



**WEST HANTS REGIONAL MUNICIPALITY
Planning Advisory Committee (PAC) Agenda
November 12, 2020 – 6:00p.m.
Sandford Council Chambers / Zoom**

1.0 Call to Order

2.0 Election of Chair and Vice Chair

3.0 Approval of Agenda and Additions

4.0 Approval of Minutes

5.0 Business Arising from the Minutes

5.1 Update: File # 20-08 Civic Addressing By-law (Madelyn LeMay)

5.2 Update: File #20-01 Ski Martock (Saira Shah)

5.3 Update: File # 20-02 Cannabis in Hantsport (Saira Shah)

5.4 Update: File # 20-03 583 Highway 236 (Saira Shah)

5.5 Update: File #20-20 426 Ashdale Rd. (Saira Shah)

6.0 Hantsport Area Advisory Committee (HAAC) Updates (Bill Preston)

7.0 Windsor Area Advisory Committee (WAAC) Updates (Shelley Bibby)

8.0 Building and Development Activity Report

9.0 New Business

9.1 Restructured West Hants MPS (Madelyn LeMay)

9.2 File # 20-23 Intensive Livestock in Falmouth (Saira Shah)

9.3 Planning Documents and Committee Roles and Responsibilities

9.4 File # 20-10 Heritage Property By-law (Madelyn LeMay)

9.5 File # 20-23 Standards and Guidelines for the Conservation of Historic Places in Canada (Madelyn LeMay)

9.6 File # 20-12 Heritage Conservation Work Grant Guidelines (Madelyn LeMay)

9.7 File # 20-11 Criteria for Inclusion in the Registry of Heritage Properties (Madelyn LeMay)

9.8 File # 20-13 Heritage Permits and Alterations to Registered Heritage Properties (Madelyn LeMay)

10.0 Notices from Adjacent Municipal Units

11.0 Questions and Comments from Public

12.0 Next Meeting

13.0 Adjournment

RESTRUCTURED West Hants MPS WITH NO CHANGE IN CONTENT INTENDED

The purpose of this document is to informally “translate” the West Hants MPS into a format similar to the one which will be used for review of the document.

As noted above, no change in content is intended. The existing West Hants MPS will remain as the official document – this is for working purposes only.

NOTE:

Material in red in brackets is a cross reference to numbering within the existing MPS.

Material from the present MPS is included and re-formatted. Additional policies which reflect the intent gathered from the background material and the LUB may be included.

Only policies are numbered in this document.

Version: November 3, 2020

Part 1 Preamble (1.0, 1.1, 1.2, 1.3, 1.4, 1.5)

The Municipality of the District of West Hants (West Hants) is the area covered by this Municipal Planning Strategy

The Municipal Planning Strategy (MPS) provides the framework to guide growth and development in West Hants. The MPS sets out Council's intentions for future development and provides criteria for Council and planning staff to consider in evaluating development proposals. Together with the Land Use By law (LUB) and the Subdivision By law (SUB), the MPS controls future land use and development in West Hants. The MPS may be amended to accommodate changing conditions and must be reviewed from time to time to ensure that the policies meet the changing needs of the community.

The West Hants MPS includes:

- (a) Map 1 Generalized Future Land Use Map; and
- (b) Map 2 Transportation Map.

Land use planning in West Hants began with the adoption of a Municipal Development Plan and Zoning By-law for Falmouth in 1976, followed by Area One in 1982. In 1989, planning documents were approved for the primarily agricultural area of Upper Falmouth. Planning covered the remainder of West Hants in 1994 when a MPS and LUB were adopted for Areas Two and Three. The review of all four documents, under the Municipal Government Act, was started in October, 2001.

Planning Strategy	Main Focus	Original Document	Most Recent
Upper Falmouth	Protect agricultural land	1989	April 11, 1989
Falmouth	Develop and control residential growth while preserving rural atmosphere	1976	December 22, 1986
Area 1	Protect resource land by directing non-rural development to Growth Centre, Village and Hamlets	1982	December 16, 1991
Areas 2 and 3	Protect water resources and prevent undesirable land uses	1991	November 24, 1994

The purpose of the MPS and LUB review was to:

- (a) combine the four existing planning documents into one comprehensive MPS and LUB;
- (b) determine the appropriateness of existing policies;
- (c) delete policies that are no longer relevant;

- (d) add or amend existing policies in a manner that will update the MPS and LUB to reflect existing circumstances and changing community needs; and
- (e) assure compliance with Provincial legislation and policy.

This document is the result of the review process and incorporates additions or amendments recommended during the review.

The West Hants Planning Advisory Committee adopted a comprehensive program of seeking public opinion and participation prior to planning policies being finalized. The program involved a household survey and meetings with the general public, community organizations and interested citizens. The Committee also met with land developers and agricultural producers to gain insight into the special concerns of these interest groups. In addition, a small working group of area farmers met with planning staff over a number of months to assist in developing agricultural policies. Residential density and servicing issues in Falmouth were explored at a special planning charrette in that community in 2005. Two rounds of public information meetings were staged in seven West Hants communities in 2002 and again in 2007.

The household survey, public meetings and research identified the following general issues and challenges facing West Hants:

- dealing with the development pressure that may result from twinning Highway 101;
- allowing for new development while protecting the "quiet, rural atmosphere";
- encouraging development in the areas that are already serviced by municipal water and sewer;
- dealing with potential servicing in the Village of Brooklyn;
- providing protection for agricultural land in the currently unzoned areas (Areas Two and Three);
- providing increased flexibility in the siting requirements for intensive livestock operations while ensuring that environmental issues are addressed and adjacent non farm uses are protected;
- encouraging the reclamation of mine sites;
- dealing with the issue of private roads; and
- encouraging a regional approach to development which benefits both the Town and the Municipality.

Future amendments to this MPS will continue to include public participation in the process.

It is intended that all public and private agencies concerned with the development of West Hants shall have due regard to the policies contained herein.

Part 2 Background (2.0, 2.1, 2.2., 2.3)

The former Municipality of the District of West Hants, incorporated in 1879, is a primarily rural area bordered by the Municipalities of East Hants, Kings, Chester, and Halifax Region. Development is concentrated around the community of Windsor in Three Mile Plains and Falmouth, and in communities near Highway 101.

Table 1 - Population Growth, 1901-2006

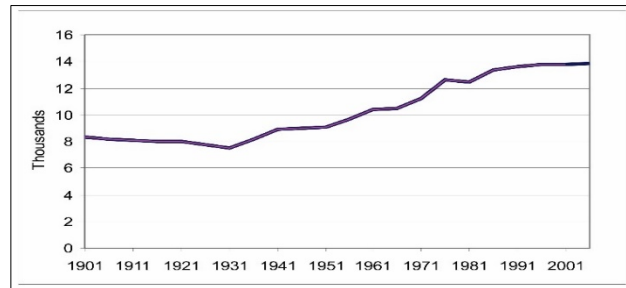
Source: Statistics Canada

	Nova Scotia		West Hants	
		% change		% change
1901	459,574		8,294	
1911	492,338	7.1	8,042	-3.0
1921	532,837	8.2	8,013	-0.4
1931	512,846	-3.8	7,521	-6.1
1941	577,962	12.7	8,884	18.1
1951	642,584	11.2	9,105	2.5
1956	694,717	8.1	9,653	6.0
1961	737,007	6.1	10,374	7.5
1966	756,039	2.6	10,478	1.0
1971	788,960	4.4	11,228	7.2
1976	828,571	5.0	12,642	12.6
1981	847,442	2.3	12,454	-1.5
1986	873,199	3.0	13,345	7.2
1991	899,942	3.1	13,610	2.0
1996	909,282	1.0	13,792	1.3
2001	908,007	-0.1	13,780	-0.1
2006	913,462	0.6	13,881	0.7

Overall, the population of West Hants increased by 5,587 people between 1901 and 2006. The population has grown steadily since 1941 except for slight decreases recorded in the 1981 (1.5 %) and 2001 (0.1%) censuses. Table 1 shows the historical growth of West Hants as compared with Nova Scotia, while Figure 1 graphically shows the population change in West Hants since 1901.

Figure 1 - West Hants Population, 1901-2001

Source: Statistics Canada, 2002



As shown in Figure 2, West Hants has an aging population. The baby boomers, born after World War II, are reaching their 40s and 50s and early retirement. Older people, especially women, are living longer. The lower populations in the 15-19 and 20-24 cohorts can be explained, in part, by young people leaving home for education and work. Figure 2 shows the number of 0 to 44-year olds decreasing between 1986 and 2006 and the number of 45 to 65+ year olds increasing over the same period. In 2006, almost 45 percent of the population of West Hants was above the age of 44 (Figure 3), with a fairly even distribution between men and women.

Figure 2 - Population by Age, 1986-2006

Source: Statistics Canada

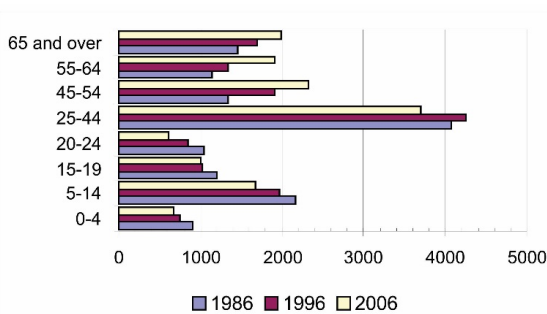
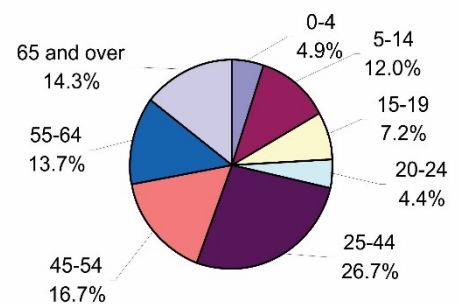


Figure 3 - Population Distribution by Age, 2006

Source: Statistics Canada



Part 3 Development Vision and Goals (3.0, 3.1, 3.2,3.3, 3.4, 3.5)

Until now, development was addressed through separate planning documents for specific areas of West Hants: Area One, Areas Two and Three, Falmouth and Upper Falmouth. This MPS takes a more comprehensive and consistent approach by guiding development across the community as a whole. In doing this, however, the MPS recognizes the distinct concerns which were the focus of the earlier planning documents.

Over the past few years, West Hants has had a gradual overall increase in population which will likely continue in the future as the twinning of Highway 101 between Windsor and Halifax is completed. While the new development accompanying this population growth is welcome, it may also bring increased demand for expensive water and sewer services, pressure on valuable resource lands, conflicting urban and rural values, and land uses.

This MPS uses a controlled development approach to achieve a settlement pattern which accommodates a wide range of land uses in a compatible and efficient manner. To accomplish this, the MPS distinguishes between urban and rural development. The urban component consists of Growth Centres, which will be serviced with municipal water and sewer, and the rural one of Villages, Hamlets and resource areas. The focus for the majority of growth will be the Growth Centres and, to a lesser extent, the Village and Hamlets to reduce sprawling development in resource and environmentally sensitive areas,. Such concentrated development also allows for more efficient and cost-effective provision of municipal services and infrastructure such as streets and water and sewer services.

General Development Goals

- Maintain a "quiet, rural atmosphere" as desired by respondents to the 2002 Plan Review Survey.
- Encourage more dense development in the Growth Centre designation within servicing boundaries.
- Encourage large-scale commercial and industrial development to locate in the Growth Centres and industrial parks, and work with the Town of Windsor to maintain commercial service centres for both West Hants and the Town.
- Encourage development which does not place undue strain on the existing facilities or financial resources of West Hants.
- Recognize the poor supply of potable water in West Hants and identify potential sources of water.
- Allow for flexibility in development standards to provide alternate development solutions.
- Promote the protection of the natural environment, watercourses and environmentally sensitive areas through land use controls and setback requirements.
- Provide a variety of community and neighbourhood recreational sites.

- Identify areas with constraints for development because of soil conditions, topography, risk of flooding, subsidence or other conditions.

Growth Centres are intended to accommodate most of the future non rural development which will occur in West Hants, thereby relieving development pressure from non-renewable resource lands. It is expected that a full range of municipal services, including water and sewer, recreation facilities, street lights and sidewalks, will eventually be provided in these communities as they become necessary. Concentrated development makes the provision of such services more economical. Because of the expense involved in constructing, extending and maintaining municipal water and sewer infrastructure, these services will be provided only in the two existing Growth Centres of Three Mile Plains and Falmouth, as well as the Windsor-West Hants Joint Industrial Park.

The Three Mile Plains Growth Centre, located adjacent to the Town of Windsor, is fully serviced with municipal water and sewer and has the capacity to accommodate a considerable amount of new commercial and residential development. Falmouth, located on the west side of the Avon River, has developed as a mainly residential area. There is a significant amount of serviced land still available for future development. It is important to the Municipality to see development in Falmouth which maintains the “quiet, rural atmosphere” of the community while providing a range of housing types, land for recreation and a commercial core area. Council also recognizes the limitations on the water resources and sewage treatment system in Falmouth and will monitor their capacity as new development occurs.

The Village designation recognizes development centres where growth at a rate comparable to Growth Centres is not desired and municipal sewer and water services will not be provided. Villages will serve as focal points for the surrounding countryside. Some residential and controlled commercial development will be encouraged. Under this MPS, only Brooklyn has been designated as a Village. Brooklyn has historically provided commercial and institutional services to the surrounding communities. The Village includes a densely developed core area of residential and commercial uses.

Eleven Hamlets have been designated within West Hants. These communities are generally characterized by areas of relatively concentrated residential development, a church or community hall, and one or more small businesses. Council intends that Hamlets will continue to provide such services to the surrounding countryside. Municipal water and sewer services, which are more characteristic of urban areas, will not be provided in Hamlets. The retention of the rural nature of Hamlet communities is an important objective of the West Hants MPS. Three Hamlets (Newport Station, Mount Denson and Wentworth Creek) either abut or are within proximity to the existing serviced areas. Over time, as the Growth Centres infill, additional land may be required for serviced development and consideration may be given to extending the Growth Centre boundaries into Hamlets. At that time, municipal water and sewer services may be extended to these areas if the costs are feasible.

Three Mile Plains Development Objectives

- Accommodate the majority of future commercial growth in West Hants.

- Permit an urban residential growth pattern which includes higher density development.
- Enable vacant land behind existing homes and businesses to be developed as needed.
- Address traffic concerns on Highway 1 by ensuring commercial driveway accesses are better defined through width, landscaping and other requirements in the LUB
- Allow for the development of small lots to make better use of existing infrastructure.

Falmouth Development Objectives

- Provide for the development of Falmouth as a predominantly residential community, with a defined growth boundary based on the Municipality's ability to provide necessary services.
- Accommodate rural lifestyle activities to the extent that such activities are compatible with a moderate density of residential development.
- Monitor the extension of services and, when necessary, limit service extension to ensure the capacity of the municipal sewer and water systems is not exceeded.
- Encourage street design that separates local traffic from through traffic in new residential developments

Brooklyn Development Objectives

- Maintain the quiet, village atmosphere.
- Continue role as a commercial and institutional service centre for surrounding communities.

Hamlet Development Objectives

- Provide locally-oriented community services, such as community halls and churches, to the surrounding countryside.
- Allow for commercial and industrial uses which provide a necessary service to local residents.
- Accommodate a limited amount of residential development in a rural environment.
- Provide only a limited number of municipal services.
- Maintain rural atmosphere

Resource Designation (3.6)

Council has established two resource designations based upon the natural capabilities of the land and its most likely use. An Agriculture designation comprises active farms and land

with the highest capability for agriculture. A Resource designation encompasses land used for forestry and mining, as well as some areas of combined resource use and municipal water supply areas. These areas are intended primarily for resource-based activity, however limited non-resource development will also be permitted. Council wants to minimize potential conflicts and to treat resource activity as paramount in these areas.

Agriculture is important to West Hants as a primary employer. The majority of the agricultural land is found along the Avon, Kennetcook and St. Croix Rivers. There are several very important agricultural districts in West Hants, including Upper Falmouth and Avondale Poplar Grove. These are areas with active farms and the best agricultural soils, Canada Land Inventory (CLI) Class 2 and 3. There are close to 6,000 acres of dykeland in West Hants, representing some of the most productive agricultural land in the Province.

Outside the Growth Centres, Village and Hamlets, land which is not designated Agriculture will be designated Resource and several resource zones will be applied

West Hants has significant gypsum deposits which have supplied mining operations for over 200 years. Fundy Gypsum Company operates two extraction sites and owns large tracts of land. The gypsum industry plays an important role in the economy of the area; however, it not only consumes a large amount of land, but also involves significant changes to the topography. It is important to West Hants to work with Fundy Gypsum and other mining companies to promote the reclamation of closed mine sites and to reduce land use conflicts between mining operations and adjacent uses.

A large part of the southern and north eastern part of West Hants is Crown land or owned by large forestry companies. These areas provide wildlife habitat and outdoor recreation opportunities, and potential future water supply sources are located in these areas. Most of these areas are served only by woods roads, although a significant amount of cottage development accessed by private roads has grown up around the lakes in the south. The 1996 Census showed the forestry sector provided employment for 80 people in West Hants.

The municipal water supply areas for Falmouth, Windsor and Hantsport are all located within West Hants. These areas will be protected through a special water supply zone which will strictly regulate development to reduce the potential for contamination of the water supply.

Agriculture Development Objectives

- Preserve and enhance the agricultural resources of West Hants by protecting prime agriculture areas from the intrusion of uses and activities which are incompatible with, or unnecessary to, the future growth of the agricultural sector.
- Discourage the fragmentation of larger farm properties.
- Provide the necessary long term security required for continued agricultural production through land use planning and regulation.
- Accommodate limited residential and other non agricultural uses on lands less suitable for agriculture provided agricultural activities are not compromised.

- Establish separation distances between agricultural uses and residential development to reduce land use conflicts.
- Enable economic diversification of farm operations by allowing for a wider range of on-farm businesses.

Resource Designation Development Objective

- Limit the development of resource land for non-resource use to protect the forestry, mineral, water supply, wildlife habitat and recreational resources of West Hants.

Industrial and Commercial Development (3.7, 3.8)

The Windsor West Hants Joint Industrial Park, at the Highway 101 and Wentworth Road interchange, consists of approximately 100 acres of land, most of which is developed. The Windsor and West Hants Municipal Planning Strategies contain identical policies with regard to the development of the Joint Industrial Park.

A Commercial Development District will be designated to incentivize development for businesses in the serviced commercial areas of West Hants. Included in this Commercial Development District are the Commercial Core areas in Falmouth and Three Mile Plains Growth Centres. Council will apply a by-law enacted in accordance with Bill 177, a phase-in commercial tax program, in this area. The Commercial Development District Improvement By-law outlines the details of the phase-in tool.

PART 4 GENERAL POLICIES (4.0)

4.1 Accessory Uses, Building and Structures (4.1)

Where the LUB provides that any land, building or structure may be used for a purpose, the purpose includes any accessory building, structure or use unless specifically prohibited.

Policy

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

- 4.1.1 regulate accessory uses in the LUBB (4.1.1)
- 4.1.2 prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use. (4.1.2)
- 4.1.3 not consider a building or structure as accessory if attached to the main building or located completely underground. (4.1.3)
- 4.1.4 ensure accessory uses and buildings are located on the same lot as the main use unless specifically permitted in the LUB. (4.1.4)

4.2 Automobile Service Stations (4.2)

Special requirements will be established for automobile service stations to avoid traffic problems and ensure safe product delivery.

Policy

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

- 4.2.1 regulate lot access, frontage and similar matters for automobile service stations in the LUB. (4.2.1)

4.3 Commercial Development (4.3)

Commercial development should be appropriately sited and designed, with safe driveway access, adequate on-site parking, and control over open storage, setbacks from residential uses and similar matters.

Policy

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

- 4.3.1 encourage the proper development of commercial uses by addressing the following in the LUB (4.3.1):
 - (a) providing adequate on-site parking and loading areas;

- (b) providing safe driveway access by ensuring driveways meet commercial stopping sight distance requirements;
- (c) limiting points of access and egress to parking areas;
- (d) requiring adequate landscaping of developments;
- (e) controlling open storage; and
- (f) establishing abutting zone requirements such as setbacks from adjacent non-commercial zones.

4.4 Commercial Development District (4.4)

To incentivize development for businesses in the serviced commercial areas, Council intends to focus the Commercial Development District in the Commercial Core areas in the Three Mile Plains and Falmouth Growth Centres. Council will apply a by-law enacted in accordance with Bill 177, a phase-in commercial tax program, in this area. The Commercial Development District Improvement By-law outlines the details of the phase-in tool.

The Windsor-West Hants Joint Industrial Park may also be considered for inclusion in the Commercial Development District. Designating the Industrial Park will incentivize revitalization of industrial properties and encourage larger scale, more intensive commercial and industrial properties to relocate to the industrial park. This is particularly true of uses that could not locate within the Growth Centres or the Town of Windsor due to possible conflicts with adjacent land uses. It takes significant collaboration to include this area, as the policies for the Joint Industrial Park must be the same in the West Hants and the Town of Windsor Municipal Planning Strategies. Therefore, Council intends to allow the possibility of amending the Commercial Development District, should the Town of Windsor agree to include the Joint Industrial Park in the designated area, or if municipal servicing is extended to any other commercial or industrial areas in West Hants.

Policy

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

- 4.4.1 establish a Commercial Development District (CDD) designation which will include the serviced properties within the Commercial Core designation of Falmouth and Three Mile Plains as identified on the Generalized Future Land Use Map, as amended January 22, 2015 (4.4.1).
- 4.4.2 consider the expansion of the Commercial Development District areas by amendment to this MPS and LUB subject to the following (4.4.2):
 - (a) the area is serviced with municipal water and sewer;

- (b) the area is zoned commercial or industrial, or has been identified on the Generalized Future Land Use Map as an area within which to concentrate commercial or industrial businesses;
- (c) the permitted uses for the expanded area will not conflict with residential uses abutting the boundary;
- (d) any other matter which may be addressed in a LUB; and
- (e) Policy 15.7.

4.5 Development on Municipally-owned Land (4.5)

Institutional, community use and public works development on municipally owned lands shall be permitted in any zone. For major developments, however, such as a sewage treatment plant, or other public or institutional building or facility, It is important to Council to consider the impact on the surrounding neighbourhood and provide an opportunity for public input. Prior to commencing construction, Council will take into consideration the relevant policies of the MPS that would apply if the development were undertaken on privately-owned land and a development agreement or rezoning would be required.

Policy

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

- 4.5.1 allow institutional, community use or public works development on municipally owned land in any zone. However, where such development involves the construction of a new main building with a gross floor area greater than 2,000 ft² (185.80 square meters) and would require a development agreement or rezoning if undertaken on privately-owned land, it shall be the intention of Council, prior to commencing such development, to consider its potential impact on the community and seek public input by (4.5.1):
 - (a) requesting a staff report reviewing the relevant policies of the MPS including Policy 15.7; and
 - (b) holding a public meeting and publishing a notice of the public meeting.

4.6 Existing Buildings Exceeding Floor Area Limited in Hamlet and Resource Designations (4.6)

Permitted floor area is limited for certain commercial uses in the Hamlet and Resource designations. This restriction ensures that larger scale, non-resource commercial and industrial development is directed to the Growth Centres, while Hamlets and resource areas provide small-scale, local services. There are, however, several existing non-residential buildings in the Hamlet and Resource designations which far exceed the floor area limit. In some cases, large sections of these existing buildings are not?? used. Council does not wish to prevent the redevelopment of

these existing buildings, but wants to have some control over their development and the impact on neighbouring properties and land uses. Council will consider development of these existing large buildings by development agreement. To allow for a wide variety of uses, uses permitted in the Local Commercial (LC), Hamlet Industrial (M-2) and Rural Commercial (RC) zones will be considered.

Policy

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

- 4.6.1 enable existing non residential buildings to exceeding the commercial floor area limit and use the full extent of their floor area in the Hamlet and Resource designations for a commercial or industrial use by entering into a development agreement, subject to the following (4.6.1):
- (a) the proposed use or uses are permitted in the Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) zones;
 - (b) the proposed use or uses are not considered obnoxious by reason of noise, odours, dust, fumes, or other emissions;
 - (c) adequate landscaping and screening, especially of open storage and parking, is provided;
 - (d) the use or uses are compatible with adjacent land uses with respect to traffic generation, hours of operation and other matters;
 - (e) any other matter which may be addressed by development agreement; and
 - (f) Policy 15.7.

4.7 Existing Undersized Lots (4.7)

Council does not intent to prevent development on lots legally created prior to the effective date of this MPS and LUB which may not meet lot area or frontage requirements imposed by these planning documents, provided all other LUB requirements are met.

Policy

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

- 4.7.1 allow development on undersized lots that existed on the effective date of this MPS and LUB, provided all other LUB requirements are met. (4.7.1)

4.8 Home-based Businesses (4.8)

A home based business is a small business carried on in a dwelling by a resident of the dwelling. Such businesses provide flexible employment opportunities. In many cases, there is no outward sign of the commercial activity, Home based businesses

are considered compatible uses in residential areas provided they remain small in scale. This is especially true in rural areas with large lots where a business can be operated from a home with little or no impact upon adjacent uses.

Policy

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

- 4.8.1 permit home based businesses in any dwelling and in any zone in which a dwelling is located. (4.8.1)
- 4.8.2 establish development standards in the LUB regulating the nature and size of home based businesses to ensure they remain small scale and compatible with residential neighbourhoods and adjacent uses. (4.8.2)
- 4.8.3 regulate signage, open storage and outdoor display associated with home based businesses to minimize impacts on adjacent residential uses. (4.8.3)
- 4.8.4 prohibit home businesses which may be considered (4.8.4):
 - (a) obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse material or water-carried waste;
 - (b) incompatible in residential or rural areas because of increased traffic flow, parking requirements or other reasons; or
 - (c) more suitable to a commercial zone which allows accessory residential uses.

4.9 Household Livestock (4.9)

Unlike commercial farms where the agricultural use is considered the main use of a property, household livestock operations or hobby farms are accessory to the main residential use of a lot. The ability to keep one or two horses or a small number of other livestock is a valued feature of rural life. Since West Hants is primarily a rural municipality, Council will permit the keeping of household livestock in any residential area, including the Growth Centres, provided the property is large enough to accommodate the number of animals and all setbacks for barns and manure storage are met.

Policy

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

- 4.9.1 allow household livestock operations within residential areas of West Hants subject to LUB regulations governing (4.9.1):
 - (a) minimum lot size;
 - (b) limits on the number of livestock permitted in Growth Centres, Village and Hamlets;

- (c) separation distances from adjacent properties, watercourses and wells; and
- (d) containment of household livestock within the property through buildings, fences or enclosures.

4.10 Indoor Storage Facility (4.10)

The agricultural areas of West Hants are facing economic pressure similar to other agricultural areas in Nova Scotia. Property owners are looking to diversify uses on lots used primarily for agricultural purposes to make it financially viable to continue agricultural operations. Buildings on lots used for agriculture purposes are commonly constructed for storage of agriculture-related supplies and products such as fertilizers, harvest totes, hay, animals and equipment. These large buildings may not be fully utilized all year round.

To encourage and support the continuation of agricultural operations by providing the opportunity to earn additional income, Council will permit the use of buildings which are erected and regularly used as part of a main agricultural use for indoor storage facilities. Indoor storage facilities will mean indoor storage of a wide range of items. To ensure agricultural activities remain the dominant land use, indoor storage facilities will have to meet specific requirements.

Policy

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

- 4.10.1 permit indoor storage facilities as an accessory use to agricultural uses. (4.10.1)

4.11 Housing (4.11)

Council will encourage the provision of housing that is inclusive of all residents of West Hants regardless of socio-economic status, age or physical or mental disability. Single-unit dwellings are by far the predominant housing type in the community. Demographic changes, however, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community that provides only single-unit dwellings cannot satisfy the housing needs of its population. Housing must be available for seniors and other individuals in the community with special needs. Housing choices (and the affordability of those choices) can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. Accessory apartments in single-unit dwellings can provide a solution for those wishing to keep elderly or dependent family members nearby. Although tenancy cannot be limited to family members, by strictly regulating the size and appearance of these apartments, Council can ensure that the building retains the look of a single-unit dwelling and is compatible with the neighbourhood.

Policy

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

- 4.11.1 encourage the provision of housing adequate to meet the needs of all residents in West Hants. Affordable housing, special-needs housing and rental accommodation shall be encouraged to develop in a manner that is sensitive to the needs of the community and those being served. (4.11.1)
- 4.11.2 provide for the development of a range of housing types in West Hants (4.11.2)
- 4.11.3 develop specific provisions in the MPS and LUB to allow for flexible development standards which encourage innovative housing development. (4.11.3)
- 4.11.4 permit accessory apartments within or attached to the main dwelling in the Single Unit Residential zone. The size, location and appearance of accessory apartments shall be strictly limited in the LUB to ensure the use remains small-scale and compatible with single-unit residential neighbourhoods. (4.11.4)

4.12 Kennels (4.12)

The establishment of kennels or boarding facilities close to residential properties can be a source of great annoyance to neighbours subjected to late-night barking.

Policy

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

- 4.12.1 regulate the establishment of kennels in the LUB by including soundproofing requirements and conditions limiting the hours during which animals will be permitted to occupy outdoor exercise runs. (4.12.1)

4.13 Landscaping (4.13)

The provision of landscaping or ground cover is important for erosion control as well as to maintain the overall appearance and character of communities. The LUB will specify buffer zones between non-residential development and residential uses to reduce land use conflicts.

Policy

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

- 4.13.1 regulate landscaped open space in the LUB. (4.13.1)
- 4.13.2 require buffering between residential and non-residential uses to mitigate land use conflicts. Buffering may include setbacks, landscaping or planting strips and similar methods. (4.13.2)

4.14 Lighting (4.14)

To address safety issues and prevent conflicts between adjacent uses resulting from outdoor lighting, particularly flood lights, Council will regulate the placement of outdoor lighting in the LUB.

Policy

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

- 4.14.1 regulate outdoor lighting in the LUB to prevent conflicts between adjacent uses resulting from indiscriminate placement of flood lights and other outdoor lighting. (4.14.1)

4.15 **Manufactured Home Parks (4.15)**

The term manufactured home refers to both mobile homes and mini homes. While manufactured homes on individual lots are permitted in some zones as-of-right, Council wishes to provide a further option for manufactured home parks where residents may own, lease or rent their homes, but do not own the land. At this time there are several existing manufactured home parks in West Hants. To avoid making them non-conforming, a Manufactured Home Park zone will be applied to these uses.

The establishment of new manufactured home parks can be controversial. Generally, the individual pad sites are small, resulting in higher density development that is more characteristic of an urban environment than a rural one. This type of development is most appropriate in Growth Centres where municipal services are available. To allow Council strict control over the development of new manufactured home parks, they will be considered only by development agreement.

Policy

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

- 4.15.1 establish a Manufactured Home Park (MHP) zone which will be applied to existing manufactured home parks in West Hants. (4.15.1)
- 4.15.2 consider new manufactured home parks by development agreement only in the Growth Centres subject to Policy 5.23. (4.15.2)

4.16 **Municipal/Town Boundary (4.16)**

Council intends to co operate with the Town of Windsor in providing for development adjacent to the municipal boundary. Several residential areas in Windsor are located next to the boundary. These areas include Sunnyhill Drive Campbell Avenue and Underwood Drive. Development in West Hants would be most easily accomplished by the extension of Town streets and services in these areas. Both Windsor and West Hants wish to encourage development in the serviced areas within and adjacent to the municipal boundaries. There are, however, two important considerations for both municipal units before permitting this to occur. First, it will be important to ensure

that the existing road networks are capable of accommodating any increased traffic. Second, there must be agreement between the two units on responsibility for delivery and costs of municipal services to the new development.

Policy

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

4.16.1 work with the Town of Windsor to provide a seamless delivery of services over municipal boundaries. (4.16.1)

4.17 One Main Building on a Lot (4.17)

Council's general intent is to allow one main building on a lot, along with accessory buildings and structures. For certain types of development, however, more than one main building may be necessary. For example, industrial and agricultural uses often require several main buildings. Grouped dwellings and manufactured home parks, by their very nature, involve more than one main building on a lot. It has been the practice in West Hants to allow a second dwelling on a lot without subdividing, provided it can be shown that the lot is large enough to subdivide and all other requirements can be met.

Policy

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

4.17.1 permit only one main building on a lot, along with accessory buildings and structures except for the following zones or uses (4.17.1):

- (a) farm buildings, or where an additional dwelling is to be used by a farm employee, farm owner or family member involved in the farm operation;
- (b) industrial zones;
- (c) regional shopping centres;
- (d) grouped dwellings;
- (e) institutional uses;
- (f) manufactured home parks; and
- (g) a second dwelling on a lot where it can be shown that a second lot could be created and the building can be shown to meet all other requirements.

