

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor & Members of Council

From: Tammie Ryall, RPP, Corporate Leader - Growth and Sustainability

Date: May 2, 2024

Subject: Zoning By-Law Amendment ZBA-08-2024, Housekeeping Amendment to the Zoning By-law initiated by Lakeshore

Recommendation

Approve Zoning By-law Amendment Application ZBA-08-2024 (Zoning By-law 2-2012, as amended), to incorporate definitions for: Boarding, Lodging and Rooming House, Two-Unit Dwelling; Library and Privacy Screen; refine the definition for Dwelling, Converted; permit, in conjunction with Additional Residential Units, heat pumps, generators and air conditioning units to encroach into front yards; prohibit artificial turf in required landscape areas; include height and setback provisions for a Privacy Screen; clarify that Apartment Buildings are permitted in the 'Residential – High Density (R3),' 'Central Area (CA)' and 'Mixed Use (MU)' zones; and, permit Office use in the 'General Employment (M1)' Zone; and,

Direct the Clerk to read By-law 57-2024 during the Consideration of By-laws, all as presented at the June 11, 2024 Council meeting.

Strategic Objectives

The proposed Zoning By-law Amendment supports the following Strategic Objective:

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

Background

Administration has identified opportunities to refine the Municipality's Zoning By-law 2-2012 that would support implementation of the By-law and increase its conformity with the Municipality's Official Plan. These refinements pertain to specific definitions and permitted uses and apply to the entire municipality and are comprised of the following:

1. Incorporating definitions for the following uses and structures:
 - a. Boarding, Lodging and Rooming House;

- b. Dwelling, Two-Unit;
 - c. Library; and
 - d. Privacy Screen
2. Refining the definition of Dwelling, Converted;
 3. Permitting encroachments for air conditioning units, heat pumps and generators in the required front yard of an Additional Residential Unit;
 4. Limiting the application of artificial turf in required landscaping areas;
 5. Including provisions for Privacy Screens of a maximum of 2.4 m (8 ft.) in height and requiring a setback of 1.5 m (5 ft.) from any lot line;
 6. Clarifying that Apartment Buildings are permitted in select zones;
 7. Permitting an Office building in the General Employment zones;

Comments

Provincial Policy Statement (PPS)

The PPS provides policy direction on land use planning and development to promote strong, healthy communities, the wise use and management of resources, and the protection of public health and safety.

Zoning By-laws are acknowledged by the PPS as being an important tool for implementing the PPS. The Planning Act requires that planning authorities keep their Zoning By-law(s) consistent with the PPS. There are no issues of provincial significance raised by the proposed housekeeping amendments.

County of Essex Official Plan

The County of Essex Official Plan establishes a land use planning framework for the County through to 2031 and is intended to implement the PPS at the County level. The proposed changes to the Zoning By-law will support its conformity with the County of Essex Official Plan. There are no issues of County significance raised by the proposed housekeeping amendments.

Lakeshore Official Plan

There are no issues with conformity with the Lakeshore Official Plan raised by the proposed housekeeping amendment. Generally, providing definitions and clarification in the comprehensive Zoning By-law will contribute to better interpretation of the Official Plan policies.

With regard to permitting Office Uses in the employment zones, the Lakeshore Official Plan (2010) permits office uses in the Employment designation which is largely implemented through the General Employment (M1) Zone. The proposed amendment to permit Office Uses in the M1 Zone would bring the Zoning By-law into conformity with the Employment designation policies of the Official Plan.

Zoning By-law

Definitions:

The Lakeshore Zoning By-law does not currently contain definitions for the following terms:

1. Additional Residential Unit
2. Boarding, Lodging and Rooming House
3. Dwelling, Two-Unit
4. Library
5. Privacy Screen

To support the review of development applications and assist with implementation and enforcement, Administration has requested that these terms be defined in By-law 2-2012. These terms are commonly defined in Zoning By-laws and the proposed definitions have been prepared following a review of other Zoning By-laws and consideration of the Municipality's Official Plan.

A definition and regulations for Additional Residential Units will proceed through a separate report to Council, scheduled for the next Council meeting agenda.

Currently, the Zoning By-law does not define Boarding, Lodging or Rooming House and does not permit them in any zone. Without a definition, it is difficult to enforce By-law complaints related to these uses. The intent of the amendment is to provide a definition, and to continue to not permit the use in any zone. Adding a definition has the effect of aiding in enforcement of Boarding, Lodging or Rooming Houses uses. It is noted that owners may apply for such a use through a Zoning By-law amendment.

Additionally, staff have identified inconsistencies between the definition and related provisions for Dwelling, Converted within the Zoning By-law. Dwelling, Converted is currently defined as, "a building converted into one or more dwelling units from a building originally constructed or used for non-residential purposes." Section 6.16 of the Zoning By-law prescribes General Provisions for this use and, whereas the current definition refers to non-residential purposes, the general Section 6.16 limits conversion of single detached dwellings.

