



NOTICE OF ADOPTION

By-law to Amend the Land Use By-law 25-01

Second Reading and Adoption of the By-law to Amend the Land Use By-law 25-01 took place on Wednesday, February 26th, 2025 at a Council meeting held at the Upper Nappan Service Centre.

The purpose of the adopted by-law is to amend the requirements surrounding the development of undersized lots. The following sections in the LUB have been amended:

- 3.3.4 Location Certificate amended to state “**may** be required”
- 4.4 Existing Lot qualification changed to align with MGA
- 4.4.2 Existing Undersized Lots several changes to this section
- 4.16.2(b) Clarification of one **uncovered** attached deck permitted in the watercourse/shoreline buffer
- 4.16.6 Creation of new clause permitting limited expansion of existing main buildings in respect to the watercourse/shoreline buffer

Any aggrieved person, the Provincial Director of Planning, or the Council of any adjoining municipality may, within fourteen days of the publishing of this notice, appeal to the Nova Scotia Utility and Review Board (1-855-442-4448 / board@novascotia.ca) in accordance with the provision of the municipal government act.

Amanda Kinnear
Deputy Clerk



COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

TO: Mayor Gilroy and Members of Council
FROM: Glen Boone Director of Development and Planning
DATE: February 20th, 2025
SUBJECT: **Second Reading - By-law to Amend the Land Use By-law 25-01 to Amend the Requirements Surrounding the Development of Undersized Lots**

ORIGIN: Municipal Council approved first reading of a bylaw to amend the Land Use Bylaw relating to amendments surrounding the development of undersized lots at its January 22, 2025 meeting.

LEGISLATIVE AUTHORITY:

Municipal Government Act- Section 220- Content of land-use by-law.

A land-use by-law may...regulate the size, or other requirements, relating to lot area, yards, lot coverage and heights of structures.

Municipal Government Act – Section 210 – Amendment of the land-use by-law

An amendment to a land-use by-law that

(a) is undertaken in accordance with the municipal planning strategy; and

(b) is not required to carry out a concurrent amendment to a municipal planning strategy,

is not subject to the review of the Director or the approval of the Minister.

RECOMMENDATION: THAT Council approve Second Reading of the By-law to Amend the Land Use By-law 25-01 to amend the requirements surrounding the development of undersized lots.

BACKGROUND: A motion was passed at the November 20th, 2024, Committee of the Whole (COW) requesting staff bring a report on the proposed LUB amendments, to the January 2025 meeting of the COW *on current minimum lot standards for the undersized lots and shoreline buffers in the Land Use Bylaw.*

At the request of Council, staff have reviewed the existing standards for developing undersized lots, with a focus on the undersized lots in the Recreational Residential Zone (RRec) and the development challenges experienced by owners. It is not the intent of this review and associated recommendations to engage in a wholesale change to any zone, including the RRec zone, but to assist in the reasonable development of properties in the short term. This will assist until our more extensive plan review occurs over the next year. The complete overview of the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) is set to commence in the current fiscal year and be completed 2025-2026 fiscal year. At that time a more detailed review can be undertaken for all zones and general requirements that help guide development and are not intended to unduly restrict growth.

After the initial adoption of the current MPS and LUB in April 2018 several additional amendments took place to the documents between late 2018 and 2020. Specifically, to Section 4.4.2 Existing Undersized lots and the reduction of setbacks in the RRec zone. Both setbacks for the RRec zone



COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

and special requirements for undersized lots have been in place within the planning documents for a number of years.

Back in early 2022 public input on setbacks was sought in respect to setbacks in the LUB. An ad informing the public of a review was placed in the *Cumberland Wire* and notice was also placed on the Municipality's website, the plancumberland.ca website, Facebook and X (Twitter). Unfortunately, only two email responses were received. The first expressed concerns regarding the development of undersized lots and felt that they shouldn't be held to the same restrictions as newly created lots. The second email suggested that setbacks should be minimal, suggesting as small as two feet, which would be in contravention of the Building Code. Following the February 2022 Committee of the Whole meeting additional notice was given and opportunity to provide feedback was extended until March 1, however no additional comments were received. The low public response provided limited staff direction addressing the suitability of these standards.

At the January 15th, 2025 COW, draft text amendments were presented to COW with the recommendation to bring forward to Council to consider the adoption of the proposed changes. Various alternatives were provided to COW, including adopting or rejecting specific parts of the proposed amendments. Committee of the Whole agreed to forward the amendments to Council, with the exception of the proposed amendment to Section 4.16 which reduced the watercourse buffers from 30.5m to 15m from the top of the bank for all new development on vacant, undersized, waterfront lots. The final proposed amendments were brought forward in a First Reading report on January 22nd, 2025. Council approved the motion for first reading and directed staff to arrange a public hearing.

DISCUSSION:

From discussions with residents and developers over the last number of years, it appears that the greatest concerns surround the development of smaller, undersized lots, is primarily in the Recreational Residential (RRec) Zone along the ocean shorelines. Although the focus has been on setbacks, feedback previously received from residents suggest that limits on lot coverage, shoreline/watercourse buffers and the challenges posed by very small lots have similar or greater impacts on development.

Changes to the RRec zone alone will not achieve the desired changes sought by the public, consideration will be needed to be given to other sections of the LUB to ensure a consistent application of development requirements throughout the Land Use Bylaw.

Staff have prepared proposed text amendments to address concerns raised by Council, in accordance with the motion passed at the January 15th, 2025 meeting of the Committee of the Whole. The proposed amendments respecting policy around climate change and adaptive measures while allowing a more focused approach at developing the undersized coastal lots in Cumberland.

It is not the intent of these proposed amendments to make wholesale changes to current Shoreline and Watercourse buffers but to allow a controlled approach to development on undersized lots, in the specific circumstances in which the impacts on the environment can be mitigated.



COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

The following measures provide suitable opportunities to increase lot coverage and reduce setbacks in a measured and targeted fashion, accounting for specific circumstances commonly experienced by residents, without compromising policies meant to protect the environment or adapt to climate change.

Staff is recommending Council considers changes to Section 4.4.2: Existing Undersized Lots and various LUB sections throughout Chapter 4: General Planning Requirements, as per below. The proposed changes have been drafted and are included in this report as Attachment B.

Lot Size, Coverage, and Setback and Buffer Requirements.

Development Permit may be issued for new main buildings, accessory buildings and/or additions to existing main buildings on undersized lots, provided the lot legally existed prior to the dates defined in section 4.4.1 of the Land Use By-law.

Development Permit may be issued for new main buildings on undersized lots granted the lot can be approved for an On-site Sewage Disposal System (OSS), but not including a holding tank, privy or composting toilet. The approval of an OSS may require the system to be designed and certified by a QP II. For new development of vacant undersized lots, the required shoreline buffer and coastal elevation requirements must still be met.

Development Permit may be issued for additions to existing main buildings can be approved provided it does not impact existing OSS.

The following criteria will be used to determine the eligibility of a proposed development for permitting:

- Up to 25% lot coverage for undersized lots is permitted, inclusive of proposed and existing structures.
- Lot is not located in the Flood Hazard zone (HzFI)
- Maximum building height is 8m for new construction or additions on waterfront lots
- Development shall not negatively impact the current On-site Sewage Disposal System (OSS) or the ability to replace the OSS.
- Existing main buildings may be expanded provided any addition does not further reduce the distance from the top of bank of the watercourse/shoreline of the main building.
- All proposed development on undersized lots, not connected to a Municipal Sewer System, shall maintain a 3-metre setback from side, front, and rear property lines. In the event the undersized lot has waterfrontage, the watercourse/shoreline buffer will act as the rear setback.

Proposed Amendment to Section 3.3.4

Location certificates **may** be required on unsurveyed properties, changing from “within 2.5 metres of any setback or property boundary” to “**within 2.5 metres of any property boundary**”.

Since the First Reading report, Staff has removed the requirement to consider if the lot is identified in any future flood hazard areas under coastal mapping. This is due to current mapping data not providing sufficient information to properly evaluate this criterion. This requirement will be re-considered during the Plan Review, when Staff has new mapping data that can provide more detailed information.



COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

FINANCIAL IMPLICATIONS:

The opportunity for increased development on undersized lots will potentially provide increased property assessments thus generating additional tax revenue.

ENVIRONMENTAL IMPLICATIONS:

The current setbacks were developed in 2017-2018 after consultation and several public meetings. Larger setbacks and lot sizes and shoreline buffers, serve an important role in planning and serves as a means of addressing climate change and considerations for coastal protection. Understanding existing historical development requires review and fair consideration to help guide development. Previous amendments have reduced setbacks but did not provide enough review in respect to lot coverage and shoreline buffers for existing lots. Careful consideration is warranted in further relaxing these requirements.

More detailed review of Shoreline and Watercourse buffers will be considered under the pending full MPS/LUB Plan review. It is important to note, no changes are being proposed to the current coastal elevation requirements under the Land Use By-law. This requirement is deemed of high importance in respect to coastal protection and planning.

One of the guiding principles of the 2017-2018 Plan policy review was Council's commitment to environmental sustainability. One of the six focuses of the policy review was climate change mitigation and adaptation. Particular emphasis was placed on coastal vulnerability to storm surges and rising sea level. The policies adopted by Council during that review were through the public engagement process and targeted research. Currently, staff is awaiting the finalization of new flood risk mapping data that will be released from the province, that can better inform additional future changes.

COMMUNITY ENGAGEMENT: After a preliminary discussion at the December 2024 Committee of the Whole meeting, staff prepared a public engagement information document to provide to the public. This document had been posted to the PlanCumberland Website, as of Friday January 3rd, 2025. Notices for the Public Engagement document was placed on the Municipal Website, directing residents to the Public Engagement Information document on PlanCumberland. The following week, on January 09, 2025, another notice for the public engagement document was circulated to the public, through the Municipal Facebook account. The Planning Engagement Information document contained the proposed changes and a call for input from the public, provided an email and a phone number to contact staff and report their input on the proposed changes. Up to January 9th, 2025, staff had received 13 comments from the public prior to the January 15th meeting of COW. Of the 13 comments received 8 were in favour of the amendments, 3 were against the proposed amendments and 2 comments did not give indication of a preferred decision. The Public Engagement period remained open until January 20, 2025. In totality, Staff received 17 written comments from the public, of those comments, 11 were in support of the proposed changes and 6 were against the proposed changes.

A Public Hearing for the proposed amendments was held on February 19th, 2025. In accordance with section 206 of the MGA, notices for the hearing were placed on the Municipal Website, on February 4, two weeks prior to the scheduled hearing date. Furthermore, a notice was placed in The Chronicle Herald for February 8.



COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

Prior to the public hearing, staff received three additional comments from the public in response to the Public Engagement Document that was distributed to the public through PlanCumberland. Two of these comments were against the proposed amendment to the watercourse buffer. The third additional comment was in support of the proposed amendments. A copy of all public engagement, including a summary of feedback received, is attached to this report as Attachment D. At the Public Hearing, no representatives of the public came to speak before Council.

ALTERNATIVES: Council may request further information and defer the decision for a later date.

ATTACHMENTS:

Attachment A: Policy Review

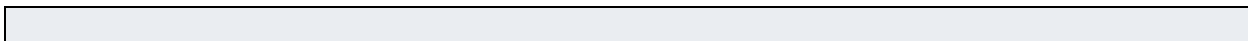
Attachment B: Proposed Text Amendments

Attachment C: Public Engagement Information Document

Attachment D: Public Engagement Summary Document

Report prepared by: Kira Norgren, Municipal Planner

Attachment A: Policy Review





COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

MPS 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]

This Policy is not being amended. The proposed amendments do not conflict.

MPS 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.

The shoreline buffer is not being decreased by the proposed amendments.

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.

