



OFFICIAL PLAN

for the Town of Midland



Updated to April 4, 2019

THE CORPORATION OF THE TOWN OF MIDLAND
BY-LAW 2002-88

A By-law to adopt an Official Plan for the Town of Midland
and to repeal the Official Plans and Official Plan Amendments of
the former municipalities located within the Town of Midland

WHEREAS the new boundaries of The Corporation of the Town of Midland were incorporated under the provisions of the *Simcoe County Act*, 1993 on the First day of January, 1994;

AND WHEREAS* certain lands were transferred from the Township of Tiny and the Township of Tay to the Town of Midland by virtue of that *Act*;

AND WHEREAS Subsection 44(2) of the *Simcoe County Act* provides that any Official Plan of a former municipality approved under the *Planning Act* pertaining to an area in a local municipality shall be deemed to be an Official Plan of the local municipality of which that area now forms a part of and shall remain in force in that area until amended or repealed;

AND WHEREAS the Town of Midland has prepared an Official Plan for the whole of the new Municipality;

AND WHEREAS the Municipality has fulfilled the requirements of Subsection (15) to (21) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS Council is satisfied that the Official Plan as finally prepared, is suitable for adoption;

AND WHEREAS as Subsection 17(22) of the *Planning Act* provides that Council may, by By-law, adopt all or part of the plan and submit it for approval when the above noted requirements have been met;

AND WHEREAS the Municipal Council of the Corporation of the Town of Midland now deems it necessary and desirable to enact a By-law to adopt an Official Plan for the Town of Midland and to repeal the Official Plans and Official Plan Amendments of the former municipalities located within the Town of Midland.

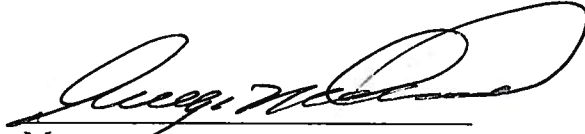
NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREIN ENACTS AS FOLLOWS:

1. That the Municipal Council hereby adopts the Official Plan for the Town of Midland as prepared by Reinders Southpark and Associates Ltd. dated December 2002, the text and map schedules of said Official Plan attached hereto and forming part of this By-law.

By-law 2002-88

2. That the Clerk is hereby authorized and directed to make application to the County of Simcoe for approval of the aforementioned Official Plan of the Town of Midland in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13 as amended.
3. That the following Official Plan and/or Official Plan Amendments be repealed upon approval of the Midland Official Plan:
 - a) The Official Plan for the Town of Midland, as amended, adopted under By-law 78-10.
 - b) The Official Plan for the Township of Tiny, as amended, adopted under By-law 95-87.
 - c) The Official Plan for the Township of Tay, as amended, adopted under By-law 97-35.
4. That this By-law shall come into full force and effect immediately upon final passage and shall take effect upon approval by the County of Simcoe and/or in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

By-law read a first, second and third time, and finally passed at a meeting of the Municipal Council of The Corporation of the Town of Midland on this Sixteenth day of December, 2002.



Mayor



Clerk



Town of Midland Official Plan (By-law 2002-88)

LOG OF AMENDMENTS

Text in **bold** followed by a number (e.g. **CM#5**) identifies modifications by the County of Simcoe in the approval of the Official Plan.

The Town of Midland Official Plan was adopted by Council on December 16th, 2002 and was approved by the County of Simcoe, with modifications, on June 24th, 2003.

Includes all amendments to April 4, 2019

By-law No.	OPA No.	Date of Passing	Purpose	Date of Approval by County of Simcoe or OMB
2004-17	1	March 22, 2004	Designation of lands annexed from Township of Tiny	July 16, 2004
2010-92	2	October 18, 2010	845 Yonge Street – Re-designation from RESIDENTIAL DISTRICT to EMPLOYMENT AREA	December 22, 2010
2013-40	3	June 24, 2013	Enhanced Consultation and Complete Application policies	September 10, 2013
2013-41	4	June 24, 2013	Re-designate a portion of the subject lands at 1081 MacDonald Road from the ENVIRONMENTAL PROTECTION to EMPLOYMENT AREAS designation with Special Policies	OMB Approval June 16, 2014
2014-4	5	January 27, 2014	Special Policy designation for 422 King Street and corollary policy amendments	March 25, 2014
2014-83	6	November 21, 2014	Sourcewater Protection Implementation	Withdrawn by Council June 26, 2017



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2015-76	7	October 26, 2015	Re-designate a portion of the subject property at 1099 MacDonald Road from ENVIRONMENTAL PROTECTION to EMPLOYMENT AREAS designation	County Approval January 12, 2016
2015-66	8	September 28, 2015	Waypoint-Chigamik Re-designate a portion of the subject property at 287 Bayshore Drive from OPEN SPACE to EMPLOYMENT AREAS designation	January 12, 2016
2016-27	9	May 24, 2016	Implementation of Bill 140 Second Units	County Approval, with modifications, April 11, 2017
2016-33	10	May 24, 2016	Midland Bay Landing Waterfront Master Plan Implementation	County Approval, with modifications, November 22, 2016
2017-47	11	June 26, 2017	Re-designate 447 Mundy's Bay Road – Special Policy	October 20, 2017
2017-83	12	November 27, 2018	Re-designate a portion of the subject lands at 658 King Street from the ENVIRONMENTAL	March 13, 2018



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			PROTECTION to RESIDENTIAL DISTRICT designation with Special Policies	

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1 Introduction

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1.0 INTRODUCTION

1.1 Purpose

The purpose of the Official Plan is to set out policies and recommendations to provide direction for future growth and development. The Plan will assist to manage and direct physical change and its effects on the social, economic and natural environment in the Town over the next twenty years.

1.2 Basis

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 2002, the Town commenced a review of the entire Plan. In part this was required so as to incorporate new lands acquired through restructuring, to reflect changes in Provincial policy, the County of Simcoe Official Plan and to incorporate the findings of the Town's Growth Management Report (Year 2000). This review was also intended to produce a more streamlined document to facilitate growth and provide for greater flexibility for Council in the development and decision making process.

1.3 The Vision of Midland

1.3.1 The Vision Statement

In pursuit of quality of life, Midland will proceed to become the active regional centre for Southern Georgian Bay. Reflective of the natural beauty of the region, Midland will remain a balanced community offering its residents and visitors economic opportunity and prosperity while maintaining a high level of protection for the lifestyle and environment.

1.3.2 Vision Background

The Official Plan is intended to reflect and build upon the character, identity and natural features of the community and the surrounding area. The Plan is also intended to provide guidance, encouragement and security concerning economic development and investment.

Midland's history is rich in terms of area events dating back to the French explorers, Jesuit fathers and the aboriginal people of the Huron and Iroquois nations. 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 establish 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, historical and religious attractions.

1.3.3 Broadening the Vision

The vision of Midland's future is summarized as follows:

The People

Much of Midland's population growth is anticipated to be newcomers consisting basically of two groups. The first group will be younger families, likely well educated, that will locate here for business opportunities and lifestyle reasons. The second group is expected to be retirement or near retirement persons, relocating from the Greater Toronto Area for life style and security reasons. This segment may well accelerate future growth demands resulting from the area's attractiveness as a retirement community.

Location

Midland forms and functions as the centre of a community bounded by Penetanguishene, Wyebridge and Victoria Harbour. It offers a regional setting which includes business, commerce, social, recreational and housing opportunities. The retail of the County Road 93 area, the light industry of 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 fabric, which can be improved upon and expanded.

Employment

A growing segment of the work force will remain engaged in light industry.

Major new and expanded employment areas will be developed in education, information technology, government, retail and service, and recreation and tourism.

The Environment

Midland will become a recognized leader in town design that compliments and enhances the environment. Design elements include the preservation and quality of the Georgian Bay waterfront and Little Lake, appropriate air quality and pollution controls, environmental awareness initiatives and the protection of natural heritage features from inappropriate urbanization.

Lifestyle

Midland's unique setting in the beauty of Georgian Bay sets the standard for development excellence in preserving this jewel. The preservation and enhancement of the Georgian Bay waterfront, Little Lake and the historic downtown core will be pursued. Expanded and improved social, health care and educational services and facilities will be sought together with improvements to public transit, walking and cycling trails and gathering places which should be planned to optimize public use. Midland's lifestyle should provide a living environment, unparalleled in the region, which provides security, community pride and a sense of belonging.

This Plan supports the bright and progressive future envisioned for the Town. The Plan is intended to promote a diversified housing base, growth in the existing downtown and waterfront areas, recreational opportunities, commercial and industrial growth and the expansion of tourism opportunities. The Plan, however, will occur within the context of a civic respect and recognition of the importance to preserve the natural environment of the land and adjacent bodies of water.

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2.0 GENERAL DEVELOPMENT POLICIES

2.1 Economic Development

2.1.1 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 initiatives:

- a) Promote and strengthen the downtown district as a significant location for commercial retail uses, administration, business, services, hotel and convention facilities.
- b) Provide strategically located highway commercial facilities 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.
- c) Attract new industries and support existing businesses and capitalize on the assistance and initiative programs of senior levels of government.
- d) Stimulate and encourage the growth of the tourist industry by providing areas for the development of visitor attractions and the utilization of federal and provincial assistance programs.
- e) Provide a strategic plan for economic development.
- f) Strive to ensure a source of qualified labour.

2.2 Growth Management

2.2.1 A Growth Management Report was prepared for the Town (Year 2000) to provide an insight into future growth expectations. This report was also developed in response to Provincial and County policy, which, in general, encourages increased centralization and concentration of growth and development in settlement areas such as Midland. In planning for and accommodating future growth, the desire is for a “policy led” development approval system geared to anticipate and be prepared for future demands.

2.2.2 The population, as of the Year 2000, is estimated at approximately 17,000 persons. Future growth through the period of this Plan is expected to be healthy. There is a current inventory (Year 2000) of 1,773 lots in registered/draft approved residential subdivisions. These lots together with current development applications provide a total potential for over 3,600 dwelling units. There are several factors, which will play a significant role in the consumption of these units. These factors include the effects of government policy to direct growth to settlement areas, a growing business



sector, increased demand through demographic changes from within the retirement sector and lifestyle choices of those seeking a more secure and relaxed living environment, which Midland offers.

2.2.3 At present (Report Year 2000) there are some 9,130 persons employed in the Town of whom 44% live in the community. The Growth Management Report identified some 120 hectares (295 acres) of vacant designated employment lands, which the report offers is well above the anticipated employment growth. This is viewed as a positive aspect in that lands are and will be available for growth and the supply allows for a variety of choice for future business investment.

2.2.4 It is recommended that the Growth Management Report be reviewed no later than the Year 2005 to coincide with the scheduled annexation of 648 hectares (1600 acres) of Tiny Township land in 2004.

2.3 Housing Policies

2.3.1 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.

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

2.3.3 The Town will cooperate with public agencies to promote assisted housing for moderate and low-income households.

2.3.4 In assessing the predicted housing needs of the Town, monitoring programs and studies may be undertaken to define future housing requirements.

2.3.5 In an effort to provide housing opportunities, the Town will strive to maintain a minimum ten year supply of land designated and available for new residential development, and at least a three-year supply of draft approved or registered plans. This target may also provide for the redevelopment and intensification of older developed neighbourhoods.

2.3.6 Second Units

- a) A Second Unit is a self-contained dwelling unit that will 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 RESIDENTIAL DISTRICT and RESTRICTED RURAL designations where appropriate.

- b) A Second Unit shall be created and used permitted in accordance with the zoning provisions dealing with the location of the dwelling, the maximum number of second units per lot, the minimum 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 density requirements in Sections 3.3.4 b) and 3.3.5 b) of this Plan 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.

2.4 Community Design

- 2.4.1 The Town recognizes the value of having the highest quality of built and natural environments. In addition to a distinctive physical form, many social, economic and environmental benefits are realized by well-designed environments.
- 2.4.2 As the Town grows and evolves an exemplary standard of design excellence must be promoted when the basic elements including streets, parks, public places, business uses, institutional facilities and residential neighbourhoods, are constructed.
- 2.4.3 The Community Design policies focus on important design features. These features have been translated, below, into objectives, which set out the Town's overall approach to community design. Council will promote developments, which through their adherence to principles of high quality community design will produce built environments that evoke a desirable image and sense of place.
- 2.4.4 To achieve the Community Design goals, the Town will pursue the following objectives when considering development and redevelopment:
 - 2.4.4.1 Encourage private and public developments to provide an integrated mix of uses, activities and experiences;
 - 2.4.4.2 Encourage, through the design process, the need to preserve, protect and enhance the natural environment of the land and adjacent bodies of water;
 - 2.4.4.3 Encourage the creation of an overall physical form related to pedestrians and cyclists;

- 2.4.4.4 Encourage the design of road patterns, buildings and spaces which makes it easy for pedestrians and vehicles to move efficiently;
- 2.4.4.5 Encourage the implementation of disability design features;
- 2.4.4.6 Encourage developments that fit within the surrounding neighbourhood which consider the uses, massing, height, scale, architecture and details of adjacent buildings;
- 2.4.4.7 Encourage the creation and preservation of landmarks and other distinctive elements including buildings, open spaces, landscapes and natural features;
- 2.4.4.8 Encourage developments that can be used for a variety of purposes and which can adapt over time to changing circumstances and opportunities.
- 2.4.5 To implement the above, Council will require development to be designed and built in accordance to Section 4.0, Amenity and Design.

2.5 The Waterfront

- 2.5.1 It is a goal of this Plan to 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:
 - 2.5.1.1 In new development ensure reasonable, controlled, public access to all areas of the waterfront, for the benefit of the general populace of Midland;
 - 2.5.1.2 Ensure that all waterfront development is of the highest standard and properly integrates with surrounding uses;
 - 2.5.1.3 Ensure that the development of the Georgian Bay waterfront is supportive of the Downtown District, by enhancing the waterfront public trail (Trans Canada Trail), park system and Town dock with particular focus on the retention of scenic views;
 - 2.5.1.4 Create and encourage facilities and spaces which will enhance the tourism economy;
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- 2.4.4.5 Encourage the implementation of disability design features;
- 2.4.4.6 Encourage developments that fit within the surrounding neighbourhood which consider the uses, massing, height, scale, architecture and details of adjacent buildings;
- 2.4.4.7 Encourage the creation and preservation of landmarks and other distinctive elements including buildings, open spaces, landscapes and natural features;
- 2.4.4.8 Encourage developments that can be used for a variety of purposes and which can adapt over time to changing circumstances and opportunities.
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- 2.5.1.1 In new development ensure reasonable, controlled, public access to all areas of the waterfront, for the benefit of the general populace of Midland;
 - 2.5.1.2 Ensure that all waterfront development is of the highest standard and properly integrates with surrounding uses;
 - 2.5.1.3 Ensure that the development of the Georgian Bay waterfront is supportive of the Downtown District, by enhancing the waterfront public trail (Trans Canada Trail), park system and Town dock with particular focus on the retention of scenic views;
 - 2.5.1.4 Create and encourage facilities and spaces which will enhance the tourism economy;
 - 2.5.1.5 Ensure that all waterfront development adheres to Ministry of the Environment stormwater reductions for both quality and quantity.

3 Land Use Designations

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3.0 LAND USE DESIGNATIONS

This Plan contains seven land use designations. It is intended that development will occur in accordance with the policies of the Land Use Designations as shown on Schedule 'A' and 'A1' of this Plan.

3.1 Employment Areas

The Employment Areas designation is intended to provide for business and commerce, industry and compatible community and institutional uses. These lands are intended to provide adequate lands for the future needs of this aspect of the community over the life of the Plan.

The potential for diversity of uses within this designation 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. As such, within industrial park areas, the predominant use shall be for large scale industrial, manufacturing and related service uses. Commercial and institutional uses, generally on the periphery of such areas, may be considered. Re-development of outmoded industrial uses to commercial or other compatible uses, particularly in conjunction with the Downtown District, is contemplated. It is also understood that there may be some demand for a conversion of industrial properties to commercial uses, which may be considered where such proposed uses are deemed compatible with surrounding uses. Furthermore, residential uses may be considered, where deemed appropriate, in conjunction with the permitted uses of this section.

It is the intent and purpose of this Plan to support and encourage appropriate business growth and to foster market place changes and acceptable land use mixes which will occur over the life of the Plan.

3.1.2 Objectives

- a) To provide opportunities for a diversified economic base which supports a healthy, stable economy and enhances employment opportunities.
- b) To provide for and maintain an adequate supply of developable land.
- c) To reduce and respect the natural conflicts between business uses and residential and public uses.

3.1.3 Permitted Uses



- a) Industrial uses include manufacturing, assembly, processing, service industries, research and development facilities, warehousing, freight transfer and transportation facilities, automotive including vehicle repair, office buildings, wholesale outlets and personal and professional service uses. As a general rule these uses should be considered as low impact uses in terms of noise, emissions, visual appearance, odour, or elements having similar negative effects on adjacent uses. Appropriate separation distance and buffering from non-compatible uses will form part of any development approval consideration.
- b) Commercial uses include retail, commercial and business uses. These uses may include, but are not limited to, retail uses, personal services, recreation and tourism, golf courses, tourism accommodation, entertainment uses, business and professional offices, eating establishments, service shops, automotive, community facilities, day care centers, nursing homes and medical services. Such uses will be located having regard for the compatibility of the use in terms of location and surrounding and adjacent uses.
- c) Institutional and community service uses include hospitals, government buildings, places of worship, educational facilities, libraries, day care centers, open space and similar public uses. The location of such uses should be based on compatibility with adjacent and surrounding uses and accessibility in terms of service to the community.
- d) Residential uses may be permitted above the ground floor of commercial uses and accessory to institutional uses.

