



**WEST HANTS REGIONAL MUNICIPALITY**  
**Planning and Heritage Advisory Committee (PAC/HAC) Agenda**  
**July 8, 2021**  
**Zoom**

**1.0 Call to Order and Attendance**

**2.0 Approval of Agenda and Additions**

**3.0 Approval of Minutes**

**4.0 Business Arising from the Minutes**

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

4.2 Update: File # 19-15 Meadows, Falmouth Development Agreement (Madelyn LeMay)

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

4.4 Update: File #s 20-27, 20-29 & 20-30 Secondary Suites: Amendments to the West Hants, Windsor and Hantsport MPS and LUB (Madelyn LeMay)

4.5 Update: Mobile Canteen Vending By-law (Sara Poirier)

4.6 Update; File 21-08 233 Gray Street and Abutting Lot, Windsor, Development Agreement (Madelyn LeMay)

4.7 Update: File 21-02 101 Three Mile Plains Cross Road Development Agreement (Sara Poirier)

4.8 Update: File 21-05 20 Empire Lane, Windsor Development Agreement (Sara Poirier)

**6.0 Building and Development Activity Reports**

**7.0 New Business**

7.1 Under Consideration: Windsor LUB Amendments: Farm Markets in the Fairground (FG) Zone

7.2 File # 21-09 Payzant Drive PIDs 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 Windsor LUB Amendment (Sara Poirier)

7.3 Fees Policy

7.4 MPS Review Discussion

7.4.1 Commercial Development District Policies

7.4.2 Solar Policies

**8.0 Notices from Adjacent Municipal Units**

**9.0 Questions and Comments from Public**

**10.0 Adjournment**

**Public Information Meeting Notes  
June 10, 2021 – June 25, 2021  
File 21-09 A**

**Payzant Drive, Windsor; PID 45358314, 45366986, 45055167, 45276441,  
45190493 and 45364775**

<b>Meeting date and time</b>	A virtual Public Information Meeting was held on June 10, 2021 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
<b>Attending</b>	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> <li>• Councillor Ivey (Chair)</li> </ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> <li>• Director LeMay</li> <li>• Planner Poirier</li> <li>• Meeting Secretary Lake</li> <li>• CAO Phillips</li> </ul> <p>As this meeting was held virtually there were no members of the public present.</p>
<b>Applicant name and site location (Civic address and PID)</b>	Planner Poirier outlined the request from Mitch Brison, Director of Brison Developments Limited and 3229190 Nova Scotia Limited, to amend the text of the Windsor Land Use By-law to permit reduced minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zone in Windsor for specific PID's on Payzant Drive (PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775).
<b>Comments</b>	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between June 10 and June 25, 2021.</p> <p>No written or verbal comments were received from the public.</p>
<b>Adjournment</b>	The meeting was adjourned at 6:10 p.m.



**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:** Members of Planning and Heritage Advisory Committee

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Planner

**Date:** 2021-07-08

**Subject:** WLUB Amendment: Reduced Lot Specification Requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775, Payzant Drive; File 21-09 B

**LEGISLATIVE AUTHORITY**

Section 210 of the Municipal Government Act.

**RECOMMENDATION**

Staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the Windsor Land Use By-law to reduce the minimum lot specification requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 owned by Brison Developments Limited and 3229190 Nova Scotia Limited on Payzant Drive 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 #21-09 B dated July 8, 2021.

**BACKGROUND**

A completed application was received on May 6, 2021 from Mitch Brison to amend the Windsor Land Use By-law to reduce the minimum lot size and side yard requirements on specific PIDs (45358314, 45366986, 45055167, 45276441, 45190493 and 45364775) on Payzant Drive to conform with The Crossing development

agreement (2019). Mitch Brison is the Director of Brison Developments Limited and 3229190 Nova Scotia Limited.

## DISCUSSION

The subject lots are located on Payzant Drive and all except 187 Payzant Drive (PID 45276441) are currently vacant. 187 Payzant Drive (PID 45276441) has a single unit dwelling on the lot.

The subject lots are designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). Part 5.0 of the WMPS contains the overall intention for properties designated Residential in Windsor.

Figure 2 shows an excerpt of the Zoning map of the Windsor Land Use By-law. The subject lots have a variety of different residential zoning including Single Unit Residential (R-1), Two Unit Residential (R-2), Medium Density Residential (R-3), and High Density Residential (R-4).

The subject lots abut properties with a variety of different zoning and designations (Table 1).

*Table 1: Lots Abutting Subject Lots by Direction*

North	<p>The subject lots abut residential development on Underwood Drive, Burgess Crescent and Fraser Drive which are designated Residential and zoned Single Unit Residential (R-1), Two Unit Residential (R-2) and High Density Residential (R-4). There is a park on Burgess Crescent which is designated Community Use and zoned Open Space.</p> <p>There are also vacant lots to the north of PID 45276441 on the west side of Payzant Drive which are designated Agriculture and zoned Agriculture (AG).</p> <p>The Hants Community Hospital is located on Payzant Drive to the north of the subject lots. The Hospital site is designated Community Use and zoned Institutional (I).</p>
East	<p>The Crossing development abuts the subject lots to the east. The Crossing development is permitted by development agreement however is designated Residential in the West Hants Municipal Planning Strategy and zoned Multiple Residential (R-3) and Two Unit Residential (R-2) in the West Hants Land Use By-law.</p>
South	<p>The Avon View High School which is designated Community Use and zoned Institutional (I) is to the south of the subject lots. There are also dwellings to the south of PID 45276441 on the west side of Payzant Drive which are designated Residential and zoned Two Unit Residential (R-2).</p>

West	The Windsor Elementary School property on Tremain Crescent abuts the subject lots to the west. The property is designated Community Use and zoned Institutional (I).
------	--

### ***The Crossing***

The Crossing development in Garlands Crossing was permitted by development agreement originally approved by the former West Hants Council in 2008. Since then, the agreement has been amended three times at the request of the owner, in 2014, 2017 and 2019. The development agreement permits the development of a manufactured home park and grouped dwellings within a land lease community and a mixed residential area. The minimum lot specifications for single- and two-unit dwellings in the mixed residential area as specified in The Crossing development agreement (2019) are shown in Table 2.

*Table 2: The Crossing Development Lot Specifications*

<b>Type of Unit</b>	<b>Minimum Frontage</b>	<b>Minimum Area</b>	<b>Minimum Side Yard</b>	<b>Minimum Front Yard</b>	<b>Minimum Rear Yard</b>
Single Unit Dwelling	40 ft (12.19 m)	4,000 sq. ft (371.60m <sup>2</sup> )	4 ft (1.22 m)	15 ft (4.57m)	25 ft (7.62 m)
Two Unit Dwelling	20 ft (6.1 m) / unit	2,000 sq. ft. (185.80 m <sup>2</sup> )	4 ft (1.22 m)	15 ft (4.57 m)	25 ft (7.62m)

Mr. Brison, the applicant for this Windsor Land Use By-law request, is also the Director of the numbered company that owns the Crossing development. He is proposing to develop single- and two-unit dwellings on the majority of the subject lots which would be permitted as-of-right as per the current zoning. The applicant is also proposing that this residential development in the community of Windsor would connect to the Crossing via a new public street. Therefore, the applicant is requesting Council consider amending the Windsor Land Use By-law to permit the same minimum lot specifications for single- and two-unit dwellings as is permitted in the mixed residential area of the Crossing (Attachment A).

The Fire Chief had concerns regarding the proposed minimum side yard requirements with regard to potential fire spread. The Manager of Building and Fire Inspection Services stated that as per the National Building Code when the setback is 6.6 ft (2m) or less, the permitted openings in a building, such as windows and doors, are required to be cut in half for single- or two-unit dwellings (side by side). If the applicant does a residential unit over another residential unit within 4 ft (1.2 m) of the lot line then they are into the possibility of non-combustible construction and non-combustible cladding. The National Building Code requirements take precedence over any

minimum lot requirements in the Windsor Land Use By-law therefore staff conclude that the potential of fire spread will be minimized.

## **DOCUMENT REVIEW**

The Province of Nova Scotia has six (6) Statements of Provincial Interests (SoPI) which form part of the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The SoPI related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing. The second provision of the SoPI states that “depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.” This application would be consistent with the Statement of Provincial Interest regarding housing.

## **Windsor Municipal Planning Strategy**

Part 3.0 of the Windsor Municipal Planning Strategy outlines the concepts, principles, and initiatives for development within the community of Windsor. One of the development principles in Section 3.1.1 is to “*encourage compact residential and commercial growth similar to existing development in the older sections of Town which makes best use of municipal infrastructure including roads, sidewalks and water and sewer services.*” Reduced minimum lot specifications have many benefits including compact development patterns which reduce reliance on vehicles and create more walkable neighbourhoods. Reduced minimum lot specifications also make more efficient use of municipal services including sewer and water which aligns with the WMPS development principles.

## **Environmental Constraints Areas**

One of the subject lots (PID 45358314) on the west side of Payzant Drive is located within the Environmental Constraints area designation and is identified as dykeland (Figure 3). The Environmental Constraints designation means that the subject lot has been identified as marshland, specifically within the Tregothic Marsh. Properties within the Environmental Constraints designation have to meet more stringent requirements, including completing an environmental study, before being issued a development permit for any new building.

The Agricultural Marshland Conservation Act (2001) protects marshland for agricultural purposes. Section 41 of the *Act* states that the provincial Marshland Administrator can authorize a variance to permit other types of development on the marshland. The owner applied to the Tregothic Marshbody and the Provincial

Marshland Administrator for authorization to construct a stormwater management pond and residential development on the subject lot. On May 7, the Provincial Administrator for the Nova Scotia Agriculture Mashland Act approved the application to construct a stormwater management pond and residential uses on the subject lot as per a site plan that was attached to the application. Any construction on site will have to meet the requirements of the underlying zone, Section 27.0 of the WLUB, and any other requirements of the Regional Municipality.

### ***WMPS Specific Criteria***

There are no specific criteria for this text amendment.

### ***WMPS General Criteria***

The proposed text amendment meet the general criteria for amendments and development agreements set out in WMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- the Development Officer, Manager of Building and Fire Inspection Services, Director of Public Works, and Manager of Public Works Operations have no concerns.

## **Windsor Land Use By-law**

### ***Text Amendment***

To permit the requested reduced minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones, an amendment to the text of the Windsor Land Use By-law (WLUB) would be required. The proposed text amendments are located in Attachment A.