See Below

<i>Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:</i>	
<i>(a) is consistent with the intent of this Municipal Planning Strategy;</i>	Yes
<i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	No conflict created
<i>(c) is not premature or inappropriate due to:</i>	The proposal is appropriate.
<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No cost to the Municipality
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	Does not impact established wellfields
<i>(iii) the adequacy of central water and sewage services or, where such services are not</i>	OSS requirements are not being changed.



COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

<i>available, the suitability of the site to accommodate on-site water and sewage services;</i>	
<i>(iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;</i>	N/A
<i>(v) the adequacy of fire protection services and equipment;</i>	N/A
<i>(vi) the adequacy and proximity of schools and other community facilities;</i>	N/A
<i>(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;</i>	Watercourse/Shoreline Buffer is not to be changed, setback requirements from the top of bank for waterfront lots are becoming more stringent, therefore staff does not anticipate the worsening of existing coastal erosion issues.
<i>(viii) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	EMO staff have advised that the proposed changes shouldn't create serious flooding or drainage issues that would create a concern for the safety of residents.
<i>(ix) impacts on sensitive environments, as identified on Schedule B;</i>	Not anticipated by staff.
<i>(ixA) impacts on wildlife corridors; [CHG-601]</i>	N/A
<i>(x) impacts on known habitat for species at risk;</i>	Not anticipated by staff
<i>(xA) risks presented by geohazards; [CHG-601]</i>	No specific issues identified by staff
<i>(xi) the suitability of the site in terms of grades, soil and</i>	No specific issues identified by staff
<i>(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.</i>	No negative impacts

Attachment B: Proposed Text Amendments

3.3.4 A Location certificate prepared and stamped by a Nova Scotia Land Surveyor **may** be required:

- (a) Where a lot has not been surveyed and a building is proposed within 2.5 metres of a watercourse or shoreline buffer, or within 2.5 metres of any required setback or property boundary.
- (b) Where detailed elevation data is not provided and where a building is proposed below the 5m contour on the Northumberland Strait or the 10m contour on the Bay of Fundy. This location certificate shall be provided to confirm the elevation as per Section 4.17.1.

[CHG-303]

4.4 Existing Lots

4.4.1

For the purposes of this Section, an existing lot is a lot that was lawfully **created in accordance with Section 268 (2)** of the Act or shown on a plan of subdivision **approved or** tentatively approved by the Municipality, the former Town of Parrsboro, or the former Town of Springhill, in the applicable area as shown on Schedule B of this By-law, prior to the following dates:

- (a) June 15, 1977, in Springhill
- (b) May 22, 2007, in Parrsboro
- (c) July 24, 2008, in Cumberland

[CHG 408]

4.4.2 **Existing Undersized Lots**

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

- (a) the lot is not zoned Wellfield 1 (W1), Wellfield 2A (W2A), Wellfield 2B (W2B), Wellfield 2C (W2C), Wellfield 3A (W3A), Wellfield 3B (W3B), or **Flood Hazard (HzFI) [CHG-1209]**;
- (b) *[Deleted CHG-405]*
- (bA) if the proposed use includes a dwelling or any other use that requires on-site wastewater, a permit from Nova Scotia Department of Environment for an On-site Sewage Disposal System can be obtained. [CHG-408]**
- (c) **maximum lot coverage is 25 percent;**[CHG-408]
- (d) all other applicable provisions of this By-law are met;
- (e) all applicable wastewater treatment requirements are met;
- (f) if a dwelling is proposed, the means of wastewater treatment is not a holding tank or privy;
- (g) the lot has not less than 4 metres of lot frontage;
- (h) **All setbacks shall be no less than 3m for lots without access to central wastewater disposal ; [CHG-408]**
- (i) in no circumstance shall any setback be reduced to less than 1.4 metres.
- (j) **Shoreline buffer is maintained in accordance with section 4.16.1[CHG 408]**
- (k) **Waterfront lots shall maintain a maximum building height of 8m. [CHG 408]**

4.16.2 Developments permitted within watercourse and shoreline buffers (subject to zone requirements for permitted uses) are:

- (a) Shoreline stabilization works.
- (b) One accessory building or structure or one attached **uncovered** deck which, in total, shall not be larger than 20 m². **[CHG-408]**
- (c) Safety fences that do not exceed a height of 1.8 metres.
- (d) Shoreline or water access facilities such as docks, boardwalks, walkways and trails for nonmotorized vehicles.
- (e) Traditional marine uses or the on-shore components of water based uses and other marine dependent uses.
- (f) Parks, conservation, and historic uses.
- (g) Public streets and infrastructure.
- (h) Outdoor storage accessory to a residential use, such as, but not limited to, firewood storage.
- (i) Wellhouses.
- (j) **A recreational vehicle parking site, provided watercourse or shoreline buffers are not reduced to less than 15 metres. [CHG-406]**

4.16.6 Notwithstanding Section 4.16.1 and Section 4.16.4, the expansion of an existing main building on an undersized lot may be permitted, provided any addition does not further reduce existing distance from the top of bank of the watercourse/shoreline to the main building. [CHG 408]



Attachment C: Public Engagement Information Document

PLANNING AND DEVELOPMENT CALL FOR PUBLIC INPUT

Development requirements for undersized Lots

Planning Staff has been asked by Council to study and prepare amendments to the Land Use By-law that would refine the guidelines for the development of undersized lots in coastal communities. The new requirements being proposed by staff changes the requirements for development on existing undersized lots.

Table 1 depicts the change in requirements for the development of undersized and waterfront lots. These proposed requirements from staff will apply to the expansion of an existing main building and to any proposed structure on a lot with existing development.

Table 1: Lots with Existing Buildings	Current Requirement	Proposed Requirement
Total lot coverage allowed	10%	25%
Setbacks	Front: 6m Side: 8m Rear: 8m	Setbacks can be reduced to 3 meters by Site Plan Agreement.
Shoreline buffers for undersized lots	30m (20m if shoreline stabilization measures are in place)	Existing shoreline buffer for main buildings must be maintained.

***** New development, regardless if there are any existing buildings/dwellings on the lot, may require approval from DOE regarding the permitting of an On-site Sewage Disposal System. This includes new buildings/dwellings and expansions to existing buildings/dwellings.*

The following images depict the application of the proposed waterfront setback requirement. Image C shows a proposed expansion which would not be eligible for a development permit. Image A and Image B show proposed expansions, which would be eligible for a development permit.

Image A

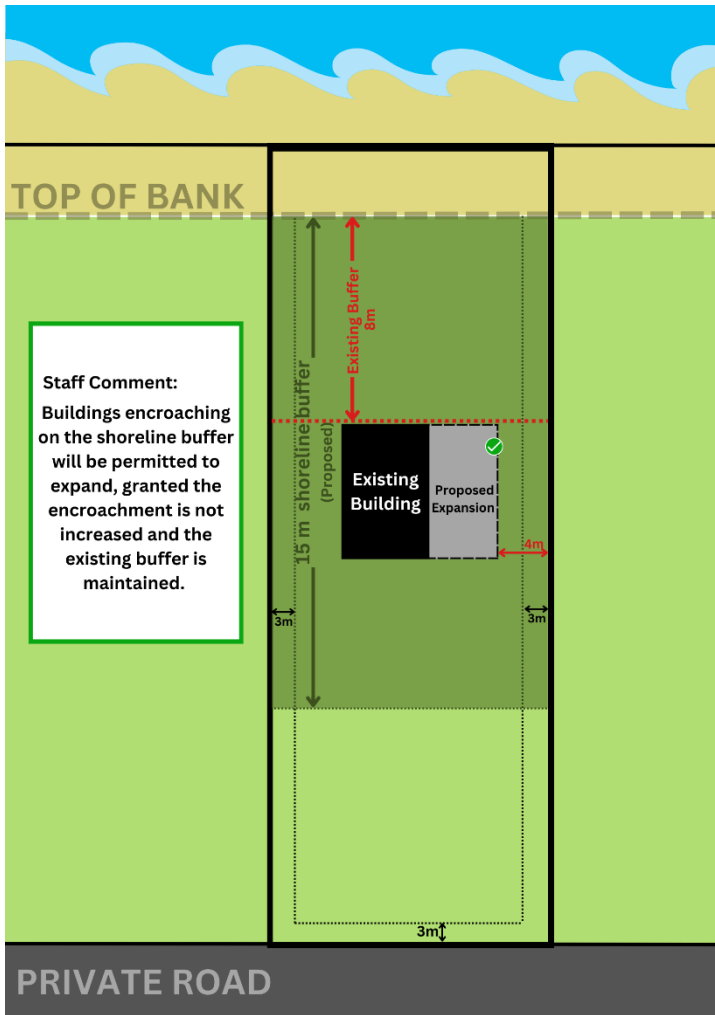


Image B

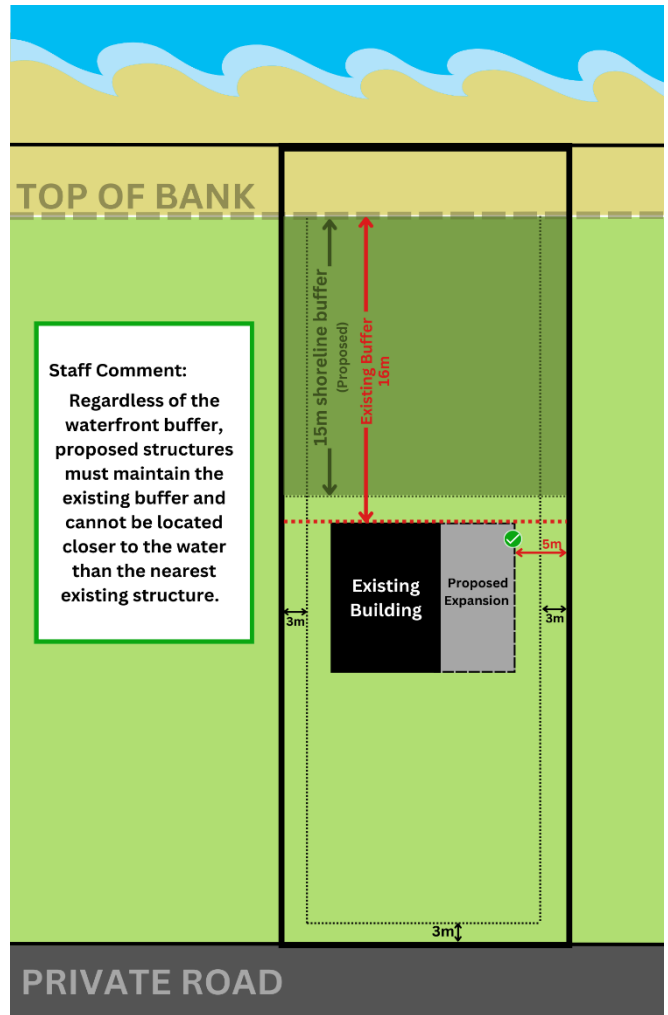


Image C

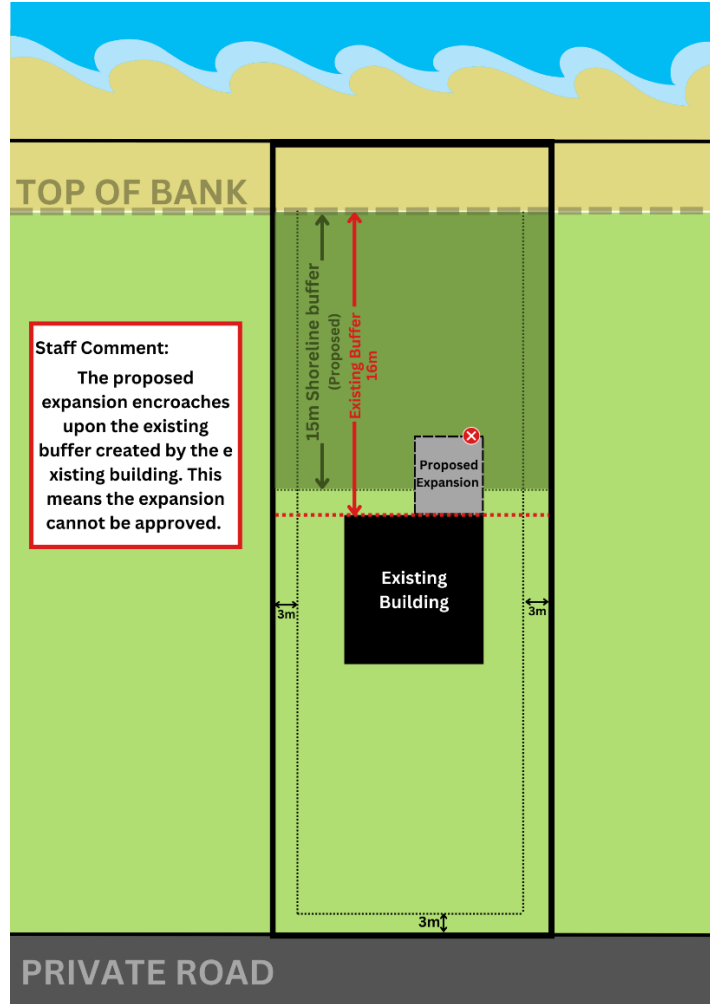


Table 2 compares the current requirements for the development of a vacant undersized lot with the proposed requirements from staff.

Table 2: Undeveloped/Vacant Lots	Current Requirement	Proposed Requirement
Total Lot Coverage allowed	10%	25%
Setbacks	Zone requirements	Setbacks can be reduced to 3m by SPA
Shoreline buffer	30m (20m shoreline stabilization)	15m
Minimum lot size	900sqm	For any legally existing lot prior to March 2018, no minimum lot size is required.

***** New development, regardless if there are any existing buildings/dwellings on the lot, may require approval from DOE regarding the permitting of an On-site Sewage Disposal System. This includes new buildings/dwellings and expansions to existing buildings/dwellings.*

*****A lot is considered to be legally existing if it was created by any of the following approved methods of subdivision under Section 268 (2) of the Municipal Government Act, prior to March 2018.*

Staff is calling for input from the public on the proposed new regulations and creating a virtual discussion forum. Members of the public can provide input on the proposed new regulations by emailing Planning@cumberlandcounty.ns.ca or by calling the Department of Planning at 902-667-3304. Please submit all comments by January 21th, 2025 by 2pm AST for your comments to be reflected in a staff report to Council on the above matter.



COUNCIL MEETING

SECOND READING

Date: February 26th, 2025

Attachment D: Public Engagement Summary Document

Attached Separately



**COMMITTEE OF THE WHOLE
PUBLIC HEARING SUMMARY**

Date: February 19, 2025

TO: Mayor Gilroy and Members of Council
FROM: Glen Boone, Director of Development and Planning
DATE: February 11, 2025
SUBJECT: Public Hearing - By-law to Amend the Land Use By-law 25-01 to Amend the Requirements Surrounding the Development of Undersized Lots

ORIGIN:

At its January 22, 2025 meeting, Council approved a first reading the By-law to Amend the Land Use By-law 25-01 to Amend the Requirements Surrounding the Development of Undersized Lots.

LEGISLATIVE AUTHORITY:

Municipal Government Act- Section 220- Content of land-use by-law.

A land-use by-law may...regulate the size, or other requirements, relating to lot area, yards, lot coverage and heights of structures.

Municipal Government Act – Section 210 – Amendment of the land-use by-law

An amendment to a land-use by-law that

(a) is undertaken in accordance with the municipal planning strategy; and

(b) is not required to carry out a concurrent amendment to a municipal planning strategy,

is not subject to the review of the Director or the approval of the Minister.

RECOMMENDATION: No motions to consider at the Public Hearing stage.

BACKGROUND:

A motion was passed at the November 20th, 2024, Committee of the Whole (COW) requesting staff provide a report on the proposed LUB amendments *on current minimum lot standards for the undersized lots and shoreline buffers in the Land Use Bylaw.*

At the request of Council, Staff have reviewed the existing standards for developing undersized lots, with a focus on the undersized lots in the Recreational Residential Zone (RRec) and the development challenges experienced by owners. It is not the intent of this review and associated recommendations to engage in a wholesale change to any zone, including the RRec zone, but to assist in the reasonable development of properties in the short term. This will assist until our more extensive plan review occurs over the next year. The complete overview of the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) is set to commence in the current fiscal year and be completed 2025-2026 fiscal year. At that time a more detailed review can be undertaken for all zones and general requirements that help guide development and are not intended to unduly restrict growth.

After the initial adoption of the current MPS and LUB in April 2018 several additional amendments took place to the documents between late 2018 and 2020. Specifically, to Section 4.4.2 Existing Undersized lots and the reduction of setbacks in the RRec zone. Both setbacks for the RRec zone



COMMITTEE OF THE WHOLE PUBLIC HEARING SUMMARY

Date: February 19, 2025

and special requirements for undersized lots have been in place within the planning documents for a number of years.

Back in early 2022 public input on setbacks was sought in respect to setbacks in the LUB. An ad informing the public of a review was placed in the *Cumberland Wire* and notice was also placed on the Municipal website, and the Plancumberland.ca website, Facebook and twitter. Unfortunately, only two email responses were received. The first expressed concerns regarding the development of undersized lots and felt that they shouldn't be held to the same restrictions as newly created lots. The second email suggested that setbacks should be minimal, suggesting as small as two feet, which would be in contravention of the Building Code. Following the February 2022 Committee of the Whole meeting additional notice was given and opportunity to provide feedback was extended until March 1, however no additional comments were received. The low public response provided limited staff direction addressing the suitability of these standards.

At the January 15th, 2025, COW meeting, draft text amendments were presented with the recommendation to bring forward to Council to consider the adoption of the proposed changes. Various alternatives were provided to COW, including adopting or rejecting specific parts of the proposed amendments. Council directed staff to bring the amendments forward for first reading, with the exception of the proposed amendment to Section 4.16 which reduced the watercourse buffers from 30.5m to 15m from the top of the bank for all new development on vacant, undersized, waterfront lots. The final proposed amendments were brought forward in a First Reading report on January 22nd, 2025. Council approved the motion for first reading and directed staff to arrange a public hearing.

DISCUSSION:

From discussions with residents and developers over the last number of years, it appears that the greatest concerns surround the development of smaller, undersized lots, is primarily in the Recreational Residential (RRec) Zone along the ocean shorelines. Although the focus has been on setbacks, feedback previously received from residents suggest that limits on lot coverage, shoreline/watercourse buffers and the challenges posed by very small lots have similar or greater impacts on development.

Changes to the RRec zone alone will not achieve the desired changes sought by the public, consideration will be needed to be given to other sections of the LUB to ensure a consistent application of development requirements throughout the Land Use Bylaw.

Staff has prepared proposed text amendments to address concerns raised by Council, in accordance with the motion passed at the January 15th, 2025, meeting of the Committee of the Whole. The proposed amendments respecting policy around climate change and adaptive measures while allowing a more focused approach at developing the undersized coastal lots in Cumberland.

It is not the intent of these proposed amendments to make wholesale changes to current Shoreline and Watercourse buffers but to allow a controlled approach to development on undersized lots, in the specific circumstances in which the impacts on the environment can be mitigated.



COMMITTEE OF THE WHOLE PUBLIC HEARING SUMMARY

Date: February 19, 2025

The following measures provide suitable opportunities to increase lot coverage and reduce setbacks in a measured and targeted fashion, accounting for specific circumstances commonly experienced by residents, without compromising policies meant to protect the environment or adapt to climate change.

Staff is recommending Council considers changes to Section 4.4.2: Existing Undersized Lots and various LUB sections throughout Chapter 4: General Planning Requirements, as per below. The proposed changes have been drafted and are included in this report as Attachment B.

Lot Size, Coverage, and Setback and Buffer Requirements.

Development Permit may be issued for new main buildings, accessory buildings and/or additions to existing main buildings on undersized lots, provided the lot legally existed prior to the dates defined in section 4.4.1 of the Land Use By-law.

Development Permit may be issued for new main buildings on undersized lots granted the lot can be approved for an On-site Sewage Disposal System (OSS), but not including a holding tank, privy or composting toilet. The approval of an OSS may require the system to be designed and certified by a QP II. For new development of vacant undersized lots, the required shoreline buffer and coastal elevation requirements must still be met.

Development Permit may be issued for additions to existing main buildings can be approved provided it does not impact existing OSS.

The following criteria will be used to determine the eligibility of a proposed development for permitting:

- Up to 25% lot coverage for undersized lots is permitted, inclusive of proposed and existing structures.
- Lot is not located in the Flood Hazard zone (HzFI)
- Maximum building height is 8m for new construction or additions on waterfront lots
- Development shall not negatively impact the current On-site Sewage Disposal System (OSS) or the ability to replace the OSS.
- Existing main buildings may be expanded provided any addition does not further reduce the distance from the top of bank of the watercourse/shoreline of the main building.
- All proposed development on undersized lots, not connected to a Municipal Sewer System, shall maintain a 3-metre setback from side, front, and rear property lines. In the event the undersized lot has waterfrontage, the watercourse/shoreline buffer will act as the rear setback.

Proposed Amendment to Section 3.3.4

Location certificates **may** be required on unsurveyed properties, changing from “within 2.5 metres of any setback or property boundary” to “**within 2.5 metres of any property boundary**”.

Since the First Reading report, Staff has removed the requirement to consider if the lot is identified in any future flood hazard areas under coastal mapping. This is due to current mapping data not providing sufficient information to properly evaluate this criterion. This requirement will be re-considered during the Plan Review, when Staff has new mapping data that can provide more detailed information.



COMMITTEE OF THE WHOLE PUBLIC HEARING SUMMARY

Date: February 19, 2025

FINANCIAL IMPLICATIONS:

The opportunity for increased development on undersized lots will potentially provide increased property assessments thus generating additional tax revenue.

ENVIRONMENTAL IMPLICATIONS:

The current setbacks were developed in 2017-2018 after consultation and several public meetings. Larger setbacks and lot sizes and shoreline buffers, serve an important role in planning and serves as a means of addressing climate change and considerations for coastal protection. Understanding existing historical development requires review and fair consideration to help guide development. Previous amendments have reduced setbacks but did not provide enough review in respect to lot coverage and shoreline buffers for existing lots. Careful consideration is warranted in further relaxing these requirements.

More detailed review of Shoreline and Watercourse buffers will be considered under the pending full MPS/LUB Plan review. It is important to note, no changes are being proposed to the current coastal elevation requirements under the Land Use By-law. This requirement is deemed of high importance in respect to coastal protection and planning.

One of the guiding principles of the 2017-2018 Plan policy review was Council's commitment to environmental sustainability. One of the six focuses of the policy review was climate change mitigation and adaptation. Particular emphasis was placed on coastal vulnerability to storm surges and rising sea level. The policies adopted by Council during that review were through the public engagement process and targeted research. Currently, staff is awaiting the finalization of new flood risk mapping data that will be released from the province, that can better inform additional future changes.

COMMUNITY ENGAGEMENT:

After a preliminary discussion at the December 2024 Committee of the Whole meeting, staff prepared a public engagement information document to provide to the public. This document had been posted to the PlanCumberland Website, as of Friday January 3rd, 2025. Notices for the Public Engagement document was placed on the Municipal Website, directing residents to the Public Engagement Information document on PlanCumberland. The following week, on January 09, 2025, another notice for the public engagement document was circulated to the public, through the Municipal Facebook account. The Planning Engagement Information document contained the proposed changes and a call for input from the public, provided an email and a phone number to contact staff and report their input on the proposed changes. Staff had received 13 comments from the public prior to the January 15th, 2025, meeting of COW, of the comments 8 were in favour of the amendments, 3 were against the proposed amendments and 2 comments did not give indication of a preferred decision. Council approved a first reading of the proposed changes on January 22nd, 2025. A public hearing was scheduled and advertised in accordance with section 206 of the MGA. Notices for the hearing were placed on the Municipal Website, on February 4, two weeks prior to the scheduled hearing date. Furthermore, a notice was placed in The Chronicle Herald for February 8.

Staff received an additional 3 comments from the Public in response to the Public Engagement Document that was distributed to the public through PlanCumberland. Two of these comments were against the proposed amendment to the watercourse buffer. The third additional comment was in support of the proposed amendments. A copy of all public engagement, include a summary of feedback received, is attached to this report as Attachment D.



**COMMITTEE OF THE WHOLE
PUBLIC HEARING SUMMARY
Date: February 19, 2025**

ALTERNATIVES: Council may request further information and defer the decision for a later date.

ATTACHMENTS:

- Attachment A: Policy Review
- Attachment B: Proposed Text Amendments
- Attachment C: Public Engagement Information Document
- Attachment D: Public Engagement Summary Document

Report prepared by: Kira Norgren, Municipal Planner

Attachment A: Policy Review

MPS 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]

This Policy is not being amended. The proposed amendments do not conflict.

MPS 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.

The shoreline buffer is not being decreased by the proposed amendments.

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.

See Below



**COMMITTEE OF THE WHOLE
PUBLIC HEARING SUMMARY**

Date: February 19, 2025

<i>Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:</i>	
<i>(a) is consistent with the intent of this Municipal Planning Strategy;</i>	Yes
<i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	No conflict created
<i>(c) is not premature or inappropriate due to:</i>	The proposal is appropriate.
<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No cost to the Municipality
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	Does not impact established wellfields
<i>(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;</i>	OSS requirements are not being changed.
<i>(iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;</i>	N/A
<i>(v) the adequacy of fire protection services and equipment;</i>	N/A
<i>(vi) the adequacy and proximity of schools and other community facilities;</i>	N/A
<i>(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;</i>	Watercourse/Shoreline Buffer is not to be changed, setback requirements from the top of bank for waterfront lots are becoming more stringent, therefore staff does not anticipate the worsening of existing coastal erosion issues.
<i>(viii) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	EMO staff have advised that the proposed changes shouldn't create serious flooding or drainage issues that would create a concern for the safety of residents.
<i>(ix) impacts on sensitive environments, as identified on Schedule B;</i>	Not anticipated by staff.
<i>(ixA) impacts on wildlife corridors; [CHG-601]</i>	N/A
<i>(x) impacts on known habitat for species at risk;</i>	Not anticipated by staff
<i>(xA) risks presented by geohazards; [CHG-601]</i>	No specific issues identified by staff

<i>(xi) the suitability of the site in terms of grades, soil and</i>	No specific issues identified by staff
<i>(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.</i>	No negative impacts

Attachment B: Proposed Text Amendments

3.3.4 A Location certificate prepared and stamped by a Nova Scotia Land Surveyor **may** be required:

- (a) Where a lot has not been surveyed and a building is proposed within 2.5 metres of a watercourse or shoreline buffer, or within 2.5 metres of any required setback or property boundary.
- (b) Where detailed elevation data is not provided and where a building is proposed below the 5m contour on the Northumberland Strait or the 10m contour on the Bay of Fundy. This location certificate shall be provided to confirm the elevation as per Section 4.17.1.

[CHG-303]

4.4 Existing Lots

4.4.1 For the purposes of this Section, an existing lot is a lot that was lawfully **created in accordance with Section 268 (2)** of the Act or shown on a plan of subdivision **approved or** tentatively approved by the Municipality, the former Town of Parrsboro, or the former Town of Springhill, in the applicable area as shown on Schedule B of this By-law, prior to the following dates:

- (a) June 15, 1977, in Springhill
- (b) May 22, 2007, in Parrsboro
- (c) July 24, 2008, in Cumberland

[CHG 408]

4.4.2 **Existing Undersized Lots**

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

- (a) the lot is not zoned Wellfield 1 (W1), Wellfield 2A (W2A), Wellfield 2B (W2B), Wellfield 2C (W2C), Wellfield 3A (W3A), Wellfield 3B (W3B), or **Flood Hazard (HzFI) [CHG-1209]**;
- (b) *[Deleted CHG-405]*
- (bA) if the proposed use includes a dwelling or any other use that requires on-site wastewater, a permit from Nova Scotia Department of Environment for an On-site Sewage Disposal System can be obtained. [CHG-408]**
- (c) **maximum lot coverage is 25 percent;[CHG-408]**
- (d) all other applicable provisions of this By-law are met;
- (e) all applicable wastewater treatment requirements are met;
- (f) if a dwelling is proposed, the means of wastewater treatment is not a holding tank or privy;
- (g) the lot has not less than 4 metres of lot frontage;
- (h) **All setbacks shall be no less than 3m for lots without access to central wastewater disposal ; [CHG-408]**
- (i) in no circumstance shall any setback be reduced to less than 1.4 metres.
- (j) **Shoreline buffer is maintained in accordance with section 4.16.1[CHG 408]**
- (k) **Waterfront lots shall maintain a maximum building height of 8m. [CHG 408]**

4.16.2 Developments permitted within watercourse and shoreline buffers (subject to zone requirements for permitted uses) are:

- (a) Shoreline stabilization works.
- (b) One accessory building or structure or one attached **uncovered** deck which, in total, shall not be larger than 20 m². **[CHG-408]**
- (c) Safety fences that do not exceed a height of 1.8 metres.
- (d) Shoreline or water access facilities such as docks, boardwalks, walkways and trails for nonmotorized vehicles.
- (e) Traditional marine uses or the on-shore components of water based uses and other marine dependent uses.
- (f) Parks, conservation, and historic uses.
- (g) Public streets and infrastructure.
- (h) Outdoor storage accessory to a residential use, such as, but not limited to, firewood storage.
- (i) Wellhouses.
- (j) **A recreational vehicle parking site, provided watercourse or shoreline buffers are not reduced to less than 15 metres. [CHG-406]**

4.16.6 Notwithstanding Section 4.16.1 and Section 4.16.4, the expansion of an existing main building on an undersized lot may be permitted, provided any addition does not further reduce existing distance from the top of bank of the watercourse/shoreline to the main building. **[CHG 408]**



Attachment C: Public Engagement Information Document

**PLANNING AND DEVELOPMENT CALL FOR PUBLIC INPUT
Development requirements for undersized Lots**

Planning Staff has been asked by Council to study and prepare amendments to the Land Use By-law that would refine the guidelines for the development of undersized lots in coastal communities. The new requirements being proposed by staff changes the requirements for development on existing undersized lots.

Table 1 depicts the change in requirements for the development of undersized and waterfront lots. These proposed requirements from staff will apply to the expansion of an existing main building and to any proposed structure on a lot with existing development.

Table 1: Lots with Existing Buildings	Current Requirement	Proposed Requirement
Total lot coverage allowed	10%	25%
Setbacks	Front: 6m Side: 8m Rear: 8m	Setbacks can be reduced to 3 meters by Site Plan Agreement.
Shoreline buffers for undersized lots	30m (20m if shoreline stabilization measures are in place)	Existing shoreline buffer for main buildings must be maintained.

***** New development, regardless if there are any existing buildings/dwellings on the lot, may require approval from DOE regarding the permitting of an On-site Sewage Disposal System. This includes new buildings/dwellings and expansions to existing buildings/dwellings.*

The following images depict the application of the proposed waterfront setback requirement. Image C shows a proposed expansion which would not be eligible for a development permit. Image A and Image B show proposed expansions, which would be eligible for a development permit.

