



**West Hants**  
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY  
Planning and Heritage Advisory Committee (PAC/HAC) Agenda  
January 12, 2023 – 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 #22-35 Development Agreement Amendment: College Road, PID 45336203 (Sara Poirier)
- 7.0 Business Arising from the Minutes**
  - 7.1 Update: File #22-05/22-11 Cole Drive West Hants and Windsor MPS and LUB Amendments (Alex Dunphy)
  - 7.2 Update: File #22-21 394 Greenhill Road, Greenhill Development Agreement (Alex Dunphy)
  - 7.3 Update: File #22-04 PID 45038361, 4245 Hwy 14: WHLUB Amendment (Alex Dunphy)
  - 7.4 Update: File #22-19 PID 45026010: 697 Greenhill Road, Greenhill: WHLUB Map Amendment (Alex Dunphy)
  - 7.5 Update: File #20-29 West Hants; 20-30 Windsor; 20-31 Hantsport, Coastal Protection Act General Policy (Alex Dunphy)

- 7.6 Update: File #22-12 Hantsport; 22-13 West Hants; 22-14 Windsor, MPS and LUB Amendments: Secondary Suites in Accessory Buildings (Sara Poirier)
- 7.7 Update: File #22-17 WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (Sara Poirier)
- 7.8 Update: File #22-10 Development Agreement: 4701 Hwy 1, Three Mile Plains (Sara Poirier)
- 7.9 Update: File #22-16 WHLUB Amendment: Housekeeping (Madelyn LeMay)
- 7.10 Update: File #22-06 Hantsport; File #22-07 West Hants; File #22-08 Windsor, MPS and LUB Amendments: Small Options Housing (Madelyn LeMay)
- 7.11 Update: Heritage Plaques (Madelyn LeMay)
- 7.12 Update: File #22-24 Hantsport; File #22-25 West Hants, Bog Road, Hantsport/Hants Border PIDs 45366473, 45366481, 45366499, 45366507, and 45366515, Rezoning (Alex Dunphy)
- 7.13 Update: File #22-22 Hwy 215, Cheverie PID 45178944, Development Agreement (Alex Dunphy)

## **8.0 Building and Development Activity Reports (December)**

### **9.0 New Business**

- 9.1 File #22-36 Public Participation Program Policy (Madelyn LeMay)
- 9.2 File #22-31, Hantsport, File #22-32, West Hants and File #22-33, Windsor: Linking the Public Participation Program Policy to the MPS (Madelyn LeMay)
- 9.3 File #22-30 Development Agreement: 4190 Hwy 1, Garlands Crossing PID 45003357 (Sara Poirier)
- 9.4 File #22-20 Development Agreement: Burgess Crescent, Windsor PID 45338688 (Alex Dunphy)

### **10.0 Notices from Adjacent Municipal Units**

### **11.0 Questions and Comments from the Public**

### **12.0 Next Meeting Date (February 16, 2023) / Meeting Format and Attendance/Adjournment**



**ACTIVITY REPORT**

For Month of December 12/31/2022

Type	Dec 2021			Dec 2022		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Unit	11	5	1,797,850	13	7	2,749,491
Duplex/Semi	1	2	500,000	9	14	2,801,000
Apartments	1	83	15,000,000	0	0	0
Other Residential	2	0	5,000	5	0	25,100
Commercial	1	0	130,000	2	0	67,000
Industrial	1	0	2,900,000	1	0	4,000
Inst & Gov	0	0	0	0	0	0
Agriculture	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Total</b>	<b>17</b>	<b>90</b>	<b>20,332,850</b>	<b>30</b>	<b>21</b>	<b>5,646,591</b>
<b>Year To Date</b>	<b>487</b>	<b>222</b>	<b>68,263,250</b>	<b>524</b>	<b>192</b>	<b>60,959,538</b>
Demolition	3	0		2	1	
Sign Permits	0			0		
Sub Applications	3	2 (Lots Requested)		4	3 (Lots Requested)	



## West Hants

### WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Planning and Heritage Advisory Committee (PAC/HAC)  
**Submitted by:** \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development  
**Date:** January 12, 2023  
**Subject:** Public Participation Program Policy Revisions; File # 22-36

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#### 1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204A: Engagement Programs Content Regulations

#### 2.0 RECOMMENDATION

... that PAC/HAC recommends that Council approve the Public Participation Program Policy attached as Appendix D to the January 12, 2022 report “Public Participation Program Policy Revisions” File # 22-36.

#### 3.0 BACKGROUND

The Nova Scotia Engagement Programs Content Regulations (Appendix A) in s.4 lists the mandatory contents of an engagement policy. The Regulations require content regarding engagement with abutting municipalities, the Statements of Provincial Interest and how Council will consider any comments received from abutting municipalities.

#### 4.0 DISCUSSION

The MGA requires each Municipality which has planning documents to also have a “Public Participation Program Policy”. Hantsport, West Hants and Windsor had Public Participation Programs stretching back a considerable time. Immediately following consolidation, the Region of West Hants adopted a Public Participation Program Policy (Appendix B) which reflects those of the earlier individual municipal units.

The Engagement Programs Content Regulations made under s. 204A of the MGA have added topics which now must be included in the Public Participation Program Policy. In

order to meet the requirements of these Regulations, the following changes are recommended and shown in Appendices C and D:

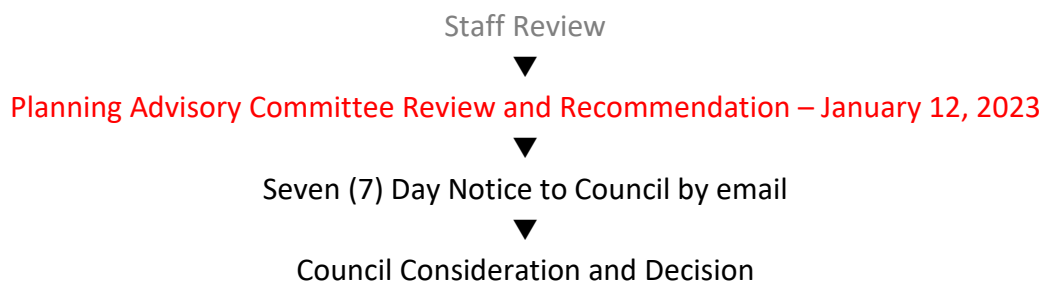
- The section regarding *“Comprehensive Review of Planning Documents”* has been moved to within *“Development Agreements and Amendments to Development Agreements; Adoption of Revised Planning Documents, Amendments To Planning Documents And Amendments To The Land-Use By-Law”*.
- The following material has been added:
  - a minimum distance for notification of neighbours of a site-specific amendment or a development agreement or amendment;
  - a requirement that Council solicit comments from abutting municipalities on the proposed adoption of a Municipal Planning Strategy or an amendment related to the Statements of Provincial Interest;
  - a limitation on when abutting municipalities need to be notified of the location of site-specific amendments;
  - the method and timing of soliciting comments from abutting municipalities.

Just as the remainder of a Public Participation Program must be complete prior to “First Reading” by Council, at which time Council may give notice of public hearing, engagement with abutting municipalities must be complete prior to “First Reading”.

The proposed amendments to the Public Participation Program Policy reflect the requirements of the *“Engagement Programs Content Regulations made under Section 204A of the Municipal Government Act”*.

## 5.0 NEXT STEPS

The following process is being used for adoption of the revised policy:



## 6.0 FINANCIAL IMPLICATIONS

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

## **7.0 ALTERNATIVES**

Should PAC/HAC not wish to accept the policy as drafted, it may:

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

## **8.0 APPENDICIES**

Appendix A Nova Scotia Engagement Programs Content Regulations

Appendix B WHRM Public Participation Program Policy

Appendix C WHRM Public Participation Program Policy showing proposed changes

Appendix D Proposed WHRM Public Participation Program Policy

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

**APPENDIX A**  
**Engagement Programs Content Regulations**  
**made under Section 204A of the**  
***Municipal Government Act***  
**S.N.S. 1998, c. 18**  
**N.S. Reg. 139/2019 (effective December 3, 2019)**

**Table of Contents**

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

[Click here to go to the text of the regulations.](#)

[Citation](#)

[Definitions](#)

[Recording of policy](#)

[Mandatory content of engagement program](#)

[Limiting engagement program to areas impacted](#)

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**Citation**

**1** These regulations may be cited as the *Engagement Programs Content Regulations*.

**Definitions**

**2** In these regulations,

“Act” means the *Municipal Government Act*;

“adoption or amendment” means adoption or amendment of a municipal planning strategy;

“engagement program” means an engagement program, which a council must adopt by policy, as required by subsection 204A(1) of the Act for engaging with abutting municipalities when a council is adopting or amending a municipal planning strategy.

**Recording of policy**

**3** A policy adopting an engagement program must be recorded in the by-law records of the municipality.

### **Mandatory content of engagement program**

**4** An engagement program must include all of the following:

- (a) a requirement that council solicit comments from abutting municipalities on the proposed adoption or amendment;
- (b) provisions ensuring that engagement deals with topics associated with the statements of provincial interest;
- (c) a means for council to consider any comments received from abutting municipalities; ~~and~~
- (d) a requirement that engagement with abutting municipalities be completed before the first notice for a public hearing for considering a proposed adoption or amendment.

### **Limiting engagement program to areas impacted**

**5** An engagement program may provide that engagement with an abutting municipality be limited to the geographical area or areas or topics that are likely to be impacted by a proposed adoption or amendment.

*PUBLIC PARTICIPATION PROGRAM POLICY*

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**1. PURPOSE**

- 1.1. Section 204 of the *Municipal Government Act* requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.

**2. DEFINITIONS**

- 2.1. The terms used in this Policy have the same meaning as those found in the *Municipal Government Act*.

**3. COMPREHENSIVE REVIEW of PLANNING DOCUMENTS**

- 3.1. Council resolves to seek the views of the public and encourage public participation regarding any comprehensive review by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

**4. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW**

- 4.1. Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and amendments to the West Hants and/or Hantsport Planning Documents or Land Use By-law by, at a minimum:
- holding one or more public meetings, usually hosted by the Planning Advisory Committee, prior to First Reading of any proposed development agreement or amendment;
  - advertising any public participation or information meeting regarding any proposed development agreement or amendment by notifying by mail the owners of neighbouring properties of the site of both the public information meeting and any public hearing regarding a proposed amendment to a specific property;
  - advertising any public hearing regarding any proposed development agreement or amendment by:
    - placing a notice in a newspaper circulating in the local area;
    - notifying by mail the owners of neighbouring properties of the site of both the public information meeting and any public hearing regarding a proposed amendment to a specific property;

## PUBLIC PARTICIPATION PROGRAM POLICY

**5. GENERAL**

- 5.1. Councillors shall receive no new information regarding a planning matter once a public hearing is complete.
- 5.2. Any fees related to any action required by the Public Participation Program will be established by policy of Council.

**6. REPEAL**

- 6.1 The Public Participation Program Policy COPL-002.00, dated October 10, 2017, of the former Municipality of the District of West Hants and the Public Participation Program Policy dated March 26, 2019 of the former Town of Windsor are hereby repealed.

**7. RELATED LEGISLATION, POLICIES and PROCEDURES**

## 7.1. Municipal Government Act

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the **28<sup>th</sup>** day of **April, 2020**.

R. N. Brown  
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	April 1, 2020
<i>Approval:</i>	April 28, 2020
<i>Description:</i> Initial approval of the Public Participation Program Policy, COPL-001.00.	



**APPENDIX C**  
**West Hants Regional Municipality**  
*Public Participation Program Policy*

Showing proposed changes in **Blue** and ~~Strikeout~~

**1. PURPOSE**

- 1.1. Section 204 of the *Municipal Government Act* (MGA) requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.
- 1.2. The *Engagement Programs Content Regulations* made under Section 204A of the MGA Act require the public participation program to contain specific content.

**2. DEFINITIONS**

- 2.1. The terms used in this Policy have the same meaning as those found in the MGA.

**~~3. COMPREHENSIVE REVIEW of PLANNING DOCUMENTS~~**

- ~~3.1. During any comprehensive review of any planning document, Council resolves to seek the views of the public and encourage public participation regarding by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.~~

**4. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS;  
ADOPTION OF REVISED PLANNING DOCUMENTS, AMENDMENTS to PLANNING  
DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW**

- 4.1. Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, **and**

adoption of revised documents or amendments to the West Hants, Hantsport and Windsor Planning Documents or Land Use By-laws by, at a minimum:

- holding one or more public meetings, usually held prior to a Planning and Heritage Advisory Committee meeting, prior to First Reading of any proposed development agreement or amendment;
- advertising any public participation or information meeting regarding any proposed development agreement or site-specific amendment by: (1) placing a notice in a newspaper circulating in the local area and (2) notifying by mail the owners of all lots within 300' of the site of both the public information meeting and any public hearing. Within a Land Use By-law Council may specify a greater distance for notification.  
Notices for public participation or information meetings shall be placed in the paper and sent to abutting property owners at least seven (7) days prior to any public participation or public information meeting. Notices for public hearings shall follow the MGA notification requirements.

4.2 In addition, during any comprehensive review of any planning document, Council resolves to seek the views of the public and encourage public participation regarding by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

4.3 In accordance with the requirements of the MGA, where:

- (a) a revised Municipal Planning Strategy is considered; or
- (b) where an amendment to the Municipal Planning Strategy affects policy regarding:
  - drinking water;
  - flood risk areas;
  - agricultural land;
  - infrastructure; or
  - housing,

Council shall seek input from all abutting municipalities; and

- (c) where an amendment to the Municipal Planning Strategy is specific to land that lies within 2 km of an adjacent municipality, Council shall seek input from the abutting municipality.

In each case, Council shall seek input by:

- notifying abutting municipalities of the proposal. The notice shall include the date by which a response must be received in order to be considered by Council;
- ensuring that there is sufficient opportunity for a response to be received so that it may be considered before First Reading of the proposal at Council.

4.4 In addition, in accordance with MGA 206 (5), when a notice of public hearing is published, the clerk shall send a copy of the notice to the clerk of every municipality that abuts an area affected by the proposal.

**5. GENERAL**

5.1. Councillors shall receive no new information regarding a planning matter once a public hearing is complete.

5.2. Any fees related to any action required by the Public Participation Program Policy will be established by policy of Council.

**6. REPEAL**

6.1 The Public Participation Program Policy COPL-001.00, dated April 28, 2020, of West Hants Regional Municipality is hereby repealed.

**7. RELATED LEGISLATION, POLICIES and PROCEDURES**

7.1. Municipal Government Act

I, Deanna Snair, Municipal Clerk of West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of West Hants Regional Municipality at a meeting duly called and held on the \_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ 2023.

(Signature of Municipal Clerk)

Deanna Snair  
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	



WEST HANTS REGIONAL MUNICIPALITY  
PROPOSED PUBLIC PARTICIPATION PROGRAM POLICY  
APPENDIX D

RCOPL-006.00

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**1. PURPOSE**

- 1.1 Section 204 of the *Municipal Government Act* (MGA) requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.
- 1.2 The *Engagement Programs Content Regulations* made under Section 204A of the MGA require the public participation program to contain specific content.

**2. DEFINITIONS**

- 2.1 The terms used in this Policy have the same meaning as those found in the MGA.

**3. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; ADOPTION OF REVISED PLANNING DOCUMENTS, AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW**

- 3.1 Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and adoption of revised documents or amendments to the West Hants, Hantsport and Windsor Planning Documents or Land Use By-laws by, at a minimum:

- holding one or more public meetings, usually held prior to a Planning and Heritage Advisory Committee meeting, prior to First Reading of any proposed development agreement or amendment;
- advertising any public participation or information meeting regarding any proposed development agreement or site-specific amendment by: (1) placing a notice in a newspaper circulating in the local area and (2) notifying by mail the owners of all lots within 300' of the site of both the public information meeting and any public hearing. Within a Land Use By-law Council may specify a greater distance for notification.

