

Notice of Adoption - Bylaw 24-12 (Shaw) and Bylaw 24-13 (Burns)

Details

 Published: 20 September 2024

Second Reading and Adoption of the By-law to Amend the LUB 24-12, the Shaw Rural Housing Development Agreement and By-law to Amend the LUB 24-13 took place on Wednesday, September 18, 2024.

The purpose of the adopted items are:

By-law to Amend the Land Use By-law 24-12 and Shaw Rural Housing Development Agreement

- Rezone multiple PIDs bound by Elm St, Mechanic St, Crossin St, and Roberston Ave. from Lower Density Residential (RLow) to Multi-Unit Residential (RMul)
- Permit the development of a maximum of 107 residential units in Springhill.

By-law to Amend the Land Use By-law 24-13

- Rezone a portion of PID 25072455 and PID 25359803, Burns Drive, Upper Nappan from Highway Commercial (CHwy) to General Commercial (CGen) and add Medical Offices as a permitted use as-of-right in the General Commercial Zone.

Any aggrieved person, the Provincial Director of Planning, or the Council of any adjoining municipality may, within fourteen days of the publishing of this notice, appeal to the Nova Scotia Utility and Review Board (1-855-442-4448 / board@novascotia.ca) in accordance with the provision of the municipal government act.

Amanda Kinnear

Acting Clerk



SPECIAL COUNCIL

RFD

Date: September 18, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: September 11, 2024

SUBJECT: **Second Reading- Bylaw to Amend the Land Use Bylaw 24-13 to rezone a portion of PID 25072455 and PID 25359803 Burns Drive, Upper Nappan from Highway Commercial (CHwy) to General Commercial (CGen). To also add Medical Office as a permitted use under the General Commercial (CGen) Zone.**

ORIGIN: On August 16, 2024 Planning staff received an application to rezone the south eastern portion of PID 25072455 and PID 25359803 Burns Dr. Upper Nappan (the “subject property”). The applicant is requesting to rezone the subject property from Highway Commercial (CHwy) to General Commercial (CGen) to develop a collaborative Primary Healthcare Clinic.

PID	Current Use	Current Zone	Proposed Use	Proposed zone
25072455	Vacant	Highway Commercial (CHwy)	Primary Healthcare Clinic	General Commercial (CGen) Zone

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-18 Council shall consider proposals to rezone lands in the Commercial 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 zone, as described in the respective policy creating that zone, is consistent with the location and characteristics of lands with the proposed use of the lands and*
- (d) The proposal meets the general criteria for amending the Land Use Bylaw, set-out in Policy 6-19.*



SPECIAL COUNCIL

RFD

Date: September 18, 2024

RECOMMENDATION: THAT Council approve a first reading of Bylaw to Amend the Land Use Bylaw 24-13 to rezone a portion of PID 25072455 and PID 25359803 from Highway Commercial (CHwy) to General Commercial (CGen) and add Medical Offices as a permitted use as-of-right in the General Commercial Zone.

BACKGROUND: The subject property is located on Burns Drive, off MacDonald Road, Upper Nappan. The property is approximately 10 acres, zoned Highway Commercial (CHwy) due to its proximity to the 104 Highway. Currently, the subject property is vacant.

The Applicant is looking to develop a Primary Healthcare Clinic, which falls under the land use of Medical Offices. Currently, the Highway Commercial zone does not permit the development of a medical office therefore the applicant is looking to rezone the property to General Commercial Zone (CGen).

DISCUSSION: The General Commercial Zone would allow for the development of offices. While it is not defined in the Land Use Bylaw (LUB), the LUB distinguishes between medical offices and offices, permitted offices in some zones but not medical offices and vice versa. For this reason, Staff is recommending adding Medical Offices as a permitted use to the General Commercial Zone to provide certainty that all types of offices are considered permitted uses.

Since the Highway Commercial Zone and the General Commercial zone are both under the Commercial Designation, the rezoning is permitted.

FINANCIAL IMPLICATIONS: None specific to this matter.

ENVIRONMENTAL IMPLICATIONS: Site is subject to approval for On-Site Sewage System from Department of Environment on permitted. Site meets eligibility requirements. The applicant is working with Amherst Water Utility to extend central water.

