

## MEMORANDUM

**TO:** Warden and Council  
**FROM:** Nelson Bezanson, Municipal Planner, & Will Balsler, Planning Engagement Coordinator  
**DATE:** April 4th, 2018  
**RE:** **New Municipal Planning Strategy and Land Use Bylaw - Second Reading**

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**Background:** The new Land Use Bylaw (LUB) and Municipal Planning Strategy (MPS) encompass a set of policies to address several key objectives of the review project. These include: correcting gaps and problem areas in regulation and policy; creating opportunities to resolve points of conflict; reducing bureaucratic obstacles; promoting development opportunities; and ensuring that approval processes are clear and easy to understand. Specifically, it introduces new land uses and zones, simplifies the process of balancing development and control, and clarifies the requirements for home based businesses and household livestock.

Following Council's first reading of the LUB and MPS, only seven inquiries have been received regarding the rezoning process, new zones, and household livestock. New zones such as Highway Commercial (CH), Commercial Recreational (CR), and Rural Industrial (IR) are designed to allow large-scale developments that may require larger separation distances from dwellings and other less-intensive uses. Developers looking to build outside of appropriate zones are expected to apply for a rezoning of the desired lot prior to development, at a cost of \$500 + advertising. This allows the Municipality to maintain a site-specific level of control, public consultation, and conformation with MPS policies, such as those regarding the conservation of sensitive habitats or agricultural land.

This update recognizes the growing trend towards small scale agricultural operations - with the addition of Home Based Businesses (levels 1 & 2), Household Livestock, and Urban Agriculture, county residents will be able to develop their small businesses, grow produce, raise small amounts of livestock as-of-right. Furthermore, farm, forest and fish stands up to 10m<sup>2</sup> may be built without a permit. Currently, in many towns and areas of the county, such land uses are either not permitted, must meet cumbersome requirements, or are not clearly defined.

**Recommendation:** **Give second reading to approve the new Municipal Planning Strategy and Land Use Bylaw, which is substantially the same as the draft from first reading (with some minor error corrections and definition updates), and repeal all current ones.**

**Process:** If the second reading is approved, the MPS/LUB will be forwarded to the Provincial Director of Planning for approval. Following provincial approval, the amendment is advertised and will come into effect.

# MPS & LUB HIGHLIGHTS

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April 4th, 2018

This new Land Use Bylaw is largely broken down into three area types:

**Urban/Suburban built up areas:** these have residential, commercial, mixed and industrial zones which reflect the urban/rural nature of the areas where the zones are applied.

**Rural:** includes zones for Agriculture, rural resource, rural industrial, commercial recreation (golf courses, ski-hills, campgrounds etc.) and recreational residential (cottage country)

**Protective:** includes Wellfield, Environment, and Parks & Open Space zones. Maintained for the protection of municipal water supplies, and reduced unnecessary differences. Also applied to areas sensitive to coastal / inland flooding, and protected wilderness areas.

## Other Important Aspects:

**Promoting Economic Development has been a key issue in the plan.**

- A mixed-use commercial zone has been added to help promote a more natural growth of commercial areas in the built-up areas.
- A Highway Commercial zone has been added around Trans-Canada highway interchanges.
- A special Commercial Recreation zone has been created to address such unique developments as Fox Harbour, campgrounds, ski-hills and golf-courses.
- A broad range of home based businesses will be permitted in more areas with more flexibility.

**This plan emphasises the Efficient Use of Existing Infrastructure**

Areas of the municipality with municipal services now have detailed zoning, promoting controlled development and the efficient use of infrastructure.

## **Protection of Agricultural land:**

Most areas of the municipality with class two and three soils, and therefore more agricultural potential, include measures to both protect that limited resource and to promote agriculture and agricultural related businesses.

Measures include the restriction of development to lots fronting on roads and highways by not permitting flag lots, and requiring large lots sizes for residential uses.

## **Climate change adaptation**

- Some areas more susceptible to flooding and storm surges have been identified and greater protection has been incorporated to help reduce risks to the public or infrastructure.
- Minimum elevation increased to 3.2m from 2.5m along Northumberland coast

### **Protection wilderness corridors**

This plan is unique in that it recognises the unique position Cumberland as the gateway between New Brunswick and Nova Scotia for wildlife, and the importance of wildlife corridors in maintaining healthy wildlife populations, particularly for the mainland Moose.

There are no zone restrictions as such but discretionary actions such as rezonings, amendments or development agreements would need to consider these corridors.

### **Zone Descriptions:**

#### **Lower Density Residential Zone (RL)**

The Lower Density Residential Zone is intended to permit lower density residential development on serviced and unserviced lots in an urban setting.

#### **Multi-unit Residential Zone (RM)**

The Multi-unit Residential Zone is intended to permit higher density residential development on serviced and unserviced lots in an urban setting.

#### **Mixed-use Zone (CM)**

The Mixed-use Zone is intended to permit commercial uses in areas that could functionally support them, but do not always have the market demand to consistently fill commercial space. It is also intended as a transition between commercial and residential areas.

#### **Downtown Commercial Zone (CD)**

The Downtown Commercial Zone is intended to permit and encourage commercial uses in a dense form suited to the character of downtown areas.

#### **General Commercial Zone (CG)**

The General Commercial Zone is intended to permit a wide range of commercial uses in an urban setting.

#### **Urban Industrial Zone (IND)**

The Urban Industrial Zone is intended to permit industrial uses and to control their impacts on neighbouring uses.

#### **Agriculture Zone (AG)**

The Agriculture Zone is intended to prioritize agricultural activities and to reduce the non-agricultural development and fragmentation of productive agricultural lands.

#### **Rural Resource Zone (RE)**

The Rural Resource Zone is intended to promote resource-based industries and other industries that require large areas of land, and to enable rural living along existing streets.

#### **Rural Industrial Zone (IR)**

The Rural Industrial Zone is intended to accommodate processing and other industries related to resource-based industries, and to accommodate intensive uses that require large separation distances from dwellings and other less-intensive uses.

#### **Country Residential Zone (RR)**

The Country Residential Zone is intended to permit lower density residential development on unserviced lots in defined rural communities and at the unserviced edges of serviced communities.

### **Country Commercial Zone (CC)**

The Country Commercial Zone is intended to permit a limited range of local service uses on unserviced lots in rural communities.

### **Recreational Residential Zone (RRC)**

The Recreational Residential Zone is intended to permit lower density residential uses on existing public roads and on existing or new private roads, and to address environmental constraints and concerns in areas that are often attractive to recreational development.

### **Highway Commercial Zone (CH)**

The Highway Commercial Zone is intended to permit uses that serve the travelling public and uses that require quick access to major transportation routes.

### **Institutional Zone (INS)**

The Institutional Zone is intended to accommodate institutional uses. Ex: Government Office, Place of Worship, Post-Secondary School

### **Commercial Recreation Zone (CR)**

The Commercial Recreation Zone is intended to permit commercial recreation activities, such as campgrounds, RV parks, golf courses, and driving ranges.

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### **Environment Zone (ENV)**

The Environment Zone is intended to limit development on lands identified as presenting a higher risk of environmental hazards to development

### **Parks and Open Space Zone (P)**

The Parks and Open Space Zone is intended to preserve lands for parks and open space uses, and to permit limited commercial activities associated with these uses

### **Wellfield 1 Zone (W1)**

The Wellfield 1 Zone is intended to protect the immediate recharge area of public drinking water supplies and to permit the operation of public water utility facilities.

### **Wellfield 2A Zone (W2A)**

The Wellfield 2A Zone is intended to limit development to only land uses compatible with a 5-year time-of-travel area around public water supplies.

### **Wellfield 2B Zone (W2B)**

The Wellfield 2B Zone is intended to limit development to only land uses compatible with a 5-year time-of-travel area around public water supplies.

### **Wellfield 2C Zone (W2C)**

The Wellfield 2C Zone is intended to limit development to only land uses compatible with a 5-year time-of-travel area around public water supplies.

### **Wellfield 3A Zone (W3A)**

The Wellfield 3A Zone is intended to limit development to only land uses compatible with a 25-year time-of-travel area around public water supplies.

### **Wellfield 3B Zone (W3B)**

The Wellfield 3B Zone is intended to limit development to only land uses compatible with a 25-year time-of-travel area around public water supplies.

## Urban Agriculture:

Permitted as a main use in the following zones: Lower Density Residential (RL) Zone, Multi-unit Residential (RM) Zone, Mixed-use (CM) Zone, General Commercial (CG) Zone, Parks and Open Space (P) Zone, and Institutional (INS) Zone, subject to the following requirements:

- the area of land dedicated to the agricultural use shall be limited to 1
- hectare on lots less than 2 hectares in area;
- buildings shall be limited to a height of 4 metres; and
- buildings shall otherwise meet zone requirements for main buildings.

Farm, Fish, and Forest Stalls do not require a development permit, and may have a maximum total footprint of 10m<sup>2</sup>, providing they meet zone requirements for side and rear setbacks.

## Household Livestock:

The keeping of 5 or fewer fowl and/or rabbits on a lot does not require a development permit, and shall be kept in an enclosure and not running at large. Coops will be required to meet zone specific requirements for accessory buildings. Roosters are considered household livestock, and will require a development permit.

Permitted as an accessory use in the following zones: Country Residential (RR) Zone, Country Commercial (CC) Zone, the Recreational Residential (RRC) Zone, and on lots greater than 2 hectares in area in the Lower Density Residential (RL) Zone. It is permitted as an accessory or main use in any zone allows Commercial Livestock Operations.

All Household Livestock operations are subject to several requirements, including:

- All animal housing and manure storage facilities shall meet zone requirements for main buildings
- All animal housing and manure storage facilities shall be set back a minimum of 50 metres from any off-site dwelling

## Level 1 Home-based Business

(a) Permitted Uses	(i) Art Gallery Sales (ii) Bed and Breakfast – 10 or Fewer Sleeping Units (iii) Business Office (iv) Commercial School – 6 or Fewer Students (v) Craft Product Workshop (vi) Day Care Centre – 6 or Fewer Dependents (vii) Household Item Repair Services (viii) Personal Service Shop (ix) Pet Grooming (x) Retail Store
(b) Maximum Number of On-site, Non-resident Employees	2
(c) Maximum Floor Area of Home Based-Business	25% of the gross floor area of the dwelling unit or 50 m <sup>2</sup> , whichever is less. The maximum floor area shall not apply to bed and breakfasts or day care centres.
(d) Outdoor Storage and Display	Outdoor storage and display are not permitted.

## Level 2 Home-based Business

(a) Permitted Uses	(i) Automotive Sales – 6 or Fewer Vehicles at One Time (ii) Automotive Service (iii) Art Gallery Sales (iv) Bed and Breakfast – 10 or Fewer Sleeping Units (v) Building and Construction Contractors (vi) Business Office (vii) Commercial School – 12 or Fewer Students (viii) Craft Product Workshop (ix) Day Care Centre – 6 or Fewer Dependents (x) Household Item Repair Services (xi) Take Out Restaurant – Ice Cream (xii) Personal Service Shop (xiii) Pet Grooming (xiv) Retail Store		
(b) Maximum Number of On-site, Non-resident Employees	4		
(c) Maximum Floor Area of Home- Based Business	(i) On lots under 5,000 m <sup>2</sup> in area:  100 m <sup>2</sup> gross floor area	(ii) On lots from 5,000 m <sup>2</sup> to 10,000 m <sup>2</sup> in area:  150 m <sup>2</sup> gross floor area	(iii) On lots greater than 10,000 m <sup>2</sup> in area:  200 m <sup>2</sup> gross floor area
	When located in a dwelling, the home-based business shall not occupy more than 40 percent of the gross floor area of the dwelling unit. The maximum size limits and percentage of dwelling unit floor area shall not apply to bed and breakfasts or day care centers.		
(d) Outdoor Storage and Display	The total area of outdoor storage and outdoor display (combined) shall not exceed the maximum permitted floor area of the home-based business.		

