

WINDSOR TOWN COUNCIL

Town Council Meeting Minutes

July 23, 2019 – 7:23 – 9:02pm (immed. followed a 7pm Planning-related Public Hearing)

Windsor Council Chambers, 100 King St, Windsor, NS

Attendance

Anna Allen	Mayor, Chair
Laurie Murley	Deputy Mayor
John Bregante	Councillor
Jim Ivey	Councillor
Todd Richard	Interim CAO
Shelleena Thornton	Municipal Clerk
Doug Armstrong	Director of Finance
VanEssa Roberts	Director of Community Development, Tourism & Recreation
Devin Lake	Planner
Rob LeBlanc	Ekistics Plan + Design
Varun Mehta	Accountant
Duane Saulnier	CPA, CA Grant Thornton
Gloria Banks	CPA, CA Grant Thornton

Regrets

Shelley Bibby Councillor

Gallery

1 member of the public

1. **CALL TO ORDER** – Mayor Allen called the Town Council meeting to order at 7:23pm, as it immediately followed a Planning-related Public Hearing.
2. **ANNOUNCEMENTS / ACKNOWLEDGEMENTS**
 - Congratulations to Windsor Fire Dept. winning the pumper duty races this year.
 - Avon River Days Aug 2 - 4, 2019
3. **CITIZEN (GALLERY) ACKNOWLEDGEMENT** – Those in the gallery were welcomed.
4. **APPROVAL OF MINUTES** – June 25, 2019 Town Council Minutes – Reference was given that the approved funding to the Windsor Agricultural Society, noted by motion in the June 25th minutes, is to come from the Operating Reserve.

MOVED BY BREGANTE/IVEY THAT THE JUNE 25, 2019 COUNCIL MEETING MINUTES BE APPROVED AS CIRCULATED. MOTION CARRIED
5. **APPROVAL OF ORDER OF BUSINESS & AGENDA** (Additions/deletions if any)
 - Item 13(a) – Add Correspondence from the Windsor Hockey Heritage Society
 - Item 14(b) – Add In-camera Legal Advice

MOVED BY BREGANTE/MURLEY THAT THE AGENDA BE APPROVED AS AMENDED. MOTION CARRIED

6. PUBLIC HEARING(S)

- (a) **Waterfront Development, Municipal Planning Strategy & Land Use Bylaw Amendments - Second Reading** (Public Hearing held prior to this meeting)

MOVED BY MURLEY/BREGANTE THAT SECOND READING BE GIVEN AND THAT THE AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY (MPS) AND LAND USE BYLAW (LUB) AS OUTLINED IN ATTACHMENT 1 (ATTACHED), BE APPROVED. MOTION CARRIED

- (b) **POSTPONED - Future date TBA - Bylaw #16 – Solid Waste Bylaw – Public Hearing / Second Reading**

7. DELEGATIONS / PRESENTATIONS

- (a) **Grant Thornton – 2018/19 Audit (incl. Recommendation if any from the Audit Committee)** – An overview of the audit findings was presented by Ms. Banks. It was a clean audit opinion and the Town of Windsor is in a strong financial position.

MOVED BY MURLEY/BREGANTE THAT THE 2018/19 AUDITED FINANCIAL STATEMENTS BE APPROVED. MOTION CARRIED

Mr. Saulnier and Ms. Banks left the meeting at 7:28pm.

