



# Town of/ Ville de Lakeshore Official Plan



“A progressive Town of healthy, integrated communities.”



Executive Summary  
September 2020

# Town of Lakeshore Official Plan 5-Year Review

## Executive Summary

STR, deferred to ZBL but looked at similar to B&Bs

### Introduction

The Town of Lakeshore initiated a 5-year review of its Official Plan, which came into effect in November 2010. Since then, there have been several changes to the planning framework at the Provincial and County levels to which the Town's Official Plan shall conform. The *Planning Act* requires that municipalities ensure their Official Plan has regard to matters of provincial interest and is consistent with the Provincial Policy Statement (PPS), 2020.

The *Planning Act* also requires lower-tier municipalities to amend their Official Plans to conform to the upper-tier Official Plan. Therefore, the Town of Lakeshore is required to conform to Essex County's Official Plan (County OP) that was approved on April 28<sup>th</sup>, 2014. Various other provincial legislation has been created or amended, which impacts the Town of Lakeshore's Official Plan, including the *Smart Growth for Our Communities Act (2015)*, *Strong Communities Through Affordable Housing Act (2011)*, and the *Clean Water Act (2006)*. The Official Plan Review also provided an opportunity to address emerging issues such as growth, housing, natural heritage and Source Protection Plans.

### Policy Context

#### **Conformity to the Planning Act and Provincial Policy Statement, 2020 (PPS)**

The PPS was revised in 2020 and provides direction on matters of provincial interest related to land use planning and development. Several changes were made that impact planning policies within the Town of Lakeshore ranging from promoting mixed-use areas, new policies for prime agricultural areas, and consideration for impacts of climate change. The major changes and the relevant sections are summarized below:

- Promoting more compact, mixed use employment areas (S. 1.3);
- Recognition and protection of goods movement corridors (S. 1.6.8.2);
- New policies for prime agricultural areas including:
  - Agricultural-related uses, on-farm diversified uses and agri-tourism (Section 2.3.3)
  - Lot creation for infrastructure uses (S. 2.3.4.1)
  - Non-agricultural and non-residential uses subject to satisfying certain criteria (Section 2.3.6);
- Explicit consideration and planning for the impacts of climate change, including the promotion of green buildings and infrastructure (S. 1.6, 1.8 and 3.1.3);
- Policies to direct development outside of hazardous lands and sites including floodway areas (S. 3.1.1); and,
- Updated natural heritage designations and mapping.

To ensure conformity with the 2020 PPS, the Official Plan Review studied the various changes to Provincial Policy and legislation through the preparation of several Background Reports.

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### **Conformity to the County of Essex Official Plan**

The County OP was approved on April 28<sup>th</sup>, 2014 and provides direction on matters of County, upper-tier, interests related to land use planning and development. There are several areas where the current Town of Lakeshore Official Plan did not conform with the County OP. Therefore, through this review, matters of conformity were identified. These included:

- Settlement Area Structure
  - Primary Settlement Areas and Secondary Settlement Areas;
  - Expansions and Local Comprehensive Reviews
- Residential Intensification
  - Target of 15% annually
  - Permitting Second Dwelling Units and Garden Suites
- Housing
  - Affordable housing target of 20% annually
  - Definitions of Affordable and Special Needs Housing
  - Prioritizing Affordable and Special Needs Housing in Primary Settlement Areas and discouraging demolition
- Natural Heritage Designations and Mapping

To ensure conformity with the County OP, the Official Plan Review studied the various changes through the preparation of several Background Reports.

### **Background Papers**

As part of the Official Plan review, the Town of Lakeshore initiated several concurrent supporting studies to inform the policy development for the Official Plan. These studies included:

- Growth Forecast Update and Employment Land Needs;
- Residential Intensification Study;
- Affordable Housing Strategy;
- Natural Heritage Review; and,
- Water and Wastewater Master Plan Update.

Based on the recommendations from the studies listed above and based on changes to Provincial and County policies, amendments have been proposed in the Town of Lakeshore Official Plan. The major changes to the Official Plan are summarized in the sections below, organized by the key themes that were identified throughout the review.

