

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW 94 OF 2024

**BEING A BY-LAW TO AMEND BY-LAW 1 OF 2003 FOR LANDS KNOWN AS 6324,
6330, & 6332 TOWNSEND LINE & 88 KING ST EAST, FOREST (DELMART)**

WHEREAS the Council of the Corporation of the Municipality of Lambton Shores passed a comprehensive Zoning By-law 1 of 2003 on the 4th day of February, 2003;

AND WHEREAS a public meeting was held on December 3, 2024 under Section 34(12) of the *Planning Act*, R.S.O., 1990;

AND WHEREAS Council deems it desirable to amend the said By-law;

AND WHEREAS said amendment would conform with the Official Plan Amendment No. 12, if said Official Plan Amendment comes into effect, and section 24(2) of the *Planning Act* permits Council to pass a by-law that does not conform with the official plan but will conform with it if the official plan amendment comes into effect;

THEREFORE the Council of the Corporation of the Municipality of Lambton Shores enacts as follows:

1. That Schedule "A" attached hereto (being a depiction of the lands affected by this By-law) is hereby declared to form part of this By-law.
2. Schedule 'A' to Zoning By-law 1 of 2003 is hereby amended by changing the zone symbol that applies to those portions of lands as indicated on Schedule 'A' to this By-law from the:

“Commercial-2 (C2) Zone”

to the

“Exception 12 to the Commercial-2 (C2-12) Zone”.

3. Section 21.4 *Special Provisions* of Zoning By-law 1 of 2003 is hereby amended by adding the following subsection:

I) Exception 12 to the Commercial-2 Zone

Notwithstanding any other provision of this By-law to the contrary, on lands zoned Exception 12 to the Commercial-2 (C2-12) Zone on Schedule “A” to this By-law, being lands located in Part Lots 36 and 37 in the South Boundary Concession, composed of reference plans 25R3340 Part 1, 25R3657 Part 1, and 25R5601 Parts 8 to 10, known as 6324, 6330, and 6332 Townsend Line and 88 King St East, Forest, the following provisions shall apply:

- i) In addition to the Uses Permitted in Section 21.1, Retail Stores shall be Permitted.
 - ii) The maximum Permitted combined Gross Floor Area of all Retail Stores in the C2-12 Zone shall be 1600m².
 - iii) No more than one individual Retail Store unit may have a Gross Floor Area of less than 500m².
 - iv) Notwithstanding Section 3.20, through a site plan agreement entered into with the Municipality, an opaque fence or wall with a height of 1.8m may be provided in lieu of a Planting Strip, with respect to Lot Lines shared with lands described as Concession South Boundary Part Lot 37 RP 25R1577 Part 2 and known as 6318 Townsend Line.
 - v) In all other respects, the zone provisions applicable to the C2 Zone shall apply to the C2-12 Exception Zone.
4. This By-law shall come into force and effect pursuant to Section 34(21) or Section 34(30) of the *Planning Act*, R.S.O. 1990.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED this 3rd day of December, 2024.

Mayor

Clerk

Municipality of Lambton Shores

SCHEDULE "A"

