

# MEMORANDUM

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**DATE:** NOVEMBER 23, 2023

**TO:** TOWNSHIP OF EDWARDSBURGH CARDINAL – COMMITTEE OF WHOLE – COMMUNITY DEVELOPMENT

**FROM:** NOVATECH

**RE:** OFFICIAL PLAN AMENDMENT NO 2 AND GENERAL ZONING BY-LAW AMENDMENT ADOPTION CONSIDERATION  
OUR FILE: 123068

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## 1. Background and Proposed Amendments

The Township has expressed interest in reducing the minimum lot area requirements as a means to support additional housing opportunities within the Township’s rural area. The Township’s Committee of Whole - Community Development provided direction in September 2023 to schedule an open house and public meeting regarding Township initiated proposed amendments to the Official Plan and Zoning By-law to reduce the minimum lot area requirement for residential properties within the Township’s rural area from 1 ha to 0.4 ha.

### Official Plan Amendment No. 2

Section 7.1.1.1 of the Township’s Official Plan is proposed to be revised to reduce the minimum lot area requirement of 1.0 hectare (2.47 acres) to 0.4 hectares (1 acre). Section 7.1.1.1 is also proposed to be revised to address servicing and states that an applicant may be required to demonstrate that where a proposed lot is less than 1.0 hectare that the lot can be adequately serviced through the preparation of a hydrogeological assessment and terrain analysis. Other sections of the Official Plan are proposed to be amended to ensure internal consistency and to enhance existing policies with respect to ensuring development can be supported with appropriate servicing.

The proposed amendment would establish a minimum lot area requirement of 0.4 hectares for new lots created within the Township either by consent or plan of subdivision. All other policies with respect to land division within the Township will continue to apply.

Attachment A includes a copy of the Official Plan amendment.

### General Zoning By-law Amendment

A zoning by-law amendment has also been prepared to implement the Official Plan amendment which would establish a minimum lot area of 0.4 hectares. The amendment proposes to reduce the minimum required lot area to 0.4 hectares and minimum lot frontage to 45m for the Rural (RU) and Limited Services Residential (RLS) zones.

Attachment B includes a copy of the Zoning By-law amendment.

## 2. Public and Agency Consultation

### Public Meeting

A public open house and public meeting were held on November 20<sup>th</sup> at the Johnstown Community Centre. Oral comments were received from two members of the public expressing support for the proposed lot area reduction and concerns to ensure water supply is appropriately addressed.

### Written Submissions

Written comments were received in support of the amendment by members of the public. One comment was received noting concerns for inadequate water supply and sewage contaminants on smaller lots and that the amendment should also consider amendments for development on existing lots where located within 500m of nearby quarries. The proposed amendment includes added policy that would allow the Township to request a hydrogeological assessment and terrain analysis for lots proposed under 1 ha. With respect to comments regarding quarry setbacks, these provisions are included in the Zoning By-law to ensure mineral aggregate resources and existing quarry operations are protected from encroaching incompatible land uses, such as residences, as required by provincial interests and local policy. Revisions to this section of the Zoning By-law are not proposed with this Township amendment for reduced lot area requirements in the rural area.

Enbridge and Bell expressed no concerns with the proposed amendments.

The South Nation Conservation Authority noted that they have no specific comments on the proposed amendments and stated that *'In principle, the reduced size is generally sufficient for a private conventional septic system. Lots may need to be larger where there are constraints due to setbacks requirements in the Ontario Building Code, but this should be addressed in Section 5.4.10 and identified in servicing reports.'*

The Ministry of Environment, Conservation and Parks (MECP) provided comments on the proposed amendment noting that smaller lot sizes can be considered and supported through appropriate study and analysis. MECP also reiterated the goal of MECP's technical documents and provincial policy is to ensure approval authorities are making decisions that protect public health and safety, ground water quality and quantity and to minimize municipal liability. The MECP also stated that, *'In the absence of the November 6th implementation document, it is unclear how the proposed official plan and zoning by-law amendment will appropriately implement relevant provincial policy including, PPS policy 2.2.1 f) 2.2.1 g) and 2.2.2. and the technical guidance provided in MECP's D-series guidelines.'*

### **3. Planning Discussion**

Details of the planning basis for Official Plan Amendment No 2. are provided within the Official Plan amendment (Attachment A).

