

## **Municipality Of Chatham-Kent**

### **Community Development**

#### **Planning Services**

**To:** Mayor and Members of Council

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

**Date:** February 28, 2020

**Subject:** Application for Zoning By-law Amendment  
PL202000021 – Craig Helmer  
23668 Industrial Road, Community of Camden (East Kent)

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#### **Recommendation**

It is recommended that:

1. Zoning By-law Amendment application File D-14 CA/06/20/H to rezone the subject lands, known as 23668 Industrial Road, in Part of Lot 14, Concession 1, in the Community of Camden, to a site-specific Rural Residential (RR-1504) Zone, to permit a Home Occupation, limited to an existing 877.8 sq. m (2,880 sq. ft.) Nursery utilizing an existing greenhouse, be approved, and the implementing by-law be adopted.

#### **Background**

The subject property is located on the west side of Industrial Road between Base Line and Evergreen Line, in the Community of Camden (Roll No. 3650 360 002 41800). The lands are approximately 0.67 ha (1.65 ac.) in area and contain a single detached dwelling and two (2) accessory structures. The property is designated Suburban Residential Area in the Chatham-Kent Official Plan and zoned Rural Residential (RR). A key map showing the location of the subject property is attached as Appendix A. Photographs of the subject property and surrounding area are attached as Appendix B.

The subject lands are located in an area where a range of land uses are present, including residential, industrial, commercial and agricultural. There are existing industrial operations directly south of the subject property, a woodlot directly west, and low-density residential and small-scale commercial uses on other nearby lands. The lands front on a rural arterial road (Industrial Road) that services local and regional travel services the subject area.

The primary use of the subject lands is residential. Secondary to this primary use is a small-scale Nursery for the growing of plants and flowers from seed. The nursery operates from an existing 877.8 sq. m (2,880 sq. ft.) greenhouse that is situated towards the rear of the lot away from Industrial Road. A site plan delineating the location of the existing dwelling and greenhouse on the subject lands is attached as Appendix C for review.

The applicant has indicated that there is a commercial component associated with the nursery where plants and flowers are sold to the public, directly from the greenhouse, from the months of May to July each year. This commercial use falls outside the scope of permitted uses in the current Rural Residential (RR) zoning of the subject property.

As such, the zoning by-law amendment application is proposing to grant permission for the commercial use to continue on the subject lands. Specifically, it is proposing to permit a Nursery use as a Home-based business that is limited to the existing greenhouse. The zoning by-law amendment is discussed in more detail in the Comments section below.

## **Comments**

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

The proposed zoning by-law amendment does not raise any items of Provincial interest.

### **Official Plan**

The proposal generally conforms to the Suburban Residential Area policies found in Section 2.3.8. The Official Plan contemplates home-based businesses at this location as indicated by the following Suburban Residential Area policy:

*2.3.8.2.2 The predominant use of land within the Suburban Residential Area designation shall be for low-density residential development. Home-based businesses will also be permitted, subject to the policies of Section B.2.3.8 of the Plan and the Zoning By-law.*

As cited above, the Official Plan contains policies to guide the development of home-based businesses in Chatham-Kent. The policies are found in Section B.2.3, Residential Area Policies, and are listed below:

*B.2.3.8 Home-based businesses in the Residential Area shall be permitted based on:*

*B.2.3.8.1 The business use being clearly secondary to the residential use.*

*B.2.3.8.2 The business use comprising professional services, personal services, bed and breakfast or domestic arts uses.*

*B.2.3.8.3 The activities of the business being conducted entirely within the residence or garage.*

*B.2.3.8.4 There being no outdoor storage of goods, materials or products.*

*B.2.3.8.5 The business being able to accommodate onsite parking.*

*B.2.3.8.6 The size, scale or nature of the business being appropriate for the Residential Area.*

*B.2.3.8.7 Home-based businesses are potentially subject to licensing under the provisions of the Municipal Act to ensure compliance with the Zoning By-law, to control hours of operation, and to ensure minimal signage.*

Based on a review of these policies, it can be concluded that the type of business located at the subject property is a home-based business. In summary, the existing business:

- Is secondary to the residential use at the property;
- Is of a similar size, scale and intensity of operation to those uses described in Policy B.2.3.8.2, as it operates only a few months of the year and attracts a small number of customers at any one time;
- Is conducted entirely within an existing accessory building (greenhouse);
- Does not store goods outdoors;
- Accommodates parking on-site; and,
- Is of an appropriate size/scale for the subject site and area.