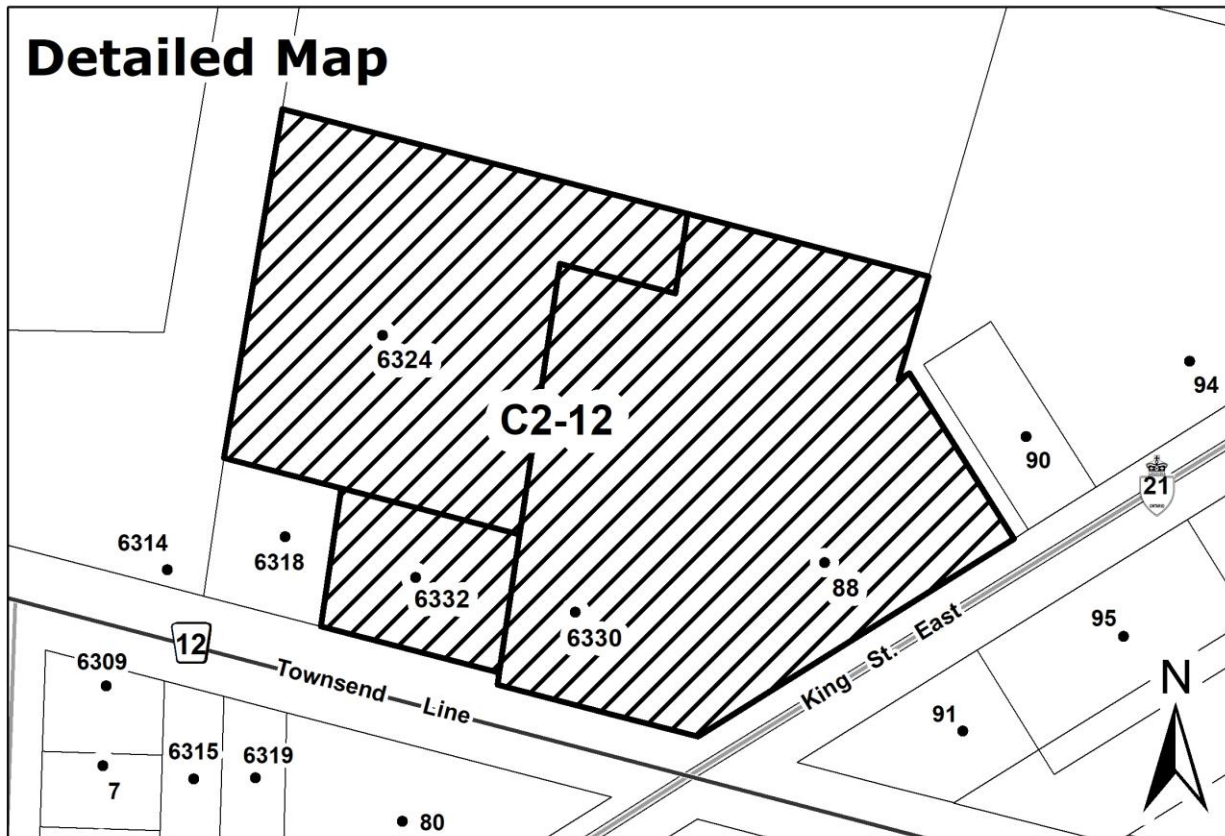
to By-Law No. 94-2024

Dated this 3rd day of December, 2024

Signed: _____
Doug Cook, Mayor

Stephanie Troyer-Boyd, Clerk

Detailed Map



Lands to be rezoned from a Commercial -2 (C2) Zone to a Commercial-2 Exception 12 (C2-12) Zone

APPLICANT: Delmart Holdings (Zelinka Priamo Limited c/o Taylor Whitney)

LOCATION: ARN 384538002026700 Con SB Pt Lots 36 and 37 RP25R3340 Part 1
RP25R3657 Part 1 RP25R5601 Part 9 - Delmart Holdings Inc.;
ARN 384538002027005 Con SB Part Lot 37 RP25R5601 Part 8 David Del Chiaro;
ARN 384538002026900 Con SB Pt Lot 37 RP25R5601 Part 10 David Del Chiaro
6330-6324 Townsend Line, Forest, Lambton Shores