Image A

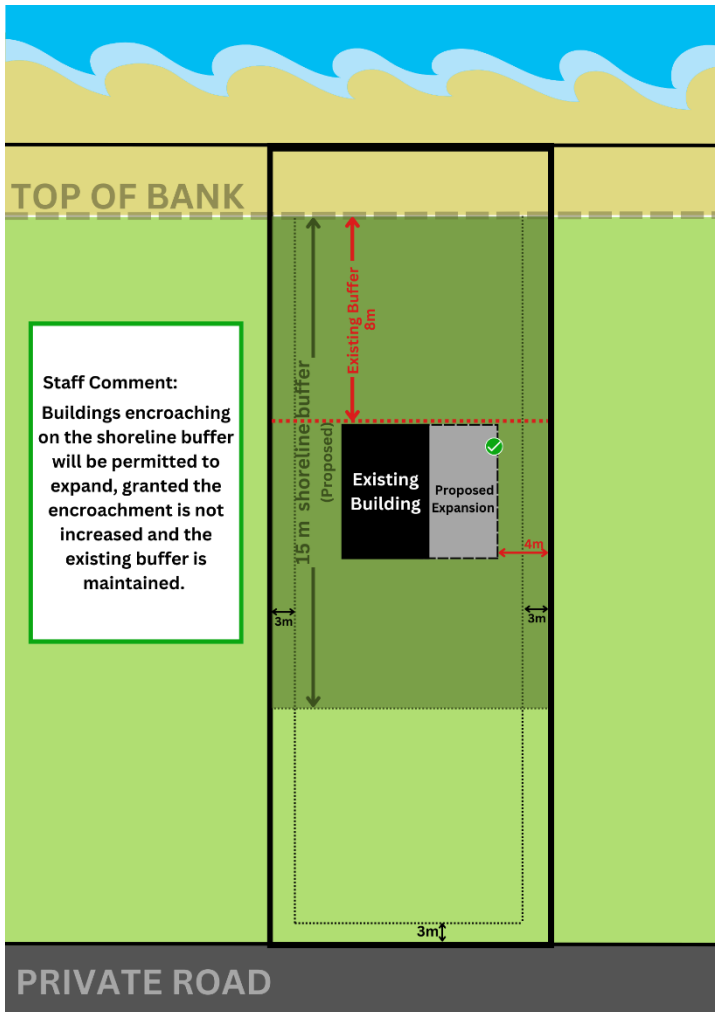


Image B

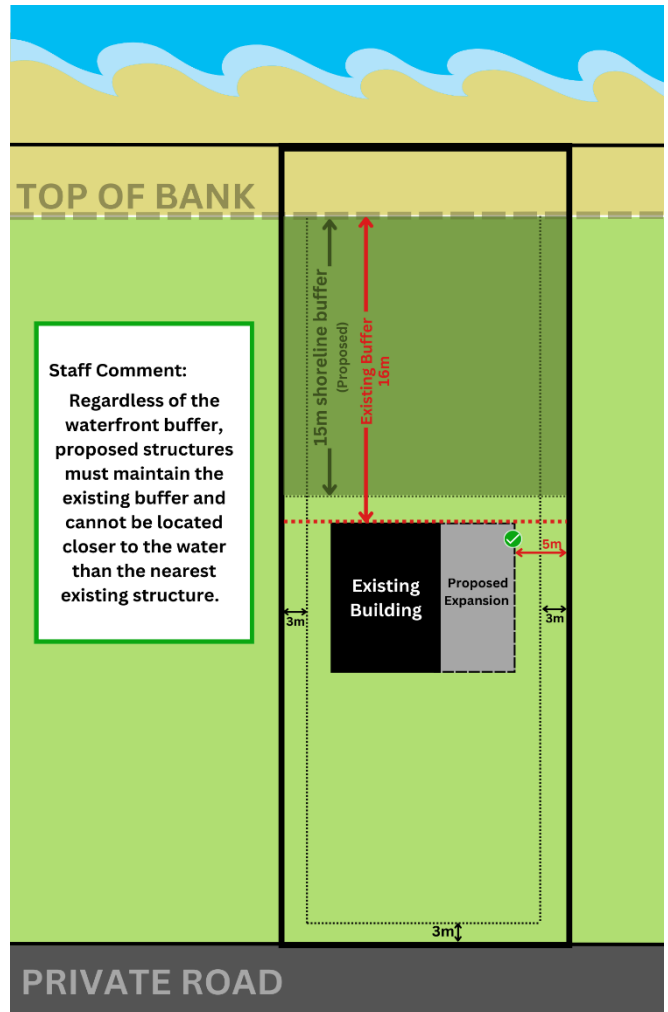
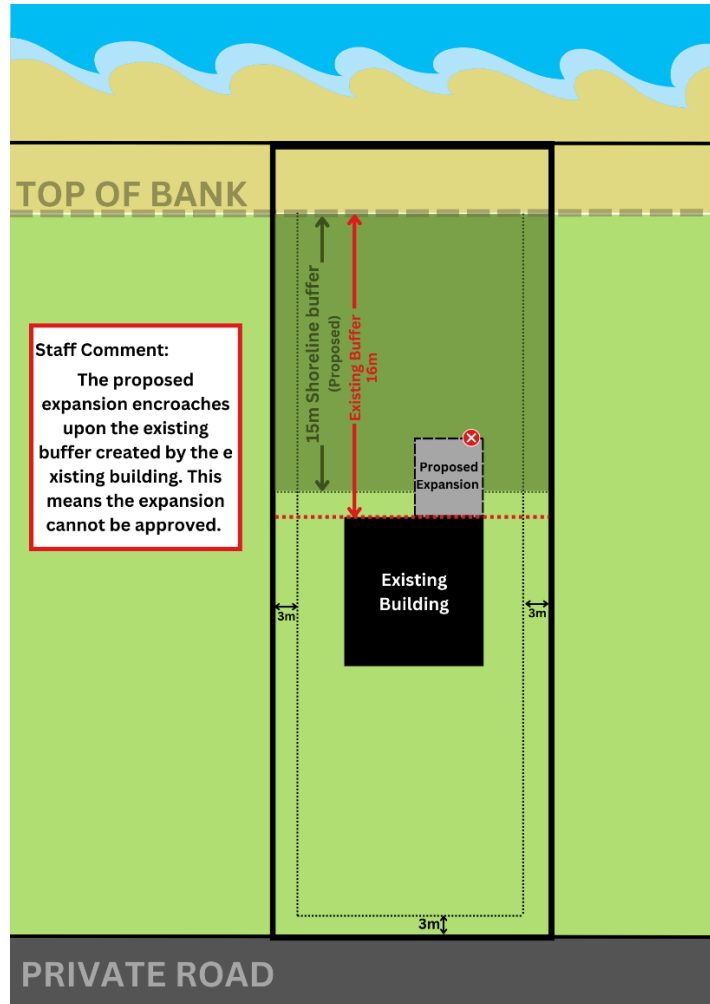


Image C





**COMMITTEE OF THE WHOLE
PUBLIC HEARING SUMMARY
Date: February 19, 2025**

Table 2 compares the current requirements for the development of a vacant undersized lot with the proposed requirements from staff.

Table 2: Undeveloped/Vacant Lots	Current Requirement	Proposed Requirement
Total Lot Coverage allowed	10%	25%
Setbacks	Zone requirements	Setbacks can be reduced to 3m by SPA
Shoreline buffer	30m (20m shoreline stabilization)	15m
Minimum lot size	900sqm	For any legally existing lot prior to March 2018, no minimum lot size is required.

***** New development, regardless if there are any existing buildings/dwellings on the lot, may require approval from DOE regarding the permitting of an On-site Sewage Disposal System. This includes new buildings/dwellings and expansions to existing buildings/dwellings.*

*****A lot is considered to be legally existing if it was created by any of the following approved methods of subdivision under Section 268 (2) of the Municipal Government Act, prior to March 2018.*

Staff is calling for input from the public on the proposed new regulations and creating a virtual discussion forum. Members of the public can provide input on the proposed new regulations by emailing Planning@cumberlandcounty.ns.ca or by calling the Department of Planning at 902-667-3304. Please submit all comments by January 21th, 2025 by 2pm AST for your comments to be reflected in a staff report to Council on the above matter.



**COMMITTEE OF THE WHOLE
PUBLIC HEARING SUMMARY
Date: February 19, 2025**

Attachment D: Public Engagement Summary Document

Attached Separately

PUBLIC INPUT SUMMARY

Input in favour of the proposed recommendations	Input against the proposed recommendations
10 comments received	4 comments received
<p>Comments expressed.</p> <ol style="list-style-type: none"> 1. Residents of the area feel 10% permitted lot coverage is too restrictive. They are happy to be able to build more on their lots. 	<p>Concerns Expressed:</p> <ol style="list-style-type: none"> 1. Protection of sensitive ecosystems and climate change mitigation assets located along the coastline. 2. Alignment with Provincial measures and directives. 3. “crowding” associated with the general increase in development in densely developed areas.

Most concerns regarding ecological sensitivity have been addressed as Council is no longer considering a reduction to the watercourse buffer. Currently, the province is still in the process of establishing province wide directives and measures towards coastal protection. Further coastal protection measures will be considered by the Municipality during the Plan review, when staff is anticipated to have updated flood mapping data.

Kira Norgren

From: elizabeth hodgson <ejhodgsonca@yahoo.com>
Sent: January 11, 2025 11:47 AM
To: Planning
Subject: Coastal Protection
Attachments: MK January 4 2025 ltr to Premier (2).docx

Categories: Green category

Good morning.

I am responding to a request from Jenn Houghtaling to send you a copy of the letter I sent to Premier Tim Houston asking him to proclaim the Coastal Protection Act. I wrote as Chair of the Friends of the Pugwash Estuary because protection of the environment and ecology of the Pugwash Estuary is part of our mandate and we feel strongly that a uniform law for coastal protection, determined by specific ecosystems, should exist for the entire province, such that beach protection in Yarmouth is the same as in Antigonish and that coastal banks and headlands in Pugwash are protected in the same way as Parkers Cove. Failing provincial responsibility, I applaud your initiative.

Besides the attached letter, I would like to say that I agree that setbacks for building, particularly on coastal areas prone to storm damage, flooding and erosion, should be more generous than less. Small lots, if combined, should not be considered a large lot for purposes of building, unless adequate setback and septic can be established. Another point is that vegetation, trees and shrubs, should not be cleared from banks as they stabilize the soils and reduce erosion and runoff. Heavy rock "armoring" should not be allowed; storms like Fiona, break over the rocks and wash the soil out from behind them. The rocks end up on the beach and the erosion of the bank continues. The best-worst example of this can be seen in front of a house on the headland to the west of Northport Beach Park. Another practice that must be prevented is the building of roads, either for cottage access or for recreation vehicles, along the edge of beach banks or wetlands. This practice compresses the soils, damages vegetation, increases runoff and erosion.

Thank you for working to protect our coastlines.

Betty Hodgson, Chair,
Friends of the Pugwash Estuary

Kira Norgren

From: Mary Purdy <leelainnergy@gmail.com>
Sent: January 18, 2025 2:57 PM
To: Planning
Subject: Proposed coastal setbacks public input

Categories: Green category

Hello Mayor and Councillors,

We DO NOT support the proposed setback

- decreased buffers setbacks, does not allow for vegetation biodiversity to secure shoreline, land from erosion, on rivers, lakes, ocean, and for wetlands.
- also less biodiversity of wildlife due to less undeveloped land
- By stating undersized lots, they are already to small.
- structures near the shore are at a high risk of damage during extreme weather events, which endangers human life, increases insurance for everyone
- the more structures being built and/or expanding existing structures the larger the carbon footprint

Thank you for the opportunity to have input on this policy.

With gratitude and care,

Mary Purdy
Archan Knotz

Kira Norgren

From: Sabine Schoene <sabineschoene1957@hotmail.com>
Sent: January 19, 2025 9:59 AM
To: Planning
Subject: Development requirements for undersized Lots

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green category

I'm not for it!

I think that new plan can make things crowded, noisier for the neighbourhood (loosing property value) and might give easier access to future changes not just for undersized lots like suburban developments style at the coast.

Thank you for giving me the opportunity to share my opinion, Sabine Schoene

Sent from my iPhone

Kira Norgren

From: Mariana Nardy <mariana.nardy@gmail.com>
Sent: January 19, 2025 12:05 PM
To: Planning
Subject: Opposition to Proposed Setback Reduction for Undersized Waterfront Lots

Categories: Green category

Dear Planning Team,

My name is Mariana Nardy, and I am a biologist from Brazil, now residing in Nova Scotia. Having experienced the devastating impacts of Hurricane Fiona firsthand in Cumberland County, I am deeply concerned about the proposal to reduce the coastal setback for undersized waterfront lots from 30.5m to 15m.

Scientific evidence and global best practices indicate that adapting to climate change requires moving away from the shoreline, not closer. The Intergovernmental Panel on Climate Change (IPCC) highlights the growing risks of sea-level rise, coastal erosion, and storm surges, exacerbated by the intensification of climate change. These phenomena jeopardize human lives, infrastructure, and ecosystems. For more detailed information, please refer to the IPCC Sixth Assessment Report:

- <https://www.ipcc.ch/assessment-report/ar6/>
- https://www.ipcc.ch/report/ar6/wg2/downloads/outreach/IPCC_AR6_WGII_FactSheet_SLR.pdf
- https://www.ipcc.ch/report/ar6/wg2/downloads/outreach/IPCC_AR6_WGII_FactSheet_CitiesSettlementsBtS.pdf
- https://www.ipcc.ch/report/ar6/wg2/downloads/outreach/IPCC_AR6_WGII_FactSheet_NorthAmerica.pdf

In Brazil, where I gained much of my professional experience, legislation in many coastal areas restricts construction within 100 meters of the high tide line. This policy has proven effective in preserving natural buffers such as dunes and mangroves, which play a crucial role in protecting communities from storm surges and erosion.

Reducing the setback to 15m contradicts the urgent need to adapt and build resilience against climate-related threats. Instead, we should consider an increase in setbacks to at least 80-100m, as recommended by scientific studies. Expanded setbacks would:

- Enhance community resilience by minimizing exposure to coastal hazards.
- Lower long-term economic costs related to disaster recovery and infrastructure repair.
- Protect vital ecosystems that contribute to biodiversity, climate resilience, and local economies.

Coastal ecosystems in Nova Scotia, including dunes and wetlands, act as natural barriers, mitigating the impacts of extreme weather events. Encroaching on these areas through reduced setbacks endangers both ecosystems and human safety while exacerbating economic risks from climate change impacts.

I strongly oppose the proposed reduction of setbacks and urge the Council to prioritize policies that align with climate adaptation strategies, safeguarding both human lives and ecological health.

Thank you for considering my input. Please feel free to contact me if additional information or insights are needed.

Sincerely,

--

Mariana Nardy, M.Sc.
Biologist and Environmental Educator
[Linkedin](#)

From: [Marjorie Stone](#)
To: [Planning](#)
Cc: [J Andrew Wainwright](#)
Subject: Cumberland coastal setback
Date: January 23, 2025 11:52:52 AM

Dear Council Members,

We realize that we have missed your deadline for input into a report on the coastal setback regulations in Cumberland. However, as taxpayers with a summer home on the Gulf Shore, on the water, we would like to express our strong concerns about a possible reduction in the coastal setback of 30.5 metres to 15 metres.

