

Municipality of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Gabriel Clarke, MES, BA, RPP Candidate
Manager, Growth & Sustainability, Planning Services

Date: March 20, 2023

Subject: Official Plan Amendment and Zoning By-law Amendment – Housing

Recommendations

It is recommended that:

1. Official Plan Amendment, being OPA No. 75, in the Municipality of Chatham-Kent, to amend policies regarding Housing, be approved, and the implementing by-law adopted.
2. Zoning By-law Amendment, to amend the Chatham-Kent Zoning By-law 219-2009, as amended, to implement Official Plan Amendment No. 75, regarding Housing, be approved, and the implementing by-law adopted;

Background

Overview of Chatham-Kent's Land Use Planning System

Chatham-Kent's Official Plan and Zoning By-law are the two central documents of the Municipality's land use planning system. Together, they significantly influence the Community's built form.

The Official Plan is a key part of Chatham-Kent's planning policy structure that guide land use decisions in the Municipality. The goal of the Official Plan is to reflect the shared views of its citizens within the established Provincial planning policy framework. The Plan also allows the Municipality to evolve in a way that will contribute to Chatham-Kent's prosperity and to provide a range of opportunities to live, learn, work and play.

The Zoning By-law provides a regulatory framework to implement the policies of the Official Plan. These regulations identify permitted uses and performance standards that control how construction of buildings and structures may proceed on any lot.

Updating Chatham-Kent's Land Use Planning Documents

It is common practice for Municipalities to consider the relative benefits of maintaining consistency and predictability in the local land use planning system. There are also societal trends that occasionally justify changes to local planning policies and regulations. As a result, Municipalities in Ontario strive to update their Official Plans and Zoning By-laws on regular intervals of 5 to 10 years, or make specific updates as needs arise.

In recent years, trends in the Housing market as well as changes to the Ontario Planning Act require that specific changes to amend Official Plan policies and Zoning By-law regulations be made. There are four sources informing the proposed amendments, being:

- Ontario's More Homes Built Faster Act, 2022.
- Municipal Policies to Encourage Development of Affordable Housing in Chatham-Kent, by Vink Consulting (2019).
- Practical Experience Administering the Zoning By-law.
- Chatham-Kent Development Standards Manual (2019).

More Homes Built Faster Act, 2022

In support of its goal of building 1.5 million new homes by 2031 as set out in the Ontario 2022-2023 Housing Supply Action Plan, the Government of Ontario passed the More Homes Built Faster Act, 2022. Schedule 9 of the Act made certain amendments to the Planning Act. The Planning Act amendments are varied most are beyond the scope of this Report.

From a zoning perspective, the most significant change made by the More Homes Built Faster Act, 2022, are new as-of-right permissions to construct up to three residential units on any residentially zoned lot, serviced by municipal water and sanitary sewer services, in an urban settlement area. This can take either take the form of a primary residence that features two additional residential units within the building or a primary residence that features one additional residential unit within the building and one additional residential unit in a separate building. This change eliminated the effect of any municipal zoning by-law regulating these uses to a lesser standard.

An amendment to Chatham-Kent's Official Plan and Zoning By-law are recommended, to align local policies and regulations pertaining to additional residential units in fully serviced urban settlement areas with the requirements of the Act.

Municipal Policies to Encourage Development of Affordable Housing in Chatham-Kent

On May 25, 2020 Council received a Report prepared by Vink Consulting titled [Municipal Policies to Encourage Development of Affordable Housing in Chatham-Kent](#). The Report was commissioned in response to the Municipality's growing affordable housing challenges, which is characterized by increasing home prices and rental costs,

low market rental vacancy rates, and a growing waitlist of rent-geared to income households. These factors negatively affect an increasingly large proportion of people in the community. The Vink Report – as it has become known – employed a systems approach to Municipal action on the affordable housing supply challenge. It included a range of recommendations across several municipal service areas that have direct involvement in, or an ability to influence, the provision of affordable housing. The recommendations of the report fit into three broad areas:

1. Activating External Investments Through Incentives
 - The recommendations in this area are focused on identifying ways that a Community Improvement Plan (CIP) program or other financial incentives could be used to encourage private-sector investments to increase the supply of market rentals and affordable housing units.
2. Municipal Investments and Policies
 - The recommendations in this area are focused on establishing a Housing First Policy for surplus Municipal properties and on enhancing resourcing for the municipality's housing services programs.
3. Land Use Policies and Regulations
 - The recommendations in this area are focused on facilitating the construction of affordable housing developments through supportive Land Use policies and regulations in the Official Plan and the Zoning Bylaw, respectively.

