

Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Tammie Ryall, BES, RPP, Director of Community and Development Services

Date: March 3, 2021

Subject: Adoption of the Municipality of Lakeshore Official Plan Review, Official Plan Amendment No. 16

Recommendation

Direct Administration to prepare a by-law to adopt Official Plan Amendment No. 16, as presented in the Municipality of Lakeshore Official Plan Review Report at the March 9, 2021 Council meeting.

Background

The Official Plan is a document which contains goals, objectives and policies intended to guide the long-term future land use and growth within the Municipality. It provides the policy framework to guide the physical, social and economic development of the Municipality. All municipal public works undertaken and all by-laws passed must be in conformity to the Official Plan (s 24 of the *Planning Act*).

The *Planning Act* requires municipalities to review their Official Plans on a regular basis, consisting of revising the Plan no less frequently than every 10 years, and every 5 years thereafter if the same Plan remains in effect. (ss 26 (1) of the *Planning Act*).

The Municipality of Lakeshore Official Plan was adopted in 2008 and came into effect in 2010. It was reviewed to comply with section 26 of the *Planning Act* and updated to:

- conform with new Provincial Policies and Legislation that have been passed since 2010;
- conform with the 2014 version of the County of Essex Official Plan; and,
- address emerging issues such as growth, housing and protecting natural heritage.

Summary of Process and Public Engagement

Phase 1 - The Statutory Special Council Meeting required at the start of an Official Plan Review occurred on November 10, 2015. After which, the following background studies were undertaken:

- Growth Forecast Update and Employment Land Needs;

- Residential Intensification Study;
- Affordable Housing Strategy;
- Natural Heritage Review; and,
- Water and Wastewater Master Plan Update.

The Official Plan was updated in accordance with findings from the Background Reviews and Studies and conforming with relevant Provincial and County policies. A Public Open House occurred on February 29, 2016.

Phase 2 – Official Plan Amendment

The draft Official Plan Amendment was prepared. Council reviewed the draft Official Plan Amendment in 2019. A Public Open House to advise the public occurred at the Atlas Tube Recreation Centre on October 29, 2019.

Phase 3 – Statutory Process

The Final version of the Official Plan Amendment was prepared. A virtual Public Open House was posted on the Municipal website in the fall of 2020. The Statutory Public Meeting (with Council) took place on November 17, 2020.

Summary of Council Motions

At the November 17, 2020 Public meeting, several members of the public submitted written comments and attended the meeting, held virtually, and made delegations to Council. At that meeting, the following resolution was passed:

399-11-2020

Receive the Draft Town of Lakeshore Official Plan and Schedules, dated September 2020, appended as Attachment 1 and Attachment 2, to this report.

Carried

A subsequent report to Council summarized the comments received and recommended changes.

The following resolutions were passed at the special Council meeting of December 15, 2020:

451-12-2020

Remove revisions to the draft Official Plan regarding short term rentals.

Carried

452-12-2020

Ensure that the occupied properties outlined on the map shown of West Pike Creek Road (200, 201, 206, 210, and 217) be designated as residential in the Official Plan to match the Zoning By-law.

Carried Unanimously

453-12-2020

Report to Council regarding designating the 205 West Pike Creek block abutting West Pike Creek residential, prior to the presentation of the revised official plan for adoption.

Carried Unanimously

The review of the Official Plan report was carried forward to subsequent Council meetings. The following resolution was passed on January 19, 2021:

14-01-2021

The compiled comments submitted from the public regarding the Official Plan review be received (Attachments 1 and 2);

The changes and amendments as recommended in this report, and as directed by Council, be incorporated into the final version of the Official Plan, as presented at the December 15, 2020, January 12, 2021 and January 19, 2021 Council Meetings; and,

Administration prepare a final version of the Official Plan review and adopting By-law, to be presented at a future Council meeting.

Carried Unanimously

Comments

Summary of Key Policy Changes to the Official Plan

Growth Management – the following changes were made to address growth pressures and to conform with policies in the County of Essex Official Plan.