4.18 Open Storage (4.18)

Council wishes to prevent inventory, equipment or other materials related to a business stored outdoors from become unattractive and creating potential land use conflicts. Special regard needs to be given to the location or screening of material

from adjacent uses to encourage aesthetically pleasing development and avoid land use conflicts.

Policy

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

- 4.18.1 regulate the location and screening of open storage in the LUB (4.18.1)
- 4.18.2 prohibit open storage in zones where there is potential for land use conflicts. (4.18.2)

4.19 Parking (4.19)

To ensure adequate parking areas are provided for business and residential uses, parking requirements will be established in the LUB. Parking lots should be located and landscaped in a manner which lessens their impact on streetscapes and neighbouring properties.

Policy

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

- 4.19.1 include provisions in the LUB establishing requirements for the number and size of parking spaces and the location, landscaping and screening of parking lots. (4.19.1)
- 4.19.2 require off street parking on the same lot as the use. (4.19.2)

4.20 Signage (4.20)

Council will regulate signage in the LUB to address structural and traffic safety and to encourage advertising to be compatible with neighbouring land uses and with the community as a whole.

Policy

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

- 4.20.1 regulate size, location and placement of signage to avoid potential hazards for pedestrian and traffic movement and to encourage attractive and compatible signage (4.20.1)
- 4.20.2 prohibit from all land use zones certain types of signs which are considered to pose potential public safety hazards or negatively affect traffic flow, or which are to be affixed to natural features. (4.20.2)
- 4.20.3 regulate the height of ground signs. (4.20.3)
- 4.20.4 permit roof signs in any commercial or industrial zone and regulate the size of roof signs to address potential public safety hazards and structural damage. (4.20.4)

4.20.5 prohibit the erection of signs on public property by non governmental bodies unless specifically permitted by Council. (4.20.5)

4.21 Temporary and Special Uses (4.21)

Temporary uses include structures associated with new construction such as construction sheds for tools, materials or offices, or signs located on the construction site while work is proceeding. These are considered part of construction activity, but must be removed shortly after work is completed.

Special uses refers to special events such as elections or festivals and includes signs, banners, display booths and other structures. As with temporary construction uses, they will be permitted on a short-term basis, but must be discontinued soon after the special event concludes.

Temporary uses also include yard sales. While occasional weekend yard sales are an accepted and popular activity, yard sales that continue for weeks or even months can become a problem for neighbours. Council considers these sales a commercial use that will only be permitted in appropriate zones or in accordance with the regulations for a home-based business. To control these uses, Council will limit the length of time a yard sale can continue in the LUB.

Policy

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

- 4.21.1 permit temporary structures used in conjunction with a construction or development project including offices, scaffolding, signs and structures for the storage of equipment and material. No development permit shall be required for such uses but the length of time will be limited in the LUB. (4.21.1 and 4.21.4)
- 4.21.2 permit special uses such as elections, festivals, celebrations or other special event including signs, banners, display booths and other similar structures in conjunction with these events No development permit shall be required for such uses but the length of time will be limited in the LUB. (4.21.2 and 4.21.4)
- 4.21.3 consider yard sales or auctions of personal possessions on a residential lot as temporary uses that will not require a development permit, but must be discontinued within a reasonable time established in the LUB. (4.21.3 and 4.21.4)

4.22 Utilities and Telecommunication Towers (4.22)

The infrastructure required for supplying efficient utility services, whether public or private, can involve small buildings for equipment and servicing. Council does not intend to restrict where these small buildings are located; however, larger buildings which include office space (no policy) or some other use will be required to locate in an appropriate zone.

Council wishes to direct the location of wireless telecommunication towers to industrial, resource or agricultural lands in West Hants as towers can create a strong visual impact. There are two self support towers on Ivey Lane in the Joint Industrial Park, as well as several guyed wire towers throughout the community, including at Hants Border and Ellershouse. Although Industry Canada regulates telecommunication facilities, the proponent is required to consult with municipal land use authorities before approving a new installation. In most instances, telecommunications companies are willing to work with municipal staff to reduce the impact of such structures on the community. Council will provide a standard for companies to meet or exceed by setting out requirements for fencing and landscaping in the LUB. Sometimes it is possible for companies to co locate on a single tower rather than building several structures in close proximity. In these cases, Council encourages service providers to work together to build a single tower.

Policy

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

- 4.22.1 permit utility buildings and uses under 100 square feet (9.29 square meters) in floor area in any zone. (4.22.1)
- 4.22.2 encourage the location of wireless telecommunication towers in Industrial, Resource and Agricultural designations and include requirements for fencing, landscaping and co location of towers and related buildings in the LUB. (4.22.2)

4.23 Watercourse (4.23)

Human activity and development adjacent to watercourses can destroy wildlife habitat and affect water quality. By establishing minimum setback requirements from watercourses, negative impacts of construction, such as siltation, can be minimized or avoided. Residents highly value the many lakes and streams in West Hants for both passive and active recreation. It is important that future generations continue to have access to this resource.

Policy

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

- 4.23.1 regulate development of lands adjacent to watercourses in the LUB. n order to preserve natural habitat and to limit environmental impacts such as siltation by establishing a minimum separation distance from watercourses. (4.23.1)
- 4.23.2 prevent development from eliminating public access to lakes and rivers in West Hants by accepting waterfront land under the parkland dedication provisions of the West Hants Subdivision By-law or by the purchase of such lands with the money collected in lieu of land dedication. (4.23.2)

4.24 Wind Turbines (4.24)

Council will encourage the use of technologies that reduce dependence on non-renewable resources and do not contribute to greenhouse gas emissions. Wind energy systems are a clean, renewable source of electric power. Residential-scale wind turbines will be permitted in most zones, subject to lot size, setback and height requirements.

Utility-scale wind turbines have a rated production capacity greater than 100 kW. Much larger than those used for residential energy generation, utility-scale turbines may have towers ranging from 165 to 400 feet (50 to 120 meters) in height. These large wind turbines may be used in wind farms, where a number of turbines feed electricity directly into the utility grid, or as stand-alone installations. As Council wishes to facilitate the development of wind energy systems, the installation of exploration or test turbines will be treated as a temporary use and permitted as-of-right outside of the Growth Centres, Village and Hamlets subject to setbacks, minimum lot size standards, and requirements for removal within specified time limits. More permanent installations, including the establishment of wind farms, will be considered only by development agreement. Where these facilities have a production rating of two megawatts or more, they are also subject to the Nova Scotia Environmental Assessment Regulations as a Class I Undertaking. Most wind farms also require a federal Environmental Assessment under the Canadian Environmental Assessment Act (CEAA).

Policy

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

- 4.24.1 include standards in the LUB for the development of small wind turbines for residential or small business use, which are intended primarily to reduce on-site consumption of utility power, including minimum lot size, setback, height and similar requirements to ensure public safety and minimize the potential for land use conflicts. (4.24.1 and 4.24.2)
- 4.24.2 include standards in the LUB for the temporary establishment of large wind turbines with a production capacity greater than 100 kW for exploration or test purposes outside the Growth Centre, Village and Hamlet designations, including requirements for removal within specified time limits. (4.24.1 and 4.24.3)

Development Agreements

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

- 4.24.3 consider the development of permanent or long-term installations of large wind turbines or wind farms with a production capacity greater than 100 kW outside the Growth Centre, Village and Hamlet designations by development agreement, having regard to the following: (4.24.4)
 - (a) any required provincial and/or federal government environmental assessment processes have been completed;

- (b) adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety;
- (c) the development is not visually intrusive in the landscape, taking into account the location and distance from which it is visible, and the significance and sensitivity of the landscape, topography, vegetation and built form in the surrounding area;
- (d) safe roadway access can be provided;
- (e) any other matter which may be addressed in a development agreement; and
- (f) Policy 15.7.

4.25 Licensed Cannabis Uses (4.25)

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 MPS and LUB, these licenses will be discussed as “licensed cannabis land uses”.

Council will 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.

Policy

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

- 4.25.1 permit Analytical Testing and Research of cannabis in all zones as a use accessory to any licensed cannabis land use. (4.25.1)
- 4.25.2 permit Analytical Testing and Research of cannabis in the Institutional (I) Zone. (4.25.2)
- 4.25.3 consider Standard Cultivation and Processing of cannabis as an industrial land use. (4.25.3)
- 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. (4.25.4)
- 4.25.5 include Micro-Cultivation of cannabis in the definition of Agricultural Use. (4.25.5)
- 4.25.6 include Micro-Processing of cannabis and cannabis nurseries in the definition of Agricultural Support Use. (4.25.6)
- 4.25.7 permit Cannabis nurseries in the Rural Commercial (RC) zone. (4.25.7)
- 4.25.8 require specific setback requirements for licensed cannabis land uses to reduce the impact of noise and odour on nearby uses. (4.25.8)

PART 5 GROWTH CENTRES

Background (5.1)

Council wishes to encourage most of the future non-rural growth in West Hants to occur in designated Growth Centres where municipal services, particularly water and sewer, can be provided more efficiently and economically. The Growth Centres offer commercial, industrial and institutional services to the surrounding area and have more concentrated residential development compared to the rest of West Hants.

Council considers Three Mile Plains and Falmouth to be Growth Centres. The Three Mile Plains Growth Centre includes both commercial and residential development. The majority of existing commercial development is in the Garlands Crossing area (the junction of Highway 1 and Highway 14). It is expected that this area will continue to attract businesses because of its proximity to Highway 101. The Falmouth Growth Centre is predominantly residential. Falmouth has a smaller commercial area concentrated on Highway 1 between the Avon River Bridge and the Highway 101 connector.

The Growth Centres boundaries represent defined servicing limits, based on West Hants's ability to provide water and sewer services and Councils desire to encourage concentrated development that uses services efficiently. Council intends most of the lots within the boundaries to be fully serviced. Unserviced development requiring large lots and extensive road frontage would not be suitable in the Growth Centres as this type of development makes it difficult to achieve the densities necessary to make servicing feasible and can block the orderly provision of services.

As part of the Plan Review leading up to the adoption of this MPS, the boundaries of the Three Mile Plains Growth Centre and the former Falmouth Planning Area were examined to determine whether the two areas contained sufficient land to accommodate anticipated future growth. That review concluded there was an ample supply of land and therefore the Growth Centre boundaries will not be expanded until most of the existing serviceable land has been developed, or where it can be demonstrated that there is no available land within the boundaries that is suitable to accommodate a proposed serviced development. Municipal water and sewer services will not be provided outside the Falmouth and Three Mile Plains Growth Centres and the Windsor-West Hants Joint Industrial Park.

General Policy

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

- 5.1 designate Falmouth and Three Mile Plains Growth Centres where more concentrated residential and commercial development is encouraged. (5.1.1)
- 5.2 require the majority of new development in the Growth Centres to be serviced with both municipal water and sewer services. (5.1.2)
- 5.3 require future residential development on new public streets to be serviced with both municipal water and sewer. (5.1.3)

- 5.4 permit new residential development using on-site sewage disposal systems only on existing public streets in areas which are not serviced with municipal sewer services. (5.1.3)
- 5.5 maintain the boundaries of the Falmouth and Three Mile Plains Growth Centres and the Windsor-West Hants Joint Industrial park as the boundaries for municipal sewer and water services. (5.1.4)
- 5.6 monitor development within the Growth Centres to ensure that sufficient land is available to accommodate desired future growth. (5.1.5)

Amendments

It shall be the policy of Council to:

- 5.7 consider amending the GFLUM to expand the boundaries of a Growth Centre. In considering such amendments, Council shall be satisfied that (5.1.6):
 - (a) the expansion is necessary to accommodate proposed serviced development;
 - (b) it is clearly demonstrated that existing serviceable land within the Growth Centre is unsuitable or unavailable for the development;
 - (c) the expanded area is capable of being serviced by both municipal water and sewer services; and
 - (d) West Hants is financially capable of providing the necessary services.
- 5.8 prohibit amending the GFLUM to expand the boundaries of a Growth Centre where the proposed development is unserved or served only with water. (5.1.7)

Residential Policy (5.2, 5.3, 5.4)

The Residential designation in the Growth Centres is intended to accommodate residential development in the immediate future.

Council intends to allow some flexibility in development standards to promote infill developments, which use existing water, sewer and streets. Traditional residential subdivision which may require new water and sewer and will be located on new municipal public streets will also be permitted. It is expected that much of the new residential development will consist of single-unit dwellings; however, a variety of housing types are permitted, either as-of-right or by development agreement.

In Three Mile Plains, the majority of residential land will be zoned Two Unit Residential (R-2) and will permits single and two unit dwellings and mini homes. Mobile homes will not be permitted but may be considered in the Manufactured Home Park (MHP) by development agreement. Hillcrest Drive and Kendall Lane are the only areas that will be zoned Single Unit Residential (R-1). Land may be rezoned from resource and other uses to Single Unit Residential (R 1), provided the property can be serviced with municipal water and sewer. New

multiple residential development under three storeys will be considered by rezoning to the Multiple Unit Residential (R-3) zone. For proposals greater than three storeys, a development agreement will be required.

Falmouth's residential community consists mainly of single unit dwellings. Proposals for higher density residential development have met considerable resistance. For this reason, the Single Unit Residential (R-1) zone will apply to the majority of the residential land in Falmouth. Proposals for two unit residential development will be considered through rezoning.

Policy

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

- 5.9 designate as Residential areas within the Growth Centres where a variety of residential uses and densities may be considered. (5.2.1)
- 5.10 establish within the Residential designation the following zones in the LUB:
 - (a) Single Unit Residential (R-1) zone: it is intended to include single unit dwellings, accessory apartments, and existing manufactured homes. (5.3.1)
 - (b) Two Unit Residential (R-2) zone: it is intended to include two unit dwellings and mini homes, as well as uses permitted in the Single Unit Residential (R-1) zone. (5.3.3)
 - (c) Multiple Unit Residential (R-3) zone: it is intended to include dwellings of three or more units, boarding or rooming houses, residential care facilities and uses permitted in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones. (5.3.6)
- 5.11 permit within the Residential designation in the Three Mile Plains and Falmouth Growth Centres all the zones listed in policy 5.10;
- 5.12 ensure single detached dwellings remain the predominant housing type in Growth Centres and apply the Single Unit Residential (R-1) zone to most of the Residential designation in the Falmouth Growth Centre. (5.2.2 and 5.4.1)
- 5.13 Notwithstanding Policy 5.12, allow for higher density residential development, subject to the relevant polices of this MPS, in areas where such development is compatible with adjacent uses. (5.2.3)
- 5.14 allow lower density development in the higher density residential zones. (5.2.4)
- 5.15 encourage the efficient use of existing municipal infrastructure such as water, sewer and streets within the Three Mile Plains Growth Centre by allowing for the development of multiple unit dwellings where such development is compatible with adjacent uses. (5.3.5)

- 5.16 prohibit the development of mobile homes on separate lots which are not part of a manufactured home park in the Falmouth Growth Centre. (5.4.7)

Amendments

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

- 5.17 consider rezoning land within the Residential designation in any Growth Centre to Single Unit Residential (R-1) subject to the following (5.3.2 and 5.4.2):
- (a) the area to be rezoned is serviced, or is capable of being serviced, with municipal water and sewer;
 - (b) any other matter which may be addressed in a LUB is met; and
 - (c) Policy 15.7 is met.
- 5.18 consider rezoning land within the Residential designation of the Three Mile Plains Growth Centre to Two Unit Residential (R-2) subject to the following (5.3.4):
- (a) the area to be rezoned is serviced, or is capable of being serviced, with municipal water and sewer;
 - (b) any other matter which may be addressed in a LUB; and
 - (c) Policy 15.7.
- 5.19 consider rezoning land within the Residential designation of the Falmouth Growth Centre to Two Unit Residential (R-2) subject to the following (5.4.3):
- (a) the area to be rezoned has frontage on a collector or arterial street;
 - (b) the area to be rezoned is serviced, or is capable of being serviced, by municipal water and sewer;
 - (d) any other matter which may be addressed in a LUB; and
 - (e) Policy 15.7.
- 5.20 consider rezoning land within the Residential designation of the Three Mile Plains Growth Centre to Multiple Unit Residential (R-3) subject to the following (5.3.7) (policy conflict):
- (a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;
 - (b) the lot is serviced, or is capable of being serviced, with municipal water and sewer;

- (c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;
- (d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Part 13 of this MPS;
- (e) any other matter which may be addressed in a LUB; and
- (f) Policy 15.7.

Development Agreements

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

- 5.21 consider multiple unit residential development greater than three storeys in height in the Residential designation in the Three Mile Plains Growth Centre by development agreement subject to the following (5.3.8):
 - (a) the side yards are at least one half the height of the building;
 - (b) adequate landscaping, screening and buffering is provided to minimize the impact of building height on adjacent properties;
 - (c) the specific requirements for multiple unit development set out in Policy 5.20;
 - (d) any other matter which may be addressed in a development agreement; and
 - (e) Policy 15.7.
- 5.22 consider proposals for comprehensively designed multiple residential developments in the Residential designation in the Falmouth Growth Centre by development agreement subject to the following (5.4.4):
 - (a) the development consists of a mix of housing types where:
 - (i) a minimum of 30 percent of the total number of dwelling units shall be single unit dwellings; and
 - (ii) the remaining dwelling units may include any combination of townhouse dwellings along with semi-detached or duplex dwellings, provided that not more than four dwelling units shall be permitted per building or attached structure;
 - (b) the property:
 - (i) is at least 25 acres (10.12 ha) in size;

- (ii) is serviced, or is capable of being serviced, by both municipal water and sewer; and
 - (iii) has frontage on an arterial or collector street designated on the Transportation Map (Map 2);
- (c) the development exhibits comprehensive site planning and design with an emphasis on the conservation of significant natural features of the site, provision of open space and recreational areas, and landscaping and buffering to screen views of the development from existing developed properties;
- (d) the gross density of the development does not exceed 4.5 dwelling units per acre; where the gross density exceeds 3 dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to West Hants for parkland or open space purposes;
- (e) the Multiple Residential (R-3) zone standards are used as a guide for minimum lot area, frontage and yards; however, Council may consider reduced lot requirements where the proposed development is a planned compact community that makes efficient use of streets and municipal infrastructure;
- (f) the development is compatible with the surrounding area in terms of building height, scale and architectural design;
- (g) a stormwater management plan is to be submitted, satisfactory to the Municipal Engineer, that shows the development will not adversely affect receiving watercourses and downstream properties;
- (h) the application is accompanied by:
- (i) a site plan showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
 - (ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and
 - (iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;
- (i) any other matter which may be addressed by development agreement; and
- (j) Policy 15.7.

- 5.23 consider new manufactured home parks by development agreement in the Residential designation in the Growth Centres subject to the following (5.3.9 and 5.4.6):
- (a) the development is compatible with surrounding land uses with respect to traffic generation, population density and similar matters;
 - (b) the development has direct access to a collector or arterial street shown on the Transportation Map (Map 2);
 - (c) the development is serviced with or is capable of being serviced, with municipal water and sewer;
 - (d) the dimensions of the individual manufactured home spaces are adequate, using the Manufactured Home Park (MHP) zone standards as a guide, to allow for the proper siting of the homes;
 - (e) adequate screening, buffers, fencing and landscaping are provided to minimize the impact of the development on surrounding land uses;
 - (f) a minimum of 10 percent of the total area of the park shall be devoted to parks, playgrounds and other useable recreational space, except that Council may consider reducing the required recreational space by up to five percent when the dimensions of the individual home spaces are substantially larger than the zone standard;
 - (g) adequate provision is made for the ongoing maintenance of the manufactured home park;
 - (h) the application is accompanied by:
 - (i) photo plans or drawings showing the exterior design of the proposed manufactured homes;
 - (ii) a site plan drawn to scale showing: internal vehicular and pedestrian circulation systems including access points to public streets; manufactured home spaces; open space and recreational areas including a description of any proposed recreational use(s); buffering, fencing and landscaping; parking areas; and accessory buildings including waste and recycling storage facilities; and
 - (iii) any other information deemed necessary;
 - (i) any other matter which may be addressed by development agreement; and
 - (j) Policy 15.7.

5. 24 consider development of grouped single and two unit dwellings consisting of six or more dwelling units in the Residential designation in Growth Centres by development agreement subject to the following (5.3.10 and 5.4.5):
- (a) the development has frontage on:
 - (i) a public street; or
 - (ii) a right-of-way clearly granted by deed or easement, unrestricted
 - (b) where access to the development is by a right-of-way as specified in clause (a)(ii), the street along such right-of-way shall be designed by a professional engineer, who is a member in good standing of the Association of Professional Engineers of Nova Scotia and who carries appropriate professional liability insurance, who will certify that the design and construction of the street are adequate to accommodate the traffic generated by the development and access by emergency protection vehicles. Street design and construction plans shall be subject to review by the Municipal Engineer;
 - (c) building clusters are located so as to conserve existing natural features of the site;
 - (d) the specific requirements for multiple unit development set out in clauses (b) to (h) of Policy 5.20;
 - (e) the application is accompanied by:
 - (i) a site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
 - (ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and
 - (iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;
 - (f) any other matter which may be addressed by development agreement; and
 - (g) Policy 15.7.

Commercial Policy (5.5 and 5.6)

Council will encourage most new commercial development in West Hants to be located in Growth Centres which, in addition to being centrally located, are serviced and have easy access to Highway 101. A regional approach to commercial growth should also be considered

given the proximity of the Growth Centres to the Town of Windsor. Falmouth is intended to develop primarily as a residential Growth Centre therefore most commercial development is expected to occur in the Three Mile Plains Growth Centre.

Commercial development will be encouraged to concentrate within designated commercial areas in the Growth Centres to minimize potential land use conflicts, as well as to promote a focal point for business activity. The commercial area of the Three Mile Plains Growth Centre is located around the intersection of Highway 1 and Highway 14 at Garlands Crossing, near access to Highway 101. A variety of commercial uses, including a gas station, motel, restaurant, farmers market and building supply store, are located here. There is a significant amount of residential development within the boundaries of the commercial area. The intent is to enable future commercial expansion in a central area. The commercial area of Falmouth is located along Highway 1 between the Avon River Bridge and the Highway 101 access road. Residents have expressed the desire to strictly control commercial development in Falmouth. Therefore, it is the intention of Council to limit the majority of new commercial development to this area.

The expansion of the commercial areas may be considered when there is a demonstrated need for additional serviced land for commercial development.

Within the Commercial designation, most land will be zoned General Commercial (GC) to encourage commercial uses in these areas. Uses permitted in the General Commercial (GC) Zone include businesses commonly seen in downtown commercial districts such as retail stores, offices, banks and restaurants. Some land in the Commercial area will be zoned Highway Commercial (HC) which cater to the travelling public and rely on being located in high traffic areas. Other uses suited to this zone are those requiring a large amount of commercial floor space or outdoor storage and display areas. Existing Highway Commercial (HC) uses will be zoned in as well as land in close proximity to Highway 101 and major street intersections where Highway Commercial (HC) development is appropriate. Any land in the Growth Centres that is not within the Commercial area cannot be rezoned to General Commercial (GC) or Highway Commercial (HC) unless the land is used for the expansion of an existing Highway Commercial (HC) or General Commercial (GC) use.

Regional shopping centres are those with more than 20,000 square feet (1,858.00 square meters) in floor area and are intended to serve a wide geographic area. The only regional shopping centre in Windsor-West Hants is Fort Edward Mall which is located within the Town of Windsor. With expectations of increased growth in the area, there may be demand for another regional shopping centre in the future. West Hants Council wishes to be prepared for this and able to deal with it properly when the time comes. Because of the large scale of these developments and their effect on surrounding land uses and traffic patterns, new regional shopping centres will only be considered in the Commercial designation by development agreement.

Large format retail stores, also known as "big box" stores, are growing in popularity. These larger stores may have more than one tenant and often locate near highway exits. New large format retail stores will only be permitted in the Commercial designation of the Growth Centres or the Joint Industrial Type Three (LI 3) zone by a development agreement due to

their size and the amount of traffic they can generate. Council will require the submission of a traffic study which examines the adequacy of street networks and any potential infrastructure costs as a result of the development as traffic is a particular concern. A development agreement will also be required for any expansion greater than 5,000 square feet (464.50 square meters) to an existing large format retail store.

New commercial developments within the Growth Centres that are not within the designated commercial area should be carefully controlled and compatible with residential areas. The only new commercial development possible in these areas is local commercial and recreation commercial uses which will be considered by development agreement. Local commercial uses are small-scale commercial operations that serve a relatively small market area such as convenience stores, art/crafts/antique shops and personal service shops and other uses of a purely local nature that are compatible with residential areas. Uses such as licensed day care centres, country inns, small restaurants or cafés, offices and video stores which serve a wider market, but are compatible with residential uses, may be considered. Residential uses are encouraged in conjunction with commercial uses. Commercial recreation facilities such as campgrounds, golf courses and other outdoor recreation uses that are operated for profit and are not owned by a public agency will be permitted in accordance with Part 12 of this MPS. Existing businesses will be zoned according to the type of commercial use.

Policy

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

- 5.25 designate as Commercial areas within the Growth Centres where commercial businesses are centralized in Three Mile Plains and Falmouth Growth Centres. (5.5.1, 5.5.2, 5.5.3)
- 5.26 establish within the Commercial designation the following zones in the LUB:
 - (a) General Commercial (GC) zone: it is intended to a broad range of commercial uses, but does not include many of the automobile-related uses and those which require large areas for outdoor display which are more typical of a Highway Commercial (HC) zone. Existing residential uses, residential uses in combination with commercial uses, and new dwellings on existing vacant undersized lots shall be permitted. (5.5.7)
 - (b) Highway Commercial (HC) zone: it is intended to include a range of retail and service uses intended to serve the needs of the travelling public and cater to the automobile, as well as uses requiring a large amount of commercial floor space or outdoor storage and display areas. (5.5.10)
 - (c) Local Commercial (LC) Zone: it is intended to apply to existing local commercial businesses that are not located within the Commercial designation of Growth Centres (5.6.2)

- 5.27 permit within the Commercial Core designation in the Growth Centres all the zones listed in policy 5.26 above;
- 5.28 zone the majority of land within the Commercial designation General Commercial (GC) to encourage a commercial concentration in the commercial areas. (5.5.5)
- 5.29 zone existing Highway Commercial (HC) uses and land in close proximity to Highway 101 and major street intersections where highway commercial development is appropriate to Highway Commercial (HC) (5.5.5).
- 5.30 ensure Local Commercial (LC) uses remain small-scale and compatible with residential areas by regulating commercial floor space for these uses in the LUB (5.6.3).
- 5.31 permit more than one main building on a lot as part of a regional shopping centre (5.5.14).

Amendments

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

- 5.32 consider expansion of the commercial core designation by amendment to this MPS LUB subject to the following (5.5.4):
 - (a) the expanded area abuts the existing Commercial designation and is located within the Growth Centre boundaries;
 - (b) there is a demonstrated need for additional commercial core land;
 - (c) the area is serviced with municipal water and sewer;
 - (d) the permitted uses for the expanded commercial core area will not conflict with residential uses adjacent to the boundary;
 - (e) the expanded area will be rezoned to either General Commercial (GC) or Highway Commercial (HC) according to the policies set out in this MPS;
 - (f) any other matter which may be addressed in a LUB; and
 - (g) Policy 15.7.
- 5.33 consider rezoning land within the Commercial designation of the Growth Centres to General Commercial (GC) subject to the following (5.5.5, 5.5.8):
 - (a) adequate buffering or screening, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties;
 - (b) traffic flow and pedestrian safety will not be adversely affected;
 - (c) any other matter which may be addressed in a LUB; and

- (d) Policy 15.7.
- 5.34 consider rezoning land within the Commercial designation of the Growth Centres to Highway Commercial (HC) subject to the following (5.5.5, 5.5.11):
 - (a) the development has frontage on an arterial or collector street;
 - (b) adequate buffering or screening, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties and any open storage and display areas are adequately controlled and screened;
 - (c) traffic flow and pedestrian safety will not be adversely affected;
 - (d) any other matter which may be addressed in a LUB; and
 - (e) Policy 15.7.
- 5.35 consider amendments to permit uses listed in the General Commercial (GC) or Industrial zones on land zoned Highway Commercial (HC) subject to the relevant policies of this MPS (5.5.12).
- 5.36 consider amendments to permit Highway Commercial (HC) or Industrial uses on land zoned General Commercial (GC) subject to the relevant policies of this Strategy (5.5.9).
- 5.37 prohibit rezoning land to General Commercial (GC) or Highway Commercial (HC) that is not within the Commercial designation of the Growth Centres except when the land will be used for the expansion of an existing Highway Commercial (HC) or General Commercial (GC) use subject to criteria set out in policies 5.33 and 5.34. (5.5.6, 5.6.1)
- 5.38 zone existing commercial uses that are not within the Commercial designation of the Growth Centres to the appropriate commercial zone to ensure the uses are conforming, provided they do not conflict with the surrounding area. This shall not be regarded as setting a precedent for permitting future General Commercial (GC) or Highway Commercial (HC) uses outside of the designated Commercial areas. (5.6.1).
- 5.39 consider land zoned Local Commercial (LC) for other uses by amendment to the LUB subject to the relevant policies of this MPS (5.6.5).

Development Agreements

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

- 5.40 consider new regional shopping centres by development agreement subject to the following (5.5.13):
 - (a) the development is located in the Commercial designation of either the Three Mile Plains or Falmouth Growth Centres;

- (b) the uses encompassed by the shopping centre are permitted in the General Commercial (GC) or Highway Commercial (HC) zones;
- (c) the development has direct access to an arterial street;
- (d) pedestrian access and safety are addressed;
- (e) adequate buffering or screening, setbacks and yards are provided to minimize conflict between the development and neighbouring uses with respect to access, parking, noise and hours of operation;
- (f) the development will not conflict with neighbouring uses;
- (g) the architectural design and scale of the development is compatible with surrounding buildings;
- (h) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;
- (i) landscaping is provided which reduces the visual impact of the development on neighbouring properties, particularly with respect to large parking lots;
- (j) the developer provides a traffic study conducted by a qualified person which demonstrates that the surrounding street network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvements such as traffic lights at the expense of the municipal unit;
- (k) any other matter which may be addressed in a development agreement; and
- (l) Policy 15.7.

5.41 consider new large format retail stores or expansions greater than 5,000 square feet (464.50 square meters) to existing large format retail stores by development agreement subject to the following criteria (5.5.15):

- (a) the proposed development is located in the Joint Industrial Type Three (LI-3) zone or within the Commercial designation of the Falmouth or Three Mile Plains Growth Centres;
- (b) if located in a Growth Centre, the development has direct access to an arterial street;
- (c) pedestrian access and safety are addressed;
- (d) adequate setbacks and yards shall be provided;
- (e) adequate provision, including screening and buffering, is made to minimize conflict between the proposed development and neighbouring uses with respect to access, parking, noise and hours of operation;

- (f) the proposed use will not conflict with neighbouring uses;
- (g) the architectural design and scale of the proposed development is compatible with surrounding buildings;
- (h) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;
- (i) landscaping is provided which reduces the visual impact of the development on neighbouring properties, particularly with respect to large parking lots;
- (j) the developer provides a traffic study conducted by a qualified person which demonstrates that the surrounding street network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvement such as traffic lights at the expense of the municipal unit(s);
- (k) any other matter which may be addressed by development agreement; and
- (l) Policy 15.7.

5.42 consider new Local Commercial (LC) uses in Growth Centres outside the Commercial designation by development agreement subject to the following provisions (5.6.4):

- (a) the adjacent residential area will not be adversely affected with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) signage;
 - (iii) hours of operation;
 - (iv) size of building(s); and
 - (v) pedestrian circulation and safety;
- (b) adequate buffering or screening, setbacks and yards are provided;
- (c) maintenance of the proposed use will be satisfactory;
- (d) any other matter which may be addressed by a development agreement; and
- (e) Policy 15.7.

Industrial Policy (5.7)

Industrial development can be divided into two categories: resource-related industries and service industries (e.g., warehousing, light manufacturing). Resource-related industries are encouraged to locate in the appropriate resource areas while large-scale service industries should locate in an industrial park. Small-scale local industries may be located throughout West Hants, particularly if they developed in conjunction with a residential use.

Resource-related industries usually locate where the product is being produced, whether the product is apples, gypsum or wood. Many resource-based industries may want to locate in a Growth Centre where there is a municipal water supply as these industries require large amounts of water.

