

Municipality of Chatham-Kent

Development Services

Planning Services

To: Mayor and Members of Council

From: Anthony Jas
Manager, Development, Planning Services

Date: May 27, 2024

Subject: Application for Zoning By-law Amendment
PL202400047 – 1000126008 Ontario Incorporated
118 Sheldon Avenue, Community of Chatham (City)

Recommendation

It is recommended that:

1. Zoning By-law Amendment Application File D-14 C/13/24/O, to rezone the lands known as 118 Sheldon Avenue, in Part of Lot 17, Plan 305, to a site-specific Residential High Density Second-1721 (RM2-1721) Zone, to recognize the existing single detached dwelling with two (2) Additional Dwelling Units as a permitted use, and to permit a Multiple Dwelling subject to the following regulations:
 - a. maximum number of residential units – seven (7);
 - b. minimum building setback from the northerly lot line – 1.22 m (4 ft.);
 - c. minimum building setback from the southerly lot line – 2.44 m (8 ft.);
 - d. minimum building setback from front lot line – 7.62 m (25 ft.);
 - e. minimum building setback from rear lot line – 7.62 m (25 ft.);
 - f. despite Section 4.19(j), Access to Parking, a minimum driveway width of 3.66 m (12 ft.) be permitted;

be approved, and the implementing by-law be adopted.

Background

The subject property is a 1,074.6 sq. m (11,566.6 sq. ft.) residential lot located on the west side of Sheldon Avenue, between McNaughton Avenue West and Cornhill Street, in the Community of Chatham (City) (Roll No. 3650 420 039 16600). The property currently contains a single detached dwelling that has been recently renovated to include two (2) additional dwelling units. The lands are designated Residential Area in the Chatham-Kent Official Plan and zoned Residential High Density Second (RH2). A key map showing the location of the subject property and surrounding area is attached as Appendix A. Site photos are attached as Appendix B.

The purpose of the application is to facilitate the redevelopment of the subject lands with a new 2-storey residential building, comprised of seven (7) residential units. The new residential building will be located towards the rear of the lot. The space between the new building and the existing single detached dwelling will be a parking area that includes 11 spaces. A conceptual site plan of the proposed development is attached as Appendix C.

Zoning By-law Amendment

The Zoning By-law Amendment application is required implement the proposed development. The application is to rezone the subject property to a site-specific Residential High Density Second-1721 (RH2-1721) Zone that adds a Multiple Dwelling as an additional permitted use. The site-specific zone will include the following regulations that are specific to a Multiple Dwelling, to ensure development is consistent with the conceptual site plan:

- Up to a maximum seven (7) units.
- Minimum building setback from northerly and southerly side yards set at 1.22 m (4 ft.) and 2.44 m (8 ft.), respectively.
- Minimum driveway width of 3.66 m (12 ft.) for the entrance from Sheldon Avenue to the proposed parking area.
- Minimum building setback from front and rear yards set at 7.62 m (25.0 ft.).

The proposed zoning will also recognize the existing single detached dwelling. This use is not permitted under the RH2 zone; however, the use was lawfully established and has been continuous up to the date of this application, which under section 34(9)(a) of the Planning Act satisfies the requirements for legal non-conforming status.

The proposed Zoning By-law Amendment is discussed in more detail below.

Comments

Provincial Policy Statement

The Provincial Policy Statement (PPS) encourages growth and development to be focused in settlement areas such as Chatham (City) (Policy 1.1.3.1). The land use patterns in settlement areas shall be based on the efficient use of land and resources through promoting opportunities for intensification and redevelopment. Intensification shall be directed towards locations with appropriate levels of infrastructure and public service facilities, to promote the efficient use and optimization of existing services (Policy 1.1.3.2; Policy 1.6.6.2).

- 1.1.3.1 *Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

a) *efficiently use land and resources;*

b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

The subject parcel is part of an established residential neighbourhood, within the Chatham urban boundary. The proposal promotes residential infill and intensification, and demonstrates efficient use of land and municipal resources.

The policies of Section 1.4.3 - Housing, is particularly relevant to the proposal. It reads:

1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

b) *permitting and facilitating:*

1. *all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*

2. *all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*

- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

The application will result in development that will increase the amount of available residential units to accommodate the growing population of Chatham-Kent.

Overall, the proposal is consistent with the policies of the PPS.

