



COMMITTEE OF THE WHOLE

CDR#

Date: December 14, 2022

TO: Mayor and Council
FROM: Nelson Bezanson, Municipal Planner
DATE: December 2, 2022
SUBJECT: **First reading of amendment to Land Use Bylaw to rezone PID 25070723, Highway 2, Fort Lawrence**

ORIGIN: On November 21, 2022, Planning staff received an application regarding the property at Highway 2, Fort Lawrence, - PID 25070723 (the "subject property").

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

Municipal Planning Strategy Policy 5-17:

Council shall, in the Land Use By-law, establish the General Commercial Zone, intended to permit a wide range of commercial uses in an urban setting. Permitted uses shall include a very wide range of commercial uses, as well as dwellings located above or behind a ground floor commercial use. Zone standards shall be flexible to accommodate the wide range of needs from the diversity of permitted uses.

Municipal Planning Strategy Policy 6-8 (subsection (b)):

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.*

RECOMMENDATION: THAT Council approve first reading of an amendment to the Land Use By-Law rezoning PID 25070723 from **Agricultural** to **General Commercial**, AND to schedule a Public Hearing for the proposed amendment at the January 18th, 2023 regular Committee of the Whole meeting.

BACKGROUND: The subject property is approximately 14 acres and located on Highway 2, between “The Brick” and the Highway 104 on-ramp. The application is to rezone the majority of the property from *Agricultural* to *General Commercial*, enabling commercial development. The property is currently an undeveloped marsh. The neighboring properties are mostly marsh and commercial development, zoned as *Agricultural (Ag)* or *General Commercial (CGen)*.

DISCUSSION: The subject property is designated as Resource on Schedule A of the Municipal Planning Strategy (MPS). Rezoning the subject property to *General Commercial* would allow a variety of commercial developments.

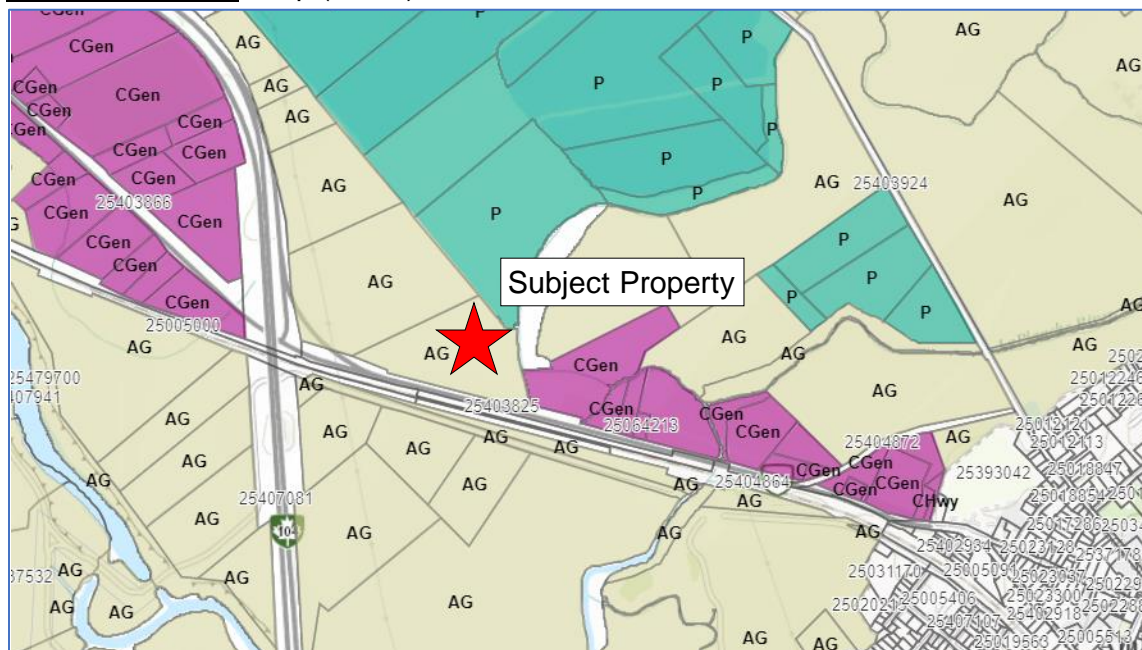
FINANCIAL IMPLICATIONS: None specific to this matter.

ENVIRONMENTAL IMPLICATIONS: Conversion of marshland to commercial development.

COMMUNITY ENGAGEMENT: If Council approves, a public hearing could be held on the above matter in January. In accordance with MGA Section 206, notices will be placed in a locally circulated newspaper. A sign will also be posted on the property providing additional notice.

ALTERNATIVES: Council may defer the issue to a later date, request further information, or reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS: Map (below)



Report prepared by: Nelson Bezanson, Municipal Planner
 Report and Financial approved by: