

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council

**From:** Tammie Ryall MCIP, RPP, Corporate Leader Growth & Sustainability

**Date:** January 31, 2024

**Subject:** Proposed County of Essex Modifications to Council-Adopted Official Plan, (OPA No. 16) March 2021

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### Recommendation

Endorse the proposed Modifications to the Lakeshore Official Plan Review (adopted by Council as Official Plan Amendment No. 16) dated January 31, 2024, and attached as Attachment 1; and

Direct Administration to advise the County of Essex of this endorsement, all as presented at the February 6, 2024 Council meeting.

### Background

In March 2021, Council adopted the Official Plan review for the Municipality of Lakeshore (Official Plan Amendment No. 16). The adoption followed an extensive public, stakeholder and agency engagement process which included Public Information Centres (PICs), engagement and a formal Public Meeting. A detailed review of the process undertaken in the preparation of the revised Official Plan was provided to Council and the public by way of earlier reports.

Subsequent to Council's adoption of the Official Plan Amendment No. 16, the document was forwarded to the County of Essex (Approval Authority) for review and approval. As part of the review process, the County of Essex Planning Department engaged in further circulation and discussions with the local Conservation Authorities and the County Infrastructure Department regarding the policies contained in the Official Plan document.

Through this review process, over 60 proposed modifications to the revised Official Plan were identified by County Planning (see Attachment 1). These proposed modifications were developed in consultation with Lakeshore Administration. Many of these are minor in nature to correct wording, clarify intent and to correct mapping errors.

County Planning has requested that these proposed modifications be reviewed with Council in order to seek its endorsement prior to the Official Plan amendment No. 16,

with modifications, being approved by the County. It is a common practice for the approval authority to seek Council endorsement of proposed changes.

Accordingly, Attachment 2 provides a chart with the requests and Administrations' comments/responses. The chart represents a distillation of the numerous comments that were brought forward.

### ***Additional Residential Units (ARUs)***

At the November 7, 2023 Regular Council Meeting, the following Motion was passed:

32-11-2023

Direct Administration to prepare a report to Council to initiate the required Official Plan and Zoning By-law amendment processes and associated consultation required to consider Accessory Dwelling Unit policies and regulations, as presented at the November 7, 2023 Regular Council meeting.

Related to this, the October 24, 2023 Regular Council Meeting, the following Motion was passed:

311-10-2023

Direct Administration to bring a report to the next Council meeting regarding the necessary steps required to make a Zoning By-law change and/or amendment to the Official Plan to permit ADUs in agricultural zones and currently allowed in urban setting due to provincial changes.

In November 2022, the province passed the "More Homes Built Faster Act", Bill 23, which gave as-of-right permissions for up to **three** residential units per property in a settlement area that is serviced by municipal water and sewer services, with no minimum unit sizes and no need for zoning by-law amendments. This includes up to three units in the primary dwellings (i.e., a dwelling can become a triplex), or up to two units in the primary dwelling and one unit in an ancillary building (i.e., a garden suite or converted building).

Under Bill 23, the province introduced a new definition for "parcel of urban residential land" which is generally defined to mean a residential lot in a settlement area that is serviced by municipal water and sewer services. This change clarified earlier changes to the *Planning Act* which allowed for a dwelling as well as two additional residential units (ARUs) per property. These earlier changes were reflected in Lakeshore's Official Plan review (OPA No. 16).

The comment section of this report will describe how the polices in the Official Plan, and the proposed Modifications achieve the policy basis for allowing additional residential units.

## Comments

The following Section highlights some of the proposed modifications that are substantive in nature or require more explanation.

### ***Additional Residential Units (ARUs)***

In the proposed modifications, reference to second dwelling units or accessory dwelling units will be changed to refer to “Additional Residential Units.”

The proposed modifications establish the following changes to the policies for ARUs in the Agricultural areas:

#### Agricultural Areas (Section 6.2.1.)

ARUs would be permitted in the **Agricultural** designation (Modification 37)

- within a primary single unit dwelling as-of-right (i.e. without the need for a Zoning By-law amendment) subject to:
  - the gross floor area of the ARU is equal to less than the floor area of the primary dwelling.
  - Fronts on or has access to a municipal road;
  - there are adequate services including municipal water
  - off-street parking is provided.
- Within a stand-alone building as an ancillary use to the primary single unit dwelling subject to a Zoning By-law amendment and subject to:
  - the ARU is subordinate to the primary dwelling
  - there is no other stand-alone ARU or garden suite on the property. However, one additional ARU may be permitted within the primary single unit dwelling.
  - Use the same access and be located within the cluster of existing buildings.
  - A stand-alone ARU will not be eligible for severance in the future.
  - Adequate services including municipal water.
  - Other requirements such as parking, tree preservation, landscaping and the provision of amenity areas are addressed.

