



West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
March 14, 2024 – 6:00pm
Sanford Council Chambers and Zoom / Facebook Live

- 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 (February 8, 2024)**
- 6.0 Business Arising from the Public Information Meetings (March 5, 2024)**
 - 6.1 File #24-04 Development Agreement: 586 O'Brien Street, Windsor (PID 45054350) (Alex Dunphy)
 - 6.2 File #24-05 WLUB Map Amendment: 523 Albert Street, Windsor (PID 45058872) (Mark Fredericks)
 - 6.3 File #23-34 WLUB Map Amendment: 1781 King Street, Windsor (PID 45162005) (Mark Fredericks)
 - 6.4 File #24-09 WMPS Amendment and Development Agreement: Irven Drive (PID 45162005 and 45408374) (Mark Fredericks)
- 7.0 Business Arising from the Minutes**
 - 7.1 Update: File #23-02 WMPS and WLUB Amendments: 368 Nesbitt Street, Windsor (Sara Poirier)
 - 7.2 Update: File #23-16 Affordable Housing Policies (Sara Poirier)
 - 7.3 Update: Industrial Lands (Sara Poirier)
 - 7.4 Update: File #23-43 WHMPS Amendments: Wind Farm Policies (Sara Poirier)

- 7.5 Update: File #23-35 Development Agreement: PID 45058310 and 45058344, Wagner's Court, Windsor (Alex Dunphy)
- 7.6 Update: File #23-44 HMPS, HLUB, WHMPS and WHLUB Amendments: Bog Road Boundary Review, Hantsport/Hants Border (Alex Dunphy)
- 7.7 Update: File #23-04 Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382, Payzant Drive, Windsor (Alex Dunphy)
- 7.8 Update: File # 23-29 PID 45218658 Armstrong Lake East Road, Vaughan (Mark Fredericks)
- 7.9 Update: File #23-45 WHMPS/WHLUB Amendments to the Hamlet Designation (Mark Fredericks)
- 7.10 Update: File #23-33 Development Agreement: PID 45402831 Windsor Back Road, Three Mile Plains (Mark Fredericks)

8.0 Building and Development Activity Reports (February 2024) - Page 3

9.0 New Business

- 9.1 File #23-07 Development Agreement: PID 45180635 Hwy 215, Summerville (Mark Fredericks) - Page 4
- 9.2 File #23-41 WHLUB Map Amendment: 4236 Hwy 14, Windsor Forks (Mark Fredericks) - Page 44
- 9.3 File #24-01 WHLUB Map Amendment: PID 45045879 Willow Street, Hantsport (Alex Dunphy) - Page 54
- 9.4 File #23-39 Windsor MPS/LUB Text Amendment: Pesaquid Comprehensive Development District (Alex Dunphy) - Page 80
- 9.5 File #24-06 Non-Substantive Development Agreement Amendment: PID 45059631 Wentworth Road, Windsor (Sara Poirier) - Page 115

10.0 Notices from Adjacent Municipal Units

11.0 Questions and Comments from the Public

12.0 Next Meeting Date (April 11, 2024) / Adjournment

ACTIVITY REPORT

For Month of February 2/29/2024

Type	Feb 2023			Feb 2024		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	4	2	219,686	10	7	3,546,547
Duplex/Semi	1	3	42,000	0	0	0
Apartments	1	0	125,000	1	0	10,000
Other Residential	4	0	188,500	4	0	131,200
Commercial	2	0	1,320	1	0	10,000
Industrial	0	0	0	0	0	0
Inst & Gov	0	0	0	0	0	0
Agriculture	3	0	795,000	1	0	0
Other	1	0	0	0	0	0
Total	16	5	1,371,506	17	7	3,697,747
Year To Date	36	8	3,556,307	47	14	6,956,795
Demolition	1	0		0	0	
Sign Permits	0			1		
Sub Applications	1	1 (Lots Requested)		5	4 (Lots Requested)	



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Mark Fredericks, Senior Planner

Date: March 14, 2024

Subject: Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motions:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit a paintball facility on PID 45180635 on Highway 215 in Summerville, in a manner substantively the same as the draft set out in Attachment B of the report to the Planning and Heritage Advisory Committee regarding File # 23-07 dated March 14, 2024.

...that PAC/HAC recommends that Council require that the development agreement with Marlene Hill 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

A complete application was received on March 21, 2023, from Patrick Hill. Initially this application came with a letter of authorization from Marlene Hill, who was not the landowner at the time, but through a recent probate court decision in February of 2024, Marlene Hill is now the owner of the land and has appropriate authority to authorize Patrick Hill to apply for a development agreement to be entered into with the Municipality.

The planning application was needed to establish a paintball facility on PID 45180635 Highway 215, Summerville. This type of use can be considered by Council through a development agreement, as paintball facilities are not a listed permitted use (as-of-right) in the underlying zone.

DISCUSSION

PID 45180635 is approximately 400 acres (1,618,744 sq. m.) in size. The applicant intends on using a small portion of the property for the proposed paintball facility. This portion is near the front of the property where a field and forest can provide varied terrain for two versions of the sport.

- 'Speed Ball' being played in an enclosed field, with placed obstacles.
- 'Woods Ball' being played in a forested area with vegetation and terrain as obstacles.

The property is located within the Resource Designation on the Generalized Future Land Use Map (Figure 1) of the West Hants Municipal Planning Strategy (WHMPS) and zoned General Resource (GR) on the Zoning Map (Figure 2) of the West Hants Land Use By-law (WHLUB).

The General Resource (GR) zone permits a wide range of land uses as-of-right, including automotive and forestry uses, churches and restaurants, retail stores and residential uses. These uses could introduce traffic, noise, or other impacts on the surrounding community without requiring a development agreement.

Surrounding Context

The subject property is adjacent to the Loyal Hill Cemetery, in a rural area, just outside of the Hamlet of Summerville. The property includes a cleared field and forested areas. The properties to the south are generally located within the Summerville Hamlet and are zoned Rural Residential (R-4) and Rural Commercial (RC). The subject lot is well separated from the Hamlet of Summerville with approximately 400 feet of wooded area to the nearest dwelling. The subject property also has an increased elevation and a large, forested area that surrounds much of the proposed paintball facility.

Most of the properties outside of the Summerville Hamlet are zoned General Resource (GR) except for the Loyal Hill Cemetery, which is zoned Open Space (OS). The surrounding General Resource (GR) zone includes rural residential uses and an equestrian facility and riding ring across the street from the subject property.

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 Bylaw and the Municipal Planning Strategy (MPS) and 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 MPS, Council usually identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

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

The draft development agreement in Attachment B enables the paintball facility with the following requirements, as a summary:

- Parking – a minimum of 20 parking spaces to be provided. No on-street parking permitted.
- Size – parking, playing courses etc. must be contained within the *development area*.
- Setbacks – all activity must be setback a minimum of 100 ft. (30.5 m.) from all property lines.
- Buffers – vegetated buffer in the yard abutting the cemetery if any playing course is in the field. The buffering requirement would not apply if playing courses are fully located within the wooded area.
- Hours of operation – limits commercial play to occur between 9am – 9pm.
- Recognition of the abutting cemetery

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:

- Any change in the permitted uses list; and
- Any increase in the size of the facility, beyond the *development area*.

Document Review

WHLUB

New Recreation Commercial uses, including paintball facilities can be considered in any designation except the Village Core designation by development agreement. This type of development agreement is listed in Section 6.1 of the WHLUB.

WHLUB 6.1 Development Agreements

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

...

(y) Recreation Commercial uses in any designation, except the Village Core, in accordance with Policy 13.3.2 of the Municipal Planning Strategy;

WHMPS

Part 9.0 of the WHMPS contains the overall intention for properties within the Resource designation and Section 9.1 describes the intention for areas zoned General Resource (GR). These areas are not considered prime agricultural land but are intended to encourage the utilization of natural resources and provide for a range of rural land uses. In addition to resource-based uses, other land uses can be considered by development agreement. Certain uses like a paintball facility may benefit from a rural location as large lot sizes and wooded areas can often provide separation from existing uses.

Specific Criteria

Policy 9.1.7 is the enabling policy to be considered for this application. This policy provides Council with the ability to consider new Recreation Commercial uses in the General Resource Zone, by development agreement. The full list of criteria is included in Attachment A. In summary, the criteria are met since:

- The use will not adversely affect existing resource uses in the area; and
- The use is well suited for a rural location and is not more appropriately located in a Growth Center, Village or Hamlet.

In addition to the criteria outlined in this policy, Council must also consider the criteria from Policies 13.3.2 and 13.3.3. Policy 13.3.3 does not apply to this situation and is intended only for off-highway vehicle courses or similar uses.

Policy 13.3.2 provides Council with the specific criteria to consider new Recreation Commercial uses through a development agreement. In summary, the criteria are met since:

- The use is a recreation facility open to the public;
- The use does not include frequent use of motor vehicles like a racetrack or motocross course;
- The lot dimensions and structures are appropriately sized;
- The property can accommodate a safe roadway access as determined by the Nova Scotia Department of Public Works;
- Adequate parking is to be provided on-site;
- 100-foot setbacks and buffering requirements, ensure that neighbouring uses will not be adversely affected by excessive noise, littering, lighting or other visual intrusion;

- Adequate landscaping and buffering requirements are included in the draft development agreement.

WHMPS General Criteria

Policy 16.3.1 establishes the general criteria that must be considered for all development agreement applications. 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 Public Works Engineering Division, and Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.

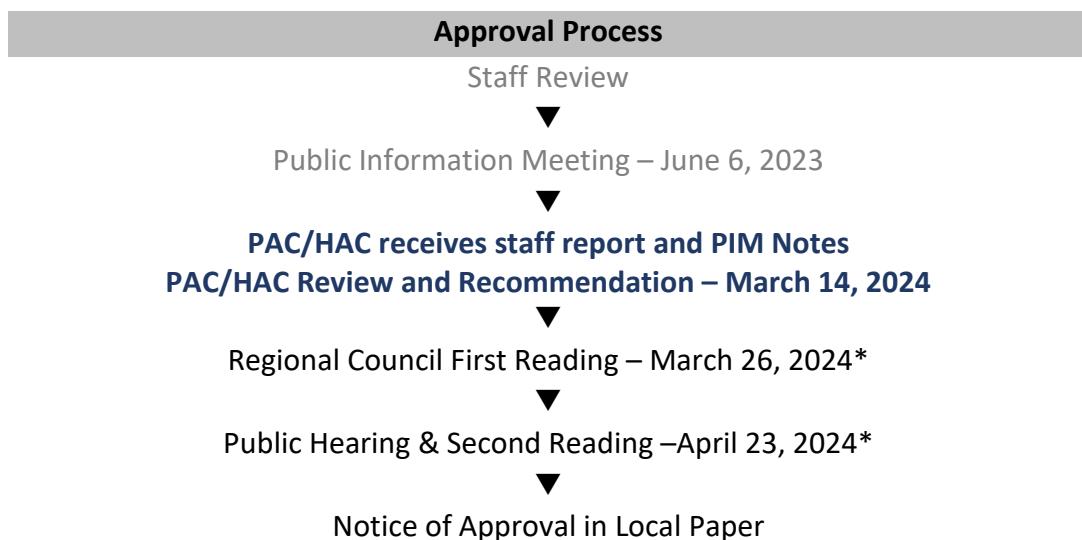
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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 subject lot. The subject lot also has a low risk shown on the Seawater Intrusion Vulnerability map.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed 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 and policies of the WHMPS. The development agreement meets the specific and general criteria. As a result, it is reasonable to permit a development agreement for the proposed paintball facility.





14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

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

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Attachment A	Policy Summary for Development Agreement
Attachment B	Draft Development Agreement
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

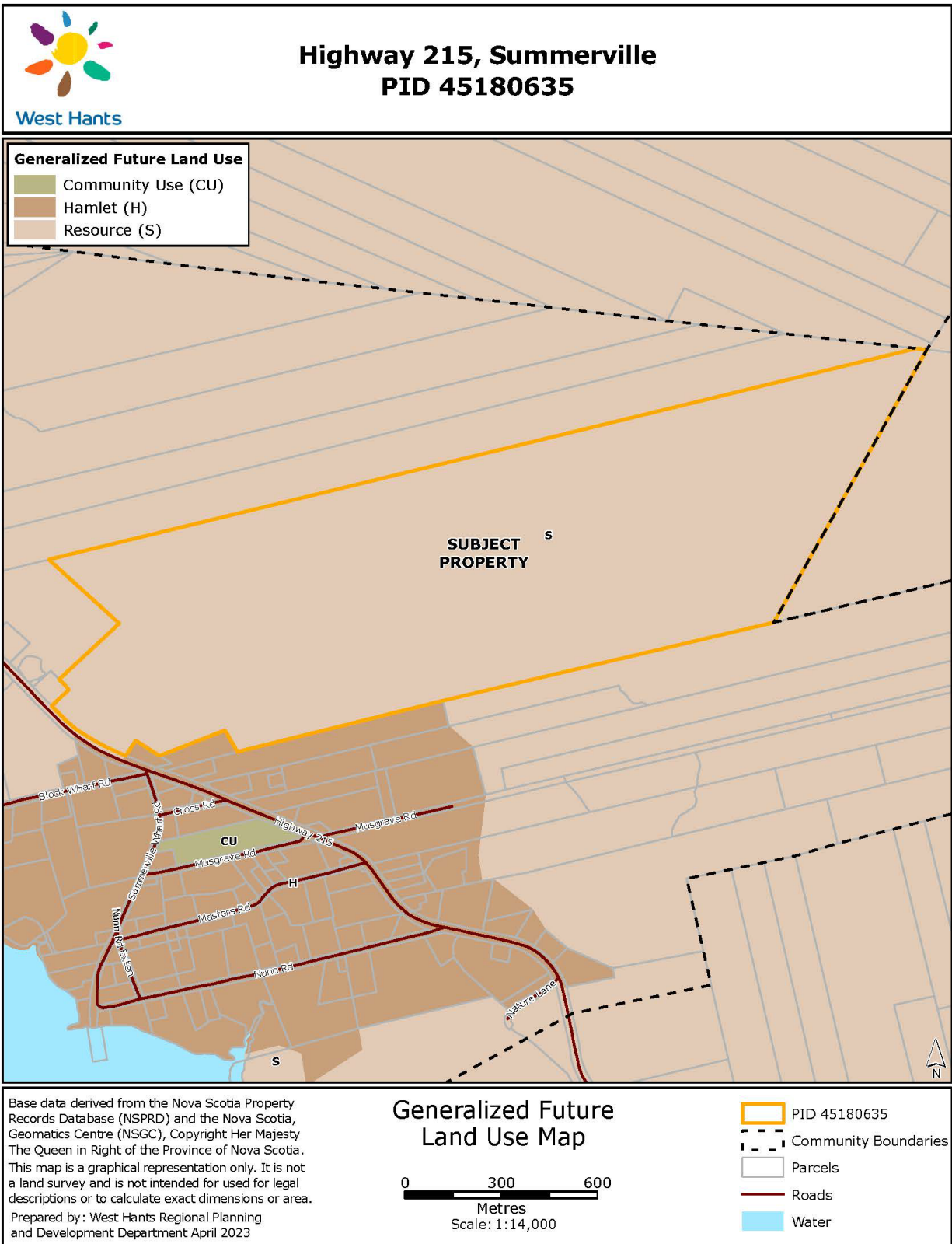
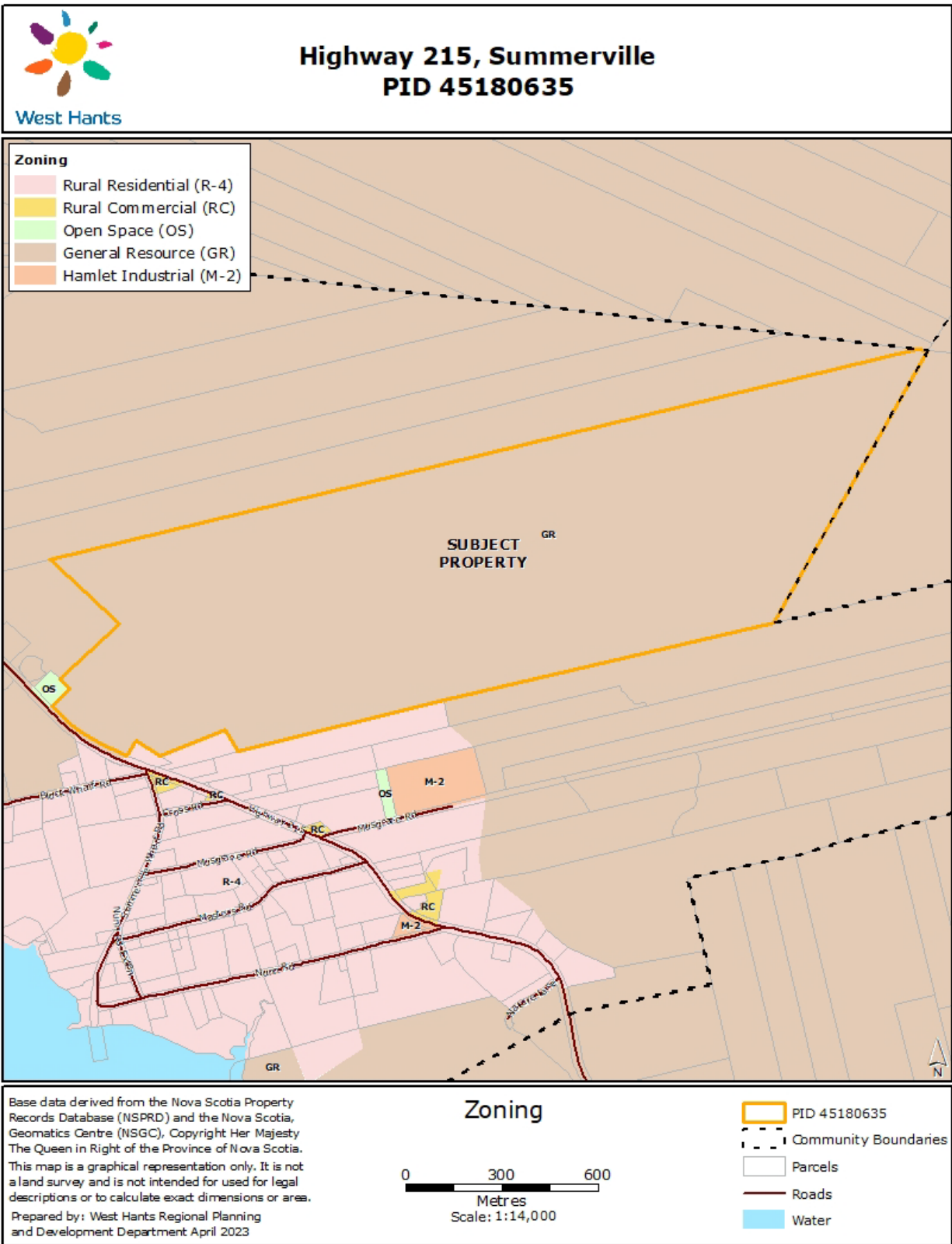


Figure 2 – West Hants Zoning Map Extract



Attachment A

Policy Summary for Development Agreements

West Hants Municipal Planning Strategy

Policy 9.1.7 It shall be the policy of Council that new Recreation Commercial uses may be considered in the General Resource (GR) zone by development agreement subject to Policies 13.3.2 and 13.3.3, provided:

CRITERIA	COMMENT
<i>(a) the use will not adversely affect existing resource uses in the area; and</i>	The proposed Paintball Facility is not expected to affect any existing resource uses in the area. With the use of 100-foot setbacks and buffering requirements, the impact on existing uses is expected to be minimal. The development area is located within the boundaries of a very large (400 acres) mostly wooded property. This provides separation from existing uses.
<i>(b) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet.</i>	The proposed Paintball Facility would not be better suited within a Growth Centre, Village or Hamlet. The proposed location, on the outer edge of the Hamlet of Summerville provides a large wooded property with more natural buffering and separation from existing uses.

Policy 13.3.2 It shall be the policy of Council to consider the establishment of new Recreation Commercial uses by development agreement in any designation except the Village Core subject to the following criteria:

CRITERIA	COMMENT
<i>(a) the proposed use is a campground, golf course, driving range or other commercial entertainment or recreation facility which is open to the public and privately owned;</i>	The proposed Paintball Facility is a recreation facility that will be open to the public and privately owned.
<i>(b) the use shall not include race tracks, motocross courses or other establishments which require</i>	The proposal does not include a race track, motocross course, or other frequent use of motor vehicles.

<i>the continued or frequent use of motor vehicles;</i>	
<i>(c) the lot dimensions and any structures are adequate for the use at proposed capacity;</i>	The property is 400 acres in size and the development area is intended to accommodate the structures and activity within a confined area.
<i>(d) safe and efficient roadway access is provided;</i>	The Nova Scotia Department of Public Works has no concerns regarding the road network and recommended a driveway location toward the southeast corner of the lot.
<i>(e) adequate on site parking is provided;</i>	A minimum number of on-site parking spaces is required in the draft development agreement.
<i>(f) if the proposed development is located in a Growth Centre, the property has adequate frontage on an arterial or collector road;</i>	Not applicable as the property is not located in a Growth Centre.
<i>(g) neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;</i>	With the use of 100-foot setbacks and buffering requirements, the impact on existing uses is expected to be minimal.
<i>(h) adequate landscaping, fencing or buffering, and separation distances will be provided;</i>	The use of 100-foot setbacks and buffering requirements are included in the development agreement.
<i>(i) any other matter which may be addressed by development agreement; and</i>	No additional requirements considered.
<i>(j) Policy 16.3.1.</i>	See below

Policy 13.3.3 Notwithstanding clause (b) of Policy 13.3.2, Council may consider permitting off highway vehicle courses as Recreation Commercial uses by development agreement subject to the criteria of Policy 13.3.2 (excluding clauses (b) and (f)) and the following:

This policy is not applicable as the proposed Paintball Facility does not include any use of off highway vehicles or courses.

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:

<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 Public Works Engineering Division confirmed that no central sewer or water services are available at this location. The development agreement requires compliance with the Provincial authority regarding on-site water/sewer facilities.
<i>(ii) the adequacy of school facilities;</i>	Not applicable as the proposal does not include any residential units.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager of Building and Fire Inspection Services has no issues with fire protection for the proposed uses. The local Fire Chief has stated that there is adequate fire protection for the proposed use and had no concerns.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Nova Scotia Department of Public Works has no concerns regarding the road networks adjacent or leading to the development.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water</i>	No central sewer or water services are available at this location. The

<i>supply and either central sewer or an approved on-site sewage disposal system;</i>	development agreement requires compliance with the Provincial authority regarding on-site water/sewer facilities.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Nova Scotia Department of Public Works has no concerns regarding movement suitability on the subject lot. There are no sidewalks leading to the site, however it is not anticipated that many people will walk to the Paintball Facility. There is no active rail transportation in the vicinity.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the subject lot is suitable for this proposal.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer has no concerns regarding the pattern of development.
<i>(f) 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>	The portion of the subject lot where the development area is located is relatively flat. There are no known water courses or wetlands on the property. No concerns were recorded during the site visit and the MCCAP report does not show any potential for inland or coastal flooding or saltwater intrusion.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Draft Development Agreement



DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2024.

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 –

MARLENE BONITA HILL, of Summerville, West Hants, 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 on Highway 215, Summerville (PID 45180635) hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Resource on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (the “Municipal Planning Strategy”) and zoned General Resource (GR) on the Zoning Map of the West Hants Land Use By-law (the “Land Use By-law”), and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit a Paintball Facility on the Property (the “Development”); and

WHEREAS Policy 9.7.1 of the Municipal Planning Strategy and Section 6.1 (v) of the Land Use By-law enable Council to consider entering into a development agreement to allow a Recreation Commercial use within the General Resource (GR) zone; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2024 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) *“Paintball Facility”* means a recreation commercial use open to the public and operated for profit by private individuals. The facility may include more than one paintball course, and various stations for rental equipment, storage, player rest areas and spectator viewing areas. The paintball courses are intended to host a game that simulates military combat with players on one team trying to eliminate players on an opposing team by shooting capsules of paint at them.
- (b) *“Development Area”* means the portion of the property illustrated on Schedule B to this Agreement.

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) a Paintball Facility.

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) The Development shall be arranged within the *Development Area* as shown on the Site Plan in Schedule B.
- (b) The Owner shall design the Development to minimize impact on nearby existing uses with vegetation and large setbacks as described in this Agreement.
- (c) The Owner shall recognize the nearby Loyal Hill Cemetery and make reasonable efforts to pause or delay activity during funerals or other events in the cemetery.

2.3 Site Requirements

- (a) Any temporary or permanent structures, parking areas and playing courses shall conform to the following requirements, and be located within the *Development Area* shown on the Site Plan:

Minimum Front Yard	100 feet (30.5m)
Minimum Rear Yard	100 feet (30.5m)
Minimum Side Yard	100 feet (30.5m)
Maximum Building Height	35 feet (10.6m)
Maximum Height of Accessory Building	25 feet (7.6m)

- (b) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*.
- (c) The Owner shall keep all undeveloped areas of the Property landscaped or forested.

2.4 Access and Egress

The main access/egress to the lot shall be directly from Highway 215. The driveway shall be approved by the Nova Scotia Department of Public Works prior to the Paintball Facility opening to the public. The vehicular entrance and exit shall be clearly demarcated and maintained to a level adequate to the standard set by the Nova Scotia Department of Public Works.

2.5 Parking

- (a) The Owner shall provide a minimum of twenty (20) parking spaces on the Property.
- (b) No on-street parking shall be permitted.
- (c) Each parking space shall be a minimum of 10 feet by 20 feet (3m by 6m)
- (d) Parking shall be located within the *Development Area* as shown on the Site Plan in Schedule B.
- (e) The number of parking spaces may be varied by the Development Officer in accordance with section 2.13 of this Agreement.

2.7 Vegetated Buffers, Netting and Fencing

- (a) The Owner shall enclose all paintball course areas with safety netting that is appropriately sized to capture any stray paint capsules.
- (b) If a paintball course is developed within the open field portion of the *Development Area* shown on the Site Plan, then the Owner shall also provide a wide vegetated buffer along any property line that abuts the Loyal Hill Cemetery.
- (c) If all paintball courses are developed entirely within the wooded portion of the *Development Area* shown on the Site Plan, then the Owner does not need to provide a wide vegetated buffer.
- (d) If required, wide vegetated buffers shall be a minimum of 20 ft. (6 m.) wide and include:
 - (i) A mixture of local deciduous and coniferous trees, shrubs, and berms to form a dense or opaque screen, and maintained for as long as the paintball facility is active.
 - (ii) The tree species within the vegetated buffer shall include predominately White Spruce. Secondary tree varieties may include Grey Birch, Red Pine, and White Pine. Other local tree species may also be included.
 - (iii) At the time of planting, each tree shall have a minimum height of 4 ft. and each shrub shall have a minimum height of 1.5 ft.
 - (iv) Additional plantings may include Ninebark, Rosa Rugosa, Lilacs, Boxwoods or other local species.

