



West Hants
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
April 14, 2022 – 6:00pm**

1.0 Call to Order and Attendance

2.0 Announcements

3.0 Approval of Agenda and Additions

4.0 Declaration of Conflict of Interest

5.0 Approval of Minutes

6.0 Business Arising from the Minutes

6.1 Update: File # 21-15 65 Fort Edward St., Windsor (Alex Dunphy)

6.2 Update: Mobile Canteen Vending By-law Amendment and Land Use By-law Amendment (Community Centres) (Alex Dunphy)

6.3 Heritage Plaques (Madelyn LeMay)

6.4 Update: File # 21-18 Benjamins Mill Wind Project (Alex Dunphy)

6.5 Update: File # 22-01 Windsor Municipal Planning Strategy Text Amendment: Wentworth Road Gateway District (Sara Poirier)

7.0 Building and Development Activity Reports (February)

8.0 New Business

8.1 File # 21-20 College Road Development Agreement (Sara Poirier)

9.0 Plan Review

9.1 Additional Definitions, Utilities, Corner Vision, and Front Yard Requirements

9.2 Nonconforming Uses, Structures and Nonconforming Uses in Structures

10.0 Notices from Adjacent Municipal Units

10.1 Kings County: Amendments to the Municipal Planning Strategy's rezoning criteria for applications to move from the Rural Mixed Use (A2) Zone to the Rural Industrial (M3) or Rural Commercial (C4) Zone.

10.2 Amendments to the Municipal Planning Strategy to permit residential development on properties within the Resource (N1) Zone and/or Rural Mixed Use (A2) Zone with frontage on private roads in existence on November 21st, 2019

11.0 Questions and Comments from the Public

12.0 Next Meeting Date / Adjournment



ACTIVITY REPORT

For Month of March 31/2022

Type	Mar 2021			Mar 2022		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	14	4	1,967,715	19	9	3,086,470
Duplex/Semi	0	0	0	2	4	600,000
Apartments	0	0	0	0	0	0
Other Residential	13	0	278,900	9	0	262,231
Commercial	4	0	110,500	2	0	10,000
Industrial	0	0	0	0	0	0
Inst & Gov	1	0	25,000	1	0	25,000
Agriculture	0	0	0	2	0	202,000
Other	0	0	0	0	0	0
Total	32	4	2,382,115	35	13	4,185,701
Year To Date	87	22	6,962,200	72	33	8,044,620
Demolition	1	0		2	0	
Sign Permits	0			0		
Sub Applications	2	1 (Lots Requested)		5	10 (Lots Requested)	



West Hants

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

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

Date: April 14, 2021

Subject: Additional Definitions, Utilities, Corner Vision and Front Yard Requirements

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 238-242

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 existing and proposed definitions, policies and requirements are presented in the Appendices and will be discussed during the PAC/HAC meeting.

3.0 DISCUSSION

Just as with other definitions and general policies, policies and regulations related to the definitions (Appendix A), utilities (Appendix B) and corner vision and front yard requirements (Appendix C) 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

Just as with other definitions and general policies, any decision related to policies and regulations related to the definitions attached to this report, utilities and front yard

requirements and regulations would 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.

