

# MEMORANDUM

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**DATE:** NOVEMBER 1, 2021

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

**FROM:** NOVATECH

**RE:** PUBLIC AND AGENCY COMMENT SUMMARY – NEW  
COMPREHENSIVE ZONING BY-LAW REVIEW

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## Background

In July 2020, Novatech first met with the Township's Community Development Committee to introduce the Committee to the New Comprehensive Zoning By-law project and to discuss the process and important topics to consider through the preparation of a new Comprehensive Zoning By-law. Following this meeting, Novatech prepared a preliminary draft of a new Zoning By-law to discuss with the Committee. The first copy of the preliminary draft was presented to the Committee for discussion purposes in September 2020. Additional meetings with the Committee were held in November 2020 and February 2021 to discuss revisions on the draft Zoning By-law and to seek direction from the Committee regarding approaches in dealing with certain zone provisions. The intent of the various meetings with the Committee was to seek direction on certain aspects of the proposed By-law with a view towards finalizing a first draft of the new Comprehensive Zoning By-law that could be released for public review and comment as part of a community and agency consultation.

At the March 1, 2021 Committee of the Whole – Community Development meeting, direction was provided to staff to release the first draft of the Zoning By-law for public consultation and to schedule multiple public Open Houses that could accommodate resident participation while considering the health and safety of staff and residents during the Covid-19 pandemic. The first draft of the text and schedule of the new Zoning By-law were made available to the public on the Township's website on May 26, 2021 for public comment. Information sheets and summary charts were also prepared to provide additional information on certain zoning topics included in the draft Zoning By-law such as additional dwelling units, hobby farms, chicken coops and recreational vehicles. The Open Houses provided the public the opportunity to speak to staff and/or a Novatech planner to discuss certain zone provisions or the zoning applicable to their property. A public Open House is also a statutory requirement of the *Planning Act* when proposing a new Comprehensive Zoning By-law.

The purpose of this report to present a summary of the written submissions received on the first draft of the Zoning By-law. The report also provides a brief comment in relation to written submissions received through the public consultation process and includes a recommendation for the Committee's consideration.

## Public Open Houses

A total of three in-person and one virtual Open House sessions were held in relation to the first draft of the new Comprehensive Zoning By-law during the first week of August 2021. The Open House notice was published in three local newspapers including the Brockville Recorder and Times on July 2<sup>nd</sup>, the Brockville & Prescott the week of July 2<sup>nd</sup> and the South Grenville Beacon on June 30<sup>th</sup>. Notice was also sent by mail and/or email to individuals who had provided staff with a written request to be notified. Township staff also ensured the notice was shared on the Township's website and social media pages.

The Open House sessions were held over two days during different times of the day at various locations within the Township with the intent to provide multiple opportunities for the public to attend a session and review the draft Zoning By-law. Overall, each Open House session was well attended by members of the public. A summary of the Open House attendance is provided in the table below:

Table 1: Open House Attendance			
Date	Time	Location	Approx. No. of Attendees
Wednesday August 4, 2021	3:00pm – 5:00pm	Cardinal Legion 105 Legion Way, Cardinal	24 registered 19 attended
	6:30pm – 8:30pm	South Edwardsburgh Community Centre 24 Sutton Drive, Johnstown	25 registered 24 attended
Thursday August 5, 2021	10:00am – 12:00pm	Municipal Office 18 Centre Street, Spencerville	17 registered 11 attended
	1:00pm – 3:00pm	Virtual via Individual Zoom Meeting	7 registered 4 attended

## Public and Agency Comments

A total of 82 written submissions were received on the first draft of the Zoning By-law. A summary table of the comments is included in **Attachment A** to this report with full written submissions provided in **Attachment C**. Majority of comments included objections or concerns with the proposed provisions related to the use, storage and parking of recreational vehicles throughout the Township. Written submissions were also received in relation to clarifying hobby farm and chicken coop provisions and livestock separation requirements. Fulsome written submissions were also received regarding the zone provisions and zone boundaries of the Residential Limited Services (RLS) zone. Finally, agency comments were received from the South Nation Conservation Authority and from TransCanada Pipelines Limited.

## Recommendations

**Attachment A** includes a brief summary of comments received and includes a recommendation for Committee consideration to address the comment provided. It is considered that some of the comments require a more detailed response, as outlined below.