Council wants to allow resource-related industrial activities to continue in the Growth Centres as West Hants has a strong agricultural resource base. New resource-related industries can create land use conflicts so they will only be considered in Growth Centres by development agreement. Existing resource industrial uses will be zoned industrial to recognize their importance and long-term stability. These existing industries will be permitted to expand by rezoning adjacent properties as required, subject to setback and buffering requirements.

Several small-scale industrial uses, such as auto repair, body shops or trucking businesses, can be found in the Growth Centres. Often these businesses start on the owner's residential property as backyard or weekend hobbies or sidelines, but grow into full-time occupations. Existing local industrial uses will be zone appropriately in the LUB, but new local industrial development will be considered in residential designations only by development agreement. Such uses will be subject to strict fencing, buffering and size requirements to reduce conflicts with neighbouring properties.

Policy

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

- 5.43 establish within the Growth Centre designation a Resource Industrial (M-1) zone which shall apply to existing resource-related industrial uses and permit resource industries and other light industrial uses such as warehousing, light manufacturing and similar uses which are not obnoxious or offensive because of noise, vibration, odour, smoke or other emissions (5.7.1).
- 5.44 establish within the Growth Centre designation a Local Industrial (LI) zone which permits small-scale light industrial uses such as auto body and repair shops, excavation and landscaping operations, transport depots and service shops, in conjunction with a residential use. (5.7.4)
- 5.45 zone existing local industrial uses Local Industrial within the Growth Centres (5.7.5).

Amendments

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

- 5.46 consider rezoning adjacent properties to enable an existing Resource Industrial (M-1) use to expand subject to the criteria listed in Policy 5.48. (5.7.3)
- 5.47 consider land zoned Local Industrial (LI) for other uses by amendment to LUB subject to the relevant provisions of this MPS (5.7.7).

Development Agreements

It shall be the policy of Council to:

- 5.48 consider new resource-related industrial uses in the Growth Centres by development agreement subject to the following (5.7.2):
 - (a) the use is permitted in the Resource Industrial (M 1) zone;
 - (b) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;
 - (c) the development will not adversely affect adjacent land uses with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) noise; and
 - (iv) size of building.
 - (d) the development has frontage on an arterial or collector street;
 - (e) safe and efficient roadway access can be provided;
 - (f) adequate parking and loading areas can be provided;
 - (g) adequate buffering or screening, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties;
 - (h) open storage and display areas are adequately fenced or screened and limited to the rear yard where there is potential for conflict with adjacent non-industrial uses;
 - (i) any other matter which may be addressed in a development agreement; and
 - (j) Policy 15.7.
- 5.49 consider new Local Industrial uses in the Growth Centres by development agreement subject to the following (5.7.6):
 - (a) the use is permitted in the Local Industrial (LI) zone;
 - (b) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;

- (c) the development will not adversely affect the adjacent residential area with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) noise;
 - (iv) size and design of building(s); and
 - (v) pedestrian circulation and safety;
- (d) adequate buffering or screening, setbacks and yards are provided, and open storage areas are adequately fenced or screened and limited to the rear yard where there is potential for conflict with adjacent uses;
- (e) maintenance of the local industrial use will be satisfactory;
- (f) any other matter which may be addressed in a development agreement; and
- (g) Policy 15.7.

Institutional Policy (5.8)

Institutional uses, such as schools, churches, community centres and public indoor recreational facilities, act as focal points for the Growth Centres. Homes for special care and senior citizen housing that are operated, or licensed to operate, by the provincial government, provide a necessary service to the community. Existing institutional uses in the Growth Centres will be zoned in, but new ones will be considered only by development agreement to ensure issues such as traffic, parking, noise and other potentially negative effects on nearby properties can be carefully addressed.

Policy

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

- 5.50 establish within the Growth Centre designation an Institutional (I) zone for existing institutional uses (5.8.1)
- 5.51 notwithstanding any other policies in this MPS, consider developing PIDs 45003878 and 45222957 for municipally provided emergency services. (5.8.2)

Development Agreements

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

- 5.52 consider the development of new Institutional (I) uses in Growth Centres by development agreement pursuant to Policy 12.10. (5.8.1)

Agriculture Policies (5.9)

Active agricultural land within the Growth Centres will be zoned Agricultural Priority Three (AR-3) pursuant to Part 8 of this MPS. New intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted since their location could limit the intention of the Growth Centres which is to support residential and commercial growth. Existing intensive livestock operations will be recognized as permitted uses with the same right to continue to operate or to expand as any other permitted use. Applications for rezoning or development agreements to allow non-farm development will be considered; however, Council must take into account the potential impact of the development on any adjacent agricultural operation.

Policy

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

- 5.53 establish within the Growth Centre designation an Agricultural Priority 3 (AR-3) zone which will apply to existing agricultural operations.
- 5.54 prohibit new intensive livestock operations or agricultural support uses in the Growth Centres (5.9.1)

Non-Agricultural Development

- 5.55 consider any application for non-agricultural development on land zoned Agricultural Priority 3 (AR-3) within the Growth Centres subject to the relevant policies, provided that no development agreement or rezoning shall be approved where the development will adversely affect adjacent existing agricultural operations (5.9.2).

PART 6 VILLAGE

Background (6 and 6.1)

Council wishes to encourage existing development areas which serve as focal points for the surrounding countryside, but which are not expected to grow at the rate of a Growth Centre. Municipal sewer and water services will not be provided in the Village designation. Brooklyn is the only area that will in the Village designation.

Brooklyn, located 11 km east of the community of Windsor, is a central junction of Highways 215 and 14 and is considered a service centre for the surrounding countryside. The services include: a post office, volunteer fire department, West Hants Middle School (Grades 7-9), Brooklyn District Elementary School (Grades P-6) and Newport and District Rink. The community also includes several churches and a variety of businesses such as service stations, auto body shops, convenience stores, dental and insurance offices, a hardware and building supply store, a credit union and a feed mill.

Council recognizes that the residents of Brooklyn value its quiet, rural atmosphere. Council is interested in improving community facilities and the overall quality of life in the community. Council considers controlled residential and commercial development as a benefit to the area.

The densely developed small lots in the core area of Brooklyn have experienced pollution and odour from malfunctioning on-site sewage disposal systems. Some residents experience inadequate water quality and supply. West Hants has undertaken several feasibility studies into the provision of municipal sewer and water services in Brooklyn. In all cases, the cost was so high that it was unacceptable to the residents. Council will not entertain future requests for provision of municipal sewer and water services in the Village designation.

Policy

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

- 6.1 designate as Village areas within Brooklyn where controlled residential and commercial development is encouraged. (6.1.1)
- 6.2 permit within the Village designation all the zones listed in policy 6.5, 6.14, 6.18, 6.21, and 6.26.
- 6.3 prohibit municipal sewer and water services in the Village area. (6.1.3)

Amendments

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

- 6.4 consider expanding the boundaries of the Village designation by amending the MPS and LUB subject to the following (6.1.2):

- (a) the expansion is to accommodate proposed residential, commercial, institutional or open space development;
- (b) the proposed use is compatible with the objectives of the Village designation and the surrounding area;
- (c) it is clearly demonstrated that land within the established Village designation is unsuitable or unavailable for the development;
- (d) the rural integrity of the surrounding countryside will not be adversely affected;
- (e) the proposed area abuts the existing Village boundaries;
- (f) any other matter which may be addressed in a LUB; and
- (g) Policy 15.7.

Residential Policy(6.2)

Single unit dwellings are the most common type of housing in Brooklyn, although there are a few multi-unit apartment buildings in the core area. Between 1997 and 2006, 28 new dwelling units were created in Brooklyn.

Council believes, based in part on the 2002 Plan Review Survey, that one and two-unit dwellings should remain the most common housing type in Brooklyn. In the previous Area One MPS and LUB, only the Hazelwood Drive and Lakewood Drive areas were zoned Single Unit Residential (R 1). The Single Unit Residential (R-1) zoning will be maintained for these areas. The remainder of land designated Village that is considered residential will be zoned Two Unit Residential (R-2).

To provide additional housing options in the Village designation, Council will consider proposals for stand-alone multiple unit dwellings and grouped dwellings by development agreement. These types of developments are becoming more popular with seniors and others who do not want the responsibility of maintaining large yards or properties. These types of developments must exhibit comprehensive site planning with close attention paid to preserving natural features of the site and ensuring the design and scale of the development is compatible with the rural Village character.

Policy

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

- 6.5 establish within the Village designation the following zones in the LUB:
 - (a) Single Unit Residential (R-1) zone: it is intended to include limited areas of Brooklyn which were zoned R-1 in the former Area One LUB (6.2.1)
 - (b) Two Unit Residential (R-2) zone: it is intended to include the majority of residential land within the Village designation (6.2.2)

- 6.6 permit within the Two Unit Residential (R-2) zone one and two-unit dwellings and mini homes; however, mobile homes will be prohibited (6.2.2).

Amendments

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

- 6.7 consider rezoning land within the Village designation to Single Unit Residential (R-1) or Two Unit Residential (R 2) subject to the following (6.2.3):
- (b) any other matter which may be addressed in a LUB; and
 - (c) Policy 15.7.

Development Agreements

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

- 6.8 consider proposals for stand-alone multiple unit and grouped single, two and multiple unit dwellings consisting of three or more units in the Village designation by development agreement subject to the following (6.2.4):
- (a) the development fronts on an arterial street or has direct access to an arterial street;
 - (b) the proposed overall density of the development does not exceed one dwelling unit per acre;
 - (c) the minimum distance between main buildings is 20 feet (6.10 meters);
 - (d) adequate open space or recreational areas are provided;
 - (e) building clusters are located so as to conserve existing natural features of the site;
 - (f) the lot is capable of supporting private central or on-site sewage disposal systems, and an adequate potable water supply is available;
 - (g) adequate emergency protection services, including fire, police and ambulance, can be provided;
 - (h) the application is accompanied by:
 - (i) a site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
 - (ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and

- (iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;
- (i) any other matter which may be addressed in a development agreement; and
- (j) Policy 15.7.

Village Core Policy (6.3)

Over the years, Brooklyn has retained its characteristic village core which contains a dense concentration of commercial, residential and institutional or service uses. The village core is clearly identifiable and centres around the village monument at the intersection of Highways 14 and 215. Council wishes to recognize this area as the centre for business and service activity in Brooklyn and to encourage the retention of existing businesses, as well as the development of new commercial uses.

The village core contains a large residential component, including many historically significant houses. New commercial development should be compatible with neighbouring residential uses and consistent with the rural village character. Therefore, Council will encourage small scale local commercial uses such as specialty shops, country inns, arts and crafts studios and similar uses by zoning most of the land within the village core Local Commercial. Council will consider larger scale businesses, provided they are compatible with neighbouring uses and consistent with the objectives of the Village. As Council wishes to ensure close control over the development and ongoing operation of these businesses, General Commercial and Highway Commercial uses will be considered by development agreement. Existing General Commercial and Highway Commercial uses will be zoned in.

Policy

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

- 6.9 designate as Village Core areas within Brooklyn where commercial development is encouraged. (6.3.1)
- 6.10 establish within the Village Core designation the following zones in the LUB:
 - (a) Local Commercial (LC) zone: it is intended to include the majority of land within the Village Core designation (6.3.2)
 - (b) General Commercial (GC) zone: it is intended to include existing General Commercial uses within the Village Core designation (6.3.3)
 - (c) Highway Commercial (HC) zone: it is intended to include existing Highway Commercial uses within the Village Core designation (6.3.3)
- 6.11 permit within the Village Core designation all the zones listed in policy 6.10.

6.12 permit within the Local Commercial (LC) zone development with regulated commercial floor area to ensure a business is compatible with neighbouring residential uses and in character with the village atmosphere. (6.3.2).

Development Agreements

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

6.13 consider new General Commercial (GC) or Highway Commercial (HC) uses in the Village Core by development agreement subject to the following (6.3.4):

- (a) the development has frontage on an arterial street;
- (b) adequate on site parking is provided;
- (c) the development will not adversely affect the rural village character of the Core area with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) noise;
 - (iv) size and design of building(s); and
 - (v) pedestrian circulation and safety;
- (d) adequate buffering or screening, setbacks and yards are provided;
- (e) the proposed use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre;
- (f) maintenance of the development will be satisfactory;
- (g) any other matter which may be addressed in a development agreement; and
- (h) Policy 15.7.

Village Commercial Policy(6.4)

Within the Village designation lots are generally larger. Council will consider Highway Commercial and General Commercial development in the Village designation through either a rezoning process for small businesses or a development agreement for larger businesses.

Policy

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

6.14 establish within the Village designation the following zones in the LUB:

- (a) General Commercial (GC) zone: it is intended to include existing General Commercial uses within the Village designation
- (b) Highway Commercial (HC) zone: it is intended to include existing Highway Commercial uses within the Village designation

6.15 zone in existing commercial uses within the Village Designation (6.4.1).

Amendments

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

6.16 consider rezoning land within the Village designation to allow new General Commercial (GC) or Highway Commercial (HC) uses with a commercial floor area not greater than 5,000 square feet (464.50 square meters) subject to the following (6.4.2):

- (a) the development has frontage on an arterial street;
- (b) adequate on site parking is provided;
- (c) the development is compatible with adjacent land uses with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) noise;
 - (iv) size and design of building(s);
 - (v) pedestrian circulation and safety;
- (d) the rural character of the area will not be adversely affected;
- (e) adequate buffering or screening, setbacks and yards are provided;
- (f) any other matter which may be addressed in a LUB; and
- (g) Policy 15.7.

Development Agreements

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

6.17 consider new commercial uses over 5,000 square feet (464.50 square meters) in commercial floor area in the Village Designation by development agreement subject the following (6.4.3):

- (a) the proposed use is permitted in the General Commercial (GC) or Highway Commercial (HC) zones;

- (b) the proposed use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre;
- (c) maintenance of the proposed use will be satisfactory; and
- (d) any other matter which may be addressed in a development agreement

Industrial Policy(6.5)

New industrial uses will not be permitted in the Village Core as it is quite small and there are few large, undeveloped lots. Council wishes to allow for the development of small scale local industrial uses in the Village designation, provided they are operated in conjunction with a residential use and closely controlled to ensure they remain compatible. Therefore, Council will consider new local industrial uses in the Village designation on arterial streets by development agreement. Existing industrial uses in Brooklyn will be zoned according to their use and will be permitted to continue to operate and expand, if desired, subject to the zone requirements.

Policy

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

- 6.18 establish within the Village designation the Local Industrial (LI) zone. It is intended to include small-scale local industrial uses provided they are operated in conjunction with a residential use.
- 6.19 zone in existing industrial uses within the Village Designation (6.5.1).

Development Agreements

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

- 6.20 consider new Local Industrial (LI) uses in the Village designation by development agreement subject to the following (6.5.2):
 - (a) the development has frontage on an arterial street; and
 - (b) the criteria listed in Policy 5.49

Institutional Policy (6.6)

There are several existing institutional uses in Brooklyn including churches, two schools, a fire hall and a rink. These public uses serve some of the social, cultural and physical needs of the residents of Brooklyn and the surrounding area. Council wishes to provide for the development of institutional uses such as senior citizen homes and homes for special care. As in the Growth Centres, new institutional uses will be considered by development agreement so traffic and parking problems, as well as other negative effects on nearby properties, are minimized.

Policy

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

- 6.21 establish within the Village and Village Core designations the Institutional (I) zone. It is intended to include existing institutional uses in Brooklyn and new uses such as senior citizen homes and homes for special care.
- 6.22 zone in existing Institutional uses within the Village and Village Core Designations **(6.6.1)**.

Amendments

It shall be the policy of Council to:

- 6.23 consider land zoned Institutional (I) in the Village and Village Core designations for other uses subject to the relevant policies of this MPS **(6.6.2)**.

Development Agreements

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

- 6.24 consider the development of new institutional uses in the Village and Village Core designations by development agreement subject to Policy 12.10. **(6.6.1)**
- 6.25 consider new recreation commercial uses in the Village and Village Core designations by development agreement subject to Policy 12.11.

Agriculture Policies **(6.8)**

Active agricultural land within the Village designation will be zoned Agricultural Priority Three (AR-3) pursuant to Part 8.0 of this MPS. New intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted as Brooklyn is intended to be a rural focal point for residential and commercial development. Intensive Livestock could limit the potential for residential or commercial growth. Council will recognize existing intensive livestock operations as permitted uses with the same right to continue to operate or to expand as any other permitted use. Applications for rezoning or development agreements to allow non-farm development will be considered in accordance with the relevant preceding policies for the Village designation. In considering such an application Council will take into account the potential impact of the development on any adjacent agricultural operation.

Policy

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

- 6.26 establish within the Village and Village Core designations the Agricultural Priority Three (AR-3) zone in the LUB: it is intended to include existing agricultural operations in the Village designation.
- 6.27 zone in existing agricultural uses within the Village and Village Core Designations.

- 6.28 prohibit new intensive livestock operations or agricultural support uses in the Village and Village Core designations as these uses could create land use conflicts which have the potential to limit the development of the Village as a rural focal point for residential and commercial development. (6.8.1).

Amendments

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

- 6.29 consider the provisions of Policy 8.10.3 for any application for non-agricultural development on land zoned agriculture within the Village and Village Core designation (6.8.2).

PART 7 HAMLET (7.0)

Background (7.1)

Hamlets are small centres of development with a concentrated component which may include community services such as churches, schools, community halls and small businesses. Council does not intend for Hamlets to grow as rapidly as the Growth Centres or Village, but Hamlets should provide a limited amount of housing for people seeking a rural living environment near farms and resource industries. The retention of the rural nature of these communities is important.

Eleven Hamlets are designated in West Hants.

The Newport Station Hamlet includes Newport Station District Elementary School, a church and community hall, as well as a variety of commercial uses.

The Hamlet of St. Croix is located east of Newport Station and includes the St. Croix Recreation Site, a major municipal recreation facility noted for its international-calibre softball fields. St. Croix also has a variety of other community uses including a community hall, church and post office.

Ellershouse takes in the area east of Highway 101's Exit 4. The majority of development in this Hamlet is along Ellershouse Road and Highway 1. There are a significant number of buildings of historic interest, as well as a church, post office, community hall and several businesses.

The Newport Corner Hamlet begins at the intersection of Highway 1 and Highway 215 and extends north along Highway 215 and Lynch Road to the boundary of the Village of Brooklyn. In addition to a community hall, Newport Corner has a golf course.

The area around Highway 1 from Newport Corner to the East Hants boundary, including Collier Road and Ardoise School Road, is designated as the Ardoise-Cameron Lake Hamlet. The Hamlet includes a church, community hall and campground. This is one of the few Hamlets with existing cottage development on private roads adjacent to Cameron Lake.

Wentworth Creek extends along Wentworth Road from the Windsor town boundary to the Fundy Gypsum Wentworth Creek mine site. Because of the proximity to Windsor, homes in Wentworth Creek are connected to municipal water services. At this time, development in Wentworth Creek is either residential or agricultural.

The Gypsum Mines-Sweets Corner Hamlet centres around the intersection of Highway 14 and Wentworth Road. In addition to several commercial uses, there are two churches and a community hall in the Hamlet.

Newport Landing was a significant shipbuilding community in the time of sail. Today, the Hamlet boasts several houses of historic interest and is home to the Avon River Heritage Museum which has a small restaurant. A church and community hall are also located in the community.

The Hamlet of Mount Denson abuts the Hantsport town boundary. Its proximity to a Highway 101 access means development pressure is likely to increase as the Highway 101 twinning project proceeds. The Hamlet includes a church, community hall, West Hants Ground Search and Rescue and several home-based businesses, as well as cottage development on existing private roads leading to the Avon River.

The Hamlet of Summerville is located on Highway 215, taking in the area from Nunn Road to Block Wharf Road. This community has several businesses including an art gallery, restaurant and funeral home, as well as a church, a fire department, a post office and an elementary school.

The Cheverie Hamlet is located on Highway 215 between Shipyard Road and Wharf Road. This small Hamlet has a church as well as a convenience store and several home based businesses.

Council wishes to direct most of the concentrated residential growth in more rural parts of West Hants to Hamlets, leaving land outside these areas for resource use. For this reason, all land within the Hamlets will be designated Hamlet and several zones will be established to guide specific development.

Three Hamlets-Newport Station, Mount Denson and Wentworth Creek-either abut or are within proximity to the existing serviced areas. Over time, as the Growth Centres infill, additional land may be required for serviced development and consideration may be given to extending the Growth Centre boundaries into former Hamlets. At that time, municipal water and sewer services may be extended to these areas if the costs are feasible.

Policy

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

- 7.1 designate the following as Hamlets on the GFLUM (Map 1): Newport Station, St. Croix, Ellershouse, Newport Corner, Ardoise-Cameron Lake, Wentworth Creek, Gypsum Mines-Sweets Corner, Newport Landing, Summerville, Cheverie and Mount Denson. (7.0.1)
- 7.2 permit within the Hamlet designation all the zones listed in policy 7.5 and 7.9
- 7.3 only provide municipal services in Hamlets that are provided throughout all of West Hants such as garbage collection and protective services. Municipal water and sewer services will not be provided (refer to Policy 5.7). (7.0.3)

Amendments

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

- 7.4 consider expansions to new or existing Hamlets by amendment to the MPS and LUB provided the development objectives of Hamlets are maintained. (7.0.2)

Residential Policy (7.1)

The Rural Residential zone will be the only residential zone to apply within Hamlets to maintain the rural nature of Hamlets. Land zoned for other uses may be considered for rezoning to Rural Residential. As in the Village designation, Council wishes to provide for additional housing options for residents of Hamlets, particularly seniors; therefore, proposals for stand-alone multiple unit dwellings and cluster developments of grouped single, two and multiple unit dwellings will be considered by development agreement. Applications must exhibit comprehensive site planning with close attention paid to preserving natural features of the site and ensuring the design and scale of the development is compatible with a rural area.

Policy

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

- 7.5 establish within the Hamlet designation the Rural Residential (R-4) zone which will apply to the majority of land within the Hamlet boundaries. The Rural Residential (R-4) zone will permit single and two unit dwellings, manufactured homes, and existing community uses such as churches, community centres, fire halls, schools and post offices. (7.1.1 and 7.3.1)
- 7.6 prohibit multiple unit residential development in Hamlets, except as provided in Policy 7.8. (7.1.4)

Amendments

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

- 7.7 consider rezoning land within Hamlets to Rural Residential (R-4) subject to the criteria listed in Policy 6.7. (7.1.2)

Development Agreements

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

- 7.8 consider proposals for stand-alone multiple unit dwellings, grouped single, two and multiple unit dwellings consisting of three or more units in Hamlets by development agreement subject to the criteria listed in Policy 6.8. (7.1.3)

Commercial and Industrial Policy (7.2)

A Rural Commercial zone will apply to Hamlets and resource areas permitting a range of uses which provide a necessary service to local residents, as well as limited highway commercial and tourist commercial uses. Some size limitations will apply to ensure that commercial development in Hamlets remains compatible with rural residential uses, but the limits will not be as restrictive as those applied to home-based businesses. Council intends to allow rural economic development opportunities in Hamlets, while encouraging larger, more urban commercial uses to concentrate in the Village or Growth Centres.

A Hamlet Industrial zone will apply only to the Hamlets. Similar to the Rural Commercial zone, the Hamlet Industrial zone is intended to allow industrial development that provides a service to local residents, is a resource-related industry, or is operated in conjunction with a residential use. Because the Hamlets are rural areas where, traditionally, small industrial uses ranging from auto body repair to saw mills have been an accepted part of rural life, the zone will allow for a broader range of uses than those permitted in the Local Industrial zone of the Village or Growth Centres. To minimize conflicts with neighbouring residential uses, larger lot sizes and setbacks, fencing or landscaping, and controls over open storage will be implemented. Existing commercial or industrial uses in Hamlets will be zoned in. New uses will be considered by rezoning.

Policy

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

- 7.9 establish within the Hamlet designation the following zones in the LUB:
- (a) Rural Commercial (RC) zone: it is intended to permit commercial uses that provide a service to local residents, as well as limited highway commercial and tourist commercial uses in Hamlets and resource areas. Residential uses will be permitted in conjunction with a commercial use in Hamlets and resource areas. (7.2.1)
 - (b) Hamlet Industrial (M-2) zone: it is intended to include local and resource-based industrial uses and residential uses in conjunction with an industrial use in hamlets. (7.2.2)
 - (c) Recreation Commercial (RecC) zone. It is intended to include existing commercial recreation facilities.
- 7.10 prohibit all commercial or industrial zones in Hamlets except as established in policy 7.9. (7.2.3)
- 7.11 notwithstanding Policy 7.10, zone in existing Recreation Commercial uses in Hamlets. (7.2.4)
- 7.12 establish a maximum commercial floor area in the Rural Commercial (RC) zone to ensure commercial uses remain compatible with rural residential and resource uses. (7.2.5)

Amendments

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

- 7.13 consider rezoning land in Hamlets to allow new uses allowed in the Rural Commercial (RC) Zone or Hamlet Industrial (M-2) Zone subject to the following (7.2.6):
- (a) the proposed use:

- (i) is intended to provide a service to local residents, or is a tourist commercial use;
- (ii) is a resource-based activity; or
- (iii) is operated in conjunction with a residential use;
- (b) the proposed use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;
- (c) adequate on site parking is provided;
- (d) the development is compatible with adjacent land uses with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) size and design of building(s);
 - (iv) signage; and
 - (v) pedestrian circulation and safety;
- (e) adequate buffering or screening, setbacks and yards are provided;
- (f) any other matter which may be addressed in a LUB; and
- (g) Policy 15.7.

7.14 consider amending the LUB to add new uses to the permitted uses in the Rural Commercial (RC) or Hamlet Industrial (M-2) zones subject to the following (7.2.7):

- (a) the objectives of the Hamlet designation are maintained;
- (b) the proposed use is:
 - (i) intended to provide a service to local residents;
 - (ii) a resource-based activity; or
 - (iii) operated in conjunction with a residential use;
- (c) the proposed use is compatible with rural residential and resource uses;
- (d) adequate controls exist in the LUB over landscaping and screening, especially of open storage;
- (e) any other matter which may be addressed in a LUB; and
- (f) Policy 15.7.

Development Agreements

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

- 7.15 consider proposals for new uses permitted in the Recreation Commercial (RC) Zone by development agreement subject to Policy 12.11, provided the Hamlet development objectives are maintained. (7.2.4)

Institutional Policy (7.3)

Existing institutional uses in Hamlets such as schools, churches, community centres and fire halls will be recognized as existing permitted uses within the Rural Residential (R-4) zone (Policy 7.5). Council wishes to provide for the development of new institutional uses such as senior citizen homes and homes for special care. New institutional uses will be considered by development agreement to ensure close control over traffic, parking, noise and other potentially negative impacts on neighbouring properties

Development Agreements

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

- 7.16 consider the development of new institutional uses in the Hamlets by development agreement pursuant to Policy 12.10.

Agriculture Policy (7.4)

Active agricultural land in the Hamlets will be zoned Agricultural Priority Three (AR-3) pursuant to Part 8.0 of this MPS. Like the Growth Centres and Village, the Hamlets are intended to be centres for residential development, although the Hamlets offer a more rural living environment. To avoid potential conflict with residential development, new intensive livestock operations and agricultural support uses will not be permitted in the AR-3 zone in Hamlets. Existing intensive livestock operations will be permitted. Requests for rezoning or development agreements to allow non-farm development will be considered in accordance with the relevant preceding policies for the Hamlets. In considering any such application, however, Council must take into account the potential impact of the development on any adjacent agricultural operation.

Policy

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

- 7.17 prohibit new intensive livestock operations or agricultural support uses in the agricultural zone applied to Hamlets as these uses could create land use conflicts which have the potential to limit the development of the Hamlets as centres for rural residential development. (7.4.1)

Amendments

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

7.18 apply provisions of Policy 8.10.3 to all applications for non-agricultural development on land zoned agriculture within the Hamlets. (7.4.2)

PART 8 AGRICULTURE (8.0)

Background (8.1, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.10 and 8.11)

Agriculture is an important industry in West Hants, representing the fourth largest employment sector. According to the 1996 Census, 565 people in West Hants were employed in the agricultural industry. Of the 130 farms in West Hants with more than \$2,500 of gross annual receipts, the most common type was beef (49 farms), followed by miscellaneous specialty such as mink or sheep farms (27), and dairy (15).

Across Canada, the face of agriculture is changing as fewer, larger farms are producing more agricultural products. In Windsor-West Hants, the total number of farms has decreased by 75 percent since 1956. Between 1996 and 2001 alone, the number of farms dropped by 19 percent, from 189 to 153. At the same time, however, the size of farms grew. In 2001, the average farm in West Hants was 229 acres, an increase of 46 percent over the average size in 1956 (157 acres). Although individual farms are getting larger, as a whole, West Hants is losing agricultural land. The total amount of farmland has decreased by 64 percent since 1956 and by 13 percent, from 40,435 acres to 35,084 acres, between 1996 and 2001. The majority of lost farmland between 1996 and 2001 was unimproved (4,083 acres), but 1,268 acres of improved land was also taken out of production.

Although the agricultural industry is facing many challenges, Council feels it is important that active farmland and land with high potential for agricultural use be preserved for food production for future generations.

Land with high potential for agricultural use has been identified using the Canada Land Inventory (C.L.I.) Land Capability for Agriculture classification system. Under this system, Class 1 applies to the best agricultural land, while Class 7 refers to land with no agricultural value. There is no Class 1 land anywhere in Nova Scotia, but there are significant areas of Class 2 and 3 land in the central and northern parts of West Hants particularly around the Avon, Kennetcook, Cogmagun and St. Croix rivers. In all, approximately 91,000 acres in West Hants is rated as C.L.I. Class 2 and 3. There is considerable potential for future expansion of agricultural activities as less than 50 percent of this land is cleared.

Most active farms in West Hants mirror the location of C.L.I. Class 2 and 3 land. Small pockets of active agricultural land can be found along Highway 215 north of the Cogmagun River; however, most of the active farmland in West Hants is located near the centre of the community from the Kennetcook River to the Highway 101 corridor, as well as along the Avon River. This is the same area where a substantial proportion of the new residential development in West Hants has occurred over the past ten years.

Non-farm development in agricultural areas can result in land use conflicts that make it difficult or impossible to carry on farm operations. Complaints about farm activities commonly relate to odour, drift of dust and pesticides, noise from livestock or farm machinery, rodents, flies and escaped livestock. To counteract this, Council feels zoning should take in entire districts where there is a concentration of active farms and land with high potential for agricultural production. This means that agricultural zoning districts will

include small residential lots as well as large farm parcels. Often conflicts between residential and farm uses arise, not with the first owner of a residential property in a farming area, but with subsequent owners who may not be fully aware of the consequences of living near an active farm. Creating agricultural districts which include these residential properties will help inform new residential land owners that they will be living in a farming area and must accept the consequences of doing so.

In previous Municipal Planning Strategies and Land Use By laws, most of the agricultural land in the former Area One and Upper Falmouth planning areas was protected by a variety of land use, subdivision and lot size controls. Farmland in Areas Two and Three had no agricultural protection. In this MPS, the agricultural designation will apply to land with the highest capability for agriculture (C.L.I. Class 2, 3 and 4) and areas with active farms, including the previously unzoned areas.

Because of the scale at which it was prepared, the C.L.I. mapping, upon which the Agricultural designation is based, is generalized and there may be pockets of land with higher or lower capability ratings. Council feels it is important to provide an opportunity, through a LUB amendment or development agreement process, for owners of land with little or no agricultural capability to use their property for certain non-farm development, provided the development will not interfere with adjacent farm activities or negatively affect the viability of the farming area. Property owners will be required to show that the majority of the development site is unsuitable for agriculture and the development will not adversely affect other farms in the area.

The development of new roads in agricultural areas leads to the fragmentation of agricultural land, making it less viable for farming. Council will not permit the creation of new roads for development purposes in areas zoned for agriculture to preserve agricultural land for present and future agricultural use. Where a development involving new roads is proposed, Council may consider a rezoning or development agreement application pursuant to the relevant policies of this MPS.

Agricultural operations involving crop production, including pasture for livestock, are dependent upon the presence of fertile, productive topsoil. The removal of topsoil from farmland changes the lands capability to support agricultural operations. Drainage patterns may also be affected, further limiting agricultural use. Prohibiting the removal of soils is necessary to preserve the agricultural resource of West Hants.

The type and number of livestock involved in a farm operation can affect the intensity of odour, noise or potential pollution through runoff from manure storage or livestock buildings. Establishing separation distances between livestock operations and non-farm development, wells and watercourses can help to mitigate or avoid problems. Separation distances can help ensure new livestock operations are located a sufficient distance away from existing residential or other non-farm uses and they can ensure new non-farm development is not located so close as to affect the ability of an existing farm to carry on necessary activities.

