

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Director, Planning Services

Date: December 22, 2021

Subject: Applications for Consent and Zoning By-law Amendment
PL202100312 – 1936028 Ontario Inc.
23 Richard Street South, Community of Ridgetown (East Kent)

Recommendations

It is recommended that:

1. Consent application File B-163/21, to sever and convey a new residential parcel, approximately 446 sq. m (4,800 sq. ft.) in area, shown as Part 2 on the applicant's sketch, in Lots 8 & 9, Block J, Plan 82, in the Community of Ridgetown, and to permit a partial discharge of the existing mortgage, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the severed parcel from Residential Low Density Third (RL3) to Residential Low Density First-1573 (RL1-1573) to permit a Minimum Lot Area of 446 sq. m;
 - b) that the location of an existing municipal water and sanitary connection to the severed parcel be confirmed, and if absent, that new service connections be installed at the applicant's expense and to the satisfaction of the Municipality, and that the applicant provide documentation confirming permit issuance and payment of fees for the connection;
 - c) that the severed parcel be assigned the civic address 21 Richard Street South;
 - d) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and,
 - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification. It will be necessary to

allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).

2. Consent application File B-164/21, to sever and convey a new residential parcel, approximately 527 sq. m (5,672 sq. ft) in area, shown as Part 3 on the applicant's sketch, in Lots 8 & 9, Block J, Plan 82, in the Community of Ridgetown, and to permit a partial discharge of the existing mortgage, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the severed parcel from Residential Low Density Third (RL3) to Residential Low Density First-1574 (RL1-1574) to establish the following site specific regulations:
 - i. Minimum Lot area – 527 sq. m;
 - ii. Minimum Exterior Side Yard – 3.6 m;
 - iii. Minimum Rear Yard – 0.9 m;
 - iv. Minimum Front Yard Setback – 3.3 m;
 - v. Maximum Lot Coverage – 38%;
 - vi. A Secondary Dwelling, located within a single detached dwelling, be exempt from Section 4.7.3 (d), Dwelling Unit Area Minimum;
 - b) that the applicant obtain a building permit for the existing Secondary Dwelling on the severed parcel, and provide documentation confirming permit issuance, to the satisfaction of the Municipality;
 - c) that the location of an existing municipal water and sanitary connections to the severed parcel be confirmed, and if absent, that new service connections be installed at the applicant's expense and to the satisfaction of the Municipality, and that the applicant provide documentation confirming permit issuance and payment of fees for the connection;
 - d) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and,
 - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification. It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).
3. Consent application File B-169/21, to sever and convey a new residential parcel, approximately 647 sq. m (6,964 sq. ft) in area, shown as Part 4 on the applicant's sketch, in Lots 8 & 9, Block J, Plan 82, in the Community of Ridgetown, and to permit a partial discharge of the existing mortgage, be approved, subject to the following conditions:

- a) that the Chatham-Kent Zoning By-law be amended to rezone Severed Parcel 1 from Residential Low Density Third (RL3) to Residential Low Density First-1575 (RL1-1575) to establish the following site specific regulations:
 - i. Minimum Lot Frontage – 15 m;
 - ii. Minimum Northerly Interior Side Yard – 1.0 m;
 - iii. Minimum Southerly Interior Side Yard – 1.8 m;
 - iv. Minimum Rear Yard – 7.4 m;
 - v. Minimum Front Yard Setback – 3.3 m;
 - vi. Maximum Lot Coverage – 55%;
 - b) that the location of an existing municipal water and sanitary connections to the severed parcel be confirmed, and if absent, that new service connections be installed at the applicant's expense and to the satisfaction of the Municipality, and that the applicant provide documentation confirming permit issuance and payment of fees for the connection;
 - c) that the severed parcel be assigned the civic address 49 David Street;
 - d) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and,
 - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification. It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).
4. Zoning By-law Amendment application File D-14 RI/83/21/O, be approved, and the implementing by-law be adopted.

Background

The subject property is located at the northwest corner of the Richard Street South and David Street intersection, in the Community of Ridgetown (Roll No. 3650 240 002 22700). The lands are approximately 1,602 sq. m (17,243 sq. ft) in area and contain a Group Home, previously known as Banwells Nursing Home. The lands are designated Residential Area in the Chatham-Kent Official Plan and zoned Residential Low Density Third (RL3). A key map showing the location of the subject property is attached as Appendix A. Pictures showing the subject property and surrounding area are attached as Appendix B.