FILE: Z18-2024

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

ZONING BY-LAW 94 OF 2024

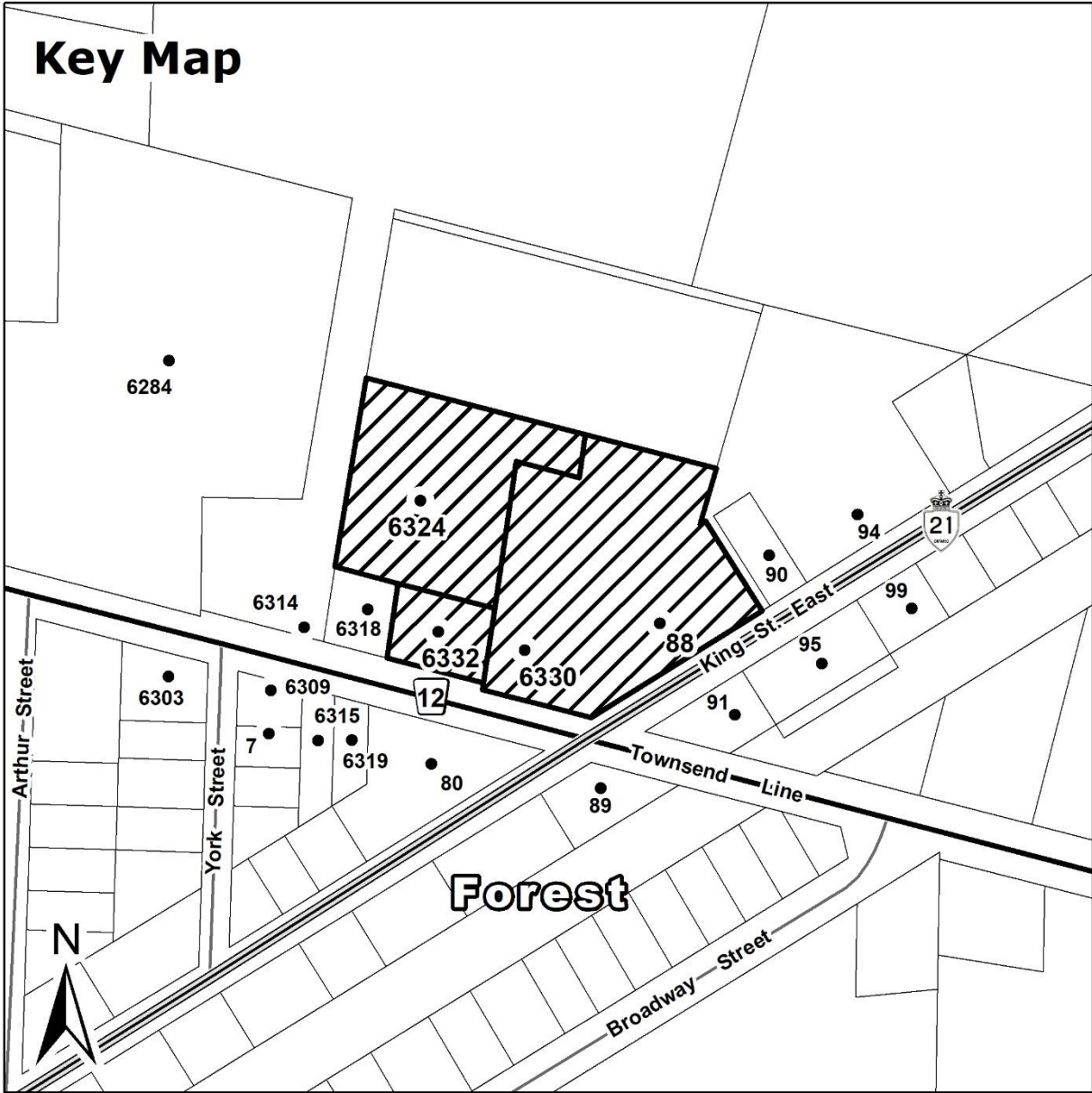
Explanatory Note

The purpose of this zoning by-law amendment is to amend Zoning By-law 1 of 2003 as it affects lands located in Part Lots 36 and 37 in the South Boundary Concession, composed of reference plans 25R3340 Part 1, 25R3657 Part 1, and 25R5601 Parts 8 to 10, known as 6324, 6330, and 6332 Townsend Line and 88 King St East, Forest, and shown on the Key Map.

The site contains an existing grocery store. The applicant proposes to construct a second building of 1556m² containing a quick serve restaurant, a 374m² retail store (Pet Value), and a 954m² retail store (Dollarama).

The lands are currently zoned “Commercial-2 (C2) Zone”. The amendment would rezone the lands from the C2 Zone to “Exception 12 to the Commercial-2 (C2-12) Zone”. The amendment would also add special provisions to Section 21.1 of the Zoning By-law for the new C2-12 Zone. Whereas the standard C2 Zone generally does not permit Retail Stores, the C2-12 Zone’s permitted uses would include retail stores. The retail stores would be subject to a maximum combined floor area of 1600m². Further, retail stores would generally be subject to a minimum floor area requirement, with not more than one retail store of less than 500m² being permitted. The C2-12 would also allow use of a fence or wall in lieu of a planting strip where the lot abuts the residential property known as 6318 Townsend Line.

The zoning by-law amendment has been passed concurrently with amendment No. 12 to the Lambton Shores Official Plan, which would add a special policy to the “Highway Commercial” designation policies permitting retail stores, including a retail store under 500m² in floor area. The zoning amendment will not be deemed to have come into force until official plan amendment no. 12 comes into effect.



SUBJECT PROPERTIES

APPLICANT: Delmart Holdings (Zelinka Priamo Limited c/o Taylor Whitney)

LOCATION: ARN 384538002026700 Con SB Pt Lots 36 and 37 RP25R3340 Part 1
 RP25R3657 Part 1 RP25R5601 Part 9 - Delmart Holdings Inc.;
 ARN 384538002027005 Con SB Part Lot 37 RP25R5601 Part 8 David Del Chiaro;
 ARN 384538002026900 Con SB Pt Lot 37 RP25R5601 Part 10 David Del Chiaro
 6330-6324 Townsend Line, Forest, Lambton Shores

FILE: Z18-2024