

Report

Date August 16, 2023

File: 3360-20 21.19

Subject Zoning Amendment Bylaw No. 3925, 2023, for first and second readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3925, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to facilitate a two-lot subdivision at 3211 Malcolm Road.

BACKGROUND

Property Details

The subject property is located at 3211 Malcolm Road and is 0.29 hectares in area. The subject property (Attachments 1 & 2) contains a single-family dwelling and a shed and is accessed via Malcolm Road. The property is within the Residential Rural (R1) Zone (Attachments 3), a designated Residential Neighbourhood within the Official Community Plan, and is inside of the Urban Containment Boundary (UCB).

The property is serviced by municipal water and sewer, with residential land use predominantly surrounding the subject property. The adjacent lands are zoned Residential Rural (R1) and Residential One and Two-Family (R3) zoning.

Proposal

The applicant is requesting to rezone the subject property from R1 to R3, which will reduce the lot area requirement and facilitate a two-lot subdivision.

DISCUSSION

The proposed two-lot conventional fee-simple subdivision (Attachment 4) would involve one lot (705 square metres) fronting Malcolm Road and a second lot accessed by a panhandle connected to Malcolm Road, approximately 2016 square metres in area. The final subdivision plan (should the requested zoning amendment be adopted) may vary from the reference site plan provided it complies with the Zoning Bylaw and other applicable subdivision requirements.

All proposed lots will be connected to existing municipal services along Malcolm Road and an adjacent Statutory Right of Way (located on Lot 2, Plan VIP32135) through a subsequent subdivision process. Extension of sewer and storm drain connections will be necessary. Widening of Malcolm Road along the property frontage will be required, as will construction of concrete curb and gutter, to be completed at the time of subdivision.

The subject parcel was created by subdivision in 2009 and is currently serviced by septic. In 2001 a sewer line was installed along Malcolm Road, and it currently services neighbouring lots. A smaller lot size can now be permitted with access to the sewer, as lots do not need to accommodate septic fields.

Community Amenity Contributions (CACs) or parkland are not required as a condition of rezoning as this is not a typical request for small-scale residential infill applications such as this. Obligation to meet servicing standards and provide any necessary road dedication along Malcolm Road will be required through the subdivision process.

Official Community Plan (OCP)

The Residential Neighbourhood designation supports sensitive infill and a range of lower-density housing types compatible with existing single-family neighbourhoods. The following OCP policies are considered relevant to this application:

<i>Urban Containment Boundary</i>	
3.1.2 a	Direct growth inside the UCB, resisting growth elsewhere.
<i>Residential Neighbourhood Designation</i>	
3.2.6	(Residential Neighbourhood) designation is where a range of lower-density residential types create housing options for people with different needs, with sensitive infill development taking place alongside the preservation of single-family homes.
3.2.7 a	Encourage development to be predominantly lower-density residential... (In areas designated as Residential Neighbourhood)
<i>Diverse Housing Mix</i>	
5.1.2 g	Encourage a range of ground-oriented housing opportunities in neighbourhood areas. Residential development in these areas may include small lot, single-detached houses, semi-detached houses, duplexes, ...

ANALYSIS & CONCLUSION

This application is largely compliant with OCP policy, as additional density within the UCB is encouraged. Land uses, and densities within the Residential Neighbourhood designation are expected to be compatible with the character of the existing neighbourhood. Lands in north Chemainus are predominantly zoned R3, and the proposed zoning amendment is consistent with this area's existing land use pattern. Subdivision requirements in terms of servicing, lot area, frontage and any required road dedication will be addressed through the subdivision process. Approval of this application is recommended.

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Give first and second readings to Zoning Amendment Bylaw No. 3925, 2023,; and,
 - (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3925, 2023.
2. THAT Council deny Zoning Amendment Application ZB000170 to change the zoning of 3211

Malcolm Road from Residential Rural (R1) to Residential One and Two-Family (R3).

IMPLICATIONS

If the application is denied, subdivision of the property will not be possible due to the minimum required parcel size of the R1 zone.

Should Council choose to give first and second readings to Zoning Amendment Bylaw No. 3925 and forward the application to a public hearing, owners and occupants of properties within a 60-metre radius of the subject property will be notified, as per section 4. (a) of Public Notice Bylaw No. 3906, and advertisements placed in the local newspaper and posted on the website, the noticeboard, and through social media, in accordance with the requirements of section 2 of Public Notice Bylaw No. 3906.

RECOMMENDATION

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3925, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3925, 2023.

Report prepared by:

Sarah Foulkes

Sarah Foulkes, MCP
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Site Plan
- (5) Letter of Rationale
- (6) Draft Zoning Amendment Bylaw No. 3925, 2023