### ***Map Amendment***

As the subject lots currently have residential zoning, an amendment to the Zoning Map of the WLUB is not required as part of this application.

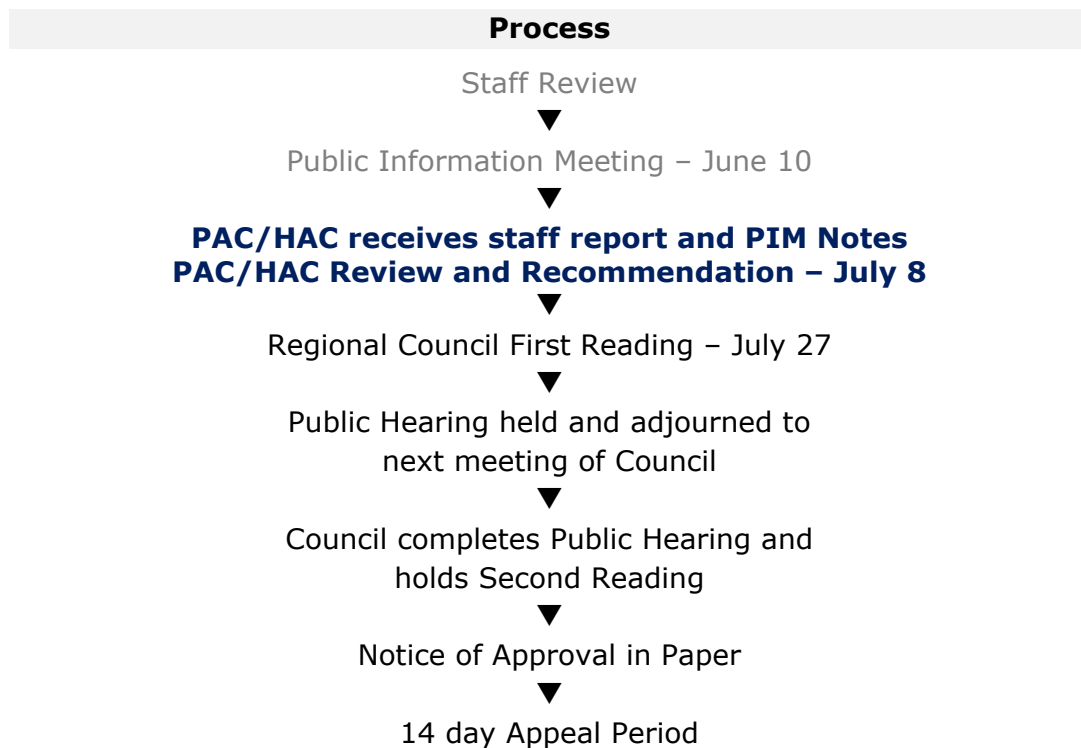
## **MUNICIPAL CLIMATE CHANGE ACTION PLAN**

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor including one of the subject lots (PID 45358314) within the Tregothic Marsh Body will experience extensive flooding. As noted above properties within the area identified as dykeland and within the Environmental Constraints designation have to complete an

environmental study before being issued a development permit for any new building to ensure any potential flooding will not affect the proposed uses.

## **NEXT STEPS**

As noted above, the proposed amendment has been considered within the context of the general policies of the WMPS and is consistent with the intent, objectives and policies and criteria of the WMPS. As a result, it is reasonable to amend the text of the Windsor Land Use By-law to permit reduced minimum lot specification requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 on Payzant Drive.



## **FINANCIAL IMPLICATIONS**

There are no anticipated costs to the Municipality in regard to this development.

## **ALTERNATIVES**

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

- hold First Reading and authorize a Public Hearing to approve the WLUB amendment as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

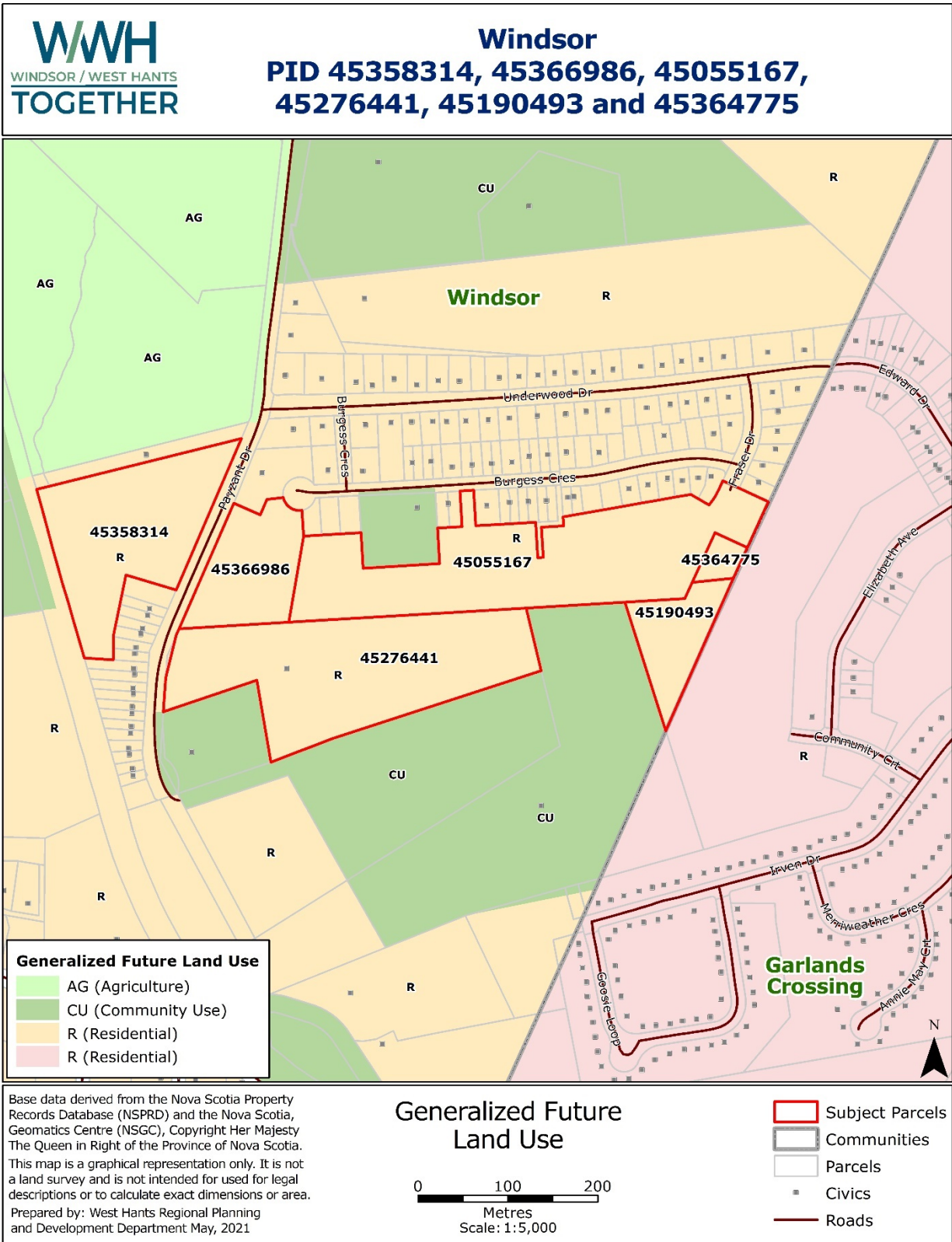
## **ATTACHMENTS**

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Figure 3	Environmental Constraints and Dykeland Excerpt
Attachment A	Draft Amendments to the Windsor Land Use By-law
Attachment B	General Criteria for Amendment