COMMUNITY ENGAGEMENT: A public hearing on the above matter was held on September 18, 2024. The public hearing was duly advertised, two weeks prior to the scheduled hearing date, through a notice posted on the Municipal website on September 4th, 2024, in accordance with section 204 of the Municipal Government Act. Further notification was provided to the public through an advertisement published in the Casket, a locally circulating newspaper, on September 11, 2024. A planning notice sign was placed on the property one week prior to the public hearing, informing passersby of a planning application for the lot and were to find the information on the

application. No comments from the public have been received by staff up to the date of the report and no representatives of the public spoke at the public hearing.

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:

Attachment A: Aerial and Street Images

Attachment D: Draft Text Amendment

Attachment B: Zoning Map

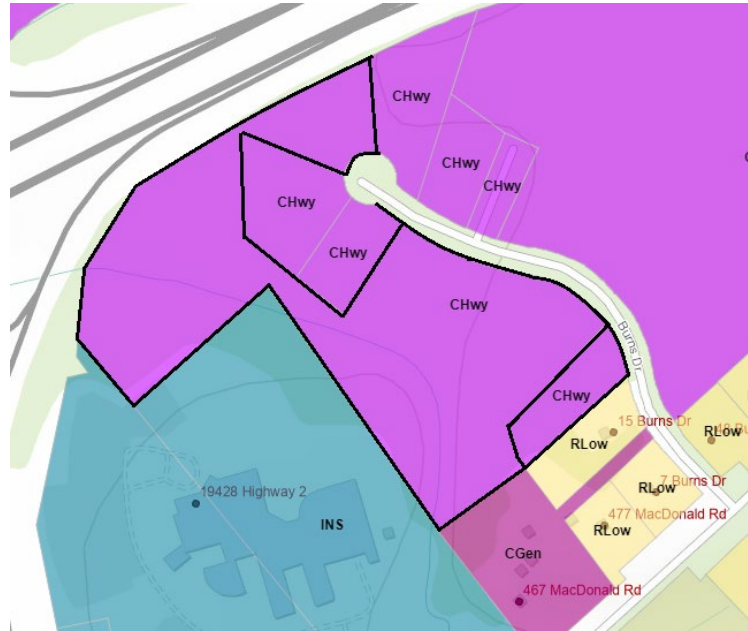
Attachment E: Policy Review

Attachment C: Draft Floorplan and Exterior Rendering

Attachment A: Aerial and Street Image

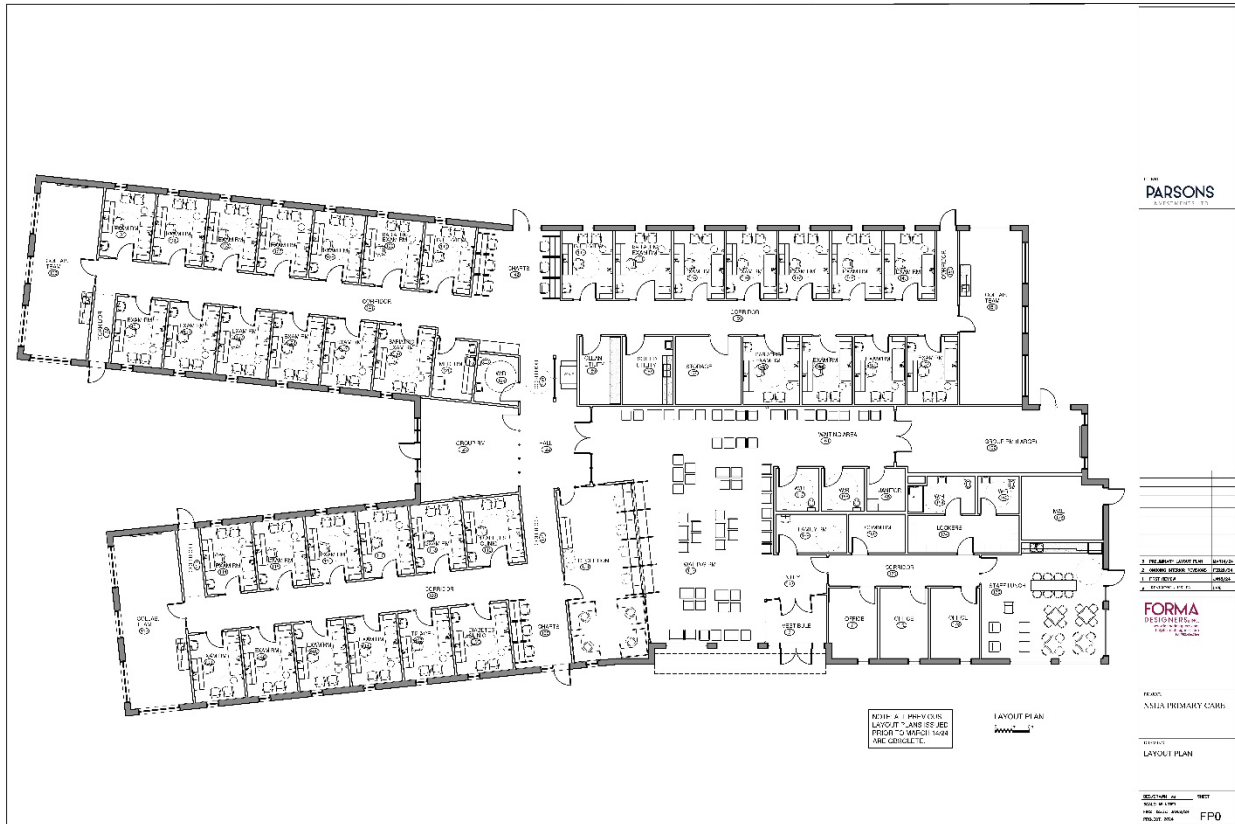


Attachment B: Zoning Map



**Attachment C:
Plans**

Draft Floor





Attachment D: Draft Text Amendment

9.3.2 The following uses shall be permitted in the General Commercial Zone, subject to all applicable requirements of this By-law:

- | | |
|--|---|
| (a) Academic School | (w) Home-based Business – Level 1 |
| (b) Automotive Fueling | (x) Home-based Business – Level 2 |
| (c) Automotive Sales | (y) Household Item Repair Services |
| (d) Automotive Service | (z) Licensed Liquor Establishment |
| (e) Bank | (aa) Light Manufacturing – Less than 2,000 m ² GFA |
| (f) Boat and Marine Sales | (aa.1) Medical Office |
| (g) Bus/Taxi Station | (ab) Office |
| (h) Butcher Shop | (ac) Parking Lot |
| (i) Car Wash | (ad) Personal Service Shop |
| (j) Crematorium | (ae) Pet Grooming |
| (k) Commercial School | (af) Place of Worship |
