefore, the reduced setback would not impact the functions and enjoyment of the residential uses on the adjacent lands. As previously mentioned, the subject applications do not propose any alterations to the existing building articulation, therefore, a reduced rear yard setback is not anticipated to impose any impacts on the adjacent residential lots. Approving a reduced rear yard setback for all proposed lots will permit the ability to convert the existing three-unit dwelling into three individual townhouses for freehold tenure.

3) Minimum Lot Area

The subject application requires a minimum lot area of 121m² for Lot 2 and 212m² for Lot 3, whereas the By-law requires 220m² as the minimum lot area for a street townhouse. Minimum lot area provisions generally control the size of developable lots to maintain a consistent neighbourhood character and ensure site functionality. There is a diverse variety of lot sizes in the surrounding area based on the unit type and land use. The reduced lot areas requested would not negatively impact the surrounding neighbourhood character, as the proposed townhouse units maintain the general scale of development and the reductions recognize a longstanding-built form. Collectively, the requested reduction of lot area is minor in nature, maintains a fully functional residential use that is not impacted by the reduction, and is the result of the landholdings available.

4) Minimum Lot Frontage

The Zoning By-law requires a minimum lot frontage of 7.6 m. for street townhouse units, where the proposal requests a lot frontage of 6.1 m. for Lot 2 (interior lot). The intent of the provision is to maintain a Town wide standard for townhouses, in terms of visual appearance from the street and consistent dwelling sizes. With the subject application, Lots 1 and 3 exceed the By-law requirements, however, Lot 2 is deficient. Viewing the units from the street, the overall street frontage of the built form appears consistent and is not affected by the 1.5 m. variance. Parallel to the other provisions requested, the purpose is to recognize the lot frontage that exists and permit the creation of a freehold townhouse unit.

5) Accessory Building Setback to Interior and Rear Lot Lines

The Zoning By-law states no accessory buildings shall be located in a minimum front, interior side or exterior side yard, and where an accessory building is located in the rear yard it shall be setback 1.22m from the rear lot line. The proposal requests that an accessory building be permitted in the minimum interior side yard setback to accommodate the two existing sheds in Lot 1 and permit an accessory building in the rear yard with a setback of 0.3m from the rear lot line to accommodate the existing shed for Lot 3. This application requests a 0.56m setback from an accessory building to the interior lot line be permitted to recognize the existing sheds in Lot 1. This application also requests a 0.3m setback from an accessory building to the rear lot line be permitted to recognize the existing shed in Lot 3. . As previously described, the sheds on the subject lands are currently existing and support outdoor storage uses for the existing units. In order to rezone the subject lands, the subject application requires site specific approval to permit existing conditions. Therefore, provisions to permit existing conditions on the subject lands are minor in nature and do not anticipate any negative impacts on surrounding lands.

6) Accessory Building Setback to Main Building

The Zoning By-law requires accessory buildings to have a minimum setback of 1.5m from the main building, where the proposal requests a minimum setback of 0m from the accessory building to the main building to accommodate the existing shed in Lot 2. It is important to note, this application seeks to maintain the existing built form. The requested provision is a result of accommodating current functions and accessory uses on the subject lands. Permitting a reduced setback between the accessory building in Lot 3 and the main building would facilitate the conversion of the existing units into three freehold street townhouse units.

6.0 CONSENT TO SEVER APPLICATIONS

The intent of the Consent applications is to sever the subject land into three (3) separate lots, to accommodate each individual street townhouse unit.

The proposed individual lots are detailed in the Site Plan provided in **Appendix 1**.

Approval of the subject Consent application will result in three lots, as detailed above in Table 1 and as follows:

Lot 1: Municipally known as 426 Yonge Street. Lot 1 will offer 249.6 m² of lot area with 12.7 m. of frontage along Yonge Street.

Lot 2: Municipally known as 424 Yonge Street. Lot 2 will offer 121.6 m² of land with 6.1 m. of frontage along Yonge Street.

Lot 3: Municipally known as 422 Yonge Street. Lot 2 will offer 212.4 m² of land with 10.3 m. of frontage along Yonge Street.

To create the new driveway required for Lot 2, this application intends to remove one existing tree and relocate an existing Bell utility box as conditions of Consent approval. The proposed lots will be subject to the zone standards for '*Residential Townhouse with Special Provisions (RT)(SP-XXX)*' as discussed in Section 5 and outlined in Table 1 of this report.

7.0 PLANNING POLICY & ANALYSIS

This Section will outline the applicable policies guiding the rationale for the proposed applications on the subject lands.

7.1 THE PLANNING ACT – PROVINCIAL INTEREST

The *Planning Act* (The Act) is provincial legislation that establishes the basis for land use management in Ontario. The Act promotes sustainable development while balancing factors such as economic development, preservation of the natural environment and the creation of healthy communities, within a framework focused on provincial interests and fairness. The policies as set out in Section 2 of the *Planning Act*, inform the Provincial Policy Statement (PPS), Growth Plan, and other matters of provincial interest, ensuring consistency with the Act. These interests include the adequate provision of a full range of housing.

The subject land is located within the Town of Midland (Settlement) where growth and development in all forms is supported. The proposal would facilitate three existing rental

units into three freehold units. The proposal represents further housing diversification by capitalizing on the existing built form to provide freehold tenure residential units.

The proposal aligns with the Province's interest in land use planning.

7.2 PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development decisions made by municipalities across the province. It sets the policy foundation for regulating the use of land in Ontario to protect resources, public health and safety, and the quality of the natural and built environment. The following policies are emphasized in relation to the proposed severance.

Section 1.1.1 of the PPS provides strategies on how to manage and direct land use patterns. Healthy, liveable, and safe communities are sustained through the promotion of efficient land use patterns, providing an appropriate range and mix of housing types. As such, the proposal will utilize the existing housing stock to create freehold street townhouse units which recognizes the existing form use.

Section 1.4 of the PPS relates to Housing. The PPS encourages an appropriate range and mix of housing options. The proposal intends to create freehold street townhouse units from the existing built form, which would provide the flexibility for a mix of housing options, such as freehold tenure with the potential to be offered as rental units.

