



WEST HANTS REGIONAL MUNICIPALITY REPORT

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| Information <input type="checkbox"/> | Recommendation <input checked="" type="checkbox"/> | 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: _____
Sara Poirier, Planner

Date: 2021-07-27

Subject: WLUB Amendment: Reduced Lot Specification Requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775, Payzant Drive; File 21-09 C

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:
 ...that Council give First Reading and hold a Public Hearing to consider amending the text of the Windsor Land Use By-law to reduce the minimum lot specification requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 owned by Brison Developments Limited and 3229190 Nova Scotia Limited on Payzant Drive in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee, report #21-09 B dated July 8, 2021, and to amend section 5.34 (a) of the Windsor Land Use By-law, *Setback for Flanking Yard*, to ensure that required flankage yards are the same as the required front yard in all zones, unless otherwise specified within the zone requirements.

BACKGROUND

| | | | | | |
|----------------------------------------------|-----------------------------------------|--------------------------------------|---------------------------------|-----------------------------------|----------------------------------------------|
| Property <input checked="" type="checkbox"/> | Public Opinion <input type="checkbox"/> | Environment <input type="checkbox"/> | Social <input type="checkbox"/> | Economic <input type="checkbox"/> | Councillor Activity <input type="checkbox"/> |
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An application was received from Mr. Mitch Brison, Director of Brison Developments Limited and 3229190 Nova Scotia Limited, to amend the Windsor Land Use By-law to reduce the minimum lot specification requirements on specific PIDs (45358314, 45366986, 45055167, 45276441, 45190493 and 45364775) on Payzant Drive to conform with The Crossing development agreement (2019).

Staff discussions at the Planning and Heritage Advisory Committee (PAC/HAC) on July 8 determined that there was a conflict between Section 5.34 (a) of the Windsor Land Use By-law and the proposed amendments which would need to be addressed to ensure the flankage yard requirements established in the proposed amendment would not be overridden by the general requirement.

The PAC/HAC motion which was passed on July 8 was:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the Windsor Land Use By-law to reduce the minimum lot specification requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 owned by Brison Developments Limited and 3229190 Nova Scotia Limited on Payzant Drive in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee, report #21-09 B dated July 8, 2021, and to remove section 5.34 (A) of the Windsor Land Use By-law flankage yard requirements.

Upon further review of the By-law following the meeting, it was determined that the intent of Section 5.34 (a) of the Windsor Land Use By-law is to ensure the flankage yard requirements are the same as the front yard requirements in all zones unless otherwise specified within the zone requirements. Staff recommend the following motion, which would carry out the intent of PAC/HAC's motion and the LUB:

...that Council give First Reading and hold a Public Hearing to consider amending the text of the Windsor Land Use By-law to reduce the minimum lot specification requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 owned by Brison Developments Limited and 3229190 Nova Scotia Limited on Payzant Drive in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee, report #21-09 B dated July 8, 2021, and to amend section 5.34 (a) of the Windsor Land Use By-law, *Setback for Flanking Yard*, to ensure that required flankage yards are the same as the required front yard in all zones unless otherwise specified within the zone requirements.

DISCUSSION

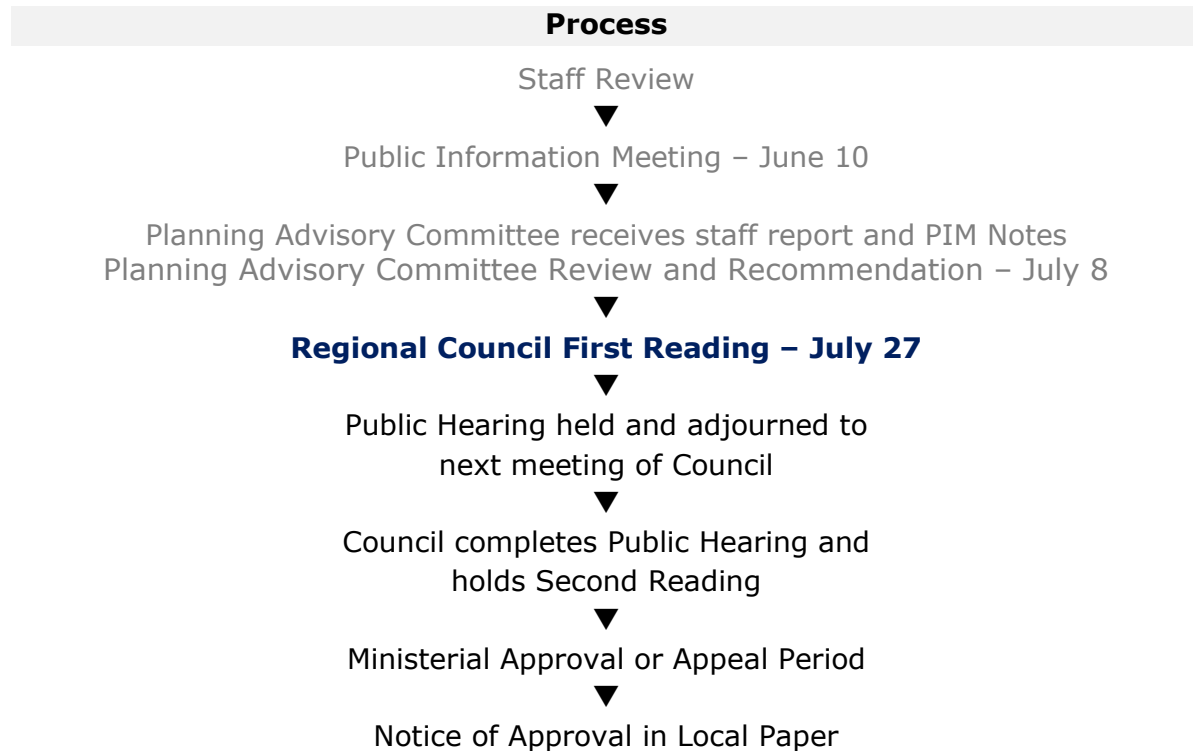
A Public Information Meeting was held on June 10, 2021 (Appendix A).

