

MEMORANDUM

DATE: AUGUST 2, 2022

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

FROM: NOVATECH

RE: 2017 COUNTY ROAD 2 – ZONING BY-LAW AMENDMENT

Background

A Zoning By-law amendment application has been received for a property located in Part of Lot 20, Concession 1, Township of Edwardsburgh Cardinal, known locally as 2017 County Road 2. The application has been filed to fulfil conditions of consent related to a severance application that was filed with the United Counties of Leeds and Grenville, and received provisional approval on April 22, 2022.

The property is located south of County Road 2 and is adjacent to the St. Lawrence River. The Village of Johnstown is located west of the subject property. Surrounding land uses include agricultural and rural residential uses including residential waterfront development. The subject property has a total lot area of approximately 3.42 ha, approximately 152m of frontage on County Road 2 and is developed with an existing outbuilding and agricultural fields.

On April 22, 2022, the Consent Granting Authority approved a consent application (File No. B-165-21) which proposed to sever a new parcel for residential purposes. The consent application proposed to divide the subject lands as follows:

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| 1) Severed Lands (Proposed Residential Use) | 2) Retained Lands (Proposed Residential Use) |
| • Lot Area – 1.02 ha (2.52 acres) | • Lot Area – 2.40 ha (5.93 acres) |
| • Lot Frontage – 82 m | • Lot Frontage – 70 m |

Condition No. 4 of the decision on File B-165-21 requires that the applicant obtain a Zoning By-law amendment which addresses the following:

- establish a revised zone boundary in relation to the Provincially Significant Wetland in accordance with the Official Plan; and
- establish an appropriate residential zone category for the lands to be developed for residential use including appropriate zone standards to address development constraints and setbacks as identified in the Geotechnical Investigation and Environment Impact Study prepared in support of the consent application.

The Zoning By-law amendment application has been filed to fulfil conditions of consent.

Planning Discussion

The subject property is designated as Natural Heritage Resource Policy Area and Rural Policy Area on Schedule A of Township's Official Plan. Schedule B of the Township's Official Plan identifies Flood Plain hazards on a portion of the property.

The property is zoned Limited Services Residential (RLS) and Environmental Protection – Wetland (EP-w) on Schedule D of the Township's Zoning By-law No. 2012-35. The property is zoned Rural (RU), Environmental Protection – PSW (PSW) and is constrained by the Flood Plain Overlay Zone on Schedule A of Zoning By-law No. 2022-37. The Township received a site-specific appeal on July 19, 2022 to By-law 2022-37.

The Zoning By-law amendment application proposes to amend By-law 2022-37 to rezone the subject lands from Rural (RU) to Rural – Special Exception (RU-x) to reduce the minimum setback from the lands zoned EP-PSW from 120m to 15m and to establish a setback from the geotechnical top of slope to 6m and to ensure the greater of the two setbacks shall apply. The proposed zoning amendment is to allow the lands to be developed for residential use and ensure natural hazard and natural feature constraints are appropriately addressed.

Recommendations

Zoning By-law No. 2022-37 was appealed to the Ontario Land Tribunal. The Township will be requesting that the appeal be scoped to the matters detailed in the appeal to allow the remaining By-law to be in full force in effect. It is recommended that the Township proceed with scheduling a Public Meeting date for the application filed for lands at 2017 County Road 2 once it has been determined by the Tribunal the remaining By-law in effect.

Sincerely,

NOVATECH

Prepared By:



Jordan Jackson, RPP, MCIP
Project Planner