Section 1.6.6.1 encourages the efficient use and optimization of existing municipal sewage and water services. The proposal will maintain existing municipal services. Section 2.2 relates to the protection of water quality and quantity by implementing necessary restrictions on site alteration in designated vulnerable areas. Given the proposal does not intend to facilitate any major changes to the existing built form, and the units will maintain municipal servicing, no negative impacts are anticipated. A Functional Servicing Report has been prepared in support of these applications.

The subject application is consistent with the direction of the PPS.

7.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan for the Greater Golden Horseshoe (2020) has been prepared and approved under the Places to Grow Act. The Plan builds on the PPS together with other Provincial Plans to inform decision-making regarding growth management, environmental protection, and other planning principles particular to the Greater Horseshoe.

The Growth Plan provides guiding principles under Section 1.2.1. The Plan recognizes that different approaches are required to manage growth that recognizes the diversity of communities in the Greater Golden Horseshoe. In order to support the achievement of complete communities that are designed to support healthy and active living throughout a lifetime, a range and mix of housing options are required to service all sizes, incomes and ages of households. The proposal would contribute in providing a range of freehold street townhouse units to accommodate a range of income levels, ages, and housing needs.

Section 2.2.6 of the Growth Plan supports the choice of housing by encouraging a diverse range and mix of housing options. Emphasis is placed on creating complete communities by planning to diversity the overall housing stock of a municipality. The proposal intends to utilize the existing housing stock to diversify the potential for residential tenure options on the subject lands.

For the above stated reasons, the application complies with the Growth Plan for the Greater Golden Horseshoe.

7.4 SIMCOE COUNTY OFFICIAL PLAN

The County of Simcoe Official Plan (2016) provides policies and guidelines to assist growth management in the County. The County official plan emphasizes the balance of sustainable economic development, community building, and environmental conservation to achieve efficient land use patterns. The subject lands are designated 'Settlement' per Schedule 5.1 (Land Use Designations) in the County of Simcoe Official Plan.

Section 3.3 provides policies to guide general development such as lot creation. Policy 3.3.2 states the subdivision of land by consent is permitted only for the land uses permitted

in the designated or that maintain the intent of the Plan's objectives and policies. Through the requested Zoning By-law Amendment, the proposed severance application will facilitate the conversion of the three unit building into three separate street townhouse units, keeping with the permitted residential uses. In adherence to policy 3.3.4, the three proposed lots will have individual access to a public road (Yonge Street), where permitted access can be obtained.

Section 3.5 promotes Settlement Areas (Midland) to provide to provide for a range of housing types and costs, including townhouse units to meet a variety of housing needs. The proposed ZBA will legalize the existing built form as a Street Townhouse residential use, thereby facilitating the severance application to create three individual street townhouse units.

Section 4.5.2 states development and site alteration shall be restricted near sensitive surface water features. While limited site alteration is required to facilitate the proposal, a Functional Servicing Report with a Storm Drainage and Stormwater Management Brief were completed to ensure the proposed townhouse conversion can, and will, utilize available municipal water services. As such, servicing remains to be controlled by the Town and the proposed development would not pose negative impacts on the Well Head Protection area.

With support for a variety of housing types and tenures the subject applications are supported by the County's Official Plan.

7.5 TOWN OF MIDLAND OFFICIAL PLAN (2019)

The Town of Midland Official Plan (November 2019) guides local planning and development policies to grow healthy and complete communities. As previously described, the subject lands are located with the 'Neighbourhood Districts' (Schedule B) and designated as 'Neighbourhood Residential' (Schedule C - Land Use).

GENERAL DEVELOPMENT POLICIES

Section 3.1.1 of the Town of Midlands Official Plan outlines targeted objectives for a successful and complete community. Section 3.1.1 e) (ii.) states, *The Town will encourage and support the provision of a full range of housing options throughout the Town to meet needs of all residents throughout their life cycles*".

The proposal supports a range of housing options by enhancing the ability to provide a variety of housing tenures and types. The proposal would facilitate the resale opportunity for freehold tenure street townhouse units with a range of sizes, which also have the potential to be offered as rental units.

Policy 3.1.1.f. promotes compatible development to ensure that development fits within the surrounding neighbourhood with consideration for the mix of uses, massing, height, scale, architecture and details of adjacent buildings. Given the longstanding use of the units on the property and surrounding land uses, the conversion to townhouse units will seamlessly blend in with the general character, scale, and uses of the neighbourhood.

HOUSING

Section 3.2 of the Official Plan relates to housing in the Town. Policy objectives include promoting the supply of an 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. In addition, the Town recognizes the need for an appropriate mix of housing types is central to accommodating current and future residential growth. Policy 3.2.3 b) states, the town shall require "*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*". The proposal will reinforce the mix of unit sizes and tenure types by facilitating three 2-3-bedroom street townhouse units intended for individual resale.

NEIGHBOURHOOD DISTRICTS

The subject lands are identified as 'Neighbourhood District' on Schedule B – Urban Structure of the Town of Midland Official Plan. Within the Neighbourhood District, the subject lands are designated as 'Neighbourhood Residential', per Schedule C – Land Use.

Section 4.3.2 of the Official Plan identifies the Neighbourhood Residential areas are crucial elements of the Town's attractiveness as a place to live, work, and invest in. Change within the Neighbourhood Residential will be guided toward modest change and accommodate only compatible development that maintains the character of the area. As such, the Town shall not approve development that creates undue impact on

neighbouring properties. The proposal represents modest change in terms of recognizing the existing built form and facilitating freehold tenure street townhouse units within the Neighbourhood Residential designation. Thereby the proposal maintains the existing residential intent of the subject lands.

Within the Neighbourhood District designation, low and mid-rise residential uses are permitted (4.3.2.b). Additionally, mid-rise residential units may consist of a mix of triplexes, street townhouses, and similar multiple dwellings. The proposal will maintain the existing mid-rise residential built form, with no change in future use, building height, or residential density. Considering the existing mid-rise residential units conform with the location criteria for mid-rise development, such as being well sited in terms of nearby amenities, with direct access to an Arterial Road, the subject applications shall continue to conform to the neighbourhood compatibility and policies for mid-rise residential development (4.3.2.h).

The nature of the proposed applications is to legalize the use of existing housing stock, that said, no significant changes to the existing built form is proposed by recognizing the desired Street Townhouse unit type. The application would create one new driveway on Lot 2. That said, the subject applications are not considered to be new mid-rise residential development and therefore is not subject to Site Plan Control.

MUNICIPAL INFRASTRUCTURE

Section 6.2 provides development policies relating to municipal infrastructure and servicing Midland. The subject lands are within the '*Urban Service Area*' as identified on Schedule F – Infrastructure. Policy 6.2.2 a) states that all development within the Town shall be provided with municipal water, sanitary sewers and a storm water drainage system, unless specifically exempted. The subject lands are currently municipally serviced which is not subject to change and will be continue to maintain municipal services.

Section 6.3.2 relates to Town Drinking Water Source Protection policies. As identified on Schedule 'G – Source Protection' the subject lands are within the WHPA-Q1 boundary. The WHPA-Q1 area is described as 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. Considering the proposed units are already connected to municipal

water servicing, the subject lands will continue to be controlled by municipal procedures for monitoring water quality and quantity (Section 6.3.2 (c)(vii)).

Section 6.5.3 b) relating to stormwater management states that no Zoning By-law Amendment will be approved if the proposed development would have a significant adverse impact on surface drainage. This application is supported by a Functional Servicing Report (FSR) with a Storm Drainage Plan and Stormwater Management Brief, demonstrating protection of water resources. Please refer to the FSR prepared by Gerrits Engineering Ltd, submitted alongside this Report for further stormwater management details.

LAND SEVERANCES/CONSENTS

Section 7.5.4 of the Official Plan includes policies related to Consent applications in the Town of Midland. In accordance with Ss. 7.5.4.b, the subject Consent application would result in three (3) total lots, creating two (2) new lots.

Ss. 7.5.4.c states, 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;*

Comment: The proposed lots are each fully serviced by municipal water and wastewater systems.

- ii. *The lots comply with the policies of this Plan;*

Comment: This report has provided the necessary planning rationale to demonstrate the proposed development complies with municipal and provincial policies.

- iii. *The lots comply with the Zoning By-law or an approved minor variance;*

Comment: The proposed lots will comply with the proposed 'RT' zone, subject to the requested Zoning By-law Amendment and related site-specific provisions.

- iv. *The lots will not restrict the development of adjacent lands; and,*

Comment: The proposed lots are associated with a longstanding land use and are located adjacent to existing residential dwellings. Given the existing uses and established lot fabric, the application does not impact or restrict the use of the abutting lands.

- 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.*

Comment: The proposed lots utilize the existing built form that is currently utilized for three rental units. The requested consent to sever will maintain a consistent general scale and neighbourhood character by utilizing the existing dwelling units similar to those uses surrounding. Collectively, the proposed lots will not impact the surrounding established development pattern.

EXISTING AND NON-CONFORMING LAND USES

Section 7.9a) of the 2019 Official Plan states nothing shall interfere with the continuation of a land use which legally exists at the time of passing this Plan. The existing built form is consistent with 'mid-rise residential' development types permitted within the 'Neighbourhood Residential' designation. With respect to the Zoning By-law definitions, the existing built form is defined as a 'Street Townhouse Dwelling', as it currently fronts a public street, units are in a row attached by a common wall and have separate entrances at grade. As such, the proposed Zoning By-law Amendment application will recognize the existing built form under the appropriate RT (SP-XX) zone which is consistent with 'mid-rise residential' policies in Section 4.3.2 of the 2019 Official Plan.

Section 7.9b) states the Zoning By-law may recognise existing uses not in conformity with policies of the Official Plan. The current 'R2' zone on the subject lands does not permit 'Street Townhouse Dwelling' uses; contrarily, the Official Plan outlines street townhouses and similar multiple dwellings as an appropriate form of 'Medium Density Residential' developments permitted within the 'Neighbourhood Residential' designation. The existing built form is consistent with 'Medium-Density Residential' development types as determined by Section 4.3.2 of the 2019 Official Plan. Thus, the Zoning By-law Amendment is required in order to legally recognize the 'Street Townhouse Dwelling' use in conformity with the policies of the Official Plan.

It is in our professional opinion that the proposal is consistent and conforms to planning policies, goals, and objectives identified by the 2019 Town of Midland Official Plan.

7.6 THE TOWN OF MIDLAND OFFICIAL PLAN (2002)

The former Town of Midland Official Plan has been reviewed in the context of the proposed application based on relevant in effect policies. The Previous Official Plan designates the subject lands as 'Residential District' per Schedule 'A'.

HOUSING

Section 2.3 of the former Official Plan outlines housing policies in the Town of Midland. Section 2.3.1 states:

It is a goal of this Plan to provide for residential land development, which will offer a wide variety and choice of accommodation. The Town acknowledges the need to ensure the provision of an adequate supply and variety of housing, including affordable housing with different forms and levels of tenure and cost.

Comment: The proposal represents an opportunity to utilize the existing housing stock to create individual townhouse units available for resale. The current lot configuration only allows for these units to be used for rental tenure, permitting the proposed Zoning By-law amendment will support the potential for these units to supply a variety of accommodation types such as rental tenure or freehold tenure.

Section 2.3.2 states:

It is important to maintain and improve the existing housing stock and to allow for the appropriate intensification of new and innovative housing.

Comment: The proposal will maintain the existing housing stock while improving the opportunity to provide a variety of tenures in the Town of Midland's housing market.

RESIDENTIAL DISTRICT LAND USE DESIGNATION

Section 3.3 of the OP refers to lands designated 'Residential District'. The Town intends that the 'Residential District' incorporate a variety of housing types and densities with appropriately located neighbourhood commercial and institutional uses. The proposal

will maintain the residential uses on the subject lands and therefore conforms to the intent of lands designated 'Residential District'.