It is understood that an implementation policy report regarding hydrogeological assessments and terrain analysis was provided to Committee of Whole – Community Development on November 6, 2023. This report included a recommended policy framework, which was prepared in consultation with a hydrogeologist from JP2G, that would provide guidance for when a hydrogeological assessment and terrain analysis should be requested as a reasonable condition. The proposed framework is intended to ensure Section 1.6.6.4 of the Provincial Policy Statement and provincial guidelines regarding private services are being implemented in planning decisions to ensure the long-term provision of private services and ensure protection of public health and the environment. The proposed framework would also ensure a consistent and fair approach is implemented when reviewing severance applications in the Township.

It is recommended that the implementation policy be adopted by Council, in conjunction with the proposed Official Plan amendment, to ensure servicing requirements are considered for lot creation. This would also ensure MECP comments regarding implementation are considered in Council's decision on the proposed Official Plan amendment.

It is also further recommended that this implementation framework be provided to the United Counties of Leeds and Grenville as part of the Official Plan amendment submission, should this framework be adopted by Council.

#### **4. Next Steps**

Official Plan Amendment No. 2 has been prepared for Council adoption which would reduce the minimum lot requirement from 1 hectare to 0.4 hectares and establish enhanced policies to ensure appropriate levels of services are provided. Further, a zoning by-law amendment has also been prepared to reduce the minimum required lot area to 0.4 hectares and minimum lot frontage to 45m for the Rural (RU) and Limited Services Residential (RLS) zones, consistent with the Official Plan amendment.

Once Council has adopted the proposed amendments to the Township's Official Plan, the amendment will need to be submitted to the United Counties of Leeds and Grenville for final approval. The proposed zoning by-law amendment, if approved by the Township, would not come into effect until the Official Plan amendment is approved by the Counties.

Sincerely,

**NOVATECH**



Jordan Jackson, MCIP, RPP  
Project Planner

Attachment A – Official Plan Amendment Package  
Attachment B – Zoning By-law Amendment Package

**OFFICIAL PLAN AMENDMENT NO. 2  
TO THE OFFICIAL PLAN OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL  
(Reduced Minimum Lot Area Requirements)**

Prepared By:

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File Number: 123068

Date: November 23, 2023

THIS IS HEREBY CERTIFIED AS THE ORIGINAL  
COPY/DUPLICATE COPY OF OFFICIAL PLAN AMENDMENT NO. 2  
OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL

**TOWNSHIP OF EDWARDSBURGH CARDINAL  
BY-LAW NO. \_\_\_\_\_**

**Being an Adoption By-law for Amendment No. 2 to the  
Official Plan of the Township of Edwardsburgh Cardinal**

The Council of the Township of Edwardsburgh Cardinal, pursuant to Section 17(22) of the *Planning Act*, R.S.O., 1990, Chapter P.13, as amended, hereby enacts as follows:

1. Amendment No. 2 to the Official Plan of the Township of Edwardsburgh Cardinal, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

This By-law read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

This By-law read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

This By-law read a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Head of Council

CORPORATE SEAL  
OF TOWNSHIP

\_\_\_\_\_  
Clerk

Certified that the above is a true copy of By-law No. \_\_\_\_\_ as enacted and passed by the Council of the Township of Edwardsburgh Cardinal, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk

**AMENDMENT NO. 2 TO THE OFFICIAL PLAN  
OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

**INDEX**

	<u>Page</u>
The Constitutional Statement	1
 <b>PART A - The Preamble</b>	
1. Title	2
2. Purpose and Effect	2
3. Location	2
4. Basis of the Amendment	2
 <b>PART B - The Amendment</b>	
1. Introduction	4
2. Details of the Amendment	4
 <b>PART C - The Appendices</b>	
Appendix I - Notice of the Public Meeting	
Appendix II - Minutes of the Public Meeting	
Appendix III - Notice of Adoption	
Appendix IV - Other Items Forming Part of the Record	

**AMENDMENT NO. 2 TO THE OFFICIAL PLAN  
OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

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**PART A**      The Preamble does not constitute part of this Amendment.