On July 8, 2021 staff presented a recommendation report to the PAC/HAC (Appendix B).

PAC/HAC recommended in favour of the development agreement on July 8, 2021.

NEXT STEPS

The process for this application is as follows:



FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality in relation to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the WLUB amendments as drafted;
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2021-06-10 Public Information Meeting Notes – File 21-09 A

Appendix B 2021-07-09 Staff Report – WLUB Amendment: Reduced Lot Specification Requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775, Payzant Drive; File 21-09 B

Appendix C Additional Draft Amendments to the Windsor Land Use By-law: Flankage Yards

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation. The amendments proposed essentially reflect the current development conditions set out in the adjacent and jointly connected community known as "The Crossing". Adopting this recommendation will carryover a similar development style for R1 and R2 development as proposed for these lands.

Report Prepared by: _____
Sara Poirier, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Appendix A

Public Information Meeting Notes

June 10, 2021 – June 25, 2021

File 21-09 A

Payzant Drive, Windsor; PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775

| | |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Meeting date and time | A virtual Public Information Meeting was held on June 10, 2021 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page. |
| Attending | In attendance: One (1) Councillor: <ul style="list-style-type: none">• Councillor Ivey (Chair) Four (4) members of staff: <ul style="list-style-type: none">• Director LeMay• Planner Poirier• Meeting Secretary Lake• CAO Phillips As this meeting was held virtually there were no members of the public present. |
| Applicant name and site location (Civic address and PID) | Planner Poirier outlined the request from Mitch Brison, Director of Brison Developments Limited and 3229190 Nova Scotia Limited, to amend the text of the Windsor Land Use By-law to permit reduced minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zone in Windsor for specific PID's on Payzant Drive (PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775). |
| Comments | Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between June 10 and June 25, 2021. No written or verbal comments were received from the public. |
| Adjournment | The meeting was adjourned at 6:10 p.m. |

Appendix B



WEST HANTS REGIONAL MUNICIPALITY REPORT

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| 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

Submitted by: _____
Sara Poirier, Planner

Date: 2021-07-08

Subject: WLUB Amendment: Reduced Lot Specification Requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775, Payzant Drive; File 21-09 B

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

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

that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the Windsor Land Use By-law to reduce the minimum lot specification requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 owned by Brison Developments Limited and 3229190 Nova Scotia Limited on Payzant Drive in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee, report #21-09 B dated July 8, 2021.

BACKGROUND

A completed application was received on May 6, 2021 from Mitch Brison to amend the Windsor Land Use By-law to reduce the minimum lot size and side yard requirements on specific PIDs (45358314, 45366986, 45055167, 45276441, 45190493 and 45364775) on Payzant Drive to conform with The Crossing development

agreement (2019). Mitch Brison is the Director of Brison Developments Limited and 3229190 Nova Scotia Limited.

DISCUSSION

The subject lots are located on Payzant Drive and all except 187 Payzant Drive (PID 45276441) are currently vacant. 187 Payzant Drive (PID 45276441) has a single unit dwelling on the lot.

The subject lots are designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy (WMPS) (Figure 1). Part 5.0 of the WMPS contains the overall intention for properties designated Residential in Windsor.

Figure 2 shows an excerpt of the Zoning map of the Windsor Land Use By-law. The subject lots have a variety of different residential zoning including Single Unit Residential (R-1), Two Unit Residential (R-2), Medium Density Residential (R-3), and High Density Residential (R-4).

The subject lots abut properties with a variety of different zoning and designations (Table 1).

Table 1: Lots Abutting Subject Lots by Direction

| | |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North | <p>The subject lots abut residential development on Underwood Drive, Burgess Crescent and Fraser Drive which are designated Residential and zoned Single Unit Residential (R-1), Two Unit Residential (R-2) and High Density Residential (R-4). There is a park on Burgess Crescent which is designated Community Use and zoned Open Space.</p> <p>There are also vacant lots to the north of PID 45276441 on the west side of Payzant Drive which are designated Agriculture and zoned Agriculture (AG).</p> <p>The Hants Community Hospital is located on Payzant Drive to the north of the subject lots. The Hospital site is designated Community Use and zoned Institutional (I).</p> |
| East | <p>The Crossing development abuts the subject lots to the east. The Crossing development is permitted by development agreement however is designated Residential in the West Hants Municipal Planning Strategy and zoned Multiple Residential (R-3) and Two Unit Residential (R-2) in the West Hants Land Use By-law.</p> |
| South | <p>The Avon View High School which is designated Community Use and zoned Institutional (I) is to the south of the subject lots. There are also dwellings to the south of PID 45276441 on the west side of Payzant Drive which are designated Residential and zoned Two Unit Residential (R-2).</p> |

| | |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| West | The Windsor Elementary School property on Tremain Crescent abuts the subject lots to the west. The property is designated Community Use and zoned Institutional (I). |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The Crossing

The Crossing development in Garlands Crossing was permitted by development agreement originally approved by the former West Hants Council in 2008. Since then, the agreement has been amended three times at the request of the owner, in 2014, 2017 and 2019. The development agreement permits the development of a manufactured home park and grouped dwellings within a land lease community and a mixed residential area. The minimum lot specifications for single- and two-unit dwellings in the mixed residential area as specified in The Crossing development agreement (2019) are shown in Table 2.

Table 2: The Crossing Development Lot Specifications

| Type of Unit | Minimum Frontage | Minimum Area | Minimum Side Yard | Minimum Front Yard | Minimum Rear Yard |
|----------------------|-------------------------|----------------------------------------|--------------------------|---------------------------|--------------------------|
| Single Unit Dwelling | 40 ft (12.19 m) | 4,000 sq. ft (371.60m ²) | 4 ft (1.22 m) | 15 ft (4.57m) | 25 ft (7.62 m) |
| Two Unit Dwelling | 20 ft (6.1 m) / unit | 2,000 sq. ft. (185.80 m ²) | 4 ft (1.22 m) | 15 ft (4.57 m) | 25 ft (7.62m) |

Mr. Brison, the applicant for this Windsor Land Use By-law request, is also the Director of the numbered company that owns the Crossing development. He is proposing to develop single- and two-unit dwellings on the majority of the subject lots which would be permitted as-of-right as per the current zoning. The applicant is also proposing that this residential development in the community of Windsor would connect to the Crossing via a new public street. Therefore, the applicant is requesting Council consider amending the Windsor Land Use By-law to permit the same minimum lot specifications for single- and two-unit dwellings as is permitted in the mixed residential area of the Crossing (Attachment A).

The Fire Chief had concerns regarding the proposed minimum side yard requirements with regard to potential fire spread. The Manager of Building and Fire Inspection Services stated that as per the National Building Code when the setback is 6.6 ft (2m) or less, the permitted openings in a building, such as windows and doors, are required to be cut in half for single- or two-unit dwellings (side by side). If the applicant does a residential unit over another residential unit within 4 ft (1.2 m) of the lot line then they are into the possibility of non-combustible construction and non-combustible cladding. The National Building Code requirements take precedence over any

minimum lot requirements in the Windsor Land Use By-law therefore staff conclude that the potential of fire spread will be minimized.

DOCUMENT REVIEW

The Province of Nova Scotia has six (6) Statements of Provincial Interests (SoPI) which form part of the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The SoPI related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing. The second provision of the SoPI states that “depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.” This application would be consistent with the Statement of Provincial Interest regarding housing.

Windsor Municipal Planning Strategy

Part 3.0 of the Windsor Municipal Planning Strategy outlines the concepts, principles, and initiatives for development within the community of Windsor. One of the development principles in Section 3.1.1 is to “*encourage compact residential and commercial growth similar to existing development in the older sections of Town which makes best use of municipal infrastructure including roads, sidewalks and water and sewer services.*” Reduced minimum lot specifications have many benefits including compact development patterns which reduce reliance on vehicles and create more walkable neighbourhoods. Reduced minimum lot specifications also make more efficient use of municipal services including sewer and water which aligns with the WMPS development principles.

Environmental Constraints Areas

One of the subject lots (PID 45358314) on the west side of Payzant Drive is located within the Environmental Constraints area designation and is identified as dykeland (Figure 3). The Environmental Constraints designation means that the subject lot has been identified as marshland, specifically within the Tregothic Marsh. Properties within the Environmental Constraints designation have to meet more stringent requirements, including completing an environmental study, before being issued a development permit for any new building.

The Agricultural Marshland Conservation Act (2001) protects marshland for agricultural purposes. Section 41 of the *Act* states that the provincial Marshland Administrator can authorize a variance to permit other types of development on the marshland. The owner applied to the Tregothic Marshbody and the Provincial

Marshland Administrator for authorization to construct a stormwater management pond and residential development on the subject lot. On May 7, the Provincial Administrator for the Nova Scotia Agriculture Mashland Act approved the application to construct a stormwater management pond and residential uses on the subject lot as per a site plan that was attached to the application. Any construction on site will have to meet the requirements of the underlying zone, Section 27.0 of the WLUB, and any other requirements of the Regional Municipality.

WMPS Specific Criteria

There are no specific criteria for this text amendment.

WMPS General Criteria

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

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

Windsor Land Use By-law

Text Amendment

To permit the requested reduced minimum lot specifications in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones, an amendment to the text of the Windsor Land Use By-law (WLUB) would be required. The proposed text amendments are located in Attachment A.

