

Coland – Midland - Zoning By-law 2004-90 – Conformity Review

Proposed Site Plan Amendment and Zoning By-Law Amendment on Building C and D (Subject Site)

690-700 Balm Beach Road East, Midland, Ontario (Overall Subject Lands is 670 to 710 Balm Beach Road East, Midland)

Highway Commercial (HC) Zone

Date: October 31, 2023



#	Provision	Zoning Standard	Site Plan	Compliance [Yes/No]	Requested Exception
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Current Zoning – HC for 710 Balm Beach Road. Review of the HC Zone					
Section 3 General Provisions					
3.1.2	Commercial	HC – Highway Commercial	HC – Highway Commercial	Yes	
3.12	Sight Triangle	On any corner lot in all zones except Commercial and Industrial Zones, no fence or structure shall be erected, and no hedge, shrub, bush, tree or other plant shall be permitted to grow, to a height greater than 1.0 m above grade of the streets that abut the lot, within the triangular area bounded by the street lines and a line joining points on the street lines a distance of 6.0 m from their point of intersection.	HC – Highway Commercial	Not Applicable	
3.21	Multiple Uses	Notwithstanding any other provision of this By-law where any land, building or structure is used for more than one purpose, all provisions of this By-law shall be complied with except in the case of Lot Area, Lot Frontage, Lot Coverage and Yard Requirements, in which case the most restrictive requirement shall apply	Noted - Mixed Use Building with Residential (2 floors) and Commercial (1 floor) (Building C & D)	Yes	
3.23	Height Limits	The maximum Building Height in all zones shall be 11.0 m unless otherwise specified in this By-law and shown on the Zoning Map Schedules. The Building Height shall be calculated in metres and shown on the Zoning Map Schedules suffixing the land use letters with the symbol BH.	Height is 10.668m	Yes	

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3.24	Height Exceptions	Notwithstanding the Height Limits established for each zone, nothing in this By-law shall apply to prevent the erection of an air conditioner duct, a church spire, a belfry, a clock tower, a chimney, a barn, a corn crib, a drying elevator, a farm implement shed, a feed or bedding storage use, a water tank, a communications tower or satellite dish, an antenna, a silo, a windmill, a drivein movie theatre screen, a forestry tower, an aid to navigation, a flag pole, a ventilator, an elevator enclosure or mechanical penthouse, a fire hose tower, a skylight, a utility plant, a water tower or ornamental roof construction.	N/A	N/A	
3.26	Floor Space Index	The maximum floor space index in any Commercial or Industrial Zone shall be 1.0 unless otherwise specified in this By-law and shown on the Zoning Map Schedules by the letter "F" followed by the index number, e.g. "F2".	TOTAL GFA (13,182.66 SM)/ TOTAL LOT AREA (30,919.00 SM) FSI = 0.43	Yes	
3.27	Setback from Provincial Highway and County Roads	Notwithstanding any other setback provisions in this By-law, the minimum setback from the property line for lands fronting onto a Provincial Highway or County Road shall be 15.0 metres or whichever setback is determined by the particular governing authority.	18 metres setback from County Road 25	Yes	
3.33	Servicing Requirement	Where municipal sanitary sewers and/or water supply are available to service the land, building or structure, or where alternative servicing can	Yes	Yes	

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		be provided to the satisfaction of the municipality Chief Building Official and/or the Ministry of Environment, no land may be used and no building or structure may be erected unless connected to such services.			
3.35	Frontage on a Public Street	No building or structure shall be erected, extended or enlarged on any lot unless such lot has frontage onto and access to a street constructed to Provincial, County or Corporation standards, whichever is the case.	Yes	Yes	
Section 4 Parking and Loading					
4.1.1	4.1 - Parking Requirements	When any new development is commenced or when any existing development is enlarged, or use changed, provision shall be made for off-street vehicular parking spaces in accordance with the standards of this Section.	-	-	
4.1.2	4.1 - Parking Requirements	The parking requirements for a single lot or a building containing a number of uses shall be the sum total of the parking requirements for each of the component uses, except in the case of a shopping centre for which the standards cited specifically for shopping centres shall apply. All parking spaces must be provided on the site for the specific use.	-	-	
4.1.5	Number of Spaces Required	Apartment Dwelling Unit – 1.5 per dwelling unit of which 25% shall be for designated visitor parking	Required Commercial: 5 per 90 m ² of GFA – (2725 m ² /90) x 5 = 152 spaces	No	Zoning By-Law Amendment to: 1) seek a reduction in required non-