### Resident Comments:

#### *1. Recreational Vehicles*

The vast majority of comments provided on the draft Zoning By-law are regarding sections of the draft Zoning By-law that address the use, storage and parking of recreational vehicles on private property. It would appear that many of the comments on this topic are based on a misinterpretation of the intent of the draft Zoning By-law provisions. It should be noted that while the wording of proposed zoning provisions differs from that of the existing by-law, the purpose and intent remains the same. An explanation to provide clarity on the purpose and intent of the provisions relating to recreational vehicle use, storage and parking in the May 2021 Draft 1 Zoning By-law follows.

Section 2 (Definitions) of the draft Zoning By-law defines a Recreational Vehicle as follows, which has the effect of differentiating a recreational vehicle from a dwelling (also defined):

**RECREATIONAL VEHICLE** shall mean a vehicle or trailer that is designed to be towed or propelled by a mobile vehicle or self-propelled which is capable of being used on a short-term basis for living, sleeping or eating accommodations. A recreational vehicle may include motor homes, tent trailers, travel trailers or similar.

Section 3.12.3 (Occupancy Restrictions) of the draft Zoning By-law prohibits the use of a recreational vehicle as a dwelling or for the purposes of human habitation as follows:

### **3.12 Occupancy Restrictions**

None of the following shall be used as a dwelling or for the purposes of human habitation:

1. Any truck, bus, coach, railway or streetcar body or shipping container;
2. Any marine facility or building or structure accessory to a residential use;
3. Any recreational vehicle, except in a tourist campground or as a temporary use in accordance with Section 3.22 of this By-law.
4. Any dwelling unit the entirety of which is located in a cellar.

The purpose and intent of Section 3.12.3 is to ensure that only dwellings, as defined in the draft By-law, are used for human habitation. Section 3.12.3 outlines that a recreational vehicle can only be used as a dwelling or for human habitation when the recreational vehicle is located within a tourist campground or used temporarily in accordance with Section 3.22. This means that a recreational vehicle cannot be used as a dwelling or for human habitation on a vacant lot. This is consistent with Section 4.32 (Prohibited Uses) of the current Zoning By-law, which clearly prohibits recreational vehicles from being used as seasonal dwellings. Whereas some comments appear to suggest that the current prohibition in Section 4.32 allows the temporary use of a recreational vehicle, the use is actually prohibited by current Zoning By-law provisions.

Section 3.22 of the draft Zoning By-law does permit a recreational vehicle to be used as a dwelling on a temporary basis, provided the new dwelling is under construction, subject to requirements set out in this section. These draft provisions are as follows:

### 3.22 Temporary Uses

The following shall be permitted in any zone, except Environmental Protection (EP) zones:

- Construction facilities such as sheds, scaffolds and other structures incidental to the construction on the premises for so long as the work is in progress;
- A temporary real estate sales and/rental office;
- A recreational vehicle occupied on a temporary basis during the course of construction of a dwelling on the same lot, provided that:
  - Temporary connection to an approved on-site sewage disposal system is provided;
  - A building permit for a dwelling has been issued and remains in force;
  - The recreational vehicle is located in accordance with the required yards and water setbacks applicable to a dwelling;
  - In no event shall the recreational vehicle be located on the lot for a period exceeding two years from the date of issuance of the building permit.

The purpose and intent of this section of the draft Zoning By-law is permit certain uses on a temporary basis without the need to apply for a Zoning By-law amendment to permit the use. These temporary uses are often minor in nature and are to be removed from a property once the principal use is established or constructed on a property. These temporary uses include temporary construction facilities and offices, temporary real estate sales offices and the use of a recreational vehicle while a dwelling is being constructed on a property. Section 3.22 also establishes a provision that limits the use of the recreational vehicle for a period not to exceed two years from the date of issuance of the building permit. The purpose and intent of this provision is clearly to provide a household an alternative housing option while the new dwelling is being constructed. Once the new dwelling is constructed, the recreational vehicle must cease to be used as a temporary dwelling.

Finally, Section 3.14.11 (Parking and Storage of Recreational Vehicles) of the draft Zoning By-law carries forward the intent of the Township's current Zoning By-law which allows personal recreational vehicles to be parked and stored on a lot used for residential purposes. The intent of the draft provision is to allow personal recreational vehicles to be stored on one's property provided the recreational vehicle is stored in a permitted parking space or is located within an interior side yard or rear yard. This provision is carried forward from the Township's current Zoning By-law into Section 3.14.11 of the draft Zoning By-law and reads as follows:

#### 11. Parking and Storage of Recreational Vehicles

1. Any recreational vehicle shall be permitted to be stored in a Residential Zone provided it is parked in a permitted parking space or is located in an internal side yard or rear yard.