Official Plan

The proposal has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 2.3.4 - Housing, Section B.2.3 - Residential Area Policies, and Section 6.3.3 - Planning Tools (Zoning By-law Amendment), and generally meets these policies.

The subject property is designated Residential Area, which is intended for a range of low- and medium-density residential development, and high-density residential development in appropriate locations.

B.2.3.2 The Residential Area is intended for a range of low- and medium-density residential development, and a limited amount of high-density residential development, which shall be developed on full municipal services and in accordance with the Housing policies contained in Section 2.3.4.

The current zoning of the subject property permits a residential apartment building up to a maximum of 125 units per ha. This would equate to a maximum of 13 residential units being permitted as-of-right. However, the property is limited in its development potential due to its narrow width existing low density development.

The proposal for a new seven (7) unit residential building will bring the total dwelling unit count for the property to 10 units. This equates to a residential density of 91 units per ha, which is classified as high-density residential development by the Official Plan.

Although high density development rights currently exist for the property, an analysis of the applicable Official Plan policies are being considered in support of the proposal.

B.2.3.6 High-density residential development shall:

- B.2.3.6.1** Be developed to a density up to a maximum of 150 units per net residential hectare on full municipal services;

- B.2.3.6.2 Be located on a collector or arterial road, or within the Downtown/Main Street Area;
- B.2.3.6.3 Be located in reasonable proximity to community services, such as schools or churches and shopping;
- B.2.3.6.4 Be designed to minimize the impact of shadows on adjacent low and medium-density development;
- B.2.3.6.5 Be permitted to contain a small-scale convenience-retail commercial use on the first floor that fronts onto the street;
- B.2.3.6.6 Have parking areas that are adequately screened;
- B.2.3.6.7 Contain a high level of landscaping including, but not limited to, shrubs, trees, paving stones and decorative fencing;
- B.2.3.6.8 Have driveway accesses, which are located on a collector or local road;
- B.2.3.6.9 Incorporate amenities, such as onsite recreation facilities, for residents;
- B.2.3.6.10 Be subject to Site Plan Control.

The proposal conforms to these polices in that:

- The property is located within an established residential area where community retail/services and institutional uses are within close proximity.
- The property has access to full municipal services, including piped water, sanitary and storm sewers.
- The seven (7) unit residential building is proposed to be two (2) storeys in height, limiting shadowing impact to abutting lands.
- A parking area containing 11 parking spaces is planned for the site. The parking area will be between the existing single detached dwelling and the proposed building, and accessed from a Local Road (Sheldon Avenue).
- The parcels on either side of the subject property contain existing high density residential development, that are both larger in height and overall scale than what is proposed by this application.

With respect to site plan control, the proposed development is exempt from this requirement as a result of Planning Act amendments under Bill 23, More Homes Built

Faster Act, 2022, which received Royal Assent on November 28, 2022. The amendment exempts residential development of 10 or fewer units from Site Plan Control.

Housing

The proposal is also supported by the Housing policies of the Official Plan, which direct the municipality to support residential intensification and to plan for a wide range of housing options to accommodate for the diversity of current and future residents.

2.3.4.1.1 Plan for a diverse range of housing choices to ensure that the housing stock can accommodate an aging population, a variety of household types and sizes, a greater diversity of culture and a range of physical and mental disabilities, and that the housing stock can respond to fluctuations in these needs. ...

2.3.4.2.4 A portion of Chatham-Kent's housing supply will be accommodated through residential intensification. The Municipality has established a residential intensification target of 10% within the built-up portions of the Primary and Secondary Urban Centres. Residential intensification may include any of the following:

- a) Small-scale intensification by modifying an existing dwelling to include a second residential dwelling unit;*
- b) Residential infill development of vacant or underutilized land in existing neighbourhoods; and*
- c) Redevelopment through the replacement of existing residential uses with compatible new residential developments at a higher density or the replacement of non-residential uses with compatible residential or a residential mixed-use development.*

2.3.4.2.5 The Municipality will consider applications for infill development, intensification and redevelopment of sites and buildings, including brownfield or former institutional sites, through intensification based on the following considerations:

- a) The proposed development is within an urban area and is appropriately suited for intensification in the context of the specific community;*
- b) Intensification will be permitted in all areas designated for urban residential use or residential mixed-use, provided that the development is consistent with the policies of the appropriate landuse designation associated with the land and in compliance with the general intent and purpose of the Zoning By-law;*

