

# Municipality of Lakeshore

## Regular Council Meeting Agenda



Tuesday, February 4, 2025, 6:00 PM  
Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
2. Closed Session
3. Singing of O Canada
4. Land Acknowledgement
5. Moment of Reflection
6. Disclosures of Pecuniary Interest
7. Public Meetings under the Planning Act

1. **Zoning By-law Amendment – ZBA-16-2024**  
**Temporary Use By-law for a Home Industry at 3362 Manning Road**

5

**Recommendation:**

Refuse the Temporary Use By-law Application – Zoning By-law Amendment application ZBA-16-2024, to permit the temporary use (for a maximum of three years) of a small-scale automobile repair establishment as a home industry in an accessory structure with exemptions from Section 6.2.6 b), h), and j) of Zoning By-law 2-2012, on the Subject Property known as 3362 Manning Road as presented at the February 4, 2025 Council Meeting.

**2. Zoning By-law Amendment (ZBA-18-2024) – Renaud Line Subdivision 23**

**Recommendation:**

Approve Zoning By-law Amendment Application (ZBA-18-2024), to amend Zoning By-law 2-2012 as it relates to semi-detached lots (legally described as Lots 10-14, 18-22, 28-52 on Plan 12M698) and single-detached lots (legally described as Lots 4, 5, 26, 27, and 53 on Plan 12M698) in the Renaud Line Subdivision to permit an increase in lot coverage of 40% and reduced exterior side yard setback of 3.5m; and

Direct the Clerk to read By-law 13-2025 during the Consideration of By-laws, all as presented at the February 4, 2025 Council meeting.

**3. Zoning By-law Amendment ZBA-19-2024 – 492 County Road 8 34**

**Recommendation:**

Approve Zoning By-law Amendment ZBA-19-2024 to amend Zoning By-law 2-2012, to rezone the lands known legally as Part of Lot 284 Concession South of Talbot Road, designated as Part 1 on Plan 12R29140, Maidstone, being Part of the Property Identifier Number 75017-0053(LT), and known municipally as 492 County Road 8, from “Major Institutional (I1)” to “Major Institutional with holding symbol (I1(h32))” zone (indicated as “492 County Rd 8 Subject Land” on the Key Map, Appendix A), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 7-2025 during the Consideration of By-laws, all as presented at the February 4, 2025 Council meeting.

**4. ZBA-22-2024 - Zoning By-law Housekeeping Amendments 51**

**Recommendation:**

Direct the Clerk to read By-law 15-2025, being a By-law to amend the Lakeshore Comprehensive Zoning By-law 2-2012, during the Consideration of By-laws, as presented at the February 4, 2025 Council meeting.

**8. Delegations**

**9. Consent Agenda**

**Recommendation:**

Receive the items as listed on the Consent Agenda.

**1. Community Planning Division 2024 Year End Status Update 64**

**10. Reports for Direction**

1. **Deeming By-law – DEEM-01-2024 – 169 and 177 Lakeview Drive** 72

**Recommendation:**

Deem Lots 44, 45 and 46, in Registered Plan of Subdivision 1411 in the Municipality of Lakeshore as no longer forming part of a Plan of Subdivision, to allow the subject lands municipally known as 169 and 177 Lakeview Drive to merge on-title and become one lot; and

Direct the Clerk to read By-law 14-2025 during the Consideration of By-laws, all as presented at the February 4, 2025 Council meeting.

2. **Extension of Draft Plan Approval for the Forest Hill Subdivision File No. 37-T-02009 (Cooper Estates Limited)** 80

**Recommendation:**

Direct Administration to advise the County of Essex that the Municipality of Lakeshore is in support of extending draft plan approval for the Forest Hill Subdivision (File No. 37-T-02009) for a five-year period (to lapse March 8, 2030) as presented at the February 4, 2025 Council meeting.

3. **Delegation of Authority for Minor Zoning By-law Amendments and Pre-Consultation Amendments to the Official Plan** 89

**Recommendation:**

Direct Administration to undertake public consultation in accordance with the *Planning Act* prior to submitting the recommended Official Plan Amendment to Council for a decision, as presented at the February 4, 2025 Council Meeting.

11. **Report from Closed Session**

12. **Consideration of By-laws**

**Recommendation:**

By-laws 7-2025, 13-2025, 14-2025 and 15-2025 be read and passed in open session on February 4, 2025.

1. **By-law 7-2025, Being a By-law to amend By-law 2-2012, the Zoning By-law for the Municipality of Lakeshore (ZBA-19-2024)** 95

2. **By-law 13-2025, Being a By-law to amend By-law 2-2012, the Zoning By-law for the Municipality of Lakeshore (ZBA-18-2024)** 98

3. **By-law 14-2025, Being a By-law to Deem Certain Lots to no Longer be Registered Lots on a Plan of Subdivision (Deem-01-2024)** 103

4. By-law 15-2025, Being a By-law to Amend the Zoning By-law (Housekeeping Amendment)

13. Addendum

14. Adjournment

**Recommendation:**

Adjourn the meeting at \_\_\_\_ PM.

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council  
**From:** Tammie Ryall, RPP, Corporate Leader – Growth and Sustainability  
**Date:** January 8, 2025  
**Subject:** Zoning By-law Amendment – ZBA-16-2024  
Temporary Use By-law for a Home Industry at 3362 Manning Road

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### Recommendation

Refuse the Temporary Use By-law Application – Zoning By-law Amendment application ZBA-16-2024, to permit the temporary use (for a maximum of three years) of a small-scale automobile repair establishment as a home industry in an accessory structure with exemptions from Section 6.2.6 b), h), and j) of Zoning By-law 2-2012, on the Subject Property known as 3362 Manning Road as presented at the February 4, 2025 Council Meeting.

### Strategic Objectives

This does not relate to a Strategic Objective however it is a core service of the Municipality.

### Background

The applicant currently resides in a single-detached dwelling on the subject property (Appendix A). As a lifelong mechanic, he operated an automobile and truck repair business in Windsor for over 33 years. The applicant is nearing retirement and has since downsized the operations to a 178 sq. m. garage on the Subject Property. However, a planning approval has never been granted to allow for this use on the Subject Property.

The garage which shall be referred to in this report as “accessory structure” was constructed in 2023 following the approval of Minor Variance Application #A/02/2023, which granted a reduction to the front yard setback requirement of the Agricultural Zone from 15 m to 10 m. At the time of the application, the applicant indicated that the purpose of the building was for personal storage. After the structure was built, it was determined that the footings were situated too close to the front lot line (Appendix B and C). A subsequent Minor Application to allow for a reduced front yard setback of 9.5 m was approved at the September 18, 2024 Committee of Adjustment Meeting under Minor Application #A/24/2024.

Due to a By-law complaint, it came to Administration's attention that the applicant was operating an automobile repair establishment from the accessory building. The owner subsequently made applications to rectify this By-law contravention and has written an explanation (Appendix D). The purpose of the application was to consider a Temporary Use By-law to allow for the applicant to continue operating their automobile repair business out of the accessory structure and to temporarily deem this use as a home industry. Currently, the accessory structure can only be used for personal storage under the provisions of the Zoning By-law.

Section 39 of the Planning Act allows for a Council of a local municipality to pass a by-law authorizing the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the Zoning By-law for a period of not more than 3 years. Administration is of the opinion that the maximum 3-year period prescribed for a Temporary Use By-law provides the applicant with a reasonable amount of time to close down their business, in order to comply with the uses permitted in the Agricultural designation in the long term.

**Proposal:**

Based on the applicant's request, Administration developed the following recommendation for Council.

The Temporary Use By-law would have legalized an existing non-conforming use in an accessory structure for a small-scale automobile repair business as a home industry and to allow for operations to continue for a maximum period of 3 years. This time frame would have permitted the applicant to slowly wind down the business without facing immediate and abrupt financial losses.

The Temporary Use By-law would have allowed for the "Home Industry" to be added as an additional permitted use to a "Residential Lot" in the "Agricultural (A) zone", and the following site-specific exemptions were being considered from Section 6.26 of the Lakeshore Zoning By-law 2-2012 (Appendix E):

- b) where a home industry is proposed on a lot less than 4.04 hectares (10 acres), the gross floor area of the home industry shall not exceed 25% of the gross floor area of the dwelling or 5% of the lot area, whichever is less;

The applicant's business occupies the entirety of the already built accessory structure which is greater in size than 25% of the primary dwelling's gross floor area, but yet contains less gross floor area overall than the primary dwelling on site. As such, a temporary exemption from Section 6.26 b) of the By-law would have been required.

- h) the accessory building used for the home industry shall only be located in the rear yard of the lot;

The applicant received a building permit and Conservation Authority permit to construct

the accessory structure in the front yard and received subsequent minor variance approvals for a reduced front yard setback from 10 m to 9.5 m. While the building size and location has already been approved by the planning department, building department, and the Essex Region Conservation Authority, a temporary exemption from Section 6.26 h) of the Zoning By-law would have been required to allow for the home industry to be located in the front yard.

j) home industries are subject to site plan control under Section 41 of the Planning Act.

The owner is the only employee of the business. There is currently no external display or advertisement of the business (other than an “open” sign). The business does not produce any significantly intrusive noise, fume, dust or odour impacts on the surrounding sensitive land uses. The business is also secondary and subordinate in gross floor area to the primary dwelling on the property. There is enough room on the Subject Property to accommodate the use. Adequate parking is available for the applicant and their customers in both the accessory structure and driveway. Further, the location and size of the accessory structure has been approved through the Conservation Development Permit, Building Permit and Minor Variance processes. Administration is of the belief that an exemption to Section 6.26 j) would have been reasonable.

It must be noted that an additional condition of operating a home industry in the Agricultural Zone is that there shall be no outdoor storage which is not supported by Administration as it would expand the footprint of the operation.

However, during the internal review of the application it was determined that several mitigation measures would have to be implemented to meet the requirements of the Development Manual (Appendix F). As of writing of this report the applicant has refused to meet these requirements. Hence, Administration is not recommending support of the application.

**Summary:**

The subject property consists of approximately 0.57 ha (1.41 ac) of land located to the south of N Rear Rd and east of Manning Rd (County Rd 19). The legal description for the lands is Part of the North half of Lot 1, Concession North of Middle Road, Maidstone, designated as Part 1 on Plan 12R15753 The entirety of the subject property falls within Essex Region Conservation Authority’s (ERCA’s) regulated area.

<b>Subject Land:</b> (3362 Manning Road)	<b>Existing Use</b> – Single-detached dwelling and non-confirming home industry for automobile repair shop in an Accessory Structure. <b>Proposed Use</b> – To permit the temporary use of an automobile repair shop in an Accessory Structure as a home industry. <b>Access</b> — Manning Road (County Rd 19). <b>Services</b> — Municipal water, private septic, drainage ditch and storm sewer.
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<b>Neighbouring Land Uses</b>	<b>North:</b> Agricultural lands <b>South:</b> Single-detached residential lot <b>East:</b> Agricultural lands <b>West:</b> Daniher Topsoil - outdoor storage of soil and landscape supply store (located in the Town of Tecumseh)
<b>County Official Plan:</b>	Agricultural
<b>Local Official Plan:</b>	Agricultural
<b>Existing Zoning:</b>	Agricultural
<b>Conservation Authority:</b>	The entirety of the Subject Property is regulated by the Essex Region Conservation Authority

**Comments:**

**Provincial Planning Statement, 2024 (PPS, 2024)**

The Subject Property is located within the “Prime Agricultural Area”. Although the applicant is capable of fixing tractors and farm equipment, the main focus of the applicant’s business involves fixing classic cars. As such, the automobile repair shop is considered a non-agricultural use.

Non-agricultural uses are only permitted in prime agricultural areas provided that they are consistent with the policies of Section 4.3.5 in the PPS, 2024. Administration has determined that the applicant’s automobile repair establishment is not consistent with these policies. It is for this reason that a Temporary Use was being considered. Administration is recommending that the existing business be discontinued to comply with the policies of the PPS, 2024.

**County of Essex Official Plan, 2014**

The Subject Property is designated as “Agricultural” in the current and in effect version of the County of Essex Official Plan (The County approved 2024 Draft Official Plan is with the Province for review). The permitted uses in the agricultural designation are largely limited to agricultural uses, secondary uses and agricultural-related uses.

In accordance with Section 3.3.3.2 in the County of Essex Official Plan, a home industry is considered a permitted secondary use in the agricultural area. The County of Essex Official Plan definition for secondary uses is included below:

“**Secondary uses** mean uses secondary to the **principal use** of the property, including but not limited to home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.”

Section 3.3.3.2 b) defines **home industry** uses as occupations, trades, businesses, professions, or crafts that are secondary to the agricultural use, agriculture-related use **or residential use on the property**.

The County has expressed that a County Official Plan Amendment would be required if



the applicant were to make the automobile repair establishment a permanent use.

### **Municipality of Lakeshore Official Plan, 2010**

The Subject Property is designated as “Agricultural” in the Municipality of Lakeshore Official Plan. In accordance with Section 6.2.1 c) of Lakeshore’s Official Plan for the Agricultural Designation, a home industry is considered a permitted use that is **secondary to the principal use of the property**.

Subsection h) states:

h) Small-scale home industries, which are conducted in whole or in part in an accessory building (e.g., shed or farm building) by a member of the family owning the property, will be permitted. In order to ensure that the scale of the home industry is clearly accessory to the main use, the number of employees, the gross floor area and outside storage associated with a home industry will be limited in the Zoning By-law.

Although the subject property is designated as “Agricultural”, there are no agricultural operations on the site, and there is not enough land to generate a financially viable farm crop. The property fronts onto a busy arterial road and the lands are largely constrained by the existing house and drainage ditch which take up room on the lot. As such, the principal use of the property is residential. Therefore, the proposal would have conformed to the “small-scale home industries” policies of the Official Plan.

### **Zoning By-law 2-2012**

The Subject Property is currently zoned as Agricultural (A), in the Lakeshore Zoning By-law 2-2012, as amended. A Home Industry is a permitted use in the “A” Zone.

The following exemptions from Section 6.26 of Zoning By-Law 2-2012 would have been incorporated into the proposed Temporary Use By-law to legalize the existing non-conforming use for a period of three years:

- “b) where a home industry is proposed on a lot less than 4.04 hectares (10 acres), the gross floor area of the home industry shall not exceed 25% of the gross floor area of the dwelling or 5% of the lot area, whichever is less;
- h) the accessory building used for the home industry shall only be located in the rear yard of the lot;
- j) home industries are subject to site plan control under Section 41 of the Planning Act.”

### **Comments**

The County of Essex, Transportation Planning and Development department has reviewed the proposal and has no objection. They advise that permits are needed for any changes to existing entrances or structures or any new entrances or structures (Appendix G).

Lakeshore Operations Department has reviewed the proposal and noted that paving and an oil-grit separator would need to be installed. In addition, Lakeshore Operations would also require the submission of a site servicing plan, stormwater management memo and lot grading plan (Appendix F).

## **Conclusion**

Administration has met with the applicant multiple times since the non-conformity has been identified and to address mitigation measures identified by the Operations Department that could be put in place to ensure the quality of water entering the municipal drain is not negatively impacted while balancing the desire of the applicant to have time to wind down the business. As mentioned before, to date the applicant has refused to meet these requirements and has indicated that he wishes to present his comments to Council during the public meeting regarding the need for an oil-grit separator and paving.

Based on the foregoing, Administration recommends that Council refuse ZBA-16-2024 for the proposed Temporary Use Application which includes exemptions from Section 6.2.6 b, h, and j) of Zoning By-law 2-2012.

## **Other Options for Consideration**

Should Council not support the Recommendation to refuse the application at this meeting, Council can choose to defer the application and direct Administration to come forward to a subsequent meeting with one of the alternatives listed below (as outlined in Appendix H).

1. Alternative 1 – Refusal
2. Alternative 2 – Deferral
3. Alternative 3 – Approve as modified or revised
4. Alternative 4 – Approval

## **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. Concerns expressed from the County of Essex are attached in Appendix G.

## **Financial Impacts**

There are no budget impacts resulting from the recommendation. However, if Council chooses to accept the Recommendation of Administration to refuse the application, there

is a possibility that the Municipality will incur costs associated with litigation should an appeal be received.

## Appendices

Appendix A – Aerial Map

Appendix B – Drawing

Appendix C – Photos

Appendix D – Memo from Applicant

Appendix E – Excerpts from Section 8.3.2.2 of the Lakeshore Official Plan, Temporary Use By-laws

Appendix F – Operations Comments

Appendix G – County of Essex, Transportation Planning and Development Comments

Appendix H – Council Decision Alternatives Under the Planning Act

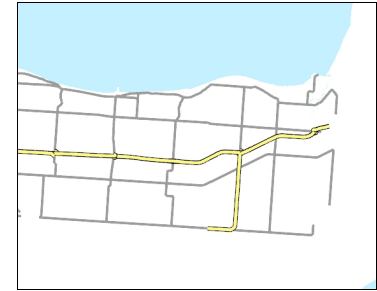
## Report Approval Details

Document Title:	Zoning By-law Amendment – ZBA-16-2024 Temporary Use By-law for a Home Industry at 3362 Manning Road.docx
Attachments:	- Appendix A – Aerial Map.pdf - Appendix B – Drawing.pdf - Appendix C – Photos.pdf - Appendix D – Memo from Applicant.pdf - Appendix E – Excerpts from Section 8.3.2.2 of the Lakeshore Official Plan, Temporary Use By-laws.pdf - Appendix F – Operations Comments.pdf - Appendix G – County of Essex, Transportation Planning and Development Comments.pdf - Appendix H – Council Decision Alternatives Under the Planning Act.pdf
Final Approval Date:	Jan 28, 2025

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

Prepared by Tammie Ryall

Approved by the Corporate Leadership Team



### Legend

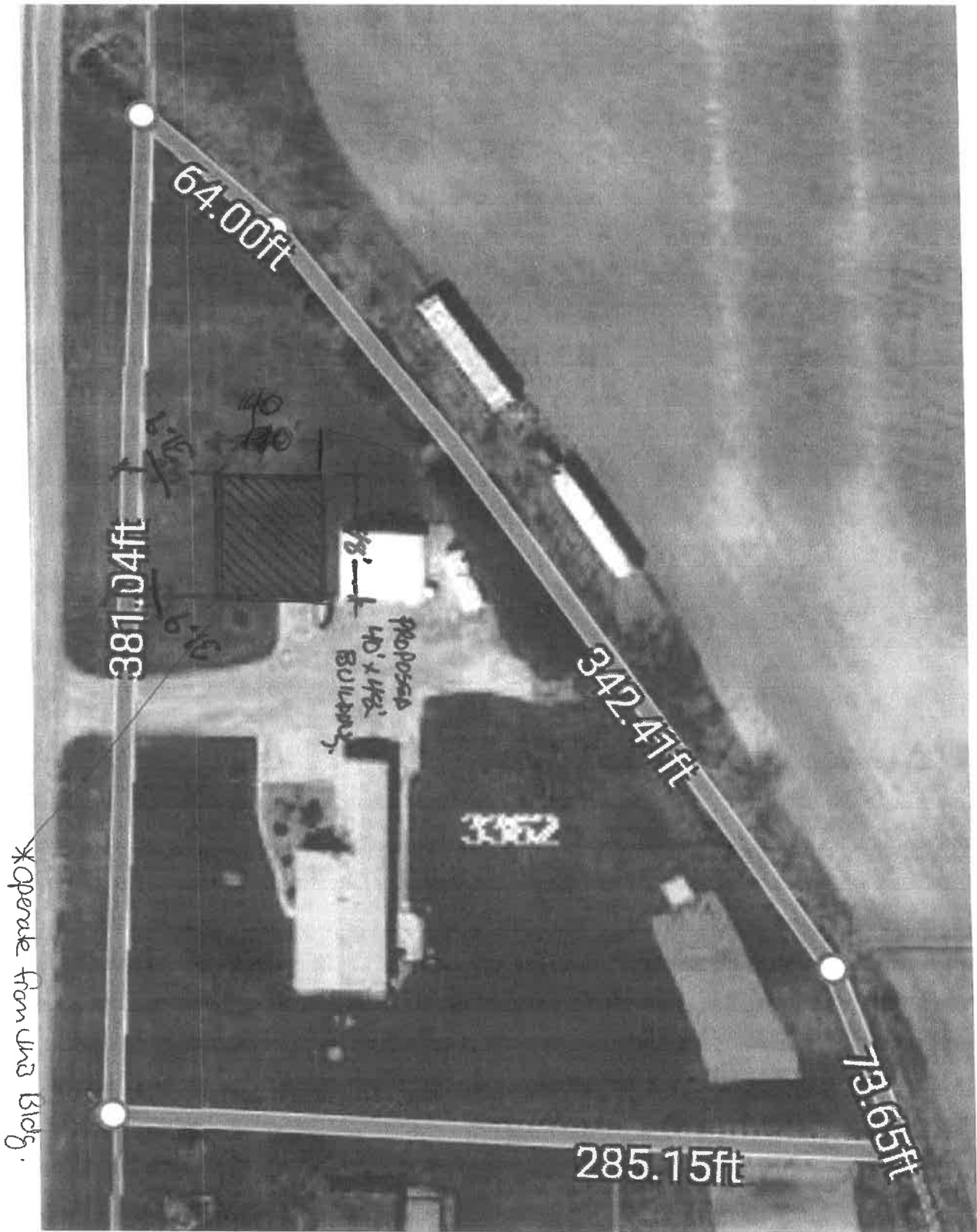
- Tax Parcel
- WorkingParcel
- Street Centreline**
- CNTY
- LAK
- PRIV
- PROV
- <all other values>

1: 1,035



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





Picture of the accessory building looking northeast from the driveway



Picture of the subject property and county road allowance looking north from the driveway



To whom it may concern

i opened my business In October 1989 I've rented for all this time and the last few years I have worked by myself and my landlord was doubling my rent and I just couldn't afford it I bought this property with the thought of having a hobby shop but in the back of my mind I thought it would be nice to work from home when the landlord let me know he was raising my rent and it was going to be doubled I thought it was a perfect time to do so I was allowed to build my building I didn't know the rules were different for the use of the building I will be 65 years old at the end of September I sometimes do three to four jobs a week I do mostly break jobs in front end work I have lots of friends with classic cars that come to me for repairs I can do repairs on tractors and smaller farm equipment and I have received support from people in the area stopping in bringing me jobs and wishing me luck I would like to retire before I'm 70 and work on my classic cars

Sincerely Gil Drouillard

3362 Manning rd



The Town will consider all applications to amend the Zoning By-law and will provide notice of such application in accordance with the provisions of the *Planning Act*.

### ***8.3.2.1 Holding Zones***

Holding zones may be incorporated into the Town's Zoning By-law in order to achieve orderly development and ensure that policies established in this Plan have been met. The Town may place a holding symbol on the zone that prevents development from occurring until the Town is satisfied that certain conditions have been met, allowing the Town to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding. Specific actions or requirements for the lifting of the holding provision will be set out in the Town's Zoning By-law or the amendment thereto. Once the required conditions are met, a by-law removing the holding symbol will be passed.

These actions or requirements include, but are not necessarily limited to, the following:

- a) The timing of the provision of municipal services;
- b) The phasing and logical progression of development;
- c) The provision of adequate service or road infrastructure and works;
- d) The completion and confirmation that environmental contamination remediation has occurred on site, or that satisfactory verification of suitable environmental site condition is received by the Town;
- e) The completion of the appropriate supporting study(ies) to the satisfaction of the Town, in consultation with other agencies, as required;
- f) Confirmation that the requisite permits and approvals from external authorities have been received;
- g) The completion of a development or the subdivision of land, including the negotiation of a development or subdivision agreement;
- h) That site plan approval has been granted by the Town, and a site plan agreement has been entered into, pursuant to the provisions of the *Planning Act*;
- i) That the specific policies of this Plan have been complied with; and/or
- j) Additional actions or requirements may be identified in the Official Plan through a site-specific or general amendment, at the discretion of the Town.

### ***8.3.2.2 Temporary Use By-laws***

The Town may pass a temporary use by-law to allow the temporary use of land, buildings or structures for a purpose otherwise not permitted by the Zoning By-law for a specific period of

time not to exceed three years. A temporary use by-law will define the land to which it applies, and will prescribe the period of time during which it is in effect. The Town may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation are not practical. Council may pass subsequent by-laws granting extensions of up to three years. Council may extend this period by passing further by-laws, subject to the specific policies of this Plan.

In enacting a temporary use by-law, the Town will consider the 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;
- b) the compatibility of the proposed use with the surrounding land uses and character of the surrounding area;
- c) the proposed use will be properly serviced and not require the extension or expansion of existing 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;
- e) parking facilities will be provided entirely 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.

### ***8.3.2.3 Interim Control By-laws***

The Town may establish interim control by-laws in accordance with the relevant sections of the *Planning Act*, in order to control the use of land, buildings or structures within specifically identified areas for a specified period of time not exceeding one year, plus a permissible one year extension in length.