The application proposes to sever and convey three (3) residential parcels from the subject property, to be completed in the following manner:

- Severed Parcel 1: is to sever and convey a vacant residential parcel, approximately 446 sq. m (4,800 sq. ft.) in area, shown as Part 2 on the applicant's sketch attached as Appendix C. The intended use of this parcel is for a new single detached dwelling.
- Severed Parcel 2: is to sever and convey a residential parcel, 527 sq. m (5,672 sq. ft.) in area, shown as Part 3 on the applicant's sketch.
- Severed Parcel 3: is to sever and convey a residential parcel, approximately 527 sq. m (5,672 sq. ft.) in area and is shown as Part 4 on the applicant's sketch.

Parts 3 and 4 on the applicant's sketch will contain a portion of the previous Group Home that has since been divided into two residences. Each residence will be located on its own separate lot following the completion of Recommendations 2 and 3.

To implement the proposed severance, a zoning by-law amendment is required. The purpose of the amendment is to recognize zoning deficiencies as a result of the severance and to limit the permitted uses of the parcels to uses suitable for the size and location of the resulting lots. The proposed zoning is discussed in more detail in the Comments section below.

Comments

Provincial Policy Statement

The application does not raise any issues of provincial interest.

Official Plan

The application has been reviewed under policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 2.3.4, Housing, Section 2.3.6, Primary Urban Centres, Section B.2.3, Residential Area Policies, and Section 6.3.3, Planning Tools (Consent and Zoning By-law Amendment), and meets the intent of these policies.

The Official Plan considers applications for infill development, intensification and redevelopment of sites under the following considerations (Policy 2.3.4.2.5):

- 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 subject property is located within the Ridgetown Primary Urban Centre and is designated Residential Area. This designation is intended for a range of low-density and medium-density residential development on full municipal services (Policy 2.3.6.2.2). The proposed lot creation is considered infill development and will result in new residential development that is in keeping with the existing built form of the area, which is primarily low-density residential development. In terms of suitability regarding area, servicing and access, the proposal has been reviewed under the general consent policies of Section 6.3.3.40 (Consent Policies) and is deemed to be in conformity with the policies of this section, which are as follows:

6.3.3.40 *The following general policies shall be utilized for evaluating consent applications in all designations of this Official Plan, in addition to other provisions of this Plan, which may be applicable to a particular application.*

a) Road Access:

i) the lot to be retained and the lot to be severed shall have frontage on and access to an open, improved public road that is maintained on a year-round basis or to a private road that is developed and maintained to a standard acceptable to the Municipality.

b) Lot Size:

i) the lot area and frontage of both the lot to be retained and the lot to be severed shall be adequate for existing and proposed uses, and shall allow for the development of a use that is compatible with adjacent uses by

providing for sufficient setbacks from neighbouring uses and, where required, the provision of appropriate buffering.

ii) the proposed lots shall comply with the provisions of the Zoning By-law. When it is not possible to meet the standards of the Zoning By-law, the Municipality may amend the standards in the By-law or a minor variance may be granted as a condition of approval, when that action is considered appropriate.

c) Proper Development of Adjacent Lands:

The proposed lot(s) shall not restrict the development of other parcels of land, particularly the provision of access to allow the development of remnant parcels in the interior of a block of land.

d) Water and Sanitary Sewage Services:

i) consents within the Primary and Secondary Urban Centres as designated on Schedule "A" Series – Land Use shall only be considered where the lot can be serviced by the municipal water and sanitary sewage systems, as a condition of approval.

e) Parkland Dedication:

When a consent is approved, as a condition of consent, parkland dedication may be required in accordance with the policies set out in Section 4.7.2.9

The proposal conforms to the consent policies noted above, in that:

- The subject lands have frontage on Richard Street South and David Street, improved local municipal roads, and no traffic hazard will be created by implementing a new access for the proposed lots.
- The proposed lot sizes are typical of the residential lots along Richard Street South in the area of the subject property. Lots to the east of the subject lands have less depth with similar frontage.
- A zoning by-law amendment is required to recognize the proposed lot deficiencies as a result of the severance.
- Separate water and sanitary connections are required to the severed parcels to the satisfaction of the municipality, as per Section 2.4.7, Wastewater Services and 2.4.8, Water Services, of the Official Plan (Policies 2.4.7.2.1 & 2.4.8.2.1). This has been included as a condition of the consent approval.
- A cash-in-lieu payment for parkland dedication is not required for creation of the vacant lot. The lands are part of a plan of subdivision for which parkland considerations were made when the plan was approved.

