



West Hants
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
October 13, 2022 – 6:00pm
In Person and Via Zoom**

**NOTE: PUBLIC INFORMATION MEETINGS (PIMs) WILL BE HELD AT 6:00 PM.
PAC/HAC will begin immediately following the close of the PIMs.**

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 PIMs

6.1 File # 22-05 Cole Drive, Garlands Crossing/Windsor (PID 45366432) Windsor and West Hants
Planning Document Amendments (Alex Dunphy)

6.2 File #22-21 Development Agreement: 394 Greenhill Road, Greenhill (PID 45118502)
(Alex Dunphy)

6.3 File #22-22 Development Agreement: Tidal Drive, Cheverie (PID 45178944) (Alex Dunphy)

7.0 Business Arising from the Minutes

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

7.2 Update: Heritage Plaques (Madelyn LeMay)

7.3 Update: File 22-03 Development Agreement, Wentworth Road, Windsor PID 45059631 (Sara
Poirier)

7.4 Update: Heritage Grant Request: 376 Falmouth Dyke Road (Sara Poirier)

7.5 Update: File # 22-06, Hantsport, 22-07 West Hants and 22-08, Windsor; Small Options Housing;
LUB Amendments

7.6 Update: File # 21-10 Development Agreement, Community Way, Windsor, PID 45055167, 45364775, 45421146 (Sara Poirier)

7.7 Update: Windsor Plan Review Meeting (Sara Poirier)

8.0 Building and Development Activity Reports (September)

9.0 New Business

9.1 File # 22-12 Hantsport; 22-13 West Hants; 22-14 Windsor, MPS and LUB Amendments: Secondary Suites in Accessory Buildings (Sara Poirier)

9.2 File # 22-16 WHLUB Housekeeping Amendments (Madelyn LeMay)

9.3 File #22-17 WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (Sara Poirier)

9.4 File #22-04 PID 45038361, 4245 Hwy 14: WHLUB Amendment (Alex Dunphy)

9.5 File 22-10 Development Agreement: 4701 Hwy 1, Three Mile Plains (Sara Poirier)

10.0 Notices from Adjacent Municipal Units

11.0 Questions and Comments from the Public

12.0 Next Meeting Date (November 10 for new PAC/HAC) / Adjournment



ACTIVITY REPORT

For Month of September 9/30/2022

Type	Sep 2021			Sep 2022		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Unit	15	6	1,908,836	33	15	5,239,430
Duplex/Semi	3	2	955,000	1	2	400,000
Apartments	2	0	21,500	1	1	5,000
Other Residential	16	1	599,500	22	0	373,500
Commercial	2	0	22,000	4	0	87,500
Industrial	0	0	0	0	0	0
Inst & Gov	1	0	3,100,000	0	0	0
Agriculture	1	0	20,000	2	0	304,700
Other	1	0	200	0	0	0
Total	41	9	6,627,036	63	18	6,410,130
Year To Date	385	96	37,893,082	408	151	46,500,338
Demolition	3	1		2	0	
Sign Permits	0			0		
Sub Applications	8	42 (Lots Requested)		6	7 (Lots Requested)	



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Hantsport MPS and LUB Amendments: Detached Secondary Suites; File #22-12

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in the community of Hantsport, 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 Hantsport Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-12 dated October 13, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the Hantsport Municipal Planning Strategy (HMPS) and Hantsport Land Use By-Law (HLUB). There will be duplication of material within the three reports, but this ensures that documentation for each separate amendment is complete.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

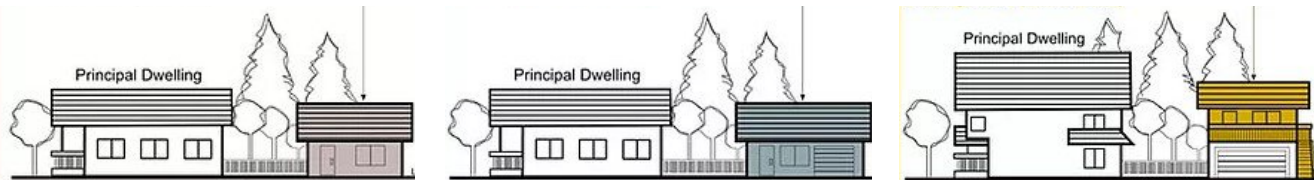


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under 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 Statement of Provincial Interest 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.

All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

Hantsport Municipal Planning Strategy

Section 3.2.6 of the Hantsport Municipal Planning Strategy (HMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council’s 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	<p>On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following:</p> <ul style="list-style-type: none"> • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. <p>HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.</p>
East Hants	<p>East Hants “encourages context sensitive density intensification and infill residential development” by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation.</p> <p>East Hants defines an attached secondary suite as “a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast.” A detached secondary suite is defined as a “garden” or “garage” suite.</p> <p>On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross</p>

	<p>floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less.</p> <p>Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.</p>
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (NBC) defines a secondary suite as “a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 sq. ft. (80 sq. m.), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 2 m. (6.56 ft.) from the main building, a minimum of 1 m. (3.28 ft.) from the side and rear yards and be limited to a maximum of 5 m. (16.4 ft.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.2.3 of the HLUB, would apply to detached secondary suites. This includes the requirement for

one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WMPS Policy GP-2 and WLUB Section 5.1 (c) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WMPS General Criteria

The proposed amendments meet the general criteria for amendment set out in HMPS Policy 3.2.6. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

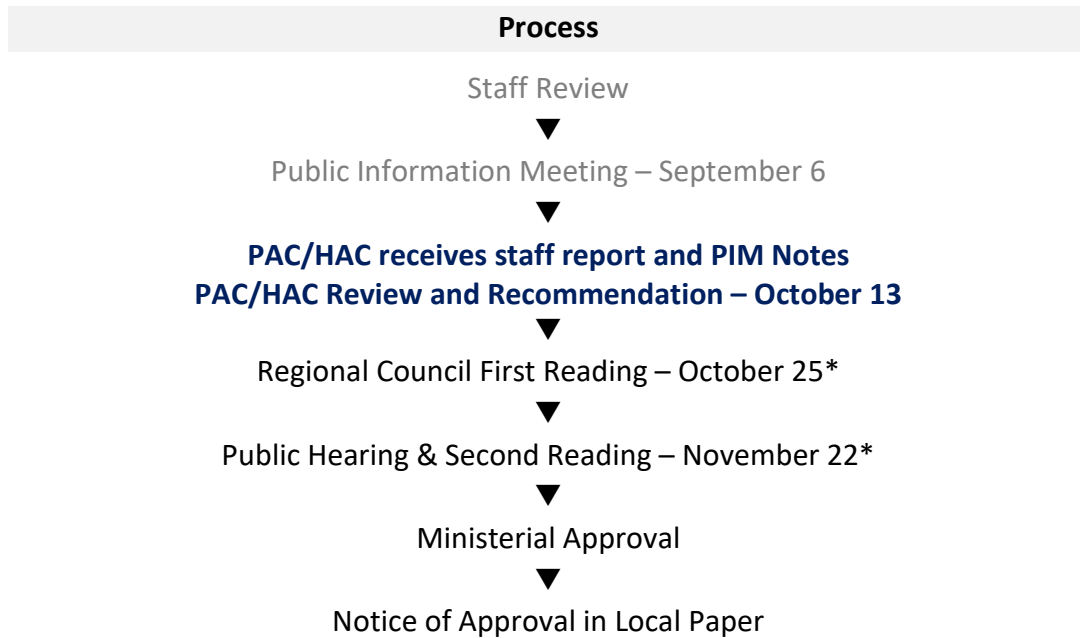
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for West Hants was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the HMPS and are consistent with the intent, objectives and policies of the HMPS. The proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings reflect the intent of the existing policies of the Hantsport Municipal Planning

Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A General Criteria for Amendments

Attachment B Draft Amendments
Attachment C Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

Policy 11.3.1 In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

CRITERIA	COMMENT
(a) whether the proposal is considered appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the impact on adjacent uses;	Detached secondary suites are expected to have a minimal impact on adjacent uses, as they are limited by size. The secondary suite requires one (1) parking space which will mean slightly more traffic to a residential area.
(v) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(vi) the financial capacity of the Town to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget.

	There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of the lot for the intended use at the development permit stage.
(d) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(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;	Not applicable as these proposed amendments do not apply to any particular lot.
(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	All Municipal, Provincial and Federal regulations will have to be met.
(g) the impact of not only the use being proposed but all uses permitted in the zone;	There is not anticipated to be a negative impact associated with allowing a detached secondary suite on a lot that already has a single or two-unit dwelling.
(h) the site meets all of the zone requirements of the zone sought; and	This is not a rezoning application. The Development Officer will confirm the dimensions

	of the lot for the intended use at the development permit stage.
(i) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present HMPS or HLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

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

Hantsport Municipal Planning Strategy

- 1. Amend parts of Section 3.2.6, *Housing*, in the Hantsport Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 3.2.6 reads as follows:**

3.2.6 Housing

Council acknowledges that it is important to encourage the provision of housing that includes all residents in Hantsport regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. **A Secondary suites ~~in a dwelling~~** can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure **they have minimal effect on the overall built form that the buildings retain the look of the original dwellings** and are compatible with the neighbourhood.

Policy

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

- Policy GP-11** encourage the provision of housing adequate to meet the needs of all residents of Hantsport. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.
- Policy GP-12** provide for the development of a range of housing types in Hantsport.
- Policy GP-13** include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.

Policy GP-14 permit secondary suites **within and accessory to** single and two-unit dwellings in all **zones**, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

2. Create Section 3.2.7, *Accessory Uses and Buildings*, in the Hantsport Municipal Planning Strategy using the background and policies as accepted by PAC/HAC during plan review discussions so that Section 3.2.7 reads as follows:

3.2.7 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

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

GP-15 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and
- (b) regulating the types, location, and size of accessory uses.

GP-16 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.

GP-17 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

Hantsport Land Use By-law

3. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 2, *Definitions*, of the Hantsport Land Use By-law so that the definitions read as follows:

ACCESSORY USE means a use subordinate **in impact** and naturally, customarily and normally incidental ~~and exclusively devoted~~ to a main use of land or building ~~and located on the same lot.~~

SECONDARY SUITE means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

4. Amend Section 5.1, *Accessory Buildings*, of the Hantsport Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:

5.0 General Provisions for all Zones

5.1 Accessory **Uses and Buildings**

(a) A detached accessory building may be permitted in any zone **and may be used only as an accessory use to the main building or use**, but shall not:

- (i) be used as a dwelling **unit except where a dwelling unit is a permitted accessory use**;
- (ii) be located within the front yard, in any Residential Zone;
- (iii) be permitted within the flanking yard on a corner lot;
- (iv) exceed 5 m in height; except in the Industrial (M) Zone;
- (v) be built within 2 m of the main structure;
- (vi) be considered an accessory building if attached to the main building by a common wall greater than 3 m in length;
- (vii) be built within 1 m of a lot line;
- (viii) exceed 90 m² in total ground floor area or 5% of the area of the lot, whichever is greater; and
- (ix) be constructed prior to construction of a main building, unless development and building permits have been issued for the main building.**

(b) Accessory buildings located in the Highway Commercial (C-2) Zone shall have a minimum required yard of 1.2 m and no maximum floor area.

(c) Accessory uses shall be located on a lot held in the same ownership and:

- (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

(d) The requirements for secondary suites located in an accessory building shall be the same as the requirements for accessory uses and buildings except 5.1 (a)(viii) and 5.1 (c); the detached secondary suite shall only be limited by size in accordance with the definition and shall be located on the same lot as the main dwelling.

5. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the Hantsport Land Use By-law to provide regulations for detached secondary suites so that Section 5.23 reads as follows:

Secondary Suites

- (a) Secondary Suites are permitted **within or accessory to** single and two-unit dwellings in all zones.
- (b) In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
- (i) no more than one (1) secondary suite shall be permitted per dwelling unit;
 - (ii) ~~the~~ a secondary suite shall be contained within, attached to **or accessory to** the dwelling unit;
 - (iii) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
 - (iv) no new entrances shall be created on the front façade of the **main** dwelling unit;
 - (v) one (1) parking spaces shall be required for each secondary suite; and
 - (vi) additions shall be limited to the rear yard of the dwelling.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Ivey (Chair) <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips <p>The following members of the public requested invited to attend the PIM via Zoom:</p> <ul style="list-style-type: none"> • Carol Bradley • Traci Curry • Virginia Douglas
<p>Applicant Family Resource Centre</p> <p>Property N/A</p>	<p>Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality.</p> <p>The applicant did not make a formal presentation.</p>
Comments	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022.</p> <p>1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached.</p> <p>The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text.</p> <ul style="list-style-type: none"> • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	<p>Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites.</p> <ul style="list-style-type: none"> • What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



Family Resource Centre of West Hants
61 Morison Drive
P.O. Box 2847
Windsor, NS
B0N 2T0
Email: frcowh@gmail.com
Phone: 902-798-5961

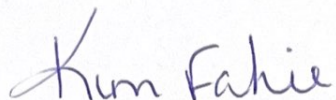
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in cursive script that reads "Kim Fahie".

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: West Hants MPS and LUB Amendments: Detached Secondary Suites; File #22-13

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in West Hants Regional Municipality, 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 West Hants Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-13 dated October 13, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the West Hants Municipal Planning Strategy (WHMPS) and West Hants Land Use By-Law (WHLUB). There will be duplication of material within the three reports, but this ensures that documentation for each separate amendment is complete.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

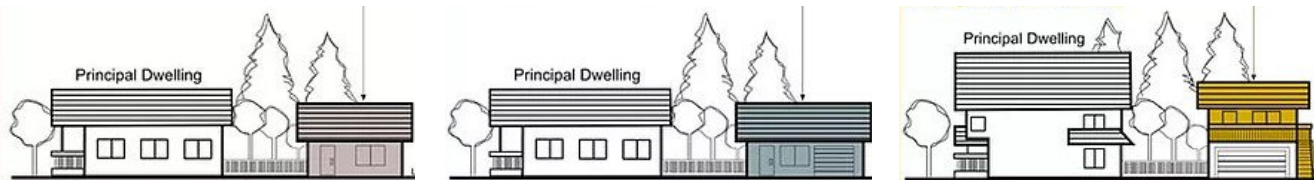


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under 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 Statement of Provincial Interest 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.

All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

West Hants Municipal Planning Strategy

Section 4.11 of the West Hants Municipal Planning Strategy (WHMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council’s 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	<p>On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following:</p> <ul style="list-style-type: none"> • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. <p>HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.</p>
East Hants	<p>East Hants “encourages context sensitive density intensification and infill residential development” by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation.</p> <p>East Hants defines an attached secondary suite as “a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast.” A detached secondary suite is defined as a “garden” or “garage” suite.</p> <p>On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross</p>

	<p>floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less.</p> <p>Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.</p>
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (NBC) defines a secondary suite as “a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 sq. ft. (80 sq. m.), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 6 ft. (1.83 m.) from the main building, a minimum of 4 ft. (1.22 m.) from the side and rear yards and be limited to a maximum of 20 ft. (6.10 m.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.57 and 5.58 of the WHLUB, would apply to detached secondary suites. This includes the

requirement for one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WHMPS Policy GP-2 and WHLUB Section 5.1 (g) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WHMPS General Criteria

The proposed amendments meet the general criteria for amendment set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- detached secondary suites are capable of being serviced by on-site water and sewer in unserviced areas and Municipal water and sewer in serviced areas;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

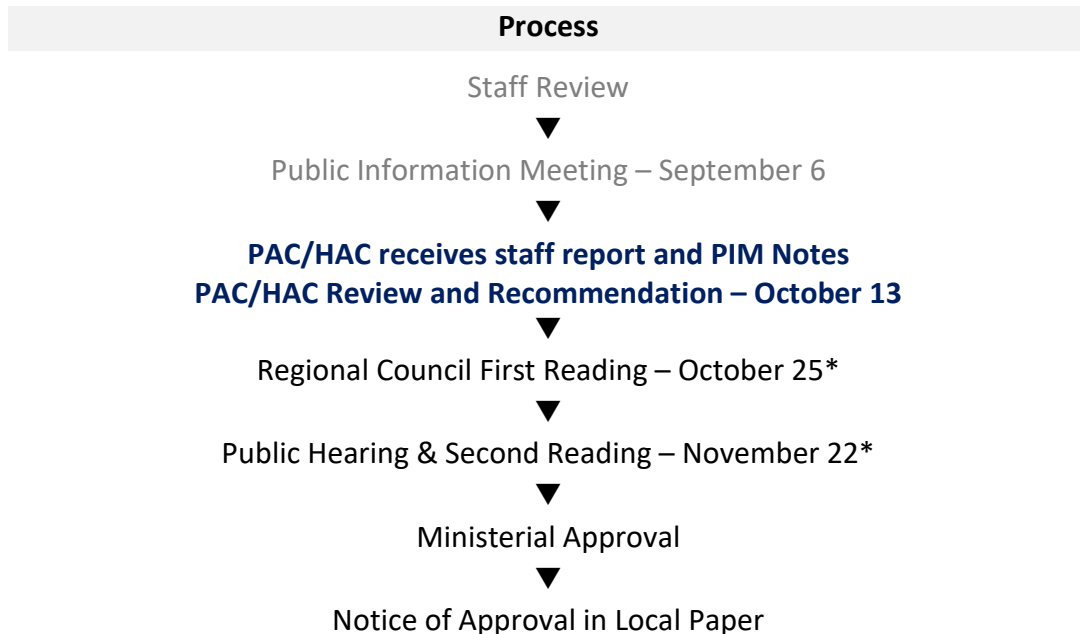
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for West Hants was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS and are consistent with the intent, objectives and policies of the WHMPS. The proposed amendments to permit detached secondary suites accessory to single

and two-unit dwellings reflect the intent of the existing policies of the West Hants Municipal Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A General Criteria for Amendments
Attachment B Draft Amendments
Attachment C Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget. There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.