2.9 Servicing

(a) Waste Collection

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

The Owner shall provide water and sewer services to the property in a manner that is compliant with the provincial authority.

(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 facilities 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 9:00 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) number of parking spaces required; and
- (ii) height and area of a sign.

2.14 Subdivision

No alterations to the lot configuration, within the *Development Area* shown on the Site Plan are permitted except those required by the Municipality for the purpose of creating or expanding open space within the Property or those required by the road authority for the purpose of creating or expanding a public street over the Property.

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.
- 3.3** The following matters are substantive matters:
- (a) the uses permitted on the Property as listed in Section 2.1, *Use*;
 - (b) increase in size of the paintball facility beyond the boundaries of the *Development Area* as shown on the site plan.
- 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.

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 **Marlene Hill, and Patrick Hill, 4850 Highway 215, Summerville NS B0N 2A0** 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:

) **WEST HANTS REGIONAL**
) **MUNICIPALITY**

)
)
)

_____ Per: _____

Witness) Abraham Zebian, Mayor

)

_____) Per: _____

Witness) Deanna Snair, Municipal Clerk

)
)

)
) **Marlene Hill**

)

)

Per: _____

Witness

) Property Owner

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2024, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2024, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2024, 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, **MARLENE HILL**, 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 _____, 2024
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
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (INDIVIDUAL)

I, Marlene Hill, the “Deponent”, make oath and swear that:

1. **I acknowledge that I executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. I am nineteen years of age or older and am a resident of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit “spouse” means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to section 55(1) of the Act.
4. I am not a spouse and, with respect to the within property, I have no former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*, nor any former spouse with rights in the within property under the *Matrimonial Property Act*, as amended.

I certify that on this _____, 2024
the Deponent 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

MARLENE HILL

Schedule A
Legal Description
Taken from Property Online June 2023

[Deed.pdf](#)

Schedule B
Site Plan

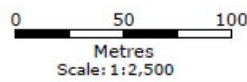


Highway 215, Summerville
PID 45180635



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for use for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department June 2023

Proposed Development Area
Site Map



- Proposed Development Area
- PID 45180635
- Parcels
- Roads

Attachment C

Public Information Meeting Notes

June 6 – June 20, 2023

Development Agreement –PID 45180635, Highway 215, Summerville; File #23-07

<p>Meeting date and time</p>	<p>A Public Information Meeting was held on June 6, 2023 beginning at 6 p.m. in Council Chambers at 76 Morison Drive in Windsor. The meeting was broadcast live on the Municipal Facebook page.</p>
<p>Attending</p>	<p>In attendance: Three (3) Councillors:</p> <ul style="list-style-type: none"> • Councillor Jannasch (Chair) • Councillor Ivey • Mayor Zebian <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Mark Fredericks • Planner Alex Dunphy • Planning Administrative Assistant Vanessa Lake • Chief Administrator Officer Mark Phillips <p>Applicant:</p> <ul style="list-style-type: none"> • Patrick Hill <p>Approximately 25 members of the public attended the meeting in-person.</p>
<p>Applicant Patrick Hill</p> <p>Property Highway 215, Summerville PID 45180635</p>	<p>Senior Planner Mark Fredericks outlined the request from Patrick Hill to establish a Paintball Facility on PID 45180635, Highway 215, Summerville.</p> <p>The applicant made a formal presentation. Patrick presented his intention to provide an outdoor recreation opportunity for members of the public to experience and try the sport of paintball. He explained that the paintballs are bio-degradable and that only intends to operate Friday-Sunday 9am – 5pm. The operation would be seasonal from May – October and closed during the winter months. Decibel readings of paintball guns are approximately 40-50 decibels, which is comparable to rural traffic noise.</p>
<p>Comments</p>	<p>Comments from the public could be submitted to Senior Planner Fredericks by mail, e-mail and telephone between June 6 – June 20, 2023.</p> <p>Approximately 10 members of the public spoke at the Public Information Meeting. Seven (7) comments or questions were</p>

	<p>received via mail, email or phone. The questions and comments from the public are summarized below. Email responses are attached. Staff and applicant responses are included in purple.</p> <p>Members of the public present at the Public Information Meeting asked about the proximity to the cemetery, and driveway access and location. Comments from the public also included questions about the environmental impact of the paintballs, which the applicant indicated he planned to only use food-grade biodegradable paint capsules.</p> <p>Discussion points included parking and maximum capacity of players.</p> <ul style="list-style-type: none"> • Horses and noise impact • Any plans to expand • Support for the idea of the business • Ideas for vegetation, fencing and noise buffering • Parking, ensuring all parking is contained on-site • Question about tournament and ensuring adequate parking is provided • Funeral notification process to Patrick who agreed to close the paintball fields during funerals • Questions about who would enforce/control these issues
Adjournment	The meeting was adjourned at 6:48 p.m.

Email and letter correspondence:

From: Lola Velden
To: Mark Fredericks
Date: June 6, 2023

Good evening,

After attending tonight's public information meeting, I wanted to reach out and address some of my concerns and more of my questions I had surrounding the permit for the paintball facility. My questions/concerns are as follows:

-How will Mr. Hill communicate to his customers that there is a cancellation or that the facility will be closed due to a funeral service? I worry this will result in more issues concerning traffic, parking, and respect to the grave yard.

-Is there any proof that noise will "not be an issue." Yes, Mr. Hill did claim that a singular paintball gun should be no louder than local traffic, however where is this proof and can we be sure of this. After doing some research of my own, paintball guns and the facilities themselves are not a noise free activity. From the sound of the guns firing, people yelling, to the whistle and sirens that wail to inform the players that games are starting/ending. How can we ensure that respect will be kept for the other members of the community who will be affected by this.

-In relation to noise, what sort of "props" will be on the grounds of the facility. Will the facility be metal, blow-up, plastic? These props that will be used during the games will affect the noises that occurs. For example, if metal is used, then the noise of paintball shells hitting the siding of metal containers will be amplified and could cause more disruption for the community.

The community of Summerville is beautiful because of its simple beauty. Many tourists rave about the beauty of the community. Building large and odd parts for this facility would make the paintball area look out of place, and would not match the surrounding area.

-In the meeting, many people were concerned with the traffic, parking, and amount of people that would be commuting on the very narrow and low visibility part of the 215 highway. Again, Mr. Hill claimed that all of that would be dealt with and that safety would be ensured. I guess my question is, what is being done to ensure that safety is a number one priority. As well, is Mr. Hill willing to take responsibility for if there is a car accident due to the placement of the facility.

-Also in regards to safety, who will be monitoring the facility to insure proper safety is being implemented. Also what about maintenance of the facility, rule following, and the environmental state of the land?

-A comment came up in the meeting concerning the pond that is located behind the grave yard. Based on the layout for the proposed map of the facility, the playing fields and equipment storages will be in very close proximity to this pond. This pond has been known for years to have fish, frogs, and a beaver community. How can we ensure that this wildlife will be safe and remain protected?

-Mr. Hill mentioned that washrooms would be available on site. Will these be portable toilets? If so, how will they be taken care of and how will they be ensured they are maintained. Also, who is in charge of overseeing this part of the facility?

-One of my biggest concerns regarding the new facility is its proximity to the grave yard. Mr. Hill claimed that he would make proper arrangements to allow for the proper respect of those who might be visiting the grave yard due to a funeral. However, many members of the community visit the grave yard daily to pay their respects. I feel that having the paintball facility so close would impact the experience for those trying to mourn loved ones.

There is also concern of destruction to the tombstones due to the paintball guns. Again, Mr. Hill claimed that netting would be in place to protect this area, but there was no proof or further discussion around the matter during the meeting, which left me questioning what was actually going to be done to prevent this.

Overall, I just would like to state that I think the idea of a paintball facility in the community of Summerville is not a good idea. The fact that Mr. Hill was present at the meeting with no evidence of research, no written out plan, no details of the facility, and more seemed to be that he had no true plan of action and was just making promises to the public. How can we ensure that all these so called promises he has made will be met in this new facility.

Thank you for your time,
Lola Velden

...

From: Mark Fredericks
To: Lola Velden
Date: June 6, 2023

Hi Lola,

Thanks for reaching out.

We have not determined how the relationship with the cemetery will work yet. This is something we are investigating and recognize there may be visits beyond funerals that could be impacted by the Paintball facility. The paintball course props are not intended to be loud sheet metal but may include wood pallets and inflatable obstacles. Parking and road access will be controlled within the development agreement and road safety is the responsibility of the Provincial road authority who will issue a commercial access permit, only if the driveway location can meet their safe stop sight distance requirements. Setbacks from the road, property lines and watercourses will also be controlled within the development agreement to minimize impact on any ponds, streams, and adjacent properties. Portable toilets are being proposed, and we are investigating this aspect with the provincial department of environment who regulates septic systems and drinking water wells. If appropriate, these facilities can be controlled within the development agreement through a maintenance schedule to ensure any portable facilities are maintained regularly.

I've captured your concerns contained in this email and we aim to address many of these issues through the development agreement process.

Thanks

From: Pam Paterson-Hill

To: Mark Fredericks

Date: June 19, 2023

Good morning.

I am writing to give my support to the idea of a paintball range in the community of Summerville. I am a resident of Summerville.

Summerville is an area of West Hants that is prime for growth. It is 30 minutes from Windsor.

An easy drive in the summer. Summerville and “the shore” have often felt like a forgotten region when it comes to development. This would be a step in the right direction. It would also be another activity to draw people to the area. Summerville has a wonderful restaurant and fantastic bass fishing. There is a campground in Kempt and a golf course in Cambridge. This paintball course would be another benefit to the area, providing entertainment and employment opportunities.

I cannot express my support more strongly. The naysayers may be vocal, but they are wrong.

This is an opportunity that should be given support by the community and allowed the chance to thrive for the benefit of future growth.

Pam Patterson

From: Carolyn Smith
To: Mark Fredericks
Date: June 14, 2023

Re: Proposed Paintball Facility in Summerville

Dear Mr. Fredericks:

In follow-up to the information meeting held on June 6, 2023, I would like to reiterate my position on the above-noted proposal.

I am President of the Loyal Hill/Musgrove Road Cemeteries Committee. I have only been involved with this group since November 2020 and am amazed at the amount of volunteer work that goes into keeping our cemeteries looking well. I have lived in this community for 60 years and I am not against a Paintball Facility and perhaps it would be a good thing for the community but why does it need to go directly beside the Loyal Hill Cemetery? They appear to own alot of acreage and I am sure they could find another spot that would be more suitable, other than the fact that this land is already cleared.

I do not know Patrick Hill personally and therefore cannot express an opinion on his behavior. At the meeting he appeared to want to be respectful of the cemetery and I can only hope that this will continue to be the case. I know that he told our local funeral director that he will not operate during a funeral. Who will be responsible to notify him when a funeral is taking place? It is not going to be anyone from our group.

Although most of the funerals are conducted by Reed Allen, there are other funeral homes who do conduct services there and last year a funeral home from Truro did a burial. How will these people know to contact Patrick? Again, we are not going to be responsible for this.

Unfortunately, most funerals are held on the weekend and this will be prime paintball activity time. I just cannot see the viability in shutting down for an hour or two. If anyone travels any distance to play and then finds out they have to stop for a period of time, I think that is when the problems will start. My fear is that they will take it out on the cemetery. We rely solely on donations and do a small amount of fundraising but we are a very small group and most of us are seniors. We do not have the means to start replacing or repairing headstones and we will be the first ones that the lot owners or family members will complain too. Will Patrick be required to carry liability insurance in the event that damage does occur?

In speaking with local residents, most were not aware that this was being proposed. Only those who have property within a certain distance were notified. Will you be holding a local meeting in the community perhaps at the Summerville Fire Hall or the Flying Apron so that other people can hear the pros and cons? Patrick did give some details but he really didn't have any

information to back up what he said. He said the paintballs cannot go over a 12 foot fence, which he plans to erect but where are the facts to prove this? I think we need alot more information as people are of differing opinions about how much damage can be done to the environment or to individuals. I would say that this is on him to prove to the community that this will be a good thing and he needs to present it with facts.

Also, has the local fire department been notified of this? There are acres of woodland around this area. Is there a possibility that a fire could occur due to paintball activity?

In closing, my main concern is that the cemetery remain protected and I think we need more information backed up by facts that will address everyones fears before granting approval to this request.

Thank you.

Carolyn Smith

From: Shauna Thompson
To: Mark Fredericks
Date: May 29, 2023

Hi Mark,

I understand you're looking after the file regarding the business proposal for the property described below. We're trying to understand how close the proposed business would be to our property. Are you able to disclose the site on the property they intend to develop? We operate an equestrian business across the road and proximity will determine the degree of impact (if any).

Thank you,

Shauna Thompson

...

From: Mark Fredericks
To: Shauna Thompson
Date: May 30, 2023

Hi Shauna and Glen,

Thanks for reaching out. I understand you have an equestrian riding ring across the street from the graveyard and the proposed paintball facility is planned to locate on the property to the south of the graveyard. Most of the activity is intended to locate towards the back of the field and in the wooded area. The *attached* sketch/site plan was submitted as part of the application and helps illustrate the proposed layout.

There is opportunity to adjustment or revise this layout in ways that could include additional buffering or fencing to help minimize the impact on the surrounding properties. For example, one revision will relate to the proposed driveway, which the road authority has asked to be moved further south to comply with their stop sight distance requirements.

Please let me know if you have any questions.

You can reach me at the number below if you'd like to discuss in more detail.

Thanks

From: Shauna Thompson
To: Mark Fredericks
Date: June 19, 2023

Mark Fredericks June 19, 2023
Senior Planner
West Hants Regional Municipality
Re: Paintball Permit for PID 45180635

Dear Mr. Fredericks,

My husband Glen Thompson and I live at 4993 Highway 215 and our property is across the road from the proposal indicated above. After attending the information session and doing some subsequent research on this type of business, we have the following feedback regarding the proposal for the Planning Committee's consideration:

Noise Concern

We are gravely concerned about the noise that will be created by the combat simulated, high intensity sport recognized as an extreme sport. Since neither of us have played speedball or paintball, we did some researching. After looking into the sport, noise from not only the guns, but from sirens, whistles, yelling, etc. is expected. Mr. Hill mentioned at the information session that 5 on 5 speedball would be played in the field area. There are countless videos easily found on YouTube that demonstrate the game. Please take a few minutes to watch the links below in order to get a sense of what this activity sounds and looks like (note; we picked the first two that weren't overlaid with music but there are many more available).

<https://www.youtube.com/watch?v=8kqf9g3sl1o>

<https://www.youtube.com/watch?v=6mcyHx4TfBU>

Based on what you see in videos such as these and what we've learned about paintball, we strongly believe that the disruption to Red Ridge Farm's equestrian business, operating out of the arena directly across the road, the Loyal Hill Cemetery adjacent to the proposed site and the surrounding community would be substantial. I am an Equestrian Canada Licensed Coach who uses the riding arena almost daily to teach and train riders and horses. Students range in age from children to adults at all levels of skill including beginner level and the arena is also rented out to other coaches who bring riders with a range of skill and ability. Young and inexperienced horses are also using the arena. Anyone who has equine experience will tell you that loud popping and cracking noises can easily startle horses putting the rider and horse at risk. A startled horse may run blindly and there are countless incidents citing injuries to horse and/or rider which can be severe enough to cause permanent disability or even death. Even if more experienced riders and horses handle the noise better, the noise and commotion from the paintball park would certainly have a negative impact on our growing business resulting in lost revenue.

The riding arena is used 6-7 days a week and I observe visitors at the Loyal Hill Cemetery several times a week during that time. It is likely that the frequency of visitors is much higher. Although there could be a way to accommodate funerals, it would be impossible to do this for the visitors and they would have to listen to combat type noise in the background. This could be especially upsetting, if not unbearable, for veterans.

From: Mark Fredericks
To: Shauna Thompson
Date: June 20, 2023

Hi Shauna and Glen,

Thank you for attending the Public Information Meeting and for submitting this letter. I can confirm the municipality has received it and saved it as part of the application.

We recognize the same concerns and are exploring options for a revised layout with the applicant. We are also reviewing buffering and setback requirements to provide adequate separation between the different uses in this part of the community.

More information will be presented to the Municipality's Planning Advisory Committee at an upcoming meeting. You can preview this committee's agendas, here:

<https://westhants.ca/planning-advisory-committee-1/planning-advisory-committee-meeting-packages/2023.html>

Let us know if you have any questions.

Thanks

Received by mail:

June 13, 2023

Mark Fredericks
West Hants Regional Municipality
76 Morrison Dr., PO Box 3000
Windsor, NS
B0N 2T0

Re: Paintball Facility, Summerville, NS

Dear Mr. Fredericks:

I have been a volunteer with the Loyal Hill and Musgrove Road Cemeteries for approximately 25 years and have served as Treasurer for 23 years.

In the past, we have always worked successfully with the owner of the adjoining property, the late Bradley Lake. Since his death, we have had interference from his daughter, Marlene Hill on several occasions. She has always expressed concern about how any maintenance work carried out at the cemetery will affect the pond or the adjoining property. I feel that now since she is the acting agent, she will have influence on how this facility will be managed. Now it appears that her worries regarding how the land is maintained will be on the back burner.

I am also concerned regarding the potential noise that could come from the Paintball Facility. Because Summerville does not have a Noise Bylaw, this could take away from the cemetery being a peaceful place.

We had issues before regarding partying on the adjoining property which spilled over into the cemetery and vandalism occurred. We asked that they keep off the cemetery property, however this did not work and we had to report the damage to the RCMP. The only suggestion they had was to erect a fence and to put up "Keep Out" and "No Parking" signs. This is not acceptable for a cemetery. We feel that if similar issues occur because of this Paintball Facility, we will have little support from the RCMP.

We pride ourselves in the appearance of this cemetery and work hard to maintain this. I feel that the equipment on this Paintball Facility will take away from the peaceful appearance we as a group are striving for.

Please take into consideration all of my concerns when determining if this Paintball Facility will be granted.

Yours truly,

Juliette Spencer

Received by mail:

June 14, 2023

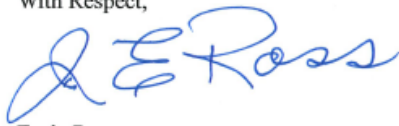
Submission to: Mark Fredericks

Re: The proposed zoning for a Paintball Operation on Hwy 215 Summerville.

Attached are three concerns regarding the operation of a Paintball business.

Thank you for the opportunity to submit this package.

With Respect,

A handwritten signature in blue ink that reads "Ernie Ross". The signature is written in a cursive style with a large initial "E".

Ernie Ross



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: _____
Mark Fredericks, Senior Planner

Date: March 14, 2024

Subject: WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks;
File #23-41

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To enable the rezoning of the subject lot to the General Resource (GR) zone, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

"...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45329851 at 4236 Highway 14 in Windsor Forks from the Rural Commercial (RC) zone to the General Resource (GR) zone as shown in the report #23-41 to the Planning and Heritage Advisory Committee dated March 14, 2024."

BACKGROUND

A completed application was received on January 8, 2024, from the owner of the property, Sheldon Musseau. The application requests Council to consider rezoning the subject lot from the current Rural Commercial (RC) zone to the General Resource (GR) zone to support the potential sale of the property for residential uses. The property currently includes a single unit dwelling and a large barn. The zoning change reduces the possible permitted uses as the proposed

General Resource (GR) zone permits fewer land uses than the current Rural Commercial (RC) zone.

In the early 2000's, the previous owners used the barn as an antiques shop and the Highway Commercial (HC) zoning was applied prior to the 2008 planning documents, to reflect the commercial nature of this business. The current owners no longer operate any commercial use on the property and have requested a zone change to the General Resource (GR) zone which is consistent with the surrounding area.

DISCUSSION

The subject lot is approximately 1.88 acres in size with approximately 337 feet (103m) of road frontage on Highway 14. The lot is currently designated Resource on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (*Figure 1*). The subject lot is zoned Highway Commercial (HC) on Schedule A of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

Surrounding Context

The subject lot is within the community of Windsor Forks along Highway 14, at the intersection of Sangster Bridge Road, near Ski Martock Road. The properties immediately surrounding the subject lot are also designated Resource and mostly zoned General Resource (GR). There are other properties nearby that have Rural Commercial (RC) zoning and on the other side of Highway 14 is a large area of Agricultural Priority 2 (AR-2) zoning. The immediately surrounding properties host a mixture of rural residential and agricultural uses.

Document Review

The intention of the Resource designation is outlined in Section 9 of the WHMPS. The purpose of the Resource designation and the General Resource (GR) zone is to prioritize resource based land uses and accommodate rural residential development.

Policy 9.1.1 *It shall be the policy of Council to establish a General Resource (GR) zone which will apply to areas of West Hants in the Resource designation which are outside the Growth Centres, Village and Hamlets and are not zoned for agricultural, mineral or water supply uses. This includes large parcels of Crown land, land owned by forestry companies, areas of seasonal residential development which are accessed by private roads, and rural areas which are not considered to be under intense development pressure.*

The subject lot is part of the existing fabric of the Windsor Forks community, which is located outside of the Growth Centres, Villages/Hamlets and is well suited to accommodate rural residential dwellings or certain resource type uses if rezoned to the General Resource (GR) zone.

General Criteria

WHMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WHLUB (Attachment A). In summary, the proposed rezoning 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 Development Officer, Manager of Building and Fire Inspection Services, and Nova Scotia Public Works have no concerns with the proposed rezoning which have not been addressed in this report.

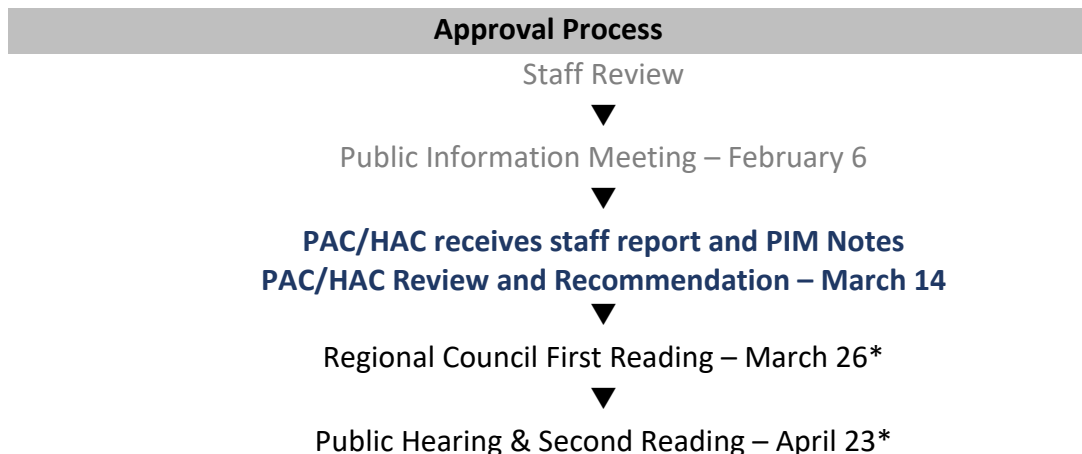
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The West Hants Municipal Climate Change Action Plan (MCCAP) does not recognize the Windsor Forks area to be at risk from coastal flooding or sea water intrusion, as this community is located inland and far from the coast. The subject lot is near a watercourse that is located on an adjacent property. The subject lot’s buildings are upland from this watercourse, which appears to drain storm water effectively towards the northeast. The MCCAP report does not show any climate change related flood risk on the subject lot.

Property owners are responsible for ensuring that the lot is suitable for the proposed use.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of both the intent of the Resource designation and the general amendment criteria of the WHMPS and is consistent with the intent, objectives, and policies of the WHMPS. As a result, it is reasonable to amend the zoning of PID 45329851 from the Rural Commercial (RC) zone to the General Resource (GR) zone.



▼
Notice of Approval in Local Paper

▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract - Current
Figure 3	West Hants Zoning Map Extract – Proposed
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Sara Poirier, Director of Planning and Development

Figure 1 - West Hants GFLUM Extract

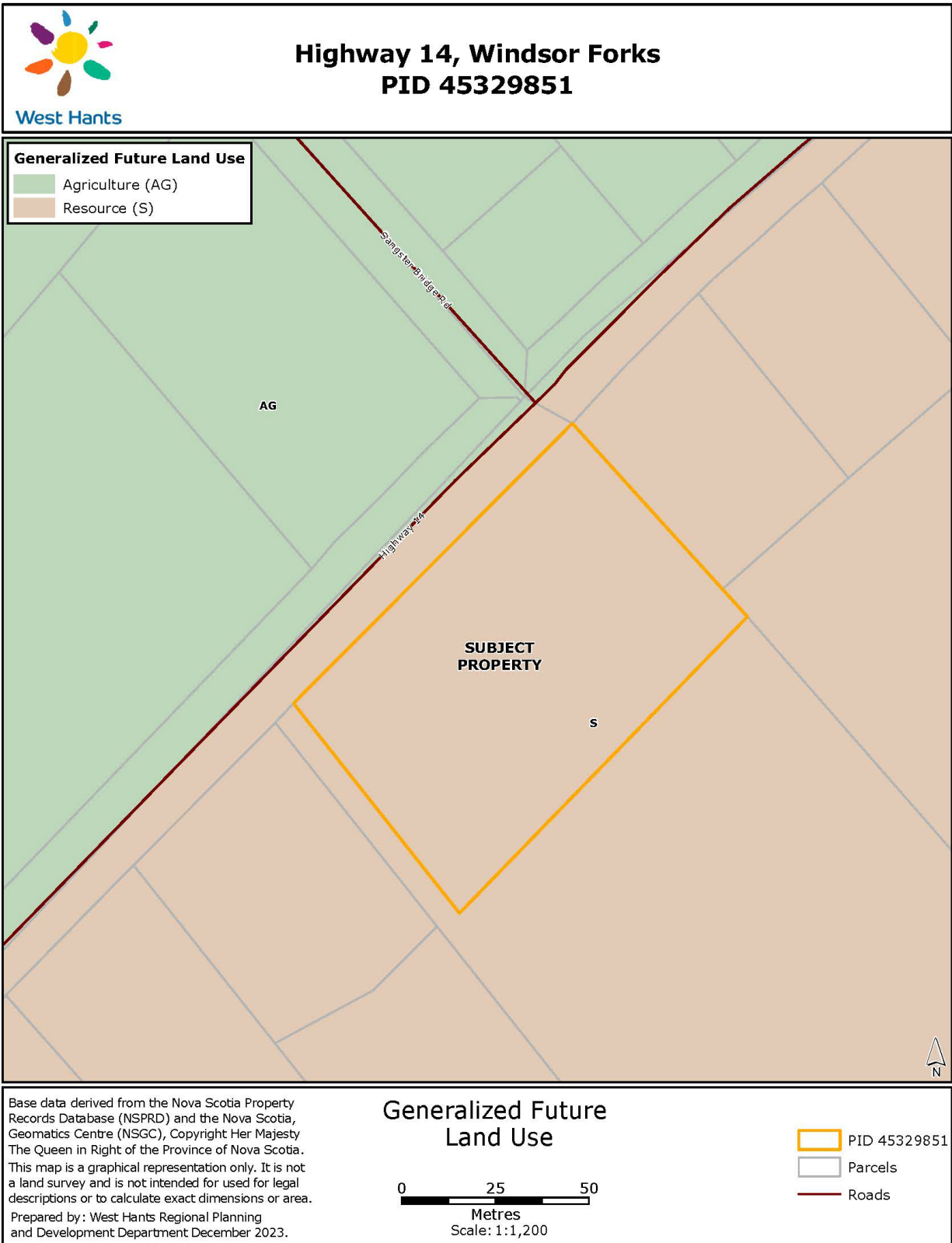


Figure 2 - West Hants Zoning Map Extract - Current

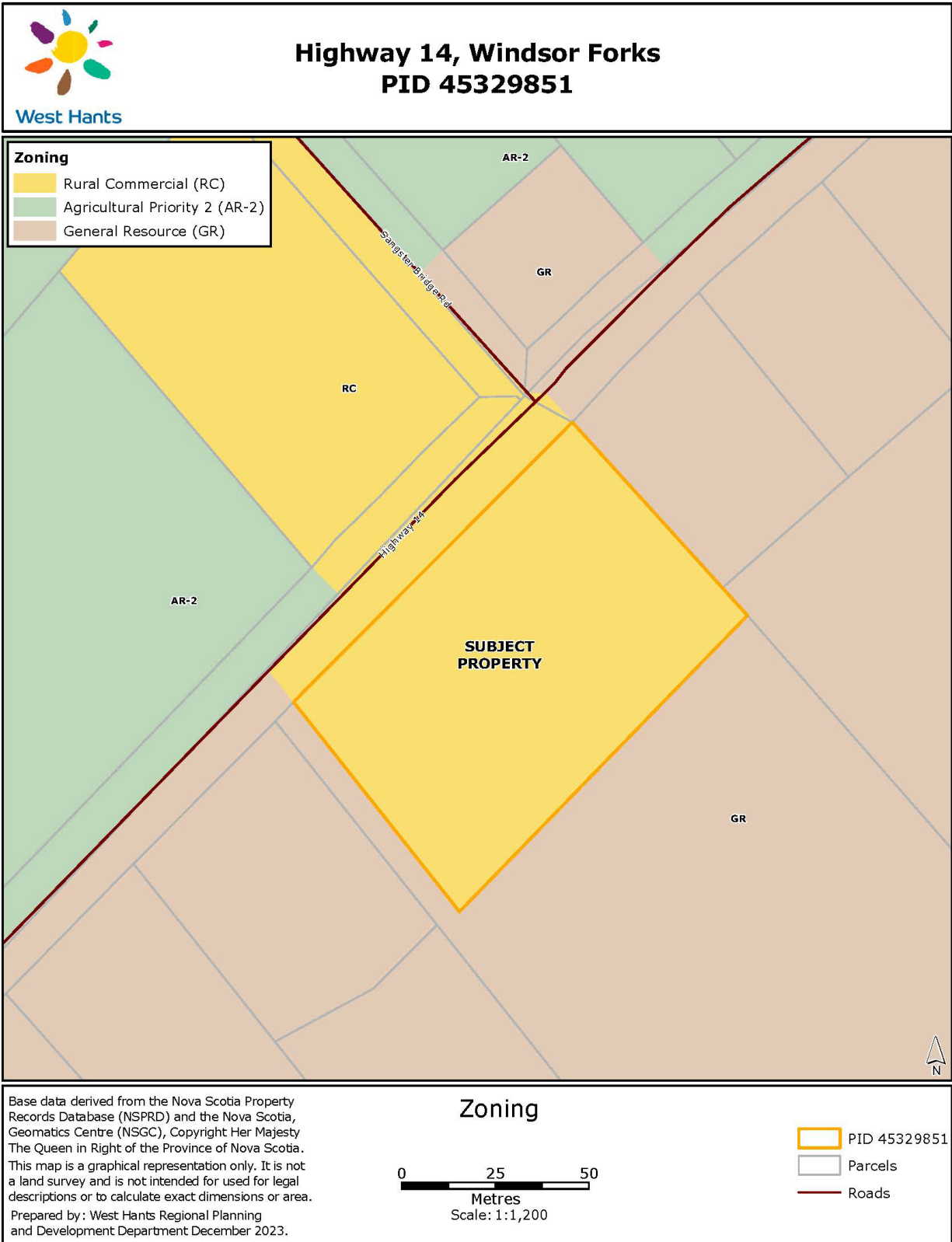
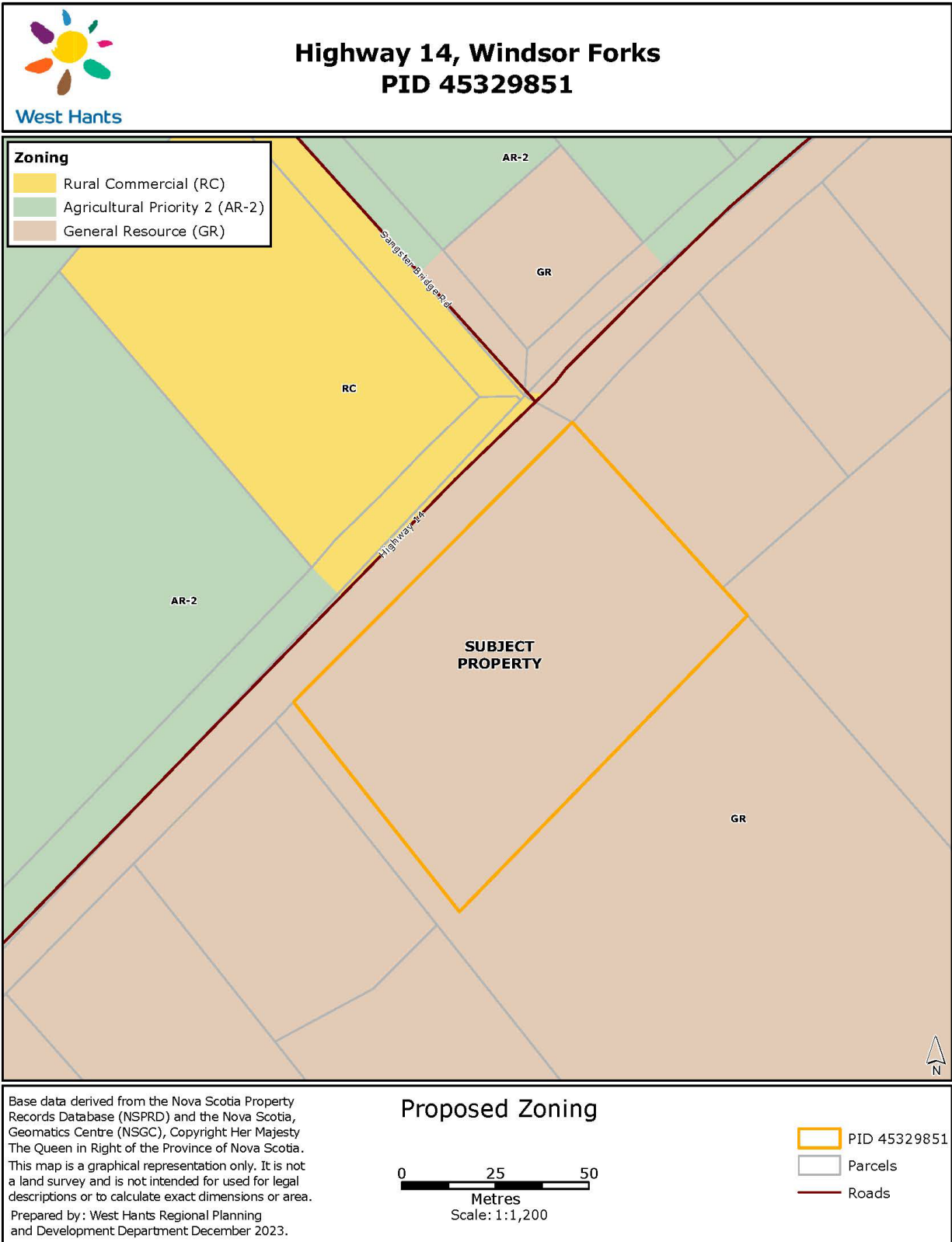


Figure 3 - West Hants Zoning Map Extract - Proposed



Attachment A - Policy Summary for WHLUB Amendments

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

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	No Municipal sewer or water services are available in Windsor Forks. The property has an existing septic and well. The approval for these on-site services is within the jurisdiction of Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	The proposed rezoning does not represent a change in school population.
<i>(iii) The adequacy of fire protection and other emergency services;</i>	The subject lot is located within the Brooklyn Fire District. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning change would create any new issues with adequacy of emergency equipment or response time due to the existing conditions of the site.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The subject lot has an existing driveway access to Highway 14. Nova Scotia Public Works has indicated the have no concerns with the current driveway or the surrounding road network.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;</i>	See (a)(i) above.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	Nova Scotia Public Works has indicated they have no concerns with the surrounding road network and the movement of automobiles. There is no active rail transportation in the vicinity.

	There is no sidewalk or other pedestrian infrastructure in the vicinity.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer had no concern with the lot or the proposed rezoning. The lot has adequate lot area and more than double the required minimum lot frontage for the General Resource zone.
<i>(e) the pattern of development which the proposal might create;</i>	The rezoning would not create any unusual development patterns.
<i>(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;</i>	The subject lot appears suitable. No changes are being proposed to the existing buildings, or uses on the property.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes

February 6 – 20, 2024

WHLUB Map amendment:4236 Highway 14 (PID 45329851), Windsor Forks; File 23-41

Meeting date and time	A Public Information Meeting was held on February 6, 2024 beginning at 6:26 p.m. in Council Chambers at 76 Morison Drive in Windsor.
Attending	<p>In attendance:</p> <ul style="list-style-type: none"> • Mayor Zebian • Senior Planner, Mark Fredericks • Planner, Alex Dunphy • Director of Planning and Development, Sara Poirier • Planning Administrative Assistant Vanessa Lake • Chief Administrative Officer, Mark Phillips • Sheldon Musseau, Applicant <p>No members of the public were present for the Public Information Meeting.</p>
WHLUB map amendment: Rezone 4236 Highway 14 (PID 45329851) in Windsor Forks from Rural Commercial (RC) to General Resource (GR)	<p>Planner Fredericks outlined the request and described the proposed rezoning process to change from the Rural Commercial (RC) zone to the General Resource (GR) zone.</p> <p>The applicant did not make a formal presentation.</p>
Comments	No comments were made during the Public Information Meeting.
Adjournment	There being no further business, the meeting was adjourned at 6:36 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: March 14, 2024

Subject: HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the Hantsport Land Use By-law to rezone PID 45045879 on Willow Street in Hantsport, from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-01 to the Planning and Heritage Advisory Committee dated March 14, 2024.

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone in Section 8.4 in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

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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A completed application was received from Tom Lavers on January 8, 2024. The application was to rezone the subject lot from Single Unit Residential (R-1) to Multiple Unit Residential (R-3) to allow for the potential to develop a 15-unit residential apartment building.

DISCUSSION

The subject lot is currently designated Residential on the Generalized Future Land Use Map (GFLUM) of the Hantsport Municipal Planning Strategy (HMPS) (Figure 1). The subject lot is zoned Single Unit Residential (R-1) on Schedule A of the Hantsport Land Use By-law (HLUB) (Figure 2).

All properties surrounding the subject lot are designated Residential and zoned Single Unit Residential (R-1). Adjacent properties are single unit dwellings, with other lots zoned Recreation Open Space (ROS) and Institutional (I) located on School Street.

Municipal Planning Strategy Review

Policy RP-7 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to allow new multi-unit residential uses within the Serviced Residential Designation by rezoning to the Multiple Unit Residential (R-3) zone provided proposed rezoning will not have a negative impact on adjacent residential uses and subject to the criteria contained in Section 11.3.1. The full policy analysis is included with this report in Attachment A. In summary, the proposal meets this policy since there are no concerns described by the Development Officer and there are other regulatory requirements to address potential impacts on surrounding properties.

Policy IM-3 establishes the general criteria that must be considered for all amendments to the Hantsport Land Use By-law. 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, Area Manager of the Nova Scotia Department of Public Works, and Public Works Engineering Division have no concerns which have not been addressed in this report.

Minimum Lot Frontage Requirement

During the evaluation of lot suitability, staff discovered an ambiguity in the Minimum Lot Frontage requirement for Apartment Buildings and Grouped Homes category in the Multiple Unit Residential (R-3) zone in the Hantsport Land Use By-law (HLUB). The current section reads as follows:

	Townhouse Development	Apartment Buildings and Grouped Homes
Minimum Lot Frontage	22 metres (72.2 feet) for the first two units, plus 19.6 feet (6 metres) for the third and each additional unit	22 metres (72.2 feet) for the first two units, <u>and</u> 30 metres (98.4 feet) for three or more units

As seen in the above table, the word ‘and’ is used between the minimum lot frontage measurements for two units and three or more units. In all other circumstances in *Subsection 8.4.2, Lot Specifications*, the word ‘plus’ is used to indicate that the measurement for the first two units is to be added to the measurement for three and more units. The use of ‘and’ instead of ‘plus’ indicates to staff that the intention of the requirement is to separate the minimum lot frontage measurement for two units, in comparison to three or more units. Additionally, in both the Multiple Unit Residential (R-3) zone of the West Hants Land Use By-law (WHLUB) and the High Density Residential (R-4) zone of the Windsor Land Use By-law (WLUB), the minimum lot frontage is listed as 100 ft. (30.48 m.). The consistency of this measurement also indicated to staff that the intention of the HLUB is to maintain this requirement.

To address the ambiguity described above, staff suggest replacing the use of the word ‘and’ with the word ‘or’, as seen in Attachment B.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

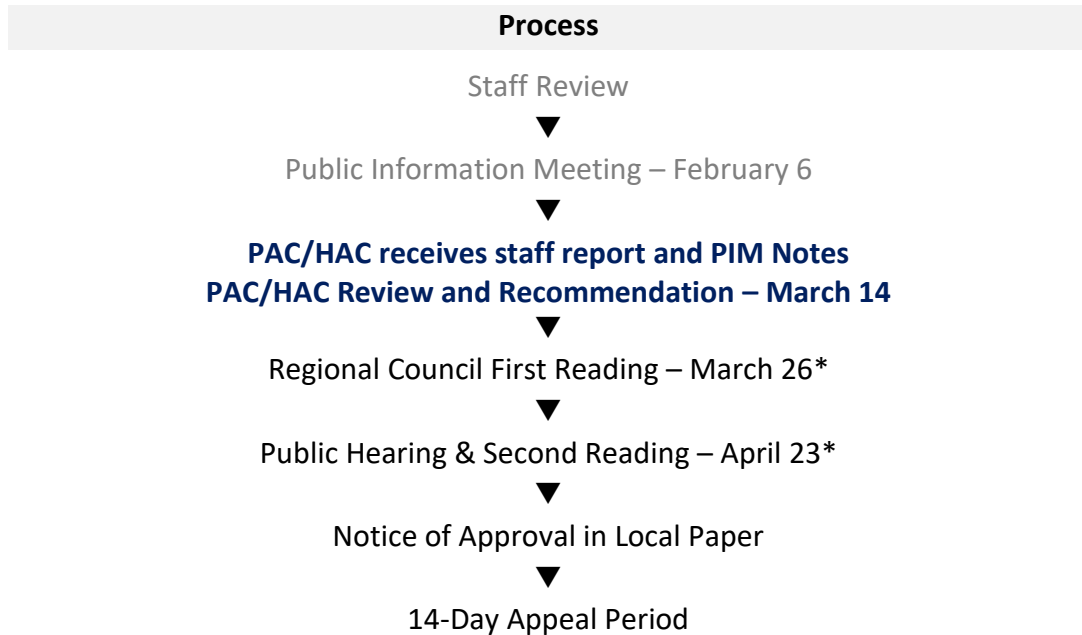
The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The property is not included with the Wetlands designation on the Hantsport GFLUM or the Conservation Open Space (COS) zone on the Hantsport Zoning Map.

Staff were advised by the Public Works Engineering Division that a stormwater management plan would be required during the permitting process.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the HMPS, and is consistent with the intent, objectives, policies and criteria of the HMPS. As a result, it is reasonable to amend the zoning of PID 45045879 to the Multiple Unit Residential (R-3) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

- | | |
|----------|------------------------------|
| Figure 1 | Hantsport GFLUM Extract |
| Figure 2 | Hantsport Zoning Map Extract |

Figure 3	Hantsport Proposed Zoning Map Extract
Attachment A	Policy Summary for HLUB Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – Hantsport GFLUM Extract

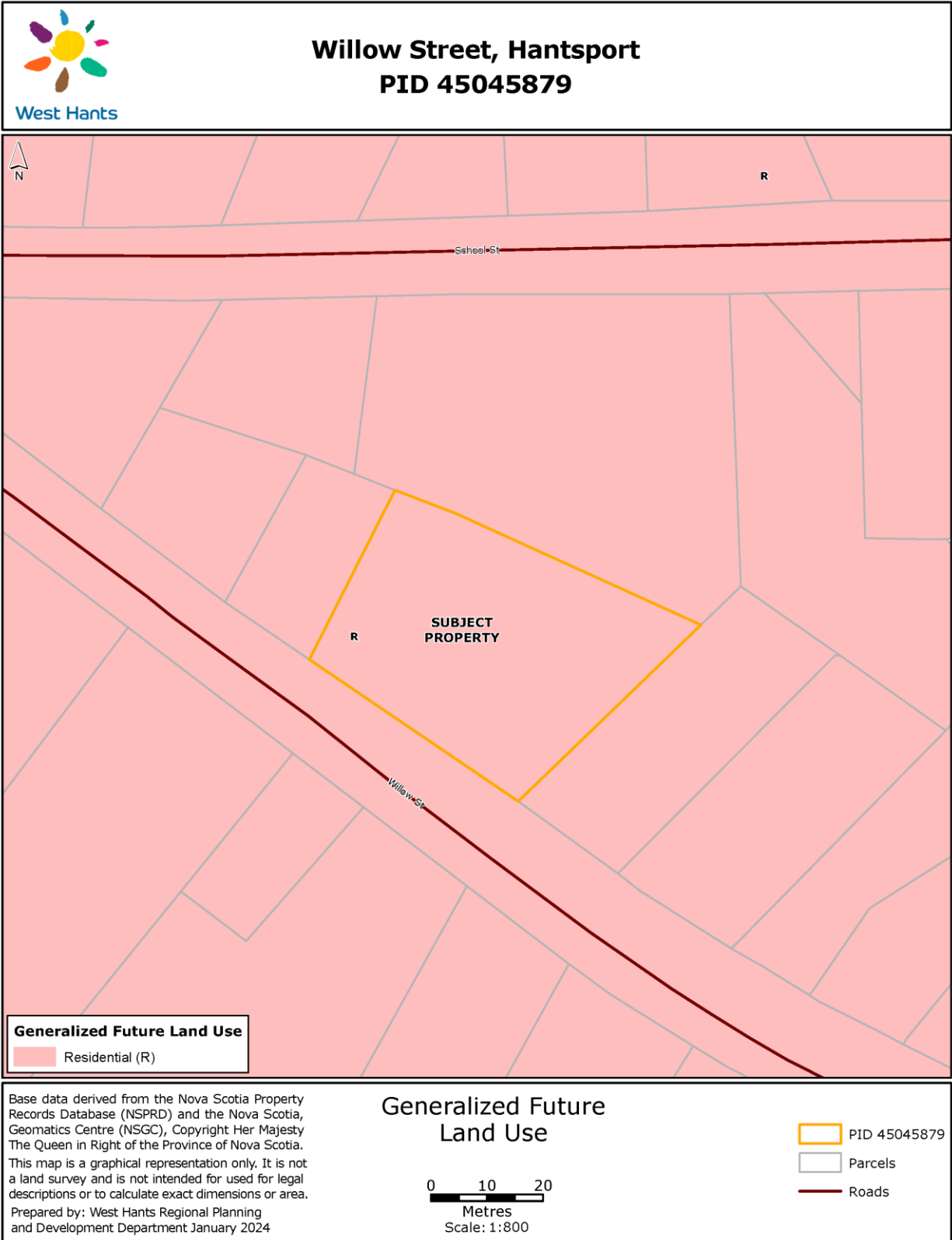


Figure 2 – Hantsport Current Zoning Map Extract

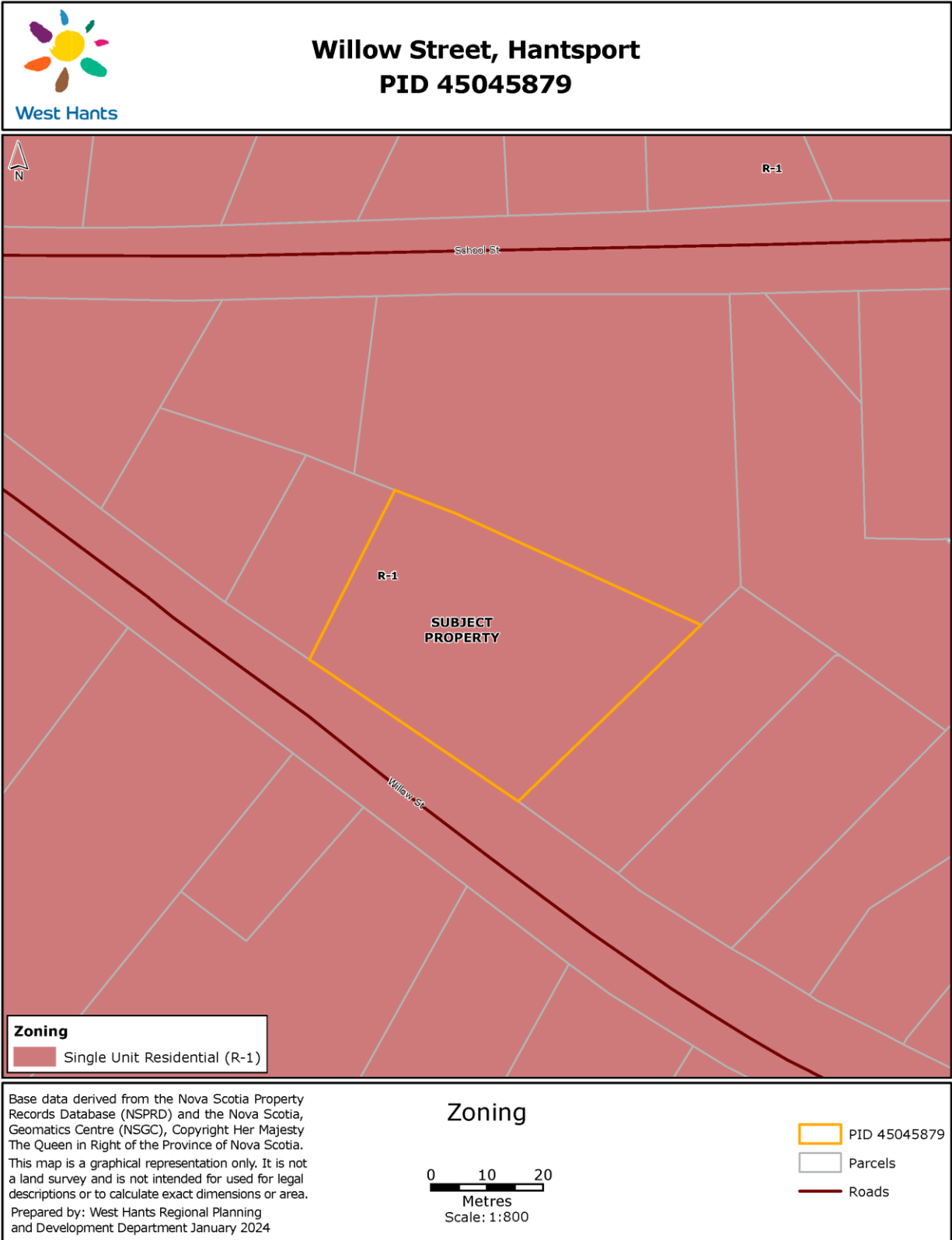
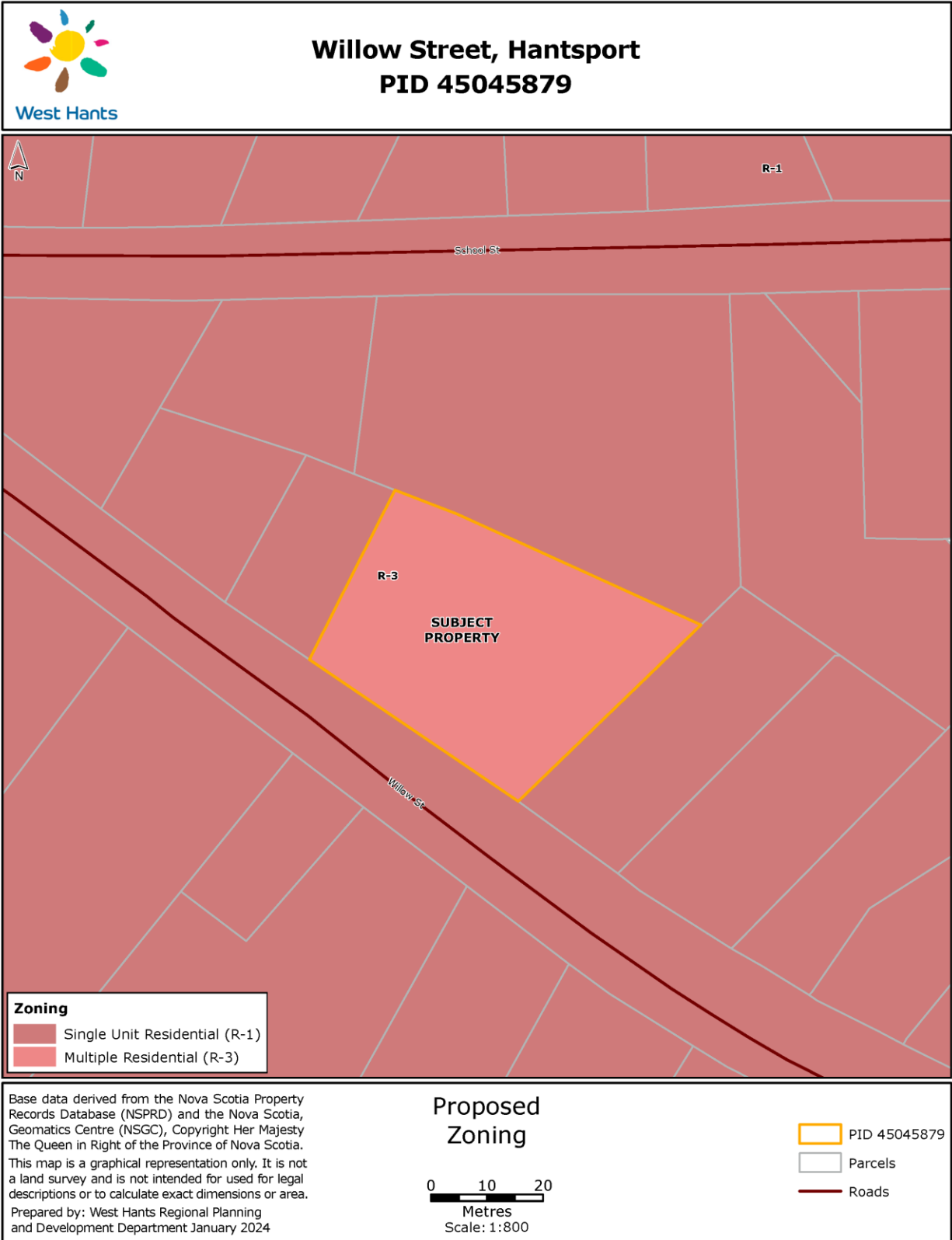


Figure 3 – Hantsport Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendments

<p>Policy RP-7 <i>It shall be the policy of Council to allow new multi-unit residential uses within the Serviced Residential Designation by rezoning to the R-3 zone provided proposed rezoning will not have a negative impact on adjacent residential uses and subject to the criteria contained in Section 11.3.1</i></p>	<p>The Development Officer commented that they had no concerns regarding the impact on surrounding uses. Of the potential impacts of the proposed development identified by the public, staff have been advised that there are adequate measures to ensure that surrounding properties are not affected by the development of this lot. This includes stormwater management, adequate on-site parking, building setbacks, maximum height, traffic capacity of Willow Street, municipal service capacity, and geotechnical requirements for the land. The proposal will be required to meet the zone requirements of the Multiple Unit Residential (R-3) zone and the designation is intended for residential development of varied density.</p>
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<p>Policy IM-3 <i>In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered appropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Engineering Division commented that any sewer to a dwelling on the lot would likely require a domestic pump system to meet municipal specifications. The property owner has been notified of this requirement. Also, there is sufficient water capacity for domestic use, however, if a sprinkler system is</p>

	<p>required that the current service connection would not be sufficient and that a fire flow study would be required along with comment from the Municipal Building Official. The Manager of Building and Fire Inspection Services responded that there are alternative options for a developer to address issues with water capacity relating to fire safety, one option is for an engineered holding tank. Due to the alternative options available to address water and sewer servicing, staff consider this criterion met.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that projected capacity for student enrollment and student transportation appears sufficient to accommodate the proposed development.</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The local Fire Chief commented that they had no concerns. The Manager of Building and Fire Inspection Services commented that an apartment building on the subject lot would require a sprinkler system if a 15-unit, 3-storey building had a footprint larger than 6,458 sq. ft. (600 sq. m.), otherwise no sprinkler system would be required. They had no concerns regarding the adequacy of fire protection.</p>
<p><i>(iv) the impact on adjacent uses;</i></p>	<p>See Policy RP-7.</p>
<p><i>(v) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Traffic Authority commented that Willow Street is an arterial road designed to handle high volumes of</p>

	<p>traffic and they had no concerns regarding the adjacent road network.</p>
<p><i>(vi) 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 Traffic Authority commented that they had no concerns regarding the suitability of movement and traffic or the proposed clarification of the minimum lot frontage requirement. A sidewalk is present on Willow Street directly abutting the subject lot, providing pedestrian access to Main St. There is no active rail line in the vicinity.</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 provided the minimum lot frontage of the Multiple Unit Residential (R-3) zone in the HLUB is amended as drafted, they had no concerns regarding the adequacy of the dimensions and shape of the lot for the intended use.</p>
<p><i>(d) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that they had no concerns regarding the pattern of development which the proposal might create. The proposed zoning matches the intent of the Residential designation, which the subject lot is included within.</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>There are some existing challenges for construction on the subject lot. The first is the sloping to the rear of the subject lot, which would require some form of infilling to provide a stable base</p>

	<p>for construction. The Manager of Building and Fire Inspection Services advised staff that a geotechnical report would be required to be submitted to ensure that the infill is stable and will support the proposed structure. No waterbodies or wetlands appear to be present on the mapping for the subject lot, however, there have been comments from the public that there are wet conditions on the property. The Public Works Engineering Division commented that they would be requesting a stormwater management plan as part of the permitting process to ensure that pre- and post-development flows are neutral or better. Based on the correspondence received, staff consider this criterion met.</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;</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(g) the impact of not only the use being proposed, but all uses permitted in the zone;</i></p>	<p>The proposed use is the maximum density of the lot which could be considered as-of-right in the Multiple Unit Residential (R-3) zone if rezoned. Any other uses permitted in the proposed zone would be considered less intensive.</p>
<p><i>(h) the site meets all of the zone requirements for the zone sought; and</i></p>	<p>See Policy IM-3 (c).</p>

<i>(i) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.
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Attachment B – Draft Amendments

Note: purple text indicates a change from the present HLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Hantsport Land Use By-law

Text amendment to Section 8.4 of the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone.

Amend 8.4.2, *Lot Specifications*, in the Hantsport Land Use By-law to replace the word ‘and’ with the word ‘or’, in the minimum lot frontage for apartment buildings and grouped homes, so that 8.4.2, *Lot Specifications*, reads as follows:

8.4.2 Lot Specifications

The following minimum specifications apply to all lots:

	Townhouse Development	Apartment Buildings and Grouped Homes
Minimum Lot Area	660 square metres (7104.4 square feet) for the first two units, plus 150 square metres (1614.5 square feet) for the third and each additional unit	660 square metres (7104.4 square feet) for the first two units, plus 100 square metres (1076 square feet) for the third and each additional unit
Minimum Lot Frontage	22 metres (72.2 feet) for the first two units, plus 19.6 feet (6 metres) for the third and each additional unit	22 metres (72.2 feet) for the first two units, and or 30 metres (98.4 feet) for three or more units
...		

Attachment C – Public Information Meeting Notes

February 6 – 20, 2024

HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

<p>Meeting date and time</p>	<p>A Public Information Meeting was held on February 6, 2024 beginning at 6:00 p.m. in Council Chambers at 76 Morison Drive in Windsor. The meeting was broadcast live on the Municipal Facebook page.</p>
<p>Attending</p>	<p>In attendance for the meeting: Chair:</p> <ul style="list-style-type: none"> • Mayor Zebian <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Dunphy • Planner Fredericks • Planning Assistant Lake • Director Poirier <p>Approximately 9 members of the public, as well as the applicant.</p>
<p>Applicant Tom Lavers</p> <p>Property PID 45045879, Willow Street, Hantsport</p>	<p>Planner Dunphy outlined the application to rezone the subject lot to the Multiple Unit Residential (R-3) zone.</p> <p>The applicant, Tom Lavers, did not provide a formal presentation but provided answers to questions from the public.</p>
<p>Comments</p>	<p>Comments from the public could be submitted by mail, e-mail and telephone between February 6 –20, 2024.</p> <p>Staff received 1 phone call and 15 written submissions during the comment period. The phone call was to outline the caller’s disapproval of the rezoning.</p> <p>4 members of the public spoke during the Public Information Meeting. Staff and applicant responses are in purple.</p> <ul style="list-style-type: none"> • Ryan Faulkner asked how drainage on the subject lot would be fixed. Alex responded by explaining that staff reach out to subject matter experts to address concerns and that a stormwater management plan would be required. Tom Lavers responded that the stormwater would be

	<p>addressed through municipal requirements.</p> <p>Ryan asked about how his property value would be affected.</p> <p>Tom replied that the building would be well maintained.</p> <p>Ryan commented that policing is currently an issue and asked if the rezoning would only affect the lot and not the surrounding area.</p> <p>Mayor Zebian replied that this process is only for the individual lot.</p> <p>Ryan commented that there is flooding issues in that area that should be addressed.</p> <ul style="list-style-type: none">• Larry LeCouter commented that the subject lot is heavily sloped and that infill would be required. Larry was not in favour of the apartment building as the surrounding buildings are single-unit. Larry indicated that the property is swamp land, would require 300 loads of fill, and it is not suitable for a development. Larry was concerned with the lack of information in the proposal.• Barb LeCouter commented that Willow Street is heavily used when the highway is blocked and asked why this lot was chosen. <p>Tom responded the property was the piece of land that was available.</p> <p>Barb was concerned with the pedestrian safety and the potential for issues with tenants.</p> <p>Tom responded that the same issues could occur with a single unit dwelling.</p> <p>Barb also indicated that flooding is an issue.</p> <ul style="list-style-type: none">• Jane Davis commented that there was another property available in McCully Pines that would be more suitable. Jane commented that the neighbourhood is quiet and asked about parking spaces as well as site plan availability so that the Planning Advisory Committee could consider more information. Jane asked what the square footage of the apartments would be and if the units would be
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	<p>affordable housing.</p> <p>Tom responded that the intent was for the units to be market rate and that the details for the plan are not developed yet as he was looking to complete the rezoning first. The 15-unit number was chosen due to that being the maximum unit density permitted, but it may be less than 15.</p> <p>Jane indicated support for housing, but in the right context, as this lot is in a low-density neighbourhood.</p>
Adjournment	The Public Information Meeting was adjourned at approximately 6:27 p.m.

Public Email Responses Submitted for the Application

February 12, 2024
From Judith Swaine
To Alex Dunphy

Good morning

I am concerned about an apartment building being built on Willow Street.

I live close to where it is to be built and I don't want it there so I do not approve of the apartment building. I have lived at *ADDRESS REMOVED* since 1979. I hope this note makes a difference.

Thank you

Judith Swaine

February 12, 2024
From Cathy Ridge
To Alex Dunphy

Good morning Alex,

This letter is in concern for the proposal of a 15 unit apartment building on Willow Street, Hantsport NS.

I request that this lot be Not rezoned to R3. My reasoning is as follows:

The lot is not suitable for development, neither financially, size or for the water issues. Currently that land is like a swamp, aiding as a place for the rain waters to go to stay away from neighboring (house dwelling) properties.

The steep slope off the road will require hundreds of loads of fill, which is very costly. This will push more rain water into the neighboring properties causing severe damage. The cost of living is too high now, let alone having to pay extra for preventable damages.

There is a very large, very old cherry tree on this property. Building anything on this lot would require the destruction of natural resources and beauty. That would be a sin.

The nearest R2 is in "downtown commercial" district, as the neighbourhood is made of low density, single family homes. Our property values will drop considerably if there is an addition of an apartment building in the middle of our sweet single family dwellings.

I live on one side of this lot. I've been happy for 20 years, feeling confident that the lot will always be empty due to the high cost of filling in to build. It's my golden piece of people free nature within the community.

I do not approve of the zoning and building of an apartment building on this lot.

Thank you,

Cathy

February 12, 2024

From Laura Oickle

To Alex Dunphy

Hello Alex,

I completely agree that there should be no rezoning of this property for the development of an apartment building. There are other suitable places closer to the commercial spaces in the community. There is no need of an apartment building in this neighborhood. It is not warranted or wanted and plain doesn't really make any sense. My request is for this lot to not be approved for rezoning for an apartment building on Willow St. Hantsport.

Sincerely,

Laura Oikle

ADDRESS REMOVED

Hantsport, N.S.

February 15, 2024

From Jason Tucker

To Alex Dunphy

Good morning,

I am a long-time resident of Hantsport, and I'm writing to express my hope that the West Hants council will approve the rezoning of PID 45045879 to allow for the building of an apartment building.

Hantsport desperately needs new development and more housing. It makes perfect sense that additional housing should be built as close as possible to the shops and services in the "downtown" core.

There are already two other R-3 zoned units within about 500m of this location (on Main St. & Holmes Hill Rd.), though they are both many years old. The proposed property would be only about 800m from the centre of town. This is an ideal, walkable location for additional residents.

While the area has traditionally been only single-family homes, it's time to welcome a larger population into our community, and there is no way to do this without adding multi-unit dwellings wherever possible, especially ones that are this close to all services.

I have heard from more than a few long-time residents that they would love to sell their Hantsport homes and stay in the community, but their options to do so are virtually zero. Until there are comfortable, new, modern apartments in this community, our existing housing stock will be underutilized by one or two senior citizens in 3-4 bedroom family homes that they can't sell because there's nowhere else to move.

As long as the professionals who evaluate proposals for West Hants don't see any physical reason to prevent this construction, I hope that they approve this and any other acceptable proposals that come before them. Hantsport can only benefit from adding new housing--lots of people want to live here, and for that I am grateful.

Thank you for your time.

--Jason Tucker

Hantsport.

February 15, 2024

From Candice Stark

To Alex Dunphy

Hi Alex,

I am writing to oppose the development of the lot on Willow Street. That area that a complete swamp and often floods the basements and backyards of those on school street. I personally know one family on school street that has significant flooding in their basement due to the marshy area and I know the municipality is aware of this issue. I understand that housing is needed but it should not be too the detriment of current homeowners.

There are many places in Hantsport that could be developed. Just not this particular lot.

Thank you for your time,

Candice Bowman

Hantsport resident

February 15, 2024

From Shaynna Crosby

To Alex Dunphy

Mr. Dunphy,

I am writing this letter upon hearing of the potential 15 unit apartment building complex to be built on Willow Street, in Hantsport. Although I no longer live in Hantsport, the proposed apartment building is to be built next door to my childhood home of *ADDRESS REMOVED*. The home my senior parents still reside in.

The lot that the proposed apartment building is to be built on is not suitable for development. It is a very steep slope off of the main road and would require massive amounts of fill to bring it up to street level. Growing up this lot was always considered bog land and would often flood. My parents basement also floods during the rainy season and I'm concerned that building up of this lot would force more run off into my parents property and then in to their basement causing further problems.

This neighbourhood has always been low density, single family homes. In approving the build of an apartment complex in this area is to greatly decrease the resale value of the surrounding homes and would be a slap in the face for the families who currently reside in the immediate and surrounding area.

There is a suitable zoned R3 building lot in the downtown area that is large enough for the proposed building. From my understanding it is also a serviced lot. I'm asking you to please reconsider approving the re-zoning of the lot on Willow Street. Please take in to consideration the families that this will greatly affect and the housing values that will be affected by this build. I agree that there is currently a housing crisis and that the building of a new apartment complex would be of great value however not on the proposed lot on Willow Street.

With kind regards,

Shaynna Crosby

February 16, 2024

From Dorothy Read

To Alex Dunphy

As the owner of the Francis deSilva property at *ADDRESS REMOVED* which is nearly directly opposite of the proposed development I have a vested interest in this proposal.

I feel this type of development is wildly inappropriate for a block that features a pleasant mix of historic & contemporary homes. A modern high rise would ruin the streetscape, increase traffic and dEstroy the wetlands that comprise most ofthat lt. The wEtlands is home to ducks, deer, turtles and other wlldlife.

Please suuggest to deVeloper the apartment building would be better located elsewhere!

Thank you

Dorothy Read

February 17, 2024

From Larry LeCouter

To Alex Dunphy

please see attached letters regarding the proposed rezoning on Willow Street in Hantsport

Letters attached below

February 17, 2024

From Sheila Rafuse

To Alex Dunphy

Dear Mr. Dunphy,

After viewing the meeting on February 6, 2024 about the proposal to change Willow Street from single (R-1) dwelling to multi unit residential (R-3) dwelling, I submit these comments:

This is a low density single unit street and is not suitable for such a proposal. With there being an (R-3) property already in Hantsport, that location should be considered first.

Being a property owner directly across from this lot, I and other properties adjacent have been notified, but all the residents on Willow Street should be made aware as it will affect the quiet and slower pace of traffic. Parking will be a problem as the lot is at least 25 feet below street level, and is not suitable for any development, whether single or multi. This is why it has remained vacant for over 70 years except for a garden that existed many decades ago.

From the meeting, I heard the property owner directly behind this lot is having an issue with flooding and drainage being addressed after expressing his concerns for several years now. This poses many more problems to come from the lot being developed as (R-3) zone.

As of this year, my property will be up for sale, but I see this proposal as a deterrent for potential future buyers as this would not be suitable for someone looking for a small lot to build a single dwelling on. Please first consider the (R-3) multi unit lot which is already available with a sewer.

In summary, there are issues with parking, traffic and noise that cannot be disregarded. Please reconsider and notify all residents on Willow street, their concerns should also be heard.

February 18, 2024

From Therese Geizer

To Alex Dunphy

I'm writing regarding the purposed 15 unit apartment building on willow st in hantsport. My husband and I own two properties on school st. *ADDRESS REMOVED*, ever since we moved here we have had water issues in our basement.

We had to pour a new cement floor with gravel and drainage as the original floor was crumbling with water bubbling up from underneath. We also had to dig a dry well in our backyard as we were told there is an underground spring that runs under our properties. To this day we still have water coming into our basement with any rainfall despite these measures! I know that 8 homes across the street and adjoining to ours have water in the basements which are all within 300 ft of this purposed development. Water runs downhill and school st is at the bottom of the hill, this lot on willow is natural catch basin which disperses gradually when it overflows to other properties connected to it. Also when all those trees are cut down on that lot, that's more water that isn't getting absorbed and pooling there. The Faulkner's have had the worst flooding ever

since that house was built there as it backs onto that lot. I'm not an expert but I think if they put a bunch of fill and build a large structure on that lot the underground water will have to go somewhere and the only logical place would be to our properties and over time compromise the large building itself. Furthermore, whenever there is an accident on the 101 hwy and traffic is diverted into town, it runs up willow st. Not many cars park on willow but when they do there isn't enough room to pass them with on coming traffic, I can't imagine what a mess it would be having cars parked in front of a 15 unit apartment building with tenants and all their visitors parking on the street!

I agree we need more housing

but at what cost? With climate change we already have seen more water on our properties and if this development goes thru it will only get worse for our homes.

We are against this development for these reason's. Unfortunately, like the Faulkner's it's buyer beware (the town has done very little to help them) and for the developer who purchase this useless lot. I sincerely hope you take our very real concerns into your final decision. Our homes are our largest investments of our lives.

Regards

Therese & Tom Geizer

February 18, 2024

From Tiffany Faulkner

To Alex Dunphy

Dear Alex,

I hope this email finds you well. I am writing to express my concerns regarding the proposed construction of an apartment building behind our residence. Ryan & I strongly do not agree with this proposal.

As a neighbor, I have thoroughly considered the potential impacts that such a development could have on our community, and I am deeply worried about several aspects:

Privacy: The construction of an apartment building behind our house would significantly compromise our privacy. Increased foot traffic and the proximity of other residents could disrupt the peaceful environment we currently enjoy.

Noise and Disruption: The construction process itself would undoubtedly cause noise and disruption to our daily lives. This could be especially concerning if it occurs during early mornings or late evenings.

Traffic Congestion: A new apartment building would likely lead to an increase in traffic in our neighborhood, potentially causing congestion and safety hazards on our streets. If the 101 were to be shut down for any reason all traffic would be rerouted that direction which would cause a huge congestion of vehicles in that spot. When there is no room right now on that road for traffic to get by when cars are parked on side of the road.

Flooding Risk: Our property is particularly susceptible to flooding, as water naturally runs towards it. The construction of an apartment building could exacerbate this issue, leading to further flooding and potential damage to our property.

Impact on Property Values: There is a concern that the presence of a large apartment complex behind our residence could negatively impact the value of our property.

Questions: If the land we're to be filled in with a large amount of fill, how could you keep it from back filling on our property over a period of time?

For the size of the building compared to the small lot. How far off the property lines would a building that size have to be? The lot size doesn't seem big enough that it would be far enough off all the property lines.

Our biggest concern is if the land gets filled in, it will displace the water that layed in there before.

I hope the municipality gets an environmental assessment on that land before considering the proposed construction.

I understand the need for development and growth within our community, but I urge you to consider alternative locations or designs for the proposed apartment building that would minimize its impact on existing residents.

Thank you for your attention to this matter.

Sincerely,

Tiffany & Ryan Faulkner

February 19, 2024

From Adam Quinn

To Alex Dunphy

Hey Alex,

My family and I live near where this rezoning request is taking place. It was only recently brought to our attention that there is a possible apartment building proposal in place for this unfit for a residence lot that has been there for as far back as my grandparents can remember. From what I've been told it was a junk yard for many years before other houses started being developed around it.

I'm concerned on why this was not brought to the attention of the whole town and only to a select few houses neighbouring the property? If such an apartment building is placed in this location. Is it going to affect property values? Are we expecting increased value in our homes? For some that would be great. For others it's a burden due to higher taxes paid each year.

Is this going to affect our water and sewage system? That's a large number of new families to provide for and we already just had a water line issue on Riverview at the start of the winter.

Clarification on these matters would be greatly appreciated. Also would like clarification on what the plans are for this structure and its parking accommodations. The lot is not even half an acre in size. It is on a drastic hill and at the bottom of the hill is a soft marsh land. If the intentions are

to build this land up for proper foundation for the structure then that will lead to major water run off for the houses behind and off the side of this lot on school street. Not to mention that it could even lead to damages to the ball field or with major rainfall even reach the school itself. Maybe if this does get rezoned then it will be in the best interest of the municipality to look into connecting a drainage runoff right into the sewage portion of the construction plans.

To end this letter of concern. I want to be clear that we do need more housing. A development of this size would be great for the area if located on a better plot of land that will not have a direct effect on citizens that have been here for years. Take into consideration the families that will have to deal with the decision you make and hear their concerns.

Thank you for your time and all you do for our area.

Best regards

Adam Quinn

Responding to the proposal of a 15 unit
apartment building on Willow St. next
door to our home.

My reason against are the following:

Rezoning R1-R3

Water issue - surrounding this lot

Parking - for ec. unit plus additional vehicles
if 2 or more per apt.

The land not suitable for development - slope
fill needed - marsh & bog.

Neighborhood is low density, single family homes
When hwy shut down due to accidents this
street becomes very busy.

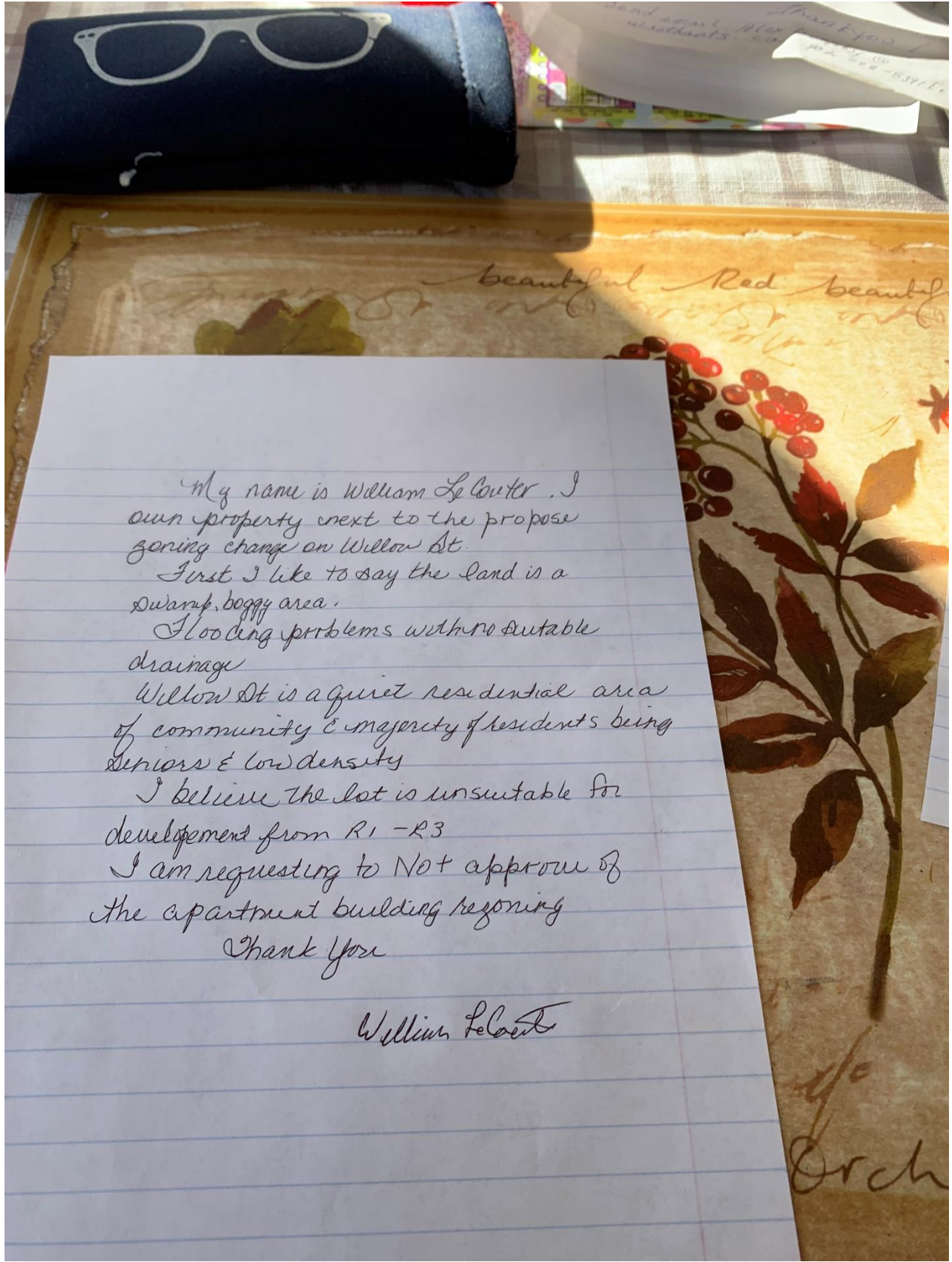
Nearest R2 is in downtown commercial district

Suitable zoned (R3) + lg enough lot available
downtown + is serviced

I am requesting to NOT approve of the
apartment building

Thank You

Barb Helcuter



My name is William LeCoutre. I own property next to the propose zoning change on Willow St.

First I like to say the land is a Swamp, boggy area.