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		<p>Business or Professional Office – 1 per 30 m² GFA</p> <p>Daycare Centre – 1.5 for each classroom or teaching area</p> <p>Retail Store, Personal Service Establishment, Service Shop, Studio – 5 per 90 m² GFA</p> <p>Medical Practitioner – 5 per practitioner</p> <p>Day Care Centre – 1.5 for each classroom or teaching area</p> <p>Retail Store – 5 per 90 m² GFA</p>	<p>Residential: 1.5 per dwelling unit of which 25% shall be for designated visitor parking – (68 Units) x 1.5 = 102 spaces (25 visitor and 77 residential)</p> <p>Office: 1 per 30 m² of GFA – (3715.74 m²/30) x 1 = 124 spaces</p> <p>Medical: 5 per practitioner – (5 x 10) = 50 spaces</p> <p>Child Care Center: 1.5 per classroom – (5 x 1.5) = 8 spaces</p> <p>TOTAL REQUIRED NON-RESIDENTIAL PARKING = 152 + 124 + 50 + 8 = 334 parking spaces</p> <p>TOTAL REQUIRED PARKING = 152 + 102 + 124 + 50 + 8 = 436 parking spaces</p> <p>TOTAL PROVIDED PARKING = 395 parking spaces (including 8 accessible spaces)</p>		<p>residential parking to 290, and 2) to allow for shared parking amongst all the non-residential land uses and the residential visitor spaces across the site.</p>
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#	Provision	Zoning Standard	Site Plan	Compliance [Yes/No]	Requested Exception
			<p>We will provide the required 77 residential unit parking spaces.</p> <p>We will share the remaining 318 parking spaces (395-77) between the non-residential uses and residential visitors. By regulation, we will request non-residential parking spaces to be reduced to 290. 28 parking spaces (318-290) (including a 3 parking space buffer) will be for visitor parking.</p>		
4.1.6.1	4.1.6 – Parking Area Regulations	The parking lot shall have visible boundaries and the parking spaces clearly defined with the layout of spaces appropriately marked on the ground or signed.	Noted.	Yes	
4.1.6.2	4.1.6 – Parking Area Regulations	The parking spaces shall be provided on the same lot or parcel as the building or use for which it is required or intended.	Noted.	Yes	
4.1.6.3	4.1.6 – Parking Area Regulations	The parking lot shall be maintained with a stable surface treated to prevent the raising of dust and be suitably drained. Parking spaces, parking lots and driveway aisles intended for more than three vehicles or intended to serve institutional, industrial or commercial uses, shall, before being used as such, be constructed of asphalt,	Noted.	Yes	

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		interlocking paving stones, concrete or similar material. All vehicular access connecting these areas with a street shall be paved with an asphaltic or concrete surface from the lot line to the traveled portion of the street. In all cases provisions shall be made for adequate drainage facilities.”			
4.1.6.4	4.1.6 – Parking Area Regulations	Each parking space shall be rectangular in shape, be clearly demarcated and be of a minimum width of 2.8 m and a minimum length of 5.8 m. In the case of angle parking, each angle parking space shall have a minimum width of 3 m and a minimum length of 6 metres.	Noted.	Yes	
4.1.6.5	4.1.6 – Parking Area Regulations	The minimum width of a driveway or aisle leading to any parking space shall be 6.0 m for two-way traffic and 3.6 m for one-way traffic.	Noted.	Yes	
4.1.8.1	4.1.8 – Barrier Free Parking Regulations	Every owner or operator of a public parking area shall provide designated parking spaces for the exclusive use of vehicles operated by or conveying physically disabled persons, upon which vehicles shall be properly displayed a disabled person parking permit as issued by Ministry of Transportation of Ontario. The minimum number of designated parking spaces which must be provided shall be calculated in accordance with the Table 4.3	8 barrier free parking spaces provided based on the required 436 parking spaces. Provision: 401 - 500 parking spaces = 5 minimum barrier free parking spaces	Yes	

