

Notice of Planning Act Approval

Take Notice, that on **October 20, 2025**, Council of the Corporation of the Municipality of Chatham-Kent approved Official Plan Amendment (File D-09 C/01/25/O) (OPA No. 85) and Zoning By-law Amendment (File D-14 C/27/25/O) concerning the property located at 770 St. Clair Street, Community of Chatham (City) (North Kent), Block 5, Plan 24M-950 (Roll No. 3650 480 003 11385).

At the meeting, **Official Plan Amendment No. 85** was adopted by Council, by **By-law No. 126-2025**, which amended Site Specific Policy Area B.2.5.19.3 (Northwest St. Clair Chatham Power Centre), to permit high-density residential development and to establish specific regulations for the implementation of such use, including that a high-density residential use:

- a) be permitted on the parcel known as 770 St. Clair Street (PIN: 00786-0552);
- b) be developed in accordance with the Residential Area Policies of Section B.2.3.6, and subject to the following site-specific provisions:
 - a. maximum density of 217 units per ha;
 - b. driveway access permitted from an Arterial Road;
- c) be subject to the following phasing policy:
 - a. the Zoning By-law implementing high-density residential development shall contain holding provisions necessary to control allowable residential density in advance of sanitary sewerage system improvements in the St. Clair Street right-of-way;

Zoning By-law No. 127-2025 was also passed by Council to rezone the lands to a site-specific Holding-Urban Commercial (Power Centre)-1762 (H-UC(PC)-1762) zone, to:

- a) apply the permitted uses and regulations of the H-UC(PC)-1189 zone;
- b) permit an Apartment Dwelling as an additional permitted use;
- c) include the following site-specific regulations for an Apartment Dwelling use:
 - i) Front Yard Depth Minimum – 7.62 m
 - ii) Interior Side Yard Width Minimum (south) – 4 m
 - iii) Interior Side Yard Width Minimum (north) – 7.3 m
 - iv) Rear Yard Depth Minimum - ½ building height, but not less than 7.62 m
 - v) Lot Coverage Maximum – 33%
 - vi) Maximum Density – 217 dwelling units per ha
 - vii) Maximum Building Height – 50 m
 - viii) Up to a maximum 200 sq. m gross floor area for ancillary retail / commercial space.
- d) apply a Holding “H” Symbol that limits the maximum density for one Apartment Dwelling use to 57 dwelling units per ha (214 residential units) until such time as sanitary sewerage upgrades to the system along St. Clair Street, are completed and an additional study determines the sanitary sewerage system to have sufficient capacity for the development of four Apartment Dwellings, up to 217 units per ha (774 residential units), to the satisfaction of the municipality.

Reasons for Approval

The recommendation of Administration was to approve the amendments noted above for the reasons outlined in the Planning Services Report dated October 20, 2025. There were no deputations made by the public with regards to these applications. In the opinion of Council, the approval is consistent with the Provincial Planning Statement and the Chatham-Kent Official Plan.

When and How to File an Appeal

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this Official Plan Amendment and/or Zoning By-law Amendment can be made by filing a notice of appeal with the Municipal Clerk via the OLT's e-file service at <https://olt.gov.on.ca/e-file-service/> by selecting **Chatham-Kent** as the

Approval Authority. Please note, first-time users of the OLT's e-file service will need to register for a My Ontario Account. If the OLT's e-file service is not working, please file the appeal with the Municipal Clerk at ckclerk@chatham-kent.ca (or at 315 King Street West, Box 640, Chatham, Ontario, N7M 5K8), no later than 4:30 p.m. on or before the last date of appeal, as noted below. Should this date fall on a holiday or weekend, you will have until 4:30 p.m. of the next business day to file your appeal. The appeal fee of \$1,100 can be paid online through OLT's e-file service or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca.

Last Date of Appeal: November 10, 2025

Who Can File an Appeal

Only the applicant, the Minister, a specified person or any public body may appeal a 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.

No specified person or public body shall be added as a party to the hearing of the appeal unless, before the by-law is passed, the specified person or public body made oral submissions at a public meeting or written submission to the Council of the Municipality of Chatham-Kent or, in the opinion of the Tribunal, there are reasonable grounds to add the specified person or public body as a party.

When the Decision is Final

The decision of the Municipality of Chatham-Kent is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Additional Information

Additional information about the application is available for public inspection during regular office hours at the Municipality of Chatham-Kent Planning Services office at the address, phone number and email address noted above.

Dated at the Municipality of Chatham-Kent this 21st Day of October, 2025