Flooding problems with no suitable drainage

Willow St is a quiet residential area of community & majority of residents being seniors & low density

I believe the lot is unsuitable for development from R1 - R3

I am requesting to Not approve of the apartment building rezoning

Thank You

William LeCoutre

To: Whom It may concern!

I am one of the homeowners on Willow St. I disagree with the building of a 15 unit apartment on a piece of land between 2 houses with a steep hill that would not be appropriate for people living behind there.

neighborhood hood is low density and there would have to be lots of full needed.

There is a suitable lot zoned (R3) & large enough building lot available in town & is serviced.

Please request to not approve of apartment building

Thankyou!

send email: Alex Dunphy @
westhants.ca 902-798-8391 Ext 118



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: March 14, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 210

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

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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A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

Staff reviewed the WMPS and WLUB and determined there were no policy options to consider the proposed use by development agreement. Staff reviewed the application and determined the request was similar to the Commercial (C-1) zone in Hantsport where residential uses are permitted with located behind, above, or below a commercial use. Staff originally drafted amendments based on the Commercial (C-1) zone from the Hantsport Land Use By-law which, if approved, would have allowed the requested residential use behind a commercial use on the ground floor to be permitted as-of-right.

During the January 11 PAC/HAC meeting, the committee recommended in favour of the amendments as drafted by staff.

During the January 23 Council meeting, direction was given to staff to draft policy to permit the request through consideration by development agreement. Staff have drafted amendments to the WMPS and WLUB, as seen below.

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor to residential uses. The commercial use would still front on Water Street, with the residential uses being located in the rear of the ground floor.

The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) and is included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Currently, the WMPS and WLUB do not allow residential uses on the ground floor in the Pesaquid Comprehensive Development District (P-CDD) zone.

Windsor Municipal Planning Strategy

Policy 7.5.2 and 7.5.3 of the Windsor Municipal Planning Strategy (WMPS) outline the types of uses that Council will consider by development agreement within the Pesaquid Comprehensive Development District (P-CDD) zone.

To permit the proposed residential uses behind commercial uses on the ground floor by development agreement as requested by Council, the following changes are required to the WMPS:

- Adding to Policy 7.5.2, residential uses behind commercial uses on the ground floor of existing buildings to the list of developments considered by development agreement;
- Adding wording to Policy 7.5.3 (c) to include residential uses to be located behind commercial uses on the ground floor of existing buildings; and
- Inserting a new policy in Section 7.5 to create the criteria to evaluate development agreement applications for residential uses to be located behind commercial uses on the ground floor of existing buildings.

The full set of changes can be found in Attachment B.

Windsor Land Use By-law

Section 6.1 of the Windsor Land Use By-law (WLUB) lists developments that may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy.

To permit the proposal, the following addition to the WLUB is required:

- Adding residential uses behind commercial uses on the ground floor of existing buildings to clause (g) of Section 6.1

The full set of proposed amendments can be found in Attachment B.

Impact of Proposed Changes

The proposed changes would only affect properties within the Pesaquid Comprehensive Development District (P-CDD) zone. There are currently only 16 properties within the P-CDD zone and they are all located on the north-west side of Water Street in Windsor (Figure 1). The existing uses located in this zone are primarily 1-2 storey buildings with ground floor commercial uses and residential units above. Allowing residential uses behind commercial uses on the ground floor to be considered by development agreement will not impact the intended streetscape experience, as commercial uses will still be required at the front of the buildings on the ground floor.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division, these changes did not raise any concerns which are not otherwise addressed in this report.

General Criteria

Policy 16.1.1 allows Council to review and make amendments to the WMPS. Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, the request for a ground level residential use within a commercial district is not permitted within the

current planning documents and provides Council with the option to consider the proposal as a change in the development environment. The proposal also aligns with the Statement of Provincial Interest Regarding Housing as the amendment will provide additional opportunities for residential development which would not have otherwise been permitted.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB. 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, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding, including the entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

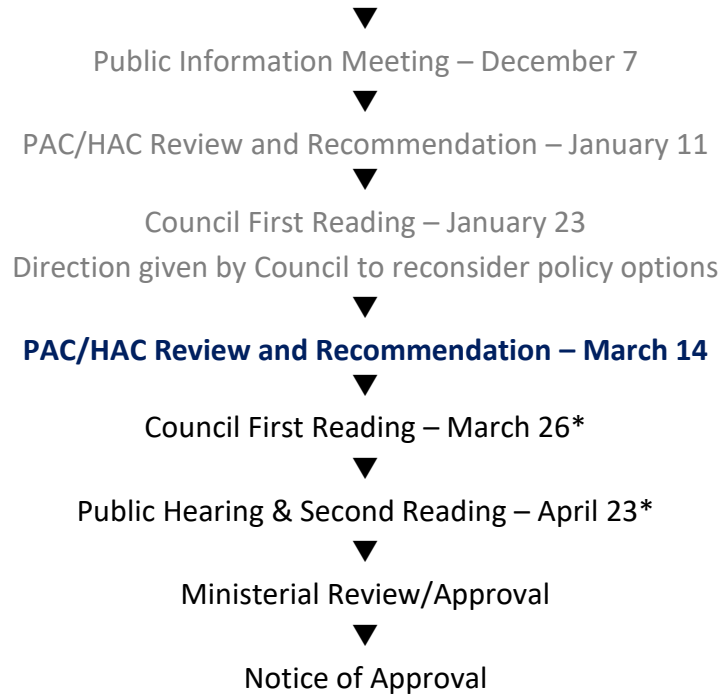
Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to permit the requested changes to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement.

Process

Staff Review



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

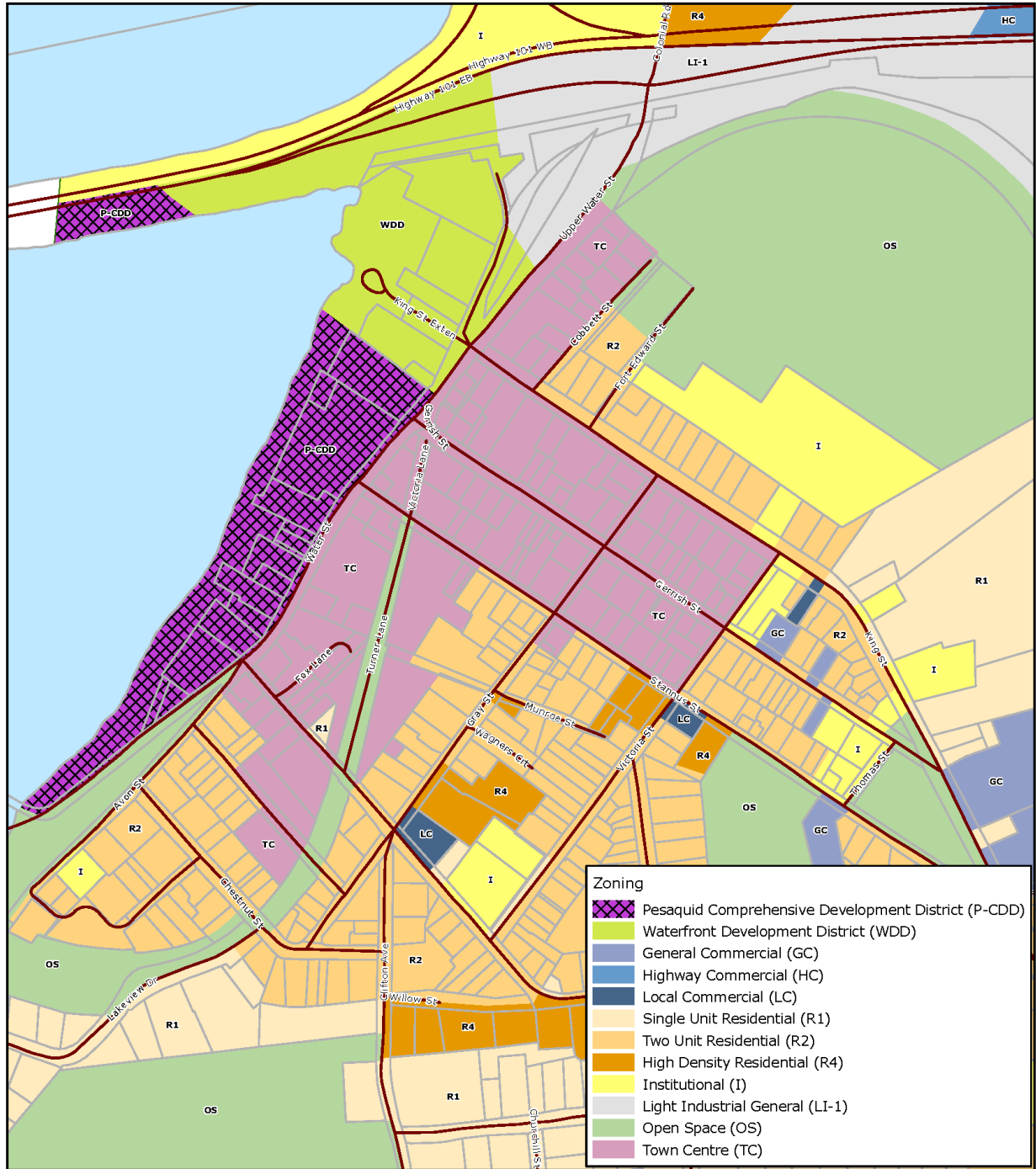
Figure 1	Windsor Zoning Map Extract
Attachment A	Policy Summary for Planning Document Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Attachment D 2024-01-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid
Comprehensive Development District; File # 23-39A

Report Prepared by: _____
 Alex Dunphy, Planner

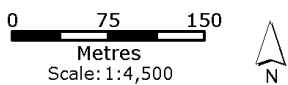
Report Approved by: _____
 Sara Poirier, Director of Planning and Development




Figure 1 – Windsor Zoning Map Extract



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department November 2023

Pesaquid Comprehensive Development District - Windsor



-  Parcels
-  Roads
-  Water

Attachment A – Policy Summary for Planning Document Amendments

<p>Policy 16.3.1 <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></p>	
<p><i>(a) whether the proposal is considered appropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Engineering Division commented that they had no concerns regarding ground level residential uses on Water Street or the capacity of water and sewer services.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that “We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development.”</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses.</p> <p>The local Fire Chief commented that any residential unit would require unimpeded access, which is already a requirement of the permitting process.</p>
<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 did not have any</p>

	<p>concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required in the WLUB for as-of-right developments.</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 Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, provided that off-street parking is provided for the residential units.</p> <p>Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.</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 did not have any concerns regarding the adequacy of the dimensions and shape of the lots for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lots which the existing building is located.</p>
<p><i>(d) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the changes would only permit residential units to be built</p>

	behind the commercial use on the ground floor of existing buildings.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.
<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;</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Draft Amendments

Note: purple text indicates a change from the present WMPS or WLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Windsor Municipal Planning Strategy

Text amendments to Section 7.5, *Pesaquid Comprehensive Development District*, of the Windsor Municipal Planning Strategy to allow residential developments to be located on the ground floor, behind a commercial use within an existing building.

- 1. Amend Policy 7.5.2 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.2 reads as follows:**

Policy 7.5.2 *It shall be the policy of Council that the following categories of development proposals in the Pesaquid CDD will be considered by development agreement subject to Policies 7.5.3, 7.5.4, and 7.5.5:*

- a change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone;*
- new main buildings;*
- additions in excess of 1,000 ft² (92.9 m²) in floor area.*
- accessory structures in excess of 500 ft² (46.5 m²) in floor area; or*
- residential uses behind commercial uses on the ground floor of existing buildings.*

- 2. Amend Policy 7.5.3 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.3 reads as follows:**

Policy 7.5.3 *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*

- commercial development including retail, service, office and entertainment uses;*
- recreational facilities to accommodate passive and active recreational activities or special events;*

(c) residential development as a secondary focus, located *behind the commercial uses on the ground floor or on the upper floors of existing commercial buildings*; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development.

3. Insert Policy 7.5.5 in the Windsor Municipal Planning Strategy following Policy 7.5.4 so that Policy 7.5.5 reads as follows:

Policy 7.5.5 *It shall be the intention of Council when evaluating a development agreement for residential uses behind commercial uses on the ground floor within the Pesaquid CDD, as enabled through Policy 7.5.2, to have regard to the following:*

- (a) *the residential uses on the ground floor of an existing building shall occupy no more than 50% of the ground floor area of the structure;*
- (b) *the residential uses must be located behind a commercial use. The commercial use must have frontage on the street;*
- (c) *the provisions of Policy 16.3.1*

4. All policies following the new Policy 7.5.5 in Section 7.5 shall be renumbered.

Windsor Land Use By-law

Text amendment to the Section 6.1 of the Windsor Land Use By-law to include residential uses behind existing commercial uses on the ground floor within the Pesaquid Comprehensive Development District in the list of developments to be considered by development agreement.

1. Amend Clause (g) of Section 6.1, *Development Agreements*, in the Windsor Land Use By-law to include residential uses behind existing commercial uses on the ground floor within the Pesaquid Comprehensive Development District, so that clause (g) of Section 6.1 reads as follows:

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

...

- (g) development proposals in the Pesaquid CDD in accordance with Section 7.5 of the Municipal Planning Strategy for: signs in addition to those outlined in Section 7.18 of the Land Use By-law (Amendment WLUB 17-01 Effective March 6, 2018); new main buildings; additions in excess of 1,000 ft² (92.90 m²) floor area; accessory structures in excess of 500 ft² (46.45 m²) floor area; a change in use in an existing building to a use not permitted in the TC zone; or residential uses behind commercial uses on the ground floor of existing buildings;

...

Attachment C – Public Information Meeting Notes

December 7 - 21, 2023

WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

Meeting date and time	A Public Information Meeting was held on December 7, 2023, beginning at 6:14 p.m. in Council Chambers at 76 Morison Drive in Windsor. The meeting was broadcast live on the Municipal Facebook page.
Attending	<p>In attendance for the meeting:</p> <p>Two (2) Councillors:</p> <ul style="list-style-type: none"> • Councillor Francis (Chair) • Councillor Ivey <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Dunphy • Planner Fredricks • Planning Assistant Lake • Director Poirier <p>3 members of the public and the applicants.</p>
<p>Applicant Chad and Mandy Singleton</p> <p>Property Not Applicable</p>	<p>Planner Dunphy outlined the application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit residential uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District.</p> <p>The applicant presented on their plan to develop an additional residential unit within their property at 198 Water Street in Windsor, provided that the proposal is successful.</p>
Comments	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 7 - 21, 2023.</p> <p>Staff received no comments or questions from the public.</p> <p>1 member of the public and the applicants spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text.</p> <ul style="list-style-type: none"> • Paul Beazly asked about an option to build the residential unit through a development agreement.

	<p>Alex clarified that there were no policies to allow Council to consider the proposed residential use by development agreement.</p> <ul style="list-style-type: none"> The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined. <p>Alex responded that the wording of the proposed amendments has not yet been determined. A change is required due to the planning documents prioritizing commercial development in the Pesaquid Comprehensive Development District (P-CDD).</p>
Adjournment	The PIM was adjourned at approximately 6:28 p.m.

**Attachment D - 2024-01-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid
Comprehensive Development District; File # 23-39A**



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: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: January 23, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:
 ...that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to allow residential units at the rear of commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated January 11, 2024.

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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A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

A Public Information Meeting was held on December 7, 2023.

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intends to add the option to include residential units without affecting the ability for commercial development, staff are recommending the amendments to the Pesaquid Comprehensive Development District (PCDD) zone.

Staff also relayed the feedback received from both the Fire Chief and the Public Works Engineering Division. The Fire Chief commented that residential units would require unimpeded access, which is already a requirement of the permitting process, and the Public Works Engineering Division commented that they did not have any concerns regarding the capacity of municipal services for the proposed amendment.

During the January 11 meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDIX

Appendix A 2023-01-11 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

CHIEF ADMINISTRATIVE OFFICER REVIEW

This matter has been reviewed by the PAC / HAC. The amendment will assist with the provision of residential units in the downtown area. For the noted property owner, it will allow for residential use on the back side of the property but not requiring it should they elect to re-establish a commercial use.

First reading will allow for the formal public hearing process that will ultimately support the final decision-making phase, SECOND READING.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A –
2023-01-11 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive
Development District; File # 23-39**



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 11, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to allow residential units at the rear of commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated January 11, 2024.

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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A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor for residential uses. The commercial use would still face the street. The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) and are included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Currently, the WMPS and WLUB do not allow residential uses on the ground floor in the Pesaquid Comprehensive Development District (P-CDD) zone. Staff reviewed the WMPS and WLUB and determined there were no policy options to consider the proposed use by development agreement. Staff reviewed the application and determined the request was similar to the Commercial (C-1) zone in Hantsport where residential uses are permitted with located behind, above, or below a commercial use. Staff have drafted the following amendments based on the Commercial (C-1) zone from the Hantsport Land Use By-law which, if approved, would allow the requested residential use behind a commercial use on the ground floor.

Windsor Municipal Planning Strategy

Policy 7.5.3 and 7.5.5 of the Windsor Municipal Planning Strategy (WMPS) outlines the types of uses that Council will consider within the Pesaquid Comprehensive Development District (P-CDD) zone.

Policy 7.5.3 It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:

(a) commercial development including retail, service, office and entertainment uses;

(b) recreational facilities to accommodate passive and active recreational activities or special events;

(c) residential development as a secondary focus, located on the upper floors of commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development.

Policy 7.5.5 It shall be the policy of Council that within the Pesaquid CDD, minor development such as a change in use in an existing building, a small addition or accessory building, and

repairs or renovations, shall be permitted as-of-right in accordance with the provisions of the Town Centre (TC) zone. In summary, to permit the proposed residential use, the following changes are required to the WMPS:

- Adding wording to Policy 7.5.3 (c) to include residential developments to be located behind an existing commercial use; and
- Adding wording to Policy 7.5.5 to allow residential developments to be located behind existing commercial uses.

The full set of changes can be found in Attachment B.

Windsor Land Use By-law

Section 15.1 of the Windsor Land Use By-law (WLUB) permits the following categories of development in the Pesaquid Comprehensive Development District (P-CDD) zone as-of-right:

- (a) change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;*
- (b) additions not exceeding 1,000 ft² (92.90 m²) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;*
- (c) accessory structures not exceeding 500 ft² (46.45 m²) in floor area, subject to Town Centre (TC) zone requirements; and*
- (d) temporary retail sales and food service kiosks subject to Section 15.2. The current parking requirement for apartment buildings is a ratio of 1.5 parking spaces per dwelling unit.*

In summary, to permit the proposal, the following addition to the WLUB is required:

- Adding residential uses on the ground floor not exceeding 50% of the ground floor area, located behind commercial use to Section 15.1.

The full set of proposed amendments can be found in Attachment B.

Impact of Proposed Changes

The proposed changes would only affect properties within the Pesaquid Comprehensive Development District (P-CDD) zone. There are currently only 16 properties within the P-CDD zone and they are all located on the north-west side of Water Street in Windsor (Figure 1). The existing uses located in this zone are primarily 1-2 storey buildings with ground floor commercial uses and residential units above. Allowing residential uses to be built behind existing commercial uses on the ground floor will not impact the intended streetscape experience, as commercial uses will still be required at the front of buildings at street level.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division, these changes did not raise any concerns which are not otherwise addressed in this report.

General Criteria

Policy 16.1.1 allows Council to review and make amendments to the WMPS. Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, the request for a ground level residential use within a commercial district is not permitted within the current planning documents and provides Council with the option to consider the proposal as a change in the development environment. The proposal also aligns with the Statement of Provincial Interest Regarding Housing as the amendment will provide additional opportunities for residential development which would not have otherwise been permitted.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB. 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, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding, including the entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to permit the requested changes to allow residential units behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

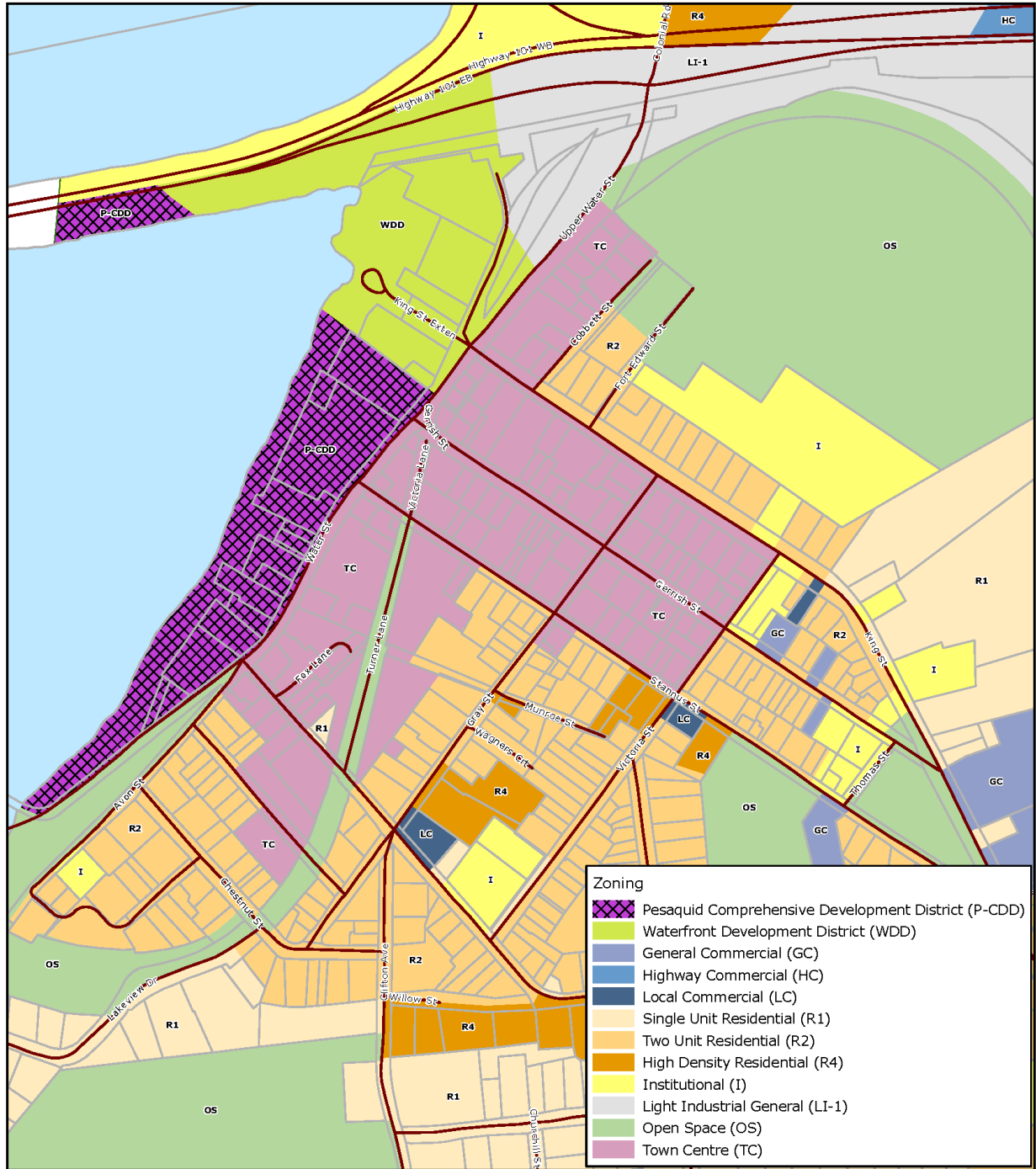
Figure 1 Windsor Zoning Map Extract

- Attachment A Policy Summary for Planning Document Amendments
- Attachment B Draft Amendments
- Attachment C Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

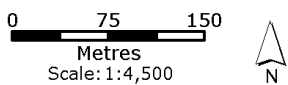
Report Approved by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – Windsor Zoning Map Extract



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department November 2023

Pesquid Comprehensive Development District - Windsor



- Parcels
- Roads
- Water

Attachment A – Policy Summary for Planning Document Amendments

<p>Policy 16.3.1 <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></p>	
<p><i>(a) whether the proposal is considered appropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Engineering Division commented that they had no initial concerns regarding ground level residential uses on Water Street. The Director of Public Works was unable to provide comment at the time of the writing of this report. Staff hope to have that feedback prior to the Planning and Advisory Committee Meeting.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that “We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development.”</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses. At the time of writing this report, staff have yet to receive comment from the</p>

	Windsor Fire Chief. Staff hope to have that feedback prior to the Planning and Advisory Committee Meeting.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Municipal Traffic Authority commented that they did not have any concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required in the WLUB for as-of-right developments.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, provided that off-street parking is provided for the residential units. Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they did not have any concerns regarding the adequacy of the dimensions and shape of the lots for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lots which the existing building is located.
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The

	<p>proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the changes would only permit residential units to be built behind the commercial use on the ground floor of existing buildings.</p>
<p><i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i></p>	<p>As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.</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;</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 Amendments

Note: purple text indicates a change from the present WMPS or WLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Text amendments to Section 7.5 of the Windsor Municipal Planning Strategy to allow residential developments to be located on the ground floor, behind a commercial use within an existing building.

Windsor Municipal Planning Strategy

- 1. Amend Policy 7.5.3 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.3 reads as follows:**

Policy 7.5.3 *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*

- (a) commercial development including retail, service, office and entertainment uses;*
- (b) recreational facilities to accommodate passive and active recreational activities or special events;*
- (c) residential development as a secondary focus, located **behind the commercial uses on the ground floor or on the upper floors of existing commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development.***

- 2. Amend Policy 7.5.5 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.5 reads as follows:**

Policy 7.5.5 *It shall be the policy of Council that within the Pesaquid CDD, minor development such as a change in use in an existing building, a small addition or accessory building, and repairs or renovations, **in accordance with the provisions of the Town Centre (TC) zone, as well as residential units located behind the commercial uses on the ground floor of existing buildings shall be permitted as-of-right.***

Text amendment to the Section 15.1 of the Windsor Land Use By-law to allow residential developments to be located on the ground floor, behind commercial uses within an existing building.

Windsor Land Use By-law

- 1. Amend Section 15.1, *As-of-Right Development*, in the Windsor Land Use By-law to include residential developments on the ground floor to the permitted uses list, so that Section 15.1 reads as follows:**

As-of-Right Development

- 15.1 The following categories of development shall be permitted in the Pesaquid Comprehensive Development District (P-CDD) zone as-of-right:
- change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;
 - additions not exceeding 1,000 ft² (92.90 m²) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;
 - accessory structures not exceeding 500 ft² (46.45 m²) in floor area, subject to Town Centre (TC) zone requirements;
 - temporary retail sales and food service kiosks subject to Section 15.2;
 - residential uses on the ground floor of existing buildings in accordance with 15.1.1.

- 2. Create Subsection 15.1.1, *Requirements for Ground Floor Residential Uses*, in the Windsor Land Use By-law to include provisions for ground floor residential uses, so that Subsection 15.1.1 reads as follows:**

Requirements for Ground Floor Residential Uses

- 15.1.1 Residential uses on the ground floor of existing buildings shall occupy no more than 50% of the ground floor area of the structure and be located behind or below a commercial use. The commercial use must have frontage on the street.

Attachment C – Public Information Meeting Notes

December 7 - 21, 2023

**WMPS and WLUB Text Amendments:
Pesaquid Comprehensive Development District; File # 23-39**

<p>Meeting date and time</p>	<p>A Public Information Meeting was held on December 7, 2023 beginning at 6:14 p.m. The meeting was broadcast live on the Municipal Facebook page.</p>
<p>Attending</p>	<p>In attendance for the meeting: Two (2) Councillors:</p> <ul style="list-style-type: none"> • Councillor Francis (Chair) • Councillor Ivey <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Dunphy • Planner Fredricks • Planning Assistant Lake • Director Poirier <p>3 members of the public and the applicants.</p>
<p>Applicant Chad and Mandy Singleton</p> <p>Property Not Applicable</p>	<p>Planner Dunphy outlined the application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit residential uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District.</p> <p>The applicant presented on their plan to develop an additional residential unit within their property at 198 Water Street, Windsor, provided that the proposal is successful.</p>
<p>Comments</p>	<p>Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 7 - 21, 2023.</p> <p>Staff received no comments or questions from the public.</p> <p>1 member of the public and the applicants spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text.</p> <ul style="list-style-type: none"> • Paul Beazly asked about an option to build the residential unit through a development agreement. <i>Alex clarified that there were no policies to allow</i>

	<p>Council to consider the proposed residential use by development agreement.</p> <ul style="list-style-type: none"> The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined. <p>Alex responded that the wording of the proposed amendments has not yet been determined. A change is required due to the planning documents prioritizing commercial development in the Pesaquid Comprehensive Development District (P-CDD).</p>
Adjournment	The PIM was adjourned at approximately 6:28 p.m.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2024-03-14

Subject: Non-Substantive Development Agreement Amendment: PID 45059631, Wentworth Rd.; File #24-06

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 approve the non-substantive development agreement amendment on PID 45059631 on Wentworth Road in a manner substantively the same as the draft set out in Attachment B of the report File #24-06 to the Planning and Heritage Advisory Committee dated March 14, 2024.

...that PAC/HAC recommends that Council require that the development agreement amendment with FH Development Group Inc. 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 February 1, 2024, from Ahsan Khan of FH Development Group Inc. on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was to consider an amendment to the development agreement with FH Development Group Inc. on PID 45059631, Wentworth Road, to increase the number of apartment units permitted in Building A from 40 to 43 and reduce the gross floor area on the ground floor for commercial uses from 10,000 sq. ft. to 5,000 sq. ft.

A revision to the application was received on February 20, 2024, from Ahsan Khan to consider allowing the commercial space to be converted to residential apartment units if it is unable to be leased within one year of framing the commercial space.

Another revision to the application was received on March 7, 2024, from Ahsan Khan to consider removing the plaza and revising the site plan to show the driveway closer to Building A. The applicant provided the following reasoning: this request is made “as per the recommendations of the Geotech Engineer. The geotechnical investigation consisted of test pits and boreholes, field testing, and laboratory testing, which help to characterize the subsurface conditions at the site. This information concludes that the proposed multi-storey apartment Building A is located on fairly good land. However, the proposed access road and proposed townhouse units on the eastern side of the site are on land with poor-quality subsurface conditions. There are organic silts extending to almost 3 m depth. In order to safeguard the flow of sewer uninterrupted, avoid settlement of the soil and the potential for sinkholes risk in this general area, we need to remove the Plaza and shift the driveway towards Building A. By this we will be able to achieve relatively better soil then as compared to its present location. The bearing capacity and sub soil conditions are forcing to take this variation in the overall site plan.”

A development agreement with FH Development Group Inc. was approved by Council on July 26, 2022. The development agreement permits a residential development consisting of a maximum of 240 apartment dwelling units and 17 townhouse dwelling units, as well as 10,000 sq. ft. gross floor area on the ground floor of Building A for commercial uses. The details of the original application, considerations and development agreement can be found in the staff report #22-03 to the Planning and Heritage Advisory Committee dated June 9, 2022 (Attachment A).

Following approval by Council, the property owner discussed financing for the project with Canada Mortgage and Housing Corporation (CMHC). In order to receive adequate financing from CMHC for the construction of the first building (Building A), the developer needs to reduce the percentage of commercial space within Building A. FH Development Group Inc. would like Council to consider increasing the number of apartment units permitted in Building A from 40 to 43 and

reducing the gross floor area on the ground floor for commercial uses from 10,000 sq. ft. to 5,000 sq. ft. with the additional allowance that the property owner can convert the commercial space to residential apartment units if the commercial space is unable to be leased within one year of framing.

DISCUSSION

The 8.43-acre subject lot abuts Wentworth Road in Windsor. The lot is designated Commercial on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy (WMPS). It is also located in the Wentworth Road Gateway District. The subject lot is zoned Wentworth Road Commercial (WR-C) on the Zoning Map of the Windsor Land Use By-law (WLUB). Almost the entire subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh. Properties within the Environmental Constraints designation must meet more stringent requirements including completing an environmental study before being issued a development permit for any new building.

Policy 8.6.15 of the WMPS and Section 6.1 (j) of the WLUB enable Council to allow comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings in the Wentworth Road Gateway District by development agreement.

Development Agreement Amendments

A property owner can apply for an amendment to a development agreement registered on their property at any time. Section 3.3 of the development agreement with FH Development Group Inc. 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. When a request is received from the property owner 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. Section 3.3 of the development agreement with FH Development Group Inc. states that the following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1, Use;
- (b) the order of building construction in Section 2.2, Development Location and Design, and the required recreation space for Buildings A, B and C in Section 2.8 (b), Recreation Space;
- (c) the fire safety requirements listed in Section 2.6, Fire Safety;
- (d) the landscaping requirements in Section 2.7, Landscaping; and
- (e) the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, Site Drainage.

Increasing the number of apartment units permitted in Building A, reducing the gross floor area on the ground floor for commercial uses, and allowing the conversion of the commercial space to residential apartment units if it is unable to be leased within one year of framing does not impact any matter listed as substantive in this development agreement. Additionally, removing the plaza and revising the site plan to show the driveway closer to Building A is a non-substantive amendment to the development agreement. These requested amendments will not change the intent of the overall maximum number of apartment dwelling units permitted on the site or the order in which buildings are constructed. Therefore, this application can follow the process for a non-substantive development agreement outlined in the *Next Steps* section of this report.

Proposed Amendments

There are four (4) amendments proposed to this agreement. The first amendment is to attach an updated site plan specifying the increased number of apartment units in Building A and the reduction of gross floor area for commercial uses. The second amendment is proposed to Section 2.2, *Development Location and Design*, to increase the number of apartment units permitted in Building A from 40 to 43 and to reduce the gross floor area on the ground floor for commercial uses from 10,000 sq. ft. to 5,000 sq. ft. The third amendment is to remove the requirement for the plaza or central garden in Section 2.8, *Recreation Space*. The fourth amendment is to add a new Section 2.16, *Building A Commercial Space*, which will outline the parameters to be met by the Owner for the Development Officer to consider allowing the commercial space to be converted to residential apartment units.

All remaining terms and conditions of the development agreement will remain in full force and effect.

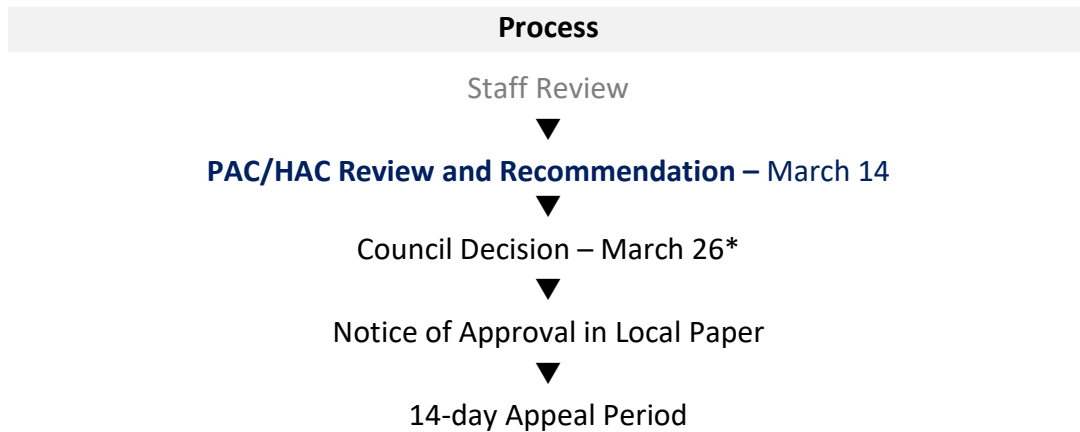
Windsor Municipal Planning Strategy

Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District. Policy 8.6.15 establishes Council's intention to "*consider proposals for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement*" within the Wentworth Road Gateway District.

The proposal has previously been considered in relation to the specific criteria in Policy 8.6.15 and the general criteria in Policy 16.3.1 (Attachment A). As this is a non-substantive amendment to the development agreement, the application has not been reevaluated against the specific or general criteria in the WMPS.

NEXT STEPS

As noted above, the proposed development agreement amendment is non-substantive in nature and has been considered within the context of the development agreement and is consistent with the intent, objectives, and policies of the WMPS. As a result, it is reasonable to enter into an amended development agreement to increase the number of apartment units permitted in Building A from 40 to 43, reduce the gross floor area on the ground floor for commercial uses from 10,000 sq. ft. to 5,000 sq. ft., and add the allowance for the property owner to convert the commercial space on the ground floor of Building A to residential apartment units if it is unable to be leased within one year of framing.



*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:

- approve the development agreement amendment as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A 2022-06-09 Staff Report Development Agreement: Wentworth Road, PID
45059631; File #22-03
- Attachment B Draft Development Agreement Amendment

Report Prepared by: _____
Sara Poirier, Director of Planning and Development

Report Reviewed by: _____
Mark Fredericks, Senior Planner



Attachment A

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-06-09

Subject: Development Agreement: Wentworth Road, PID 45059631; File #22-03

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit 240 apartment units, 10,000 sq. ft. of commercial space, and 17 townhouse dwellings on PID 45059631 on Wentworth Road in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee report #22-03 dated June 9, 2022.

...that PAC/HAC recommends that Council require that the development agreement with FH Development Group Inc. 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 January 20, 2022, from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the property at PID 45059631 on Wentworth Road. The lot is currently vacant and is owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

This application was considered by Planning and Development staff in two parts:

1. an amendment to the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to enable Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District. This portion of the application was approved by Council on April 26, 2022; and
2. consider the proposed uses by development agreement as per Policy 8.6.15 of the WMPS.

This report corresponds with the second part of the application.

DISCUSSION

The 8.43-acre subject lot abuts Wentworth Road in Windsor. The lot is currently designated Commercial on the Generalized Future Land Use Map (Figure 1) of the Windsor Municipal Planning Strategy (WMPS). It is also located in the Wentworth Road Gateway District. Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District.

The subject lot is zoned Wentworth Road Commercial (WR-C) on the Zoning Map of the Windsor Land Use By-law (WLUB) (Figure 2). The Wentworth Road Commercial (WR-C) zone permits a wide range of general commercial and highway commercial uses, as well as large format retail stores within a specified size limit as-of-right. Residential uses are permitted in the Wentworth Road Commercial (WR-C) zone however not on the ground floor. Dwellings grouped on the same lot are also not permitted.

Almost the entire subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh. The Windsor Dykeland’s Background Report (2001) specifies that the subject lot, and approximately 40 percent of the properties within the Tregothic Marsh, have been exempted by the Province from the requirements of Section 41 of the *Agricultural Marshland Conservation Act*. The *Agricultural Marshland Conservation Act* (2001) protects

marshland for agricultural purposes. Being exempt from this portion of the Act means that the owner would not have to apply to the marsh body to allow any future construction within the designated area of the subject lot.

Properties within the Environmental Constraints designation must meet more stringent requirements including completing an environmental study before being issued a development permit for any new building. The property owner is proposing to develop a currently vacant lot therefore any of the buildings to be constructed on the Environmental Constraints area of the subject lot would have to meet Section 27.0, Environmental Constraints Areas, of the WLUB. The study should describe site conditions and suitable construction methods for the specific lot. This is also outlined in Section 2.10 (d), *Environmental Study*, of the draft development agreement.

The subject lot directly abuts properties with a variety of zoning and designations. The designation of the properties abutting the subject lot include Agriculture and Commercial and the zoning of these abutting lots is Wentworth Road Commercial (WR-C), General Commercial (GC), and Agriculture (AG).

History of Subject Lot

The subject lot (PID 45059631) was the location of former Windsor High School which was decommissioned in 2004. The subject lot was owned by the Municipality until 2021 when it was deemed to be surplus property and advertised for sale publicly. The lot was sold to FH Development Group Inc. through a Purchase and Sale Agreement.

The Purchase and Sale Agreement requires the proposed development to be 15% complete within two (2) years of the execution of a development agreement. The agreement specifies that construction of the proposed development shall be considered 15% complete once the footings for the initial apartment building are complete. The timelines for commencement in Section 4.1 and phasing in Section 2.3 of the draft development agreement in Attachment C has been drafted with this in mind.

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.

Windsor Land Use By-law

Section 6.0 of the WLUB, Development Agreements, states that *“The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:*

- (j) development proposals in the Wentworth Road Gateway District in accordance with Policy 8.6.15 of the Municipal Planning Strategy for: comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area; regional shopping centres; institutional uses; mixed use; multiple unit residential; or light industrial development;”

Proposed Development Agreement

The applicant proposes to develop three (3) five-storey and two (2) six-storey apartment buildings for a total of up to 240-units within the apartment buildings. One (1) building will include up to 10,000 gross sq. ft. (929 sq. m.) of commercial space on the ground floor. The applicant also proposes to develop up to 17 townhouses on the lot. The site will have a minimum of 60,000 sq. ft. (5,574.2 sq. m.) of usable recreational space for tenants which will include a plaza and central garden. The permitted uses on the lot are outlined in Section 2.1, *Use*, of the draft development agreement (Attachment C).

The property owner is proposing a total of 260 parking spaces on the lot for the apartment buildings with 126 of those spaces being located within the first level of the buildings and the rest of the parking outside at grade. The WLUB currently requires 1.5 parking spaces per dwelling unit at a size of 10 ft by 20 ft. Due to the location of the lot in the community of Windsor and proximity of the lot to surrounding services, staff determined that it would be appropriate to reduce the amount of required parking per dwelling unit. As outlined in Section 2.5, *Parking*, of the draft development agreement, parking will be required at one (1) space per dwelling unit and a minimum of one (1) parking space for every 300 sq. ft. (27.9 sq. m.) gross floor area dedicated to commercial uses. The size of each parking space will be 9 ft. x 20 ft. (2.7 m. x 6.1 m.).

Section 2.4, *Access and Egress*, of the draft development agreement outlines that the developer will be required to construct a 5 ft. (1.52 m.) wide pedestrian walkway from the sidewalk on Wentworth Road to the building entrances. This will ensure pedestrian safety and promote active transportation use to surrounding services.

The WLUB requirements for signs and lighting will be used to regulate signs and illumination on the subject lot, as outlined in Section 2.13, *Signs and Lighting*, of the draft development agreement. Waste collection and snow plowing will be provided privately by the developer (Section 2.10 (a) and (b)). Construction noise is limited to between the hours of 7:00 a.m. and 9:00 p.m. daily, unless construction is being conducted within a wholly enclosed structure (Section 2.11). Section 2.6, *Fire Safety*, was developed based on the Fire Chiefs comments.

To meet the Wentworth Road Gateway intent, policies and criteria, the draft development agreement was written to require:

- a 15 ft. (4.57 m) landscaped area along the lot frontage on Wentworth Road (Section 2.7 (b));
- landscaped islands within parking areas of 20 spaces or more to avoid the appearance of large, uninterrupted expanses of asphalt, which may be used for on-site stormwater management;
- a 5 ft. (1.52 m.) wide pedestrian walkway to the main entrances of each building to ensure safe pedestrian access (Section 2.4 (d)); and
- the building design to incorporate windows and other elements at the street level façade to avoid the appearance of solid blank walls (Section 2.2 (d)).

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

- 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 2.9, *Site Drainage*;
- an Environmental Study for any portion of the main buildings to be constructed upon lands designated as Environmental Constraints on "Schedule A - Zoning" of the Land Use By-law as outlined in Section 2.10 (d), *Environmental Study*; 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 2.10 (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;
- the order of building construction in Section 2.2, Development Location and Design, and the required recreation space for Buildings A, B and C in Section 2.8 (b), Recreation Space;
- the fire safety requirements listed in Section 2.6, Fire Safety;
- the landscaping requirements in Section 2.7, Landscaping; and
- the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, Site Drainage.

Other items such as engineered building design, accessible parking, elevators, 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 would 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.

Public Comments

Staff received comments from the public during the Public Information Meeting (PIM) comment period from May 12-27, 2022. All comments received were considered by staff when drafting this report and draft development agreement. A copy of the complete comments can be found in Attachment D.

Windsor Municipal Planning Strategy

Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District. Policy 8.6.15 establishes Council's intention to consider proposals for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings within the Wentworth Road Gateway District by development agreement. Proposals for this type of development in the Wentworth Road Gateway District are to be reviewed against Policy 8.6.16. Staff have reviewed these criteria in Attachment A.

WMPS Specific Criteria

Policy 8.6.16 outlines the specific criteria to be considered by Council, which are examined in detail in Attachment A.

In summary, the specific criteria are met since:

- the development agreement is consistent with the intent of Policies 8.6.15, 8.6.16, 8.6.4 and 8.6.8 and other relevant policies of the WMPS; and
- the development agreement is consistent with the intent of the Wentworth Road Gateway District ensuring that the development will include landscaping, safe pedestrian access, and be designed to enhance the streetscape.

WMPS General Criteria

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

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

MUNICIPAL CLIMATE CHANGE ACTION PLAN

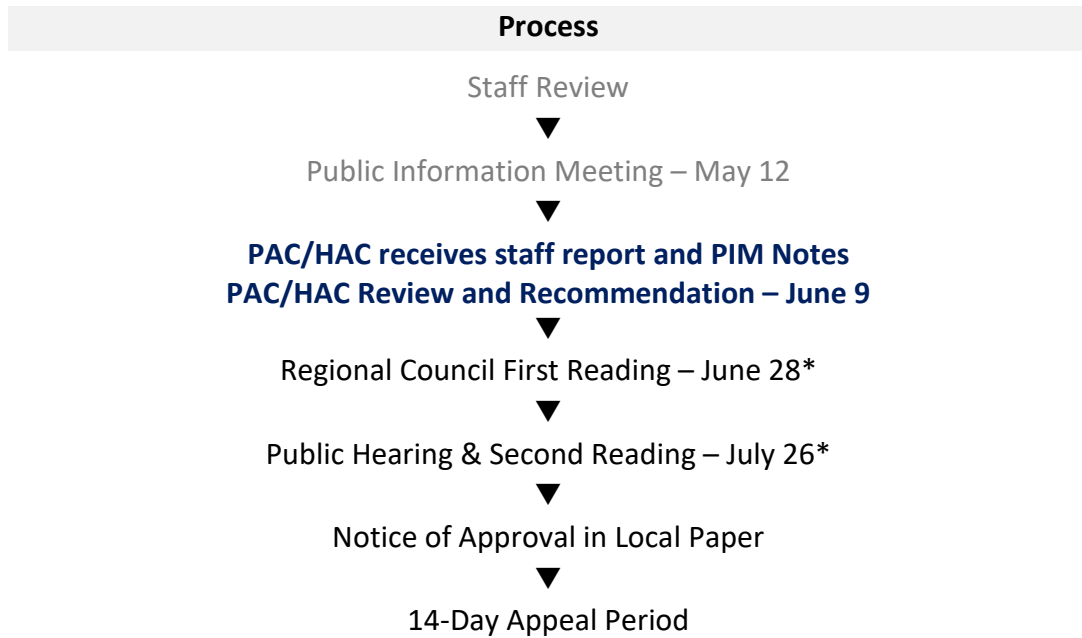
The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. The Wentworth Road Gateway District appears to experience flooding in this scenario.

As the majority of the subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh the property owner must complete an environmental study before being issued a development permit for any new building. This is outlined in Section 2.10 (d), *Environmental Study*, of the draft development agreement. The environmental study will ensure that the proposed development is constructed in a manner suitable for the site conditions and in a way that addresses any potential flooding issues. The Public Works Department has also required the developer to provide a stormwater management plan prior to being issued development permits for the subject lot, as outlined in Section 2.9, *Site Drainage*, of the draft development agreement. The stormwater management plan will ensure the stormwater is managed by the developer on-site and will not impact abutting properties.

NEXT STEPS

As noted above, the proposed development agreement has been considered within the context of the general policies of the WMPS and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to enter into a development agreement to

permit 240 apartment units, 10,000 sq. ft. of commercial space and townhouse dwellings grouped on the lot at PID 45059631 on Wentworth Road.



*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	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Figure 3	Environmental Constraints Extract
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement

Attachment C Public Information Meeting Notes
Attachment D Draft Development Agreement