Three agriculture zones will apply to all agriculturally designated land in West Hants, as well as to active farmland in the Growth Centres, Village and Hamlets. It is intended that the Prime Agriculture (P/Ag) zone have the most stringent control on non-agricultural development, with the level of control gradually decreasing for Agricultural Priorities 2 to 3.

At the request of the Upper Falmouth farming community, the West Hants Council adopted the Upper Falmouth MPS and LUB in 1989. This MPS focused almost entirely on the preservation of the agricultural resources of Upper Falmouth, an area with a concentration of active farms, soils of the highest agricultural capability (Class 2 and 3) and dykeland. It established a Prime Agriculture zone which allowed few non-farm uses and placed strict controls on the subdivision of agricultural land. The farmers in Upper Falmouth wish to see these stringent restrictions continue in this MPS. For this reason, a Prime Agriculture (P/Ag) zone will apply to the area previously zoned Prime Agriculture under the Upper Falmouth LUB. The zone may also be applied to other areas of West Hants where land owners desire a similar level of protection for their farmland.

Non farm development in the Prime Agriculture (P/Ag) zone will be strictly controlled. An important aspect of this control is the requirement that new residential uses will be permitted only as part of an ongoing agricultural operation and not as the main use on a property. The one exception is existing undersized lots where a single unit dwelling may be permitted as the main use. Subdivision of land is discouraged through a large minimum lot size requirement. Council may consider rezoning to allow residential development or open space uses provided the land is proven to be of little capability for agriculture and agricultural operations in the entire district will not be adversely affected. Limited commercial uses that supply a service to the farm community, such as small convenience stores, vehicle or machinery repair shops, personal service shops, sales of farm equipment and supplies and similar uses, may be considered by development agreement on existing undersized lots where the land is proven to be unsuitable for agricultural use.

The creation of small lots encourages non farm development and reduces the viability of the land for agricultural purposes. Subdivision in the Prime Agriculture (P/Ag) zone will be controlled in the LUB and SUB

The Agricultural Priority Two (AR 2) zone is intended to apply to areas with high capability (Class 2 and 3) for agriculture, but where land owners do not want the strict development controls of the Prime Agriculture (P/Ag) zone. The AR-2 zone allows for more flexibility than the P/Ag zone including a wider scope of on-farm businesses by development agreement. Unlike the P/Ag zone, new dwellings are permitted as a main use, although subdivision is limited to two lots per area of land in a calendar year. More extensive residential development beyond the two lots per calendar year permitted as-of-right may be considered by rezoning, provided the land is proven to be unsuitable for agriculture. Council may also consider non resource commercial or industrial development in the AR 2 zone by development agreement, subject to a study showing the land is of low agricultural capability.

The Agricultural Priority Three (AR 3) zone includes agricultural land with a lower productive capability (Class 4), as well as active agricultural land in the Growth Centres, Village and

Hamlets. The least stringent of the agricultural zones, the AR 3 zone has no limit on the number of lots that can be subdivided on existing public streets. Land zoned AR-3 within the Growth Centres, Village or Hamlets may be considered for non-farm residential, commercial or industrial use subject to the relevant Growth Centre, Village and Hamlet policies. Outside the Growth Centre, Village and Hamlet designations, land zoned AR-3 may be considered for residential development by rezoning, while non resource commercial and industrial development and on farm businesses may be considered by development agreement. Unlike the other agricultural zones, there is no requirement for a study proving the land is unsuitable for agriculture, although Council must consider the potential impact of the proposed development on any adjacent agricultural operations.

Council recognizes that a sustainable agriculture industry today requires a diversified economic approach. Smaller farms, in particular, are facing the need to diversify their operations. For some, this may be something as simple as a roadside stand or farm market from which to sell vegetables or other produce grown on the farm, but for others, it may mean supplementing the sale of produce with value added products, craft items, or other products brought in from off the farm. Some type of food service (ranging from snacks to complete meals) is often part of these businesses. Other farmers provide farm vacations, with bed and breakfast accommodation in the farmhouse, or cabins on the farm property. Wineries typically offer wine sampling, but in addition, many have restaurants. These types of businesses, which attract visitors to farming areas, are sometimes referred to as "agri tourism". Council wishes to allow for on farm businesses in conjunction with farm operations in the Agricultural Priority Two and Three zones, provided those businesses remain subordinate to the main agricultural use of the property, will not adversely affect adjacent farm operations, and will not consume large areas of high capability agricultural land. On farm businesses may include agri tourism uses, as well as home-based businesses that wish to expand beyond the size limitations set in the LUB, or other businesses such as service shops that may not fit within the definition of home-based business. In all cases, however, these uses should be subordinate to the main agricultural use of the property.

Motocross tracks or other off-highway vehicle courses are not commonly thought of as businesses associated with farm operations. Council wishes to provide as much flexibility as possible for farms which are struggling to survive and feels that this type of use, if it is to locate anywhere in West Hants, is probably best suited to resource or agricultural properties which have the large land base needed to provide buffering from noise and other impacts. Development agreements for these uses will contain conditions regulating hours of operation, landscaping and buffering, parking and access, and separation distances from adjacent residential development.

Policy

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

- 8.1 establish an Agriculture designation which shall apply to the majority of active farmland and Canada Land Inventory Class 2, 3 and 4 agricultural land in West Hants which is not in a designated Growth Centre, Village or Hamlet as shown on the Generalized Future Land Use Map (Map 1). (8.2.1)

- 8.2 establish within the Agriculture designation the following zones in the LUB:
- (a) Prime Agriculture (P/Ag) zone: it is intended to include land with the highest capability for agriculture (Canada Land Inventory Class 2 and 3) and active farms in Upper Falmouth. The zone may also be applied to other agricultural areas of West Hants where the landowners desire a strong level of protection for their farmland. (8.8.1 and 8.8.2)
 - (b) Agricultural Priority Two (AR-2) zone: it is intended to include land with the highest capability for agriculture (Class 2 and 3 soils as defined in the C.L.I.). The zone may include non-active and unimproved land and land of lower capability rating for agriculture that is actively farmed or adjacent to active farmland. The zone will be used in areas where the strictest controls of the Prime Agriculture zone are not acceptable to the landowners. (8.9.1)
 - (c) Agricultural Priority Three (AR-3) zone: it is intended to include land with a lower productive capability for agriculture (Class 4), although pockets of land with a higher C.L.I. rating may also be included. The zone will also apply to active agricultural operations in the Growth Centres, Village and Hamlets. (8.10.1)
- 8.3 permit within the Agriculture designation all the zones listed in policy 8.2.
- 8.4 permit within the Prime Agriculture (P/Ag) zone, agricultural uses, forestry and forestry-related uses, single unit dwellings accessory to an ongoing agricultural operation, existing dwellings, and existing churches and community centres. (8.8.3)
- 8.5 permit within the Agricultural Priority Two (AR-2) zone, agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry-related uses, churches, community centres and fire halls. (8.9.2)
- 8.6 permit within the Agricultural Priority Three (AR-3) zone, agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry-related uses, churches, community centres and fire halls. (8.10.2) LUB does not permit intensive livestock operations)
- 8.7 preserve active farmland and land with high potential for agriculture in West Hants. Within the Agriculture designation, agricultural activity shall be considered the dominant use, having priority over all other uses. Non-agricultural development shall be encouraged to locate in areas less suitable for agricultural purposes. (8.2.2)
- 8.8 encourage and support, through provisions in the LUB, the continued operation of existing farms and agricultural activities in West Hants. (8.2.3)
- 8.9 limit uses in the Agriculture designation primarily to agricultural operations devoted to the production for sale of farm products which may include but are not necessarily limited to (8.2.4):

- (a) the growing and harvesting of crops such as vegetables, fruits, field crops, berries, trees, maple syrup, mushrooms, flowers and landscaping materials, and may include:
 - (i) the erection and use of greenhouses, nurseries and wineries;
 - (ii) woodlots and forestry uses;
 - (b) the raising of livestock such as cattle, horses, poultry, swine, sheep, rabbits, goats, emus, llamas, fur-bearing animals, game animals, game birds and honey bees, and may include:
 - (i) the production of eggs, cream and milk;
 - (ii) breeding and boarding kennels for dogs, cats or other domestic pets;
 - (iii) riding stables;
 - (c) the marketing of agricultural products produced on the farm property at an accessory farm sales outlet;
 - (d) the process at a farm necessary to prepare a farm product for distribution including cleaning, grading, storage and packaging;
 - (e) the clearing, draining, levelling, irrigating or cultivating of land;
 - (f) the application of fertilizers, soil conditioners, pest control products or other agricultural inputs;
 - (g) the storage, disposal or use of compost and livestock-generated waste for farm purposes (but does not include biosolid waste); and
 - (h) the operation of agricultural machinery and equipment.
- 8.10 regulate the following in the LUB (8.2.5):
- (a) separation distances between agricultural and non agricultural uses;
 - (b) livestock operations; and
 - (c) manure storage facilities.
- 8.11 regulate subdivision of agricultural land in the Subdivision By-law. (8.2.6)
- 8.12 permit more than one main building, other than a dwelling, on a lot in an agricultural zone. (8.2.7)
- 8.13 prohibit new public streets or private roads in any agricultural zone. (8.3.1)

- 8.14 prohibit the removal of topsoil from land in any agricultural zone except as necessary to allow for the development of uses permitted in the zone or where the topsoil removal is incidental to an agricultural operation. (8.4.1)
- 8.15 establish definitions and regulations in the LUB distinguishing between intensive and non-intensive livestock operations based on the number of livestock (animal units) involved. (8.5.1)
- 8.16 regulate the location of livestock operations, including separation distances from watercourses, wells and adjacent non-farm buildings, zones or uses. New non-farm development shall be required to maintain sufficient distance from existing intensive livestock operations. (8.5.2)
- 8.17 permit existing intensive livestock operations which do not meet setback or separation distance requirements to expand, provided the expansion does not further encroach on the setbacks or separation distances that do not conform. (8.5.3)
- 8.18 enable the Development Officer to reduce certain separation distances for new and existing intensive livestock operations with fewer than 300 animal units, provided the applicant submits an environmental site assessment and plans prepared by a qualified agricultural engineer who certifies that manure management and storage capacity will be adequate, contaminated runoff will be eliminated or contained and there will be no increased pollution risk associated with the project. (8.5.4)
- 8.19 require intensive livestock operations with more than 300 animal units to meet the standard setbacks and separation distance requirements of the LUB (8.5.5)
- 8.20 consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following (8.6.1):
- (a) 90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this MPS; or
 - (b) if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:
 - (i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or
 - (ii) the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations

for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;

- (c) the study shall:
- (i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;
 - (ii) require a site inspection by the agrologist;
 - (iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;
 - (iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;
 - (v) include a site plan illustrating the area studied and any relevant site features;
 - (vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;
 - (vii) indicate the implications of letting the parcel go out of agricultural production; and
 - (viii) indicate the implications of fragmenting the land.
- 8.21 notwithstanding Policy 8.4, permit a single unit dwelling as a main use (i.e., other than accessory to an agricultural operation) where the lot existed on or before April 11, 1989 (the effective date of the former Upper Falmouth MPS and LUB) and the lot is 6 acres (2.43 ha) or less in size. (8.8.4)
- 8.22 notwithstanding Policies 8.24 and 8.25, in the Prime Agriculture (P/Ag) zone, no development agreement shall be approved and no property shall be rezoned where the proposed development may compromise or adversely affect the operation or integrity of existing agricultural operations. (8.8.7)
- 8.23 except as otherwise provided in Policies 8.21 and 8.24, require the minimum lot area in the Prime Agriculture (P/Ag) zone to be 25 acres (10.12 ha). (8.8.8)

- 8.24 permit the creation of a lot having a minimum of 5 acres (2.02 ha) in area in the Prime Agriculture (P/Ag) zone where the only permitted use is agricultural operations other than a dwelling. The remainder must be a minimum of 25 acres (10.12 ha) in area. (8.8.9)
- 8.25 limit the subdivision of land in the Agricultural Priority Two (AR-2) zone to the creation of two lots per area of land in a calendar year, with frontage on an existing public street. This policy shall not prevent the consolidation of two or more parcels. (8.9.5)
- 8.26 land zoned Agricultural Priority Three (AR-3) in the Growth Centre, Village and Hamlet designations may be considered for non-agricultural development subject to the relevant Growth Centre, Village or Hamlet policies, provided that no development agreement or rezoning shall be approved where the development will adversely affect adjacent existing agricultural operations. (8.10.3)

Amendments

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

- 8.27 consider rezoning land zoned Prime Agriculture (P/Ag) to allow uses permitted in the Rural Residential (R-4) Zone or Open Space (OS) Zone subject to the following (8.8.5):
- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.20;
 - (b) adequate separation distances are provided to minimize potential land use conflicts;
 - (c) the proposed use is compatible with adjacent land uses;
 - (d) the proposed use will not adversely affect other farms in the area; and
 - (e) Policy 15.7.
- 8.28 consider rezoning land zoned Agricultural Priority two (AR 2) to Rural Residential (R-4) subject to the following (8.9.3):
- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.20;
 - (b) the proposed development will not compromise or adversely affect the operation or integrity of existing agricultural operations;
 - (c) the predominant agricultural character of the area will not be adversely affected and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;

- (d) adequate separation distances and buffering between agricultural and non agricultural uses can be provided;
 - (e) any other matter which may be addressed in a LUB; and
 - (f) Policy 15.7.
- 8.29 consider rezoning lands zoned Agricultural priority three (AR-3) in the Agriculture designation outside the Growth Centres, Village and Hamlets to Rural Residential (R-4) subject to the following (8.10.4):
- (a) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;
 - (b) the predominant agricultural character of the area will not be adversely affected and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;
 - (c) adequate separation distances and buffering between agricultural and non agricultural uses can be provided;
 - (d) not more than 25 acres (10.12 ha) shall be rezoned;
 - (e) any other matter which may be addressed in a LUB; and
 - (f) Policy 15.7.

Development Agreements

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

- 8.30 consider permitting small-scale commercial uses that provide a service to the local community in the Prime Agriculture (P/Ag) zone by development agreement subject to the following (8.8.6):
- (a) the proposed use is a community service use such as a convenience store, a personal service shop, a vehicle or machinery repair shop, retail sale of farm equipment and supplies, an agricultural support use, or similar use;
 - (b) the lot is 6 acres (2.43 ha) or less in size and existed on or before April 11, 1989;
 - (c) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.20;
 - (d) adequate separation distances are provided to minimize potential land use conflicts and, in particular, the proposed building or structure is located a minimum of 500 feet (152.40 meters) from a structure housing an existing intensive livestock operation;
 - (e) the use is compatible with adjacent land uses with respect to:

- (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) storage and advertising; and
 - (iv) commercial floor area or size of building(s).
- (f) the proposed use will not adversely affect other farms in the area; and
- (g) Policy 15.7.

8.31 consider new non resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone by development agreement subject to the following (8.9.4):

- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.20;
- (b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;
- (c) the predominant agricultural character of the area will not be adversely affected;
- (d) adequate separation distances and buffering between agricultural and non agricultural uses can be provided;
- (e) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;
- (f) the development is compatible with adjacent land uses with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) size and design of building(s);
 - (iv) signage; and
 - (v) pedestrian circulation and safety;
- (g) any other matter which may be addressed in a development agreement;
- (h) Policy 15.7.

8.32 consider new non resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations by development agreement subject to the following (8.10.5):

- (a) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations
- (b) the predominant agricultural character of the area will not be adversely affected;
- (c) adequate separation distances and buffering between agricultural and non agricultural uses can be provided;
- (d) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;
- (e) the development is compatible with adjacent land uses with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) size and design of building(s);
 - (iv) signage; and
 - (v) pedestrian circulation and safety
- (f) any other matter that may be addressed in a development agreement; and
- (g) Policy 15.7.

8.33 consider permitting the following on-farm businesses as part of an ongoing farm operation in the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3) zones by development agreement (8.11.1):

- (a) agri tourism uses such as:
 - (i) lodging, consisting of not more than six cabins or rental units;
 - (ii) restaurants;
 - (iii) interpretive centres or museums; and
 - (iv) meeting or reception rooms accessory to (i), (ii) or (iii);
- (b) farm markets that do not meet the as-of-right requirements for agricultural uses because of the amount of produce, crafts or other products that have been brought in for sale from off the farm property; and
- (c) small scale businesses similar to home-based businesses, but which may not meet the as of right requirements for a home-based business because of the size or nature of the business.

subject to the following (8.11.2):

- (a) the use is clearly subordinate to the principal agricultural use of the property;
- (b) the use will be located:
 - (i) within, or in close proximity to, the existing farm building cluster; or
 - (ii) in an area that could not reasonably be used for the cultivation of crops;
- (c) a location that does not meet clause (b) may be considered only where the use has site-specific locational requirements;
- (d) where the use involves the construction of a new building or buildings, the size and design of the building(s) are compatible with adjacent buildings and the agricultural character of the area;
- (e) the proposed use will not adversely affect adjacent agricultural or residential uses;
- (f) safe access can be provided;
- (g) any other matter which may be addressed in a development agreement; and
- (h) Policy 15.7.

8.34 Notwithstanding the uses listed in Policy 8.33, consider permitting off-highway vehicle courses as on-farm businesses in the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3) zones by development agreement subject to the criteria of Policy 8.36 and the following (8.11.3):

- (a) no part of any off-highway vehicle course, including bleachers and spectator viewing stands, shall be located within 1,000 meters of an existing dwelling, other than a dwelling that is part of the property under consideration;
- (b) neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;
- (c) adequate landscaping, buffering and separation distances will be provided;
- (d) the course design focuses on minimizing noise impacts to adjacent properties by taking into account the natural terrain and existing vegetation, as well as providing for the installation of earth berms and planting of shrubs, trees and other vegetation; and
- (e) the potential for soil erosion and other environmental impacts will be minimized through proper course design and construction measures.
- (f) the agreement shall include conditions addressing the following (8.11.4):

- (i) requirements for all off-highway vehicles used on the course to be equipped with tailpipe inserts or other noise attenuation devices and for the course owner or operator to monitor sound levels;
- (ii) a limit on the number of major events, such as races or competitions, that can be held on the property in any 12-month period; and
- (iii) where events are to be held, that provision is made to ensure temporary camping areas, concession stands, parking areas, washrooms and other facilities are adequately separated from neighbouring properties and are removed at the conclusion of the event.

PART 9 RESOURCE (9.0)

Background (9.1,9.2,9.3, and 10.0)

A significant area of West Hants is used for forestry, mining, combined resources and municipal water supply. Council intent to designate Resource any rural areas of West Hants outside the Growth Centres, Village and Hamlets, which are not designated Agriculture (see Part 8.0).

West Hants faces numerous challenges in dealing with competing land uses in the resource areas. The primary focus of the resource zones will be resource uses as these uses play a significant role in the West Hants economy. In the Resource designation, resource and residential uses may occur in close proximity. As part of living in a rural environment, residents must be willing to accept the negative impacts of resource activities such as noise from livestock and farms, forestry or mining equipment, odours, and traffic involving heavy equipment or slow moving vehicles. Council will require large lots, setbacks and separation distances to help mitigate some of these impacts. Cottage development on private roads has led to an increase in requests for municipal services such as water, sewer, garbage collection, road maintenance and snow plowing.

The General Resource (GR) zone encompasses most of the land in the Resource designation. It includes Crown land and pockets of cottage development. This zone is a general, rural resource zone where resource activities are considered paramount, but where a range of residential and small-scale commercial and industrial uses that provide a service to residents of the surrounding countryside will be permitted. Council intends to apply this zone to rural areas which are not subject to intense development pressure.

Much of the area zoned General Resource (GR) is used for forestry. Since 1994, the amount of assessed forest land in West Hants has increased by about 4,000 acres. The majority of this land is located in Upper Falmouth and Vaughan (almost 90,000 acres), St. Croix, Ellershouse and Newport Corner (over 60,000 acres) and Summerville and Kempt (almost 40,000 acres). Large forestry companies own a significant portion of this land. The three largest private owners of forest land in West Hants are Neenah Paper (over 53,000 acres), Bowater Mersey (over 34,000 acres) and Mactara (over 15,000 acres). In addition, the province owns about 31,000 acres of forest land, some of which is leased to forestry companies for harvesting.

Council wishes to ensure additional opportunities are available for rural economic development in addition to the small-scale commercial uses permitted as-of-right in the General Resource (GR) zone. Commercial uses that provide essential services to the local area or relate to tourism are considered appropriate and will be permitted by rezoning to Rural Commercial (RC). Such uses include credit unions or banks, postal outlets and tourist accommodation. Recreation commercial (RecC) uses such as golf courses, campgrounds or off-highway vehicle courses may also be considered by development agreement. In addition, resource industrial uses which are considered necessary and appropriate in a rural area, such as automobile and equipment repair and resource support industries, may be allowed by rezoning to Resource Industrial (M-1).

Areas surrounding lakes, rivers and the Minas Basin shoreline are popular for cottage development in West Hants. These developments are often located on private roads where municipal services such as road maintenance, school busing and garbage collection are not provided. Demands for municipal services often increases as seasonal dwellings become full-time homes. Council wishes to ensure that West Hants offers many lifestyle and housing choices, including the option of permanent residency on private roads. However, providing services to scattered and often remote areas is both expensive and inefficient for West Hants. Council would like to ensure those who choose to live on private roads do not place a burden upon municipal servicing. In particular, residents must recognize their own responsibility for keeping their private roads maintained to a level that will allow emergency vehicle access. The construction of new private roads for subdivision purposes will be restricted to the General Resource zone. Seasonal dwellings as well as year-round homes will be permitted on private roads; however, municipal services will be limited to emergency protective services, provided these roads are passable.

Cluster style developments, or grouped dwellings, where buildings are concentrated in specific areas of the site, can reduce servicing costs and mean there is more land available for recreation and open space or for protection of wildlife habitat and sensitive environmental features such as watercourses and wetlands than conventional subdivision.

West Hants typically controls key aspects of development through the subdivision and land use by-law such as density, street design and construction, and provision of public parkland. For grouped dwellings or cluster developments where subdivision does not occur, West Hants must use other means. Stand-alone multiple unit dwellings and grouped dwellings will only be permitted in the General Resource (GR) zone by development agreement to allow Council control scale and design, streets, open space, and access to lakes and major watercourses. Council wishes to ensure that this process is not used for situations where a property owner wishes to place a second or third dwelling on a lot without subdividing; therefore, Council intends to restrict multiple unit and grouped dwelling development to medium or larger scale proposals exhibiting comprehensive site planning and design.

Some of the forested and natural areas of West Hants have potential for development as nature-based or recreation-focused resorts. Market demand is growing for tourism-oriented development that provides active and passive recreation opportunities in a natural setting along with accommodation. Spas or other health and wellness facilities, shopping and dining are often part of these resorts. Permanent residences may be included as well as various forms of visitor accommodation. Council will provide the ability to develop a comprehensively planned community which offers a wide range of recreational and lifestyle opportunities, as well as services for residents and visitors alike. The type of resort development envisioned by Council must be based on a comprehensive community plan that can only be accommodated on large parcels of land (at least 500 acres). Resort development will be limited to the General Resource zone where the large land base needed is available.

West Hants has significant gypsum deposits which have supplied mining operations for over 200 years. In recent times, Gypsum has been predominantly mined at Miller's Creek and Wentworth Creek. Gypsum mining has had an important economic impact on West Hants,

providing about 150 jobs as well as spin off employment. Material such as stone, gravel, peat, gypsum and limestone (except anhydrite), oil, natural gas and ordinary soil are not defined as minerals under the Nova Scotia Mineral Resources Act. Since gypsum is not considered a mineral under the Act, the resource is not vested in the crown and mineral rights for gypsum cannot be obtained from the Province. Rights to gypsum and limestone deposits, as well as other non mineral deposits, can be transferred by agreement with individual property owners through the registration of a deed to a property.

The impact of open pit mining on the land and surrounding land uses is of concern to residents of West Hants. Municipal planning documents, however, are limited by the Municipal Government Act to regulating the location of structures related to mining operations or mineral processing industries, and not the mineral extraction itself. It is important to recognize that, since mining operations require a mining permit or, in the case of gypsum, a Non-Mineral Registration, issued under the jurisdiction of the Province, mineral extraction activities without structures may be permitted to proceed by the Province without municipal planning approval.

Council intends to establish a Mineral Resource zone which shall apply to lands at Miller's Creek , Wentworth Creek and McKay Section.

Mining is regulated by the Province, but certain activities may fall under federal environmental assessment requirements. It is important to Council that provincial and federal requirements be followed in every aspect of a mining operation (development, operation, closure and rehabilitation). Since the mining operations in West Hants have existed for many years, some of the newer provincial requirements, such as reclamation bonds and community liaison committees, have not been implemented. Council believes it should work with mining companies and the provincial government to establish procedures for the closure and rehabilitation of existing mine sites as well as the development of reclamation plans for new mine sites.

The Municipal Government Act, in defining areas of provincial interest, requires that all municipalities identify and address the protection of municipal water supply watersheds in their planning documents. Within West Hants, there are three municipal water supply areas: French Mill Brook which supplies the serviced area of Falmouth; Mill Lakes which supplies the community of Windsor and the serviced area of Three Mile Plains; and Davidson Lake which serves the community of Hantsport. Each water supply area has a watershed advisory committee made up of municipal and water utility staff, elected officials, land owners and provincial government representatives. The committees provide a forum for cooperative watershed management with their primary aim being the protection of the water supply.

The French Mill Brook water supply, located west of Falmouth on Eldridge Road, is designated as a Protected Water Area under the Environment Act. The regulations connected to this designation address activities such as swimming, boating, fishing and snowmobiling, as well as clear cutting, mining and agricultural uses. Although West Hants owns several parcels of land surrounding the reservoir, much of the land within the 2,814 acres (1,138.82 hectares) designated area is privately owned. Most of the area is forested.

There are no residential uses in the Protected Water Area, although some of the land owners have woods camps.

The Mill Lakes water supply area is also a Protected Water Area under the Environment Act, encompassing 4,394 acres (1,778.45 hectares) south of Windsor. Swimming, boating, fishing and snowmobiling are prohibited except by land owners. The regulations also address forestry and agricultural uses within the Protected Water Area. Like French Mill Brook, much of the land is privately owned by individuals, rather than large forestry companies. There is no residential or agricultural development within the protected area, although there are a number of woods camps.

The Davidson Lake water supply, located north of French Mill Brook, is also largely forested. Although Davidson Lake is not protected under the Environment Act, West Hants owns a sizable portion of the land immediately surrounding the lake. West Hants will continue to ensure that these watershed lands are protected from incompatible land uses.

A Water Supply (W) zone will be established to encompass the three water supply areas. To protect water quality, this zone will limit the types of development allowed. Dwellings will not be permitted because of steep slopes in some parts of the water supply areas and the potential for contamination. Woods camps will continue to be allowed so as not to unduly limit property owners' rights to use their land, although their size will be restricted.

Subdivision of land in the Water Supply zone will be controlled through large minimum lot size and road frontage requirements. As the risk of water contamination increases with development, Council will further restrict subdivision by establishing a minimum water frontage requirement for lots which abut the shores of Mill Lake and Davidson Lake. The alteration of land levels to create flat development sites or roads removes the vegetative ground cover and may result in erosion and siltation of nearby water bodies. To minimize this, setbacks from watercourses and alteration of land levels will be regulated in the LUB. Some landowners are concerned that large watercourse setbacks will force them to site their camps so far away from the shoreline that they will lose views and other benefits of being close to the water. Council wishes to provide another option for these landowners that will allow them to build closer to the shoreline provided specific studies and controls are undertaken. The cost of these studies would be borne by the landowner in each case.

The West Hants Landfill Site is located at 1569 Walton Woods Road, Cogmagun. Originally designed to meet the landfill needs of West Hants and the communities of Windsor and Hantsport, the landfill is now serving a wider area. The landfill site was upgraded in 2005 to meet provincial regulations requiring landfills to have liner systems and leachate collection and treatment. The upgraded "Second Generation" landfill site opened in January 2006 as a public-private partnership between West Hants and Waste Management of Canada Corporation.

Council feels it is important to have a zone dedicated to the landfill and policy which will allow for necessary expansion of the landfill operation. At the same time, however, it is the feeling of Council that no new landfill sites should be permitted in West Hants.

Policy

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

- 9.1 establish a Resource designation which applies to land outside the Growth Centres, Village and Hamlets which is not designated Agriculture. (9.0.1)
- 9.2 establish within the Resource designation the following zones in the LUB:
 - (a) General Resource (GR) zone: it is intended to include to areas of West Hants which are outside the Growth Centres, Village and Hamlets and are not zoned for agricultural, mineral or water supply uses. This includes large parcels of Crown land, land owned by forestry companies, areas of seasonal residential development which are accessed by private roads, and rural areas which are not considered to be under intense development pressure. (9.1.1)
 - (b) Mineral Resource (MR) zone: it is intended to include mining and related uses (9.2.1)
 - (c) Water Supply (W) zone: it is intended to include the Protected Water Areas of French Mill Brook and Mill Lakes and the established boundaries of the Davidson Lake watershed (9.3.1)
 - (d) Landfill (LF) zone: it is intended to include the existing landfill site at Cogmagun. (10.0.1)
- 9.3 permit within the Resource designation all the zones listed in policy 9.2;
- 9.4 permit within the General Resource (GR) zone, agricultural and agricultural support uses; forestry and forestry related uses; structures associated with sand and gravel extraction operations; single and two unit dwellings, manufactured homes; community and commercial uses which serve the local area such as community centres, churches, fire halls, restaurants, small retail stores, automobile service stations, farm equipment sales and personal service shops. (9.1.2)
- 9.5 permit within the Mineral Resource (MR) zone, agricultural uses, agricultural support uses, forestry and forestry-related uses, mineral processing industries, structures related to mineral extractive uses including sand and gravel operations, single and two unit dwellings and manufactured homes (9.2.1)
- 9.6 permit within the Water Supply (W) zone, uses considered compatible within a water supply such as woods camps, forestry uses excluding processing structures, municipal water treatment and distribution uses, outdoor recreation uses without permanent structures, historic buildings and structures, and agricultural uses excluding dwellings, livestock operations and greenhouse operations (9.3.2)
- 9.7 permit within the Landfill (LF) zone, landfill operations and associated uses such as commercial composting operations, construction and demolition waste receiving and processing areas, and recycling depots (10.0.1)

- 9.8 limit the development of resource land for non resource use to protect the forestry, mineral, water supply, wildlife habitat and recreational resources of West Hants. (9.0.2)
- 9.9 consider existing and new resource uses as the primary focus of the resource zones. Residents must recognize the priority of resource uses in these zones. (9.0.3)
- 9.10 limit the size of retail stores in the General Resource (GR) zone to ensure that these uses remain small in scale and compatible with a rural environment. (9.1.3)
- 9.11 require larger residential lot sizes in the General Resource (GR) zone to discourage strip development and provide buffering from resource uses. (9.1.4)
- 9.12 establish separation distances and buffering requirements in the LUB to reduce conflicts between resource and non resource land uses. (9.1.5)
- 9.13 permit new private roads for subdivision purposes only in the General Resource (GR) zone. Development on private roads shall be limited to seasonal dwellings, single unit dwellings, home-based businesses and resource uses. (9.1.8)
- 9.14 exclude development on private roads from receiving municipal services such as school busing, snow plowing, garbage collection and any other service normally included within the general or a special area assessment rate except for emergency protective services. (9.1.9)
- 9.15 regulate only the location of structures related to a mining operation in the LUB since regulation of mineral extraction activities falls under the jurisdiction of the Province of Nova Scotia. (9.2.2)
- 9.16 establish separation distances for structures in the Mineral Resource (MR) zone to reduce the impact of mining operations on adjacent land uses. (9.2.3)
- 9.17 work with community residents, mining companies and the provincial government to encourage the reclamation of closed mine sites as well as to create reclamation plans for new and existing active mine sites. (9.2.5)
- 9.18 encourage mineral extractive operations to minimize potential conflicts by maintaining adequate separation distances from areas designated as Growth Centres, Villages or Hamlets as well as from existing residential, commercial or agricultural uses. (9.2.6)
- 9.19 minimize site disturbance in the Water Supply (W) zone by limiting the permitted floor area for woods camps. (9.3.3)
- 9.20 review and revise this MPS and accompanying LUB to reflect changes made to any Protected Water Area under the Environment Act. (9.3.4)

- 9.21 co operate with the Town of Hantsport in the future should the Town wish to apply for designation of Davidson Lake as a Protected Water Area under the Environment Act. (9.3.5)
- 9.22 establish a minimum lot size of 10 acres (4.05 hectares) in the Water Supply (W) zone except for municipal water treatment and distribution uses. (9.3.6)
- 9.23 establish a minimum water frontage requirement in the Water Supply (W) zone which shall apply to the creation of new lots abutting Mill Lake and Davidson Lake. (9.3.6)
- 9.24 prohibit the erection of any structure or alteration of land levels for development on any portion of a lot in the Water Supply (W) Zone where there is a slope greater than 15 percent. This shall not apply to municipal water treatment and distribution uses, structures necessary for the prevention of floods or erosion, or structures which serve to facilitate drainage. (9.3.7)
- 9.25 require a developer to submit an environmental study satisfactory to the Development Officer prior to issuance of a development permit when a development is proposed within 213.25 feet (65 meters) of a watercourse in the Water Supply (W) zone. The study shall be prepared by a qualified person such as a civil engineer, registered landscape architect or environmental professional whose qualifications have been approved by the Development Officer prior to commencing the study. The study will identify sensitive features of the site and measures to be taken to ensure that the development will not result in detrimental impacts on water quality. The study shall include, but is not limited to (9.3.8):
- (a) a site assessment which examines slope, soils, vegetation, potential for erosion and siltation and potential for runoff of nutrients or other contaminants;
 - (b) measures to address potential impacts such as erosion and sedimentation controls; appropriate treatment of sensitive areas and features; landscaping and vegetative buffers; location, design and maintenance of sewage disposal system(s); and any other measure necessary to protect water quality both during and after construction; and
 - (c) a site plan and any other information deemed necessary by the Development Officer that shows the proposed location of any buildings, driveways, roads and other features of the development, together with measures proposed in clause (b) to address impacts.
- 9.26 prohibit new landfills in West Hants. (10.0.2)

Amendments

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

- 9.27 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 (9.1.6):
- (a) the use will not adversely affect existing resource uses in the area;
 - (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;
 - (c) the development is compatible with adjacent land uses with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) size and design of building(s);
 - (iv) signage; and
 - (v) pedestrian circulation and safety;
 - (d) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;
 - (e) adequate buffering or screening, setbacks and yards are provided, and open storage is controlled;
 - (f) any other matter which may be addressed in a LUB; and
 - (g) Policy 15.7.
- 9.28 consider rezoning land designated Resource to the Mineral Resource (MR) zone subject to the following (9.2.4):
- (a) if the property is not owned by the developer, the mineral or gypsum rights to the land have been obtained and registered in the Registry of Deeds;
 - (b) the road network, including stopping sight distances and entrances and exits to the site, is adequate to support any increase in traffic;
 - (c) the proposed active mining area and any structures are consistent with the setback and buffering requirements in the Mineral Resource (MR) zone;
 - (d) the site design, including landscaping, outdoor storage areas, parking areas and driveways, is adequate to minimize potential impacts on adjacent developments;
 - (e) any other matter which may be addressed in a LUB; and
 - (f) Policy 15.7.

