

THE CORPORATION OF THE TOWN OF MIDLAND
BY-LAW 2025-18

A By-law to amend By-law 2004-90, as amended, being the Town's Zoning By-law.

WHEREAS the Council of the Corporation of the Town of Midland passed Zoning By-law 2004-90, known as the Zoning By-law, on the 22nd day of November, 2004, to regulate the development and use of lands within the Town of Midland; and,

WHEREAS the Council of The Corporation of the Town of Midland now deems it expedient to amend Zoning By-law 2004-90, pursuant to the authority given to it under Section 34 of the *Planning Act*, R.S.O. 1990;

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

1. That Section 1.7.1 (Measurement) be replaced with the following:

"The Metric system of measurement shall be the only standard to be applied in this By-law which is noted in metres as the preferred form of measurement. Parking and loading calculations resulting in a decimal will be rounded up to the nearest whole number."

2. That the following new subsection be added after 1.9.1.3 (Technical Changes):

"Section 1.10 **BOLDED TERMS**

1.10.1 Any **bold** term in the Zoning By-law is a defined term as per Section 2 of this Zoning By-law."

And that all defined terms be bolded throughout the Zoning By-Law.

3. That Section 2 (Definitions) be amended to replace, revise or insert the following defined terms and their definitions:

"Accessory Dwelling Unit

Shall mean a dwelling unit which is incidental and subordinate to the permitted commercial use and is located in the same building or structure as the permitted commercial use."

"Additional Residential Unit

Shall mean a dwelling unit that is located within, attached to, or detached from the existing dwelling unit on a lot."

“Boat Storage Building – remove the term “building” and replace with “facility””

“Driveway

Shall mean an area of land which provides vehicular access from a street to a parking aisle or space located on the same lot.”

“Dwelling, Duplex

Shall mean a building that is used for the purpose of two principal dwelling units that are divided horizontally, located fully above grade, each with an independent access or through a common vestibule.”

“Dwelling, Triplex

Shall mean a single residential building on a lot that is used for the purpose of three dwelling units, internally divided horizontally or vertically, or a combination therein, accessed from an independent entrance or a common vestibule.”

“Floor Area, Total

Shall mean the sum of the floor area of each storey of a building, measured from the exterior faces of the exterior walls or from the centerline of a common wall separating two buildings.”

“Garage, detached

Shall mean a detached accessory building for the purposes of parking and storage of vehicles and other incidental uses in a Residential or Rural Zone.”

“Height, Building

Shall mean the vertical distance measured from the finished grade level to:

a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is greater; and,

b) in the case of a pitched roof, a point midway between the eaves and the ridge.”

“Home Occupation

Shall mean a business conducted within a dwelling unit and/or within an accessory building on the same lot and functions as an accessory use to the dwelling unit.”

“Pharmacy

Shall mean a retail establishment where prescription and non-prescription drugs are dispensed and sold and may include additional and ancillary sales.”

“Trailer, Utility

Shall mean any portable unit so constructed as to be suitable for attachment to a *motor vehicle* or a *commercial motor vehicle* and capable of being used for the transportation of goods and/or equipment, but does not include a *trailer*.

4. That Section 2 (Definitions) be amended to remove the following existing definitions in their entirety:
 - Floor Area, Interior
 - Pharmacist
5. That the following new subsection be added after subsection 3.2.4 and that the following be added:

“3.2.5 Permitted and Accessory Uses

3.2.5.1 Any use that is identified as a permitted use in any zone is considered a primary use unless otherwise specified.

3.2.5.2 A lot may be used for one or more permitted uses unless otherwise specified in this by-law.

3.2.5.3 All permitted uses may have accessory uses. Accessory uses shall be subordinate and incidental to a permitted use.

3.2.5.4 Accessory uses are only permitted in conjunction with a permitted use and shall not be permitted if a primary use is not yet established.”

6. That subsection 3.8 (Accessory Uses) be amended with the following changes:
 - Replace “Uses” with “Buildings and Structures” in the heading.
 - Remove section 3.8.1 in its entirety and renumber accordingly.
 - Replace the newly numbered Section 3.8.2 with the following:

“No accessory building shall be located in a required Front, Interior Side or Exterior Side Yard. Where an accessory building is erected in the Rear Yard on a corner lot, the accessory building shall not exceed the exterior yard setback of the main building on the lot. Where an accessory building is erected in a Rear Yard it shall be set back a minimum of 1.22 metres from rear lot line. Swimming pools are not considered to be accessory structures.”
 - Replace the newly numbered Section 3.8.5 with the following:

"a) Lot Coverage for all accessory buildings on a lot in any zone shall not exceed 8%, unless otherwise specifically permitted in this By-law.

b) Notwithstanding 3.8.5 a), Lot Coverage for accessory buildings on a lot in all Residential Zones shall not exceed 12%. but in no case shall the total lot coverage of the dwelling and all accessory structures exceed the Maximum Lot Coverage of the respective Residential Zone."

7. That subsection 3.10 (Home Occupations) be amended to insert the following, with the current 3.10.3 to 3.10.9 being shifted down and renumbered accordingly:

"3.10.3

The home occupation shall be conducted only by members of the household residing on the premises but not more than two (2) employees who do not reside on the property may be engaged in, and working for, the Home Occupation business on site."

"3.10.4

A home occupation shall be a maximum of 25% of the gross floor area of the dwelling unit. A home occupation operating within a detached accessory building shall be a maximum of 20 m² of the floor area of the detached accessory building, or to a maximum of 50% of the gross floor area, whichever is greater. Only one home occupation is permitted on a lot."

8. That subsection 3.13 (Permitted Yard Encroachments) be amended to insert the following:

"3.13.5

Accessibility ramps are permitted in any yard and are not subject to the setback requirements of the zone in which they are located. The barrier free access shall not encroach onto municipal lands as per provincial regulations."

9. That subsection 3.14 (Decks) be amended by:

- Replacing section 3.14.2 with the following:

"Decks on a Dwelling, Semi-detached shall maintain a minimum Interior Side Yard setback of 0.61 m from the common wall to maintain a minimum distance between decks of 1.22 m."

- Replacing section 3.14.8 with the following:

“Accessibility ramps are permitted in any yard and are not subject to the setback requirements of the zone in which they are located. The barrier free access shall not encroach onto municipal lands and shall conform to all other yard requirements as per provincial regulations.”

10. That subsection 3.38 (Second Units) be amended by:

- Replace “Second Units” with “Additional Residential Units (ARU)” in the heading and the heading description.

- Replace section 3.38.1 with the following:

“a) A maximum of two (2) additional residential units are permitted on any lot in a residential zone, as defined in this By-law, that is serviced by the Town’s municipal water and wastewater systems.

b) Where full municipal water and wastewater services are not available, only one (1) additional residential unit is permitted on a lot.

c) Where full municipal water and wastewater services are not available, the additional residential unit shall be connected to private services subject to Ontario Building Code approval.

d) An additional residential unit on a lot that is serviced by the Town’s water and wastewater services shall connect to same via the existing dwelling unit. Direct connections to the Town’s water and wastewater infrastructure for the purpose of servicing an additional residential unit is not permitted.

e) Notwithstanding any lot coverage regulations provided for in this by-law, where an additional residential unit is provided on a lot serviced by the Town’s municipal water and wastewater services, the maximum lot coverage for all buildings and structures shall be 45%.”

- Replace section 3.38.2 with the following:

“Additional residential units are permitted on a lot with an existing dwelling unit, detached, dwelling, semi-detached, dwelling, duplex, or dwelling, townhouse/dwelling, street townhouse.

In the event that an additional residential unit is established in a detached building the following regulations apply:

a) No detached additional residential unit is permitted within the minimum required front, interior and exterior setbacks of the respective Zone;

b) Where a detached additional residential unit is located within the rear yard, said building is required to be setback a minimum of 3.0 metres from the rear lot line.

c) The maximum height of a detached additional residential unit shall not exceed 4.6 metres.

d) Any existing detached building which is to be converted to an additional residential unit is required to comply with the above noted regulations.”

- Remove section 3.38.3 in its entirety and renumber accordingly:
- Replace the newly numbered Section 3.38.3 with the following:

“No additional parking is required for any additional residential unit. Any parking that is voluntarily provided shall comply with any applicable parking provisions in this By-law.”

