

## **Municipality of Chatham-Kent**

### **Community Development**

#### **Planning Services**

**To:** Mayor and Members of Council

**From:** Anthony Jas  
Manager, Development, Planning Services

**Date:** February 27, 2023

**Subject:** Application for Zoning By-law Amendment  
PL202300013 – 11402587 Canada Incorporated  
594 Murray Street, Community of Wallaceburg

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#### **Recommendation**

It is recommended that:

1. Zoning By-law Amendment Application File D-14 WA/08/23/C, to rezone the lands known as 594 Murray Street, in Part of Block L, Plan 418, from Residential Low Density Third (RL3) to a site-specific Residential Medium Density First-1659 (RM1-1659) Zone, to permit medium density residential development and to establish the following regulations:
  - a) Southerly Interior Side Yard Width Minimum - 3 m (9.84 ft.); and,
  - b) Rear Yard Depth Minimum - 6 m (19.7 ft.),

be approved, and the implementing by-law adopted.

#### **Background**

The subject property is located on the west side of Murray Street, south of Reaume Avenue, in the Community of Wallaceburg (Roll No. 3650 443 006 00600). The subject lands are currently vacant and approximately 0.13 ha (0.33 ac.) in area. The lands are designated Residential Area in the Official Plan and zoned Residential Low Density Third (RL3). A key map showing the property and surrounding area is attached as Appendix A. Site photos are attached as Appendix B.

The purpose of the application is to permit the redevelopment of the subject lands with a medium density residential use. Specifically, the proposal is for a new six (6) unit row house dwelling, intended to be a two-storey structure with each unit containing an attached garage and one additional parking space.

A conceptual site plan demonstrating how the proposed use may be delineated on the subject lands is attached as Appendix C, and a conceptual rendering is attached as Appendix D.

### Zoning By-law Amendment

A Zoning By-law Amendment application is required to implement the proposed development. The application will implement the direction of the Official Plan, and rezone the subject property to a site-specific Residential Medium Density First-1659 (RM1-1659) Zone, which permits medium density residential development, including a Row House Dwelling, as-of-right, and establishes the following regulations:

- a) required southerly Interior Side Yard Width Minimum - 3 m (9.84 ft.); and,
- b) required Rear Yard Depth Minimum to 6 m (19.7 ft.).

It is important to note that due to recent changes in provincial legislation (*Bill 23, More Homes Built Faster Act, 2022*), the intended redevelopment of the subject parcel will not be subject to site plan control, if the proposed zoning is approved. This is discussed in more detail in the Comments section below.

### Comments

#### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) encourages growth and development to be focused in settlement areas such as Wallaceburg (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). The proposed development of the subject property is consistent with the PPS.

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:*

*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 neighbourhood within the Wallaceburg urban boundary. The proposal promotes residential infill and intensification, and demonstrates efficient use of land and municipal resources. Moreover, the proposal will increase the amount of available residential units to support the growing population of Chatham-Kent.

## **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.

## **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 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.*

This proposal will facilitate infill development on a vacant and underutilized site, that is located within an established neighbourhood consisting of a range of low and medium density residential uses and institutional uses. The subject site has access to full municipal services (municipal piped water; sanitary and storm sewer infrastructure) and maintains frontage on an Urban Arterial road where off-street parking can be appropriately accessed.

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 property is designated Residential Area, which permits medium-density residential uses on the lands. Specifically, the policies read as follows:

*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) unit row house dwelling would equate to a density of 46 units per net residential hectare, which is within the limits for medium density residential development.
- The property is serviced by an improved Urban Arterial Road (Murray Street).
- The site has access to full municipal services that are capable of accommodating the intended development.

With respect to site plan control, as noted above, the proposed development is exempt from this requirement as of the recent legislative changes by the Province under Bill 23, More Homes Built Faster Act, 2022, which received Royal Assent on November 28, 2022. This change in legislation presents challenges for the Municipality where it formerly had the ability to control development of this kind through a development agreement. This agreement would place obligations on the developer to meet the Municipality's development standards, in particular servicing.

In considering this legislative change in the context of this proposal, it was determined that medium density residential development could be appropriately accommodated by the municipal services available to the site (municipal piped water; sanitary and storm sewer infrastructure). This was further supported by a Functional Servicing Brief, prepared by MIG Engineering, that contemplated the proposed six (6) unit row house development for these lands. This servicing brief accompanied the application submission.

Overall, the proposal conforms to the Official Plan.

## **Zoning By-law**

The subject lands are currently zoned Residential Low Density Third (RL3), which permits a range of low density residential uses.

It is intended that the lands be redeveloped with a medium density use; specifically, a six (6) unit row house. The property itself is of an area that can accommodate a range of medium density residential uses.

Therefore, 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-1652 (RM1-1659) Zone that will permit the following uses:

- Double Duplex Dwelling
- Fourplex
- Row House Dwelling
- Apartment Dwelling

The proposed zoning will also establish the following regulations, which are based on the proposed development delineated on the Conceptual Plan:

- Minimum southerly Interior Side Yard Width - 3 m (9.84 ft.).
- Minimum Rear Yard Depth - 6 m (19.7 ft.).

