

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Daniel Mercer, urbaniste, RPP, MCIP; Division Leader - Community Planning

**Date:** November 20, 2024

**Subject:** ZBA-22-2024 - Zoning By-law Housekeeping Amendments

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### Recommendation

Direct the Clerk to read By-law 15-2025, being a By-law to amend the Lakeshore Comprehensive Zoning By-law 2-2012, during the Consideration of By-laws, as presented at the February 4, 2025 Council meeting.

### Strategic Objectives

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

### Background

The housekeeping amendments as proposed in this report are to make corrections to Section 4.0 (Definitions), Section 6.0 (General Provisions), and Section 8.0 (Zone Regulations) of the By-law.

The Municipality of Lakeshore Zoning By-law 2-2012 was adopted by Council on January 10, 2012. Since the enactment of Zoning By-law 2-2012, matters have been identified that require the need for “housekeeping” amendments which are initiated by Administration to assist in the interpretation and application of the Zoning By-law provisions.

Changes have been proposed to the following sections of the Zoning By-law:

- Section 4.0 (Definitions)
  - Rewording of some definitions to clarify meaning of certain terms;
  - Introduction of new definitions to better clarify or describe uses and terms within the By-law.
- Section 6.0 (General Provisions)
  - Minor amendments to improve clarity and provide consistency within the By-law and provincial regulations regarding additional residential units.

- Section 8.0 (Zone Regulations)
  - Minor amendments to improve clarity and provide consistency within the By-law.

In addition, the amendments will address a motion of Council. The following motion was passed at the July 9, 2024 Regular Council meeting.

“Whereas zoning bylaw 2-2012, Section 6.46 states:

Recreational Vehicle and Utility Trailer Storage In any Residential zone, the owner or occupant of any lot may store, in any rear or side yard behind or beside the dwelling, a maximum of two (2) recreational vehicles or two (2) utility trailers or a combination of one (1) recreational vehicle and one (1) utility trailer, provided that they are the owner of such recreational vehicles or utility trailers. For clarity, the storage of recreational vehicles and utility trailers is prohibited in any front yard of any Residential zone.

For the purposes of this section, the temporary keeping of recreational vehicles and utility trailers for loading and unloading in a driveway for up to fourteen (14) days in the given calendar year shall not be considered storage.

Notwithstanding the above, the storage of any recreational vehicle and utility trailer may be permitted within the front yard on a lot abutting Lake St. Clair, Puce River, Ruscom River and Belle River, provided it is not located within the front yard setback.

Notwithstanding the above, where an existing lot abutting the water is bisected by a street, the storage of any recreational vehicle may be permitted on the lot abutting the water.”

And whereas waterfront properties abutting canals are zoned "RW2 Lake St. Clair" and are therefore held to the same standards and requirements as those abutting Lake St. Clair with regards to set-backs and other property standards.

And whereas septic systems are not permitted on the waterfront side of properties abutting canals, thus limiting rear yard space.

And whereas maintaining "waterfront character" is a priority of the Municipality of Lakeshore.

And whereas residents whose properties abut canals enjoy the same lifestyle as those abutting Lake St. Clair, Puce River, Ruscom River and Belle River with regards to boats and on-site docks.

Therefore, direct Administration to bring forward a proposed amendment to the Zoning By-law 2-2012 to permit the storage of any recreational vehicle and utility trailer within the front yard on a lot abutting a canal, provided it is not located within the front yard setback.”

## Comments

The proposed amendments to the Zoning By-law are summarized in the table below. Underlined words or phrases are proposed to be added.

