

**Municipality Of Chatham-Kent**

**Community Development**

**Planning Services**

**To:** Mayor and Members of Council

**From:** Ryan Jacques  
Planner I, Planning Services

**Date:** April 20, 2018

**Subject:** Application for Zoning By-law Amendment to Remove the “H” – Holding Symbol  
PL201800046 – 2136615 Ontario Ltd.  
12 Dufferin Avenue, Community of Chatham (City)

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**Recommendation**

It is recommended that:

1. Zoning By-law Amendment application File D-14 C/17/18/O to remove the “H” – Holding symbol from the property known as 12 Dufferin Avenue, in Part of Lots 17 and 18, Part of Park Lot A, Plan 49, in the Community of Chatham (City), be approved, and the implementing by-law be adopted.

**Background**

The subject property is located on the southwest corner of Park Street and Dufferin Avenue, in the Community of Chatham (City). The lot is approximately 2,716.5 sq. m (29,240 sq. ft.) in area and contains the former Park Street United Church. The property is zoned Holding-Urban Commercial (Neighbourhood Commercial)-1239, (H-UC(NC)-1239), and designated Residential Area in the Chatham-Kent Official Plan.

The applicant is applying for a Zoning By-law Amendment to remove the “H”- Holding symbol from the current zoning of the subject property. A prerequisite for the removal of the holding symbol is that the requirements of registered development agreements pertaining to 12 Dufferin Avenue and 233-241 Queen Street, Chatham (City), be fulfilled to the satisfaction of the Municipality, and that the provisions of the UC(NC)-1239 zone apply upon removal.

A Key Map showing the location of the subject property and photographs of the subject lands are attached as Appendix A and B, respectively.

## **Comments**

### **Provincial Policy Statement**

The application does not raise any issues of provincial interest.

### **Official Plan**

The Chatham-Kent Official Plan designates the subject lands Residential Area, and the proposal conforms to the applicable policies.

### **Zoning By-law**

The current H-UC(NC)-1239 zoning of the subject property was approved by Council in 2017 (File D-14 C/13/17/O). At that time, the parking lot at 233-241 Queen Street was undeveloped and the subject property was deficient in off-street parking. Therefore, the "H"- Holding symbol was applied to the zone to limit the permitted uses to 15 apartment dwelling units until such time as the parking lot at 233-241 Queen Street was fully implemented, and all other requirements of the associated site plan application (File D-28 C/55/11/B) were fulfilled to the satisfaction of the Municipality.

The parking lot at 233-241 Queen Street is now complete and all requirements pertaining to the agreements registered on Title of 12 Dufferin Avenue and 233-241 Queen Street have been satisfied to the satisfaction of the Municipality. Therefore, all requirements for the removal of the "H"- Holding symbol have now been met. The applicable zoning provisions, upon removal of the "H"- Holding symbol, are listed under the proposed Urban Commercial (Neighbourhood Commercial)-1239, "UC(NC)-1239" zone. This site-specific zone limits permitted uses to a 1,208 sq. m (13,000 sq. ft.) office and an 18-unit apartment dwelling.

### **Conclusion**

The proposed zoning by-law amendment 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 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:



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Reviewed by:



Bruce McAllister, MCIP, RPP  
Director, Planning Services

Reviewed by:

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John Norton  
General Manager  
Community Development

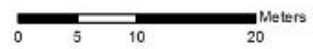
Attachments: Appendix A –Key Map  
Appendix B – Site Photos  
By-law to amend By-law 216-2009

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Appendix A – Key Map



This is not a plan of survey.  
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Appendix B – Site Photos



Looking south across the subject property from Park Street.



Looking west across the subject property from Dufferin Avenue.

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

(2136615 Ontario Ltd.)

CityView # PL201800046

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 (City) for removal of the holding classification on said lands as the necessary conditions for removal have been satisfied to the satisfaction of the Corporation;

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

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

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 removing the holding symbol "H" from the zone classification of the lands so depicted on Schedule "A" hereto annexed and forming part of this by-law, so that the said lands shall be zoned Urban Commercial (Neighbourhood Commercial)-1239, "UC(NC)-1239".
2. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by deleting from Exception No. 1239, the following Special Zone Symbol:  
H-UC(NC)-1239
3. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to Exception No. 1239, the following Special Zone Symbol:  
UC(NC)-1239

4. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by deleting the Special Zone Provisions of Exception No. 1239 in its entirety and replacing it with the following:

Exception No.	Special Zone Symbol	Special Zone Provisions
1239	UC(NC)-1239	<p>Notwithstanding any other provisions of the by-law to the contrary, the permitted uses include, and are limited to, the following:</p> <ul style="list-style-type: none"> <li>i) Office</li> <li>ii) An apartment dwelling</li> </ul> <p>Regulations:</p> <ul style="list-style-type: none"> <li>- Maximum gross leasable floor area of an office use - 1,208 sq. m</li> <li>- Maximum gross leasable floor area per office unit - 557 sq. m</li> <li>- Maximum number of dwelling units - 18</li> <li>- Minimum number of off-street parking spaces required – 65</li> <li>- Section 4.18 (1)(b) and 4.18 (2)(a) shall not apply</li> </ul>

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 14<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Mayor – Randy R. Hope

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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 14<sup>th</sup> day of May, 2018.