ARUs in Residential, Hamlet and Urban Fringe designations (Section 4.3.1.5.1 of the Official Plan):

- ARUs would be permitted as-of-right in the **Residential, Hamlet and Urban Fringe** designations.
- A maximum of two ARUs will be permitted on a lot. (Total of 3 units.) One or two ARUs in the principal dwelling and one within an accessory structure. (Section 4.3.1.5.1 c)), Modification 20.
- Full municipal sanitary sewage and water services shall be provided.

- Further, ARUs would be permitted on lots having a private on-site sewage service, subject to a site-specific rezoning (Section 4.3.1.5.1 g)).

### ***Wallace Woods Special Planning Area***

Modification 57 deals with the policies for the Wallace Woods Special Planning Area. The current version of the Official Plan contains phasing policies for residential development. The secondary plan to be prepared for Wallace Woods can designate up to 100 hectares for residential use. Development beyond that will require 75% of the vacant residential lands in the Maidstone and Belle River Urban Areas as existed on May 26, 2008 when the Official Plan was adopted, to be in registered plans of subdivision. At that time, the Lakeshore Official Plan proposed significant expansion of its settlement area boundaries. The phasing policy was a compromise at the time to allow for the settlement area boundary expansion, but direct residential development to the existing residential areas.

During the current review of the County of Essex Official Plan (2023), it became apparent that perhaps this phasing policy should be revisited due to the growth that has occurred in Lakeshore since the Official Plan was adopted. The proposed Modification will change the phasing policy to remove the need to only designate 100 hectares. The County planning department has reviewed the Modification and is satisfied that phasing policies will be set out in the Wallace Woods Secondary Plan. However, they have requested some additional justification to accept the wording of the Modification (i.e. detailed information on the number of subdivisions registered and tools that we intend to use to assist in phasing, such as rezoning.) Administration will supply this additional information. Should the wording of the Modification change, Administration will report back to Council.

### ***Urban Fringe near Essex***

In the course of the review, the County has noticed that the designation of the Urban Fringe near Essex has expanded. The County has requested that the mapped area be changed back to the current area, as no comprehensive review of the land needs was undertaken to support an expansion. As a result, the Maps showing the Urban Fringe have been changed back to match the current Official Plan. Administration will advise the affected landowners of this change (Modification 65).

### **Conclusion**

The proposed modifications balance the directions provided in the *Planning Act*, the growth management policies and planning principles contained in the Provincial Policy Statement (2020), the County of Essex Official Plan and the Lakeshore Official Plan. All of the proposed modifications are supported by Administration and it is recommended that Council endorse the modifications as per the Recommendation Section of this report.

## **Others Consulted**

County of Essex, ERCA, and LTVCA

## **Financial Impacts**

There are no additional budget impacts resulting from the recommendation. Council allocated \$150,000 to this capital project in 2020.

## **Attachments**

### **Link to the Official Plan:**

[https://www.lakeshore.ca/en/business-and-development/resources/Documents/OfficialPlanReview/2021/Lakeshore-OP\\_FINAL-DRAFT-FOR-COUNCIL-ADOPTION\\_March-2021\\_clean.pdf](https://www.lakeshore.ca/en/business-and-development/resources/Documents/OfficialPlanReview/2021/Lakeshore-OP_FINAL-DRAFT-FOR-COUNCIL-ADOPTION_March-2021_clean.pdf)

Attachment 1 – Draft Decision

Attachment 2 – Summary Chart

Attachment 3 – Official Plan Amendment Maps

Attachment 4 – Power Point Presentation – WSP

## Report Approval Details

Document Title:	Proposed County of Essex Modifications to Council-Adopted Official Plan, March 2021.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 DRAFT Decision and Mods to Municipality of Lakeshore Adopted OPA - January 2024 Final Proposed Mods.docx</li><li>- Attachment 2 Summary of Suggested Modifications - Jan 2024.docx</li><li>- Attachment 3 Official Plan Maps.pdf</li><li>- Attachment 4 -WSP Power Point presentation Lakeshore OP.pptx</li></ul>
Final Approval Date:	Feb 1, 2024

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

Prepared by Tammie Ryall

Approved by Justin Rousseau and Truper McBride