



plan
cumberland

Municipal
Planning
Strategy

Adopted
April 4, 2018

With Amendments To
June 22, 2022

plan
cumberland

municipality of
cumberland

UPL▲ND

Credits

This plan was initially prepared by UPLAND Planning and Design and the Municipality of Cumberland, in association with CBCL Limited and AGRG Consultants.

All right reserved, 2018.

Table of Contents

1	Setting the Context	1
1.1	Introduction	2
1.2	A Cumberland Primer	3
1.2.1	<i>A Brief History</i>	3
1.2.2	<i>Planning in Cumberland</i>	4
1.2.3	<i>Demographics</i>	5
1.3	The Planning Process	6
1.4	Issues and Trends	6
1.4.1	<i>Climate Change and Sea Level Rise</i>	6
1.4.2	<i>Shrinking and Aging Population</i>	6
1.4.3	<i>Public Health</i>	7
1.4.4	<i>Economic Development</i>	7
1.4.5	<i>Financial Sustainability of Infrastructure</i>	7
1.5	Statements of Provincial Interest	8
2	Community Engagement	11
2.1	Open House Info Sessions / Consultations	12
2.2	Info Presentations at Community Meetings	12
2.3	Input-Focused Open Houses	12
2.4	Coastal Issues Workshop – North Shore Cumberland	12
2.5	Postcards	13
2.6	Business Owner Survey	13
2.7	Draft Plan Feedback Open Houses	13
2.8	Second Draft Review Period	13
3	Vision	15
3.1	Vision Statement	16
3.2	Key Directions	17
4	Guiding the Region	19
4.1	Introduction	20
4.2	Directing Growth	20
4.3	Infrastructure & Transportation	20
4.3.1	<i>Context</i>	20
4.3.2	<i>Central Services</i>	21
4.3.3	<i>Public Streets</i>	22
4.3.4	<i>Private Roads</i>	23
4.3.5	<i>Sidewalks and Pedestrian Connections</i>	23
4.3.6	<i>Active Transportation</i>	24
4.3.7	<i>Automobile Parking</i>	25
4.3.8	<i>Institutional Uses</i>	26
4.3.9	<i>Utilities</i>	26
4.3.10	<i>Former Junction Road Dump Site</i>	27
4.3.11	<i>Communications Antennas</i>	27

4.4 Housing	28
4.4.1 Context	28
4.4.2 Housing Diversity	28
4.4.3 Converted Dwellings	28
4.4.4 Residential Facilities	29
4.5 Economic Development and Tourism	30
4.5.1 Context	30
4.5.2 Home-based Businesses	30
4.5.3 Accommodations	31
4.5.4 Small Agriculture	32
4.5.5 Agritourism	32
4.5.6 Signs	33
4.5.7 Highway Commercial Development	33
4.6 Environment	34
4.6.1 Context	34
4.6.2 Watercourse and Shoreline Buffers	34
4.6.2A Geohazards	34
4.6.3 Floodplains	35
4.6.4 Coastal Areas	36
4.6.5 Wildlife Connectivity	37
4.6.6 Lakes	38
4.7 Renewable Energy	39
4.7.1 Context	39
4.7.2 Wind Energy	39
4.7.3 Solar Energy	40
4.7.4 Tidal Energy	41
4.7.5 Geothermal	41
4.8 Recreation	42
4.8.1 Context	42
4.8.2 Parks and Open Spaces	42
4.8.3 Recreation Centres	43
4.8.4A Commercial Recreation	43
4.9 Culture & Heritage	44
4.9.1 Context	44
4.9.2 Heritage Properties	44
4.9.3 Joggins Fossil Cliffs	45
4.9.4 Arts and Cultural Uses	46
4.9.5 Cemeteries	46
4.9.6 Places of Worship	46
4.9.7 Architectural Design	47

5 Designations	49
-----------------------	-----------

5.1 General Policies	50
5.1.1 Buildings	50
5.1.2 Lot Sizes	50
5.1.3 Existing Undersized Lots	50
5.2 Residential Designation	51
5.2.1 Residential Designation	51
5.2.2 Lower Density Residential	51
5.2.3 Multi-unit Residential	52
5.2.4 Rezoning	53
5.2.5 Commercial Uses	53
5.2.6 Commercial Designation	54

5.3 Commercial Designation	54
5.3.1 <i>Mixed-use Zone</i>	54
5.3.2 <i>Downtown Commercial Zone</i>	55
5.3.3 <i>General Commercial Zone</i>	55
5.3.4 <i>Rezoning</i>	56
5.4 Industrial Designation	56
5.4.1 <i>Industrial Designation</i>	56
5.4.2 <i>Urban Industrial Zone</i>	56
5.4.3 <i>Rezoning</i>	57
5.5 Resource Designation	57
5.5.1 <i>Resource Designation</i>	57
5.5.2 <i>Agriculture</i>	58
5.5.3 <i>Rural Resource Zone</i>	58
5.5.4 <i>Rural Communities</i>	59
5.5.5 <i>Resource Industrial</i>	60
5.5.6 <i>Recreational Residential Zone</i>	60
5.5.7 <i>Rezoning</i>	61
5.6 Public Water Supply	61
5.6.1 <i>Public Water Supply Designation</i>	61
5.6.2 <i>Wellfield Zones</i>	62
5.6.3 <i>Rezoning</i>	63
5.7 Open Space Designation	63
5.7.1 <i>Open Space Designation</i>	63
5.7.2 <i>Zone Application & Rezoning</i>	63

6 Implementation & Review 65

6.1 Administration	66
6.1.1 <i>Context</i>	66
6.1.2 <i>Document Administration</i>	66
6.1.3 <i>Policy Statements</i>	66
6.1.4 <i>Language</i>	66
6.2 Land Use By-Law & Subdivision By-law	67
6.2.1 <i>By-law Adoption</i>	67
6.2.2 <i>Variances</i>	68
6.2.3 <i>Amending the Land Use By-law</i>	68
6.3 Development Agreements	69
6.3.1 <i>Context</i>	69
6.3.2 <i>Adopting and Amending Development Agreements</i>	69
6.3.3 <i>Legacy Development Agreements</i>	71
6.3.4 <i>Development Agreement Instead of Map Amendments</i>	71
6.4 Site Plan Agreements	72
6.4.1 <i>Site Plan Agreements</i>	72
6.5 General Criteria	73
6.5.1 <i>Amending the Land Use By-Law & Adopting Development Agreements</i>	73
6.6 Monitoring, Reviewing, & Updating this Plan	75
6.6.1 <i>Plan Updates</i>	75

7 Investing in the Future 77

8 Schedules 81

1 Setting the Context



1.1 Introduction

The Municipality of the County of Cumberland covers the majority of Cumberland County, Nova Scotia. It is the province's second largest municipality by land area, but in 2016 ranked eighth by population. Within this large area are a huge variety of land uses: agriculture (both small and large), mining, forestry, manufacturing, renewable energy generation, housing, recreation, cottaging, offices, retail, tourism, natural areas, and many more. For the most part, these land uses have developed in a sensible and harmonious manner; in many ways thanks to the thoughtful planning of many generations of residents, business owners, and elected officials.

Successful planning is an ongoing effort, building on the work of those previous generations. As the year 2020 approaches, today's residents, business owners, and elected officials are thinking about the community they want for themselves and for future generations. They are planning for how these land uses and the services that support them work together to make the best use of limited resources and to address the challenges and opportunities of today and tomorrow.

This document, the Municipal Planning Strategy ("MPS" or "Plan"), is that planning put on paper. It contains Council's vision and policies—established in close consultation with residents and business owners—for how land uses will be developed and operate in the coming years. Two companion documents, the Land Use By-law ("LUB") and Subdivision By-law ("SDB"), put this vision and these policies into action through nuts-and-bolts regulations. This Municipal Planning Strategy will also be used to inform other by-laws, plans, and capital investments (infrastructure) in the Municipality of Cumberland.

It must be emphasized that this Municipal Planning Strategy is primarily a land use plan, which deals with development control and servicing. It is not intended to be an all-encompassing strategy for economic and social development. While sound economic and social planning are clearly desirable in the Municipality of Cumberland, the scope of such planning is so broad that it cannot be effectively dealt with in this one document. As a result, this Plan seeks to guide land uses in a way that facilitates economic and social development, but does not attempt to provide the answers for all aspects of Cumberland's future.

The lands of Cumberland, along with adjacent lands in New Brunswick, are the traditional Mi'kmaw district of Siknikt. The coast of the Bay of Fundy, in particular, plays a special role in Mi'kmaw history and culture. Many of the features in and along the Bay of Fundy have their origins ascribed to Kluskap (Glooscap), the legendary cultural hero of the Mi'kmaq. Three stone columns standing on the shore of Cape Chignecto are said to be three sisters, turned to stone after playing a prank on Kluskap. Partridge Island, south of Parrsboro, was the mythic home of Kluskap's grandmother; twice a day as the tide comes in, air bubbles escaping from pores in basaltic rock give the appearance that the water is boiling in the "grandmother's cooking pot". Other areas, such as Advocate Harbour, Cape d'Or, and Isle Haute all figure in various Mi'kmaw legends. These areas also played important day-to-day roles for the Mi'kmaq. Partridge Island, for example, is an important source of the sacred gemstone, amethyst. Cape d'Or supplied hard, dense minerals, such as chert, that were essential for tool making.

In 1605, the Acadians established the first European settlement in Nova Scotia at Port Royal (Annapolis Royal) in what is now Annapolis County. Over the following decades, the Acadian presence in Nova Scotia expanded, and by 1672 the Acadians had settled the Tantramar area of Cumberland, which they named Beaubassin. The Acadians brought with them land-reclamation techniques, and created large areas of fertile land in Beaubassin by building a system of dykes to shut out the sea. In 1710, the British laid siege to Port Royal and were ultimately successful in its capture, leading to British primacy in the area. In 1750, the British established Fort Lawrence, and from there engaged in the Battle of Beauséjour and deportation of the Acadians in 1755.

With the 1800s came industrialization. Cumberland's abundant natural resources positioned the region to fuel this trend. Shipyards, mills, and factories sprang up to turn these resources into finished goods and ship them to the world. Stone from the Wallace quarries graced prominent buildings, such as Province House in Halifax. In the 1870s, coal mining began on an industrial scale in Springhill. The prosperity of the industrial age can still be seen in the grand Victorian and Edwardian homes of industrialists, standing in areas such as Amherst's Victoria Street and Main Street in Parrsboro.

The 20th century brought with it the two World Wars. The population of Cumberland County boomed in the post-war years. However, as manufacturing in Canada consolidated in the mid-1900s, this trend reversed and Cumberland entered a period of population decline that persists today. The construction of the Trans-Canada Highway, in the 1950s, changed transportation patterns through Cumberland County and drew most new development and investment to communities along its route. In 1957, the first Pugwash Conference was held at the Thinkers' Lodge in Pugwash, spawning a movement on international security and nuclear disarmament. The Pugwash Conferences were awarded the 1995 Nobel Peace Prize. In 1958, Springhill experienced the third major mine disaster in its history. The disaster killed 75 miners, and led to the closure of the mines.

Cumberland County was established in 1759 and incorporated in 1879. The Township of Parrsborough was established in 1786, with a smaller area incorporated as the Town of Parrsboro in 1889. Springhill was founded in 1790 and incorporated as a Town in 1889.

In the past few years, many incorporated communities in Nova Scotia have faced uncertainty over their long-term future. Aging infrastructure and declining tax revenues challenged the financial sustainability of these communities. Residents of these communities also recognized the values and cultures they share with their neighbours. As such, some Towns in Nova Scotia took the step of dissolving as incorporated governments and combined with the surrounding municipal government. This includes Springhill, which dissolved in April of 2015, and Parrsboro, which dissolved in November of 2016.

Today, the residents of the Municipality of Cumberland, including those in the former Towns, are working together towards a future that is economically, environmentally, demographically, and culturally sustainable.

1.2.2 Planning in Cumberland

The Municipality of Cumberland's last Municipal Planning Strategy was adopted in 1993. Over the years, it was amended many times, including a major amendment to adapt the plan when the Province, in 1999, rescinded the *Planning Act* and replaced it with the *Municipal Government Act*. That plan and its associated land use by-law provided some high-level policies and regulations for development in Cumberland, but for the most part the types and forms of development permitted in different areas were left unregulated.

In 2001, the plan was amended to include protections for drinking water supplies. In 2002, the Municipality prepared a secondary plan for the "Central Planning Area" around Amherst. In 2005, the Municipality began work on secondary plans for Pugwash and Joggins. These secondary plans brought detailed zoning to Cumberland, but only within the limited areas covered by these secondary plans.

The former Towns of Parrsboro and Springhill featured comprehensive planning and detailed zoning on all lands within their jurisdiction. Parrsboro's last plan dated from 2007 and was itself an update from the Town's 1993 plan. Springhill's last plan dated from 1993.

This Municipal Planning Strategy is a new Plan to cover the former areas of the Municipality of Cumberland, Parrsboro, and Springhill. In its creation, three plans are formed into one and, for the first time, detailed zoning and development regulation are brought to all areas covered by the Municipality of Cumberland. This Plan builds on the work of the former plans, and indeed it incorporates some of the policies from those documents. However, it also goes beyond the scope of those documents and considers new issues that were not on peoples' minds in those days, such as climate change.

1.2.3 Demographics

Like many areas in Nova Scotia, the Municipality of Cumberland is facing demographic challenges, particularly in the southern half of the municipality. Over the past five census periods, the municipality has consistently lost population. Deaths have outpaced births, and the municipality has seen net out-migration to other areas of Nova Scotia, and to other Canadian provinces.

Without a significant increase in birth rates or in-migration, the population of the Municipality of Cumberland will likely continue its slow decline over the time span of this Plan; as of 2016, residents aged 50+ made up more than 50 percent of the population in the municipality. While some pockets of the municipality will experience growth and development, the overall outlook for the population of the municipality as a whole is one of stagnation or decline. Planning policies and regulations must at the same time accommodate and guide growth where it is happening, promote new growth elsewhere, and gracefully manage decline where it is inevitable.

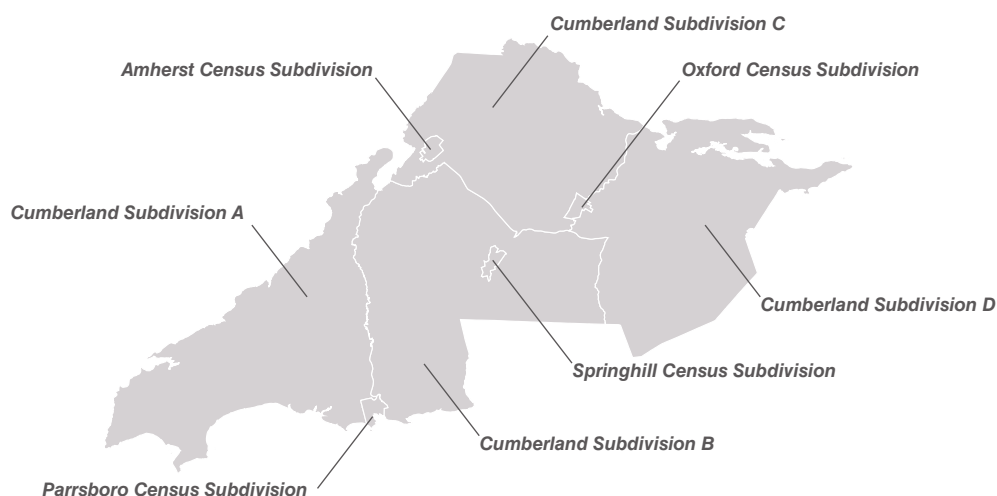


Table 1 – Population Trends in Cumberland County

	1996	2001	2006	2011	2016	Change 1996 - 2016
Census Subdivision A	2,699	2,471	2,261	2,141	1,915	- 29.0 %
Census Subdivision B	4,215	4,015	3,781	3,580	3,470	- 17.7 %
Census Subdivision C	5,412	5,216	5,525	5,325	5,268	- 2.7 %
Census Subdivision D	4,647	4,481	4,454	4,266	4,155	- 10.6 %
Parrsboro	1,617	1,529	1,401	1,305	1,205	- 25.5 %
Springhill	4,193	4,091	3,941	3,868	3,389	- 19.2 %
Municipality of Cumberland	22,783	21,803	21,363	20,485	19,402	- 14.8 %
Town of Amherst	9,669	9,470	9,505	9,717	9,413	- 2.6 %
Town of Oxford	1,352	1,332	1,178	1,151	1,190	- 12.0 %
Cumberland County	33,804	32,605	32,046	31,353	30,005	- 11.2 %

Source: Statistics Canada Community Profiles

1.3 The Planning Process

This Plan and its associated Land Use By-law were developed over the course of two years, beginning in the fall of 2016. Building on the foundation of the existing planning documents, the project team—guided by a Steering Committee made up of staff and elected officials—conducted a detailed “planning analysis” of the existing conditions in Cumberland. This analysis looked at topics like existing environmental issues, demographics, infrastructure, housing availability, and the economy.

The planning analysis then informed an extensive round of public consultation (see Chapter 2) where residents could outline their vision for the future of Cumberland, and also focus on specific topics or issues that are important in their lives.

All of this preliminary work paid large dividends by providing a wealth of data, opinions, and context to guide the drafting of this Plan and the Land Use By-law. These documents were then refined and perfected through rounds of review with staff, residents, and Council, before being adopted early in 2018.

1.4 Issues and Trends

The groundwork laid by the planning analysis and the feedback from hundreds of residents identified a number of overarching issues and trends facing the Municipality of Cumberland over the coming years. This Municipal Planning Strategy is, in many ways, a response to these issues: the policies found throughout this Plan articulate how Council intends to use land use planning as one tool to address these issues.

1.4.1 Climate Change and Sea Level Rise

Work by CBCL Consulting Engineers Ltd. suggests that by the year 2100, the sea level may rise by as much as 1.1 metres in parts of Cumberland. Combined with increased intensity and frequency of storms, there is greater risk of coastal flooding. Climate change is also expected to increase the frequency and severity of inland flooding, and affect average annual temperatures and precipitation patterns.

1.4.2 Shrinking and Aging Population

As outlined in subsection 1.2.3, Cumberland's population is shrinking and, on average, getting older. This means lower demand for housing, businesses, and certain services. Other services, such as health care, are likely to see an increase in demand. It also means the possibility of lower property tax receipts for the Municipality, yet services like sewer and water cannot be downsized to take this into account.

Some of Cumberland's communities are facing the risk of losing the critical mass of residents that make it possible to support certain businesses, such as a local gas station or bank branch. This can lower the local quality of life and lead to further population decline in such communities.

1.4.3 Public Health

Compared to the rest of Canada, the residents of Nova Scotia are (on average) in poor health, and Cumberland is no exception. This has costs, both in terms of quality of life and on the healthcare system. Our health is determined by many factors, and some of them include access to trails, sidewalks, and other recreation opportunities; safe drinking water; and local economic conditions.

1.4.4 Economic Development

Positive economic development is an important component in creating a community where people want to live. Cumberland faces challenging economic conditions, as evidenced by work force participation rates, employment rates, and median family incomes that are lower than the provincial average.

1.4.5 Financial Sustainability of Infrastructure

Much of the infrastructure in Cumberland was built when the population was larger, and cannot easily be downsized to account for a shrinking population. Like much of Nova Scotia, Cumberland also faces the challenge of paying for the maintenance and replacement of aging infrastructure that was initially paid for by developers or with infrastructure dollars from the Federal and Provincial Governments.

1.5 Statements of Provincial Interest

Planning and subdivision in Nova Scotia are enabled by Part VIII and Part IX of the *Municipal Government Act*. The *Act* also includes five Statements of Provincial Interest that apply to all municipal planning documents in the province. These statements cover topics that are generally important to all Nova Scotians, and that often cross beyond political boundaries. Planning documents must be reasonably consistent with these Statements of Provincial Interest.

The table below provides an overview of each Statement of Provincial Interest, and illustrates how this Municipal Planning Strategy meets each Statement.



Statement 1: Drinking Water

Goal: To protect the quality of drinking water within municipal water supply watersheds.

The Municipality of Cumberland contains within its boundaries the watersheds for five separate municipal water supplies. These five water supplies are protected from development that could harm drinking water quality through the creation of the Public Water Supply Designation in this Plan, and a series of Wellfield zones in the Land Use By-law. The uses and density of development permitted in each zone are aligned with the source water protection plan for each water supply.

Applicable MPS Policies: 5-36, 5-37, 5-38, 5-39, 5-40



Statement 2: Flood Risk Areas

GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

This Statement is not applicable to the Municipality of Cumberland because no areas of the municipality are within a flood risk area designated under the Canada-Nova Scotia Flood Damage Reduction Program. However, this Plan does take steps to restrict development in areas that are thought to be at flood risk. This is achieved through the creation of the **Flood Hazard** Zone in the Land Use By-law and its application to the geomorphic floodplains that have been mapped at this point in time. **[CHG-403]**

Applicable MPS Policies: 4-41, 4-42, 4-43, 4-44



Statement 3: Agricultural Land

GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

Cumberland has the largest amount of arable land of any county in Nova Scotia. This Plan takes the preservation of agricultural land seriously. Measures include the creation of an Agriculture Zone in the Land Use By-law that includes large minimum lot sizes and prioritizes agricultural uses; the prohibition of dwellings on flag lots in the Agriculture Zone; and limits on the types of infrastructure that would encourage development and fragment agricultural lands, such as new roads and sewer systems. The Agriculture Zone generally applies to Class 2 and 3 soils, as well as some contiguous blocks of actively-farmed Class 4 and lower soils.

