

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor & Members of Council

**From:** Jonathan Derworiz, Planning Consultant

**Date:** April 10, 2024

**Subject:** Zoning By-Law Amendment H Removal, ZBA-12-2023, Deeming By-law, and Authorization to enter into a Supplemental Agreement to the Development Agreement, Admiral's Cove Subdivision

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-12-2023 to amend Zoning By-law 2-2012 over the lands legally described as Lots 253 – 257 & 301, Registered Plan 1624 to remove the holding symbol from "Residential Waterfront – Lake St. Clair (RW2(h6)) Zone.";

Direct the Clerk to read By-law 50-2024 during the "Consideration of By-laws";

Direct the Clerk to read By-law 51-2024 during the "Consideration of By-laws" in order to deem Lots 253, 254, 256 and 257, in Registered Plan 1624 in the Municipality of Lakeshore as no longer forming part of a plan of subdivision; and

Direct the Clerk to read By-law 54-2024 during the "Consideration of By-laws" to authorize the Mayor and Clerk to execute a Supplemental Agreement to the Development Agreement with the Owner, 507822 Ontario Inc. and 1403543 Ontario Inc., for the Admiral's Cove Subdivision, Phase 1B;

all as presented at the May 7, 2024 Council meeting.

### Background

In September 2023, Council approved a recommendation from Staff to process a Zoning By-law Application to remove the Holding Symbol from the subject lands:

#### **Resolution #254-09-2023**

Direct Administration to process the zoning by-law amendment application for the holding symbol removal over a portion of lands on Haven Avenue to allow for the development of 4 new residential lots, as presented at the September 12, 2023, Council meeting.

In order to consider removal of the holding symbol, the applicant was required to submit documentation indicating the remediation and extension of Haven Avenue was completed to the satisfaction of the municipality. Administration have confirmed that these conditions have been satisfied and are in support of the removal of the holding symbol.

<b>Subject Land:</b> 0 Haven Avenue	Existing Use — vacant land Proposed Use – Four residential lots. Access — access off of Haven Avenue. Services —municipal water, private individual sewage systems
<b>Neighbouring Land Uses:</b>	Residential.
<b>Official Plan:</b>	Lighthouse Cove Special Planning Area
<b>Existing Zoning:</b>	Residential Waterfront – Lake St. Clair (RW2(h6)) Zone

Registered Plan 1624 was registered by a Judge's Order on April 18, 1963. The Owner of registered lots on Haven Avenue commenced development of residential lots and entered into a Development Agreement with Lakeshore in 2014. The Development Agreement specified conditions for developing the lots and required lifting the holding provision. Currently, as a condition of approval of four (4) new residential lots, known as Phase 1B, Lakeshore requires the Owner to enter into a supplemental agreement to the existing Development Agreement, to address the incorporation of the additional lots into the development.

## Comments

### ***Provincial Policy Statement***

There are no outstanding issues of Provincial significance. Provincial interests have been addressed through the review process.

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

The development conforms to the land use policies of the 'Lighthouse Cove Special Planning Area' in the Lakeshore Official Plan and 'Settlement Area Designation' in the County's Official Plan. Official Plan policies permit the application of holding zones to development and when certain conditions are met, the removal of those holding zones to permit development.

Development of four lots on the Haven Avenue extension can be considered as infilling and rounding out under the Official Plan policies as mentioned above as prior to road remediation, three of the four proposed lots were fronting on the temporary Haven Avenue cul-de-sac prior to the road remediation. The fourth proposed lot was partially fronting on the cul-de-sac.

### ***Zoning By-law***

The subject lands are zoned "Residential Waterfront – Lake St. Clair" which permits single detached dwellings upon removal of the holding symbol.

### **Comments on meeting the conditions for removal of the Holding Provision:**

- 1) Engineering has confirmed that the as-built drawings satisfy outstanding requirements.
- 2) Administration has confirmed that Haven Avenue has been remediated and extended to its satisfaction.

### **Comments on the Deeming By-law**

If Council approves the deeming by-law, Lots 253, 254, 256 and 257 in Registered Plan 1624 will be deemed to no longer be a plan of subdivision within the meaning of the Planning Act, pursuant to subsection 50(4) of that Act. In accordance with subsection 50(4) of the Planning Act, a plan or part of a plan may be deemed not to be a plan of subdivision, provided that it has been registered for eight years or more. The deeming by-law will be registered in the land registry office in accordance with subsection 50 (28) of the Planning Act.

### **Comments on the Supplemental Agreement to the Development Agreement**

As a condition of approval of the four (4) new residential lots, known as Phase 1B, Lakeshore requires the Owner to enter into a supplemental agreement to the existing Development Agreement, to address the incorporation of the additional lots into the development. The content of the Supplemental Agreement has been finalized with the Developer. It is recommended that the Mayor and Clerk be authorized to execute the Supplemental Agreement, as per the Recommendation section.

### **Conclusion**

Administration recommends that Council approve Zoning By-law Amendment ZBA-12-2023 and Deeming Bylaw 51-2024 as all requirements of the removal of the holding symbol have been satisfied, it conforms to the Provincial Policy Statement, County of Essex Official Plan, Lakeshore Official Plan and Lakeshore Zoning By-law. Further, Administration recommends the Mayor and Clerk be authorized to enter into a Supplement Agreement to the Development Agreement.

### **Others Consulted**

Lower Thames Valley Conservation Authority (LTVCA) provided their comments for the application and the letter is attached as Appendix C.

### **Financial Impacts**

There are no adverse financial budget impacts resulting from the recommendation. Removal of the holding provision would ultimately allow for building permits process to begin, which will ultimately result in additional building permit revenue and tax assessment for the Municipality.

## Attachments

Appendix A – Key Plan

Appendix B – 18-734 Draft Plan (Phase 1B)

Appendix C – Lower Thames Valley Conservation Comments

Appendix D – Lots to be Deemed

## Report Approval Details

Document Title:	Zoning By-Law Amendment H Removal - Admiral's Cove Subdivision - (ZBA-12-2023) .docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Key Map.pdf</li><li>- Appendix B - 18-734 Draft Plan (Phase 1B).pdf</li><li>- Appendix C Lower Thames Comments.pdf</li><li>- Appendix D Lots subject of the Deeming by-law.jpg</li></ul>
Final Approval Date:	Apr 30, 2024

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

Prepared by Jonathan Derworiz

Submitted by Ryan Donally and Tammie Ryall

Approved by the Corporate Leadership Team