

2017 COUNTY ROAD 2 ZONING BY-LAW AMENDMENT

1

July 15, 2022

Wendy Van Keulen

Community Development Coordinator
Township of Edwardsburgh Cardinal

Via Email: wvankeulen@twpec.ca

**RE: 2017 County Road 2
Application for Zoning By-law Amendment**

Dear Ms. Van Keulen,

Fotenn Planning + Design has been retained by Annable Design Co Ltd. to prepare this planning justification letter in support of an application for a zoning by-law amendment. This report provides the planning rationale in support of the zoning by-law amendment application, the purpose of which is to establish site-specific zone provisions to permit future development of a single detached dwelling on both parcels associated with the application. A zoning by-law amendment is required to establish a revised setback in relation to the adjacent Provincially Significant Wetland (PSW) and zone provisions to appropriately consider development constraints in accordance with the findings of the accompanying Geotechnical Investigation and Environmental Impact Statement (EIS). This report and the application for a zoning by-law amendment are intended to satisfy Condition #4 of the decision issued by the United Counties of Leeds and Grenville Consent Granting Authority for application B-165-21.

The subject property is designated Rural Policy Area on the north portion intended to accommodate future development, and is designated Natural Heritage Resource Policy Area on the southern portion on Schedule A Land Use & Transportation of the Township of Edwardsburgh Cardinal Official Plan. The subject property is split-zoned Rural (RU) Zone and Environmental Protection-PSW (EP-PSW) Zone in the newly passed Township of Edwardsburgh Cardinal Zoning By-law 2022-37. This letter acknowledges the new zoning by-law is currently within its appeal period and the proposed amendment may be subject to revisions.

Based on conversations with Edwardsburgh Cardinal staff on June 16, 2022, and follow-up correspondence with the Township, planning staff confirmed application requirements. Accordingly, the following are submitted in support of the application:

- / A Site Plan;
- / Environmental Impact Statement;
- / Geotechnical Investigation;
- / Complete Application Form and Fees; and
- / This Planning Justification Letter.

Site Description + Surrounding Context

The property is located in the Township of Edwardsburgh Cardinal (the township), approximately 315 +/- metres from the intersection of North Channel Road and County Road #2 on southern side of County Road #2. The subject site recently went through the consent process (file no. B-165-21) and now contains two provisionally approved lots subject to conditions imposed through the decision. The retained lot has an area of approximately 2.4 hectares (24001 square metres) with approximately 70 +/- metres of frontage on County Road #2. The severed lot has an area of approximately 1 hectare (10265 square metres) with approximately 82 +/- metres of frontage on County Road #2. Vehicular access for the retained and severed lands are intended to be provided from County Road #2.

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4 Cataraqui Street, Suite 315
Kingston, ON K7K 1Z7
T 613.542.5454

Lands adjacent to the site along County Road #2 are predominantly rural residential uses which vary in size and limited agricultural uses for crop harvesting.



Figure 1: Neighbourhood Context (Source: Kingston AG Maps, Annotated by Fotenn)

Development Proposal

The application seeks to establish a revised setback in relation to the adjacent Provincially Significant Wetland (PSW) and zone provisions to appropriately consider development constraints in accordance with the findings of the accompanying Geotechnical Investigation and EIS to accommodate future development on the severed and retained lots. The findings of the Geotechnical Study and EIS conducted for the subject site determined that a 6-metre minimum setback from the top of slope and a minimum 15 metre setback from the PSW edge are appropriate. With respect to these setbacks, the geotechnical top of slope and PSW boundary do not run parallel and intersect, therefore this proposal is seeking to recognize the greater of these setbacks applied to the future development of the site. Therefore, any future development on the site will be setback a minimum of 15 metres from the adjacent wetland boundary area and a minimum of 6 metres from the geotechnical top of slope.

