



WEST HANTS
NOVA SCOTIA

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Planning/Heritage Advisory Committee Agenda
July 18, 2019, 6:00 p.m.
Sanford Council Chambers**

1. Call to order
2. Approval of Agenda & Additions
3. Approval of Planning/Heritage Advisory Committee Meeting Minutes June 20, 2019
4. Public Information Meetings
 - (a) Dresser Minerals Land Use By-law Amendment
 - (b) Pioneer Drive Land Use By-law Amendment
 - (c) Cannabis in West Hants
 - (d) Joint Industrial Park Cannabis
5. Business Arising from the Minutes
 - (a) Dresser Minerals Land Use By-law Amendment (Saira Shah)
 - (b) Pioneer Drive Land Use By-law Amendment (Saira Shah)
 - (c) Cannabis in West Hants (Saira Shah)
 - (d) Heritage Grant Application – 376 Falmouth Dyke Rd. (Madelyn LeMay)
6. Hantsport Area Advisory Committee Update from Chair
7. Building and Development Activity Report
 - (a) Monthly Report – June 2019
8. New Business
 - (a) Joint Industrial Park Cannabis (Saira Shah)
 - (b) Fees (Madelyn LeMay)
9. Notices from adjacent municipal units
10. Miscellaneous
 - (a) Consolidation Update
11. Questions and comments from public



MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

To: Members of West Hants Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 07-18-2019

Subject: Pioneer Drive Land Use By-law Map Amendment

File #: 19-01

1.0 BACKGROUND

The applicants, Saad Alsaad and Al Shaheen, have applied for an amendment to permit a proposed tourist accommodation consisting of at least five (5) cabins, twelve accommodation rooms in a main building and several retail stores to support the tourist accommodation use on PID 45279742 located on Pioneer Drive in Vaughn.

2.0 LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

3.0 RECOMMENDATION

Should the Planning Advisory Committee (PAC) wish to forward a positive recommendation, the following motion would be in order:

PAC recommends that Council give First Reading and hold a Public Hearing to consider amending the map of the West Hants Land Use By-law for PID 45279742 to the Rural Commercial (RC) Zone as shown on Figure 3 and the text of the West Hants Land Use By-law to ensure adequate fire protection can be provided for uses that involve flammable goods in the Rural Commercial (RC) zone, in a manner substantially the same as Appendix A, all as attached to the planning staff report dated July 18, 2019.

4.0 DISCUSSION and DOCUMENT REVIEW

Mr. Alsaad and Mr. Shaheen own the property on Pioneer Drive. The property is in the Resource designation (Figure 1) and the General Resource (GR) zone (Figure 2).

The applicants are proposing a tourist accommodation consisting of at least five (5) cabins, twelve accommodation rooms in a main building and several retail stores for the tourist accommodations and general public. The property is zoned General Resource (GR) which permits the retail stores but does not permit the tourist accommodations.

Policy 9.1.6 of the Municipal Planning Strategy (MPS) enables Council to consider rezoning land in the General Resource (GR) zone to allow for commercial uses permitted in the Rural Commercial (RC) zone. The proposed map amendment (Figure 3) would permit tourist accommodations and retail stores on the site.

The proposed map amendment would also permit all other uses which are permitted in the Rural Commercial (RC) zone in the Land Use By-law (LUB).

Policy 7.2.1 of the MPS states, *It shall be the policy of Council to establish a Rural Commercial (RC) zone which will apply to Hamlets and resource areas and permit a variety of commercial uses intended to provide a service to local residents, as well as limited highway commercial and tourist commercial uses. Residential uses will be permitted in conjunction with a commercial use.*

Council's intention for the Rural Commercial (RC) zone is to provide services to residents and tourist commercial uses, such as accommodations. The maximum commercial floor area restriction in this zone will ensure the retail businesses remain small and compatible with rural residential uses. However, the only restriction for tourist accommodations is height which is set at a maximum of 35 ft. in the LUB. Although the applicant is requesting the amendment to permit at least five (5) cabins and twelve accommodation rooms in a main building, the amendment would allow an unlimited number of accommodation rooms and cabins if setbacks are maintained.

As part of the usual process, to determine if this application meets the criteria in the MPS, staff sent inquiries to the appropriate organizations/individuals.

Most of the responses received did not touch on major concerns, except that of the Fire Chief.

The Fire Chief, Peter Johnston, stated the following concerns on March 15th:

"The concerns I have with the application for Pioneer Drive, Vaughan PID # 45279742 are the Automotive service station and Farm supplies and equipment sales and service. With the retail of gas at either of these possible services. I would recommend at second egress road out of Pioneer Drive and also a source of water supply for the Fire Department use in case of a fire emergency."

Staff considered several options to accommodate the Fire Chief's requests. Background information on the options can be found in the staff report dated June 20, 2019 "Pioneer Drive Land Use By-law Map Amendment".

PAC directed staff to draft an amendment based on option 3: Add additional requirements for uses that involve flammable goods within the Rural Commercial (RC) zone.

The draft amendment can be found in Appendix A. Any individual applying for a development permit for an automobile service station or farm supplies and equipment sales and service business in the Rural Commercial (RC) zone would be required to have access to two (2) exit routes and provide evidence that a source of water supply can be used by the fire department in an emergency. The evidence can be a letter from the water supply owner stating that the fire department would have permission to access their water supply in case of an emergency. The fire department would have to approve the water supply proposed before a Development Permit could be issued.

4.1 MPS Specific Criteria

Policy 9.1.6 of the MPS states the specific criteria to be considered for this proposal. These criteria are examined in detail in Appendix B.

In summary, Policy 9.1.6 is met as:

- the proposed uses are not ones which, because of their size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet; and
- the development is compatible with adjacent land uses.

4.2 MPS General Criteria

Policy 16.3.1 of the MPS states general criteria for any LUB amendment considered in West Hants. These criteria are examined in detail in Appendix C.

In summary:

- the proposal is not premature or inappropriate for the area;
- the Senior Municipal Building Official is only concerned about access for emergency services which can be assessed at the building permit stage; and
- the property is five (5) acres in area and has sufficient space for the intended uses.

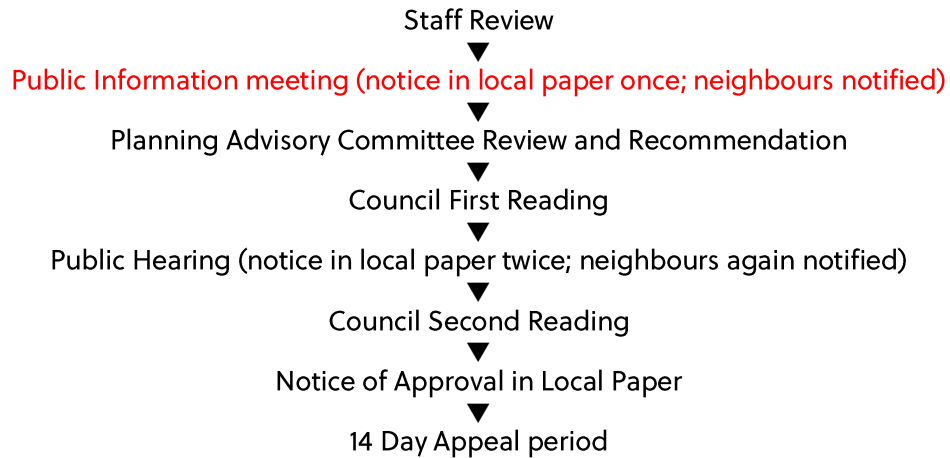
5.0 MUNICIPAL CLIMATE CHANGE ACTION PLAN

This amendment has not been examined in relation to the Municipal Climate Change Action Plan (MCCAP).

6.0 CONCLUSION

As noted above, the proposed amendment has been considered within the context of the specific and general policies of the MPS and is consistent with the intent, objectives and policies of the MPS. The amendment meets the specific and general criteria for a LUB amendment. As a result, it is reasonable to consider amending the zone of PID 45279742 from General Resource (GR) to Rural Commercial (RC) on the zoning map of the LUB and the text of the LUB to add requirements for uses that involve flammable goods.

7.0 PROCESS



8.0 OPTIONS

In response to the application, PAC may recommend that Council:

- follow the process to approve the LUB amendments as drafted or as specifically revised by direction of PAC;
- refuse the LUB amendments as drafted, identifying the goal, objective or policy that the proposal contravenes;
- provide alternative direction, such as requesting further information on a specific topic.