Recommendations associated with a CIP were integrated into Chatham-Kent's new program which was adopted in March of 2020. Recommendations associated the Official Plan will be carried forward and further considered as efforts to develop a new Official Plan get under way. Zoning By-law recommendations are integrated into the proposed Zoning By-law Amendment based on Council direction given on May 25, 2020. The direction reads:

"That the recommendations contained in Appendix 1: A Summary of the "Municipal Policies to Encourage Development of Affordable Housing in Chatham-Kent, Recommendations Report," prepared by Vink Consulting (July 2, 2019) be dealt with as follows:

- a. Refer Planning Recommendations (Section 1): to the Director, Planning Services to include in appropriate subsequent updates and amendments to the Official Plan and the Comprehensive Zoning By-law".

Practical Experience Administering the Zoning By-law

Another source of proposed changes to the Zoning By-law come from the experience administering the Zoning By-law. The responsibility for administering the Zoning By-law rests largely with Building Development Services and with Planning Services. Day to day interaction with the By-law document has inspired thinking on ways to further

reduce challenging regulations, clarify interpretations, and streamlining implementation. Many of the recommended amendments encourage additional housing in ways that are aligned with, but also go beyond the recommendations of the Vink Report and legislative requirements of the More Homes Built Faster Act, 2022.

These amendments will encourage additional opportunities to increase housing supply in Chatham-Kent without compromising other matters of public interest, such as:

- Providing opportunities for creating additional residential units in existing neighbourhoods while considering servicing capacity limits.
- Allowing the creation of an additional residential unit in a detached house on a farm, while also preserving prime agricultural land.

Consistency with Chatham-Kent's Development Standards

Another document that influenced the proposed amendments to the Zoning By-law is the Development Standards Manual (2019). The Development Standards Manual provides a minimum standard for many civil construction practices that new development must meet or exceed. In a limited number of cases, the newer Development Standards requirements conflict with the provisions of the older Zoning By-law. Proposed changes under this heading will address these inconsistencies and establish uniformity between these documents.

Comments

Official Plan Amendment

The proposed Official Plan Amendment deals with 'Additional Residential Units', where they are permitted, and in what form.

Additional residential units are defined as:

- a) A separate and complete dwelling unit that is contained within the structure of a single detached dwelling, semi-detached dwelling, or townhouse dwelling; or,
- b) A separate and complete dwelling unit contained within a building or structure ancillary to a single detached dwelling, semi-detached dwelling or townhouse dwelling.

Primary and Secondary Urban Centres

To conform to the Planning Act, the following policy is proposed to apply in: Residential Area land use designation (in Primary Urban Centres), being Wheatley, Tilbury, Blenheim, Chatham, Ridgetown, Dresden, and Wallaceburg; and in Secondary Urban Centres, being Merlin, Charing Cross, Pain Court, Mitchell's Bay, Thamesville, and Bothwell.

- (a) Up to three residential units in a single detached dwelling, semi-detached dwelling or townhouse dwelling, if no building or structure ancillary to the aforementioned dwelling types contains any residential units; or, up to two

residential units in a single detached dwelling, semi-detached dwelling or townhouse dwelling and a maximum of one residential unit in a building or structure ancillary to the aforementioned dwelling types; subject to the following conditions:

- i) Additional residential units will be permitted where municipal water and sanitary sewer services are available;
- ii) The Zoning By-law shall establish the zones within which additional residential units may be permitted and shall include provisions to regulate those uses;
- iii) The additional dwelling units can be appropriately serviced in accordance with the policies of this Plan;
- iv) The additional residential units are incidental to the main permitted residential use and shall not change the general characteristics of the main residential structure; and,
- v) The additional residential units will comply with the Ontario Building Code, the Fire Code and all other relevant municipal and provincial standards.

