



**West Hants**  
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY**  
**Planning and Heritage Advisory Committee (PAC/HAC) Agenda**  
**July 11, 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 (June 13, 2024)**
- 6.0 New Business**
  - 6.1 File #24-12 WHMPS Amendments: 4859 Highway 1, Three Mile Plains (Alex Dunphy) - Pg. 2
  - 6.2 File #24-15 Development Agreement: Irven Drive Extension (Sara Poirier) - Pg. 21
  - 6.3 File #24-14 Development Agreement: 198 Water Streer, Windsor (Alex Dunphy) - Pg. 81
- 7.0 Business Arising From the PIM**
  - 7.1 Upcoming - File #24-17 Development Agreement: 1809 Hwy 1, Falmouth (Alex Dunphy)
- 8.0 Business Arising from the Minutes (File Updates) - Pg. 154**
- 9.0 Building and Development Activity Reports (June 2024) - Pg. 159**
- 10.0 Notices from Adjacent Municipal Units**
- 11.0 Questions and Comments from the Public**
- 12.0 Next Meeting Date (September 12, 2024) / Adjournment**



**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:** July 11, 2024

**Subject:** WHLUB Map Amendment: 4859 Highway 1, Three Mile Plains (PID 45016763); File # 24-12

**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 West Hants Land Use By-law to rezone PID 45016763 at 4859 Highway 1 in Three Mile Plains from the Two Unit Residential (R-2) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-12 to the Planning and Heritage Advisory Committee dated July 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 Ben Croll of Brighter Community Planning on behalf of Brison Developments Limited on April 16, 2024. The application was to rezone the subject lot from Two Unit Residential (R-2) to Multiple Unit Residential (R-3) to allow the construction of four-unit dwellings.

## **DISCUSSION**

The subject lot is 0.75 acres, has frontage on both Highway 1 and Old Halifax Road, and had a single unit dwelling removed from the property in 2018.

The subject lot is currently designated Residential and included within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned Two Unit Residential (R-2) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

All properties surrounding the subject lot are designated Residential. Adjacent uses primarily consist of low-density residential dwellings, some commercial uses to the south, including an auto repair shop and contracting office, as well as a church further west on Highway 1. These uses have a mix of zoning including the Two Unit Residential (R-2) zone, Highway Commercial (HC) zone, Institutional (I) zone.

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

Policy 5.3.7 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to the Multiple Unit Residential (R-3) zone within the Three Mile Plains Growth Centre. The policy also includes criteria which must be considered in relation to the proposal. The evaluation of the full list of criteria is included in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot has frontage on an arterial street;
- the subject lot is capable of being serviced by municipal water and sewer;
- the proposed use is compatible with the character of the area; and
- no infrastructure upgrades to the road network will be required.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. The full list of criteria is included 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.

### **Public Comment Response**

Staff received a number of concerns from residents in the area including concerns regarding increased traffic, egress points in disrepair, site drainage, Municipal service infrastructure, and ditching.

In response to these concerns, staff first contacted the Municipal Public Works Department who confirmed that there was adequate capacity for the proposal and that the Municipal service infrastructure for both water and sewer were in adequate condition. The Municipal Public Works Department also confirmed that the traffic, egress, and ditching for the subject lot would be under the jurisdiction of the Nova Scotia Public Works Department (NSDPW). The initial response from NSDPW provided no indication of any concerns regarding traffic, egress, or the ditching in the area of the subject lot. Staff contacted NSDPW regarding traffic, egress, or the ditching, but have not yet received a reply. Staff hope to have this response prior to the Planning and Heritage Advisory Committee meeting.

### **MUNICIPAL CLIMATE CHANGE ACTION PLAN**

The Municipal Climate Change Action Plan (MCCAP) Coastal Flooding map does not show any risks of coastal flooding on the subject lot. The MCCAP Inland Flooding map shows the property as having a 0.11 - 0.50m depth to water table. Section 4.3.2 of the MCCAP (pg. 40-41) explains the Inland Flooding map in more detail. It states “The Depth to Water Table categories, as seen on the map, indicate quality of drainage: the 0-0.10 m class is generally associated with poor drainage and the 0.11-0.50 m class with imperfect drainage. These areas can be used to infer where water will naturally flow and/or accumulate in the landscape. As confirmed by the Director of Public Works, the property owner will be required to ensure that the pre- and post-development stormwater flows for their property are neutral or better through the subdivision process.

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

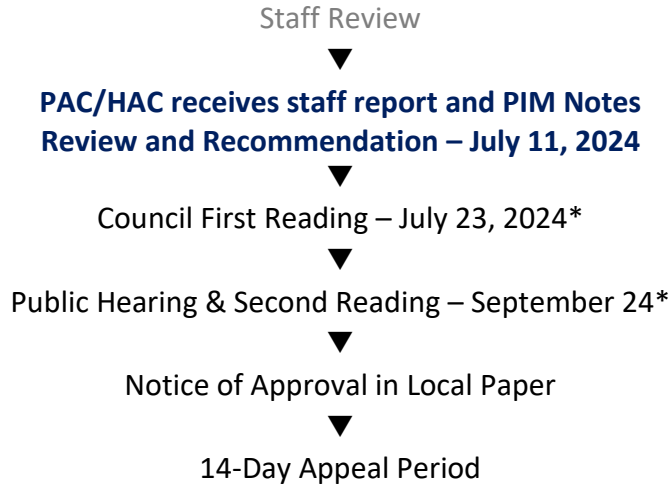
### **NEXT STEPS**

As noted above, the proposed amendment has been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to amend the zoning of PID 45016763 to the Multiple Unit Residential (R-3) zone.

### **Process**

Public Information Meeting – June 6, 2024





\*anticipated dates; final dates set by Council

**FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality 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 amendment as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

**ATTACHMENTS**

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

Report Prepared by: \_\_\_\_\_  
 Alex Dunphy, Senior Planner

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

Figure 1 – West Hants GFLUM Extract

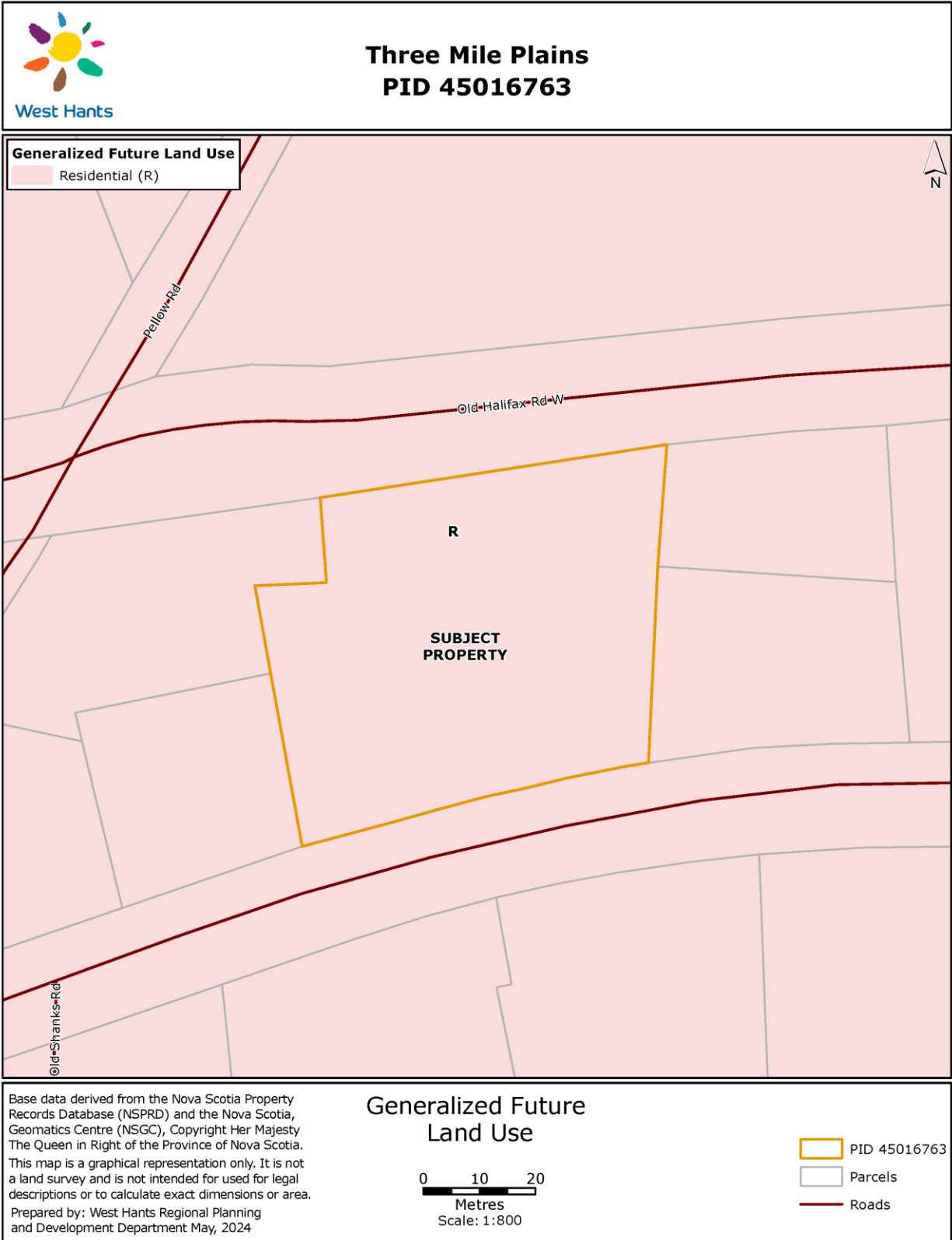


Figure 2 – West Hants Zoning Map Extract

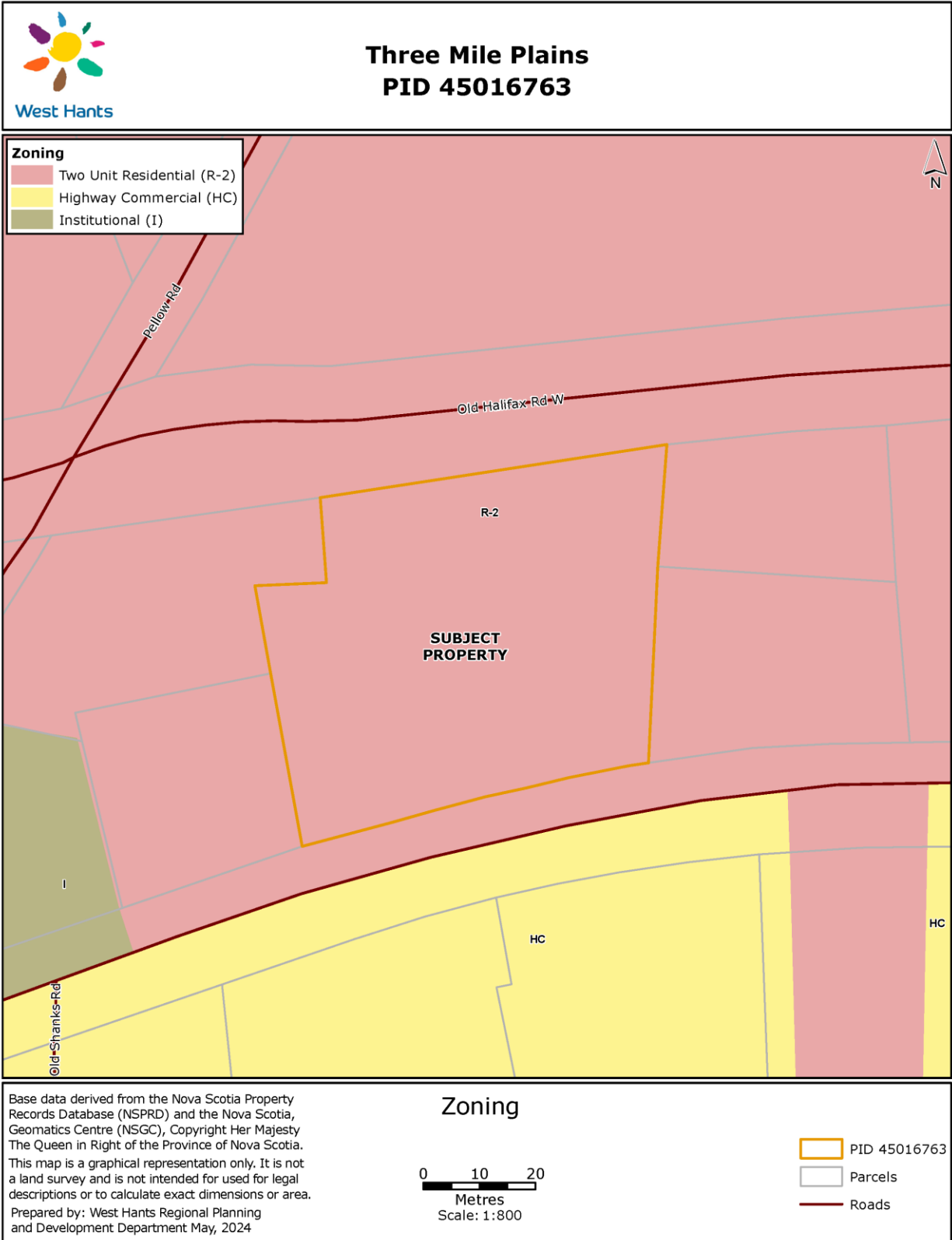
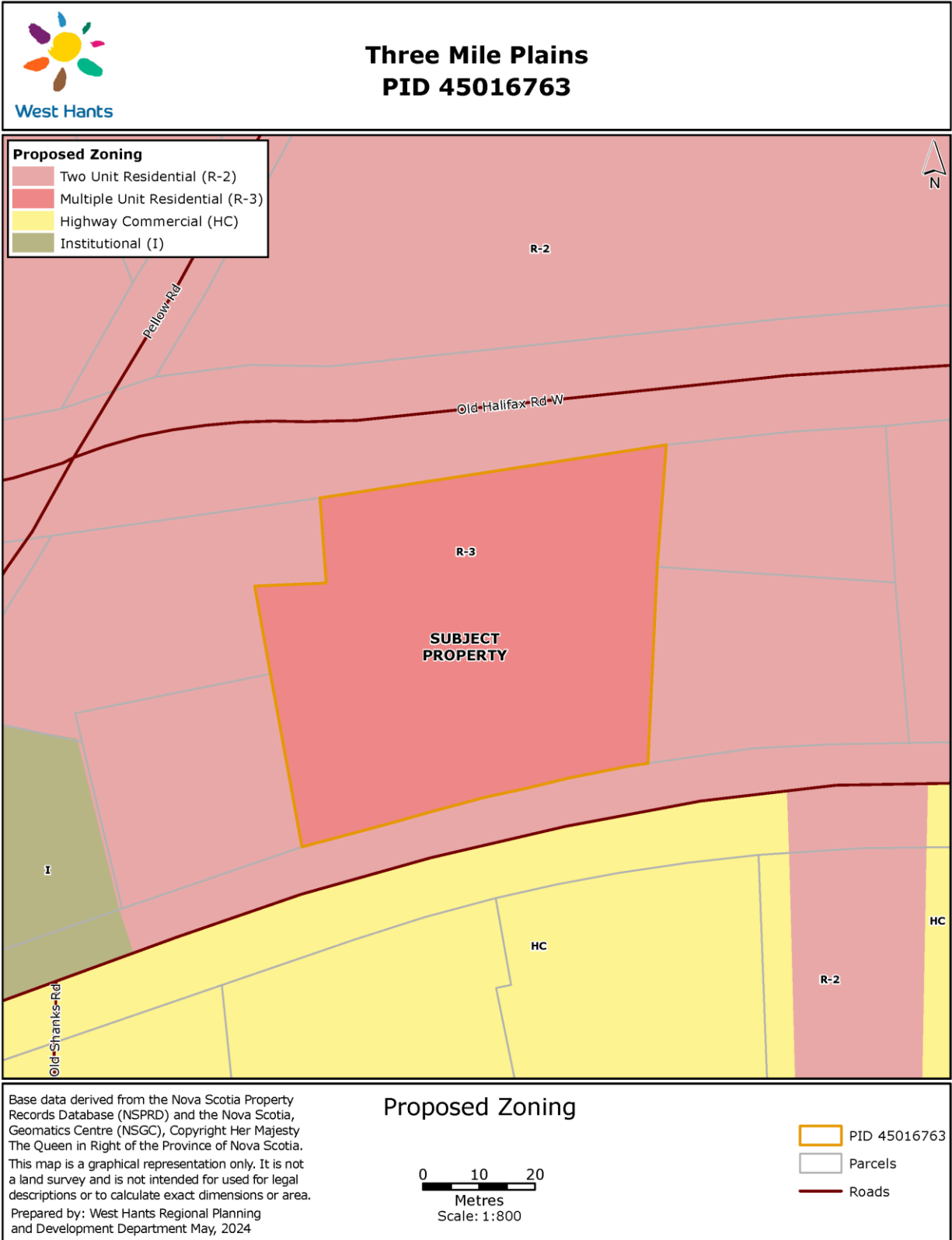


Figure 3 – West Hants Proposed Zoning Map Extract



**Attachment A – Policy Summary for Amendments**

<p><b>Policy 5.3.7</b> <i>It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:</i></p>	
<p><i>(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;</i></p>	<p>The subject lot has frontage on Highway 1, which is classified as an arterial street on the West Hants Municipal Planning Strategy Transportation Map (Map 2).</p>
<p><i>(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	<p>The Public Works Engineering Division commented that the lot is capable of being serviced by Municipal water and sewer.</p>
<p><i>(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;</i></p>	<p>There are a mix of uses surrounding the subject lot, including low density residential units, an auto repair shop, and a church. The Development Officer commented that they have no concerns regarding compatibility of the building scale, density, or design based on the minimum lot requirements of the Multiple Unit Residential (R-3) zone. The Area Manager of the Nova Scotia Department of Public Works did not raise any concerns regarding traffic generation.</p>
<p><i>(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;</i></p>	<p>The Area Manager of the Nova Scotia Department of Public Works did not raise any concerns regarding infrastructure improvements for existing streets or a traffic impact study in relation to this proposal.</p>
<p><i>(e) adequate open space or recreational space is provided;</i></p>	<p>The Development Officer commented that recreational space must be provided as per Section 10.5 of the West Hants Land Use By-law. This is a</p>

	requirement of permitting and will be addressed at that stage.
<i>(f) adequate on-site parking is provided;</i>	The Development Officer commented that at least 1.5 parking spaces will be required per dwelling unit. This is a requirement of permitting and will be addressed at that stage.
<i>(g) any other matter which may be addressed in a Land Use By law; and</i>	All relevant matters have been addressed in this report.
<i>(h) Policy 16.3.1.</i>	See Policy 16.3.1 below.

<b>Policy 16.3.1</b> <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<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 Public Works Engineering Division commented that they had no concerns regarding the adequacy of Municipal services for the proposed use.
<i>(ii) the adequacy of school facilities;</i>	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.”
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection, as the subject lot can be accessed from two

	streets. The local Fire Chief commented that they also had no concerns.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the adjacent road network.
<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 supply and either central sewer or an approved on-site sewage disposal system;</i>	The Public Works Engineering Division commented that the subject lot is capable of being serviced by Municipal water and sewer.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager of the Nova Scotia Department of Public Works commented that the subject lot is considered to have safe roadway access to both Highway 1 and Old Halifax Road West and that they had no concerns regarding the suitability of auto or pedestrian movement. There are no sidewalks present near the subject lot, however, it is likely that primary access to the subject lot will be by vehicle. There is no active rail line 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 would be able to contain three 4-unit residential buildings based on the minimum lot requirements of the Multiple Unit Residential (R-3) zone. They had no concerns regarding the adequacy of the dimensions and shape of the lot for three 4-unit residential buildings.

<p><i>(e) 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. Due to its location within the Three Mile Plains Growth Centre, the proposal is incentivised by Policy 5.1.1 in the West Hants Land Use By-law, which states, <i>“It shall be the policy of Council to encourage more concentrated residential and commercial development in the designated Growth Centres.”</i></p>
<p><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></p>	<p>The majority of the subject lot appears to be flat. The western portion of the subject lot is noticeably lower than the remainder of the subject lot. No waterbodies or wetlands appear to be present on the mapping for the subject lot. Residents have reported flooding concerns from the ditching on the Provincial roads on properties surrounding the subject lot. As both of the roads are under the jurisdiction of the Nova Scotia Department of Public Works, staff have forwarded the concerns from residents to the Provincial Public Works Department. The initial response provided no indication for concerns that would negatively affect the subject lot.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>

*(h) any other matter required by relevant policies of this Strategy.*

All relevant matters have been addressed in this report.

**Attachment B – Public Information Meeting Notes**

**June 6 - 20, 2024**

**WHLUB Map Amendment: 4859 Highway 1, Three Mile Plains (PID 45016763); File # 24-12**

<b>Meeting date and time</b>	A Public Information Meeting was held on June 6, 2024 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>Attending</b>	<p>In attendance for the meeting:</p> <p>One (1) Chair:</p> <ul style="list-style-type: none"> <li>• Councillor Francis</li> </ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> <li>• Director Poirier</li> <li>• Senior Planner Dunphy</li> <li>• Planner Hong</li> <li>• Planning Assistant Lake</li> </ul> <p>Approximately 9 members of the public.</p>
<p><b>Applicant</b> Ben Croll on behalf of Mitch Brison</p> <p><b>Property</b> PID 45016763, 4859 Highway 1, Three Mile Plains</p>	<p>Planner Dunphy outlined the application to rezone the subject lot to the Multiple Unit Residential (R-3) zone.</p> <p>Ben Croll provided a presentation on the proposal from the developer’s perspective.</p>
<b>Comments</b>	<p>Comments from the public could be submitted by mail, e-mail and telephone between June 6-20, 2024.</p> <p>Staff received 1 phone call and 4 written submissions during the comment period. The phone call was regarding traffic and pedestrian safety.</p> <p>7 members of the public spoke during the Public Information Meeting. Staff and applicant responses are in purple.</p> <ul style="list-style-type: none"> <li>• Dave Bates asked about egress points and commented that the former egress points are in disrepair. Dave also raised concerns regarding the stormwater and inadequate drainage on-site. Alex replied that no in-depth review had been conducted at this point and that the staff report would speak to the concerns raised.</li> </ul>

	<p>Ben commented that egress would be approved by Province.</p> <p>Alex replied that the egress would be reviewed as part of the inquires and it would also looked into during permitting process.</p> <ul style="list-style-type: none"><li>• Frances Henshaw asked if the rezoning would allow apartment buildings. Frances had concerns about an increase in taxes and traffic, stating that there is a very busy road unsuitable for children and that someone should be here to answer tax questions. Frances then commented that the Government owns larger, more suitable lands, why not build there and asked if the public would be contacted again for input.</li></ul> <p>Alex listed the permitted uses in for the Multiple Unit (R-3) zone, which included apartment buildings. Alex indicated that any development would still need to meet the requirements of the new zone in order to receive permits. Alex then referenced input from the developer that it is unlikely more than 3 four-unit buildings would be able to be developed on the lot. Alex confirmed that he will contact other departments for input on the proposal and that the public will be notified of Public Hearing just as they were for the PIM.</p> <ul style="list-style-type: none"><li>• Natasha Hatchard-Pemberton stated that the maps show a portion of her property being “taken” for this proposal. Natasha was also concerned about egress, ditches, stormwater, and infrastructure, stating that systems are overtaxed for those already living in the area.</li></ul> <p>Councillor Francis replied that Public Works would review the infrastructure.</p> <p>Alex confirmed that he would mention the concerns to them.</p> <p>Ben stated that the imaging from PVSC or Viewpoint, is demonstrative only and that a survey would need</p>
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	<p>to be conducted prior to development. He would discuss this with the land owner.</p> <ul style="list-style-type: none"> <li>• Pauline Byard asked if there was a housing needs assessment for the area, or in general and if the proposal will be affordable housing? Ben replied that the overall info was provided by CMHC for general housing needs and was not location specific. Ben stated that the proposal would not be considered “affordable” according to the developer, but it would not be high-end either.</li> <li>• Mike Forrester commented that he was outside of mailing radius and asked why the radius wasn’t in metric or larger. Mike had the same concerns as everyone else regarding water and sewer services/infrastructure. Mike said that staff should talk to the Province about egress. Mike stated that he felt that the Municipality was putting the cart before the horse.</li> <li>• Chris Aker stated that he was 100% against the proposal. Chis stated that the infrastructure should be fixed first and echoed the ditch issues. Debbie replied that staff will speak to the Municipal Public Works Department and the Nova Scotia Public Works Department about the concerns.</li> <li>• Lynda Gradt had concerns with the infrastructure, stating that the water has nowhere to go. She was concerned about the size of the property, unsure of how the developer would fit that many fourplexes. Lynda stated that it is a single-family home sort of area and that one rezoning may open the door to others and may “industrialize” the area. Lynda also had concerns about nearby quarries and busy roads.</li> </ul>
<b>Adjournment</b>	The Public Information Meeting was adjourned at approximately 6:50 p.m.