<p>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</p>	<p>In areas where Municipal sewer and water services are available, the Municipal Project Engineer responded that “residents would be allowed additional service laterals to a secondary suite (i.e., garage, shed, etc.) on a property.” He added that Public Works would support either an extension of an existing lateral or installation of a separate lateral to the secondary suite subject to the following:</p> <ul style="list-style-type: none"> “(i) if connecting to existing water lateral, the new connection to the secondary suite must be made on the private (homeowner) side of the water meter; (ii) sanitary connections longer than 30.0m must be installed with a wye-type cleanout in a location approved by the Municipal Engineer, per Section 6.2.1.11(d) of our new specs; (iii) if installing a new water and/or sewer lateral, the new service lateral must not be within 1000mm of an adjacent service or pipe joint on the main. This is per Section 33 11 00 (Part 3.10.2) of the Standard Specifications for Municipal Services (Blue Book).” <p>On properties without Municipal sewer and water services Nova Scotia Environment allows two dwellings located on the same lot to use the same septic system. The Building Official would require confirmation from a professional that a new septic system or existing system is capable of handling the extra demand.</p>
<p>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p>	<p>Not applicable as these proposed amendments do not apply to any particular lot.</p>
<p>(d) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of</p>

	the lot for the intended use at the development permit stage.
(e) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;	Not applicable as these proposed amendments do not apply to any particular lot.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present WHMPS or WHLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

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

West Hants Municipal Planning Strategy

1. **Replace Section 4.1, *Accessory Uses, Buildings and Structures*, in the West Hants Municipal Planning Strategy with the *Accessory Uses and Buildings* background and policies as accepted by PAC/HAC during plan review discussions so that Section 4.1 reads as follows:**

4.0 GENERAL LAND USE POLICIES

4.1 Accessory Uses, Building and Structures

~~Where the Land Use By law provides that any land, building or structure may be used for a purpose, the purpose includes any accessory use unless specifically prohibited.~~

~~**Policy 4.1.1** It shall be the policy of Council to regulate accessory uses in the Land Use By law.~~

~~**Policy 4.1.2** It shall be the policy of Council to prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use.~~

~~**Policy 4.1.3** It shall be the policy of Council that accessory buildings or structures will not be considered as accessory if attached to the main building or located completely underground.~~

~~**Policy 4.1.4** It shall be the policy of Council that accessory uses and buildings must be located on the same lot as the main use unless specifically permitted by the Land Use By law.~~

4.1 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

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

GP-1 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and**
- (b) regulating the type, location, and size of accessory uses.**

GP-2 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

GP-3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

- 2. Amend parts of Section 4.11, *Housing*, in the West Hants Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 4.11 reads as follows:**

4.11 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in West Hants regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families mean that a community needs to enable diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. ~~A Secondary suites in a dwelling~~ can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure ~~they have minimal effect on the overall built form that the buildings retain the look of the original dwellings~~ and are compatible with the neighbourhood.

Policy

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

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

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

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

Policy 4.11.4 permit secondary suites **within and accessory to** single and two-unit dwellings in all **zones**, with regulation regarding the size, location and appearance of

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

3. Amend the background information on *Servicing Policies* in Section 15.1, *Water and Sewer*, in the West Hants Municipal Planning Strategy so that it reads as follows:

Servicing Policies

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

West Hants Land Use By-law

4. Amend Section 5.1, *Accessory Buildings and Structures*, of the West Hants Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory **Uses and Buildings and Structures**

5.1

(a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:

(i) be used as a dwelling unit except where a dwelling **unit** is a permitted accessory use;

(ii) be built within 6 ft. (1.83 m.) of the main building;

(iii) be built closer to the street than the main building on the lot except in the Prime Agriculture (P/Ag) zone;

(iv) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:

- Common garages for semi-detached dwellings may be centred on a mutual side lot line;

- Garages, ~~and~~ storage sheds **and detached secondary suites** may be built a minimum of 4 ft. (1.22 m.) from the side and rear lot lines;

- Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.

(b) Notwithstanding clauses (iii) and (iv) of Section 5.1(a), an accessory building or structure may be located in the front yard or a lot but in no case shall be less than 60 ft. (18.29 m.) from the front lot line.

(c) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under subsection (a).

(d) No accessory building or structure shall be constructed:

(i) ~~prior to the time of construction of the main building to which it is accessory~~ **prior to construction of a main building, unless development and building permits have been issued for the main building**, except that a boat house, dock or storage shed may be built prior to construction of a seasonal dwelling only on a lot located in the General Resource (GR) zone; or

(ii) prior to the establishment of the main use of the land where no main building is to be built.

(e) The maximum height of an accessory building shall not exceed 20 ft. (6.10 m.) except:

(i) where a specific zone expressly permits a greater height; or

(ii) where a main building is 2.5 storeys in height or higher, the maximum height of an accessory building shall not exceed two-thirds (2/3) the height of the main building or 30 ft. (9.14 m.), whichever is less.

(f) Accessory buildings which are erected and regularly used as part of a main agricultural activity on lots used for agricultural purposes may be used for other purposes which support the agriculture use, including but not limited to commercial indoor storage of recreational vehicles, boats, and cars in accordance with Section 5.19.

(g) Accessory uses shall be located on a lot held in the same ownership and:

(i) **within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**

(ii) **on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

(h) The requirements for accessory uses and buildings shall apply to detached secondary suites with the exception of 5.1(g): detached secondary suites shall be located on the same lot as the main dwelling.

5. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the West Hants Land Use By-law to provide regulations for detached secondary suites so that Section 5.57 and 5.58 reads as follows:

Secondary Suites

- 5.57 Secondary Suites are permitted **within or accessory to** single and two-unit dwellings in all zones.
- 5.58 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
- (a) no more than one (1) secondary suite shall be permitted per dwelling unit;
 - (b) ~~the a~~ secondary suite shall be contained within, attached to or **accessory** to the dwelling unit;
 - (c) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
 - (d) no new entrances shall be created on the front façade of the dwelling unit;
 - (e) one (1) parking space shall be required for each secondary suite; and
 - (f) additions shall be limited to the rear yard of the dwelling unit.

6. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 35, *Definitions*, of the West Hants Land Use By-law so that the definitions read as follows:

Accessory Use means a use subordinate **in impact** and naturally, customarily and normally incidental ~~to and exclusively devoted~~ to a main use of land or building ~~and located on the same lot.~~

Secondary Suite means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Ivey (Chair) <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips <p>The following members of the public requested invited to attend the PIM via Zoom:</p> <ul style="list-style-type: none"> • Carol Bradley • Traci Curry • Virginia Douglas
<p>Applicant Family Resource Centre</p> <p>Property N/A</p>	<p>Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality.</p> <p>The applicant did not make a formal presentation.</p>
Comments	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022.</p> <p>1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached.</p> <p>The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text.</p> <ul style="list-style-type: none"> • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	<p>Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites.</p> <ul style="list-style-type: none"> • What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



Family Resource Centre of West Hants
61 Morison Drive
P.O. Box 2847
Windsor, NS
B0N 2T0
Email: frcowh@gmail.com
Phone: 902-798-5961

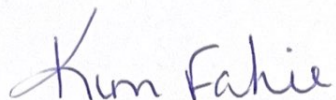
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in cursive script that reads "Kim Fahie".

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14

LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

RECOMMENDATION

To allow detached secondary suites in the community of Windsor, 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 Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-Law (WLUB). There will be duplication of material within the three reports, but this ensures that documentation for each separate amendment is complete.

DISCUSSION

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

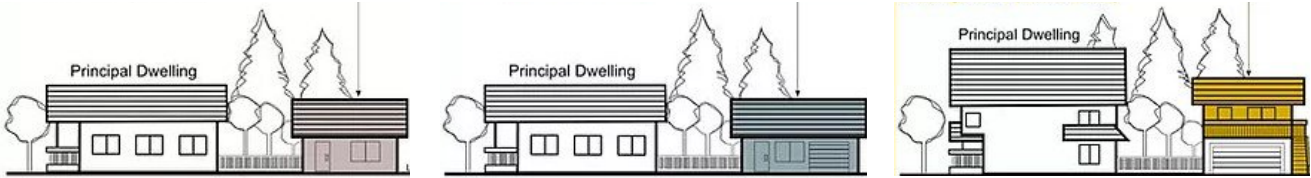


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

Provincial

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under 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 Statement of Provincial Interest 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.

All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

Affordable Housing Commission Report

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

Municipal Supporting Documentation

Windsor Municipal Planning Strategy

Section 4.18 of the Windsor Municipal Planning Strategy (WMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

Council Strategic Plan 2021-22

Theme 4, objective 3B of Council’s 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

RAD Consulting Community Engagement Report

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

Detached Secondary Suites in Other Municipalities and Towns

Halifax Regional Municipality (HRM)	<p>On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following:</p> <ul style="list-style-type: none"> • be located on the same lot as the main dwelling; • be limited to one per lot; • have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and • meet the accessory buildings requirements. <p>HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.</p>
East Hants	<p>East Hants “encourages context sensitive density intensification and infill residential development” by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation.</p> <p>East Hants defines an attached secondary suite as “a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast.” A detached secondary suite is defined as a “garden” or “garage” suite.</p> <p>On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross</p>

	<p>floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less.</p> <p>Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.</p>
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

Draft Amendments

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (NBC) defines a secondary suite as “a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 sq. ft. (80 sq. m.), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 6 ft. (1.83 m.) from the main building, a minimum of 4 ft. (1.22 m.) from the side and rear yards and be limited to a maximum of 20 ft. (6.10 m.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.45 and 5.46 of the WLUB, would apply to detached secondary suites. This includes the

requirement for one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WMPS Policy GP-2 and WLUB Section 5.1 (d) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

WMPS General Criteria

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

- the amendments are not premature or inappropriate;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

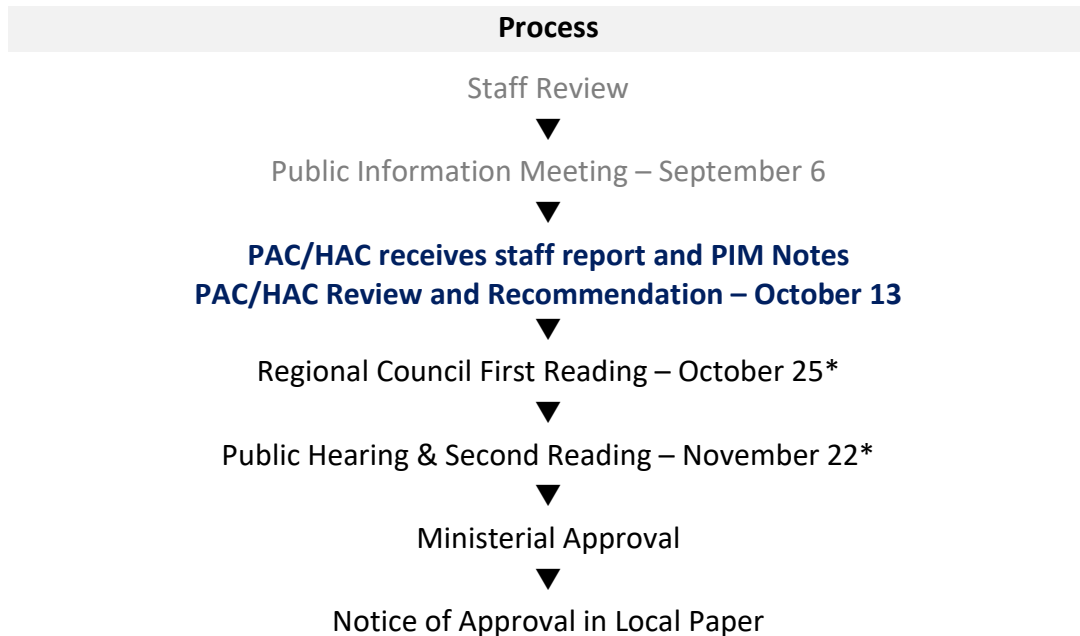
MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for Windsor was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives and policies of the WMPS. The proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings reflect the intent of the existing policies of the Windsor Municipal

Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Attachment A General Criteria for Amendments

Attachment B Draft Amendments
Attachment C Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Attachment A
General Criteria for Amendments

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:

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(v) the financial capacity of the Town to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget. There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.

(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of the lot for the intended use at the development permit stage.
(d) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(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;	Not applicable as these proposed amendments do not apply to any particular lot.
(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	All Municipal, Provincial and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

Attachment B Draft Amendments

Note: coloured text indicates a change from the present WMPS or WLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.

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

Windsor Municipal Planning Strategy

1. **Replace Section 4.1, *Accessory Uses*, in the Windsor Municipal Planning Strategy with the *Accessory Uses and Buildings* background and policies as accepted by PAC/HAC during plan review discussions so that Section 4.1 reads as follows:**

4.0 GENERAL LAND USE POLICIES

4.1 Accessory Uses

~~Whenever a use is permitted pursuant to provisions of a land use zone it is intended that uses, buildings or structures normally incidental, accessory or essential to the primary permitted use may also be permitted, unless the Land Use By law expressly states otherwise.~~

~~**Policy 4.1.1** It shall be the policy of Council to regulate accessory uses in the Land Use By law.~~

~~**Policy 4.1.2** It shall be the policy of Council to prohibit the use of an accessory building for human habitation unless a dwelling unit is permitted as an accessory use.~~

~~**Policy 4.1.3** It shall be the policy of Council that accessory buildings or structures will not be considered as accessory if attached to the main building or located completely underground.~~

~~**Policy 4.1.4** It shall be the policy of Council that accessory uses and buildings must be located on the same lot as the main use unless specifically permitted by the Land Use By law.~~

4.1 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

Policy

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

GP-1 regulate accessory uses and buildings by:

- (a) regulating the number, size, location and height of accessory buildings; and**
- (b) regulating the type, location, and size of accessory uses.**

GP-2 permit accessory uses to be located on a lot held in the same ownership and:

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

GP-3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

- 2. Amend parts of Section 4.18, *Housing*, in the Windsor Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 4.18 reads as follows:**

4.18 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. **A Secondary suites in a dwelling** can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure **they have minimal effect on the overall built form that the buildings retain the look of the original dwellings** and are compatible with the neighbourhood.

Policy

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

- Policy 4.18.1** encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.
- Policy 4.18.2** provide for the development of a range of housing types in Windsor.
- Policy 4.18.3** include flexible development standards which encourage innovative housing development in the **Municipal Planning Strategy and Land Use By-law**.
- Policy 4.18.4** permit secondary suites **within and accessory to** single and two-unit dwellings in all **zones**, with regulation regarding the size, location and appearance of

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

Windsor Land Use By-law

- 3. Amend Section 5.1, *Accessory Buildings and Structures*, of the Windsor Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:**

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory **Uses and Buildings** ~~and Structures~~

5.1

(a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:

- (i) be used as a dwelling unit except where a dwelling **unit** is a permitted accessory use;
- (ii) be built in the front yard of any lot;
- (iii) be built within 6 ft (1.83 m) of the main building;
- (iv) be built closer to the front and side lot lines than the setback required in the zone for the main building;
- (v) be built closer than 4 ft (1.22 m) to any lot line, except:
 - in the Agriculture (AG) zone where accessory buildings shall be a minimum of 10 ft (3.05 m) from any lot line;
 - common garages for semi-detached dwellings which may be centred on a mutual side lot line;
 - boat houses and docks which may be built to the lot line where the lot line corresponds to the water's edge;
- (vi) when built on a corner lot, be located in the rear or side yard which is adjacent to the street.

(b) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, ramps, and fences shall be exempt from any requirement under subsection (a).

(c) No accessory building or structure shall be constructed:

- (i) prior to ~~the time of construction of the main building to which it is accessory~~ **prior to construction of a main building, unless development and building permits have been issued for the main building;** or
- (ii) prior to the establishment of the main use of the land where no main building is to be built.

(d) Accessory uses shall be located on a lot held in the same ownership and:

- (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
 - (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.
- (e) Detached secondary suites shall follow the requirements for accessory uses and buildings except 5.1 (d); the detached secondary suite shall be located on the same lot as the main dwelling.

4. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the Windsor Land Use By-law to provide regulations for detached secondary suites so that Section 5.45 and 5.46 reads as follows:

Secondary Suites

- 5.45 Secondary Suites are permitted **within or accessory to** single and two-unit dwellings in all zones.
- 5.46 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
- (a) no more than one (1) secondary suite shall be permitted on any lot;
 - (b) ~~the a~~ secondary suite shall be contained within, attached to or **accessory** to the dwelling unit;
 - (c) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
 - (d) no new entrances shall be created on the front façade of the dwelling unit;
 - (e) one (1) parking space shall be required for each secondary suite; and
 - (f) additions shall be limited to the rear yard of the dwelling unit.

5. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 31, *Definitions*, of the Windsor Land Use By-law so that the definitions read as follows:

Accessory Use means ~~the a use of land or a building or portion thereof customarily incidental and subordinate in impact and naturally, customarily and normally incidental to a main the principal use of the land or building and located on the same lot~~

Secondary Suite means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the

total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

Attachment C
Public Information Meeting Notes
September 6 - 23, 2022
File 22-13
Detached Secondary Suites

Meeting date and time	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Ivey (Chair) <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Poirier • Director LeMay • Meeting Secretary Lake • CAO Mark Phillips <p>The following members of the public requested invited to attend the PIM via Zoom:</p> <ul style="list-style-type: none"> • Carol Bradley • Traci Curry • Virginia Douglas
<p>Applicant Family Resource Centre</p> <p>Property N/A</p>	<p>Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality.</p> <p>The applicant did not make a formal presentation.</p>
Comments	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022.</p> <p>1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached.</p> <p>The following comments and questions were made at the Public Information Meeting. Staff responses are included in purple text.</p> <ul style="list-style-type: none"> • Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?

	<p>Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites.</p> <ul style="list-style-type: none">• What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.
Adjournment	The meeting was adjourned at 6:11 p.m.



Family Resource Centre of West Hants
61 Morison Drive
P.O. Box 2847
Windsor, NS
B0N 2T0
Email: frcowh@gmail.com
Phone: 902-798-5961

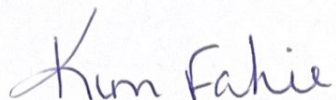
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in cursive script that reads "Kim Fahie".

Kim Fahie
Executive Director
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality
Planning Department & Council
76 Morison Drive
Windsor, NS

RE: Amending Planning Documents to Allow Detached Secondary Suites

I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,
Jennifer Nicholls
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: October 13, 2022

Subject: West Hants Land Use By-law; Housekeeping Amendments File # 22-16

1.0 LEGISLATIVE AUTHORITY
Municipal Government Act, Part 8

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law to correct errors in the metric equivalent of front yard requirements in the Two-Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone, add a general clause to the West Hants Land Use By-law regarding the required standard of measurement, and correct the reference to the West Hants Municipal Planning Strategy policy for uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, all as shown in Appendix D of the October 13, 2022, report #22-16 ,West Hants Land Use By-law Housekeeping Amendments.

3.0 BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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As Planning and Development staff review planning documents in order to respond to people inquiring about development potential, errors in the planning documents are occasionally found. Two have recently been found in the West Hants Land Use By-law (WHLUB): the first is related to the metric equivalent for imperial measurements and the second is related to the criteria for development agreements in the Hamlet and Resource designations.

4.0 DISCUSSION

4.1 Imperial/Metric Equivalent

The Two Unit Residential (R-2) Zone of the WHLUB contains a front yard setback of “15 ft. (7.62 m)”. The actual metric equivalent of 15 ft. is 4.57 metres.

In reviewing the document I found the same error in the Multiple Residential (R-3) Zone requirements. 4.57 m is correctly used as the equivalent for 15’ in nine (9) other locations in the WHLUB (Appendix A).

The WHLUB also does not contain the following usual statement regarding measurements “*The imperial system of measurement is used throughout this By-law and in all cases represents the required standard. Metric measurements are approximate and for convenience only.*”

In order to ensure that all measurements within the document are clear and not open to interpretation, the front yard setback in both the Two Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone should be corrected, and the statement regarding the standard of measurement should be added to Section 4.7, “Units of Measurement” as shown in Appendix D.

4.2 Part 6.0, Development Agreements

Clause (q) of Section 6.1 of the WHLUB reads: “(q) *Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.5.1 of the Municipal Planning Strategy;*”(Appendix B).

