

MEMORANDUM

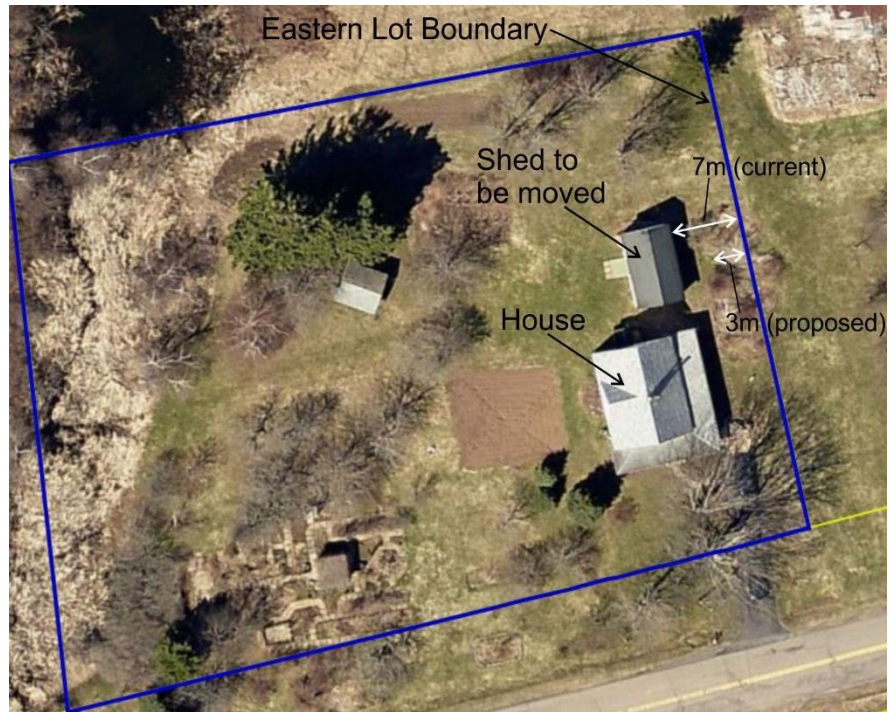
TO: Warden and Council
FROM: Will Balsler, Junior Planner, Development Officer
DATE: November 27, 2019
RE: First Reading on amendment to Land Use Bylaw to rezone PID 25180183, 3145 Malagash Road

Background: On September 30, 2019, Planning and Development staff received an application from George MacDonald (the "applicant") regarding the property at 3145 Malagash Road (PID 25180183) (the "subject property").

The subject property is owned by George Macdonald and Filiz Hoetten and is located on the southern side of the Malagash Peninsula. The application is for a rezoning to permit the relocation of a shed closer to the eastern lot boundary.



Site Plan: The primary purpose of this rezoning is to permit the shed shown on the site plan to be relocated from its current position ~7m from the eastern lot boundary to 3m. From the applicant’s letter, the relocation will allow them to “align with my driveway, increasing the visual appeal of the property and allowing for more unimpeded access to the shed.”



Regulatory and Land Use Context:

The subject property is designated as Resource on Schedule A of the Municipal Planning Strategy.

The current Agriculture (AG) zoning of the property does not permit the development or relocation of an accessory building within 12m of the side property boundary.

A majority of the neighboring properties are cultivated fields and a cluster of dwellings, zoned respectively as Agriculture (AG) and Country Residential (RCou).



Rezoning the property to Country Residential (RCou) would allow the

development of an accessory building within 1.4m of the side property boundary, which is consistent with the Resource Designation, and is supported by MPS Policy 5-29(a):

“Council shall establish the following zones in the Land Use By-law:

- (a) The Country Residential Zone, intended to permit lower density residential development on unserviced lots in defined rural communities and at the fringe of serviced communities. Zone standards shall reflect the denser nature of these communities compared to surrounding areas, but also the need for onsite water and wastewater services.”

And by MPS Policy 5-30:

"Council shall, on the zoning map of the Land Use By-law, initially apply the Country Commercial Zone to existing rural commercial uses, and the Country Residential Zone to definable clusters of residential development and areas at the fringe of serviced communities where rural residential development with smaller lot sizes would be appropriate."

Next Steps: If the amendment passes first reading, staff will prepare advertisements for the public hearing to be held prior to second reading.

Recommendation: Give first reading to the proposed amendments to the Land Use Bylaw and call a public hearing for January 8, followed by a second reading.

Alternative: Council can decide to reject the proposed amendment, or request that further information be provided.