



## CUMBERLAND COUNCIL

RFD#

Date: March 27<sup>th</sup>, 2024

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**TO:** Mayor and Council

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

**DATE:** March 27<sup>th</sup>, 2024

**SUBJECT:** **First Reading of amendment to Land Use Bylaw to rezone PID 225369026, 189 Main St, Springhill**

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**ORIGIN:** On March 8, 2024 Planning staff received an application to rezone the property at 189 Main St Springhill - PID 25369026 (the "subject property") From Lower Density Residential to Multi-Unit Residential.

PID	Current Zone	Current Use	Proposed Zone	Proposed Use
225369026	Lower Density Residential (RLow)	Single unit dwelling	Multi-Unit Residential (RMul)	Multi-unit residential

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

MGA Section 205: Requirements for Adoption of Planning Documents

Municipal Planning Strategy Policy 5-4

*Council shall, on Schedule A, the Future Land Use Map, designate as Residential Lands in serviced communities intended to give priority to residential development.*

Municipal Planning Strategy Policy 5-7:

*Council shall, in the Land Use Bylaw, establish the Multi-Unit Residential Zone, intended to permit higher density residential development on serviced and unserviced lots in an urban setting. Zone standards shall provide flexibility for the location of dwellings and promote infill development, particularly.*

Municipal Planning Strategy 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;*

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Report prepared by: Kira Norgren, Municipal Planner

Report and Financial approved by:



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

*\*\*Full policy review included in attachments*

**RECOMMENDATION:** That Council approve first reading of an amendment to the land use bylaw; rezoning PID 25369026 from Lower Density Residential (RLow) to Multi-Unit Residential (RMul) AND to schedule a Public Hearing for the proposed amendment.

**BACKGROUND:** The subject property is located on Main St, Springhill. The application is to rezone PID 25369026 to permit the development of two multi-unit dwellings and the future development of a multi-unit dwelling located on the remaining 34,650sqft of the land. The subject property is approximately 2.01 acres. The neighboring properties are zoned as Lower Density Residential (RLow).

**DISCUSSION:** The subject property is currently designated as Lower Density Residential on Schedule A of the Municipal Planning Strategy (MPS). Rezoning the subject property to Multi-Unit Residential would allow the development of two multi-unit dwellings and a third potential multi-unit dwelling to be added to the property in the future.

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

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

**COMMUNITY ENGAGEMENT:** If Council approves, a public hearing could be held on the above matter on April 17<sup>th</sup>, 2024. In accordance with MGA Section 206, notices will be placed in the Cumberland Wire, a locally circulated newspaper, for April 3<sup>rd</sup> and April 10<sup>th</sup>, 2024.

**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.

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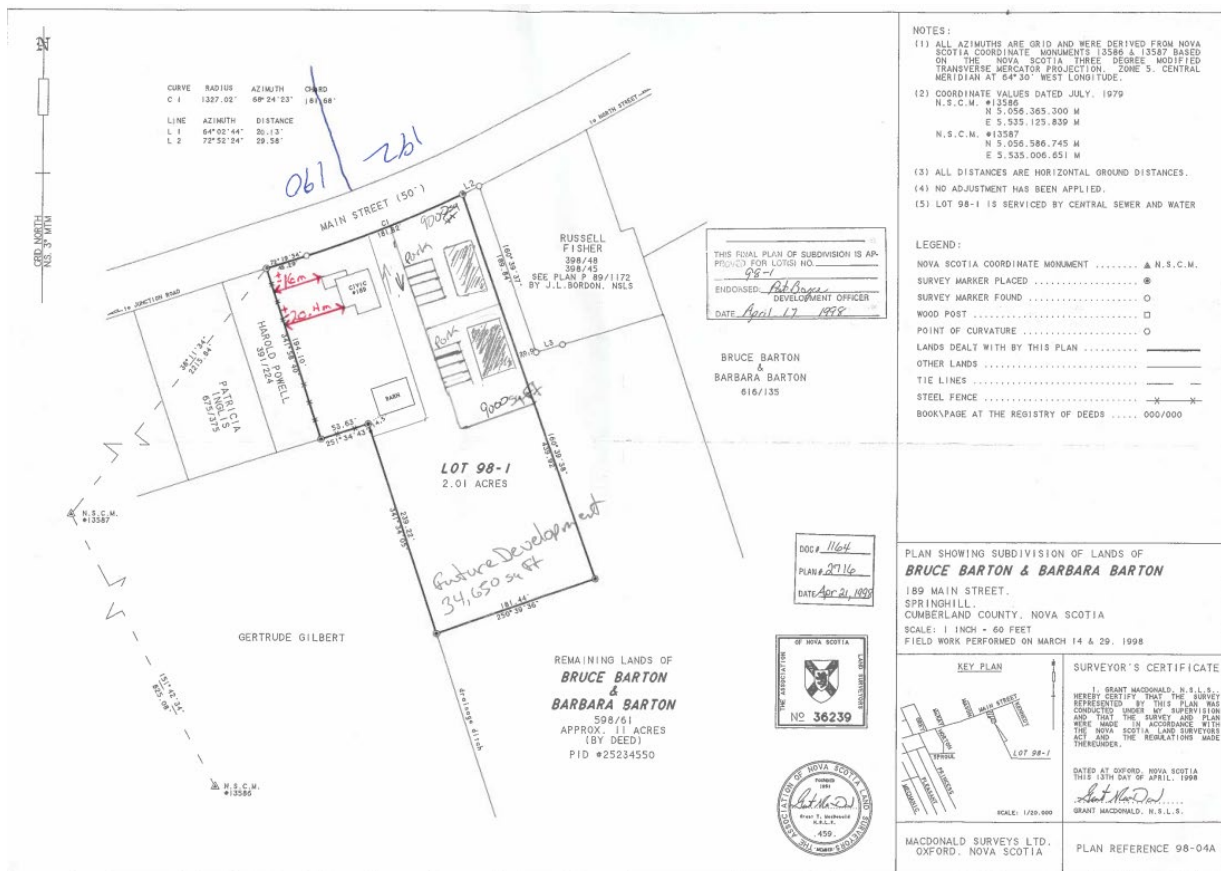


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**ATTACHMENTS:** Site Plan  
Zoning Map  
Concept Plan and Elevations  
Full Policy Review



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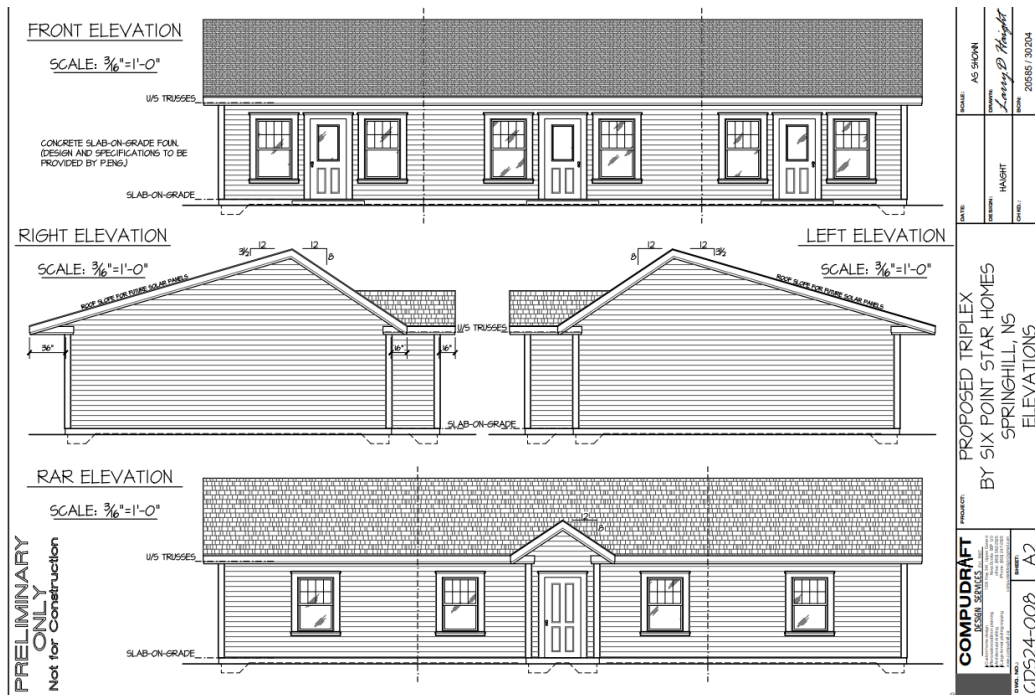
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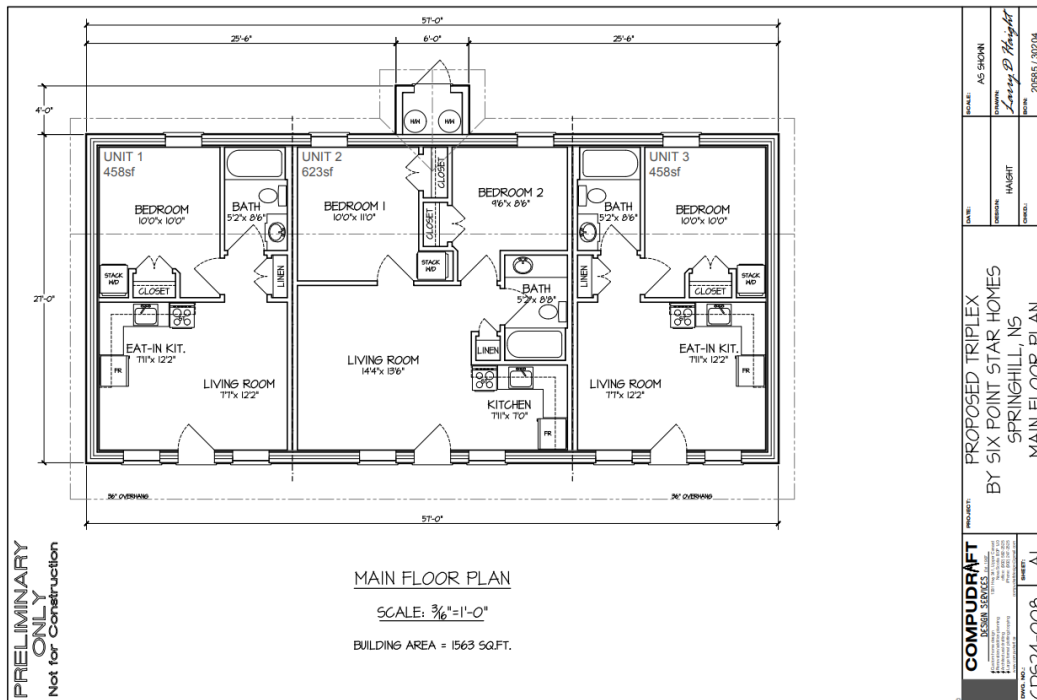
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The first three policies demonstrates the proposal is not suitable for the RLow zone (8.1.1) but is suitable for the RMul zone( 8.2.1 and 8.2.2) in terms of intent and permitted uses.