Applicable MPS Policies: 4-31, 5-25, 5-26



Statement 4: Infrastructure

GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.

The Municipality of Cumberland owns and maintains a number of separate water and wastewater systems, most of them with ample capacity for growth. This Plan encourages their efficient use by designating areas where this infrastructure exists, or where it could easily be extended, for “urban” development with smaller minimum lot sizes and frontage requirements and a wider range of permitted uses. This Plan also prohibits the creation of new municipal water or wastewater services outside of these “urban” areas except to solve environmental or human health issues.

Applicable MPS Policies: 4-1, 4-2, 4-3, 4-4, 5-2



Statement 5: Housing

GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.

Cumberland’s existing housing stock is heavily weighted to single-unit dwellings. This Plan encourages housing diversity and affordability by providing a range of zones with different scales and densities of permitted dwellings, by including “urban” zones with smaller minimum lot sizes, and by streamlining the approval process for multi-unit dwellings compared to past planning documents. This Plan also treats most types of group living arrangements in exactly the same manner as any other dwelling of a similar scale.

Applicable MPS Policies: 4-23, 4-24, 4-25, 5-4, 5-5, 5-6, 5-7, 5-8, 5-12, 5-13, 5-29, 5-30, 5-33

Chapter 1 Changelog

Reference Number	Date	File or Project	General Nature of the Changes

2 Community Engagement



Whether or not someone who lives or works in Cumberland ever visits the Cumberland planning office or reads this Plan, planning will affect them in some way. It guides where they can build a home, the scale of businesses appropriate for different areas, the locations for intensive industries, the protection of important resource lands and sensitive environments, and many other aspects of daily living in Cumberland. As such, the Municipality sought to hear from as many residents as possible in the development of this Plan. This community engagement process, branded as “Plan Cumberland”, happened from May of 2017 to February of 2018. The purpose was to inform the public about the project, to identify needs and aspirations that can be addressed in this Municipal Planning Strategy and the Land Use By-law, and to gather feedback about the draft documents. This engagement was multi-faceted, to try to reach different people in different ways. Engagement activities included:

2.1 Open House Info Sessions / Consultations

A set of information panels explained the project and participants were asked general questions about what matters to them for the future of Cumberland. At some events, input was recorded with a speech bubble to capture individual opinions. Approximately 75 people were engaged through events such as Police Week, Wentworth Family Fun Day, pop-up booths at local libraries, and more.

2.2 Info Presentations at Community Meetings

Municipal staff attended meetings with community groups or meetings about other issues as an opportunity to reach out to residents in their daily lives. These presentations were an opportunity to introduce residents to the Plan Cumberland project and, sometimes, to have a discussion about specific planning issues. Approximately 160 people were engaged through meetings such as the Cumberland Federation of Agriculture, local boards of trade, lake stewardship committees, renewable energy groups, and more.

2.3 Input-Focused Open Houses

The project team visited eight communities and brought a set of panels with thematic issues relevant to each community, along with guiding questions asking for specific ideas and concerns about each issue. The input-focused open houses were held in Springhill, Pugwash, Parrsboro, Tidnish, Southampton, Shinimicas, and Wallace. Approximately 100 people attended.

2.4 Coastal Issues Workshop – North Shore Cumberland

Coastal erosion is one specific and ongoing planning issue in Cumberland. The Municipality hosted a Coastal Erosion Workshop on July 22, 2017 in Pugwash. The purpose of the workshop was to build a better understanding of the scope of coastal erosion from Tidnish to Malagash, in particular the vulnerabilities. There were 15 people in attendance, all long-standing owners of coastal properties.

2.5 Postcards

The postcard was a tool for collecting written input. Residents were invited to respond to the open-ended questions, “What do you wish could be different about Cumberland?” and “What would you like to see stay the same?” The postcards were available at all the meetings, presentations, and info sessions, as well as at any time at libraries and the municipal service centres. Approximately 25 completed cards were returned.

2.6 Business Owner Survey

An online survey was conducted in September of 2017 to ask business owners about their experiences starting, operating, or expanding a business in Cumberland, especially in relation to planning and the municipal permitting process. 53 completed responses were received, as well as 41 partial responses.

2.7 Draft Plan Feedback Open Houses

The first drafts of this Plan and the Land Use By-law were released to the public on October 23, 2017. The project team followed the draft release with a series of public open houses. They involved a set of panels giving an overview of the contents of the draft, large print-outs of the zoning maps, and an opportunity for attendees to ask detailed question about the drafts. These open houses were held in Parrsboro, Upper Nappan, Pugwash, River Hebert, Wentworth, and Springhill.

2.8 Second Draft Review Period

The project team made updates to the draft documents and released a second public draft on January 12, 2018. The second draft review period was open for six weeks. During that time, the project team reached out to local newspapers, advertised the draft on social media, and sent direct invitations to a wide variety of community groups to ask for their feedback.

Chapter 2 Changelog

Reference Number	Date	File or Project	General Nature of the Changes

3 Vision



3.1 Vision Statement

The Vision Statement is a high-level statement that captures the community's desires for the future. It provides the fundamental picture of how Cumberland should develop.

The Cumberland of future generations will be one of prosperity, inclusiveness, and a high quality of life. The rural and small-town lifestyles and close-knit communities that residents value will be preserved and strengthened. Young people will find that Cumberland provides many opportunities to make a livelihood and to put down long-lasting roots in the community. Residents will feel a strong support for, and commitment to, public life. Local businesses and community initiatives will flourish. The cherished natural areas and scenic landscapes will be preserved in their diversity.

3.2 Key Directions

This Plan is a collection of policies the Municipality will use to address the issues and trends of Chapter 1, with the goal of working towards a community that embodies the Vision Statement. This can only be achieved with a consistent and thoughtful approach to land use regulation. In developing each policy of this Plan, Council always kept the following key directions in mind:

- Make efficient use of existing infrastructure and guide development of new infrastructure to areas where it will be most sustainable.
- Plan for climate change and respect the power of the natural environment when siting development.
- Use a light touch for regulation, focusing on regulations that are needed and effective, and avoiding those that are not.
- Enable and support businesses of all types.
- Leave room for innovation.
- Recognize the value of resource-based industries, and set aside areas where they are prioritized and protected from development that would be better placed elsewhere.
- View agricultural lands as a non-renewable resource that deserve careful management and protection from inappropriate development.
- Enable and support communities that provide a complete range of housing opportunities and services within an easy travel distance.
- Protect sensitive natural environments from degradation caused by development.
- **Recognize geohazards when siting development. [CHG-301]**

Chapter 3 Changelog

Reference Number	Date	File or Project	General Nature of the Changes
CHG-301	2020.09.16	2020 MPS and LUB Amendments	Added recognizing geohazards to key directions

4 Guiding the Region



4.1 Introduction

The Municipality of Cumberland covers a land area of over 4,200 square kilometres, the second largest municipality in Nova Scotia. Within this large area are a wide variety of landscapes, developments, and planning issues. While many of these planning issues are specific to certain areas or types of landscapes, there are many issues that are general and apply across the municipality. This chapter contains the policies that guide those shared issues.

4.2 Directing Growth

Planning is, fundamentally, about directing growth with the goal of producing the best overall outcome for the community. It is about using resources wisely and being strategic with where investment is made in buildings and infrastructure. It is also about preserving those areas where it is important to have wide spaces free from conflict with other uses—the pristine natural environments, and the areas supporting resource-based industries.

While development will and should happen to various degrees throughout Cumberland, Council believes that new development should be prioritized in existing communities and on existing infrastructure. This will help to use infrastructure efficiently, and to provide the critical mass of people to sustain the businesses and the sense of community that already exist.

Policy 4-1: Council shall, through the policies of this Plan and through the Land Use By-law and Subdivision By-law, prioritize and encourage new development to locate in areas of existing development and infrastructure.

4.3 Infrastructure & Transportation 4.3.1 Context

Infrastructure is the foundation of our communities and one of the main services provided by governments. Without the streets and sidewalks that allow us to travel efficiently, the utilities that enable higher density development, the waste collection systems that deal with our trash, and the many other types of public infrastructure, our communities would be very different places. How we design our infrastructure, and where we put it, also has a large effect on how our communities ultimately look and feel. For example, wide streets with no sidewalks have a very different feel and higher traffic speeds than narrow streets with sidewalks and on-street parking.

Infrastructure and transportation are also some of the largest costs for local governments. Council believes the responsible use of tax dollars includes being strategic about where infrastructure is developed, and how it is used. This section includes policies for making those strategic decisions.

4.3.2 Central Services

Central services—sewer, public drinking water, or both—are available in many of Cumberland’s communities. These public services allow for development that is denser and more “urban” than would be possible if each lot was required to supply its own water and treat its own wastewater (*e.g.* through on-site septic systems).

However, the infrastructure required to provide these services—wells, pipes, lift stations, and treatment plants—represent a significant expense in terms of both initial construction costs, and in terms of ongoing maintenance, operation, and depreciation (replacement costs). A critical mass of customers is needed on each system to spread these costs around so that no one bears the heavy burden of high utility rates. It is, therefore, significant to the financial sustainability of this public infrastructure to encourage the efficient use of existing systems and to ensure any new extensions are carefully considered.

Policy 4-2: Council shall, through the Land Use By-law, encourage the efficient use of central services by permitting smaller lot sizes and lot frontages in areas where central sewer, water, or both are present.

Policy 4-3: Council shall, through the Land Use By-law, require new development to connect to central sewer, water, or both, where such services are available.

Policy 4-4: Council shall not install, or permit the installation of, public central sewer or water systems outside of areas designated on Schedule A, the Future Land Use Map, as Residential, Commercial, Industrial, or Public Water Supply except:

- (a) for mainlines installed to connect communities to a wellfield or sewage treatment plant; or
- (b) where such services are necessary for the protection of the environment or human health.

4.3.3 Public Streets

Public streets are the heart of any community. They connect our homes to our jobs, schools, services, and recreation. They transport the resources and finished goods that drive our economy. They are also public spaces: civic gathering places; a home for public trees, benches, lighting, and decorative features; parade routes; and many more important functions.

The vast majority of public streets in the municipality are owned and maintained by the Province. However, in Nova Scotia, Towns are typically responsible for public streets within their boundaries. With the dissolution of Parrsboro and Springhill, the public streets in these (former) Towns were transferred to the Municipality of Cumberland and represent a much-expanded scope of infrastructure responsibility for the Municipality. As of 2017, there are approximately 38 kilometres of public streets in Springhill, and 30 kilometres of public streets in Parrsboro.

Prior to 1995, new public streets created through subdivision in (non-Town) municipalities in Nova Scotia became the property and maintenance responsibility of the Province. Servicing adjustments in 1995 changed this arrangement so that all new public subdivision streets would become the property and maintenance responsibility of municipalities. As of 2017, the Municipality of Cumberland only has two short segments of public subdivision street under its ownership, other than those in Parrsboro and Springhill. However, it is possible that new subdivisions could create new public streets in the future. These public streets could represent a financial challenge for the Municipality if they are developed in far-flung areas where maintenance needs (plowing, resurfacing, *etc.*) are far from the Municipality's equipment depots. Council, therefore, has chosen to restrict the development of new public subdivision streets to limited areas.

Policy 4-5: Council shall, through the Subdivision By-law, prohibit the development of new public streets except on lands designated on Schedule A, the Future Land Use Map, as Residential, Commercial, or Industrial.

Policy 4-5A: Council shall, through the Subdivision By-law, restrict new public streets to contiguous connections with existing streets, unless otherwise approved by Council.
[CHG-405]

Policy 4-6: Council shall, through the Subdivision By-law, require lands to be set aside as "road reserves" to connect new public streets to adjacent lands that have the potential to be subdivided and developed with future public streets.

4.3.4 Private Roads

As of 2017, there are at least 230 kilometres of private roads in the Municipality of Cumberland. Many of these private roads provide access to forestry or recreational (cottage) areas—areas where access is important but where, due to the low level of traffic and distance from more urban areas, it may not be desirable or necessary to develop and maintain public streets. Despite the usefulness of private roads, they can bring challenges, especially when they are used to provide access to subdivisions (cottage or otherwise). Residents on a private road are collectively responsible for maintaining that road, and this can lead to conflicts if residents have different expectations for level of maintenance (*e.g.* winter plowing, frequency of grading), or if some residents are unable to afford the cost of maintenance.

Unrestrained development on private roads can also lead to subdivisions in areas that are otherwise prioritized for resource development, leading to land use conflicts.

Council, therefore, is wary of development on private roads and has chosen to limit it to areas where the benefit of enabling development is seen to outweigh the risks of maintenance and land use conflicts.

Policy 4-7: Council shall, through the Land Use By-law and Subdivision By-law, prohibit development on new private roads except **on lands in the Lower Density Residential Zone in locations where new public roads are not permitted and** on lands in the Recreational Residential Zone, Parks and Open Space Zone, Country Residential Zone, and Commercial Recreation Zone. [CHG-406]

Policy 4-8: Notwithstanding Policy 4-7, Council shall, through the Land Use By-law and Subdivision By-law prohibit development on new private roads within lands identified as “Sensitive Environments” on Schedule B, the Sensitive Environments Map, and within lands subject to geohazards. [CHG-407]

4.3.5 Sidewalks and Pedestrian Connections

Almost every trip someone takes begins and ends on foot (or by wheelchair). However, pedestrians are often an afterthought when it comes to subdivision layout and road design. Disconnected, winding street layouts that do not provide direct routes between homes and destinations may not be much of a barrier to automobiles but can greatly increase the distances that pedestrians must walk. If the distances become too great people are discouraged from walking. In the same manner, street designs that provide no safe space for pedestrians can discourage walking and encourage driving, to the detriment of public health and the environment.

These challenges can be avoided through good design. Pedestrian shortcuts between adjacent streets and cul-de-sacs can greatly reduce walking distances. Sidewalks on busy streets provide a protected space, separate from automobiles. Council believes that pedestrians should be supported and encouraged, and intends to create space for them in Cumberland’s communities.

Policy 4-9: Council shall, through the Subdivision By-law, require pedestrian connections to connect new public streets and private roads to each other, and to important destinations such as, but not limited to, schools, commercial areas, parks, and other amenities.

Policy 4-10: Council shall, through the Subdivision By-law, require sidewalks on new public streets within the Residential Designation and the Commercial Designation.

4.3.6 Active Transportation

Active transportation is—as the name suggests—transportation using active methods: walking, running, bicycling, kayaking, snowshoeing, wheelchairs, canoeing, skateboarding, and many more. It has many benefits, such as improved mental and physical health, a wider range of mobility options for people who do not have cars, and reduced pollution. It is also becoming a major tourism opportunity, with activities like cycling exposing visitors to the scenic value of places. In some ways, Cumberland is on the forefront of this growing industry in Nova Scotia; the second segment of the provincial cycling network (the Blue Route) runs through the Wentworth Valley to Wallace.

Widespread use of active transportation very often depends on infrastructure. Active transportation users tend not to feel comfortable if they are forced into close proximity to automobiles. Cyclists can be put off if there is nowhere to safely lock their bicycle at their destination. Pedestrians can feel unwelcome if they have to cross a large parking lot to get to a business. Development of much of this public infrastructure falls outside the scope of a Municipal Planning Strategy, and is better addressed through a dedicated Active Transportation Plan. However, some types of active transportation infrastructure, such as bicycle parking at private businesses, can be required and encouraged through development regulations.

Policy 4-11: Council shall, through the Land Use By-law, establish minimum bicycle parking space requirements for commercial businesses and multi-unit dwellings.

Policy 4-12: Council shall, through the Land Use By-law, develop standards for bicycle parking spaces aimed at making them visible, accessible, and secure.

Policy 4-13: Council shall, through the Land Use By-law, encourage an abundance of bicycle parking spaces by permitting a reduction of required automobile parking spaces if a business owner supplies additional bicycle parking spaces beyond those required by the Land Use By-law.

Policy 4-14: Council shall, through the Land Use By-law, establish requirements for parking lot design that provide for pedestrian connections between the front door of the main building and the street.

Policy 4-15: Council may, through the Subdivision By-law, require active transportation connections between new public streets and active transportation routes identified in an Active Transportation Plan.

4.3.7 Automobile Parking

Automobile parking is an important consideration for development. Too little parking can be a problem that causes patrons of a business or facility to go elsewhere, or to park in adjacent residential neighbourhoods.

At the same time, too much parking can also be a problem. Large parking areas push land uses apart, which can make a community less desirable for walking and can increase costs for servicing (e.g. longer lengths of road and pipes for each lot). They also reduce the amount of green space and permeable land, which can increase stormwater runoff and flooding. Providing parking—especially paved or structured parking—is also expensive, and these costs eventually end up passed on through increased residential rents or higher business expenses.

Council, therefore, has established minimum parking requirements for some uses and zones to reduce the impact of parking overflow on surrounding neighbourhoods. However, these minimums are established to be the bare minimum, so that the Municipality is not requiring more parking than strictly necessary.

Policy 4-16: Council shall, through the Land Use By-law, establish minimum automobile parking requirements aimed at reducing parking overflow into adjacent neighbourhoods, but not necessarily accommodating peak parking demand at all times.

Policy 4-17: Council shall, through the Land Use By-law, establish design requirements for required automobile parking spaces and areas.

Policy 4-18: Council shall, through the Land Use By-law, establish provisions to consider and guide the administration of parking lots that are intended to fulfill the minimum automobile parking requirements, but are located off-site or are shared among multiple premises.

4.3.8 Institutional Uses

Institutions—schools, hospitals, emergency services, and more—are an important part of our communities. Compared to other land uses, institutional uses exhibit a wider range of site needs in terms of both size and location. Facilities like schools are integrated into all types of communities on various types of lots. The Institutional Zone, therefore, is intended to accommodate the needs of institutional uses in a wide range of settings.

Of special importance in Cumberland is correctional facilities. Springhill hosts the Springhill Institution, a federal, medium-security correctional facility. These types of facilities are particularly unique in terms of their operational needs, and also in terms of their relationship with the surrounding community. Council, therefore, will use the development agreement process to consider correctional facility development.

Policy 4-19: Council shall, through the Land Use By-law, establish the Institutional Zone, intended to apply to the lands of institutional uses. Permitted uses shall include institutional uses, such as, but not limited to, government facilities, academic and health facilities, day care centres, and cultural institutions. Zone standards for lot sizes and frontage shall be flexible to accommodate the variation in site needs of different types of institutional uses; however, side and rear setbacks shall be established to reduce impacts on neighbouring uses.

Policy 4-20: Council shall consider the approval of correctional facilities, as well as residential facilities licensed by Corrections Canada or Nova Scotia Corrections (or successor bodies), in the Institutional Zone by development agreement, subject to the policies of Section 6.3.

4.3.9 Utilities

Utilities—water, sewer, electrical lines, pipelines, and more—often have unique development requirements. This type of infrastructure is often linear in nature, and not confined to one lot. Typical lot requirements and development controls do not necessarily apply well to such types of development. Council also recognizes that this infrastructure is often an essential part of our communities, and does not wish to create barriers to its development.

Policy 4-21: Council shall, through the Land Use By-law, permit in all zones linear utilities and associated operations facilities such as, but not limited to, transformers and sewage lift stations. For greater clarity, facilities not directly related to the immediate operation of the utility, such as offices and maintenance depots, shall be required to locate in an appropriate zone that permits these uses.

Policy 4-22: Council shall, through the Land Use By-law, relax lot standards for utility infrastructure.

4.3.10 Former Junction Road Dump Site

The Junction Road Dump Site in Springhill was closed in 1978. With the opening of the Regional Sanitary Landfill at Little Forks, the need for a local dump site was eliminated.

Rehabilitation of the site was carried out by way of replacement of the ground cover, rodent elimination, grading, and capping. Aesthetically the site poses no problem, but the potential for environmental contamination of groundwater supplies and surface water remains. Additionally, a solid waste disposal site such as this could potentially continue to produce methane gas for a period up to thirty years.

Based on the nature of the site and large areas in Springhill affording alternate development opportunities, few forms of development are appropriate for the former. Thus, Council intends to not sell the land and to only consider development on the site if it is for renewable energy, such as methane gas capture or solar energy collectors.

Policy 4-23: Council shall retain ownership of the former solid waste disposal site on Junction Road in Springhill and not sell it for any reason. It shall not be developed for any reason except to accommodate renewable energy production such as, but not limited to, methane gas capture, solar energy collectors, or the growing of biomass.

4.3.11 Communications Antennas

Due to their nature of needing clear lines of sight, communications antennas—cell phone towers, radio broadcast towers, and the like—are often very prominent features on the landscape, placed on hills and other very visible areas. This visual impact can sometimes raise the concerns of the community when a new communications tower is proposed. However, a robust network of communications towers is also an important component of modern society. As a result, the Government of Canada, through Industry Canada, has removed the siting of communications antennas from the powers of local land use controls.

Most new communications towers go through an approval process that is standard across Canada. The process does require consultation with the local community, and local governments are permitted to establish a consultation process instead of the default Industry Canada process. This is an opportunity for the community to discuss with the proponent the various options for siting the antenna system, and any questions or concerns they might have.

Council has elected to develop a communications antenna consultation protocol, which is separate from this Plan. However, it should be emphasized that Council's powers only include the power to determine the consultation process, and not the power to make any decision to deny or approve a proposed communications antenna.

4.4 Housing

4.4.1 Context

Housing provides one of the most basic human needs: shelter from the elements. But it is also more than that. Housing is where we often spend much of our time on activities such as sleeping, cooking, eating, and recreation. It is also often a place to build families and friendships. For some people, it is where they do business.

As such an essential part of human life, housing is something to which many of this Plan's policies apply. Indeed, this section on housing is relatively short due to the fact that housing is mixed in with many other areas of this Plan. The policies of this section deal with specific aspects of housing that do not necessarily span other chapters and sections, such as residential facilities.

4.4.2 Housing Diversity

As of 2016, the housing stock in Cumberland was primarily single-detached dwellings. With recent trends of shrinking household sizes and an aging population, Council recognizes there may be some market demand for more diversity in the types of housing available to Cumberland's residents. While the single-detached dwelling will likely continue to be the housing choice for many of Cumberland's residents, Council wishes to ensure options are available for all tastes and stages of life.

Policy 4-24: Council shall, through the policies of this Plan and through the Land Use By-law, enable diversity in the form, scale, and location of housing that is permitted in the Municipality.

4.4.3 Converted Dwellings

Cumberland has an extensive stock of existing housing. In many areas, such as Upper Main Street in Parrsboro, there are large dwellings, often built for large families during the industrial heyday of Cumberland. However, from 1996 to 2006 the average household size in Cumberland shrank from 2.5 people to 2.1 people. In this era of an aging population and shrinking household sizes, these large dwellings can be more than a single household requires. Many of these dwellings are also older, and come with associated maintenance requirements. Given the size of these dwellings, it is often possible to convert one large home into smaller, more manageable units.

Council supports the conversion of dwellings as a means to encourage the reuse, rather than demolition, of these dwellings and as a means to encourage a diversity of housing options in Cumberland. However, some of these dwellings—the older ones in particular—were built before modern land use controls were established, and might not meet the standards for certain types of dwellings today (*e.g.* setbacks from side lot lines). Council believes some flexibility is appropriate as a means to remove barriers to such conversions.

Policy 4-25: Council shall, through the Land Use By-law, permit the conversion of dwellings and shall relax zone requirements to ease the conversion of existing dwellings that may not meet modern standards.

4.4.4 Residential Facilities

Cumberland's residents each have their own unique housing needs, and Council strongly believes that all persons in Cumberland have the right to live in their community in a form of housing that suits their needs. Residential facilities, such as group homes, nursing homes, assisted living, collective living, transition homes, and many more, help to meet this diversity of housing needs. Council, therefore, believes that residential facilities that fit within the scale of their neighbourhood should not face undue burdens, and should be regulated the same as other types of dwellings permitted within that neighbourhood.

Policy 4-26: Council shall, through the Land Use By-law, regulate residential facilities, except those licensed by Corrections Canada or Nova Scotia Corrections (or successor bodies), in the same manner as dwellings of a similar scale.

4.5 Economic Development and Tourism

4.5.1 Context

Compared to Nova Scotia as a whole, Cumberland faces some economic challenges. Statistics Canada's 2011 National Household Survey indicated that, compared to the Nova Scotia average, Cumberland has a low workforce participation rate, higher unemployment, and a lower median household income.

While this Municipal Planning Strategy and its associated Land Use By-law are not necessarily the tools to solve all of these challenges, Council also recognizes these documents do have a role in creating an environment that enables and promotes economic development. As such, this Plan and the Land Use By-law have been carefully developed with an eye to preserving large areas of land for resource development, creating flexible areas for commercial development, and protecting and promoting the aspects of Cumberland that are desirable to tourists. This Plan and the By-law also focus on enabling quality communities for residents, in part because—in an increasingly globalized economy—this is one part of the equation in attracting and retaining talented employees and creative business owners.

Much of the focus on creating an environment supportive of economic development and tourism is woven throughout the other policies of this Plan, and not necessarily spelled out in stand-alone policies. As a result, this section is relatively short despite the importance Council places on this topic.

4.5.2 Home-based Businesses

Small businesses are an integral part of Cumberland County's economy. In the 2011 census, companies with fewer than 50 workers made up 98 percent of the businesses with a known number of employees in the county. Many of these businesses are likely based out of homes, or started out as home-based businesses before growing into larger facilities.

Opportunities for home-based operations lower the barriers to entry for new businesses by allowing prospective business owners to take advantage of an asset they already own: their home. Home-based businesses can also provide services and business opportunities in rural communities where dedicated commercial properties may not be available, provide additional resources for the upkeep of large existing homes, and provide convenient employment opportunities for residents who have challenges leaving the home.

Council believes in supporting existing home-based businesses and encouraging the development of new home-based businesses. At the same time, Council is also mindful of the impact commercial activities can have in a residential neighbourhood, and the risk that home-based businesses could draw away demand for commercial spaces on traditional main streets. As such, policies for home-based businesses are structured to be flexible and encouraging for smaller, less intensive businesses while guiding more intensive and larger businesses to major thoroughfares and established commercial areas.

Policy 4-27: Council shall, through the Land Use By-law, permit home-based businesses in all zones that permit residential uses.

Policy 4-28: Council shall, through the Land Use By-law, create two classes of home-based business. Level 1 shall be very limited in scale and the types of permitted business, intended for lower-density residential neighbourhoods and public drinking water supply areas. Level 2 shall be broader in scale and the types of permitted business, intended for all other areas with residential uses.

Policy 4-29: Council shall, through the Land Use By-law, regulate the size, permitted uses, number of permitted employees, parking, and outdoor display and storage in keeping with the intended scale of each class of home-based business.

4.5.3 Accommodations

Cumberland has a variety of areas that cater to tourists and the travelling public. Whether these people are just passing through on the Trans-Canada Highway, or vacationing along the shore, they require accommodations. The type of accommodations travellers desire is as diverse as peoples' reasons for travelling. Council recognizes that providing adequate accommodations—from tenting sites, to RV parks, to vacation cottages, to B&Bs and short-term home rentals, up to larger hotels—is important to Cumberland's economy, both from the direct spending on accommodations and from the spinoff of having visitors stay and explore the area. As such, Council intends to accommodate a diversity in type and scale of accommodations throughout the Municipality.

Policy 4-30: Council shall, through the Land Use By-law, permit single-unit accommodations in all zones that permit residential uses.

Policy 4-31: Council shall, through the Land Use By-law, permit larger types of accommodations in commercial and recreational zones, with the type and scale of the permitted accommodations tailored to the intent of the zone.

4.5.4 Small Agriculture

Statistics Canada's Census of Agriculture data show that, in recent years, the number of small farms (in both area and dollar value) in Cumberland has been increasing, along with a minor decline in farms on the larger end of the scale. Council recognizes a trend in Nova Scotia of people seeking to, “get back to the land” and to establish hobby farms or small farms as a business venture. Council sees an opportunity to support this trend as a way to attract new residents and to help rejuvenate declining rural areas. As such, Council intends to be fairly flexible with agricultural uses, including smaller livestock operations.

Policy 4-32: Council shall, through the Land Use By-law, permit crop-based agriculture as a main use in all zones except the Downtown Commercial Zone and except where a source water protection plan recommends agriculture, or certain types of agriculture, not be permitted in a drinking water supply area.

Policy 4-33: Council shall, through the Land Use By-law, place restrictions on the scope of agricultural main uses in areas zoned for centrally-serviced development, in order to reduce the risk of interfering with the efficient development of land.

Policy 4-34: Council shall, through the Land Use By-law, provide for the keeping of a limited number of fowl and rabbits in all zones.

Policy 4-35: Council shall, through the Land Use By-law, permit small-scale keeping of livestock as an accessory use in the Country Residential Zone, Country Commercial Zone, Rural Resource Zone, Agriculture Zone, Recreational Residential Zone, Wellfield 3B Zone, and on large lots in the Lower Density Residential Zone.

4.5.5 Agritourism

Agricultural operators in Nova Scotia are increasingly looking beyond traditional agriculture activities—growing, processing, and selling crops and livestock—and diversifying into “agritourism” activities. Such businesses bring visitors to the farm to experience first hand the bounty Cumberland’s agricultural areas have to offer. Agritourism includes any business that combines local agriculture with a tourism experience. This could be “field-to-table” restaurants, u-pick operations, farm-stay accommodations, winery sales, farm brewery sales, or any other similar venture.

Council desires to support agritourism activities as a way to bring new visitors to the region, to provide diversification for agricultural operators, and to showcase Cumberland’s wealth of agricultural products. As such, Council intends to accommodate agritourism activities associated with a farm.

Policy 4-36: Council shall, through the Land Use By-law, enable agritourism uses in the Agriculture Zone, Rural Resource Zone, and Country Commercial Zone. Agritourism uses shall be required to be associated with an on-site agricultural use.

4.5.6 Signs

Signage is an important part of our communities. It identifies businesses, and guides locals and tourists to the places they need to go. However, when signage is unregulated it can lead to a situation where there is a “forest” of signs, which can distract from the beauty of our communities and, ironically, actually make it hard for the signs to be effective. An appropriate balance must be struck between enabling signs and preventing signage clutter.

One particular signage issue in Cumberland is off-site business signage. These are signs located along important transportation routes that guide automobile drivers to local businesses. Without these signs, businesses that are not located on major transportation routes might have trouble attracting customers. However, when multiple businesses in a community have off-site signs it can indeed lead to clutter along the main routes into that community. Council, therefore, intends to explore the development of a ‘uniform off-site business sign’ program, which would allow for off-site business signs in an organized and cohesive manner. In the meantime, off-site business signs will continue to be permitted.

Policy 4-37: Council shall, through the Land Use By-law, regulate the type, size, and location of signs in a manner that balances the aesthetics of neighbourhoods with the need to advertise businesses and provide information about a community.

Policy 4-38: Council may, through the Land Use By-law and following the completion of a uniform off-site business sign study, regulate the size, location, and form of off-site business signs to provide an organized and cohesive approach to off-site signs.

4.5.7 Highway Commercial Development

Highway interchanges are often valued for development due to their high visibility and accessibility to the thousands of vehicles passing by each day. However, highway interchanges are also a limited resource; as of 2017 there were only six interchanges on Highway 104 located within the Municipality of Cumberland proper. As such, Council believes these areas of land should be prioritized for uses that serve the travelling public, and uses that require direct and efficient access to the highway, such as emergency services.

Policy 4-39: Council shall, in the Land Use By-law, establish the Highway Commercial Zone, intended to permit uses that serve the travelling public and uses that require quick access to major transportation routes. Permitted uses shall include emergency services, and a limited range of commercial services. Zone standards shall be flexible to accommodate the needs of different highway uses, and to recognize that some highway commercial areas have access to central services, while others do not.

4.6 Environment

4.6.1 Context

Cumberland has a diverse natural environment, characterized by six different “ecodistricts”. These classifications, established by the Nova Scotia Department of Natural Resources, recognize and highlight areas based on their unique combination of geology, soils, topography, and climate. From the dry, low areas of the Northumberland Lowlands, to the snowy, elevated areas of the Cobequid Hills, Cumberland’s environments provide valuable animal habitat; ecosystem services; and places to live, work, and take part in recreation.

Protecting the natural environment from degradation caused by human development is an important component of this Plan. In addition to this, it is also important to put development in places where risks from the natural environment are low. This section includes the policies intended to achieve these goals.

4.6.2 Watercourse and Shoreline Buffers

The areas along watercourses and shorelines are often sensitive natural environments. They provide unique habitats at the interface between land and water, and they are often easily damaged and eroded. These areas also often present risks to development, due to things like flooding, erosion, or steep slopes. Council believes these areas are generally not suitable for development, but also recognizes that some uses, such as boat sheds, are most functional when located in these areas.

Policy 4-40: Council shall, through the Land Use By-law, establish buffers that limit development adjacent to watercourses and the marine shoreline.

Policy 4-41: Council shall, through the Land Use By-law, enable exceptions to shoreline and watercourse buffers where the use is required to locate adjacent to the water, or where the risks presented to and by the development can be shown to be low.

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.

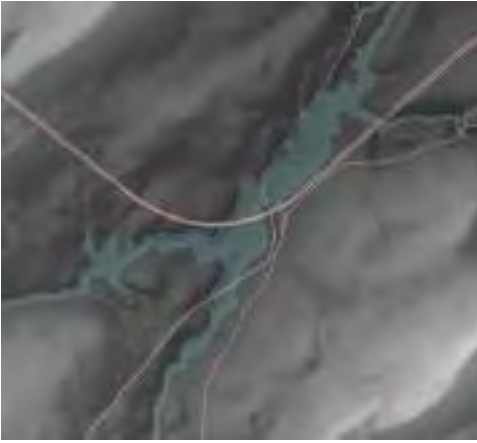
Cumberland County’s geology and diverse topography means that Cumberland County is home to a wide range of natural hazards. Severe weather, fire, or seismic events can exacerbate geohazard risks such as flooding, and sinkholes. Council recognizes the importance of proactively planning safe development 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.

Policy 4-40A: 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.

[CHG-404]

4.6.3 Floodplains



LiDAR model and geomorphic floodplain on part of the River Philip

Flooding is a natural part of a river's yearly cycle. This process has many benefits, such as recharging groundwater, depositing nutrient-rich soils, and providing spawning grounds for fish and other wildlife. Valuable agricultural land is often found in areas prone to flooding due to the fertile soils associated with the flooding. However, the natural process of flooding can present risks for human developments; buildings and infrastructure that are built within floodplains can be at risk of water damage. From a planning perspective, it is prudent to identify areas where flooding occurs, and avoid putting people and development in harm's way. The other reason to avoid development in flood areas is things that reduce the ability of the land to absorb water, such as tree clearing and paving, can lead to increased flooding elsewhere.

The challenge with planning for flooding is identifying and defining the areas that fall within the floodplain. Accurate and comprehensive floodplain delineation depends on having high-resolution information about the local topography and river characteristics; long-term, local datasets about precipitation; and long-term river gauge data. Much of this data does not yet exist at a satisfactory level of accuracy in the Cumberland context, and undertaking to develop this data will take a considerable amount of time and money.

An alternate approach to modelling flooding is to analyze the landscape to determine areas where flooding has occurred in the past. LiDAR imaging is a technology that can create very high-resolution elevation models of the land. When examining these LiDAR models, the "geomorphic floodplains" of rivers are often visible as a low relief area of land adjacent to the river. This low relief area adjacent to the river channel is a result of years of the river spilling over its channel banks and through a process of erosion and deposition forming the land into a natural floodplain. This approach does not determine how often a location will flood, but does indicate where flooding has happened in the past. The benefit of this approach is that the data requirements are lower, and only rely on having a detailed LiDAR model of the landscape and information about the riverbed. As of 2017, geomorphic floodplain delineation has been conducted for the River Philip and Wallace River. As LiDAR data is collected for other areas of the Municipality, it will become possible to conduct further geomorphic floodplain delineation.

Council recognizes the data necessary to delineate floodplains in Cumberland are limited at this time. However, Council also believes that flooding is a dangerous threat to property and human lives, and that development in floodplains can harm natural systems and habitats. Once development occurs in an area at risk of flooding it is challenging and costly to go back and remove or relocate that development. As a result, Council has elected to take a cautious approach by tightly limiting development in the areas immediately adjacent to major rivers and to be cautious with development in identified geomorphic floodplains. In the future, as further data is developed and refined, Council intends to revisit and update the areas where flood protection restrictions are applied.

Policy 4-42: Council shall, through the Land Use By-law, increase the distance of watercourse buffers around waterbodies known to be at a high risk of flooding that have not yet been subject to geomorphic floodplain mapping.

Policy 4-43: Council shall, in the Land Use By-law, establish the **Flood Hazard Zone**, intended to limit development on lands that are identified as presenting a higher risk of environmental hazards to development. Permitted uses in the **Flood Hazard Zone** shall be restricted to agriculture, existing dwellings, and parks. New single-unit dwellings and vacation rentals shall be permitted in the **Flood Hazard Zone** subject to site plan approval requirements aimed at reducing risks to human health and property, and at minimizing erosion and the worsening of flood impacts. **[CHG-403]**

Policy 4-44: Council shall, on the zoning map of the Land Use By-law, initially apply the **Flood Hazard Zone** to lands located in identified geomorphic floodplains. **[CHG-403]**

Policy 4-45: Council may, through the Land Use By-law and in accordance with additional geomorphic floodplain delineation efforts, rezone additional lands to or from the **Flood Hazard Zone**. Council shall not otherwise rezone lands out of the **Flood Hazard Zone** without an amendment to this Plan. **[CHG-403]**

4.6.4 Coastal Areas

Cumberland County features over 850 kilometres of coastline with a number of coastal communities and their associated infrastructure. These coastal areas are subject to varying levels of coastal flooding from extreme water levels during storms, which has implications for which areas are safe for development, and which areas should be avoided. Worst-case flooding occurs when the storm surge occurs at the same time as high-tide, thus pushing water levels higher.

In addition to the effects on water levels from storms and tides, Nova Scotia is experiencing a relative rise in average sea levels. This is happening both because the physical landmass of Nova Scotia is slowly sinking, and because global water levels are getting higher as a result of climate change. Because human development and infrastructure often lasts for decades or longer, it is prudent to not just plan for coastal flooding under today's conditions, but also for future conditions that include the effects of relative sea level rise. Under an intermediate scenario of sea level rise, by the year 2100 extreme water levels could reach 3.5 metres on the Northumberland coast, and 14.1 metres in the Bay of Fundy (relative to local chart datum).

One other challenge in Cumberland's coastal areas is erosion, particularly along the soft shores of the Northumberland Strait. These areas have long been developed as summer retreats, often on very small lots with sewage holding tanks rather than septic systems. As the coast has eroded, many property owners have found themselves in a challenging place, with little room to retreat from the shore. This problem has been worsened in recent years as cottages have been converted to permanent homes, increasing the value of what could be lost to erosion.

Council recognizes the importance of coastal areas as places for industry, recreation, and living. However, Council also wants to ensure development in these areas is not placed at unnecessary risks.

Policy 4-46: *[Deleted CHG-401]*

Policy 4-45A: Council shall, through the Land Use By-law, prohibit coastal development within the following vertical elevations relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), with the exception of low-value development and development that is required to be at the water:

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

[CHG-401]

Policy 4-47: Council shall, through the Land Use By-law, increase the shoreline buffer along shorelines identified as having a fast rate of erosion.

4.6.5 Wildlife Connectivity

The Chignecto Isthmus—the narrow stretch of land connecting Nova Scotia to New Brunswick—has been recognized regionally, nationally, and internationally as an area of importance for conservation. This is because it provides the only land connection between Nova Scotia and the rest of North America; wildlife moving between Nova Scotia and areas elsewhere must make their way through the Isthmus. Maintaining this wildlife connectivity is important because it ensures genetic flow between wildlife populations, and because it facilitates wildlife movement in response to environmental changes. These two factors play a crucial role in maintaining healthy wildlife populations over the long term.

The Nature Conservancy of Canada has been working to identify lands in Cumberland that are particularly valuable in maintaining wildlife connectivity. Using geographic information systems (GIS) mapping, researchers analyzed the different landscapes in Cumberland for the types and sizes of habitats that would most likely support wildlife movement among key destinations in New Brunswick and Nova Scotia, such as provincial wilderness areas. Lands with a high probability of supporting wildlife connectivity can then be prioritized for conservation efforts before they are irreversibly lost to development. These areas could even be formally recognized through designations such as the International Union for Conservation of Nature (IUCN)'s "Connectivity Conservation Areas".

Council recognizes the important role that Cumberland's landscapes play in supporting Nova Scotia's wildlife populations, and wishes to support the work of the Nature Conservancy and other organizations working to preserve the lands most valuable to conservation efforts. Council encourages the formal designation of wildlife connectivity corridors. Council has also elected to—as part of making a decision on planning applications—consider whether a proposed development would have an inappropriate impact on wildlife connectivity.

Policy 4-48: Council shall on Schedule B, the Sensitive Environments Map, identify lands that have a high probability of being wildlife corridors. The planning review criteria of Chapter 6 shall include consideration for the impact of planning proposals on these corridor lands.

Policy 4-49: Council shall, as part of future plan reviews, update Schedule B to align with the most up-to-date data regarding wildlife corridors.

4.6.6 Lakes

Cumberland County features at least 81 named lakes. All of them are likely affected to some degree by human activities, such as logging, agriculture, recreational and cottage use, industrial operations, and runoff from roads or other developed property. In some cases, lakes have the natural buffering capacity to accommodate human activities with little change to water quality or the natural environment of the lake. In other cases, the lake is especially sensitive (small, shallow, certain geologies, etc.) or the scale of human activity is so large that the lake water quality is impacted.

Changes to water quality can result from a variety of factors, such as pollution, higher or lower nutrient levels, higher or lower salinity (salt levels), warmer or cooler temperatures, higher or lower pH (acidity), more or less oxygen in the water, or the introduction of new plant and animal species. These changes can affect the clarity, smell, and taste of water; the amount of plant growth; the toxicity of water; algae growth; and the types of fish and other animals that can survive in that lake.

Cumberland has some history of lake water quality concerns, such as in Blair Lake and Mattatall Lake. Blair Lake is located in Upper Nappan, adjacent to Highway 104. The lake was studied in the 1980s, and then again by Nova Scotia Environment (NSE) in 2004. The NSE report found the lake is eutrophic (nutrient-rich). This is likely the natural state of the lake, but it may be worsening over time. The NSE data does show that salts have increased in the lake over time, a trend that is also indicated in anecdotal reports of well water quality in the immediate area.

Mattatall Lake is located east of Wentworth, on the border with Colchester County. Over the past decade, residents and cottage owners on the lake have noticed algae blooms. According to resident accounts, the blooms have increased in intensity over the years to the point that, in 2014, the bloom covered the whole lake from June until the lake froze over in January.

Council is concerned about changes to lake water quality, both in terms of what they mean for these areas as natural habitat and in terms of their effects on lake residents and cottagers. Council seeks to understand the contributing factors to changing lake water quality, and take corrective actions where possible. In the meantime, while developing a better understanding of lake water quality, Council recognizes that a cautious approach to development around lakes is warranted.

Policy 4-50: Council shall, through the placement of zones on the zoning map of the Land Use By-law, limit development to low densities and low-impact uses around lakes that have shown sensitivity to development impacts or may be at risk from overdevelopment.

4.7 Renewable Energy

4.7.1 Context

Nova Scotia has, in recent years, been moving towards a future where much of the province's electricity needs are supplied by renewable energy, rather than non-renewable sources like coal and oil. **The Renewable Energy Regulations made under the *Electricity Act* require 80 percent of Nova Scotia's electricity to come from renewable sources—such as hydro, solar, wind, and tidal—by the year 2030.** This will have the benefit of reducing local air pollution, reducing our contribution to climate change, and reducing our reliance on fuels imported from other countries. Cumberland has, to date, played an important role in the development of renewable energy generation in Nova Scotia, and will likely continue to do so in the future. [CHG-408]

4.7.2 Wind Energy

In 2011, the Municipality of Cumberland released its Wind Energy Development Plan, developed with the support of the Union of Nova Scotia Municipalities. Through this project, the Municipality identified areas that are appropriate for wind turbines, and areas that are inappropriate for wind turbines for reasons such as water supply areas or areas of cultural significance. The project also established requirements to help reduce the impact of wind turbines on surrounding communities and natural features.

In 2022, Council revisited the Municipality's approach to regulating wind turbines in order to provide for more public involvement, provide explicit expectations in terms of setbacks and separation distances, refine the areas where larger turbines are permitted, and establish expectations for decommissioning at end-of-life. Council believed these changes would ensure wind energy continues to be a positive contributor to the Cumberland community. Council will continue to review wind turbine policy and regulations as part of regularly-scheduled reviews of the Municipal Planning Strategy and Land Use By-law (as outlined in Chapter 6) in order to ensure such policies and regulations best reflect the needs of the local community and the wind industry.

As of **2022**, Cumberland hosts three large-scale wind farms at Stevens Mountain, outside of Springhill, and on the Tantramar Marshes. Council intends to continue to support the establishment of large-scale wind turbines in appropriate locations, as well as smaller wind turbines for personal and on-site commercial use. [CHG-408]

Policy 4-51: Council shall, through the Land Use By-law, define **four** categories of wind turbines: **[CHG-408]**

- (a) Domestic-scale wind turbines, which are very limited in scale and intended to generate electricity only for on-site consumption or are mechanical in nature and are intended to pump water.
- (b) Small-scale wind turbines, which are limited in scale and are generally intended to meet the electricity needs of on-site uses, but may export energy to the grid through “net-metering” programs.

(ba) Medium-scale wind turbines, which are intended to generate electricity on a commercial scale but are limited in overall capacity and height. [CHG-408]

- (c) Large-scale wind turbines, which are large in scale and are intended for commercial supply of electricity to the grid and may be built individually or in a collective “wind farm”.

Policy 4-52: Council shall, through the Land Use By-law, permit domestic-scale wind turbines as an accessory use in all zones and shall establish requirements for their design and siting to minimize safety concerns and conflicts with neighbouring uses.

Policy 4-53: Council shall, through the Land Use By-law, establish a Wind Turbine Restricted Overlay that identifies inappropriate areas for **medium-** and large-scale wind turbines and includes lands such as, but not limited to, drinking water supplies, bird conservation areas, important cultural areas, historic sites, and ecologically-significant lands. **[CHG-408]**

Policy 4-54: Council may consider amending the Wind Turbine Restricted Overlay to add locations where a local tourism plan **endorsed by Council** concludes that **medium-** and large-scale wind turbines are not compatible with the goals of the tourism plan. **[CHG-408]**

Policy 4-55: *[Deleted: CHG-408]*

Policy 4-56: *[Deleted: CHG-408]*

Policy 4-55A: Council shall, through the Land Use By-law, permit small-scale wind turbines in all zones and shall establish requirements for their design and siting to minimize safety concerns and conflicts with neighbouring uses. **[CHG-408]**

Policy 4-56A: Council shall consider entering into a development agreement to permit proposals for medium- and large-scale wind turbines in the Agriculture Zone, Rural Resource Zone, Mixed-use Zone, General Commercial Zone, Urban Industrial Zone, Rural Industrial Zone, and Country Commercial Zone subject to the following requirements:

- (a) the proposal shall not be located within areas subject to the Wind Turbine Restricted Overlay of the Land Use By-law;
- (b) the proponent shall host a minimum of three public meetings, each advertised at least 14 days in advance through a newspaper circulating in the municipality, and submit to the Municipality meeting notes containing a description of questions and issues raised and corresponded answers and mitigative measures;
- (c) the proponent shall satisfy Council that the proposal includes tangible public benefits, demonstration of which may include, but is not limited to, a public benefit fund established with proceeds from the project, a pooled lease mechanism, the use of local suppliers, and equity investments from residents of the Municipality and community in which the project is located;
- (d) any medium-scale wind turbines shall have a separation distance of at least 200 metres or 2 times their height, whichever is larger, from habitable buildings external to the wind project, and 2 times their height from wind turbines (excepting domestic-scale) external to the wind project;
- (e) any large-scale wind turbines shall have a separation distance of at least 1,000 metres or 3.5 times their height, whichever is larger, from habitable buildings external to the wind project, and 4 times their height from wind turbines (excepting domestic-scale) external to the wind project;
- (f) the wind turbines shall be set back a minimum of 85 metres from natural gas pipeline rights-of-way;
- (g) the wind turbines shall be set back a minimum of 1.25 times their height from habitable buildings internal to the wind project, property lines external to the wind project, and street and railway rights-of-way;
- (h) the proposal shall meet the policies for development agreements outlined in Section 6.3.

[CHG-408]

Policy 4-56B: Development agreements for medium- and large-scale wind turbines, as provided for in Policy 4-56A, shall, in addition to the provisions required for all development agreements outlined in Section 6.3, include:

- (a) provisions related to the ongoing operation and maintenance of the development, including, at a minimum:
 - (i) requiring the proponent to notify Council if a turbine has malfunctioned or ceases to produce power for a period exceeding six continuous months;
 - (ii) requiring the proponent to repair or to notify Council of their intent to decommission any non-functional turbine within 18 months of providing notice under subsection i.;
 - (iii) establishing a process for receiving and responding to public complaints related to the operation and maintenance of the development;
 - (iv) requiring the proponent to ensure that all turbines operate within the noise and shadow flicker requirements established by the Provincial Environmental Assessment process.
 - (v) requiring the proponent to submit to Council a report outlining compliance with the terms of the development agreement within 24 months of commissioning the last turbine in the development; and
- (b) a requirement for the posting of a decommissioning bond or other similar surety of an amount not less than 125% of the estimated present-day cost to decommission the development minus any estimated present-day scrap value of the turbines. Such estimate shall be prepared by a Professional Engineer, licensed to practice in Nova Scotia at the expense of the proponent.

[CHG-408]

Policy 4-57: Council shall, through the Land Use By-law, allow for the waiver of separation distances between wind turbines and existing dwellings, and shall permit new dwellings to be built within the separation distance from existing wind turbines.

Policy 4-58: Council shall, through the Land Use By-law, establish requirements for the information to be provided and process to be followed for permitting, maintenance, and decommissioning of wind turbines.

4.7.3 Solar Energy

Cumberland County receives, in an average year, some of the most sunlight in Nova Scotia. This abundant solar resource can be captured and converted to electricity or heat energy for space heating and domestic hot water.

Solar collectors are unique in that their modular nature makes them suitable for installation at a wide range of scales. They can be done on a small scale, with solar panels on homes and businesses, or on a commercial scale in “solar farms”. In many cases, they can be integrated into existing development with little or no impact on the surrounding community. However, it must also be recognized that, on the large scale, they can use a significant area of land. Given Cumberland’s large land base, and given the fact that other activities such as agriculture can often take place among the panels, this is not often an issue. Where it can become an issue is in areas with existing services (sewer and/or water) that should be utilized by development, or areas where a denser form of development is desired. As such, solar collectors will not be permitted as a main use in these areas.

Policy 4-59: Council shall, through the Land Use By-law, permit solar collectors as an accessory use in all zones.

Policy 4-60: Council shall, through the Land Use By-law, permit solar collectors as a main use in the Rural Resource Zone, Agriculture Zone, Rural Industrial Zone, Wellfield 3B Zone, and Commercial Recreation Zone.

Policy 4-61: Council shall, through the Land Use By-law, establish requirements for the siting and design of solar collectors, including, but not limited to, requirements for reversible installations on lands in the Agriculture Zone.

4.7.4 Tidal Energy

The Bay of Fundy features the highest tides in the world. The cyclical movement of this vast volume of water carries enormous energy, long seen as a potential source of electricity generation. The Bay of Fundy is a challenging place to deploy any human-made structure because of the enormous forces involved in these tidal movements and because of other characteristics of the area, such as winter ice-up. However, successfully deploying any tidal technology in the Bay of Fundy would prove its resiliency for use in almost any other setting.

As of 2017, the Fundy Ocean Research Center for Energy (FORCE) outside of Parrsboro has been established to push Nova Scotia forward as a hub of tidal research and development. While much of the work related to tidal energy is offshore, outside of municipal jurisdiction, Council nonetheless recognizes and supports the potential of this fledgling industry.

Policy 4-62: Council shall, through the permitted uses and placement of zones in the Land Use By-law, enable and support facilities and operations associated with tidal energy generation.

4.7.5 Geothermal

Springhill's long history of mining presents a unique opportunity for renewable energy development: geothermal energy. Since they were abandoned, the mine workings of Springhill have filled with water, which has then been naturally heated by the earth. Starting in 1987, businesses in Springhill have taken advantage of this warm water by pumping it out of the mine workings, extracting the heat energy with heat pumps, and returning the cooled water back to the mines. This provides a highly efficient space heating source at a cost much lower than many other heat sources.

Council recognizes the potential incentive that cheap space heating offers for a business considering locating in Springhill. Over the years, a number of successively detailed studies have been conducted towards the development of a "geothermal industrial park", where businesses could hook into a centralized, public geothermal heat network. Council aims to support the possibility of a future geothermal industrial park, and as part of this Plan has designated and zone lands to provide the industrial land that would take advantage of the geothermal resource. In the future, if the project is very successful, Council could consider amending this Plan to open up additional lands for connection to the geothermal system.

4.8 Recreation

4.8.1 Context

Recreation opportunities are a key component of desirable communities and help establish a high quality of life for residents. These opportunities can range from trails to playgrounds to multi-surface ice arenas. The benefits these recreation opportunities provide to individuals are both mental and physical. On a larger scale, they can help knit communities together or define a community's identity.

The Municipality plays a key role in recreation, both as a provider of facilities and programs, and as the body that regulates where commercial recreation opportunities can be developed. The policies of this section guide the acquisition of new parkland through the subdivision process, the protection of parks and open space land, and the appropriate locations for recreation facilities and commercial recreation opportunities.

4.8.2 Parks and Open Spaces

Parks and open spaces play a very important role in quality of life for residents. They are places for quiet reflection, recreation spaces, and places to make social connections. They contribute to the beauty of our communities, and their open spaces and vegetation provide environmental services such as rainwater infiltration. Some parks also provide protection for sensitive or important natural habitats, while allowing visitors to experience them in a safe and low-impact way.

Parks and open spaces in Cumberland comes in a wide variety of types and sizes, from the neighbourhood "tot lot" playground, up to large provincial parks and wilderness areas. Council recognizes the value of these spaces and intends to accommodate and promote them throughout the municipality.

Over the years, the Municipality has acquired a number of land parcels intended as parkland through the subdivision process. However, many of these parcels are not well-situated to be used as parkland and have, therefore, not yet been developed as parks. At the same time, communities such as Springhill, Parrsboro, and Pugwash have many developed parks that could use further capital investment to reach their full potential. Council intends to conduct a comprehensive assessment of parkland needs so that the Municipality can be more strategic in its parkland acquisitions and investments. In the meantime, the priority for parkland is the capital reinvestment in existing developed parks.

Policy 4-63: Council may, following the completion of an open space needs assessment study, amend the Subdivision By-law to require during the subdivision process the dedication of parkland, cash-in-lieu, or a combination of both. The acceptable type(s) of land and the value of land or cash-in-lieu shall be as prescribed in the open space needs assessment study, up to but not exceeding a value of 10 percent of the lots being created.

Policy 4-64: Council shall, through the Land Use By-law, permit low-impact parks and recreation uses in all zones and shall relax zone standards for such uses.

Policy 4-65: Council shall, through the Land Use By-law, create the Parks and Open Space Zone, intended to preserve lands for parks and open space uses. Permitted uses shall include low-impact parks and recreation uses, as well as a very limited range of supportive commercial uses. Zone standards shall be flexible to accommodate the diversity in parks and open space uses.

4.8.3 Recreation Centres

Recreation centres, such as rinks and pools, are often community hubs and valued public infrastructure. Council intends to support diverse and accessible recreation facilities for residents. In particular, Council believes that in order to be true community facilities, recreation centres should be located close to the people who use them.

Policy 4-66: Council shall, through the Land Use By-law, permit recreation centres in the Institutional Zone, Parks and Open Space Zone, Downtown Commercial Zone, General Commercial Zone, and Country Commercial Zone.

4.8.4 Commercial Recreation

[Deleted: CHG-402]

Policy 4-67: *[Deleted: CHG-402]*

Policy 4-68: *[Deleted: CHG-402]*

4.8.4A Commercial Recreation

Commercial recreation operations—golf course, campgrounds, RV parks, tracks, paintball fields, and other similar uses—serve as recreation options for residents, and as a tourism draw for visitors. Indoor uses are often similar to other commercial uses and are appropriate for commercial areas. However, Council recognizes that residents can have concerns when a large outdoor recreation use is proposed, and that these uses can often have special considerations in terms of servicing and design. Council, therefore, will require a rezoning to permit outdoor commercial recreation operations.

Some of the larger outdoor commercial recreation uses, such as golf course and ski hills, will typically have a wide range of accessory uses, such as restaurants or sporting equipment sales. These accessory uses will be permitted. Some limited residential development may also be necessary to provide housing for staff. However, there are also other uses—airports and large residential development in particular—that may be desirable in creating a “resort” environment for the outdoor commercial recreation use, but that have planning considerations and land use impacts that make them difficult to consider as mere accessory uses. These uses will only be considered by development agreement in the Commercial Recreation Zone. [CHG-402]

Policy 4-66A: Council shall, in the Land Use By-law, create the Commercial Recreation Zone, intended to permit outdoor commercial recreation uses, such as campgrounds, RV parks, golf course, and driving ranges. Permitted uses shall include outdoor commercial recreation operations, limited residential development, and a limited range of supportive commercial uses. Zone standards shall be in keeping with the large area of land these uses require for the activity, parking, and on-site services. [CHG-402]

Policy 4-67A: Council shall consider approval of larger residential developments, residential development that does not meet zone standards, and airports in the Commercial Recreation Zone by development agreement, subject to the following requirements:

- (a) the dwellings and/or airport shall be integrated with, and subordinate to, an outdoor commercial recreation use by means of building orientation, location, shared access points, architectural design, and landscaping;
- (b) appropriate visual and noise screening shall be provided between the use and neighbouring dwellings; and
- (c) the proposal shall meet the policies for development agreements outlined in Section 6.3.

[CHG-402]

4.9 Culture & Heritage

4.9.1 Context

Cumberland has a rich heritage built up by generations of residents. It is evident in the landscape, our stories, our sacred places, our food, and our buildings. And, like much of Canada, Cumberland has a culture of cultures; a blending of the cultures of the various peoples who have called, and continue to call, Cumberland “home”.

While many aspects of heritage and culture are beyond land use planning, some of the most tangible aspects of our heritage and culture are the buildings and landscapes we created in the past, and the way we use them today. The policies of this section lay out some of the ways in which Council intends to recognize and preserve Cumberland’s heritage, and support the culture of its residents.

4.9.2 Heritage Properties

As of 2017, the Municipality of Cumberland contained 63 registered heritage properties, with 38 of them registered on a municipal level. These properties cover a range of building types, including houses, churches, one-room school houses, lighthouses, forts, and more. As of 2017, heritage properties in Nova Scotia are eligible for grant programs from the Province. Some municipalities provide additional support through municipal heritage grant programs; however, Cumberland is not currently one of them.

Council recognizes the value of heritage properties in Cumberland, and encourages owners to seek formal registration for unregistered properties with heritage merit. Council also encourages ongoing investment in their upkeep and continued use.

Policy 4-69: Council shall, through the Land Use By-law, provide flexibility for the permitted uses and zone standards for registered heritage properties to encourage their ongoing use and investment in their upkeep.

Policy 4-70: Council may, following the completion of a study on the ways to incentivise heritage conservation, amend the Land Use By-law to implement any recommendations of the study related to development regulation of registered heritage properties.

4.9.3 Joggins Fossil Cliffs

The fossil cliffs of Joggins, located on the Bay of Fundy, are a world-renowned palaeontological site. They have been designated a Special Place under the Province of Nova Scotia's Special Places Protection Act. In 2008, they were inscribed as a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site. The designated World Heritage Site extends 16 kilometers from Downing Head, in the north, to Ragged Reef, in the south. It also extends 500 metres seaward from the cliff faces and beaches.

Joggins became famous for fossilized tree trunks found in their original upright positions. In 1851, when Charles Lyell, author of *The Principles of Geology*, and Sir William Dawson, author of *Acadian Geology and Air Breathers of the Coal Period*, visited the site, they discovered the remains of reptiles and amphibians entombed in some of the fossilized tree trunks embedded in the cliffs. The remains were, in fact, the remains of the world's first known reptiles, and the first evidence that land animals had lived during the "Coal Age." The cliffs are located in an area where the tides are some of the world's highest (over 15 metres). This tidal action causes steady erosion of the 23-metre-high cliffs and a regular exposure of new fossil resources. The cliffs have yielded fossils that have given an unprecedented glimpse of life during the Carboniferous Period (350 to 280 million years ago).

Management of the UNESCO-designated area is directed by the Joggins Fossil Cliffs Management Plan and supported by the land use controls of the Municipality. Importantly, this Municipal Planning Strategy and its associated Land Use By-law have a role to play in reducing the risk that human activities could accelerate the erosion of the cliffs and in preserving the natural aesthetic qualities of the cliffs.

Policy 4-71: Council shall, through the Land Use By-law, establish a 20-metre buffer zone landward of the UNESCO-designated cliffs.

Policy 4-72: Council shall, through the Land Use By-law, prohibit any form of development or land alteration within the 20-metre Joggins buffer, with the exception of small safety fences or structures and the storage of materials accessory to a residential use, such as fire wood or compost, but not including vehicles or vehicle parts.

4.9.4 Arts and Cultural Uses

Council recognizes the value that arts and cultural uses bring to residents of Cumberland, both as a source of entertainment and joy, and as employment for many residents. Our arts and cultural activities are also a resource to be shared with visitors to the county. Council supports these activities and intends to accommodate them in a variety of ways through the Land Use By-law.

Policy 4-73: Council shall, through the Land Use By-law, permit the teaching of students in activities such as dance and music, art gallery sales, and craft workshops as home-based businesses.

Policy 4-74: Council shall, through the Land Use By-law, permit cultural uses such as, but not limited to, theatres and museums, in a wide variety of zones that prioritize commercial or public uses.

4.9.5 Cemeteries

There are numerous cemeteries and burial grounds throughout Cumberland. Many of them predate land use planning and are located on uniquely-sized or shaped lots, or lots without street frontage. Council wishes to acknowledge these existing cemeteries and accommodate their ongoing operation, while preventing the creation of more such challenging arrangements in the future.