### ***8.3.2.4 Bonus/Density Increases***

In accordance with the *Planning Act*, the Town may pass, at its sole discretion, a site-specific Zoning By-law amendment to authorize increases in the height and density of development above what is permitted in the Zoning By-law, in return for the following:

- a) The provision of affordable or rental housing;

## Municipality of Lakeshore

**Date:** September 19, 2024  
**From:** Vaibhav Desai – Team Leader – Development Engineering & Approvals  
**To:** Community Planning Division  
**Re:** ZBA-16-2024 – 3362 Manning Rd  
Municipality of Lakeshore

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We received the documents for the above noted file and have outlined our comments below.

### Comments:

1. Site Servicing plans will be required outlining the storm water outlets and other applicable services as required.
2. Storm water management memo will be required addressing the quality and quantity of storm water.
3. Oil and Grit separator will be required to address the quality of the water entering the Municipal drain due to the subject property use of Auto Mechanic Shop.
4. Lot Grading Plan will be required for entire site.
5. Due to the subject property use the property to be paved before proceeding with the further use and should be shown on the lot grading drawings.

Note: All above noted drawings to be submitted to Operations Division for Review and Approval. All reviews and approval are subject User Fees as per User Fee By-law outlined on our website under Schedule F section. For more information please visit the website (**Website Link:** [www.Lakeshore.ca/OpsUserFees](http://www.Lakeshore.ca/OpsUserFees))

*Vaibhav Desai*

Team Leader – Development Engineering & Approvals

Approved by: Krystal Kalbol, P.Eng.



September 23, 2024

Mr. Jacob Dickie  
Municipality of Lakeshore  
419 Notre Dame Street  
Belle River, Ontario  
NOR 1A0

Dear Mr. Dickie:

**Re: Temporary Use By-law, ZBA-16-2024, Gilbert and Catherine Drouillard**

Please be advised that the County has reviewed the aforementioned application. Comments are engineering-related only, and the application has not been reviewed from a planning perspective. The subject lands have frontage on County Road 19. The County has no objections as subject structure meets the County setback distance and based on traffic impact of the business, there is no significant impact to the County Road network. The Applicant will be required to comply with the following County Road regulations if there is a change in the structures or entrances:

***County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.***

***County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.***

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 19. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

 519-776-6441  
TTY 1-877-624-4832

 360 Fairview Ave. W.  
Essex, ON N8M 1Y6

 countyofessex.ca

Should you require further information, please contact the undersigned by email at [kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564.

Regards,



Kristoffer Balallo  
Engineering Technologist

 519-776-6441  
TTY 1-877-624-4832

 360 Fairview Ave. W.  
Essex, ON N8M 1Y6

 [countyofessex.ca](http://countyofessex.ca)

## Appendix H – Council Decision Alternatives Under the Planning Act

Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is now required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
  - (a) the person or public body that made the application;
  - (b) each person and public body that filed a written request to be notified of a refusal; and
  - (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also contain a written explanation for the refusal with a brief explanation of the effect, if any, that the written and oral submissions had on the decision.

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.
3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.
4. Alternative 4 - Approval - the application is approved as submitted without modifications.

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Jacob Dickie, Planner II

**Date:** January 8, 2025

**Subject:** Zoning By-law Amendment (ZBA-18-2024) – Renaud Line Subdivision

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### Recommendation

Approve Zoning By-law Amendment Application (ZBA-18-2024), to amend Zoning By-law 2-2012 as it relates to semi-detached lots (legally described as Lots 10-14, 18-22, 28-52 on Plan 12M698) and single-detached lots (legally described as Lots 4, 5, 26, 27, and 53 on Plan 12M698) in the Renaud Line Subdivision to permit an increase in lot coverage of 40% and reduced exterior side yard setback of 3.5m; and

Direct the Clerk to read By-law 13-2025 during the Consideration of By-laws, all as presented at the February 4, 2025 Council meeting.

### Strategic Objectives

This does not relate to a Strategic Objective. However, it is a core service of the Municipality.

### Background

On September 13, 2022, Zoning By-law Amendment (ZBA-28-2021) was passed, changing the subject lands zoning category from “Residential – Low-Density (R1) (h4)” to “Residential – Medium Density (R2) (h4)”. On January 10, 2023, Council passed a by-law to authorize the Clerk and Mayor to enter into a subdivision agreement with the owner, Ridge Capital Group Inc. and Giorgi Development Inc. (County of Essex subdivision file no. 37T-22005). The holding symbol was removed by a Council Resolution on March 1, 2023. On March 27, 2023, Plan of Subdivision 12M-698 was registered, consisting of 37 single-detached lots, and 35 semi-detached lots for a total of 107 residential dwelling units.

On March 19, 2023, Zoning By-law Amendment (ZBA-16-2023) was passed to permit for the following site-specific changes under the “R2-26” Zone, applying to all 35 semi-detached lots within Registered Plan of Subdivision 12M-698.

1. Reduced Minimum Exterior Side Yard from 4.5 m to 3.5 m for semi-detached dwellings.
2. Increased Maximum Lot Coverage from 35% to 40% for semi-detached lots.

The applicant is now coming forward with a new Zoning By-law Amendment Application involving the same exterior side yard and lot coverage reliefs, but for the development of 5 single-detached lots within Registered Plan of Subdivision 12M-698.

<b>Subject Lands:</b> 347, 355, 358, 475 and 476 Marla Crescent	<b>Existing Use:</b> 5 vacant Lots <b>Proposed Use:</b> future single-detached dwellings <b>Access:</b> subdivision access from Renaud Line Road <b>Services:</b> municipal water, municipal sewage and municipal stormwater
<b>Surrounding Land Uses:</b>	The subject lands are located within a new plan of subdivision and is surrounded by other developed and vacant residential lots. The site is within close proximity to an active rail corridor to the south, the Atlas Tube Recreation Centre, schools and agricultural lands.
<b>County of Essex Official Plan</b>	Primary Settlement Area
<b>Lakeshore Official Plan:</b>	Residential (Emeryville Special Planning Area)
<b>Existing Zoning:</b>	Residential - Medium Density (R2)
<b>Conservation Authority</b>	The subject lands are not regulated by the Essex Region Conservation Authority.
<b>Proposed Zoning By-law Amendment:</b>	<ol style="list-style-type: none"> <li>1. Reduce the Minimum Exterior Side Yard Setback requirement in the R2 zone from 4.5 m to 3.5 m for single-detached dwellings.</li> <li>2. Increase the Maximum Lot Coverage requirement in the R2 Zone from 35% to 40% for single-detached dwellings.</li> </ol>

### Planning Comments

The principle of development of the subject lands has already been established through previous Zoning By-law Amendment and Plan of Subdivision applications. The current application seeks only to reduce the exterior side yard setback requirement and to increase the permitted lot coverage on 5 lots within the approved Plan of Subdivision. The following comments are concerned only with the implications of the proposed changes.

#### *Provincial Planning Statement, 2024*

The Provincial Planning Statement, 2024 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. All planning decisions are required to be consistent with the PPS.

Section 3.6 of the PPS states that planning for stormwater management shall:



- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;
- c) minimize erosion and changes in water balance including through the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces;
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

Overall, the proposed Zoning By-law Amendment is consistent with the Provincial Planning Statement (2024).

#### *County of Essex Official Plan*

The current and in-effect version of the County of Essex Official Plan establishes a comprehensive policy framework for managing growth, protecting resources and providing direction on land use decisions. All planning decisions within the Municipality of Lakeshore are required to conform with the County Official Plan. The proposed Zoning By-law amendment conforms with the County Official Plan.

#### *Lakeshore Official Plan*

The Lakeshore Official Plan (OP) establishes the growth management and land use structure for the Municipality to the year of 2031.

The Lakeshore Official Plan designates the subject lands as Residential within an Urban Area/Special Planning Area.

#### Section 6.6 Residential Designation:

The Residential designation encourages diverse housing types to accommodate the diverse needs and characteristics of the population. The proposal conforms with the policies of the Residential Designation.

#### Section 3.3.1 Urban Area:

Urban Areas are the focus of growth and provide for development patterns that efficiently use land, resources, infrastructure, and public service facilities. The proposal conforms with the policies of the Urban Area designation.

#### Section 3.4 Special Plan Areas:

A Special Planning Area indicates that specific policies are tailored to comprehensively address the arrangement of the land use pattern within this designated area (Section

3.4 Special Planning Areas). The subject lands are located within the Emeryville Special Planning Area as shown on Schedule “AC.3”. Policy 3.4.1 of the Official Plan discusses the Emeryville Special Planning Area and establishes a framework for undertaking a Secondary Plan for the area. The proposal generally conforms with the Policies related to the Emeryville Secondary Plan and does not conflict with the policies.

**Section 7.3 Sewage & Water Systems:**

Sewage and water services for the property are owned and operated by the Municipality, which is the preferred option for urban areas as per Section 7.3.

Overall, the proposed Zoning By-law Amendment is consistent with the policies of the Municipality of Lakeshore Official Plan.

*Lakeshore Zoning By-law 2-2012*

The subject property is zoned as “Residential-Medium Density (R2)”. The R2 Zone permits single-detached dwellings and semi-detached dwellings as per Table 7.1. The application proposes to reduce the minimum exterior yard requirement from 4.5 metres to 3.5 metres for single-detached dwellings and to increase the maximum lot coverage requirement from 35% to 45% for single-detached dwellings, applicable to the 5 lots identified in Appendix B. However, all other provisions of the Zoning By-law will remain in effect.

The proposed zoning changes will allow for slightly larger and more compact dwellings on 5 lots within the 72 lot subdivision, ultimately increasing the amount of livable floor space and increasing opportunities to house a larger number of persons per household to address the housing shortage. 35 semi-detached lots within the same Plan of Subdivision have already received a Zoning By-law Amendment approval for the same reduced exterior side yard setback and increased lot coverage. Overall, the proposed development will not significantly deviate from the envisioned streetscape appearance and community character for the subdivision. Furthermore, the proposed deviations from the current standards are minor in nature (4.5 m vs 3.5 m for exterior side yard setback) and (35 vs 40% for lot coverage). The Operations Department has also confirmed that they are supportive of the current application from a stormwater management perspective. Furthermore, there will still remain an adequate amount of open space on the subject lands to ensure there is enough room for accessible pedestrian maneuverability, private amenity space and sufficient driveways to meet the parking requirements for single-family households.

The new By-law 13-2025 will incorporate the rezoning approval that has already been issued for the 35 semi-detached lots (ZBA-16-2023) and amalgamate it with the proposed rezoning for the 5 single-detached lots (ZBA-18-2024) to bring more clarity to all impacted lots within the plan of subdivision.

As such, Administration recommends that the proposed Zoning By-law Amendment is approved.

## Others Consulted

Comments received as of the preparation of this report include:

### *Building Services*

- Indicated they have no comments.

### *Fire Services*

- No comments.

### *Engineering & Infrastructure Approvals*

- Lakeshore's Engineering and Infrastructure Approvals Division is generally supportive of the proposed Zoning By-Law Amendment application however, Engineering has advised the applicant that they may not be supportive of similar requests for increased lot coverage permissions in the future (for this development as well as other future planned developments). Cumulative impacts from frequent or significant changes to lot coverage standards could strain the stormwater management system. These requests should be identified at the time of detailed design of the stormwater management system so that this can be accounted for by implementation of stricter design standards to accommodate the increased lot coverage. See Appendix D for correspondence to the Developer in response to the request. This approach should be taken with all new developments who require stormwater management plans, otherwise stormwater management updates and modifications to built facilities will be required.

### *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.

The applicant had come forward last year with the same request for a reduced side yard setback and an increased lot coverage for all the semi-detached lots within the subdivision; file number ZBA-16-2023, By-law 33-2024. Administration will be rescinding By-law 33-2024 and replacing it with By-law 13-2025 to include five single detached lots municipally known as 347, 355, 358, 475, and 476 Marla Crescent.

By-law 13-2025 will permit an increased lot coverage of 40% and reduced side yard setback of 3.5m for all existing semi-detached lots within the plan of subdivision and for the five identified single-detached lots within the plan of subdivision (Appendix B). The by-law further breaks down which lots the rezoning applies to for single-detached development and semi-detached development.

## Financial Impacts

There are no budget impacts resulting from the recommendation. However, if Council chooses to refuse the application, there is a possibility that the Municipality will have to retain legal and planning expertise to litigate the matter should an appeal be received.

## Conclusion

Based on the foregoing, Administration recommends that Council approve ZBA-18-2024 (By-law 13-2025), as it relates to semi-detached lots (legally described as Lots 10-14, 18-22, 28-52 on Plan 12M698) and single-detached lots (legally described as Lots 4, 5, 26, 27, and 53 on Plan 12M698) in the Renaud Line Subdivision to reduce the minimum required exterior side yard setback in the “Residential – Medium Density (R2)” Zone from 4.5 m to 3.5 m for single-detached and semi-detached dwellings and to increase the maximum permitted lot coverage in the “Residential – Medium Density (R2)” Zone from 35% to 40% for single-detached and semi-detached dwellings.

## Appendix

Appendix A – Plan of Subdivision 12M-698

Appendix B – Lots Impacted by Proposed Rezoning

Appendix C – Engineering and Infrastructure Approvals Stormwater Management Letter to Applicant

## Report Approval Details

Document Title:	ZBA-18-2024 - 347, 355, 358, 475 and 476 Marla Crescent .docx
Attachments:	- Attachment A.pdf - Attachment B.pdf - Appendix C - Engineering and Infrastructure Approvals Letter Stormwater Management.pdf
Final Approval Date:	Jan 28, 2025

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

Prepared by Jacob Dickie

Submitted by Urvi Prajapati, Daniel Mercer and Tammie Ryall

Approved by the Corporate Leadership Team

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF ESSEX (12) AT 11:41 O'CLOCK ON THE 27th DAY OF MARCH, 2023 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIERS 75005-1536 AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. CE1127893

REBECCA BELANGER Manager, Planning Services County of Essex

THIS PLAN COMPRISES ALL OF THE LAND IDENTIFIED BY P.I.N. 75005-1536. PART OF LAKELAND DRIVE IS SUBJECT TO A RIGHT-OF-WAY AS SET OUT IN R375899.

This final plan of subdivision is approved under ss 51, (58) of the Planning Act on this 29th day of MARCH, 2023.

CURVE SCHEDULE table with columns: CURVE, RADIUS, ARC, CHORD, CHORD BEARING. Rows C1 to C6.

Known Locally as OAKWOOD AVENUE

Part 11, Plan 12R-21144 P.I.N. 75005-2102

Part 2, Plan 12R-6677

P.I.N. 75005-0565

Part 1, Plan 12R-2886 P.I.N. 75005-0854

Part 2, Plan 12R-15417 P.I.N. 75005-0590

Part 1, Plan 12R-15417 P.I.N. 75005-0591

Part 1, Plan 12R-6230 P.I.N. 75005-0592

Part 1, Plan 12R-4981 P.I.N. 75005-0593

Part 1, Plan 12R-7553 P.I.N. 75005-0594

Part 1, Plan 12R-21182 P.I.N. 75005-1055

Part 1, Plan 12R-23708 P.I.N. 75005-1665

Part 1, Plan 12R-21882 P.I.N. 75005-1666

Part 1, Plan 12R-21882 P.I.N. 75005-1667

PLAN OF SUBDIVISION OF PART OF LOT 4, CONCESSION EAST OF PUCE RIVER

GEOGRAPHIC TOWNSHIP OF MAIDSTONE MUNICIPALITY OF LAKESHORE COUNTY OF ESSEX, ONTARIO

VERHAEGEN LAND SURVEYORS - A DIVISION OF J.D. BARNES LTD. SCALE = 1:500

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

LEGEND AND NOTES section containing various symbols and their meanings for survey monuments and bearings.

INTEGRATION DATA table with columns: POINT ID, NORTHING, EASTING. Rows ORP-A, ORP-B, ORP-C.

OWNERS CERTIFICATE section with text: THIS IS TO CERTIFY THAT: 1. LOTS 1 TO 72 (incl.) BLOCKS 73, 74, (0.30m RESERVES), BLOCK 75 AND THE STREETS...

OWNERS CERTIFICATE section with signature of Joseph A. Giorgio and text: I HAVE THE AUTHORITY TO END THE CORPORATION

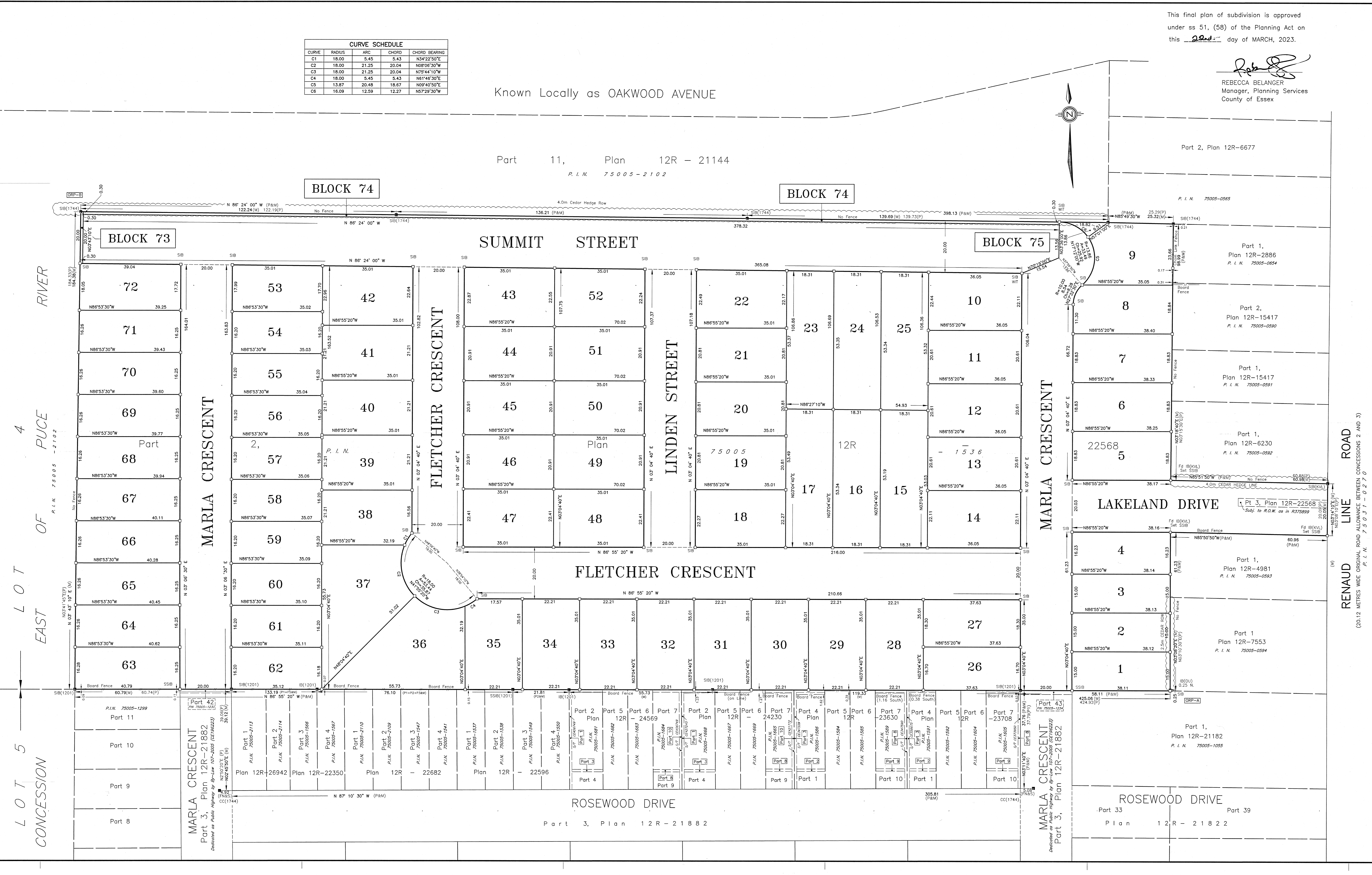
OWNERS CERTIFICATE section with signature of J. Randall Koop and text: I HAVE THE AUTHORITY TO END THE CORPORATION

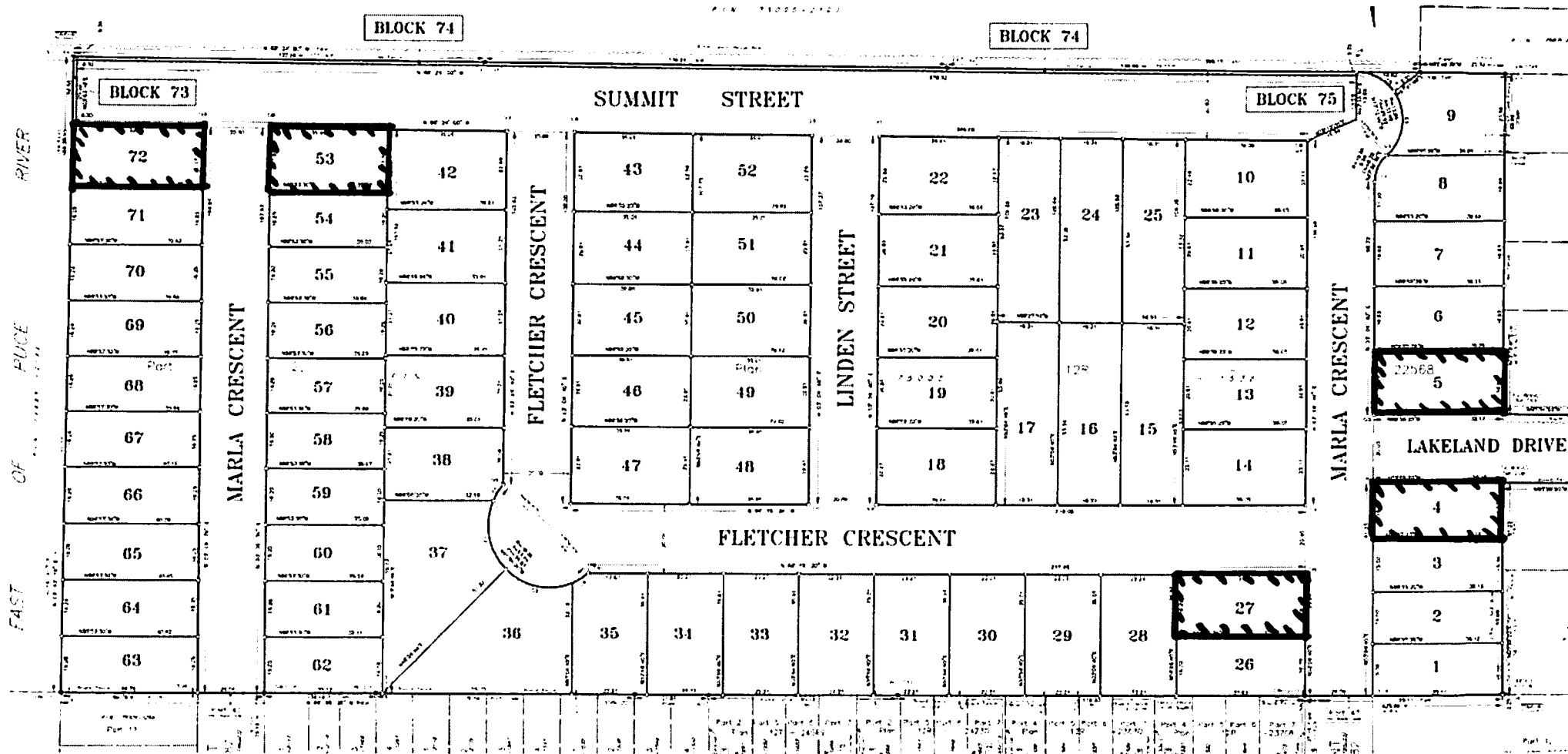
SURVEYOR'S CERTIFICATE section with text: I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT...

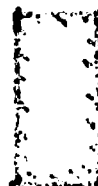
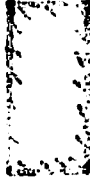
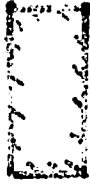
THIS PLAN OF SURVEY RELATED TO AOLS PLAN SUBMISSION FORM NUMBER 2201647. Includes signature of Andrew S. Mantha.



Table with columns: DRAWN BY, CHECKED BY, REFERENCE NO., FILE. Values: A.S.M., A.S.M., 21-47-530-00, 21-47-530-00A.dwg.







December 13, 2024

Sterling Ridge Group Inc.  
5260 Westar Drive,  
LaSalle, Ontario N9J OB5

Attention: Claudio Martini, Executive Vice President

**RE: Stormwater Management Applicability for Zoning By-law Amendment Application ZBA-18-2024**

This letter is in response to the letter provided to our office from RC Spencer dated 18 September 2023 (attached) regarding the proposed zoning by-law amendment application for an additional five single-detached lots within the existing plan of subdivision (Plan 12M-698).

Your application seeks to reduce the required exterior side yard setback from 4.5 m to 3.5 m and increase the maximum lot coverage from 35% to 40% for lots zoned as R2.

**Supportive of Current Application**

This is required to go to Council for final approval, however after review and consultation with the Essex Region Conservation Authority (ERCA), Engineering has determined that they are supportive of the increased lot coverage request.

