

Municipality of Lakeshore
By-law 80-2024
Being a By-law to amend By-law 2-2012,
Zoning By-law for the Municipality of Lakeshore
(ZBA-13-2024)

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 will conform with the Lakeshore Official Plan upon the coming into effect of proposed Amendment No. 16 to the Official Plan;

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

1. Section 4.0, Definitions, is amended as follows:
 - a. The definitions for "DWELLING, CONVERTED" and "DWELLING UNIT, SECONDARY" are deleted.
 - b. The following definition for "DWELLING, GARDEN SUITE" is inserted in consecutive alphabetical order of Section 4.0:

DWELLING, GARDEN SUITE – shall mean a small *residential building* that is *accessory*, but not *attached*, to a main *dwelling* on the same *lot*, is designed to be portable, and contains no more than one *dwelling unit* with bathroom and kitchen facilities.
 - c. The following definition for "RESIDENTIAL UNIT, ADDITIONAL" is inserted in consecutive alphabetical order of Section 4.0:

RESIDENTIAL UNIT, ADDITIONAL – shall mean an independent *dwelling unit* within a *single detached, semi-detached or townhouse dwelling*, or within a *building accessory* to a *single detached, semi-detached or townhouse dwelling* on the same lot, which is ancillary and subordinate to a primary *dwelling unit*.
2. Subsection 6.5, Accessory Uses, Buildings and Structures, a) vii), is deleted and replaced with the following:

vii) shall not be built closer than 1.5 m from any *lot line* except that common semi-detached private *garages* or *carports* not used for human habitation may be centred on a mutual *side lot line*;

3. Section 6.0, General Provisions, is amended by the addition of the following as a new subsection 6.7, and subsequent subsections renumbered.

6.7 Additional Residential Units

The following provisions shall apply to *additional residential units*, where permitted as indicated in Table 7.1 of this By-law:

- a) An *additional residential unit* shall be a permitted *accessory use* to a *single detached, semi-detached, or townhouse dwelling*, provided that:
- i) the *lot* has frontage on a public *street, highway, or road*;
 - ii) the *lot* is serviced by a municipal piped water supply;
 - iii) the *lot* is serviced by a municipal sanitary sewer of sufficient capacity to accommodate the additional *residential use*, or by an approved private septic system which meets the requirements of the Ontario Building Code;
 - iv) the *lot* and any buildings thereon meet the requirements prescribed by this By-law for the applicable *zone*; and
 - v) the *additional residential unit* complies with the Ontario Building Code, the Ontario Fire Code, the Ontario Electrical Code, and all other applicable municipal and provincial standards.
- b) A maximum of two *additional residential units* shall be permitted per *lot*. This may include a maximum of two *additional residential units* within the main *dwelling* where there are no *additional residential units* in any *accessory buildings* on the same *lot*, or one *additional residential unit* within the main *dwelling* and one *additional residential unit* in an *accessory building* on the same *lot* where the main *dwelling* contains no more than two *dwelling units*.
- c) An *additional residential unit* shall be provided its own exterior entrance separate from the exterior entrance to the primary *dwelling unit* and shall have no means of internal access to the primary *dwelling unit*, except that access to a primary *dwelling unit* and *additional residential unit* through a common vestibule entry is permitted. The exterior entrance to an *additional residential unit* shall not be permitted on an elevation or façade of the main *dwelling* that faces a *street, highway or road*.

- d) Where an *additional residential unit* is located in the same building as the primary *dwelling unit*, it shall be subject to any regulations applicable to the main *dwelling* according to the applicable zone category.
- e) Where an *additional residential unit* is the sole *use* or one of two or more *uses* in an *accessory building*, said *accessory building* shall comply with the provisions of Subsection 6.5 a), except that:
 - i) Notwithstanding Subsection 6.5 a) vii), an *accessory building* abutting a rear laneway and containing an *additional residential unit* entirely above the first *storey* shall be located a minimum of 0.6 metres from the *rear lot line*;
 - ii) Notwithstanding Subsection 6.5 a) vii), where an *accessory building* contains an *additional residential unit* with a second-storey window facing any property line, said *accessory building* shall be located a minimum of 3.0 metres from the aforementioned property line;
 - iii) Notwithstanding Subsection 6.5 a) ix), an *accessory building* containing an *additional residential unit* shall not exceed a total *gross floor area* of 120 square metres for all *uses*, unless within an *Agriculture zone*, where a maximum combined *gross floor area* of 140 square metres shall be permitted;
 - iv) Notwithstanding Subsection 6.5 a) xi), an *accessory building* containing an *additional residential unit* shall not exceed a height of 6.5 metres, unless within an *Agriculture (A) zone* where a maximum height of 7.5 metres shall be permitted, and shall not exceed the height of the main *dwelling* in any *zone*.
- 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 3.0 metres from the main *dwelling* or any other *building* or *structure*;
- g) A *deck* or *balcony* that is associated with an *additional residential unit* in an *accessory building* and that has a height greater than 0.2 m from *grade* shall not be permitted on the side of the *accessory building* closest to the *front lot line*, nor on the side closest to any *side lot line*. The provisions of Subsection 6.12, *Balconies, Decks and Patios*, shall apply.
- h) On lands located within the *Lake St. Clair Shoreline Floodprone Area* and *Inland Floodplain Development Control Area*, an *additional residential unit* shall not be located in a *basement* or *cellar*.

- i) Where an *additional residential unit* is constructed in an *accessory building*, a *garden suite* or *mobile home* shall only be permitted on the same *lot* if used as a *secondary farm dwelling*.
 - j) Notwithstanding any other provision of this By-law, the *gross floor area* of an *additional residential unit* shall not exceed 50 percent of the *gross floor area* of the *primary dwelling unit*, except that it can occupy the whole of a *basement*, where permitted.
 - k) Only one (1) connection to a municipal water supply shall be permitted per *lot* to service the *primary dwelling unit* and any *additional residential units*.
 - l) Where municipal sanitary services are available, *additional residential units* shall not be connected to on-site private septic facilities. Only one connection to municipal sanitary services shall be permitted per *lot* to service the *primary dwelling unit* and any *additional residential units*.
 - m) An *additional residential unit* shall not be permitted as an accessory use to a *seasonal dwelling*.
4. Section 6.0, General Provisions, is amended by the deletion of Subsection 6.17, Converted Dwelling, in its entirety.
5. Subsection 6.41.1, Parking Requirements is amended by the deletion of the third and fourth rows of the “Parking Requirements” table and the insertion of the following under “Residential Uses”:

<i>Single detached dwelling, semi-detached dwelling, converted dwelling, townhouse dwelling</i>	<i>2.0 parking spaces per primary dwelling unit</i>
<i>Duplex dwelling, triplex dwelling</i>	<i>1.5 parking spaces per dwelling unit</i>
<i>Additional residential unit</i>	<i>1.0 parking space per additional residential unit</i>

6. Table 7.1 – Permitted Uses is amended by the deletion of “Secondary dwelling unit” and “Converted dwelling”.
7. Table 7.1 – Permitted Uses is amended by the addition of “Additional residential unit(s)” The added use shall be permitted in the following zones, by way of placing a dot in each of the corresponding columns:

Residential – Low Density (R1)
 Residential – Medium Density (R2)
 Residential Waterfront – Watercourse (RW1)

Residential Waterfront – Lake St. Clair (RW2)
Hamlet Residential (HR)
Central Area (CA)
Mixed Use (MU)
Agriculture (A)
Urban Reserve (UR)

8. 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 September 10, 2024.

**Mayor
Tracey Bailey**

**Clerk
Brianna**