

**NOTICE OF ADOPTION**  
**BYLAW TO AMEND THE LAND USE BYLAW 24-01**

Second reading and adoption of Bylaw to Amend the Land Use Bylaw 24-01 for The Municipality of Cumberland County took place on Wednesday, June 26, 2024. The purpose of this Bylaw to Amend the Land Use Bylaw 24-01 is to:

**Rezone PID 25184144 from Agricultural (AG) Zone to Country Residential (RCou) Zone.**

Applications to appeal this amendment will be accepted for 14 days after the posting of this notice. For more information regarding how to apply for appeal, visit <https://nsuarb.novascotia.ca/mandates/planning>.



**CUMBERLAND COUNCIL**

**RFD#**

**Date: June 26, 2024**

**TO:** Mayor and Council  
**FROM:** Glen Boone, Director of Development and Planning  
**DATE:** June 26, 2024  
**SUBJECT:** **Second Reading of proposed amendment to Schedule A of The Land Use Bylaw to rezone PID 25144031 and 25143215, Kolbec Rd. Port Howe.**

**ORIGIN:** On January 31, 2024, Planning staff received an application to rezone at 6 Kolbec Rd, PID 25144031, 25143215 (“the Subject Property”) from Agricultural Zone to Commercial Recreation Zone to permit the development of four fixed roof overnight accommodations.

PID	Current Zone	Current Use	Proposed Zone	Proposed Use
25144031& 25143215	Agricultural (AG)	Vacant	Commercial Recreation	Fixed Roof Overnight Accommodations

**LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT**

MGA Section 205: Requirements for Adoption of Planning Documents

*Municipal Planning Strategy Policy 5-35*

*Council Shall Consider proposals to rezone lands in the Resource Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:*

- (a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;
- (b) the proposed change is not prohibited by any other policy in this Plan;
- (c) 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
  - a. the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and
- (d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

**RECOMMENDATION: That the Council approve a second reading of Bylaw to Amend the Land Use Bylaw Schedule A, to rezone PID 25184144 from Agricultural (AG) Zone to Country Residential (RCou) Zone.**



## CUMBERLAND COUNCIL

RFD#

Date: June 26, 2024

**BACKGROUND:** The subject property consists of two land parcels, PID 25144031 and PID 25143215, respectively containing 19 and 17 hectares of land. The subject property is in Port Howe, off Kolbec Rd, and has waterfrontage on Eel Creek. The subject property is currently vacant. Applicants Evermore Homestead are looking to develop the subject property in support of the operation of four fixed roof overnight accommodations. Each cabin is intended to be approximately 24'x30'. Both land parcels of the subject property are accessible via Kolbec Road through existing registered right of ways.

**DISCUSSION:** The subject property is zoned as Agricultural on the Schedule A of the Land Use Bylaw. Rezoning the subject property to General Commercial would allow the development of four fixed roof overnight accommodations. A site visit for this property was conducted on May 9<sup>th</sup>, 2024 by Planning Staff.

**FINANCIAL IMPLICATIONS:** None specific to this matter.

**ENVIRONMENTAL IMPLICATIONS:** None specific to this matter.

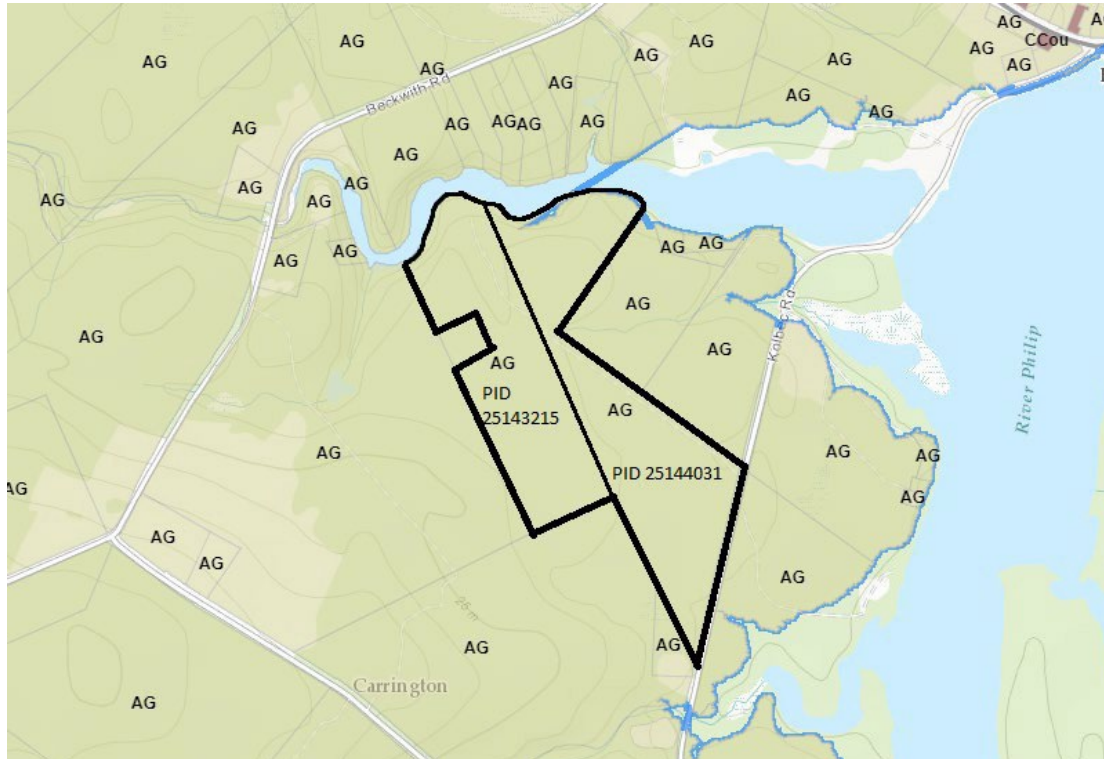
**COMMUNITY ENGAGEMENT:** A Public Hearing was held on this proposal on June 19. Advertisements were placed in the Casket, a locally circulating newspaper, for June 5<sup>th</sup> and June 12<sup>th</sup> 2024. No comments were made by the public regarding this proposed development, before or after the public hearing.

**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:**

- Zoning Map
- Site Plan
- Site Survey
- Concept Floor Plans and Elevations
- Full Policy Review