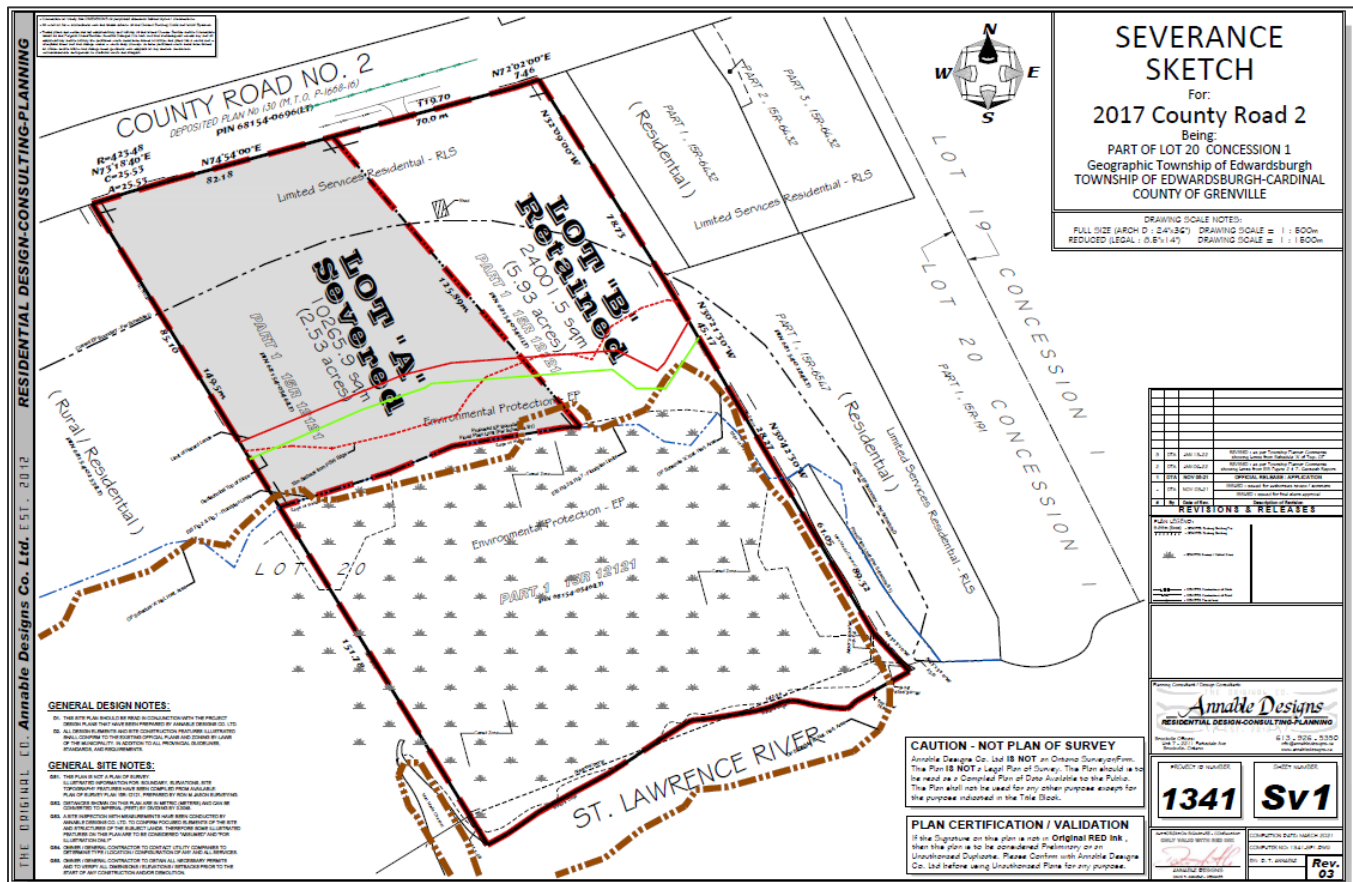


Figure 2: Severance Sketch for the Proposed Development (Source: Annable Designs)

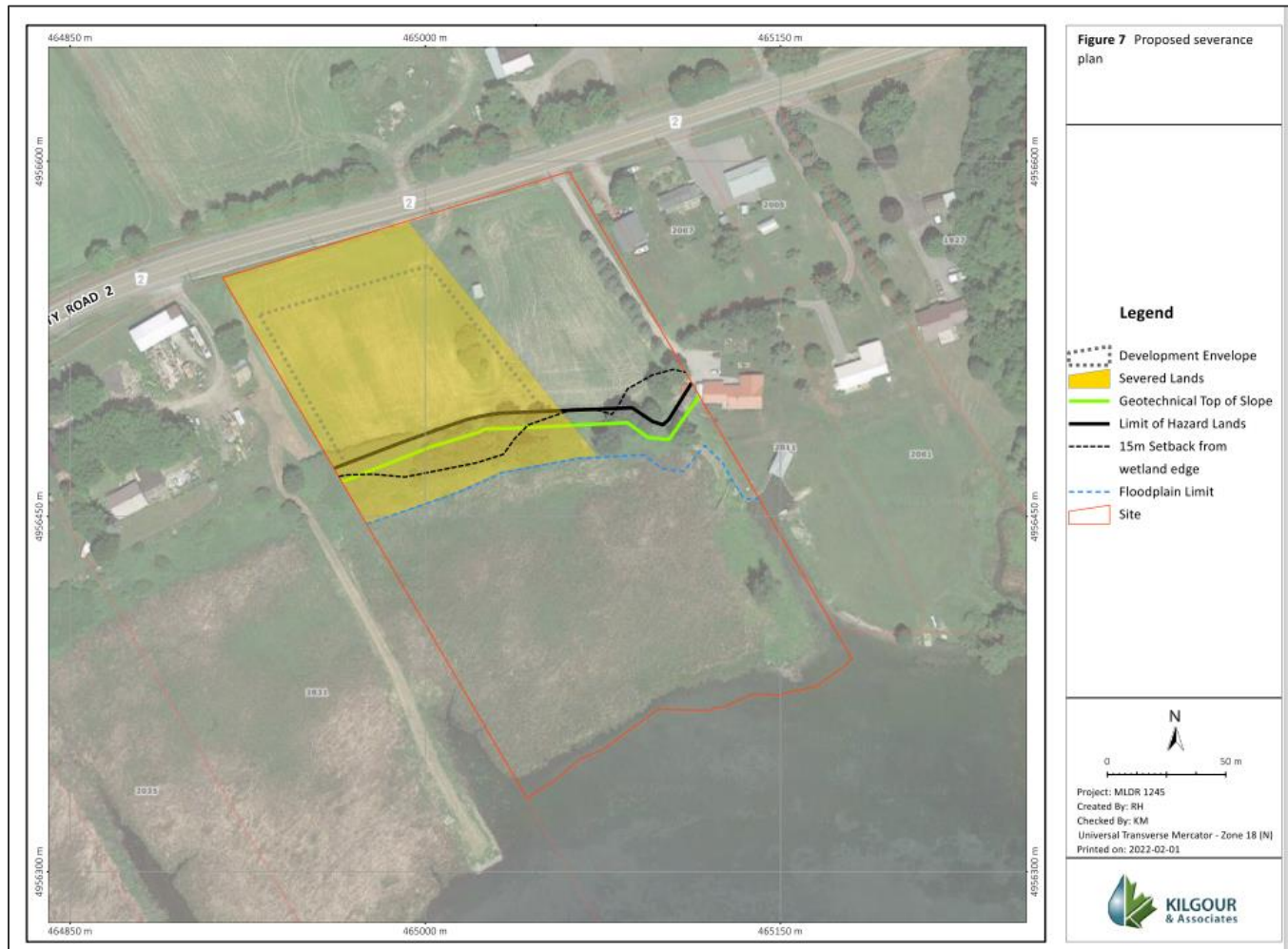


Figure 3: Top of Slope and Wetland Edge Setbacks (Source: Kilgour & Associates Ltd.)

Supporting Studies

Environmental Impact Statement

An EIS was prepared by Kilgour & Associates Ltd in February, 2022. The report assessed the subject site prior to the severance being provisionally approved and identified natural heritage features on or adjacent to the site, considered potential impacts of the proposed development, and provided mitigation measures to minimize impacts. The report stated that a 15-metre setback from the edge of the existing Provincially Significant Wetland (as delineated by the Province) and a 6-metre setback from the geotechnical top of slope as identified through geotechnical investigations of slope stability are appropriate. The report notes that across much of the subject lands the geotechnical setback is situated beyond the limits of the PSW setback. Applying both setbacks establishes a minimum setback of 15 metres at the eastern edge of the property to a maximum setback of 33 metres (approximate) at the western end of the property.

To minimize the potential for impacts associated with erosion, sedimentation, and the deposition of other deleterious materials, mitigation measures during construction and post-development as it relates the future development on the subject property are provided in detail within the report. Provided the recommendations by Kilgour & Associates

Ltd. are followed, the provisionally created lots and their future development is not expected to result in significant negative impacts to natural features or their ecological functions.

Geotechnical Investigation

A Geotechnical Investigation was prepared by Paterson Group Inc. in October 2021. The investigation assessed the subject sites surface, subsoil, and ground water conditions. A field program consisting of three (3) boreholes to a maximum depth of 9.6 metres was carried out on September 16, 2021, which included ground water testing. Based on the borehole testing, the subject sites water table is expected to be four (4) to five (5) metres below the surface. The results of the field study also noted that the subject site is suitable for the future development of a single detached dwelling as the subsoil is predominantly silty clay. This report also carried out a slope stability assessment regarding the stability of the downward slope located on the site. Based on the assessment conducted by Paterson, a development setback of 6 metres from the top of the slope is required to be implemented to allow machinery access to maintain the slope if required in the future. Additionally, the report recommends the existing vegetation on the slope should not be removed as it contributes to the slope's overall stability. The report concludes by providing recommendations to be followed once the site plan is determined.

Policy and Regulatory Review

Provincial Policy Statement, 2020

The 2020 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of provincial interest as they relate to land use planning in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, and preserving natural resources for their future use. In relation to the proposed zoning by-law amendment, the following PPS policies are identified as relevant and have been indicated in *italics*:

Section 1.1.1 Healthy, livable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

The proposal will efficiently utilize an over-sized lot of record with sufficient area to establish residential dwellings on the provisionally created lots.

- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

The proposal will enable the establishment of single detached dwellings on the provisionally created lots in an area where similar development exists. This will contribute to the Township's overall housing supply in a manner that is compatible with the character of the area.

- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

The proposal will accommodate development that is not expected to cause any negative impacts to existing natural features or ecological functions through applying the mitigation measures provided within the EIS. Additionally, applying setbacks recommended through the Geotechnical Investigation will avoid development which may cause safety or public health concerns.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

The proposal will use existing transportation infrastructure along County Road 2 making it a cost-effective development pattern which minimizes land consumption.

- h) *promoting development and land use patterns that conserve biodiversity;*

The proposal is not expected to result in any negative impacts to existing natural features or ecological functions with mitigation measures provided by the EIS in place.

Section 1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) *building upon rural character, and leveraging rural amenities and assets*

The proposal seeks to establish development that is consistent with the existing development in the rural area which is not expected to result in any negative impacts to existing natural features or ecological functions.

- e) *using rural infrastructure and public service facilities efficiently*

The retained and severed lots will utilize existing infrastructure (e.g., County Road 2). The future development on these lots will be serviced by private on-site water and sewage and have entrances from County Road 2.

- h. *conserving biodiversity and considering the ecological benefits provided by nature*

Through applying development setbacks identified within the supporting Geotechnical Investigation and EIS the proposed development is not expected to result in negative impacts to natural heritage features or their ecological function.

Section 1.1.5.2 On rural lands located in municipalities, permitted uses are:

- c) *residential development, including lot creation, that is locally appropriate;*

The proposal is locally appropriate with respect to the form of development permitted on the site and its positioning relative to the waterfront along the shoreline which is to be in accordance with the findings of the associated Geotechnical Investigation and EIS conducted on the site.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The provisionally approved severed and retained lots will have sufficient lot frontage to accommodate entranceways from County Road 2 and will feature sufficient area to accommodate private on-site water and sewage servicing.

1.4.3 Planning authorities shall provide for 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:

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

Both the severed and retained lots have sufficient area to accommodate private servicing to support the development of a single detached dwelling.

- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

The future development to occur on the severed and retained lots will have a sufficient building envelope to accommodate a form of development consistent with existing neighbouring development along the shoreline. Future development on the severed and retained lots will utilize land resources efficiently while being cognizant of natural features through the implementation of the proposed setbacks.

Section 1.6.6.3 Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.

Both the severed and retained lots will have sufficient area to accommodate private on-site sewage and water services.

Section 2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The proposed development envelopes associated with this proposal will be located completely outside of the floodplain, and a minimum of 15 metres from the wetland boundary and / or minimum of 6 metres from the top of slope (whichever is greater). An EIS prepared by Kilgour & Associates Ltd. (February 2022) demonstrated if the building envelopes are setback a minimum of 15 metres from the adjacent PSW future development on either lot is not expected to result in negative impacts to natural heritage features or their ecological function within the study area.

Section 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*

The proposed setbacks and site-specific zone provisions associated with this proposal will direct development outside of the flood plain limit.

It is our professional planning opinion that the proposed development is consistent with the Provincial Policy Statement (2020).

United Counties of Leeds and Grenville Official Plan

The United Counties of Leeds and Grenville Official Plan was adopted in 2015 and was approved by the Ministry of Municipal Affairs and Housing in 2016. The United Counties' Official Plan provides upper-tier planning guidance for all land within the Counties, establishing direction for lower-tier municipalities. The Official Plan sets out a 20-year planning horizon, providing policy direction for promoting orderly growth and appropriate development, encouraging economic development, improving quality of life, health, safety, and welfare of present and future residents, and protecting natural heritage features and areas. In relation to the proposed zoning by-law amendment, relevant policies from the Official Plan are indicated in *italics* within this section.

