

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

BY-LAW NO. \_\_\_\_-2023

A BY-LAW TO AMEND ZONING BY-LAW 216-2009

OF THE MUNICIPALITY OF CHATHAM-KENT

WHEREAS the Council of the Municipality of Chatham-Kent enacted By-law 216-2009 to regulate the use of land and the character, location and use of buildings and structures in the Municipality of Chatham-Kent on December 14, 2009 (Zoning By-law);

AND WHEREAS Council has determined that certain amendments be made to By-law 216-2009 pursuant to Schedule 9 of the More Homes Built Faster Act, 2022;

AND WHEREAS the Municipality of Chatham-Kent Official Plan has adopted Official Plan Amendment No. 75 regarding Housing;

AND WHEREAS the proposed amendments and updates to Zoning By-law 216-2009 conform with the general intent and purpose of the Municipality of Chatham-Kent Official Plan;

AND WHEREAS Council has the authority pursuant to Section 34 of the Planning Act R.S.O. 1990 Chapter P. 13, as amended, to pass amendments to the Zoning By-law;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED AS By-law No. \_\_\_\_-2023 of the Corporation of the Municipality of Chatham-Kent:

1. That Section 3 – Definitions, of By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by:

- 1.1 Adding the following definition of “Bunkie”

“Bunkie” means an accessory structure with a maximum floor area of 30 sq. m, which is only used for sleeping accommodations, does not include plumbing, and is not a dwelling unit.

- 1.2 Deleting and replacing the current definition of “Dwelling” with the following:

“Dwelling” means a building or part thereof, containing one or more dwelling units which is occupied or capable of being occupied as a principal residence by one (1) or more persons, constructed on-site, or off-site in parts designed to be transported to a property and where they are joined as integral units, and placed on a permanent foundation over a crawlspace or basement, but shall not include travel trailers, park model trailers, cottages, or a bunkie.

- 1.3 Adding the following definition of “Dwelling, Additional”

“Dwelling, Additional” means a dwelling unit or dwelling units ancillary to a single detached dwelling, a semi-detached dwelling unit, or a row house dwelling unit and located within one of the foregoing dwelling types or within a building ancillary to one of the foregoing dwelling types.

1.4 Deleting the definition of “Dwelling Converted” in its entirety.

1.5 Deleting the definition of “Dwelling, Secondary” in its entirety.

1.6 Deleting and replacing the definition of “Dwelling, Senior Citizen”, with the following:

“Dwelling, Senior Citizen” means a residence providing accommodation primarily for retired persons where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall or directly to outside and where common facilities for the preparation and consumption of food, common lounges, recreation rooms, and medical care facilities are all provided.

1.7 Deleting and replacing the definition of “Dwelling Unit”, with the following:

"Dwelling Unit" means a connected space for residential purposes, within a building which includes one or more bedrooms, sanitary facilities, and cooking facilities, all of which are provided for the exclusive use of the occupants thereof and having a private entrance from outside the building or from a common corridor, stairway or elevator. A dwelling unit may be rented either as a single housekeeping unit or as individual bedrooms.

1.8 Deleting the definition of “Rental Dwelling Unit, Small” in its entirety.

1.9 Deleting the definition of “Rental Dwelling Unit, Large” in its entirety.

2. That Section 4 – General Provisions For All Zones, of By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by:

2.1 Amending Section 4.2 – Accessory Uses, by:

2.1.1 Deleting and replacing provision (3) – Height Restrictions with the following: “Height Restrictions – No accessory building or structure in any zone other than an Agricultural Zone shall exceed 6 m in height.”

2.2 Deleting Section 4.5 – Converted Dwelling, in its entirety.

2.3 Amending Section 4.7, Dwelling Units, by:

2.3.1 Deleting provision number (2) Location Within a Basement or Cellar in its entirety.

2.3.2 Deleting provision number (3) Dwelling Unit Area (Minimum) in its entirety and replacing it with the following:

“Except as otherwise specified within a specific zone, the minimum dwelling unit area for a Single Detached Dwelling, Semi-Detached Dwelling Unit or Row House Dwelling Unit shall be 70 sq. m.”

2.3.3 Deleting the provision number (c), under provision (4) and replacing it with the following:

“where an Additional Dwelling is specifically permitted hereby.”

2.3.4 Deleting provision number (5), Dwellings Secondary in its entirety and replacing it with the following:

“Dwellings, Additional

Notwithstanding any other provisions of this By-law, the following provisions shall apply to regulate and govern such use:

- a) in the Residential Low Density (RL), Residential Medium Density (RM) Zone or Urban Commercial (Office and Service) (UC(OS)), where municipal water services and municipal sanitary sewer services are provided:
  - i. Up to three Dwelling Units in a permitted Single Detached Dwelling, Semi-Detached Dwelling Unit or Row House Dwelling Unit; or,
  - ii. Up to two Dwelling Units in a permitted 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;
- b) in the Rural Residential (RR), Estate Residential (ER), Village Residential (VR) or Recreational and Lakeside Residential (RLR) zone, where municipal water service is provided:
  - i. Up to two Dwelling Units in a permitted Single Detached Dwelling or Semi-Detached Dwelling Unit; or,
  - ii. One Dwelling Unit in a permitted 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;
- c) in an Agricultural (A1) zone:
  - i. Up to two Dwelling Units in a permitted Single Detached Dwelling.

2.4 Deleting and Replacing Section 4.12, Group Homes, Small Rental Dwelling Unit, and Large Rental Dwelling Unit, with the following:

Group Homes

Group Homes shall be permitted in certain Zones identified Section 5.0 of this By-law or in any Special Zones under those same Zone Categories.

2.5 Amending Section 4.20, Loading and parking, by:

2.5.1 Deleting provisions number (c)

2.5.2 Deleting and replacing provision number (n) with the following:

Driveway Widths shall be as follows:

- i) Dwelling – Single Detached – Maximum Driveway Width – 7.3 m
- ii) Dwelling – Semi Detached – Maximum Driveway Width – 7.3 m

No driveway or outdoor parking area shall be located within 3.048 m of the main building when the main building is an apartment dwelling.

All driveways, parking aisles, parking areas and parking spaces located within an RL, RM, RH, UC, M1, M4, M5 and I Zone, shall be improved with a granular base and either a concrete surface or asphalt surface.

2.5.3 Provision number (s) be amended by:

- 2.5.3.1 Deleting and replacing “Dwelling – One to three dwelling units per building – One space per dwelling unit”, with the following:  
  
“Dwelling - One to eight (8) dwelling units per building – One space per dwelling unit”
  - 2.5.3.2 Deleting and replacing “Dwelling – more than three dwelling units per building”, with the following:  
  
“Dwelling – More than eight (8) dwelling units per building - One and one-quarter spaces per dwelling unit”
  - 2.5.3.3 Deleting “Rental Dwelling Unit, Large - One space for the dwelling unit plus one space for every two bedrooms where individual bedrooms are offered for rent. The required spaces may be provided as tandem parking.”
  - 2.5.4 Deleting Section 4.29 – Row Dwellings Outdoor Living Area, in its entirety.
3. That Section 5 – Zones, of By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by:
- 3.1 Amending Section 5.1, Residential Low Density Zone (RL), by:
- 3.1.1 Amending Section 5.1.1, Uses Permitted, by:
    - 3.1.1.1 Removing the words “Small Rental Dwelling Unit, Large Rental Dwelling Unit” from subsection (a) – RL1-E
    - 3.1.1.2 Removing the words “Small Rental Dwelling Unit, Large Rental Dwelling Unit” from subsection (b) – RL1
    - 3.1.1.3 Removing the words “Small Rental Dwelling Unit, Large Rental Dwelling Unit” from subsection (c) – RL2
    - 3.1.1.4 Removing the words “Small Rental Dwelling Unit, Large Rental Dwelling Unit” from subsection (d) – RL3
    - 3.1.1.5 Removing the words “Small Rental Dwelling Unit, Large Rental Dwelling Unit” from subsection (e) – RL4
    - 3.1.1.6 Removing the words “Small Rental Dwelling Unit, Large Rental Dwelling Unit” from subsection (f) – RL5
    - 3.1.1.7 Removing the words “Small Rental Dwelling Unit, Large Rental Dwelling Unit” from subsection (h) – RL7
    - 3.1.1.8 Removing the words “Small Rental Dwelling Unit, Large Rental Dwelling Units” from subsection (i) – RL8
  - 3.1.2 Amending Section 5.1.2, Regulations, Performance Standards Chart, by:
    - 3.1.2.1 Deleting the entire row containing regulations for “RL1-E; RL1; RL2; RL3; RL4; RL5; RL7; RL8; Small Rental Dwelling Unit; Large Rental Dwelling Unit”
    - 3.1.2.2 Deleting the entire row “RL2 – Converted Dwelling”
    - 3.1.2.3 Deleting the entire row “RL3 – Converted Dwelling”