Overall, the proposal conforms to the Official Plan.

Zoning By-law

As mentioned above, a zoning by-law amendment is being recommended to implement the proposed lot creation. The amendment is to rezone each parcel to a site-specific Residential Low Density First (RL1) zone, to limit each of the resulting parcels to a single detached dwelling use, and to establish the following zoning provisions of each lot based on the proposed lot configuration and existing development:

- Severed Parcel 1:
 - i) Minimum Lot area – 446 sq. m
- Severed Parcel 2:
 - i) Minimum Lot area – 527 sq. m
 - ii) Minimum Exterior Side Yard – 3.6 m
 - iii) Minimum Rear Yard – 0.9 m
 - iv) Minimum Front Yard Setback – 3.3 m
 - v) Maximum Lot Coverage – 38%
- Severed Parcel 3:
 - i) Minimum Lot Frontage – 15 m
 - ii) Minimum Northerly Interior Side Yard – 1.0 m
 - iii) Minimum Southerly Interior Side Yard – 1.8 m
 - iv) Minimum Rear Yard – 7.4 m
 - v) Minimum Front Yard Setback – 3.3 m
 - vi) Maximum Lot Coverage – 55%

All other zoning provisions of the RL1 zone apply to each of the resulting parcels.

The site-specific zoning for Severed Parcel 2 will also contain a provision that exempts this lot from the minimum dwelling unit area for a secondary dwelling. The applicant has indicated that a secondary dwelling unit currently exists within the existing dwelling, but that it does not meet the minimum dwelling unit area for a secondary dwelling as established by the Zoning By-law. A condition of this severance will be that a building permit be pursued for the secondary dwelling unit. The building permit process will ensure that the unit meets all Ontario Building Code (OBC) requirements.

Conclusion

The proposal has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law and will be in full conformity if approved. Therefore, the applications are being recommended for approval.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

☐ Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

☐ A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

☐ People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

☐ Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

☐ Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

☐ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

☐ Has the potential to support all areas of strategic focus & critical success factors

☒ Neutral issues (does not support negatively or positively)

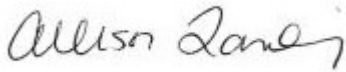
Consultation

There was no consultation required as part of these applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by



Allison Lambing
Planner II, Planning Services

: Reviewed by:



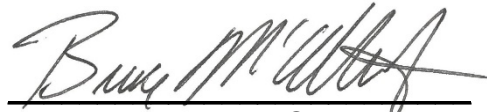
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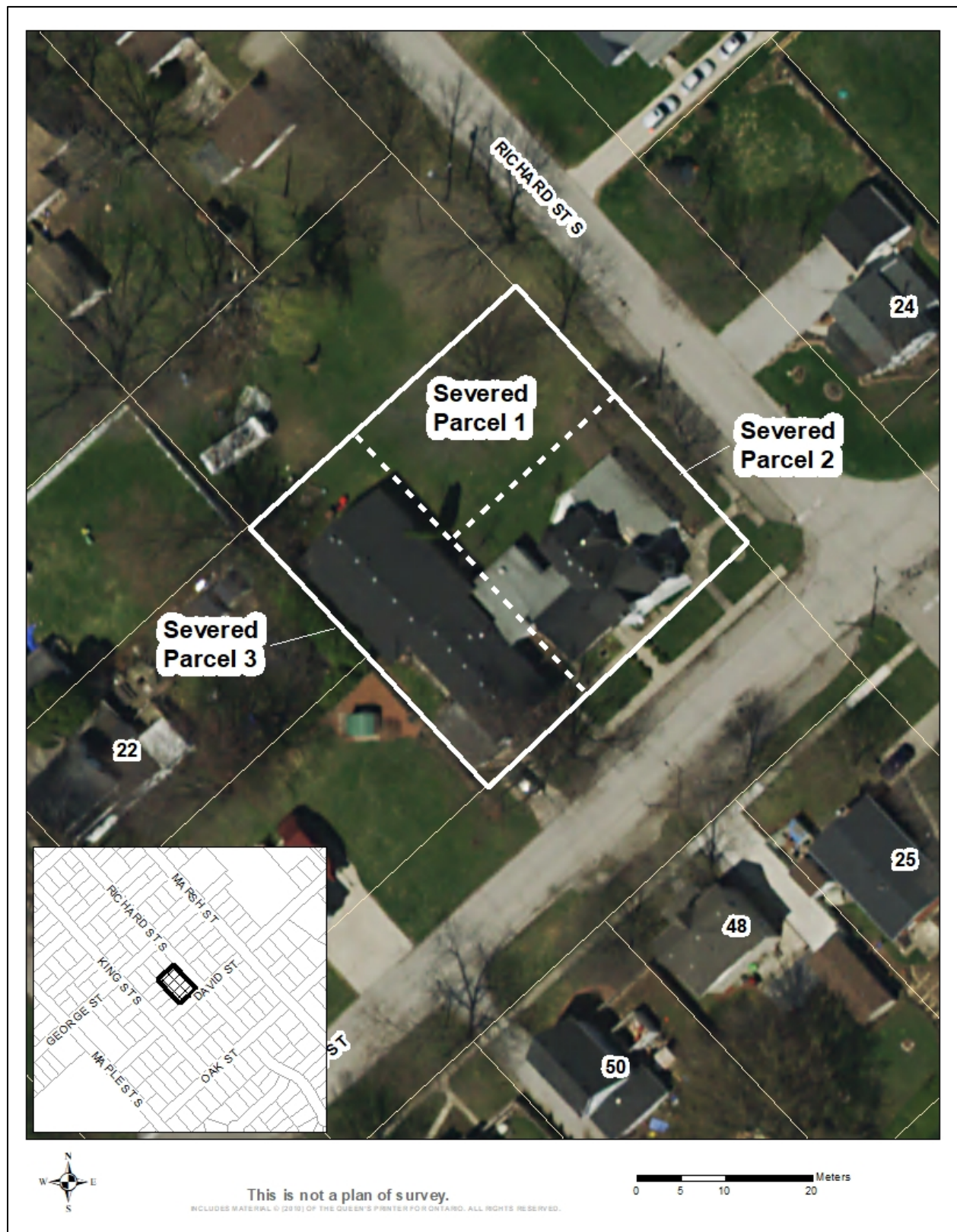


Bruce McAllister, MCIP, RPP
General Manager,
Community Development

Attachments: Appendix A – Key Map
 Appendix B – Site Photos
 Appendix C – Applicant's Sketch
 By-law to amend By-law 216-2009