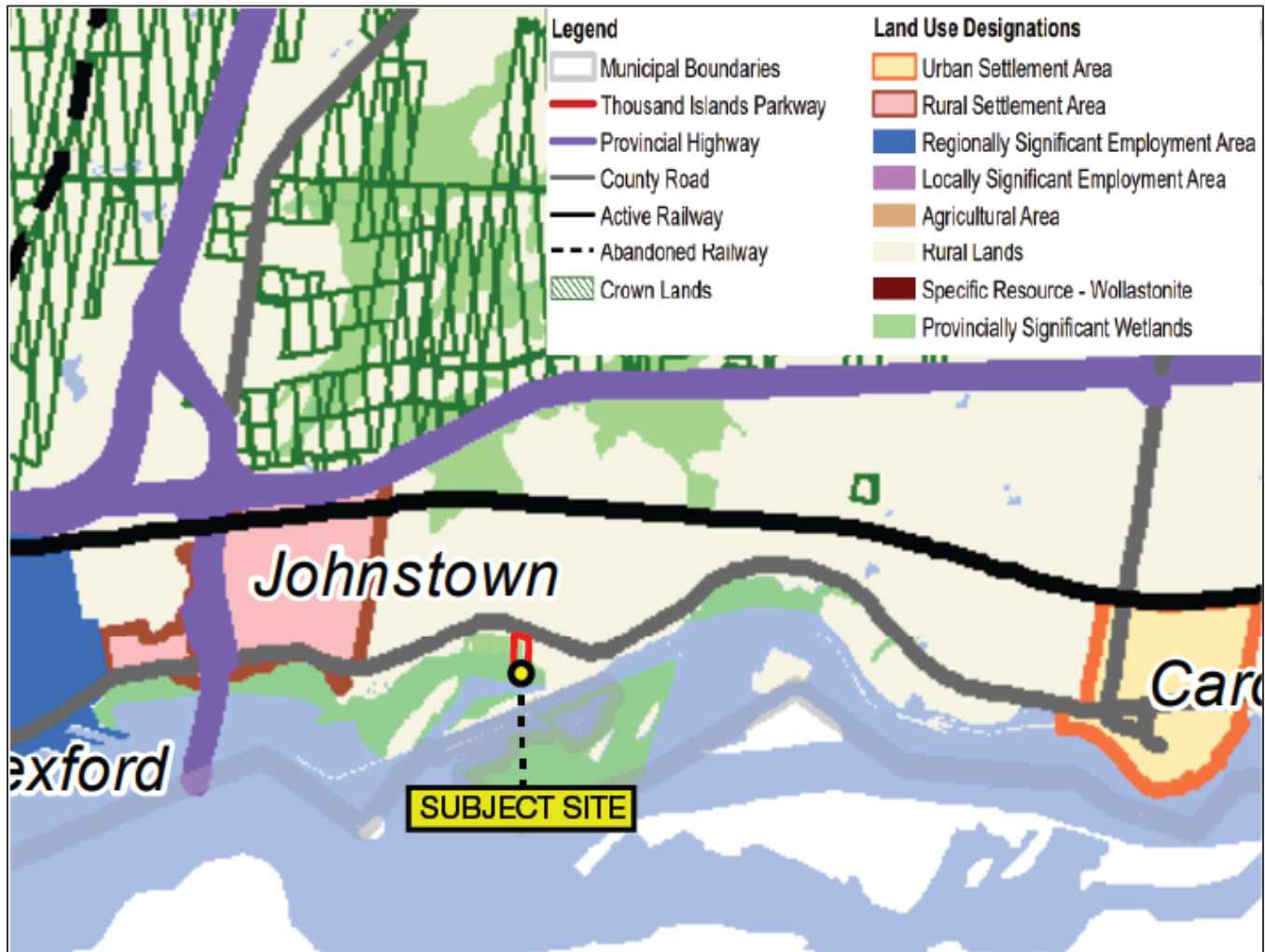


Figure 4: UCLG Official Plan Schedule A Community Structure and Land Use (Source: UCLG)

The following Sections will be discussed as they relate to the proposed development with policies identified as relevant to the application indicated in *italics*:

- / Section 3.0: Rural Areas
- / Section 4.0: Natural Heritage, Water Resources and Cultural Heritage
- / Section 5.0: Natural and Human-Made Hazards

Section 3.0 – Rural Areas

Rural areas comprise a large portion of the United Counties of Leeds and Grenville (UCLG). These areas are lands which are located outside of urban and rural settlement areas, consisting of prime agricultural areas, rural lands, natural heritage features and systems, and important natural resource areas. The subject site is designated as Rural Lands and Provincially Significant Wetlands on Schedule A in the UCLG Official Plan.

Section 3.3 states that rural lands are those lands which are located outside of settlement areas and do not comprise prime agricultural areas. These lands are intended to protect the natural amenities and rural character of the Counties while providing opportunities for agricultural uses, resource-based activities, recreation and tourism, and other rural land uses.

Section 3.3.2 – The following policies will apply in determining the uses that are permitted in the rural lands:

- a) The primary use of land will be for:

 - i. limited residential development, which will be defined in the local municipal Official Plans;**
- b) 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.*

The proposal will aid in providing limited residential development on the provisionally created lots. This form of development and its positioning relative to the waterfront is consistent with the existing neighbouring development along the shoreline and conforms with the general character of the rural lands on which it is situated.

Section 3.3.3 – The following land use policies apply to rural lands:

- c) Development in rural lands will be subject to the policies of Section 6.3, with respect to servicing.*
- d) The development of new or expanding uses must be compatible with the rural landscape and must be sustained by rural service levels.*

The subject lands will be serviced with private, individual on-site servicing when development on the site occurs and will adhere to applicable policies with respect to servicing. The proposal is compatible with the rural landscape.

Section 4.0 – Natural Heritage, Water Resources and Cultural Heritage

Section 4.0 provides policy direction for the protection and enhancement of natural heritage features, functions, and systems, the protection and conservation of water resources, and the conservation of cultural heritage resources.

Section 4.2 – It is the policy of the United Counties of Leeds and Grenville that:

- a) The boundaries of the features and areas on Schedule C listed above are considered to be approximate, and their boundaries may be further refined without an amendment to this Plan.*

An EIS was prepared which considered boundaries and established appropriate setbacks to protect natural heritage features.

Section 4.2.3 – It is the policy of the United County of Leeds and Grenville that:

- a) Provincially Significant Wetlands and significant coastal wetlands are designated on Schedule A, and will be designated in the local municipal Official Plans.*
- c) The land adjacent to Provincially Significant Wetlands and significant coastal wetlands represents an area where it is possible that development or site alteration would have a negative impact on the feature or area. Development and site alteration will not be permitted on land adjacent to a Provincially Significant Wetland or significant coastal wetland, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological and/or hydrologic functions that cannot be adequately mitigated. For the purposes of this policy, the extent of adjacent land will be defined as 120 metres. An Environmental Impact Study (EIS) will be required for development and site alteration within 120 metres of a Provincially Significant Wetland or significant coastal wetland. Prior to considering development and/or site alteration, the Counties and/or local municipality, in consultation with the Province and/or applicable Conservation Authority as required, will be satisfied that the EIS demonstrates that there will be no negative impacts on the Provincially Significant Wetland or significant coastal wetland and the sustaining ecological and/or hydrologic functions*

The proposed development envelopes associated with this proposal will be located completely outside of the floodplain, and a minimum of 15 metres from the wetland boundary or minimum of 6 metres from the top of slope (whichever is greater). An EIS prepared by Kilgour & Associates Ltd. (February 2022) demonstrated if the building

envelopes are setback a minimum of 15 metres from the adjacent PSW future development on either lot is not expected to result in negative impacts to natural heritage features or ecological function within the study area.

Section 4.2.4 – It is the policy of the United Counties of Leeds and Grenville that:

- a) Development and site alteration will not be permitted within or adjacent to coastal wetlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS*

The EIS prepared by Kilgour & Associates Ltd. (February 2022) demonstrates the proposal will implement a minimum setback of 15 metres from the adjacent PSW. The EIS states that future development with a minimum setback of 15 metres from the adjacent PSW is not expected to result in significant impacts to natural heritage features or their ecological functions provided mitigation measures provided are followed.

Section 4.2.13 – It is the policy of the United Counties of Leeds and Grenville that:

- a) No development or site alteration will be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated, through an EIS, that there will be no negative impact on the natural features or their ecological functions.*

The attached EIS prepared by Kilgour & Associates Ltd. (February 2022) notes there is not expected to be significant impacts to natural heritage features or ecological functions provided mitigation measures are followed.

Section 5.0 – Natural and Human-Made Hazards

Section 5.0 provides policy direction to protect residents and property by managing natural and human-made hazards which may represent a risk to health and/or safety or may pose constraints to development.

Section 5.2 provides direction related to natural hazards, including areas subject to flooding hazards and erosion hazards. The proposal generally conforms with the applicable policies of Section 5.0, as development will be located outside of the floodplain limit and setback 6-metres from top of slope which will help limit potential hazards.

It is our professional planning opinion that the proposed zoning by-law amendment conforms with the policies of the United Counties of Leeds and Grenville Official Plan.

Township of Edwardsburgh Cardinal Official Plan

The Township of Edwardsburgh Cardinal Official Plan (OP) provides a framework to guide land use decisions within the Township's boundaries over the 20-year planning horizon identified in the OP. Relevant policies of the OP are included throughout this section in *italics*.

The following sections of the OP are reviewed in relation to the proposed development:

- / Section 2: Vision and Guiding Principles;
- / Section 3: Land Use Designations;
- / Section 4: Public Health and Safety; and
- / Section 5: Infrastructure.

Section 2 of the Official Plan provides the Vision and Guiding Principles which are to provide guidance for present and future development occurring in the Township. The following policies are directly related to the proposed development:

Section 2.2 – 1. We will ensure that growth and development occurs through sustainable and economically viable land use development patterns

The proposal is not expected to result in any negative impacts to existing natural features or their ecological function provided recommended setbacks and mitigation measures through the EIS and Geotechnical Investigation are

implemented. Further, the proposal will utilize existing infrastructure, such as County Road 2, making future development on the provisionally created lots economically viable.

Section 2.2 – 2. We will ensure that development in our communities will include a broad range of uses and a balanced mix of appropriate residential densities

The proposal will result in a built form consistent with the existing neighbouring development along the shoreline and is an appropriate density for the area.

Section 2.2 – 7. We will protect our natural environment.

The future development associated with this proposal will be setback a minimum of 15 metres from the adjacent PSW and is not expected to result in significant impacts to natural heritage features or their ecological function with mitigation measures provided by the EIS in place.

Section 3 of the Official Plan contains policies specific to the seven land use designations. A portion of Schedule A is provided within Figure 5 below which outlines the site in red and shows the subject lands as being designated Rural Policy Area on the northern portion and Natural Heritage Resource Policy Area on the southern portion.

