

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 Coughlin**