



CUMBERLAND COUNCIL

RFD#

Date: March 27, 2024

TO: Mayor and Council
FROM: Glen Boone, Director of Planning and Development, Municipality of Cumberland County
DATE: March 27, 2024
SUBJECT: **First Reading of amendment to Land Use Bylaw Schedule A to rezone part of PID 25273434, 121 Main St Parrsboro**

ORIGIN: On February 20th, 2024, Planning staff received an application to rezoning part of 121 Main St Parrsboro - PID 25273434 (the “subject property”) from a Downtown Commercial Zone to a Mixed-Use Zone to permit the development of a single unit dwelling.

PID	Current Zone	Current Use	Proposed Zone	Proposed Use
25273434	Downtown Commercial (CDwn)	Multi Unit Commercial	Mixed Use Commercial (CMix)	Single unit dwelling

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

Policy 5-18 Council Shall consider proposals to rezone lands in the Commercial Designation to any other zone permitted in the designation. Council shall not approve such a rezoning unless council is satisfied.

- a) If the proposed zone is a 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 that zone;
And
- d) The proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-19

See Attachment for a full policy analysis.

RECOMMENDATION: That Council approve first reading of an amendment to the land use bylaw; rezoning part of PID 25273434 from Downtown Commercial to Mixed Use, AND to schedule a Public Hearing for the proposed amendment.



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BACKGROUND: The subject property is located at 121 Main St Parrsboro. The application is to rezone part of PID 25273434 (see Map) from a Downtown Commercial zone to a Mixed Use Commercial zone, to allow the development of a single unit dwelling. The subject property is approximately 18,533 sqft and the owner proposes to rezone +/- 7,600sqft of the lot to Mixed Use zone, as a preliminary step before subdividing the lot, leaving the remaining +/- 10933 sqft zoned as *Commercial Downtown*. The neighboring properties are mostly zoned as Mixed-Use Commercial, with a few properties zoned as Downtown Commercial. A description of the proposed single unit dwelling has been provided by the owner and is included as an attachment.

DISCUSSION: The subject property is designated as Downtown Commercial on Schedule A of the Municipal Planning Strategy (MPS). Rezoning part of the subject property to Mixed Use zone would allow for the development of a single unit dwelling, as of right.

FINANCIAL IMPLICATIONS: None specific to this matter.

ENVIRONMENTAL IMPLICATIONS: No apparent environmental implications

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

ATTACHMENTS:

- Street View Images
- Zoning Map and Site Map
- Policy Analysis
- Proposed Development Description



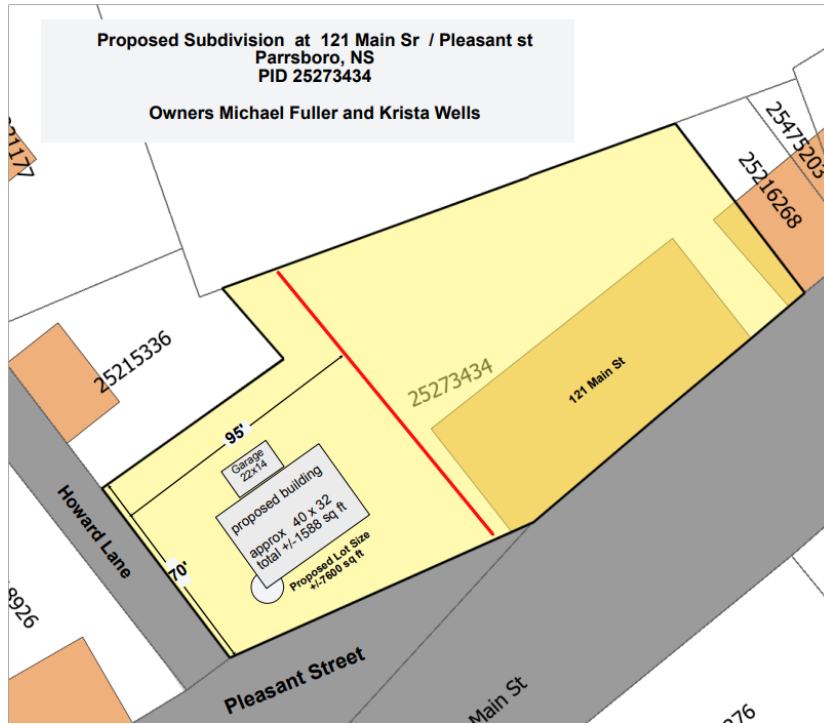
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Report prepared by: Kira Norgren, Municipal Planner
Report and Financial approved by:





RZ24-03: Policy Analysis of proposed amendment to Schedule A of The Land Use Bylaw to rezone part of PID 25273434, 121 Main St, Parrsboro.