- Implementation of new population, household and employment projections (S. 3.2)
- Identification of Primary and Secondary Settlement Areas (S. 3.3):
- Local Comprehensive Review (S. 3.3)
- Primary Settlement Area expansions will only be considered through an LCR (S. 3.3)

Residential Intensification, (Sections 4.2.1 & 4.3.1.2)

- A minimum of 15 % of all new annual residential development needs to be achieved through residential intensification, infill and redevelopment within existing built-up areas of the Town's Settlement Areas.

Urban Design Guidelines to Guide Intensification (Section 4.3.1.2)

- The Municipality will work to ensure that residential intensification will be compatible with the surrounding neighbourhood and at a minimum, address built form and urban design considerations, such as:
 - respecting and reinforcing the existing physical character of the buildings, streetscapes and open space areas;
 - buildings' height and scale along with appropriate transitioning;
 - street-related built forms, continuous street frontages;
 - encourage ground-level commercial and retail uses; and
 - Require a variety of housing forms.

Affordable Housing (S. 4.3.1.3)

- Municipality will seek to achieve a minimum of 20% of all new residential development on an annual basis, that's affordable housing or rental housing.
- Community Improvement Plan could identify grants or loans to support the development of affordable housing.
- Municipality may consider increases in the height and density of development in exchange for affordable or rental housing.

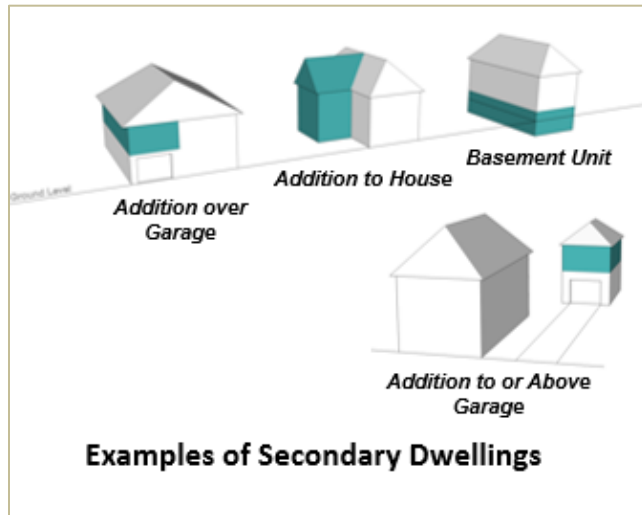
Special Needs Housing (S. 4.3.1.4)

- The Municipality intends to improve access to housing for people with special needs, beyond economic needs, including mobility or support facilities, or persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.
- Encourage a variety of dwelling types, housing tenures, and incorporation of universal design and accessibility features to accommodate seniors housing needs and aging-in-place.

Second Dwelling Units and Garden Suites (S. 4.3.1.5.1 & 4.3.1.5.2)

- A second dwelling unit is:
a separate dwelling unit that is accessory to the principal dwelling on a property. may be within a single detached, semi-detached, and townhouse dwelling, or within an attached or detached accessory building or structure.
- The policies implement provincial direction and assists with housing affordability.

The policies with respect to secondary dwelling unit permissions and policies were included to implement the Strong Communities through Affordable Housing Act, 2011, which mandates policies for the permission of a secondary dwelling unit within a dwelling or in an accessory building or structure associated with a dwelling, subject to certain criteria.



Garden suites are defined as:

- One-unit accessory residential dwellings that are physically separate from the principal dwelling unit with which it is associated. Contains bathroom and kitchen facilities, and are designed to be portable
- Permitted in the Agricultural, Residential or Hamlet designated areas.

Source Protection Plans & Natural Heritage (S. 5.1.1)

The Official Plan will now conform to the two Source Protection Plans:

- Thames-Sydenham and Region Source Protection Plan
- The Essex Region Source Protection Plan.
- The policies apply to 'vulnerable areas' as shown on Schedules B.1.1", "B1.2", and "B.1.3" of this Official Plan, which include:
 - 'Intake Protection Zones' (IPZs);
 - 'Highly Vulnerable Aquifers' (HVAs); and
 - 'Significant Groundwater Recharge Areas' (SGRAs).
- The Municipality encourages and supports the enhancement of the natural heritage system
- The Official Plan has been updated to implement the Natural Heritage Features and Systems identified by the County and ERCA.

