

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Ian Search, BES  
Planner I

**Date:** January 13, 2025

**Subject:** Zoning By-law Amendment ZBA-19-2024 – 492 County Road 8

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### Recommendation

Approve Zoning By-law Amendment ZBA-19-2024 to amend Zoning By-law 2-2012, to rezone the lands known legally as Part of Lot 284 Concession South of Talbot Road, designated as Part 1 on Plan 12R29140, Maidstone, being Part of the Property Identifier Number 75017-0053(LT), and known municipally as 492 County Road 8, from “Major Institutional (I1)” to “Major Institutional with holding symbol (I1(h32))” zone (indicated as “492 County Rd 8 Subject Land” on the Key Map, Appendix A), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 7-2025 during the Consideration of By-laws, all as presented at the February 4, 2025 Council meeting.

### Strategic Objectives

This does not relate to a Strategic Objective; however, it is a core service of the Municipality.

### Background

The Subject Property, known municipally as 492 County Road 8, is a 9.9 hectare (24.46 acre) property located partly in the Municipality of Lakeshore and partly in the Town of Essex. Appendix B provides aerial photos of the portion of land located in the Municipality of Lakeshore and the portion of land located in the Town of Essex.

The portion of the Subject Property located in the Municipality of Lakeshore contains a vacant building formerly known as the Sun Parlor Public School (vacant elementary school) and a portion of a running track used in connection with Essex District High School. The portion of the Subject Property located within the Town of Essex contains the Essex District High School building and accessory uses.

The applicant has indicated that the land to be severed is surplus to the needs of the Greater Essex County District School Board and intends to offer it for sale. They do not expect that the previous use of the building as an elementary school will continue. Currently, no new uses are proposed for the severed lot.

A provisional consent (file: B-12-2023) was granted by the Lakeshore Committee of Adjustment to sever a 2.89 hectare (7.15 acre) parcel of land from the Subject Property that has 200.1 metres (656.5 feet) of frontage along County Road 8 (Appendix A). The parcel of land to be severed (severed lot) will be located entirely in the Municipality of Lakeshore. It contains the vacant elementary school building, an accessory parking area located in front of this building and surrounding landscaped area. Part 1 on the draft Plan of Survey (Appendix C) details the severed lot including the location of the vacant elementary school. The severance application cannot be completed until the conditions imposed by the Committee of the Adjustment on the provisional consent approval are satisfied.

A servicing memo was submitted to staff from the applicant that provided information regarding existing sanitary services for the vacant elementary school. The servicing memo states that sanitary sewer services are conveyed from the east side of the building, through the adjacent parking lot used in connection with the Essex District High School located on the retained parcel, to a manhole structure located on the retained parcel. This manhole then conveys flow to a sanitary sewer on County Road 8. The Committee of Adjustment responded to this information by imposing a condition of provisional consent approval requiring that the service be abandoned to the satisfaction of the Town of Essex so that the severed lot can be serviced independent of the retained parcel. This condition was necessary as the Subject Property is being severed into two distinct lots with future separate owners.

Additionally, staff at the Town of Essex confirmed that there is a sanitary sewer service in front of the severed lot on County Road 8 that is currently privately owned as part of the development of a subdivision across the street on the southside of County Road 8 in the Town of Essex. This privately owned sanitary sewer service in front of the severed lot on County Road 8 will become Town of Essex infrastructure once 80% of the approved subdivision is developed. Future development of the severed lot will be able to connect to this sanitary sewer service thereby utilizing the Town of Essex infrastructure. However, the Town of Essex will only allow development of the severed lot to connect if the sanitary servicing capacity needs of the development have been reviewed and approved by the Town of Essex. Similar capacity studies may be required by the Town of Essex for water and storm services depending on the proposed future development of the severed lot, which is unknown at this time.

The Committee of Adjustment responded to this information by imposing a condition on the provisional consent approval requiring the applicant to obtain a Zoning By-law Amendment to rezone the severed lot. The severed lot is currently zoned Major Institutional (I1). The Zoning By-law Amendment, as required in the condition, will add a holding symbol to the zoning so that only existing uses are permitted on the parcel until the holding symbol is removed, with condition for removal of the holding symbol being

confirmation of servicing and servicing capacity from the Town of Essex and any necessary development approval. The holding symbol will serve as an appropriate indicator to future owner(s) that servicing and servicing capacity needs to be confirmed with a separate Municipality prior to development.

