

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council

From: Urvi Prajapati, Team Lead - Community Planning

Date: April 23, 2025

Subject: Zoning By-law Amendment (ZBA-01-2025) – 0 County Road 27 and 0 King Street

Recommendation

Approve Zoning By-law Amendment Application ZBA-01-2025 to amend Zoning By-law 2-2012 as it relates to:

1) The lands municipally addressed as 0 County Road 27 [legally described as Lots 8-12 Plan 259 Maidstone; Part of Lot 24 Concession 1, Maidstone as in R1440914, designated as Part 1 on Plan 12R17625; subject to an interest as in R1511570; Town of Lakeshore, being all of the Property Identifier Number 75021-0136], to change the existing zone for Parts 1 to 4 as shown on Reference Plan 12R-29319 from Hamlet Commercial, Zone Exception 10 (HC-10) to Hamlet Residential (HR), and to change the existing zone for Part 5 as shown on Reference Plan 12R-29319 from Hamlet Commercial Zone Exception 10 (HC-10) to Environmental Protection (EP).

2) The lands municipally known as 0 King Street [legally described as Lots 27-31, Plan 259 Maidstone; Part of Lot 24 Concession 1 Maidstone, designated as Parts 1 and 2 on Plan 12R22060; Lakeshore, being all of the PIN 75021-0132(LT); Part of Lot 24, Concession 1 Maidstone, designated as Part 3 on Plan 12R22060; Lakeshore, being all of the PIN 75021-0133(LT); and Part of King Street, Plan 259 Maidstone, designated as Part 4 on Plan 12R22060; subject to the interest of the Municipality; Lakeshore, being all of the PIN 75021-0171 (LT)] to change the existing zone from Agriculture (A) and Hamlet Residential (HR) to Environmental Protection (EP); and

Direct the Clerk to read By-law 39-2025 during the Consideration of By-laws, all as presented at the May 20, 2025 Council meeting.

Strategic Objectives

This report does not relate to any Strategic Objective.

Background

The proposed development consists of two properties located at 0 County Road 27 and 0 King Street (Appendix A), in the former community of Maidstone in South Woodslee, in the Municipality of Lakeshore.

The purpose of this Zoning By-law amendment is to allow for the construction of residential dwellings fronting on to County Road 27 (Part 1 to 4), and to rezone the rear portion of 0 County Road 27 (Part 5) and the 0 King Street parcel for conservation purposes.

Subject Property A is irregularly shaped, with approximately 78 metres frontage on County Road 27 and a depth of 93 metres with an area of approximately 0.7 hectares. The property is currently vacant with mowed lawn, scattered trees and remnant concrete paved areas with no buildings or structures. Subject Property A consist of 5 parcels (Appendix B). Parts 1-4 front onto County Road 27. Part 5 is the backlot parcel abutting the Belle River which consists of natural heritage features.

Subject Property A has remained vacant for approximately thirty (30) years. Previous uses include an agricultural supply store (1960 to 1994), a grain mill and possibly retail fuel outlet (1952 to 1960), and inferred agricultural or other use (1856 to 1952).

Subject Property A is currently zoned “Hamlet Commercial Zone Exception 10 (HC-10)” which permits a converted dwelling with a maximum of three dwelling units along with a variety of commercial uses. The applicant wishes to rezone Parts 1-4 for residential development (single-detached or semi-detached dwellings), and to rezone Part 5 for environmental conservation.

Subject Property B, municipally known as 0 King Street, is adjacent to Subject Property A. The two parcels are in separate legal names. It is currently zoned “Agriculture” (A) and “Hamlet Residential (HR)” and consists entirely of natural heritage features. The current proposal is that 0 King Street will be merged and sold with Part 4 of 0 County Road 27.

A Zoning By-law Amendment will rezone Parts 1-4 to Hamlet Residential (HR), and rezone both Part 5 of 0 County Road 27 and 0 King Street to Environmental Protection (EP).