The erosion now intensified by climate change calls for **increasing** the setback, not reducing it, in keeping with the recommendations of the Coastal Protection Act, drawing on widespread expert and public consultation. We have witnessed this erosion over this past 20 years and have benefited from following the advice offered in a workshop (organized by the municipality, as we recall) on mitigating measures, including fostering the growth of native shrubs like alders on banks.

Marjorie Stone and Andy Wainwright
2461 Gulf Shore Road

From: gf32special@hotmail.com
To: [Planning](#)
Subject: Development proposals for undersize lots
Date: January 21, 2025 8:54:26 PM

Hi

My comment would be no further development be allowed .

Cumberland is part of the main land moose core habitat. It has been recommended that the buffer along water ways , shore etc be a minium of 60 m.

While we need to accept an existing building exist, we do not need further crowding on the shore frontage .

Perhaps the current owners can sell there existing structure and buy a lot more suitable to there development needs .

To protect mainland moose and encourage recovery of this species at risk no further development on smaller lots.

Thankyou for the ability to have public input.

Gary Fisher
465 kerrs Mill Road
Kerrs Mill
NS
B0K1Y0

902-324-1404

Kira Norgren

From: Charlene Royce <charleneroyce1@aol.com>
Sent: January 6, 2025 1:25 PM
To: Planning
Subject: lot size for undersized lots

Categories: Green category

Hi

Not sure if this is where I vote for the increase of undersized lots but I vote in favor of the 25%,

Charlene Doughty
Jacksons Point

Kira Norgren

From: Tony Mitchell <ajamitchell@hotmail.com>
Sent: January 6, 2025 4:20 PM
To: Planning
Subject: By-Law Changes

Categories: Green category

To whom it may concern, I am fully in favour of the by-law changes regarding cottage country. Well done!

Bye for now, Tony

Tony Mitchell
Royal LePage Cumberland Realty
Associate Broker
Office (902)667-1175
Cell (902)664-1372
Fax (902)667-1371
<https://www.facebook.com/AMHERSTREALTOR/>



Kira Norgren

From: Jonathan Willigar <jonathan.willigar@ceharrison.com>
Sent: January 9, 2025 9:49 AM
To: Planning
Subject: Undersized Lots

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green category

To whom it may concern

The proposed changes seem logical and would be beneficial to both tourism industry and secondary homes. A good portion of the residents in the summer are cottage goers, whether it be renters or cottage owners, this spurs the economy while they are here. It would also improve you tax base if cottages that previously were not able to renovate, now are, it could help drive more real estate sales as these previous cottages now have the ability to improve and grow, increase the income from deed transfer tax. It also would help the building supply industry and the local contractors generating work and demand that may not be their otherwise.

I believe the suggestions should be put through

Thanks

Jonathan Willigar

Jonathan Willigar
Dealer/Owner
Harrison Home Hardware
Amherst Parrsboro Pugwash

Kira Norgren

From: Michael Leblanc <mike.leblanc2@gmail.com>
Sent: January 9, 2025 2:43 PM
To: Planning
Cc: Michael Leblanc
Subject: Amendment to by-law for undersized lots.

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green category

I am a landowner in the county and I approve of the changes to the development requirements for undersized lots.

Thank you,
Mike LeBlanc



Virus-free www.avg.com

Kira Norgren

From: Bob Bird <bob.bird17@gmail.com>
Sent: January 9, 2025 3:41 PM
To: Planning
Subject: New amendments to cottage and tiny homes along the shore line

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green category

As a land owner along the shore I fully support the proposed bylaw changes.

Kira Norgren

From: Janet Johnson <janetjohnson@hotmail.ca>
Sent: January 10, 2025 11:12 AM
To: Planning
Subject: Land Use Bylaw

Good Morning,

As a resident of Cumberland County and owning property in a coastal community I am agreeing that this by-law to be changed. Our lot sizes are small and we need to be able to utilize the amount of land we have.

Thank you so much,

Janet Johnson

Sent from my iPhone

Kira Norgren

From: Richard Gould <gould7405@gmail.com>
Sent: January 13, 2025 1:06 PM
To: Planning
Categories: Green category

Richard & Nellie Gould own property in Amherst Shore we agree with councils proposals to change the bylaws

Kira Norgren

From: Natalie Crowe <crowe.natalie@outlook.com>
Sent: January 20, 2025 12:28 PM
To: Planning
Subject: Development requirements for undersized Lots

Categories: Green category

Good afternoon,

We are land owners of an undersized lot in a costal community in Cumberland county and have reviewed the proposed changes to the development requirements for undersized lots and want to confirm our full support to the proposed changes, specifically those in Table 2. Thank you!

Sincerely,
Ryan and Natalie Crowe

Kira Norgren

From: Rob <robfrasergulfshore@gmail.com>
Sent: January 20, 2025 2:13 PM
To: Planning
Subject: Planning lot size use and set backs.

Categories: Green category

Sent from my iPhone

I am in favour of reducing the setback requirement and I am in favour of allowing a building lot to have more buildings. 25 % seems much more reasonable.

Rob Fraser
76 Mathesons Cove Road
Pugwash ns
B0k1l0

Kira Norgren

From: Terry Gagnon <tandmgagnon@gmail.com>
Sent: January 21, 2025 1:55 PM
To: Planning
Subject: Development requirements for undersized Lots - feedback

Categories: Green category

Just wanted to send a note to indicate we are strongly in favour of the proposed changes for existing undersized lots.

We would also like to propose the shoreline buffer be further reduced to 12m from the proposed 15m. We have an existing waterfront lot where our cottage used to sit and was moved back to our back lot some time ago. We would like to develop our waterfront lot, however even with the new 15m proposed shoreline buffer it may not be enough due to the shape of the lot.

Thank you ,

Terry Gagnon

This email, and any attached files, may contain confidential information intended only for the addressee(s). Inappropriate distribution, use or copying of confidential information is strictly prohibited. If you received this email in error, please notify the sender and delete it immediately.

Le présent courriel, ainsi que tout fichier joint, peut contenir des renseignements confidentiels destinés exclusivement au(x) destinataire(s). Toute diffusion, utilisation ou copie inappropriée de renseignements confidentiels est strictement interdite. Si vous recevez ce courriel par erreur, veuillez en aviser l'expéditeur et supprimer le courriel immédiatement.

Terry Gagnon
tandmgagnon@gmail.com



NOTICE OF PUBLIC HEARINGS

A Public Hearing will be held for the By-law to Amend the Land Use By-law 25-01 and 25-02, and regarding the proposed development agreement for 2 King St., Springhill. These Public Hearings will be held

4:00 pm, Wednesday, February 19th, 2025

in the Council Chambers of the Upper Nappan Service Centre. Note that this meeting may be rescheduled or conducted online, visit cumberlandcounty.ns.ca to verify meeting schedule.

By-law to Amend the Land Use By-law 25-01

- Amend the requirements surrounding the development of undersized lots

By-law to Amend the Land Use By-law 25-02

- To rezone a portion of PID 25066606 between 292 and 354 Smith Rd, Upper Nappan** from Agriculture (AG) Zone to the Rural Industrial (IRur) Zone.

Applicant: Compass Minerals.

Development Agreement: 2 King St., Springhill (PID 25231945)

- To permit the operation of Choisnuts Auto Parts and Tires, within the Lower Density Residential (RLow) Zone.

Hearing documents can be viewed at plancumberland.ca/hearings or by contacting our office at 902-667-1142. Public Hearings are open to the public. You may participate by submitting comments by email to: Planning@cumberlandcounty.ns.ca or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4.



COUNCIL MEETING

RFD

Date: January 22, 2025

TO: Mayor Gilroy and Members of Council
FROM: Glen Boone Director of Development and Planning
DATE: January 16, 2025
SUBJECT: First Reading - By-law to Amend the Land Use By-law 25-01 to Amend the Requirements Surrounding the Development of Undersized Lots

ORIGIN:

At the January 15th, 2025 Committee of the Whole Meeting, a motion was passed to bring the proposed amendments surrounding the development of undersized lots to Council for First Reading, with the exception of the proposed amendment to the watercourse/shoreline buffer, which proposed the shoreline buffer be reduced for undersized lots.

LEGISLATIVE AUTHORITY:

Municipal Government Act- Section 220- Content of land-use by-law.

A land-use by-law may...regulate the size, or other requirements, relating to lot area, yards, lot coverage and heights of structures.

Municipal Government Act – Section 210 – Amendment of the land-use by-law

An amendment to a land-use by-law that

(a) is undertaken in accordance with the municipal planning strategy; and

(b) is not required to carry out a concurrent amendment to a municipal planning strategy,

is not subject to the review of the Director or the approval of the Minister.

RECOMMENDATION: THAT Council approve First Reading of the By-law to Amend the Land Use Bylaw 25-01 to amend the requirements surrounding the development of undersized lots, AND schedule a Public Hearing for the proposed amendments.

BACKGROUND:

A motion was passed at the November 20th, 2024, Committee of the Whole (COW) requesting staff bring a report on the proposed LUB amendments, to the January 2025 meeting of the COW on current minimum lot standards for the undersized lots and shoreline buffers in the Land Use Bylaw.

At the request of Council, Staff have reviewed the existing standards for developing undersized lots, with a focus on the undersized lots in the Recreational Residential Zone (RRec) and the development challenges experienced by owners. It is not the intent of this review and associated recommendations to engage in a wholesale change to any zone, including the RRec zone, but to assist in the reasonable development of properties in the short term. This will assist until our more extensive plan review occurs over the next year. The complete overview of the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) is set to commence in the current fiscal year and be completed 2025-2026 fiscal year. At that time a more detailed review can be undertaken for all zones and general requirements that help guide development and are not intended to unduly restrict growth.



COUNCIL MEETING

RFD

Date: January 22, 2025

After the initial adoption of the current MPS and LUB in April 2018 several additional amendments took place to the documents between late 2018 and 2020. Specifically, to Section 4.4.2 Existing Undersized lots and the reduction of setbacks in the RRec zone. Both setbacks for the RRec zone and special requirements for undersized lots have been in place within the planning documents for a number of years.

Back in early 2022 public input on setbacks was sought in respect to setbacks in the LUB. An ad informing the public of a review was placed in the *Cumberland Wire* and notice was also placed on the Municipal website, and the Plancumberland.ca website, Facebook and twitter. Unfortunately, only two email responses were received. The first expressed concerns regarding the development of undersized lots and felt that they shouldn't be held to the same restrictions as newly created lots. The second email suggested that setbacks should be minimal, suggesting as small as two feet, which would be in contravention of the Building Code. Following the February 2022 Committee of the Whole meeting additional notice was given and opportunity to provide feedback was extended until March 1, however no additional comments were received. The low public response provided limited staff direction addressing the suitability of these standards.

At the January 15th, 2025 COW, draft text amendments were presented to COW with the recommendation to adopt the proposed changes. Various alternatives were provided to COW, including adopting or rejecting specific parts of the proposed amendments. An Alternative motion was put forward by Councillor Houghtaling and was passed at COW. The passed motion was that the proposed amendments be brought to Council for First Reading, with the exception of the proposed amendment to Section 4.16 which reduced the watercourse buffers from 30.5m to 15m from the top of the bank for all undersized, waterfront lots.

DISCUSSION:

From discussions with residents and developers over the last number of years, it appears that the greatest concerns surround the development of smaller, undersized lots, is primarily in the Recreational Residential (RRec) Zone along the ocean shorelines. Although the focus has been on setbacks, feedback previously received from residents suggest that limits on lot coverage, shoreline/watercourse buffers and the challenges posed by very small lots have similar or greater impacts on development.

Changes to the RRec zone alone will not achieve the desired changes sought by the public, consideration will be needed to be given to other sections of the LUB to ensure a consistent application of development requirements throughout the Land Use Bylaw.