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.”*

General comments on the proposed regulations:

- The proposed building will be situated 3.1 m (10 ft.) from the southerly interior lot line, as depicted on the Conceptual Plan (Appendix C). The property will continue to provide sufficient space along the southerly interior lot line for amenity area (patio) to service each unit.
- The proposed building will be situated 6 m (19.7 ft.) from the rear lot line, as depicted on the Conceptual Plan (Appendix C). At this distance, the dwelling will maintain adequate separation from surrounding land uses, and the lot will continue to maintain sufficient open space / amenity area in the rear yard to service the primary residential use.

The proposed development will be required to meet all other applicable provisions of the Zoning By-law.

## **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.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendation in this report supports 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 recommendation in this report supports 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**

#### **Internal**

##### **Technical Advisory Committee**

The Technical Advisory Committee supports the application.



**Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by: Noor Hermiz, Planner II, Planning Services

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, Community Development

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

Appendix A – Key Map



## Appendix B – Site Photos



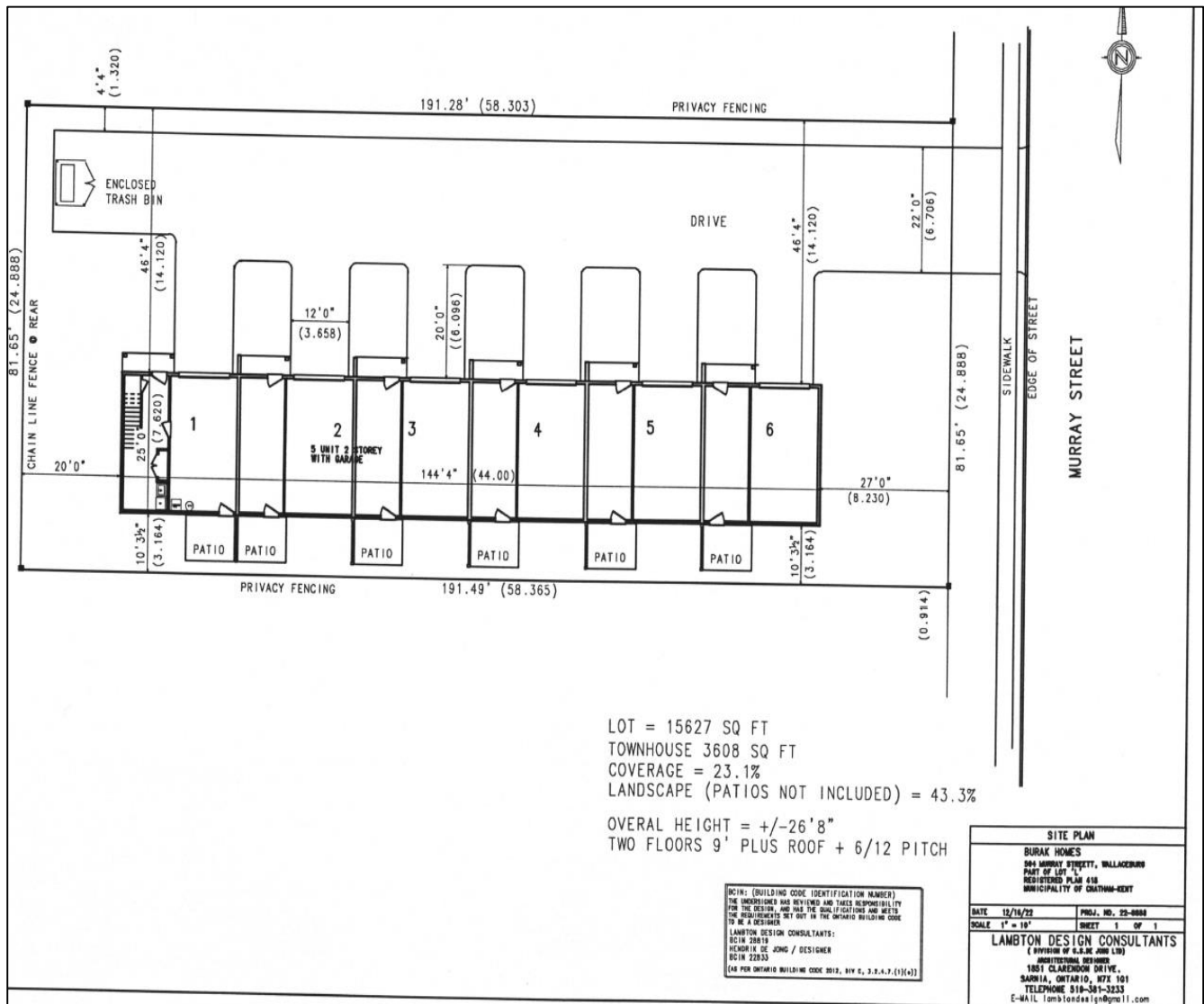
Looking west towards the subject property from Murray Street.  
The existing dwelling will be removed.



Looking west towards the subject property from Murray Street.



# Appendix C – Conceptual Site Plan



Appendix D – Conceptual Rendering

