



**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
MAY 13, 2021 – 6:00pm
Zoom**

- 1.0 Call to Order, Attendance, and Introductions**
- 2.0 Election of Chair and Vice-Chair (should an election be needed during the meeting please send your choice/vote only to mlemay@westhants.ca)**
- 3.0 Approval of Agenda and Additions**
- 4.0 Approval of Minutes**
- 5.0 Business Arising from the Minutes**
 - 5.1 Business Arising from March 2 Hantsport Area Advisory Committee Minutes, March 4 Windsor Area Advisory Committee Minutes and March 11 PAC/HAC minutes, dissolution of area advisory committees
 - 5.2 Update: File # 20-22 20 Main St., Hantsport Rezoning (Sara Poirier)
 - 5.3 Update File # 20-28 234 Mountain Rd., Three Mile Plains / Mobile Homes in Three Mile Plains (Sara Poirier)
 - 5.4 Update: File # 19-15 Meadows, Falmouth Development Agreement (Madelyn LeMay)
 - 5.5 Update: File # 20-10 Heritage Property By-law (Madelyn LeMay)
 - 5.6 Clarification: Council Members terms on PAC/HAC
 - 5.7 Discussion: Powder Coating as a Home-Based Business
Prior to the May 13 meeting please review a short video:
<https://www.youtube.com/watch?v=IFeMX1O6Epk>
- 6.0 Building and Development Activity Reports**

7.0 New Business

- 7.1 Under Consideration: 20 Empire Lane, Windsor Development Agreement (Sara Poirier)
- 7.2 Under Consideration: 101 Three Mile Plains Cross Road Development Agreement (Sara Poirier)
- 7.3 Under Consideration: 233 Gray Street and Abutting Lot, Windsor (Madelyn LeMay)
- 7.4 PAC/HAC Terms of Reference: Approval (Draft Terms of Reference were circulated with the May 6, 2021 PAC/HAC Workshop information.)
- 7.5 Draft Mobile Canteen Vending By-law Information Report (Sara Poirier)
- 7.6 Secondary Suites: Amendments to the West Hants, Windsor and Hantsport MPS and LUB) (Madelyn LeMay)
- 7.7 MPS Review Discussion:
 - Cemeteries, Yards, Frontage on a Street and Measurement System (Madelyn LeMay)
 - Household livestock (Sara Poirier)

8.0 Notices from Adjacent Municipal Units

- **East Hants Notice of Plan Review**

9.0 Questions and Comments from Public

10.0 Adjournment



**WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC)
INTRODUCTORY WORKSHOP
May 6, 2021 – 6:00p.m.
via Zoom**

PRESENT: Jim Ivey, Councillor (District 11) (Acting Chair)
Bill Preston (Hantsport representative)
Jane Davis (Hantsport representative)
Shelley Bibby (Windsor representative)
Jamie O’Hanlon (Windsor representative)
Jennifer Nichols (WHRM representative)
Tasha Rogers (WHRM representative)
Lisa Bland (WHRM representative)
Councillor Rupert Jannasch (District 1)
Councillor Mark McLean (District 3)
Councillor Debbie Francis (District 5)
Councillor Ed Sherman (District 7)
Councillor Richard Murphy (District 9)

STAFF: Madelyn LeMay, Director of Planning and Development
Sara Poirier, Planner
Vanessa Lake, Planning Meeting Secretary

Call to Order

Acting Chair Ivey called the meeting to order at 6:00 pm. All members of the new committee introduced themselves.

Approval of Agenda and Additions

Moved by Councillor Murphy and seconded by Councillor Sherman that the agenda be approved as circulated. Motion carried.

Draft PAC/HAC Terms of Reference

The Acting Chair noted that the draft Terms of Reference were circulated with the agenda and will be considered for approval at the May 13, 2021 meeting. Acting Chair Ivey queried the length of this term for Council members; Ms. LeMay will provide clarification at the next meeting. The need for timelines for the deliverables specified in the Terms of Reference will also be considered before the next meeting.

Planning and Heritage Discussion

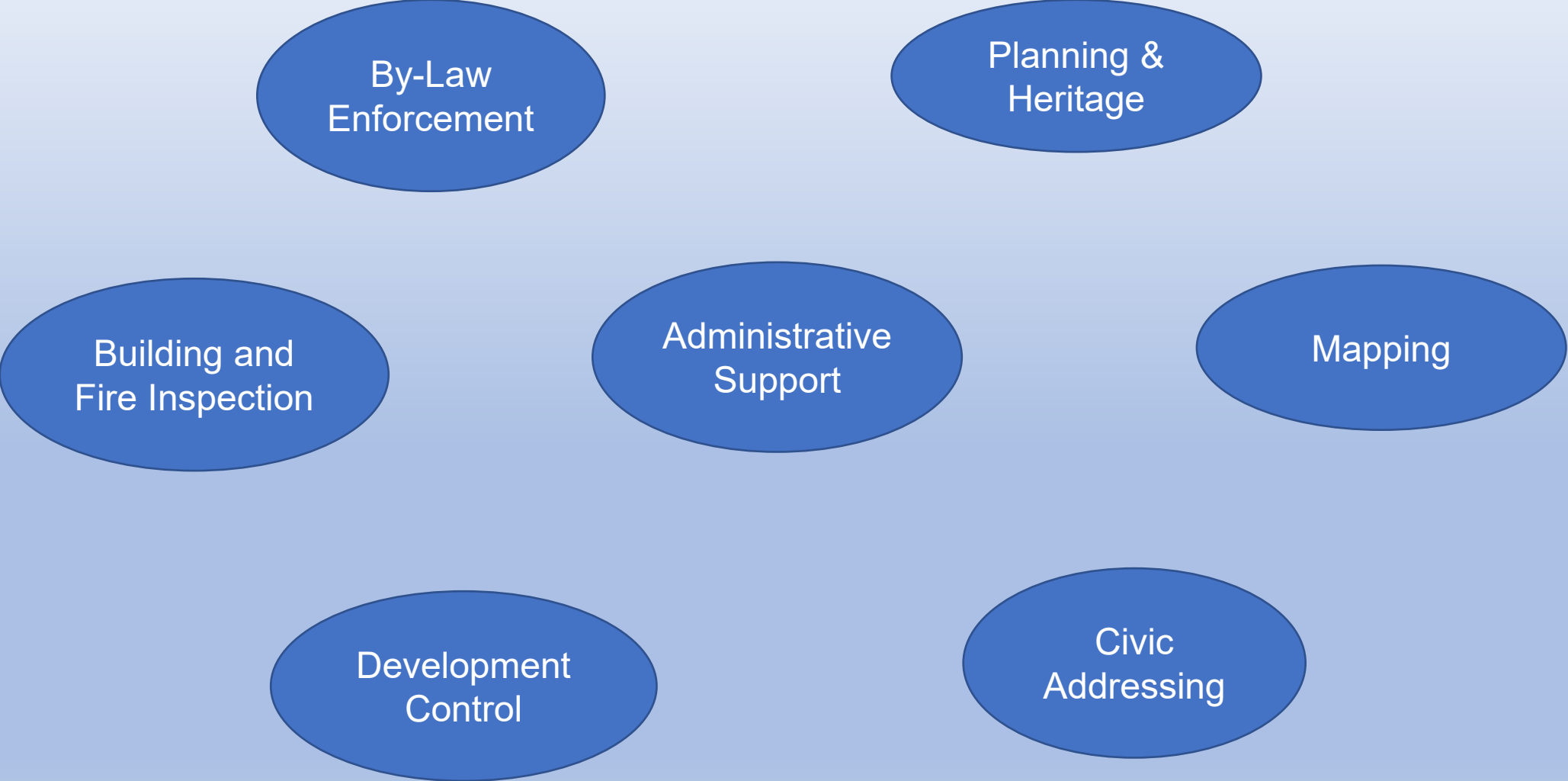
Ms. Poirier and Ms. LeMay led discussion of the following, using a PowerPoint presentation. Members were involved in discussion! Slides are attached to the notes for members.

- department overview
- discussion of what planning is
- roles of staff and Council
- overview of the usual PAC/HAC agenda
- introduction to heritage

Adjournment

Moved by Resident member Preston and seconded by Councillor McLean that the meeting adjourn at 8:27pm. Motion carried.

PLANNING and DEVELOPMENT 2021



PLANNING & HERITAGE

Madelyn LeMay
Sara Poirier
vacant

- work with Council, Committees and public
- work mostly on land use & heritage
- draft documents and recommend changes to policies
- working on review of MPS, LUB and SUB for Hantsport, Windsor & West Hants



MAPPING

GIS Technician
Hartley Atwell

Planning Technician
Tracy Babineau

- Geographic Information Systems
- interactive maps on website
- maps for all planning work & other departments



CIVIC ADDRESSING

Planning Technician
Tracy Babineau



- Civic Addressing By-law administered by Civic Addressing Co-Ordinator
- “911” system regulated by Province



ADMINISTRATION

Administrative Assistant
Chris Merry

- public face of Department
- usual administrative tasks
- + discusses development and building permit applications with applicants & enters information in ***digital tracking system***



Vanessa Lake
Meeting Secretary

- agenda packages
- tech during meetings
- minutes
- member contact about meetings

DEVELOPMENT CONTROL

Development Officers
Doug MacInnis
Janet Redden



- apply rules established by Council in the LUB & SUB
- approve division of land
- issue development permits – always come before a building permit!
- spend time with public answering inquiries

BUILDING & FIRE INSPECTION

Building and Fire Inspection

Tim Leslie

Jody denHaan

Tina McKay

Adam Sullivan



- administer Council's Building Code Act By-laws (which bring into force
- and expand on the National and Provincial Building Codes)
- issue building & occupancy permits
- administer Council's Fire Inspections policy
- focus is building safety

BY-LAW ENFORCEMENT

By-law Officers
Ryan Parker
Shawn Levy



- enforce specific by-laws
 - Dangerous or Unsightly Premises
 - Dog By-Law
 - Parking

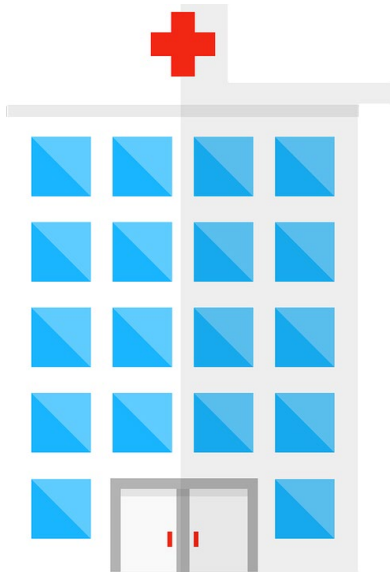
I. What is Planning?

What does the community want to become?



<http://bcplanningblog.blogspot.com/2009/03/jetsons-and-new-urbanism.html>

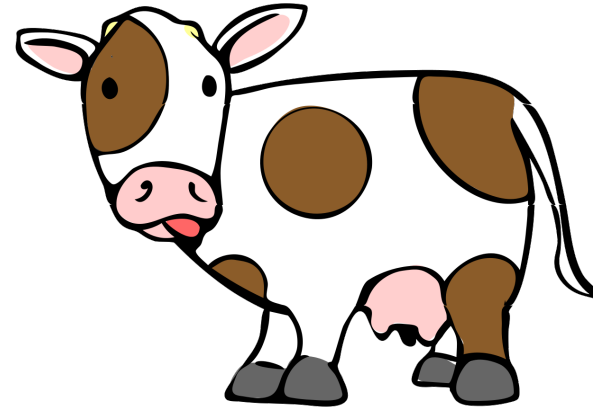
What kind of land uses will help the community get there?



Where should these land uses be located?



What conflicts can arise from those land uses?



How can we prevent or minimize those conflicts?



II. What are Planning Documents?

Planning History

- 1976 First land use regulations in part of West Hants
Windsor Municipal Development Plan (MDP) & LUB
- 1977 Hantsport MDP & LUB
- 1994 Regulations in place throughout West Hants
- 2019 (December) Provincial requirement for minimum planning regulations

Planning Documents

- 1. Municipal Planning Strategy (MPS)**
- 2. Land Use By-law (LUB)**
- 3. Subdivision By-law (SUB)**

Note: There are currently separate documents for Windsor, Hantsport and West Hants.

1. Municipal Planning Strategy (MPS)

- Sets out what Council intends for development
- Policies are the “policy of Council”

Text

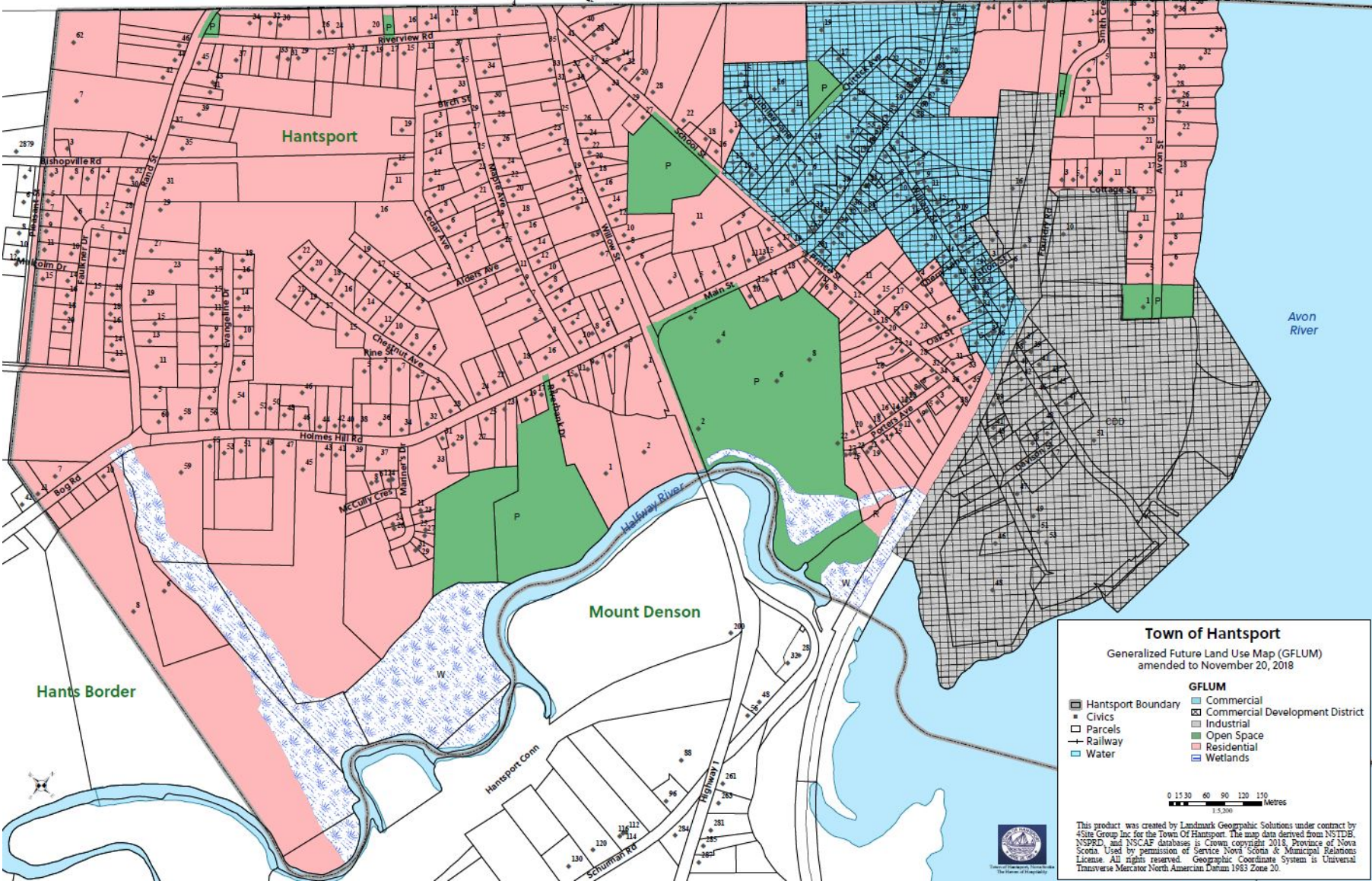
- Divided into sections with background and policies

Map

- Generalized Future Land Use Map (GFLUM)



Generalized Future Land Use Map (GFLUM) Designations



2. Land Use By-law (LUB)

- Regulations to achieve the goals of the MPS
- Administered by the Development Officer

Text

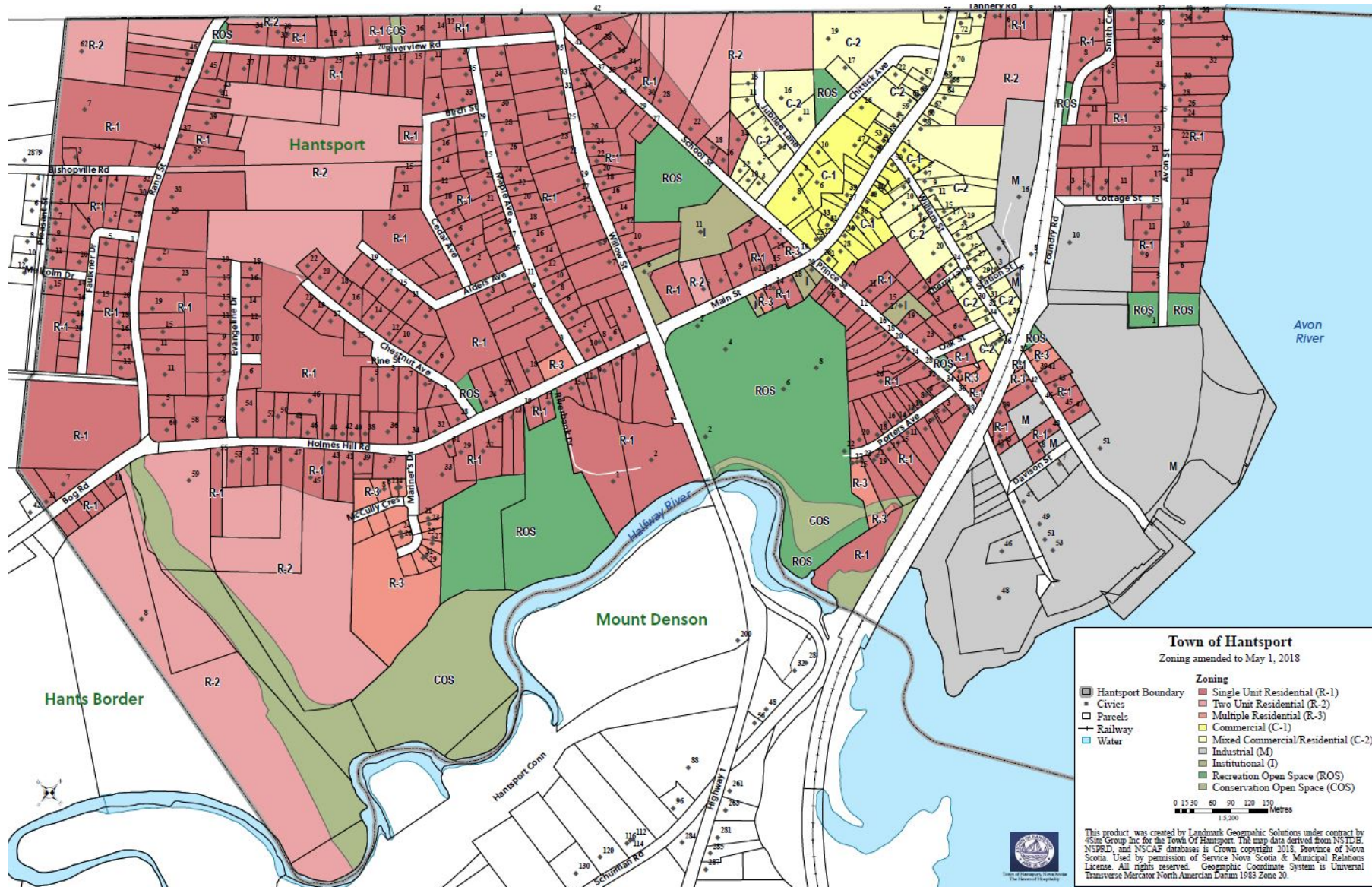
- Sections dealing with general matters (signs, parking)
- Specific zones
- Definitions

Map

- Zoning Map



Zoning Map



3. Subdivision By-law (SUB)

- Regulates changes to property boundaries including the division and addition of land
- Administered by Development Officer

Text

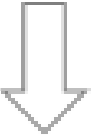
- Plans & process
- Requirements, charges and agreements for lots, public & private roads, water, sewer, parkland (POS) & infrastructure



Land Use, Zoning and Designations



DESIGNATION
WHMPS



ZONING
WHLUB



Land Use

III. What is an amendment to a planning document?

Application Examples

1. **MPS Amendment** (Text or Map)
2. **LUB Amendment** (Text or Map)
3. **Development Agreement**

1. MPS Amendment (Text or Map)



What?

