

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 07-2025

Council Meeting Date: March 18, 2025

TO: Mayor Cook and Members of Council

FROM: Ken Bulgin, Planner

RE: ZBA ZO-03/2025 – 10023 Lakeshore Road, Lambton Shores – Westland Holdings GB Inc. (Agent: Agri-Urban Buildings Inc.)

RECOMMENDATION:

THAT Report PL 07-2025, relating to a Zoning By-Law Amendment Application, submitted by Westland Holdings GB Inc. be received;

THAT Zoning By-Law Amendment Application ZO-03/2025 submitted by Westland Holdings GB Inc. requesting an amendment to Zoning By-Law 1 of 2003 to amend the C5-2 zone on the lands known as 10023 Lakeshore Road, be approved; and

THAT By-Law 18 of 2025 be approved.

SUMMARY

This report relates to the Zoning Amendment Application submitted by Westland Holdings GB Inc. affecting the lands known municipally as 10023 Lakeshore Road, Lambton Shores. The applicant proposes to amend Zoning By-Law 1 of 2003 to add a Farmers Market as a permitted use. It is the intent of the applicant to construct a commercial building for use as a Farmers Market.

BACKGROUND

Location

The property is situated on the east side of Lakeshore Road approximately 310 m north of the Lakeshore Road and Cold Storage Road intersection. The subject lands are irregular in shape, are approximately 1.63 ha (4.02 acres) in area, with approximately 63.4 m (208 ft) of frontage along Lakeshore Road (See Attachment 1).

The subject property is a vacant lot that contains grassed areas with a number of shrubs and trees.

The lands are adjacent to the Green Bucks (Commercial Retail Store) to the south, Residential uses to the north and backs onto the Thedford Bog which supports agricultural uses to the east.

Official Plans

The subject property is designated as “Urban Settlement” in the County of Lambton Official Plan and “Residential – North Bosanquet Future Residential” in the Lambton Shores Official Plan.

The North Bosanquet Future Residential designation is a special designation applying to lands in the North Bosanquet Planning Area that are not serviced with municipal sanitary sewers. Only existing Residential and Commercial Uses and minor infilling are permitted on these lands with no large-scale development unless a private communal sewage system or municipal sanitary sewers are installed.

Zoning By-Law

The subject property is Zoned as Commercial-5 Exception 2 (C5-2) in the Zoning By-Law (ZBL) 1 of 2003. The C5-2 Zone lists Retail Store and Local Retail Store as permitted uses, but does not allow a Farmers Market.

Regulated Area

A portion of the property towards the eastern (rear) property line is part of a General Regulation Area overseen by the Ausable Bayfield Conservation Authority (ABCA) and does contain significant natural heritage features (significant woodlot).

DISCUSSION

Proposed Development

The application proposes to amend the C5-2 Zone to allow the applicant to construct a building for use as a farmers market.

The proposed building would be 9.14 m (30 ft) x 15.24 (50 ft) approximately 139.35 m² (1500 ft²) in size and be of wood construction.

The septic tank and bed would be located to the east and south (rear) of the proposed building with parking located to the west and south (front and side) of the building. The building, parking area and septic area have been located in areas to limit the removal of existing vegetation (trees) on the property.

Natural Hazard

The ABCA has reviewed the application (comments attached) and determined that a portion of the property is located within their Regulation Area but that the Conservation Authority has no natural hazard concerns with the requested rezoning and proposed development.

Compatibility

The North Bosanquet Future Residential policies indicate that the lands in this designation are not required for growth over the 20-year planning horizon. In the meantime, the policies recognize existing residential and commercial uses and permit commercial infilling. The proposed commercial use therefore conforms to the Official Plan in this respect. The question is whether amending the C5-2 Zone to allow a farmers market as a permitted use is an appropriate and efficient use of these lands.

The proposed farmers market would be situated in an area of mixed commercial – residential development with an existing retail store (Green Bucks) abutting the property to the south. Located to the east of the subject lands is the Thedford Bog, a specialty crop area that is suitable for vegetable growing.

