

Municipality of Lakeshore

By-law 13-2021

Being a By-law to establish an Interim Control By-law, respecting Greenhouses in the Municipality of Lakeshore

Whereas pursuant to the *Planning Act*, R.S.O. 1990 c. P.13, where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

And whereas the Council of the Municipality of Lakeshore directed Administration, by resolution #450-12-2020, to prepare an interim control by-law to study the effects of greenhouse development in Lakeshore, as presented in the report of the Director of Community & Development Services presented at the December 15, 2020 Council meeting;

And whereas the Municipality will be undertaking a study to examine the effects of greenhouse development within the entire municipal boundary of the Municipality of Lakeshore, so as to allow the Municipality to review and, if considered appropriate, implement the findings of the review and study referred to herein;

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

Interpretation

1. In this by-law:

“Accessory” has the same meaning as in the Zoning By-law;

“Council” means the municipal council of the Municipality;

“Greenhouse” has the same meaning as in the Zoning By-law;

“Greenhouse Farm” has the same meaning as in the Zoning By-law;

“Greenhouse Waste Processing Operation” has the same meaning as in the Zoning By-law;

“Interim Control Area” means all lands within the geographic area of the Municipality;

“Municipality” means the municipal corporation of the Municipality of Lakeshore or the geographic area, as the context requires; and,

“Zoning By-law” means The Corporation of the Town of Lakeshore Comprehensive Zoning By-law 2-2012, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Lakeshore, as amended.

2. Headings are inserted for ease of reference only and are not to be used as interpretation aids.

Application

3. This by-law applies to lands in the Interim Control Area.

Prohibition

4. Notwithstanding any other by-law to the contrary and subject to section 5, no person shall:
 - (i) use any land, building, or structure for a Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation, except for a use that lawfully existed on the date of the passing of this by-law if the land, building or structure continues to be used for such purpose;
 - (ii) be permitted to construct, alter, or expand any building or structure for a legally existing Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation, except:
 1. if altering the interior or façade of a legally existing Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation; or,
 2. repairing or restoring the Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation or a part thereof to a safe condition, provided that such repair or restoration will not increase the height, area, volume or site coverage of such structure and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this by-law.

Exemptions

5. A Greenhouse is permitted where the Greenhouse is a temporary or seasonal Accessory use permitted by the Zoning By-law for a Retail Establishment and Retail Establishment, Large Format.

Transition

6. If a building permit application filed in accordance with the *Building Code Act, 1992*, S.O. 1992, c.23, was filed with the Chief Building Official on or before the date of the passage of this by-law, then this by-law does not preclude the issuance of the building permit.

Severability/Conflict

7. (a) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
 - (b) Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the Municipality.
 - (c) Where a provision of this By-law conflicts with the provisions of another By-law of the Municipality, this by-law prevails.

Enactment

8. (a) This by-law comes into force and effect upon passage.
 - (b) This by-law shall be in effect for a period of one year from the date of passage.

Read and passed in open session on March 9, 2021.



**Mayor
Tom Bain**



**Clerk
Kristen Newman**