## [Summary of Changes to the Town of Lakeshore Official Plan](#)

### **Growth Management**

#### Updated Growth Projections

The revised Official plan reflects updated population, household, and employment growth projections as allocated by the County OP and the Town's Official Plan Review Growth Analysis Study, November 2015.

These documents provided information on population, household and employment growth and associated land needs within the 20-year (2031) planning horizon (S. 3.2), which is consistent with the County's Official Plan horizon.

#### Settlement Area Structure

The County OP organizes its urban settlement structure between Primary and Secondary Settlement areas. To conform with the County Official Plan, amendments were made to the settlement structure in the Town's Official Plan, introducing two types of Urban Areas – Primary Settlement Areas and Secondary Settlement Areas (S. 3.3). The Town's growth management strategy is to:

- direct the majority of future growth and development to the Primary Settlement Areas to strengthen the Town's settlement structure;
- provide for development patterns that efficiently use land, resources, infrastructure, and public service facilities; and,
- Accommodate more modest growth in Secondary Settlements, which will vary in nature and character.

The Primary Settlement Areas include the Maidstone/Belle River Urban Area and Wallace Woods; the Secondary Settlement Areas include a diversity of historic settlement communities which include Hamlet Areas, Waterfront Areas associated with the Lake St. Clair shoreline and the Belle River Strip, Ruscom River Strip and Puce River Strip; as well as Urban Fringe Areas, which are settlement areas adjacent to communities outside the Town.

The new settlement structure provides a conceptual growth plan for the Town, including the identification of Special Planning Areas as discussed in Section 9 of the Official Plan. The Special Planning Areas identify both an immediate and long-term structure for the Town and identifies the unique planning considerations within each Special Planning Area. Section 9 within the Official Plan also consolidates the previous OPAs 1, 3 and 7.

#### Local Comprehensive Review (LCR)

The County OP also includes policies on when an LCR is required and how it shall be prepared. It is anticipated that sufficient land has been designated to accommodate growth and development, therefore Settlement Area expansions will only be permitted for Primary Settlement Areas through an LCR, and no expansions will be permitted for Secondary Settlement Areas.

As a result, the revised Town Official Plan includes new policies and requirements on when an LCR is required and how it is to be conducted. This includes directions on the expansion of Primary and Secondary Settlement Areas and Employment Lands (S. 3.3).

#### **Residential Intensification**

To conform with the County OP, the revised Town Official Plan outlines a minimum residential intensification target of 15 percent. This target is meant to ensure that on an annual basis, 15% of all new residential development will occur by way of residential intensification, infill and redevelopment within existing built-up areas of the Town's settlement areas (as defined above).

The introduction of the *Strong Communities Through Affordable Housing Act, 2011*, identified affordable housing as a matter of Provincial interest and introduced provisions for second suites and garden suites.

To conform with *the Strong Communities Through Affordable Housing Act, 2011* and to apply the recommendations of the Residential Intensification Strategy, the revised Official Plan includes several new policies including:

- Restricting intensification in areas outside of identified intensification areas, such as stable residential neighbourhoods and encouraging intensification in areas that are within identified intensification areas and where there is existing municipal servicing and infrastructure (Section 4.3.1.2); and,
- Policies regarding Second Dwelling Units and temporary Garden Suites within the Town (Section 4.3.1.6).

In accordance with the *Smart Growth for Our Communities Act, 2015*, which encourages the promotion of well-designed built form and urban design as a matter of public interest, urban design guidelines have also been developed. This will ensure residential intensification will be compatible with the surrounding neighbourhood and at minimum address built form and urban design considerations (S. 4.3.1.2).

## Housing

### Affordable Housing

The introduction of the *Strong Communities Through Affordable Housing Act, 2011*, identified affordable housing as a matter of Provincial interest. The 2020 PPS also includes policies that encourage the provision of a range and mix of housing opportunities at appropriate densities, built forms, and affordability to accommodate a diverse population (S. 1.1.1).

The County OP also includes a definition of affordable housing and policies that:

- encourage the development of affordable housing including the permission of second dwellings in single-detached, semi-detached, townhouse dwellings and accessory buildings subject to satisfying certain criteria;
- prioritizes affordable housing in the Primary Settlement Areas and in fully serviced Secondary Settlement Areas; and,
- strongly discourages the demolition or conversion of affordable housing units.