Notices for public participation or information meetings shall be placed in the paper and sent to abutting property owners at least seven (7) days prior to any public participation or public information meeting. Notices for public hearings shall follow the MGA notification requirements.

- 3.2 In addition, during any comprehensive review of any planning document, Council resolves to seek the views of the public and encourage public participation

regarding by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

- 3.3 In accordance with the requirements of the MGA, where:
- (a) a revised Municipal Planning Strategy is considered; or
  - (b) where an amendment to the Municipal Planning Strategy affects policy regarding:
    - drinking water;
    - flood risk areas;
    - agricultural land;
    - infrastructure; or
    - housing,

Council shall seek input from all abutting municipalities; and

- (c) where an amendment to the Municipal Planning Strategy is specific to land that lies within 2 km of an adjacent municipality, Council shall seek input from the abutting municipality.

In each case, Council shall seek input by:

- notifying abutting municipalities of the proposal. The notice shall include the date by which a response must be received in order to be considered by Council;
- ensuring that there is sufficient opportunity for a response to be received so that it may be considered before First Reading of the proposal by Council.

- 3.4 In addition, in accordance with MGA 206 (5), when a notice of public hearing is published, the clerk shall send a copy of the notice to the clerk of every municipality that abuts an area affected by the proposal.

#### 4. GENERAL

- 4.1 Councillors shall receive no new information regarding a planning matter once a public hearing is complete.



**WEST HANTS REGIONAL MUNICIPALITY  
PROPOSED PUBLIC PARTICIPATION PROGRAM POLICY  
APPENDIX D**

**RCOPL-006.00**

4.2 Any fees related to any action required by the Public Participation Program Policy will be established by policy of Council.

**5. REPEAL**

5.1 The Public Participation Program Policy COPL-001.00, dated April 28, 2020, of West Hants Regional Municipality is hereby repealed.

**6. RELATED LEGISLATION, POLICIES and PROCEDURES**

6.1 Municipal Government Act

I, Deanna Snair, Municipal Clerk of West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of West Hants Regional Municipality at a meeting duly called and held on the \_\_\_\_ day of \_\_\_\_ (month), \_\_\_\_ 2023.

(Signature of Municipal Clerk)

Deanna Snair  
Municipal Clerk

Adoption	
Notice to Council:	Not Applicable
Approval:	
Description: Initial Approval of the Public Participation Policy RCOPL-006.00	



**WEST HANTS REGIONAL MUNICIPALITY  
PROPOSED PUBLIC PARTICIPATION PROGRAM POLICY  
APPENDIX D**

**RCOPL-006.00**

DRAFT



## West Hants

### WEST HANTS REGIONAL MUNICIPALITY REPORT

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

**Submitted by:** \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

**Date:** January 12, 2023

**Subject:** Minimum Planning Requirements Regulations: Hantsport; File # 22-31

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#### 1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204

#### 2.0 RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Hantsport, File # 22-31.

#### 3.0 BACKGROUND

The Nova Scotia Minimum Planning Requirements Regulations (Appendix A) in s. 4 specify that *"In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:*

*...(d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice."*

A Public Information Meeting regarding this requirement was held on December 8, 2022. The comment period ended December 22, 2022; no comments were received (Appendix B).

#### 4.0 DISCUSSION

West Hants Regional Municipality (WHRM) established a Regional Public Participation Program Policy at the first regular Council meeting following consolidation.

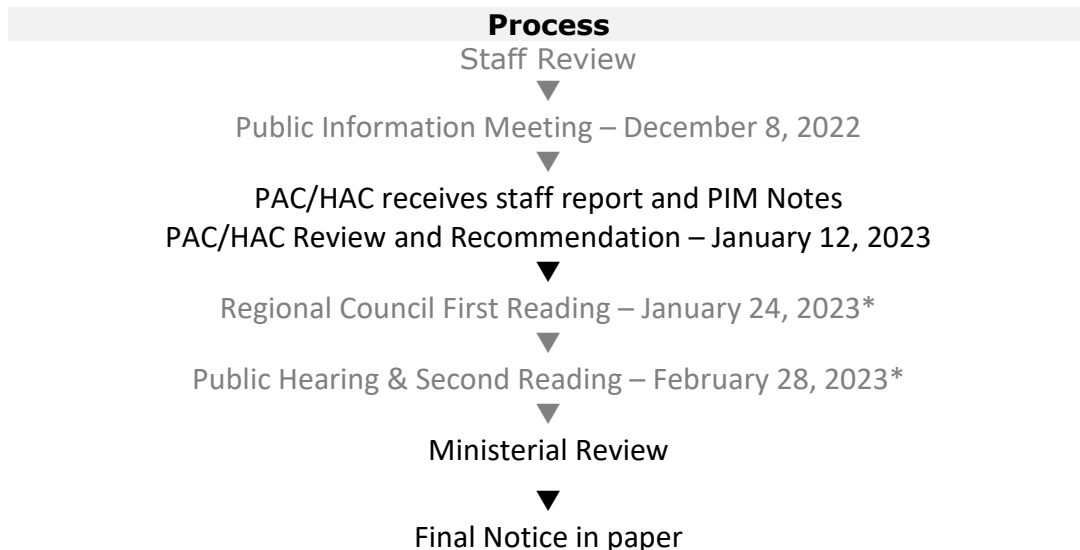
Amendments to the Public Participation Program Policy are also being recommended to the Planning and Heritage Advisory Committee January 12, 2023.

WHRM has three sets of planning documents: Hantsport, West Hants and Windsor. Each of the Municipal Planning Strategies meets the Nova Scotia Minimum Planning Requirements Regulations with one exception: each is missing policy referring to the Public Participation Program Policy. The proposed amendments (Appendices C and D) are intended to meet this requirement.

There are no policies within the HMPS which need to be considered in relation to the proposed amendments.

#### 5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, and policies of the Hantsport Municipal Planning Strategy (HMPS). There are no proposed map amendments. As a result, it is reasonable to amend the text of the HMPS to clarify and confirm the intent of Council regarding public engagement in planning processes.



\*anticipated dates; final dates set by Council

## **6.0 FINANCIAL IMPLICATIONS**

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

## **7.0 ALTERNATIVES**

Should PAC/HAC not wish to accept the draft amendments as written, it may:

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

## **8.0 APPENDICIES**

Appendix A Nova Scotia Minimum Planning Requirements Regulations

Appendix B Public Information Meeting Notes

Appendix C Hantsport Municipal Planning Strategy Policies showing Proposed Amendments

Appendix D Draft Amendments to the Hantsport Municipal Planning Strategy

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Report prepared by: \_\_\_\_\_

Madelyn LeMay, Director, Planning and Development

## APPENDIX A

**Minimum Planning Requirements Regulations  
made under Section 214(4) of the  
*Municipal Government Act*  
S.N.S. 1998, c. 18  
N.S. Reg. 140/2019 (effective December 3, 2019)**

### Table of Contents

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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#### Citation

1 These regulations may be cited as the *Minimum Planning Requirements Regulations*.

#### Definitions

2 In these regulations,

“Act” means the *Municipal Government Act*.

#### Review of planning documents

3 (1) A council must include policies in a municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law that implements the municipal planning strategy.

- (2) A municipal planning strategy and its implementing land use by-law must be reviewed no later than 10 years after the later of the following dates:
  - (a) the date it was adopted;
  - (b) the date it was last reviewed; and
  - (c) the effective date of these regulations.
- (3) Where a municipality has one or more secondary planning strategies, subsection (2) shall be satisfied if a municipal-wide municipal planning strategy and all the land use by-laws applicable in the municipality are reviewed within the timelines provided in subsection (2).
- (4) “Review” in relation to a municipal planning strategy, means a municipality’s consideration of the content of a municipal planning strategy to determine if it should be amended or replaced to ensure that it meets the purposes outlined in Section 213 of the Act and the minimum planning requirements.

#### **Mandatory content**

- 4 In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:
  - (a) a discussion of the background and contextual information that informed the goals and objectives of the municipal planning strategy;
  - (b) a map of the lands within a municipality that depicts the intended future uses of the lands as contemplated by the municipality’s municipal planning strategy;
  - (c) statements of policy with respect to the lands subject to the municipal planning strategy in relation to all of the following:
    - (i) residential uses,
    - (ii) commercial and industrial uses,
    - (iii) institutional uses,
    - (iv) recreational facilities and public open spaces, ~~and~~
    - (v) resource uses, where resources are present within a municipality;
  - (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice.

### **Matters subject to other enactment of Province**

- 5** (1) A municipality may include in its municipal planning strategy statements of policy on land use relating to any of the matters set out in Sections 6 to 13 unless the matter is the subject of another enactment of the Province.
- (2) Provided it is not prohibited by another enactment, statements of policy referred to in subsection (1) may be more stringent than another enactment.

### **Discretionary content related to planning tools**

- 6** A municipal planning strategy may include statements of policy on the use, content, development, and administration of the following:
- (a) zoning;
  - (b) development agreements;
  - (c) comprehensive development districts;
  - (d) site-plan approval areas;
  - (e) incentive or bonus zoning;
  - (f) accepting and using cash-in-lieu of required parking;
  - (g) studies to be carried out before undertaking specified developments or developments in specified areas;
  - (h) staging development;
  - (i) non-conforming uses and structures;
  - (j) subdividing land; and
  - (k) regulation or prohibition of development in areas based on noise exposure forecast or noise exposure projections.

### **Discretionary content related to engagement**

- 7** A municipal planning strategy may include statements of policy on engaging with provincial and federal departments, First Nations, and non-abutting municipalities.

### **Discretionary content related to fiscal matters**

- 8** A municipal planning strategy may include statements of policy on any of the following:
- (a) municipal investment for public and private development and coordinating public programs relating to the economic, social and physical development of the municipality;
  - (b) eligibility criteria for establishing a commercial development district including all of the following:
    - (i) the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 71C(1) of the Act, within the proposed commercial development district, and [*sic*]
    - (ii) the period over which the increase in the taxable assessed value of the properties occurs.

**Discretionary content related to the natural environment**

- 9** A municipal planning strategy may include statements of policy on any of the following:
- (a) climate change mitigation and adaptation;
  - (b) protecting the natural environment and biodiversity;
  - (c) protecting the coast;
  - (d) protecting water supplies;
  - (e) identifying, preserving and protecting landscape features;
  - (f) stormwater management and erosion control;
  - (g) excavating or filling of land, the placement of fill or the removal of soil;
  - (h) identifying, protecting, using and developing any of the following:
    - (i) lands subject to flooding,
    - (ii) steep slopes,
    - (iii) lands susceptible to subsidence, erosion or other geological hazards, and [*sic*]
    - (iv) wetlands or other environmentally sensitive areas.

**Discretionary content related to social aspects**

**10** A municipal planning strategy may include statements of policy on any of the following:

- (a) how social issues must be incorporated into decision making;
- (b) promoting social well-being;
- (c) housing opportunities for a range of social and economic needs and to support aging in place;
- (d) promoting community food security;
- (e) accessibility standards to help prevent and remove barriers that disable people;
- (f) walkability; and [*sic*]
- (g) healthy built environments.

**Discretionary content related to resource lands, infrastructure and economic development**

**11** A municipal planning strategy may include statements of policy on any of the following:

- (a) protecting and using resource lands;
- (b) infrastructure including municipal services and facilities and the means of recovering their cost;
- (c) generating, using, and conserving energy;
- (d) transportation services and networks including establishing transportation reserves; and [*sic*]
- (e) home occupations and home-based businesses.

**Discretionary content related to culture, heritage and landscape features**

**12** A municipal planning strategy may include statements of policy on any of the following:

- (a) heritage property protection and heritage buildings;
- (b) sites of cultural, historical or archeological interest; and [*sic*]
- (c) other significant natural or human-made features.

**Discretionary content related to general matters**

**13** A municipal planning strategy may include statements of policy on any of the following:

- (a) public health and safety; and [*sic*]
- (b) land use matters relating to the physical, economic or social environment of the municipality not otherwise prescribed in these regulations.

**Appendix B**  
**Public Information Meeting Notes**  
**December 8, 2022 – December 22, 2022**  
**File# 22-31A**

**Hantsport Municipal Planning Strategy Amendments: Public Participation Program**

<b>Meeting date and time</b>	A public information meeting was held on December 8, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>File Number</b>	22-31A
<b>Attending</b>	Jennifer Nichols, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner  No members of the public present expressed interest in the proposed amendments.
<b>Applicant</b> none	Ms. LeMay outlined the proposed amendments, which are required by Regulations made under Section 204A of the MGA.
<b>Adjournment</b>	The presentation portion of the PIM ended at approximately 6:10 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 December 22, 2022.
PIM Submissions	No verbal or written submissions were received.

## Appendix C

### Taken from Hantsport Municipal Planning Strategy December 28, 2022

Proposed Changes shown in blue

#### **11.2 Review of Municipal Planning Strategy**

The *Municipal Government Act* states that a Strategy shall include policies on how Council intends to review the Strategy and Land Use By-law. We live in a world in which conditions relating to development may change rapidly. When Council determines that these types of changes warrant a review of the planning documents it shall conduct a review, and seek public input throughout the process.

The same holds true with the ICSP part of the Strategy. Council may review ICSP policies independently of the entire Strategy when circumstances such as direction from the senior levels of government with respect to sustainability change. Council also believes that a review should occur no later than seven years from the effective date of the Strategy and Land Use By-law.

The Municipal Government Act requires Council to adopt, by policy, a public participation program policy (PPPP) and to have policy within the MPS which establishes Council's intent to have a PPPP.

A PPPP has been in place and utilized in the area regulated by the Hantsport planning documents since before 2010, and planning in Hantsport has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

#### **Policy IM-1**

It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By-law as deemed necessary by Council due to changing conditions but not later than every seven years.

#### **Policy IM-2**

It shall be a policy of Council to review the ICSP part of the Strategy independently from the rest of the Strategy as deemed necessary by Council or in response to direction from the senior levels of government.

#### **Policy IM-2A**

It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

## APPENDIX D

### PROPOSED HANTSPORT MUNICIPAL PLANNING STRATEGY

#### AMENDMENTS

Purpose: to clarify and add policy to the Municipal Planning Strategy which reflects Council's intention to maintain a Public Participation Program Policy.

1. In Part 11, *Review of Municipal Planning Strategy*, immediately following the second paragraph, add the following two paragraphs:

The Municipal Government Act requires Council to adopt, by policy, a public participation program policy (PPPP) and to have policy within the MPS which establishes Council's intent to have a PPPP.

A PPPP has been in place and utilized in the area regulated by the Hantsport planning documents since before 2010, and planning in Hantsport has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

so that the entire section reads as:

#### **11.2 Review of Municipal Planning Strategy**

The *Municipal Government Act* states that a Strategy shall include policies on how Council intends to review the Strategy and Land Use By-law. We live in a world in which conditions relating to development may change rapidly. When Council determines that these types of changes warrant a review of the planning documents it shall conduct a review, and seek public input throughout the process.

The same holds true with the ICSP part of the Strategy. Council may review ICSP policies independently of the entire Strategy when circumstances such as direction from the senior levels of government with respect to sustainability change. Council also believes that a review should occur no later than seven years from the effective date of the Strategy and Land Use By-law.

The Municipal Government Act requires Council to adopt, by policy, a public participation program policy (PPPP) and to have policy within the MPS which establishes Council's intent to have a PPPP.