It is important to clarify the distinction between "lot coverage" and "percent imperviousness". Lot coverage refers solely to the footprint of buildings and structures on a lot, while percent imperviousness encompasses all impervious surfaces such as roadways, driveways, pools, patios, and walkways. This distinction is critical as stormwater systems are designed to handle total imperviousness and is not limited to lot coverage. The consultant's letter assumes conservative imperviousness levels (60% for single-family homes and 70% for semi-detached units) and that this system can accommodate this without negatively affecting the SWM system.

This may not be the case under long term development conditions of the lots.

**Future Considerations**

Please be advised that while we are supporting this application, Engineering may not be supportive related to similar requests for increased lot coverage in the future, specifically this late in the process.

Further, and in this case, a large portion of the development sought this variance.



Cumulative impacts from frequent or significant changes to lot coverage standards could strain the system, necessitating stormwater upgrades and/or stricter standards at the time of detailed design of the stormwater management system.

We encourage you to consider this as you plan future developments so that any increases can be included in the design, otherwise it may be declined and/or you may be required to undertake more detailed assessments to verify this in later stages of approvals and/or after the stormwater system is constructed.

Should you have further questions or require clarification, please do not hesitate to contact me.

Kind Regards,

*Krystal Kalbol*

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**Krystal Kalbol, P.Eng.**  
**Corporate Leader - Operations**

cc: Joseph Giorgi, Fazio Giorgi LLP  
Hal Kersey, President HRK Realty Services Ltd.  
Richard C. Spencer, President RC Spencer Associates Inc.

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Ian Search, BES  
Planner I

**Date:** January 13, 2025

**Subject:** Zoning By-law Amendment ZBA-19-2024 – 492 County Road 8

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### Recommendation

Approve Zoning By-law Amendment ZBA-19-2024 to amend Zoning By-law 2-2012, to rezone the lands known legally as Part of Lot 284 Concession South of Talbot Road, designated as Part 1 on Plan 12R29140, Maidstone, being Part of the Property Identifier Number 75017-0053(LT), and known municipally as 492 County Road 8, from “Major Institutional (I1)” to “Major Institutional with holding symbol (I1(h32))” zone (indicated as “492 County Rd 8 Subject Land” on the Key Map, Appendix A), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 7-2025 during the Consideration of By-laws, all as presented at the February 4, 2025 Council meeting.

### Strategic Objectives

This does not relate to a Strategic Objective; however, it is a core service of the Municipality.

### Background

The Subject Property, known municipally as 492 County Road 8, is a 9.9 hectare (24.46 acre) property located partly in the Municipality of Lakeshore and partly in the Town of Essex. Appendix B provides aerial photos of the portion of land located in the Municipality of Lakeshore and the portion of land located in the Town of Essex.

The portion of the Subject Property located in the Municipality of Lakeshore contains a vacant building formerly known as the Sun Parlor Public School (vacant elementary school) and a portion of a running track used in connection with Essex District High School. The portion of the Subject Property located within the Town of Essex contains the Essex District High School building and accessory uses.

The applicant has indicated that the land to be severed is surplus to the needs of the Greater Essex County District School Board and intends to offer it for sale. They do not expect that the previous use of the building as an elementary school will continue. Currently, no new uses are proposed for the severed lot.

A provisional consent (file: B-12-2023) was granted by the Lakeshore Committee of Adjustment to sever a 2.89 hectare (7.15 acre) parcel of land from the Subject Property that has 200.1 metres (656.5 feet) of frontage along County Road 8 (Appendix A). The parcel of land to be severed (severed lot) will be located entirely in the Municipality of Lakeshore. It contains the vacant elementary school building, an accessory parking area located in front of this building and surrounding landscaped area. Part 1 on the draft Plan of Survey (Appendix C) details the severed lot including the location of the vacant elementary school. The severance application cannot be completed until the conditions imposed by the Committee of the Adjustment on the provisional consent approval are satisfied.

A servicing memo was submitted to staff from the applicant that provided information regarding existing sanitary services for the vacant elementary school. The servicing memo states that sanitary sewer services are conveyed from the east side of the building, through the adjacent parking lot used in connection with the Essex District High School located on the retained parcel, to a manhole structure located on the retained parcel. This manhole then conveys flow to a sanitary sewer on County Road 8. The Committee of Adjustment responded to this information by imposing a condition of provisional consent approval requiring that the service be abandoned to the satisfaction of the Town of Essex so that the severed lot can be serviced independent of the retained parcel. This condition was necessary as the Subject Property is being severed into two distinct lots with future separate owners.

Additionally, staff at the Town of Essex confirmed that there is a sanitary sewer service in front of the severed lot on County Road 8 that is currently privately owned as part of the development of a subdivision across the street on the southside of County Road 8 in the Town of Essex. This privately owned sanitary sewer service in front of the severed lot on County Road 8 will become Town of Essex infrastructure once 80% of the approved subdivision is developed. Future development of the severed lot will be able to connect to this sanitary sewer service thereby utilizing the Town of Essex infrastructure. However, the Town of Essex will only allow development of the severed lot to connect if the sanitary servicing capacity needs of the development have been reviewed and approved by the Town of Essex. Similar capacity studies may be required by the Town of Essex for water and storm services depending on the proposed future development of the severed lot, which is unknown at this time.

The Committee of Adjustment responded to this information by imposing a condition on the provisional consent approval requiring the applicant to obtain a Zoning By-law Amendment to rezone the severed lot. The severed lot is currently zoned Major Institutional (I1). The Zoning By-law Amendment, as required in the condition, will add a holding symbol to the zoning so that only existing uses are permitted on the parcel until the holding symbol is removed, with condition for removal of the holding symbol being

confirmation of servicing and servicing capacity from the Town of Essex and any necessary development approval. The holding symbol will serve as an appropriate indicator to future owner(s) that servicing and servicing capacity needs to be confirmed with a separate Municipality prior to development.

Severed Lot:	2.89 hectare (7.15 acre) Existing Use – Vacant elementary school Proposed Use – None and future unknown Access — County Road 8 Services — Municipal (water and sanitary)
Surrounding Uses:	North: Institutional, Commercial South: Residential East: Institutional, Commercial, Residential West: Residential, Commercial
Official Plan:	Urban Fringe
Existing Zoning:	Major Institutional (I1)

## Comments

The application was circulated to internal departments and no concerns with the rezoning were received at the time of writing this report. The Team Leader of Development Engineering and Approvals commented that: the holding symbol to be imposed should not be removed until sanitary capacity is confirmed as available through the Town of Essex and that all other necessary development approvals should be obtained as required through the Municipality of Lakeshore. The Town of Essex will be consulted, as required, through this process. Their full comment can be found in Appendix F. The proposed holding symbol language for the Zoning By-law Amendment sufficiently addresses this comment.

## Provincial Planning Statement (PPS)

The proposed rezoning application is consistent with the PPS.

Subsection 3.6.2 states: *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

Comment: The proposed Zoning By-law Amendment will impose a holding symbol on the zoning of the severed lot to ensure that servicing and servicing capacity from the

Town of Essex is confirmed prior to future development. Future development of the severed lot will utilize full municipal servicing (water and sanitary).

### **County of Essex Official Plan**

The severed lot is designated as part of a Secondary Settlement Area in the County of Essex Official Plan. Subsection 3.2.5 c) states that *new development is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.*

Comment: In this case it is anticipated that there will soon be full municipal services available for the severed lot. However, confirmation of servicing and servicing capacity from the Town of Essex is necessary prior to any future development proceeding.

The severed lot has an overlay shown as “Salt Deposits” in the County of Essex Official Plan. Subsection 2.3.3 states that: *mineral resources will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. In areas adjacent to known mineral resources, development which would preclude or hinder the establishment of new operations or access to the resource will only be permitted if: a) resource use would not be feasible; or b) the proposed land uses or development serves a greater long term public interest; and c) issues of public health, public safety and environmental impact are addressed.*

Comment: The severed lot has historically been used for an elementary school that is now a vacant building on the lot. In addition, there is an existing parking area and landscaped space on the severed lot that supported the former use. The severed lot is currently zoned Major Institutional (I1) in the Lakeshore Zoning By-law (2-2012) which permits a variety of institutional uses – not resource extraction operations. Indeed, the severed lot and much of Essex Centre (a nearby “primary settlement area” in the County of Essex Official Plan) has developed for urban land uses on land shown with the “Salt Deposits” overlay in the County of Essex Official Plan.

### **Lakeshore Official Plan**

The severed lot is designated as “Urban Fringe Area” in the Lakeshore Official Plan. Subsection 3.3.5 states that *the Urban Fringe Area consists of clusters of predominately residential and commercial uses which have developed at the periphery of the Municipality adjacent to Settlement Areas outside of the Municipality.* Subsection 3.3.5 d) states that *for Urban Fringe Areas serviced by full municipal services, all new development must be fully municipally serviced.* Table 7.1 of the Lakeshore Official Plan identifies municipal water and municipal sanitary servicing as the servicing requirement for the Essex Fringe settlement area of which the severed lot is a part of.

Comment: The proposed Zoning By-law Amendment imposes a holding symbol on the zoning of the severed lot that requires confirmation of servicing and servicing capacity from the Town of Essex prior to future development. The holding symbol serves as an

appropriate indicator to future owner(s) that development is to be fully municipally serviced in accordance with the Official Plan, and that servicing for a future development proposal needs to be confirmed with a separate Municipality.

The severed lot is identified with a Salt Deposits overlay in the Lakeshore Official Plan. Subsection 5.3.1 c) states: *Development and changes in land use which would prevent future access, use or extraction will not be permitted in and adjacent to identified salt and petroleum resource areas on Schedule “B.3”, unless it can be demonstrated that: i) resource use would not be feasible; or ii) the proposed development and change in land use serves a greater long-term public interest; and iii) issues of public health, public safety and environmental impact are addressed.*

Comment: Comments have been provided in the “County of Essex Official Plan” section of the report which address the “Salt Deposits” overlay identified on the severed lot. Moreover, the severed lot is part of the Urban Fringe Designation in the Lakeshore Official Plan. Therefore, it is land that has been designated for different use, such as small scale institutional, commercial, and industrial use, as well as low density residential use.

Subsection 8.3.2.1 of the Lakeshore Official Plan states that *holding zones may be incorporated into the Municipality’s Zoning By-law in order to achieve orderly development and ensure that policies established in this Plan have been met.* The subsection also states that *specific actions or requirements for the lifting of the holding provision will be set out in the Municipality’s Zoning By-law or the amendment thereto.* The subsection lists specific actions or requirements for lifting of a holding symbol, while also noting that the actions or requirements are not necessarily limited to those listed in the subsection since the specific actions or requirements are to be set out in the Zoning By-law. Some of the relevant actions or requirements listed in the subsection include the following:

- a) *The timing of the provision of municipal services;*
- c) *The provision of adequate service or road infrastructure and works;*
- f) *Confirmation that the requisite permits and approvals from external authorities have been received;*
- g) *That site plan approval has been granted by the Town, and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act;*

Comment: The Zoning By-law Amendment to implement the proposed holding symbol on the zoning of the severed lot is appropriate and in the public interest given that the timing and adequacy of servicing/servicing capacity needs to be confirmed by an external authority (Town of Essex) for future development of the severed lot. These matters are usually confirmed through a necessary development approval process under the Planning Act, such as site plan approval for example. As such, the condition for removal of the holding symbol will be the confirmation of servicing and servicing capacity from the Town of Essex, *and any necessary development approval.*

## **Lakeshore Zoning By-law**

The severed lot is currently zoned Major Institutional (I1) in the Lakeshore Zoning By-law (2-2012) and will meet the minimum lot area and minimum lot frontage requirements of this zone. The Zoning By-law Amendment will add a holding symbol “h32” to the zoning of the severed lot that only permits existing uses on the severed lot until the holding symbol is removed, with condition for removal of the holding symbol being “confirmation of servicing and servicing capacity from the Town of Essex and any necessary development approval”.

Most of the retained lot will be located in the Town of Essex. The part of the retained lot that will remain in the Municipality of Lakeshore will maintain its current zoning of Major Institutional (I1).

## **Conclusion**

Based on the foregoing, it is recommended that Council approve ZBA-19-2024 (By-law 7-2025) as per the Recommendation section of this report.

## **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 general public.

Essex Region Conservation Authority commented that they have no objection to the Zoning By-law Amendment application. They requested to be circulated on future Planning Act applications for this site, such as site plan control, given that they may have future comments to provide regarding stormwater management (Appendix D).

The County of Essex commented that the setback from the County Road is 25.908 metres (85 feet) from the centre of the right of way. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances. If lands are to be developed, the County asks to be included in future discussions (Appendix E).

## **Financial Impacts**

There are no budget impacts resulting from the recommendation.

## **Attachments**

Appendix A – Key Map

Appendix B – Land in Municipality of Lakeshore and Town of Essex

Appendix C – Draft Plan of Survey

Appendix D – ERCA comment  
Appendix E – County of Essex  
Appendix F – Engineering comment  
Appendix G – Letter of support on behalf of the Greater Essex County District School Board

**Report Approval Details**

Document Title:	Report - ZBA-19-2024 - 492 County Road 8.docx
Attachments:	- Appendix A - Key Map.pdf - Appendix B - Land located in Municipality of Lakeshore and Town of Essex.pdf - Appendix C - Draft Plan of Survey.pdf - Appendix D - ERCA comment.pdf - Appendix E - County of Essex.pdf - Appendix F - Engineering Comment.pdf - Appendix G – Letter of Support.pdf
Final Approval Date:	Jan 22, 2025

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

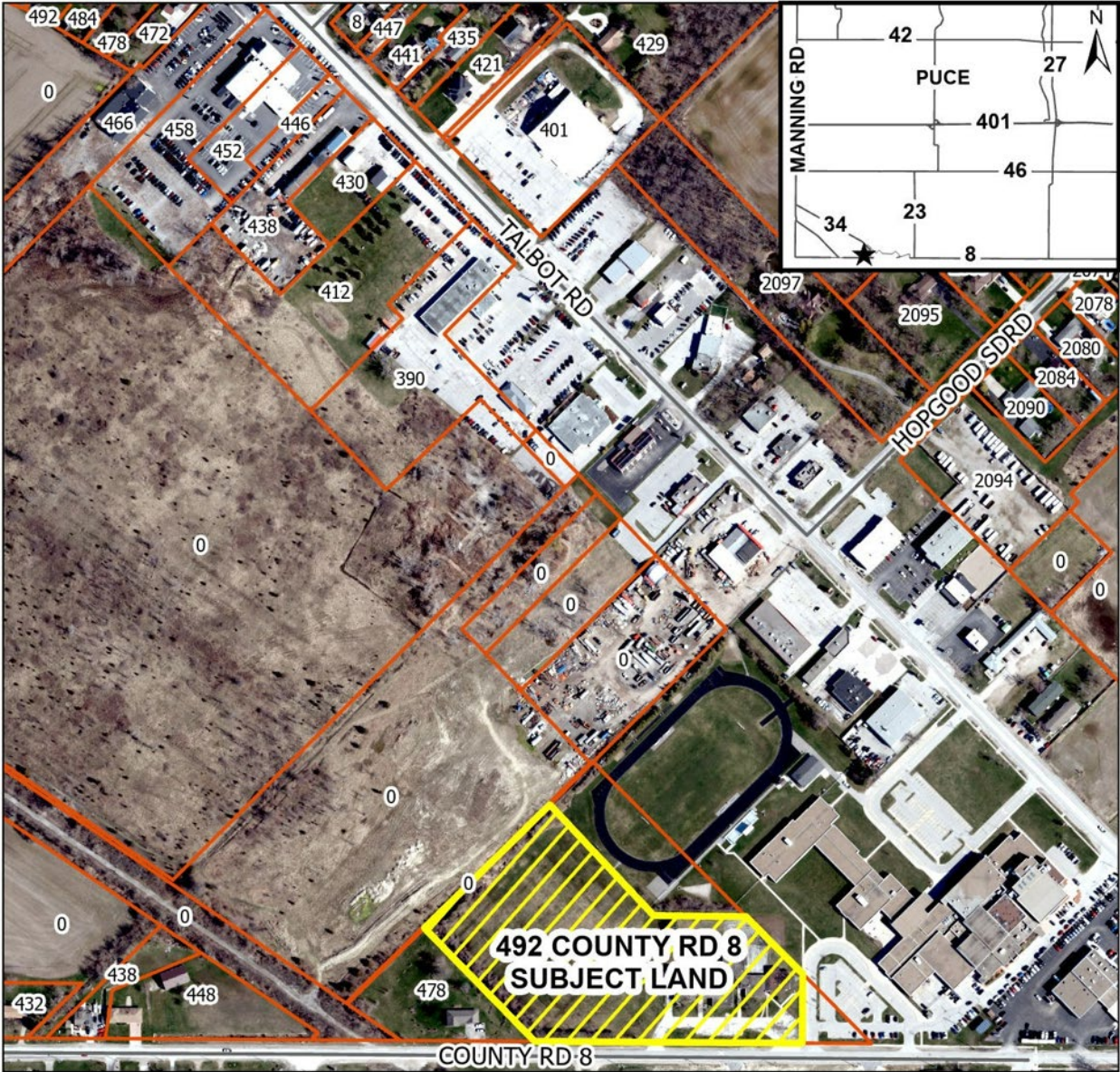
Prepared by Ian Search

Submitted by Urvi Prajapati, Daniel Mercer and Tammie Ryall

Approved by the Corporate Leadership Team

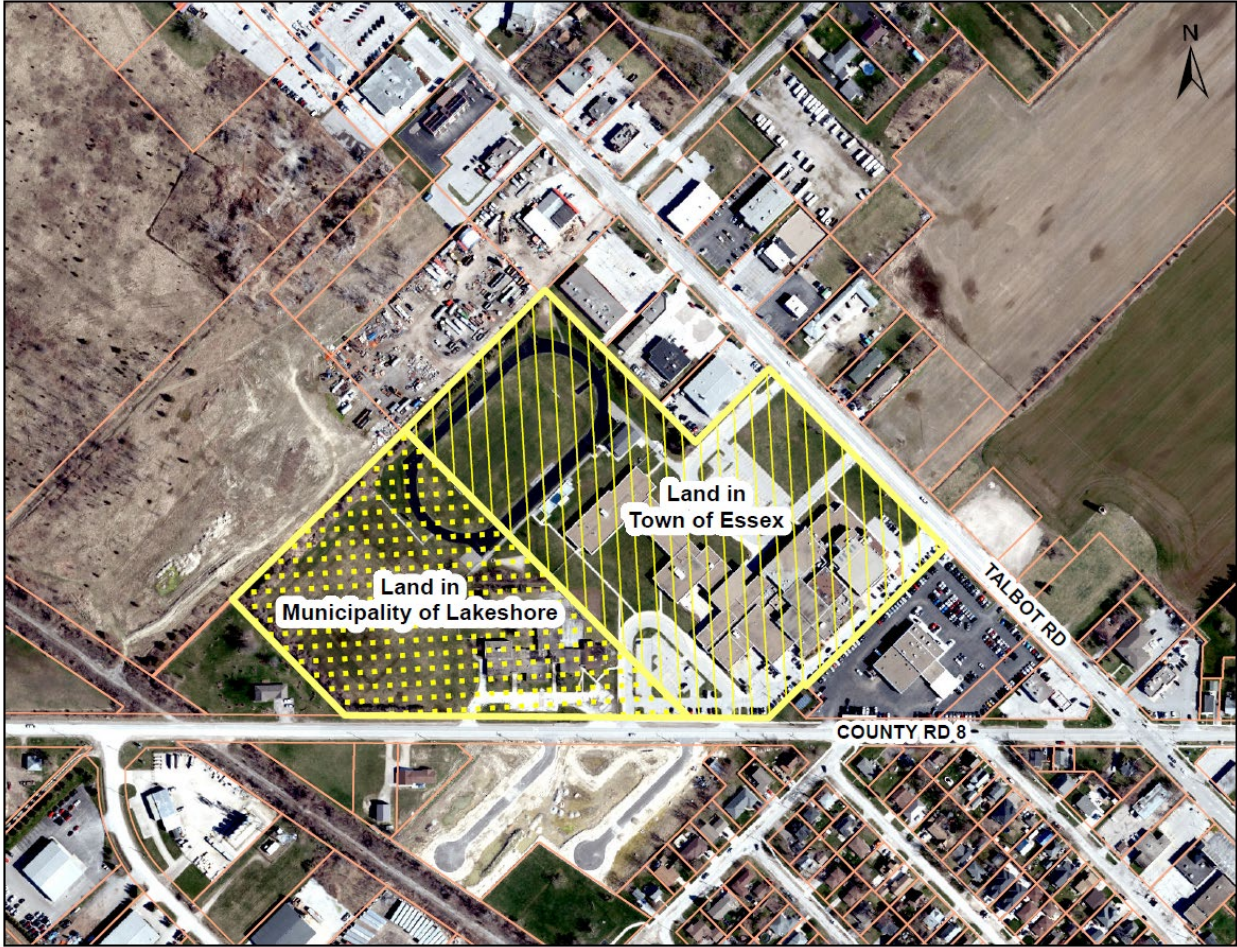


Appendix A – Key Map



**Appendix B – Land located in Municipality of Lakeshore and Town of Essex**

The aerial photo below shows the portion of the subject property located in the Municipality of Lakeshore and the portion of the subject property located in the Town of Essex.



LOT 285  
SOUTH OF TALBOT ROAD  
PART 5, PLAN 12R--8097

**PLAN 12-**  
RECEIVED AND DEPOSITED

DATE: AUGUST 10, 2022

CHRISTOPHER JOHN OYLER  
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR THE LAND  
REGISTRAR FOR THE LAND TITLES  
DIVISION OF ESSEX (No. 12).

DATE: \_\_\_\_\_

REPRESENTATIVE FOR THE LAND  
REGISTRAR FOR THE LAND TITLES  
DIVISION OF ESSEX (No. 12).

LAND TITLES SCHEDULE				
PART	LOT/BLOCK	CONCESSION	PIN	AREA (FT <sup>2</sup> )
1	PART OF LOT 284	CONCESSION SOUTH OF TALBOT ROAD	PIN 75017-0053 (LT)	311588.6
2	PART OF BLOCKS 25 & 26	PLAN TOWN OF ESSEX	PART OF PIN 75017-0053 (LT)	6971.8
3	ALL OF LOTS 1 TO 20 (INCLUSIVE), ALL OF ELIZABETH STREET AND ALL OF HARVEY STREET	REGISTERED PLAN 305	PART OF PIN 75017-0053 (LT)	703796.8
	PART OF BLOCKS 25 & 26	PLAN TOWN OF ESSEX		
	PART OF COLLEGE STREET	REGISTERED PLAN 305		
4	PART OF LOT 284	CONCESSION SOUTH OF TALBOT ROAD	PIN 75017-0047 (LT)	39015.3
REGISTRY SCHEDULE				
5	PART OF LOT C AND PART OF LOTS 14 TO 20 (INCLUSIVE)	REGISTERED PLAN 320	ALL OF PIN 75017-0072 (R)	4237.3

PIN SUMMARY - PARTS 1, 2 AND 3 COMPRISE ALL OF OF PIN 75017-0053(LT).  
PART 4 COMPRISES ALL OF OF PIN 75017-0047(LT).  
PART 5 COMPRISES ALL OF OF PIN 75017-0072(R).

PLAN OF SURVEY OF  
LOTS 1 TO 20 (INCLUSIVE)  
ALL OF ELIZABETH STREET (CLOSED BY ES6480)  
ALL OF HARVEY STREET (CLOSED BY ES6480)  
ALL OF COLLEGE STREET (CLOSED BY R1409549)  
REGISTERED PLAN 305  
AND  
PART OF LOT C AND  
PART OF LOTS 14 TO 20 (INCLUSIVE)  
REGISTERED PLAN 320  
AND  
PART OF BLOCKS 25 & 26  
PLAN TOWN OF ESSEX  
GEOGRAPHIC TOWNSHIP OF MAIDSTONE  
TOWN OF ESSEX  
AND  
PART OF LOT 284  
CONCESSION SOUTH OF TALBOT ROAD  
GEOGRAPHIC TOWNSHIP OF MAIDSTONE  
TOWN OF LAKESHORE  
COUNTY OF ESSEX

SCALE 1" = 60'  
0 30' 60' 120' 180' 240' FEET  
SURVEYORS ON SITE INC.

