

Municipality of Lakeshore

Regular Council Meeting Agenda



Tuesday, March 9, 2021, 6:00 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
2. Moment of Reflection
3. Disclosures of Pecuniary Interest
4. Recognitions
5. Public Meetings under the Planning Act

1. ZBA-12-2020 – Kenneth and Nicole Byrne, 1437 Lakeshore Road 123

8

Recommendation:

Approve Zoning By-law Amendment application ZBA-12-2020 (Byrne, 1437 Lakeshore Road 123), as follows:

- a. To rezone the Retained Farmland from “Agriculture (A) Zone” to a site-specific “Agriculture Zone Exception (A-84)”;
- b. To rezone Surplus Lot from “Agriculture (A) Zone” to a site-specific “Agriculture Zone Exception (A-107)”, as presented in the March 9, 2021 Council report; and

Direct the Clerk to read By-law 12-2021 to amend the Zoning By-law, By-law 2-2012, as presented at the March 9, 2021 Council meeting.

2. Zoning By-law Application ZBA-5-2021, 20 North Rear Road

14

Recommendation:

Approve a Temporary Zoning By-law Amendment Application ZBA-5-2021 to permit the temporary use of 20 North Rear Road as a film studio for a maximum period of 3 years, for a parcel of land, indicated as the “Subject Property” on the Key Map, Figure 1 (Appendix 1);

Direct the Clerk to read By-law 19-2021 amending the Zoning By-law, By-law 2-2012, as presented at the March 9, 2021 Council meeting.

6. Public Presentations

7. Delegations

- 1. Part Lot Control Exemption By-law (PLC-1-2021) River Ridge Phase 6** 19

Recommendation:

Approve the application for exemption for Part Lot Control for Part of Lots 63 to 87 (inclusive) on Registered Plan 12M-657 in the Municipality of Lakeshore;

Direct the Clerk to read By-law 22-2021; and,

Direct Administration to send By-law 22-2021 to the County of Essex for final approval, as presented in the March 9, 2021 Council report.

1. Anthony Rossi, Coco Group

- 2. Adoption of the Municipality of Lakeshore Official Plan Review, Official Plan Amendment No. 16** 25

Recommendation:

Direct Administration to prepare a by-law to adopt Official Plan Amendment No. 16, as presented in the Municipality of Lakeshore Official Plan Review Report at the March 9, 2021 Council meeting.

1. Greg Bender, WSP

8. Completion of Unfinished Business

9. Consent Agenda

- 1. February 16, 2021 Regular Council Meeting Minutes** 35
- 2. AGCO Application for a Cannabis Retail Store Authorization** 47
- 3. Township of Perry Resolution of Support Prioritize Children and Childcare as Part of its Post Pandemic Recovery Plan** 48
- 4. Township of Archipelago Requested Amendments to the Municipal Elections Act** 50

Recommendation:

Approve minutes of the previous meeting and receive correspondence as listed on the Consent Agenda.

10. Reports for Information

1.	Committee of Adjustment Meeting Minutes – January 27 and February 17 2021	51
2.	Drainage Board Meeting February 1, 2021	87
3.	Lakeshore Accessibility Advisory Committee Meeting Minutes Feb 9, 2021	92
4.	Drinking Water Quality Management Standards Review Meeting	97

Recommendation:

Receive the Reports for Information as listed on the agenda.

11. Reports for Direction

1.	Delegation of Authority regarding Title Issues (Serenity Bay Title Issue)	108
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Recommendation:

Direct the Clerk to read By-law 26-2021 delegating authority to the Clerk to amend *By-law 50-2020 being a By-Law to Delegate Authority regarding Execution of Instruments relating to Real Property* to delegate authority to the Clerk to execute instruments to permit, consent, agree to or otherwise authorize correction of real property title issues where the Municipality of Lakeshore is not adversely affected; and

Read By-law 27-2021 delegating authority to the Clerk to amend *By-law 50-2020 being a By-Law to Delegate Authority regarding Execution of Instruments relating to Real Property* to delegate authority to the Clerk to execute instruments to permit, consent, agree to or otherwise authorize regarding the correction of the real property title issues with the absolute title regarding the Serenity Bay subdivision, as presented at the March 9, 2021 Council meeting.

2. **Site Plan Control Application SPC-10-2020** 116
- Recommendation:**
Approve Site Plan Control Application SPC-10-2020 to permit the construction of an outdoor storage and parking area, subject to the following condition:
- a. that the Owner/Developer enter into a Site Plan Amending Agreement with Lakeshore to provide for the installation, construction, and maintenance of driveways, parking areas, lighting, landscaping, grading, drainage, and any necessary service connections, easements and other items; and,
- The Mayor and Clerk be authorized by By-law 20-2021 to execute the Site Plan Agreement, all as presented in the report at the March 9, 2021 Council meeting.
3. **Tile Loan Application for Deborah and Raymond Tracey – 2403 Lakeshore Road 223, Roll No. 510.000.07400** 122
- Recommendation:**
Approve the Tile Loan Application submitted by Deborah and Raymond Tracey for tiling work to be performed at 2403 Lakeshore Road 223 (Roll No. 510.000.74000) in the amount of \$12,000.00, subject to Provincial funding, as presented in the March 9, 2020 Council report.
4. **Tile Loan Application – Raymond and Deborah Tracey – 643 County Road 46, Roll No. 080.000.02900** 124
- Recommendation:**
Approve the Tile Loan Application submitted by Raymond and Deborah Tracey for tiling work to be performed at 643 County Road 46 (Roll No. 080.000.02900) in the amount of \$27,000.00, subject to Provincial funding, as presented at the March 9, 2021 Council meeting.
5. **Tender Award – Goatbe Municipal Drain – Repair and Improvements** 126
- Recommendation:**
Award the tender for the Goatbe Municipal Drain Repair and Improvements to Murray Mills Excavating & Trucking (Sarnia) Ltd. in the amount of \$387,920.80 (plus HST), as presented in the March 9, 2021 Council report.

6. Denis St. Pierre Sewage Treatment Plant – Pump Repairs

129

Recommendation:

Receive the report of the Manager of Environmental Services regarding the emergency pump repairs for the Denis St. Pierre Sewage Treatment Plant; and,

Direct the Treasurer to fund the costs of the emergency pump repairs from the Wastewater Reserve in the amount of \$441,970, as presented at the March 9, 2021 Council meeting.

7. Temporary Outdoor Patios authorized under the Re-opening Ontario Act for 2021

133

Recommendation:

The site plan control agreement fees and the encroachment agreement fees be waived for the 2021 outdoor patio season be waived for outdoor patios, until January 1, 2022 as authorized under section 69 of the *Planning Act*, as Council recognizes the financial hardships faced by the restaurant industry, as a result of the COVID-19 pandemic;

The Municipality of Lakeshore does not object to the temporary physical extension of liquor sales under subsection 97(2) of Regulation 719 under the *Liquor Licence Act* for an outdoor patio located on private property that is permitted under applicable zoning by-law(s) in the Municipality of Lakeshore, as presented at the March 9, 2020 Council meeting; and,

That the necessary by-law be prepared.

8. 2021 Final Tax Levy and Rates

140

Recommendation:

Direct the Clerk to read By-Law 25-2021 establishing the 2021 Final Tax Rates, as presented at the March 9, 2021 Council meeting.

12. Announcements by Mayor

13. Reports from County Council Representatives

14. Report from Closed Session

15. Notices of Motion

16. Question Period

17. Non-Agenda Business

18. Consideration of By-laws

- | | | |
|----|--|-----|
| 1. | By-law 6-2021, Being a By-law for the Bridge over the North Townline Drain in the Municipality of Lakeshore | 142 |
| 2. | By-law 13-2020, Being a By-law to establish an Interim Control By-law, respecting Greenhouses in the Municipality of Lakeshore | 143 |
| 3. | By-law 12-2021, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-12-2020) | 146 |
| 4. | By-law 19-2020, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-5-2021) | 149 |
| 5. | By-law 20-2021, Being a By-law to Authorize the Execution of a Site Plan Amending Agreement with MRK Company Inc. & Bosch Holdings Ltd. (220 Patillo Road– SPC-10-2020) | 152 |
| 6. | By-law 21, 2021, Being a By-law for the Hermas Moison Drain - Creation of a New Municipal Drain | 161 |
| 7. | By-law 22-2021, Being a By-law to exempt certain lands from Part Lot Control within Part of Lots 63 to 87 (inclusive), Registered Plan 12M-657, for the former Community of Maidstone, now in the Municipality of Lakeshore (PLC-1-2021) | 162 |
| 8. | By-law 25-2021, Being a By-law to Adopt the 2021 Final Tax Levy, 2021 Tax and Garbage Rates and to Provide for Penalty and Interest in Default of Any Payment for the Year 2021 | 165 |
| 9. | By-law 27-2021, Being a By-law to Confirm Proceedings of Council for the February 16, 2021 Meeting | 172 |

Recommendation:

By-law 21-2021 be read a first and second time and provisionally adopted;

By-law 6-2021 be read a third and adopted; and

By-laws 12-2021, 13-2021, 20-2021, 22-2021, 25-2021 and 27-2021 be read and passed in open session on March 9, 2021.

19. Closed Session

Recommendation:

Council move into closed session at ____ PM in accordance with:

- a. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation affecting the municipality, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, relating to the Amy Croft area.
- b. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation before the Local Planning Appeal Tribunal, advice that is subject to solicitor-client privilege, including communications necessary for that purpose and a position, plan, or instruction to be applied to negotiations carried on behalf of the Municipality regarding Local Planning Appeal Tribunal Appeal of Zoning By-law Amendment ZBA-20-2020 (1654 Manning Road).

20. Return to Open Session

21. Adjournment

Recommendation:

Council adjourn its meeting at ____ PM.

Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Ian Search, Planner I

Date: February 18, 2021

Subject: ZBA-12-2020 – Kenneth and Nicole Byrne, 1437 Lakeshore Road 123

Recommendation

Approve Zoning By-law Amendment application ZBA-12-2020 (Byrne, 1437 Lakeshore Road 123), as follows:

- a) To rezone the Retained Farmland from “Agriculture (A) Zone” to a site-specific “Agriculture Zone Exception (A-84)”;
- b) To rezone Surplus Lot from “Agriculture (A) Zone” to a site-specific “Agriculture Zone Exception (A-107)”, as presented in the March 9, 2021 Council report; and

Direct the Clerk to read By-law 12-2021 to amend the Zoning By-law, By-law 2-2012, as presented at the March 9, 2021 Council meeting.

Background

The subject property is located at 1437 Lakeshore Road 123, in the Community of Rochester.

The subject property is located within Essex Region Conservation Authority’s Limit of Regulated Area, and is designated ‘Agricultural’ and partially designated ‘Woodlands’ in the Municipality of Lakeshore Official Plan. The property is zoned Agriculture (A) in the Municipality of Lakeshore Zoning By-law.

On August 26, 2020 a provisional consent (File: B/7/2020) was granted to sever a surplus dwelling from the farm parcel. One of the conditions of provisional consent approval requires the applicant to obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling. Additionally, a survey completed by an Ontario Land Surveyor revealed a deficient front yard setback for the existing single unit dwelling on the surplus lot that needs to be legalized through the Zoning By-law amendment. The Municipality of Lakeshore Zoning By-law requires a front yard setback of 15 metres for residential lots zoned A, while only 13.55 metres is provided.

Surplus Dwelling Lot (On Plan 12R-28339)	Lot Area – 0.3 ha (0.74 ac.) Existing Use – single unit dwelling Proposed Use – same Access – existing driveway access Services – municipal water and private septic
Neighbouring Land Uses	North, South, East & West – agricultural lands
Official Plan	‘Agricultural’, ‘Woodlands’
Zoning By-law	Agriculture Zone (A)

Comments

Provincial Policy Statement

The PPS (2.3.4.1(c)(2)) permits “a residence surplus to a farming operation as a result of farm consolidation,” to be severed, “provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.”

Note: It was a condition of the consent File: B/7/2020 which created the surplus dwelling lot, that a zoning by-law amendment application be submitted to the Municipality for the retained lands, following the surplus lot creation to ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. In addition, the Municipality of Lakeshore Official Plan, Sec 6.2.3(b)(ii) requires that the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation. By severing off the surplus lot from the farm lot, the Zoning By-law automatically recognizes the surplus lot’s non-farm use (as a result of the lot’s smaller size).

The Essex Region Conservation Authority (ERCA) was circulated the consent application and stated that they did not object, and advised that the applicant will be required to obtain approval from them prior to any construction or site alteration. ERCA identified the significant woodlands located at the southwest corner of the retained farmland, and stated that development and site alteration would not be permitted in this area unless no negative impacts on the natural feature or its ecological function is demonstrated.

Therefore the proposal is consistent with the PPS.

County of Essex Official Plan and the Municipality of Lakeshore Official Plan

The proposal conforms to the land use and consent policies of the Agricultural Designations of both the County and Lakeshore Official Plans.

Zoning By-law

In order to satisfy a condition of the provisional consent to sever a surplus dwelling from the farm parcel (File: B/7/2020), the “Retained Farmland” will be re-zoned from “A, Agriculture” to a site-specific “A-84, Agriculture zone” which shall prohibit a single unit dwelling.

The “Surplus Lot” will also need to be re-zoned from “A, Agriculture” to a site-specific “A-107, Agriculture zone” to recognize the deficient front yard setback for the existing single unit dwelling. The Municipality of Lakeshore Zoning By-law requires a front yard setback of 15 metres for residential lots zoned A, while only 13.55 metres is provided.

Conclusion

Administration recommends approval of the Zoning By-law amendment, as it is consistent with the Provincial Policy Statement and conforms to the County of Essex and the Municipality of Lakeshore Official Plans.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no comments were received from the public and no concerns were expressed from any agencies.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachment(s):

Appendix A – Key Plan
Appendix B – Survey Plan

Report Approval Details

Document Title:	ZBA-12-2020 - Kenneth and Nicole Byrne .docx
Attachments:	- Appendix A - Key Plan.pdf - Appendix B - Survey Plan.pdf
Final Approval Date:	Mar 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Aaron Hair

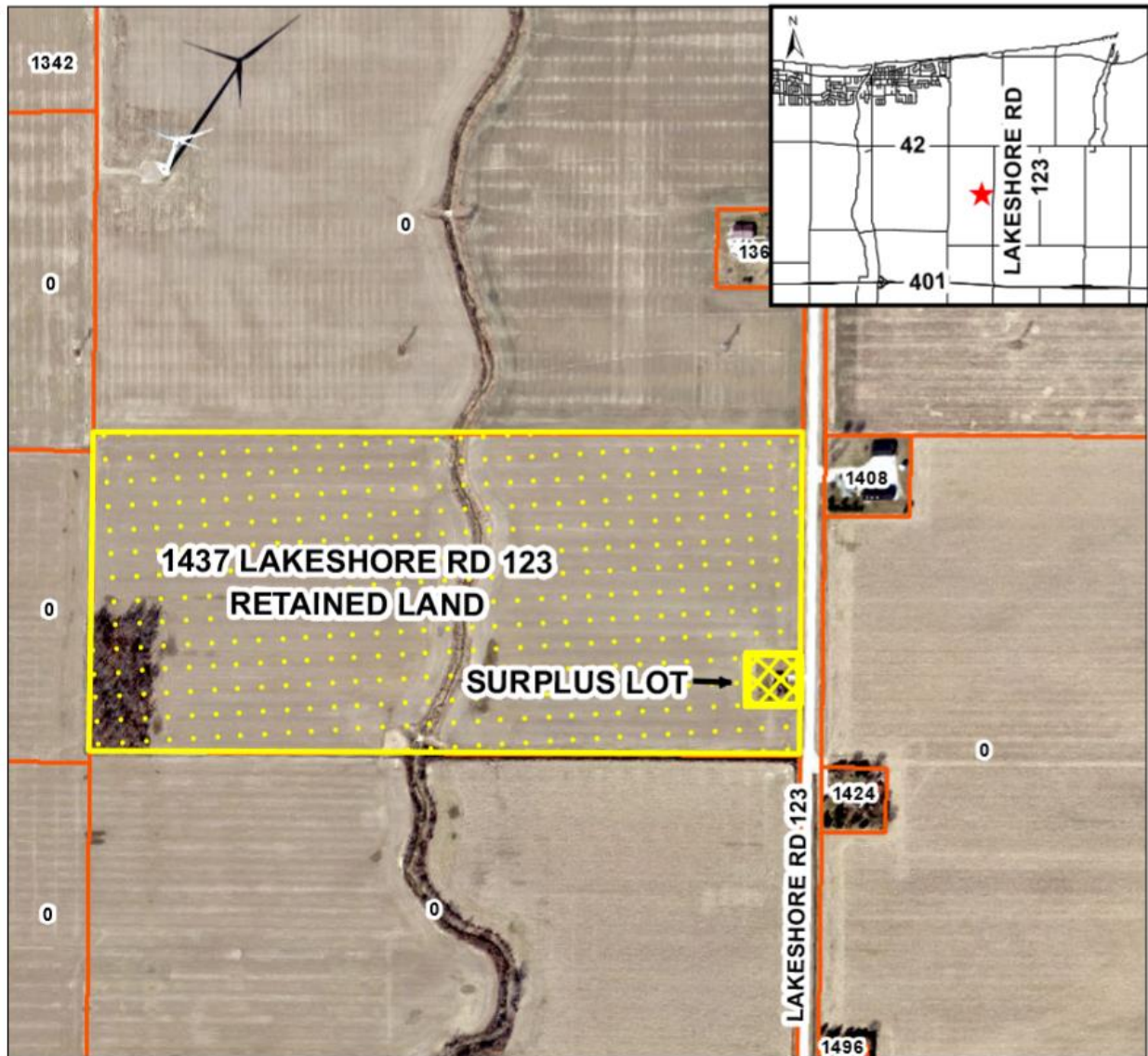
Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

Appendix A – Key Plan



Appendix B – Survey Plan

P. I. N. 75053 - 0037



Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council
From: Aaron Hair, Planner III
Date: February 18, 2021
Subject: Zoning By-law Application ZBA-5-2021, 20 North Rear Road

Recommendation

Approve a Temporary Zoning By-law Amendment Application ZBA-5-2021 to permit the temporary use of 20 North Rear Road as a film studio for a maximum period of 3 years, for a parcel of land, indicated as the “Subject Property” on the Key Map, Figure 1 (Appendix 1);

Direct the Clerk to read By-law 19-2021 amending the Zoning By-law, By-law 2-2012, as presented at the March 9, 2021 Council meeting.

Background

The subject of this application is a 4.30 hectare parcel in area, located at the northeast corner of County Road 19 (Manning Road) and North Rear Road (See Appendix 1). The applicant is proposing a film studio as a temporary use on the subject property for a maximum of 3 years (allowed for a period of 3 years with possible extensions of 3 years under Section 39 of the *Planning Act*).

On June 22, 2017 Council approved ZBA-5-2017 (By-law 58-2017) to permit film studio as a temporary use on the subject site. The temporary use by-law expired on July 11th, 2020, and the current owner has requested that this use be extended for an additional 3 years.

Subject Parcel	Lot Area – 4.30 ha Existing Use – two large vacant buildings (<i>buildings were initially intended for the growing and processing of medical marihuana of which the project has been abandoned</i>), single detached dwelling Proposed Use – film studio as a temporary use Access – existing Servicing – municipal water and private septic system
Surrounding Uses	North – farmland & solar farm

	East – Hicks Road & single detached dwelling and farmland West – County Road 25 (Manning Road) single detached dwellings & farmland South – farmland
Official Plan	Agricultural, Limit of Regulated Area
Existing Zoning	A-95 Agriculture Zone

Comments

Planning Act

Under Section 39 of the *Planning Act*, a municipal council may pass a by-law authorizing the temporary use of land or buildings “for any purpose...otherwise prohibited by the by-law.” The by-law may be for a period of up to three years with further extension of up to three years for each increment.

Provincial Policy Statement (PPS) and County Official Plan (COP)

These two documents are silent on the matter of temporary use.

Lakeshore Official Plan (LOP)

Temporary use by-law policies are found in Section 8.3.2.2 of the LOP and are below, with comments following:

- a) the proposed use will be of a temporary nature, and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;

Comment: no major investment by the applicant in the site will be required. Any improvements with the buildings will made at the expense of the entertainment enterprise leasing the premises and would be removed at the completion of the film. Should this undertaking prove successful the applicant can (a) seek a permanent rezoning of the site to permit a movie studio; (b) seek an additional period for a temporary use zone; or, (c) relocate the facility to another site. In any case, a subsequent planning approval will be required from Council and / or the County.

- b) the compatibility of the proposed use with the surrounding land uses and character of the surrounding area;

Comment: the character of the surrounding area will remain largely unaffected, mainly as the movie studio use will occur wholly indoors.

- c) the proposed use will be properly serviced and not require the extension or expansion of existing municipal services;

Comment: there will be no requirement for the extension of municipal services.

- d) the proposed use will not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the areas roads;

Comment: County Road 19 (Manning Road), which will handle the bulk of traffic generated by the proposed use is classified as a Rural Secondary Road in the LOP and is designed to handle the volume and type of traffic expected to be generated. As the entrance to the site is on North Rear Road, designated as a Rural Collector Road, a very short section of this road will be used as well. Similar to Manning Road, the amount and type of traffic on North Rear Road is not expected to create traffic problems.

- e) parking facilities will be provided entirely on-site;

Comment: all parking can be accommodated on site.

- f) the proposed use will generally be beneficial to the surrounding community; and
- g) the conformity of the proposed temporary use with the policies of this Plan. Where the proposed temporary use may not conform in its entirety with the Official Plan, the Town will consider what is in the best interests of the public.

Comment: there are two principal benefits for the Lakeshore community. First this proposal for a movie studio has the potential for significant economic development, creating employment for people in the region. Second, the proposal will bring certainty to the uses undertaken in the substantial vacant buildings on this site.

Zoning By-law

The subject lands are currently zoned "Agriculture Zone exception 95 (A-95)" which permits a film studio as an additional permitted use, for the site. The zone exception goes further by stating that the additional use of a film studio shall not be permitted following the expiry date of the Temporary Use By-law 58-2017 (July 11, 2020).

Notwithstanding the above, the temporary use can be extended through a new temporary use by-law.

Financial Impacts

There are no adverse financial impacts resulting from the recommendation.

Attachment(s):

Appendix A – Key Plan

Report Approval Details

Document Title:	Temporary Use By-law Report ZBA-05-2021.docx
Attachments:	- Appendix 1 Key Map.docx
Final Approval Date:	Mar 4, 2021

This report and all of its attachments were approved and signed as outlined below:

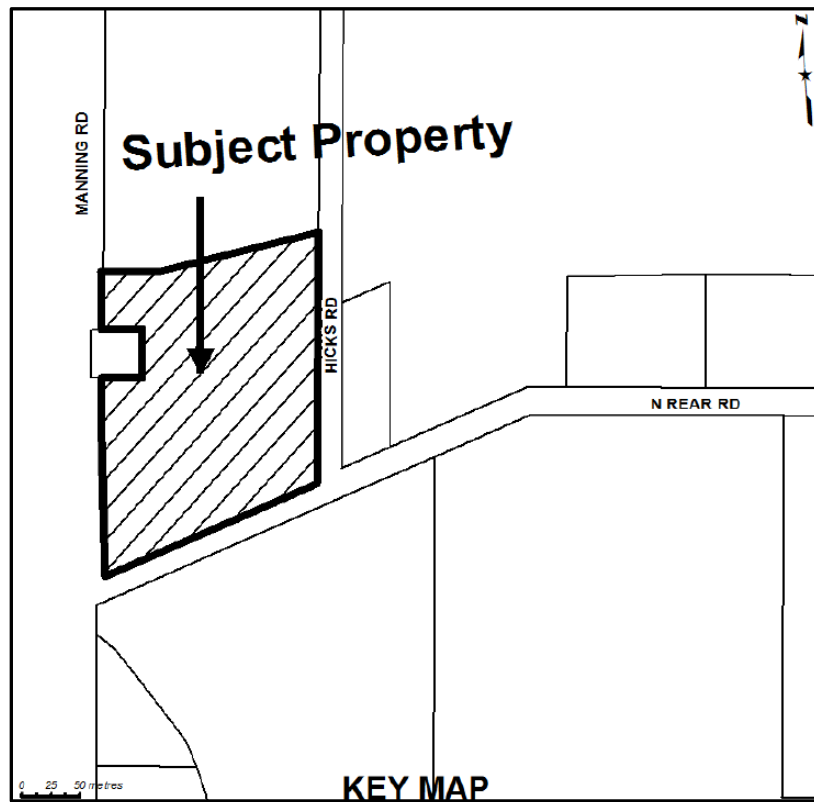
Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

Appendix 1 – Key Map
20 North Rear Road



Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Aaron Hair, Planner III

Date: February 19, 2021

Subject: Part Lot Control Exemption By-law (PLC-1-2021) River Ridge Phase 6

Recommendation

Approve the application for exemption for Part Lot Control for Part of Lots 63 to 87 (inclusive) on Registered Plan 12M-657 in the Municipality of Lakeshore;

Direct the Clerk to read By-law 22-2021; and,

Direct Administration to send By-law 22-2021 to the County of Essex for final approval, as presented in the March 9, 2021 Council report.

Background

The subject lands known as the “River Ridge Phase 6” received final approval from the County of Essex on March 18, 2019. The subject lands under consideration are located on the south side of the River Ridge Phase 6 Plan of Subdivision (See Appendix A).

The developer has submitted a request for a Part Lot Control Exemption for Part of Lots 63 to 87 (inclusive) on Registered Plan 12M-657 in the Municipality of Lakeshore (See Appendix A). A subdivision agreement was entered into by the municipality and the developer on March 6, 2018. An amended subdivision agreement will be brought forward to Council in the near future to deal with conveying the Part 21 to the Municipality, this will be completed once the County has granted final approval to the Part Lot Control By-law.

The site is designated ‘Residential’ in the Official Plan and is zoned (R1-35), Residential – Low Density, which permits townhouses and accessory uses.

The purpose of the Part Lot Control Application is so that the Developer can meet current Stormwater Management guidelines which came into effect after the original approvals. As a result of the new guidelines the developer is now required to convey a 6 metre wide strip of land to the Municipality for an outlet and a right-of-way allowing future infrastructure maintenance.

To accommodate the 6m strip and to keep the same amount of lots the developer is proposing to reduce the lot frontages from 15.24m frontage to 15 meter frontages along the south property line.

Comments

The *Planning Act* under Section 50(7) authorizes Council to pass a by-law to designate a part or parts of a registered plan of subdivision as not being subject to the part lot control provisions of Section 50(5) of the *Planning Act*, in effect allowing further subdivision of the designated lands by means of a reference and without going through the consent or subdivision process. The part lot control by-law will permit Block 21 to be conveyed to the municipality for the purpose of stormwater management. Applications of this type are not subject to public hearings or appeal. Final approval of the by-law rests with the County of Essex, the subdivision approval authority.

Analysis

Provincial Policy Statement and County of Essex Official Plan

The application raises no concerns relative to the PPS and the proposal conforms to the County of Essex Official Plan.

Official Plan

The proposal conforms to the Official Plan.

Zoning

As noted, the subject lands are zoned for Residential Uses in accordance with the site specific zoning of R1-35, Residential – Low Density in the Municipality of Lakeshore Zoning By-law.

Conclusion

That the following recommendations be approved:

1. Council approve the application for exemption for Part Lot Control for Part of Lots 63 to 87 (inclusive) on Registered Plan 12M-657 in the Municipality of Lakeshore; and
2. Council adopt By-law 22-2021.
3. Direct Administration to send By-law 22-2021 to the County of Essex for final approval.

Others Consulted

The County of Essex has been forwarded the draft by-law and has advised that it is acceptable.

Financial Impacts

There are no financial impacts resulting from the recommendation.

Attachments: Appendix A - Key Map
 Appendix B - Frontage and Part Area Certificate
 Appendix C - Plan of Survey

Report Approval Details

Document Title:	Part Lot Control Exemption By-law (PLC-1-2021) River Ridge Phase 6 .docx
Attachments:	- Appendix A - Key Map.pdf - Appendix B - Frontage and Part Area Certificate.pdf - Appendix C - Plan of Survey.pdf
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride



LETINOD DR

PINEHURST DR

ICROY DR

OAKWOOD AVE

POPLAR DR

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KEY MAP


FRONTAGE AND PART AREA CERTIFICATE

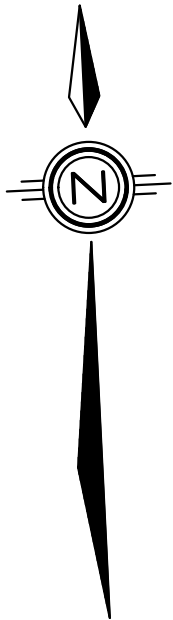
RIVER RIDGE SUBDIVISION – PHASE 6
PART OF LOTS 63 to 87 (incl.), PLAN 12M-657
JOB No. 20-47-026-00 CAD FILE: 20-47-026-00.dwg

FRONTAGE CALCULATIONS ARE BASED ON ZONING BY-LAW 2-2012 ADOPTED JANUARY 10, 2012.
ALL FRONTAGE CALCULATIONS AND AREAS ARE BASED ON A PLAN 12R- PREPARED BY
VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LIMITED, DATED JANUARY 5, 2021.

