

# MEMORANDUM

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**DATE:** AUGUST 21, 2024

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

**FROM:** NOVATECH

**RE:** GENERAL HOUSEKEEPING ZONING BY-LAW AMENDMENT

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## Background

The Township of Edwardsburgh Cardinal passed Zoning By-law 2022-24 on June 27, 2022 which is a new Zoning By-law for the Township. It is common practice to review and make minor amendments to a new Zoning By-law following an appropriate period of implementing the By-law by staff and the general public. The review of the By-law would be completed through a Municipal initiated general housekeeping amendment. A general housekeeping amendment is necessary to correct minor errors, omissions or provide clarification on the intent of zone provisions to ensure that a consistent interpretation is applied.

Township staff have worked regularly with the new Zoning By-law and have over the last two years identified a few minor zone provisions and schedule changes that require revisions to either clarify the intent of a zone provision or to correct minor errors or omissions. These revisions are necessary to ensure both staff, agencies and the general public have a consistent interpretation and understanding of various provisions in the Township's Zoning By-law. Various amendments to the Township's Zoning By-law are proposed to rectify these zone provisions identified by Staff and are described further in this report.

It is also noted that since the approval of the Township's Zoning By-law in 2022 amendments have been made to the *Planning Act* regarding Additional Residential Units on residential lands that are provided with full municipal services (water and wastewater services). Amendments to the Township's Zoning By-law are also proposed to ensure additional residential unit provisions are consistent with *Planning Act* permissions.

## Summary of Proposed Amendments

A redline tracked changes version of the Zoning By-law identifying proposed amendments to the Township's Zoning By-law was made available for public and agency inspection ahead of the public meeting. The following provides a summary of proposed changes to the Zoning By-law:

### Text Changes:

#### 1. *Additional Residential Units*

Section 4.1 of the By-law is proposed to be replaced with an entirely revised section to provide flexible zone provisions to accommodate additional residential units in relation to a single dwelling, semi-detached dwelling and townhouse dwelling within the Township. Specifically, the definitions for

Second Dwelling and Second Dwelling Unit are proposed to be replaced with the term Additional Residential Unit.

The *Planning Act* was amended to allow up to two additional residential units within a single dwelling, semi-detached dwelling and townhouse dwelling where a lot is serviced by full municipal services, provided there are no additional residential units within a detached accessory building. The *Planning Act* further states that a By-law cannot prohibit this form of development (Section 35.1(1)). The Township's Zoning By-law currently limits one additional residential unit within a single dwelling, semi-detached dwelling and townhouse dwelling on full municipal services. The proposed revisions will ensure that the Township's Zoning By-law is consistent with the *Planning Act*.

### *2. Secondary Farm Dwellings*

The Township's Official Plan permits a secondary farm dwelling for full-time farm help provided it is located on the same property as the agricultural operation (Section 3.5.2). The initial intent of the Township's Zoning By-law was to implement this permission through the Additional Residential Unit provisions. A new definition and new subsection (Subsection 13.1.3.6) are proposed for the Agriculture zone as it has been determined through working with the By-law that a separate provision to specially accommodate dwellings for farm help is necessary to provide added flexibility.

### *3. Vinyl and Cloth Accessory Buildings*

The Township's previous Zoning By-law restricted the location of vinyl and cloth accessory buildings. Township staff have identified the need to reintroduce similar provisions from a health and safety perspective. A new subsection (Subsection 3.1.8) is proposed to prohibit the location of vinyl and cloth accessory buildings in the Highway Commercial (CH) zone and lands designated as settlement area within the Township's Official Plan.

### *4. Sufficient Servicing*

Amendments are proposed to Section 3.2.1 (Existing Undersized Non-Complying Lots) and Section 3.24.1 (Water and Sewage Disposal Services) to clarify that adequate servicing must be provided for a proposed use. The Township permits development on the basis of private, partial and full municipal services. While the Zoning By-law may permit a particular use it is important for an applicant to demonstrate that adequate servicing can be accommodated for the proposed use.

### *5. Main Street Commercial (MC) & Main Street Commercial/Residential (MCR) Parking Permissions*

Section 3.14.10.2 is proposed to be amended to clarify that parking for permitted uses of the MC and MCR zone can be accommodated on a separate lot, provided that the lot is located within 100m of the use and that there is an agreement between the owners.

### *6. Yard Encroachments*

Section 3.27 is proposed to be amended to allow air conditioning units, heat pumps and other similar equipment to project into required interior and rear yards. Further, Section 3.27 is proposed to be amended to clarify that engineered retaining walls are permitted yard encroachments.

### *7. Home Based Businesses*

Section 4.6.8 is proposed to be amended to clarify that accessory buildings outside of settlement areas can be used in relation to a home-based business.

### *8. Industrial Zones*

The General Industrial (MG) and Business Park Industrial (MBP) zones are proposed to be revised to clarify a retail store that is accessory to a permitted industrial use is permitted.

Schedule Changes:

*1. Flood Plain Hazard Overlay Zone*

The Flood Plain Overlay Zone is proposed to be replaced with a new Flood Plain Hazard Overlay Zone to account for approved flood plain mapping from the Conservation Authority and a 5m wave uprush hazard along the St. Lawrence River. Minor text changes are proposed throughout the Zoning By-law to reflect the new Flood Plain Hazard Overlay Zone.

*2. Various Amendments*

Various minor amendments to the zone schedules are proposed to correct known mapping errors identified through working with the Zoning By-law.

**Public & Agency Feedback**

At the time of writing this report, no public comments have been received.

The Trans-Northern Pipeline Inc and Enbridge confirmed that they have no comments on the proposed amendment. The South Nation Conservation Authority also provided comments on the amendment requesting an amendment to the Additional Residential Unit provisions regarding servicing capacity and septic system setbacks. The draft by-law has been revised to clarify provisions of Section 4.1.1c.

**Recommendation**

It is our opinion that the proposed Zoning By-law amendment is consistent with the 2020 Provincial Policy Statement and conforms to both the United Counties of Leeds and Grenville and Township of Edwardsburgh Cardinal Official Plan.

The proposed amendments are necessary to make minor revisions to the By-law to correct various zoning matters that staff have identified from working with the Township's new Zoning By-law since 2022. The proposed amendment will also ensure that the Flood Plain Hazard Overlay mapping is updated to reflect approved mapping from the South Nation Conservation Authority and the wave uprush applicable along the St. Lawrence River. The amendment will also ensure *Planning Act* permissions for additional residential units are implemented.

A draft by-law has been prepared to implement the proposed revisions to the Zoning By-law.

Sincerely,

**NOVATECH**



Jordan Jackson, MCIP, RPP  
Project Manager