9.0 ATTACHMENTS

Figure 1 Existing Generalized Future Land Use Map

Figure 2 Existing Zoning Map

Figure 3 Proposed Map Amendment

Appendix A Draft Amendments

Appendix B Specific Criteria for a Rural Commercial (RC) Map Amendment

Appendix C General Criteria for Land Use-By-law Amendment

Report Approved by: _____
Madelyn LeMay, Director of Planning and Development

Figure 1
Existing Generalized Future Land Use Map

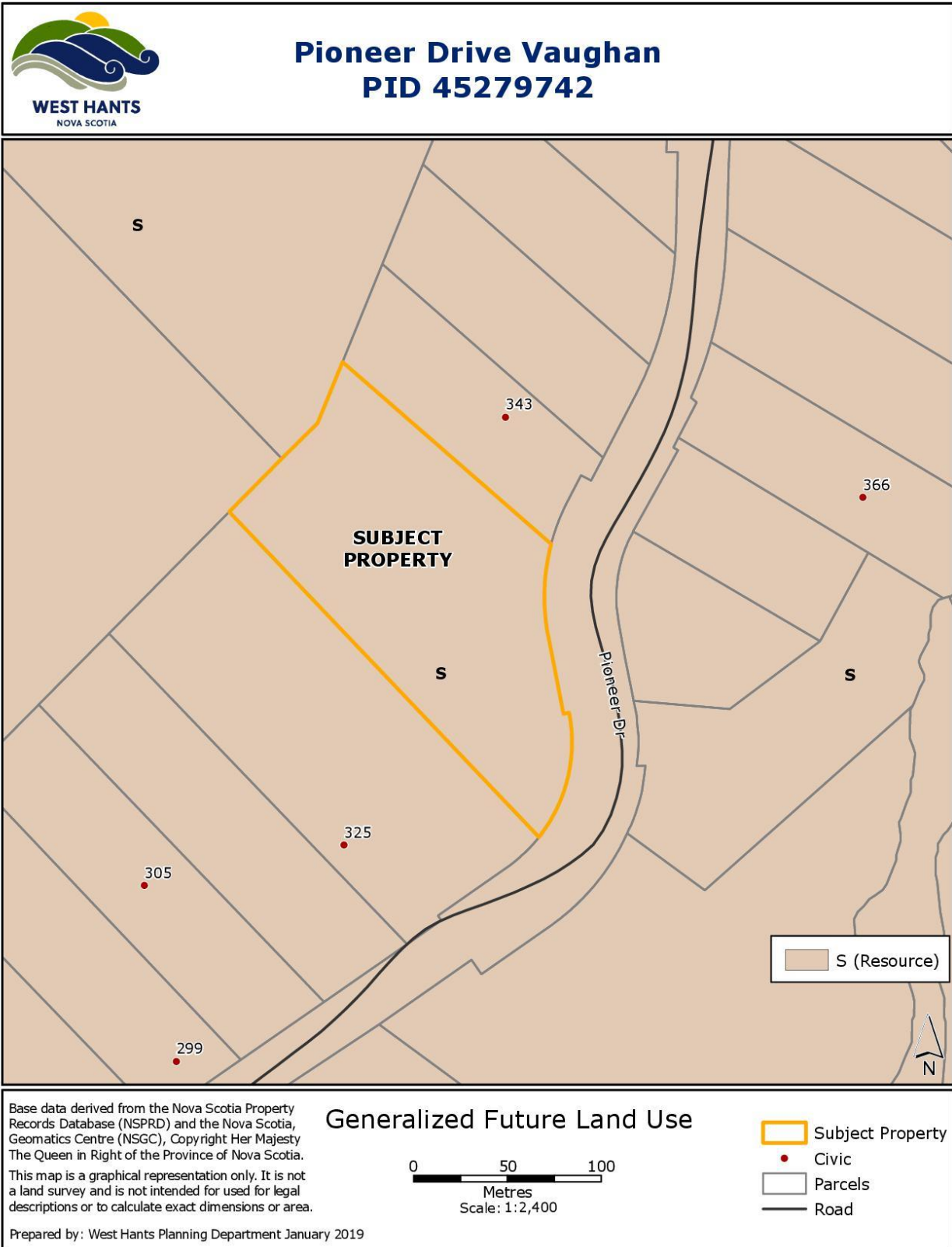


Figure 2
Existing Zoning Map

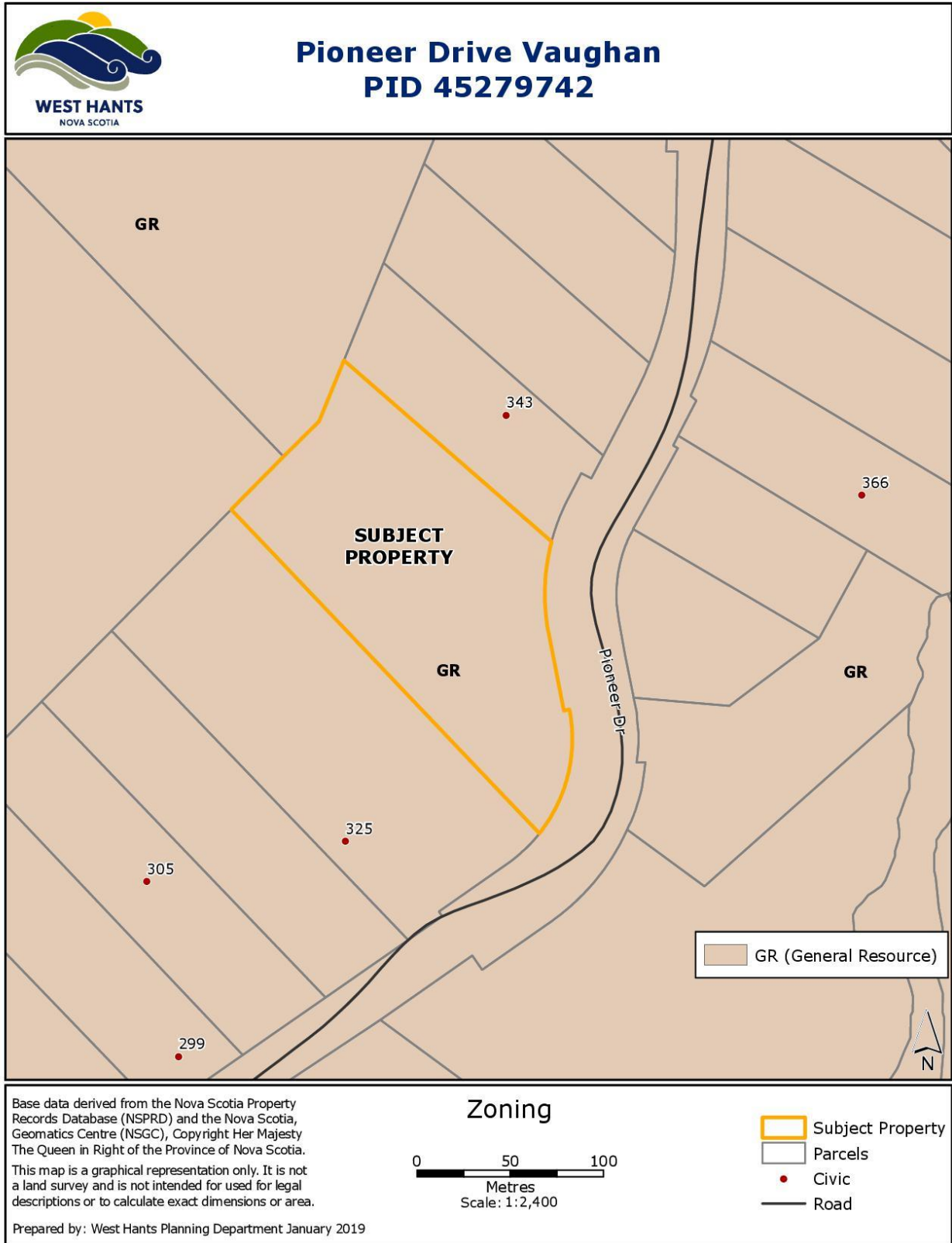
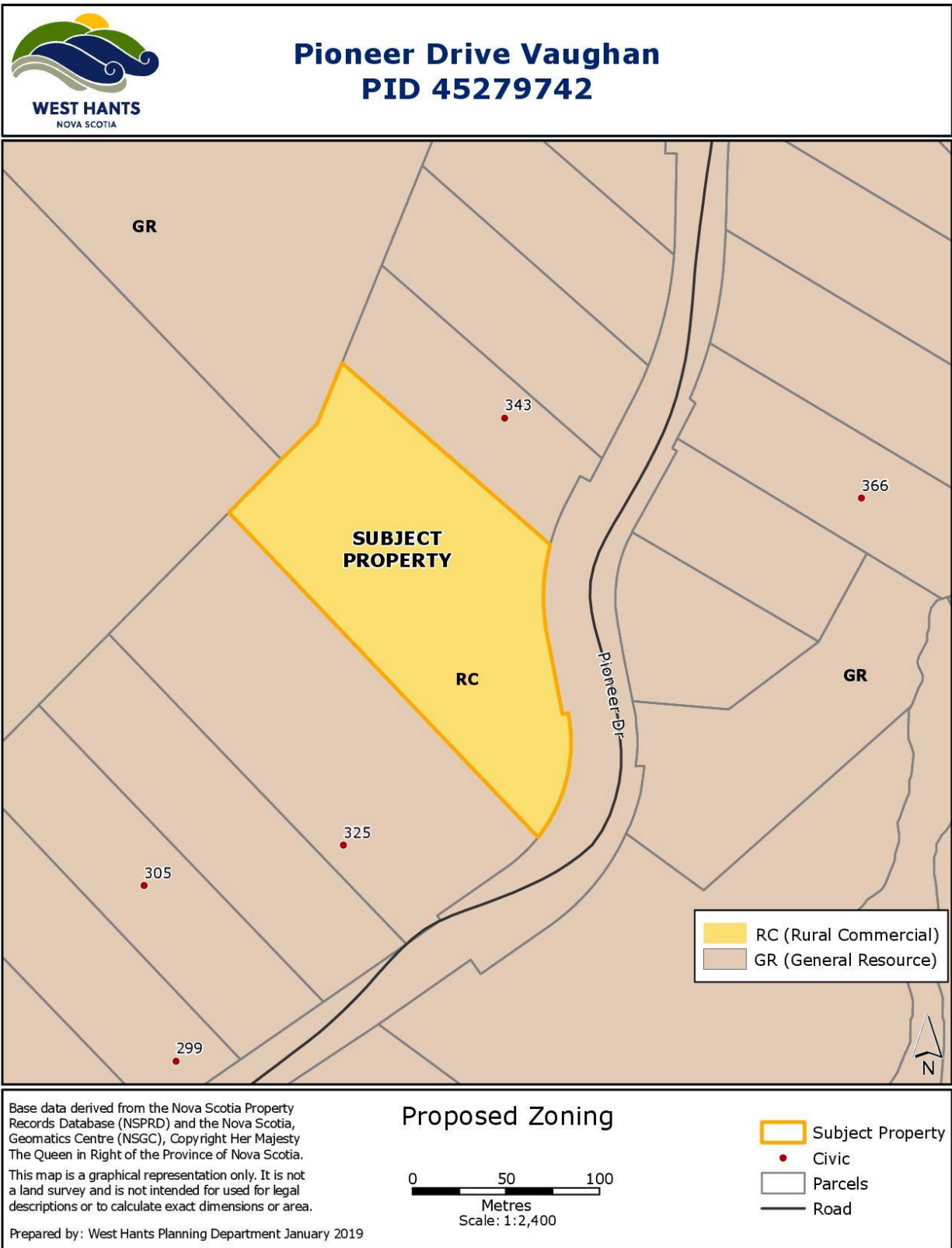


Figure 3
Proposed Map Amendment



Appendix A Draft Amendments

Text Amendments to the West Hants Land Use By-law to ensure adequate fire protection can be provided for uses that involve flammable goods in the Rural Commercial (RC) Zone.

- 1. Amend the list of permitted uses in Part 16 of the West Hants Land Use By-law, *Rural Commercial (RC) Zone*, by inserting section "Uses That Involve Flammable Goods" following Section 16.5 so that it reads as follows:**

16.0 Rural Commercial (RC) Zone

Permitted Uses

16.1 The following uses shall be permitted in the Rural Commercial (RC) zone:

- Automobile service stations
- Banks and financial institutions
- Clubs
- Day care centres, licensed or non-licensed
- Farm supplies and equipment sales and service
- Farm markets
- Funeral homes
- Garden and nursery production, sales and supplies
- Hotels, motels and other tourist accommodations, but does not include campgrounds
- Kennels
- Offices
- One dwelling unit in conjunction with a permitted commercial use, located either in the same building or as a single unit dwelling on the same lot
- Personal service shops
- Post offices and postal outlets
- Restaurants
- Retail stores
- Existing dwellings

RC Zone General Requirements

16.2 In the Rural Commercial (RC) zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	40,000 ft ² (3,716.00 m ²)
Minimum lot frontage	150 ft (45.72 m)

Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)

Maximum Commercial Floor Area

16.3 The commercial floor area for a business in the RC zone shall not exceed 5,000 ft² (464.50 m²). This requirement shall not apply to automobile service stations, clubs, farm equipment sales and service, garden and nursery production, and hotels, motels and other tourist accommodations.