An amendment of the text or map of the Municipal Planning Strategy

Why?

A change in the environmental, social or economic climate

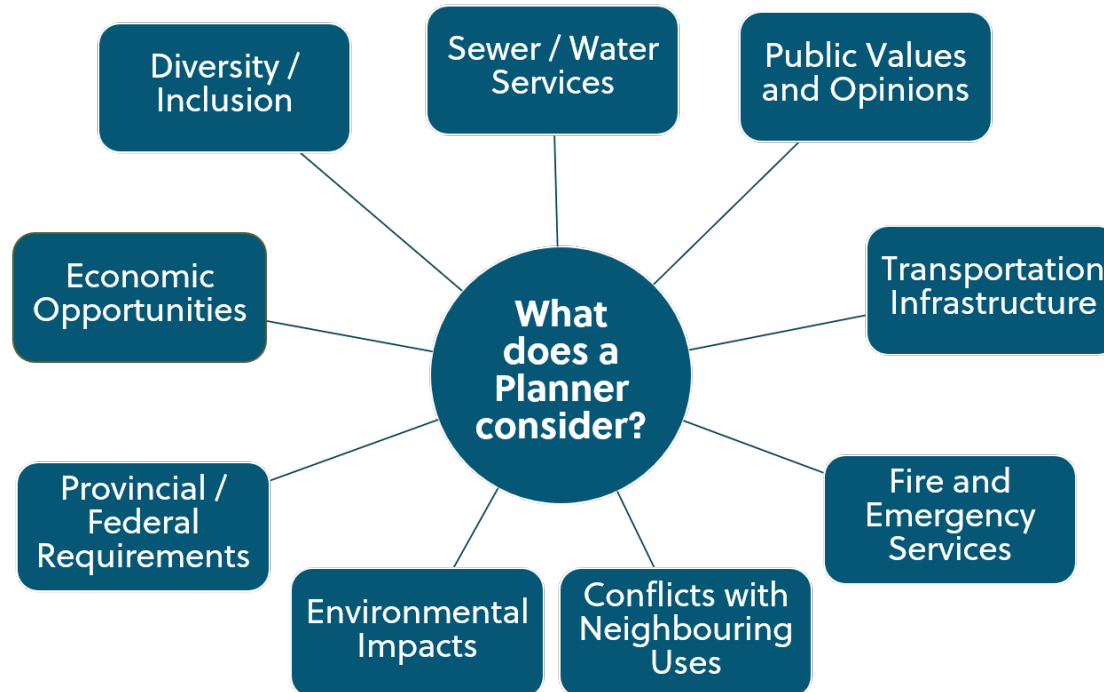
How?

- Consider existing MPS policies
- Consider legislative framework
- Review similar policies elsewhere
- Discuss options with PAC

1. MPS Amendment Cont.



- What is good planning practice?
- What does the community and neighbourhood want to see?



2. LUB Amendment (Text or Map)



What?

An amendment of the text or map of the Land Use By-law

Why?

A policy in the Municipal Planning Strategy allows Council to consider the amendment

How?

- Consider criteria in the MPS policy
- Contact stakeholders
- Develop necessary amendments to address criteria

3. Development Agreement



What?	Contract between Council and property owner
Why?	A policy in the Municipal Planning Strategy allows Council to consider the development agreement
How?	<ul style="list-style-type: none">• Consider only criteria in the MPS policy• Contact stakeholders• Negotiate with the property owners• administered by Development Officer

3. Development Agreement Cont.



Text

- Specifies date, property and owner, policies
- Development requirements
- Can regulate hours of operation
- Substantive and non-substantive matters

Map

- Site plan or property map

IV. What is the process?

Planning Applications



The Development Officer can issue a permit

It is not permitted in the LUB

The Planner evaluates the inquiry

Policy would allow an amendment or DA

No policy that would allow Council to consider this

Planning Applications



6-8 month process

Public Participation Program Components

Staff review

- inquiries sent to other departments & outside agencies as needed; responses incorporated in report to PAC

Public Participation Program Components

Public Information Meeting (PIM):

map amendments and development agreements

- advertised in local paper and on website; sign posted on property; letters sent to owners within 500' of the property
- during Provincial Pandemic Regulation, held over “Zoom” and on Facebook; posted on website
- chaired by area Councillor; all Council and PAC invited
- presentations by planner and applicant (if applicant wishes)
- approximately 3 weeks given for comments in writing, by email, telephone to planner
- all comments attached to and incorporated into PIM notes
- all comments are public (PIM is a public forum)

Public Participation Program Components

Public Information Meeting (PIM):

text amendments to MPS & LUB

- held immediately prior to (at beginning of) PAC meeting
- advertised in local paper and on website
- chaired by PAC Chair
- presentations by planner and applicant (if applicant wishes)
- approximately 3 weeks given for comments in writing, by email, telephone to planner
- all comments attached to and incorporated into PIM notes
- all comments are public (PIM is a public forum)

Municipal Government Act Requirements

Council “First Reading”

- presentation made by planner
- if Council accepts a positive recommendation from PAC and passes a motion establishing a public hearing, Council is indicating that it INTENDS to either carry out the amendment or enter into development agreement unless something influences its decision otherwise during the public hearing
- Council is **not** just “seeing what the reaction will be”
- First Reading usually occurs at the Council meeting following PAC
- the Public Hearing opens at the beginning of the next Council meeting & is adjourned to the next Council meeting to allow time for public comments (during pandemic restrictions)

Municipal Government Act Requirements

Council Public Hearing

- presentation made by planner
- all comments now being read into the record
- Council cannot consider ANY information about an amendment or agreement after the public hearing and before the decision is made

Council Second Reading

- decision of Council
- usually the same night as the conclusion of the Public Hearing

Not Considered

Planners do not assess applications on items such as:

- Applicant (individual or corporation, history)
- Viability of their business plan
- Property values or potential effects to property values
- The taxes a property owner pays to the Municipality
- Ownership of buildings on the property (i.e. condos, rental)
- Speculation as to the future use of the property(s)

V. Roles and Responsibilities

The background features abstract, overlapping geometric shapes in various shades of teal and green, primarily concentrated on the right side of the slide. The shapes include triangles and polygons, some with semi-transparent effects, creating a layered, modern aesthetic.

Advisory Committee vs. Council

PAC

- Recommends to Council
- Can recommend that it does not meet the criteria
- The recommendation goes to Council for consideration

Council

- Makes final decisions
- Can decide it does not meet the criteria

VI. What is a Plan Review?

Plan Review

- A chance to review the current planning documents and accommodate changes to the environmental, social and economic climate
- The last review was conducted in 2008
- It is not creating completely new documents

PLAN REVIEW TIMELINE



Staff conduct background research
Completed: May 2018



Staff review current planning documents
Ongoing



Land use survey
Completed: September 2018



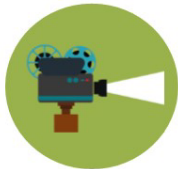
Public consultation and Youth engagement
Beginning: October 2018



Staff prepare draft planning documents
Ongoing



Public consultation on draft planning documents



Staff present final documents to Council



Council approve final documents

Questions?

POLICY DEVELOPMENT and APPROVAL



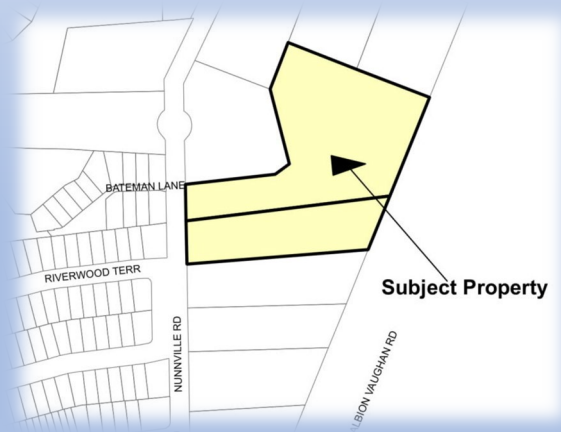
Council approves MPS based on input from staff and PAC; approves LUB & SUB

Council also approves other relevant By-laws such as Civic Addressing & Building Code

ADMINISTRATION

Subdivision By-law

- Jerri applies for subdivision approval & DO determines if application meets SUB requirements & approves the lot



Land Use By-law



- Jerri fills out an application for a house with Administrative Assistant (tracking system)
- DO determines if application meets LUB requirements & issues a development permit

Building Code By-law



- Building Official determines if application meets Building Code requirements & issues building permit
- BO inspects footings & GPSs corners
- GIS tech enters footings location in database; it appears on permit tracking system & mapping

Civic Address By-law



- Planning tech determines and issues a civic address and notifies NSCAF (among others)

- Jerri has the house built

Building Code By-law

- BO issues Occupancy permit

- Jerri moves in!!!

PAC/HAC Agenda

PAC/HAC Agenda

1.0 Call to Order

2.0 Approval of Agenda and Additions

3.0 Approval of Minutes

4.0 Business Arising from the Minutes

4.1 *Update: File # 20-22*

- ▶ ensures PAC/HAC is kept up-to-date with progress of applications

PAC/HAC Agenda Cont.

5.0 Building and Development Activity Reports

- ▶ generated through the permit tracking system
- ▶ summarize permits issued in the month prior to the PAC/HAC meeting
- ▶ circulated with agenda package

ACTIVITY REPORT							For Month of February 2/28/2021
Type	Feb 2020			Feb 2021			
	Permits	Units	Value of Construction	Permits	Units	Value of Construction	
*Single Unit	4	2	598,000	6	4	874,100	
Duplex/Semi	2	4	317,000	0	0	0	
Apartments	0	0	0	0	0	0	
**Other Residential	3	0	9,700	2	0	44,100	
Commercial	0	0	0	2	0	27,000	
Industrial	0	0	0	0	0	0	
Inst & Gov	0	0	0	1	0	50,000	
Agriculture	1	0	50,000	0	0	0	
Park/Recreational	0	0	0	0	0	0	
Total	10	6	972,700	11	4	995,200	
Year To Date	16	6	1,121,000	38	17	3,697,000	
Demolition	1	0		1	0		
Sign Permits	2			0			
Sub Applications	2	4 (Lots Requested)		3	5 (Lots Requested)		

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

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

PAC/HAC Agenda Cont.

6.0 New Business

6... Application - title and documents (planner responsible)

- ▶ usually will be a report attached to the agenda package
- ▶ call the responsible planner *ASAP* if you have questions you would like to have answered at the meeting
- ▶ presentations made at the PAC/HAC meeting
- ▶ recommendation to Council usually required at that meeting

PAC/HAC Agenda Cont.

6.0 New Business

6... MPS Review Discussion:

- ▶ As staff time and committee time permit, material for the creation of the draft Regional Planning Documents will be discussed.
- ▶ A Sharepoint site is being set up and all material which PAC or the Area Advisory Committees have agreed to will be placed there, so you can refer to it any time.

PAC/HAC Agenda Cont.

7.0 Notices from Adjacent Municipal Units

- ▶ MGA requires that a copy of a notice of public hearing be sent to every municipality that immediately abuts an area affected by the proposed documents.

8.0 Questions and Comments from Public

9.0 Adjournment



Heritage Overview
PAC/HAC May 6 2021

HERITAGE

- **Heritage Property By-law**
- **Canadian “Standards and Guidelines”**
- **Conservation Work Grant Program Policy**
- **Criteria for Inclusion in the Heritage Registry**
- **Heritage Permits**

HERITAGE PROPERTY BY-LAW

Regional Heritage Property By-law

- approved by Council January, 2021; before Minister for approval May 6, 2021
- establishes Heritage Advisory Committee
- establishes a Registry of Municipal Heritage Properties & specifies management



HERITAGE ADVISORY COMMITTEE

- may advise Council respecting:
 - inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
 - application for permission to substantially alter or demolish a Municipal Heritage Property;
 - any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act

REGISTRATION

Federal: importance to the nation as a whole

"The Blockhouse is a Classified Federal Heritage Building because of its historical associations, and its architectural and environmental value..."



Provincial: importance to the Province

The Clockmaker's Inn is valued for its association with Rufus Curry, a significant Nova Scotian industrialist in the late nineteenth and early twentieth centuries...



Municipal: importance primarily to local area

All Saints Anglican Church is valued for its role as a church and focal point in the community of Leminster as well as a representation of Gothic Revival architecture



PROCESS FOR REGISTRATION



DEREGISTRATION

- Municipality may deregister a Municipal Heritage Property at request of owner or on its own
- process:
 - 30 days notice
 - public hearing
- reasons:
 - property destroyed or damaged by any cause
 - property has lost heritage value (identified in the notice of recommendation) except when caused by neglect, abandonment or other action/inaction of owner



HERITAGE PROPERTY ACT 2010 CHANGES

- purpose of Act broadened: 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"*
- added definition of *"substantial alteration"* which clarifies intent & application:
"any action that affects or alters the character-defining elements of a property"



ALTERATION OR DEMOLITION

- substantial alteration requires Council approval: *"any action that affects or alters the character-defining elements of a property"* (includes demolition)



- application in writing required
- staff report to HAC
- within 30 days > HAC recommends to Council
- Council: decision within 3 years
- decision: grant heritage permit with/without conditions or refuse

REFUSAL

HPA:

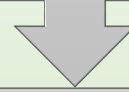
"Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application"

- prior to 2010, the time frame was at any time after 1 year from the date of the application but not more than 2 years from the date of application

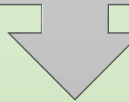


RESULT OF "REFUSAL"

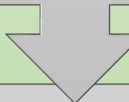
Sept 2020 Application: Heritage House to add front porch



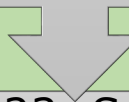
Report and Recommendation to HAC



HAC recommendation to Council



January 2020 Council refuses permission



September 2023- September 2024

(former: Sept 2021-Sept 2022)

Heritage House may add front porch

REGISTRY INFORMATION

For each Registered property:

- Notice of Recommendation
- Notice of Registration

filed in the Registry of Deeds/LRO

- information now inaccurate for any Notice of Registration filed before December 2010
- to ensure owners have correct information, Notice of Registration for is being replaced with a Notice bearing the correct time frames (once provincial approval is received)
- approved by Council November 24, 2020

REGIONAL HERITAGE PROPERTY BY-LAW

- West Hants: September 18, 2018 Minister of Municipal Affairs approval
- Windsor: April 13, 1994 Ministerial approval
January 2020 Council approval; not approved by Minister



REGIONAL HERITAGE PROPERTY BY-LAW

- approved by Council January, 2021; before Minister for approval May 6, 2021
- ensures that regulations and opportunities regarding heritage are the same across the Region





Canada's
Historic Places

Lieux patrimoniaux
du Canada

Standards and Guidelines
for the Conservation of
Historic Places in Canada

WHAT?

- Standards and Guidelines for the Conservation of Historic Places in Canada
- created by Federal government in conjunction with heritage groups
- framework for deciding which features of a historic place should be maintained and which may be altered
- provide guidelines on how to go about the work
- Statements of Significance (SoS) tell you what should be preserved
- Standards and Guidelines tell you how, based on conservation of historic value and character-defining elements

WHY?

- minimal impact on the heritage value
- maintain and repair (rehabilitation)
- ensures that a historic place will last into the future
- November 24, 2020, Council determined that it would use *Standards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties



Dimock House

Heritage Conservation Work Grant Policy

GRANT GUIDELINES FRAMEWORK

- Regional Policy approved by Council November 24, 2020; not yet used
- provides limited financial assistance to owners of registered municipal heritage properties to help preserve the property as a resource for the community
- owners will be notified of the program once municipal budget is passed
- grant is provided on a 50% cost sharing basis applicant / Council
- limited by the budget established annually by Council
- motion of Council is required for each grant provided

GRANT GUIDELINES

- 11 municipal heritage properties in Region eligible for a grant



Dimock House

GRANT POLICY CONTENT

Eligible owners

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

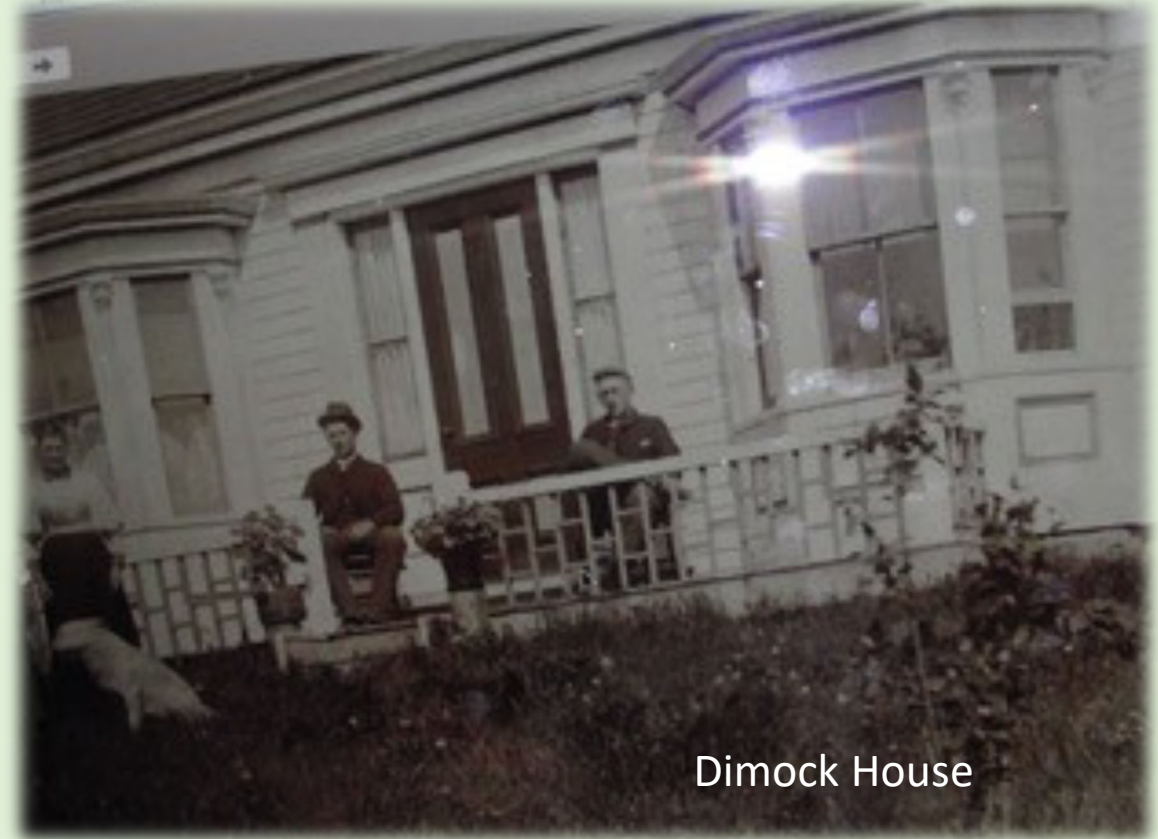


Duncanson House

GRANT POLICY CONTENT

Eligible Work and Materials

- 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



GRANT POLICY CONTENT

Ineligible Work and Materials

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

GRANT POLICY CONTENT

Project Evaluation

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

GRANT APPLICATION REVIEW PROCESS

Staff Review/Recommendation



```
graph TD; A[Staff Review/Recommendation] --> B["HAC consideration Staff Recommendation  
HAC recommendation to Council"]; B --> C[Council Decision (Motion)];
```

The diagram illustrates a three-step process for grant application review. It begins with a box for 'Staff Review/Recommendation', followed by a downward arrow to a second box containing 'HAC consideration Staff Recommendation' and 'HAC recommendation to Council'. A second downward arrow leads to the final box, 'Council Decision (Motion)'.