**Written Correspondence Received**

**June 11, 2024**

**From** Gail Cumben

**To** Alex Dunphy

To Mr. Alex Dunphy

I have live on Old Halifax Rd. West in Three Mile Plains for 24 years, which is the same rd. the property up for possible rezoning is on (hwy 1 on one side of property and Old Halifax Rd. West is the on other side of property) I am very concerned about having multiple units going up on that property. I don't feel our area is a good place for it, it should remain as an R-2. We do not have the space for a big amount of people and traffic in this community. Our pipes for water and sewage are old and would not be able to handle multi units of people on top of what it already has to service. It would look really odd on our street/hwy 1 for multi units to be standing with all the single houses around. Please listen to the people in this area and keep R-2 zoning in place for 4859 Highway 1 property.

Sincerely,

Gail Cumben

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**June 15, 2024**

**From** Michael Forrester

**To** Alex Dunphy

Greetings,

After attending the Public Information Meeting on June 6, 2024 we would like to further express our disapproval of this proposal. It became abundantly clear at the meeting that a development of this type is not only inappropriate for this area but the area is currently inappropriate for the development. It became clear at the meeting that current infrastructure is nowhere near adequate to accommodate such rezoning. The present school system in the area is at capacity, the sewer and water system is at capacity not to mention the roadway drainage infrastructure has been neglected for far too long and is causing flooding in the immediate area. There is also the issue of vehicular traffic in the area which we really don't need more of. During any given weekday with quarries on either side of it this stretch of Highway 1 can see upwards of 100 dump trucks a day and smaller haulers of gravel.

At this time we would like to once again express our feelings that the 500 foot notification is not only outdated but inadequate. Decisions like this effect more residents in the area than those a mere 500 feet away. With of coarse no real shoulders or sidewalks it was not really possible to read a small sign posted next to a busy highway. We of course had to find out about the meeting from a neighbour and/or a posting on social media. We found this particularly annoying during the presentations when any east looking photos showed our home prominently featured.

Yours sincerely,

Michael Forrester and Lynda Gradt

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**June 19, 2024**

**From** Pauline Byard

**To** Alex Dunphy

As a home owner at [CIVIC REMOVED] Old Halifax Road West I oppose the rezoning of the subject property.

As a result of climate change we have more flooding in the area. However we lack the proper infrastructure at present to accommodate ourselves, let alone a multi unit complex with 18 off street surface parking spaces. It is unclear as to how many units exactly as it was not mentioned. But 18 parking spaces gives one an idea as to how many families can move into the area.

We do not have proper sidewalks and we have a quarry on each side of us, with heavy trucks going on both sides daily; not to mention the pollution from all of this. Three school buses also travel this road weekly.

We cannot and should not be supporting any new developments until we clean up first and know what it is we need to clean up to make our community more vibrant.

There should have been more consultation, thus covering a wider area given the nature of how this impacts everyone living on both sides of the proposed development. The notice of the public information meeting was only sent to land owners within 500 feet of the proposed development.

We could start with community meetings and a needs assessment of the area to see what supports the local residents and the community at large. Local area flooding, clearing of ditches and sidewalks, and local pollution are key items for this area at present. These impact our health and safety.

I am willing to serve on a committee as such to build capacity within our community.

In community unity,

A. Pauline Byard

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**June 19, 2024**

**From** Chris Aker

**To** Alex Dunphy

hello yall, im chris aker and i oppose the rezoning from r-2 to r-3 along/outside my [CIVIC REMOVED] pellow rd propertyt line, I/we been here over 60 years in the community would like to see existing water ditches, culverts and existing sewer/water repairs completed in the area

before developers start pushing unwanted debris over embankments, making water drainage even more unattainable by making huge parking lots, building large 4 plex units, and pushing us community minded country folks farther to the brink of having to make unwanted choices of pushing back with a combined plan.



**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:** July 11, 2024

**Subject:** Development Agreement: 1781 King Street, Windsor (PID 45162005) and PID 45408374, Edward Drive, Garlands Crossing; File #24-15

**LEGISLATIVE AUTHORITY**

Section 230 of the Municipal Government Act.

**RECOMMENDATION**

Based on the information staff have at the time of drafting this report, staff do not recommend in favour of the application until such time that further information can be provided from the Municipal Traffic Authority regarding the potential traffic impact, from the Fire Chiefs on the design of the proposed emergency access route and from the applicant to address the parking concerns from the Municipal Public Works Engineering Division. Currently criteria 5.4.6 (c) compatibility with residential character of the area with respect to traffic generation, 5.4.6 (e) well designed parking areas, 5.4.6 (g) minimal traffic impact, 5.3.7 (c) compatibility with the character of the area with respect to traffic generation, 5.3.7 (d) adequacy of proposed streets, 16.3.1 (a) (iv) the adequacy of road networks leading to the development, and 16.3.1 (b) suitability of auto movement, are not met.

If the PAC/HAC would like to recommend in favour of the application the following motion would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a total of 92 dwelling units within 23 four-unit dwellings grouped on a portion of PID 45162005 and PID 45408374 in Windsor and Garlands Crossing which is substantively the same as the draft set out in Attachment C of the report File #24-15 to the Planning and Heritage Advisory Committee dated July 11, 2024.

...that PAC/HAC recommends that Council require that the development agreement with Mitch Brison for PID 45162005 and PID 45408374 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**

An original application letter entitled *“Rezoning for Brison Developments”* was received on October 5, 2023, from Chrystal Fuller on behalf of the owner, Mitch Brison of 3229190 Nova Scotia Limited, outlining the request to rezone PID 45162005 from Agriculture (AG) to Two Unit Residential (R-2) as the first step of the overall development proposal. This rezoning was approved by Council on May 28, 2024.

The original application also discussed future applications for potential Windsor Municipal Planning Strategy (WMPS) text amendments and a development agreement to permit grouped dwellings. At the meeting on June 25, 2024, Council approved amendments to the criteria of Policy 5.4.6 to allow multi-unit developments or grouped dwellings over 12 units to be considered by development agreement on local roads if a favorable traffic impact study, and where necessary, an emergency access is provided.

An amendment to the original application was received on February 13, 2024, from Chrystal Fuller to confirm the owner’s development plans. The application requests Council consider a development agreement to permit up to 88 dwelling units within 22 four-unit dwellings grouped on the subject lots. The proposal has since been updated to include 92 dwelling units within 23 four-unit dwellings. The applicant has requested this application be brought forward to PAC/HAC and Council for further direction.

## **DISCUSSION**

PID 45162005 is approximately 5 acres in size and PID 45408374 is approximately 2.6 acres in size. The application states the proposed development will utilize 6.3 acres of the subject lots.

PID 45162005 at 1781 King Street is currently occupied by a single unit dwelling and a detached garage/accessory building with a large field behind these structures. The property also includes a gravel emergency access road, required through the Crossing development agreement, that extends from the end of Irven Drive to the shared driveway that provides access to King Street. PID 45408374 is currently vacant.

PID 45162005 and the majority of PID 45408374 are designated Residential on the Generalized Future Land Use Map of the WMPS and a small portion of PID 45408374 is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy (Figure 1). PID 45162005 and the majority of PID 45408374 are zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law a small portion of PID 45408374 is zoned Two Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law.

Dwellings with more than two units and grouped dwellings are not permitted in the underlying Two Unit Residential (R-2) zone.

In May 2024, the Government of Canada opened up a funding stream to incentivize the construction of purpose-built rental housing by providing a 100% rebate on the Goods and Services Tax (GST), or the Federal portion of the Harmonized Sales Tax (HST), on new purpose-built rental housing. The Government of Nova Scotia has also announced that it will provide a 100% rebate of the Provincial portion of HST for the same purpose. Eligible projects in this program need to include at least 4 residential units per building, with at least 90% of the residential units to be held for long-term residential rental, and developers need to begin construction on these units by 2031 with completion by 2036. The applicant has purposely designed this application for four-unit dwellings to submit the project to this and any future funding opportunity.

### ***Surrounding Context***

This proposal at the end of Irven Drive is seen as an extension of the Crossing. The properties surrounding the subject lots include the Avon View High School and future residential development to the north, the Crossing development to the east, residential properties and King Street to the south and west. These properties are designated Community Use and Residential. They have a variety of zoning including Institutional (I), Single Unit Residential (R-1), Two Unit Residential (R-2), Agriculture (AG) and Open Space (OS).

### ***Additional Information***

Staff have discussed the proposed Irven Drive Extension with the applicant since the fall of 2023. Throughout these discussions staff highlighted concerns with the proposed design of the Irven Drive Extension due to the following:

- The length of cul-de-sac being proposed;
- The criteria of Policy 5.4.6 requiring the development to abut an arterial or collector street as shown on the Transportation Map (Map 2) if the development consists of 12 or more units; and
- In relation to the Future Streets Map of the Subdivision By-law which shows a future connection from the Crossing to King Street.

For these reasons, staff have been advocating for the Irven Drive Extension to connect to the future Payzant Drive Connection in relation to this proposal.

### **Length of Proposed Cul-de-sac**

The Municipal Services Specifications Manual (2022) states that *“the maximum length of a cul-de-sac shall be as established in the Subdivision By-Law but shall not exceed 400m unless otherwise approved by the Municipal Engineer.”* The cul-de-sac proposed by the applicant for the Irven Drive Extension is greater than 400m in length, therefore the Public Works Engineering Division has stated that a road reserve should be provided to allow a future street connection to the Payzant Drive Connection. The Municipal Services Specifications Manual (2022) states *“acceptable road reserves to adjacent properties must be identified and deeded to the Municipality. These reserves must be not more than 400 m apart. Road reserves and their spacing are subject to acceptance by the Municipal Engineer. The road reserves will be located along the subdivision boundary in such a manner as to not prejudice development of the adjacent land.”* Staff received a memorandum from Traffic Engineers from WSP which highlighted that the cul-de-sac length starts from the bottom of the “P” intersection at Irven Drive and Merriweather Crescent as this where the one way in and out begins.

Although the Municipal Services Specifications Manual states that *“the maximum length of a cul-de-sac shall be as established in the Subdivision By-Law but shall not exceed 400m unless otherwise approved by the Municipal Engineer”* the Municipal Public Works Engineering Division has confirmed that they will not approve a cul-de-sac exceeding 400m in this location for the following reasons:

- *“Density proposed is high and would present risks, related to road closures for watermain repair, road construction and maintenance, emergency response, structure fires blocking street.*
- *Emergencies requiring more than one access point.*
- *Evacuations requiring more than one exit point.*
- *Safe and efficient movement of traffic in all conditions and storm events.*
- *Snow removal and solid waste collection issues with a long street with no connection.*

*Our suggestion would be to require a 16 meter road reserve to connect to the Payzant Connection. This would allow the municipality to construct a local municipal street in future when required.”*

#### Criteria of Policy 5.4.6

The criteria of Policy 5.4.6 (g) required the development to abut an arterial or collector street as shown on the Transportation Map (Map 2) if the development consists of 12 or more units. The current Irven Drive is shown as a local street on the Windsor Municipal Planning Strategy Transportation Map (Map 2) therefore the Irven Drive Extension would also be considered a local road unless connected to the future Payzant Drive Connection.

The applicant requested text amendments to this criterion of the WMPS. At the meeting on June 25, 2024, Council approved amendments to the criteria of Policy 5.4.6 to allow multi-unit developments or grouped dwellings over 12 units to be considered by development agreement on local roads if a favorable traffic impact study, and where necessary, an emergency access is provided. Therefore, the Irven Drive Extension is no longer required to connect to the future Payzant Drive Connection if a favourable traffic impact study and emergency access are provided and acceptable to the Municipal Public Works Engineering Division.

## Future Streets Map

In relation to the Future Streets Map of the Subdivision By-law which shows a future connection from the Crossing to King Street. Section 28 of the Windsor Subdivision By-law states:

*“(c) Where an area of land being subdivided includes or abuts land that contains a Required Street Connection as identified on the Future Streets Map (Map 1), the general layout of new streets in the proposed subdivision shall conform to the Future Streets Map. The location of such new streets is not required to be an exact match of the Future Streets Map, but must allow for, in the opinion of the Development Officer, the future continuation and completion of any Required Street Connection.”*

The Development Officer stated that if the applicant is proposing to further develop and subdivide the subject lots with the creation of a new public street, they would need to connect from Irven Drive Extension to Payzant Drive Connection. The exact location may be varied to some degree, but the street connection from Irven Drive Extension to Payzant Drive Connection is required.

### ***Applicant Submissions and Staff Response***

On January 24, 2024, the applicant submitted the following traffic information:

- GAALCO Traffic Engineering Report dated June 21, 2021, entitled *“Brison Developments Ltd. The Crossing, Windsor/West Hants, Additional Street Connection Traffic Impact Study”*;
- Letter from GAALCO Traffic Engineering dated September 1, 2023, entitled *“The Crossing: Additional Street Connectors”*; and
- GAALCO Traffic Engineering Report dated January 9, 2024, entitled *“Brison Developments Ltd. The Crossing, Windsor/West Hants, 22 Four-plex units on Irven Drive Traffic Report”*.

The conclusion of the reports as cited in the letter from GAALCO Traffic Engineering (September 2023) states:

*“The analysis of the four scenarios definitely demonstrated that the **best** connection for **both** the residents of The Crossing and the **general public** is Community Way connected to Payzant Drive. This connection will allow residents of The Crossing direct access to the hospital, the school, and a commercial district in Windsor; it will allow the public much better access to the hospital, the school, and a commercial district in Windsor.*

*The **worst** connection for both the residents and the general public is Irven Drive connected to King Street. This connection does little for the residents of The Crossing to access their desired destinations and allows the general public to use a long and circuitous route through The Crossing to reach the hospital, the school, etc. This route would **not** be of great benefit to the public, compared to Payzant Drive connected to King Street, and would have the very undesirable effect of bringing ‘short cutting’ traffic through The Crossing using Irven Drive. Irven Drive is already built as a residential street, not a collector, and which cannot be rebuilt, even if one wanted; the short-cutting traffic would be quite detrimental to the residents quality of life.”*

The Municipal Traffic Authority requested a Traffic Engineer at WSP to review the Traffic Impact Study provided by the applicant and received a memorandum entitled “*Review of the Crossing Development Plans and Traffic Impact Study (TIS)*” dated March 27, 2024. This memorandum provided feedback on the Traffic Impact Study provided by the applicant. In response to the feedback from WSP, on April 19, 2024, the applicant provided:

- A memorandum from Allan Golding of GAALCO Traffic Engineering entitled “*Re: Memorandum to Troy Burgess from Patrick Hatton March 27 2024*”; and
- GAALCO Traffic Engineering Report dated April 15, 2024 entitled “*Brison Developments Ltd. The Crossing, Windsor/West Hants, 22 Four-plex units on Irven Drive Traffic Impact Analysis*”.

On May 7, 2024, the Municipal Traffic Authority stated the following:

*“The GAALCO Report is in contradiction to information given to WHRM Staff by WSP. As a result, WHRM commissioned a TIS. Taking in account traffic with a wholistic view of the entire area from Underwood Rd, King St, Wentworth Rd, Payzant, Cole Dr and the entire Crossing Development. All known development information and the connect to Community Way to Payzant, the connection from Edward Dr to Cole Dr, Payzant Dr to King St connection and traffic calming all being considered. Until such time that Staff receives this completed TIS, Staff is not in the position to comment on the GAALCO report. Staff will comment once all the relevant information is in front of them.”*

On May 27, 2024, the Municipal Traffic Authority confirmed:

*“The contradiction to the GAALCO report mention was the fact that WSP told Staff they felt there should be a connection from Irven to Payzant and WSP’s advice is that the Cul-de-sac starts at Merriweather not Goosie Loop. Staff agree with this point. The Municipal Traffic Impact Study is expected to be completed in July.”*

### **Connection Options**

The applicant has provided three design options for a connection between Irven Drive Extension and the Payzant Drive Connection (Figure 3-5).

Option 1 shows the proposed Irven Drive Extension ending in a cul-de-sac with a 25 ft. wide access easement in favour of the Municipality to provide an emergency access / active transportation connection. This is the option that is attached to the draft development agreement. Due to the reasons mentioned above (i.e., length of cul-de-sac and Future Streets Map requirements) this option is not recommended by staff.

Option 2 shows the proposed Irven Drive Extension ending in a cul-de-sac with a road reserve being provided, angled towards the abutting private property to the north west. The applicant suggests that the two private property owners could provide land to allow the road reserve to connect the future Irven Drive Extension to the future Payzant Drive Extension. However, unless there is agreement from both property owners to provide the road reserve as depicted on the plan it would not be a feasible option.

Option 3 shows the proposed Irven Drive Extension ending in a cul-de-sac with a road reserve being provided on the applicant's property and connecting to the future Payzant Drive Connection. This would be the most viable option provided and is preferred by staff.

### ***Summary***

At this time staff do not recommend in favour of the application until such time that further information can be provided from the Municipal Traffic Authority regarding the potential traffic impact, from the Fire Chiefs on the design of the proposed emergency access route and from the applicant to address the parking concerns from the Municipal Public Works Engineering Division.

### **Windsor and West Hants Municipal Planning Strategy's**

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

Policy 5.4.6 of the WMPS establishes the intent of Council to consider entering into a development agreement to allow new multiple unit residential development consisting of three or more units and grouped dwellings in the Residential designation. The criteria of Policy 5.4.6 are examined in detail in Attachment A. In summary the proposal does not meet the criteria since:

- the Municipal Traffic Authority is unable to provide final comment on traffic impact of the proposal to determine the compatibility and impact of traffic generation (5.4.6 (c) and (g));
- the applicant has not addressed the concerns of the Municipal Public Works Engineering Division regarding potential impacts of the proposed parking to the sidewalk, snow removal, street maintenance and solid waste collection (5.4.6 (e)); and
- the local Fire Chiefs and the Municipal Emergency Management Coordinator has not had sufficient time to comment on the proposed emergency access (5.4.6 (g)).

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

Policy 5.3.10 of the WHMPS establishes the intent of Council to consider entering into a development agreement to allow grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre. The criteria of Policy 5.3.10 are examined in detail in Attachment A. In summary the proposal does not meet the criteria since:

- the Municipal Traffic Authority is unable to provide final comment on the compatibility of traffic generation and the adequacy of proposed streets (5.3.7 (c) and (d)).

#### ***WMPS and WHMPS General Criteria***

Policy 16.3.1 of the WMPS and WHMPS outlines the general criteria for development agreements. These criteria are examined in detail in Attachment B. In summary, the proposal does not meet the criteria as:

- the Municipal Traffic Authority is unable to provide final comment on the adequacy of proposed streets and suitability of auto movement (16.3.1 (a) (iv), WMPS 16.3.1 (b), WHMPS 16.3.1 (c)).

**MUNICIPAL CLIMATE CHANGE ACTION PLAN**

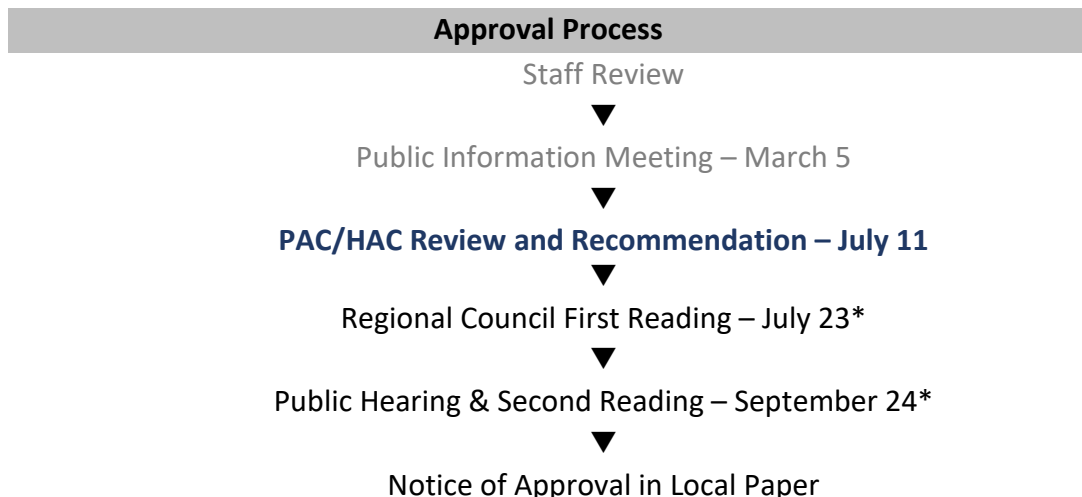
The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. However, the mapping does not recognize the subject lots to be at risk as this area is located further inland. The subject lots do not contain any identified watercourses.

Property owners are responsible for ensuring that the 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 criteria of the WMPS and WHMPS. Until such time that further information can be provided from the Municipal Traffic Authority regarding the traffic impact, from the Fire Chief on the design of the proposed emergency access route and from the applicant to address the parking concerns from the Municipal Public Works Engineering Division staff do not recommend moving forward with this application.

Note: the draft development requires legal review. This is anticipated prior to Council’s First Reading. The applicant has also not provided any feedback on the draft development agreement.





## 14-Day Appeal Period

\*anticipated dates; final dates set by Council

### FINANCIAL IMPLICATIONS

The current development as proposed poses no cost to the Municipality other than providing services such as water, sewer, snow plowing, and garbage collection to new residents which would be offset by Municipal taxes.

In response to the proposed length of cul-de-sac, the Municipal Public Works Engineering Division stated *“Our suggestion would be to require a 16 meter road reserve to connect to the Payzant Connection. This would allow the municipality to construct a local municipal street in future when required.”* If this was added as a requirement of the development proposal, the future construction of this road would be an additional cost to the Municipality, however, could be included in the overall project budget for the Payzant Drive Connection.