Policy 4-75: Council shall, through the Land Use By-law, permit existing cemeteries in all zones.

Policy 4-76: Council shall, through the Land Use By-law, permit new cemeteries in all zones except the **Flood Hazard Zone** and the wellfield zones. Zone standards shall be relaxed for new cemeteries, but shall include a requirement for adequate street frontage for access purposes.

[CHG-403]

4.9.6 Places of Worship

Cumberland features various places of worship for different religions and denominations. Council recognizes that they are an integral part of many residents' daily lives. Council also recognizes that—while they do sometimes come with land use impacts such as high peak parking demand—places of worship by and large have a long history of seamless integration into neighbourhoods of all types.

In addition to this, recent years have seen the decline of some religious denominations that has resulted in their respective places of worship consolidated or closed. The buildings left behind are often suited to unique conversions to other uses. Council does not want to see unnecessary barriers to the conversion and ongoing use of these former places of worship. For these reasons, Council has chosen to permit places of worship in a wide variety of zones, and to generally zone existing places of worship in the same manner as their surrounding neighbourhoods.

Policy 4-77: Council shall, through the Land Use By-law, permit places of worship in all zones except industrial zones and zones where the scope of permitted development is greatly limited due to the purpose of the zone.

4.9.7 Architectural Design

The character of our communities is very much defined by their buildings. It comes from their location in relation to the street, their height and massing, but also from their architecture – proportions, materials, roof types, size and placement of windows and doors, and the rhythm of design features.

The various land use by-laws in place before the development of this Plan included different approaches to regulating architectural design, with variation in the success of those approaches and the level of effort required for administration and on the part of the building owner. Council recognizes that a comprehensive effort is now needed to develop an updated approach to architectural regulation that is consistent across the Municipality and that strikes a good balance between promoting good architecture of all styles, preserving specific architectural styles that exist in Cumberland’s communities, and being easy to understand and implement for building owners and the Municipality.

Policy 4-78: Council may, through the Land Use By-law and following the completion of an architectural design study, implement regulations to control the architectural design of buildings.

Policy 4-79: Council may, through the Land Use By-law, implement the architectural design regulations for all or only some types of buildings, and in all or only some zones, as recommended by the architectural design study.

Chapter 4 Changelog

Reference Number	Date	File or Project	General Nature of the Changes
CHG-401	2018.11.14	2018 Housekeeping	Converted vertical datums from CGVD1928 to CGVD2013
CHG-402	2018.11.14	2018 Housekeeping	Updated Commercial Recreation Zone to allow smaller residential uses without a development agreement
CHG-403	2020.09.16	2020 MPS and LUB Amendments	Changed the name of the Environment Zone to the Flood Hazard Zone
CHG-404	2020.09.16	2020 MPS and LUB Amendments	Added preamble and policy for geohazards
CHG-405	2020.09.16	2020 MPS and LUB Amendments	Added policy requiring contiguous connections for new private roads
CHG-406	2020.09.16	2020 MPS and LUB Amendments	Added policy allowing private roads in some areas of the Lower Density Residential Zone
CHG-407	2020.09.16	2020 MPS and LUB Amendments	Added policy prohibiting private roads in wildlife areas and areas at risk of geohazards
CHG-408	2022.06.22	2022 Wind turbine Amendments	Updated context; added policy to add medium-scale category of wind turbines; added policy to consider medium- and large-scale wind turbines by development agreement

5 Designations



5.1 General Policies

5.1.1 Buildings

One of the main roles of land use planning is to regulate the size, number, and location of buildings. Council believes that, in general, people should be given a large amount of leeway to design and position buildings in a way that suits their needs and the specific conditions of the site. However, Council also recognizes the need to provide clear access to maintain all sides of the building, and that buildings containing certain uses should be located farther from lot lines or limited to a certain size so as to reduce impacts on neighbouring uses.

Policy 5-1: Council shall, through the Land Use By-law, regulate the size, location, and number of buildings on a lot in order to carry out the intent of each specific zone.

5.1.2 Lot Sizes

Lot sizes affect the feel of a community. Small lots bring uses and buildings closer together and create a feeling of density that is often associated with urban areas, while large lots push uses and buildings apart and create a feeling of openness that is often associated with rural areas. Lot sizes are also tied to servicing; on smaller lots it can become challenging for the land to effectively treat wastewater or to provide usable volumes of drinking water without affecting neighbouring supplies. Therefore, certain lot sizes are typically only possible with central servicing.

Policy 5-2: Council shall, through the Land Use By-law and Subdivision By-law, regulate the size of created lots in keeping with the intent of each specific zone, and consistent with the availability of central services.

5.1.3 Existing Undersized Lots

Many lots in Cumberland were created before land use and subdivision controls and do not necessarily meet the requirements of the Land Use By-law. Council recognizes that, in certain conditions, it is possible to responsibly develop these lots. However, there does still need to be some requirements for any development of these lots to ensure that the lots have access, that wastewater treatment can still be responsibly provided, and that in areas of heightened environmental concern (such as wellfields and along lakes and shorelines) development of these lots does not compromise the environmental values of these lands or increase the risk of the development being exposed to environmental hazards. As such, Council intends to relax requirements in a manner that gives owners of existing undersized lots some development options, while implementing requirements related to lot coverage, access, wastewater treatment, and—in certain areas—lot size.

Policy 5-3: Council shall, through the Land Use By-law, relax lot requirements or provide alternative development options for existing undersized lots if wastewater treatment can be adequately provided, the development will not have undue impact on sensitive land uses, and legal access to the lot can be assured.

5.2 Residential Designation

5.2.1 Residential Designation

Residential neighbourhoods are the heart of our communities. They are the areas where many of Cumberland's residents have their homes, visit friends, and build their lives. They host many of the Municipality's parks and schools. They are also the areas that will face much change over the coming years as Cumberland's population ages and residents' housing needs change.

While residential development happens in a variety of places—along rural roads, above commercial stores, and more—the Residential Designation represents those areas where the primary character is defined by residential development.

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.

Policy 5-5: Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Residential Designation:

- (a) **Flood Hazard Zone [CHG-403]**
- (b) Institutional Zone
- (c) Lower Density Residential Zone
- (d) Multi-unit Residential Zone
- (e) Parks and Open Space Zone

5.2.2 Lower Density Residential

Cumberland's serviced communities contain many established neighbourhoods of one- and two-unit dwellings. Over time these communities may change as residents renovate their homes, add second units, or develop infill housing on vacant or oversized lots. However, by and large these established neighbourhoods are likely to maintain the character for which they are known, and any change to the form of these neighbourhoods will likely be slow.

There are also larger blocks of vacant land within many of Cumberland's serviced communities where additional subdivision and residential development is possible. Development of these lands is typically desirable from Council's point-of-view, but may also have impacts on existing neighbours. As a result, Council has chosen to apply a lower density of residential zoning to these areas as the default; any multi-units or other higher density development would require the full analysis and public process of a rezoning.

The Lower Density Residential Zone provides the framework for development in the above situations. Given Council's support for some infill development in established neighbourhoods, and a desire to efficiently use services in new neighbourhoods, zone standards in this zone will be generally flexible.

Policy 5-6: Council shall, in the Land Use By-law, establish the Lower Density Residential Zone, intended to permit lower density residential development on serviced and unserved lots in an urban setting. Zone standards shall provide flexibility for the location of dwellings and promote infill development, particularly on serviced lots.

Policy 5-6A: 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.

[CHG-504]

5.2.3 Multi-unit Residential

Although the majority of Cumberland's residents currently live in lower density forms of housing, many live in apartments or other forms of multi-unit development, particularly in the more urban areas of the municipality, such as Springhill and Parrsboro. This proportion may shift more towards higher density living in the future as an aging population seeks to downsize from their detached homes. Multi-unit living provides diversity in housing options for people who are seeking smaller spaces, fewer responsibilities around upkeep and maintenance, or simply to be closer to other people. Council also recognizes the value that multi-unit development provides in efficient use of services, and the ability to locate a critical mass of residents near to commercial areas.

Policy 5-7: Council shall, in the Land Use By-law, 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 on serviced lots.

Policy 5-8: Council shall only consider developments with more than 16 dwelling units on a lot by development agreement in the Multi-unit Residential Zone, subject to the development agreement policies of Section 6.3.

5.2.4 Rezoning

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:

- (a) the proposed change is not prohibited by any other policy in this Plan;
- (b) 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; and
- (c) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

5.2.5 Commercial Uses

With careful consideration, limited commercial uses can responsibly be integrated into residential neighbourhoods. There are also many cases of former institutional buildings (such as former churches) located within Cumberland's residential neighbourhoods, that could be restored and converted to different uses. Council wishes to support reinvestment in these buildings. As a result, Council will consider commercial uses in the Lower Density Residential Zone and Multi-unit Residential Zone by development agreement. [CHG-501]

Policy 5-9A: Council shall consider proposals to establish commercial uses in the Lower Density Residential Zone and Multi-unit Residential Zone by development agreement, subject to the following criteria:

- (d) **the proposal shall be located in a conversion of an existing building and/or new construction that meets the scale and character of the surrounding neighbourhood;**
- (e) **any potential nuisance on the surrounding neighbourhood shall be limited by the nature of the use and/or restrictions placed on the use, such as screening, building design, and limits on hours of operation; and**
- (f) **the proposal shall meet the development agreement policies of Section 6.3.**

[CHG-501]

5.3 Commercial Designation

5.2.6 Commercial Designation

Cumberland features a wide range of commercial areas, from downtown commercial streets, to neighbourhood service hubs, to the large commercial plazas outside of Amherst. These areas are the primary locations for residents and visitors to buy the goods and services they need for their daily lives. They are also locations where many residents of Cumberland work, whether at the businesses that supply these goods and services, or in the offices that share these commercial areas.

While commercial development happens in a variety of places—along rural roads, as home-based businesses, in industrial areas—the Commercial Designation represents those areas where the primary character is defined by commercial development.

Policy 5-10: Council shall, on Schedule A, the Future Land Use Map, designate as Commercial lands in serviced communities intended to give priority to a wide range of commercial uses.

Policy 5-11: Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Commercial Designation:

- (a) Downtown Commercial Zone
- (b) **Flood Hazard Zone [CHG-403]**
- (c) General Commercial Zone
- (d) Highway Commercial Zone
- (e) Institutional Zone
- (f) Mixed-use Zone
- (g) Parks and Open Space Zone

5.3.1 Mixed-use Zone

Many areas within Cumberland's serviced communities would be appropriate for commercial development, but do not necessarily have the market demand to ensure buildings will always be occupied by commercial uses. Often, these areas are located on main thoroughfares, or at the fringe of commercial districts. Council wishes to recognize the commercial potential of these areas, but not to force commercial development where it is not always feasible. Therefore, Council intends to provide flexibility in these areas for both residential and commercial uses.

Policy 5-12: Council shall, in the Land Use By-law, establish the Mixed-use Zone, 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. The zone is also intended as a transition between commercial and residential areas. Permitted uses shall include a wide range of residential uses, and a wide range of commercial uses to a scale consistent with the mixed-use nature of these areas. Zone standards shall be flexible to accommodate the diversity of uses that could occur in this zone.

Policy 5-13: Council shall only consider developments with more than 16 dwelling units on a lot by development agreement in the Mixed-use Zone, subject to the development agreement policies of Section 6.3.

5.3.2 Downtown Commercial Zone

Many of Cumberland's communities feature a traditional "main street", characterized by a high density of commercial buildings, often smaller in size and located close to the street. These commercial downtowns are typically very walkable, and are valued by residents and visitors alike for their architecture, diverse businesses, and small-town feel. In many cases, residential uses were traditionally integrated into the commercial buildings, with a shopkeeper's flat above or behind the commercial storefront. Council wishes to recognize this valued form of commercial development, and encourage the ongoing preservation and enhancement of the traditional downtown character.

Council also recognizes that modern parking design is very often contrary to the fine-grained and walkable nature of these areas, and that accommodating on-site parking on small lots can be challenging. In these areas, it is often a long-standing tradition to accommodate parking on the street.

Policy 5-14: Council shall, in the Land Use By-law, establish the Downtown Commercial Zone, intended to permit and encourage commercial uses in a dense form suited to the character of downtown areas. Permitted uses shall include a wide range of commercial uses suited to the fine-grained nature of these areas, as well dwellings located above or behind commercial uses. Automotive-related uses shall not be permitted in the Downtown Commercial Zone. Zone standards shall be very flexible in order to promote the dense and walkable character of these areas.

Policy 5-15: Council shall, through the Land Use By-law, waive minimum parking space requirements in the Downtown Commercial Zone.

Policy 5-16: Council shall, through the Land Use By-law, include specific requirements for the design and location of parking areas in the Downtown Commercial Zone aimed at reducing their impact on the fine-grained and walkable nature of these areas.

5.3.3 General Commercial Zone

Commercial development comes in a wide range of types and sizes; everything from a small corner store or office up to large, multi-department, "big box" stores. Council recognizes the need to provide lands in serviced areas, outside of the main downtown core, that can accommodate this variety of commercial development. The General Commercial Zone is the zone that meets this goal.

Policy 5-17: Council shall, in the Land Use By-law, establish the General Commercial Zone, intended to permit a wide range of commercial uses in an urban setting. Permitted uses shall include a very wide range of commercial uses, as well as dwellings located above or behind a ground-floor commercial use. Zone standards shall be flexible to accommodate the wide range of needs from the diversity of permitted uses.

5.3.4 Rezoning

Policy 5-18: 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:

- (a) if the proposed zone is the 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 the lands and with the proposed use of the lands; and
- (d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

5.4 Industrial Designation

5.4.1 Industrial Designation

Cumberland has a long history of industrial production, particularly with industries related to processing of natural resources. Although recent decades have seen an overall decline in manufacturing operations in Cumberland and the rest of Nova Scotia, manufacturing is still the number two employer in Cumberland, second only to the health care and social assistance sector (2011 Statistics Canada data). Industrial businesses are an important component of Cumberland's economy, both in the immediate employment they provide and in the added value they provide to the area's resource industries.

Council believes it is essential to set aside adequate industrial lands to support these industries and to protect them from the intrusion of residential development or other forms of development that could hinder their efficient operations.

Policy 5-19: Council shall, on Schedule A, the Future Land Use Map, designate as Industrial lands intended to give priority to a wide range of industrial uses in urban areas.

Policy 5-20: Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Industrial Designation:

- (a) **Flood Hazard Zone [CHG-403]**
- (b) Parks and Open Space Zone
- (c) Urban Industrial Zone

5.4.2 Urban Industrial Zone

Policy 5-21: Council shall, in the Land Use By-law, establish the Urban Industrial Zone, intended to permit industrial uses and to control their impacts on neighbouring uses. Permitted uses shall include a wide range of processing operations, manufacturing, automotive-related uses, and other similar heavy uses. Zone standards shall include small lot sizes to accommodate the diversity in industrial uses, but large setbacks to separate industrial uses from residential zones.

5.4.3 Rezoning

Policy 5-22: Council shall consider proposals to rezone lands in the Industrial Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:

- (a) the proposed change is not prohibited by any other policy in this Plan;
- (b) 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; and
- (c) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

5.5 Resource Designation

5.5.1 Resource Designation

The diverse landscapes of Cumberland provide a variety and abundance of natural resources. These resources form the bedrock of Cumberland's economy and support important industries such as agriculture, mining, forestry, fishing, and the processing and logistics industries that service them. In recent years, the vast open spaces in Cumberland have also provided opportunities to harvest new resources: the sun and the wind, in the form of solar panels and wind turbines.

These extractive and processing industries typically depend on large, unfragmented tracts of land to reach maximum efficiency, and to reduce conflicts with other uses. In this designation, resource uses will generally take priority over residential or commercial development.

Policy 5-23: Council shall, on Schedule A, the Future Land Use Map, designate as Resource lands intended to give priority to resource uses over residential or commercial development.

Policy 5-24: Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Resource Designation:

- (a) Agriculture Zone
- (b) Commercial Recreation Zone
- (c) Country Commercial Zone
- (d) Country Residential Zone
- (e) **Flood Hazard Zone [CHG-403]**
- (f) Highway Commercial Zone
- (g) Institutional Zone
- (h) Parks and Open Space Zone
- (h.1) Recreational Residential Zone [CHG-502]**
- (i) Rural Industrial Zone
- (j) Rural Resource Zone

5.5.2 Agriculture

Cumberland has the largest amount of arable land of any county in Nova Scotia, including 30 percent of the province's Class 2 soils and 11 percent of the province's Class 3 soils, as identified by the Canadian Lands Inventory. Class 2 soils are the best soils for agriculture found in Nova Scotia (the province has no Class 1 soils).

To date, agricultural land in Cumberland has been relatively unaffected by non-agricultural development, with about 2 percent of the county's good agricultural soils under development. In comparison, the provincial average is roughly 5.4 percent. However, agricultural land is a non-renewable resource; once developed it is unlikely to be usable for agriculture again. It is, therefore, important to direct development away from good agricultural lands and preserve them for ongoing or future agricultural use.

Policy 5-25: Council shall, in the Land Use By-law, establish the Agriculture Zone, intended to prioritize agricultural activities and to reduce the non-agricultural development and fragmentation of productive agricultural lands. Permitted uses shall include those associated with resource extraction and processing, commercial livestock operations and abattoirs, community facilities, and limited residential uses. Zone standards shall accommodate the needs of agricultural uses and discourage the creation of residential and commercial subdivisions, and shall prohibit dwellings on flag lots.

Policy 5-26: Council shall, on the zoning map of the Land Use By-law, initially apply the Agriculture Zone to lands identified as Class 2 and 3 on the Canada Lands Inventory. In applying the Agriculture Zone, Council may round out zone boundaries to align them with identifiable features such as rights-of-way, property lines, or watercourses, and to include contiguous blocks of existing farms that are not located on Class 2 or 3 soils.

5.5.3 Rural Resource Zone

In addition to large areas of good agricultural land, Cumberland features large areas of land that support forestry uses, renewable energy development, mining and quarrying, and other resource-based activities. There are also areas of land in Cumberland that are actively farmed or host livestock, despite not being on Class 2 or 3 soils, and are used for hunting and other outdoor activities. These areas often feature existing residential development—typically along main roads—but are primarily characterized by their large areas of undeveloped land. Council recognizes the value in ensuring there is land on which resource-based industries and other activities that require unfragmented tracts of land can occur.

Policy 5-27: Council shall, in the Land Use By-law, create the Rural Resource Zone, intended to promote resource-based industries and other industries that require large areas of land, and to enable rural living along existing streets. Permitted uses shall cover a wide range of rural and resource activities, and shall include limited residential development along existing streets. Zone standards shall be in keeping with the rural nature of these areas.

Policy 5-28: Council shall, on the zoning map of the Land Use By-law, initially apply the Rural Resource Zone to all lands not zoned for another purpose.

5.5.4 Rural Communities

Cumberland features a number of rural communities. These “hubs”—typically located at crossroads—include a denser pattern of homes than surrounding areas, and often play an important role as a local service centre, with small, service-oriented businesses that provide for the basic needs of surrounding areas and act as social gathering places. They may also have basic public services like a school or medical clinic. However, these communities are unserved by central water and sewer and do not experience the same level of new development as in some of the more urban areas.

Policy 5-29: Council shall establish the following zones in the Land Use By-law:

- (a) The Country Residential Zone, intended to permit lower density residential development on unserved lots in defined rural communities and at the fringe of served communities. Zone standards shall reflect the denser nature of these communities compared to surrounding areas, but also the need for onsite water and wastewater services.
- (b) The Country Commercial Zone, intended to permit lower density residential development and a limited range of local commercial service uses on unserved lots in rural communities. Zone standards shall reflect the denser nature of these communities compared to surrounding areas, but also the need for onsite water and wastewater services.

Policy 5-29A: 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.**

[CHG-505]

Policy 5-30: Council shall, on the zoning map of the Land Use By-law, initially apply the Country Commercial Zone to existing rural commercial uses, and the Country Residential Zone to definable clusters of residential development and areas at the fringe of served communities where rural residential development with smaller lot sizes would be appropriate.

5.5.5 Resource Industrial

Council generally encourages industries to locate near existing communities in order to provide these industries with services and access to a larger workforce. However, there are industries that benefit in particular from being near their raw materials, such as sawmills and aggregate processing facilities. There are also industries, such as solid waste dumps, that are best located away from developed areas due to the potential for nuisances and other impacts on the surrounding community.

Policy 5-31: Council shall, in the Land Use By-law, create the Resource Industrial Zone, 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. Lot standards shall be in keeping with the rural nature of these uses.

Policy 5-32: Council shall, on the zoning map of the Land Use By-law, initially apply the Resource Industrial Zone to existing resource industrial uses.

5.5.6 Recreational Residential Zone

The beauty and variety of the natural environment in Cumberland has created areas that are highly desirable as seasonal vacation areas. Places such as the Wentworth Valley, Amherst Shore, and the many lakes in the county have long been cherished vacation destinations for generations of residents and visitors alike. Along with seasonal visitors, these areas are also often home to permanent residents, and Council recognizes that, in recent years, this trend has increased as cottages are renovated or replaced to provide year-round dwellings.

