



REPORT

District of Highlands
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To: C. D. Coates, Chief Administrative Officer File: RZ-03-11
 From: Laura Beckett, Planner
 Date: May 28, 2012
SUBJECT: Rezoning Application RZ-03-11
(1289 Millstream Road)

RECOMMENDATION

THAT Council give Bylaw No. 349 first and second readings and schedule a public hearing for 7pm July 16, 2012, immediately preceding the regularly scheduled Council Meeting at the School House, 1589 Millstream Road.

PROPOSAL SUMMARY

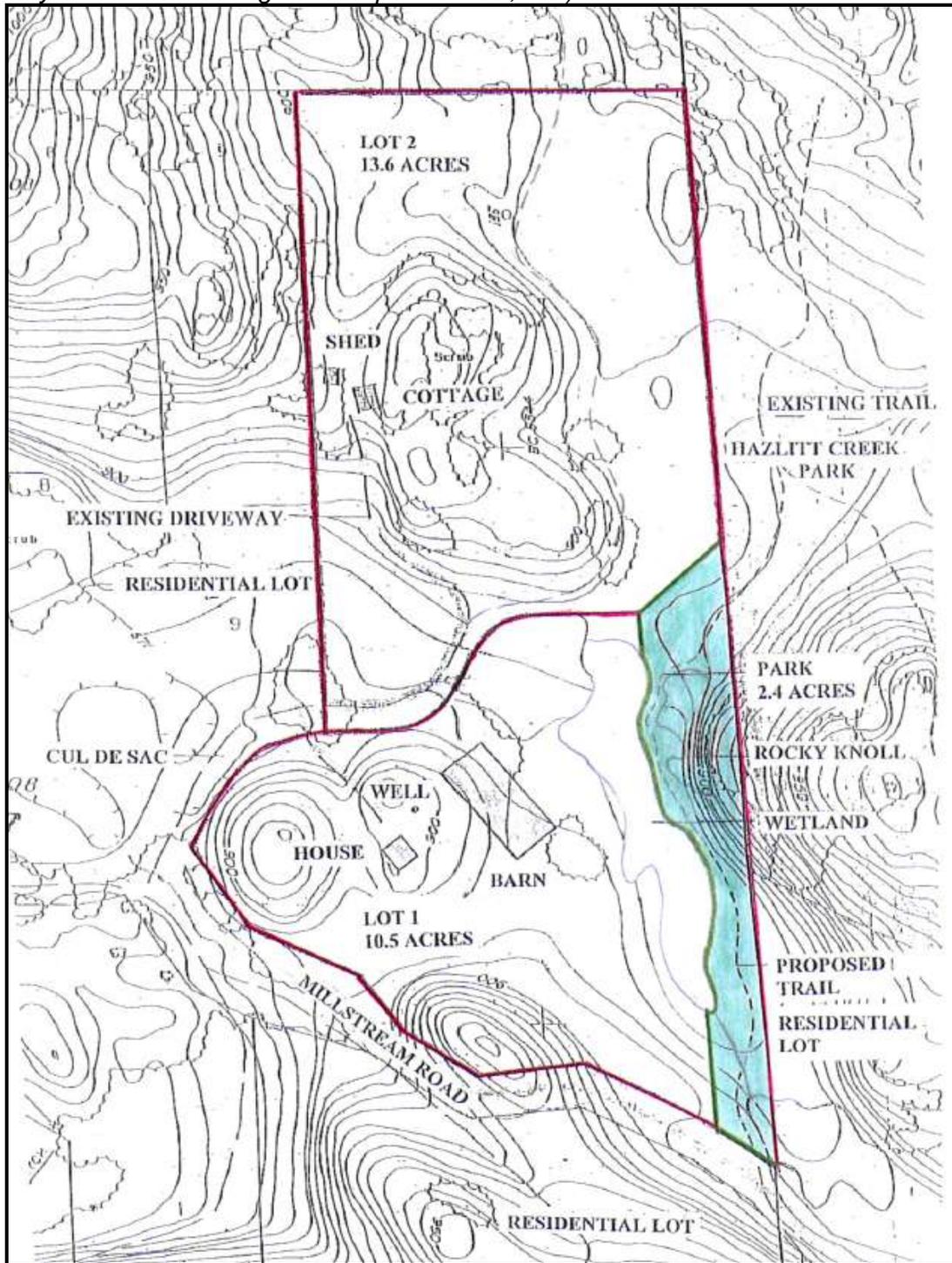
Proposal:	To rezone subject area for one additional residential parcel in exchange for a donation of (0.97 hectare) 2.4 acres of land to Hazlitt Creek Park
Owner /Applicant:	Ann and John Wheatcroft
Location:	1289 Millstream Road
Approximate Size:	11.73 hectares (28.99 acres)
Legal:	Lot B, Section 27, Highland District, Plan VIP60905
<i>Current</i>	
Current Zone:	Rural 1 (R1)
Current OCP Designation:	Rural
Permitted Density and Uses:	One dwelling unit; Residential, Agriculture, Home-based business, Accessory uses, buildings and structures
Notes:	Two dwelling units in use on property
<i>Proposed</i>	
Proposed Zone:	New amenity zone to accomplish application
Proposed OCP Designation:	No change
Proposed Uses:	<ul style="list-style-type: none"> • Park • Current permitted uses
Proposed Density:	One dwelling unit per 5.38 hectares (13.3 acres)
<i>Adjacent Land Use/Zoning</i>	
...to North:	Residential (Greenbelt 2)
...to East:	Park and Residential (Park 1 and Rural 2)
...to South:	Residential (Rural 1)
...to West:	Residential (Rural 1)