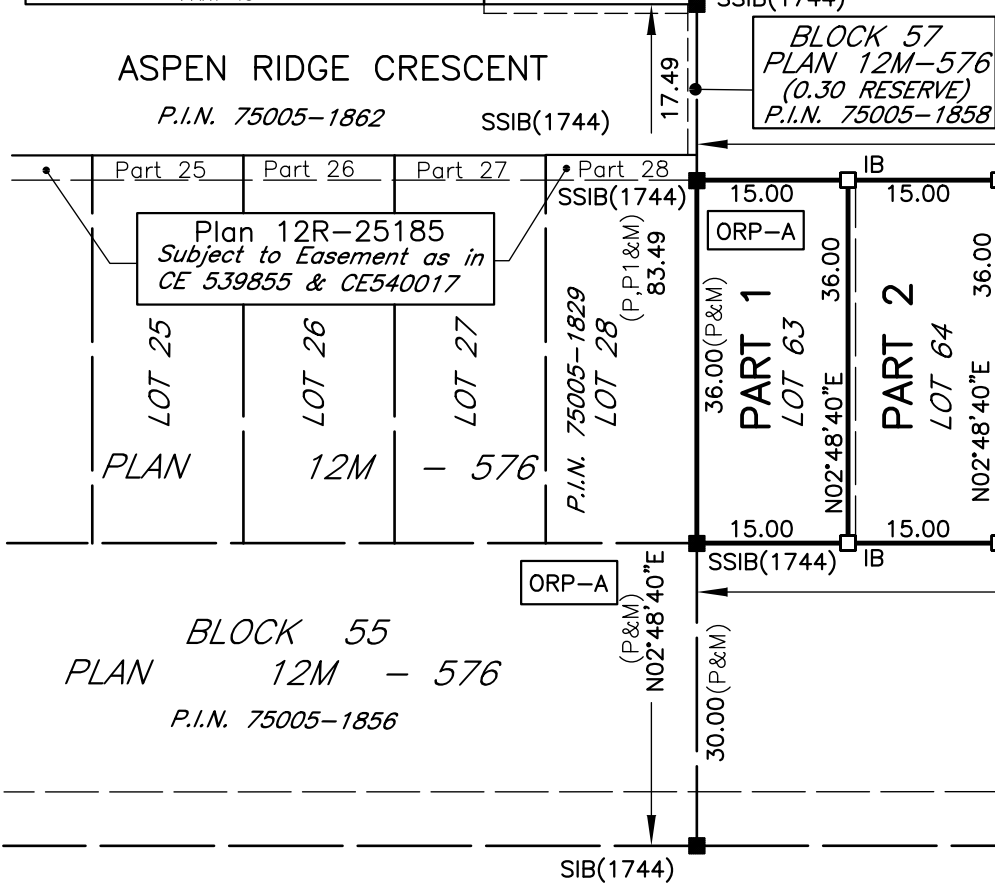
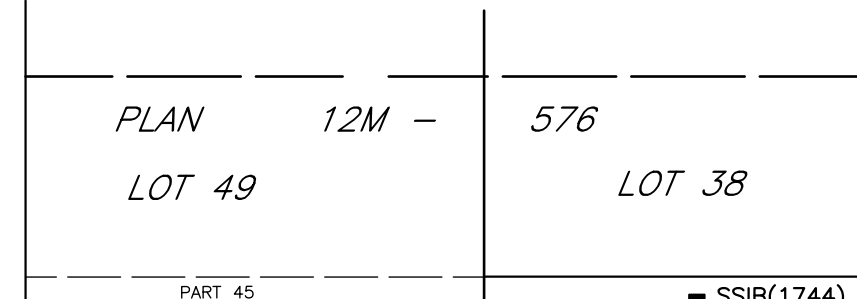
PART	AREA m ²	FRONTAGE m ²
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2	540.0	15.00
3	540.0	15.00
4	540.0	15.00
5	540.0	15.00
6	540.0	15.00
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24	540.0	15.00
25	540.0	15.00
26	540.0	15.00

DATE JANUARY 5, 2021


ROY A. SIMONE
ONTARIO LAND SURVEYOR
for VERHAEGEN LAND SURVEYORS,
A DIVISION OF J.D. BARNES LIMITED



POPLAR DRIVE



INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).		
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10		
POINT ID	NORTHING	EASTING
ORP-A	N4683146.46	E353620.13
ORP-B	N4683127.50	E354006.15
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND AND NOTES
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- PB DENOTES PLASTIC BAR
- CP DENOTES STEEL PIN
- CC DENOTES CUT-CROSS
- WIT DENOTES WITNESS
- M DENOTES MEASURED
- L DENOTES PERPENDICULAR
- S DENOTES SET
- ORP DENOTES OBSERVED REFERENCE POINT

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

- (OU) DENOTES ORIGIN UNKNOWN
- (P) DENOTES PLAN 12M-657
- (P1) DENOTES PLAN 12M-576
- (1744) DENOTES VERHAEGEN LAND SURVEYORS

PARTS SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
1	PART OF LOT 63	REGISTERED PLAN 12M-657	PART OF 75005-
2	PART OF LOTS 63 & 64		
3	PART OF LOTS 64 & 65		
4	PART OF LOTS 65 & 66		
5	PART OF LOTS 66 & 67		
6	PART OF LOTS 67 & 68		
7	PART OF LOTS 68 & 69		

PARTS SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
8	PART OF LOTS 69 & 70	REGISTERED PLAN 12M-657	PART OF 75005-
9	PART OF LOTS 70 & 71		
10	PART OF LOTS 71 & 72		
11	PART OF LOTS 72 & 73		
12	PART OF LOTS 73 & 74		
13	PART OF LOTS 74 & 75		
14	PART OF LOTS 75 & 76		

PARTS SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
15	PART OF LOTS 76 & 77	REGISTERED PLAN 12M-657	PART OF 75005-
16	PART OF LOTS 77 & 78		
17	PART OF LOTS 78 & 79		
18	PART OF LOTS 79 & 80		
19	PART OF LOTS 80 & 81		
20	PART OF LOTS 81 & 82		

PARTS SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
21	PART OF LOTS 82 & 83	REGISTERED PLAN 12M-657	PART OF 75005-
22	PART OF LOTS 83 & 84		
23	PART OF LOTS 84 & 85		
24	PART OF LOTS 85 & 86		
25	PART OF LOTS 86 & 87		
26	PART OF LOT 87		

PARTS 1 TO 26 (incl.) COMPRISE ALL OF P.I.N. 75005-

ASPEN RIDGE CRESCENT

(DEDICATED BY PLAN 12R-657)
P. I. N. 75005 - 2288

Part 42, Plan 12R - 21144

P. I. N. 75005 - 2096

Part 23, Plan 12R - 21144

CANADIAN PACIFIC RAILWAY

PLAN OF SURVEY OF LOTS 63 to 87 (incl.), REGISTERED PLAN 12M-657 IN THE TOWN OF LAKESHORE COUNTY OF ESSEX, ONTARIO VERHAEGEN LAND SURVEYORS

SCALE = 1:750



THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 355mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 5th DAY OF JANUARY, 2021.

JANUARY 5, 2021
DATE

Roy A. Simone
ROY A. SIMONE
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2151926

VERHAEGEN
LAND SURVEYORS
A Division of
J. D. Barnes Limited

944 OTTAWA STREET, WINDSOR, ON, N8X 2E1
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: D.J.	CHECKED BY: R.A.S.	REFERENCE NO.: 20-47-026-00
CAD File: 20-47-026-00.dwg		CAD Date: January 5, 2021 11:51 AM

PLOTTED: 01/05/2021

Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Tammie Ryall, BES, RPP, Director of Community and Development Services

Date: March 3, 2021

Subject: Adoption of the Municipality of Lakeshore Official Plan Review, Official Plan Amendment No. 16

Recommendation

Direct Administration to prepare a by-law to adopt Official Plan Amendment No. 16, as presented in the Municipality of Lakeshore Official Plan Review Report at the March 9, 2021 Council meeting.

Background

The Official Plan is a document which contains goals, objectives and policies intended to guide the long-term future land use and growth within the Municipality. It provides the policy framework to guide the physical, social and economic development of the Municipality. All municipal public works undertaken and all by-laws passed must be in conformity to the Official Plan (s 24 of the *Planning Act*).

The *Planning Act* requires municipalities to review their Official Plans on a regular basis, consisting of revising the Plan no less frequently than every 10 years, and every 5 years thereafter if the same Plan remains in effect. (ss 26 (1) of the *Planning Act*).

The Municipality of Lakeshore Official Plan was adopted in 2008 and came into effect in 2010. It was reviewed to comply with section 26 of the *Planning Act* and updated to:

- conform with new Provincial Policies and Legislation that have been passed since 2010;
- conform with the 2014 version of the County of Essex Official Plan; and,
- address emerging issues such as growth, housing and protecting natural heritage.

Summary of Process and Public Engagement

Phase 1 - The Statutory Special Council Meeting required at the start of an Official Plan Review occurred on November 10, 2015. After which, the following background studies were undertaken:

- Growth Forecast Update and Employment Land Needs;

- Residential Intensification Study;
- Affordable Housing Strategy;
- Natural Heritage Review; and,
- Water and Wastewater Master Plan Update.

The Official Plan was updated in accordance with findings from the Background Reviews and Studies and conforming with relevant Provincial and County policies. A Public Open House occurred on February 29, 2016.

Phase 2 – Official Plan Amendment

The draft Official Plan Amendment was prepared. Council reviewed the draft Official Plan Amendment in 2019. A Public Open House to advise the public occurred at the Atlas Tube Recreation Centre on October 29, 2019.

Phase 3 – Statutory Process

The Final version of the Official Plan Amendment was prepared. A virtual Public Open House was posted on the Municipal website in the fall of 2020. The Statutory Public Meeting (with Council) took place on November 17, 2020.

Summary of Council Motions

At the November 17, 2020 Public meeting, several members of the public submitted written comments and attended the meeting, held virtually, and made delegations to Council. At that meeting, the following resolution was passed:

399-11-2020

Receive the Draft Town of Lakeshore Official Plan and Schedules, dated September 2020, appended as Attachment 1 and Attachment 2, to this report.

Carried

A subsequent report to Council summarized the comments received and recommended changes.

The following resolutions were passed at the special Council meeting of December 15, 2020:

451-12-2020

Remove revisions to the draft Official Plan regarding short term rentals.

Carried

452-12-2020

Ensure that the occupied properties outlined on the map shown of West Pike Creek Road (200, 201, 206, 210, and 217) be designated as residential in the Official Plan to match the Zoning By-law.

Carried Unanimously

453-12-2020

Report to Council regarding designating the 205 West Pike Creek block abutting West Pike Creek residential, prior to the presentation of the revised official plan for adoption.

Carried Unanimously

The review of the Official Plan report was carried forward to subsequent Council meetings. The following resolution was passed on January 19, 2021:

14-01-2021

The compiled comments submitted from the public regarding the Official Plan review be received (Attachments 1 and 2);

The changes and amendments as recommended in this report, and as directed by Council, be incorporated into the final version of the Official Plan, as presented at the December 15, 2020, January 12, 2021 and January 19, 2021 Council Meetings; and,

Administration prepare a final version of the Official Plan review and adopting By-law, to be presented at a future Council meeting.

Carried Unanimously

Comments

Summary of Key Policy Changes to the Official Plan

Growth Management – the following changes were made to address growth pressures and to conform with policies in the County of Essex Official Plan.

- Implementation of new population, household and employment projections (S. 3.2)
- Identification of Primary and Secondary Settlement Areas (S. 3.3):
- Local Comprehensive Review (S. 3.3)
- Primary Settlement Area expansions will only be considered through an LCR (S. 3.3)

Residential Intensification, (Sections 4.2.1 & 4.3.1.2)

- A minimum of 15 % of all new annual residential development needs to be achieved through residential intensification, infill and redevelopment within existing built-up areas of the Town's Settlement Areas.

Urban Design Guidelines to Guide Intensification (Section 4.3.1.2)

- The Municipality will work to ensure that residential intensification will be compatible with the surrounding neighbourhood and at a minimum, address built form and urban design considerations, such as:
 - respecting and reinforcing the existing physical character of the buildings, streetscapes and open space areas;
 - buildings' height and scale along with appropriate transitioning;
 - street-related built forms, continuous street frontages;
 - encourage ground-level commercial and retail uses; and
 - Require a variety of housing forms.

Affordable Housing (S. 4.3.1.3)

- Municipality will seek to achieve a minimum of 20% of all new residential development on an annual basis, that's affordable housing or rental housing.
- Community Improvement Plan could identify grants or loans to support the development of affordable housing.
- Municipality may consider increases in the height and density of development in exchange for affordable or rental housing.

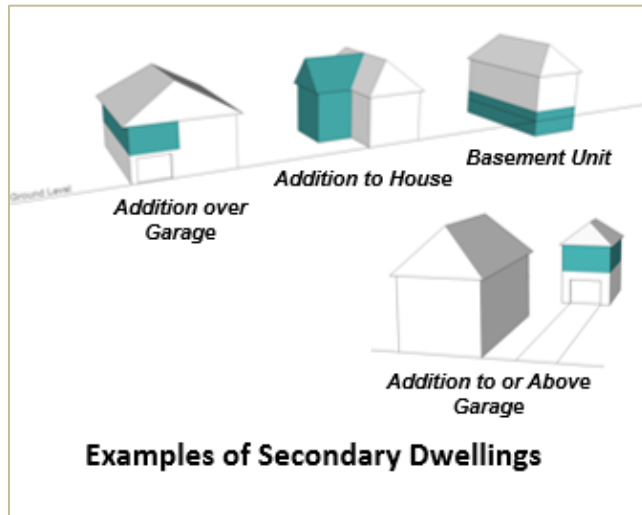
Special Needs Housing (S. 4.3.1.4)

- The Municipality intends to improve access to housing for people with special needs, beyond economic needs, including mobility or support facilities, or persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.
- Encourage a variety of dwelling types, housing tenures, and incorporation of universal design and accessibility features to accommodate seniors housing needs and aging-in-place.

Second Dwelling Units and Garden Suites (S. 4.3.1.5.1 & 4.3.1.5.2)

- A second dwelling unit is:
a separate dwelling unit that is accessory to the principal dwelling on a property. may be within a single detached, semi-detached, and townhouse dwelling, or within an attached or detached accessory building or structure.
- The policies implement provincial direction and assists with housing affordability.

The policies with respect to secondary dwelling unit permissions and policies were included to implement the Strong Communities through Affordable Housing Act, 2011, which mandates policies for the permission of a secondary dwelling unit within a dwelling or in an accessory building or structure associated with a dwelling, subject to certain criteria.



Garden suites are defined as:

- One-unit accessory residential dwellings that are physically separate from the principal dwelling unit with which it is associated.
Contains bathroom and kitchen facilities, and are designed to be portable
- Permitted in the Agricultural, Residential or Hamlet designated areas.

Source Protection Plans & Natural Heritage (S. 5.1.1)

The Official Plan will now conform to the two Source Protection Plans:

- Thames-Sydenham and Region Source Protection Plan
- The Essex Region Source Protection Plan.
- The policies apply to 'vulnerable areas' as shown on Schedules B.1.1", "B1.2", and "B.1.3" of this Official Plan, which include:
 - 'Intake Protection Zones' (IPZs);
 - 'Highly Vulnerable Aquifers' (HVAs); and
 - 'Significant Groundwater Recharge Areas' (SGRAs).
- The Municipality encourages and supports the enhancement of the natural heritage system
- The Official Plan has been updated to implement the Natural Heritage Features and Systems identified by the County and ERCA.

Agricultural (S. 6.2)

On-farm diversified uses that are secondary to the principal farm use are permitted. Those uses which add value to a farm which may include processing, preserving, storing and packaging of the farm's produce on the farm property.

Waterfront Residential (S. 6.4)

Policies have been added to ensure the compatibility of the area is maintained

- character, composition, built form, massing, setbacks and scale of the surrounding Waterfront Residential Area;
- maintaining views and vistas to the waterfront; and
- maintaining existing trees and vegetation.
- The direction will be further implemented in the Zoning By-law

Parks and Trails, (S. 7.2.4 & 4.3.4.1)

- The development and enhancement of non-motorized trails and bicycle routes are encouraged within the Municipality and across the County.
- Use the Parks and Recreation and the Trails Master Plans to facilitate the development of a comprehensive and integrated active transportation network.

Discussion on Additional Council Priorities:

Employment Strategy:

Through the County Official Plan review, the Municipality will work closely with the County of Essex on a County-wide Employment Strategy. Among the considerations, the Municipality will request consideration of lands in strategic locations along Highway 401 for employment uses. The wording of two sections are revised as requested by the County, and as endorsed by Council (Motion 14-01-2021, noted above).

Section 2.3.1 l)

Strongly support and participate in the completion of the County's Regional Economic and Employment Land Strategy which will provide a plan and policies for the development of a regional serving Employment Area. **The Municipality supports the consideration of a Regional Employment Land Area in the Municipality of Lakeshore and along the Highway 401 corridor.**

Section 3.3.2

"The Municipality will strongly support and participate in the completion of the County's Regional Economic and Employment Land Strategy, which will provide a plan and policies for the development of a regional serving Employment Area. **The Municipality supports the consideration of a Regional Employment Land Area in the Municipality of Lakeshore and along the Highway 401 corridor.**

Secondary Plans:

The Emeryville Secondary Plan will follow after the Official Plan adoption. Administration is currently preparing the Wallace Woods Secondary Plan; the Shoreline Management Plan; and the Lighthouse Cove Secondary Plan. The Official Plan will be amended to incorporate the Secondary Plans, and implement the recommendations of the Shoreline Management Plan, as required.

Other Comments:

County of Essex Comments:

County Administration notes that the phrase "are not permitted within the planning horizon" should be removed in the "Managing Change, Where and How to Grow" in Section 3.3 as the direction in the County Official Plan is that only Primary Urban areas will be able to expand, not Secondary Urban Areas, such as Hamlets. Changes have been made in the Official Plan policies to address the County comments. This was endorsed by Council (Motion 14-01-2021, noted above).

For example, in Section 3.3.3. Hamlet Area, subsection c), it will read:

“The Municipality will monitor and review the Hamlet Areas on an on-going basis to ensure that they are appropriately managed and the policies of this Plan are fulfilled. It is anticipated that sufficient land has been designated to accommodate Hamlet Area growth and development, therefore, Hamlet Area expansions or the establishment of new Hamlet Areas **are not permitted.**” (“**within the planning horizon**” removed at the end of the sentence, emphasis added)

The same change to remove references “within the planning horizon” have been made to Section 3.3 a) - Local Comprehensive Review

Section 3.3.1 c) – Settlement Area

Section 3.3.3 & 3.3.3 c) – Hamlet

Section 3.3.4 & 3.3.4 c) – Waterfront Residential

Section 3.3.5 & 3.3.5 c) – Urban Fringe

Lower Thames Valley Conservation Authority (LTVCA)

The most recent comments from LTVCA request specific wording changes to provide clarity to the plan, particularly with regard to development in Lighthouse Cove. The requested changes have been addressed, and detailed responses will be provided to the Authority and the County of Essex.

Summary of Key Changes made since January 19:

The Official Plan has been revised, as directed by Council, in the motions noted above. The changes to the policies have been highlighted in the tracked changes version of the Official Plan (Attachment 1).

- Residential properties at the corner of County Road 22, and West Pike Creek Road, changed from – Mixed Use to Residential designation. Council motion 452-12-2020. (Map Schedule C7, Amy Croft and Map Schedule C11, Land Use County Road 22).
- Regarding Council's motion 453-12-2020, the owners of the property located at 205 West Pike Creek Road and County Road 22 indicated that they do not support the re-designation of any part of the parcel from Mixed Use to Residential. Therefore, Administration has not brought this change forward. Development of this property is dependent on the extension of trunk sewage lines, and detailed development plans and drawings, along with supporting studies will need to be submitted for review when development proceeds.
- As discussed at the January 19, 2021 Council meeting, Administration consulted with the ERCA to review the wording of Sections 5.2.2 f) and 5.2.5 b) which deal with enhancing or restoring vegetated buffers along municipal drains. The sections have been revised to provide more flexibility. The bold font shows the changed wording.

Section 5.2.2 f)

To recognize that vegetated buffers along municipal drains enhance the natural heritage system and identify options for implementation of restoration opportunities adjacent to streams and municipal drains. This can be achieved by working with local drainage superintendent associations during the preparation of drainage reports under the Drainage Act **that consider, where appropriate and feasible**, vegetated buffers for new municipal drains and updates that are within the Restoration Opportunities Overlay Schedule “B2-1”.

Section 5.2.5. b)

Prior to the construction of any new municipal drains or any work completed under Section 78 of the *Drainage Act* within the “Restoration Opportunities Overlay” as shown on Schedule “B2-1” of this Plan, a Drainage Report shall be prepared in accordance with the *Drainage Act*. **The Drainage Plan shall consider** the establishment of vegetated buffers to enhance the natural heritage system, **where feasible and appropriate**.

- In keeping with the motion of Council 451-12-2020, references to short term rentals have been removed from the draft Official Plan. Council directed administration to review short term rentals in 2021 and undertake public consultation on this topic. If required, an Official Plan amendment could be initiated to implement the outcomes of the public consultation/study.
- References to “Town” of Lakeshore have been changed to “Municipality” of Lakeshore.
- County of Essex – Items noted above.
- LTVCA Comments – Items noted above

Conclusion

Throughout the review process, Administration has drafted the Official Plan to be consistent with the Policies of the 2020 Provincial Policy Statement and to conform with the policies of the upper tier Official Plan, namely the County of Essex Official Plan (2014). The final version of the Official Plan is recommended for adoption. This will be in the form of a comprehensive amendment, namely Official Plan Amendment No. 16. Administration recommends adoption of the Official Plan Amendment, as it is consistent with the Provincial Policy Statement and conforms to the County of Essex Official Plan.

Next Steps

If Council supports the recommendation in this report, an adopting By-law will be prepared for presentation at the next available Council meeting. Following Council adoption by by-law, notice of the adoption will be sent to those persons and agencies which are prescribed under the *Planning Act* and Regulations. The Official Plan review does not come into effect immediately, as it requires approval by the Approval Authority. It will be

submitted to the County of Essex, which is the Approval Authority, for review and approval.

Others Consulted

The Planning Consultant, WSP has been instrumental in this program and in preparing the Official Plan review.

The County of Essex, as the approval authority has been engaged in this review.

Outside agencies and the public, as required by the Planning Act have been consulted. Discussion with agency staff and members of the public has been undertaken to clarify requests for changes.

To date, only one objection has been received to the Official Plan from the Coco Group objecting to the policy which does not permit direct lot frontage on to Oakwood Avenue, in the Emeryville Secondary Plan Area. Administration will continue discussions with the Coco Group, and other impacted landowners with the goal to settle the objection prior to the County approval of the Official Plan.

Financial Impacts

There are no budget impacts resulting from the recommendation. Council allocated \$115,000.00 to this capital project in 2020.

Attachments:

Final version of Official Plan with deletions and additions (March 2021) with red lines appears at: <https://www.lakeshore.ca/en/business-and-development/resources/Documents/OfficialPlanReview/OPR-Draft-2020.pdf>

And the March 9, 2021 meeting calendar at <https://events.lakeshore.ca/Meetings/Detail/2021-03-09-1800-Regular-Council-Meeting>

Report Approval Details

Document Title:	Adoption of the Municipality of Lakeshore Official Plan Review, Official Plan Amendment No. 16.docx
Attachments:	
Final Approval Date:	Mar 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Rosanna Pellerito

Kristen Newman

Truper McBride

Municipality of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, February 16, 2021, 6:00 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River



Members Present: Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Steven Wilder, Councillor Len Janisse, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Staff Present: Chief Administrative Officer, Truper McBride, Director of Community & Development Services, Tammie Ryall, Director of Engineering & Infrastructure Services, Krystal Kalbol, Director of Finance, Rosanna Pellerito, Director of Legislative & Legal Services, Kristen Newman, Manager of Building Services, Morris Harding, Manager of Capital Projects, Brian Laramie, Manager of Communications & Strategic Initiatives, Rita Chappell, Manager of Information Technology, Pat Girard, Manager of Legislative Services, Brianna Coughlin, Manager of Operations, Jeff Wilson, Manager of Recreation & Leisure, Frank Jeney, Manager of Water/Wastewater Services, Albert Dionne, Economic Development Officer, Ryan Donally, Engineering & Infrastructure Services Advisor, Nelson Cavacas, Supervisor of Operations, Chad Drummond

1. Call to Order

Mayor Bain called the meeting to order at 6:02 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

2. Moment of Reflection

3. Disclosures of Pecuniary Interest

4. Recognitions

5. Public Meetings under the Planning Act

6. Public Presentations

7. **Delegations**
8. **Completion of Unfinished Business**
9. **Consent Agenda**
 1. **January 12, 2021 Regular Council Meeting Minutes**
 2. **February 2, 2021 Regular Council Meeting Minutes**
 3. **Office of the Prime Minister - High Speed Internet Access**
 4. **Town of Amherstburg - Bill S-216, an Act to Enact the Modern Slavery Act and the Amendment the Customs Tariff**
 5. **City of St. Catharines - Universal Paid Sick Days in Ontario**
 6. **Conmee Township - Criminal Records and Municipal Election Candidates**

47-02-2021

Moved By Councillor Wilder

Seconded By Deputy Mayor Bailey

Amend the minutes of the January 12, 2021 by changing resolution #7-01-2021 to the following:

"Request that the County of Essex installing pedestrian crossing lights and signs along Old Tecumseh Road, including at Patillo Road and Old Tecumseh Road, Elmgrove Drive and Old Tecumseh Road and Wallace Line and Old Tecumseh Road."

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Kerr, and Councillor Walstedt

Opposed (1): Councillor McKinlay

Carried

48-02-2021

Moved By Councillor Walstedt

Seconded By Councillor Wilder

Approve minutes of the previous meetings and receive correspondence as listed on the Consent Agenda.

Carried Unanimously

49-02-2021

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Support the resolution of the Town of Amherstburg regarding Bill S-216, an Act to Enact the Modern Slavery Act and the Amendment the Customs Tariff.

Carried Unanimously

50-02-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor Kerr

Support the resolution by the City of St. Catharines regarding Universal Paid Sick Days in Ontario and direct Administration to send a letter to the Province of Ontario, the Windsor-Essex County Health Unit, local Members of Parliament and Members of Provincial Parliament, and local municipalities.

Carried Unanimously

10. Reports for Information

- 1. Committee of Adjustment Meeting Minutes – December 9, 2020**
- 2. Police Services Board Meeting Minutes - September 28th and November 30th, 2020**
- 3. Lakeshore's Financial Indicator Review**
- 4. Shoreline Assistance Loan Program**
- 5. Council Assignments Monthly Tracking Report - February 2021**

51-02-2021

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Receive the Reports for Information as listed on the agenda.

Carried Unanimously

11. Reports for Direction

1. **Essex Region Source Protection Committee – Request to Endorse Municipal Representation**

52-02-2021

Moved By Councillor McKinlay

Seconded By Councillor Santarossa

Endorse the appointment of Kevin Webb, City of Windsor, to the Essex Region Source Protection Committee.

Carried Unanimously

2. **Accessibility Committee Meeting Minutes November 17, 2020**

53-02-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor Janisse

Approve the use of the 2020 Accessibility Committee budget to purchase customized accessible products such as flags, banner and tablecloth(s) to be used to promote accessibility in Lakeshore up to limit of \$2,200.

Permit an Accessible Flag be flown on either Town Hall or the Atlas Tube Centre on the International Day of Persons with Disabilities – December 3 and that the Flag Protocol be amended accordingly;

Receive the Accessibility Committee Meeting Minutes of November 17, 2020.

Carried Unanimously

3. **Proposal Award and Tender, Geralyn Tellier Perdu Memorial Park**

54-02-2021

Moved By Councillor Walstedt

Seconded By Councillor Kerr

Award the contract for the Geralyn Tellier Perdu Memorial Playground Structure Project to Henderson Recreation Equipment Ltd. in the amount of \$ 84,548.28 plus non recoverable HST to be funded from the Playground Equipment Reserve, as presented in the report at the February 16, 2021 Council meeting.

Carried Unanimously

4. Tender Award – Mill Street Road Reconstruction and Drainage Improvements

55-02-2021

Moved By Councillor Janisse

Seconded By Deputy Mayor Bailey

Award the tender for Mill Street Road Reconstruction and Drainage Improvements to Elmara Construction Co. LTD in the amount of \$863,684.04 plus HST, as presented in the report at the February 16, 2021 meeting.

Carried Unanimously

5. Upgrade to Water Meter Read Program

56-02-2021

Moved By Councillor McKinlay

Seconded By Councillor Wilder

Direct Administration to proceed with an upgrade to the current water meter reading software and the associated equipment; and,

Authorize the purchase of the water meter reading software and the associated equipment to be funded from the water reserve at a total cost of \$30,350 plus the non-refundable HST.

Carried Unanimously

6. Gravel Road Conversion Criteria and Amended 10 Year Gravel Conversion Program

57-02-2021

Moved By Councillor Janisse

Seconded By Councillor Wilder

Defer consideration of the report until the March 30, 2021 Special Meeting.

In Favour (4): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, and Councillor Janisse

Opposed (4): Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Lost

58-02-2021

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Direct Administration to complete the gravel road conversions of Walls Road (from Lakeshore Road 113 to Lakeshore 115), Lakeshore Road 115 (from Walls Road to Rogers Road) and Rogers Road (from Lakeshore Road 115 to West Belle River Road) in 2021 to be funded from the Gravel Road Conversion reserve in the amount of \$469,000;

Adopt the amended 10 year Gravel Conversion program as per the attached with the inclusion of Lakeshore 115 (from Rogers Road to County Road 42) as reassessed, to be completed in 2022 in the amount of \$370,000, as presented in the February 16, 2021 Council report.

In Favour (5): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Opposed (3): Councillor Wilder, Councillor Janisse, and Councillor Kerr

Carried

59-02-2021

Moved By Councillor Wilder

Seconded By Councillor McKinlay

Direct Administration to bring forward the gravel road conversion criteria for review.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Kerr, and Councillor McKinlay

Opposed (2): Councillor Santarossa, and Councillor Walstedt

Carried

7. Monroe Island Interim Agreement

60-02-2021

Moved By Councillor Wilder

Seconded By Councillor Kerr

Direct the Clerk to read the execution by-law authorizing the Mayor and Clerk to execute the Monroe Island Interim Servicing Agreement between The Corporation of the Town of Tecumseh and the Property Owners based on the terms and conditions described in the report at the February

16, 2021 Council meeting, with the removal of the condition to pay for the cost of the restructuring application;

Direct Administration to prepare a consultation plan and draft a restructuring proposal for consultation with the community and stakeholders as required by Part V of the *Municipal Act, 2001*, and,

Direct the Clerk to provide a copy of this report and any accompanying resolution to the Councils for the Town of Tecumseh and the County of Essex and the Property Owners.

In Favour (5): Councillor Wilder, Councillor Janisse, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (3): Mayor Bain, Deputy Mayor Bailey, and Councillor Santarossa

Carried

12. Announcements by Mayor

13. Reports from County Council Representatives

14. Report from Closed Session

15. Notices of Motion

1. Notice of Motion submitted by Deputy Mayor Bailey - Rental of Comber Medical Building

61-02-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Whereas the Comber Medical Building has been vacant since July 2020;

And whereas it is desirable to encourage medical-related care to the area;

Now be it resolved that the Council of the Municipality of Lakeshore direct Administration to complete the necessary repairs to the Comber Medical Building, located at 6405 Main Street;

That the property be leased for no less than fair market value for a period of three years, with an option to renew for 2 additional 3 year terms; and

That the Mayor and Clerk be authorized to execute the lease and any amendments thereto, and that the Director of Engineering and

Infrastructure Services, in consultation with the Clerk, be authorized to issue any renewal options on behalf of the Municipality.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Janisse

Carried

2. Notice of Motion submitted by Councillor Kerr - Street Cleaning and Repair By-law

62-02-2021

Moved By Councillor Kerr

Seconded By Councillor Janisse

Whereas the Municipality of Lakeshore has no road cleaning and repair by-law;

Therefore be it resolved that Council direct Administration to draft a street cleaning and repair by-law that incorporates the following items:

- a. The cleaning and repair of a street by any person, where required under this by-law, shall be performed to the satisfaction of the Municipality of Lakeshore.
- b. No person hauling earth, sand, stone or other materials in a street shall load or operate their vehicle so as to permit or cause the contents thereof to fall, spill or be deposited on a street.
- c. No person in charge of a vehicle shall bring that vehicle, or permit it to be brought, upon a street unless there has been removed from the wheels, tires, tracks or treads of that vehicle, any excess mud, clay, lime, and similar material, or any fertilizer or manure that is likely, if not removed, to damage the surface of a street, or be deposited on a street so as to cause an obstruction, nuisance, or dangerous condition.
- d. The Municipality of Lakeshore may remove any mud, clay or other material deposited on a street contrary to the provisions of this by-law and may recover the clean-up costs from development deposit or pursuant to Lakeshore cost recovery.

- e. This by-law does not apply to Municipal-approved salt or de-icing materials or liquids placed on sections of a street to minimize the hazards resulting from slippery conditions.

In Favour (6): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Deputy Mayor Bailey, and Councillor Santarossa

Carried

63-02-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor Santarossa

Waive the requirement for notice for a motion of reconsideration.

In Favour (3): Deputy Mayor Bailey, Councillor Santarossa, and Councillor McKinlay

Opposed (5): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Kerr, and Councillor Walstedt

Lost

3. Notice of Motion submitted by Councillor Kerr - Service Ontario Office

Due to an amendment to the Notice of Motion made during the meeting, Deputy Mayor Bailey declared a conflict of pecuniary interest and did not participate in the vote on the matter.

Deputy Mayor Bailey left the meeting at 8:31 PM.