Map Amendment

As the subject lots currently have residential zoning, an amendment to the Zoning Map of the WLUB is not required as part of this application.

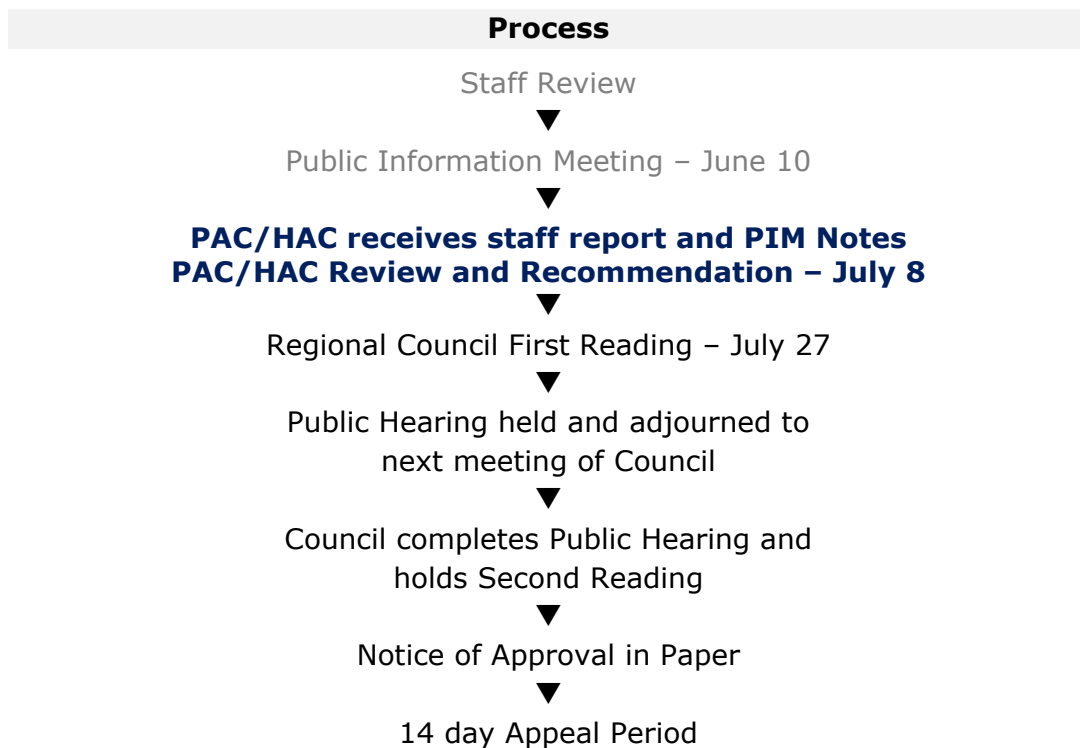
MUNICIPAL CLIMATE CHANGE ACTION PLAN

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 including one of the subject lots (PID 45358314) within the Tregothic Marsh Body will experience extensive flooding. As noted above properties within the area identified as dykeland and within the Environmental Constraints designation have to complete an

environmental study before being issued a development permit for any new building to ensure any potential flooding will not affect the proposed uses.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the WMPS and is consistent with the intent, objectives and policies and criteria of the WMPS. As a result, it is reasonable to amend the text of the Windsor Land Use By-law to permit reduced minimum lot specification requirements for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 on Payzant Drive.



FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

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

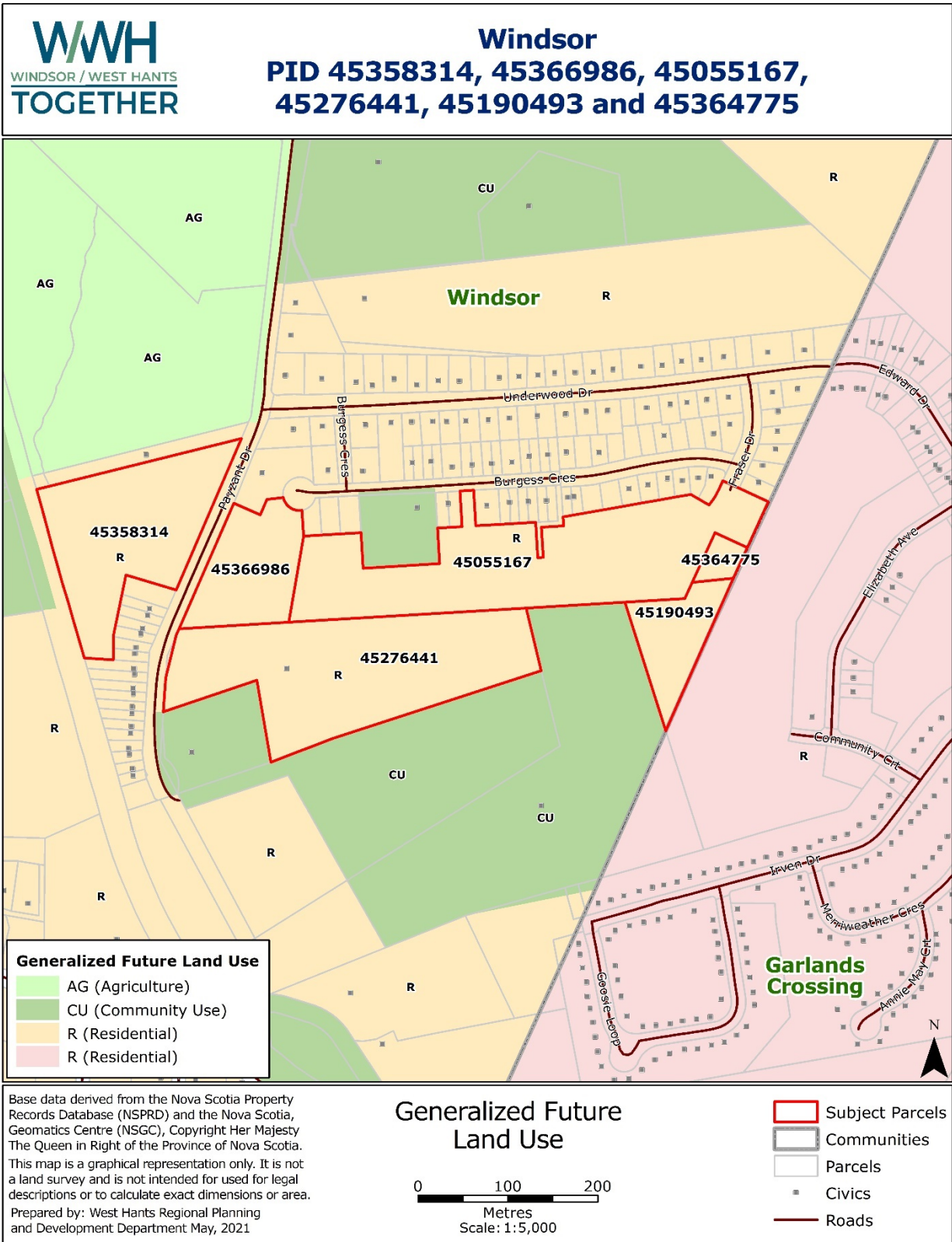
- hold First Reading and authorize a Public Hearing to approve the WLUB amendment as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

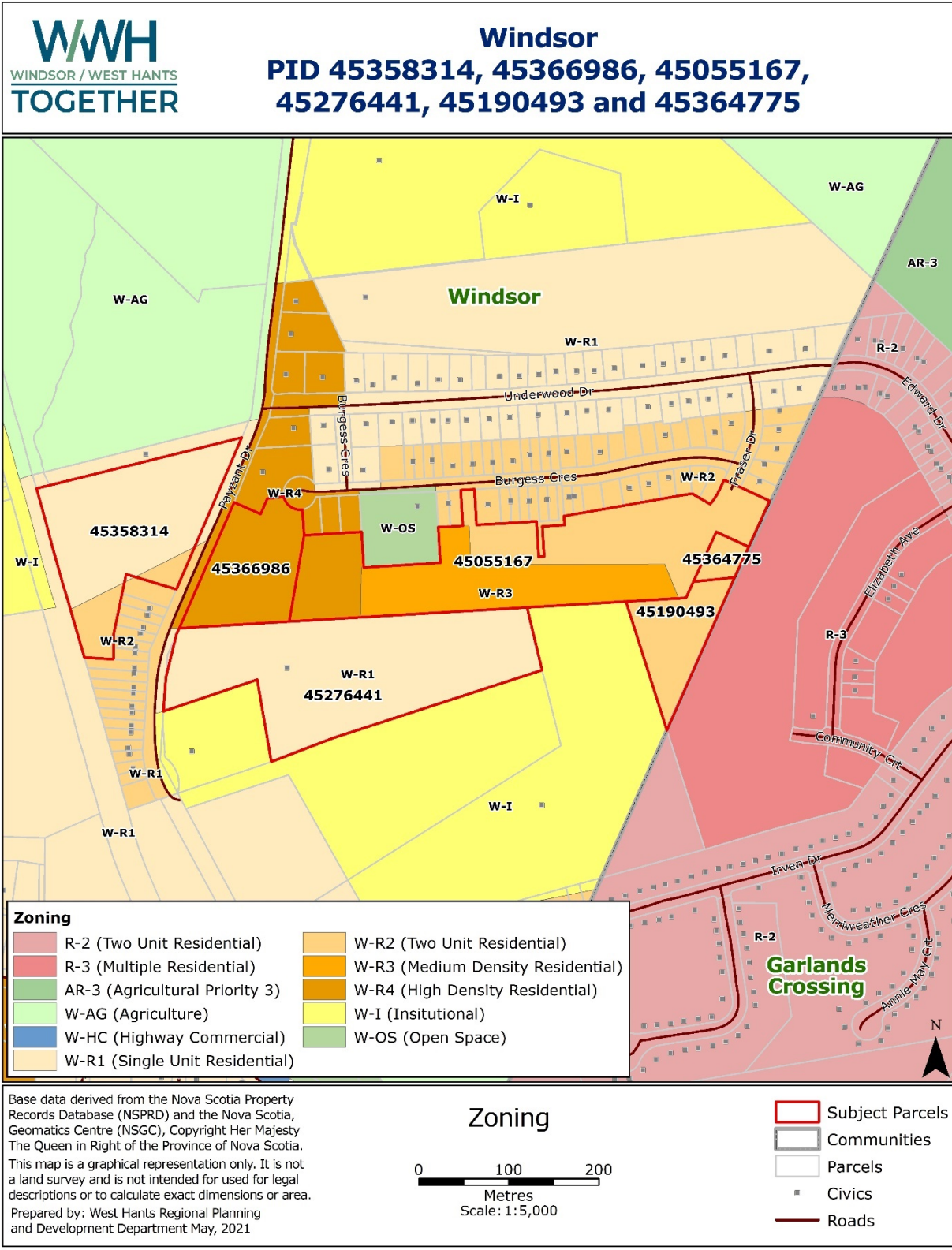
| | |
|--------------|-------------------------------------------------|
| Figure 1 | Windsor GFLUM Extract |
| Figure 2 | Windsor Zoning Map Extract |
| Figure 3 | Environmental Constraints and Dykeland Excerpt |
| Attachment A | Draft Amendments to the Windsor Land Use By-law |
| Attachment B | General Criteria for Amendment |

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

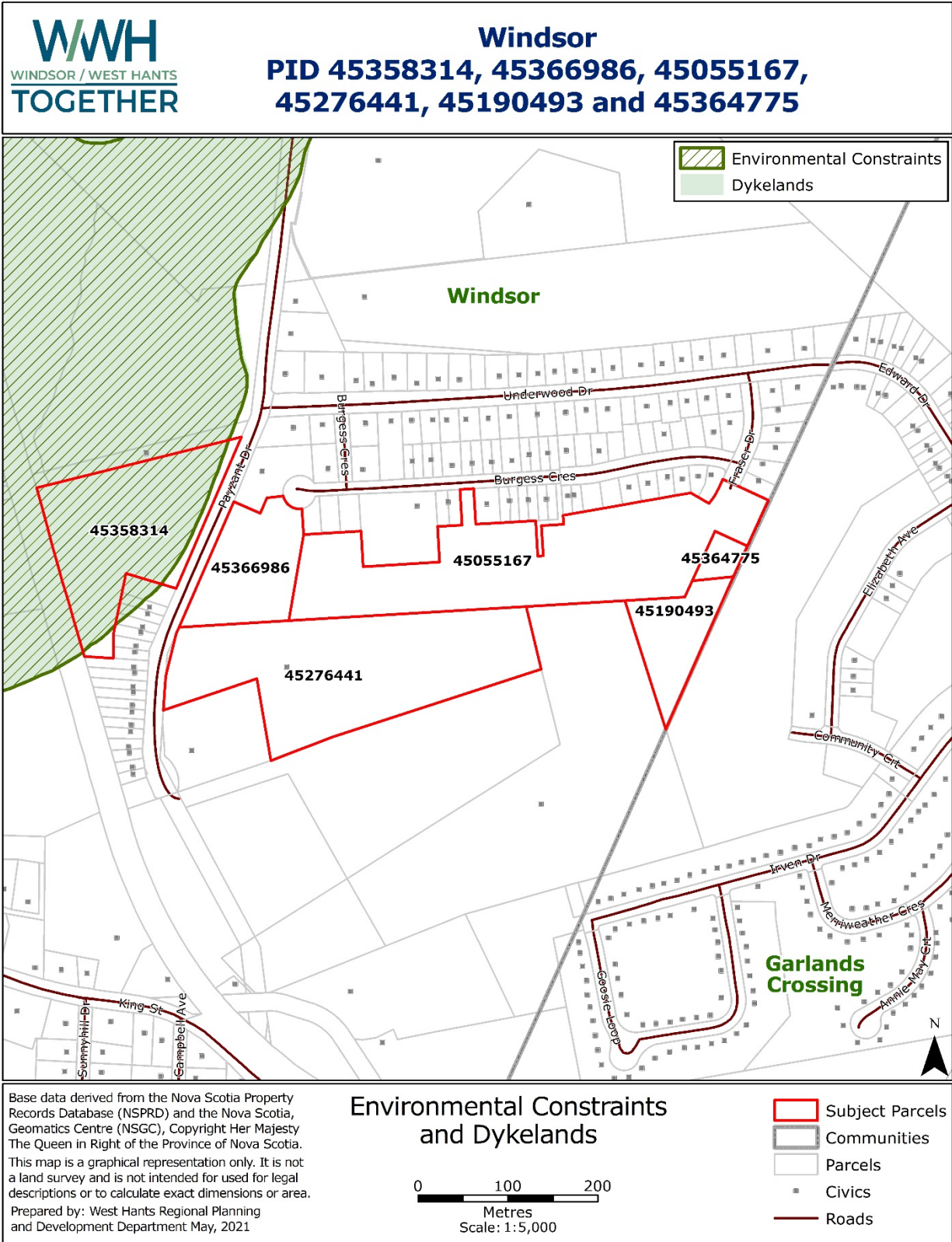
**Figure 1
Windsor GFLUM Extract**



**Figure 2
Windsor Zoning Map Extract**



**Figure 3
Environmental Constraints and Dykeland Excerpt**



Attachment A
Draft Amendments to the Windsor Land Use By-law

Text amendments to the Single Unit Residential (R-1) and Two Unit Residential (R-2) zones of the Windsor Land Use By-law to reduce the minimum lot specification requirements for specific PIDs (45358314, 45366986, 45055167, 45276441, 45190493 and 45364775) owned by Brison Developments Limited and 3229190 Nova Scotia Limited on Payzant Drive. Note: Amendments in blue.