Abutting Zone Requirements

16.4 Where a RC zone abuts a lot in a residential zone, the following standards apply:

- (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m);
- (b) no open storage or outdoor display shall be permitted in an abutting side yard; and
- (c) the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum of 5 ft (1.52 m) measured perpendicular to the lot line.

Lot Access

16.5 Entrance to and exit from properties zoned RC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot. Driveways shall meet Nova Scotia Department of Transportation and Public Works requirements for commercial access.

Uses That Involve Flammable Goods

16.6 any automobile service station or farm supplies and equipment sales and service business will be required to:

- (i) have access to a minimum of two (2) exit routes for the lot. These may be either public or private roads or rights-of-way, and must be constructed to a standard approved by the appropriate authority for emergency access; and
- (ii) provide evidence of a water supply that meets the local Fire Department requirements.

Appendix B
Specific Criteria for Rural Commercial (RC) Map Amendment

Policy 9.1.6 It shall be the intention of Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones subject to the following:

Criteria	Rural Commercial Uses
(a) the use will not adversely affect existing resource uses in the area;	The uses will be contained within the site and are not expected to cause an adverse effect on existing resource uses.
(b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;	Policy 7.2.1 states <i>It shall be the policy of Council to establish a Rural Commercial (RC) zone which will apply to Hamlets and resource areas and permit a variety of commercial uses intended to provide a service to local residents, as well as limited highway commercial and tourist commercial uses.</i> The uses within the Rural Commercial (RC) zone are appropriate based on size and nature of the uses permit.
(c) safe and efficient roadway access is provided;	Department of Transportation and Infrastructure Renewal (DTIR) confirmed that development will access the Provincial road network at New Ross Road via the privately-owned Pioneer Drive. DTIR does not anticipate a negative impact to the Provincial road network.
(d) adequate on-site parking is provided;	The property is five (5) acres in size which is sufficient space to provide parking and loading areas on-site.
(e) the development is compatible with adjacent land uses with respect to:	
(i) traffic generation and traffic safety;	Please see 9.1.6 (c)
(ii) hours of operation;	This criterion is not relevant for this application as the hours of operation can

	only be regulated by a Development Agreement.
(iii) <i>size and design of building(s);</i>	The applicant will be required to meet all regulations regarding size in the Land Use By-law. There are no requirements regarding design in the Land Use By-law.
(iv) <i>signage; and</i>	The applicant will be required to meet all regulations regarding signage in the Land Use By-law.
(v) <i>pedestrian circulation and safety;</i>	Please see 9.1.6 (c)
(f) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;	Any noise, odour, dust, fumes, or other emissions from this development will be similar to emissions from existing cottage and commercial development in the area.
(g) adequate buffering or screening, setbacks and yards are provided, and open storage is controlled;	Adequate buffering, screening, setbacks, and yards must be provided, and open storage controlled as required by the Land Use By-Law.
(h) any other matter which may be addressed in a Land Use By-law; and	Requirements for a source of water supply and second egress road have been added to accommodate concerns raised by the Fire Chief.
(i) Policy 16.3.1.	Please see Appendix C for further details

Appendix C
General Criteria for Land Use By-Law Amendment

Policy 16.3.1 of the MPS *"In considering development agreements and amendments to the West Hants Land Use By law, in addition to the criteria set out in various policies of this Strategy, Council shall consider"*:

(a) whether the proposal is considered premature or inappropriate in terms of:	Rural Commercial Uses
(i) the adequacy of sewer and water services;	The proposal is not within a Municipally serviced area. The applicant is responsible for determining adequate services for the proposed uses.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Senior Building Official is concerned about getting fire trucks to the site if the uses are located at the back of the property. He is comfortable with addressing this issue at the building permit stage, and the applicants have been advised of this concern. The Fire Chief expressed specific concerns as some uses in the Rural Commercial (RC) zone involve flammable goods. He requested that a water supply and second egress road be added as a requirement for all uses that involve flammable goods in this zone. Based on direction of PAC, this requirement has been added.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	Please see 9.1.6 (c) for further details.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;	As noted above in (a) (i), the applicant will be responsible for the provision of water and on-site sewage disposal.

(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Please see 9.1.6 (c) for further details
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The property is five (5) acres in area and has sufficient space for the intended uses.
(e) the pattern of development which the proposal might create;	The uses permitted in this zone will not create a pattern of development that is unusual for the area.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	The applicant will be responsible for determining the suitability of the area for the proposed uses.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and	The proposed amendment meets all relevant municipal, provincial and federal regulations. The Waste Services Coordinator has mentioned waste collection in this area is for residential waste. Businesses are provided with collection to the equivalent of a household (volume and frequency) and the type of material collected must be similar to that generated in a household. Anything exceeding this must be dealt with by the business at their own expense. The applicants have been informed of this requirement.
(h) any other matter required by relevant policies of this Strategy.	Please see Appendix B for further details.



MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

To: Members of West Hants Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 07-18-2019

Subject: Cannabis in West Hants

File #: 18-08

1.0 BACKGROUND

An application submitted for a licensed cannabis nursery, licensed Micro-Cultivation and licensed Micro-Processing was the third request for cannabis-related land uses in West Hants. This sparked a staff investigation into all cannabis licenses.

Staff developed initial recommendations to discuss with the Planning Advisory Committee (PAC) in the staff report to PAC dated March 21, 2019. Staff had several discussions with PAC about this amendment from January to May 2019. Staff have drafted amendments based on feedback received at these meetings.

PAC requested that:

- Standard Cultivation and Processing be considered an industrial use;
- for all cannabis land uses, a separation distance of 250 ft from residential uses and homes for special care apply; and
- in addition to the zones suggested by staff, cannabis nurseries also be permitted in the Agricultural Priority Two (AR-2), Agricultural Priority Three (AR-3), and Mineral Resource (MR) zones.

2.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

3.0 RECOMMENDATION

Following the Public Information Meeting (PIM), should PAC wish to forward a positive recommendation, the following motion would be in order:

PAC recommends that Council give First Reading and hold a public hearing to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to enable a variety of cannabis licenses in West Hants, in a manner substantially the same as Appendix A attached to the planning staff report dated July 18, 2019.

4.0 DISCUSSION and DOCUMENT REVIEW

The detailed amendments are attached as Appendix A.

Based on the amendments, each license will be permitted in the following zones:

License	Zones
<i>Standard Cultivation and Processing</i>	Resource Industrial (M-1) Hamlet Industrial (M-2) Light Industrial (LI-1)
<i>Micro-Cultivation and Micro-Processing</i>	Resource Industrial (M-1) Hamlet Industrial (M-2) Light Industrial (LI-1) Agricultural Priority Two (AR-2) Agricultural Priority Three (AR-3) General Resource (GR) Mineral Resource (MR)
Micro-Cultivation (only)	Prime Agricultural (P/Ag)
Cannabis Nursery	Resource Industrial (M-1) Hamlet Industrial (M-2) Light Industrial (LI-1) Rural Commercial (RC) General Resource (GR) Agricultural Priority Two (AR-2) Agricultural Priority Three (AR-3) Mineral Resource (MR)
Cannabis Analytical Testing and Research	Institutional (I)

Analytical Testing and Research licenses will also be permitted as uses accessory to cannabis operations in any zone that permits cannabis cultivation or processing.

Several cannabis licenses are also proposed to be permitted in the Joint Industrial Park. This will be handled as a separate amendment as any amendment in the Joint Industrial Park requires approval from the West Hants council and Windsor council.

PAC requested that Licensed cannabis nurseries be permitted in the same zones that permit Micro-Processing. PAC also wished to ensure that this license not be permitted in the Prime Agricultural (P/Ag) zone. Micro-Processing is currently permitted as a listed Agricultural Support Use which is permitted in the following zones: Agricultural Priority Two (AR-2), Agricultural Priority Three (AR-3), General Resource (GR), and

Mineral Resource (MR) zones. Staff recommend amending the definition of Agricultural Support Uses by adding Licensed cannabis nursery.

There are several policies in the MPS which enable Council to consider a map amendment or a development agreement to permit a cannabis license if the property is not currently in one of the zones listed above. This provides some flexibility for property owners while still requiring Council's approval for rezoning and development agreement applications.

Staff provided a comparison of separation distances in the March 21, 2019 staff report. A separation distance is a certain amount of space that provides a buffer between potentially conflicting uses. A Development Officer cannot vary a separation distance. On May 16th, 2019, PAC requested a reduced separation distance of 250 ft. and that it apply to all cannabis land uses to ensure adequate separation from residential and institutional residential buildings. There is an existing separation distance for Agricultural Support Uses of 500 ft. An amendment to this section is proposed to ensure the separation distance for licensed cannabis land uses is the same in all zones.

4.1 MPS Specific Criteria

There are only specific criteria related to adding a new use to the Hamlet Industrial (M-2) or Rural Commercial (RC) zones in the West Hants Municipal Planning Strategy (MPS).

Policy 7.2.7 of the MPS states the specific criteria to be considered for this proposal. These criteria are examined in detail in Appendix B.

In summary, Policy 7.2.7 is met as:

- the proposed uses will maintain the objectives of the Hamlet designation by providing a service to local residents; and
- the uses will be compatible with rural residential and resource uses.

4.2 MPS General Criteria

Policy 16.3.1 of the MPS states general criteria for any LUB amendment considered in West Hants. These criteria are examined in detail in Appendix C.

In summary, this is a text amendment and most of the considerations will depend on individual lots at the time of application for a specific use.