3.1.4 Change of Use

Applications for re-zonings, which would permit a change of land use, will be considered in terms of the policies of this section and the following criteria:

- 3.1.4.1 Current industrial lands should generally be reserved for manufacturing and related uses. Lands on the periphery of industrial areas, or adjacent to major roads, may be considered for commercial and service related uses as long as these uses are viewed as being compatible and would not interfere with adjacent industrial uses;
- 3.1.4.2 The proposed change will promote the use of land or building space otherwise deemed not suitable in terms of the former use;
- 3.1.4.3 Adequacy of municipal services and facilities.

3.1.5 Development Policies



- a) Building design, location and treatment should be complementary to surrounding uses. Buildings located adjacent to major transportation routes are expected to present a best face forward design approach, including landscaping, to heighten the aesthetic appeal of the location and the surrounding area.
- b) Adequate parking and loading facilities will be provided on site. Shared access and parking for adjacent developments is encouraged, together with shared internal roadways, to reduce the need to use local streets.
- c) Adequate visual screening between adjacent residential and open space uses shall be provided. Outside storage areas shall be fenced and screened so as to appropriately conceal the use from adjacent properties and streets.
- d) The following locational and design features are to be applied to motor vehicle facilities:
 - i) New service stations and gas bars should generally be permitted at collector and arterial road intersections or in conjunction with land extensive commercial shopping facilities;
 - ii) Service stations and gas bars should be limited to no more than two at any intersection;
 - iii) Car washing facilities should be located and designed to minimize visual and noise impacts on adjacent properties.
- e) Development within this designation should be subject to site plan control as set out in Section 8.8. Development or re-development of existing uses, which would result in a significant expansion of usable floor area, may be subject to site plan control. For the purpose of this section “significant expansion” is defined as an expansion of approximately 25% or greater of gross floor area coverage on the subject lot or 25% or 460 m² (4,950 sq. ft.) of the usable floor area of any building associated with the use. The above is the cumulative amount of development following the adoption of this Plan.

3.1.6 Exceptions

3.1.6.1 1081 MacDonald Road

For that part of the lands described municipally as 1081 MacDonald Road and legally described as part of the North Part of Lot 99, Concession 1, in the geographic Township of Tay, Town of Midland, as shown on Schedule “A” to



this Amendment, the following additional polices shall apply to the development of a Private Materials Recovery and Reclamation Facility and Transfer Station:

- a) That the lands shall be appropriately zoned in the Town of Midland Zoning By-law with appropriate regulations and performance standards with respect to the proposed Private Materials Recovery and Reclamation Facility and Transfer Station use.
- b) The policies and definitions of this Official Plan shall apply to specifically prohibit the disposal of wastes and the handling and storage of hazardous wastes, organic wastes (other than incidental wastes or wastes generated by the business operation) and liquid industrial wastes as part of the Private Materials Recovery and Reclamation Facility and Transfer Station use. An amendment to this Plan will be required to make any changes to the types of waste which are prohibited for handling or storage at the Private Materials Recovery and Reclamation Facility and Transfer Station on this site.
- c) Site Plan Control approval, in accordance with the policies contained in Section 8.8 Site Plan Control of this Plan, shall be required prior to the development of the site. In addition to the policies of this Plan and the requirements of Section 41 of the *Planning Act*, the Site Plan Application shall contain mitigation measures to reduce potential impacts on surrounding properties. Site design and approaches shall be proposed that will specifically assist with noise attenuation and dust mitigation. Mitigation measures shall include the following:
 - i. An average setback of 15 metres from the existing watercourse;
 - ii. Paving of traveled areas and parking stalls;
 - iii. Stormwater Management will be provided with a private onsite quantity and quality control pond designed in accordance with the MOE enhanced (Level 1) quality criteria and will provide quantity control up to the 100-year event;
 - iv. Vegetative landscaping strips seeded with an appropriate native seed mix and planted with native tree and shrub species;
 - v. Fencing or existing berms or a combinations thereof to screen the proposed development from land uses to the north and east;
 - vi. Outdoor storage is limited to:
 - a. Machinery and equipment related to the primary use;
 - b. Material that is packaged, bailed or contained in trailers or bins;
 - vii. Site maintenance requirements;
- d) The Town, through the appropriate regulatory tools including but not limited to Site Plan Agreements, Noise Bylaw, and by commenting on the

required Environmental Compliance Approval, shall limit the hours of operation of the facility.

3.2 Downtown District

The Downtown District designation is intended to identify the historic Town centre. King Street is intended to be the main focus of commercial activity within the Downtown District.

The policies contained within this section are intended to recognize the cultural and economic importance of this area and to encourage its continued growth and vitality as a multi-functional community center of the Town and geographical region.

A strong and energetic Town center is essential in promoting community growth and prosperity. This occurs in terms of economic well-being, community pride and character. It is intended that the policies of this section 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.

To encourage business retention and growth, the quality and amenities of the Town's urban core should be constantly developed, strengthened and improved. Through municipal cooperation and the employment of innovative ideas and programs, the benefits of highlighting the natural and historic heritage, the promotion of hospitality uses, the encouragement of compatible residential uses and the promotion of the area as an events center will secure the future success and investment confidence in the Downtown District.

3.2.1 Objectives

- a) To maintain this area as the prime focus of commerce, culture, tourism, hospitality and institutional activities.
- b) To foster and promote the historic importance, qualities and opportunities that the Downtown District offers as a unique and attractive area.
- c) To enhance and promote the interconnection of the built core area with the waterfront area.
- d) To promote and encourage mixed commercial/residential development to support the community focus of the area.

3.2.2 Permitted Uses

- a) As the prime business, commercial and cultural area of the Town, uses including retail and commercial, office and professional services,



hospitality and entertainment, together with parks, cultural, institutional, government and residential are permitted.

- b) Wholesale and similar related uses appropriate to the area, may be permitted. Typically, such uses would occur on the periphery of the District and would be considered uses which do not detract from or interfere with primary uses and may include motor vehicle uses.
- c) Residential uses are recognized and encouraged. The policies of this section and the Residential Section will guide residential development and re-development.

3.2.3 Development Policies

- a) Pedestrian use should be facilitated whenever possible. This includes well-maintained sidewalks, handicapped access, lighting, street furniture, vegetation and other appropriate features designed to provide for an appealing and comfortable setting.
- b) As deemed appropriate, the Town will implement improvements in the street system to facilitate accessibility, traffic movements and the separation of pedestrians and vehicular traffic.
- c) Municipal parking, including on-street parking and off-street parking lots, should be located so as to offer convenient parking facilities, which support the business activities of the area. This may be done in conjunction with an ongoing plan for acquisition of land for parking purposes.
- d) It is recognized that the assembly of land for parking purposes is also a form of commercial land banking. In the event that the Town should wish to dispose of such lands, this action should be substantiated by an appropriate impact study.
- e) On-site parking may not be required where Council is satisfied that adequate alternatives exist. The implementation of this policy is intended to encourage development and re-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. See Section 8.5 for additional policies.
- f) The Municipality may investigate and implement cooperative programs to improve the attractiveness and image of public and private properties. This may include the development of a downtown theme to recognize the area's historical importance. Efforts to integrate existing and new buildings both architecturally and aesthetically, façade design

improvements and improvements to the rear of buildings regarding access and visual impact shall be endorsed.

- g) The Municipality should encourage and support merchant and business groups whose goal is to improve the Downtown District.
- h) The provision of Public Open Space within the District is recognized as an essential component for the enjoyment of workers, residents and visitors. Visual and pedestrian linkage between the downtown and the Town dock/waterfront is encouraged. This connection to the Town dock and associated waterfront and trail system is an extremely important component in regard to the long-term success of the District.
- i) Residential uses are recognized and encouraged in the Downtown District. An increased residential presence will be supportive of business and cultural activities and reinforce the community focus of the area. High and medium density residential development and mixed commercial/residential development are permitted in accordance with the policies of the Residential Section, 3.3. Residential uses, associated with commercial uses, should be located above the ground floor. On King Street, ground floor uses shall be reserved for retail and business use. Residential development, although viewed as an important aspect within this designation, is not a primary use and as such should not interfere with commercial and business uses and may not enjoy the setbacks, separations and buffering that might be expected elsewhere.
- j) Light industrial and related commercial, wholesale and similar uses should not typically be located along the King Street corridor and should not interfere with or detract from the primary function of the area. Such uses are viewed as being subordinate to the primary business (and residential) uses and therefore, the location and development of such uses should be carefully considered in terms of negative impact, historic use, adjacent uses, long term benefit and alternative available locations.
- k) Development or redevelopment within this designation may be subject to site plan control as set out in Sections 8.8 and 3.1.5 e).

3.2.4 Permitted Uses

3.3 Residential District

The Residential District designation is intended to allow a variety of housing types and densities together with appropriately located neighbourhood commercial and institutional uses. It is a goal of this Plan to provide for opportunities to create affordable, accessible and adequate housing for the expected needs of the community.

Land Use Schedule 'A', contains one designation within which urban residential uses exist or are anticipated. Locations for low, medium and high-density 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.

3.3.1 Objectives

- a) To create, maintain and enhance residential areas, which foster a sense of neighbourhood, character and belonging and to protect these areas from inappropriate development.
- b) To 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. New subdivision and condominium developments are encouraged to incorporate traditional neighbourhood design elements that would respect and reflect the character of the existing community. **Refer to Section 4, Amenity and Design for additional policies. (CM #1)**
- c) To encourage the provision of a broad range of housing styles including affordable and rental housing types, and to consider incentives which would foster such development.
- d) To encourage innovative development, re-development and intensification, particularly in older established neighbourhoods, to satisfy market requirements.
- e) To foster and encourage the development of residential uses where appropriate community and commercial facilities can be provided.
- f) To support housing affordability and create rental housing opportunities by permitting Second Units, where appropriate.

3.3.2 Permitted Uses

Uses permitted within the Residential District include all forms of housing together with appropriate institutional uses such as schools, parks, cemeteries and community recreational uses and limited private institutional uses such as group homes, day care centers and places of worship. There will be no need for site specific Official Plan Amendments to introduce higher density uses into neighbourhoods. Furthermore, neighbourhood-oriented commercial uses such as local convenience stores, personal service uses, home occupations and bed and breakfast establishments may be permitted

subject to the policies of this section. Mobile home park developments are to be located in residential areas and shall be subject to the appropriate controls and regulations established by Council and may also be subject to an Official Plan Amendment.

3.3.3 Housing Supply

- a) Market demand and economic factors will change during the planning period and will affect the amount and density of dwelling units being proposed. It is intended that the Town will monitor housing need and may set targets related to the type of housing, across the Town or in specific locations (i.e. Secondary Plan areas), to ensure an appropriate balance is achieved to meet future needs.
- b) Housing forms and appropriate densities that facilitate affordable housing generally will be encouraged. Where site and design elements permit and are deemed suitable, an increase in density may be considered, notwithstanding the applicable subsections.
- c) In a growing and diversifying urban area, the need for affordable housing and rental accommodation will increase. Substantial public good and a positive impact on the local economy can be achieved through facilitating growth in this area. The Municipality may initiate studies and implement programs, which consider need, address taxes, development charges and approval incentives. Partnering and methods designed to provide confidence and encouragement for the provision of affordable housing will be considered.
- d) The provision of affordable rental accommodation can be enhanced through land use intensification in existing serviced residential areas. The conversion of single detached residential units into multiple dwelling units may be permitted through the implementing Zoning By-law.

3.3.4 Low Density Residential

- a) Low Density Residential development shall consist of single detached, semi-detached, linked semi-detached and duplex dwellings.
- b) Low Density Residential uses on full municipal services generally should not exceed a density of 18 units per net hectare (7 u.p.n. acre) for detached dwellings and 25 units per net hectare (10 u.p.n. acre) for semi-detached, linked semi-detached and duplex dwellings.
- c) Low density residential development should front on local roads rather than collector or arterial roads.

3.3.6 Medium Density Residential

- a) Medium Density Residential development shall consist of single detached, semi-detached, linked semi-detached, duplexes, triplexes, fourplexes, townhouses, street townhouses and similar multiple dwellings.
- b) Medium Density Residential uses shall be connected to full municipal services and should generally not exceed 30 units per net hectare (12 u.p.n. acre).
- c) Medium Density Residential uses may be permitted, by amendment to the Zoning By-law, subject to the following:
 - i) Consideration must be given to the eventual community structure, desirability and fit of the proposed use. The potential impact of such development on adjacent residential uses and appropriate design features such as setbacks, height, buffering, landscaping, building style, treatment and layout, in harmony with the neighbourhood, will form important components in the approval process.
 - ii) The site should be well suited in terms of amenities such as schools, parks, recreational facilities, shopping, parking, public transportation, traffic circulation and surrounding transportation features.
 - iii) The site should have direct access to arterial or collector roads or be located in the immediate vicinity of such roads.
 - iv) Medium density development may be encouraged in and adjacent to the Downtown District.
 - v) Medium density residential uses should be subject to site plan control as set out in Sections 8.8 and 3.1.5 e).

3.3.6 High Density Residential

- a) High Density Residential development shall consist of low-rise apartments and similar buildings and high-rise apartment buildings.
- b) High Density Residential uses shall be connected to full municipal services and should generally provide a density of less than 60 units per net hectare (25 u.p.n acre).
- c) High Density Residential uses may be permitted, by amendment to the Zoning By-law, subject to the following:

- i) The site should have good accessibility along arterial or collector roads.
- ii) The various location and site consideration factors set out in Section 3.3.5, Medium Density Residential, shall apply.
- iii) High Density Residential development or redevelopment shall be subject to site plan control as set out in Sections 8.8 and 3.1.5 e).
- iv) High Density Residential development is encouraged to locate near the Downtown District. Development may also be considered within the Downtown District if appropriate sites are identified.

3.3.7 Shoreline Residential

3.3.7.1 Location

The area subject to the following policies is located along the north shore of Midland Bay, generally south of Midland Point Road, 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 and McMurtry Road.

3.3.7.2 Permitted Uses

The Zoning By-law may permit both seasonal and permanent residential uses together with home occupation, bed and breakfast and neighbourhood commercial uses.

3.3.7.3 Development on Private Roads

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 Bylaw, which identifies the limited service aspects of these areas. Such lots may also be subject to the Holding Provisions of the Zoning Bylaw. It is intended that the holding zone will have the effect of prohibiting the construction of a new dwelling unit or any enlargement or addition to the habitable area of a dwelling unit, that existed on the date the Zoning Bylaw comes into effect. It is intended that this restriction shall remain until the occupant obtains written confirmation from the appropriate agency having jurisdiction that the dwelling's sewage disposal facility is appropriate. Once approval is obtained the Holding Provision may be lifted by the Town.

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. All lots on private roads,

including the private roads, are designated as a Site Plan Control area regarding road services.

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.

3.3.7.4 Rezoning within Limited Service Areas

The rezoning of lands within Limited Service Areas, Section 3.3.7.3, Development on Private Roads, to a Zone that does not distinguish between service levels may be considered, provided the following criteria are met:

3.3.7.4.1 The area to be rezoned shall have frontage on and direct access to a public road maintained year round by the Town;

3.3.7.4.2 Where the area to be rezoned abuts a private road, that road will be improved to the appropriate municipal standard and will have been assumed by the Town, at no cost to the Town;

3.3.7.4.3 Dwellings within the area to be rezoned shall comply with all building and construction standards that apply to permanent dwellings;

3.3.7.4.4 Dwellings within the area to be rezoned shall be serviced by an appropriate potable water supply and shall be serviced by an appropriate means of sewage disposal, which has obtained the approval of the authority having jurisdiction.

3.3.7.5 Seasonal Residential Holding Provisions

Seasonal residential lots, which have not otherwise been approved by the Town, shall be placed in a Holding Zone in the Zoning By-law that prohibits any enlargement or addition to the habitable area of the dwelling unit. An application for the removal of the Holding Zone shall provide the necessary information to show compliance with all Municipal By-laws, the Ontario Building Code, particularly as it relates to fire, health, safety and occupancy regulations and the adequacy of a potable water supply and sewage disposal facility approved by the appropriate government agency having jurisdiction.

3.3.7.6 Land Division

Within this area, land division by plan of subdivision, rather than by consent, generally shall be required if more than three new lots are to be created and/or the extension or development of a public road is required to access the lots and/or the extension of municipal water or sewers is required and/or the area to be developed is not considered to be infilling and/or a plan of

subdivision is required to ensure that the subject land is developed in an orderly and efficient manner.

3.3.7.7 Lots by Consent

Within this area 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.

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.

3.3.7.8 Character of the Residential Area

The low density character of the shoreline area 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 Bylaw that ensure the number and location of accessory buildings, boathouses and outdoor storage are compatible.

3.3.7.9 Neighbourhood Commercial

The policies of Section 3.3.8, Neighbourhood Commercial, shall apply.

3.3.7.10 Bed and Breakfast Establishments

The policies of Sections 3.3.9, Bed and Breakfast Establishments, shall apply.

3.3.7.11 Home Occupations

The policies of Section 3.3.10, Home Occupations, shall apply.

3.3.7.12 Setbacks from Midland Bay

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

3.3.8 Neighbourhood Commercial



Neighbourhood Commercial, which includes 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 located at collector and arterial road intersections and be appropriately buffered in regard to adjacent residential uses. Such uses should be subject to site plan control as set out in Sections 8.8 and 3.1.5 e). 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.

3.3.9 Bed and Breakfast Establishments

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:

- 3.3.9.1 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;
- 3.3.9.2 The site is sufficient in area to provide for adequate buffering from adjacent residential uses and adequate on-site parking facilities;
- 3.3.9.3 The use is located in an existing residential building, which requires no significant external modifications to permit the proposed use;
- 3.3.9.4 The use will need to demonstrate the availability of appropriate water and sewage disposal facilities;
- 3.3.9.5 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.

3.3.10 Home Occupations

- 3.3.10.1 Home Occupations may be permitted subject to the following:
 - a) 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.
 - b) 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.

3.3.10.2 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.

3.3.11 Residential Professional Offices

Midland has demonstrated a history of professionals operating businesses from their homes. Traditionally these uses have been found along the King Street corridor between Ellen and Yonge Streets and the following policies apply to this area. Uses in addition to the residence, may include medical offices and dental practitioners, osteopaths, lawyers, planners, engineers, architects, land surveyors, accountants, real estate agents, health care practitioners and similar professions. This type of use should ideally be situated in an older area of the Municipality, which affords large lots to accommodate on site parking, provide adequate separation from other residences and where generally the homes are of such a size to accommodate a dwelling unit along with sufficient office area. 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.

3.3.12 Recreational Trails

Subject to the policies of Section 4.9.15, Recreational Trails, it is the policy of this Plan to promote the development of a multi-level recreational trail system to service both local and regional interests. Development or re-development of any lands should have regard for this policy and the opportunity, if any, to support this effort.

3.3.13 Exceptions

3.3.13.1 Lot identification # 4374-020-013-05100-0000

No building in excess of 12 storeys in height may be constructed within this area.

3.3.13.2 Lot identification # 4374-010-001-10300-0000 & 4374-010-001-11500-0000

Permitted uses within this area shall include attached or group residential dwellings such as townhouses, low rise apartments, and other forms of multiple attached housing at a density of forty five (45) units per net hectare or with a maximum height of 4 storeys.

3.3.13.3 Lot identification # 4374-010-001-14000-0000



The maximum height should be 4 storeys with a provision for bonuses above this height. The maximum residential density of the site should be approximately 60 units per net hectare. The area eligible for bonuses would be restricted to 4.5 hectares of the site. Development design will be sensitive to the shoreline and the use by the public in this area and should be in keeping with the residential neighbourhood to the west. Individual access to Fourth Street shall not be permitted.

3.3.13.4 Lot identification # 4374-040-002-43000-0000

Permitted uses are limited to a sixty four unit modular home park including accessory uses.

3.3.13.5 422 King Street

For those lands described municipally as 422 King Street and located on the west side on King Street, between Ellen and Hannah Streets and being legally described as Part of Block A, Registered Plan 464 in the Town of Midland, the following policies shall apply to the redevelopment of the property:

- a. Notwithstanding the provisions of Section 3.3.11 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 the passing of a Section 37 “Bonusing” By-law and agreement and Site Plan Control approval.
- b. 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 a Section 37 “Bonusing” By-law and agreement in accordance with Section 8.4 of this Plan. The Section 37 “Bonusing” By-law shall include, at a minimum, the following requirements:
 - i) Be based on the preparation of a, and approval by the Town, Heritage Assessment Report 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.

- ii) A “Bonusing” 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.
- c. Site Plan Control approval, in accordance with the policies contained in Section 8.8 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.

3.3.13.6 990 Sumac Lane (OMB Decision July 16, 2015 PL140347)

Notwithstanding the policies of Sections 3.3.7.3, 3.3.7.7 and 8.14.2 of the Town of Midland Official Plan as they relate to the subject property at 990 Sumac Lane and as shown on Schedule “A” attached hereto, the following policies shall apply:

- a) An application for Provisional Consent to create one (1) new residential lot having frontage on a Private Road shall be permitted. The subject lands and the proposed lot are considered infilling between existing lots on a private road that existed on the date of the adoption of this plan, will not require the extension of the private road or the creation of a new private road and the road is of a standard that it can provide access to emergency vehicles.
- b) Application for Provisional Consent respecting 990 Sumac Lane shall be accompanied by the following supporting technical studies and/or reports:

- i) Survey sketch showing the dimensions of the proposed severed and retained lots.
 - ii) Report from a qualified person respecting the design, location and phosphorus reduction methods to be employed in the proposed on-site sewage treatment system.
 - iii) Report from a qualified person respecting the design of the waterfront to ensure a naturalized shoreline or re-naturalized shoreline.
- c) The subject lands shall be subject to Site Plan Control Approval in accordance with Section 8.8 of this Plan.
- d) The creation of one new lot on the subject property shall be required to meet the highest environmental standards in respect to private sewage treatment systems to minimize the potential impacts of phosphorous on Little Lake water quality, include sufficient shoreline setbacks to protect the natural quality of the shoreline, and propose shoreline naturalization methods to enhance the natural quality of the shoreline while permitting limited access to the lake for human activity.
- e) Provisional Consent may be granted subject to appropriate conditions, including Site Plan Control approval and Agreement, for the severed and/or the retained lot in accordance with the provisions of the *Planning Act*.

3.3.13.7 447 Mundys Bay Road (OPA No.11 – Approved October 20, 2017)

Notwithstanding the policies of Sections 3.3.7.3, 3.3.7.7 and 8.14.2 of the Town of Midland Official Plan as they relate to the subject property at 447 Mundys Bay Road and as shown on Schedule “A” attached hereto, the following policies shall apply:

- a) An application for Provisional Consent to create one (1) new residential lot having frontage on a Private Road shall be permitted. The subject lands and the proposed lot are considered infilling between existing lots on a private road that existed on the date of the adoption of this plan, will not require the extension of the private road or the creation of a new private road and the road is of a standard that it can provide access to emergency vehicles.
- b) Application for Provisional Consent respecting 447 Mundys Bay Road shall be accompanied by the following supporting technical studies and/or reports:

- c) Survey sketch showing the dimensions of the proposed severed and retained lots.
 - ii) Report from a qualified person respecting the design, location and phosphorus reduction methods employed in the proposed on-site sewage treatment system.
 - iii) Report from a qualified person respecting the design of the waterfront to ensure a naturalized shoreline or re-naturalized shoreline.
- d) The subject lands shall be subject to Site Plan Control Approval in accordance with Section 8.8 of this Plan.
- e) Provisional Consent may be granted subject to appropriate conditions, including Site Plan Control approval, for the severed and/or the retained lot in accordance with the provisions of the *Planning Act*.

3.3.13.6 658 King Street (OPA No.12 – Approved October 20, 2017)

For those lands described municipally as 658 King Street and located on the west side of King Street and north of McMurtry Road and being legally described as part of the East Part Lot 103, Concession 1 (formerly Tay) now Town of Midland, the following policies shall apply to the development of the portion of the subject property designated RESIDENTIAL DISTRICT:

- a. Notwithstanding the provisions of Section 3.3.2 Permitted Uses of this Plan, the lands at 658 King Street may be permitted to be developed for a Seniors' continuum of care campus facility which may include a long term care home, a Seniors' retirement lodge and Seniors' apartments, together with corporate offices of the long term care company and may include a Seniors' health hub and Seniors' health related educational facility and the lands shall be appropriately zoned for these permitted uses.
- b. Site Plan Control approval, in accordance with the policies contained in Section 8.8 Site Plan Control of this Plan, shall be required prior to the development of the site for the senior's continuum of care campus facility or any phase thereof. As a condition of site plan approval, a widening strip along King Street shall be dedicated to the Town free and clear of all encumbrances."

3.4 **Open Space District**

The Open Space District designation is intended to identify parkland and community recreational areas. Major land uses within this designation are shown on Schedule 'A'. Schedule 'B', indicates features and locations which may be further described herein and in Section 4.9, Green Map.

The policies of this section are designed to recognize and promote the recreational, leisure, social and public and private support uses required to meet the needs of local residents and visitors. A growing and progressive community must try to retain, enhance and expand such 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.

The Council, staff and interest groups have been very committed to the promotion and development of such uses and facilities. A number of studies have been completed and future efforts in this area are expected. These works may not form part of this Plan in a formal sense, but it is expected that future proposals, land acquisitions and works will have regard for the recommendations of these documents.

3.4.1 **Objectives**

- a) To provide a range of leisure, recreational and cultural opportunities.
- b) To maintain and enhance an appropriate municipal public open space system in terms of area and uses.
- c) To encourage the joint use of community open space and institutional uses.
- d) To maintain and extend a multi-level recreational trails system for local and regional interests.

3.4.2 **Permitted Uses**

- a) 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, government facilities, golf courses, beaches, arenas, playfields, and similar uses. Stormwater management facilities are permitted however, such facilities do not form part of any parkland dedication obligation.

- b) Areas designated open space indicate major uses 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 included in this designation. Such uses in other designations will have regard for the applicable policies of this section.
- c) Accessory commercial and residential uses may be considered where deemed appropriate and supportive of the main use.

3.4.3 Development Policies

- a) The joint planning and shared use of facilities provided by different public agencies is encouraged with particular emphases 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.
- b) 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.
- c) Appropriate buffering, screening, planting, and/or fencing between open space and adjacent residential areas will be provided as deemed necessary.
- d) Lands designated for Open Space District 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.
- e) Development or redevelopment within this designation may be subject to site plan control as set out in Sections 8.8 and 3.1.5 e).

3.4.4 Parkland Standards

Future growth will require additional open space lands and facilities and/or the upgrading or intensification of existing uses. A general standard of some 4 hectares (10 acres) per 1,000 population should be provided, as a minimum.

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.

3.4.5 Implementation

3.4.5.1 Public Open Space may be acquired by the Town by the following means:

- a) 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 dedication or payment may be permitted in extenuating circumstances;
- b) Purchase, using monies allocated in the Municipal Budget or by any authority having jurisdiction;
- c) Purchase, using donations, gifts, and bequests.

3.4.5.2 All dedicated lands shall be conveyed in a satisfactory condition. Where open water courses are involved, adequate space shall be provided for maintenance.

3.4.5.3 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.

3.4.6 Exceptions

OPA # 1

3.4.6.1 The lands described as Part of Lots 98 and 99, concession 1, O.S., formerly in the Township of Tiny, now in the Town of Midland, County of Simcoe and more particularly described as Parts 1, 2, 3, 7 and 9, Plan 51R-9271 shall continue to be designated Open Space with a Golf Course as the primary land use with associated and complimentary land uses including, but not limited to, a commercial retail golf pro shop, driving range, restaurant, accommodations units and banquet and conference facilities catering to recreational, lifestyle and corporate demands in the market place.

3.5 **Environmental Protection**

It is recognized that the natural heritage and environmental systems should be conserved, maintained and enhanced for the benefit of current and future

generations. The Environmental Protection designation is intended to identify those areas, which exhibit important natural heritage and ecological features and functions.

Lands within this designation may include Provincially Significant Wetlands, Areas of Natural and Scientific Interest (ANSI), animal habitat areas, ground water recharge areas, flood plains or other areas within which development should be restricted or carefully controlled.

3.5.1 Objectives

- a) To protect significant wetlands, ravines and watercourses and the habitat of endangered and threatened species situated within the Town.
- b) To maintain ecosystem biodiversity and provide for long-term natural heritage system viability by approving land uses which are compatible with natural features and environmental functions.
- c) To encourage and promote the use of a variety of resource management approaches and techniques to realize the benefits derived from the conservation of the natural heritage systems.

3.5.2 Permitted Uses

Permitted uses on lands designated Environmental Protection include existing agricultural uses, forestry, public infrastructure including flood and erosion controls, passive outdoor recreation, scientific research and education, wildlife management and other similar activities.

3.5.3 Boundaries

The boundaries of the Environmental Protection designation are considered to be approximate. Environmental Protection boundaries shall be used as guides for the implementation of the policies of this Plan. The Town will amend the schedules of the Official Plan and Zoning By-law if and when more detailed mapping becomes available **through appropriate and approved studies. (CM #2)**

3.5.4 Development Restrictions

Natural Heritage features and areas will be protected from incompatible development. Development and site alteration will not be permitted in significant wetlands and significant portions of the habitat of endangered and threatened species. Development and site alteration may be permitted in fish habitat areas, significant woodlands, significant valley lands, significant wildlife habitat and significant areas of natural and scientific interest only

where it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

3.5.5 Environmental Significance

- a) Significant, when used to describe wetlands and Areas of Natural and Scientific Interest (ANSI) refers to areas identified by the Ministry of Natural Resources or other agencies as being provincially significant using evaluation procedures established by the Province of Ontario.
- b) Significant, when used to describe the majority of natural heritage features or areas, means ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area of the natural heritage system of the Town according to the criteria as determined by the Municipality.

3.5.6 Negative Impacts

Negative impacts refer to those developments or site alteration related activities that result in any loss of the natural feature or ecological functions for which the area was identified.

3.5.7 Adjacent Lands

Adjacent lands may be defined as those lands, which are contiguous with and abut natural heritage system lands and further which abut and are contiguous to other significant natural heritage features or areas. Adjacent lands are those areas which, if developed or subject to site alteration, have a reasonable probability of inducing negative impacts on adjacent natural features and/or ecological functions of a natural feature or area. The width of adjacent lands, unless otherwise stated, conforms to the recommended adjacent land widths of the Ministry of Natural Resources.

3.5.8 Environmental Impact Assessment

- 3.5.8.1 The purpose of an Environmental Impact Assessment (E.I.A.) is to evaluate the **identified natural features and ecological functions of a site and adjacent lands (CM#4)** so as to understand and allow for informed decisions concerning proposed development. The assessment should be conducted by a qualified professional and approved by the **appropriate approval authority (CM#5)**, which may include a peer review, prior to any planning approvals.
- 3.5.8.2 The E.I.A. shall, as deemed appropriate, include a review and description of the proposed development, the natural and ecological features and functions

including sensitivity to and the effects of development. Also the review should address conformity with the Severn Sound Remedial Action Plan or its successor, environmental hazards (i.e. slope, flooding, contaminates), provide for monitoring programs as required and provide a Management Plan to indicate methods to avoid or minimize adverse effects during and after construction and also make recommendations on appropriate buffers and setbacks.

- 3.5.8.3 The E.I.A. should demonstrate, where applicable, that the proposed use will not discharge any substance that could harm the adjacent environment, disrupt the supporting ground water regime, cause harmful erosion or siltation, increase flood potential or adversely affect wetlands and wetland functions. The review should also demonstrate that the use will not adversely affect critical natural features and ecological functions of significant woodlots, significant wildlife habitat and habitat of vulnerable threatened or endangered plant and animal species, adversely affect fish and aquatic habitat and where appropriate and feasible enhance and restore terrestrial and aquatic habitat.

3.5.9 Development Policies

- a) The establishment of any permitted use shall only occur in a manner, which **has no negative impact on the natural features and ecological function for which the area is identified. (CM#6)**
- b) **No development or site alteration, including (CM#7)** the removal or placing of fill of any kind whether originating on the site or elsewhere, shall be permitted in the Environmental Protection areas except with the approval of the Town in consultation with the appropriate commenting agencies. Buildings or structures required for flood control or other conservation or public projects shall, with appropriate approvals, be permitted.
- c) An amendment will not be required for changes to the Environmental Protection designation if they are deemed insignificant by Council in consultation with commenting agencies. Where boundaries are in question, the Town shall consult with the applicable agencies to determine the necessity of an amendment. If an amendment is deemed unnecessary the Town may amend the Zoning By-law.
- d) An application for the re-designation of any Environmental Protection area which is intended to permit development, may be given consideration only if it can be justified to the satisfaction of Council and commenting agencies through an Environmental Impact Assessment, slope stability study or flood impact study 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 the hazards or environmental impacts are to be overcome 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 identified natural features and ecological functions. (CM#8)**
- e) There is no obligation to redesignate land if there is an existing or potential hazard that would be difficult or excessively costly to overcome.
 - f) Nothing in this Plan shall be construed to imply that the Environmental Protection areas are free and open to the general public or that these areas will be purchased by the Town or any other public agencies.
 - g) Wherever possible and practical, areas designated Environmental Protection should not be further divided or form part of new lots to be created. When the subdivision of land does occur any residual Environmental Protection area should be transferred to the Town or appropriate government agency.
 - h) Where new development is proposed on a site, which includes lands designated Environmental Protection because of physical hazards or environmental features, such land shall not necessarily be acceptable as parkland dedication. All Environmental Protection lands that are dedicated to the Town shall be conveyed in a satisfactory physical condition and if an open watercourse is involved, the dedication shall provide sufficient land for property maintenance operations to be carried out.

3.5.10 Marine Habitat

- a) The Town may host significant marine spawning and nursery areas as well as feeding and migratory areas. The goal is to ensure no loss of the productive capacity of marine habitat. The principle of no net loss may balance unavoidable habitat losses with habitat replacement and rehabilitation.
- b) Where development is proposed adjacent to or within marine habitat, the proposal shall conform to the applicable senior government guidelines for marine habitat protection and shall include as part of an Environmental Impact Assessment (E.I.A.) the following information:

- i) An assessment of the development's potential impact on the quality, quantity and temperature of the marine habitat; and
 - ii) A strategy whereby the proposed development will maintain the quality, quantity and temperature of marine habitat.
- c) Where proposed development is within or adjacent to a marine habitat area and the proposed alteration, disruption or destruction of that habitat cannot be compensated for, due to the nature and sensitivity of the habitat, the proposal shall not be permitted to proceed.
- d) It is a policy to promote and encourage the study of local marine habitat areas. Studies may be conducted with the purpose of the identification, evaluation and classification of areas of marine habitat to ensure their adequate protection.
- e) Where marine habitat is associated with an open watercourse, a vegetative buffer may be required. Uses within the buffer may be restricted to uses, which maintain or enhance the natural feature.
- f) Where stream banks or watercourses have been identified as requiring restoration or enhancement, the Town should encourage and may participate in rehabilitative efforts.
- g) Areas of significant marine habitat may be zoned in the implementing Zoning By-law in accordance with the policies of this Plan.

3.5.11 Implementation

The boundaries of the Environmental Protection area shown on the attached map schedules will be used as a guide in preparing the implementing Zoning By-law. Appropriate setbacks from the high water mark of any water body, creek, stream or wetland will be established in the Zoning By-law together with setbacks for any **(CM#9)** uses from groundwater recharge/discharge areas. Development and redevelopment within this designation may be subject to site plan control as set out in Sections 8.8 and 3.1.5 e).

3.5.12 Exceptions

3.6 Restricted Rural

The Restricted 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 of urban type development in the near future. It is expected that new development within these areas will be limited. It is the

intention of the policies of this section to avoid development, which might preclude or interfere with the proper and orderly development of these areas in the future. Furthermore, aggregate resource uses existing within this designation, are also identified and are subject to the policies found in this section.

3.6.1 Objectives

- a) To 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.
- b) To discourage the development of scattered residential, commercial and industrial uses.
- c) To protect aggregate resources from conflicting uses and to minimize the effects of this use on surrounding uses.

3.6.2 Permitted Uses

Permitted uses include agricultural and forestry uses, single detached dwellings, bed and breakfasts, home occupations and home industries. Where specifically indicated on Schedule 'A', the extraction of gravel, sand and other aggregates in pits operating under a license pursuant to the *Aggregate Resources Act*, or its successor, is permitted.

3.6.3 Development Policies

The Restricted Rural designation includes at least two distinct land use features. These land use features are aggregate resources and rural/non-urban development areas where new development is not anticipated in the near future. The following, Sections 3.6.4 and 3.6.5 provide policies concerning the land uses within this designation.

3.6.4 Rural/Non-Urban Development

3.6.4.1 New Lots

The creation of new lots for residential purposes shall not be permitted in the Restricted Rural designation.

3.6.4.2 Existing Uses

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 goal to avoid development, which might preclude or interfere with the proper and orderly development of these lands or adjacent areas in the future.

3.6.4.3 Home Industries

Home industries are uses, which are accessory and subordinate to the residential and/or agricultural use of the property. Such uses may include machine shops, welding and repair shops, farm implement and machinery repair shops, carpentry shops, fabrication of wood and metal products, craft and art studios and other similar uses. Home industries may be carried out in an accessory building. The Zoning By-law may regulate home industries in respect to signage, noise, storage, displays, parking, floor area, minimum lot size and other such matters so as to ensure that the use does not interfere with nor detract from surrounding uses or the character of the area. The Town may require the licensing of such uses and the development and redevelopment of such uses may be subject to site plan control as set out in Section 8.8 and 3.1.5 e).

3.6.4.4 Bed and Breakfast Establishments

The policies of Section 3.3.9, Bed and Breakfast Establishments, shall apply.

3.6.4.5 Home Occupations

The policies of Section 3.3.10, Home Occupations, shall apply.

3.6.5 Aggregate Resources

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

3.6.5.1 Permitted Uses

Lands identified through this section are primarily intended for the extraction of gravel, sand and other aggregates in pits and quarries operated pursuant to the *Aggregate Resources Act*, or its successor. Other permitted uses include operations associated with the primary permitted uses include crushing, aggregate storage, concrete and asphalt plants and slurry pits, provided they will not have a detrimental impact on the rehabilitation of the site, an accessory office use and scale office, an accessory residential dwelling and agricultural and forestry uses.

3.6.5.2 Development Applications

3.6.5.2.1 Applications for approval of new pits and quarries, with the exception of wayside pits, shall require an amendment to the Plan and will be subject to the *Aggregate Resources Act*, or its successor. Such proposals shall be evaluated based on the submission of:

- (i) The site plan filed with the Ministry of Natural Resources;
- (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, Ministry of the Environment, Interim Stormwater 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; and,
- (iv) A study by a qualified professional to determine the impact on adjacent areas in terms of noise and vibration and outlines methods to meet acceptable levels as determined by the Town and the Ministry of the Environment.

3.6.5.2.2 Evaluation of any proposal will also be based on the following:

- (i) Compatibility with surrounding land use;
- (ii) Exits and entrances do not create traffic hazards;
- (iii) The operation can effectively be screened from surrounding sensitive land uses and major transportation routes;
- (iv) The operation will have no undue negative effect on the natural environment;
- (v) There is a satisfactory and viable plan for the progressive and ultimate rehabilitation of the site; and
- (vi) The impact on cultural heritage resources and the mitigation of any negative impacts on significant cultural heritage resources.

3.6.5.2.3 Aggregate resource areas may 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 and conditions related to outside

storage and requirements concerning the buffering and screening of adjacent uses. Reference should be made to Section 8.8 and 3.1.5 e) for additional policies.

3.6.6 Secondary Plan Areas

Within the Restricted Rural designation are areas which have been identified **as primarily along County Road 93, Vindin Street and Golf Link Road are (CM#10)** referenced to this section. These areas have been determined to be significant locations for future urban growth. It is intended that prior to future growth in these areas that a Secondary Plan 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.

3.6.7 Exceptions

3.7 WATERFRONT MIXED-USE DESIGNATION

The WATERFRONT MIXED-USE 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.

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.

The intent of the WATERFRONT MIXED-USE 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.

3.7.1 Principles

The following principles express key directions for protecting and enhancing the core qualities that will define the future development within the WATERFRONT MIXED-USE Designation. It is the objective of the designation:

- a) To 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.
- b) To promote the development of a complete community that includes a diversity of housing options, amenities, parks and community facilities, as well as an array of employment opportunities close to where people live.
- c) To support and complement Downtown Midland and to be compatible with existing residential neighbourhoods.
- d) To 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.
- e) To support and encourage reasonable public access to all areas within the WATERFRONT MIXED-USE Designation, for the benefit of the general populace of Midland.

3.7.2 General Policies

Additional, more detailed land use sub-designations within the WATERFRONT MIXED-USE Designation area are identified on Schedule `A1` Midland Bay Landing - Land Use Plan, which shall be read in conjunction with the policies of this Plan.

- a) All new development shall be informed by, and be consistent with the Town adopted *Unimin Waterfront Lands Master Plan (2013)*.
- b) All new development shall be of the highest design and environmental standards.
- c) New development shall encourage the area as a waterfront tourist destination.

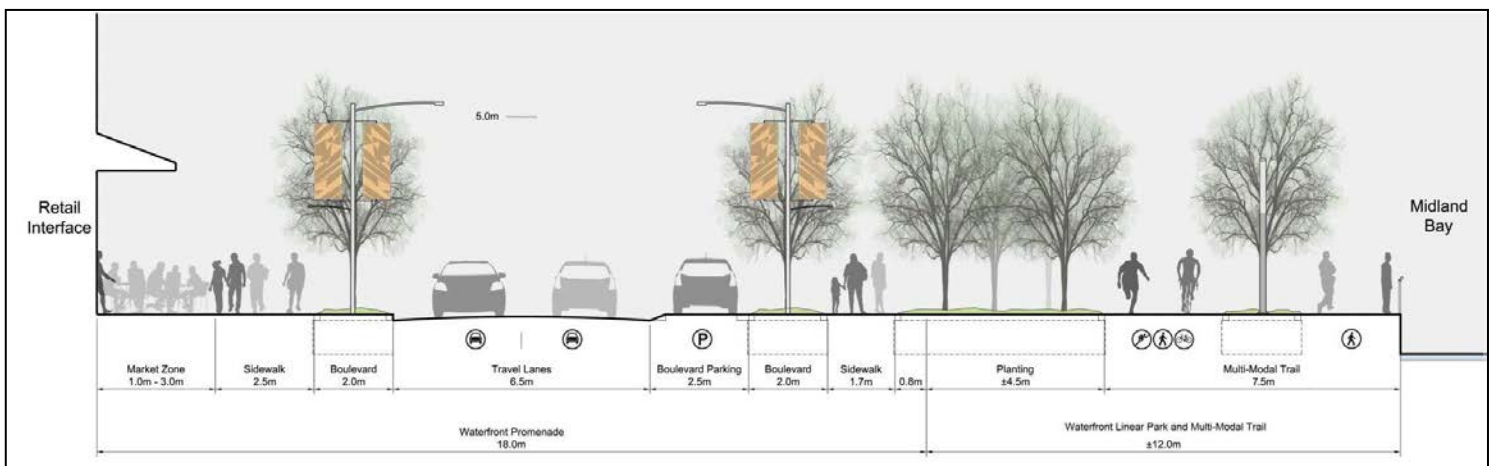
- d) The Town, along with private partners, shall ensure that a public multimodal trail be provided along the length of the Subject Site's waterfront, and that the lands adjacent to the water's edge be in public ownership for the long-term.
- e) All new development shall ensure and maintain public access to the waterfront, multimodal trail, public parks and open spaces while maintaining the livability and character of the area.
- f) The Town shall consider all new development proposals in the interest of long-term sustainable Town-building rather than short-term financial implications.
- g) 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.
- h) 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.
- i) 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.
- j) All new development proposals shall be subject to a Development 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.
- k) 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 stormwater management facilities.

- l) 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.
- m) 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:
 - i) 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;
 - ii) For grade-related residential buildings, achieve a minimum performance level that is equal to an ENERGY STAR® standard; and,
 - iii) For mid-rise and taller residential and non-residential buildings, achieve 25% greater energy efficiency than the Model National Energy Code for Buildings.
- n) The Town will permit, promote and encourage the use of Alternative Development Standards (ADSs) for all developments within the WATERFRONT MIXED-USE 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.
- o) Key View Corridors shall be maintained and reinforced throughout the Subject Site to Georgian Bay.
- p) Roadways and land use designation boundaries as identified on Schedule 'A1' Midland Bay Landing – Land Use Plan, 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.
- q) Gateways at key locations and/or major access points to the neighbourhood identified on Schedule 'A1' Midland Bay Landing –

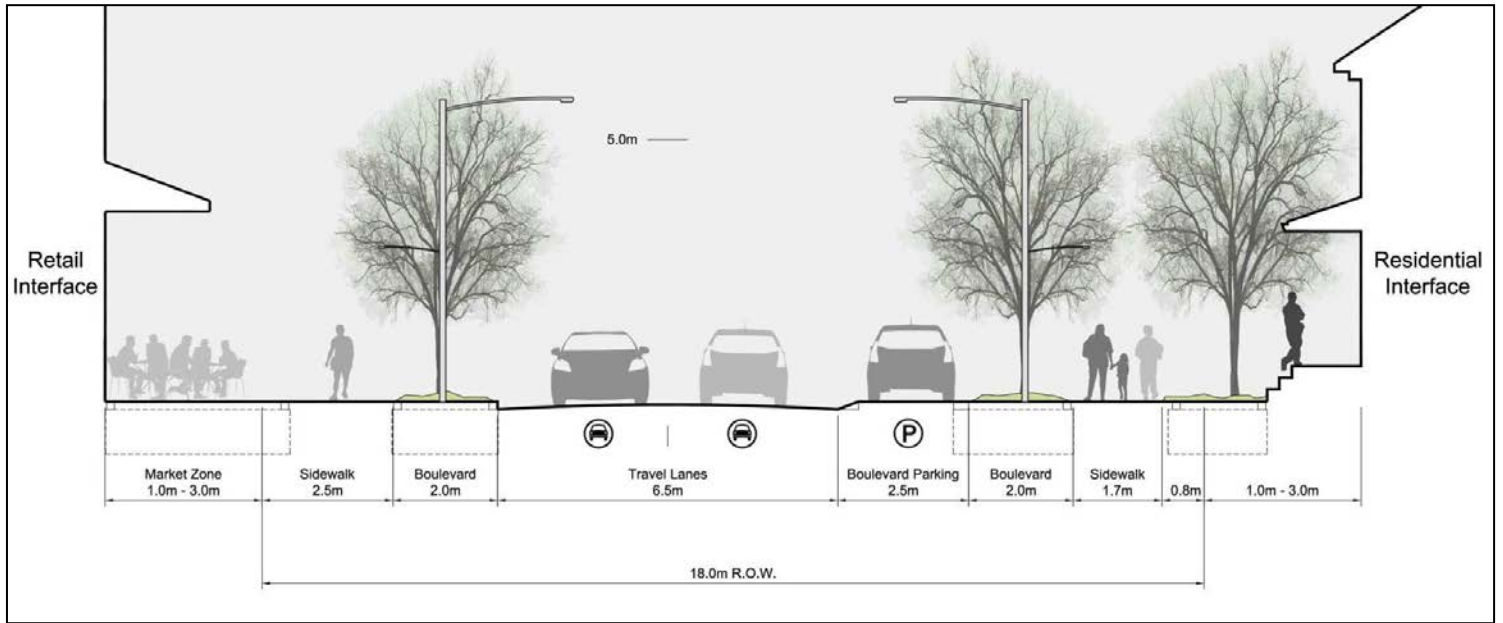
Land Use Plan, shall receive special landscape and/or architectural treatment. Gateway features shall be landmarks offering a unique opportunity to create visual interest from greater distances, and if designed with distinction, can act as effective orientating devices where people can gauge their relative location in the Town.

- r) 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.
- s) Wherever possible, Mid-Block Connections shall be promoted and encouraged to ensure ease of movement through the Subject Site for pedestrians and cyclists.
- t) 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. See Section 8.5 of this Plan for additional policies.
- u) The development of the road pattern identified on Schedule 'A1' Midland Bay Landing – Land Use Plan shall be consistent with the following road cross-sections for the Waterfront Promenade, the Local Streets and Park Mews typologies:
- v) Any new development shall only proceed in accordance with Section 8.15 as it relates to brownfield development.

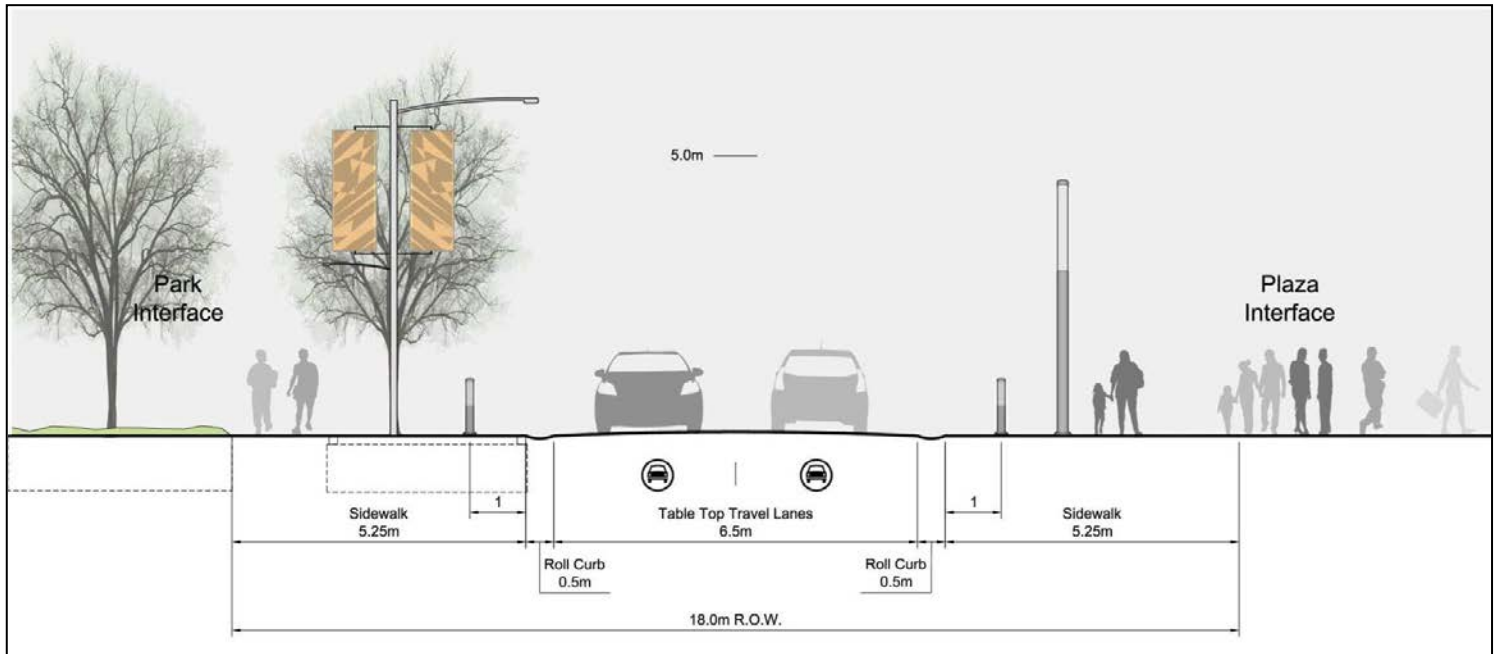
Waterfront Promenade



Local Streets



Park Mews



3.7.3 Detailed Policies

- a) Schedule 'A1' Midland Bay Landing – Land Use Plan to this Plan identifies a more detailed land use pattern for the lands designated WATERFRONT MIXED-USE.

3.7.3.1 Waterfront Mixed-Use 1 Sub-Designation

- a) The Waterfront Mixed Use 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.
- 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.

- c) The following general design policies are applicable within this Waterfront Mixed-Use 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 'A1' Midland Bay Landing – Land Use Plan 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 'A1' Midland Bay Landing – Land Use Plan 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 9 metres, whichever is less.
- f) For those areas identified symbolically on Schedule 'A1' Midland Bay Landing – Land Use Plan 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 10.5 metres, whichever is less for townhouses, and a maximum of 4 storeys, or 14 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.

3.7.3.2 Waterfront Mixed-Use 2 Sub-Designation

- a) The Waterfront Mixed Use 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.
- 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.
- c) The following general development policies are applicable within the Waterfront Mixed-Use 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 12.5 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.

3.7.3.3 Waterfront Parks and Open Space Sub-Designation

- 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.
- 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 Development Permit, or Zoning By-law.
- 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 stormwater management facilities. Where appropriate, strata agreements may be used to secure public ownership of parks built on top of privately owned structures.