As per Section 3.3.6, medium density residential development shall consist of duplexes, triplexes, townhouses, street townhouses and similar multiple dwellings. Medium density residential development shall connect to full municipal services, conform with the existing neighbourhood character, and directly access an arterial road. The existing built form is already consistent with the policies for medium density residential development. As such, the proposal would have no impact to the existing level of conformity with medium density residential policies.

EXISTING AND NON-CONFORMING LAND USES

Section 8.6.1 of the 2002 Official Plan states nothing shall interfere with the continuation of a land use which legally exists at the time of passing this Plan. The existing built form is consistent with 'Medium Density Residential' development types permitted within the 'Residential District'. In accordance with the definitions in the Zoning By-law, the existing units represent a 'Street Townhouse Dwelling', as it currently fronts a public street, the units are in a row attached by a common wall and have separate entrances at grade. That said, the proposed Zoning By-law Amendment application will recognize the existing built form under the appropriate RT (SP-XX) zone which is consistent with 'Medium Density Residential' policies in the Official Plan.

Section 8.6.2 determines the Zoning By-law may recognise existing uses not in conformity with policies of the Official Plan. The current 'R2' zone on the subject lands does not permit 'Street Townhouse Dwelling' uses; contrarily, the Official Plan outlines 'Street Townhouses' and 'Similar Multiple Dwellings' are an appropriate form of 'Medium Density Residential' developments permitted within the 'Residential District' designation. Considering the existing units exemplify a 'Medium-Density Residential' built form as determined by Section 3.3.6 of the Official Plan, the proposed ZBA is required to legally recognize the Street Townhouse uses which are consistent with the policies of the Official Plan.

For the reasons noted above, the proposal complies with the former Town of Midland's Official Plan policies which remain in effect.

8.0 CONCLUSION

This report explores the merits of the proposal to convert three existing residential units on one lot, into three lots for individual street townhouse units as it relates to all levels of applicable planning policy.

The intent of the subject Zoning By-law Amendment is to rezone the lands in order to recognize the existing built form as legal Street Townhouse units. The requested Zoning By-law Amendment would amend the Town of Midland's Zoning By-law 2004-90 to rezone the lands from the 'Residential (R2)' zone to the 'Residential Townhouse with Special Provisions (RT)(SP-XXX)' zone. The proposed Consent to sever application would result in a total of three lots to accommodate each unit as an individual street townhouse.

As demonstrated through the assessment completed in this report, the proposed development aligns with provincial and municipal planning policies. The proposal will utilize the existing housing stock to support the opportunity for freehold tenure street townhouse units with the flexibility of being offered as rental units. The proposal will create one new driveway for vehicle access to Lot 2, and maintain the built form, unit layout, residential use, density, and municipal services which currently exist.

It is our professional planning opinion that the Zoning By-law Amendment and Consent applications demonstrate consistency and conformity to applicable provincial, county, and municipal planning policies, representing good planning.

Respectfully submitted,
Innovative Planning Solutions

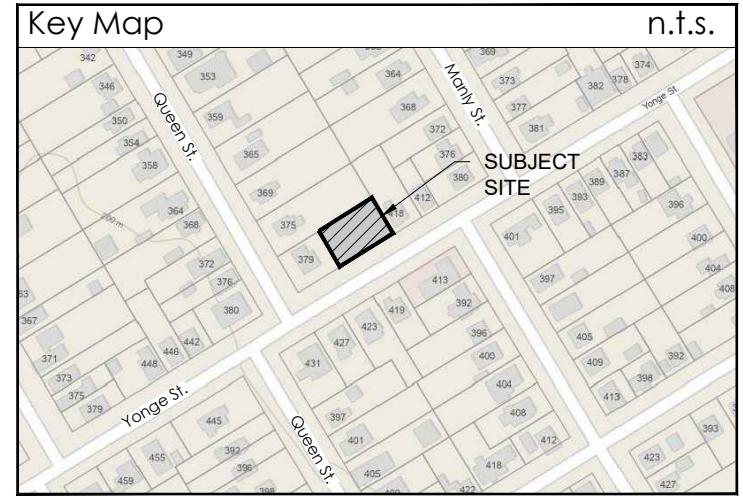
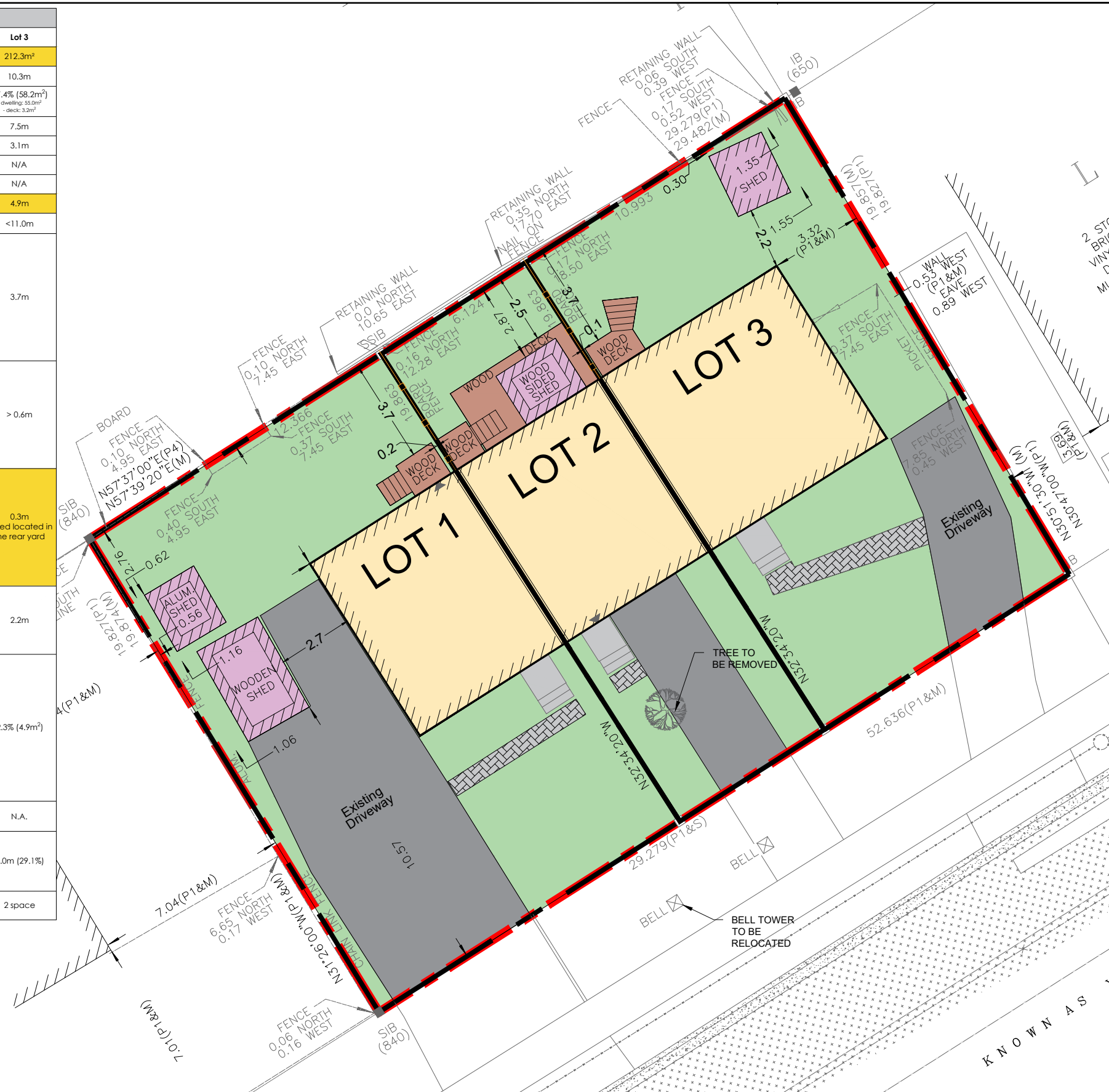