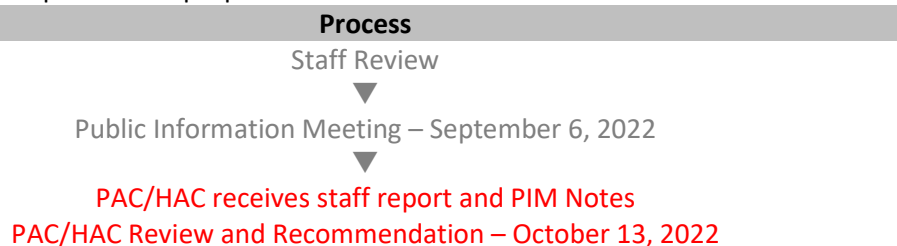
Policy 4.5.1 of the West Hants Municipal Planning Strategy (WHMPS) is related to development on municipally-owned land in any zone rather than to uses in existing non-residential buildings in the Hamlet and Resource designations. Policy 4.6.1 of the WHMPS, however, clearly refers to and establishes the criteria for “*existing non-residential buildings exceeding the commercial floor area limit in the Hamlet and Resource designations*” (Appendix C).

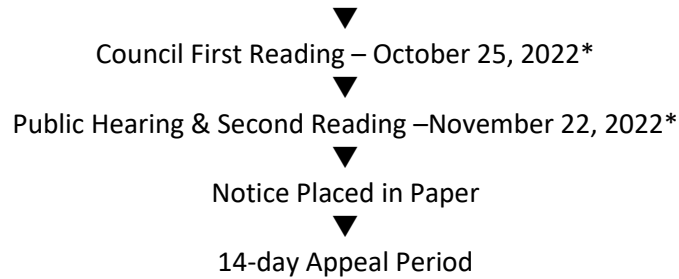
Planning and Development staff have had one serious inquiry this summer about development using clause 6.1 (q) which brought the error to light. Although no application for a development agreement followed, the error should be removed so that clause 6.1 (q) can be used should a developer wish to. The error is contained in the original document approved by Council May 13, 2008.

5.0 NEXT STEPS

The Public Information Meeting was held on September 6,2022, and comments could be submitted until noon September 23. No comments were received. (Appendix E).

The process to complete these proposed amendments is as follows:





*anticipated date; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality related to the proposed amendments.

7.0 ALTERNATIVES

In response to the application, Council may decide to:

- not hold a public hearing regarding the proposed amendments; or
- provide alternative direction such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A	WHLUB Two Unit Residential (R-2) and Multiple Residential (R-3) Zone
Appendix B	WHLUB 6.1 (q)
Appendix C	WHMPS Policy 4.5.1 and Policy 4.6.1
Appendix D	Draft Amendments
Appendix E	Public Information Meeting Notes

Report Prepared by: _____

Madelyn LeMay, Director, Planning and Development

APPENDIX A

Taken from the West Hants Land Use By-law September 12, 2022

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:
- Two-unit dwellings
 - Mini homes
 - Uses permitted in the R-1 zone subject to the R-1 zone requirements
Mobile homes in the Three Mile Plains Growth Centre (Amendment 20-28 Effective June 15, 2021)

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

	Mobile homes and Mini homes		Two-unit dwellings	
	with municipal services	with on-site services	with municipal services	with on-site services
Minimum lot area	6,000 ft ² (557.40 m ²); 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)	3,500 ft ² (325.15 m ²)/unit	29,000 ft ² (2,694.10 m ²)/unit
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m)/unit	100 ft (30.48 m)/unit
Minimum front yard	15 ft (7.62 m)			
Minimum rear yard	25 ft (7.62 m)			
Minimum side yard	one side	6 ft (1.83 m)		
	other side	6 ft (3.05 m)		
Max. height of main building	35 ft (10.67 m)			

(Amendment 20-28 Effective June 15, 2021) (Amendment GC2LUB 17-01 Effective March 7, 2018)

10.0 MULTIPLE RESIDENTIAL (R-3)

Permitted Uses

10.1 The following uses shall be permitted in the Multiple Residential (R-3) zone:

- Dwellings with more than two units in accordance with Sections 10.2 and 10.7 below;
- Boarding or rooming houses in accordance with Sections 10.2 and 10.7 below;
(Amendment WHLUB 14-01 Effective January 22, 2015)
- Residential care facilities providing care for five or fewer persons in accordance with Sections 10.2 and 10.7 below;
- Uses permitted in the R-1 zone subject to the R-1 zone requirements, with side yard requirements in accordance with Sections 10.2 and 10.7 below;
- Uses permitted in the R-2 zone subject to the R-2 zone requirements with side yard requirements in accordance with Sections 10.2 and 10.7 below.
(Amendment GC2LUB 17-01 Effective March 7, 2018)

R-3 Zone General Requirements

10.2 In the R-3 zone, no development permit shall be issued except in conformity with the following:

		Townhouse and triplex dwellings	Apartment buildings, residential care facilities
Minimum lot area		3,000 ft ² (278.70 m ²)/unit	10,000 ft ² (929.00 m ²) for the first 4 units; plus 1,500 ft ² (139.35 m ²) for each additional unit
Minimum lot frontage		30 ft (9.14 m)/unit	100 ft (30.48 m)
Minimum front yard		15 ft (7.62 m)	15 ft (7.62 m)
Minimum rear yard		25 ft (7.62 m)	35 ft (10.67 m)
Minimum side yard	one side	6 ft (1.83 m)	
	other side	5 ft (1.52 m)	
Maximum height of main building		35 ft (10.67 m)	3 storeys*
Maximum number of units per building		8	20

APPENDIX B

Taken from the West Hants Land Use By-law September 12, 2022

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:

...

Hamlets, Agriculture and Resource

...

- (q) Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.5.1 of the Municipal Planning Strategy;

APPENDIX C

Taken from the West Hants Municipal Planning Strategy September 12, 2022

4.5 Development on Municipally-owned land

Institutional, community use and public works development on municipally-owned lands shall be permitted in any zone. For major developments, however, such as a sewage treatment plant, or other public or institutional building or facility, Council feels it is important to consider the impact on the surrounding neighbourhood as well as to provide an opportunity for public input. For this reason, where such developments, if undertaken on privately-owned land, would be subject to a development agreement or rezoning process, Council will take into consideration the relevant policies of the Municipal Planning Strategy prior to commencing construction.

- Policy 4.5.1** It shall be the policy of Council to allow institutional, community use or public works development on municipally owned land in any zone; however, where such development involves the construction of a new main building with a gross floor area greater than 2,000 ft² (185.80 square meters) and would require a development agreement or rezoning if undertaken on privately-owned land, it shall be the intention of Council, prior to commencing such development, to consider its potential impact on the community and seek public input by:
- (a) requesting a staff report reviewing the relevant policies of the Municipal Planning Strategy including Policy 16.3.1; and
 - (b) holding a public meeting and publishing a notice of the public meeting.

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

Within the Hamlet and Resource designations, permitted floor area is limited for certain commercial uses. The purpose of this restriction is to ensure that larger scale, non-resource commercial and industrial development is directed to the Growth Centres, while Hamlets and resource areas provide small-scale, local services. There are, however, several existing non-residential buildings in the Hamlet and Resource designations which are far in excess of the floor area limit. This means that, in some cases, large sections of these existing buildings cannot be used. Council does not wish to prevent the re-development of these existing buildings, but wants to have some control over their development and the impact on neighbouring properties and land uses. For this reason, Council will consider permitting development of these existing large buildings by development agreement. To allow for a wide variety of uses, uses permitted in the Local Commercial (LC), Hamlet Industrial (M-2) and Rural Commercial (RC) zones will be considered.

Policy 4.6.1

It shall be the intention of Council that existing non-residential buildings exceeding the commercial floor area limit in the Hamlet and Resource designations may be permitted to use the full extent of their floor area for commercial or industrial use by entering into a development agreement, subject to the following:

- (a) the proposed use or uses are permitted in the Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) zones;*
- (b) safe and efficient roadway access is provided;*
- (c) adequate on-site parking is provided;*
- (d) the proposed use or uses are not considered obnoxious by reason of noise, odours, dust, fumes, or other emissions;*
- (e) adequate landscaping and screening, especially of open storage and parking, is provided;*
- (f) the use or uses are compatible with adjacent land uses with respect to traffic generation, hours of operation and other matters;*
- (g) any other matter which may be addressed by development agreement;
and*
- (h) Policy 16.3.1.*

APPENDIX D

PROPOSED AMENDMENTS: WEST HANTS LAND USE BY-LAW

Purpose: to correct errors and omissions regarding metric equivalents and to correct a policy reference in the West Hants Land Use By-law

1. In Section 4.7, *Units of Measurement*, add the following Subsection: *The metric system of measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate and for convenience only.*, so that the Section appears as follows:

Units of Measurement

- 4.7 (a) Units of measurement used in this by-law are abbreviated as follows: feet - ft; meters – m; square feet – ft²; and square meters – m².
- (b) The imperial system of measurement is used throughout this By-law and in all cases represents the required standard. Metric measurements are approximate and for convenience only.

2. In Part 9, within the chart in Subsection 9.2, replace the minimum front yard requirement of *15 ft (7.62 m)* with a minimum front yard requirement of 15 ft. (4.57 m) so that the chart appears as follows:

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

	Mobile homes and Mini homes		Two-unit dwellings	
	with municipal services	with on-site services	with municipal services	with on-site services
Minimum lot area	6,000 ft ² (557.40 m ²); 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)	3,500 ft ² (325.15 m ²)/unit	29,000 ft ² (2,694.10 m ²)/unit
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m)/unit	100 ft (30.48 m)/unit
Minimum front yard	15 ft (4.57 m)			
Minimum rear yard	25 ft (7.62 m)			
Minimum side yard	one side	6 ft (1.83 m)		
	other side	6 ft (3.05 m)		
Max. height of main building	35 ft (10.67 m)			

3. In Part 10, within the chart in Subsection 10.2, replace the minimum front yard requirement of 15 ft (7.62 m) with a minimum front yard requirement of 15 ft. (4.57 m) so that the chart appears as follows:

10.2 In the R-3 zone, no development permit shall be issued except in conformity with the following:

		Townhouse and triplex dwellings	Apartment buildings, residential care facilities
Minimum lot area		3,000 ft ² (278.70 m ²)/unit	10,000 ft ² (929.00 m ²) for the first 4 units; plus 1,500 ft ² (139.35 m ²) for each additional unit
Minimum lot frontage		30 ft (9.14 m)/unit	100 ft (30.48 m)
Minimum front yard		15 ft. (4.57 m)	15 ft. (4.57 m)
Minimum rear yard		25 ft (7.62 m)	35 ft (10.67 m)
Minimum side yard	one side	6 ft (1.83 m)	
	other side	5 ft (1.52 m)	
Maximum height of main building		35 ft (10.67 m)	3 storeys*
Maximum number of units per building		8	20

4. In Part 6, clause (q), delete the number 4.5.1 and replace it with the number 4.6.1, so that the clause reads as follows:

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:

Hamlets, Agriculture and Resource

...

- (q) Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.6.1 of the Municipal Planning Strategy;

APPENDIX E
Public Information Meeting Notes
September 6, 2022 (via Zoom) – September 23, 2022
File# 22-16A

West Hants Land Use By-law Amendments: Housekeeping

Meeting date and time	A public information meeting was held on September 6, 2022 beginning at 6:30 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-06 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Mark Phillips, CAO PAC/HAC Members: Resident Bill Preston Resident Jennifer Nichols Councillor Debbie Francis Councillor John Smith Two members of the public were in attendance via Zoom.
Applicant none	Ms. LeMay outlined the proposed amendments which are intended to correct errors in the Land Use By-law related to the metric equivalent of front yard requirements in the Two-Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone and the reference to the West Hants Municipal Planning Strategy policy for uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations.
Adjournment	The presentation portion of the PIM ended at approximately 6:37 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until noon, September 23, 2022.
PIM Submissions	No questions or comments were received during the Zoom meeting. No verbal or written submissions were received.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: West Hants Land Use By-law Amendments: Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Garlands Crossing; File #22-17

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, 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 zoning map of the West Hants Land Use By-law to rezone a portion of the lot located at PID 45190386, Wentworth Road, Garlands Crossing from the Agricultural Priority Three (AR-3) Zone to the Multiple Residential (R-3) Zone and rezone a portion of the lot located at PID 45366457, Cole Drive, Garlands Crossing from the Joint Industrial Type Three (LI-3) zone to the Multiple Residential (R-3) zone, as shown on Figure 3, and amend the text of the West Hants Land Use By-law to reduce the minimum lot specification requirements for PID 45190386 and 45366457 owned by J. D. Irving Limited on Wentworth Road and Cole Drive, in a manner substantively the same as the draft set out in Attachment A of the report File #22-17 to the Planning and Heritage Advisory Committee dated October 13, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on August 10, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of Mitch Brison of Brison Developments with authorization from Nick Valcour on behalf of the property owner J. D. Irving Limited. The application is to consider amending the map of the West Hants Land Use By-law (WHLUB) to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019).

PID 45366457 is currently designated Joint Industrial Park. A MPS designation change for the lot will be considered through “File 22-05 Windsor/West Hants MPS and LUB Amendments - Cole Drive, Windsor/Garlands Crossing”.

DISCUSSION

Portion of PID 45190386

PID 45190386 is approximately 69.2 acres (280,042 sq. m.) and is partially within the jurisdiction of the Windsor Municipal Planning Strategy (WMPS) and partially within the jurisdiction of the West Hants Municipal Planning Strategy (WHMPS). This application is a request to rezone an approximately 56-acre (226,624 sq. m.) portion of the lot that is entirely within the jurisdiction of the West Hants planning documents.

The approximately 56-acre (226,624 sq. m.) portion of the lot is designated Residential on the Generalized Future Land Use Map of the WHMPS (Figure 1) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential in the Three Mile Plains Growth Centre.

This portion of the lot is zoned Agricultural Priority Three (AR-3) on the Zoning Map of the WHLUB (Figure 2). Single and two-unit residential development on lots less than 40,000 sq. ft. (3,716 sq. m.) is not permitted as-of-right in the Agricultural Priority Three (AR-3) zone.

This portion of the lot abuts properties within the Three Mile Plains Growth Centre designated Residential and Commercial Core and zoned Two Unit Residential (R-2) and Highway Commercial (HC). It also abuts lots on Cole Drive designated Joint Industrial Park and zoned Joint Industrial Type 3 (LI-3).

Portion of PID 45366457

PID 45366457 is approximately 1.76-acres (7,122.47 sq. m.) and is partially within the jurisdiction of the WMPS and partially within the jurisdiction of the WHMPS. This application is a request to rezone an approximately 1.5-acre (6,070.28 sq. m.) portion of the lot that is entirely within the jurisdiction of the West Hants planning documents.

The approximately 1.5-acre (6,070.28 sq. m.) portion of the lot is designated Joint Industrial Park on the Generalized Future Land Use Map of the WHMPS (Figure 1). Part 11.0 of the WHMPS contains the overall intention for properties within the Joint Industrial Park.

This portion of the lot is zoned Joint Industrial Type 3 (LI-3) on the Zoning Map of the WHLUB (Figure 2). Residential uses are not permitted as-of-right in the Joint Industrial Type 3 (LI-3) zone.

This portion of the lot abuts properties designated Residential and Joint Industrial Park and zoned Agricultural Priority Three (AR-3) and Joint Industrial Type 3 (LI-3).

Current Use

These portions of PID 45190386 and 45366457 are currently vacant. The Development Officer noted that to their knowledge PID 45190386 has been used for agricultural purposes such as pasturing cattle for the past 25 years. There is a watercourse and some existing drainage ditches crossing this portion of the lot. The Agricultural Priority Three (AR-3) zoning of PID 45190386 was likely in place to allow the existing agricultural use to continue without creating a non-conforming use. The lot has been designated Residential since at least 2008 which shows Council's long term intent for residential uses to develop here.

Proposed Uses

The application is to consider amending the map of the WHLUB to rezone a portion of PID 45190386 and a portion of PID 45366457 to permit residential development and amend the text of the WHLUB to allow reduced minimum lot specifications to conform with the Crossing development agreement (2019). The site plan for the proposal shows a combination of single- and two-unit dwellings with a total of 232 dwelling units upon full build out. The site plan also shows an area for parkland and stormwater management ponds, and identifies an area for future multi-residential development.

Dwellings with more than two units are permitted in the Multiple Residential (R-3) as-of-right, subject to specific requirements including a maximum of 20 units per building and a maximum height of 3 storeys. Council can consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement in accordance with the criteria in Policy 5.3.8. This would require a separate application to be considered by Council. The developer has not applied for multi-unit development as part of this application.

The site plan proposes a new public street to connect Edward Drive to Cole Drive, along with a few other streets for circulation within the proposed development. The developer has submitted a traffic impact study with the application which has been deemed satisfactory by the Municipal Traffic Authority.

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 1: The Crossing Development Lot Specifications

Type of Unit	Minimum Frontage	Minimum Area	Minimum Side Yard	Minimum Front Yard	Minimum Rear Yard
Single Unit Dwelling	40 ft. (12.19 m.)	4,000 sq. ft. (371.60 sq. m.)	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 sq. m.)	4 ft. (1.22 m.)	15 ft. (4.57 m.)	25 ft. (7.62m.)

The developer is proposing to develop single- and two-unit dwellings on the majority of the subject lots which would be permitted as-of-right if the rezoning to the Multiple Residential (R-3) zone is approved. The applicant is also proposing that this residential development would connect to the Crossing via a new public street. Therefore, the applicant is requesting Council consider amending the WHLUB 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).

West Hants Municipal Planning Strategy

Portion of PID 45190386

Section 5.9 of the WHMPS contains the policies for agriculturally zoned lots within the Growth Centres. Policy 5.9.2 states that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land with agriculture zoning within the Growth Centres. Policy 8.10.3 states that land zoned Agricultural Priority Three (AR-3) in a Growth Centre may be considered for non-agricultural development subject to the relevant Growth Centre policies, provided that no rezoning shall be approved where the development will adversely affect

adjacent existing agricultural operations. There are no existing agricultural uses abutting the subject lots that would be adversely affected by the rezoning application.

The portion of the lot being discussed for rezoning as part of this application is designated Residential which shows that Council's long term intent for the lot is residential uses. Section 5.3 of the WHMPS contains the policies for residential development within the Three Mile Plains Growth Centre. Policy 5.7.3 establishes Council's intention to rezone "land within the Three Mile Plains Growth Centre to R-3". The Multiple Residential (R-3) zone allows uses permitted in the Single Unit Residential (R-1) zone, Two Unit Residential (R-2) zone and dwellings with more than two units as-of-right.

Portion of PID 45366457

Policy 16.1.3 allows Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied. This allows Council to consider rezoning the portion of PID 45366457 that is currently zoned Joint Industrial Type Three (LI-3) to the Multiple Residential (R-3) zone because PID 45366457 abuts the Residential designation where the Multiple Residential (R-3) zone is permitted.

Industrial uses would most likely not be possible to be developed on PID 45366457 due to the size and dimensions of the lot. The lot is 55 ft. (16.7 m.) at its narrowest and 97 ft. (29.6 m.) at its widest. The Joint Industrial Type Three (LI-3) zone requires a minimum of 25 ft. (7.62 m.) front and rear yard making it difficult to construct a building on this lot alone.