- Replace the newly numbered Section 3.38.4 with the following:

“Access to an ARU shall be provided as follows:

a) An additional entrance to an additional residential unit is not permitted along the front façade of the existing dwelling unit.

b) An existing entrance on the existing dwelling unit may be converted into a common vestibule that provides access to one or more dwelling units on a lot.

c) A walkway with a minimum unobstructed width of 0.6 meters shall be provided between the street and any additional residential unit with an independent external entrance.

Walkways shall not be obstructed by chimneys, gas meters, air conditioning units, heat pump units, garbage or recycling receptacles, or any other permanent or non-permanent structures”

- Remove the newly numbered Section 3.38.5 in its entirety.

11. That subsection 4.1.6 (Parking Area Regulations) be replaced with the following:

“4.1.6

Where in this By-law parking is required in support of a use on a lot within the Town, the following regulations shall apply:”

12. That subsection 4.1.7.2 be removed in its entirety and the subsection be renumbered accordingly.
13. That the following new subsection be added after section 4.1.7.4

“4.1.7.5 (Number of Entrances)

Every lot in a Residential or Rural Zone shall be limited to the following number of driveway entrances in accordance with Table 4.1.7.5 (a), entitled Number of Entrances.

4.1.7.5 (a)

Lot Frontage	Number of Driveway Entrances
20 metres or less	A maximum of one (1) driveway entrance.
More than 20 metres but no more than 100 metres	A maximum of two (2) driveway entrances provided that the combined entrance width of the two (2) entrances is not greater than 30% of the lot frontage or a maximum width of 8.5 metres whichever is lesser, or the lot frontage and exterior side lot line combined if the lot is a corner lot or through lot.
Greater than 100 metres	Two (2) driveway entrances are permitted, plus one (1) additional driveway entrance for every additional 100 metres of lot frontage thereafter.

4.1.7.6 Where a lot is a corner lot or through lot, the length of an exterior lot line may be included as a lot frontages for the purposes of determining the number of driveway entrances permitted.

4.1.7.7 Any driveway in a Residential or Rural Zone shall have a minimum length of 6.0 metres from the street line to the dwelling unit or attached garage or detached accessory building. The parking of a motor vehicles shall be restricted to a driveway only.

4.1.7.8 The minimum distance of a driveway entrance from an intersection shall be 15.0 metres as measured from the tangent curb line of the adjacent road intersection and no portion of the driveway entrance shall be located within a sight triangle.”

14. That subsection 5.1.2 (Permitted Uses) be amended to remove the term “Second Unit” and add the term “Additional Residential Units” and to replace the term “Detached Dwelling Unit” with the term “Dwelling Unit, Detached”.
15. That subsection 5.2.2 (Permitted Uses) be amended to remove the term “Second Unit” and add the term “Additional Residential Units” and to replace the term “Detached Dwelling Unit” with the term “Dwelling Unit, Detached”.
16. That subsection 5.3.2 (Permitted Uses) be amended to remove the term “Second Unit” and add the term “Additional Residential Units”, to replace the term “Detached Dwelling Unit” with the term “Dwelling Unit, Detached”, to replace the term “Duplex Dwelling Unit” with the term “Dwelling, Duplex”, and to replace the term “Semi-detached Dwelling Unit” with the term “Dwelling, Semi-detached”
17. That subsection 5.4.2 (Permitted Uses) be amended to remove the term “Second Unit” and add the term “Additional Residential Units”, to replace the term “Detached Dwelling Unit” with the term “Dwelling Unit, Detached”, to replace the term “Duplex Dwelling Unit” with the term “Dwelling, Duplex”, to replace the term “Semi-detached Dwelling Unit” with the term “Dwelling, Semi-detached”, and to replace the term “Triplex Dwelling Unit” with the term “Dwelling, Triplex”
18. That subsection 5.5.2 (Permitted Uses) be amended to remove the term “Second Unit” and add the term “Additional Residential Units” and to replace the term “Detached Dwelling Unit” with the term “Dwelling Unit, Detached”.
19. That subsection 5.6.2 (Permitted Uses) be amended to remove the term “Second Unit” and add the term “Additional Residential Units”, to replace the term “Street Townhouse Dwelling Unit” with the term “Dwelling, Street Townhouse” and to replace the term “Townhouse Dwelling Unit” with the term “Dwelling, Townhouse”.
20. That subsection 5.5.3.6 be replaced with the following:

“5.5.3.6

Notwithstanding any other provisions of this By-law, a garage, detached or garage, attached may be erected in an interior side yard or rear yard provided that the garage is no closer than 1.0 metres from the interior and rear lot lines. A 3.0 metre setback is required from the interior and rear lot lines where habitable space be provided above of a garage, attached or garage, detached.”
21. That subsection 5.6.2 (Permitted Uses) be amended to remove the term “Second Unit” and add the term “Additional Residential Units”, to replace the term “Street Townhouse Dwelling” with the term “Dwelling, Street Townhouse”, and to replace the term “Townhouse Dwelling” with the term “Dwelling, Townhouse”.

22. That Subsection 5.9.2 be amended to replace the term "Detached Dwelling Unit" with the term "Dwelling unit, Detached".

23. That subsection 5.9.3.10 be removed in its entirety.

24. That subsection 6.1.2.1 be replaced with the following:

"6.1.2.1

An Apartment Building, Home Occupation, Dwelling, Duplex, Dwelling, Triplex, Dwelling, Fourplex, Dwelling, Townhouse, are permitted on any lot in the DC zone that does not have frontage on King Street."

25. That the following new subsection be added after Section 6.1.2.1:

"6.1.2.2

Accessory dwelling units are permitted in the Downtown Core (DC) zone and shall:

a) only be located within an existing building or structure on a lot with frontage onto King Street. Additional floors can be constructed in accordance with the maximum height and other regulations of the DC Zone,

b) not be located at grade,

c) have dedicated access that is separate from other uses on a lot and,

d) not exceed, per floor, the floor area of the principle non-residential uses at grade.

e) Notwithstanding 6.1.2.2 d), dedicated access and uses accessory to the accessory dwelling units, such as but not limited to a mail room and foyer, shall be permitted at grade but shall not exceed 10% of the ground floor area."

26. That subsection 6.1.3.6 be removed in its entirety.

27. That subsection 6.1.4.4 be replaced with the following:

"DC-4

Notwithstanding the Permitted Uses of Section 6.1.2, the following additional use shall be permitted on the lands known as 522 Elizabeth Street and Zoned DC-4:

(a) Emergency Housing Shelter

Notwithstanding the Zone Requirements of Section 6.1.3, the following additional regulations shall apply to those lands known as 522 Elizabeth Street and Zoned DC-4:

- a) Notwithstanding Section 6.1.3, the temporary housing portion of the Emergency Housing Shelter use shall be restricted to the third or top floor of the building and having a floor area of 335 square metres. Office and related administrative uses for the Emergency Housing Shelter may be located elsewhere within the building in accordance with the provisions and regulations of this section.”
28. That subsection 6.4.2 (Permitted Uses) be amended to remove the term “Attached Accessory Dwelling Unit” and add the term “Additional Residential Units” and to replace the term “Detached Dwelling Unit” with the term “Dwelling Unit, Detached”.
29. That subsection 7.1.2 (Permitted Uses) be amended to remove the term “Attached Accessory Dwelling Unit” and add the term “Additional Residential Units” and to replace the term “Detached Dwelling Unit” with the term “Dwelling Unit, Detached”.
30. That subsection 8.2.2 (Permitted Uses) be amended to replace the term “Public or Private Park” with the term “Park, Public or Private”.
31. That subsection 9.1.2 (Permitted Uses) be amended to replace the term “Detached Dwelling Unit” with the term “Dwelling Unit, Detached” and to remove the term “Second Unit” and add the term “Additional Residential Unit”.
32. That all provisions of Zoning By-law 2004-90, as amended, except those expressly amended herein shall apply to the subject land.

That the By-law shall come into force and effect in accordance with the provisions of Section 34 of the *Planning Act*, R.S.O. 1990 and the regulations thereto.

BY-LAW PASSED AND ENACTED THIS 26TH DAY OF FEBRUARY 2025.

THE CORPORATION OF THE TOWN OF MIDLAND



BILL GORDON - MAYOR



SHERRI EDGAR - CLERK