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE LAND TITLES ACT, REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 12th DAY OF MAY, 2022.  
AUGUST 10, 2022

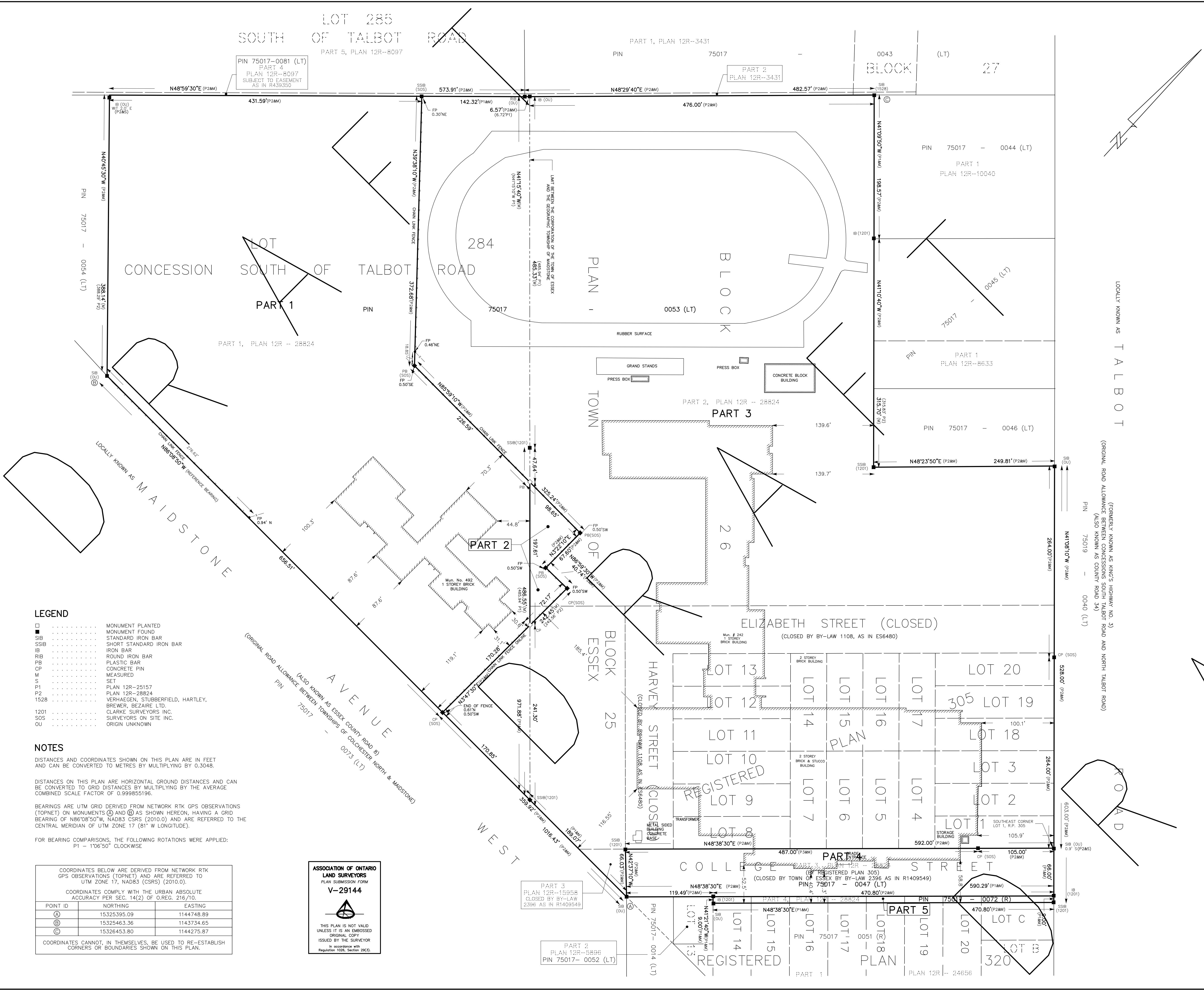
CHRISTOPHER JOHN OYLER  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-29144.

**SOS**  
SURVEYORS ON SITE INC.

3560 WALKER ROAD  
WINDSOR, ONTARIO  
N8W 3S4  
519-818-0767  
www.surveyorsonsite.com

DRAWN BY: SJP CHECKED BY: CJO DATE: AUGUST 10, 2022 FILE: 2022-304.PLAN



**LEGEND**

□	MONUMENT PLANTED
■	MONUMENT FOUND
SIB	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
IB	IRON BAR
RIB	ROUND IRON BAR
PB	PLASTIC BAR
CP	CONCRETE PIN
M	MEASURED
S	SET
P1	PLAN 12R-25157
P2	PLAN 12R-28824
1528	VERHAEGEN, STUBBERFIELD, HARTLEY, BREWER, BEZARIE LTD.
1201	CLARKE SURVEYORS INC.
SOS	SURVEYORS ON SITE INC.
OU	ORIGIN UNKNOWN

**NOTES**  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999855196.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) ON MONUMENTS (□) AND (●) AS SHOWN HEREON, HAVING A GRID BEARING OF N86°08'50"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

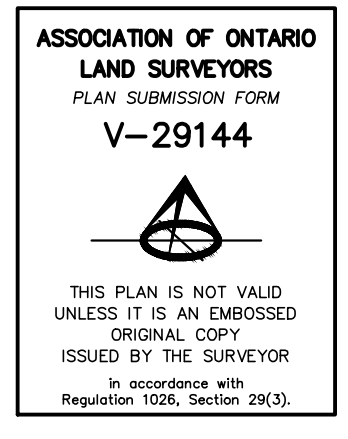
FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:  
P1 - 1°06'50" CLOCKWISE

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).

COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(2) OF O.REG. 216/10.

POINT ID	NORTHING	EASTING
①	15325395.09	1144748.89
②	15325463.36	1143734.65
③	15326453.80	1144275.87

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.





planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

January 06, 2025

## Ian Search

Corporation of the Municipality of Lakeshore  
Development Services, Planning Division  
419 Notre Dame Street  
Belle River, ON N0R 1A0

Dear Mr. Ian Search:

RE: Zoning By-Law Amendment ZBA-19-2024 492 COUNTY RD 8  
ARN 375105000000100; PIN: 750170053

Applicant: GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD c/o Brad Teichman

The Municipality of Lakeshore has received application for Zoning By-Law Amendment ZBA-19-2024 for the above noted subject lands.

A provisional consent (file: B-12-2023) was granted from the Lakeshore Committee of Adjustment to sever a 7.15 acre parcel of land from the Subject Property that has 200.1 metres (656.5 feet) of frontage along County Road 8. The parcel of land to be severed currently contains a vacant elementary school.

As a condition of their severance approval from the Committee of Adjustment, the applicants are applying for a Zoning By-law Amendment to rezone the parcel of land that is to be severed. The parcel is currently zoned Major Institutional (I1). The Zoning By-law Amendment will add a holding symbol to the zoning so that only existing uses are permitted on the parcel until the holding symbol is removed, with the condition for removal of the holding symbol being confirmation of servicing and servicing capacity from the Town of Essex and any necessary development approval.

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-19-2024.

### **NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Ontario Regulation 41/24 under the *Conservation Authorities Act*). However, the requirement for a Development Review will be dependant upon our future review of the site plan application and details pertaining to stormwater management. We request to be circulated

Mr. Ian Search  
January 06, 2025

with future Planning Act applications for this site, such as Site Plan Control, as we may have future comments to provide regarding stormwater management.

**FINAL RECOMMENDATION**

Our office has **no objection** to ZBA-19-2024. Please continue to circulate our office with future Planning Act applications for this site, such as Application for Site Plan Control.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good  
*Watershed Planner*  
/ag





January 7, 2025

Ian William Search  
Municipality of Lakeshore  
447 Renaud Line Road,  
Belle River, ON, N8L 0P8

Dear Mr. Search:

**Re: Zoning By-law Amendment, ZBA-19-2024, Greater Essex County District School Board**

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Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No.8. The Applicant will be required to comply with the following County Road regulations:

***County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.***

***County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.***

The setback from the County Road is 85 feet from the centre of the right of way. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances. If lands are to be developed, the County ask to be included in future discussions.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

 519-776-6441  
TTY 1-877-624-4832

 360 Fairview Ave. W.  
Essex, ON N8M 1Y6

 [countyofessex.ca](http://countyofessex.ca)

Should you require further information, please contact the undersigned by email at [kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564.

Regards,



Kristoffer Balallo  
Engineering Technologist

 519-776-6441  
TTY 1-877-624-4832

 360 Fairview Ave. W.  
Essex, ON N8M 1Y6

 [countyofessex.ca](http://countyofessex.ca)

## Municipality of Lakeshore

**Date:** January 13, 2025  
**From:** Vaibhav Desai – Team Leader – Development Engineering & Approvals  
**To:** Community Planning Division  
**Re:** ZBA-19-2024 – 492 County Road 8  
Municipality of Lakeshore

---

We received the documents for the above noted file and have outlined our comments below.

### Comments:

1. We have no concerns on the severance of the parcel; however, it should be noted that the holding symbol should not be removed until sanitary capacity is confirmed as available through the Town of Essex and that all other necessary approvals should be obtained as required through the Municipality of Lakeshore through future site plan. Town of Essex will be consulted, as required, through this process.

*Vaibhav Desai*

Team Leader – Development Engineering & Approvals

Approved by: Krystal Kalbol, P.Eng.



**Brad Teichman**  
Partner  
Direct 416-730-0180  
Cell 416-432-5171  
bteichman@overlandllp.ca

**Overland LLP**  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca



January 27, 2025

Mayor Tracey Bailey and Members of Council  
Municipality of Lakeshore  
419 Notre Dame St.  
Belle River, ON, N8L 0P8

Attention: Ian Search, Community Planning

Dear Sirs / Madams:

**Re: 492 County Road 8**  
**ZBA-19-2024 – Consent Application B-12-2023**

We act for the Greater Essex County District School Board, the registered owner of the above property and the applicant in the above matters.

We have received notice of the public meeting scheduled for February 4, 2025, at 6:00 P.M. pertaining to our client's application for an amendment to Zoning By-law 2-2012 under Section 34 of the *Planning Act*.

We write to advise that we support the application. Our reasons are summarized below.

By way of background, the Municipality of Lakeshore Committee of Adjustment provisionally granted the School Board's application for consent to sever the now closed and vacant Sun Parlour Public School (the "**Severed Parcel**") from the School Board's larger holding which includes Essex District High School. The School Board's larger holding, of which the Severed Parcel forms part, straddles the Municipality of Lakeshore and the Town of Essex. As the Severed Parcel is surplus to the School Board's needs, the School Board intends to dispose of it in accordance with the provisions of the *Education Act* and regulations made thereunder.

The Committee of Adjustment's decision granting the consent is subject to a condition that the zoning applicable to the Severed Parcel be amended to add a holding symbol so that only existing uses will be permitted thereon. The holding provision may be removed once the Town of Essex confirms the availability of servicing and servicing capacity<sup>1</sup> for the Severed Parcel and approval for development is granted. We anticipate that in due course a purchaser of the

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<sup>1</sup> Municipal services required to facilitate redevelopment of the Severed Parcel will be under the jurisdiction of the Town of Essex; hence, approval for servicing the Severed Parcel is required from the Town of Essex.

Severed Parcel will take the steps necessary to construct services and secure approval to develop the property in accordance with the Municipality of Lakeshore's planning framework.

The proposed holding symbol will simply maintain the status quo of the Severed Parcel pending its sale and redevelopment – it will not permit redevelopment of this property.

We respectfully request that Council approve the School Board's application to amend Zoning By-law 2-2012.

We request an opportunity to address Council at the February 4, 2025, public meeting. We also request a copy of Council's decision.

Thank you for your consideration.

Yours truly,  
**Overland LLP**



Brad Teichman  
Partner

- c. Shelley Armstrong, Superintendent of Business  
Greater Essex County District School Board

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Daniel Mercer, urbaniste, RPP, MCIP; Division Leader - Community Planning

**Date:** November 20, 2024

**Subject:** ZBA-22-2024 - Zoning By-law Housekeeping Amendments

---

### Recommendation

Direct the Clerk to read By-law 15-2025, being a By-law to amend the Lakeshore Comprehensive Zoning By-law 2-2012, during the Consideration of By-laws, as presented at the February 4, 2025 Council meeting.

### Strategic Objectives

5b) Modernize Citizen-Centered Services - Bylaw Modernization (including a calendar of bylaw review and effective enforcement strategies/capabilities)

### Background

The housekeeping amendments as proposed in this report are to make corrections to Section 4.0 (Definitions), Section 6.0 (General Provisions), and Section 8.0 (Zone Regulations) of the By-law.

The Municipality of Lakeshore Zoning By-law 2-2012 was adopted by Council on January 10, 2012. Since the enactment of Zoning By-law 2-2012, matters have been identified that require the need for “housekeeping” amendments which are initiated by Administration to assist in the interpretation and application of the Zoning By-law provisions.

Changes have been proposed to the following sections of the Zoning By-law:

- Section 4.0 (Definitions)
  - Rewording of some definitions to clarify meaning of certain terms;
  - Introduction of new definitions to better clarify or describe uses and terms within the By-law.
- Section 6.0 (General Provisions)
  - Minor amendments to improve clarity and provide consistency within the By-law and provincial regulations regarding additional residential units.

- Section 8.0 (Zone Regulations)
  - Minor amendments to improve clarity and provide consistency within the By-law.

In addition, the amendments will address a motion of Council. The following motion was passed at the July 9, 2024 Regular Council meeting.

“Whereas zoning bylaw 2-2012, Section 6.46 states:

Recreational Vehicle and Utility Trailer Storage In any Residential zone, the owner or occupant of any lot may store, in any rear or side yard behind or beside the dwelling, a maximum of two (2) recreational vehicles or two (2) utility trailers or a combination of one (1) recreational vehicle and one (1) utility trailer, provided that they are the owner of such recreational vehicles or utility trailers. For clarity, the storage of recreational vehicles and utility trailers is prohibited in any front yard of any Residential zone.

For the purposes of this section, the temporary keeping of recreational vehicles and utility trailers for loading and unloading in a driveway for up to fourteen (14) days in the given calendar year shall not be considered storage.

Notwithstanding the above, the storage of any recreational vehicle and utility trailer may be permitted within the front yard on a lot abutting Lake St. Clair, Puce River, Ruscom River and Belle River, provided it is not located within the front yard setback.

Notwithstanding the above, where an existing lot abutting the water is bisected by a street, the storage of any recreational vehicle may be permitted on the lot abutting the water.”

And whereas waterfront properties abutting canals are zoned "RW2 Lake St. Clair" and are therefore held to the same standards and requirements as those abutting Lake St. Clair with regards to set-backs and other property standards.

And whereas septic systems are not permitted on the waterfront side of properties abutting canals, thus limiting rear yard space.

And whereas maintaining "waterfront character" is a priority of the Municipality of Lakeshore.

And whereas residents whose properties abut canals enjoy the same lifestyle as those abutting Lake St. Clair, Puce River, Ruscom River and Belle River with regards to boats and on-site docks.

Therefore, direct Administration to bring forward a proposed amendment to the Zoning By-law 2-2012 to permit the storage of any recreational vehicle and utility trailer within the front yard on a lot abutting a canal, provided it is not located within the front yard setback.”

## Comments

The proposed amendments to the Zoning By-law are summarized in the table below. Underlined words or phrases are proposed to be added.

Proposed Zoning By-law Amendments:

ZBL Section	Existing Text	Proposed New Text	Rationale
4.0 (Definitions)	34. BUILDING – shall include any <i>structure</i> greater than 10.0 m <sup>2</sup> , whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a <i>fence, mobile home, trailer, or tent.</i>	34. BUILDING – shall include any <i>structure</i> , whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a <i>fence, mobile home, trailer, or tent.</i>	Removes reference to building size. All buildings, regardless of size, will have to meet zoning requirements, including setbacks from lot lines.
4.0 (Definitions)	N/A	<b>66. DORMER – shall mean a window projection which is situated on either the side, front, or rear roof elevations of a <i>building</i>, whereby the length of which does not exceed one-third (1/3) of the permitted length of the <i>building</i>.</b>	Include a definition for ‘Dormer’ in the Zoning By-law and renumber subsequent paragraphs accordingly.
4.0 (Definitions)	90. FLOOR AREA, GROSS – shall mean the <i>total floor area</i> in a <i>building or structure</i> measured between the exterior faces of the exterior walls of the <i>building or structure</i> at the level of each <i>storey</i> below, at and above <i>grade</i> , including the area used for enclosed off-street unloading, <i>parking</i> , mechanical equipment, stairways or shafts.	90. FLOOR AREA, GROSS – shall mean the total floor area in a <i>building or structure</i> measured between the exterior faces of the exterior walls of the <i>building or structure</i> at the level of each <i>storey</i> below, at and above grade, including the area used for enclosed off-street unloading, <i>parking</i> , mechanical equipment, <b>mezzanines</b> , stairways or shafts.	Include mezzanine in the definition of Gross Floor Area.

<p>4.0 (Definitions)</p>	<p>154. OPEN SPACE, LANDSCAPED – shall mean open unobstructed space on the site which is suitable for <i>landscaping</i>, including any part of the site occupied by recreational <i>accessory buildings</i>, any surfaced walk, any balcony, deck, patio which is less than 0.2 m in height and not attached to a building or structure, any sports or recreation area, any ornamental or swimming pool, and the roof or other part of a <i>building</i> or <i>structure</i> open to the air and suitable for <i>landscaping</i> and <i>used</i> as a recreational area, but excluding any <i>driveway</i> or ramp, whether surfaced or not, any curb, retaining wall, or <i>parking area</i>.</p>	<p>154. OPEN SPACE, LANDSCAPED – shall mean open unobstructed space on the site which is suitable for <i>landscaping</i>, including any part of the site occupied by recreational <i>accessory buildings</i>, any surfaced walk, <b>any sports or recreation area, any ornamental or private outdoor swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area.</b></p>	<p>Simplify the definition of “Open Space, Landscaped” and clarify that it is intended as open green space.</p>
<p>4.0 (Definitions)</p>	<p>251. WASTE AREA ENCLOSURE – shall mean a fully enclosed <i>accessory structure</i> used to contain and screen garbage, recycling, compost and refuse, or a solid opaque wall or fence and gate that is used to screen garbage containment.</p>	<p>251. WASTE AREA ENCLOSURE – shall mean a fully enclosed <i>accessory structure</i> used to contain and screen garbage, recycling, compost and refuse, <b>or an in-ground refuse container such as a Molok container or similar</b>, or a solid</p>	<p>Include in-ground refuse containers such as a Molok container or similar in the definition of a Waste Area Enclosure for clarity.</p>

		opaque wall or fence and gate that is used to screen garbage containment.	
6.0 (General Provisions) 6.5 Accessory Uses, Buildings and Structures	e) When accessory to an Additional Residential Unit, outdoor free-standing heat pumps, air conditioning units and generators shall be permitted to encroach into the required front yard setback.	e) When accessory to an additional residential unit, outdoor free-standing heat pumps, air conditioning units and generators <b>shall be permitted in the front yard but may not encroach into the required front yard setback nor visible from the street.</b>	Permits heat pumps, a/c units and generators in a front yard, but not in a front yard setback for an Accessory Residential Unit.
6.0 (General Provisions) 6.7 Additional Residential Units	N/A	(f) An <i>additional residential unit</i> in an <i>accessory building</i> shall be located no more than 50 metres from the associated main <i>dwelling</i> and no less than <b>4.0 metres</b> from the main <i>dwelling</i> or any other <i>building</i> or <i>structure</i> ;	New provision to comply with O. Reg. 299/19: Additional Regulation Units section 4(1)2.
6.0 (General Provisions) 6.7 Additional Residential Units	N/A	(n) Notwithstanding any other provision of this By-law, where an <i>additional residential unit</i> is permitted on a <i>lot</i> , up to 45 percent of the <i>lot coverage</i> is permitted.	New provision to comply with O. Reg. 299/19: Additional Regulation Units section 5(1)1.
6.0 (General Provisions) 6.12 Automobile Service Station, Automobile	b) The minimum <i>exterior lot frontage</i> shall be 55.0 m.\ h) The minimum interior angle of any ramp to the <i>street line</i> shall be greater than	b) The minimum <i>exterior lot frontage</i> shall be 55.0 m. h) The minimum interior angle of any ramp to the <i>street line</i> shall be greater than	Remove “no” to remove “/” under b) and resolve a typo in the existing text under h).

<p>Repair Establishment and Automobile Sales and Service Establishment</p>	<p>60 degrees and no less than or equal to 90 degrees.</p>	<p>60 degrees and less than or equal to 90 degrees.</p>	
<p>6.0 (General Provisions) 6.29 Landscaped Open Space</p>	<p>Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following general provisions:</p> <p>a) Any part of a <i>lot</i> which is not occupied by <i>buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses</i> or permitted <i>outdoor storage areas</i> shall be maintained as <i>landscaped open space</i>;</p> <p>b) Where <i>landscaped open space</i> of any kind, including a <i>buffer strip</i>, is required adjacent to any <i>lot line</i> or elsewhere on a <i>lot</i>, nothing in this By-law shall apply to prevent such <i>landscaped open space</i> from being traversed by pedestrian walkways or permitted <i>driveways</i>; and</p> <p>c) No part of any driveway, parking area, loading space,</p>	<p>Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following general provisions:</p> <p><b>a) <i>Landscaped open space shall exclude any part of a lot which is occupied by a building, structure, parking area, loading space, driveway, roof-top terrace, balcony, deck, patio, private outdoor swimming pool, artificial turf, excavation, agricultural use or outdoor storage area</i>;</b></p> <p>b) Where <i>landscaped open space</i> of any kind, including a <i>buffer strip</i>, is required adjacent to any <i>lot line</i> or elsewhere on a <i>lot</i>, nothing in this By-law shall apply to prevent such <i>landscaped open space</i> from being traversed by pedestrian walkways; and</p> <p><b>c) A landscaped area</b></p>	<p>Simplify the general provisions for “Landscaped Open Space” and clarify that it is intended as open green space.</p> <p>Subsection d) is deleted. The reference to artificial turf is now in subsection a).</p>



	<p>roof-top terrace, balcony, deck, patio, private outdoor swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.</p> <p>d) No part of any required landscaped open space shall consist of artificial turf.</p>	<p><b>located above an underground parking area shall be considered part of the <i>landscaped open space</i> on a lot.</b></p>	
<p>6.0 (General Provisions)                  6.36.1                  Permission and Enlargements of Legal Non-Complying Buildings and Structures</p>	<p>Where a lawfully <i>existing building or structure</i> was legally existing on the date of the passing of this By-law is located on a <i>lot</i> having less than the minimum frontage or area required by this By-law, or having less than the minimum <i>setback, front yard, side yard, rear yard or floor area</i> required by this By-law, the said <i>building or structure</i>, may be enlarged, reconstructed, repaired, renovated, or replaced provided that the enlargement, reconstruction, repair, renovation, or replacement, or any part thereof, maintains the established non-compliance or complies with the By-law requirement and</p>	<p>Where a lawfully <i>existing building or structure</i> was legally existing on the date of the passing of this By-law is located on a <i>lot</i> having less than the minimum frontage or area required by this By-law, or having less than the minimum <i>setback, front yard, side yard, rear yard or floor area</i> required by this By-law, the said <i>building or structure</i>, may be enlarged, reconstructed, repaired, renovated, <b>and/or</b> replaced provided that the enlargement, reconstruction, repair, renovation, or replacement, or any part thereof, maintains the established non-compliance or complies with the By-</p>	<p>Provide clarity to the provision through the inclusion of “and/”</p>

	<p>complies with all other <i>setback</i> and <i>yard</i> requirements of the applicable <i>zone</i>. For example, where a 1.0 m <i>side yard</i> exists and a two metre <i>side yard</i> is required by the By-law, the <i>existing building</i> can be enlarged maintaining a 1.0 m <i>side yard</i> but must satisfy the <i>rear, front, and opposite side yard</i> requirements. Notwithstanding the preceding, such enlargement, reconstruction, repair, renovation, or replacement shall not be allowed if the same results in the continuation of an existing or the establishment of a new encroachment onto abutting property.</p>	<p>law requirement and complies with all other <i>setback</i> and <i>yard</i> requirements of the applicable <i>zone</i>. For example, where a 1.0 m <i>side yard</i> exists and a two metre <i>side yard</i> is required by the By-law, the <i>existing building</i> can be enlarged maintaining a 1.0 m <i>side yard</i> but must satisfy the <i>rear, front, and opposite side yard</i> requirements. Notwithstanding the preceding, such enlargement, reconstruction, repair, renovation, <b>and/or</b> replacement shall not be allowed if the same results in the continuation of an existing or the establishment of a new encroachment onto abutting property.</p>	
<p>6.0 (General Provisions) 6.46 Recreational Vehicle and Utility Trailer Storage</p>	<p>In any Residential <i>zone</i>, the owner or occupant of any <i>lot</i> may store, in any <i>rear</i> or <i>side yard</i> behind or beside the <i>dwelling</i>, a maximum of two (2) <i>recreational vehicles</i> or two (2) <i>utility trailers</i> or a combination of one (1) <i>recreational vehicle</i> and one (1) <i>utility trailer</i>, provided that they are the owner of such <i>recreational</i></p>	<p>In any Residential <i>zone</i>, the owner or occupant of any <i>lot</i> may store <b>outdoors</b>, in any <i>rear</i> or <i>side yard</i> behind or beside the <i>dwelling</i>, a maximum of two (2) <i>recreational vehicles</i> or two (2) <i>utility trailers</i> or a combination of one (1) <i>recreational vehicle</i> and one (1) <i>utility trailer</i>, provided that they are the owner of</p>	<p>(1) Clarify that the provisions are related to outdoor storage, and do not include storage within a garage or accessory building.  (2) Include “canal” as a permitted in the front yard for the outdoor storage of any</p>