It is noted that many comments indicate that recreational vehicles should be permitted to be used for personal enjoyment of one's property on an occasional use. While we recognize that recreational vehicles are occasionally used for short durations outside of lands zoned for recreational vehicle use, we recommend that recreational vehicle use be limited to properties where zoning permits such use. Further discussion is required should the Committee wish for the draft By-law to incorporate clarity to assist with enforcement of occasional use.

On the basis of the foregoing, it is our opinion that the draft by-law maintains the intent of the Township's current provisions regarding recreational vehicles. Further, we consider these provisions appropriate, and it is recommended the provisions as presented in the Draft 1 – May 2021 Zoning By-law remain unchanged in the next draft of the Zoning By-law, with the exceptions of two recommended revisions noted below.

1. **It is recommended that Section 3.22 of the draft Zoning By-law be revised to also permit the use of a recreational vehicle on a temporary basis during the course of a major renovation of an existing dwelling.** This recommendation is provided to address public comment #50.
2. **It is recommended that Section 3.14.11 of the draft Zoning By-law be revised to permit the storage of a recreational vehicle as an accessory use to a permitted residential use.** This revision to the draft by-law is recommended in order to ensure that it is clear that recreational vehicles can be parked and stored in all zones where a residential use is permitted.

## *2. Residential Limited Services (RLS) Zone*

Comments were received with respect to the applicability of the RLS zone and its related zone provisions.

The purpose of the RLS zone is to recognize land parcels that front onto and are accessed by a private road. The Township's current Zoning By-law appears to have applied the RLS zone to properties where access and frontage is provided by both improved streets and private roads. The intent of RLS zone is to identify land parcels where access is provided by private road, and to establish special zone provisions that would apply. A response to specific comments on the draft RLS zone provisions is provided below.

### *a) Minimum Lot Area*

Comments suggest that the minimum lot area of 1.0 ha in the draft Zoning By-law is not reflective of actual lot sizes of existing lots in the RLS zone. While there may be existing properties that do not meet the minimum lot area provisions recommended for all zone categories in the Zoning By-law, Section 3.2 (Existing Non-Complying Lots) of the By-law addresses existing lots of record that may not meet the minimum lot area provisions of a particular zone. Section 3.2 of the draft Zoning By-law would allow these lots to be used in accordance with the permitted uses and other provisions of the By-law. The minimum lot area of 1.0 ha is proposed to address the minimum lot area requirement provided in Section 7.1.1.1 of the Official Plan. This provision is included to ensure any new lots created meet the minimum standards in the Official Plan. A minimum lot area of 1.0 ha is proposed to ensure lots within the rural area of the Township have a consistent standard.

**No changes are recommended to the draft Zoning By-law with regards to minimum lot area provisions of the RLS zone.**

### *b) Floor Space Index*

Comments were provided on the proposed Floor Space Index (FSI) provisions of the Residential Limited Services (RLS) zone noting that the proposed FSI provision is too

restrictive to future development opportunities. A Floor Space Index provision is a common zoning tool often used to limit development on smaller properties that are adjacent to natural heritage features including watercourses and lakes, and works in tandem with the lot coverage provision.

**Should the Committee wish to rely only on lot coverage, the FSI provision can be removed.**

*c) Lot Frontage*

Comments suggest that the minimum lot frontage of 45 m in the draft Zoning By-law is too restrictive and not reflective of actual lot frontages of existing lots in the RLS zone. While there may be existing properties that do not meet the minimum lot frontage provisions recommended for all zone categories in the Zoning By-law, Section 3.2 (Existing Undersized Non-Complying Lots) of the By-law addresses existing lots of record that may not meet the minimum lot frontage provisions of a particular zone. Section 3.2 of the draft Zoning By-law would allow these lots to be used in accordance with the permitted uses and other provisions of the By-law. The minimum lot frontage of 45 m is proposed as the frontage is more proportionate to the proposed minimum lot area provision of 1.0 ha.

**No changes are recommended to the draft Zoning By-law with regards to minimum lot frontage provisions of the RLS zone.**

*d) Interior Yard Setbacks*

Comments suggest that the minimum interior yard of 6 m in the RLS zone is too restrictive and does not account for the actual lot fabric of existing lots in the RLS zone. Reviewing existing properties that are zoned RLS it would appear many properties are narrow in size and the 6 m interior yard setback could be viewed as being too restrictive for future development.