64-02-2021

Moved By Councillor Kerr

Seconded By Councillor Wilder

Whereas the Service Ontario and Service Canada offices have been removed from Lakeshore;

And whereas Lakeshore residents now have to go to neighbouring municipalities to receive the in-person services they desire;

Therefore be it resolved that Council direct Administration to send a letter to Premier Ford and MPP Taras Natyshak requesting that an in-person Service Ontario office and in-person Service Canada office be available within the Municipality of Lakeshore boundary area.

In Favour (7): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Carried

16. Question Period

Deputy Mayor Tracey Bailey joined the meeting at 8:45 PM.

65-02-2021

Moved By Councillor Kerr

Seconded By Councillor Janisse

Direct Administration to prepare a report regarding light recreational use of property around stormwater management ponds and beautification.

Carried Unanimously

66-02-2021

Moved By Councillor Kerr

Seconded By Councillor Wilder

Direct Administration to prepare a report regarding access to Lake St. Clair for winter recreation.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, and Councillor Kerr

Opposed (2): Councillor Walstedt, and Councillor McKinlay

Carried

17. Non-Agenda Business

66-02-2021

Moved By Councillor Janisse

Seconded By Councillor Santarossa

Direct Administration to prepare an estimate for the 2022 Budget to consider performing winter maintenance at Maidstone Park.

Carried Unanimously

18. Consideration of By-laws

1. **By-law 4-2021, Being a By-law for the 3rd Concession Road Drain (Olsen Bridge)**
2. **By-law 15-2021, Being a By-law to Delegate Authority to the Mayor and the Clerk to Execute an Agreement with KELCOM**
3. **By-law 16-2021, Being a By-law to Amend By-law 94-2017 being a Comprehensive By-law to Provide Rules Governing the Proceedings of the Council of the Municipality of Lakeshore and the Conduct of its Members**
4. **By-law 17-2021, Being a By-law to Confirm Proceedings of Council for February 2, 2021**
5. **By-law 18-2021, Being a By-law to Delegate Authority to the Mayor and the Clerk to Execute the Monroe Island Interim Servicing Agreement**

67-02-2021

Moved By Councillor Santarossa

Seconded By Councillor McKinlay

By-law 4-2021 be read a third time and adopted; and

By-laws 15-2021, 17-2021 and 18-2021 be read and passed in open session on February 16, 2021.

Carried Unanimously

68-02-2021

Moved By Councillor McKinlay

Seconded By Councillor Kerr

By-law 16-2021 be read and passed in open session on February 16, 2021.

In Favour (5): Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (3): Mayor Bain, Councillor Wilder, and Councillor Janisse

Lost

19. Adjournment

69-02-2021

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Council adjourn its meeting at 9:17 PM.

Carried Unanimously

Tom Bain
Mayor

Kristen Newman
Clerk



March 1, 2021

RE: APPLICATION FOR A CANNABIS RETAIL STORE AUTHORIZATION

The We Store
1303 ESSEX COUNTY ROAD #22, UNIT 180
BELLE RIVER, ON N0R1A0

File Number: 946968

To Whom it May Concern:

Thank you for having taken the time to share your comments about the proposed cannabis retail store identified above. We wish to advise you that the Registrar has considered your submission along with others received in response to this store's application.

As we have stated in our materials about the Public Interest Notice process, the *Cannabis Licence Act, 2018* and its Regulation allow the Registrar to consider the following matters related to public interest when making a decision as to whether or not to authorize a cannabis retail store:

1. Protecting public health and safety
2. Protecting youth and restricting their access to cannabis
3. Preventing illicit activities in relation to cannabis

After carefully considering all of the available information, the Registrar has determined that issuance of the cannabis *Retail Store Authorization* for the above noted premises is not contrary to the public interest.

All owners and operators of cannabis retail stores are subject to the provincial [Cannabis Licence Act, 2018](#) and its [Regulation](#), and the AGCO's [Registrar Standards](#).

For more information, please visit our website at www.agco.ca/cannabis.

Yours truly,

Licensing and Registration Branch



Township of Perry

PO Box 70, 1695 Emsdale Road, Emsdale, ON POA 1J0

PHONE: (705)636-5941

FAX: (705)636-5759

www.townshipofperry.ca

February 19, 2021

Via Email

The Honourable Ahmed Hussen
Minister of Families, Children and Social Development
House of Commons
Ottawa, ON K1A 0A6

Dear Honourable Minister,

**RE: Support the Town of Carleton Place resolution that the
Government of Ontario Prioritize Children and Childcare as
part of its Post Pandemic Recovery Plan**

Please be advised that at their last regularly scheduled meeting on February 17, 2021, the Council of the Corporation of the Township of Perry supported the following resolution:

"Resolution #2021-71

Moved by: Paul Sowrey

Seconded by: Joe Lumley

Be it resolved that the Council of the Township of Perry supports the resolution from the Town of Carleton Place requesting the Government of Ontario to:

- a. prioritize children and childcare as part of its overall post pandemic recovery plan;*
- b. develop, adequately fund and release publicly a comprehensive plan that can support facilities through the provision of licensed childcare and early learning education; and*
- c. provide increased funding to childcare provides reflective of COVID-19 operating cost increases to ensure a safe reopening and long-term sustainability for the sector.*

Carried."

Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bmorton'.

Beth Morton
Clerk-Administrator

BM/ec

cc: The Honourable Stephen Lecce, Minister of Education
MP Scott Aitchison, Parry Sound-Muskoka
MPP Norm Miller, Parry Sound-Muskoka
Stacey Blair, Clerk, Town of Carleton Place
All Ontario Municipalities



Township of The Archipelago

9 James Street, Parry Sound ON P2A 1T4

Tel: 705-746-4243/Fax: 705-746-7301

www.thearchipelago.on.ca

February 19, 2021

21-033

Moved by Councillor Manners
Seconded by Councillor Andrews

RE: Request that Minister Clark review the Municipal Elections Act and provide amendments to provide clearer, stronger wording to assist Municipal Clerks in addressing issues to allow for a more definitive decision to be made when adding names to the voters' list

WHEREAS the Township of The Archipelago recognizes that the current language in the Municipal Elections Act with regards to non-resident electors, is weak and ambiguous;

AND WHEREAS the Township of The Archipelago wishes to ensure the integrity of the election process;

NOW THEREFORE BE IT RESOLVED that Council of the Corporation of the Township of The Archipelago hereby request that the Minister of Municipal Affairs and Housing, the Honourable Steve Clark, initiate a review of the Municipal Elections Act and make amendments to provide such clearer, stronger wording, to assist Municipal Clerks in addressing issues related to non-resident electors, and to allow for a more definitive decision to be made when adding names to the voters' list;

AND FURTHER BE IT RESOLVED that Council of the Corporation of the Township of The Archipelago request that the Minister of Municipal Affairs and Housing, the Honourable Steve Clark, ensure that there is a clear and accessible way to enforce the rules described in the Municipal Elections Act;

AND FURTHER BE IT RESOLVED that this resolution be sent to the Premier of Ontario, the Minister of Municipal Affairs and Housing, Norm Miller MPP, all Ontario Municipalities and the Association of Municipalities of Ontario.

Carried.

Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council
From: Ian Search, Planner I
Date: February 18, 2021
Subject: Committee of Adjustment Meeting Minutes – January 27 and February 17 2021

Recommendation

This report is for information only.

Background

The Committee of Adjustment decisions from the January 27 and February 17, 2021 meetings are detailed below. The appeal period has expired for the January 27 applications and the February 17 minor variance applications. The appeal period ends on **March 11 2021** for the February 17 consent applications.

January 27, 2021

1. Minor Variance – **Granted** (1556 County Rd 22) – to permit an accessory structure to have a gross floor area of 204.39 m² (2,200 ft²) and a height of 6 metres (19.66 feet)
2. Minor Variance – **Granted** (1935 Ellis Sideroad) – to permit 18% of the parking area and approaches (approx. 0.273 acres) to have a cement or asphaltic binder or any other permanent type of surfacing, and 82% of the parking area and approaches (approx. 1.2 acres) to have gravel surface (with dust control measure), and to permit a new Transport Terminal to provide a minimum of 16 off-street parking spaces.
3. Minor Variance – **Granted** – (707 Faleria St.) – to permit a single unit attached dwelling to have an interior side yard setback of 1.46 metres.
4. Minor Variance – **Granted** – (1276 County Rd 31) – To permit an accessory structure to have a gross floor area of 148.64 m² (1,600 ft²) and a height of 5.9 metres.
5. Minor Variance – **Granted** – (344 Jordan Lane) – to permit an addition to a dwelling for the following relief: a maximum lot coverage of 38% and a front yard setback of 4.39 metres.

February 17, 2021

1. Minor Variance – **Granted** – (2135 St. Clair Road) to permit a new accessory structure to have a gross floor area of 77.3 m² (832 ft²)

2. Consent – **Granted** – (12560 Lakeshore Road 309) to sever an existing house from a farm parcel as a surplus farm dwelling severance
3. Minor Variance – **Granted** – (347 Charron Beach Road) to permit a new accessory structure to have a gross floor area of 58.06 m² (625 ft²) and a setback of 0.914 metres (3 feet) from the west side lot line
4. Minor Variance – **Granted** – (418 Silver Creek Industrial Drive) to permit a building addition to have a minimum interior side yard setback of 1.03 metres (3.37 feet) from the west side lot line
5. Combined Consent and Minor Variance – **Granted** – (2201 County Road 31) creation of four residential lots, and to permit the retained farm parcel to have a minimum frontage of 75 metres (246 feet) and a minimum lot area of 46.95 acres (19 hectares).
6. Amended Condition – **Granted** – (1469, 1477, 1481, 1483, 1491 County Road 22 & 0 Rourke Line Road) conditions were amended of a provisional consent approval to sever existing single unit houses from the subject land. The amendment allows the applicant to demolish any existing buildings on the lots that do not comply with the zoning by-law or apply to recognize their non-compliance through a minor variance.

Comments

The minutes from the January 27 and February 17 2021 Committee of Adjustment meetings are attached. The February 17, 2021 meeting minutes are draft minutes.

Financial Impacts

There are no financial impacts resulting from the recommendation in this report.

Attachment(s): Committee of Adjustment Minutes January 27, 2021
Committee of Adjustment Minutes February 17, 2021

Report Approval Details

Document Title:	Committee of Adjustment Meeting Minutes - January 27, 2021 and February 17, 2021 .docx
Attachments:	- Committee of Adjustment Minutes February 17 2021.pdf - Committee of Adjustment Minutes January 27 2021.pdf
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Aaron Hair

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

**MUNICIPALITY OF LAKESHORE
COMMITTEE OF ADJUSTMENT
WEDNESDAY, FEBRUARY 17, 2021 @ 5:45 P.M.**

The meeting opened at 6:00 P.M. with the following members present:

Chairman	- Mark Hacon
Members	- Steve Diemer
	- Ron Barrette
	- Robert Sylvestre
	- Michael Hoffman
Planner I, Secretary-Treasurer	- Ian Search
Planner III, Manager of Development Services	- Aaron Hair
Planner II	- Ayusha Hanif

The Chair introduced the Committee members and support staff and provided a brief outline of the process followed through the hearings.

The Chair also inquired if there were any disclosures of pecuniary interest and the general nature thereof with the applications proposed to be heard at tonight's Committee meeting.

- There were no disclosures of pecuniary interests at this time.

APPLICATION:	A/07/2021	MAP NO. 180-09500
APPLICANT:	Timothy and Patricia Marchand c/o James Lanoue	
PROPERTY LOCATION:	2135 St Clair. Road (Community of Tilbury North)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a new accessory structure for the following relief:

- Relief from Section 6.5 a) ix) of Lakeshore Zoning By-law 2-2012 to permit a gross floor area of 77.3 m² (832 ft²)

Section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012, restricts accessory buildings in an R1, R2, R3, RW1, RW2, RM or HR zone to not exceed a gross floor area of 55 m² (592 ft²)

PRESENT AT MEETING

James Lanoue, Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comments
2. Lakeshore Drainage Dept. – The Klinger Gaspard is an enclosed municipal drain runs east and west along rear of said application. Setbacks must be adhered to as per Lakeshore's Zoning By-law
3. Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands.
4. Lakeshore Fire – No comments
5. Lakeshore Planning Dept. –

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent as residential uses and accessory structures are permitted within this designation.

Staff took into consideration the intent and purpose of the zoning by-law. The purpose of limiting the Gross Floor Area of Accessory Buildings is to ensure that there is no overdevelopment of the lot, and that there is room for greenspace and amenity. Staff took into consideration the current buildings on the property and are of the opinion that the variance meets the intent and purpose of the zoning by-law.

Staff are of the opinion that the variance is also minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. Staff are of the opinion that the variance has little to no impact on the neighbourhood, and therefore fulfills this test as well.

The final test regards the appropriateness and desirability of the use. Staff are of the opinion that an Accessory Building does not compromise the desirability of the property with the surrounding neighbourhood as the neighbouring properties have similar characteristics. In the opinion of staff, the proposed variance is appropriate and desirable for the use of land.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act* and staff are recommending approval of Minor Variance A7/2021.

- i. The variance would be "minor" in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.

- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

James Lanoue stated that he had no concerns with the comments.

Member Sylvestre asked if any conditions were recommended. Ian Search responded that no conditions were recommended.

Member Hacon questioned whether the site plan drawing accurately depicted the size of the house and proposed structure. Ian Search explained that it was submitted with the application as an accurate depiction.

Member Diemer asked the other members of the Committee if a condition should be imposed limiting the size of the accessory structure to 832 ft². The Committee members agreed.

**Moved by Member Diemer
2nd by Member Barrette**

That Minor Variance application A/07/2021 be approved with a condition that the accessory structure not exceed 832 ft²

- Carried -

APPLICATION:	B/05/2021	MAP NO. 850-00100
APPLICANT:	Larry and Ann Wylie	
PROPERTY LOCATION:	12560 Lakeshore Road 309 (Community of Tilbury West)	

PURPOSE OF APPLICATION

The subject farmland is located on the north side of Lakeshore Rd 309 in the Community of Tilbury West. The applicant has applied for a surplus dwelling lot off of

Lakeshore Rd 309 with 75 metres (246.06 feet) of frontage and an overall area of 8538.87 m² (2.11 acres). The retained farmland will then have a frontage off Lakeshore Rd 309 of 529 metres (1735.6 feet) and an overall area of 93.6 acres (37.88 hectares). The subject lands are zoned A, Agriculture and designated Agricultural.

If approved, both the severed parcel and retained parcels will comply with the Zoning By-law (lot frontage/ area), however the retained farmland requires a condition to amend the zoning to prohibit a single detached dwelling.

PRESENT AT MEETING

Larry Wylie, Owner

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comment
2. Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the Municipality of Lakeshore or County of Essex. Severed lot subject to water buy in fee according to the tariff of fees by law at the time of servicing. Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
3. Lakeshore Drainage Dept. – No concerns
4. Lakeshore Fire Dept. – No comments
5. Lakeshore Planning Dept. –

The subject property is a 96.27 acre (38.96 hectare) parcel of farmland located south of County Road 46 at the northwest corner of Lakeshore Rd. 309 and County Road 37 in the former Township of Tilbury West, known municipally as, 12560 Lakeshore Rd. 309. (See Attachment 'A').

The applicant has applied to sever the surplus dwelling lot with 75 metres (246.06 feet) of frontage and an overall area of 2.11 acres (0.85 hectares). The retained farmland will then have a frontage of 529 metres (1,735.56 feet) and an overall area of 93.6 acres (37.88 hectares) (see Attachment 'B').

The Municipality of Lakeshore Official Plan and the Provincial Policy Statement (PPS) permit consents to sever a residential building which is considered surplus to the needs of the farming operation, provided the municipality ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. In addition, the Municipality of Lakeshore Official Plan (Section 6.2.3 b) ii requires that the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation. As a result of the severance, Section

8.9 of the Lakeshore Zoning By-law automatically recognizes the surplus lot and its non-farm residential use, as long as the resulting lot area is under 4 hectares or 9.88 acres.

The subject property is designated 'Agricultural' in the Municipality of Lakeshore Official Plan and is zoned Agriculture (A) in the Lakeshore Zoning By-law. The subject property is not part of any hazard lands, significant valley lands, woodlands or wetlands. It is located within the Lower Thames Valley Conservation Authority Limit of Regulated Area.

There is one habitable dwelling and two accessory structures on the proposed surplus lot. None of the existing structures on the proposed surplus lot house livestock. An R-Plan will be required to detail the consent and confirm additional zone provisions on the surplus/severed lot. A zoning by-law amendment application will be required on the retained lands, following the surplus lot creation to ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The applicants will be advised by the Secretary-Treasurer of the Committee of Adjustment prior to the issuance of a consent certificate that the location of any future livestock facility on the retained lands shall be in accordance with the minimum distance separation (MDS) formula of the Agricultural Code of Practice.

An agreement will be required to be entered into and will be registered on title noting that the owner agrees to place the following "clause" in every agreement of purchase and sale that "the Buyer hereby acknowledges that the property may be within an area approved for the construction of wind turbines of a commercial size and grade". This agreement will be placed on the lands to warn future buyers of a potential wind turbine being located in the immediate area.

The applicant has indicated that Lakeshore Rd. 309 will provide access to the severed lot, while County Road 37 will provide access to the retained lot. According to the sketch provided by the applicant, there is also an existing access for the retained lot on Lakeshore Road 309 that is separate from the severed lot. The lot dimension of the severed lot as proposed incorporates the existing residence, accessory structures, stand of trees, and grassed area.

The applicant will be installing a new septic system on the severed lot. According to the applicant, a contractor visited the property and informed the applicant that it was not possible to install the new system north or south of the existing house due to underground utilities including hydro, gas and water, as well as the location of mature trees. The contractor has recommended using a narrow strip of land to the east of the house to accommodate the new septic system. The Committee may consider this reasonable given that the Provincial Policy Statement states that the severed lot of a surplus farm dwelling severance will be limited to a minimum size needed to accommodate appropriate sewage and water services.

If the Committee decides to approve this application, they are advised that the proposed consent would be consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, subject to the following conditions of consent:

1. That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land, including any buildings along the new lot line. Data shall also be provided in the format of a projection (NAD 83) UTM Zone 17.
 2. That all municipal taxes be paid in full prior to the stamping of the Deed.
 3. That a Park Fee be imposed on the granting of this Application in the amount of \$600.00 and that such fee shall be paid prior to the stamping of the Deed.
 4. That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and that the surplus lot be rezoned to recognize the non- farm residential use.
 5. That a new septic system be installed on the severed lot that meets Part 8 OBC regulations, and to the satisfaction of the Chief Building Official, prior to the stamping of the Deed.
 6. That the applicant enter into an Agreement with the municipality to be registered on title prior to the stamping of the Deed, to pay any applicable water rates or fees with respect to the subject lands.
 7. That the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
 8. That the applicant enter into an Agreement, which requires a “warning clause” to be placed on title alerting potential purchasers of the potential for wind turbine erection within the general area prior to the stamping of the Deed.
 9. That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds.
 10. That the Deed and a copy for our records be forwarded to the Secretary for stamping.
 11. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **February 19, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
-
6. Hydro One – No concerns or comments
 7. Lower Thames Valley Conservation Authority – No objections

8. County of Essex – The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No.37. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. No new access will be permitted off County Road No. 37.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Larry Wylie stated that he understood the comments

Member Barrette asked where the current septic system is located. Larry Wylie said behind the house.

Member Sylvestre asked where the existing accesses are for the retained land. Larry Wylie said he had accesses on the county road and the municipal road for the retained land.

**Moved by Member Barrette
2nd by Member Diemer**

That Consent Application B/05/2021 be approved subject to the conditions recommended by the Planning Department

- **Carried-**

APPLICATION:	A/08/2021	MAP NO. 630-07100
APPLICANT:	Robert and Tracy Shulz	
PROPERTY LOCATION:	347 Charron Beach Road (Community of Belle River)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a new accessory structure for the following relief:

- Relief from Section 6.5 a) ix) of Lakeshore Zoning By-law 2-2012 to permit a gross floor area of 58.06 m² (625 ft²) and relief from Section 6.5 a) vii) to permit a setback of 0.914 metres (3 feet) from the west side lot line

Section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012, restricts accessory buildings in an R1, R2, R3, RW1, RW2, RM or HR zone to not exceed a gross floor area of 55 m² (592 ft²)

Section 6.5 a) vii) states accessory buildings shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centered on a mutual side lot line;

PRESENT AT MEETING

Robert and Tracy Shulz, Owner

CORRESPONDENCE RECEIVED

VIA Rail Canada – No comments

Lakeshore Building Dept. – The Building Department requests that a lot grading plan be made a condition of approval and submitted to the satisfaction of the Building Department for the proposed structure. The finished grade height is controlled by ERCA. It will most likely be significantly higher than the adjacent property.

Lakeshore Drainage Dept. – No concerns

Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard and side yard drainage or adjacent neighbouring lands

Lakeshore Fire – No comments

Essex Region Conservation Authority – With the review of background information and aerial photography, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a Section 28 ERCA Permit.

Lakeshore Planning Dept. –

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent as residential uses and accessory structure are permitted within this designation.

Staff took into consideration the intent and purpose of the zoning by-law. The purpose of limiting the Gross Floor Area of Accessory Buildings is to ensure that there is no overdevelopment of the lot, and that there is room for greenspace and amenity. Further,

the purpose of the interior side yard setback provision in the Zoning By-law is to provide the following:

- Light and air circulation, privacy – It is anticipated the variance will have little to no impact on privacy, light and air circulation. The variance only reduces the interior side yard setback by 0.5 metres (2 feet).
- Maintenance associated with building materials – It is not anticipated that permitting this variance will affect the ability to provide maintenance of building materials
- Fire prevention - The Building Department and Fire Department were circulated notice of the minor variance application for comment.

Therefore, staff are of the opinion that the variance meets the intent and purpose of the zoning by-law.

Staff are of the opinion that the variance is also minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. Staff are of the opinion that the variance has little to no impact on the neighbourhood, and therefore fulfills this test as well.

The final test regards the appropriateness and desirability of the use. Staff are of the opinion that an Accessory Building does not compromise the desirability of the property with the surrounding neighbourhood as the neighbouring properties have similar characteristics. In the opinion of staff, the proposed variance is appropriate and desirable for the use of land.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act* and staff are recommending approval of Minor Variance A8/2021.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

Al and Janice LaMarre (353 Charron Beach Road) – We have no issues with the addition of Rob and Tracy’s garage on the roadside. We are sure the garage will be a further enhancement to their property and our neighbourhood.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Robert and Tracy Shulz said they had no comments or concerns

Member Barrette asked if the proposed structure was similar to the accessory structure located on the neighbouring property to the west. Robert and Tracy Shulz said it was but will be a bit taller.

**Moved by Member Barrette
2nd by Member Hacon**

That Minor Variance application A/08/2021 be approved with the recommended condition from the Building Department.

- Carried -

APPLICATION:	A/9/2021	MAP NO. 210-07430
APPLICANT:	NM APP Canada Corp. c/o Rosati Construction Inc	
PROPERTY LOCATION:	418 Silver Creek Industrial Drive (Community of Maidstone)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a building addition for the following relief:

- Relief from Section 8.7 Employment Zone Regulations of Lakeshore Zoning By-law 2-2012 to permit a minimum interior side yard setback of 1.03 metres (3.37 feet) from the west side lot line

Section 8.7 Employment Zone Regulations of the Lakeshore Zoning By-law 2-2012, requires a minimum interior side yard setback of 4.5 metres for main buildings where the yard does not abut a residential, institutional or open space zone.

PRESENT AT MEETING

Rosati Construction Inc., Authorized Applicant

CORRESPONDENCE RECEIVED

Lakeshore Building Dept. – No comments

Lakeshore Drainage Dept. – No concerns

Lakeshore Engineering Dept. – Construction of the building addition should not adversely impact the rear yard drainage or adjacent neighbouring lands

Lakeshore Fire – No comments

Lakeshore Planning Dept. –

The purpose of the interior side yard setback provision in the Zoning By-law is to provide the following:

- Light and air circulation, privacy – It is anticipated the variance will have little to no impact on privacy and light and air circulation. The neighbouring lot to the east appears to be a vacant farm parcel.
- Maintenance associated with building materials – It is not anticipated that permitting the variance will affect the ability to provide maintenance of building materials
- Fire prevention - this matter is reviewed through the building code and fire code at the time of permit issuance and both the Building Department and Fire Department were circulated notice of the minor variance application for comment.

The neighbouring lot to the east is designated Urban Reserve in the Official Plan. It is recognized that further planning study is required to determine the preferred land use, community design, transportation and servicing policies for Urban Reserve areas. Compatibility with the existing building on the subject property and its use will be accounted for when this area is developed in the future.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

William Good said he had no comments or concerns.

Member Barrette asked if the lean-to was fully enclosed. William Good confirmed that it was.

Member Sylvestre asked if there were any drainage concerns from the Drainage Department. Ian Search confirmed they had no concerns.

**Moved by Member Diemer
2nd by Member Sylvestre**

That the Minor Variance application A/9/2021 be approved.

- Carried -

APPLICATION: A/6/2021/B/1,2,3,4/2021 MAP NO: 530-01201

APPLICANT: Donald and Lisette Lassaline

**PROPERTY LOCATION: 2201 County Road 31
(Community of Rochester)**

PURPOSE OF APPLICATION

The subject land is a farm parcel located on the west side of County Road 31 in the Community of Rochester. The applicant has applied to sever four residential lots from the farm parcel with one retained lot. The area and frontage of each lot to be created is as follows:

Lot 1 (B/1/2021)

Frontage – 39.62 m (130 ft), Area – 3019.34 m² (32,500 ft²)

Lot 2 (B/2/2021)

Frontage – 39.62 m (130 ft), Area – 3019.34 m² (32,500 ft²)

Lot 3 (B/3/2021)

Frontage – 39.62 m (130 ft), Area – 3019.34 m² (32,500 ft²)

Lot 4 (B/4/2021)

Frontage – 39.62 m (130 ft), Area – 3019.34 m² (32,500 ft²)

Retained Lot (Following 4 Lot Creations)

Frontage – 48.76 m (160 ft), Area – 19.5 acres (7.9 hectares)

If approved, the four severed lots will comply with the Zoning By-law (lot frontage/ area).

The retained lot requires a minor variance (A/6/2021) to permit a lot frontage of 48.76 metres (160 feet) and an area of 19.5 acres (7.9 hectares). Section 8.9 Agriculture Zone Regulations of the Lakeshore Zoning By-law 2-2012 requires a farm parcel to have a minimum frontage of 75 metres (246 feet) and a minimum lot area of 46.95 acres (19 hectares).

PRESENT AT MEETING

Donald and Lisette Lassaline, Owner

CORRESPONDENCE RECEIVED

Hydro One – We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

County of Essex – The minimum setback for any proposed structures on this property must be 52 feet from the property limit. Consult with the Municipality of Lakeshore with regard to setback from the drain, if distance is greater than 52 feet, the greater number will be used. The County of Essex requires one bridge per two lots with a maximum width of 45 feet. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

Lakeshore Building Dept. – No comments

Lakeshore Drainage Dept. – The application fronts onto the Brown Drain which is an open municipal drain. As in previous applications that have severed lots, we would request that an engineer's report is prepared to enclose this drain and in this report each property will be provided an access over said drain.

Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the County of Essex. Retained and severed lots subject to water buy in fee according to the tariff of fees by law at the time of servicing.

Lakeshore Fire – No comments

Lakeshore Planning Dept. –

The majority of the subject property is designated Agricultural, but is also designated Hamlet along the frontage of the property where the four lot creations are proposed. This part of the subject property designated Hamlet is located within the Ruscom Settlement Area. Low density residential dwellings are permitted under the Hamlet designation.

The proposed lots are zoned Agriculture (A) and will comply with the minimum lot frontage (30 m) and area (3,000 m²) required under this zone. The applicant has proposed the same lot dimensions as the three residential lots that were approved by the Committee of Adjustment in 2017 on the east side of County Road 31 directly across from the subject property. The lot creations as proposed will maintain the physical design characteristics of the Settlement Area and will be in keeping with its traditional character.

The Hamlet designation along the property's frontage permits the consents, which will result in deficient lot frontage and area for the retained parcel or farm which is already quite deficient, but legal non-complying. The property is undersized significantly only having a lot area of 9.24 hectares, whereby 19 hectares was required and part of the property is located in a settlement area, with smaller residential lots located along County Road 31.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the Planning Act:

- i. The variance would be "minor" in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

If the Committee decides to approve this application, they are advised that the proposed consent would be consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, subject to the following conditions of consent:

1. That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained land and that the draft plan be to the satisfaction of the municipality. Data shall also be provided in the format of a projection (NAD 83) UTM Zone 17.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.

3. That Park Fees be imposed on the granting of the consent applications in the amount of \$1,200.00 per consent application, and that such fees shall be paid prior to the stamping of the Deed.
4. That the applicant initiate/complete a Section 4 of the Drainage Act to install/extend a new closed-in municipal drainage system along the front lot line of the property and provide a separate access to the retained lot, all to the satisfaction of the Municipality prior to the stamping of the Deed.
5. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed, that the four severed lots and retained lot will receive separate water connections, and to pay any applicable water rates or fees with respect to the subject lands.
6. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed that, when sanitary sewers become available, a Sanitary Sewer connection be provided for all severed and retained property in the Sanitary Sewer area at the expense of the applicant according to the requirements of the Ministry of the Environment.
7. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed, to provide an access bridge/driveway for each severed and retained lot, which may be on a municipal drain, at the expense of the applicant in accordance with the specifications and supervision of the Municipality Drainage Department. The access bridge/driveway is to be maintained by the assessed owner for a period of one year at which time the bridge will form part of the municipal drainage system.
8. That the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
9. That, if required, the applicant at their own expense, relocate Hydro One servicing lines away from the area of drainage system improvements and the building envelopes on the lots to the satisfaction of the Municipality and/or Hydro One.
10. That the applicant enter into an Agreement, which requires a “warning clause” to be placed on title alerting potential purchasers of the retained land and/or severed lots of the potential for wind turbine erection within the general area prior to the stamping of the Deed.
11. That the Deed and a copy for our records be forwarded to the Secretary for stamping.
12. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by February 19, 2022. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

ERCA – With review of background information and aerial photography, ERCA has no objection to these applications for Consent and Minor Variance.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Donald Lassaline said he had no questions or concerns with the comments

Brittany Wills (2233 County Road 31) stated that she lived next to Lot 1, south of Lot 1, as depicted on the sketch. Brittany Wills raised concerns over privacy of her rear yard given that a dwelling is to be constructed on Lot 1. Brittany Wills also asked about the Hydro One lines.

Member Diemer stated that it would be proper planning to have Lot 1 abut 2233 County Road 31 instead of leaving an unnecessary gap. Member Barrette asked if Lot 1 could be developed north of Lot 4 instead. Donald Lassaline explained that the land north of Lot 4 is used for the drainage of the farmland. Ian Search explained that a dwelling built on Lot 1 as proposed would have to comply with zone regulations, which includes a 3 metre setback from the interior side lot line.

Donald Lassaline explained that the ditch in front of the severed lots would be enclosed which would improve the aesthetics of the area. Donald Lassaline explained that the Hydro One lines would be moved appropriately if needed, to accommodate the development.

**Moved by Member Diemer
2nd by Member Sylvestre**

That Minor Variance application A/6/2021 be approved. That consent applications B/1,2,3,4/2021 be approved subject to the recommended conditions by the Planning Department.