Staff has prepared proposed text amendments to address concerns raised by Council, in accordance with the motion passed at the January 15th, 2025 meeting of the Committee of the Whole. The proposed amendments respecting policy around climate change and adaptive measures while allowing a more focused approach at developing the undersized coastal lots in Cumberland.

It is not the intent of these proposed amendments to make wholesale changes to current Shoreline and Watercourse buffers but to allow a controlled approach to development on undersized lots, in the specific circumstances in which the impacts on the environment can be mitigated.



COUNCIL MEETING

RFD

Date: January 22, 2025

The following measures provide suitable opportunities to increase lot coverage and reduce setbacks in a measured and targeted fashion, accounting for specific circumstances commonly experienced by residents, without compromising policies meant to protect the environment or adapt to climate change.

Staff is recommending Council considers changes to Section 4.4.2: Existing Undersized Lots and various LUB sections throughout Chapter 4: General Planning Requirements, as per below. The proposed changes have been drafted and are included in this report as Attachment B.

Lot Size, Coverage, and Setback and Buffer Requirements.

Development Permit may be issued for new main buildings, accessory buildings and/or additions to existing main buildings on undersized lots, provided the lot legally existed prior to the dates defined in section 4.4.1 of the Land Use By-law.

Development Permit may be issued for new main buildings on undersized lots granted the lot can be approved for an On-site Sewage Disposal System (OSS), but not including a holding tank, privy or composting toilet. The approval of an OSS may require the system to be designed and certified by a QP II.

Development Permit may be issued for additions to existing main buildings can be approved provided it does not impact existing OSS.

The following criteria will be used to determine the eligibility of a proposed development for permitting:

- Up to 25% lot coverage for undersized lots is permitted, inclusive of proposed and existing structures.
- Lot is not located in the Flood Hazard zone (HzFI)
- Lot is not identified in future flood hazard areas under coastal mapping for location of any new main use development on a vacant lot.
- Maximum building height is 8m for new construction or additions on waterfront lots
- Development shall not negatively impact the current On-site Sewage Disposal System (OSS) or the ability to replace the OSS.
- Existing main buildings may be expanded provided any addition does not further reduce the distance from the top of bank of the watercourse/shoreline of the main building.
- All proposed development on undersized lots, not connected to a Municipal Sewer System, shall maintain a 3-metre setback from side, front, and rear property lines. In the event the undersized lot has waterfrontage, the watercourse/shoreline buffer will act as the rear setback.

Proposed Amendment to Section 3.3.4

Location certificates **may** be required on unsurveyed properties, changing from “within 2.5 metres of any setback or property boundary” to “**within 2.5 metres of any property boundary**”.

FINANCIAL IMPLICATIONS:



COUNCIL MEETING

RFD

Date: January 22, 2025

The opportunity for increased development on undersized lots will potentially provide increased property assessments thus generating additional tax revenue.

ENVIRONMENTAL IMPLICATIONS:

The current setbacks were developed in 2017-2018 after consultation and several public meetings. Larger setbacks and lot sizes and shoreline buffers, serve an important role in planning and serves as a means of addressing climate change and considerations for coastal protection. Understanding existing historical development requires review and fair consideration to help guide development. Previous amendments have reduced setbacks but did not provide enough review in respect to lot coverage and shoreline buffers for existing lots. Careful consideration is warranted in further relaxing these requirements.

More detailed review of Shoreline and Watercourse buffers will be considered under the pending full MPS/LUB Plan review. It is important to note, no changes are being proposed to the current coastal elevation requirements under the Land Use By-law. This requirement is deemed of high importance in respect to coastal protection and planning.

One of the guiding principles of the 2017-2018 Plan policy review was Council's commitment to environmental sustainability. One of the six focuses of the policy review was climate change mitigation and adaptation. Particular emphasis was placed on coastal vulnerability to storm surges and rising sea level. The policies adopted by Council during that review were through the public engagement process and targeted research. Currently, staff is awaiting the finalization of new flood risk mapping data that will be released from the province, that can better inform additional future changes.

COMMUNITY ENGAGEMENT:

After a preliminary discussion at the December 2024 Committee of the Whole meeting, staff prepared a public engagement information document to provide to the public. This document has been posted to the PlanCumberland Website, as of Friday January 3rd, 2025. Notices for the Public Engagement document was placed on the Municipal Website, directing residents to the Public Engagement Information document on PlanCumberland. The following week, on January 09, 2025, another notice for the public engagement document was circulated to the public, through the Municipal Facebook account. The Planning Engagement Information document contained the proposed changes and a call for input from the public, provide an email and a phone number to contact staff and report their input on the proposed changes. Staff had received 13 comments from the public prior to the January 15th, 2025, meeting of COW, of the comments 8 were in favour of the amendments, 3 were against the proposed amendments and 2 comments did not give indication of a preferred decision. Should Council choose, a public hearing can be scheduled for the proposed amendments and will be held in accordance with the requirements of the MGA. A notice the scheduled public hearing shall be placed on the Municipal Website two week prior to the hearing date.

ALTERNATIVES: Council may request further information and defer the decision for a later date.

ATTACHMENTS:

Attachment A: Policy Review

Attachment B: Proposed Text Amendments

Attachment C: Public Engagement Information Document



COUNCIL MEETING

RFD

Date: January 22, 2025

Report prepared by: Kira Norgren, Municipal Planner

Attachment A: Policy Review

<p><i>MPS 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:</i></p> <ul style="list-style-type: none"> <i>(a) 2.6 metres along the Northumberland coast.</i> <i>(b) 8.7 metres along Chignecto Bay.</i> <i>(c) 7.1 metres along the Minas Basin.</i> <p style="text-align: right;">[CHG-401]</p>
<p>This Policy is not being amended. The proposed amendments do not conflict.</p>

<p><i>MPS 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.</i></p>
<p>The shoreline buffer is not being decreased by the proposed amendments.</p>

<p><i>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.</i></p>
<p>See Below</p>

<p><i>Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:</i></p>	
<p><i>(a) is consistent with the intent of this Municipal Planning Strategy;</i></p>	<p>Yes</p>
<p><i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i></p>	<p>No conflict created</p>
<p><i>(c) is not premature or inappropriate due to:</i></p>	<p>The proposal is appropriate.</p>



COUNCIL MEETING

RFD

Date: January 22, 2025

<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No cost to the Municipality
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	Does not impact established wellfields
<i>(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;</i>	OSS requirements are not being changed.
<i>(iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;</i>	N/A
<i>(v) the adequacy of fire protection services and equipment;</i>	N/A
<i>(vi) the adequacy and proximity of schools and other community facilities;</i>	N/A
<i>(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;</i>	Watercourse Buffer is not to be changed, setback requirements from the top of bank for waterfront lots are becoming more stringent, therefore staff does not anticipate the worsening of existing coastal erosion issues.
<i>(viii) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	EMO staff have advised that the proposed changes shouldn't create serious flooding or drainage issues that would create a concern for the safety of residents.
<i>(ix) impacts on sensitive environments, as identified on Schedule B;</i>	Not anticipated by staff.
<i>(ixA) impacts on wildlife corridors; [CHG-601]</i>	N/A
<i>(x) impacts on known habitat for species at risk;</i>	Not anticipated by staff
<i>(xA) risks presented by geohazards; [CHG-601]</i>	No specific issues identified by staff
<i>(xi) the suitability of the site in terms of grades, soil and</i>	No specific issues identified by staff
<i>(xii) negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use</i>	No negative impacts

<p><i>conflicts that could place limits on existing operational procedures.</i></p>	
---	--

Attachment B: Proposed Text Amendments

3.3.4 A Location certificate prepared and stamped by a Nova Scotia Land Surveyor **may** be required:

- (a) Where a lot has not been surveyed and a building is proposed within 2.5 metres of a watercourse or shoreline buffer, or within 2.5 metres of any required setback or property boundary.
- (b) Where detailed elevation data is not provided and where a building is proposed below the 5m contour on the Northumberland Strait or the 10m contour on the Bay of Fundy. This location certificate shall be provided to confirm the elevation as per Section 4.17.1.

[CHG-303]

4.4 Existing Lots

4.4.1 For the purposes of this Section, an existing lot is a lot that was lawfully **created in accordance with Section 268 (2)** of the Act or shown on a plan of subdivision **approved or** tentatively approved by the Municipality, the former Town of Parrsboro, or the former Town of Springhill, in the applicable area as shown on Schedule B of this By-law, prior to the following dates:

- (a) June 15, 1977, in Springhill
- (b) May 22, 2007, in Parrsboro
- (c) July 24, 2008, in Cumberland

[CHG 408]

4.4.2 **Existing Undersized Lots**

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

- (a) the lot is not zoned Wellfield 1 (W1), Wellfield 2A (W2A), Wellfield 2B (W2B), Wellfield 2C (W2C), Wellfield 3A (W3A), Wellfield 3B (W3B), or **Flood Hazard (HzFI) [CHG-1209]**;
- (b) *[Deleted CHG-405]*
- (bA) if the proposed use includes a dwelling or any other use that requires on-site wastewater, a permit from Nova Scotia Department of Environment for an On-site Sewage Disposal System can be obtained. [CHG-408]**
- (c) **maximum lot coverage is 25 percent;[CHG-408]**
- (d) all other applicable provisions of this By-law are met;
- (e) all applicable wastewater treatment requirements are met;
- (f) if a dwelling is proposed, the means of wastewater treatment is not a holding tank or privy;
- (g) the lot has not less than 4 metres of lot frontage;
- (h) **All setbacks shall be no less than 3m for lots without access to central wastewater disposal ; [CHG-408]**
- (i) in no circumstance shall any setback be reduced to less than 1.4 metres.
- (j) **Shoreline buffer is maintained in accordance with section 4.16.1[CHG 408]**
- (k) **Waterfront lots shall maintain a maximum building height of 8m. [CHG 408]**

4.16.2 Developments permitted within watercourse and shoreline buffers (subject to zone requirements for permitted uses) are:

- (a) Shoreline stabilization works.
- (b) One accessory building or structure or one attached **uncovered** deck which, in total, shall not be larger than 20 m². **[CHG-408]**
- (c) Safety fences that do not exceed a height of 1.8 metres.
- (d) Shoreline or water access facilities such as docks, boardwalks, walkways and trails for nonmotorized vehicles.
- (e) Traditional marine uses or the on-shore components of water based uses and other marine dependent uses.
- (f) Parks, conservation, and historic uses.
- (g) Public streets and infrastructure.
- (h) Outdoor storage accessory to a residential use, such as, but not limited to, firewood storage.
- (i) Wellhouses.
- (j) **A recreational vehicle parking site, provided watercourse or shoreline buffers are not reduced to less than 15 metres. [CHG-406]**

4.16.6 Notwithstanding Section 4.16.1 and Section 4.16.4, the expansion of an existing main building on an undersized lot may be permitted, provided any addition does not further reduce existing distance from the top of bank of the watercourse/shoreline to the main building. [CHG 408]



Attachment C:

PLANNING AND DEVELOPMENT CALL FOR PUBLIC INPUT

Development requirements for undersized Lots

Planning Staff has been asked by Council to study and prepare amendments to the Land Use By-law that would refine the guidelines for the development of undersized lots in coastal communities. The new requirements being proposed by staff changes the requirements for development on existing undersized lots.

Table 1 depicts the change in requirements for the development of undersized and waterfront lots. These proposed requirements from staff will apply to the expansion of an existing main building and to any proposed structure on a lot with existing development.

Table 1: Lots with Existing Buildings	Current Requirement	Proposed Requirement
Total lot coverage allowed	10%	25%
Setbacks	Front: 6m Side: 8m Rear: 8m	Setbacks can be reduced to 3 meters by Site Plan Agreement.
Shoreline buffers for undersized lots	30m (20m if shoreline stabilization measures are in place)	Existing shoreline buffer for main buildings must be maintained.

