



Department of Municipal Affairs and Housing

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November 13, 2020



Mr. Rennie Bugley
Chief Administrative Officer
Municipality of Cumberland
1395 Blair Lake Road
Amherst, NS B4H 3Y4

Dear Mr. Bugley:

Re: Amendments to the Municipal Planning Strategy and Land Use By-law

Approved by Municipal Council: September 16, 2020

Pursuant to Section 208 of the *Municipal Government Act*, I have completed the mandatory review of the above-noted documents and have determined that they do not fall within any of the categories requiring approval listed in Subsection 208(3); therefore, the documents are not subject to approval by the Minister of Municipal Affairs and Housing.

Enclosed are two copies of the documents for your records.

Subsection 208(8) requires that Council cause a notice to be published in the local newspaper advising that the documents are in effect on the date of the notice and stating where the documents may be inspected.

If you have any questions regarding the above, please feel free to contact either Alan Howell, (Alan.Howell@novascotia.ca / 902.483.3746) or me.

Yours truly,

Gordon Smith
Provincial Director of Planning

c: Nelson M. Bezanson, Municipal Planner, Municipality of Cumberland

Encl.
/ah*kz

Municipality of Cumberland
Amendments to the Municipal Planning Strategy and Land Use By-law

Adopted by Municipality of Cumberland Council: September 16, 2020

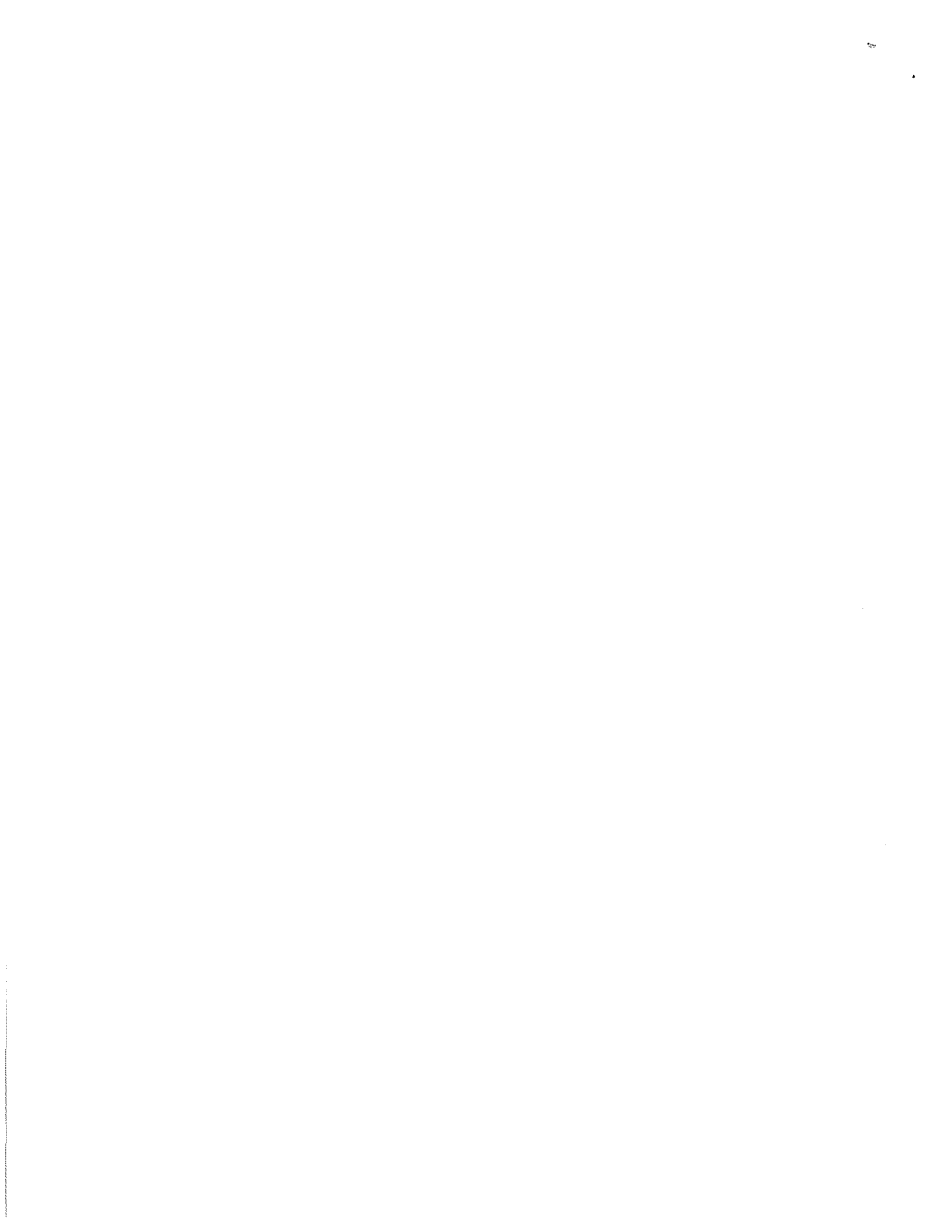
I acknowledge receipt of the amendments to the Municipal Planning Strategy and Land Use By-law dealing with housekeeping and policy clarification amendments.

Pursuant to Section 208 of the *Municipal Government Act*, I have reviewed these documents and have determined that they do not fall within any of the categories requiring approval listed in Subsection 208(3); therefore, these documents are not subject to the approval of the Minister of Municipal Affairs and Housing.

A handwritten signature in blue ink, appearing to read 'Gordon Smith', is written over the printed name and title.

Gordon Smith
Provincial Director of Planning

Dated: 13 November 2020



BACKGROUND: A Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) must keep pace with changing regulations respond to new and emerging issues. These living documents must remain relevant and flexible in response to initiatives by Council and the broader community. These planning documents are therefore constantly evolving and never truly complete. With two years since the previous amendment there are numerous housekeeping items and several changes that warrant review.

REGULATORY CONTEXT: The MPS is the overarching policy document providing general direction. The LUB contains the specific regulations to carry out those policies such as permitted uses, setbacks and zoning. The LUB must comply with the MPS as well as Provincial statements of interest.

MPS AMENDMENTS TO CONSIDER:

3.2 Key Directions.

Proposed Change: Add recognizing Geohazards when siting developments.

Discussion: This Section provides broad policy directions such as planning for climate change, guiding development to where it is sustainable and protecting natural environments. The addition of recognizing Geohazards is a logical policy addition.

4.6.3 Floodplains.

Proposed Change: Change the name of *Environmental Zone (Env)* to *Flood Hazard Zone (HzFI)* to better reflect the floodplain hazard.

Discussion: Residents don't always seem to treat the potential threat of building/ or further developing properties in flood-risk areas seriously. Changing the name of the zone to highlight the threat may communicate the gravity of that threat.

4.6.2A Geo-Hazards.

Proposed Change: Add Section 4.6.2A Geohazards (below).

4.6.2A Geohazards

Geohazard refers to both natural and human-induced conditions that arise from hydrological, geological, and geotechnical processes and which have the potential to cause harm or undesirable consequences, such as flooding, landslides, sinkholes, abandoned mine subsidence and sea-level rise.

Cumberland County's geology and diverse topography means that Cumberland County is home to a wide range of natural hazards. Severe weather, fire, or seismic events can exacerbate geohazard risks such as flooding, and sinkholes. Council recognizes the importance of proactively planning safe development by avoiding and managing risk areas and ensuring appropriate response measures are in place if an event occurs.

Future development in Cumberland should be directed to areas away from hazards, and proposed developments aligned with those risks.

Council may, following the completion of a review of geohazards, identify lands that are susceptible to geohazards and adopt additional policies to protect people and properties and mitigate risks.

Discussion: This simply adds a policy statement recognizing and directing development away from and/or protect against geological hazards.

Policy 4-5: Public Streets.

Proposed Change: Restrict new Public Streets to contiguous connections with existing Public Streets unless otherwise approved by council.

Discussion: This directs new Public Streets away from areas where they would be otherwise unsustainable and to areas where the Municipality has the capacity to maintain infrastructure.

Policy 4-7: Private Roads.

Proposed Change: Permit Private Roads in Lower Density Residential Zone in locations where Public Streets are not permitted.

Discussion: This ensures a development path for areas where the Municipality is unable maintain new Public Streets.

Policy 4-7A: Private Roads.

Proposed Change: Restrict new Private Roads from wildlife corridors, flood zones and geohazards.

Discussion: This is simply a follow through on policy direction and ensures Private Roads are built in safe, suitable areas and won't impact wildlife corridors.

Policy 5-6A: Development Agreement in the Residential Zone

Proposed Change:

Council shall consider by development agreement the conversion of existing dwellings to fixed-roof overnight accommodations with more than four housekeeping units on a lot, subject to the following criteria:

- (a) lot area, frontage, water frontage, and setbacks shall meet the zone requirements for as-of-right development in the zone unless a variance has been granted with respect to the requirement;
- (b) wastewater services for new dwellings shall not be provided by holding tanks, and shall not impact adjacent waterbodies; and
- (c) the proposal shall meet the development agreement policies of Section 6.3.

Discussion: These changes are meant to provide additional options for the conversion of existing housing.

Policy 5-29A: Development Agreement in the Country Residential Zone

Proposed Change:

Council shall consider by development agreement the approval of grouped dwellings, multi-unit dwellings or Townhouse Dwellings with more than four dwelling units on a lot, and fixed-roof overnight accommodations with more than four housekeeping units on a lot, subject to the following criteria:

- (a) lot area, frontage, water frontage, and setbacks shall meet the zone requirements for as-of-right development in the zone unless a variance has been granted with respect to the requirement;
- (b) wastewater services for new dwellings shall not be provided by holding tanks, and shall not impact adjacent waterbodies; and
- (c) the proposal shall meet the development agreement policies of Section 6.3.

Discussion: This change makes it possible to expand existing housing developments and provide additional options for the conversion of existing housing in existing rural residential areas.

Policy 5-35 Rezoning.

Proposed Change: Add Geohazards and protecting wildlife corridors to the list of items for consideration by Council when approving a rezoning.

Discussion: This simply highlights that that these policies are to be considered during a rezoning.

Policy 6-19 Amending the Land Use By-Law & Adopting Development Agreements.

Proposed Change: Add Geohazards and protecting wildlife corridors to the list of items for consideration by Council before approving a Development Agreement.

Discussion: This simply highlights that that these policies are to be considered during a rezoning.

LUB AMENDMENTS TO CONSIDER:

3.3.4 Location Certificates.

Proposed Change: change “dwelling” to “building”

Discussion: Housekeeping item.

4.4.2 Existing Undersized Lots.

Proposed Change:

Change 4.4.2(b) to apply to lots in all zones for uses that require on-site sewage treatment.

~~(b) if the lot is zoned Recreational Residential (RRC), the lot area is a minimum of 900 m²;~~

(b) if the proposed use includes a dwelling or any other use that requires On-Site Wastewater, the lot area is a minimum of 900 m² (9687 sqft)

Discussion: Clarifies the minimum lot size for existing lots in all zones.

4.16.2 Watercourse & Shoreline Buffers. Developments permitted within watercourse and shoreline buffers.

Proposed Change: Add 4.16.2 (j) (below)

(j) A *Recreational Vehicle Parking Site*, provided Watercourse or Shoreline Buffers, are not reduced to less than 15 metres.

Discussion: Provides more opportunity for undersized waterfront properties which can’t meet shoreline buffers without additional risk to structures.

4.74 Non-conforming Structures.

Proposed Change: Add 4.74 (c) (below)

Non-conforming structures may be replaced, reconstructed, enlarged, renovated, and/or repaired, provided:

4.74 (c) Any such replacement or enlargement is substantially in the same location.

Discussion: This makes it clear that accessory buildings cannot be replaced in different locations and still be non-conforming (housekeeping).

5.20A Woods Cabins.

Proposed Change: Add 5.20.3 (below)

Recreational Cabins:

5.20.3 Where a proposed Woods Cabin does not conform with the provisions of Subsection 5.20.1, it shall be considered a Recreational Cabin, require a development permit, and is subject to the same requirements as an Accessory Dwelling, and any requirements for Recreational Cabins in Section 9.38 of the Nova Scotia Building Code Regulation.

Discussion: Adds Recreational Cabins as a use (to align with new Building Regulations)

5.21A.2 Recreational Vehicle Parking Sites.

Proposed Change:

Add the following to the list of requirements for *Recreational Vehicle Parking Sites*:

- (e) Minimum lot frontage, and lot area requirements are not applicable.
- (f) Notwithstanding 5.21A.2 (b) for an Existing Undersized Lot, setbacks may be reduced by 50% of the zone requirements if no dwelling is on the lot.
- (g) For greater clarity, the requirements of this section do not apply to the temporary use of a Recreational Vehicle meeting the requirements of 4.20.2.

Discussion: This is meant to clarify that parking sites are only required for permanent parking (more than 4 months a year) and RV Parking Sites are permitted on existing undersized lots.

8.1.3 Lower Density Residential Zone. Uses Permitted by Site Plan Agreement

Proposed Change: Add 8.1.3 (c), (d), (e), (f) shown below:

- (c) Grouped Dwellings – 4 or Fewer Dwelling Units on a Lot.
- (d) Multi-unit Dwelling – 4 or Fewer Dwelling Units on a Lot.
- (e) Townhouse Dwelling – 4 or Fewer Dwelling Units on a Lot.
- (f) Conversion of Existing Dwellings to Fixed-Roof Overnight Accommodation – 4 or Fewer Housekeeping Units on a lot.

Discussion: These changes are meant to allow infilling, increased density in residential areas for new development and provide additional options for the conversion of existing housing.

8.1.4 Lower Density Residential Zone. Uses Permitted by Development Agreement

Proposed Change: Add 8.1.4 (b) and(c).

- (b) Conversion of Existing Dwellings to Multi-unit Dwelling: more than 4 Housekeeping Units on a lot.
- (c) Conversion of Existing Dwellings to Fixed-Roof Overnight Accommodation: more than 4 Housekeeping Units on a lot.

Discussion: Allows consideration of higher density development in Lower Density Residential Zone with more control via Development Agreement.

8.1.5 Lower Density Residential Zone. Zone Requirements

Proposed Change: Add 8.1.5 (g)

(g) Accessory Buildings exceeding the requirements of section 8.1.5 (f) (ii), up to the height requirements for Main Buildings in section 8.1.5 (f) (i) are permitted by Site Plan Agreement.

Discussion: Allows taller accessory structures while providing neighbours an opportunity to comment.

8.1.7 Lower Density Residential Zone; Special Requirements

Proposed Change: Add 8.1.7 (below)

8.1.7 Notwithstanding Subsection 4.10.1, the Development Officer may issue a development permit on lots in the Lower Density Residential Zone without frontage on a public street or existing private road, subject to the following requirements:

- (a) the lot has the equivalent minimum lot frontage on a private road; and
- (b) all minimum setbacks shall be measured as if the private road were a public street.

Discussion: This permits frontage on a new Private Road accommodating the proposed changes to MPS Policy 4-7 above.

9.1.2 Mixed-use Zone. Uses Permitted As-of-Right

Proposed Change: Add 9.1.2 (aa.1), (ah) Shown Below:

- (aa.1) Private Club
- (ah) Veterinary Clinic

Discussion: Makes the Mixed-use zone consistent with other urban commercial zones.

9.1.3 Mixed-use Zone. Uses Permitted By Site Plan Agreement

Proposed Change: Add 9.1.3 (b.1), (e.1), (e.2), (e.3) Shown Below:

- (b.1) Interpretive Centre
- (e.1) Parking Lot
- (e.2) Post Secondary School
- (e.3) Recreation Centre

Discussion: This makes the Mixed-Use Zone consistent with other urban commercial zones, while providing more site specific control and allowing neighbours to comment.

9.1.5 Mixed-use Zone. Zone Requirements

Proposed Change: Add 9.1.5 (g)

(g) Accessory Buildings exceeding the requirements of section 9.1.5 (f) (ii), up to the requirements for Main Buildings in section 9.1.5 (f) (i) are permitted by Site Plan Agreement.

Discussion: Allows taller accessory structures while providing neighbours an opportunity to comment.

9.3.2 General Commercial Zone. Uses Permitted As-of-Right

Proposed Change: Remove 9.3.2 (ak) Recycling Depot, move to 9.3.3, uses permitted by Site Plan Agreement.

Discussion: Recycling Depots are an intensive land use and require additional site controls and comments from neighbours.

9.3.3 General Commercial Zone. Uses Permitted by Site Plan Agreement

Proposed Change: Add 9.3.3 (c.1), (c.2), (e), (f) Shown Below:

- (c.1) Heavy Equipment Sales
- (c.2) Modular Home Sales
- (e) Recycling Depot
- (f) Transportation Services
- (g) Warehouse

Discussion: This makes the General Commercial zone consistent with the Highway Commercial zone, while providing more site specific control and allowing neighbours to comment.

11.1.2 Agriculture Zone (Uses Permitted As-of-Right).

Proposed Change: Add (w) Farm Stay accommodation

Discussion: (housekeeping).

11.1.6 Agriculture Zone. Special Requirements

Proposed Change: Change 11.1.6 to allow both one dwelling and one short-term rental per lot.

- 11.1.6 A total of only one dwelling ~~or~~ **and** one short-term rental shall be permitted on a lot in the Agriculture Zone.

Discussion: Clarifying that short-term rentals are permitted in addition to a dwelling the Agriculture Zone.

11.2.2 Rural Resource Zone (Uses Permitted As-of-Right)

Proposed Change: Add (ab) Farm Stay accommodation.

Discussion: (housekeeping).

11.2.6 Rural Resource Zone. Special Requirements

Proposed Change: Change 11.2.6 to allow both one dwelling and one short-term rental per lot.

- 11.2.6 A total of only one dwelling ~~or~~ **and** one short-term rental shall be permitted on a lot in the Rural Resource Zone. An accessory dwelling is not counted for the purposes of this Subsection.

Discussion: Clarifies that short-term rentals are permitted in addition to a dwelling in the Rural Resource Zone.

11.4.4 Country Residential Zone. Uses Permitted by Development Agreement

Proposed Change: Add 11.4.4 (a), (b), (c), Below:

- (a) Grouped Dwellings – More than four Dwelling Units on a Lot
- (b) Multi-unit Dwelling – More than four Units on a Lot
- (c) Townhouse Dwelling – More than four Units on a Lot

Discussion: Makes it possible to expand existing housing developments and increase density in existing rural residential areas.

11.4.5 Country Residential. Zone Requirements

Proposed Change: Add 11.4.5 (g)

(g) Accessory Buildings exceeding the requirements of section 11.4.5 (f) (ii), up to the height requirements for Main Buildings in section 11.4.5 (f) (i) are permitted by Site Plan Agreement.

Discussion: Allow taller accessory structures while providing neighbours an opportunity to comment.

11.5.6 Country Commercial Zone. Special Requirements

Proposed Change: Change 11.5.6 to allow both one dwelling and one short-term rental per lot.

A total of only one dwelling ~~or~~ and one short-term rental shall be permitted on a lot in the County Commercial Zone. An accessory dwelling is not counted for the purposes of this Subsection.

Discussion: Clarifying that short-term rentals are permitted in in addition to a dwelling.

Recreational MS

11.6.5 Country Residential. Zone Requirements

Proposed Change: Add 11.6.5 (g)

(g) Accessory Buildings exceeding the requirements of section 11.6.5 (f) (ii), up to the requirements for Main Buildings in section 11.6.5 (f) (i) are permitted by Site Plan Agreement.

Discussion: Allow larger accessory structures while providing neighbours an opportunity to comment.

12.1.2 Highway Commercial Zone. Uses Permitted As-of-Right

Proposed Change: Add 12.1.2 (a.1), (h.1), (p.1), (below):

- (a.1) Automotive Sales
- (h.1) Farm and Forestry Supply
- (p.1) Self Storage

Discussion: This makes the Highway Commercial zone more consistent with the General Commercial zone.

12.1.3 Highway Commercial Zone. Uses Permitted By Site Plan Agreement

Proposed Change: Add 12.1.3 (a.1), (c) (Below):

- (a.1) Indoor Commercial Recreation
- (c) Recycling Depot

Discussion: This makes the Highway Commercial zone more consistent with the General Commercial zone, while providing more site specific control and allowing neighbours to comment.

12.4.2A Commercial Recreation Zone. Uses Permitted As-of-Right

Proposed Change: Limit as of right approval to Campgrounds and Recreational Vehicle Parks with 20 or fewer sites.

Discussion: Require larger Campgrounds and Recreational Vehicle Parks to obtain approval by Site Plan Agreement.

12.4.3A Commercial Recreation Zone. Uses Permitted by Site Plan Agreement

Proposed Change: Add Campgrounds and Recreational Vehicle Parks with more than 20 sites.

Discussion: This requires larger Campgrounds and RV Parks to obtain approval by Site Plan Agreement. Site Plan Agreements are an approval tool applicable to developments that require some additional oversight or where there is a benefit to providing flexibility in the ways land use controls are implemented. This imposes further restrictions as discussed in 13.12 (below). This process will also notify neighbouring properties and provides an appeal process.

12.8 Wellfield 2B Zone.

Proposed Change:

12.8.3 (b) correct reference to Flood Fringe Overlay.

Discussion: (housekeeping).

12.8.7 Wellfield 2B Zone. Special Requirements

Proposed Change: Change 12.8.7 to allow both one dwelling and one short-term rental per lot

A total of only one dwelling ~~or~~ **and** one short-term rental shall be permitted on a lot in the Wellfield 2B Zone.

Discussion: Clarifying that short-term rentals are permitted in addition to a dwelling.

12.9.7 Wellfield 2C Zone. Special Requirements

Proposed Change: Change 12.9.7 to allow both one dwelling and one short-term rental per lot

A total of only one dwelling ~~or~~ **and** one short-term rental shall be permitted on a lot in the Wellfield 2C Zone.

Discussion: Clarifying that short-term rentals are permitted in addition to a dwelling.

12.10.7 Wellfield 3A Zone. Special Requirements

Proposed Change: Change 12.10.7 to allow both one dwelling and one short-term rental per lot, and correcting a numbering typo.

~~1.1.1~~ 12.10.7 A total of only one dwelling ~~or~~ **and** one short-term rental shall be permitted on a lot in the Wellfield 3A Zone.

Discussion: Clarifying that short-term rentals are permitted in addition to a dwelling.

12.11.3 Wellfield 3B Zone: Uses Permitted by Site Plan Agreement.

Proposed Change: Add 12.11.3 (b) and (c) (below):

- (b) Expansion of an existing, conforming use.
- (c) Level 2 Home Based Business

Discussion: Expansion of a non-conforming use is permitted, expanding a permitted use should also be permitted (housekeeping). Similarly, permitting a level 2 home based business by site plan agreement would seem reasonable provided such use poses no risk to the wellfield. Section 12.11.6 already imposes limits to home based businesses in the wellfield to such uses.

12.11.4 Wellfield Zone 3B: Uses Permitted by Development Agreement

Proposed Change: Add 12.11.4 (a) and reference to Special Requirement 12.11.8 (below)

12.11.4 The following uses shall be permitted in the Wellfield 3B Zone, subject to the applicable policy of the Municipal Planning Strategy *and Section 12.11.8*:

- (a) Other uses compatible with a 25-year time-of-travel.

Discussion: Rezoning is not possible in wellfields. This change would allow Council to consider other uses which can demonstrate that they pose a low risk to the wellfield by Development Agreement. All such applications would be referred to Nova Scotia Environment for assessment and would need to meet the requirements of 12.11.8 (below).

12.11.7 Wellfield 3B Zone. Special Requirements

Proposed Change: Change 12.11.7 to allow both one dwelling and one short-term rental per lot

A total of only one dwelling ~~or~~ **and** one short-term rental shall be permitted on a lot in the Wellfield 3B Zone.

Discussion: Clarifying that short-term rentals are permitted in in addition to a dwelling.

12.11.8 Special Requirements

Proposed Change: Add 12.11.8 (below) to the list of special requirements for developments in Wellfield Zone 3B.

12.11.8 Development Agreements for other uses as permitted by Section 12.11.4 in the Wellfield 3B Zone shall be environmentally sensitive and appropriate for a source water protection area. The Development Agreement shall include, at a minimum the following activities where applicable:

- (a) Preparation of the site and construction/ operation of the facility including:
 - (i) Land clearing and impacts to soil and vegetation.
 - (ii) Stormwater management and surface drainage runoff handling.
 - (iii) Erosion and sedimentation concerns.
 - (iv) Access road(s) construction and maintenance.
 - (v) Tree cutting and clearing (exposure).
 - (vi) Maintenance of riparian vegetative buffers.
 - (vii) Groundskeeping/ maintenance (i.e. fertilizers, herbicides, salting/ de-icing, equipment fuel storage and usage).
 - (viii) Shoreline alterations for recreational usage and/ or boating (fuel, etc.).
- (b) Installation of power infrastructure including:
 - (i) Power poles= untreated vs treated.
 - (ii) Trenching for underground electrical services.
 - (iii) Installation of oil filled transformers, etc.
- (c) Installation of wells and water supply including:
 - (i) Location(s).
 - (ii) Well drilling or digging into aquifer.
 - (iii) Demand or volume/ flow calculations regarding supply capability.

- (d) Installation and operation of wastewater handling (on site sewage disposal system, or wastewater treatment system) including:
 - (i) Excavation and installation of the system/ plant (feasibility regarding setbacks, geology/ bedrock/ outcrops).
 - (ii) Trenching to buildings or any distribution networks.
 - (iii) Construction and handling of dumping stations for on site camper sewage.
- (e) Ongoing operational considerations such as:
 - (i) Fuel storage (domestic heating oil)
 - (ii) Increased fire risk (campfires/proximity to forest)
 - (iii) Waste storage and handling
 - (iv) Increased traffic
 - (v) Swimming pool maintenance and operations (chemical handling and storage, etc.).
 - (vi) Water provision, and waste/ wastewater handling for any additional developments planned for the site.

Discussion: These additional requirements are meant to ensure that any additional uses within a wellfield pose a low risk to the water supply.

13.9 Site Plan Approval Criteria: Salvage Yards

Proposed Change: Add "Recycling Depot"

Discussion: These are similar uses and require similar screening and setbacks from neighbouring properties.

13.12 Campgrounds and Recreational Vehicle Parks

Proposed Change: Add 13.12 (below).

13.12 Where a zone permits Campgrounds or Recreational Vehicle Parks by site plan agreement, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) Design
 - (i) The development will not create undue traffic hazards, traffic congestion, or pedestrian hazards.
 - (ii) The development shall be designed with berms, fencing or vegetated strips to minimize the transmission of noise on neighbouring properties.
 - (iii) The development will not generate emissions that unduly reduce the development potential and value of properties in the vicinity.
 - (iv) Fires are only permitted in fire pits, barbeques, wood burning stoves or other facilities approved by the Municipality.
 - (v) Any wood burning devices shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance and shall be a minimum of 50 metres from all lot lines.
 - (vi) A permanent Campground map shall be placed at the entrance to each campground area, clearly identifying roadways, campsite numbers, parking areas, accessory buildings, and any other amenities. The sign shall be kept current by the owner.
- (b) Servicing and Utilities
 - (i) All utility equipment shall be enclosed within a building or screened from the street. Utility equipment includes, but is not limited to, utility boxes, meters, and air compressors.

- (ii) Solid waste handling areas shall be located in the main building or within an enclosure with the same or complimentary materials as the building and with a wall height sufficient to conceal solid waste dumpsters.
- (c) Landscaping
 - (i) Areas not used for structures, solid waste handling, automobile parking and circulation, or pedestrian walkways shall be landscaped or natural vegetation. Such landscaping shall consist, at a minimum, of sod but may also include decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers.
- (d) Parking Areas
 - (i) Parking lots and driveways for the use of guests shall not be located in any minimum setback that abuts a dwelling.
 - (ii) Parking lots shall be screened at all times of the year from adjacent dwellings by privacy fences, berms, or vegetation.

Discussion: This imposes further restrictions as discussed in 13.12 (above). This process will also require a public hearing and provides an appeal process. Development Agreements are an approval tool applicable to developments that require significant oversight.

13.13 Heavy Equipment Sales, Modular Home Sales, Warehouses, Transportation Services.

Proposed Change: Add 13.13 (below).

13.13 Where Heavy Equipment Sales, Modular Home Sales, Warehouses, or Transportation Services are permitted by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) Landscaping
 - (i) a landscape strip of no less than 3 metres (10 feet) is required along the entire frontage of the property, save and except the location of a driveway not exceeding 10 metres in width;
 - (ii) existing vegetation, wherever possible and deemed practical, is to be retained;
- (b) Design
 - (i) outdoor storage of equipment or material that is not for sale shall not be located in the front yard of any property and shall be wholly contained within a fenced storage area.
 - (ii) loading facilities are to be located at the rear of the main structure and screened from any adjacent residential uses or roadways;
 - (iii) the type and location of outdoor lighting is designed as full cut-off in order to provide light for the structure, driveways and any pedestrian access required to maintain safe access, with no light directed at or spilled onto neighbouring properties or into the night sky;
 - (iv) adequate solid waste collection access.
- (c) Access
 - (i) The applicant shall have a commercial access driveway permit for the lot.
 - (ii) Lot boundaries adjacent to dwellings shall be screened by a privacy fence.

- (iii) Pedestrian access points shall be separated from vehicular access points.
- (iv) A minimum of one pedestrian access point shall be provided per street frontage.
- (v) Pedestrian access points shall be between 1.5 and 2 metres wide.

Discussion: This imposes further restrictions meant to ensure the proposed development is compatible with existing uses. This process also requires a public hearing and provides an appeal process.

13.14 Interpretive Centre, Post Secondary School, Recreation Centre, Indoor Commercial Recreation

Proposed Change: Add 13.14 (below):

13.14 Where Interpretive Centres, Post Secondary Schools, Recreation Centres, or Indoor Commercial Recreation facilities are permitted by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the following matters have been addressed:

(a) Landscaping

- (i) a landscape strip of no less than 3 metres (10 feet) is required along the entire frontage of the property, save and except the location of a vehicular access point.
- (ii) existing vegetation, wherever possible and deemed practical, is to be retained.

(b) Design

- (i) Outdoor storage of equipment or material that is not for sale shall not be located in the front yard of any property and shall be wholly contained within a fenced and screened storage area.
- (ii) Loading facilities are to be located at the rear of the main structure and screened from any adjacent residential uses or roadways.
- (iii) The type and location of outdoor lighting is designed as full cut-off in order to provide light for the structure, driveways and any pedestrian access required to maintain safe access, with no light directed at or spilled onto neighbouring properties or into the night sky.
- (iv) Adequate solid waste collection access.
- (v) The proposal shall include provision for sound insulation and location requirements for doors, windows, fire exits and any other architectural feature that will reduce the emission of noise or lessen the effect of any other nuisances, provided that these features are not inconsistent with the requirements of the Building Code Act or the Fire Prevention Act.
- (vi) Outdoor decks and patios shall be located and screened as appropriate to minimize their effect on adjacent uses.
- (vii) The main building shall have its primary façade and public entrance located facing the street.
- (viii) Parking lots shall be screened from adjacent dwellings and places of worship by privacy fences.

(c) Access

- (i) The applicant shall have a commercial access driveway permit for the lot.
- (i) Lot boundaries adjacent to dwellings shall be screened by a privacy fence.
- (iii) Pedestrian access points shall be separated from vehicular access points.
- (iv) A minimum of one pedestrian access point shall be provided per street frontage.
- (v) Pedestrian access points shall be between 1.5 and 2 metres wide.
- (vi) Vehicular access points shall not be wider than 7 metres.

Discussion: This imposes further restrictions meant to ensure the proposed development is compatible with existing uses. This process also requires a public hearing and provides an appeal process.

14 Definitions

Proposed Change: Add/modify the following definitions (housekeeping).

~~AGRITOURISM USES means the use of land, buildings, structures, or part thereof to provide to the general public with experiences, products, and/or services that are directly related to on-site agricultural activities and may include, but are not limited to, winery retail sales, farm brewery retail sales, tasting rooms, "field to table" restaurants, and farm stay accommodations.~~

AGRITOURISM: means the use of land, buildings, structures, or part thereof to provide tourist oriented activities or services located on a farm operation that promotes the products grown, raised, and/or processed on that farm operation. These may include, but are not limited to, winery retail sales, farm brewery retail sales, tasting rooms, "field to table" restaurants, and farm-stay accommodations.

~~AGRICULTURE RELATED INDUSTRIES means the use of land, buildings, or structures for processing and storage of agricultural crops; fertilizer production; brewing, wine-making, and similar uses; the sale of farm produce to the general public; and tourism activities related to on-site agricultural activities, such as u-picks or hay rides; but excludes the processing of animals, which is covered by the definition of abattoir.~~

AGRICULTURE RELATED INDUSTRIES means the use of land, buildings, or structures for commercial/industrial uses directly related to agriculture and necessarily in close proximity to farm operations, such as the processing and storage of agricultural crops; fertilizer production; brewing, wine-making, cheese making, and similar uses. This also includes the sale of farm produce to the general public, u-picks; but excludes the processing of animals, which is covered by the definition of abattoir.

RESIDENTIAL FACILITY:

RESIDENTIAL FACILITY means a building or part of a building operated as one integrated facility in which accommodation is provided to individuals and that includes additional care and services for residents, such as, but not limited to, medical care, supervisory or personal care, and counselling, but shall not include a facility that is licensed by or under contract to Corrections Canada or Nova Scotia Corrections, or successor bodies.

Examples include special care facilities such as nursing homes and group homes.

Discussion: The addition/alteration of these definitions is simply to add clarity.

Next Steps: If the amendments pass second reading, staff will submit the amendments to The Director of Planning for review. Following Provincial approval, a notice will be placed in the newspaper that the amendments have been approved and in effect.

Recommendation: Approve the amendments as presented.

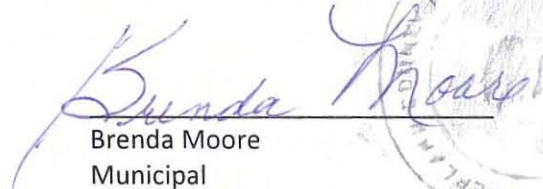
Alternative: Council can decide to reject any or all of the proposed amendments, or request that further information be provided.

IT WAS MOVED by Councillor Fletcher seconded by Councillor Welton to approve second reading and adoption the MPS/LUB Amendments.

No Objections

MOTION CARRIED

I certify this to be true copies of the LUB/MPS Amendments Report presented to Council at the September 16, 2020 Council meeting and the approved Motion of Council.


Brenda Moore
Municipal
Clerk