LOCATION MAP



PROPOSAL MAP

(Courtesy of Michael Bocking Landscape Architect, Ltd.)



PREVIOUS COUNCIL DIRECTION

At their May 22, 2012 meeting, Council directed staff to draft a bylaw to accomplish the application.

Please find attached bylaw No. 349 that can accomplish the proposal. It is an amenity zoning amendment using the property's current land area as the base minimum lot size. Providing the amenity of 0.97 of hectare of land noted on the map attached to the bylaw is donated to the District, the minimum lot size may be reduced to no less than 5.38 hectares (13.3 acres), and a total of two residential lots may be realized. The setback requirements match those of the Rural 1 Zone, which is the current zoning of the subject property and the properties to the south and west.

This bylaw is very similar to that used to accomplish the rezoning proposal at 3813 Munn Road that saw an additional 5.3 hectares of land donated to CRD Parks for conservation purposes.

This application has met a favourable response both in policy and through the committee process. Staff remains supportive of the application, and recommends that Council give Bylaw No. 349 first and second readings and schedule a public hearing immediately preceding the regularly scheduled Council Meeting on July 16, 2012. Alternatively, Council may wish to call a Special Meeting for June 25, 2012, to hold a public hearing for this bylaw. Following that public hearing, Council may wish to convene to a Special Council Meeting to consider third reading and adoption of the bylaw.

OPTIONS

1. *(Recommended.)* Council may wish to give Bylaw No. 349 first and second readings and schedule a public hearing immediately preceding the regularly scheduled Council Meeting on July 16, 2012.
2. Council may wish to call a Special Meeting of Council to hold a public hearing for Bylaw No. 349 on June 25, 2012. Following that public hearing, Council may also wish to convene to a Special Council Meeting to consider third reading and adoption of the bylaw.
3. Council may wish to reject the application.