| (l) Community Hall | (ag) Post Office |
| (m) Cultural Uses | (ah) Post-secondary School |
| (n) Day Care Centre | (ai) Private Club |
| (o) Dwelling Units | (aj) Recreation Centre |
| (p) Eat-In Restaurant | (ak) [Deleted CHG-903] |
| (q) Emergency Services | (al) Retail Store |
| (r) Farm and Forestry Supply Sales | (am) Self-storage Facility |
| (s) Fixed-roof Overnight Accommodation | (an) Take-out Restaurant |
| (t) Funeral Home | (ao) Veterinary Clinic |
| (u) Indoor Commercial Recreation | |
| (v) Interpretive Centre | |



SPECIAL COUNCIL

RFD

Date: September 18, 2024

Attachment E: Policy Review

<p>MPS 5-7 Council shall, in the Land Use Bylaw, establish the General Commercial Zone, intended to permit a wide range of commercial uses in an urban setting. Permitted uses shall include a wide variety of commercial uses, as well as dwellings located above or behind a ground floor commercial use. Zone standards shall be flexible to accommodate the wide range of needs from the diversity of permitted uses.</p>
<p>Comment:</p>
<p>Medical Office would fit the wide variety of commercial uses in the general commercial zone, since offices are already permitted as-of-right, this would not be an unreasonable addition.</p>

<p>MPS Policy 5-18: Council shall only consider proposals to rezone lands in the commercial designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless council is satisfied;</p>	
<p>Requirement</p>	<p>Comment</p>
<p>(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104</p>	<p>Lands located at an interchange of Highway 104 may be zoned differently from Highway Commercial Zone, therefore the criterion is satisfied.</p>



SPECIAL COUNCIL

RFD

Date: September 18, 2024

(b) The proposed change is not prohibited by any other policy in this Plan.	Proposed change is not prohibited by any other policies.
(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	See above policy analysis.
(d) The proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-19	See below policy analysis.