**PART B**      The Amendment, consisting of text policy changes to the Official Plan constitutes Amendment No. 2 to the Official Plan of the Township of Edwardsburgh Cardinal.

**PART C**      The Appendices which are attached do not constitute part of this Amendment. These appendices contain the notice of the public meeting, the minutes of the public meeting and various other items forming part of the record.

## **PART A - THE PREAMBLE**

### **1. Title**

The title of the Amendment is “Official Plan Amendment No. 2 to the Official Plan of the Township of Edwardsburgh Cardinal”, herein referred to as Amendment No. 2.

### **2. Purpose and Effect**

Amendment No. 2 is a Township-initiated Amendment to the Official Plan of the Township of Edwardsburgh Cardinal. The purpose of the Amendment is to revise policies to reduce the minimum lot area requirement from 1.0 hectare to 0.4 hectares throughout the Township.

The effect of the amendment would be to establish a new minimum lot area requirement of 0.4 hectares for new lots created within the Township. The amendment would reduce the minimum lot area requirement for residential properties within the Township where development is to occur on private or partial services.

### **3. Location**

Official Plan Amendment No. 2 is an amendment to text only and will apply to all lands in the Township of Edwardsburgh Cardinal.

### **4. Basis of the Amendment**

The Township’s Official Plan was approved in January 2020 by the United Counties of Leeds and Grenville. When the Township’s Plan was updated in 2020, existing policies with respect to establishing a minimum lot area of 1.0 hectare was maintained from the 2012 Official Plan. The Township’s Official Plan states that “With the exception of the village of Cardinal where there are full municipal water and sewage services, the minimum lot area shall be generally no less than 1.0 hectare.” (Section 7.1.1.1).

As a means to support additional housing opportunities within the Township’s rural area, Township Council has expressed interest to reduce the minimum lot area requirements for residential lots on private or partial services. This Official Plan amendment would establish a minimum lot area standard of 0.4 hectares (1 acre).

The Provincial Policy Statement 2020 (PPS) came into effect on May 1, 2020 following the approval of the Township’s Official Plan in January 2020. The PPS provides a policy framework for regulating development, land uses and growth and development within Ontario. The PPS states that settlement areas shall be the focus of growth and development including rural settlement areas in rural areas (Section 1.1.3.1 and Section 1.1.4.2). The PPS also states that growth and development may be directed to rural lands in accordance with Section 1.1.5 of the PPS (Section 1.1.4.4). The Township of Edwardsburgh Cardinal is comprised of various land uses including a mix of urban and rural settlement areas where partial or municipal services exist and vast rural landscapes supporting agricultural, natural and cultural resources and other rural land uses.

Section 1.1.5 of the PPS provides policy for rural lands within municipalities. Section 1.1.5.2 identifies various land uses that may be permitted on rural lands and states that residential development, including lot creation, that is locally appropriate are permitted. Further, it is policy that development that is compatible with the rural landscape and can be sustained by



rural service levels should be promoted (Section 1.1.5.4). Section 1.4 of the PPS provides policy direction for housing. Section 1.4.3 requires planning authorities to provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all housing options.

In addition to ensuring development can be sustained by rural services, the PPS also establishes a hierarchy of servicing with full municipal services, within settlement areas, being the preferred form of servicing to support growth, protect the environment and minimize risks to public health and safety (Section 1.6.6.2). In the case of rural lands, Section 1.6.6.4 of the PPS states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

