

**WEST HANTS REGIONAL MUNICIPALITY**

**Council Meeting Agenda **AMENDED****

**July 23, 2024 - 6:00 p.m.**

In-person, Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)



**West Hants**  
something inspiring awaits

1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
  - a) Dashboard Action Items – Information Log
  - b) Dashboard Action Items – Dangerous or Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
  - a) 2024-06-25 Council Meeting Minutes
  - b) 2024-06-25 PH Minutes Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382
  - c) 2024-06-25 PH Minutes WMPS Text Amendments: Policy 5.4.6 Criteria for Development Agreements
7. Public Hearing – Variance Appeal
  - a) 111 Stark Road, Newport Station (PID 45015385) – Development Officers MacInnis and Burns
8. Public Hearings
  - a) Large-scale wind turbine setbacks, WHMPS and WHLUB Amendments – Director Poirier
  - b) 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments – Director Poirier
  - c) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 - Planner Dunphy
9. Second Readings (as it pertains to Public Hearings)
  - a) Large-scale wind turbine setbacks, WHMPS and WHLUB Amendments – Director Poirier
  - b) 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments: – Director Poirier
  - c) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 - Planner Dunphy

10. Presentations
  - a) Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund Update – Planner Will Hong
  - b) 2025-26 West Hants Municipality MYFP - Financial Tables – Staff Sergeant Ferguson
  - c) Irven Drive Extension - Chrystal Fuller, Brighter Community Planning and Consulting
  - d) WFD Rescue Engine RFP Tender Award
  - e) WFD Boat Replacement Purchase and SWH Fire Boat Purchase Recommendation Report – Municipal Operations Supervisor Thornton
  
11. Unfinished Business/Postponed Motions
  - a) Flood Chronology Information Report – Councillor Ivey (Report will be formally presented at the September Committee of the Whole meeting)
  - b) CSO Buyout Program Info Requested and Recommendation Report – Councillor Ivey
  
12. Mayor’s Report
  
13. Committee(s) of Council Excerpts/Recommendations
  - a) Committee of the Whole Excerpts (July 9, 2024)
    - i. College Road Emergency Access
    - ii. CSO Sewer Charge Credit
    - iii. Right to Know Week
    - iv. Riverview Road Tender
    - v. Tender Award WHRMCD24-05 Commercial High Back Cargo Van
    - ~~vi. WFD Rescue Engine RFP Tender Award~~
    - vii. WH Historical Society
  
  - b) Planning and Heritage Advisory Committee Recommendations (July 11, 2024) (as it relates to First Readings)
    - i. Windsor Back Road, Three Mile Plains Development Agreement PID 45402831 – Planner Dunphy
    - ii. 198 Water Street, Windsor PID 45056926 Development Agreement – Planner Dunphy
    - iii. 4859 Highway 1, Three Mile Plains PID 45016763 WHLUB Map Amendment – Planner Dunphy
    - iv. Irven Drive Extension Development Agreement – Director Poirier
  
14. Councillor Municipal Business/Activity Reports
  - a) Councillor Ivey, District 11 Activity Report
  
15. Correspondence
  - a) Information
    - i. Avon Causeway Activity Log – None

- ii. Ever Wind/Bear Lake Wind Farm – Additional correspondence included in the Wind Farm Setback Public Hearing Package
- iii. Correspondence Received Activity Log
  - i. Jennifer Moore Re Flood advisory
  - ii. Peter Moore Re Windsor Flood Zone Resident Buy-Out program
  - iii. Colleen Walsh-Bouman Re Combined Sewer Overflow Stannus Street
  - iv. Honourable Greg Morrow Re Response to WHRM Dyke Maintenance
  - v. Jennifer Moore Re CSO event, July 8, 2024
  - vi. Alicia Hennessey Re Stannus Street flooding and impacts
  - vii. Peter Moore Re CSO smell
  - viii. Gerry Parfitt Re Windsor NS Contaminated Flood Zone
  - ix. Peter Moore Re Information from or for the Buy Out Input on Possible Program
  - x. Honourable John A. Lohr Re Letter to Mayors and Wardens - Emergency Alerts
  - xi. Residents of Forest Lakes Re Waste Collection
  - xii. Assistant Commissioner Commanding Officer RCMP Nova Scotia Re Correspondence to CAO Phillips
  - xiii. Cathy Ross Re home flooding on Sunset Ave.
  - xiv. Jennifer Moore Re Medical treatment after CSO exposure
  - xv. Honourable John Lohr Re CCBF
  - xvi. Media Statement NSFM Collaborates on Enhanced Emergency Alert System
  - xvii. Pierre Tabbiner Re Flooding of Gray Street, July 2024
  - xviii. Amanda Dunfield Re WHRM Windsor Combined Sewer Overflows

b) Requests

- i. Darren Porter Request to amend water testing policy

c) Outgoing Correspondence Log - None

16. New Business

- a) Committee Terms of Reference Recommendation Report – Mayor Zebian
- b) Request to Province for Road Maintenance Resources Recommendation Report – Mayor Zebian
- c) Splash Pad Site Selection Options Recommendation Report – Mayor Zebian
- d) Streetlight and Private Road Policy Recommendation Policy – Mayor Zebian
- e) Under Housed Support Recommendation Report – Mayor Zebian
- f) Veteran Banner Project Recommendation Report – Mayor Zebian
- g) Request for Proposal for Consultative Services to support Equity, and Anti-Racism Strategy Plan Development and Accessibility Plan Update Recommendation Report – HR Specialist Taylor
- ~~h) WFD Boat Replacement Purchase and SWH Fire Boat Purchase Recommendation Report – Municipal Operations Supervisor Thornton~~
- i) HMCC's CCBF Remaining Grant Recommendation Report – Director Rochon
- j) Updated 2024 Taxation Resolution Correction Recommendation Report – Director Rochon
- k) Financial Update Ending March 31, 2024 - Director Rochon

- l) Sidewalk Machine Replacement Recommendation Report – Director Richard
  - m) Standard Offer for Engineering Services Recommendation Report – Director Richard
  - n) Third Process Train Equipment Recommendation Report – Director Richard
17. In-Camera
- a) 2024-06-25 In-Camera Meeting Minutes
  - b) MGA 22(2)(a) Land Matter
18. Next Meeting Date / Adjournment – September 10<sup>th</sup>, 2024 Committee of the Whole Meeting 6 p.m.

## WEST HANTS REGIONAL MUNICIPALITY

**Public Hearing Minutes** – PH Minutes 368 Nesbitt Street

PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments

Tuesday, July 23, 2024 8:48 pm – 9:18 pm

In-person Sanford Council Chambers and virtually via ZOOM

(also Facebook Livestreamed)



### 1. Call to Order

The Public Hearing was called to order at 8:48 pm.

### 2. Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8  
Bob Morton Councillor District 6

John A. Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

### Regrets:

Ed Sherman, Councillor, District 7

### Staff and Guests:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Erin Amirault, Project Engineer

Kathy Kehoe, Director Community Development

Alex Dunphy, Planner

Deanna Snair, Municipal Clerk

Sara Poirier, Dir. Planning & Development

Todd Richard, Dir. Public Works

John Ogilvie, Climate Action Coordinator

### Regrets:

Shelleena Thornton, Municipal Ops Supervisor

### Presenter and Gallery

86 in the Gallery

Dave Ferguson, Staff Sergeant, RCMP

Kyla Dow, Senior Financial Analyst, Atlantic Region, RCMP

Meaghan Stewart, RCMP

### 3. Public Hearings – All public hearings and presentations are available on the Municipal website.

- a) 368 Nesbitt Street: PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments

Director Poirier noted the Public Hearing was for Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-Law (WLUB) map and text amendments for the property known as the

former Textile Mill and the abutting property owned by WHRM. The applicants were present for the Public Hearing and will be providing a presentation. A completed application was received from Jenifer Tsang of Sunrose Land Use Consulting on behalf of the property owner, 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd. on April 13, 2023 requesting a mixed-use, multi-unit building with ground floor commercial uses, 2 floors of office space and 16 residential floors, for a total of up to 19 floors and 164 residential units. The commercial uses were a variety of office uses, museum, general retail and services, and café, a restaurant in a separate building; outdoor commercial recreation space; and specific considerations for signage and illumination, parking requirements, size and design of building, and buffering from abutting uses.

Director Poirier noted the application was being considered in two parts:

1. amendments to the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create a new designation and zone for the property and the creation of a policy to allow Council to consider this scale of mixed-use, multi-unit building by development agreement; and
2. a development agreement in accordance with the new policy of the WMPS.

This report corresponds with the first part of the application.

The site was known as the former textile mill that was built in the 1880's and closed in 2005. In 2007 a development agreement was registered on the property to permit commercial and residential redevelopment, but these aspects were not completed by previous owners resulting in the building sitting vacant since. In August 2021 a demolition permit was issued for a portion of the building which left approximately half of the original textile mill building remaining.

The existing development agreement (2007) permits up to 20,000 sq. ft. commercial floor area and two-thirds of the building to be used for residential purposes. The commercial uses permitted are limited to microbreweries and associated pubs, retail stores, farm markets, restaurants, offices, museums and art galleries, bakeries, personal service shops. This development agreement will need to be discharged through this application process.

Under the Generalized Future Land Use Map, the property was designated Industrial and zoned Light Industrial General (LI-1).

The amendments being proposed were map amendments to the WMPS and WLUB to change the designation and zone of the subject lot on both the Generalized Future Land Use Map and the Zoning Map and text amendments to the WMPS and WLUB to create a new designation and zone for the subject lot and create a policy to allow Council to consider this scale of mixed-use, multi-unit building by development agreement.

Within the WMPS, the amendments proposed included a Nesbitt Island section and creating a new Nesbitt Island designation, proposing a Mixed Use (MU) zone be permitted to allow a variety of uses, requesting a policy to allow Council to consider rezoning to the Mixed Use (MU) zone based on specific criteria, requesting a policy to allow Council to consider proposals for mixed use, multiple unit residential development by development agreement, to allow more than one building on a lot and permit roof signs in the Mixed Use (MU) zone; and to remove reference to the textile mill from the Industrial section of the document.

Director Poirier reviewed the proposed amendments to the WMPS which included adding a policy (Policy 9.3.4) which would consider amending areas to the Mixed Use (MU) zone only when the property: (a) has frontage on Nesbitt Street or Colonial Road; and (b) is located on the north side of Highway 101. In considering such amendments, Council shall have regard to the following: (a) a geotechnical assessment prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints area the study should follow the requirements outlined in Section 12.0; (b) the proposed use is compatible with the character of the area regarding items including but not limited to traffic generation and architectural design and scale; (c) adequate landscaping, open space and natural or artificial buffering can be provided; (d) adequate parking and safe pedestrian and vehicular access to the site can be provided; (e) the provisions of Policy 16.3.1 are met.

The new policy (Policy 9.3.5) would be the policy for Council to consider the DA within the Nesbitt Island designation for any mixed use, multiple unit residential developments in excess of four storeys in height. The criteria outlined that when considering such development agreements Council shall be satisfied that: (a) the proposed development consists of a combination of uses which are permitted in the Mixed Use (MU) zone; (b) the building will in no instance exceed 210 ft. (64 m.) in height; (c) the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows are imitated on the first three storeys of the new building; (d) signage exceeding the Land Use By-law regulations may be considered where the application is accompanied by an engineered design of the proposed signs, specifically detailing the method to secure the signs, if the signage exceeds the height requirements; and illumination of the sign follows Section 5.18 of the Land Use By-law; (e) adequate landscaping, open space and natural or artificial buffering is provided; (f) adequate parking, safe and convenient pedestrian access, and vehicular access to the site is provided; (g) adequate provision is made to minimize conflict with existing residential dwellings with respect to hours of operation of commercial, institutional and recreation uses; h) the application is accompanied by a site plan, a shadow study, a Traffic Impact Study, a drainage and storm water management plan, a geotechnical assessment, other supporting maps, photo examples, plans or elevation drawings; and a 3D renderings showing the impact of the proposed development on the views from Fort Edward Historical Site.

Director Poirier reviewed the proposed amendments to the WLUB which included the Creation of a specific Mixed Use (MU) zone which outlines permitted uses and zone requirements to allow Council to consider proposals for mixed use, multiple unit residential development by development agreement and also allow more than one building on a lot and outline signage provisions in the Mixed Use (MU) zone.

The Mixed-Use zone permits a variety of commercial (minimum lot area of 10,000 sq. ft, a maximum of 3 storeys in main building, a maximum height of 40 ft for the main building and a maximum height of 15 ft for any accessory building); residential (minimum lot area of 1 acre, minimum lot frontage of 100 ft, a minimum front yardage of 25 ft, minimum rear and side yardage

of 20 ft, a maximum of 4 storeys in main building, a maximum height of 50 ft for the main building and a maximum height of 30 ft for any accessory building).

Director Poirier reviewed the municipal property abutting the subject lot. The property was East of the former textile mill site that was approximately 1.50 acres in size and currently occupied by an underground stormwater main and manhole on site. The property was designated Residential; zoned Highway Commercial (HC) and is within the Environmental Constraints area. The applicant has expressed interest in this lot to provide extra land to assist with stormwater management for their overall development of the former textile mill site. There is a second recommendation to change the designation of the Municipally owned lot from Residential to Nesbitt Island and zoning from Highway Commercial (HC) to Mixed Use (MU).

Director Poirier reviewed the General Criteria for the proposed amendments and noted that in summary the criteria in Policy 16.3.1. were met since the Public Works Engineering division have confirmed adequate sewer and water service can be provided to the site, the Manager of Building and Fire Inspection Services and local Fire Chief (2023 and 2024) have no concerns with regard to the adequacy of fire protection, the applicant has provided a Traffic Impact Study to the Municipal Traffic Authority and Provincial Department of Public Works. Staff will require final comments from both traffic authorities either at the development permit stage or at the development agreement stage and no municipal costs related to the proposal are anticipated.

The original recommendation for the Mixed Use (MU) zone as drafted by staff allowed up to 8 storeys in height as-of-right as this is a unique property within proximity of Highway 101 and other applications in low density residential areas in Windsor have been approved by Council with up to 8-storeys in recent years.

However, the motion approved by PAC/HAC was to consider up to 4 storeys in height as-of-right in the new Mixed Use (MU) zone. The proposed document amendments have been updated to reflect this motion.

The applicants (Jenifer Tsang and Jacob Richie) reviewed their presentation. The presentation spoke of the site's historical importance to Windsor and surrounding areas; noting that the redevelopment of the site offers an opportunity to broaden this history. It was noted the site has challenges in redevelopment that must be addressed to ensure the integration of the remaining Mill building with the new proposal. The layout options for the new buildings were limited by the preservation of the Mill building. With respect to the existing Mill building, it was noted the walls were in good shape and could be preserved but the roof would need to be replaced. United Gulf was committed to preserving the remains of the former textile building but in order to do the so the redevelopment would require a mix of land uses as well as residential density. There will some investment in new infrastructure (on and off) the site that integrates with WHRM infrastructure (road network, water, sewer and stormwater). It was noted that in order to repeat the façade and windows along the first three storeys, specialized materials and construction methods. There were also additional costs associated with the soils on the site.

It was felt a mix of land uses would create a more vibrant and viable community; the residential component of land uses would help address the housing crisis; the commercial uses would provide opportunities for both existing and new commercial opportunities and the institutional uses can

help build on the shared history of the site and the community to potentially help create a new destination for the Windsor area.

Ms. Tsang noted United Gulf were also committed to incorporating the Hockey Heritage Society into the proposal. If there was interest in the museum relocating to the site, United Gulf would be committed to working with the members to have this happen.

It was noted the Fort Edward site was approximately 27 acres in size (including the Blockhouse, Armoury and several additional cultural resources) that have preserved and recognized as a National Historical site. The view plane from Fort Edward was a vast sweeping expanse that includes a 225-degree panoramic view of the confluence of the St. Croix and Avon Rivers. The view plane was over 7 kms wide encompassing lands in Falmouth, Newport Landing and Windsor. Due to the Fort being located at a higher elevation, the entire site of the current remaining textile building was fully visible from the view plane. It was noted that any redevelopment of the site would be fully visible from Fort Edward. It was felt that having a taller building with a smaller footprint would result in the building having less width and have less of an impact on East-West view plane. It was also noted the location of the project would not have an impact on the direct line of sight of the Avon River from Fort Edward. It should not have a material impact on the sweeping view plane from Fort Edward.

The applicants were confident the proposal was viable based on the work done this far and noted the change from 8 storeys to 4 storeys “as of right” was disappointing and limited their flexibility an opportunity.

Mayor Zebian opened the floor for public comments at 9:12 p.m. No members of the public spoke on the matter.

Mayor Zebian opened the floor for questions from Council.

#### Discussion Points:

- 4 storeys “as of right” served as a starting point to set the tone for what could exist within the Nesbitt Island designation. Mr. Richie advised the site wasn’t fully developed yet; as geotechnical work is completed and more information is provided, there may be an opportunity for a proposal between 4 -8 storeys but the current recommendation would not allow this consideration and limited options/opportunities for redevelopment of the site.
- The building faced Colonial Road and that will be the main access to the building. The address was on Nesbitt but it was very narrow.
- Roof top signage was part of the Development Agreement (DA). The applicant advised signage was still influx. It was anticipated that the rooftop (promote the hocket theme) and freestanding hockey stick sign would be a separate Development Agreement (DA). This DA would come after the main DA. This is still being worked through.

Mayor P. Morton concluded the Public Hearing at 9:18 p.m. The regular Council meeting resumed at this time.

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Mayor Abraham Zebian, Chair

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Deanna Snair, Executive Assistant/Clerk



## WEST HANTS REGIONAL MUNICIPALITY REPORT

|                                      |  |   |  |
|--------------------------------------|--|---|--|
| Information <input type="checkbox"/> | Recommendation <input checked="" type="checkbox"/> | Decision Request <input type="checkbox"/> | Councillor Activity <input type="checkbox"/> |
|--------------------------------------|--|---|--|

**To:** Mayor Zebian and Members of West Hants Regional Municipality Council

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

**Date:** 2024-07-23

**Subject:** WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road; File #23-02D

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### LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act

### RECOMMENDATION

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

...that Council gives Second Reading and approves amending the text and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of four storeys in height by development agreement in the Nesbitt Island designation in a manner substantively the same as the draft set out in Appendix A of the Council report #23-02C dated June 25, 2024.

...that Council gives Second Reading approves amending the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to include PID 45227279 in the Nesbitt Island designation and the Mixed Use (MU) zone in a manner substantively the same as the draft set out in Figure 7 and 8 of the Planning Advisory Committee report #23-02B dated June 13, 2024.

### BACKGROUND

|  |  |   |                                 |                                   |   |
|--|--|---|---------------------------------|-----------------------------------|---|
| Property <input checked="" type="checkbox"/> | Public<br>Opinion <input type="checkbox"/> | Environment <input checked="" type="checkbox"/> | Social <input type="checkbox"/> | Economic <input type="checkbox"/> | Councillor<br>Activity <input type="checkbox"/> |
|--|--|---|---------------------------------|-----------------------------------|---|

A completed application was received from Jenifer Tsang of Sunrose Land Use Consulting on behalf of the property owner, 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd. on April 13, 2023 to request Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-law (WLUB) amendments for 368 Nesbitt Street, PID 45056447 to permit:

- a mixed-use, multi-unit building with commercial uses on the ground floor, 2 floors of office space and 16 residential floors, for a total of up to 19 floors and 164 residential units;
- commercial uses to include: offices, museum, general retail and services, and café;
- restaurant in a separate building;
- outdoor commercial recreation space; and
- specific considerations for: signage and illumination, parking requirements, size and design of building, and buffering.