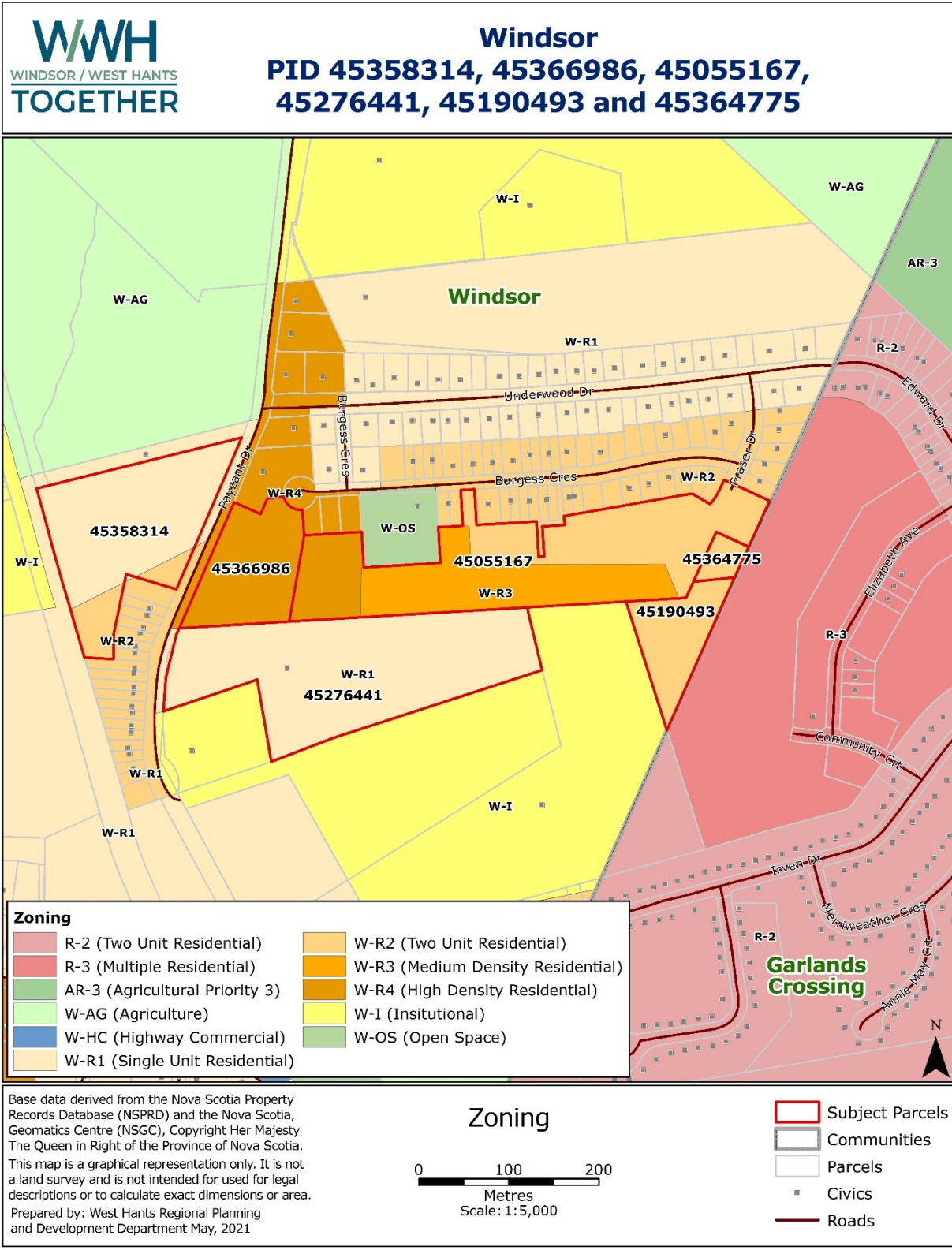
---

Report Reviewed by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

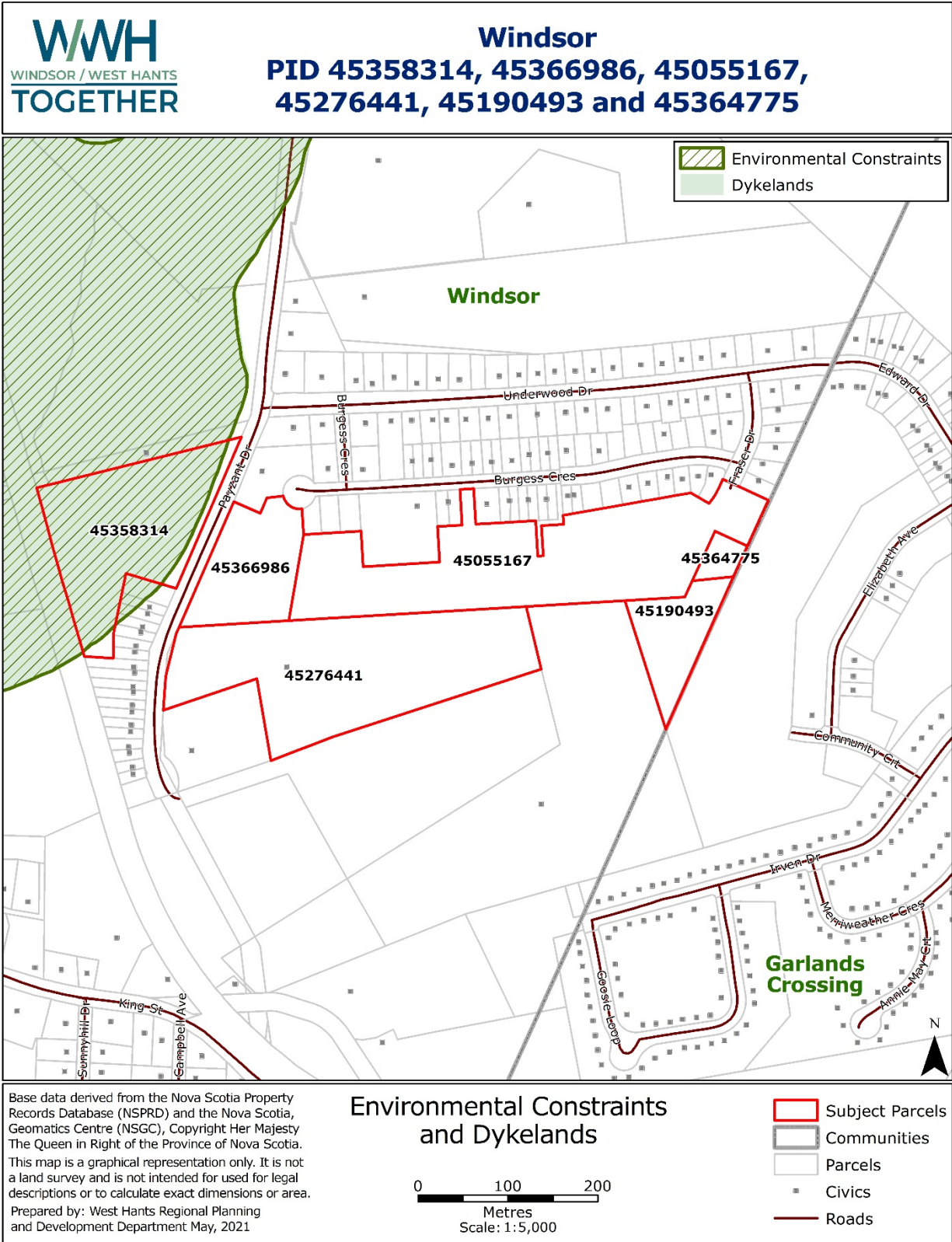
**Figure 1  
Windsor GFLUM Extract**



**Figure 2  
Windsor Zoning Map Extract**



**Figure 3  
Environmental Constraints and Dykeland Excerpt**



**Attachment A**  
**Draft Amendments to the Windsor Land Use By-law**

Text amendments to the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones of the Windsor Land Use By-law to reduce the minimum lot specification requirements for specific PIDs (45358314, 45366986, 45055167, 45276441, 45190493 and 45364775) owned by Brison Developments Limited and 3229190 Nova Scotia Limited on Payzant Drive. Note: Amendments in blue.

**1. Amend Part 8.2, R-1 Zone General Requirements, in Part 8.0 of the Windsor Land Use By-law, Single Unit Residential (R-1), to include an exception of reduced minimum lot specifications for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775, so that it reads as follows:**

**8.0 SINGLE UNIT RESIDENTIAL (R-1)**

**Permitted Uses**

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

- Single unit dwellings
- Accessory apartments

**R-1 Zone General Requirements**

(Amendment WLUB 10-01 Effective July 16, 2010)

8.2 (a) In the R-1 zone, no development permit shall be issued except in conformity with the following:

		with town services	with on-site services
<b>Minimum lot area</b>		6,000 ft <sup>2</sup> (557.40 m <sup>2</sup> ) 7,000 ft <sup>2</sup> (650.30 m <sup>2</sup> ) for corner lots	30,000 ft <sup>2</sup> (2,787.00 m <sup>2</sup> )*
<b>Minimum lot frontage</b>		60 ft (18.29 m)	120 ft (36.58 m)
<b>Minimum front yard</b>		25 ft (7.62 m)	
<b>Minimum rear yard</b>		25 ft (7.62 m)	
<b>Minimum side yard</b>	<b>one side</b>	4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey	
	<b>other side</b>	10 ft (3.05 m)	
<b>Maximum height of main building</b>		35 ft (10.67 m)	
<b>Maximum height of accessory building</b>		15 ft (4.57 m)	

\* subject to Nova Scotia Department of Environment & Labour requirements

(b) **Exception for PID 45336773** - Notwithstanding section 8.2(a), the minimum side yard requirement for an approximately 13.6 acre parcel of land owned by Brison Developments Limited, Payzant Drive (PID 45336773) shall be:

- one side: 4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey;
- and
- other side: 8 ft (2.44 m).

(c) **Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 –** Notwithstanding Section 8.2 (a), the lot specifications for the lots owned by Brison Developments (PID 45358314) and 3229190 Nova Scotia Limited (PID 45366986, 45055167, 45276441, 45190493 and 45364775) shall be:

<b>Minimum lot area</b>	4,000 ft <sup>2</sup> (371.60 m <sup>2</sup> ) 5,000 ft <sup>2</sup> (464.5 m <sup>2</sup> ) for corner lots
<b>Minimum lot frontage</b>	40 ft (12.19 m)
<b>Minimum front yard</b>	15 ft (4.57 m)
<b>Minimum flankage yard</b>	15 ft (4.57 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	4 ft (1.22 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

### **Accessory Apartments - Special Requirements**

8.3 In addition to all other regulations of this By-law, the following provisions shall apply to accessory apartments in the R-1 zone:

- (a) not more than one accessory apartment shall be permitted per lot;
- (b) the accessory apartment shall be contained within or attached to the main dwelling;
- (c) no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;
- (d) no new entrances shall be created on the front façade of the existing main dwelling;
- (e) additions shall be limited to the rear yard of the main dwelling;
- (f) the accessory apartment shall not exceed 25 percent of the total floor area of the structure;
- (g) lot coverage of the entire structure shall be limited to 50 percent; and
- (h) parking shall be provided as required in Section 5.25 in the side or rear yard of the lot.

**2. Amend Part 9.2, R-2 Zone General Requirements, in Part 9.0 of the Windsor Land Use By-law, Two Unit Residential (R-2), to include an exception of reduced minimum lot specifications for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775, so that it reads as follows:**

### **9.0 TWO UNIT RESIDENTIAL (R-2)**

#### **Permitted Uses**

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Converted dwellings to a maximum of two dwelling units
- Two unit dwellings

## R-2 Zone General Requirements

(Amendment WLUB 10-01 Effective July 16, 2010)

9.2 (a) In the R-2 zone, no development permit shall be issued except in conformity with the following:

<b>Minimum lot area</b>	3,500 ft <sup>2</sup> /unit (325.15 m <sup>2</sup> /unit)
<b>Minimum lot frontage</b>	35 ft/unit (10.67 m/unit)
<b>Minimum front yard</b>	25 ft (7.62 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	10 ft (3.05 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

(b) **Exception for PID 45336773** - Notwithstanding section 9.2(a), the minimum side yard requirement for an approximately 13.6 acre parcel of land owned by Brison Developments Limited, Payzant Drive (PID 45336773) shall be 8 ft (2.44 m).

(c) **Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775** – Notwithstanding Section 9.2 (a), the lot specifications for the lots owned by Brison Developments (PID 45358314) and 3229190 Nova Scotia Limited (PID 45366986, 45055167, 45276441, 45190493 and 45364775) shall be:

<b>Minimum lot area</b>	2,000 ft <sup>2</sup> (185.80 m <sup>2</sup> ) / unit 3,000 ft <sup>2</sup> (278.7 m <sup>2</sup> ) / unit for corner lots
<b>Minimum lot frontage</b>	20 ft (6.1 m) / unit
<b>Minimum front yard</b>	15 ft (4.57 m)
<b>Minimum flankage yard</b>	15 ft (4.57 m)
<b>Minimum rear yard</b>	25 ft (7.62 m)
<b>Minimum side yard</b>	4 ft (1.22 m)
<b>Maximum height of main building</b>	35 ft (10.67 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)

## Converted Dwellings - Special Requirements

9.3 In addition to all other regulations, the following provisions shall apply to converted dwellings in the R-2 zone:

- all conversions shall be limited to one additional dwelling unit;
- no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;
- no alteration shall be undertaken which will extend into the front or side yard of the lot;
- lot coverage of the entire structure shall be limited to 50 percent; and
- parking shall be provided as required in Section 5.25 in the side or rear yard of the lot.