Proposed Zoning By-law Amendments:

ZBL Section	Existing Text	Proposed New Text	Rationale
4.0 (Definitions)	34. BUILDING – shall include any <i>structure</i> greater than 10.0 m <sup>2</sup> , whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a <i>fence, mobile home, trailer, or tent.</i>	34. BUILDING – shall include any <i>structure</i> , whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a <i>fence, mobile home, trailer, or tent.</i>	Removes reference to building size. All buildings, regardless of size, will have to meet zoning requirements, including setbacks from lot lines.
4.0 (Definitions)	N/A	<b>66. DORMER – shall mean a window projection which is situated on either the side, front, or rear roof elevations of a <i>building</i>, whereby the length of which does not exceed one-third (1/3) of the permitted length of the <i>building</i>.</b>	Include a definition for ‘Dormer’ in the Zoning By-law and renumber subsequent paragraphs accordingly.
4.0 (Definitions)	90. FLOOR AREA, GROSS – shall mean the <i>total floor area</i> in a <i>building or structure</i> measured between the exterior faces of the exterior walls of the <i>building or structure</i> at the level of each <i>storey</i> below, at and above <i>grade</i> , including the area used for enclosed off-street unloading, <i>parking</i> , mechanical equipment, stairways or shafts.	90. FLOOR AREA, GROSS – shall mean the total floor area in a <i>building or structure</i> measured between the exterior faces of the exterior walls of the <i>building or structure</i> at the level of each <i>storey</i> below, at and above grade, including the area used for enclosed off-street unloading, <i>parking</i> , mechanical equipment, <b>mezzanines</b> , stairways or shafts.	Include mezzanine in the definition of Gross Floor Area.

<p>4.0 (Definitions)</p>	<p>154. OPEN SPACE, LANDSCAPED – shall mean open unobstructed space on the site which is suitable for <i>landscaping</i>, including any part of the site occupied by recreational <i>accessory buildings</i>, any surfaced walk, any balcony, deck, patio which is less than 0.2 m in height and not attached to a building or structure, any sports or recreation area, any ornamental or swimming pool, and the roof or other part of a <i>building</i> or <i>structure</i> open to the air and suitable for <i>landscaping</i> and <i>used</i> as a recreational area, but excluding any <i>driveway</i> or ramp, whether surfaced or not, any curb, retaining wall, or <i>parking area</i>.</p>	<p>154. OPEN SPACE, LANDSCAPED – shall mean open unobstructed space on the site which is suitable for <i>landscaping</i>, including any part of the site occupied by recreational <i>accessory buildings</i>, any surfaced walk, <b>any sports or recreation area, any ornamental or private outdoor swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area.</b></p>	<p>Simplify the definition of “Open Space, Landscaped” and clarify that it is intended as open green space.</p>
<p>4.0 (Definitions)</p>	<p>251. WASTE AREA ENCLOSURE – shall mean a fully enclosed <i>accessory structure</i> used to contain and screen garbage, recycling, compost and refuse, or a solid opaque wall or fence and gate that is used to screen garbage containment.</p>	<p>251. WASTE AREA ENCLOSURE – shall mean a fully enclosed <i>accessory structure</i> used to contain and screen garbage, recycling, compost and refuse, <b>or an in-ground refuse container such as a Molok container or similar</b>, or a solid</p>	<p>Include in-ground refuse containers such as a Molok container or similar in the definition of a Waste Area Enclosure for clarity.</p>