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

1. An amendment to the text and the maps of the WMPS and WLUB to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of the as-of-right height requirements and specialized roof and ground signs by development agreement in the Nesbitt Island designation; and
2. If the WMPS and WLUB amendments are approved by Council, consider the proposed uses by development agreement as per the new policies of the WMPS.

This report corresponds with the first part of the application.

A Public Information Meeting was held for this application on June 19, 2023. Following the Public Information Meeting the applicant began working on water and sewer studies to determine capacity to the site for the overall proposal.

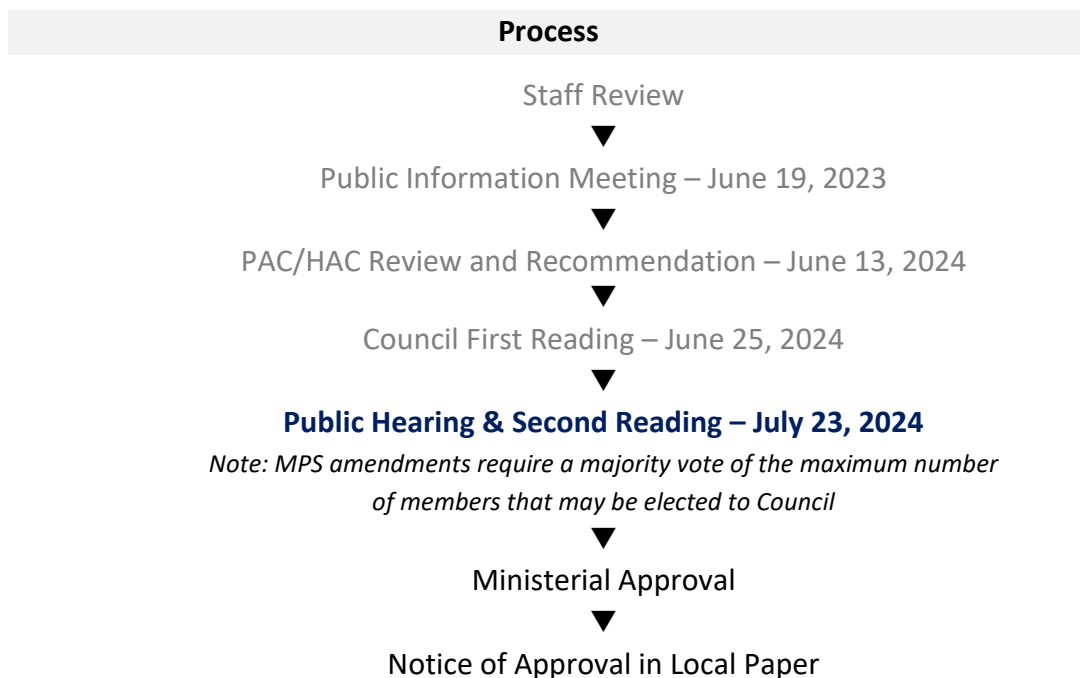
There is a Municipally owned property to the east of the former textile mill site known as PID 45227279. This lot is approximately 1.50 acres in size and is currently only occupied with an underground stormwater main and manhole on site. The applicant has shown interest in this lot to provide extra land to assist with stormwater management for their overall development of the former textile mill site. Should Council wish, there is a second motion in this recommendation report to change the designation of the Municipally owned lot from Residential to Nesbitt Island and zoning from Highway Commercial (HC) to Mixed Use (MU).

On June 13, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). The Committee recommended in favour of the text and map amendments with changes to reduce the overall height permitted as-of-right in the new Mixed Use (MU) zone.

On June 25, 2024, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A). During that meeting, Council recommended in favour of the text and map amendments.

## NEXT STEPS

The process for this application is as follows.



## 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 report, Council may decide to:

- hold Second Reading to approve the amendments as drafted or as specifically revised by direction of Council;
- hold Second Reading to refuse the amendments as drafted, citing the policies that Council consider not to be met; or
- provide alternative direction such as requesting further information on a specific topic.

## APPENDICIES

Appendix A                      2024-06-25 Report to Council - WMPS and WLUB Amendments: 368  
Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road; File #23-02C

## CHIEF ADMINISTRATIVE OFFICER REVIEW

There are two recommendations noted in the report. The first recommendation notes specifically the threshold of four (4) stories of a development triggering the need for a DA in the noted area. Based on the desire to promote more density in such areas of the former Town and growth center is this number of stories an appropriate level desired moving forward as it relates to future policy. I encourage discussion on this matter.

I support the second recommendation. This designation will improve the readiness of the lands to complement the development or other developments anticipated in the area.

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

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

Report Approved by:  \_\_\_\_\_  
Mark Phillips, Chief Administrative Officer

## Appendix A



### WEST HANTS REGIONAL MUNICIPALITY REPORT

|                                      |  |   |  |
|--------------------------------------|--|---|--|
| Information <input type="checkbox"/> | Recommendation <input checked="" type="checkbox"/> | Decision Request <input type="checkbox"/> | Councillor Activity <input type="checkbox"/> |
|--------------------------------------|--|---|--|

**To:** Mayor Zebian and Members of West Hants Regional Municipality Council

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

**Date:** 2024-06-25

**Subject:** WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road; File #23-02C

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#### LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act

#### RECOMMENDATION

PAC/HAC recommends that Council make the following motions:

...that Council gives First Reading and will hold a Public Hearing to consider amending the text and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of four storeys in height by development agreement in the Nesbitt Island designation in a manner substantively the same as the draft set out in Appendix A of the Council report #23-02C dated June 25, 2024.

...Council gives First Reading and will hold a Public Hearing to consider amending the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to include PID 45227279 in the Nesbitt Island designation and the Mixed Use (MU) zone in a manner substantively the same as the draft set out in Figure 7 and 8 of the Planning Advisory Committee report #23-02B dated June 13, 2024.

#### BACKGROUND

|  |  |   |                                 |                                   |   |
|--|--|---|---------------------------------|-----------------------------------|---|
| Property <input checked="" type="checkbox"/> | Public<br>Opinion <input type="checkbox"/> | Environment <input checked="" type="checkbox"/> | Social <input type="checkbox"/> | Economic <input type="checkbox"/> | Councillor<br>Activity <input type="checkbox"/> |
|--|--|---|---------------------------------|-----------------------------------|---|

A completed application was received from Jenifer Tsang of Sunrose Land Use Consulting on behalf of the property owner, 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd. on April 13, 2023 to request Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-law (WLUB) amendments for 368 Nesbitt Street, PID 45056447 to permit:

- a mixed-use, multi-unit building with commercial uses on the ground floor, 2 floors of office space and 16 residential floors, for a total of up to 19 floors and 164 residential units;
- commercial uses to include: offices, museum, general retail and services, and café;
- restaurant in a separate building;
- outdoor commercial recreation space; and
- specific considerations for: signage and illumination, parking requirements, size and design of building, and buffering.

Staff provided an information report to the PAC/HAC on May 11, 2023 to discuss the proposal, the current planning documents and options for WMPS and WLUB amendments to allow Council to consider this proposal. The discussion at PAC/HAC helped guide staff on the general direction for these proposed amendments.

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

1. An amendment to the text and the maps of the WMPS and WLUB to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of the as-of-right height requirements and specialized roof and ground signs by development agreement in the Nesbitt Island designation; and
2. If the WMPS and WLUB amendments are approved by Council, consider the proposed uses by development agreement as per the new policies of the WMPS.

This report corresponds with the first part of the application.

There is a Municipally owned property to the east of the former textile mill site known as PID 45227279. This lot is approximately 1.50 acres in size and is currently only occupied with an underground stormwater main and manhole on site. The applicant has shown interest in this lot to provide extra land to assist with stormwater management for their overall development of the former textile mill site. Should Council wish, there is a second motion in this recommendation report to change the designation of the Municipally owned lot from Residential to Nesbitt Island and zoning from Highway Commercial (HC) to Mixed Use (MU).

A Public Information Meeting was held for this application on June 19, 2023. Comments during the Public Information Meeting included the overall height of the proposal, the views from Fort Edward, fire fighting capacity, history of the textile mill site, disturbance to neighbouring properties, stormwater management, traffic impact and accessibility for pedestrians and cyclists. Following the Public Information Meeting the applicant began working on water and sewer studies to determine capacity to the site for the overall proposal.

On June 13, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B). The Committee discussed the application and the proposed amendments in relation to density and scale in detail. Most members were in support of the change from Industrial to Mixed Use zoning for the former textile mill site, however discussed concerns over the as-of-right height provisions as drafted. Staff explained that this is a unique property within proximity of Highway 101 and that other applications in low density residential areas in Windsor have been approved by Council with up to 8-storeys in recent years. Some were concerned with the compatibility of the proposal in relation to the surrounding area, impact on views from Fort Edward, and wondered whether this proposal should be at the entrance to Windsor. Whereas others discussed how the Municipality should be optimizing growth in central areas, instead of allowing urban sprawl, and were supportive of more density as-of-right when in proximity to services. There were some questions from the Committee about the Fire Chief comments, water and sewer capacity, whether the new Highway 101 overpass included a sidewalk, and permeable paving for the parking lots. One member commented that they appreciated that the proposed amendments required preservation of elements of the former textile mill in the new design. Some discussed allowing 4-storeys as-of-right in the new Mixed Use (MU) zone with the opportunity for bonus density.

The original motion as prepared by staff was:

*...that Council give First Reading and hold a Public Hearing to consider amending the text and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of eight storeys in height by development agreement in the Nesbitt Island designation in a manner substantively the same as the draft set out in Attachment A of the Planning and Heritage Advisory Committee report #23-02B dated June 13, 2024.*

The motion as revised and approved by PAC/HAC was:

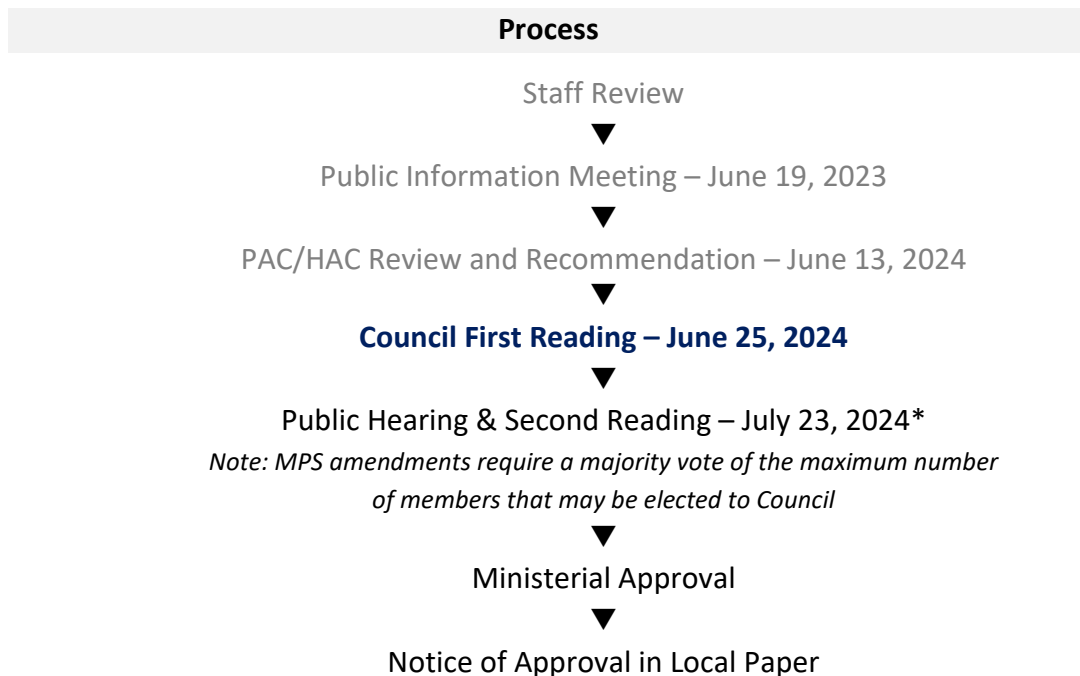
*...that Council give First Reading and hold a Public Hearing to consider amending the text and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use*

*(MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of four storeys in height by development agreement in the Nesbitt Island designation in a manner substantively the same as the draft set out in Attachment A of the Planning and Heritage Advisory Committee report #23-02B dated June 13, 2024, taking into consideration the discussion of the Planning Advisory Committee of the same date, June 13, 2024.*

The draft amendments have been updated to reflect the PAC/HAC motion (Appendix A).

## **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 report, 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.

**APPENDICIES**

Appendix A                      Draft WMPS and WLUB Amendments as Revised by PAC/HAC  
Appendix B                      2024-06-13 Staff Report – WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road; File #23-02B

**CHIEF ADMINISTRATIVE OFFICER REVIEW**

I support the recommendations. It is noted that PID 45227279 (1.5 acres) is land owned by the WHRM. Should Council approve the recommendation this action will align the parcel with the neighboring property but at the current time remain under the ownership of the WHRM as Council has not deemed the noted lands as surplus.



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

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

Report Approved by:  \_\_\_\_\_  
Mark Phillips, Chief Administrative Officer

**Appendix A**  
**Draft WMPS and WLUB Amendments as Revised by PAC/HAC**

*Note: purple text indicates a change from the present WMPS or WLUB and is provided only for the convenience of PAC/HAC and Council. Red text indicates the updates in relation to the PAC/HAC motion.*

Text amendments to the Windsor Municipal Planning Strategy to create a new designation and zone for the former Nova Scotia Textiles mill site to allow a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

**Windsor Municipal Planning Strategy**

- 1. Amend Section 4.9 in the Windsor Municipal Planning Strategy to allow more than one building on a lot in the Mixed Use (MU) zone, so that Policy 4.9.1 reads as follows:**

## **4.0 GENERAL LAND USE POLICIES**

### **4.9 One Main Building on a Lot**

The general intent of the Municipal Planning Strategy is to allow one main building on a lot with accessory buildings and structures. In certain instances, however, more than one main building may be necessary to accommodate certain types of development. For example, industrial and agricultural uses may require several main buildings. The Fairground zone also supports a number of buildings on one lot. Grouped dwellings, by their very nature, involve several main buildings on a lot.

**Policy 4.9.1** It shall be the policy of Council to allow only one main building on a lot with accessory buildings and structures except for the following zones or uses:

- (a) Industrial zones, except the Joint Industrial Type Three (LI-3) zone;
- (b) Fairground zone;
- (c) Shopping Centre zone;
- (d) Pesaquid CDD;
- (e) College Road CDD;
- (f) Agriculture zone;
- (g) mixed use development permitted under Policies 9.1.1 and 9.2.1;
- (h) grouped dwellings;
- (i) Wentworth Road Commercial Zone; and (WMPS 12-01 effective August 23, 2012)
- (j) in the Mixed Use (MU) zone.

**2. Amend Section 4.13 in the Windsor Municipal Planning Strategy to permit roof signs within the Mixed Use (MU) zone, so that Policy 4.13.5 reads as follows:**

**4.13 Signage**

Signage is regulated in the Land Use By-law to address structural and traffic safety and to encourage advertising to be compatible with neighbouring land uses and with the community as a whole.

- Policy 4.13.1** It shall be the policy of Council to regulate size, location and placement of signage to avoid potential hazards for pedestrian and traffic movement and to encourage attractive and compatible signage.
- Policy 4.13.2** It shall be the policy of Council to prohibit from all land use zones certain types of signs which are considered to pose potential public safety hazards, or negatively affect traffic flow, or which are to be affixed to natural features.
- Policy 4.13.3** It shall be the policy of Council to regulate height of ground signs. Certain areas in Town, including the land adjacent to the St. Croix River, will require a lower height to preserve view planes.
- Policy 4.13.4** It shall be the policy of Council to control new ground signs in the Town Centre (TC) zone and the Pesaquid Comprehensive Development District (Pesaquid CDD).  
(Amendment WMPS 17-01 effective March 6, 2018)
- Policy 4.13.5** It shall be the policy of Council to permit roof signs within industrial, ~~and~~ fairground ~~and~~ the Mixed Use (MU) zones only. It shall be the policy of Council to regulate the size of roof signs to address potential public safety hazards and structural damage.
- Policy 4.13.6** It shall be the policy of Council to particularly regulate the size and location of signs associated with local commercial uses to preserve the small-scale nature of these land uses.
- Policy 4.13.7** It shall be the policy of Council to prohibit the erection of signs on public property by non-governmental bodies unless specifically permitted by Council.

**3. Amend Section 9.0 in the Windsor Municipal Planning Strategy to remove reference to the textile mill site from the preamble, so that Section 9.0 reads as follows:**

**9.0 MIXED USE DEVELOPMENT**

(Amendment WMPS 06-01 Effective September 7, 2006)

There has been some interest in providing mixed residential/commercial development in Windsor. In many cases, these developments target retired people and provide housing plus personal service uses such as hairdressing or barber shops, small convenience and drug stores, medical and dental offices, and even restaurants where residents may get all or some of their meals. At this time, the Kingsway Gardens

Enriched Housing Complex, which includes a restaurant, lounge, hairdresser and meeting facility, as well as apartments, is the only development of this type in Windsor. Council would like to encourage mixed use development in other suitable locations. ~~For example, with the 2005 closure of the Nova Scotia Textiles mill on Nesbit's Island and the resulting developer interest in the site, Council feels this property may have potential for redevelopment including a broad range of commercial, light industrial and recreational uses in combination with residential. Built in 1884, the mill is an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 makes it a landmark. Where possible, any redevelopment of the Nova Scotia Textiles mill should retain the architectural elements which contribute to the public façades on both Nesbit Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the number, size, shape and location of windows.~~

Council will consider mixed use developments by development agreement in the Residential, Commercial and Industrial designations outside the industrial parks. Where the proposed development is to be located in the Residential designation, the size, type and location of commercial uses will be carefully controlled to ensure the development is compatible with a residential area. Likewise, where a mixed use development is proposed for the Commercial or Industrial designation, Council wishes to ensure that the residential use will not compromise the commercial or industrial integrity of the area. Council feels, however, that within the commercial and industrial designation, provided the development is carefully planned, it may encompass a broader range of uses, including commercial, light industrial, institutional, recreational and residential.