- Carried -

Change to Conditions Requested - Consent Application B/20, 21, 22, 23/2020

In consultation with administration, the Applicant for Consent Applications B/20, 21, 22, 23/2020 is requesting a change to the conditions that the Committee of Adjustment imposed on the approval of the consents at the November 18, 2020 Committee of Adjustment meeting. Specifically, the Applicant is requesting the removal of Condition 3 for each consent, which requires the applicant to "rezone the severed lands into a site specific zone category that will recognize the existing single detached dwellings as a

permitted use and provide relief from any zone provisions that the draft reference plan demonstrates cannot be satisfied”.

Consequently, it is requested that Condition 4 also be revised to allow for any non-compliance of existing buildings/structures to be legalized through a minor variance process as opposed to a required zoning by-law amendment. It is requested that the wording in Condition 4 that allows the applicant to demolish/partially-demolish any non-complying buildings remain as part of the condition.

The current list of conditions that apply to Consent Application B/20, 21, 22, 23/2020 are included in Attachment “A”, and the proposed list of conditions based on the requests are included in Attachment “B”. The original Planning Recommendation Report for the consents has also been shared with the Committee.

Under Section 53 (23) of the Planning Act, the Committee of Adjustment can change the conditions of a provisional consent at any time before a consent is given.

The request to remove Condition 3 is supported by the Planning Department. Currently, the lots to be severed are zoned Residential Type One (R1) from the Maidstone Zoning By-law adopted by Council prior to amalgamation. This zone already permits single detached dwellings so there is no need for a rezoning to recognize the single detached dwellings as a permitted use. Furthermore, the Official Plan designation of the lots to be severed is Mixed Use. Thus, any zoning by-law amendment application brought forward would have to conform to this designation by introducing a new use for the land that is permitted under the Mixed Use designation (apartment, bake shop, day care centre, etc.). While the applicant can certainly apply to rezone the severed lots for a Mixed Use purpose, it is recommended that any such endeavor be done separately from the lot creation process for the following reasons:

- 1) Applying for a Mixed Use development on the severed lots is unrelated and unnecessary to the consent applications, which were approved to sever the existing single detached dwellings and enable the retained land to fully merge into a single large parcel for future development.
- 2) A Mixed Use development proposal would have to go through a Site Plan Control process that may take longer to complete than when all conditions need to be met (November 20, 2021)
- 3) Administration has recently been made aware of a sanitary capacity issue in the area, and the existing single detached dwellings are accounted for in current sanitary capacity allocation. A rezoning for a higher intensity use would require a hold symbol until sanitary capacity is available, and increase political uncertainty of a rezoning approval at this time.

If the Committee chooses to remove Condition 3, it is requested that Condition 4 also be revised to allow for any non-compliance of existing buildings/structures to be legalized through a minor variance as opposed to the zoning by-law amendment process. It is requested that the wording of Condition 4 that allows the applicant to demolish/partially-

demolish any non-complying buildings remain as part of the condition. The Planning Department is in support of this request.

It is recommended that the Committee of Adjustment approve the requested changes by adopting the list of conditions under Attachment “B” as the official conditions for consent applications B/20,21,22,23/2020, and that the Committee of Adjustment consider the change to the conditions for each application to be minor.

Moved by Member Hacon
2nd by Member Barrette

That the Committee of Adjustment approve the requested changes to the conditions for consent applications B/20,21,22,23/2020 by adopting the list of conditions under Attachment “B” of the Planning Recommendation Report as the official conditions for each consent application, and that the change to the conditions for each application be deemed minor.

- Carried –

Moved by Member Hoffman
2nd by Member Diemer

That the minutes of January 27, 2021 be adopted as printed and distributed.

- Carried –

Moved by Member Diemer
2nd by Member Sylvestre

THAT the meeting adjourn at 7:49 p.m.

- Carried –

Mark Hacon
Chairman

Ian Search
Secretary-Treasurer

**MUNICIPALITY OF LAKESHORE
COMMITTEE OF ADJUSTMENT
WEDNESDAY, JANUARY 27, 2021 @ 5:45 P.M.**

The meeting opened at 6:00 P.M. with the following members present:

Chairman	- Mark Hacon
Members	- Steve Diemer
	- Ron Barrette
	- Robert Sylvestre
	- Michael Hoffman
Secretary-Treasurer	- Ian Search
Planner III, Manager of Development Services	- Aaron Hair

The Chair introduced the Committee members and support staff and provided a brief outline of the process followed through the hearings.

The Chair also inquired if there were any disclosures of pecuniary interest and the general nature thereof with the applications proposed to be heard at tonight's Committee meeting.

- There were no disclosures of pecuniary interests at this time.

APPLICATION:	A/01/2021	MAP NO. 180-09500
APPLICANT:	Jay Bistany & Jacqueline Bistany	
PROPERTY LOCATION:	1556 County Rd. 22 (Community of Belle River)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a new accessory structure for the following relief:

- Relief from Section 6.5 a) ix) and 6.5 a) xi) of Lakeshore Zoning By-law 2-2012 to permit a gross floor area of 204.39 m² (2,200 ft²) and a height of 6 metres (19.66 feet)

Section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012, restricts accessory buildings in an R1, R2, R3, RW1, RW2, RM or HR zone to not exceed a gross floor area of 55 m² (592 ft²)

Section 6.5 a) xi) restricts accessory structures to not exceed a height of 5 metres unless within an Agriculture Zone.

PRESENT AT MEETING

Jay Bistany, Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comments
2. Lakeshore Drainage Dept. – No objection
3. Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands.
4. Lakeshore Fire – This property has an existing accessory structure with a floor area of 139.35 m² in addition to the proposed accessory structure being considered. If it is planned for storage of any hazardous materials, large quantity of combustible materials or if the space is being used as a business please contact Lakeshore Fire Department as Ontario Fire Code requirements may apply
5. Lakeshore Planning Dept. –

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved:

Given that the subject property is located in the Lake St. Clair Flood Prone Area, it is recommended that if the Committee chooses to approve the minor variance, that they make the approval conditional on ERCA's satisfaction.

The intent behind the size restriction provision in the Zoning By-law is to prevent overbuilding on a given lot and to encourage a consistent and compatible built form. The subject property and the surrounding residential lots north of County Road 22 have very large depth and are not the type of residential lots one would encounter in a typical subdivision. The accessory structure can be setback a considerable distance from the front lot line to ensure greater compatibility with surrounding residential properties. In terms of consistency in the area, there are a number of accessory structures on residential properties immediately to the east of the subject property that exceed the 55 m² (592 ft²) provision. These structures were constructed prior to the provision limiting the size of accessory structures to 55 m² (592 ft²) and are not as large as the proposed 204.39 m² accessory structure requested for the subject property. They appear to be approximately 130 m² (1400 ft²) on average based on measurements using an interactive mapping system.

To maintain the general intent of the Zoning By-law, an accessory structure should be subordinate to a main building on a property in accordance with the definition of

accessory in the by-law. The applicant's drawing indicates that the existing house on the subject property has a lot coverage of 268.8 m² (2893 ft²) which is larger than the lot coverage of the proposed accessory structure – 2512 ft² (includes the proposed unenclosed lean-to and entrance). With the use of an interactive mapping system, the main building appears to have an enclosed building footprint of approximately 212.3 m² (2,284 ft²) (See Attachment 'C'), while the enclosed building footprint of the proposed accessory structure is to be 204.39 m² (2,200 ft²). The Committee does have the option to defer the application if they feel that the accessory structure is not truly subordinate.

The applicant is also seeking relief for a one metre increase in height. This aspect of the proposal is not considered offensive with respect to proposed location of the accessory structure, and with the purpose being to store a motor home and trailers.

The appearance of the streetscape will not be affected as the structure is proposed to be located behind the main building on the subject property in the rear yard. In addition, the accessory structure may improve visibility impacts by allowing the applicant to store various vehicles in an accessory structure rather than out in the open.

It is important for the applicant to understand that the accessory structure cannot be used to support a gainful occupation which may include an electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use, conducted in whole or in part of the accessory structure.

If the Committee concludes that the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*, it is recommended that the following conditions be imposed on the decision:

- Condition(s):
 - Satisfaction of Essex Region Conservation Authority (ERCA) if required by the Authority
- 6. ERCA – The property owner will be required to obtain a Permit from Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. The subject property may support habitat of endangered species and threatened species. Prior to initiating any proposed works on this property, it is the applicant's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed.
- 7. County of Essex – Setback and entrance permits will be as per MTO corridor control procedures. Permits are necessary for any changes to existing structures, or the construction of new structures.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Jay Bistany stated that everything was pretty clear to him and that he was working on his permit with Essex Region Conservation Authority

Member Sylvestre asked if the lot coverage was included as part of the minor variance. Ian Search explained that lot coverage was not included in the variance, but that the lot coverage and floor area of the proposed structure was considered when determining if it was subordinate.

Member Diemer asked how deep the lot was. Jay Bistany stated that it was approximately 960 feet.

Member Barrette asked if the accessory structure where the proposed accessory structure is to be located will be demolished. Jay Bistany confirmed.

**Moved by Member Diemer
2nd by Member Sylvestre**

That Minor Variance application A/01/2021 by Jay & Jacqueline Bistany be approved subject to the recommended condition from the Planning Department.

- Carried -

APPLICATION:	A/02/2021	MAP NO.
APPLICANT:	2658981 Ontario Inc. c/o MMA Architect Inc.	
PROPERTY LOCATION:	1935 Ellis Side Road (Community of Maidstone)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a parking area and approaches for a new Transport Terminal (393.44 m² gross floor area) for the following relief:

- Relief from Section 6.41.2 k) Parking Areas and Other Parking Provisions to permit 18% of the parking area and approaches (approx. 0.273 acres) to have a cement or asphaltic binder or any other permanent type of surfacing, and 82%

of the parking area and approaches (approx. 1.2 acres) to have gravel surface

- Relief from Section 6.41.1 Parking Requirements to permit a new Transport Terminal to provide a minimum of 16 off-street parking spaces

Section 6.41.2 k) requires the parking area and approaches in the CR zone to have a cement or asphaltic binder or any other permanent type of surfacing

Section 6.41.1 requires 1.0 parking spaces per 20.0 m² of gross floor area for a Transport Terminal (20 off-street parking spaces)

PRESENT AT MEETING

MMA Architect Inc. (Stuart Miller), Authorized Applicant
2658981 Ontario Inc., Owner

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – Dust control measures should be in the site plan agreement
2. Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the Municipality of Lakeshore. The asphalt pavement should extend to the edge of the pavement on Ellis Sideroad. From the limit of the concrete pad to the edge of asphalt on Ellis Sideroad there should be an asphalt paved approach.
3. Lakeshore Drainage Dept. – No comments
4. Lakeshore Fire Dept. – No comments
5. Lakeshore Planning Dept. –

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved:

The subject property is located in a “fringe area” that is more rural than urban in land use, and is surrounded by lots zoned Rural Commercial/Employment (CR) to the northeast, southeast and southwest. Small scale commercial and industrial uses are permitted under this designation provided they are of a dry nature and do not require excessive amounts of water for their operations, and are compatible with adjacent uses. The transport terminal is a permitted use on the property.

The requirement for parking area and approaches to have a cement or asphaltic binder or any other permanent type of surfacing in these commercial/employment zones is to address complaints from landowners received in the previous years regarding dust emissions, mud debris and loose gravel from unpaved lots, as it

affects air quality and creates a nuisance for those living nearby, as it settles in and on homes, lawns, laundry and vehicles.

The use of a Transport Terminal requires heavy trucks to come in and out of the property. The site plan indicates that the parking area and approaches at the entrance and adjacent to the proposed building will be surfaced with asphalt paving. In accordance with the Zoning By-law, the site plan also indicates that the parking area and associated driveway system will be designed in such a manner that any vehicle entering or leaving a street need not travel in a backward motion. A portion of the parking area proposed to be surfaced with gravel will be utilized by trucks to exit the lot. In addition, there will be multiple bays at the rear of the proposed building that will require vehicles to use the proposed gravel surface in their approach.

Approximately 100 metres from the subject property on the corner of County Road 34 and Ellis Sideroad are residential lots zoned Agriculture. In the spring of 2019, a site specific zoning by-law amendment was approved to permit a single detached dwelling on the neighbouring property to the southwest, known municipally as 1965 Ellis Sideroad, and now zoned Rural Commercial/Employment Zone Exception 51 (CR-51). This is the building identified as the adjacent building under construction on the site plan drawing.

To address potential land use conflicts with this sensitive land use that has now been introduced in a rural commercial/employment area, it is highly recommended that if the Committee chooses to approve this variance, that approval be subject to site plan approval, and that the applicant will be required in the implementing site plan agreement to control any dust on site. For example, the municipality has entered into site plan agreements before requiring gravel areas to be maintained with a dust control measure that utilizes Calcium Chloride. This condition would at least represent a measure taken to establish compatibility with adjacent land uses, as stated in policy 4.1.2.1 a) of the Official Plan.

While it was not stated in the application, it is presumed that the request for reduced off-street parking spaces is due to the fact that the applicant does not anticipate this Transport Terminal operation needing the required 20 off-street parking spaces. This aspect of the proposal is considered minor.

Condition(s): That the owner enter into a site plan agreement for the development of the proposed transport terminal that will require the owner to maintain all gravel areas with a dust control measure

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Member Sylvestre asked what the process would be if they decided to pave the gravel area later. Aaron Hair said the applicant would be required to go through site plan control.

Member Sylvestre asked if it was a maintenance facility. Stuart Miller confirmed, and said there would be three bays to perform maintenance.

Member Hoffman stated his main concern is the impact of the dust on the neighbour

Member Barrette asked if there would be parking in the rear yard. Stuart Miller said there would be temporary parking of trailers in the rear yard.

**Moved by Member Barrette
2nd by Member Diemer**

That Minor Variance Application A/02/2021 by 2658981 Ontario Inc. c/o MMA Architect Inc. be approved subject to the condition recommended by the Planning Department and a condition that the rear yard not be used for the permanent storage of trailers

- Carried-

APPLICATION:	A/03/2021	MAP NO.
APPLICANT:	J. Rauti Custom Homes	
PROPERTY LOCATION:	707 Faleria Street (Community of Maidstone)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a new single unit attached dwelling (townhouse) for the following relief:

- Relief from 9.2.16 Residential Type 2 Zone Exception 16 (R2-16) (h4) b) viii) to permit a single unit attached dwelling to have an interior side yard setback of 1.46 metres.

Section 9.2.16 Residential Type 2 Zone Exception 16 (R2-16) (h4) b) viii) requires a minimum interior side yard setback to be 1.5 m for semi-detached and single unit attached dwellings

PRESENT AT MEETING

No applicant present

CORRESPONDENCE RECEIVED

Lakeshore Building Dept. – No comments

Lakeshore Drainage Dept. – No objection

Lakeshore Engineering Dept. – No comments

Lakeshore Fire – No comments

Lakeshore Planning Dept. –

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved:

The purpose of the interior side yard setback provision in the Zoning By-law is to provide the following:

- Light and air circulation, privacy – It is anticipated the variance will have little to no impact on privacy and light and air circulation. The variance only reduces the interior side yard setback by 0.04 metres (0.13 feet).
- Maintenance associated with building materials – It is not anticipated that permitting this variance will affect the ability to provide maintenance of building materials
- Fire prevention - this matter was reviewed through the building code and fire code at the time of permit issuance and both the Building Department and Fire Department were circulated notice of the minor variance application for comment.

When the applicant creates the lots from the blocks on the plan of subdivision, the Municipality will require rear yard drainage easements and access easements. This is proposed on the plan submitted with the application as a 1.2 metre right of way. The single unit attached dwelling (townhouse) was not constructed within this proposed easement. The Committee should also consider hardship in their evaluation of this minor variance given the very minor deviation from the setback requirement and the fact the dwelling is already under construction.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

**Moved by Member Sylvestre
2nd by Member Diemer**

That Minor Variance application A/03/2021 by J. Rauti Custom Homes be approved.

- Carried -

APPLICATION:	A/4/2021	MAP NO.
APPLICANT:	Jeffery Rusnak & Jill Dame	
PROPERTY LOCATION:	1276 County Rd. 31 (Community of Rochester)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a new accessory structure for the following relief:

- Relief from Section 6.5 a) ix) and 6.5 a) xi) of Lakeshore Zoning By-law 2-2012 to permit a gross floor area of 148.64 m² (1,600 ft²) and a height of 5.9 metres (19.36 feet)

Section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012, restricts accessory buildings in an R1, R2, R3, RW1, RW2, RM or HR zone to not exceed a gross floor area of 55 m² (592 ft²)

Section 6.5 a) xi) restricts accessory structures to not exceed a height of 5 metres unless within an Agriculture Zone.

PRESENT AT MEETING

Jeffery Rusnak & Jill Dame, Authorized Applicant

CORRESPONDENCE RECEIVED

Lakeshore Building Dept. – No comments

Lakeshore Drainage Dept. – No objection

Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.

Lakeshore Fire – No comments

Lakeshore Planning Dept. –

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Both the Hamlet and Agricultural land use designation in the Official Plan permit low density residential dwellings, and uses accessory to the permitted uses under these designations are also permitted. There are no natural heritage features or hazard lands (floodprone area, etc.) on the subject property according to the Official Plan. The subject property is located outside the Essex Region Conservation Authority (ERCA) limit of regulated area.

The intent behind the size restriction provision in the Zoning By-law is to prevent overbuilding on a given lot and to encourage a consistent and compatible built form. The subject property has large lot frontage, area, and depth, similar to the four neighbouring residential lots immediately to the north. These lot characteristics make the lot suitable for supporting larger accessory structures compared to lots in a typical subdivision which are smaller, narrower, and where there is far less separation between buildings in the surrounding area. The development of the proposed structure will only cover 3.8% of the lot.

Immediately to the south of the subject property, and on the west side of County Road 31 across from the subject property, are hamlet residential lots that resemble the type of

lots one would see in a typical subdivision. The Committee could impose a condition requiring the applicant to construct the proposed accessory structure in the very rear of the lot. Currently, a 9.14 metre (30 foot) setback from the rear lot line is depicted on the site plan drawing submitted with the application. A condition requiring the applicant to construct the accessory structure a maximum 30.48 metres (100 feet) from the rear lot line would afford the applicant flexibility, and ensure compatibility with the surrounding area/mitigate impacts on neighbouring residential lots to the south (See Attachment 'C').

The applicant is also seeking relief for a 0.9 metre (2.95 feet) increase in height. This aspect of the proposal is not considered offensive with respect to the proposed location of the accessory structure, and the purpose being to accommodate a trailer/recreational vehicle. Any impacts to neighbouring lots with respect to this variance could be curtailed by imposing the condition requiring the applicant to construct the proposed accessory structure a maximum 30.48 metres (100 feet) from the rear lot line.

It is important for the applicant to understand that the accessory structure cannot be used to support a gainful occupation which may include an electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use, conducted in whole or in part of the accessory structure.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- Condition(s): That the accessory structure be setback a maximum 30.48 metres (100 feet) from the rear lot line
 - i. The variance would be “minor” in nature.
 - ii. It would be desirable for the appropriate development or use of the land, building or structure.
 - iii. It would maintain the general intent and purpose of the Official Plan.
 - iv. It would maintain the general intent and purpose of the Zoning By-law.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Jeffery Rusnak stated that he understood everything that was read.

Member Barrette asked Jeffery Rusnak if he was ok with the recommended condition. Jeffery Rusnak confirmed.

**Moved by Member Barrette
2nd by Member Diemer**

That the Minor Variance application A/4/2021 be approved subject to the recommended condition from the Planning Department.

- Carried -

APPLICATION:	A/5/2021	MAP NO.
APPLICANT:	Zeyad Rafih c/o Architectural Design Associates Inc.	
PROPERTY LOCATION:	344 Jordan Lane (Community of Maidstone)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit an addition to an attached garage for the following relief:

- Relief from Section 8.1 Urban Residential Zone Regulations to permit a maximum lot coverage of 38% and a front yard setback of 4.39 metres
- Relief from Section 6.42 Permitted Encroachments in Yard Setbacks d) to permit the gutters to encroach 3.52 metres into the required front yard setback

Section 8.1 restricts the R1 zone to a maximum lot coverage of 35% and requires a front yard setback of 7.5 metres

Section 6.42 d) restricts gutters to encroach 1 metre into any required yard setback

PRESENT AT MEETING

Zeyad Rafih c/o Architectural Design Associates Inc. (Damian Kacprzak), Authorized Applicant

CORRESPONDENCE RECEIVED

Lakeshore Building Dept. – No comments

Lakeshore Drainage Dept. – No objection

Lakeshore Engineering Dept. – No comments

Lakeshore Fire – No comments

Lakeshore Planning Dept. –

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved:

The purpose of the front yard setback provision in the Zoning By-law is to provide the following:

- i) Adequate separation between the road allowance and residential uses occurring in a building: There is relatively little traffic on Jordan Lane given that it is a street within a suburban community that only services single detached dwellings. The building addition is a garage extension rather than a living space that would benefit from greater separation from a road allowance.
- ii) Sufficient area for landscaping purposes: If approved, the lot will maintain 44.27% landscaped open space, while only 30% is required. Since only a small portion of the dwelling will be coming closer to the front lot line to accommodate this proposal, the visible landscaped open space from the road allowance remains largely unaffected. No landscaped open space will be lost east of the driveway. The road allowance also provides 5 metres (16.4 feet) of landscaped open space between the road and the front property line.
- iii) Three metre separation required to provide for the construction and maintenance of public services within the road allowance: If approved the front yard setback would be 4.39 metres (14.4 feet). There is a water main between the road and front property line. Engineering Services was circulated the application for comment.

The purpose of the lot coverage provision in the Zoning By-law is to ensure sufficient landscaping, drainage and outdoor amenity space. The proposal does not eliminate any meaningful outdoor amenity space, and it should not adversely affect landscaping and opportunities for drainage on the subject property. The owner is required to retain their own water which is a matter reviewed at the Building permit stage. The Building Department was also circulated the application for comment.

The proposal is not expected to disrupt uniformity of appearance in the area and is considered compatible with surroundings. The variance for the reduced front yard setback only applies to the proposed garage extension and not the rest of the dwelling. It is an addition to the existing garage that currently protrudes south from the rest of the single detached dwelling towards the front lot line. The dwelling located on the neighbouring property to the east has the same configuration. If approved, the variance will permit the garage on the subject property to be approximately a few metres closer to the front lot line than this neighbouring dwelling. According to the drawing submitted with the application, the dwelling

located on the neighbouring property to the west, which is a corner lot, will still be located closer to the Jordan Lane road allowance than the garage extension if approved. There will be at least 9.39 metres (30.8 feet) separation between the garage extension and the curb if approved.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

ERCA – No objection. The parcel falls within the regulated area of the Lake St Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Damian Kacprzak stated he understood everything that was read.

Member Hacon asked if the building addition would match the brick and stone of the house. Damian Kacprzak confirmed.

Moved by Member Barrette

2nd by Member Diemer

That Minor Variance application A/5/2021 be approved.

- Carried –

Moved by Member Diemer

2nd by Member Sylvestre

That the minutes of December 9, 2020 be adopted as printed and distributed.

- Carried –

Moved by Member Diemer
2nd by Member Barrette

THAT the meeting adjourn at 7:18 p.m.

- Carried -

Mark Hacon
Chairman

Ian Search
Secretary-Treasurer

Municipality of Lakeshore - Report to Council

Engineering & Infrastructure Services

Drainage Services



To: Mayor & Members of Council
From: Jill Fiorito, Drainage Superintendent
Date: February 18, 2021
Subject: Drainage Board Meeting February 1, 2021

Recommendation

This report is for information only.

Background

The draft minutes from February 1, 2021 Drainage Board meeting are attached.

Comments

Mr. Gerard Rood from Rood Engineering Limited was in attendance to give a brief summary of his drainage report dated November 4, 2020. (3rd Concession Road Drain – Olson Bridge).

The Drainage Board recommended that By-law No. 004-2021 be recommended for third reading.

Others Consulted

Essex Regional Conservation Authority has been consulted on this project.

Financial Impacts

All costs incurred for this project will be borne by the property owner.

Attachment(s): Draft Drainage Board minutes dated February 1, 2021

Report Approval Details

Document Title:	Drainage Board meeting February 1, 2021.docx
Attachments:	- 2 - Feb.1, 2021 Drainage Board Minutes.docx
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

MUNICIPALITY OF LAKESHORE

MINUTES OF THE DRAINAGE BOARD

PRESENT:	Chairman	-	Dave Armstrong
	Board members	-	Horst Schmidt
		-	Jeremy Reaume
		-	Maurice Janisse
		-	Norbert Poggio
	Asst. Drainage Superintendent	-	Kyle Emery
	Engineers	-	Gerard Rood
	Drainage Superintendent	-	Jill Fiorito

1. **CALL TO ORDER AT 5:00 PM**

The Chair called the meeting to order at 5:00 p.m.

2. **DISCLOSURES OF CONFLICT OF INTEREST AND THE GENERAL NATURE THEREOF**

There were no disclosures of conflicts of interest.

3. **APPROVING THE MINUTES OF PREVIOUS DRAINAGE BOARD MEETING**

Drainage Board Meeting Minutes of January 11th 2021.

Board Member Janisse moved and Board Member Reaume seconded

That:

The Board approve the minutes of the Drainage Board Meeting dated January 11th, 2021.

Motion Carried

4 ENGINEERING AND INFRASTRUCTURE SERVICES

COURT OF REVISION

Opening of the Court of Revision.

Board Member Poggio and Board Member Schmidt seconded:

It is recommended that:

The Drainage Board move into Court of Revision to consider appeals respecting By-law No. 004-2021 in the Municipality of Lakeshore, in the County of Essex.

Motion Carried

3rd Concession Road Drain (Olson Bridge)

Mr. Gerard Rood, P.Eng was in attendance and briefly outlined the key points of the assessment schedule in his report dated November 4th, 2020.

Mr. Rood explained that he had not received any concerns from landowner's regarding this bridge replacement. The Drainage board has not received any questions, or appeals for this assessment.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Schmidt moved and Board Member Poggio seconded:

That:

The Schedule of Assessment to provide for the 3rd Concession Road Drain (Olson Bridge) in the Municipality of Lakeshore, in the County of Essex as prepared Rood Engineering Inc., dated November 4th, 2020 be approved and By-Law No. 004-2021 be recommended for third reading.

Motion Carried

Closing of the Court of Revision

Board Member Janisse moved and Board Member Reaume seconded:

That:

The Drainage Board moves to close the Court of Revision.

Motion Carried

**DAVID ARMSTRONG
CHAIRMAN**

**JILL FIORITO
DRAINAGE SUPERINTENDENT**

NEXT SCHEDULED MEETING

The next Drainage Board Meeting is schedule for 5:00pm on March 1st, 2021 in the Municipality of Lakeshore.

Municipality of Lakeshore - Report to Council

Community & Development Services

Communications & Strategic Initiatives



To: Mayor & Members of Council
From: Rita Chappell, Manager of Communications & Strategic Initiatives
Date: February 18, 2021
Subject: Lakeshore Accessibility Advisory Committee Meeting Minutes Feb 9, 2021

Recommendation

This report is for information only.

Background

The Draft Accessibility Advisory Committee meeting minutes are attached.

Comments

The minutes from the Accessibility Advisory Committee of November 17, 2020 were approved.

02-9-2021 – Williams/Pavlov

That the November 17, 2020 Lakeshore Accessibility Advisory Committee (“LAAC”) Meeting Minutes be approved with the following revisions:

- Revise Delegation comments to include indoor and outdoor when referencing the plans.
- Add Williams / Bailey to 02/11/2020 Motion regarding accessible flag, banner and tablecloth.

Municipal Liaison Chappell has applied for the complimentary Rick Hansen Foundation Accessibility Certification accessibility rating of Atlas Tube Centre and will notify the committee once she has received a response on the application.

ECAAC Joint AAC Meeting with County Municipalities is scheduled for March 11, 2021. Committee Chair and Vice Chair along with the Municipal Liaison are invited to attend.

Chair Keller and Member Williams have registered for the Accessibility Professional Network Virtual Conference March 11-12.

LAAC Committee members are encouraged to email Municipal Liaison Chappell with 2-3 goals for the committee by March 31 so they can be compiled and discussed at the May 4 meeting. LAAC Chair Keller to inquire with the County of Essex AAC to determine if they have goals as suggested by Mayor Bain.

Financial Impacts

There are no financial impacts from this report.

Attachment(s): Draft Accessible Advisory Committee Meeting Minutes February 9, 2021.

Report Approval Details

Document Title:	February 9 Accessibility Advisory Committee Meeting Minutes.docx
Attachments:	- Feb 9 - Accessibility Advisory Committee Meeting Minutes.docx
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride



Municipality of Lakeshore

Minutes of the Accessibility Advisory Committee Meeting

Held Virtually Tuesday, February 9, 2021 at 2:30 PM

Members Present: Mayor Tom Bain
Carol Pavlov, Rolf Keller, Lydia Williams, Joe Matz

Staff Present: Manager of Communications & Strategic Initiatives,
Rita Chappell

Call to Order

Chair Keller called the meeting to order at 2:41 PM.

Disclosures of Pecuniary Interest

None noted.

Adoption of the Minutes

The Accessibility Advisory Committee Minutes of November 17, 2020

02-9-2021 – Williams/Pavlov

Revise Delegation comments to include indoor and outdoor when referencing the plans.

Add Williams / Bailey to 02/11/2020 Motion

That the November 17, 2020 Accessibility Advisory Committee Meeting Minutes be approved.

Carried

Delegation

None

Old Business

- a) LAAC Table Cover / Banner / Flag. Discussion ensued regarding the design of these items. Committee determined Banner shall not be the indoor pull up version but one that can be hung from a tent during an event. Municipal Liaison Chappell to email designs to entire committee for review and comment. Report to Council slated for February 16 meeting to obtain approval for purchase of items.
- b) ECAAC Joint AAC Meeting with County Municipalities is scheduled for March 11, 2021. Committee Chair and Vice Chair along with Municipal Liaison are invited to attend.
- c) Municipal Liaison Chappell has applied for the Complimentary RHFAC accessibility rating of Atlas Tube Centre and will notify the committee once she has received a response on the application.
- d) LAAC Committee members are encouraged to email Municipal Liaison Chappell with 2-3 goals for the committee by March 31 so they can be compiled and discussed at the May 4 meeting. LAAC Chair Keller to inquire with the County of Essex AAC to determine if they have goals as requested by Mayor Bain.

New Business

- a) Accessibility Professional Network webinar Feb. 4. Member Williams provided a brief overview of the webinar which focused on building accessibility.
- b) Accessibility Professional Network Virtual Conference March 11-12. Chair Keller and Member Williams have registered for this conference. Other members who are interested must contact Municipal Liaison Chappell if they are interested in attending.
- c) The Dave C Onley Leadership in Accessibility Awards is open for nominations until February 26, 2021. Municipal Liaison Chappell to email link to members if they are interested in nominating someone. Mayor

Bain stated it may hold more weight if a nomination comes from the committee.

d) Date of Next Meetings

Please ensure you have the following meeting dates noted on your calendar.

- May 4, 2021 at 2:30 PM
- September 14, 2021 at 2:30 PM
- November 2, 2021 at 2:30 PM

Adjournment

09-Feb-2021 – Matz / Pavlov

That the meeting adjourn at 3:30 PM.

Carried

Municipality of Lakeshore – Report to Council

Engineering & Infrastructure Services

Environmental Services



To: Mayor & Members of Council

From: Albert Dionne, C.E.T.
Manager, Environmental Services

Date: February 18, 2021

Subject: Drinking Water Quality Management Standards Review Meeting

Recommendations

This report is for information only.

Background

As required by the Municipality's Operational Plan created pursuant to the *Drinking Water Quality Management Standard (DWQMS)*, February 2017 (issued pursuant to the *Safe Drinking Water Quality Act*), a Management review of the Quality Management System (QMS) must be completed at least once per calendar year.