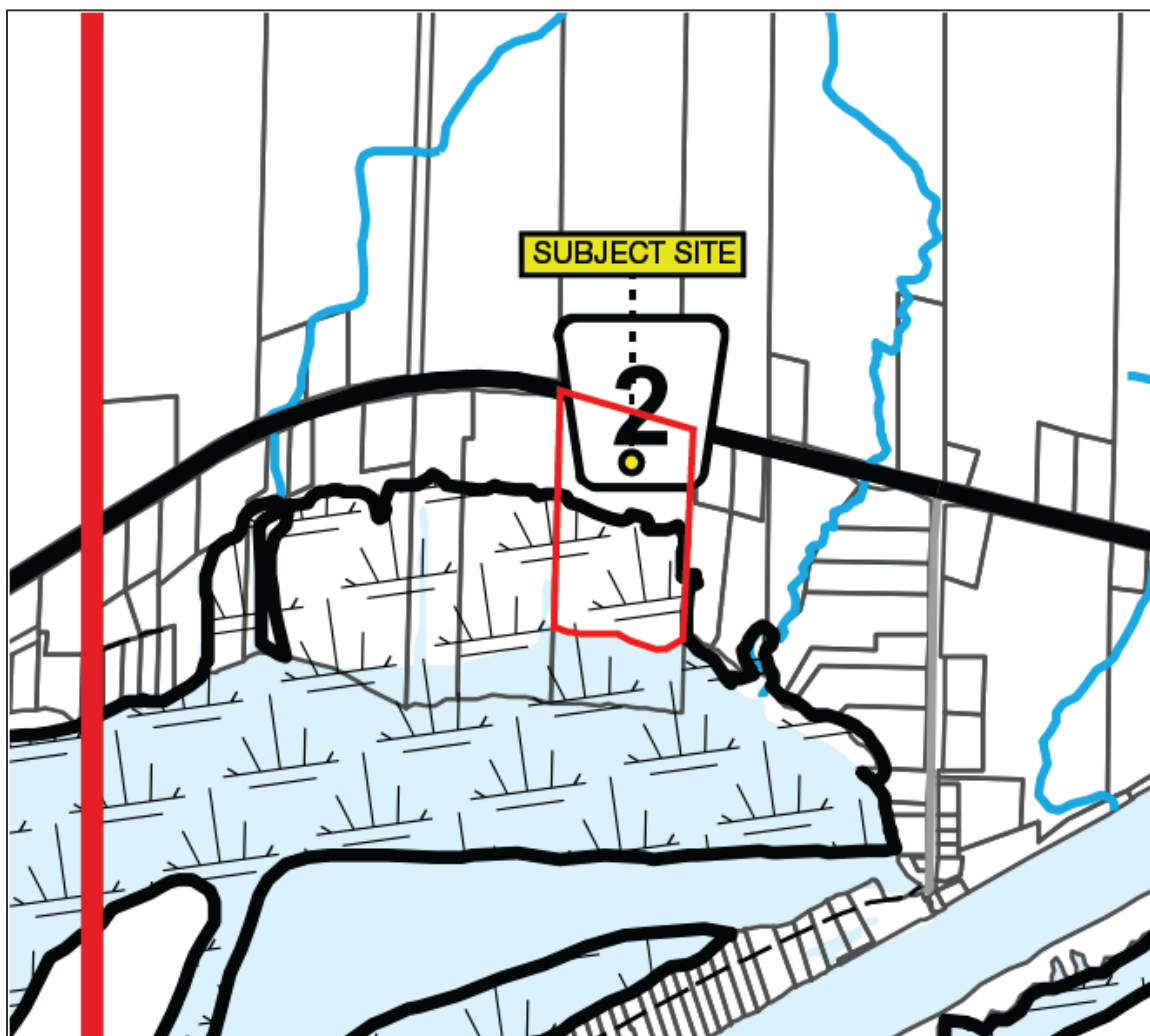


Figure 5: Official Plan Schedule A Land Use & Transportation (Source: Edwardsburgh Cardinal)

The following policies from Section 3 are directly related to the proposed development:

Section 3.4.2.1 The following residential uses are permitted in the Rural Policy Area subject to other relevant policies in this Plan:

- / Single dwelling units
- / Semi-detached and duplex dwellings
- / Second units
- / Multiple residential, limited to a maximum of five (5) dwelling unit

The proposal conforms to the permitted uses in the Rural Policy Area as future development on the subject site will be in the form of a single detached dwelling.

Section 3.4.2.2 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:

1. *The Zoning By-law shall permit and zone a range of housing types and sizes, including second units, subject to servicing constraints*

The proposal is requesting relief from the zoning by-law through a zoning by-law amendment to establish site-specific zone provisions which apply appropriate performance standards (e.g., setbacks from natural features) while maintaining the overall intent of the by-law.

4. *Development shall provide for the protection of natural and cultural heritage features in accordance with the relevant policies of this Plan*

Through applying development setbacks recommended through supporting studies including an EIS and Geotechnical Investigation the proposal provides protection of natural heritage features.

Section 3.7.3.4 Development or site alteration within 120 metres of a Provincially Significant Wetland shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the wetlands or their ecological functions, in accordance with the Environmental Impact Assessments section of this Plan

The proposed development envelopes associated with this proposal will be located completely outside of the floodplain, and a minimum of 15 metres from the wetland boundary or minimum of 6 metres from the top of slope (whichever is greater). An EIS prepared by Kilgour & Associates Ltd. (February 2022) demonstrated if the building envelopes are setback a minimum of 15 metres from the adjacent PSW future development on either lot is not expected to result in negative impacts to natural heritage features or their ecological function within the study area.

Section 3.7.3.5 Development or site alteration adjacent to a Provincially Significant Wetland is subject to the Section 28 Regulation made pursuant to the Conservation Authorities Act and administered by the South Nation Conservation Authority.

South Nation Conservation Authority has been consulted and note they have no objection to the proposed zoning by-law amendment provided the greatest setback recommended through supporting studies is applied during the development of the severed and retained lands.

Section 4.4.1.2 The areas within existing mapped 1:100 year flood lines, as well as within defined portions of the 1:100 year flood level along the St. Lawrence River, are identified as Flood Plain on Schedule B. The floodplain elevation along the St. Lawrence River ranges from 75.6 metres above sea level (MASL) at the west end of the Township to 75.3 metres MASL at the east end.

The building envelopes associated with this proposal will be located out of the associated floodplain boundary.

Section 4.4.3.2 Lands within and adjacent to lands subject to steep slopes and erosion hazards may be subject to the Section 28 Regulation made pursuant to the Conservation Authorities Act and administered by the South Nation Conservation Authority. Where such lands are subject to the Section 28 Regulation,

no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the South Nation Conservation Authority in accordance with the Section 28 Regulation

The proposal intends to maintain a 6-metre setback from the geotechnical top of slope as recommended by the accompanying Geotechnical Investigation which has been accepted in writing by the South Nation Conservation Authority in their comment letter dated April 12, 2022.

Section 5.3.6 County Road Nos. 2, 21, 22 and 44 presently serve the Township and are under the jurisdiction of the United Counties of Leeds & Grenville. Where development is proposed adjacent to a County road, approval for an entrance must be obtained from the United Counties of Leeds & Grenville.

Required entrances for the subject lands will be obtained from the approval authority as required.

Section 5.4.6 Development on the basis of individual on-site water and individual sewage services (i.e. private services) is permitted provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In Settlement Policy Areas, private services may only be used for infilling and minor rounding out of existing development if it can be demonstrated that the aquifer can provide a long-term sustainable groundwater supply of acceptable quality in accordance with Ministry of Environment, Conservation and Parks guidelines and regulations, and that there is no negative environmental impact (or cumulative negative impact) resulting from the use of on-site private water and sewage services.

The proposal is anticipated to have sufficient groundwater and the development of individual on-site water and sewage servicing is not anticipated to cause any negative impacts.

It is our professional planning opinion that the proposed zoning by-law amendment conforms with the policies of the Township of Edwardsburgh Cardinal's Official Plan.

Township of Edwardsburgh Cardinal Zoning By-law 2022-37

The subject site is split-zoned Rural (RU) zone and Environmental Protection – Provincially Significant Wetland (EP-PSW) in the Township of Edwardsburgh Cardinal New Zoning By-law 2022-37. The proposed zoning by-law amendment will establish a site-specific Special Exception Rural (RU-X) Zone, to permit the proposed development and establish appropriate performance standards in accordance with the recommendations of the EIS prepared by Kilgour and Associates (February 2022) and Geotechnical Investigation prepared by Patterson Group (October 2021).