A PPPP has been in place and utilized in the area regulated by the Hantsport planning documents since before 2010, and planning in Hantsport has been

subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

2. Immediately following Policy IM-2, add the following Policy IM-2A:

**Policy IM-2A**

It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

so that the policies read as:

**Policy IM-1** It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By-law as deemed necessary by Council due to changing conditions but not later than every seven years.

**Policy IM-2** It shall be a policy of Council to review the ICSP part of the Strategy independently from the rest of the Strategy as deemed necessary by Council or in response to direction from the senior levels of government.

**Policy IM-2A** It shall be the policy of Council to establish and maintain a Public Participation Program Policy.



## West Hants

### WEST HANTS REGIONAL MUNICIPALITY REPORT

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

**Submitted by:** \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

**Date:** January 12, 2023

**Subject:** Minimum Planning Requirements Regulations: West Hants; File # 22-32

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#### 1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204

#### 2.0 RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: West Hants, File # 22-32.

#### 3.0 BACKGROUND

The Nova Scotia Minimum Planning Requirements Regulations (Appendix A) in s. 4 specify that *"In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following: (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice."*

A Public Information Meeting regarding this requirement was held on December 8, 2022. The comment period ended December 22, 2022; no comments were received (Appendix B).

#### 4.0 DISCUSSION

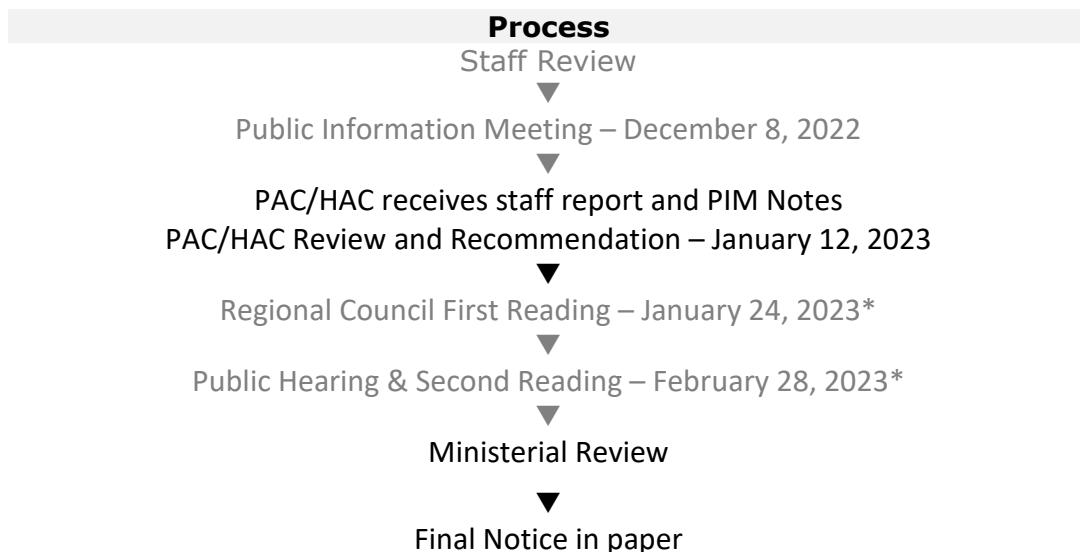
West Hants Regional Municipality (WHRM) established a Regional Public Participation Program Policy less than a month after consolidation. Amendments to the Public Participation Program Policy are also being recommended to the Planning and Heritage Advisory Committee January 12, 2023.

WHRM has three sets of planning documents: Hantsport, West Hants and Windsor. Each of the Municipal Planning Strategies meets the Nova Scotia Minimum Planning Requirements Regulations with one exception: each is missing policy referring to the Public Participation Program Policy. The proposed amendments (Appendices C and D) are intended to meet this requirement.

There are no policies within the WHMPS which need to be considered in relation to the proposed amendments.

#### 5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, and policies of the West Hants Municipal Planning Strategy (WHMPS). There are no proposed map amendments. As a result, it is reasonable to amend the text of the WHMPS to clarify the intent of Council regarding public engagement in planning processes.



\*anticipated dates; final dates set by Council

## **6.0 FINANCIAL IMPLICATIONS**

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

## **7.0 ALTERNATIVES**

Should PAC/HAC not wish to accept the draft amendments as written, it may:

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

## **8.0 APPENDICIES**

Appendix A Nova Scotia Minimum Planning Requirements Regulations

Appendix B Public Information Meeting Notes

Appendix C West Hants Municipal Planning Strategy Policies showing Proposed Amendments

Appendix D Draft Amendments to the West Hants Municipal Planning Strategy

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

## APPENDIX A

**Minimum Planning Requirements Regulations  
made under Section 214(4) of the  
*Municipal Government Act*  
S.N.S. 1998, c. 18  
N.S. Reg. 140/2019 (effective December 3, 2019)**

### Table of Contents

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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[Discretionary content related to culture, heritage and landscape features](#)

[Discretionary content related to general matters](#)

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#### Citation

1 These regulations may be cited as the *Minimum Planning Requirements Regulations*.

#### Definitions

2 In these regulations,

“Act” means the *Municipal Government Act*.

#### Review of planning documents

3 (1) A council must include policies in a municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law that implements the municipal planning strategy.

- (2) A municipal planning strategy and its implementing land use by-law must be reviewed no later than 10 years after the later of the following dates:
  - (a) the date it was adopted;
  - (b) the date it was last reviewed; and
  - (c) the effective date of these regulations.
- (3) Where a municipality has one or more secondary planning strategies, subsection (2) shall be satisfied if a municipal-wide municipal planning strategy and all the land use by-laws applicable in the municipality are reviewed within the timelines provided in subsection (2).
- (4) “Review” in relation to a municipal planning strategy, means a municipality’s consideration of the content of a municipal planning strategy to determine if it should be amended or replaced to ensure that it meets the purposes outlined in Section 213 of the Act and the minimum planning requirements.

#### **Mandatory content**

- 4 In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:
  - (a) a discussion of the background and contextual information that informed the goals and objectives of the municipal planning strategy;
  - (b) a map of the lands within a municipality that depicts the intended future uses of the lands as contemplated by the municipality’s municipal planning strategy;
  - (c) statements of policy with respect to the lands subject to the municipal planning strategy in relation to all of the following:
    - (i) residential uses,
    - (ii) commercial and industrial uses,
    - (iii) institutional uses,
    - (iv) recreational facilities and public open spaces, ~~and~~
    - (v) resource uses, where resources are present within a municipality;
  - (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice.

### **Matters subject to other enactment of Province**

- 5** (1) A municipality may include in its municipal planning strategy statements of policy on land use relating to any of the matters set out in Sections 6 to 13 unless the matter is the subject of another enactment of the Province.
- (2) Provided it is not prohibited by another enactment, statements of policy referred to in subsection (1) may be more stringent than another enactment.

### **Discretionary content related to planning tools**

- 6** A municipal planning strategy may include statements of policy on the use, content, development, and administration of the following:
- (a) zoning;
  - (b) development agreements;
  - (c) comprehensive development districts;
  - (d) site-plan approval areas;
  - (e) incentive or bonus zoning;
  - (f) accepting and using cash-in-lieu of required parking;
  - (g) studies to be carried out before undertaking specified developments or developments in specified areas;
  - (h) staging development;
  - (i) non-conforming uses and structures;
  - (j) subdividing land; and
  - (k) regulation or prohibition of development in areas based on noise exposure forecast or noise exposure projections.

### **Discretionary content related to engagement**

- 7** A municipal planning strategy may include statements of policy on engaging with provincial and federal departments, First Nations, and non-abutting municipalities.

### **Discretionary content related to fiscal matters**

- 8** A municipal planning strategy may include statements of policy on any of the following:
- (a) municipal investment for public and private development and coordinating public programs relating to the economic, social and physical development of the municipality;
  - (b) eligibility criteria for establishing a commercial development district including all of the following:
    - (i) the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 71C(1) of the Act, within the proposed commercial development district, and [*sic*]
    - (ii) the period over which the increase in the taxable assessed value of the properties occurs.

**Discretionary content related to the natural environment**

- 9** A municipal planning strategy may include statements of policy on any of the following:
- (a) climate change mitigation and adaptation;
  - (b) protecting the natural environment and biodiversity;
  - (c) protecting the coast;
  - (d) protecting water supplies;
  - (e) identifying, preserving and protecting landscape features;
  - (f) stormwater management and erosion control;
  - (g) excavating or filling of land, the placement of fill or the removal of soil;
  - (h) identifying, protecting, using and developing any of the following:
    - (i) lands subject to flooding,
    - (ii) steep slopes,
    - (iii) lands susceptible to subsidence, erosion or other geological hazards, and [*sic*]
    - (iv) wetlands or other environmentally sensitive areas.

### **Discretionary content related to social aspects**

**10** A municipal planning strategy may include statements of policy on any of the following:

- (a) how social issues must be incorporated into decision making;
- (b) promoting social well-being;
- (c) housing opportunities for a range of social and economic needs and to support aging in place;
- (d) promoting community food security;
- (e) accessibility standards to help prevent and remove barriers that disable people;
- (f) walkability; and [*sic*]
- (g) healthy built environments.

### **Discretionary content related to resource lands, infrastructure and economic development**

**11** A municipal planning strategy may include statements of policy on any of the following:

- (a) protecting and using resource lands;
- (b) infrastructure including municipal services and facilities and the means of recovering their cost;
- (c) generating, using, and conserving energy;
- (d) transportation services and networks including establishing transportation reserves; and [*sic*]
- (e) home occupations and home-based businesses.

### **Discretionary content related to culture, heritage and landscape features**

**12** A municipal planning strategy may include statements of policy on any of the following:

- (a) heritage property protection and heritage buildings;
- (b) sites of cultural, historical or archeological interest; and [*sic*]
- (c) other significant natural or human-made features.

### **Discretionary content related to general matters**

**13** A municipal planning strategy may include statements of policy on any of the following:

- (a) public health and safety; and [*sic*]
- (b) land use matters relating to the physical, economic or social environment of the municipality not otherwise prescribed in these regulations.

**Appendix B**  
**Public Information Meeting Notes**  
**December 8, 2022 – December 22, 2022**  
**File# 22-32A**

**West Hants Municipal Planning Strategy Amendments: Public Participation Program**

<b>Meeting date and time</b>	A public information meeting was held on December 8, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>File Number</b>	22-32A
<b>Attending</b>	Jennifer Nichols, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner  No members of the public present expressed interest in the proposed amendments.
<b>Applicant</b> none	Ms. LeMay outlined the proposed amendments, which are required by Regulations made under Section 204A of the MGA.
<b>Adjournment</b>	The presentation portion of the PIM ended at approximately 6:10 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 December 22, 2022.
PIM Submissions	No verbal or written submissions were received.

## Appendix C

### Taken from West Hants Municipal Planning Strategy December 28, 2022

Proposed Changes shown in blue

#### **16.0 IMPLEMENTATION**

#### **16.1 Municipal Planning Strategy Amendments and Review**

From time to time Council may find it necessary to amend the Municipal Planning Strategy (MPS) or the accompanying Generalized Future Land Use Map (Map 1).

***Policy 16.1.1*** *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages. It is recommended that a review be done at least every eight years.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the West Hants planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

#### ***Policy 16.1.2***

*It shall be the policy of Council to establish and maintain a Public Participation Program Policy.*

## APPENDIX D

### PROPOSED WEST HANTS MUNICIPAL PLANNING STRATEGY AMENDMENTS

Purpose: to clarify and add policy to the Municipal Planning Strategy which reflects Council's intention to maintain a Public Participation Program Policy.

1. In Part 16.1, Municipal Planning Strategy Amendments and Review, immediately following the phrase: "*It is recommended that a review be done at least every eight years*", add the following paragraph and policy:

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the West Hants planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

#### ***Policy 16.1.2***

It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

so that the entire section and policy read as:

#### **16.1 Municipal Planning Strategy Amendments and Review**

From time to time Council may find it necessary to amend the Municipal Planning Strategy (MPS) or the accompanying Generalized Future Land Use Map (Map 1).

***Policy 16.1.1*** *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages. It is recommended that a review be done at least every eight years.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the West Hants planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

***Policy 16.1.2*** It shall be the policy of Council to establish and maintain a Public Participation Program Policy.



## West Hants

### WEST HANTS REGIONAL MUNICIPALITY REPORT

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

**Submitted by:** \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

**Date:** January 12, 2023

**Subject:** Minimum Planning Requirements Regulations: Windsor; File #22-33

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#### 1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204

#### 2.0 RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Windsor, File #22-33.

#### 3.0 BACKGROUND

The Nova Scotia Minimum Planning Requirements Regulations (Appendix A) in s. 4 specify that *"In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following: (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice."*

A Public Information Meeting regarding this requirement was held on December 8, 2022. The comment period ended December 22, 2022; no comments were received (Appendix B).

#### 4.0 DISCUSSION

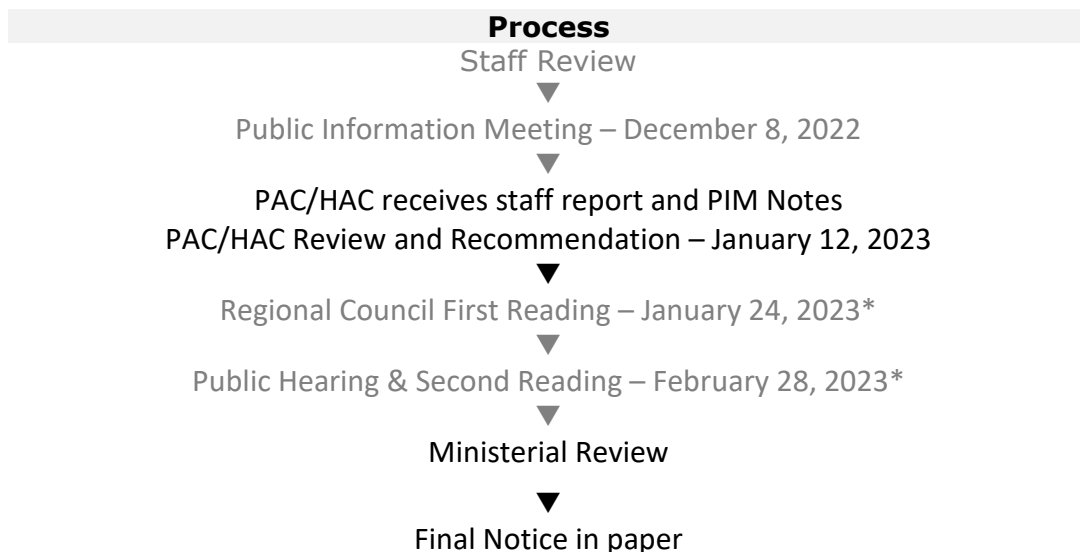
West Hants Regional Municipality (WHRM) established a Regional Public Participation Program Policy less than a month after consolidation. Amendments to the Public Participation Program Policy are also being recommended to the Planning and Heritage Advisory Committee January 12, 2023.

WHRM has three sets of planning documents: Hantsport, West Hants and Windsor. Each of the Municipal Planning Strategies meets the Nova Scotia Minimum Planning Requirements Regulations with one exception: each is missing policy referring to the Public Participation Program Policy. The proposed amendments (Appendices C and D) are intended to meet this requirement.

There are no policies within the WMPS which need to be considered in relation to the proposed amendments.

#### 5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, and policies of the Windsor Municipal Planning Strategy (WMPS). There are no proposed map amendments. As a result, it is reasonable to amend the text of the WMPS to clarify the intent of Council regarding public engagement in planning processes.



\*anticipated dates; final dates set by Council

## **6.0 FINANCIAL IMPLICATIONS**

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

## **7.0 ALTERNATIVES**

Should PAC/HAC not wish to accept the draft amendments as written, it may:

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

## **8.0 APPENDICIES**

Appendix A Nova Scotia Minimum Planning Requirements Regulations

Appendix B Public Information Meeting Notes

Appendix C Windsor Municipal Planning Strategy Policies showing Proposed Amendments

Appendix D Draft Amendments to the Windsor Municipal Planning Strategy

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

## APPENDIX A

**Minimum Planning Requirements Regulations  
made under Section 214(4) of the  
*Municipal Government Act*  
S.N.S. 1998, c. 18  
N.S. Reg. 140/2019 (effective December 3, 2019)**

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[Discretionary content related to the natural environment](#)

[Discretionary content related to social aspects](#)

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[Discretionary content related to culture, heritage and landscape features](#)

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#### **Citation**

1 These regulations may be cited as the *Minimum Planning Requirements Regulations*.

#### **Definitions**

2 In these regulations,

“Act” means the *Municipal Government Act*.

#### **Review of planning documents**

3 (1) A council must include policies in a municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law that implements the municipal planning strategy.

- (2) A municipal planning strategy and its implementing land use by-law must be reviewed no later than 10 years after the later of the following dates:
  - (a) the date it was adopted;
  - (b) the date it was last reviewed; and
  - (c) the effective date of these regulations.
- (3) Where a municipality has one or more secondary planning strategies, subsection (2) shall be satisfied if a municipal-wide municipal planning strategy and all the land use by-laws applicable in the municipality are reviewed within the timelines provided in subsection (2).
- (4) “Review” in relation to a municipal planning strategy, means a municipality’s consideration of the content of a municipal planning strategy to determine if it should be amended or replaced to ensure that it meets the purposes outlined in Section 213 of the Act and the minimum planning requirements.

#### **Mandatory content**

- 4 In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:
  - (a) a discussion of the background and contextual information that informed the goals and objectives of the municipal planning strategy;
  - (b) a map of the lands within a municipality that depicts the intended future uses of the lands as contemplated by the municipality’s municipal planning strategy;
  - (c) statements of policy with respect to the lands subject to the municipal planning strategy in relation to all of the following:
    - (i) residential uses,
    - (ii) commercial and industrial uses,
    - (iii) institutional uses,
    - (iv) recreational facilities and public open spaces, ~~and~~
    - (v) resource uses, where resources are present within a municipality;
  - (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice.

### **Matters subject to other enactment of Province**

- 5** (1) A municipality may include in its municipal planning strategy statements of policy on land use relating to any of the matters set out in Sections 6 to 13 unless the matter is the subject of another enactment of the Province.
- (2) Provided it is not prohibited by another enactment, statements of policy referred to in subsection (1) may be more stringent than another enactment.

### **Discretionary content related to planning tools**

- 6** A municipal planning strategy may include statements of policy on the use, content, development, and administration of the following:
- (a) zoning;
  - (b) development agreements;
  - (c) comprehensive development districts;
  - (d) site-plan approval areas;
  - (e) incentive or bonus zoning;
  - (f) accepting and using cash-in-lieu of required parking;
  - (g) studies to be carried out before undertaking specified developments or developments in specified areas;
  - (h) staging development;
  - (i) non-conforming uses and structures;
  - (j) subdividing land; and
  - (k) regulation or prohibition of development in areas based on noise exposure forecast or noise exposure projections.

### **Discretionary content related to engagement**

- 7** A municipal planning strategy may include statements of policy on engaging with provincial and federal departments, First Nations, and non-abutting municipalities.

### **Discretionary content related to fiscal matters**

- 8** A municipal planning strategy may include statements of policy on any of the following:
- (a) municipal investment for public and private development and coordinating public programs relating to the economic, social and physical development of the municipality;
  - (b) eligibility criteria for establishing a commercial development district including all of the following:
    - (i) the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 71C(1) of the Act, within the proposed commercial development district, and [*sic*]
    - (ii) the period over which the increase in the taxable assessed value of the properties occurs.

**Discretionary content related to the natural environment**

- 9** A municipal planning strategy may include statements of policy on any of the following:
- (a) climate change mitigation and adaptation;
  - (b) protecting the natural environment and biodiversity;
  - (c) protecting the coast;
  - (d) protecting water supplies;
  - (e) identifying, preserving and protecting landscape features;
  - (f) stormwater management and erosion control;
  - (g) excavating or filling of land, the placement of fill or the removal of soil;
  - (h) identifying, protecting, using and developing any of the following:
    - (i) lands subject to flooding,
    - (ii) steep slopes,
    - (iii) lands susceptible to subsidence, erosion or other geological hazards, and [*sic*]
    - (iv) wetlands or other environmentally sensitive areas.

### **Discretionary content related to social aspects**

**10** A municipal planning strategy may include statements of policy on any of the following:

- (a) how social issues must be incorporated into decision making;
- (b) promoting social well-being;
- (c) housing opportunities for a range of social and economic needs and to support aging in place;
- (d) promoting community food security;
- (e) accessibility standards to help prevent and remove barriers that disable people;
- (f) walkability; and [*sic*]
- (g) healthy built environments.

### **Discretionary content related to resource lands, infrastructure and economic development**

**11** A municipal planning strategy may include statements of policy on any of the following:

- (a) protecting and using resource lands;
- (b) infrastructure including municipal services and facilities and the means of recovering their cost;
- (c) generating, using, and conserving energy;
- (d) transportation services and networks including establishing transportation reserves; and [*sic*]
- (e) home occupations and home-based businesses.

### **Discretionary content related to culture, heritage and landscape features**

**12** A municipal planning strategy may include statements of policy on any of the following:

- (a) heritage property protection and heritage buildings;
- (b) sites of cultural, historical or archeological interest; and [*sic*]
- (c) other significant natural or human-made features.

### **Discretionary content related to general matters**

**13** A municipal planning strategy may include statements of policy on any of the following:

- (a) public health and safety; and [*sic*]
- (b) land use matters relating to the physical, economic or social environment of the municipality not otherwise prescribed in these regulations.

**Appendix B**  
**Public Information Meeting Notes**  
**December 8, 2022 – December 22, 2022**  
**File# 22-33A**

**Windsor Municipal Planning Strategy Amendments: Public Participation Program**

<b>Meeting date and time</b>	A public information meeting was held on December 8, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>File Number</b>	22-33A
<b>Attending</b>	Jennifer Nichols, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner  No members of the public present expressed interest in the proposed amendments.
<b>Applicant</b> none	Ms. LeMay outlined the proposed amendments, which are required by Regulations made under Section 204A of the MGA.
<b>Adjournment</b>	The presentation portion of the PIM ended at approximately 6:10 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 December 22, 2022.
PIM Submissions	No verbal or written submissions were received.

## Appendix C

### Taken from Windsor Municipal Planning Strategy December 28, 2022

Proposed Changes shown in blue

#### 16.0 IMPLEMENTATION

#### 16.1 Municipal Planning Strategy Amendments and Review

From time to time Council may find it necessary to amend the Municipal Planning Strategy or the accompanying Generalized Future Land Use Map (Map 1).

***Policy 16.1.1*** *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages of the review. It is recommended that a review be done at least every eight years.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

***Policy 16.1.2*** *It shall be the policy of Council to review the Municipal Planning Strategy regularly as deemed necessary by changing conditions, but not later than every eight years.*

***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.*

**Policy 16.1.4** *It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

**Policy 16.1.5** It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

## APPENDIX D

### PROPOSED WINDSOR MUNICIPAL PLANNING STRATEGY AMENDMENTS

Purpose: to clarify and add policy to the Municipal Planning Strategy which reflects Council's intention to maintain a Public Participation Program Policy.

1. In Part 16, implementation, immediately following the sentence "*It is recommended that a review be done at least every eight years.*" add the following paragraph:

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

so that the entire section reads as:

#### **16.1 Municipal Planning Strategy Amendments and Review**

From time to time Council may find it necessary to amend the Municipal Planning Strategy or the accompanying Generalized Future Land Use Map (Map 1).

**Policy 16.1.1** *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) *when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) *to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) *when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages of the review. It is recommended that a review be done at least every eight years.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this

area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

2. Immediately following Policy 16.1.4, add the following policy 16.1.5:

**Policy 16.1.5** It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

so that all policies read as:

**Policy 16.1.2** *It shall be the policy of Council to review the Municipal Planning Strategy regularly as deemed necessary by changing conditions, but not later than every eight years.*

**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.*

**Policy 16.1.4** *It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

**Policy 16.1.5** *It shall be the policy of Council to establish and maintain a Public Participation Program Policy.*



## 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:** 2023-01-12

**Subject:** Development Agreement: 4190 Hwy 1, Garlands Crossing PID 45003357; File #22-30

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### LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

### RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. of commercial space on PID 45003357 in Garlands Crossing which is substantively the same as the draft set out in Attachment C of the report File #22-30 to the Planning and Heritage Advisory Committee dated January 12, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Jean Alphonse of Jovana Construction Limited for PID 45003357 in Garlands Crossing 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 November 7, 2022, from Monica Sweetapple of Nuvo Architecture and Interiors on behalf of the property owner Jean Alphonse of Jovana Construction Limited. The application is to consider a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on PID 45003357 in Garlands Crossing. The lot is currently occupied by the Gold House Chinese Restaurant and is owned by Jovana Construction Limited; Mr. Alphonse is the President of that company. The existing building would be demolished to accommodate the proposed development.

## DISCUSSION

PID 45003357 is approximately 24,018 sq. ft. (2,231.35 sq. m.) in size. The lot is designated Commercial Core on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1) and is within the Commercial Development District and Three Mile Plains Growth Centre. Part 5.5 of the WHMPS contains the overall intention for properties designated Commercial Core in the Three Mile Plains Growth Centre.

The lot is zoned Highway Commercial (HC) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). Residential uses are permitted in the same building as commercial uses in the Highway Commercial (HC) zone. However, residential uses are restricted to two-thirds (66 percent) or less of the total floor area of the building, and the maximum height of main buildings permitted in the Highway Commercial (HC) zone is 35 ft (10.67 m).

The subject lot abuts properties zoned Highway Commercial (HC) and General Commercial (GC) and designated Commercial Core. These properties are within the Commercial Development District and 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:

- (c) multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre in accordance with Policy 5.3.8 of the Municipal Planning Strategy;

### ***Proposed Development Agreement***

The property owner would like to demolish the existing building on site and construct a new four (4) storey apartment building containing 21 apartment units, roof top recreation space, and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space. The permitted uses on the lot are outlined in Section 2.1, *Use*, of the draft development agreement (Attachment C). The permitted commercial uses are specifically listed to ensure they will be compatible with the proposed residential uses.

As depicted on the site plan in Schedule B of the draft development agreement, there is an easement on the lot in favour of the Municipality. The Municipal Public Works Department confirmed that there is an existing 10-inch sewer main that runs from Tonge Hill to Highway 1 located within the easement. Section 2.2 (c) of the draft development agreement states that no buildings shall be located on the area of the lot identified within the easement. The Manager of Operations brought forward concerns about the potential for balconies in the proposed development overhanging the area within the easement which would limit the swing of an excavator if the sewer main needed repaired or replaced. Due to this concern, Section 2.2 (c) also states that no balconies or other building features may project into the area of the lot subject to the easement unless written consent is received from the Municipal Department of Public Works.

In response to an inquiry the Manager of Building and Fire Officials noted that “Looking at the plans, this will need to be sprinklered and a full Engineer design will be required. This will also include Geotechnical review and sign off. I have watched the existing building on the lot sink, not sure if this lot will support a 4 storey building (this will be approved by the Engineers).” Based on these comments, a geotechnical study is required to be provided to the Development Officer prior to a development permit being issued for the proposed development (Section 2.3 (e)).

The Multiple Residential (R-3) zone of the WHLUB outlines required recreation space for dwellings with three or more units. It states that 200 sq. ft. (18.58 sq. m.) of recreation space is required for a 1-bedroom unit, and 250 sq. ft. (23.22 sq. m.) is required for a 2-bedroom unit. Using these requirements as a guide for this proposed development, 4,350 sq. ft. (404.13 sq. m.) of recreation space would be required. Staff have increased this to 4,500 sq. ft. (418 sq. m.) due to the limited public recreation sites within walking distance (Section 2.7). The proposed development includes a plan for 5,240 sq. ft. (486.81 sq. m.) of rooftop recreation space, which would exceed the required amount in the draft development agreement.

The main access for the apartment building will be from Highway 1. The Nova Scotia Department of Public Works commented that they do “not anticipate a substantial change in traffic on Highway 1 with this development” however “the proximity of the existing commercial access to the Hwy 1 / Trunk 14 (intersection) is of concern. The determination of the need for a traffic impact study is dependent on the use of the 2600 sq. ft. of commercial space”. The need for a traffic study would be determined when the owner applies for development permits for the proposed commercial use. The Nova Scotia Department of Public Works went on to state “The property will require closure of its open frontage prior to receiving department approval. The property will be permitted a single access onto Highway 1, no greater than 8 m. wide.” Based on this comment, the driveway width is limited to a maximum of 26 ft. (8 m.) in Section 2.4, *Access and Egress*, of the draft development agreement. The Nova Scotia Department of Public Works concluded by stating that “structures, including parking stalls, are not permitted within the 5-metre setback of the Highway 1 right-of-way.” The property owner has amended the site plan for the proposed development to ensure no parking spaces or driveways within 16.4 ft. (5 m.) of the front lot line. A clause has also been added to Section 2.5 (e) of the draft development agreement which states that no parking spaces, driveways or parking aisles shall be located within 16.4 ft. (5 m.) of the front lot line unless otherwise approved in writing by the Provincial Department of Public Works.

The WHLUB currently requires 1.5 parking spaces per dwelling unit at a size of 10 ft. by 20 ft. (3.05 sq. m. x 6.1 sq. m.) and 1 parking space for every 300 sq. ft. (27.87 sq. m.) of commercial space. Due to the location of the lot in a Growth Centre and the proximity of the lot to surrounding services, staff determined that it would be appropriate to reduce the amount of parking required per dwelling unit. As outlined in Section 2.5, *Parking*, of the draft development agreement, a minimum of one (1) parking space will be required per dwelling unit and one (1) parking space for every 360 sq. ft. (33.45 sq. m.) of gross floor area dedicated to commercial uses. The minimum size of each parking space will be 9 ft. x 20 ft. (2.7 m. x 6.1 m.).

The criteria in Policy 5.3.8 (a) requires the side yards to be at least one half of the building height. This is required in Section 2.3 (a) of the draft development agreement. The WHLUB requirements for signs and lighting will be used to regulate signs and illumination on the subject lot, as outlined in Section 2.11, *Signs and Lighting*, of the draft development agreement. Commercial uses within the development will be permitted to operate only between the hours of 7:00 a.m. and 9:00 p.m. daily, as outlined in Section 2.12.

In response to an inquiry, the Municipal Project Engineer commented that “as this is a proposed commercial and multi-unit use, all services such as garbage collection (exceeding single unit curbside quota’s) and snow clearing would be the responsibility of the property owner”. These responsibilities are outlined in Section 2.10 (a) and (c) of the draft development agreement. Section 2.9 (a) also outlines that the owner will keep outdoor storage of garbage enclosed or screened from nearby properties and abutting roads.

As per the draft development agreement the developer will be required to provide the following items prior to being issued a development permit:

- a geotechnical study prepared by a qualified professional that outlines the geotechnical investigations conducted on site, confirms the suitability of the site for the proposed development and provides recommendations to the Owner on how to construct the building based on the site conditions as outlined in Section 2.3 (e), *Site Requirements*;
- a stormwater management plan for the site that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will not have a negative impact on downstream properties as outlined in Section 2.8, *Site Drainage*; and
- design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s) as outlined in the 2.9 (b), *Water and Sewer Services*, and 2.6 (a), *Fire Safety*.