- 8. BUSINESS ARISING FROM PREVIOUS MINUTES - None**

- 9. MOTIONS OF RECONSIDERATION / RESCISSION - None**

- 10. CONSIDERATION OF DEFERRED BUSINESS - None**

11. REPORTS

11.1 Chief Administrative Officer

- (a) **Use of unofficial Town Crest to Spoke & Note**

MOVED BY IVEY/MURLEY THAT THE SPOKE & NOTE BE PERMITTED TO USE THE TOWN OF WINDSOR'S UNOFFICIAL TOWN CREST ON A LIMITED NUMBER OF CYCLING JERSEYS AS PER THE ATTACHED IMAGE. MOTION CARRIED

- (b) **Causeway Trail Improvement Project Information Update Report** – Director Roberts said this information report is submitted to the Municipality of the District of West Hants as well and provided an overview of the submitted report. Comments/questions included:

- Great preliminary design;
- Lights will be along the causeway as well as some low lighting. With respect to future causeway work due to the Hwy. 101 Twinning, Director Roberts believes the lighting will be fine
- Flag poles – six specific to history, heritage & culture and one additional as a specialty flag (i.e. PRIDE, Black History Month, etc). Reference was given to previous discussions of the PRIDE flag flying permanently. Director Roberts said she would mention that to the others involved in the project.

(c) WBES LEVY RESOLUTION 2019/20

MOVED BY MURLEY/BREGANTE, THAT, BE IT RESOLVED THAT THE TOWN ADMINISTRATOR IS HEREBY AUTHORIZED TO LEVY AN AREA RATE OF \$ 0.32 PER HUNDRED DOLLARS OF THE ASSESSED VALUE OF ALL COMMERCIAL REAL ASSESSMENTS SHOWN AS TAXABLE IN THE ASSESSMENT ROLL LOCATED IN THE AREA OF THE TOWN FORMERLY KNOWN AS THE "WINDSOR BUSINESS IMPROVEMENT DISTRICT" AS DESCRIBED IN THE BY-LAW PASSED BY THE TOWN COUNCIL ON THE 26TH DAY OF APRIL, A.D., 1994, PURSUANT TO SECTION 75 OF THE MUNICIPAL GOVERNMENT ACT. MOTION CARRIED

(d) No meetings in August – Co-ordinating Committee meeting tentatively scheduled August 26.

MOVED BY MURLEY/BREGANTE THAT THERE BE NO MEETINGS IN AUGUST 2019. MOTION CARRIED

MOVED BY IVEY/MURLEY THAT ALL REPORTS BE RECEIVED. MOTION CARRIED

11.2 Committees of Council

(a) Committee of the Whole Recommendations

- (i) West Hants' Request to waive subdivision application fee for sports complex on land now owned by the Windsor Agricultural Society**

MOVED BY MURLEY/IVEY THAT THE SUBDIVISION FEE FOR THE SPORTS COMPLEX TO BE LOCATED ON THE LANDS NOW OWNED BY THE WINDSOR AGRICULTURAL SOCIETY BE WAIVED. MOTION CARRIED

- (b) Strategy & Policy Committee Recommendations – None (no meeting held in July). Next meeting scheduled for September 17, 2019**

(c) PAC / HAC Recommendations

- (i) Joint Industrial Park – Municipal Planning Strategy and Land Use Bylaw Amendments First Reading - to enable variety of cannabis licenses in the Windsor-West Hants Joint Industrial Park**

MOVED BY MURLEY/IVEY THAT FIRST READING BE GIVEN AND TO HOLD A JOINT PUBLIC HEARING WITH THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS TO CONSIDER AMENDING THE TOWN OF WINDSOR'S MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW TO ENABLE A VARIETY OF CANNABIS LICENCES IN THE WINDSOR-WEST HANTS JOINT INDUSTRIAL PARK, IN A MANNER SUBSTANTIALLY THE SAME AS APPENDIX 'A' (ATTACHED). MOTION CARRIED

- (d) Police Advisory Board – Rescheduled to July 29, 2019 at 7pm**

- (e) Joint Council – None**

- (f) REMO - None**

- (g) Region 6 - None**

- (h) Watershed Committee - None**

(i) VCFN (Valley Community Fibre Network) – None

(j) Audit Committee

(i) Fire Dept. Equipment Funding Request

MOVED BY IVEY/MURLEY TO TRANSFER, AS REQUIRED, \$34,792 FROM THE TOWN'S OPERATING RESERVE FUND TO TOWN OPERATIONS, TO OFFSET THE EXPENDITURES FOR THE FIRE FIGHTER BOOTS AND BUNKER GEAR THAT HAD BEEN ORDERED DURING THE 2018/19 FISCAL YEAR. MOTION CARRIED

(k) Dangerous or Unsightly

(i) **CAO Update and Direction from Council** – CAO Richard said the committee met and discussed several properties that will require further review by Building Officials.

Two properties are owned by the Town have action items to be followed up on. Would like direction from council on addressing those properties. Brief discussion was held on demolition/remediation of the Town-owned properties.

- Old Windsor Wear Building- \$40,000 - \$75,000 to demolish and remediate;
- Old pool site - \$35,000 - \$90,000 to demolish and remediate.

It was agreed to further discuss in-camera as they also pertain to appraisals and the potential prices of selling the properties.

11.3 Members of Council

(a) **Communities in Bloom (CIB) Symposium and Awards 2019 Yarmouth, NS**

MOVED BY MURLEY/IVEY THAT COUNCIL SUPPORT A MEMBER OF COMMUNITIES IN BLOOM ATTENDING THE 2019 SYMPOSIUM AND AWARDS IN YARMOUTH, NS SEPT. 25 – 29, 2019 AT A COST TO NOT EXCEED \$1,000.00. MOTION CARRIED

(b) **Partial Street Closure during Summer Months – Water St (between King St & Gerrish St)** - Mayor Allen asked staff to review the possibility of this for all or a part of August 2019. Businesses would have to be talked with as well.

Discussion held and some concern raised with traffic coming off Hwy. 101 into town and being directed down King Street. Further, would like to know how the businesses and First Responders (Fire, Police, EHS) feel about the suggestion. CAO Richard said the Traffic Authority and NS Power would also have to be included in those discussions. He is not sure Aug. 2019 is feasible. Staff will report back.

12. CORRESPONDENCE / PETITIONS & MEETING CALENDAR REVIEW

(a) **Correspondence to be Formally Received by Council (Information Purposes Only)**

MOVED BY BREGANTE/MURLEY THAT ALL CORRESPONDENCE BE RECEIVED AND KEPT ON FILE. MOTION CARRIED

- (i) **West Hants Dial-a-Ride** – Updated info on grant provided to them by the Town
- (ii) **New Boundaries and Windsor Agricultural Society** – Thank you letters for their grants
- (iii) **NSFM Board Initiatives Info Report of 20190621**

(b) **Correspondence to be Formally Received by Council (Requests) - None**

(c) Petitions – None

(d) Meeting Calendar Review – August/September 2019

13. ITEMS ADDED TO AGENDA UNDER #5

(a) Windsor Hockey Heritage Society Correspondence Request – Take their request to the Co-ordinating Committee for its September meeting.

14. IN-CAMERA MATTERS – Members of council, CAO Richard, Clerk Thornton, Director Armstrong, and Director Roberts remained for in-camera discussions.

MOVED BY BREGANTE/MUREY THAT AT 8:10PM, THE MEETING MOVE IN-CAMERA TO DISCUSS A CONTRACTUAL MATTER AND A LEGAL MATTER. MOTION CARRIED

MOVED BY BREGANTE/MURLEY THAT AT 9:00PM, THE MEETING MOVE OUT OF IN-CAMERA. MOTION CARRIED

MOVED BY MURLEY/IVEY THAT STAFF BE DIRECTED TO REPORT BACK TO COUNCIL WITH FURTHER INFORMATION RELATED TO PROCEEDING WITH THE DEMOLITION AND REMEDIATION OF THE PROPERTIES DISCUSSED IN-CAMERA. MOTION CARRIED

