



NOTICE OF ADOPTION

AMENDMENT TO THE LAND USE BY-LAW

Second reading and adoption of an amendment to Schedule A of the Land Use By-Law for the Municipality of the County of Cumberland took place on Wednesday, February 28th, 2024. The purpose of this amendment is to change the zoning of:

PID 25228214, 60 Elm St. (lands adjacent to Robertson Ave.), Springhill
From Parks and Open Space (P) to Multi-Unit Residential (RMul) to facilitate the development of a future residential development.

This amendment to the Land Use By-Law is in effect as of the date of this publication. Appeals may be submitted within 14 days to the Nova Scotia Utility and Review Board.

Copies of amendment documents can be viewed online at plancumberland.ca/hearings or by contacting our office at 902-667-2313.



Council Meeting

CDR#

Date: February 28, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning, Municipality of Cumberland

DATE: February 28th, 2024

SUBJECT: Rezoning PID 25228214 – Municipality of the County of Cumberland – Springhill

ORIGIN: The Municipality of the County of Cumberland is looking to rezone a property (the “subject property”) located at 60 Elm Street (PID 25228214) in the community of Springhill, to facilitate the development of a future residential development as per the table below:

PID	Owner	Current Zone	Designation	Current Use	Proposed Zone
25228214	Municipality of the County of Cumberland	Parks and Open Space (P)	Residential	Vacant lot	Multi-unit Residential (RMul)

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

Municipality of the County of Cumberland – Municipal Planning Strategy

Section 5.2.4 Rezoning

Policy 5-9: Council shall consider proposals to rezone lands in the Residential Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:

- (a) the proposed change is not prohibited by any other policy in this Plan;
- (b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands; and
- (c) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

RECOMMENDATION: That Council approval the second reading of Amendment to Schedule A of the Land Use Bylaw to rezone 60 Elm Street, Springhill.

- PID 25228214 from Parks and Open Space (P) to Multi-unit Residential (RMul)

BACKGROUND: The subject property is located at 60 Elm Street (as per Property Online), central

within the block bounded by Mechanic, Elm, Purdy, and Crossin Streets. The site contains 9,936 m² (2.46 ac) and while zoned Park and Open Space (P), it is currently an unmaintained property and not part of the Municipality's parks programming or future plans (Figure 1). Properties in the immediate area are primarily zoned Lower Density Residential (RLow) with one property zoned Multi-Unit Residential adjacent to the north.



Figure 1: View of Subject Property from North

DISCUSSION: The subject property is designated as *Residential* on Schedule A of the Municipal Planning Strategy (MPS). Rezoning the subject property to Multi-unit Residential (RMul) would allow for the widest possible range of development, including the following uses as per Section 8.2 of the Land Use Bylaw (LUB):

Uses Permitted As-of-Right

8.2.2 The following uses shall be permitted in the Multi-unit Residential Zone, subject to all applicable requirements of this By-law:

- (a) Academic School*
- (b) Accessory Dwelling*
- (c) Community Hall*
- (d) Duplex Dwelling*
- (e) Grouped Dwellings – 4 or Fewer Dwelling Units on a Lot*
- (f) Home-based Business – Level 1*
- (g) Home-based Business – Level 2*
- (h) Mobile Home Parks – Existing*
- (i) Multi-unit Dwelling – 4 or Fewer Dwelling Units on a Lot*
- (j) Place of Worship*



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- (k) Semi-detached Dwelling
- (l) Short-term Rental
- (m) Single-unit Dwelling
- (n) Townhouse Dwelling – 4 or Fewer Dwelling Units on a Lot

Uses Permitted by Site Plan Agreement

8.2.3 *The following uses shall be permitted in the Multi-unit Residential Zone, subject to Part 13 and all applicable requirements of this By-law:*

- (a) *Expansion of a non-conforming use*
- (b) *Grouped Dwellings – 5 to 16 Dwelling Units on a Lot*
- (c) *Multi-unit Dwelling – 5 to 16 Dwelling Units on a Lot*
- (d) *Townhouse Dwelling – 5 to 16 Dwelling Units on a Lot*

Uses Permitted by Development Agreement

8.2.4 *The following uses shall be permitted in the Multi-unit Residential Zone, subject to the applicable policy of the Municipal Planning Strategy:*

- (a) (a.1) *Commercial Uses – MPS Policy 5-9A [CHG-801]*
- (b) *More than 16 Dwelling Units on a Lot – MPS Policy 5-8.*

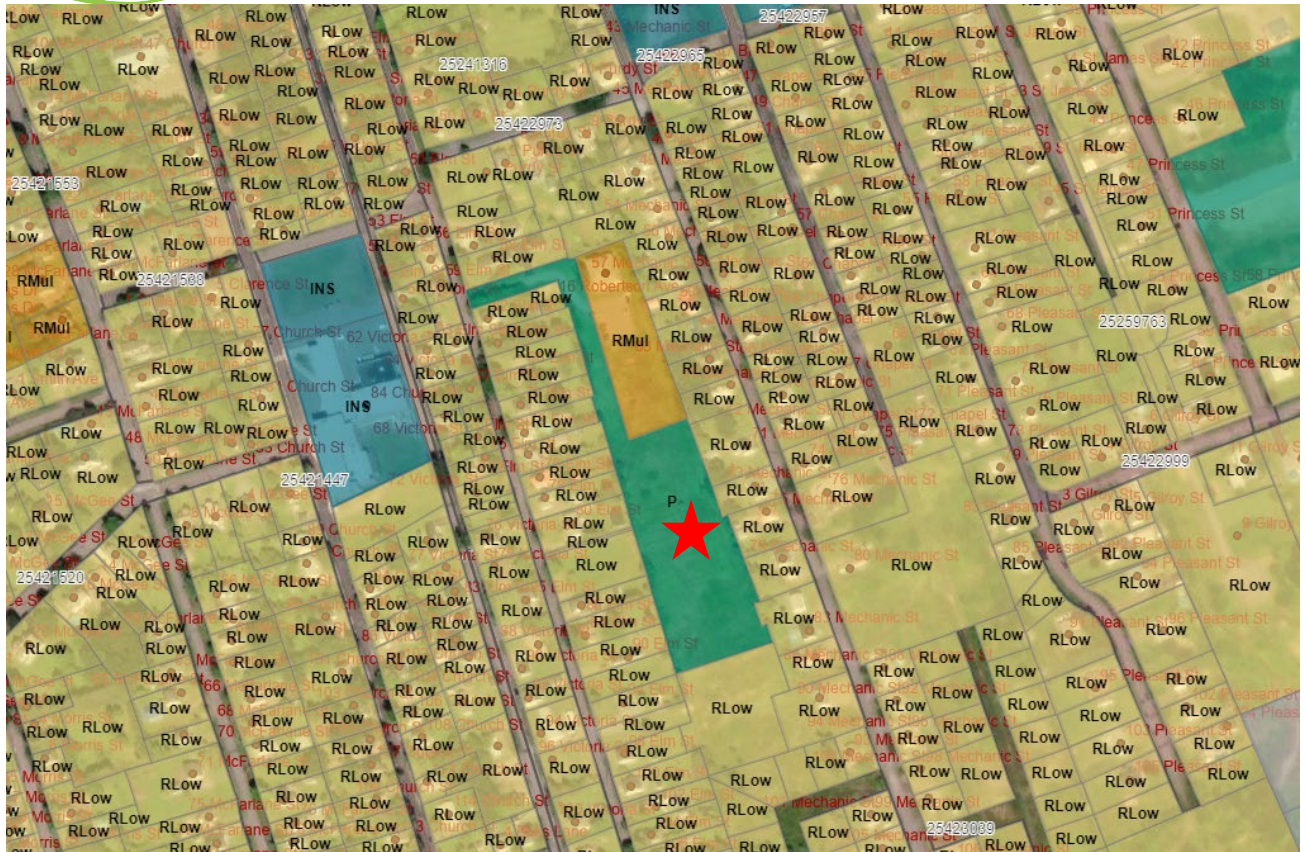
FINANCIAL IMPLICATIONS: None have been identified at this time. Rezoning the subject property would provide a higher potential value for prospective developers and is being considered as part of the Sale of Usable Municipally Owned Property Policy 23-02.

ENVIRONMENTAL IMPLICATIONS: There are no sensitive environments or core wilderness areas indicated in Schedule B in the subject area. Provincial Karst Risk Map indicates this area as low risk.

COMMUNITY ENGAGEMENT: A public hearing was conducted on February 21st, 2024 at a Council of the Whole meeting. No statements of opposition or appeals were received at that meeting.

ALTERNATIVES: Council can 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: Maps (below)





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Policy 6-19 includes the general criteria required for all development agreements.

Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:	
Requirement	Comment
a) Is consistent with the intent of this Municipal Planning Strategy.	Proposal is generally consistent with the intent of the MPS. Policies 4-1 and 5-13 speak specifically to the importance of locating developments where existing infrastructure can accommodate and provides direction for grouped dwellings of more than 16 units in the Mixed-Use (CMix) Zone.
b) Does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality.	None that are apparent.
c) Is not premature or inappropriate due to:	
i. The ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal.	There are no public costs related to the proposal.
ii. Impacts on existing drinking water supplies, both private and public.	None that are apparent.
iii. The adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services.	Municipal water services exist along Durham Street and there is sufficient capacity to supply the proposed development. The project will provide on-site sewage services which can be accommodated at a suitable location to be determined.
iv. The creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.	NS Public Works must approve any public road access or private road intersection. These are based on safe stopping sight distances as determined by Nova Scotia Public Works.
v. The adequacy of fire protection services and equipment	Driveways and lanes are required to be maintained to accommodate emergency services.
vi. The adequacy and proximity of schools and other community facilities.	No concerns.



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<p>vii. The creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</p>	<p>None that are apparent.</p>
<p>viii. The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas.</p>	<p>Conditions of the Development Agreement contain requirements for a surface water management plan.</p>
<p>ix. Impacts on sensitive environments, as identified on Schedule B of the MPS.</p>	<p>There are no sensitive environments or core wilderness areas indicated in Schedule B in the subject area.</p>
<p>ixA. Impacts on wildlife corridors.</p>	<p>None that are apparent.</p>
<p>x. Impacts on known habitat for species at risk.</p>	<p>None that are apparent.</p>
<p>xA. Risks presented by geohazards.</p>	<p>Provincial Karst Risk Map indicates this area as high risk and it is recommended that the development considers geotechnical review prior final design.</p>
<p>xi. The suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rightsof-way.</p>	<p>Seasonal watercourses and steep slopes are evident within the property. The proposed project will be situated in the areas most suitable for development.</p>
<p>xii. Negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</p>	<p>None that are apparent. Adjacent residential properties on Durham Street will be protected by vegetative buffers and additional setback requirements.</p>

Report prepared by: Kira Norgren, Municipal Planner

Report and Financial approved by:



NOTICE OF PUBLIC HEARING

AMENDMENTS TO THE LAND USE BYLAW – REZONING

A Public Hearing regarding amendments to Schedule A of the Land Use By-Law for the Municipality of Cumberland will be held at 4:00 pm, Wednesday, February 21st, 2024, in the Council Chambers of the Upper Nappan Service Centre. Note that this meeting may be rescheduled or conducted online, visit cumberlandcounty.ns.ca to verify meeting schedule. The purpose of these amendments is to change the zoning of:

PID 25228214 Lands adjacent to Robertson Ave, Springhill from Parks and Open Space (P) to Multi-unit Residential (RMul).

Hearing documents can be viewed at plancumberland.ca/hearings or by contacting our office at 902-667-2313. Public Hearings are open to the public. You may participate by submitting comments by email to: Planning@cumberlandcounty.ns.ca or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4. Written submissions to the Hearing must be received eight days before the Hearing.