		opaque wall or fence and gate that is used to screen garbage containment.	
6.0 (General Provisions) 6.5 Accessory Uses, Buildings and Structures	e) When accessory to an Additional Residential Unit, outdoor free-standing heat pumps, air conditioning units and generators shall be permitted to encroach into the required front yard setback.	e) When accessory to an additional residential unit, outdoor free-standing heat pumps, air conditioning units and generators <b>shall be permitted in the front yard but may not encroach into the required front yard setback nor visible from the street.</b>	Permits heat pumps, a/c units and generators in a front yard, but not in a front yard setback for an Accessory Residential Unit.
6.0 (General Provisions) 6.7 Additional Residential Units	N/A	(f) An <i>additional residential unit</i> in an <i>accessory building</i> shall be located no more than 50 metres from the associated main <i>dwelling</i> and no less than <b>4.0 metres</b> from the main <i>dwelling</i> or any other <i>building</i> or <i>structure</i> ;	New provision to comply with O. Reg. 299/19: Additional Regulation Units section 4(1)2.
6.0 (General Provisions) 6.7 Additional Residential Units	N/A	(n) Notwithstanding any other provision of this By-law, where an <i>additional residential unit</i> is permitted on a <i>lot</i> , up to 45 percent of the <i>lot coverage</i> is permitted.	New provision to comply with O. Reg. 299/19: Additional Regulation Units section 5(1)1.
6.0 (General Provisions) 6.12 Automobile Service Station, Automobile	b) The minimum <i>exterior lot frontage</i> shall be 55.0 m.\ h) The minimum interior angle of any ramp to the <i>street line</i> shall be greater than	b) The minimum <i>exterior lot frontage</i> shall be 55.0 m. h) The minimum interior angle of any ramp to the <i>street line</i> shall be greater than	Remove “no” to remove “/” under b) and resolve a typo in the existing text under h).

<p>Repair Establishment and Automobile Sales and Service Establishment</p>	<p>60 degrees and no less than or equal to 90 degrees.</p>	<p>60 degrees and less than or equal to 90 degrees.</p>	
<p>6.0 (General Provisions) 6.29 Landscaped Open Space</p>	<p>Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following general provisions:</p> <p>a) Any part of a <i>lot</i> which is not occupied by <i>buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses</i> or permitted <i>outdoor storage areas</i> shall be maintained as <i>landscaped open space</i>;</p> <p>b) Where <i>landscaped open space</i> of any kind, including a <i>buffer strip</i>, is required adjacent to any <i>lot line</i> or elsewhere on a <i>lot</i>, nothing in this By-law shall apply to prevent such <i>landscaped open space</i> from being traversed by pedestrian walkways or permitted <i>driveways</i>; and</p> <p>c) No part of any driveway, parking area, loading space,</p>	<p>Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following general provisions:</p> <p><b>a) <i>Landscaped open space shall exclude any part of a lot which is occupied by a building, structure, parking area, loading space, driveway, roof-top terrace, balcony, deck, patio, private outdoor swimming pool, artificial turf, excavation, agricultural use or outdoor storage area</i>;</b></p> <p>b) Where <i>landscaped open space</i> of any kind, including a <i>buffer strip</i>, is required adjacent to any <i>lot line</i> or elsewhere on a <i>lot</i>, nothing in this By-law shall apply to prevent such <i>landscaped open space</i> from being traversed by pedestrian walkways; and</p> <p><b>c) A landscaped area</b></p>	<p>Simplify the general provisions for “Landscaped Open Space” and clarify that it is intended as open green space.</p> <p>Subsection d) is deleted. The reference to artificial turf is now in subsection a).</p>

	<p>roof-top terrace, balcony, deck, patio, private outdoor swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.</p> <p>d) No part of any required landscaped open space shall consist of artificial turf.</p>	<p><b>located above an underground parking area shall be considered part of the <i>landscaped open space</i> on a lot.</b></p>	
<p>6.0 (General Provisions)                  6.36.1                  Permission and Enlargements of Legal Non-Complying Buildings and Structures</p>	<p>Where a lawfully <i>existing building or structure</i> was legally existing on the date of the passing of this By-law is located on a <i>lot</i> having less than the minimum frontage or area required by this By-law, or having less than the minimum <i>setback, front yard, side yard, rear yard or floor area</i> required by this By-law, the said <i>building or structure</i>, may be enlarged, reconstructed, repaired, renovated, or replaced provided that the enlargement, reconstruction, repair, renovation, or replacement, or any part thereof, maintains the established non-compliance or complies with the By-law requirement and</p>	<p>Where a lawfully <i>existing building or structure</i> was legally existing on the date of the passing of this By-law is located on a <i>lot</i> having less than the minimum frontage or area required by this By-law, or having less than the minimum <i>setback, front yard, side yard, rear yard or floor area</i> required by this By-law, the said <i>building or structure</i>, may be enlarged, reconstructed, repaired, renovated, <b>and/or</b> replaced provided that the enlargement, reconstruction, repair, renovation, or replacement, or any part thereof, maintains the established non-compliance or complies with the By-</p>	<p>Provide clarity to the provision through the inclusion of “and/”</p>

