

## **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  
PL202400014 – 1268236 Ontario Inc.  
430 Indian Creek Road West, Community of Chatham (City)

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### **Recommendation**

It is recommended that:

1. Council approve Zoning By-law Amendment application File D-14 C/02/24/O, to rezone the lands known as 430 Indian Creek Road West, Lot 6, Plan 476, from Residential Low Density First (RL1) to a site-specific Residential Medium Density First-1709 (RM1-1709) Zone, to permit medium density residential uses and to establish site-specific regulations for a Row House Dwelling use, be approved, and the implementing by-law be adopted.

### **Background**

The subject property is located on the south side of Indian Creek Road West, opposite of St. Michael Avenue, in the Community of Chatham (City) (Roll No. 3650 110 011 06900). The lands are approximately 2,370 sq. m (25,510 sq. ft.) in area and contain a single detached dwelling. The lands are designated Residential Area in the Chatham-Kent Official Plan and zoned Residential Low Density First (RL1). A key map showing the location of the subject lands is attached as Appendix A. Site photos are attached as Appendix B.

At its meeting on March 18, 2024, Council received public submissions regarding the above noted Zoning By-law Amendment application, which at that time was for a nine (9) unit, three-storey apartment dwelling. The main planning considerations related to the application were building height and parking layout. These submissions were referred to Administration for further review and consideration.

The applicant has since provided a new proposal for the subject lands. The application now proposes to rezone the subject lands to facilitate the development of two (2) row house dwellings, each containing three (3) units. A conceptual site plan of the proposed

development is attached as Appendix C.

### *Zoning By-law Amendment*

The subject property is proposed to be rezoned to a site-specific Residential Medium Density First-1709 (RM1-1709) Zone, which permits medium density residential development, including a Row House Dwelling, as-of-right. This site-specific zone would also include the following regulations for a Row House Dwelling use to ensure it is implemented in the manner shown on the conceptual site plan:

- i) Interior Side Yard Width Minimum – 1.35 m
- ii) Maximum Density – 26 units per hectare (6 units total)

This proposed zoning by-law amendment is discussed in more detail in the Comments section below.

## **Comments**

### **Provincial Policy Statement**

The proposed zoning by-law amendment is consistent with applicable provincial legislation in that:

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 1.1.3.3; Policy 1.4.3; Policy 1.6.6.1; Policy 1.7.1).

Policies of Section 1.1.3 - Settlement Areas, include:

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

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

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:*

*a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*

*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 subject parcel is part of an established area within the Chatham urban boundary. The area is complete with residential and institutional uses on full municipal services. The proposal is for residential infill and intensification of an underutilized lot that has access to existing services. Redevelopment of this parcel in the manner proposed demonstrates an efficient use of land and municipal resources and increases the amount of available residential units to support the growing population of Chatham-Kent.

### **Official Plan**

The proposed zoning by-law amendment 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).

## Housing

The Housing policies direct the municipality to plan for a wide range of housing options to accommodate for the diversity of residents within the municipality and support residential intensification. The Official Plan sets out the following policy objectives:

*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 land use 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 is to facilitate infill development on a residential lot that is currently underutilized based on its size and location. The lot area and frontage of the subject property is appropriate for accommodating medium density residential uses. However, the property currently contains a single detached dwelling.

The property is located on an Urban Collector Road (Indian Creek Road West) which serves a mix of uses in the subject area, including low density residential, institutional uses (church, school, etc.) and a recreational use (golf course). The subject site has access to full municipal services and can accommodate off-street parking for the proposed development.

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.

### Residential Area Policies

The subject property is designated Residential Area, which permits medium-density residential uses:

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.

Section B.2.3.5 of the Official Plan contains policies specific to Medium-density residential development, which state:

*Medium-density residential development shall:*

*B.2.3.5.1 Be developed to a density up to a maximum of 75 units per net residential hectare on full municipal services.*

*B.2.3.5.2 Be developed in accordance with the lot creation policies of this Official Plan.*

*B.2.3.5.3 Have a street and/or block pattern that is conducive to balancing the needs of automobiles, cycling and pedestrians;*

*B.2.3.5.4 Provide appropriate pedestrian access;*

*B.2.3.5.5 Incorporate street trees in the front yards;*

*B.2.3.5.6 Be located on a collector, arterial or local road, or within the Downtown/Main Street Area;*

*B.2.3.5.7 Be subject to Site Plan Control.*

The proposal conforms to the medium-density residential development policies noted above, in that:

- The planned six (6) row house dwelling units would equate to a density of approximately 26 units per net residential hectare, just above the threshold for low density development (25 units per net residential hectare).
- The property is serviced by an improved collector road (Indian Creek Road West), which is bound by bicycle lanes on both sides of the road and a sidewalk on the north side of the road for pedestrian travel.
- The site has access to full municipal services that are capable of accommodating the intended development.