3.7.4 Noise Policy Framework for the Subject Site

3.7.4.1 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 is to:
 - i) First, to 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, to 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.

3.7.4.2 Definition of Sensitive Land Uses:

- a) 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.
- b) 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.

3.7.4.3 Policies that Apply to All Development on the Subject Site:

- a) 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.
- b) The line that establishes the Noise Impact Precincts on Schedule A1, 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.

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

- a) 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.
- b) 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.
 - c) 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.

3.7.4.5 Policies for Noise Impacts with respect to the ADM Operation:

- a) 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 'A1' – Land Use Plan, and the associated policy framework is described in the text that follows.
- b) 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 'A1' - Land Use Plan, 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.
- c) 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 'A1' - Land

Use Plan, 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.

3.7.4.6 Implementation

- a) 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 Amenity and Design

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4.0 AMENITY AND DESIGN

4.1 Introduction

4.1.1 Further to Section 2.4, Community Design, the following provides additional policies and direction.

4.2 Community Image

4.2.1 Through effective community 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:

4.2.1.1 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;

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

4.3 Design with Nature

4.3.1 Community design should encourage development that is properly integrated and connected to Midland's natural features and resources, while maintaining and enhancing ecological and hydrological functions. The Town shall:

4.3.1.1 Through development review, strive to ensure that significant natural features and ecological and hydrological 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;

4.3.1.2 Where possible, require the retention of native vegetation on development lands and permit such features to regenerate with minimal intervention;

4.3.1.3 Encourage the protection of mature trees of esthetic and heritage value;

4.3.1.4 Encourage the use of plant materials to create visual variety and to satisfy functional requirements, such as shade, screening, sound attenuation, buffering and stabilizing slopes;

4.3.1.5 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.

4.3.2 When considering a Plan of Subdivision or any other development proposal, the Town may require that the owner enter into an agreement whereby:

- 4.3.2.1 Only such trees which directly impede the construction of buildings and services should be removed and the developer will replace them by trees of sufficient maturity to enhance the appearance of the development;
- 4.3.2.2 A reasonable minimum number of trees and/or other suitable vegetation per lot shall be provided by the developer regardless of the state of the area prior to being subdivided;
- 4.3.2.3 Where parking lots and other large open spaces are provided, and in open areas around commercial, institutional and other large buildings, particular attention will be given to the provision of attractive landscaping.

4.4 Development and Subdivision Design

- 4.4.1 An objective of development and subdivision design is to ensure a sufficiently compact form, appropriately integrated with the Town's existing built form, and features. Development and subdivision design should establish attractive physical settings that support a range of activities and pedestrian environments. The Town shall:
 - 4.4.1.1 Encourage designs and patterns for streets and arterials that provide appropriate access and integration for vehicles, pedestrians and cyclists.
 - 4.4.1.2 Encourage designs of streets, arterial roads, blocks and lots that create a circumstance supporting comfortable, safe and barrier free pedestrian activity and movement both within and beyond the development.
 - 4.4.1.3 Encourage new subdivision streets and arterial roads that 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.
 - 4.4.1.4 Encourage the involvement of the appropriate education authority, particularly within 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.
 - 4.4.1.5 Encourage designs to promote public safety which includes reducing reverse lotting that requires privacy fencing along arterial roads.
 - 4.4.1.6 Encourage designs, which properly position and landscape snow storage areas, solid waste disposal containers and group mail boxes.

4.5 Streetscapes

- 4.5.1 Streets should be designed to contribute to the character of the immediate area and provide a high level of amenities. The Town should:

- 4.5.1.1 Encourage street landscape design to compliment adjacent built forms and open spaces to provide shade and visual interest in all seasons.
- 4.5.1.2 Support where appropriate, the use of sidewalks.
- 4.5.1.3 Promote the underground placement of electrical power lines, telephone and other utilities and cables wherever practical.

4.6 Buffering

- 4.6.1 Appropriate buffering should be required where there may be a negative impact on the enjoyment of adjacent uses. Buffering should be appropriate for the circumstances and may include the following:
 - 4.6.1.1 Landscaped strips including rows of trees and bushes and grassed areas.
 - 4.6.1.2 Perforated or solid walls, fences, or other appropriate screenings.
 - 4.6.1.3 Appropriate distance between uses.
 - 4.6.1.4 Berms, particularly around parking lots.
- 4.6.2 Attention is required concerning adjoining residential and non-residential uses, particularly those characterized by traffic, trucks, noise, fumes and other circumstances which may negatively affect the residential amenity. The following should be given due consideration:
 - 4.6.2.1 Restriction of adjacent parking, loading, unloading and outside storage.
 - 4.6.2.2 Regulation of lighting and signs so that light is focused and/or directed away from the residential uses.

4.7 Signage

- 4.7.1 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 shall:
 - 4.7.1.1 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.
 - 4.7.1.2 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.

4.7.1.3 Discourage the use of portable signs.

4.7.1.4 Comply with Town, County and Provincial Sign By-laws where applicable.

4.8 Pollution Abatement

4.8.1 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.

4.8.2 The Town will encourage an ongoing reduction in levels of pollution by statutory control, liaison with provincial and other authorities and by engineering practices as may be appropriate and more particularly:

4.8.2.1 The sources of pollution will be controlled by appropriate by-laws and as provided for in the *Municipal Act*, the *Environmental Protection Act* and the *Ontario Water Resources Act*, as amended.

4.8.2.2 Development will conform with the standards of the Provincial Government regarding air, noise and water pollution.

4.8.2.3 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.

4.9 Green Map, Schedule 'B'

The Green Map, Schedule 'B', provides additional information in regard to community uses. This map generally indicates existing land uses. As many of the land uses are permitted within the various land use designations, it will not generally be necessary to amend Schedule 'B' as part of the approval process. It is anticipated that the map will be updated as deemed appropriate. The following subsections provide more specific detail and policy concerning the uses depicted on Schedule 'B'.

4.9.1 Beaches

The Beach areas indicate public water access to Midland Bay and Little Lake. This type of water access is viewed as an important part of the character of the Town. These areas should be maintained, enhanced and possibly expanded to increase enjoyment of these facilities.

4.9.2 Cemeteries

These lands are used for cemetery purposes and may include a chapel, columbarium, vault or similar accessory uses.

4.9.3 Heritage District

No Heritage Districts have been identified within the Town. When such areas are recognized this section and the appropriate map schedules may be amended. Reference to Section 5.0 should be made for further information.

4.9.4 Heritage Properties

Several properties have been identified in regard to heritage resources and features. These properties include the Provincially designated Midland Public Library, the locally recognized Frazer House and a pre European Indian Village on the south side of Little Lake.

4.9.5 Library

This is the location of the Midland Public Library. As a cultural, educational and provincially designated heritage building this facility should be appropriately supported, upgraded and improved.

4.9.6 Marine Habitat

Areas shown as Marine Habitat may include spawning and nursery areas and require appropriate protection. Development or re-development on or adjacent to these areas shall be carefully considered to protect this natural resource.

4.9.7 Municipal Facilities

Areas shown as Municipal Facilities indicate lands used for various municipal functions and services. These uses include the Town Hall, Public Works Yard, Community Services Depot, Arena, lawn bowling facility and Waste Water Treatment Centre. These buildings and properties should, where practical, be appropriately maintained, enhanced and landscaped in keeping with their community roll and should, as much as possible, be designed and maintained to blend in with the surrounding urban area. In regard to the Waste Water Treatment Centre it is the policy of the Town to maintain a high standard of water quality in Georgian Bay and to provide a safe, sanitary and efficient method to dispose of urban waste water.

4.9.8 Municipal Water Towers

The areas shown as Municipal Water Towers indicate the location of water storage facilities. In addition to this function, such land should be landscaped and maintained as green space areas and should, where practical and possible, blend into the surrounding neighbourhood.

4.9.9 Municipal Wells

The areas shown as Municipal Wells indicate water well locations that serve the Town. These locations should be protected from incompatible adjacent uses through the policies of this Plan.

4.9.10 Emergency Services

Areas shown as Emergency Services indicate lands used to facilitate the health and safety of community residents. These services include police, fire and ambulance facilities. These buildings and properties should be appropriately located to best serve the community in terms of function and accessibility.

4.9.11 Regional Hospital

The area shown as Regional Hospital indicates the location of the Huronia District Hospital. This hospital serves the North Simcoe area and the shoreline and islands of Georgian Bay and also provides an air ambulance service. Given the nature of the facility, adjacent land uses should not be permitted that would be inconsistent with the current secluded and quiet setting or that would interfere with access to the site.

4.9.12 Parking

Several waterfront public parking areas, which are provided for leisure and recreational activities, are identified. The Town will also continue to provide parking facilities in support of the downtown area where appropriate. These parking areas will be maintained and where practical be enlarged so as to encourage the utilization of surrounding facilities. Strategically located parking areas shall be provided along the Trans Canada Trail and the Rotary Waterfront Trail in addition to parking lots for major recreational venues.

4.9.13 Parkland

Areas shown as Parkland include public lands used for recreational and open space uses. These lands should be retained and improved as deemed appropriate.

4.9.14 Golf Facilities

Areas shown as Golf Facilities include golf courses, driving ranges and associated mini putt uses together with ancillary and accessory uses. These uses are viewed as positive elements of the urban landscape and recreational attributes of the Town and as such should be generally supported and encouraged.

4.9.15 Recreational Trails

- 4.9.15.1 The Town, due to its geographic location, population profile and its status as a tourism centre requires the provision, maintenance and improvement of a comprehensive recreational trail system. The need is not only for local residents but to ensure regional linkages to maintain a competitive position in attracting tourism interest and the associated economic returns. It is a policy of this Plan to encourage recreational trails and participate as deemed reasonable in the development of a multi-level proprietorship and multi-use trail system.
- 4.9.15.2 It is an objective of this Plan to provide a linked system of green corridors to accommodate a trail system throughout the Town and ultimately connect into a larger regional system of trails and attractions. The Town should co-operate with adjacent municipalities in the co-ordination and promotion of trail systems to provide appropriate support linkages.
- 4.9.15.3 A local network of open space linkages should be developed, facilitating a four seasons trails system including walking and cycling trails, and winter uses such as snowmobile and cross country ski trails which appropriately incorporate environmental protection areas, parklands, scenic areas, heritage points of interest and other attractions.
- 4.9.15.4 Historical routes, abandoned rail lines and other trails either pass through the Town or are located in proximity to each other. It is an objective that the Town endeavor to connect, as deemed appropriate, the trails and greenway systems with neighbouring trail systems to promote a broader regional trails and greenway system.
- 4.9.15.5 Trail systems should provide safe connections to the various natural features of the area. Road linkages and crossings should be carefully considered and where roads form part of the trail system every effort should be made to separate the trail user from motorized traffic.
- 4.9.15.6 Accessibility, signage, interpretative information and similar aspects result in the ease of use. In the design and development of trails these considerations should be reviewed from a user's point of view.

- 4.9.15.7 New residential subdivisions should, where appropriate, link the various trail systems to provide continuous off-road trails and public access.
- 4.9.15.8 Proposed development abutting trail system corridors should be designed and buffered so as to minimize potential negative impacts.
- 4.9.15.9 The recreational trail systems set out the general location of existing and future trails. The precise location of trails is not intended and variations to the general intent of the map will not require an amendment. As trails are developed these can be added to the map schedules without the need for a formal amendment.

4.9.16 Scenic Views

A number of scenic view locations of Georgian Bay, Little Lake and other topographical or built forms are identified. Wherever possible the view from these locations should be maintained and/or enhanced. Development, which might impact or obscure these views should be avoided and any development in or around these areas should be considered carefully in terms of any negative impact.

4.9.17 Schools

Areas shown as Schools indicate lands used for public educational facilities together with playground and recreational lands. These lands and facilities form part of the community and neighbourhood focus and as such, uses or activities that increase the educational, recreational or community value are encouraged.

4.9.18 Stormwater Ponds

A number of Stormwater Ponds which are to assist in the quantity and quality control of stormwater runoff are identified. Improvements to the quality control aspects of these facilities, especially in the Little Lake basin, are encouraged. These facilities should be designed and landscaped so as to present a green space appearance as much as possible and practical. These facilities are not part of any parkland dedication obligation.

4.9.19 Woodlots

- 4.9.19.1 The areas shown as Woodlots were identified through the Midland Habitat Project, prepared by the Severn Sound Environmental Association. These woodlots generally exhibit significant forest growth which should be acknowledged due to physical and aesthetic qualities including stormwater retention and filtration, wildlife habitat and scenic and buffering attributes.

- The Town will encourage property owners to employ appropriate forest management practices in order to maintain and enhance the woodlots.
- 4.9.19.2 A Management Plan for the woodlots may be prepared in consultation with Simcoe County and other agencies. Through further study and assessment, woodlots may be identified, classified and prioritized as to relative importance, taking into consideration any unique and higher order ecological functions and attributes. Criteria used in a determination of individual woodlots significance shall include size, location, shape, maturity, species composition as well as the relationship and linkage value of the woodlot to the natural heritage system of the Town, ecological functions and the degree of wildlife and human benefit derived from the woodlot. Development proposals for woodlots or land situated adjacent to and within 15 metres (49.0 feet) of identified woodlots may be permitted by the Town, subject to the completion of an Environmental Impact Assessment (E.I.A.) to the satisfaction of the Town and applicable commenting agencies. Woodlots may be placed in a Zone in the implementing Zoning By-law which protects them in accordance with the above noted policies.
- 4.9.19.3 Where a land development proposal involves an identified woodlot, Council, as part of the development review process may require an evaluation of the woodlot, including a tree preservation plan. The analysis shall be undertaken by a qualified professional who should identify trees or areas that should be undisturbed, trees to be removed, preservable habitat linkages and techniques to minimize the negative impacts of the development.
- 4.9.19.4 The Town may undertake initiatives with the County and any other agency to promote selective cutting and reduce clear-cutting activities to minimum levels. The Town may enact a tree cutting by-law to regulate the cutting of trees. The Town may also require appropriate replacement of trees when tree-clearing activities occur.

5 Heritage Policies

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5.0 HERITAGE POLICIES

5.1 Introduction

5.1.1 The maintenance of the Municipality's cultural heritage will contribute to the Town's character by balancing the impact of new development and redevelopment with the integrity of existing heritage resources. It is the intent of the Plan that the Town's cultural heritage resources be conserved and preserved wherever possible and that development should occur in a manner, which respects the Town's heritage. The cultural heritage resources of the Town include: archaeological sites of historic and prehistoric origins, buildings and structural remains of historical and architectural value, rural and urban areas that are of historic and scenic interest, and cultural heritage landscapes. The objectives of this policy are the following:

5.1.1.1 To discourage the demolition, destruction or inappropriate alteration or use of cultural heritage resources;

5.1.1.2 To encourage development, which is adjacent to significant cultural heritage resources to be of an appropriate scale and character;

5.1.1.3 To consult and seek the advice of the Midland Heritage Committee (LACAC) when making decisions regarding cultural heritage;

5.1.1.4 To encourage and foster public awareness, participation and involvement in the preservation, improvement and utilization of cultural heritage resources;

5.1.1.5 To support the creation of a heritage resource information base, resulting in comprehensive heritage site inventories and heritage master plans.

5.2 Policies

5.2.1 A Local Architectural Conservation Advisory Committee (LACAC/Midland Heritage Committee) may be established to advise and assist Council in matters related to cultural heritage conservation, including matters related to Parts IV and V of the *Ontario Heritage Act* or successor legislation. The Heritage Committee or any other committee may prepare, publish and monitor an inventory of cultural heritage resources, undertake public awareness programs, advise and assist Council to implement the provisions of this section, and participate in duties specified in Schedule 'A' of By-law 89-42, as amended, or its successors. In particular the Committee shall:

5.2.1.1 Be prepared to consider and advise on the conservation of cultural heritage resources throughout the Town;

- 5.2.1.2 Adhere to the *Ontario Heritage Act* or any successor legislation as well as guidelines and procedures which may be established by the Ministry of Citizenship, Culture and Recreation or other appropriate guidelines;
- 5.2.1.3 Be prepared to act in a review and advisory capacity during the development planning process to assist in the accomplishment of the heritage conservation goals and objectives outlined in this plan;
- 5.2.1.4 Advise Council on measures to enhance public appreciation of cultural heritage features including studies, surveys or other methods to formulate;
- 5.2.1.5 To implement plans and programs that promote public awareness and conservation of cultural heritage resources.
- 5.2.2 Heritage Designation Policy
- 5.2.2.1 Pursuant to the *Ontario Heritage Act*, and in consultation with the Midland Heritage Committee, Council may, by by-law:
- a) Designate properties to be of historic and/or architectural value or interest.
 - b) Define the Town, or any area or areas within the Town as an area to be examined for designation as a Heritage Conservation District.
 - c) Designate the Town, or any area or areas within the Town, as a Heritage Conservation District.
- 5.2.2.2 The identification of the Town's cultural heritage resources will comprise an important component of the preservation process. Council may direct and cause to be prepared and published, an inventory of identified significant resources including buildings, structures, monuments or artifacts of historical and/or prehistoric value or interest and areas of unique, rare or effective urban composition, streetscape, landscape or archaeological value or interest. The listed resources will be described, documented and evaluated according to an established heritage resource evaluation criterion formulated by the Midland Heritage Committee and adopted by Council.
- 5.2.2.3 To assist in the preparation of the inventory and the future identification of other cultural heritage resources, Council may encourage both the public and private sectors to undertake analysis and/or surveys to identify sites of archaeological and historic significance.
- 5.2.2.4 Council recognizes that there may be archaeological remnants of prehistoric and early historic habitation as well as archaeological potential areas within the Town. Council may require an archaeological survey, impact assessment, preservation or rescue excavation of significant archaeological

- resources and areas having archaeological potential which might be affected in any **(CM#3)** development, in co-operation with the Ministry of Citizenship, Culture and Recreation or the appropriate government agency.
- 5.2.2.5 All archaeological impact assessments and impact mitigation reports are to be undertaken by archaeologists licensed under the *Ontario Heritage Act*, in compliance with guidelines set out by the Ministry of Citizenship, Culture and Recreation or the appropriate government agency having jurisdiction.
- 5.2.2.6 Council may adopt by-laws for prohibiting any land use activities on a site, which is a significant archaeological resource. In addition, there is the potential for co-operation with the Ministry of Citizenship, Culture and Recreation or the appropriate government agency in conserving and designating resources of archaeological value pursuant to Part VI of the *Ontario Heritage Act* or any successor legislation.
- 5.2.2.7 When heritage properties, features and districts are affected by development proposals, Council may require a heritage impact statement.
- 5.2.2.8 Council may support the preparation of a Heritage Master Plan, which is undertaken by heritage consultants including individuals licensed under the *Ontario Heritage Act* or any successor legislation. The Heritage Master Plan will identify and map cultural heritage resources including known provincially registered archaeological sites **including Ste. Marie Among the Hurons, (CM#11)** areas having archaeological potential, designated and listed heritage buildings **including the Martyrs' Shrine (CM#11)**, features, landscapes or districts. A Heritage Master Plan will also outline policies, programs and strategies to conserve significant cultural heritage resources.
- 5.2.2.9 Council may employ relevant legislation to encourage the preservation and enhancement of cultural heritage resources, which may include the *Heritage Act*, the *Planning Act*, the *Municipal Act*, the *Environmental Assessment Act*, and the *Aggregate Resources Act*.
- 5.2.2.10 It is the intent of this Plan to encourage the restoration or rehabilitation of identified heritage resources. Accordingly, Council may use available Government and non-government funding programs and may pass by-laws providing for the making of grants or loans where such alteration will serve to protect or enhance the heritage resource. Financial assistance may occur through a Heritage Trust Fund and/or public and private donations.
- 5.2.2.11 Council may investigate and initiate methods to provide incentives. Incentives may include increased density provisions, Site Plan Control provisions and/or relief from parking requirements.

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- 5.2.2.12 In the heritage designation of property under Parts IV and V of the *Ontario Heritage Act*, the Midland Heritage Committee and Council will ensure that landowners are informed about all aspects of heritage conservation measures, which may affect the subject property or buildings.
- 5.2.2.13 To give effect to these policies, Council may institute a procedure for demolition review and may consider heritage easement agreements.
- 5.2.2.14 In regard to major public works and any designated heritage properties under municipal control, Council will have regard to these heritage policies.



6 Transportation

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6.0 TRANSPORTATION

6.1 Introduction

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 trails, air and marine facilities. It is a goal of this Plan to promote and provide an adequate and integrated transportation system.

6.2 Objectives

- a) To plan for and provide a system which promotes efficient and convenient movement within the Town and adjoining systems.
- b) To promote a system that has regard for the environmental, social, historic, scenic and cultural amenities of the area and which is planned, designed and constructed to minimize the effects of noise, fumes and vibration on existing and future residential development.
- c) To promote a system which will properly provide for existing and future land use patterns.
- d) To promote a public transportation system within the Town, to support the development of the Huronia Airport, promote and encourage the use of the Midland Harbour facilities and have regard for transportation facilities for special user groups including pedestrians, cyclists and the handicapped.
- e) To promote the construction and maintain a program for reconstruction of all roads to appropriate standards.

6.3 Roads

It is the intent of the Plan to ensure the provision of a road network that will accommodate adequately the predicted volume of 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. Points of pedestrian and vehicular conflict should be minimized and the amenity of residential areas should be protected from the adverse effects of traffic, wherever possible.

- 6.3.2 Roads are classified according to their function as provincial highway, arterials, collectors and local streets. Provincial highways, arterials and collectors are indicated on Schedule 'C', Road Classification Map, all other roads are deemed to be local streets.

6.3.3 Except where existing development or circumstance precludes it, the general **minimum (CM#12)** standards for right-of-way widths are as follows:

	<u>Metres</u>	<u>Feet</u>
Arterials	30	100
Collectors	26	86
Local Access	20	66

6.3.4 Roads are intended to function in accordance with the following guidelines:

6.3.4.1 Provincial Highways 12 and 93 are under the jurisdiction of the Ministry of Transportation. This highway 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 adjoining local roads should be encouraged. Specific provincial regulations may apply in the vicinity of this road.

6.3.4.2 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 or collector access is available. The arterial road classification also includes County Roads 25 and 93, to which specific regulations **together with access and setback requirements (CM#13)** may apply. Development adjacent to a County Road will typically be required to provide a traffic study and stormwater management report and/or be subject to a site plan control agreement.

6.3.4.3 Collector roads provide for traffic movements between arterial roads and local roads. Through traffic is discouraged on these roads.

6.3.4.4 Local roads accommodate low volumes of traffic and typically serve only abutting properties.

6.3.5 In the placement of traffic control devices, such as stop signs etc., arterials are to be favoured as through streets or have priority for traffic flow over collectors and similarly collectors are to be favoured over local streets. 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 consideration such as the preservation of trees and overall effect upon the streetscape.

- 6.3.6 Improvements, construction and standards will follow, as much as possible, the most recently adopted traffic studies. In establishing priorities for reconstruction or maintenance, arterials will be favoured over collectors and collectors over local streets. Existing roads should be brought up to standard indicated in the studies. It is recognized that due to financial considerations this policy will be accomplished as funds are made available.
- 6.3.7 All new roads and streets should be provided with curbs, gutters and storm sewers. Sidewalks should also be provided on at least one side of arterials, collectors and local streets.
- 6.3.8 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 set backs especially for corner lots, as set out in the Zoning By-law, reversed frontages for residential development, collective access from commercial, industrial or institutional uses and buffering to screen residential development from the road.
- 6.3.9 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.
- 6.3.10 Provincial guidelines recognize potential noise impact 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.
- 6.3.11 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.
- 6.3.12 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.
- 6.3.13 Road widenings, intersection improvements and alignments include:
- 6.3.13.1 Section 6.2.3, sets out road widths. These widths 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 'C', Road Classification Map. The amount of land to be acquired is to be consistent with the road widths as set out.

- 6.3.13.2 Day lighting triangles, at intersections may be required to provide site distances, turning lanes and traffic control facilities. Turning lanes may be required to facilitate traffic movements at major traffic generators.
- 6.3.13.3 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.
- 6.3.13.4 Topographic conditions may require a greater width in order to achieve design requirements. Widenings may be added to the road width requirement in these circumstances, justified through engineering studies. 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.
- 6.3.14 A traffic impact study may be required where new development or expansion of an existing use will generate more than 50 trips during the peak hour of the adjacent roadway system. The study would assess the impact of development on the system and identify improvements that may be required.

6.4 Public Transit

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 the financial capabilities.

- 6.4.1 In the development and design of public transit routes, stations, stops and other facilities, such activities will have regard for the following:
- 6.4.1.1 The system should be designed to allow for safe pedestrian access to as many residential and employment locations as possible;
- 6.4.1.2 Areas to be developed or redeveloped should incorporate design features to facilitate public transit use;
- 6.4.1.3 Service frequency is adequate for the patronage having regard to the density of the area served and the type and degree of demand;
- 6.4.1.4 Bus stops are located to minimize walking distances and amenities such as seating and climate protection are incorporated as deemed necessary.

6.5 Pedestrian and Bicycle Traffic

- 6.5.1 It is a policy to encourage and facilitate pedestrian and bicycle traffic. The following considerations should be incorporated where deemed appropriate:

- 6.5.1.1 New land development will have regard for the provision of pedestrian routes which link centers of activity within and beyond the subject sites;
- 6.5.1.2 Pedestrian and bicycle routes should be dedicated and form part of the public right of way system; and
- 6.5.1.3 Safe and efficient movement will be a prime consideration in the planning and design of such systems.

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7.0 ENGINEERING SERVICES

7.1 Introduction

7.1.1 It is a policy that all development be provided with municipal water, sanitary sewers and a storm water drainage system.

7.2 Water Supply

7.2.1 The developed portion of the Town is served by water mains, which are supplied from wells. The system can be expanded to provide service to an estimated 25,000 people. However, satisfying the needs of industrial growth may present problems and therefore, it may become necessary to find an alternate supply source.

7.2.2 The design of watermains will provide sufficient capacity to serve all areas, which may ultimately be connected to that part of the system. Expansion of the system will be coordinated with planning new areas as well as street reconstruction.

7.2.3 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.

7.3 Groundwater Resources

7.3.1 Groundwater resources are critical to the long-term economic, social and environmental well being of the Town. Properly managed and protected, groundwater provides a cost effective and safe source of drinking water. Groundwater also provides baseflow to springs, wetlands, streams and ponds, thus maintaining the ecosystem and supporting unique aesthetic and recreational areas. It is a policy to ensure a sustainable groundwater resource through the conservation, protection, and where necessary, enhancement of the quality and quantity of groundwater. Reference should be made to the GUDI (groundwater supply under direct influence) hydrogeological study prepared in regard to the Town's wells, final report, dated 2002, or its successor.

7.3.2 Groundwater Source Protection

7.3.2.1 Water supply source protection is an important component in the process of delivering safe potable water. It is a policy to ensure that groundwater sources are protected from contamination and diminishing quantity. The Town will work towards adopting a Drinking Water Source Protection Plan through:



- a) Support of the Severn Sound Environmental Association and other relevant stakeholders in the development and administration of watershed management plans and watershed based source protection plans;
- b) Identification of and designation or zoning of wellhead protection areas;
- c) Identification and designation or zoning of major groundwater recharge and discharge areas;
- d) Identification of all major point and non-point sources of contamination;
- e) Identification of all significant water withdrawals;
- f) Improving knowledge of water resources and vulnerable source areas;
- g) Establishing procedures for monitoring water quality and quantity before, during and after development;
- h) Consideration of impacts to water resources resulting from development;
- i) A program identifying and properly decommissioning abandoned wells excavations, quarries and other risks to the groundwater source; and
- j) Promotion of water conservation.

7.3.3 Wellhead Protection Areas

7.3.3.1 No development may take place in Wellhead Protection Areas or such areas as may be identified (**CM#14**) until a comprehensive analysis and groundwater protection strategy has been undertaken to ensure that groundwater quality and quantity is maintained or enhanced. The comprehensive study to be undertaken shall include, but not be limited to:

- a) A description of the type of development and identification of the potential contaminant sources and contaminants associated with the development.
- b) An assessment on the potential long and short-term impacts to groundwater quality and quantity within and adjacent to the wellhead protection area resulting from the development.
- c) An assessment of the impact of development on groundwater quality and quantity, existing groundwater users and the environment.
- d) A strategy whereby the planning, design and construction of the development will maintain or enhance groundwater quality and quantity.

7.3.4 Aquifer Recharge Areas

7.3.4.1 No development may take place in Aquifer Recharge Areas or such areas as may be identified in future studies until a comprehensive analysis and groundwater protection strategy has been undertaken to ensure that groundwater quality and quantity is maintained or enhanced. The comprehensive study to be undertaken shall include, but not be limited to:

- a) A description of the type of development and identification of the potential contaminant sources and contaminants associated with the development.
- b) An assessment on the potential long and short-term impacts to groundwater quality and quantity within and adjacent to the designated recharge area, resulting from the development.
- c) An assessment on the potential impacts to the natural environment including wetlands and other surface water features.
- d) An assessment of the cumulative impact of development on groundwater quality and quantity, existing groundwater users and the environment.
- e) A strategy whereby the planning, design and construction of the development will maintain or enhance groundwater quality and quantity.

7.3.5 Groundwater Discharge Areas

7.3.5.1 No development may take place in Groundwater Discharge Areas or such areas as may be identified in future studies until a comprehensive analysis and protection strategy has been undertaken to ensure that water quality and quantity is maintained or enhanced. The comprehensive study to be undertaken shall include, but not be limited to:

- a) A description of the type of development and identification of the potential contaminant sources and contaminants associated with the development.
- b) An assessment on the potential long and short-term impacts to water quality and quantity within and adjacent to the discharge area.
- c) An assessment on the potential impacts to the natural environment, including wetlands and other surface water features.
- d) An assessment of the cumulative impact of development on groundwater quality and quantity, existing groundwater users and the environment.
- e) A strategy whereby the planning, design and construction of the

development will protect water quality and quantity, while overcoming site engineering constraints created by the discharge conditions.

7.3.6 Water Takings

7.3.6.1 Any land use which requires significant amounts of water to be withdrawn from an aquifer shall require an amendment to this Plan. Consideration by Council to the amendment will be based on, but not limited to:

- a) The long and short term impact on existing and proposed future municipal water supply wells and existing private wells.
- b) The long and short-term impacts on baseflow, wetlands, springs, ponds, lakes and other natural features.
- c) An adequate monitoring and contingency plan that ensures the continued protection of groundwater quality and quantity.

7.4 **Waste Water Treatment**

7.4.1 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.

7.4.2 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 the design population of this Plan.

7.5 **Sanitary Sewers**

7.5.1 New development will be responsible for the installation of all necessary sanitary sewer services, which will meet the Town's standards and specifications.

7.5.2 The design of sanitary sewers will provide for sufficient depth and capacity to serve those areas, which may ultimately be connected.

7.5.3 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.

7.6 Stormwater Management

7.6.1 The effects and impact of stormwater management and quality control form an integral and important part of development, redevelopment and public works. As such, stormwater management should be an important part of any development consideration.

7.6.2 Objectives

- a) To provide an appropriate approach to development considering that stormwater is an important aspect of the ecosystem and hydrologic cycle.
- b) To employ appropriate environmental management policies considering both the upstream and downstream characteristics of the watershed.
- c) To provide provisional guidance for the choice of best stormwater management practices in order to control flooding, erosion, sedimentation and water quality in any natural or manmade waterway.
- d) To encourage and promote the appropriate integration of natural waterways, ponds and valleys, to enhance and develop functional corridors for wildlife habitat, open space and parkland.
- e) To protect and enhance, through stormwater management techniques and design, the water quality, environmental, aesthetic and recreational potential of waterways and water bodies.
- f) To appropriately 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.

7.6.3 Policies

7.6.3.1 A Master Drainage Plan which addresses both quantity and quality control aspects of stormwater management may be required for the catchment area of the applicable subwatershed area in which the development is located to minimize erosion and ensure drainage structures have adequate capacity. The determination of 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 Practices and Design Planning Manual (Ministry of the Environment, 1994) or its successor. Approvals of the appropriate

- government agencies may be required for development abutting County roads and Provincial highways.
- 7.6.3.2 Water quality monitoring may be required of parties proposing development concerning bodies of water receiving surface run off. If deterioration in water quality occurs, appropriate measures may be implemented or required by the appropriate authority including restrictions on development, treatment of surface runoff or regulations for on-site disposal.
- 7.6.3.3 The Town may undertake public works, pass by-laws, acquire lands and impose conditions to ensure appropriate stormwater control and management.
- 7.6.3.4 Stormwater management plans are required for all new Plans of Subdivision, may be required for 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 stormwater 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. In the absence of a Master Drainage Plan, the stormwater management plan should address such matters as best management practices, consideration of watershed flow regimes and headwater areas, stormwater flow control, centralized facilities, erosion control during and after construction, impact on groundwater resources, maintenance of base flow and storage levels and effects on water quality including temperature, wild life, fisheries and the implementation of any mitigating measures.
- 7.6.3.5 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 stormwater runoff into the ground where soil conditions permit.
- 7.6.3.6 Chanelization 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. (CM#15)**
- 7.6.3.7 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 stormwater quality controls should include wet storm detention pond wetlands, oil/grit separators, buffer strips and/or infiltration basins or trenches.

- 7.6.3.8 Developments, which may impact surface drainage, shall provide comprehensive plans detailing methods of treating stormwater and discharging it to a receiving watercourse and any impact on affected properties.
- 7.6.3.9 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.
- 7.6.3.10 It is the policy of this Plan that any required stormwater facility should not be considered as part of any parkland dedication areas.
- 7.6.3.11 The location of stormwater facilities should be adjacent to areas of parkland dedication. The design should be curvilinear in shape with gentle grades and slopes so as to present as natural a landscape effect as possible.
- 7.6.3.12 The Town may acquire, where deemed appropriate, access to watercourses or easements along watercourses for the purpose of stream improvement works and maintenance.
- 7.6.3.13 If flow attenuation is not required, post development peak stormwater runoff should be limited to predevelopment levels.
- 7.6.3.14 Stormwater management practices should strive to maintain groundwater quality and promote groundwater recharge by means of runoff retention, detention ponds and/or other appropriate methods.

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 trails, air and marine facilities. It is a goal of this Plan to promote and provide an adequate and integrated transportation system.

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8.0 IMPLEMENTATION AND ADMINISTRATION

8.1 Introduction

8.1.1 This Plan may be implemented by a number of methods including but not limited to Zoning By-laws, Plans of Subdivision **and Condominium (CM#16)**, Development Agreements, Site Plan Agreements, and Condominium Agreements.

8.1.2 The implementation of this Plan through the above means may also be augmented and supported by reports and studies including: Growth Management Strategies, Environment Management Plans, and Watershed and Drainage Plans.

8.2 Zoning By-law

8.2.1 The existing Zoning By-law shall be reviewed and where necessary new by-laws shall be completed to establish suitable land use zones to permit the development provided for by this Plan.

8.2.2 It is not intended that all lands be zoned at the outset for uses indicated on Schedule 'A', but rather the by-law will recognize existing uses and be of a restrictive nature.