	<p>complies with all other <i>setback</i> and <i>yard</i> requirements of the applicable <i>zone</i>. For example, where a 1.0 m <i>side yard</i> exists and a two metre <i>side yard</i> is required by the By-law, the <i>existing building</i> can be enlarged maintaining a 1.0 m <i>side yard</i> but must satisfy the <i>rear, front, and opposite side yard</i> requirements. Notwithstanding the preceding, such enlargement, reconstruction, repair, renovation, or replacement shall not be allowed if the same results in the continuation of an existing or the establishment of a new encroachment onto abutting property.</p>	<p>law requirement and complies with all other <i>setback</i> and <i>yard</i> requirements of the applicable <i>zone</i>. For example, where a 1.0 m <i>side yard</i> exists and a two metre <i>side yard</i> is required by the By-law, the <i>existing building</i> can be enlarged maintaining a 1.0 m <i>side yard</i> but must satisfy the <i>rear, front, and opposite side yard</i> requirements. Notwithstanding the preceding, such enlargement, reconstruction, repair, renovation, <b>and/or</b> replacement shall not be allowed if the same results in the continuation of an existing or the establishment of a new encroachment onto abutting property.</p>	
<p>6.0 (General Provisions)                  6.46 Recreational Vehicle and Utility Trailer Storage</p>	<p>In any Residential <i>zone</i>, the owner or occupant of any <i>lot</i> may store, in any <i>rear</i> or <i>side yard</i> behind or beside the <i>dwelling</i>, a maximum of two (2) <i>recreational vehicles</i> or two (2) <i>utility trailers</i> or a combination of one (1) <i>recreational vehicle</i> and one (1) <i>utility trailer</i>, provided that they are the owner of such <i>recreational</i></p>	<p>In any Residential <i>zone</i>, the owner or occupant of any <i>lot</i> may store <b>outdoors</b>, in any <i>rear</i> or <i>side yard</i> behind or beside the <i>dwelling</i>, a maximum of two (2) <i>recreational vehicles</i> or two (2) <i>utility trailers</i> or a combination of one (1) <i>recreational vehicle</i> and one (1) <i>utility trailer</i>, provided that they are the owner of</p>	<p>(1) Clarify that the provisions are related to outdoor storage, and do not include storage within a garage or accessory building.                  (2) Include “canal” as a permitted in the front yard for the outdoor storage of any</p>



