



TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: November 16, 2023

SUBJECT: First Reading - Rezoning PID 25477431 – Boake Group Inc. – 3331 Highway 2, New Prospect

ORIGIN: On August 16, 2023, planning staff received an application from Brian Boake on behalf of the Boake Group Inc. to rezone a property (the “subject property”) located at 3331 Highway 2 in the community of New Prospect, 700 metres east of Parrsboro (Figure 1), to permit the expansion of the current use with a new 60’ x 100’ coverall fabric structure and eight storage containers as per the table below:

PID	Owner	Current Zone	Designation	Current Use	Proposed Zone
25477431	The Boake Group Inc.	Rural Resource (Rsrc)	Resource	Inactive (former commercial/industrial building)	Rural Industrial (IRur)

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*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and [CHG-506]*
- (d) 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 25477431 from Rural Resource (Rsrc) to Rural Industrial (IRur)



CUMBERLAND COUNCIL

RFD

Date: November 22, 2023

BACKGROUND: The subject property (Figure 2) is located +/-600 metres east of the Farrell's River bridge on Highway 2, within the community of New Prospect. Properties to the immediate area are zoned Rural Resource (Rsrc) and include a mix of agricultural, residential, and industrial uses. The proposed development will occur south of (behind) the existing structure and will comprise four pairs of shipping containers on concrete pads as well as a 60'x100' coverall fabric building. The applicant intends to provide a range of heated and unheated storage units upon completion.

DISCUSSION: The subject property is designated as *Resource* on Schedule A of the Municipal Planning Strategy (MPS). Rezoning the subject property to Rural industrial (IRur) would allow for the permanent addition of shipping containers (for storage). Land Use Bylaw Section 4.9 speaks to the location of multiples main buildings on the subject property:

4.9 Multiple Main Buildings

4.9.1 *Unless otherwise prohibited in this By-law, any number of main buildings may locate on the same lot, subject to applicable zone requirements.*

The Land Use By-law regulates the use of shipping containers in the Municipality. Rezoning to Rural Industrial (IRur) provides the highest level of flexibility to utilize shipping containers as permitted structures.

Shipping Containers

5.22.3 *Notwithstanding Subsections 5.22.1 and 5.22.2, there shall be no restrictions or permits required for shipping containers in the Urban Industrial (IND) Zone and the Rural Industrial (IRur) Zone.*

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)



Figure 1: Location Map



Figure 2: View of Subject Property from Highway



Report prepared by: Darren Shupe. Senior Planner, BCP