Section 3.3 of the draft development agreement outlines substantive matters of the development agreement. Substantive matters are any items that Council has determined that would significantly alter the intended effect of the development agreement if changed. If a request is received from the developer to change a substantive matter outlined in a development agreement, the request must go through the entire development agreement process including Public Hearing before Council prior to Council making a final decision on the proposed amendment. Staff have determined the following items in this draft development agreement are substantive matters:

- the uses permitted on the Property as listed in Section 2.1, Use;
- subject to Section 2.13, the minimum side yard requirements and maximum building height as listed in Section 2.3 (c);
- the geotechnical study requirements as listed in Section 2.3 (e);
- the fire safety requirements as listed in Section 2.6, Fire Safety;
- the stormwater management plan requirements as listed in Section 2.8, Site Drainage; and
- hours of operation for the commercial uses as listed in Section 2.12, Hours of Operation.

Other items such as engineered building design, accessible parking, sprinkler systems, and barrier free units will be required by the Manager of Building and Fire Inspection Services as per the National Building Code requirements. A full review of the building plans will be conducted when the property owner applies for development and building permits. These items are not listed in the draft development agreement as the National Building Code would take precedence over the development agreement as outlined in Section 5.1, *Compliance with other By-laws and Regulations*, in the draft development agreement.

### **West Hants Municipal Planning Strategy**

Part 5.0 of the WHMPS contains the overall intention for Growth Centres in West Hants; Section 5.5 of the WHMPS contains the overall intention for properties designated Commercial Core in the Three Mile Plains Growth Centre. The Commercial Cores of the Growth Centres were designated due to the access to municipal services, access to Highway 101 and the central location. They were also designated to ensure there was sufficient space in the former Municipality of the District of West Hants for commercial development. This was reinforced when Council designated the Commercial Core areas of the Falmouth and Three Mile Plains Growth Centres as the Commercial Development District where commercial uses will be incentivized.

This proposal includes commercial uses on the street frontage of the ground floor of the building. The proposal application shows up to 2,934 sq. ft. (272.58 sq. m.) of commercial space which will replace the existing 2,960 sq. ft. (275 sq. m.) of commercial space on the property. As the proposal includes the demolition of an existing commercial property to enhance the property with a similarly sized commercial component and residential units, the proposal would still be consistent with the intent of the Commercial Development District and the overall policies for the Growth Centres.

Section 5.3 outlines the residential policies for the Three Mile Plains Growth Centre. Policy 5.3.8 establishes Council's intention to consider "multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement".

### ***WHMPS Specific Criteria***

Policy 5.3.8 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 side yards will be at least one-half the height of the building;
- the development has frontage on an arterial road;
- the lot is serviced with municipal water and sewer; and
- adequate recreational space and on-site parking will be 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:

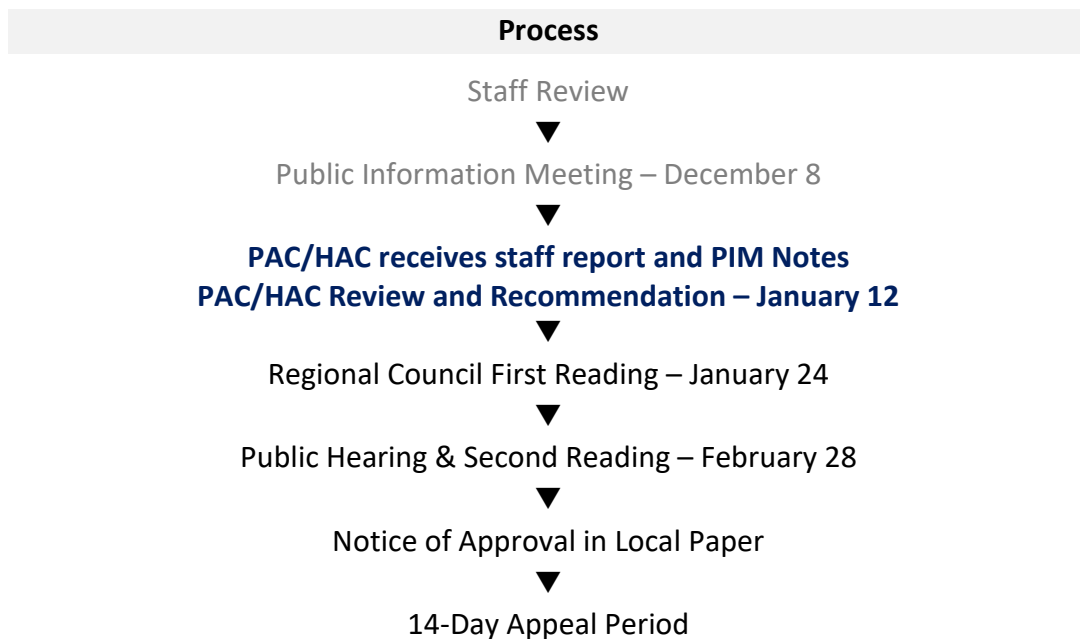
- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Provincial Department of Public Works have no concerns which have not been addressed in the report and 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 subject lot was not included in the Three Mile Plains Flood Risk Assessment Study. 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 both the specific and 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 a four (4) storey apartment building containing 21 apartment units, rooftop recreation space and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on PID 45003357 in Garlands Crossing 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.

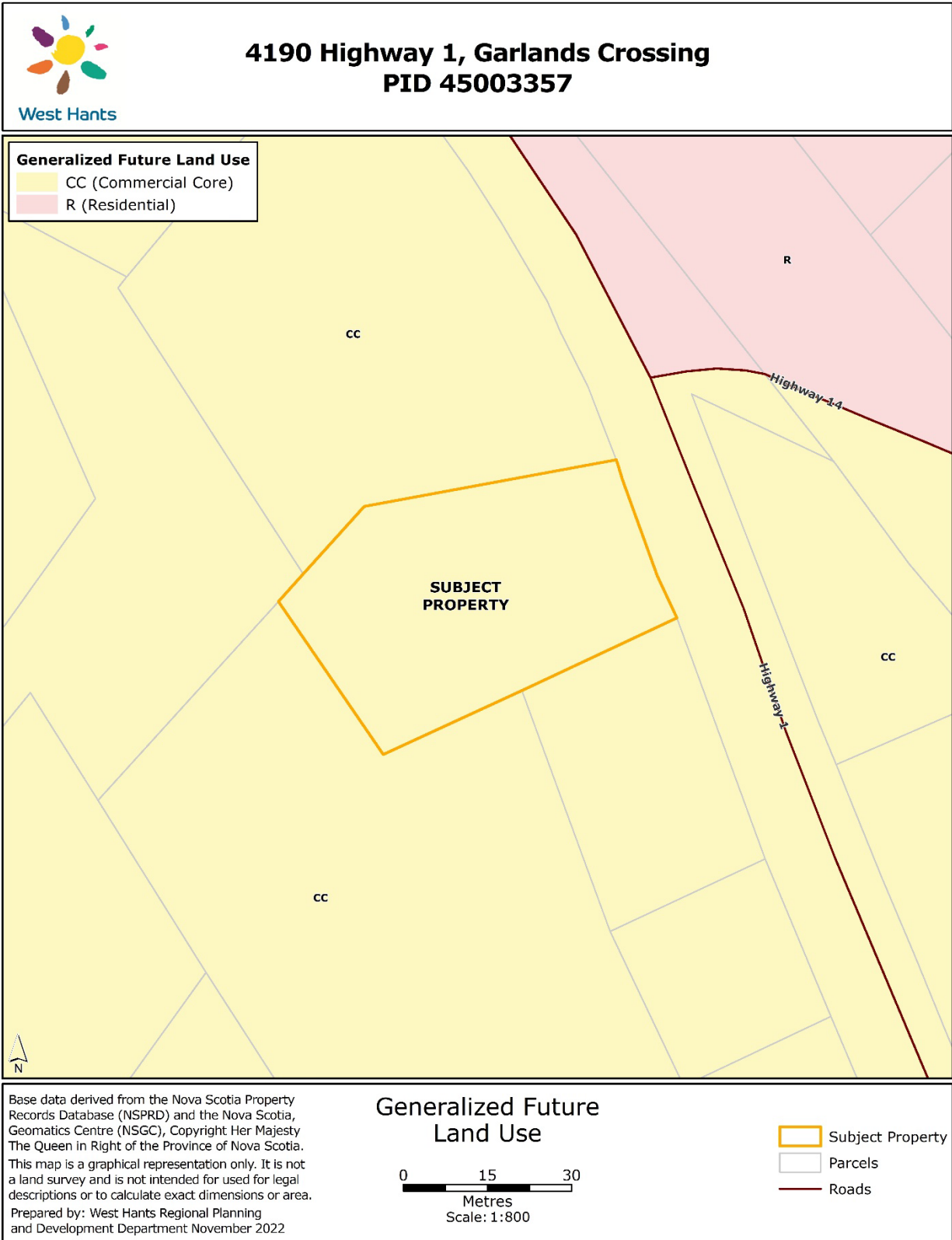
## **ATTACHMENTS**

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

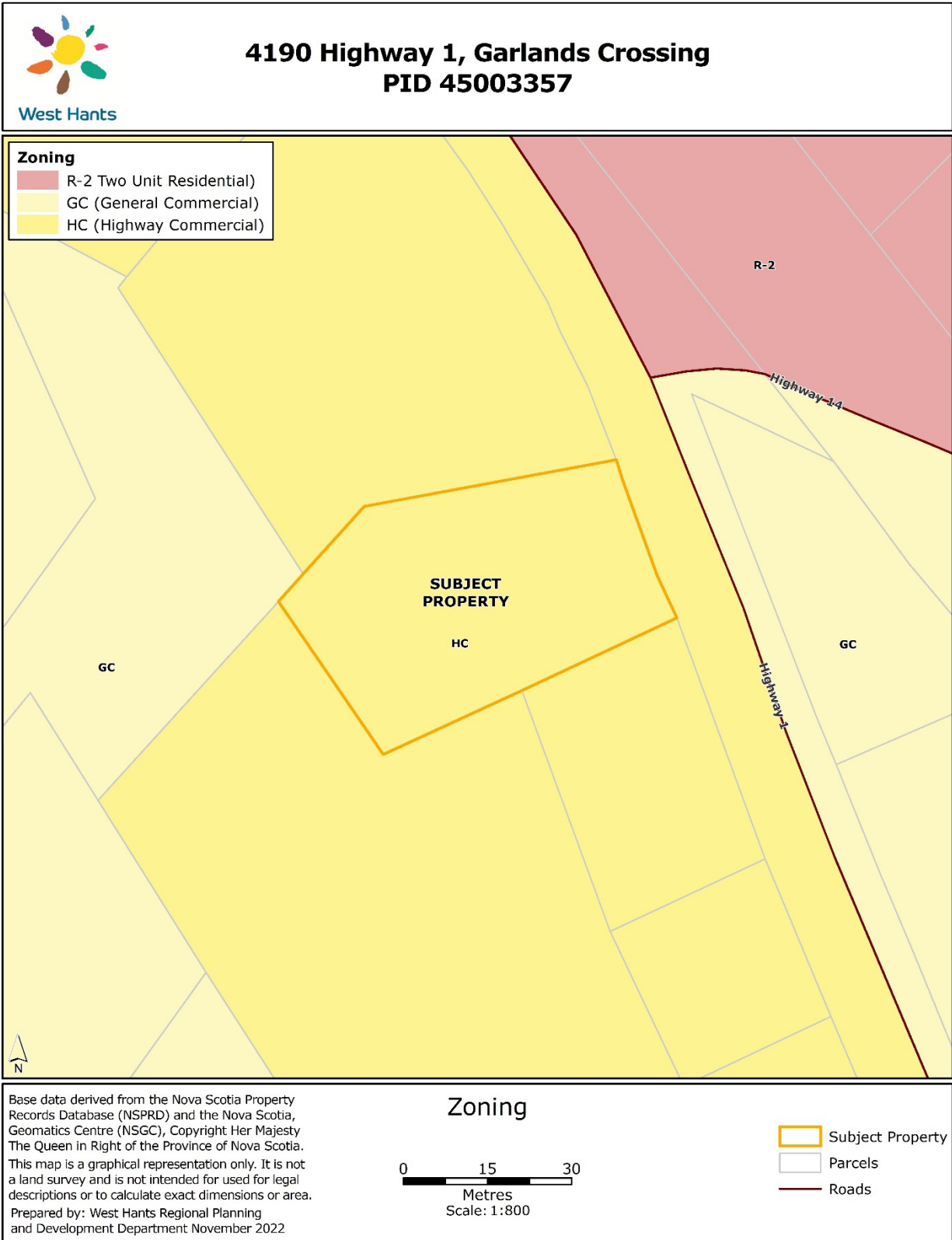
Report Prepared by: \_\_\_\_\_  
Sara Poirier, Senior Planner

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 5.3.8** It shall be the policy of Council to consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement subject to the following:

CRITERIA	COMMENT
(a) the side yards are at least one-half the height of the building;	Section 2.2 (a) requires the side yards of the buildings to be one-half the height of the building or 15 ft. (4.57 m.) whichever is greater.
(b) adequate landscaping, screening and buffering is provided to minimize the impact of building height on adjacent properties;	The proposal is located within a commercial area where surrounding uses are mainly General Commercial (GC) or Highway Commercial (HC) in nature. There are no residential properties abutting the lot that may be impacted by the proposed 4 storey apartment building. The site plan for the proposed development shows landscaping along the north and east lot line. Staff consider this adequate to provide a visual break to minimize the impact of height on abutting properties.
(c) the specific requirements for multiple unit development set out in Policy 5.3.7;	See below.
(d) any other matter which may be addressed in a development agreement; and	All other matters are addressed elsewhere in this report.
(e) Policy 16.3.1.	Please see Attachment B for further details

**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;	The lot has frontage on Highway 1. Highway 1 is designated an arterial road on the Transportation Map (Map 2) of the West Hants Municipal Planning Strategy.