HAC consideration Staff Recommendation
HAC recommendation to Council

Council Decision (Motion)



Dimock House





Criteria for Inclusion in the Municipal Heritage Registry

HERITAGE PROPERTY BY-LAW

- establishes a Registry of Municipal Heritage Properties & specifies management



BENEFITS of REGISTRATION

Include:

- an increased feeling of pride in the property
- having a heritage plaque on the property
- heritage value may be maintained after the present owner leaves property
- opportunity for some advice from Provincial departments
- potential for Provincial grants or rebates
- possibility of Municipal grants



WHY CRITERIA?

- good practice to ensure fair treatment of properties
- provides guidance to staff, HAC and Council
- one set of criteria for the Region adopted November 24, 2020



WHAT DO WE DO WITH IT???

Criteria used:

- only when owner requests their property be registered as a Municipal Heritage Property
- information about the property is measured against each criterion & scored
- ensures properties are of local heritage significance before registration



CRITERIA

- graduated, arbitrary, system of scoring
- scoring used to try to create consistent standard for recommendation
- no automatic pass unless related to Mi'kmaw or Acadian (1675-1755) periods



3 sections to the scoring framework:

1: CONTEXT/ENVIRONMENT

- does it have importance as a visual landmark?
- does it contribute to the historical/architectural character of the area?
- is the structure on the original site?
- has it been altered?



2: HISTORY & CULTURE

- has it been owned, occupied or cared for by descendants of original owner/developer?
- what period does it date from??
- is it associated with a person, group, or event that made a significant contribution to the community, province or nation?



3:ARCHITECTURE

- how rare is the style compared to recognized historical building styles?
- is it an example of an architect/builder's work that is considered very rare or the work of an architect/builder of exceptional interest?
- what is the structural condition & state of repair?





Heritage Permits and Alterations to Registered Heritage Properties

REGISTERED PROPERTIES

- Registrations often include entire properties, not just a building
- heritage value may lie only in one building on the lot



SUBSTANTIAL ALTERATION

- HPA and WHRM Heritage Property By-law:

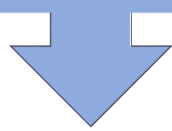
"Substantial Alteration" means any action that affects or alters the character-defining elements of a property.

- anyone intending to work on a registered property should complete a heritage permit application
- staff review the proposal and determine whether the work is a substantial alteration
- substantial alterations must be considered through the heritage permit process
- other (non-substantial) alterations do not require a heritage permit

APPLICATION REVIEW PROCESS

Non-Substantive Alteration

Staff Review



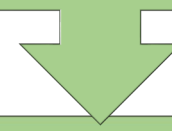
Letter to Applicant: no Heritage Permit Required



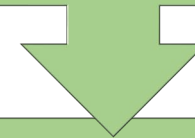
Art Gallery of NS

Substantive Alteration

Staff Review/Recommendation



HAC consideration Staff Recommendation
HAC recommendation to Council



Council Decision (Motion)

Statements of Significance

- description required for any property which was designated and added to the pan-Canadian heritage website "historicplaces.ca" from ~2001 to ~2009
- properties registered before or after these dates may not have a SOS
- really helpful to have one done at the time of designation; one is done for any requested registration now
- SOS has 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.



Pictou Curling Club

NON-SUBSTANTIAL ALTERATIONS

Why a list??

- provides assurance to staff who administer the By-law
- speeds (and lighten up) up the process for work on heritage property

Can you add to the list?

- future requests for an item staff considers to be non-substantial not on the list would be recommended as additions to the list
- members of PAC/HAC or Council may suggest additions



Fort Point Lighthouse, Liverpool

LIST

Approved by Council November 24, 2020:

- 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 minor accessory structures which do not require a building permit;
- placement of commercial advertising signs;
- construction and repair of fences;
- landscaping elements such as ground level “patios” or stairways which are not connected to the main building



**WEST HANTS REGIONAL MUNICIPALITY
Hantsport Area Advisory Committee (HAAC) Agenda
March 2, 2021 – 6:30p.m.
Sanford Council Chambers / Zoom**

1.0 Call to Order

2.0 Approval of Agenda and Additions

3.0 Approval of Minutes

4.0 Business Arising from the Minutes

4.1 Food Security and Sustainability in Hantsport (Saira Shah)

4.2 File # 20-22 20 Main St. (Sara Poirier)

5.0 Building and Development Activity Reports

6.0 New Business

6.1 Council intention regarding Area Advisory Committees

6.2 Review of Some MPS General Policies (Accessory Uses and Accessory Buildings,
Administrative Policies, Home-Based Businesses)

7.0 Notices from Adjacent Municipal Units

8.0 Questions and Comments from Public

9.0 Adjournment



**WEST HANTS REGIONAL MUNICIPALITY
Hantsport Area Advisory Committee (HAAC)
March 2, 2021 – 6:30p.m.
Sanford Council Chambers / Zoom**

PRESENT: Paul Morton, Deputy Mayor
Angela Carver, Resident Member
Bill Preston, Resident Member (Chair)
Glenn Deering, Resident Member
Jane Davis, Resident Member
Jason Tucker, Resident Member
Elaine Warner, Resident Member
Abraham Zebian, Mayor

STAFF: Madelyn LeMay, Director of Planning and Development
Saira Shah, Planner
Mark Phillips, CAO
Vanessa Lake, Planning Meeting Secretary

ABSENT: Rob Frederick, Resident Member (Vice-Chair)

PUBLIC: There were no members of the public present.

Call to Order

Chair Preston called the meeting to order at 6:33pm.

Approval of Agenda and Additions

Moved by Deputy Mayor Morton and seconded by Resident Member Tucker that the agenda be approved as circulated. Motion carried.

Approval of Minutes

Moved by Deputy Mayor Morton and seconded by Resident Member Warner that the minutes be approved as circulated. Motion carried.

Business Arising from the Minutes

Food Security and Sustainability in Hantsport (Saira Shah)

Council voted against this amendment on January 26th. This was a Planning Strategy amendment so there was no chance to appeal. This item can be removed from the agenda.

File # 20-22 Main St. (Sara Poirier)

The Public Hearing for 20 Main St. began at Council on Tuesday February 23 and will conclude on March 23. Council will make the final decision on the application on March 23.

Building and Development Activity Report

The report had not yet been generated and will be sent to the Committee when it is ready. Ms. LeMay noted that a total of 38 applications had been received.

New Business

Council Intention Regarding Area Advisory Committees

Ms. LeMay explained that COTW has indicated it will recommend that Council disband the Hantsport Area Advisory Committee and the Windsor Area Advisory Committee and enact changes to the existing Planning Advisory Committee. Ms. Davis noted that members would have appreciated the opportunity to discuss this before COTW did so. She feels the local perspective will be lost without the Area Advisory Committees and that it is unfortunate that they could not continue at least until the planning documents are combined. Chair Preston stated that he had sent a letter to the Mayor.

The CAO Mark Phillips agreed that engagement will be reduced as will be the level of intimacy. However, he feels a strong level of engagement will be maintained through the traditional process required by the MGA. He cited the need to look for efficiencies of staff and time and is confident in the Planning Department.

The Chair asked whether this would carry on to other committees; the CAO responded that there is no indication of other committees being affected so far.

Mayor Zebian left the meeting at the end of this discussion.

Review of Some MPS General Policies (Accessory Uses and Accessory Buildings, Administrative Policies, and Home-Based Businesses)

Director LeMay and Planner Shah presented some proposed changes to some general policies within the Municipal Planning Strategy. The topics covered included Accessory Uses and Accessory Buildings, Administrative Policies, and Home-Based Businesses. The Committee did not make any motions but indicated whether they agreed with the proposed policies or not. Overall, the Committee found the proposed policies to be agreeable. Regarding Home-Based Businesses, the Committee had many questions and held various discussions about the content. They agreed there should be no limitation to the number of employees, as there are other requirements that would limit the size of the business. The Committee also thought the maximum space for a Home-Based Business should be based on 25% of the gross floor area of the home rather than a specific maximum size. Regarding Bed and Breakfasts, the Committee agreed they should not serve meals other than breakfast in Hantsport and that there should be no maximum size. Hantsport currently limits parking locations for B&Bs and the Committee agreed that this requirement be eliminated. The material considered will be carried forward into the Hantsport Secondary Plan section of the Regional Plan.

Notices from Adjacent Municipal Units

There were no notices.

Questions and Comments from Public

There were no questions or comments.

Adjournment

Moved by Resident Member Tucker and seconded by Deputy Mayor Morton that the meeting adjourn at 8:36pm. Motion carried.



**WEST HANTS REGIONAL MUNICIPALITY
Windsor Area Advisory Committee (WAAC) Agenda
March 4, 2021 – 6:00p.m.
Sanford Council Chambers / Zoom**

1.0 Call to Order

2.0 Approval of Agenda and Additions

3.0 Approval of Minutes

4.0 Business Arising from the Minutes

4.1 Update: File # 20-17 O'Brien Street, Windsor Rezoning (Sara Poirier)

4.2 Update: File # 20-10 Heritage Property By-law (Madelyn LeMay)

5.0 Building and Development Activity Reports

6.0 New Business

6.1 Council intention regarding Area Advisory Committees

6.2 Review of Some MPS General Policies (Accessory Uses and Accessory Buildings,
Administrative Policies, Home-Based Businesses)

7.0 Notices from Adjacent Municipal Units

8.0 Questions and Comments from Public

9.0 Adjournment



**WEST HANTS REGIONAL MUNICIPALITY
Windsor Area Advisory Committee (WAAC)
March 4, 2021 – 6:00p.m.
Sanford Council Chambers / Zoom**

PRESENT: Laurie Murley, Councillor (Chair)
Jamie O’Hanlon, Resident Member
Shelley Bibby, Resident Member (Vice-Chair)
John Wilson, Resident Member
Denise Forand, Resident Member
Melissa Richard, Resident Member

STAFF: Sara Poirier, Planner
Vanessa Lake, Planning Meeting Secretary
Madelyn LeMay, Director of Planning and Development
Mark Phillips, CAO

ABSENT: Debbie Cleveland-Foster, Resident Member

PUBLIC: There were no members of the public present.

Call to Order

Chair Murley called the meeting to order at 6:00pm.

Approval of Agenda and Additions

Resident Member Forand asked that one item be added to the agenda. Item 6.3, "Use of Distinct Zones" was added to the agenda. This item was not discussed during the meeting, but staff indicated that they are aware of the benefits that ensuring zoning reflects the diversity of areas and uses in the communities within the Region.

Moved by Resident Member Forand and seconded by Resident Member Wilson that the agenda be approved as amended. Motion carried.

Approval of Minutes

Moved by Resident Member Sheehy-Richard and seconded by Resident Member Forand that the minutes be approved as circulated. Motion carried.

Business Arising from the Minutes

Update: File # 20-17 O'Brien Street, Windsor Rezoning (Sara Poirier)

The appeal period for this rezoning ended on February 17th and there were no appeals. This item can be removed from the agenda.

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

This item will be left on the agenda until it receives Ministerial Approval.

Building and Development Activity Report

The report had not yet been generated and will be sent to the Committee with the minutes. Ms. LeMay noted that applications have increased by double in number and triple in value since this time last year.

New Business

Council Intention Regarding Area Advisory Committees

Madelyn noted that COTW has indicated it will recommend that Council disband Hantsport Area Advisory Committee and Windsor Area Advisory Committee.

CAO Mark Phillips noted that he recognizes that members are passionate, and the same level of intimacy will not be maintained, but he feels a strong level of engagement will be maintained through the traditional process required by the MGA. He is confident the public and residents will still be able to participate.

Members commented that: having only 3 residents voices is not sufficient to reflect the voices of residents in the former towns; if time is the constraint the area advisory committees could be combined into one committee, and that rural and town needs are different; the pulse of the community will not be heard; AACs should be maintained until the review of planning documents is complete, so that the secondary or community plans will represent the former towns – regional Council will take responsibility for this, but it isn't time yet.

The timing of disbanding the AACs was discussed. Madelyn said that COTW will formally consider the report of the CAO March 9, and the recommendations would be considered at Council March 23. The CAO indicated that notices would then be placed for resident members of PAC. Madelyn indicated that care needs to be taken to ensure that the AACs and this PAC/HAC are not disbanded before a new PAC/HAC is formed.

Review of Some General MPS Policies: Accessory Uses and Accessory Buildings, Administrative Policies, Home-Based Businesses)

Director LeMay and Planner Poirier presented some proposed changes to some general policies within the Municipal Planning Strategy. The topics covered included Accessory Uses and Accessory Buildings, Administrative Policies, and Home-Based Businesses. The Committee did not make any motions but indicated whether they agreed with the proposed policies or not. Overall, Committee found the proposed policies to be agreeable. Some topics of discussion included what uses would be allowed or prohibited, the number of employees, and the size and lighting of signs for businesses that are not Bed and Breakfasts. The material considered will be carried forward into the Windsor Secondary Plan section of the Regional Plan.

Notices from Adjacent Municipal Units

There were no notices.

Questions and Comments from Public

There were no questions.

Adjournment

Moved by Resident Member Sheehy-Richard and seconded by Resident Member O'Hanlon that the meeting adjourn at 8:27pm. Motion carried.

Members noted that if the meeting had been with PAC and its limited membership, tonight's discussion could not have happened at such a granular level.



**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
March 11, 2021 – 6:00pm
Sanford Council Chambers / Zoom**

1.0 Call to Order

2.0 Approval of Agenda and Additions

3.0 Approval of Minutes

4.0 Business Arising from the Minutes

4.1 Update: File # 20-17 O'Brien Street, Windsor Rezoning (Sara Poirier)

4.2 Update: File # 20-22 20 Main St. Rezoning (Sara Poirier)

4.3 Update: File # 20-10 Heritage Property By-law (Madelyn LeMay)

4.4 Update: File # 19-15 Meadows Development Agreement (Saira Shah)

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

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

7.0 Building and Development Activity Reports

8.0 New Business

8.1 File # 20-28 234 Mountain Rd., Three Mile Plains / Mobile Homes in Three Mile Plains
(Saira Poirier)

8.2 Brief Discussion regarding growing Medical Cannabis (Saira Shah)

8.3 Review of Some General MPS Policies (Accessory Uses and Accessory Buildings,
Administrative Policies, Home-Based Businesses)

9.0 Notices from Adjacent Municipal Units

10.0 Questions and Comments from Public

11.0 Adjournment



**WEST HANTS REGIONAL MUNICIPALITY
Planning & Heritage Advisory Committee (PAC/HAC)
March 11, 2021 – 6:00p.m.
Sandford Council Chambers / Zoom**

- PRESENT:** Jim Ivey, Councillor (Chair)
Richard Murphy, Councillor (Vice Chair)
Abraham Zebian, Mayor
Trevor McEachern, Resident Member
Ed Sherman, Councillor
Bill Preston, HAAC Representative
Shelley Bibby, WAAC Representative
- STAFF:** Madelyn LeMay, Director of Planning and Development
Saira Shah, Planner
Sara Poirier, Planner
Vanessa Lake, Planning Meeting Secretary
Mark Phillips, CAO
- GUESTS:** Chris Markides
Greg Zwicker
David Howell
Doug Symonds
- REGRETS:** There were no regrets.
- PUBLIC:** 1 member

Call to Order

Chair Ivey called the meeting to order at 6:01pm.

Approval of Agenda and Additions

Moved by Mayor Zebian and seconded by Councillor Murphy that the agenda be approved as circulated. Motion carried.

Approval of Minutes

Moved by Councillor Sherman and seconded by Councillor Murphy that the minutes be approved as circulated. Motion carried.

Business Arising from the Minutes

Update: File # 20-17 O'Brien Street, Windsor Rezoning (Sara Poirier)

This rezoning has been approved and received no repeals. This item can be removed from the agenda.

Update: File # 20-22 Main St. Rezoning (Sara Poirier)

The second part of the Public Hearing will be held on March 23.

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

This item will remain on the agenda until it receives Ministerial Approval.

Update: File # 19-15 Meadows Development Agreement (Saira Shah)

Ms. Shah gave a presentation about the Meadows Development Agreement, explaining the history of the application and provided a recommendation to the Committee. The applicant initially applied for two-unit dwellings in December 2019; all necessary material was not submitted until July 2020. On December 20, 2020, the developers requested including 3- and 4-unit dwellings but withdrew this request on February 23, 2021. One phase of this development has already been built. Chris Markides and Greg Zwicker, planning consultants for the developer, gave a second presentation and answered any questions the Committee had, such as the maximum number of units, the change in lot size requirements, and whether a DTIR traffic impact study was required. The maximum number of units to be built is 157, the change in minimum side yard is a decrease to 6ft. on both sides, and a DTIR Traffic Impact Study would be needed after 100 units are built. Councillor Murphy brought up a concern about "cookie-cutter" houses that all look the same. The visual appearance will be up to the owner of the property. Some buildings will be custom built, and some will be pre-built before sale.

Moved by Councillor Murphy and seconded by Councillor Sherman that:

PAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow two-unit residential uses at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, in a manner substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated March 11, 2021, taking note that this development agreement will discharge and replace the development agreement for PID 45371879 recorded at the Registry of Deeds on September 27, 2007 as document 88923751.

Motion carried.

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

HAAC Representative Preston gave a brief overview of the March 2 HAAC meeting, explaining that the Committee might be disbanded following a vote by Council, and the Committee's disappointment over this.

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

WAAC Representative Bibby gave a brief overview of the March 4 WAAC meeting, explaining that the Committee might be disbanded following a vote by Council, and the Committee's disappointment over this.

CAO Phillips gave an update about the future PAC/HAC Committee. Both HAAC and WAAC felt that one member each from Windsor and Hantsport was not enough representation, and Committee of the Whole recommended 2 citizen members from both Windsor and Hantsport and 3 citizen members from the broader area, along with 6 council members. WAAC Representative Bibby asked the CAO how they will decide on these members. Residents can send in applications, and staff will give recommendations based on location, competency, and diversity, and Council will approve the decision. There is no exact date for recruitment, but the CAO suggested sometime in April.

Building and Development Activity Report

The report had been circulated prior to the meeting. Director LeMay noted that the numbers are higher than this time last year. There were no questions.

New Business

File # 20-28 234 Mountain Rd., Three Mile Plains / Mobile Homes in Three Mile Plains (Sara Poirier)

Ms. Poirier gave a presentation explaining the text amendment to allow mobile homes in the Two Unit Residential (R-2) zone in Three Mile Plains. She explained there is currently no policy to allow for rezoning the specific lot or considering the

application by development agreement. There is currently no option for a mobile home on a single lot, only in mobile home parks.

Moved by Councillor Murphy and seconded by HAAC Representative Preston that:

PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee report #20-28 dated March 11, 2021.

Motion carried with Resident Member McEachern opposed.

Brief Discussion regarding growing Medical Cannabis (Saira Shah)

Ms. Shah asked the Committee if they were interested in drafting regulations for medical cannabis. There are currently no municipal regulations, but a resident had asked for new regulations to be considered. Medical cannabis is currently regulated separately in Canada from Commercial cannabis. Director LeMay noted that the department is currently very busy and that this item would be added on the bottom of the list. The Committee decided that, since there was only the one comment, they will keep an eye on this issue rather than request a staff report.

Review of Some General MPS Policies (Accessory Uses and Accessory Buildings, Administrative Policies, Home-Based Businesses)

Director LeMay and Planners Poirier and Shah presented some proposed changes to some general policies within the Municipal Planning Strategy. The topics covered included Accessory Uses and Accessory Buildings, Administrative Policies, and Home-Based Businesses. The Committee did not make any motions but indicated whether they agreed with the proposed policies or not. Overall, Committee found the proposed policies to be agreeable. The Committee deferred the decision about parking for home-based businesses until parking is discussed more broadly and requested more information before deciding about powder coating as a home-based business. The Committee agreed on two (2) employees on-site at a time in the community of West Hants. It was asked how this would be regulated, and planning staff replied that it would be investigated if neighbours were to complain.

Notices from Adjacent Municipal Units

There were no notices.

Questions and Comments from the Public

There were no questions or comments.

Adjournment

Moved by Councillor Sherman and seconded by Councillor Murphy that the meeting adjourn at 9:42pm. Motion carried.



PLANNING & DEVELOPMENT SERVICES
76 Morison Drive, Windsor-West Hants Industrial Park
P.O. Box 3000, Windsor, Nova Scotia B0N 2T0
Tel: (902) 798-8391 Ext. 115 Fax: (902) 798-8553

ACTIVITY REPORT

For Month of April 4/30/2021

Type	Apr 2020			Apr 2021		
	Approved Permits	Units	Value of Construction	Approved Permits	Units	Value of Construction
*Single Unit	6	2	814,900	14	8	1,972,500
Duplex/Semi	0	0	0	1	2	440,000
Apartments	0	0	0	1	0	4,200
**Other Residential	16	0	468,050	16	0	387,500
Commercial	0	0	0	1	0	200,000
Industrial	0	0	0	0	0	0
Inst & Gov	0	0	0	1	0	10,000
Agriculture	3	0	16,500	0	0	0
Park/Recreational	0	0	0	0	0	0
Total	25	2	1,299,450	34	10	3,014,200
Year To Date	65	12	3,951,845	94	31	8,826,907
Demolition	0	0		6	0	
Sign Permits	0			0		
Sub Applications	1	1 (Lots Requested)		0	0 (Lots Requested)	

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

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



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input checked="" type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
---	---	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier

Date: 2021-05-13

Subject: Mobile Canteen Vending By-law

LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c) and (f), 172 (2) (e) and 173

RECOMMENDATION or DECISION REQUEST

This is an information report to the Planning Advisory Committee to aid in discussion regarding the proposed Mobile Canteen Vending By-law for West Hants Regional Municipality which will repeal the Hawkers, Traders and Peddlers By-law (1998) (Attachment A) and the Temporary Vendor By-law (2012) (Attachment B) of the former Town of Windsor.

BACKGROUND

A motion was made by Councillor Ivey at the September 8, 2020 Committee of the Whole meeting to have Council “direct staff to prepare a report for Council on the by-laws and fees applicable for restaurants (including sidewalk cafés) and mobile vending units. It would be helpful to include information on the location permissions as well as comparable fees in our region for similar services along with any recommendations for changes staff may deem appropriate”. Council approved the motion on September 22, 2020.

A staff report was presented to Committee of the Whole (COTW) on February 9, 2021 requesting further direction on the proposed changes to the Temporary Vendor By-law, and the Hawkers, Traders and Peddlers By-law related to mobile canteens and temporary vending.

Staff prepared a draft Vending By-law for West Hants Regional Municipality which incorporated these proposed changes. Following review by the municipal solicitor and discussion among staff members on the purpose of the By-law, many changes were made to the draft By-law.

It was agreed by staff present that Planning and Development Department staff discuss the draft Mobile Canteen Vending By-law (Attachment C) with the Planning and Heritage Advisory Committee (PAC/HAC) as the proposed changes relate to particular land uses. Any discussion from PAC/HAC will be incorporated into the report and presentation to COTW.

DISCUSSION

The Hawkers, Traders and Peddlers By-law (1998) (Attachment A) and the Temporary Vendor By-law (2012) (Attachment B) of the former Town of Windsor regulates hawkers, traders and peddlers, mobile canteens, mobile refreshment stands, auctioneers and temporary vending within the former Town of Windsor.

Hawkers, Traders and Peddlers

The Hawkers, Traders and Peddlers By-law (1998) requires that no person carry out the business of a transient vendor and go door to door to sell items within the community of Windsor without first receiving a license. The By-law allows a license to be issued for a three-month period upon payment of a fee of \$50. There are no regulations outlined for transient vendors and no enforcement options other than a fine or imprisonment for transient vendors operating without a license.

Staff only recall one license being issued for a vendor that would provide sales catalogues to different businesses in Windsor, collect the catalogues and orders at the end of a specific time period, and then drop off the purchased items at a later date. Due to technology advances most businesses now operate with some form of online platform instead of using paper catalogues or door-to-door sales as a main component of their business. Additionally, due to the lack of regulations and enforcement provisions in the By-law related to transient vendors, staff recommend removing the licensing requirements for transient vendors from the By-law.

Mobile Canteens & Mobile Refreshment Stands

The Hawkers, Traders and Peddlers By-law (1998) permits mobile canteens and mobile refreshment carts in the community of Windsor if the owner receives a license from the Municipality. The By-law allows a license to be issued for a three-month period upon payment of a fee of \$100.

The main difference between a mobile canteen and mobile refreshment stand is that a mobile canteen is licensed and registered pursuant to the *Motor Vehicle Act*. Staff are recommending removing the requirement for licenses for mobile refreshment stands which are not licensed under the Motor vehicle Act. This will allow individuals to operate

mobile refreshment stands including lemonade stands and mobile ice cream/hotdog stands on private property without requiring a license.

The draft Mobile Canteen Vending By-law for the Region includes:

- details on the supporting documentation to accompany an application for a mobile canteen license;
- where mobile canteens can be permitted related to the zoning;
- when mobile canteens are permitted on private property or would be permitted on municipal property for a special event or holiday;
- a process for refusal or revocation of permits; and
- the process for appeal by the applicant.

Auctioneers

The Hawkers, Traders and Peddlers By-law (1998) states that within the former Town of Windsor no person may *"exercise the office or business of auctioneer nor sell at auction within the Town any real or personal property of any nature, kind, or description without first obtaining an auctioneer's license. Provided, however, that this Section shall not apply to sales at church socials or benevolent bazaars or entertainments nor to the sheriff or other officers of law selling under due process of the law."*

Similarly to the Hawkers, Traders and Peddlers By-law provisions for transient vending, other than the daily fee of \$50.00 required for an auction license there was no regulation associated with the license. The only auction that received a monthly license and was held in Windsor at the Community Centre. This auction now operates online.

Due to the lack of regulation and enforcement provisions in the By-law related to auctions, and the lack of auctions currently taking place in the community of Windsor staff recommend removing the licensing requirements for auctions from the By-law.

Temporary vending

The Windsor Temporary Vendor By-law (2012) outlines the regulations for temporary sales of bulk items such as motor vehicles, furniture, appliances and building materials. The By-law defines a temporary vendor as *"a person who is selling any of the goods or services outlined in Schedule "A" of this by-law at a temporary location but does not include a person who is operating or carrying on business selling the same goods or services on a permanent basis within the Town of Windsor, Town of Hantsport or Municipality of West Hants' boundaries or those exhibiting products and/or services on the Hants County Exhibition Grounds"*. The By-law requires confirmation that the proposed site of the temporary vendor is zoned to permit similar permanent uses.

The Temporary Vendor By-law was initially discussed in the Strategy & Policy Committee of the former Town of Windsor in 2010. The Committee wanted to regulate transient vendors within the community of Windsor due to concerns over one or two temporary vendors at the time. Since the By-law was approved in 2012, there have

been no permits issued for temporary vending in Windsor. Therefore, staff recommend that it is no longer necessary to have a By-law that regulates temporary vendors.

Questions for PAC

- Do you think auctioneering, transient vending and temporary vending should continue to require a license in Windsor?
- Do you think mobile refreshment stands should require a license?
- Do you think the Mobile Canteen Vending By-law is sufficient as drafted? Do you propose any changes to the draft By-law?
- Do you have any other comments or questions for consideration?

NEXT STEPS

Discussion from PAC will be incorporated into the report and presentation to COTW.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report. There may be associated financial implications to the Municipality if Council agrees to amend specific by-laws. This would include the advertising of the proposed amendments to the specific by-laws. The advertising can be accommodated in the budget.

Any amendments to the fees in the policies or by-laws would have a financial impact on business owners within the Region. This financial impact could be positive if the fees are reduced, or negative if the fees are increased.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- discuss the proposed Mobile Canteen Vending By-law as specifically drafted or as revised by the Committee; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	Hawkers, Traders and Peddlers By-law (1998)
Attachment B	Temporary Vendor By-law (2012)
Attachment C	Draft Mobile Canteen Vending By-law

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Attachment A
Hawkers, Traders and Peddlers By-law (1998)



TOWN OF WINDSOR
BYLAW # 15
HAWKERS, TRADERS AND PEDDLERS BYLAW

- 15.01** No person shall either as a wholesaler or retailer to businesses or residents of the Town hawk or peddle nor go from door to door or sell or offer for sale in the Town by sample or otherwise any goods, wares, merchandise or any other article or thing of whatsoever nature or kind nor engage in, carry on, exercise, or pursue the business or calling of a transient merchant who is not and who has not been for at least one year next previously a resident of the Town, shall hawk or peddle nor go from door to door or sell or offer for sale in the Town of Windsor by sample or otherwise any goods, wares, merchandise, or any other article or thing of whatsoever nature or kind nor engage in, carry on, exercise or pursue the business or calling of a transient merchant, trader, peddler, or hawker without first having obtained a license authorizing to do so.
- 15.02** No person, shall as agent, clerk, assistant, servant or employee of any other person or of any corporation who or which is not and has not been for one year next previously a ratepayer of the Town and assessed upon property therein, hawk, or peddle nor go from door to door and sell or offer for sale in the Town of Windsor by sample or otherwise any goods, wares, merchandise, or any other article or thing of any nature, kind, or description nor engage in, carry on, exercise, or pursue the business of calling of a transient merchant, trader, peddler, or hawker within the Town of Windsor, without his principal or employer having first obtained a license authorizing such principal to engage in the business of a transient merchant, trader, peddler, or hawker and to hawk, peddle and go from door to door and sell or offer for sale in the Town, goods, wares, and merchandise under the provisions of the previous Section and designating him as such agent, clerk, assistant, servant or employee.
- 15.03** Any person violating any of the provisions of Sections 15.01, 15.02 in reference to peddlers and hawkers, shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment to imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- 15.04** Every person applying for a license under Sections 15.01 or 15.02 of these Bylaws shall pay to the Town a license fee of Fifty Dollars (\$50.00) which license shall be valid for a period of up to three months from the date of issue.
- 15.05** Any person coming within the definitions of persons prohibited under Bylaws 15.01 and 15.02 from hawking or peddling or selling without a license, engaging in the business of hawking or peddling or going from door to door and offering

goods, wares, merchandise or other things for sale by sample or otherwise or soliciting persons to subscribe for or take any book, paper, magazine, chart, drawing, photograph, picture or thing shall when required by any person produce and show the license authorizing him to engage in said business or to sell or offer for sale the said goods, wares, merchandise, or other things or to solicit subscriptions, and if he is acting for or on behalf of any other person or corporation, also the license authorizing the said other person or corporation to engage in the said business within the Town, and on refusal or failure to produce such license or licenses as the case may be shall be guilty of the offence of hawking and peddling or soliciting subscriptions, as the case may be, without license, whether he or his employer was or was not the holder of a license.

15.06

- (a) No person shall within the Town of Windsor carry out the operation of a mobile canteen or mobile refreshment stand, without having first obtained a license for the operation of such mobile canteen or mobile stand.
- (b) A mobile canteen means any vehicle used for the displaying, storing or transporting of food and beverages for sale directly to the public by a Vendor, saving and expecting direct products of the farm, forest or sea which is required to be licensed and registered pursuant to the Motor Vehicle Act or propelled by human power whether required to be licensed or not, and includes stands;
- (c) A mobile refreshment stand means any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device, which may be moved without the assistance of a motor and which is not required to be licensed and registered pursuant to the Motor Vehicle Act, used for the displaying, storing, transporting or sale of food and beverages directly to the public by a vendor, saving and expecting direct products of the farm, forest or sea;
- (d) Every person applying for a license under this Section shall pay a fee for such license in the amount of One Hundred Dollars (\$100.00) which license shall be valid for a period of three months from the date of issue. (04/28/98).

15.07

- (a) No person shall within the Town of Windsor exercise the office or business of auctioneer nor sell at auction within the Town any real or personal property of any nature, kind, or description without first obtaining an auctioneer's license. Provided, however, that this Section shall not apply to sales at church socials or benevolent bazaars or entertainments nor to the sheriff or other officers of law selling under due process of the law.
- (b) The fee for an auctioneer's license shall be Fifty Dollars (\$50.00) for each day during which an auction is conducted.

15.08

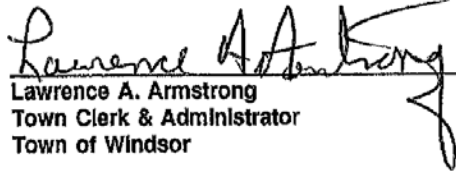
All licenses issued in the Town shall be signed by the Mayor and Chief Administrative Officer and sealed with the seal of the Town and shall bear date of the day of issue.

15.09

The sum to be paid for a license issued under any of these Bylaws shall be paid to the Town Clerk for the purposes of the Town before the issuing of the license.

- 15.10** A license shall be personal to the person to whom it is granted and it is not transferable and it shall entitle only the person named therein to sell under it.
- 15.11** Any person who fails to comply with any of the provisions of this Bylaw shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- 15.12** This Bylaw shall not affect the products of the farm, the forest, or the sea.

I certify that the foregoing is a true copy of the by-law passed by the Town of Windsor at a meeting of Windsor Town Council held on the 28th day of April 1998.


Lawrence A. Armstrong
Town Clerk & Administrator
Town of Windsor

- (1) First notice to Council January 27, 1998
- (2) Date of first reading of by-law February 24, 1998
- (3) Date of Publication, seven day notice prior to second reading April 8 & 15, 1998
- (4) Date of second reading of by-law April 28, 1998
- (5) Date of third reading of by-law April 28, 1998
- (6) Date of publication of final passage May 6, 1998

Attachment B
Temporary Vendor By-law (2012)



TOWN OF WINDSOR
BYLAW # 40

Temporary Vendor Bylaw

AUTHORITY

40.01

Sections 172 (1) (c), (f) of the Municipal Government Act provides municipalities with the power to make bylaws respecting persons, activities and things in, on or near a public place or place that is open to the public, as well as to businesses, business activities and persons engaged in business.

Section 172 (2) (e) of the MGA provides municipalities to, in any bylaw, provide for a system of licenses, permits or approvals.

INTERPRETATION

40.02

In this bylaw:

"bulk" means, but not limited to, items sold in large quantities, wholesale, or liquidation

"CAO" means the Chief Administrative Officer of the Town of Windsor;

"Council" means the Council of the Town of Windsor;

"licensing authority" means the CAO, or such employee or agent of the Town as the CAO may designate to receive applications for licenses under this by-law;

"person" means an individual, guild, agency, or body corporate;

"sell" includes selling, trading, or otherwise transferring for a valuable consideration, whether present or executor;

"Town" means the Town of Windsor;

"temporary vendor" means a person who is selling any of the goods or services set out in Schedule "A" of this by-law at a temporary location, but does not include a person who is operating or carrying on business selling the same goods or services on a permanent basis within the Town of Windsor, Town of Hantsport or Municipality of West Hants' boundaries or those exhibiting products and/or services on the Hants County Exhibition Grounds.

SALES OF GOODS AND SERVICES

40.03 Any person shall sell goods or services in the Town as a temporary vendor in accordance with a license issued pursuant to this by-law.

LICENSING

40.04 Every application for a license shall be made in writing to the licensing authority, and shall contain:

- (a) The name, mailing address, telephone number and, if available, facsimile number and e-mail address of the applicant;
- (b) The corporate or partnership name, if applicable;
- (c) A description of the goods or services the applicant proposes to sell;
- (d) The street address of the site of the proposed sale;
- (e) The dates and times of the proposed sale;
- (f) If the applicant is proposing to sell at a site of which the applicant is not the owner, written permission from the owner; and
- (g) Confirmation of liability insurance in a minimum amount of \$1,000,000 for each occurrence in respect of operations at the proposed site of sale.

40.05 After receipt of a completed application, the licensing authority shall issue a license:

- (a) upon confirming that the proposed site of the sale is zoned for such use under any applicable Land Use By-Law; and
- (b) upon receipt of the license fee.

40.06 A license issued under this by-law shall:

- (a) include the description of the goods or services and the site and times of sale referred to in section 40.04; and
- (b) be conspicuously displayed at all times at the site of the vendor's business.

40.07 A license issued under this by-law shall be in force for the period during which a temporary vendor is authorized to offer goods or services for sale, shall expire at the conclusion of that period, and must be reissued for each subsequent sale of goods or services by a temporary vendor.

40.08 Revocation

A license may be revoked where:

- (a) The licensee is in violation of any provision of this by-law or of any other by-law of the Town;

40.09 Appeals

A decision of the licensing authority to refuse to issue or to revoke a license may be appealed to Council within fourteen days of the decision of the licensing authority by written notice of appeal delivered to the CAO. Council shall convene an appeal hearing and may, following the appeal hearing, confirm or rescind the licensing authority's decision.

PENALTIES AND ENFORCEMENT

40.10 Every person who contravenes or fails to comply with any provision of this by-law or a license granted pursuant to this by-law, or any person who owns or controls premises or property used for unlicensed sale of goods or services by a transient vendor commits an offence and is liable on conviction to a penalty of not less than \$5000 and not more than \$10,000 or, in default of payment, to imprisonment for a period of not less than 30 days.

40.11 The Town may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order where:

- (a) Land is being used in contravention of this by-law;
- (b) A person is selling goods or services without having paid the license fee required; or
- (c) A breach of this by-law is anticipated or is of a continuing nature.

LICENSE FEES

40.12 The fee for the issuance of a license under this by-law shall be the fee set out in Schedule "A" for the applicable good or service being sold.

EFFECTIVE DATE

40.13 This Bylaw shall be effective upon publication.

SCHEDULE "A"

Goods or services to be licensed

1. Bulk motor vehicles as defined in the Motor Vehicle Act of Nova Scotia but does not include motorized wheelchairs.
License fee \$250
2. Bulk furniture normally sold at a furniture or department store in Windsor but does not include furniture sold at a licensed auction.
License fee \$250
3. Bulk appliances normally sold at a furniture store, hardware store or department store in Windsor but does not include appliances sold at a licensed auction.
License fee \$250
4. Bulk building materials used to construct/renovate home and/or commercial buildings. License fee \$250

CAO/Clerk's Annotation (Office Use Only)

Date of first reading:	December 20, 2011
Dates of advertisement of Notice of Intent to Consider:	January 05 & February 02, 2012
Date of second reading:	February 28, 2012
*Date of advertisement of Passage of Bylaw:	March 08, 2012
Date of mailing to Minister a certified copy of Bylaw:	March 12, 2012

I certify that this Temporary Vendors Bylaw #40 was adopted by Council and published as indicated above.



Louis Coutinho, CAO
Town of Windsor

MOBILE CANTEEN VENDING BY-LAW

1.0 AUTHORITY

This By-law is made pursuant to the *Municipal Government Act*, RSNS 1998, as amended from time-to-time and hereinafter referred to as the "Act".

Pursuant to Section 172 (c) and (f), *Power to make by-laws*, of the *Act*, Council may make by-laws for municipal purposes, respecting persons, activities and things in, on or near a public place or place that is open to the public, as well as to businesses, business activities and persons engaged in business.

Pursuant to Section 173, *Mobile Canteens*, of the *Act*, Council may regulate vending, any class of vending, mobile vendors and the placement of vending machines on the streets of the Municipality by by-law.

Section 172 (2) (e) of the *Act* enables municipalities to provide for a system of licenses, permits or approvals in any by-law.

2.0 PURPOSE

The purpose of this by-law is to regulate mobile canteens within West Hants Regional Municipality.