Suburban Residential Areas, Hamlets, Rural Settlement Areas, Recreational Residential Areas

Going beyond what is legislated, it is proposed local policies be adopted to increase the geographic area where additional dwelling units can be located. Suburban Residential Areas, Hamlets, Rural Settlement Areas, Recreational Residential Areas are located across of Chatham-Kent.

Hamlets include, Erieau, Cedar Springs, Shrewsbury, Morpeth, and Highgate. Rural Settlement Areas include, Coatsworth, Port Alma, Glenwood, Dealtown, South Buxton, Fletcher, North Buxton, Jeanette's Creek, Guilds, Bradley, Kent Centre, Palmyra, McKay's Corners, Grande Pointe, Louisville, Duart, Muirkirk, Oungah, Dover Centre, Eberts, Kent Bridge, Wabash, Dawn Mills, Tupperville, Croton, and Bothwell Station.

Suburban Residential and Recreational Residential Areas are planned in several places throughout Chatham-Kent. Generally, Suburban Residential areas are planned on the outskirts of Primary and Secondary Urban Centres. Recreational Residential Areas are primarily planned along major rivers and lakes.

The following policies are proposed:

- a) Up to two residential units in a single detached dwelling, semi-detached dwelling or townhouse dwelling, if no building or structure ancillary to the

aforementioned dwelling types contains any residential units; or, where a single detached dwelling, semi-detached dwelling or townhouse dwelling contain no more than one residential unit, one residential unit in a building or structure ancillary to the aforementioned dwelling types; subject to the following conditions:

- i) Additional residential units will be permitted where municipal water is available;
- ii) The Zoning By-law shall establish the zones within which additional residential units may be permitted and shall include provisions to regulate those uses;
- iii) The additional residential units can be appropriately serviced in accordance with the policies of this Plan;
- iv) The additional residential units are incidental to the main permitted residential use and shall not change the general characteristics of the main residential structure; and,
- v) The additional residential units will comply with the Ontario Building Code, the Fire Code and all other relevant municipal and provincial standards.

Agricultural Areas

In the designated Agricultural Areas the following policies are proposed:

- a) up to two residential units in a single detached dwelling, subject to the following conditions:
 - i) An additional residential unit can be appropriately serviced in accordance with the policies of this Plan;
 - ii) Additional residential units are not permitted in buildings or structures ancillary to the main dwelling;
 - iii) Where a dwelling contains two residential units, other special housing forms including a garden suite or mobile home are permitted on the lot, where permitted by the Zoning By-law;
 - iv) The Zoning By-law shall establish the zones within which additional residential units may be permitted and shall include provisions to regulate those uses;

- v) An additional residential unit is incidental to the main permitted residential use and shall not change the general characteristics of the main residential structure; and,
- vi) An additional residential unit will comply with the Ontario Building Code, the Fire Code and all other relevant municipal and provincial standards.

The policies of the Official Plan are proposed to be implemented and regulated by new provisions in the Zoning By-law.

Zoning By-law Amendment

As noted, there are four general sources informing the following proposed amendments to the Zoning By-law. These are:

- Ontario's More Homes Built Faster Act, 2022.
- Municipal Policies to Encourage Development of Affordable Housing in Chatham-Kent, by Vink Consulting (2019).
- Practical Experience Administering the Zoning By-law.
- Chatham-Kent Development Standards Manual (2019).

In the chart below, a summary of the proposed amendments, the affected sections of the Zoning By-law, and how the proposal was informed.

Section	Amendment	Informed by
3	New definition for "Bunkie"	Municipal Experience Implementing the Zoning By-law
3	Replace the definition of "Dwelling, Secondary" with "Dwelling, Additional"	Consistency with Planning Act
3	Update the definitions of "Dwelling", "Dwelling, Senior Citizen" and "Dwelling Unit"	Municipal Experience Implementing the Zoning By-law
3	Delete the definitions "Dwelling, Converted", "Rental Dwelling Unit, Small" and "Rental Dwelling Unit, Large"	Municipal Experience Implementing the Zoning By-law
4.2(3)	Permit accessory buildings at a maximum height of 6 m	Municipal Experience Implementing the Zoning By-law