- 9.29 consider rezoning land zoned Mineral Resource (MR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones subject to Policy 9.17. (9.2.7)
- 9.30 consider the expansion of the existing Landfill (LF) zone beyond its existing boundaries by rezoning subject to the following criteria (10.0.2):
- (a) the proposed site abuts the existing Landfill (LF) zone;
 - (b) the active disposal area is at least:
 - (i) 3,280.84 feet (1,000 meters) from the nearest residential, institutional, commercial or industrial building;
 - (ii) 328.08 feet (100 meters) from the nearest property boundary;
 - (iii) 328.08 feet (100 meters) from the nearest bank top or high water mark of any surface water course or water body, including salt water, or any off site well; and
 - (c) Policy 15.7.

Development Agreements

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

- 9.31 consider new Recreation Commercial uses in the General Resource (GR) zone by development agreement subject to Policies 12.11 and 12.12, provided (9.1.7):
- (a) the use will not adversely affect existing resource uses in the area; and
 - (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.
- 9.32 consider proposals for stand-alone multiple unit dwellings and grouped single and two unit dwellings consisting of three or more units in the General Resource (GR) zone by development agreement subject to the following (9.1.10):
- (a) the proposed development has frontage on:
 - (i) a public street;
 - (ii) a private road having direct access to a public street;
 - (iii) a right of way clearly granted by deed or easement, unrestricted in use, and capable of being developed for road purposes.
 - (b) where access to the development is by a right of way as specified in clause (a) (iii), the road along such right of way shall be designed by a professional engineer, who is a member in good standing of the Association of Professional Engineers of Nova Scotia and who carries appropriate

professional liability insurance, who will certify that the design and construction of the road are adequate to accommodate the traffic generated by the development and access by emergency protection vehicles. Road design and construction plans shall be subject to review by the Municipal Engineer;

- (c) the lot has an area of at least 10 acres;
- (d) the proposed overall density of the development does not exceed one dwelling unit per acre;
- (e) the minimum distance between main buildings is 20 feet;
- (f) adequate open space or recreational areas are provided, including, where the property is located on a lake or other significant watercourse, ensuring that access is maintained to that lake or watercourse;
- (g) the amount of traffic generated is compatible with adjacent land uses, and the existing road network is capable of accommodating the traffic generated;
- (h) building clusters are located so as to conserve existing natural features of the site;
- (i) the predominant rural character of the area is not adversely affected;
- (j) the lot is either serviced with municipal water and sewer or capable of supporting private central or on-site sewage disposal system, and an adequate potable water supply is available;
- (k) adequate emergency protection services, including fire, police and ambulance, can be provided;
- (l) the application is accompanied by:
 - (i) a site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
 - (ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and
 - (iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;
- (m) any other matter which may be addressed in a development agreement; and
- (n) Policy 15.7.

- 9.33 consider comprehensive proposals for resort development incorporating residential, commercial, community, recreation and tourist-oriented uses in the General Resource zone by development agreement subject to the following (9.1.11):
- (a) the proposed development has direct access to a regional road or an arterial street as defined in Part 13 of this MPS;
 - (b) the lot or assembled land has an area of at least 500 acres;
 - (c) the proposed overall density of development does not exceed:
 - (i) one dwelling unit per acre for lands serviced with on-site sewage disposal systems; or
 - (ii) four dwelling units per acre for lands serviced with private central water and sewer systems;
 - (d) the proposed development contains a mix of residential dwelling unit types, of which at least 50 percent shall be single or two-unit dwellings;
 - (e) the proposed development contains commercial uses sufficient and appropriate to satisfy the day-to-day needs of residents and visitors;
 - (f) a minimum of 25 percent of the property shall be used for parks and open space areas and active recreational facilities, of which at least half shall be allocated for active recreational facilities;
 - (g) where the property is located on a lake or other significant watercourse, public access is maintained to that lake or watercourse;
 - (h) adequate trails or walkways are provided on site to facilitate pedestrian movement throughout the property in combination with sidewalk networks and to ensure connection from the site to existing and/or planned trails networks located within 100 meters of the perimeter of the property;
 - (i) recreation areas and facilities are predominantly open to all members of the public on a fair and equitable basis;
 - (j) adjacent land uses will not be adversely affected by the amount of traffic generated;
 - (k) building clusters are located so as to conserve existing natural features of the site;
 - (l) the predominant rural character of the area is not adversely affected;
 - (m) the lot is capable of supporting private central or on-site sewage disposal system(s), and an adequate potable water supply is available;

- (n) adequate emergency protection services, including fire, police and ambulance, can be provided;
- (o) the application is accompanied by:
 - (i) a concept plan drawn to scale showing the proposed number, location and type of buildings, density, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
 - (ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and
 - (iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;
 - (iv) a phasing plan;
- (p) any other matter which may be addressed in a development agreement; and
- (q) Policy 15.7.

PART 10 INDUSTRIAL PARK (11.0)

Background

The Windsor West Hants Industrial Park, located at the Highway 101 Wentworth Road interchange was constructed jointly by the Federal Department of Regional Economic Expansion and the provincial agency, Industrial Estates Limited, in 1980. The Industrial Park consists of approximately 100 acres. In 2003, there were 35 firms operating in the park employing over 320 full time workers. The park is promoted and marketed by Nova Scotia Business Inc., as well as by the one municipal unit. As of 2007, the majority of land in the park was developed.

The portion of the park to the east of Highway 101, containing approximately 68 acres, is intended primarily for light industrial uses; however, limited highway commercial uses and other commercial uses which provide support to the park will also be permitted in this portion of the joint industrial park.

The portion of the park located on the western side of Highway 101 and containing approximately 33 acres is intended to permit uses which are primarily highway commercial in nature, as well as a limited range of light industrial uses considered to be compatible with retail/commercial uses. Other light industrial uses shall be encouraged to locate in the portion of the park on the eastern side of Highway 101.

Council wants to ensure there is sufficient land available for the development of light industrial uses. With both the Windsor Industrial Park and the Joint Industrial Park near capacity, Council feels it is important to identify new land which would be suitable for industrial park development. To facilitate this, Council will establish a new Light Industrial zone and criteria for rezoning which may be used once a potential future industrial park site has been found.

Policy

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

- 10.1 establish a Joint Industrial designation (11.1.1)
- 10.2 establish within the Joint Industrial designation the following zones in the LUB:
 - (a) Joint Industrial Park - Light Industrial Type Two (LI-2) zone, it is intended to include lands to the east of Highway 101. (11.1.4)
 - (b) Joint Industrial Park-Light Industrial Type Three (LI-3) zone: it is intended to include lands to the west of Highway 101. (11.1.5)
 - (c) Light Industrial (LI-1) zone: it is intended to include future industrial park land outside of the Windsor-West Hants Joint Industrial Park. (11.2.1)
- 10.3 permit within the Agriculture designation all the zones listed in policy 10.2;

- 10.4 permit within the Joint Industrial Park - Light Industrial Type Two (LI-2) zone, light industrial, animal hospitals, limited business and professional offices, courier services, existing donut shop, garden sales and supplies, indoor recreational uses, laundries, research facilities, Standard Cultivation and Processing of cannabis, Micro-Cultivation, Micro-Processing and Cannabis Nurseries, and taxi and bus depots. No additional commercial/retail uses will be permitted in the Joint Industrial Park-Light Industrial Type Two (LI-2) zone, notwithstanding those now listed as permitted. (11.1.4 and 11.1.9)
- 10.5 permit within the Joint Industrial Park - Light Industrial Type Three (LI-3) zone, a mix of uses including banks and financial institutions, offices, retail shops, personal service shops, Cannabis Nurseries, as well as light industrial uses which are considered compatible with retail/commercial development. Retail or commercial uses not listed as permitted in the Joint Industrial Park - Light Industrial Type Three (LI-3) zone may be considered by amendment to the LUB. (11.1.5 and 11.1.10)
- 10.6 permit within the Light Industrial (LI-1) zone, a full range of light industrial uses, provided they are not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions; as well as certain highway commercial or other uses which are best suited to an industrial park because of their need for a large floor area or outdoor storage and display space. (11.2.1)
- 10.7 apply the same designation and regulations to both the Windsor and West Hants planning strategies. (11.1.1)
- 10.8 consider any amendment to the Joint Industrial designation, zones contained within the Joint Industrial designation and development agreements applicable within the Joint Industrial designation at a joint session of the Councils of the Town of Windsor and the Municipality of the District of West Hants. (11.1.2)
- 10.9 assess the potential effects of continued commercial development in the Joint Industrial Park on the established commercial areas. (11.1.3)
- 10.10 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. (11.1.8)
- 10.11 require specific setback requirements for licensed cannabis land uses to reduce the impact of noise and odour on nearby uses. (11.1.11)

Amendments

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

- 10.12 consider expansion of the Joint Industrial Park by amendment to this MPS and to the LUB subject to the following (11.1.7):
 - (a) the land becomes part of the Joint Industrial Park;

- (b) the amendment is carried out concurrently in the Windsor and West Hants planning documents; and
 - (c) the provisions of Policy 15.7.
- 10.13 consider rezoning land in any designation to the Light Industrial (LI-1) zone subject to the following (11.2.2):
- (a) the property is to be used as an industrial park;
 - (b) the lot or assembled land consists of a minimum of:
 - (i) 15 acres (6.07 ha) if it is located within the Growth Centre designation; or
 - (ii) 30 acres (12.14 ha) if it is located in an unserved area outside the Growth Centre designation;
 - (c) the development has direct access to an arterial or collector street, or is located in close proximity to an existing or proposed Highway 101 interchange; (Amendment WHMPS 12-01 Effective December 6, 2012)
 - (d) the development will not adversely affect adjacent land uses with respect to:
 - (i) traffic generation and traffic safety;
 - (ii) hours of operation;
 - (iii) noise; and
 - (iv) size of buildings;
 - (e) adequate buffering or screening, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties;
 - (f) any other matter which may be addressed in a LUB; and
 - (g) Policy 15.7.

Development Agreements

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

- 10.14 consider new large format retail stores or expansions greater than 5,000 square feet (464.5 square meters) to existing large format retail stores in the Joint Industrial Park Type Three (LI 3) zone by development agreement subject to the provisions of Policy 5.41. (11.1.6)

PART 11 ENVIRONMENTAL CONSTRAINTS (12.0)

Background (12.1 and 12.2)

Dyked marshlands make up approximately 6,000 acres, or about two (2) percent, of the total land area of West Hants. Dykelands may be found throughout the community along the flood plains of the Avon, St. Croix, Kennetcook, Herbert and Meander rivers. Dykes and drainage structures called aboiteaux were initially built in this area about 300 years ago by Acadian settlers, allowing them to farm the salt marshes which otherwise would be flooded at high tide.

Tidal Dykes protect land from tidal flooding while lands upriver of the Avon River Causeway are protected by the causeway itself, rather than dykes. Tidal dykelands in West Hants include Newport Town, St. Croix, Scotch Village, Herbert River, Tregothic, Chambers, Mantua Poplar Grove, Wentworth, Belmont, Centre Burlington, Burlington, Kennetcook, Greenhill, and a portion of Elderkin Marsh. Dykelands above the causeway include Falmouth Great Dyke, Martock, Windsor Forks, Castle Frederick, Falmouth Village, Armstrong and a portion of Elderkin Marsh.

Because of the security offered by the causeway since its construction in 1971, many of the dykes have been levelled, allowing farmers to use all of the land up to the river banks. These lands are more at risk from freshwater flooding than tidal flooding. The two causeway gates provide the only release for flood water from the Avon River system into the Minas Basin. The combination of several events, such as a major water runoff upstream coupled with a mechanical or power failure making it impossible to open the gates, could trigger serious flooding. Nova Scotia Power's Avon Hydro System, which includes several dams and two hydro stations on the Avon River, further intensifies the flood risk potential for the dykelands above the causeway.

Dykelands have been used predominantly for agricultural purposes, and dykeland soils are among the most fertile in the province. Recent development pressures have meant, however, that some of these areas are beginning to be considered for non-farm uses. Non-farm development on dykelands is a concern because it means the loss of valuable agricultural land and the risk of flooding and the drainage problems associated with these lands. Dykeland flooding may result from blockage of drainage ditches or aboiteaux, or from overtopping or breakage of dykes in high tides or severe storms. In the fall and winter months, localized flooding is common as drainage ditches become blocked with ice. Although flooding because of tides overtopping the dykes occurs less often, it represents a definite risk. The high public and private costs associated with property damage, pollution and loss of life because of serious tidal or freshwater flooding can be avoided by regulating or prohibiting development on dykelands.

The Nova Scotia Department of Agriculture and Fisheries' maps of marshes incorporated under the Nova Scotia Marshland Reclamation Act provide a reliable source of data for the location of dykelands in West Hants. The maps were developed from surveys carried out during the 1950s and 60s by the Maritime Marshlands Rehabilitation Administration (MMRA) of the high water elevation for each incorporated marsh.

Within the area designated Dykeland, no new buildings will be permitted, except for pump houses or other structures which may be required for water distribution or irrigation. It is not intended to cause hardship to owners of homes or businesses already existing on these lands who may wish to erect a garage or shed. Many of the existing small residential lots are located almost entirely on dykeland and the owners of these lots would have difficulty finding enough upland on which to site an accessory building. Therefore, new accessory buildings will be permitted on small lots of five acres or less, but the size of these buildings will be controlled through the LUB. Existing buildings will be allowed to be enlarged or altered, and the use of an existing building may be changed to another permitted use, as long as the new use is not one that involves more intensive human or livestock occupancy, or the warehousing or production of hazardous materials. The intent is to prevent the loss of both human and animal lives in the event of flooding, to minimize property damage, and to reduce the risk of pollution of wells and watercourses from manure, on site sewage disposal systems and hazardous materials. This is not intended to preclude, however, a change from one type of human occupancy to a less intensive type of human occupancy; e.g., converting a dwelling to a retail store.

The construction of new buildings requires infilling to create roads, driveways and building sites. Infilling of flood plains can diminish their water storage capacity and cause flooding to be more prolonged and widespread. This is an added concern on dykeland where the infilling of a ditch on one property can affect the drainage of hundreds of acres.

Certain types of recreational uses, such as golf courses, sports fields or boat launches, require a limited amount of infilling or alteration of topography, but do not involve buildings. It is not the intention of Council to restrict the development of these uses on dykeland where such uses are permitted in the underlying zone.

Wetlands (whether natural or created) also have value for recreational and aesthetic purposes, as well as providing important wildlife habitat. The creation of new wetland areas requires some excavation and alteration of topography. Council's primary concern is ensuring that the water storage capacity of the flood plain is not reduced as a result of infilling and major changes to topography. The intention is therefore to restrict alteration of topography on the flood plain in conjunction with building development, not to prevent a property owner from creating a marsh or other wetland for waterfowl habitat.

Council feels that in limited circumstances, it may be necessary to allow for infilling and alteration of topography required to construct new public streets across dykeland. Council wishes to ensure that when a street must be built across dykeland, it is designed and constructed to withstand flood conditions, public safety is a primary consideration, and all necessary measures are taken to ensure that construction of the street will not result in increased flooding of other properties. In addition, Council wishes to ensure that the minimum amount of dykeland is affected and therefore will limit the extent of a new street that will be permitted on dykeland.

Although the mapping used to delineate Dykeland is considered very accurate, some infilling may have occurred since the MMRA surveys were done or there may be small areas of upland along the edge of the dykelands at a higher elevation that are not reflected in the

mapping. These areas will be permitted to be developed provided the property owner submits a survey plan which shows that the elevation of the proposed development site is above the high water line for the dykeland.

Areas of West Hants, especially around Upper Falmouth and the Highway 101 corridor may be subject to subsidence due to geological formations and surface and groundwater activity. The most visible evidence of this is the abundance of sinkholes or karst topography.

Policy

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

- 11.1 designate all areas identified as dyked marshland and subject to flooding on an overlay to be used in conjunction with the zoning map, Schedule 'A' of the LUB. (12.1.1)
- 11.2 establish regulations in the LUB governing development on land designated Dykeland on the Dykeland Overlay. (12.1.2)
- 11.3 permit uses permitted in the underlying zone in the areas designated as Dykeland on the Dykeland Overlay. However, where there is conflict between the zone and Dykeland requirements, the regulations established for Dykeland shall take precedence. (12.1.3)
- 11.4 prohibit new buildings within the area designated Dykeland except for pump houses or other structures required for water distribution or irrigation, and small scale accessory buildings on existing lots of five (5) acres or less in size. (12.1.4)
- 11.5 permit enlargement or alteration to buildings existing as of the effective date of these amendments within the area designated Dykeland. (12.1.5)
- 11.6 permit a change of use for existing buildings within the area designated Dykeland to another use permitted in the underlying zone as long as the new use is not one that involves more intensive human or livestock occupancy, or the warehousing or production of hazardous materials. (12.1.6)
- 11.7 control the placing of fill and the alteration of topography on all lands designated Dykeland on the Dykeland Overlay. (12.1.7)
- 11.8 allow necessary infilling and alteration of topography on lands designated Dykeland for the development of recreational uses not involving buildings, such as golf courses, sports fields, boat launches, trails and the like, as well as for the creation of new wetlands for the purposes of recreation and enhancement of wildlife habitat. (12.1.8)
- 11.9 allow necessary infilling and alteration of topography on lands designated Dykeland for the construction of new public streets. To ensure that the amount of dykeland affected is kept to a minimum there will be requirements in the LUB limiting the length of a new street on dykeland. Where a new street is proposed on dykeland, the

property owner shall be required to submit road design and construction plans and environmental studies prepared by a qualified person which adequately deal with public safety and elevation and drainage of the street and demonstrate that construction of the street will not adversely affect drainage on other properties, or reduce the water storage capacity of the flood plain. (12.1.9)

- 11.10 allow development to occur on properties designated Dykeland on the Dykeland Overlay where the property owner submits a survey plan prepared by a Nova Scotia Land Surveyor which indicates that the elevation of the proposed development site is above the established high water elevation for the dykeland. (12.1.10)
- 11.11 amend this MPS and the implementing LUB if, in the opinion of Council, amendments are warranted to identify areas which may be prone to subsidence related to underlying limestone and gypsum formations. (12.2.1)

PART 12 COMMUNITY USE (13.0)

Background

Community use areas including parks, open space and municipal recreation facilities, as well as institutional uses such as schools, community centres, churches and museums, are intended for the use of the general community.

The development of adequate institutional facilities is important in creating a strong sense of community. In the Growth Centres, Village and Hamlets, institutional uses act as focal points. Schools, churches, homes for special care, public or non-profit senior citizen accommodation, community halls, arenas and similar uses are considered institutional uses and should be encouraged to locate in a manner which minimizes traffic and parking problems as well as negative effects on nearby properties and land uses. In the Growth Centres, Village and Hamlets, existing institutional uses will be zoned Institutional or recognized as existing permitted uses. New institutional uses will be considered only by development agreement. In most resource zones, new churches, community centres and fire halls will be permitted. Other new institutional uses will be considered by development agreement.

West Hants has a large amount of parkland dedicated to public recreational use. Provincial parks include Smiley's Park in McKay Section and Falls Lake Provincial Park in Vaughan. Much of the municipally owned parkland has been received through the parkland dedication provisions of the West Hants Subdivision By-law. This parkland transfer ensures that new housing developments set aside land for recreational or open space use. In addition, there are several major municipal outdoor recreation facilities: Ste. Croix Recreation Site has international calibre softball fields; Irishman's Road Recreation Site in Newport Station has three soccer pitches, trails and an archery club; and Eldridge Road Recreation Site in Falmouth has soccer and softball fields, tennis and basketball courts and walking trails.

It is intended that the Open Space zone apply primarily to parkland and publicly-owned outdoor recreational uses which generally do not require main buildings. The main purpose of the zone is to preserve and protect open space for the use of residents of West Hants.

In addition to public recreation facilities, there are a number of privately-operated commercial recreation facilities in West Hants. Campgrounds and outdoor recreation uses such as ski hills and golf courses usually require large areas of land, but few structures, although lodges or club houses, pro shops and catering facilities are often features of these developments. Such facilities which are open to the public and operated for profit by private individuals or businesses, are referred to as recreation commercial uses. Existing recreation commercial uses, including Ski Martock and various golf courses, driving ranges and campgrounds scattered throughout West Hants, will be zoned Recreation Commercial. Council wishes to encourage the provision of a variety of recreation facilities in West Hants, both public and private. Council also recognizes, however, that close neighbours are sometimes concerned about the potential for such uses to reduce enjoyment of their

properties or detract from the existing community character through noise, traffic, incompatible building appearance, garbage or environmental damage.

To ensure sufficient attention is paid to details of traffic generation, parking, access, buffering and setbacks, and to allow neighbouring property owners the opportunity to comment on the development of such uses, Council will consider new Recreation Commercial uses by development agreement.

Special provisions are included to address the development of motocross tracks or other off-highway vehicle courses. These uses will be limited to properties in the General Resource zone which have the large land base needed to provide buffering from noise and other impacts. Development agreements for off-highway vehicle courses will contain conditions regulating hours of operation, landscaping and buffering, parking and access, and separation distances from adjacent residential development.

Policy

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

- 12.1 establish a Community Use designation which shall apply to existing large-scale institutional, municipal recreation and open space uses as shown on the Generalized Future Land Use Map (Map 1). (13.0.1)
- 12.2 establish within the Community Use designation the following zones in the LUB:
 - (a) Institutional (I) zone: it is intended to include existing public or non-profit uses. (13.1.1)
 - (b) Open Space (OS) zone: it is intended to include parks and other public outdoor recreation uses, cemeteries, historic sites and similar uses. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums and interpretive centres, which are located on large parcels of land used as parkland. (13.2.1)
 - (c) Recreation Commercial (RecC) zone: it is intended to include existing commercial recreation facilities (13.3.1)
- 12.3 permit within the Community Use designation all the zones listed in policy 12.2.
- 12.4 permit within the Institutional (I) zone, churches, schools, homes for special care, community halls, fire stations, indoor recreational uses and other public buildings and facilities. (13.1.1)
- 12.5 permit within the Open Space (OS) zone, parks and other public outdoor recreation uses, cemeteries, historic sites and similar uses. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums and interpretive centres, which are located on large parcels of land used as parkland. (13.2.1)

- 12.6 permit within the Recreation Commercial (RecC) zone, ski lodges and facilities, campgrounds, tennis and golf clubs, and similar uses which are open to the general public but are owned by private interests. (13.3.1)
- 12.7 consider land zoned Institutional (I) for other zones subject to the relevant policies of this MPS. (13.1.3)
- 12.8 zone only public lands for open space purposes. (13.2.2)
- 12.9 permit parks and playgrounds in any zone, provided accessory buildings are small scale, any signage meets the requirements of the zone and all other requirements of the LUB are met. (13.2.3)

Development Agreements

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

- 12.10 consider new institutional uses by development agreement in any designation subject to the following (13.1.2):
 - (a) the development fronts on an arterial or collector street, or on a street that has direct access to an arterial or collector street;
 - (b) the development is serviced, or is capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;
 - (c) any proposed structure will not exceed three storeys in height and will be architecturally compatible with neighbouring structures;
 - (d) adequate open space, landscaping and separation distances are provided;
 - (e) the development will not conflict with adjacent existing uses;
 - (f) noise and traffic generation of the proposed use is not excessive in relation to the existing development pattern of the area;
 - (g) the development is consistent with the development objectives of the designation;
 - (h) any other matter which may be addressed in a development agreement; and
 - (i) Policy 15.7.
- 12.11 consider the establishment of new Recreation Commercial uses by development agreement in any designation except the Village Core subject to the following criteria (13.3.2):

- (a) the proposed use is a campground, golf course, driving range or other commercial entertainment or recreation facility which is open to the public and privately owned;
- (b) the use shall not include race tracks, motocross courses or other establishments which require the continued or frequent use of motor vehicles;
- (c) the lot dimensions and any structures are adequate for the use at proposed capacity;
- (d) if the proposed development is located in a Growth Centre, the property has adequate frontage on an arterial or collector road;
- (e) neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;
- (f) adequate landscaping, fencing or buffering, and separation distances will be provided;
- (g) any other matter which may be addressed by development agreement; and
- (h) Policy 15.7.

12.12 Notwithstanding clause (b) of Policy 12.11, Council may consider permitting off-highway vehicle courses as Recreation Commercial uses by development agreement subject to the criteria of Policy 12.11 (excluding clauses (b) and (f)) and the following (13.3.3):

- (a) the property is zoned General Resource (GR);
- (b) no part of any off-highway vehicle course, including bleachers and spectator viewing stands, shall be located within 1,000 meters of an existing dwelling, other than a dwelling that is part of the property under consideration;
- (c) the course design focuses on minimizing noise impacts to adjacent properties by taking into account the natural terrain and existing vegetation, as well as providing for the installation of earth berms and planting of shrubs, trees and other vegetation;
- (d) the potential for soil erosion and other environmental impacts can be minimized through proper course design and construction measures; and
- (e) Policy 9.31.
- (f) the agreement shall address the following
 - (i) requirements for all off-highway vehicles used on the course to be equipped with tailpipe inserts or other noise attenuation devices and for the course owner or operator to monitor sound levels;

- (ii) a limit on the number of major events, such as races or competitions, that can be held on the property in any 12-month period; and
- (iii) where events are to be held, that provision is made to ensure temporary camping areas, concession stands, parking areas, washrooms and other facilities are adequately separated from neighbouring properties and are removed at the conclusion of the event.

PART 13 TRANSPORTATION (14.0)

Background (14.1, 14.2, 14.3, 14.5, 14.6)

The transportation policies in this section are to be read in conjunction with the Transportation Map (Map 2) which forms an integral part of this MPS. Roads and streets in West Hants are divided into five types: regional, arterial, collector, local and private.

Regional roads are those which serve the area as a whole. Highway 101, the provincial limited access highway connecting Halifax, the Annapolis Valley and southwest Nova Scotia, is the only road in this category. At this time, Highway 101 is undergoing a major transformation as it is twinned from St. Croix to Avonport. This change could affect West Hants significantly as the improved commute between Halifax and West Hants is expected to contribute to increased development in the area.

The main function of arterial streets is to move traffic efficiently through West Hants and to the Highway 101 access areas.

Collector streets collect traffic from local streets and channel it to arterial streets. Collector streets will be identified only within the Growth Centres

Local streets are intended primarily for property access and include all public roads in West Hants which are not otherwise designated. The majority of the public roads in West Hants are owned and maintained by the Nova Scotia Department of Transportation and Public Works, although West Hants is responsible for contributing to the maintenance costs for approximately 34 kilometers of local streets built before 1995. Changes in provincial legislation in 1995 made municipal units responsible for all new local, or subdivision, streets. As of 2007, West Hants owned and maintained approximately 2.5 kilometers of local public streets located in Falmouth and Three Mile Plains.

This MPS encourages the majority of growth to occur in the Growth Centres, Village and Hamlets. More concentrated development in these areas makes the provision of municipal services more efficient and cost-effective. With new local streets the responsibility of West Hants, this is even more important because of the high cost of providing road maintenance, snow plowing and other services to the further reaches of the West Hants.

In the past, private roads were permitted only in certain areas of West Hants and development on these roads was restricted to seasonal residential and resource uses. Under this MPS, private roads for subdivision purposes will be limited to the General Resource zone which generally corresponds to the area where private roads were allowed in the earlier planning documents. Because of the difficulty of enforcing a restriction to seasonal residential development, both principal dwellings and seasonal residences will be permitted on private roads. Municipal services such as snow plowing, road maintenance, garbage collection and school busing will not be provided to dwellings located on private roads (see Policies 9.13 and 9.14).

A significant part of evaluating development proposals is understanding their potential impact on the existing transportation network. Council feels it is important to assess this

impact at an early stage, particularly if a development could create, or contribute to, a need for costly infrastructure improvements such as traffic signals, turning lanes, intersection realignment or other major design changes. To ensure that Council has accurate information upon which to base its decision, a traffic impact study will be required as part of a development agreement or rezoning application where the nature, or location, of the development warrants such a study; for example, large format retail stores, regional shopping centres or major residential developments could be expected to have a significant impact on traffic flows.

Generally, the proponent of a development is financially responsible for transportation system changes reasonably required to accommodate the proposal or to mitigate adverse impacts of the proposal. Normally, such changes will be included as conditions of development approval. In cases where necessary improvements are attributable to several developments, a cost-sharing arrangement may be possible. Where a needed change is planned by public agencies, phasing of the development in conjunction with the proposed timing of such improvements may be indicated. Alternatively, the proponent may wish to investigate the possibility of assuming financial responsibility for such changes to advance the implementation schedule for these improvements to match that of the proposed development.