### 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;
- hold First Reading and authorize a Public Hearing to refuse the development agreement as drafted, citing the criteria that PAC/HAC consider not to be met; or
- provide alternative direction, such as requesting further information on a specific topic.

### ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Zoning Map Extract
Figure 3	Applicants Proposed Design Option 1
Figure 4	Applicants Proposed Design Option 2
Figure 5	Applicants Proposed Design Option 3
Attachment A	Specific Criteria for Development Agreement
Attachment B	General Criteria for Development Agreement
Attachment C	Draft Development Agreement
Attachment D	Public Information Meeting Notes

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

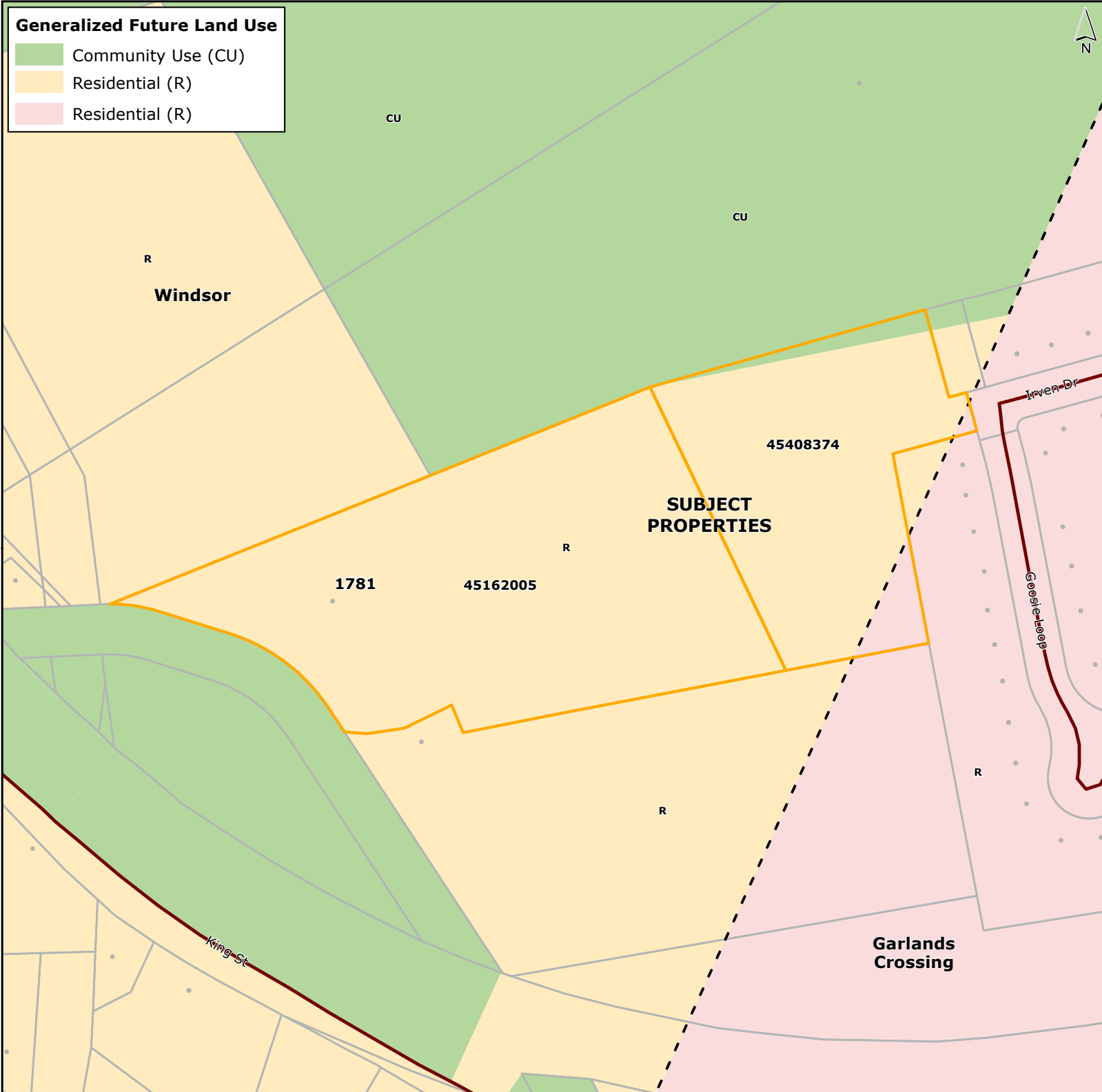
Report Reviewed by: \_\_\_\_\_  
Alex Dunphy, Senior Planner

**Figure 1 - GFLUM Extract**



# 1781 King Street, PID 45162005 and Edward Drive, PID 45408374

West Hants



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 June, 2024.

## Generalized Future Land Use

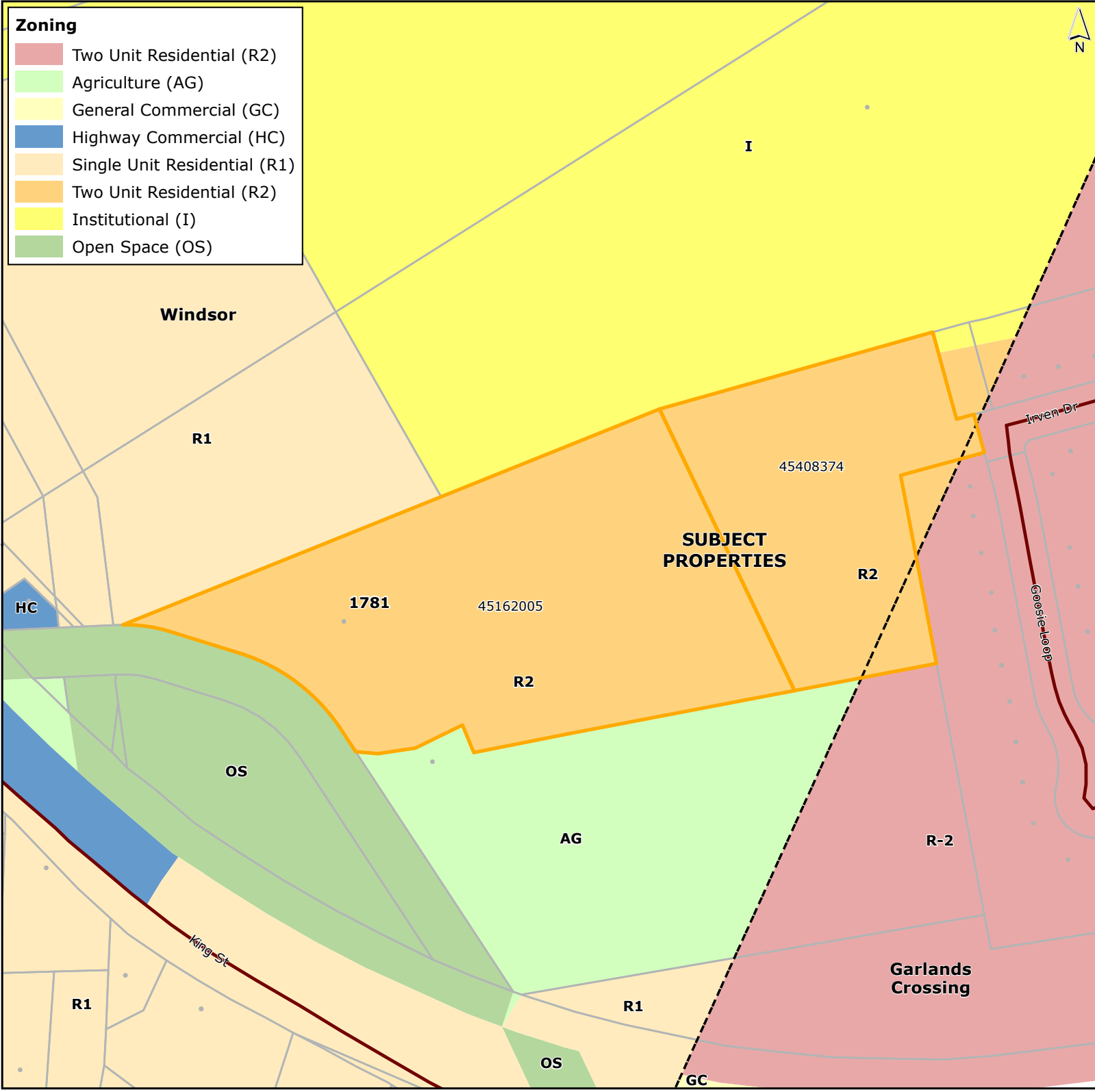
- PID 45162005 and 45408374
- Communities
- Parcels
- Civics
- Roads

**Figure 2 - Zoning Map Extract**



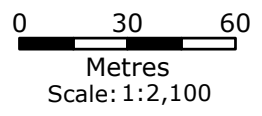
# 1781 King Street, PID 45162005 and Edward Drive, PID 45408374

West Hants



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 June, 2024.

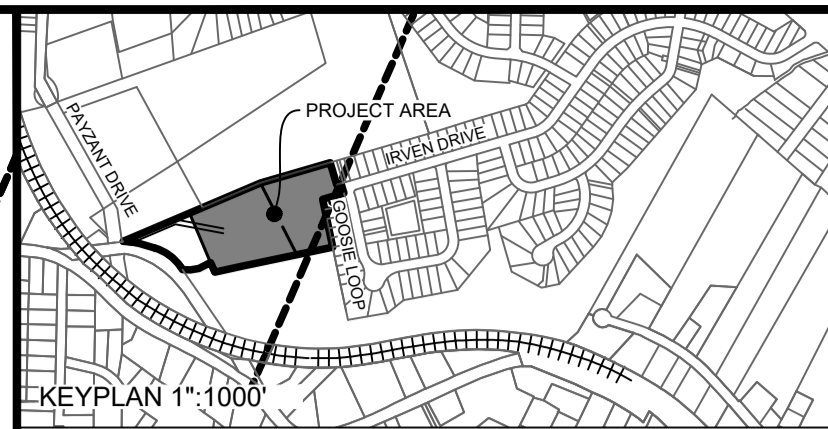
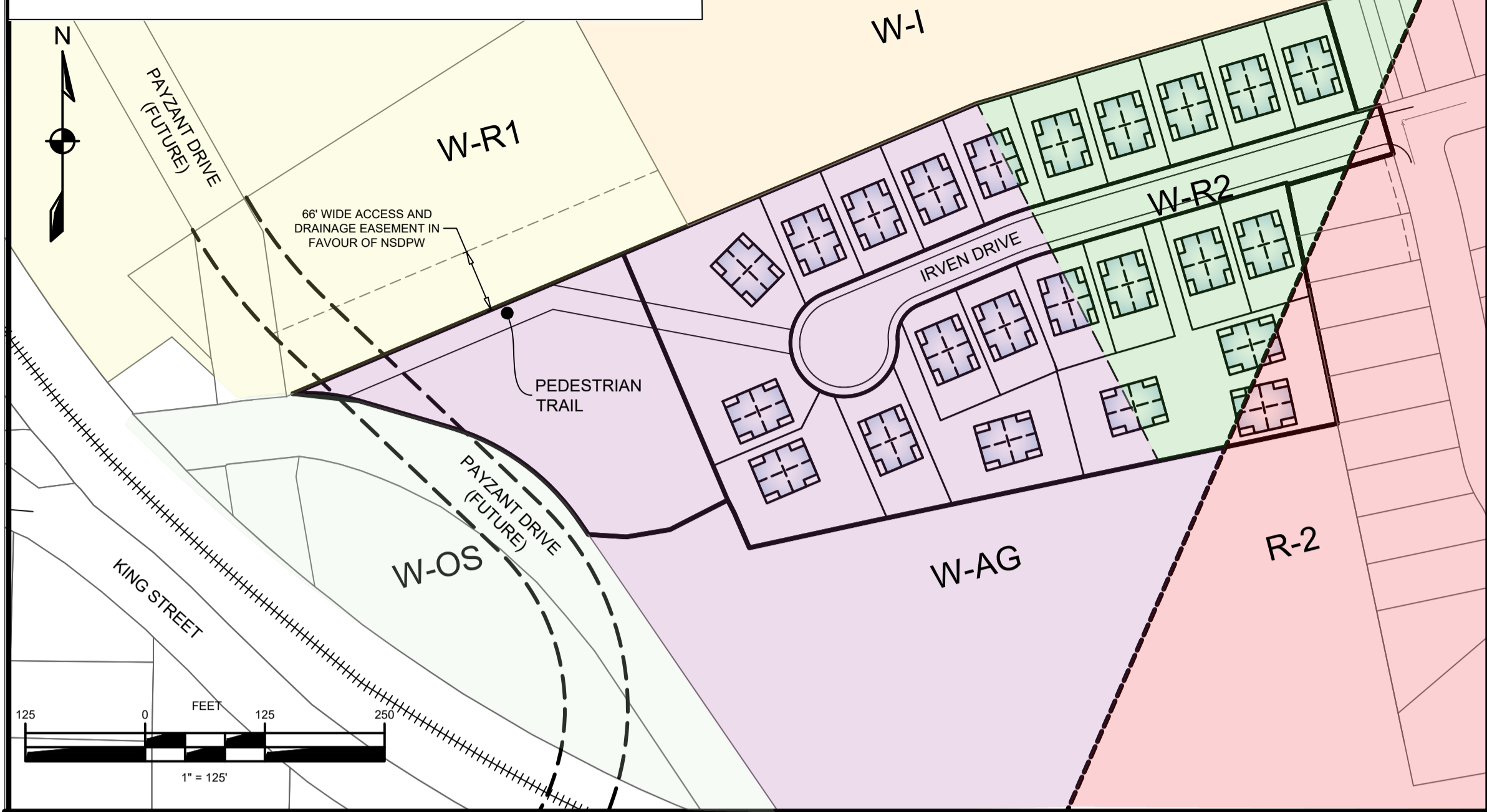
## Zoning



- PID 45162005 and 45408374
  - Communities
  - Parcels
  - Civics
  - Roads
- Agenda Pg. 34

**Figure 3 - Applicants Proposed Design Option 1**

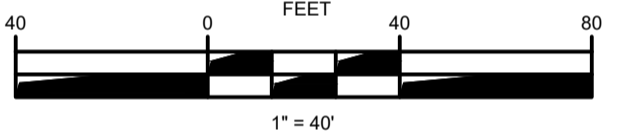
**CURRENT ZONING CONDITIONS**



**LEGEND**

EXISTING	EASEMENT	PROPOSED
W-A-E	WATER PIPE	W-A
S-A-E	SANITARY PIPE	S-A
S-T-E	STORM PIPE	S-T
S-W	SIDEWALK	S-W
W-W	WALKWAY/T. TRAIL	W-W
G	GUARDRAIL	G
T-O-S	TOP OF SLOPE	T-O-S
B-O-S	BOTTOM OF SLOPE	B-O-S
F	FENCELINE	F
CURB CUT/RAMP	EXISTING PROPOSED WATER VALVE	EXISTING PROPOSED
CURBSTOP	HYDRANT	
REDUCER	CATCHBASIN	
PRECAST HEADWALL	UTILITY POLE w/ GUY WIRE	
STREET TREE	STREET SIGN	

BUILDINGS	UNITS
23	92



ISSUE	DATE	DESCRIPTION
1	MAY 9, 2024	ISSUED FOR REVIEW

**DESIGNPOINT**  
engineering • surveying • solutions

**PRELIMINARY**  
MAY 9, 2024



**THE CROSSING - IRVEN DRIVE**

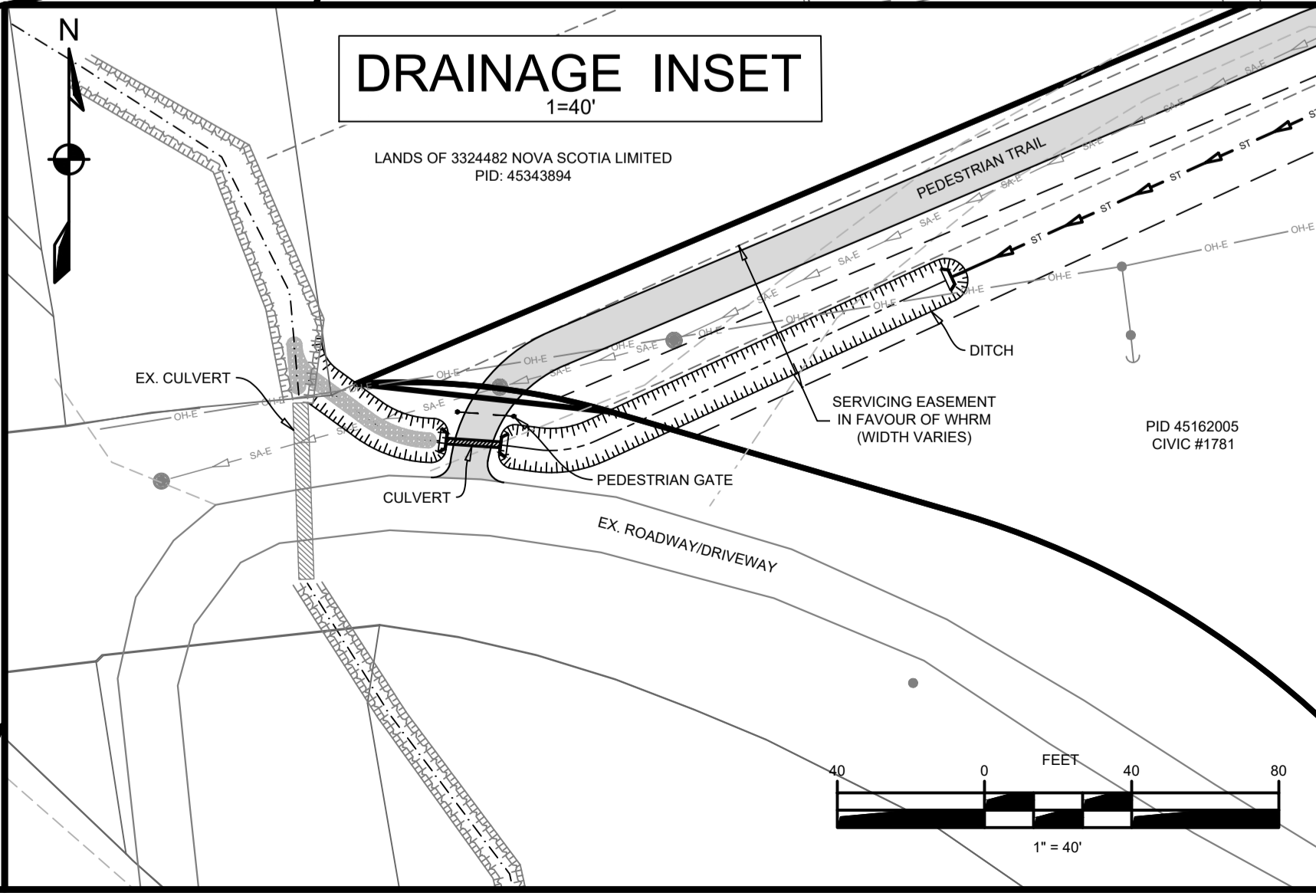
WINDSOR, NOVA SCOTIA  
SHEET DESCRIPTION

**IRVEN DRIVE  
CONCEPT PLAN (MULTI-UNIT HOMES)  
OPTION 1 - PEDESTRIAN TRAIL**

Drawn S. STACEY	Engineer L. GRANT	Project No. 22-278	Drawing No. CP-01
Scale 1" = 40'H	Filename 22-278_Concept 1.dwg	1 of 1	

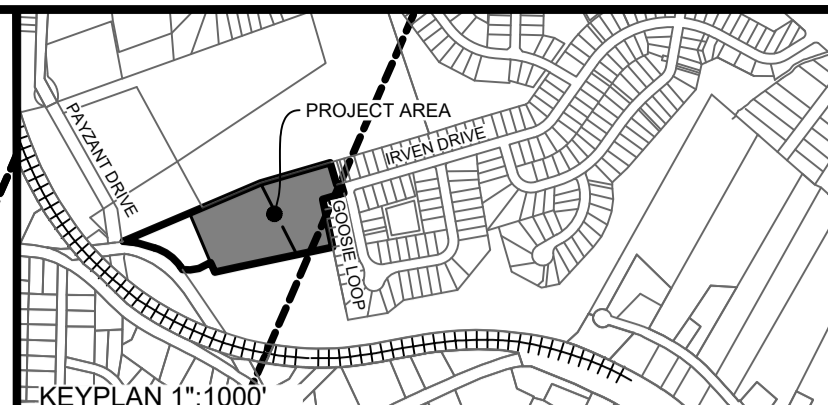
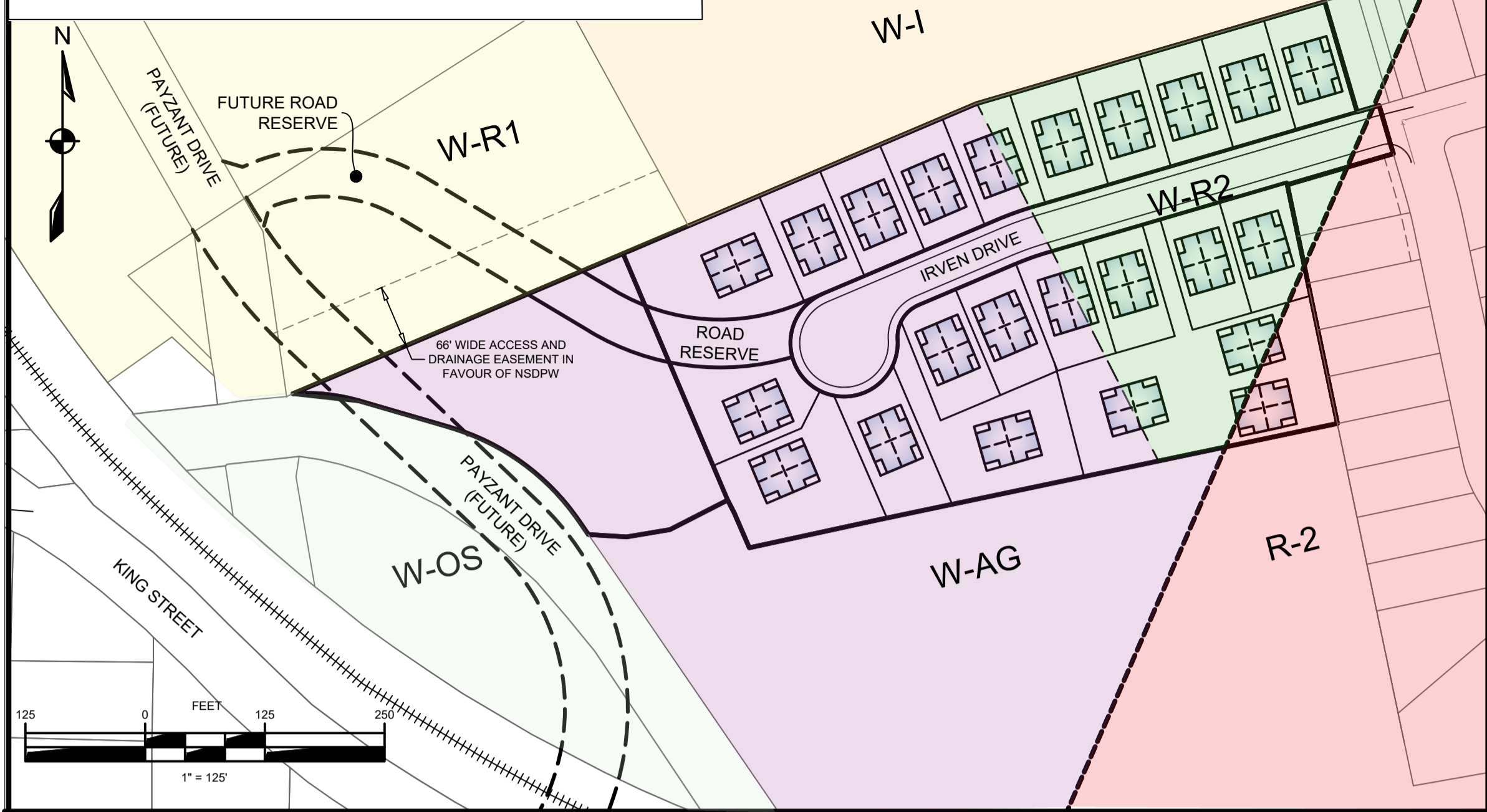