4.3	Delete the regulations for Converted Dwellings	Municipal Experience Implementing the Zoning By-law
4.7(2)	Remove regulations prohibiting dwelling units in basements or cellars	Recommendation from Vink Report
4.7(5)	<p>Amending regulations for Additional Dwellings (formerly Secondary Dwellings) to permit the following:</p> <ul style="list-style-type: none"> • a) in the Residential Low Density (RL) or Residential Medium Density (RM) Zone, where municipal water services and municipal sanitary sewer services are provided: <ul style="list-style-type: none"> ○ Up to three Dwelling Units in a Single Detached Dwelling, Semi-Detached Dwelling Unit or Row House Dwelling Unit; or, ○ Up to two Dwelling Units in a Single Detached Dwelling, Semi-Detached Dwelling Unit or Row House Dwelling Unit, and a maximum of one dwelling unit within an accessory building ancillary to the foregoing dwelling types; • in the Rural Residential (RR), Estate Residential (ER) or Recreational and Lakeside Residential (RLR) zone, where municipal water service is provided: <ul style="list-style-type: none"> ○ Up to two Dwelling Units in a Single Detached Dwelling; or, ○ One Dwelling Unit in a Single Detached Dwelling and a maximum of one 	Consistency with Planning Act (Bill 23) & Municipal Experience Implementing the Zoning By-law

	<p>dwelling unit within an accessory building ancillary to a Single Detached Dwelling;</p> <ul style="list-style-type: none"> • in the Village Residential (VR), where municipal water service is provided: <ul style="list-style-type: none"> ○ Up to two Dwelling Units in a Single Detached Dwelling or Semi-Detached Dwelling; or, ○ One Dwelling Unit in a Single Detached Dwelling or Semi-Detached Dwelling Unit and a maximum of one dwelling unit within an accessory building ancillary to the foregoing dwelling types; • in an Agricultural (A1) zone: <ul style="list-style-type: none"> ○ Up to Two Dwelling Units in a Single Detached Dwelling 	
4.20(m)	Update maximum driveway widths	Consistency with Chatham-Kent Development Standards
4.20(s)	Update parking requirements for dwelling units	Municipal Experience Implementing the Zoning By-law
5 (Various Zones)	Remove all regulations for Small Rental Dwelling, Large Rental Dwelling Unit and Converted Dwellings	Municipal Experience Implementing the Zoning By-law
5 (Various Zones)	Removing regulations related to minimum dwelling sizes	Recommendation from Vink Report
5.2.2(b)	Increase lot coverage maximum in RM1 zone for row house dwellings to 45%	Municipal Experience Implementing the Zoning By-law

5.9.1	Permit one “Bunkie” where accessory to a single detached dwelling or cottage	Municipal Experience Implementing the Zoning By-law
5.10.1(d)	Increase maximum height in UC(HC1) zone to 11 m	Municipal Experience Implementing the Zoning By-law

The proposed Zoning By-law amendments reform current regulations affecting the provision of housing. The amendments will encourage all types new housing supply, including rental housing and affordable housing.

Areas of Strategic Focus

This report supports the following areas of strategic focus:

			
Economic Prosperity	Healthy & Safe Community	People & Culture	Environmental Sustainability
	2.3		

Consultation

The Technical Advisory Committee was consulted on the proposed amendments. Building Development Services assisted in drafting the Zoning By-law.

Communication

Information on Council’s action will be posted to the municipal website. All persons who have made a submission regarding this application will receive a notice of Council’s decision. Any other person who wishes to receive notice must submit a written request to the Clerk.

Diversity, Equity, Inclusion and Justice (DEIJ)

The recommendations contained in this Report support the concepts of diversity, equity, inclusion, and justice insofar as the recommended changes to Chatham-Kent’s Official Plan and Zoning By-law will encourage increases to the local housing supply, across the housing spectrum. In particular, affordable types of housing are encouraged, which

over time may provide additional opportunities for people to attain the type of housing that best meets their needs.

Financial Implications

There are no financial implications resulting from the recommendations.

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Attachments: By-law to adopt Official Plan Amendment No. 75
By-law to amend Comprehensive Zoning By-law 216-2019