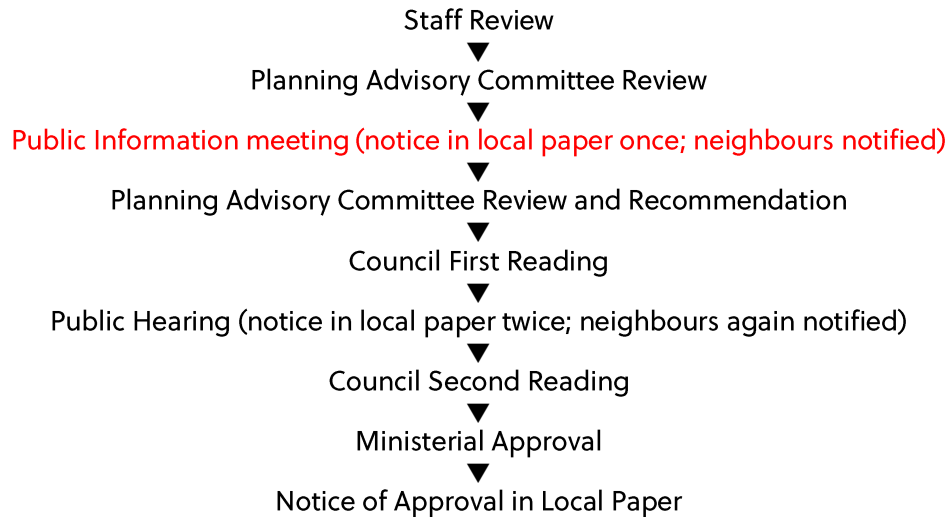
5.0 MUNICIPAL CLIMATE CHANGE ACTION PLAN

This amendment has not been examined in relation to the Municipal Climate Change Action Plan (MCCAP).

6.0 CONCLUSION

As noted above, the proposed amendments have been considered within the context of both the specific and general policies of the MPS and are consistent with the intent, objectives and policies of the MPS. The amendments meet the specific and general criteria for amendment to the LUB. As a result, it is reasonable to consider approving the Municipal Planning Strategy and Land Use By-Law amendments to allow a variety of cannabis licenses in West Hants.

7.0 PROCESS



8.0 OPTIONS

In response to the application, PAC may recommend that Council:

- follow the process to approve the MPS and LUB amendment as drafted or as specifically revised by direction of PAC;
- recommend refusal of the MPS and LUB amendment as drafted identifying the goal, objective or policy that the proposal contravenes; or
- provide alternative direction, such as requesting further information on a specific topic.

9.0 APPENDICES

Appendix A Draft Amendments

Appendix B Specific Criteria for Land Use-By-law Amendment

Appendix C General Criteria for Land Use-By-law Amendment

Report Approved by: _____
Madelyn LeMay, Director of Planning and Development

Appendix A Draft Amendments

Text Amendments to the West Hants Municipal Planning Strategy and Land Use By-law to allow for a variety of Federal cannabis licenses in West Hants.

1. **Amend Part 4 of the West Hants Municipal Planning Strategy, General Land Use Policies, by inserting section "4.25 Licensed Cannabis Uses" following Section 4.24 so that Section 4.25 reads as follows:**

4.25 Licensed Cannabis Uses

On October 17, 2018 the Federal government legalized the use of recreational cannabis in Canada. As of that date, in addition to the ability to produce cannabis for personal use, property owners can apply to Health Canada to obtain licenses to cultivate, produce and perform testing on cannabis for commercial and academic purposes. Currently there are seven (7) licenses available through Health Canada:

- Standard Cultivation license
- Standard Processing license
- Micro-Cultivation license
- Micro-Processing license
- Nursery license
- Analytical Testing license
- Research license

For the purposes of the Municipal Planning Strategy and Land Use By-law, these licenses will be discussed as "*licensed cannabis land uses*".

Council wishes to encourage legal cannabis cultivation and processing in West Hants. Council considers Standard Cultivation and Processing to be industrial in nature due to the size of facilities, the amount of power necessary for production and the security requirements established by Health Canada. Council considers small-scale (i.e. micro) cannabis cultivation and processing compatible with agricultural and industrial uses.

As a result, it shall be the policy of Council to:

Policy 4.25.1 Permit Analytical Testing and Research of cannabis in all zones as a use accessory to any licensed cannabis land use.

Policy 4.25.2 Permit Analytical Testing and Research of cannabis in the Institutional (I) Zone.

Policy 4.25.3 Consider Standard Cultivation and Processing of cannabis as an industrial land use.

Policy 4.25.4 Permit Micro-Cultivation, Micro-Processing and Nurseries for cannabis in any zone in which Standard Cultivation and Processing is a listed permitted use.

Policy 4.25.5 Include Micro-Cultivation of cannabis in the definition of Agricultural Use.

Policy 4.25.6 Include Micro-Processing of cannabis and cannabis nurseries in the definition of Agricultural Support Use.

Policy 4.25.7 Permit Cannabis nurseries in the Rural Commercial (RC) zone.

Policy 4.25.8 Require specific setback requirements for licensed cannabis land uses to reduce the impact of noise and odour on nearby uses.

2. **Amend Part 5 of the West Hants Land Use By-law, *General Provisions*, by inserting section "5.56 Licensed Cannabis Uses" following Section 5.55 so that Section 5.56 reads as follows:**

Licensed Cannabis Uses

5.56

(a) Permit Analytical Testing and Research of cannabis in all zones as a use accessory to any licensed cannabis use; and

(b) Require any building or structure used for a licensed cannabis land use to be located a minimum of 250 ft (76.2 m) from an existing residential dwelling, a home for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

3. **Amend the list of permitted uses in Part 16 of the West Hants Land Use By-law, *Rural Commercial (RC)*, by inserting the phrase "Licensed Cannabis Nurseries" so that Section 16.1 reads as follows:**

16.0 RURAL COMMERCIAL (RC)

Permitted Uses

16.1 The following uses shall be permitted in the Rural Commercial (RC) zone:

- Automobile service stations
- Banks and financial institutions
- Clubs
- Day care centres, licensed or non-licensed
- Farm supplies and equipment sales and service
- Farm markets
- Funeral homes

- Garden and nursery production, sales and supplies
 - Hotels, motels and other tourist accommodations, but does not include campgrounds
 - Kennels
 - Licensed Cannabis Nurseries
 - Offices
 - One dwelling unit in conjunction with a permitted commercial use, located either in the same building or as a single unit dwelling on the same lot
 - Personal service shops
 - Post offices and postal outlets
 - Restaurants
 - Retail stores
 - Existing dwellings
4. **Amend Part 18 of the West Hants Land Use By-law, General Provisions for Agricultural and Resource Uses, by replacing “18.10 Separation Distance for Agricultural Support and Forestry Uses” with the following so Section 18.10 reads as follows:**

Separation Distance for Agricultural Support and Forestry Uses

18.9 Notwithstanding any other provisions of this By-law:

- (a) with the exception of licensed cannabis land uses, the main building(s) of agricultural support uses or forestry and forestry related uses shall be located at least 500 ft (152.40 m) from any adjacent non-farm residential, commercial or institutional building; and
- (b) the main building(s) of any licensed cannabis land uses shall be located at least 250 ft (76.2 m) from an existing residential dwelling, a home for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

5. **Amend the list of permitted uses in Part 26 of the West Hants Land Use By-law, Resource Industrial (M-1), by inserting the phrases “Licensed Micro-Cultivation of cannabis”, “Licensed Micro-Processing of cannabis”, “Licensed Cannabis Nurseries ”, and “Licensed Standard Cultivation and Processing of cannabis” so that Section 26.1 reads as follows:**

26.0 RESOURCE INDUSTRIAL (M-1)

Permitted Uses

26.1 The following uses shall be permitted in the Resource Industrial (M-1) zone:

- Abattoirs
- Agricultural processing industries
- Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment

- Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other obnoxious emission of refuse matter or water-carried waste, or by reason of unsightly open storage
- Building supply and equipment depots
- Bulk storage of sand and gravel
- Commercial and office uses accessory to a main use
- Commercial greenhouses
- Excavation and landscaping operations
- Farm supplies and equipment sales and service
- Feed and fertilizer industries
- Fruit and vegetable sorting, grading and packaging establishments
- Fuel storage depots
- Heavy equipment sales and service
- Licensed Micro-Cultivation of cannabis
- Licensed Micro-Processing of cannabis
- Licensed Cannabis Nurseries
- Licensed Standard Cultivation and Processing of cannabis
- Railway uses
- Recycling depots
- One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- Saw mills
- Service industries
- Structures related to sand and gravel excavation and processing
- Utility facilities
- Wood processing and manufacturing establishments

6. Amend the list of permitted uses in Part 27 of the West Hants Land Use By-law, *Hamlet Industrial (M-2)*, by inserting the phrases "Licensed Micro-Cultivation of cannabis", "Licensed Micro-Processing of cannabis", "Licensed Cannabis Nurseries", and "Licensed Standard Cultivation and Processing of cannabis" so that Section 27.1 reads as follows:

27.0 HAMLET INDUSTRIAL (M-2)

Permitted Uses

27.1 The following uses shall be permitted in the Hamlet Industrial (M-2) zone:

- Agricultural processing industries

- Aquaponics industries (Amendment H8LUB 17-01 Effective December 5, 2017)
- Feed and fertilizer establishments
- Fruit and vegetable sorting, grading and packaging establishments
- Licensed Micro-Cultivation of cannabis
- Licensed Micro-Processing of cannabis
- Licensed Cannabis Nurseries
- Licensed Standard Cultivation and Processing of cannabis
- One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- Saw Mills
- Self Storage Operations (Amendment GC1LUB 11-01 Effective October 7, 2011)
- Service industries and shops
- Wood processing and manufacturing establishment

7. Amend the list of permitted uses in Part 29 of the West Hants Land Use By-law, *Light Industrial (LI-1)*, by inserting the phrases “Licensed Micro-Cultivation of cannabis”, “Licensed Micro-Processing of cannabis”, “Licensed Cannabis Nurseries”, and “Licensed Standard Cultivation and Processing of cannabis” so that Section 29.1 reads as follows:

29.0 LIGHT INDUSTRIAL (LI-1)

Permitted Uses

29.1 The following uses shall be permitted in the Light Industrial (LI-1) zone:

- Abattoirs
- Agricultural processing industries
- Animal hospitals and veterinarian establishments
- Any activity connected with the automotive trade other than an automotive scrap yard or automobile-related commercial recreational establishment
- Any manufacturing, industrial, assembly, or warehousing operation conducted and wholly contained within an enclosed building and which is not considered obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission
- Building supply and equipment depots
- Bulk sales establishments
- Commercial and office uses accessory to a main use
- Display courts
- Dry cleaning and laundry establishments
- Excavation and landscaping operations
- Farm supplies and equipment sales and service
- Fuel storage depots

- Garden and nursery sales and supplies
- Heavy equipment sales and service
- Industrial training facilities
- Licensed Micro-Cultivation of cannabis
- Licensed Micro-Processing of cannabis
- Licensed Cannabis Nurseries
- Licensed Standard Cultivation and Processing of cannabis
- Moving and storage depots
- Railway uses
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Research facilities
- Sales and service of manufacturing and processing machinery or equipment
- Sawmills
- Service industries
- Support services
- Telecommunications towers and accessory buildings
- Transport depots
- Utility uses
- Wholesale establishments