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interest which are regulations made under 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 goal of the Statement of Provincial Interest regarding agricultural land is to "protect agricultural land for the development of a viable and sustainable agriculture and food industry". It is noted that this statement applies to all active agricultural land and land with agricultural potential in the Province. PID 45190386 is zoned Agricultural Priority Three (AR-3) in the West Hants Land Use By-law, however, is designated as Residential in the West Hants Municipal Planning Strategy. The Statement outlines that "Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use." PID 45190386 is within a Growth Centre where water and sewer infrastructure are

available for the proposed development, it is surrounded by existing residential and commercial type development, and there are policies allowing Council to consider the rezoning provided that the development will not adversely affect adjacent existing agricultural operations.

The Statement of Provincial Interest 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. All the planning documents for the Region have housing policies and discuss residential development in specific communities. The Statement also notes 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.” In the Three Mile Plains Growth Centre the residential policies allow Council to consider rezoning land in the Growth Centre to Multiple Residential (R-3) which would enable a range of housing types. The application also requests reduced minimum lot specifications which aligns with the Statement to include measures to allow smaller lot sizes and reduced yard requirements.

The goal of the Statement of Provincial Interest regarding infrastructure is to “make efficient use of municipal water supply and municipal wastewater disposal systems.” It states that “unplanned and uncoordinated development increases the demand for costly conventional infrastructure.” This proposed development encourages the efficient use of municipal sewer and water services that are available and already provided to properties on either side of the subject lots.

West Hants Land Use By-law

An amendment to the Zoning Map of the WHLUB is being requested for a portion of PID 45190386 and 45366457 to the Multiple Residential (R-3) zone (Figure 3). Additionally, 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 WHLUB would be required (Attachment A).

WHMPS Specific Criteria

Policy 5.3.7 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment B.

In summary, the criteria are met since the development:

- will have frontage on a collector street as identified on the Future Streets Map of the West Hants Subdivision By-law;
- will be serviced with Municipal water and sewer;

- is compatible with the character of the area; and
- will provide adequate on-site parkland and parking.

WHMPS General Criteria

The proposed development meets the general criteria for amendments set out in the WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment C. In summary:

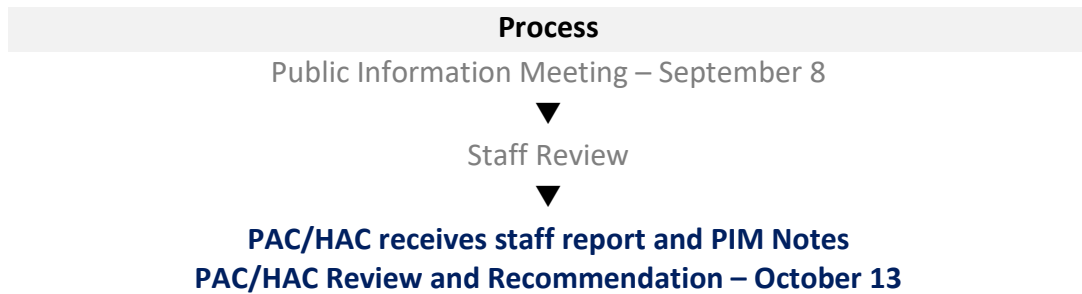
- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Manager of Public Works Operations have no concerns.

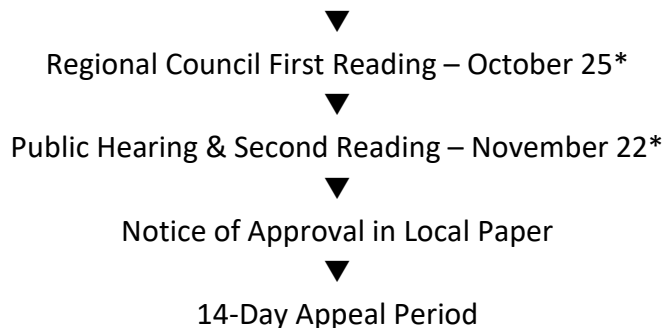
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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 will experience extensive flooding. The subject lots are not expected to be impacted by flooding however access to these lots may be. Additionally, map 2B “Sea level modeling – sea level rise” in the West Hants MCCAP (2013) does not show any impact to these properties. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WHMPS, and are consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to consider permitting rezoning of an approximate 56-acre (226,624 sq. m.) portion of a PID 45190386 on Wentworth Road and a 1.5-acre (6,070.28 sq. m.) portion of 45366457 on Cole Drive to allow residential development and to consider reducing the minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) for these lots.





*anticipated dates; final dates set by Council

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 amendments 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	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Proposed WHLUB Amendments
Attachment B	Specific Criteria for Amendments
Attachment C	General Criteria for Amendments
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Figure 1
GFLUM Extract

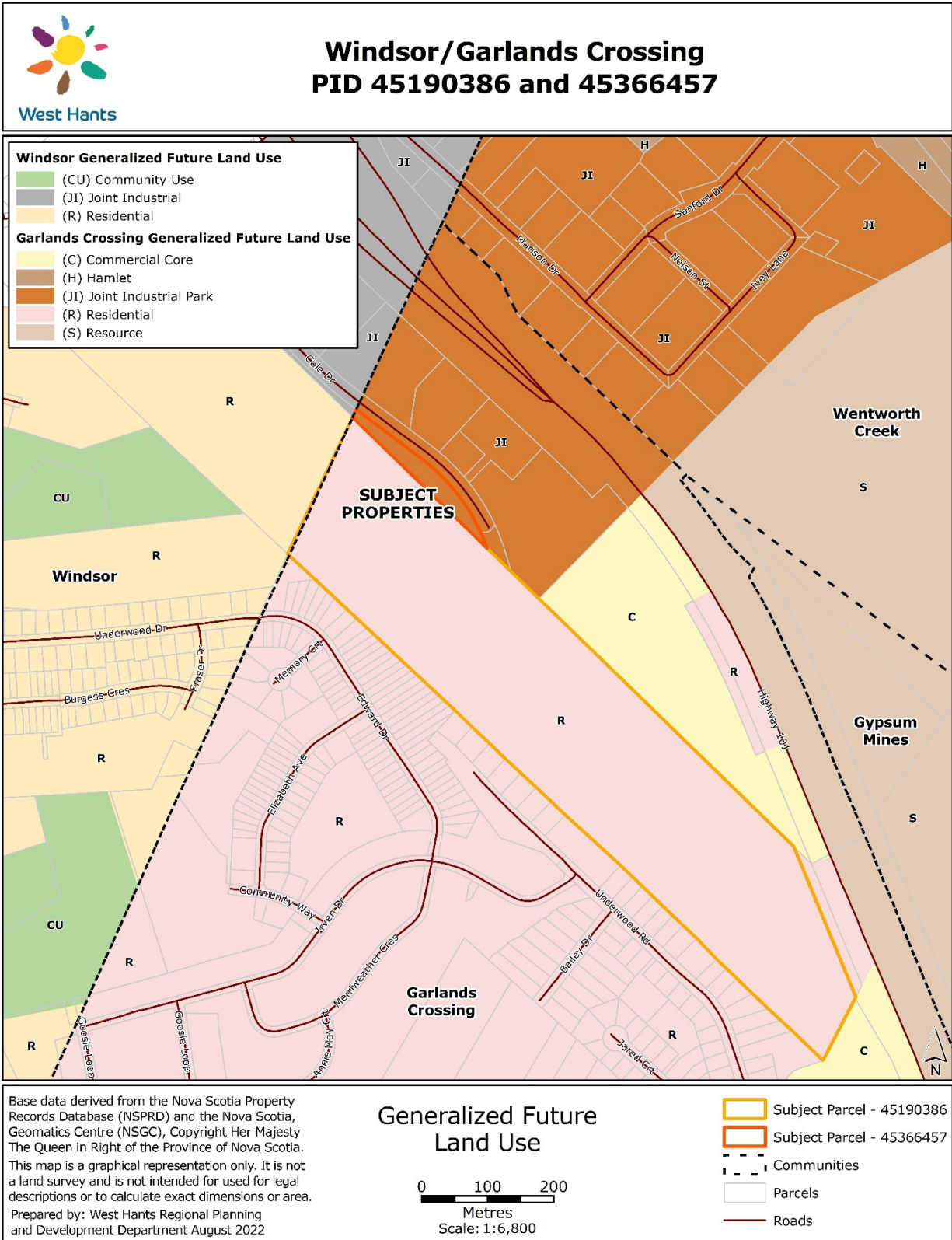
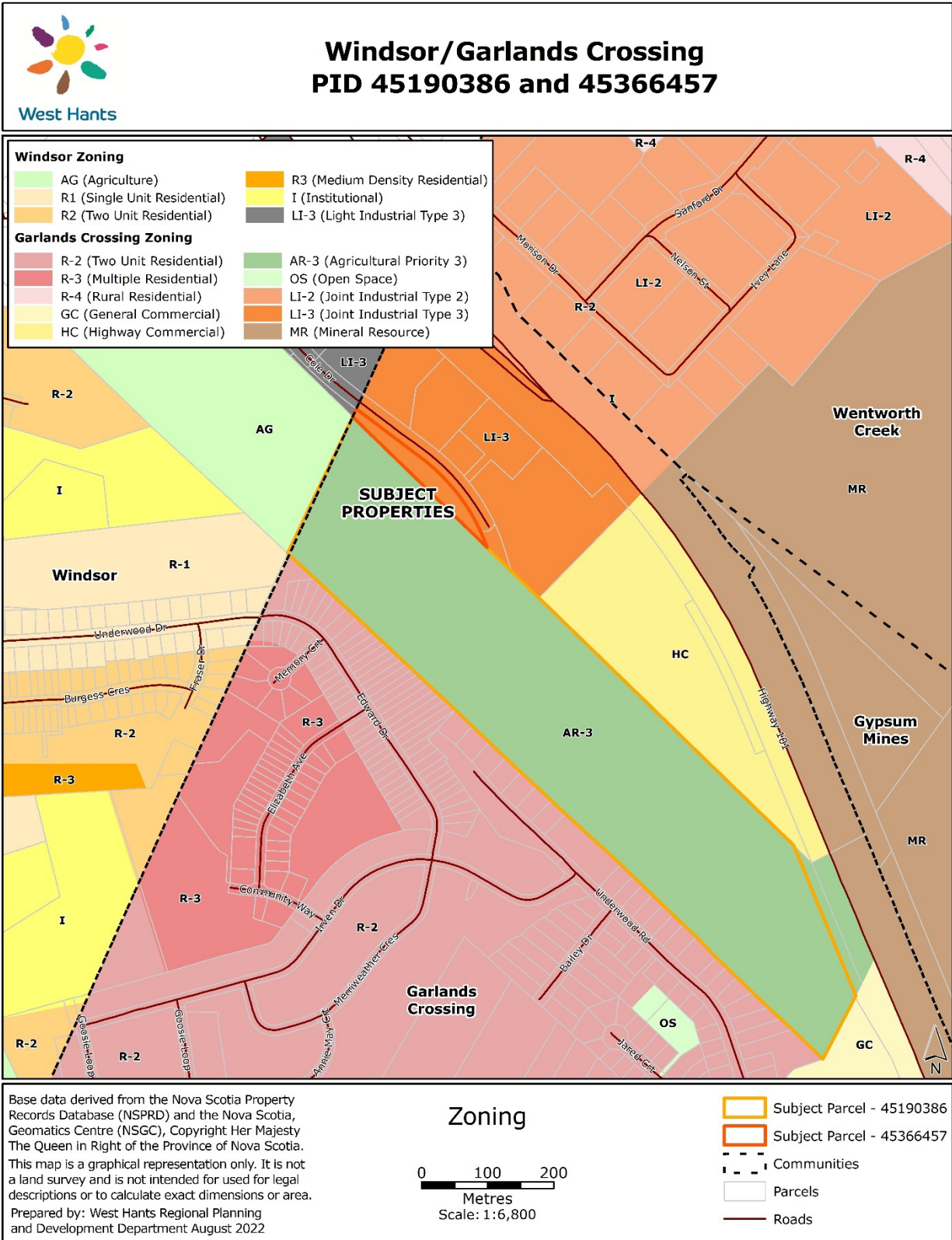
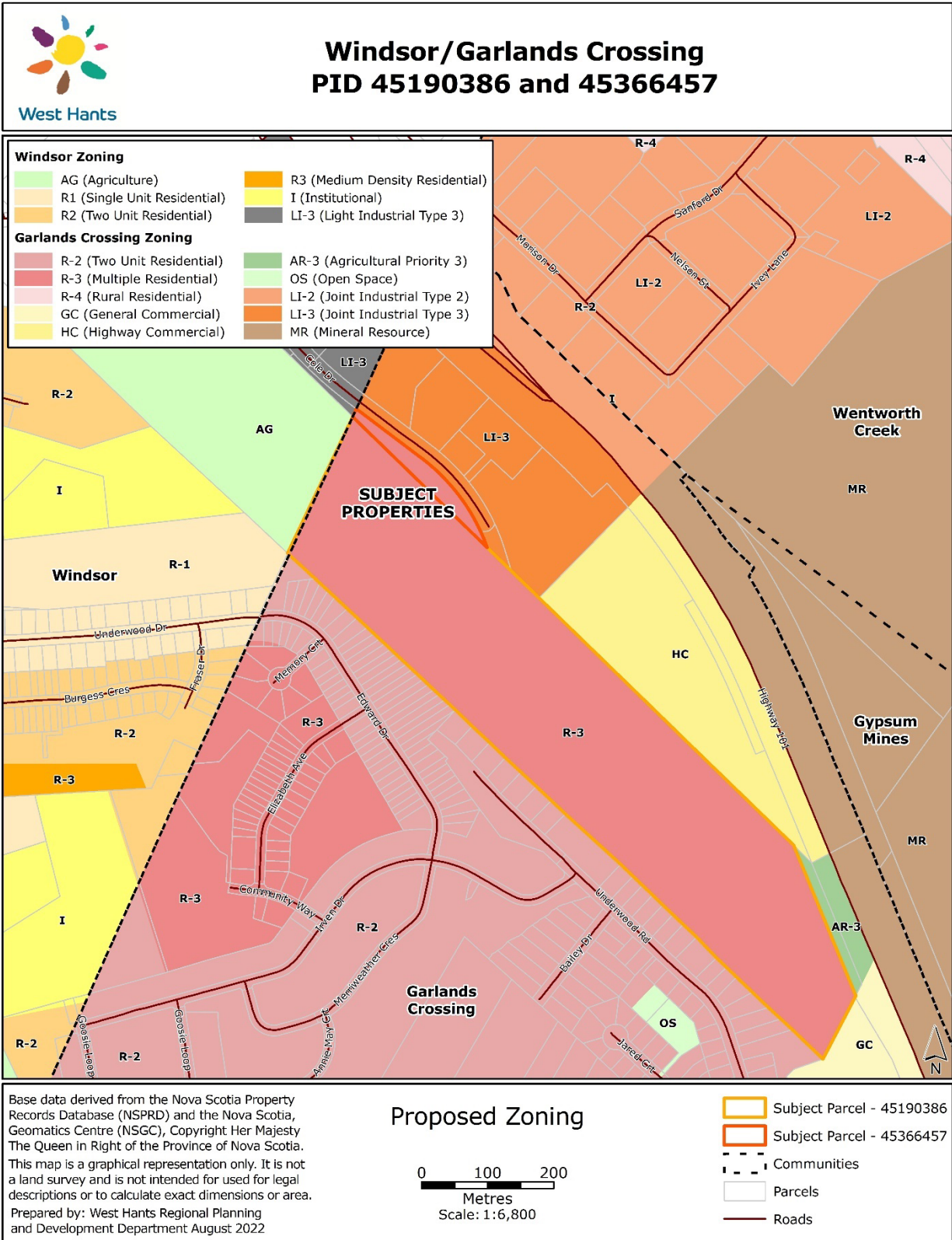


Figure 2
Current Zoning Map Extract



**Figure 3
Proposed Zoning Map Extract**



Attachment A
Proposed West Hants Land Use By-law Amendments

Text amendments to the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones of the West Hants Land Use By-law to reduce the minimum lot specification requirements for portions of specific PIDs 45190386 and 45366457 owned by J. D. Irving Limited. Note: Amendments in blue.

- 1. Amend Part 8.2, R-1 Zone General Requirements, in Part 8.0 of the West Hants Land Use By-law, Single Unit Residential (R-1), to include an exception of reduced minimum lot specifications for PID 45190386 and 45366457, 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 (removed by amendment 20-27 effective September 14, 2021)~~
- Existing manufactured homes

R-1 Zone General Requirements

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

		with municipal services	with on-site services
Minimum lot area		6,000 ft ² (557.40 m ²) 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)
Minimum lot frontage		60 ft (18.29 m)	100 ft (30.48 m)
Minimum front yard		25 ft (7.62 m)	
Minimum rear yard		25 ft (7.62 m)	
Minimum side yard	one side	6 ft (1.83 m)	
	other side	10 ft (3.05 m)	
Maximum height of main building		35 ft (10.67 m)	

Accessory Apartments – Special Requirements (removed by amendment File #20-27 effective September 14, 2021)

(b) **Exception for PID 45190386 and 45366457**– Notwithstanding Section 8.2 (a), the lot specifications for PID 45190386 and 45366457 (owned by J.D.Irving Limited in 2022) shall be:

Minimum lot area	4,000 ft ² (371.60 m ²) 5,000 ft ² (464.5 m ²) for corner lots
Minimum lot frontage	40 ft (12.19 m)

Minimum front yard	15 ft (4.57 m)
Minimum flankage yard	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	4 ft (1.22 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

2. Amend Part 9.2, *R-2 Zone General Requirements*, in Part 9.0 of the West Hants Land Use By-law, *Two Unit Residential (R-2)*, to include an exception of reduced minimum lot specifications for PID 45190386 and 45366457, 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:

- Two-unit dwellings
- Mini homes
- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Mobile homes in the Three Mile Plains Growth Centre (**Amendment 20-28 Effective June 15, 2021**)

R-2 Zone General Requirements

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

	Mobile homes and Mini homes		Two-unit dwellings	
	with municipal services	with on-site services	with municipal services	with on-site services
Minimum lot area	6,000 ft ² (557.40 m ²); 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)	3,500 ft ² (325.15 m ²)/unit	29,000 ft ² (2,694.10 m ²)/unit
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m)/unit	100 ft (30.48 m)/unit
Minimum front yard	15 ft (7.62 m)			
Minimum rear yard	25 ft (7.62 m)			
Minimum side yard	one side	6 ft (1.83 m)		
	other side	6 ft (3.05 m)		
Max. height of main building	35 ft (10.67 m)			

(Amendment 20-28 Effective June 15, 2021) (Amendment GC2LUB 17-01 Effective March 7, 2018)

(b) **Exception for PID 45190386 and 45366457** – Notwithstanding Section 9.2 (a), the lot

specifications for PID 45190386 and 45366457 (owned by J.D.Irving Limited in 2022) shall be:

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

Subdivision of Semi-detached Units

- 9.3 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 West Hants 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
Specific Criteria for Amendments

West Hants Municipal Planning Strategy

Policy 5.9.2 It shall be the policy of Council that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land zoned agriculture within the Growth Centres.