Zoning Map

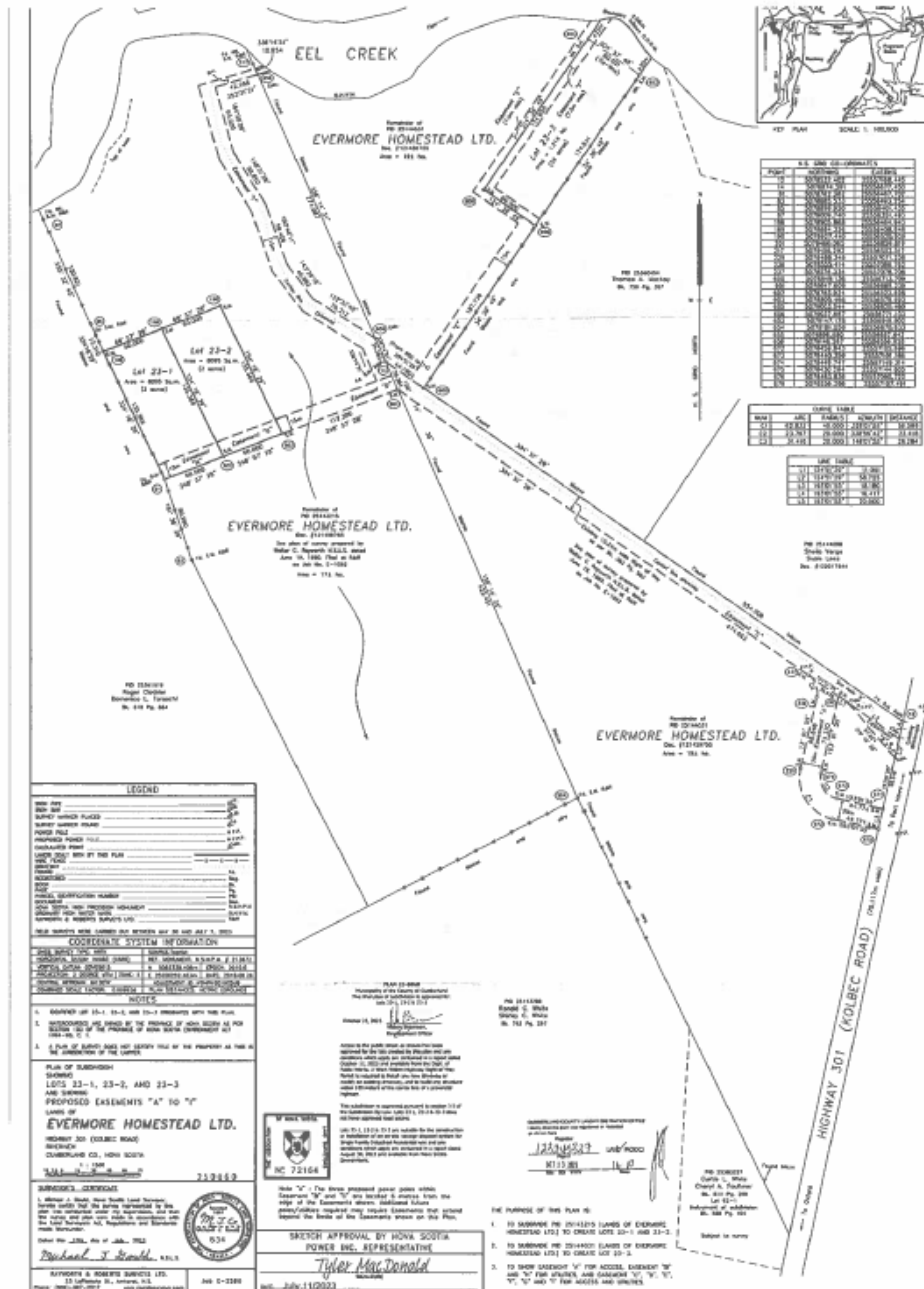




# CUMBERLAND COUNCIL

RFD#

Date: May 22, 2024

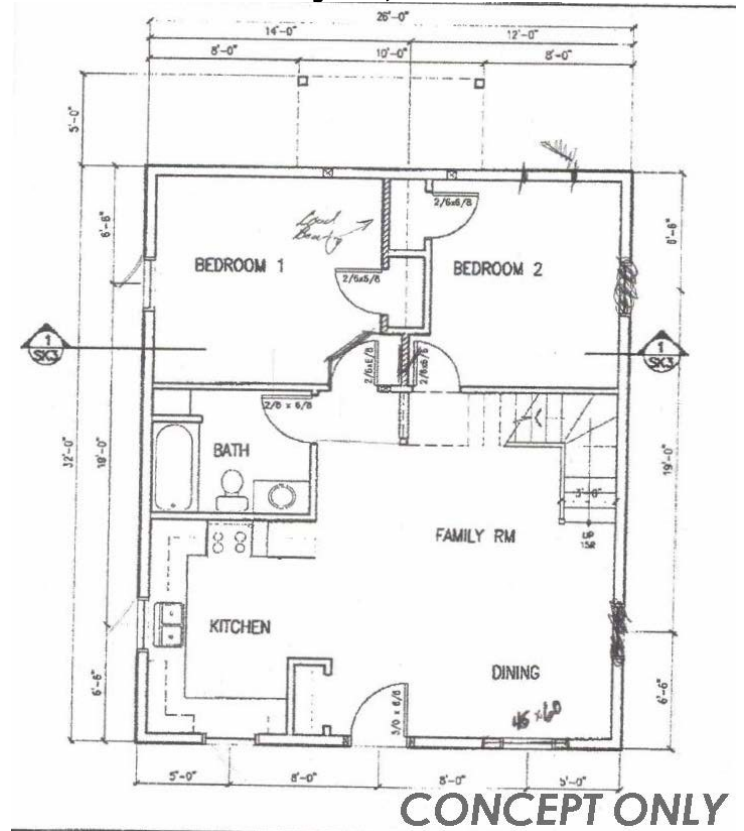
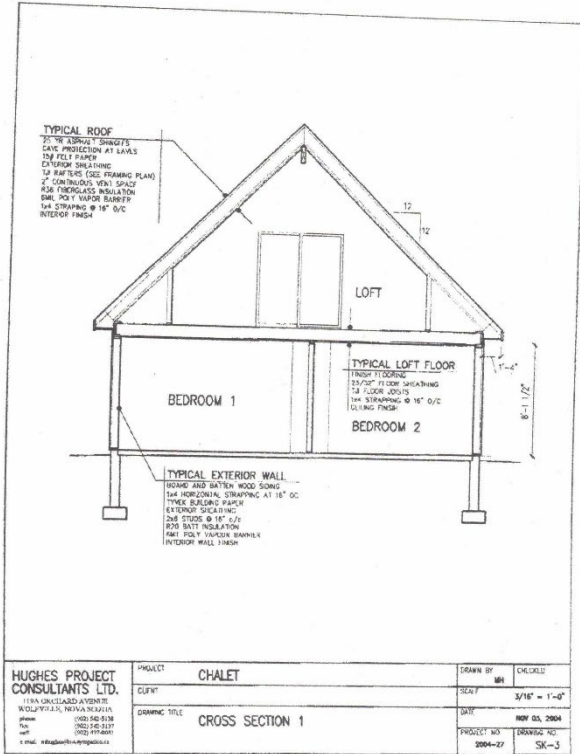


