

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council

From: Ian Search, BES, Planner I

Date: June 12, 2025

Subject: Zoning By-law Amendment (ZBA-03-2025) – 15709 Lakeshore Road 309

Recommendation

Approve Zoning By-law Amendment Application ZBA-03-2025 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lot 15, Concession 9, Tilbury, save and except Part 1 on Plan 12R30124, being part of the Property Identifier Number 75080-0080(LT), and known municipally as 15709 Lakeshore Road 309, from “Agriculture (A)” to “Agriculture Zone Exception 1 (A-1)” zone (indicated as “15709 Lakeshore Rd 309 Retained Land” on the Key Map, Appendix B), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 47-2025 during the Consideration of By-laws, all as presented at the July 8, 2025 Council meeting.

Strategic Objectives

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

Background

The Municipality of Lakeshore has received a Zoning By-law Amendment application for the farm property known municipally as 15709 Lakeshore Road 309 (“subject property”). The property is zoned “Agriculture” in the Lakeshore Zoning By-law 2-2012. It is currently a 100 acre (40.47 hectare) farm located south of County Road 46, east of Gracey Sideroad (County Road 37), on the south side of Lakeshore Road 309 (Appendix A).

A provisional consent (file: B-10-2024) was granted from the Lakeshore Committee of Adjustment on October 16th 2024, to sever a dwelling surplus to the farming operation of a farmer that will be purchasing the subject property. The rural residential lot to be severed will have frontage on Lakeshore Road 309 and is indicated as Part 1 on the plan of survey (Appendix C). The lot to be severed will have an area of 2.77 acres (1.12

hectares) and a lot frontage of 92.9 metres (305 feet), which will incorporate a dwelling and accessory uses/structures. The retained farmland parcel will have a lot area of approximately 97.23 acres (39.35 hectares) following the severance.

As a condition of the provisional consent, the applicants are applying to rezone the retained farmland parcel to prohibit residential dwellings and additional residential units on the retained farmland parcel (Appendix B), as required in the Lakeshore Official Plan and Provincial Planning Statement.

Subject Land:	100 acres (40.47 hectares) Existing Use – Agriculture with dwelling Proposed Use – Agriculture and one rural residential lot Access — Lakeshore Road 203 (severed and retained lot) Services — Municipal water, private sanitary
Surrounding Uses:	Agriculture (all directions)
Official Plan:	Agricultural
Existing Zoning:	Agriculture (A)

Comments

The application was circulated to internal departments and no objections to the rezoning were received as of the date of this report. The Team Leader of Development Engineering and Approvals commented that the retained farmland access must be formalized by obtaining a driveway permit from Operations Department. The driveway permits are subject to fees and inspections through the Operations Department.

Comment: The Operations Department did not raise this requirement during the consent application process under the Planning Act. It is not a current condition of the provisional consent approval. The applicant has now been informed of the requirement. The Committee of Adjustment can change the conditions of a provisional consent at any time before a consent is given under Subsection 53(23) of the Planning Act. This subsection can be utilized, if need be, to ensure this requirement will be met prior to registration of the lot creation.

Provincial Planning Statement (PPS) (2024)

The proposed rezoning application is consistent with the PPS. Subsection 4.3.3 c) 2. requires the planning authority to ensure that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the surplus farm dwelling severance. A provisional consent (B-10-2024) was granted to sever a dwelling surplus to a farming operation as a separate lot. As a condition of consent, and as required by the PPS, the applicants are rezoning the retained farmland parcel to prohibit dwelling(s). In doing so, additional residential units will also be prohibited from developing on the retained farmland parcel, in accordance with the PPS.

County of Essex Official Plan

The rezoning application conforms to the County of Essex Official Plan and is consistent with their land use policies:

3.3.3.4 Lot Creation

c) Lot creation to accommodate a habitable residence surplus to a farming operation as a result of farm consolidation is permitted subject to the local Zoning By-law being amended, to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance.

Lakeshore Official Plan

The subject property is designated Agricultural in the Lakeshore Official Plan, and the rezoning application conforms to the Agricultural Designation policies.

6.2.3 Agricultural Lot Creation & Lot Adjustment

A consent to sever may be granted for the following purposes:

- b) Where a previous or current farm acquisition has rendered a habitable farm dwelling surplus to the needs of a farm operation, subject to the following conditions:
 - i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
 - ii) the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation;
 - iii) any livestock facilities to remain on the retained parcel will not be made unsuitable for further livestock operations if the Minimum Distance Separation I provisions cannot be met; and
 - iv) the implementing Zoning By-law will not impose a setback on nearby expanding livestock operations greater than that required by the application of Minimum Distance Separation II Formula including the Minimum Distance Separation Guidelines.

The application will prohibit the construction of any additional dwellings on the retained farmland parcel in accordance with the Official Plan. The surplus dwelling lot will automatically be recognized in the Zoning By-law for non-farm residential use that cannot accommodate a livestock operation due to its lot size being under 4 ha (9.88 acres). There are no livestock facilities on the retained farmland parcel and no known facilities in the general area of the severed lot.

Lakeshore Zoning By-law

The subject property is currently zoned Agriculture (A), in the Lakeshore Zoning By-law

2-2012, as amended. The retained farmland parcel will be rezoned into an Agriculture Zone Exception (A-1) to prohibit a single detached dwelling. The rezoning will automatically prohibit additional residential unit(s) as well given that they are, by definition, accessory to a primary dwelling on a property.

The surplus dwelling lot will meet the minimum frontage and area requirements for a rural residential lot zoned Agriculture (A) – no rezoning of this parcel is necessary. The retained farmland parcel will have a lot area of approximately 97.23 acres (39.35 hectares) following the severance, which meets the minimum lot area requirement of 46.95 acres (19 hectares) in the Zoning By-law.

Conclusion

Based on the foregoing, it is recommended that Council approve ZBA-03-2025 (By-law 47-2025) 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. A standard comment was received from VIA Rail Canada Inc. It is noted that the railroad of this agency is located several kilometres north of the subject property. Lower Thames Valley Conservation Authority (LTVCA) commented that they have no objection to the application.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachments

Appendix A – Aerial Map
Appendix B – Key Map
Appendix C – Survey
Appendix D – LTVCA comment

Report Approval Details

Document Title:	ZBA-03-2025 Report - Zoning By-law Amendment.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Key Map.pdf- Appendix C - Survey.pdf- Appendix D - LTVCA comment.pdf
Final Approval Date:	Jun 23, 2025

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

Prepared by Ian Search

Submitted by Urvi Prajapati, Daniel Mercer and Tammie Ryall

Approved by the Corporate Leadership Team