**DRAINAGE INSET**  
1"=40'



**Figure 4 - Applicants Proposed Design Option 2**

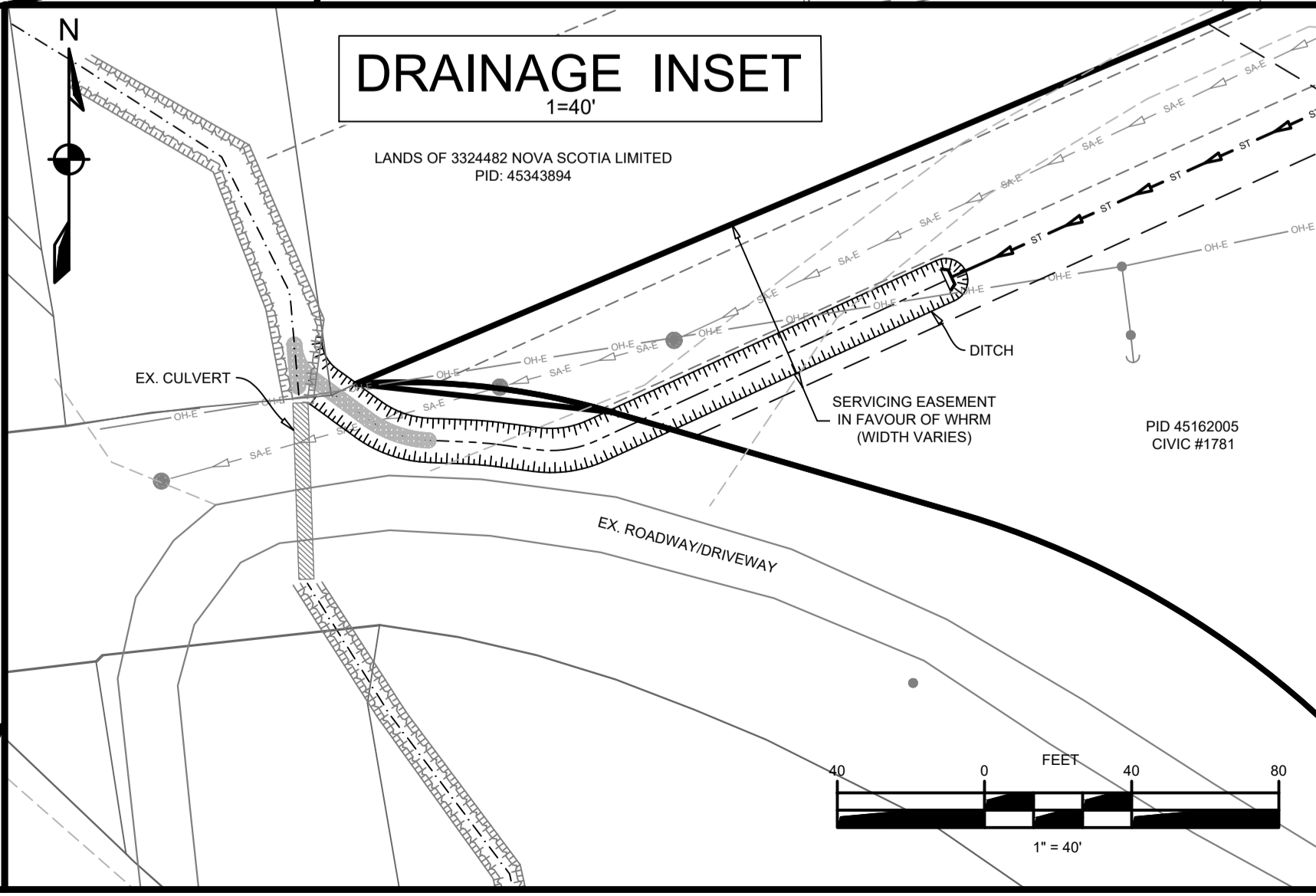
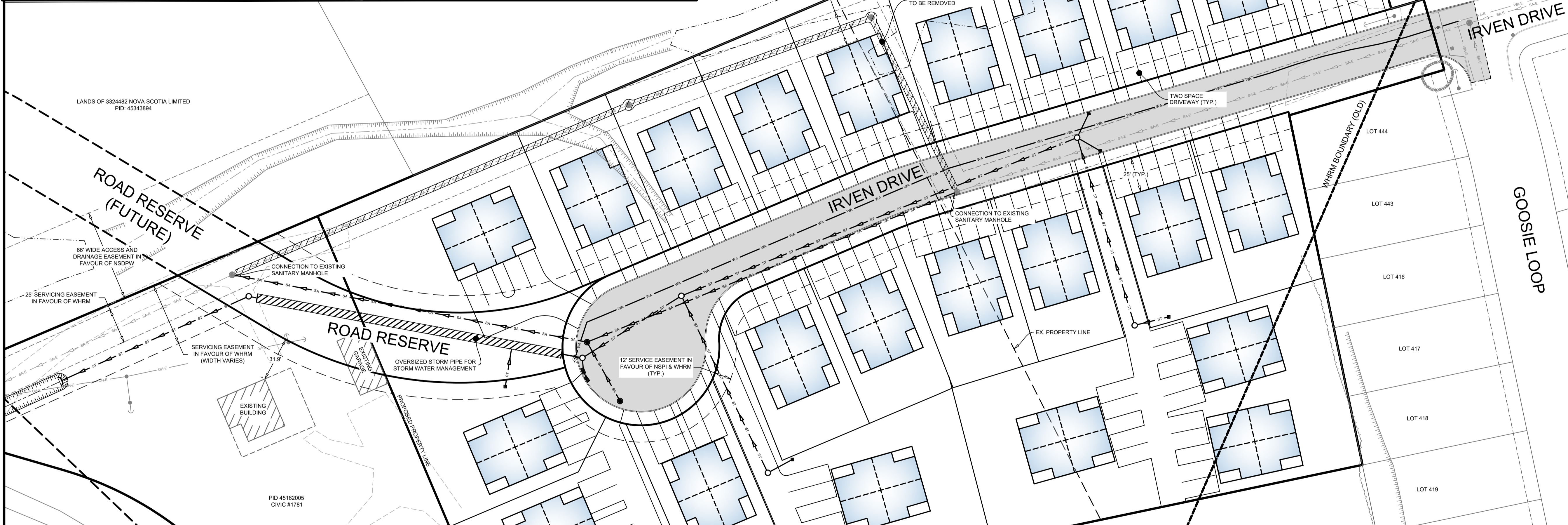
**CURRENT ZONING CONDITIONS**



**LEGEND**

EXISTING	EASEMENT	PROPOSED
W-P	WATER PIPE	WA
S-P	SANITARY PIPE	SA
ST	STORM PIPE	ST
S	SIDEWALK	S
W-T	WALKWAY/T. TRAIL	W-T
G	GUARDRAIL	G
TOS	TOP OF SLOPE	TOS
BOS	BOTTOM OF SLOPE	BOS
F	FENCELINE	F
CR	CURB CUT/RAMP	CR
CS	CURBSTOP	CS
R	REDUCER	R
PH	PRECAST HEADWALL	PH
ST	STREET TREE	ST
WV	WATER VALVE	WV
H	HYDRANT	H
C	CATCHBASIN	C
U	UTILITY POLE w/ GUY WIRE	U
SS	STREET SIGN	SS

BUILDINGS	UNITS
23	92



ISSUE	DATE	DESCRIPTION
1	MAY 9, 2024	ISSUED FOR REVIEW

**DESIGNPOINT**  
engineering • surveying • solutions  
902.832.5597 designpoint.ca

**PRELIMINARY**  
MAY 9, 2024

CLIENT  
**BRISON DEVELOPMENTS**  
PROJECT DESCRIPTION

**THE CROSSING - IRVEN DRIVE**  
WINDSOR, NOVA SCOTIA  
SHEET DESCRIPTION

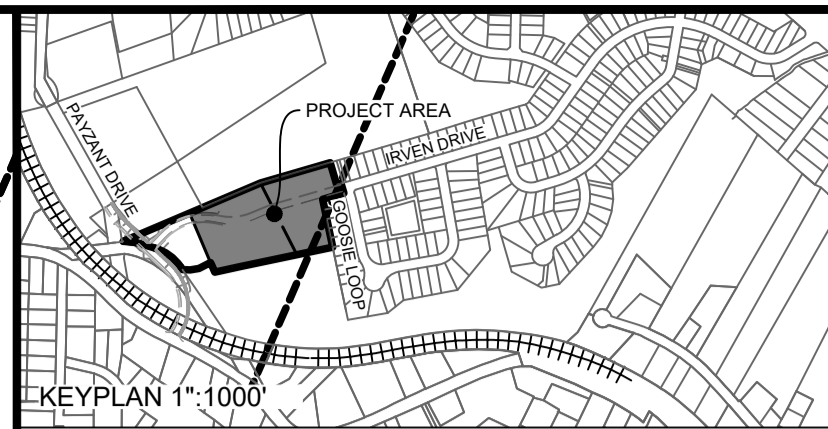
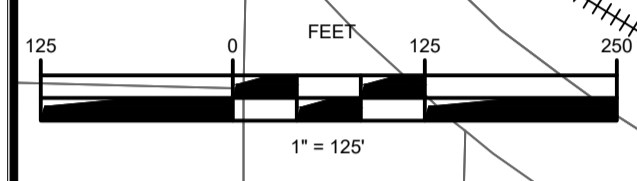
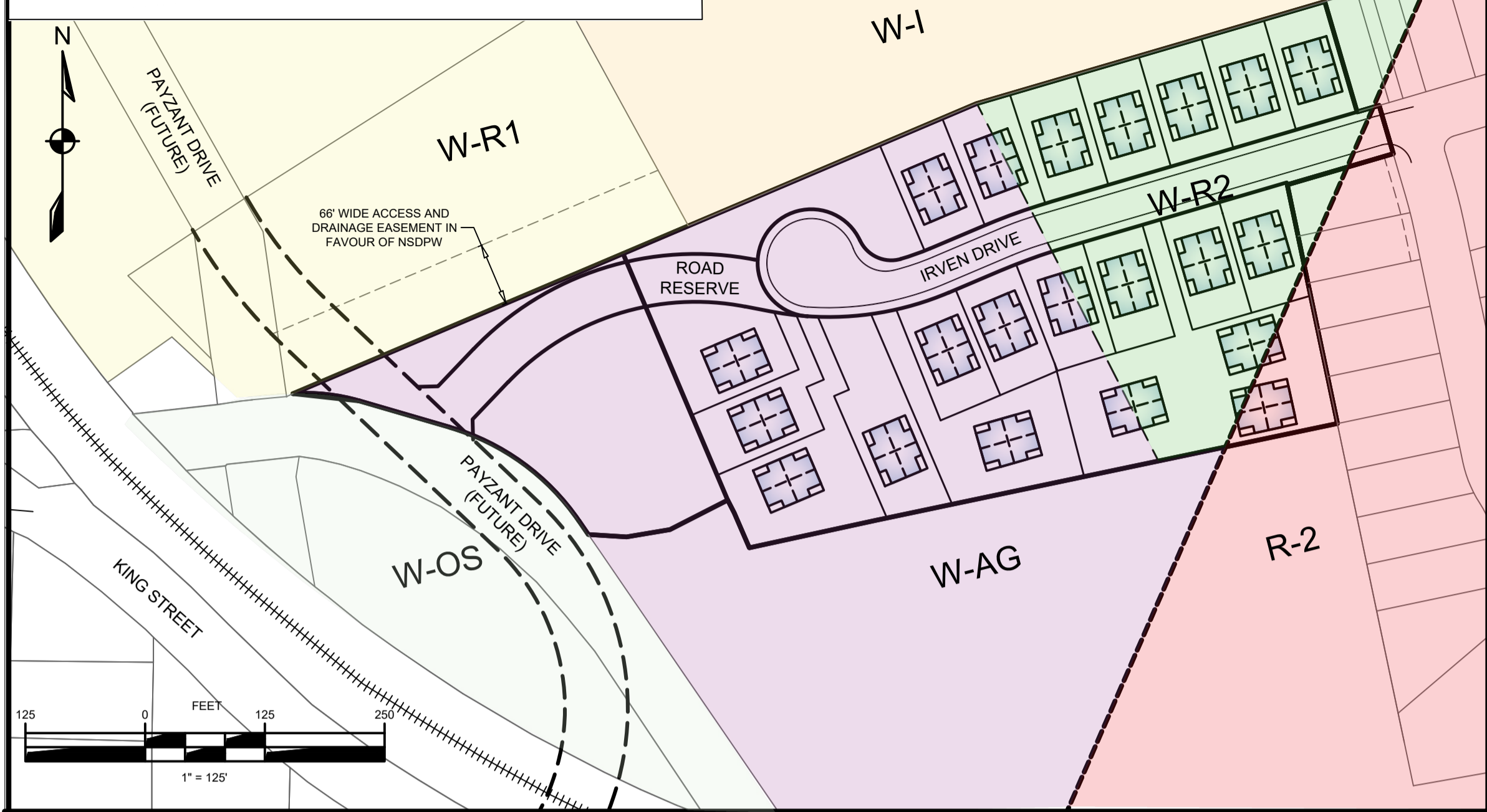
**IRVEN DRIVE CONCEPT PLAN (MULTI-UNIT HOMES) OPTION 2 - ROAD RESERVE (OWNER)**

Drawn	Engineer	Project No.	Drawing No.
S. STACEY	L. GRANT	22-278	CP-01
Scale	Filename		1 of 1
1" = 40'H	22-278_Concept 2.dwg		Appendix Bn. 38

P:\2022\22-278 Brison - The Crossing - Irven Street\01 - Drawings\Eng Design\Sheets\Concepts\22-278\_Concept 2.dwg, Plot Date: 2024-May-9, Plot Size: ISO FULL BLEED A1 (841.00 X 594.00 MM)

**Figure 5 - Applicants Proposed Design Option 3**

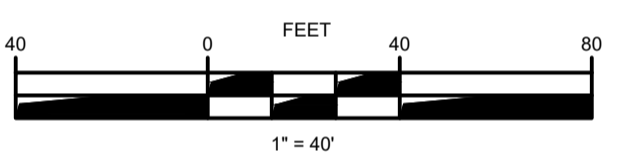
**CURRENT ZONING CONDITIONS**



**LEGEND**

EXISTING	EASEMENT	PROPOSED
W-AE	WATER PIPE	WA
S-AE	SANITARY PIPE	SA
ST-E	STORM PIPE	ST
SIDEWALK		
WALKWAY/T. TRAIL		
GUARDRAIL		
TOP OF SLOPE		
BOTTOM OF SLOPE		
FENCELINE		
CURB CUT/RAMP	EXISTING PROPOSED	WATER VALVE
CURBSTOP	HYDRANT	
REDUCER	CATCHBASIN	
PRECAST HEADWALL	UTILITY POLE w/ GUY WIRE	
STREET TREE	STREET SIGN	

BUILDINGS	UNITS
21	84



ISSUE	DATE	DESCRIPTION
1	MAY 9, 2024	ISSUED FOR REVIEW

**DESIGNPOINT**  
engineering • surveying • solutions

**PRELIMINARY**  
MAY 9, 2024



**THE CROSSING - IRVEN DRIVE**

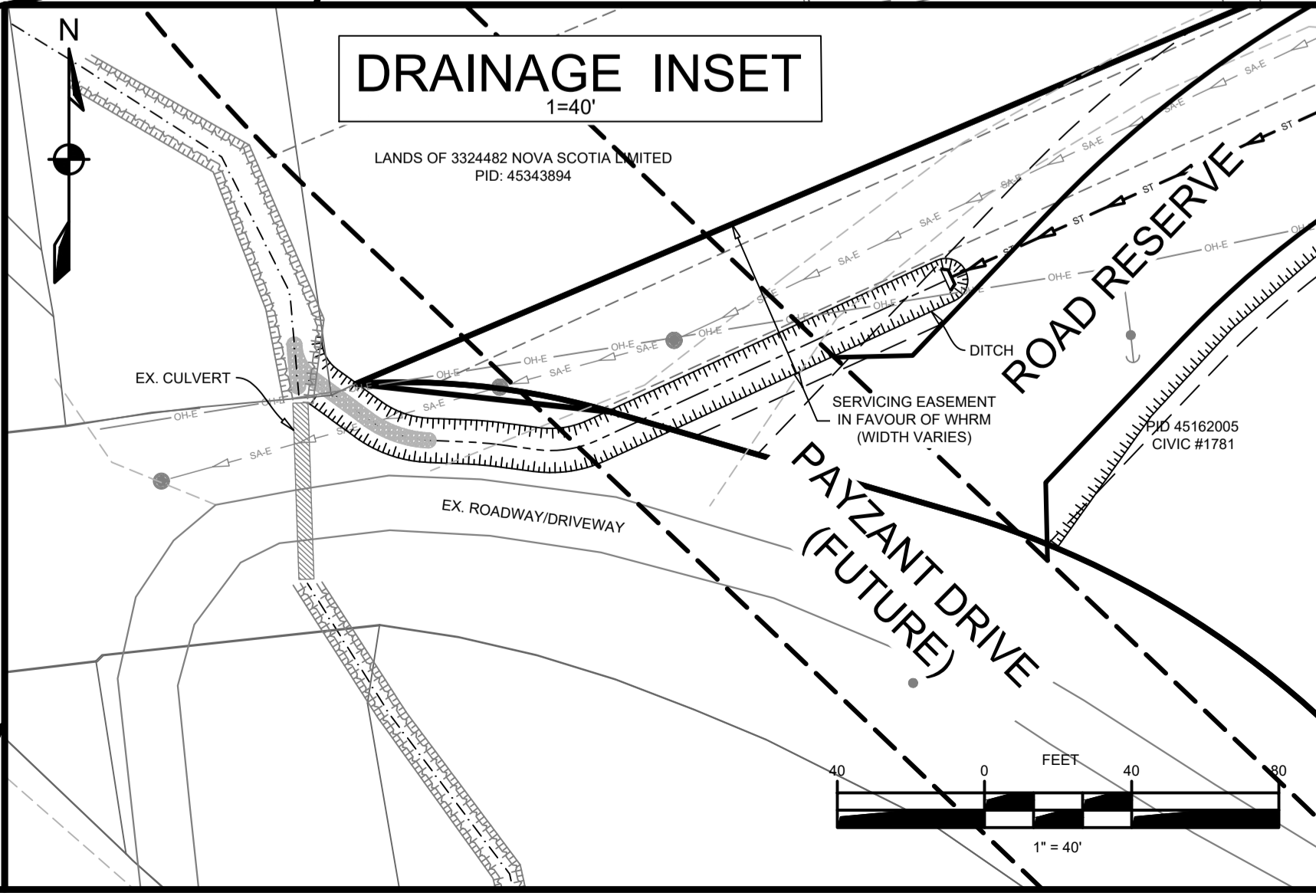
WINDSOR, NOVA SCOTIA  
SHEET DESCRIPTION

IRVEN DRIVE  
CONCEPT PLAN (MULTI-UNIT HOMES)  
OPTION 3 - ROAD RESERVE (MUNICIPALITY)

Drawn S. STACEY	Engineer L. GRANT	Project No. 22-278	Drawing No. CP-01
Scale 1" = 40'H	Filename 22-278_Concept 3.dwg	1 of 1 Appendix Bn. 40	



**DRAINAGE INSET**  
1"=40'



**Attachment A**  
**Specific Criteria for Development Agreements**

**Windsor Municipal Planning Strategy**

**Policy 5.4.6** It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:

CRITERIA	COMMENT
(a) the proposed use meets one of the following:	
(i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or	The developer is proposing to construct 92 dwelling units within 23 four-unit dwellings grouped on the subject lots through the draft development agreement. The High Density Residential (R-4) zone requires a minimum of 100 ft. of frontage per lot, 35 ft. for front and rear yards, and a 15 ft. side yard on one side with a 5 ft. side yard on the other. The draft development agreement requires slightly less minimum lot requirements for this proposed development as the development is an extension of the existing Crossing development and this will maximize the potential of the subject lots. The draft development agreement requires a minimum of 60 ft. of frontage, 25 ft. front yard and 15 ft. rear yard, with a 10 ft. minimum side yard on both sides. The maximum height of the main buildings and accessory buildings, as well as the minimum distance between grouped dwellings, is consistent with the High Density Residential (R-4) zone.
(ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the	Not applicable as the existing residential dwelling located at 1781 King Street is not being converted as

<p>setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;</p>	<p>part of this proposal. It will remain as-is.</p>
<p>(b) the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;</p>	<p>This proposal is considered an extension of the land leased community known as the Crossing and is very similar in design in relation to the height, bulk, lot coverage and appearance as the Crossing. This proposal is also considered compatible with adjacent land uses, including the existing single unit on PID 45162005, the Crossing, single unit dwellings on King Street and Payzant Drive, and the Avon View High School.</p>
<p>(c) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;</p>	<p>On January 24, 2024, the applicant submitted a GAALCO Traffic Engineering Report dated January 9, 2024, entitled <i>“Brison Developments Ltd. The Crossing, Windsor/West Hants, 22 Four-plex units on Irvén Drive Traffic Report”</i>. In response to an inquiry, in April 2024 the Municipal Traffic Authority stated <i>“As the road network is now and illustrated on the attached drawing this extension to Irvén Dr would exceed 400m with only one entrance. This would contravene the WHRM Specifications.”</i> In May, the Municipal Traffic Authority provided additional details on their review of the Traffic Impact Study provided by the developer. They noted <i>“The GAALCO Report is in contradiction to information given to WHRM Staff by WSP. As a result, WHRM commissioned a Traffic Impact Study taking in account traffic with a wholistic view of the entire area from Underwood Rd., King St., Wentworth Rd., Payzant Dr., Cole</i></p>