A Privacy Screen definition is proposed to be included to differentiate between a fence located on a lot line, and a privacy screen or decorative wall. Currently neither a decorative wall or a privacy screen can be regulated by the Building Code or the Fence By-law unless it is located on the lot line and delineates the property line. With this amendment, a privacy fence located off the lot line shall not be greater than 2.4 m. (8 ft.) in height (excluding the Agriculture zone) and no closer than 1.5 m. (5 ft.) to the lot line. The 1.5 m. setback is in keeping with required setbacks for other accessory uses.

Uses:

Currently, Office uses are not permitted in the General Employment (M1) Zone. This zone is generally intended to implement the policies of the Employment designation applied through the Municipality's Official Plan. As per Section 6.11.1 Permitted Uses of the Official Plan, the predominant use of land will be a wide range of employment and industrial uses...including offices..." To conform with this policy in the Official Plan, permitting the Office use in the M1 Zone is proposed by staff.

Apartment Buildings are not currently permitted in zones where Apartment Dwellings are. While staff have historically interpreted that Apartment Buildings are inherently permitted due to Apartment Dwellings being permitted, incorporating Apartment Buildings as a permitted use in subject zones would improve the implementation and regulation of the use. As such, Apartment Buildings are proposed to be included as permitted uses within the Residential – High Density (R3), 'Central Area (CA)' and 'Mixed Use (MU)' zones. The effect of this amendment is to provide clarity that the intent is to permit Apartment Dwellings in Apartment Buildings and will not result in increased development permissions.

Zone Standards:

Staff have identified issues with the application of artificial turf or AstroTurf in required landscaping areas. Its installation is increasing in the Municipality and it poses drainage concerns as well as run-off concerns with its chemical composition. To limit its installation, a prohibition on its usage in required landscaping areas is proposed. Outside of required landscaping areas, it may be used.

With an Additional Residential Unit policy and zoning framework forthcoming, staff have identified that provisions in the current Zoning By-law will impede the installation of air conditioning units, heat pumps and generators required for the Additional Residential Unit. Currently, the Zoning By-law does not permit these features to be constructed in the front yard. Proposed is permitting these in the required front yards when being installed to service an Additional Residential Unit.

Conclusion

To address the items described in this Report, Zoning By-law Amendment file 08-2024, (By-law 57-2024) is proposing to:

1. Incorporate a definition of "Boarding, Lodging and Rooming House" in Section 4.0 that states, "Boarding, Lodging, and Rooming House – shall mean a building, or part thereof, that contains one or more units where units and/or associated bedrooms are rented or provided to individuals for a period of twenty-eight (28) days or more. Residents of boarding, lodging, and rooming houses share bathroom and/or kitchen facilities, and occupants may be unrelated. This shall not include a hotel, hospital, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act."

2. Updating the definition of “Dwelling, Converted” in Section 4.0 to, “Dwelling, Converted – shall mean a lawfully existing single detached dwelling which within the interior has been altered to contain no more than three (3) dwelling units.
3. Insert a definition for “Dwelling, Two-Unit” in Section 4.0 to, “Dwelling, Two-Unit – shall mean a building that is divided into two (2) separate dwelling units, each with an entrance that is either independent or through a common vestibule but is not a semi-detached dwelling.”
4. Incorporate a definition of “Library” in Section 4.0 that states, “Library – shall mean the use of any lot or building for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for the purposes of study, reference and recreation.”
5. Incorporate a definition of “Privacy Screen” in Section 4.0 that states: “Privacy Screen – shall mean a decorative wall designed to provide privacy for a patio, deck, balcony or part of a yard.”
6. Introduce a new provision in Section 6.5 Accessory Uses, Buildings and Structures that permits, when in conjunction with an Additional Residential Unit, heat pumps, generators and air conditioning units to encroach into front yards.
7. Introduce a new provision in Section 6.29 Landscaped Open Space that prohibits artificial turf in required landscaped open space.
8. Amend Section 6.54 to include provisions for Privacy Screens to require a maximum height of 2.4 m. in height (excluding the Agriculture zone) and a minimum setback from a lot line of 1.5 m.
9. Amend Section 7.1 to permit Apartment Buildings in the ‘Residential – High Density (R3),’ ‘Central Area (CA)’ and ‘Mixed Use (MU)’ Zones.
10. Amend Section 7.1 to permit Offices in the ‘General Employment (M1)’ Zone.

The proposed housekeeping amendments will support the implementation and enforcement of the Zoning By-law and also bring it into consistency with the Municipality of Lakeshore’s Official Plan.

Administration recommends that Council approve Zoning By-law Amendment 08-2024 to refine definitions and permitted uses as described in By-law 2-2012 and align the regulations with the Provincial Policy Statement, the County of Essex Official Plan and Lakeshore Official Plan.

Prepared by Jonathan Derworiz, WSP on behalf of the Municipality of Lakeshore

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 written submissions have been received from members of the public.

Financial Impacts

There are no budget implications related to the Recommendation.

Report Approval Details

Document Title:	ZBA-08-2024 - Housekeeping Amendment .docx
Attachments:	
Final Approval Date:	Jun 4, 2024

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

Prepared by Tammie Ryall and Jonathan Derworiz

Approved by the Corporate Leadership Team