Policy

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

- 13.1 designate Highway 101 as a regional road as shown on the Transportation Map (Map 2). (14.1.1)
- 13.2 encourage the development of commuter car parking facilities at Highway 101 interchanges as a means of promoting carpooling. (14.1.2)
- 13.3 designate streets or portions of streets as arterial streets as shown on the Transportation Map (Map 2). (14.2.1)
- 13.4 define road types within the Growth Centres as arterial, collector and local streets as shown on the Transportation Map (Map 2). (14.3.1)
- 13.5 designate streets or portions of streets as collector streets as shown on the Transportation Map (Map 2). (14.3.2)
- 13.6 encourage orderly development of new public streets which enables efficient and cost-effective provision of municipal services. (14.4.1)
- 13.7 require a traffic impact study (TIS) as part of a development agreement or rezoning application where the nature, or location, of the development warrants such a study. A TIS will be required if the development is expected to generate 100 or more two-way trips (inbound plus outbound) at the site entrance(s) during the development's peak hour. A TIS may also be required, even if fewer than 100 peak hour trips are projected, based on any of the following factors (14.6.1):

- (a) the development is in an area with significant traffic congestion, a high accident rate and/or a high expected rate of residential or commercial development activity;
 - (b) the development incorporates direct access to a major arterial or collector street; or
 - (c) the development is in proximity to a major intersection or highway interchange that could be affected by site-generated traffic.
- 13.8 require a traffic impact study to be prepared by a qualified traffic or transportation engineer registered with the Association of Professional Engineers of Nova Scotia in accordance with the Nova Scotia Department of Transportation and Public Works Guide for the Preparation of Traffic Impact Studies or such other guidelines as determined by West Hants. (14.6.2)
- 13.9 Notwithstanding Policy 13.7, not require a traffic impact study when the development's impact can be clearly anticipated without a study and the developer, West Hants and other public agencies having jurisdiction are able to agree upon appropriate mitigation and funding. (14.6.3)
- 13.10 update and maintain the Transportation Map (Map 2) of the MPS to identify the type and designation of streets and roads in West Hants, as required from time to time (14.6.4)

PART 14 MUNICIPAL SERVICES (15.0)

Background (15.1, 15.2, 15.3, 15.4)

The majority of West Hants relies on private wells and on-site sewage disposal systems; however, central sewer and/or water services are provided in the two Growth Centres: Three Mile Plains and Falmouth. One Hamlet, Wentworth Creek, which abuts the community of Windsor, has water services.

Three Mile Plains and Wentworth Road, between the Windsor boundary and the Fundy Gypsum plant at Wentworth Creek, receive chlorinated water from the Mill Lakes water supply. The approximately 20 km of distribution pipe, which is entirely gravity fed, serves about 600 homes.

Residents of Falmouth get fully treated water from the French Mill Brook reservoir. This system, which in 2005 served 648 customers, consists of a mechanical feed to a 700,000 gallon stand pipe. From there, water is gravity fed to approximately 21 km of distribution main. The stand pipe holds about a three day water supply. West Hants is planning for necessary upgrades to the water treatment facility as a 2002 study found that the utility will not be able to meet projected demand beyond 2016. Estimated costs as of 2006 were in excess of \$1.5 million.

Like the water system, only two areas have municipal sanitary sewer. There is no storm sewer system, so all storm run off is controlled through ditches.

The sanitary sewer system in Three Mile Plains has 17 km of gravity-fed pipes, 6 km of force main and 11 pumping stations which send the sewage from approximately 675 homes to two treatment lagoons in Windsor.

In Falmouth, 15 km of gravity-fed pipe, 3 km of force main and eight pumping stations take the sewage from approximately 500 homes to an extended aeration sewage treatment plant located off Hwy 101 near the Avon River Causeway. This plant is currently at 80 percent hydraulic capacity and 40 percent organic loading, meaning there is more liquid going to the plant than solids. Built in 1977, the plant no longer meets provincial guidelines. In 2005, a study by Dillon Consulting Limited concluded that the plant was at capacity and in need of replacement. The estimated cost of this project as of 2006 was about \$4.0 million.

Municipal sewer and water infrastructure is costly to install and maintain. Council wishes to ensure that this infrastructure is provided in the most efficient and cost-effective manner possible. Therefore, Council will establish service area boundaries beyond which sewer and water lines will not be extended. As in earlier planning strategies, the boundaries of the Three Mile Plains and Falmouth Growth Centres and the Windsor-West Hants Joint Industrial Park will be treated as the service area boundaries.

There are a few areas of West Hants where municipal water services exist, but not sewer. Providing municipal water without central sewer often results in demands for sewer service at a later date. Installing the two systems separately is far more costly than installing both services together. Furthermore, with a virtually unlimited supply of water from a municipal

water system, homeowners frequently overload their on-site sewage disposal systems, resulting in malfunctions and, sometimes, pollution. To avoid these problems in the future, West Hants will not allow the further extension of municipal water without sewer.

Council wishes to encourage development that makes maximum use of the existing infrastructure within the service area boundaries (Growth Centres). Other policies of this MPS address infill development on existing undersized lots, multiple residential development in appropriate locations, and accessory apartments in the Single Unit Residential (R-1) zone. Policies for grouped dwellings encourage more compact cluster developments that use less land and are more economical to service.

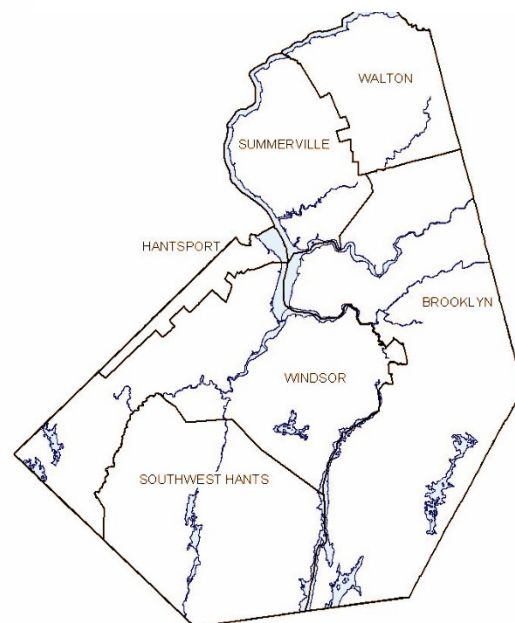
West Hants has a comprehensive recycling and composting program. Recycling is picked up every second week. All recycling goes to a collection contractor who is responsible for the sorting and sale of the recyclables. West Hants does not receive payment for the recycling but has a reduced charge for collection. Residents are responsible for composting using backyard composters. The same contractor collects garbage on alternate weeks. The garbage goes to the West Hants Landfill Site on the Walton Woods Road in Cogmagun.

West Hants is served by five volunteer fire departments located in Windsor, Summerville, Brooklyn, Walton and Hantsport. In addition, Southwest Hants is served by a substation of the Windsor Fire Department located in Vaughan and the Mount Uniacke District Fire Department serves a small area adjacent to the East Hants boundary. Table 2 shows the number of civic addresses in West Hants covered by each of the fire districts and the municipal funding for 2006-2007. Figure 7 is a map of the fire districts.

Table 2 - West Hants Fire District Funding, 2006-2007

	Civics	Municipal Funding
Windsor	2706	\$331,500
Summerville	784	\$93,398
Brooklyn	1950	\$173,644*
Walton	190	\$30,189
Hantsport	273	\$33,349
Southwest Hants	638	\$40,000
	6541	\$707,080

Figure 7 - West Hants Fire Districts



*\$8,052 of Brooklyn's funding is paid to Mount Uniacke Dist. Fire Dept.

West Hants is served by a detachment of the Royal Canadian Mounted Police located in the Windsor-West Hants Industrial Park. West Hants' 2005-2006 budget provided \$1,025,795 for police services, or the equivalent of 9.8 full-time positions. The detachment serves not only West Hants, but also the community of Hantsport and the Mount Uniacke area of East Hants. As of September 2005, the detachment included: 16 detachment officers; four traffic services officers, one community liaison officer, one sergeant, one staff sergeant, one geographic information system (G.I.S.) officer and three detachment assistants. In addition, there were four auxiliary constables, volunteers from the area who work with the officers.

Policy

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

- 14.1 not extend municipal water and sewer services beyond the boundaries of the Falmouth and Three Mile Plains Growth Centres and the Windsor-West Hants Joint Industrial Park. (15.1.1)
- 14.2 require the developer to pay for the cost of installing municipal sewer and water systems in new developments pursuant to the West Hants Subdivision By-law. (15.1.2)
- 14.3 prohibit further extension of municipal water lines except where municipal central sewer exists or will be installed in conjunction with the water lines. Individual lots with frontage on existing public streets served only by municipal water shall be permitted to connect to the municipal water system. (15.2.3)

PART 15 IMPLEMENTATION (16.0)

Municipal Planning Strategy Amendments and Review (16.1)

From time to time Council may find it necessary to amend the MPS including the Generalized Future Land Use Map (Map 1).

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire MPS and LUB. Such a review shall include a program of public consultation at different stages. It is recommended that a review be done at least every eight years.

Policy

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

- 15.1 review and make amendments to this Strategy (16.1.1):
 - (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);
 - (b) to bring the MPS in line with Provincial Statements of Interest; or
 - (c) when Council deems it necessary because of a change in policy intentions or the development environment.
- 15.2 review the MPS regularly as deemed necessary by changing conditions, but not later than every eight (8) years. (16.1.2)
- 15.3 adopt a comprehensive LUB setting out specific requirements to implement this MPS. (16.2.1)
- 15.4 establish the following zones in the LUB: (16.2.2)

Zones	Symbol
Single Unit Residential	R-1
Two Unit Residential	R-2
Multiple Residential	R-3
Rural Residential	R-4
Manufactured Home Park	MHP
General Commercial	GC
Highway Commercial	HC
Local Commercial	LC
Rural Commercial	RC
Recreation Commercial	RecC
Prime Agriculture	P/Ag

Agricultural Priority Two	AR-2
Agricultural Priority Three	AR-3
General Resource	GR
Mineral Resource	MR
Water Supply	W
Landfill	LF
Resource Industrial	M-1
Hamlet Industrial	M-2
Local Industrial	LI
Light Industrial	LI-1
Joint Industrial Type Two	LI-2
Joint Industrial Type Three	LI-3
Institutional	I
Open Space	OS
Special Overlay Zones	
Dykeland Overlay	

Amendments

It shall be the policy of Council to:

- 15.5 consider a LUB amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a MPS amendment, provided that all policies of the MPS are satisfied. (16.1.3)

Development Agreements

It shall be the policy of Council to:

- 15.6 consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a MPS amendment, provided that all policies of the MPS are satisfied. (16.1.4)

Land Use By-law Amendments and Development Agreements (16.3)

Changes to the LUB, whether map amendments (rezoning) or text amendments, may be considered by Council provided they are in conformity with the MPS. Should Council consider amending the LUB, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the Municipal Government Act.

A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that go beyond what may be considered under standard zoning. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, architectural detail, hours of operation and other matters of concern to adjacent landowners. Development agreements also can provide a greater degree of flexibility to the developer. A development agreement is binding upon a property until the agreement is discharged by Council.

Policy

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

- 15.7 consider the following, in addition to the criteria set out in various policies of this MPS, when considering development agreements and amendments to the s LUB (16.3.1):
- (a) whether the proposal is considered premature or inappropriate in terms of:
 - (i) the adequacy of sewer and water services;
 - (ii) the adequacy of school facilities;
 - (iii) the adequacy of fire protection and other emergency services;
 - (iv) the adequacy of road networks adjacent to, or leading to the development; and
 - (v) the financial capacity of West Hants to absorb any costs relating to the development.
 - (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;
 - (c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;
 - (d) the adequacy of the dimensions and shape of the lot for the intended use;
 - (e) the pattern of development which the proposal might create;
 - (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;
 - (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

- (h) any other matter required by relevant policies of this MPS.

Taken from other policies of this MPS:

- (i) the proposed use will not conflict with adjacent existing uses; (5.20, 5.21, 5.22, 6.7)
 - (j) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Part 13 of this MPS; (5.23, 5.25, 5.26, 6.8)
 - (k) adequate on-site parking is/can be provided; (4.10, 5.23, 5.36, 5.37, 5.43, 5.44, 5.45, 5.52, 8.30, 8.31, 8.32, 8.34, 9.27, 12.10,12.11)
 - (l) safe and efficient roadway access is provided (4.10, 5.36, 5.37, 5.43, 5.44, 5.52, 6.13, 6.16, 7.13, 8.30, 8.31, 8.32, 9.27, 12.10, 12.11)
- 15.8 require, where considered necessary, a detailed site plan and architectural drawings submitted by the developer as a component of the rezoning or development agreement application. (16.3.2)

Subdivision Control (16.4)

Subdivision includes the creation of one or more new lots, the consolidation of two or more existing lots and the adjustment of boundaries on existing lots. All subdivision in West Hants is controlled by the standards set out in the Subdivision By law

Policy

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

- 15.9 adopt a Subdivision By law which reflects the intent and policies of this MPS. The SUB shall include (16.4.1):
- (a) street construction standards;
 - (b) water and sewer installation standards;
 - (c) requirements for dedication of open space or cash in lieu; and
 - (d) other requirements as permitted through the Municipal Government Act.
- 15.10 limit the number of new lots which may be created annually in the Agriculture designation. (16.4.2)
- 15.11 require all lots to have adequate frontage on a street. Lots existing as of the effective date of this MPS shall be exempt from this requirement. (16.4.3)

- 15.12 Notwithstanding Policy 15.11, permit the subdivision and development of certain lots which do not meet the LUB minimum requirements for lot frontage and area as follows:
- (a) lots created on private roads in the General Resource zone, provided that such lots shall only be developed for seasonal dwellings, single unit dwellings or resource uses;
 - (b) lots created pursuant to Section 279 of the Municipal Government Act which allows the approval of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimums;
 - (c) where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer number of lots as there are main buildings;
 - (d) lots created to remove an encroachment;
 - (e) lots created on an island in the General Resource zone where there are no public streets or private roads and the only means of access is by water, provided that such lots shall only be developed for seasonal dwellings; or
 - (f) lots created on a right-of-way.

Infrastructure Charges (16.5)

As development continues in the Falmouth and Three Mile Plains Growth Centres, there will be a need to ensure that the infrastructure required for water, sewage treatment, stormwater systems and streets are sufficient to service the new growth. This will involve either the expansion of existing systems or the construction of new systems. The Municipal Government Act allows municipalities to implement infrastructure improvement charges through the Subdivision By-law provided this is enabled in the MPS. These funds can be used to recover the capital costs of infrastructure, but may not be used for ongoing maintenance costs.

Council intends to collect infrastructure charges for newly created lots in the Growth Centres, as well as any other area where municipal water and/or sewer services are provided, as a way to defray the cost of new or upgraded water and sewage treatment plants, stormwater systems, streets and traffic signals. Areas where infrastructure charges are implemented are known as charge areas. The infrastructure charges will be based on the projected number of new lots in the charge area considering zoning, available vacant land and the projected cost of the upgrades. The infrastructure charges will be the same for every newly created lot within the charge area regardless of lot size. Infrastructure charges will not apply to the consolidation of lots.

As with parkland dedication fees, it is the intention that no lot will receive subdivision approval without first paying the infrastructure charge; however, in cases of larger subdivisions, West Hants may enter into an Infrastructure Charges Agreement with the

developer which sets out a payment plan. Since the infrastructure charges are intended to be used for upgrades to the water and sewage treatment systems, stormwater systems, streets and traffic signals, West Hants will not accept services in lieu of payment of the charges.

Policy

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

- 15.13 establish provisions for the collection of infrastructure charges in the Subdivision By-law. These infrastructure charges shall serve to help West Hants to provide adequate municipal water, sewer and stormwater systems, streets, and traffic signs and signals within the serviced areas. (16.5.1)
- 15.14 establish charge areas where infrastructure charges shall apply which encompass the areas within the servicing boundaries of the Growth Centres and any other serviced area in West Hants. (16.5.2)
- 15.15 establish conditions in the Subdivision By-law with respect to the payment of infrastructure charges including any agreements with West Hants as a condition of subdivision approval. (16.5.3)
- 15.16 only use infrastructure charges for the purpose for which they are collected. (16.5.4)

Capital Improvement Program (16.6)

In addition to controlling private development, Council may undertake programs of its own to encourage development in certain areas, to enhance, improve, or protect the environment of West Hants, or to provide a greater range of social, recreation, cultural or educational facilities and activities. It is one purpose of this MPS to aid in establishing such programs.

Policy

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

- 15.17 incorporate policies and provisions of this MPS into the Capital Budget and the Capital Program of West Hants to the greatest extent possible, with the goal of eventual integration of planning, capital programming and budgeting. (16.6.1)

Guidance for Variance (16.7)

In addition to the provisions of the Municipal Government Act allowing the Development Officer to grant a variance in the LUB requirements for the percentage of land that may be built upon, yards, lot frontage or lot area, Council also wishes to allow the Development Officer some increased flexibility in other areas.

Policy

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

15.18 allow the Development Officer to grant a variance in LUB requirements or terms of a development agreement, where the development agreement so provides, in one or more of the following: (16.7.1)

- (a) number of parking and loading spaces required;
- (b) ground area and height of a structure;
- (c) floor area occupied by a home based business; and
- (d) height and area of a sign.

Non-Conforming Uses and Structures (16.8)

Policy

It shall be the policy of Council to:

15.19 relax the restrictions of Sections 238 to 241 of the Municipal Government Act with respect to non-conforming uses and structures to allow for the following in the LUB (16.8.1):

- (a) the enlargement, reconstruction, repair or renovation of an existing building on a lot having less than the minimum yards required under the LUB, provided the enlargement, reconstruction, repair or renovation does not further reduce the yards that do not conform and provided all other applicable provisions of the LUB are met;
- (b) the minor extension or enlargement, not exceeding 100 square feet (9.29 square meters) in area, of a structure containing a non conforming use to allow for additions of an accessory nature such as entryways, porches or small storage spaces;
- (c) the recommencement of a non conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months but not more than 12 months; and
- (d) the change in a non conforming industrial use to another less obnoxious or less intensive industrial use in terms of traffic generated, hours of operation, outdoor storage, noise and fumes.

Development Agreements

It shall be the policy of Council to:

15.20 consider the following by development agreement (16.8.2):

- (a) extension, enlargement or alteration of a structure containing a non-conforming use in excess of the minor extension or enlargement provided for in Policy 16.8.1(b);

- (b) extension of a non-conforming use of land;
- (c) rebuilding, after destruction, of a building or structure containing a non-conforming use;
- (d) change in use of a non conforming use of land, building or structure to another non conforming use;
- (e) recommencement of a non conforming use of land or a non conforming use in a structure after it has been discontinued for a continuous period in excess of 12 months; and

15.21 In considering a development agreement provided for in Policy 15.20, regard the following (16.8.3):

- (a) the use is similar to the existing non conforming use or more compatible with the uses permitted in the LUB and will not conflict with neighbouring uses;
- (b) the adjacent area will not be adversely affected with respect to:
 - (i) traffic generation and traffic and pedestrian safety;
 - (ii) signage;
 - (iii) hours of operation;
 - (iv) outdoor storage;
 - (v) noise, odours, dust or fumes; and
 - (vi) size of building(s);
- (c) adequate parking is provided;
- (d) adequate yards are provided, or the location of the building on the lot is substantially the same as it was before being damaged or destroyed;
- (e) adequate landscaping and fencing or buffering is provided;
- (f) maintenance of the use will be satisfactory; and
- (g) any other matter which may be addressed by development agreement.

Development Officer (16.9)

Policy

It shall be the policy of Council to:

15.22 In accordance with Sections 243(1) and 243(2) of the Municipal Government Act, appoint a Development Officer who shall administer the LUB and Subdivision By law

and as such shall be responsible for the granting of development permits and approval of plans of subdivision. (16.9.1)

Recovery of Expenses (16.10)

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

Policy

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

15.23 levy fees from the applicant for following costs (16.10.1):

- (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.

Repeal of MPS (16.11)

The following West Hants Municipal Planning Strategies, and all amendments thereto, are hereby repealed:

- (a) Falmouth Municipal Planning Strategy as adopted by Council on August 12, 1986 and approved by the Minister of Municipal Affairs on December 22, 1986;
- (b) Upper Falmouth Municipal Planning Strategy as adopted by Council on December 20, 1988 and approved by the Minister of Municipal Affairs on April 11, 1989;
- (c) Area One Municipal Planning Strategy as adopted by Council on October 8, 1991 and approved by the Minister of Municipal Affairs on December 16, 1991; and
- (d) Areas Two and Three Municipal Planning Strategy as adopted by Council on September 21, 1994 and approved by the Minister of Municipal Affairs on November 23, 1994.



WEST HANTS REGIONAL MUNICIPALITY INFORMATION REPORT

To: Members of the Planning Advisory Committee

Submitted by: _____
Saira Shah, Planner

Date: 2020-11-12

Subject: Intensive Livestock in Falmouth

File 20-23

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act (MGA).

BACKGROUND

On October 7th Daniel Oulton applied for an amendment to the West Hants Municipal Planning Strategy (WHMPS) to permit an intensive livestock operation consisting of a poultry farm at 285 Town Rd. The property consists of three lots which would be subdivided to create one (1) new lot to be used for this use (Figure 1).

Intensive livestock is defined in the West Hants Land Use By-law (WHLUB) as a minimum of 20 animal units. The number of chickens considered one (1) animal unit is 500 Laying Hens or 1,000 Broiler Chickens. The applicant wishes to operate an intensive livestock operation which could include more than 10,000 Laying Hens or 20,000 Broiler Chickens. There is no specific maximum number of livestock permitted for intensive livestock but there are limitations based on the size of the property.

Policy 5.9.1 of the WHMPS does not permit new intensive livestock operations in Falmouth as these uses could create land use conflicts which have the potential to limit residential and commercial development in Growth Centres. Existing intensive livestock is permitted in the Agricultural Priority Three (AR-3) zone. There are

several properties in Falmouth that are zoned Agricultural Priority Three (AR-3) (Figure 2).

DISCUSSION

As policy 5.9.1 in the WHMPS specifically prohibits new intensive livestock in Falmouth any amendment would be a significant change in policy direction from the existing WHMPS. Staff have prepared a general overview of policy options for this application and request that the Planning Advisory Committee provide feedback on the application and the options available.

Option 1 Development Agreement

A development agreement is a contract between Council and a property owner to permit a specific use of land not permitted in the underlying zone. There is room for negotiation which enables Council to develop restrictions on a case-by-case basis, but the restrictions are limited by the MGA and policy within the MPS. Most of the development restrictions that can be applied by development agreement can also be applied to a specific zone, except hours of operation. To consider a development agreement there must be a policy in the MPS and an enabling section in the LUB. There can be specific criteria listed in the MPS policy that must be met for Council to approve an application. The criteria are used by staff to negotiate the agreement with the applicant and ensure Council's intentions are met.

A development agreement provides Council an opportunity to address concerns specific to the site. However, the process to approve a development agreement can be lengthy as staff negotiate the agreement with the applicant and then the application follows Council's approval process. The Development Officer administers the agreement and must perform an annual review of the property to ensure the property owner meets the requirements of the agreement. The agreement runs with the property as opposed to the property owner which means if the property is sold to a new owner the agreement remains in place until it is discharged by Council. If the property owner wishes to change any of the development restrictions in the development agreement they must apply for an amendment to the agreement and that process would follow the same Council approval process. Limiting the substantive content of an agreement could reduce the time required for amendments.

If Council creates a policy that permits intensive livestock by development agreement in Falmouth, Council would have to approve any future applications received if the criteria are met by the application.

Option 2 Map Amendment to Agricultural Priority Three (AR-3)

A map amendment is when Council considers changing the zone of a property to permit a use requested that is a listed permitted use in the requested zone. New intensive livestock is not a listed permitted use in any zone in Falmouth, and the

Agricultural Priority Three (AR-3) zone is the only zone in Falmouth that permits existing intensive livestock operations. This zone could be amended to permit new intensive livestock.

A policy that permits a map amendment can list specific criteria that must be met for Council to approve the application. When staff are reviewing a map amendment application the recommendation can only be based on the criteria listed in the policy and any general criteria that may apply in the planning strategy.

The specific zone can include development requirements such as ensuring lots are a certain size and establishing separation distances between conflicting uses. Any requirements listed in the zone would apply to any property with the same zoning unless alternative requirements are specified for specific properties.

If Council creates a policy that permits intensive livestock by map amendment in Falmouth, Council would have to consider approving any future applications received if the criteria are met for the application.

Option 3 Only Permit Intensive Livestock on the Property Requested

Enabling a new specific use on only a specific property is an option that has not been used often in the West Hants planning documents. It has only been used for Policy 5.8.2 of the WHMPS to permit new Municipally provided emergency services on specific properties. Emergency services are permitted on all other properties in the Growth Centres by development agreement (Policy 5.8.1 WHMPS). This is an effective strategy to make an exception for a specific property and in this case provide a public benefit by enabling the provision of emergency services. However, the existence of this type of policy undermines Council's overall intention for an area by making an exception for a specific property. Other residents that wish to operate the same use on their property do not benefit from this exception and it is likely to cause conflict.

If Council were to create a policy that permits intensive livestock only on this specific property, there would be no enabling policy to permit future applications for new intensive livestock in Falmouth and neighbours would have no opportunity to appeal the policy decision of Council.

Concerns for Consideration

The WHMPS specifically states as the Growth Centres are intended to be the area where most new residential and commercial development is encouraged to occur in West Hants, new intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted since their location could limit the potential for residential or commercial growth.

Permitting new intensive livestock would be a significant change in policy direction for Council. If Council wishes to consider permitting new intensive livestock

operations in Falmouth an evaluation of the current requirements for intensive livestock and potential criteria for future applications would be required.

The development requirements for intensive livestock are listed in Section 18.3 of the WHLUB:

18.3 No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or incinerator for the disposal of dead animals shall be located within:

(a) 1,000 ft (304.80 m) of a non-farm residential, commercial or institutional building;

(b) 200 ft (60.96 m) of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 40 ft (12.19 m);

(c) 150 ft (45.72 m) of a public street or private road; or

(d) 300 ft (91.44 m) of a water well or watercourse.

Using the application site as an example, the applicant has stated it would be difficult to meet the 300 ft. water course requirement as the middle portion of the property is low lying and not optimal for building. If the intensive livestock operation is located closer to Town Road the applicant would be unable to meet the 1,000 ft. separation distance from non-farm residential development. Section 18.5 of the WHLUB enables the Development Officer to consider reducing separation distance requirements if the total number of livestock does not exceed 300 animal units, the applicant submits an environmental site assessment from a qualified professional which shows no potential pollution risk from proposed manure storage, and the applicant provides a certificate from a professional engineer that shows construction was completed in accordance with the environmental site assessment.

As properties are much closer together in Falmouth than the more rural areas of the Municipality it may be difficult for any property in Falmouth to meet the intensive livestock requirements for new operations set out in section 18.3 of the WHLUB. If Council were to consider any of the options to permit intensive livestock in Falmouth new separation distances may need to be considered based on the existing pattern of development in Falmouth.

The Nova Scotia Department of Agriculture created the Manure Management Guidelines in 2006. The Guidelines state if manure structures are built based on the recommendations in the Guidelines the structures will not likely create a disturbance to adjacent non-agricultural development. The recommended minimum separation distances for new livestock facilities in the Guidelines are:

	Separation Distance
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Public Building	660 ft. (200 m)
Property Line	165 ft. (50 m)
Existing Off-Farm Dwelling	330 ft. (100 m)
Provincial Highway	165 ft. (50 m)
Off-Farm Well	330 ft. (100 m)
Lake, River Brook	330 ft. (100 m)
Ditch/ Intermittent Stream, or Wetland	60 ft. (20 m)

Complaints have been received about an existing intensive livestock on the border of the Falmouth Growth Centre. Residential development was constructed on Mountain View Road in the Falmouth Growth Centre within approximately 8 ft. of an existing livestock operation. The residential developer was not required to provide a separation distance or buffer between the residential development and the existing livestock operation. The complaints from residential neighbours include the odour, noise, and flies associated with the livestock. The Development Officer has visited the site and found no violations of planning regulations. The property owner has installed industrial fly traps, offered to clean up farm equipment, and apply nose tabs on the calves to reduce noise in an effort to improve the situation with neighbours. However, this example illustrates the importance of adequate separation distances between intensive livestock and residential uses. Restrictions in planning documents are intended to reduce potential land use conflicts.

NEXT STEPS

In response to this report, PAC may:

- request staff prepare a draft WHMPS amendment based on direction from PAC;
- recommend Council not move forward with this application; or
- provide alternative direction such as requesting further information on a specific topic.

FINANCIAL IMPLICATIONS

There are no financial implications for the Municipality associated with this application.

ATTACHMENTS

Figure 1 Proposed Site

Figure 2 Properties Zoned Agricultural Priority Three (AR-3) in Falmouth

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

**Figure 1
Proposed Site**

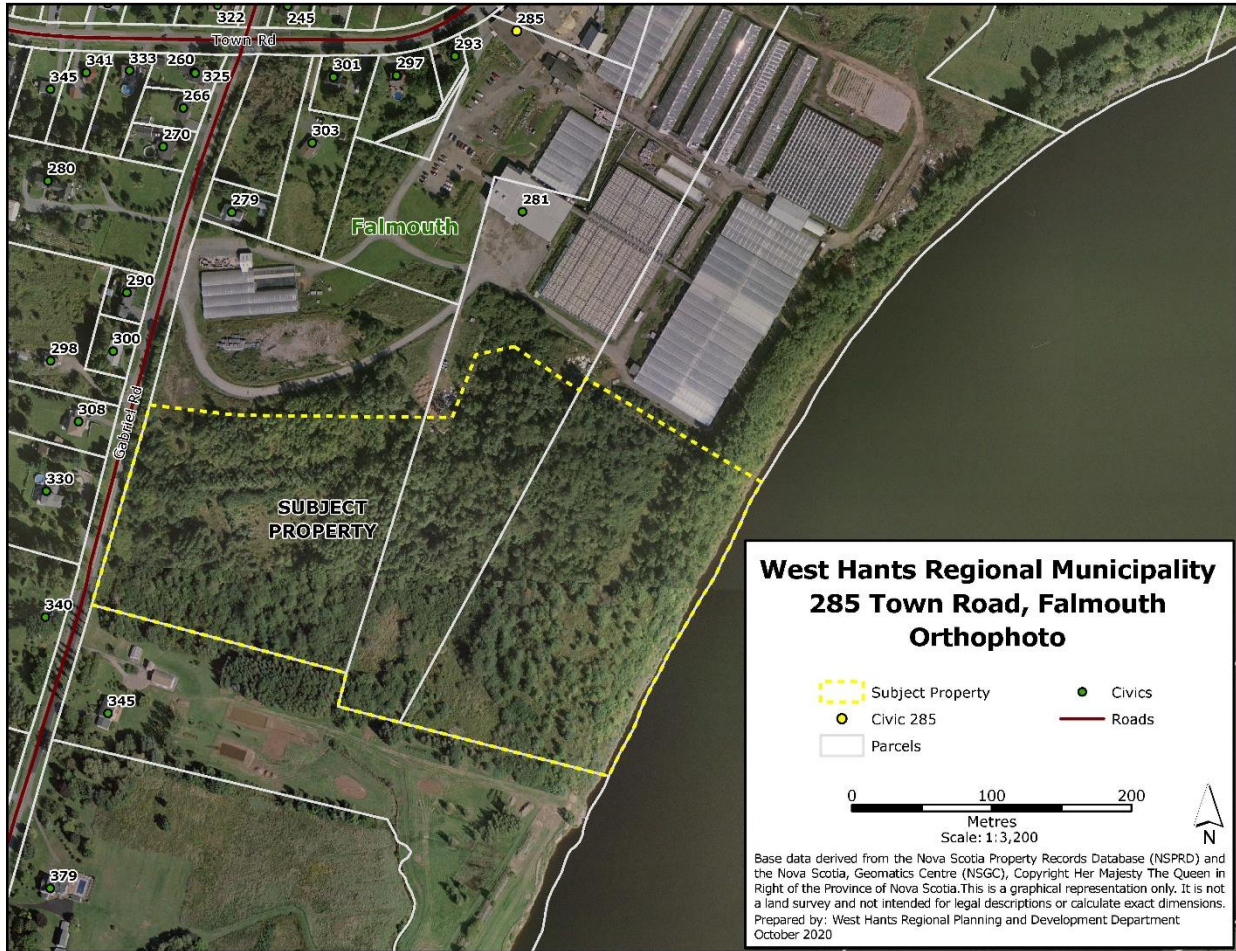
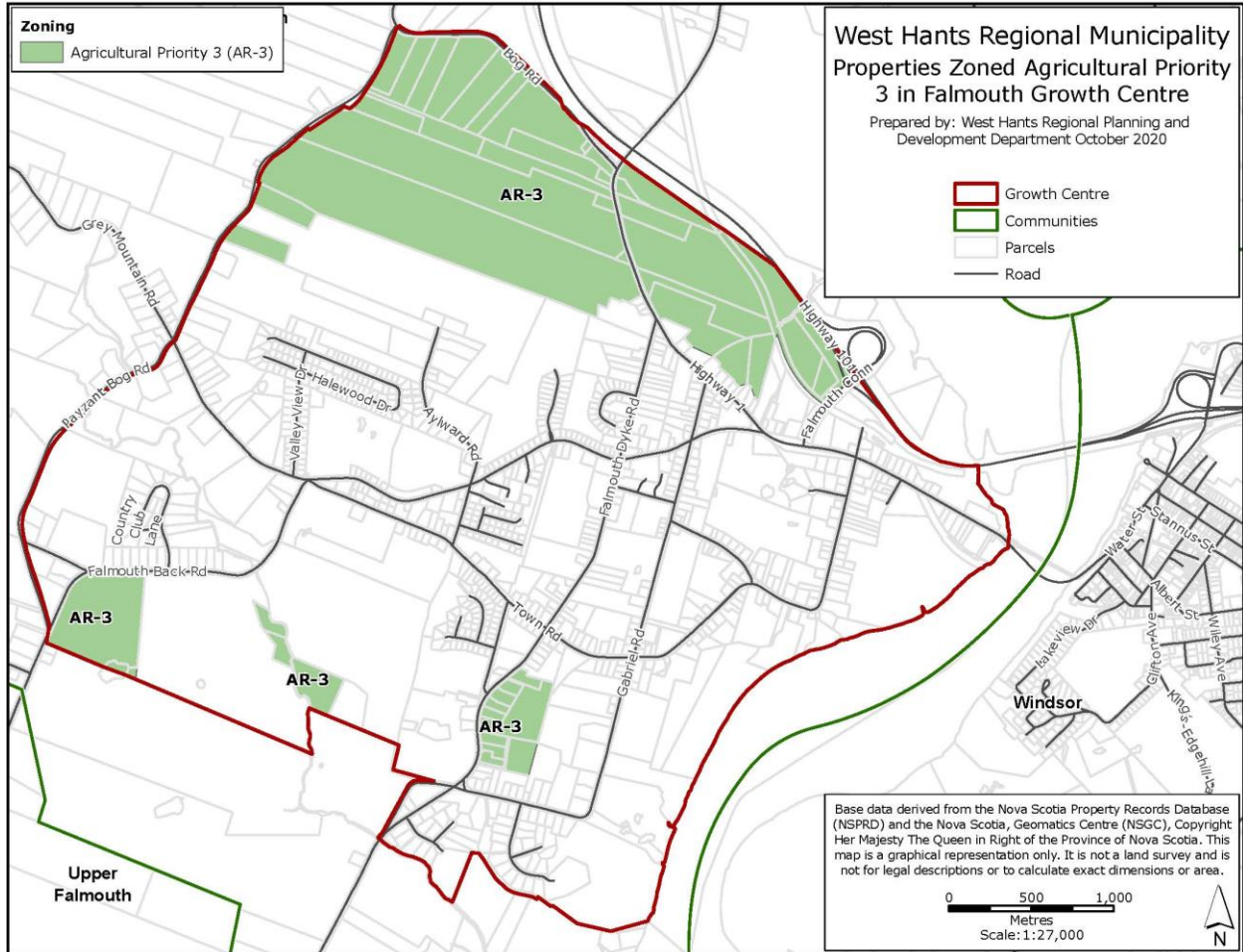


Figure 2
Properties Zoned Agricultural Priority Three (AR-3) in Falmouth





WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee

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

Date: November 12, 2020

Subject: Heritage Property By-law; File #20-10B

RECOMMENDATIONS

WAAC recommends that PAC/HAC recommend that Council hold a public hearing to consider replacing the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

WAAC recommends that PAC/HAC recommend that Council approval the replacement of the present Notice of Registration in the Land Registry Office with a Notice bearing the corrected time frames for each of the five (5) Windsor Municipally Registered Heritage Properties.