8. Amend the list of permitted uses in Part 32 of the West Hants Land Use By-law, *Institutional (I)*, by inserting the phrases “Licensed Analytical Testing of cannabis” and “Licensed Research of cannabis” so that Section 32.1 reads as follows:

32.0 INSTITUTIONAL (I)

Permitted Uses

32.1 The following uses shall be permitted in the Institutional (I) zone:

- Any institutional use which is incorporated under the Societies Act
- Churches and associated halls
- Colleges, universities and schools, including school dormitories
- Community centres
- Community service clubs and organizations
- Emergency services facilities (i.e., police, ambulance and fire stations)
- Government offices
- Homes for special care
- Hospitals and medical clinics
- Indoor recreation uses
- Libraries, museums and art galleries

- Licensed Analytical Testing of cannabis
- Licensed Research of cannabis
- Residences accessory to permitted uses
- Senior citizen housing
- Tourist bureaus

9. Amend Part 35 of the West Hants Land Use By-law, *Definitions*, by inserting the phrase “Licensed Nursery for cannabis” in the definition for Agricultural Support Use so that the definition for Agricultural Support Use reads as follows:

Agricultural Support Use means a building or structure tied to the farm operation and located on the farm property and may include abattoirs, agricultural warehousing, processing, Licensed Micro-Processing of cannabis, Licensed cannabis nursery sorting, grading, packaging, and transport facilities;

Appendix B
Specific Criteria for Land Use By-law Amendment

Policy 7.2.7 of the MPS *“It shall be the policy of Council to consider amending the Land Use By-law to add new uses to the permitted uses in the Rural Commercial (RC) or Hamlet Industrial (M-2) zones subject to the following”:*

Criteria	Cannabis Land Uses
<i>(a) the objectives of the Hamlet designation are maintained;</i>	The uses will maintain the objectives of the Hamlet designation by providing a service to local residents.
<i>(b) the proposed use is:</i>	
<i>(i) intended to provide a service to local residents;</i>	The proposed uses will provide goods to local residents.
<i>(ii) a resource-based activity; or</i>	
<i>(iii) operated in conjunction with a residential use;</i>	
<i>(c) the proposed use is compatible with rural residential and resource uses;</i>	The proposed uses are compatible with rural residential and resource uses as they are not expected to produce any emissions that would be different from existing resource development in West Hants.
<i>(d) adequate controls exist in the Land Use By-law over landscaping and screening, especially of open storage;</i>	There are adequate controls in the Land Use By-Law for the Hamlet Industrial (M-2) zone that address open storage.
<i>(e) any other matter which may be addressed in a Land Use By-law; and</i>	Please see Appendix C for further details.
<i>(f) Policy 16.3.1.</i>	Please see Appendix C for further details.

Appendix C
General Criteria for Land Use By-Law Amendment

Policy 16.3.1 of the MPS *"In considering development agreements and amendments to the West Hants Land Use By law, in addition to the criteria set out in various policies of this Strategy, Council shall consider"*:

	Cannabis Land Uses
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	As this is a text amendment, this consideration will depend on individual lots.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	As this is a text amendment, this consideration will depend on individual lots. The National Building Code and Fire Code would apply for any building permit application.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	This consideration is not applicable to this amendment.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;	This consideration is not applicable to this amendment.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	This consideration is not applicable to this amendment.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	As this is a text amendment, this consideration will depend on individual lots.
(e) the pattern of development which the proposal might create;	The uses permitted will not create a pattern of development that is unusual for the area.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	As this is a text amendment, the criterion does not apply.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and	The proposed amendment meets all relevant municipal, provincial and federal regulations.
(h) any other matter required by relevant policies of this Strategy.	Please see Appendix B for further details.



MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

To: Members of West Hants and Windsor Planning Advisory Committees

Submitted by: _____
Saira Shah, Planner

Date: 07-18-2019

Subject: Cannabis Land Uses in the Joint Industrial Park

File #: 18-08

1.0 BACKGROUND

Staff developed initial recommendations to discuss cannabis licenses with the West Hants Planning Advisory Committee (WHPAC) in the staff report dated March 21, 2019. Staff had several discussions with WHPAC about this amendment from January to May 2019. There are similar proposed amendments for several other zones in West Hants to accommodate cannabis land uses which WHPAC will also discuss on July 18, 2019.

WHPAC requested that consideration be given to permitting cannabis licenses in the Windsor-West Hants Joint Industrial Park.

As per policy 11.1.2 in the West Hants Municipal Planning Strategy (WHMPS) and policy 10.2.2 in the Windsor Municipal Planning Strategy (WMPS), a joint session of the Councils of the Town of Windsor and the Municipality of the District of West Hants would be required:

"It shall be the policy of Council that any amendment to the Joint Industrial designation, zones contained within the Joint Industrial designation and development agreements applicable within the Joint Industrial designation shall be considered at a joint session of the Councils of the Town of Windsor and the Municipality of the District of West Hants."

This amendment can be reviewed by WHPAC and Windsor Planning Advisory Committee (WPAC) separately and, if recommended, a Joint Public Hearing would be held with the West Hants Council and Windsor Council.

2.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

3.0 RECOMMENDATION

Following the Public Information Meeting (PIM), should WHPAC wish to forward a positive recommendation, the following motion would be in order:

that WHPAC recommends that West Hants Council give First Reading and hold a joint public hearing with the Town of Windsor to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to enable a variety of cannabis licenses in the Windsor- West Hants Joint Industrial Park, in a manner substantially the same as Appendix A attached to the planning staff report dated July 18, 2019.

4.0 DISCUSSION and DOCUMENT REVIEW

The detailed amendments are attached as Appendix A.

There are seven (7) cannabis licenses available through Health Canada:

- Standard Cultivation license;
- Standard Processing license;
- Micro-Cultivation license;
- Micro-Processing license;
- Nursery license;
- Analytical Testing license; and
- Research license.

Standard Cultivation and Processing

These licenses permit the cultivation and processing of cannabis and are not limited in terms of size of growing area or production operation. As per Health Canada requirements, an individual may operate a Standard Cultivation business on the same site as a Standard Processing business.

WHPAC has directed that these licenses be considered industrial in nature; therefore, staff recommend permitting these licenses in the Joint Industrial Type Two (LI-2) zone. As the Joint Industrial Type Three (LI-3) zone is predominately retail and commercial in nature, staff have not recommended permitting Standard Cultivation and Processing in this zone.

Micro-Cultivation and Micro-Processing

These licenses permit small-scale cultivation and processing of cannabis. The Micro-Cultivation license allows an individual to grow cannabis for commercial use in an area a maximum of 200 m². The Micro-Processing license allows individuals to produce up to 600 kg of product in one (1) calendar year. As per Health Canada requirements, an individual may operate a Micro-Cultivation business and a Micro-Processing business on the same site if the individual is awarded both licenses.

Staff recommend permitting the Micro-Cultivation and Micro-Processing licenses in any zone that permits Standard Cultivation and Processing as these licenses permit a smaller growing area and production rate than the Standard Cultivation and Processing licenses.

Cannabis Nurseries

The Nursery license restricts licensees to a smaller growing area than the Micro-Cultivation license (50 m² compared to 200 m²). If someone has any of the other cannabis licenses (except Analytical Testing), they can sell cannabis to license holders. However, the intent of the Nursery license is to produce and sell starter plants and seeds which has the potential to be similar to a retail use.

Staff recommend permitting these licenses in any zone that permits Standard Cultivation and Processing as these licenses permit a smaller growth area.

The potential for retail sales at cannabis nurseries creates an opportunity for West Hants and Windsor Councils to consider this license in commercial areas. The Industrial Type Three (LI-3) zone permits nursery production and sales and would be a suitable option for cannabis nurseries.

Analytical Testing and Research

The Analytical Testing license allows license holders to process and test cannabis while the Research license allows license holders to process, produce, sell and test cannabis. Neither license is limited in size and can be combined with any other cannabis license.

Staff recommend permitting Analytical Testing and Research licenses as accessory to cannabis operations in any zone that permits licensed cannabis land uses (cultivation processing, or nurseries). In a separate amendment, staff are recommending these licenses in the Institutional (I) zone in West Hants for academic institutions.

Based on the amendments, each license will be permitted in the following zones:

License	Zones
Standard Cultivation and Processing	Joint Industrial Type Two (LI-2)
Micro-Cultivation and Micro-Processing	Joint Industrial Type Two (LI-2)
Cannabis Nursery	Joint Industrial Type Two (LI-2) Joint Industrial Type Three (LI-3)
Cannabis Analytical Testing and Research	Only as accessory to any licensed cannabis use.

4.1 WEST HANTS MPS GENERAL CRITERIA

Policy 16.3.1 of the WHMPS states general criteria for any WHLUB amendment considered in West Hants. These criteria are examined in detail in Appendix B.

In summary, this is a text amendment and most of the considerations will depend on individual lots at the time of application for a specific use.