Agricultural (S. 6.2)

On-farm diversified uses that are secondary to the principal farm use are permitted. Those uses which add value to a farm which may include processing, preserving, storing and packaging of the farm's produce on the farm property.

Waterfront Residential (S. 6.4)

Policies have been added to ensure the compatibility of the area is maintained

- character, composition, built form, massing, setbacks and scale of the surrounding Waterfront Residential Area;
- maintaining views and vistas to the waterfront; and
- maintaining existing trees and vegetation.
- The direction will be further implemented in the Zoning By-law

Parks and Trails, (S. 7.2.4 & 4.3.4.1)

- The development and enhancement of non-motorized trails and bicycle routes are encouraged within the Municipality and across the County.
- Use the Parks and Recreation and the Trails Master Plans to facilitate the development of a comprehensive and integrated active transportation network.

Discussion on Additional Council Priorities:

Employment Strategy:

Through the County Official Plan review, the Municipality will work closely with the County of Essex on a County-wide Employment Strategy. Among the considerations, the Municipality will request consideration of lands in strategic locations along Highway 401 for employment uses. The wording of two sections are revised as requested by the County, and as endorsed by Council (Motion 14-01-2021, noted above).

Section 2.3.1 l)

Strongly support and participate in the completion of the County's Regional Economic and Employment Land Strategy which will provide a plan and policies for the development of a regional serving Employment Area. **The Municipality supports the consideration of a Regional Employment Land Area in the Municipality of Lakeshore and along the Highway 401 corridor.**

Section 3.3.2

"The Municipality will strongly support and participate in the completion of the County's Regional Economic and Employment Land Strategy, which will provide a plan and policies for the development of a regional serving Employment Area. **The Municipality supports the consideration of a Regional Employment Land Area in the Municipality of Lakeshore and along the Highway 401 corridor.**

Secondary Plans:

The Emeryville Secondary Plan will follow after the Official Plan adoption. Administration is currently preparing the Wallace Woods Secondary Plan; the Shoreline Management Plan; and the Lighthouse Cove Secondary Plan. The Official Plan will be amended to incorporate the Secondary Plans, and implement the recommendations of the Shoreline Management Plan, as required.

Other Comments:

County of Essex Comments:

County Administration notes that the phrase "are not permitted within the planning horizon" should be removed in the "Managing Change, Where and How to Grow" in Section 3.3 as the direction in the County Official Plan is that only Primary Urban areas will be able to expand, not Secondary Urban Areas, such as Hamlets. Changes have been made in the Official Plan policies to address the County comments. This was endorsed by Council (Motion 14-01-2021, noted above).

For example, in Section 3.3.3. Hamlet Area, subsection c), it will read:

“The Municipality will monitor and review the Hamlet Areas on an on-going basis to ensure that they are appropriately managed and the policies of this Plan are fulfilled. It is anticipated that sufficient land has been designated to accommodate Hamlet Area growth and development, therefore, Hamlet Area expansions or the establishment of new Hamlet Areas **are not permitted.**” (“**within the planning horizon**” removed at the end of the sentence, emphasis added)

The same change to remove references “within the planning horizon” have been made to Section 3.3 a) - Local Comprehensive Review

Section 3.3.1 c) – Settlement Area

Section 3.3.3 & 3.3.3 c) – Hamlet

Section 3.3.4 & 3.3.4 c) – Waterfront Residential

Section 3.3.5 & 3.3.5 c) – Urban Fringe

Lower Thames Valley Conservation Authority (LTVCA)

The most recent comments from LTVCA request specific wording changes to provide clarity to the plan, particularly with regard to development in Lighthouse Cove. The requested changes have been addressed, and detailed responses will be provided to the Authority and the County of Essex.

Summary of Key Changes made since January 19:

The Official Plan has been revised, as directed by Council, in the motions noted above. The changes to the policies have been highlighted in the tracked changes version of the Official Plan (Attachment 1).