In this regard, allowing an amendment of the Commercial-5 Exception 2 (C5-2) Zone to add Farmers Market as a permitted use, would allow a retail use, similar to the store abutting the subject lands, but for the retail sale of food, supporting the sale of locally grown products in and around the Thedford Marsh.

The proposed building would be of wooden construction, approximately 139.35 m² (1500 ft²) in size and would meet all C5-2 Site Regulations with the exception of its use as a Farmers Market. With its modest size it would not be out of character with other commercial or residential buildings in the near vicinity.

In Staff's opinion, the proposed use is compatible with area uses and would not alter the existing character of the neighbourhood or negatively impact the properties immediately surrounding the subject lands.

Services

The subject lot is currently not serviced by municipal water and does not utilize a private sewage disposal system. The proposed development would gain access to municipal water from Lakeshore Road and has proposed the location of the septic system to be to the rear of the building (Updated Sketch – Attached to Report).

The County of Lambton Building Services Department commented on the Zoning By-law Amendment Application and advised that Department can support the proposed amendment to the C5-2 Zone with the condition that a septic permit be obtained for a new septic system prior to the issuance of any building permits and achieve all applicable setbacks and all other criteria contained within Part 8 of the 2024 Ontario Building Code.

Property Access

A shared entrance with 10005 Lakeshore Road provides access to the subject lands off of Lakeshore Road (King's Highway 21).

The Ministry of Transportation Ontario (MTO) is circulated notice of rezoning as a public community agency and has appeal rights for Zoning decisions. The subject lot is located within an MTO controlled area where development is generally subject to MTO approvals and permits.

The MTO has indicated the shared access along Lakeshore Road needs to be (re)constructed to tie in with the existing access to 10005 Lakeshore Road providing a connection to site parking for both properties. MTO requirements should be addressed in the site plan agreement.

Draft Amending By-law

The property is currently Zoned C5-2, which permits commercial uses but does not permit a farmers market. The applicants have requested the addition of Farmers Market, as a permitted use, to allow the construction of a new building for use as a farmers market. In Staff's opinion the C5-2 Zone, which is currently only applied to the subject lands at 10023 Lakeshore Road and the abutting property to the south at 10005 Lakeshore Road, is appropriate for addition of this provision.

Staff has prepared a Draft amending By-law included in the By-laws section of Council's agenda. The By-law, as drafted, would amend the existing C5-2 Zone provisions in the Zoning By-law to add a farmers market as a permitted use.

Planning Opinion

The Official Plan indicates the subject lands are part of the North Bosanquet Future Residential Designation applying to lands in the North Bosanquet Planning Area that are not serviced with municipal sanitary sewers. Under this Designation, only existing residential and commercial uses and minor infilling are permitted with no new large-scale development.

The proposed farmers market will be a commercial infill development, and considered small in scale with a building size of approximately 139.35 m² (1500 ft²), meeting the requirements of the Official Plan for this designation.

The development would be located in a mixed-use area that includes residential, commercial and agricultural activities. The addition of a Farmers Market to existing permitted uses that include Retail Store and Local Retail Store in the Commercial-5 Exception 2 (C5-2) Zone would allow the retail sale of food items in an area situated in close proximity to a specialty crop area (Thedford Bog) and in character with the abutting property to the south operating a retail store (Green Bucks).

Based on the foregoing it is Staff's opinion that the proposed amendment of the C5-2 Zoning provisions to allow a farmers market is consistent with the *Planning Act* and the Official Plan and is compatible with surrounding land uses. Staff has no objection to approval of the application and adoption of the amending By-law as presented in the By-laws section of the Council's agenda.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Report PL 07-2025 be received, the zoning by-law amendment application be approved, and the implementing by-law be passed.

