

**Municipality Of Chatham-Kent**

**Community Development**

**Planning Services**

**To:** Mayor and Members of Council

**From:** Ryan Jacques, MCIP, RPP  
Manager, Planning Services

**Date:** June 23, 2020

**Subject:** Applications for Consent & Zoning By-law Amendment  
PL202000093 – Leclair Farms Inc.  
25501 St. Clair Road, Community of Chatham (Township) (North Kent)

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**Recommendations**

It is recommended that:

1. Consent application File B-45/20 to sever a surplus dwelling on a new lot, approximately 0.85 ha (2.11 ac.) in area, shown as Part 1 the applicant's sketch, in Part of Lot 1, Concession 9, in the Community of Chatham (Township), be approved, subject to the following conditions:
  - a) that the Chatham-Kent Zoning By-law be amended to:
    - i) rezone the residential surplus dwelling lot to a site-specific Agricultural (A1-1173) zone that permits a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.); and,
    - ii) rezone the retained parcel to a site-specific Agricultural (A1-1) zone to prohibit future dwellings;
  - b) that the applicant obtain an entrance permit from the Ontario Ministry of Transportation to define the use of the Highway 40 residential entrance and both Highway 40 field entrances.
  - c) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
  - 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.
2. Zoning By-law Amendment application File D-14 CH/25/20/L be approved and the implementing by-law be adopted.

### **Background**

The subject property is located on the east side of St. Clair Road, between Countryview Line and Cedar Hedge Line, in the Community of Chatham (Township) (Roll No. 3650 410 003 50100). The lands are approximately 24.35 ha (60.17 ac.) in area and contain a single detached dwelling and two (2) outbuildings. The subject property is designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1). 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 proposal is to create a residential surplus dwelling lot, approximately 0.85 ha (2.11 ac.) in area, shown as Part 1 on the applicant's sketch, attached as Appendix C. The surplus dwelling lot will contain the existing dwelling and two (2) outbuildings. The retained farm parcel will be approximately 23.5 ha (58.06 ac.) in area.

To implement the proposed severance, a zoning by-law amendment is required to:

- i) permit a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.) in an Agricultural (A1) zone; and
- ii) rezone the retained parcel to a site specific Agricultural (A1-1) zone to prohibit future dwellings;

It has been verified that the applicant owns additional acreage in the area and maintains a dwelling and base of farming operation at 9015 Countryview Line, in the Community of Chatham (Township). This property renders the dwelling on the subject property surplus to the needs of this farming operation.

Lastly, consultation with The Ministry of Transportation Ontario (MTO) was required as St. Clair Road falls under provincial jurisdiction. Comments received from MTO regarding this application are included in the Consultation section below.

### **Comments**

#### **Provincial Policy Statement (PPS)**

The proposed surplus dwelling severance is consistent with Section 2.3.4.1(c) of the PPS and does not raise any issues of provincial interest.

## **Official Plan**

The proposed surplus dwelling severance has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools (Consent and Zoning By-law), and generally meets these policies.

The proposed surplus dwelling severance is consistent with Section 3.10.2.18.2(b) of the Official Plan. The proposed severed lot is of sufficient area to accommodate the existing dwelling and septic system. There is no shared drainage and both the proposed severed and retained parcels will maintain separate access from an improved public road. It has also been verified that there are no local improvement charges associated with the subject property. Overall, there is negligible impact to lands currently under agricultural production.

## **Zoning By-law**

To implement the proposed severance, a zoning by-law amendment is required to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- i. rezone the severed parcel to a site specific Agricultural (A1-1173) zone to permit a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.), in an Agricultural (A1) zone; and
- ii. rezone the retained parcel to a site specific Agricultural (A1-1) zone to prohibit future dwellings.

The Chatham-Kent Zoning By-law contains provisions under the Agricultural (A1) zone that are specific to a surplus dwelling severance. These provisions include permitting a single detached dwelling on a lot created as a result of consent with an area of 0.8 ha (1.98 ac.) or less. These provisions also prohibit any future dwelling on the remnant parcel.