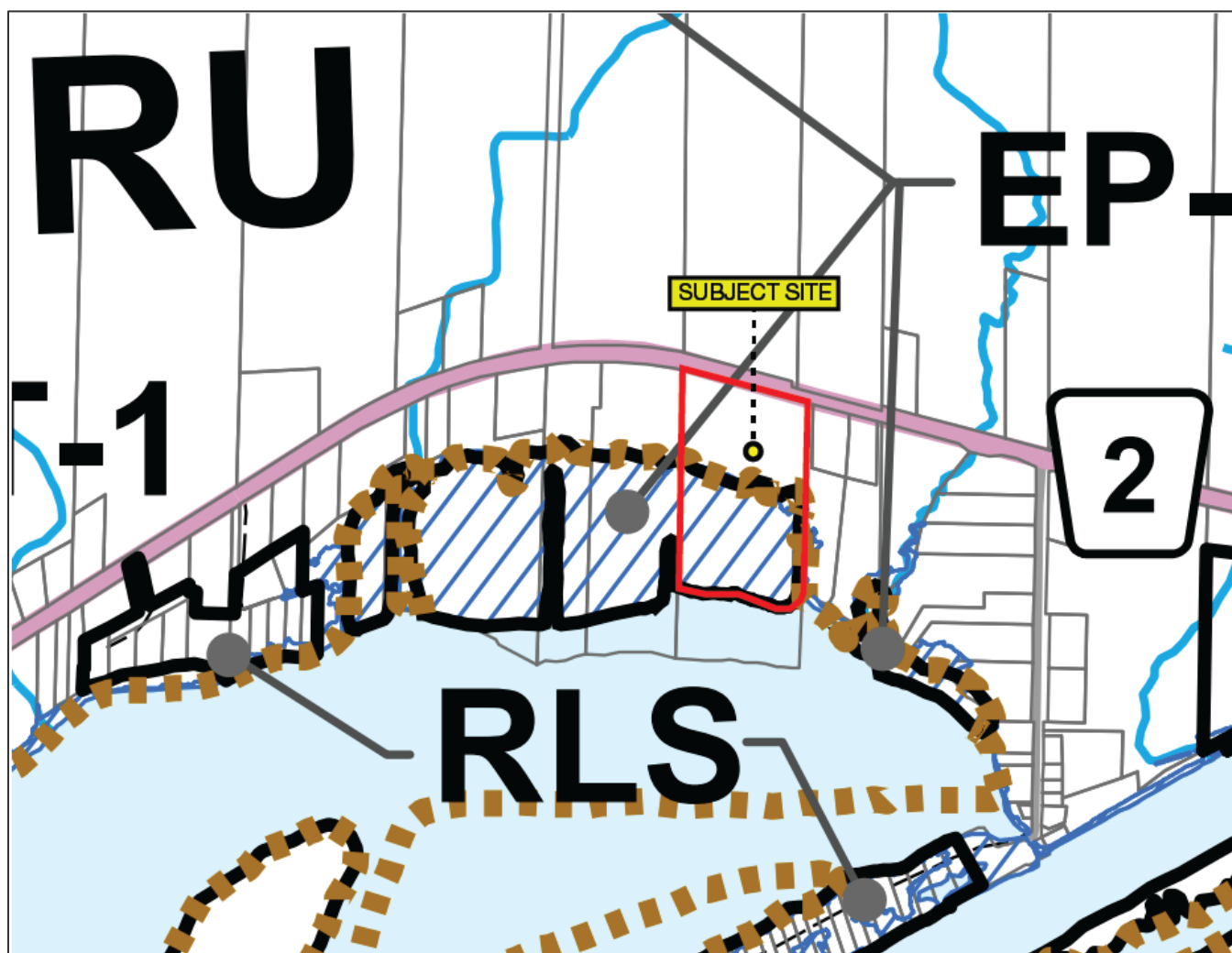


Figure 6: Zoning By-law Schedule A Township (Source: Edwardsburgh Cardinal)

A zoning table for both the old and new zoning by-law have been included as part of this planning justification letter. This letter acknowledges the new zoning by-law is currently within its appeal period, this being the case both zoning by-laws have been included as part of this report in case the new zoning by-law is appealed, and the old zoning by-law comes back into force and effect during an appeal. The intent of this letter is to seek relief from the recently adopted zoning by-law.

Township of Edwardsburgh Cardinal Zoning By-law 2012-35

Provision	Requirement	Proposed Development	Amendment Required?
Limited Service Residential (RLS) Zone – Section 6.4			
Permitted uses	(a) Bed and Breakfast Establishment; (b) Public park; (c) Single detached dwelling (d) Tot lots;	Single detached dwelling	No

Provision	Requirement	Proposed Development	Amendment Required?
	(e) Home based business or home industry; (f) Accessory uses to the forgoing Other community facility uses.		
Lot area (min)	1 ha	> 1 ha	Yes
Lot Frontage (min)	30 m	> 30 m	No
Front Yard (min)	10 m	> 10 m	No
Rear Yard (min)	15 m	> 15 m	No
Interior Side Yard (min)	3 m	5 m	No
Main Building Height (max)	11 m	< 11 m	No
Lot Coverage (max)	20 %	< 20%	No
Dwellings per lot (max)	1	1	No
General Provisions – Section 4			
Flood Plain – (Section 4.13 (b))	75.4 m G.S.C. along the St. Lawrence River from the western limit of the Village of Cardinal, as shown on Schedule B, to the downstream end of the old canal opposite the west end of Galop Island	The development is located outside of the field delineated floodplain	No
Parking and Storage of Vehicles (4.28 (a) [i])	Except as provided herein, no vehicles shall be parked or stored in conjunction with a residential use unless the vehicle is located within a garage, carport, driveway, designated parking area, or on a street as may be permitted by Municipal By-law	Parking will be addressed as part of future development applications.	No
Parking and Storage of Vehicles (4.28 (a) [iii])	Residential garages shall not exceed 100 sq.m (1,076 sq.ft.) in gross floor area	Potential garages will be addressed as part of future development applications.	No
Parking and Storage of Vehicles (4.28 (e) [i])	Frontage greater than 30 m = 6.5 m maximum driveway width	Parking will be addressed as part of future development applications.	No
Dimension of Parking Space (4.28 (g))	The minimum size of a parking space shall be: 2.6 m wide by 5.5 m length.	Parking will be addressed as part of future development applications.	No
Location of Parking Spaces (4.28 (k))	Except where permitted elsewhere in this By-law, the required parking in a Residential Zone shall be provided on the same lot as the dwelling unit. In all other	Parking will be addressed as part of future	No