	<p><i>vehicles or utility trailers</i>. For clarity, the storage of <i>recreational vehicles</i> and <i>utility trailers</i> is prohibited in any <i>front yard</i> of any Residential zone.</p> <p>For the purposes of this section, the temporary keeping of <i>recreational vehicles</i> and <i>utility trailers</i> for loading and unloading in a <i>driveway</i> for up to fourteen (14) days in the given calendar year shall not be considered <i>storage</i>.</p> <p>Notwithstanding the above, the <i>storage</i> of any <i>recreational vehicle</i> and <i>utility trailer</i> may be permitted within the <i>front yard</i> on a <i>lot</i> abutting Lake St. Clair, Puce River, Ruscom River and Belle River, provided it is not located within the <i>front yard</i> setback.</p> <p>Notwithstanding the above, where an existing <i>lot</i> abutting the water is bisected by a street, the <i>storage</i> of any <i>recreational vehicle</i> may be permitted on the <i>lot</i> abutting the water.</p>	<p>such <i>recreational vehicles</i> or <i>utility trailers</i>. For clarity, the <b>outdoor</b> <i>storage</i> of <i>recreational vehicles</i> and <i>utility trailers</i> is prohibited in any <i>front yard</i> of any Residential zone.</p> <p>For the purposes of this section, the temporary keeping of <i>recreational vehicles</i> and <i>utility trailers</i> for loading and unloading in a <i>driveway</i> for up to fourteen (14) days in the given calendar year shall not be considered <b>outdoor storage</b>.</p> <p>Notwithstanding the above, the <b>outdoor storage</b> of any <i>recreational vehicle</i> and <i>utility trailer</i> may be permitted within the <i>front yard</i> on a lot abutting <b>a canal</b>, Lake St. Clair, Puce River, Ruscom River and Belle River, provided it is not located within the <i>front yard</i> setback.</p> <p>Notwithstanding the above, where an existing <i>lot</i> abutting the water is bisected by a street, the <b>outdoor storage</b> of any <i>recreational vehicle</i> may be permitted on the <i>lot</i> abutting the water.</p>	<p>recreational vehicle or utility trailer.</p>
6.0 (General	Nothing in this	Insert new paragraph	Clarify that a right-

<p>Provisions)  6.61 Uses Permitted in all Zones</p>	<p>By-law shall apply to prevent or otherwise restrict in any way the following <i>uses</i> and <i>structures</i>:</p>	<p>c) a <i>right-of-way</i> or easement or the granting of a <i>right-of-way</i> or easement by way of a consent application.</p>	<p>of-way or easement is permitted in any zone.</p>
<p>6.0 (General Provisions)  6.62 Uses Prohibited in all Zones”</p>	<p>(b) The refining, storage or <i>use</i> in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzene, gasoline, ethanol, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials except where specifically permitted hereby or in conjunction with a permitted <i>use</i> and unless such substances are protected by adequate firefighting and fire prevention equipment and by such safety</p>	<p>(b) The refining, storage or <i>use</i> in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzene, gasoline, ethanol, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials except where specifically permitted hereby or in conjunction with a permitted <i>use</i> and unless such substances are protected by adequate firefighting and fire prevention equipment and by such safety</p>	<p>Adding “agricultural service and supply establishment” as an exemption to general provision to allow storage of fuel on site for such establishments where it is incidental to the operations (i.e.: farm fuel on site for a tractor repair shop).</p>

	<p>devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent <i>uses</i> to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and <i>accessory</i> to an <i>agricultural use</i>, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a <i>residential use</i>;</p>	<p>devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent <i>uses</i> to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and <i>accessory</i> to an <i>agricultural use</i> <b>or <i>agricultural service and supply establishment</i></b>, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a <i>residential use</i>;</p>	
<p>8.0 (Zone Regulations)</p>	<p>Table 8.6, under Mixed Use (MU) Maximum Exterior Side Yard Requirements:  “Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of</p>	<p>N/A</p>	<p>Remove the text under Table 8.6 – Mixed Use Maximum Exterior Side Yard Requirements. The table references section 6.17 which speaks to street frontage requirements; however, it does not</p>

	Section 6.17”		contain any provisions relating to a maximum exterior side yard requirement.
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In summary, the amendments will provide clarity on interpretation and enforcement for members of the public and staff. Should Council concur with the housekeeping amendments as proposed, then the resolution included in this report should be adopted.

**Others Consulted**

Notice of the public meeting held at this meeting was undertaken, as required under the *Planning Act*. At the time of writing this report, no comments have been received from members of the public.

**Financial Impacts**

There are no adverse financial budget impacts as a result of this amendment.

### Report Approval Details

Document Title:	ZBA-22-2024 - Zoning By-law Housekeeping Amendments.docx
Attachments:	
Final Approval Date:	Jan 22, 2025

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

Prepared by Daniel Mercer

Submitted by Tammie Ryall

Approved by the Corporate Leadership Team

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Daniel Mercer, urbaniste, RPP, MCIP, Division Leader - Community Planning

**Date:** January 8, 2025

**Subject:** Community Planning Division 2024 Year End Status Update

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### Recommendation

This report is presented for information only at the February 4, 2025 Council meeting.

### Strategic Objectives

3b) Modernizing and Enhancing Municipal Functions - Revise business processes to establish and employ a risk management framework, improved workflow management, and financial modelling to inform management of reserves

### Background

This report is to provide a summary of all *Planning Act* applications underway from January 1, 2024, to December 31, 2024, typical processing times, and ongoing or upcoming continuous improvement initiatives. Annual comparisons are made with previous years back to 2021.

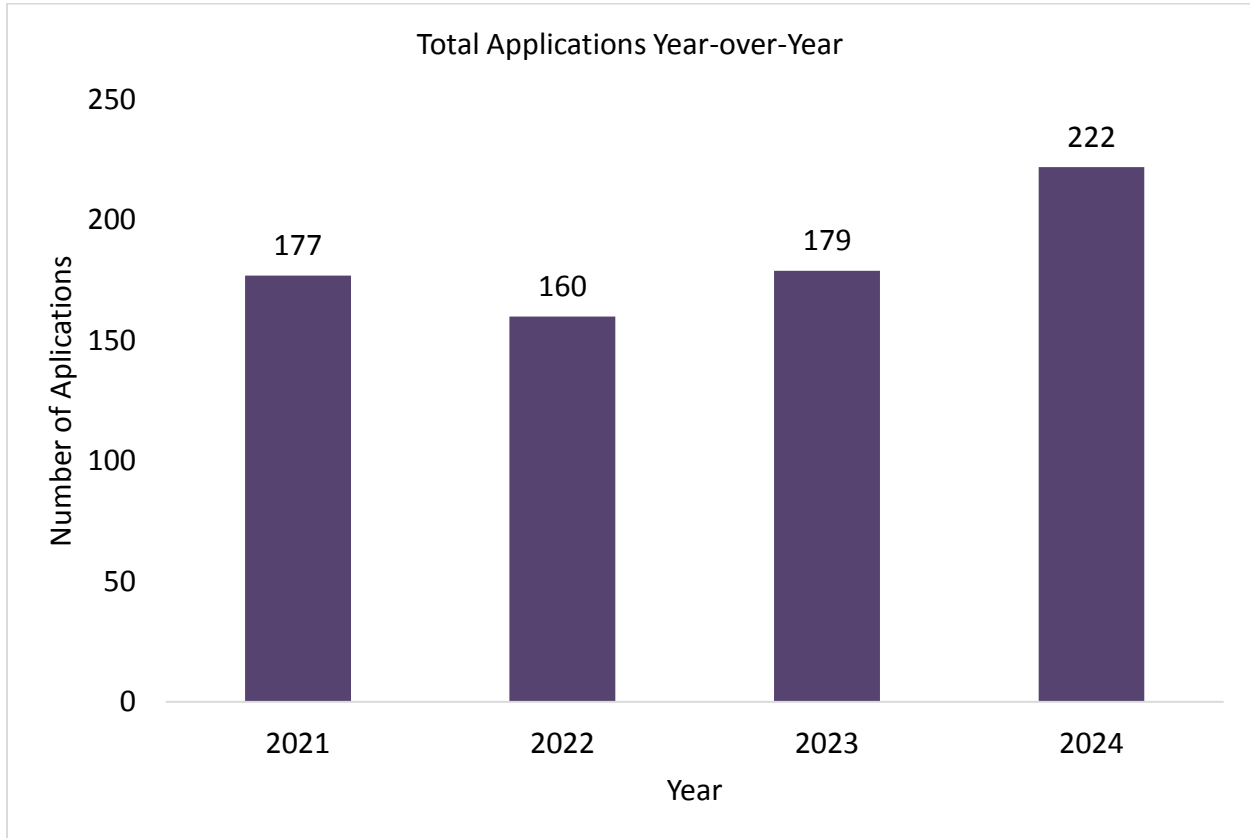
### Planning Applications

The following applications are included as part of this review:

- Pre-consultation (PCN)
- Site Plan Control (SPC)
- Temporary Patio (SPC-Temp Patio)
- Zoning By-Law Amendment (ZBA)
- Part Lot Control Applications (PLC)
- Condominium (C-A)
- Subdivision (S-A)
- Minor Variance
- Consent



The following graph outlines a year-over-year comparison of total applications between the 2021 to 2024 calendar years.

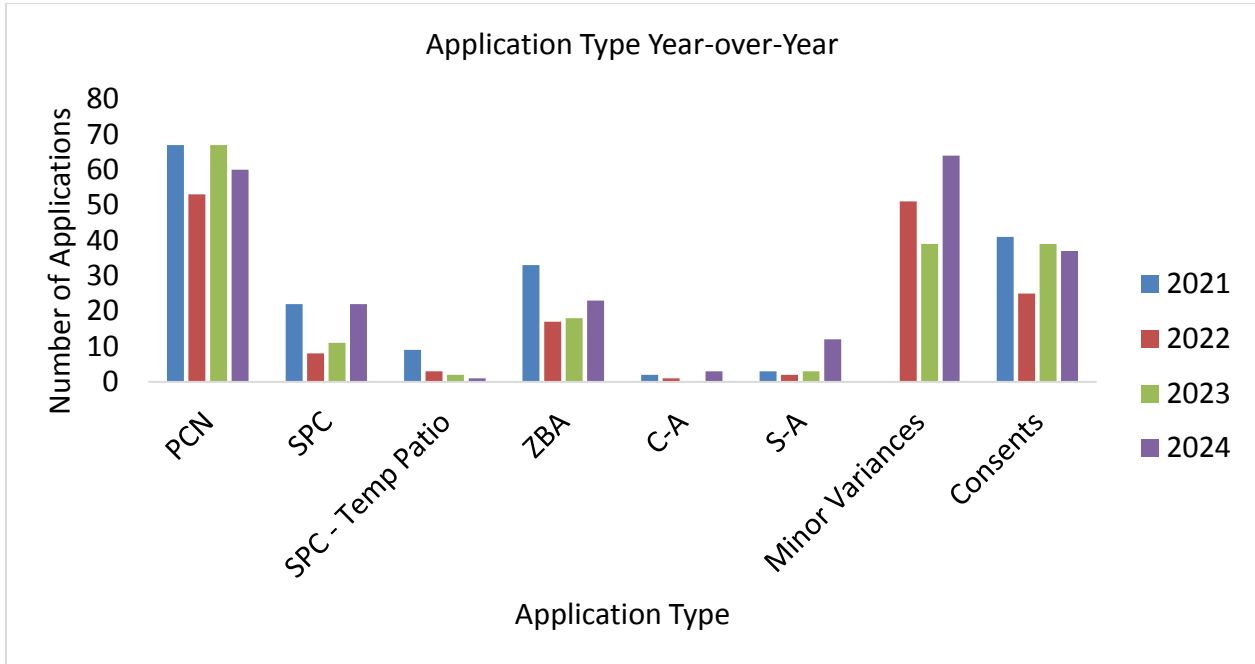


The following chart outlines the specific numbers of applications for each category for the 2024 year, with explanatory notes. Figures from the previous report submitted in October 2024 have been updated to reflect the full calendar year, including those applications that were rejected and fees refunded (therefore removed from the totals). The totals do not identify the number of applications approved or denied.

Type	Volume	Comments
Pre-consultation (PCN)	60	Total applications received in 2024.
Site Plan Control (SPC)	22	Total number of files currently open and actively being processed. (14 received in 2024, 8 remain open from previous years)
Temporary Patio (SPC-Temp Patio)	1	Total applications received in 2024.

Zoning By-Law Amendment (ZBA)	23	Total applications received in 2024. (23 received in 2024, 15 complete, 8 currently open.)
Condominium (C-A)	3	Total applications open.
Subdivision (S-A)	12	Total applications open. (1 received in 2024, 11 remain open from previous years.)
Minor Variance	64	Total applications received in 2024. (37 received and deemed complete, 27 received but not yet been deemed complete)
Consent	37	Total applications received in 2024. (14 received and deemed complete; 23 received but not yet been deemed complete)
<b>TOTAL</b>	<b>222</b>	

The following graph outlines the total number of applications by category and calendar year.



Of note, a significant backlog of approximately 20 planning applications still exists in the system. These include a high level of involvement and technical analysis on behalf of staff such as subdivision applications, site plan applications, and zoning by-law approvals, as noted in table. As provided below in expected processing timelines, these complex applications can often take more than one year to complete.

**Planning Process Timelines**

The following chart presents the expected timelines for planning applications to be processed by the Community Planning Division.

The average timeline for any planning application can vary greatly depending on several internal and external factors. For the purpose of highlighting the expected processing timelines in this report, outliers have been removed so that it is assumed that the quality of submissions by the application are of average to good quality and the applicant is responsive to required amendments. Significant time for review can also be added for each circulation and review of the application package, depending on the complexity of the proposal and the willingness of the applicant to address highlighted issues. This is particularly relevant for more detailed applications such as Site Plan Control, Zoning By-law Amendments, Subdivisions, and Condominiums.

Removing outliers, these timelines represent the expected performance standards of the Community Planning Division and are communicated to applicants as they are submitting their applications. Unless otherwise noted, they represent the time from when the 'clock is started' with the application deemed complete by the planner assigned to the file with all information submitted, including fees paid.

<b>Application Type</b>	<b>Average Timeline</b>	<b>Comments</b>
<p>Pre-consultation (PCN)</p> <p>(Purpose: Conduct a preliminary review and provide guidance on information required to deem application complete)</p>	<p>2 to 3 weeks</p> <p>(From first point of contact until meeting is held)</p>	<p>Formal meeting notes are provided to the applicant within 2 to 4 weeks following the date of the pre-consultation meeting.</p>
<p>Site Plan Control (SPC)</p>	<p>6+ months</p>	<p>Does not require Council approval</p> <p>5-6 weeks for each circulation</p>
<p>Temporary Patio (SPC-Temp Patio)</p>	<p>2 weeks</p>	<p>All reviews are completed internally</p> <p>Does not require Council approval</p>
<p>Zoning By-Law Amendment (ZBA)</p>	<p>4+ months</p>	<p>Requires Council approval</p> <p>5-6 weeks for each circulation</p>
<p>Part Lot Control (PLC)</p>	<p>2 months</p>	<p>Requires Council and County of Essex approval</p>
<p>Condominium (C-A)</p>	<p>4+ months</p>	<p>Requires Council and County of Essex approval</p> <p>5-6 weeks for each circulation</p>
<p>Subdivision (S-A)</p>	<p>6+ months (usually 1 year +)</p>	<p>Requires Council and County of Essex approval</p> <p>5-6 weeks for each circulation</p> <p>Municipal Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA) approval also required from Ministry of the Environment, Conservation and Parks.</p>

Minor Variance and/or Consent	3 to 4 months	Requires Committee of Adjustment approval.
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**Community Planning Services – Continuous Improvement**

In late 2023, as part of a comprehensive Service Delivery Review of the provision of planning, engineering, and building services, the Municipality engaged Strategy Corp. to develop recommendations for process improvements and efficiencies for the Community Planning Division. A report was presented to Council in May 2024. Digitization of the planning approvals process was one recommendation of that report that has been fully implemented in 2024.

All planning applications are now submitted and tracked through the chosen software, Cloudpermit. In addition to Planning, the Building Division is also fully using Cloudpermit for the building permits applications, greatly enhancing Lakeshore’s digitization processes. While already using the system for circulation of applications, the By-law Division will be using Cloudpermit in the future for compliance activities, which will streamline the processes and communication and file management between Planning, Building and By-law.

Additionally, throughout 2024 many external agencies are also coming online with the Cloudpermit system, allowing for circulation of files for review by partners outside of the Municipality. This reduces the potential for error or lost information by allowing tracking to be done entirely within the digital software. Over three-quarters of applications received in 2024 have been processed through Cloudpermit. 2025 will be the first full calendar year using the software. The public reception to the use of Cloudpermit has been largely smooth but not without some sporadic challenges. Planning staff are available to help work with the public in person to ensure applications are uploaded and processed accordingly. In the coming year, Community Planning will continue to explore new enhancements and tracking through Cloudpermit to improve processes.

Other recommendations from the Strategy Corp report will continue to be implemented into business processes as resources and budget permit. A significant identified weakness presented in the May 2024 report was a lack of long-term strategic vision. Within Community Planning Services, this means that almost the entire focus of the Division is on review of applications (e.g.: current planning) versus long-term planning policy review and implementation (e.g. forward planning). As Lakeshore continues to experience development pressures, this particular issue will begin to deeply affect service delivery as plans, policies and bylaws become outdated and out-of-step with the evolving brand and vision of Lakeshore as it continues to grow. Some other recommendations and potential actions included the need to review and streamline processes (e.g.: development of a permit process guideline and/or conducting of a Lean process improvement exercise), improve digitization and integration of GIS tools, and enhancing communication and transparency through website improvements. Staff are continuing to monitor these issues and are developing strategies to mitigate impacts,

continue to build public trust and a culture of continuous improvement in the planning system.

### **Financial Impacts**

As this is a report for information as an update on the activities of the Community Planning Division, there are no direct financial impacts.

### Report Approval Details

Document Title:	Community Planning Division 2024 Year End Status Update.docx
Attachments:	
Final Approval Date:	Jan 28, 2025

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

Prepared by Daniel Mercer

Submitted by Tammie Ryall

Approved by the Corporate Leadership Team

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Jacob Dickie, RPP, Planner II

**Date:** January 9, 2025

**Subject:** Deeming By-law – DEEM-01-2024 – 169 and 177 Lakeview Drive

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### Recommendation

Deem Lots 44, 45 and 46, in Registered Plan of Subdivision 1411 in the Municipality of Lakeshore as no longer forming part of a Plan of Subdivision, to allow the subject lands municipally known as 169 and 177 Lakeview Drive to merge on-title and become one lot; and

Direct the Clerk to read By-law 14-2025 during the “Consideration of By-laws”, all as presented at the February 4, 2025 Council meeting.

### Strategic Objectives

This does not relate to a Strategic Objective. However, it is a core service of the Municipality.

### Background

The reason for bringing the proposed Deeming By-law before Council is because the applicant would like to build an addition to the existing home located on 169 Lakeview Drive that would extend onto 177 Lakeview Drive across all three lots within the original Plan of Subdivision. The applicant will not be able to build the proposed addition until all three lots are merged.

The Council of the former Village of Belle River approved Plan of Subdivision 1411 on December 2, 1930. The subject lands municipally known as 169 Lakeview Drive, legal description Lots 45-46, Plan 1411 Belle River; Lakeshore, PIN 75046-0149 (LT) and 177 Lakeview Drive, legal description Lot 44, Plan 1411 Belle River; Lakeshore, PIN 75046-0148 (LT); consists of three of the original lots from Registered Plan of Subdivision 1411. 177 Lakeview Drive is comprised of Lot 44 from the Original Plan of Subdivision, while 169 Lakeview Drive is comprised of Lot 45 and Lot 46 from the Original Plan of Subdivision (See Appendix A).



Both 169 and 177 Lakeview Drive are under the same ownership. Typically, when properties are put under the same ownership they merge automatically. However, this does not apply to lots created through a registered Plan of Subdivision.

As such, in order for the subject lands to be merged - Subsection 50(4) of the Planning Act requires that Council pass a By-law, so as to deem Lots 44, 45 & 46, of Registered Plan of Subdivision 1411, as not being registered lots within a Plan of Subdivision. The applicable excerpts from the Planning Act are as follows:

**“Designation of plans of subdivision not deemed registered**

50(4) The council of a local municipality may by by-law designate any Plan of Subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered Plan of Subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).”

If the Deeming By-law were to be passed by Council and the lots merged effectively, the proposed addition shown in the concept site plan drawing provided by the applicant (see Appendix B) would comply with the requirements of Lakeshore Zoning By-law 2-2012 apart from the proposed second driveway access. The applicant has submitted a Minor Variance Application (A-01-2025) and will be going to the Committee of Adjustment on February 12, 2025 to seek relief from Section 6.41.4 d) of the Zoning By-law, allowing for a second driveway to provide access to the new garage on the merged single property. No additional residential units are proposed in the new building addition.

<p><b>Subject Lands:</b></p> <p><b>177 Lakeview Drive</b> (Lot 44 of Plan 1411)</p> <p><b>169 Lakeview Drive</b> (Lot 45 and Lot 46 of Plan 1411)</p>	<p><b>Existing Use:</b> one single-detached dwelling</p> <p><b>Proposed Use:</b> lot merger to accommodate a proposed addition to the existing single-detached dwelling.</p> <p><b>Access:</b> Lakeview Drive</p> <p><b>Services:</b> municipal water, municipal sewage and municipal stormwater</p>
<p><b>Lakeview Drive</b></p>	<p><b>Open municipal road</b></p>
<p><b>Surrounding Land Uses:</b></p>	<p>Lake St. Clair to the north. Residential to the east and west. Via Rail train tracks to the south across the road.</p>
<p><b>County of Essex Official Plan</b></p>	<p>- Primary Settlement Area</p>
<p><b>Lakeshore Official Plan:</b></p>	<p>- Residential - Floodprone Hazard Lands in the rear abutting the Lake</p>
<p><b>Existing Zoning:</b></p>	<p>- Residential Waterfront – Lake St. Clair (RW2)</p>
<p><b>Conservation Authority:</b></p>	<p>The subject lands are regulated by the Essex Region Conservation Authority (ERCA). A Conservation Development Permit from ERCA is required, and was issued on November 28, 2024 (ERCA Permit #622 – 24).</p>

## **Planning Comments**

### **Provincial Planning Statement, 2024**

There are no issues of Provincial Significance associated with the proposed Deeming By-law. The overall build out of the proposed addition will be thoroughly vetted through the Minor Variance, Building Permit and Conservation Development Permit processes.

### **County of Essex Official Plan and Lakeshore Official Plan**

The proposed Deeming By-law is consistent with the policies of the County of Essex Official Plan and Lakeshore Official Plan. In conjunction with Subsection 50(4) of the Planning Act, which is applicable law, Section 4.6.1 of the current and in-effect version of the County of Essex Official Plan allows for relotting to occur through the use of deeming by-laws.

Section 8.3.3. n) of the Lakeshore Official Plan states that Lakeshore may:

“consider passing a By-law under the provisions of the Planning Act deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered.”

The proposal is in keeping with the residential policies and the deeming policies of the Official Plan.

### **Lakeshore Zoning By-law 2-2012**

The proposed Deeming By-law and associated lot merger complies with the requirements of Zoning By-law 2-2012. Regarding the proposed addition shown on the Conceptual Site Plan (See Appendix B), the applicant has submitted a Minor Variance Application (A-01-2025) and will be going to the Committee of Adjustment on February 12, 2025 to seek relief from Section 6.41.4 d) of the Zoning By-law, allowing for a second driveway to provide access to the new garage on the merged single property.

## **Conclusion**

Based on the foregoing, Administration recommends that Council enact Deeming By-law no. 14-2025 (Deem-01-2024), to deem Lots 44, 45 and 46, in Registered Plan of Subdivision 1411 in the Municipality of Lakeshore as no longer forming part of a Plan of Subdivision so that the subject lands municipally known as 169 and 177 Lakeview Drive can merge on-title and become one lot.

## **Others Consulted**

This is a stepwise process to eventually allow the applicant to be able to build the proposed addition to an existing dwelling which will also include a minor Variance, Building Permit and Conservation Development Permit processes. As this report involves the first step only, the merger of the three lots, it has been circulated internally within the Administration. As of the writing of this report, no concerns were raised from internal

departments regarding the Deeming By-law itself, and the concept of lot merger to permit the proposed construction. ERCA has also been circulated and has no concerns with the proposal. ERCA has issued a permit for this proposed development dated November 28, 2024 (See Appendix C).

The Minor Variance Application (A-01-2025) has been circulated externally and internally and comments will be integrated into the Committee of Adjustment Report.

### **Financial Impacts**

There are no budget impacts resulting from the recommendation.

If Council approves the Deeming By-law, a Minor Variance Application (A-01-2025) would be heard by the Committee of Adjustment and a Building Permit Application submitted in order to proceed with construction of the proposed addition, with all applicable fees due for those processes.

