

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: December 18, 2019

Subject: Application for Zoning By-law Amendment
PL201900183 – Peter & Terry Rhodes
8009 Seventeenth Line, Community of Raleigh (South Kent)

Recommendation

It is recommended that:

1. Zoning By-law Amendment application File D-14 RA/36/19/R to rezone the subject lands, known as 8009 Seventeenth Line, in Part of Lot 20, Concession 16, in the Community of Raleigh, to a site-specific Agricultural (A1-1495) Zone, to permit a kennel at a distance of 110 m (361 ft.) from an existing residential dwelling on a separate lot, be approved, and the implementing by-law be adopted.

Background

The subject property is located on the north side of Seventeenth Line, east of Bloomfield Road, in the Community of Raleigh (Roll No. 3650 110 010 08100). The lands are approximately 5.02 ha (12.4 ac.) in area and contain a single detached dwelling and two (2) outbuildings. The lands are 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. Photographs of the subject property are attached as Appendix B.

The subject property is an agricultural parcel containing traditional agricultural uses, including the keeping of animals. This is a small-scale use that is primarily for the personal and recreational use of the owners. The owners also occasionally board and breed dogs within the most easterly outbuilding on these lands, resulting in the number of dogs at any one time to exceed the maximum permitted on a single property in Chatham-Kent. At the time of this application, the owners of the subject lands have indicated that eight (8) dogs are currently housed in the most easterly outbuilding on these lands.

The Chatham-Kent Responsible Animal Ownership By-law regulates the maximum number of dogs on a property, at any one time, at three (3). Anything above this maximum is defined as a *Kennel* under this By-law which means “a lot, building, structure or establishment in which four or more dogs are housed, boarded or bred, and is licensed under this By-law”. Based on this definition, the owners of the subject lands are being required to obtain a kennel license to permit more than three (3) dogs to be housed on the property at any one time.

One of the requirements for obtaining a kennel license is that the kennel use be in compliance with the regulations of the Chatham-Kent Zoning By-law, which specifically regulates Kennels under the following provision:

Section 4.17 Kennels shall be permitted in any Agricultural Zone as identified in Section 5.0 of this By-law provided that no part of a kennel shall be permitted closer than 200m to any existing dwelling on a lot other than the lot on which such kennel is located.

As shown on the attached Key Map, there is an existing dwelling located on a separate lot (8035 Seventeenth Line) that is 110 m (361 ft.) from the outbuilding on the subject property where the dogs are currently housed (the Kennel). As such, the Kennel is deficient in meeting the setback requirement from the zoning provision noted above.

Therefore, to facilitate the issuance of a license for a Kennel use on the subject lands, the application is proposing to rezone the subject lands in a manner that recognizes the separation between the kennel and the existing dwelling on the abutting property. The zoning by-law amendment is discussed in more detail in the Comments section below.

It should be noted that Administration received a letter from the owner of the abutting property containing the dwelling at 8035 Seventeenth Line stating their support for the application. This letter is attached as Appendix C for review. Furthermore, the next closest residential use is approximately 700 m (2,300 ft.) from the Kennel use on the subject property.

Comments

Provincial Policy Statement (PPS)

The application does not raise any issues of provincial interest.

Official Plan

The application 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 (Zoning By-law Amendment), and generally complies with these policies.

The Chatham-Kent Official Plan does not contain policies specific to the establishment of a kennel use, as contemplated by the proposed zoning by-law amendment. However, it is important that clear planning principles form the basis of the recommended zoning by-law amendment. The Official Plan contemplates the introduction of new land uses in Section 6.3.3.49, Land Use Compatibility. This policy allows the Municipality to require studies or impose appropriate measures associated with the nature of a proposed use to deal with compatibility issues, such as noise and/or privacy. After evaluating existing circumstances and surrounding land uses, Staff have determined that the proposal does not merit any further studies or measures to deal with the kennel use on the subject lands based on the following analysis:

- Kennels are only permitted in the Agricultural Zone in Chatham-Kent. The subject property and all surrounding lands are zoned Agricultural;
- Aside from the residential dwelling on the abutting property to the east the surrounding lands are vacant of any buildings or structures; and
- The owners of the abutting lot to the east have been consulted on the application and have submitted a letter in support of the proposed zoning by-law amendment.

It should be further noted that the use of the subject lands is not anticipated to change based on the outcome of this application rather it is only to support existing uses.

Zoning By-law

As stated above, Section 4.17, Kennel, of the Chatham-Kent Zoning By-law requires that any kennel be located no closer than 200 m (656 ft.) from any existing dwelling on a separate lot. To bring the subject lands into conformity with this provision, the recommendation is to rezone the subject lands to a site-specific Agricultural (A1-1495) Zone that recognizes the existing separation distance of 110 m (361 ft.) between the outbuilding containing the kennel and the existing dwelling at 8035 Seventeenth Line.

The subject property is otherwise in full compliance with all 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 the Chatham-Kent Official Plan, and generally complies with these documents. Therefore, the application is being recommended for approval as noted in the Recommendation section of this report.

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

Corporate Services

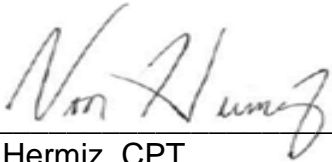
The Manager, Licensing Services, was consulted regarding the content of the Responsible Animal Ownership By-law (By-law 93-2015).

Financial Implications

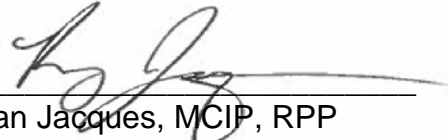
There are no financial implications resulting from the recommendation.

Prepared by:

Reviewed by:



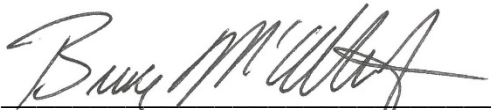
Noor Hermiz, CPT
Planner II, Planning Services



Ryan Jacques, MCIP, RPP
Manager, Planning Services

Reviewed by:

Reviewed by:



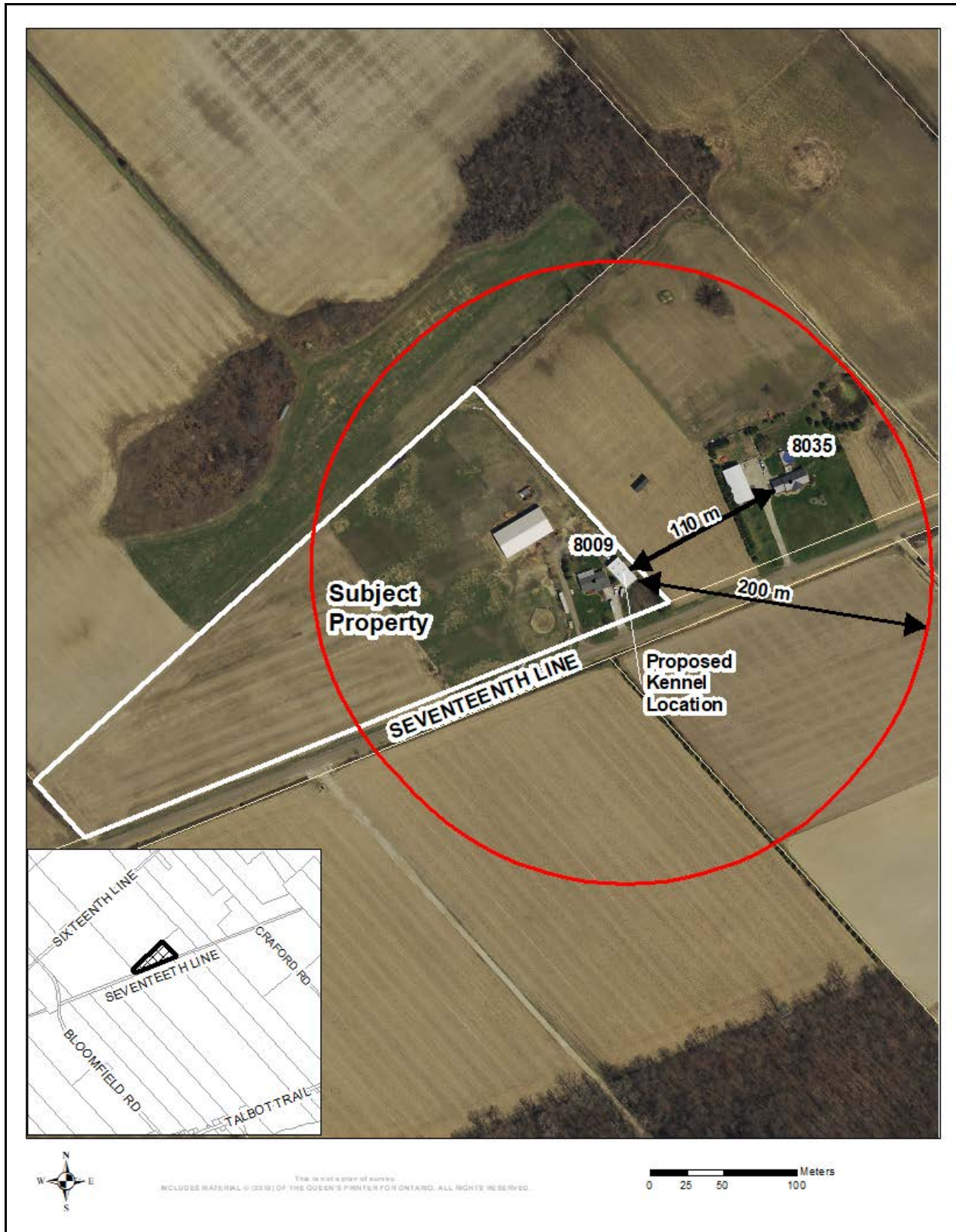
Bruce McAllister, MCIP, RPP
Director, Planning Services

John Norton
General Manager
Community Development

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Letter of Support
By-law to Amend By-law No. 216-2009

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos



Looking north towards the existing dwelling (8009 Seventeenth Line) and the kennel on the subject property.



Looking east from Seventeenth Line demonstrating the rural nature of the subject area. Subject property is to the left.



Looking north from Seventeenth Line demonstrating the separation of uses. Subject property is to the left. Abutting lot with existing dwelling is to the right.

Appendix C – Letter

Municipality Chatham Kent
RE: Nancy Hansen Licensing

Being the nearest and only
neighbour of Terry & Peter Rhodes
8009 17th Line, Blenheim, Ont.

Have no issues with smell or
noise, or any concerns of any kind.

No problems with Terry
pursuing a Kennel License, for
the few dogs she has.

Have no intentions to sell
our property at this time.

Lou Ann Smith
8035 17th Line
Blenheim, Ont.

RECEIVED
OCT 15 2019

10-09-16

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

(Peter & Terry Rhodes)

CityView # PL201900183

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Raleigh in order to rezone the lands to permit a Kennel;

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 – 1495 (A1-1495) on the lands so depicted on Schedule "A" hereto annexed and also forming part of this by-law.
2. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Exception No., the following:

Exception No. 1495

3. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Special Zone Symbols, the following:

A1-1495

4. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Areas:

Exception No.	Special Zone Symbol	Special Zone Provisions
1495	A1-1495	Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply: i) The minimum required setback for a Kennel is 110 m from any dwelling on a separate lot that is existing on the date of passing 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 13th day of January 2020.

Mayor – Darrin Canniff

Clerk - Judy Smith

This is Schedule "A" to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 13th day of January, 2020.

