

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council

**From:** Urvi Prajapati, BEDP, MES  
Planner 1

**Date:** March 23, 2022

**Subject:** ZBA-5-2022 Removal of Holding Symbol - Serenity Bay

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### Recommendation

Direct the Clerk to read By-law 33-2022 to remove the Holding Provision (h4) from Lots 1-13, Block 14-35 on Plan of Subdivision 12M-673 (Serenity Bay), during the Consideration of By-laws, as presented at the April 12, 2022 Council Meeting.

### Background

The authorized applicant, has submitted an application on behalf of the owner; 823821 Ontario Inc. to remove a holding provision (h4) on Blocks 14 to 35, Lots 1 to 13 as described in the Plan 12M-673 (Appendix A), zoned Residential - Low Density Holding Symbol 4 (R1)(H4) and Residential - Medium Density Zone Exception Holding Symbol (R2-25)(H4). The holding symbol was placed on the property until the applicants execute a subdivision agreement that is to the satisfaction of the Municipality and approved by the County.

The requirement to remove the holding symbol was satisfied on Dec 10, 2019 and should have been removed from the subject lands at that time.

The Lakeshore Official Plan notes that the Municipality may place a holding symbol on a zone that prevents development from occurring until the Municipality is satisfied that certain conditions have been met. Specific actions or requirements for lifting the holding provision are set out in Section 5.5 of the Town of Lakeshore Zoning By-law (Holding Zones).

Holding Symbol	Permitted Use Until the holding symbol is removed.	Conditions for removal of the Holding Symbol.
H4	Existing uses shall be the only uses permitted in the interim.	- Existing uses shall be the only uses permitted in the interim. The holding symbol shall not be removed until such time as the subdivision

		agreement is executed by the owner and the Town and the development receives final approval by the County.
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The parcels of land in the subdivision as mentioned in Plan 12M-673 (Appendix A) are zoned Residential - Low Density Holding Symbol 4 (R1)(H4) and Residential - Medium Density Zone Exception 25 Holding Symbol 4 (R2-25)(H4) in the Lakeshore Zoning By-law. The R1 zone permits single detached dwellings, while the R2-25 zone permits semi-detached, townhouse dwellings, group home dwelling and home occupation.

<b>Subject Land</b> Lots 1 -13 PINs 75001-0651-0663(LT)  Blocks 14-35 PINs 75001-0664-0685(LT)	Size – Approximately 5.00 ha (12.35 acre) Existing Use – Vacant Lot Proposed Use – Residential Dwellings Access — Old Tecumseh Road Services — municipal water, municipal sewage disposal
<b>Neighbouring Land Uses</b>	North: Residential Lands South: General Employment Lands East: Residential Lands West: Residential Lands
<b>Official Plan</b>	Residential
<b>Existing Zoning</b>	Residential – Low Density Holding Symbol (R1)(H4) & Residential- Medium Density Zone Exception 25 Holding Symbol (R2-25)(H4)
<b>Proposed Zoning</b>	Residential – Low Density (R1) & Residential - Medium Density Zone Exception 25 (R2-25)

## Comments

### *Provincial Policy Statement*

The proposed development was reviewed under the Settlement Areas policies of the 2020 Provincial Policy Statement (PPS) and it was determined that the development is consist with the Provincial Policy Statement.

### *County of Essex Official Plan*

The subject site is in the Primary Settlement Area in the County of Essex Official Plan and growth within the Settlement Area is encouraged. Therefore, the proposal conforms to the County of Essex Official Plan.

### *Lakeshore Official Plan*

The site is designated as Residential in the Lakeshore Official Plan. Town homes, semi-detached and single detached homes are encouraged within this designation.

### *Zoning By-law*

The subject property is currently zoned R1(H4) and R2-25(H4), in the Lakeshore Zoning By-law 2-2012. An application has been submitted for the removal of the holding symbol on the property. The conditions for removing the holding symbol were satisfied on December 10, 2019 and should have been removed from the subject lands at that time. It should be noted that a related Subdivision Agreement amendment for Serenity Bay and Part Lot Control exemption By-law is being considered by Council under a separate Council report.

The related subdivision agreement was entered into on December 10, 2019. Therefore this application predates the December 4<sup>th</sup>, 2020 report to Council reporting on sewage constraints at the “Denis St. Pierre Water Pollution Control Plant”. In the Serenity Bay subdivision agreement sewage capacity was allocated. In this case, confirmation of sanitary plant capacity is not required.

### **Conclusion**

Administration recommends approval of the removal of the holding symbol, as it is consistent with the Provincial Policy Statement and conforms to the County of Essex and the Lakeshore Official Plans.

Based on the foregoing, Administration recommends that Council approve ZBA-5-2022 (Bylaw 33-2022) as per the Recommendation section of the report.

### **Financial Impacts**

There are no budget impacts resulting from the recommendation.

### **Attachments**

Appendix A – 12M-673 Plan

## Report Approval Details

Document Title:	ZBA-5-2022 Removal of Holding Symbol - Serenity Bay .docx
Attachments:	- Serenity Bay Plan 12M-673.pdf
Final Approval Date:	Apr 7, 2022

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

Justin Rousseau

Kristen Newman

Truper McBride