Kevin Bechard, BES, M.Sc., RPP
Senior Associate

APPENDICES

APPENDIX 1: CONCEPTUAL SITE PLAN

Residential Townhouse (R1) Zone				
	Permitted	Lot 1	Lot 2	Lot 3
Min. Lot Area	220.0m ² /DU	249.6m ²	121.6m ²	212.3m ²
Min. Lot Frontage	7.6m	12.7m	6.1m	10.3m
Max. Lot Coverage (3.1.4.6)	40%	19.2% (48.1m ²) -dwelling: 45.3m ² -deck: 2.8m ²	47.6% (57.9m ²) -dwelling: 44.2m ² -deck: 3.7m ²	27.4% (58.2m ²) -dwelling: 55.0m ² -deck: 3.2m ²
Min. Front Yard	5.5m	7.5m	7.5m	7.5m
Min. Interior Side Yard	1.22m	6.2m	N/A	3.1m
Common Wall	0.0m	N/A	0.0m	N/A
Min. Exterior Side Yard	4.5m	N/A	N/A	N/A
Min. Rear Yard	7.6m	4.9m	4.9m	4.9m
Max. Building Height	11.0m	<11.0m	<11.0m	<11.0m
Decks (3.14.1)	Decks shall be permitted to encroached 3.05m into the required min. rear yard setback in all Residential Zones, provided that they shall be located no closer than 1.22m from the rear property line.	3.7m	2.5m	3.7m
Decks (3.14.4)	Decks on a Street Townhouse Dwelling Unit shall maintain the required min. maintenance easement width of 0.61m per interior side yard.	> 0.6m	N.A.	> 0.6m
Accessory Uses (3.8.3)	No accessory bldg. shall be located in a min. front, interior side or exterior side yard. Where an accessory bldg. is erected in a rear yard, it shall be set back from the rear property line a min. of 1.22m.	2.7m -shed located in the interior side yard	2.8m -shed located in the rear yard	0.3m -shed located in the rear yard
Accessory Uses (3.8.5)	Accessory Bldgs. shall be set back a min. of 1.5m from any main bldg.	2.7m	0.0m	2.2m
Accessory Uses - Lot Coverage (3.8.6)	Lot Coverage for accessory bldgs. in all residential zones shall not exceed 12%, but in no case shall the total lot coverage of the dwelling and all accessory structures exceed the max. lot coverage of the respective residential zone.	5.6% (14.1m ²)	4.2% (5.2m ²)	2.3% (4.9m ²)
Private Driveway Width (4.1.7.1)	max. - 3.5m (lot frontage 9.0m or less)	N.A.	2.8m	N.A.
Private Driveway Width (4.1.7.1)	50% of the lot frontage to a max. of 8.5m (lot frontage greater than 9.0m)	5.8m (45.6%)	N.A.	3.0m (29.1%)
Required Parking: Street Townhouse	1	2+ space	2 space	2 space



LEGEND	
	Subject Site (583.5m ²)
	Street Townhouse Units
	Existing Concrete Steps
	Interlocking Pavers
	Driveway
	Landscape Space
	Fence

Note: This drawing is for discussion purposes only. The information shown is approximate and subject to change.



Date: October 20, 2022	Drawn By: A.S.
File: 21 - 1150	Checked By: L.C.