To further demonstrate that the home-based business that operates from the subject property is an appropriate use of the lands and is compatible with the subject area, the following physical characteristics were identified:

- The subject area consists of a range of land uses including those existing industrial, commercial and residential uses within close proximity to the subject parcel.
- At 0.67 ha (1.65 ac.) in area, the subject property is an appropriate size to accommodate the residential dwelling and greenhouse and still maintain sufficient separation from surrounding land uses.
- At least six (6) parking spaces can be accommodated on-site in close proximity to the existing greenhouse. These parking spaces are located towards the rear of the lot and are accessed by the existing laneway.

- The subject property fronts a rural arterial road (Industrial Road) that is suitable for handling any traffic generated by the business.

Overall, it can be concluded that the existing business is a Home-based business under the policies of the Official Plan, based on the analysis above. However, in order to fully review the proposal under Suburban Residential Area Policy Section 2.3.8.2.2, referenced above, it must finally be reviewed under the provisions of the Chatham-Kent Zoning By-law. This analysis is completed below.

## **Zoning By-law**

The Chatham-Kent zoning by-law contains general provisions for Home-based businesses. The general provisions found in Section 4.16, Home Occupations, apply to Home-based businesses in residential areas. Where permitted, Home-based businesses can be established without the requirement for an amendment to the Zoning By-law if the following provisions are met:

### *4.16 Home Occupations*

*A home occupation shall be permitted in any zone in a single-detached dwelling or a semi-detached dwelling unit in accordance with the following provisions:*

- a) not more than two on-site employees, including those residing on the premises, shall be engaged in such home occupation;*
- b) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling or lot in any manner visible off the property;*
- c) such home occupation does not create or become a nuisance, particularly in regard to noise, noxious odours, wastes, emissions of smoke, traffic or parking;*
- d) such home occupation does not interfere with television or radio reception in the vicinity;*
- e) a home occupation may include a licenced home child care for six children or less, or an unlicensed home child care for five children or less;*
- f) not more than 25% of the gross floor area of the dwelling to a maximum of 55.75 sq. m shall be used for such use, but does not apply to a home child care;*
- g) the home occupation shall not be conducted within an accessory building or a garage;*
- h) there shall be no outdoor storage of goods or materials;*

- i) *no use shall be permitted which would result in a commercial vehicle being parked or stored on an adjacent street except for temporary parking to permit normal pick-up and delivery;*
- j) *one unlit sign indicating the name and business of the occupant not exceeding 0.4 sq. m in area shall be permitted;*

The existing business on the subject property does not comply with the general provisions of the Zoning By-law. Specifically, it does not comply with provisions (f) and (g). The business is conducted in an accessory building (greenhouse) with an area greater than 55.75 sq. m. The accessory building in which the business is operating is approximately 877.8 sq. m in area. Therefore, the existing business operating on the subject property does not comply with the Home-based business provisions of the Zoning By-law. For these reasons, Building Development Services informed the applicant that this type of use is not permitted at the property, and is why the applicant has made the necessary application to amend the Zoning By-law.

The proposed zoning by-law amendment will bring the existing business into conformity with the Zoning By-law. The proposed amendment does the following:

1. It will exempt the existing business from provisions (f) and (g) of Section 4.16.
2. It will allow a Home Occupation to be located within the existing greenhouse with a total area of not more than 877.8 sq. m.

The proposal complies with all other 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**

##### **Technical Advisory Committee**

The Technical Advisory Committee supports the application.

##### **Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by:



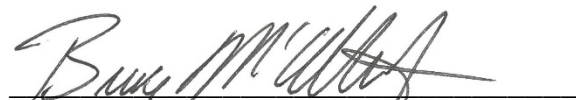
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PL202000021

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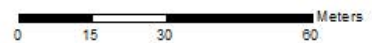
Attachments: Appendix A – Key Map  
Appendix B – Site Photos  
Appendix C – Site Layout  
By-law to Amend By-law No. 216-2009

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Report.docx

Appendix A – Key Map



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



Looking west across the subject property from Industrial Road. In view is the subject property, including the main residential dwelling and existing greenhouse.



Looking west across the subject property from Industrial Road. In view is the existing greenhouse and open space available for parking.



Looking south along Industrial Road. In view is the rural industrial lot that abuts the subject property to the south.

Appendix C - Site Layout



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

(Craig Helmer)

CityView # PL2020000021

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Camden in order to rezone the lands to permit a plant nursery to operate from an existing greenhouse;

And Whereas the proposed uses 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 changing the zoning classification from Rural Residential (RR) to Rural Residential-1504 (RR-1504) 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:  
1504
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:  
RR-1504
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
1504	RR-1504	Despite Clauses f) and g) of Subsection 4.16, Home Occupations, the following regulations apply to a Home-based business: <ol style="list-style-type: none"><li>1. A plant nursery shall be permitted in an existing greenhouse with a total area of not more than 877.8 sq. m (2,880 sq. ft.).</li></ol>

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 23<sup>rd</sup> day of March 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 23<sup>rd</sup> day of March 2020.