Report Prepared by: _____
Sara Poirier, Senior Planner

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

Figure 1
Windsor GFLUM Extract

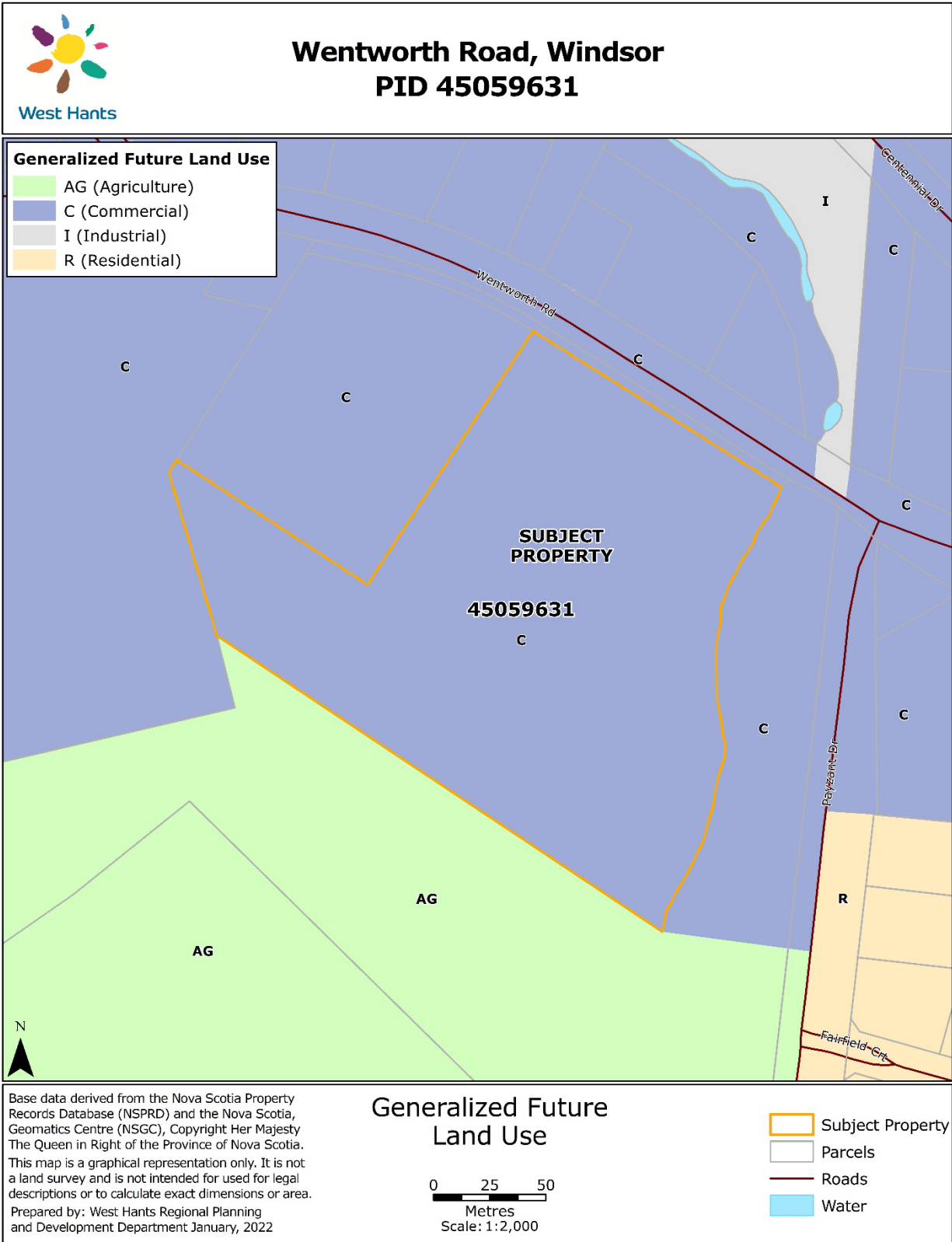


Figure 2
Windsor Zoning Map Extract

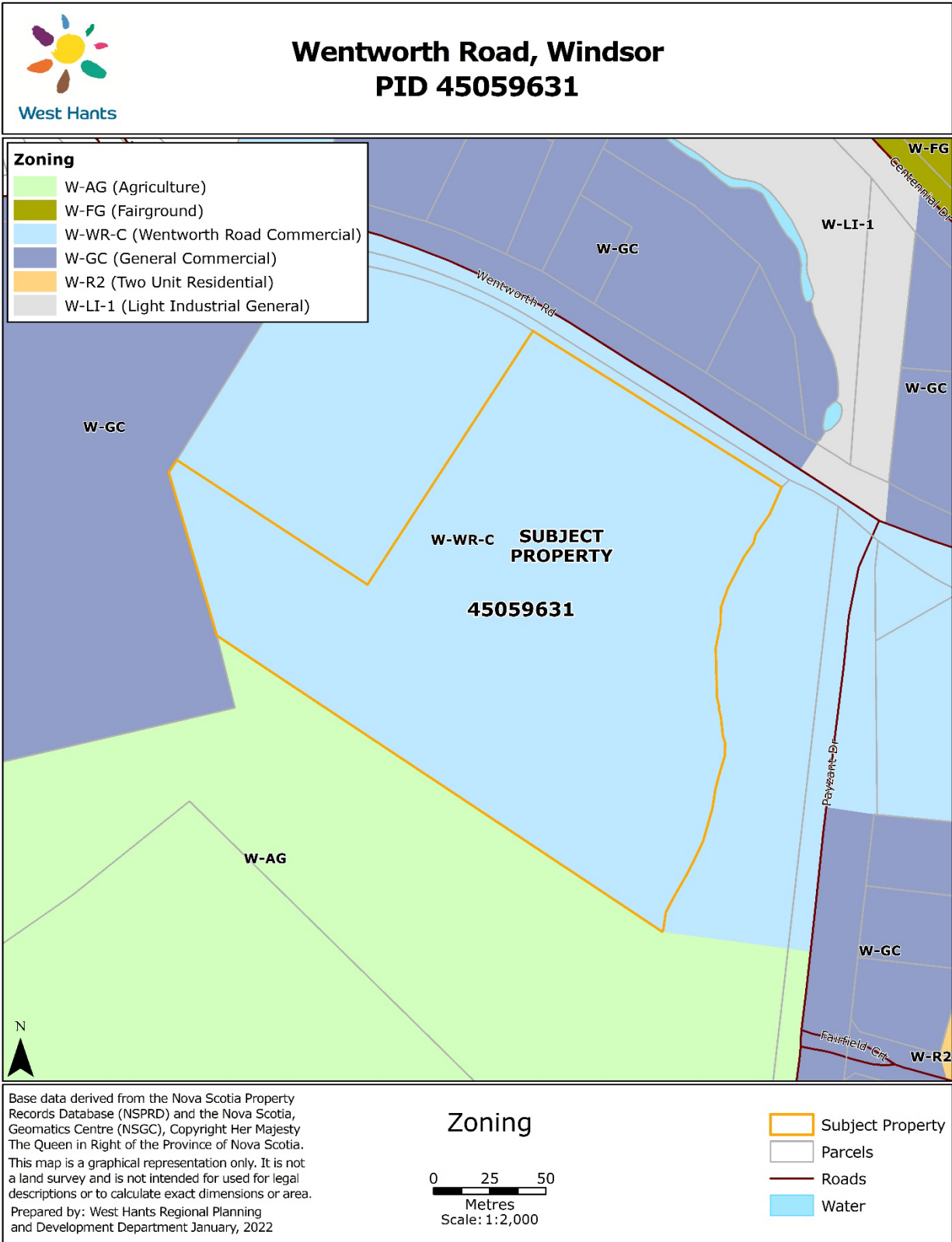
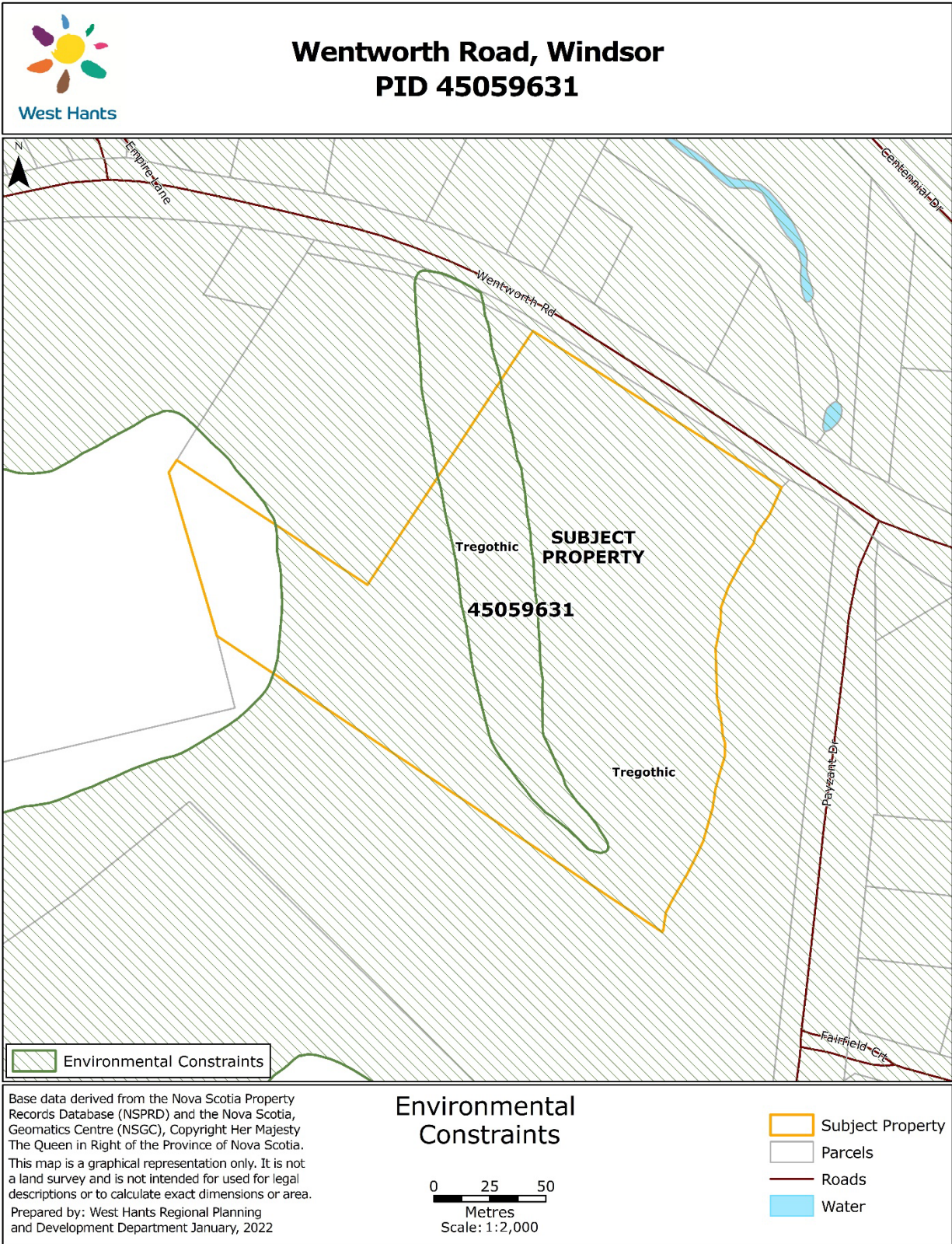


Figure 3
Environmental Constraints Extract



Attachment A
Specific Criteria for Development Agreement

Policy 8.6.15 It shall be the policy of Council that within the Wentworth Road Gateway District, Council will consider proposals for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement in accordance with the relevant policies of this Strategy and the specific provisions for development in the Wentworth Road Gateway District as contained in Policy 8.6.16.

COMMENT
This development proposal includes grouped mixed-use and multi-unit apartment buildings and townhouses on the subject lot.

Policy 8.6.16 It shall be the policy of Council to have due regard to the following in reviewing proposals in the Wentworth Road Gateway District for rezoning to the WR-C zone pursuant to Policy 8.6.14 or development agreements pursuant to Policy 8.6.15:

CRITERIA	COMMENT
<i>(a) the proposed use will not conflict with neighbouring uses;</i>	The subject lot directly abuts properties with a variety of zoning and designations. The designation of the properties abutting the subject lot include Agriculture and Commercial, and the zoning of these abutting lots is Wentworth Road Commercial (WR-C), General Commercial (GC), and Agriculture (AG). The subject lot is zoned Wentworth Road Commercial (WR-C) which permits a wide range of general commercial and highway commercial uses, as well as large format retail stores within a specified size limit as-of-right. To the north of the subject lot are small scale commercial and residential uses and a church. There is a vacant property to the east of the subject lot and small scale commercial on the east side of Payzant Drive. The lots south of the subject lot are vacant

	<p>agricultural land, and there is vacant land and the West Hants Education Centre to the west of the subject lot. Section 2.11, <i>Construction Noise</i>, of the draft development agreement outlines the hours permitted for construction to take place on the site. Wentworth Road is designated an arterial road on the Transportation Map of the Windsor Municipal Planning Strategy which means the road is built to a higher standard and expected to handle more traffic than collector or local roads. The Manager of Operations for the Municipal Public Works Department commented that they have no concerns with the adequacy of roadways leading to the development or the increased traffic associated with the proposal. When requested for comment the Municipal Development Officer stated “In my opinion this proposed development does not propose any conflict with neighboring uses.”</p>
<p><i>(b) the architectural design and scale of the proposed development is compatible with surrounding commercial and/or residential buildings and enhances the appearance of the streetscape, consistent with the objectives of the Wentworth Road Gateway District;</i></p>	<p>The subject lot is within the Wentworth Road Gateway District where Council created the following objectives:</p> <ul style="list-style-type: none"> • to identify Wentworth Road as an important entrance route into Windsor, for pedestrians and cyclists as well as for vehicles; • to promote a sense of welcome and arrival to town; and • to assist in visitor orientation and direction to the Town Centre, as the main business district. <p>To achieve these objectives, new developments within this special development area are required to provide landscaping and other features that contribute to the overall attractiveness of the</p>

streetscape and create a safe and pleasant pedestrian environment, as well as allowing for efficient traffic movement. These items have been addressed in Sections 2.4, *Access and Egress*, 2.7, *Landscaping*, and 2.8, *Recreation Space*, of the draft development agreement.

Wentworth Road hosts a variety of uses including the Hants County Exhibition Arena, West Hants Sports Complex, West Hants Centre for Education, commercial uses including gas stations, banks and retail stores, and a number of residential uses. The proposed mixed-use and multi-unit apartment buildings are taller than any surrounding buildings. The Wentworth Road Commercial (WR-C) zone permits a maximum height of 3 storeys (35 ft. or 10.68 m.). This proposed development will include mixed-use and multi-unit apartment buildings; three of these buildings are proposed to be 5 storeys (55 ft. or 16.76 m.) in height, and two of the buildings are proposed to be 6 storeys (65 ft. or 19.8 m.) in height. Although these grouped dwellings are different than the current development pattern in the area and the proposed buildings are taller, staff believe the scale of development is compatible with the surrounding buildings and will enhance the appearance of the streetscape which aligns with the intent of the Wentworth Road Gateway District. The proposal places the 5 storey buildings closer to Wentworth Road with the higher storey buildings being located at the back of the subject lot farthest from the road. The mixed-use apartment building on Wentworth Road will be set back from the front lot line

	and be required to provide a 15 ft. (4.57 m) landscaped area as specified in Section 2.7 (b), <i>Landscaping</i> , of the draft development agreement. This will provide a more human scale to the 5 storey building and allow the commercial businesses on the ground floor to have some space for customers entering / exiting that is not on the public sidewalk.
<i>(c) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;</i>	To meet this criteria, Section 2.2 (d) of the draft development agreement specifies that the mixed-use and multi-unit apartment building design must incorporate windows and other elements at the street level façade to avoid the appearance of solid blank walls. The developer could utilize a number of methods to accomplish this including public art, creative landscaping and vegetation, windows, and/or façade treatments.
<i>(d) the developer provides a traffic study, acceptable to the Town and conducted by a qualified person, which demonstrates that the surrounding street network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvements such as traffic lights at the expense of the Town;</i>	The Manager of Operations for the Municipal Public Works Department has stated that WSP completed a Windsor Intersection Infrastructure Needs Assessment for the Municipality which incorporated this proposed development in the traffic study. The study was prepared due to the planned reconstruction of the Exit 5A ramp for Highway 101 by the Provincial Department of Transportation and Active Transit. The study recommended upgrades to the intersection of Payzant Drive and Wentworth Road to include a roundabout. The Manager of Operations noted that these upgrades are being designed and will be discussed during the 2023-24 budget deliberations. They stated that an additional study would not be required to be provided by the developer.
<i>(e) the provisions of Policies 8.6.4 and 8.6.8;</i>	See below.

<p>(f) any other matter which may be addressed in a development agreement or land use by-law; and</p>	<p>The Municipal Project Engineer specified that the “Developer must provide engineered stormwater plans to meet all municipal requirements”. A stormwater management plan is required prior to any development permit being issued for the proposed uses, as outlined in Section 2.9, <i>Site Drainage</i>, of the draft development agreement. They also specified that “External services are considered commercial, therefore services such as garbage collection and snow plowing would be the responsibility of the property owner.” This requirement is outlined in Section 2.10 (a), <i>Waste Collection</i>, and (c), <i>Snow Plowing</i>, of the draft development agreement.</p> <p>The Canadian Helicopters Base Manager for EMS Operations has been contacted to comment on whether the proposed development will have any impact on the helicopter landing pad at the Hants Community Hospital in Windsor. No response has been received at this time of filing this report.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p> <p>All other matters are addressed elsewhere in this report.</p>
<p>(g) the provisions of Policy 16.3.1.</p>	<p>Please see Attachment B for further details.</p>

As stated in Policy 8.6.16 (e) the development agreement should be considered against the provisions of Policy 8.6.4 and 8.6.8 of the Municipal Planning Strategy. These policies are reviewed below.

Policy 8.6.4 It shall be the policy of Council to treat the Wentworth Road Gateway District as a special development area where new developments shall be required to provide landscaping and other features that contribute to the overall

attractiveness of the streetscape and create a safe and pleasant pedestrian environment, as well as allowing for efficient traffic movement.

COMMENT
These items have been addressed in Sections 2.4, <i>Access and Egress</i> , 2.7, <i>Landscaping</i> , and 2.8, <i>Recreation Space</i> , of the draft development agreement. See Section 8.6.16 (b).

Policy 8.6.8 It shall be the intention of Council that, within the Wentworth Road Gateway District, the following matters will be addressed through Land Use By-law requirements and development agreement provisions:

CRITERIA	COMMENT
<i>(a) landscaping along the street frontage to enhance the overall attractiveness of the streetscape and provide a buffer between the sidewalk and commercial or other development;</i>	The mixed-use apartment building on Wentworth Road will be set back from the front lot line and be required to provide a 15 ft. (4.57 m) landscaped area as specified in Section 2.7 (b), <i>Landscaping</i> , of the draft development agreement. This will provide a more human scale to the 5 storey building and allow the commercial businesses on the ground floor to have some space for customers entering / exiting that is not on the public sidewalk.
<i>(b) landscaping within parking lots to avoid the appearance of large, uninterrupted expanses of asphalt;</i>	Section 2.7 (d) of the draft development agreement requires landscaped islands to be provided within parking areas of 20 spaces or more to avoid the appearance of large, uninterrupted expanses of asphalt.
<i>(c) safe pedestrian access from the sidewalk to new developments by means of walkways or clearly defined trails;</i>	The draft development agreement requires a 5 ft. (1.52 m.) wide pedestrian walkway from the sidewalk on Wentworth Road to the main entrances of each building, as outlined in Section 2.4 (d), <i>Access and Egress</i> , to ensure safe pedestrian access.
<i>(d) other similar provisions.</i>	All other provisions have been addresses elsewhere in this report.

Attachment B
General Criteria for Development Agreement

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

CRITERIA	COMMENT
<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 stated the lot is currently serviced with municipal sewer and water, and that “Public Works may choose that separate laterals be extended to each of the buildings.” They have no concerns with the adequacy of sewer and water services in the area.
<i>(ii) the adequacy of school facilities;</i>	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated they “have capacity for growth in the area noted”, adding that they “would always make more space available if needed.”
<i>(iii) the adequacy of fire protection;</i>	In response to an inquiry, the Manager of Building and Fire Inspection Services stated that “the main points at this time are Fire Department access, water supply for sprinkler systems and sewer adequate to handle the extra flow”. As noted in 16.3.1 (a) (i) the Municipal Project Engineer did not have any concerns with respect to the adequacy of sewer and water services in the area to meet the demand of the proposed uses. Upon application for a development and building permit, the Manager of Building

	<p>and Fire Inspection Services will go through a full building plan review to ensure the proposed development meets the Building and Fire Codes prior to issuing a building permit. Section 5.1, <i>Compliance with other By-laws and Regulations</i>, ensures that the Building Code requirements must be met. The local Fire Chief stated their immediate concerns would be: 360 degree access for aerial apparatus, particularly to the higher buildings; hydrant locations and Fire Department connection locations; and, rolling curbs to allow apparatus to mount curbs without possible tire damage. Section 2.6, <i>Fire Safety</i>, of the draft development agreement was developed based on comments received from the local Fire Chief. Staff drafted Section 2.6 (b) and (c) to ensure there is unimpeded access for emergency services vehicles.</p>
<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>Wentworth Road is an arterial road on the Transportation Map of the Windsor Municipal Planning Strategy which means it is built to a higher standard and is expected to accommodate more traffic than a collector or local road. The Manager of Operations for the Municipal Public Works Department commented that they have no concerns with the adequacy of road networks adjacent to or leading to the development. They added that the Municipality recently completed a Windsor Intersection Infrastructure Needs Assessment which included this area and incorporated the traffic counts of the proposed 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 Manager of Operations has stated they have no concerns with regard to the adequacy of road networks adjacent to, or leading to the development, or the impact of the development on traffic generation or traffic safety.</p> <p>In terms of pedestrian traffic movement, there are sidewalks on both sides of Wentworth Road and the draft development requires a 5 ft. (1.52 m.) wide pedestrian walkway from the sidewalk on Wentworth Road to the main entrances of each building, as outlined in Section 2.4 (d), <i>Access and Egress</i>. This will ensure suitable infrastructure for safe pedestrian movement within the site.</p> <p>There is no active rail transportation in the vicinity.</p>
<p><i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The lot is approximately 8.43-acres in size which would be adequate to accommodate the proposed development.</p>
<p><i>(d) the pattern of development which the proposal might create;</i></p>	<p>The proposal from FH Development Group Inc. aligns with the intent of the Wentworth Road Gateway District and is not anticipated to create a pattern of development that is unusual for the area.</p>
<p><i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i></p>	<p>The subject lot is relatively flat. The east boundary of the lot follows the Tregothic Creek. Almost the entire subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh. Any new buildings proposed on that portion of the site would be required to meet Section 27.0 of the Windsor Land Use By-law. This is also outlined in Section 2.10 (d), <i>Environmental Study</i>, of the draft development agreement. The Public Works Department has requested that a stormwater management plan for the</p>

	<p>site be required prior to development permits being issued to ensure 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. This is outlined in Section 2.9 (a), <i>Site Drainage</i>, of the draft development agreement.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p>
<p><i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial and Federal regulations will have to be met.</p>
<p><i>(g) any other matter required by relevant policies of this Strategy.</i></p>	<p>There are no other relevant policies of this Strategy.</p>

Attachment C
Public Information Meeting Notes
May 12 – May 27, 2022
File 22-03
Wentworth Road, Windsor PID 45059631

Meeting date and time	A virtual Public Information Meeting was held on May 12 th , 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Sherman (Vice Chair) <p>Two (2) members of staff:</p> <ul style="list-style-type: none"> • Director LeMay • Meeting Secretary Lake <p>Applicant:</p> <ul style="list-style-type: none"> • Darren Shupe, Brighter Community Planning (Applicants Planner) <p>The following members of the public attended the PIM via Zoom:</p> <ul style="list-style-type: none"> • Karen Hosking • Mark Higgins <p>Three (3) members of the public attended the meeting in-person.</p>
<p>Applicant Faisal Al-Hammadi, FH Development Group Inc.</p> <p>Property Wentworth Road, PID 45059631</p>	<p>Director LeMay outlined the development agreement application to permit 240 apartment units, 10,000 sq. ft. of commercial space and townhouse dwellings grouped on the lot at PID 45059631 on Wentworth Road.</p> <p>A formal presentation was made by Darren Shupe of Brighter Community Planning on behalf of the applicant.</p>
Comments	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between May 12 – 27, 2022.</p> <p>2 members of the public spoke at the Public Information Meeting and 1 written comment was received via email. The questions and comments from the public are summarized below. The email response is attached.</p>

	<p>The following comments were made at the Public Information Meeting:</p> <ul style="list-style-type: none"> • will there be low rental apartments? What does “affordable” mean to the developer? Darren noted rent prices have not yet been established • how soon can it get started? The members of the public in-person at the meeting were there to support the project in general • one individual indicated the area is very wet Darren indicated the storm water management plan would address this • a PAC/HAC member asked whether the façade had been designed yet? They wanted to see care be taken in design of the facade to ensure it would age well and suit the area Darren said early stages yet and the developer would be looking at options • PAC member asked if EV chargers would be included? Darren commented that this had been done in other developments and would be considered for this
Adjournment	The meeting was adjourned at 6:28 p.m.

Public Email Responses Submitted for the Application PIM

May 18, 2022

From: Sara Poirier

To: Connor Wallace

Cc: Dino Lanzo

Hi Connor,

Thank you for the comments. I will ensure they are passed along to the Planning and Heritage Advisory Committee for consideration.

To answer your question on setbacks, in the draft development agreement I will be proposing a minimum 15 ft front yard and a minimum 25 ft rear and side yards. Our Manager of Building and Fire Inspection Services has been contacted for comment on the proposal. The Building Officials will ensure the buildings meet the National Building Code requirements prior to building permits being issued.

I have reviewed the access easement and requested comment from our Director of Public Works and CAO, and the new property owner. I will let you know once I hear back from them with direction.

All the best,

Sara

May 16, 2022

From: Connor Wallace

Cc: Dino Lanzo

To: Sara Poirier

Hi Sara,

Thanks again for sending along this update on the active planning application at PID 45059631.

I have spoken with my client, Canadian Tire Real Estate Limited, and offer the following feedback on their behalf.

- Concern with proximity of multi-unit residential dwellings to Canadian Tire Real Estate Property.

- Concern with regards to compatibility of land uses and noise impact from potential future commercial operation (loading, deliveries, compacter etc.)
- It is difficult to tell from the scale of the concept drawings – however could you clarify what the minimum setback distance is between these buildings and the Canadian Tire property lines?
- The buildings look close to internal property lines as it pertains to limiting distance / unprotected openings (windows) requirements of the National Building Code. It may be difficult for the developer to have adequate unprotected openings for the proposed use, due to the buildings close proximity to internal property lines.
- Suggestions:
 - Increase setback from internal property line
 - Implement transition measures along the property line such as opaque fencing and landscaping
- Easement
 - There is currently an access easement on the Canadian Tire Lands that is in favor of PID 45059631 (attached). We understand this easement was put in place when the town of Windsor owned these lands. Ownership has now changed and it doesn't look like the proposed development requires any access over the Canadian Tire lands. Therefore, we are wondering if this easement could now be relinquished and if so what the process is involved in doing so.

Look forward to hearing from you once you have had a chance to review these comments.

Regards,

Connor

From: Sara Poirier

To: Connor Wallace

Cc: Dino Lanzo

Good morning Connor,

Please find attached the PIM presentations made by staff and the applicants planners on May 12 for the application at PID 45059631 on Wentworth Road in Windsor. Please note that any comments or questions on the proposal can be submitted to me by noon on May 27.

All the best,

Sara

From: Connor Wallace

Cc: Dino Lanzo

To: Sara Poirier

Hey Sarah,

Following up on our phone chat this afternoon. As discussed, could you please circulate the plans/concept for this planning application following next weeks public meeting ?

Thanks,

Connor

ZZap Architecture and Planning

Attachment D



West Hants

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2022.

BETWEEN:

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

(Hereinafter referred to as the “Municipality”)

OF THE FIRST PART

- and -

FH DEVELOPMENT GROUP INC. a body corporate, with a head office at 153 Sackville Drive, Suite 1, Lower Sackville, 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 on Wentworth Road, PID 45059631, hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

WHEREAS the Property is designated Commercial on the Generalized Future Land Use Map of the Municipal Planning Strategy, zoned Wentworth Road Commercial (WR-C) on the Zoning Map of the Land Use By-law, within the Wentworth Road Gateway District and within the Environmental Constraints overlay; and

WHEREAS the Owner has requested that the Municipality enter into a development agreement to permit up to 240 apartment units, 10,000 sq. ft. of commercial space, and 17 townhouse dwellings grouped on the Property (the “Development”); and

WHEREAS Policy 8.6.15 of the Municipal Planning Strategy and Section 6.1 (j) of the Land Use By-law enable Council to consider entering into a development agreement to allow comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings in the Wentworth Road Gateway District; and

WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2022 approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto;

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 defined as follows:

- (a) “Commencement” means the date the Owner begins actively constructing a particular building within this Agreement as permitted by an issued development and building permit; and
- (b) “Constructed wetland” means an engineered body of water that has specific plant species, soil types and microorganisms to treat water and aid in on-site stormwater management.

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 Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;

- (b) *Land Use By-law* means the Land Use By-law of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (c) *Subdivision By-law* means the Subdivision By-law of the Town of Windsor, approved on January 24, 2012, 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 excluding car washes and drive-through restaurants;
 - (ii) residential development consisting of a maximum of 240 apartment dwelling units and 17 townhouse dwelling units;
 - (iii) under-building ground-level parking and surface parking for the uses within the buildings;
 - (iv) outdoor recreation space including but not limited to a plaza and central garden; and
 - (v) a constructed wetland which may be used for on-site stormwater management.

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 Municipality and the Owner acknowledge that the Development as shown on Schedule B is a phased Development. The Development location and design shall, subject to section 2.2(j), be generally consistent with the site plan shown in Schedule B.
- (b) The mixed-use apartment building fronting on Wentworth Road shown as Building A on the site plan in Schedule B is limited to a maximum of 40 dwelling units and 10,000 sq. ft. gross floor area on the ground floor for commercial uses and shall be the first building to be constructed on the Property.
- (c) The multi-unit apartment buildings shown as Building B, C, D and E on the site plan in Schedule B shall be limited to a maximum of 160 dwelling units. The buildings may include one storey of under building parking on the ground floor and may be constructed in an order suitable to the developer.

- (d) The mixed-use apartment building and the multi-unit apartment buildings permitted in Section 2.2 (b) and (c) shall incorporate windows and other elements in the street level façade to avoid the appearance of solid blank walls.
- (e) The 17 townhouse dwelling units shown as Buildings F on the site plan in Schedule B may be constructed any time after Building A and one of the multi-unit apartments, as identified as Buildings B-E on the site plan in Schedule B, are complete and have received occupancy permits.
- (f) In the event that the Owner chooses to build and occupy one building at a time, the following infrastructure is required for that building:
- (i) the necessary services for the proper use and enjoyment of the building including but not limited to a driveway and access, landscaping, pedestrian walkways, parking, lighting, and water and sewer services; and
 - (ii) the required usable recreation space as per Section 10.5, *Recreational Space*, of the Land Use By-law.
- (g) Development shall conform to the following requirements:

Minimum Front Yard	15 ft. (4.57 m.)
Minimum Rear Yard	25 ft. (7.62 m.)
Minimum Side Yard*	25 ft. (7.62 m.) *No side yard shall be required along the common wall dividing a townhouse dwelling.