8.2.3 Applications for re-zoning will be considered in terms of the **policies and (CM#17)** objectives of this Plan. With this approach, site plans and other details will be reviewed so that design, amenity, density, public works, environmental concerns and all other matters for which the Plan sets policy may be ascertained.

8.3 Holding Zones

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 Council is satisfied that development may proceed.

8.3.1 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.

8.3.2 The Holding Symbol should be applied to undeveloped or unserviced areas where development is anticipated by the Official Plan. **OPA # 1** The Holding Symbol shall be applied to all lands within the 500 metre Waste Disposal Assessment Area of the North Simcoe Transfer Station located in the Township of Tiny. 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 Council is satisfied that all of the studies required by the Town and County have been completed.

- 8.3.3 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 may specify the use or uses permitted when the holding symbol is removed.
- 8.3.4 Where the holding symbol is used in conjunction with a Residential Zone, Council may permit not more than one single detached dwelling on the lot. Where the holding symbol is used in conjunction with other zones, generally no **development or site alterations (CM#18)** 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.
- 8.3.5 Before the removal of a holding symbol, Council shall be satisfied that all conditions and agreements have or will be met and that the policies of this Plan have been met.

8.4 Increased Density and Height Provision By-laws

- 8.4.1 The *Planning Act* permits Council to pass a By-law authorizing increases in the height and density of development not otherwise permitted but which may be permitted in return for the provision of such facilities, services or matters as set out in the By-law. Where an owner elects to provide facilities, services or matters in return for an increase in height or density, the Town shall require the owner to enter into an agreement. Any such agreement may be registered against the title of the land.
- 8.4.2 The facilities, services or matters may include features which:
- a) Provide for housing units, which assist in meeting the housing targets established from time to time by the Town;
 - b) Provide parkland dedication beyond the legislated requirement;
 - c) Provide environmental/conservation management measures;
 - d) Improve traffic and pedestrian movement;
 - e) Improve transit-oriented facilities;
 - f) Provide hard servicing facilities (sanitary and storm sewers and water) beyond those required to service the development;

- g) Employ energy conservation methods and innovative designs, which are effective in reducing costs;
 - h) Improve the environment and viability of downtown;
 - i) Increase buffering or landscaping beyond the requirements of the Zoning By-law;
 - j) Use or re-use vacant land and buildings, particularly in the urban area; and
 - k) Improve the compatibility of existing land uses;
 - l) For the heritage restoration and preservation of identified and listed and/or designated heritage resources and structures.
- 8.4.3 For the purposes of this Section the following areas of the Town are suitable for the application and passing of a Section 37 of the Planning Act, “Bonusing” By-law and agreement in respect of increases in density and/or height for the provision of such facilities, services or matters that are set out in this Plan and would be set out in the By-law and secured in the agreement:
- a) 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.
 - b) WATERFRONT MIXED-USE 1 and WATERFRONT MIXED-USE 2 Designations as set out in Schedule ‘A1’ Midland Bay Landing – Land Use Plan to this Plan.

8.5 Exemptions from Required Parking Requirements

- 8.5.1 The *Planning Act* permits the owner or occupant of a building to enter into an agreement with Council, exempting the requirement of providing or maintaining parking facilities otherwise required.
- 8.5.2 Council 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.
- 8.5.3 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.

8.5.4 The agreement may provide for the payment of money or alternate provisions in consideration for the granting of the exemption.

8.5.5 Monies received under the agreement may be paid into a special account used to offset Town parking related expenses.

8.6 Existing and Non-conforming Land Use

8.6.1 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.

8.6.2 The Zoning By-law may recognize existing uses not in conformity with the policies of the Official Plan.

8.6.3 Any land use existing at the date of approval of this Plan that does not conform with the land use designations shown on the map 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 (CM#19) the Planning Act.**

8.6.4 Any application for the extension or enlargement of a use, which does not conform to the Zoning By-law (hereinafter called a non-conforming use) and which existed at the time of passing of such By-law shall be dealt with in the following manner:

8.6.4.1 Council 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.

8.6.4.2 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, Council may consider amending the Zoning By-law and such amendment may be passed without amending the Plan providing it complies with the policies of Section 8.6.4.3.

8.6.4.3 **(CM#20)** Council, 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:

- a) 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;

- b) The extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use;
- c) An application which would affect the boundary areas of different land use designations on the Land Use Plan will only be processed under these policies, if it can be considered as a “minor adjustment” permitted under Section 9.1 of the Plan. Major variances may require an amendment to the Plan;
- d) 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;
- e) 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, etc.;
- f) That traffic and parking conditions in the vicinity will not be adversely affected and traffic hazards will be kept to a minimum;
- g) That adequate provisions will be made for off-street parking and loading facilities; and
- h) That applicable municipal services such as storm drainage, water supply and roads, etc. are adequate or can be made adequate.

8.7 Public Involvement and Consultation

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:

- a) 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.
- b) Promote awareness of applications, studies and initiatives by involving and informing residents and stakeholders early and as often as practical.

- c) 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.
- d) Engage, consult and partner as appropriate with First Nations and Metis Communities when considering development applications and studies that may affect their interests.
- e) 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*.

8.7.1 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 8.7.2 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.

8.7.2 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 to the Official Plan and/or Zoning By-law, and for applications for Plan of Subdivision and/or Condominium:

- a) 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.
- b) In addition to the notice provisions above, Notice shall also be posted on the Town of Midland website (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*.

8.7.3 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, Council 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.

- 8.7.4 Where Council proposes to consider changes following a public meeting which, in Council'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 Council's control a public meeting has been cancelled. Where Council 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.
- 8.7.5 No public meeting and no notice of public meeting will be required for an amendment to the Official Plan or Zoning By-law which consolidates existing documents without affecting the policies and intent of the documents, which deletes obsolete provisions, alters the arrangement or numbering of any provision, changes punctuation or alters language to obtain uniform expression, rewords policies or re-illustrates mapping to clarify intent and purpose, updates references to legislation, or corrects clerical, grammatical, mapping or typographical errors.
- 8.7.6 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.
- 8.8 Site Plan Control**
- 8.8.1 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 proposed site plan areas be shown or described in the Plan. The land use subsections found herein identify those areas or uses subject to site plan control.

- 8.8.2 The purpose of site plan control, what is hoped to be achieved through its implementation and the general objective applicable to the area or land adjacent to the site plan control area is set out as follows:
- 8.8.2.1 To protect adjacent uses from development where it is likely that the new use, would have a detrimental impact either visually or physically;
 - 8.8.2.2 To ensure adherence to proper development standards and to encourage aesthetic design and proper landscaping;
 - 8.8.2.3 To ensure the safe and efficient movement of both vehicular and pedestrian traffic as it relates to the development and surrounding area;
 - 8.8.2.4 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;
 - 8.8.2.5 To ensure proper grading, storm drainage and maintenance; and
 - 8.8.2.6 To control the location of buildings, utilities and site facilities.
- 8.8.3 Where, in the Plan, an area is proposed as a site plan control area, Council may pass by-laws designating the whole or any part of such an area as a site plan control area.
- 8.8.4 Once such areas are established, Council may require, as a condition of development or redevelopment, the entering into of an 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.
- 8.8.5 The areas and uses where Council may require a site plan agreement are generally limited to commercial, industrial, institutional, open space and multiple residential uses. Reference should be made to each section of this Plan to determine whether an agreement is required.
- 8.8.6 Site plan control shall not apply to all existing electric power facilities and any undertakings of Ontario Hydro One, Midland Power Utility Corporation or the authority having jurisdiction, which is subject to the *Environmental Assessment Act*.
- 8.8.7 Proposed road widenings and sight triangles may be obtained through site plan control, based on the provisions of Section 6.2.13, Transportation Section.

8.8.8 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:

- a) 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.
- b) The WATERFRONT MIXED-USE designation as identified on Schedule 'A' to this Plan.

8.9 Property Maintenance and Occupancy By-law

8.9.1 Council 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.

8.9.2 In order to maintain a sound housing stock, the Town will:

8.9.2.1 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,

8.9.2.2 Advise residents of the standards to be met and the assistance available to improve individual properties.

8.10 Community Improvement Plans

8.10.1 Council will support Community Improvement Plans and projects, which are deemed to be desirable. Considerations as to the undertaking of such programs include age, dilapidation, over-crowding, facility arrangement, environmental degradation, **land use incompatibility (CM#21)** or other reasons, which negatively affect the opportunities of an area in regard to appropriate development and redevelopment.

8.10.2 Council, 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.

8.10.3 Council may designate all or part of the Town as a Community Improvement Area based on the following applicable criteria:

8.10.3.1 Deficient or substandard municipal infrastructure and service facilities such as sewers, water supply and distribution, roads, sidewalks, curbs, and street lighting;

- 8.10.3.2 Inappropriate or incompatible land use arrangements including deteriorated industrial uses and lands or uses which exhibit environmental or pollution problems;
- 8.10.3.3 Deficient or deteriorated community and recreational facilities;
- 8.10.3.4 Deficiencies in regard to buildings, structures, storage, parking, or lands in need of rehabilitation;
- 8.10.3.5 Problems related to abandonment or vacancy rates in regard to industrial or commercial buildings and uses.
- 8.10.4 To initiate a Community Improvement Plan, a study must be undertaken to identify the subject area and establish compliance with the above criteria. Once identified, Council may pass a By-law designating the Community Improvement 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.
- 8.10.5 Council shall pass a By-law designating the lands designated "WATERFRONT MIXED-USE" on Schedule 'A' as a Community Improvement 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:
- Tax increment financing;
 - A per unit grant for the production of housing;
 - Site remediation grant;
 - 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,
 - Reduction of parking requirements.

8.11 **Subdivision Control**

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

8.12 **Plans of Subdivision**

- 8.12.1 It shall be a policy to approve only those plans of subdivision which comply with the policies and matters contained in this Plan, the *Planning Act*, and which can be supplied with adequate municipal services and would not be deemed premature or to adversely affect the economy of the Town.
- 8.12.2 Subdivision agreements may deal with all applicable aspects of development such as landscaping, parking, traffic circulation, access, sign control and design, drainage, grading, lighting, services, staging and timing, and may be registered against the title of the subject land.

8.13 **Condominiums**

- 8.13.1 Only those proposals submitted under the *Condominium Act* which conform to the general policies and designations of this Plan shall be recommended for approval. In evaluating such plans, Council shall require information specified in Section 3.3, Residential Districts and may require agreements to ensure adequate service levels.

8.14 **Consent Policies**

8.14.1 **General**

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.

8.14.2 **Road Access**

- a) **All lots (CM#22)** 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. 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.
- b) Lots shall not be created which would access onto a road where a traffic hazard would be created due to limited sight lines.
- c) Strip development shall generally be prohibited although infilling in existing built up areas may be permitted.

- 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) Road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.

8.14.3 Lot Size

The lot area and frontage of **all lots (CM#23)** must be adequate and must comply with the provisions of the Zoning By-law. Where it is not possible to meet the Zoning By-law standards, Council if in agreement, may amend the By-law as a condition of approval.

8.14.4 Park Dedication

Council 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, Number 90-64, or successor By-law.

8.14.5 Consent for Technical or Legal Purposes

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).

8.14.6 Conditions of Approval

The Town may require agreements and applications as a condition of approval for the severed lot or the retained lot as may be appropriate:

- 8.14.6.1 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;
- 8.14.6.2 Approval of a zoning by-law amendment; and
- 8.14.6.3 Approval of a site plan control agreement.

8.15 Brownfield Development

- 8.15.1 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.

- 8.15.2 Where the need for remediation is confirmed, the proposed restoration works will be completed or implemented prior to development taking place.

8.16 Waste Disposal Assessment Area

- 8.16.1 Located within the East half of Lot 111, Concession II (old survey), of Tiny Township, on the north side of Golf Link Road, is a former waste disposal site (closed 1985) which is now a waste transfer station. The policies of this section affect those lands located within the “Waste Disposal Assessment Area”, indicated on Schedule ‘A’.

- 8.16.2 The development of new uses or new building or structures within the Waste Disposal Assessment Area, may be permitted, provided an assessment is completed to determine, in regard to the former waste disposal site:

- a) The impact of any methane gas migration;
- b) Whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors; and
- c) Whether the proposed use will be adversely affected by ground and surface water contamination by leachate migration.

- 8.16.3 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.

- 8.16.4 The assessment should address the above and those applicable items as outlined in the Provinces Guideline D-4, April 1994, or its successor, to ensure compatibility and no adverse impact. The required studies, if deemed necessary, are to be based on the development type and/or scale. The nature and scope of the study shall be determined by the Town in consultation with the County of Simcoe.

- 8.16.5 This **area (CM#24)** is to be considered as an overlay in regard to any other Land Use Designation found within the assessment area. 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 Council, 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.

8.17 Committee of Adjustment

- 8.17.1 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.

8.18 Development Approvals and Complete Applications

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*.

- 8.18.1 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:
- a) include all applicable statutory requirements under the *Planning 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;
 - b) be submitted with the prescribed fee;
 - c) include the Record of Consultation Meeting, where one is required;
 - d) include the Sign Declaration that the required Notice Sign has been installed in accordance the Town of Midland Notice Signs Procedures and Protocols;
 - e) 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.

In respect of all other applications, the provisions and requirements of the *Planning Act* shall apply.

- 8.18.2 A proponent will be required to participate in a 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 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.

8.18.3 Notwithstanding 8.18.2 above, the Town may waive the requirement for a 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 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.

8.18.4 The purpose of the 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 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:

- a) in keeping with the scope and complexity of the application(s);
- b) 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;
- c) prepared in accordance with any applicable Federal, Provincial and County Guidelines and Policies and any Town Guidelines or Policies that have been endorsed by Council;
- d) Other Information and Materials 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.

Table 1 – Other Information and Studies
1. CULTURAL HERITAGE RESOURCES
<ul style="list-style-type: none"> • Archaeological Assessment • Heritage Impact Assessment • Heritage Building Structural Assessment
2. PLANS AND DRAWINGS



Table 1 – Other Information and Studies
<ul style="list-style-type: none"> • Site Plan or Concept Plan in accordance with Town requirements, including a digital submission • Subdivision Plan or Condominium Plan in accordance with Town requirements, including a digital submission • Building Elevation Drawings • Angular Plane Analysis • Shadow Impact Study • Accessibility Analysis
3. ENVIRONMENTAL/NATURAL HERITAGE/NATURAL HAZARDS
<ul style="list-style-type: none"> • Aggregate Resource Analysis • Slope Stability and Cut/Fill Analysis including Erosion Hazards • Environmental Impact Study • Hydrogeological Assessment including a WHPA Plan • Tree Preservation Plan/Enhancement Plan • Energy Conservation Study • Environmental Site Assessments and/or Record of Site Condition • Shoreline Engineering Report
4. SERVICING/INFRASTRUCTURE
<ul style="list-style-type: none"> • Municipal Water and Sanitary Sewer Servicing Feasibility Study • Private Servicing Study • Soils or Geotechnical Study • Preliminary Grading Plan • Preliminary Stormwater Management Report and Plan • Traffic Impact Study (both internal and external) • Parking, Pedestrian and Sidewalk Analysis • Fire Suppression Analysis
5. LAND USE COMPATIBILITY
<ul style="list-style-type: none"> • Land Use Compatibility Study • Landfill Impact Study (D4 Studies) • Noise and/or Vibration Impact Study • Dust and/or Odour Impact Study • Agricultural Impact Analysis • Photometric Report and Plan
6. PLANNING
<ul style="list-style-type: none"> • Planning Justification Report • Affordable Housing Report • Rental Housing Conversion Assessment • Retail Impact Study • Urban Design Report and Streetscape/Public Realm Plan

8.18.5 The Town may refuse the information and studies submitted if it considers the quality of the submission unsatisfactory.

8.18.6 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.



- 8.18.7 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.
- 8.18.8 Additional information or reports may be required by the Town as part of the Complete Application in addition to the other information and materials listed in Table 1 – Other Information and Studies, where circumstances necessitate the need for such information in the decision-making process.
- 8.18.9 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*.
- 8.18.10 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 Council if circumstances necessitate the need for such information and material as part of the decision making process.
- 8.18.11 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.
- 8.19 Building By-law**
- 8.19.1 The regulations of the *Ontario Building Code Act* shall govern the issuance of all building permits within the Town.
- 8.20 Financial Assistance**
- 8.20.1 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.
- 8.21 Financing Capital Projects**
- 8.21.1 Development Charges

It is a principle of this Plan that the cost of servicing new development or redevelopment shall be borne by that development. To finance the costs of servicing burdens from growth, the Town may impose a development charge under the *Development Charges Act* and Regulations, or its successor. The Town may utilize the financing arrangements permitted under the Front End Payments Provisions of the *Development Charges Act*, or its successor.

8.21.2 Other Financing Sources

8.21.2.1 The capital costs of providing municipal services that are not required to meet the demands and burdens of growth shall be financed by general tax revenues and available grants, subsidies and donations.

8.21.2.2 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, and other forms of financing. The Town may utilize any or all of these financing alternatives.

8.21.2.3 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.

8.21.3 Economic Impact

8.21.3.1 The Town may conduct or require the proponent of a development or redevelopment to conduct an Economic Impact Study of development on the Town including a review of capital costs, the degree to which development charges finance these costs and potential mitigation that could reduce the magnitude of any negative impacts.

8.21.3.2 The Town shall continue to maintain a balance between the demands for services and its overall fiscal capacity and in approving new development shall be cognizant of maintaining an appropriate balance between residential and non-residential assessment.

8.21.4 Waterfront Development Fund

8.21.4.1 Council 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 MIXED-USE" on Schedule 'A'. 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.



8.22 Municipal Land Acquisition

- 8.22.1 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 *Planning Act* except where more specific legislation may also serve.
- 8.22.1.1 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.
- 8.22.1.2 The Town may acquire land pursuant to the *Housing Development Act*, or its successor, to facilitate housing projects and home ownership.
- 8.22.1.3 The Town may acquire land pursuant to the *Planning Act* for community improvement purposes.