	<p><i>vehicles or utility trailers</i>. For clarity, the storage of <i>recreational vehicles</i> and <i>utility trailers</i> is prohibited in any <i>front yard</i> of any Residential zone.</p> <p>For the purposes of this section, the temporary keeping of <i>recreational vehicles</i> and <i>utility trailers</i> for loading and unloading in a <i>driveway</i> for up to fourteen (14) days in the given calendar year shall not be considered <i>storage</i>.</p> <p>Notwithstanding the above, the <i>storage</i> of any <i>recreational vehicle</i> and <i>utility trailer</i> may be permitted within the <i>front yard</i> on a <i>lot</i> abutting Lake St. Clair, Puce River, Ruscom River and Belle River, provided it is not located within the <i>front yard</i> setback.</p> <p>Notwithstanding the above, where an existing <i>lot</i> abutting the water is bisected by a street, the <i>storage</i> of any <i>recreational vehicle</i> may be permitted on the <i>lot</i> abutting the water.</p>	<p>such <i>recreational vehicles or utility trailers</i>. For clarity, the <b>outdoor</b> <i>storage</i> of <i>recreational vehicles</i> and <i>utility trailers</i> is prohibited in any <i>front yard</i> of any Residential zone.</p> <p>For the purposes of this section, the temporary keeping of <i>recreational vehicles</i> and <i>utility trailers</i> for loading and unloading in a <i>driveway</i> for up to fourteen (14) days in the given calendar year shall not be considered <b>outdoor storage</b>.</p> <p>Notwithstanding the above, the <b>outdoor storage</b> of any <i>recreational vehicle</i> and <i>utility trailer</i> may be permitted within the <i>front yard</i> on a lot abutting <b>a canal</b>, Lake St. Clair, Puce River, Ruscom River and Belle River, provided it is not located within the <i>front yard</i> setback.</p> <p>Notwithstanding the above, where an existing <i>lot</i> abutting the water is bisected by a street, the <b>outdoor storage</b> of any <i>recreational vehicle</i> may be permitted on the <i>lot</i> abutting the water.</p>	<p>recreational vehicle or utility trailer.</p>
6.0 (General	Nothing in this	Insert new paragraph	Clarify that a right-

<p>Provisions)  6.61 Uses Permitted in all Zones</p>	<p>By-law shall apply to prevent or otherwise restrict in any way the following <i>uses</i> and <i>structures</i>:</p>	<p>c) a <i>right-of-way</i> or easement or the granting of a <i>right-of-way</i> or easement by way of a consent application.</p>	<p>of-way or easement is permitted in any zone.</p>
<p>6.0 (General Provisions)  6.62 Uses Prohibited in all Zones”</p>	<p>(b) The refining, storage or <i>use</i> in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzene, gasoline, ethanol, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials except where specifically permitted hereby or in conjunction with a permitted <i>use</i> and unless such substances are protected by adequate firefighting and fire prevention equipment and by such safety</p>	<p>(b) The refining, storage or <i>use</i> in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzene, gasoline, ethanol, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials except where specifically permitted hereby or in conjunction with a permitted <i>use</i> and unless such substances are protected by adequate firefighting and fire prevention equipment and by such safety</p>	<p>Adding “agricultural service and supply establishment” as an exemption to general provision to allow storage of fuel on site for such establishments where it is incidental to the operations (i.e.: farm fuel on site for a tractor repair shop).</p>

	<p>devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent <i>uses</i> to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and <i>accessory</i> to an <i>agricultural use</i>, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a <i>residential use</i>;</p>	<p>devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent <i>uses</i> to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and <i>accessory</i> to an <i>agricultural use</i> <b>or <i>agricultural service and supply establishment</i></b>, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a <i>residential use</i>;</p>	
<p>8.0 (Zone Regulations)</p>	<p>Table 8.6, under Mixed Use (MU) Maximum Exterior Side Yard Requirements:  “Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of</p>	<p>N/A</p>	<p>Remove the text under Table 8.6 – Mixed Use Maximum Exterior Side Yard Requirements. The table references section 6.17 which speaks to street frontage requirements; however, it does not</p>

	Section 6.17”		contain any provisions relating to a maximum exterior side yard requirement.
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In summary, the amendments will provide clarity on interpretation and enforcement for members of the public and staff. Should Council concur with the housekeeping amendments as proposed, then the resolution included in this report should be adopted.

**Others Consulted**

Notice of the public meeting held at this meeting was undertaken, as required under the *Planning Act*. At the time of writing this report, no comments have been received from members of the public.

**Financial Impacts**

There are no adverse financial budget impacts as a result of this amendment.

## Report Approval Details

Document Title:	ZBA-22-2024 - Zoning By-law Housekeeping Amendments.docx
Attachments:	
Final Approval Date:	Jan 22, 2025

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

Prepared by Daniel Mercer

Submitted by Tammie Ryall

Approved by the Corporate Leadership Team