### **9.1 Mixed Use in the Residential Designation**

- Policy 9.1.1** It shall be the intention of Council to consider mixed use residential/commercial developments with two or more dwelling units by development agreement in areas designated Residential subject to the following:
- (a) the density, scale and architectural design of the development are compatible with the surrounding area;
  - (b) the development is reasonably consistent with the provisions of the Architectural Design Manual, if it is located in an Architectural Design Control District;
  - (c) the development is reasonably consistent with the yard standards of the underlying zone;
  - (d) the proposed development does not compromise the residential integrity of the area;
  - (e) the commercial use is permitted in the General Commercial (GC) zone;
  - (f) the commercial use is located at the street level and does not exceed one-third of the total floor area of the development;
  - (g) adequate landscaping, open space and natural or artificial buffering is provided;

### **9.2 Mixed Use in the Commercial and Industrial Designations**

(Amendment WMPS 06-01 Effective September 7, 2006)

**Policy 9.2.1** It shall be the intention of Council to consider mixed use development by development agreement in the Commercial designation or the Industrial designation outside the industrial parks, subject to the following:

- (a) the proposed development consists of a combination of uses which may include commercial, light industrial, recreational, institutional and residential;
- (b) the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular:
  - (i) where the proposal involves the redevelopment of an existing building, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) are retained; and
  - (ii) if the proposed development is located in an Architectural Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual;
- (c) the density and scale of the development are compatible with the surrounding area;
- (d) the location of the proposed development does not adversely affect the existing pattern of development in the surrounding area, or restrict existing commercial and/or industrial development patterns;
- (e) where a light industrial use is proposed, it is not considered obnoxious or incompatible with the proposed residential or commercial components nor with adjacent land uses;
- (f) adequate landscaping, open space and natural or artificial buffering is provided;
- (g) adequate parking and safe pedestrian and vehicular access to the site is provided;
- (h) adequate parking and safe pedestrian and vehicular access to the site is provided;
- (i) adequate provision is made to minimize conflict with existing residential dwellings with respect to access, parking, noise and hours of operation;
- (j) no outdoor storage is permitted;
- (k) any other matter which may be addressed by development agreement; and
- (l) the provisions of Policy 16.3.1.

**4. Create Section 9.3 in the Windsor Municipal Planning Strategy to specifically describe the former textile mill site and create Policy 9.3.1, 9.3.2 and 9.3.3 which establish the Nesbitt Island designation and Mixed Use (MU) zone, so that Section 9.3 reads as follows:**

### 9.3 Nesbitt Island

The Nova Scotia Textiles mill was built in the 1880's and was a major industry in Windsor until it closed in 2005. A development agreement was registered on the property in 2007 that permitted commercial and residential redevelopment within the existing building, but these aspects were not completed by previous owners. The building sat vacant since then. In August 2021 a demolition permit was issued for a portion of the building which left approximately half of the original textile mill building remaining.

Due to the visibility and location of the property adjacent to Highway 101, the potential for repurposing of the remainder of the former textile mill building, and resulting developer interest in the site, Council feels this property may have potential for redevelopment including a broad range of commercial, residential and recreational uses.

Built in 1884, the mill was an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 made it a landmark. Where possible, any redevelopment or expansion of the Nova Scotia Textiles mill building should retain the architectural elements of the remainder of the building which contribute to the public façades on both Nesbitt Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the shape of windows.

It shall be the policy of Council to:

- Policy 9.3.1** establish a Nesbitt Island designation as shown on the Generalized Future Land Use Map (Map 1) which will apply to the former Nova Scotia Textile's mill site and the Municipally owned lot abutting the former textile mill site where mixed-use development is to be encouraged.
- Policy 9.3.2** establish a Mixed Use (MU) zone in the Nesbitt Island designation which will apply to the former Nova Scotia Textile's mill site and the Municipally owned lot abutting the former textile mill site.
- Policy 9.3.3** permit in the Mixed Use (MU) zone a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

- 5. Create Policy 9.3.4 which allows Council to consider expanding the Mixed Use (MU) zone subject to specific criteria including the geographic location of properties that, a geotechnical assessment, as well as traffic generation and architectural design and scale of the proposal, so that Policy 9.3.4 reads as follows:**

#### Amendments

- Policy 9.3.4** consider amending areas to the Mixed Use (MU) zone only when the property:
  - (a) has frontage on Nesbitt Street or Colonial Road; and
  - (b) is located on the north side of Highway 101.In considering such amendments, Council shall have regard to the following:

- (a) a geotechnical assessment prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints area the study should follow the requirements outlined in Section 12.0;
- (b) the proposed use is compatible with the character of the area regarding items including but not limited to traffic generation and architectural design and scale;
- (c) adequate landscaping, open space and natural or artificial buffering can be provided;
- (d) adequate parking and safe pedestrian and vehicular access to the site can be provided;
- (e) the provisions of Policy 16.3.1 are met.

**6. Create Policy 9.3.5 which allows Council to consider mixed use, multiple unit residential developments in excess of ~~eight~~ four storeys in height in the Nesbitt Island designation by development agreement, subject to specific criteria, so that Policy 9.3.5 reads as follows:**

**Development Agreements**

- Policy 9.3.5** consider only by development agreement within the Nesbitt Island designation mixed use, multiple unit residential developments in excess of ~~eight~~ four storeys in height. In considering such development agreements Council shall be satisfied that:
- (a) the proposed development consists of a combination of uses which are permitted in the Mixed Use (MU) zone;
  - (b) the building will in no instance exceed 210 ft. (64 m.) in height;
  - (c) the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows are imitated on the first three storeys of the new building.
  - (d) signage exceeding the Land Use By-law regulations may be considered where:
    - (i) the application is accompanied by an engineered design of the proposed signs, specifically detailing the method to secure the signs, if the signage exceeds the height requirements; and
    - (ii) illumination of the sign follows Section 5.18 of the Land Use By-law.
  - (e) adequate landscaping, open space and natural or artificial buffering is provided;

- (f) adequate parking, safe and convenient pedestrian access, and vehicular access to the site is provided;
- (g) adequate provision is made to minimize conflict with existing residential dwellings with respect to hours of operation of commercial, institutional and recreation uses;
- (h) 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;
  - (ii) a shadow study evaluating the shadow impact of the proposed development including building footprints, siting, massing, orientation and form, for various times during the day of four separate days quarterly within a calendar year;
  - (iii) a Traffic Impact Study (TIS) prepared by a qualified traffic or transportation Engineer and approved by the authority having jurisdiction, showing the adequacy of the existing and proposed road network to accommodate the proposed development. The TIS must also provide recommendations concerning the mitigation of any traffic-related issues which may be caused by the development;
  - (iv) a drainage and storm water management plan prepared by a professional Engineer and approved by the Municipal Engineer, demonstrating the impact the proposal will have on adjacent lands or existing storm water management systems and outlining how pre- and post-construction flows will be balanced;
  - (v) a geotechnical assessment is prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints area, the study should follow the requirements outlined in Section 12.0;
  - (vi) other supporting maps showing the topography of the lot including contours at appropriate intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation;
  - (vii) photo examples, plans or elevation drawings showing the exterior design of the proposed buildings; and
  - (viii) 3D renderings showing the impact of the proposed development on the views from Fort Edward Historical Site.
- (i) any other matter which may be addressed by development agreement; and
- (j) the provisions of Policy 16.3.1.

7. Amend Section 10.1 in the Windsor Municipal Planning Strategy to remove reference to the textile mill site from the preamble and Policy 10.1.1, so that Section 10.1 reads as follows:

## 10.0 INDUSTRIAL

### 10.1 Light Industrial

The Windsor Industrial Park is mostly developed. In 2003, there were 16 businesses operating in the Park employing over 90 people. Most of the businesses currently located in the Park are considered light industrial uses, although there are several businesses, such as a bowling alley and car wash that are classified as commercial uses. There is a growing trend toward “business” parks, rather than parks devoted solely to industrial uses, and in recent years, the Town has received requests to allow various commercial uses in the Park. Provided such uses will not adversely affect the Town Centre, Council believes it may be appropriate to provide for some additional commercial uses in the Windsor Industrial Park. The additional uses may include certain highway commercial or other uses that would be less likely to locate in the downtown area because of their need for a large floor area or storage space.

There are several properties in Windsor used for industrial purposes which are not located within the two Industrial Parks including [Nova Scotia Textiles](#), the former Irving Oil bulk plant and the Windsor and Hantsport Railway yards.

**Policy 10.1.1** It shall be the policy of Council to establish an Industrial designation which shall apply to the Windsor Industrial Park and light industrial uses outside the park such as [Nova Scotia Textiles](#) and the railway yards, as shown on the Generalized Future Land Use Map (Map 1).

**Policy 10.1.2** It is the intention of Council to establish the Light Industrial (LI-1) zone in which permitted uses shall include light industrial uses, certain highway commercial uses and limited automotive uses.

**Policy 10.1.3** It shall be the intention of Council to consider the development of new light industrial uses outside of the designated industrial parks by development agreement, subject to the following criteria:

- (a) the proposed use is permitted in the Light Industrial (LI-1) zone;
- (b) the proposed use has direct access to an arterial road;
- (c) the proposed use is not considered obnoxious by virtue of noise, odours, dust or fumes;
- (d) the proposed use will not conflict with adjacent uses; (e) adequate parking and loading can be provided;
- (f) traffic flow and traffic and pedestrian safety are not adversely affected;

- (g) adequate landscaping and buffering are provided where the use abuts a residential or institutional use;
- (h) any other matter which may be addressed in a Land Use By-law; and
- (i) the provisions of Policy 16.3.1.

## Windsor Land Use By-law

Text amendments to the Windsor Land Use By-law to create a Mixed Use (MU) zone which allows a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

- 1. Amend Section 5.24 in the Windsor Land Use By-law to allow more than one building on a lot in the Mixed Use (MU) zone, so that Section 5.24 reads as follows:**

### 5.0 GENERAL PROVISIONS FOR ALL ZONES

#### One Main Building on a Lot

5.24 No person shall erect more than one main building on a lot except:

- (a) in the Light Industrial (LI-1) zone;
- (b) in the Joint Industrial Type Two (LI-2) zone;
- (c) in the Shopping Centre (SC) zone;
- (d) in the Fairground (FG) zone;
- (e) agricultural uses in the Agriculture (AG) zone;
- (f) grouped dwellings in the High Density Residential (R-4) zone;
- (g) in the Wentworth Road Commercial Zone; (amendment effective August 23, 2012)
- (h) in the Mixed Use (MU) zone.

- 2. Amend Section 6.1 in the Windsor Land Use By-law to allow Council to consider mixed use, multiple unit residential developments in excess of ~~eight~~ four storeys in height in the Nesbitt Island designation by development agreement, so that Section 6.1 reads as follows:**

### 6.0 DEVELOPMENT AGREEMENTS

#### Developments to be considered by Development Agreement

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

- (t) mixed use, multiple unit residential developments in excess of ~~eight~~ four storeys in the Nesbitt Island designation in accordance with Policy 9.3.5 of the Municipal Planning Strategy.

3. Amend Section 7.10 and 7.17 in the Windsor Land Use By-law to allow one ground sign for each business on the same lot and to allow the Mixed Use (MU) zone to follow the same sign requirements as the Fairground (FG) and Light Industrial (LI-1, LI-2 and LI-3) zones due to the proximity of the former textile mill site to Highway 101, so that Section 7.0 reads as follows:

## 7.0 SIGNS

### Ground Signs

- 7.9 Ground signs shall be set back a minimum of 5 ft. (1.52 m) from any street line, common lot boundary, driveway, aisle or parking area, with the exception of 40 Water Street where a ground sign footing that existed prior to 2005 may be used (Amendment WLUB 17-01 Effective March 6, 2018).
- 7.10 Where a property in the Shopping Centre (SC), Highway Commercial (HC), Wentworth Road Commercial (WR-C), Fairground (FG) or Light Industrial (LI-1, LI-2 and LI-3), or Mixed Use (MU) zone is occupied by more than one business, one ground sign permitted under Section 7.18 advertising the different businesses located on the property may exceed the maximum sign area requirements up to a maximum sign area of 125 ft<sup>2</sup> (11.61 m<sup>2</sup>). (Amendment WLUB 07-02 Effective September 21, 2007 and WLUB 09-02 Effective September 3, 2009))

...

### Sign Restrictions by Zone

- 7.17 No development permit shall be issued except in conformity with the following:

|   | (i) TC and Pesaquid CDD   | (ii) LC  | (iii) GC, WR-C, HC and SC  | (iv) FG, LI-1, LI-2, LI-3 and MU   | (v) I and OS  |
|---|---|--|--|--|---|
| (a) <b>Maximum Number/Area of Signs</b> | total of 2 signs per business premises with additional by development agreement, excepting businesses with no street frontage at 40 Water Street which are permitted to share a single ground sign (Amendment WLUB 17-01 Effective March 6, 2018) | 1 non-illuminated facial wall sign or 1 projecting sign per business premises                      | Combined area of all signs shall not exceed 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) for every 1 ft (0.30 m) of lot frontage | Combined area of all signs shall not exceed 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) for every 1 ft (0.30 m) of lot frontage | 1 identification sign not more than 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft <sup>2</sup> (0.09 m <sup>2</sup> ). |
| <b>Facial Wall Signs</b>                |   |  |  |  |   |
| (b) <b>Maximum Number</b>               | 1 sign per business premises  | See (a)(ii) above  | See (a)(iii) above   | See (a)(iv) above  | See (a)(v) above  |
| (c) <b>Maximum Sign Area</b>            | 15% of the area of the wall to which it is attached   | 15% of the area of the wall to which it is attached up to 20ft <sup>2</sup> (1.86 m <sup>2</sup> ) | 15% of the area of the wall to which it is attached  | 15% of the area of the wall to which it is attached  | 20 ft <sup>2</sup> (1.86 m <sup>2</sup> ), excluding interpretive signage   |
| <b>Roof Signs</b>                       |   |  |  |  |   |
| (d) <b>Maximum</b>                      | N/A   | N/A  | N/A  | 1 sign per business  | N/A   |

|                              |   |                   |  |  |  |
|------------------------------|---|-------------------|--|--|--|
| <b>Number</b>                |   |                   |  | premises   |  |
| <b>(e) Maximum Sign Area</b> | N/A   | N/A               | N/A  | 1 ft2 (0.09 m2) for every 1 ft (90.3 m) of roof length up to 100 ft2 (9.29 m2) | N/A  |
| <b>Projecting Signs</b>      |   |                   |  |  |  |
| <b>(f) Maximum Number</b>    | 1 sign per business   | See (a)(ii) above | See (a)(iii) above   | See (a)(iv) above  | See (a)(v) above                                 |
| <b>(g) Maximum Sign Area</b> | 30 ft2 (2.79m2)   | 20 ft2 (1.89 m2)  | 30 ft2 (2.79 m2)   | 30 ft2 (2.79 m2)   | 30 ft2 (2.79 m2)                                 |
| <b>Ground Signs</b>          |   |                   |  |  |  |
| <b>(h) Maximum Number</b>    | A single ground sign for businesses without street frontage at 40 Water Street. Additional ground signs may be considered by development agreement as per section 6.1 (e) or (g) (Amendment WLUB 17-01 Effective March 6, 2018) | N/A               | 1 sign for every 50 ft (15.24m) of road frontage up to 3 signs | 1 sign for every 50 ft (15.24 m) of road frontage up to 3 signs                | See above  |
| <b>(i) Maximum Height</b>    | 17 ft (5.18m) for businesses without street frontage at 40 Water Street   | N/A               | 35 ft (10.67 m)  | 35 ft (10.67 m)  | 10 ft (3.05 m)                                   |
| <b>(j) Maximum Sign Area</b> | 40 ft2 (3,70m2) for businesses without street frontage at 40 Water Street (Amendment WLUB 17-01 Effective March 6, 2018)  | N/A               | 50 ft2 (4.64 m2)   | 50 ft2 (4.64 m2)   | 25 ft2 (2.32 m2), excluding interpretive signage |

**4. Create Section 31.0, *Mixed Use (MU) Zone*, in the Windsor Land Use By-law which outlines the permitted uses and zone requirements of the Mixed Use (MU) zone, so that Section 31.0 reads as follows:**

## **31.0 MIXED USE (MU) ZONE**

### **Permitted Uses**

**31.1** The following uses shall be permitted in the Mixed Use (MU) zone:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clinic
- Clubs and community organizations
- Commercial brewery

- Commercial schools
- Commercial winery
- Convenience store
- Country inns
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm markets
- Garden and nursery sales and supplies
- Grouped dwellings
- Hotels and motels
- Institutional uses
- Licensed liquor establishments
- Microbrewery
- Microdistillery
- Mixed use, multiple unit developments containing any of the permitted commercial uses listed in this zone
- Museums
- Offices
- Parking structures
- Postal Outlet
- Recreation Uses, Indoor and Outdoor
- Repair and rental establishments
- Residential uses (not on the ground floor of a mixed-use building)
- Restaurants, excluding drive-through restaurants
- Retail stores
- Service and personal service shops
- Support service
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Winery

**Mixed Use (MU) Zone General Requirements**

31.2 In the Mixed Use (MU) zone, no development permit shall be issued except in conformity with the following:

|                      | <b>Commercial Uses</b>         | <b>Mixed Use, Multiple Unit Residential</b> | <b>Grouped Dwellings</b> |
|----------------------|--------------------------------|---|--------------------------|
| Minimum lot area     | 10,000 sq. ft. (929.00 sq. m.) | 1 acre (43,560 sq. ft.)                     | 1 acre (43,560 sq. ft.)  |
| Minimum lot frontage | 100 ft. (30.48 m.)             |   |                          |

|                                      |                   |  |
|--------------------------------------|-------------------|--|
| Minimum front yard                   | 25 ft. (7.62 m.)  |  |
| Minimum rear and side yard           | 20 ft. (6.096 m.) |  |
| Maximum stories in main building     | 3 storeys         | <del>8 storeys</del> 4 storeys                 |
| Maximum height of main building      | 40 ft. (12.19 m.) | <del>85 ft. (25.91 m.)</del> 50 ft. (15.24 m.) |
| Maximum height of accessory building | 15 ft. (4.57 m.)  | 30 ft. (9.14 m.)                               |

**Access**

31.3 Entrance to and exit from properties zoned Mixed Use (MU) shall be restricted to one (1) driveway on every street or road for every 100 ft. (30.48 m.) of lot frontage. On a corner lot, access shall be restricted to not more than three driveways to the lot.

**Buffering**

31.4

- (a) A development on a property zoned Mixed Use (MU) shall provide a buffer strip along any lot line abutting a Residential or Institutional use.
- (b) The buffer required in (a) shall contain:
  - (i) a mix of local species of coniferous trees a minimum of 20 ft. wide. At planting, each tree shall have a diameter of at least 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft.; or
  - (ii) a hedge of a variety of coniferous shrubs a minimum of 20 ft. wide, each of which will reach over 6 ft. in height at maturity; or
  - (iii) a berm which is a minimum of 6 ft. in height to buffer the abutting property; or
  - (iv) a wall or an opaque fence which is a minimum of 5 ft. in height and of sufficient height to provide a visual buffer to the abutting property; or
 any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.
- (c) No buffer strip shall be required along the street frontage of any lot.
- (d) Walkways or permitted driveways are permitted to cross buffer strips.

**Landscaping**

31.5

- (a) There shall be a landscaped area that runs the length of and directly abuts the front lot line along Colonial Road, excluding driveway openings and walkways.
- (b) The landscaped area shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft. (15.24 m.) on centre. New trees shall have a minimum caliper of 2 in. (5.08 cm.) and a minimum height of 5 ft. (1.52 m.). Shrubs with a minimum

height of 1.5 ft. (0.46 m.) shall be planted in clusters of three plants or more at a minimum rate of one cluster per 50 ft. (15.24 m.) of frontage. Where possible, existing trees and shrubs may be retained and included in the calculation of plantings required.

- (c) For groups of parking spaces containing 24 or more spaces, landscaped islands with a minimum permeable surface area of 100 sq. ft. (9.29 sq. m.) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum caliper of 2 in. (5.08 cm.) and a minimum height of 5 ft. (1.52 m.), per island. These requirements do not apply to covered or enclosed parking areas.

### **Open Storage**

31.6 No open storage shall be permitted in the Mixed Use (MU) zone.

### **Parking**

31.7

- (a) Notwithstanding the parking requirements in Section 5.25 of the Land Use By-law, parking in the Mixed Use (MU) zone is required at one parking space per dwelling unit. All other parking requirements shall follow the requirements in Section 5.25 of the Land Use By-law.
- (b) Required parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4.11.3 of the Municipal Planning Strategy.

### **Pedestrian Access**

31.8 An unobstructed pedestrian walkway, having a minimum width of 5 ft. (1.52 m.), and constructed of concrete, asphalt, brick or other hard surface paver, shall be provided between the street and the building entrance. When pedestrian walkways cross parking areas or internal vehicle lanes, a marked crosswalk shall be required.

### **Recreational Space**

31.9 Recreational space shall be provided as required in Section 10.5.

### **Architectural Design**

31.10 The architectural design of the development shall be sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building shall be taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows shall be imitated on the first three storeys of the new building.



## Appendix B

### WEST HANTS REGIONAL MUNICIPALITY REPORT

|                                      |  |   |  |
|--------------------------------------|--|---|--|
| Information <input type="checkbox"/> | Recommendation <input checked="" type="checkbox"/> | Decision Request <input type="checkbox"/> | Councillor Activity <input type="checkbox"/> |
|--------------------------------------|--|---|--|

**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

**Date:** 2024-06-13

**Subject:** WMPS and WLUB Amendments: 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road; File #23-02B

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#### LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act

#### RECOMMENDATION

To allow the request, 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 and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of eight storeys in height by development agreement in the Nesbitt Island designation in a manner substantively the same as the draft set out in Attachment A of the Planning and Heritage Advisory Committee report #23-02B dated June 13, 2024.

...that PAC/HAC recommends that Council give First Reading and hold Public Hearing to consider amending the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to include PID 45227279 in the Nesbitt Island designation and the Mixed Use (MU) zone

in a manner substantively the same as the draft set out in Figure 7 and 8 of the Planning Advisory Committee report #23-02B dated June 13, 2024.

**BACKGROUND**

|  |  |                                      |                                 |                                   |   |
|--|--|--------------------------------------|---------------------------------|-----------------------------------|---|
| Property <input checked="" type="checkbox"/> | Public<br>Opinion <input type="checkbox"/> | Environment <input type="checkbox"/> | Social <input type="checkbox"/> | Economic <input type="checkbox"/> | Councillor<br>Activity <input type="checkbox"/> |
|--|--|--------------------------------------|---------------------------------|-----------------------------------|---|

A completed application was received from Jenifer Tsang of Sunrose Land Use Consulting on behalf of the property owner, 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd. on April 13, 2023 to request Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-law (WLUB) amendments for 368 Nesbitt Street, PID 45056447 to permit:

- a mixed-use, multi-unit building with commercial uses on the ground floor, 2 floors of office space and 16 residential floors, for a total of up to 19 floors and 164 residential units;
- commercial uses to include: offices, museum, general retail and services, and café;
- restaurant in a separate building;
- outdoor commercial recreation space; and
- specific considerations for: signage and illumination, parking requirements, size and design of building, and buffering.

Staff provided an information report to the PAC/HAC on May 11, 2023 to discuss the proposal, the current planning documents and options for WMPS and WLUB amendments to allow Council to consider this proposal. The discussion at PAC/HAC helped guide staff on the general direction for these proposed amendments.

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

1. An amendment to the text and the maps of the WMPS and WLUB to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of eight storeys in height and specialized roof and ground signs by development agreement in the Nesbitt Island designation; and
2. If the WMPS and WLUB amendments are approved by Council, consider the proposed uses by development agreement as per the new policies of the WMPS.

This report corresponds with the first part of the application.

## **DISCUSSION**

The 5.0-acre subject lot is located north of Highway 101, with approximately 550 ft. (167 m.) of frontage on Colonial Road and approximately 15 ft. (4.5 ft.) of frontage on Nesbitt Street and may be known as the former textile mill site. The textile mill was built in the 1880's and was a major industry in Windsor until it closed in 2005.

A development agreement was registered on the subject lot in 2007 that permitted commercial and residential redevelopment, but these aspects were not completed by previous owners. The existing development agreement registered on the subject lot from 2007, permits up to 20,000 sq. ft. commercial floor area and two-thirds of the building to be used for residential purposes. The commercial uses permitted are limited to microbreweries and associated pubs, retail stores, farm markets, restaurants, offices, museums and art galleries, bakeries, personal service shops. The building has sat vacant since then. This development agreement will need to be discharged through the overall application process for the subject lot.

In August 2021 a demolition permit was issued for a portion of the building which left approximately half of the original textile mill building remaining.

The lot is designated Industrial on the Generalized Future Land Use Map (GFLUM) of the WMPS (Figure 1) and is within the Commercial Development District (Figure 2). Part 10.0 of the WMPS contains the overall intention for Industrial areas in Windsor and Part 7.7 outlines the intent of the Commercial Development District.

The subject lot is zoned Light Industrial (LI-1) on the Zoning Map of the WLUB (Figure 3). Portions of the lot are within the Environmental Constraints area (Figure 4).

The subject lot abuts properties designated Residential and zoned High Density Residential (R-4) and Highway Commercial (HC). Single unit dwellings are the main residential type surrounding the subject lot.

### **Proposal**

The application letter describes the proposal as a mixed-use, multi-unit development and hockey themed tourism destination, which promotes the historical nature of the textile mill and Windsor as the birthplace of hockey. Further details in the letter include:

- Preserving and repurposing the remainder of the former textile mill building for commercial uses on the ground floor and a museum on the second and third floor;
- A new mixed-use, multi-unit apartment building which is connected to the former textile mill building on the ground floor and contains commercial uses, two floors of commercial office space, and 16 floors of residential uses for a total of 164 apartment units;

- The first three floors of the mixed-use, multi-unit apartment building is proposed to have a similar architectural style as the remainder of the former textile mill building, including window shape and façade using similar exterior materials. The 16 floors of residential uses will be modern in design;
- Commercial uses to include offices, general retail, museum, cafes and hockey inspired retail and services;
- A hockey puck shaped restaurant to be constructed in a separate building;
- Outdoor recreational space including seasonal composite artificial ice surfaces, hockey inspired sculptures, outdoor seating areas and green space; and
- A large hockey stick that will be back lit and visible from Highway 101 to be positioned near the hockey puck shaped restaurant.

The applicant requested Council consider WMPS and WLUB amendments to create a site-specific policy for the subject lot to create a new tourism destination, mixed-use designation and zone. They request that the zone allow for a range of commercial, residential, and recreation uses and that the new zone allow flexibility in building size, site design, signage, and parking layout.

Staff view this development as a one-of-a-kind proposal for the community of Windsor due to the visibility, scale and location of the subject lot adjacent to Highway 101 and the potential for repurposing of the remainder of the former textile mill building. As noted previously, staff recommend processing this application in two parts. First to amend the WMPS and WLUB to change the designation and concurrently the zoning of the subject lot which then indicates to staff, the property owner and the public that Council has changed its overall intent for the subject lot from industrial to mixed-use. Secondly, to consider the full extent of the application by development agreement. The background statements and policy option outlined in Section 9.0 of the WMPS show that Council had previously intended to consider redevelopment of this lot through the development agreement process. A development agreement process will provide more certainty to staff, the property owner and the public of the full extent of what is expected to be developed on the site. This report only corresponds with the WMPS and WLUB amendments. A future report will be provided to consider a development agreement for the proposed uses.

Section 219 (1) of the *Municipal Government Act* states that where a council adopts a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law amendment that shall enable the policies to be carried out. This allows both the amendment to the text and the maps of the Municipal Planning Strategy and the Land Use By-law to happen concurrently.

**Municipal Property (PID 45227279)**

There is a Municipally owned property to the east of the former textile mill site known as PID 45227279. This lot is approximately 1.50 acres in size and is currently only occupied with an underground stormwater main and manhole on site. The lot is designated Residential on the GFLUM of the WMPS (Figure 1). The lot is zoned Highway Commercial (HC) on the Zoning Map of the WLUB (Figure 3) and is within the Environmental Constraints area (Figure 4).

The applicant has shown interest in this lot to provide extra land to assist with stormwater management for their overall development of the former textile mill site. Should Council wish, there is a second motion in this recommendation report to change the designation of the Municipally owned lot from Residential to Nesbitt Island and zoning from Highway Commercial (HC) to Mixed Use (MU).

### **Windsor Municipal Planning Strategy**

Section 9.0 of the WMPS outlines the intention for Council to consider permitting mixed use developments. The background for this section states the following (underlining emphasis added by staff).

“There has been some interest in providing mixed residential/commercial development in Windsor. In many cases, these developments target retired people and provide housing plus personal service uses such as hairdressing or barber shops, small convenience and drug stores, medical and dental offices, and even restaurants where residents may get all or some of their meals. At this time, the Kingsway Gardens Enriched Housing Complex, which includes a restaurant, lounge, hairdresser and meeting facility, as well as apartments, is the only development of this type in Windsor. Council would like to encourage mixed use development in other suitable locations. For example, with the 2005 closure of the Nova Scotia Textiles mill on Nesbit's Island and the resulting developer interest in the site, Council feels this property may have potential for redevelopment including a broad range of commercial, light industrial and recreational uses in combination with residential. Built in 1884, the mill is an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 makes it a landmark. Where possible, any redevelopment of the Nova Scotia Textiles mill should retain the architectural elements which contribute to the public façades on both Nesbit Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the number, size, shape and location of windows.”

Policy 9.2.1 would allow Council to consider the proposed mixed use, multiple unit residential development on the subject lot by development agreement, however the criteria restrict the scale and density of the development.

Policy 16.1.1 of the WMPS states that *“It shall be the policy of Council to review and make amendments to this Strategy: ...(c) when Council deems it necessary because of a change in policy intentions or the development environment.”* The former textile mill has sat vacant since 2005. This proposal would be considered a major change in the development environment for the subject lot and would be consistent with Policy 16.1.1 (c) for when Council would consider amendments to the WMPS.

#### Proposed Amendments

The proposal includes a mixed-use, multi-unit apartment building, separate restaurant and a variety of commercial and outdoor recreation uses. This is not consistent with the current Industrial designation of the lot, therefore an amendment to the GFLUM of the WMPS is proposed to change the designation of the lot from Industrial to Nesbitt Island.

Amendments are proposed to the text of the WMPS to update existing policies to allow more than one main building on the subject lot, to allow roof signs, and remove reference to the textile mill from the Industrial section of the document. The amendments also include the creation of new policies to establish the Nesbitt Island designation and Mixed Use (MU) zone and to permit a variety of commercial, residential, institutional and recreation uses. A policy is proposed to allow Council to consider rezoning properties north of Highway 101 if there are requests to expand the Mixed Use (MU) zone in the future. Additional policies specify that Council can consider mixed use, multiple unit residential developments in excess of eight storeys in height by development agreement. The draft Policy 9.3.5. outlines the criteria to be considered by Council when reviewing the overall proposal for the subject lot.

Proposed amendments to the GFLUM of the WMPS are shown in Figure 5 and amendments to the text of the WMPS can be found in Attachment A.

#### **Windsor Land Use By-law**

##### Proposed Amendments

To align with the proposed designation change for the subject lot the Zoning map of the WLUB will be amended to change the zoning of the lot from Light Industrial (LI-1) to Mixed Use (MU).

A Mixed Use (MU) zone section has been added to the WLUB. This zone permits a variety of commercial, residential, institutional and recreation uses and has specific requirements for buffering, landscaping, parking and pedestrian access.

Section 6.0 of the WLUB outlines all the developments Council may consider by development agreement. This section is also amended to align with the proposed WMPS policies.

The proposed amendments to the Zoning Map of the WLUB are shown in Figure 6 and amendments to the text of the WLUB are in Attachment A.

## **WMPS General Criteria**

These map and text amendments apply to the subject lot and the adjacent Municipal lot specifically; therefore, staff have reviewed the general criteria for amendments set out in Policy 16.3.1. In summary the criteria are met since:

- the Public Works Engineering division have confirmed adequate sewer and water service can be provided to the site;
- the Manager of Building and Fire Inspection Services and local Fire Chief (2023 and 2024) have no concerns with regard to the adequacy of fire protection;
- the applicant has provided a Traffic Impact Study to the Municipal Traffic Authority and Provincial Department of Public Works. Staff will require final comments from both traffic authorities either at development permit stage or at the development agreement stage;
- no municipal costs related to the proposal are anticipated.

## **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.

Portions of PID 45056447 are within the Environmental Constraints area which means that it has been identified as marshland, specifically within the Tregothic Marsh. Properties within the Environmental Constraints area have to meet more stringent requirements including completing an environmental study before being issued a development permit for any new building.

The Windsor Dykeland's Background Report (2001) specifies that the subject lot, and approximately 40 percent of the properties within the Tregothic Marsh, have been exempted by the Province from the requirements of Section 41 of the Agricultural Marshland Conservation Act. The Agricultural Marshland Conservation Act (2001) protects marshland for agricultural purposes. Being exempt from this portion of the Act means that the owner would not have to apply to the marsh body to allow any future construction. Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality.

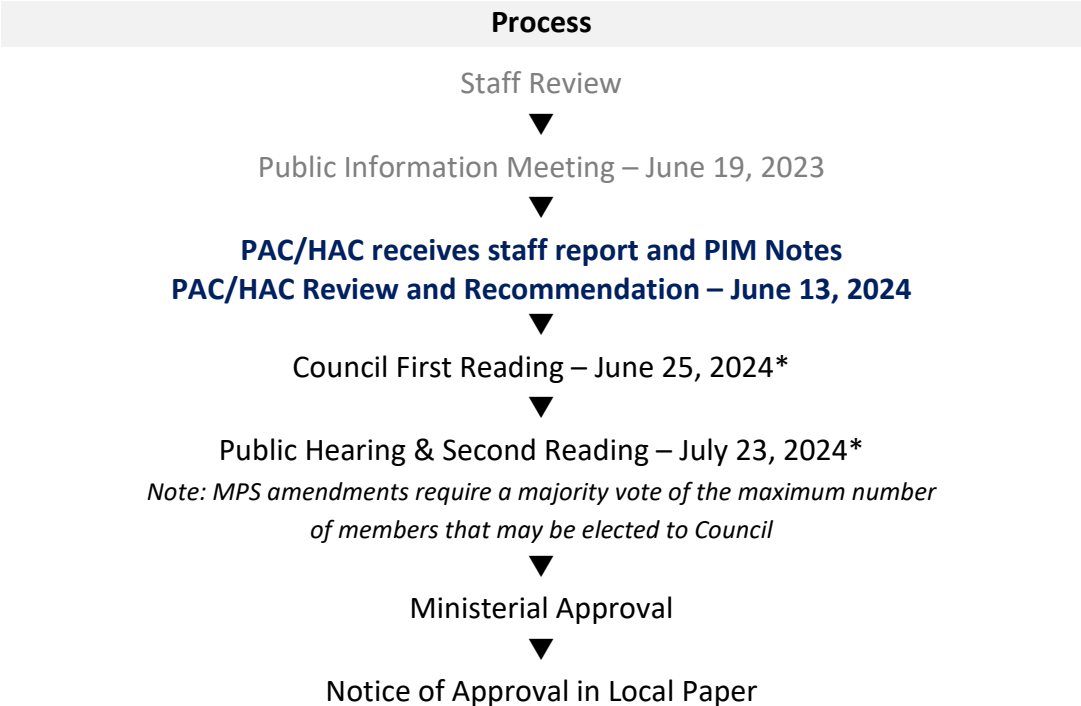
PID 45227279 is within the Environmental Constraints area and is identified as marshland within the Tregothic Marsh. This lot is not exempt from the Agricultural Marshland

Conservation Act (2001) therefore any future development would have to comply with both the Provincial and Municipal regulations.

**NEXT STEPS**

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to amend the text and the maps of the WMPS and the WLUB to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of eight storeys in height by development agreement in the Nesbitt Island designation.

It would also be reasonable for Council to amend the maps of the WMPS and WLUB to include the Municipally owned PID 45227279 in the Nesbitt Island designation and the Mixed Use (MU) 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 WMPS and WLUB text amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

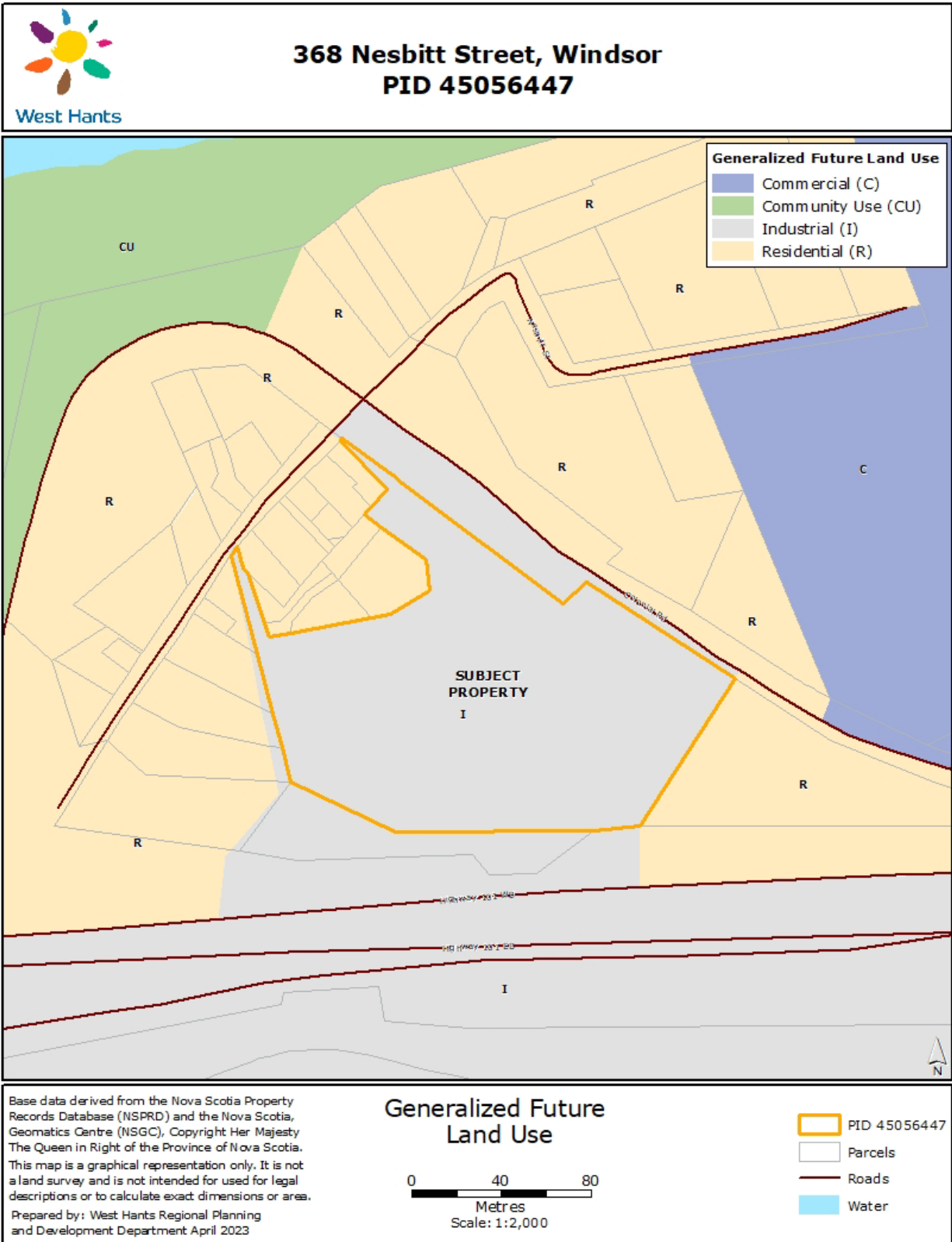
**ATTACHMENTS**

|              |  |
|--------------|--|
| Figure 1     | GFLUM Extract                              |
| Figure 2     | Commercial Development District Extract    |
| Figure 3     | Zoning Map Extract                         |
| Figure 4     | Environmental Constraints Extract          |
| Figure 5     | Proposed GFLUM Extract – PID 45056447      |
| Figure 6     | Proposed Zoning Map Extract – PID 45056447 |
| Figure 7     | Proposed GFLUM Extract – PID 45227279      |
| Figure 8     | Proposed Zoning Map Extract – PID 45227279 |
| Attachment A | Draft WMPS and WLUB Amendments             |
| Attachment B | General Criteria for Amendments            |
| Attachment C | Public Information Meeting Notes           |

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

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

Figure 1  
GFLUM Extract



**Figure 2**  
**Commercial Development District Extract**

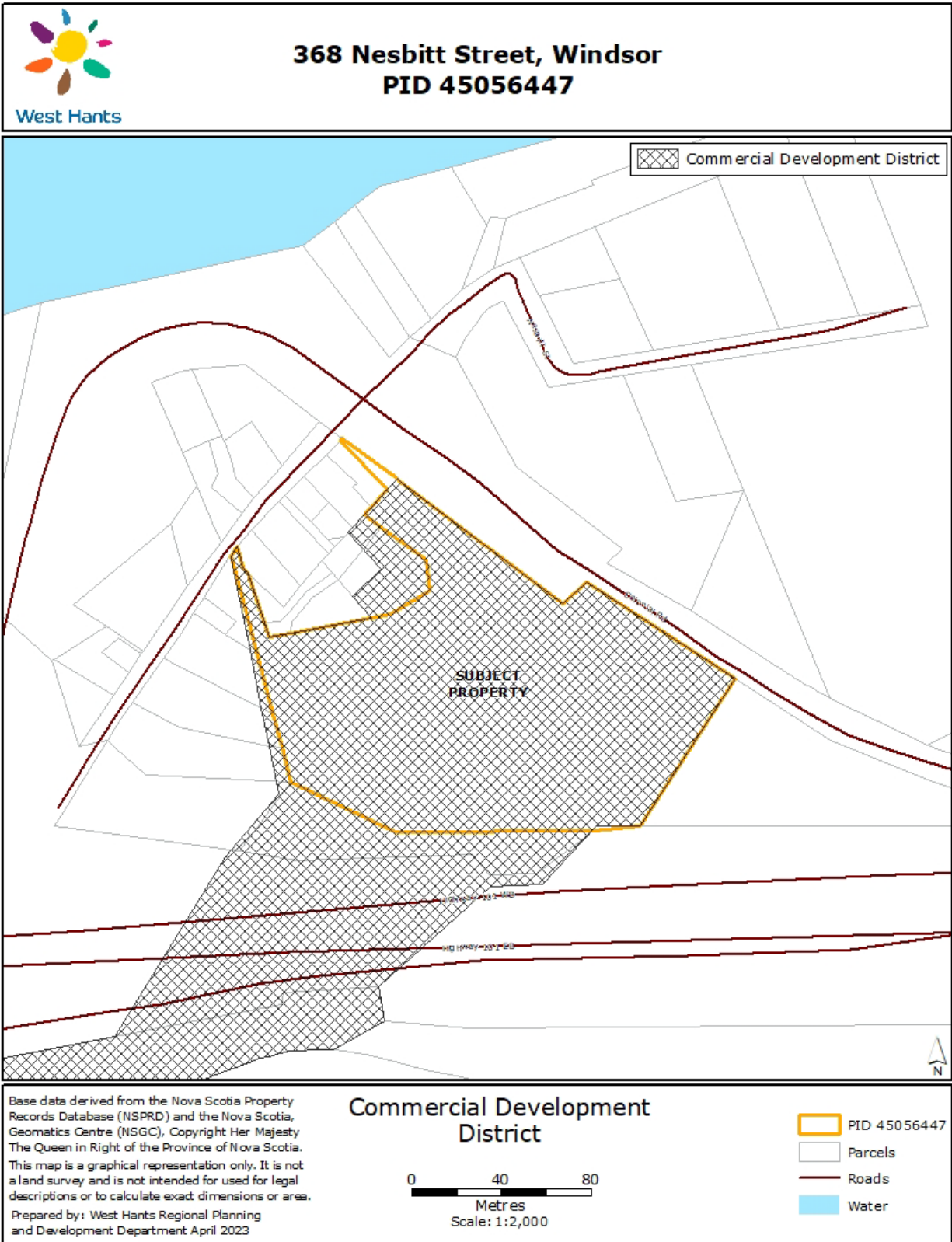
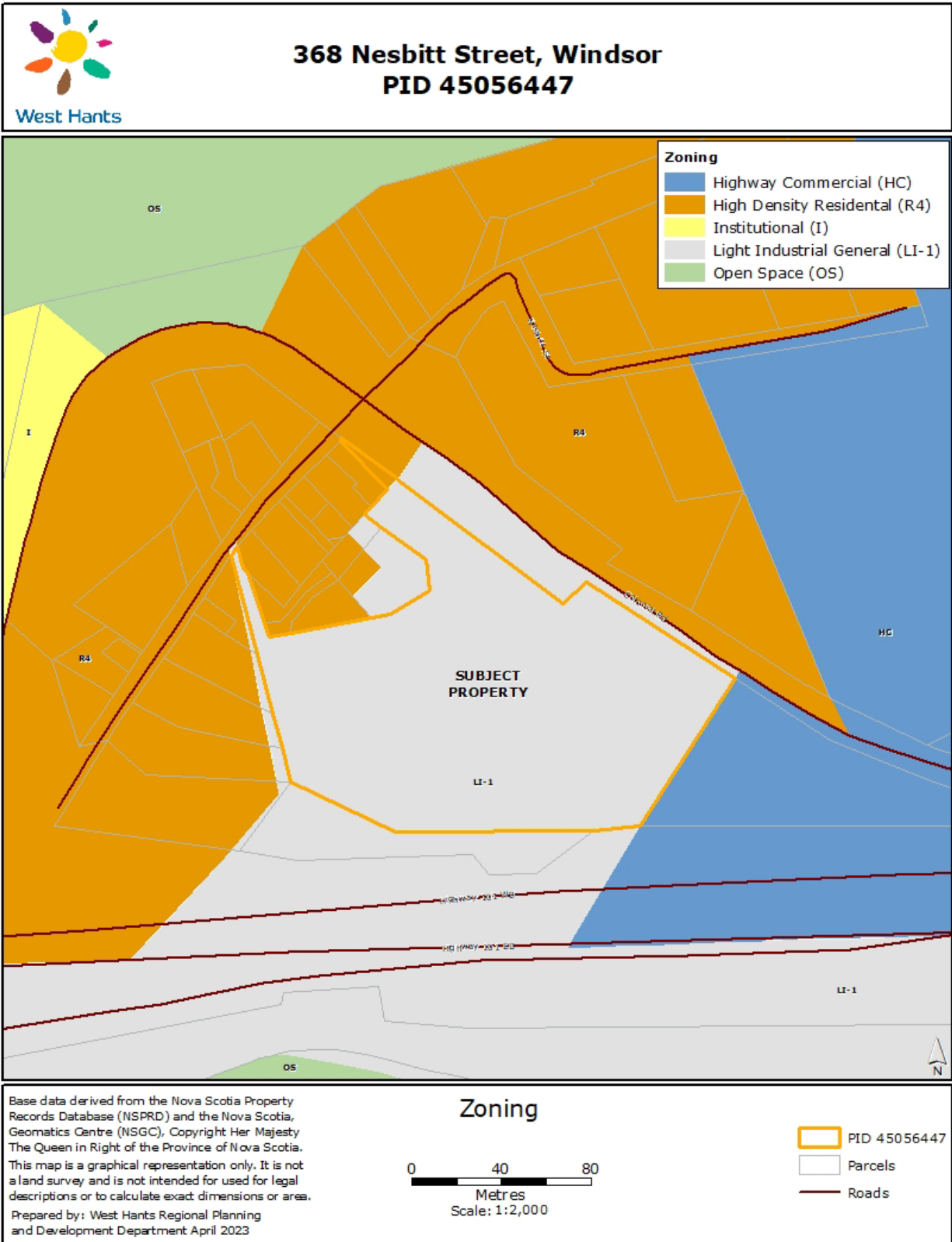


Figure 3  
Zoning Map Extract



**Figure 4**  
**Environmental Constraints Extract**

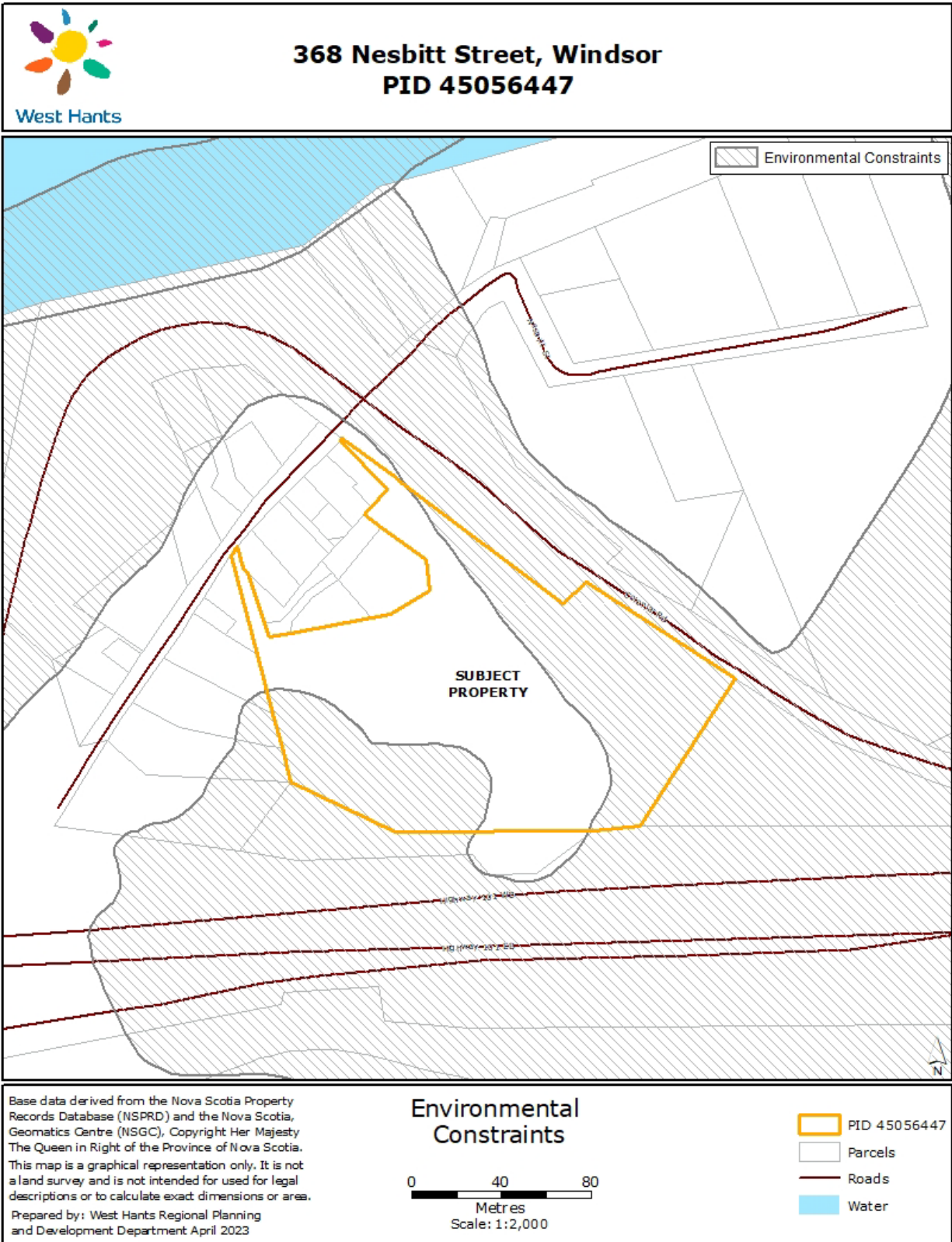


Figure 5  
Proposed GFLUM Extract – PID 45056447

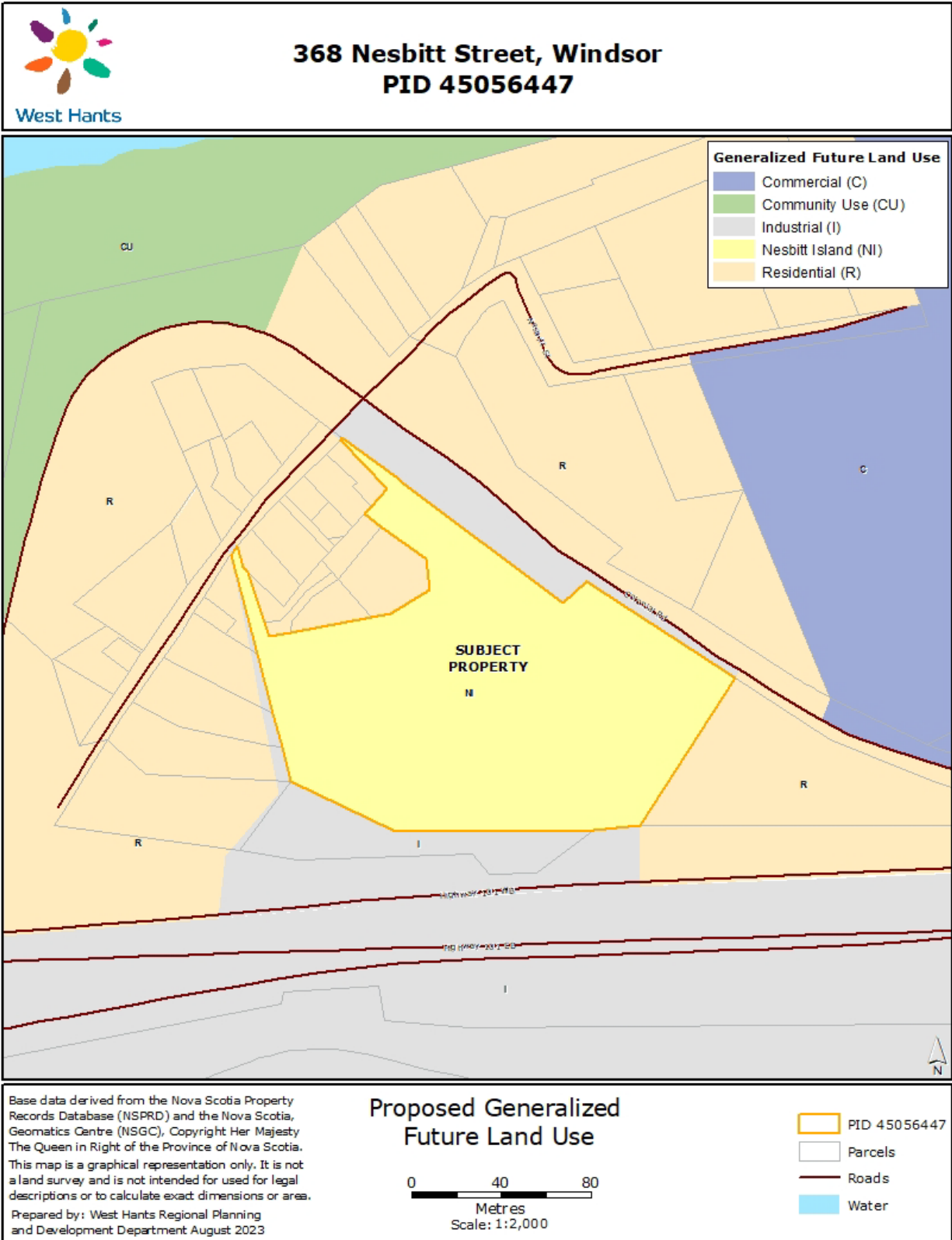
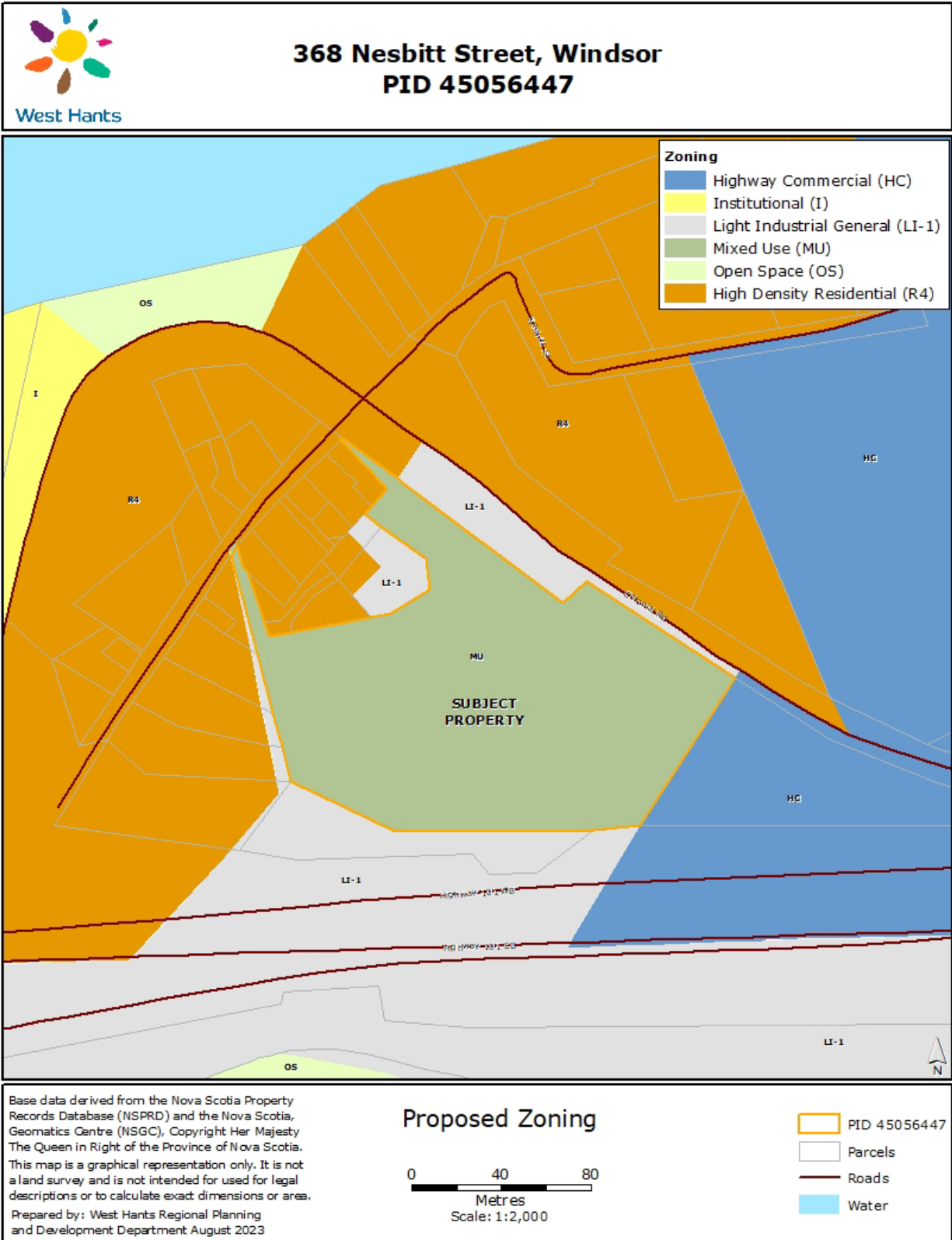
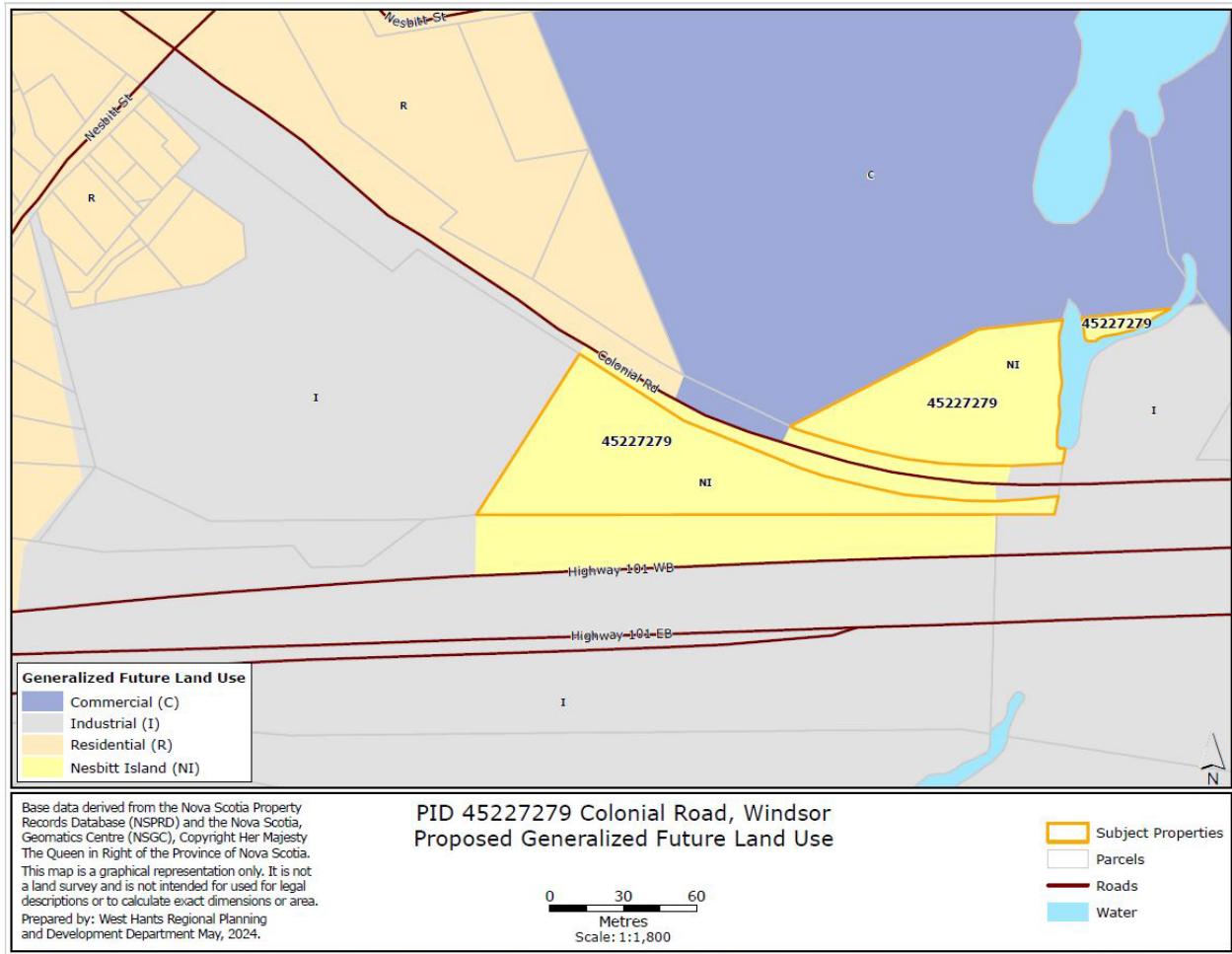


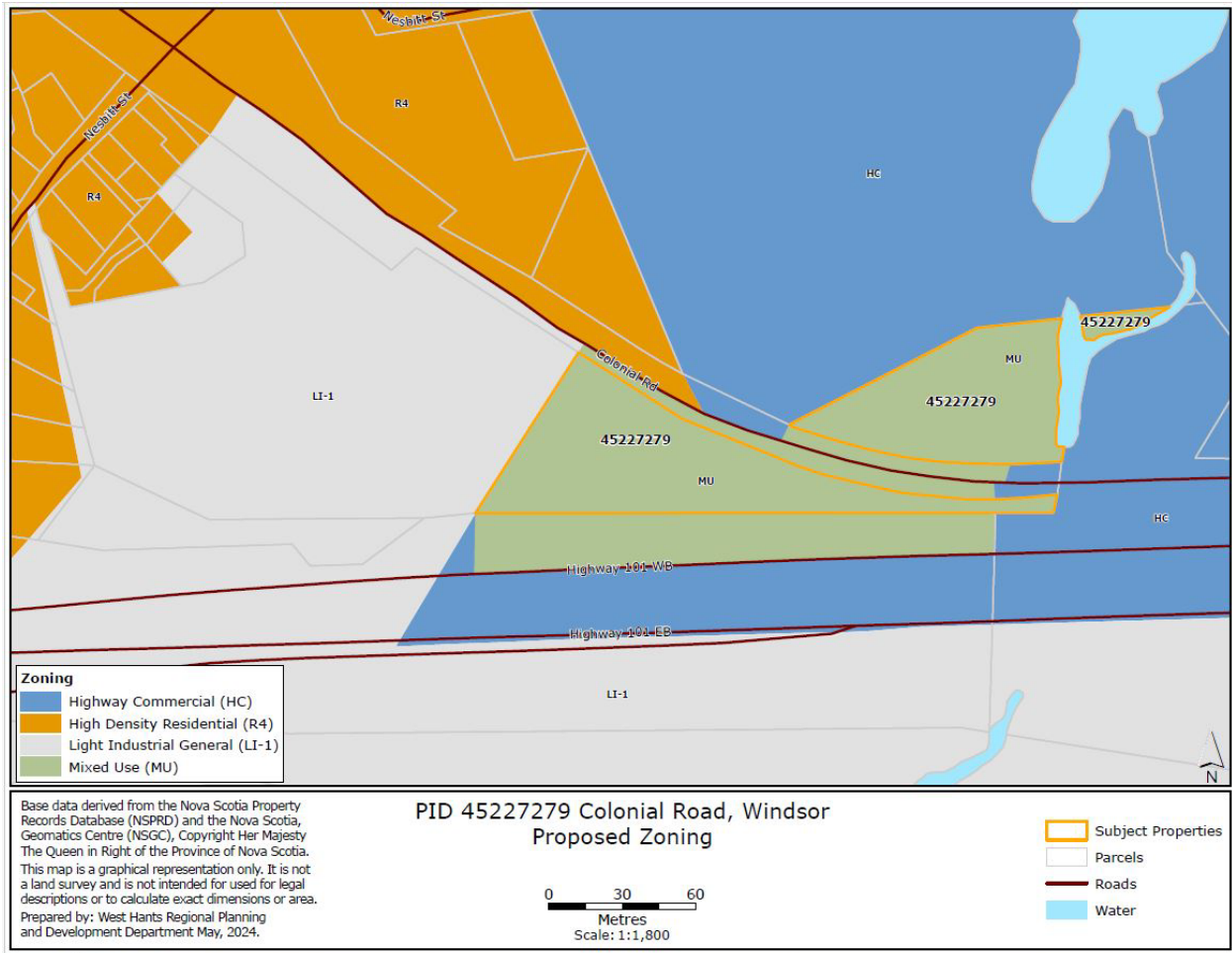
Figure 6  
Proposed Zoning Map Extract – PID 45056447



**Figure 7**  
**Proposed GFLUM Extract – PID 45227279**



**Figure 8**  
**Proposed Zoning Map Extract – PID 45227279**



**Attachment A**  
**Draft WMPS and WLUB Amendments**

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

Text amendments to the Windsor Municipal Planning Strategy to create a new designation and zone for the former Nova Scotia Textiles mill site to allow a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

**Windsor Municipal Planning Strategy**

- 1. Amend Section 4.9 in the Windsor Municipal Planning Strategy to allow more than one building on a lot in the Mixed Use (MU) zone, so that Policy 4.9.1 reads as follows:**

## **4.0 GENERAL LAND USE POLICIES**

### **4.9 One Main Building on a Lot**

The general intent of the Municipal Planning Strategy is to allow one main building on a lot with accessory buildings and structures. In certain instances, however, more than one main building may be necessary to accommodate certain types of development. For example, industrial and agricultural uses may require several main buildings. The Fairground zone also supports a number of buildings on one lot. Grouped dwellings, by their very nature, involve several main buildings on a lot.

**Policy 4.9.1** It shall be the policy of Council to allow only one main building on a lot with accessory buildings and structures except for the following zones or uses:

- (a) Industrial zones, except the Joint Industrial Type Three (LI-3) zone;
- (b) Fairground zone;
- (c) Shopping Centre zone;
- (d) Pesaquid CDD;
- (e) College Road CDD;
- (f) Agriculture zone;
- (g) mixed use development permitted under Policies 9.1.1 and 9.2.1;
- (h) grouped dwellings;
- (i) Wentworth Road Commercial Zone; and (WMPS 12-01 effective August 23, 2012)
- (j) in the Mixed Use (MU) zone.*

**2. Amend Section 4.13 in the Windsor Municipal Planning Strategy to permit roof signs within the Mixed Use (MU) zone, so that Policy 4.13.5 reads as follows:**

**4.13 Signage**

Signage is regulated in the Land Use By-law to address structural and traffic safety and to encourage advertising to be compatible with neighbouring land uses and with the community as a whole.

- Policy 4.13.1** It shall be the policy of Council to regulate size, location and placement of signage to avoid potential hazards for pedestrian and traffic movement and to encourage attractive and compatible signage.
- Policy 4.13.2** It shall be the policy of Council to prohibit from all land use zones certain types of signs which are considered to pose potential public safety hazards, or negatively affect traffic flow, or which are to be affixed to natural features.
- Policy 4.13.3** It shall be the policy of Council to regulate height of ground signs. Certain areas in Town, including the land adjacent to the St. Croix River, will require a lower height to preserve view planes.
- Policy 4.13.4** It shall be the policy of Council to control new ground signs in the Town Centre (TC) zone and the Pesaquid Comprehensive Development District (Pesaquid CDD).  
(Amendment WMPS 17-01 effective March 6, 2018)
- Policy 4.13.5** It shall be the policy of Council to permit roof signs within industrial, ~~and~~ fairground ~~and~~ the Mixed Use (MU) zones only. It shall be the policy of Council to regulate the size of roof signs to address potential public safety hazards and structural damage.
- Policy 4.13.6** It shall be the policy of Council to particularly regulate the size and location of signs associated with local commercial uses to preserve the small-scale nature of these land uses.
- Policy 4.13.7** It shall be the policy of Council to prohibit the erection of signs on public property by non-governmental bodies unless specifically permitted by Council.

**3. Amend Section 9.0 in the Windsor Municipal Planning Strategy to remove reference to the textile mill site from the preamble, so that Section 9.0 reads as follows:**

**9.0 MIXED USE DEVELOPMENT**

(Amendment WMPS 06-01 Effective September 7, 2006)

There has been some interest in providing mixed residential/commercial development in Windsor. In many cases, these developments target retired people and provide housing plus personal service uses such as hairdressing or barber shops, small convenience and drug stores, medical and dental offices, and even restaurants where residents may get all or some of their meals. At this time, the Kingsway Gardens

Enriched Housing Complex, which includes a restaurant, lounge, hairdresser and meeting facility, as well as apartments, is the only development of this type in Windsor. Council would like to encourage mixed use development in other suitable locations. ~~For example, with the 2005 closure of the Nova Scotia Textiles mill on Nesbit's Island and the resulting developer interest in the site, Council feels this property may have potential for redevelopment including a broad range of commercial, light industrial and recreational uses in combination with residential. Built in 1884, the mill is an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 makes it a landmark. Where possible, any redevelopment of the Nova Scotia Textiles mill should retain the architectural elements which contribute to the public façades on both Nesbit Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the number, size, shape and location of windows.~~

Council will consider mixed use developments by development agreement in the Residential, Commercial and Industrial designations outside the industrial parks. Where the proposed development is to be located in the Residential designation, the size, type and location of commercial uses will be carefully controlled to ensure the development is compatible with a residential area. Likewise, where a mixed use development is proposed for the Commercial or Industrial designation, Council wishes to ensure that the residential use will not compromise the commercial or industrial integrity of the area. Council feels, however, that within the commercial and industrial designation, provided the development is carefully planned, it may encompass a broader range of uses, including commercial, light industrial, institutional, recreational and residential.

### **9.1 Mixed Use in the Residential Designation**

- Policy 9.1.1** It shall be the intention of Council to consider mixed use residential/commercial developments with two or more dwelling units by development agreement in areas designated Residential subject to the following:
- (a) the density, scale and architectural design of the development are compatible with the surrounding area;
  - (b) the development is reasonably consistent with the provisions of the Architectural Design Manual, if it is located in an Architectural Design Control District;
  - (c) the development is reasonably consistent with the yard standards of the underlying zone;
  - (d) the proposed development does not compromise the residential integrity of the area;
  - (e) the commercial use is permitted in the General Commercial (GC) zone;
  - (f) the commercial use is located at the street level and does not exceed one-third of the total floor area of the development;
  - (g) adequate landscaping, open space and natural or artificial buffering is provided;

### **9.2 Mixed Use in the Commercial and Industrial Designations**

(Amendment WMPS 06-01 Effective September 7, 2006)

**Policy 9.2.1** It shall be the intention of Council to consider mixed use development by development agreement in the Commercial designation or the Industrial designation outside the industrial parks, subject to the following:

- (a) the proposed development consists of a combination of uses which may include commercial, light industrial, recreational, institutional and residential;
- (b) the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular:
  - (i) where the proposal involves the redevelopment of an existing building, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) are retained; and
  - (ii) if the proposed development is located in an Architectural Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual;
- (c) the density and scale of the development are compatible with the surrounding area;
- (d) the location of the proposed development does not adversely affect the existing pattern of development in the surrounding area, or restrict existing commercial and/or industrial development patterns;
- (e) where a light industrial use is proposed, it is not considered obnoxious or incompatible with the proposed residential or commercial components nor with adjacent land uses;
- (f) adequate landscaping, open space and natural or artificial buffering is provided;
- (g) adequate parking and safe pedestrian and vehicular access to the site is provided;
- (h) adequate parking and safe pedestrian and vehicular access to the site is provided;
- (i) adequate provision is made to minimize conflict with existing residential dwellings with respect to access, parking, noise and hours of operation;
- (j) no outdoor storage is permitted;
- (k) any other matter which may be addressed by development agreement; and
- (l) the provisions of Policy 16.3.1.

**4. Create Section 9.3 in the Windsor Municipal Planning Strategy to specifically describe the former textile mill site and create Policy 9.3.1, 9.3.2 and 9.3.3 which establish the Nesbitt Island designation and Mixed Use (MU) zone, so that Section 9.3 reads as follows:**

### 9.3 Nesbitt Island

The Nova Scotia Textiles mill was built in the 1880's and was a major industry in Windsor until it closed in 2005. A development agreement was registered on the property in 2007 that permitted commercial and residential redevelopment within the existing building, but these aspects were not completed by previous owners. The building sat vacant since then. In August 2021 a demolition permit was issued for a portion of the building which left approximately half of the original textile mill building remaining.

Due to the visibility and location of the property adjacent to Highway 101, the potential for repurposing of the remainder of the former textile mill building, and resulting developer interest in the site, Council feels this property may have potential for redevelopment including a broad range of commercial, residential and recreational uses.

Built in 1884, the mill was an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 made it a landmark. Where possible, any redevelopment or expansion of the Nova Scotia Textiles mill building should retain the architectural elements of the remainder of the building which contribute to the public façades on both Nesbitt Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the shape of windows.

It shall be the policy of Council to:

- Policy 9.3.1** establish a Nesbitt Island designation as shown on the Generalized Future Land Use Map (Map 1) which will apply to the former Nova Scotia Textile's mill site and the Municipally owned lot abutting the former textile mill site where mixed-use development is to be encouraged.
- Policy 9.3.2** establish a Mixed Use (MU) zone in the Nesbitt Island designation which will apply to the former Nova Scotia Textile's mill site and the Municipally owned lot abutting the former textile mill site.
- Policy 9.3.3** permit in the Mixed Use (MU) zone a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

- 5. Create Policy 9.3.4 which allows Council to consider expanding the Mixed Use (MU) zone subject to specific criteria including the geographic location of properties that, a geotechnical assessment, as well as traffic generation and architectural design and scale of the proposal, so that Policy 9.3.4 reads as follows:**

#### Amendments

- Policy 9.3.4** consider amending areas to the Mixed Use (MU) zone only when the property:
  - (a) has frontage on Nesbitt Street or Colonial Road; and
  - (b) is located on the north side of Highway 101.In considering such amendments, Council shall have regard to the following:

- (a) a geotechnical assessment prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints area the study should follow the requirements outlined in Section 12.0;
- (b) the proposed use is compatible with the character of the area regarding items including but not limited to traffic generation and architectural design and scale;
- (c) adequate landscaping, open space and natural or artificial buffering can be provided;
- (d) adequate parking and safe pedestrian and vehicular access to the site can be provided;
- (e) the provisions of Policy 16.3.1 are met.

**6. Create Policy 9.3.5 which allows Council to consider mixed use, multiple unit residential developments in excess of eight storeys in height in the Nesbitt Island designation by development agreement, subject to specific criteria, so that Policy 9.3.5 reads as follows:**

**Development Agreements**

**Policy 9.3.5** consider only by development agreement within the Nesbitt Island designation mixed use, multiple unit residential developments in excess of eight storeys in height. In considering such development agreements Council shall be satisfied that:

- (a) the proposed development consists of a combination of uses which are permitted in the Mixed Use (MU) zone;
- (b) the building will in no instance exceed 210 ft. (64 m.) in height;
- (c) the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows are imitated on the first three storeys of the new building.
- (d) signage exceeding the Land Use By-law regulations may be considered where:
  - (i) the application is accompanied by an engineered design of the proposed signs, specifically detailing the method to secure the signs, if the signage exceeds the height requirements; and
  - (ii) illumination of the sign follows Section 5.18 of the Land Use By-law.
- (e) adequate landscaping, open space and natural or artificial buffering is provided;

- (f) adequate parking, safe and convenient pedestrian access, and vehicular access to the site is provided;
- (g) adequate provision is made to minimize conflict with existing residential dwellings with respect to hours of operation of commercial, institutional and recreation uses;
- (h) 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;
  - (ii) a shadow study evaluating the shadow impact of the proposed development including building footprints, siting, massing, orientation and form, for various times during the day of four separate days quarterly within a calendar year;
  - (iii) a Traffic Impact Study (TIS) prepared by a qualified traffic or transportation Engineer and approved by the authority having jurisdiction, showing the adequacy of the existing and proposed road network to accommodate the proposed development. The TIS must also provide recommendations concerning the mitigation of any traffic-related issues which may be caused by the development;
  - (iv) a drainage and storm water management plan prepared by a professional Engineer and approved by the Municipal Engineer, demonstrating the impact the proposal will have on adjacent lands or existing storm water management systems and outlining how pre- and post-construction flows will be balanced;
  - (v) a geotechnical assessment is prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints area, the study should follow the requirements outlined in Section 12.0;
  - (vi) other supporting maps showing the topography of the lot including contours at appropriate intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation;
  - (vii) photo examples, plans or elevation drawings showing the exterior design of the proposed buildings; and
  - (viii) 3D renderings showing the impact of the proposed development on the views from Fort Edward Historical Site.
- (i) any other matter which may be addressed by development agreement; and
- (j) the provisions of Policy 16.3.1.