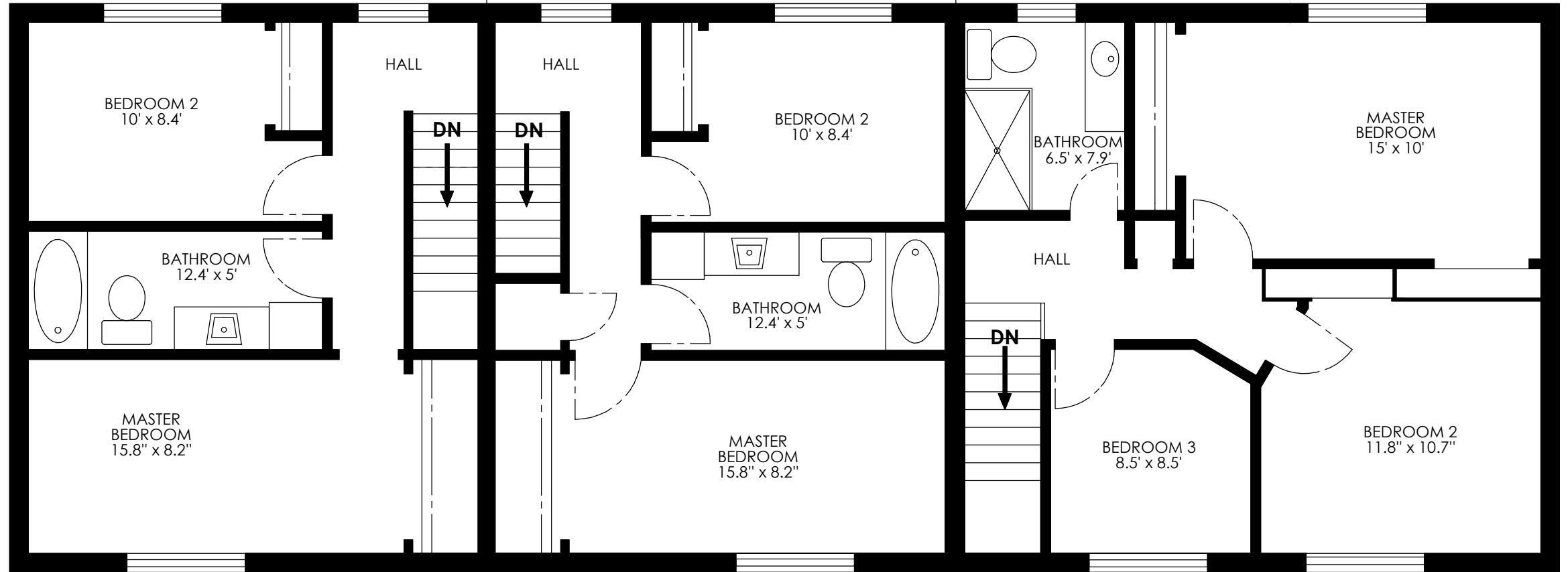
CONCEPTUAL SITE PLAN

422, 424, 426 YONGE ST, MIDLAND

SCHEDULE OF REVISIONS			
No.	Date	Description	By

IPS INNOVATIVE PLANNING SOLUTIONS
 PLANNERS • PROJECT MANAGERS • LAND DEVELOPERS
 647 WELHAM RD., UNIT 9, BARRIE, ONTARIO, L4N 0B7
 tel: 705 • 812 • 3281 fax: 705 • 812 • 3434 e: info@ipsconsultinginc.com www.ipsconsultinginc.com