- c) The existing water and sanitary sewage services can accommodate the additional development;*
- d) The road network can accommodate the additional traffic;*
- e) The required parking can be accommodated; and*
- f) The proposed development is compatible with the existing development standards and physical character of the adjacent properties and the surrounding area. Specifically, intensification proposals should:
 - i) respect and reinforce the existing physical characteristics of buildings, streetscapes and open space areas within an existing neighbourhood, including heights, massing and scale of proposed buildings;*
 - ii) provide adequate privacy, sunlight and sky views for existing and new residents;*
 - iii) screen any loading or service areas from adjacent properties for proposed developments that require such aspects.**

The proposal will facilitate infill development on an underutilized site, which is located within an established residential neighbourhood consisting of a range of low, medium, and high-density residential uses. As stated above, the site has access to full municipal services and maintains frontage on an improved Local Road. Off-street parking can be accommodated on-site. In sum, the proposal will increase the total number of available residential units in a Primary Urban Centre and supports the municipality's intensification targets and considerations described above.

The proposal conforms to the Housing Policies of the Official Plan.

Zoning By-law

The subject property is zoned Residential High Density Second (RH2), which permits the following uses:

- Apartment Dwelling
- Senior Citizen Dwelling
- Group Home

It is intended that the lands be further developed with residential uses; specifically, a seven (7) unit, two-storey, residential building. The property itself is of an area that can accommodate further residential intensification.

To facilitate further development of the subject lands, the proposal is to rezone the property to a site-specific Residential High Density Second-1721 (RH2-1721) Zone, to:

- a) Permit a Multiple Dwelling as an additional permitted use; and
- b) Recognize the existing single detached dwelling with two (2) Additional Dwelling units.

The Chatham-Kent Zoning By-law defines a Multiple Dwelling as “a dwelling containing three or more dwelling units.” This definition is being used for the proposed development as each unit will have its own access to the outside, whereas an Apartment Dwelling would have each unit being accessed from a common hallway.

The proposed zoning will also establish the following regulations for a Multiple Dwelling use:

- a. maximum number of residential units – seven (7);
- b. minimum building setback from the northerly lot line – 1.22 m (4 ft.);
- c. minimum building setback from the southerly lot line – 2.44 m (8 ft.);
- d. minimum building setback from front lot line – 7.62 m (25 ft.);
- e. minimum building setback from rear lot line – 7.62 m (25 ft.);
- f. that the associated off-street parking area be exempt from Section 4.19(j), Access to Parking, to allow for a driveway width of 3.66 m (12 ft.);

The residential building will be situated 1.23 m (4 ft.) from the northerly interior lot line, and 2.44 m (8 ft.) from the southerly interior lot line, as depicted on the conceptual site plan. The property will continue to provide sufficient space along the both interior lot lines for access to an outdoor common area, and for maintenance purposes. As mentioned, the subject property is bordered on both sides by Apartment Dwellings, mitigating privacy concerns associated with the proposed side yards.

The parking area will be accessed by an existing driveway entrance from Sheldon Avenue. Due to the location of the existing single detached dwelling on the property, the driveway width is limited. The 3.66 m (12 ft.) driveway width is deemed to be suitable to serve the 11 off-street parking spaces as the dwelling is set back from the front lot line to not cause any visibility concerns for ingress/egress.

Conclusion

The proposed Zoning by-law Amendment has been reviewed in the context of the Provincial Policy Statement and Chatham-Kent Official Plan, and will be in full conformity, if approved. Therefore, the application is being recommended for approval.

Council Term Priorities

This report supports the following Council Term Priorities:

			
Deliver Excellent Service	Promote Safety & Well-Being	Grow Our Community	Ensure Environmental Sustainability
		1(a)	

Consultation

The Technical Advisory Committee was consulted on this development project and supports the application.