Many of the areas that are desirable for cottage and, increasing, permanent residents are also sensitive environments or areas that present hazards to development. Natural features like steep slopes, eroding coastlines, and sensitive waterbodies need to be carefully considered when development happens in these areas. These are often also areas where there is strong market demand for subdivision, but where Council recognizes that it would be unsustainable to maintain new public streets. In these areas, Council concedes that private roads are a suitable tool for providing access to development.

Council also recognizes that these areas are sometimes desirable for rental accommodations, vacation condominiums or other types of collective development, and wishes to accommodate this form of ownership.

Policy 5-33: Council shall, in the Land Use By-law, create the Recreational Residential Zone, 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. Permitted uses shall include lower density residential development and agricultural uses. Zone standards shall include large lot sizes and setbacks as a means to reduce the intensity of development and its impact on the natural environment.

Policy 5-34: Council shall consider by development agreement the approval of grouped 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;
- (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. **[CHG-503]**

5.5.7 Rezoning

Policy 5-35: Council shall consider proposals to rezone lands in the Resource Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:

- (a) if the proposed zone is the 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 the lands and with the proposed use of the lands; and
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and [CHG-506]**
- (d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

5.6 Public Water Supply

5.6.1 Public Water Supply Designation

A source of safe, clean drinking water is one of the most fundamental needs of any community. In today's era of modern science and engineering, it can be easy to take clean drinking water for granted. However, many different human activities can pollute or otherwise ruin a drinking water supply. Fertilizers, bacteria from livestock and human waste, hydrocarbons (*e.g.* gasoline), and chlorinated organic compounds (*e.g.* dry cleaning chemicals) wash into surface water or seep into ground water, and can end up in the drinking water system. In some cases, this damage may be permanent and require the development of a new water supply in a different location. In other cases, extensive remediation is required to restore a drinking water supply. In almost all cases, it is easier and more cost-effective to prevent any problems before they happen.

Many residents in Cumberland County are serviced by private, on-site wells. In addition, there are currently five public drinking water supplies within the Municipality's boundaries:

- North Tyndal, servicing the Town of Amherst and approximately 1,000 people in the Municipality
- MacAloney Lake, servicing Parrsboro
- McElmon Brook, servicing the Town of Oxford
- Leamington Brook, servicing Springhill
- Pugwash

Policy 5-36: Council shall, on Schedule A, the Future Land Use Map, designate as Public Water Supply all lands within the North Tyndal Protected Water Supply Area, the McElmon Brook water supply recharge area, the MacAloney Lake water supply area, the Leamington Brook water supply area, and the Pugwash water supply area.

5.6.2 Wellfield Zones

All public drinking water sources in Cumberland have been the subject of “source water protection plans”. These documents include mapping of the water recharge areas based on time-of-travel (see below), recommendations for controls on development and other activities (*e.g.* forestry), and suggestions for monitoring. All of this is an effort to prevent problems with drinking water supplies before they happen.

Risks to drinking water are often related to “time of travel”. This is a measurement of how long it will take for substances to move into a drinking water supply and is modelled based on distance and the underlying geology of an area. This is important because, for example, an oil spill close to a wellhead could quickly enter the drinking water supply, whereas a spill a kilometre away could take years to make it to the wellhead, giving time to detect the spill and implement barriers or other mitigation measures. Some substances, such as bacteria and certain chemicals, can be absorbed by plants or naturally treated in the soil. They, therefore, become less of a risk to drinking water quality with higher times of travel.

From a land use control point-of-view, public drinking water protection in Cumberland uses these facts and divides the area around each drinking water supply into zones based on time-of-travel. The types and form of development permitted in these zones are then tailored to the relative risk to the drinking water supply.

Policy 5-37: Council shall establish the following zones in the Land Use By-law:

- (a) The Wellfield 1 Zone, intended to protect the immediate recharge area of public drinking water supplies and to permit the operation of public water utility facilities.
- (b) The Wellfield 2A Zone, intended to limit development to only land uses compatible with a 5-year time-of-travel area around public water supplies in areas that are largely undeveloped and free of existing roads.
- (c) The Wellfield 2B Zone, intended to limit development to only land uses compatible with a 5-year time-of-travel area around public water supplies in areas where dwellings and home-based businesses are appropriate on smaller lots.
- (d) The Wellfield 2C Zone, intended to limit development to only land uses compatible with a 5-year time-of-travel area around public water supplies in areas where dwellings and home-based businesses are appropriate on larger lots.

- (e) The Wellfield 3A Zone, intended to limit development to only land uses compatible with a 25-year time-of-travel area around public water supplies in areas with limited existing development.
- (f) The Wellfield 3B Zone, intended to limit development to only land uses compatible with a 25-year time-of-travel area around public water supplies in areas with existing development and areas where new agricultural activities are accepted.

Policy 5-38: Council shall, on the zoning map of the Land Use By-law, zone lands within the Public Water Supply Designation consistent with the description of each zone identified in Policy 5-37.

5.6.3 Rezoning

Policy 5-39: Council may amend the zoning map of the Land Use By-law to adjust the boundaries of wellfield zones within the Public Water Supply Designation to be consistent with updated or new source water protection plans.

Policy 5-40: Other than boundary adjustments enabled by Policy 5-39, Council shall not rezone lands within the Public Supply Designation without an amendment to this Plan.

5.7 Open Space Designation

5.7.1 Open Space Designation

Cumberland features a diversity of landscapes, natural habitats, and ecosystems. This has led to—as of 2017—the protection or pending protection of over 62,000 hectares of land in the municipality. This makes up almost 13 percent of the municipality’s land area. These protected areas include provincial wilderness areas, such as Kelley River Wilderness Area; nature reserves, such as the Fossil Coast Nature Reserve; national wildlife areas, such as John Lusby Marsh; and land trusts or conservation easements.

While the Parks and Open Space Zone is permitted in most designations, it is often possible for Council to consider rezoning these lands for other uses. This is not necessarily a bad thing because sometimes situations change and a new use of certain park or open space lands would make more sense. However, there are some lands where Council believes it is important to provide long-term certainty as to their use as parks and open space areas. The Open Space Designation is intended to provide that certainty, and to make it difficult to rezone these lands without first amending this Plan.

Policy 5-41: Council shall, on Schedule A, the Future Land Use Map, designate as Open Space lands where long-term certainty as to their use for parks and open space purposes is desired.

5.7.2 Zone Application & Rezoning

Policy 5-42: Council shall, on the zoning map of the Land Use By-law, only permit lands in the Open Space Designation to be zoned Parks and Open Space or Environment. A rezoning to any other zone shall require an amendment to this Plan.

Chapter 5 Changelog

Reference Number	Date	File or Project	General Nature of the Changes
CHG-501	2018.11.14	2018 Housekeeping	Allow commercial uses in the Lower Density Residential Zone and Multi-unit Residential Zone by development agreement
CHG-502	2018.11.14	2018 Housekeeping	Add Recreational Residential Zone to list of zones permitted in the Resource Designation
CHG-503	2018.11.14	2018 Housekeeping	Correct text error
CHG-504	2020.09.16	2020 MPS and LUB Amendments	Added policy allowing conversion of dwellings to fixed-roof overnight accommodations by development agreement
CHG-505	2020.09.16	2020 MPS and LUB Amendments	Added policy to allow consideration of various residential uses and fixed-roof overnight accommodations by development agreement
CHG-506	2020.09.16	2020 MPS and LUB Amendments	Added wildlife corridors and geohazards as considerations during a rezoning request

6 Implementation & Review



6.1 Administration

6.1.1 Context

This Municipal Planning Strategy is a policy document that sets out the vision, goals, and policies for development and land use in the Municipality of Cumberland. This Plan and its associated By-laws are enabled by, and are consistent with, Parts 8 and 9 of the *Municipal Government Act*.

6.1.2 Document Administration

This document and the Land Use By-law are structured for easy reference and to easily track changes over time. The text below outlines the structure for referencing differing elements of this Plan:

- 1 – Chapter
- 1.1 – Section
- 1.1.1 – Subsection
- 1.1.1 (a) – Clause
- 1.1.1 (a) (i) – Subclause

When amending this Plan or the text of the Land Use By-law, the Municipality will use the following practices:

- The date, general nature of the change, and reference file or project will be noted in the changelog at the end of each Chapter.
- Each record in the changelog will be given a reference number prefaced with the letters, “CHG”.
- Deleted text will be replaced with the text, “DELETED” and the reference number for the appropriate record in the changelog. Subsequent text will not be renumbered.
- Additions or substitutions will be **bolded** with the reference number for the appropriate record in the changelog following in brackets.
- If additions would normally require the renumbering of following text, the “highway interchange” system will instead be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.

6.1.3 Policy Statements

Policy statements of Council are separate from the above document structure and are denoted by the text, “POLICY #-#”. All contents of this Plan not contained within a Policy are considered preamble, and may be used to help interpret the intent of Policy statements if the statements are found to be ambiguous or unclear.

Policy 6-1: Official Council Policies are denoted in this Plan by the text, “POLICY #-#”, with the number signs replaced by the appropriate policy number.

6.1.4 Language

The policies of this Plan are written to be as clear and precise as possible. As a result, some words have specific, defined meanings.

Policy 6-2: In this Plan, the word “shall” takes the imperative, and indicates a duty to act. The word “may” takes the permissive, and indicates permission to act.

6.2 Land Use By-Law & Subdivision By-law

6.2.1 By-law Adoption

A Land Use By-law is one of the regulatory tools used to implement the Municipal Planning Strategy. It includes zones that establish the permitted uses on a piece of land, the permitted size and dimensions of lots, and the standards land uses and structures must meet.

The Subdivision By-law is another tool used by Council to implement this Plan. It sets out the requirements and processes for such things as subdividing land, creating streets, and providing recreational lands.

Policy 6-3: Council shall adopt a Land Use By-law and Subdivision By-law consistent with the intent of this Plan.

Policy 6-4: Council shall appoint one or more Development Officers to administer the Land Use By-law and the Subdivision By-law and to issue and deny permits under the terms of these By-laws.

Policy 6-5: The Subdivision By-law shall:

- (a) apply to the whole of the Municipality;
- (b) ensure that any subdivision, with the exception of lots created using the variance provisions of Part 9 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use By-law;
- (c) establish locations and standards for the development of public and private roads, central services, and other publicly owned infrastructure;
- (d) contain provisions intended to ensure that lots are suitable for on-site sewage disposal where there is no central sewer system;
- (e) contain provisions for dedicating land or an equivalent value for park, playground, and similar public purposes;
- (f) ensure the applicable requirements of the *Provincial Subdivision Regulations* are in effect; and
- (g) contain any other provisions needed to fulfill the intent of this Plan.

6.2.2 Variances

Sometimes there are unique situations, such as lots that are oddly-shaped due to natural features, where it can be difficult to strictly apply the requirements of the Land Use By-law. The *Municipal Government Act* enables the Development Officer to vary these requirements if provided for by the Land Use By-law.

Policy 6-6: Council shall, through the Land Use By-law, enable the Development Officer to vary:

- (a) the percentage of land that may be built upon;
- (b) the size or other requirements relating to setbacks;
- (c) lot frontage and lot area if:
 - (i) the lot existed on the effective date of the Land Use By-law, or
 - (ii) a variance was granted for the lot at the time of subdivision approval;
- (d) the location and number of parking and loading spaces required;
- (e) ground area and height of a structure; and
- (f) floor area occupied by a home-based business.

6.2.3 Amending the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the municipality in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Policy 6-7: Council shall amend the text of the Land Use By-law if the proposed amendment meets the general criteria set out in Policy 6-19.

Policy 6-8: 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:

- (a) the proposed zone is enabled by this Plan for use within the same designation; or
- (b) notwithstanding the zones permitted within a designation, the land to be rezoned is under 5 hectares in area and is adjacent to a designation that permits the proposed zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be adjacent to the designation on the other side of the right-of-way.

Policy 6-9: Council shall not amend the map of the Land Use By-law if the lot and existing buildings do not meet the requirements of the proposed zone.

Policy 6-10: Council shall not amend the map of the Land Use By-law unless Council is satisfied that:

- (a) the proposal meets any applicable zone placement criteria set out in policies, elsewhere in this Plan, applicable to the proposed zone; and
- (b) the proposed zone and the uses it permits meet the general criteria set out in Policy 6-19.

6.3 Development Agreements

6.3.1 Context

A development agreement is a legal contract between the Municipality and a land owner that sets out development rights, responsibilities, and sometimes performance standards for a particular piece of land. A development agreement takes the place of some or all of the zoning requirements on that land. Compared to zoning, development agreements often allow finer-grained control over what happens on the land, at the expense of increased effort required to write, approve, and administer the agreement.

Development agreements are registered on the land's title and remain in force until discharged. They “run with” the land; *i.e.* a development agreement does not disappear if the land is sold, and future owners continue to be subject to the rights and requirements of the agreement.

In order for Council to consider a development agreement, there must be enabling policy elsewhere in this Plan. Development agreements are typically enabled for unique situations that would be difficult to regulate with other tools, or where public input during the approval process is especially useful.

6.3.2 Adopting and Amending Development Agreements

Policy 6-11: Council shall consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement shall:

- (a) specify the development, expansion, alteration, or change permitted;
- (b) specify the conditions under which the development may occur; and
- (c) set terms by which Council may amend or terminate and discharge the agreement.

Policy 6-12: Council shall not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6-19.

Policy 6-13: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and the general criteria set out in Policy 6-19. Such conditions may include, but are not limited to, controls regarding:

- (a) the emission of noise, odour, light, liquids, gases, and dust;
- (b) the type, location, and orientation of structures;
- (c) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
- (d) the type, size, and location of signage;
- (e) the location and type of landscaping, including fences and other forms of screening;
- (f) pedestrian, bicycle, and vehicular circulation;
- (g) connections to existing or planned pedestrian, bicycle, and vehicular networks;
- (h) the location and number of bicycle and vehicular parking and loading spaces;
- (i) access for emergency vehicles;
- (j) the type and orientation of exterior lighting;
- (k) hours of operation;
- (l) management of solid waste, compost, and recycling;
- (m) the type of materials stored and/or sold on site;
- (n) the provision of open space and amenities;
- (o) the phasing of development;
- (p) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
- (q) mitigation measures for construction impacts;
- (r) stormwater management;
- (s) servicing; and
- (t) time limits for the initiation and/or completion of development.

6.3.3 Legacy Development Agreements

There are a number of development agreements in Cumberland that were adopted prior to this Plan, including agreements adopted in the former Towns of Springhill and Parrsboro. These agreements are legal contracts that continue to remain in force subject to the terms outlined in the agreement. However, the policies under which these agreements were considered are often no longer in force, so evaluating any proposed amendments to these agreements can be challenging.

Council intends to conduct a comprehensive review of existing development agreements to determine if they can be discharged or possibly brought into alignment with this Plan. Pending this review, amendments to existing development agreements will be governed by the following policies:

Policy 6-14: Council shall consider non-substantive amendments to development agreements adopted prior to March 7, 2018 subject to the criteria for non-substantive amendments outlined in the particular development agreement and subject to Policy 6-19 of this Plan.

Policy 6-15: Council shall only consider substantive amendments to development agreements adopted prior to March 7, 2018 if the proposal is specifically enabled by, and is consistent with, a policy of this Plan.

6.3.4 Development Agreement Instead of Map Amendments

Occasionally a land owner will seek to rezone their land to permit a specific proposal that is a smaller scale or less intensive use than the full range of intensity and uses the proposed zone would allow. For example, a land owner may request a zone for a small multi-unit residential development, even though the proposed zone would permit a larger multi-unit development. However, once the zoning is approved there are no controls to limit development on the site to anything other than the maximum permitted by the zone. This can create a situation where the community is not concerned about the specific proposal, but is concerned about the potential for maximum development on the site. In such a situation, the land owner may voluntarily opt to use a development agreement to limit development rights to the scale and intensity of the specific proposal.

Policy 6-16: Council may enter into a development agreement for a specific proposal in lieu of amending the map of the Land Use By-law to accommodate that proposal. Council shall not approve the development agreement unless Council is satisfied that:

- (a) a zone exists that could accommodate the proposal and the placement of that zone on the proposed site would meet the requirements for amending the map of the Land Use By-law set out in Policy 6-10; and
- (b) the proposal is consistent with the general criteria set out in Policy 6-19.

6.4 Site Plan Agreements

6.4.1 Site Plan Agreements

Site plan approval is a development approval process in which applicants must meet an additional set of criteria set out in the Land Use By-law. Unlike standard development permitting, these criteria are not necessarily numerical in nature, and can involve a negotiation between the applicant and the Development Officer to determine compliance with these criteria. The final outcome of site plan approval is a site plan agreement. This tool is useful for approvals that might require an additional level of oversight or flexibility in the ways impacts on neighbours are reduced, but that do not necessarily need to go through the complex and time-consuming process required for a development agreement.

Policy 6-17: Council shall, through the Land Use By-law, use site plan approval as the tool for reviewing developments that require some additional oversight or where there is benefit to providing flexibility in the ways land use controls are implemented.

Policy 6-18: Council shall, through the Land Use By-law, establish a notification area of 30 metres for the approval of site plan agreements on lots 1 hectare or less in area and 100 metres for the approval of site plan agreements on lots greater than 1 hectare in area.

6.5.1 Amending the Land Use By-Law & Adopting Development Agreements

Amendments to the Land Use By-law and the adoption of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;
- (b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;
- (c) 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;
 - (ii) impacts on existing drinking water supplies, both private and public;
 - (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;
 - (iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - (v) the adequacy of fire protection services and equipment;
 - (vi) the adequacy and proximity of schools and other community facilities;
 - (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;
 - (viii) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
 - (ix) impacts on sensitive environments, as identified on Schedule B;
 - (ixA) **impacts on wildlife corridors; [CHG-601]**
 - (x) impacts on known habitat for species at risk;
 - (xA) **risks presented by geohazards; [CHG-601]**
 - (xi) 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; and
 - (xii) 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.

Policy 6-20: Council may, in addition to any other required information, require any or all of the following information, prepared by an appropriate professional at the applicant's cost, at a level sufficiently detailed to determine whether the criteria for amending the Land Use By-law or adopting a development agreement have been met:

- (a) a detailed site plan showing features such as, but not limited to:
 - (i) topography;
 - (ii) location and dimensions of existing and proposed property and/or unit lines;
 - (iii) location of zoning boundaries;
 - (iv) use, location, and dimensions of existing and proposed structures;
 - (v) existing and proposed watercourses and wetlands;
 - (vi) location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
 - (vii) location and dimensions of driveways, parking lots, and parking spaces;
 - (viii) type and amount of site clearing required, if any;
 - (ix) location of buffers;
 - (x) location and dimensions of existing and proposed parks and recreation lands, whether public or private;
 - (xi) location of utilities;
 - (xii) development densities;
- (a) elevation drawings of existing and proposed structures including, but not limited to, dimensions and exterior materials;
- (b) a site grading plan;
- (c) a landscaping plan;
- (d) a drainage and stormwater management plan;
- (e) a hydrological assessment to determine groundwater resource volumes, availability, quality, and sustainability pre- and post-development;
- (f) a traffic impact assessment that evaluates the ability of existing road, bicycle, and pedestrian networks to accommodate traffic generated by the proposed development;
- (g) a geotechnical study;
- (h) environmental studies, including, but not limited to, studies addressing Species at Risk and environmental contamination;
- (i) a shadow study;
- (j) a wind study;
- (k) a vibration study; and
- (l) a noise study.

6.6 Monitoring, Reviewing, & Updating this Plan

6.6.1 Plan Updates

Plans are living documents. In order to be effective, they must be periodically updated and reviewed to respond to current trends and issues. The Vision outlined in this Plan provides the overarching direction for Cumberland over the next few decades, but the methods and tools to get there will shift over time. Even the Vision itself will need to eventually be revisited in the long term to confirm if it is still relevant, or if the conditions in Cumberland have shifted such that the Vision needs to be updated.

Policy 6-21: Council shall initiate a housekeeping review of this Plan at least once every two years from the completion of the previous review. The intent of this review is to identify errors, omissions, or ways to streamline the Plan; and to update Chapter 7, Investing in the Future.

Policy 6-22: Council shall initiate an interim review of this Plan at least once every five years from the completion of the previous review. The intent of this review is to identify emerging policy issues and gaps in the Plan, and adopt new or modified Plan policies to address these issues and gaps.

Policy 6-23: Council shall initiate a comprehensive review of this Plan within 25 years of adopting this Plan. The intent of this review is to conduct extensive public consultation, review the Vision and Key Directions of the Plan, and update or replace components of the Plan as necessary to support the new Vision and Key Directions.