3.2 Amending Section 5.2, Residential Medium Density Zone (RM), by:

3.2.1 Amending Section 5.2.1, Uses Permitted, by:

- 3.2.1.1 Deleting the following permitted uses “Converted Dwelling”, “Small Rental Dwelling Unit” and “Large Rental Dwelling Unit” from subsection (a) – RM1
- 3.2.1.2 Deleting the following permitted uses “Small Rental Dwelling Unit” and “Large Rental Dwelling Unit” from subsection (b) – RM2

3.2.2 Amending Section 5.2.2, Regulations, Performance Standards Chart, by:

- 3.2.2.1 Deleting the entire row “RM1; RM2 – Small Rental Dwelling Unit; Large Rental Dwelling”
- 3.2.2.2 Deleting the entire row “RM1 – Converted Dwelling”
- 3.2.2.3 In the “RM1 - Row House Dwelling” row, in the Lot Coverage Maximum column, deleting 33% and replace with 45%
- 3.2.2.4 In the “RM1 - Row House Dwelling Unit” row, in the Lot Coverage Maximum column, deleting 33% and replace with 45%

3.3 Amending Section 5.3, Residential High Density Zone (RH), by:

3.3.1 Amending Section 5.3.1, Uses Permitted, to:

- 3.3.1.1 Removing the following permitted uses “Small Rental Dwelling” and Unit Large Rental Dwelling Unit” from subsection (a) – RH1
- 3.3.1.2 Removing the words “Small Rental Dwelling Unit Large Rental Dwelling Unit” from subsection (b) – RH2

3.3.2 Amending Section 5.3.2, Regulations, Performance Standards Chart, by:

- 3.3.2.1 Deleting the row “RH1; RH2 – Small Rental Dwelling Unit, Large Rental Dwelling Unit”

3.4 Amending Section 5.4, Rural Residential Zone (RR), by:

3.4.1 Amending Section 5.4.1, Uses Permitted, to:

- 3.4.1.1 Deleting subsection (c) “Small Rental Dwelling Unit, Large Rental Dwelling Unit”

3.4.2 Amending Section 5.4.2, Regulations – Performance Standards, by:

- 3.4.2.1 In the row “Single Detached Dwelling” delete Other Provisions in its entirety
- 3.4.2.2 Deleting the entire row “Small Rental Dwelling Unit; Large Rental Dwelling Unit”

3.5 Amending Section 5.5, Estate Residential Zone (ER), by:

3.5.1 Amending Section 5.5.1, Uses Permitted, by:

- 3.5.1.1 Deleting subsection (b) “Small Rental Dwelling Unit, Large Rental Dwelling Unit”

3.5.2 Amending Section 5.5.2, Regulations – Performance Standards, by:

3.5.2.1 In the row “Single Detached Dwelling” delete Other Provisions in its entirety

3.5.2.2 Deleting the entire row “Small Rental Dwelling Unit; Large Rental Dwelling Unit”

3.6 Amending Section 5.6, Village Residential Zone (VR), by:

3.6.1 Amending Section 5.6.1, Uses Permitted, to:

3.6.1.1 Deleting subsection (e) “Small Rental Dwelling Unit, Large Rental Dwelling Unit”

3.6.2 Amending Section 5.4.2, Regulations – Performance Standards, by:

3.6.2.1 In the row “Single Detached Dwelling” delete Other Provisions in its entirety

3.6.2.2 In the row “Semi-Detached Dwelling” delete Other Provisions in its entirety

3.6.2.3 In the row “Semi-Detached Dwelling Unit” delete Other Provisions in its entirety

3.6.2.4 Deleting the entire row “Small Rental Dwelling Unit; Large Rental Dwelling Unit”

3.7 Amending Section 5.9, Recreational and Lakeside Residential Zone (RLR), by:

3.7.1 Amending Section 5.9.1, Uses Permitted, by:

3.7.1.1 Deleting subsection (c) “Small Rental Dwelling Unit, Large Rental Dwelling Unit”

3.7.1.2 Adding the words “One Bunkie, accessory to a Single Detached Dwelling or Cottage” following subsection (b) “Single Detached Dwellings”