A Management review meeting is held to provide an update to Council on the status of the system. The results of the Management Review are documented and includes deficiencies and action items. The reporting of the results is mandated to be reported to the owner of the drinking water system on an annual basis.

Comments

A Management review meeting was held on August 14, 2020. The minutes of the meeting have been appended to this report. Attached to the minutes is a spreadsheet identifying the actions to be taken, the person responsible for completing each action and an estimated timeline to complete each task.

Financial Impacts

There are no budget impacts as a result of this report.

Attachment: DWQMS review minutes from the August 14, 2020 Meeting

Report Approval Details

Document Title:	DWQMS Management Review Meeting.docx
Attachments:	- DWQMS Management Review Meeting - Minutes August 14 2020.docx
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

**DWQMS
Management Review Meeting
August 14, 2020**

Attendees – Nicole Bradley, Albert Dionne, Darrin Johnston, Garry Punt, Ken Roberts, Jay Marentette, Bill Dukes, Nelson Cavacas

Absent – Gary McDonald

Commenced: 8:35 am

1. Review previous Minutes from March 19, 2019 & September 25, 2019:

March 2019:

- 2018 Internal Audit recommended that Operational Plan needs to be posted to website; Nicole will send to Brenda.
- City Works training will be coming up when new Operational Centre is ready
- Risk Assessment – 36 months with everyone – review and provision of infrastructure; related to performance measures; will do at next one.
- New locate program will be introduced when new City Works implemented (electronic log books)

September 2019:

- Information on pumps – will put a list of websites for ease of reference while on tablets;
- SPWTP re: Stantec – status quo for now
- Mock emergencies – been struggling to fit it in; whenever have an emergency call, they note it as a Mock emergency drill;
- Action Item List from 2018:
 - 2 – Saddles – done
 - 5 – Councillors have all been trained
 - 10 – Plant manuals; only got part for BR; operations part only has been updated; Stoney Point will have to be completely updated;
 - The rest have been taken care of

2. Discuss action taken from last Management Review meeting to current:

a) Incidents of non-compliance

Lakeshore WSA (Mar 2019 – July 2020):

- Safe Drinking Water Act - none;
- Ontario Regs – continuous monitoring equipment not following guidelines re: batteries for turbidity meters; completed July 2019;

- System MDWL/DWWP – Condition 2.4 of Schedule B DWWP re: generator at water tower; completed Feb 13/20;
- System MDWL/DWWP – Failed to prepare Form 3 (noise) re: generator at water tower; completed Feb 10/20;
- Provincial Officers Order – none;

Stoney Point WSA (Mar 2019 – July 2020)

- Safe Drinking Water Act - none;
- Ontario Regs – none;
- System MDWL/DWWP – none;
- Provincial Officers Order – none;

Tecumseh WSA (Mar 2019 – July 2020)

- Safe Drinking Water Act - none;
- Ontario Regs – none;
- System MDWL/DWWP – none;
- Provincial Officers Order – none;

Lakeshore-Union WSA (Mar 2019 – July 2020)

- Safe Drinking Water Act - none;
- Ontario Regs – none;
- System MDWL/DWWP – none;
- Provincial Officers Order – none;

b) Incidents of adverse drinking water results

c) Findings from internal and external audits

- 2019 Non-Compliance:
 - Currently does not exist evidence that the outcomes of the risk assessment documented under Element 8 have been considered as part of reviewing the adequacy of the infrastructure necessary to operate and maintain the drinking water system
 - Annual review of DWS infrastructure will be held at the same time as the annual risk assessment review. This will help to ensure that the requirements of both Elements 14 & 7/8 will be satisfied.
- 2019 Opportunity for Improvement:
 - Consider adding a description of 'roles, responsibilities and authorities' for the Owner

- Review s. 11-9 if the SWDA and make needed updates; completed by Nik
 - Consider implementing a practice of updating GIS records sooner
 - Still on the table; being discussed; Consultants and GIS not updating fast enough
 - Consider creating an internal on-the-job training course calendar listing various Lakeshore-specific drinking water system topics led by the TOL DWS staff who have the knowledge, skills & experience;
 - Idea has been brought up to have operators train in-house at the plant
 - Locating of streetlights and converting to LED
 - This has been addressed in the Locate SOP; LED lighting and ball marker system is still being discussed
- 2020 Non-Compliance:
 - None
- 2020 OFI's
 - Consider renaming SOP "Communication of Boil Water Advisory" to "Responding to Water Advisories"
 - SOP will be renamed & finalized
 - Element 6 Plan a iii – required for systems that do not have equipment that provides primary or secondary disinfection residuals – maintained throughout the distribution system
 - Needed to be documented that we flush the system to maintain our chlorine residuals; completed July 2020
 - Consider adding references to existing SOPs in the Identified Control Measures column of risk assessment outcomes where they exist
 - Still needs to be updated; anticipated to be complete by November 2020
 - Consider carrying out an audit of posted instructions and regular check sheets used throughout operations to ensure they're part of the document control system
 - Operators were asked to update the bulletin board and file anything that is kept on a clipboard
 - Consider changing the word "customer" to "consumer" in the text version of the QMS policy posted online
 - Website will be updated
 - Consider describing how maintenance effectiveness and efficiency is assessed every year
 - Element 15 will be reviewed and updated to show effectiveness and efficiency
 - Consider locating water service agreements with connected system Owners/Operating Authorities to confirm roles/responsibilities/duties in accordance with s. 14 SDWA

- Old/Current Agreements needs to be reviewed and updated
 - Consider establishing a standard template for recording Management Review meeting minutes
 - The new template now covers this
- 2019 External Audit:
 - Non-Conformance
 - Element #14/consideration of Risk Assessment Outcome is not included in the procedure
 - Review element 14 and review and ensure that the details are more how risk assessment outcomes are to be utilized/tied into the Review and Provision of Infrastructure; a lot of discussion had re: risk assessment
 - Element #21 – new requirement of version #2 of the DWQMS std. regarding best practice review is not in conformance
 - Best Practice review will be made part of the tasks which are reviewed annually during the requirements of element 20 (mgmt. review)
- 2019 External Audit – OFIs:
 - Element #9 – Opportunity exist to include responsibilities and accountability of the owner and water quality compliance/water operator positions
 - Review of Element 9 and revise the roles, responsibilities table to include the owner/council and water quality compliance/water operator positions
 - Element #5 – Opportunity exists to continue to compliment list with document (int. & ext.) and records which are pertinent and referenced in the DWQMS documents
 - Through annual review of all DWQMS elements, reference documents and records will be noted and added to Document list if missing. As SOP's are reviewed and updated – documents/records will be noted and if pertinent information added to document list; Discuss the "Cloud" with Mary

d) Changes to service, activities, regulations, etc. that could impact the DWQMS

- Services/Activities
 - Replacement of current coagulant (DeIPAC) to a coagulant called ZG-90 for the summer months
 - Plant is sensitive to changes; trying to be proactive and stay on top of clarifiers;
 - Stoney Point WTP currently undergoing clarifier maintenance – lending to change in service – through the installation of the membrane trailer

- Possible single sourcing of lab to handle all analysis for the Lakeshore Water Drinking System
- Covid 19 – onsite staff limitations; town enforced policies; services provided by lab-following their protocols, service providers – deliveries and shipping
- New postings for Operators and Water Quality/Compliance Water Operator. QMS rep (back up position?)
- With Covid training has been affected. Operators could fall short on obtaining required hours for renewals; training still proceeding for the most part
- Regulations
 - MDWL & DWWP – license and permit has gone through a complete overhaul
 - Clarification regarding SCADA hardware/software & coagulant feed systems
 - New preauthorization's for the addition, modification and replacement of coarse and fine screens
 - New preauthorization for the addition, modification, replacement or removal of certain inline booster pumping stations
 - New preauthorization for the replacement of regulatory measuring and monitoring devices;
 - New preauthorization for watermain sections that are 6.1 meters in length or less
 - Updates to align verbiage to match other policy documents
 - New requirement for calibration
 - New standard conditions re: source protection
 - New conditions re: harmful algae blooms
 - Clarification of items in Sch. E
 - Watermain Disinfection Procedure – new version has been issued to all DWS owners

e) Review of Best Practice recommendations

- Review recommendations cited in 2018/19 Ministry inspection reports for all plants & areas
- Air vents & overflows associated with reservoirs and elevated storage structures were not equipped with screens. Recommend: screen does not meet the recommendations in the Ten States Standards and should be replaced
- Logbook review showed some instances when the Operator put the continuous analyser on hold during calibrations; Recommend: Remind Operators to ensure that regulatory analyzers are continuously operating during calibrations when water treatment is taking place.
- Aluminum residual samples of treated water from the plant...

- Stoney Point WTP & WSA: Records provided by the owner demonstrated that proper checks, verifications and calibrations were performed to continuous analyzers used to measure free chlorine residual, pH and flow...
- None noted for Tecumseh or Union
- General DWQMS:
 - Consider adding the record of commissioning to our document list
 - Possible addition of following wording into our Element 14 “operator input be considered and record in regards to new or upgrade drinking water projects”
 - Consider the creation of a summary tracking sheet for long term infrastructure maintenance, rehab, renewal
 - Possible addition of wording into Element 16 to include how sample results and shared between connected systems – paying attention to any diverse conditions

f) Emergency preparedness and response based on mock emergencies

- WT ERP has been reviewed together by the Manager of Env Serv., Supervisor of Water Operations, Dist. & Treatment, Working Foremen and the Water quality Compliance Water Operator
 - It has been rolled out into Compliance Science for all to review
- There was no emergency test scenario completed in 2018/19/20.
 - There is no ‘set time’ from in the standard as to when these ‘tests’ are to happen...

g) Results of infrastructure review

- Review of Cap Budget plans for treatment and dist.
 - Revisit and discuss data collected by distribution dept. re hydrant & valve maintenance:
 - SPWTP Clarifier – ongoing
 - Mill St. – ongoing
 - Water Meter replacements – starting any day
 - Railway & Strong watermain improvements/replacements – design stage
 - Do any of these pose any further risks compared to current risk assessment?
 - Possibly within the railway allowance
 - More watermain breaks if not fixed soon
 - May delay future programs
 - Strong Rd – creating a loop to prevent standing water/chlorine

h) Comments and suggestions made by personnel

- Continuing to receive a variety of constructive comments and suggestions relating to SOPs & documents via Compliance Science
- DWQMS based meetings are held with operators from dist. and treatment, allowing another means of comments and suggestions to be shared

i) Deviations from critical control point limits and corresponding actions taken

- Please refer to item: Operational Performance and the list of indicators used to represent the OP at both WTPs

j) The effectiveness of the risk assessment process

- July 22/20 annual review was conducted; minutes are available upon request;
- Reviewed action items (majority of which have been completed)

k) Operational performance

- Lakeshore & Stoney Point WTPs (Aug 2019 – July 2020)
- Total number of samples: 48 (raw water)
- Total number of samples: 93 (treated water)
- Reviewed charts and lab results
- 1 critical control point exceeded event – Jan 15/20: critical UV alarm due to communication failure (Lakeshore WTP)
- Stoney Point WTP – 7 events mostly related to turbidity spikes
- Distribution system - none

l) Trends in the quality of raw water supply and drinking water

- Reviewed graphs for raw & treated water at the WTPs

m) Previous management review meeting action items

- See previous meeting action items at start of meeting

n) Updates on action items identified between management review meetings

- Discussed at beginning of meeting

o) Consumer feedback

- Residents have a hard time describing what they think is a possible water leak

p) Resources needed for drinking water QMS maintenance

- Sufficient, competent operators to fulfill staffing needs
- Current and appropriate Training courses
- Good budget for training

- Revised operations manuals and development manuals
- Heating system for Stoney Point WTP
- Audits
- Council/Owners

q) The currency of the Operational Plan; content and updates

- Annual review for all elements completed – all current

New Business:

None

Next Meeting:

Mid-Late April 2021

Adjourned – 2:00pm



Signature

QMS Representative

AD/bjk

Albert Dionne

Print Name

January 8, 2021

Date signed



Management Review Meeting

Discussion Topics/Notes	
Date:	August 14, 2020
Called by:	
Attendees	Listed above
Location:	

Topic	Topic Description	Notes	Who Responsible /Code	Timing /Status
C	DWS Review	Review multiple notes & Element 5,9,14,21	AD/GP	Complete – August 2020
D	Actions required	Review bullets points develop action plans	AD/GP	Complete – August 2020
E	Best Practices	Procedure updates may be required.	AD/GP/DD	Complete – August 2020
F	ERP	Review implement test	AD/GP	Ongoing – Target date October 2021
G	Infrastructure	Ongoing review and update	AD/GP	Delayed – Target date December 2021
P	Resources	Staffing needs to be reviewed	AD/GP	Complete – Full staffing compliment 2020

Municipality of Lakeshore - Report to Council

Legislative & Legal Services



To: Mayor & Members of Council

From: Kristen Newman, Director of Legislative & Legal Services

Date: March 3, 2021

Subject: Delegation of Authority regarding Title Issues (Serenity Bay Title Issue)

Recommendation

Direct the Clerk to read By-law 26-2021 delegating authority to the Clerk to amend *By-law 50-2020 being a By-Law to Delegate Authority regarding Execution of Instruments relating to Real Property* to delegate authority to the Clerk to execute instruments to permit, consent, agree to or otherwise authorize correction of real property title issues where the Municipality of Lakeshore is not adversely affected; and

Read By-law 27-2021 delegating authority to the Clerk to amend *By-law 50-2020 being a By-Law to Delegate Authority regarding Execution of Instruments relating to Real Property* to delegate authority to the Clerk to execute instruments to permit, consent, agree to or otherwise authorize regarding the correction of the real property title issues with the absolute title regarding the Serenity Bay subdivision, as presented at the March 9, 2021 Council meeting.

Background

As a requirement of a previous subdivision development (Serenity Bay), Jack Mocer & Sons Contracting Limited ("Developer") was required to convey to Lakeshore a one foot reserve. That reserve is shown as Parts 6 and 8 on plan 12R20514 (appears at Appendix "A" to this report). Such reserves are routinely taken as a means of control over future development. When subsequent approvals are granted the intent is that these reserves disappear. Accordingly they are either given back to the developer, to become part of newly created lots or dedicated as part of a new public road.

The Serenity Bay Subdivision was approved in 2019 by Council. It is adjacent to plan 12R20514 and encompasses the one foot reserve mentioned above. Prior to registering the approved plan of subdivision the developer's title to the lands must be upgraded to the status of "Absolute Title" in the Province's electronic land registry system. During this process not only is ownership of the lands certified but the boundaries or property lines of the land are certified as well. In completing this process for the Serenity Bay Subdivision the fact that Lakeshore still owned the one foot reserve was inadvertently

missed (this is the “Subject Property”). This resulted in Absolute Title for the Subject Property being applied for and granted to the Developer for land they did not own and that was, in fact, owned by Lakeshore.

The Subject Property is a strip of land running down the middle of what is shown as Xavier Circle and along the edge of lot 13 on the new plan of subdivision (Plan 12M673 attached as Appendix “B” to this report). This error has caused a significant title problem meaning that the Land Registry Office has frozen title for the entire subdivision meaning that no lands in the subdivision can be transferred. The Developer’s lawyer has reached out to Lakeshore for assistance.

At the suggestion of the Deputy Land Registrar (described in the email appearing at Appendix “C” to this report), the Developer is asking that Lakeshore convey the one foot reserve (part 6 on plan 12R20514) back to the Developer. The Deputy Land Registrar would then register a Registrar’s Order deeming that registration to have occurred prior to the granting of Absolute Title. In this way, the title problem is cleared up and Lakeshore is still left owning the entire width of Xavier Circle, as it should at this point.

Comments

Administration recommends that the Clerk be authorized to sign the necessary documents and instruments to convey part 6 on reference plan 12R20514 back to the Developer to facilitate the process to correct title to the Serenity Bay Subdivision as suggested by the Deputy Land Registrar. To do so, By-law 27-2021 is included in the By-laws section of the agenda for reading.

Administration also recommends that the Developer be required to agree, in writing, to convey those portions of Parts 6 on Plan 12R20514 that form part of Xavier Circle on plan 12M673, should the plan for correcting title proposed by the Deputy Land Registrar fail to result in those lands being owned by Lakeshore at the end of the process and that the Mayor and Clerk be authorized to execute such agreement.

Finally, Administration is recommending that By-law 50-2020 being a By-Law to Delegate Authority regarding Execution of Instruments relating to Real Property be more broadly amended to incorporate delegated authority to the Clerk to correct title issues that arise that will not adversely affect the Municipality. This will help to avoid the need to bring minor issues such as the one described above to Council taking up valuable Council meeting time and unduly delaying the development process.

Others Consulted

Jim Renick, Goad & Goad LLP

Mary-Ann Keefner, Shibley Righton LLP – Counsel for the Developer

Financial Impacts

The costs of obtaining the necessary orders and preparation of the necessary instruments will not be borne by the Municipality.

Attachment(s): A – Plan 12R20514

B – Plan 12M673 (New Plan of Subdivision)

C – Email from Land Registry Office

Report Approval Details

Document Title:	SerenityBayTitleIssue.docx
Attachments:	- A-12R20514.pdf - B-12M673.pdf - C-LandRegistryEmail.docx
Final Approval Date:	Mar 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Kristen Newman

Rosanna Pellerito

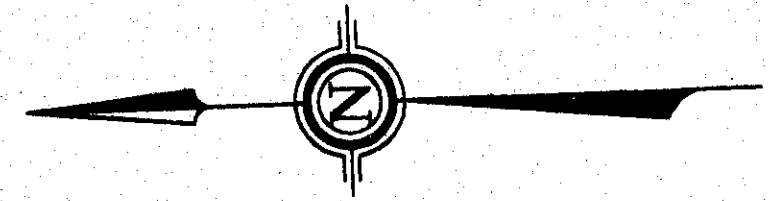
Truper McBride

TECUMSEH ROAD
(FORMERLY THE KING'S HIGHWAY No. 39)

PART 47, PLAN 12R-16625
SIB(1528) PART 43, PLAN 12R-16625

LAURANDALE DRIVE
PART 47, PLAN 12R-16625

JORDAN LANE



PARTS SCHEDULE				PARTS SCHEDULE			
PART	DESCRIPTION	PART OF PIN	AREA	PART	DESCRIPTION	PART OF PIN	AREA
1	PART OF LOT 1, CONCESSION EAST OF PIKE CREEK	75001-0417	24331 sq ft	5	PART OF LOT 1, CONCESSION EAST OF PIKE CREEK	75001-0417	9884 sq ft
2			7875 sq ft	6			67 sq ft
3			8407 sq ft	7			81109 sq ft
4			7595 sq ft	8			592 sq ft

PIN SUMMARY: ALL OF PIN 75001-0417

I REQUIRE THIS PLAN TO
BE DEPOSITED UNDER
THE LAND TITLES ACT

DATE: May 14/2003

ROSS A. CLARKE
ONTARIO LAND SURVEYOR
for: CLARKE SURVEYORS INCORPORATED

PLAN 12R-20514
RECEIVED AND DEPOSITED
DATE: 3rd June 2003

ASST. DEPUTY LAND REGISTRAR
FOR THE LAND TITLES DIVISION
OF ESSEX (12)

PLAN OF SURVEY
OF
PART OF LOT 1
CONCESSION EAST OF PIKE CREEK
IN THE GEOGRAPHIC TOWNSHIP OF MAIDSTONE, NOW IN THE
TOWN OF LAKESHORE
COUNTY OF ESSEX, ONTARIO
CLARKE SURVEYORS INCORPORATED - 2003
SCALE: 1" = 40'

"IMPERIAL" DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN
BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT,
THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 7TH DAY OF MAY, 2003.

DATE: May 14/2003

ROSS A. CLARKE
ONTARIO LAND SURVEYOR
for: CLARKE SURVEYORS INCORPORATED

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERN LIMIT OF TECUMSEH ROAD
SHOWN AS N89°05'00"E ON MTO PLAN P-2966-7, INSTRUMENT 153316.

NOTES

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET AND MARKED 1201
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- RIB DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- (OU) DENOTES ORIGIN UNKNOWN
- WIT. DENOTES WITNESS MONUMENT
- (S/P) DENOTES SET BY PROPORTION
- (S) DENOTES SET
- (M) DENOTES MEASURED
- (1528) DENOTES VERHAEGEN, STUBBERFIELD, HARTLEY,
BREWSTER, BEAIRE, O.L.S.
- (A) DENOTES C.G.R. ARMSTRONG, O.L.S.
- (1194) DENOTES JOHN B. SKEETON, O.L.S.
- (1201) DENOTES ROSS A. CLARKE, O.L.S.

- ⊥ DENOTES PERPENDICULAR DISTANCE
- (NTS) DENOTES NOT TO SCALE
- (D) DENOTES INSTRUMENT
- (P) DENOTES PLAN 12R-7762
- (P1) DENOTES PLAN 12R-16625

CAD DATE: 14/MAY/2003 4:20PM CAD FILE: N:\10DAT30\33173-00.DWG

**CLARKE
SURVEYORS
INCORPORATED**
www.clarkesurveyors.com

Ontario Land Surveyors
Consulting Surveyors
640 Victoria Avenue
Windsor, Ontario
N9A 4N2
Ph. (519) 258-4166
Fax (519) 258-3874

ASSOCIATE COMPANY
**MACKEY
MACKAY
& PETERS
LIMITED**
Established 1906
BURLINGTON AND HAMILTON
ONTARIO

DRAWN BY	JS
CHECKED BY	RAC
JOB NO.	33173-00
FILE	L-MAID-EPC-1
PLAN FILE	3F-904

----- Forwarded message -----

From: **Mary-Ann.Keefner** <mary-ann.keefner@shibleyrighton.com>

Date: Tue, 16 Feb 2021 at 13:55

Subject: FW: Issue with 12M673

To: jim@goadandgoad.com <jim@goadandgoad.com>



Mary-Ann Keefner, Associate

SHIBLEY RIGHTON LLP *Barristers & Solicitors*

2510 Ouellette Avenue, Suite 301 | Windsor, Ontario N8X 1L4

T: 519.561.7409 | F: 519.969.8045

mary-ann.keefner@shibleyrighton.com | www.shibleyrighton.com

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From: Griffin, Wanda (MGCS)

Sent: Friday, February 12, 2021 1:02 PM

To: Mary-Ann.Keefner <mary-ann.keefner@shibleyrighton.com>

Subject: Issue with 12M673

Importance: High

***** THIS MESSAGE ORIGINATED OUTSIDE THE FIRM *****

DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mary-Ann

As per our earlier discussion, a LTCQ to Plus application requires a separate application for each owner and a separate reference plan as the reference plan must only show the lands included in the application and its appurtenant rights. This is set out in our Client Guide. I have also advised Mr. Mantha of same so that in the future this error does not happen again.

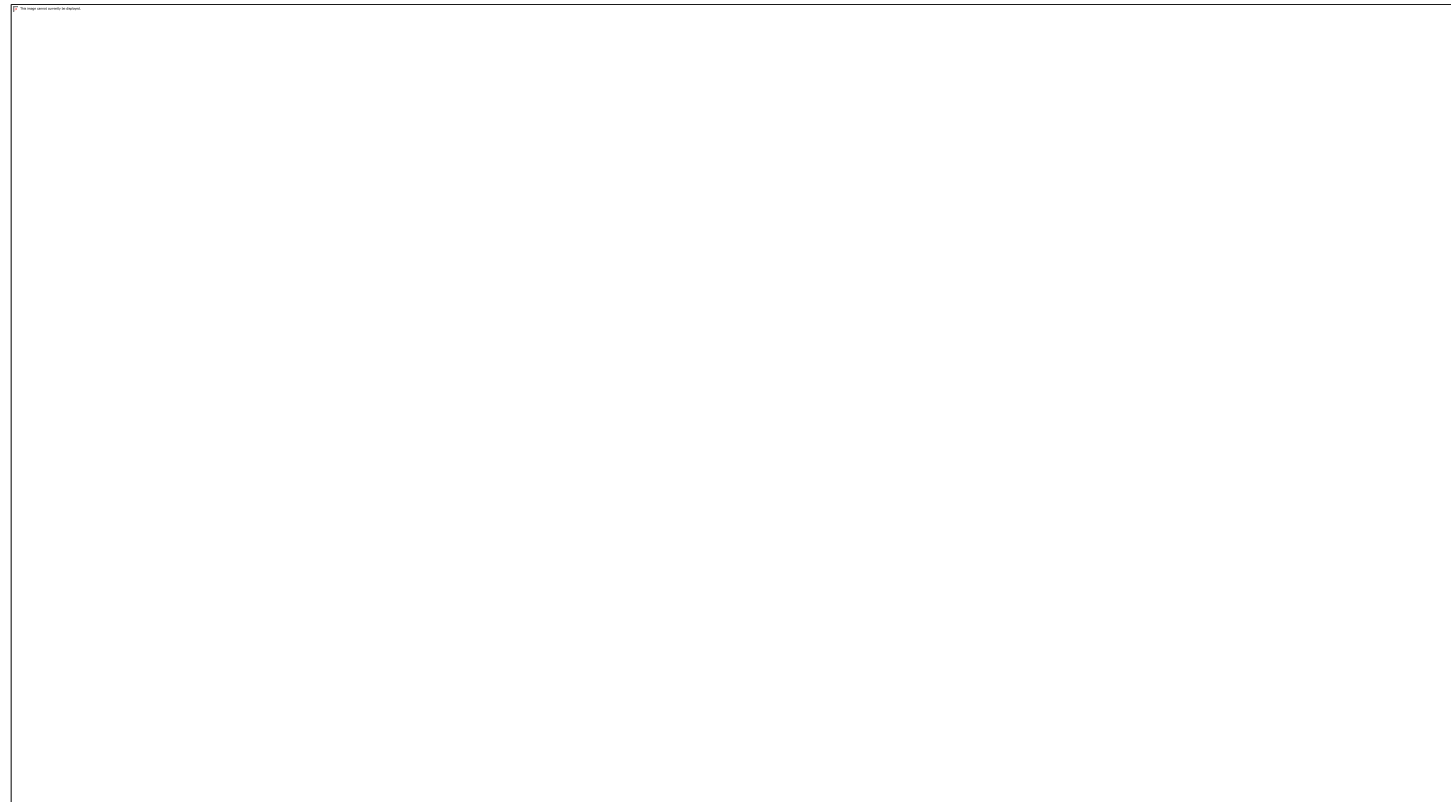
The plan used in the upgrade for Part 2, 12R27846 illustrates Part 8 on 12R20514 as being within Part 2. The extent of your subject lands and the extent of PIN 75001-0550 were not properly illustrated resulting in your client upgrading lands that they do not own as Part 8 was conveyed to the City by CE60235 in 2004. The PIN and transfer attached hereto.

Subsequently the plan of subdivision attached as 12M673 was registered and certified this week perpetuating the error.

The land being Part 8, 12R20514 would be located on Xavier Street and Lot 13 of the subdivision. See below.

As possible solutions to rectify, please contact the City to see if they would be willing to provide documentation to convey part 8 to your client that we would form part of a Land Registrar's Order. There is a charge on the PIN that would also need to be dealt with. Alternatively a court order vesting the lands to your client nunc pro tunc prior to the upgrade process would also suffice.

PIN 75001-0550 and the PINS of the plan of subdivision have been frozen until a solution can be reached.



Kindest regards,

Wanda Griffin

Deputy Director of Titles

Regulatory Services Branch

Ministry of Government and Consumer Services

Cell: 289 928 2350



Please note: if this email is not accessible to you or you would like to request an alternative format, please contact me.

GOAD AND GOAD LLP*

Barristers, Solicitors & Notaries Public
www.goadandgoad.com



53 Cambridge Street
Cambridge, ON N1R 3R8
Tel: (519) 623-7660

78 Talbot Street North
Essex, ON, N8M 1A2
Tel: (519) 776-9020

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Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council
From: Aaron Hair, Planner III
Date: February 18, 2021
Subject: Site Plan Control Application SPC-10-2020

Recommendation

Approve Site Plan Control Application SPC-10-2020 to permit the construction of an outdoor storage and parking area, subject to the following condition:

- a) that the Owner/Developer enter into a Site Plan Amending Agreement with Lakeshore to provide for the installation, construction, and maintenance of driveways, parking areas, lighting, landscaping, grading, drainage, and any necessary service connections, easements and other items; and,

The Mayor and Clerk be authorized by By-law 20-2021 to execute the Site Plan Agreement, all as presented in the report at the March 9, 2021 Council meeting.

Background

On November 5, 2019 Council approved a 40,000 ft² addition to a manufacturing plant located at 220 Patillo Road. This application is to construct an outdoor storage yard and associated parking area to the rear and side of the previously approved addition.

According to the Site Plan Control By-law 31-2011 and amending By-law 14-2012 this proposal is classified as a Site Plan Approval – Major and requires Council's approval.

Site Plan Approval – Major means "New Buildings of any size or additions greater than 929 square metres (10,000 sq. ft) or greater than 3 storeys in building height; or comprehensive changes to on-site grading/servicing/drainage or parking affecting lands greater than 0.6 hectares (1.5 acres in land area)."

The area that is proposed to be disturbed by site grading and paving is 7753.69m² (0.775ha).

Subject Land (220 Patillo Road & 0 Patillo Road)	Lot Area - 3.436 hectare (8.49 acre) Existing Use – General Employment (Light Manufacturing) Proposed Use – General Employment (Light Manufacturing with outdoor storage yard) Access – access off of Patillo Road Services – municipal water, and sanitary sewage system.
Neighbouring Land Uses	North – Employment Lands (Recreational Vehicle Sales) East – Urban Reserve (Wallace Wood Secondary Plan) South – Vacant Employment Lands West – Employment Lands & Public Utility Lot (storm pond)
Official Plan	Employment
Existing Zoning	M1 – General Employment

COMMENTS:

Provincial Policy Statement, County Official Plan and Lakeshore Official Plan

There are no issues of Provincial, County or municipal significance raised by this application.

Zoning By-law

The subject lands are currently zoned M1 – General Employment which permits outdoor storage subject to the general provisions contain with section 6.40 of the Zoning By-law.

Note: that Schedule C, Clause 7 of the site plan agreement requires the owners to maintain all gravel areas with dust control measures that utilizes Calcium Chloride.

Site Plan

The site plan drawing (attached as Appendix B), prepared by the applicant, details the proposed outdoor storage area.

FINANCIAL IMPACTS:

There are no adverse financial impacts resulting from the recommendation.