Chapter 6 Changelog

Reference Number	Date	File or Project	General Nature of the Changes
CHG-601	2020.09.16	2020 MPS and LUB Amendments	Added additional criteria for consideration of LUB amendments and development agreements

7 Investing in the Future



This Plan, and its supporting Land Use By-law and Subdivision By-law, primarily deal with land use. However, the analysis and public consultation that happen as part of the process of developing a land use plan often identify various other programs, policies, and infrastructure that could support planning goals. This Chapter lists these identified initiatives. This list is not intended as a detailed or mandatory work plan for the Municipality, but rather as an aspirational list to help direct the Municipality's efforts over the coming years. **Projects are not listed or ranked by any sort of priority.**

Initiative	Rationale
Active Transportation Plan	A co-ordinated approach is needed to identify existing active transportation infrastructure (trails, <i>etc.</i>), to identify areas where new infrastructure would help close gaps and increase usage, and to set out a roadmap for implementation.
Architectural Guidelines & Façade Programs	The various land use by-laws in place before the development of this Plan included different approaches to regulating architectural design, with variation in the success of those approaches and the level of effort required for administration. A new architectural guidelines and façade program would provide a consistent approach across Cumberland, and could include incentives for improving façades in key locations, such as downtown commercial areas.
Coastal Development Guide	Responsible coastal development is guided in part by municipal regulations on buildings, but also depends on factors outside the Municipality's control, such as the design of coastal defence structures and maintenance of coastal vegetation. A coastal development guide, specifically provided to coastal land owners when they come in for development permits, would help educate land owners on best practices for maintaining their shoreline.
Parks and Open Space Plan	The Municipality has lands that were dedicated as parkland as part of past subdivisions, but that have not been developed as parkland for a variety of reasons. The Municipality also has the power to acquire new lands and/or money for parks as part of future subdivisions. A parks and open space plan would assess current needs and provide strategic direction for future land acquisition and investment in parks infrastructure.
Dark Sky Program	Clear views of the night sky are increasingly being recognized as something that are becoming rare due to light pollution caused by human development. Cumberland has large undeveloped areas where dark skies are still a reality. A dark sky program could help to protect these dark skies, reduce light pollution in areas where it already exists, and promote Cumberland's dark skies as an attraction worth visiting.

<p>Development Agreement Review</p>	<p>A number of development agreements were approved under the planning policies of the old plans in both the Municipality of Cumberland and the former Towns. Some of these development agreements may no longer be relevant, or may not be needed under the planning policies of this Plan, yet they remain registered on the lots to which they apply. A development agreement review would identify agreements that can be discharged, thereby streamlining administration and reducing the risk of future challenges from development agreements that were long forgotten.</p>
<p>Floodplain Delineation</p>	<p>The flood protection policies of this Plan are based on the best data available at the time the Plan was developed. However, the available data does not cover all bodies of water, and the quality of data and delineation methods are always improving. Ongoing efforts to refine methods and expand the coverage of floodplain delineation in Cumberland will help to ensure residents are protected with the most accurate information available.</p>
<p>Heritage Incentives Program</p>	<p>Heritage properties are an important part of the cultural landscape and architectural history of Cumberland County. However, they can be challenging and costly to own and maintain, particularly in a way that respects their traditional architecture. A heritage incentives program could help owners, financially or otherwise, reinvest in their properties to ensure they are maintained for the long term.</p>
<p>Lake Monitoring Program</p>	<p>It is challenging to understand the effects of human development, and regulations that control human development, on lakes if there is no long-term data on lake water quality. A lake monitoring program would develop that dataset through regular testing of various aspects of lake water quality, such as nutrient loads and algae biomass. A lake monitoring program is also an opportunity to build awareness of lake health and good development practices with lake front property owners.</p>
<p>Lake Shore Development Guide</p>	<p>Responsible coastal development is guided in part by municipal regulations on buildings, but also depends on factors outside the Municipality's control, such as the maintenance of natural vegetation and the location and type of boat docks. A lake shore development guide, specifically provided to lake shore land owners, would help educate land owners on best practices for maintaining their shoreline.</p>
<p>Municipal Parking Plan</p>	<p>Adequate and accessible parking is an important consideration for attracting visitors and residents to local businesses. However, poor parking design can also make commercial areas unattractive. A municipal parking plan would help identify areas where the Municipality could provide well-designed, shared parking lots and on-street parking as a way to both support local businesses and to ensure parking is best integrated in a way that reduces its impact on the attractiveness of the community.</p>

Pugwash Peace Exchange	<p>In 2003, Sir Joseph Rotblat expressed his wish that the role Pugwash has played in the nuclear disarmament movement be recognized in a permanent institution in the Village of Pugwash. It would celebrate the history of the Pugwash Movement, the role that Pugwash played in world peace for the past 50 years and would house the Nobel Peace Prize medallion of Sir Joseph Rotblat.</p>
Road Association By-law	<p>Private roads provide access to areas where public streets would be undesirable and unsustainable. However, they also come with administration challenges that can lead to conflicts among owners on the private road. A road association by-law would guide the creation of road associations to ensure there is a body responsible for the ownership, maintenance, and administration of each new private road.</p>
Septic Upgrade Program	<p>Failing or unmaintained septic systems can present a risk to the environment and human health. In some situations, properties still have no formal septic disposal system at all, and simply discharge raw sewage into the environment. A septic upgrade program could explore ways the Municipality could help support property owners in the maintenance and upgrade of septic systems. The priority for such a program should be sensitive environments, such as around lakes.</p>
Sidewalk Priorities Plan	<p>Sidewalks are important pieces of infrastructure that help to make communities walkable. However, they do come at a cost, so it is important to develop them where they are needed most. A sidewalk priorities plan would help identify areas for investment in sidewalk infrastructure and for their ongoing upkeep.</p>
Streetscaping and Urban Tree Plan	<p>The beauty and desirability of communities is very much affected by the design of public spaces, such as the streetscape and the presence and health of street trees. A streetscaping and urban tree plan would lay out priorities for investment in streetscapes and for the planting and maintenance of street trees. Specific focus should be placed on commercial main streets.</p>
Uniform Off-site Signage	<p>Businesses need signage to catch the attention of potential customers and guide them to the business. However, abundant off-site signage can result in a cluttered look for communities, and actually reduce the effectiveness of the signs. A uniform off-site signage program could offer businesses an easy and standardized way to promote themselves to travellers, while helping to improve the attractiveness and effectiveness of the signs.</p>
Vendors By-law	<p>The Land Use By-law does not regulate temporary commercial uses, such as food trucks. Such uses can help contribute to vibrant communities; however, they can also have impacts on neighbouring uses. A vendors by-law would help provide a framework for the orderly inclusion of these commercial uses in Cumberland.</p>

8 Schedules

Schedule A:

Future Land Use Map

Schedule B:

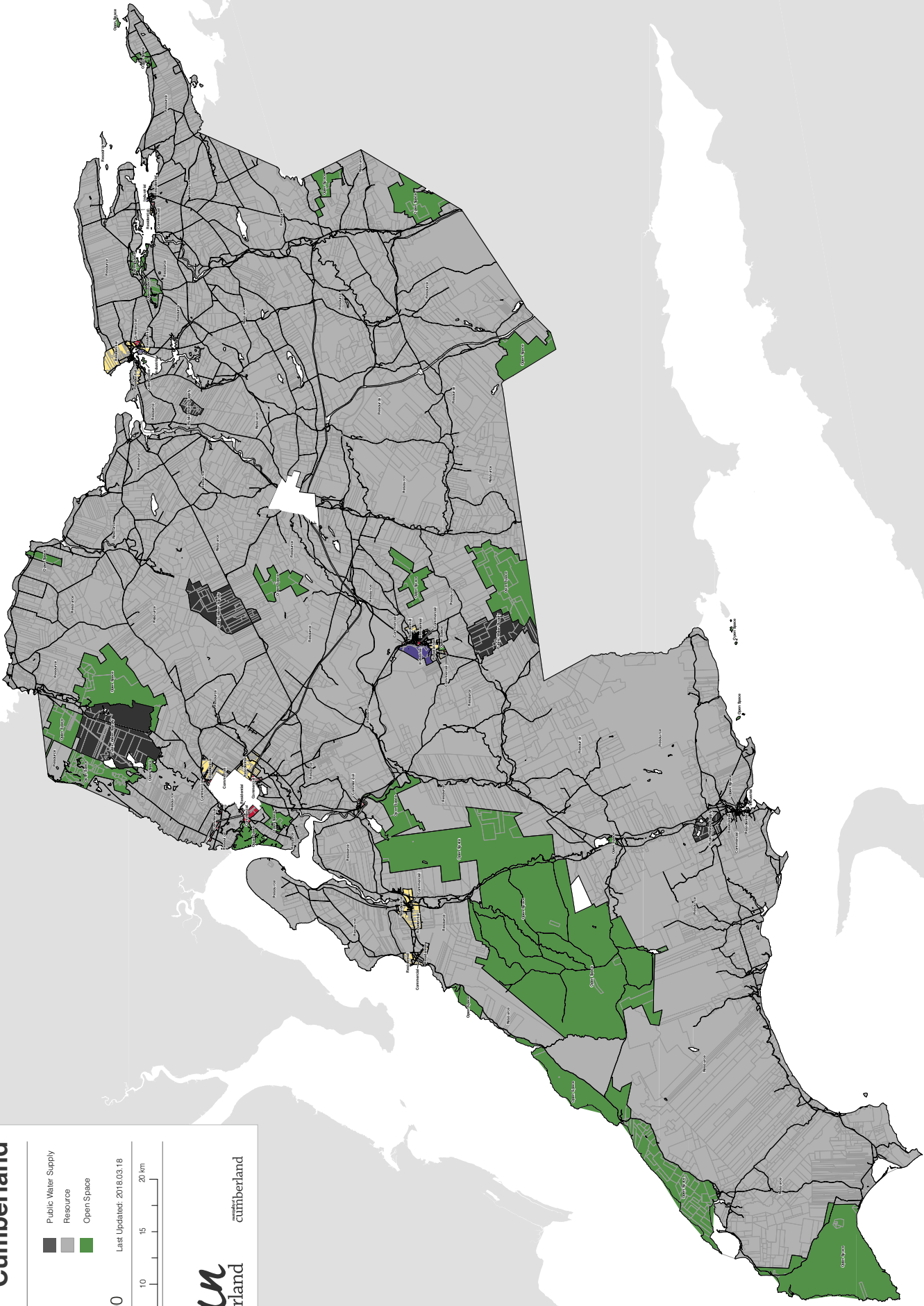
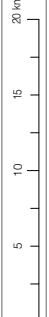
Sensitive Environments

Schedule A:
Future Land Use
Cumberland

- Residential
- Commercial
- Industrial
- Public Water Supply
- Resource
- Open Space

1:125,000

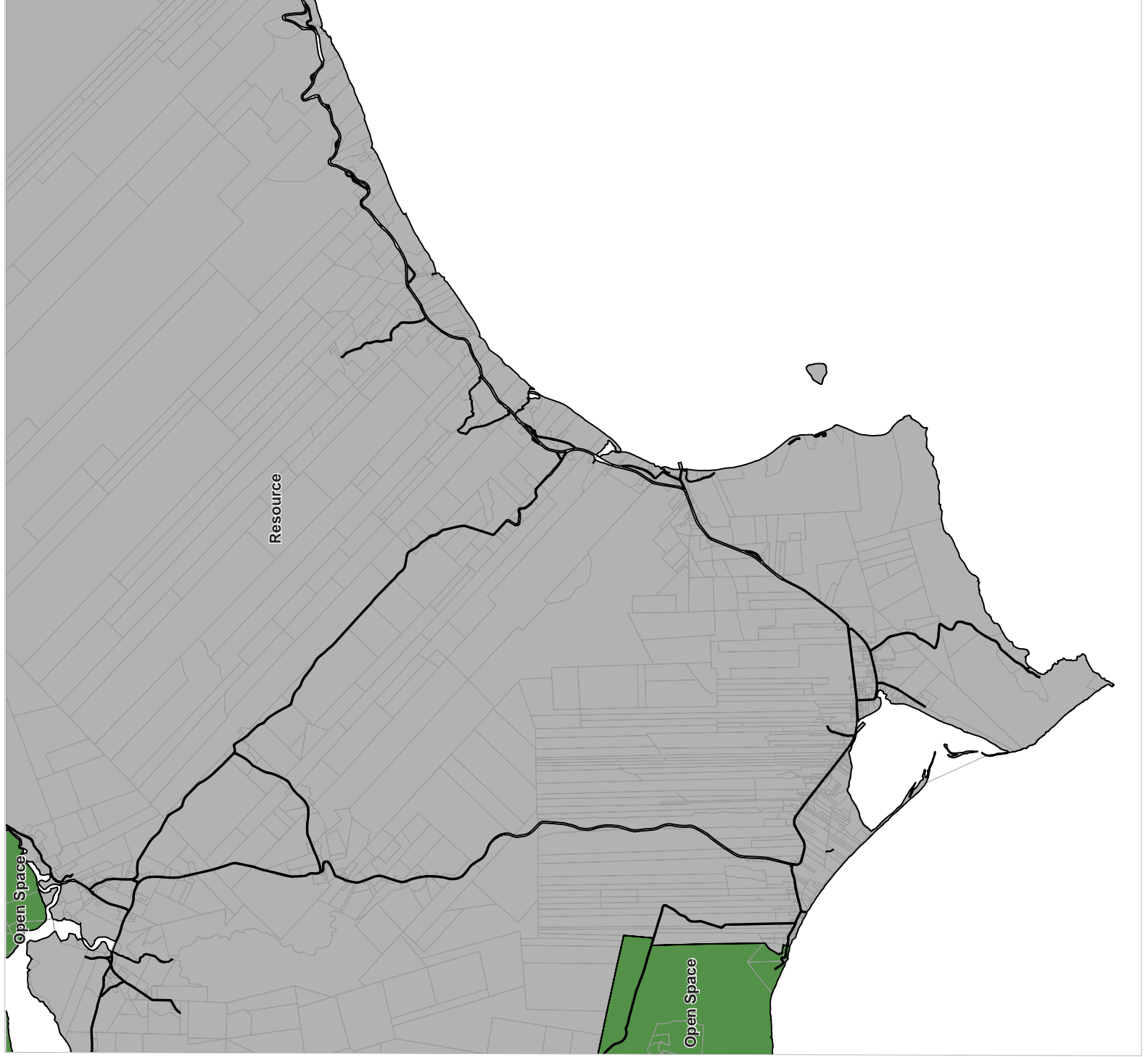
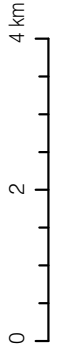
Last Updated: 2018.03.18









Schedule A: Future Land Use Map Advocate


- Residential
- Commercial
- Industrial
- Public Water Supply
- Resource
- Open Space

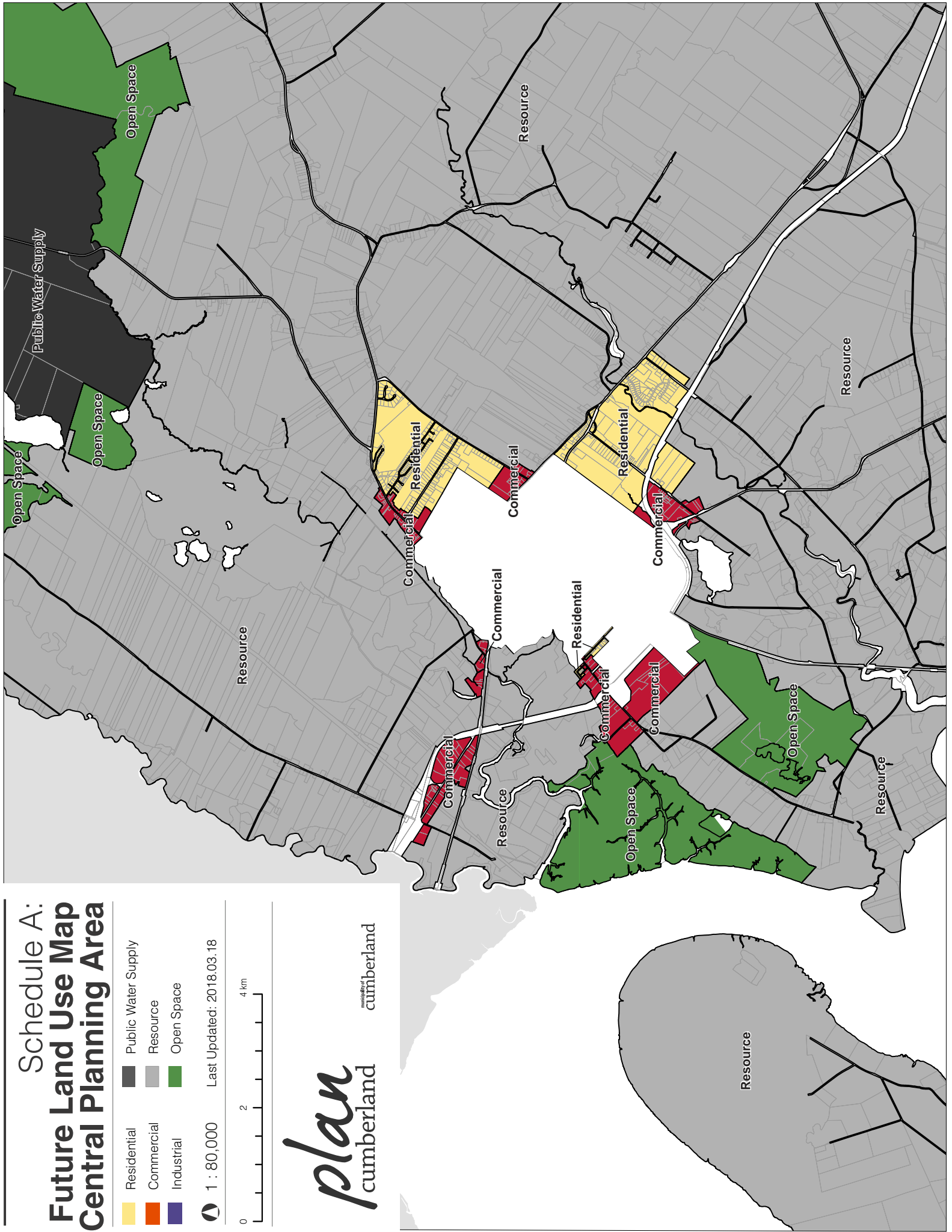
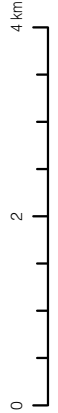
1 : 100,000 Last Updated: 2018.03.18



Schedule A: Future Land Use Map Central Planning Area

-  Residential
-  Commercial
-  Industrial
-  Public Water Supply
-  Resource
-  Open Space

 1 : 80,000 Last Updated: 2018.03.18



Schedule A: Future Land Use Map Joggins

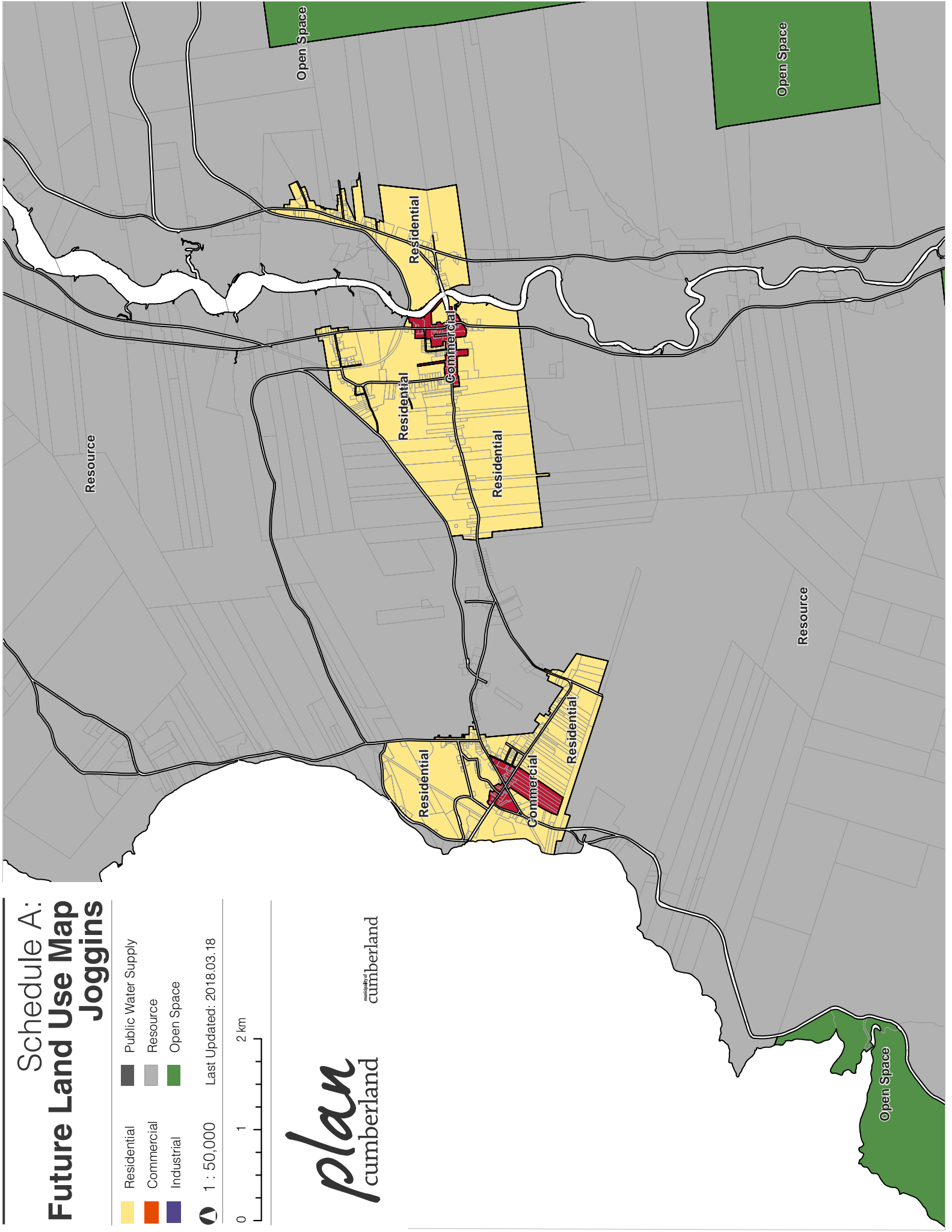
- Residential
- Commercial
- Industrial
- Public Water Supply
- Resource
- Open Space