Policy 8.10.3 Land zoned AR-3 in the Growth Centre, Village and Hamlet designations may be considered for non-agricultural development subject to the relevant Growth Centre, Village or Hamlet policies, provided that no development agreement or rezoning shall be approved where the development will adversely affect adjacent existing agricultural operations.

COMMENT
PID 45190386 is the only lot zoned Agriculture (AG) / Agricultural Priority Three (AR-3) in this area. There are no existing agricultural uses abutting the subject lots that would be adversely affected by the rezoning application.

Policy 5.3.7 It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:

CRITERIA	COMMENT
(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;	Cole Drive is shown as a local road on the Transportation Map (Map 2) of the West Hants Municipal Planning Strategy. Even though Cole Drive is within an area designated Joint Industrial Park and was constructed with a sidewalk on one side of the street, it is most likely classified as a local road due to it being a dead-end street with no current connections elsewhere. Edward Drive is not on the Transportation Map as it was created after the map was approved. As part of this application, there is a new street being proposed to connect Edward Drive and Cole Drive. The Future Streets Map attached to the West Hants Subdivision By-law shows Cole Drive as a collector street with a

	<p>“proposed collector street” in the location of this new road into the Crossing from Cole Drive. The West Hants Land Use By-law defines a collector street or road as a “means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets”. As this new street will connect local roads in the Crossing to Cole Drive which is identified as a collector street on the Future Streets Map this criterion is met. Updates to the Transportation Map (Map 2) will be conducted as an amendment to the WHMPS in the future, once these new road connections have been approved and constructed.</p>
<p>(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer;</p>	<p>The Municipal Project Engineer stated that the lots are “not currently served with municipal sewer and water, however, would be capable of being served. Municipal water and sewer mains currently exist at locations adjacent to these properties.”</p>
<p>(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;</p>	<p>The Manager of Operations commented that they have no concerns with the adequacy of road networks adjacent to or leading to the development. A Traffic Impact Study was provided to the Municipality from the developer as part of the rezoning application. The Manager of Public Works Operations has stated this traffic study is satisfactory to the Municipality. Additionally, the Municipality recently completed a Windsor Intersection Infrastructure Needs Assessment which included the intersection of Payzant Drive and Wentworth Road. The intersection study (2021) recommended that plans be prepared to upgrade the Wentworth Road at Payzant Drive intersection to a roundabout. A staff</p>

	<p>report was presented to Committee of the Whole on October 12, 2021 recommending DesignPoint be awarded the contract to design the roundabout for this intersection. The Director of Public Works has confirmed that the design of the traffic circle is 95% complete. They noted that “pending approval of Council to proceed with construction we would like to be in a position to have construction started this construction season (2023) at the earliest. However, no approval other than design work has been granted at this time.”</p> <p>Windsor has a population density of 522 people per sq. km. (Statistics Canada Census for 2022). The Crossing development as currently constructed has a population density of almost double this and this area of Burgess Crescent, Underwood Drive and Fraser Drive has a population density almost three and a half times the population density of Windsor. The footing permit has been issued for a 6-storey 83-unit apartment building in the Crossing (Building A) which will also increase the population density in this area and a development agreement for 176 apartment buildings (Buildings B and C) on Community Way was approved by Council on September 27, 2022. The development proposed as part of this rezoning application would be consistent with the current and future development plans and population for the area.</p>
<p>(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact</p>	<p>In response to an inquiry the Manager of Public Works Operations stated that existing and proposed streets are adequate to support the development and existing streets will not require any improvements in relation</p>

<p>study may be required in accordance with Section 14.6 of this Strategy;</p>	<p>to this development. A Traffic Impact Study was provided to the Municipality from the developer as part of the rezoning application. The Manager of Public Works Operations has stated this traffic study is satisfactory to the Municipality.</p>
<p>(e) adequate open space or recreational space is provided;</p>	<p>A 56-acre portion of PID 45190386 and a 1.5-acre portion of PID 45366457 are included in this application. If the rezoning application is approved, during the subdivision process the Development Officer will calculate the required 5% of parkland required for the proposed 138 lots. The Development Officer commented that “the area shown on the concept plan as proposed parkland appears to be low lying with a stream or brook running through it. As well, it appears to have a drainage ditch and culvert within the proposed parkland. This area will need to be inspected in order to determine if it meets the definition of useable land and is acceptable for parkland purposes.” It is expected that adequate open space or recreational space will be able to be provided on-site.</p>
<p>(f) adequate on-site parking is provided;</p>	<p>The West Hants Land Use By-law requires one (1) parking space per dwelling unit for any dwelling containing fewer than three (3) dwelling units. Adequate on-site parking would be able to be accommodated on these properties.</p>
<p>(g) any other matter which may be addressed in a Land Use By-law; and; and</p>	<p>All other matters are addressed elsewhere in this report.</p>
<p>(h) Policy 16.3.1.</p>	<p>Please see Attachment B for further details.</p>

Policy 16.1.3 It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the

Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.

Attachment C
General Criteria for Amendments

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	As noted in 5.3.7 (b), the Municipal Project Engineer has stated that the lots are “not currently served with municipal sewer and water, however, would be capable of being served. Municipal water and sewer mains currently exist at locations adjacent to these properties.” They added that the proposed uses are not considered premature or inappropriate in terms of the adequacy of sewer and water services in the area.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services and the local Fire Chief did not identify any issues with the adequacy of fire protection and other emergency services. The Fire Chief added that “as long as they are meeting the requirements of location of hydrants and access for large apparatus such as aerial, I don’t have any immediate concerns.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The developer plans to connect Cole Drive to Edward Drive through a new street during the development of these properties. The Development Officer commented that the “proposed street layout appears to meet the requirements of the Subdivision By-law for future streets conceptual plan.” As noted in 5.7.6 (d), the Manager of Operations has confirmed the road networks leading to the proposed development are adequate and

	that no improvements will be needed on existing roadways.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(i) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;	As noted in 16.3.1 (a) (i), the property is capable of being serviced by municipal water and sewer.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	<p>The Manager of Operations has stated they have no concerns with regard to the adequacy of road networks adjacent to, or leading to the development, or the impact of the development on traffic generation or traffic safety.</p> <p>The new Regional Municipal Specifications Manual that was approved by Council on September 27, 2022 requires a sidewalk on one side of any new public street within Growth Centres. This will mean that all new public streets within this development will be required to include a sidewalk on one side of the street as PID 45190386 is within the Growth Centre of Three Mile Plains.</p> <p>There is no active rail transportation in the vicinity.</p>
(d) the adequacy of the dimensions and shape of the lot for the intended use;	<p>As noted in 5.3.7 (e), a 56-acre portion of PID 45190386 and a 1.5-acre portion of PID 45366457 are included in this application.</p> <p>The lots are adequate in shape and dimension for the intended uses.</p>
(e) the pattern of development which the proposal might create;	<p>The Crossing development agreement (2019) permits a variety of housing types including manufactured homes, mini homes, modular homes, single unit, two-unit, triplex, townhouse and multiple unit dwellings.</p> <p>There are a variety of housing types already</p>

	<p>built in the Crossing and Payzant Drive area including mini homes, modular homes, single unit, two unit, and multiple unit dwellings and footing permits have been issued for a 6-storey apartment building in this area. This proposal is not anticipated to create a different pattern of development than is already permitted through The Crossing development agreement and being constructed in the area.</p>
<p>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</p>	<p>The portion of the lots outlined in this application are sloped downward towards the area identified on the site plan as parkland and stormwater management ponds. There is a watercourse located on the lot and drainage ditches in this lower lying area. If the rezoning is approved a stormwater management plan will be required from the developer during the subdivision process to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties.</p> <p>The maps in the Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) and West Hants (2013) do not show the subject lots to be susceptible to flooding in the future, however access to these lots may be. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.</p>
<p>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</p>	<p>All Municipal, Provincial and Federal regulations will have to be met.</p> <p>A few additional comments were received in relation to this development and future requirements that will need to be met. The Municipal Project Engineer stated that a “complete stormwater management study</p>

from a qualified engineer will be required to ensure pre/post development flows are met.”

The Manager of Public Works Operations added that “a sewer pumping station will be required for part of the development and rerouting of an existing sewer would be required. The developer is aware of both of these.” The developer’s engineering firm has responded that “We understand there is some concern regarding the existing sewage pumping station on Irven Drive. Our plan is to redirect the flow from Community Way that currently flows east on Irven to the pump station such that it flows west on Irven to the trunk sewer on HWY #1. This can be done by re-configuring the existing manhole at the intersection of Irven and Community Way. This manhole is at a high point on Irven and the flow at this manhole can be directed east or west, currently it is directed to the east. By redirecting the flow from (sic) Community Way we will significantly reduce the load on the existing pumping station thus freeing up capacity for the Kent lands. Our overall servicing plan will detail this approach with specific flows.” The specific servicing plans will be reviewed by the Municipal Public Works Department during the subdivision process.

The Manager of Building and Fire Inspection Services noted that “I can work with the 4’ side yard setbacks, but it has been causing issues with the builder. Once they get closer than 2m (6’ 6 3/4”) we are required to cut the permitted openings in half of what is permitted. This reduces the windows considerably. There are several on Elizabeth

	<p>that have had this done. Like I said, no difference to me, but the owner should be aware of this (I know his builder is) and if the side yard setback was 2m, would fix a lot of issues at permit approval time.” The developer has been made aware of this and will consider the size of lots and proposed side yard setbacks when developing a detailed subdivision plan.</p>
<p>(h) any other matter required by relevant policies of this Strategy.</p>	<p>There are no other relevant policies of this Strategy.</p>

Attachment D
Public Information Meeting Notes
September 8 - 23, 2022
File 22-17

Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive; Windsor

Meeting date and time	A Public Information Meeting was held on September 8, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Ivey (Chair) <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Poirier • Planner Dunphy • Director LeMay • Meeting Secretary Lake <p>Applicant:</p> <ul style="list-style-type: none"> • Mitch Brison, Applicant • Darren Shupe, Brighter Community Planning (Applicants Planner) <p>The following members of the public requested invited to attend the PIM via Zoom:</p> <ul style="list-style-type: none"> • Bruce Roald • Harvey Conrad • Paul Todd • Dorothy Blakely • Adam Donaldson • Alex and Kim Janssen • Elizabeth McCarthy • Glenn Robinson • Mike and Sheila Porter • Mike and Jayne Welling • Paul Brown • Dean Dyck • Lindsay and Bradley Gregg • Dave Hackett • Claude O’Hara • Dan Shiers • Conor Rooney

<p>Applicant Mitch Brison, Brison Developments</p> <p>Property Portion of PID 45190386, Wentworth Road, and PID 45366457, Cole Drive, Windsor</p>	<p>Planner Poirier outlined the amendment application to rezone an approximately 56-acre (226,624 sq. m.) portion of a PID 45190386 on Wentworth Road and an approximately 1.5-acre (6,070.28 sq. m.) portion of 45366457 on Cole Drive to allow residential uses.</p> <p>A formal presentation was made by Darren Shupe of Brighter Community Planning on behalf of the applicant. Mr. Brison responded to questions from the public.</p>
<p>Comments</p>	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 8 – 23, 2022.</p> <p>7 members of the public spoke at the Public Information Meeting, 2 phone calls were received and 7 written comments were received via email. The questions and comments from the public are summarized below. The email responses are attached.</p> <p>The following comments and questions were made at the Public Information Meeting. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"> • Active transportation infrastructure is needed as there are currently no sidewalks in the existing development which is a safety concern for dog walkers, children and seniors, especially during construction. There should be an active transportation plan for the development prior to the public information meeting. Mr. Brison responded that he has been in discussions with the Community Development Department regarding active transportation connections in the area. Sara noted that an active transportation plan is not a requirement as part of the rezoning process and that sidewalks would be considered during the subdivision process. • How will this development be connected to other areas? The current road infrastructure is inferior and dangerous. Mr. Brison responded that safety is always a concern and the proposal includes a road connection from Edward Dr. to Cole Dr. to help with a secondary entrance/exit to the Crossing.

	<ul style="list-style-type: none"> • A secondary access is a great plan, but it might make Underwood Dr. busier • The current housing crisis is also an affordable housing crisis. The developer should consider the pricing of the units to be more affordable to local residents. • An expansion of mini homes is not desired in this area. Mr. Brison responded that the proposal is currently for single and two-unit dwellings, not for mini homes. • Has there been any review of ambulance service in relation to the increase of senior population proposed? Currently our ambulances are sent to Truro. Sara noted that healthcare is a Province wide issue and may not be specific to this individual application. She added that she would reach out to our Community Health Board representative to see if they could comment. • Why is the emergency access road to King Street from the Crossing not maintained? Mr. Brison responded that it is an emergency access as required by the Crossing development agreement. It is not for public use, and he does not fix the road up because he does not want to encourage its use. • Is the Crossing designated a 55+ community? Mr. Brison responded that the Crossing is designed for empty nesters without kids. • We've had concerns since last fall regarding an alternative access. There's no sidewalks which is a concern due to the narrow streets. It is of vital importance to have sidewalks and streetlights for Edward Dr. • An Underwood Road resident asked the procedure for dirt removal from the bank behind their house. Mr. Brison commented that it should not be substantial and that they are not cutting into that bank. • How long between the start of construction to completion? Mr. Brison responded that the heavy dirt moving should be completed this year, and the building should be completed within 3-5 years, but it will be market driven. • What are the hours of operations for construction? Sara commented that there are no Municipal by-laws
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	<p>that would restrict hours of construction and the hours of construction cannot be restricted through the rezoning process.</p> <p>Two phone calls were received during the PIM comment period:</p> <ul style="list-style-type: none"> • Lyndell Myers was concerned that the developer has machines on the subject lots already even though the rezoning has not been approved yet. Sara commented that the Municipality advises applicants that the application follows a public process and that it is not guaranteed for approval, the final decision is made by Council. Developers are allowed to prepare their land for development however the developer assumes the risk/cost of the application not being approved. Lyndell expressed that she is not opposed to development, as they knew there would be development when they purchased the lot, however that it would be nice if there was communication regarding when trucks weren't working, and dust wouldn't be blowing so they could hang out laundry or open their windows. • Alexander Janssen requested information on whether Mr. Brison had excavation permits for the work he's doing on these properties. Sara noted that there is no such thing as an excavation permit and that property owners are permitted to excavate their land to prepare for development. Alexander stated that he is concerned about safety on his street and wanted to know who he could call to make it safer. He said he already spoke to Troy Burgess who said it wasn't his jurisdiction. Sara noted that the RCMP should be called regarding speeding, the Provincial Department of Public Works could be contacted regarding the request for sidewalks and stop signs on Provincial roads (Underwood Road), and that Alex could write a letter or present to Council if he is not satisfied with the process or the responses he is getting from Municipal staff.
Adjournment	The meeting was adjourned at 6:55 p.m.

Public Email Responses Submitted for the Application PIM

September 1, 2022

From: Adam Donaldson

To: Sara Poirier

Good afternoon,

I am writing to express my general support for the proposed rezoning, subject to concerns regarding the eventual development and potential impacts this may have on traffic on Underwood Rd.

With the increased development in Garlands crossing, continued use of a single access route to the Underwood/Bailey Dr/Garlands crossing community is already a challenging situation given the large population of families and significant wear and tear construction traffic has on these roads.

I would ask that as part of the development, road access linking the garlands crossing/underwood drive communities to Cole Drive would be a requirement for approval of development to create 2 fully serviced exit routes from the community. The continued blockade of edward drive to underwood dr is already an access issue for the community, and I'd like to ensure that additional development in the area is accompanied by appropriate improved access and exit routes for these communities through Cole Dr.

Thank you,

Adam Donaldson

September 8, 2022

From: Bill Preston

To: Sara Poirier

Hi Sara. I meant to ask you regarding Cole Drive if a agrologist report had been completed by Dept, of Agriculture on that property.

Meeting tonight was busy but well presented thank you.

Bill

September 9, 2022

From: Sara Poirier

To: Bill Preston

Good morning, Bill,

An agrologist report is not required for the Wentworth Road property as it is within the growth centre of Three Mile Plains and is designated Residential. The West Hants MPS policies require an agrologist report when a property owner requests rezoning or a development agreement for a property designated Agriculture and zoned Agricultural Priority Two (AR-2) or Agricultural Priority Three (AR-3).

All the best,
Sara

September 8, 2022

From: Sara Poirier

To: Alexander Janssen

Hello Alexander,

I just saw your message in the Zoom chat and wanted to reply this evening. Any comments/questions from tonight's PIM have been noted and I will look into the specifics for my staff report which is anticipated to go to PAC/HAC on October 13. I specifically noted safety, active transportation infrastructure, construction traffic and health board info re: senior residents from your comments. You can also send me individual comments/questions to look into further by September 23.

All the best,

Sara

September 9, 2022

From: Alexander Janssen

To: Sara Poirier

Hi Sara,

Thanks for the follow up.

From the way that meeting went it seems like Mr brissol doesn't care one bit about the concerns of residents and there is nothing the municipality can do, as per your own statements. I sure hope a child isn't killed by one of his trucks speeding down the road.

Where can we send pictures/videos of his trucks running after the hours he stated, or is it best to go straight to the media on this?

Thank you for your time.

Alex

September 12, 2022

From: Sara Poirier

To: Alexander Janssen

Good morning Alex,

Thank you for your email.

WHRM does not currently have any regulations that would restrict the hours of construction. I spoke to our local Traffic Authority, Troy Burgess, regarding the construction traffic concerns. Vehicles are able to travel on the roads to get to construction sites. The vehicles need to be registered through the Department of Motor Vehicles to travel the public roads. If there are concerns regarding the speed of the vehicles the local RCMP office should be contacted. If there are concerns regarding the compliance of the vehicles the Provincial vehicle compliance office should be contacted.

All the best,

Sara

September 12, 2022

From: Alexander Janssen

To: Sara Poirier

Thanks Sara, that clears up what our options are. I will not bother you with future concerns.

Alex

September 12, 2022

From: Alexander Janssen

To: Sara Poirier

Mr Burgess also let me know that the municipality has no jurisdiction over Underwood road as it is provincially mandated, so again there is no ability for the municipality to enforce anything. Very dissatisfied by the response.

September 9, 2022

From: Sara Poirier

To: All members of the public that requested a Zoom invite to the PIM

Hello all,

Thank you for attending the Public Information Meeting (PIM) regarding the amendment application for the portions of PID 45190386 and 45366457 on Wentworth Road and Cole Drive in Windsor.

I have attached a copy of my presentation and Darren Shupe's presentation. The meeting can be viewed on our Municipal Facebook page <https://www.facebook.com/RMWindsorWestHants/>

Comments or questions on the application will be accepted until noon on September 23 via phone, email or mail through the following methods:

Phone	902-798-8391 ext. 117
Email	spoirier@westhants.ca
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive

All relevant comments will be passed along to the developer and the Planning and Heritage Advisory Committee (PAC/HAC) when they are considering these amendments.

All the best,

Sara

September 9, 2022

From: Adam Donaldson

To: Sara Poirier

Thank you Sara,

I had a chance to catch the recording and review the documents... A few additional concerns that I would ask be passed along to the planning committee (some are more technical and would require additional consideration)...