Attachment(s):

Appendix A – Key Plan
Appendix B – Site Plan
Appendix C – Site Servicing and Lot Grading

Report Approval Details

Document Title:	Site Plan Control Application SPC-10-2020.docx
Attachments:	- Appendix A – Key Plan.pdf - Appendix B – Site Plan.pdf - Appendix C – Site Servicing and Lot Grading.PDF
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

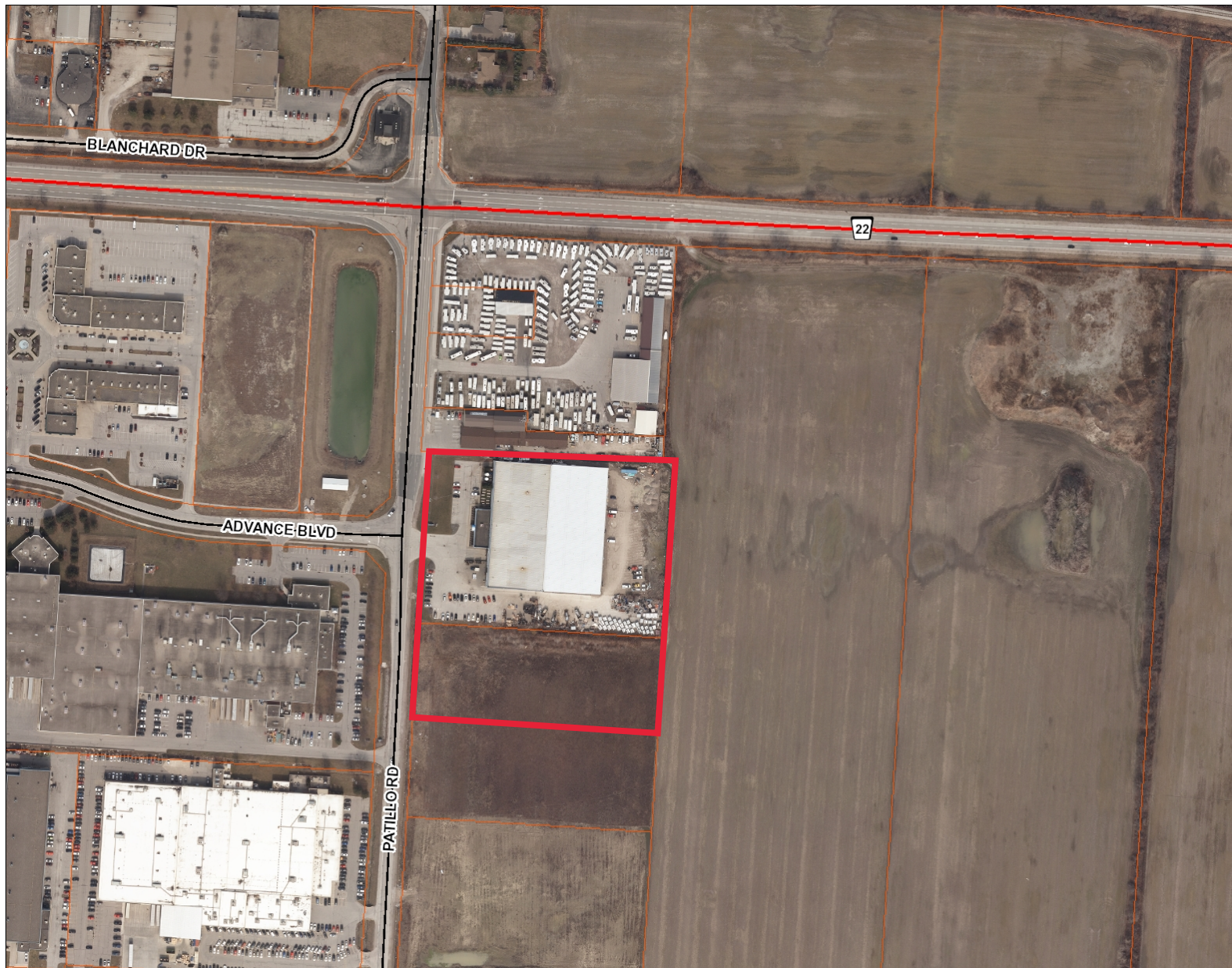
Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

Appendix A – Key Plan



Legend

- Tax Parcel
- WorkingParcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1: 4,258



Notes:

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

SITE STATISTICS

SITE ZONING:	M1
LOT AREA =	369,738 SQ.FT. [34,349m ²] (8.49 ACRES)
REQUIRED FRONT YARD SETBACK =	24.61' [7.5m]
REQUIRED REAR YARD SETBACK =	32.81' [10.0m]
REQUIRED SIDE YARD SETBACK =	14.76' [4.5m]
MIN. FRONTAGE REQUIRED =	59.1' [18.0m]
EXISTING FRONTAGE PROVIDED =	631.18' [192.38m]
EXISTING GROSS BUILDING AREA	
EXISTING OFFICE =	3,195 SQ.FT. [296.8m ²]
EXISTING MEZZANINE =	1,170 SQ.FT. [108.7m ²]
EXISTING PLANT =	42,000 SQ.FT. [3,901.9m ²]
TOTAL EXISTING GROSS BUILDING AREA =	46,365 SQ.FT. [4,307.4m ²]
PLANT ADDITION =	40,050 SQ.FT. [3,720.7m ²]
TOTAL GROSS BUILDING AREA =	86,415 SQ.FT. [8,028.2m ²]
MAX. LOT COVERAGE =	184,869 SQ.FT. [17,174m ²] = (50.0%)
LOT COVERAGE PROVIDED =	85,245 SQ.FT. [7,919.5m ²] (23.06%)
PARKING REQUIRED =	93 SPACES INCL. 3 B.F. SPACES
EX. PARKING REMOVED =	49 SPACES
EX. PARKING TO REMAIN =	24 SPACES INCL. 2 B.F. SPACES
NEW PARKING ADDED =	69 SPACES INCL. 1 B.F. SPACE
TOTAL PARKING PROVIDED =	93 SPACES INCL. 3 B.F. SPACES
MIN. LANDSCAPE AREA REQUIRED =	73,947 SQ.FT. (20.0%)
LANDSCAPE AREA PROVIDED =	120,730 SQ.FT. (32.65%)
MAX. HEIGHT OF ADDITION =	25'-9" A.F.F. (7.84m)

BUILDING CLASSIFICATION

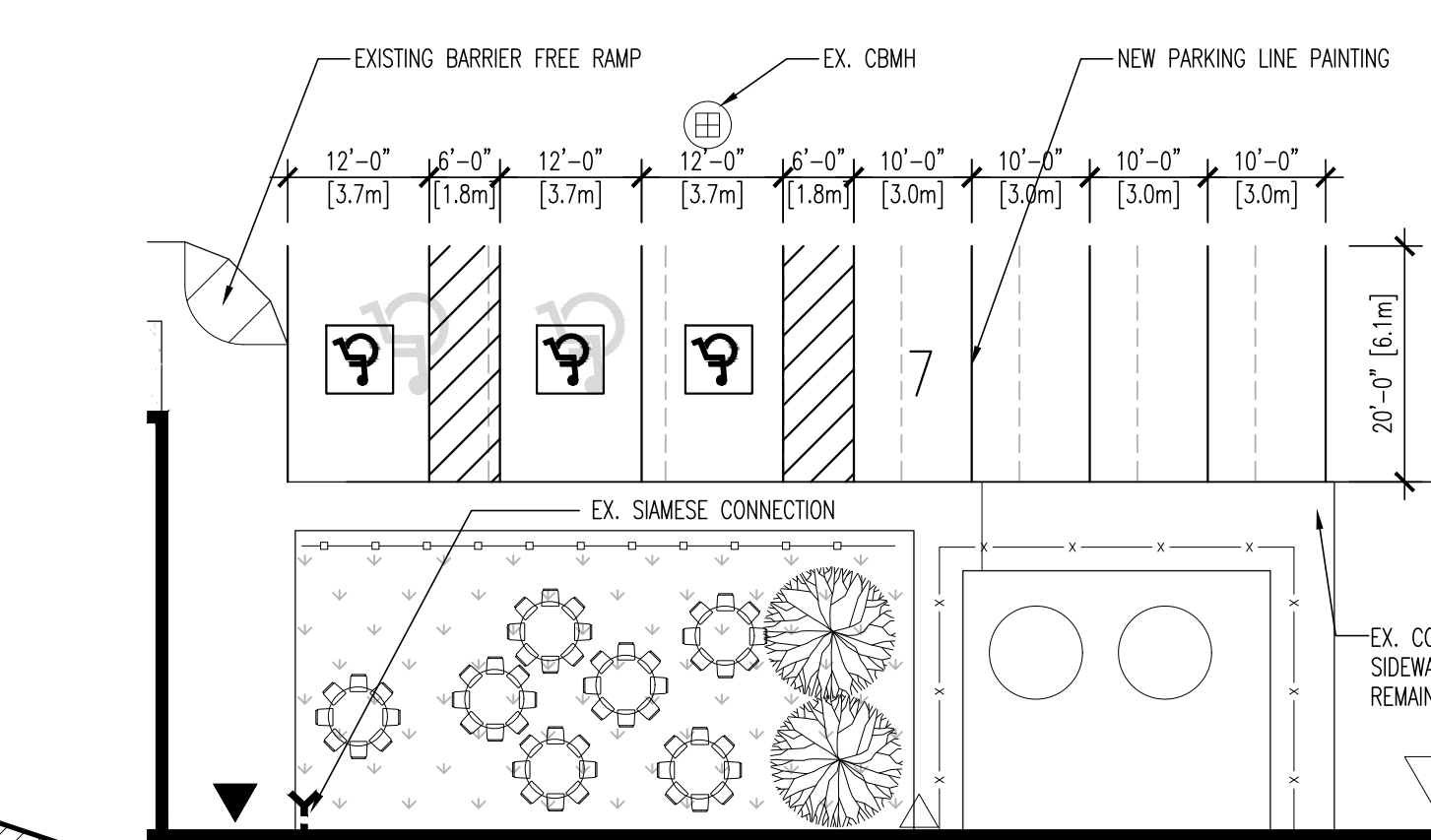
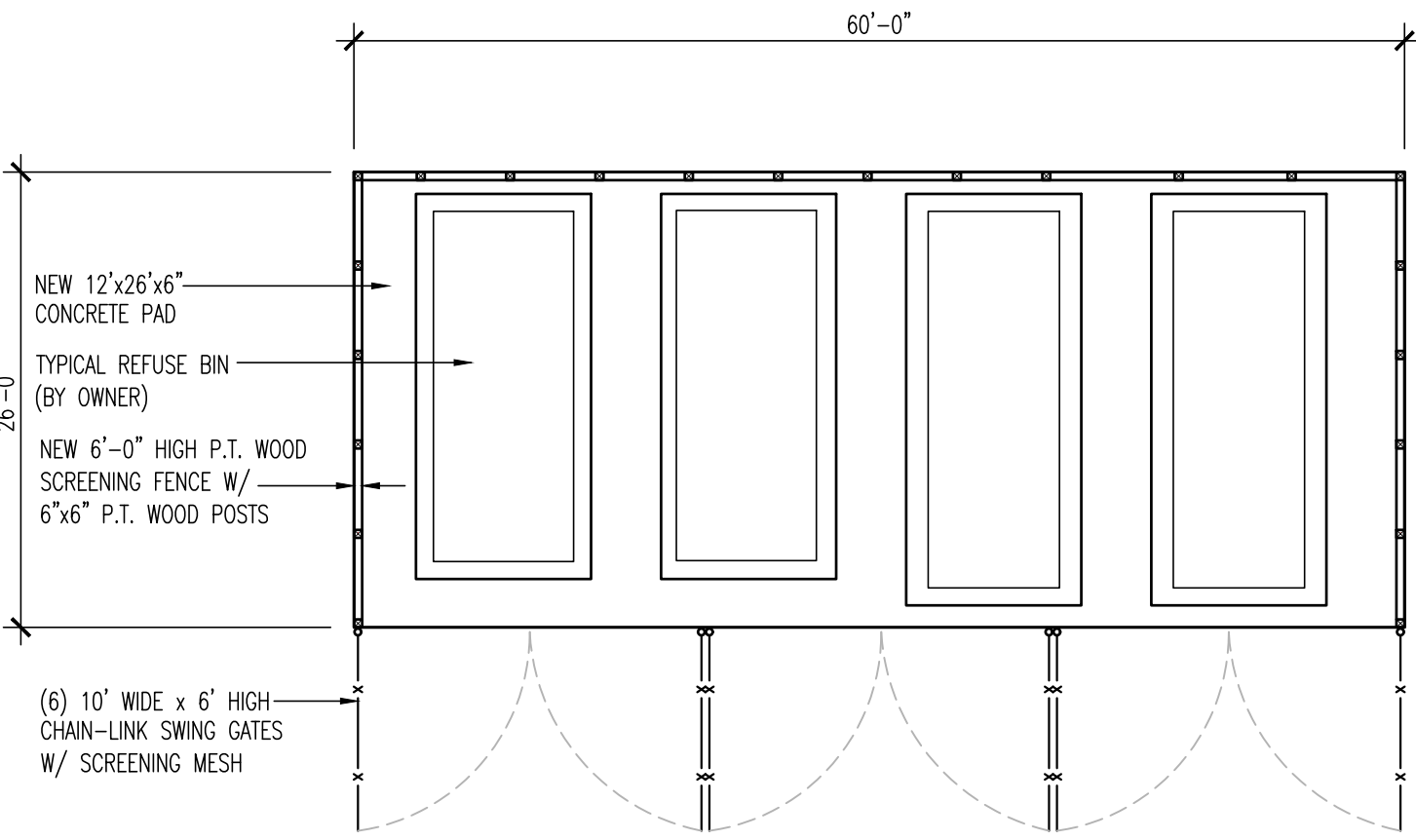
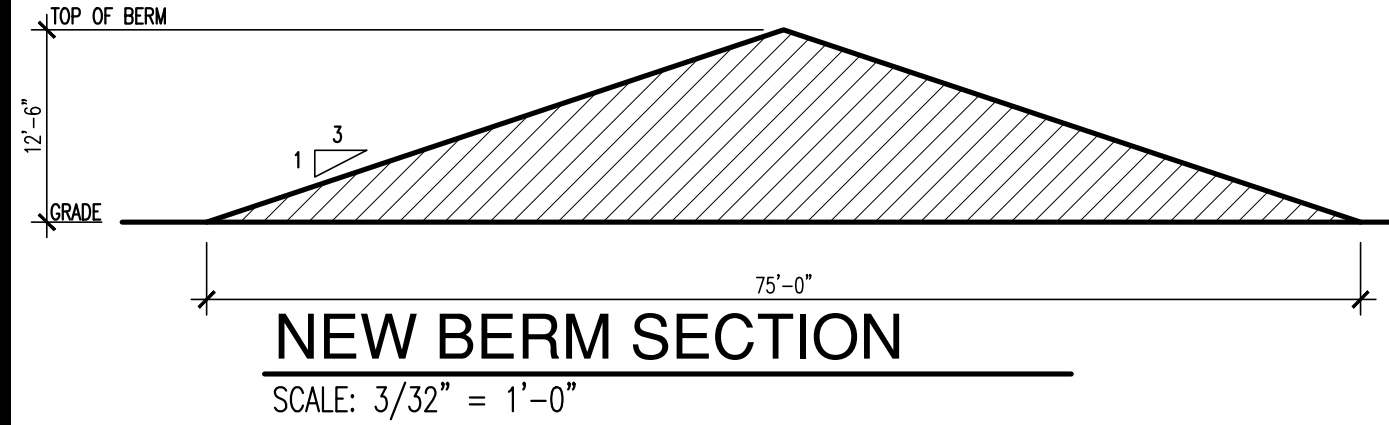
INDUSTRIAL BUILDING, GROUP F, DIVISION 3,
ONE STOREY, (O.B.C. 3.2.2.77)
BUILDING SPRINKLERED (NEW PLANT ADDITION ONLY)

TOWN OF LAKESHORE PARKING REQUIREMENTS

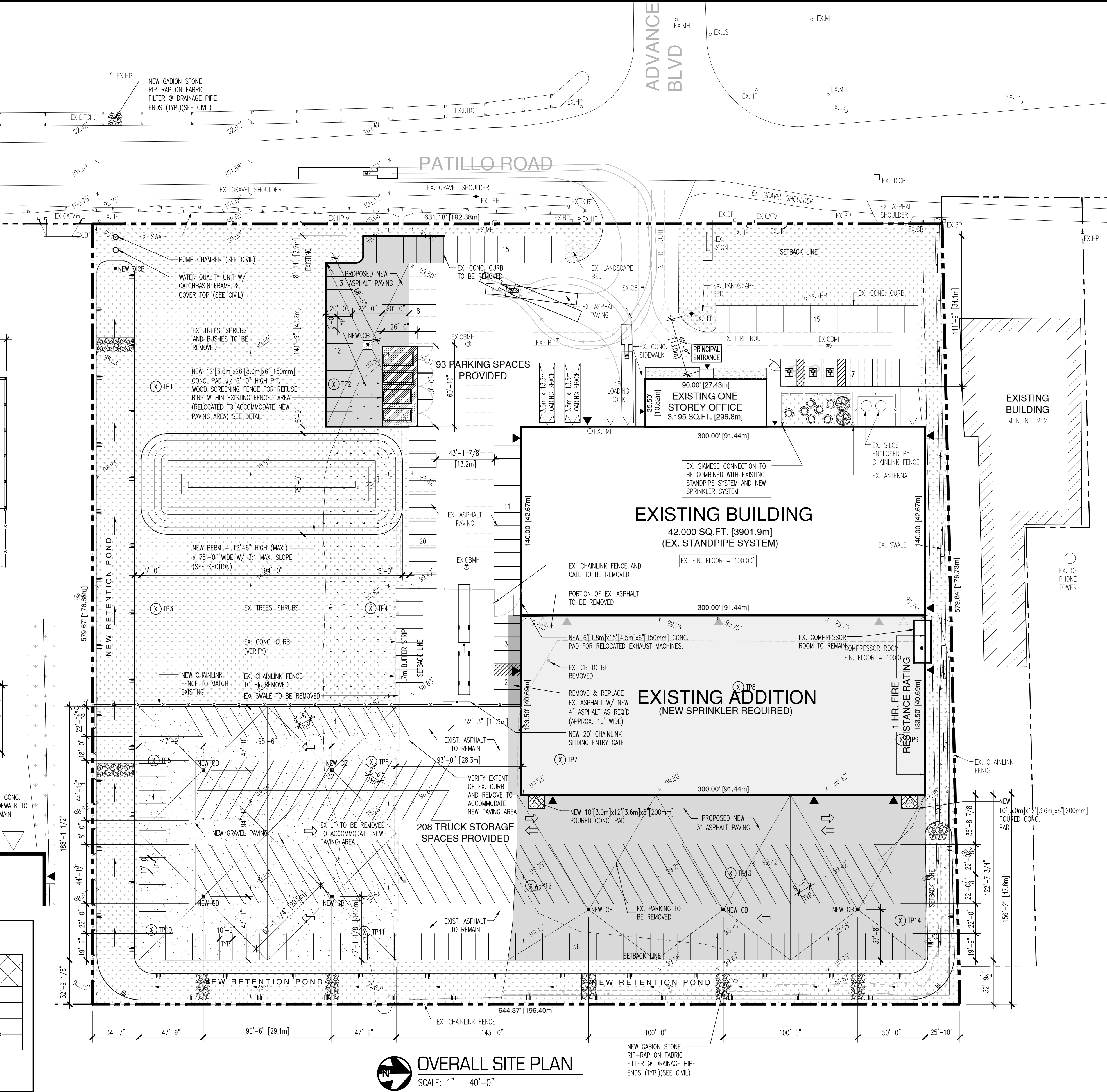
OFFICE = 1 SPACE PER 269.1 SQ.FT. (25.0m²)
MANUFACTURING = 1 SPACE PER 1,022.5 SQ.FT. (95.0m²)

PARKING BREAKDOWN

OFFICE = 3,195 SQ.FT. [296.8m²] = 11.87 SPACES
MANUFACTURING = 82,050 SQ.FT. [7,226.6m²] = 80.24 SPACES
TOTAL SPACES REQUIRED = 92.11 SPACES



PAVING QUANTITIES			
NEW 4" ASPHALT	680 SQ. FT.	NEW 8" CONCRETE PAD	240 SQ. FT.
NEW GRAVEL PAVING	35,935 SQ. FT.	PROPOSED NEW 6" CONC. CURB	290 LN. FT.
NEW 3" ASPHALT	45,360 SQ. FT.	PROPOSED NEW CHAINLINK FENCE	765 LN. FT.
NEW 6" CONCRETE PAD/APRON	1,485 SQ. FT.		



DRAWING TITLE:

OVERALL SITE PLAN

PROJECT/CLIENT:

PROPOSED PLANT ADDITION
PATILLO ROAD, LAKESHORE, ON.

DATE

ISSUED FOR:

DATE

ISSUED FOR:

02.13.20

PRICING

04.06.20

ADDENDUM #1

08.07.20

SITE PLAN REVISION

10.27.20

SITE PLAN REVISION

PROJECT No.: 2016032.003

SCALE:

1" = 40'-0"

DRAWN BY:

MH/RU

CHECKED BY:

DI

GENERAL NOTES:

ALL DIMENSIONS TO BE CALCULATED
AND VERIFIED ON THE JOB SITE. ANY
AND ALL DISCREPANCIES ARE TO BE
REPORTED TO THE ARCHITECT OR
ENGINEER. ALL DRAWINGS REMAIN
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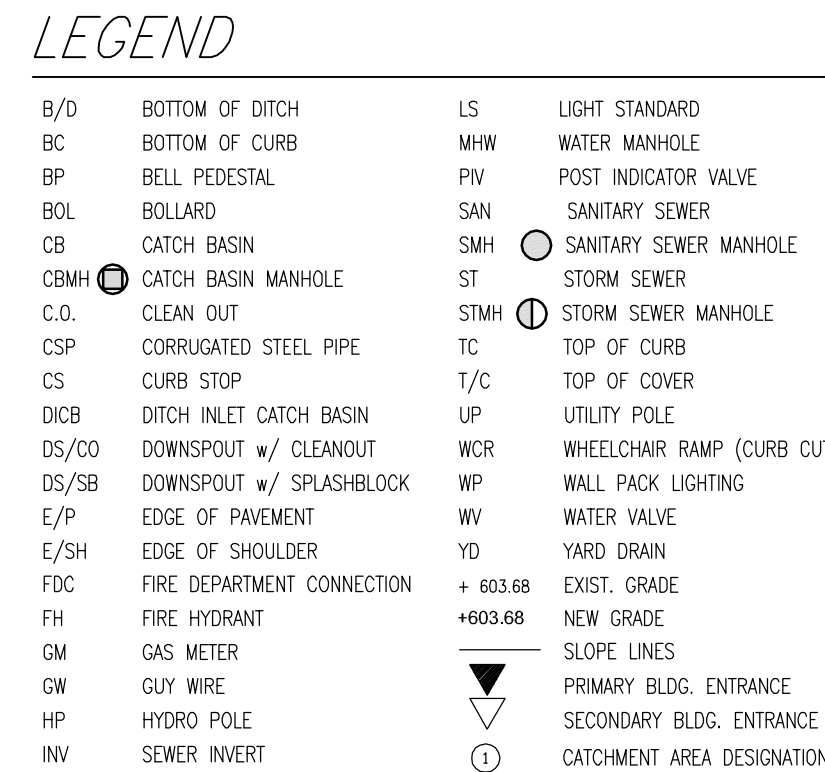
STAMP:

STAMP:



NOTES:

DRAWING No.:

A1.0



SITE PAVING LEGEND

SYMBOL	DESCRIPTION
	NEW 100mm ASPHALT PAVING - 40mm HL3 ON 60mm HL4 ON EX. GRAN. "A". REGRADE TO SUI FINAL DESIGN ELEVATION.
	NEW 200mm REINFORCED CONCRETE PAD, 30 MPa, AIR ENTRAINED w/ 6x6x6 W.W.M. ON MIN. 300mm GRAN. A COMPACTED TO 100% SPRINT CONCRETE FINISH: LIGHT BROOM IN SPREAD OR COMPRESS

SYMBOL	DESCRIPTION
— · — · — · — · —	STORM LINE
— · — · — · — · —	SANITARY LINE
— · — · — · — · —	WATER LINE
—————	GAS LINE
----- OH -----	OVERHEAD HYDRO LINE
----- UH -----	UNDERGROUND HYDRO LINE
----- T -----	UNDERGROUND TELEPHONE/FIBRE LINE

Municipality of Lakeshore - Report to Council

Engineering & Infrastructure Services

Drainage Services



To: Mayor & Members of Council

From: Jill Fiorito, Drainage Superintendent

Date: February 18, 2021

Subject: Tile Loan Application for Deborah and Raymond Tracey – 2403 Lakeshore Road 223, Roll No. 510.000.07400

Recommendation

Approve the Tile Loan Application submitted by Deborah and Raymond Tracey for tiling work to be performed at 2403 Lakeshore Road 223 (Roll No. 510.000.74000) in the amount of \$12,000.00, subject to Provincial funding, as presented in the March 9, 2020 Council report.

Background

An application for a Tile Loan under the *Tile Drainage Act*, in the amount of \$12,000.00 has been received from Deborah and Raymond Tracey for tiling work to be performed in the summer of 2021 located at 2403 Lakeshore Road 223.

Comments

The tiling work is expected to commence in September of 2021. Funds available through the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for 2021-2022 are administered on first come, first serve basis with an interest rate of 6%. All subsequent tile loan applications received must be sent to the Ministry to confirm the availability of funding.

Financial Impacts

There are no budget impacts resulting from the above recommendations.

Report Approval Details

Document Title:	Tile Loan Application for Deborah and Raymond Tracey .docx
Attachments:	
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

Municipality of Lakeshore - Report to Council

Engineering & Infrastructure Services

Drainage Services



To: Mayor & Members of Council

From: Jill Fiorito, Drainage Superintendent

Date: February 18, 2021

Subject: Tile Loan Application – Raymond and Deborah Tracey – 643 County Road 46, Roll No. 080.000.02900

Recommendation

Approve the Tile Loan Application submitted by Raymond and Deborah Tracey for tiling work to be performed at 643 County Road 46 (Roll No. 080.000.02900) in the amount of \$27,000.00, subject to Provincial funding, as presented at the March 9, 2021 Council meeting.

Background

An application for a Tile Loan under the Tile Drainage Act, in the amount of \$27,000.00 has been received from Raymond and Deborah Tracey for tiling work to be performed in the spring of 2021 at 643 County Road 46.

Comments

Tiling work is expected to commence in April of 2021. Funds available through the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for 2021-2022 are administered on first come first serve basis with an interest rate of 6%. All subsequent tile loan applications received must be sent to the Ministry to confirm the availability of funding.

Others Consulted

The Director of Finance was consulted.

Financial Impacts

There are no budget impacts resulting from the recommendations.

Attachment(s): None

Report Approval Details

Document Title:	Tile loan Application for Raymond and Deborah Tracey.docx
Attachments:	
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

Municipality of Lakeshore - Report to Council

Engineering & Infrastructure Services

Drainage Services



To: Mayor & Members of Council

From: Jill Fiorito, Drainage Superintendent

Date: February 23, 2021

Subject: Tender Award – Goatbe Municipal Drain – Repair and Improvements

Recommendation

Award the tender for the Goatbe Municipal Drain Repair and Improvements to Murray Mills Excavating & Trucking (Sarnia) Ltd. in the amount of \$387,920.80 (plus HST), as presented in the March 9, 2021 Council report.

Background

A signed request under Section 78 of the *Drainage Act* for drainage improvements on the Goatbe Municipal Drain was received on March 8, 2017. The original enclosed drain was constructed in 1917. Since this time the drain has significantly deteriorated and is in need of replacement.

Over the years, numerous repairs have been completed on the Goatbee Drain including attempts to camera the enclosure in order to obtain a full assessment on the condition but considering the condition of the drain and areas that are plugged in numerous locations, the camera could not get through to obtain sufficient information.

It was determined that replacement of the entire drain tile (enclosed) would be required in order to restore and improve drainage as well as mitigate future repairs. The proposed drain replacement will consist of the entire length, approximately 960 meters, spanning from the Comber Fairgrounds to the M.C.R. Drain.

Comments

A drainage report was completed by Rood Engineering dated August 31, 2020 and the above project was publicly advertised on the Municipality of Lakeshore's Bids and Tenders website on January 20, 2021. Tenders closed on February 19, 2021.

The following six (6) tenders (excluding HST, including Contingency) were received:

Tenderer	Tender Amount (excl. HST)
Murray Mills Excavating & Trucking (Sarnia) Ltd.	\$387,920.80
Nevan Construction Inc.	\$396,640.00
Sterling Ridge Infrastructure Inc.	\$438,400.00
Neroda Construction	\$479,967.20
Rudak Excavating Inc.	\$607,300.00
J&J Lepera Infrastructures Inc.	\$748,400.00

Rood Engineering Limited reviewed the six bids and found them to be complete in all respects except for two bids where a mathematical correction was made which did not affect the tender ranking. The figures above have been corrected for all mathematical errors.

The Engineer's Report Estimate for this project was \$327,142.00 (excluding contingency and H.S.T). The Murray Mills Excavating & Trucking (Sarnia) Ltd. tender amount is slightly above the Engineering Report Estimate by approximately 18% and is found to be within the 33% limit set out in the Drainage Act.

Administration is satisfied that the low tenderer has the required equipment and labour expertise to undertake this project and recommends that Council award the above-noted tender to Murray Mills Excavating & Trucking (Sarnia) Ltd.

Others Consulted

Rood Engineering Limited and Essex Regional Conservation Authority were consulted through the tender process.

Financial Impacts

The project cost is as follows:

Goatbe Municipal Drain Repair & Improvements	Total Cost
Construction Tendered Cost	\$387,920.80
Engineering and Incidentals	45,705.58
Non Refundable HST	7,631.82
Total Cost of Construction	\$441,258.20

Funding Source	Total
Estimated Landowner Assessment (<i>as per Drainage Report</i>)	\$388,692.88
Estimated Assessment to Municipality (<i>as per Drainage Report</i>)	52,565.32
Total Funding	\$441,258.20

In 2020 Council approved a budget of \$75,000 to account for the Municipality's share of the drainage works to be funded from the roads share of drainage reserve. As per the above, this has been assessed at \$52,565.32. Any unspent dollars will remain in the reserve for future projects.

Based on the foregoing, Administration recommends that Council proceed with awarding the tender to Murray Mills Excavating and Trucking (Sarnia) Ltd. in the amount of \$387,920.80 (plus HST).

Report Approval Details

Document Title:	Tender Award - Goatbee Municipal Drain .docx
Attachments:	
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

Municipality of Lakeshore

Report to Council

Engineering & Infrastructure Services

Environmental Services



To: Mayor & Members of Council

From: Albert Dionne, C.E.T.
Manager, Environmental Services

Date: February 18, 2021

Subject: Denis St. Pierre Sewage Treatment Plant – Pump Repairs

Recommendations

Receive the report of the Manager of Environmental Services regarding the emergency pump repairs for the Denis St. Pierre Sewage Treatment Plant; and,

Direct the Treasurer to fund the costs of the emergency pump repairs from the Wastewater Reserve in the amount of \$441,970, as presented at the March 9, 2021 Council meeting.

Background

On October 2, 2019 the Municipality experienced a major failure with one of the two screw pump intakes at the Denis St. Pierre Water Pollution Control Plant (WPCP). These pumps provide the critical function of pulling and lifting the wastewater from the collection system into the plant to provide treatment.

Each of these screws typically manage a maximum of 300 litres per second (l/s) of wastewater. A single screw pump is capable of only handling the plant flows during normal dry weather periods whereby both screw pumps are required to accommodate the plant flows during wet weather conditions.

Council was informed of the failure of the pump on the evening of October 2, 2019 via email.

At that time of the failure (with the help of OCWA staff and neighboring municipalities) Administration managed to place three 6" pumps almost immediately to manage the wet weather flows that the station was experiencing. These pumps were temporarily put into place as an emergency measure to maintain sewage flows into the plant.

A temporary pump was purchased to provide the plant relief until the screw pump could be replaced.

The screw pump was replaced and put back into operation on June 24, 2020.

This report provides Council with an update regarding the final repair costs associated with the screw pump which was procured under the emergency provisions of the purchasing by-law.

Comments

While the Municipality relied on the emergency measure of utilizing the three 6” pumps, the following two items needed to be addressed:

1. Implement a short-term solution to manage flows until the screw could be repaired or replaced; and
2. Complete an assessment related to a long-term solution to determine the best direction, either to repair or replace the screw pump.

The below provides more detail related to the short and long term solutions that were assessed.