MPS Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:	
<i>Requirement</i>	Comment
<i>(a) is consistent with the intent of this Municipal Planning Strategy;</i>	The proposed change is consistent with the intent of the Municipal Planning Strategy
<i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	Does not conflict
<i>(c) is not premature or inappropriate due to:</i>	
<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No public costs expected related to this proposal
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	N/a
<i>(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;</i>	Site is subject to approval for On-Site Sewage System from Department of Environment on permitted. Site meets eligibility



SPECIAL COUNCIL

RFD

Date: September 18, 2024

	requirements. Applicant is working with Amherst Water Utility to extend central water.
<i>(iv) the suitability of the site to accommodate on site water and sewage services</i>	Not Applicable
<i>(v) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to or leading to the proposal;</i>	None specific to this development.
<i>(vi) the adequacy of fire protection services and equipment;</i>	Fire protection services and equipment adequate for proposal.
<i>(vii) the adequacy and proximity of schools and other community facilities</i>	N/a
<i>(viii) 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 identified problems related to the proposal
<i>(ix) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	No identified problems related to the proposal.
<i>(x) impacts on sensitive environments, as identified on Schedule B;</i>	No identified impacts
<i>(ixA) impacts on wildlife corridors;</i>	No identified impacts
<i>(x) impacts on known habitat for species at risk;</i>	No identified impacts
<i>(xA) risks presented by geohazards;</i>	No geohazard risks identified
<i>(xi) the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and</i>	Proposed site is suitable for the proposed development
<i>(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.</i>	No negative impacts towards the community identified



SPECIAL COUNCIL

RFD

Date: September 18, 2024



SPECIAL COUNCIL

RFD

Date: September 5 , 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: August 20, 2024

SUBJECT: **Public Hearing- Bylaw to Amend the Land Use Bylaw 24-13 to rezone a portion of PID 25072455 and PID 25359803 Burns Drive, Upper Nappan from Highway Commercial (CHwy) to General Commercial (CGen). To also add Medical Office as a permitted use under the General Commercial (CGen) Zone.**

ORIGIN: On August 16, 2024 Planning staff received an application to rezone the south eastern portion of PID 25072455 and PID 25359803 Burns Dr. Upper Nappan (the “subject property”). The applicant is requesting to rezone the subject property from Highway Commercial (CHwy) to General Commercial (CGen) to develop a collaborative Primary Healthcare Clinic.

PID	Current Use	Current Zone	Proposed Use	Proposed zone
25072455	Vacant	Highway Commercial (CHwy)	Primary Healthcare Clinic	General Commercial (CGen) Zone

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-18 Council shall consider proposals to rezone lands in the Commercial 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 zone, as described in the respective policy creating that zone, is consistent with the location and characteristics of lands with the proposed use of the lands and*
- (d) The proposal meets the general criteria for amending the Land Use Bylaw, set-out in Policy 6-19.*

RECOMMENDATION: No motions to consider Public Hearing stage.



SPECIAL COUNCIL

RFD

Date: September 5 , 2024

BACKGROUND: The subject property is located on Burns Drive, off MacDonald Road, Upper Nappan. The property is approximately 10 acres, zoned Highway Commercial (CHwy) due to it's proximity to the 104 Highway. Currently, the subject property is vacant.

The Applicant is looking to develop a Primary Healthcare Clinic, which falls under the land use of Medical Offices. Currently, the Highway Commercial zone does not permit the development of a medical office therefore the applicant is looking to rezone the property to General Commercial Zone (CGen).

DISCUSSION: The General Commercial Zone would allow for the development of offices. While it is not defined in the Land Use Bylaw (LUB), the LUB distinguishes between medical offices and offices, permitted offices in some zones but not medical offices and vice versa. For this reason, Staff is recommending adding Medical Offices as a permitted use to the General Commercial Zone to provide certainty that all types of offices are considered permitted uses.

Since the Highway Commercial Zone and the General Commercial zone are both under the Commercial Designation, the rezoning is permitted.

FINANCIAL IMPLICATIONS: None specific to this matter.

ENVIRONMENTAL IMPLICATIONS: Site is subject to approval for On-Site Sewage System from Department of Environment on permitted. Site meets eligibility requirements. The applicant is working with Amherst Water Utility to extend central water.

COMMUNITY ENGAGEMENT: This public hearing was duly advertised, two weeks prior to the scheduled hearing date, through a notice posted on the Municipal website on September 4th, 2024, in accordance with section 204 of the Municipal Government Act. Further notification was provided to the public through an advertisement published in the Casket, a locally circulating newspaper, on September 11, 2024. No comments from the public have been received by staff, up to this point in the process.

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:

Attachment A: Aerial and Street Images

Attachment B: Zoning Map

Attachment C: Draft Floorplan and Exterior Rendering

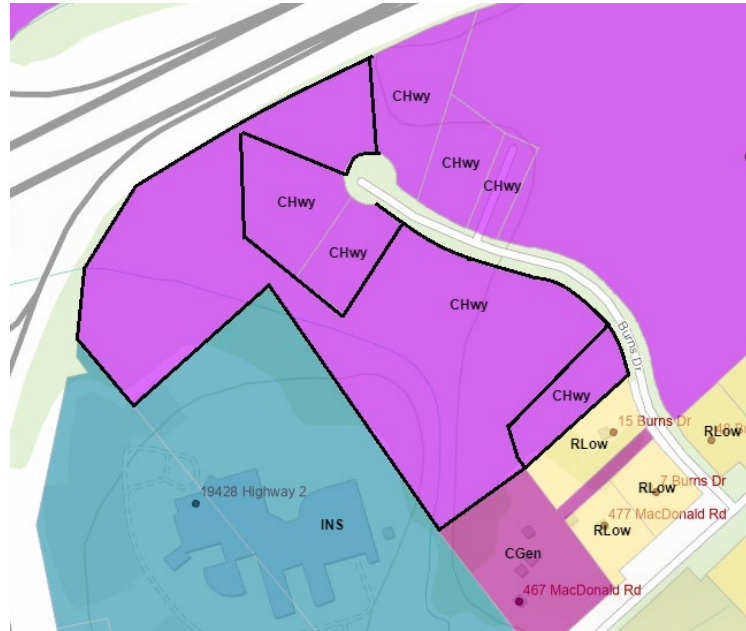
Attachment D: Draft Text Amendment

Attachment E: Policy Review

Attachment A: Aerial and Street Image



Attachment B: Zoning Map



**Attachment C:
Plans**

Draft Floor





Attachment D: Draft Text Amendment

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| (f) Boat and Marine Sales | (aa.1) Medical Office |
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| (i) Car Wash | (ad) Personal Service Shop |
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| (k) Commercial School | (af) Place of Worship |
| (l) Community Hall | (ag) Post Office |
| (m) Cultural Uses | (ah) Post-secondary School |
| (n) Day Care Centre | (ai) Private Club |
| (o) Dwelling Units | (aj) Recreation Centre |
| (p) Eat-In Restaurant | (ak) [Deleted CHG-903] |
| (q) Emergency Services | (al) Retail Store |
| (r) Farm and Forestry Supply Sales | (am) Self-storage Facility |
| (s) Fixed-roof Overnight Accommodation | (an) Take-out Restaurant |
| (t) Funeral Home | (ao) Veterinary Clinic |
| (u) Indoor Commercial Recreation | |
| (v) Interpretive Centre | |



SPECIAL COUNCIL

RFD

Date: September 5 , 2024

Attachment E: Policy Review

MPS 5-7 Council shall, in the Land Use Bylaw, establish the General Commercial Zone, intended to permit a wide range of commercial uses in an urban setting. Permitted uses shall include a wide variety of commercial uses, as well as dwellings located above or behind a ground floor commercial use. Zone standards shall be flexible to accommodate the wide range of needs from the diversity of permitted uses.

Comment:

Medical Office would fit the wide variety of commercial uses in the general commercial zone, since offices are already permitted as-of-right, this would not be an unreasonable addition.

MPS Policy 5-18: Council shall only consider proposals to rezone lands in the commercial designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless council is satisfied;

Requirement

Comment

(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104

Lands located at an interchange of Highway 104 may be zoned differently from Highway Commercial Zone, therefore the criterion is satisfied.



SPECIAL COUNCIL

RFD

Date: September 5 , 2024

(b) The proposed change is not prohibited by any other policy in this Plan.	Proposed change is not prohibited by any other policies.
(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	See above policy analysis.
(d) The proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-19	See below policy analysis.

