

Notice of Planning Act Approval

Take Notice, that on **December 16, 2024**, Council of the Corporation of the Municipality of Chatham-Kent approved Official Plan Amendment (File D-09 C/02/24/O) (OPA No. 81) and Zoning By-law Amendment (File D-14 C/25/24/O) concerning the property located at 255 Lark Street, Community of Chatham (City), Block P, Plan 644, Roll No. 3650 420 037 15000.

At the meeting, **Official Plan Amendment No. 81** was adopted by Council, by **By-law No. 161-2024**, which designated the lands into a new Site-Specific Policy Area B.2.3.19, to establish policies for multi-unit residential development:

- a) Notwithstanding Policy B.2.3.6.2, the permitted uses shall include a multiple unit stacked row house development, consisting of 160 residential units;
- b) The implementing Zoning By-law shall provide maximum height requirements of four storeys;
- c) As part of Site Plan Approval, an agreement implementing the development described in a), above, shall, at the discretion of the Municipality, include the construction of, or equivalent financial contribution to the Municipality, the following off-site improvements:
 - i) Sidewalks on the development side of Lark Street from the intersection of Dove Place continuously to the existing sidewalk on Baldoon Road, including standard street crossings.
 - ii) If an unobstructed opening from a rear yard access of the site to Lark Park is installed, a standard asphalt path within Lark Park connecting to the existing asphalt path closest to the site.
 - iii) Access to Partridge Crescent be prohibited.

Zoning By-law No. 162-2024 was also passed by Council to rezone the lands to Residential Medium Density Second-1733 (RM2-1733) to include the following site-specific regulations for a Stacked Row House Dwelling use:

- i. Interior Side Yard Width Minimum – 6.25 m
- ii. Maximum Density Per Lot – 88 units per ha
- iii. Maximum Building Height – 12.15 m

Reasons for Approval

The recommendation of Administration was to approve the amendments noted above for the reasons outlined in the Planning Services Report. There were a total of eleven deputations received in opposition of this application, two (2) were presented orally, seven (7) were written submissions that were also presented orally at the meeting, and three (3) were emailed to Council in advance of the meeting. The deputations in opposition raised concerns regarding:

- The overall proposed density of the development, in that it is too high for the area
- The number of parking spaces provided for the development
- The traffic generated on both Lark Street and Partridge Crescent, where no sidewalks are present, and whether the TIS adequately reviewed the existing conditions of the area
- Permitting an access onto Partridge Crescent and how the additional traffic would affect the neighbourhood
- The possibility of closing the access off Partridge Crescent and how it would negatively affect Lark Street
- The capacity of the storm and sanitary servicing in the area to adequately service the size of the development being proposed

The submissions received, have been, on balance, taken into consideration by Council as part of its deliberations and final decisions on the matter. In the opinion of Council, the approval is consistent with the Provincial Planning Statement and conforms to the Chatham-Kent Official Plan.

When and How to File an Appeal

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this Official Plan Amendment and/or Zoning By-law Amendment can be made by filing a notice of appeal with the Municipal Clerk via the OLT's e-file service at <https://olt.gov.on.ca/e-file-service/> by selecting **Chatham-Kent** as the Approval Authority. Please note, first-time users of the OLT's e-file service will need to register for a My Ontario Account. If the OLT's e-file service is not working, please file the appeal with the Municipal Clerk at ckclerk@chatham-kent.ca (or at 315 King Street West, Box 640, Chatham, Ontario, N7M 5K8), no later than 4:30 p.m. on or before the last date of appeal, as noted below. Should this date fall on a holiday or weekend, you will have until 4:30 p.m. of the next business day to file your appeal. The appeal fee of \$1,100 can be paid online through OLT's e-file service or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca.

Last Date of Appeal: January 7, 2025

Who Can File an Appeal

Only the applicant, the Minister, a specified person or any public body may appeal a by-law of the Municipality to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

For further clarification, a "specified person" as defined under the Planning Act, section 1(1), means:

- a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- b) Ontario Power Generation Inc.,
- c) Hydro One Inc.,
- d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,
- g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply,
- h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; ("personne précisée")
- i) NAV Canada,
- j) the owner or operator of an airport as defined in subsection 3 (1) of the *Aeronautics Act* (Canada) if a zoning regulation under section 5.4 of that Act has been made with respect to lands adjacent to or in the vicinity of the airport and if any part of those lands is within the area to which the relevant planning matter would apply,
- k) a licensee or permittee in respect of a site, as those terms are defined in subsection 1 (1) of the *Aggregate Resources Act*, if any part of the site is within 300 metres of any part of the area to which the relevant planning matter would apply,
- l) the holder of an environmental compliance approval to engage in an activity mentioned in subsection 9 (1) of the *Environmental Protection Act* if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act,
- m) a person who has registered an activity on the Environmental Activity and Sector Registry that would, but for being prescribed for the purposes of subsection 20.21 (1) of the *Environmental Protection Act*, require an environmental compliance approval in accordance with subsection 9 (1) of that Act if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the person intends to appeal the relevant decision or conditions,

as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act, or
n) the owner of any land described in clause (k), (l) or (m).

No specified person or public body shall be added as a party to the hearing of the appeal unless, before the by-law is passed, the specified person or public body made oral submissions at a public meeting or written submission to the Council of the Municipality of Chatham-Kent or, in the opinion of the Tribunal, there are reasonable grounds to add the specified person or public body as a party.

When the Decision is Final

The decision of the Municipality of Chatham-Kent is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Additional Information

Additional information about the application is available for public inspection during regular office hours at the Municipality of Chatham-Kent Planning Services office at the address, phone number and email address noted above.

Dated at the Municipality of Chatham-Kent this 18th Day of December, 2024