Short-Term Solution

To address the need for a short term solution, while the screw pump was permanently repaired or replaced, Administration directed OCWA to request quotations from pump suppliers in North America for the rental of a 12” pump to handle the flows during wet weather conditions.

The quotations received for a 12” pump rental for the expected 7 month duration was in excess of \$100,000 plus HST.

In light of this significant cost, Administration further explored the cost to purchase a 12” pump in lieu of renting.

In consultation with the Director of EIS and Finance, it was determined that purchasing the pump in accordance with the Municipality’s Procurement Policy for purchases of goods and services under Emergencies would provide the greatest benefit. It was further noted that since the Municipality had no contingency plan in place for a failure of this magnitude, purchasing this pump would assist with addressing any future failures of this magnitude at the plant and that this pump could also benefit not only the Wastewater division, but also the Water, Drainage and Public Works divisions to assist with any potential pumping measures needed under either emergency situations or planned projects where temporary pumping may be required.

Therefore, Administration proceeded with the purchase of a 12” pump for \$159,000 plus HST. This purchase was incurred in 2019.

Further, the upcoming Denis St. Pierre Plant Expansion Project will be able to utilize this pump in order to provide occasional flow bypass at certain stages of work.

Long-Term Solution

For the long-term solution, Administration (with the support of OCWA) proceeded to review options for repairing the screw pump. It was determined that this would be extremely difficult based on its size and would require a crane to remove and place the pump after the repairs were completed. In addition, Contractors would not be able to provide a guarantee that the screw would be repaired and function properly. Following repair, this pump would require perfect placement to ensure that the bearings would not be damaged. It was determined that repairing the screw was risky and not a viable option.

The Municipality's preferred option was a full replacement. Administration contacted three manufacturers (worldwide) that manufacture screw pumps. After consultation with all manufacturers, the firm of Spaans-Babcock of Barrie, Ontario was selected to manufacture and complete the replacement work based on best pricing. Manufacturing of this would take approximately 6 months.

Once the short-term solution of the 12" pump was in place and considering the plant equipment age dating back to 1977 when plant was constructed, Administration completed an assessment on the condition of the second screw pump. It was determined that the second screw pump bearings and gear box were in need of maintenance and replacement.

Maintenance and replacement parts arrived within five weeks and maintenance work was completed on the second pump.

The new screw pump arrived on-site on May 26, 2020 and preparatory work began on June 1, 2020. Preparation work included the removal of the existing screw pump, bearings and gear box prior to the placement of the new screw pump. During this work the existing trough was inspected. It found to be in very good condition and the new screw fit snug. The new screw pump was placed and tested and was found to be operating very effectively. The work was completed and the pump commissioned into operation on June 24, 2020.

Financial Impacts

The 12" pump was purchased for \$161,801 to accommodate the short term solution in order to maintain the flows until the replacement of the screw pump was completed. This was purchased in 2019.

Under the long term scenario, the original quote received from Spaans-Babcock to manufacture and install the replacement screw pump was \$397,193 including a \$50,000 contingency allowance and the non-refundable HST. The actual overall cost incurred was \$280,169. These costs were incurred in 2020.

During construction, no significant issues were recognized which led to the contingency not being used (\$50,000) along with an additional \$15,000 savings as the existing screw trough did not require replacement.

This total cost of the project, combined with the short-term solution, was \$441,970 including HST. This unbudgeted expenditure is recommended to be funded from the wastewater reserve fund.

Report Approval Details

Document Title:	Denis St. Pierre Treatment Plant - Pump Repairs .docx
Attachments:	
Final Approval Date:	Mar 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Aaron Hair, Planner III

Date: February 22, 2021

Subject: Temporary Outdoor Patios authorized under the Re-opening Ontario Act for 2021

Recommendation

The site plan control agreement fees and the encroachment agreement fees be waived for the 2021 outdoor patio season be waived for outdoor patios, until January 1, 2022 as authorized under section 69 of the *Planning Act*, as Council recognizes the financial hardships faced by the restaurant industry, as a result of the COVID-19 pandemic;

The Municipality of Lakeshore does not object to the temporary physical extension of liquor sales under subsection 97(2) of Regulation 719 under the *Liquor Licence Act* for an outdoor patio located on private property that is permitted under applicable zoning by-law(s) in the Municipality of Lakeshore, as presented at the March 9, 2020 Council meeting; and,

That the necessary by-law be prepared.

Background

To assist in municipal recovery efforts from the COVID-19 pandemic, the Province initiated a process to allow for increased and streamlined operations of temporary outdoor patios in 2020, which has now been extended into 2021. The move was intended to allow restaurant and bar operators to expand outdoor business areas to offset limitations on indoor dining under COVID-19 emergency orders.

To further help restaurant businesses, the Provincial government issued emergency order regulation *O.Reg.345/20* in July 2020, to help municipalities to quickly pass temporary bylaws allowing for the creation of new patios and the expansion of an existing one, to reduce the process time for passing bylaws from several weeks or more to a matter of days. It is not necessary for Council to pass these temporary by-laws in Lakeshore, as outdoor patios are permitted in the Municipality, as an accessory use, to a permitted eating establishment, in accordance with Zoning By-law 2-2012, as

amended:

“EATING ESTABLISHMENT – shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption or take-out and includes such uses as a restaurant, café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, or refreshment room or stand. An outdoor patio may be included as an accessory use.”

“OUTDOOR PATIO – shall mean an area set aside out of doors, covered or uncovered for the use of patrons of a licensed eating establishment as an accessory use to the operation of an adjacent eating establishment.”

O. Reg. 345/20 issued by the Province defines a “patio” as:

“restaurant or bar patio” means an area that is not an enclosed public place or an enclosed workplace and that meets the following criteria:

- 1. The public is ordinarily invited or permitted access to the area, either expressly or by implication, whether or not a fee is charged for entry, or the area is worked in or frequented by employees during the course of their employment, whether or not they are acting in the course of their employment at the time.*
- 2. Food or drink is served or sold or offered for consumption in the area, or the area is part of, or operated in conjunction with, an area where food or drink is served or sold or offered.*
- 3. The area is not primarily a private dwelling.*

This regulation allows for quick passage of a temporary use zoning by-law permitting the by-law to be passed by Council without public notice or public meeting requirements, as set out below:

- 2. A by-law that would authorize the temporary use of land for a restaurant or bar patio under section 39 of the Planning Act is exempt from subsections 34 (12) to (14.3), (14.5) to (15) and (19) of that Act and paragraphs 4 and 5 of subsection 6 (9) of Ontario Regulation 545/06 under that Act.*

The Province also amended an emergency order to clarify that outdoor dining areas can open if they have a roof, canopy, tent, awning or other covering. At least two full sides of the outdoor dining area must be open to the outdoors and must not be substantially blocked in any way. If the outdoor dining area has a retractable roof, the roof must be fully open and at least one full side must be open to the outdoors and must not be substantially blocked in any way.

In addition, the Province outlined certain regulations for patios that must be met by operators and patrons, like outdoor patios must be open to the air, distance between tables is 2 metres, allow for safe circulation of customers (*use of floor markers or other physical distance signage*), reservations etc.

Municipalities would still be responsible for compliance activities and ensuring proper health and safety practices, like proper physical distancing. In Lakeshore's case, administration would also rely on the expertise of the Windsor-Essex Health Unit to ensure health and safety practices are followed.

Comments

Site Plan Control

Lakeshore, currently reviews outdoor patios through the site plan control process, as a minor application submission, currently delegated to Administration for review and approval.

The existing site plan protocol for reviewing outdoor patios, directs the Municipality to take quick action and make way for additional safe outdoor dining spaces for local restaurants and bars, which includes creating or expanding patios onto sidewalks and into curb lanes and adjacent parking lots. It is important for administration to review these proposals to ensure the health and safety of patrons including the review of fire routes.

Under the Temporary Outdoor Patios during COVID-19 process, patios approved under this process, will only be authorized to operate until January 1, 2022.

Owners of bars and restaurants who wish to create or expand an outdoor patio will be asked to submit a site plan application and accompanying sketch, to comply with all applicable legislation and regulations, obtain the proper consents, and follow guidelines imposed through the Province (See Appendix 1).

Administration recognizes the financial hardships faced by the restaurant industry as a result of the COVID-19 pandemic and is recommending the site plan application fees for the 2021 patio season be waived.

Advice from the Medical Officer of Health to ensure the health and safety of all persons using sidewalk patios, curb lane/parklet patios or public parklets, with areas denoted for physical distancing purposes, will be sought by Administration, during their review of the application.

Once the site plan application is approved by the Municipality and/or the applicant has entered into an agreement with Lakeshore, operators may open their patio, subject to inspections and enforcement meant to ensure compliance with the requirements and provisions of applicable legislation.

If a patio is expanded onto the Municipally-owned right of way (sidewalk/boulevard), the applicant will also have to enter into an encroachment agreement, as part of the site plan agreement and with that agreement, agree to indemnify the Municipality against losses related to their use of the Right of Way and provide proof of insurance.

Administration is in support of waiving the encroachment agreement fees as well.

Liquor Licence

In an effort to support businesses as they work to recover from the COVID-19 pandemic, the Alcohol and Gaming Commission of Ontario (AGCO) is authorizing eligible “By the Glass” licensees to temporarily extend or add a temporary physical extension of their licensed premises, until January 1, 2022 at 3:00 a.m.

Eligible “By the Glass” licensees do not need to submit an application to extend their licensed premises for the duration of 2021, provided they meet certain requirements.

To be eligible for a temporary patio extension under the AGCO’s 2021 patio policy you must have a valid “By the Glass” licence, be permitted to open for on-site consumption and must meet the criteria as set out below:

1. The physical extension of the premises is adjacent to:
 - a. the premises to which the licence to sell liquor applies; or
 - b. a dock to which the boat is attached and may include land adjacent to the dock; or
 - c. the licensed premises under the “By the Glass” licence;
2. The municipality in which the premises is situated has indicated it does not object to an extension;
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the licence prohibiting a patio;
5. The capacity of any temporary extension, allows for at least 1.11 square metres per person; and
6. In the case of “By the Glass” licensees, the sale and service of the wine, beer and/or spirits manufactured by the manufacturer within the physical extension of the premises is primarily aimed at promoting the manufacturer’s product and either providing an enhanced tourist experience or fulfilling an educational purpose.

If a business does not meet the above 2021 criteria and still wishes to apply for a temporary extension, the AGCO website provides the following additional information on how to apply.

A temporary extension allows a Liquor Sales Licence holder to extend the licensed area indoors or outdoors for events with the Registrar’s approval. In the case of a boat, licensees may apply to the AGCO for a temporary physical extension to their docked boat, subject to certain requirements.

- A temporary extension permits a licensee to sell and serve food and alcohol in the

expanded area for a period approved by the Registrar.

- An application must be submitted for approval 30 days in advance.
- The extension must be adjacent to existing licensed areas or in the case of a boat, adjacent to the dock to which the boat is attached or land adjacent to the dock.

Financial Impacts

If the application fee is waived, loss of revenue for a minor site plan application is \$1,782 and the loss of revenue for a minor site plan amendment application is \$1,189. This loss of revenue per application, is warranted for a temporary period, to address the financial hardships faced by the restaurant industry, as a result of the COVID-19 pandemic.

The minor site plan application fee is charged when there is no site plan agreement registered on title. The minor site plan amendment application is charged when there is an existing site plan application registered on title.

The waiver of fees will result in a negative variance in this revenue line item and contribute to the unfunded costs resulting from the COVID pandemic. Any variance will be reported on the quarterly variance reports.

In 2020, there was 1 outdoor patio site plan application approved, with revenue lost to the Municipality in the amount of \$1,181.00.

Attachment(s):

Appendix 1 – Temporary Outdoor Patio Checklist

Report Approval Details

Document Title:	Temporary Outdoor Patios 2021.docx
Attachments:	- Appendix 1 Temporary-Patio-Site-Plan-Checklist.docx
Final Approval Date:	Mar 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride



Temporary Outdoor Patio Site Plan Checklist

- Site Plan Application
- Sketch / drawing to scale, with dimensions in metric units (see example below)
- Municipal address included, all streets labelled
- Location of property boundaries identified
- All existing and proposed structures shown
- Size of proposed outdoor seating area and capacity identified
- Location of any obstructions within or adjacent to the patio (i.e. trees, fire hydrants, lamp-posts) indicated
- Location of any patio and building entrances and their widths (i.e. doors, gates) indicated
- Accessible pathway (sidewalk, entrance access) identified
- If any fencing or barriers are proposed, identify the proposed location, type of barrier and height of barrier
- Location of tables, umbrellas and seating — ensuring a minimum of 2 metres distance between seating at separate tables in accordance with Provincial COVID-19 orders, including from tables on any neighbouring patios indicated
- Location of any fire department connection (Siamese) and or fire hydrants indicated (must be visible and accessible at all times)
- Emergency access routes indicated (must be unobstructed at all times)
- Roof, canopy, tent, awning, or other covering indicated
- Temporary lighting indicated
- Garbage / recycle bins identified
- Maintenance and removal plans indicated (all patios must be removed by January 01, 2021 unless directed otherwise by the Province of Ontario)

Important Notes:

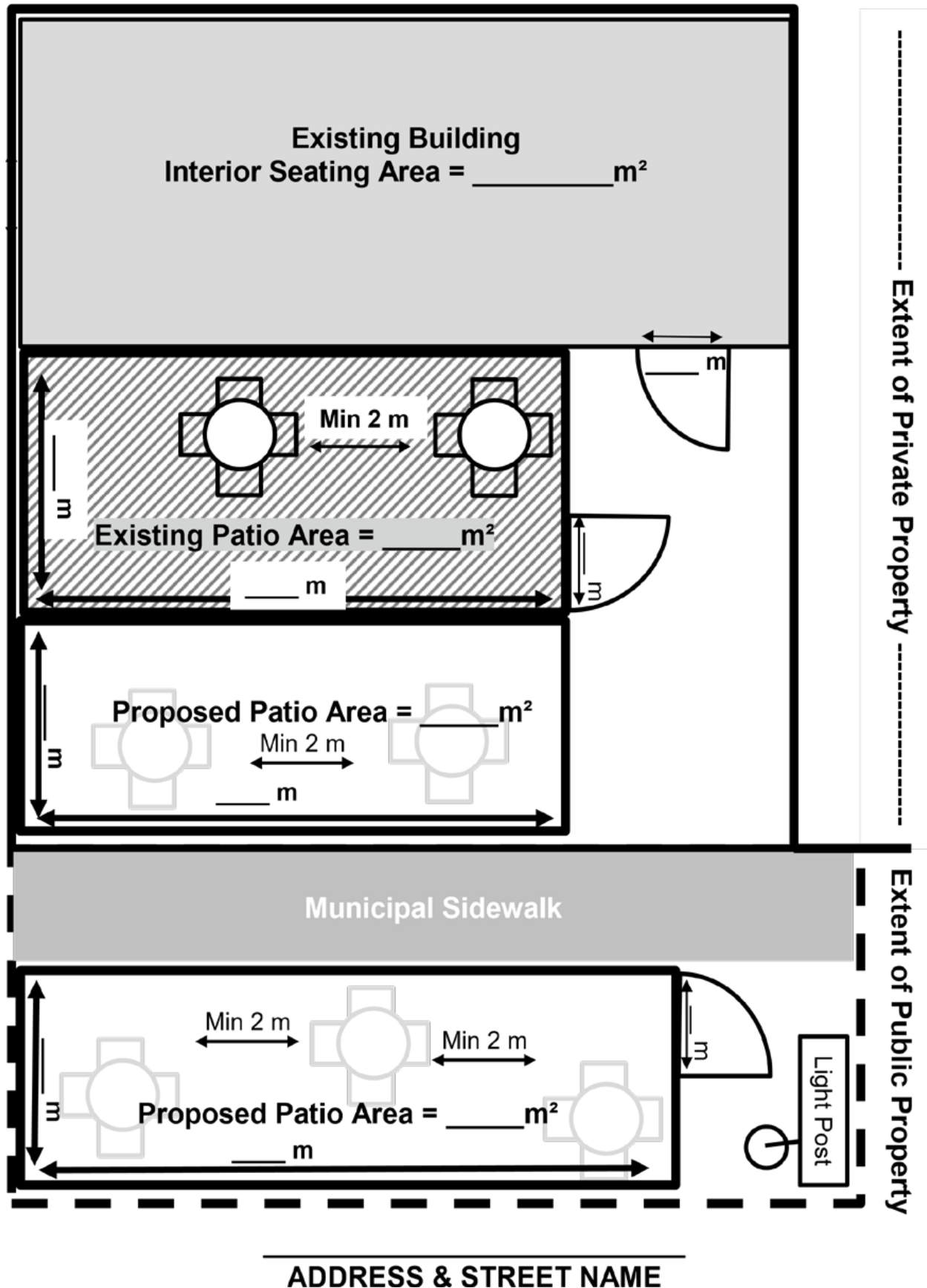
Restaurant and bar operators who wish to expand their patio on private property should begin consultations with their landlords for permission.

Restaurant and bar operators who wish to expand their patio on public (municipally or “town owned”) property should begin consultations with the Town of Lakeshore for permission.

In order to ensure safe operation of outdoor patios on private property, operators may not:

- Build or expand permanent structures like decks, walls, stairs, etc.
- Install new fueled fire appliances, i.e. propane heaters, BBQs
- Amplify sound of any type
- Construct awnings or tent-like structures
- Block access to fire connections or adjacent businesses.

Example Site Plan



Municipality of Lakeshore - Report to Council

Finance Services



To: Mayor & Members of Council
From: Rosanna Pellerito, Director of Finance
Date: March 2, 2021
Subject: 2021 Final Tax Levy and Rates

Recommendation

Direct the Clerk to read By-Law 25-2021 establishing the 2021 Final Tax Rates, as presented at the March 9, 2021 Council meeting.

Background

On November 10, 2020 Council adopted the Interim Levy By-Law 90-2020 establishing the Interim Levy rates for 2021.

On December 8, 2020 Council approved the 2021 amended Budget and Adopted By-law 103-2020 establishing the 2021 Municipal Tax Levy, as presented at the December 8, 2020 Council meeting.

Comments

At the time of setting the Municipal levy, the education levy and the County levy were not yet approved. These levies have now been approved and adopted by the Province and the County. As such, Council must adopt a Final Levy and Rates for 2021 which include the levied for both the School Boards and the County.

Financial Impacts

By-Law 25-2021 establishes the 2021 final tax levy and rates for collection of that levy. The 2021 tax rates have been calculated based on tax ratios approved by the County of Essex. In addition, the By-Law establishes rates for garbage collection charges and sets the 2021 BIA levy rates for collection of that levy.

Report Approval Details

Document Title:	2021 Final Levy.docx
Attachments:	
Final Approval Date:	Mar 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Rosanna Pellerito

Kristen Newman

Truper McBride

**MUNICIPALITY OF LAKESHORE
BY-LAW 6 - 2021**

**BEING A BY-LAW FOR THE BRIDGE OVER THE NORTH TOWNLINE DRAIN
IN THE MUNICIPALITY OF LAKESHORE - IN THE COUNTY OF
ESSEX.**

WHEREAS, the Council of the Town of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be repaired and improved in accordance with Section 78 of the said Act.

**BRIDGE OVER THE NORTH TOWNLINE DRAIN
IN THE MUNICIPALITY OF LAKESHORE –
IN THE COUNTY OF ESSEX.**

AND WHEREAS, the estimate cost of repairing and improving the drainage works is \$46,960.00.

THEREFORE the Council of the Town of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated March 10th, 2020 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Municipality of Lakeshore may borrow on the credit of the Municipality the amount of \$46,960.00 being the amount necessary for construction of the drainage works.
3. The Municipality may issue debentures for the amount borrowed less the total amount of,
 - (a) Grants received under Section 85 of the Act;
 - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
 - (c) Monies paid under subsection 61 (3) of the Act, and;
 - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Bridge over the North Townline Drain

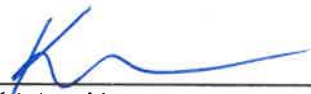
First Reading: February 2nd, 2021

Second Reading: February 2nd, 2021

Provisionally adopted this 2nd day of February, 2021



Tom Bain,
Mayor



Kristen Newman,
Director of Legislative and Legal
Services

Third Reading this **9th** day of **March**, 2021.
Enacted this **9th** day of **March**, 2021.

Tom Bain,
Mayor

Kristen Newman,
Director of Legislative and Legal
Services

Municipality of Lakeshore

By-law 13-2020

Being a By-law to establish an Interim Control By-law, respecting Greenhouses in the Municipality of Lakeshore

Whereas pursuant to the *Planning Act*, R.S.O. 1990 c. P.13, where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

And whereas the Council of the Municipality of Lakeshore directed Administration, by resolution #450-12-2020, to prepare an interim control by-law to study the effects of greenhouse development in Lakeshore, as presented in the report of the Director of Community & Development Services presented at the December 15, 2020 Council meeting;

And whereas the Municipality will be undertaking a study to examine the effects of greenhouse development within the entire municipal boundary of the Municipality of Lakeshore, so as to allow the Municipality to review and, if considered appropriate, implement the findings of the review and study referred to herein;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

Interpretation

1. In this by-law:

“Accessory” has the same meaning as in the Zoning By-law;

“Council” means the municipal council of the Municipality;

“Greenhouse” has the same meaning as in the Zoning By-law;

“Greenhouse Farm” has the same meaning as in the Zoning By-law;

“Greenhouse Waste Processing Operation” has the same meaning as in the Zoning By-law;

“Interim Control Area” means all lands within the geographic area of the Municipality;

“Municipality” means the municipal corporation of the Municipality of Lakeshore or the geographic area, as the context requires; and,

“Zoning By-law” means The Corporation of the Town of Lakeshore Comprehensive Zoning By-law 2-2012, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Lakeshore, as amended.

2. Headings are inserted for ease of reference only and are not to be used as interpretation aids.

Application

3. This by-law applies to lands in the Interim Control Area.

Prohibition

4. Notwithstanding any other by-law to the contrary and subject to section 5, no person shall:
 - (i) use any land, building, or structure for a Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation, except for a use that lawfully existed on the date of the passing of this by-law if the land, building or structure continues to be used for such purpose;
 - (ii) be permitted to construct, alter, or expand any building or structure for a legally existing Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation, except:
 1. if altering the interior or façade of a legally existing Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation; or,
 2. repairing or restoring the Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation or a part thereof to a safe condition, provided that such repair or restoration will not increase the height, area, volume or site coverage of such structure and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this by-law.

Exemptions

5. A Greenhouse is permitted where the Greenhouse is a temporary or seasonal Accessory use permitted by the Zoning By-law for a Retail Establishment and Retail Establishment, Large Format.

Transition

6. If a building permit application filed in accordance with the *Building Code Act, 1992*, S.O. 1992, c.23, was filed with the Chief Building Official on or before the date of the passage of this by-law, then this by-law does not preclude the issuance of the building permit.

Severability/Conflict

7. (a) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(b) Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the Municipality.

(c) Where a provision of this By-law conflicts with the provisions of another By-law of the Municipality, this by-law prevails.

Enactment

8. (a) This by-law comes into force and effect upon passage.

(b) This by-law shall be in effect for a period of one year from the date of passage.

Read and passed in open session on March 9, 2021.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

Municipality of Lakeshore

By-law 12-2021

Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-12-2020)

Whereas By-law 2-2012 is the Municipality's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Municipality of Lakeshore;

And whereas the Council of the Municipality of Lakeshore deems it in the interest of good planning to further amend By-law 2-2012;

And whereas this amendment is in conformity with the Lakeshore Official Plan;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. Schedule "A", Map 53 to By-law 2-2012, as amended, is further amended by changing the zoning classification on Concession 2 N, Part of Lot 14, shown on Schedule "A" attached hereto and forming part of this By-law from "Agriculture (A) Zone" to site-specific "Agriculture Zone Exception (A-84)" zone and "Agriculture Zone Exception (A-107)" zone.
2. Section 9.20, Agriculture (A) Zone Exceptions is further amended by adding Map 53 to Subsection 9.20.84 and to read as follows:

"9.20.84 Agriculture Zone Exception 84 (A-84) as shown on Map 53 and Map 77, Schedule "A" of this By-law.

 - a) Permitted Uses
 - i) Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
 - b) Permitted Buildings and Structures
 - i) Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted."
3. Section 9.20, Agriculture (A) Zone Exceptions is further amended by adding Subsection 9.20.107 to immediately follow Subsection 9.20.106 and to read as follows:

“9.20.107 Agriculture Zone Exception 107 (A-107) as shown on Map 53, Schedule “A” of this By-law.

a) Zone Regulations: The minimum *front yard* setback for an existing *single detached dwelling* shall be 13.55 metres.”

4. This by-law shall come into force in accordance with section 34 of *Planning Act*, R.S.O. 1990, c. P. 13.

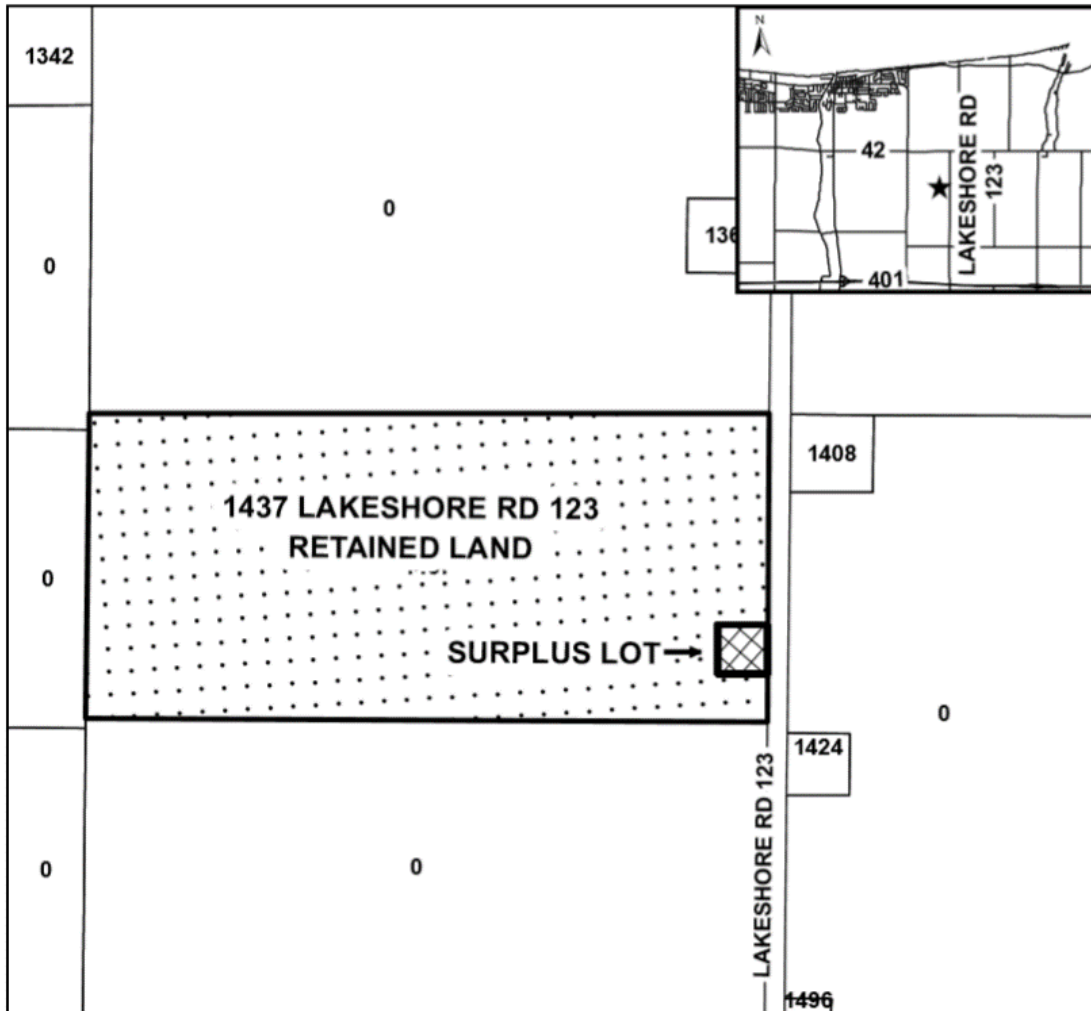
Read and passed in open session March 9, 2021.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

Schedule “A” to By-law 12-2021

Concession 2 N, Part of Lot 14,
Municipality of Lakeshore



Amend from “A, Agriculture Zone” to “Agriculture Zone Exception (A-84)” zone.



Amend from “A, Agriculture Zone” to “Agriculture Zone Exception (A-107)” zone.

Municipality of Lakeshore

By-law 19-2020

Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-5-2021)

Whereas By-law 2-2012 is the comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Municipality of Lakeshore;

And whereas the Council of the Municipality of Lakeshore deems it in the interest of good planning to further amend By-law 2-2012;

And whereas this amendment is in conformity with the Lakeshore Official Plan;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. That Section 9.20.95, Agriculture Zone Exceptions 95 (A-95) is further amended to read as follows:

“9.20.95 AGRICULTURE ZONE EXCEPTION 95 (A-95) (Map 24)

- a) Permitted Uses: A film studio will be an additional permitted use;
 - b) The additional use of a film studio shall not be permitted following the expiration of the Temporary Use By-law 19-2021 on March 9th, 2024. On or from the day after the expiration date referred to in this clause, Subsection 34(9)(a) of the Planning Act, R.S.O. 1990, c.P.13, does not apply so as to permit the continued use of the land for the purpose temporary authorized.”
2. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Sections 34 and 39 of *Planning Act*, R.S.O. 1990, c.P.13.

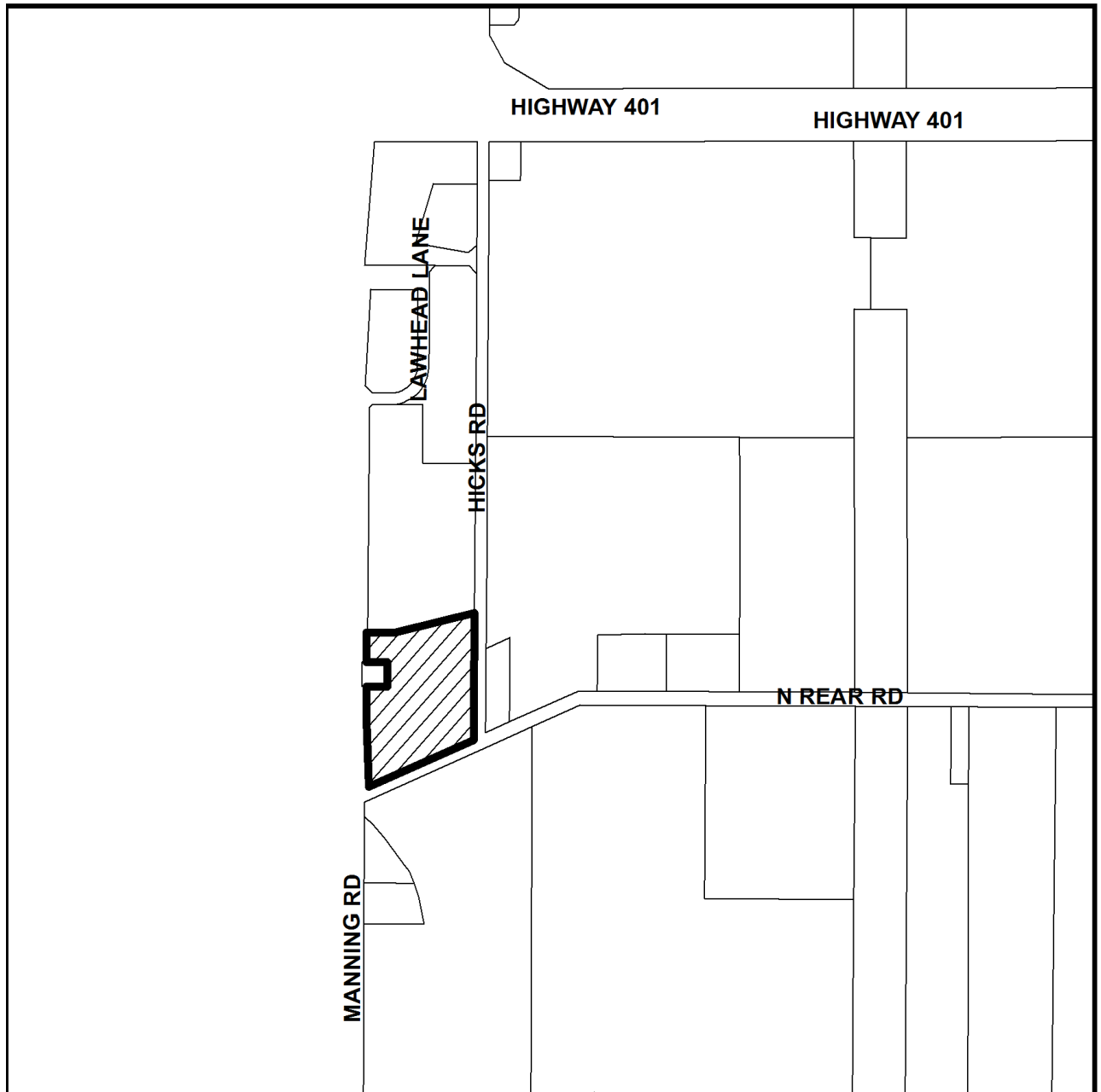
Read and passed in open session on March 9, 2021.