Subject Property A:	<ul style="list-style-type: none">• Address: 0 County Road 27; South Woodslee, Ontario, N0R 1V0.• Legal Description: Lots 8-12 Plan 259 Maidstone; Part of Lot 24 Concession 1, Maidstone as in R1440914, designated as Part 1 on Plan 12R17625; subject to an interest as in R1511570; Town of Lakeshore, being all of the Property Identifier Number 75021-0136.• Existing Use: Vacant land.
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	<ul style="list-style-type: none"> • Access: access from Belle River Road (County Road 27) • Services: municipal water, municipal sewage, municipal stormwater
Subject Property B:	<ul style="list-style-type: none"> • Address: 0 King Street, Woodslee, ON, N0R 1V0 • Legal Description: Lots 27-31, Plan 259 Maidstone; Part of Lot 24 Concession 1 Maidstone, designated as Parts 1 and 2 on Plan 12R22060; Lakeshore, being all of the PIN 75021-0132(LT); Part of Lot 24, Concession 1 Maidstone, designated as Part 3 on Plan 12R22060; Lakeshore, being all of the PIN 75021-0133(LT); and Part of King Street, Plan 259 Maidstone, designated as Part 4 on Plan 12R22060; subject to the interest of the Municipality; Lakeshore, being all of the PIN 75021-0171 (LT). • Existing use: Vacant land. • Access: King Street • Services: municipal water, municipal sewage, municipal stormwater
Neighbouring Land Uses:	<ul style="list-style-type: none"> • North: residential development, agricultural land. • East: residential development, and further to the east, municipal recreational land use including a community center, library, and parkland. • South: residential development, commercial, and parkland. • West: institutional, including a church followed by agricultural lands.
Municipality of Lakeshore Official Plan:	<ul style="list-style-type: none"> • Designated “Hamlet” • Regulated under the Essex Region Conservation Authority.
Existing Zoning:	<ul style="list-style-type: none"> • 0 County Road 27: Hamlet Commercial Zone Exception 10 (HC-10). • 0 King Street: Agriculture (A) and Hamlet Residential (HR)
Proposed Zoning By-law Amendment:	<ul style="list-style-type: none"> • 0 County Road 27: Hamlet Residential, to permit residential development. • Backlot of 0 County Road 27 and 0 King Street: Environmental Protection, to protect the land for conservation purposes.

Comments

Written comments received from circulation to departments and agencies are summarized below. The full comments are contained in Appendix C.

Essex Region Conservation Authority (ERCA)

- ERCA reviewed a previously received and reviewed Hydraulic Impact Assessment prepared by Landmark Engineering Inc., dated November 30, 2023, and is in support of this application.
- ERCA notes that their office understands the proposed setback reduction is referring to a reduced setback to the Brandt Outlet Drain along the north side of the property, which is an enclosed municipal drain and is not subject to regulation by ERCA.
- The parcel falls within the regulated area of the Belle River. The property owner will be required to obtain an approval from ERCA prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.
- Additionally, development on this site will be subject to appropriate setback from the natural hazard.

County of Essex

- The Applicant will be required to comply with the following County Road regulation:
 - *County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.*
 - *County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.*
- The minimum setback for any proposed structures on this property must be 26 feet from the property limit. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

Building Services

- The Building Department indicated no comments at this time.

Fire Services

- The Fire Department indicated no comments at this time.

Engineering Services

- The minimum setback between any building or structure from a covered municipal drain shall be 8.0 m from the centreline of the covered municipal drain for future maintenance as per our Zoning By-law 2012. Based on the past installation of structures (pre-2000), access to the easement is limited to the north. Based on the above by-law and past noted restriction (pre-by-law), the minimum setback of 8.0 meters should be adhered to in this case.
- The subject property area is located within the South Woodslee Service Area which has the sanitary treatment and conveyance capacity available to service the proposed lots. It should be noted that this area requires the installation of individual sewage holding tanks for each property/unit to connect to the Municipal sanitary sewer system (which consists of a sanitary forcemain). These tanks are required to be supplied and installed by Lakeshore's approved third-party contractor (unless otherwise approved) at the sole cost and expense of the developer/property owner. Buy in fees related to sanitary system are also applicable. After primary installation, the sanitary tanks will be the responsibility of Lakeshore to maintain, and all associated maintenance costs will be the responsibility of Lakeshore.