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.

Overall, the proposal conforms to the Residential Area policies.

#### Planning Justification Report (PJR)

In support of the Zoning By-law Amendment application, the applicant has submitted a Planning Justification Report prepared by Oakview Land Use Planning, which provides

detailed justification for the proposal. It includes much of the policy analysis, which is summarized throughout this report. A full copy of the PJR is attached as Appendix E.

The PJR concludes:

*The introduction of new uses or the intensification of an existing use can be of concern to the residents in the area that may be impacted. The challenge with residential intensification is to do it in such a way that respects the existing area but also makes better use of a given property, increases the housing options, regardless of the location, and encourages reinvestment in existing neighbourhoods. The proposal is also not particularly unique in terms of mixing increased densities. Often development such as this is proposed in established areas as a common form of infilling. Many newer subdivisions also include mixed zoning that allows for singles, semis, townhouses and even apartments.*

*The subject property, despite its location in a single detached dwelling area, is well suited to the proposed development as it is not seeking to proportionally over develop the lot. This factor on its own is very critical to any type of intensification or redevelopment. Space is maintained for separation, green space and amenity area. The lot also takes advantage of the location next to the Links of Kent providing a housing option not currently available in Chatham-Kent.*

## **Zoning By-law**

The subject lands are currently zoned Residential Low Density First (RL1), which permits a range of low density residential uses. The proposal is for the subject lands to be redeveloped with a medium density use; specifically, two (2) three-unit row house dwellings. The property itself is of an area that can accommodate a range of medium density residential uses.

To facilitate medium-density residential development over the subject lands, the proposal is to rezone the property to a site-specific Residential Medium Density First-1709 (RM1-1709) Zone that will permit the following uses:

- Semi-Detached Dwelling
- Semi-Detached Dwelling Unit
- Duplex Dwelling
- Triplex Dwelling
- Double Duplex
- Fourplex Dwelling
- Row House Dwelling
- Senior Citizen Dwelling
- Group Home
- Single Detached Dwelling

The proposed zoning will also establish the following regulations for a Row House Dwelling use, which are specific to the proposed development delineated on the Conceptual Site Plan:

- Interior Side Yard Width Minimum – 1.35 m
- Maximum Density – 26 units per hectare (6 units total)

For clarity, the Zoning By-law defines a Row House Dwelling as “a dwelling containing three or more dwelling units to a maximum of eight, each dwelling unit having at least one separate entrance at street level, and separated from the adjoining unit or units by a common or party wall.

It should be noted that a single detached dwelling will continue to be permitted in the RM1-1709 Zone, as is currently permitted today.

**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:

|   |   |  |   |
|---|---|--|---|
|  |  |  |  |
| <b>Deliver Excellent Service</b>  | <b>Promote Safety &amp; Well-Being</b>  | <b>Grow Our Community</b>  | <b>Ensure Environmental Sustainability</b>  |
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**Consultation**

*Internal*

Infrastructure and Engineering Services (IES)

Engineering



No constraints related to servicing were identified. Service connections will be reviewed through the appropriate permit processes at the time of construction.

### Transportation

The proposal does not warrant a Traffic Impact Study. A traffic calming warrant analysis was completed after the March 18, 2024, Council meeting, which concluded no requirement for traffic calming measures at this location.

### *External*

### Lower Thames Valley Conservation Authority (LTVCA)

LTVCA has advised that a permit from their office is required for the proposal development.

### **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 does not have implications related to diversity, equity, inclusion or justice.

### **Financial Implications**

There are no financial implications resulting from the recommendation.