- Residential properties at the corner of County Road 22, and West Pike Creek Road, changed from – Mixed Use to Residential designation. Council motion 452-12-2020. (Map Schedule C7, Amy Croft and Map Schedule C11, Land Use County Road 22).
- Regarding Council's motion 453-12-2020, the owners of the property located at 205 West Pike Creek Road and County Road 22 indicated that they do not support the re-designation of any part of the parcel from Mixed Use to Residential. Therefore, Administration has not brought this change forward. Development of this property is dependent on the extension of trunk sewage lines, and detailed development plans and drawings, along with supporting studies will need to be submitted for review when development proceeds.
- As discussed at the January 19, 2021 Council meeting, Administration consulted with the ERCA to review the wording of Sections 5.2.2 f) and 5.2.5 b) which deal with enhancing or restoring vegetated buffers along municipal drains. The sections have been revised to provide more flexibility. The bold font shows the changed wording.

Section 5.2.2 f)

To recognize that vegetated buffers along municipal drains enhance the natural heritage system and identify options for implementation of restoration opportunities adjacent to streams and municipal drains. This can be achieved by working with local drainage superintendent associations during the preparation of drainage reports under the *Drainage Act* **that consider, where appropriate and feasible**, vegetated buffers for new municipal drains and updates that are within the Restoration Opportunities Overlay Schedule “B2-1”.

Section 5.2.5. b)

Prior to the construction of any new municipal drains or any work completed under Section 78 of the *Drainage Act* within the “Restoration Opportunities Overlay” as shown on Schedule “B2-1” of this Plan, a Drainage Report shall be prepared in accordance with the *Drainage Act*. **The Drainage Plan shall consider** the establishment of vegetated buffers to enhance the natural heritage system, **where feasible and appropriate**.

- In keeping with the motion of Council 451-12-2020, references to short term rentals have been removed from the draft Official Plan. Council directed administration to review short term rentals in 2021 and undertake public consultation on this topic. If required, an Official Plan amendment could be initiated to implement the outcomes of the public consultation/study.
- References to “Town” of Lakeshore have been changed to “Municipality” of Lakeshore.
- County of Essex – Items noted above.
- LTVCA Comments – Items noted above

Conclusion

Throughout the review process, Administration has drafted the Official Plan to be consistent with the Policies of the 2020 Provincial Policy Statement and to conform with the policies of the upper tier Official Plan, namely the County of Essex Official Plan (2014). The final version of the Official Plan is recommended for adoption. This will be in the form of a comprehensive amendment, namely Official Plan Amendment No. 16. Administration recommends adoption of the Official Plan Amendment, as it is consistent with the Provincial Policy Statement and conforms to the County of Essex Official Plan.

Next Steps

If Council supports the recommendation in this report, an adopting By-law will be prepared for presentation at the next available Council meeting. Following Council adoption by by-law, notice of the adoption will be sent to those persons and agencies which are prescribed under the *Planning Act* and Regulations. The Official Plan review does not come into effect immediately, as it requires approval by the Approval Authority. It will be

submitted to the County of Essex, which is the Approval Authority, for review and approval.

Others Consulted

The Planning Consultant, WSP has been instrumental in this program and in preparing the Official Plan review.

The County of Essex, as the approval authority has been engaged in this review.

Outside agencies and the public, as required by the Planning Act have been consulted. Discussion with agency staff and members of the public has been undertaken to clarify requests for changes.

To date, only one objection has been received to the Official Plan from the Coco Group objecting to the policy which does not permit direct lot frontage on to Oakwood Avenue, in the Emeryville Secondary Plan Area. Administration will continue discussions with the Coco Group, and other impacted landowners with the goal to settle the objection prior to the County approval of the Official Plan.

Financial Impacts

There are no budget impacts resulting from the recommendation. Council allocated \$115,000.00 to this capital project in 2020.

Attachments:

Final version of Official Plan with deletions and additions (March 2021) with red lines appears at: <https://www.lakeshore.ca/en/business-and-development/resources/Documents/OfficialPlanReview/OPR-Draft-2020.pdf>

And the March 9, 2021 meeting calendar at <https://events.lakeshore.ca/Meetings/Detail/2021-03-09-1800-Regular-Council-Meeting>

Report Approval Details

Document Title:	Adoption of the Municipality of Lakeshore Official Plan Review, Official Plan Amendment No. 16.docx
Attachments:	
Final Approval Date:	Mar 4, 2021

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

Rosanna Pellerito

Kristen Newman

Truper McBride