### **Attachments**

- Appendix A – Plan of Subdivision
- Appendix B – Concept Site Plan Drawing
- Appendix C – ERCA Comments

### **Report Approval Details**

Document Title:	Report - 169 and 177 Lakeview Drive Deem-01-2024.docx
Attachments:	- Appendix A - 1930 Plan of Subdivision.pdf - Appendix B - Concept site plan drawing.pdf - Appendix C - ERCA Comments 169 and 177 Lakeview Dr Deeming By-law.pdf
Final Approval Date:	Jan 28, 2025

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

Prepared by Jacob Dickie

Submitted by Urvi Prajapati, Daniel Mercer and Tammie Ryall

Approved by the Corporate Leadership Team

Plan 1411

**"WILLIAM C. STUART SUBDIVISION"**

being a subdivision of part of lot A, East of Belle River, in the

VILLAGE OF BELLE RIVER in the COUNTY OF ESSEX

I hereby certify that this land was surveyed and the Plan prepared according to my instructions

Witness --

W.C. Stuart Estate  
 May 3 1931  
 Executor  
 and C. M. ...

Scale - 100 Feet = 1 Inch

Province of Ontario } I of the village of Belle River in  
 County of Essex } the county of Essex, make oath and say -  
 1 That I was personally present and did see the within Plan  
 duly signed and executed by John C Stuart, Mac Stuart and  
 Frank Maslen, the parties hereto  
 2 That the said Plan was signed by the said parties at the Village  
 of Belle River in the county of Essex  
 3 That I know the said parties  
 4 That I am a subscribing witness to the said Instrument and  
 Duplicate  
 Sworn before me at the Village of  
 Belle River in the county of Essex  
 this day of

I hereby certify that this Plan accurately shows the  
 manner in which the lands included herein have been  
 surveyed and subdivided by me and that the said Plan  
 is prepared in accordance with the provisions of the  
 Registry Act and The Surveys Act

Do Woodstock Nov 27, 1930

C.B. Allison O.S.

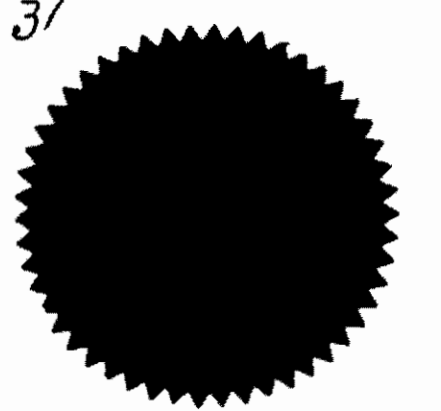
The Municipal Council of the Village of Belle River hereby  
 approve of this Plan and consent to its registration in the  
 Registry Office for the county of Essex

Belle River, Dec 2, 1930

Wm. ...

The Ontario Railway and Municipal Board hereby approve  
 of this Plan

18th March 31  
 H. ...

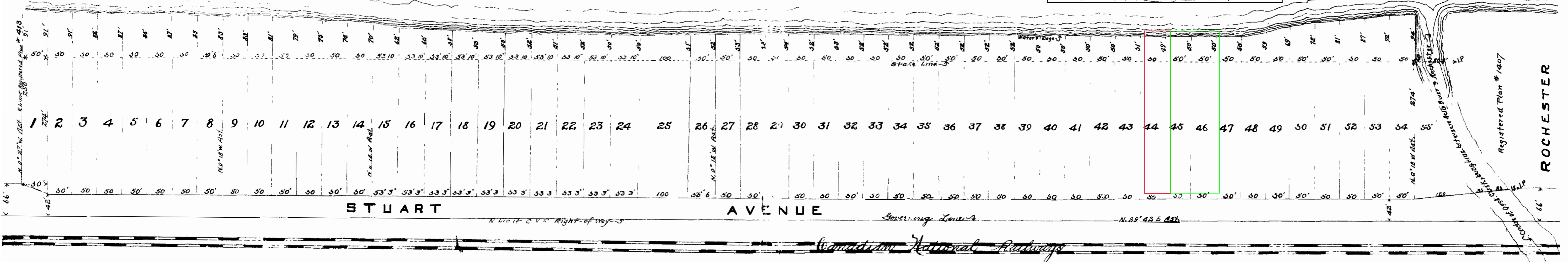


Entered and Registered  
 this 15th day of April 1931 at 3:30 pm  
 No. 1411

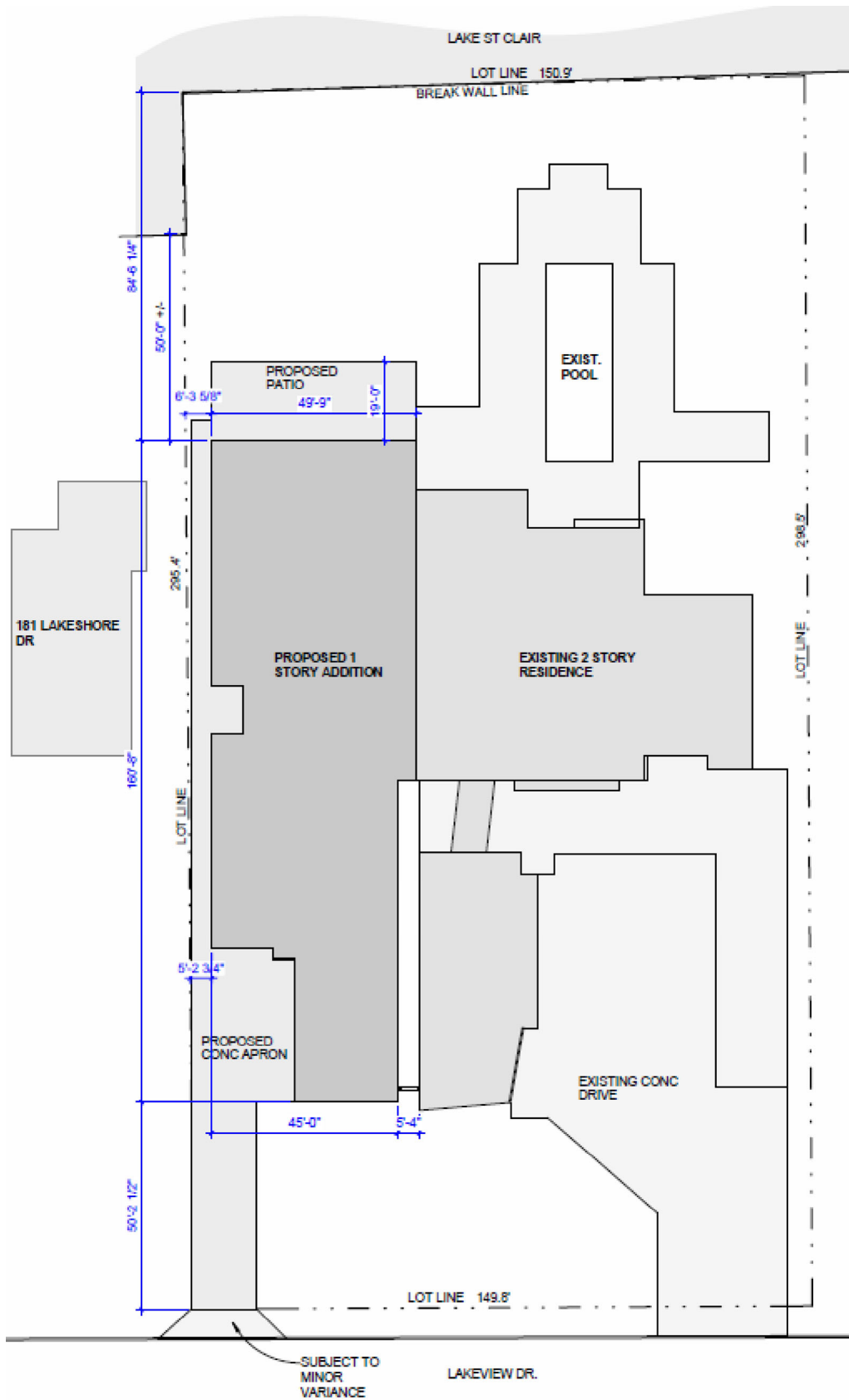
Wm. E. Green  
 Deputy Registrar

L A K E S T. C L A I R

Approximate Boundaries  
 177 Lakeview Drive (Lot 44 of Plan 1411) □  
 169 Lakeview Drive (Lot 45 and 46 of Plan 1411) □



Alt Text: Site plan outlining the proposed one-story addition on 177 Lakeview Drive as a home extension to the existing two-story residence located on 169 Lakeview Drive.





planning@erca.org  
P.519.776.5209  
F.519.776.8688  
360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

January 21, 2025

**Mr. Jacob Dickie**

Planner II

Municipality of Lakeshore, Community Planning

419 Notre Dame Street

Belle River, ON, N8L 0P8

Dear Mr. Jacob Dickie:

RE: 169 & 177 Lakeview Deeming By-law

ARN 375142000001600; PIN: 750460149

Applicant: SAFRANCE MARNE NICOLE

The Municipality of Lakeshore has received a proposal to deem Lots 44, 45, and 46 in Registered Plan of Subdivision 1411 as no longer forming part of a plan of subdivision so that the subject lands known municipally as 169 and 177 Lakeview Drive can merge on-title and become one lot. The applicant is seeking to build an addition to the existing home located on 169 Lakeview Drive that would extend onto 177 Lakeview Drive across all three lots within the original Plan of Subdivision. No additional residential units are proposed. The applicant will not be able to build the proposed addition until all three lots are merged. The applicant will be coming forward with a subsequent minor variance application to allow for a second driveway.

**NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Lake St. Clair.

Our office has issued ERCA Permit #622 - 24, dated November 28, 2024, has been issued for this development. It is the responsibility of the applicant to notify our office if any changes are required to the site plans by contacting the assigned reviewer or regs@erca.org.

Mr. Jacob Dickie  
January 21, 2025

**FINAL RECOMMENDATION**

Our office has **no objection** to the proposed Deeming By-law for 169 & 177 Lakeview Drive. As noted above, our office has issued ERCA Permit #622 - 24, dated November 28, 2024, has been issued for this development. It is the responsibility of the applicant to notify our office if any changes are required to the site plans by contacting the assigned reviewer or [regs@erca.org](mailto:regs@erca.org).

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good  
*Watershed Planner*



# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Urvi Prajapati, Team Leader -Community Planning

**Date:** January 7, 2025

**Subject:** Extension of Draft Plan Approval for the Forest Hill Subdivision File No. 37-T-02009 (Cooper Estates Limited)

---

### Recommendation

Direct Administration to advise the County of Essex that the Municipality of Lakeshore is in support of extending draft plan approval for the Forest Hill Subdivision (File No. 37-T-02009) for a five-year period (to lapse March 8, 2030) as presented at the February 4, 2025 Council meeting.

### Strategic Objectives

This report does not relate to a Strategic Objective, but it is a core service to the development of the community.

### Background

Gorvan Enterprises Limited filed an application for approval of a plan of subdivision in November 2002 to the approval authority (the Ministry of Municipal Affairs and Housing at the time). As directed, the Municipality held its regulatory public meeting on January 31, 2003 to receive public input and forward the information to the Approval Authority to assist in its decision making process regarding the subdivision application. The subdivision received draft plan approval on March 8, 2004 consisting of 343 lots for single detached use and blocks for parkland, stormwater management, and natural areas.

In 2007, Council supported extending the draft plan approval for the Forest Hill Subdivision for a three-year period, as requested by the new owner of the development, Cooper Estates Limited. Council supported extending the draft plan approval for the Forest Hill Subdivision for another three-year period in 2010 (to lapse on March 8, 2013). Council again supported another three-year period in the following years in the past: 2013, 2016, 2019, and 2022. The existing approval will lapse on March 8, 2025 (Appendix 1). A copy of the draft plan is attached as Appendix 2.



It is to be noted that the applicant has finalized a part of the draft plan over the last few years (Forest Hills Phase 4A and Phase 4B) and is now working towards finalizing the next phase of the development.

## **Comments**

Cooper Estates Limited has indicated that it would like to further extend draft plan approval for the Forest Hill Subdivision for a period of five years, to March 8, 2030. A copy of the letter is attached as Appendix 3. An extension has been requested to complete the subdivision in accordance with all regulatory requirements and market conditions.

Administration recommends that Council support the five-year extension to grant additional time to satisfy the conditions of draft plan approval. It is to be noted that the developer and the Municipality are having ongoing conversations pertaining to sanitary allowances and storm water management for the remaining phases.

If Council chooses not to support the extension, a new draft plan of subdivision would be required to be submitted and approved by the County of Essex for any future phases of this development. A refusal would result in further delays to increasing the available housing stock along with increased costs which would ultimately be reflected in future house prices.

Engineering Services have been consulted on this request to extend draft plan approval for the Forest Hills Subdivision and support the recommendation subject to the following:

- The existing Stormwater Management Plan (dated August 1996) and the existing stormwater management facility will require an update in order to adhere to the new requirements from the Ministry of Environment and Windsor-Essex Regional Stormwater Management Manual to accommodate the remaining (ultimate) buildout of Forest Hills Subdivision (Phase 5).
- The proposed subdivision will only be eligible for limited sanitary conveyance capacity until such time as the Wastewater Conveyance Group 3 Project is completed. The Sanitary Assessment Memo provided to the applicant on March 31, 2023 identified that a maximum of 120 units can be developed at this time (as part of the this Draft Plan Approval). Please refer to Appendix 5 for complete comments.

## **Others Consulted**

The applicant also forwarded the extension of the Draft Plan of Subdivision request to the County of Essex. The County of Essex supports the request for a five-year extension (Appendix 4).

## Conclusion

Based on the foregoing, Administration recommends that Council direct Administration to forward the resolution of support to the County of Essex as per the Recommendation section of the report.

## Financial Impacts

There are no financial implications from this proposal.

## Attachments

- Appendix 1 – Extension of Draft Approval (37-T-02009) – March 2022
- Appendix 2 – Draft Plan Redline Revision Amended June 11 2018
- Appendix 3 – Developer Request
- Appendix 4 – Email from County
- Appendix 5 – Engineering Comments

## Report Approval Details

Document Title:	Report - Extension Draft Plan Approval - Forest Hill Subdivision County File Number 37-T-02009 (Cooper Estates Limited).docx
Attachments:	- Appendix 1 - Extension of Draft Approval 37-T-02009 - March 2022.pdf - Appendix 2 - Draft Plan Redline Revision Amended June 11 2018.pdf - Appendix 3 - Developer Request.pdf - Appendix 4 37T-02009 - Forest Hill DPS Extension (Cooper Estates Limited) Jan 9 2025.pdf - Appendix 5 - Engineering Comments.pdf
Final Approval Date:	Jan 28, 2025

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

Prepared by Urvi Prajapati

Submitted by Daniel Mercer and Tammie Ryall

Approved by the Corporate Leadership Team

March 1, 2022

**VIA EMAIL ONLY**

Dillon Consulting  
Attention: Mr. Karl Tanner  
3200 Deziel Drive, Suite 608  
Windsor, ON N8W 5K8

Dear Mr. Tanner:

**Re: Notice of Extension of Draft Plan Approval**  
**Applicant: Cooper Estates Limited (formerly Gorvan Enterprises)**  
**Municipality: Municipality of Lakeshore**  
**Location: Part of Lots 2 and 3, Concession 1, East of Belle River (Rochester)**  
**File No.: 37-T-02009 (Forest Hill Estates)**

---

Please be advised that the County of Essex review of the requested extension of draft plan approval for the above noted plan of subdivision is now complete. As a result of this review, pursuant to Section 51(33) of the Planning Act, the County's approval of this draft plan of subdivision is extended for a period of three (3) years, as requested. The draft approval will now lapse on **March 8, 2025**.

If a further extension is needed, it is the responsibility of the applicant to make such a request, which must be made at least sixty (60) days before the approval lapses, because no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from the Municipality of Lakeshore.

Should you have any further questions with regard to the above, please do not hesitate to contact the undersigned.

Yours truly,



**REBECCA BELANGER, MCIP, RPP**  
Manager, Planning Services

C.C. Municipality of Lakeshore  
Roy Simone  
John Vanderwerf

ERCA  
Canada Post  
CPR

MMAH  
WECD SB

GECD SB  
MPAC

 519-776-6441 ext. 1325  
TTY 1-877-624-4832

 360 Fairview Ave. W.  
Suite # 302 Essex, ON N8M 1Y6

 countyofessex.ca

USE	LAND USE SCHEDULE	LOTS/BLOCKS	AREA (ha)
SINGLE FAMILY RESIDENTIAL		343*	25.02
RIGHT OF WAY			8.10
SANITARY PUMP STATION - BLOCK U		1	0.04
OPEN SPACE - BLOCK V		1	0.08
PARK / OPEN SPACE - BLOCK W		1	2.62
STORM WATER MANAGEMENT - BLOCK X		1	1.79
ENVIRONMENTAL PROTECTION - BLOCK Y		1	0.76
FISH HABITAT - BLOCK Z		1	0.73
TOTAL		345	39.14

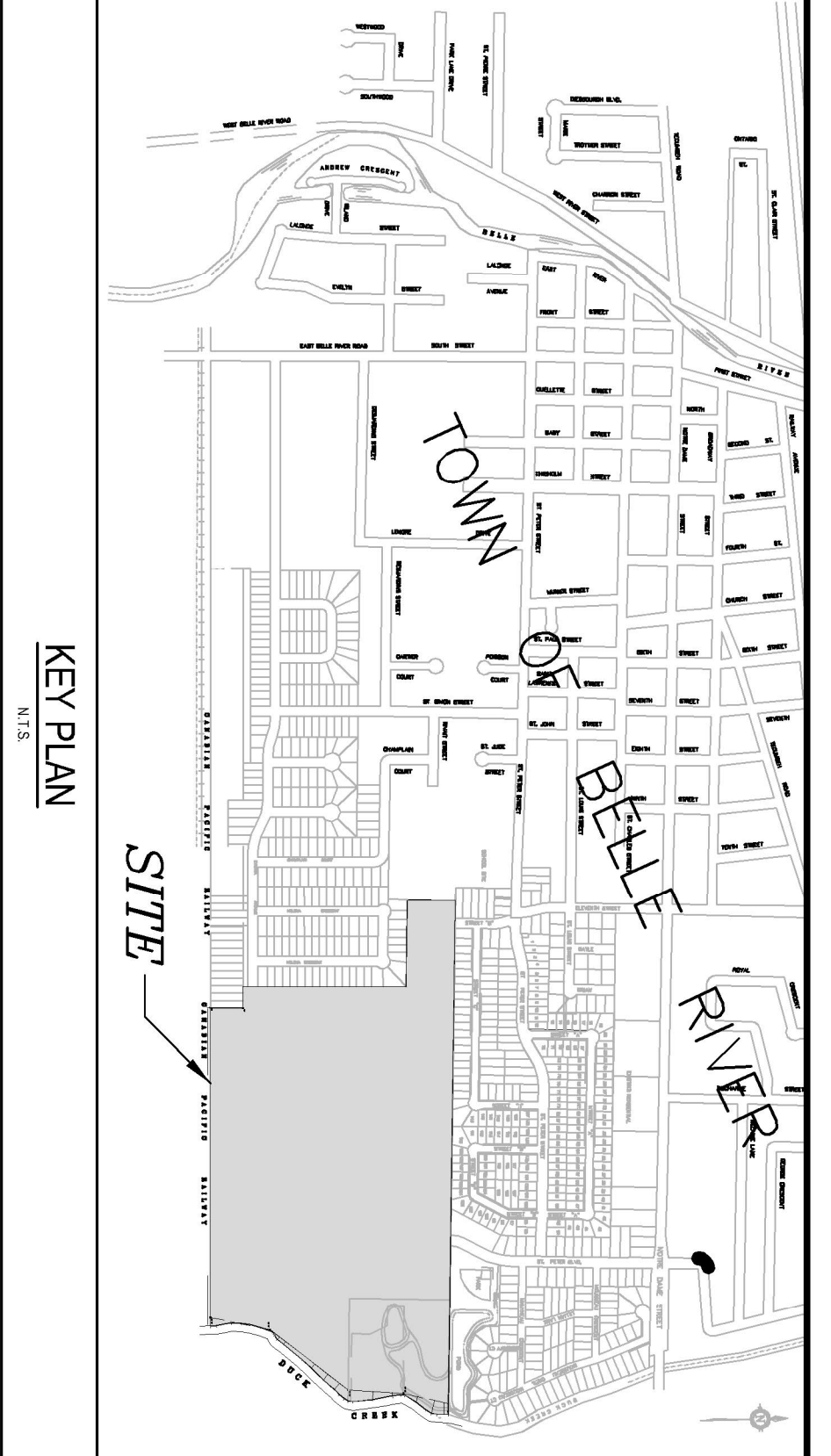
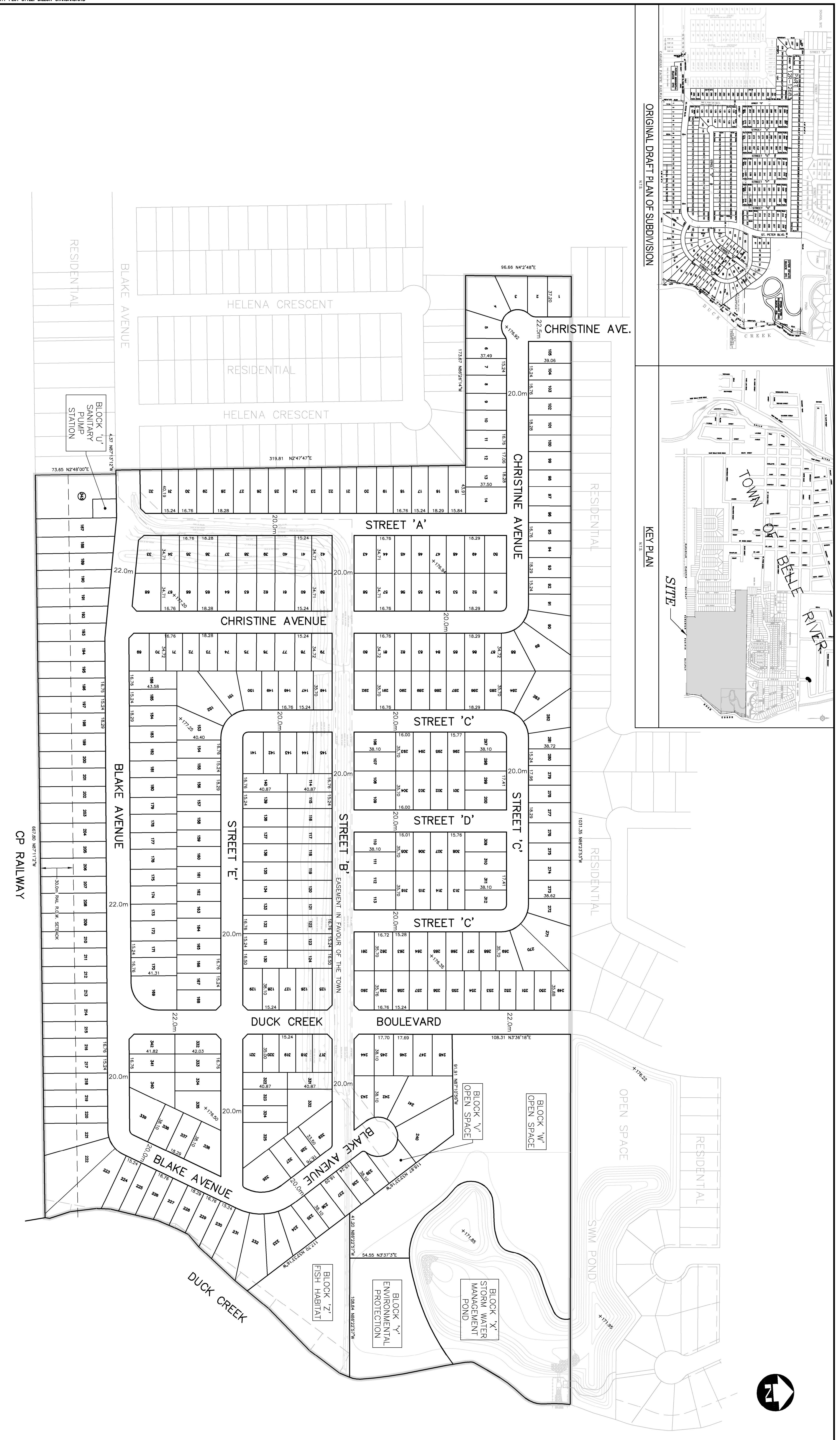
ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT (1990)

(A) SHOWN ON PLAN  
 (B&C) SHOWN ON KEY PLAN  
 (D) LOW DENSITY RESIDENTIAL  
 (E, F & G) SHOWN ON PLAN  
 (H) MUNICIPAL PIPED WATER TO BE INSTALLED BY THE DEVELOPER  
 (I) CLAY  
 (J) SHOWN ON PLAN  
 (K) STORM SEWERS, SANITARY SEWERS AND PAVED ROADS TO BE INSTALLED BY THE DEVELOPER  
 (L) NONE

CERTIFICATION	OWNERS' CERTIFICATE	SURVEYOR'S CERTIFICATE
<p>WE HEREBY CONSENT TO THE FILING OF THIS PLAN IN DRAFT FORM</p> <p>per: <i>John Vanderwerf</i>                  JOHN VANDERWERF                  FEE PAYING OWNER'S REPRESENTATIVE</p> <p>DATED: JUNE 04, 2018</p>	<p>I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LOTS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN</p> <p>signed: <i>Amanda</i>                  AMANDA WATSON O.L.S.</p> <p>DATED: JUNE 04, 2018</p>	

REDLINE REVISION TO DRAFT PLAN OF SUBDIVISION OF PART OF LOTS 2 and 3, CONCESSION 1, EAST OF BELLE RIVER GEOGRAPHIC TOWNSHIP OF ROCHESTER COUNTY OF ESSEX, ONTARIO

DATE: JUNE 01, 2018  
 SCALE: 1:1,500  
 OFFICE FILE NO.: 16-4102  
 DRAWN BY: DAM



December 17, 2024

County of Essex  
360 Fairview Ave. W, Suite 302  
Essex, ON  
N8M 1Y6

Attention: Rebecca Belanger, MCIP RPP  
Manager, Planning Services

**Forest Hill Subdivision  
Draft Plan of Subdivision Extension  
37-T-02009**

On behalf of our client, Cooper Estates Limited, we are requesting the extension of the existing Forest Hill Draft Plan of Subdivision for an additional five (5) years.