This By-law shall be known and may be cited as the Mobile Canteen Vending By-law.

3.0 DEFINITIONS

- (a) "CAO" means the Chief Administrative Officer of West Hants Regional Municipality;
- (b) "Council" means the Council of West Hants Regional Municipality;
- (c) "licensing authority" means the Development Officer for the Municipality who receives applications for licenses under this By-law;
- (d) "mobile canteen" means any vehicle which is required to be licensed and registered pursuant to the *Motor Vehicle Act* and is used for the displaying, storing, transporting of food and beverages for sale directly to the public by a vendor, saving and excepting the sale of direct products of the farm, forest or sea which are not cooked within the vehicle;
- (e) "Municipality" means the West Hants Regional Municipality;
- (f) "person" means an individual, body corporate or non-profit organization;

4.0 APPLICATIONS AND LICENSING

MOBILE CANTEEN VENDING BY-LAW

- (a) All licenses issued in the Municipality shall apply only to the person or business receiving the license.
- (b) A license issued under this By-law shall be publicly displayed at all times at the site of the vendor's business.
- (c) All licenses issued in accordance with this By-law shall be signed by the licensing authority and Clerk and sealed with the seal of the Municipality and shall bear the date of issue;
- (d) Every application for a license shall be made in writing to the licensing authority, and shall contain:
 - (i) the applicable fee as established in the Fees Policy;
 - (ii) the name, mailing address, telephone number, and e-mail address of the applicant;
 - (iii) the corporate or partnership or sole proprietorship business name, if applicable;
 - (iv) the street address of the site of the proposed use;
 - (v) the dates and times proposed for the use;
 - (vi) written permission from the owner if the applicant is proposing to use a site which the applicant does not own.
- (e) The licensing authority shall notify the applicant within fourteen (14) business days of receipt of a complete application of the approval or refusal of the license.
- (f) A license shall be in force for a specific period and shall expire at the conclusion of that period. An additional licence shall be required for any change in location or additional period of time for any licence.

4.1 Criteria for Licensing Mobile Canteens

- (a) No person shall operate any mobile canteen on private or municipal property without first obtaining and paying for a licence from the licensing authority. The mobile canteen must be operated in accordance with the licence issued.
- (b) Mobile canteens shall only be permitted on privately-owned property within the Municipality, except during events or holidays where they may be permitted on property owned by the Municipality if the CAO is satisfied that the mobile canteen is a reasonable use of such property for the specific dates, and is one which will not interfere unduly with other municipal uses of the property.

MOBILE CANTEEN VENDING BY-LAW

- (c) Mobile canteens shall not be permitted to have a permanent direct connection to municipal water, wastewater or sewer service.
- (d) Mobile canteen licensees shall maintain appropriate solid waste bins for applicable streams of solid waste such as compostable, recyclable and residual solid waste and shall be responsible for tidy up and disposal of waste generated by the customers or staff of the Mobile Canteen.
- (e) Every application for a mobile canteen license shall be made in writing to the licensing authority, and shall contain, in addition to the items specified in 4.0 (d) above:
 - (i) The mobile canteen name, and corporate name if applicable;
 - (ii) A copy of the Motor Vehicle Inspection (MVI);
 - (iii) A copy of the insurance;
 - (iv) A copy of the food establishment permit, food handling certification and/or temporary event permit issued by the Province of Nova Scotia;
 - (v) A site plan that shows the proposed location of the mobile canteen and of the existing structures on the lot, access to the property, parking, garbage collection receptacles, and any other items that may assist with the review of the application;
- (f) No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants.
- (g) For events or holidays, the licensing authority shall consult with the Economic Development Manager and/or Event Coordinator prior to issuing the license. The Economic Development Manager and/or Event Coordinator shall notify the licensing authority of the maximum number and type of mobile canteens licences that shall be permitted for that event or holiday.

6.0 REFUSAL

The licensing authority shall refuse to issue a permit where:

- (a) the application requirements in Section 4.0 and/or 5.0 have not been met;
- (b) the Traffic Authority determines the proposed site is unsuitable having regard to pedestrian or vehicular traffic movement, access or safety;
- (c) the licensing authority determines the proposed location is not suitable in terms of zoning, lot size, setbacks, access, or available parking as specified in the relevant Land Use By-law;
- (d) for events or holidays, the maximum number and type of mobile canteens specified by the Economic Development Manager and/or Event Coordinator has already been reached or the CAO has declined permission to use municipal property.

MOBILE CANTEEN VENDING BY-LAW

7.0 REVOCATION

The licensing authority shall revoke a permit where:

- (a) the Motor Vehicle Inspection (MVI), insurance or food establishment permit, food handling certification and/or temporary event permit issued by the Province of Nova Scotia has expired or is revoked;
- (b) concerns about pedestrian or vehicular traffic movement, access or safety have been expressed by the Traffic Authority;
- (c) garbage or other waste is not adequately contained and disposed of on-site;
- (d) the licensing fee has not been paid up to date;
- (e) the licensee is in violation of any provision of this By-law or of any other By-law of the Municipality.

8.0 PENALTIES AND ENFORCEMENT

- (a) Any person who fails to comply with any of the provisions of this By-law or a license granted pursuant to this By-law, shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- (b) The Municipality may apply to a Judge of the Supreme Court of Nova Scotia for an injunction or other order where:
 - (i) Land is being used in contravention of this or any other By-law;
 - (ii) A person is operating a mobile canteen without having paid the license fee or obtained and maintained in good standing a license; or
 - (iii) A breach or continued breach or repetitive breach of this By-law is anticipated.

9.0 APPEALS

- (a) A decision of the licensing authority to refuse to issue or to revoke a license may be appealed to Council within fourteen (14) days of the decision of the licensing authority by written notice of appeal delivered to the Clerk.
- (b) Council shall convene an appeal hearing within 60 days of receipt of the appeal letter and may, following the appeal hearing, confirm or rescind the licensing authority's decision.
- (c) In hearing an appeal for a holiday or events license, Council may substitute its own opinion for that of the Economic Development Manager and/or Event

MOBILE CANTEEN VENDING BY-LAW

Coordinator as to the maximum number of such licenses to issue for the event or holiday.

10.0 REPEAL

The Hawkers, Traders and Peddlers Bylaw, Bylaw #15, of the former Town of Windsor dated May 6, 1998 and the Temporary Vendor Bylaw, Bylaw #40, of the former Town of Windsor dated March 12, 2012 are hereby repealed.

I, (Municipal Clerk Name), Municipal Clerk of the 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 West Hants Regional Municipality at a meeting duly called and held on the ___ day of _____ (month), _____ (year).

(Signature of Municipal Clerk)
 (Typed name of Municipal Clerk)

By-law Adoption	
First Reading:	<i>date</i>
Notice Published:	<i>date</i>
Second Reading & Approval	<i>date</i>
Final Publication	<i>date</i>
Notice to Municipal Affairs	<i>date</i>
Description:	



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
--------------------------------------	------------------	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

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

Date: May 13, 2021

Subject: File 20-27 Secondary Suites MPS and LUB Amendment **West Hants**

1.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

2.0 RECOMMENDATION

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

... that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings in a manner substantively the same as Attachment A to the staff report to PAC/HAC dated May 13, 2021.

3.0 BACKGROUND

On December 11, 2020 the Family Resource Centre, a member of the West Hants Housing Coalition, applied for an amendment to all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code (NBC). The application was complete January 26, 2021.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the West Hants Municipal Planning Strategy (WHMPS) and West Hants Land Use By-Law (WHLUB). There will be duplication of material

within the three reports but this ensures that documentation for each separate amendment is complete.

WHRM staff categorized potential options to improve the amount of affordable housing as short, medium, and long-term depending on the amount of time required for any required changes. One of the short-term options was to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the NBC definition.

The NBC defines a secondary suite as *“a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.”* The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 ft² (80 m²), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The West Hants Municipal Planning Strategy (WHMPS) does not refer to secondary suites but does permit a similar type of unit, “accessory apartments”, in the Single Unit Residential (R-1) zone. The maximum size for accessory apartments in the West Hants Land Use By-law (WHLUB) is 700 ft² (65 m²), which is smaller than the NBC permits.

4.0 4.0 DISCUSSION

4.1 Provincial Support for Secondary Suites

All municipalities in Nova Scotia that have planning documents are required to have specific policies related to housing as there is a *Statement of Provincial Interest* regarding housing. The Provincial goal is to provide housing opportunities to meet the needs of all Nova Scotians. This is achieved by having policies that specifically address affordable housing, special-needs housing and rental accommodations. The Province requires the Municipality to consider permitting higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types. Part 4.11 of the WHMPS addresses housing.

Secondary suites can reflect this Provincial intention and be part of the solution by providing an affordable housing option that does not appear to increase density in low density neighbourhoods as the suites are located within an existing dwelling.

4.2 Municipal Support for Secondary Suites

The background material in Part 4.11 of the WHMPS states: *Accessory apartments in dwellings can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these apartments, Council can ensure that the building retains the look of the original dwelling and are (sic) compatible with the neighbourhood.*

WHMPS Policy 4.11.4 specifically permits accessory apartments within or attached to the main dwelling in the Single Unit Residential (R-1) zone and outlines that the size, location and appearance of the apartments will be limited in the WHLUB to ensure the use remains small-scale and compatible with low density neighbourhoods.

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary suites.

Based on the material in section 4.11 of the WHMPS and the recommendation from the RAD Consulting report, staff consider Council to be in general support of secondary suites (accessory apartments) as an affordable housing option for West Hants.

4.3 Review: Secondary Suites as a Permitted Use in Nearby Municipal Units

When developing the amendments, staff referred to the planning documents in neighbouring municipalities that have recently updated land use requirements related to secondary suites.

Halifax Regional Municipality (HRM) Council approved amendments to the Regional Municipal Planning Strategy and all Land Use By-laws on September 1, 2020, with the exception of the Regional Centre Land Use By-law, to allow secondary suites accessory to single and two-unit dwellings and town houses. The maximum floor area permitted for the secondary suites aligns with the NBC definition. No additional parking is required for the suites and the same zoning requirements that apply to the dwelling unit apply to the suites. A minimum lot size requirement was not set for this amendment as HRM staff thought it could limit development of secondary suites in densely populated areas. HRM staff had initially proposed permitting secondary suites in only single unit dwellings in January 2020, but HRM Council requested that staff consider both two-unit dwellings and town houses. Back yard suites which are located in a separate building accessory to the dwelling unit were also approved as part of this amendment.

East Hants Council approved its planning documents in 2016; these permit accessory dwelling units in several residential zones as accessory to single detached dwellings. East Hants has three (3) categories of accessory dwelling units: garage suites, garden suites, and secondary suites. The definition and

requirements for secondary suites align with the NBC. The appearance of the exterior of the accessory dwelling unit including materials, cladding colour, roof type and pitch must match the main dwelling. Shipping containers are an exception as they can be used as garden suites and do not have to match the main dwelling.

The Town of Wolfville approved its planning documents in the summer of 2020. Secondary suites both attached to and detached from the main dwelling are permitted in a wide variety of residential and commercial zones with the exception of the Low Density Residential Restricted (R1) zone. There is no definition in the Land Use By-law for secondary suites attached to the dwelling however staff contacted the Director of Planning and Development, Devin Lake, who confirmed secondary suites attached to the main dwelling are considered a form of two-unit dwelling and all requirements that apply to two-unit dwellings would be applicable.

The Municipality of the County of Kings (Kings) approved its planning documents in 2019. Section 4.3.4.1 of the Land Use Bylaw sets out the requirements for secondary suites. A secondary suite is permitted in a single unit dwelling with the entrance at the side or rear of the dwelling and the exterior needs to be compatible with existing dwellings in the neighbourhood. Rather than outlining the requirements for secondary suites, such as a maximum size, established in the NBC, the definition just refers to the NBC: *Secondary Suite means a secondary suite as defined by the National Building Code, as amended from time to time.* This enables the requirements to change as the NBC is amended without having to amend the Land Use By-law.

4.4 Parking Requirements for Secondary Suites

HRM was the most recent Municipality to consider amendments to permit secondary suites. It is also the only Municipality reviewed which does not require parking for a secondary suite. Although several HRM residents stated concerns about parking for suites, HRM staff state in a December 2019 staff report several reasons why additional parking may not be needed or may create a burden which may decrease the number of secondary suites installed:

Under the Integrated Mobility Plan, HRM is working to reduce parking requirements overall and instead allow the market to determine its own needs. Additional parking requirements for secondary and backyard suites may be unwarranted in some areas or unnecessarily limit the location of where such uses can be created. The cost of an additional parking space may also add to the cost of the overall development, thereby increasing the costs that may be needed to be recovered through rents. Further, parking requirements may be unnecessary in cases where tenants do not own or cannot operate an automobile, or in neighbourhoods that are close to services and have access to transit.

Section 5.31 of the WHLUB requires one (1) parking space for each dwelling unit. Section 8.3 (h) of the WHLUB requires parking for accessory apartments be provided in accordance with Section 5.31 and the parking space must be located in the side or rear yard of the lot.

Although WHRM staff are not recommending a parking requirement for secondary suites in the more densely developed communities of Windsor and Hantsport, staff are recommending a parking requirement for secondary suites in the more rural areas of West Hants which are covered by the WHMPS and WHLUB. In the more rural areas where services are not within walking distance the majority of residents in secondary suites will likely need their own vehicle to be able to reach services and employment. In particular, in unserviced areas, requiring a parking space for each dwelling unit does not have the same negative impact as a requirement for parking in serviced and more densely developed areas. Although there are areas of the Municipality with sewer and water services, these tend to have larger lots than in the more developed urban areas.

4.5 Lot Coverage

Lot coverage is a term defined in the WHLUB: *means the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot.*

The maximum lot coverage in the WHLUB is 50%. Staff recommend removing the lot coverage restriction as part of the amendment as the requirement disproportionately prevents property owners with smaller lots from constructing accessory apartments. NBC requirements and WHLUB yard requirements would still apply which ensures development is compatible with the neighbourhood without the need for a maximum coverage restriction.

4.6 Floor Area

WHLUB has a maximum floor area requirement for accessory apartments that is smaller than that allowed in the NBC. Only 700 ft² (65 m²) may be used under the WHLUB compared to 80% of the total floor area of the main dwelling unit to a maximum of 861 ft² (80 m²) allowed in the NBC.

Most planning documents reviewed by staff include a specific maximum floor area requirement that aligns with the NBC except Kings which, as noted above, only refers to the NBC: *Secondary Suite means a secondary suite as defined by the National Building Code, as amended from time to time.* Staff considered the Kings definition as it aligns with the NBC without including the specific maximum

floor area requirements. This ensures the planning documents do not need to be amended every time the NBC changes.

However, for ease of administration, staff have included the maximum floor area requirements in the proposed definition which lets the Development Officer issue a permit if the maximum size is increased in the NBC without amendment to the definition WHLUB.

4.7 Number of Secondary Suites per Lot

In areas regulated by the WHLUB, the number of main buildings which can be constructed on most lots as-of-right is now limited to one (1). There are some lots with more than one main building which may have been constructed prior to land use regulation, or others which have specific provision in the WHLUB such as the agricultural zones.

In West Hants only one (1) accessory apartment is permitted on a lot. If a two-unit dwelling or multiple single unit dwellings are located on one lot and held in the same ownership, this regulation would prevent a secondary suite in more than one of the dwellings. Staff recommends removing potential barriers and ensuring secondary suites are permitted in single and two-unit dwellings regardless of the number of single and two-unit dwellings on a lot by permitting one (1) secondary suite in each dwelling on a lot.

4.8 Zones

Many dwellings exist outside residential zones; these may be permitted under the present WHLUB (such as in the General Commercial (GC) Zone) or may have been constructed prior to the enactment of land use regulation.

The proposed amendments would permit secondary suites to be constructed in single and two-unit dwellings in any zone to accommodate residential uses that exist outside of residential zones.

4.9 Appearance of the Main Dwelling Unit

The present requirements listed below for accessory apartments in the WHLUB have been incorporated in the proposed amendments to ensure the intention of Council expressed in the 2008 document is maintained. These are:

- the suite must be within or attached to the dwelling unit;
 - the roof line or height of the existing dwelling unit can not be changed unless it is to accommodate dormers or is a structural necessity for public safety;
 - no new entrances can be installed on the front of the dwelling unit for the suite;
- and

- additions to accommodate the suite must be at the rear of the dwelling unit.

These requirements are intended to ensure dwellings with secondary suites remain visually compatible with low-density neighborhoods. If the roof line and height of the dwelling unit are not altered, the entrance to the suite is not visible from the front of the dwelling unit and any additions to accommodate the suite are only located in the rear of the dwelling unit the visual appearance from the street of the dwelling unit with a secondary suite will in most instances not differ from the original building. Corner lots are the main exception as the rear yard for a corner lot is visible from the side street. Council has identified maintaining the visual appearance of a low-density neighborhood as important in the present WHMPS: *By regulating the size and appearance of these apartments, Council can ensure that the building retains the look of the original dwelling and are (sic) compatible with the neighbourhood.*

Inclusion of these requirements reflects Council's intention and does not prevent creation of most secondary suites.

PAC/HAC may recommend or Council can change its intention and remove these requirements if maintaining the appearance of a low-density neighborhood is no longer a priority or it is determined that the appearance can be maintained without these requirements.

4.10 Draft Amendments

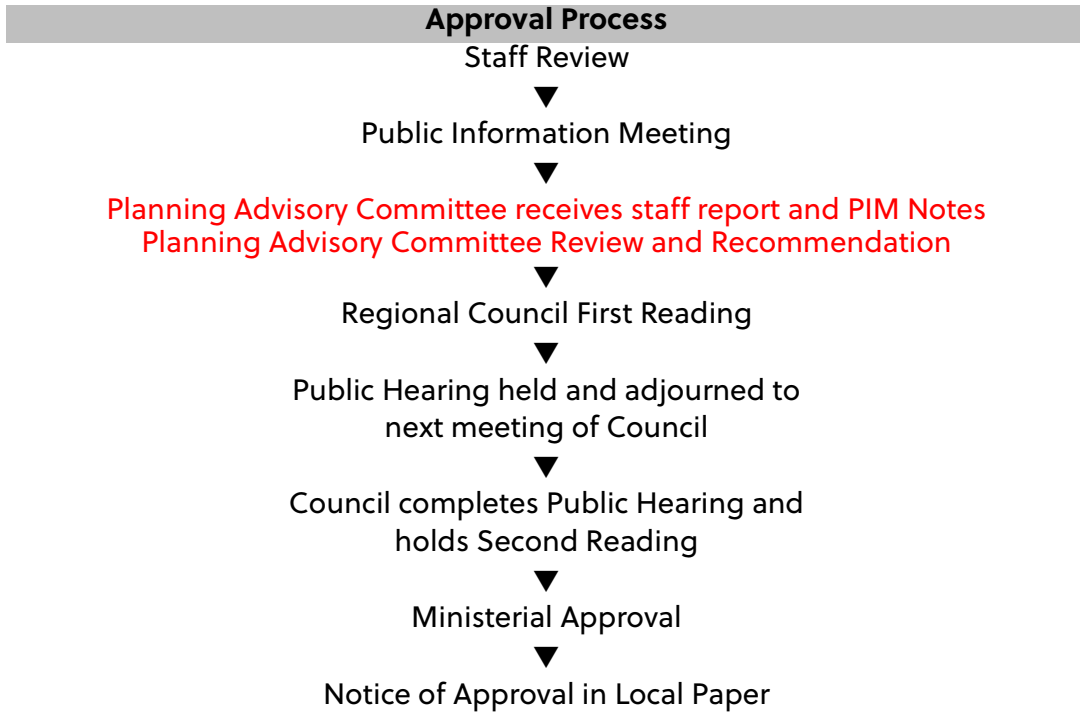
When drafting the amendments, (Appendix A), staff considered the Statement of Provincial Interest, the review of nearby municipal units mentioned above, the NBC, and the existing planning documents in order to develop amendments which increase affordable housing options in WHRM. The amendments include a name change in the West Hants documents from accessory apartments to secondary suites as this is the name used in the NBC.