<p>(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</p>	<p>The Municipal Project Engineer confirmed that “the location is currently served with municipal water and municipal sewer services.”</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>Garlands Crossing is mainly comprised of single-unit dwellings. This specific lot is in a commercial area of the Municipality however is close to the Crossing development and the community of Windsor where population density is 522 people per sq. km. (Statistics Canada Census for 2021). The Municipal Development Officer responded that “the dimensions and shape of the proposed development including setbacks from property lines are adequate.” They added that the commercial/residential pattern of development is compatible with the surrounding area.</p> <p>The Nova Scotia Department of Public Works commented that they do “not anticipate a substantial change in traffic on Highway 1 with this development”.</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 study may be required in accordance with Section 14.6 of this Strategy;</p>	<p>The Nova Scotia Department of Public Works stated that existing streets are adequate to support the development and will not require major infrastructure improvements as a result of this development.</p> <p>They did note that “the proximity of the existing commercial access to the Hwy 1 / Trunk 14 (intersection) is of concern. The determination of the need for a traffic impact study is dependent on the use of the 2600 sq. ft. of commercial space”. The need for a traffic study would be determined when the owner applies for development permits for the proposed commercial use.</p> <p>The Nova Scotia Department of Public Works went on to state “The property will require</p>

	<p>closure of its open frontage prior to receiving department approval. The property will be permitted a single access onto Highway 1, no greater than 8 m. wide.” Based on this comment, the driveway width is limited to a maximum of 26 ft. (8 m.) in Section 2.4, <i>Access and Egress</i>, of the draft development agreement. The Nova Scotia Department of Public Works concluded by stating that “structures, including parking stalls, are not permitted within the 5-metre setback of the Highway 1 right-of-way.” The property owner has amended the site plan for the proposed development to ensure no parking spaces or driveways within 16.4 ft. (5 m.) of the front lot line.</p>
(e) adequate open space or recreational space is provided;	<p>The Municipal Development Officer stated that the proposed recreational space of 5,240 sq. ft. (486.81 sq. m.) “exceeds our normal requirement.” The recreation space proposed would be adequate to support this development.</p>
(f) adequate on-site parking is provided;	<p>The applicant proposes to provide one (1) parking space per dwelling unit and seven (7) parking spaces for the proposed 2,934 sq. ft. (272.58 sq. m.) of commercial space. The Municipal Development Officer stated that providing this parking “for a total of 28 on-site parking spaces is adequate for this type of development.”</p>
(g) any other matter which may be addressed in a Land Use By-law; and	<p>All other matters are addressed elsewhere in this report.</p>
(h) 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 "the proposed uses are not considered premature or inappropriate in terms of adequacy of services."
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection and other emergency services;	In response to an inquiry, the Manager of Building and Fire Inspection Services stated that they "don't see any issues with this development on a quick review. Looking at the plans, this will need to be sprinklered and a full Engineer design will be required." The local Fire Chief confirmed that the proposal is not considered premature or inappropriate in terms of the adequacy of fire protection and emergency response.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Nova Scotia Department of Public Works stated that existing streets are adequate to support the development and will not require major infrastructure improvements as a result of this development.
(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.
(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;	As noted in 5.3.7 (b) the Municipal Project Engineer confirmed that "the location is currently served with municipal water and municipal sewer services."
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	As noted in 5.3.7 (d) the Nova Scotia Department of Public Works has stated that the developer may have to provide a traffic

	<p>study depending on the commercial use proposed within the building. The owner will provide a this at the development permit application stage if required by the Provincial Department of Public Works. The Provincial Department of Public works is also requiring a single driveway to a maximum of 26 ft. (8 m.) for the proposed development. This is required in Section 2.4, <i>Access and Egress</i>, of the draft development agreement. Finally, the Nova Scotia Department of Public Works stated that “structures, including parking stalls, are not permitted within the 5-metre setback of the Highway 1 right-of-way.” The property owner has amended the site plan for the proposed development to ensure this requirement is met.</p> <p>There is no active rail line in the area. Highway 1 does not have sidewalks in this area. It is anticipated that most people will drive to access the proposed commercial and residential uses on the property.</p>
<p>(d) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>The property is approximately 24,018 sq. ft. (2,231.35 sq. m.) and is pentagonal in shape. The Development Officer commented that “the dimensions and shape of the proposed development including setbacks from property lines is adequate.”</p>
<p>(e) the pattern of development which the proposal might create;</p>	<p>The surrounding area is already established with commercial uses along this portion of Highway 1 and residential uses along Tonge Hill and Trunk 14. The proposal for this lot includes both commercial and residential uses within the same building and is not anticipated to create a pattern of development unusual for the area. The Development Officer stated that this commercial/residential pattern of</p>

	development is compatible with the surrounding area.
(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>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 subject lot was not included in the Three Mile Plains Flood Risk Assessment Study.</p> <p>In response to an inquiry, the Manager of Building and Fire Inspection Services noted that the proposed building will need a geotechnical review and sign off prior to receiving building permits due to concerns with the current stability of the site. They stated, "I have watched the existing building on the lot sink, not sure if this lot will support a 4-storey building (this will be approved by the Engineers)." Based on these comments, a geotechnical study is a requirement prior to a development permit being issued, as outlined in Section 2.3 (e).</p> <p>The property owner is responsible for ensuring that the lot is suitable for the proposed uses.</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	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 C**



**West Hants**

**DEVELOPMENT AGREEMENT**

**THIS AGREEMENT** made this                    day of                    , 2023.

**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 -

**JOVANA CONSTRUCTION LIMITED** a body corporate, with a head office at 6123 Lady Hammond Road, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

**WHEREAS** the Owner is the registered owner of a parcel of land located at 4190 Highway 1, Garlands Crossing (PID 45003357) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

**WHEREAS** the Property is designated Commercial Core on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the “Municipal Planning Strategy”) and zoned Highway Commercial (HC) on the Zoning Map of the West Hants Land Use By-law (the “Land Use By-law”), and is within the Commercial Development District and the Three Mile Plains Growth Centre; and

**WHEREAS** the Owner has requested that the Municipality enter into a development agreement to permit a four (4) storey apartment building containing up to 21 apartment units and up to 3,000 sq. ft. (278.71 sq. m.) of commercial space on the Property (the “Development”); and

**WHEREAS** Policy 5.3.8 of the Municipal Planning Strategy and Section 6.1 (c) of the Land Use By-law enable Council to consider entering into a development agreement to allow multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre; and

**WHEREAS** the Council of the Municipality, at a meeting held on **Month Date, 2023** approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

**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 Bylaw, except those as defined as follows:

- (a) “Qualified site professionals” includes professional engineers, architects and/or hazardous materials professionals.

### **1.2 Schedules**

The following attached schedules shall form part of this Agreement:

Schedule A - Legal Description

Schedule B – Site Plan

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

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

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Use**

- (a) The Parties agree that uses on the Property shall be limited to the following:
- (i) those uses permitted by the underlying zoning in the Land Use By-law; and
  - (ii) an apartment building containing 21 apartment units, roof top recreation space, and up to 3,000 sq. ft. (278.71 sq. m.) gross floor area on the ground floor for commercial uses which shall be limited to the following commercial uses:
    - Arts and crafts studios including photography
    - Banks and financial institutions
    - Clubs and community organizations
    - Commercial schools
    - Day care centres, licensed or non-licensed
    - Dry cleaning and laundry establishments
    - Entertainment, recreation and assembly uses within a wholly enclosed building
    - Licensed liquor establishments
    - Offices
    - Post offices and postal outlets
    - Repair and rental establishments
    - Restaurants, excluding drive-through restaurants
    - Retail stores
    - Service and personal service shops
    - Veterinary clinics and animal hospitals

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

### **2.2 Development Location and Design**

- (a) Prior to the construction of the new building as shown on Schedule B, all existing buildings shall be demolished, and the materials disposed of in accordance with the law and under direction of qualified site professionals.
- (b) The Development location and design shall be generally consistent with the Site Plan shown in Schedule B.

- (c) No buildings shall be developed on the easement in favour of the Municipality as shown on the Site Plan in Schedule B. Balconies or other building features shall not be permitted to project into the area of the lot subject to the easement unless otherwise approved in writing by the Municipal Department of Public Works.
- (d) The Development Officer may approve in writing minor changes to the location of the Building or other aspects of the Site Plan provided the side yards are not decreased and no building is proposed to be constructed on the Municipal easement. Changes to the Site Plan may also be approved in writing in accordance with reports generated in Section 2.3 (e) and 2.8, *Site Drainage*, of this Agreement provided the side yards are not decreased and no building is proposed to be constructed on the Municipal easement.

**2.3 Site Requirements**

- (a) The Building shall conform to 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.) or one-half the height of the building whichever is greater
Maximum Storey of Main Building	4 storeys
Maximum Building Height	50 ft. (15.24 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (c) A minimum of 4,500 sq. ft. (418.06 sq. m.) of usable recreation space as outlined in Section 2.7, *Recreational Space*, shall be required.
- (d) The Owner shall keep all undeveloped areas of the Property landscaped.
- (e) No development permit shall be issued until the Owner provides to the Development Officer a geotechnical study prepared by a qualified site professional that outlines the geotechnical investigations conducted on site, confirms the suitability of the site for the proposed development and provides recommendations to the Owner on how to construct the building based on the site conditions.

**2.4 Access and Egress**

- (a) The Owner shall develop, construct, and maintain the driveway in the Development in general conformance with the driveway shown on Schedule B.

- (b) The driveway shown on Schedule B shall provide a maximum width of 26 ft. (8 m.) and shall have a minimum paved surface width of 20 ft. (6.09 m.), unless otherwise approved in writing by the Provincial Department of Public Works. The vehicular entrance and exit shall be clearly demarcated.

## **2.5 Parking**

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall be generally located as shown on Schedule B.
- (b) The Owner shall provide a minimum of one (1) parking space per dwelling unit on the Property and a minimum of one (1) parking space for every 360 sq. ft (33.45 sq. m.) gross floor area dedicated to commercial uses on the Property.
- (c) Parking aisles and spaces shall be constructed so as to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.
- (d) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m) wide.
- (e) No parking spaces, driveways or parking aisles shall be located within 16.4 ft. (5 m.) of the front lot line unless otherwise approved in writing by the Provincial Department of Public Works.
- (f) The number, location and arrangement of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.13, *Variance*, of this Agreement.

## **2.6 Fire Safety**

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply has been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Property by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

## **2.7 Recreational Space**

- (a) A minimum of 4,500 sq. ft. (418.06 sq. m.) of private recreational space shall be provided on the Property and may include:
  - (a) individual balconies;
  - (b) roof top recreation space; and
  - (c) common use landscaped areas.

## **2.8 Site Drainage**

- (a) No development permit shall be issued until the Owner provides to the Development Officer a stormwater management plan that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will balance pre- and post-construction flows to ensure there is no negative impact on downstream properties. If the stormwater management plan provided by the Owner does not in fact balance pre-and post-construction flows to ensure the absence of such impacts the Owner shall undertake such remediation as the Municipal Engineer may reasonably require.
- (b) The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

## **2.9 Servicing**

### **(a) Waste Collection**

- (i) No Municipal garbage collection will be provided to the Development. The Owner shall have sole responsibility for collecting, storing and disposing of garbage and other recycling or waste items from the Development.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from or cause a nuisance to nearby properties and abutting roads and it shall not be located closer than 10 ft. (3.05 m.) to an abutting property.

### **(b) Water and Sewer Services**

- (i) The Building shall be serviced with water and sewer services provided by West Hants Regional Municipality authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications

Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

- (ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property, except the Municipal owned infrastructure within the Municipal easement as shown on the Site Plan in Schedule B.

**(c) Snow Plowing**

The Owner shall have sole responsibility for snow plowing within the Development.

**2.10 Maintenance**

- (a) The Owner 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 Owner shall maintain the driveway to a standard adequate to allow for access by emergency services vehicles.

**2.11 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 control 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.

**2.12 Hours of Operation**

The hours of operation for the commercial uses within this Development shall be limited to between 7:00 a.m. and 9:00 p.m. daily, inclusive.

**2.13 Variance**

In accordance with Section 5.48 of the Land Use By-law, *Variance*, the Development Officer may grant a variance for one or more of the following requirements subject to the requirements of the *Municipal Government Act*:

- (i) minimum required yard dimensions except side yard requirements as required in Section 2.2 (c) of this Agreement;
- (ii) number of parking spaces required; and
- (iii) floor area occupied by a home-based business; and

- (iv) height and area of a sign.

### **PART 3 CHANGES AND DISCHARGE**

**3.1** The Owner 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*;
- (b) subject to Section 2.13, the minimum side yard requirements and maximum building height as listed in Section 2.3 (c);
- (c) the geotechnical study requirements as listed in Section 2.3 (e);
- (d) the fire safety requirements as listed in Section 2.6, *Fire Safety*;
- (e) the stormwater management plan requirements as listed in Section 2.8, *Site Drainage*; and
- (f) hours of operation for the commercial uses as listed in Section 2.12, *Hours of Operation*.

**3.4** Upon conveyance of land by the Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding any municipally owned facility over the Property,

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or public facility, as the case may be, as of the date of registration with the Land Registry Office, but this Agreement shall remain in full force and effect for all remaining portions of the Property.

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

**3.6** Notice of Intent to Discharge this Agreement may be given by the Municipality to the Owner 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 Owner, 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 Owner, provided the use of the Property is in accordance with the applicable Land Use By-law or a new agreement has been entered into.

**3.7** 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 Owner 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 Owner shall provide record drawings to the Development Officer for any portion of the Development for which an engineered design is required within ten (10) days of completion of any work which requires the engineered design.
- (b) The Owner 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 By-laws and Regulations**

- (a) Nothing in this Agreement shall exempt the Owner 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-laws 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 masculine gender shall include the feminine and neutral gender.
- (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.
- (c) References to particular sections of statutes and by-laws shall be deemed to be references to any successor legislation and by-laws even if the content has been amended, unless the context otherwise requires.

### **5.4 Municipal Responsibility**

- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the Development proposed by this Agreement. The

Owner assumes 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 Owner in writing. In the event that the Owner has 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 Owner 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 Owner 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 Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Jean Alphonse, 6123 Lady Hammond Road, Halifax, Nova Scotia, B3K 0H6, or at any other address provided by the Owner.
- (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 Owner. 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:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

) **WEST HANTS REGIONAL  
MUNICIPALITY**

)  
)  
)

Per: \_\_\_\_\_

) Abraham Zebian, Mayor

)

) Per: \_\_\_\_\_

) Deanna Snair, Municipal Clerk

)

)

)

) **JOVANA CONSTRUCTION LIMITED**

)

)

Per: \_\_\_\_\_

) Jean Alphonse, President

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. 2023, 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 **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 h            presence.

---

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. 2023, 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 **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 h            presence.

---

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. 2023, 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, **Jean Alphonse**, one of the parties thereto, signed, sealed and delivered the same in h            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 \_\_\_\_\_, 2023  
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

\_\_\_\_\_  
Deanna Snair, Clerk

Canada  
Province of Nova Scotia

**AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)**

I, Jean Alphonse, Nova Scotia, make oath and say that:

1. I Jean Alphonse of JOVANA CONSTRUCTION LIMITED the “Corporation”. Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
  
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment 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 ss.79 and 83 of the Land Registration Act as the case may be.
  
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
  
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
  
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this \_\_\_\_\_, 2023  
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

\_\_\_\_\_  
JEAN ALPHONSE, President

**Schedule A**  
**Legal Description**

ALL that lot of land situate at Garlands Crossing, in the County of Hants and Province of Nova Scotia, known as Lot CA shown and delineated on a plan of survey entitled Plan of Subdivision Parcel B Lands Conveyed to 2559464 Nova Scotia Limited Danny Chows Restaurant Parcel A Lands Conveyed to 3032149 Nova Scotia Limited, prepared by Bruce Lake, N.S.L.S., dated August 30th, 2003, approved by the Municipality of West Hants under Plan No. 31-03 on October 28th, 2003 and filed at the Office of the Registry of Deeds for the Registration District of Hants as Plan Number 8897 and being more particularly bounded and described as follows:

BEGINNING at a point on the western side of the Halifax to Windsor Highway, said point being the southeastern corner of lands of Irving Oil Company Limited, said point being also the northeastern corner of the lands herein described;

THENCE on a bearing North 79 degrees 17 minutes West a distance of 150 feet to an iron pipe set in the ground;

THENCE South 40 degrees 59 minutes 16 seconds West (Grid North) a distance of 74.81 feet to a survey marker;

THENCE South 35 degrees 27 minutes 20 seconds East (Grid North) a distance of 108.34 feet to a survey marker;

THENCE on a bearing North 86 degrees 39 minutes East a distance of 189 feet, more or less, to the Halifax to Windsor Highway aforesaid;

THENCE in a northerly direction along the western side of said Halifax to Windsor Highway a distance of 100 feet, more or less, to the point of beginning.

SUBJECT TO a right-of-way described in Deed recorded at the Registry of Deeds for Hants County on September 11th, 1996, in Book 788 at pages 402-405 inclusive, as document number 5378.

ALSO SUBJECT TO an easement record at the Registry of Deeds for Hants County in Book 341 at page 249, as document number 500861311.