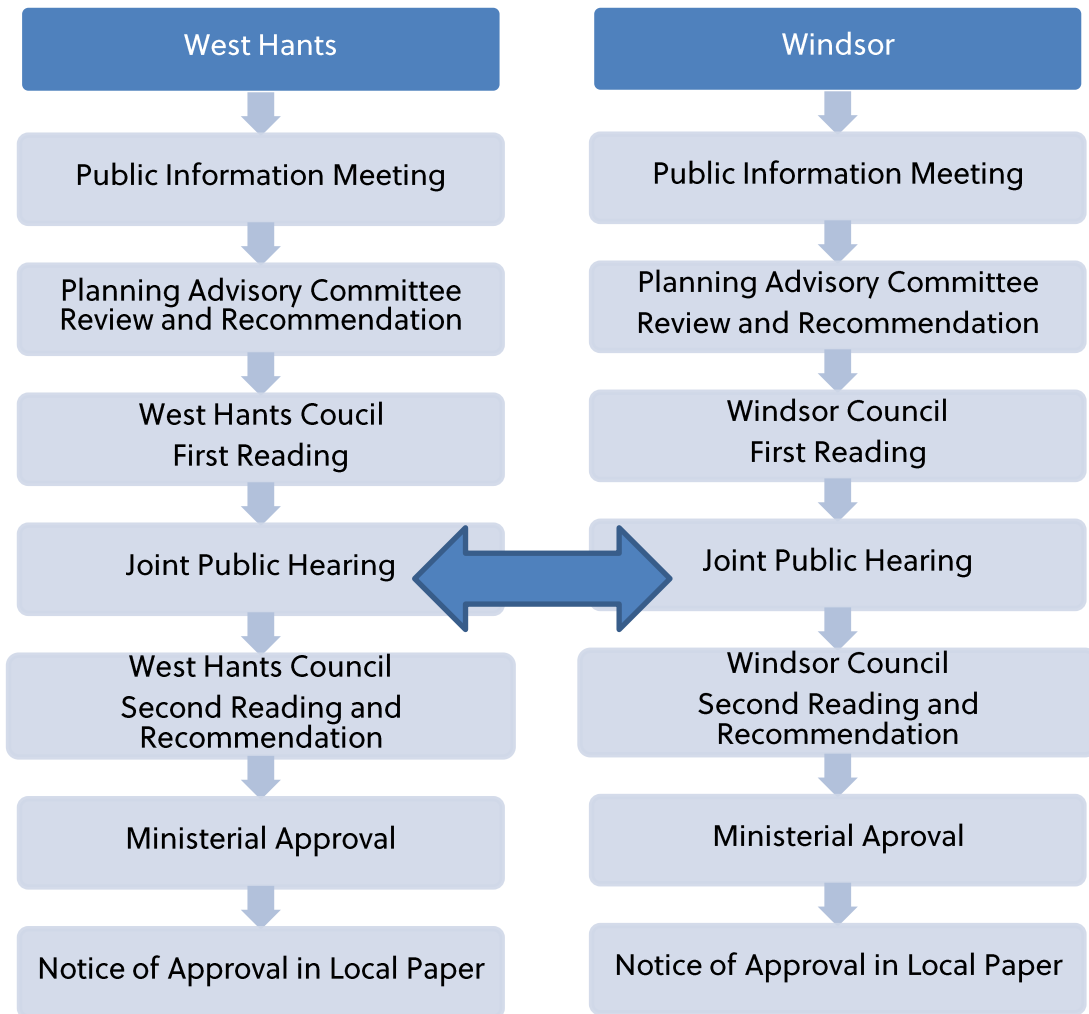
5.0 MUNICIPAL CLIMATE CHANGE ACTION PLAN

This amendment has not been examined in relation to the West Hants Municipal Climate Change Action Plan.

6.0 CONCLUSION

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS and are consistent with the intent, objectives and policies of the WHMPS. The amendments meet the general criteria for amendment to the WHLUB. As a result, it is reasonable to consider approving the West Hants Municipal Planning Strategy and Land Use By-Law amendments to allow a variety of cannabis licenses in the Windsor-West Hants Joint Industrial Park.

7.0 PROCESS



8.0 OPTIONS

In response to the application, WHPAC may recommend that West Hants Council:

- follow the process to approve the amendments as drafted or as specifically revised by direction of WHPAC;
- recommend refusal of the amendments as drafted identifying the goal, objective or policy that the proposal contravenes; or
- provide alternative direction, such as requesting further information on a specific topic.

9.0 APPENDICES

Appendix A Draft Amendments

Appendix B West Hants General Criteria for Land Use-By-law Amendment

Report Approved by: _____
Madelyn LeMay, Director of Planning and Development

Appendix A Draft Amendments

Text Amendments to the West Hants Municipal Planning Strategy and Land Use By-law to allow for a variety of Federal cannabis licenses in the Windsor- West Hants Joint Industrial Park.

1. **Amend Part 11 of the West Hants Municipal Planning Strategy, *Industrial Park*, by inserting section "Licensed Cannabis Uses" following Policy 11.1.7 so that it reads as follows:**

Licensed Cannabis Uses

Policy 11.1.8 Permit Analytical Testing and Research of cannabis in the Joint Industrial Type Two (LI-2) and Joint Industrial Type Three (LI-3) zones as accessory to any licensed cannabis use.

Policy 11.1.9 Permit Standard Cultivation and Processing of cannabis, Micro-Cultivation, Micro-Processing and Cannabis Nurseries in the Joint Industrial Type Two (LI-2) zone.

Policy 11.1.10 Permit Cannabis Nurseries in the Joint Industrial Type Three (LI-3) zone.

Policy 11.1.11 Require specific setback requirements for licensed cannabis land uses to reduce the impact of noise and odour on nearby uses.

2. **Amend the list of permitted uses in Part 30 of the West Hants Land Use By-law, *Joint Industrial Type Two (LI-2)*, by inserting the phrases "Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use", "Licensed Micro-Cultivation of cannabis", "Licensed Micro-Processing of cannabis", "Licensed Cannabis Nurseries", and "Licensed Standard Cultivation and Processing of cannabis" so that Section 30.1 reads as follows:**

30.0 JOINT INDUSTRIAL TYPE TWO (LI-2)

Permitted Uses

30.1 The following uses shall be permitted in the Joint Industrial Type Two (LI-2) zone:

- Animal hospitals and veterinarian establishments
- Any manufacturing, industrial, assembly, or warehousing operation conducted and wholly contained within an enclosed building and which is not considered obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission
- Any activity connected with the automotive trade other than an automotive scrap yard or automobile-related commercial recreational establishment
- Breweries, distilleries, wineries
- Building supply and equipment depots
- Business and professional offices excluding doctor, dentist and lawyer offices, financial institutions, real estate offices, and personal service office uses such as beauty consultants
- Chemical and chemical products

- Commercial uses accessory to a permitted main use which is conducted in the main building
- Courier services
- Display courts
- Existing donut shop
- Farm implement sales, service and repair
- Fencing and fence erectors
- Fuel storage depots
- Garden and nursery sales and supplies
- Government establishments except retail outlets
- Indoor recreation establishments
- Industrial training facilities
- Laundry and dry cleaning establishments
- Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use
- Licensed Micro-Cultivation of cannabis
- Licensed Micro-Processing of cannabis
- Licensed Cannabis Nurseries
- Licensed Standard Cultivation and Processing of cannabis
- Manufacturing and processing machinery or equipment, sales and service
- Marine sales, service & repair
- Manufactured homes sales and service
- Moving and storage depots
- Railway uses
- Research facilities
- Recreation vehicles sales and service
- Recycling depots
- Service industries
- Support services
- Taxi and bus depots
- Transportation depots
- Utility facilities
- Wholesaling and wholesale sales
- Ambulance service
- Animal shelters

3. **Amend Part 30 of the West Hants Land Use By-law, *Joint Industrial Type Two (LI-2)*, by inserting section "Licensed Cannabis Uses" following Section 30.4 so that it reads as follows:**

Licensed Cannabis Uses

30.5 Require any building or structure used for a licensed cannabis land use to be located a minimum of 250 ft (76.2 m) from an existing residential dwelling, a home

for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

4. **Amend the list of permitted uses in Part 31 of the West Hants Land Use By-law, *Joint Industrial Type Three (LI-3)*, by inserting the phrases “Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use” and “Licensed Cannabis Nurseries” so that Section 31.1 reads as follows:**

31.0 JOINT INDUSTRIAL TYPE THREE (LI-3)

Permitted Uses

31.1 The following uses shall be permitted in the Joint Industrial Type Three (LI-3) zone:

- Animal hospitals and veterinarian establishments
- Any activity connected with the automotive trade other than an automotive scrap yard, or automobile-related commercial recreational establishment
- Breweries, distilleries, wineries
- Banks and financial institutions
- Building supply and equipment depots
- Business and professional offices
- Commercial uses accessory to a permitted main use which is conducted in the main building
- Courier services
- Display courts
- Farm implement sales, service and repair
- Fencing and fence erectors
- Garden and nursery sales and supplies
- Government establishments
- Grocery stores
- Hardware stores
- Indoor recreation establishments
- Industrial training classroom facilities
- Laundry and dry cleaning establishments
- Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use
- Licensed Cannabis Nurseries
- Manufacturing and processing machinery or equipment, sales and service
- Marine sales, service & repair
- Personal service shops
- Recreation vehicles sales and service
- Restaurants, drive-in restaurants
- Retail stores
- Service industries
- Service shops
- Support services

- Taxi and bus depots
- Wholesaling and wholesale sales
- Hotels/motels

5. **Amend Part 31 of the West Hants Land Use By-law, *Joint Industrial Type Three (LI-3)*, by correcting the numbering of 31.3 and 31.4 and by inserting section "Licensed Cannabis Uses" following Section 31.4 so that it reads as follows:**

Lots Abutting a Non-Industrial Zone

- 31.3 Where a LI-3 zone abuts a residential or institutional zone the following provisions shall apply:
- (a) the industrial use shall be set back from the abutting lot line a minimum of 20 ft (6.10 m);
 - (b) the property shall be landscaped to ensure that no unstable or exposed soils exist; and
 - (c) the part of the non-residential lot directly adjoining the residential or institutional zone shall be used for no other purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.
- 31.4 Where the yard of a lot within the LI-3 zone abuts a railway line, no setback shall be required from the abutting lot line.

Licensed Cannabis Uses

- 31.5 Require any building or structure used for a licensed cannabis land use to be located a minimum of 250 ft (76.2 m) from an existing residential dwelling, a home for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

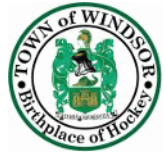
Appendix B
West Hants General Criteria for Land Use By-Law Amendment

Policy 16.3.1 of the MPS *"In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider"*:

	Cannabis Land Uses
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	As this is a text amendment, this consideration will depend on individual lots.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	As this is a text amendment, this consideration will depend on individual lots. The National Building Code and Fire Code would apply for any building permit application.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	This consideration is not applicable to this amendment.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;	This consideration is not applicable to this amendment.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	This consideration is not applicable to this amendment.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	As this is a text amendment, this consideration will depend on individual lots.
(e) the pattern of development which the proposal might create;	The uses permitted will not create a pattern of development that is unusual for the area.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	As this is a text amendment, the criterion does not apply.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and	The proposed amendment meets all relevant municipal, provincial and federal regulations.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.



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ACTIVITY REPORT

For Month of June 6/30/19

Type	Jun 2018			Jun 2019		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
*Single Unit	26	9	2,264,900	12	2	452,000
Duplex/Semi	1	2	290,000	0	0	0
Apartments	1	0	1,000	0	0	0
**Other Residential	21	0	331,750	19	1	251,400
Commercial	3	0	11,000	4	0	55,500
Industrial	1	0	566,594	0	0	0
Inst & Gov	5	0	270,000	2	0	10,000
Agriculture	0	0	0	0	0	0
Park/Recreational	0	0	0	4	0	41,000
Total	58	11	3,735,244	41	3	809,900
Year To Date	196	55	11,599,974	194	50	19,833,601
Demolition	3	1		4	0	
Sign Permits	0			0		
Sub Applications	1	0 (Lots Requested)		1	0 (Lots Requested)	

*includes new construction, additions, renovations, repairs, and development permits.