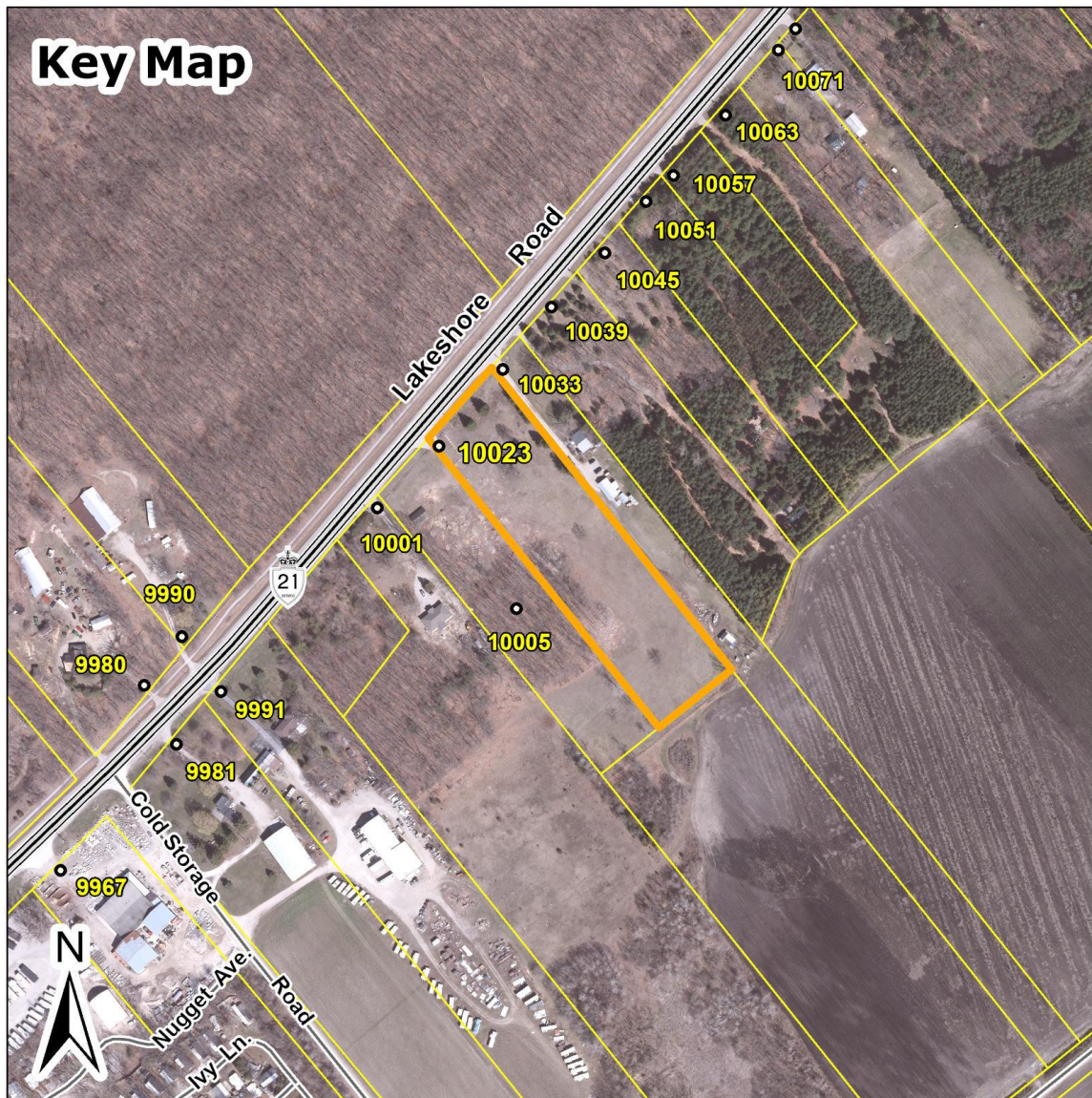
FINANCIAL IMPACT

The applicant has paid the Municipality a \$1300 application fee.

CONSULTATION

Lambton Shores Public Works Department
Lambton Shores Building Department
Lambton County Building Services
MTO (Ryan Mentley)

ATTACHMENT 1: LOCATION MAP



SUBJECT PROPERTY

APPLICANT: Westland Holdings GB Inc.

LOCATION: CON LRE PT LOT 14 RP 25R8828 PARTS 3 AND 5
10023 Lakeshore Road, Lambton Shores

FILE: Z03-2025

ATTACHMENT 2: SITE PLAN