# CUMBERLAND COUNCIL

RFD#

Date: May 22, 2024

REV 07 04 10104a Mark Hughes 802 542-5137 P.4



**CONCEPT ONLY**



**CUMBERLAND COUNCIL**

**RFD#**

**Date: May 22, 2024**

**Full Policy Review**

<b><i>MPS 5-35 Council shall consider proposals to rezone land in the resource designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied;</i></b>	
Requirement	Comment
<i>(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104</i>	N/A
<i>(b) The proposed change is not prohibited by any other policy in this Plan.</i>	N/A
<i>(c) The purposed 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</i>	The proposed use of the lands align with the Commercial Recreation Zone.
<i>(cA) the proposal is not premature or inappropriate due to impacts on wildlife corridors or due to the presence of geohazards; and</i>	No concerns regarding impacts on the environment due to the proposal
<i>(d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19</i>	See policy review for Policy 6-19 below

<b><i>MPS 6-19 Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:</i></b>	
Requirement	Comment
<i>A) Is consistent with the intent of this Municipal Planning Strategy;</i>	The proposal is consistent with the MPS
<i>B) Does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	N/A
<i>C) Is not premature or inappropriate due to:</i>	N/A
<i>(iv) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	N/A



**CUMBERLAND COUNCIL**

**RFD#**

**Date: May 22, 2024**

<i>(v) impacts on existing drinking water supplies, both private and public;</i>	No impact on existing drinking water supplies
<i>(vi) 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;</i>	The site can accommodate on-site water and sewage services.
<i>(vii) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No issues related to this proposal
<i>(viii) the adequacy of fire protection services and equipment;</i>	No issues related to this proposal
<i>(ix) the adequacy and proximity of schools and other community facilities;</i>	No issues related to this proposal
<i>(x) 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;</i>	No apparent issues related to this proposal
<i>(xi) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	No apparent issues related to this proposal
<i>(xii) impacts on sensitive environments, as identified on Schedule B;</i>	N/A

<b><i><u>LUB 12.4.1</u> The Commercial Recreation Zone is intended to permit commercial recreation activities such as campgrounds, RV parks, golf courses, and driving range.</i></b>
Comment:
The Commercial Recreation Zone aligns with the intended use of the subject property.

<b><i><u>LUB 12.4.2A</u> The following uses shall be permitted in the Commercial Recreation Zone, subject to all applicable requirements of this Bylaw;</i></b>	
Requirement	Comment
(f) Fixed Roof Overnight Accommodations	The intended use of the subject property is permitted by right.



## NOTICE OF PUBLIC HEARING

### **Bylaw to Amend the Land Use Bylaw 24-01 & 24-02**

A Public Hearing regarding amendments to Schedule A and Sections 11.3.2 and 14 of the Land Use Bylaw for the Municipality of Cumberland will be held at 4:00 pm, Wednesday, June 19<sup>th</sup>, 2024, in the Council Chambers of the Upper Nappan Service Centre. Visit [cumberlandcounty.ns.ca](http://cumberlandcounty.ns.ca) to verify meeting schedule. The purpose of these amendments is to change the zoning of:

**PID 25144031 & 25143215 Kolbec Rd., Port Howe** (between civic 3397 and 3544) from Agricultural (AG) to Commercial Recreation (CRec) Zone.

**PID 25478355, 11175 Hwy 6., Pugwash** from Agricultural (AG) to Rural Industrial (IRur) Zone, a text amendment to Section 11.3.2 and an addition to Section 14.

Hearing documents can be viewed at [plancumberland.ca/hearings](http://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](mailto:Planning@cumberlandcounty.ns.ca) or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4.



**CUMBERLAND COUNCIL**

**RFD#**

**Date: May 22, 2024**

**TO:** Mayor and Council  
**FROM:** Glen Boone, Director of Development and Planning  
**DATE:** May 22, 2024  
**SUBJECT:** **First Reading of proposed amendment to Schedule A of The Land Use Bylaw to rezone PID 25144031 and 25143215, Kolbec Rd. Port Howe.**

**ORIGIN:** On January 31, 2024, Planning staff received an application to rezone at 6 Kolbec Rd, PID 25144031, 25143215 (“the Subject Property”) from Agricultural Zone to Commercial Recreation Zone to permit the development of four fixed roof overnight accommodations.

PID	Current Zone	Current Use	Proposed Zone	Proposed Use
25144031& 25143215	Agricultural (AG)	Vacant	Commercial Recreation	Fixed Roof Overnight Accommodations

**LEGISLATIVE AUTHORITY:** MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

*Municipal Planning Strategy Policy 5-35*

*Council Shall Consider proposals to rezone lands in the Resource Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:*

- (a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;
- (b) the proposed change is not prohibited by any other policy in this Plan;
- (c) 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
  - a. the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and
- (d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

**RECOMMENDATION:** That the Council approve first reading of the proposed amendment to rezone PID 25144031 & 25143215 from Agricultural Zone to Commercial Recreation Zone AND schedule a public hearing for the proposed amendment.



## CUMBERLAND COUNCIL

RFD#

Date: May 22, 2024

**BACKGROUND:** The subject property consists of two land parcels, PID 25144031 and PID 25143215, respectively containing 19 and 17 hectares of land. The subject property is in Port Howe, off Kolbec Rd, and has waterfrontage on Eel Creek. The subject property is currently vacant. Applicants Evermore Homestead are looking to develop the subject property to support the operation of four fixed roof overnight accommodations. Each cabin is intended to be approximately 24'x30'. Both land parcels of the subject property are accessible via Kolbec Road through existing registered right of ways.

**DISCUSSION:** The subject property is zoned as Agricultural on the Schedule A of the Land Use Bylaw. Rezoning the subject property to General Commercial would allow the development of four fixed roof overnight accommodations. A site visit for this property was conducted on May 9<sup>th</sup>, 2024 by Planning Staff.