To ensure appropriate development of affordable housing in accordance with Provincial and County planning policy, the revised Town Official Plan includes policy direction to:

- ensure the development of affordable housing in the Town (Section 4.3.1.3);
- achieve, on an annual basis, a minimum of 20 percent of all new residential development as affordable housing. This can include ownership housing or rental housing;
- prioritize affordable housing in the Primary Settlement Area and in fully serviced Secondary Settlement Areas, while generally discouraging the demolition or conversion of affordable housing units; and,
- support the development of affordable housing through encouraging a variety of housing and building forms such as the accommodation of second dwelling units and garden suites to meet the housing needs of the Town.

### Special Needs Housing

The County OP includes a definition for Special Needs Housing as “any housing, including dedicated facilities, in whole or in part, that is used by people who have special needs beyond economic needs,

including but not limited to, needs such as mobility requirements or support facilities required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.” Similar to affordable housing, special needs housing is intended to be concentrated in the Primary Settlement Areas.

To conform to the County OP and Provincial policies, the revised Official Plan also includes a definition for special needs housing and specific policies to guide the development of special needs housing in the Town (Section 4.3.1.4). Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly. The Town intends to improve access to housing for those people with special needs, including assisted housing for low income people, seniors housing, as well as various forms of supportive housing, including group homes and emergency/transitional housing.

## **Source Protection Plans, Natural Heritage, and Hazards**

### Source Protection Plans

To ensure conformity with the *Clean Water Act*, the implementation of Source Protection Plans is required within the revised Town Official Plan. The two Source Protection Plans that apply to the Town of Lakeshore are:

- the Thames-Sydenham and Region Source Protection Plan; and,
- the Essex Region Source Protection Plan.

The Source Protection Plans and associated technical studies (Assessment Reports) look at the current and future sources of municipal residential drinking water, identify the potential threats to these sources and include policies for actions and programs to reduce or eliminate these risks. These plans identify vulnerable areas which include: Intake Protection Zones (IPZs), Highly Vulnerable Aquifers (HVAs), and Significant Groundwater Recharge Areas (SGRAs); all of which are identified in Schedules B.1.1, B.1.2 and B.1.3 within the revised Town Official Plan. Additional policies that guide development and site alteration, in accordance with the Source Protection Plans have been included in Section 5.1.1 of the revised Town Official Plan.

### Natural Heritage

The 2020 PPS includes updated mapping and designation for recently evaluated Provincially Significant Wetlands within the Town. It also prohibits development and site alteration in habitats of endangered and threatened species, except in accordance with provincial and federal requirements. Therefore, the revised Official Plan was updated to include the identification of those natural features and updated policies in regard to development and site alteration in habitats of endangered and threatened species.

The identification and designation of Natural heritage features and lands designated as Natural Conservation have also been updated to be in conformity with the County OP (Section 5.2 and Schedule B.2.2).

### Hazards

The 2020 PPS includes policies to direct development to areas outside of (S. 3.1.1):



- a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
- c) hazardous sites.

Further, the PPS also states that development and site alteration shall not be permitted within (S. 3.1.2):

- a) the dynamic beach hazard;
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Therefore, the revised Town Official Plan within S. 5.4 includes policies that:

- control and manage development within the Town in consideration of lands identified as Hazard Lands and illustrated as the Limit of the Regulated Area, Lake St. Clair Floodprone Areas and Inland Floodprone Areas on Schedule B.4;
- limit development and abide to the Development Interference with Wetlands and Alteration to Shorelines and Watercourses regulations of the appropriate Conservation Authority; and
- Require the Town to undertake a detailed Shoreline Management Plan study to comprehensively assess the requirements for safe access with respect to future development along the entire length of Lake St. Clair shoreline within the boundary of the Town of Lakeshore.