Severed Lot:	2.89 hectare (7.15 acre) Existing Use – Vacant elementary school Proposed Use – None and future unknown Access — County Road 8 Services — Municipal (water and sanitary)
Surrounding Uses:	North: Institutional, Commercial South: Residential East: Institutional, Commercial, Residential West: Residential, Commercial
Official Plan:	Urban Fringe
Existing Zoning:	Major Institutional (I1)

## Comments

The application was circulated to internal departments and no concerns with the rezoning were received at the time of writing this report. The Team Leader of Development Engineering and Approvals commented that: the holding symbol to be imposed should not be removed until sanitary capacity is confirmed as available through the Town of Essex and that all other necessary development approvals should be obtained as required through the Municipality of Lakeshore. The Town of Essex will be consulted, as required, through this process. Their full comment can be found in Appendix F. The proposed holding symbol language for the Zoning By-law Amendment sufficiently addresses this comment.

## Provincial Planning Statement (PPS)

The proposed rezoning application is consistent with the PPS.

Subsection 3.6.2 states: *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

Comment: The proposed Zoning By-law Amendment will impose a holding symbol on the zoning of the severed lot to ensure that servicing and servicing capacity from the

Town of Essex is confirmed prior to future development. Future development of the severed lot will utilize full municipal servicing (water and sanitary).

### **County of Essex Official Plan**

The severed lot is designated as part of a Secondary Settlement Area in the County of Essex Official Plan. Subsection 3.2.5 c) states that *new development is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.*

Comment: In this case it is anticipated that there will soon be full municipal services available for the severed lot. However, confirmation of servicing and servicing capacity from the Town of Essex is necessary prior to any future development proceeding.

The severed lot has an overlay shown as “Salt Deposits” in the County of Essex Official Plan. Subsection 2.3.3 states that: *mineral resources will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. In areas adjacent to known mineral resources, development which would preclude or hinder the establishment of new operations or access to the resource will only be permitted if: a) resource use would not be feasible; or b) the proposed land uses or development serves a greater long term public interest; and c) issues of public health, public safety and environmental impact are addressed.*

Comment: The severed lot has historically been used for an elementary school that is now a vacant building on the lot. In addition, there is an existing parking area and landscaped space on the severed lot that supported the former use. The severed lot is currently zoned Major Institutional (I1) in the Lakeshore Zoning By-law (2-2012) which permits a variety of institutional uses – not resource extraction operations. Indeed, the severed lot and much of Essex Centre (a nearby “primary settlement area” in the County of Essex Official Plan) has developed for urban land uses on land shown with the “Salt Deposits” overlay in the County of Essex Official Plan.

### **Lakeshore Official Plan**

The severed lot is designated as “Urban Fringe Area” in the Lakeshore Official Plan. Subsection 3.3.5 states that *the Urban Fringe Area consists of clusters of predominately residential and commercial uses which have developed at the periphery of the Municipality adjacent to Settlement Areas outside of the Municipality.* Subsection 3.3.5 d) states that *for Urban Fringe Areas serviced by full municipal services, all new development must be fully municipally serviced.* Table 7.1 of the Lakeshore Official Plan identifies municipal water and municipal sanitary servicing as the servicing requirement for the Essex Fringe settlement area of which the severed lot is a part of.

Comment: The proposed Zoning By-law Amendment imposes a holding symbol on the zoning of the severed lot that requires confirmation of servicing and servicing capacity from the Town of Essex prior to future development. The holding symbol serves as an

appropriate indicator to future owner(s) that development is to be fully municipally serviced in accordance with the Official Plan, and that servicing for a future development proposal needs to be confirmed with a separate Municipality.