15. NOTICES OF MOTION – None

16. ADJOURNMENT

MOVED BY BREGANTE/MURLEY THAT AT 9:02PM, THE MEETING BE ADJOURNED. MOTION CARRIED



Mayor, Chair



Municipal Clerk

ATTACHMENT 1

Town of Windsor Municipal Planning Strategy Amendments

Insert the following after section 7.5 Pesaquid Comprehensive Development District:

7.6 Waterfront Development District

Policy 7.6.1 *It shall be the policy of Council to establish a Waterfront Development District (WDD) zone which will apply to the area between the Highway 101 causeway and the King Street Extension.*

Policy 7.6.2 *It shall be the policy of Council that the following categories of development proposals in the WDD will be considered by Site Plan Approval subject to policies 7.6.3 and 7.6.4:*

- (a) *new main buildings;*
- (b) *additions in excess of 1,000 ft² (92.9 m²) in floor area; or*
- (c) *accessory structures in excess of 500 ft² (46.5 m²) in floor area.*

Policy 7.6.3 *It shall be the policy of Council that within the WDD, Council will consider a mix of uses including:*

- (a) *Commercial development including retail, service, office and entertainment uses;*
- (b) *Recreational facilities to accommodate passive and active recreational activities or special events;*
- (c) *Multi-unit residential uses to provide new alternative forms of housing in the downtown.*

Policy 7.6.4 *It shall be the intention of Council when evaluating a Site Plan Approval for the WDD under Policy 7.6.2 to have regard to the following:*

- (a) *the mix or type of uses shall be predominantly residential, commercial, recreational, office or institutional;*
- (b) *provision is made for efficient pedestrian and vehicular traffic circulation, with particular regard to ingress and egress from the site, traffic flow and parking areas;*
- (c) *the development shall not detract from the quality of water in Lake Pesaquid;*
- (d) *public access to the waterfront is retained;*
- (e) *the development does not exceed the height or density limits of the site.*

- (f) at least half the parking is located underground in the buildings with no blank parking garage walls along any street;
- (g) any ground floor units fronting a street must have exterior doors on the street to increase the streetscape activity and visual interest;
- (h) any ground floor uses along Upper Water Street are primarily retail in nature;
- (i) any parking podiums are landscaped as public or private parks.

Policy 7.6.5 *It shall be the policy of Council to encourage land assembly in the WDD to make available an increased land base for mixed development.*

Policy 7.6.6 *It shall be the policy of Council to develop a site plan approval process in a new WDD zone to encourage mixed use development in the WDD zone. Developers will have to meet the submission format and development rules in this new zone.*

Policy 7.6.7 *It shall be the policy of Council to permit developers to use a development agreement process if they cannot meet the regulations in the new WDD zone.*

Policy 7.6.8 *The Town will consider forming a design review committee, consisting of architecture, landscape architecture, planning, and engineering professionals as a tool for the Development Officer to deal with Site Plan approval and to carry out the intent of the WDD and improve the approval process in the Town Centre Designation.*

Policy 7.6.9 *The WDD will be enabled within the Town Centre designation.*

Insert the following after MPS section 16.6.1

16.6.2 *It shall be the policy of Council to allow the Development Officer to vary one or more of the following requirements in the Waterfront Development District (WDD) zone by site plan approval:*

- (a) *Streetwall heights;*
- (b) *Maximum building length;*
- (c) *Parking requirements;*
- (d) *Stepbacks and setbacks;*
- (e) *Frontage requirements;*
- (f) *Commercial requirements.*

Town of Windsor Land Use By-law Amendments

Insert the following definitions, where they fall alphabetically, to Part 31.0

DEFINITIONS:

Average Grade means the average of the neighbouring street elevations on the street which the building fronts.

Commercial Use means the use of a building for the purpose of buying and selling goods and supplying services.

Cultural Use means the use of land or a building for natural, artistic, historic, educational, or cultural interest and may include archives, libraries, museums, galleries, theatres, studios and botanical gardens.

Depth means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line.

Housing Affordability means all types of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit and co-operative housing, as well as rent supplements for people living in private market housing.

Low-rise Building means a building or that portion of a building that is less than 18.5 metres in height.

Open Space means land that has been reserved for the purpose of formal and informal sport and recreation, preservation of natural environments, and the provision of green space.

Streetwall means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback or angular plane, which does not include minor recesses for the elements such as doorways or intrusions such as bay windows.

- **Streetwall Height** means the vertical distance between the top of the streetwall and the streetwall grade, extending across the width of the streetwall
- **Streetwall Setback** means the distance between the streetwall and streetline.

Stepback means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.

*Under the **Floor Area** definition add:*

(d) **Floor Area Ratio** means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of the lot.

Insert the following in Part 6.0 Development Agreements

- 6.1(q) new developments in the Waterfront Development District (WDD) zone that do not conform to the WDD zone requirements.
- 6.1(r) for developments in the Waterfront Development District (WDD) zone seeking bonus height, Council will consider other public benefit considerations for the port bonus height (public art, sustainable building design (LEED), or open space investment).

Insert the following section after part 15.0 Pesaquid Comprehensive Development District

15A.0 Waterfront Development District

As-of-Right Development

15A.1 The following uses shall be permitted in the Waterfront Development District (WDD) zone as-of-right:

- Change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone
- additions not exceeding 1,000 ft² (92.90 m²) in floor area, subject to Town Centre (TC) zone requirements
- accessory structures not exceeding 500 ft² (46.45 m²) in floor area

Development Permitted by Site Plan Approval

15A.2 Development within the WDD boundary, as shown on the Zoning Map, other than listed in 15A.1, shall be subject to Site Plan Approval by the Development Officer.

The following uses shall be permitted in the Waterfront Development District (WDD) zone by Site Plan Approval:

- Commercial Uses as permitted in the Town Centre (TC) zone
- Cultural Uses
- Institutional Uses as permitted in the Institutional (I) zone
- Open Space Uses
- Residential Uses as per 15A.2.2

15A.2.1 Pedestrian-Oriented Commercial Street Uses

Notwithstanding subsection 15A.1, ground-floor uses for buildings that front on Upper Water Street and the King Street Extension must include commercial uses that meet the minimum commercial floor area ratios shown on figure 1. (50% and 25% of the building's ground-floor area).



Figure 1. Commercial Floor Area Ratios

15A.2.2 Residential Uses

Residential uses on the remaining ground floor area are permitted provided that each unit facing the street has a grade connected entrance to the street. 20% of the total number of dwelling units, rounded up to the nearest full number, in a building used as a multiple unit dwelling shall be required to include two or more bedrooms.

Site Plan Approval – Application Requirements

15A.3 All applications for site plan approval shall be accompanied by:

- (a) A topographic survey by a surveying engineer who is a member of Association of Professional Engineers of Nova Scotia (APENS).
- (b) A site plan drawn to an appropriate scale by a landscape architect who is a member of the Atlantic Provinces Association of Landscape Architects (APALA) showing the following:
 - The items required to be shown in the application for a building permit under the Building By-law.
 - A construction mitigation plan demonstrating how any new structures will minimize negative impacts on the surrounding properties including noise, dust, fumes, lighting, shadows, stormwater and erosion control, or other nuisances or inconveniences during and after construction.
 - Any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law.
- (c) Architectural plans prepared by an Architect who is a member of the Nova Scotia Association of Architects (NSAA), indicating compliance with the specific design requirements of the By-law and;
 - Streetwall height and setbacks pursuant to section 15A.4 and 15A.5 of the By-law;
 - Streetwall material quality and detail pursuant to section 15A.12 of the By-law;
 - Building articulation pursuant to section 15A.5 of the By-law;
 - The siting of building utilities, vehicle access, parking, lighting and signage.
- (d) A servicing schematic prepared by a civil engineer who is a member of APENS to demonstrate that every building can be properly serviced.
- (e) A Traffic Impact Statement (TIS) by a transportation engineer who is a member of APENS to demonstrate that every building can be properly serviced.