3.7.2 Amending Section 5.9.2, Regulations – Performance Standards, by:

3.7.2.1 In the row “Single Detached Dwelling” delete Other Provisions in its entirety

3.7.2.2 Adding the words “; Cottage” after “Single Detached Dwelling” in the column Permitted Uses

3.7.2.3 Adding the words “or one cottage” after the words “One single detached dwelling” under the column “Maximum Density per Lot”

3.7.2.4 Deleting the entire row “Small Rental Dwelling Unit; Large Rental Dwelling Unit”

3.7.2.5 Deleting the entire row “Cottages”

3.8 Amending Section 5.10, Urban Commercial Zone (UC), by:

3.8.1 Amending Section 5.10.2, Regulations – Performance Standards, to:

3.8.1.1 In the row UC(LC) – Local Commercial delete Other Provisions in

its entirety and replace with “Gross leasable area: maximum is 278.7 sq. m”

- 3.8.1.2 In the row UC(OS) Office and Service delete the Other Provisions in its entirety
- 3.8.1.3 In the row “UC(HC1) Highway Commercial First Density” under the column Building Height, delete “7.92 m except for a Church 15.24m; hotel/motel – no requirement” and replace with “11 m except for a Church 15.24m; hotel/motel – no requirement”
- 3.8.1.4 In the row UC(HC1) – Highway Commercial First Density delete the Other Provisions in its entirety and replace with “Retail store – maximum gross floor area of 1,858 sq. m;”
- 3.8.1.5 In the row UC(HC2) – Highway Commercial Second Density delete the Other Provisions in its entirety and replace with “Retail store – maximum gross floor area of 1,858 sq. m;”
- 3.8.1.6 In the row UC(CC) – Community Commercial delete Other Provisions in its entirety and replace with “Gross leasable Area: Maximum for one building is 929 sq. m;”
- 3.8.1.7 In the row UC(CBD) – Central Business District delete Other Provisions in its entirety

3.9 Amending Section 5.11, Village Commercial Zone (VR), by:

3.9.1 Amending Section 5.5.1, Uses Permitted, to:

- 3.9.1.1 Deleting subsection (bb) “Small Rental Dwelling Unit, Large Rental Dwelling Unit”

3.9.2 Amending Section 5.5.2, Regulations – Performance Standards, by:

- 3.9.2.1 In the row “Uses permitted in a VC Zone” deleting Other Provisions in its entirety

3.10 Amending Section 5.20, Institutional Zone (I), by:

3.10.1 Amending Section 5.20.1, Uses Permitted, to:

- 3.10.1.1 Deleting subsection (n) “Small Rental Dwelling Unit, Large Rental Dwelling Unit”

3.10.2 Amending Section 5.20.2, Regulations – Performance Standards, by:

- 3.10.2.1 In the row Uses Permitted in an (I) Zone deleting Other Provisions in its entirety

3.11 Amending Section 5.21, Agricultural Zone (A1), by:

3.11.1 Amending Section 5.21.1, Uses Permitted, by:

- 3.11.1.1 Deleting subsection (r) “Small Rental Dwelling Unit or Large Rental Dwelling Unit in an existing Single Detached Dwelling”

3.11.2 Amending Section 5.20.2, Regulations – Performance Standards, by:

- 3.11.2.1 Deleting the words “Small Rental Dwelling Unit, Large Rental Dwelling Unit in the Permitted Uses” after Single Detached

Dwelling”.

3.11.2.2 In the row “Single Detached Dwelling” delete Other Provisions in its entirety

4. Amending all references to Zones, Definitions, Sections, Subsections, Provision Numbers, and Schedule Numbers, as amended by this by-law.

THIS By-law shall come into force and effect upon the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990 Chapter P. 13, as amended.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 24th day of April, 2023.

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MAYOR – Darrin Canniff

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CLERK – Judy Smith