



# Memo

**To:** Mayor and Council

**From:** Lindsay Chase, Director of Planning

**Date:** February 27, 2025

**Subject:** 3494 Cedar Hill Road - Subdivision and Rezoning Application

**File:** File: SUB00831; REZ00622

---

## RECOMMENDATIONS

That Council receive this Memo for information when considering Final Reading for Zoning Bylaw, 2003, Amendment Bylaw, 2024, No.9996.

## PURPOSE

The purpose of this Memo is to provide clarification on an item forming part of Section 219 Covenant required for the rezoning of 3494 Cedar Hill Road (the "Property").

## DISCUSSION

At its meeting of April 15, 2024, Council gave First Three Readings to Zoning Bylaw, 2003, Amendment Bylaw, 2024, No. 9996 to rezone the property from RS-6 (Single Family Dwelling) Zone to RS-1CH (Single Family Dwelling Cedar Hill) Zone to create two additional lots (three lots total). Final Reading of the Zoning Bylaw Amendment was withheld pending:

- The submission of revised plans or a Development Variance Permit Application for Council consideration to address the parking shortfall for proposed Lot 2;
- The registration of a covenant to secure the following:
  - That new dwellings on proposed Lots 1, 2 and 3 substantially comply with a Building Scheme (July 2021) endorsed by Council;
  - That new dwellings include the installation of the necessary conduits to be solar ready for future installation of photovoltaic and/or solar hot water systems and be constructed to include electric vehicle plug-ins in each garage;
  - That development of the site complies with the recommendations of the Amended Tree Impact Review prepared by Talbot Mackenzie & Associates Consulting Arborists, dated July 23, 2021, and received on July 28, 2021; and
  - That the number of building units be limited to that which is permissible under the current circumstances.

As part of the Provincial framework for Small-Scale Multi-Unit Housing (SSMUH), significant regulatory updates have been introduced, which include changes directly impacting how local governments regulate residential density through covenants. Local governments cannot use covenants that restrict the prescribed residential densities under the SSMUH legislation, and no new covenants should be established if they would prevent achieving the density prescribed by the SSMUH regulations.

One of the covenants, "That the number of building units be limited to that which is permissible under the current circumstances," was originally intended to be registered as a requirement of this application. This covenant, however, contradicts the new provincial regulations because it restricts achieving the intended density levels for the proposed RS-1CH (Single Family Dwelling Cedar Hill) Zone. The RS-1CH (Single Family Dwelling Cedar Hill) Zone allows for SSMUH.

## **CONCLUSION**

Final reading was withheld pending the registration of the required covenants. At this time, all covenants, except the one mentioned above, have been registered. The covenant cannot be registered as the covenant would restrict the density that is permitted under the RS-1CH (Single Family Dwelling Cedar Hill) Zone.

Prepared by: Sarah de Medeiros, Subdivision Coordinator

Approved by: Lindsay Chase, Director of Planning

SDM/kb

## **ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer