

Municipality of the County of Cumberland

Amendment to the

Land Use By-Law

The Council of the Municipality of the County of Cumberland at an advertised council meeting held on November 14, 2018 and following a public hearing held on the same date approved a motion to adopt the Amendment to the Municipality of the County of Cumberland Land Use By-law as follows:

1. Subsection 3.2.1 is amended by inserting the following clause after clause (g), as shown in bold:

(h) Radiocommunication antennas and radiocommunication towers.

2. Part 3 is amended by inserting the following section after Section 3.2, as shown in bold:

3.2A Radiocommunication and Broadcasting Antenna Systems

The Municipality does not regulate radiocommunication equipment or antenna systems. Jurisdiction over such development lies with Industry Canada. Persons wishing to install radiocommunication equipment and antenna systems must follow the public consultation requirements contained in Industry Canada's Default Public Consultation Process.

Although municipalities do not issue permits for such structures this protocol requires that persons wishing to install radiocommunication equipment contact and inform adjacent landowners and consider any concerns they raise. Once it is advised that the applicant has addressed any concerns, the Municipality shall prepare a letter to Industry Canada to confirm the consultation process has been followed. The Development Officer shall be designated administer such requests for letters regarding the antenna site protocol.

3. Part 3 is amended by inserting the following section after Section 3.4, as shown in bold:

3.5 Encroachment Agreements

If an applicant applies for a development permit for a building or structure that encroaches property owned by the Municipality of Cumberland, the Development Officer shall require the applicant to enter an encroachment agreement with the Municipality, in a form and on the terms and conditions satisfactory to the Municipality, or may impose any other conditions the Municipality considers necessary to mitigate or address the impact of the encroachment, including with respect to compensation, indemnities, insurance, or a duty to remove the encroaching structure on receipt of notice.

4. Subsection 4.4.2 is amended by inserting the following text, as shown in bold, deleting text, as shown in strikeout, and by inserting the following clauses after clause (g), as shown in bold:

4.4.2 Notwithstanding minimum lot frontage, setback, and area requirements, the Development Officer shall issue a development permit on existing lots having less than the minimum frontage, width, or area required by this By-law for a use permitted in the zone in which the lot is located and a building may be erected on the lot provided:

- (a) the lot is not zoned Wellfield 1 (W1), Wellfield 2A (W2A), Wellfield 2B (W2B), Wellfield 2C (W2C), Wellfield 3A (W3A), Wellfield 3B (W3B), or Environment (ENV);
- (b) if the lot is zoned Recreational Residential (RRC), the lot area is a minimum of 900 m²;
- (c) maximum lot coverage is 10 percent;
- (d) all other applicable provisions of this By-law are met;
- (e) all applicable wastewater treatment requirements are met;
- (f) if a dwelling is proposed, the means of wastewater treatment is not a holding tank or privy; ~~and~~
- (g) the lot has not less than 4 metres of lot frontage;
- (h) **for main buildings only, setbacks shall be no less than 50% of the zone requires;**
and
- (i) **in no circumstance shall any setback be reduced to less than 1.4 metres.**

5. Subsection 4.4.5 is amended by inserting the following text, as shown in bold, and by deleting clause (c), as shown in strikeout:

4.4.5 Notwithstanding lot frontage requirements, the Development Officer shall issue a development permit on an existing lot with less than 4 metres of lot frontage for a use permitted in the zone in which the lot is located and a building may be erected on the lot provided:

- (a) the applicant has a right-of-way easement from a street or private road to the lot;
and,
- (b) **all other requirements of this By-law are met.;** ~~and,~~
- ~~(c) no additional dwelling units are created.~~

6. Subsection 4.10.1 is amended by inserting the following text after the first paragraph, as shown in bold:

Minimum lot frontage requirements shall not apply to lots approved pursuant to any section in the Subdivision By-Law that provides an exemption from the lot frontage requirement or any requirement that a lot abuts a street or road.

7. Subsection 4.17.1 is deleted and replaced with the following text, as shown in bold:

4.17.1 No building shall be constructed with the floor level of any habitable area located below the following elevations, relative to the Canadian Geodetic Vertical Datum of 2013, on lands identified as such on Schedule D, the Coastal Elevation Map:

- (a) **2.6 metres on the Northumberland coast.**
- (b) **8.7 metres on Chignecto Bay.**
- (c) **7.1 metres on the Minas Basin.**

8. Subsection 5.18.1 is amended by inserting the following text, as shown in bold, and by inserting the following clause after clause (d), as shown in bold:

5.18.1 Accessory dwellings shall meet the following requirements:

- (a) Only one accessory dwelling shall be permitted on a lot.
- (b) The accessory dwelling shall be subject to zone requirements for main buildings.
- (c) Lot coverage shall not exceed 25 percent in the Rural Resource (RE) Zone, Country Residential (CR) Zone, **Agriculture (AG) Zone, or Recreational Residential (RRC) Zone.**

- (d) The gross floor area of the accessory dwelling shall not exceed the gross floor area of the single-unit dwelling.
- (e) The gross floor area of the accessory dwelling shall not exceed 100 m².
- (f) No accessory dwelling unit shall be permitted on a lot with a recreational vehicle parking site.

9. Section 5.21 is deleted and replaced with the following, as shown in bold:

5.21 Recreational Vehicle Parking Sites

5.21.1 Recreational vehicle parking sites, where permitted, shall meet the following requirements:

- (a) No other recreational vehicle parking site or accessory dwelling shall be permitted on the lot.
- (b) The recreational vehicle parking site shall meet the zone setbacks for single-unit dwellings.
- (c) The recreational vehicle parking site shall be marked and shall consist of a stable surface.
- (d) The recreational vehicle parking site shall be rectangular and shall be sized to accommodate the recreational vehicle at its largest size, inclusive of all expandable sections and attached structures (e.g. decks), plus an additional 1 metre in all directions.

10. Part 5 is amended by inserting the following subsection after Section 5.21, as shown in bold:

5.22 Shipping Containers

5.22.1 Shipping containers shall be permitted to be temporarily used as accessory structures in all zones and no development permit shall be required, provided:

- (a) The total amount of time shipping containers are located on a lot does not exceed four months in a year; and
- (b) The shipping container structures meet zone requirements for accessory structures.

5.22.2 Shipping containers shall be permitted to be used as accessory structures for more than four months in a year in the Agriculture (AG) Zone, Rural Resource (RE) Zone, Country Residential (RR) Zone, Country Commercial (CC) Zone, Highway Commercial (CH) Zone, Institutional (INS) Zone, Parks and Open Space (P) Zone, Commercial Recreation (CR) Zone, and Wellfield 1 (W1) Zone. A development permit for an accessory structure shall be required.

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 (IR) Zone.

5.22.4 Notwithstanding Subsections 5.22.1 and 5.22.2, shipping containers shall be permitted as a building material integrated into larger structures.

11. Section 6.5 is deleted and replaced with the following, as shown in bold:

6.5 Bicycle Parking Space Standards

6.5.1 Each required bicycle parking space shall:

- (a) be located between the main building and the front lot line, unless, in the opinion of the Development Officer, this location is impossible due to the main building being located on or near to the front lot line;
- (b) be accessible to the public;
- (c) have dimensions meeting the requirements of the Municipal Engineering Standards; and
- (d) include a bicycle rack meeting the requirements of the Municipal Engineering Standards.

6.5.2 For greater clarity, one bicycle rack may be used to fulfill the rack requirements for two adjacent bicycle parking spaces by placing it on the shared border of the two spaces.

6.5.3 Clauses 6.5.1 (a) and (b) shall not apply to bicycle parking spaces for dwellings.

12. Subsection 6.8.1 is amended by inserting the following clause after clause (d), as shown in bold:

- (e) **No mechanical work, pressure washing, excessive idling, or other obnoxious activity shall be permitted.**

13. Subsection 7.4.1 is amended by inserting the following clause after clause (k), as shown in bold:

- (l) **Signs erected in compliance with any Municipality of Cumberland signage program, such as a "Uniform Offsite Signage" program, and holding a valid permit as may be required by any by-law or Council policy applicable to any such program.**

14. Subsection 7.8.1 is amended by deleting clauses (a) and (b), as shown in strikeout, and replacing them with the following clauses, as shown in bold:

7.8.1 Ground signs advertising off-site businesses shall be permitted in the General Commercial (CG) Zone, Highway Commercial (CH) Zone, and Urban Industrial (IND) Zone, provided:

- ~~(a) a business establishment is not advertised on more than one off-site sign;~~
- ~~(b) the sign is only advertising businesses located within the same zone; and~~
- (a.1) a business establishment is not advertised on more than three off-site signs;**
- (b.1) the signs are located within 10 kilometres of all business establishments they are advertising; and**
- (c) notwithstanding the area and height requirements for ground signs, the height of the sign does not exceed 20 metres and the total sign area does not exceed 25 m².**

15. Subsection 8.1.4 is amended by adding the following clause, as shown in bold:

- (a) Commercial Uses – MPS Policy 5-9A**

16. Subsection 8.2.4 is amended by adding the following clause, as shown in bold:

- (a.1) Commercial Uses – MPS Policy 5-9A**

17. Subsection 11.1.2 is amended by inserting the following clause after clause (a), as shown in bold:

- (a.1) Accessory Dwelling**

18. Subsection 11.1.2 is amended by inserting the following clause after clause (r), as shown in bold:

(r.1) Recreational Vehicle Parking Site

19. Subsection 11.2.2 is amended by inserting the following clause after clause (w), as shown in bold:

(w.1) Recreational Vehicle Parking Site

20. Subsection 11.4.2 is amended by inserting the following clause after clause (i), as shown in bold:

(i.1) Recreational Vehicle Parking Site

21. Subsection 11.5.3 is amended by inserting the following clause after clause (b), as shown in bold:

(b.1) Expansion of Level 2 Home-Based Business or Size-limited Uses Outlined in Subsection 11.5.2

22. Subsection 11.6.2 is amended by inserting the following clause after clause (f), as shown in bold:

(f.1) Recreational Vehicle Parking Site

23. Subsection 11.6.5 is amended by deleting clause (a) and replacing it with the following clause, as shown in bold:

(a) Minimum Lot Area	2,000 m² / dwelling unit or housekeeping unit	5,000 m²
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(a.1) Minimum Lot Area	5,000 m² for up to three dwelling units or housekeeping units, and 2000 m² for each additional dwelling unit or housekeeping unit	5,000 m²
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24. Subsection 11.6.5 is amended by deleting clauses (f) and (g) and replacing them with the following clauses, as shown in bold:

(f) Minimum Rear Setback	12 m	12 m
(g) Minimum Side Setback	12 m	12 m

(f.1) Minimum Rear Setback	8 m	8 m
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(g.1) Minimum Side Setback	8 m	8 m
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(h) Maximum Building Height

(i) Main Building	12 m	12 m
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(ii) Accessory Buildings	8 m	8 m
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25. Subsection 12.3.2 is amended by inserting the following clause after clause (d), as shown in bold:

(d.1) Recreational Vehicle Parking Site

26. Subsection 12.4.2 is deleted and replaced with the following, as shown in bold:

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

- (a) Accessory Dwelling
- (b) Campground
- (c) Cultural Uses
- (d) Driving Range
- (e) Duplex Dwelling
- (f) Fixed-Roof Overnight Accommodations
- (g) Golf Course
- (h) Home-based Business – Level 1
- (i) Interpretive Centre
- (j) Indoor Commercial Recreation
- (k) Licensed Liquor Establishment
- (l) Marina
- (m) Outdoor Commercial Recreation:
- (n) Recreational Vehicle Park
- (o) Semi-detached Dwelling
- (p) Short-term Rental
- (q) Single-unit Dwelling

27. Subsection 12.4.3 is deleted and replaced with the following, as shown in bold:

12.4.3 The following uses shall be permitted in the Commercial Recreation Zone, subject to Part 13 and all applicable requirements of this By-law:

- (a) Expansion of a non-conforming use
- (b) Grouped Dwellings – 4 or Fewer Dwelling Units on a Lot
- (c) Home-based Business – Level 2
- (d) Multi-unit Dwelling – 4 or Fewer Dwelling Units on a Lot
- (e) Off-site and Shared Parking
- (f) Track
- (g) Townhouse Dwelling – 4 or Fewer Dwelling Units on a Lot

28. Subsection 12.4.4 is amended by deleting clauses (a) and (b), as shown in strikeout, and inserting clauses (a.1), (b.1), and (c) as shown in bold:

- ~~(a) Airports – MPS Policy 4-67~~
- ~~(b) Dwellings – MPS Policy 4-67~~
- (a.1) Airports – MPS Policy 4-67A**
- (b.1) Dwellings – More than 4 Dwelling Units on a Lot – MPS Policy 4-67A**
- (c) Dwellings – Not Meeting Zone Requirements – MPS Policy 4-67A**

29. Subsection 12.4.5 is deleted and replaced with the following, as shown in bold:

12.4.5 Except as otherwise permitted by this By-law, the Development Officer shall not issue a development permit for a use on a lot in the Commercial Recreation Zone unless the following requirements are met:

Requirement	Multi-unit, Grouped, And Townhouse Dwellings	All Other Dwelling s	All Other Permitted Uses
(a) Minimum Lot Area			
(i) Central sewer	175 m2 / dwelling unit	450 m2	10,000 m2

(ii) On-site wastewater treatment	1,000 m2 / dwelling unit	2,700 m2	10,000 m2
(b) Minimum Lot Frontage			
(i) Central sewer	15 m	12 m	15 m
(ii) On-site wastewater treatment	30 m	30 m	30 m
(c) Minimum Front/Flankage Setback			
(i) Central sewer	3 m	3 m	3 m
(ii) On-site wastewater treatment	6 m	6 m	6 m
(d) Minimum Rear Setback			
(d) Minimum Rear Setback	6 m	6 m	6 m
(e) Minimum Side Setback			
(i) Central sewer	1.4 m	1.4 m	1.4 m
(ii) On-site wastewater treatment	3 m	3 m	6 m
(f) Maximum Building Height			
(i) Main building	15 m	15 m	15 m
(ii) Accessory buildings	8 m	8 m	8 m

30. Subsection 12.5.3 is amended by inserting the following clause after clause (a), as shown in bold:

(a.1) Recreational Vehicle Parking Site

31. Subsection 12.6.5 is amended by inserting the following clauses after clause (b), as shown in bold:

(c) Minimum Front/Flankage Setback	6 m
(d) Minimum Rear Setback	6 m
(e) Minimum Side Setback	6 m

32. Subsection 12.7.5 is amended by inserting the following clauses after clause (b), as shown in bold:

(c) Minimum Front/Flankage Setback	6 m
(d) Minimum Rear Setback	6 m
(e) Minimum Side Setback	6 m

33. Section 13.10 is amended by deleting all instances of the text “dwellings and short-term rentals”, “dwelling or short-term rental”, and “dwelling, short-term rental” and replacing them with the text “dwellings, recreational vehicle parking sites, and short-term rentals”, “dwelling, recreational vehicle parking site, or short-term rental”, and “dwelling, recreational parking site, short-term rental”, respectively.

34. Part 13 is amended by adding the following section after Section 13.1:

13.1A Expansion of Level 2 Home-based Business or Size-limited Uses

13.1A.1 Where a zone permits expansion of a Level 2 Home-base Business or Size-limited Use 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) Size

- (i) The gross floor area of the expansion shall not exceed 200 square metres or the gross floor area of the existing portion of the use at the time of site plan approval application, whichever is larger.
 - (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. 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 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 dwellings on adjacent lots by privacy fences, berms, or vegetation.
35. Part 14 is amended by deleting the definition of "Commercial Recreation, Outdoor" and by adding the following definitions, as shown in bold:

COMMERCIAL RECREATION, OUTDOOR means the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as ski hills, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, and summer camps but does not include tracks for the racing of animals or for the racing of any type of motor vehicle or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; licensed liquor establishments; "pro shops" and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.

SHIPPING CONTAINER means a standardized metal container designed to facilitate the shipping of goods by truck, ship, air, or rail, whether or not used for that purpose, but does not include a motor vehicle.

36. Schedule 'B' is amended by deleting all instances of the word "Judisdictional" and replacing them with the word "Jurisdictional".
37. Schedule 'C' is amended by deleting all instances of the word "Setback" and replacing them with the word "Buffer".
38. All Parts and Schedules of the By-law are amended by deleting references to zoning map symbols, as shown below in ~~strikeout~~, and replacing them with new zoning map symbols, as shown below in bold, as outlined in the following table:

Existing Zoning Map Symbols	Replacement Zoning Map Symbols
RL	RLow
RM	RMul
CM	CMix
GD	CDwn
CG	CGen
RE	Rsrc
IR	IRur
RR	RCou
CC	CCou
RRC and RCG	RRec
CH	CHwy
CR	CRec

Clerk's Annotation For Official By-Law Book


Date of first reading: October 3 2018

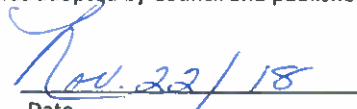
Date of final reading and adoption: November 14, 2018

*Date of advertisement of Public Hearing of By-Law: October 17, 2018

Date of mailing to Minister a certified copy of By-Law: November 22, 2018

I certify that this Amendment to the Land Use By-Law was adopted by Council and published as indicated above.


 Municipal Clerk


 Date