Planning Provincial Planning Statement (2024)

The Provincial Planning Statement, 2024 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. All planning decisions are required to be consistent with the PPS.

Section 2.2.1.c. states that planning authorities shall promote densities for new housing which efficiently use land. Section 2.3.1.1. states that *Settlement Areas* shall be the focus of growth and development. Furthermore, Section 2.3.1.2 states that land use patterns within *settlement areas* should be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned *infrastructure* and *public service facilities*.

The Zoning By-law Amendment would permit low density residential development along County Road 27 on the currently vacant land. The proposed development is located in a settlement area and is consistent with the PPS.

Section 4.1.1 of the PPS states that natural features and areas shall be protected for the long term. According to 4.1.5, development and site alteration shall not be permitted in natural heritage areas including significant woodlands and significant wildlife habitat, and significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. As per 4.1.8, development and site alteration shall not be permitted on adjacent lands to the natural heritage features defined in the PPS, unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative

impacts on the natural features or on their ecological functions. Furthermore, 4.1.6 states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. These sections apply to Part 5 of 0 County Road 27 and 0 King Street.

An Environmental Impact Assessment (EIA) was prepared on March 16, 2023 outlining that there is a Significant Woodland on the rear portion of Subject Property A (Part 5). No development is proposed within this area. Mitigation measures to avoid negative impacts and to further protect and enhance the remaining woodland feature have been recommended in the EIA.

ERCA identified a Significant Valleyland feature on the Subject Property A. The boundaries of this feature currently encroach into the area where residential development is proposed. The EIA describes the area as relatively flat topography, directly affecting the nature of a flood event. The EIA determined that development may proceed, provided that the proposed dwellings are appropriately floodproofed, appropriate emergency access is provided, and that the development only takes place in areas that are not susceptible to hazards.

Both Subject Properties A and B contains Fish Habitat as defined by the PPS. A naturalized area of 30 m should remain intact as a buffer to provide shade and habitat for fish, control erosion, and aid in flood attenuation. This can be accommodated by the proposed Environmental Protection zoning. Mitigation and construction recommendations identified in the EIA, including a Restoration Planting Plan, buffer, and other ecological enhancements on the site will lead to an increase in the ecological function of the remaining woodland, and downstream receiving habitat. The recommended buffer will create a visual and physical barrier between the adjacent development and natural features, adding natural value to the development.

The proposed Environmental Protection zone for the Subject Property A (Part 5) and Subject Property B is consistent with the policies of the PPS and will allow for natural heritage features identified on the site to be protected for the long-term.

County of Essex Official Plan

The County of Essex Official Plan (County OP) establishes a comprehensive policy framework for managing growth, protecting resources and providing direction on land use decisions. All planning decisions within the Municipality of Lakeshore are required to conform with the County OP.

Secondary Settlement Area Designation

Subject Property A and B are currently designated as 'Settlement Area' and 'Secondary Settlement Area' in the County of Essex Official Plan (County OP, Schedule A2). Section 4.A.3.7(b) of the County OP states that within Secondary Settlement Areas, new development will generally be limited to infilling, redevelopment on existing lots of record, and limited residential intensification. Subject Property A has frontage on a public road and access to municipal water and sewage services.

County Road 27

As per Section 4.A.3.8(c), new development shall not have a negative impact on traffic management, turning movement, or the overall function of a Provincial Highway or County Road. The County of Essex has provided comments, as included in this report, to address any potential impacts of the proposed development.