SPECIAL COUNCIL SESSION

RFD

Date: November 1, 2023

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning, Municipality of Cumberland

DATE: November 01, 2023

SUBJECT: Rezoning PID 25228214 – Municipality of the County of Cumberland – Springhill

ORIGIN: The Municipality of the County of Cumberland is seeking to proactively rezone a property (the “subject property”) adjacent to Robertson Avenue (PID 25228214) in the community of Springhill, to facilitate its availability for future residential development as per the table below:

PID	Owner	Current Zone	Designation	Current Use	Proposed Zone
25228214	Municipality of the County of Cumberland	Parks and Open Space (P)	Residential	Vacant lot	Multi-unit Residential (RMul)

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

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Section 5.2.4 Rezoning

Policy 5-9: Council shall consider proposals to rezone lands in the Residential Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:

- (a) the proposed change is not prohibited by any other policy in this Plan;
- (b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands; and
- (c) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

RECOMMENDATION: THAT Council approve first reading of an amendment to Schedule A of the Land Use Bylaw, AND to schedule a Public Hearing for the proposed amendment at a future Council Meeting for the following rezoning:

- **PID 25228214 from Parks and Open Space (P) to Multi-unit Residential (RMul)**

BACKGROUND: The subject property is located adjacent to Robertson Avaneue, central within the block bounded by Mechanic, Elm, Purdy, and Crossin Streets. The site contains 9,936 m² (2.46 ac) and while zoned Park and Open Space (P), it is currently an unmaintained property and not part of the Municipality’s parks programming or future plans (Figure 1). Properties in the immediate area are primarily zoned Lower Density Residential (RLow) with one property zoned Multi-Unit Residential adjacent to the north.



Figure 1: View of Subject Property from North

DISCUSSION:

With the current demand for housing in Springhill and throughout the Municipality this proactive approach to rezoning at this stage is deemed an appropriate action to get this site ready for residential development. Having these lands available for residential development via the private sector is important and thus the reason for Staff support and recommendation for rezoning. The property is being recommended to be deemed surplus through the appropriate Council Policy and that separate report is being presented to Council.

The subject property is designated as *Residential* on Schedule A of the Municipal Planning Strategy (MPS). Rezoning the subject property to Multi-unit Residential (RMul) would allow for the widest possible range of development, including the following uses as per Section 8.2 of the Land Use Bylaw (LUB):

Uses Permitted As-of-Right

8.2.2 The following uses shall be permitted in the Multi-unit Residential Zone, subject to all applicable requirements of this By-law:

- (a) Academic School*



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- (b) Accessory Dwelling
- (c) Community Hall
- (d) Duplex Dwelling
- (e) Grouped Dwellings – 4 or Fewer Dwelling Units on a Lot
- (f) Home-based Business – Level 1
- (g) Home-based Business – Level 2
- (h) Mobile Home Parks – Existing
- (i) Multi-unit Dwelling – 4 or Fewer Dwelling Units on a Lot
- (j) Place of Worship
- (k) Semi-detached Dwelling
- (l) Short-term Rental
- (m) Single-unit Dwelling
- (n) Townhouse Dwelling – 4 or Fewer Dwelling Units on a Lot

Uses Permitted by Site Plan Agreement

8.2.3 The following uses shall be permitted in the Multi-unit Residential Zone, subject to Part 13 and all applicable requirements of this By-law:

- (a) Expansion of a non-conforming use
- (b) Grouped Dwellings – 5 to 16 Dwelling Units on a Lot
- (c) Multi-unit Dwelling – 5 to 16 Dwelling Units on a Lot
- (d) Townhouse Dwelling – 5 to 16 Dwelling Units on a Lot

Uses Permitted by Development Agreement

8.2.4 The following uses shall be permitted in the Multi-unit Residential Zone, subject to the applicable policy of the Municipal Planning Strategy:

- (a) (a.1) Commercial Uses – MPS Policy 5-9A [CHG-801]
- (b) More than 16 Dwelling Units on a Lot – MPS Policy 5-8.

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: There are no sensitive environments or core wilderness areas indicated in Schedule B in the subject area. Provincial Karst Risk Map indicates this area as low risk.

COMMUNITY ENGAGEMENT: If Council approves, a public hearing could be held on the above matter at a date of Council's choosing. In accordance with MGA Section 206, notices will be placed in a locally circulated newspaper.

ALTERNATIVES: Council can 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: Maps (below)



Report prepared by: Darren Shupe, Senior Planner, BCP
Report and Financial approved by: