

## **Municipality Of Chatham-Kent**

### **Community Development**

#### **Planning Services**

**To:** Mayor and Members of Council

**From:** Ryan Jacques, MCIP, RPP  
Acting Director, Planning Services

**Date:** November 18, 2020

**Subject:** Application for Zoning By-law Amendment  
PL202000205 – Keith Larente  
3647 Wheeler Line, Community of Tilbury (West Kent)

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#### **Recommendation**

It is recommended that:

1. Zoning By-law Amendment application File D-14 TI/45/20/L to rezone the subject lands, known as 3647 Wheeler Line, in Part of Lot 16, Concession 4 (Tilbury-East), in the Community of Tilbury, to a site-specific Holding-General Industrial-1533 (H-M1-1533) Zone to expand the permitted uses at the property while on partial services, be approved, and the implementing by-law be adopted.

#### **Background**

The subject property is located on the north side of Wheeler Line in the Community of Tilbury (Roll No. 3650 060 002 00504). The subject property is approximately 2,742 sq. m (29, 518 sq. ft.) in area and contains an industrial building (CARSTAR Collision and Glass Service). The property is designated Employment Area in the Chatham-Kent Official Plan and zoned General Industrial-247 (M1-247). 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 current site-specific M1-247 zone limits permitted uses to a number of industrial type uses, of which the existing automobile collision repair facility is not included. To add the current use at the subject property as a permitted use in its zone, the application is proposing to rezone this parcel to a new site-specific Holding-General Industrial-1533 (H-M1-1533) zone. This site-specific zone will permit the existing industrial use and those uses permitted under the current zoning which have been re-evaluated and determined to be appropriate uses for the subject lands.

The Holding provision in the proposed zoning limits the property to several specific uses. However, the proposed zoning will permit all uses of the General Industrial (M1) zone once the subject property is serviced with municipal sanitary sewer connections without further amendments to the Zoning By-law.

This proposed zoning is in accordance with the requirements of the Chatham-Kent Official Plan and the Provincial Policy Statement, and is discussed in more detail in the Comments section, below.

## **Comments**

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

Section 1.6.6.1 (Sewage, Water and Stormwater) of the PPS contains several policies outlining the provincial interest in directing and accommodating growth in a way that promotes the efficient use and optimization of existing sanitary sewers and water services. Specifically, Section 1.6.6.2 states that, *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

The proposed zoning by-law amendment is consistent with the policies and intent of the PPS. The recommended zoning by-law amendment is to promote development in a Primary Urban Centre in accordance with the PPS where municipal sanitary sewers are currently not available.

### **Official Plan**

The proposal has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section B.2.4, Employment Area Policies; Section 2.4.7, Wastewater Services; and Section 6.3.3, Planning Tools (Zoning By-Law), and generally meets these policies.

The Chatham-Kent Official Plan contains policies to ensure that cost-effective and adequate sewage treatment is provided to support, enhance and sustain existing and future residents and businesses in the Municipality. It is the policy of Chatham-Kent that:

*2.4.7.2.1 All development and redevelopment in the Primary Urban Centres and all new development and redevelopment in the Secondary Urban Centres shall be connected to the municipal sewage treatment system.*

The subject property is designated Employment Area by the Official Plan. The Employment Area designation is appropriate for the site-specific zoning being proposed for the subject property and for those uses permitted in the General Industrial (M1)

zone. It is the policy of Chatham-Kent that:

*B.2.4.2 The Employment Area is intended for a range of industrial and secondary commercial land uses which shall be developed on full municipal services.*

*B.2.4.3 Permitted industrial uses in the Employment Area shall include office, research facilities, printing, processing, manufacturing, assembling, warehousing, and shipping uses, as more specifically defined in the Zoning By-law. A limited amount of ancillary retail to the main permitted industrial use shall also be permitted.*

*B.2.4.4 Permitted secondary commercial uses in the Employment Area shall include restaurants, financial institutions, service commercial uses, automobile-oriented uses such as vehicle sales and repair, service and gas bars with convenience retail, commercial recreational facilities, hotels, motels, conference facilities, meeting/banquet facilities, entertainment uses, public and private clubs, and police, fire or ambulance facilities, as more specifically defined in the Zoning By-law*

The recommended zoning by-law amendment, discussed below, is in accordance with the requirements of the Official Plan, with respect to the development of property in Chatham-Kent's Primary Urban Centres where municipal sanitary sewers are not available.

The application maintains the general intent and purpose of the Official Plan.

### **Zoning By-law**

The subject property is zoned General Industrial-247 (M1-247), which limits permitted uses to:

- office;
- commercial greenhouse;
- lock and store facility;
- personal service shop;
- assembly hall;
- vehicle storage area;
- service or repair shop;
- service trade;
- veterinary clinic; and
- warehouse.

The services provided by CARSTAR Collision and Glass Service, which currently operates from the subject property, include towing services, collision repair, glass replacement and accident assistance. This use is defined in the Zoning By-law as an Automobile Body Shop. This use, along with automobile related uses of Automobile Repair Shop and Automobile Sales and Service Establishment are proposed to be added as permitted uses at the property. These definitions in the Zoning By-law are as follows:

*“AUTOMOBILE BODY SHOP” means a building or structure used for the painting*

*or repairing of and in conjunction with which glass may be installed and there may be a towing service and motor vehicle rentals for customers while a motor vehicle is under repair, but does not include any other automotive use otherwise defined or classified in this by-law.*

*“AUTOMOBILE REPAIR SHOP” means a building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of the exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use in conjunction with which there may be a towing service, facilities for the dispensing of gasoline and oil and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other automobile use otherwise defined or classified in this by-law.*

*“AUTOMOBILE SALES AND SERVICE ESTABLISHMENT” means a lot, building or structure where the business of selling new and used motor vehicles is conducted, and may include the display, storage and sale of such motor vehicles; the storage and sale of automobile accessories and related products; offices, show rooms and sales rooms; the leasing or renting of motor vehicles; the sale of fuel, the servicing, washing, repairing, cleaning, polishing, painting of motor vehicles; a towing service; where such uses are incidental to the main use but shall exclude temporary sales trailers as offices or premises for this use*

The recommendation is to rezone the subject lands to a site-specific Holding-General Industrial-1533 (H-M1-1533) zone. Through a Holding category, this site-specific zone will allow the following uses:

- Automobile Body Shop;
- Automobile Repair Shop;
- Automobile Sales and Service Establishment;
- Service Trade Establishment;
- Office;
- Assembly Hall;
- Public Storage;
- Veterinary Clinic; and
- Warehouse.

The Holding category can be lifted upon application to the Municipality when it is demonstrated the lands have been serviced with municipal sanitary sewers. Upon lifting of the Holding category, the lands will be zoned General Industrial (M1) and all provisions of this zone will apply, including all permitted uses.

## **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 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**

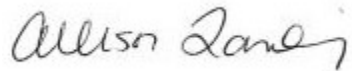
#### **Technical Advisory Committee**

The Technical Advisory Committee supports the application.

### **Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by:



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Allison Lambing  
Planner II, Planning Services

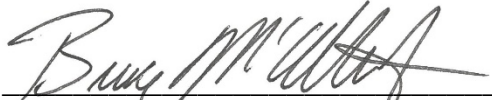
Reviewed by:



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Ryan Jacques, MCIP, RPP  
Acting Director, Planning Services

Reviewed by:



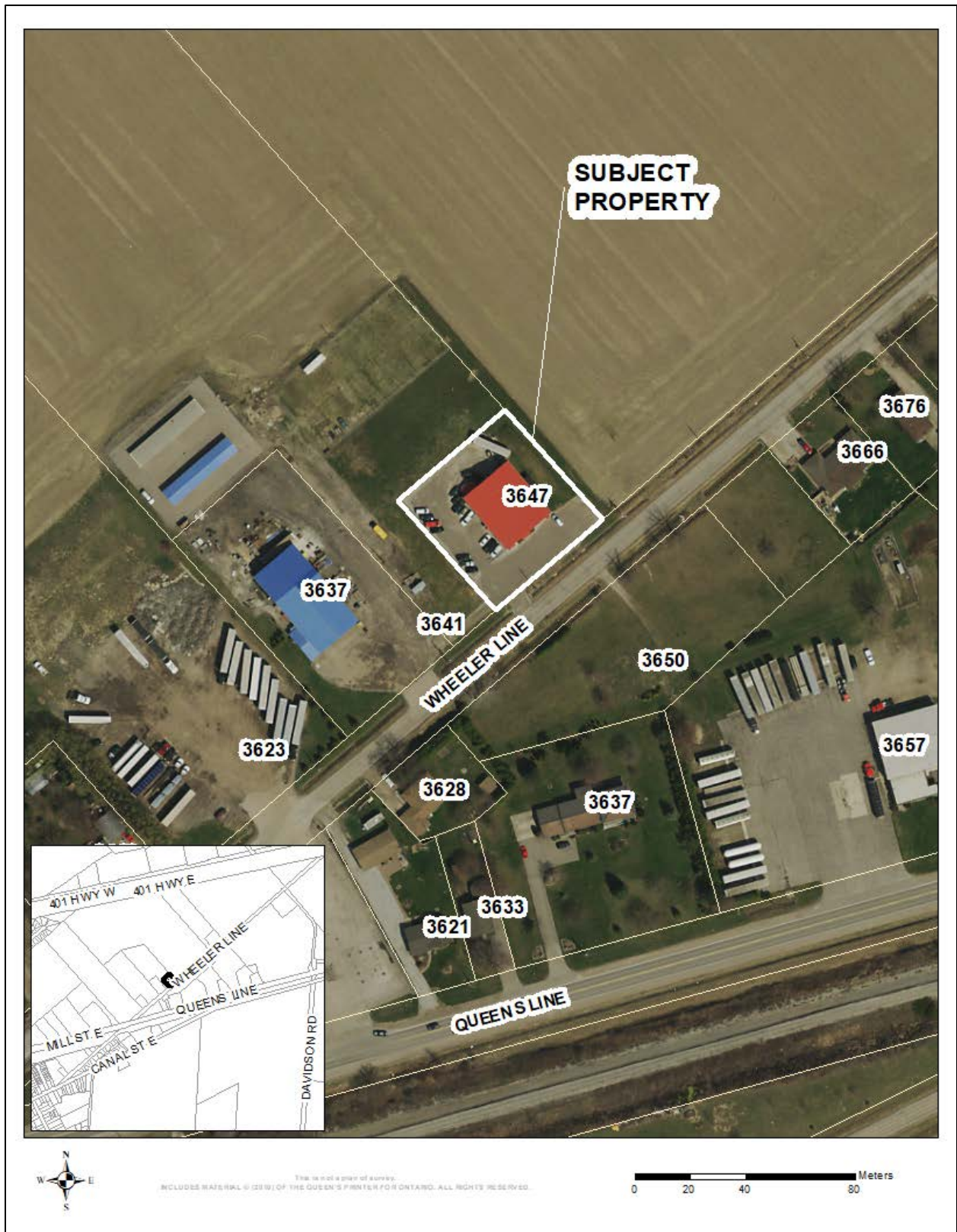
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Bruce McAllister, MCIP, RPP  
General Manager, Community Development

Attachments: Appendix A – Key Map  
Appendix B – Site Photos

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Report.docx

Appendix A – Key Map





Appendix B – Site Photos



Looking north at the subject property and the entrance from Wheeler Line.



Looking northwest at the subject property from Wheeler Line.



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

(Keith Larente)

CityView # PL202000205

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Tilbury in order to rezone these lands into a holding zone.

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 General Industrial-247 (M1-247) to Holding – General Industrial-533 (H-M1-1533) 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. 1533

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:

H-M1-1533

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  |
|---------------|---------------------|--|
| 1533          | H-M1-1533           | a) Despite Clause b) of Subsection 4.14, until the Holding "H" Symbol is removed, the permitted uses are limited to:<br>i) Automobile Body Shop<br>ii) Automobile Repair Shop<br>iii) Automobile Sales and Service Establishment<br>iv) Service Trade Establishment<br>v) Office |

| Exception No. | Special Zone Symbol | Special Zone Provisions   |
|---------------|---------------------|---|
|               |                     | <ul style="list-style-type: none"> <li>vi) Assembly Hall</li> <li>vii) Veterinary Clinic</li> <li>viii) Warehouse</li> <li>ix) Public Storage</li> <br/> <li>b) The Holding "H" Symbol may be removed by bylaw passed under Section 36 of the Planning Act when municipal sanitary sewer connections are installed to the satisfaction of the municipality.</li> <br/> <li>c) Upon removal of the Holding "H" Symbol, the provisions for General Industrial (M1) Zone 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 14th day of December, 2020.

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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 14th day of December, 2020.