Natural Environment Designation

A large portion of Subject Property A and B is identified in the County OP as lands designated “Natural Environment” (Schedule A1), and “Natural Heritage System” (Schedule B). As per County policy, development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. As previously identified, the Subject Properties contains multiple natural heritage features including Significant Woodlands, Significant Woodlands, and Fish Habitat. The suggested mitigation measures of the EIA include construction timing, site selection, operation of machinery, vegetated protection buffers for natural features, mitigation measures to protect fish and fish habitat, mitigation for potential SAR, restoration planting, homeowner education and best management practices for construction. These measures will allow the proposed development to not only avoid negative impacts on the natural features but also to enhance their ecological functions of the Natural Heritage System Overlay of the Subject Properties.

The EIA concludes that the five existing lots of record on Subject Property A can support residential development if the remaining rear portion of the property is enhanced through a set of mitigation and restoration recommendations. In a Pre-Consultation meeting for the proposed development, it was suggested that the natural heritage features could be transferred to a public entity such as the Municipality or ERCA. These portions of the properties should be rezoned to Environmental Protection.

Intake Protection Zone and Events-Based Area

The County OP identifies the entirety of Subject Property A and B as being an Events-Based Area (EBA, SWP) under Clean Water Act (Schedule C4), as well as an Intake Protection Zone 3 (Schedule C3). According to 7.B.2.8, reference must be made to the Source Protection Plan and accompanying Assessment Report for more complete details and explanations regarding the IPZ-3 and EBA, the threats to drinking water sources, and associated policies. The local municipality should be satisfied that the proposal will not include activities which would be a significant threat in the location proposed.

Flood Prone Area – Inland Watercourses

A large portion of the site is designated as “Area Susceptible to Flooding” in Schedule C1, and contains both flood prone area and inland flood prone area overlays. This is further discussed in the section below under “Inland Flood Prone Areas”. The 1:100 Year Flood Line has been mapped on the Subject Properties and a Hydraulic Impact Assessment has determined that the proposed residential development will not have an

adverse impact on the adjacent Belle River and will not pose a risk to human health and safety provided appropriate measures are taken to flood-proof the dwellings.

The proposed zoning by-law amendment conforms with the County OP.

Municipality of Lakeshore Official Plan

The Municipality of Lakeshore Official Plan (Lakeshore OP) establishes the growth management and land use structure for the Municipality to the year 2031.

Hamlet Designation

The Lakeshore OP designates Subject Properties A and B as 'Hamlet'. As per Section 3.3.3, Hamlet Areas are small rural, predominantly residential Secondary Settlement Areas. The Hamlet Areas may continue to experience limited growth through appropriate *infilling* and development of vacant lands. In Hamlet Areas, development should maintain a rural settlement character and evolve as service and residential centres for the surrounding agricultural community. Permitted residential uses include low density residential dwellings (Section 6.3.1). The proposal to rezone the Parts 1 to 4 of Subject Property A from Hamlet Commercial Zone Exception 10 (HC-10) to Hamlet Residential (HR) to allow for residential dwellings on the currently vacant and underutilized lands conforms with the policies of the Hamlet Area designation.

Natural Heritage Features

As per Section 6.3, Development within the Hamlet Designation will also be subject to the policies of Section 5.0 and Schedule B to identify any natural resources, natural heritage features and areas, and natural hazards, which may be a constraint to development. Subject Properties A and B contains designated 'Significant Valley Lands', and 'Woodland'. In areas marked Significant Valleylands, development and site alteration shall not be permitted unless it has been demonstrated through an EIA that there will be no negative impacts on the natural features or their ecological functions. An EIA has been prepared in support of the application.