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Reviewed by: Anthony Jas, Manager, Development, Planning Services

Reviewed by: Ryan Jacques, MCIP, RPP, Director, Planning Services

Reviewed by: Bruce McAllister, MCIP, RPP, General Manager, Development Services

Attachments: Appendix A – Key Map

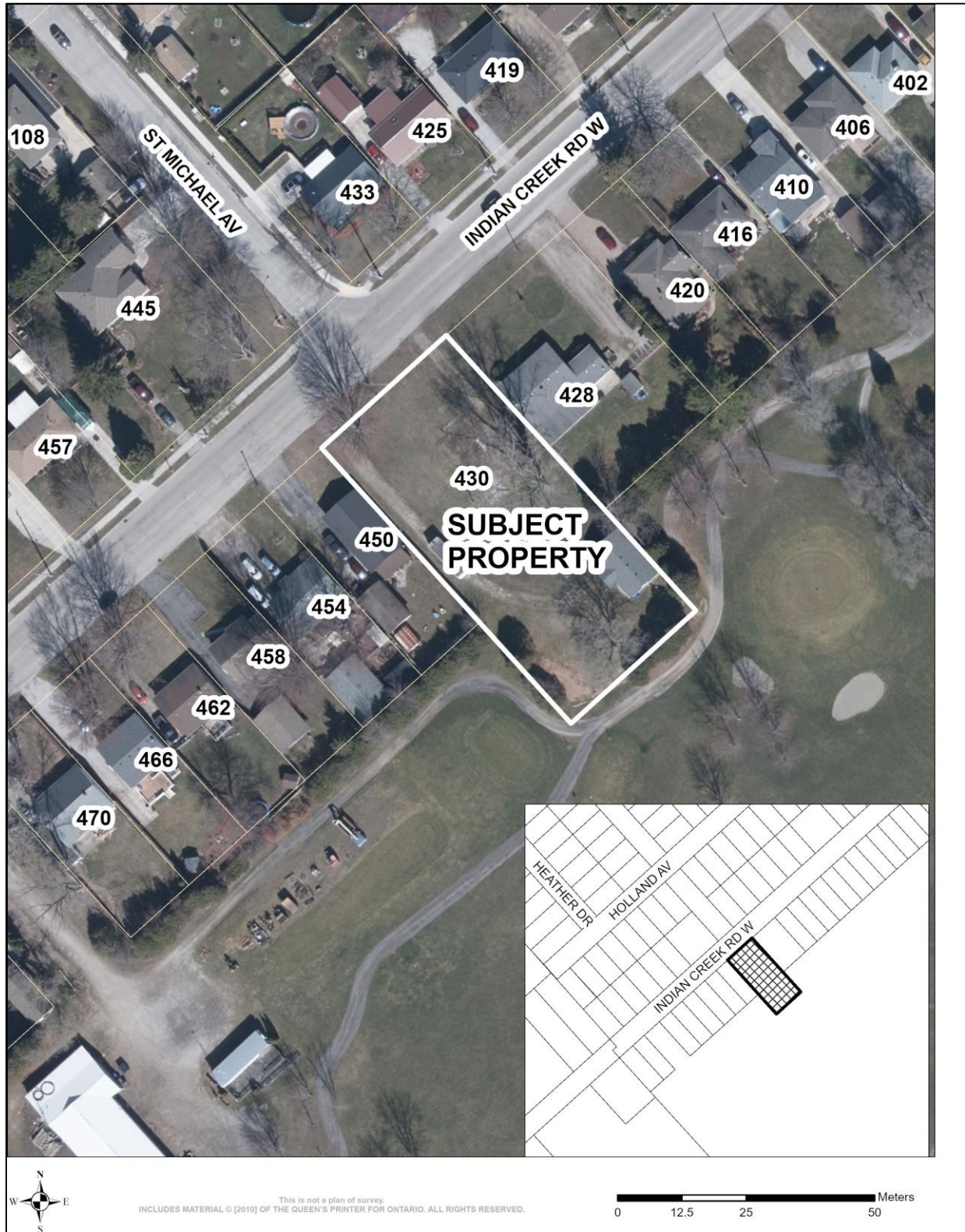
Appendix B – Site Photos

Appendix C – Conceptual Site Plan

Appendix D – Draft By-law to amend By-law 216-2009

Appendix E – Planning Justification Report

Appendix A – Key Map



Appendix B – Site Photos



Looking southeast at the subject property from Indian Creek Road West.



Looking south at the subject lands and abutting property (450 Indian Creek Road West).



Looking east at the subject lands and abutting property (428 Indian Creek Road West).

Appendix C – Conceptual Site Plan