4.11 Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) was not considered for this amendment as it is a text amendment.

5.0 NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS and are consistent with the intent, objectives and policies of the WHMPS. The proposed amendment to permit secondary suites in single and two-unit dwellings reflects the intent of the existing Municipal Planning Strategy policies. As a result, staff recommends proceeding with the approval process for the proposed amendments.



6.0 FINANCIAL IMPLICATIONS

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

7.0 ALTERNATIVES

In response to the application, PAC/HAC may:

- request further information on a specific topic;
- determine that the application does not meet the criteria of the WHMPS and make this recommendation to Council.

8.0 ATTACHMENTS

Appendix A Draft Amendments

Report Prepared by: _____

Saira Shah, Planner; and

Madelyn LeMay, Director of Planning and Development

Attachment A Draft Amendments

Note: coloured text indicates a change from the present WHMPS or WHLUB and is provided only for the convenience of PAC/HAC and Council

Text amendments to the West Hants Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

MUNICIPAL PLANNING STRATEGY

1. Amend Section 4 Part 4.11, Housing, of the West Hants Municipal Planning Strategy by replacing the background material, Policy 4.11.1, 4.11.3 and Policy 4.11.4 with the following material so that Part 4.11 reads as follows:

4.11 Housing

Council **acknowledges** it is important to encourage the provision of housing that includes all residents of West Hants regardless of socio-economic status, age or physical or mental ability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community **needs to provide diverse housing types to satisfy the housing needs of its population**. Housing must be available for seniors and 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. **A secondary suite within a dwelling** can provide a solution for those wishing to keep elderly or dependent family members nearby **and can increase affordable housing options for the greater community**. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the existing dwellings and are compatible with the neighbourhood.

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

Policy 4.11.1 encourage the provision of housing adequate to meet the needs of all residents of West Hants. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy 4.11.2 provide for the development of a range of housing types in West Hants.

Policy 4.11.3 include flexible development standards which encourage innovative housing development in the Land Use By-law.

Policy 4.11.4 permit **secondary suites** in single **and two-unit** dwellings **in all zones**, and regulate the size, location and appearance of secondary suites to

ensure the use remains small-scale and compatible with the neighborhood.

2. Amend Section 5 Part 5.3, Three Mile Plains Growth Centre Residential Policies, of the West Hants Municipal Planning Strategy by removing the term “accessory apartments” in Policy 5.3.1 so that it reads as follows:

Policy 5.3.1 It shall be the policy of Council to establish a Single Unit Residential (R-1) zone which will permit single unit dwellings and existing manufactured homes.

3. Amend Section 15 Part 15.1, Servicing Policies, of the West Hants Municipal Planning Strategy by replacing the phrase “accessory apartments in the Single Unit Residential (R-1) zone” with “secondary suites in single and two-unit dwellings” so that Part 15.1 reads as follows:

Council wishes to encourage development that makes maximum use of the existing infrastructure within the service area boundaries (Growth Centres). Other policies of this Strategy address infill development on existing undersized lots, multiple residential development in appropriate locations, and **secondary suites in single and two-unit dwellings**. Policies for grouped dwellings encourage more compact cluster developments that use less land and are more economical to service.

LAND USE BY-LAW

4. Add Secondary Suites, in Section 5, General Provisions for All Zones, of the West Hants Land Use By-law following Licensed Cannabis Uses as shown below:

Secondary Suites

5.57 Secondary Suites shall be permitted in single and two-unit dwellings in all zones.

5.58 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

- (a) no more than one (1) secondary suite shall be permitted within or attached to a dwelling unit;
- (b) alterations shall not change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
- (c) no new entrances shall be created on the front façade of the dwelling unit;
- (d) parking shall be provided as required in Section 5.31 in the side or rear yard of the lot; and
- (e) additions shall be limited to the rear yard of the exiting dwelling.

5. Remove from Section 8 Part 8.1 Permitted Uses of the West Hants Land Use By-law the listed permitted use "accessory apartments" so that Part 8.1 reads as follows:

Permitted Uses

8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:

- Single unit dwellings
- Existing manufactured homes

6. Remove from Section 8 Part 8.3, Accessory Apartments- Special Requirements, from the West Hants Land Use By-law.

Accessory Apartments – Special Requirements

8.3 (removed in amendment File #20-27 effective *date*)

7. Amend Section 35, Definitions, of the West Hants Land Use By-law by removing the definition of "Accessory Apartment" and inserting the definition of "Secondary Suite" between the definitions of Scrap Operation and Self Storage Operations so that the definitions of "Accessory Apartment" and "Secondary Suite" read as follows:

Accessory Apartment (removed in amendment File #20-27 effective *date*)

Secondary Suite means a self-contained dwelling unit contained within a single or two-unit dwelling. The maximum floor area of a Secondary Suite is 80% of the total floor area of the main dwelling unit to the maximum established in the NBC or 862 ft² (80 m²), whichever is greater.



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"/>
--------------------------------------	--	---	--

To: Members of Planning and Heritage Advisory Committee(PAC/HAC)

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

Date: May 13, 2021

Subject: File 20-29 Secondary Suites MPS and LUB Amendment **Windsor**

1.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

2.0 RECOMMENDATION

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

...that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to PAC/HAC dated May 13, 2021.

3.0 BACKGROUND

On December 11, 2020 the Family Resource Centre, a member of the West Hants Housing Coalition, applied for an amendment to all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code (NBC). The application was complete January 26, 2021.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the Windsor Municipal Planning Strategy (WMPS) and

Windsor Land Use By-Law (WLUB). There will be duplication of material within the three reports but this ensures that documentation for each separate amendment is complete.

WHRM staff categorized potential options to improve the amount of affordable housing as short, medium, and long-term depending on the amount of time required for any required changes. One of the short-term options was to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the NBC definition.

The NBC defines a secondary suite as "*a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.*" The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 ft² (80 m²), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The WMPS does not refer to secondary suites but does permit a similar type of unit, "accessory apartments", in the Single Unit Residential (R-1) zone. The maximum size for accessory apartments in the WLUB is 25% of the floor area of the dwelling, which is smaller than the NBC permits.

4.0 DISCUSSION

4.1 Provincial Support for Secondary Suites

All municipalities in Nova Scotia that have planning documents are required to have specific policies related to housing as there is a *Statement of Provincial Interest* regarding housing. The Provincial goal is to provide housing opportunities to meet the needs of all Nova Scotians. This is achieved by having policies that specifically address affordable housing, special-needs housing and rental accommodations. The Province requires the Municipality to consider permitting higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types. Section 5.0 of the WMPS addresses housing and residential uses.

Secondary suites can reflect this Provincial intention and be part of the solution by providing an affordable housing option that does not appear to increase density in low density neighbourhoods as the suites are located within an existing dwelling.

4.2 Municipal Support for Secondary Suites

The background material in Part 5.1 of the WMPS states: *With an aging population, the need for flexible housing options will continue to grow in the future. Small accessory apartments in single unit dwellings can provide a solution for those wishing to keep elderly or dependant family members nearby. Although tenancy cannot be restricted to family members, by strictly regulating the size and appearance of these apartments, Council can ensure that the building retains the appearance of a single unit dwelling and remains compatible with the neighbourhood.*

Policy 5.1.3 specifically permits accessory apartments within or attached to the main dwelling in the Single Unit Residential (R-1) zone and outlines that the size, location and appearance of the apartments will be limited in the WLUB to ensure the use remains compatible with low density neighbourhoods.

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary suites.

Based on the material in Part 5.1 of the WMPS and the recommendation from the RAD Consulting report, staff consider Council to be in general support of secondary suites (accessory apartments) in Windsor as an affordable housing option.

4.3 Review: Secondary Suites as a Permitted Use in Nearby Municipal Units

When developing the amendments, staff reviewed the planning documents in neighbouring municipalities that have recently updated land use requirements for secondary suites. The detailed review can be found in the staff report titled "2021-05-13 File 20-27 Secondary Suites MPS and LUB Amendment West Hants".

The background material and policy that permit accessory apartments in Windsor are currently in Part 5.1 Single Unit Residential. The proposal is to replace this with a housing section in the WMPS General Land Use Policies similar to Part 4.11 of the West Hants Municipal Planning Strategy. This proposed amendment will ensure the general housing policies for the Region are similar and meet the requirements of the Statements of Provincial Interest.

4.4 Parking Requirements for Secondary Suites

HRM was the most recent Municipality to consider amendments to permit secondary suites. It is also the only Municipality which does not require parking for a secondary suite. Although several HRM residents stated concerns about parking for suites, HRM staff state in a December 2019 staff report several reasons why additional parking may not be needed or may create a burden which may decrease the number of secondary suites installed:

Under the Integrated Mobility Plan, HRM is working to reduce parking requirements overall and instead allow the market to determine its own needs. Additional parking requirements for secondary and backyard suites may be unwarranted in some areas or unnecessarily limit the location of where such uses can be created. The cost of an additional parking space may also add to the cost of the overall development, thereby increasing the costs that may be needed to be recovered through rents. Further, parking requirements may be unnecessary in cases where tenants do not own or cannot operate an automobile, or in neighbourhoods that are close to services and have access to transit.

Section 5.25 of the WLUB requires one (1) parking space for each dwelling unit. Section 8.3 (h) of the WLUB requires parking for accessory apartments be provided in accordance with Section 5.25 and the parking space must be located in the side or rear yard of the lot.

Although WHRM staff are recommending that one (1) space be required for secondary suites regulated by the West Hants MPS and LUB, staff are not recommending parking be required within the areas regulated by either the Windsor or Hantsport Municipal Planning Strategies and Land Use By-laws.

WHRM staff asked Troy Burgess to comment on parking requirements as he was Traffic Authority for the Town of Windsor and is now Manager of Public Works Operations and Traffic Authority for Municipal roads in WHRM. Mr. Burgess stated when parking is not available for all tenants they typically park on the street which has caused operational issues in the past for snow and ice removal but also street sweeping and street repairs. He mentioned the HRM winter parking ban makes it easier for that Municipality to carry out snow clearing operations. WHRM uses section 129 of the Motor Vehicle Act to address parking during snow and ice events. Public Works has closed streets in the past, particularly Gerrish Street, to carry out snow removal as on-street parking has been an issue in that area. Mr. Burgess appreciates the goal of reducing barriers to affordable housing but thinks a parking requirement for secondary suites would be in the best interest of the Municipality. When asked if alternative options are available for winter parking Mr. Burgess mentioned the parking areas at the community centre and swimming pool have been rented in the past. Dianne Levy, Manager of Recreation and Facilities, stated winter parking is currently available at the pool parking lot from December 1 to March 30 at a cost of \$45 per month plus HST for each space. Although there is room for between six (6) and eight (8) vehicles, only two (2) permits were sold this year.

The RAD Consulting report included several recommendations that relate to parking. Recommendation 4 *Prepare an Integrated Mobility Plan* encourages Council to consider alternative transportation options and develop a mobility plan similar to the Halifax Integrated Mobility Plan. HRM staff stated the Integrated Mobility Plan and HRM's Council's intention to reduce reliance on personal vehicles was one of the reasons for not requiring a parking space for secondary

suites. Recommendations 9 and 11 of the RAD report focus on creating walkable communities and addressing climate change. Not requiring a parking space for secondary suites in walkable communities will align with these recommendations as it could increase affordable housing options for residents without a personal vehicle and encourage more residents to walk to services and reduce Greenhouse Gas emissions.

Although having adequate parking to meet the needs of residents is important, staff recommend not requiring parking for secondary suites in Windsor, as the potential burden of a parking requirement may hinder the opportunity to increase affordable housing options and may undermine the development of a more walkable community. The secondary suite may be intended for a grandparent who no longer drives or a single parent who can not afford a vehicle. In both situations, the individual may be purposely choosing a housing location close to services, enabling them to remain independent in the community without a vehicle. The lack of a parking requirement would not prevent a property owner from creating an additional parking space if there is room and it is needed. It would ensure that smaller properties that may not have room for an additional parking space, but are close to services, would be able to have a secondary suite.

A number of additional assumptions underly requiring a parking space for every dwelling unit:

- everyone wants, needs or can afford to have a car;
- the best use of serviced land is for parking;
- that unless parking is provided, housing should not be permitted; and
- ensuring the most efficient use of areas serviced with sewer and water is secondary to providing parking.

Requiring parking for each unit reduces potential infill development and keeps the supply of dwelling units from meeting demand. This inflates housing prices, which in turn inflates rents...all of which tends to force those least able to pay for housing to more car-dependent neighbourhoods on the outskirts of denser residential areas.

4.5 Lot Coverage

Lot coverage is a term defined in the WLUB: *the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot.*

The maximum lot coverage in the WLUB is 50%. Staff recommend removing the lot coverage restriction as part of the amendment as the requirement disproportionately prevents property owners with smaller lots from constructing accessory apartments. NBC requirements and WLUB yard requirements would

still apply which ensures development is compatible with the neighbourhood without the need for a maximum coverage restriction.

4.6 Floor Area

WLUB has a maximum floor area requirement for accessory apartments that is smaller than that allowed in the NBC. 25% of the total floor area of the structure in Windsor may be used, compared to 80% of the total floor area of the main dwelling unit or a maximum of 861 ft² (80 m²) allowed in the NBC.

Most planning documents reviewed by staff include a specific maximum floor area requirement that aligns with the NBC except Kings which, as noted above, only refers to the NBC: *Secondary Suite means a secondary suite as defined by the National Building Code, as amended from time to time.* Staff considered the Kings definition as it aligns with the NBC without including the specific maximum floor area requirements. This ensures the planning documents do not need to be amended every time the NBC changes.

However, for ease of administration, staff have included the maximum floor area requirements in the proposed definition, which lets the Development Officer issue a permit if the maximum size is increased in the NBC without amendment to the definition in the WLUB.

4.7 Number of Secondary Suites per Lot

In areas regulated by the WLUB, the number of main buildings which can be constructed on most lots as-of-right is now limited to one (1). There are some lots with more than one main building which may have been constructed prior to land use regulation, or others which have specific provision in the WLUB such as the General Commercial (GC) zone.

In Windsor only one (1) accessory apartment is permitted on a lot. If a two-unit dwelling or multiple single unit dwellings are located on one lot and held in the same ownership, this regulation would prevent a secondary suite in more than one of the dwellings. Staff recommends removing potential barriers and ensuring secondary suites are permitted in single and two-unit dwellings regardless of the number of single and two-unit dwellings on a lot by permitting one (1) secondary suite in each dwelling on a lot.

4.8 Zones

Many dwellings exist outside residential zones; these may be permitted under the present WLUB (such as in the General Commercial (GC) Zone) or may have been constructed prior to the enactment of land use regulation.

The proposed amendments would permit secondary suites to be constructed in single and two-unit dwellings in any zone to accommodate residential uses that exist outside of residential zones.

4.9 Appearance of the Main Dwelling Unit

The present requirements listed below for accessory apartments in the WLUB have been incorporated in the proposed amendments to ensure the intention of Council expressed in the 2005 Windsor MPS is maintained. These are:

- the suite must be within or attached to the dwelling unit;
- the roof line or height of the existing dwelling unit can not be changed unless it is to accommodate dormers or is a structural necessity for public safety;
- no new entrances can be installed on the front of the dwelling unit for the suite; and
- additions to accommodate the suite must be at the rear of the dwelling unit.

These requirements are intended to ensure dwellings with secondary suites remain visually compatible with low-density neighborhoods. If the roof line and height of the dwelling unit are not altered, the entrance to the suite is not visible from the front of the dwelling unit and any additions to accommodate the suite are only located in the rear of the dwelling unit the visual appearance from the street of the dwelling unit with a secondary suite will in most instances not differ from the original building. Corner lots are the main exception as the rear yard for a corner lot is visible from the side street. Council has identified maintaining the visual appearance of a low-density neighborhood as important in the present WMPS: *By regulating the size and appearance of these apartments, Council can ensure that the building retains the look of the original dwelling and are (sic) compatible with the neighbourhood.*

Inclusion of these requirements reflects Council's intention and does not prevent creation of most secondary suites.

PAC/HAC may recommend or Council can change its intention and remove these requirements if maintaining the appearance of a low-density neighborhood is no longer a priority or it is determined that the appearance can be maintained without these requirements.

4.10 Draft Amendments

When drafting the amendments, (Appendix A), staff considered the Statement of Provincial Interest, the review of nearby municipal units mentioned above, the NBC, and the existing planning documents in order to develop amendments which increase affordable housing options in WHRM. The amendments include a

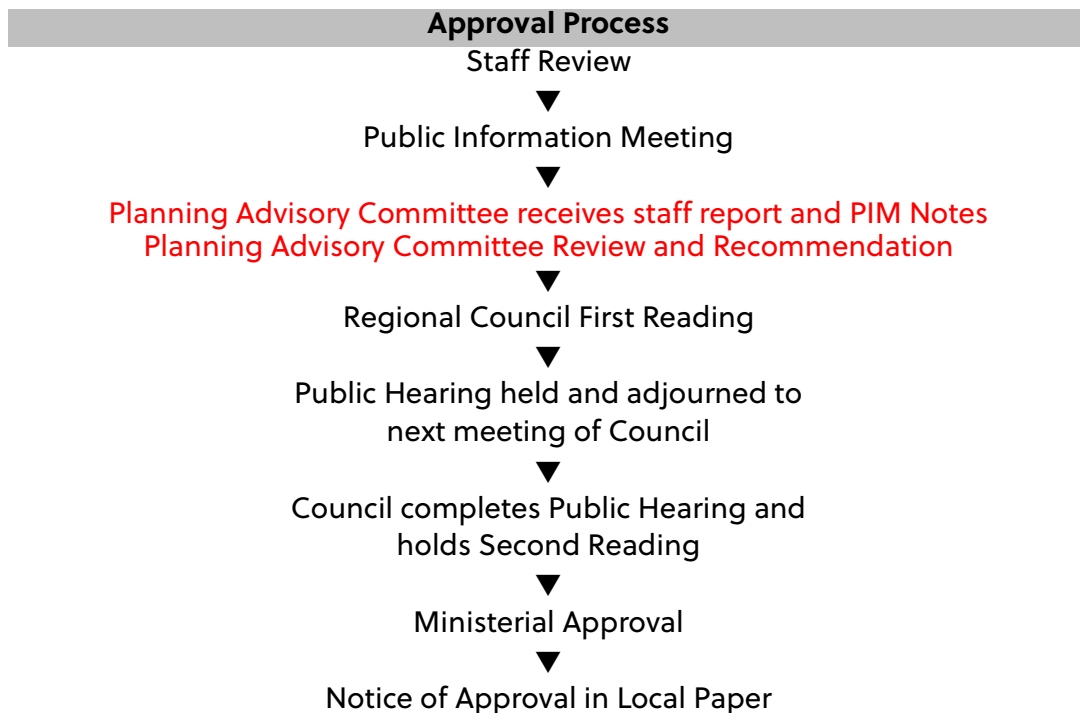
name change in the Windsor documents from accessory apartments to secondary suites as this is the name used in the NBC.

4.11 Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) was not considered for this amendment as it is a text amendment.

5.0 **NEXT STEPS**

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives and policies of the WMPS. The proposed amendment to permit secondary suites in single and two-unit dwellings reflects the intent of the existing policies of the Windsor Municipal Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



6.0 **FINANCIAL IMPLICATIONS**

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of

these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

7.0 ALTERNATIVES

In response to the application, PAC/HAC may:

- request further information on a specific topic;
- determine that the application does not meet the criteria of the WMPS and make this recommendation to Council.

8.0 ATTACHMENTS

Appendix A Draft Amendments

Report Prepared by: _____
Saira Shah, Planner

Madelyn LeMay, Director of Planning and Development

Attachment A Draft Amendments

Note: coloured text indicates a change from the present WMPS or WLUB and is provided only for the convenience of PAC/HAC and Council

Text amendments to the Windsor Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

1. Amend Section 4.0, General Land Use Policies, of the Windsor Municipal Planning Strategy by inserting Part 4.18 Housing following Part 4.17 Watercourses so that Part 4.18 reads as follows:

4.18 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and 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. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

Policy 4.18.1 encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.