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 County as plan number 8897.



**Attachment D**  
**Public Information Meeting Notes**  
**December 8 – 22, 2022**  
**File 22-29**

**4190 Hwy 1, Garlands Crossing; PID 45003357**

<p><b>Meeting date and time</b></p>	<p>A Public Information Meeting was held on December 8, 2022 beginning at 6:08 p.m. The meeting was live broadcast on the Municipal Facebook page.</p>
<p><b>Attending</b></p>	<p>In attendance:</p> <p>Seven (7) PAC/HAC members:</p> <ul style="list-style-type: none"> <li>• Jennifer Nicholls (Chair)</li> <li>• Mayor Abraham Zebian</li> <li>• Councillor Laurie Murley</li> <li>• Councillor Jim Ivey</li> <li>• Jane Davis</li> <li>• Stefan Palios</li> <li>• Lisa Bland</li> </ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> <li>• Planner Poirier</li> <li>• Planner Dunphy</li> <li>• Director LeMay</li> <li>• Meeting Secretary Lake</li> </ul>
<p><b>Applicant</b>          Monica Sweetapple on behalf of Jean Alphonse of Jovana Construction Limited</p> <p><b>Property</b>          4190 Hwy 1, Garlands Crossing; PID 45003357</p>	<p>Planner Poirier outlined the development agreement application to permit a four (4) storey apartment building containing 21 apartment units and up to 2,600 sq. ft. of commercial space on 4190 Hwy 1, Garlands Crossing PID 45003357.</p> <p>Monica Sweetapple made a formal presentation.</p>
<p><b>Comments</b></p>	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between December 8 – 22, 2022.</p> <p>1 member of the public spoke at the Public Information Meeting. No comments or questions were received via mail, email or phone. The questions and comments from the public are summarized below. Staff and applicant responses are included in purple.</p>

	<p>At the Public Information Meeting the following comments were made:</p> <ul style="list-style-type: none"><li>• Ian Larrett wanted clarification on the size of the units, parking spaces provided as he wants to make sure people are parking on the lot for the proposed uses, the total height of the building, and who the proposed clientele is.</li></ul> <p>Monica Sweetapple responded the units will be between 610 – 893 sq. ft. in size. There are 29 parking spaces proposed on the lot. The total height to the roof surface is 41 ft. plus a 1 ft. parapet and 3 ft. glass railing for a total of 45 ft. The units will be advertised at market value.</p>
<b>Adjournment</b>	The meeting was adjourned at 6:28 p.m.



## 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:** January 12<sup>th</sup>, 2023

**Subject:** File # 22-20: Burgess Crescent, Windsor (PID 45338688) – Development Agreement

### LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

### RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow an 8-unit townhouse and attached 20-unit apartment building on Burgess Crescent, Windsor (PID 45338688) which is substantively the same as the draft set out in Attachment B of the report File #22-20 to the Planning and Heritage Advisory Committee dated January 12, 2023.

...that PAC/HAC recommends that Council require that the development agreement with Floran Lambie for Burgess Crescent, Windsor (PID 45338688) 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 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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The completed application was submitted by Mark Higgins of OT Developments LTD on behalf of Floran Lambie on October 4<sup>th</sup>, 2022 to consider an 8-unit townhouse and attached 20-unit apartment building by development agreement on Burgess Crescent, Windsor (PID 45338688).

### ***Surrounding Context***

Properties to the west and south of the subject lots are designated Residential and zoned High Density Residential (R-4), lots to the north are designated Residential and zoned Single Unit Residential (R-1) and lots to the east are designated Community Use and zoned Open Space (OS). Lands surrounding the subject lots include an existing apartment building, low-density residential uses, and parkland.

## **DISCUSSION**

The subject lot is designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (MPS) (Figure 1) and zoned High Density Residential (R-4) on Schedule A of the Windsor Land Use By-law (LUB) (Figure 2).

### ***Municipal Planning Strategy Document Review***

Policy 5.4.6 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider in the Residential designation, new multiple unit residential development consisting of three or more units by development agreement. The policy also includes criteria which must be met by the proposed development. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposal is generally consistent with the High Density Residential (R-4) zone standards;
- the proposal has considerations for landscaping;
- the proposal is compatible with adjacent land uses; and
- the Development Officer and Municipal Traffic Authority have no concerns which have not been addressed in this report.

Policy 5.4.5 provides the criteria which requires adequate recreational space for multiple unit residential development. This policy is considered met as the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law and the Development Officer had commented that they have no concerns regarding recreational space.

Policy 5.5.1 provides the specific criteria which must be met for residential buildings in excess of three stories. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the proposed building has side yards that are at least one-half the height of the main building;
- the proposed building will not exceed 80 ft in height; and

- the proposed building is compatible with the design, height and scale of the surrounding area.

Policy 16.3.1 establishes the general criteria that all development agreements must meet. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- 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, Municipal Project Engineer, and Municipal Traffic Authority have no concerns which have not been addressed in this report.

### ***Additional Considerations***

Subclause (a) (i) of Policy 5.4.6 states *“in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards”*. Comments from the Development Officer show that the proposal has a total lot area of 26,047 sq ft and the High Density Residential (R-4) zone would require a total lot area of 56,500 sq ft, if built as-of-right. However, the Development Officer also commented that they had no concerns regarding the adequacy of the dimensions or shape of the lot for the proposed use. The development agreement process allows for flexibility in meeting standard zone requirements and must be considered on a case-by-case basis. In addition to this, the proposal is of a similar bulk and scale to other buildings that would be permitted in the High Density Residential (R-4) zone and would be considered compatible with other uses in the surrounding area.

Clause (g) of Policy states *“the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units”*. The development does not directly abut an arterial or collector street, however it is located close to both Payzant Drive, an existing collector street and a proposed collector street as seen on the Future Streets Conceptual Plan. In addition, the Municipal Traffic Authority had no concerns regarding traffic generation from this proposal.

### **NEXT STEPS**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents 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	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_

Madelyn LeMay, Director of Planning and Development

Figure 1 – Windsor GFLUM Extract (Pre-consolidation of lots)

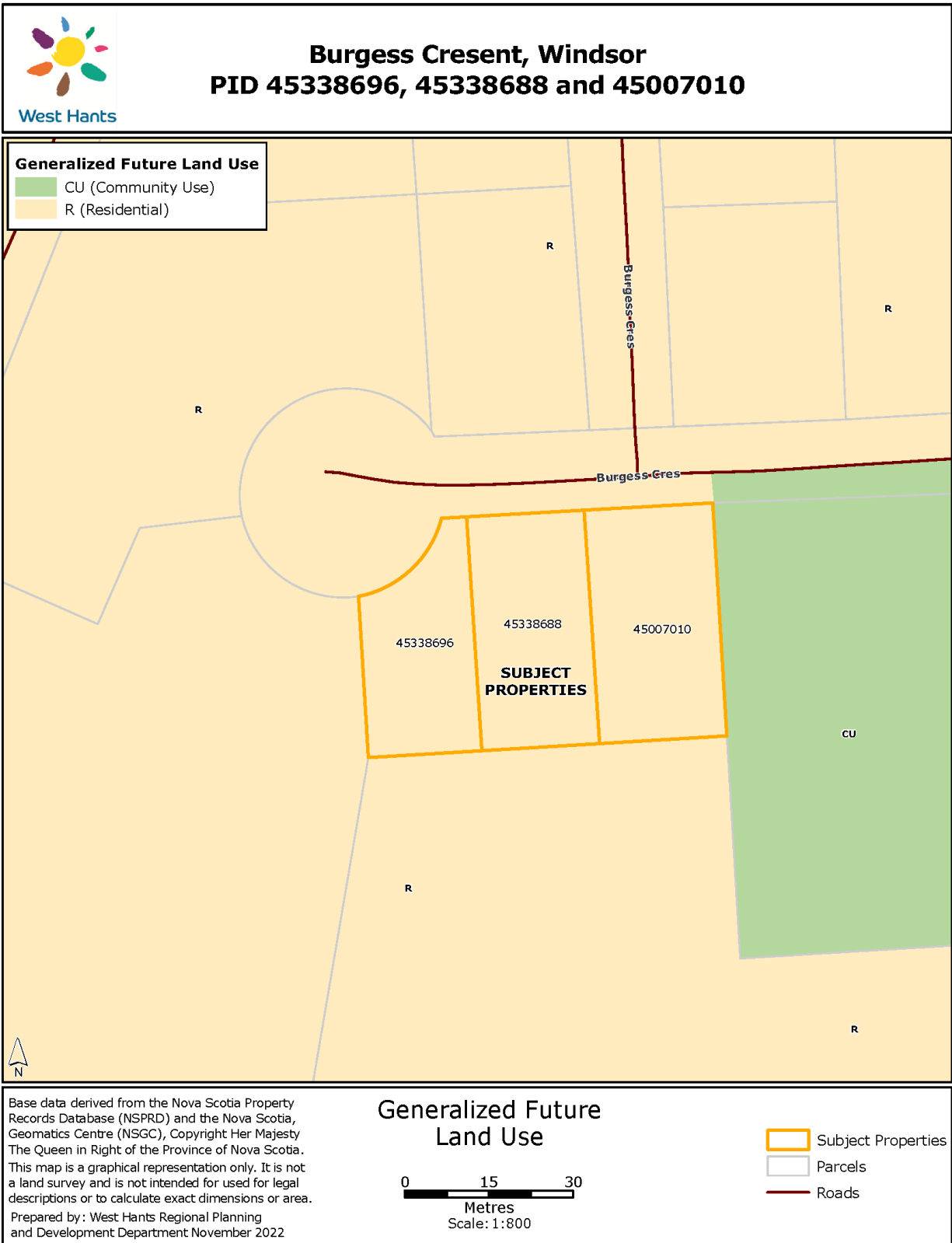
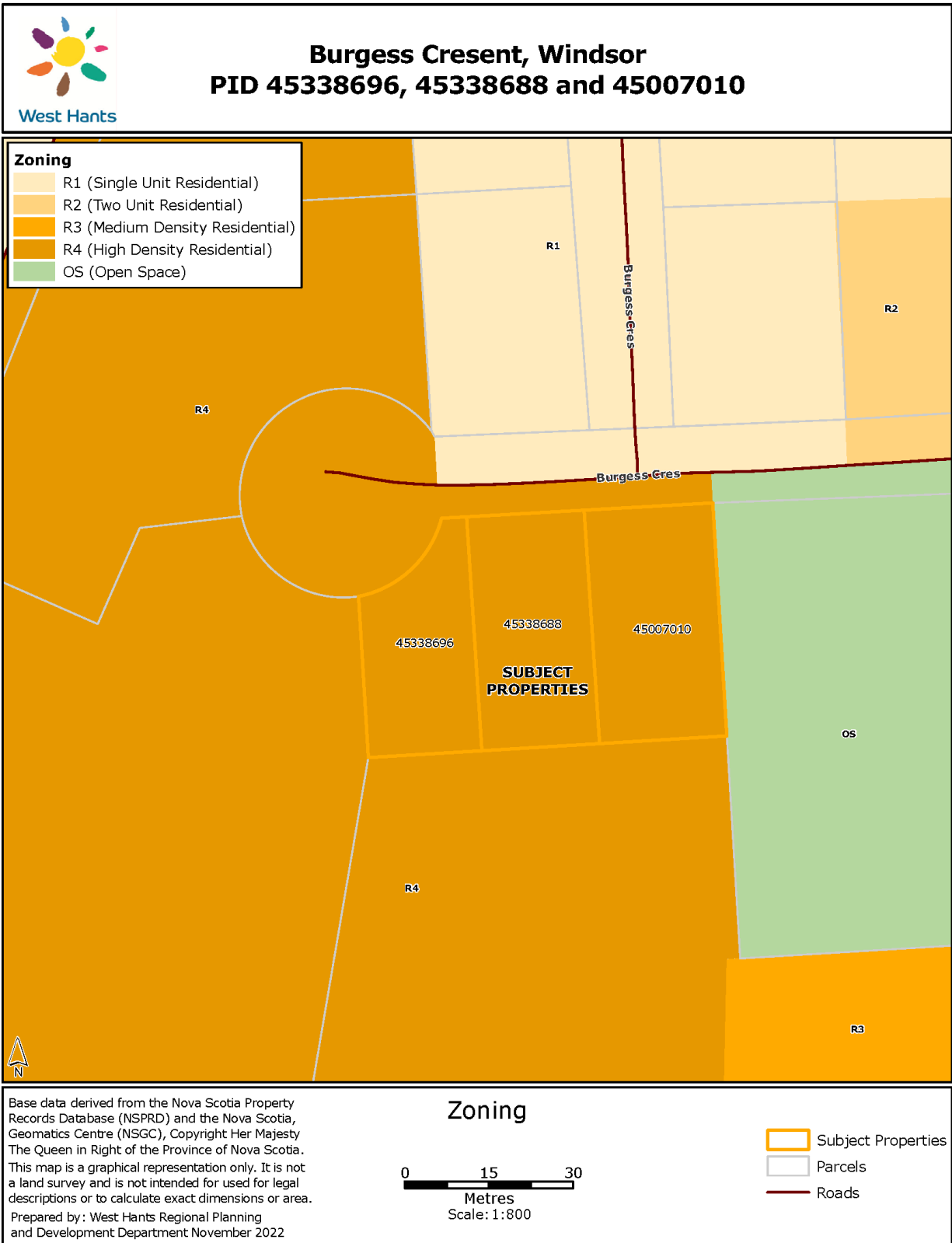


Figure 2 – Windsor Zoning Map Extract (Pre-consolidation of lots)



## Attachment A – Policy Summary for Development Agreement

<p><b>Policy 5.4.5</b>  <i>It shall be the policy of Council to require adequate recreational space for multiple unit residential development.</i></p>	<p>The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law. The Development Officer commented that they had no concerns regarding the recreational space provided for the proposed multiple unit residential development.</p>
<p><b>Policy 5.4.6</b>  <i>It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:</i></p>	
<p><i>(a) the proposed use meets one of the following:</i></p>	
<p><i>(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or</i></p>	<p>The proposed development is consistent with the High Density Residential (R-4) zone standards, except for the minimum lot area. The proposal is of a similar bulk and scale to other buildings that would be permitted in the High Density Residential (R-4) zone. The Development Officer also commented that they had no concerns regarding the adequacy of the dimensions or shape of the lot for the proposed use.</p>
<p><i>(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;</i></p>	<p>N/A</p>
<p><i>(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;</i></p>	<p>The surrounding land uses are primarily residential dwellings of various densities. The proposed development is compatible with other nearby land uses. The Development Officer commented that they had no concerns regarding the height, bulk, or lot coverage.</p>
<p><i>(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;</i></p>	<p>The Municipal Traffic Authority commented that they had no concerns regarding the compatibility of the</p>

	proposed development with respect to traffic generation.
<i>(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;</i>	Provisions for landscaping have been included within the draft development agreement.
<i>(e) adequate on-site parking is provided and parking areas are well designed;</i>	The Development Officer commented that the parking provided is considered adequate.
<i>(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;</i>	The amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law. The Development Officer commented that they had no concern regarding the adequacy of on-site recreational space.
<i>(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;</i>	The development does not directly abut an arterial or collector street, however it is located close to both Payzant Drive, an existing collector street and a proposed collector street as seen on the Future Streets Conceptual Plan. In addition, the Municipal Traffic Authority had no concerns regarding traffic generation from this proposal.
<i>(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;</i>	N/A
<i>(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;</i>	N/A
<i>(j) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See Policy 16.3.1 below.
<p><b>Policy 5.5.1</b>  In any residential zone, Council may consider permitting dwellings in excess of three storeys by development agreement, subject to the following conditions:</p>	

<i>(a) the side yards are at least one-half the height of the building;</i>	The proposed building is 36 ft in height and has side yards of 18 ft.
<i>(b) the building will in no instance exceed 80 ft (24.38 m) in height;</i>	The proposed building is 36 ft in height.
<i>(c) the building design, height and scale is compatible with the surrounding area;</i>	The proposed building has 4 storeys, however, it will only be 36 ft in height, which is only slightly taller than the 35 ft of height which is usually permitted as-of-right. The Development Officer commented that they had no concerns regarding the height or scale of the development.
<i>(d) any other matter which may be addressed in a development agreement; and</i>	All relevant matters have been addressed in this report.
<i>(e) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.</i>	See Policy 16.3.1 below.