APPENDIX 2: FLOOR PLANS OF EXISTING UNITS



426

424

422

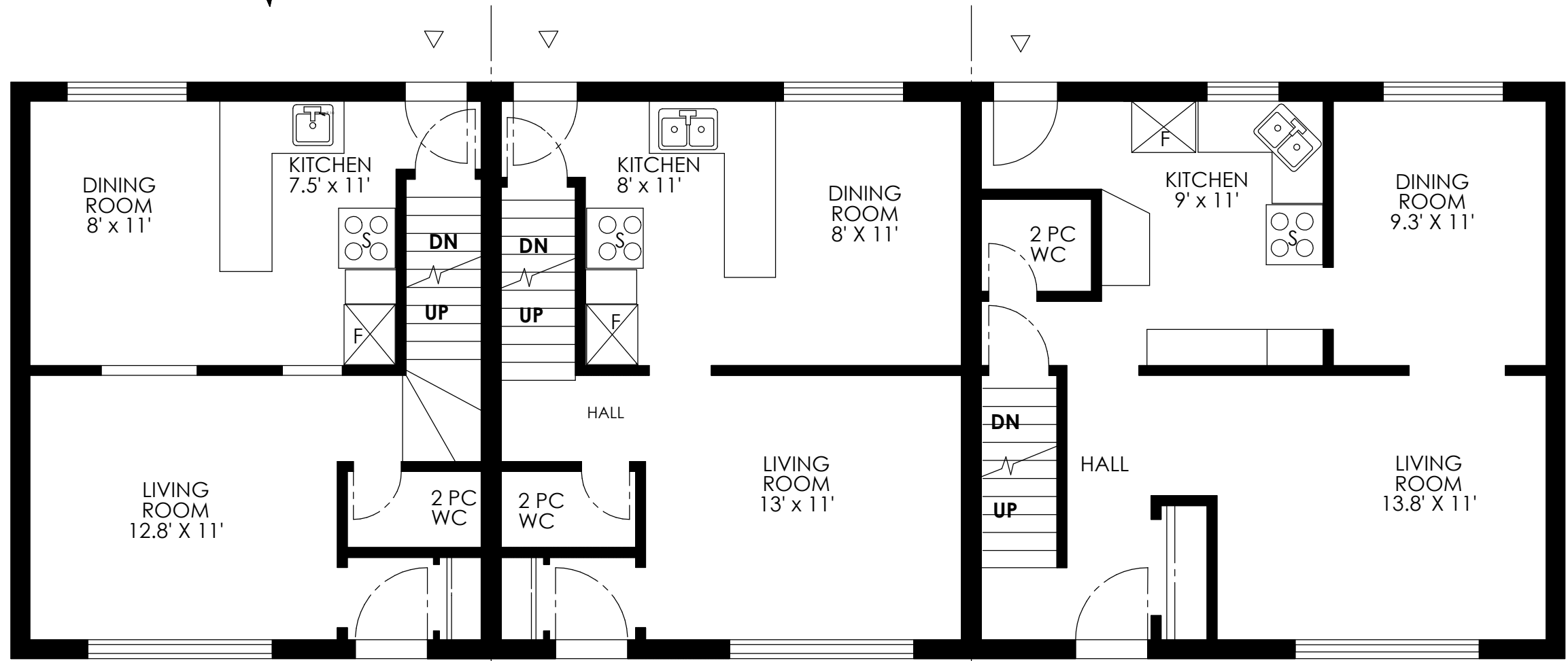
2ND FLOOR PLAN

DWG #: LS22-001

REV #: 001

DATE: 05/22

**422-424-426
YONGE STREET
MIDLAND, ON**



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426

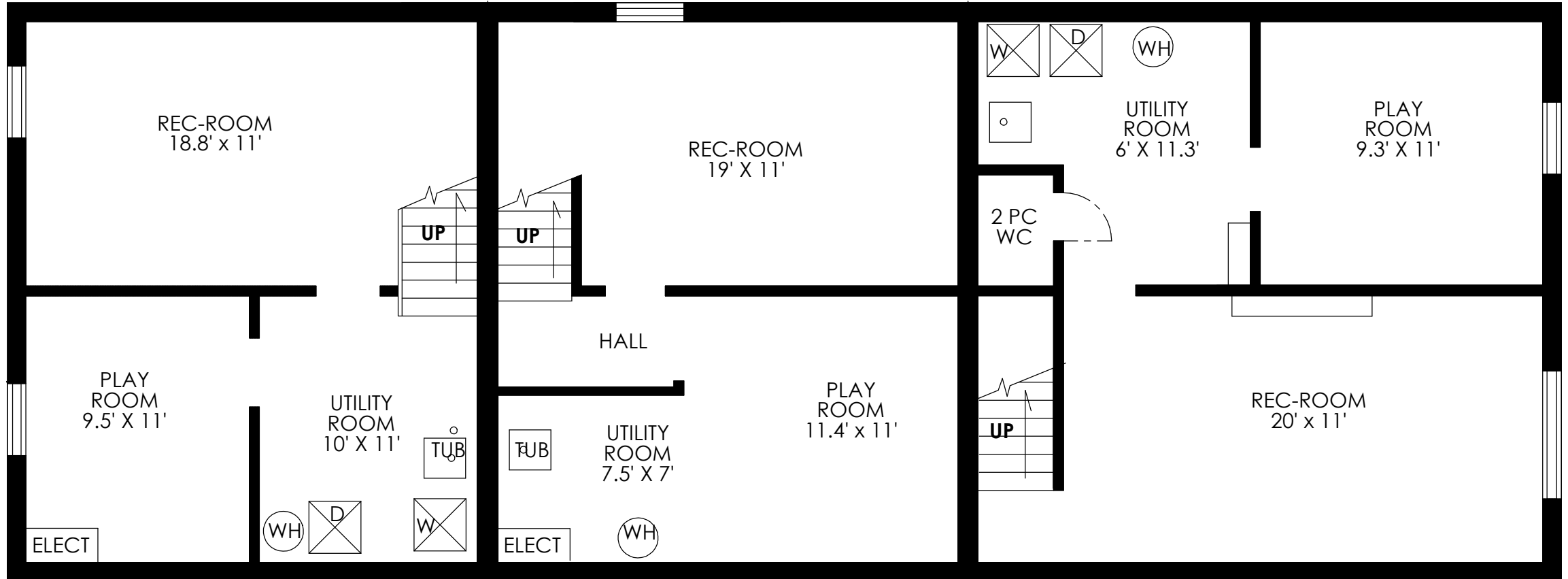
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424

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422

1ST FLOOR PLAN

DWG #: LS22-001
REV #: 001
DATE: 05/22

**422-424-426
YONGE STREET
MIDLAND, ON**



426

424

422

BASEMENT PLAN

DWG #: LS22-001

REV #: 001

DATE: 05/22

**422-424-426
YONGE STREET
MIDLAND, ON**

APPENDIX 3: DRAFT ZONING BY-LAW AMENDMENT AND SCHEDULE

THE CORPORATION OF THE TOWN OF MIDLAND BY-LAW NUMBER 2022-_____

“A By-law of the Corporation of the Town of Midland to amend the Zoning By-Law No. 2004-90 by rezoning lands legally described as, Part of Lot 20, East Side of Queen Street, Registered Plan 169A, from Residential 2 (R2) to Residential Townhouse with Special Provisions (RT)(SP-XX).

WHEREAS the Council of the Corporation of the Town of Midland has received an application to rezone Part of Lot 20, East Side of Queen Street, Registered Plan 169A, and;

WHEREAS the Council of the Corporation of the Town of Midland have reviewed a recommendation to amend the Zoning By-law and has approved the recommendation; and,

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990 to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Town of Midland of the following:

1. **THAT** Zone Maps of Zoning By-law No 2004-90, is hereby further amended by rezoning those lands described as Part of Lot 20, East Side of Queen Street, Registered Plan 169A, from Residential Type 2 (R2) to Residential Townhouse with Special Provisions (RT)(SP-XX), as shown is Schedule ‘A’ attached hereto, and Schedule ‘A’ attached hereto forms part of this By-law.
2. **THAT** on lands zoned (RT)(SP-XX), the provisions of Section 5.6.3 of the Zoning By-law shall continue to apply.
3. **THAT NOTWITHSTANDING** the provisions of the By-law, the following shall apply to lands zoned (RT)(SP-XX)
 - a. THAT notwithstanding zone requirements of Section 5.6.3 a minimum lot area of 121m² is permitted.
 - b. THAT notwithstanding zone requirements of Section 5.6.3 a maximum lot coverage of 47.6% is permitted.
 - c. THAT notwithstanding zone requirements of Section 5.6.3 a minimum rear yard of 4.9m is permitted.
 - d. THAT notwithstanding zone requirements of Section 5.6.3 a minimum lot frontage of 6.1 is permitted.
 - e. THAT notwithstanding zone requirements of Section 3.8 an accessory building within the minimum interior side yard setback is permitted 0.56m from the interior side yard lot line.