*Dr. and the entire Crossing Development. All known development information and the connection from Community Way to Payzant Dr., the connection from Edward Dr. to Cole Dr., connection from Payzant Dr. to King St. and traffic calming will all be considered. Until such time that Staff receives this completed Traffic Impact Study, Staff is not in the position to comment on the GAALCO report. Staff will comment once all the relevant information is in front of them.”* The Municipal Traffic Authority clarified that *“the contradiction to the GAALCO report mention was the fact that WSP told Staff they felt there should be a connection from Irven Dr. to Payzant Dr.”* The Municipal Traffic Impact Study is expected to be completed in July. Windsor has a population density of 522 people per sq. km. (Statistics Canada Census for 2022). The Crossing development as currently constructed has a population density of almost double this and this area of Burgess Crescent, Underwood Drive and Fraser Drive has a population density almost three and a half times the population density of Windsor. A 6-storey 83-unit apartment building in the Crossing is in the process of being constructed with three other apartment buildings in the area already received development agreement approval from Council. The density proposed through this development agreement would be consistent with the current and future development plans and population for the area. Due to the Municipal Traffic Authority not being able to provide final comment on traffic impact of the

	proposal this criterion is considered not to be met.
(d) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;	As this proposal is considered an extension of the land leased community known as the Crossing the effects on adjacent land uses is expected to be minimal. There is a requirement written in the draft development agreement to require fencing along the subject lot boundaries with PID 45294980 as this lot is currently zoned Agriculture (AG).
(e) adequate on-site parking is provided and parking areas are well designed;	<p>Parking for each dwelling unit is required to be located on the same lot as that dwelling unit within the draft development agreement. In response to an inquiry, the Municipal Public Works Engineering Division responded in April 2024 that <i>“currently the proposed driveways (parking for units) looks like it would impact the sidewalk. Driveways must be constructed to prevent cars encroaching onto sidewalk or road ROW. There is no room on the street for any additional parking, this presents a concern for snow removal, street maintenance and solid waste collection.”</i></p> <p>This criterion is not considered to be met as the applicant has not addressed the concerns of the Municipal Public Works Engineering Division regarding potential impacts of the proposed parking to the sidewalk, snow removal, street maintenance and solid waste collection.</p>
(f) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;	Due to the proximity of the subject lots to Payzant Drive and the Crossing development it is expected that nearby public parks, such as the Tregothic Trail and Burgess Crescent park, as well as

	<p>the private parkland within the Crossing development would be sufficient to serve the residents of this development. This proposal also includes an emergency access / active transportation route which will connect active transportation users from the Irven Drive Extension to the future Payzant Drive Connection.</p>
<p>(g) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2) if the development consists of 12 or more units, unless a traffic impact study indicates there will be minimal impact on traffic and an emergency access is provided if the site only has one road access. In circumstances where these parameters can be met, more than 12 units can be considered without abutting an arterial or collector street.</p>	<p>The current Irven Drive is shown as a local street on the Windsor Municipal Planning Strategy Transportation Map (Map 2). On January 24, 2024, the applicant submitted a GAALCO Traffic Engineering Report dated January 9, 2024, entitled <i>“Brisson Developments Ltd. The Crossing, Windsor/West Hants, 22 Four-plex units on Irven Drive Traffic Report”</i>. In response to an inquiry, in April 2024 the Municipal Traffic Authority stated <i>“As the road network is now and illustrated on the attached drawing this extension to Irven Dr would exceed 400m with only one entrance. This would contravene the WHRM Specifications.”</i> In May, the Municipal Traffic Authority provided additional details on their review of the Traffic Impact Study provided by the developer. They noted <i>“The GAALCO Report is in contradiction to information given to WHRM Staff by WSP. As a result, WHRM commissioned a Traffic Impact Study taking in account traffic with a wholistic view of the entire area from Underwood Rd., King St., Wentworth Rd., Payzant Dr., Cole Dr. and the entire Crossing Development. All known development information and the connection from Community Way to Payzant Dr., the connection from Edward Dr. to Cole Dr.,</i></p>

	<p><i>connection from Payzant Dr. to King St. and traffic calming will all be considered. Until such time that Staff receives this completed Traffic Impact Study, Staff is not in the position to comment on the GAALCO report. Staff will comment once all the relevant information is in front of them.”</i> The Municipal Traffic Authority clarified that <i>“the contradiction to the GAALCO report mention was the fact that WSP told Staff they felt there should be a connection from Irvn Dr. to Payzant Dr.”</i> The Municipal Traffic Impact Study is expected to be completed in July. The proposed emergency access was sent to the local Fire Chiefs and the Municipal Emergency Management Coordinator on June 27, 2024, for review. A response is yet to be received regarding the adequacy of the design of the emergency access for the proposal. Due to the Municipal Traffic Authority not being able to provide final comment on traffic impact of the proposal and the local Fire Chiefs and the Municipal Emergency Management Coordinator having insufficient time to comment on the proposed emergency access this criterion is considered not to be met.</p>
<p>(h) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;</p>	<p>Not applicable as the subject lots are not within an Architectural Control District.</p>
<p>(i) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;</p>	<p>Not applicable as the existing residential dwelling located at 1781 King Street is not being converted as part of this proposal. It will remain as-is.</p>

(j) any other matter which may be addressed in a development agreement; and	All other matters are addressed elsewhere in this report.
(k) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.	Please see Attachment B for further details.

### West Hants Municipal Planning Strategy

**Policy 5.3.10** *It shall be the policy of Council to consider development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre by development agreement subject to the following:*

CRITERIA	COMMENT
(a) the development has frontage on:	
(i) a public street; or	The proposed Irven Drive Extension will be a public street.
(ii) a right-of-way clearly granted by deed or easement, unrestricted	Not applicable as the development will have frontage on a public street as noted in Policy 5.3.10 (a)(i).
(b) where access to the development is by a right-of-way as specified in clause (a)(ii), the street along such right-of-way shall be designed by a professional engineer, who is a member in good standing of the Association of Professional Engineers of Nova Scotia and who carries appropriate professional liability insurance, who will certify that the design and construction of the street are adequate to accommodate the traffic generated by the development and access by emergency protection vehicles. Street design and construction plans shall be subject to review by the Municipal Engineer;	Not applicable as the development will have frontage on a public street as noted in Policy 5.3.10 (a)(i).
(c) building clusters are located so as to conserve existing natural features of the site;	The subject lots gently slope towards the south and is mostly cleared of vegetation. There are no identified watercourses or marsh areas. Due to the lack of existing natural features on the site the developer has created the site plan to maximize the potential of the subject lots.

(d) the specific requirements for multiple unit development set out in clauses (b) to (h) of Policy 5.3.7;	The specific requirements in clauses (b) to (h) of Policy 5.3.7 are reviewed below.
(e) the application is accompanied by:	
(i) a site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;	Site plans were submitted with the application. A site plan showing the Irven Drive Extension ending in a cul-de-sac with an emergency access / active transportation route is included as part of the draft development agreement.
(ii) other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and	The application letter included proposed site plans, building plan, and a master plan of the Crossing development. As noted previously there are no significant natural features identified on the subject lots.
(iii) photo examples, plans or drawings showing the exterior design of the proposed buildings;	The applicant did not provide any photo examples or drawings of the exterior of the proposed buildings, however, they did provide a proposed building plan for the four-unit dwellings as an attachment to the application letter.
(f) any other matter which may be addressed by development agreement; and	All other matters are addressed elsewhere in this report.
(g) Policy 16.3.1	Please see Attachment B for further details.

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

CRITERIA	COMMENT
(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer;	The lot is capable of being serviced with municipal water and sewer. There are currently a sewer easement and a service easement in favour of the Municipality on the subject lots where

	<p>the current servicing for the area is located. It is anticipated that the developer will request these easements be discharged once they relocate the servicing to be located beneath the Irven Drive Extension and potential emergency access / active transportation route.</p>
<p>(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;</p>	<p>Please see Policy 5.4.6 (b) and (c) above.</p>
<p>(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;</p>	<p>Based on the current proposal, traffic traveling to and from the proposed development is expected to enter through the Crossing development to the extension of Irven Drive which would be constructed by the developer and end in a cul-de-sac with emergency access / active transportation route option.</p> <p>As noted in 5.4.6 (g) in April 2024 the Municipal Traffic Authority stated <i>“As the road network is now and illustrated on the attached drawing this extension to Irven Dr. would exceed 400m with only one entrance. This would contravene the WHRM Specifications.”</i> The Traffic Authority noted that <i>“WRHM has to rely on the interpretation of the two WSP Traffic Engineers who produced the memo I sent to you previously, which states [the 400m calculation begins at] the bottom of the “P” intersection at Irven Dr and Merriweather Crescent because this is where the one way in and out begins.”</i></p> <p>In May, 2024, the Public Works Engineering Division stated the reasoning for following the 400m rule in the Municipal Services Specifications</p>

	<p>Manual in relation to this proposal. They stated <i>“The 400m must be followed for the following reasons:</i></p> <ul style="list-style-type: none"> <li>• <i>Density proposed is high and would present risks, related to road closures for watermain repair, road construction and maintenance, emergency response, structure fires blocking street.</i></li> <li>• <i>Emergencies requiring more than one access point</i></li> <li>• <i>Evacuations requiring more than one exit point</i></li> <li>• <i>Safe and efficient movement of traffic in all conditions and storm events</i></li> <li>• <i>Snow removal and solid waste collection issues with a long street with no connection</i></li> </ul> <p><i>Our suggestion would be to require a 16 meter road reserve to connect to the Payzant Connection. This would allow the municipality to construct a local municipal street in future when required.”</i></p> <p>This proposal outlines that the development will have an emergency access / active transportation route instead of Irven Drive Extension being built out to the future Payzant Drive Connector. Based on the comments received from the Municipal Traffic Authority and Public Works Engineering Division which indicate the proposed streets do not meet the requirements of the Municipal Services Specifications Manual and are therefore inadequate to support the development, staff do not consider this criterion to be met.</p>
(e) adequate open space or recreational space is provided;	Please see 5.4.6 (f).

(f) adequate on-site parking is provided;	Parking for each dwelling unit is required to be located on the same lot as that dwelling unit within the draft development agreement.
(g) any other matter which may be addressed by in a Land Use By law; and	All other matters are addressed elsewhere in this report.
(h) Policy 16.3.1	Please see Attachment B for further details.

**Attachment B**  
**General Criteria for Development Agreements**

**Windsor Municipal Planning Strategy**

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The lot is capable of being serviced with municipal water and sewer. There are currently a sewer easement and a service easement in favour of the Municipality on the subject lots where the current servicing for the area is located. It is anticipated that the developer will request these easements be discharged once they relocate the servicing to be located beneath the Irven Drive Extension and potential emergency access / active transportation route.
(ii) the adequacy of school facilities;	The Windsor Elementary School and Avon View High School are both within walking distance of the subject lots. It is Staff's understanding that the Annapolis Valley Regional Centre for Education are prepared to accommodate any increase in student population within the school network.
(iii) the adequacy of fire protection;	The subject lots are located within the Windsor and Three Mile Plains Fire Districts. In response to an inquiry, the Windsor Fire Chief (April 2024) responded that <i>"There is adequate fire protection. As for the connection, whenever we can create multiple routes of access and egress it, this benefits our operational options. I support the idea of connectivity and believe that would</i>

	<p><i>be best case scenario for emergency services, as it gives the chance to use alternate routes if the primary access is compromised. Where this property borders two fire districts it also allows for responding departments to choose the quickest and most efficient and direct route.”</i></p> <p>As noted above, the Fire Chief confirmed there is adequate fire protection available. The proposed emergency access was sent to the local Fire Chiefs and the Municipal Emergency Management Coordinator on June 27, 2024, for review. A response is yet to be received regarding the adequacy of the design of the emergency access for the proposal.</p>
<p>(iv) the adequacy of road networks adjacent to, or leading to the development; and</p>	<p>Please see response to 5.3.7 (d).</p>
<p>(v) the financial capacity of the Town to absorb any costs relating to the development.</p>	<p>The current development as proposed poses no cost to the Municipality other than providing services such as water, sewer, snow plowing, and garbage collection to new residents which would be offset by Municipal taxes. In response to the proposed length of cul-de-sac, the Municipal Public Works Engineering Division stated <i>“Our suggestion would be to require a 16 meter road reserve to connect to the Payzant Connection. This would allow the municipality to construct a local municipal street in future when required.”</i> If this was added as a requirement of the development proposal, the future construction of this road would be an additional cost to the Municipality, however, could be included in the overall project budget for the Payzant Drive Connection.</p>

<p>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p>	<p>As mentioned elsewhere the Municipal Traffic Authority has stated that the proposed extension of Irven Drive would exceed 400m which would contravene the Municipal Services Specifications Manual. In addition, they noted that <i>“Until such time that Staff receives this completed Traffic Impact Study, Staff is not in the position to comment on the GAALCO report. Staff will comment once all the relevant information is in front of them.”</i></p> <p>Due to the Municipal Traffic Authority not being able to provide final comment on traffic impact of the proposal this criterion is considered not to be met.</p> <p>The Municipal Public Works Engineering Division confirmed that a sidewalk would be required on at least one side of the new public road.</p> <p>There is no active rail transportation in the vicinity.</p>
<p>(c) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>The application states the proposed development will utilize 6.3 acres of the subject lots. The applicant will be responsible for constructing a new public road to service the proposed lots following the requirements of the draft development agreement, Subdivision By-law and Municipal Services Specifications Manual. The dimensions and shape of the lot appear adequate to support the proposed uses.</p>
<p>(d) the pattern of development which the proposal might create;</p>	<p>The proposal would not create any unusual development patterns. This proposal is considered an extension of the land leased community known as the Crossing and is very similar in design in relation to the height, bulk, lot coverage and appearance as the Crossing.</p>

(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;	The subject lots gently slope towards the south. There are no identified watercourses on the subject lots and they are not located within any protected marsh areas.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

**West Hants Municipal Planning Strategy**

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	Please see 16.3.1 (a)(i) above.
(ii) the adequacy of school facilities;	Please see 16.3.1 (a) (ii) above.
(iii) the adequacy of fire protection and other emergency services;	Please see 16.3.1 (a) (iii) above.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	Please see 16.3.1 (a) (iv) above.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	Please see 16.3.1 (a) (v) above.
(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;	Please see 16.3.1 (a)(i) above.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Please see 16.3.1 (b) above.

(d) the adequacy of the dimensions and shape of the lot for the intended use;	Please see 16.3.1 (c) above.
(e) the pattern of development which the proposal might create;	Please see 16.3.1 (d) above.
(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;	Please see 16.3.1 (e) above.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and	All Municipal, Provincial, and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

**Attachment C**



**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 -

**3229190 NOVA SCOTIA LIMITED** a body corporate, with a head office at 130 Eileen Stubbs Avenue, Suite 201, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

**WHEREAS** the Owner is the registered Owner of the parcels of land located at 1781 King Street in Windsor (PID 45162005) and PID 45408374 on Edward Drive in Garlands, hereinafter referred to as the “Properties”, which lands are more particularly described in Schedule A attached hereto; and

**WHEREAS** PID 45162005 and the majority of PID 45408374 are designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy and zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law; and

**WHEREAS** a small portion of PID 45408374 is designated Residential on the Generalized Future Land Use Map of the West Hants Municipal Planning Strategy and zoned Two Unit Residential (R-2) on the Zoning Map of the Land Use By-law; and

**WHEREAS** the Owner has requested that the Municipality enter into a development agreement to permit up to 92 dwelling units within 23 four-unit dwellings grouped on the Properties (the “Development”); and

**WHEREAS** Policy 5.4.6 of the Windsor Municipal Planning Strategy and Section 6.1 (b) of the Windsor Land Use By-law enable Council to consider entering into a development agreement to allow new multiple unit residential developments consisting of three or more units and grouped dwellings in the Residential designation, and Policy 5.3.10 of the West Hants Municipal Planning Strategy and Section 6.1 (c) of the West Hants Land Use By-law enable Council to consider entering into a development agreement to allow development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre; 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;

**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 applicable Land Use By-law, except those defined as follows:

- (a) “Active Construction” means that the Owner has active development and building permits for the construction of the dwellings, and that construction activity including but not limited to equipment, machinery, and employees, are on-site working towards the necessary building inspections leading to an occupancy permit;
- (b) “Applicable Land Use By-law” means the Land Use By-law that has jurisdiction related to the properties or portion thereof (i.e., the West Hants Land Use By-law applies to the properties or portion thereof in the former District of West Hants and the Windsor Land Use By-law applies to the properties or portion thereof in the former Town of Windsor);

- (c) “Commencement” means the date the Owner begins Active Construction on the dwellings within this Agreement as permitted by an issued development and building permit; and
- (d) “Irven Drive Extension” means a new Municipal street and associated sidewalk, water, wastewater and storm water infrastructure to be constructed at the Owner’s expense on the area shown as Irven Drive Extension on Schedule B which will be deeded to the Municipality in accordance with the applicable Subdivision By-law.

## **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) *West Hants Municipal Planning Strategy* means the West Hants Municipal Planning Strategy, approved on May 13, 2008, as amended, or successor By-laws;
- (b) *West Hants Land Use By-law* means the West Hants Land Use By-law, approved on May 13, 2008, as amended, or successor By-laws;
- (c) *West Hants Subdivision By-law* means the West Hants Subdivision By-law, approved on May 13, 2008, as amended, or successor By-laws;
- (d) *Windsor Municipal Planning Strategy* means the Municipal Planning Strategy of the Town of Windsor, approved on August 23, 2005, as amended, or successor by-laws;
- (e) *Windsor 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;
- (f) *Windsor 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 Properties shall be limited to the following:
  - (i) those uses permitted by the underlying zoning in the applicable Land Use By-law; and

- (ii) residential development consisting of a maximum of 92 dwelling units in four-unit dwellings.

Except as otherwise provided in this Agreement, the provisions of the applicable 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 location and design shall be generally consistent with the Site Plan shown in Schedule B. Changes to the Site Plan may be approved in writing in accordance with reports generated in Section 2.6, *Site Drainage*, of this Agreement.
- (b) The four-unit dwellings shall be limited to a maximum of 92 dwelling units on the Properties. The four-unit dwellings shall conform to the following requirements:

Minimum Frontage	60 ft. (18.29 m.)
Minimum Front Yard	25 ft. (7.62 m.)
Minimum Rear Yard	15 ft. (4.57 m.)
Minimum Side Yard	10 ft. (3.05 m.)*
Maximum Building Height	35 ft. (10.67 m.)
Maximum Height of Accessory Building	15 ft. (4.57 m.)

\*No side yard setback is required along the common wall dividing each unit.

- (c) The minimum distance between grouped dwellings shall be 20 ft. (6.10 m.).
- (d) In the event that the Owner chooses to build and occupy one building at a time, the following infrastructure is required for each such building:
  - (i) the necessary services for the proper use and enjoyment of the building including but not limited to the public street and sidewalk, a driveway and access, landscaping, parking, lighting, and water and sewer services.
- (f) Accessory buildings are permitted in accordance with Section 5.1 of the applicable Land Use By-law, *Accessory Buildings and Structures*.
- (h) The Owner shall keep all undeveloped areas of the Properties landscaped which may include grass, shrubs, trees or other appropriate vegetative cover.
- (i) Fencing is required along the southern lot line of the Properties where they abut with PID 45294980.

**2.3 Road and Municipal Services**

- (a) Roads and Municipal Services in the Development shall conform to the following:

- (i) the layout of the Irven Drive Extension shall be as generally shown on Schedule B. The Development Officer, in consultation with the Municipal Engineer, may give consideration to minor incidental changes to its design, without such changes being deemed to be amendments to this development agreement; and
  - (ii) the Irven Drive Extension, sidewalk, municipal services, and stormwater management shall be designed and constructed in accordance with the requirements of the Municipal Services Specifications Manual. Detailed design plans of the Irven Drive Extension water and sewer servicing, and storm water systems shall be approved by the Municipal Engineer for each phase of the development prior to construction commencing for that phase.
- (b) In accordance with the Municipal Services Specifications Manual, the Owner shall provide a sidewalk on one side of the Irven Drive Extension.
- (c) Should the Owner choose not to construct Irven Drive Extension to connect to Payzant Drive Connection, a minimum of 30 ft. (9.14 m.) wide emergency access / active transportation trail shall be built at the western end of Irven Drive Extension as shown on Schedule B. This emergency access must be approved by the Municipal Engineer and Traffic Authority. The Municipality shall consult with emergency service providers on the design of the emergency access. The Owner shall provide to the Municipality a copy of the maintenance agreement pertaining to the emergency access.
- (d) The emergency access / active transportation trail will not be a Municipal public street and shall be maintained and kept accessible at all times by the Owner. Appropriate signage shall be erected indicating that the road is to be used for emergency access only.
- (e) Irven Drive Extension and the emergency access / active transportation trail will be required to be completed by the Owner to the satisfaction of the Development Officer and Municipal Engineer by December 31, 2030, or in conjunction of with the completion of the Payzant Drive Connection to King Street to be completed by the Municipality, whichever occurs first.

## **2.4 Driveways and Parking**

- (a) The Owner shall develop, construct, and maintain the driveways for the grouped four-unit dwellings within the Development. The distance between the driveways must be approved by the Municipal Engineer in accordance with the Municipal Services Specifications Manual.

- (b) A minimum of one (1) parking space per dwelling unit shall be provided on the same lot as that building.
- (c) Each required parking space shall be a minimum of 10 ft. by 20 ft. (3.05 m. by 6.10 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m.) wide.
- (d) The driveways and parking 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. The vehicular entrance and exit shall be clearly demarcated.
- (e) The Owner agrees that it will seek and obtain approval in writing from the Municipality before any driveway from the Development is connected to the Irven Drive Extension or any other public road.
- (f) No on-street parking will be permitted on Irven Drive Extension, unless written permission is provided by the Municipal Traffic Authority.
- (g) The number of parking spaces may be varied in writing by the Development Officer in accordance with Section 2.11, *Variance*, of this Agreement.

## **2.5 Fire Safety**

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

## **2.6 Site Drainage**

- (a) No development permit shall be issued until the Owner provides to the Development Officer a stormwater management plan that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will balance pre- and post-construction flows to ensure there is no negative impact on downstream properties. If the stormwater management plan provided by the Owner does not in fact balance pre-and post-construction flows to ensure the absence of such impacts the Owner

shall undertake such remediation as the Municipal Engineer may reasonably require.

- (b) The Owner shall undertake all construction activities in accordance with an erosion and sedimentation control plan prepared by a Professional Engineer, unless otherwise directed by Nova Scotia Environment, and also agrees to assume sole responsibility for compliance with all regulations of Nova Scotia Environment.

## **2.7 Servicing**

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

- (i) Municipal garbage collection will be provided to the dwellings in this Agreement.
- (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.

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

- (i) The buildings 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 Properties.

### **(c) Snow Plowing**

The Owner shall have sole responsibility for snow plowing within the Development, excluding the Irven Drive Extension once deeded to the Municipality.

## **2.8 Maintenance**

The Owner shall keep the Properties and buildings and any portion thereof clean and in good repair. Any driveways, walkways, emergency access routes, active transportation trails, fences, lawns, trees, shrubs, and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

## **2.9 Signs and Lighting**

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the applicable 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.

## **2.10 Subdivision**

Subdivision of the properties shall be permitted in accordance with this Agreement and the applicable Subdivision By-law. No additional parkland or parkland fees shall be required for subdivision or consolidation of the Properties subject to this Agreement.

## **2.11 Variance**

In accordance with Section 5.48 of the Windsor Land Use By-law and Section 5.40 of the West Hants 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 lot area and frontage;
- (ii) minimum required yard dimensions; and
- (iii) number of parking spaces required.