Policy 4.18.2 provide for the development of a range of housing types in Windsor.

Policy 4.18.3 include flexible development standards which encourage innovative housing development in the Land Use By-law.

Policy 4.18.4 permit secondary suites in single and two-unit dwellings in all zones, and regulate the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

2. Amend Section 5.0 Part 5.1, Single Unit Residential, of the Windsor Municipal Planning Strategy by replacing "single unit residential" with "Single Unit

Residential (R-1)”, and removing the phrases “With an aging population, the need for flexible housing options will continue to grow in the future. Small accessory apartments in single unit dwellings can provide a solution for those wishing to keep elderly or dependant family members nearby. Although tenancy cannot be restricted to family members, by strictly regulating the size and appearance of these apartments, Council can ensure that the building retains the appearance of a single unit dwelling and remains compatible with the neighbourhood.” and policy 5.1.3 so that Part 5.1 reads as follows:

5.1 Single Unit Residential

The Single Unit Residential (R-1) zone encompasses areas in which the predominant existing use is single detached dwellings. The previous Land Use By-law also pre-zoned several blocks of vacant land for single detached residential development. Those areas, located on College Road, Payzant Drive and Underwood Drive, will also be zoned Single Unit Residential (R-1) under this Strategy and Land Use By-law.

Policy 5.1.1 It shall be the policy of Council to establish a Single Unit Residential (R-1) zone for areas where the predominant existing use is single unit dwellings.

Policy 5.1.2 In addition to zoning areas of existing single unit residential development, Council shall consider pre-zoning areas for future single unit residential use where the need is anticipated and the use is considered compatible with the surrounding area.

Policy 5.1.3 (removed in amendment File #20-27 effective date)

3. Insert Secondary Suites in Section 5.0, General Provisions for All Zones, of the Windsor Land Use By-law following Urban Agricultural Uses as shown below:

Secondary Suites

5.45 Secondary Suites are permitted in single and two-unit dwellings in all zones.

5.46 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

- (a) no more than one (1) secondary suite shall be permitted within or attached to the dwelling unit;
- (b) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
- (c) no new entrances shall be created on the front façade of the dwelling unit;

- (d) notwithstanding the parking requirements of Section 5.31, off-street parking shall not be required for the secondary suite; and
- (e) additions shall be limited to the rear yard of the dwelling unit.

4. Remove from Section 8.0 Part 8.1 Permitted Uses of the Windsor Land Use By-law the listed permitted use "accessory apartments" so that Part 8.1 reads as follows:

Permitted Uses

- 8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:
- Single unit dwellings

5. Remove from Section 8.0 Part 8.3, Accessory Apartments- Special Requirements, from the Windsor Land Use By-law.

Accessory Apartments – Special Requirements

8.3 (removed in amendment File #20-27 effective date)

6. Amend Section 31.0, Definitions, of the Windsor Land Use By-law by replacing the definition of "Accessory Apartment" with the following definition of "Secondary Suite" between the definitions of Scrap Yard and Senior Citizen Housing so that the definition of "Accessory Apartment" and "Secondary Suite" reads as follows:

Accessory Apartment (removed in amendment File #20-27 effective date)

Secondary Suite means a self-contained dwelling unit contained within a single or two-unit dwelling. The maximum floor area of a Secondary Suite is 80% of the total floor area of the main dwelling unit to the maximum established in the NBC or 862 ft² (80 m²), whichever is greater.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
--------------------------------------	------------------	---	--

To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

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

Date: May 13, 2021

Subject: File 20-30 Secondary Suites MPS and LUB Amendment **Hantsport**

1.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

2.0 RECOMMENDATION

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

(I move) ... that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy and Land Use By-law to permit secondary suites in single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to PAC/HAC dated May 13, 2021.

3.0 BACKGROUND

On December 11, 2020 the Family Resource Centre, a member of the West Hants Housing Coalition, applied for an amendment to all planning documents in West Hants Regional Municipality to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the NBC. The application was complete January 26, 2021.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This

report will deal only with the Hantsport Municipal Planning Strategy (HMPS) and Hantsport Land Use By-Law (HLUB). There will be duplication of material within the three reports but this ensures that documentation for each separate amendment is complete.

WHRM staff categorized potential options to improve the amount of affordable housing as short, medium, and long-term depending on the amount of time required for any required changes. One of the short-term options was to permit secondary suites in single and two-unit dwellings and align the definition of secondary suites with the National Building Code (NBC) definition.

The NBC defines a secondary suite as “*a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.*” The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 ft² (80 m²), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The Hantsport Municipal Planning Strategy (HMPS) does not permit accessory apartments.

4.0 DISCUSSION

4.1 Provincial Support for Secondary Suites

All municipalities in Nova Scotia that have planning documents are required to have specific policies related to housing as there is a *Statement of Provincial Interest* regarding housing. The Provincial goal is to provide housing opportunities to meet the needs of all Nova Scotians. This is achieved by having policies that specifically address affordable housing, special-needs housing and rental accommodations. The Province requires the Municipality to consider permitting higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types. Part 4.0 of the HMPS addresses housing and residential uses.

Secondary suites can reflect this Provincial intention and be part of the solution by providing an affordable housing option that does not appear to increase density in low density neighbourhoods as the suites are located within an existing dwelling.

4.2 Municipal Support for Secondary Suites

The Hantsport MPS and LUB were approved in 2010. The background material in section 2.2.5 of this HMPS states: *Although most of the respondents to the survey indicated that a higher density of residential development was needed in Hantsport, there was little support to allow conversions of single unit dwellings into two or more units, even if the exterior appearance of the building was not changed.*

The ICSP policies included within the HMPS list options to increase housing such as reducing the minimum lot frontage from 70 ft. to 50 ft. and lot size from 7,500 sq ft. to 5,000 sq ft. to promote more housing in new subdivisions and infill development in existing neighborhoods. These reduced requirements were incorporated into the HLUB.

On February 23, 2021 WHRM Council approved in principle all recommendations presented in the RAD Consulting report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary suites.

Although the material in section 2.2.5 of the HMPS shows opposition to secondary suites from residents, the HMPS is more than ten (10) years old and was approved by the then-Town Council. The approval of the recommendation from the RAD Consulting report indicates the new Council's perspective to consider secondary suites as an affordable housing option in the entire Region.

A 2018 amendment to the Hantsport planning documents also illustrates a change of direction in the community since 2010: the amendment permits the conversion of any single or two-unit dwelling existing as of May 1, 2018, to the maximum number of units permitted in the Two Unit Residential (R-2) or Multiple Unit Residential (R-3) Zone provided all units are contained within the existing residential building.

There is no background material or policy regarding secondary suites in Hantsport. The proposal is to add background and policy in the HMPS General Land Use Policies similar to Part 4.11 of the West Hants Municipal Planning Strategy. This proposed amendment will ensure the general housing policies for the Region are similar and meet the requirements of the Statements of Provincial Interest.

4.3 Review: Secondary Suites as a Permitted Use in Nearby Municipal Units

When developing the amendments, staff reviewed the planning documents in neighbouring municipalities that have recently updated land use requirements for secondary suites. The detailed review can be found in the staff report titled "2021-05-13 File 20-29 Secondary Suites MPS and LUB Amendment Windsor".

4.4 Parking Requirements for Secondary Suites

HRM was the most recent Municipality to consider amendments to permit secondary suites. It is also the only Municipality which does not require parking for a secondary suite. Although several HRM residents stated concerns about parking for suites, HRM staff state in a December 2019 staff report several reasons why additional parking may not be needed or may create a burden which may decrease the number of secondary suites installed:

Under the Integrated Mobility Plan, HRM is working to reduce parking requirements overall and instead allow the market to determine its own needs. Additional parking requirements for secondary and backyard suites may be unwarranted in some areas or unnecessarily limit the location of where such uses can be created. The cost of an additional parking space may also add to the cost of the overall development, thereby increasing the costs that may be needed to be recovered through rents. Further, parking requirements may be unnecessary in cases where tenants do not own or cannot operate an automobile, or in neighbourhoods that are close to services and have access to transit.

Section 6.1 of the HLUB requires one (1) parking space for each dwelling unit.

Although WHRM staff are recommending that one (1) space be required for secondary suites regulated by the West Hants MPS and LUB, staff are not recommending parking be required within the areas regulated by either the Windsor or Hantsport Municipal Planning Strategies and Land Use By-laws.

WHRM staff asked Troy Burgess to comment on parking requirements as he was Traffic Authority for the Town of Windsor and is now Manager of Public Works Operations and Traffic Authority for Municipal roads in WHRM. Mr. Burgess commented on parking within the community of Windsor; his comments also apply in general to the community of Hantsport and are in the staff report titled "2021-05-13 File 20-29 Secondary Suites MPS and LUB Amendment Windsor".

The RAD Consulting report included several recommendations that relate to parking. Recommendation 4 *Prepare an Integrated Mobility Plan* encourages Council to consider alternative transportation options and develop a mobility plan similar to the Halifax Integrated Mobility Plan. HRM staff stated the Integrated Mobility Plan and HRM's Council's intention to reduce reliance on personal vehicles was one of the reasons for not requiring a parking space for secondary suites. Recommendations 9 and 11 of the RAD report focus on creating walkable communities and addressing climate change. Not requiring a parking space for secondary suites in walkable communities will align with these recommendations as it could increase affordable housing options for residents without a personal vehicle and encourage more residents to walk to services and reduce Greenhouse Gas emissions.

Although having adequate parking to meet the needs of residents is important, staff recommend not requiring parking for secondary suites in Hantsport, as the potential burden of a parking requirement may hinder the opportunity to

increase affordable housing options and may undermine the development of a more walkable community. The secondary suite may be intended for a grandparent who no longer drives or a single parent who can not afford a vehicle. In both situations, the individual may be purposely choosing a housing location close to services, enabling them to remain independent in the community without a vehicle. The lack of a parking requirement would not prevent a property owner from creating an additional parking space if there is room and it is needed. It would ensure that smaller properties that may not have room for an additional parking space, but are close to services, would be able to have a secondary suite.

A number of additional assumptions underly requiring a parking space for every dwelling unit:

- everyone wants, needs or can afford to have a car;
- the best use of serviced land is for parking;
- that unless parking is provided, housing should not be permitted; and
- ensuring the most efficient use of areas serviced with sewer and water is secondary to providing parking.

Requiring parking for each unit reduces potential infill development and keeps the supply of dwelling units from meeting demand. This inflates housing prices, which in turn inflates rents...all of which tends to force those least able to pay for housing to more car-dependent neighbourhoods on the outskirts of denser residential areas.

4.5 Lot Coverage

Lot coverage is neither defined nor used as a term in the HLUB. No maximum lot coverage is proposed related to secondary suites in Hantsport.

4.6 Floor Area

The National Building Code (NBC) allows 80% of the total floor area of the main dwelling unit or a maximum of 861 ft² (80 m²) to be used as a secondary suite.

Most planning documents reviewed by staff include a specific maximum floor area requirement for secondary suites that aligns with the NBC except Kings County, which only refers to the NBC: *Secondary Suite means a secondary suite as defined by the National Building Code, as amended from time to time.* Staff considered the Kings definition as it aligns with the NBC without including the specific maximum floor area requirements. This ensures the planning documents do not need to be amended every time the NBC changes.

However, for ease of administration, staff have included the maximum floor area requirements in the proposed definition, which lets the Development Officer

issue a permit if the maximum size is increased in the NBC without amendment to the definition in the HLUB.

4.7 Number of Secondary Suites per Lot

In areas regulated by the HLUB, the number of dwellings which can be constructed on a lot as-of-right is now limited to one (1), except in the Residential Multiple Unit Dwelling (R-3) Zone. There are some lots with more than one main building which may have been constructed prior to land use regulation.

Staff recommends ensuring secondary suites are permitted in single and two-unit dwellings regardless of the number of single and two-unit dwellings on a lot by permitting one (1) secondary suite in each dwelling on a lot.

4.8 Zones

Many dwellings exist outside residential zones; these may have been constructed prior to the enactment of land use regulation.

The proposed amendments would permit secondary suites to be constructed in single and two-unit dwellings in any zone to accommodate residential uses that exist outside of residential zones.

4.9 Appearance of the Main Dwelling Unit

The requirements which currently apply to and are also proposed for accessory apartments in the West Hants and Windsor are also recommended for Hantsport. These are:

- the suite must be within or attached to the dwelling unit;
- the roof line or height of the existing dwelling unit can not be changed unless it is to accommodate dormers or is a structural necessity for public safety;
- no new entrances can be installed on the front of the dwelling unit for the suite; and
- additions to accommodate the suite must be at the rear of the dwelling unit.

The requirements mentioned above are intended to ensure dwellings with secondary suites remain visually compatible with low-density neighborhoods, in a manner similar to home-based businesses in Hantsport. If the roof line and height of the dwelling unit are not altered, the entrance to the suite is not visible from the front of the dwelling unit and any additions to accommodate the suite are only located in the rear of the dwelling unit the visual appearance from the street of the dwelling unit with a secondary suite will be the same as the existing

dwelling unit in most instances. Corner lots are the main exception as the rear yard for a corner lot is visible from the street.

These requirements are suitable for the amendments as they will likely not prevent most property owners from being able to install a secondary suite but will maintain the appearance of low-density neighbourhoods. PAC/HAC or Council can remove these requirements if maintaining the appearance of a low-density neighborhood is not a priority in Hantsport or it is determined that the appearance can be maintained without these requirements.

4.10 Draft Amendments

When drafting the amendments, (Attachment A), staff considered the Statement of Provincial Interest, the review of nearby municipal units mentioned above, the NBC, and the existing planning documents in order to develop amendments which increase affordable housing options in WHRM.

4.11 Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) was not considered for this amendment as it is a text amendment.

5.0 **NEXT STEPS**

As noted above, the proposed amendments have been considered within the context of the general policies of the HMPS and are consistent with the intent, objectives and policies of the HMPS. The proposed amendment to permit secondary suites in single and two-unit dwellings reflects the intent of the existing policies of the Hantsport Municipal Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.





6.0 FINANCIAL IMPLICATIONS

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

7.0 ALTERNATIVES

In response to the application, PAC/HAC may:

- request further information on a specific topic;
- determine that the application does not meet the criteria of the HMPS and make this recommendation to Council.

8.0 ATTACHMENTS

Appendix A Draft Amendments

Report Prepared by: _____
Saira Shah, Planner; and

Madelyn LeMay, Director of Planning and Development

Attachment A Draft Amendments

Note: coloured text indicates a change from the present HMPS or HLUB and is provided only for the convenience of PAC/HAC and Council

Text amendments to the Hantsport Municipal Planning Strategy and Land Use By-law to allow secondary suites in single and two-unit dwellings.

1. Amend Section 3.2, General Provisions, in the Hantsport Municipal Planning Strategy by inserting Subsection 3.2.6 Housing following 3.2.5 Licensed Cannabis Uses so that Subsection 3.2.6 reads as follows:

3.2.6 Housing

Council acknowledges that it is important to encourage the provision of housing that includes all residents of Hantsport regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and 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. A secondary suite in a dwelling can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

- Policy GP-11 encourage the provision of housing adequate to meet the needs of all residents of Hantsport. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.
- Policy GP-12 provide for the development of a range of housing types in Hantsport.
- Policy GP-13 include flexible development standards which encourage innovative housing development in the Land Use By-law.
- Policy GP-14 permit secondary suites in single and two-unit dwellings in all zones, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

- 2. Amend Part 2, Definitions, of the Hantsport Land Use By-law by inserting a definition of "Secondary Suite" between the definitions of Salvage and Storage Facility and Setback so that the definition of "Secondary Suite" reads as follows:**

Secondary Suite means a self-contained dwelling unit contained within a single or two-unit dwelling. The maximum floor area of a Secondary Suite is 80% of the total floor area of the main dwelling unit to the maximum established in the NBC or 862 ft² (80 m²), whichever is greater.

- 3. Insert, 5.23 Secondary Suites, in Part 5, General Provisions for All Zones, of the Hantsport Land Use By-law following 5.22 Licensed Cannabis Uses as shown below:**

5.23 Secondary Suites

Secondary Suites shall be permitted in single and two-unit dwellings in all zones.

In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

- (i) no more than one (1) secondary suite shall be permitted within or attached to a dwelling unit;
- (ii) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
- (iii) no new entrances shall be created on the front façade of the dwelling unit;
- (iv) Notwithstanding the parking requirements of Section 6.1, off-street parking shall not be required for the secondary suite; and
- (v) additions shall be limited to the rear yard of the dwelling;



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information	Recommendation	Decision Request X	Councillor Activity <input type="checkbox"/>
-------------	----------------	--------------------	--

To: Planning and Heritage Advisory Committee (PAC/HAC)

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

Date: May 13, 2021

Subject: General Policies: Second Set

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for each of Hantsport, West Hants and Windsor. As part of the plan review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: one Municipal Planning Strategy, Land Use By-law and Subdivision By-law for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. Policies regarding cemeteries, "yards", frontage on a street, and standards of measurements for use in the planning documents are attached as Attachment A.

3.0 DISCUSSION

There are no specific policies regarding these matters in any of the existing planning documents.

4.0 NEXT STEPS

Attachment A

General Policies - Second Set

Cemeteries

More than sixty (60) cemeteries have been identified in WHRM, many pre-dating land use regulation. Council respects the use of these cemeteries and does not intend to require changes to existing cemeteries.

Policy

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

- x.1 consider cemeteries in existence on (projected approximate date of adoption of this MPS) to be permitted uses in the zones in which they are located; and
- x.2 require all new cemeteries to have road frontage and access to a private or public road.

(Questions for PAC:

-should cemeteries have parking requirements in the LUB?

-what types of Zones should new cemeteries be located in?)

Yards

A Yard is an open, uncovered space on a lot between the main wall of a building and a lot line. The National Building Code and the Provincial Fire Code each have requirements for separation between buildings or between a building and a lot line to reduce the spread of fire. Yards are also considered important for maintenance of buildings and land, private outdoor space, solar exposure, air circulation, and the ability to have accessory uses or buildings on a lot.

Policy

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

- x.3 establish minimum yard requirements to separate buildings from lot lines in a manner consistent with the intent of each specific zone to allow for maintenance of buildings and land, private outdoor space, solar exposure, air circulation, waste storage, vision at intersections, and the separation of land uses in order to reduce land use conflicts; and
- x.4 regulate the encroachments permitted into yards for features such as exterior staircases, ramps, canopies, eaves, and utilities.

Frontage on a Street

Since access to lots is important not only for vehicles and pedestrians but also for emergency vehicles, Council will require most new lots to have frontage on either a public or private street. In more rural areas, Council will also permit the creation of a maximum of two lots on a right-of-way from an area of land which existed before subdivision was regulated (August 6, 1984).

Policy

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

- x.5 require all lots to have frontage on public or private streets except:
 - (a) those existing before the effective date of the first land use regulations as set out in Policy (now listed as G23) ; and
 - (b) in (rural designations) a maximum of two lots created from an area of land existing before the effective date of subdivision regulation (August 6, 1984) may be served by a right-of-way.

Standards of Measurement

- x.6 The Imperial system of measurement is used throughout this By-law and in all cases represents the required standard. Metric measurements are approximate and for convenience only.

(should be placed in Administrative policies)



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
--------------------------------------	--	---	--

To: Planning/Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Planner

Date: May 13, 2021

Subject: Plan Review Household Livestock

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

2.0 BACKGROUND

West Hants Regional Municipality (WHRM) has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for Hantsport, West Hants and Windsor. As part of the plan review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: a Municipal Planning Strategy (MPS), Land Use By-law (LUB) and Subdivision By-law (SUB) for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. The policies on household livestock from each of the three (3) documents and the staff recommended policies appear in Attachment A.

3.0 DISCUSSION

Household livestock policies were approved by the former West Hants and Windsor Councils in 2019 and 2017, respectively. The current WHRM Council considered changes to the Hantsport documents as recently as January 2021. There are significant differences among the existing household livestock policies in the three (3) sets of documents.