MPS 5.3.4 Rezoning, Policy 5-18 <i>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:</i>	
Requirement	Comment
If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.	NA
The proposed change is not prohibited by any other policy in this Plan.	None
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.	Yes, most adjacent properties are zoned as CMix and the proposed zone aligns with the proposed use of the rezoned lands.
The proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards.	No, neither are factors in this area.
The proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.	See Below

The second and third policies of concern relate to the specific zone which the applicant seeks to be rezoned to. In this case, the Downtown Commercial zone (CDwn)

MPS 6.2.3 Amending the Land Use Bylaw, Policy 6-8 <i>Council shall consider amendments to the map of the Land Use By-law when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following two conditions is true:</i>	
Requirement	Comment
<i>(a) the proposed zone is enabled by this Plan for use within the same designation</i>	CMix is permitted within the commercial designation



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<p><i>(b) Notwithstanding the zones permitted in a designation, the land to be rezoned is under 5 hectares in area to a designation that permits the proposed zone. For clarity, land that abuts a right of way, such as street, is considered to be adjacent to the designation on the other side of the right of way.</i></p>	<p>Yes. The proposed land to be rezoned is less than 5 hectares.</p>
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The last policy to consider is more general and relates to any amendment to the Land Use Bylaw or approval of a Development Agreement. These are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use Bylaw amendments and development agreement proposals.

<p>Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:</p>	
<p>Requirement</p>	<p>Comment</p>
<p>Is consistent with the intent of this Municipal Planning Strategy</p>	<p>Yes the MPS permits rezoning within the same designation.</p>
<p>Does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality.</p>	<p>None that are apparent.</p>
<p>Is not premature or inappropriate due to:</p>	<p>Comment</p>
<p>The ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal.</p>	<p>There are no public costs related to the proposal.</p>
<p>Impacts on existing drinking water supplies, both private and public.</p>	<p>None that are apparent.</p>
<p>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.</p>	<p>The lot is already services with municipal sewer.</p>
<p>The creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.</p>	<p>None that are apparent</p>

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The adequacy of fire protection services and equipment	None that are apparent.
The adequacy and proximity of schools and other community facilities.	NA .
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.	None that are apparent.
The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas.	None that are apparent.
Impacts on sensitive environments, as identified on Schedule B of the MPS.	No
Impacts on wildlife corridors.	No
Impacts on known habitat for species at risk.	No
Risks presented by geohazards.	No Karst topography or abandoned mines near site.
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.	None that are apparent.
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.	None that are apparent.

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Application for Subdivision
PID 25273434
121 Main St., Parrsboro, NS

Proposed Development Description

Description

The property is owned by Michael Fuller and Krista Wells and is currently zoned as commercial. The property features the building at 121 Main Street that houses Art Lab Studios and Gallery, Brokerlink Insurance, and Remax Real Estate at one end of the property. The other end is now vacant and serves as a parking lot and turn around spot for lost travelers. The current building is situated on Main St while the parking lot borders on the corner of Pleasant Street and Howard Lane.

Personal Investment

As the owners we propose subdividing the lot enabling us to build our retirement home. We currently live on our rural property in Diligent River but it requires significant upkeep and time does move on. A move to Parrsboro is a timely and appropriate move. In order to achieve this we believe it a sensible move to do this on land we already own.

Project Description

We propose the building of a two story single occupant residence that in design reflects the historic design of old Parrsboro, complete with clapboard siding, traditional six over six windows, a bow window, wood molded lintels and traditional joinery. The main building will be built on a slab and an attached garage will be placed at the rear of the house facing Howard Lane. The front of the house will face Pleasant Street and be bounded on the street side with a low stone wall and gate. It will be set back from Pleasant Street approximately twenty feet. The building is in the concept stage at the moment until subdivision and rezoning is confirmed. The proposed new lot will be approximately 7600 sq ft or 706 sq.m. and the proposed home will be approximately 2868 sq. ft. or 266.45 sq.m. The home will have the installation of solar power on the roof.

The interior will be designed to support us as we age. The ground floor will consist of kitchen, laundry room, bath room, dining room, front entry, living room and a study convertible to a bedroom. The garage will be directly accessible at the rear of the building. The front of the building facing south will feature a 14 ft. diameter,

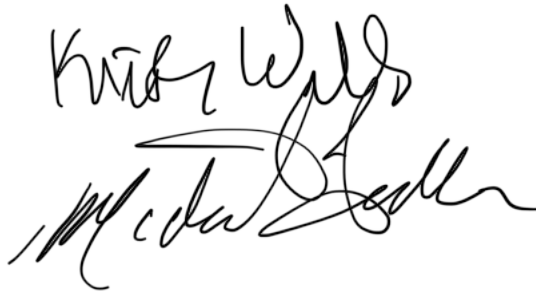
attached conservatory or greenhouse.

The upper story will consist of the master bedroom, a guest bedroom, ensuite bathroom and feature an open full length living room and studio space with a large array of windows overlooking our magnificent harbour above the coming and going of traffic on Main and Pleasant Streets.

I hope you can sense our excitement with the project and the quality building we want to achieve. There's a lot of work to be done prior to the first shovel of dirt. The re-zoning of part two from Commercial to Mixed is the first step. If you need more information or clarification please do not hesitate to ask.

Yours very truly,

Michael Fuller - Krista Wells
9874 Hwy 209
Diligent River, NS
B0M 1S0

The image shows two handwritten signatures in black ink. The top signature is 'Krista Wells' and the bottom signature is 'Michael Fuller'. Both are written in a cursive, flowing style.

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