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4.1.8.2	4.1.8 – Barrier Free Parking Regulations	Notwithstanding 4.1.6.3 and 4.1.6.4, reserved barrier free parking spaces shall be hard surfaced, level and be rectangular in shape having a minimum width of 3.4 metres and a minimum depth of 5.8 metres.	Barrier free spaces = 4.6 m x 7.3 m	Yes	
4.1.8.3	4.1.8 – Barrier Free Parking Regulations	Reserved barrier free parking spaces shall be located in proximity to the building entrances and accessible ramps, walkways and elevators.	Yes	Yes	
4.1.8.4	4.1.8 – Barrier Free Parking Regulations	Reserved barrier free parking spaces shall be identified by signs conforming to the requirements of the Ontario Regulation made under the Highway Traffic Act.	Yes	Yes	
4.1.8.5	4.1.8 – Barrier Free Parking Regulations	Reserved barrier free parking spaces shall be kept free from obstructions, kept clear of snow, ice and slush and otherwise maintained to the same standards as all other parking spaces in the same parking area.	Yes	Yes	
4.1.9.2	4.1.9 – Additions or Change in Use of Buildings	Where an addition is made to a building or structure lawfully used on the date of the passing of this by-law which increases the gross floor area, then additional parking spaces for the floor area associated with the addition shall be provided in accordance with the requirements of Table 4.1.	Noted, parking has been provided.	Yes	
4.1.10.1	4.1.10 – Loading Provisions	Where any new development occurs in a commercial or industrial zone, save and except for the DC Zone, or when any existing use is changed, enlarged or increased in capacity, off-	a) Loading Surface Space = 4 m x 21 m	Yes	

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		street vehicular loading spaces shall be provided and maintained in accordance with the following: (a) The minimum width of an off-street loading space shall be 4.0 m and the minimum length 21.0 metres with a minimum clear height of 4.5 metres. (b) Loading spaces must be located either within or abutting the building containing the use. (c) No loading spaces may be provided within any required yards. (d) Every loading space shall be surfaced or treated to prevent the raising of dust.	b) Loading spaces are located within the subject site containing the uses. c) Noted. d) Noted.		
4.1.10.2	4.1.10 – Loading Provisions	The minimum required off-street loading spaces required shall be in accordance with Table 4.3: 500m² or less – 0 minimum number of loading spaces 501m² up to and including 2000 m² – 1 minimum 2001m² and greater – 1 minimum for each 2000 m ² of gross floor area	3 loading spaces (Width 4 m x Length 21 m) Required loading spaces: 4	No	A Zoning By-Law Amendment is required to amend the required loading spaces of 4 to the minimum of 3 on the subject site.
Section 6.2 Highway Commercial (HC)					
6.2.2	Permitted Uses	Commercial Uses	Addition of 2 residential floors above the existing commercial retail building C and D	No	A Zoning By-Law Amendment is required to permit the Apartment Building use.

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#	Provision	Zoning Standard	Site Plan	Compliance [Yes/No]	Requested Exception
		<p>6.2.2 Permitted Uses</p> <ul style="list-style-type: none"> Adult Entertainment Parlour Adult Learning Centre Animal Hospital Auction Centre Automobile Body Shop Automobile Car Wash Automobile Gas Bar Automotive Rental Agency Automobile Sales Agency Automobile Service Station Builders Supply Outlet Campground Childcare Centre Commercial Entertainment Establishment Commercial School Drive-in Theatre Dry Cleaning Establishment Eating Establishment Financial Institution Fitness Club Funeral Home Garden and Nursery Supply Outlet Golf Driving Range Hotel or Motel Laundromat Liquor or Beer Store Marina Dry Land Medical Laboratory Medical Practitioner Microbrewery Mobile Fast Food Facility Outdoor Display and Sales Area Personal Service Establishment <hr/> <p>Town of Midland Zoning By-law SECTION 6 – COMMERCIAL ZONES</p> <hr/> <ul style="list-style-type: none"> Pharmacist Professional Office Public Hall Public Use Recreational Vehicles and Vessel Sales and Rental Agency Rent-all Shop Retail Store Service Shop Shopping Center Taxi Stand Theatre 			
6.2.3	Zone Requirements				
6.2.3.1	Lot Area (Minimum)	3000.0 m ²	30,919.00 m ²	Yes	
6.2.3.2	Lot Frontage (Minimum)	30.0 m	148.00 m ²	Yes	
6.2.3.3	Lot Coverage (Maximum)	50%	5,705.10 m ² /30,919.00 m ² = 18.45%	Yes	
6.2.3.4	Yard Setbacks (Minimum)				
	Front Yard (Minimum)	7.5 m	18.0 m	Yes	

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	Interior Side Yard (Minimum)	0.0 m	14.06 m	Yes	
	Exterior Side Yard (Minimum)	4.5 m	4.5 m	Yes	
	Rear (Minimum)	3.3 m	29.5 m	Yes	
6.2.3.5	Building Height (Maximum)	11 m	10.668 m	Yes	