Built Form Requirements

15A.4 Building and Streetwall Height

- (a) No building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the maximum heights specified on figure 3.
- (b) The height requirements shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape

vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy less than 30% of the area of the roof of the building on which they are located.

- (c) features referenced in 15A.4(b) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.
- (d) The maximum streetwall height shall be as specified on figure 2 but shall not exceed 3 storeys.
- (e) Streetwall height should be measured from average grade to the top of the roof slab excluding parapet, railings, or other building features designed for architectural articulation of the façade which do not add to the habitable space.
- (f) Where the adjacent street grades exceed 5%, the streetwall is permitted to exceed the maximum streetwall height by 3 metres for a frontage length not exceeding 20 metres so long as no additional floors are created.
- (b) The minimum building height shall be 3 storeys except those buildings that are existing.

15A.4.1 Bonus Height

Two additional storeys (max 800sqm. Per floor) of bonus height may be permitted in the area indicated on figure 3. by site plan approval if the developer partners with an affordable housing partner (CMHC, Housing NS, or other approved agency) to create no less than 50% of the additional post-bonus floor area as affordable housing units.

Council will consider other public benefit considers for the port bonus height (public art, sustainable building design (LEED), or open space investment) by development agreement.

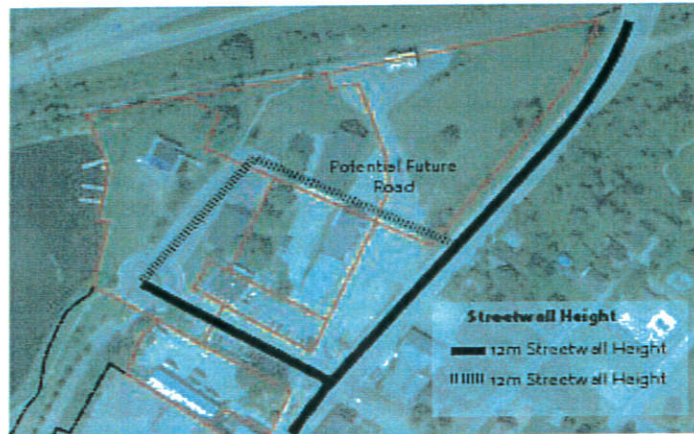


Figure 2. Streetwall Height



Figure 3. Building Height

15A.5 Building and Streetwall Length, Setbacks and Stepbacks

- (a) Streetwalls shall have a streetline setback as specified on figure 4.
- (b) no setback is required from an interior lot line for a streetwall portion of a building.
- (c) with the exception of required streetwall setbacks, a low-rise building or the low-rise portion of a building is permitted to cover 100% of the lot upon which it is situated.
- (d) Above the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply.
- (e) The minimum stepback above the streetwall is 2.5 metres from any street. Stepbacks are not required for rear or side yards.
- (f) A streetwall shall not extend any longer than 60 metres abutting the streetline for any portion of the building.



Figure 4. Streetwall Setbacks

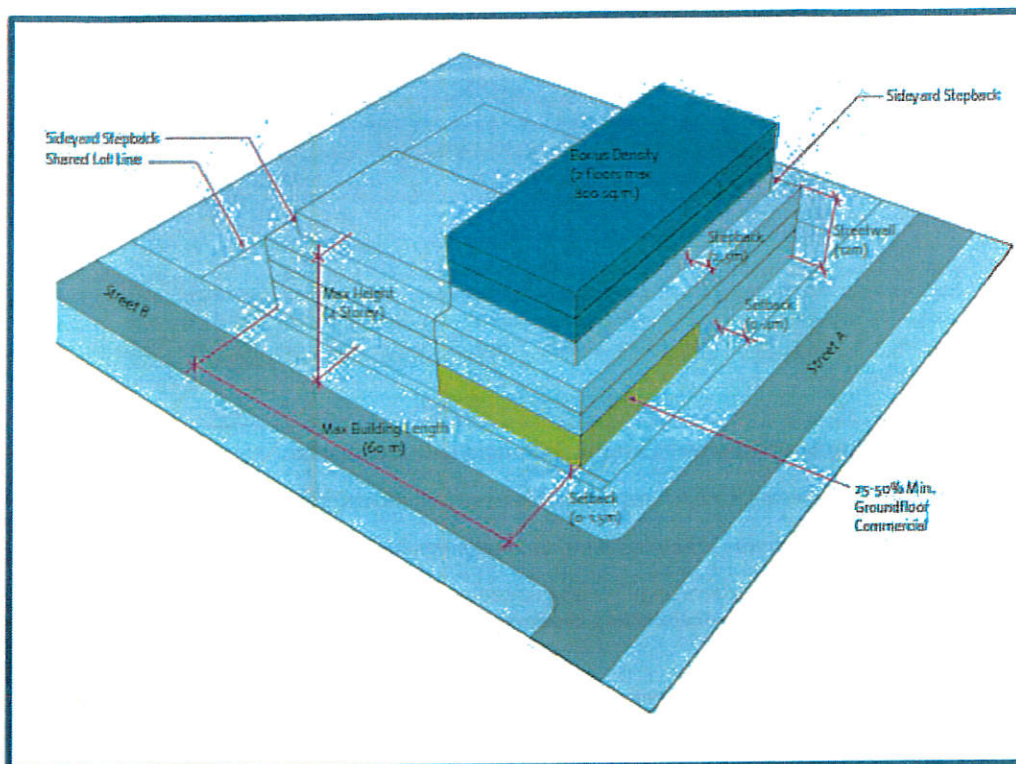


Figure 5. General Requirements

15A.6 Connectivity

- (a) Any new streets must provide a minimum 6 metre public easement and pedestrian connection to the waterfront.
- (b) Paved pedestrian walkways/sidewalks shall link parking areas to entrances of all primary buildings.

15A.7 Drive-throughs

No new drive-throughs shall be permitted in this zone.

15A.8 Land Uses at Grade

The ground floor of a building, excluding a parking garage, that has access at the streetline and has a retail use shall have a floor-to-floor height of no less than 4.0 metres.

Any at grade parking garage entry/exiting onto the street shall not exceed 12m of frontage on the street and must be designed to not present a blank wall along the street

15A.9 Open Space and Trails

- (a) A minimum of 5 square metres of landscaped open space shall be provided for each dwelling unit in a building. Flat building rooftops and parking podiums will be considered for this requirement if they are fully accessible by building residents and landscaped. Private decks will also be considered for open space.
- (b) The triangular lands at the corner of Upper Water Street and the King Street Extension (figure 8) shall be reserved for an urban park and plaza. This plaza shall provide the necessary road frontage on Lower Water Street for the adjacent properties.
- (c) The waterfront trail around Lake Pisiquid shall be preserved as a 2 metre minimum wide walking trail connecting the trail at the end of the King Street extension to the railside trail to the north of the WDD zone (in the approximate location shown on figure 6.)



Figure 6. Parks and Trails

15A.10 Parking

Parking requirements in the WDD zone override the general parking requirements in this by-law for the specific requirements below. All other general parking requirements apply.

- (a) There are no minimum commercial or residential parking requirements in the WDD zone except for on-street parking.
- (b) On-street parking must be provided on all streets that front the development where parking is shown by the TIS to be practical and safe.
- (c) Access to parking garages should be screened from any street entrances wherever possible in favour of access from the rear.