On February 19, 2016, the United Counties of Leeds and Grenville Official Plan was approved by the Minister of Municipal Affairs and Housing. The United Counties Official Plan provides a policy framework for growth and development throughout the Counties to a planning horizon of 2031. Consistent with the policy objectives of the PPS, the Counties Plan directs that settlement areas be the focus of growth including residential development (Section 2.3.1 a)). While recognizing that the United Counties is comprised of urban, rural and agricultural landscapes, Section 3.3 of the Counties Plan provides policy for development on rural lands. Section 3.3.1 e) of the Plan states that one of the objectives of the rural lands are to promote limited development that is compatible with the rural landscape and character and can be sustained by rural service levels, which generally includes individual on-site sewage and individual on-site water services. Further, Section 3.3.2 a) iii. states one of the primary uses of rural lands will be for limited residential development, which will be defined in local municipal Official Plans. Section 3.3.2 a) also states that local municipalities will establish policies in their Official Plans related to rural residential development which may be accommodated on rural lands without compromising the rural character of these lands. With regards to lot creation, the Counties Plan states that lot creation in the rural lands will only be permitted in accordance with policies of the Counties Plan and the local municipal Official Plan (Section 3.3.3 I)). As permitted by the Counties Plan, the Township is proposing to revise lot creation policies of the 2020 Official Plan to establish a minimum lot area of 0.4 hectares.

The Township's Official Plan was approved by the United Counties of Leeds and Grenville on January 23, 2020 which is intended to guide land uses until the year 2031. As noted, the Township is comprised of a mix of land uses including serviced and un-serviced settlement areas, significant industrial areas, aggregate, rural and agricultural lands as well as natural heritage resources. Section 3.1.2 of the Township's Plan states that over the next 20 years development on existing lots and new lots to be created by consent and plan of subdivision shall occur primarily within the limits of the Township's Settlement Policy Area designations. Further, Council has established a target for 60% of new development to occur within the Township's urban and rural settlement areas and 40% in rural areas.

Section 3.4 of the Plan provides goals, objectives and policies for development within the Township's Rural Policy Area. The Plan recognizes that in order to maintain and protect the character and identify of the Township's Rural Policy Area, it is important to avoid inefficient land use patterns such as strip or scattered development to minimize incompatibility between land uses and to minimize adverse environmental impacts. The Plan includes policies aimed at limiting residential lot creation within the rural area and avoiding inefficient land use

patterns. The Township has experienced the majority of its residential growth with respect to lot creation and building permit issuance since 2012 to be focused within the Township's rural area, outside of its urban and rural settlement area boundaries.

Section 7.1.1 of the Township's Official Plan establishes general policies that apply to all lot creation whether through the consent or plan of subdivision/condominium process. Section 7.1.1.1 (General Policies) establishes a minimum lot area of 1.0 hectare for lots which do not require full municipal water and sewage services. The Township has identified that the minimum lot area requirement of 1.0 hectare (2.47 acres) is a consent eligibility criterion that often hinders an applicant from proceeding through the formal consent process as their lands are not large enough to be further divided. A minimum lot area of 1.0 hectare requires, among other Official Plan criteria, that a property be a minimum of 2.0 hectares (4.94 acres) in order to be considered eligible for consent.

Through this proposed Official Plan amendment, Section 7.1.1.1 is proposed to be revised to reduce the minimum lot area requirement of 1.0 hectare (2.47 acres) to 0.4 hectares (1 acre). The proposed policy would establish a minimum lot size of 0.4 hectares. Section 7.1.1.1 is also proposed to be revised to address servicing and states that an applicant may be required to demonstrate that where a lot is proposed less than 1.0 hectare that the lot can be adequately serviced through the preparation of a hydrogeological assessment and terrain analysis.

The Province has established two guidelines (D-5-4 & D-5-5) to assist municipalities in determining whether on-site sewage and water services are appropriate for proposed development and are used to implement the PPS to ensure there are no negative effects as a result of a development proposal. In accordance with D-Series Guideline D-5-4, "Where proposed lot sizes are less than one hectare, the proponent and/or the consultant is/are responsible for assessing the potential risk to groundwater". A hydrogeological assessment and terrain analysis is necessary to ensure that private services are appropriate and would not negatively impact the environment and public health, consistent with Provincial requirements. The proposed policy is intended to enhance existing policies to ensure development can be provided with appropriate and adequate services and give the Township the authority to request this study when considered locally appropriate for the review of a consent application.

All other policies with respect to land division will be maintained to limit development within the Township's rural area. Policies related to lot creation within the Township's agricultural areas are not proposed to be amended. It is Council's intent that the proposed lot area reduction will support housing opportunities within the Township.

