

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Community Planning



**To:** Mayor & Members of Council

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

**Date:** November 1, 2023

**Subject:** Reconsideration of deferred Zoning By-law Amendment Application ZBA-4-2022, 2462 County Rd. 27

---

### Recommendation

Approve Zoning By-law Amendment Application ZBA-4-2022 to remove the Holding Symbol (h6) from the subject land, described as Part of Lot 1, Concession South of Middle Road, Rochester, designated as Parts 1 to 4 inclusive, on Plan 12R-29109; Lakeshore, being part of the Property Identifier Number 75023-0216(LT); and

Direct the Clerk to read By-law 93-2023 during the “Consideration of By-laws”, all as presented at the November 21, 2023 Council meeting.

### Background

At the September 13, 2022 Regular Council meeting, the following motion was passed:

Defer Zoning By-law Amendment Application ZBA-4-2022 (Bylaw 75-2022) to remove the Holding Symbol from the subject lands (indicated on the Key Plan, Appendix A) for two years or earlier to allow a drainage outlet to be created under the Drainage Act to accommodate the provisional consent as presented at the September 13, 2022 Council meeting.

This report is being brought forward to Council as the reason for deferral has now been satisfied.

The subject property is a 27.19 hectare (67.19 acre) parcel of farmland located south of County Road 46 at the northeast corner of County Road 27 and S. Middle Road, known municipally as 2462 County Road 27 in the community of Woodslee (See Appendix A).

The subject property is designated “Agricultural” and “Hamlet” in the Lakeshore Official Plan. In the Lakeshore Zoning By-law, the subject property is split zoned Agriculture (A) and Hamlet Residential (HR) holding symbol h6. Existing uses are the only uses permitted until the holding symbol is removed. The condition for removal of the holding

symbol is:

“that adequate sewage disposal and the provision of other services has been accommodated in accordance with Section 7.0 of the Town of Lakeshore Official Plan, development applications are approved, various agreements are in place, plans of subdivision or condominium are approved, where necessary”.

Provisional consent (File: B/4/2022) was granted to sever three residential lots from the farm parcel. The consent will expire on September 16, 2024 if the conditions are not satisfied. The lots will have frontage on S. Middle Road between Church Street and County Road 27. They will be located within the portion of the subject property designated “Hamlet” and zoned HR(h6). To meet the conditions of the provisional consent, the applicants have submitted a rezoning application to remove the holding symbol from the zoning affecting the severed lots. Removal of the holding symbol will allow each of the severed lots to be developed for the permitted uses under the Hamlet Residential (HR) zone once they are registered.

The Zoning By-law Amendment was originally brought forward to Council for consideration on August 9, 2022. It was clarified at that time that a new drainage outlet had to be created under the *Drainage Act* to properly accommodate drainage flows of the lots to be severed. This was explained to Council at their September 13, 2022 meeting and the zoning application was deferred for two years or earlier to allow a drainage outlet to be created. Community Planning now has confirmation from the Operations Department that required drainage works have been completed for the development.

Severed Lots	Lot Area – two lots each 0.381 acres, and one lot 0.559 acres Existing Use – Agriculture Proposed Use – Residential Access – S. Middle Road Services – Municipal water and sanitary services
Neighbouring Land Uses	North – Agricultural South - Residential East – Residential, Parkland West – Residential
Official Plan	“Agricultural” and “Hamlet”
Zoning By-law	Agriculture Zone (A) and Hamlet Residential (HR(h6))

## Comments

### Provincial Policy Statement (PPS 2020)

Section 1.1.3.2 of the PPS states that “land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or

uneconomical expansion". This is an infill development within a settlement area that utilizes existing municipal services (sanitary, water) and an existing municipal road for access. Drainage works were developed by the applicant to provide proper drainage services for the lots.

Section 1.6.6.2 of the PPS states that "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. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services". The development provides residential intensification in a settlement area where municipal services can be utilized. Confirmation of sufficient reserve sewage system capacity has been provided by the Operations Department.

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

The subject property is designated "Secondary Settlement Area" in the County of Essex Official Plan. All types of land uses are permitted within the "Secondary Settlement Area" subject to specific land use policies of the local Official Plan. The Lakeshore Official Plan permits the proposed residential land use.