1 : 50,000 Last Updated: 2018.03.18



plan
cumberland

community of
cumberland



Schedule A: Future Land Use Map Parrsboro

- Residential
- Commercial
- Industrial
- Public Water Supply
- Resource
- Open Space

1 : 50,000 Last Updated: 2018.03.18



plan
cumberland

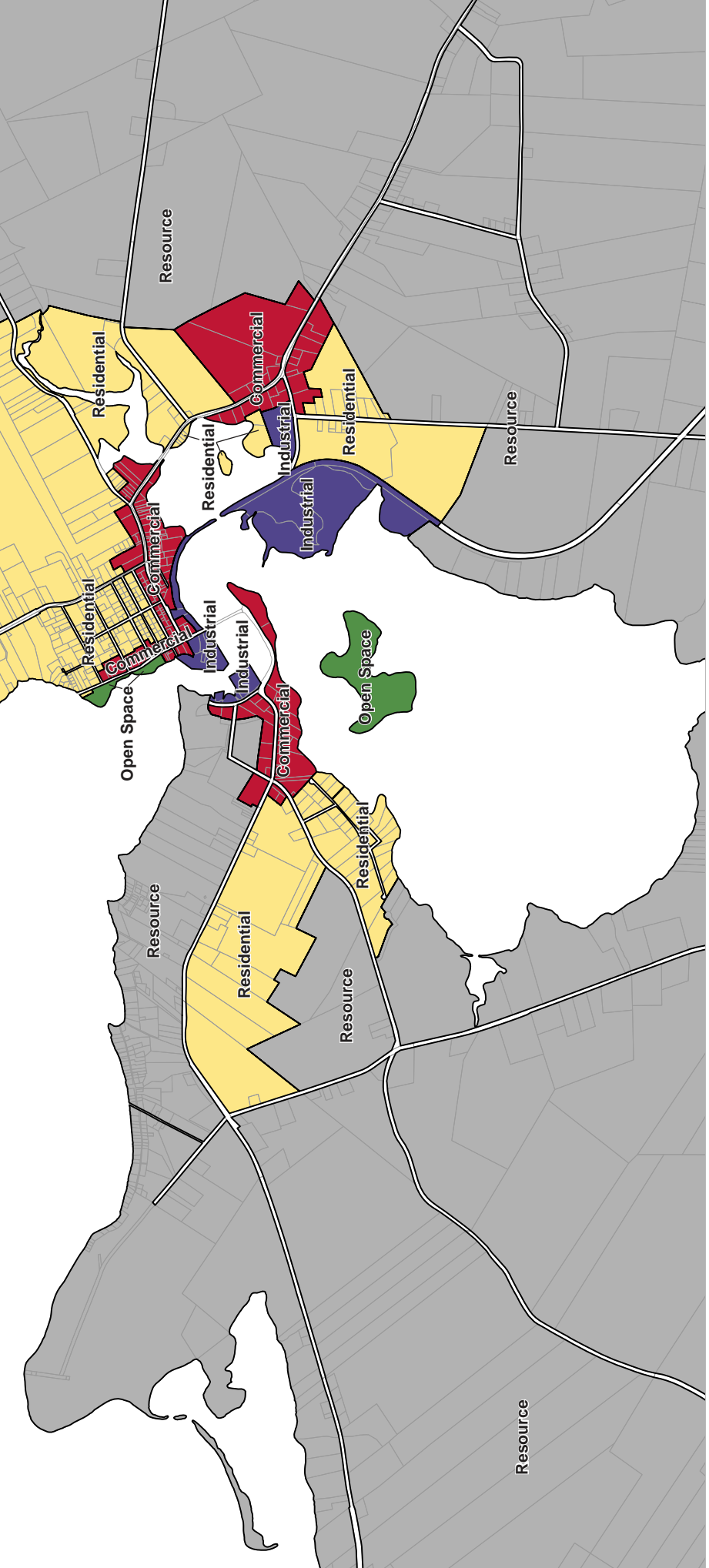
community of
cumberland



Schedule A: Future Land Use Map Pugwash

-  Residential
-  Commercial
-  Industrial
-  Public Water Supply
-  Resource
-  Open Space

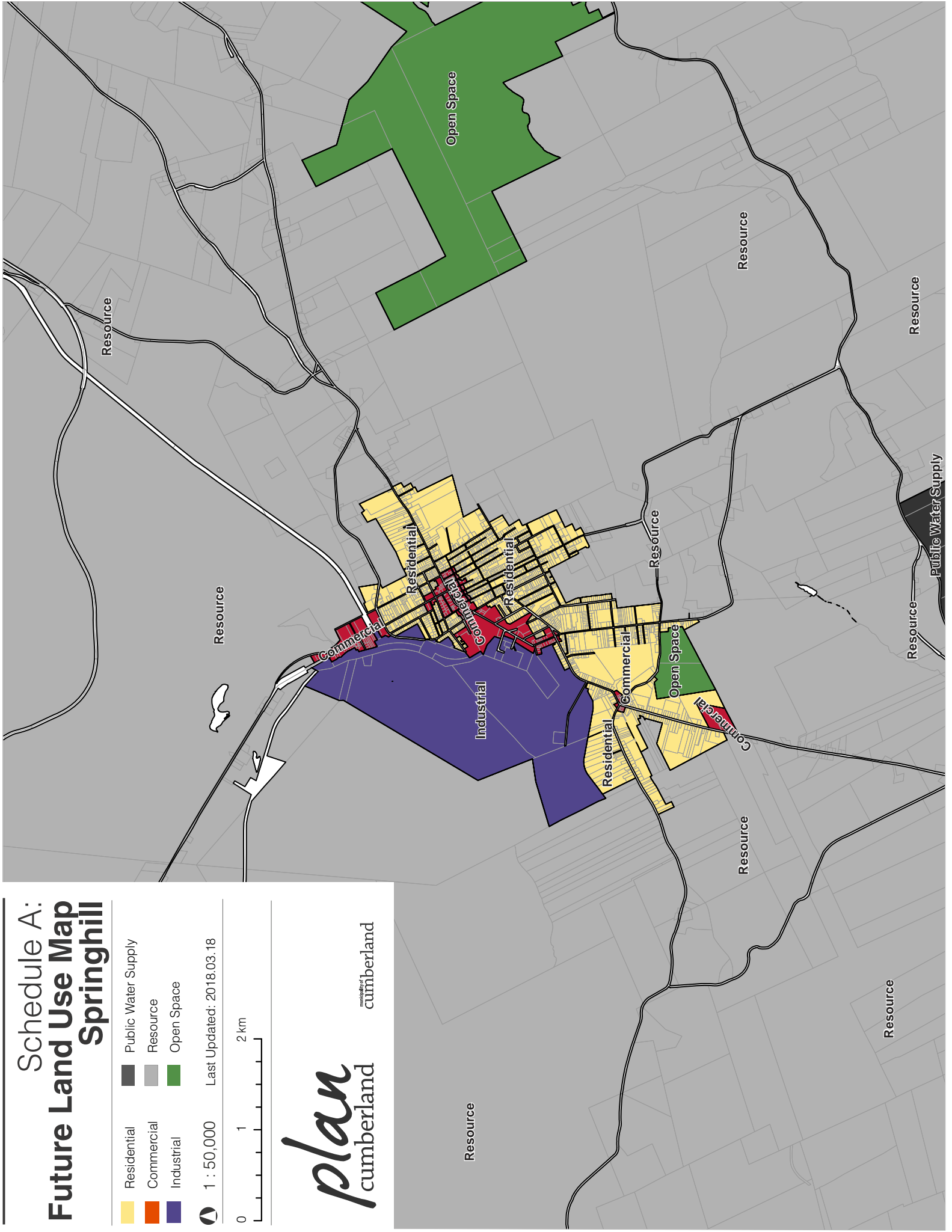
1 : 30,000 Last Updated: 2018.03.18









Schedule A: Future Land Use Map Springhill


- Residential
- Commercial
- Industrial
- Public Water Supply
- Resource
- Open Space

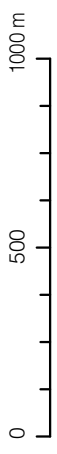
1 : 50,000 Last Updated: 2018.03.18



Schedule A: Future Land Use Map Wallace

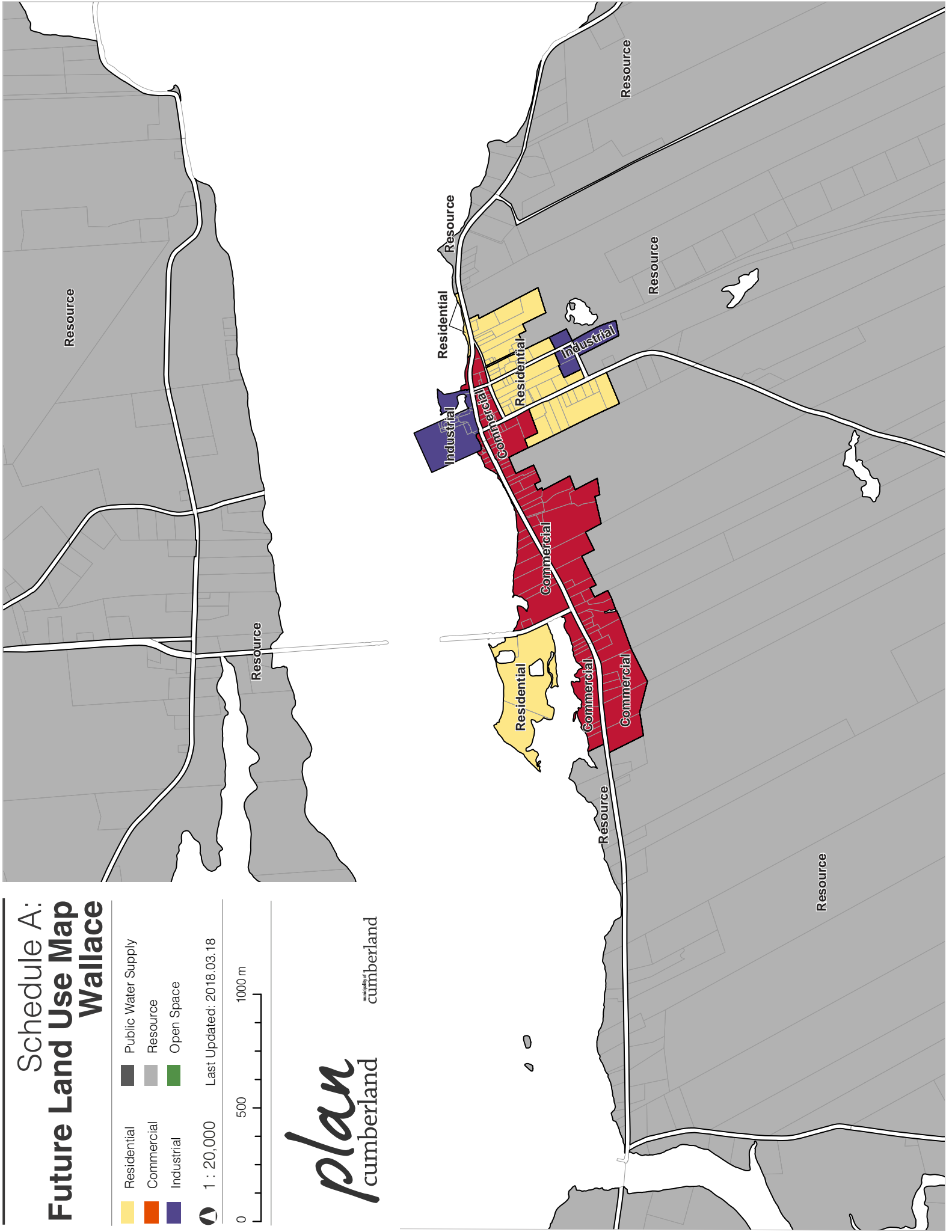
-  Residential
-  Commercial
-  Industrial
-  Public Water Supply
-  Resource
-  Open Space

 1 : 20,000 Last Updated: 2018.03.18



plan
cumberland

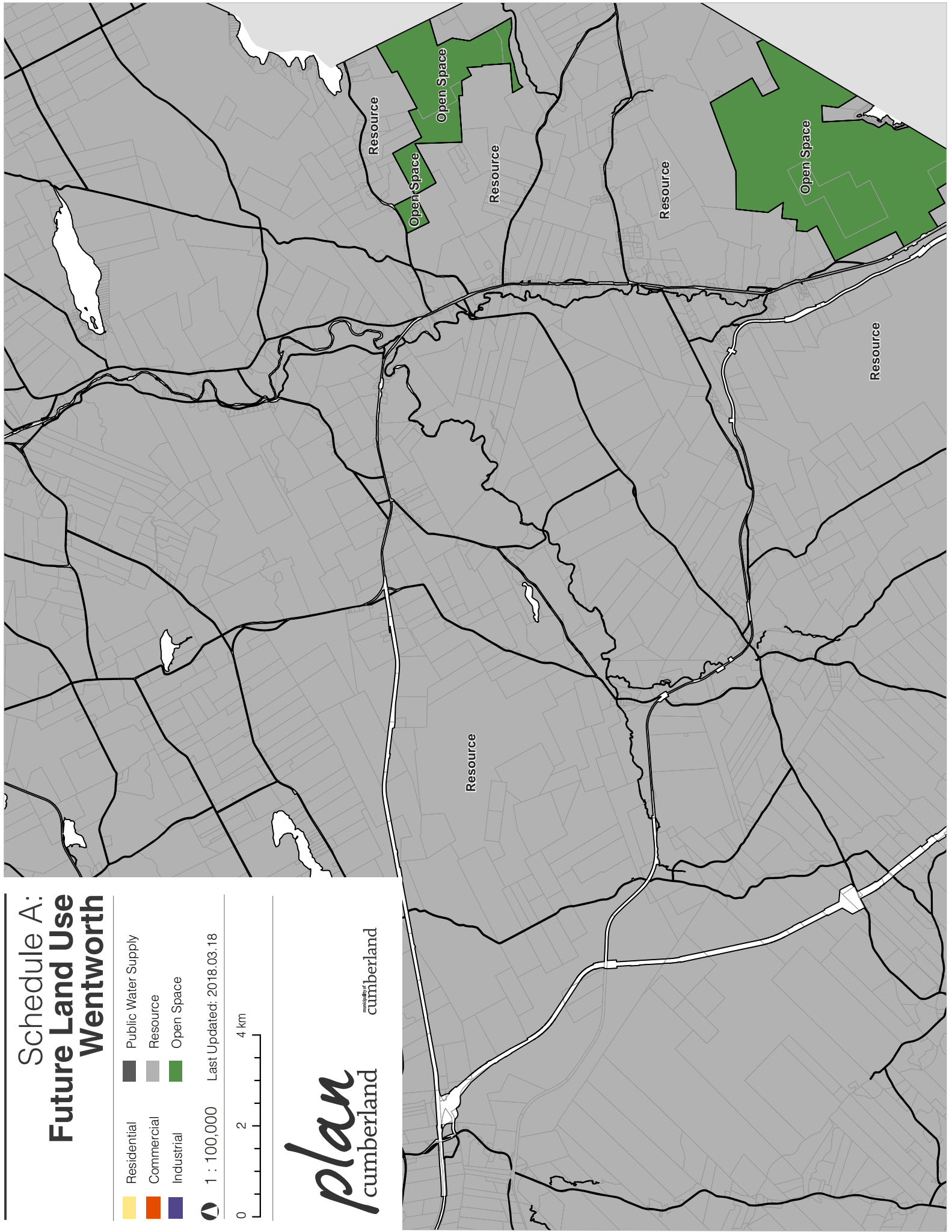
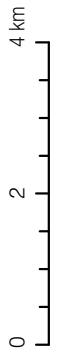
members of
cumberland




Schedule A: Future Land Use Wentworth

- Residential
- Commercial
- Industrial
- Public Water Supply
- Resource
- Open Space

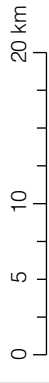
1 : 100,000 Last Updated: 2018.03.18



Schedule B: Sensitive Environments

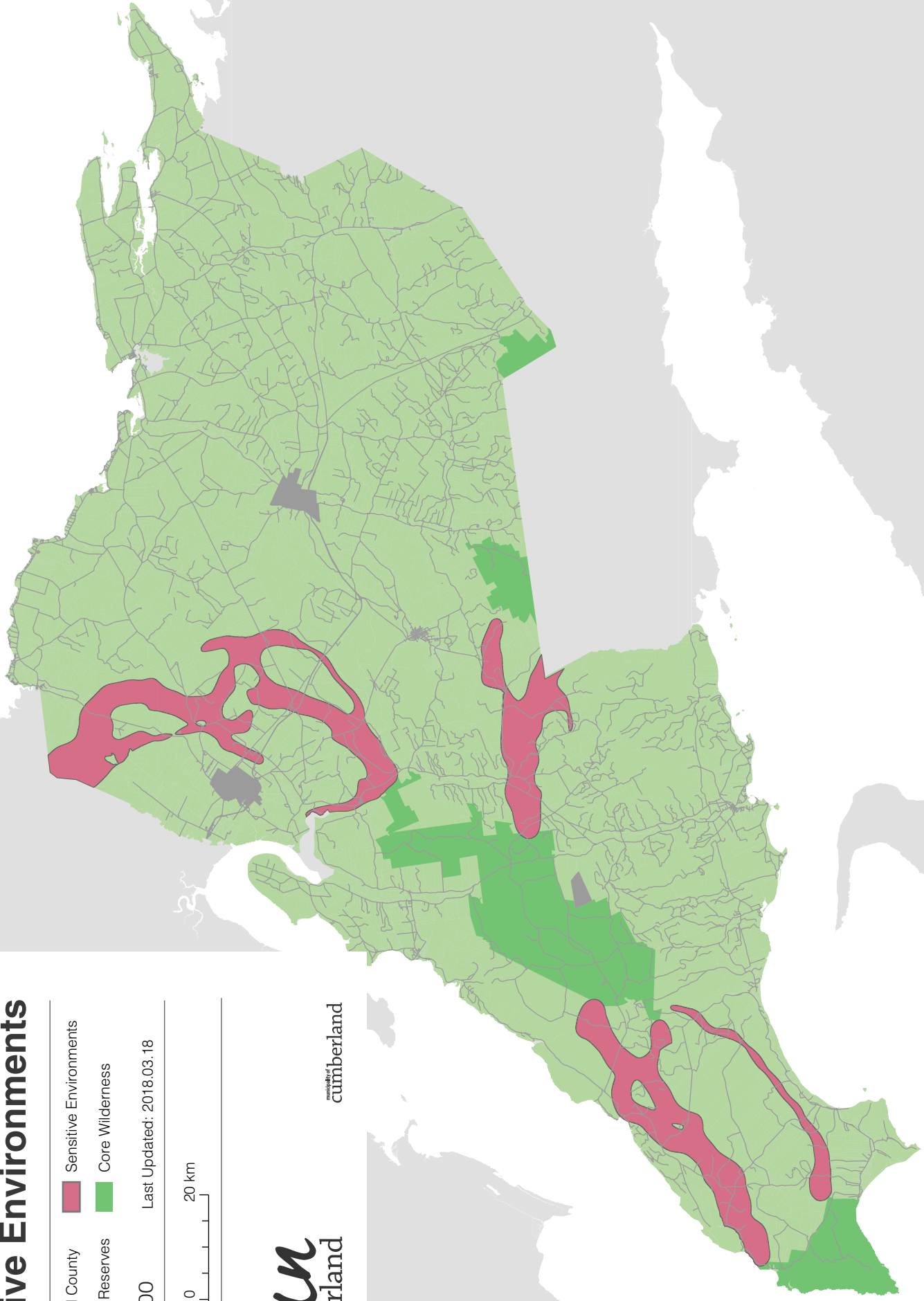
-  Cumberland County
-  Sensitive Environments
-  Towns + FN Reserves
-  Core Wilderness

 1:500,000 Last Updated: 2018.03.18



plan
cumberland

member of
cumberland





plan
cumberland

Municipal
Planning
Strategy