8.23 Monitoring and Official Plan Review

- 8.23.1 Council 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. 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.
- 8.23.2 To ensure the continuing relevance and effectiveness of this Plan the assumptions, objectives and policies shall be reviewed at least once every five years at a meeting of Council. The review shall consist of an assessment of:
- a) The continuing relevance of the assumptions of the Plan;
 - b) The degree to which the objectives of this Plan have been met; and
 - c) The effectiveness of the policies in this Plan.
- 8.23.3 Council may, as a result of the review, amend the Plan. The public shall be advised of the review meeting by notification at least two weeks prior to the meeting. The notice shall include information regarding the purpose of the meeting. An opportunity shall be provided for written or verbal presentations.

8.24 Community Planning Permits

The *Planning Act* permits Council to implement a Community Planning Permit System that is intended to combine Zoning and Site Plan Approval processes, as identified in Sections 8.2 and 8.8 of this Plan. Council considers the following area of the Town appropriate and where it may consider the implementation of a Community Planning Permit System:

- a) “WATERFRONT MIXED-USE” Designation as shown on Schedule ‘A’ to this Plan.

8.24.1 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 consistent with *The Unimin Waterfront Lands Master Plan (2013)*.

8.24.2 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. Council 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 Application 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 8.18 of this Plan shall apply.

8.24.3 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.

8.24.4 Variations

- a) The Community Planning Permit 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.

8.24.5 Delegation of Approval Authority

- a) Council 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.

8.24.6 Conditions and Agreements

- a) The Town may impose conditions and grant provisional approval prior to final approval as set out in the Community Planning Permit 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 stormwater 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.

9 Interpretation

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9.2	Land Areas, Population Estimates, Etc.	9-2
9.3	Accessory Uses	9-2
9.4	Definitions	9-2



9.0 INTERPRETATION

9.1 Land Use Boundaries and Roads

9.1.1 It is intended that the boundaries of the land use classifications, including the Environmental Protection designations, shown on the Land Use Schedules may 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 Schedule 'A' 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.

9.2 Land Areas, Population Estimates, Etc.

9.2.1 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.

9.3 Accessory Uses

9.3.1 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.

9.4 Definitions

For the purposes of the interpretation this Plan, the definitions in the *Planning Act, R.S.O. 1990*, the Provincial Policy Statement 2005, and other applicable Provincial Plans and Policies 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, 2nd Edition.

9.4.1 Private Materials Recovery and Reclamation Facility and Transfer Station

A Private Materials Recovery and Reclamation Facility and Transfer Station shall mean a waste material recovery and reclamation facility that shall include a specialized building that receives, separates and prepares recyclable materials for marketing to end-user manufacturers for reuse and a transfer station which is used for the temporary storage of waste materials for shipment and reuse or disposal off-site. The operation may include both indoor and outdoor storage, as well as a weight scale and station and an

accessory office building. Outdoor storage is restricted to material that is packaged, bailed or contained in trailers or bins and to trucks and related equipment. A Private Materials Recovery and Reclamation Facility and Transfer Station shall not include the on-site disposal of waste materials and shall not include the receipt, handling or treatment of liquid industrial or hazardous waste as defined by the *Environmental Protection Act* and/or its regulations.

TOWN OF MIDLAND



OFFICIAL PLAN LAND USE SCHEDULE 'A'

TOWN OF PENETANGUISHENE

Waste Disposal Assessment Area 500 m

Limits of Former Landfill

SECONDARY PLAN
Subject to Section 3.6.6

SPECIAL POLICIES
Subject to Section 3.3.7

GEORGIAN BAY

SECONDARY PLAN
Subject to Section 3.1.5 f)

TOWNSHIP OF TINY

LITTLE LAKE

SPECIAL POLICIES
Subject to Section 3.3.7

AGGREGATE RESOURCES
Subject to Section 3.6.5

SECONDARY PLAN
Subject to Section 3.6.6

TOWNSHIP OF TAY

AGGREGATE RESOURCES
Subject to Section 3.6.5

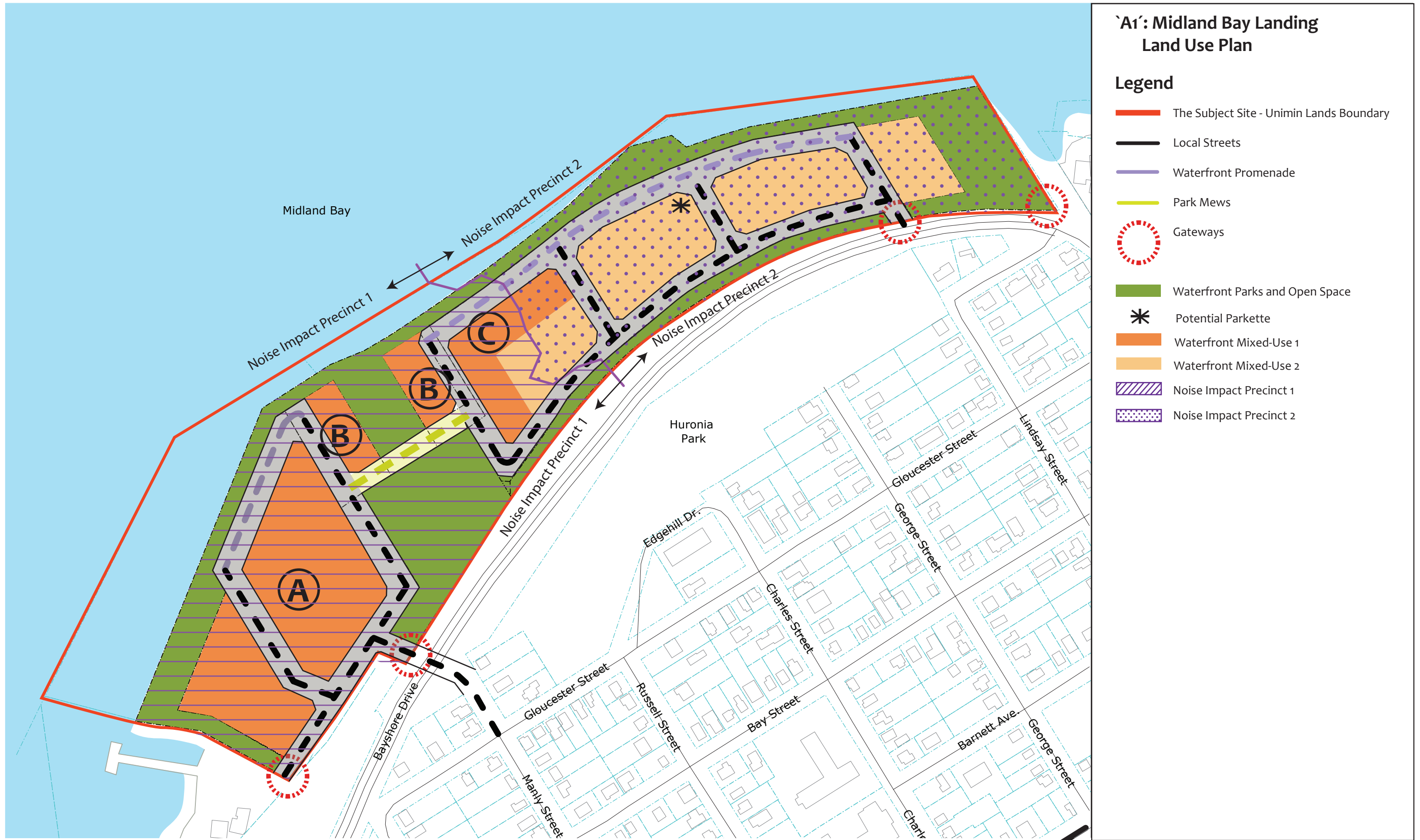
THIS IS SCHEDULE 'A' TO
OFFICIAL PLAN AMENDMENT
No. 1 TO THE OFFICIAL PLAN
OF THE TOWN OF MIDLAND

Legend

- Employment Areas
- Downtown District
- Residential District
- Open Space District
- Environmental Protection
- Restricted Rural

DRAWN BY: TOWN OF MIDLAND PLANNING DEPARTMENT
DATE: FEBRUARY 2004
OFFICE CONSOLIDATION: AUGUST 2005
UPDATED: JANUARY 2011

Schedule 'A1': Midland Bay Landing - Land Use Plan



'A1': Midland Bay Landing Land Use Plan

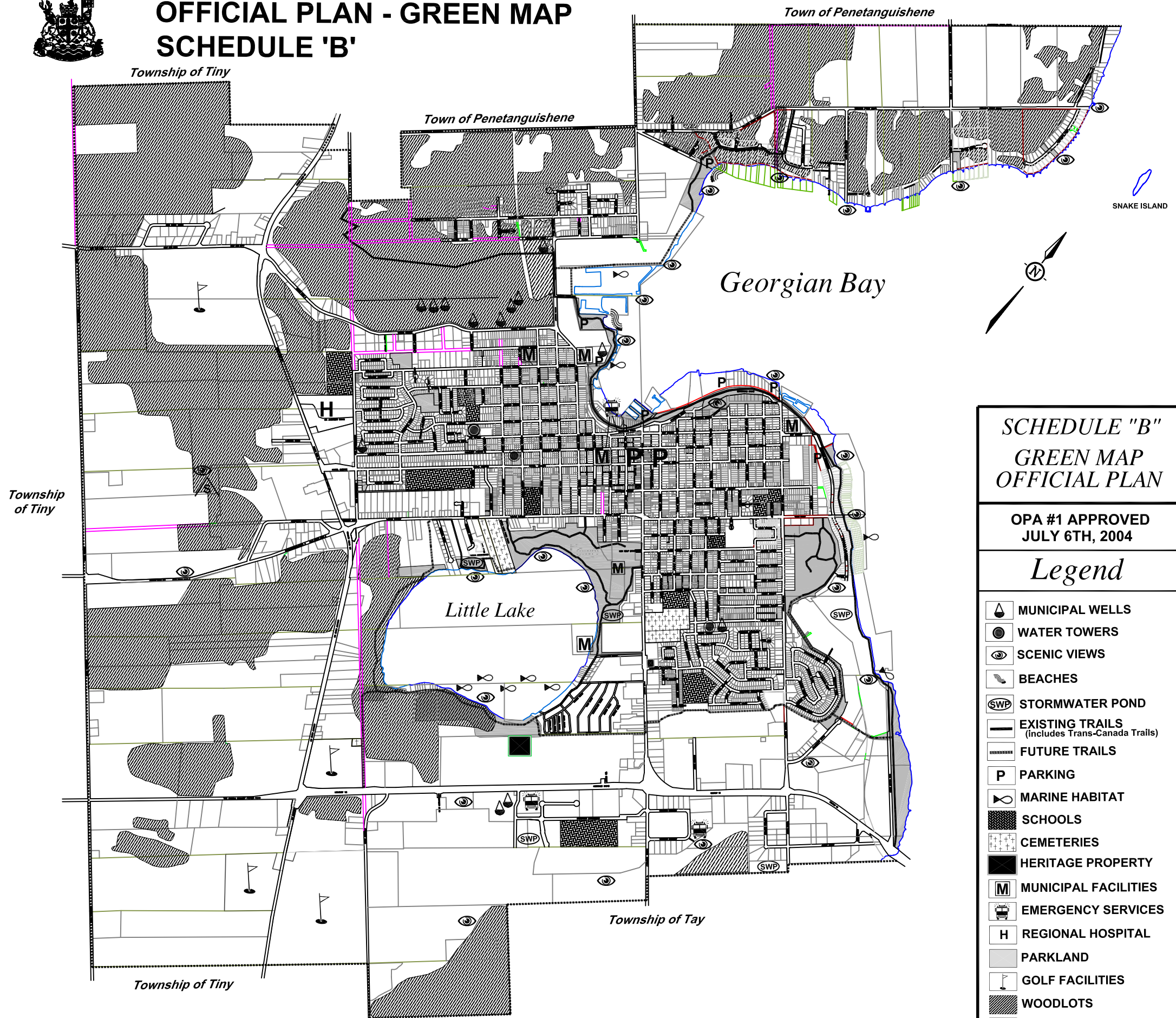
Legend

- The Subject Site - Unimin Lands Boundary
- Local Streets
- Waterfront Promenade
- Park Mews
- Gateways
- Waterfront Parks and Open Space
- * Potential Parkette
- Waterfront Mixed-Use 1
- Waterfront Mixed-Use 2
- Noise Impact Precinct 1
- Noise Impact Precinct 2

TOWN OF MIDLAND



OFFICIAL PLAN - GREEN MAP SCHEDULE 'B'



SCHEDULE "B" GREEN MAP OFFICIAL PLAN

OPA #1 APPROVED
JULY 6TH, 2004

Legend

- MUNICIPAL WELLS
- WATER TOWERS
- SCENIC VIEWS
- BEACHES
- STORMWATER POND
- EXISTING TRAILS
(includes Trans-Canada Trails)
- FUTURE TRAILS
- PARKING
- MARINE HABITAT
- SCHOOLS
- CEMETERIES
- HERITAGE PROPERTY
- MUNICIPAL FACILITIES
- EMERGENCY SERVICES
- REGIONAL HOSPITAL
- PARKLAND
- GOLF FACILITIES
- WOODLOTS
- SKI HILL

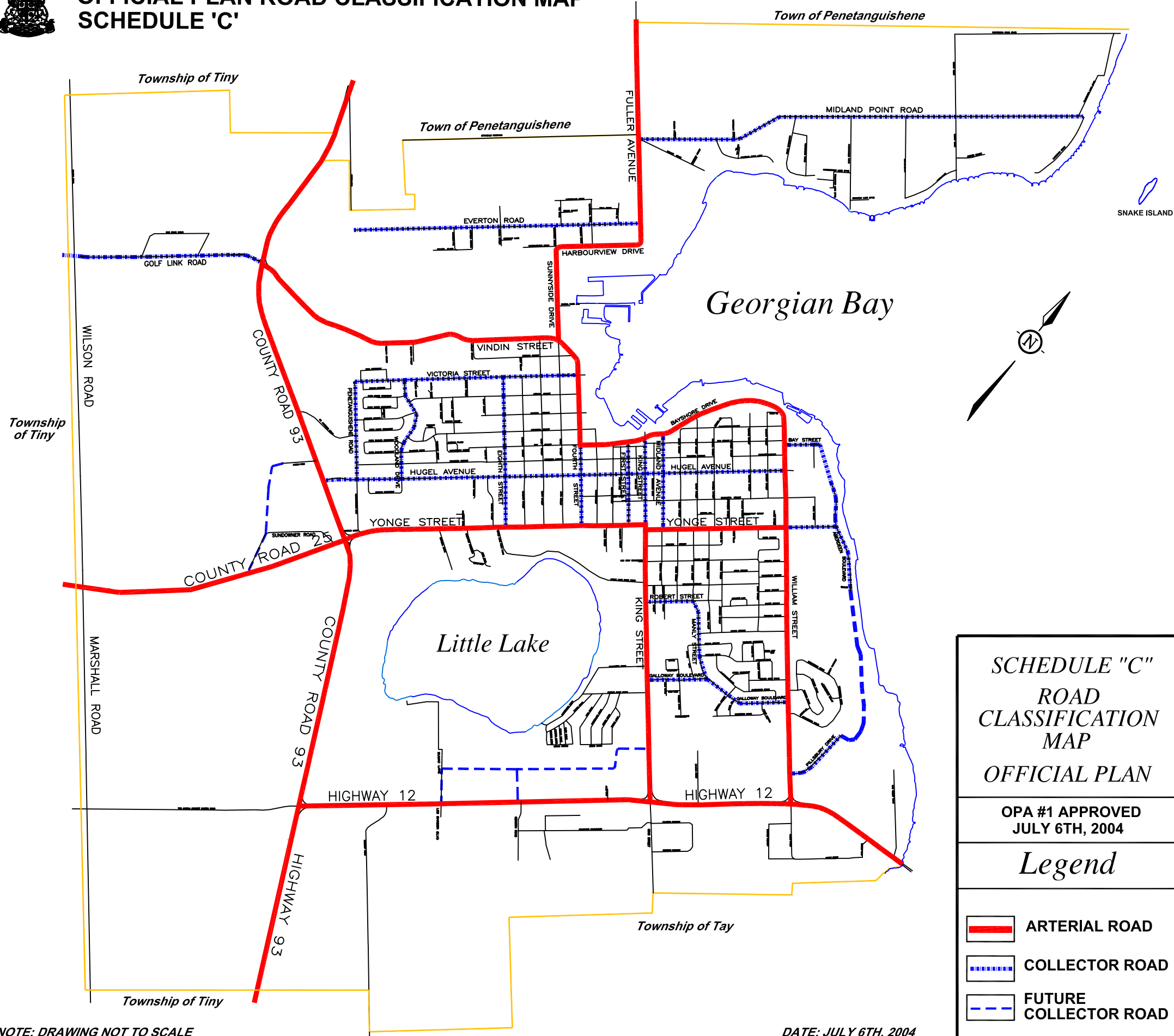
NOTE: NOT TO SCALE

DATE: JULY 6TH, 2004

TOWN OF MIDLAND



OFFICIAL PLAN ROAD CLASSIFICATION MAP SCHEDULE 'C'



SCHEDULE "C"
ROAD
CLASSIFICATION
MAP
OFFICIAL PLAN

OPA #1 APPROVED
 JULY 6TH, 2004

Legend

	ARTERIAL ROAD
	COLLECTOR ROAD
	FUTURE COLLECTOR ROAD

NOTE: DRAWING NOT TO SCALE

DATE: JULY 6TH, 2004