It is our opinion that the extension is required and warranted due to fluctuations in market conditions as well as ongoing discussions with the Municipality of Lakeshore with regards to sanitary allowances and capacity. We believe that an extension will provide us with the necessary time to address these challenges and complete the subdivision in accordance with all regulatory requirements and market expectations.

We note that the Draft Plan of Subdivision approval will lapse on March 8<sup>th</sup>, 2025. We kindly request that this matter appear before Council prior to this date and ask for confirmation of the specific meeting date.

Should you have any questions or require additional information please do not hesitate to contact the undersigned at [afarkas@dillon.ca](mailto:afarkas@dillon.ca).

Sincerely,

**DILLON CONSULTING LIMITED**



Amy Farkas, MCIP RPP  
Associate  
AMF:xxx

Encl.

cc: John Vanderwerf – Cooper Estates Limited  
Tammie Ryall – Municipality of Lakeshore

1 Riverside Drive W.  
Windsor, Ontario  
Canada  
N9A 5K3  
Telephone  
519.948.5000  
Fax  
519.948.5054

**From:** [Tammie Ryall](#)  
**To:** [Tammie Ryall](#)  
**Subject:** 37T-02009 - Forest Hill DPS Extension (Cooper Estates Limited)  
**Date:** Monday, January 13, 2025 1:12:00 PM  
**Attachments:** [logo\\_8780877d-8497-47de-9ce4-8de19d6537a511111111.jpg](#)  
[Twitter\\_7d425643-44d5-4c71-bf70-80ddc2b5b0c511111111.png](#)  
[Facebook\\_f1ab0de0-1179-48a2-a981-bbf05129d66c11111111.png](#)  
[Forest Hills DPS Extension Request - December 2024.pdf](#)  
[Extension of Draft Approval 37-T-02009 2022.pdf](#)

---

**From:** Rebecca Belanger <RBelanger@countyofessex.ca>  
**Sent:** Thursday, January 9, 2025 12:11 PM  
**To:** Urvi Prajapati <uprajapati@lakeshore.ca>; Tammie Ryall <tryall@lakeshore.ca>  
**Cc:** Daniel Mercer <dmercer@lakeshore.ca>; John Vanderwerf <johnv.lcs@icloud.com>; Brent Klundert <brent@bkcornerstone.com>; Tanner, Karl <ktanner@dillon.ca>; Daryan Branch <DBranch@countyofessex.ca>; Farkas, Amy <afarkas@dillon.ca>  
**Subject:** RE: 37T-02009 - Forest Hill DPS Extension (Cooper Estates Limited)

**[EXTERNAL EMAIL]** CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Urvi and Tammie,

The letter requesting an extension to draft plan approval pertaining to Forest Hill Subdivision File No. 37-T-02009 has been received. Would you please bring this forward to Council at your earliest opportunity seeking a resolution of support for an extension to draft plan approval. I note that the correspondence is seeking an extension for an additional five years as opposed to the typical three year extension. In Essex County that standard draft plan approval is always a consistent approach of three years. In this case due to the issues pertaining to sanitary allocations and capacity which will require implementation and based on the support of the municipality it would be appropriate to support an extension of five years in this instance. Following proceeding with this matter to Council please provide the planning report, draft meeting minutes and the resolution to the County and the extension will be promptly issued.

Kind Regards,  
Rebecca



[Rebecca Belanger](#)

*Manager, Planning Services*

County of Essex

360 Fairview Ave. W. Suite 302 | Essex, ON | N8M 1Y6

P: 519-776-6441 ext. 1325

F: 519-776-4455

TTY: 1-877-624-4832

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**From:** Farkas, Amy <[afarkas@dillon.ca](mailto:afarkas@dillon.ca)>

**Sent:** December 17, 2024 1:22 PM

**To:** Rebecca Belanger <[RBelanger@countyofessex.ca](mailto:RBelanger@countyofessex.ca)>

**Cc:** Tammie Ryall <[tryall@lakeshore.ca](mailto:tryall@lakeshore.ca)>; Daniel Mercer <[dmercerc@lakeshore.ca](mailto:dmercerc@lakeshore.ca)>; Urvi Prajapati <[uprajapati@lakeshore.ca](mailto:uprajapati@lakeshore.ca)>; John Vanderwerf <[johnv.lcs@icloud.com](mailto:johnv.lcs@icloud.com)>; Brent Klundert <[brent@bkcornerstone.com](mailto:brent@bkcornerstone.com)>; Tanner, Karl <[ktanner@dillon.ca](mailto:ktanner@dillon.ca)>; Daryan Branch <[DBranch@countyofessex.ca](mailto:DBranch@countyofessex.ca)>

**Subject:** Re: 37T-02009 - Forest Hill DPS Extension (Cooper Estates Limited)

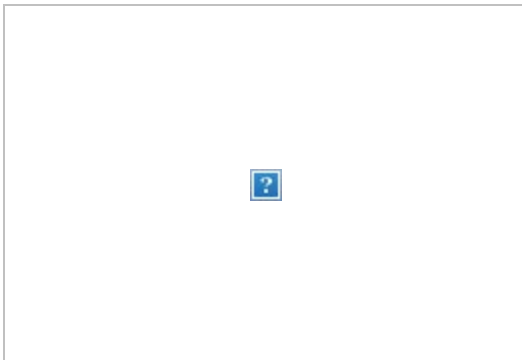
**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Rebecca,

In discussions with the Municipality it was suggested that we request a DPS extension for five years. We have revised the letter accordingly for your consideration.

Thank you and kind regards

Amy



**Amy Farkas, MCIP RPP**

Associate

**Counterpoint Land Development  
by Dillon Consulting Limited**

1 Riverside Drive West, 12th floor  
Windsor, Ontario, Canada, N9A 5K3

T: 519.948.5000 ext. 3205

M: 519.991.2942

[afarkas@dillon.ca](mailto:afarkas@dillon.ca)

[www.counterpointeng.com](http://www.counterpointeng.com)

[www.dillon.ca](http://www.dillon.ca)

**Date:** January 15, 2025  
**From:** Vaibhav Desai – Team Leader, Engineering and Infrastructure Approvals  
**To:** Urvi Prajapati – Team Leader, Community Planning  
**Re:** Forest Hills (Phase 5) Draft Plan Extension – Engineering Comments

---

Engineering has reviewed the requested submission for the extension of the Draft Plan (**File Number: 37-T-02009**) for Forest Hills (Phase 5). It should be noted that Phase 5 is the remaining lands within the original Forest Hills Subdivision. We note the following comments:

**1. Stormwater Management Plan:**

Due to the length of time it has taken for the completion of the subdivision from the originally approved Draft Plan Approval (March 8, 2004) the Stormwater Management Plan (dated August 1996) and the existing stormwater management facility will require updating in order to adhere to new requirements (from the Ministry of the Environment and the Windsor-Essex Regional Stormwater Management Manual) to accommodate the remaining (ultimate) buildout of Forest Hills Subdivision (Phase 5).

**2. Sanitary Capacity:**

The applicant has been made aware that due to the previously defined and ongoing challenges of the sanitary conveyance capacity to the Belle River area (where the subject proposed subdivision is located), the proposed subdivision will only be eligible for limited sanitary conveyance capacity until such time as the Wastewater Conveyance Group 3 Project is completed (as outlined in the Implementation Plan in the 2024 Updated Water Wastewater Master Plan for the Municipality of Lakeshore).

A Sanitary Assessment Memo was provided to the applicant on March 31, 2023, identifying that a maximum of 120 units can be developed at this time (as part of this Draft Plan approval).

Further, some of these units were requested to be reallocated to adjacent lands (Cooper Mills II file S-03-2024), reducing the units for Forest Hills (Phase 5) even further.

As indicated in the 2024 Updated Water Wastewater Master Plan Implementation Plan, the Wastewater Conveyance Group 3 is scheduled to be started by year 2026, subject to funding.

Based on the nature of the above noted comments, these should be included as conditions of the Draft Plan approval extension.

Considering the timing of the Wastewater Conveyance Group 3, Engineering supports the 5-year extension.

*Vaibhav Desai*

Team Leader– Development Engineering and Approvals

Approved by: Krystal Kalbol, P. Eng



# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Matt Alexander, Consulting Planner (WSP)

**Date:** January 9, 2025

**Subject:** Delegation of Authority for Minor Zoning By-law Amendments and Pre-Consultation Amendments to the Official Plan

---

### Recommendation

Direct Administration to undertake public consultation in accordance with the *Planning Act* prior to submitting the recommended Official Plan Amendment to Council for a decision, as presented at the February 4, 2025 Council Meeting.

### Strategic Objectives

5b) Modernize Citizen-Centered Services - Bylaw Modernization (including a calendar of bylaw review and effective enforcement strategies/capabilities)

### Background

Council has directed municipal staff to prepare amendments to the Lakeshore Official Plan to delegate authority for minor zoning by-law amendments related to surplus farm dwellings to the Committee of Adjustment. Staff have also identified a need to update the pre-consultation policies of the Official Plan to reflect recent changes to the Planning Act. This staff report provides recommendations related to both items to be considered as part of a single housekeeping amendment to the Official Plan.

On February 6, 2024 Council approved a recommendation to direct Administration to prepare an amendment to the Lakeshore Official Plan (Official Plan) that would allow minor zoning by-law amendments to be delegated to a Committee of Council or designated individual.

Resolution # 9-02-2024

Direct Administration to prepare a report to Council to consider amending the Official Plan to allow for minor zoning by-law amendments to be delegated to either a Committee of Council or an individual under Section 39 of the *Planning Act*.

At the same Council Meeting, an additional recommendation was carried that directs zoning by-law amendments related to provisional consent related to surplus farm dwellings be considered for delegation of authority.

Resolution #40-02-2024

Direct Administration to prepare a by-law to authorize the delegation of minor zoning by-law amendments related to consent to sever surplus farm dwelling applications to the Committee of Adjustment, all as presented at the February 6, 2024 Council meeting; and

Direct that the by-law include direction to Administration to bring the delegation of authority for review within 6 months of the next term of Council.

Subsequently, the direction was reversed by Council in August, however, at the November 19<sup>th</sup> Council meeting Deputy Mayor Walstedt brought forward 2 motions regarding surplus dwellings.

378-11-2024 – Reconsider Resolution #161-05-2024 regarding the Delegation of Authority for Minor Zoning By-law Amendments, presented at the May 7, 2024 Council meeting. Carried

379-11-2024 – Direct Administration to provide public notice of a draft Official Plan Amendment, collect comments and schedule a public meeting, as required under the *Planning Act*, for the delegation of authority to the Committee of Adjustment for minor Zoning By-law amendments that are required to fulfill a condition of approval related to a surplus farm dwelling consent application. Carried

Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, received royal assent on June 6, 2024 and amended several sections of the *Planning Act* to remove the ability of planning authorities to require applicants to consult with the planning authority prior to submitting a planning application. This change necessitates an amendment to several sections of the Lakeshore Official Plan which require pre-consultation for certain planning applications.

**The *Planning Act*, R.S.O. 1990, c. P. 13.**

Regarding delegation of authority, Bill 13, the “*Supporting People and Businesses Act*” was passed in 2021, amending Section 39.2 of the Act to allow for minor zoning amendments to be delegated to a Committee of Council or a member of staff. This change was intended to help streamline the decision-making process.

Section 39.2 of the Act states:

1. Council may delegate the authority to pass by-laws under section 34 that are of a minor nature to a committee of Council or an individual who is an officer, employee or agent of the municipality;

2. That an Official Plan must be in effect and must specify the types of minor by-laws that may be delegated;
3. That such minor by-laws may include by-laws to remove a holding symbol and temporary use of land, buildings or structures;
4. A delegation of authority may be subject to conditions that the Council, by by-law, may provide; and
5. A delegation of authority may be withdrawn by Council.

Regarding Pre-consultation applications, Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, received royal assent on June 6, 2024, and made changes to the Planning Act with the result that municipalities would no longer be able to require consultation with the Council or planning authority prior to submitting applications for official plan amendments, zoning by-law amendments, site plan control, or plans of subdivision (Sections 22(3.1), 34(10.0.1), 41(3.1), and 51(16.1)).

Instead, the Act states that municipalities shall permit applicants to consult with the municipality or planning board for these types of applications.

### ***Lakeshore Official Plan***

The current Lakeshore Official Plan, dated November 22, 2010 (Official Plan 2010), and The Final Draft of the new (not yet in effect) Lakeshore Official Plan, dated March 2021 (Official Plan 2021), delegate minor variance applications to the Committee of Adjustment under Section 8.3.5 (Official Plan 2010) and 8.3.6 (Official Plan 2021), but do not contain any policies which delegate the authority to pass minor zoning by-law amendments to any Committee of Council or staff members.

As per the requirements of Section 39.2 (2) of the Act, an Official Plan amendment will be required to implement the delegation of authority to approve minor zoning by-law amendments.

Regarding pre-application consultation, the Official Plan 2010 includes several references to the “pre-consultation” and “pre-application consultation” processes, but does not explicitly state that pre-consultation shall be required prior to the submission of an application. The Official Plan describes the information and supporting studies and materials that may be identified as part of a pre-application consultation process, which additionally will inform the conditions for a complete application (Section 8.3.11), but this would apply to any required pre-consultation or voluntary pre-consultation. The draft new Official Plan, 2021 describes similar policies (Section 8.3.12).

As per the changes following Bill 185, pre-application consultation may only occur at the request of the applicant, but Official Plan policies may still identify the requirements for an application to be deemed complete.

### ***Proposed Amendment to the Lakeshore Official Plan***

As noted above, an amendment to the Official Plan is required to include enabling policies for the delegation of approval for minor zoning amendments. An amendment to the Official Plan is not required to ensure that pre-application applications are optional, in conformity with the Act, however an amendment may be beneficial to clarify that pre-application consultation is optional.

The proposed implementing policy to be incorporated in the Official Plan is included below:

1. Council may, by by-law, delegate the authority to pass by-laws under Section 34 of *The Planning Act* that are of a minor nature to a committee of council or an individual who is an officer, employee or agent of the municipality.
2. Council may delegate the following types of minor zoning by-laws:
  - a. Zoning by-law amendments that are required to fulfill a condition of approval related a surplus farm dwelling consent application.

It should be noted that under Section 39.2(4) of the Planning Act, any conditions associated with the delegated authority are required to be identified in the Official Plan. The inclusion of point 2(a), above, serves this purpose.

Regarding amendments to make pre-application consultation optional, the current policies assume that pre-application consultation will occur for development applications. The policy language should be amended to reflect that it is optional. The proposed changes to Official Plan policy Section 8.3.11 is included below. Bold text is recommended to be included, and text with strikethrough is recommended to be deleted.

- a. **Should applicants submit an application for a pre-application consultation,** applicants seeking development approval will be advised of the required supporting studies, information and materials as part of the pre-application consultation process or, if subsequently deemed necessary, prior to scheduling a prescribed public meeting.
- b. At the time of application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Minor Variance, or Consent, the **Municipality** may require an applicant to submit any of the following information, as applicable: ...
- c. ~~During the pre-application consultation process for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, or Consent application,~~ The **Municipality** may require the applicant to submit any of the following supporting studies at the time of the application **for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, or Consent**, in accordance with the policies outlined in this Plan and/or accepted professional standards and/or guidelines as applicable: ...

- d. Support Studies may vary in scope, depending upon the size, nature and intent of the development approval application and the site's land use planning context. Applicants of development approval applications will be advised by the **Municipality** of the required supporting study contents during the pre-application consultation process.
- e. ~~When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies,~~ the application will not be considered complete for processing purposes until the required supporting studies, information and materials is prepared and submitted to the satisfaction of the **Municipality** and/or appropriate Conservation Authority. Notification of a complete application will be given to the applicant and all other parties by the Municipality in accordance with the Planning Act.
- f. The **Municipality** will ensure that supporting studies, information and materials provided by an applicant of a development approval application that has submitted a complete application for development approval will be made available to the public for review.

## Conclusion

The proposed amendments reflect Council's direction to delegate authority for minor zoning by-law amendment related to conditions of approval for surplus farm dwelling severances, and help clarify that pre-consultation is an optional process, reflecting recent changes to the Planning Act.

## Financial Impacts

There are no adverse financial budget impacts resulting from the recommendations. Delegating certain types of zoning by-law amendments to Committee or delegated individuals would generally reduce steps in the overall process and streamline approvals.

### Report Approval Details

Document Title:	Delegation of Authority for Minor Zoning By-law Amendments and Pre-Consultation Amendments to the Official Plan.docx
Attachments:	
Final Approval Date:	Jan 28, 2025

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

Prepared by Matt Alexander

Submitted by Daniel Mercer and Tammie Ryall

Approved by Susan Hirota and Justin Rousseau

# Municipality of Lakeshore

## By-law 7-2025

### Being a By-law to amend By-law 2-2012, the Zoning By-law for the Municipality of Lakeshore (ZBA-19-2024)

**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 expedient and in the best interest of proper 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 30 to By-law 2-2012 is amended as follows:
  - a) The zoning classification for the property legally described as Part of Lot 284 Concession South of Talbot Road, designated as Part 1 on Plan 12R29140, Maidstone, being Part of the Property Identifier Number 75017-0053(LT) is changed from Major Institutional (I1) to Major Institutional with holding symbol (I1(h32)).
2. Section 5.5 of By-law 2-2012, Holding Zone (h) Provisions, is amended by adding the following holding zone provision and to read as follows:

Holding Symbol	Permitted Uses Until the Holding Symbol is Removed	Conditions For Removal of the Holding Symbol
h32	Existing uses shall be the only uses permitted in the interim.	The holding symbol shall not be removed until such time as the following have been completed to the satisfaction of the Municipality of Lakeshore: Confirmation of servicing and servicing capacity from the Town of Essex, and any necessary development approval.

3. This by-law shall come into force and take effect in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13.

Read and passed in open session on February 4, 2025.

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**Mayor  
Tracey Bailey**

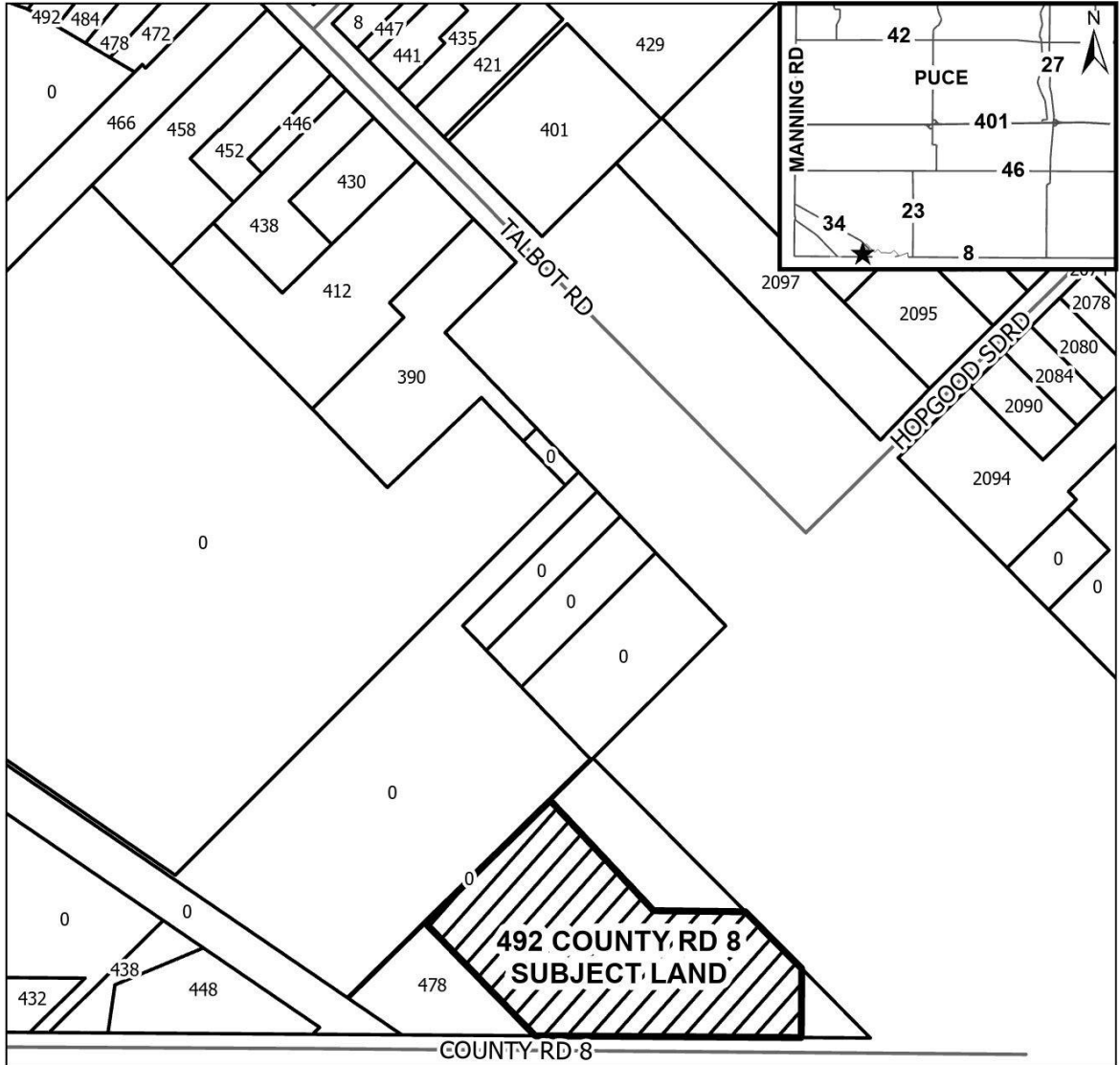
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**Clerk  
Brianna Coughlin**



## Schedule "A" to By-law 7-2025

Part of Lot 284 Concession South of Talbot Road, designated as Part 1 on Plan 12R29140, Maidstone, being Part of the Property Identifier Number 75017-0053(LT);



"Major Institutional (I1) to Major Institutional with holding symbol (I1(h32))"

# Municipality of Lakeshore

## By-law 13-2025

### Being a By-law to amend By-law 2-2012, the Zoning By-law for the Municipality of Lakeshore (ZBA-18-2024)

**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 expedient and in the best interest of proper planning to further amend By-law 2-2012;

**And whereas** this amendment is in conformity with the Lakeshore Official Plan;

**And whereas** there is a need to rescind by-law 33-2024 and replace it with by-law 13-2025;

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. Section 9.2 is amended by adding Subsection 9.2.26 to immediately follow Subsection 9.2.25 and to read as follows:  
  
"9.2.26 Residential Type 2 Zone Exception 26 (R2-26) (Map 19)
  - a) The Minimum Exterior Side Yard setback requirement shall be 3.5 metres for Semi-Detached Dwellings and Single-Detached Dwellings;
  - b) The Maximum Lot Coverage for Semi-Detached Dwellings and Single-Detached Dwellings shall be 40%"
  
2. Schedule "A", Map 19 to By-law 2-2012 is amended as follows:
  - a) The zoning classification will be changed from Residential Type 2 (R2) to Residential Type 2 Exception 26 (R2-26) and will permit one single-detached unit per lot.
    - 347 Marla Crescent and legally described as Lot 5, on Plan 12M698, PIN 75005-2558;
    - 355 Marla Crescent and legally described as Lot 4, on Plan 12M698, PIN 75005-2557;
    - 358 Marla Crescent and legally described as Lot 27, on Plan 12M698, PIN 75005-2580;