Inland Floodprone Area

Subject Properties A and B contains designated 'Inland Floodprone Areas'. As per Section 5.4.1.2(g), any new development permitted within the Inland Floodprone Area must meet minimum flood protection standards to the satisfaction of the Municipality and the appropriate Conservation Authority. This has been addressed through Hydraulic Assessment submitted with the application. It was confirmed that the proposed development would not encroach into the floodway, and there would be no impact to water levels of the Belle River. The Hydraulic Assessment also indicated that property is at a higher elevation at the south end and lower elevation at the north end. All proposed homes were found to be above the floodproofing elevation.

The proposed zoning by-law amendment conforms with the Municipality's OP.

Lakeshore Zoning By-law 2-2012

Subject Property A is currently zoned Hamlet Commercial Zone Exception 10 (HC-10) in the Lakeshore Zoning By-law 2-2012. Within the Hamlet Commercial (HC) zone, residential uses are not permitted, except for accessory dwelling unit(s) in combination with a non-residential use.

A Zoning By-law Amendment is required to change the existing zone for Parts 1 to 4 of Subject Property A from Hamlet Commercial Zone Exception 10 (HC-10) to Hamlet Residential (HR) to permit the construction of residential dwellings. Within the Hamlet Residential (HR) Zone, the Zoning By-law permits single detached dwellings and semi-detached dwellings.

The proposed Zoning rezoning to Hamlet Residential will permit the applicant to construct single-family residential development consisting of single-detached and semi-detached residential dwellings.

The following zoning provisions apply to the existing Hamlet Commercial Zone Exception 10 (HC-10) and the proposed Hamlet Residential (HR) zones:

Provision	Existing Zone (HC)	Proposed Zoning (HR)
Minimum Lot Area	2,000 m ²	<i>detached dwelling</i> , where municipal sanitary servicing is available); or 2,000 m ² (<i>single detached dwelling</i> , where municipal sanitary servicing is unavailable); or 270 m ² (<i>semi-detached dwelling</i> , where municipal sanitary servicing is available); or 1,100 m ² (<i>semi-detached dwelling</i> , where municipal sanitary servicing is unavailable)
Minimum Lot Frontage	23.0 m	<i>detached dwelling</i> , where servicing available); or 23.0 m (<i>single detached dwelling</i> , where municipal sanitary servicing is unavailable); or 9.0 m, except on a <i>corner lot</i> where it shall be 12.0 m (<i>semi-detached dwelling</i> , where servicing available); or

		12.0 m, except on a <i>corner lot</i> where it shall be 15.0 m (<i>semi-detached dwelling</i> , where municipal sanitary servicing is unavailable)
Maximum Lot Coverage (including accessory buildings)	30%	35%
Minimum Landscaped Open Space	25%	30%
Minimum Setbacks (main buildings):		
Front Yard*	3.0 m	7.5 m
Rear Yard	10.5 m (where the <i>building</i> contains residential <i>dwelling</i> s); or 9.0 m (where the yard abuts a residential <i>zone</i>); or 7.5 m for all other cases	7.5 m
Interior Side Yard	6.0 m (where the <i>building</i> contains residential <i>dwelling</i> s); or 9.0 m (where the yard abuts a residential <i>zone</i>); or 3.0 m for all other cases	1.5 m (where a private <i>garage</i> is <i>attached</i> or <i>detached</i> from the <i>main building</i>); or 3.0 m on one side and 1.5 m on the other side (where no private <i>garage</i> is <i>attached</i> or <i>detached</i> from the <i>main building</i>)
Exterior Side Yard	3.0 m	4.5 m
Maximum Height of Buildings and Structures	10.5 m	10.5 m
Other Provisions	<i>Buffer Strip</i> : 4.5 m shall be provided abutting the side and <i>rear lot lines</i> , where <i>zone</i> abuts a residential, institutional or recreational <i>zone</i>	

The rear portion of Subject Property A and Subject Property B contain “Inland Floodplain Development Control” overlays. Section 6.34 Fill and Flood Control

Regulations for (a) Inland Floodplain Development Control Area states:

- i) With the exception of a permeable fence of a design satisfactory to the applicable Conservation Authority, the construction or reconstruction of any building or structure, within the floodway is prohibited; and
- ii) Lands that are within the Inland Floodplain Development Control Area, as shown on Schedule A of this By-law, but outside of the floodway, may be used in accordance with the provisions of the underlying zone in which the lot is located. However, all habitable spaces of buildings shall be flood-proofed in a manner satisfactory to the Town in consultation with the applicable Conservation Authority in accordance with all applicable Ontario Regulations to ensure that building openings are located above the elevation of the 1:100 Year flood level at the building location. satisfactory to the Town in consultation with the applicable Conservation Authority in accordance with all applicable Ontario Regulations to ensure that building openings are located above the elevation of the 1:100 Year flood level at the building location.

The rear portion of Subject Property A and including Subject Property B contains 'Woodlands' and 'Significant Valleylands (ERCA)' overlays. The overlays are subject to the General Provisions of Section 6.5: Natural Heritage Overlay (which includes Woodlands and Significant Valleylands, as identified in the Town of Lakeshore Official Plan). Where the Natural Heritage Overlay is shown on Schedule A, the following provisions shall apply:

- a) Notwithstanding any other provisions of this By-law to the contrary, no person shall remove or alter a woodland or other Provincially identified significant natural heritage feature or area except in a manner specified by the Town in consultation with the applicable Conversation Authority.
- b) Development may be subject to the completion of an Environmental Impact Assessment in accordance with the policies of the Official Plan and shall be subject to approval by the Town in consultation with the applicable Conservation Authority.
- c) Subject to subparagraphs (a) and (b) above, all permitted uses, lot and building requirements shall be in accordance with the underlying zone where the Natural Heritage Overlay is shown and in accordance with any other applicable provisions of this By-law.

Subject to the regulations set out in the Lakeshore Zoning By-law, the proposed zoning by-law amendment shall conform with the Municipality's Zoning By-law.

Part Lot Control

Following rezoning of Subject Properties A and B, the permitted uses of the lots fronting on County Road 27 will include single-detached and semi-detached Dwellings. If the

proponent or a subsequent purchaser of the lands chooses to construct semi-detached dwellings, a Part Lot Control application may be required to divide the lot along the shared wall of the semi-detached dwellings.

Conclusion

In addition to this rezoning application, the applicant has also requested a reduced setback from the Municipal drain located to the north of Subject Property A to accommodate development of the site. As noted by Operations in their comments, there is a significant risk for future maintenance and repairing of the closed drain with this large of a setback. It is not recommended to permit the reduced setback from the drain based on these concerns at this time for the rezoning application since the layout of the homes is not finalized. Once the lot layout is decided, the reduced setback can be reconsidered. In addition, when the development proposal is submitted, the recommendations of the EIA for natural heritage or flooding concerns will be implemented through a development agreement with the Municipality and the owner.

It is recommended that Council approve Zoning By-law Amendment Application ZBA-01-2025 on the basis that the proposed rezoning is appropriate and suitable for the Subject Properties and is consistent with the Provincial Planning Statement and conforms with the County of Essex Official Plan and the Lakeshore Official Plan.

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 adverse financial budget impacts resulting from the recommendation. Additional costs may arise in the case of an appeal to the Ontario Land Tribunal.

This report was prepared by Matt Alexander, Planning Consultant (WSP)

Attachments

Appendix A – Key Map
Appendix B – Draft 12R for 0 County Road 27
Appendix C – Agency and Department comments

Report Approval Details

Document Title:	Zoning By-law Amendment - ZBA-01-2025 - 0 County Road 27.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Key Map.pdf- Appendix B - Draft 12R for 0 County Road 27.pdf- Appendix C - Agency Comments.pdf
Final Approval Date:	May 12, 2025

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

Prepared by Urvi Prajapati

Submitted by Daniel Mercer and Tammie Ryall

Approved by the Corporate Leadership Team