

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques
Manager, Planning Services

Date: July 13, 2020

Subject: Application for Deeming By-law
PL202000097 – Robin and Karen Reger
10, 12 & 16 Brock Street, Community of Harwich (Shrewsbury) (South Kent)

Recommendation

It is recommended that:

1. Deeming By-law application File D-14 HA/28/20/R, to deem Lots 3-5, Registered Plan 109, in the Community of Harwich (Shrewsbury), not to be on a Plan of Subdivision, be approved, and the by-law be adopted.

Background

The subject lands are located at the northwest corner of the Metcalfe Street and Brock Street intersection, in the Community of Shrewsbury (Roll No. 3650 140 006 24600, - 24800). The lands are approximately 6,095 sq. m (65,603 sq. ft.) in total area and are currently vacant. The lands are designated Hamlet Area in the Chatham-Kent Official Plan and zoned Village Residential (VR). A key map showing the location of the subject lands is attached as Appendix A.

The subject lands consist of the following three (3) contiguous parcels:

- 10 Brock Street; described as Lot 3, Plan 109
- 12 Brock Street; described as Lot 4, Plan 109
- 16 Brock Street; described as Lot 5, Plan 109

As described, these parcels are full lots on a registered Plan of Subdivision. In this scenario, each of these parcels can be developed independently and conveyed freely without requiring *Planning Act* approval.

The applicants, however, plan to deal with the subject lands as a single parcel. The intent is to preserve the existing mature trees on Lots 3 & 4 (10 & 12 Brock Street) by developing the lands with one residential dwelling. As these are full lots on a plan, it is necessary that the lots be deemed not to be on a Plan of Subdivision for them to remain as a single holding. This is achieved by the passing of a Deeming By-law under Section 50 of the *Planning Act*, and its Registration on Title of each lot. Once the lots are deemed, they can no longer be conveyed separately without *Planning Act* Consent or Decision by Council, and the applicant can then deal with the lands as intended.

Comments

Provincial Policy Statement (PPS)

The application does not raise any issues of provincial interest.

Official Plan

The application has been reviewed against the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 2.3.9, Hamlet Area Policies, and Section 4.5.3, Flood Protection Policies, and generally meets these policies.

The Official Plan encourages permanent low-density residential development on lands designated Hamlet Area. Lots within the Hamlet Areas are required to have frontage on and access to a year-round publicly maintained road, which is the case with the subject property.

The Official Plan also contains policy direction to protect people and property from natural hazards (Policy 4.5.3.1). The subject lands are located in a flood constrained area, as identified by the Lower Thames Valley Conservation Authority (LTVCA), and in close proximity to Provincially Significant Wetlands. Although development rights exist for all of the subject lands, the current proposal will result in greater protection of the natural state of the lands following development as a single parcel. Overall, the proposal will result in appropriate use and development of these lands considering the potential natural hazardous risks that exist across the Community of Shrewsbury.

Zoning By-law

The proposal is in compliance with the applicable zoning regulations.

Conclusion

The proposed deeming by-law has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law, and 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

No consultation was necessary for this application.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by:

Reviewed by:




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Planner I, Planning Services



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Reviewed by:



Bruce McAllister, MCIP, RPP
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Attachments: Appendix A – Key Map

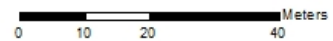
By-law to deem certain Lots on a Plan of Subdivision

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Report.docx

Appendix A – Key Map



This is not a plan of survey.
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By-law Number _____

of The Corporation of the Municipality of Chatham-Kent

A By-law to Deem Certain Parts of a Registered Plan Not to be Registered

(Robin and Karen Reger)

CityView # PL202000097

Whereas Subsection 50(4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes a municipality to designate any plan of subdivision or part thereof that has been registered for eight years or more as not being a registered plan of subdivision for subdivision control purposes;

And Whereas it is deemed expedient to so designate the lands herein referred in order to adequately control the development of the said lands;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

1. Those parts of a plan of subdivision described as follows are hereby designated as parts of said plan, which shall be deemed not to be parts of a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:

Lots 3-5, Plan 109

This By-law shall come into force and effect in accordance with the provisions of Subsection 50(27) of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time the 10th day of August 2020.

MAYOR – Darrin Canniff

CLERK – Judy Smith