<i>LUB 8.1.1 The Lower Density Residential Zone is intended to permit lower density residential development on serviced and unserviced lots in an urban setting.</i>	
<b>Requirement</b>	<b>Comment</b>
Low density residential development	The scale of this development is no suitable for the RLow zone.

<i>LUB 8.2.1 The Multi-Unit Residential Zone is intended to permit a higher density development on serviced and unserviced lots.</i>	
<b>Requirement</b>	<b>Comment</b>
Higher Density Development	The scale and nature of the development are suitable for the RMul zone

<i>LUB 8.2.2 The following uses shall be permitted in the Multi-Unit Residential Zone, subject to all applicable requirements of this bylaw</i>	
<b>Requirement</b>	<b>Comment</b>
(i) Multi-unit dwellings- 4 or fewer units on a lot	The proposed development is permitted as of right in the RMul zone as it is the proponent's intent to subdivision the land after the rezoning is complete.

The next and final policy demonstrates that the proposal and rezoning application need the requirements for amending the Land Use Bylaw.

<i>MPS Policy 6-19 Council shall not amend the Land-Use Bylaw or approve a development agreement unless council is satisfied the proposal;</i>	
<b>Requirements</b>	<b>Comment</b>
Is consistent with the intent of the municipal planning strategy	Yes, the proposed rezoning and development both align with the policies in the MPS
Does not conflict with any municipal or provincial bylaws, programs, or regulations in effect in the municipality	No conflicts
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;	No public cost related to this proposal
(ii) impacts on existing drinking water supplies, both private and public;	No impacts on the drinking water supply created from this proposal
(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;	Water and sewage services are adequate for the scale of the proposal

(iv)	the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;	No substantial changes to traffic or hazards for this proposal
(v)	the adequacy of fire protection services and equipment;	No issues apparent
(vi)	the adequacy and proximity of schools and other community facilities;	No issues apparent
(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.	No issues apparent
(viii)	the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;	No issues apparent
(ix)	impacts on sensitive environments, as identified on Schedule B;	No issues apparent
(x)	impacts on wildlife corridors; [CHG-601]	No issues apparent
(xi)	impacts on known habitat for species at risk;	No issues apparent
(xii)	risks presented by geohazards; [CHG-601]	No issues apparent
(xiii)	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;	No issues apparent
(xiv)	negative impacts on the viability of existing businesses in	No issues apparent