**includes garages/sheds/carports, decks, and swimming pools.



MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

To: Members of West Hants Planning/Heritage Advisory Committee

Submitted by: _____
Madelyn LeMay, Director of Planning and Development

Date: July 18, 2019

Subject: Fees Related to Planning, Development, Building and Heritage

1.0 ORIGIN

Fees other than those for Planning, Development Control, Building and Heritage-related matters have been reviewed by West Hants over the past several years. In preparation for consolidation with the Town of Windsor, it is reasonable to ensure that processing fees can be changed in the easiest possible manner and that the processing fees charged are appropriate.

Recommendations similar to those below were made to the Windsor Planning and Heritage Advisory Committees on July 10, 2019.

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act 49(1)(c)(3); 220(4); 211(1) (b)

3.0 RECOMMENDATION

Should the Planning/Heritage Advisory Committee (PAC/HAC) wish to recommend changes regarding fees, the following motions would be in order:

PAC/HAC directs that staff draft amendments and begin the formal procedures to require that applicants for a Land Use By-law amendment, a development agreement, amendment to a development agreement or discharge of a development agreement

pay a processing fee to be established in the Fees Policy (COFN-005.03).

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the existing heading and Section 2.8 from the West Hants Land Use By-law and replace it with the following section:

Application Fees

"2.8

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy."

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the existing Section 4.5, "Amendment of By-law" from the Hantsport Land Use By-law and replace it with the following section:

"4.5 Application Fees

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy."

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the existing Section 11 of the West Hants Subdivision By-law and replace it with the following section:

- 11. *The subdivider shall pay:***
 - (a) *the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses***

- to approve a final plan of subdivision these fees shall be returned to the subdivider; and*
- (b) any processing fees prescribed by Council from time to time by policy.**

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the existing Section 6.13 of the Hantsport Subdivision By-law and replace it with the following section:

- 6.13 The subdivider shall pay:**
- (a) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and**
- (b) any processing fees prescribed by Council from time to time by policy.**

PAC/HAC directs that staff draft amendments and begin the formal procedures to remove the fee schedule from the Building Code Act By-law.

PAC/HAC directs that staff draft amendments which would establish that West Hants pay all costs related to the registration of a municipally-registered heritage property and begin the formal procedures related to these amendments.

PAC/HAC directs that staff draft amendments which would establish that West Hants waives processing fees for all planning, development, building and heritage-related applications for municipally-registered heritage properties and begin the formal procedures related to these amendments.

PAC/HAC directs that staff draft amendments which would establish that West Hants waive processing fees for properties in West Hants owned by non-profit organizations which are registered under the Societies Act and begin the formal procedures related to these amendments.

4.0 BACKGROUND

4.1 Existing Fees Policy

West Hants has a Fees Policy (COFN-005.03). Council intends that all fees be specified within this policy rather than in individual documents. In order to accomplish this goal, in a number of cases the document in which the fees have been established must be amended to remove the fees so that they will only remain in the Fees Policy (COFN-005.03). Changes to the Fees Policy (COFN-005.03) can more easily be accomplished than changes to each individual by-law.

4.2 Future Amendments: Municipal Planning Strategies (MPS)

Clause 220(4) of the MGA notes that " A land-use by-law may...(l) prescribe the fees for an application to amend a land use by-law or for entering into a development agreement, site plan or variance. Both the Hantsport and West Hants Municipal Planning Strategies include policy regarding charging fees for some applications (Appendix A). Although these policy statements are not required, they do no harm and removal can wait until the documents are reviewed. An amendment to either MPS is not required at this time.

4.3 Recommended Land Use By-law Amendments (LUB)

The ability to charge fees for development agreements, site plan approvals or variances should be included within both the West Hants and Hantsport LUB in a way that ensures an amendment to the document is not required in order to charge a fee or to set or change the amount. The clause included in each document should cover all potential charges, leaving the specifics of what is charged for and what the fee is to the Fees Policy (COFN-005.03) established by Council. The clauses within the West Hants By-law now require only the payment of costs, while in Hantsport a processing fee is charged (Appendix B).

4.4 Required Subdivision By-law Amendments

Fees for subdivision are established within the Subdivision By-laws for West Hants and Hantsport (Appendix C). In order to simplify future changes, these fees can be moved now to the Fees Policy (COFN-005.03) established by Council. No changes in the amounts charged are being recommended now.

5.0 DISCUSSION

Why Charge Applicants?

5.1 Direct Costs

Direct costs refer to those costs which would not be incurred without a specific application having been made. There are a number of costs which are now charged to applicants for any application, including:

- the cost of advertising in the paper and letters which must be mailed;

- the fee charged by the Registry of Deeds/Land Registry Office to record a heritage registration, development agreement, amendment to a development agreement or discharge of a development agreement.

The only direct cost which is not charged to applicants now is the cost of having a lawyer record material at the Registry of Deeds or Land Registration Office. This cost is incurred when recording a heritage registration and recording a development agreement, amendment to a development agreement or discharge of a development agreement. Should PAC/HAC wish, charging applicants this direct cost could be recommended to Council.

Applicants are not asked to pay the costs of having documents reviewed by the Municipal Solicitor as this is done to ensure the Municipality's interests are protected.

It is reasonable that the applicant pays most direct costs associated with an application. The exceptions to this are discussed later in the report.

5.2 Processing Costs

For any application, the Municipality expends resources in order to consider the request, including staff time, physical resources and Committee and Council meetings.

In order to determine whether a processing fee is charged to applicants, the question usually considered by a Council is: who benefits from this application and process?? If only, or primarily, the applicant benefits, a processing fee is usually charged; if a number of residents or the public could benefit, costs are borne by the public (through the Municipality). Benefit is usually considered to primarily result as follows:

Application	Benefit
MPS amendment	public
LUB text amendment	individual and public
LUB map amendment (rezoning)	individual
Development Agreement, Amendment or Discharge	individual
Heritage Designation	public benefit; individual burden

This private/public benefit is considered when reviewing each process.

5.2.1 *Municipal Planning Strategy (MPS) Amendment*

Although an MPS text amendment may be requested by an individual, any change in policy will affect more than one lot or individual. A change in a designation on the Generalized Future Land Use Map, the primary map of the MPS, may affect only one lot or may affect many. As a result, it is recommended that direct costs for any requested MPS amendment be charged to the applicant and that no processing costs be charged to the applicant.

5.2.2 *LUB Text Amendment*

A requested amendment to the text of the LUB will immediately benefit the applicant and it may also benefit others. As a result, it is recommended that both direct costs and processing costs for any requested LUB text amendment be charged to the applicant.

5.2.3 *LUB Map Amendment (rezoning)*

A requested amendment to the Zoning Map of the LUB will immediately benefit the applicant and will not benefit other lots. As a result, it is recommended that both direct costs and processing costs for any requested LUB map amendment be charged to the applicant.

5.2.4 *Development Agreement, Amendment or Discharge*

Development agreements provide a direct benefit to the applicant and not to others as they broaden the use permitted on a lot or in an area. As a result, it is recommended that both direct costs and processing costs for any requested development agreement, amendment to a development agreement or discharge of a development agreement be charged to the applicant.

5.2.5 *Development Agreements*

There are just over 30 development agreements or development agreement amendments which have been approved in West Hants since land use regulation by the Municipality began. At least nine (9) of these have never been used and it is very unlikely they ever will be. . No processing fee is now charged; a processing fee may decrease applications for development agreements or development agreement amendments which are unlikely to be used.

Processing fees would be in addition to the "direct costs" charged. The following processing fees should be included in the Fees Policy (COFN-005.03) and would be similar to those charged in other units (Appendix D):

Development Agreement \$500.00

Substantive Amendment \$500.00
Non-Substantive Amendment \$300.00

Should PAC/HAC wish to recommend these, or similar, fees to Council, they would be included within a report regarding the Fees Policy at a later date.

5.2.6 *Development Permits*

MGA subclause 49(1)(c)(3) allows Council to set fees for “permits, applications and approvals required to be obtained from the municipality or an employee of the municipality pursuant to a by-law of the municipality or an enactment”. No processing fee is now charged for a development permit application. A basic processing fee of \$25.00 would be a reasonable charge and should be listed only in the Fees Policy. This would add a minimal cost to applications which also require a building permit and would ensure that applications which do not require a building permit, such as for a sign or change of use, pay a small fee.

The following processing fee should be included in the Fees Policy (COFN-005.03) and would be similar to those charged in other units (Appendix D):

Development Permit: \$25.00

Should PAC/HAC wish to recommend this, or a similar fee to Council, it would be included within a report regarding the Fees Policy at a later date.

5.2.7 *Variances*

In order to provide a degree of flexibility in the regulation of development, the MGA enables the Development Officer to grant a variance from the requirements of the Land Use By-law when an applicant cannot meet specifically-listed required standards of the LUB. The process takes more staff time to consider and process than a development permit and both approval and refusal of a variance may be appealed to Council.

No processing fee is now charged. The following processing fee should be included in the Fees Policy (COFN-005.03) and would be similar to those charged in other units (Appendix D):

Variance Application: \$25.00 in addition to the development permit fee.

Should PAC/HAC wish to recommend this, or a similar fee, to Council, it would be included within a report regarding the Fees Policy at a later date.

5.2.8 *Site plan approval*

A site plan approval is a process through which the Development Officer reviews and approves the design details of a site-specific proposal. Neither the Hantsport nor West Hants Land Use By-laws now provide for site plan approval.

5.2.9 *Zoning Confirmation Letters*

A letter of Zoning Confirmation, occasionally referred to as a "Zoning Certificate" is usually requested by someone purchasing a property to ensure that what they wish to do on/with the property will be allowed and permits can be issued. These are prepared by the Development Officer and take time and research to prepare.

The following processing fee should be included in the Fees Policy (COFN-005.03) and would be similar to those charged in other units (Appendix D):

Zoning Confirmation Request: \$50.00

Should PAC/HAC wish to recommend this or a similar fee to Council, it would be included within a report regarding the Fees Policy at a later date.