MPS Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:	
<i>Requirement</i>	Comment
<i>(a) is consistent with the intent of this Municipal Planning Strategy;</i>	The proposed change is consistent with the intent of the Municipal Planning Strategy
<i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	Does not conflict
<i>(c) is not premature or inappropriate due to:</i>	
<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No public costs expected related to this proposal
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	N/a
<i>(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;</i>	Site is subject to approval for On-Site Sewage System from Department of Environment on permitted. Site meets eligibility



SPECIAL COUNCIL

RFD

Date: September 5 , 2024

	requirements. Applicant is working with Amherst Water Utility to extend central water.
<i>(iv) the suitability of the site to accommodate on site water and sewage services</i>	Not Applicable
<i>(v) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to or leading to the proposal;</i>	None specific to this development.
<i>(vi) the adequacy of fire protection services and equipment;</i>	Fire protection services and equipment adequate for proposal.
<i>(vii) the adequacy and proximity of schools and other community facilities</i>	N/a
<i>(viii) 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 identified problems related to the proposal
<i>(ix) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	No identified problems related to the proposal.
<i>(x) impacts on sensitive environments, as identified on Schedule B;</i>	No identified impacts
<i>(ixA) impacts on wildlife corridors;</i>	No identified impacts
<i>(x) impacts on known habitat for species at risk;</i>	No identified impacts
<i>(xA) risks presented by geohazards;</i>	No geohazard risks identified
<i>(xi) the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and</i>	Proposed site is suitable for the proposed development
<i>(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.</i>	No negative impacts towards the community identified




SPECIAL COUNCIL

RFD

Date: September 5 , 2024

Notice of Public Hearings - Shaw Rural Housing Development Agreement (Springhill)

Details

 Published: 06 September 2024

A Public Hearing regarding the By-law to Amend the LUB 24-12, the Shaw Rural Housing Development Agreement and also the By-law to Amend the LUB 24-13 for the Municipality of Cumberland will be held **4:00 pm, Wednesday, September 18th, 2024** in the Council Chambers of the Upper Nappan Service Centre.

By-law to Amend the Land Use By-law 24-12 and the Shaw Rural Housing Development Agreement

- Rezone multiple PIDS within the bounds of Mechanic St., Elm St., and Crossin St., Springhill from Lower Density Residential (RLow) Zone to Multi-Unit Residential (RMul) Zone to enable the development of a high-density, large-scale housing project.

By-law to Amend the Land Use By-law 24-13

- Rezone a portion of PID 25072455 and PID 25359803, Burns Drive, Upper Nappan from Highway Commercial (CHwy) to General Commercial (CGen) and add Medical Offices as a permitted use as-of-right in the General Commercial Zone.

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.



SPECIAL COUNCIL

RFD

Date: August 28, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: August 20, 2024

SUBJECT: **First Reading- Bylaw to Amend the Land Use Bylaw 24-13 to rezone a portion of PID 25072455 and PID 25359803 Burns Drive, Upper Nappan from Highway Commercial (CHwy) to General Commercial (CGen).**

ORIGIN: On August 16, 2024 Planning staff received an application to rezone the south eastern portion of PID 25072455 and PID 25359803 Burns Dr. Upper Nappan (the “subject property”). The applicant is requesting to rezone the subject property from Highway Commercial (CHwy) to General Commercial (CGen) to develop a collaborative Primary Healthcare Clinic.

PID	Current Use	Current Zone	Proposed Use	Proposed zone
25072455	Vacant	Highway Commercial (CHwy)	Primary Healthcare Clinic	General Commercial (CGen) Zone

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-18 Council shall consider proposals to rezone lands in the Commercial 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 zone, as described in the respective policy creating that zone, is consistent with the location and characteristics of lands with the proposed use of the lands and*
- (d) The proposal meets the general criteria for amending the Land Use Bylaw, set-out in Policy 6-19.*

RECOMMENDATION: THAT Council approve a first reading of Bylaw to Amend the Land Use Bylaw 24-13 to rezone a portion of PID 25072455 and PID 25359803 from Highway Commercial



SPECIAL COUNCIL

RFD

Date: August 28, 2024

(CHwy) to General Commercial (CGen) and add Medical Offices as a permitted use as-of-right in the General Commercial Zone, AND to schedule a public hearing on the above matter.