### **Services Required**

9.4 A development permit shall not be issued for a new residential dwelling of two or more units in the R-2 zone where the proposed development is not serviced with Town water and sewer.

### **Subdivision of Semi-detached Units**

9.5 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the Town of Windsor Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

**Attachment B**  
**General Criteria for Amendment**

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

<b>CRITERIA</b>	<b>COMMENT</b>
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works commented that there are no issues in regard to the adequacy of sewer and water services. They also commented that there are no public works related concerns related to reduced minimum lot requirements.
<i>(ii) the adequacy of school facilities;</i>	The subject lots are already zoned for residential uses therefore the school board was not contacted to comment on the proposed WLUB text amendment.
<i>(iii) the adequacy of fire protection;</i>	<p>The local Fire Chief commented that they had some concern with the reduced side yard widths with regard to potential fire spread. However, the Manager of Building and Fire Inspection Services stated that they have no concerns with this application with regard to fire safety. The National Building Code would take precedence over any minimum lot sizes proposed in the Land Use By-law.</p> <p>The Manager of Building and Inspection Services added that the National Building Code requires that "when the setback is 2m (78 ¾") or less, the permitted openings are required to be cut in half for single or two unit dwellings (side by side). If they do a residential unit over another residential unit, then they are into possibility of non-combustible construction &amp; non-combustible cladding being within 4'."</p> <p>The applicant is aware of the Manager of Building and Inspection Services comments and will have to ensure the construction meets the National</p>

	Building Code requirements prior to receiving building and occupancy permits.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Manager of Public Works Operations and Traffic Authority for the Municipality commented that there would be no significant impact to the adequacy of road networks adjacent to or leading to the development by permitting reduced minimum lot specification requirements on these specific lots.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality related to this WLUB amendment.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Manager of Public Works Operations and Traffic Authority commented that there are no concerns with respect to the movement of auto and pedestrian traffic with this WLUB amendment.  There is an existing sidewalk on the east side of Payzant Drive. There is no rail transportation in the area.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer stated that they have no concerns with regard to the adequacy of the dimensions and shape of the lots for the proposed amendment. They added that this is consistent with what has already been established across the Windsor/West Hants border at the Crossing and will provide for greater density. There have been no development issues as they understand it on the Crossing side, and they don't anticipate any on the Windsor side.
<i>(d) the pattern of development which the proposal might create;</i>	The surrounding area has a variety of residential zoning. The Hants Community Hospital, Avon View High School and a few commercial uses are also located on Payzant Drive. This proposal is not anticipated to change the pattern of development in the area.

	<p>The Development Officer commented that “smaller lot sizes and reduced setbacks will provide for greater density. This would increase housing availability as well as provide increased revenues for the municipality.”</p>
<p><i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i></p>	<p>PID 45358314 on the west side of Payzant Drive is relatively flat and has a watercourse near the rear lot line. As noted in the report, this subject lot (PID 45358314) is located within the Environmental Constraints area designation and is identified as dykeland. Any new construction on this subject lot will have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality.</p> <p>The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) shows that most of the community of Windsor including one of the subject lots (PID 45358314) would experience flooding under a simulated flooding extent for probable maximum flood due to climate change.</p> <p>PID 45276441 on the east side of Payzant Drive are relatively flat. The other subject lots on the east side of Payzant Drive (PID 45366986, 45055167, 45364775 and 45190493) slope upward towards Fraser Drive. There are no evident concerns in terms of steepness of grade, soil or geological conditions. It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p>
<p><i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial and Federal regulations will have to be met.</p>
<p><i>(g) any other matter required by relevant policies of this Strategy.</i></p>	<p>All other matters have been addressed elsewhere in this report.</p>



## 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:** July 8, 2021

**Subject:** Fees Policy: Planning-related Fees

---

### 1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

### 2.0 RECOMMENDATION

Should PAC/HAC wish to forward a positive recommendation, the following would be in order:

...that PAC/HAC recommends that Council approve the West Hants Regional Municipality Fees Policy in a manner substantively the same as shown in Appendix C to the report to PAC/HAC dated July 8, 2021 and that Council hereby rescinds the West Hants Fees Policy COFN-005.3 adopted July 11, 2017 and amended to December 10, 2019, and the Windsor Fees Policy 2019002 approved November 26, 2019.

### 3.0 BACKGROUND

Amendments regarding fees were carried out to the West Hants, Windsor and Hantsport Land Use By-laws (LUB) in November 2019, with the intent being that all fees would appear in the West Hants and Windsor Fees policies.

Although changes were made to both Fees policies, further changes are needed to clarify the policies.

### 4.0 DISCUSSION: RECOMMENDED CHANGES

Both West Hants and Windsor have a "Fees Policy"; a Fees Policy for the Region has not yet been created. Since there are some changes needed in the sections used by the Planning and Development Department, the attached draft has been created. It includes other clarifications and corrections which Planning and Development staff are aware of but further review of the policy will be required by Administration as time permits. The following changes are included within the proposed draft.

#### 4.1 **Planning-Related Fees**

Windsor Fees policy amendments were completed in 2019, resulting in a \$500.00 processing fee and \$800.00 deposit for direct costs such as notice (excess is refunded) for Land Use By-law Amendments, Development Agreements and substantial amendments to a development agreement. The fees for non-substantive amendments were established as a \$300.00 processing fee and \$800.00 deposit for direct costs such as notice (excess is refunded).

The West Hants Fees policy requires further amendments to carry out the intent of the Land Use By-law amendments. The West Hants Fees policy contains the ability to have an applicant pay the direct costs of notice but does not include processing fees.

To ensure fees are the same for applications related to all three (3) planning documents, and reflect the intent of the 2019 LUB amendments, these sections should contain:

- a \$500.00 processing fee for LUB amendments, development agreements and substantive amendments to a development agreement;
- a \$300.00 fee for a non-substantive amendment to a development agreement; and
- an \$1,100.00 deposit for direct costs such as notice (excess is refunded) for all planning documents.

Cost of notice is generally just over \$1000 now; depending on the size of the notice, each is approximately \$270, and a minimum of four (4) notices are required, three (3) of which are required by the Municipal Government Act (public information meeting; public hearing twice; notice of approval). If the cost of notice is greater than the deposit, it can be difficult and time consuming to obtain the difference.

- 4.2 The renewal or amendment of an approved building permit now has a fee of \$25.00 in West Hants. It would be reasonable to charge \$25.00 throughout the Region as renewal is only required if a building permit has not been acted upon for a year.
- 4.3 Maplewood Cemetery Charges have been included within the draft Regional Fees policy.

4.4 In 2017, with the adoption of the most recent West Hants Dog By-law, the fee for annual registration was increased to \$15.00 for a Spayed or Neutered dog and \$30.00 for a Non-Spayed or Neutered dog. Prior to this the fee was approximately \$8 for a spayed or neutered dog and \$15.00 for a non-spayed or neutered dog. Under the earlier rates, which the By-law Officer believes were affordable for most people, he estimates that between 500 and 600 tags were sold each year - there is no record for these earlier years. In 2019, the number of tags sold dropped to 220. In other nearby municipal units costs are:

Municipality of Chester- \$15 valid for 5 years

Municipality of East Hants- \$12 annually

Municipality of the County of Kings- \$10 fixed \$30 if not

HRM- \$15 fixed \$50 if not

If the intent of requiring tags is to be able to locate and identify owners, maintaining the fee at the level now used for Windsor (\$10.00 Spayed or Neutered, \$14.00 Non-Spayed or Neutered) would be reasonable and may increase the number of tags being sold.

4.5 The Windsor "False Alarm By-law" fees have been included within the draft.

## **5.0 NEXT STEPS**

Staff recommend that PAC/HAC recommend the Fees policy be amended to reflect the requested changes.

## **6.0 FINANCIAL IMPLICATIONS**

There are no major financial implications for the Region associated with the filing of this report. The inclusion of a processing fee for planning applications regulated by the West Hants planning documents will increase revenue nominally.

## **7.0 ALTERNATIVES**

Should PAC/HAC not wish to recommend the changes to the Fees Policy as drafted, it may:

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

## **8.0 ATTACHMENTS**

Attachment A 2019 Windsor Fees Policy

Attachment B 2019 West Hants Fees Policy

Attachment C Proposed West Hants Fees policy

---

Report Prepared by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

(Not yet reviewed by): \_\_\_\_\_  
Shelleena Thornton, Municipal Clerk



# TOWN OF WINDSOR

## FEES POLICY

Legislative authority: MGA

### 1. PURPOSE

The purpose of this policy is to set out and amend the fees the Town of Windsor charges for certain applications, licenses and services applied to residents and businesses when requesting permits, licenses or other forms of service.

### 2. APPLICATION

This policy applies to fees established in by-laws, policies and resolutions approved by Windsor Town Council. The fees established in this policy may amend those already set except those established in a by-law.

### 3. FEES

#### 3.1 Non-Profit Organizations

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

#### 3.2 Municipally Designated Heritage Properties

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

3.2.2 The Town will bear the costs of notification and registration of municipally-designated heritage properties at the Land Registration Office or Registry of Deeds.

#### 3.3 Other Fees

The following fees shall be charged for permits, licenses and services provided by the Town of Windsor.