Additionally, the 2020 PPS includes direction to promote green buildings and green infrastructure and to consider the potential impacts of climate change that may increase the risks associated with natural hazard lands (S. 1.6, 1.8, and 3.1.3). Therefore, the revised Town Official Plan encourages coordination with the local Conservation Authority to promote the development of resilient communities and developing a Climate Change Action Plan for Lakeshore. The Plan further considers impacts from Climate Change by enabling the Town to acquire easements along all watercourses where appropriate and feasible, to ensure their long-term protection, and where supported by various studies, the development of trails where there is appropriate separation from existing uses.

## Land Use

### Agricultural Lands

The 2020 PPS includes new policies regarding:

- providing opportunities for a diversified economic base by maintaining a range of suitable sites for employment uses and encouraging compact and mixed-use

development that accommodates compatible employment uses to support liveable and resilient communities (S. 1.3);

- accommodating agricultural-related uses, on-farm diversified uses and agri-tourism uses (S. 2.3.3);
- lot creation within prime agricultural areas for the purposes of infrastructure. While lot creation within prime agricultural areas is generally discouraged, it may only be permitted for infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way and it must comply to the minimum distance formulae (S. 2.3.4.1); and,
- permitting non-agricultural and non-residential uses including new or expanding recreational uses, subject to satisfying criteria related to agricultural impacts, evaluation of alternative locations, and land use compatibility (S. 2.3.6).

Therefore, the revised Town Official Plan includes policies to permit agricultural-related uses, on-farm diversified uses and agri-tourism uses along with permitting lot creation in the Agricultural Area for the purposes of infrastructure in accordance with the PPS, including compliance with the applicable MDS formulae (S. 6.2.1). Policies allowing for non-agricultural and non-residential uses subject to criteria as defined within the 2020 PPS have also been included in the revised Town Official Plan (S. 6.2.4).

#### Waterfront Lands

The revised Town Official Plan includes new policies to emphasize the need to manage the existing Lakeshore/rural character of lands within the Waterfront Residential Designation, including the compatibility of setbacks, massing, height and scale (S. 6.4.2).

## **Servicing & Infrastructure**

### Servicing

Based on the Town's Water and Wastewater Master plan, the revised Town Official Plan includes the long-term servicing strategy for the Town of Lakeshore. The preferred hierarchy of sewage and water services in the Town is outlined in Table 7.1 within the revised Town Official Plan according to the settlement area type and the community structure policy (S. 3.3 and delineated on Schedule "A"). Table 7.1 identifies the community structure policy areas and Settlement Areas where municipal sewage and/or water services exist or will be provided.

### Infrastructure

The 2020 PPS includes direction to protect major goods movement facilities and corridors for the long-term and employment areas in proximity to major goods movement facilities and corridors should be protected (S. 1.3.2.3 and 1.6.8.2). Therefore, the revised Town Official Plan includes policies to protect areas readily accessible to the Highway 401 corridor for long-term employment uses (S. 2.3.2). It is a Council priority to work with the County on a County-wide employment strategy with the intent of identifying strategic lands along the 401 for employment uses.



## **Other Council Priorities**

Council, as a priority, is going to be working with the County of Essex on a County-wide Employment Strategy to examine the potential of accommodating employment uses in strategic locations along the Highway 401 corridor. This will be undertaken after the Official Plan comes into effect and will be updated as needed.

Council has also commissioned a study to examine Short Term Rentals. While the Official Plan considers them in a similar way to Bed and Breakfasts, which looks to the detailed requirements in the Zoning By-law, more detailed requirements will be implemented once the study has completed, which will include public and stakeholder engagement.

## **Conclusion & Next Steps**

The key objective of the Town of Lakeshore's 5-year review of its Official Plan was to ensure conformity with Provincial and County policies along with addressing emerging issues in the Town. The review was an opportunity to bring the Official Plan up to date with updated growth forecasts for the Town, targeting and directing anticipated growth to the appropriate areas, and emerging issues such as affordable housing, natural heritage, and source protection.

The next steps include obtaining feedback on the September 2020 version, which are to be posted with a voice-over presentation, revise the Official Plan as necessary, and then hold a Statutory Public Meeting with Council. Once all feedback has been considered, Council then may consider adopting the Official Plan at a later date in November or December. Once that occurs, the Town will forward the document off to the County for approval.