**Mayor
Tom Bain**

Clerk
Kristen Newman

**Schedule "A"
to By-law 19-2021**

Part of Lot 19, Conc. 1 WBR
Part 1 Plan 12R23285
Municipality of Lakeshore



Subject Property – 20 North Rear Road

Municipality of Lakeshore

By-law 20-2021

A By-law to authorize the execution of a Site Plan Amending Agreement with MRK Company Inc. & Bosch Holdings Ltd. (220 Patillo Road– SPC-10-2020)

Whereas pursuant to section 41 of the *Planning Act*, R.S.O. 1990 c.P.13, MRK Company Inc. & Bosch Holdings Ltd. collectively has applied for site plan approval of plans and drawings of development and conditions for approval, for the construction of an outdoor storage yard, together with associated landscaping and infrastructure, on a parcel of land located at 220 Patillo Road – Firstly: Part Lot 4 Concession BTN River Pure & River Peche Maidstone PT 1 12R17083; S/T Ease in Gross Over PT 1 12R23478 As in CE353395, S/T Ease in Gross Over PTS 1 TO 5 INCL. 12R23686; Secondly: Part Lot 4 Concession BTN River Puce & River Peche Maidstone PT 1 12R18245; in the Municipality of Lakeshore;

And Whereas pursuant to section 41 of the *Planning Act*, municipalities may impose certain conditions and enter into an agreement with respect to the approval of site plans;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The site plan agreement attached as Schedule “A” is approved.
2. The Mayor and Clerk are authorized and directed to execute the site plan agreement attached hereto as Schedule "A" on behalf of the Municipality of Lakeshore.

Enactment

3. This by-law comes into force and effect upon passage.

Read and passed in open session March 9, 2021.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

SITE PLAN AMENDING AGREEMENT

THIS AGREEMENT made this day of , 2021.

BETWEEN:

MUNICIPALITY OF LAKESHORE,
(hereinafter called the "Corporation"),

-and-

MRK COMPANY INC. & BOSCHIN HOLDINGS LTD.
(hereinafter, collectively, called the "Owner"),

WHEREAS the Corporation has enacted a By-law designating the lands described in Schedule "A" hereto annexed, (hereinafter the "Subject Lands") as a Site Plan Control Area pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (hereinafter the "Act");

AND WHEREAS the Owner is the registered owner of the Subject Lands and has applied for Site Plan Approval pursuant to the Act which approval requires that the existing Site Plan Agreement between the Parties dated September 16, 2020 and registered on December 22, 2020 as instrument number CE982495 (hereinafter the "Existing Agreement") be amended;

AND WHEREAS Council of the Corporation has approved the site plan (SPC-10-2020) submitted by the Developer subject to certain conditions in accordance with the provisions of the Act which approval is evidenced by the authorization and execution of this Agreement;

NOW THEREFORE in consideration of the premises and other good and valuable consideration, the receipt and sufficiency whereof the parties irrevocably acknowledge, the parties agree as follows:

1. The Parties warrant that the recitals hereto are true and agree that the same are incorporated into this agreement as though repeated herein.
2. The Owner agrees to provide and maintain, for the life of the development at the Owner's entire expense and to the Corporation's entire satisfaction, all buildings, sidewalks, driveways, parking facilities, buffering, landscaping, lighting, fencing, grading, drainage, stormwater management, road improvements, any necessary service connections, easements and other related items in accordance with drawings listed in Schedule "B" to this agreement ("Approved Drawings"). Lakeshore's design criteria are contained in its Development Manual, current as of the date first mentioned above (hereinafter referred to as the "Development Manual");
3. Without limiting the generality of the requirements set out in section 2, above, the Owner specifically agrees to satisfy each of the terms and conditions set forth in Schedule "C" to this agreement.
4. The Owner shall convey or dedicate, upon demand without cost and free of encumbrances, any and all easements, grants, conveyances and reserves as may be required by the Corporation, the applicable hydro authority, the applicable telecommunications, cable TV and internet service provider(s), any natural gas supplier and/or any other applicable utility provider in, through, over and under the Subject Lands and as may be required for drainage purposes, sewers, hydro, gas, watermains and telephone.
5. The fees, expenses and charges of the Corporation for the preparation and enforcement of this Agreement shall be payable by the Owner to the Corporation upon demand.
6. All works required herein, unless otherwise stated, shall be completed within one hundred and eighty (180) days of the date of execution of this Agreement, provided however, that the said completion date may be extended with the approval of the Corporation. The granting of an extension shall be in the sole discretion of the Corporation and will be conditional upon the recalculation of all outstanding monies owed to the Corporation by the Owner pursuant to this Agreement. In this paragraph recalculation means the addition of a simple interest charge based on the average annual rate of debentures issued by the Corporation in the one year period to the

terminal date being so extended.

7. All facilities and matters required by this Agreement shall be provided and maintained by the Owner at the Owner's sole risk and expense to the satisfaction of the Corporation and in default thereof and without limiting other remedies available to the Corporation, the provisions of Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended shall apply.

If any matter or thing required to be done by this Agreement is in default and such default continues, in addition to other remedies available to it, the Corporation may direct that such matter or thing be done at the expense of the Owner and the Corporation may recover the expense incurred in doing it through municipal taxes and the Owner hereby authorizes the Corporation to enter upon the said land to do such matters or things.

8. This Agreement shall be binding upon the Owner and the Owner's heirs, executors, administrators, successors and assigns and the Owner from time to time of the Subject Lands. This Agreement may be amended, in writing only, at any time with the consent of the Corporation and the registered Owner of the Subject Lands at the time of such amendment.
9. If any term, covenant or condition of this Agreement is, to any extent, declared invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
10. The Owner agrees to pay all municipal taxes pertaining to the Subject Lands in full at the execution of the Agreement.
11. The Owner hereby consents to the registration of this Agreement on the title of the Subject Lands.
12. This Agreement shall enure to the benefits of the parties hereto, their successors and assigns.
13. This Agreement may be executed in one or more counterparts, by electronic or digital signature, delivered by facsimile or electronic mail transmission, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.

IN WITNESS THEREOF the said parties hereto have hereunto affixed their signatures and corporate seals attested to by the hands of their proper officers, duly authorized in that behalf.

MRK COMPANY INC.

per: _____

I have the authority to bind the Corporation.

BOSCHIN HOLDINGS INC.

per: _____

I have the authority to bind the Corporation.

MUNICIPALITY OF LAKESHORE

per: _____
Tom Bain, Mayor

per: _____
Kristen Newman, Director of Legislative & Legal Services/Clerk

We have authority to bind the Corporation.

SCHEDULE “A”
TO SITE PLAN AMENDING AGREEMENT BETWEEN THE MUNICIPALITY OF LAKESHORE
AND MRK COMPANY INC. AND BOSCHIN HOLDINGS LTD.

LEGAL DESCRIPTION

LAND TITLES DIVISION OF ESSEX (12)

FIRSTLY: PART LOT 4 CONCESSION BTN RIVER PUCE & RIVER PECHE
MAIDSTONE PT 1 12R17083; S/T EASE IN GROSS OVER PT 1 12R23478 AS IN
CE353395, S/T EASE IN GROSS OVER PTS 1 TO 5 INCL. 12R23686; SECONDLY:
PART LOT 4 CONCESSION BTN RIVER PUCE & RIVER PECHE MAIDSTONE PT 1
12R18245; LAKESHORE

PIN: (LT) 75007-0401

SCHEDULE “B”
To SITE PLAN AMENDING AGREEMENT BETWEEN THE MUNICIPALITY OF LAKESHORE
AND MRK COMPANY INC. AND BOSCHIN HOLDINGS LTD.

APPROVED DRAWINGS

Drawing No.	Title	Author	Date
A1.0	Overall Site Plan	Rosati Construction Inc.	October 27, 2020
C1.1	Site Servicing and Lot Grading Plan	Rosati Construction Inc.	July 24, 2020
C1.2	Site Details	Rosati Construction Inc.	May 29, 2020

SCHEDULE "C"
TO SITE PLAN AMENDING AGREEMENT BETWEEN THE MUNICIPALITY OF LAKESHORE
AND MRK COMPANY INC. AND BOSCHIN HOLDINGS LTD.

TERMS AND CONDITIONS

Lot Grading Plan

1. The Owner shall submit to the satisfaction of the Corporation's Chief Building Official, a lot grading plan covering the Subject Lands for the Chief Building Official's approval prior to the issuance of any building permits. Once approved, the Owner shall implement the said lot grading plan and shall ensure that the drainage of the Subject Lands does not adversely affect adjacent properties.

Signs

2. The Owner shall ensure that all signs proposed to be erected or placed on the Subject Lands are erected or placed in compliance with the Corporation's Sign By-law.

On-Site Traffic Signage

3. The Owner shall provide on-site traffic signage and pavement markings to the satisfaction of the Corporation.

Dirt and Debris

4. The Owner shall keep the public highways adjacent to the Subject Lands free from dirt and debris from the demolition and/or construction process.

Repair of Highway

5. Any curbs, gutters, pavements or landscaped areas on the public highway that are damaged during demolition and/or construction on the Subject Lands shall be restored by the Owner at the Owner's expense and to the satisfaction of the Corporation.

Driveway Approaches and Parking Areas

6. The Owner shall construct driveway approaches in such manner, widths and location as approved by the Corporation and/or the County of Essex. All vertical and painted signage related to parking spaces for persons with disabilities, shall be in conformance with Lakeshore Zoning By-law 2-2012, General Provisions-Section 6.41.2 d).
7. The Owner shall maintain all gravel area(s) with a dust control measure that utilizes Calcium Chloride.

Driveway/Entrance Permits

8. The Owner shall obtain an entrance permit for driveway approaches where necessary.

Lighting

9. The Owner shall provide and implement a lighting plan of all the parking area and buildings as shown on the Approved Drawings as approved by the Engineering Department. Lights used for the aforementioned illumination shall be full cut off and shall be arranged so as to divert the light away from adjacent properties.

Parking

10. The Owner shall provide adequate on-site parking in accordance with the

Corporation's Zoning By-law, as amended, and as shown on the Approved Drawings.

Landscaping

11. The Owner shall install and maintain all landscaping features shown on the Approved Drawings and as approved by the Chief Building Official.

Fire Protection

12. The Owner shall, if required by the Building Code, provide a water supply for fire fighting purposes in accordance with the Insurance Service Office Guidelines and Tables and to the satisfaction of the Corporation.

Hydrants

13. Any hydrant situated within the road allowance is the property of the Corporation and shall be maintained by it. Hydrants located on private property shall be maintained by the Owner in accordance with the Corporation's By-law number 136-2009. Flow testing shall be paid for by the Owner in accordance with the Corporation's Development Standard Manual.

Storm Water Management

14. The Owner shall provide a stormwater management report for internal drainage of the Subject Land to the satisfaction of the Corporation.
15. The Owner shall maintain (grade and keep groomed) the undeveloped portions of the Subject Lands.
16. In keeping with the requirements of the Ministry of the Environment, Conservation and Parks, in an effort to improve the quality of storm water runoff, the Owner shall equip all catch basins shown on the Approved Drawings with filter cloth inserts during the construction period.
17. That the Owner obtain a permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act, R.S.O. 1990, c.C.27.

Existing Watercourses and Natural Land Drainage

18. The Owner shall not block, abandon or otherwise alter natural watercourses during the course of construction of this development unless approved by the Corporation. No natural land drainage shall be cut off without adequate provision made for its interception to the satisfaction of the Corporation.

Drainage

19. The Owner shall meet any drainage requirements that the Essex Region Conservation Authority may have with respect to development of the Subject Lands.

Building Permit

20. The Owner covenants and agrees that it, or any person claiming title through or from it, or under its' or their authority, will not require or obtain, one or more Building Permits to construct buildings on the said lands, until the building permit complies with all application laws and in particular with the requirements of the Town's Official Plan, as amended and Zoning By-law 2-2012, as amended, its' site plan control by-law and the provisions of this agreement.

Development Charges

21. The Owner shall pay to the Corporation on the issuance of a building permit, the

appropriate development charge in accordance with the Corporation's Development Charges By-law, as amended.

As-Built Drawings

22. The Owner agrees to ensure that the “as-built” site servicing and landscaping drawings for each property be forwarded in digital format, to be AutoCad compatible, to the Corporation.

Financial Security

23. Upon execution of this agreement, the Owner shall provide cash or a certified cheque in the amount of \$5,000 as security for the performance of the Owner's obligations under this agreement. The Corporation may draw upon this security to complete any obligation imposed by this agreement that the Owner fails to complete. Once all of the works required by this agreement are completed to the satisfaction of the Corporation, any unused balance of the said \$5,000 shall be returned to the Owner, without interest, upon request.

**MUNICIPALITY OF LAKESHORE
BY-LAW 021 - 2021**

**BEING A BY-LAW FOR THE HERMAS MOISON DRAIN
(CREATION OF A NEW MUNICIPAL DRAIN)
IN THE MUNICIPALITY OF LAKESHORE - IN THE COUNTY OF
ESSEX.**

WHEREAS, the Council of the Municipality of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be created in accordance with Section 4 of the said Act.

**HERMAS MOISON DRAIN
(CREATION OF A NEW MUNICIPAL DRAIN)
IN THE MUNICIPALITY OF LAKESHORE –
IN THE COUNTY OF ESSEX.**

AND WHEREAS, the estimate cost of repairing and improving the drainage works is \$64,458.00

THEREFORE the Council of the Municipality of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated February 17, 2021 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Municipality of Lakeshore may borrow on the credit of the Municipality the amount of \$64,458.00 being the amount necessary for construction of the drainage works.
3. The Municipality may issue debentures for the amount borrowed less the total amount of,
 - (a) Grants received under Section 85 of the Act;
 - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
 - (c) Monies paid under subsection 61 (3) of the Act, and;
 - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Hermas Moison Drain (Creation of a New Municipal Drain).

First Reading: March 9th, 2021

Second Reading: March 9th, 2021

Provisionally adopted this 9th day of March, 2021

Tom Bain,
Mayor

Kristen Newman,
Director of Legislative and Legal
Services

Third Reading this day of , 2021.
Enacted this day of , 2021.

Tom Bain,
Mayor

Kristen Newman,
Director of Legislative and Legal
Services

Municipality of Lakeshore

By-law Number 22-2021

**Being a By-law to exempt certain lands from Part Lot Control within
Part of Lots 63 to 87 (inclusive), Registered Plan 12M-657,
for the former Community of Maidstone, now in the Municipality of Lakeshore
(PLC-1-2021)**

Whereas the *Planning Act*, R.S.O. 1990, c.P.13 provides that part-lot control shall apply where land is within a plan of subdivision registered before or after the coming into force of the Act;

And whereas subsection 50(7) of the *Planning Act* provides that the Council of the Municipality may by by-law provide that the part lot control provisions of section 50 of the *Planning Act*, R.S.O. 1990 c.P.13 does not apply to lands within a registered plan(s) of subdivision(s) or part(s) as designated in the by-law, and where the by-law is passed and approved part lot control as described in Subsection 5 of Section 50, ceases to apply to such land;

And whereas it is deemed desirable that the provisions of subsection 50(5) of the *Planning Act*, R.S.O. 1990, c.P.13 shall not apply to certain lands that are within Part of Lots 63 to 87 (inclusive), Registered Plan 12M-657, in the Municipality of Lakeshore;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. That subsection 50(5) of the *Planning Act*, R.S.O. 1990, C. P.13 shall not apply to the lands within part of the registered plan of subdivision designated as follows:

Part of Lots 63 to 87 (inclusive), Registered Plan 12M-657, in the Municipality of Lakeshore.

2. That the development of the lands more particularly described in section 1 of this by-law shall be only by way of descriptions of lands on a registered Reference Plan, which Reference Plan has been duly approved by the Corporation.
3. That this by-law shall expire on March 9, 2024.
4. That this by-law shall come into force and effect after the final passing thereof on the date upon which this by-law is approved by the County of Essex pursuant to the provisions of the *Planning Act*.

Read and passed in open session March 9, 2021.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

[illegible]

Municipality of Lakeshore

By-law 25-2021

Being a By-law to Adopt the 2021 Final Tax Levy, 2021 Tax and Garbage Rates and to Provide for Penalty and Interest in Default of Any Payment for the Year 2021

Whereas the Council of the Municipality of Lakeshore has, in accordance with section 312(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, considered the estimates of the municipality for the year 2021;

And whereas it is necessary to for the Municipality of Lakeshore (hereinafter referred to as “Municipality”), pursuant to the *Municipal Act, 2001*, to levy on the whole rateable property, according to the last revised assessment roll for the Municipality, the sums set forth for various purposes in Schedule “A” hereto attached for the current year;

And whereas all property assessment rolls on which the 2021 taxes are to be levied have been returned and revised pursuant to the provisions of the *Assessment Act*, R.S.O. 1990, c.A.31, subject to appeals at present before the Assessment Review Board, the Ontario Municipal Board and the District Court;

And whereas the property subclasses have been prescribed by the Minister of Finance under the *Assessment Act* and Regulations thereto and have been determined on the basis of the aforementioned property assessment rolls and are detailed on Schedule “B” attached hereto and which forms part hereof;

And whereas Section 312 of the *Municipal Act, 2001* provides that the Council of a local municipality shall, after the adoption of estimates for the year, pass a by-law to levy a separate tax rate on the assessment in each property subclass;

And whereas Section 312 of the *Municipal Act, 2001* requires tax rates to be established in the same proportion to tax ratios;

And whereas Section 208 of the *Municipal Act, 2001* provides that the council of a municipality may in each year levy a special charge upon rateable property in a business improvement area which has been designated under section 204 that is in a prescribed business property class sufficient to provide a sum equal to the sum of money provided for the purposes of the board of management for that area;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The estimates for 2021 as set forth in Schedule “A” attached to this By-law are hereby adopted and the 2021 levy for general municipal purposes is set at \$34,980,140.00.

2. For the year 2021, the Municipality of Lakeshore shall levy upon the whole of the rateable Assessment the rates of taxation, per current value assessment, as set out in Schedule "C" attached.
3. There shall be levied and collected for the purposes of the Board of Management of the Belle River – On the Lake Business Improvement Area \$93,280 at rates, per current value assessment, as set out in Schedule "C" for each prescribed business property class and subclass within the business improvement area.
4. There shall be levied and collected for the purposes of Solid Waste Management a garbage collection fee as follows:

Each residential unit - \$104.23
Each residential unit receiving a summer pickup - \$117.37
Each commercial unit in the Commercial district - \$554.36
5. All other rates as provided for in the Statutes of Ontario and in the by-laws of the municipality, be levied and collected in the manner as directed and authorized by said statutes and by-laws.
6. For payments-in-lieu of taxes due to the Municipality of Lakeshore, the actual amount due shall be based on the assessment roll and the tax rates for the year 2021 plus applicable interest and penalties.
7. Payments of final taxes shall be as follows:
 - a. The final taxes for each property shall be the total of all levies imposed under this by-law reduced by the amount of the interim levy for 2021.
 - b. Final taxes for the year 2021 shall be payable in two installments, the first of such installments shall become due and payable on the 30th day of July, and the second installment shall become due and payable on the 29th day of October. Taxes of up to Two Hundred (\$200.00) Dollars shall be due and payable on the first installment.
 - c. Notwithstanding sub-section (b), should the capping adjustments required under the provisions as adopted by the County of Essex Council be delayed, then the final due dates for taxes in the Commercial, Industrial and Multi-residential tax classes subject to Part IX of the *Municipal Act, 2001*, may be separately established by the Treasurer.
 - d. The due dates for Supplementary Tax Levies, resulting from amended assessment values being received from the Municipal Property Assessment Corporation under Sections 32, 33 and 34 of the *Assessment Act*, shall be established by the Treasurer as required.

8. A penalty charge of one and one quarter percent (1¼ %) on the first day in which default occurs shall be imposed for non-payment of taxes.
9. A late payment charge of one and one quarter percent (1¼ %) on the first day of each calendar month thereafter on the outstanding taxes due shall be imposed for non-payment of taxes.
10. The Treasurer for the Municipality of Lakeshore may receive payments on account of the said taxes and rates in advance of the day hereby fixed for the payment of any installment, but no discount on the amount shall be allowed for the prepayment.
11. The Treasurer may accept part payment from time to time on account of any installment provided that acceptance of any such part payment shall not affect the collection of the percentage charge imposed under section 8 and 9 hereof.
12. Treasurer is hereby authorized to accept ten (10) monthly payments on account of taxes due on a pre-authorized payment plan. The first six (6) monthly payments shall be calculated based on the prior year taxes plus 5% divided over 10 months. The final four (4) monthly payments shall be for the actual final levy amount less the previous monthly payments received. Each of the monthly payments shall be due on the 15th of the month commencing in January of the taxation year. If the 15th falls on a non-working day the amount will be due on the first previous working day. Penalty charges shall be added if payments are in default.
13. Failure to receive a tax notice does not exempt the property owner from penalty and late payment charges as outlined in section 8 and 9 above.
14. If any section, portion or Schedule of this by-law is found by a court of competent jurisdiction to be invalid, it is the intent of the Council of the Municipality of Lakeshore that all remaining sections, portions and Schedules of this by-law continue in force and effect.
15. Schedules 'A', 'B', and 'C' attached hereto shall be and form a part of this by-law.
16. This by-law comes into force and effect upon passage.

Read and passed in open session on March 9, 2021.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

**MUNICIPALITY OF LAKESHORE
2021 FINAL BUDGET SUMMARY**

	Description	Total 2021 Budget
1	Taxation Revenue	34,980,140
	Operating Revenue	
2	CAO	-
3	Human Resources	-
4	Legislative Services	47,225
5	Animal Control	40,900
6	Fire	81,000
7	Police	187,137
8	Atlas Tube Centre	1,832,015
9	Development Services	79,900
10	Committees of Council	60,000
11	Building	1,120,837
12	Recreation	273,605
13	Marina	619,865
14	Engineering	206,000
15	Public Works	138,800
16	Drainage	376,280
17	Facilities	24,100
18	Parks	38,200
19	Solid Waste	1,453,100
20	Finance	1,446,000
21	Information Technology Services	-
22	Corporate Accounts	4,505,140
		12,530,104
23	CAO	432,633
24	Council Services	322,171
25	Human Resources	390,418
26	Legislative Services	1,541,632
27	Animal Control	71,050
28	Fire	2,313,668
29	Police	5,137,324
30	CDS Admin	525,516
31	Atlas Tube Centre	4,769,397
32	Development Services	802,119
33	Committees of Council	58,775
34	Building	1,135,342
35	Recreation	899,275
36	Marina	705,934
37	Engineering	1,044,698
38	Public Works	14,471,649
39	Drainage	738,550
40	Facilities	1,805,559
41	Parks	1,860,694
42	Solid Waste	2,889,669
43	Finance	1,472,095
44	Information Technology Services	860,455
45	Corporate	3,261,621
		47,510,244
45	Surplus (Deficit)	-

**MUNICIPALITY OF LAKESHORE
ASSESSMENT FOR 2021 TAXATION**

Description	Assessment Class	RTC	RTQ	Assessment
Commercial	Commercial: Taxable: Farmland Awaiting Development Phase I	C	I	4,455,000
Commercial	Commercial: Payment in Lieu: Full	C	F	11,170,300
Commercial	Commercial: Payment in Lieu: General	C	G	1,622,000
Commercial	Commercial: Taxable: Full, Shared Payment in Lieu	C	H	399,000
Commercial	Commercial: Taxable: Full	C	T	146,867,200
Commercial	Commercial: Taxable: Excess Land	C	U	3,614,600
Commercial	Commercial: Taxable: Vacant Land	C	X	10,788,400
Commercial	Commercial: Payment in Lieu: Full, Vacant Land	C	Y	67,000
Exempt	Exempt	E		149,455,389
Farm	Farm: Taxable: Full	F	T	711,676,009
Parking Lot	Parking Lot: Taxable: Full	G	T	931,500
Industrial	Industrial: Taxable: Farmland Awaiting Development Phase I	I	I	843,600
Industrial	Industrial: Taxable: Full, Shared Payment in Lieu	I	H	282,000
Industrial	Industrial: Taxable: Full	I	T	47,896,500
Industrial	Industrial: Taxable: Excess Land	I	U	1,382,000
Industrial	Industrial: Taxable: Vacant Land	I	X	4,364,800
Industrial (New Construction)	Industrial (New Construction): Taxable: Full	J	T	57,616,400
Industrial (New Construction)	Industrial (New Construction): Taxable: Excess Land	J	U	294,700
Large Industrial (New Construction)	Large Industrial (New Construction): Taxable: Full	K	T	58,612,700
Large Industrial (New Construction)	Large Industrial (New Construction): Taxable: Excess Land	K	U	979,300
Large Industrial	Large Industrial: Taxable: Full	L	T	60,094,600
Large Industrial	Large Industrial: Taxable: Excess Land	L	U	1,899,200
Multi-Residential	Multi-Residential: Taxable: Full	M	T	5,486,000
New Multi - Residential	New Multi - Residential Taxable: Full	N	T	698,000
Pipeline	Pipeline: Taxable: Full	P	T	52,891,000
Residential	Residential: Taxable: Farmland Awaiting Development Phase I	R	I	5,126,400
Residential	Residential: Payment in Lieu: Full	R	F	1,687,000
Residential	Residential: Payment in Lieu: General	R	G	671,600
Residential	Residential: Payment in Lieu: Full, Taxable Tenant of Province	R	P	69,000
Residential	Residential: Taxable: Full	R	T	4,529,618,769
Shopping Centre	Shopping Centre: Taxable: Full	S	T	22,181,500
Shopping Centre	Shopping Centre: Taxable: Excess Land	S	U	29,600
Managed Forests	Managed Forests: Taxable: Full	T	T	733,100
Utility Transmission & Distribution Corridors	Utility Transmission: Taxable: Full, Shared Payment in Lieu	U	H	
Railway Right-of-Way	Railway: Taxable: Full	W	T	
Commercial (New Construction)	Commercial (New Construction): Taxable: Full	X	T	53,472,542
Commercial (New Construction)	Commercial (New Construction): Taxable: Excess Land	X	U	547,400
Office Building New	Office Building New	Y	T	564,300
Shopping Centre (New Construction)	Shopping Centre (New Construction): Taxable: Full	Z	T	69,500
		Total		5,949,157,909
Source: MPAC				

MUNICIPALITY OF LAKESHORE
2021 MUNICIPAL TAX RATES

Assessment Class	RTC	RTQ	Tax Rate	BIA Tax Rate
Commercial: Taxable: Farmland Awaiting Development Phase I	C	I	0.00156700	
Commercial: Payment in Lieu: Full	C	F	0.00678360	
Commercial: Payment in Lieu: General	C	G	0.00678360	
Commercial: Taxable: Full, Shared Payment in Lieu	C	H	0.00678360	
Commercial: Taxable: Full	C	T	0.00678360	0.00252290
Commercial: Taxable: Excess Land	C	U	0.00474850	0.00176600
Commercial: Taxable: Vacant Land	C	X	0.00365180	0.00135810
Commercial: Payment in Lieu: Full, Vacant Land	C	Y	0.00365180	
Exempt	E			
Farm: Taxable: Full	F	T	0.00156700	
Parking Lot: Taxable: Full	G	T	0.00365180	0.00135810
Industrial: Taxable: Farmland Awaiting Development Phase I	I	I	0.00156700	
Industrial: Taxable: Full, Shared Payment in Lieu	I	H	0.01217800	
Industrial: Taxable: Full	I	T	0.01217800	
Industrial: Taxable: Excess Land	I	U	0.00791570	
Industrial: Taxable: Vacant Land	I	X	0.00791570	
Industrial (New Construction): Taxable: Full	J	T	0.01217800	
Industrial (New Construction): Taxable: Excess Land	J	U	0.00791570	
Large Industrial (New Construction): Taxable: Full	K	T	0.01683980	
Large Industrial (New Construction): Taxable: Excess Land	K	U	0.01094590	
Large Industrial: Taxable: Full	L	T	0.01683980	
Large Industrial: Taxable: Excess Land	L	U	0.01094590	
Multi-Residential: Taxable: Full	M	T	0.01225880	
New Multi-Residential: Taxable: Full	N	T	0.00689620	
Pipeline: Taxable: Full	P	T	0.00816880	
Residential: Taxable: Farmland Awaiting Development Phase I	R	I	0.00156730	
Residential: Payment in Lieu: Full	R	F	0.00626920	
Residential: Payment in Lieu: General	R	G	0.00626920	
Residential: Payment in Lieu: Full, Taxable Tenant of Province	R	P	0.00626920	
Residential: Taxable: Full	R	T	0.00626920	
Shopping Centre: Taxable: Full	S	T	0.00678360	0.00252290
Shopping Centre: Taxable: Excess Land	S	U	0.00474850	
Managed Forests: Taxable: Full	T	T	0.00156730	
Utility Transmission: Taxable: Full, Shared Payment in Lieu	U	H		
Railway: Taxable: Full	W	T		
Commercial (New Construction): Taxable: Full	X	T	0.00678360	0.00252290
Commercial (New Construction): Taxable: Excess Land	X	U	0.00474850	
Office Building	Y	T	0.00678360	
Shopping Centre (New Construction): Taxable: Full	Z	T	0.00678360	

Municipality of Lakeshore

By-law 27-2021

**Being a By-law to Confirm the Proceedings of the
Council of the Municipality of Lakeshore.**

Whereas, in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

And Whereas, in accordance with said Act, the powers of a municipality shall be exercised by its Council;

And Whereas, municipal powers, including a municipality’s capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And Whereas it is deemed expedient that the proceedings of the Council of the Municipality of Lakeshore at this session be confirmed and adopted by By-law.

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The actions of the Council of the Municipality of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other action passed and taken by the Council of the Municipality of Lakeshore, documents and transactions entered into during the February 16th, 2021 session of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Seal of the Municipality of Lakeshore to all documents referred to in said paragraph 1 above.

Read and passed in an open session on March 9th 2021.

**Mayor
Tom Bain**

**Kristen Newman
Clerk**

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