**FINANCIAL IMPLICATIONS:** None specific to this matter.

**ENVIRONMENTAL IMPLICATIONS:** None specific to this matter.

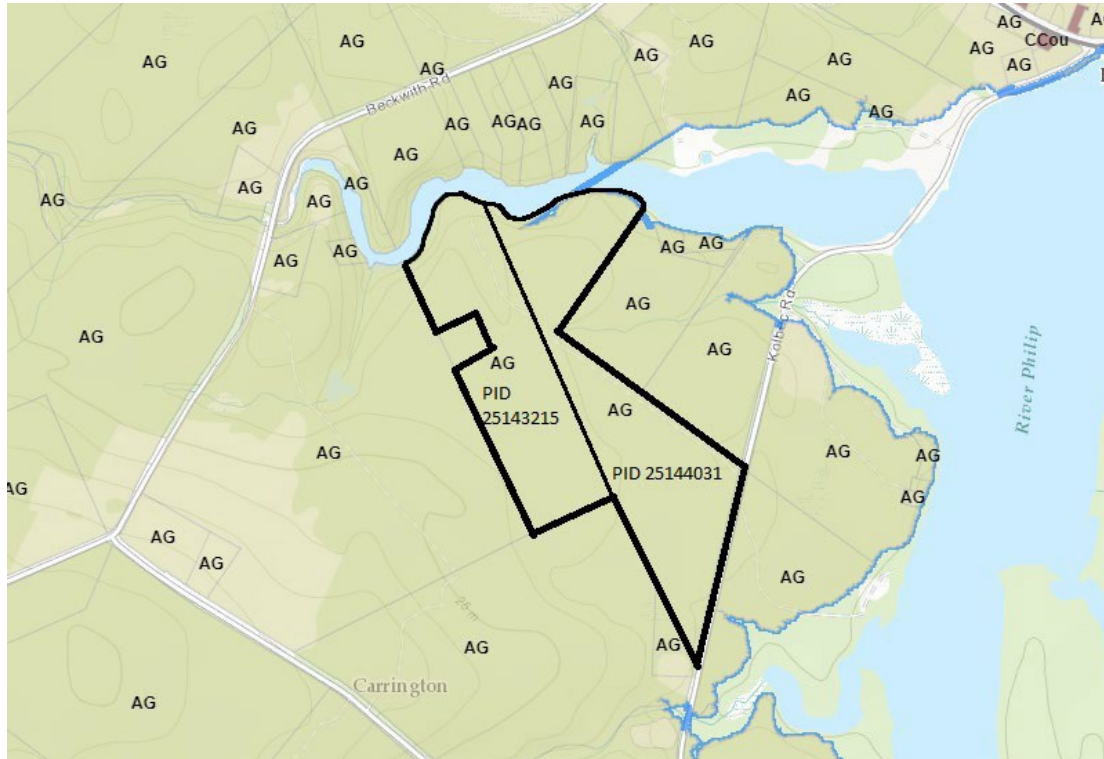
**COMMUNITY ENGAGEMENT:** If Council approves, a public hear on the above matter can be scheduled for a later date.

**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:**

- Zoning Map
- Site Plan
- Site Survey
- Concept Floor Plans and Elevations
- Full Policy Review