**** New development, regardless if there are any existing buildings/dwellings on the lot, may require approval from DOE regarding the permitting of an On-site Sewage Disposal System. This includes new buildings/dwellings and expansions to existing buildings/dwellings.

The following images depict the application of the proposed waterfront setback requirement. Image C shows a proposed expansion which would not be eligible for a development permit. Image A and Image B show proposed expansions, which would be eligible for a development permit.

Image A

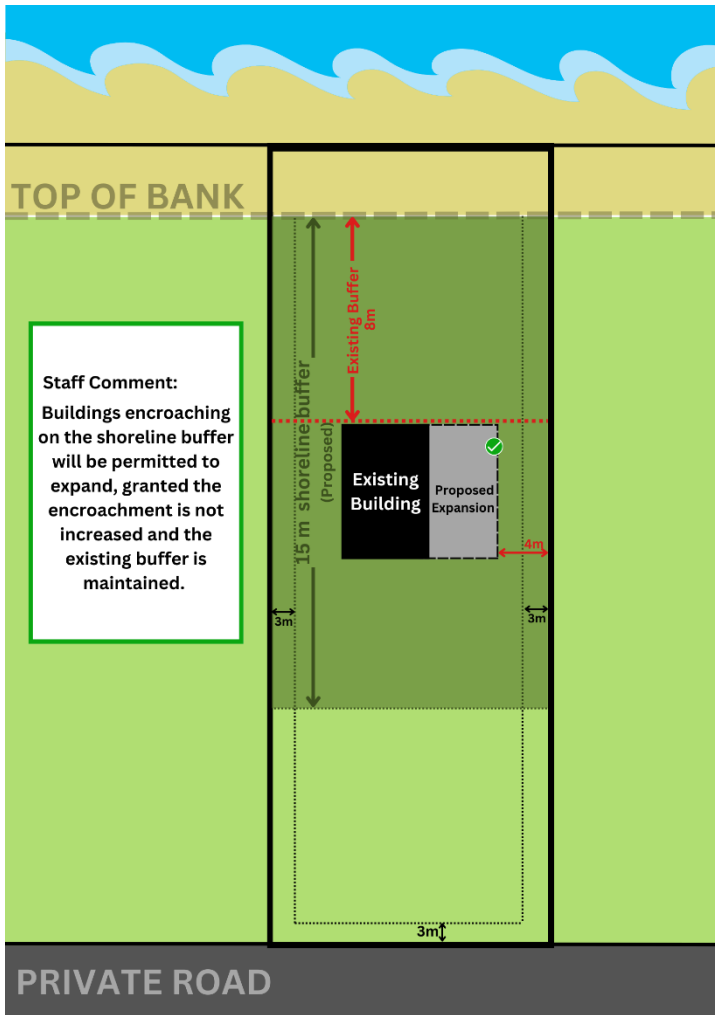


Image B

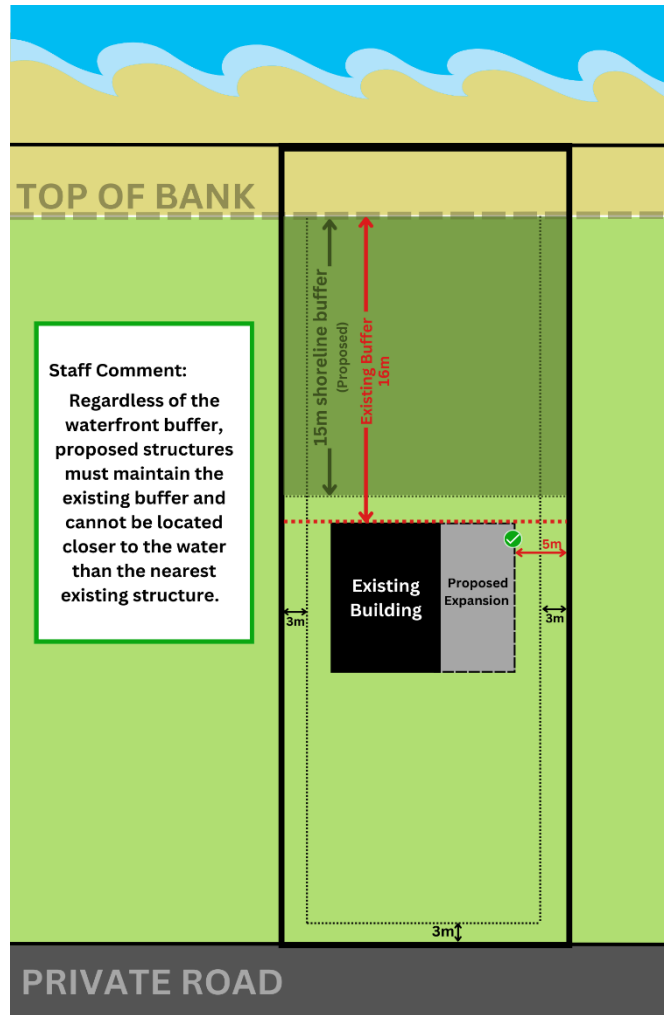
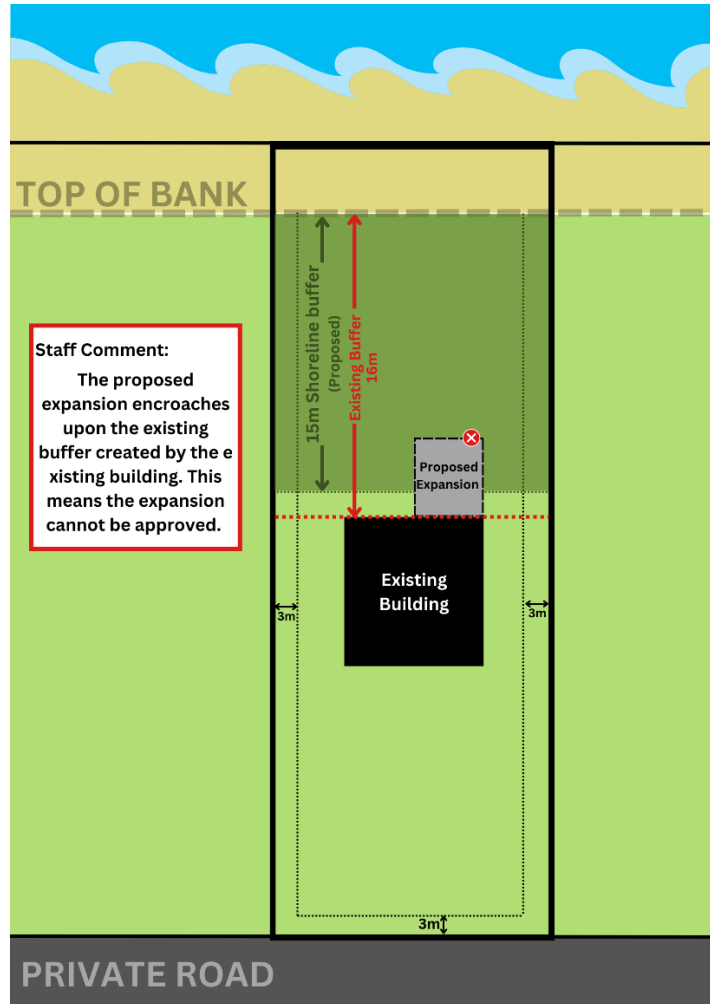


Image C





COUNCIL MEETING

RFD

Date: January 22, 2025

Table 2 compares the current requirements for the development of a vacant undersized lot with the proposed requirements from staff.

Table 2: Undeveloped/Vacant Lots	Current Requirement	Proposed Requirement
Total Lot Coverage allowed	10%	25%
Setbacks	Zone requirements	Setbacks can be reduced to 3m by SPA
Shoreline buffer	30m (20m shoreline stabilization)	15m
Minimum lot size	900sqm	For any legally existing lot prior to March 2018, no minimum lot size is required.

**** *New development, regardless if there are any existing buildings/dwellings on the lot, may require approval from DOE regarding the permitting of an On-site Sewage Disposal System. This includes new buildings/dwellings and expansions to existing buildings/dwellings.*

**** *A lot is considered to be legally existing if it was created by any of the following approved methods of subdivision under Section 268 (2) of the Municipal Government Act, prior to March 2018.*

Staff is calling for input from the public on the proposed new regulations and creating a virtual discussion forum. Members of the public can provide input on the proposed new regulations by emailing Planning@cumberlandcounty.ns.ca or by calling the Department of Planning at 902-667-3304. Please submit all comments by January 21th, 2025 by 2pm AST for your comments to be reflected in a staff report to Council on the above matter.

1. This By-law is titled “By-law to Amend the Land Use By-law 25-01”.
2. Section 3.3.4 is hereby amended to reflect the following change:

A location certificate prepared and stamped by a Nova Scotia Land Surveyor **may** be required:

3. Section 4.4.1 is hereby amended to reflect the following insertions.

4.4.1 For the purposes of this Section, an existing lot is a lot that was lawfully created **in accordance with Section 268 (2) of the Act** or shown on a plan of subdivision **approved or tentatively approved** by the Municipality, the former Town of Parrsboro, or the former Town of Springhill, in the applicable area as shown on Schedule B of this By-law, prior to the following dates:

- (a) June 15, 1977, in Springhill
- (b) May 22, 2007, in Parrsboro
- (c) July 24, 2008, in Cumberland

4. Section 4.4.2 is hereby amended to reflect the following changes:

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

- (a) the lot is not zoned Wellfield 1 (W1), Wellfield 2A (W2A), Wellfield 2B (W2B), Wellfield 2C (W2C), Wellfield 3A (W3A), Wellfield 3B (W3B), or **Flood Hazard (HzFI) [CHG-1209]**;
- (b) *[Deleted CHG-405]*
- (bA) if the proposed use includes a dwelling or any other use that requires on-site wastewater, a permit from Nova Scotia Department of Environment for an On-site Sewage Disposal System can be obtained [CHG 408]**
- (c) maximum lot coverage is **25 percent**;[CHG-408]
- (d) all other applicable provisions of this By-law are met;
- (e) all applicable wastewater treatment requirements are met;

- (f) if a dwelling is proposed, the means of wastewater treatment is not a holding tank or privy;
- (g) the lot has not less than 4 metres of lot frontage;
- (h) All setbacks shall be no less than 3m for lots without access to central municipal sewer [CHG-408]**
- (i) in no circumstance shall any setback be reduced to less than 1.4 metres.
- (j) Shoreline buffer is maintained in accordance with section 4.16.1 [CHG-408]**
- (k) Waterfront lots shall maintain a maximum building height of 8m [CHG-408]**

5. Section 4.16.2 (b) is hereby amended to reflect the following addition:

- (b) One accessory building or structure or one **uncovered** attached deck which, in total, shall not be larger than 20 m2. **[CHG-408]**

6. Section 4.16 is hereby amended to reflect the following addition of clause 4.16.6:

4.16.6 Notwithstanding Section 4.16.1 and Section 4.16.4, the expansion of an existing main building on an undersized lot may be permitted, provided any addition does not further reduce existing distance from the top of bank of the watercourse/shoreline to the main building. [CHG 408]

7. This By-law comes into force upon publication.

Clerk's Annotation for Official By-Law Book

Date of First Reading: January 22, 2025

Date of advertisement of Second Reading: _____

Date of Second Reading: _____

*Date of advertisement of Approval of By-law: _____

Date of mailing to Minister a certified copy of the By-law: _____

I certify that the By-law to Amend the Land Use By-law 25-01 was adopted by Council and published as indicated above.

Municipal Clerk:

Date:

*Effective date of By-Law unless specified in the By-Law