7. Amend Section 10.1 in the Windsor Municipal Planning Strategy to remove reference to the textile mill site from the preamble and Policy 10.1.1, so that Section 10.1 reads as follows:

## 10.0 INDUSTRIAL

### 10.1 Light Industrial

The Windsor Industrial Park is mostly developed. In 2003, there were 16 businesses operating in the Park employing over 90 people. Most of the businesses currently located in the Park are considered light industrial uses, although there are several businesses, such as a bowling alley and car wash that are classified as commercial uses. There is a growing trend toward “business” parks, rather than parks devoted solely to industrial uses, and in recent years, the Town has received requests to allow various commercial uses in the Park. Provided such uses will not adversely affect the Town Centre, Council believes it may be appropriate to provide for some additional commercial uses in the Windsor Industrial Park. The additional uses may include certain highway commercial or other uses that would be less likely to locate in the downtown area because of their need for a large floor area or storage space.

There are several properties in Windsor used for industrial purposes which are not located within the two Industrial Parks including [Nova Scotia Textiles](#), the former Irving Oil bulk plant and the Windsor and Hantsport Railway yards.

**Policy 10.1.1** It shall be the policy of Council to establish an Industrial designation which shall apply to the Windsor Industrial Park and light industrial uses outside the park such as [Nova Scotia Textiles](#) and the railway yards, as shown on the Generalized Future Land Use Map (Map 1).

**Policy 10.1.2** It is the intention of Council to establish the Light Industrial (LI-1) zone in which permitted uses shall include light industrial uses, certain highway commercial uses and limited automotive uses.

**Policy 10.1.3** It shall be the intention of Council to consider the development of new light industrial uses outside of the designated industrial parks by development agreement, subject to the following criteria:

- (a) the proposed use is permitted in the Light Industrial (LI-1) zone;
- (b) the proposed use has direct access to an arterial road;
- (c) the proposed use is not considered obnoxious by virtue of noise, odours, dust or fumes;
- (d) the proposed use will not conflict with adjacent uses; (e) adequate parking and loading can be provided;
- (f) traffic flow and traffic and pedestrian safety are not adversely affected;

- (g) adequate landscaping and buffering are provided where the use abuts a residential or institutional use;
- (h) any other matter which may be addressed in a Land Use By-law; and
- (i) the provisions of Policy 16.3.1.

## Windsor Land Use By-law

Text amendments to the Windsor Land Use By-law to create a Mixed Use (MU) zone which allows a variety of land uses including but not limited to commercial, residential, institutional and recreation uses.

- 1. Amend Section 5.24 in the Windsor Land Use By-law to allow more than one building on a lot in the Mixed Use (MU) zone, so that Section 5.24 reads as follows:**

### 5.0 GENERAL PROVISIONS FOR ALL ZONES

#### One Main Building on a Lot

5.24 No person shall erect more than one main building on a lot except:

- (a) in the Light Industrial (LI-1) zone;
- (b) in the Joint Industrial Type Two (LI-2) zone;
- (c) in the Shopping Centre (SC) zone;
- (d) in the Fairground (FG) zone;
- (e) agricultural uses in the Agriculture (AG) zone;
- (f) grouped dwellings in the High Density Residential (R-4) zone;
- (g) in the Wentworth Road Commercial Zone; (amendment effective August 23, 2012)
- (h) in the Mixed Use (MU) zone.

- 2. Amend Section 6.1 in the Windsor Land Use By-law to allow Council to consider mixed use, multiple unit residential developments in excess of eight storeys in height in the Nesbitt Island designation by development agreement, so that Section 6.1 reads as follows:**

### 6.0 DEVELOPMENT AGREEMENTS

#### Developments to be considered by Development Agreement

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

- (t) mixed use, multiple unit residential developments in excess of eight storeys in the Nesbitt Island designation in accordance with Policy 9.3.5 of the Municipal Planning Strategy.

3. Amend Section 7.10 and 7.17 in the Windsor Land Use By-law to allow one ground sign for each business on the same lot and to allow the Mixed Use (MU) zone to follow the same sign requirements as the Fairground (FG) and Light Industrial (LI-1, LI-2 and LI-3) zones due to the proximity of the former textile mill site to Highway 101, so that Section 7.0 reads as follows:

## 7.0 SIGNS

### Ground Signs

- 7.9 Ground signs shall be set back a minimum of 5 ft. (1.52 m) from any street line, common lot boundary, driveway, aisle or parking area, with the exception of 40 Water Street where a ground sign footing that existed prior to 2005 may be used (Amendment WLUB 17-01 Effective March 6, 2018).
- 7.10 Where a property in the Shopping Centre (SC), Highway Commercial (HC), Wentworth Road Commercial (WR-C), Fairground (FG) or Light Industrial (LI-1, LI-2 and LI-3), or Mixed Use (MU) zone is occupied by more than one business, one ground sign permitted under Section 7.18 advertising the different businesses located on the property may exceed the maximum sign area requirements up to a maximum sign area of 125 ft<sup>2</sup> (11.61 m<sup>2</sup>). (Amendment WLUB 07-02 Effective September 21, 2007 and WLUB 09-02 Effective September 3, 2009))

...

### Sign Restrictions by Zone

- 7.17 No development permit shall be issued except in conformity with the following:

|   | (i) TC and Pesaquid CDD   | (ii) LC  | (iii) GC, WR-C, HC and SC  | (iv) FG, LI-1, LI-2, LI-3 and MU   | (v) I and OS  |
|---|---|--|--|--|---|
| (a) <b>Maximum Number/Area of Signs</b> | total of 2 signs per business premises with additional by development agreement, excepting businesses with no street frontage at 40 Water Street which are permitted to share a single ground sign (Amendment WLUB 17-01 Effective March 6, 2018) | 1 non-illuminated facial wall sign or 1 projecting sign per business premises                      | Combined area of all signs shall not exceed 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) for every 1 ft (0.30 m) of lot frontage | Combined area of all signs shall not exceed 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) for every 1 ft (0.30 m) of lot frontage | 1 identification sign not more than 3 ft <sup>2</sup> (0.28 m <sup>2</sup> ) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft <sup>2</sup> (0.09 m <sup>2</sup> ). |
| <b>Facial Wall Signs</b>                |   |  |  |  |   |
| (b) <b>Maximum Number</b>               | 1 sign per business premises  | See (a)(ii) above  | See (a)(iii) above   | See (a)(iv) above  | See (a)(v) above  |
| (c) <b>Maximum Sign Area</b>            | 15% of the area of the wall to which it is attached   | 15% of the area of the wall to which it is attached up to 20ft <sup>2</sup> (1.86 m <sup>2</sup> ) | 15% of the area of the wall to which it is attached  | 15% of the area of the wall to which it is attached  | 20 ft <sup>2</sup> (1.86 m <sup>2</sup> ), excluding interpretive signage   |
| <b>Roof Signs</b>                       |   |  |  |  |   |
| (d) <b>Maximum</b>                      | N/A   | N/A  | N/A  | 1 sign per business  | N/A   |

|                              |   |                   |  |  |  |
|------------------------------|---|-------------------|--|--|--|
| <b>Number</b>                |   |                   |  | premises   |  |
| <b>(e) Maximum Sign Area</b> | N/A   | N/A               | N/A  | 1 ft2 (0.09 m2) for every 1 ft (90.3 m) of roof length up to 100 ft2 (9.29 m2) | N/A  |
| <b>Projecting Signs</b>      |   |                   |  |  |  |
| <b>(f) Maximum Number</b>    | 1 sign per business   | See (a)(ii) above | See (a)(iii) above   | See (a)(iv) above  | See (a)(v) above                                 |
| <b>(g) Maximum Sign Area</b> | 30 ft2 (2.79m2)   | 20 ft2 (1.89 m2)  | 30 ft2 (2.79 m2)   | 30 ft2 (2.79 m2)   | 30 ft2 (2.79 m2)                                 |
| <b>Ground Signs</b>          |   |                   |  |  |  |
| <b>(h) Maximum Number</b>    | A single ground sign for businesses without street frontage at 40 Water Street. Additional ground signs may be considered by development agreement as per section 6.1 (e) or (g) (Amendment WLUB 17-01 Effective March 6, 2018) | N/A               | 1 sign for every 50 ft (15.24m) of road frontage up to 3 signs | 1 sign for every 50 ft (15.24 m) of road frontage up to 3 signs                | See above  |
| <b>(i) Maximum Height</b>    | 17 ft (5.18m) for businesses without street frontage at 40 Water Street   | N/A               | 35 ft (10.67 m)  | 35 ft (10.67 m)  | 10 ft (3.05 m)                                   |
| <b>(j) Maximum Sign Area</b> | 40 ft2 (3,70m2) for businesses without street frontage at 40 Water Street (Amendment WLUB 17-01 Effective March 6, 2018)  | N/A               | 50 ft2 (4.64 m2)   | 50 ft2 (4.64 m2)   | 25 ft2 (2.32 m2), excluding interpretive signage |

**4. Create Section 31.0, *Mixed Use (MU) Zone*, in the Windsor Land Use By-law which outlines the permitted uses and zone requirements of the Mixed Use (MU) zone, so that Section 31.0 reads as follows:**

## **31.0 MIXED USE (MU) ZONE**

### **Permitted Uses**

**31.1** The following uses shall be permitted in the Mixed Use (MU) zone:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clinic
- Clubs and community organizations
- Commercial brewery

- Commercial schools
- Commercial winery
- Convenience store
- Country inns
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farm markets
- Garden and nursery sales and supplies
- Grouped dwellings
- Hotels and motels
- Institutional uses
- Licensed liquor establishments
- Microbrewery
- Microdistillery
- Mixed use, multiple unit developments containing any of the permitted commercial uses listed in this zone
- Museums
- Offices
- Parking structures
- Postal Outlet
- Recreation Uses, Indoor and Outdoor
- Repair and rental establishments
- Residential uses (not on the ground floor of a mixed-use building)
- Restaurants, excluding drive-through restaurants
- Retail stores
- Service and personal service shops
- Support service
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Winery

**Mixed Use (MU) Zone General Requirements**

31.2 In the Mixed Use (MU) zone, no development permit shall be issued except in conformity with the following:

|                      | <b>Commercial Uses</b>         | <b>Mixed Use, Multiple Unit Residential</b> | <b>Grouped Dwellings</b> |
|----------------------|--------------------------------|---|--------------------------|
| Minimum lot area     | 10,000 sq. ft. (929.00 sq. m.) | 1 acre (43,560 sq. ft.)                     | 1 acre (43,560 sq. ft.)  |
| Minimum lot frontage | 100 ft. (30.48 m.)             |   |                          |

|                                      |                   |                   |
|--------------------------------------|-------------------|-------------------|
| Minimum front yard                   | 25 ft. (7.62 m.)  |                   |
| Minimum rear and side yard           | 20 ft. (6.096 m.) |                   |
| Maximum stories in main building     | 3 storeys         | 8 storeys         |
| Maximum height of main building      | 40 ft. (12.19 m.) | 85 ft. (25.91 m.) |
| Maximum height of accessory building | 15 ft. (4.57 m.)  | 30 ft. (9.14 m.)  |

### Access

31.3 Entrance to and exit from properties zoned Mixed Use (MU) shall be restricted to one (1) driveway on every street or road for every 100 ft. (30.48 m.) of lot frontage. On a corner lot, access shall be restricted to not more than three driveways to the lot.

### Buffering

31.4

- (a) A development on a property zoned Mixed Use (MU) shall provide a buffer strip along any lot line abutting a Residential or Institutional use.
- (b) The buffer required in (a) shall contain:
  - (i) a mix of local species of coniferous trees a minimum of 20 ft. wide. At planting, each tree shall have a diameter of at least 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of 5 ft.; or
  - (ii) a hedge of a variety of coniferous shrubs a minimum of 20 ft. wide, each of which will reach over 6 ft. in height at maturity; or
  - (iii) a berm which is a minimum of 6 ft. in height to buffer the abutting property; or
  - (iv) a wall or an opaque fence which is a minimum of 5 ft. in height and of sufficient height to provide a visual buffer to the abutting property; or
any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.
- (c) No buffer strip shall be required along the street frontage of any lot.
- (d) Walkways or permitted driveways are permitted to cross buffer strips.

### Landscaping

31.5

- (a) There shall be a landscaped area that runs the length of and directly abuts the front lot line along Colonial Road, excluding driveway openings and walkways.
- (b) The landscaped area shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft. (15.24 m.) on centre. New trees shall have a minimum caliper of 2 in. (5.08 cm.) and a minimum height of 5 ft. (1.52 m.). Shrubs with a minimum

height of 1.5 ft. (0.46 m.) shall be planted in clusters of three plants or more at a minimum rate of one cluster per 50 ft. (15.24 m.) of frontage. Where possible, existing trees and shrubs may be retained and included in the calculation of plantings required.

- (c) For groups of parking spaces containing 24 or more spaces, landscaped islands with a minimum permeable surface area of 100 sq. ft. (9.29 sq. m.) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum caliper of 2 in. (5.08 cm.) and a minimum height of 5 ft. (1.52 m.), per island. These requirements do not apply to covered or enclosed parking areas.

### **Open Storage**

31.6 No open storage shall be permitted in the Mixed Use (MU) zone.

### **Parking**

31.7

- (a) Notwithstanding the parking requirements in Section 5.25 of the Land Use By-law, parking in the Mixed Use (MU) zone is required at one parking space per dwelling unit. All other parking requirements shall follow the requirements in Section 5.25 of the Land Use By-law.
- (b) Required parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4.11.3 of the Municipal Planning Strategy.

### **Pedestrian Access**

31.8 An unobstructed pedestrian walkway, having a minimum width of 5 ft. (1.52 m.), and constructed of concrete, asphalt, brick or other hard surface paver, shall be provided between the street and the building entrance. When pedestrian walkways cross parking areas or internal vehicle lanes, a marked crosswalk shall be required.

### **Recreational Space**

31.9 Recreational space shall be provided as required in Section 10.5.

### **Architectural Design**

31.10 The architectural design of the development shall be sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building shall be taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows shall be imitated on the first three storeys of the new building.

**Attachment B**  
**General Criteria for Amendments**

**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;                                  | <p>Given the size and scale of the proposed development on the former textile mill site, the Public Works Engineering division required the applicant to engage CBCL to evaluate water and sewer capacity. In response to the completed studies, the Public Works Engineering division provided the following comment: <i>“The evaluation showed there is current capacity for both water and sewer servicing. As explained in the water analysis a PVR chamber will be required to be installed by the developer and meet our Municipal Specifications.”</i></p> <p>In response to a question from Planning staff about the required PVR chamber, the Public Works Engineering division added that <i>“the PRV chamber is required for fire flows resulting from the proposed development. Currently we have a low-pressure zone that includes the Nesbitt St area, there are two water mains that service this area, one main that crosses the 101 Hwy at Exit 6 and one near Exit 5a. The 5a watermain has a closed valve to allow the low-pressure zone to operate correctly. With the proposed development the water must be able to flow from two directions and therefore the closed valve must be replaced with a PRV chamber (Pressure Regulating Valve). The PRV will allow the low-pressure zone to operate along</i></p> |

|  |  |
|--|--|
|  | <p><i>with provide fire flows if / when needed as the PRV will automatically open.</i></p> <p><i>The PRV chamber would need to be located on Municipal property or along Colonial Drive. Another option would be to install the chamber near the Works Garage on by Park Drive (recommended), the PRV chamber would need to be designed and constructed / installed at the developer's expense and then turned over to the utility to be owned and operated."</i> The applicant is aware of this requirement.</p>  |
| <p>(ii) the adequacy of school facilities;</p> | <p>The Director of Operations for the Annapolis Valley Regional Centre for Education stated <i>"The proposed development of 164 residential units at 368 Nesbit Street may impact the enrollment at schools within the respective catchment(s). These schools include Windsor Elementary School (WES), West Hants Middle School (WHMS) and Avon View High School (AVHS). Projected student enrollment data through 2027 indicates sufficient capacity for additional enrollment at all three (3) schools. This includes school capacity as well as supporting student transportation."</i></p> |
| <p>(iii) the adequacy of fire protection;</p>  | <p>In response to an inquiry, the Manager of Building and Fire Inspection Services noted that they <i>"need comments from Fire Chief on being able to fight a fire in a high-rise building"</i> and that they will <i>"do a full plan review when submitted."</i> Additionally, they <i>"need comments from Public Works on adequate water supply for sprinkler and consumption, also adequate sewer for large development."</i> Otherwise <i>"good to go on my end if everything else is met."</i></p>  |

|   |  |
|---|--|
|   | <p>The Public Works related comments are answered in 16.3.1 (a)(i).</p> <p>The local Fire Chief (2023) noted that they would like <i>“as much access as possible across that front pavilion for the aerial trucks. The other sides look fairly accessible with exception of page 8, leftmost side I'd like more access (wider laneway) if possible, to give us setback for the bigger aerals.”</i> They noted <i>“this is one of these places that high-rise training will come into play.”</i></p> <p>The Municipal Operations Supervisor / Emergency Management Coordinator commented stated that the Fire Chiefs plan to establish <i>“policy and procedures (and training) to address the increase in proposed developments and more specifically, high-rises (anything over five storeys) in a regional fire services approach.”</i> The local Fire Chief (2023) added that between Windsor, Brooklyn and Hantsport Fire Departments towers, aerals and quints, and <i>“with available backup of 3 more tower ladders within 25-minute eta (Kentville, New Minas and Wolfville) we should be good for ladder units.”</i></p> <p>As there was a new local Fire Chief for Windsor appointed in 2024, Planning staff requested comment from the new local Fire Chief in relation to this proposal. The local Fire Chief (2024) stated <i>“Having a look at the drawings. I don't have any issues with this project. Seems to be plenty of access for responding units. I can sign off on this with the information presented.”</i></p> |
| <p>(iv) the adequacy of road networks adjacent to, or leading to the development; and</p> | <p>Colonial Road is designated a local road on the Transportation Map of the WMPS and an arterial road where Colonial Road connects</p>  |

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|  | <p>at the Highway 101 on ramps. Nesbitt Street designated as a local road. Highway 101 is a regional roadway.</p> <p>In response to questions from Planning staff on whether the existing and proposed streets are adequate to support the development and whether existing streets will require major infrastructure improvements as a result of this development, the Municipal Traffic Authority stated that Colonial Road is currently adequate to support the proposed development and is under construction by the Province. They added that <i>“The portion of the street from Nesbitt to the proposed development is gravel. It should be paved to the standard of the WHRM Specifications.”</i></p> <p>A Traffic Impact Study was requested from the applicant by the Provincial Department of Public Works (NSDPW). The NSDPW stated that this Traffic Impact Study will determine the adequacy of existing infrastructure to support the proposed development and impacts on traffic generation and traffic safety. The Provincial Department of Public Works noted that <i>“major infrastructure upgrades may be required as a result of the development”</i> however, they are still reviewing the Traffic Impact Study.</p> <p>In relation to this proposal, staff will require final comments from both traffic authorities either at development permit stage if the applicant chooses to develop as-of-right, or at the development agreement stage if the applicant continues to pursue the full 19-storey, mixed-use proposal.</p> |
| <p>(v) the financial capacity of the Town to absorb any costs relating to the development.</p> | <p>There are no anticipated costs to the Municipality regarding these amendments.</p>   |

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| <p>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p> | <p>Policy 16.3.1 (a) (iv) outline the specific comments from the Provincial and Municipal Department of Public Works in relation to vehicular traffic.</p> <p>The draft amendments to the WLUB require an unobstructed pedestrian walkway, having a minimum width of 5 ft. (1.52 m.) to be provided between the street and the building entrance. Additionally, the amendments specify that when pedestrian walkways cross parking areas or internal vehicle lanes, a marked crosswalk will be required.</p> <p>There is no active rail line in the vicinity.</p>  |
| <p>(c) the adequacy of the dimensions and shape of the lot for the intended use;</p>                      | <p>The 5.0-acre subject lot is located north of Highway 101, with approximately 550 ft. (167 m.) of frontage on Colonial Road and approximately 15 ft. (4.5 ft.) of frontage on Nesbitt Street. The lot is sufficient to accommodate as-of-right uses that would be permitted through the proposed WMPS and WLUB amendments.</p> <p>Further evaluation on the full 19-storey, mixed-use proposal would be conducted in the report for the development agreement.</p>   |
| <p>(d) the pattern of development which the proposal might create;</p>                                    | <p>The proposed WMPS and WLUB amendments change the designation of former textile mill site from “Industrial” to “Nesbitt Island” and changes the zoning from Light Industrial (LI-1) to the Mixed Use (MU) zone. This new designation and zone will allow a variety of land uses as-of-right including but not limited to commercial, residential, institutional and recreation uses. It also allows Council to consider mixed use, multiple unit residential developments in excess of eight storeys in height by development agreement, subject to specific criteria. The new designation and zone is a</p> |

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|   | <p>change for the mill island area of Windsor, and the full 19-storey, mixed-use proposal will be a one-of-a-kind proposal for the Municipality. However, the new designation and zone are only proposed to apply to the former Nova Scotia Textile’s mill site and the Municipally owned lot abutting the former textile mill site. This will limit the pattern of development these amendments may create. Additionally, staff created Policy 9.3.4 which allows Council to consider amending the zoning of other properties to the Mixed Use (MU) zone, however, the criteria that need to be met are very specific including the geographic location of properties that may be considered, a geotechnical assessment that is required, as well as traffic generation and architectural design and scale of the proposal.</p> |
| <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;</p> | <p>The subject lot is relatively flat, and no watercourses are present.</p> <p>The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. 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. Portions of PID 45056447 are within the Environmental Constraints area which means that it has been identified as marshland, specifically within the Tregothic Marsh. Properties within the Environmental Constraints area have to meet more stringent requirements including completing an environmental study before being issued a development permit for any new building.</p>                 |

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|  | <p>Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Municipality.</p> <p>PID 45227279 is within the Environmental Constraints area and is identified as marshland within the Tregothic Marsh. This lot is not exempt from the Agricultural Marshland Conservation Act (2001) therefore any future development would have to comply with both the Provincial and Municipal regulations.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p>  |
| <p>(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</p> | <p>All Municipal, Provincial and Federal regulations will have to be met.</p>   |
| <p>(g) any other matter required by relevant policies of this Strategy.</p>  | <p>Based on the existing designation and zoning of the former textile mill site, Policy 9.2.1 could be used to consider mixed use development by development agreement subject to specific criteria. However, as the former textile mill site has been underutilized since 2005 and the proposal for this site is a major change in the development environment, Council can consider amending the WMPS and WLUB using Policy 16.1.1. If the amendments are approved, the designation and zoning of the lot would change, and Policy 9.2.1 would no longer apply to this lot.</p> <p>There are no other relevant policies of this Strategy.</p> |

**Attachment C**  
**Public Information Meeting Notes**  
**June 19 – July 3, 2023**  
**File 23-02**  
**PID 45056447, 368 Nesbitt Street**

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| <p><b>Meeting date and time</b></p>   | <p>A Public Information Meeting was held on June 19, 2023, beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.</p>   |
| <p><b>Attending</b></p>   | <p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> <li>• Councillor Murley (Chair)</li> </ul> <p>Three (3) members of staff:</p> <ul style="list-style-type: none"> <li>• Director Poirier</li> <li>• Meeting Secretary Lake</li> <li>• CAO Phillips</li> </ul> <p>Applicants:</p> <ul style="list-style-type: none"> <li>• Jenifer Tsang, Jacob Ritchie and 4 other members of the United Gulf team.</li> </ul> <p>PAC/HAC members:</p> <ul style="list-style-type: none"> <li>• Councillor Ivey</li> <li>• Tasha Rogers</li> <li>• Mayor Zebian</li> </ul> <p>8 members of the public attended the meeting in-person.</p>                       |
| <p><b>Applicant</b><br/> Jenifer Tsang of Sunrose Land Use Consulting on behalf of the property owner 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd.</p> <p><b>Subject Lot</b><br/> 368 Nesbitt Street, PID 45056447</p> | <p>Planner Poirier outlined the to permit:</p> <ul style="list-style-type: none"> <li>• a mixed-use, multi-unit building with commercial uses on the ground floor, 2 floors of office space and 16 residential floors, for a total of up to 19 floors and 164 residential units;</li> <li>• commercial uses to include: offices, museum, general retail and services, and café;</li> <li>• restaurant in a separate building;</li> <li>• outdoor commercial recreation space; and</li> <li>• specific considerations for: signage and illumination, parking requirements, size and design of building, and buffering.</li> </ul> <p>The applicants made a formal presentation.</p> |

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| <p><b>Comments</b></p> | <p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between June 19 – July 3, 2023. An additional submission received by staff on August 2, 2023, is attached.</p> <p>1 member of the public spoke at the Public Information Meeting. 3 comments or questions were received via mail, email or phone. The comments or questions from the public are summarized below. Email responses are attached. Staff and applicant responses are included in purple.</p> <p>At the Public Information Meeting the following comments were made:</p> <ul style="list-style-type: none"> <li>• Scott Burgess noted that he is not against the development as the site needs to be redeveloped, however he is concerned with the 19 storey building. He noted that any redevelopment of the site should keep the textile mill history. He is concerned about the site lines from Fort Edward as he doesn't want the development to disturb the view of the Avon / St. Croix river connection. He is also concerned about the large hockey stick being illuminated at night, disturbing surrounding residences.</li> </ul> <p>Based on Scott's experience and qualifications as a building and fire inspector he is extremely concerned with the ability for the WHRM fire departments to fight a fire in a 19-storey building. He understands that sprinklers will be required in the building code, however if a fire was to overwhelm the sprinkler systems the fire fighters would have to carry the hoses up the stairs in the 19-storey building. He believes the WHRM fire fighting services are not set up at this time to fight a high-rise fire and is against the 19-storey proposal. He suggested the developers construct two 10-storey buildings on one podium instead.</p> <p>Telephone conversations included the following:<br/>June 22<sup>nd</sup>, 2023</p> <ul style="list-style-type: none"> <li>• Wayne Sanford, a resident living on Nesbitt St., called to discuss his concerns with the proposed development which included the following: <ul style="list-style-type: none"> <li>• Mill Lake water supply;</li> </ul> </li> </ul> |
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|                    | <ul style="list-style-type: none"> <li>• Stormwater management for the proposed development, as the development is adding more impermeable surfaces to an area that already experiences water in the ditches if the tide is high;</li> <li>• Increase in property taxes in Windsor which will make it more expensive to live here. Worried that the young people that have moved here or are trying to move here won't be able to afford living in Windsor anymore;</li> <li>• Believes the winter shadow study shown by the developer is inaccurate with reference to his property and that the shadows could impact his ability to invest in solar on his property;</li> <li>• Unsure if there is enough parking to accommodate the different uses proposed;</li> <li>• Already has traffic concerns with trucks speeding down the road and causing major dust issues and shaking items off the walls in the house. Concerned this will increase with development on this site;</li> <li>• This development will change Nesbitt St. They currently enjoy the benefits of Windsor but are on a dead-end street outside of the busy areas of Windsor.</li> </ul> |
| <b>Adjournment</b> | The meeting was adjourned at 6:34 p.m.   |

**Public Email Responses Submitted for the Application PIM**

**From: Denise Forand**

**Date: June 20, 2023**

**To: Sara Poirier**

Dear Sara, Planner

In regards to the high 19 story mixed uses apartment building proposal, I am not in favour of the municipality going from 4 stories maximum to 19.

I question the load factors on that specific land for a giant high tower.

Will Colonial Way connect to the exit 5 to have two access routes?

I would love a recreation of the leaning tower of Windsor. It truly was a landmark where as Hockey is still always a debate.

Just my thoughts and concerns of direction for our future.

Thank You, Denise

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**From: Sara Poirier**

**Date: June 23, 2023**

**To: Denise Forand**

Hi Denise,

Thank you for your comments. I will ensure they are passed along to the Planning and Heritage Advisory Committee and Council when considering this proposal.

There is no indication from the Nova Scotia Department of Public Works for an additional highway connection to this site.

All the best,  
Sara

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**From: Shawn Foley**

**Date: June 21, 2023**

**To: Mayor Zebian**

Good day Abe,

I am reaching out to you today because of a Concept drawing you posted on Facebook of the Windsor Textiles Mill Location. After close examination it looks as if you removed some existing residential houses. I do have an interest in this development whereas my parent's home would be removed.

Would you be so kind as to email me a formal development plan. I would like to see the property outlines to see if I need be concerned.

Kind Regards,

Shawn Foley

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**From: Mayor Zebian**

**Date: June 21, 2023**

**To: Shawn Foley**

Hi Shawn. Thanks for the email.

The picture was provided by the developer of the former Windsor Wear Textile site.

The following link will take you to the staff and developer presentation that was held on Monday evening:

<https://www.westhants.ca/staff-reports.html> You will find this particular file under the Nesbit Street proposal.

You can also view the presentation on the West Hants Regional Municipality Facebook page.

If I recall correctly from the presentation, they have measured the closest side yard to be 26' to the closest property and up to over 100' to others.

I hope this helps.

Abraham Zebian

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**From: Shawn Foley**

**Date: June 21, 2023**

**To: Mayor Zebian**

Abe,

Thank you for the quick response, I will have a look and get some solid information. I'm sure all is well, but Mom and Dad are not getting any younger and I just want to make sure they are looked after.

Thank you again.

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**From: Shawn Foley**

**Date: June 21, 2023**

**To: Mayor Zebian**

I have reviewed the concept and in the proposed drawings it appears that [REDACTED] Nesbitt would lose accesses to Nesbitt St.

PowerPoint Presentation slide 7 of 21

<https://www.westhants.ca/planning/staff-reports/2023-staff-reports/4526-2023-06-19-pim-presentation-pdf/file.html>

Can you confirm this?

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**From: Mayor Zebian**

**Date: June 21, 2023**

**To: Shawn Foley and Sara Poirier**

Hi Shawn. I believe the question was posed to the developer and they stated they will ensure access remains as is. Director Poirier may be better to confirm this with confirmation with the developer (if the proposal is to be approved by council).

Abraham Zebian

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**From: Shawn Foley**

**Date: June 21, 2023**

**To: Mayor Zebian and Sara Poirier**

Thank you kindly,

If, I can have this confirmed, That the property in question, [REDACTED] Nesbitt St will still have the same vehicle access to Nesbitt St as prior, in an email before July 03, 2023 that would be great.

Thank you again.

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**From: Sara Poirier**

**Date: June 22, 2023**

**To: Shawn Foley and Mayor Zebian**

Good morning, Shawn,

Thank you for your email. I believe the access for [REDACTED] Nesbit St (PID [REDACTED]) to Nesbit St is written into the deed of the property (i.e., access to Nesbit St for those properties would have to be maintained). I have reached out to the developer for confirmation that the access to [REDACTED] Nesbit St will not change in relation to this proposal. I will get back to you as soon as I have that confirmation.

All the best,

Sara

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**From: Sara Poirier**

**Date: June 30, 2023**

**To: Shawn Foley and Mayor Zebian**

Good morning, Shawn,

I received a response from the developer related to the access to [REDACTED] Nesbit St (PID [REDACTED]) below.

“Please share with the neighbour that we have no intention to change the use of that portion of the property or affect the access to [REDACTED] Nesbit Street.”

All the best,

Sara

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**From: Marty Butler**

**Date: August 2, 2023**

**To: Sara Poirier**

Hello Sarah,

My name is Marty and I am a resident and business owner in Windsor, NS. I have recently had the chance to review the materials available on the Windsor West Hants website about the development proposal at 368 Nesbit Street and I would like to express my thoughts about the project in a manner that will ensure my voice is heard in the correct channels.

Preamble: I have grown up in a very rural, agricultural based community and have had the opportunity to live in small city (Guelph, ON) and a large city (Toronto, ON), as well as the privilege of travelling to many communities throughout Canada, the USA, and Europe. Urban development and city planning has always been something of a hobby of mine and I have been

conscious of the growth in the communities I have lived in. I am understand the value of dense, liveable, and accessible communities and hope that Windsor can achieve this as it grows.

Elements of the project that I support:

1) I love the concept of rehabilitating the old textile building. It will help maintain some of the character of the town and allow future generations to remember the industrial heritage of the community.

2) Mixed use developments are an excellent way to create walkable, livable communities. I support the town's goal to encourage a mixed use development on this site.

Elements of the project that I have concerns about:

3) The tower proposed on this site is 19 stories tall (81m). This will make is a monolith in the community and will not provide a graceful transition between the tower and the surrounding community. An easy comparison to an existing structure is the student residential building at Acadia university, it towers over the surrounding community, blocks the sun from its neighbours, and is generally an eye-sore. Furthermore, Windsor does not have an ultra dense downtown core like Toronto that would facilitate the need for tall residential towers and there are no tall buildings that this development will abut to visually ground it within the geographical area. During this decade, I do not think Windsor should allow developments taller than 8 stories unless there is a clear way to leverage more stories with affordable housing to a maximum of 10-12 stories.

4) Additionally, the amount of single layer, ground level parking and other low density commercial applications around the site will make entire project unbalanced. It hearkens back to the outdated "tower in a park" concept that has fallen out of favour amongst urban planners. This proposed 19 story tower surrounded by acres of parking lot will not look welcoming, modern, or attractive. It will give the impression of a suburban, car dependent, commercial region off the highway e.g. Bayers lake, New Minas etc.

5) I will preface the following comment by acknowledging that it is my personal opinion. The giant back-lit hockey stick and puck themed restaurant is, in my opinion, gimmicky, ugly, and will cheapen the existence of this town to nothing more than gaudy roadside attraction. Windsor needs to focus on creating an aesthetically beautiful streetscapes with a focus of plentiful and accessible housing and thriving commercial interests and industry. The hockey stick concept gives the impression of Las Vegas, or Niagara Falls which are well known tourist destinations that are notorious for their glossy veneers and bright lights being used to hid very ugly and impractical designs for locals.

6) How much of the proposed recreational spaces will be publicly accessible and free for town residents? Is the museum going to be part of the Nova Scotia Museum collection or is it going to be privately run? I understand that Windsor has a rich historical connection to ice hockey and there is already a small hockey museum within the Haliburton House Museum. Do you know if the developers of this new hockey museum are collaborating with the operators of the existing museum?

Broader Concerns about Windsor:

7) Is there any control the community can have on forcing the developer to build a certain percentage of 2 and 3 bedroom units? There is a common problem across all new developments in Canada in communities of all sizes: new condo buildings contain too high of a percentage of bachelor and one-bedroom units. This creates demographic problems because young families are forced to move out of the region, or at the very least out of the area they currently call home, due to lack of supply of multi-bedroom units. It also reduces the ability for residents to subsidize their rent or mortgage by taking on roommates.

8) How accessible will this development on Nesbitt Street be for cyclists and pedestrians travelling from the Windsor downtown? Is there going to be a comfortably-wide sidewalk across the new highway bridge or have some other plans been established? If Windsor plans to develop that side of the highway it will need to create safe sidewalks, pedestrian bridges, and intersections for pedestrians and cyclists. Communities like New Minas and Sackville, already show how isolated certain areas of a town can become when pedestrian mobility is not prioritized.

9) Does the community have any mechanism for encouraging developers to build affordable housing? It should develop one if it does not already.

10) Does Windsor and West Hants have a larger "Master Plan" for community development and infrastructure that encompasses a theme and direction for all future development plans? Many changes will happen across the province and Windsor would be wise to have a cohesive strategy to deal with global warming, disaster preparedness (flooding/fires/pandemics), affordable housing, aesthetics, accessibility, and inclusivity. I have a particular interest in understanding how Windsor/West Hants is advocating for public transit through the JRTA. Is there a good location for a regional rail stop within the town limits? Will this be close to the Nesbit Street development or the downtown? Issues like these are not the purview of the developer, but of Council. As a resident, I do not want to see random development popping up with zero cohesion -- it will decimate the good parts of Windsor and give way to useless urban sprawl, which studies routinely show does NOT increase affordability.

11) Many developers talk about the need for supply -- it's certainly a buzzword in Nova Scotia housing. However, it's come to my attention that development agreements with West Hants give developers 10 years to break ground. This town will be wildly different in 10 years -- and we need housing solutions to start now. Further to my comment about needing a master plan, the county also needs to hold developers to account; the start timeline should be 3 years maximum. If a developer is not ready to break ground within 3 years, they should not be submitting planning applications. Even the most conservative lenders and builders can gather enough to start a project within 3 years of getting planning permission. This is doubly true since the process of getting permission can take up 3-6 months -- adding extra time to that 3 year horizon.

Thank you for taking the time to read my input,

Sincerely,

Marty Butler

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**From: Sara Poirier**

**Date: August 9, 2023**

**To: Marty Butler**

Hello Marty,

Thank you for submitting your comments on the proposal. I will pass them along to the developer and to the Planning and Heritage Advisory Committee (PAC/HAC) at the September meeting.

A few notes in response to your comments below:

- The developer has been communicating with the existing Windsor Hockey Heritage Society to have them potentially relocate to this building.
- The planning documents can only enable certain types of overall developments, they cannot require a certain type of unit structure (i.e., ration of 1, 2 and 3 bedroom units). However, this could be negotiated with the developer through the development agreement process if Council considers this a priority.
- The planning documents do not have any requirement for affordable housing. This is something staff are in the process of reviewing by direction from the PAC/HAC on June 27, 2023.
- WHRM has documents (planning, climate change action, active transportation, etc.) which are considered when development applications are received. There are also a

variety of active Committees (PAC/HAC, MCCAP, AT, etc.) that influence planning decisions.

- I sit on the JRTA as the WHRM representative to discuss local transportation challenges/opportunities and learn more about the development of the provincial transportation plan.

All the best,

Sara