(a) Fees Associated with By-laws

BY-LAW	SECTION	FEE
Building Code Act By-law	5.1 Fees for permits:	
	New Construction of, and additions to, residential buildings, community centers, cottages and churches	\$25.00 + \$0.12 per square foot
	New construction of, and additions to commercial, industrial and other buildings not otherwise specified	\$50.00 + \$0.15 per square foot
	New construction of, and additions to sheds, decks, storage buildings, garages, barns, and other farm, forestry or fishing buildings not designated for human occupancy	\$25.00 + \$0.06 per square foot
	Repairs, renovations or alterations to all existing buildings	\$25.00 + \$2.50 per \$1000.00 of value of construction; except that for non-structural repairs, renovation or alterations where the estimated value of construction is between \$1000.01 and less than \$5000.00, the fee shall be \$25.00 (wording change only)
	Relocation of mobile homes and mini-homes where there is no finished basement	n/a

	Additional fee where construction has been started prior to Issuance of building permit. This fee reflects the heightened municipal costs and risks where a builder requests a permit (and therefore the associated inspection services) after already having started construction. It does not preclude prosecution for non-compliance, and does not prevent the Building Official from requiring construction work to be undone in whole or in part to inspect conditions not otherwise observed	\$50.00 + applicable building permit fees
	Tents or Air supported structures	\$50.00
	Pools	\$25.00
	Demolition of building/structure	\$25.00
	Renewal or amendment of an approved permit	No Charge
	Processing charge retained for incomplete, denied or withdrawn permits	\$25.00
Civic Addressing By-law	Section 31.7.3 Posting Private Road Signs through the Nova Scotia Department of Transportation (DTIR)	Cost charged by Transportation and Infrastructure Renewal for purchase and installation
Hawkers and Peddlers By-law	15.04 payment for license under 15.01 or 15.02	\$50.00
	15.06 payment for license for mobile canteen	\$100.00

Land Use By-law	2.8 Development Permit	\$25.00
	2.8 Land Use By-law Amendment	\$500.00 processing fee \$800 deposit for direct costs such as notice (excess is refunded)
	2.8. Development Agreement	\$500.00 processing plus \$800 deposit for direct costs such as notice (excess is refunded)
	2.8 Substantive amendment to a Development Agreement	\$500.00 processing \$800 deposit for direct costs such as notice (excess is refunded)
	2.8 Non-Substantive amendment to a Development Agreement or Discharge of Development Agreement	\$300.00 processing \$500 deposit for direct costs such as notice (excess is refunded)
	Site Plan	\$25.00 + permit fees
	Variance	\$25.00
	Zoning Confirmation	\$50.00
Subdivision By-law	Section 11 (a) (i) Fee for filing the approved Final Plan of subdivision, certifying a copy of the plan, registering a notice of approval of the plan and Section 13 fees for registering the deeds	Land Registry or Registry of Deeds Costs (refunded if application refused)
	Section 11 (a) (ii) Fee for review and approval of tentative plan of subdivision	\$25.00

	Section 11 (a) (iii) Fee for review and approval of final plan of subdivision	\$75.00 plus \$4.00 for each lot for which approval is requested
	Section 11 (a) (iv) Additional fee for final plan of subdivision showing public streets or private roads	\$200.00
	82(a) (i) Fee for filing a repeal of a subdivision	Land Registry or Registry of Deeds Costs (refunded if application refused)
	Section 93 (a) (ii) Processing fee for final application for repeal of subdivision	\$50.00

(b) Other Fees

Amendments to Municipal Planning Strategy		n/a
---	--	-----

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Municipal Clerk



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS**  
*Fees Policy*

**1. PURPOSE**

The purpose of this policy is to set out and amend the fees the Municipality of the District of West Hants charges for certain applications, licences and services that are applicable for residents and businesses when requesting permits, licences or other forms of service.

**2. SCOPE**

This Policy applies to fees set out in by-laws, policies and resolutions authorized by the Council of the Municipality of the District of West Hants. The fee amounts authorized in this Policy may amend those previously set, except those fees amount specifically authorized in a by-law.

**3. FEES**

The following schedules of fees shall be charged for permits, licences and services provided by the Municipality of the District of West Hants. Fees associated with the Building Code Act By-law, Land-Use By-laws, Subdivision By-laws, Hantsport Swimming Pool By-law and amendments to the Municipal Planning Strategies are waived for Municipally Registered Heritage Properties, non-profit organizations registered under the Societies Act and Municipally owned properties.

a) Fees Associated with By-laws

<b>BY-LAW</b>	<b>SECTION</b>	<b>FEE</b>
Building Code Act By-law	5.1 Fees for permits:	
	New Construction of, and additions to, residential buildings, community centers, cottages and churches	\$25.00 + \$0.12 per square foot
	New construction of, and additions to commercial, industrial and other buildings not other wise specified	\$50.00 + \$0.15 per square foot
	New construction of, and additions to sheds, decks, storage buildings, garages, barns, and other farm, forestry or fishing buildings not designated for human occupancy	\$25.00 + \$0.06 per square foot



	Repairs, renovations or alterations to all existing buildings	\$25.00 + \$2.50 per \$1000.00 of value of construction; except that for non-structural repairs, renovation or alterations where the estimated value of construction is between \$1000.01 and less than \$5000.00, the fee shall be \$25.00
	Relocation of mobile homes and mini-homes where there is no finished basement	\$50.00
	Additional fee where construction has been started prior to Issuance of building permit. This fee reflects the heightened municipal costs and risks where a builder requests a permit (and therefore the associated inspection services) after already having started construction. It does not preclude prosecution for non-compliance, and does not prevent the Building Official from requiring construction work to be undone in whole or in part to inspect conditions not otherwise observed.	\$50.00 + applicable building permit fees
	Tents or Air supported structures	\$50.00
	Pools	\$25.00
	Demolition of building/structure	\$25.00
	Renewal or amendment of an approved permit.	\$25.00
	Processing charge retained for incomplete, denied or withdrawn permits	\$25.00
C-001 Cemetery By-law	Section 4.2 Fee for Full Burial Lot Hantsport Resident	\$292.50 + \$315.00 Perpetual Care = \$607.50



	Section 4.2 Fee for Full Burial Lot Non-Hantsport Resident	\$422.50 + \$455.00 Perpetual Care = \$877.50
	Section 4.2 Fee for Cremation Burial Lot Hantsport Resident	\$146.25 + \$315.00 Perpetual Care = \$461.25
	Section 4.2 Fee for Cremation Burial Lot Non Hantsport Resident	\$211.25 + \$455.00 Perpetual Care = \$666.25
	Section 4.4 Charge for burial and disinterment	\$50.00
	Section 4.6 Additional Fee for Winter Burials	Actual costs incurred.
C-003 Civic Addressing By-law	Section 7.3 Posting Private Road Signs through the Nova Scotia Department of Transportation (DTIR)	Cost charged by Transportation and Infrastructure Renewal for purchase and installation.
D-003 Dog By-law (effective April 1, 2018)	Section 2 (d) Annual Registration Fee	\$15.00 Spayed or Neutered \$30.00 Non-Spayed or Neutered
	Section 3 (a) (iii) Lifetime Registration Fee	\$75.00
	Section 4 (b) Annual Kennel Registration fee	\$45.00
	Section 2 (h) Replacement Tag Fee	\$7.50
	Section 9 (b) Fees associated with impoundment, board, food, care and veterinary	Actual costs incurred
False Alarm By-law	Section 8 (a) Fee for Second False Alarm	\$100.00
	Section 8 (b) Fee for Third or More False Alarms	\$200.00
H-001 Heritage Property By-law	Fees associated with registering a Municipal Heritage Property	Land Registry or Registry of Deed costs and associated legal fees to be paid by the Municipality of the District of West Hants.
West Hants Land-Use By-law	Section 2.8 Application Fees	Estimated based on anticipated actual costs; unused portion is refunded.
	Section 2.8 Development Permit Fee	\$25.00
	Section 2.8 Zoning Confirmation/Certificate Fee	\$50.00



	Section 2.8 Variance Application Fee	\$25.00
Hantsport Land Use By-law	Section 4.5 Application Fees	Estimated based on anticipated actual costs; unused portion is refunded.
	Section 4.5 Development Permit Fee	\$25.00
	Section 4.5 Zoning Confirmation/Certificate Fee	\$50.00
	Section 4.5 Variance Application Fee	\$25.00
Moving Buildings on Streets By-law (Hantsport only)	Section 72 of 1920 Hantsport By-laws, Bond for moving buildings over streets	\$200.00
	Section 73 of 1920 Hantsport By-laws, Fee for privilege of moving the building on streets Permit	\$3.00-\$5.00 per day (estimated amount due upon application)
S-003 Sewerage and Stormsewer Connection, Discharge and Charges By-law (effective April 1, 2019)	Section 60 Deposit for sewer service connection application/permit. (Deposit includes Public Works inspections, contactor dig/closing and street remediation.)	\$1000.00
	Section 66 (a) Quarterly Base Charge for unconnected sewer services.	\$60.01
	Section 66 (a) Quarterly Base Charge for connected sewer services, based on metred water size	Unmetered - \$60.01
		5/8" Meter - \$60.01
		3/4" Meter - \$90.02
		1" Meter - \$150.03
		1.5" Meter - \$300.06
		2" Meter - \$480.09
		3" Meter - \$960.18
		4" Meter - \$1500.28
		6" Meter - \$3000.56
		8" Meter - \$5401.00
	Section 66(a) Consumption Rate for connected sewer services based on metered water	\$1.60 per cubic metre
Sewer Lagoon By-law	Section 4 (a) Sewage dump fee at 1379 Walton Woods Road location.	\$15.00 per metric tonne (this fee may be increased annually by CPI)



	Section 4 (b) Sewage dump fee from outside West Hants at 1379 Walton Woods Road location	Market rate
	Emergency Septage Disposal Fee pursuant to Sewer Lagoon Operating Agreement with GFL at 1379 Walton Woods Road location.	\$60.00 (this fee may be increased annually by CPI)
Special Events By-law	Section 5.1 (b) (iii) Special Events Application Fee	\$100.00
Street Improvement By-law	Section 12 (2) Driveway permit Fee (Non-refundable)	\$75.00
Hantsport Subdivision By-law	Section 6.13 (a) Fee for filing the approved Final Plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan	Land Registry or Registry of Deeds costs (refunded if application refused)
	Section 6.13 (b) Processing Fee for Final Plan of Subdivision	\$100.00
West Hants Subdivision By-law	Section 11 (a) Fee for filing the approved Final Plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan	Land Registry or Registry of Deeds costs (refunded if application refused)
	Section 11 (b) Fee for review and approval of tentative plan of subdivision	\$25.00
	Section 11 (b) Fee for review and approval of final plan of subdivision	\$75.00 plus \$4.00 for each lot for which approval is requested.
	Section 11 (b) Additional fee for Final Plan of subdivision showing public or private roads	\$200.00
	Section 93 (a) (i) Fee for filing a repeal of a subdivision	Land Registry or Registry of Deeds cost (refunded if application refused)
	Section 93 (a) (ii) Processing fee for final application for repeal of subdivision	\$50.00
Swimming Pool By-law (Hantsport Only)	Section 5.1.3 Pool Enclosure Permit Fee	\$50.00

b) Fees Associated with Other Policies

Piping of Ditch Frontage Policy	Section 6 Refundable security deposit	\$500.00
Policy to Establish the Fences Arbitration Committee	Section 4. a) Fee for hearing a fences dispute	\$20.00

c) Other Fees

Tax Certificate		\$50.00
Tax Account Statement		\$20.00
Bulk Water Station Token		\$7.50 (600 gallons of water per token)
NSF Cheque Fee		\$25.00
Water Service Installation Deposit	Deposit includes Public Works inspection, contractor dig/closing and street remediation.	\$2000.00
Mortgage Data Transfer Fee		\$10.00 per Assessment Account
Permit for Breaking Soil	Isolated Cross-cuts – Paved Roads	\$20.00 per linear foot
	Isolated Cross-cuts – Gravel Roads	\$10.00 per linear foot
	Major Projects – In roadway	\$9.00 per linear foot
	Major Projects – Back of ditch and Unpaved Roads	\$3.00 per linear foot
	Driveway Culvert Installation Deposit (Refundable if required)	\$300.00
Deposit for Amendments to Municipal Planning Strategy	Deposit includes application fee and advertising and notifications cost for the amendment (Un-used portion is refundable)	\$600.00



I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the 11<sup>th</sup> day of **July, 2017**.

\_\_\_\_\_  
 R. N. Brown  
 Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	June 27, 2017
<i>Approval:</i>	July 11, 2017
<i>Description:</i> Initial approval of Fees Policy COFN-005.03.	
<i>First Amendment</i>	
<i>Notice to Council:</i>	April 17, 2018
<i>Approval:</i>	April 24, 2018
<i>Description:</i> Amended the fees under the Sewer By-law for Falmouth Sewer Single Family Dwelling Rate, Capital Phase 1 and Phase 2, and amended the fees under the Hantsport Sewer By-law.	
<i>Second Amendment</i>	
<i>Notice to Council:</i>	August 28, 2018
<i>Approval:</i>	September 11, 2018
<i>Description:</i> Addition to Section 3 b), a fee for hearing a fencing dispute.	
<i>Third Amendment</i>	
<i>Notice to Council:</i>	June 25, 2019
<i>Approval:</i>	July 9, 2019
<i>Description:</i> Updated wording for clearer understanding, removed fees associated with D-003 prior to April 1, 2018, information related to the Civic Addressing By-law and Sewer By-laws was updated according to the latest applicable by-laws.	
<i>Fourth Amendment</i>	
<i>Notice to Council:</i>	November 26, 2019
<i>Approval:</i>	December 10, 2019
<i>Description:</i> Updated fees under the West Hants and Hantsport Land Use By-laws and Subdivision By-law. Also added that Municipally Registered Heritage Properties and registered non-profit organizations were exempt from some fees.	

Original policy signed by Rhonda Brown, Municipal Clerk

**ATTACHMENT C**  
**WEST HANTS REGIONAL MUNICIPALITY**  
*Fees Policy*

**Changes from the Existing West Hants and Windsor Fees policies are shown in red**

1. PURPOSE

The purpose of this policy is to set out and amend the fees the Municipality of the District of West Hants charges for certain applications, licenses and services that are applicable for residents and businesses when requesting permits, licenses or other forms of service.

2. SCOPE

This Policy applies to fees set out in by-laws, policies and resolutions authorized by the Council of the Municipality of the District of West Hants. The fee amounts authorized in this Policy may amend those previously set, except those fees amount specifically authorized in a by-law.

3. FEES

The following schedules of fees shall be charged for permits, licenses and services provided by the Municipality of the District of West Hants. Fees associated with the Building Code Act By-law, Land-Use By-laws, Subdivision By-laws, Hantsport Swimming Pool By-law and amendments to the Municipal Planning Strategies are waived for Municipally Registered Heritage Properties, non-profit organizations registered under the Societies Act and Municipally owned properties.

a) Fees Associated with By-laws

<b>BY-LAW</b>	<b>SECTION</b>	<b>FEE</b>
Building Code Act By-law	5.1 Fees for permits:	
	New Construction of, and additions to, residential buildings, community centers, cottages and churches	\$25.00 + \$0.12 per square foot
	New construction of, and additions to commercial, industrial and other buildings not otherwise specified	\$50.00 + \$0.15 per square foot

POLICY

	New construction of, and additions to sheds, decks, storage buildings, garages, barns, and other farm, forestry or fishing buildings not designated for human occupancy	\$25.00 + \$0.06 per square foot
	Repairs, renovations or alterations to all existing buildings	\$25.00 + \$2.50 per \$1000.00 of value of construction; except that for non- structural repairs, renovation or alterations where the estimated value of construction is between \$1000.01 and less than \$5000.00 the fee shall be
	Relocation of mobile homes and mini-homes where there is no finished basement	\$50.00
	Additional fee where construction has been started prior to issuance of building permit. This fee reflects the heightened municipal costs and risks where a builder requests a permit (and therefore the associated inspection services) after already having started construction. It does not preclude prosecution for non- compliance, and does not prevent the Building Official from requiring construction work to be undone in whole or in part	\$50.00 + applicable building permit fees
	Tents or Air supported structures	\$50.00
	Pools	\$25.00
	Demolition of building/structure	\$25.00
	Renewal or amendment of an approved permit.	\$25.00
	Processing charge	\$25.00

POLICY

	retained for incomplete, denied or withdrawn permits	
C-001 Cemetery By-law West Hants	Section 4.2 Fee for Full Burial Lot Hantsport Resident	\$292.50 + \$315.00 Perpetual Care = \$607.50
	Section 4.2 Fee for Full Burial	\$422.50 + \$455.00 Perpetual
	Section 4.2 Fee for Cremation Burial Lot Hantsport	\$146.25 + \$315.00 Perpetual Care = \$461.25
	Section 4.2 Fee for Cremation Burial Lot Non Hantsport Resident	\$211.25 + \$455.00 Perpetual Care = \$666.25
	Section 4.4 Charge for burial and disinterment	\$50.00
	Section 4.6 Additional Fee for Winter Burials	Actual costs incurred.
Cemetery Charges Windsor	Perpetual Care must be purchased at time of sale of lot	
	<b>Windsor Residents (Purchase of Lots)</b>	
	Whole Lot (12 Graves)	\$4416.00
	Half Lot (6 graves)	\$2208.00
	Quarter Lot (3 graves)	\$1104.00
	Single Grave	\$368.00
	Half Grave (cremation or infant)	\$184.00
	<b>Outside of Windsor Resident (Purchase of Lots)</b>	
	Whole Lot (12 Graves)	\$9660.00
	Half Lot (6 Graves)	\$4830.00
	Quarter Lot (3 Graves)	\$2415.00
	Single Grave	\$805.00
	Half Grave (cremation or infant)	\$402.50

POLICY

	<p><b>Perpetual Care Rates (Purchased at time of Sale)</b></p> <p>Whole Lot (12 Graves) \$3036.00</p> <p>Half Lot (6 Graves) \$1518.00</p> <p>Quarter Lot (3 Graves) \$759.00</p> <p>Single Grave \$253.00</p> <p>Half Grave (cremation or infant) \$126.50</p>	
	<p><b>Burial Fees - Windsor Residents</b></p> <p>Vault \$644.00</p> <p>Adult \$483.00</p> <p>Child Under 12 \$280.00</p> <p>Cremations/Stillborn \$322</p> <p>Cremation - Monument/Bench Interment \$172.50</p>	
	<p><b>Burial Fees - Outside of Windsor Residents</b></p> <p>Vault \$1012.00</p> <p>Adult \$839.50</p> <p>Child Under 12 \$678.50</p> <p>Cremation/Stillborn \$678.50</p> <p>Cremation - Monument/Bench Interment \$363.40</p>	
	<p>Additional Fee for Burials January 1st - March 31st</p>	\$172.50 (hst included)
C-003 Civic Addressing By- law	<p>Section 7.3 Posting Private Road Signs through the Nova Scotia Department of Transportation and Active</p>	<p>Cost charged by DTAT for purchase and installation.</p>

POLICY

	<b>Transit (DTAT)</b>	
D-003 Dog By-law West Hants (effective April 1, 2018) <b>Fees Effective across Region</b>	Section 2 (d) Annual Registration Fee	<b>\$10.00 Spayed or Neutered \$14.00 Non-Spayed or Neutered</b>
	Section 3 (a) (iii) Lifetime Registration Fee	\$75.00
	Section 4 (b) Annual Kennel Registration fee	\$45.00
	Section 2 (h) Replacement Tag Fee	\$7.50
	Section 9 (b) Fees associated with impoundment, board, food, care and veterinary	Actual costs incurred
False Alarm By-law West Hants	Section 8 (a) Fee for Second False Alarm	\$100.00
	Section 8 (b) Fee for Third or	\$200.00
<b>False Alarm By-law Windsor</b>	<b>Section 32.09 1(a) second false alarm for the Fire Department and a third for the Police</b>	<b>\$ 100.00</b>
	<b>Section 32.09 1(b) third for the Fire Department and fourth for the Police and each subsequent false alarm</b>	<b>\$ 200.00</b>
Heritage Property By- laws	Fees associated with registering a Municipal Heritage Property	Land Registry or Registry of Deed costs and associated legal fees to be paid by <b>West Hants Regional Municipality.</b>
West Hants Land-Use By-law	WHLUB Section 2.8 Application Fees  <b>WLUB Section 2.8 Advertisement and Notification Fees</b>	
	Section 2.8 LUB Amendment	<b>\$500.00 processing fee  \$1100.00 deposit for direct costs such as notice (excess is refunded)</b>
	Section 2.8 Development Agreement	<b>\$500.00 processing fee  \$1100.00 deposit for direct costs such as notice (excess</b>