5.2.10 *Building Code Act By-law*

The fee to be paid for each type of permit issued under the Building Code Act By-law is already included within the Fees Policy (COFN-005.03). In order to avoid duplication and ensure that conflicts don't arise, fees should be removed from the Building Code Act By-law (Appendix E) and be replaced with a clause which covers all potential charges, leaving the specifics of what is charged for and what the fee is to the Fees Policy established by Council. No changes in the amounts charged are being recommended now; a review of these charges should be done following Consolidation. The proposed clause for the Building Code By-law Act is:

5.1 *An applicant for a building, occupancy or demolition permit shall pay the fees prescribed by Council from time to time by policy.*

5.2.11 *Heritage Property By-law*

No mention of fees is made in the West Hants Heritage Property By-law. The former West Hants application form for registration of a heritage property (replaced 2018) required applicants to pay the direct charges for registering the property in the Land Registry Office (LRO). There is no record of how this originated, and West Hants appears to be one of a very few municipalities in Nova Scotia to require this. Since the registration of a heritage property is considered to bring benefit to the municipality and a burden to the owner, other municipalities usually bear the costs of registration and the cost of the plaque. West Hants now covers the cost of the plaque; adding the costs of registration is anticipated to likely cost the Municipality a maximum of approximately \$226.70 in any calendar year, the cost of recording the information in the Land Registry Office, as no more than one property has been registered in any year in the recent past.

There is no processing fee charged for a heritage permit application. Most of these applications also require a development permit and/or building permit.

It is recommended that all planning, development, building and heritage-related processing fees be waived for municipally-registered heritage properties as the benefit accrues to the public rather than, or in addition to, the applicant.

The following exemption is recommended for inclusion in the Fees Policy (COFN-005.03) and would be similar to other units (Appendix D):

West Hants will pay the cost of registration of a municipally-registered heritage property.

All planning, development, building and heritage-related costs and processing fees are waived for municipally-registered heritage properties.

Should PAC/HAC wish to recommend this or a similar fee to Council, it would be included within a report regarding the Fees Policy at a later date.

5.2.12 *Fees for Non-Profits*

There are a number of organizations in West Hants which support the community through various types of volunteer work. Most of the organizations carry out some type of fund raising and receive grants from West Hants. Most which own buildings have a difficult time maintaining them, especially to modern Fire Code standards. It is proposed that all planning, development, building and heritage-related processing fees be waived for non-profit organizations which

are registered under the Societies Act as these organizations benefit the community.

The following exemption is recommended for inclusion in the Fees Policy (COFN-005.03) and would be similar to other units, where it is often applied but not stated in policy:

All planning, development, building and heritage-related processing fees are to be waived for properties owned by non-profit organizations which are registered under the Societies Act.

Should PAC/HAC wish to recommend this or a similar fee to Council, it would be included within a report regarding the Fees Policy at a later date.

6.0 ALTERNATIVES

PAC/HAC may:

- 6.1 direct that the process for amendment not be followed for each of the recommendations;
- 6.2 provide alternative direction, such as requesting further information on a specific topic.

7.0 ATTACHMENTS

Appendix A	Existing MPS Policies
Appendix B	Existing LUB Regulations
Appendix C	Subdivision Regulations Regarding Fees
Appendix D	2018 Processing Fees in Some Other Municipal Units and Proposed Fees for Hantsport and West Hants
Appendix E	Building Code Act By-law Fee Schedule

APPENDIX A
Existing MPS Policies

Taken from the Hantsport MPS May, 2019:

11.5 Recovery of Expenses

The Municipal Government Act allows municipalities to establish fees to cover the costs of amendments to the Land Use By-law and variances.

Policy IM-8

It shall be the policy of Council to levy fees from the applicant for following:

- (a) cost of notifying adjacent land owners;*
- (b) cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded; and*
- (c) administrative processing costs.*

Taken from the West Hants MPS May 2019:

16.10 Recovery of Expenses

The Municipal Government Act allows municipalities to establish fees to cover the cost of amendments to the Land Use By law, variances and development agreements.

Policy 16.10.1 It shall be the policy of Council to levy fees from the applicant for following costs:

- (a) the cost of notifying adjacent land owners;*
- (b) the cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded;*
- (c) the cost of posting a sign; and*
- (d) administrative processing costs.*

APPENDIX B
Existing LUB Regulations

Taken from the West Hants Land Use By-law May 2019

Advertising and Notification Costs

- 2.8 (a) Where an application is made to amend this By-law or to enter into or amend a development agreement, the applicant shall deposit with the Municipal Clerk at the time of application an amount estimated by the Municipal Clerk to be sufficient to pay the costs of any advertising and notification required.
- (b) If the amount paid under subsection (a) is not sufficient to cover the actual cost incurred, the applicant shall pay the additional amount required within 30 days of remittance of an invoice. If the amount paid exceeds the actual costs incurred, the Municipal Clerk shall refund the excess amount.

Taken from the Hantsport Land Use By-law May 2019

4.5 Amendment of By-law

(a) Any person who wishes to obtain the amendment, revision, or repeal of this Bylaw shall submit an application in writing to the Development Officer of the Town of Hantsport.

(b) The application shall state an address for service.

(c) The applicant shall deposit with the Development Officer an amount estimated by the Development Officer to be sufficient to pay the cost of advertising required by the Municipal Government Act, Part VIII, Section 205. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

(d) After the notice and advertising required under the Municipal Government Act, Part VIII, Section 205, has been completed, the applicant shall pay to the Development Officer any additional amount necessary to defray the cost of advertising, or if there is a surplus the Development Officer shall refund the same to the applicant.

(e) The applicant shall pay a processing fee of \$200.00, payable at the time of application. The fees shall only be refundable if the application is cancelled before the work related to processing of the application has begun.

APPENDIX C
Subdivision Regulations Regarding Fees
Taken from the West Hants Subdivision By-law May 2019

Part 4 ...

11. (a) The subdivider shall pay:
- (i) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan; and
 - (ii) for review and approval of a tentative plan of subdivision, a processing fee of \$25.00; and
 - (iii) for review and approval of a final plan of subdivision, a processing fee of \$75.00 plus \$4.00 for each lot for which approval is being requested; and
 - (iv) where a final plan of subdivision shows proposed public streets or private roads, an additional processing fee of \$200.00.
- (b) The fees referred to in subsection (a)(i) shall be paid at the time of application for approval of the plan of subdivision by cheque or money order made payable to the "Registry of Deeds".
- (c) The fees referred to in subsections (a)(ii) and (iii) shall be paid at the time of application for approval of the plan of subdivision by cheque or money order made payable to the "Municipality of the District of West Hants".
- (d) The fee referred to in subsection (a)(iv) is a one time fee which shall be paid, in the case of a proposed private road, at the time the application is submitted for approval of the first lots shown on a final plan of subdivision, and in the case of a proposed public street, prior to acceptance of the public street by the Municipality, by cheque or money order made payable to the "Municipality of the District of West Hants".
- (e) Where the Development Officer refuses to approve a final plan of subdivision, the Development Officer shall return the fees referred to in sub subsection (a)(i) to the subdivider.

Taken from the Hantsport Subdivision By-law May 2019

- 6.13 (1) At the time of application for approval of a final plan of subdivision, the subdivider shall submit to the development officer
- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan: and
 - (b) a processing fee of \$100.00 per application for approval of a final plan of subdivision.
- (2) Where the development officer refuses to approve a final plan of subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.

APPENDIX D
2018 PROCESSING FEES IN SOME OTHER MUNICIPAL UNITS and PROPOSED FEES FOR HANTSPORT AND WEST HANTS

	Kings	Chester	Lunenburg Municipality	East Hants	Bridgewater	Colchester	West Hants	Windsor	Hantsport	West Hants and Hantsport Proposed
Development Agreement	~\$500	\$400	\$500		\$200		0	0	n/a	\$500 + costs (legal firm to record ?; LRO recording fee)
Non-Substantive amendment to a DA	not specified	\$100	not specified	\$100	\$100		0	not specified	n/a	\$300 + costs (legal firm to record; LRO recording fee)
Discharge of a DA	not specified		not specified				0	not specified	n/a	Costs (legal firm to record; LRO recording fee)
MPS Amendment	~\$500 (including LUB amendment)	\$500	\$500	\$200/\$500/\$75 based on development size	\$300 (including LUB amendment)	\$100	0	0	0	0
LUB Amendment	~\$500	\$300	\$500	\$200/\$500/\$75 based on development size	\$300		HLUB \$200. (not collected)	0	\$200 in HLUB	\$300.00
Heritage Registration										Legal firm to record; LRO recording fee to be paid by Municipality
Development Permit	combined with building permit (\$20.)	\$40. basic/ \$60.00 over \$5,000.	\$25.00	\$100 (Sign \$50)			0			\$25.00

		construction value								
Variance	no charge	\$50	\$75	\$100			0			\$50.00
Site plan approval	-	-	-	\$100			n/a			\$25.00 + development permit fee
Zoning Confirmation/ Certificate	n/a	n/a	\$50	\$75			0	\$25.00		\$50.00

APPENDIX E

Taken from the Building Code By-law Act May 2019

PART 5 PERMIT FEES

5.1 Fees for permits shall be as follows:

Class of Project	Fee
New construction of, and additions to, residential buildings, community centres, cottages and churches	\$25.00 + \$0.12ft ²
New construction of, and additions to, commercial, industrial and other buildings not otherwise specified	\$50.00 + \$0.15ft ²
New construction of, and additions to sheds, decks, storage buildings, garages, barns, and other farm, forestry or fishing buildings not designed for human occupancy	\$25.00 + \$0.06ft ²
Repairs, renovations or alterations to all existing buildings	\$25.00 + \$2.50 per \$1,000 of value of construction; except that for non-structural repairs, renovations or alterations where the estimated value of construction is less than \$5,000.00, the fee shall be \$25.00.
Relocation of mobile homes and mini-homes where there is no finished basement	\$50.00
Additional fee where construction has been started prior to issuance of a building permit. This fee reflects heightened municipal costs and risks where a builder requests a permit (and therefore the associated inspection services) after already having started construction. It does not preclude prosecution for non-compliance, and does not prevent the Building Official from requiring construction work to be undone in whole or in part in order to inspect conditions not otherwise observable.	\$50.00 + applicable building permit fees
Tents or Air supported structures	\$50.00
Pools	\$25.00
Demolition of building/structure	\$25.00
Renewal or amendment of an approved permit, whether or not construction has commenced	\$25.00

- 5.2 For the purposes of calculating permit fees, square footage shall be based on:
- (a) for buildings intended for human occupancy, the gross floor area of the building; including the floor area of a basement; or
 - (b) for buildings not intended for human occupancy, the gross floor area of the main floor.
- 5.3 Fees, less a \$25.00 processing charge, shall be refunded where the application was not completed, was denied, or was withdrawn after the permits was issued and before construction has commenced.
- 5.4 The Municipality of the District of West Hants is exempt from the payment of building permit fees.