Zoning Map

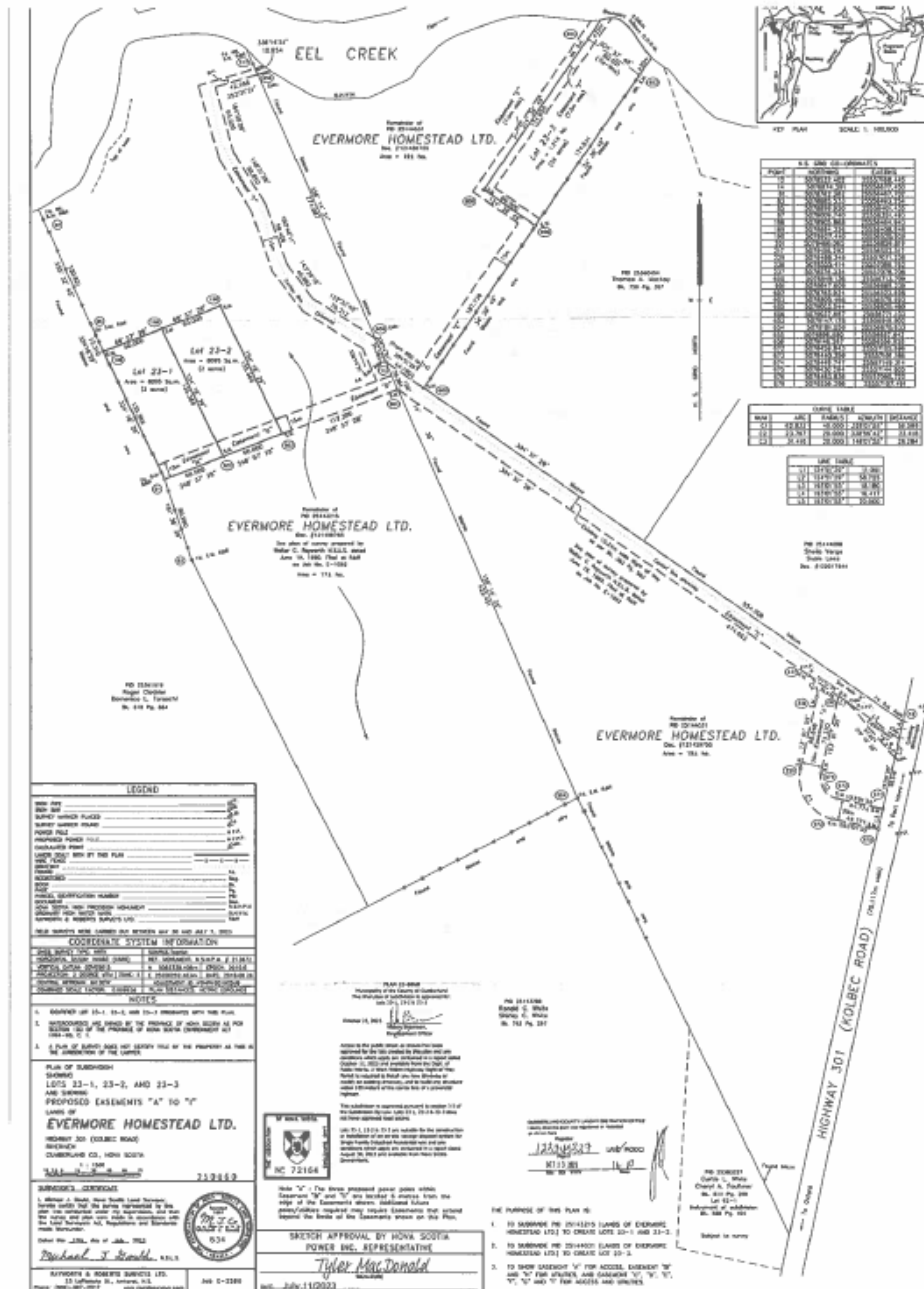




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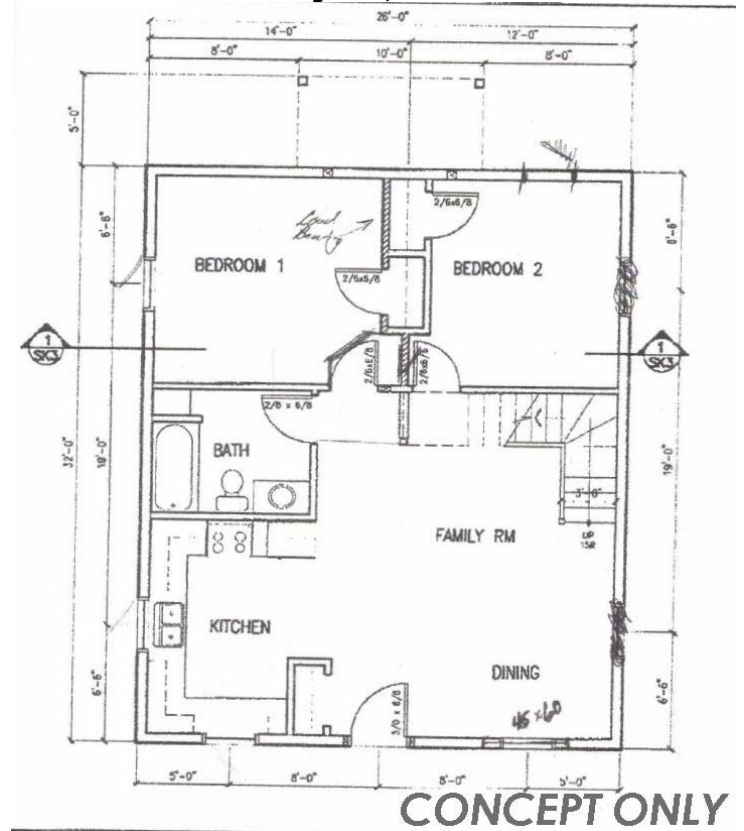
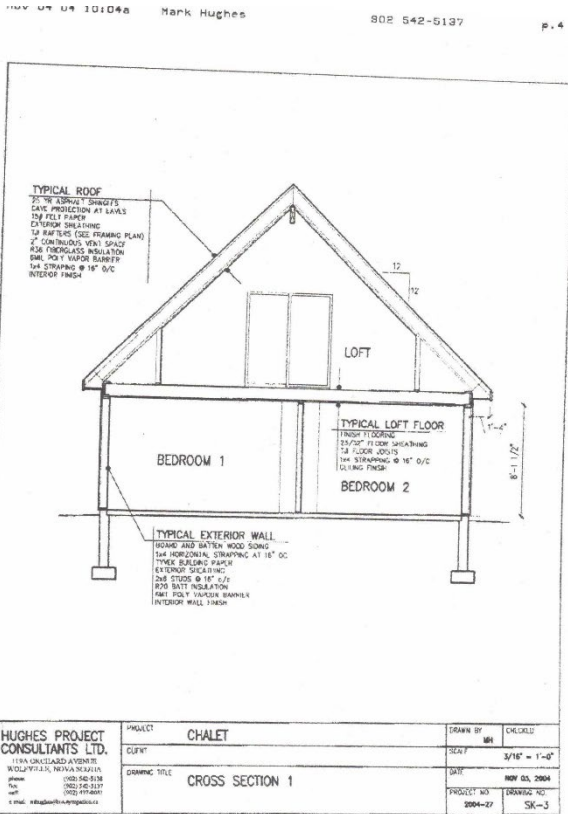
Date: May 22, 2024