BACKGROUND

Staff recommended a *Heritage Property By-law* for the Region and replacement of the Notices to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

The Windsor Area Advisory Committee recommended in favour of the proposed *Heritage Property By-law* and replacement of the Notices on November 5, 2020.

ATTACHMENTS

Attachment A Heritage Property By-law Report, November 5, 2020, File #20-10



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Hantsport Area Advisory Committee (HAAC)
(information only)
Members of Windsor Area Advisory Committee (WAAC)

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

Date: HAAC November 3, 2020
WAAC November 5, 2020

Subject: Heritage Property By-law
File #20-10

1.0 LEGISLATIVE AUTHORITY

Nova Scotia Heritage Property Act

2.0 RECOMMENDATIONS

If WAAC wishes to forward positive recommendations the following motions would be in order:

..that WAAC recommends that PAC/HAC recommend that Council hold a public hearing to consider replacing the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

...that WAAC recommends that PAC/HAC recommend that Council approval the replacement of the present Notice of Registration in the Land Registry Office with a Notice bearing the corrected time frames for each of the five (5) Windsor Municipally Registered Heritage Properties.

3.0 BACKGROUND

The former Town of Windsor and the former Municipality of West Hants each have a Heritage Property By-law in place which applies to the respective geographic

area. In order to ensure that regulations regarding heritage are the same across the Region, it would be reasonable to have one Heritage Property By-law for the Region.

There are other heritage related issues which need to be addressed for the Region; these will be addressed in individual reports.

4.0 DISCUSSION

4.1 West Hants

On September 18, 2018, the Minister of Municipal Affairs approved a revised Heritage Property By-law for West Hants which had been approved by Council on July 10, 2018. The revised By-law had followed the usual West Hants process of review and recommendation by the Planning/Heritage Advisory Committee. The changes from the 1992 By-law were primarily changes to reflect the 2010 amendments to the Heritage Property Act which need to appear in the By-law.

The changes made to the Act that are reflected in the revised West Hants By-law (Appendix B) included:

- broadening the By-law to include the identification, designation, preservation, conservation, protection and rehabilitation of "*buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value*" rather than just "*buildings, streetscape and areas*" to incorporate all elements enabled by the Provincial legislation.

Since interiors can be the reason for registration of public buildings, the word "exterior" was removed throughout the By-law

- adding the definition of "*substantial alteration*" as "*any action that affects or alters the character-defining elements of a property*" to provide direction to Council on what constitutes a substantial alteration.
- The 2010 amendments to the Heritage Property Act allow municipality to take up to three (3) years to consider an application to substantially alter a municipal heritage property. If following consideration Council refuses the request to alter, the property owner may make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application. Prior to 2010, the time frame was at any time after one year from the date of the application but not more than two years from the date of application. For some owners this a significant change.

4.2 West Hants Notices

One additional change was made in 2018 to the West Hants Heritage Property By-law which was not required by the Heritage Property Act. The time frame for

altering a property following Council's refusal of a permit is stated in both Form A and B of the Heritage Property By-law. Since there is no requirement that the Forms be part of the By-law, they can be attached as templates to be used without forming part of the official By-law. This would make changes to the Forms easier to accomplish in the future.

There are six (6) West Hants Municipally Registered Heritage properties. These each had inaccurate information attached to them in the Land Registry office. To ensure that owners and potential purchasers had the correct information, the Notice of Registration for each property was replaced with a Notice bearing the correct time frames.

4.3 Windsor By-law

On January 28, 2020, Windsor Town Council approved a revised Heritage Property By-law which was intended to be identical in content (although somewhat different in form) to the 2018 West Hants Heritage Property By-law. The Council-approved By-law had followed the usual process of review and recommendation by the Heritage Advisory Committee. The By-law was submitted to Municipal Affairs by the Windsor Clerk, but was not approved by the Minister prior to the April 1 consolidation of Windsor and West Hants. It could not be approved following consolidation as the Town no longer exists. As a result, the April 13, 1994 Heritage Property By-law is still in place for the community of Windsor.

The Council-approved changes to the By-law included all of those listed above for West Hants; there were no substantive additional changes.

4.4 Windsor Notices

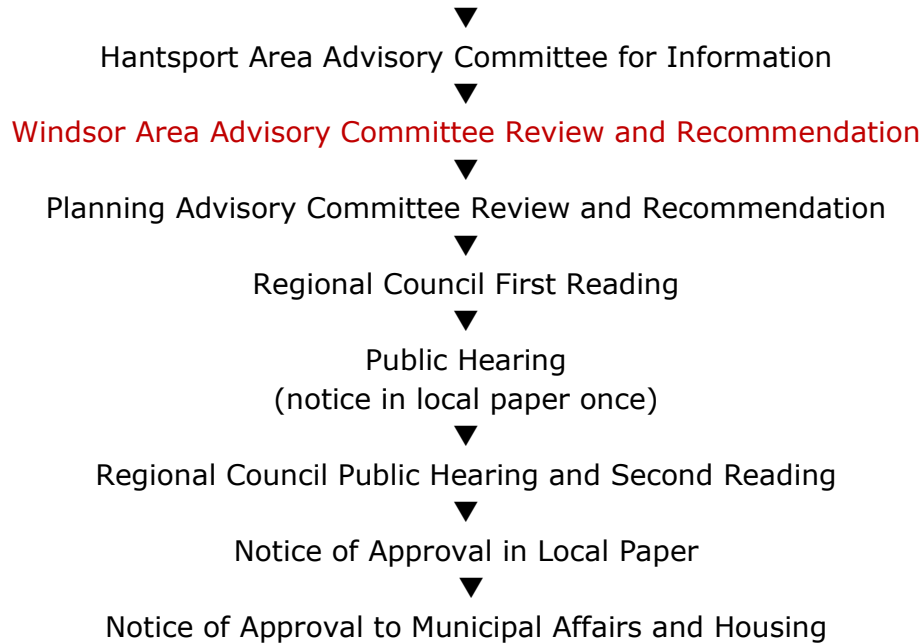
There are five (5) Windsor Municipally Registered Heritage properties. These each have inaccurate information attached to them in the Land Registry Office. To ensure that owners and potential purchasers have the correct information, it is recommended that the Notice of Registration for each property be replaced with a Notice bearing the correct time frames.

4.5 Heritage Advisory Committee

Municipal Affairs has advised that the Committee of the Whole cannot be named as the Heritage Advisory Committee. As a result, the Planning Advisory Committee is now the only existing committee that can also be named as the Heritage Advisory Committee. An entirely separate committee which contains both Council and resident members may be established if Council prefers.

5.0 NEXT STEPS

The following process is being used for adoption of the proposed by-law:
Staff Review



6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing By-laws with the proposed new By-law.

The cost of replacement of the Notice of Registration for each property in the Land Registry files will be approximately \$1,375.00 for the five (5) Windsor Municipally registered properties. This money is included within the budget.

7.0 ALTERNATIVES

WAAC may recommend that PAC/HAC:

- not recommend in favour of the Heritage Property By-law included as Attachment C;
- not recommend in favour of replacing the Notices in the Land Registry Office;
- provide alternate direction such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A	Windsor Heritage Property By-law
Attachment B	West Hants Heritage Property By-law
Attachment C	Proposed Heritage Property By-law, RH-001

Report Prepared by: _____
 Madelyn LeMay, Director, Planning and Development

Report Reviewed by: _____
 Rhonda Brown, Municipal Clerk

ATTACHMENT A



**TOWN OF WINDSOR
BYLAW # 25
HERITAGE PROPERTY BYLAW**

Town of Windsor, NS
Walter B. Stephens Building, PO Box 158, 100 King Street,
Windsor, NS B0N 2T0

.....
HERITAGE PROPERTY BYLAW
.....

Approved April 13, 1994
Hon. Sandy Jolly, Minister of Municipal Affairs
Province of Nova Scotia

APPENDIX A
TOWN OF WINDSOR
HERITAGE PROPERTY BYLAW,

Approved 15 February 2001

- 25.01** This Bylaw shall be known and may be cited as the *Heritage Property Bylaw*.
- 25.02** In this Bylaw:
- (a) “Act” means the Heritage Property Act;
 - (b) “Applicant” means the person, persons or organization, requesting registration of a property for municipal heritage status under this Bylaw;
 - (c) “Area” includes such visibly physical features as cemeteries, historical gardens, statues and monuments, where they are of architectural, historical or cultural value;
 - (d) “Council” means the Town Council of the Town of Windsor;
 - (e) “Clerk” means the Clerk of the Town of Windsor;
 - (f) “Committee” means the Heritage Advisory Committee, established pursuant to this Bylaw;
 - (g) “Town” means the Town of Windsor;
 - (h) “Municipal Heritage Property” means a building, streetscape or area registered in a Municipal Registry of Heritage Property;
 - (i) “Registered Owner” means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Registry of Deeds, and includes a person assessed with respect to the occupancy of the land;
 - (j) “Registry” means the Municipal Registry of Heritage Property, within the meaning of the Act;
- 25.03** There shall be established for the Town of Windsor, a Municipal Registry of Heritage Property, where all prescribed documents relating to the registration of heritage property under this Bylaw shall be filed.
- 25.04** The maintenance of the Registry shall be the responsibility of the Town Clerk.
- 25.05** The Heritage Advisory Committee shall be appointed by Council, in accordance with the following criteria:

- (a) all members of the Windsor Planning Advisory Committee shall be members, and two other members shall be selected from residents of the Town who are not Council members and have a demonstrated interest in heritage properties;
- (b) following the coming into force of this Bylaw, Council shall appoint the members of the Committee as follows;
 - (i) the members of the Planning Advisory Committee shall serve for the same period as they are members of the Planning Advisory Committee.
 - (ii) on the initial appointment of the two additional members, one shall serve a term of approximately two years, such term to expire in the November following one full year of appointment, and one shall serve a term of approximately three years, such term to expire in the November following two full years of appointment; thereafter each member shall serve for two years;

and Council shall on or before the last day of November of each and every succeeding year make appointments in accordance with this paragraph to fill vacancies created by the termination of any term of office.

- (c) Council may at any time upon determining that a vacancy or vacancies exist on the Committee appoint one or more individuals to fill said vacancies. Such individual or individuals shall serve the remainder of the term of the individual or individuals to be replaced;
- (d) a member of the Committee may be reappointed upon the expiry of the member's term of office;
- (e) all members of the Committee including those that are members of Council shall be appointed with no remuneration by the Town for attendance at Committee meetings, except for the position of secretary;
- (f) all members appointed shall remain members only during such time as they continue to be residents of Windsor.

25.06

The Heritage Advisory Committee shall operate under the following rules of procedure:

- (a) the committee shall appoint a chair and vice-chair from amongst its members at the first meeting of the committee;
- (b) a secretary shall be appointed to the committee who shall be responsible for the recording and keeping of minutes of committee meetings;
- (c) if a committee member is absent for three successive meetings, that member shall cease to be a member;

- (d) the committee shall meet monthly, when required, to discuss applications for registration of properties, applications to substantially alter or demolish a Municipal Heritage Property, or discuss the criteria for evaluation of a heritage property, or other matters necessary for the effective carrying out of the intent of the Bylaw; such meetings generally to be held on the same evening as the Planning Advisory Committee meeting; special meetings may be held as and when determined by the committee chair or on request of the majority of committee members;
- (e) quorum shall be five committee members;
- (f) a member of the Town's Planning Staff shall serve as advisor to the committee.

25.07 The Committee may advise the Town Council respecting:

- (a) the inclusion of buildings, streetscapes and areas in the Registry of Heritage Property;
- (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
- (c) building or other regulations that affect the attainment of the intent and purposes of this Bylaw;
- (d) any other matters conducive to the effective carrying out of the intent and purpose of this Bylaw.

25.08 The Committee may recommend to the Town that a building, streetscape or area be registered as a Municipal Heritage Property in the Registry.

25.09 (a) The Town shall cause notice of the recommendation of the Committee, in the format of Form "A" appended hereto, to be served upon each registered owner, of the building, streetscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

- (b) The notice shall contain:
 - (i) a statement that the building, streetscape or area described in the notice has been recommended for registration in the Municipal Registry of Heritage Property;
 - (ii) a brief statement of the reasons for the recommendation;
 - (iii) a summary of the consequences of registration;
 - (iv) a statement that no person shall substantially alter the exterior appearance of or demolish the building, streetscape or area for one hundred and twenty (120) days after the notice is served unless the Town sooner refuses to register the property; and

(v) notification of the right of the owner to be heard and of the date, time and place of the hearing.

(c) No person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for one hundred and twenty (120) days after notice respecting the building, streetscape or area has been served pursuant to Subsection (a) except in those cases where, prior to the expiration of one hundred and twenty (120) days, the Town refuses to register the property.

(d) A copy of the notice served pursuant to Subsection (a) shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.10

(a) The Town may register, in the format of the notice in Form “B” appended hereto, the building, streetscape or area as a Municipal Heritage Property in the Municipal Registry of Heritage Property at anytime not less than thirty (30) days nor more than one hundred and twenty (120) days after service of the notice pursuant to Section 25.09 hereof and on the advice of the Heritage Advisory Committee.

(b) No registration pursuant to Subsection (a) shall take place until the Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after service of the notice pursuant to Subsection (a).

(c) Notice of the registration shall be sent to each registered owner of the building, streetscape or area and a copy thereof shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.11

(a) On the application of an owner of a Municipal Heritage Property or on its own motion, the Town may deregister a Municipal Heritage Property where:

(a) the property has been destroyed or damaged by any cause;
or

(b) the continued registration of the property appears to the Council to be inappropriate;

after holding a public hearing to consider the proposed deregistration.

(b) Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

(c) Where a Municipal Heritage Property is deregistered, Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Registry of Deeds at Windsor, Nova Scotia.

- 25.12** Council shall require fees associated with:
- (a) the costs required by the Registry of Deeds for registration of documents prescribed in this Bylaw; and
 - (b) the costs of a public hearing for the registering and de-registering of municipal heritage property;
- be payable by the applicant.
- 25.13**
- (a) A Municipal Heritage Property shall not be substantially altered in exterior appearance or demolished without the approval of the Town.
 - (b) An application for permission to substantially alter the exterior appearance of or demolish Municipal Heritage Property shall be made in writing to the Town.
 - (c) Upon receipt of the application, the Town shall refer the application to the Heritage Advisory Committee for its recommendations.
 - (d) Within thirty (30) days after the application has been referred by the Town, the Heritage Advisory Committee shall submit a written report and recommendation to the Town, respecting the Municipal Heritage Property.
 - (e) The Town may grant the application either with or without conditions or may refuse it.
 - (f) The Town shall advise the applicant of its determination.
- 25.14** Notwithstanding Section 25.13, where the owner of Municipal Heritage Property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out demolition at any time after one (1) year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two (2) years after the date of the application.
- 25.15** The Town may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property, with the cost of the sign, plaque or other marker to be borne by the Town.
- 25.16**
- (a) Service of any notice required to be made by this Bylaw shall be sufficient if served upon the person by registered mail at the person's last known address.
 - (b) Where a person upon whom service should be made cannot be identified or the address is not known, service shall be sufficient if notice is affixed in a conspicuous place on the building, streetscape or area and a copy is delivered to any occupant of the property.

FORM "A"

TOWN OF WINDSOR

**NOTICE OF RECOMMENDATION
TO REGISTER AS A
MUNICIPAL HERITAGE PROPERTY**

1. Under the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner*) located at (*insert brief description and address*) has been recommended for registration in the Municipal Registry of Heritage Property for the Town of Windsor.
2. The property has been recommended for registration for the following reasons: (*describe reasons for recommendation*)
3. The Heritage Property Act provides that no person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for 120 days from the date of service of this notice upon you, unless the Town Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and this hearing shall take place at the Council Chambers, 100 King Street, Windsor, Nova Scotia on (*insert date*) at the hour of (*insert time*). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property Bylaw provides that if a property is registered as a Municipal Heritage Property:
 - a. the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
 - b. an application for permission to substantially alter the exterior appearance or to demolish a property may be made to the Town;
 - c. the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - d. the Town may grant or refuse permission or attach conditions;
 - e. if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two years after the date of the application;
 - f. penalties for violation of the Bylaws are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations;
 - g. the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other

Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses;

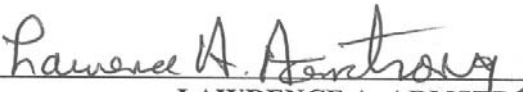
- h. a copy of this notice has been recorded at the Registry of Deeds at Windsor, Nova Scotia.

FORM "B"
TOWN OF WINDSOR
NOTICE OF REGISTRATION
OF
MUNICIPAL HERITAGE PROPERTY

1. Under Section 25.10 of the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner*), located at (*insert brief description and address*), has been registered in the Municipal Registry of Heritage Property for the Town of Windsor.
2. The Heritage Bylaw provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
 - (b) an application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Town;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Town may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two (2) years after the date of the application;
 - (f) penalties for violation of the Bylaw are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations;
 - (g) the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Registry of Deeds at Windsor, Nova Scotia.

THIS IS TO CERTIFY that I, Larry A. Armstrong, Town Administrator of the Town of Windsor, in the County of Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the resolution to amend the Town of Windsor Heritage Property By-law passed by a majority of the whole Council of the Town of Windsor at a meeting duly called and held on the **18th** day of **December, 2000**.

GIVEN under the hand of the Town Administrator and under the corporate seal of the Town of Windsor this **20th** day of **December, 2000**.



LAWRENCE A. ARMSTRONG
TOWN ADMINISTRATOR

Service Nova Scotia
and Municipal Relations
Recommended for
approval of the Minister

.....
Department Solicitor
APPROVED this **15** day
of **February** **18, 2000**

.....
Minister of Service Nova Scotia and Municipal Relations



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Heritage Property By-law

1.0 Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.
- 1.3 In this By-law:
- (a) "Act" means the Heritage Property Act;
 - (b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;
 - (c) "Council" means the Municipal Council of the Municipality of the District of West Hants;
 - (d) "Committee" means the Heritage Advisory Committee, established pursuant to this By-law;
 - (e) "Municipality" means the Municipality of the District of West Hants;
 - (f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Municipal Registry of Heritage Property;
 - (g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;
 - (h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;
 - (i) "Substantial Alteration" means any action that affects or alters the character-defining elements of a property.

2.0 Registry

- 2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.
- 2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act;
- 2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

- 3.1 Council shall appoint either of the following as the Heritage Advisory Committee:
 - (a) the Committee of the Whole; or
 - (b) the Planning Advisory Committee.
- 3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.
- 3.3 The Committee may advise Council respecting:
 - (a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the in the Registry;
 - (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
 - (c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;
 - (d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;
 - (e) an application for a certificate that is required by this Act or the referral



of a Conservation Plan and Conservation By-law to Council for a public hearing; and

- (f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

- 4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

- 4.2 The notice shall contain:
 - (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;
 - (b) a brief statement of the reasons for the recommendation;
 - (c) a summary of the consequences of registration;
 - (d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;
 - (e) the location of the building and the extent of the recommendation; and
 - (f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

- 5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the

provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.

5.2 Notice of such registration shall be:

- (a) served upon each registered owner;
- (b) deposited with the Land Registry Office; and
- (c) filed in the Municipal Registry of Heritage Property.

5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.

5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion, may deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:

- (a) the property has been destroyed or damaged by any cause; or
- (b) the continued registration of the property appears to the Council to be inappropriate as a result of the loss of the property's heritage value as identified in the notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property



and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

- 7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.
- 7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.
- 7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.
- 7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.
- 7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.
- 7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.
- 7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the refusal.

8.0 Acquisition

- 8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal Heritage Registry or any right therein.

9.0 General



BY-LAW

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- 9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.
- 9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at his last known address.
- 9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

- 10.1 The Heritage Property By-law dated November 10, 1992 as amended is hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **10th** day of **July, 2018**.

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	May 8, 2018
Notice Published:	June 26, 2018 and July 3, 2018
Second Reading & Approval	July 10, 2018
Final Publication	October 2, 2018
Notice to Municipal Affairs	July 11, 2018
Ministerial Approval	September 18, 2018
Description: Initial approval of the Heritage Property By-law H-001, which states the Repeal of Heritage Property By-law date November 10, 1992 as amended.	

Original By-law signed by Rhonda Brown, Municipal Clerk



**NOTE: A and B forms (following) are not part of the
By-law but will be used as templates.**



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

FORM "A"
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.
2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)
3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (Insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;



BY-LAW

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- (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;
- (h) a copy of this notice has been recorded at the Land Registry Office.



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

FORM "B"

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY**

1. Under Section 5 of the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.
2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;
 - (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Land Registry Office.

ATTACHMENT C
West Hants Regional Municipality
Draft Heritage Property By-law

1.0 Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.
- 1.3 In this By-law:
- (a) "Act" means the Heritage Property Act;
 - (b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;
 - (c) "Council" means the Municipal Council of West Hants Regional Municipality;
 - (d) "Committee" means the Heritage Advisory Committee established pursuant to this By-law;
 - (e) "Municipality" means West Hants Regional Municipality;
 - (f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Regional Municipality Registry of Heritage Property;
 - (g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;
 - (h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;
 - (i) "Substantial Alteration" means any action that affects or alters the

character-defining elements of a property.

2.0 Registry

- 2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.
- 2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act;
- 2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.

3.0 Heritage Advisory Committee

- 3.1 Council shall appoint the Planning Advisory Committee as the Heritage Advisory Committee.
- 3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.
- 3.3 The Committee may advise Council respecting:
 - (a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
 - (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
 - (c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;
 - (d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;
 - (e) an application for a certificate that is required by this Act or the

BY-LAW

referral of a Conservation Plan and Conservation By-law to Council for a public hearing; and

- (f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

4.2 The notice shall contain:

- (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;
- (b) a brief statement of the reasons for the recommendation;
- (c) a summary of the consequences of registration;
- (d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;
- (e) the location of the property and the extent of the recommendation; and
- (f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

BY-LAW

- 5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.
- 5.2 Notice of such registration shall be:
- (a) served upon each registered owner;
 - (b) deposited with the Land Registry Office; and
 - (c) filed in the Municipal Registry of Heritage Property.
- 5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.
- 5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

- 6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion may, deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration where:
- (a) the property has been destroyed or damaged by any cause; or
 - (b) the continued registration of the property appears to the Council to be inappropriate as a result of the loss of the property's heritage value as identified in the notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.
- 6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

BY-LAW

- 6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

- 7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.
- 7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.
- 7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.
- 7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.
- 7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.
- 7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.
- 7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the application.

8.0 Acquisition

- 8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal

BY-LAW

Heritage Registry or any right therein.

9.0 General

- 9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.
- 9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at their last known address.
- 9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

- 10.1 The Heritage Property By-law dated September 18, 2018, of the former Municipality of the District of West Hants, the Heritage Property By-law dated April 13, 1994, of the former Town of Windsor as amended and any other earlier Windsor By-laws related to Heritage Property are hereby repealed.

I, Rhonda Brown, Municipal Clerk of West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____, **2021**.

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	

BY-LAW

Final Publication	
Notice to Municipal Affairs	
Description: Initial approval of the Heritage Property By-law which states the Repeal of Windsor Heritage Property By-laws dated April 13, 1994, as amended and West Hants Heritage Property By-law dated September 18, 2018.	

**NOTE: A and B forms (following) are not part of the
By-law but will be used as templates.**

FORM "A"
REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Region of Windsor and West Hants Municipality hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.
2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)
3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a

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- term not exceeding six months for individuals and \$250,000.00 for corporations;
- (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;
 - (h) a copy of this notice has been recorded at the Land Registry Office.

FORM "B"
REGION OF WINDSOR AND WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

1. Under Section 5 of the Heritage Property By-law, the Region of Windsor and West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.
2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application to substantially alter the property;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;
 - (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Land Registry Office.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee

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

Date: November 12, 2020

Subject: Standards and Guidelines for the Conservation of Historic Places in Canada; File #20-23B

RECOMMENDATION

that PAC/HAC recommend that Council consider the *Standards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties

BACKGROUND

Staff recommended that WAAC recommend that Council consider the *Standards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties on November 5, 2020.

The Windsor Area Advisory Committee recommended in favour of Council considering the *Standards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties on November 5, 2020.

ATTACHMENTS

Attachment A Standards and Guidelines for the Conservation of Historic Places in Canada November 5, 2020, File #20-23

ATTACHMENT A



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Hantsport Area Advisory Committee (HAAC)
Windsor Area Advisory Committee (WAAC)

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

Date: November 3, 2020 HAAC
November 5, 2020 WAAC

Subject: Standards and Guidelines for the Conservation of Historic Places
in Canada
File # 20-23

1.0 LEGISLATIVE AUTHORITY

Heritage Property Act

2.0 RECOMMENDATION

Should WAAC wish to forward a positive recommendation the following motion would be in order:

... that WAAC recommends that PAC/HAC recommend that Council consider the *Standards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties.

3.0 BACKGROUND

The *Standards and Guidelines* were adopted as a way of considering applications for substantial alteration by West Hants in 2009; no record has been found for a similar adoption in Windsor.

4.0 DISCUSSION

Statements of Significance (SoS) were developed for most municipally registered heritage properties in the Region at the time of registration. An SoS describes

the historic place and defines its heritage value and character defining elements, explaining why a property was registered and why it should be protected.

In conjunction with the program under which the SoS were developed Councils were asked to consider “*Standards and Guidelines for the Conservation of Historic Places in Canada*” when reviewing substantive changes to the exterior of registered buildings. The *Standards and Guidelines* are based on a minimal intervention approach to conservation and provide a framework for deciding which features of a historic place should be maintained and which may be altered and guidelines on how to go about the work.

The *Standards and Guidelines* provide an excellent resource when reviewing applications for substantial alterations to registered heritage buildings. Adoption of the *Standards and Guidelines* means that staff, the Heritage Advisory Committee and Council will consider the *Standards and Guidelines* when reviewing applications for substantial exterior alterations to registered municipal heritage properties.

Should Council not adopt the *Standards and Guidelines*, they will remain approved for West Hants but not for the remainder of the Region. Having the *Standards and Guidelines* approved for the entire Region will ensure that requests for substantial alterations to registered properties are treated the same way throughout the Region.

5.0 NEXT STEPS

Nothing further is required of WAAC; PAC/HAC recommendation and Council approval of the recommendation is needed for the *Standards and Guidelines* to be effective throughout the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with adopting the *Standards and Guidelines* for the Region

7.0 ALTERNATIVES

Should WAAC not wish to recommend the *Standards and Guidelines* to PAC/HAC, WAAC may:

- recommend that the *Standards and Guidelines* is not needed throughout the Region at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A Standards and Guidelines Summary and Link

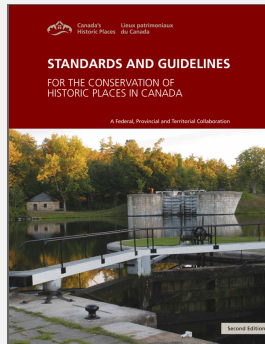
Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

ATTACHMENT A

Link to full document: <https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

SUMMARY from WEBSITE

The Standards & Guidelines for the Conservation of Historic Places in Canada



[The Standards and Guidelines for the Conservation of Historic Places in Canada](#) is the first-ever pan-Canadian benchmark for heritage conservation practice in this country. It offers results-oriented guidance for sound decision-making when planning for, intervening on and using historic places. This document establishes a consistent, pan-Canadian set of conservation principles and guidelines that will be useful to anyone with an interest in conserving Canada's historic places.

Changes since the last edition

This second edition of the *Standards and Guidelines* expands and clarifies the information contained in the original 2003 edition.

The revisions in this edition:

- Address comments received from users of the first edition of the *Standards and Guidelines*;
- Clarify the relationship between the *Standards and Guidelines* and a Statement of Significance;
- Better explain the conservation decision-making process;
- Provide interpretation of the fourteen Standards to clarify these important principles;
- Add guidance for typical sustainability-related interventions;
- Address new topics such as cultural landscapes, including heritage districts;
- Address recent heritage, including the specific issues of conserving modern materials and assemblies;
- Improve the guidance provided for engineering works; and
- Provide a more comprehensive set of Guidelines for Archaeological Sites generally, and in a specific setting.

The Conservation Decision-making Process



Conservation activities can be seen as a sequence of actions - from understanding the historic place, to planning for its conservation and intervening through projects or maintenance.

Understanding a historic place is an essential first step to good conservation practice. This is normally achieved through research and investigation. It is important to know where the heritage value of the historic place lies, along with its condition, evolution over time, and past and current importance to its community.



Planning is the mechanism that links a comprehensive understanding of a historic place with interventions that respect its heritage value. Planning should consider all factors affecting the future of an historic place, including the needs of the owners and users, community interests, the potential for environmental impacts, available resources and external constraints.

Intervening on a historic place, that is, any action or process that results in a physical change to its character-defining elements, must respect and protect its heritage value.

These three phases can further be defined through a series of steps:

UNDERSTANDING

- Refer to Heritage Value and Character-defining Elements
- Investigate and Document Condition and Changes

PLANNING

- Maintain or Select an Appropriate and Sustainable Use
- Identify Project Requirements
- Determine the Primary Treatment
- Review the Standards
- Follow the Guidelines

INTERVENING

- Undertake the Project Work
- Carry out Regular Maintenance

The Standards and Guidelines apply particularly to these three steps of the conservation decision-making process: Determine the Primary Treatment, Review the Standards and Follow the Guidelines.