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 APPENDICIES

Appendix A Definitions

Appendix B Utilities

Appendix C Corner Vision and Front yard requirements

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

	WEST HANTS	Hantsport	Windsor	Recommended (DRAFTS)
Bed and Breakfast Country Inn Guest House	<p><u>Bed and Breakfast</u> means a single unit dwelling in which the resident supplies, for compensation, not more than four bedrooms for the temporary accommodation of the travelling public;</p> <p><u>Country Inn</u> means a building with three or more bedrooms for the temporary accommodation of the travelling public for gain or profit and may include a public dining room and/or guest house</p> <p><u>Guest House</u> means a building without kitchen facilities on the same lot as a country inn which is used for the temporary accommodation of the travelling public;</p>	<p>means a dwelling where the property owner??supplies either room or room and board for monetary gain and is open to the travelling public.</p>	<p><u>Bed and Breakfast</u> means a single unit dwelling in which the resident supplies, for compensation, not more than four rooms for the temporary accommodation of the travelling public;</p> <p><u>Country Inn</u> means a building with three or more rooms for the temporary accommodation of the travelling public for gain or profit and may include a public dining room and/or guest house.</p> <p><u>Guest House</u> means a building without kitchen facilities on the same lot as a country inn which is used for the temporary accommodation of the travelling public; (not used)</p>	<p><u>Bed and Breakfast</u> means a single dwelling unit in which the resident supplies bedrooms for the temporary accommodation of the travelling public for compensation and may include bedrooms located in a separate building on the same lot.</p> <p>[Note: PAC/HAC March, 2021, determined the # of rooms should not be limited and restaurants should not be permitted as part of a B&B]</p> <p><u>Country Inn</u> delete</p> <p><u>Guest House</u> delete</p>

PAC September 2020 approved the definition of personal service shop; the term service shop is used in the definition of “local commercial” and specifically excluded from the definition of “professional office”

	WEST HANTS	Hantsport	Windsor	Recommended (DRAFTS)
Service Industry Shop	means any industry involved in the processing of milk and dairy products, a bakery, a garage including engine and body repair shop, a printing establishment, a paint shop, a plumbing shop, a sheet metal shop and similar uses;		means any industry involved in the processing of milk and dairy products, a bakery, a garage including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop and similar service shops;	means a building or part of a building in which persons are employed in furnishing services to households and businesses including but not limited to personal service shops, printing establishments, plumbing shops and sheet metal shops. [Note for PAC/HAC: a garage including an engine and body repair shop will be separately listed in zones in which they are permitted.]

Personal Service Shop

means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons including but not limited to a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, tanning shop, formal rental shop and depots for collecting dry cleaning and laundry and excluding any manufacturing or fabrication of goods for sale.

APPENDIX B

Utilities

A question from the development officer regarding setbacks from property lines led us to revise the material regarding public utility buildings for the Review documents. The proposed additions are shown in blue, the remainder was approved by PAC/HAC February 11, 2021.

MPS

The infrastructure required for supplying efficient utility services, whether public or private may involve small buildings for equipment and servicing. Council will not restrict the location of these small buildings, but will require larger buildings, including office space or other uses to locate in an appropriate zone.

Policy

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

G54 permit utility buildings and uses under 100 square feet (9.29 square meters) in floor area in any zone.

G54A regulate the location of utility structures with a floor area of more than 100 sq. ft. in any zone.

LUB

Utilities

5.47

- (a) Notwithstanding anything else in this By-law, public and private utility buildings less than 100 ft² (9.29 m²) in floor area shall be permitted in any zone and no yard requirement shall apply.

- (b) structures which are greater than 100 ft² (9.29 m²) in floor area but less than 2,000 ft² (1.85.80 m²) in floor area and are required by utilities shall be permitted in any zone and:
 - (i) unless otherwise required for the effectiveness of the utility, or by Building Code requirements, the required front yard shall be similar to the existing front yard of existing structures within 500' on the same side of the street; and
 - (ii) the required side and rear yards shall be similar to the required side yards for main buildings for the zone in which the utility structure is to be located. If these side yards cannot be achieved, the structure shall be centered on the lot as far as practical.

APPENDIX C
Land Use By-law Regulations
Corner Vision and Conformity with Existing Front Yards

Topic	Hantsport	Windsor	West Hants	Recommended
<p>Corner Vision Triangle</p>	<p>5.5 Corner lot Triangle or Day lighting Triangle On a corner lot, no fence, sign, hedge, shrub, bush or tree or any other structure, vehicle or vegetation shall be erected, placed; or in the case of plants, permitted to grow to a height greater than 0.6 m above grade within a corner lot sight triangle.</p> <p><i>(no description of area, or definition)</i></p>	<p>Visibility at Street Intersections</p> <p>5.41 On a corner lot, within a triangular area 20 ft (6.10 m) back from the intersecting corner lot lines, no building, structure or vegetation of any kind shall be erected or permitted to grow to a height greater than 2 ft (0.61 m) above the grade of the abutting streets.</p>	<p>Visibility at Street Intersections</p> <p>5.49 On a corner lot, within a triangular area 20 ft (6.10 m) back from the intersecting corner lot lines, no building, structure or vegetation of any kind shall be erected or permitted to grow to a height greater than 2 ft (0.61 m) above the grade of the abutting streets.</p>	<p>Corner Vision Triangle</p> <p>x.w On a corner lot, the corner vision triangle is the area established by measuring along the street lines or exterior corner lot lines, a distance of 20' from their point of intersection and joining those points with a straight line. The corner vision triangle is considered a three (3) dimensional area which terminates at a height of 12' (3.6 metres) above the grade of abutting streets.</p> <p>x.e prohibit fences, walls, vegetation, buildings or other structures greater than 2' (0.61 m) in height above the grade of the abutting streets. <i>[An exception may be needed for new development in downtown cores of Windsor and Hantsport; also consider non-conforming structures]</i></p>

Topic	Hantsport	Windsor	West Hants	Recommended
Conformity with Existing Front Yards	<p>5.4 Conformity with Existing Setbacks</p> <p>(a) Notwithstanding anything else in this Bylaw, in any zone where a proposed building does not comply with the minimum front yard requirements, a building may be erected with a setback equal to the established building line, but shall not be less than 3 m from the street line.</p> <p>(b) Only existing buildings within 60 m that front on the same street as the proposed building shall be used to calculate the established building line.</p>	<p>Conformity with Existing Front Yards</p> <p>5.6 Notwithstanding anything else in this By-law, in any residential zone, structures between existing buildings within 200 ft (60.96 m) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 10 ft (3.05 m) from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.</p>	<p>Conformity with Existing Front Yards</p> <p>5.6 Notwithstanding anything else in this By-law, in any residential zone, structures between existing buildings within 200 ft (60.96 m) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 10 ft (3.05 m) from the front lot line and need to be greater than setback regulations prescribed in the zone in which it is situated.</p>	<p>Conformity with Existing Front Yards</p> <p>Structures between existing buildings within 200 ft (60.96 m) on the same block may be built with less than the required minimum front yard provided:</p> <p>x.1 the front yard is not less than 5' or the same depth as the least front yard of a building within 200 ft. (60.96 m), whichever is the lesser; and</p> <p>x.2 the provisions of s. x.x, <i>Corner Vision Triangle</i>, are met.</p>



West Hants

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

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

Date: April 14, 2021

Subject: Nonconforming structures, nonconforming use of land and nonconforming uses in a structure.

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 238-242 (Appendix A)

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 MGA regulations regarding nonconforming uses, nonconforming structures and nonconforming uses within structures are shown in Appendix A. The Hantsport documents have no policy or regulations regarding nonconforming structures, nonconforming use of land and nonconforming uses in a structure. The Windsor and West Hants policies and regulations are provided for comparison with the policies recommended for the Region (Appendix B).

3.0 DISCUSSION

Just as with definitions and more general policies, policies and regulations for nonconforming structures, nonconforming use of land and nonconforming uses in a structure 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

Just as with definitions and more general policies, any decision related to nonconforming structures, nonconforming use of land or nonconforming uses in a structure policies and regulations would be included in the draft documents for future review by the public. Public review of nonconforming structures, nonconforming use of land or nonconforming uses in a structure as a separate item is not recommended.

5.0 FINANCIAL IMPLICATIONS

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

6.0 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.

7.0 APPENDICIES

Appendix A MGA s. 238-242

Appendix B Existing and Proposed MPS Policy Comparison

Appendix C Draft LUB General Provisions

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

APPENDIX A
Taken from the MGA March 29, 2022

Nonconforming structure or use

238

- (1) A nonconforming structure, nonconforming use of land or nonconforming use in a structure, may continue if it exists and is lawfully permitted at the date of the first publication of the notice of intention to adopt or amend a land use by-law.
- (2) A nonconforming structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law, if the
 - (a) nonconforming structure was lawfully under construction and was completed within a reasonable time; or
 - (b) permit for its construction was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time.
- (3) A nonconforming use in a structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law if
 - (a) the structure containing the nonconforming use was lawfully under construction and was completed within a reasonable time; or
 - (b) the permit for its construction or use was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time; and
 - (c) the use was permitted when the permit for the structure was granted and the use was commenced upon the completion of construction.
- (4) This Act does not preclude the repair or maintenance of a nonconforming structure or a structure containing a nonconforming use.
- (5) A change of tenant, occupant or owner of any land or structure does not of itself affect the use of land or a structure. 1998, c. 18, s. 238.

Nonconforming structure for residential use

239

- (1) Where a nonconforming structure is located in a zone that permits the use made of it and the structure is used primarily for residential purposes, it may be
 - (a) rebuilt, replaced or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage and it is occupied by the same use;
 - (b) enlarged, reconstructed, repaired or renovated where:
 - (i) the enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the land-use bylaw, and

- (ii) all other applicable provisions of the land-use by-law except minimum frontage and area are satisfied.
- (2) A nonconforming structure, that is not located in a zone permitting residential uses and not used primarily for residential purposes, may not be rebuilt or repaired, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use by-law, and after the repair or rebuilding it may only be occupied by a use permitted in the zone. 1998, c. 18, s. 239; 2004, c. 44, s. 2.

Nonconforming use of land

- 240 A nonconforming use of land may not be
- (a) extended beyond the limits that the use legally occupies;
 - (b) changed to any other use except a use permitted in the zone; and
 - (c) recommenced, if discontinued for a continuous period of six months. 1998, c. 18, s. 240.

Nonconforming use in a structure

- 241
- (1) Where there is a nonconforming use in a structure, the structure may not be
- (a) expanded or altered so as to increase the volume of the structure capable of being occupied, except as required by another Act of the Legislature;
 - (b) repaired or rebuilt, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use by-law and after the repair or rebuilding it may only be occupied by a use permitted in the zone.
- (2) Where there is a nonconforming use in a structure, the nonconforming use
- (a) may be extended throughout the structure;
 - (b) may not be changed to any other use except a use permitted in the zone;
 - (c) may not be recommenced, if discontinued for a continuous period of six months. 1998, c. 18, s. 241.

Relaxation of restrictions

- 242
- (1) A municipal planning strategy may provide for a relaxation of the restrictions contained in this Part respecting nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure and, in particular, may provide for
- (a) the extension, enlargement, alteration or reconstruction of a nonconforming structure;
 - (b) the extension of a nonconforming use of land;
 - (c) the extension, enlargement or alteration of structures containing nonconforming uses, with or without permitting the expansion of the nonconforming use into an addition;
 - (d) the reconstruction of structures containing nonconforming uses, after destruction;

- (e) the recommencement of a nonconforming use of land or a nonconforming use in a structure after it is discontinued for a continuous period in excess of six months;
 - (f) the change in use of a nonconforming use of land or a nonconforming use in a structure, to another nonconforming use.
- (2) The policies adopted in accordance with this Section shall be carried out through the land-use by-law and may require a development agreement.
1998, c. 18, s. 242; 2003, c. 9, s. 65.

APPENDIX B

Existing and proposed policies for Nonconforming structures, nonconforming use of land and nonconforming uses in structures.

Hantsport MPS and LUB: nonconforming not mentioned; there is no policy.

Material in [blue](#) may require review after Coastal and flooding policies have been discussed

Windsor	West Hants	Draft Recommendation
		<p>Nonconforming structures, nonconforming use of land and nonconforming uses in structures.</p> <p>Some existing land uses in the Region do not meet current land use regulations but exist legally. Some were created before regulations came into effect and others were developed with permits in place, but the rules were later changed in a way that would not permit a similar use to be developed today. These are referred to as “nonconforming uses” in the Municipal Government Act, which provides them some specific basic protections.</p> <p>There are also structures which legally exist but do not meet the present requirements for structures to locate on a lot. These are referred to as “nonconforming structures”.</p> <p>Because these uses and structures were legally created, Council will acknowledge their presence and allow for reasonable continuation of the use or structure. In most locations, Council will increase the ability to expand or change the use beyond that permitted in the Municipal Government Act.</p> <p>However, due to environmental concerns with uses located within areas prone to issues such as flooding or erosion, nonconforming uses within these areas will be subject to the maximum restrictions established in the Municipal Government Act. Due to safety concerns, nonconforming</p>

		<p>structures that do not contain residential uses in areas prone to flooding will be allowed to be re-used but will not be allowed to be rebuilt in the same location if destroyed by fire or otherwise.</p> <p>Since all situations cannot be anticipated, Council will also consider expansion of some nonconforming structures, nonconforming uses of land and nonconforming uses in structures either as-of-right or by development agreement in order to enable site-specific review.</p>
<p>(16.7) Non-Conforming Uses and Structures Policy 16.7.1 It shall be the policy of Council to relax the restrictions of Sections 238 to 241 of the Municipal Government Act with respect to non-conforming uses and structures to allow for the following in the Land Use By-law: (a) the enlargement, reconstruction, repair or renovation of an existing building on a lot having less than the minimum yards required under the Land Use By-law, provided the enlargement, reconstruction, repair or renovation does not further reduce the yards that do not conform and provided all other applicable provisions of the Land Use By-law are met; (b) the minor extension or enlargement, not exceeding 100 ft² (9.3 m²) in area, of a structure containing a non-conforming use including additions of an accessory nature such as entryways, porches or small storage spaces; (c) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months but not more than 12 months; and (d) the change in a non-conforming industrial use to another less obnoxious or less intensive industrial use in terms of traffic generated, hours of operation, outdoor storage, noise and fumes.</p>	<p>(16.8) Non conforming Uses and Structures Policy 16.8.1 It shall be the policy of Council to relax the restrictions of Sections 238 to 241 of the Municipal Government Act with respect to non-conforming uses and structures to allow for the following in the Land Use By-law: (a) the enlargement, reconstruction, repair or renovation of an existing building on a lot having less than the minimum yards required under the Land Use By-law, provided the enlargement, reconstruction, repair or renovation does not further reduce the yards that do not conform and provided all other applicable provisions of the Land Use By-law are met; (b) the minor extension or enlargement, not exceeding 100 square feet (9.29 square meters) in area, of a structure containing a non conforming use to allow for additions of an accessory nature such as entryways, porches or small storage spaces; (c) the recommencement of a non conforming use of land or a structure after it has been discontinued for a continuous period exceeding six months but not more than 12 months; and (d) the change in a non conforming industrial use to another less obnoxious or less intensive industrial use in terms of traffic generated, hours of operation, outdoor storage, noise and fumes.</p>	<p>Policy As a result, it shall be the policy of Council to: G29.1 Nonconforming Structures: (a) maintain the maximum restrictions specified in the Municipal Government Act for all nonconforming structures located in areas prone to flooding (<i>add locations once mapping drafted</i>); and (b) relax restrictions for expansion, alteration and rebuilding from those specified in the Municipal Government Act for nonconforming structures not located in a zone permitting residential uses and not used primarily for residential purposes; (c) consider only by development agreement the extension, enlargement, alteration, or reconstruction of any nonconforming structure in all zones. In considering such development agreements Council shall be satisfied that: (i) the condition(s) that prevents the structure from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to the positioning and design of buildings and structures; (ii) the proposal meets the general development agreement criteria set out in section xx <i>Land</i></p>

<p>Policy 16.7.2 It shall be the policy of Council to consider the following by development agreement:</p> <p>(a) extension, enlargement or alteration of a structure containing a non-conforming use in excess of the minor extension or enlargement provided for in Policy 16.7.1(b);</p> <p>(b) extension of a non-conforming use of land;</p> <p>(c) rebuilding, after destruction, of a building or structure containing a non-conforming use;</p> <p>(d) change in use of a non-conforming use of land, building or structure to another non-conforming use; and</p> <p>(e) recommencement of a non-conforming use of land or a non-conforming use in a structure after it has been discontinued for a continuous period in excess of 12 months.</p> <p>Policy 16.7.3 In considering a development agreement provided for in Policy 16.7.2, Council shall have regard to the following:</p> <p>(a) the use is similar to the existing non-conforming use or more compatible with the uses permitted by the Land Use By-law and will not conflict with neighbouring uses;</p> <p>(b) the adjacent area will not be adversely affected with respect to: (i) traffic generation and traffic and pedestrian safety;</p> <p>(ii) signage;</p> <p>(iii) hours of operation;</p> <p>(iv) outdoor storage;</p> <p>(v) noise, odours, dust or fumes; and</p> <p>(vi) size of building(s);</p> <p>(c) adequate parking is provided;</p> <p>(d) adequate yards are provided, or the location of the building on the lot is substantially the same as it was before being damaged or destroyed;</p> <p>(e) adequate landscaping and fencing or buffering is provided;</p> <p>(f) maintenance of the use will be satisfactory; and</p>	<p>Policy 16.8.2 It shall be the policy of Council to consider the following by development agreement:</p> <p>(a) extension, enlargement or alteration of a structure containing a non-conforming use in excess of the minor extension or enlargement provided for in Policy 16.8.1(b);</p> <p>(b) extension of a non-conforming use of land;</p> <p>(c) rebuilding, after destruction, of a building or structure containing a non-conforming use;</p> <p>(d) change in use of a non conforming use of land, building or structure to another non conforming use; and</p> <p>(e) recommencement of a non conforming use of land or a non conforming use in a structure after it has been discontinued for a continuous period in excess of 12 months.</p> <p>Policy 16.8.3 In considering a development agreement provided for in Policy 16.8.2, Council shall have regard to the following:</p> <p>(a) the use is similar to the existing non conforming use or more compatible with the uses permitted by the Land Use By law and will not conflict with neighbouring uses;</p> <p>(b) the adjacent area will not be adversely affected with respect to:</p> <p>(i) traffic generation and traffic and pedestrian safety;</p> <p>(ii) signage;</p> <p>(iii) hours of operation;</p> <p>(iv) outdoor storage;</p> <p>(v) noise, odours, dust or fumes; and</p> <p>(vi) size of building(s);</p> <p>(c) adequate parking is provided;</p> <p>(d) adequate yards are provided, or the location of the building on the lot is substantially the same as it was before being damaged or destroyed;</p> <p>(e) adequate landscaping and fencing or buffering is provided;</p>	<p><i>Use Bylaw Amendments and Development Agreements.</i></p> <p>G29.2 Nonconforming Use of Land</p> <p>(a) allow the recommencement of a nonconforming use of land after it has been discontinued for a continuous period exceeding six months but not more than 12 months;</p> <p>(b) allow the change in use of a nonconforming use of land to another nonconforming use which has similar or less impact than the existing nonconforming use or is more compatible with the uses permitted by the zone.</p> <p>(c) allow the continuation after closing for more than 12 months but less than 36 months of nonconforming uses of land in all zones provided the impact of the continuation of the use is similar to or less than the impact of the former nonconforming use; (PAC/HAC: as-of-right or by development agreement?)</p> <p>G29.3 Nonconforming Use in a Structure</p> <p>(a) allow the recommencement of a nonconforming use in a structure after it has been discontinued for a continuous period exceeding six months but not more than 12 months;</p> <p>(b) allow the minor expansion of the building for items such as entry ways;</p> <p>(c) allow the change of a nonconforming use to another nonconforming use which is similar in impact to the existing nonconforming use or more compatible with the uses permitted by the zone.</p> <p>(d) allow the extension, enlargement or alteration of structures containing nonconforming uses, but shall not permit the expansion of the nonconforming use into an addition.</p>
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<i>(g) any other matter which may be addressed by development agreement.</i>	(f) maintenance of the use will be satisfactory; and (g) any other matter which may be addressed by development agreement.	
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Appendix C
Land Use By-law General Provisions

x.1 Nonconforming structures

- x.1.1 Where a nonconforming structure used for any purpose is located in an area identified as prone to flooding, the restrictions specified in the Municipal Government Act shall apply. *(for later consideration)*
- x.1.2 Where a nonconforming structure is located in a zone permitting residential uses and is used primarily for residential purposes the restrictions specified in the Municipal Government Act shall apply.
- x.1.3 Where a nonconforming structure is not located in a zone permitting residential uses and is not used primarily for residential purposes the structure may be enlarged, reconstructed, repaired or renovated provided the enlargement, reconstruction, repair or renovation does not further reduce the yards that do not conform to this By-law and all other applicable provisions of this By-law are met.
- x.1.4 Where a nonconforming structure is located in any zone, Council may consider only by development agreement, the extension, enlargement, alteration, or reconstruction of any nonconforming structure in all zones. In considering such development agreements Council shall be satisfied that:
- (i) the condition(s) that prevents the structure from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to the positioning and design of buildings and structures;
 - (ii) the proposal meets the general development agreement criteria set out in section xx *Land Use Bylaw Amendments and Development Agreements*.

x.2 A nonconforming use of land may:

- (a) be recommenced after it has been discontinued for a continuous period exceeding six months but not more than 12 months;
- (b) be changed to another nonconforming use which has similar or less impact than the existing nonconforming use or is more compatible with the uses permitted by the zone.
- (c) be continued after closing for more than 12 months but less than 36 months in any zone provided the impact of the continuation of the use is similar to or less than the impact of the former nonconforming use. *(PAC/HAC: as-of-right or by development agreement?)*

x.3.1 Where a **nonconforming use is located in a structure**, the structure may be extended, enlarged, altered or reconstructed, provided all other applicable provisions of this By-law are met. The nonconforming use shall not expand into an addition.

x.3.2 A nonconforming use in located in a structure may:

- (a) be recommenced after it has been discontinued for a continuous period exceeding six months but not more than 12 months;
- (b) be changed to another nonconforming use which has similar or less impact than the existing nonconforming use or is more compatible with the uses permitted by the zone.



Municipality of the County of Kings

181 Coldbrook Village Park Drive
Coldbrook, NS
www.countyofkings.ca

Land of Orchards, Vineyards and Tides

March 15, 2022

File # 20-16

Re: Notice of Public Hearing

I am writing to notify you of a Public Hearing that will take place on Tuesday, April 5, 2022 at 6:00 p.m. in the Council Chambers of the Municipal Complex, 181 Coldbrook Village Park Drive, Coldbrook. The Public Hearing is being held for the following planning items:

- Amendments to the Municipal Planning Strategy's rezoning criteria for applications to move from the Rural Mixed Use (A2) Zone to the Rural Industrial (M3) or Rural Commercial (C4) Zone.

The purpose of this meeting is to provide an opportunity for persons who wish to speak on the proposals to make their opinions known to Council. Your attendance at this Hearing is welcome, but not mandatory.

You are being notified of this Public Hearing because the proposed amendments being considered involve properties located within three miles of your Municipal or Village boundary.

If you would like more information, please contact me at 902-690-6276 or by email at mfredericks@countyofkings.ca

Sincerely,

Mark Fredericks
Planner

MUNICIPALITY *of the*
COUNTY *of* **KINGS**

March 28, 2022

File # 21-02

Re: Notice of Public Hearing

I am writing to notify you of a Public Hearing that will take place on Tuesday, April 5, 2022 at 6:00 p.m. in the Council Chambers of the Municipal Complex, 181 Coldbrook Village Park Drive, Coldbrook. The Public Hearing is being held for the following planning items:

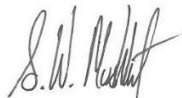
- Amendments to the Municipal Planning Strategy to permit residential development on properties within the Resource (N1) Zone and/or Rural Mixed Use (A2) Zone with frontage on private roads in existence on November 21st, 2019

The purpose of this meeting is to provide an opportunity for persons who wish to speak on the proposals to make their opinions known to Council. Your attendance at this Hearing is welcome, but not mandatory.

You are being notified of this Public Hearing because the proposed amendments being considered involve properties located within three miles of your Municipal or Village boundary.

If you would like more information, please contact me at 902-690-6173 or by email at wrobinson-mushkat@countyofkings.ca

Kind regards,



Will Robinson-Mushkat
Planner