BACKGROUND: The subject property is located on Burns Drive, off MacDonald Road, Upper Nappan. The property is approximately 10 acres, zoned Highway Commercial (CHwy) due to its proximity to the 104 Highway. Currently, the subject property is vacant.

The Applicant is looking to develop a Primary Healthcare Clinic, which falls under the land use of Medical Offices. Currently, the Highway Commercial zone does not permit the development of a medical office therefore the applicant is looking to rezone the property to General Commercial Zone (CGen).

DISCUSSION: The General Commercial Zone would allow for the development of offices. While it is not defined in the Land Use Bylaw (LUB), the LUB distinguishes between medical offices and offices, permitted offices in some zones but not medical offices and vice versa. For this reason, Staff is recommending adding the Medical Offices to the General Commercial Zone to provide certainty that all types of offices are considered permitted uses.

Since the Highway Commercial Zone and the General Commercial zone are both under the Commercial Designation, the rezoning is permitted.

FINANCIAL IMPLICATIONS: None specific to this matter.

ENVIRONMENTAL IMPLICATIONS: Site is subject to approval for On-Site Sewage System from Department of Environment on permitted. Site meets eligibility requirements. The applicant is working with Amherst Water Utility to extend central water.

COMMUNITY ENGAGEMENT: If Council approves first reading, a public hearing on the above matter can be scheduled for a later date. Notification for the scheduled public hearing will be provided via the Municipality of Cumberland website.

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:

Attachment A: Aerial and Street Images

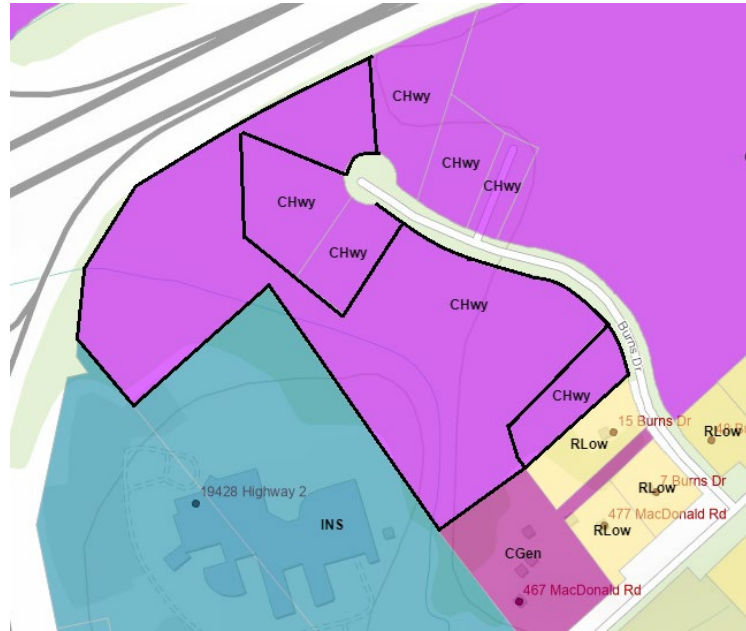
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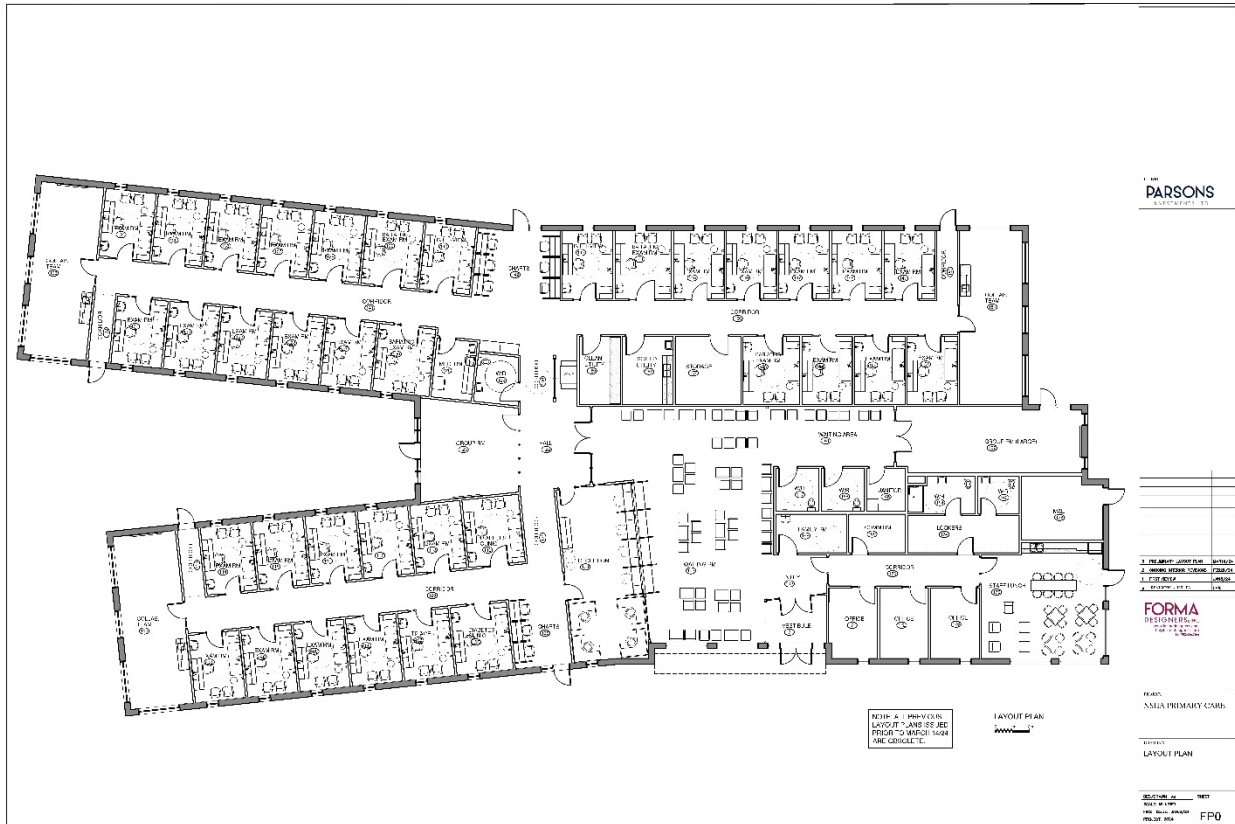


