

Notice of Extension of Interim Control By-law 77-2021

Take Notice, that on **May 10, 2021**, Council of the Corporation of the Municipality of Chatham-Kent, pursuant to Section 38 of the Planning Act, R.S.O. 1990, as amended passed By-law 77-2021, being an interim control by-law affecting all properties in proximity to specified urban settlement areas as set out in Schedules "A" to "H" of By-law 77-2021. The By-law was effective as of May 10, 2021.

Take Further Notice, that on **May 9, 2022**, Council of the Corporation of the Municipality of Chatham-Kent, pursuant to Section 38 of the Planning Act, R.S.O. 1990, as amended passed By-law 76-2022, being a by-law to extend By-law 77-2021 until May 10, 2023.

Copies of By-law 77-2021 and 76-2022 are available on the Planning Notices page on the Municipal Website or by contacting Planning Services at the above noted address.

The Planning Act permits the Municipality to pass an Interim Control By-law prohibiting the use of land, buildings or structures for such purposes as set out in the by-law for up to a year, with the right to extend the by-law for a further year. In order to enact such a by-law, the Municipality must direct that a review or study be undertaken in respect of land use policies in the municipality (or a defined part of the municipality). Furthermore, Section 6 (Implementation) of the Chatham-Kent Official Plan notes that an Interim Control By-law may be enacted to control the use of lands and buildings until studies required by the Municipality to assess planning and engineering issues are prepared and approved. The Planning Act further provides that no notice of hearing is required prior to the passage of such by-law. However, there is a right of appeal to the Ontario Planning Tribunal (OLT) as described below.

THE PURPOSE AND EFFECT of By-law 77-2021 is as follows:

- 1. Notwithstanding any other by-law to the contrary, no person shall, within the Interim Control Area:**
 - (a) Use any land, building, or structure for a Greenhouse Farm Large Scale, Greenhouse Large Scale, or Greenhouse Small Scale, as defined in the Zoning By-law, except for a use that lawfully existed on the date of the passing of this by-law if the land, building or structure continues to be used for such purpose;**
 - (b) Be permitted to construct, alter, or expand any building or structure for a legally existing Greenhouse Farm Large Scale, Greenhouse Large Scale, or Greenhouse Small Scale, as defined in the Zoning By-law, except:**
 - 1. If altering the interior or facade of a legally existing Greenhouse Farm Large Scale, Greenhouse Large Scale, or Greenhouse Small Scale; or,**
 - 2. Repairing or restoring the Greenhouse Farm Large Scale, Greenhouse Large Scale, or Greenhouse Small Scale or a part thereof to a safe condition, provided that such repair or restoration will not increase the height, area, volume or site coverage of such structure and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this by-law.**
- 2. A Greenhouse is permitted where the Greenhouse is a temporary or seasonal Accessory use permitted by the Zoning By-law for a Home Improvement Related Merchandise Store, Retail Store, Supermarket, or other like use, as defined in the Zoning By-law.**
- 3. A Greenhouse is permitted where Site Plan approval already exists.**

It is intended that Interim Control By-law 77-2021 will remain in effect for one further year (11:59 p.m. local time on May 10, 2023) unless repealed by by-law approved by Council before that date.

Pursuant to Section 38(4) of the Planning Act, any person, corporation or public body may, within **sixty (60) days** of the passing of the by-law, appeal to the Ontario Land Tribunal (OLT) by filing with the Municipal Clerk of the Municipality of Chatham-Kent not later than **4:30 p.m., local time, on July 8, 2022**, a notice of appeal setting out the objection to the by-law, and the reasons in support of the objection. Such notice must be accompanied by the filing fee as set by the OLT, made payable to the Minister of Finance by certified cheque or money order only, as required by the OLT. For additional OLT fees please see the OLT Fee Schedule.

Only individuals, corporations and public bodies may appeal an interim control by-law of the Municipality to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

Dated at the Municipality of Chatham-Kent this 8th Day of June, 2022