Provision	Requirement	Proposed Development	Amendment Required?
	zones, parking shall be provided within 100 m (328 ft.) of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same.	development applications.	
Parking Requirements (4.28 (k))	Minimum number of spaces = 1 space per dwelling unit	Parking will be addressed as part of future development applications.	No
Special Setbacks (4.37 (b))	15 metres from the limits of any Environmental Protection Zone (EP)	15 m	Yes

Table 1 – Old Zoning By-law Zoning Table

Township of Edwardsburgh Cardinal Zoning By-law 2022-37 (Adopted by Council June 27, 2022)

Provision	Requirement	Proposed Development	Amendment Required?
Rural (RU) Zone – Section 6.5			
Permitted uses	Accessory dwelling Accessory dwelling unit Agricultural use Conservation use Existing cemetery Hunting or fishing camp Kennel On-farm diversified use Existing place of worship Single dwelling	Single detached dwelling	No
Lot area (min)	1 ha	> 1 ha	No
Lot Frontage (min)	70 m	> 70 m	No
Front Yard (min)	7.5 m	> 7.5 m	No
Rear Yard (min)	7.5 m	> 7.5 m	No
Interior Side Yard (min)	6 m	> 6 m	No
Main Building Height (max)	10 m	< 10 m	No
Lot Coverage (max)	20 %	< 20%	No
Dwellings per lot (max)	1	1	No
General Provisions – Section 3			
Parking Requirements (3.14.1)	All other dwellings – 1 space per dwelling unit	> 1 space	No
Parking Requirements - Parking Space	Minimum dimension – 2.75 m x 6 m.	2.75 m x 6 m	No

Provision	Requirement	Proposed Development	Amendment Required?
Size and Access (3.14.3)			
Parking Requirements – Driveway Provisions for a Residential Use (3.14.6.1)	For lots used exclusively for a residential use, with the exception of single dwellings and apartment buildings, a maximum of one driveway per dwelling unit having a private entrance at grade shall be provided.	Each lot will contain a driveway	No
Setbacks from Environmental Protection (EP-PSW) Zones and Natural Heritage Policy Designation in the Official Plan (3.16)	120 m, or such lesser setback as recommended in an Environmental Impact Study undertaken to the satisfaction of the Township that demonstrates no negative impacts on natural features or ecological functions, provided that such lesser setback shall not be less than 30 m	15 m	Yes

Table 2 – New Zoning By-law Zoning Table

The proposed zoning by-law amendment seeks to establish a revised setback in relation to the Provincially Significant Wetland (PSW) and zone provisions to appropriately consider development constraints in accordance with the findings of the accompanying Geotechnical Investigation and EIS to permit the future development on the severed and retained lots. As previously noted, the Geotechnical Study and EIS conducted for the subject site determined that a 6-metre minimum setback from the top of slope and a minimum 15 metre setback from the PSW edge are appropriate. The relief requested through the application is to create a minimum setback of 15 metres from the adjacent wetland boundary area and a minimum of 6 metres from the geotechnical top of slope. The development envelopes for future development on the subject site are to be wholly located outside of the EP-PSW zone. The EIS and Geotechnical Investigation prepared to consider the proposed development note the proposal is not expected to result in significant impacts to natural heritage features or their ecological functions with setbacks mitigation measures in place.

It is our professional planning opinion that the proposed zoning by-law amendment conforms with the general intent of the Township of Edwardsburgh Cardinal's Zoning By-law 2022-37.

Conclusion

The applicant is pursuing an application for zoning by-law amendment intended to satisfy Condition #4 of the decision for application B-165-21 on the property known municipally as 2017 County Road 2. The requested amendment seeks to establish a revised setback in relation to the Provincially Significant Wetland (PSW) and zone provisions to appropriately consider development constraints in accordance with the findings of the accompanying Geotechnical Investigation and EIS to permit the future development on the severed and retained lots. The findings of the Geotechnical Study and EIS conducted for the subject site determined that a 6-metre minimum setback from the top of slope and a minimum 15 metre setback from the PSW edge are appropriate. Any future development on the site will setback a minimum of 15 metres from the adjacent wetland boundary area and a minimum of 6 metres from the geotechnical top of slope. The development area proposed in relation to the severed and retained lands is to be wholly located within the rural zone.

The proposal is consistent with the Provincial Policy Statement and conforms to both the United Counties of Leeds and Grenville and the Township of Edwardsburgh Cardinal Official Plans, and maintains the intent of Zoning By-law 2022-37. The proposed zoning by-law amendment is appropriate and will permit locally appropriate

development on the provisionally created lots within the Rural Policy Area of the Township which is not expected to result in significant impacts to natural heritage features or their ecological functions. It is our professional opinion that this zoning by-law amendment represents good planning. Should you have any questions or comments, please do not hesitate to contact us at 613.542.5454.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David Nanton".

David Nanton MCIP, RPP
Senior Planner
Fotenn Planning + Design

A handwritten signature in black ink, appearing to read "Tyler Hamilton".

Tyler Hamilton
Planner
Fotenn Planning + Design

APPENDIX A

Zoning By-law Amendment to RU-X for the lands legally described as Part of Lot 20, Concession 1, Geographic Township of Edwardsburgh Cardinal, 2017 County Road 2: [By-law-2022-XX]

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 hereinafter set forth;

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

- 1) The lands affected by this By-law are shown as shaded and outlined by heavy black lines on Schedule "A" which is attached hereto and forms part of this By-law.
- 2) Zoning By-law No. 2022-37, as amended, is hereby further amended by adding the following new subsection at the end of Section 12.1.4 (Special Exception Zones):

(XX) RU-X, Part of Lot 20, Concession 1, 2017 County Road 2

Despite provisions to the contrary, on lands zoned RU-X Zone, the following exceptions to this By-law shall apply:

Notwithstanding the provisions of Section 3.16 and Section 12.1.3.1 to the contrary, for the lands zoned RU-X the following provisions shall apply:

- i. The minimum setback from lands zoned EP-PSW shall be 15 metres.
- ii. The minimum setback from the geotechnical top of slope shall be 6 metres.
- iii. Notwithstanding sections i. or ii. above, where a portion of the property is subject to both a setback from the EP-PSW and the geotechnical top of slope, the greater setback shall apply.