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**Attachment C:
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Draft Floor





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SPECIAL COUNCIL

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Date: August 28, 2024

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Comment:

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MPS Policy 5-18: Council shall only consider proposals to rezone lands in the commercial designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless council is satisfied;

Requirement	Comment
(a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104	Lands located at an interchange of Highway 104 may be zoned differently from Highway Commercial Zone, therefore the criterion is satisfied.



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(b) The proposed change is not prohibited by any other policy in this Plan.	Proposed change is not prohibited by any other policies.
(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	See above policy analysis.
(d) The proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-19	See below policy analysis.

MPS Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:	
<i>Requirement</i>	Comment
<i>(a) is consistent with the intent of this Municipal Planning Strategy;</i>	The proposed change is consistent with the intent of the Municipal Planning Strategy
<i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	Does not conflict
<i>(c) is not premature or inappropriate due to:</i>	
<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No public costs expected related to this proposal
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	N/a
<i>(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;</i>	Site is subject to approval for On-Site Sewage System from Department of Environment on permitted. Site meets eligibility



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	requirements. Applicant is working with Amherst Water Utility to extend central water.
<i>(iv) the suitability of the site to accommodate on site water and sewage services</i>	Not Applicable
<i>(v) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to or leading to the proposal;</i>	None specific to this development.
<i>(vi) the adequacy of fire protection services and equipment;</i>	Fire protection services and equipment adequate for proposal.
<i>(vii) the adequacy and proximity of schools and other community facilities</i>	N/a
<i>(viii) 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 identified problems related to the proposal
<i>(ix) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	No identified problems related to the proposal.
<i>(x) impacts on sensitive environments, as identified on Schedule B;</i>	No identified impacts
<i>(ixA) impacts on wildlife corridors;</i>	No identified impacts
<i>(x) impacts on known habitat for species at risk;</i>	No identified impacts
<i>(xA) risks presented by geohazards;</i>	No geohazard risks identified
<i>(xi) the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and</i>	Proposed site is suitable for the proposed development
<i>(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.</i>	No negative impacts towards the community identified



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