The severed lot is identified with a Salt Deposits overlay in the Lakeshore Official Plan. Subsection 5.3.1 c) states: *Development and changes in land use which would prevent future access, use or extraction will not be permitted in and adjacent to identified salt and petroleum resource areas on Schedule “B.3”, unless it can be demonstrated that: i) resource use would not be feasible; or ii) the proposed development and change in land use serves a greater long-term public interest; and iii) issues of public health, public safety and environmental impact are addressed.*

Comment: Comments have been provided in the “County of Essex Official Plan” section of the report which address the “Salt Deposits” overlay identified on the severed lot. Moreover, the severed lot is part of the Urban Fringe Designation in the Lakeshore Official Plan. Therefore, it is land that has been designated for different use, such as small scale institutional, commercial, and industrial use, as well as low density residential use.

Subsection 8.3.2.1 of the Lakeshore Official Plan states that *holding zones may be incorporated into the Municipality’s Zoning By-law in order to achieve orderly development and ensure that policies established in this Plan have been met.* The subsection also states that *specific actions or requirements for the lifting of the holding provision will be set out in the Municipality’s Zoning By-law or the amendment thereto.* The subsection lists specific actions or requirements for lifting of a holding symbol, while also noting that the actions or requirements are not necessarily limited to those listed in the subsection since the specific actions or requirements are to be set out in the Zoning By-law. Some of the relevant actions or requirements listed in the subsection include the following:

- a) *The timing of the provision of municipal services;*
- c) *The provision of adequate service or road infrastructure and works;*
- f) *Confirmation that the requisite permits and approvals from external authorities have been received;*
- g) *That site plan approval has been granted by the Town, and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act;*

Comment: The Zoning By-law Amendment to implement the proposed holding symbol on the zoning of the severed lot is appropriate and in the public interest given that the timing and adequacy of servicing/servicing capacity needs to be confirmed by an external authority (Town of Essex) for future development of the severed lot. These matters are usually confirmed through a necessary development approval process under the Planning Act, such as site plan approval for example. As such, the condition for removal of the holding symbol will be the confirmation of servicing and servicing capacity from the Town of Essex, *and any necessary development approval.*

## **Lakeshore Zoning By-law**

The severed lot is currently zoned Major Institutional (I1) in the Lakeshore Zoning By-law (2-2012) and will meet the minimum lot area and minimum lot frontage requirements of this zone. The Zoning By-law Amendment will add a holding symbol “h32” to the zoning of the severed lot that only permits existing uses on the severed lot until the holding symbol is removed, with condition for removal of the holding symbol being “confirmation of servicing and servicing capacity from the Town of Essex and any necessary development approval”.

Most of the retained lot will be located in the Town of Essex. The part of the retained lot that will remain in the Municipality of Lakeshore will maintain its current zoning of Major Institutional (I1).

## **Conclusion**

Based on the foregoing, it is recommended that Council approve ZBA-19-2024 (By-law 7-2025) as per the Recommendation section of this report.

## **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 comments were received from the general public.

Essex Region Conservation Authority commented that they have no objection to the Zoning By-law Amendment application. They requested to be circulated on future Planning Act applications for this site, such as site plan control, given that they may have future comments to provide regarding stormwater management (Appendix D).

The County of Essex commented that the setback from the County Road is 25.908 metres (85 feet) from the centre of the right of way. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances. If lands are to be developed, the County asks to be included in future discussions (Appendix E).

## **Financial Impacts**

There are no budget impacts resulting from the recommendation.

## **Attachments**

Appendix A – Key Map

Appendix B – Land in Municipality of Lakeshore and Town of Essex

Appendix C – Draft Plan of Survey

Appendix D – ERCA comment  
Appendix E – County of Essex  
Appendix F – Engineering comment  
Appendix G – Letter of support on behalf of the Greater Essex County District School Board

**Report Approval Details**

Document Title:	Report - ZBA-19-2024 - 492 County Road 8.docx
Attachments:	- Appendix A - Key Map.pdf - Appendix B - Land located in Municipality of Lakeshore and Town of Essex.pdf - Appendix C - Draft Plan of Survey.pdf - Appendix D - ERCA comment.pdf - Appendix E - County of Essex.pdf - Appendix F - Engineering Comment.pdf - Appendix G – Letter of Support.pdf
Final Approval Date:	Jan 22, 2025

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

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Approved by the Corporate Leadership Team