POLICY

		is refunded)
	Section 2.8 Substantive Amendment to a Development Agreement	\$500.00 processing fee \$1100.00 deposit for direct costs such as notice (excess is refunded)
	Section 2.8 non-Substantive Amendment to a Development Agreement	\$300.00 processing fee \$600.00 deposit for direct costs such as notice (excess is refunded)
	Section 2.8 Development Permit Fee	\$25.00
	Section 2.8 Zoning Confirmation/Certificate Fee	\$50.00
	Section 2.8 Variance Application Fee	\$25.00
	Section 2.8 Site Plan	\$25.00 plus permit fees
Hantsport Land Use By-law	Section 4.5 Application Fees	
	4.5 LUB Amendment	\$500.00 processing fee \$1,100.00 deposit for direct costs such as notice (excess is refunded)
	Section 4.5 Development Permit Fee	\$25.00
	Section 4.5 Zoning Confirmation/Certificate Fee	\$50.00
	Section 4.5 Variance Application Fee	\$25.00
Moving Buildings on Streets By-law (Hantsport only)	Section 72 of 1920 Hantsport By-laws, Bond for moving buildings over	\$200.00
	Section 73 of 1920 Hantsport By-laws, Fee for privilege of moving the building on streets Permit	\$3.00-\$5.00 per day (estimated amount due upon application)

POLICY

West Hants S-003 Sewerage and Stormsewer Connection, Discharge and Charges By-law (effective April 1, 2019)	Section 60 Deposit for sewer service connection application/permit. (Deposit includes Public Works inspections, contactor dig/closing and street remediation.)	\$1000.00
	Section 66 (a) Quarterly Base Charge for unconnected sewer	\$60.01
	Section 66 (a) Quarterly Base Charge for connected sewer services, based on metered water	Unmetered - \$60.01
		5/8" Meter - \$60.01
		3/4" Meter - \$90.02
		1" Meter - \$150.03
		1.5" Meter - \$300.06
		2" Meter - \$480.09
		3" Meter - \$960.18
		4" Meter - \$1500.28
		6" Meter - \$3000.56
		8" Meter - \$5401.00
	Section 66(a) Consumption Rate for connected sewer services based on metered water	\$1.60 per cubic metre
West Hants Sewer Lagoon By-law	Section 4 (a) Sewage dump fee at 1379 Walton Woods Road location.	\$15.00 per metric tonne (this fee may be increased annually by CPI)
	Section 4 (b) Sewage dump fee from outside West Hants at 1379 Walton Woods Road location	Market rate
	Emergency Septage Disposal Fee pursuant to Sewer Lagoon Operating Agreement with GFL at 1379 Walton Woods Road	\$60.00 (this fee may be increased annually by CPI)
Special Events By-law - West Hants	Section 5.1 (b) (iii) Special Events Application Fee	\$100.00
Special Events By-law - Windsor		No fee
West Hants Street Improvement By-law	Section 12 (2) Driveway permit Fee (Non- refundable)	\$75.00

POLICY

West Hants Subdivision By-law	Section 11 (a) Fee for filing the approved Final Plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan	Land Registry or Registry of Deeds costs (refunded if application refused)
	Section 11 (b) Fee for review and approval of tentative plan of subdivision	\$25.00
	Section 11 (b) Fee for review and approval of final plan of subdivision	\$75.00 plus \$4.00 for each lot for which approval is requested.
	Section 11 (b) Additional fee for Final Plan of subdivision showing public or private roads	\$200.00
	Section 93 (a) (i) Fee for filing a repeal of a subdivision	Land Registry or Registry of Deeds cost (refunded if application refused)
	Section 93 (a) (ii) Processing fee for final application for repeal of subdivision	\$50.00
Swimming Pool By-law (Hantsport Only)	Section 5.1.3 Pool Enclosure Permit Fee	\$50.00

b) Fees Associated with Other Policies

West Hants Piping of Ditch Frontage	Section 6 Refundable security	\$500.00
West Hants Policy to Establish the Fences Arbitration	Section 4. a) Fee for hearing a fences dispute	\$20.00

c) Other Fees

Tax Certificate		\$50.00
Tax Account Statement		\$20.00
Bulk Water Station Token		\$7.50 (600 gallons of water per token)
NSF Cheque Fee		\$25.00

**POLICY**

West Hants Water Service Installation Deposit	Deposit includes Public Works inspection, contractor dig/closing and street remediation.	\$2000.00
Mortgage Data Transfer Fee		\$10.00 per Assessment Account
West Hants Permit for Breaking Soil	Isolated Cross-cuts – Paved Roads	\$20.00 per linear foot
	Isolated Cross-cuts – Gravel Roads	\$10.00 per linear foot
	Major Projects – In roadway	\$9.00 per linear foot
	Major Projects – Back of ditch and Unpaved Roads	\$3.00 per linear foot
	Driveway Culvert Installation Deposit (Refundable if required)	\$300.00
Deposit for Amendments to Municipal Planning Strategy	Deposit includes application fee and advertising and notifications cost for the amendment (Un-used portion is refundable)	n/a

**4. REPEAL**

The West Hants Fees Policy COFN-005.3 adopted July 11, 2017 and amended to December 10, 2019, and the Windsor Fees Policy 2019002 approved November 26, 2019 are hereby repealed.

I, \_\_\_\_\_, Municipal Clerk of West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of West Hants Regional Municipality at a meeting duly called and held on the XX day of MONTH/YEAR.

\_\_\_\_\_  
Municipal Clerk

<b>Adoption</b>	
<i>Notice to Council:</i>	
<i>Approval:</i>	
<i>Description:</i> Initial approval of Regional Fees Policy	

Original policy signed by

, Municipal Clerk



## WEST HANTS REGIONAL MUNICIPALITY REPORT

Information	Recommendation <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:** \_\_\_\_\_  
Sara Poirier, Planner

**Date:** 2021-07-08

**Subject:** General MPS Policies – Commercial Development District

---

### 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. The Commercial Development District policies from each of the three (3) documents and the recommended policy appear in Attachment A.

### 4.0 DISCUSSION

Section 71C, *Commercial Development District*, of the *Municipal Government Act* allows Council to create a by-law to provide for “*the phasing-in of an increase in the taxable assessed value of an eligible property located in a commercial development district over a period not exceeding ten years; and the cancellation, reduction or refund of taxes paid as a result of the phasing-in of the increase.*”. Section 71C (3) states that the by-law, in accordance with a municipal planning strategy, must establish one or more commercial development districts.

The Hantsport Municipal Planning Strategy (HMPS) identifies the properties within the Commercial and Industrial designations identified on the Generalized Future Land Use Map as the Commercial Development District.

The West Hants Municipal Planning Strategy (WHMPS) establishes a Commercial Development District designation which includes the serviced properties within the Commercial Core designation of Falmouth and Three Mile Plains as identified on the Generalized Future Land Use Map. The WHMPS also allows Council to consider the expansion of the Commercial Development District areas by amendment to the MPS and LUB subject to specific criteria. These criteria specify that the area must be serviced by both municipal water and sewer, the area is zoned commercial or industrial, or has been identified on the Generalized Future Land Use Map as an area within which to concentrate commercial or industrial businesses, and that the permitted uses for the expanded area will not conflict with residential uses abutting the boundary.

The Windsor Municipal Planning Strategy (WMPS) identifies the properties within the Town Centre designation on the Generalized Future Land Use Map and a portion of land designated Industrial which incorporates the former mill property on the north side of Highway 101 at Exit 6 as the Commercial Development District.

The Regional Municipal Planning Strategy policy will identify all the areas identified individually in Hantsport, West Hants and Windsor as the Commercial Development Districts in one combined policy. In the same policy, the Regional MPS will also identify the Windsor and the Windsor-West Hants Joint Industrial Parks as Commercial Development Districts to incentivize revitalization of industrial properties and encourage larger scale, more intensive commercial and industrial properties to relocate to the Industrial Park. In a separate policy, the Regional MPS will allow Council to consider the expansion of the Commercial Development District areas subject to specific criteria.

Just as with definitions, these general policies will be included in the draft documents for future review by the public.

## **5.0 NEXT STEPS**

Once the Planning and Heritage Advisory Committee (PAC/HAC) have reviewed the recommended draft policies and provided comments the recommendation will be placed on file to be incorporated during the plan review.

## **6.0 FINANCIAL IMPLICATIONS**

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

## **7.0 ALTERNATIVES**

Should PAC/HAC 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.

## **8.0 ATTACHMENTS**

Attachment A      Current and Draft General MPS Provisions – Commercial  
Development District

---

Report Content Prepared by:      Planners and Development Officers, Planning and  
Development Department

**Attachment A  
Current and Draft General MPS Provisions – Commercial Development District**

<b>Hantsport</b>	<b>West Hants</b>	<b>Windsor</b>	<b>Recommended</b>
<p>The commercial areas in Hantsport are facing economic pressure similar to other rural commercial areas in Nova Scotia. During the 1900’s, the former Town of Hantsport was known as “the Town of Industries”. However, in the last few decades several of these industries have declined or closed, leaving large vacant buildings in the community. To incentivize development for businesses, it is the intention of Council that the commercial and industrial areas in the community of Hantsport be the focus of a Commercial Development District where the By-law enacted in accordance with Bill 177, a phase-in commercial tax program, will apply.</p> <p><b>Policy GP-4</b> It shall be the policy of Council to establish a Commercial Development District (CDD) designation which will include the properties within the Commercial and Industrial designations identified on the Generalized Future Land Use Map as amended May 1, 2018.</p>	<p><b>4.4 Commercial Development District (4.4)</b> To incentivize development for businesses in the serviced commercial areas, Council intends to focus the Commercial Development District in the Commercial Core areas in the Three Mile Plains and Falmouth Growth Centres. Council will apply a by-law enacted in accordance with Bill 177, a phase-in commercial tax program, in this area. The Commercial Development District Improvement By-law outlines the details of the phase-in tool. The Windsor-West Hants Joint Industrial Park may also be considered for inclusion in the Commercial Development District. Designating the Industrial Park will incentivize revitalization of industrial properties and encourage larger scale, more intensive commercial and industrial properties to relocate to the industrial park. This is particularly true of uses that could not locate within the Growth Centres or the Town of Windsor due to possible conflicts with adjacent land uses. It takes significant collaboration to include this area, as the policies for the Joint Industrial Park must be the same in the West Hants and the Town of Windsor Municipal Planning Strategies. Therefore, Council intends to allow the</p>	<p><b>7.7 Commercial Development District</b> It is the intention of Council that the Town Centre (TC) designated area be the focus of a Commercial Development District (CDD) where Bill 177, a property tax rebate program, will be applied. Council believes that a revitalized Town Centre and waterfront area is a key ingredient for the long-term sustainability of the Town/region and the Town is committed to using available tools to incentivize redevelopment. Creating a vibrant and active Town Centre and waterfront area contributes to a higher quality of life for residents, makes redevelopment opportunities more attractive (e.g. Brownfields), and utilizes existing infrastructure.</p> <p><b>Policy 7.7.1</b> It shall be the policy of Council to establish a Commercial Development District (CDD) which will include the Town Centre (TC) designated area and apply to all areas identified on Map 3 –Commercial Development District.</p>	<p><b>Commercial Development District</b> To provide incentive for businesses in the serviced commercial areas, Council will focus the Commercial Development District in the commercial and industrial areas of the community of Hantsport, and the Commercial Core of Three Mile Plains and Falmouth Growth Centres. In the community of Windsor, the land within the Town Centre designation and a portion of land designated Industrial incorporating the former mill property on the north side of Highway 101 at Exit 6, will be included in the Commercial Development District. Additionally, the Windsor and Windsor-West Hants Joint Industrial Park will be included in the Commercial Development District. Designating the Industrial Parks will incentivize revitalization of industrial properties and encourage larger scale, more intensive commercial and industrial properties to relocate to the industrial park.</p> <p>Council will apply a by-law enacted in accordance with Bill 177, a phase-in commercial tax program, in these areas. The Commercial Development District Improvement By-law outlines the details of the phase-in tool.</p> <p><b>Policy</b></p>

	<p>possibility of amending the Commercial Development District, should the Town of Windsor agree to include the Joint Industrial Park in the designated area, or if municipal servicing is extended to any other commercial or industrial areas in West Hants.</p> <p><b>Policy</b> As a result, it shall be the policy of Council to:</p> <p>4.4.1 establish a Commercial Development District (CDD) designation which will include the serviced properties within the Commercial Core designation of Falmouth and Three Mile Plains as identified on the Generalized Future Land Use Map, as amended January 22, 2015 (4.4.1).</p> <p>4.4.2 consider the expansion of the Commercial Development District areas by amendment to this MPS and LUB subject to the following (4.4.2):</p> <ul style="list-style-type: none"> <li>(a) the area is serviced with municipal water and sewer;</li> <li>(b) the area is zoned commercial or industrial, or has been identified on the Generalized Future Land Use Map as an area within which to</li> </ul>		<p>As a result, it shall be the policy of Council to:</p> <p><b>G17.1</b> establish a Commercial Development District (CDD) designation which will include:</p> <ul style="list-style-type: none"> <li>(i) serviced properties within the Commercial Core designation of Falmouth and Three Mile Plains;</li> <li>(ii) serviced properties in the Commercial and Industrial designations in Hantsport;</li> <li>(iii) lands within the Town Centre (TC) designation in Windsor and a portion of land designated Industrial including the former mill property on the north side of Highway 101 at Exit 6;</li> <li>(iv) serviced properties in the Windsor and Windsor-West Hants Joint Industrial Park;</li> </ul> <p>all as identified on the Generalized Future Land Use Map.</p> <p><b>G17.2</b> consider the expansion of the Commercial Development District areas by amendment to this MPS and LUB subject to the following:</p> <ul style="list-style-type: none"> <li>(a) the area is serviced with municipal water and sewer;</li> <li>(b) the area is zoned commercial or industrial, or has been identified on the Generalized Future Land Use Map as an area within which to concentrate commercial or industrial businesses;</li> </ul>
--	---	--	---

	<p>(c) concentrate commercial or industrial businesses; the permitted uses for the expanded area will not conflict with residential uses abutting the boundary;</p> <p>(d) any other matter which may be addressed in a LUB; and</p> <p>(e) Policy 15.7.</p>		<p>(c) the permitted uses for the expanded area will not conflict with residential uses abutting the boundary; and</p> <p>(d) Policy 15.7.</p>
--	--	--	--



## WEST HANTS REGIONAL MUNICIPALITY REPORT

Information	Recommendation <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:** \_\_\_\_\_  
Sara Poirier, Planner

**Date:** 2021-07-08

**Subject:** General MPS Policies – Solar Policies

---

### 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. The draft solar policies appear in Attachment A.

### 3.0 DISCUSSION

The current planning documents for Hantsport, West Hants and Windsor do not have any policies or regulations related to solar panels. During the review of some general policies, the Windsor Area Advisory Committee requested that policies be developed for the installation and use of solar panels, particularly solar “farms”. Staff reviewed planning policies and regulations in other jurisdictions including the Town of Wolfville, Town of Kentville, Municipality of East Hants and Kings County, and developed draft policies that could work within the context of West Hants Regional Municipality.

The draft policies state that solar PV systems would be permitted to be installed on the roof of any building in any zone, having taken into consideration registered heritage properties and properties within the Architectural Control Districts.

Small-scale solar PV systems that are not located on a building (i.e., stand-alone) will be permitted as an accessory use on any property in any zone. Large-scale stand-alone solar PV systems will be permitted as an accessory use in specific zones where large-scale industrial, institutional, and commercial operations are permitted.

For agricultural land, larger-scale stand-alone solar PV systems would be permitted in specific agricultural zones by site plan approval. The site plan should ensure the placement of the solar PV system does not fragment or reduce the viability of the agricultural land or interfere with adjacent agricultural uses. The PAC/HAC would be able to determine which agricultural zones should allow solar PV systems by site plan approval in the Land Use By-law.

Planning staff also created a policy that would allow Council to consider community-scale solar PV systems on vacant lots by development agreement. These solar projects would provide power to multiple properties, be on a larger scale and may require a larger lot or multiple lots to accommodate the scale of the project. The community-scale projects may also have more of an impact on the lots for future development therefore should be considered in more detail by Council.

Definitions for small scale stand-alone, large scale stand-alone, community scale solar PV systems would be added to the Regional Land Use By-law. The definitions would include the specific sizes for small and large-scale installations.

## **5.0 NEXT STEPS**

Once the Planning and Heritage Advisory Committee (PAC/HAC) have reviewed the recommended draft policies and provided comments, the recommendation will be placed on file to be incorporated during the plan review.

## **6.0 FINANCIAL IMPLICATIONS**

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

## **7.0 ALTERNATIVES**

Should PAC/HAC 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.

## **8.0 ATTACHMENTS**

Attachment A      Draft General MPS Provisions – Solar Policies

---

Report Content Prepared by:      Planners and Development Officers, Planning and  
Development Department

**Attachment A**  
**Draft General MPS Provisions – Solar Policies**

**Solar**

Council will encourage the use of technologies that reduce dependence on non-renewable resources and reduce greenhouse gas emissions. Solar photovoltaic (PV) electricity is a clean, renewable source of power which creates electricity from sunlight.

Solar PV systems are most commonly used to produce power to offset the household or business expenses of purchasing power from Nova Scotia Power Incorporated (NSPI). Power is generated through the placement of solar panels on a building or property which is linked directly to the power supply to offset the power brought in from NSPI. Solar PV systems can also be used to heat water or air through hot water or air heating systems that are linked to the solar panels. As NSPI limits the amount of electricity that it will purchase back from these individual power generating systems, solar systems are typically designed to only produce the amount of power which can be used on-site. Due to this, solar PV systems will vary in size depending on the amount of power needed on-site.

To encourage the use of Solar PV systems to offset on-site power needs, Council will permit Solar PV systems to be installed on the roof of any building in any zone. Solar PV systems will be permitted to exceed maximum building heights and will not be limited by size. As Solar PV installation minimally change the roof of a building, this provision will include permitting Solar PV systems on registered heritage properties and properties within the Architectural Control Districts, provided that the system is installed in a way that does not alter the significant heritage features, as identified in the Statement of Significance (SOS) or the Architectural Control District, for the property.

As property owners may require additional space to produce enough on-site power or may not want to alter the look of their building by installing solar PV systems on the roof, Council will also provide options to permit property owners to install stand-alone solar PV systems. Small scale stand alone systems will be limited by size and permitted as an accessory use on any property in any zone. Larger scale stand alone solar PV systems may be required in areas that permit large-scale industrial, commercial, institutional and agricultural operations based on the amount of power required to offset on-site consumption. Council will permit large-scale stand alone solar PV systems as accessory uses in industrial, commercial and institutional areas with specific setback requirements from abutting properties to reduce land use conflicts. Council will also permit large scale stand alone solar PV systems as accessory uses in the agricultural areas by site plan to ensure the placement of the solar PV system does not fragment or reduce the viability of the agricultural land or interfere with adjacent agricultural uses.

Solar PV systems on lots without buildings may also be developed by community groups or associations to provide power to identified homes and businesses in the community. Solar PV systems of this size will require a larger lot or lots, may have more of an impact on the surrounding community and may impact the lots for future

development. Although there are limited examples of community scale solar PV projects in Nova Scotia, Council will consider community scale solar PV systems by development agreement in the Municipality.

## **Policy**

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

- X.1 permit Solar PV systems, including those which exceed the maximum height established for main or accessory buildings, on the roof of any building when the Solar PV system is intended primarily to reduce on-site utility power consumption provided that:
  - (a) the system is installed on a registered heritage property in a way that does not alter the significant heritage features as identified in the Statement of Significance (SOS) for the property; and
  - (b) the system is installed in a way on any property within an Architectural Control District that does not alter the significant features identified in the Architectural Control District Manual.
- X.2 regulate the size of small-scale and large-scale stand alone Solar PV systems which are intended primarily to reduce on-site utility power consumption;
- X.3 permit small-scale stand alone solar PV systems as an accessory use in any zone;
- X.4 permit larger-scale stand alone solar PV systems as an accessory use in specific zones where large-scale industrial, institutional, and commercial operations are permitted;
- X.5 permit, by site plan approval, larger-scale stand alone Solar PV systems as an accessory use in specific agricultural zones where larger scale agricultural operations are permitted. The site plan must ensure the placement of the solar PV system does not fragment or reduce the viability of the agricultural land or interfere with adjacent agricultural uses;
- X.6 consider community-scale solar PV systems on vacant lots by development agreement. In considering such development agreements, Council shall be satisfied that:
  - (a) the application includes a plan which identifies the homes and businesses that will be part of the community-scale solar project;
  - (b) adequate separation distances are maintained from adjacent land uses to minimize the impact of shading of neighbouring lots and to integrate these systems with the scale and character of the surrounding neighbourhood;
  - (c) the development is not visually intrusive in the landscape, taking into account the location and distance from which it is visible, and the

significance and sensitivity of the landscape, topography, vegetation and built form in the surrounding area; and

- (d) the proposal meets the general development agreement criteria set out in section xx *Development Agreements and Amending the Land Use By-law*.