1. Amend Part 8.2, R-1 Zone General Requirements, in Part 8.0 of the Windsor Land Use By-law, Single Unit Residential (R-1), to include an exception of reduced minimum lot specifications for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775, so that it reads as follows:

8.0 SINGLE UNIT RESIDENTIAL (R-1)

Permitted Uses

8.1 The following uses shall be permitted in the Single Unit Residential (R-1) zone:

- Single unit dwellings
- Accessory apartments

R-1 Zone General Requirements

(Amendment WLUB 10-01 Effective July 16, 2010)

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

| | | with town services | with on-site services |
|---------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Minimum lot area | | 6,000 ft ² (557.40 m ²) 7,000 ft ² (650.30 m ²) for corner lots | 30,000 ft ² (2,787.00 m ²)* |
| Minimum lot frontage | | 60 ft (18.29 m) | 120 ft (36.58 m) |
| Minimum front yard | | 25 ft (7.62 m) | |
| Minimum rear yard | | 25 ft (7.62 m) | |
| Minimum side yard | one side | 4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey | |
| | other side | 10 ft (3.05 m) | |
| Maximum height of main building | | 35 ft (10.67 m) | |
| Maximum height of accessory building | | 15 ft (4.57 m) | |

* subject to Nova Scotia Department of Environment & Labour requirements

(b) **Exception for PID 45336773** - Notwithstanding section 8.2(a), the minimum side yard requirement for an approximately 13.6 acre parcel of land owned by Brison Developments Limited, Payzant Drive (PID 45336773) shall be:

- one side: 4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey;
- and
- other side: 8 ft (2.44 m).

(c) **Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775 –** Notwithstanding Section 8.2 (a), the lot specifications for the lots owned by Brison Developments (PID 45358314) and 3229190 Nova Scotia Limited (PID 45366986, 45055167, 45276441, 45190493 and 45364775) shall be:

| | |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Minimum lot area | 4,000 ft ² (371.60 m ²) 5,000 ft ² (464.5 m ²) for corner lots |
| Minimum lot frontage | 40 ft (12.19 m) |
| Minimum front yard | 15 ft (4.57 m) |
| Minimum flankage yard | 15 ft (4.57 m) |
| Minimum rear yard | 25 ft (7.62 m) |
| Minimum side yard | 4 ft (1.22 m) |
| Maximum height of main building | 35 ft (10.67 m) |
| Maximum height of accessory building | 15 ft (4.57 m) |

Accessory Apartments - Special Requirements

8.3 In addition to all other regulations of this By-law, the following provisions shall apply to accessory apartments in the R-1 zone:

- (a) not more than one accessory apartment shall be permitted per lot;
- (b) the accessory apartment shall be contained within or attached to the main dwelling;
- (c) no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;
- (d) no new entrances shall be created on the front façade of the existing main dwelling;
- (e) additions shall be limited to the rear yard of the main dwelling;
- (f) the accessory apartment shall not exceed 25 percent of the total floor area of the structure;
- (g) lot coverage of the entire structure shall be limited to 50 percent; and
- (h) parking shall be provided as required in Section 5.25 in the side or rear yard of the lot.

2. Amend Part 9.2, R-2 Zone General Requirements, in Part 9.0 of the Windsor Land Use By-law, Two Unit Residential (R-2), to include an exception of reduced minimum lot specifications for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775, so that it reads as follows:

9.0 TWO UNIT RESIDENTIAL (R-2)

Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Converted dwellings to a maximum of two dwelling units
- Two unit dwellings

R-2 Zone General Requirements

(Amendment WLUB 10-01 Effective July 16, 2010)

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

| | |
|---------------------------------------------|-----------------------------------------------------------|
| Minimum lot area | 3,500 ft ² /unit (325.15 m ² /unit) |
| Minimum lot frontage | 35 ft/unit (10.67 m/unit) |
| Minimum front yard | 25 ft (7.62 m) |
| Minimum rear yard | 25 ft (7.62 m) |
| Minimum side yard | 10 ft (3.05 m) |
| Maximum height of main building | 35 ft (10.67 m) |
| Maximum height of accessory building | 15 ft (4.57 m) |

(b) **Exception for PID 45336773** - Notwithstanding section 9.2(a), the minimum side yard requirement for an approximately 13.6 acre parcel of land owned by Brison Developments Limited, Payzant Drive (PID 45336773) shall be 8 ft (2.44 m).