1) There is considerable concern around traffic on underwood... while opening up access to Cole drive will likely significantly reduce traffic on underwood from the crossings development, it may add some traffic from three mile plains who are cutting through. I'd love to see a transportation management strategy to address this (traffic calming on roads, clear information on where stop signs will be introduced (e.g. 4-way stop on the corner of bailey and underwood or underwood/jared?)... and would encourage consideration of whether there are sections of the new development which would benefit from a dedicated bike lane or sidewalk (perhaps on the direct travel-through routes where traffic may be more likely to go). Sidewalks obviously create difficulties from a maintenance perspective, but with the increased population density and this being an active community, it may be worth considering putting some in.

2) I am a bit concerned about water management... at the moment, the stormwater runoff system on the south side of underwood drains into a ditch behind our house that drains over into the watershed by the existing garlands crossing community... it does not accommodate run-off from the field where this development is planned... we've had several large storms in the last few years that has had the water level in that ditch up by 6 to 7 ft from it's normal level... I would be concerned if the development plan intended to further increase stormwater run-off through through this area, and would expect the stormwater management plan to divert water more towards the highway... i note this because the conceptual map almost appears to have the culvert and water path coming down to underwood where it might be tied into the existing water system for the crossings?

September 9, 2022

From: Adam Donaldson

To: Sara Poirier

sorry... one other request.

is it possible to require the traffic for the development to enter from cole drive, rather than through underwood? it seems more appropriate to have that traffic come up through the

commercial/industrial district rather than on residential streets that were not designed for those loads and traffic levels for a development of this degree.

September 14, 2022

From: Sara Poirier

To: Adam Donaldson

Hello Adam,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. A traffic impact report has been provided by the developer in relation to this development and is sufficient to the Manager of Public Works Operations. There is no opportunity to restrict traffic for the proposed development to only use Cole Drive. The developer is in regular discussions with Community Development, Planning and Development and Public Works staff regarding active transportation infrastructure in the proposed development which may include a sidewalk on at least one side of the street and other community connections. These plans would be submitted as part of the subdivision process, if the rezoning application is approved by Council. Underwood Road is a Provincial roadway therefore any requests to upgrade that particular road would need to be addressed to the Provincial Department of Public Works (<https://novascotia.ca/tran/contact/contact.asp>).
2. As per the Municipal Specifications Manual, through the subdivision process a stormwater management plan will be required by the developer to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 14, 2022

From: Adam Donaldson

To: Sara Poirier

Thank you.

One clarification point... I thought Underwood road was transitioned to the municipality after it was resurfaced last year? is it still a provincial road? If yes, I can certainly follow up there.

September 14, 2022

From: Sara Poirier

To: Adam Donaldson

Hi Adam,

I confirmed with our Manager of Public Works Operations that Underwood Road is a Provincial road however the Municipality does plow it as part of Public Works winter maintenance trade off with the Province.

All the best,

Sara

September 12, 2022

From: Dean Dyck

To: Sara Poirier

Hi Sara:

Thank you for the opportunity to attend the meeting. It was quite informative although I thought some of the questions were outside the context of the meeting.

I have a few comments to pass on to the Planning and Heritage Committee:

1. I am concerned with the minimum side yard specifications of 4 feet on either side of a dwelling. This seems particularly small and poses potential fire spread hazard between buildings. However, if this matches the current specifications of the 2019 Crossing agreement, then it would make sense to keep it consistent. Also, if it falls within National Building Codes, then it also makes sense. I present it more as a concern.
2. I would like to see the inclusion of sidewalks within the new development, at the minimum on one side of the street. The concerns at the meeting about safety of residents walking on the roads within the current Crossing development are valid and having the opportunity to include sidewalks in the new development would be advantageous.
3. I suggest requiring street lighting for safety and security purposes within the new development. This is lacking in the current Crossing development. If this falls outside the scope of the PAC/HAC, please pass the comments to the appropriate department.

Thanks for letting me voice my comments. Have a great day.

Sincerely,
Dean Dyck
Garlands Crossing, NS

September 14, 2022

From: Sara Poirier

To: Dean Dyck

Hello Dean,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. The developer is in regular discussions with Community Development, Planning and Development and Public Works staff regarding active transportation infrastructure in the proposed development which may include a sidewalk on at least one side of the street and other community connections. These plans would be submitted as part of the subdivision process, if the rezoning application is approved by Council.
2. I don't believe street lights are required as per the Municipal Specifications Manual but I will double check with the Municipal Public Works Department and mention it to the developer.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 19, 2022

From: Melissa Heffernan

To: Sara Poirier

Dear Sarah Poirier,

Thank you for the letter about the virtual meeting concerning this property, and thank you for your service to our municipality.

I was a bit disappointed that the letter was dated Aug. 30th, and the meeting was only about a week later. Considering the fact that since it was mailed, we received it a few days after Aug. 30th, that does not give us much notice to be able to attend.

Therefore, I would appreciate it next time there is a meeting about a property near us, that we be notified with more notice please.

I do have a few questions, which I would appreciate hearing from you about.

1. What is the environmental impact that this development would have on the surrounding homes? (I.e. runoff, etc.)
2. Are there going to be designated green spaces as a part of this development? (I hope so, since I know that there are deer that like to frequent those fields, and nature is so important to the holistic health of people as well)
3. Why is there already construction occurring on this site, before the meeting even happened? It causes me to feel unease, that if the voices and opinions of the citizenry were really desired, wouldn't the meeting be given before any development moved forward?

Thank you very much for your time,

Melissa Heffernan

Garlands Crossing

September 21, 2022

From: Sara Poirier

To: Melissa Heffernan

Good morning, Melissa,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

I have provided responses to your comments/questions below:

1. As per the Municipal Specifications Manual, through the subdivision process a stormwater management plan will be required by the developer to show that pre- and post-construction flows are balanced and that there will be no negative impact on downstream properties.
2. I have attached the developers proposed site plan. Part of the subdivision requirements is to provide 5% parkland allocation for the development. Currently the developer shows an area of parkland with stormwater management ponds in the lower lying area of the property. The adequacy of this land will be determined during the subdivision process.
3. Developers can prepare their land for construction prior to approval however the developer assumes the risk/cost of this as the application is not guaranteed to be

approved. We do advise any applicant that the application follows a public process with the final decision being made by Council.

Please let me know if you have any other questions or comments.

All the best,

Sara

September 21, 2022

From: Harvey Conrad

To: Sara Poirier

At this time I would like to thank Hants West Municipality for the opportunity to express my concerns and comments in relation to the re zoning of PI 45190386 and 45366457. After attending the Zoom meeting and listening to the comments, questions and answers during this meeting, I have several concerns about this project which need to be addressed. The first and one of the most important subjects is infer structure supporting this project, or lack of it. Mr Bryson the contractor for this project stated that it will take between 3 and 5 maybe 6 years to complete this phase of his sub division.. He also said there is about 220 building sights that will be constructed over that time with the opportunity to build two multi-unite structures, one at the south end and one at the north of this property. There were no figures or details about these two or more unites released at this time. IE height , number of apt. etc. There will be another apt complex built on the current Crossing property at the same time. This could add up to over a thousand people moving into a very small are within 5 or six years maybe less. The last population figures I found stated the population of Windsor and area was around 4000 persons. That means in a very short time the town will grow by at least 25%. Lets look at some of the problems that could effect the area due to this very large population growth. As we are all aware there is a shortage of doctors and nurses in Nova Scotia at this time. Our hospital is finding it difficult to cope with these shortages at the present population. People are being forced to use the ER's to get medical attention that should be provide by family doctors. As a result the ER'S are closing on more and more occasions. With the increase of possibly 25% more residents to the area this situation can only get worse. I know that health care is a provincial responsibility but is the municipality doing anything to work with the province to have a plan assisting our hospital or will it be just closed more often. Ambulance service is in the same boat. Instead of waiting two hours for transport to the hospital will the wait be three or four because the number of calls will get larger, especially with an aging population, Are there plans to cover this problem. This is an important issue. Its great to have housing for our citizens but can we take care of the health needs for that many people in such a short time frame. Lets now visit the subject of traffic flow and conditions. Traffic will increase on Underwood, adjacent streets, the Crossing and the Windsor area in general. This will not only include car traffic but during the 5 to 6 year building span large dump trucks, heavy machinery and industrial size delivery trucks. Ask the residence of Underwood about the growth in traffic over the last few years. This traffic

is traveling over roads built when their main use was for mom dad and the kids to harness up the old grey mare and come into Windsor on Sat to go to market or Church on Sunday. Times have changed motor vehicles travel a lot faster than equine power. The roads are narrow with no sidewalks they often turn into bottle necks and are a danger to children and adults trying to walk along these roads. As the matter of fact there is no area designed for pedestrians Speeding is also a problem with vehicles traveling at speeds above the limit for safe passage. Have any thought been put into improving traffic flow, enforcement, and safety. Emergency services will be put to the test in maintaining the current level of service. With the population growth will they have need of additional personal, and the same can be said for the fire service. Has anyone asked them. The RCMP do the best they can but as everyone knows the larger an area gets, the more criminal activity there is. This can be prevented with some future planning by law enforcement in combination with the governing body. There is one other point I would like to make, that is the amount of disruption that this will cause the current residents of the area The noise, the dust , the traffic, etc. At times the construction crews have been working from 6:45 AM to after 5:30 PM, Saturday and Sundays sometime included. Work was done on Natal Day and Labour Day two holidays. When employees from the municipality were contacted I was informed that the municipality can do nothing to help in the matter. I was surprised as that is what I thought ordinances and by laws were meant to cover in most other places. Is there nothing council can do or do they not want to assist the citizen in maintaining a somewhat normal living experience while this work is taking place. Do not get me wrong I know we need more housing, Windsor is not the quiet little rural town anymore, like the ones written about by Stephen Leacock. Time moves on and Windsor is growing up. I just feel that it is better to make sure development is done right, its hard to repair the damage after we discover we made a mistake. Urban sprawl is not what we are looking for or poorly conceived plans that do not take the whole picture into consideration .I fail to see where this development will provide help with the ongoing need for affordable housing. Respectfully submitted, Harvey Conrad,

September 22, 2022

From: Sara Poirier

To: Harvey Conrad

Good morning, Harvey,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

All the best,

Sara

September 23, 2022

From: Paul Brown

To: Sara Poirier

Hi, I wanted to send this email to once again to give my thoughts on the extension of the crossing.

I am more concerned about the safety than I am about a sub division behind my home.

There are current safety issues that aren't addressed yet with the current development, those concerns must be dealt with before adding to the existing safety problems. Yes, adding new streets to connect the crossing to the new roads may be part of the solution but we must think about the amount of traffic that will come through underwood road to get to Windsor. People from three mile plains and Ellershouse will not drive their same path as now, they will all be coming through underwood road to get to superstore/liquor store and many other businesses. Underwood road can hardly handle the traffic it currently gets let alone the amount of traffic it will get once the roads open up here.

Underwood road is not a thoroughfare, it's not even up to par for the traffic we get now. Weather it's sidewalks, lights, etc.... Something has to change, and it SHOULD NOT be the taxpayers to cover these costs, it should fall on the developers who want to make these changes.

On another note, I'm concerned as well as others in the area, about the possibility of more mini homes on this land. I took part in the online meeting and know the developer said that wasn't currently the plan but didn't exclude the possibility either.

I think the municipality really needs to do some research and thinking before allowing this to happen as it's done in the past.

Thank you,

Paul Brown

September 26, 2022

From: Sara Poirier

To: Paul Brown

Good morning, Paul,

Thank you for your email. I will ensure your comments are passed along to the Planning and Heritage Advisory Committee when they are considering this application in October.

All the best,

Sara



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
 Alex Dunphy, Planner

Date: October 13th, 2022

Subject: 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Application

The completed application was submitted by Julien Payne on July 7th, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

Surrounding Context

The subject lot is a corner lot located on the northern corner of the intersection of Sangster Bridge Road and Highway 14 in the community of Windsor Forks. Properties to the north, east, and south are all low-density residential dwellings. West of the subject lot is a commercial building with an attached residential unit.

DISCUSSION

The subject lot is currently designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1) and zoned Rural Commercial (RC) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

The applicant had requested to convert a commercial office unit within the mixed-use existing building on the subject lot into a residential short-term rental unit. As short-term rentals are not specifically defined in the West Hants MPS and LUB, the request was processed as a conversion to a two-unit residential dwelling. The application may be considered through a rezoning pursuant to Policy 16.1.3.

Municipal Planning Strategy Document Review

Policy 16.1.3 is the primary enabling policy to be considered for this application. This policy permits Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the GFLUM to a zone permitted in the adjacent designation without requiring a Strategy amendment. In this circumstance the subject lot is located immediately adjacent to the Resource designation and may be rezoned to the General Resource (GR) zone, which permits two-unit residential dwellings as-of-right.

Policy 16.3.1 provides the general criteria that must be considered for all LUB amendments. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria:

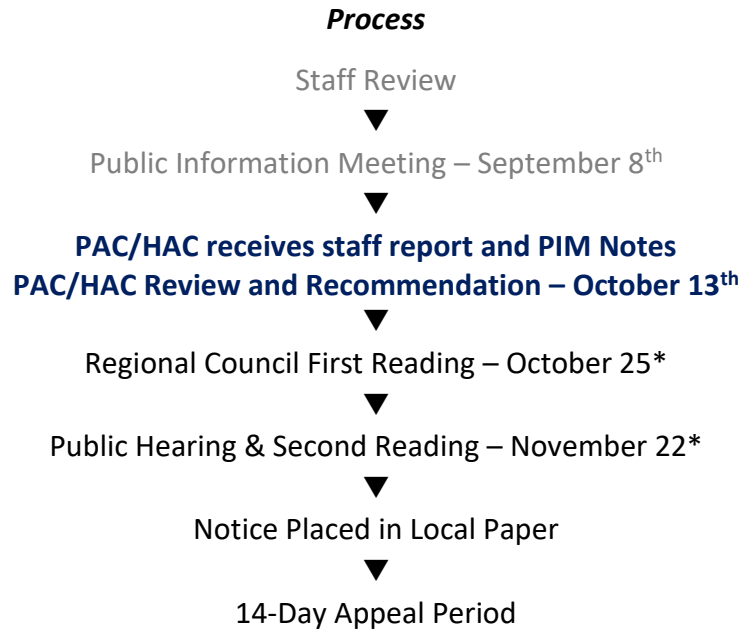
- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, District Manager of the Nova Scotia Department of Public Works, and Inspector Specialist of the Nova Scotia Department of Environment and Climate Change have no concerns which have not been addressed in this report.

Comments from the Nova Scotia Department of Public Works

A District Manager from the Nova Scotia Department of Public Works confirmed that the subject lot would require a defined access point and the current open access would need to be reconstructed to meet the access management guidelines. This work would be required to be carried out prior to any development permits being issued.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to Council.



*anticipated dates; final dates are set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality with regard to the filing of this report.

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendment to a Land Use By-law
Attachment B	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – GFLUM Extract