DETERMINE THE PRIMARY TREATMENT	PRESERVATION	REHABILITATION	RESTORATION
REVIEW THE STANDARDS	GENERAL STANDARDS 1 – 9		
		Additional Standards for Rehabilitation (10–11–12)	Additional Standards for Restoration (13–14)
FOLLOW THE GUIDELINES	GENERAL GUIDELINES		
		Additional Guidelines for Rehabilitation	Additional Guidelines for Restoration

The Conservation Treatments

Conservation is the umbrella term in Canada. The conservation treatments of preservation, rehabilitation and restoration fall under conservation.

The Standards

The standards are based on internationally recognized conservation principles. The 14 standards are:

General Standards (for preservation, rehabilitation and restoration)

1. Conserve the *heritage value* of a historic place. Do not remove, replace or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*.
2. Conserve changes to a *historic place* that, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for a *historic place* that requires minimal or no change to its *character-defining elements*.



6. Protect and, if necessary, stabilize a *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of a *historic place* will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

The Guidelines

The guidelines provide practical advice for decision making when interventions are undertaken on a historic place. The guidelines address four types of resources as well as materials.

- Cultural Landscapes
- Archaeological Sites
- Buildings
- Engineering Works
- Materials

KEY DEFINITIONS

Historic Place: a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its heritage value.

Heritage Value: the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present and future generations. The heritage value of a historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

Character-defining Element: the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of a historic place, which must be retained to preserve its heritage value.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee

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

Date: November 12, 2020

Subject: Heritage Conservation Work Grant Policy; File #20-12B

RECOMMENDATION

WAAC recommends that the Planning and Heritage Advisory Committee recommend that Council approve the *Municipal Heritage Property Conservation Work Grant Policy*, in a manner substantively the same as that included as Attachment B to the report to WAAC entitled *Heritage Conservation Work Grant Policy* and dated November 5, 2020.

BACKGROUND

Staff recommended a *Municipal Heritage Property Conservation Work Grant Policy* for the Region to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

The Windsor Area Advisory Committee recommended in favour of the proposed *Municipal Heritage Property Conservation Work Grant Policy* on November 5, 2020.

ATTACHMENTS

Attachment A *Municipal Heritage Property Conservation Work Grant Policy*,
November 5, 2020, File #20-12

ATTACHEMENT A



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Hantsport Area Advisory Committee (HAAC)
Members of Windsor Area Advisory Committee (WAAC)

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

Date: HAAC November 3, 2020
WAAC November 5, 2020

Subject: Heritage Conservation Work Grant Policy
File # 20-12

1.0 LEGISLATIVE AUTHORITY

MGA 65

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

...that WAAC recommends that PAC/HAC recommend that Council approve the *Municipal Heritage Property Conservation Work Grant Policy*, in a manner substantively the same as that included as Attachment B to the report to WAAC entitled *Heritage Conservation Work Grant Policy* and dated November 5, 2020.

3.0 BACKGROUND

The *Municipal Heritage Property Conservation Work Grant Guidelines* for municipal heritage properties was adopted by West Hants Council in 2016 and amended in 2018 and 2019. A similar policy was not ever considered by Windsor. Although entitled "Guidelines", it is a policy and the document for the Region will be called a policy.

4.0 DISCUSSION

4.1.1 Existing West Hants Guidelines

The West Hants *Guidelines* provides limited financial assistance to owners of registered municipal heritage properties to help owners preserve the property as a resource for the community. The grant is provided on a 50% cost sharing basis between the applicant and Council and is limited by the budget established annually by Council. A motion of Council is required for each grant provided.

The West Hants Guidelines established:

- general project requirements;
- eligible and ineligible work & materials;
- project evaluation;
- application review process;
- grants and applications;
- conditions of approval & payment.

4.1.2 Proposed Policy

The topics now covered by the West Hants Guidelines are included in the proposed policy for the Region. The proposed policy includes the repeal of the present West Hants Guidelines policy. Content of the proposed policy is summarized below.

4.1.2(a) *Eligible owners*

- not-for-profit organizations incorporated under the Societies Act of Nova Scotia
- private owners

4.1.2(b) *General Project Requirements*

- work must be done and final claim made by March 31 of the year the work is done;
- application must be completed and an estimate provided from one contractor
- grants are at discretion of Council
- no grant for work started before the grant is approved

4.1.2(c) *Eligible and Ineligible Work and Materials* *Eligible*

- projects related to architectural elements which support the designation of the property including:
- preservation, replacement or restoration (as appropriate, depending on condition) of architectural elements, such as windows, doors, cladding, roof, foundation, and trim;
- replacement or repair of structural elements which support the building or

structure.

Ineligible

- modern materials unless required to meet Building Code Act By-law;
- short-term routine maintenance
- landscaping or repairs to minor structures
- work carried out prior to approval of the grant;
- poor or defective work;
- electrical, heating or plumbing work;
- additions;
- accessory buildings;
- new windows and doors that do not support the heritage character of the building
- owner's labour

4.1.2(d) *Project Evaluation*

- evaluated using criteria of Standards and Guidelines for the Conservation of Historic Places in Canada
- priority given to:
 - first-time applicants;
 - structural or weatherproofing elements; and
 - applications supported by a Building Conservation Plan

4.1.2(e) *Application Review Process*

- takes approximately three (3) months
- staff review > HAC review and recommendation > Council decision

4.1.2(f) *Grants and Applications*

Since adoption in 2016, the West Hants *Guidelines* has been used in response to only three applications. One issue was quickly apparent when reviewing each of the applications. The Guidelines states: "*The maximum number of grants for a property is one (1) per fiscal year. and two (2) in any five (5) year fiscal period.*" In addition, the maximum grant per year is \$5,000.00; the total grant in a five (5) year period is \$10,000.00.

Applicants have commented that it would be both easier and more beneficial for them to be able to apply for a grant more often within the five (5) year period (with the five (5) year period beginning on the date of the first grant approved) with the total possible grant remaining at \$10,000.00. Since cash flow can be a problem, some applicants may wish to make application for smaller and less costly projects more often. Others may have a major

project which would require the entire grant; they may wish to apply only once during the five-year period. It seems reasonable to take a middle approach and permit up to two applications per year each year within the five (5) year period and not limit the annual amount. This ability has been included within the proposed Policy for the Region (Attachment B).

4.1.2(g) *Conditions of Approval and Payment*

- work must be completed within the fiscal year for which it was approved (can be extended by CAO)
- grants conditional on completion of the approved work and submission of receipts and paid invoices;
- Deadline for submission of receipts and paid invoices is March 31 each year;
- any proposed changes to the approved work must receive Council approval before the work is done
- grants only given for work approved

4.2 Application of Existing Guidelines

There are six (6) properties with municipal heritage registration in the Region that are now eligible for a grant. There are five (5) additional properties with municipal heritage registration located within the community of Windsor that are not now eligible for a grant. If the proposed policy for the Region is not approved the existing West Hants *Guidelines* will still apply to heritage properties within the community of West Hants.

5.0 NEXT STEPS

Nothing further is required of WAAC or PAC/HAC; Council approval of the PAC/HAC recommendation is needed for the *Municipal Heritage Property Conservation Work Grant Policy* to be effective throughout the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing *Guidelines* with the proposed policy, as the total amount given in grants each year is limited by the budget established by Council. The change recommended regarding applications could at a maximum increase the workload on the Finance Department by one (1) application per property per year.

7.0 ALTERNATIVES

Should WAAC not wish to recommend this policy to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;
- recommend that one *Municipal Heritage Property Conservation Work Grant Policy* for the Region is not needed at this time; or

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A** West Hants Municipal Heritage Property Conservation Work Grant Guidelines
 - Attachment B** Proposed Municipal Heritage Property Conservation Work Grant Policy for the Region
-

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by: _____
Mark Phillips, CAO

Report Reviewed by: _____
Rhonda Brown, Municipal Clerk

Report Reviewed by: _____
Carlee Rochon, Director, Finance

ATTACHMENT B
WEST HANTS REGIONAL MUNICIPALITY
Municipal Heritage Property Conservation Work Grant Guidelines

Objective

To provide information for owners of Municipal Heritage properties regarding the financial assistance program which supports conservation of this important resource.

Eligible Applicants

The program provides eligible owners of Municipal Heritage properties with access to financial assistance comparable to that available to Provincially registered heritage properties. Within the limits of the annual budget, the Heritage Funding Program provides a maximum grant of \$10,000 within a five (5) year period for eligible conservation work.

Eligible owners include only not-for-profit organizations incorporated under the Societies Act of Nova Scotia and private owners.

General Project Requirements

- all work must be completed and the final claim made by March 31 of the year in which the work is done;
- an application must be completed and an estimate must be provided from one contractor for the proposed work;
- grants are provided at the discretion of Council and no grant will be provided for work started before the grant is approved.

Eligible Conservation Work & Materials

Projects related to architectural elements which support the designation of the property including:

- **Preservation** of existing architectural elements, including but not limited to, repair of windows, doors, cladding, roof, foundation, and architectural trim;
- **Replacement** of architectural elements which still exist but which are beyond preservation or repair, including doors, windows, cladding, roofing, foundation materials, and architectural trim, using materials and configurations similar to the original;
- **Restoration** of significant architectural elements which have been lost but for which the appearance can be determined from physical evidence or documentary sources such as historic drawings or photographs; and
- **Replacement or repair of structural elements** which support the building or structure.

Ineligible Work & Materials

- modern materials or elements such as vinyl or aluminum clad windows, steel doors, vinyl siding, or synthetic cladding unless required to meet the requirements of the Building Code Act By-law;
- short-term routine maintenance, including minor repairs to non-original cladding or roofing;
- landscaping features and repairs to minor structures such as fences and retaining walls which do not support the building;
- work carried out prior to approval of the grant;
- poor or defective work;
- electrical, heating or plumbing work;
- construction of an addition;
- construction of an accessory building;
- new windows and doors that do not support the heritage character of the building; and
- owner's labour.

Project Evaluation

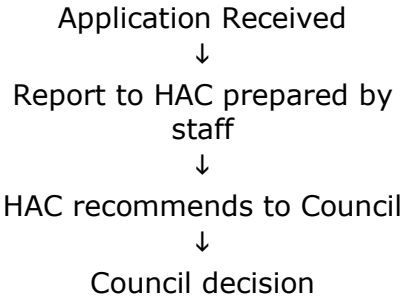
The project will be evaluated using criteria established under the Standards and Guidelines for the Conservation of Historic Places in Canada.

Priority will be given to:

- first-time applicants;
- work on structural or weatherproofing elements; and
- applications supported by a Building Conservation Plan (a drawing or a report which reasonably illustrates all intended work) prepared by an architect, building official, engineer, or restoration professional.

Application Review Process

The process for review of an application takes approximately three (3) months.



All eligible applications may not receive approval due to limited funds.

Grants & Applications

- Grants are awarded on a 50% cost-sharing, matching basis;

POLICY

- The minimum grant is \$500. per property;
- The maximum number of grants per property is two (2) per fiscal year and ten (10) in any five (5) year fiscal period;
- Grants are based on eligible expenses; in-kind contributions are not included in calculating the grant.

Conditions of Approval & Payment of Funds

- Projects must be completed within the fiscal year for which they were approved unless exceptional circumstances arise following approval. Approval for extending the grant into a second fiscal year must be requested from the Chief Administrative Officer as soon as the need is known;
- Grants are conditional on completion of the approved and submission of receipts and paid invoices;
- Deadline for submission of receipts and paid invoices is March 31 each year;
- The applicant shall notify the Municipality of any proposed changes to the approved work and shall receive approval from Council before doing the work;
- Grants are tied to the work approved and will not be given for work which was not approved.

Repeal

The Heritage Conservation Work Grant Guidelines policy approved by the former Municipality of the District of West Hants on May 8, 2018 is hereby rescinded.

<i>Adoption</i>	
<i>Notice to Council:</i>	
<i>Approval:</i>	
<i>Description:</i> A pproval of the Municipal Heritage Property Conservation Work Grant Guidelines for West Hants Regional Municipality	



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee

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

Date: November 12, 2020

Subject: Criteria for Inclusion in the Municipal Registry of Heritage Properties
File # 20-11B

RECOMMENDATION

that PAC/HAC recommend that Council approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in a manner substantively the same shown in Attachment C to the report to WAAC entitled *Criteria for Inclusion in the Municipal Registry of Heritage Properties* dated November 5, 2020.

BACKGROUND

Staff recommended the *Criteria for Inclusion in the Municipal Registry of Heritage Properties* for the Region to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

The Windsor Area Advisory Committee recommended in favour of the proposed *Criteria for Inclusion in the Municipal Registry of Heritage Properties* on November 5, 2020.

ATTACHMENTS

Attachment A Criteria for Inclusion in the Municipal Registry of Heritage Properties, November 5, 2020, File #20-11

APPENDIX A



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Hantsport Area Advisory Committee (HAAC)
Windsor Area Advisory Committee (WAAC)

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

Date: November 3, 2020 HAAC
November 5, 2020 WAAC

Subject: Criteria for Inclusion in the Municipal Registry of Heritage
Properties
File # 20-11

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s.313

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

... that WAAC recommends that PAC/HAC recommend that Council approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in a manner substantively the same shown in Attachment C to the report to WAAC entitled *Criteria for Inclusion in the Municipal Registry of Heritage Properties* dated November 5, 2020.

3.0 BACKGROUND

Windsor and West Hants each have *Criteria for Inclusion in the Municipal Registry of Heritage Properties* which applies to the respective community. Over the past two years the *Criteria* have been aligned by each Council in order to make it easier to develop one document which will apply to the entire Region.

4.0 DISCUSSION

The *Criteria* is used only when an owner asks to have their property registered as a Municipal Heritage Property. Information about the property is measured against each criterion and then scored. This ensures that properties really are of local heritage significance before being registered. The benefits to being registered include an increased feeling of pride in the property, having a heritage plaque on the property, the likelihood of the heritage value of the property being maintained after the present owner has moved on from the property, the opportunity for some advice from Provincial departments, and the possibility of Municipal grants.

There is no difference between the Windsor and West Hants *Criteria*. The *Criteria* have been in place in each community for over ten years; within the past two years changes were made to each document that:

- added criteria related to “association”, “continuity of ownership” and “condition”;
- assigned a graduated, but arbitrary, system of scoring similar to that used in other municipal units;
- provided specific periods within the History and Culture section, developed in conjunction with a local historian, in order to assist in consistent application of the criteria.

Having one *Criteria for Inclusion in the Municipal Registry of Heritage Properties* will make it easier for residents to understand and staff to administer.

Should Council not approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties*, each former municipal unit’s *Criteria* will remain in force.

The proposed *Criteria* includes rescinding the existing *Criteria*.

5.0 NEXT STEPS

Nothing further is required of WAAC; PAC/HAC recommendation and Council approval of the recommendation is needed to put *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in place for the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing *Criteria for Inclusion in the Municipal Registry of Heritage Properties* with the proposed *Criteria for Inclusion in the Municipal Registry of Heritage Properties*.

7.0 ALTERNATIVES

Should WAAC not wish to recommend the draft *Criteria for Inclusion in the Municipal Registry of Heritage Properties* to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;

- recommend that *Criteria for Inclusion in the Municipal Registry of Heritage Properties* for the Region is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A** Windsor Criteria for Inclusion in the Municipal Registry of Heritage Properties
- Attachment B** West Hants Criteria for Inclusion in the Municipal Registry of Heritage Properties
- Attachment C** Proposed Region of Windsor and West Hants Criteria for Inclusion in the Municipal Registry of Heritage Properties
-

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development



ATTACHMENT A TOWN OF WINDSOR

Criteria for Inclusion in the Municipal Registry of Heritage Properties Guidelines

The following criteria will be used by the Windsor Heritage Advisory Committee when recommending inclusion of a property in the municipal heritage registry. Points will be awarded as noted below.

Property Name, Address and PID:

Initial Scoring By:

Date:

CONTEXT/ENVIRONMENT

Landmark

Importance as a visual landmark:

- (15) Symbol of provincial importance
- (10) Symbol of county or regional importance
- (5) Symbol of community importance
- (0) Little or no symbolic value

Environment

The extent the property contributes to the historical/architectural character of the area:

- (15) Essential to maintaining the dominant character
- (10) Important to maintaining the dominant character
- (5) Compatible with the dominant character
- (0) Incompatible with the dominant character

Integrity

- (10) On the original site with few or minor exterior alterations
- (7) On the original site with major exterior alterations
- (5) Building or structure has been relocated and has minor exterior alterations
- (0) Building or structure has been relocated and has major exterior alterations

HISTORY &

CULTURE Continuity

- (10) Owned, occupied or cared for by descendants of original owner or developer



Period

Building, structure or evident relationship dates from:

- (automatic) Mi'kmaq
- (automatic) 1675-1755 Acadian
- (15) 1756-1800 New England Planter/United Empire Loyalist migration
- (12) 1801-1840 General development of education & transportation
- (10) 1841-1900 Age of Sail – rise of coastal communities
- (7) 1901-1914 Economic development and prosperity
- (5) 1915-1939 WWI – Interwar
- (5) 1940+ WWII to present

Association

Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

- (25) Intimately connected to a person, group, event, etc. of primary importance
- (20) Loosely connected to a person, group, event, etc. of primary importance
- (15) Intimately connected to a person, group, event, etc. of secondary importance
- (10) Loosely connected to a person, group, event, etc. of secondary importance
- (0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style

In comparison to recognized historical building styles the style is considered a:

- (10) Very rare example or contains a very rare element
- (7) Rare example or contains a rare element
- (5) Common example
- (0) Very common example

ARCHITECTURE

Construction type/building technology

The type of construction or building technology used is considered:

- (10) Very rare or early example
- (7) Rare or fairly early example
- (5) Common example
- (0) Very common example

**Architect/builder**

The property is an example of an architect/builder's work that is considered:

- (20) Very rare or work from an architect/builder of exceptional interest
- (15) Rare or work from an architect/builder of special interest
- (5) Common or architect/builder of little interest
- (0) Very common or architect/builder of no interest or unknown

Condition

The building's structural condition and state of repair is:

- (10) Excellent
- (7) Very good
- (5) Fair
- (0) Poor

Additional points may be assigned if there is a commitment to repair.

_____ TOTAL



WEST HANTS
NOVA SCOTIA

GUIDELINE

COPL-003.05

ATTACHMENT B
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Criteria for Inclusion in the Municipal Registry of Heritage Properties

The following criteria will be used by the West Hants Heritage Advisory Committee in recommending inclusion of a property in the municipal heritage registry. Points will be awarded as noted below.

Property Name, address and PID:
Initial Scoring By:

Date:

CONTEXT/ENVIRONMENT

Landmark

Importance as a visual landmark:

- (15) Symbol of provincial importance
- (10) Symbol of county or regional importance
- (5) Symbol of community importance
- (0) Little or no symbolic value

Environment

The extent the property contributes to the historical/architectural character of the area:

- (15) Essential to maintaining the dominant character
- (10) Important to maintaining the dominant character
- (5) Compatible with the dominant character
- (0) Incompatible with the dominant character

Integrity

- (10) On the original site with few or minor exterior alterations
- (7) On the original site with major exterior alterations
- (5) Building or structure has been relocated and has minor exterior alterations
- (0) Building or structure has been relocated and has major exterior alterations

HISTORY & CULTURE

Continuity

- (10) Owned, occupied or cared for by descendants of original owner or developer

Period

Building, structure or evident relationship dates from:

- (automatic) Mi'kmaq
- (automatic) 1675-1755 Acadian
- (15) 1756-1800 New England Planter/United Empire Loyalist migration
- (12) 1801-1840 General development of education & transportation
- (10) 1841-1900 Age of Sail – rise of coastal communities
- (7) 1901-1914 Economic development and prosperity
- (5) 1915-1939 WWI – Interwar
- (5) 1940+ WWII to present

Association

Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

- (25) Intimately connected to a person, group, event, etc. of primary importance
- (20) Loosely connected to a person, group, event, etc. of primary importance
- (15) Intimately connected to a person, group, event, etc. of secondary importance
- (10) Loosely connected to a person, group, event, etc. of secondary importance
- (0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style

In comparison to recognized historical building styles the style is considered a:

- (10) Very rare example or contains a very rare element
- (7) Rare example or contains a rare element
- (5) Common example
- (0) Very common example

ARCHITECTURE

Construction type/building technology

The type of construction or building technology used is considered:

- (10) Very rare or early example
- (7) Rare or fairly early example
- (5) Common example
- (0) Very common example



Architect/builder

The property is an example of an architect/builder's work that is considered:

- (20) Very rare or work from an architect/builder of exceptional interest
- (15) Rare or work from an architect/builder of special interest
- (5) Common or architect/builder of little interest
- (0) Very common or architect/builder of no interest or unknown

Condition

The building's structural condition and state of repair is:

- (10) Excellent
- (7) Very good
- (5) Fair
- (0) Poor

Additional points may be assigned if there is a commitment to repair.

____ TOTAL

I, (Municipal Clerk Name), Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the Guideline as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the ____ day of _____ (month), _____ (year).

*(Signature of Municipal Clerk)*_____
(Typed name of Municipal Clerk)

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	



GUIDELINE

COPL-003.05



POLICY

ATTACHMENT C WEST HANTS REGIONAL MUNICIPALITY

Criteria for Inclusion in the Municipal Registry of Heritage Properties

The following criteria will be used by the Heritage Advisory Committee of West Hants Regional Municipality in recommending inclusion of a property in the Municipal Heritage Register. Points will be awarded as noted below.

Property Name, address and PID:

Initial Scoring By:

Date:

CONTEXT/ENVIRONMENT

Landmark

Importance as a visual landmark:

- (15) Symbol of provincial importance
- (10) Symbol of county or regional importance
- (5) Symbol of community importance
- (0) Little or no symbolic value

Environment

The extent the property contributes to the historical/architectural character of the area:

- (15) Essential to maintaining the dominant character
- (10) Important to maintaining the dominant character
- (5) Compatible with the dominant character
- (0) Incompatible with the dominant character

Integrity

- (10) On the original site with few or minor exterior alterations
- (7) On the original site with major exterior alterations
- (5) Building or structure has been relocated and has minor exterior alterations
- (0) Building or structure has been relocated and has major exterior alterations

HISTORY & CULTURE

Continuity

- (10) Owned, occupied or cared for by descendants of original owner or developer

POLICY

Period

Building, structure or evident relationship dates from:

- (automatic) Mi'kmaq
- (automatic) 1675-1755 Acadian
- (15) 1756-1800 New England Planter/United Empire Loyalist migration
- (12) 1801-1840 General development of education & transportation
- (10) 1841-1900 Age of Sail – rise of coastal communities
- (7) 1901-1914 Economic development and prosperity
- (5) 1915-1939 WWI – Interwar
- (5) 1940+ WWII to present

Association

Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

- (25) Intimately connected to a person, group, event, etc. of primary importance
- (20) Loosely connected to a person, group, event, etc. of primary importance
- (15) Intimately connected to a person, group, event, etc. of secondary importance
- (10) Loosely connected to a person, group, event, etc. of secondary importance
- (0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style

In comparison to recognized historical building styles the style is considered a:

- (10) Very rare example or contains a very rare element
- (7) Rare example or contains a rare element
- (5) Common example
- (0) Very common example

Construction type/building technology

The type of construction or building technology used is considered:

- (10) Very rare or early example
- (7) Rare or fairly early example
- (5) Common example
- (0) Very common example



POLICY

Architect/builder

The property is an example of an architect/builder's work that is considered:

- (20) Very rare or work from an architect/builder of exceptional interest
- (15) Rare or work from an architect/builder of special interest
- (5) Common or architect/builder of little interest
- (0) Very common or architect/builder of no interest or unknown

Condition

The building's structural condition and state of repair is:

- (10) Excellent
- (7) Very good
- (5) Fair
- (0) Poor

Additional points may be assigned if there is a commitment to repair.

_____ TOTAL

Repeal

The Criteria for Inclusion in the Municipal Registry of Heritage Properties policy approved by the former Municipality of the District of West Hants on May 8, 2018 is hereby rescinded.

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the Policy adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____(month), _____(year).

(Signature of Municipal Clerk)_____

Rhonda Brown

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee

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

Date: November 12, 2020

Subject: Heritage Permits and Non-Substantial Alterations; File #20-13B

RECOMMENDATION

...that PAC/HAC recommend that Council approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*, included as Attachment D to the report to WAAC entitled *Heritage Permits and Alterations to Registered Heritage Properties* dated November 5 2020.

BACKGROUND

Staff recommended the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* for the Region to the Windsor Area Advisory Committee (WAAC) on November 5, 2020.

The Windsor Area Advisory Committee recommended in favour of the proposed the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* on November 5, 2020.

ATTACHMENTS

Attachment A Heritage Permits and Alterations to Registered Heritage Properties
November 5, 2020, File #20-13

ATTACHMENT A



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Hantsport Area Advisory Committee (HAAC)
Windsor Area Advisory Committee (WAAC)

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

Date: November 3, 2020 HAAC
November 5, 2020 WAAC

Subject: Heritage Permits and Alterations to Registered Heritage Properties

File # 20-13

1.0 LEGISLATIVE AUTHORITY

Heritage Property Act 13(b) and 17

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

... that WAAC recommends that PAC/HAC recommend that Council approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*, included as Attachment D to the report to WAAC entitled *Heritage Permits and Alterations to Registered Heritage Properties* dated November 5 2020.

3.0 BACKGROUND

3.1 Registered Properties

The Heritage Property Act allows municipalities to identify and protect buildings, public-building interiors, streetscapes, cultural landscapes or areas which are of heritage significance to the Municipality. Following request from the owner

and investigation by the PAC/HAC, in the past Windsor Council registered five (5) properties and West Hants registered seven (7) properties (Attachment A).

As was common practice in Nova Scotia, registrations use wording which included not only the building but the entirety of the property, or lot, on which a building is located, even though the heritage value may rest only in the building. As a result, any change on the property must be considered through a heritage permit process.

3.2 **Substantial Alteration**

Once a property is registered as a municipal heritage property, no “substantial alteration” to the property can take place unless a heritage permit has been issued.

In the Heritage Property Act, “substantial alteration” is defined as “*any action which affects or alters the character defining elements of a property.*”

A description termed a “Statement of Significance” (SOS) was required for any property which was designated and added to the pan-Canadian heritage website “historicplaces.ca”. This process was in place in Nova Scotia from about 2001 to about 2009, with provincial funding provided only for a portion of this period. Properties designated before or after these dates may not have a SOS, but it is really helpful to have one done at the time of designation. An SOS is made up of several elements:

- Description of Historic Place: a brief description of the property
- Heritage Value: a description of the importance of the property
- Character-Defining Elements: a list of the items that are of particular importance to and contribute to the heritage value of the property.

For example, the character-defining elements of one property listed on the Register are:

- *position of the building as to the apex of the upper and lower business districts, and proximity to the Annapolis Basin;*
- *irregular massing of the building;*
- *gable end to the street;*
- *all Greek Revival elements including window size, proportion and pattern; original boxed cornice and frieze with paired brackets; and plain pilasters on the corners and across the front with the Doric capitals;*
- *original and historic wood clapboard, wood trim, and wood finish elements;*
- *originally styled wood and glass doors;*

As a result, the impact of a change requested to any of the items listed above, such as the style of the doors, would be a substantial alteration and would have to be considered and then determined by Council.

3.3 **Heritage Advisor**

“Heritage Advisor” is the term used across Nova Scotia for any staff member who provides advice on heritage matters. The term is not used in the Heritage Property Act.

3.4 **Application Process**

Once an application is made to alter a municipally registered heritage property, the Heritage Advisor reviews each application and determines whether the proposed change is considered a substantial or non-substantial alteration.

If the Heritage Advisor is unable to determine whether a proposed change is substantial or non-substantial, the application must follow the process for a substantial alteration. A report is also required if the proposed change is determined to be substantial.

If the proposed change is determined by the Heritage Advisor to be non-substantial, a letter would be sent to the applicant advising that a heritage permit is not required.

Whether a change is considered substantial or not, a development and/or building permit may be required.

3.5 **Non-Substantial Alterations**

In order to provide assurance to staff who administer the Heritage Property By-law, WAAC and PAC/HAC may recommend that Council approve a list of alterations which Council has determined are not substantial. When a request is made in future for an item that the Heritage Advisor considers to be non-substantial but is not on the list, the Heritage Advisor would recommend that that type of alteration be added to the list. Having a list of alterations which Council has determined to be not substantial speeds up the process for work on heritage property.

Windsor and West Hants each approved a *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*. Over the past three years the lists have been aligned as closely as possible in order to make it easier to develop one list for the Region.

The changes listed as non-substantial do not conflict with the requirements of the Windsor Architectural Design Manual or affect the heritage value of properties.

4.0 **DISCUSSION**

There are only two very small areas of difference between the Windsor and West Hants *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* (Attachments A and B). One is the size of an accessory building which would be considered non-substantial. Each intends to refer to a building which

does not require a building permit, so the number has been replaced by the phrase "*which do not require a building permit*". The second is an additional level of detail in the Windsor list regarding when shingles may be replaced with cladding and cladding with shingles. This detail has been included in the proposed list for the Region (Attachment C).

Should Council not approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*, each former municipal unit's list will remain in force.

A single *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* will ensure registered properties are all treated the same way across the Region.

5.0 NEXT STEPS

Nothing further is required of WAAAC; PAC/HAC recommendation and Council approval of the recommendation is needed for the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* to be effective.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing lists with the proposed new list.

7.0 ALTERNATIVES

Should WAAC not wish to recommend this draft list to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;
- recommend that one List of Alterations to Heritage Properties which are to be Considered Non-Substantial for the Region is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	Registered Windsor and West Hants Municipal Heritage Properties
Attachment B	West Hants List of Alterations to Heritage Properties which are to be Considered Non-Substantial
Attachment C	Windsor List of Alterations to Heritage Properties which are to be Considered Non-Substantial
Attachment D	Proposed Region of Windsor and West Hants List of Alterations to Heritage Properties which are to be Considered Non-Substantial

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by: _____
Mark Phillips, CAO

ATTACHMENT A

Registered Windsor and West Hants Municipal Heritage Properties

Updated: April 2, 2020

West Hants

PID	Civic	Name
45061421	652 New Ross Road Leminster	All Saints Anglican Church
45167269	744 Highway 236 Scotch Village	Dimock House
45179900	5959 Highway 215 Kempt Shore	Kempt Shore Presbyterian Church
45041894	1015 No. 14 Highway	South Waterville Hall
45005402	4839 Highway 1 Three Mile Plains	The Plains Community Hall (School Section No. 36.) AKA Five Mile Plains Community Hall
45036001	376 Falmouth Dyke Road, Falmouth	Greenwood
45249406	419 Gabriel Road, Falmouth	Sainte Famille Cemetery

WINDSOR REGISTERED HERITAGE PROPERTIES

PID	Civic	Name
45054145	653 King Street, Windsor	Lawson House
45059607	543 King Street, Windsor	Christ Church Anglican Church
45056058	281 King Street, Windsor	West Hants Historical Society Museum
45050598	646 King Street, Windsor	Thornton House
45059573	1291 King Street, Windsor	Old Parish Burying Ground

ATTACHMENT B
WEST HANTS 2017

**List of Alterations to Municipally Designated Heritage Properties which are to be
Considered Non-Substantial**

- replacement of or repair to any element of the exterior where no change is intended;
- items which the Heritage Advisor considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);
- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and "Selkirk" chimneys to walls which are not visible from the public street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which are less than 215 sq. ft. in area;
- alteration of existing minor accessory structures which are less than 215 sq. ft. in area;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as stairways or ground level "patios" which are not connected to the main building.

**ATTACHMENT C
WINDSOR 2019**

**List of Alterations to Municipally Designated Heritage Properties which are to be
Considered Non-Substantial**

- replacement of or repair to any element of the exterior where no change is intended;
- items which the Heritage Advisor considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles unless cladding is specified as a character-defining element;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);
- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and “Selkirk” chimneys to walls which are not visible from the public street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which are less than 200 sq. ft. in area;
- alteration of existing minor accessory structures which are less than 200 sq. ft. in area;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as stairways which are not connected to the main building or ground level “patios”.

ATTACHMENT D

WEST HANTS REGIONAL MUNICIPALITY 2020

List of Alterations to Municipally Designated Heritage Properties which are to be Considered Non-Substantial

- replacement of or repair to any element of the exterior or public building interior where no change is intended;
- items which the Heritage Advisor considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles unless cladding is specified as a character-defining element;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);
- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and "Selkirk" chimneys to walls which are not visible from the public street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which do not require a building permit;
- alteration of existing minor accessory structures which do not require a building permit;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as ground level "patios" or stairways which are not connected to the main building.