## **2.14 Road Reserve**

A road reserve on PID 45162005 as shown on Schedule B is required to ensure that there is available land to construct the Payzant Drive Connection to King Street in the most effective way. In the event that the Municipal Engineer determines in their discretion that the road reserve is unnecessary for the construction of the Payzant Drive Connection, the Developer may construct on this portion of the lot with the written permission of the Municipal Engineer and the Development Officer, and changes to the Site Plan reflecting this will not be deemed an amendment to this Agreement.

## **2.15 Phasing**

The Municipality and the Owner acknowledge that the Development as shown on Schedule B is a phased Development. Construction of the buildings and all relevant infrastructure shall be completed within thirty-six (36) months of the development agreement being registered at the Land Registry Office. If, in the opinion of the Development Officer, this time limit has not been met, Development in accordance with this Agreement shall no longer be permitted and this Agreement may be discharged in whole or 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 completion of Development without such an extension being deemed to be an amendment to this Agreement.

### **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 approved in writing by the Development Officer without a public hearing, in accordance with Section 230 of the *Municipal Government Act*, provided that the Development Officer determines that the changes do not significantly alter the intended effect of this Agreement.

**3.3** The following matters are substantive matters:

- (a) the uses permitted on the Property as listed in Section 2.1;
- (b) the requirement of an emergency access / active transportation trail to be provided if the Owner chooses not to connect Irvén Drive Extension to the Payzant Drive Connection, as listed in Section 2.3;
- (c) the fire safety requirements listed in Section 2.5; and
- (d) the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.6.

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

- (a) the Municipality for the purpose of creating or expanding a public street over the Properties, including for the Irvén Drive Extension or a portion of the Payzant Drive Connection; or
- (b) the Municipality for the purpose of creating or expanding any Municipally owned facility or infrastructure over the Properties;

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 Properties.

**3.5** Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by the Chief Administrative Officer in accordance with Section 229 of the *Municipal Government Act*.

- 3.6** Notice of Intent to Discharge this Agreement in whole or in part may be given by the Municipality to the Owner following a resolution of Council to give such Notice:
- (a) as provided for in 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 Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.7** Council may discharge this Agreement in whole or in part 30 days after a Notice of Intent to Discharge has been given.

#### **PART 4 IMPLEMENTATION**

##### **4.1 Commencement of Development**

The Owner may not commence any construction or use on the Properties until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.

##### **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 Properties (other than the Windsor or West Hants Land Use By-laws and Subdivision By-laws to the extent expressly 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 Properties 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 have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice, then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal*

*Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

## **5.6 Costs**

The 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 Mitchell W. Brison at 130 Eileen Stubbs Avenue, Suite 201, Dartmouth, NS, B3B 2C4, or at any other address provided in writing or email 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 in writing or email by the Municipality to the Owner.

## **5.10 Full Agreement**

This Agreement replaces and discharges the development agreement registered on PID 45408374, dated April 2, 2019 between the Municipality of the District of West Hants and 3229190 Nova Scotia Limited, 3307437 Nova Scotia Limited and 3307427 Nova Scotia Limited recorded at the Registry of Deeds in Hants County, Nova Scotia on May

16, 2019 as document #114467864, such that the sole development agreement applicable to the lands described in Schedule A attached hereto is this agreement.

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

**SIGNED, SEALED AND DELIVERED**

In the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

) **WEST HANTS REGIONAL**

) **MUNICIPALITY**

)

)

)

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

) Mark Phillips, Chief Administrative Officer

)

)

)

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

) Deanna Snair, Municipal Clerk

)

)

)

) **3229190 NOVA SCOTIA LIMITED**

)

)

)

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

) Mitchell W. Brison, 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, **Mitchell W. Brison**, 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, Mitchell W. Brison, Nova Scotia, make oath and say that:

1. I, Mitchell W. Brison, of **3229190 NOVA SCOTIA LIMITED** the “Corporation”.  
Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The Ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this \_\_\_\_\_, 2024  
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

\_\_\_\_\_  
MITCHELL W. BRISON, President

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

**PID 45162005**

ALL that lot of land in the Town of Windsor shown as Lot AB-1 on a plan of lands of Nova Scotia Farm Loan Board (Philip I. Burgess) made by Robert S. Redden, NSLS, dated the 31 st day of July A.D., 1981, approved by the Town of Windsor on the 18th day of August, A.D., 1981 and filed at the Registry of Deeds at Windsor as Plan P-3400, said Lot being described as follows:

BEGINNING at a survey marker driven in the ground on the Eastern boundary of the Old Halifax Road, the said survey marker being distant five hundred seventy-seven decimal twenty-five feet (577.25 feet) in a direction South eighty-eight degrees thirty minutes fifty-five seconds East (S 88 degrees 30 minutes 55 seconds E) from NSCM No. 8629;

THENCE IN A Northeasterly and Easterly direction following the boundary of the old Halifax Road three hundred seventy feet (370 feet) more or less to another survey marker driven in the ground at a point distant three hundred fifty-eight decimal twenty-three feet (358.23 feet) in a direction North sixty-two degrees fifty-seven minutes fifty-eight seconds West ( N 62 degrees 57 minutes 58 seconds W) from the survey marker at the place of beginning;

THENCE North sixty-seven degrees zero zero minutes zero zero seconds East (N 67 degrees 00 minutes 00 seconds E) seven hundred seventy-five decimal zero six feet (775.06 feet) to a survey marker driven in the ground;

THENCE South twenty-six degrees fifty-nine minutes fifty-five seconds East (S 26 degrees 59 minutes 55 seconds E) four hundred eighteen decimal eight-six feet (418.86 feet) to a survey marker driven in the ground;

THENCE South seventy-eight degrees zero nine minutes thirteen seconds West (S 78 degrees 09 minutes 13 seconds W) three hundred decimal thirteen feet (300.13 feet) to an iron bar driven in the ground;

THENCE South seventy-seven degrees forty-four minutes zero two seconds West (S 77 degrees 44 minutes 02 seconds W) one hundred thirty-six decimal fifty-five feet (136.55 feet) to an iron bar driven in the ground;

THENCE North twenty-three degrees twenty-one minutes twenty seconds West (N23 degrees 21 minutes 20 seconds W) thirty-nine decimal sixty-six feet (39.66 feet) to a survey marker driven in the ground;

THENCE South sixty-two degrees fifty-eight minutes fifty-six seconds West (S 62 degrees 58 minutes 56 seconds W) seventy feet (70 feet) to a survey marker driven in the ground;

THENCE south eighty degrees twenty-eight minutes fifty-six seconds West (S 80 degrees 28 minutes 56 seconds W) fifty feet (50 feet) to a survey marker driven in the ground;

THENCE North eighty-six degrees thirty-one minutes zero four seconds West (N 86 degrees 31 minutes 04 seconds W) thirty feet (30 feet) to the survey marker at the place of beginning;

CONTAINING five decimal zero (5.0) acres more or less;

Burden One:

SUBJECT TO a sewer line easement 20 feet in width from the Southerly boundary of Lot AB-1 Northerly over, across and under Lot AB-1 to where the present sewer line is located to the manhole at or near the northerly boundary of Lot AB-1, said easement for the benefit of the lands presently of Grant A. Burgess.

Burden Two:

SUBJECT TO an easement 66 feet in width for access from the former Old Halifax Road along the northerly boundary of Lot AB-1 to the lands of Philip Burgess.

Benefit:

TOGETHER WITH a right of way for all purposes from King Street, in the Town of Windsor, aforesaid, to Lot AB-1, which said right-of-way has been previously described as follows:

Also a right-of-way from the lands hereby conveyed on, to and over the old Halifax Road aforesaid and across lands of the Nova Scotia Railway, now the Dominion Atlantic Railway, and unto to the new post road leading from Windsor to Halifax as it was formerly used by the said Thomas McLatchy, and for all purposes whatsoever.

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

Compliance:

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

Registration District: HANTS COUNTY

Registration Year: 1981

Plan or Document Number: 3400

**PID 45408374**

ALL that certain lot, piece or parcel of land situate, lying and being at Windsor and Garlands Crossing in the County of Hants, Province of Nova Scotia which may be more particularly bounded and described as follows:

BEGINNING at a survey marker set in the southwesterly margin of Irven Drive, so called, at a northerly corner of Block 4, which said survey marker is 4,512.427 meters from NSHPN 208653 when measured on Calculated Grid Tie line having a bearing of North 67 degrees 07 minutes 31.5 seconds West therefrom;

THENCE North 16 degrees 19 minutes 22 seconds West along the southwesterly margin of Irven Drive a distance of 16.002 meters to the southeasterly boundary of Lot 445;

THENCE South 73 degrees 40 minutes 38 seconds West along Lot 445 a distance of 7.305 meters to a survey marker set at the southwesterly corner thereof;

THENCE North 16 degrees 19 minutes 22 seconds West along Lot 445 a distance of 36.576 meters to a survey marker set in the southerly boundary of lands now or formerly of Her Majesty the Queen in right of the Province of Nova Scotia represented by the Department of Transportation and Public Works;

THENCE South 73 degrees 40 minutes 38 seconds West along lands now or formerly of Her Majesty the Queen in right of the Province of Nova Scotia represented by the Department of Transportation and Public Works a distance of 115.54 meters more or less to a survey marker found at the northeast corner of Lot AB-1 as shown on Plan No. 3400 filed at the Registry of Deeds for Hants County on September 17, 1981;

THENCE Southeasterly along Lot AB-1 a distance of 418.86 feet more or less to a survey marker found in the northerly boundary of Lot 1A;

THENCE North 78 degrees 09 minutes 13 seconds East along Lot 1A a distance of 190.87 feet to a survey marker found in the southwesterly boundary of Block 4;

THENCE North 11 degrees 50 minutes 58 seconds West along Block 4 a distance of 195.457 meters to a survey marker set at a northwest corner thereof;

THENCE North 73 degrees 40 minutes 38 seconds East along Block 4 a distance of 35.140 meters to the place of beginning.

SUBJECT to an easement to the Municipality of the District of West Hants over and across Parcel SSE-1 as shown on Plan 107927965 which said easement is more fully described in a Grant of Easement dated the 18th day of August, 2015 and recorded in the Hants County Land Registration Office as document 107947526 on October 16, 2015.

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

Compliance:

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

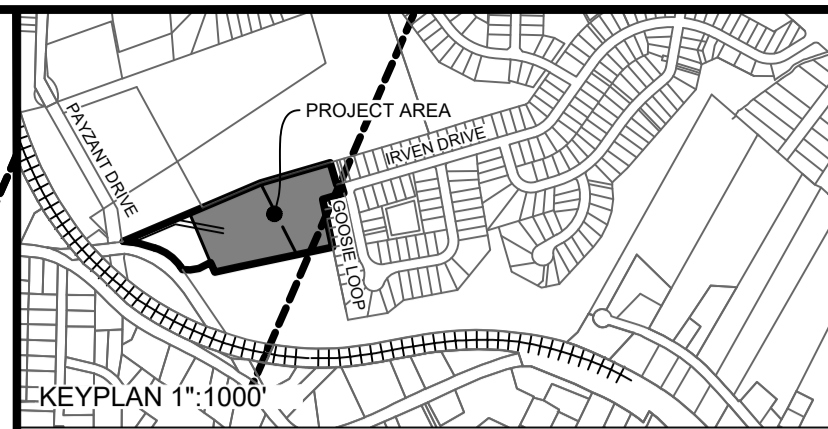
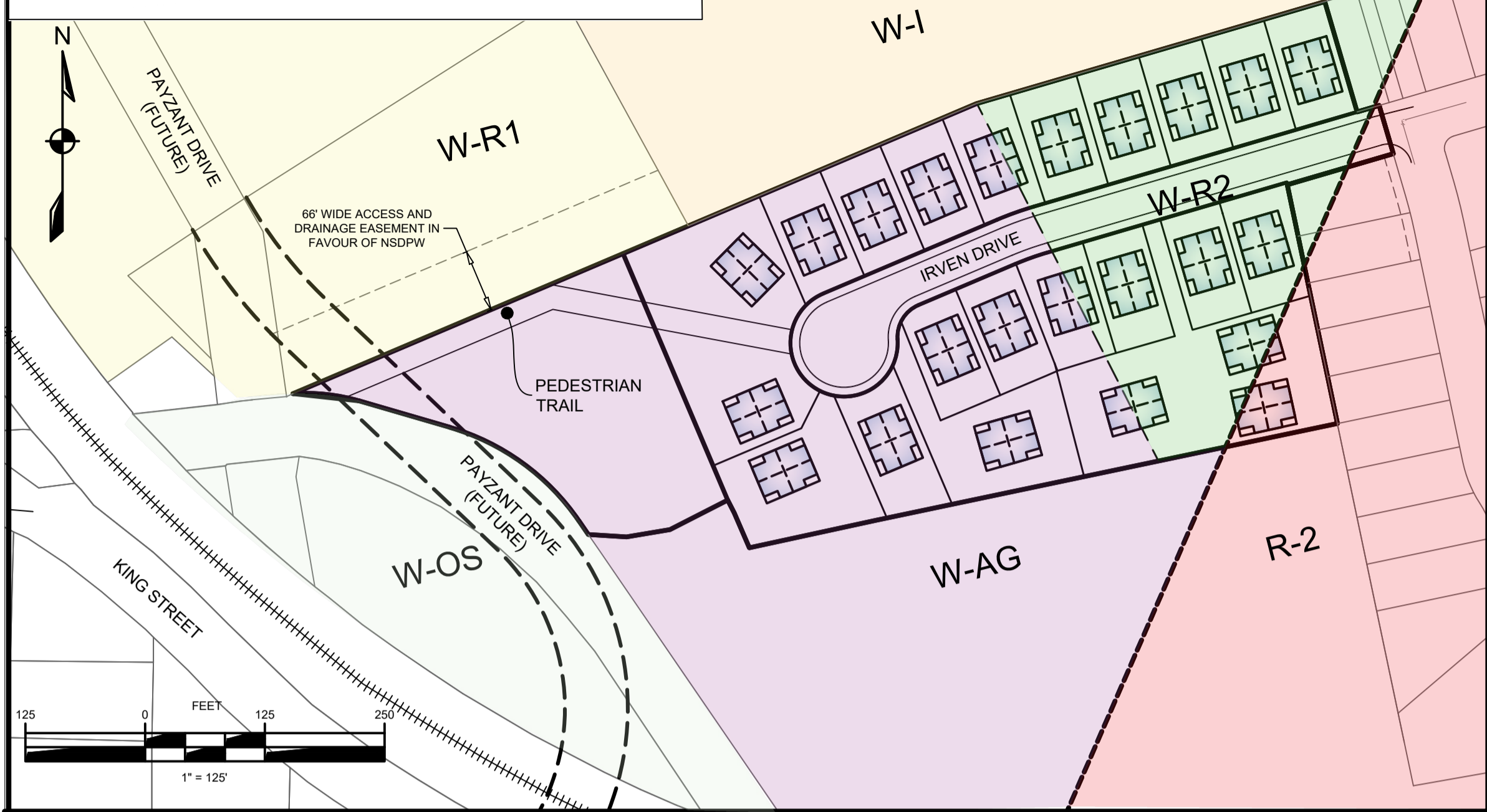
Registration District: HANTS COUNTY

Registration Year: 2018

Plan or Document Number: 112989844

**Schedule B  
Site Plan**

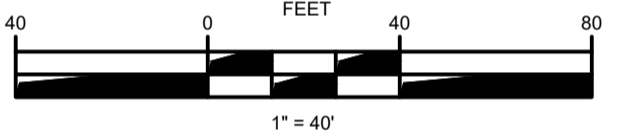
**CURRENT ZONING CONDITIONS**



**LEGEND**

EXISTING	EASEMENT	PROPOSED
W-A-E	WATER PIPE	W-A
S-A-E	SANITARY PIPE	S-A
S-T-E	STORM PIPE	S-T
S-W	SIDEWALK	S-W
W-W	WALKWAY/T. TRAIL	W-W
G	GUARDRAIL	G
T-O-S	TOP OF SLOPE	T-O-S
B-O-S	BOTTOM OF SLOPE	B-O-S
F	FENCELINE	F
CURB CUT/RAMP	EXISTING PROPOSED WATER VALVE	W-V
CURBSTOP	HYDRANT	H
R	REDUCER	R
P-H	PRECAST HEADWALL	P-H
STREET TREE	STREET SIGN	ST-S
	CATCHBASIN	C-B
	UTILITY POLE w/ GUY WIRE	U-P

BUILDINGS	UNITS
23	92



ISSUE	DATE	DESCRIPTION
1	MAY 9, 2024	ISSUED FOR REVIEW

**DESIGNPOINT**  
engineering • surveying • solutions

**PRELIMINARY**  
MAY 9, 2024

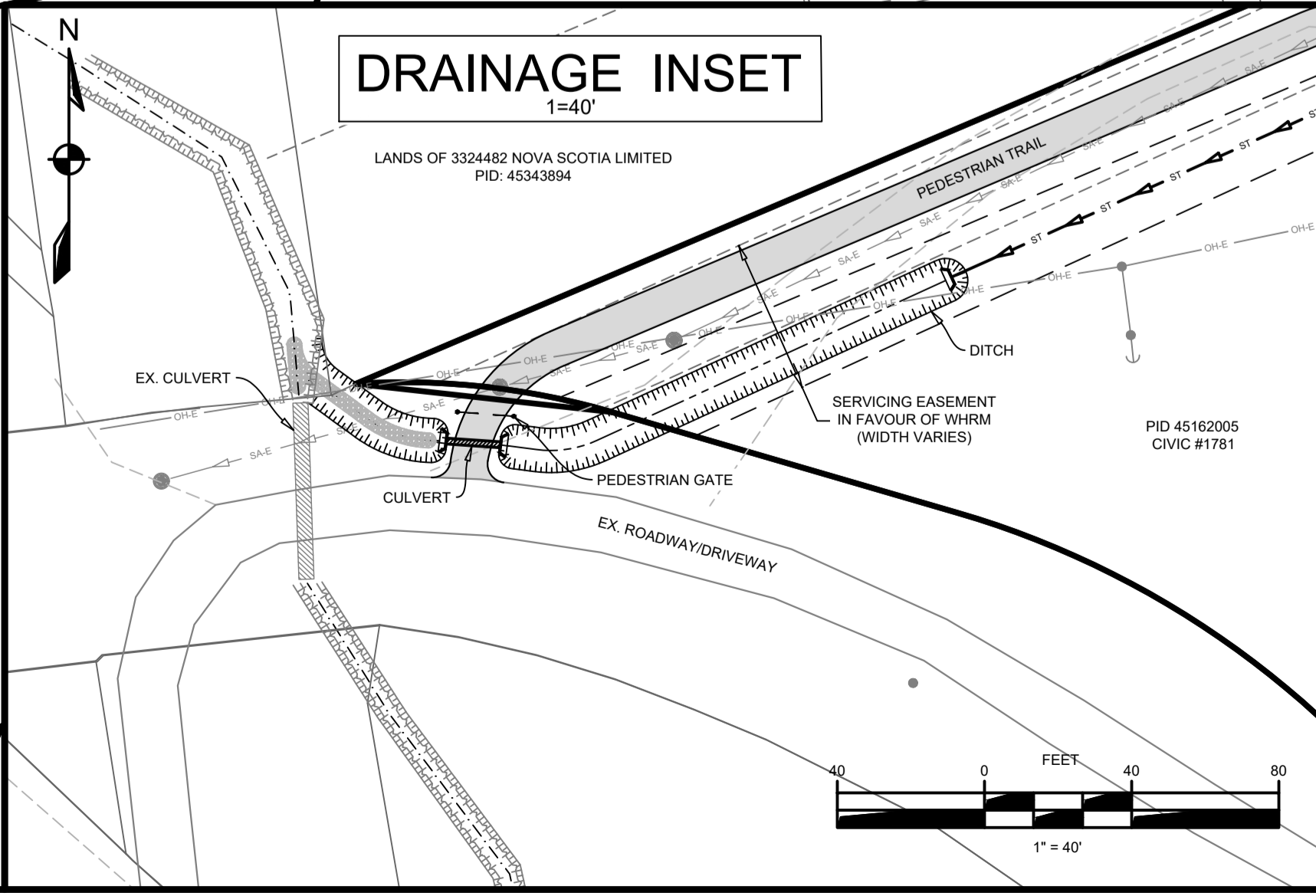


**THE CROSSING - IRVEN DRIVE**

WINDSOR, NOVA SCOTIA  
SHEET DESCRIPTION

**IRVEN DRIVE  
CONCEPT PLAN (MULTI-UNIT HOMES)  
OPTION 1 - PEDESTRIAN TRAIL**

Drawn	Engineer	Project No.	Drawing No.
S. STACEY	L. GRANT	22-278	CP-01
Scale	Filename		
1" = 40'H	22-278_Concept 1.dwg		



**Attachment D**

Public Information Meeting Notes

March 5 – 19, 2024

Development Agreement: PID 45162005 and PID 45408374, Windsor; File 24-09

<b>Meeting date and time</b>	A public information meeting was held on March 5, 2024 beginning at 6:56 p.m. in Council Chambers at 76 Morison Drive in Windsor.
<b>Attending</b>	In attendance: <ul style="list-style-type: none"><li>• Chair – Councillor Laurie Murley</li></ul> Four (4) members of staff: <ul style="list-style-type: none"><li>• Director of Planning and Development, Sara Poirier (online)</li><li>• Senior Planner, Mark Fredericks</li><li>• Planner, Alex Dunphy</li><li>• Planning Administrative Assistant Vanessa Lake</li></ul> Council members <ul style="list-style-type: none"><li>• Mayor Zebian</li><li>• Councillor Murley</li></ul> Applicant <ul style="list-style-type: none"><li>• Chrystal Fuller</li></ul> 6 members of the public attended the meeting.
<b>Applicants:</b> Chrystal Fuller on behalf of Brison Developments  <b>Property:</b> PID 45162005 and PID 45408374	Planner Fredericks outlined the request for a development agreement to build 88 units in a grouped dwelling configuration of 22 fourplexes at the end of Irven Drive on an extension of this road. The planning policies for both the Windsor MPS and West Hants MPS were reviewed because a small portion of PID 45408374 falls within the West Hants boundary.  Chrystal Fuller outlined the proposal for fourplex style buildings which would include 4 units, each approximately 600 square feet in floor area. This housing form would provide affordable and alternative housing options. The ability to build these in a grouped dwelling configuration helps keep costs lower as the road construction expense is spread across more units.

<p><b>Comments</b></p>	<p>3 members of the public spoke at the Public Information Meeting. The questions and comments from the public are summarized below. No comments were received following the meeting during the comment period.</p> <p>At the Public Information Meeting the following comments were made:</p> <ul style="list-style-type: none"> <li>• Rick Purcell owns the nearby Windsor Motors auto repair business and shared his support for Irven Drive having a connection to Payzant Drive instead of allowing a cul-de-sac. He shared that the road network in the Crossing area is like a maze now, and more connections would be helpful for everyone. He also highlighted the gravel driveway at the end of Irven Drive is currently used frequently as a connection to King Street.</li> <li>• Grant Burgess lives close to the subject lot and operates a trucking and excavation business from his adjacent property. Mr. Burgess has a shared driveway and a sewer easement that are within the property at 1781 King Street. He has concerns about these and how they may be maintained or changed in the future. Mr. Burgess also shared that the proposed grouped dwellings would be very close to his house and would like to see more separation.</li> <li>• David Pemberton – shared his desire to have the Municipality do more to support affordable housing and shared his traffic concerns around King Street and how this development could increase the traffic problems. He lives on King Street and sees vehicles traveling at high speeds.</li> </ul>
<p><b>Adjournment</b></p>	<p>There being no further business, the meeting adjourned at 7:34 p.m.</p>



**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:** July 11, 2024

**Subject:** Development Agreement: 198 Water Street, Windsor (PID 45056926);  
 File # 24-14

**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 230

**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 entering into a development agreement to allow a residential dwelling unit behind a commercial use on the ground floor of an existing building on PID 45056926 at 198 Water Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #24-14 to the Planning and Heritage Advisory Committee dated July 11, 2024.

...that PAC/HAC recommends that Council require that the development agreement with Chad Singleton which permits a residential dwelling unit behind a commercial use on the ground floor of an existing building PID 45056926 at 198 Water Street in Windsor be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**BACKGROUND**

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit a residential dwelling unit behind a commercial unit on the ground floor.

During the January 11 PAC/HAC meeting, the Committee recommended in favour of the amendments to allow the proposal to be developed as-of-right, as drafted by staff.

During the January 23 Council meeting, direction was given to staff to draft a policy to consider the request by development agreement. The drafted amendments to the Windsor Municipal Planning Strategy (WMPS) and WLUB, to allow the proposal by development agreement were given First Reading on April 22, 2024. The amendments were approved by Council at the Public Hearing and Second Reading held on May 28, 2024.

This proposal is considered using the approved amended Policy 7.5.2 in the WMPS and has been evaluated based on the criteria within the newly approved Policy 7.5.5. More information about these amendments can be found in Attachment C.

**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 dwelling unit 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 WMPS (Figure 1). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) (Figure 2) and is included within the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Recently, the WMPS and WLUB were amended 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.

***Windsor Municipal Planning Strategy***

Policy 7.5.2 of the WMPS is the newly amended primary enabling policy to be considered for this application. This policy provides Council with the ability to consider residential uses behind commercial uses on the ground floor of existing buildings by development agreement in the Pesaquid Comprehensive Development District (P-CDD) zone. The proposal meets the criteria since it is for a residential dwelling unit located behind an existing commercial use on the

ground floor of an existing building within the Pesaquid Comprehensive Development District (P-CDD) zone.

Policy 7.5.5 of the WMPS is the newly created policy which establishes the evaluation criteria for proposals being considered under Policy 7.5.2 of the WMPS. The proposal meets the criteria as:

- the residential dwelling unit consists of 50% of the total floor area of the existing commercial space;
- the residential dwelling unit is located behind the existing commercial space; and
- the commercial space abuts Water Street.

Policy 16.3.1 establishes the general criteria that must be considered for all development agreements. The full list of criteria is included 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 subject lot and 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 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

allow a residential dwelling unit behind a commercial use on the ground floor of an existing building on PID 45056926 at 198 Water Street in Windsor.



\*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 development agreement as drafted or as specifically revised by direction of PAC/HAC;
- hold First Reading and authorize a Public Hearing to refuse the development agreement as drafted, citing the criteria that PAC/HAC consider not to be met; or
- provide alternative direction, such as requesting further information on a specific topic.

### **ATTACHMENTS**

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

- Attachment A Policy Summary for Development Agreement
- Attachment B Draft Development Agreement
- Attachment C 2024-04-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39D

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

Alex Dunphy, Senior Planner

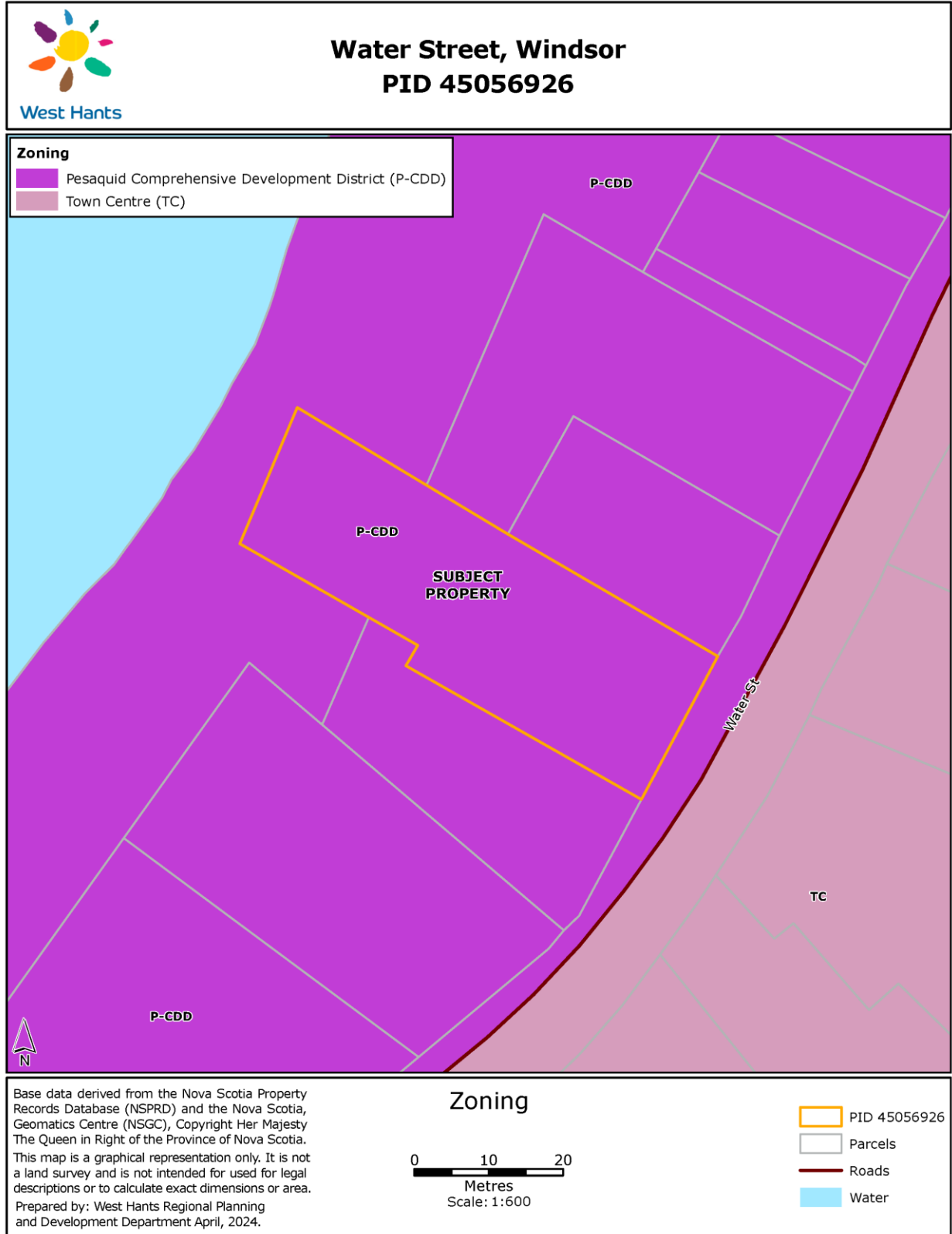
Report Approved by: \_\_\_\_\_

Sara Poirier, Director of Planning and Development

Figure 1 – Windsor GFLUM Map Extract



Figure 2 – Windsor Zoning Map Extract



**Attachment A – Policy Summary for Development Agreement**

<b>Policy 7.5.2</b>	
<i>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:</i>	
<i>(a) a change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone;</i>	Not applicable as the Town Centre (TC) zone does not otherwise permit residential dwellings on the ground floor.
<i>(b) new main buildings;</i>	Not applicable as the proposal is not for a new building.
<i>(c) additions in excess of 1,000 ft<sup>2</sup> (92.9 m<sup>2</sup>) in floor area.</i>	Not applicable as the proposal is not an addition.
<i>(d) accessory structures in excess of 500 ft<sup>2</sup> (46.5 m<sup>2</sup>) in floor area; or</i>	Not applicable as the proposal is not an accessory structure.
<i>(e) residential uses behind commercial uses on the ground floor of existing buildings.</i>	The proposal would be considered under this criterion.

<b>Policy 7.5.5</b>	
<i>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:</i>	
<i>(f) 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;</i>	The proposal requests for less than 50% of the commercial unit on the ground floor be converted into a residential dwelling unit. This criterion is considered met.
<i>(g) the residential uses must be located behind a commercial use. The commercial use must have frontage on the street;</i>	The proposed residential dwelling unit is located behind the existing commercial space and that commercial space abuts Water Street.
<i>(h) the provisions of Policy 16.3.1</i>	See Policy 16.3.1.

**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:*

<i>(a) whether the proposal is considered appropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	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, including the subject lot.
<i>(ii) the adequacy of school facilities;</i>	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.”
<i>(iii) the adequacy of fire protection;</i>	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. The applicant is aware of this requirement. The local Fire Chief commented that any residential unit would require unimpeded access, which is already a requirement of the permitting process.
<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

	<p>within the draft development agreement and as part of the permitting process.</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, including the subject lot, provided that off-street parking is provided for the residential units. As stated above, off-street parking is required as part of both the draft development agreement and the permitting process.</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 lot 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 lot 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 draft development</p>

	agreement would only permit a residential dwelling unit to be built behind the commercial use on the ground floor of the existing building.
<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 the subject lot 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 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 -

**Q & H HOLDINGS LIMITED**, a body corporate with a head office at 1500 – 1625 Grafton Street, Nova Centre, Halifax, in the County of Halifax, Province of Nova Scotia,

(Hereinafter referred to as the “Owner”)

OF THE SECOND PART

**WHEREAS** the Owner is the registered owner of the parcel of land located at PID 45056926 at 198 Water Street in Windsor hereinafter referred to as the “Property”, which lands are more particularly described in Schedule A attached hereto; and

**WHEREAS** the Property is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map of the Municipal Planning Strategy and zoned Pesaquid Comprehensive Development District (P-CDD) and is included in the Architectural Control District on the Zoning Map of the Land Use By-law; and

**WHEREAS** the Owner has requested that the Municipality enter into a development agreement to permit a residential dwelling unit behind a commercial use on the ground floor of an existing building on the Property (the “Development”); and

**WHEREAS** Policy 7.5.2 of the Municipal Planning Strategy and Section 6.1 (g) of the Land Use By-law enables Council to consider residential uses behind commercial uses on the ground floor of existing buildings by development agreement; 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 By-law.

### **1.2 Schedules**

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B – Floor Plan Layout

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

- (a) Municipal Planning Strategy means the Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor by-laws;
- (b) Land Use By-law means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor by-laws;
- (c) Subdivision By-law means the Windsor Subdivision By-law, effective on March 21, 2012, as amended, or successor by-laws.

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Use**

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

- (a) those uses permitted by the underlying zoning in the Land Use By-law; and
- (b) a residential use behind a commercial use on the ground floor of an existing building.

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

## **2.2 Development Location and Design**

- (a) The Development location and design shall be consistent with the Floor Plan shown in Schedule B.
- (b) The Development Officer may approve in writing minor changes to the location of the residential use on the ground floor of the building or other aspects of the Floor Plan, provided that the floor area of the residential uses does not exceed 50% of the ground floor area.
- (c) The residential uses on the ground floor must be located behind a commercial use and that commercial use must have frontage on Water Street.
- (d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.

## **2.3 Parking**

- (a) A minimum of one parking space per dwelling unit shall be provided for the Development.
- (b) Outside parking aisles and spaces shall be constructed 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.
- (c) 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.

## **2.4 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.

## **2.5 Maintenance**

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

## **2.6 Servicing**

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

- (i) Municipal garbage collection will be provided to the Development from Water Street.

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

- (i) The building shall be serviced with water and sewer services provided by West Hants Regional Municipality and 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.

## **2.7 Fire Safety**

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.

## **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 approved in writing by the Development Officer

without a public hearing, in accordance with Section 230 of the Municipal Government Act, provided that the Development Officer determines that the changes do not significantly alter the intended effect 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) an increase in the floor area for the residential use above 50% of the ground floor area, or movement of the residential use to the front of the building as listed in Section 2.2, *Development Location and Design*; and
- (c) the fire safety requirements listed in Section 2.7, *Fire Safety*.

**3.4** Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by the Chief Administrative Officer in accordance with Section 229 of the Municipal Government Act.

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

- (a) as provided for in Section 4.1, *Commencement of Development*, of this Agreement; or
- (b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or
- (c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

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

**PART 4 IMPLEMENTATION**

**4.1 Commencement of Development**

- (a) The Owner may not commence any construction or use on the Property until the Municipality has issued any development permit, building permit and/or occupancy permit that may be required. The date of commencement will be determined as the date the Owner begins Active Construction on the building within this Agreement as permitted by an issued development and building permit.

- (b) Active Construction shall commence not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the *Municipal Government Act* 30 days after giving Notice of Intent to Discharge to the Owner. Upon the written request of the Owner, the Municipality, by resolution of Council, may grant an extension to the date of commencement of Development without such an extension being deemed to be an amendment to this Agreement.
- (c) If the Owner is bona fide delayed from commencing the Development for reasons which are beyond the 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 Bylaws and Regulations**

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

#### **5.2 Severability of Provisions**

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

### **5.3 Interpretation**

- (a) Where the context requires, the singular shall include the plural and the neutral gender shall include the masculine and feminine.
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

### **5.4 Municipal Responsibility**

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

### **5.5 Breach of Terms or Conditions**

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

## **5.6 Costs**

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

## **5.7 Development Agreement Bound to Land**

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

## **5.8 Assignment of Agreement**

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

## **5.9 Written Notice**

- (a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Q & H HOLDINGS LIMITED, PO BOX 2380, HALIFAX, NOVA SCOTIA B3J 3E5, or at any other address provided by the Owner in writing.
- (b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner in writing.

## **5.10 Full Agreement**

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the 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

)

)

) **Q & H HOLDINGS LIMITED**

)

)

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

\_\_\_\_\_

Witness

) Chad Singleton, 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 **THE WEST HANTS REGIONAL MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in            presence.

---

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**ON THIS**            day of            , A.D. 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, **Chad Singleton**, 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  
Print name/affix seal

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

Canada  
Province of Nova Scotia

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

I, Chad Singleton, Nova Scotia, make oath and say that:

1. I, Chad Singleton of **Q & H HOLDINGS LIMITED**, the “Corporation”. Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.
3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.
4. The Corporation is a resident of Canada under the Income Tax Act (Canada).
5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

I certify that on this \_\_\_\_\_, 2024  
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

\_\_\_\_\_  
Chad Singleton, President

**Schedule A**  
**Legal Description – PID 45054350**

ALL that parcel of land and premises situated on the northerly side of Water Street, in the Town of Windsor, in the County of Hants, Province of Nova Scotia, which in a confirmatory deed made between H. H. Pulsifer Limited and Circuit Investment Limited, bearing date the 13 day of February, 1967, and recorded in the Registry of Deeds for Hants County at Windsor in Book 262 Page 622 is therein bounded and described as follows:

BEGINNING at an iron pin set in the ground on the northerly side of Water Street, at the point marked "E" on the plan of survey made by Graydon D. Spence, P.L.S., dated January 27, 1967 and recorded as an attachment to the deed recorded in Book 262 at Page 622, said iron pin being 8.45 feet easterly measured along Water Street from the stone corner of the brick wall of the building of H. H. Pulsifer Limited;

THENCE running northerly along the line shown in red on said plan 119 feet to an iron pin at point "D" shown on said plan;

THENCE running easterly along the line shown in red to point "B" shown on said plan of survey;

THENCE running northerly along the line shown in red on said plan 65.4 feet to point "C" shown on said plan on the original bank of Avon River;

THENCE running easterly along the bank of Avon River to the centre of Cunnabel Creek;

THENCE running southerly along the centre of Cunnabel Creek separating lands of Circuit Investments Limited from lands of C. B. Shaw and Arno G. Hawboldt Limited to the northerly side of Water Street;

THENCE running westerly along the northerly side of Water Street to the iron pin at point "E" shown on said plan of survey.

**BURDEN**

SUBJECT to an easement/right-of-way as described in a deed recorded in Book 266 at Page 386.

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

Compliance:

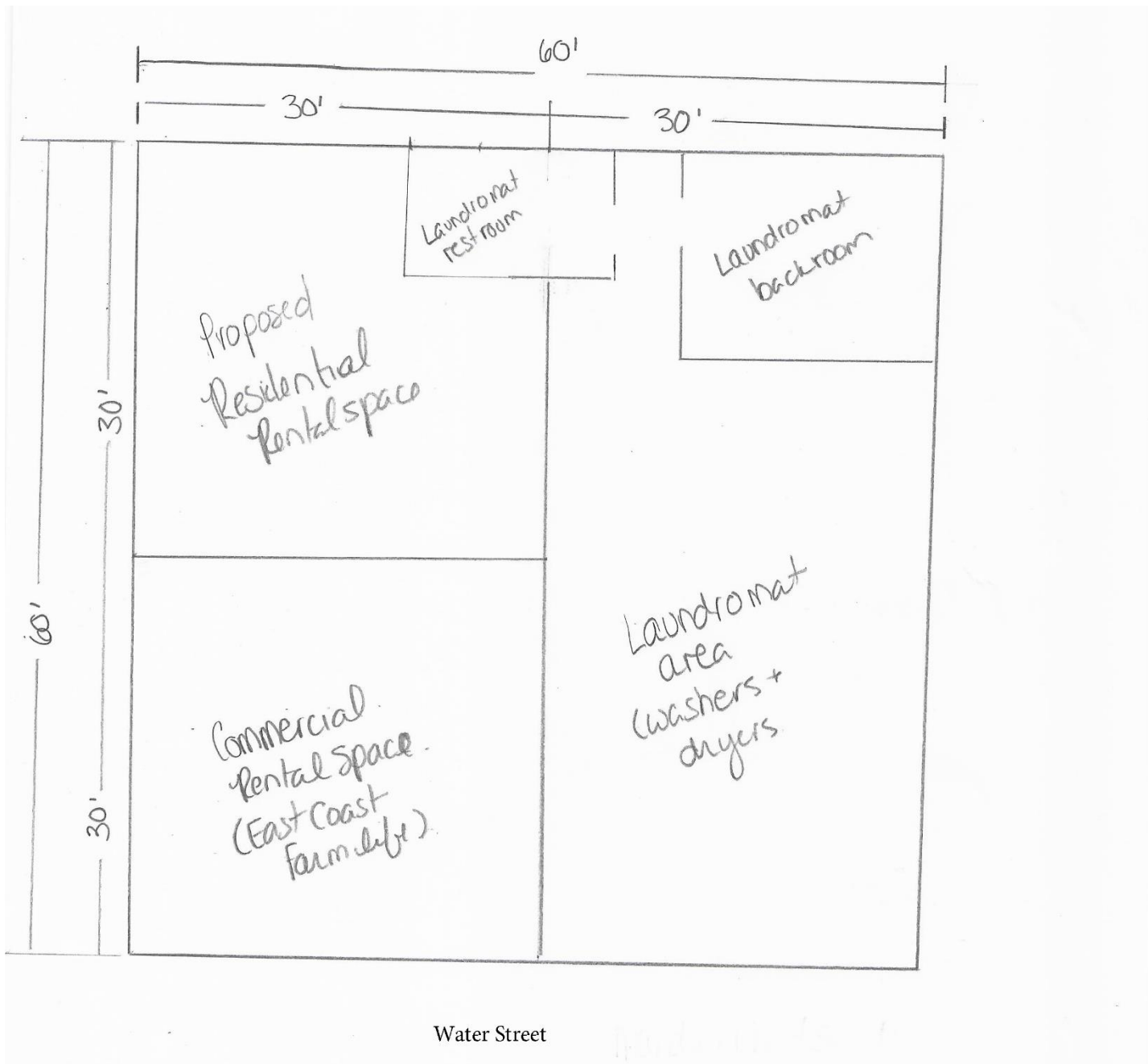
The parcel originates with an instrument (registration details below) and the subdivision is validated by Section 291 of the Municipal Government Act

Registration District: HANTS COUNTY

Registration Year: 1967

Book: 266 Page: 386 Document Number: 381

**Schedule B  
Floor Plan Layout**



**Attachment C – 2024-04-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid  
Comprehensive Development District; File # 23-39D**



**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:** April 23, 2024

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

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**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 210

**RECOMMENDATION**

Should Council wish to approve the amendments following the Public Hearing, the following motion would be in order:

...that Council gives Second Reading and approves 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.

## **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) to allow the requested change as-of-right, through amendments to the Windsor Land Use By-law. 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 intended to add the option to include residential units behind those commercial uses, staff recommended text amendments to the Pesaquid Comprehensive Development District (PCDD) zone. 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. 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 a policy to permit the request to be considered by development agreement instead.

On March 14, 2024, staff presented a recommendation report to the PAC/HAC (Appendix A) to allow the requested change through the development agreement process, by amending the Windsor Municipal Planning Strategy and Land Use By-law. During that meeting, the Committee recommended in favour of the amended policies.

On March 26, 2024, staff presented the new PAC/HAC recommendation to Council for First Reading. Council discussed the process of this application and the focus on commercial development on the waterfront. During the meeting, Council recommended in favour of the application. If Council proceeds with the amendments, staff will begin the development agreement application process for the requested development.

## **NEXT STEPS**

The process for this application is as follows:

**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, Council may decide 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                      2024-03-26 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39C

## **CHIEF ADMINISTRATIVE OFFICER REVIEW**

The recommendation is in keeping with Council's direction.

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 –  
2024-03-26 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive  
Development District; File # 23-39C**



**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:** March 26, 2024

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

---

**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 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.

**DISCUSSION**

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

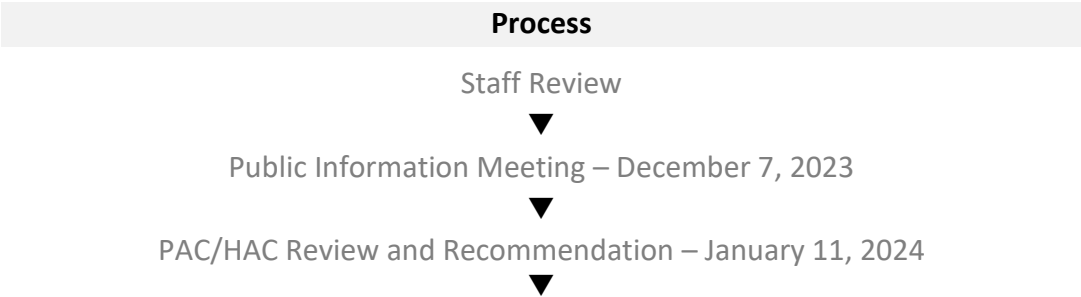
On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) to allow the requested change as-of-right, through amendments to the Windsor Land Use By-law. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intended to add the option to include residential units without affecting the ability for commercial development, staff recommended text amendments to the Pesaquid Comprehensive Development District (PCDD) zone. 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. 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 a policy to permit the request to be considered by development agreement instead.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A) to allow the requested change through the development agreement process, by amending the Windsor Municipal Planning Strategy and Land Use By-law. During that meeting, the Committee recommended in favour of the amended policies.

**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                      2024-03-14 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39B

**CHIEF ADMINISTRATIVE OFFICER REVIEW**

To ensure a thorough planning process is conducted it is recommended that First Reading be supported by Council. It will allow for public feedback during the public hearing. Information at the Public Hearing will reflect public feedback from the PIM, comments from staff regarding MPS compliance and provide the public a formal opportunity to express their opinions on the amendment before Second Reading when a final decision is made by Council.

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 –  
2024-03-14 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive  
Development District; File # 23-39B**



**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"/>
------------	--	--------------------------------------	---------------------------------	-----------------------------------	---

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.

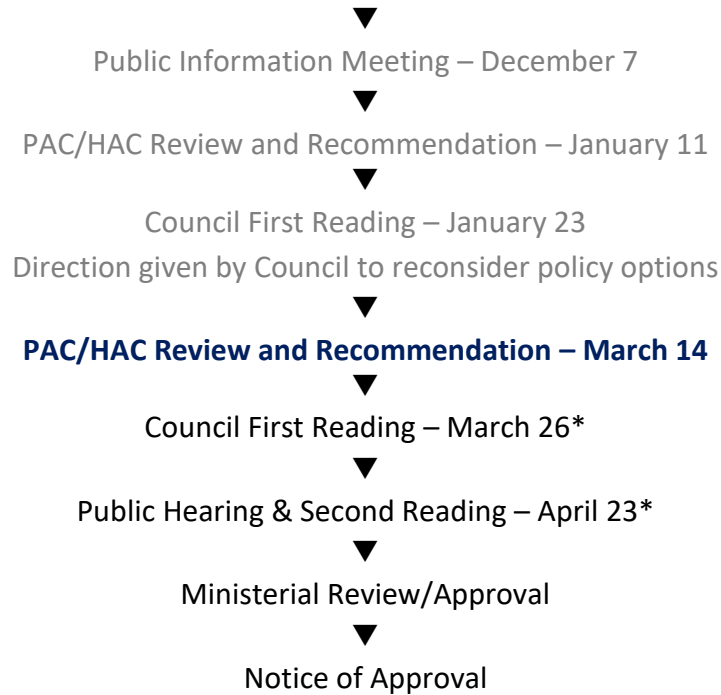
Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

### **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

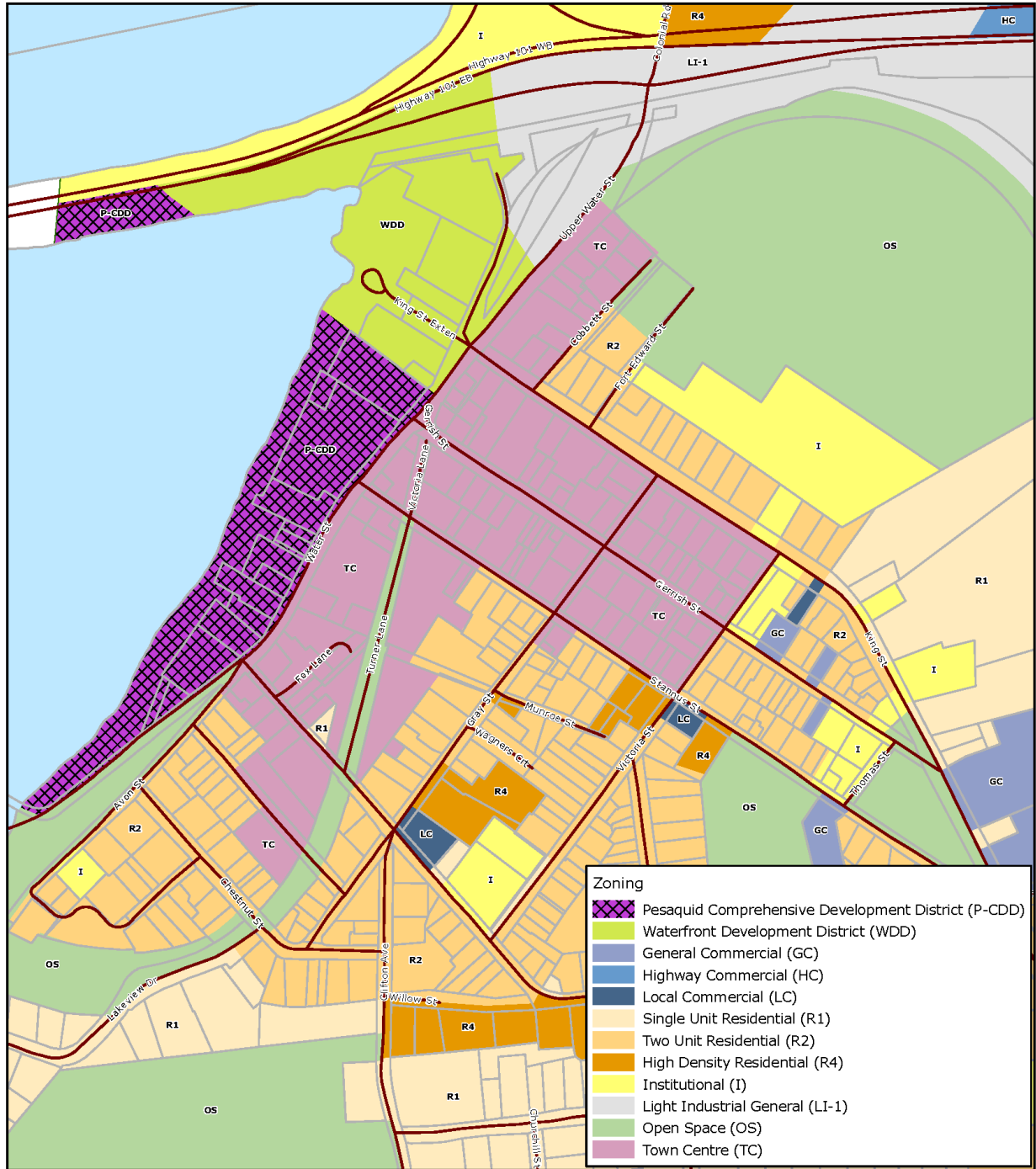
Figure 1	Windsor Zoning Map Extract
Attachment A	Policy Summary for Planning Document Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

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

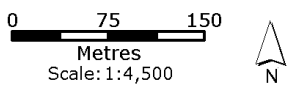
Report Approved by: \_\_\_\_\_  
   Sara Poirier, Director of Planning and Development

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><b>Policy 16.3.1</b>  <i>In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></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 ft<sup>2</sup> (92.9 m<sup>2</sup>) in floor area.*
- accessory structures in excess of 500 ft<sup>2</sup> (46.5 m<sup>2</sup>) 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 ft<sup>2</sup> (92.90 m<sup>2</sup>) floor area; accessory structures in excess of 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) 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**

<p><b>Meeting date and time</b></p>	<p>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.</p>
<p><b>Attending</b></p>	<p>In attendance for the meeting:                  Two (2) Councillors:</p> <ul style="list-style-type: none"> <li>• Councillor Francis (Chair)</li> <li>• Councillor Ivey</li> </ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> <li>• Planner Dunphy</li> <li>• Planner Fredricks</li> <li>• Planning Assistant Lake</li> <li>• Director Poirier</li> </ul> <p>3 members of the public and the applicants.</p>
<p><b>Applicant</b>                  Chad and Mandy Singleton</p> <p><b>Property</b>                  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>
<p><b>Comments</b></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"> <li>• Paul Beazly asked about an option to build the residential unit through a development agreement.</li> </ul>

	<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"> <li>• The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined.</li> </ul> <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>
<b>Adjournment</b>	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 ft<sup>2</sup> (92.90 m<sup>2</sup>) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;*
- (c) accessory structures not exceeding 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) 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**

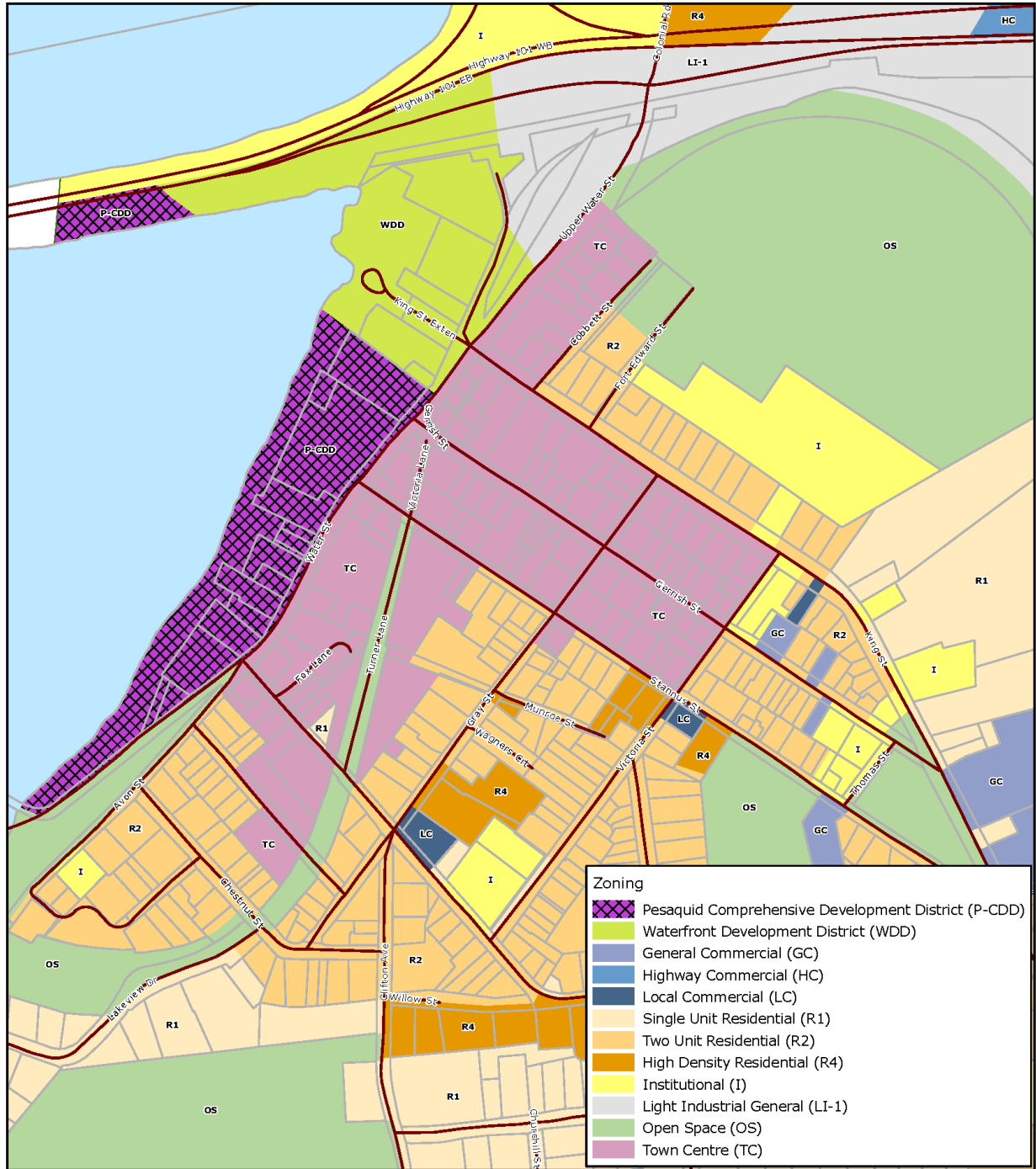
Figure 1 Windsor Zoning Map Extract

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

Report Prepared by: \_\_\_\_\_  
Alex Dunphy, Planner

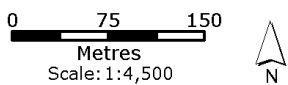
Report Approved by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

**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

**Pesaquid Comprehensive Development District - Windsor**



- Parcels
- Roads
- Water

**Attachment A – Policy Summary for Planning Document Amendments**

<p><b>Policy 16.3.1</b>  <i>In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></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:
  - (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 ft<sup>2</sup> (92.90 m<sup>2</sup>) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;
  - (c) accessory structures not exceeding 500 ft<sup>2</sup> (46.45 m<sup>2</sup>) in floor area, subject to Town Centre (TC) zone requirements;
  - (d) temporary retail sales and food service kiosks subject to Section 15.2;
  - (e) 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><b>Meeting date and time</b></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><b>Attending</b></p>	<p>In attendance for the meeting: Two (2) Councillors:</p> <ul style="list-style-type: none"> <li>• Councillor Francis (Chair)</li> <li>• Councillor Ivey</li> </ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> <li>• Planner Dunphy</li> <li>• Planner Fredricks</li> <li>• Planning Assistant Lake</li> <li>• Director Poirier</li> </ul> <p>3 members of the public and the applicants.</p>
<p><b>Applicant</b> Chad and Mandy Singleton</p> <p><b>Property</b> 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><b>Comments</b></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"> <li>• 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></li> </ul>

	<p>Council to consider the proposed residential use by development agreement.</p> <ul style="list-style-type: none"> <li>The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined.</li> </ul> <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>
<b>Adjournment</b>	The PIM was adjourned at approximately 6:28 p.m.

## **8.0 Business Arising from the Minutes (File Updates)**

### ***General***

#### **8.1 Minas Basin Flood Study**

The Province, in partnership with Dillon Consulting, conducted a Minas Basin Flood Study. Planning staff received a preview of the mapping on May 21, which has also been posted to the Provincial mapping site. The Province is still vetting the data but anticipate WHRM staff will be sent the data files and final report in July. Planning staff will then determine how this information will impact planning and development in the areas identified as flood prone. This information will also be sent to WSP to incorporate into the Plan Review.

<https://gis.dillon.ca/maps/apps/webappviewer/index.html?id=fbf00dae11bc4d97b3454e5e74c185b3>

### ***Staff Review***

#### **8.2 File 21-16 Ellershuse 3 Wind Farm Expansion (Alex Dunphy)**

This application is for a development agreement to expand the Ellershuse Wind Farm with an additional twelve 5.9 megawatt turbines. The Public Hearing was held on May 7, 2024, with 12 members of the public in attendance. Staff are working with the developer on the draft development agreement and hope to bring a recommendation report back to PAC/HAC at a future meeting.

#### **8.3 File 24-03 Bear Lake Wind Farm (Sara Poirier)**

This application is for a development agreement to permit an 11-turbine wind farm across multiple PIDs in Vaughan. The Public Information Meeting was held on April 8, 2024. The comment period was open until April 22, 2024, and several comments were received. Staff are currently reviewing the comments received and working with the developer on a draft development agreement. Changes were requested on June 6, 2024, and need to be reviewed before the recommendation report can come forward.

### ***Public Hearing and Second Reading***

#### **8.4 File #23-33 Development Agreement: Windsor Back Road, PID 45402831 (Alex Dunphy)**

This application is for a development agreement to permit 87 residential units in 3 multi-unit buildings on a vacant property on Windsor Back Road in Three Mile Plains. The Public Information Meeting was held on November 2, 2023. Following an investigation into whether the drainage ditch on the property counted as a watercourse, this item was brought to PAC/HAC on June 13, 2024, where the Committee voted in favour of this application. First Reading was scheduled to be held on June 25, 2024, however Council requested staff try to get written confirmation from NSECC regarding the watercourse. Staff have since received the written correspondence confirming that the drainage ditch on the subject lot does not meet the requirements of a watercourse by the Provincial standard. Staff intend to bring this report back to Council at the July 23 Council meeting.

#### **8.5 File #24-10 WHMPS Amendments: Wind Farm Setback Review (Sara Poirier)**

An application received in November 2023 requesting amendments to Section 4.24 of the WHMPS to further evaluate wind farm development proposals began a staff investigation and Council discussions on appropriate setbacks for large-scale wind turbines. Following those discussions, Council approved a motion on February 27, 2024 to direct staff to *“follow the planning process to amend the planning documents to include a 4 km setback.”* A recommendation report was brought to PAC/HAC on May 9, 2024, and the Committee did not vote in favour of these amendments. The amendments were taken to Council for First Reading on May 28, 2024, at which time Council directed staff to *“bring back a report to Council which identifies property lines as the designation for measurement from wind farms and that the distance be established at 2.5 km and with development agreement as part of the process.”* Staff revised the proposed amendments as requested and First Reading was held on June 25, 2024. A Public Hearing has been scheduled for July 23, 2024, to gather feedback on proposed amendments to require the setback for wind turbines to be a minimum of 2.5 km from abutting lots with frontage on a roadway, unless written permission is given by the abutting property owner.

#### **8.6 File #23-02B WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 (Sara Poirier)**

This application is a request to amend the Windsor Municipal Planning Strategy and Windsor Land Use By-law to permit a mixed-use, multi-unit development and hockey themed tourist destination on the site of the former Textile Mill. To allow this development, the Nesbit Island designation and Mixed Used (MU) zone would be created along with development agreement criteria. The Public Information Meeting was held on June 19, 2023. This item was brought to PAC/HAC on June 13, 2024, where the Committee voted in favour of the amendments with a reduction in the as-of-right height permitted in the proposed Mixed Use (MU) zone. First

Reading was held by Council on June 25, 2024, and Public Hearing and Second Reading are scheduled for July 23, 2024.

### ***Notice of Approval / Minister Review***

#### **8.7 File #24-09 WMPS Amendment: Irven Drive (PID 45162005 and 45408374) (Sara Poirier)**

This application is ultimately seeking the construction of 88 fourplex units (22 buildings) on an extension of Irven Drive in Windsor/Garland's Crossing. It includes multiple phases: the rezoning of 1781 King Street, File #23-34; these WMPS amendments, File #24-09; and a development agreement to permit the specific use, File #24-15. The WMPS amendments would change the development agreement criteria for multiple-unit developments or grouped dwellings on local roads within the Residential designation. First Reading was held on May 29, 2024, and the Public Hearing / Second Reading was held on June 25, 2024. Council approved the amendments on June 25, 2024. This item has been sent to the Department of Municipal Affairs for approval.

#### **8.8 File #23-04 Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382, Payzant Drive, Windsor (Alex Dunphy)**

This application is for a development agreement to permit a multi-phase residential development on Payzant Drive. Council opened the Public Hearing on March 26, then it was postponed until April 23, 2024, to ensure suitable wording in the draft development agreement regarding the construction of the Payzant Drive extension. The Public Hearing was then further postponed until May 28, 2024 to allow for time to prepare a site plan based on the updated road reserve design. This Hearing was further postponed until June 25, 2024 to allow ongoing negotiations for the draft development agreement regarding the Payzant Drive Extension. Another Public Hearing was scheduled to be held on June 25, 2024, where Council voted to further postpone the hearing until July 23, 2024, to assess connectivity from Payzant Drive to Irven Drive.

#### **8.9 File #24-01 HLUB Text Amendments and Rezoning for PID 45045879 Willow St, Hantsport (Alex Dunphy)**

This application is for a request to rezone the subject lot from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone to permit a 15-unit apartment building on Willow Street in Hantsport. Council held the First Reading on March 26 and scheduled the Public Hearing and Second Reading for April 23, 2024. The Public Hearing was postponed until May 28, 2024 to allow for staff to answer additional questions of Council. At this time, Council voted against the rezoning, but in favour of text amendments to the Hantsport Land Use By-law

to clarify the lot frontage requirement for the Multiple Unit Residential (R-3) zone, as suggested by staff. The applicant was notified of Council's refusal of the rezoning, initiating the 14-day appeal period for their application. The notice of approval for the text amendments was placed in the paper on June 4, 2024, initiating the 14-day appeal period. No appeals were received for the text amendments; however, the applicant has appealed Council's decision on the rezoning. Staff are currently working with the Municipal solicitor and the UARB on the appeal.

#### **8.10 File #23-13 Non-Substantive Development Agreement Amendment: Wagners Court (Alex Dunphy)**

This application is for a non-substantive amendment to the existing development agreement on Wagners Court to allow for the reconfiguration of the unit style of the grouped dwellings. This amendment was requested following a discussion with the Canada Mortgage and Housing Corporation where the applicant was informed that only housing projects with a minimum of 5 units would be eligible for funding. This item was presented to Council on May 28, 2024 and was approved at this time. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period. No appeals were received, and this item may now be removed from the agenda.

#### **8.11 File #23-07 Development Agreement: PID 45180635 Hwy 215, Summerville (Sara Poirier)**

This application is for a development agreement to permit an outdoor paintball facility on a portion of a property on Highway 215 in Summerville. The application was received in March 2023 and the Public Information Meeting was held on June 6, 2024. This file had been delayed because the subject property was owned by a deceased member of the applicant's family and the Will had to be probated before it could continue. Public Hearing and Second Reading for this file were scheduled for April 23, 2024, but were postponed until May 28, 2024, for Council to visit the site and conduct a noise test with paintball markers. At the May 28 Council meeting, Council approved the development agreement with amendments to include a restriction on paintball playing area in field portion of property, 100 ft. woods buffer be established from interior of field buffer, 12 ft micro-mesh fence to be installed at the interior of the 100 ft. woods buffer pending approval from Department of Natural Resources and Renewables and that the speedball court be another 100 ft. into the woods. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period. No appeals were received, and this item may now be removed from the agenda.

**8.12 File #24-05 WLUB Map Amendment: 523 Albert Street, Windsor (PID 45058872) (Sara Poirier)**

This application is a request to extend the General Commercial (GC) zone to the consolidated property boundary by rezoning a portion of the lot. The land within the rezoning area is intended to provide additional amenity space for the August House. First Reading was held on April 23, 2024, and the Public Hearing and Second Reading was held on May 28, 2024. At this time, Council voted in favour of the rezoning. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period. No appeals were received, and this item may now be removed from the agenda.

**8.13 File #24-04 Development Agreement: 586 O'Brien Street, Windsor (PID 45054350) (Alex Dunphy)**

This application is for a development agreement to permit a 3-storey, 6-unit apartment building on O'Brien Street. First Reading was held on April 23, 2024, and the Public Hearing was held on May 28, 2024. At this time, Council voted to approve the development agreement. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period. No appeals were received, and this item may now be removed from the agenda.

**8.14 File #23-34 WLUB Map Amendment: 1781 King Street, Windsor (PID 45162005) (Sara Poirier)**

This application is a request to rezone the subject lot from Agriculture (AG) to Two Unit Residential (R-2) in preparation for future residential development. The property would be subdivided separating the existing dwelling from the land behind (development area). First Reading was held on April 23, 2024, and the Public Hearing and Second Reading were held on May 28, 2024. Council approved the rezoning at Second Reading. A notice of approval was placed in the paper on June 4, 2024, initiating the 14-day appeal period. No appeals were received, and this item may now be removed from the agenda.

# ACTIVITY REPORT

For Month of June 6/30/2024

Type	Jun 2023			Jun 2024		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	14	12	2,379,501	13	8	3,025,000
Duplex/Semi	4	7	2,250,000	0	0	0
Apartments	0	0	0	2	64	10,800,000
Other Residential	18	4	623,302	15	1	893,733
Commercial	1	0	15,000	1	1	10,000
Industrial	1	0	5,000,000	0	0	0
Inst & Gov	0	0	0	0	0	0
Agriculture	0	0	0	3	0	28,000
Other	2	1	95,000	1	0	2,000
<b>Total</b>	<b>40</b>	<b>24</b>	<b>10,362,803</b>	<b>35</b>	<b>74</b>	<b>14,758,733</b>
<b>Year To Date</b>	<b>158</b>	<b>65</b>	<b>26,619,929</b>	<b>145</b>	<b>126</b>	<b>34,130,896</b>
Demolition	2	0		0	0	
Sign Permits	0			1		
Sub Applications	8	18 (Lots Requested)		5	11 (Lots Requested)	