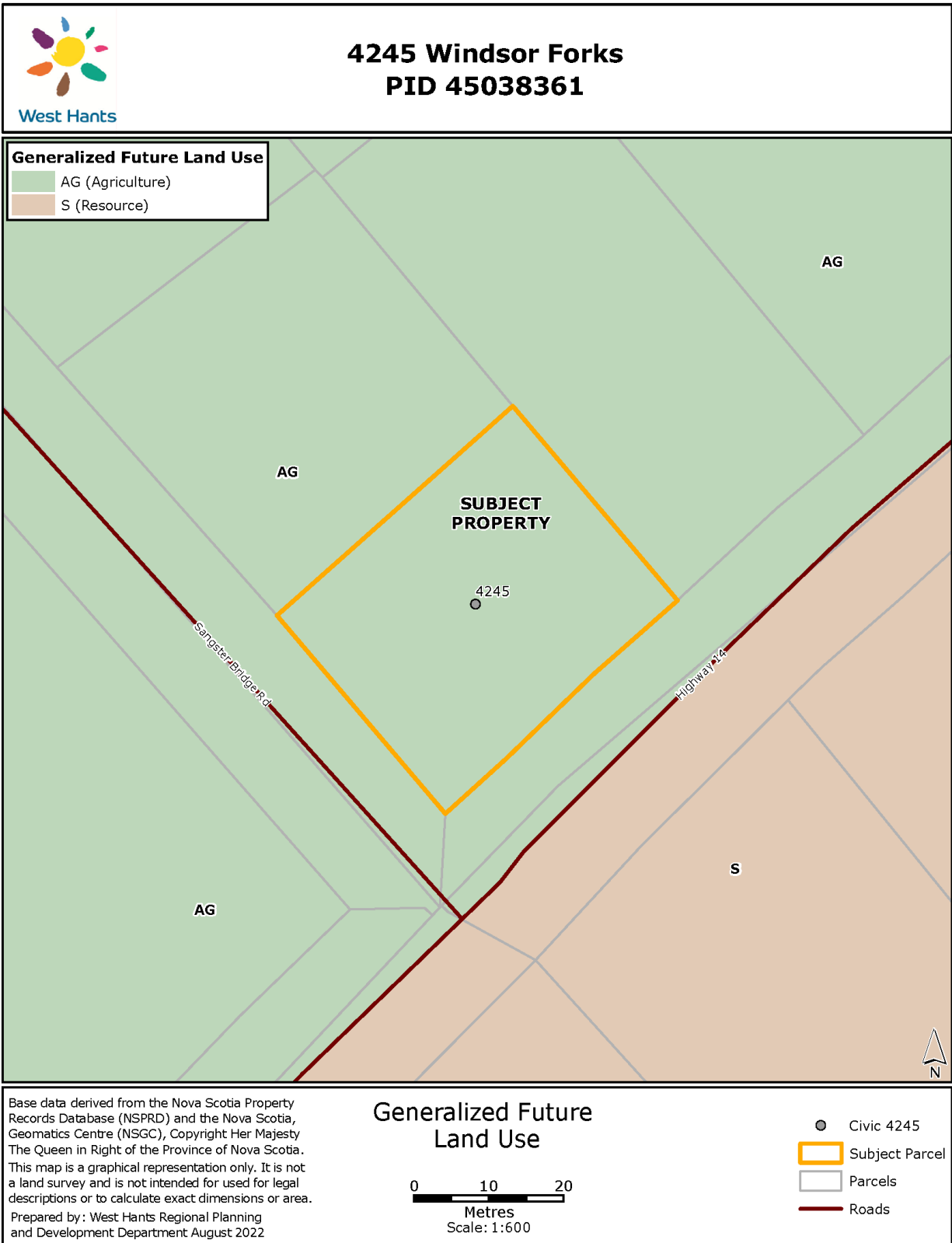


Figure 2 – Current Zoning Map Extract

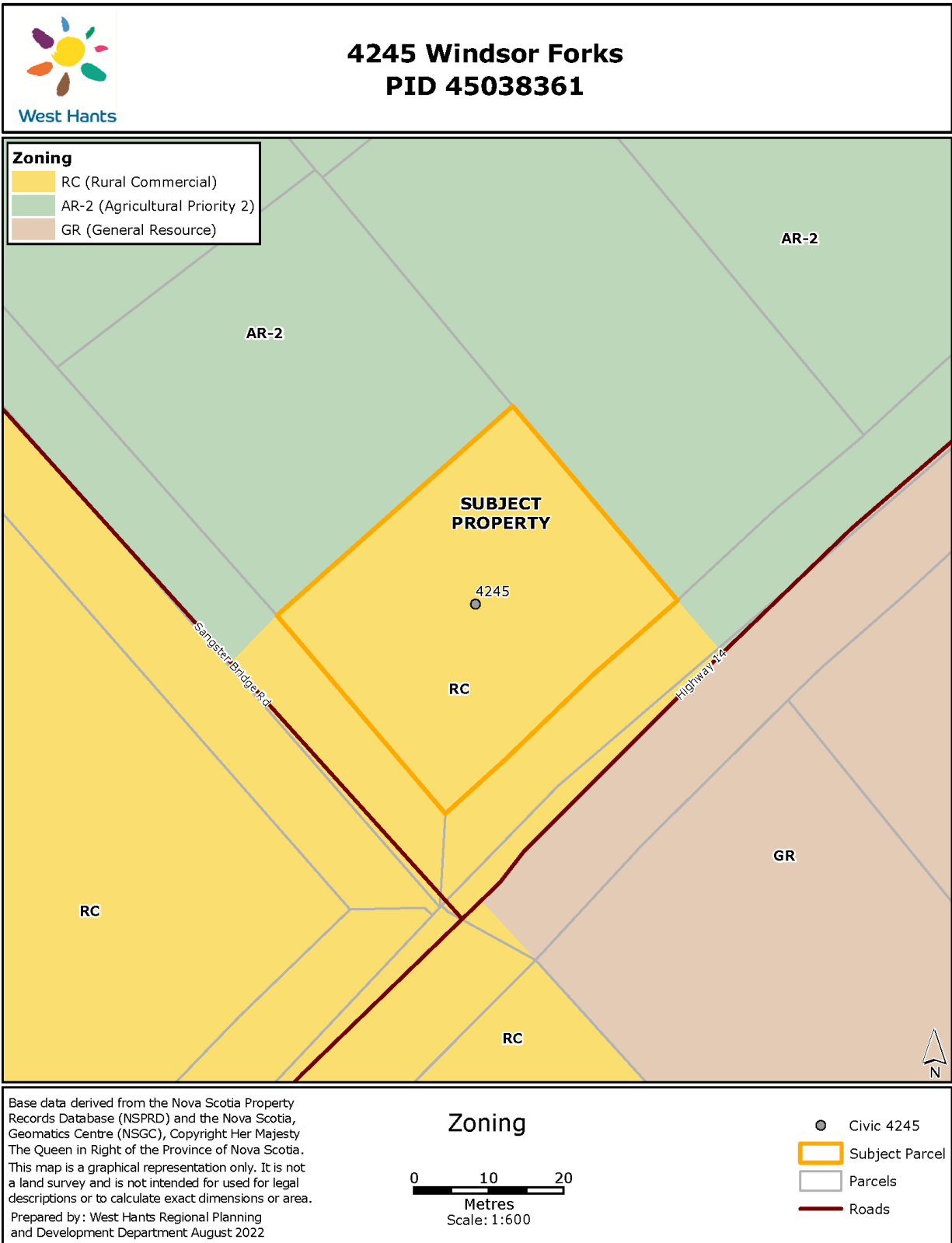
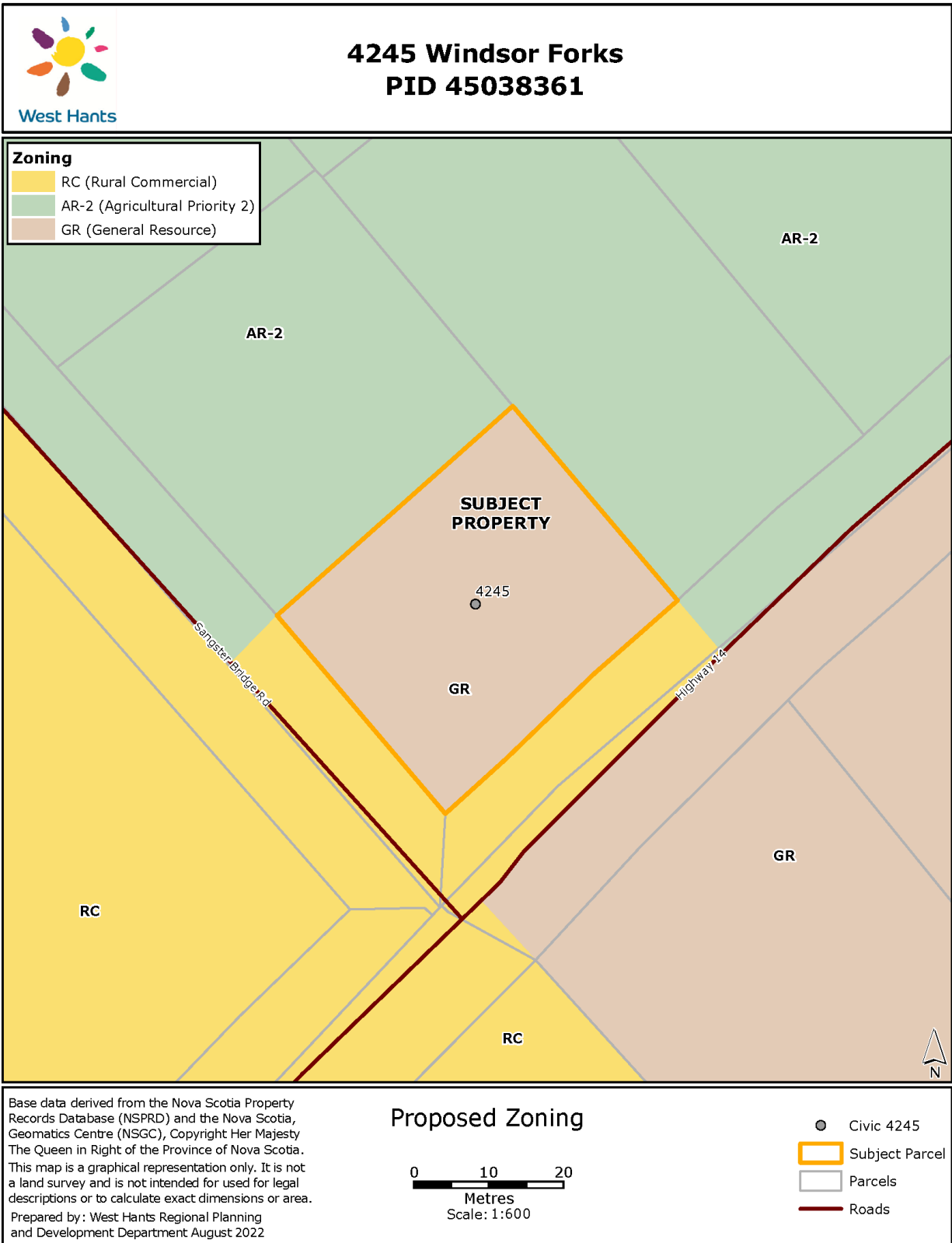


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendment to Land Use By-law

<p>Policy 16.1.3 <i>It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.</i></p>	<p>The subject lot is located immediately adjacent to the Resource designation, which permits the General Resource (GR) zone. Provided that all criteria of Policy 16.3.1 are met, this proposed amendment may be reasonably considered by Council.</p>
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<p>Policy 16.3.1 <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered premature or inappropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Department confirmed that there are no municipal services on the subject lot.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>N/A</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the building and proposed change of use.</p>
<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>A District Manager from the Nova Scotia Department of Public Works commented that there were no concerns regarding the road network.</p>
<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i></p>	<p>The proposed use would require the applicant to obtain approval for an on-site septic system and potable water system approved by a Qualified Person.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>A District Manager from the Nova Scotia Department of Public Works commented that access to the property would need to be reconstructed to meet the access management guidelines and would require a defined access point.</p>

<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that amending the zoning of the lot would create a non-conforming parcel of land. Non-conforming status will not affect the ability of the proposed use to be permitted. Approval from the Department of Public Works for the access and the Department of Environment and Climate Change for the on-site septic system are independent of the non-conforming status of the lot.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The proposal is not a substantial change in the pattern of development for this area, as the existing building is already being partially used as a short-term rental. The Development Officer has no concerns regarding the pattern of the development.</p>
<p><i>(f) 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>The lot appears to be flat and dry, there were no concerns recorded during the site visit.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

Attachment B - Public Information Meeting Notes
September 8th – 23rd, 2022
File 22-04
4245 Highway 14, Windsor Forks PID 45038361

Meeting date and time	A virtual Public Information Meeting was held on September 8 th , 2022 beginning at 6:55 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>Three (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Ivey (Chair) <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Dunphy • Planner Poirier • Director LeMay • Meeting Secretary Lake <p>No members of the public requested an invitation to the PIM via Zoom.</p>
<p>Applicant Julien Payne</p> <p>Property 4245 Highway 14, Windsor Forks PID 45038361</p>	Planner Dunphy outlined the application to rezone the subject lot to permit the conversion of the commercial unit within the mixed-use building to an additional residential unit intended for short-term rental.
Comments	<p>Comments from the public could be submitted to Planner Dunphy by mail, e-mail and telephone between September 8th – 23rd, 2022.</p> <p>No comments were received from the public.</p>
Adjournment	The meeting was adjourned at 6:59 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"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-10-13

Subject: Development Agreement: 4701 Highway 1, Three Mile Plains PID 45005733;
File #22-10

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, 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 entering into a development agreement to allow an automotive repair shop at 4701 Highway 1, Three Mile Plains (PID 45005733) which is substantively the same as the draft set out in Attachment C of the report File #22-10 to the Planning and Heritage Advisory Committee dated October 13, 2022.

...that PAC/HAC recommends that Council require that the development agreement with Phil Marryatt for 4701 Highway 1, Three Mile Plains PID 45005733 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on June 21, 2022, from Phil Marryatt to consider permitting an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The property is owned by Phil and Roberta Marryatt. Mr. Marryatt would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes.

DISCUSSION

The approximately 30,537 sq. ft. (2,836.98 sq. m.) lot is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential in the Three Mile Plains Growth Centre.

The lot is zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). An automotive repair shop is not permitted as-of-right in the Two-Unit Residential (R-2) zone.

The subject lot directly abuts properties zoned Two Unit Residential (R-2) and designated Residential. These properties are all within the Three Mile Plains Growth Centre.

Development Agreement

A development agreement is a contract between an owner of land and the Municipality to allow Council to consider a use that is not a listed permitted use within a zone on a specific lot. The ability for Council to consider a development agreement must be stated in the Land Use By-law and the Municipal Planning Strategy must identify the kinds of uses Council may consider in each area. Uses which Council may consider are those which Council has determined may have sufficient impact on an area that a negotiated process is required to ensure the potential impact is minimized. In the Municipal Planning Strategy Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

A proposal being considered must be measured against only the specific and general criteria for the proposal in the Municipal Planning Strategy and not any other criteria.

West Hants Land Use By-law

Section 6.1 of the WHLUB, Development Agreements, states that “The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

- (j) Local Industrial (LI) uses in the Growth Centres in accordance with Policy 5.7.6 of the Municipal Planning Strategy;

Although there is no specific definition for a Local Industrial (LI) use, the best basis for determining what is considered a Local Industrial (LI) use is the list of permitted uses in the Local Industrial (LI) zone in the WHLUB. Auto repair and auto body shops in conjunction with a single unit dwelling is a listed permitted use in the Local Industrial (LI) zone.

Proposed Development Agreement

The property owner would like to convert the existing detached garage on the property to a commercial automotive repair shop to perform vehicle service-related repairs such as tire changes, oil changes, brake changes and fluids/coolant changes. The draft development agreement defines an “automotive repair shop” as a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton).

The main access for the automotive repair shop will be from Highway 1. The Nova Scotia Department of Public Works found the existing access to be suitable for the proposed use. The property owner does have an access easement to Old Halifax Road West across the abutting property. The property owner would have to check the access easement to determine if the access to Old Halifax Road West could be used for the automotive repair shop.

Staff discussed parking requirements with the applicant and determined that four (4) parking spaces for the automotive repair shop would be sufficient. In terms of signage, the number of signs permitted in the WHLUB is adequate for the applicant.

Policy 5.7.6 (f) requires that open storage be limited to the rear yard. Clause 2.5, Storage, of the development agreement prohibits open storage in the front or side yard and limits open storage to a 100 sq. ft. (9.29 sq. m.) area of the lot that is to be screened from adjacent residential properties. It also permits accessory buildings for the automotive repair shop in accordance with Section 5.1 of the WHLUB.

The Municipal Project Engineer stated that the lot is capable of being serviced by municipal water and sewer. They have stated that “disposal of special waste products and special collection would be required if the property/development does not meet requirements for standard curbside collection (including exceeding curbside quantities and special material disposal requirements, i.e., waste oil, oily rags, filters, cleaners, solvents, etc.).” The applicant has been informed and intends to dispose of these products through the provincial recycling programs. Clause 2.7 of the draft development agreement addresses these concerns and

ensures the property owner is responsible for the safe storage and disposal of these products including that these substances do not enter the Three Mile Plains sewer system.

For the hours of operation, the applicant has stated they intend to operate the business full-time, during daytime hours. The development agreement permits the automotive repair shop to operate only between the hours of 7:00 a.m. and 7:00 p.m. Monday to Saturday.

West Hants Municipal Planning Strategy

Part 5.0 of the WHMPS contains the overall intention for Growth Centres in West Hants; Section 5.7 indicates the intention of Council to allow certain industrial development in the Growth Centres. Policy 5.7.6 establishes Council's intention to consider "new Local Industrial uses in the Growth Centres by development agreement".

WHMPS Specific Criteria

Policy 5.7.6 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the criteria are met since:

- the use is permitted in the Local Industrial (LI) zone;
- the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions as it will be contained within an existing building;
- safe and efficient roadway access is provided from Highway 1; and
- adequate on-site parking is provided.

WHMPS General Criteria

The proposed development meets the general criteria for development agreements set out in the WHMPS 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; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Provincial Department of Public Works have no concerns which have not been addressed in the development agreement.

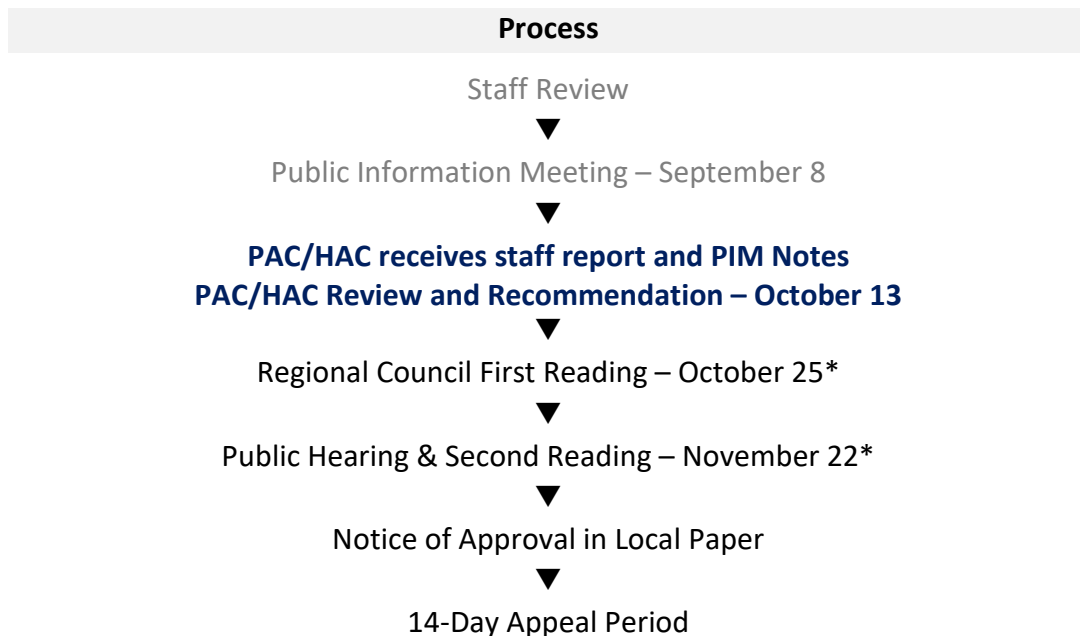
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The Three Mile Plains Flood Risk Assessment Study shows that there may be some flooding expected at the Lebreau Creek Brook road crossing at Panuke Road in the future. This may interrupt access to the property during extreme weather events due to the proximity of the property to the

intersection of Panuke Road and Highway 1. Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the draft development agreement has been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to consider permitting an automotive repair shop at 4701 Highway 1 in Three Mile Plains by development agreement.