Respectfully submitted by Laura Beckett, MCIP

CAO Concurrence

C.D. Coates, CAO





DISTRICT OF HIGHLANDS BYLAW NO. 349

A BYLAW TO AMEND THE “HIGHLANDS ZONING BYLAW NO. 100, 1998”

The Council of the District of Highlands in open meeting assembled enacts as follows:

1. The “Highlands Zoning Bylaw, Bylaw No. 100, 1998” is hereby amended as follows:

- a) In Section 5 – Establishment and Designation of Zones,
 - a. Under the column labeled “SHORT FORM,” under R6, **add** “R7”, and
 - b. Under the column labeled “ZONE,” under Rural 6, **add** “Rural 7”.
- b) Adding a new section 7.7 as follows:

SECTION 7.7 **RURAL 7 (R7) ZONE**

7.7.1 Permitted Uses

- (1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in the Rural 7 (R7) Zone:
 - (a) *Residential*
 - (b) *Home-based business*
 - (c) *Agriculture*
 - (d) *Accessory uses, building and structures*

7.7.2 Residential Density

- (1) There shall be no more than one (1) *dwelling unit* on each *lot*.

7.7.3 Siting and Dimensions of Buildings and Structures

- (1) The *height* of a *dwelling unit* shall not exceed 10.5 metres.
- (2) The *height* of an *accessory building* or *structure* shall not exceed 6 metres and the *height* of a *building* used for *Agriculture* shall not exceed 12 metres.
- (3) No *building* or *structure* shall be sited within 7.5 metres of a *front lot line* and no *building* used for *Agriculture* shall be sited within 30 metres of a *front lot line*.
- (4) No *building* or *structure* shall be sited within 5 metres of a *side lot line* and no *building* used for *Agriculture* shall be sited within 15 metres of a *side lot line*.
- (5) No *building* or *structure* shall be sited within 10 metres of a *side lot line* that abuts a *highway*.
- (6) No *building* or *structure* shall be sited within 10 metres of a *rear lot line* and no *building* used for *Agriculture* shall be sited within 15 metres of a *rear lot line*.

- (7) The total *floor area* of all *accessory buildings* on a *lot* shall not exceed 525 square metres and no single *accessory building* shall exceed 300 square metres in *floor area*.

7.7.4 Subdivision Density and Lot Area Requirements

- (1) No *lot* having an area less than 11.73 hectares (28.99 acres) may be created by subdivision.
- (2) Despite Section 7.7.4(1), if the amenities described in Section 12.17.1 of this Bylaw are provided, Lot B, Section 27, Highland District, Plan VIP60905 if within the R7 Zone may be subdivided into a maximum of two (2) *residential lots* provided that no *lot* shall have an area less than 5.38 hectares (13.3 acres).

c) Adding a new section 12.17 as follows:

SECTION 12.17 RURAL 7 (R7)

12.17.1 Land with an area of no less than 11.73 hectares in the R7 Zone may be subdivided into a maximum of two (2) *residential lots* of the prescribed lot area specified in section 7.7.4(2) of this Bylaw provided that the following provisions are made relating to community amenity:

- (1) The donation to the District of Highlands of approximately 0.97 of a hectare of land, to be used as park land, and is generally the land shown shaded in green on Schedule “B” to Bylaw 349, such approximate land area to be confirmed in detail by way of a legal survey prior to final subdivision approval by and as agreed upon by the District of Highlands and the property owner.

- 2. THAT Schedule A – Zoning Map of “Highlands Zoning Bylaw No. 100, 1998” be amended by changing the designation zoning of Lot B, Section 27, Highland District, Plan VIP60905, shown outlined in red and noted as SUBJECT PROPERTY on Schedule “A” to Bylaw No. 349, from Rural 1 (R1) Zone to Rural 7 (R7) Zone.
- 3. This Bylaw may be cited for all purposes as “Highlands Zoning Bylaw, 1998, Amendment No. 35, (R7 Zone – 1289 Millstream Road, Bylaw No. 349, 2012.”

READ A FIRST TIME THIS	DAY OF
READ A SECOND TIME THIS	DAY OF
PUBLIC HEARING HELD THIS	DAY OF
READ A THIRD TIME THIS	DAY OF
FINAL READING AND ADOPTION THIS	DAY OF

MAYOR

CORPORATE OFFICER

Schedule "A" to Bylaw No. 349



Schedule "B" to Bylaw No. 349