Other sections of the Official Plan are proposed to be amended to ensure internal consistency and to enhance existing policies with respect to ensuring development can be supported with appropriate servicing.

The proposed amendment is consistent with the applicable policies of the Provincial Policy Statement 2020 and the United Counties of Leeds and Grenville Official Plan, as amended, which permit locally appropriate lot creation policies for the rural area.

In addition to this Township Official Plan amendment, Council is proposing to amend the Township's Zoning By-law to establish a minimum lot area of 0.4 hectares and a minimum lot frontage of 45m for the Rural (RU) zone and Limited Services Residential (RLS) zones. The

purpose of the Zoning By-law amendment is to implement the proposed minimum lot area being established through Official Plan Amendment No. 2.

## **PART B - THE AMENDMENT**

### **1. Introduction**

All of this part of the document entitled **PART B - THE AMENDMENT**, provides text changes that constitute Amendment No. 2 to the Official Plan of the Township of Edwardsburgh Cardinal.

### **2. Details of the Amendment**

The Official Plan for the Township of Edwardsburgh Cardinal is hereby amended as follows:

1. That Section 3.4.2 be amended by adding the text '*and can be sustained by rural service levels*' to the end of the first sentence.
2. That Section 5.4.7 be amended by replacing the first sentence with the following text:

The determination of site suitability for proposed sewage disposal systems, and the environmental sustainability of development (i.e. long-term protection of groundwater) and a suitable water supply, are important considerations in development (including lot creation) on private and partial services.
3. That Section 5.4.10 be amended by adding the text '*which may be determined by servicing reports*' to the end of the first sentence.
4. That Subsection 7.1.1.1 be amended by replacing '*1.0 hectare*' with '*0.4 hectares*' in the second and third sentence.
5. That Subsection 7.1.1.1 be amended by adding the text ', *servicing requirements*' after the word '*topography*' in last sentence.
6. That Subsection 7.1.1.1 be amended by adding the following text after the third sentence:

Notwithstanding the minimum lot area of generally 0.4 hectares, where any new lot is proposed to be less than 1.0 hectare and requires partial or private servicing, a hydrogeological assessment and terrain analysis may be required, to demonstrate that the lot can be adequately serviced for the long-term to the satisfaction of the Township.

**BY-LAW No. \_\_\_\_\_**

**THE CORPORATION OF  
THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

**General Amendment to  
Comprehensive Zoning By-law No. 2022-37**

**NOVATECH**

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File: 123068

Date: November 23, 2023

**CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW No. \_\_\_\_\_**

**BEING A BY-LAW TO AMEND ZONING BY-LAW No. 2022-37**

**General Amendment to  
Comprehensive Zoning By-law No. 2022-37**

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**WHEREAS** By-law No. 2022-37, as amended, regulates the use of land and the use and erection of buildings and structures within the Township of Edwardsburgh Cardinal;

**AND WHEREAS** the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to amend By-law No. 2022-37, as amended, as hereinafter set forth;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. Subsection 6.5.2 (Limited Services Residential (RLS) – Zone Provisions) is hereby amended by replacing “*Lot Area (minimum) 1.0 ha*” with “**Lot Area (minimum) 0.4 ha**”.
2. Subsection 12.1.2 (Rural (RU) – Zone Provisions) is hereby amended by replacing “*Lot Area (minimum) Other permitted uses 1 ha*” with “**Lot Area (minimum) Other permitted uses 0.4 ha**” and replacing “*Lot Frontage (minimum) 70 m*” with “**Lot Frontage (minimum) 45 m**”.
3. The By-law shall become effective on the date of passing hereof, subject to the provisions of Section 34(21) of the *Planning Act*, R.S.O. 1990, as amended.

Read a first and second time this \_\_\_ day of \_\_\_\_\_, 2023.

Read a third time and adopted this \_\_\_ day of \_\_\_\_\_, 2023.

CORPORATE SEAL OF TOWNSHIP

\_\_\_\_\_  
Head of Council

\_\_\_\_\_  
Clerk