West Hants, as a predominantly rural community, provides the most options in terms of livestock permitted based on the size of the property. Livestock are permitted in any residential or resource zone except within the Growth Centres

of Falmouth and Three Mile Plains where a property must be at least one (1) acre for livestock to be permitted.

In Windsor, policy 6.0.9 states that agricultural uses such as keeping horses and other livestock are prohibited except in the Agricultural zone. However, the former Windsor Council approved an amendment to the Windsor Land Use By-Law to create a category for Urban Agricultural Uses to permit small-scale livestock operations in the former town. On properties that have residential or Town Centre (TC) zoning and a single unit or two-unit dwelling a maximum of four (4) laying hens and one (1) beehive per 2,000 ft² (185 m²) are permitted.

Horses are the only livestock permitted in Hantsport as there are no agricultural zones in Hantsport. Horses are only permitted on properties zoned Single Unit Residential (R-1) and Two Unit Residential (R-2). In January 2021, Council considered a request from the former Hantsport Area Advisory Committee to permit a variety of livestock in the community. WHRM Council did not approve this request as development in Hantsport was determined to be similar to the Growth Centres and therefore the opinion of the then-PAC/HAC was that the same livestock requirements should apply. Staff did not support this view.

Staff have prepared recommendations for the Regional MPS and LUB which combine the approaches used in each jurisdiction. The major change proposed is to permit four (4) laying hens and one (1) beehive per 2,000 ft² (185 m²) in Windsor, Hantsport, and the Growth Centres on properties smaller than one (1) acre. Although there have been concerns in the past about permitting livestock in these more developed areas, four (4) laying hens are currently permitted in Windsor. Complaints have been received about only one property, and no complaints about that property have been received in the past year. WHRM Council determined the development pattern in Hantsport and the Growth Centres was similar enough to have the same requirements for livestock. The communities of Hantsport and Windsor, as former towns, have similar development patterns in terms of lot sizes and uses permitted. Staff recommend that the same requirements for livestock could apply for Windsor, Hantsport, and the Growth Centres, but this could also be varied at the will of the specific community. Staff recommend permitting the four (4) laying hens in each community as staff have previously recommended the keeping of small amounts of livestock in Hantsport and the Growth Centres, specifically on November 16, 2017, for the following reasons:

"In the development of this amendment, staff consulted Devin Lake a planner that worked on household chicken by-laws for the Town of Windsor. He based the Town of Windsor by-laws on by-laws in the Town of Truro which were developed with the agricultural collage to determine appropriate lot size for chickens. Lot size and set back requirements for Hantsport and West Hants are based on the bylaws in the Town of Truro and a review of other relevant municipal household chicken by-laws in Nova Scotia. The maximum amount of chickens in other municipalities can range from 2 to 5. The Municipality of the County of Kings has the highest maximum of 5 and Truro has no maximum

limit. Staff have also reviewed news articles on the topic of household chickens, many suggest a maximum of 3 to 7 as chickens are social animals. For these reasons, a maximum of six (6) laying hens was chosen for Hantsport and West Hants."

The PAC/HAC can recommend removing the ability to have laying hens in Windsor to align with the current requirements in Hantsport and the Growth Centers. If the PAC/HAC wishes to recommend different requirements for laying hens in Windsor, Hantsport, or the Growth Centres, the PAC/HAC will need to identify the specific reason for the difference in requirements.

Staff have recommended allowing beekeeping in all areas of the municipality that have residential or Town Centre (TC) zoning and where a single or two-unit dwelling is the main use. This brings the rest of the Region in alignment with the provisions in Windsor.

Staff have proposed changes to permit household livestock as accessory to a residential use as opposed to tying the requirements to a specific zone. In the existing West Hants requirements household livestock are permitted in any residential or resource zone regardless of type of residential use.

The Windsor documents include requirements for feed storage and maintenance of areas and enclosures used for livestock. Staff have reviewed the *Municipal Government Act* and have not identified enabling legislation that would permit the Municipality to regulate these requirements. Staff have removed these requirements from the proposed recommendation. Requirements for feed storage and maintenance of areas and enclosures used for livestock could be included but could not really be enforced.

All other recommended requirements for household livestock remain the same as in the existing documents as staff considered the differences to be based on specific community needs. The keeping of horses in Hantsport permitted on lots over one (1) acre has not been incorporated for the community of Windsor as Windsor has an agricultural zone that permits a variety of livestock. In Hantsport there is no existing agricultural zone but the planning documents were amended in 2015 as residents had a desire to specifically own horses and maintain them within the community. Staff have maintained those differences in the proposed requirements.

Just as with definitions, these household livestock policies will be included in the draft documents for future review by the public. Public review of these policies and regulations as a separate item is not recommended.

4.0 NEXT STEPS

Once content is agreed to by PAC/HAC, these policies will be placed on file to be incorporated during the plan review.

5.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

6.0 ALTERNATIVES

Should PAC not wish to accept the draft policies as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

7.0 ATTACHMENTS

Attachment A Draft MPS and LUB requirements for Household Livestock

Report Content Prepared by: Planners and Development Officers

Attachment A

Draft MPS and LUB requirements for Household Livestock

Hantsport	West Hants	Windsor	Recommendation
Municipal Planning Strategy			
<p>RP-4A It shall be the policy of Council to permit the keeping of horses in the R-1 and R-2 Zone subject to an area requirement for each horse as contained in the Land Use By-law. (As amended August 17, 2015)</p>	<p>4.9 Household Livestock 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.</p> <p>Policy As a result, it shall be the policy of Council to:</p> <p>4.9.1 allow household livestock operations within residential areas of West Hants subject</p>	<p>Policy 6.0.9 <i>It shall be the policy of Council that agricultural uses involving the keeping of horses and other livestock shall be prohibited within the Town of Windsor except in the Agriculture (AG) zone.</i></p>	<p>Household Livestock Unlike commercial farms where the agricultural use is the main use of a property, hobby farms or household livestock operations are accessory to the main residential use of a property. The ability to keep one or two horses or a small number of other livestock is a valued feature of rural life. Since WHRM is primarily rural, Council will permit the keeping of household livestock in any residential area, including within the Growth Centres and the communities of Windsor and Hantsport provided the property is large enough to accommodate the number of animals and all setbacks for barns and manure storage are met.</p> <p>Policy As a result, it shall be the policy of Council to:</p> <p>X.X allow household livestock operations as accessory to a residential use subject to regulations governing:</p> <ul style="list-style-type: none"> (a) minimum property size; (b) maximum number of livestock permitted based on property size and designation;

	<p>to LUB regulations governing (4.9.1):</p> <ul style="list-style-type: none"> (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. 		<ul style="list-style-type: none"> (c) setbacks from abutting properties; (d) separation distances from watercourses and wells; (e) containment of household livestock within the property through buildings, fences or enclosures.
Hantsport	West Hants	Windsor	Recommendation
Land Use By-Law			
	<p>Household Livestock</p> <p>5.17 Household livestock operations shall be permitted in any residential or resource zone subject to the following:</p> <ul style="list-style-type: none"> (a) the requirements for non-intensive livestock operations as contained in Section 18.6 and 18.7 of this By-law; (b) for purposes of this section, a lot may include multiple abutting properties held by the same owner; (c) the slaughtering of household livestock 	<p>Urban Agricultural Uses</p> <p><i>(Amendment WLUB 16-01 Effective April 17, 2017)</i></p> <p>5.44 (a) In all Residential zones and the Town Centre zone, up to four (4) chicken laying hens shall be permitted on a property where the primary use is a single detached or 2-unit dwelling. For lots smaller than 465 m² (5000 ft²), 1 chicken laying hen shall be permitted per 92 m² (1000 ft²) of lot area. The following regulations are applicable to the keeping of chickens:</p>	<p>Household Livestock</p> <p>X.X Household livestock operations shall be permitted as accessory to a single or two-unit dwelling subject to the following:</p> <ul style="list-style-type: none"> (a) the requirements for non-intensive livestock operations as contained in Section X.X and X.X of this By-law; (b) for purposes of this section, a property may include multiple abutting properties held by the same owner; (c) the slaughtering of household livestock shall be permitted on the property except in the Growth Centres and the

	<p>shall be permitted on the lot;</p> <p>(d) livestock shall not be permitted on lots less than one (1) acre in Growth Centres</p> <p>(e) the number of animals permitted on a lot less than one (1) acre shall be limited to:</p> <p>(i) Lots less than ¼ an acre (10,890 sq. feet)</p> <ul style="list-style-type: none"> • a combination of rabbits and chickens (including Roosters, Broilers and Laying Hens) to a total of five (5) animals. <p>(ii) Lots ¼ acre (10,890 sq. feet) up to and including ½ an acre (21,780 sq. feet)</p> <ul style="list-style-type: none"> • a combination of rabbits, turkeys and chickens (including Roosters, Broilers and Laying Hens) to a total of ten animals. <p>(iii) Lots over ½ an acre (21,780 sq. feet) to one (1) acre (43,560 sq. feet)</p> <ul style="list-style-type: none"> • a combination of rabbits, turkeys, sheep, hogs, and chickens (including Roosters, Broilers and Laying Hens) to a total of fifteen animals with 	<p>(i) Chicken laying hens must be contained on the property and kept in a secure coop, constructed to ensure adequate shelter is provided for the animals;</p> <p>(ii) Setbacks for any structure (laying hen coop or run) shall be pursuant to the accessory building requirements outlined in Section 5.1;</p> <p>(iii) Feed for the laying hens shall be properly stored in an enclosed vessel(s), and areas or enclosures intended for the keeping of the laying hens must be properly cleaned and maintained to prevent odours from emanating onto abutting properties;</p> <p>(iv) The keeping of roosters and/or the slaughtering of animals is prohibited;</p> <p>(v) In the case of fractional numbers when calculating animal units, the number of animal units permitted will be rounded down to the nearest whole number.</p> <p>(b) Beekeeping is permitted on properties zoned</p>	<p>communities of Windsor and Hantsport;</p> <p>(d) household livestock shall be contained within the limits of the property by means of fencing, enclosures or buildings;</p> <p>(e) Setbacks for any structure associated with the household livestock shall be in accordance with the accessory building requirements established in Section X;</p> <p>(f) beekeeping is permitted on properties with residential or Town Centre zoning where the property is at least 465m² (5000 ft²) in lot area and the primary use of the property is a single or two unit dwelling. One (1) beehive/2000 ft² of lot area may be permitted. It shall be the responsibility of beekeepers to:</p> <p>(a) Obtain a valid Beekeeper & Apiary Registration from the Nova Scotia Department of Agriculture, and conform to all policies pursuant to the Nova Scotia Bee Industry Act;</p> <p>(b) Adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behaviour, especially by providing adequate water to</p>
--	--	---	---

	<p>no more than two (2) sheep or one (1) hog.</p> <p>(f) the maximum number of animal units permitted on a lot larger than one (1) acre shall be limited to one (1) animal unit for the first full acre and one (1) additional animal unit for each additional full half acre to a maximum of eight (8) animal units;</p> <p>(g) household livestock shall be contained within the limits of the property by means of fencing, enclosures or buildings;</p>	<p>Residential or Town Centre where the property is at least 465m² (5000 ft²) in lot area and the primary use of the property is a single detached or 2-unit dwelling. 1 beehive/2000 ft² of lot area may be permitted. It shall be the responsibility of beekeepers to:</p> <p>(i) Obtain a valid Beekeeper & Apiary Registration from the Nova Scotia Department of Agriculture, and conform to all policies pursuant to the Nova Scotia Bee Industry Act;</p> <p>(ii) Adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behaviour, especially in providing adequate water to prevent bees from seeking water on abutting properties;</p> <p>(iii) Requeen bees when necessary to prevent undue swarming or aggressive behavior;</p> <p>(iv) Collect and relocate bee swarms originating from a managed hive to a</p>	<p>prevent bees from seeking water on abutting properties;</p> <p>(c) Ensure the appropriate height of bee flight paths by situating beehives a minimum of 2.15m (7 ft.) above grade; or placing a solid fence that is 2m (6 ft.) in height along any section of abutting property line(s), within 9m (29.5 ft.) of any beehive;</p> <p>(d) Situate beehive entrances away from neighbouring properties, and at a minimum of 3m (10 ft.) from any property line.</p> <p>(g) in addition to the provisions of beekeeping in (f), household livestock shall not be permitted on properties less than one (1) acre in Growth Centres, Windsor, and Hantsport except for the following:</p> <p>(i) four (4) laying hens shall be permitted on a property accessory to a residential use. For properties smaller than 465 m² (5,000 ft²), one (1) laying hen shall be permitted per 92 m² (1,000 ft²) of property area.</p> <p>(h) In all other areas of the Municipality, the number of animals permitted on a property</p>
--	---	--	---

		<p>parcel of land outside of the Town;</p> <p>(v) Ensure the appropriate height of bee flight paths by situating beehives a minimum of 2.15m (7 ft.) above grade; or placing a solid fence that is 2m (6 ft.) in height along any section of abutting property line(s), within 9m (29.5 ft.) of any bee hive;</p> <p>(vi) Beehive entrances are situated away from neighbouring properties, and the beehives are a minimum of 3m (10 ft.) from any and all property lines.</p>	<p>less than one (1) acre shall be limited to:</p> <p>(i) properties less than ¼ an acre (10,890 sq. feet)</p> <ul style="list-style-type: none"> • a combination of rabbits and chickens (including roosters, broilers and laying hens) to a total of five (5) animals. <p>(ii) properties ¼ acre (10,890 sq. feet) up to and including ½ an acre (21,780 sq. feet)</p> <ul style="list-style-type: none"> • a combination of rabbits, turkeys and chickens (including roosters, broilers and laying hens) to a total of ten animals. <p>(iii) properties over ½ an acre (21,780 sq. feet) to one (1) acre (43,560 sq. feet)</p> <ul style="list-style-type: none"> • a combination of rabbits, turkeys, sheep, hogs, and chickens (including roosters, broilers and laying hens) to a total of fifteen animals with no more than two (2) sheep or one (1) hog. <p>(i) in Hantsport, in addition to the beekeeping and laying hens permitted in (f) and (g), for properties larger than one (1) acre horses shall be permitted, provided they are kept in a fenced area with a minimum of one (1) acre (43,560 sq. feet) for each horse.</p>
--	--	--	--

(j) in Windsor, for properties larger than one (1) acre only the laying hens permitted in (g) shall be permitted except in the agricultural zone where other livestock are permitted in accordance with (k).

(k) In all other areas of the Municipality, the maximum number of household livestock animal units permitted on a property larger than one (1) acre shall be limited to one (1) animal unit for the first full acre and one (1) additional animal unit for each additional full half acre to a maximum of eight (8) animal units;

(i) Number of livestock equal to one (1) household livestock animal unit is as follows:

Type of Livestock	Household Livestock Operations
Dairy Cows	1
Dairy Heifers	1
Beef Cows	1
Beef Feeders (150 - 500 kg)	2
Veal calves	3
Bulls	1
Horses and ponies (≥225 kg)	1
Miniature horses and ponies (<225 kg)	2

			<table border="1"> <tr><td>Sheep</td><td>4</td></tr> <tr><td>Sows (Breeding/Gestation)</td><td>2</td></tr> <tr><td>Sows (Farrow to Finish)</td><td>1</td></tr> <tr><td>Sows (Farrow to Wean)</td><td>2</td></tr> <tr><td>Weaners</td><td>10</td></tr> <tr><td>Hogs (Feeders)</td><td>2</td></tr> <tr><td>Laying Hens (whole year)</td><td>25</td></tr> <tr><td>Broiler Chickens</td><td>25</td></tr> <tr><td>Turkey Broilers (5 kg)</td><td>25</td></tr> <tr><td>Mink (female including young)</td><td>10</td></tr> <tr><td>Rabbits (female including young)</td><td>20</td></tr> <tr><td>Llamas/Alpacas</td><td>1</td></tr> <tr><td>Ostriches/Emus</td><td>1</td></tr> </table>	Sheep	4	Sows (Breeding/Gestation)	2	Sows (Farrow to Finish)	1	Sows (Farrow to Wean)	2	Weaners	10	Hogs (Feeders)	2	Laying Hens (whole year)	25	Broiler Chickens	25	Turkey Broilers (5 kg)	25	Mink (female including young)	10	Rabbits (female including young)	20	Llamas/Alpacas	1	Ostriches/Emus	1
Sheep	4																												
Sows (Breeding/Gestation)	2																												
Sows (Farrow to Finish)	1																												
Sows (Farrow to Wean)	2																												
Weaners	10																												
Hogs (Feeders)	2																												
Laying Hens (whole year)	25																												
Broiler Chickens	25																												
Turkey Broilers (5 kg)	25																												
Mink (female including young)	10																												
Rabbits (female including young)	20																												
Llamas/Alpacas	1																												
Ostriches/Emus	1																												
	<p>Non-Intensive Livestock 18.6 No building or structure housing a non-intensive livestock operation on a lot greater than one (1) acre shall be located within: (a) 50 ft (15.24 m) of an adjoining property in the Growth Centre, Village or Hamlet designations; (b) 40 ft (12.19 m) of an adjoining property in a resource designation; (c) 40 ft (12.19 m) of a public street or private road; and</p>		<p>Non-Intensive Livestock X.X No building or structure housing a non-intensive livestock operation on a property greater than one (1) acre shall be located within: (a) 50 ft (15.24 m) of an abutting property in the Growth Centres, Hamlets, community of Brooklyn, Hantsport or Windsor; (b) 40 ft (12.19 m) of a lot line in the rest of the Region; and (c) 100 ft (30.48 m) of a water well or watercourse.</p> <p>X.X Manure storage for a non-intensive livestock operation on a</p>																										

	<p>(d) 100 ft (30.48 m) of a water well or watercourse</p> <p>18.7 Manure storage for a non-intensive livestock operation on a lot greater than one (1) acre shall not be located within:</p> <p>(a) 100 ft (30.48 m) of an adjoining residential, commercial or institutional property unless contained in a concrete or wooden enclosure a minimum of 5 ft (1.52 m) in height and built on a concrete pad, in which case the separation distance may be reduced to 50 ft (15.24 m);</p> <p>(b) 40 ft (12.19 m) of an adjoining resource property; and</p> <p>(c) 100 ft (30.48 m) of a water well or watercourse.</p>		<p>property greater than one (1) acre shall not be located within:</p> <p>(a) 100 ft (30.48 m) of an abutting property containing a residential, commercial or institutional use unless contained in a concrete or wooden enclosure a minimum of 5 ft (1.52 m) in height and built on a concrete pad, in which case the separation distance may be reduced to 50 ft (15.24 m);</p> <p>(b) 40 ft (12.19 m) of an abutting resource use; and</p> <p>(c) 100 ft (30.48 m) of a water well or watercourse.</p>
--	---	--	--



April 12, 2021

Madelyn LeMay
Director of Planning & Development
West Hants Regional Municipality
76 Morison Dr., P.O. Box 3000
Windsor, NS B0N 2T0

Dear Ms. LeMay:

The Municipality of East Hants has initiated an update to our Official Community Plan. The Community Plan was extensively reviewed between 2014 and 2016 and it was decided at the time to conduct a five-year update of that plan in 2021. Subsequently the Province has mandated, through the Minimum Planning Requirements, that municipalities conduct comprehensive planning throughout their entire territory. East Hants Council has begun the process of updating our Community Plan so that 100% of the Municipality has comprehensive land use planning.

As part of the East Hants Official Community Plan update, East Hants is notifying neighbouring municipalities of our review. We would be pleased to meet with West Hants Regional Municipality if there are planning related matters that are of interest to both organizations. It is expected that the Community Plan update will take approximately 18 months to complete. Information about the planning process, including background reports, mapping, and draft documents, will be available for viewing at easthants.ca/community-plan-update.

To arrange a meeting to discuss the East Hants Official Community Plan and the ongoing review, please contact the undersigned at jwoodford@easthants.ca or 902.883.6120.

Sincerely,

John Woodford,
Director of Planning and Development