<b>Policy 16.3.1</b>	
<i>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:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Municipal Project Engineer commented that they had no concerns regarding the adequacy of water and sewer services.
<i>(ii) the adequacy of school facilities;</i>	Comments from the School Board have not yet been received as of the writing of this report. However, staff do not anticipate any concerns with regard to the adequacy of school facilities.
<i>(iii) the adequacy of fire protection;</i>	The Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection. The Windsor Fire Chief commented that they would like to see access to the back of the building. Staff have included fire safety provisions in the development agreement to address this concern.

<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Municipal Traffic Authority commented that they had no concerns regarding the adequacy of road networks adjacent to or leading to the development.</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) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Municipal Traffic Authority commented that they had no concerns regarding the suitability of any aspect of movement.</p>
<p><i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that they had no concerns regarding the adequacy of the dimensions or shape of the lot.</p>
<p><i>(d) the pattern of development which the proposal might create;</i></p>	<p>The proposed development is a multiple unit residential building to be built in the High Density Residential (R-4) zone. The Development Officer commented that they had no concerns regarding the pattern of development.</p>
<p><i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i></p>	<p>Staff noted no issues at the time of the site visit.</p>
<p><i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(g) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

**Attachment B - Draft Development Agreement**



## DEVELOPMENT AGREEMENT

**THIS AGREEMENT** made this                    day of                    , 2023.

### **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 -

**3329179 Nova Scotia Limited**, a body corporate with a head office at 6 Main Avenue, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

**WHEREAS** the Owner is the registered owner of the parcel of land located on Burgess Crescent (PID 45338688) 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 Windsor Municipal Planning Strategy (September 21, 2005) (the “Municipal Planning Strategy”)

and zoned High Density Residential (R-4) on the Zoning Map of the Windsor Land Use By-law (September 21, 2005) (the “Land Use By-law”); and

**WHEREAS** the Owner has requested that the Municipality enter into a development agreement to permit a 28-unit residential dwelling on the Property (the “Development”) and Section 6.1 (b) of the Land Use By-law enables Council to consider a development agreement for multiple unit residential development consisting of three or more units in a Residential designation; and

**WHEREAS** the Council of the Municipality, at a meeting held on **Month Day, 2023**, 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) “Multiple Unit Residential Building” means a building or part thereof, other than a converted dwelling, consisting of three or more dwelling units, which have a common entrance from the street level.

### **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 Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor By-laws;
- (b) *Land Use By-law* means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor By-laws;
- (c) *Subdivision By-law* means the Windsor Subdivision By-law, effective on March 21, 2012, 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) residential development in one building, consisting of 20 apartment dwelling units and 8 townhouse dwelling units; and
- (c) underground parking and surface parking for use of the main building.

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

- (a) The development location and design shall be generally consistent with the site plan shown in Schedule B.
- (b) The Development Officer may approve minor changes to the location of the main building or other aspects of the site plan provided the side yards are not decreased.

## 2.3 Site Requirements

- (a) The multiple unit residential building shall conform to the following site requirements:

<b>Minimum front yard</b>	35 ft (10.67 m)
<b>Minimum rear yard</b>	35 ft (10.67 m)
<b>Minimum side yard</b>	18 ft (5.49 m)
<b>Maximum storeys of main building</b>	4 storeys
<b>Maximum height of main building</b>	36 ft (10.97 m)
<b>Maximum height of accessory building</b>	15 ft (4.57 m)
- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.

## 2.4 Access and Egress

- (a) The vehicular entrance and exit for the Property shall be in general conformance with the entrance and exit shown on Schedule B.
- (b) The vehicular entrance and exit shall be clearly demarcated and paved.

## 2.5 Parking

- (a) The Owner shall provide a minimum of one and one-half (1.5) parking spaces per dwelling unit on the Property and parking spaces shall be generally located as shown on Schedule B.
- (b) Parking may be provided either under the buildings or outside at grade.
- (c) Each parking space shall be a minimum of 9 by 20 feet (2.7 m by 6.1 m) exclusive of driveways and manoeuvring aisles.
- (d) Parking aisles shall be a minimum of 20 feet (6.1 m) wide.
- (e) Parking spaces and aisles shall be constructed of concrete, asphalt, brick or other hard surface paver.
- (f) The number, location and arrangement of parking spaces, aisles and driveways may be varied by the Development Officer.

## **2.6 Recreational Space**

A minimum of 6960 sq ft of private recreational space shall be provided on the Property and may include:

- (a) individual balconies; and
- (b) common use landscaped areas in accordance with the Site Plan attached as Schedule B.

## **2.7 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.

## **2.8 Maintenance**

The Owner shall keep the Property and building 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.

## **2.9 Landscaping**

The Owner shall:

- (a) keep all undeveloped areas of the Property landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.

- (b) provide a landscaped area at least 10 ft. (3.05 m.) deep that runs the length of and directly abuts the front lot line along Burgess Crescent, excluding driveway openings and walkways.
- (c) the landscaped area required in Section 2.9 (b) shall be grassed, or other appropriate vegetative ground cover used. New trees shall have a minimum diameter of 2 in. (5.08 cm.) measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft. (1.52 m.). Where possible, existing trees may be retained and included in the calculation of plantings required.

## **2.10 Servicing**

### **(a) Waste Collection**

- (i) The Owner shall make provisions for private waste collection of any excess waste as determined by the Windsor Solid Waste By-law for the Property.
- (ii) The Owner shall keep any outdoor storage of garbage in an enclosed structure or in some way adequately screened so as not to be visible from nearby properties and abutting roads and it shall not be located closer than 10 ft (3.05 m) to an abutting property.

### **(b) Water and Sewer Services**

The development must connect to Municipal water and sewer service. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

## **2.12 Fire Safety**

- (a) No development permit shall be issued until the location and connection design of any fire hydrant(s) to the municipal water supply have been approved by the water utility, in consultation with the district Fire Chief.
- (b) All curbs shall be designed to be mountable by emergency services vehicles.
- (c) All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the property by emergency services vehicles, unless otherwise agreed to by the Fire Chief.
- (d) The proposed driveway may be altered to meet fire safety access requirements as determined by the Fire Chief and the Manager of Building and Fire Inspection Services.

## **PART 3 CHANGES and DISCHARGE**

- 3.1** The Owner 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*;
  - (b) the fire safety requirements listed in Section 2.12, *Fire Safety*; and
  - (c) the landscaping requirements in Section 2.9, *Landscaping*.
- 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 Owner 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 Owner, 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 Owner, 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 Owner 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 Owner. Upon the written request of the Owner, 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 Owner is 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 Owner is excused for the period of the delay and the time period for the Owner 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 Owner 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 Owner 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 Owner 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.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

### **5.4 Municipal Responsibility**

- (a) The Municipality does not make any representations to the Owner about the suitability of the Property for the development proposed by this agreement. The Owner assumes 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 Owner in writing. In the event that the Owner has 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 Owner 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 Owner 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 Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to 3329179 NOVA SCOTIA LIMITED, 6 MAIN AVENUE, HALIFAX, NOVA SCOTIA, B3M 1A1, or at any other address provided by the Owner in writing.
- (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 in writing.

**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**

)

)

\_\_\_\_\_  
Witness

)  
Per: \_\_\_\_\_  
) Abraham Zebian, Mayor

\_\_\_\_\_  
Witness

)  
)  
)  
) Per: \_\_\_\_\_  
) Deanna Snair, Municipal Clerk

\_\_\_\_\_  
Witness

)  
)  
) **3329179 NOVA SCOTIA LIMITED**  
)  
)  
Per: \_\_\_\_\_  
) Floran Lambie

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. 2023, 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. 2023, 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. 2023, 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, **Floran Lambie**, 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 \_\_\_\_\_, 2023  
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

**AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)**

I, Floran Lambie, Nova Scotia, make oath and say that:

1. I Floran Lambie 3329179 NOVA SCOTIA LIMITED, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment 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 ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this \_\_\_\_\_, 2023  
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

\_\_\_\_\_  
Floran Lambie, President

**Schedule A**  
**Legal Description – PID 45338688**

Registration County: HANTS COUNTY

Street/Place Name: BURGESS CRESCENT /WINDSOR

Title of Plan: PLAN OF SURVEY OF LOT 74 - 76 CONSOLIDATION OF LOTS 74 75 & 76 LANDS  
CONVEYED TO 3329179 NOVA SCOTIA LTD BURGESS CRES WINDSOR

Designation of Parcel on Plan: LOT 74-76

Registration Number of Plan: 121776729

Registration Date of Plan: 2022-12-13 10:23:45

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Compliance:

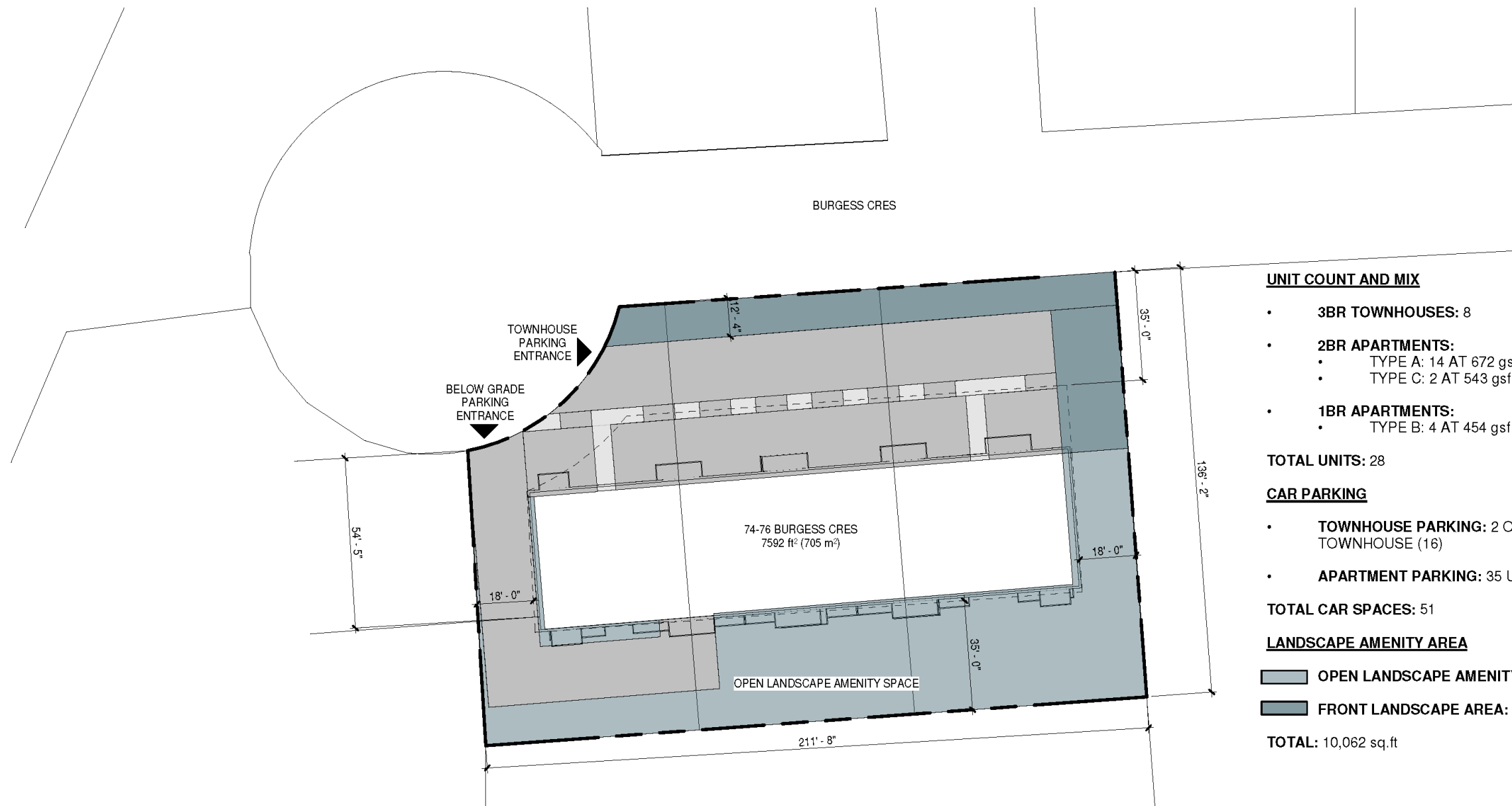
The parcel is created by a subdivision (details below) that has been filed under the Registry Act  
or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2022

Plan or Document Number: 121776729

**Schedule B  
Site Plan**



**UNIT COUNT AND MIX**

- **3BR TOWNHOUSES:** 8
- **2BR APARTMENTS:**
  - TYPE A: 14 AT 672 gsf
  - TYPE C: 2 AT 543 gsf
- **1BR APARTMENTS:**
  - TYPE B: 4 AT 454 gsf

**TOTAL UNITS:** 28

**CAR PARKING**

- **TOWNHOUSE PARKING:** 2 ON-GRADE SPACES PER TOWNHOUSE (16)
- **APARTMENT PARKING:** 35 UNDERGROUND SPACES

**TOTAL CAR SPACES:** 51

**LANDSCAPE AMENITY AREA**

OPEN LANDSCAPE AMENITY AREA: 7238 sq.ft

FRONT LANDSCAPE AREA: 2824 sq.ft

**TOTAL:** 10,062 sq.ft

**1** SITE PLAN  
1:400

**74-76 BURGESS CRES PRELIMINARY SET**



16 AUGUST 2022

SITE PLAN  
**ASK-1**

## Attachment C – Public Information Meeting Notes

December 8 - December 22, 2022

### File # 22-20: Burgess Crescent, Windsor (PIDs 45338696, 45338688, and 45007010)\* – Development Agreement

<b>Meeting date and time</b>	A public information meeting was held on December 8, 2022 beginning at 6:29 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>File Number</b>	22-20
<b>Attending</b>	In attendance: One (1) Councillor: <ul style="list-style-type: none"><li>• Councillor Jim Ivey</li></ul> One (1) Member of PAC/HAC <ul style="list-style-type: none"><li>• Member Nicholls (Chair)</li></ul> Four (4) members of staff: <ul style="list-style-type: none"><li>• Director LeMay</li><li>• Planner Poirier</li><li>• Planner Dunphy</li><li>• Meeting Secretary Lake</li></ul> No members of the public were present for this meeting.
<b>Applicant</b> Mark Higgins <b>Property</b> Burgess Crescent, Windsor (PIDs 45338696, 45338688, and 45007010)	Planner Dunphy outlined the application to allow a proposed multiple unit residential building by development agreement.  Mark Higgins, the applicant, explained how there was an opportunity to develop housing and they looked for an appropriate density to meet the requirements of the Municipality.
<b>Comments</b>	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 8 – December 22, 2022.  Staff received no comments from the public.
<b>Adjournment</b>	The presentation portion of the PIM ended at approximately 6:35 p.m.

\*These PIDs have now been consolidated to PID 45338688.