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Ontario Inc Report.docx

Appendix A – Key Map



Appendix B – Site Photos

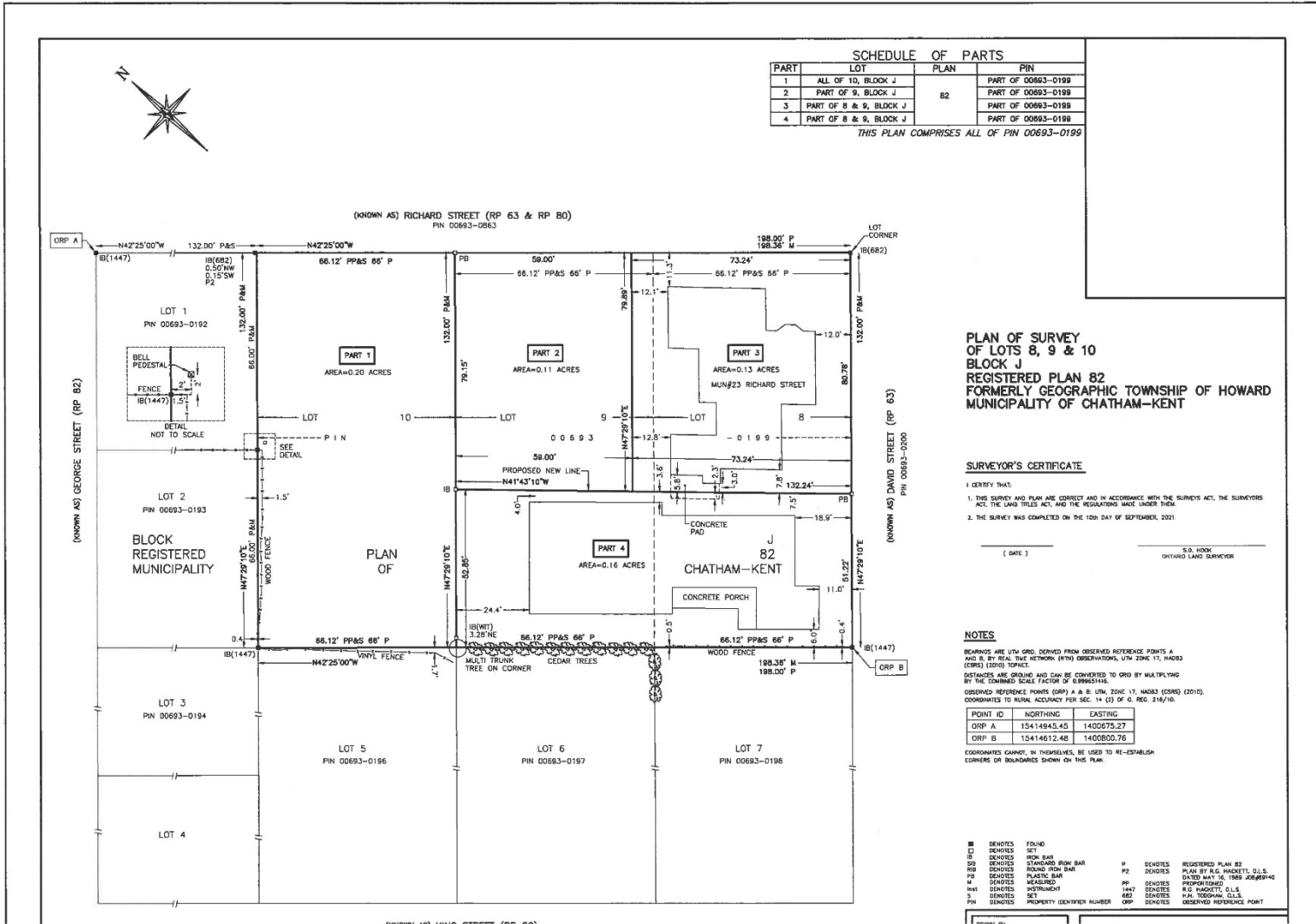


Looking west at Parcels 2 and 3, which contained the previous Group Home.



Looking southwest at the vacant lot.

Appendix C – Applicant's Sketch



By-law Number _____
of The Corporation of the Municipality of Chatham-Kent
A By-law to Amend Zoning By-law 216-2009 of the Municipality of Chatham-Kent
(1936028 Ontario Inc.)
CityView # PL202100312

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Ridgetown in order to implement a severance to create two (2) additional residential lots;

And Whereas the proposed uses would conform to the Official Plan;

And Whereas Council, after due investigation and consideration, concurs in the proposed amendments;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

1. That Schedule “A” of the By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by changing the zoning classification from Residential Low Density Third (RL3) to Residential Low Density First-1573 (RL1-1573), Residential Low Density First-1574 (RL1-1574) and Residential Low Density First-1575 (RL1-1575) on the lands so depicted on Schedule “A” hereto annexed and also forming part of this by-law.

2. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Exception No., the following:

1573
1574
1575

3. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Special Zone Symbols, the following:

RL1-1573
RL1-1574
RL1-1575

4. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Areas:

Exception No.	Special Zone Symbol	Special Zone Provisions
1573	RL1-1573	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply:

Exception No.	Special Zone Symbol	Special Zone Provisions
		i) Minimum Lot area – 446 sq. m
1574	RL1-1574	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply: i) Minimum Lot area – 527 sq. m ii) Minimum Exterior Side Yard – 3.6 m iii) Minimum Rear Yard – 0.9 m iv) Minimum Front Yard Setback – 3.3 m v) Maximum Lot Coverage – 38% vi) A secondary dwelling, located within a single detached dwelling, be exempt from Section 4.7.3 (d), Dwelling Unit Area Minimum.
1575	RL1-1575	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply: i) Minimum Lot Frontage – 15 m ii) Minimum Northerly Interior Side Yard – 1.0 m iii) Minimum Southerly Interior Side Yard – 1.8 m iv) Minimum Rear Yard – 7.4 m v) Minimum Front Yard Setback – 3.3 m vi) Maximum Lot Coverage – 55%

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 the 17th day of January, 2022.

Mayor – Darrin Canniff

Clerk - Judy Smith

This is Schedule “A” to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 17th day of January, 2022.

