

MEMORANDUM

TO: Mayor and Council

FROM: Will Balsler, Junior Planner, Development Officer

DATE: June 16, 2021

RE: First Reading on amendment to Land Use Bylaw to rezone PID 25062530, 59 Charles Street, Joggins

Background: On June 8th, 2021, Planning and Development staff received an application regarding the property at 59 Charles Street, Joggins - PID 25062530 (the "subject property").

The subject property is located in East Joggins, with frontage along Alderson St. and Charles St. The application is for a rezoning to permit the development of a Recycling Depot – from the applicants letter: *It would consist of moving two 53 foot trailers and one 12' x 16' building (all on wheels) to the rezoned location. We would only be handling recyclable plastics, cans and glass but not metals or batteries. Traffic to the business would be 0 to 8 vehicles daily. We would be open Monday, Wednesday, Friday and Saturday from 11am to 4 pm. Trailers and building would be joined together and skirted in. Recyclables are shipped out once every two weeks.*

From the Land Use Bylaw: RECYCLING DEPOT means a building or part of a building in which consumer materials and goods are collected and sorted prior to shipment but does not include the breaking down of goods into constituent materials or the reprocessing of materials and does not include salvage or scrap yards.



Regulatory and Land Use Context:

Current Zone: Lower Density Residential (RLow)

Proposed Zone: Country Commercial (CCou)

The subject property is designated as Residential on Schedule A of the Municipal Planning Strategy (MPS). The current Lower Density Residential zoning does not permit the development of a Recycling Depot.

The neighboring properties are mixed forested lots and cleared fields, with clusters of dwellings located to the Southwest and North, zoned as Lower Density Residential (RLow) and Country Residential (RCou).

Rezoning the subject property to Country Commercial (CCou) would allow the development of a Recycling Depot, and is supported by Municipal Planning Strategy Policy 6-8:



"Council shall consider amendments to the map of the Land Use By-law when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following two conditions is true:

- (a) the proposed zone is enabled by this Plan for use within the same designation; or*
- (b) notwithstanding the zones permitted within a designation, the land to be rezoned is under 5 hectares in area and is adjacent to a designation that permits the proposed zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be adjacent to the designation on the other side of the right-of-way."*

In this case, the proposed zone (Country Commercial [CCou]) is within the Resource Designation and not within the existing Residential Designation. However, since the subject property is under 5 hectares (3.3216ha) and the adjacent Country Residential [RCou] zoning is in the Resource Designation, a rezoning can be made to any zone within the Resource Designation.

It is also supported by MPS Policy 5-29(b):

Policy 5-29: Council shall establish the following zones in the Land Use By-law:
(b) The Country Commercial Zone, intended to permit lower density residential development and a limited range of local commercial service uses on unserviced lots in rural 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.

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 July 21, 2021, followed by a second reading.

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