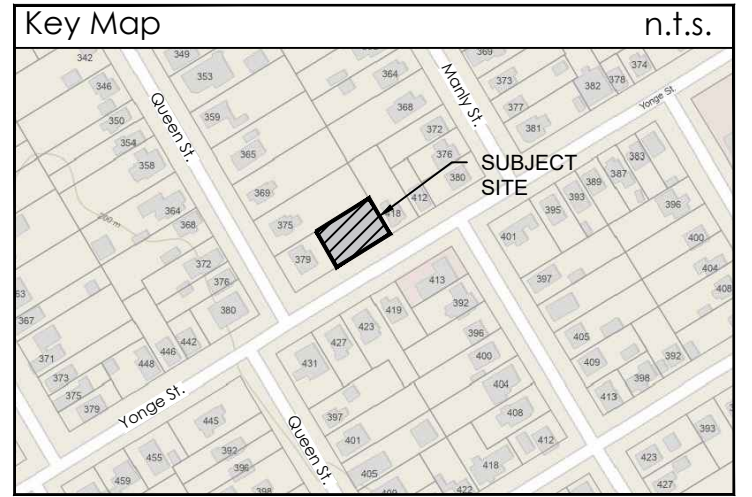
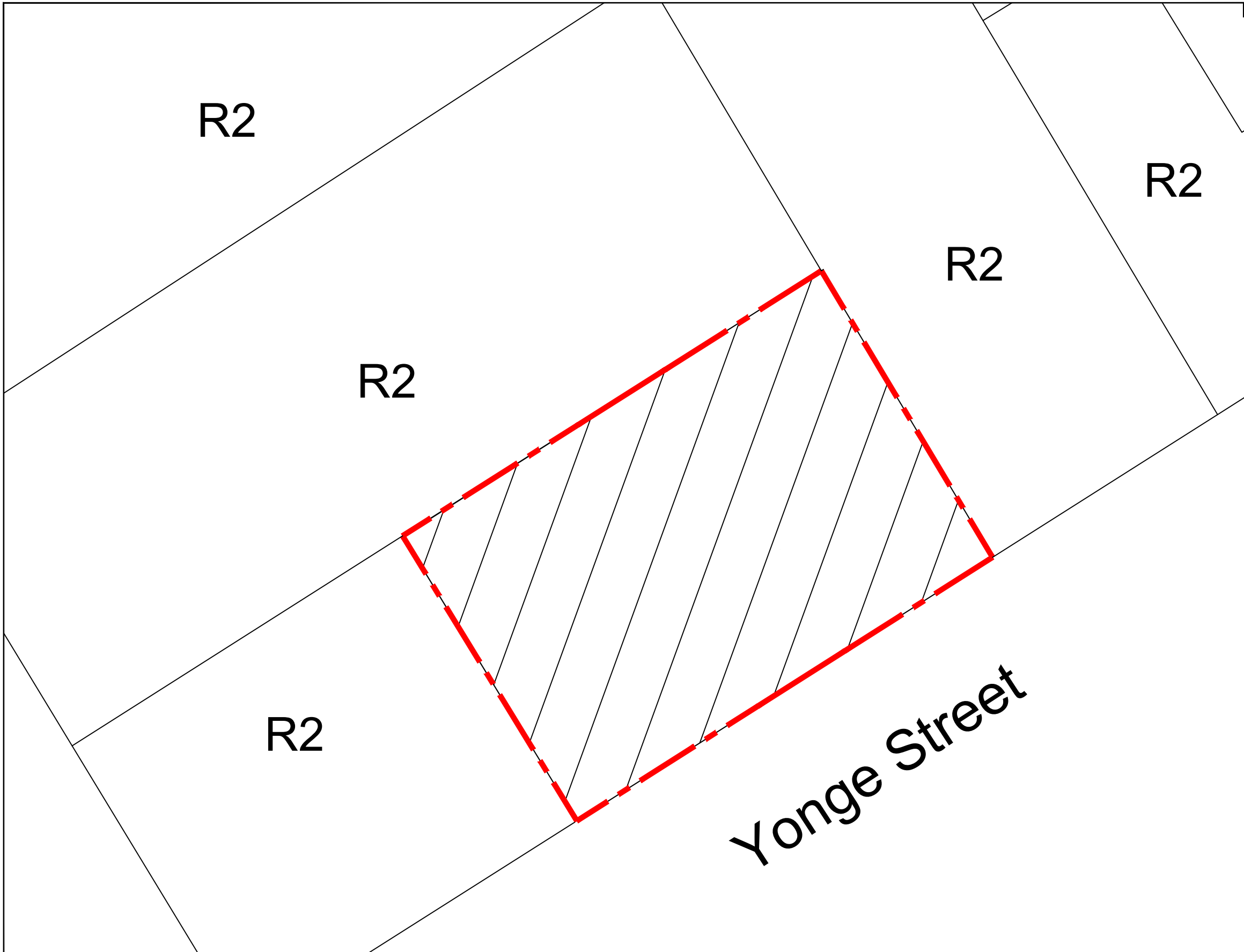
- f. THAT notwithstanding zone requirements of Section 3.8 where an accessory building is located in the rear yard, a minimum setback 0.3m is permitted.
 - g. THAT notwithstanding zone requirements of Section 3.8 a minimum setback of 0m to an accessory building from any main building is permitted.
4. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.



BY-LAW read a **FIRST, SECOND** and **THIRD** time and finally **PASSED** this _____ day of _____ 2022.

THE CORPORATION OF THE TOWN OF MIDLAND

Mayor

Clerk



- LEGEND**
-  Subject Site (583.5m²)
 -  Lands to be Rezoned from the 'Residential (R2)' zone to the 'Residential Townhouse with Special Provisions (RT)(SP-XXX)' zone

Note: This drawing is for discussion purposes only.
The information shown is approximate and subject to change.



Date:	August 26, 2022	Drawn By:	J.V.
File:	21 - 1150	Checked By:	L.J.

ZONING BY-LAW AMENDMENT - SCHEDULE A
422, 424, 426 YONGE ST, MIDLAND

SCHEDULE OF REVISIONS			
No.	Date	Description	By

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