Infill development of this type is permitted in the County of Essex Official Plan. Section 3.2.5 g) ii) states that "Secondary Settlement Areas, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies: ii) New development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification". This is an infill development that will provide residential intensification on an existing lot of record.

### **Lakeshore Official Plan**

The subject property is designated "Agricultural" and "Hamlet" in the Lakeshore Official Plan. Development of the severed lots will occur entirely within the portion of the subject property designated "Hamlet". Low density residential dwellings are a permitted land use within the Hamlet Designation.

Section 3.3.3 of the Official Plan states that Hamlet Areas may continue to experience limited growth through appropriate infilling and development of vacant lands. For Hamlet Areas serviced by full municipal services, all new development must be fully municipally serviced. The severed lots will be fully serviced, and the development represents appropriate infill of a Hamlet Area.

The subject property is located within the Essex Region Conservation Authority (ERCA) limit of regulated area. ERCA was circulated the holding symbol removal application for comment. Their office has no objection to the application. An approval from ERCA will be required prior to any construction/site alteration.

Section 8.3.2.1 of the Lakeshore Official Plan states that specific actions or requirements for the lifting of the holding provision will be set out in the Lakeshore Zoning By-law.

### **Zoning By-law**

Development of the severed lots will occur entirely on lands zoned HR(h6). The condition for removal of the holding symbol is “that adequate sewage disposal and the provision of other services has been accommodated in accordance with Section 7.0 of the Town of Lakeshore Official Plan, development applications are approved, various agreements are in place, plans of subdivision or condominium are approved, where necessary”.

The servicing requirement for the Woodslee Hamlet Area under Section 7.0 of the Official Plan is municipal water and sewage services. The availability of municipal water and sewage services has been confirmed. Moreover, the applicant has completed the required drainage works to provide a proper drainage outlet for the lots. A draft severance consent agreement has been prepared requiring separate water connections, separate accesses, and other miscellaneous items. No additional studies were required under the provisional consent approval. It is now appropriate to remove the holding symbol from the zoning affecting the severed lots so that the registration of the severed lots can proceed.

Part 1 on the registered plan is a 50' by 50' daylight corner that will be transferred to the County of Essex. The severed lots meet the minimum frontage and area requirements for the HR zone.

### **Conclusion**

Based on the foregoing, Administration recommends that Council approve ZBA-4-2022 (By-law 93-2023) as per the Recommendation section of the report.

### **Others Consulted**

Notice of the deferred application returning to Council was given to the owner of the subject land and agencies as required under the provisions of the *Planning Act* and regulations for a by-law to remove a holding symbol. As of the writing of this report, no comments were received from the owner.

The County of Essex commented that the minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 27. Permits are necessary for any changes to existing structures, or the construction of new structures. No access will be permitted off County Rd 27. For the proposed lot abutting County Road 27, access will be required to be located on South Middle Road. Full comments in Appendix C.

ERCA stated that they had no objection to the application. They note that the property owner will be required to obtain an approval from ERCA prior to any construction or site alteration. Full comments in Appendix D.

The Drainage Division has confirmed that all required drainage works are complete. Operations has stated that sanitary connections will be required for the severed parcels with individual septic holding tanks required as part of the servicing for these lots. Full comments in Appendix E.

### **Financial Impacts**

There are no budget impacts resulting from the recommendation.

### **Attachments**

Appendix A – Key Plan

Appendix B – Reference Plan

Appendix C – County of Essex comments

Appendix D – ERCA comments

Appendix E – Operations comments

### **Report Approval Details**

Document Title:	ZBA-4-2022 - H Removal - Deferred Item Revisited.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Key Plan.pdf</li><li>- Appendix B - Reference Plan.pdf</li><li>- Appendix C - County of Essex comments.pdf</li><li>- Appendix D - ERCA comments.pdf</li><li>- Appendix E - Operations comments.pdf</li></ul>
Final Approval Date:	Nov 14, 2023

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

Prepared by Ian Search

Submitted by Sahar Jamshidi and Tammie Ryall

Approved by Justin Rousseau and Truper McBride