

# Municipality of Lakeshore

## By-law 8-2023

### Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-03-2023)

**Whereas** By-law 2-2012 is the Municipality's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Municipality of Lakeshore;

**And whereas** the Council of the Municipality of Lakeshore deems it in the interest of good planning to amend By-law 2-2012;

**And whereas** this amendment is in conformity with the Lakeshore Official Plan;

**And whereas**, on occasion, Council deems it necessary to prepare a zoning by-law amendment to address various matters to maintain the zoning by-law;

**And whereas** Council held a public meeting to consider this zoning by-law amendment on February 14, 2023;

**And whereas** Council deems it in the interest of the municipality to permit air conditioning units and heat pumps in the interior side yard on a lot, subject to required interior side yard setbacks;

**And whereas** Council deems it in the interest of the to remove the reference to "free-standing" air conditioning units and heat pumps;

**And whereas** Council deems it in the interest of the municipality to require air conditioning units, heat pumps, and small-scale generating systems to be located no closer to municipal drains than the setback requirements that apply to buildings and structures;

**And whereas** Council deems it in the interest of the community to continue to permit small-scale generating systems to encroach 2.5 metres into a required rear yard and interior side yard, but require a minimum 1.2 metre setback from rear and interior side lot lines;

**And whereas** Council deems it in the interest of the community to introduce a penalty section as it relates to zoning by-law contraventions and enforcement in order to facilitate clear enforcement measures;

**And whereas** Council considered a site specific application relating to municipal address 2730 County Road 42 (HC-9 zone), and on September 16, 2021, in what was an administrative error and contrary to the specific direction of Council on

September 14, 2021, the draft by-law (By-law 74-2021) to create a was included with several other by-laws and enacted by Council, and on November 9, 2021, Council considered and refused the zoning by-law amendment to temporarily use transport truck trailers for storage on the Subject Lands;

**And whereas** section 9.8.9, Hamlet Commercial Exception 9 (HC-9) (Map 50) is confirmed to be:

- a) Permitted Uses: A retirement home and a Warehouse shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted for the Warehouse use. An expansion of any existing building or construction of a new building will require relief from this by-law;

**And whereas** it is the intention of Council that section 6.59(c) of the Zoning By-law shall apply to 2730 County Road 42;

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. Section 6.5 d) of By-law 2-2012, Accessory Uses, Buildings and Structures, is deleted in its entirety and replaced with the following:

“d) Outdoor air conditioning units, heat pumps and *small-scale generating systems* shall be permitted as *accessory uses* provided that:

- i) Air conditioning units and heat pumps are not located in any *front yard*;
- ii) they shall be located no closer to *municipal drains* than the *setbacks* that apply to *buildings* and *structures* under Section 6.34 c);
- iii) they shall be permitted to encroach into *yard setbacks* in accordance with Section 6.42.”

2. The Amount of Encroachment Allowed described in Section 6.42 h) of By-law 2-2012, Permitted Encroachments in Yard Setbacks, is deleted in its entirety and replaced with the following:

“2.5 m, provided it is no closer than 1.2 m to a *lot line*”.

3. The Structure described in Section 6.42 m) of By-law 2-2012, Permitted Encroachments in Yard Setbacks, is deleted in its entirety and replaced with the following:

“Air conditioning units, window or wall-mounted furnaces, and heat pumps”

4. By-law 2-2012 is amended by adding section 10 to immediately follow Subsection 9.23.2 and to read as follows:

**“10.0 Penalties**

Every person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable of a penalty in accordance with the provisions of the *Provincial Offences Act*.”

5. By-law 74-2021, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore ZBA-01- 2021 is rescinded and to the extent required to give effect to the rescission, the Zoning By-law is amended.
6. This by-law shall come into force in accordance with section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13.

Read and passed in open session February 14, 2023.

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Mayor  
Tracey Bailey

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Clerk  
Kristen Newman