- 475 Marla Crescent and legally described as Lot 72, on Plan 12M698, PIN 75005-2625;
  - 476 Marla Crescent and legally described as Lot 53, on Plan 12M698, PIN 75005-2606;
- b) The zoning classification will be Residential Type 2 Exception 26 (R2-26) and will permit one semi-detached unit per lot.
- 336 and 338 Marla Crescent and legally described as Part of Lot 10, on Plan 12M698, PIN 75005-2563;
  - 340 and 342 Marla Crescent and legally described as Part of Lot 11, on Plan 12M698, PIN 75005-2564;
  - 344 and 346 Marla Crescent and legally described as Part of Lot 12, on Plan 12M698, PIN 75005-2565;
  - 348 and 350 Marla Crescent and legally described as Part of Lot 13, on Plan 12M698, PIN 75005-2566;
  - 352 and 354 Marla Crescent and legally described as Part of Lot 14, on Plan 12M698, PIN 75005-2567;
  - 658 and 660 Linden Street and legally described as Part of Lot 18, on Plan 12M698, PIN 75005-2571;
  - 662 and 664 Linden Street and legally described as Part of Lot 19, on Plan 12M698, PIN 75005-2572;
  - 666 and 668 Linden Street and legally described as Part of Lot 20, on Plan 12M698, PIN 75005-2573;
  - 670 and 672 Linden Street and legally described as Part of Lot 21, on Plan 12M698, PIN 75005-2574;
  - 674 and 676 Linden Street and legally described as Part of Lot 22, on Plan 12M698, PIN 75005-2575;
  - 517 and 519 Fletcher Crescent and legally described as Part of Lot 28, on Plan 12M698, PIN 75005-2581;
  - 521 and 523 Fletcher Crescent and legally described as Part of Lot 29, on Plan 12M698, PIN 75005-2582
  - 525 and 527 Fletcher Crescent and legally described as Part of Lot 30, on Plan 12M698, PIN 75005-2583
  - 529 and 531 Fletcher Crescent and legally described as Part of Lot 31, on Plan 12M698, PIN 75005-2584
  - 533 and 535 Fletcher Crescent and legally described as Part of Lot 32, on Plan 12M698, PIN 75005-2585
  - 537 and 539 Fletcher Crescent and legally described as Part of Lot 33, on Plan 12M698, PIN 75005-2586
  - 541 and 543 Fletcher Crescent and legally described as Part of Lot 34, on Plan 12M698, PIN 75005-2587
  - 545 and 547 Fletcher Crescent and legally described as Part of Lot 35, on Plan 12M698, PIN 75005-2588

- 549 and 551 Fletcher Crescent and legally described as Part of Lot 36, on Plan 12M698, PIN 75005-2589
- 553 and 555 Fletcher Crescent and legally described as Part of Lot 37, on Plan 12M698, PIN 75005-2590
- 557 and 559 Fletcher Crescent and legally described as Part of Lot 38, on Plan 12M698, PIN 75005-2591;
- 561 and 563 Fletcher Crescent and legally described as Part of Lot 39, on Plan 12M698, PIN 75005-2592;
- 565 and 567 Fletcher Crescent and legally described as Part of Lot 40, on Plan 12M698, PIN 75005-2593;
- 569 and 571 Fletcher Crescent and legally described as Part of Lot 41, on Plan 12M698, PIN 75005-2594;
- 573 and 575 Fletcher Crescent and legally described as Part of Lot 42, on Plan 12M698, PIN 75005-2595;
- 574 and 576 Fletcher Crescent and legally described as Part of Lot 43, on Plan 12M698, PIN 75005-2596;
- 570 and 572 Fletcher Crescent and legally described as Part of Lot 44, on Plan 12M698, PIN 75005-2597;
- 566 and 568 Fletcher Crescent and legally described as Part of Lot 45, on Plan 12M698, PIN 75005-2598;
- 562 and 564 Fletcher Crescent and legally described as Part of Lot 46, on Plan 12M698, PIN 75005-2599;
- 560 and 558 Fletcher Crescent and legally described as Part of Lot 47, on Plan 12M698, PIN 75005-2600;
- 657 and 659 Linden Street and legally described as Part of Lot 48, on Plan 12M698, PIN 75005-2601;
- 663 and 661 Linden Street and legally described as Part of Lot 49, on Plan 12M698, PIN 75005-2602;
- 667 and 665 Linden Street and legally described as Part of Lot 50, on Plan 12M698, PIN 75005-2603;
- 671 and 669 Linden Street and legally described as Part of Lot 51, on Plan 12M698, PIN 75005-2604;
- 675 and 673 Linden Street and legally described as Part of Lot 52, on Plan 12M698, PIN 75005-2605;

3. By-law 33-2024 is rescinded.

4. This by-law shall come into force and take effect in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13.

Read and passed in open session on February 4, 2025.

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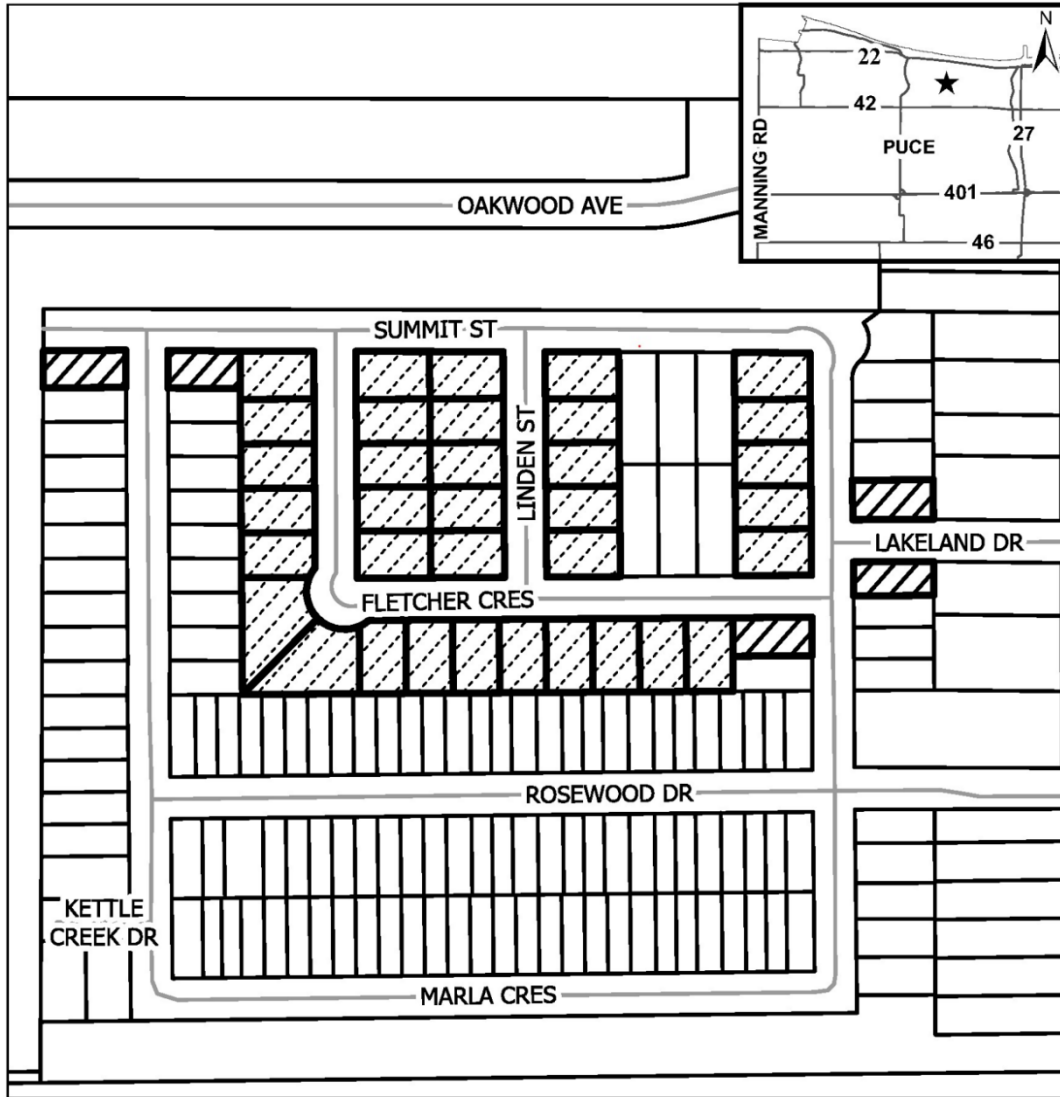
**Mayor  
Tracey Bailey**



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**Clerk  
Brianna Coughlin**

## Schedule "A" to By-law 13-2025

PART OF LOT 4, CONCESSION EAST OF PUCE RIVER, MUNICIPALITY OF LAKESHORE,  
COUNTY OF ESSEX, ONTARIO



-  Amend from "Residential - Medium Density (R2)" to 'Residential - Medium Density Zone Exception 26 (R2-26)' for single-detached lots
-  Semi-detached lots zoned "Residential - Medium Density (R2)" to 'Residential - Medium Density Zone Exception 26 (R2-26)'

# Municipality of Lakeshore

## By-law 14-2025

### Being a By-law to Deem Certain Lots to no Longer be Registered Lots on a Plan of Subdivision (Deem-01-2024)

**Whereas** authority is given to Council by subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13 to pass by-laws to deem any plan of subdivision or part thereof that has been registered for eight years or more not to be a plan of subdivision for the purpose of subdivision control;

**And whereas** Plan 1411, dated December 2, 1930, was registered more than eight years ago;

**And whereas** the owners of the subject land agree to certain lots being deemed not to be a lot within a registered plan of subdivision for the purposes of subdivision control;

#### Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. Lots 44, 45 and 46, Plan 1411, Belle River; Lakeshore shown hatched on Schedule "A" to this by-law, are deemed not to be lots within a registered plan of subdivision for the purpose of subsection 50(3) of the *Planning Act*, R.S.O. 1990, c. P.13.
2. This by-law shall come into force and take effect in accordance with Section 50 of the *Planning Act*, R.S.O. 1990, c. P.13.

Read and passed in open session on February 4, 2025.

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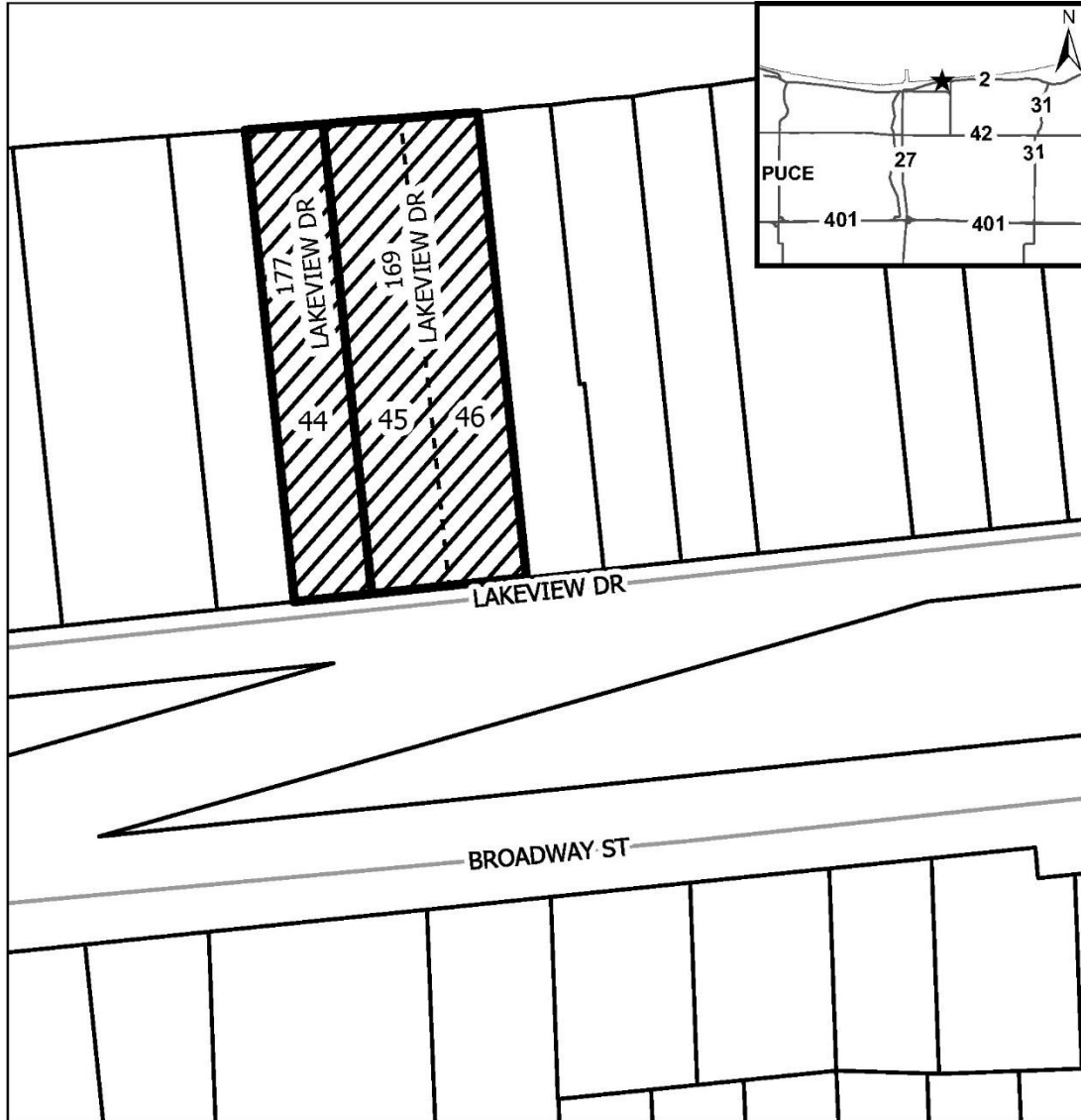
**Mayor  
Tracey Bailey**

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**Clerk  
Brianna Coughlin**

## Schedule "A" to By-law 14-2025

Municipal #	Legal Description	PIN
169	Lots 45-46, Plan 1411 Belle River; Lakeshore	75046-0149(LT)
177	Lot 44, Plan 1411 Belle River; Lakeshore	75046-0148(LT)



 Lots 44, 45 and 46, Village of Belle River, subject to Deeming By-law



# Municipality of Lakeshore

## By-law 15-2025

### Being a By-law to Amend the Comprehensive Zoning By-law 2-2012 with respect to the entire Municipality of Lakeshore

**Whereas** pursuant to section 34(1) of the *Planning Act*, R.S.O. 1990, c.P.13 (the "*Planning Act*") municipalities are authorized to pass by-laws related to Zoning;

**And whereas** the Municipality of Lakeshore deems it advisable to amend the Lakeshore Comprehensive Zoning By-law 2-2012 to better clarify terms, meaning and intent, and to remove inconsistencies in an effort to improve interpretation;

**And whereas** this By-law is in conformity with the Lakeshore Official Plan;

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. By-law 2-2012 shall be amended as follows:

a) Section 4.0 "Definitions" is amended to remove paragraph 34 and replace with the following:

**34. BUILDING** – shall include any *structure*, whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a *fence, mobile home, trailer*, or tent.

b) Section 4.0 "Definitions" is amended by adding the following as a new paragraph 66 and renumbering subsequent paragraphs accordingly:

**66. DORMER** – shall mean a window projection which is situated on either the side, front, or rear roof elevations of a *building*, whereby the length of which does not exceed one-third (1/3) of the permitted length of the *building*.

c) Section 4.0 "Definitions" is amended to remove paragraph 90 and replace with the following:

**90. FLOOR AREA, GROSS** – shall mean the *total floor area* in a *building* or *structure* measured between the exterior faces of the exterior walls of the *building* or *structure* at the level of each *storey* below, at and above *grade*, including the area used for enclosed off-street unloading, *parking*, mechanical equipment, mezzanines, stairways or shafts.

- d) Section 4.0 “Definitions” is amended to remove paragraph 154 and replace with the following:

**154. OPEN SPACE, LANDSCAPED** – shall mean open unobstructed space on the site which is suitable for *landscaping*, including any part of the site occupied by recreational *accessory buildings*, any surfaced walk, any sports or recreation area, any ornamental or *private outdoor swimming pool*, and the roof or other part of a *building* or *structure* open to the air and suitable for *landscaping* and *used* as a recreational area.

- e) Section 4.0 “Definitions” is amended to remove paragraph 251 and replace with the following:

**251. WASTE AREA ENCLOSURE** – shall mean a fully enclosed *accessory structure* used to contain and screen garbage, recycling, compost and refuse, or an in-ground refuse container such as a Molok container or similar, or a solid opaque wall or fence and gate that is used to screen garbage containment.

- f) Section 6.0 “General Provisions” is amended to remove paragraph 6.5(e) and replace with the following:

(e) When accessory to an *additional residential unit*, outdoor free-standing heat pumps, air conditioning units and generators shall be permitted in the *front yard* but may not encroach into the required *front yard* setback nor visible from the street.

- g) Section 6.7 “Additional Residential Units” is amended by replacing paragraph (f) with the following:

(f) An *additional residential unit* in an *accessory building* shall be located no more than 50 metres from the associated main *dwelling* and no less than 4.0 metres from the main *dwelling* or any other *building* or *structure*;

- h) Section 6.7 “Additional Residential Units” is amended by adding the following as a new paragraph (n):

(n) Notwithstanding any other provision of this By-law, where an *additional residential unit* is permitted on a *lot*, up to 45 percent of the *lot coverage* is permitted.

- i) Section 6.0 “General Provisions” is amended to remove paragraphs 6.12 (b) and (h) and replace with the following:

(b) The minimum exterior *lot frontage* shall be 55.0 m.

(h) The minimum interior angle of any ramp to the street line shall be greater than 60 degrees and less than or equal to 90 degrees.

- j) Section 6.0 “General Provisions” is amended to remove paragraph 6.29 and replace with the following:

### **6.29 Landscaped Open Space**

*Landscaped open space* shall be provided in accordance with the *zone* provisions set out herein for each *zone* and the following general provisions:

- a) *Landscaped open space* shall exclude any part of a *lot* which is occupied by a *building, structure, parking area, loading space, driveway, roof-top terrace, balcony, deck, patio, private outdoor swimming pool, artificial turf, excavation, agricultural use or outdoor storage area*;
- b) Where *landscaped open space* of any kind, including a *buffer strip*, is required adjacent to any *lot line* or elsewhere on a *lot*, nothing in this By-law shall apply to prevent such *landscaped open space* from being traversed by pedestrian walkways;
- c) A landscaped area located above an underground *parking area* shall be considered part of the *landscaped open space* on a *lot*.

- k) Section 6.0 “General Provisions” is amended to remove paragraph 6.36.1 and replace with the following:

### **6.36.1 Permission and Enlargements of Legal Non-Complying Buildings and Structures**

Where a lawfully *existing building or structure* was legally existing on the date of the passing of this By-law is located on a *lot* having less than the minimum frontage or area required by this By-law, or having less than the minimum *setback, front yard, side yard, rear yard or floor area* required by this By-law, the said *building or structure*, may be enlarged, reconstructed, repaired, renovated, and/or replaced provided that the enlargement, reconstruction, repair, renovation, or replacement, or any part thereof, maintains the established non-compliance or complies with

the By-law requirement and complies with all other *setback* and *yard* requirements of the applicable *zone*. For example, where a 1.0 m *side yard* exists and a two metre *side yard* is required by the By-law, the *existing building* can be enlarged maintaining a 1.0 m *side yard* but must satisfy the *rear*, *front*, and opposite *side yard* requirements. Notwithstanding the preceding, such enlargement, reconstruction, repair, renovation, and/or replacement shall not be allowed if the same results in the continuation of an existing or the establishment of a new encroachment onto abutting property.

- l) Section 6.0 “General Provisions” is amended to remove paragraph 6.46 and replace with the following:

#### **6.46 Recreational Vehicle and Utility Trailer Storage**

In any Residential *zone*, the owner or occupant of any *lot* may store outdoors, in any *rear or side yard* behind or beside the *dwelling*, a maximum of two (2) *recreational vehicles* or two (2) *utility trailers* or a combination of one (1) *recreational vehicle* and one (1) *utility trailer*, provided that they are the owner of such *recreational vehicles* or *utility trailers*. For clarity, the outdoor storage of recreational vehicles and utility trailers is prohibited in any *front yard* of any Residential *zone*.

For the purposes of this section, the temporary keeping of *recreational vehicles* and *utility trailers* for loading and unloading in a driveway for up to fourteen (14) days in the given calendar year shall not be considered outdoor storage.

Notwithstanding the above, the outdoor storage of any *recreational vehicle* and *utility trailer* may be permitted within the *front yard* on a *lot* abutting a *canal*, Lake St. Clair, Puce River, Ruscom River and Belle River, provided it is not located within the *front yard setback*.

Notwithstanding the above, where an existing *lot* abutting the water is bisected by a street, the outdoor storage of any *recreational vehicle* may be permitted on the *lot* abutting the water.

- m) Section 6.0 “General Provisions” is amended to add a new paragraph 6.61 (c) with the following and renumber subsequent paragraphs accordingly:

(c) a *right-of-way* or *easement* or the granting of a *right-of-way* or *easement* by way of a consent application;

- n) Section 6.0 “General Provisions” is amended to remove paragraph 6.62 (b) and replace with the following:

(b) The refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzene, gasoline, ethanol, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials except where specifically permitted hereby or in conjunction with a permitted use and unless such substances are protected by adequate firefighting and fire prevention equipment and by such safety devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent uses to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to an agricultural use or agricultural service and supply establishment, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use;

- o) Section 8.0 “Zone Regulations” is amended to remove Table 8.6 and replace with the following:

**8.6 Mixed Use Zone Regulations**

The following regulations shall apply to the Central Area (CA) and Mixed Use (MU) zones. Refer to Section 9.0 for a list of zone exceptions.

<b>Zone Regulations</b>	<b>Central Area Commercial (CA)</b>	<b>Mixed Use (MU)</b>
Permitted Uses	As indicated in Table	7.1
Minimum Lot Area	N/A	N/A
Minimum Lot Frontage	N/A	15%
Maximum Lot Coverage (including accessory buildings)	80%	50%
Maximum Landscaped Open Space	N/A	20%
Minimum Setbacks (main buildings):		
Front Yard	N/A (subject to any required County setbacks)	Where the lot fronts on County Road 22: Shall be in accordance with the County’s minimum building setback requirements  Where the lot fronts on any other road: 4.5 m

<p><i>Rear Yard</i></p>	<p>4.5 m</p>	<p>N/A (where a <i>yard</i> abuts a commercial <i>zone</i> or employment <i>zone</i> and access is available to the <i>rear yard</i> by a <i>public lane</i> or <i>private road</i>); or</p> <p>7.5 m (where the <i>yard</i> abuts a commercial or employment <i>zone</i> and no access is available to the rear of the said <i>building</i> except by means of a <i>yard</i>); or</p> <p>10.5 m (where the <i>building</i> contains residential <i>dwelling units</i> of one or more <i>storeys</i> in <i>height</i>); or</p> <p>10.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space <i>zone</i>)</p>
<p><i>Interior Side Yard</i></p>	<p>N/A (where a <i>yard</i> abuts a commercial <i>zone</i> and access is available to the <i>rear yard</i> by a <i>public lane</i> or <i>private road</i>); or</p> <p>4.5 m on one side (where the <i>yard</i> abuts a commercial <i>zone</i> and no access is available to the <i>rear yard</i> except through the <i>side yard</i>); or</p> <p>4.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space <i>zone</i>)</p>	<p>N/A (where a <i>yard</i> abuts a commercial <i>zone</i> and access is available to the <i>rear yard</i> by a <i>public lane</i> or <i>private road</i>); or</p> <p>4.5 m on one side (where the <i>yard</i> abuts a commercial <i>zone</i> and no access is available to the <i>rear yard</i> except through the <i>side yard</i>); or</p> <p>7.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space <i>zone</i>)</p>

<i>Exterior Side Yard</i>	4.5 m	4.5 m
<b>Maximum Setbacks (main buildings):</b>		
<i>Front Yard</i>	3.0 m (subject to any required County setbacks)	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of Section 6.17
<i>Exterior Side Yard</i>	3.0 m (subject to any required County setbacks)	
<b>Maximum Height of Buildings and Structures</b>	10.5 m  (Exception: <i>Minimum height</i> of 10.5 m [3 storeys] on the south side of Notre Dame Street in Belle River and maximum <i>height</i> of 7.5 m [2 storeys] on north side of Notre Dame Street)	10.5 m
<b>Other Provisions</b>	<i>Buffer Strip:</i> 3.0 m shall be provided in a yard abutting an R1 Zone.	Maximum <i>Gross Floor Area:</i> 3,000 m <sup>2</sup> ; and  <i>Buffer Strip:</i> 4.5 m shall be provided in a yard abutting a residential, institutional or the parks and open space zone.  Zone regulations for <i>townhouse dwellings</i> will be in accordance with the R2 Zone.

2. This By-law comes into force and effect upon passage.



Read and passed in open session on February 4, 2025.

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**Mayor  
Tracey Bailey**

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**Clerk  
Brianna Coughlin**