As described above, the proposed surplus dwelling severance will create a new 0.85 ha (2.11 ac.) residential surplus dwelling lot. The portion of the property occupied by the dwelling and landscaped area abuts a Municipal Drain (Big Creek Drain) to the north. The drain provides a logical boundary for the proposed lot. However, the resulting lot area exceeds the Zoning By-law maximum. Therefore, a zoning by-law amendment is required to implement the surplus dwelling severance by rezoning the severed lot to a site-specific Agricultural (A1-1173) zone that recognizes a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.). To implement the direction of the Provincial Policy Statement and Official Plan, the zoning by-law amendment will also rezone the retained parcel to a site-specific Agricultural (A1-1) zone to prohibit any future dwelling on these lands. All other applicable zoning regulations are being met by this proposal.

## 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**

### **External**

#### **Ontario Ministry of Transportation Ontario (MTO):**

Consultation with The Ministry of Transportation (MTO) is required as St. Clair Road falls under provincial jurisdiction. Comments from the MTO read as follows:

*“The Ministry of Transportation (MTO) has completed its review of the application for Consent & Zoning By-law Amendment (attached). The proposal has been reviewed in accordance with the Public Transportation and Highway Improvement Act and MTO’s Highway Access Management Manual (HAMM). The following outlines our comments.*

*Typically with a severance, MTO is primarily concerned with applications that can increase provincial highway access and/or reduce property frontage which can result in increased access density. Access along a provincial highway can have a direct impact on the intended function of the road.*

*MTO does not object to the proposed consent to sever the surplus farm dwelling, however, the subject property is located adjacent to Highway 40, within MTO’s Permit Control Area (PCA), and as such, the applicant shall meet the following conditions:*

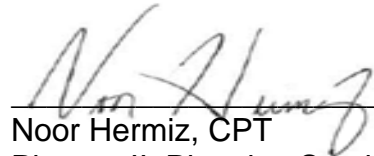
- MTO supports the condition of consent that new residential dwellings are prohibited on the remnant parcel of farmland created by the severance. The farm lot is eligible for two field entrances, one north and one south of the creek.*
- An MTO entrance permit is required to update ownership and define the use of the Highway 40 residential entrance and both Highway 40 field entrances (north and south of the creek). Additional Highway 40 entrances will not be permitted.”*

The application for an entrance permit to the MTO is a condition of the proposed consent. Through the implementing Zoning By-law dwellings will be prohibited on the retained farm.

## **Financial Implications**

There are no financial implications resulting from the recommendations.

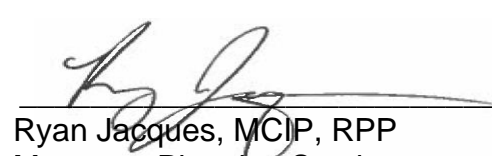
Prepared by:



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Noor Hermiz, CPT  
Planner II, Planning Services

Reviewed by:



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Ryan Jacques, MCIP, RPP  
Manager, Planning Services

Reviewed by:



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Bruce McAllister, MCIP, RPP  
Director, Planning Services

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John Norton  
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

Appendix A – Key Map





Appendix B – Site Photos



Looking east towards the dwelling on the proposed severed parcel.



Looking southeast towards the outbuildings and dwelling on the proposed severed parcel.





By-law Number \_\_\_\_-2020

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

(Leclair Farms Inc.)

CityView # PL202000093

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Chatham (Township) in order to rezone the lands to permit a surplus dwelling in an Agricultural (A1) zone on a lot size greater than 0.8 ha (1.98 ac.) in area and prohibit future dwellings on the retained parcel;

And Whereas the proposed use 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 Agricultural (A1) to Agricultural (A1-1173) and Agricultural (A1-1) on the lands so depicted on Schedule "A" hereto annexed and also forming part of 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 the 20<sup>th</sup> day of July, 2020.

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Mayor – Darrin Canniff

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Clerk - Judy Smith

This is Schedule “A” to By-law Number \_\_\_\_\_ of the Corporation of the Municipality of Chatham-Kent passed on the 20<sup>th</sup> day of July, 2020.