- (d) At least 50% of all parking spaces must be provided underground.
- (e) Parking garages should not create blank walls on any street front in the development for more than 12 metres of the building frontage. These areas, if present, should be treated as part of the building architecture and shall be designed for visual interest.
- (f) Parking garages that front on to the waterfront or other public spaces should be landscaped or designed to provide visual interest from the waterfront. Bland parking garage walls are not permitted in these areas.
- (g) No more than 60% of any property may be covered in surface parking.
- (h) Parking lots must include one 60mm caliper tree for every 12 surface parking spaces to be planted in end isle islands if present.
- (i) Commercial use storage, delivery bays and garbage receptacles shall be contained within the building unless they can be located on the site so as minimize visibility using high quality fencing and landscaping.



Figure 7. Underground Parking

15A.11 Permitted Encroachments

- (a) Eaves, gutters, down spouts, cornices and other similar features shall be permitted encroachments into a required setback, stepback or separation distance to a maximum of 0.6 metres.
- (b) Balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face.

15A.12 Prohibited External Cladding Materials

The following external cladding materials shall be prohibited:

- Vinyl
- Plastic
- Plywood
- Concrete block
- Exterior insulation and finish systems where stucco is applied to rigid insulation
- Metal siding utilizing exposed fasteners
- Darkly tinted or mirrored glass

15A.13 Solid Waste

The location of facilities for the storage of solid waste which provides for maximum separation from residential development and public areas. Outdoor facilities must be fenced and gated for multi-unit developments and commercial developments.

15A.14 Variance Through Site Plan Approval

One or more of the following requirements may be varied by site plan approval where the relaxation is consistent with the Development Officer's interpretation of a variance:

- Streetwall heights;
- Maximum building length;
- Parking requirements;
- Stepbacks and setbacks;
- Frontage requirements;
- Commercial requirements





Appendix A Draft Amendments

Text Amendments to the Windsor 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 10.2 of the Windsor Municipal Planning Strategy, *Joint Industrial Park*, by inserting section “Licensed Cannabis Uses” following Policy 10.2.7 so that it reads as follows:**

Licensed Cannabis Uses

Policy 10.2.8 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 10.2.9 Permit Standard Cultivation and Processing of cannabis, Micro-Cultivation, Micro-Processing and Cannabis Nurseries in the Joint Industrial Type Two (LI-2) zone.

Policy 10.2.10 Permit Cannabis Nurseries in the Joint Industrial Type Three (LI-3) zone.

Policy 10.2.11 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 21 of the Windsor 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 21.1 reads as follows:**

21.0 JOINT INDUSTRIAL TYPE TWO (LI-2)

Permitted Uses

21.1 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

Report Prepared by: Saira Shah, Planner

Additional copies of this report and information on its status can be obtained by contacting the Planner at 902-798-8391 ext. 118 or by Fax 902-798-8553 or by e-mail sshah@westhants.ca



- 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 for 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

Report Prepared by: Saira Shah, Planner
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- Transportation depots
- Utility facilities
- Wholesaling and wholesale sales
- Ambulance service
- Animal shelters

3. Amend Part 21 of the Windsor Land Use By-law, Joint Industrial Type Two (LI-2), by inserting section “Licensed Cannabis Uses” following Section 21.4 so that it reads as follows:

Licensed Cannabis Uses

21.5 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 22 of the Windsor 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 22.1 reads as follows:

22.0 JOINT INDUSTRIAL TYPE THREE (LI-3)

Permitted Uses

22.1 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

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- 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 22 of the Windsor Land Use By-law, *Joint Industrial Type Three (LI-3)*, by inserting section “Licensed Cannabis Uses” following Section 22.4 so that it reads as follows:**

Licensed Cannabis Uses

- 22.5 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.

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Appendix B
Windsor General Criteria for Land Use By-Law Amendment

Policy 16.3.1 of the WMPS "In considering development agreements and amendments to the Town of Windsor 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;	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 Town to absorb any costs relating to the development.	No municipal costs related to this amendment are anticipated.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	This consideration is not applicable to this amendment.
(c) 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.
(d) 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.
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs, and susceptibility of flooding;	As this is a text amendment, the criterion does not apply.

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(f) 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.
(g) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

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