(c) **Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775** – Notwithstanding Section 9.2 (a), the lot specifications for the lots owned by Brison Developments (PID 45358314) and 3229190 Nova Scotia Limited (PID 45366986, 45055167, 45276441, 45190493 and 45364775) shall be:

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

Converted Dwellings - Special Requirements

9.3 In addition to all other regulations, the following provisions shall apply to converted dwellings in the R-2 zone:

- all conversions shall be limited to one additional dwelling unit;
- no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;
- no alteration shall be undertaken which will extend into the front or side yard of the lot;
- lot coverage of the entire structure shall be limited to 50 percent; and
- parking shall be provided as required in Section 5.25 in the side or rear yard of the lot.

Services Required

9.4 A development permit shall not be issued for a new residential dwelling of two or more units in the R-2 zone where the proposed development is not serviced with Town water and sewer.

Subdivision of Semi-detached Units

9.5 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the Town of Windsor Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

Attachment B
General Criteria for Amendment

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

| CRITERIA | COMMENT |
|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>(a) whether the proposal is considered premature or inappropriate in terms of:</i> | |
| <i>(i) the adequacy of sewer and water services;</i> | The Director of Public Works commented that there are no issues in regard to the adequacy of sewer and water services. They also commented that there are no public works related concerns related to reduced minimum lot requirements. |
| <i>(ii) the adequacy of school facilities;</i> | The subject lots are already zoned for residential uses therefore the school board was not contacted to comment on the proposed WLUB text amendment. |
| <i>(iii) the adequacy of fire protection;</i> | <p>The local Fire Chief commented that they had some concern with the reduced side yard widths with regard to potential fire spread. However, the Manager of Building and Fire Inspection Services stated that they have no concerns with this application with regard to fire safety. The National Building Code would take precedence over any minimum lot sizes proposed in the Land Use By-law.</p> <p>The Manager of Building and Inspection Services added that the National Building Code requires that "when the setback is 2m (78 ¾") or less, the permitted openings are required to be cut in half for single or two unit dwellings (side by side). If they do a residential unit over another residential unit, then they are into possibility of non-combustible construction & non-combustible cladding being within 4'."</p> <p>The applicant is aware of the Manager of Building and Inspection Services comments and will have to ensure the construction meets the National</p> |

| | |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Building Code requirements prior to receiving building and occupancy permits. |
| <i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i> | The Manager of Public Works Operations and Traffic Authority for the Municipality commented that there would be no significant impact to the adequacy of road networks adjacent to or leading to the development by permitting reduced minimum lot specification requirements on these specific lots. |
| <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 related to this WLUB amendment. |
| <i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i> | The Manager of Public Works Operations and Traffic Authority commented that there are no concerns with respect to the movement of auto and pedestrian traffic with this WLUB amendment. There is an existing sidewalk on the east side of Payzant Drive. There is no rail transportation in the area. |
| <i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i> | The Development Officer stated that they have no concerns with regard to the adequacy of the dimensions and shape of the lots for the proposed amendment. They added that this is consistent with what has already been established across the Windsor/West Hants border at the Crossing and will provide for greater density. There have been no development issues as they understand it on the Crossing side, and they don't anticipate any on the Windsor side. |
| <i>(d) the pattern of development which the proposal might create;</i> | The surrounding area has a variety of residential zoning. The Hants Community Hospital, Avon View High School and a few commercial uses are also located on Payzant Drive. This proposal is not anticipated to change the pattern of development in the area. |

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| | <p>The Development Officer commented that “smaller lot sizes and reduced setbacks will provide for greater density. This would increase housing availability as well as provide increased revenues for the municipality.”</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>PID 45358314 on the west side of Payzant Drive is relatively flat and has a watercourse near the rear lot line. As noted in the report, this subject lot (PID 45358314) is located within the Environmental Constraints area designation and is identified as dykeland. Any new construction on this subject lot will have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality.</p> <p>The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) shows that most of the community of Windsor including one of the subject lots (PID 45358314) would experience flooding under a simulated flooding extent for probable maximum flood due to climate change.</p> <p>PID 45276441 on the east side of Payzant Drive are relatively flat. The other subject lots on the east side of Payzant Drive (PID 45366986, 45055167, 45364775 and 45190493) slope upward towards Fraser Drive. There are no evident concerns in terms of steepness of grade, soil or geological conditions. It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p> |
| <p><i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p> | <p>All Municipal, Provincial and Federal regulations will have to be met.</p> |
| <p><i>(g) any other matter required by relevant policies of this Strategy.</i></p> | <p>All other matters have been addressed elsewhere in this report.</p> |

Appendix C
Additional Draft Amendments to the Windsor Land Use By-law:
Flankage Yards

Text amendments to the general provisions for all zones of the Windsor Land Use By-law to ensure that required flankage yards are the same as the required front yard in all zones unless otherwise specified within the zone requirements. Note: Amendments in blue.

- 1. Amend Section 5.34 (a), *Setback for Flanking Yard*, in Part 5.0 of the Windsor Land Use By-law, *General Provisions for all zones*, so that it reads as follows:**

Setback for Flanking Yard

5.34 (a) ~~Notwithstanding anything else in this By-law, on a corner lot in any residential zone, the minimum yard requirement for the flanking yard shall be 25 ft (7.62 m).~~ The required flankage yard shall be the same as the required front yard in all zones, unless otherwise specified within the zone requirements.

(b) No accessory building or structure shall be permitted within the required flanking yard.