*anticipated dates; final dates set by Council

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 development agreement 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	GFLUM Extract
Figure 2	Zoning Map Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Figure 1
GFLUM Extract

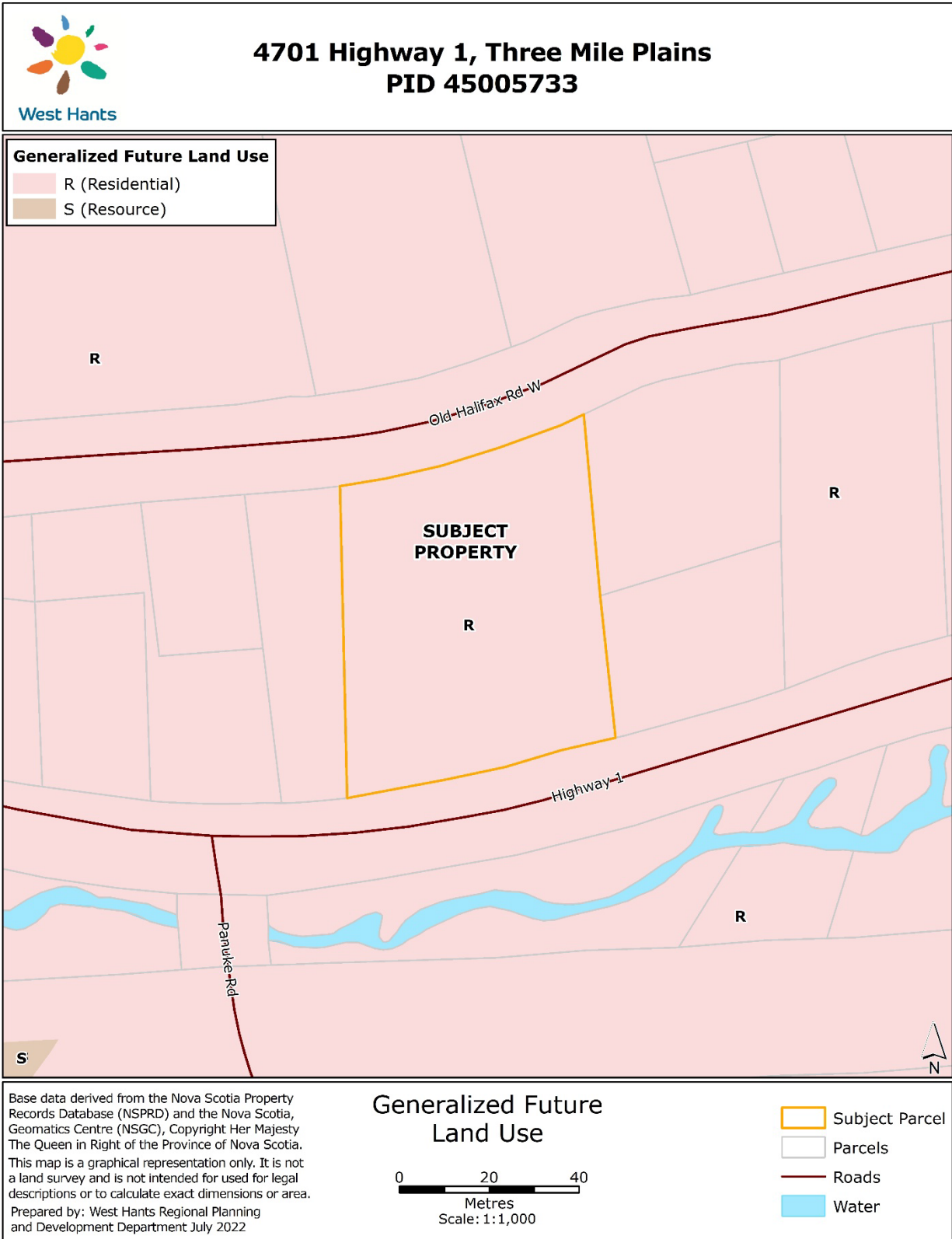
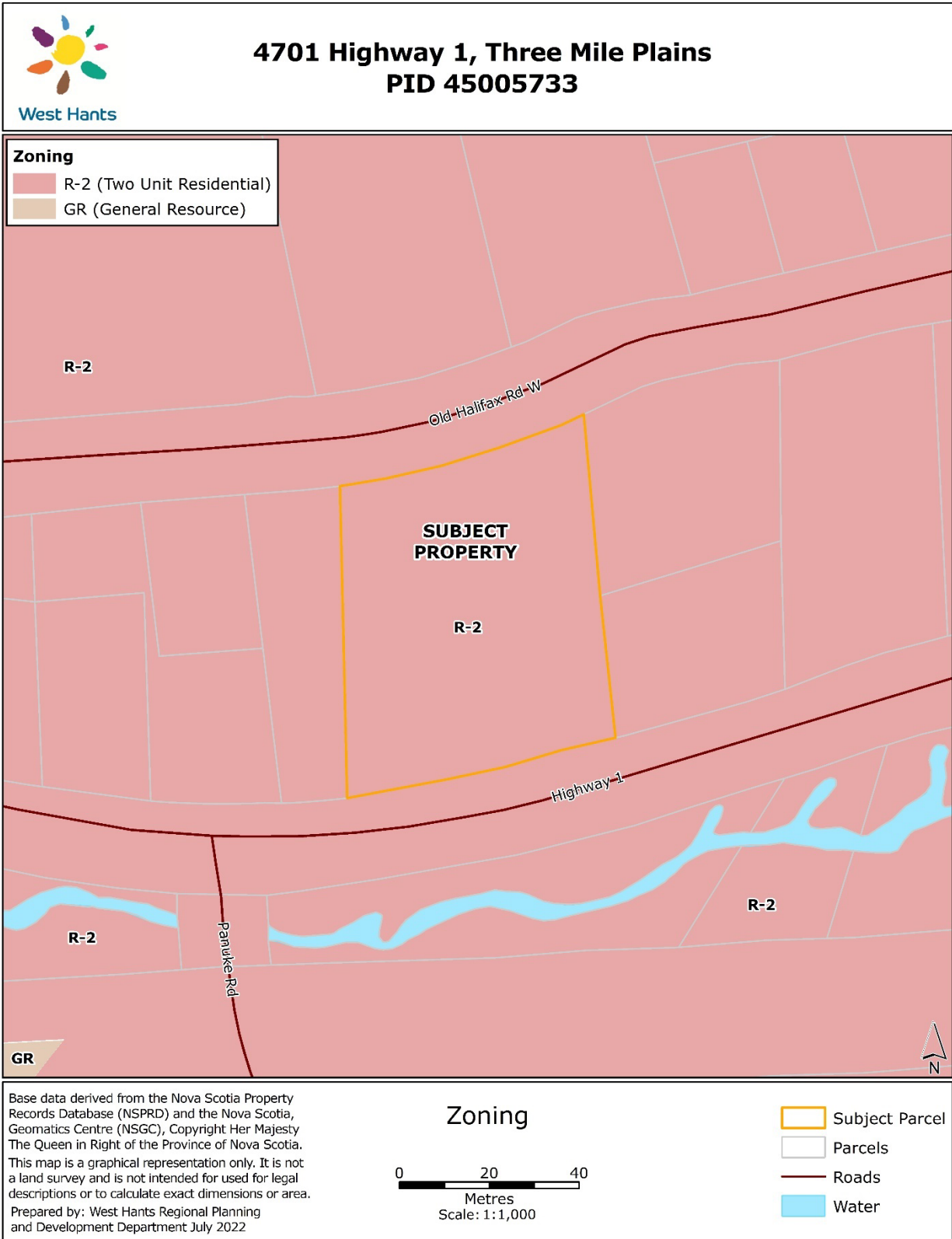


Figure 2
Zoning Map Extract



Attachment A
Specific Criteria for Development Agreement

West Hants Municipal Planning Strategy

Policy 5.7.6 It shall be the policy of Council to consider new Local Industrial uses in the Growth Centres by development agreement subject to the following:

CRITERIA	COMMENT
(a) the use is permitted in the Local Industrial (LI) zone;	“Auto repair and auto body shops in conjunction with a single unit dwelling” is a listed permitted use in the Local Industrial (LI) zone. The draft development agreement defines the proposed use as an “automotive repair shop” which means <i>“means a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton)”</i> .
(b) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;	The automotive repair shop will be contained within an existing building on site therefore the use is not anticipated to be considered obnoxious by virtue of odours, dust, fumes or other emissions.
(c) safe and efficient roadway access is provided;	The Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.”
(d) adequate on-site parking is provided;	The municipal Land Use By-law’s specify the minimum number of parking spaces for a use. However, in the draft development agreement staff have stated that a maximum of four (4) parking spaces are permitted for the automotive repair shop to ensure the automotive repair shop remains compatible with the residential use on the property and the residential uses in the surrounding area.
(e) the development will not adversely affect the adjacent residential area with respect to:	

<p>(i) traffic generation and traffic safety;</p>	<p>The automotive repair shop is proposed to be operated from a 20 ft. x 20 ft. garage with one bay door which means that only one vehicle can be worked on at a time. The draft development agreement allows parking for up to four (4) vehicles which means there may be a total of five (5) extra vehicles on the lot at one time. As noted in 5.7.6 (c) the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety”.</p>
<p>(ii) hours of operation;</p>	<p>The hours of operation are regulated in Section 2.8 of the draft development agreement as 7 a.m. – 7 p.m. Monday to Saturday.</p>
<p>(iii) noise;</p>	<p>Please see 5.7.6 (b) for further details.</p>
<p>(iv) size and design of building(s); and</p>	<p>The existing garage is 20 ft. x 20 ft. in size with one bay door. The applicant has stated they would like to perform vehicle service-related repairs such as tire changes, oil changes, break changes and fluids/coolant changes. This building would be adequate in size and design for this proposed use.</p>
<p>(v) pedestrian circulation and safety;</p>	<p>Highway 1 and Old Halifax Road West do not have sidewalks. However, based on the proposed uses it is unlikely that anyone will walk to or from the subject lot in relation to the automotive repair shop.</p>
<p>(f) adequate buffering or screening, setbacks and yards are provided, and open storage areas are adequately fenced or screened and limited to the rear yard where there is potential for conflict with adjacent uses;</p>	<p>The Development Officer noted that “the existing garage exceeds minimum setback requirements for both personal storage building and a commercial use.” Should the property owner decide that they wish to construct a new garage for the automotive repair shop in the future, the new building would have to meet the setback</p>

	<p>requirements outlined in Section 2.2 of the draft development.</p> <p>Clause 2.5, Storage, of the draft development agreement prohibits open storage in the front or side yard and limits open storage to a 100 sq. ft. (9.29 sq. m.) area of the lot that is to be screened from adjacent residential properties. It also permits accessory buildings for the automotive repair shop in accordance with Section 5.1 of the WLUB.</p> <p>Section 2.6, Signs and Lighting, of the draft development agreement states that exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.</p> <p>All of these items should reduce the potential for conflict with adjacent uses.</p>
(g) maintenance of the local industrial use will be satisfactory;	<p>Maintenance of the proposed use is outlined in Section 2.9 of the draft development agreement and will ensure that the Owner is responsible for keeping the property, buildings and driveway in good repair.</p>
(h) any other matter which may be addressed in a development agreement; and	<p>All other matters are addressed elsewhere in this report.</p>
(i) Policy 16.3.1.	<p>Please see Attachment B for further details.</p>

Attachment B
General Criteria for Development Agreement

Policy 16.3.1

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the lot is capable of being serviced by municipal water and sewer. They have stated that “disposal of special waste products and special collection would be required if the property/development does not meet requirements for standard curbside collection (including exceeding curbside quantities and special material disposal requirements, i.e., waste oil, oily rags, filters, cleaners, solvents, etc.)” The applicant has been informed and intends to dispose of these products through the provincial recycling programs. Clause 2.7 of the draft development agreement addresses these concerns and ensures the property owner is responsible for the safe storage and disposal of these products.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services and the local Fire Chief have stated that they have no concerns at this time.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	As noted in 5.7.6 (c), the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.”

<p>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</p>	<p>As noted in 16.3.1 (a) (i), the property is capable of being serviced by municipal water and sewer.</p>
<p>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p>	<p>As stated in 5.7.6 (c), the Nova Scotia Department of Public Works has stated that “the Department does not have any concerns about the impact of the proposed use on traffic generation and traffic safety” and that “safe and efficient roadway access can be provided for the proposed use.”</p> <p>There is no active rail line in the area. Highway 1 and Old Halifax Road West do not have sidewalks. However, based on the proposed uses it is unlikely that anyone will walk to or from the subject lot in relation to the automotive repair shop.</p>
<p>(d) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>The property is approximately 30,537 sq. ft. (2,836.98 sq. m.) and is rectangular in shape. There is an existing 20 ft. x. 20 ft. garage on the lot for the proposed automotive repair shop and space for parking. This lot would be adequate in dimension and shape for this proposed use.</p>
<p>(e) the pattern of development which the proposal might create;</p>	<p>The automotive repair shop is proposed within an existing building on a property where the applicant and his family reside. Although the surrounding area is designated Residential and zoned Two Unit Residential (R-2) it is not anticipated that this proposed automotive repair shop will interfere with this pattern of development.</p>
<p>(f) the suitability of the area in terms of steepness of grade, soil and geological</p>	<p>The lot slopes upward from Highway 101 towards Old Halifax Road West. The lot</p>

<p>conditions, location of water courses or wetlands, and susceptibility of flooding;</p>	<p>flattens off behind the house where the garage and parking area are proposed for the automotive repair shop.</p> <p>There is a watercourse on the south side of Highway 1. Section 5.50 requires that no structure be located closer than 50 ft. (15.24 m.) from a watercourse. The buildings on the lot at 4701 Hwy 1 are located over 100 ft. from the watercourse. Clause 2.7 of the draft development agreement ensures that the property owner is responsible for the safe storage and disposal of any waste products from the automotive repair shop, therefore there should be no contamination of the watercourse in relation to this proposed development.</p> <p>The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.</p> <p>The property owner is responsible for ensuring that the lot is suitable for the proposed uses.</p>
<p>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</p>	<p>All Municipal, Provincial and Federal regulations will have to be met.</p>
<p>(h) any other matter required by relevant policies of this Strategy.</p>	<p>There are no other relevant policies of this Strategy.</p>

Attachment C



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2022.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

Phillip and Roberta Marryatt, of 4701 Highway 1, Three Mile Plains, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the “Owners”)

OF THE SECOND PART

WHEREAS the Owners are the registered owners of a parcel of land located at 4701 Highway 1 (PID 45005733) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (June 26, 2008) (the “Municipal Planning Strategy”) and

zoned Two-Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (June 26, 2008) (the “Land Use By-law”) and is in Three Mile Plains Growth Centre; and

WHEREAS the Owners have requested that the Municipality enter into a development agreement to permit an Automotive Repair Shop on the Property (the “Development”) and Section 6.1 (j) of the Land Use By-law enables Council to consider a development agreement for auto repair and auto body shops in conjunction with a single unit dwelling as it is a listed permitted use in the Local Industrial (LI) zone; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day, 2022**, approved this request;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use By-law, except those defined as follows:

- (a) “Automotive Repair Shop” means a commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton).

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B - Site Layout

1.3 Municipal Planning Strategy, Land Use By-law and Subdivision By-law

- (a) *Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, effective on June 26, 2008, as amended, or successor By-laws;
- (b) *Land Use By-law* means the West Hants Land Use By-law, effective on June 26, 2008, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the West Hants Subdivision By-law, effective on June 26, 2008, as amended, or successor By-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

The Parties agree that uses on the Property shall be limited to the following:

- (a) those uses permitted by the underlying zoning in the Land Use By-law;
- (b) an Automotive Repair Shop; and
- (c) uses and structures accessory to the uses specified in clause 2.1 (a) and (b), including, but not limited to, storage sheds.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law and the Subdivision By-law apply to any development undertaken pursuant to this agreement.

2.2 Development Location and Design

The Automotive Repair Shop shall be located entirely within a 20 ft. by 20 ft. accessory building located at 4701 Highway 1 identified as “Shop” on the Site Layout, Schedule B. If the existing building is ever to be replaced the new building for the Automotive Repair Shop shall meet the following requirements:

Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)

2.3 Access and Egress

The main access/egress to the lot shall be directly from Highway 1. Any other access/egress shall be secondary and only used for emergency purposes. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to allow for access by emergency service vehicles.

2.4 Parking

A maximum of four (4) parking spaces may be used as part of the Automotive Repair Shop. The parking shall be located approximately as shown on Schedule B.

2.5 Storage

No open storage or display areas shall be permitted in the front yard along Highway 1 or the side yards. Open storage shall be limited to a 10 ft. (3.05 m.) x 10 ft. (3.05 m.) space and shall be screened from adjacent residential properties by a continuous row of trees, a hedge, a fence, or a combination of the foregoing arranged to form a dense or opaque screen. Accessory buildings for the Automotive Repair Shop shall be permitted in accordance with Section 5.1 of the Land Use By-law.

2.6 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.7 Water and Sewer Services

The Property is capable of being serviced by municipal water and sewer. Oil and petroleum products must be stored and disposed of entirely at the Owners' responsibility and expense in a manner that ensures these products do not enter the Three Mile Plains Sewer System.

2.8 Hours of Operation

The hours of operation for the Automotive Repair Shop shall be limited to between 7:00 a.m. and 7:00 p.m. daily, Monday to Saturday, inclusive.

2.9 Maintenance

- (a) The Owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- (b) The Owners shall maintain the driveway to a level adequate to allow for access by emergency service vehicles.

PART 3 CHANGES and DISCHARGE

3.1 The Owners shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this agreement is amended.

3.2 Any matters in this agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.

3.3 The following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1 *Use* of this Agreement; and

(b) the location of the shop, parking, and driveway shown on Schedule B of this agreement.

3.4 Notwithstanding the foregoing, discharge of this agreement is not a substantive matter and this agreement may be discharged by Council without a public hearing.

3.5 Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owners following a resolution of Council to give such Notice:

(a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

3.6 Council may discharge this Agreement 30 days after a Notice of Intent to Discharge has been given.

PART 4 IMPLEMENTATION

4.1 Commencement of Development

(a) The Owners may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required.

(b) Development as provided in Part 2 of this Agreement shall commence not later than twenty four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act, 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an amendment to this Agreement.

(c) If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owners' control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the

Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

- (a) The Owners shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten days of completion of any work which requires the engineered design.
- (b) The Owners shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

- (a) Nothing in this Agreement shall exempt the Owners from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.3 Interpretation

- (a) Where the context requires, the singular shall include the plural and the neutral gender shall include the masculine and feminine.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

5.4 Municipal Responsibility

- (a) The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.
- (b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

Upon breach of any term or condition of this Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

5.6 Costs

The Owners shall pay all costs associated with registering this Agreement and all costs associated with any amendment thereof.

5.7 Development Agreement Bound to Land

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

5.8 Assignment of Agreement

The Owners may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

5.9 Written Notice

- (a) The Municipality may serve notice on the Owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Phillip and Roberta Marryatt, 4701 Highway 1, Three Mile Plains, NS, B0N 2T0 or at any other address provided by the Owners.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner.

5.10 Full Agreement

This agreement constitutes the entire agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

Per: _____

Witness

) Abraham Zebian, Mayor

)

)

) Per: _____

Witness

) Deanna Snair, Municipal Clerk

)

)

Per: _____

Witness

) Phillip Marryatt

)

)

Per: _____

Witness

) Roberta Marryatt

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Phillip Marryatt**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Roberta Marryatt**, one of the parties thereto, signed, sealed and delivered the same in presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the “Municipality”) and I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.
4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2022
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA
Print name/affix seal

Deanna Snair, Clerk

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

We, Phillip and Roberta Marryatt, the “Deponents”, make oath and swear that:

1. We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit “spouse” means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2022
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Phillip Marryatt

Roberta Marryatt

Schedule A
Legal Description – PID 45005733

ALL that certain lot of land situate at Three Mile Plains in the County of Hants and Province of Nova Scotia more particularly bounded and described as follows:

BEGINNING at a stake on the northerly side of the Windsor-Halifax Highway;

THENCE north sixteen degrees east two hundred and forty five feet to the Old Windsor-Halifax Road;

THENCE easterly along the old Windsor-Halifax Road a distance of two hundred and thirty six feet;

THENCE south seventeen degrees west two hundred fifty three feet to the Windsor-Halifax highway;

THENCE westerly along the Windsor-Halifax highway two hundred thirty two feet to a stake being the place of beginning.

SAVING and EXCEPTING Lot P-1 as shown on registered Plan No. 89234489 at the Land Registration Office for Hants County.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 89234489.

The MGA compliance statement has been applied by SNSMR during the processing of Land Registration Plan 89234489.

Schedule B
Site Layout



Attachment D
Public Information Meeting Notes
September 8 – 23, 2022
File 22-10

4701 Highway 1, Three Mile Plains; PID 45005733

Meeting date and time	A Public Information Meeting was held on September 8, 2022 beginning at 7 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	In attendance: One (1) Councillor: <ul style="list-style-type: none"> • Councillor Ivey (Chair) Four (4) members of staff: <ul style="list-style-type: none"> • Planner Poirier • Planner Dunphy • Director LeMay • Meeting Secretary Lake
Applicant Phil and Roberta Marryatt Property 4701 Highway 1, Three Mile Plains PID 45005733	Planner Poirier outlined the development agreement application to permit an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains. The applicant did not make a formal presentation.
Comments	Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 8 – 23, 2022. No members of the public spoke at the Public Information Meeting. No comments or questions were received via mail, email or phone.
Adjournment	The meeting was adjourned at 7:09 p.m.