# CUMBERLAND COUNCIL

RFD#

Date: May 22, 2024



**CONCEPT ONLY**



**CUMBERLAND COUNCIL**

**RFD#**

**Date: May 22, 2024**

**Full Policy Review**

<b><i>MPS 5-35 Council shall consider proposals to rezone land in the resource designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied;</i></b>	
Requirement	Comment
<i>(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104</i>	N/A
<i>(b) The proposed change is not prohibited by any other policy in this Plan.</i>	N/A
<i>(c) The purposed 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</i>	The proposed use of the lands align with the Commercial Recreation Zone.
<i>(cA) the proposal is not premature or inappropriate due to impacts on wildlife corridors or due to the presence of geohazards; and</i>	No concerns regarding impacts on the environment due to the proposal
<i>(d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19</i>	See policy review for Policy 6-19 below

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Requirement	Comment
<i>A) Is consistent with the intent of this Municipal Planning Strategy;</i>	The proposal is consistent with the MPS
<i>B) Does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	N/A
<i>C) Is not premature or inappropriate due to:</i>	N/A
<i>(iv) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	N/A



**CUMBERLAND COUNCIL**

**RFD#**

**Date: May 22, 2024**

<i>(v) impacts on existing drinking water supplies, both private and public;</i>	No impact on existing drinking water supplies
<i>(vi) 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;</i>	The site can accommodate on-site water and sewage services.
<i>(vii) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No issues related to this proposal
<i>(viii) the adequacy of fire protection services and equipment;</i>	No issues related to this proposal
<i>(ix) the adequacy and proximity of schools and other community facilities;</i>	No issues related to this proposal
<i>(x) 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;</i>	No apparent issues related to this proposal
<i>(xi) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	No apparent issues related to this proposal
<i>(xii) impacts on sensitive environments, as identified on Schedule B;</i>	N/A

***LUB 12.4.1 The Commercial Recreation Zone is intended to permit commercial recreation activities such as campgrounds, RV parks, golf courses, and driving range.***

Comment:

The Commercial Recreation Zone aligns with the intended use of the subject property.

***LUB 12.4.2A The following uses shall be permitted in the Commercial Recreation Zone, subject to all applicable requirements of this Bylaw;***

Requirement	Comment
(f) Fixed Roof Overnight Accommodations	The intended use of the subject property is permitted by right.