- (h) Development height shall conform to the following requirements:

Type of Building as shown on Schedule B	Maximum Height	Maximum Storey of Main Building
Building A: Mixed-use multiple unit apartment building	55 ft. (16.76 m.)	5 storeys
Building B and C: Multiple unit apartment buildings	55 ft. (16.76 m.)	5 storeys
Building D and E: Multiple unit apartment buildings	65 ft. (19.8 m.)	6 storeys
Buildings F: Townhouse dwellings	35 ft. (10.67 m.)	3 storeys

- (i) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, *Accessory Buildings and Structures*. The maximum height of an accessory building shall be 15 ft. (4.57 m.).
- (j) The Development Officer may approve in writing minor changes to the location of the main buildings or other aspects of the site plan provided the side yards are not decreased. Changes to the site plan may also be approved in writing in accordance with reports generated in Section 2.9, *Site Drainage*, and 2.10 (d), *Environmental Study*, of this agreement provided the side yards are not decreased.
- (k) No structure shall be located closer than 50 ft. (15.24 m.) from a watercourse.
- (l) A minimum of 60,000 sq. ft. (5,574.2 sq. m.) of usable recreation space as outlined in Section 2.8, *Recreational Space*, shall be required.

2.3 Phasing

- (a) Construction of Building A and all relevant infrastructure and landscaping as outlined in Section 2.2 (f) and 2.7 (c) of this Agreement shall be completed within twenty-four (24) months of the commencement of Development outlined in Section 4.1 of this Agreement. If, in the opinion of the Development Officer, this time limit has not been met, Development as per this agreement shall no longer be permitted and this Agreement may be discharged in part at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* thirty (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.
- (b) Construction of Buildings B-F and all relevant infrastructure and landscaping as outlined in Section 2.2 (f) of this Agreement shall be completed within ninety-six (96) months of the actual commencement of Development of Building A provided that such commencement is within the time limit prescribed in Section 4.1 of this Agreement. If, in the opinion of the Development Officer, this time limit has not been met, Development of Buildings B-F shall no longer be permitted and this Agreement may be discharged in part solely at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* thirty (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.

2.4 Access and Egress

- (a) The Owner shall, subject to Section 2.2 (j), 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 minimum street allowance of 50 ft. (15.24 m.) and shall be paved with a minimum paved surface of 20 ft. (6.09 m.). The vehicular entrance and exit shall be clearly demarcated and paved.
- (c) The Owner agrees that it will seek and obtain approval in writing from the Municipality before any other driveway from the Development is connected to Wentworth Road or any other public road.
- (d) A 5 ft. (1.52 m.) wide pedestrian walkway shall be provided from the sidewalk on Wentworth Road to the main entrances of each building. The pedestrian walkways shall be constructed so as to create a stable surface and may use permeable construction materials to assist with stormwater retention.

2.5 Parking

- (a) All parking spaces for vehicles using the Property shall be located on the lot and shall, subject to Section 2.2 (j), be generally located as shown on Schedule B.
- (b) A minimum of one (1) parking space shall be provided per dwelling unit and a minimum of one (1) parking space shall be provided for every 300 sq. ft. (27.9 sq. m.) gross floor area dedicated to commercial uses on the Property.
- (c) Parking may be provided either within the buildings or outside at grade.
- (d) Outside 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.
- (e) 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.
- (f) The number, location and arrangement of parking spaces, aisles and driveways may be varied in writing by the Development Officer in accordance with Section 2.15, *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 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 15 ft. (4.57 m.) deep that runs the length of and directly abuts the front lot line along Wentworth Road, excluding driveway openings and walkways.
- (c) the landscaped area required in Section 2.7 (b) shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft. (15.24 m.) on centre. 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.
- (d) For parking lots containing 20 or more spaces, landscaped islands with a minimum permeable surface area of 100 sq. ft. (9.29 sq. m.) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having 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.), per island. These landscaped islands may be used for on-site stormwater management.

2.8 Recreational Space

- (a) A minimum of 60,000 sq. ft. (5,574.2 sq. m.) of usable recreation space shall be provided on the Property and may include:

- (i) individual balconies; and
 - (ii) common-use landscaped areas in accordance with the Site Plan attached as Schedule B.
- (b) The plaza shown on the site plan in Schedule B shall be completed before an occupancy permit is issued for Building A. The central garden on the site plan in Schedule B shall be completed in conjunction with Building B and C. The plaza and central garden shall be included in the useable recreation space calculations.

2.9 Site Drainage

- (a) No development permit shall be issued until the Owner provides a stormwater management plan that will satisfy 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.
- (b) No development permit shall be issued for the constructed wetland until the Owner submits engineered drawings to the Municipal Engineer for approval prior to construction.
- (c) 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.

2.10 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) Any of the proposed uses on the lot 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.

(c) Snow Plowing

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

(d) Environmental Study

For any portion of the main buildings shown on Schedule B of this Agreement that is intended to be constructed upon lands designated as Environmental Constraints on "Schedule A - Zoning" of the Land Use By-law, the Owner must provide the Development Officer with a completed Environmental Study as outlined in Policy 12.0.2 of the Municipal Planning Strategy prior to a development permit being issued.

2.11 Construction Noise

Construction on the lot shall only be permitted between the hours of 7:00 a.m. and 9:00 p.m. daily unless construction is being conducted within a wholly enclosed structure.

2.12 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 level adequate to allow for access by emergency services vehicles.

2.13 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.

2.14 Subdivision

No alterations to the lot configuration or subdivision are permitted except those required by the Municipality for the purpose of creating or expanding open space within

the Property or those required by the road authority for the purpose of creating or expanding a public street over the Property.

2.15 Variance

In accordance with Section 5.40 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 (g) of this Agreement;
- (ii) number of parking spaces required; and
- (iii) floor area occupied by a home-based business.

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 order of building construction in Section 2.2, *Development Location and Design*, and the required recreation space for Buildings A, B and C in Section 2.8 (b), *Recreation Space*;
- (c) the fire safety requirements listed in Section 2.6, *Fire Safety*;
- (d) the landscaping requirements in Section 2.7, *Landscaping*; and
- (e) the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, *Site Drainage*.

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 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 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 eighteen (18) 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) The footings for Building A shall be completed, the determination of which shall be at the sole discretion of the Municipal Building Official, within twenty-four (24) months from the date this Agreement is signed.
- (d) If the Owner is bona fide delayed from commencing the Development for reasons which are beyond the Owner's 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 (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-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 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 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 Faisal Al-Hammadi, FH Development Group Inc., 153 Sackville Drive, Suite 1, Lower Sackville, NS, B4C 2R3, 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:

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

)

)

Per: _____

Witness

) Abraham Zebian, Mayor

)

) Per: _____

Witness

) Deanna Snair, Municipal Clerk

)

)

)

) **FH DEVELOPMENT GROUP INC.**

)

)

)

Per: _____

Witness

) Faisal Al-Hammadi, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **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. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **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.

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COUNTY OF HANTS**

ON THIS day of , A.D. 2022, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Faisal Al-Hammadi**, 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 _____, 2022
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

I, Faisal Al-Hammadi, Nova Scotia, make oath and say that:

1. I Faisal Al-Hammadi of FH DEVELOPMENT GROUP INC. 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 _____, 2022
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

FAISAL AL-HAMMADI, President

Schedule A
Legal Description – PID 45059631

ALL that lot of land situate at Windsor, in the County of Hants and Province of Nova Scotia shown as Block A1 on a Plan of Survey prepared by Bruce Lake, N.S.L.S. entitled "Plan of Survey Parcel A lands conveyed to The Town of Windsor, The Municipality of the District of West Hants" dated the 23rd day of March, 2005, and recorded at the Registry of Deeds in Windsor on the 7th day of September, 2005 as document #82939779.

Together with an easement in favour of the Town of Windsor, over Lot B, lands of Canadian Tire Real Estate Limited, as defined and described in the Access Easement Agreement recorded on July 2, 2010 as Document 96268132.

Subject to the Restrictive Covenants as defined and described in the Restriction Agreement between the Town of Windsor the Canadian Tire Real Estate Limited, recorded on July 2, 2010 as Document 96268009.

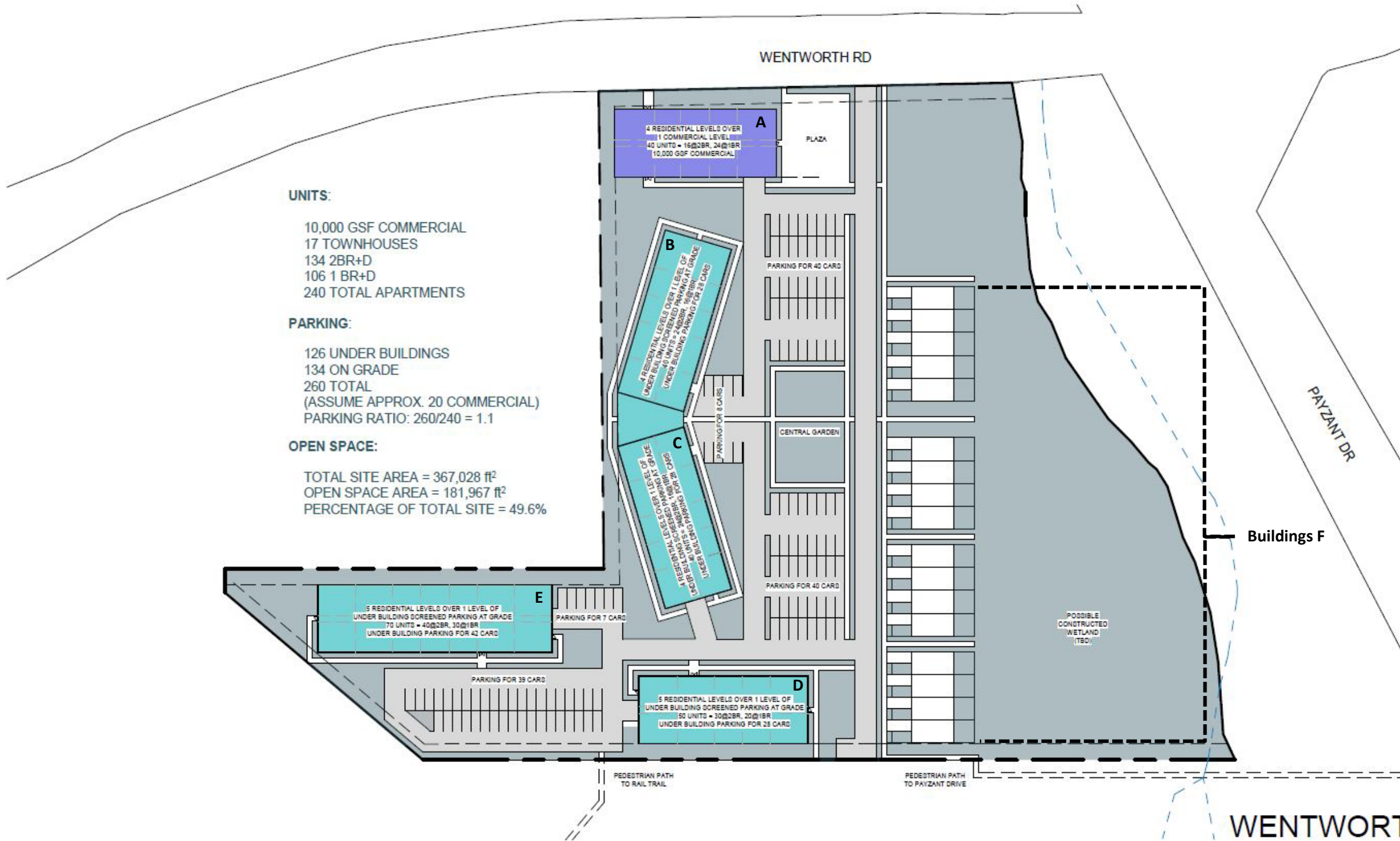
Subject to an Easement in favour of Bell Aliant Regional Communications Inc., in its capacity as general partner for Bell Aliant Regional Communications, Limited Partnership dated the 13th day of June, 2008 and recorded at the Land Registration Office for the district of Hants on the 15th day of September 2009 as Document No. 94276905.

SAVING and EXCEPTING LOT B as shown on registered Plan No. 94946069 at the Land Registration Office for Hants County.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Hants as plan or document number 94946069

The MGA compliance statement has been applied by SNSMR during the processing of the abovementioned plan 94946069

**Schedule B
Site Plan**



UNITS:

10,000 GSF COMMERCIAL
 17 TOWNHOUSES
 134 2BR+D
 106 1 BR+D
 240 TOTAL APARTMENTS

PARKING:

126 UNDER BUILDINGS
 134 ON GRADE
 260 TOTAL
 (ASSUME APPROX. 20 COMMERCIAL)
 PARKING RATIO: 260/240 = 1.1

OPEN SPACE:

TOTAL SITE AREA = 367,028 ft²
 OPEN SPACE AREA = 181,967 ft²
 PERCENTAGE OF TOTAL SITE = 49.6%

A
 4 RESIDENTIAL LEVELS OVER
 1 COMMERCIAL LEVEL
 40 UNITS = 16@2BR, 24@1BR
 10,000 GSF COMMERCIAL

B
 4 RESIDENTIAL LEVELS OVER 1 LEVEL OF
 UNDER BUILDING SCREENED PARKING AT GRADE
 UNDER BUILDING SCREENED PARKING AT GRADE
 UNDER BUILDING PARKING FOR 28 CARS

C
 4 RESIDENTIAL LEVELS OVER 1 LEVEL OF
 UNDER BUILDING SCREENED PARKING AT GRADE
 UNDER BUILDING SCREENED PARKING AT GRADE
 UNDER BUILDING PARKING FOR 28 CARS

D
 5 RESIDENTIAL LEVELS OVER 1 LEVEL OF
 UNDER BUILDING SCREENED PARKING AT GRADE
 50 UNITS = 30@2BR, 20@1BR
 UNDER BUILDING PARKING FOR 35 CARS

E
 5 RESIDENTIAL LEVELS OVER 1 LEVEL OF
 UNDER BUILDING SCREENED PARKING AT GRADE
 70 UNITS = 40@2BR, 30@1BR
 UNDER BUILDING PARKING FOR 42 CARS

PLAZA

PARKING FOR 40 CARS

CENTRAL GARDEN

PARKING FOR 40 CARS

PARKING FOR 40 CARS

PEDESTRIAN PATH
 TO RAIL TRAIL

PEDESTRIAN PATH
 TO PAYZANT DRIVE

Buildings F

POSSIBLE
 CONSTRUCTED
 WETLAND
 (TSD)

Attachment B



AMENDING DEVELOPMENT AGREEMENT

THIS AMENDING AGREEMENT made this day of , 2024.

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 -

FH DEVELOPMENT GROUP INC. a body corporate, with a head office at 153 Sackville Drive, Suite 1, Lower Sackville, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Municipality and Owner entered into a Development Agreement, said Agreement being attached hereto as Schedule “A”, dated the July 26, 2022, and recorded at the Land Registry Office on October 3, 2022, as document number 121392436;

AND WHEREAS the Owner wishes to amend the Development Agreement to increase the number of apartment dwelling units within Building A to 43, reduce the gross floor area of

commercial uses on the ground floor of Building A to 5,000 sq. ft. and to allow the conversion of the commercial space to residential if it is not leased within one year of framing;

AND WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2024, approved this request, pursuant to Policy 8.6.15 of the Windsor Municipal Planning Strategy and Section 6.1 (j) of the Windsor Land Use By-law;

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

1. The following Schedules to the Development Agreement shall be replaced with the schedules attached hereto:

Schedule B – Site Plan

2. Section 2.2, *Development Location and Design*, of the Development Agreement shall be amended by deleting subclause 2.2 (b) and inserting a new subclause 2.2 (b) as follows:

(b) The mixed-use apartment building fronting on Wentworth Road shown as Building A on the site plan in Schedule B is limited to a maximum of 43 dwelling units and 5,000 sq. ft. gross floor area on the ground floor for commercial uses and shall be the first building to be constructed on the Property. The ground floor area dedicated to commercial uses shall front on Wentworth Road.

3. Removing subsection (b) in Section 2.8, *Recreation Space*, of the Development Agreement so Section 2.8 reads as follows:

A minimum of 60,000 sq. ft. (5,574.2 sq. m.) of usable recreation space shall be provided on the Property and may include:

- (i) individual balconies; and
- (ii) common-use landscaped areas, which may include a plaza or central garden, in accordance with the Site Plan attached as Schedule B.

4. Inserting a new Section 2.16, *Building A Commercial Space*, of the Development Agreement as follows:

- (a) The Municipality and the Owner acknowledge that commercial uses on the ground floor of Building A, fronting on Wentworth Road, would make a more vibrant streetscape and every effort should be made by the Owner to ensure there is a commercial component on the ground floor of Building A, fronting on Wentworth Road.
- (b) The commercial space within Building A, fronting on Wentworth Road, may only be converted to residential apartment units if the following parameters are met:
 - (i) A WHRM Building Official has conducted and approved the framing inspection on the commercial space; and
 - (ii) The commercial space has been publicly advertised for lease by a licensed real estate agent for a period of at least 1-year from the approved framing inspection outlined in 2.16 (b) (i).
- (c) Should the Owner wish to request the commercial space within Building A, fronting on Wentworth Road, be converted to residential apartment units, the Owner shall submit such request in writing with any supporting documentation to the Development Officer. The Development Officer will only approve such a request if the parameters outlined in Section 2.16 (b) are met.
- (d) If the Owner is approved to convert the commercial space on the ground floor of Building A to residential, a maximum of 5 additional apartment units shall be permitted within Building A.

5. The parties hereby agree that all remaining terms and conditions of the Development Agreement recorded on October 3, 2022 shall remain in full force and effect.

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

) **WEST HANTS REGIONAL MUNICIPALITY**

)

)

Per: _____

) Abraham Zebian, Mayor

)

)

Per: _____

) Deanna Snair, Municipal Clerk

)

)
)
) **FH DEVELOPMENT GROUP INC.**

)
)
)

Per: _____

Witness

) Faisal Al-Hammadi, President

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2024, 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 presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2024, 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, **Faisal Al-Hammadi**, 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 _____, 2024
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, Faisal Al-Hammadi, Nova Scotia, make oath and say that:

1. I Faisal Al-Hammadi of FH DEVELOPMENT GROUP INC. 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.

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and swore the foregoing affidavit at
_____, Nova Scotia.

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

Faisal Al-Hammadi, President

Schedule B
Site Plan

WENTWORTH ROAD

UNITS:

- 5000 GSF COMMERIAL
- 3 3BR TOWNHOUSES
- 14 2BR STACKED TOWNHOUSES

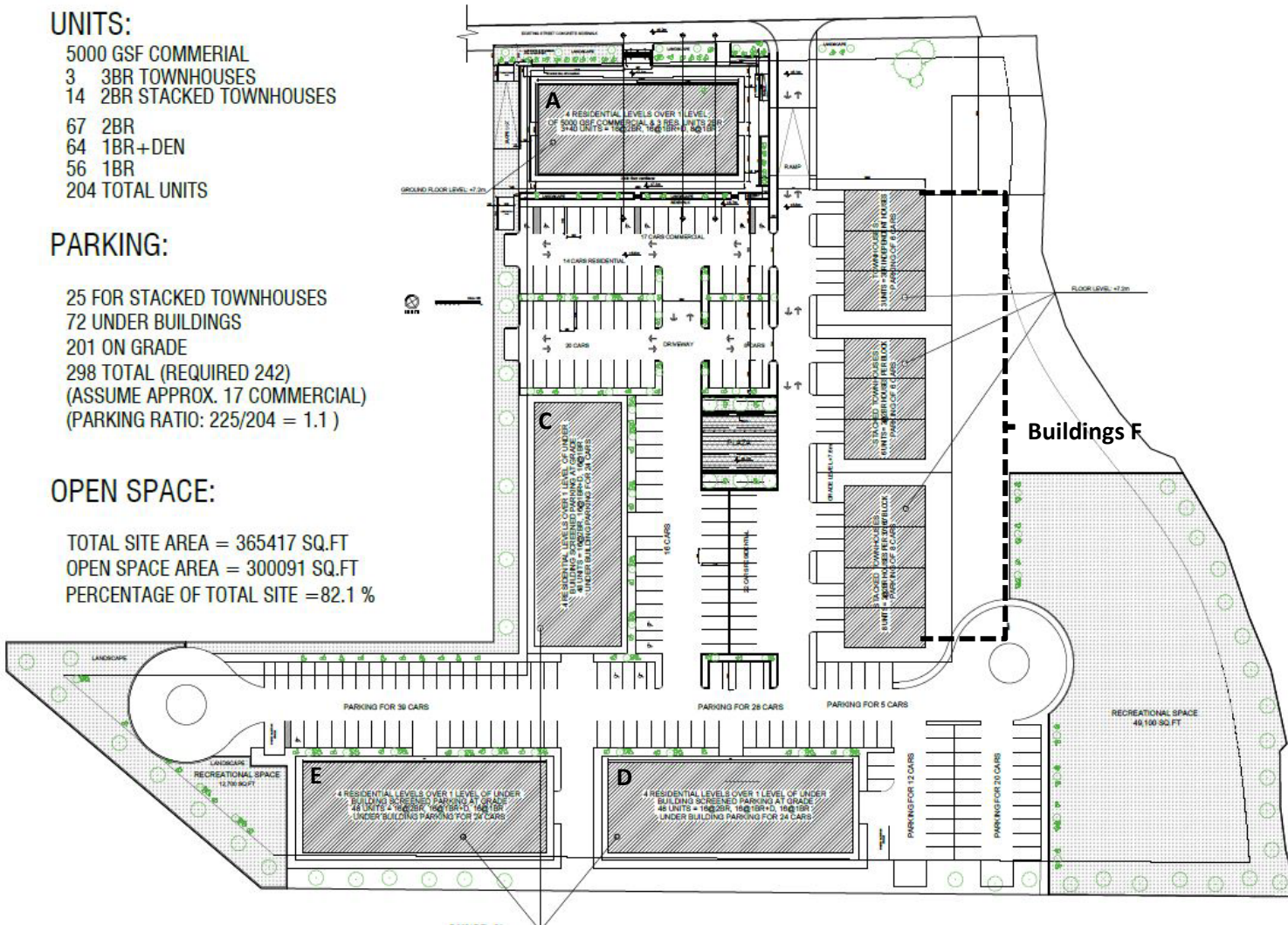
- 67 2BR
- 64 1BR+DEN
- 56 1BR
- 204 TOTAL UNITS

PARKING:

- 25 FOR STACKED TOWNHOUSES
- 72 UNDER BUILDINGS
- 201 ON GRADE
- 298 TOTAL (REQUIRED 242)
- (ASSUME APPROX. 17 COMMERCIAL)
- (PARKING RATIO: 225/204 = 1.1)

OPEN SPACE:

- TOTAL SITE AREA = 365417 SQ.FT
- OPEN SPACE AREA = 300091 SQ.FT
- PERCENTAGE OF TOTAL SITE = 82.1 %





AMENDING DEVELOPMENT AGREEMENT

THIS AMENDING AGREEMENT made this day of , 2024.

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 -

FH DEVELOPMENT GROUP INC. a body corporate, with a head office at 153 Sackville Drive, Suite 1, Lower Sackville, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

WHEREAS the Municipality and Owner entered into a Development Agreement, said Agreement being attached hereto as Schedule “A”, dated the July 26, 2022, and recorded at the Land Registry Office on October 3, 2022, as document number 121392436;

AND WHEREAS the Owner wishes to amend the Development Agreement to increase the number of apartment dwelling units within Building A to 43, reduce the gross floor area of

commercial uses on the ground floor of Building A to 5,000 sq. ft. and to allow the conversion of the commercial space to residential if it is not leased within one year of framing;

AND WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2024, approved this request, pursuant to Policy 8.6.15 of the Windsor Municipal Planning Strategy and Section 6.1 (j) of the Windsor Land Use By-law;

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

1. The following Schedules to the Development Agreement shall be replaced with the schedules attached hereto:

Schedule B – Site Plan

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(b) The mixed-use apartment building fronting on Wentworth Road shown as Building A on the site plan in Schedule B is limited to a maximum of 43 dwelling units and 5,000 sq. ft. gross floor area on the ground floor for commercial uses and shall be the first building to be constructed on the Property. The ground floor area dedicated to commercial uses shall front on Wentworth Road.

3. Removing subsection (b) in Section 2.8, *Recreation Space*, of the Development Agreement so Section 2.8 reads as follows:

A minimum of 60,000 sq. ft. (5,574.2 sq. m.) of usable recreation space shall be provided on the Property and may include:

- (i) individual balconies; and
- (ii) common-use landscaped areas, which may include a plaza or central garden, in accordance with the Site Plan attached as Schedule B.

4. Inserting a new Section 2.16, *Building A Commercial Space*, of the Development Agreement as follows:

- (a) The Municipality and the Owner acknowledge that commercial uses on the ground floor of Building A, fronting on Wentworth Road, would make a more vibrant streetscape and every effort should be made by the Owner to ensure there is a commercial component on the ground floor of Building A, fronting on Wentworth Road.
- (b) The commercial space within Building A, fronting on Wentworth Road, may only be converted to residential apartment units if the following parameters are met:
 - (i) A WHRM Building Official has conducted and approved the framing inspection on the commercial space; and
 - (ii) The commercial space has been publicly advertised for lease by a licensed real estate agent for a period of at least 1-year from the approved framing inspection outlined in 2.16 (b) (i).
- (c) Should the Owner wish to request the commercial space within Building A, fronting on Wentworth Road, be converted to residential apartment units, the Owner shall submit such request in writing with any supporting documentation to the Development Officer. The Development Officer will only approve such a request if the parameters outlined in Section 2.16 (b) are met.
- (d) If the Owner is approved to convert the commercial space on the ground floor of Building A to residential, a maximum of 5 additional apartment units shall be permitted within Building A.

5. The parties hereby agree that all remaining terms and conditions of the Development Agreement recorded on October 3, 2022 shall remain in full force and effect.

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

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)

)

Per: _____

) Abraham Zebian, Mayor

)

)

Per: _____

) Deanna Snair, Municipal Clerk

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)
)
) **FH DEVELOPMENT GROUP INC.**

)
)
)

Per: _____

Witness

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Canada
Province of Nova Scotia

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SUPREME COURT OF NOVA SCOTIA

Faisal Al-Hammadi, President

Schedule B
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- 14 2BR STACKED TOWNHOUSES

- 67 2BR
- 64 1BR+DEN
- 56 1BR
- 204 TOTAL UNITS

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- 25 FOR STACKED TOWNHOUSES
- 72 UNDER BUILDINGS
- 201 ON GRADE
- 298 TOTAL (REQUIRED 242)
- (ASSUME APPROX. 17 COMMERCIAL)
- (PARKING RATIO: 225/204 = 1.1)

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- TOTAL SITE AREA = 365417 SQ.FT
- OPEN SPACE AREA = 300091 SQ.FT
- PERCENTAGE OF TOTAL SITE = 82.1 %