**The minimum interior yard provision of the RLS zone could be reduced from 6m to 3m in the draft Zoning By-law, on a basis consistent with the current RLS standards.**

*e) Maximum Lot Coverage*

Comments suggest that a maximum lot coverage reduction from 20% to 10% in the RLS zone is restrictive to future development. Majority of properties where the RLS zone is applied to are lots adjacent to waterbodies. The intent of a reduced lot coverage provision is to control development on lots adjacent to natural features and to minimize site disruption that could impact these features.

**It is suggested that the maximum lot coverage provision of the RLS zone could be increased from 10% to 20% in the draft Zoning By-law, on a basis consistent with the current RLS zone standards.**

*f) Schedule Amendments for RLS Zone Boundaries*

A list of properties within the Township was provided noting where the RLS and RU zone may have been incorrectly identified on a particular property.



**It is recommended that the RLS zone boundaries be thoroughly reviewed with Township staff and any revisions be implemented in the next draft of the Zoning By-law.**

### *3. Domestic Fowl Coops*

Comments were provided regarding which zones Domestic Fowl Coops are permitted in. It was noted that the Residential Limited Services (RLS) zone was not included. In 2018, the Township passed a By-law to permit domestic fowl coops in the Hamlet Residential (HR). The draft Zoning By-law was revised per Committee direction in November 2020 to permit this use on smaller lots within the Township's rural area and not within the Township's settlement areas. The RLS zone is applied to properties within the Township's Rural area. Section 4.4.2 of the draft Zoning By-law includes provisions to ensure domestic fowl coops are appropriately sited on a property that meets a minimum lot size of 0.4 ha.

**It is recommended that Section 4.4.2 of the draft Zoning By-law be revised to include the RLS zone.** This is recommended as the RLS zone is used within the Township's rural area. While many properties in the RLS zone are undersized, the zone provisions applicable require a minimum lot area of 0.4 ha and establishes appropriate setbacks from property lines.

### *4. Additional Dwelling Units*

A few comments were provided on the Zoning By-law regarding the Additional Dwelling Units provisions of Section 4.8. These comments (Comment #31 & #74) relate to how to interpret the provisions if a property has frontage on both a private road and public road. It should be noted that Additional Dwelling Units are not permitted on properties zoned RLS as per Section 6.5.2.

**It is recommended that Section 4.8.1 (Additional Dwelling Units – General) be revised to clarify that access to a property is in reference to 'driveway access'.** This is recommended as there may be situations where a property has frontage on both a private road and public road. The intent is to limit development and restrict intensifying uses on properties that are accessed from a private road.

It should be noted that the Township's current Official Plan does not permit Additional Dwelling Units within a single detached, semi-detached and townhouse dwelling and within an accessory structure associated with a single detached, semi-detached and townhouse dwelling. Therefore, an Official Plan amendment is required to permit this in accordance with the *Planning Act*. To address this an Official Plan amendment public meeting regarding Additional Dwelling Units could be held at the same time as the public meeting for the Zoning By-law amendment.

### Agency Comments:

#### *1. TransCanada Pipelines Comments*

MHBC Planning Urban Design & Landscape Architecture provided comments to the Township on September 21, 2022 on behalf of TransCanada Pipelines Limited with respect to Section 3.17 (Setbacks from Natural Gas Pipelines).

**It is recommended that no revisions be made to Section 3.17 of the draft Zoning By-law.**

## *2. Conservation Authority Comments*

On October 1, 2021, the South Nation Conservation Authority provided the Township comments on the draft Zoning By-law. Comments include adding or revising definitions or proposed changes to certain sections of the draft Zoning By-law.

A recommendation regarding each of the Conservation Authority comments is included in **Attachment B**.

### Other:

It is noted that the next draft of the Zoning By-law will also include other additional revisions determined to be necessary and/or beneficial as a result of reviewing these comments. All proposed changes will be included in a track-changes version of the draft.

### **Next Steps**

A second draft of the Zoning By-law text and Schedules A-D that implements the Committee's recommendations to the draft By-law as well any additional consultant revisions will be brought back for the Committee's review and endorsement. Once the Committee has reviewed the second draft of the Zoning By-law and is satisfied with the changes, a formal public meeting could be scheduled.

Sincerely,

**NOVATECH**



Jordan Jackson, RPP, MCIP  
Planner

Attachment A: Summary of Public & Agency Comments  
Attachment B: South Nation Conservation Authority Comments  
Attachment C: Public and Agency Written Submissions