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)

This report outlines a proposal to add additional residential units to the housing market for Chatham (City). Housing affordability is an issue that faces all sectors of the Chatham-Kent community. The addition of new dwelling units into the housing market increases housing supply and housing options for residents across the community.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by:

Jeremy Lefaive, Planner II, Planning Services

Reviewed by:

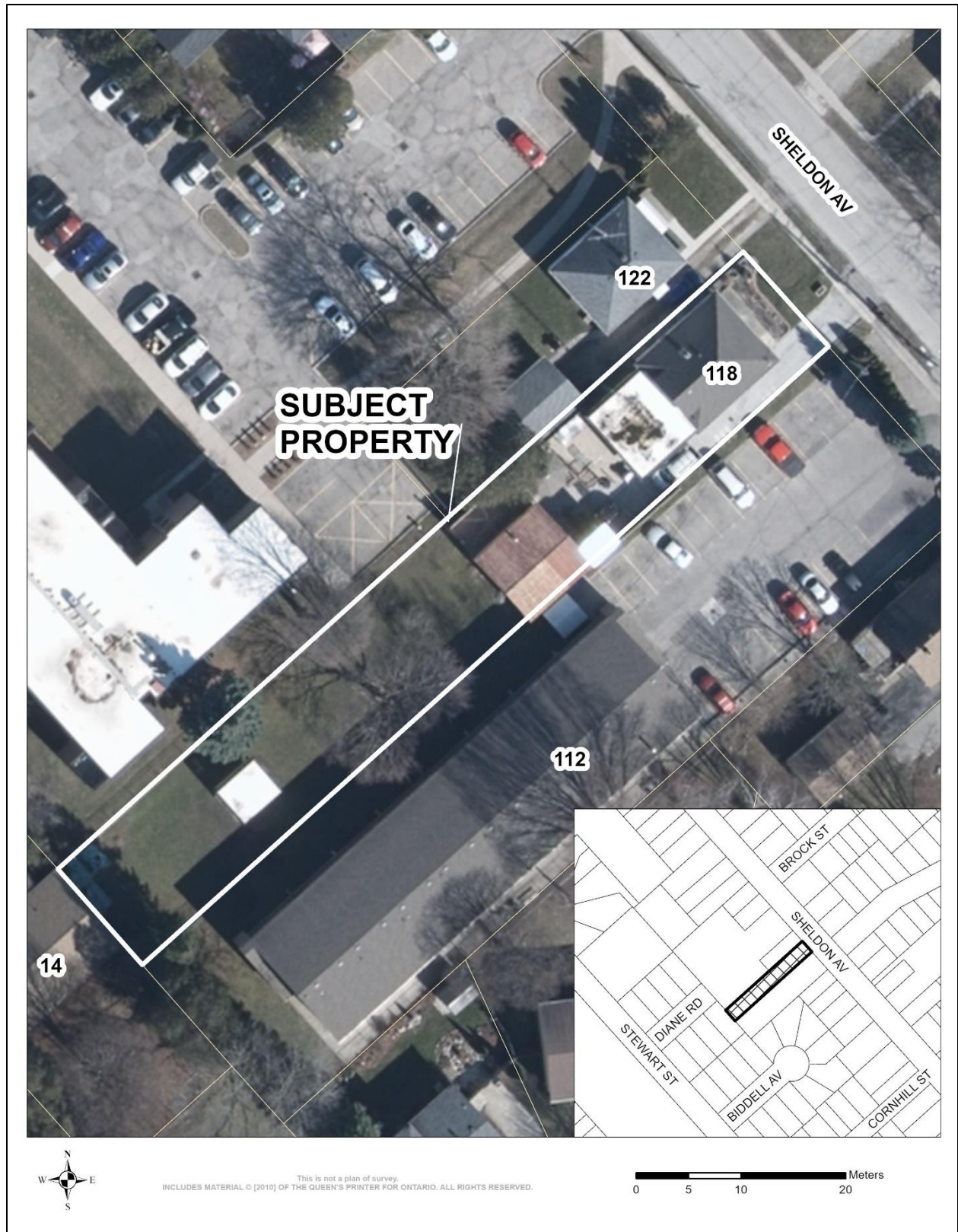
Anthony Jas, Manager, Development, Planning Services

Ryan Jacques, MCIP, RPP, Director, Planning Services

Bruce McAllister, MCIP, RPP, General Manager, Development Services

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Conceptual Site Plan
By-law to amend By-law 216-2009

Appendix A – Key Map



Appendix B – Site Photos



Looking west at the existing single detached dwelling located on the subject lands.



Looking west at existing surrounding higher density residential uses.

Appendix C – Conceptual Site Plan

