



**WEST HANTS REGIONAL MUNICIPALITY
Windsor Area Advisory Committee (WAAC) Agenda
July 2, 2020 – 6:00p.m.
Virtual Meeting (Zoom)**

- 1.0 Call to Order**
- 2.0 Approval of Agenda and Additions**
- 3.0 Approval of Minutes**
- 4.0 Business Arising from the Minutes**
 - 4.1 Update: File # 19-13 411 King Street, Windsor, Land Use By-law Amendment (Sara Poirier)
 - 4.2 Update: File # 20-16 543 O'Brien Street, Windsor, Discharge of Development Agreement (Sara Poirier)
 - 4.3 Questions and Discussion about Planning
- 5.0 Building and Development Activity Report**
- 6.0 New Business**
 - 6.1 Rural Churches: Overview (Sara Poirier)
 - 6.2 Planning Definitions (Saira Shah and Sara Poirier)
 - 6.3 Repeal of Minimum Standards By-law (Madelyn LeMay)
- 7.0 Notices from Adjacent Municipal Units**
- 8.0 Questions and Comments from Public**
- 9.0 Adjournment**



WEST HANTS REGIONAL MUNICIPALITY INFORMATION REPORT

To: Members of Windsor Area Advisory Committee

Submitted by: _____
Sara Poirier, Planner

Date: July 2, 2020

Subject: Rural Churches Investigation

LEGISLATIVE AUTHORITY

Municipal Government Act Section 214.

BACKGROUND

Dalhousie University students completed a project for West Hants entitled *Rural Churches in West Hants* in 2019. The study included background research and created an inventory of churches in the area, determined best practices and examples of potential future uses, and provided recommendations on future planning document amendments. As the study was conducted prior to consolidation, it did not include the churches in the community of Windsor, and was given the "Rural" title. Staff are providing the information to the Windsor Area Advisory Committee for consideration, to discuss the inclusion of Windsor in the inventory and to outline next steps.

DISCUSSION

Most churches in the Municipality were built prior to the 20th century. Many of these buildings were once a focal point for their communities and are rich in history and culture. However, churches are difficult to maintain as buildings are aging, funding is decreasing, and congregations are dwindling in size. Due to these pressures many church buildings are facing an uncertain future.

As noted above, Dalhousie University students completed a report entitled *Rural Churches in West Hants* and gave a presentation to the West Hants Planning Advisory Committee (WHPAC) in April 2019. The Dalhousie University report provided the WHPAC three recommendations for consideration. These include:

1. Exploring inclusive zoning by revising the permitted uses in certain zones;
2. Identifying alternative funding through grants and the pooling of resources; and
3. Strategic economic development to encourage repurposing for agri-tourism businesses.

Following the presentation, the WHPAC directed staff to explore the repurposing of church structures. Staff completed the inventory for the churches in West Hants and determined options that would make it easier to repurpose churches, particularly those that are zoned Institutional (I), without a development agreement or rezoning process, and to expand the permitted uses as-of-right. The staff report identified that public input from current property owners, congregations and residents would be required before pursuing any of the options provided.

In alignment with the Dalhousie University (2019) report, staff provided the following seven (7) options to the WHPAC.

- *Recommendation 1: Explore Inclusive Zoning*
 - Option 1 - Add specific reuse provisions for churches, and possibly community halls, to the Institutional (I) zone
 - Option 2 - Add uses such as small-scale residential or commercial to the Institutional (I) zone
 - Option 3 - Rezone the eight (8) churches that are zoned Institutional (I) to an abutting zone or a zone permitted within the designation
- *Recommendation 2: Identify Alternative Funding*
 - Option 4 - Consider extending property tax exemptions to repurposed churches
 - Option 5 - Advertise existing funding available for nonprofit and registered charities
 - Option 6 - Explore and advocate for partnerships with the Provincial and Federal government
- *Recommendation 3: Strategic Economic Development*
 - Option 7 - Consult Economic Development Officer

The staff report to the WHPAC and the report from Dalhousie University (2019) are attached to this report as Attachment A and B.

Staff are providing the information to the Windsor Area Advisory Committee for consideration and to discuss the inclusion of places of religious congregation in Windsor to the inventory. It is also provided to determine what potential uses the Committee may wish to see in church structures and to outline the next steps.

NEXT STEPS

Staff are working on including the places of religious congregation in Windsor to the inventory. Once the inventory is complete, staff would like to engage the public to

receive input from current property owners, congregations and residents on potential reuse options for the churches throughout the Region. Public engagement may include group discussions, public meetings and online surveys to gather responses. Following the public engagement, staff would bring the responses back to the Area Advisory Committees and Planning Advisory Committee to discuss and determine favourable reuse options.

FINANCIAL IMPLICATIONS

There are no major financial implications to the Municipality or residents with this project. There may be minimal costs associated with meeting location rental and staff time for the public engagement portion of the project.

ATTACHMENTS

- Attachment A October 17, 2019 - Staff Report to West Hants Planning Advisory Committee entitled Rural Churches Investigation
 - Attachment B April 9, 2019 – Report from Dalhousie University Students to West Hants
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Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Attachment A



MUNICIPALITY OF THE DISTRICT OF WEST HANTS Information Report to Planning Advisory Committee

To: Members of West Hants Planning Advisory Committee

Submitted by: Sara Poirier, Planner

Date: October 17, 2019

Subject: Rural Churches Investigation

1.0 BACKGROUND

Following a presentation to the West Hants Planning Advisory Committee (WHPAC) on April 18, 2019 entitled *Rural Churches in West Hants* by Dalhousie University Master of Planning candidates, the WHPAC made the motion to direct staff to explore the repurposing of church structures.

Background information can be found in the following reports:

April 9, 2019 Reuse of Rural Churches in West Hants

and minutes of the following Committees:

April 18, 2019 West Hants Planning Advisory Committee (WHPAC)

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act Section 214.

3.0 DISCUSSION and DOCUMENT REVIEW

Most churches in the Municipality of West Hants were built prior to the 20th century. Many of these buildings were once a focal point for their rural communities and are rich in history and culture. However, rural churches are difficult to maintain as buildings are aging, funding is decreasing, and congregations are dwindling in size. Due to these pressures many church buildings are facing an uncertain future.

The Planning and Development Department offered the project to investigate rural churches in West Hants to Dalhousie University Planning students. Two students from the Master of Planning program conducted background research and created an

inventory of churches in the area, determined best practices and examples of potential future uses, and provided recommendations on planning document amendments.

The students presented their results to the WHPAC on April 18, 2019. Their report entitled *Rural Churches in West Hants* provided three (3) recommendations for WHPAC to consider. These are:

1. **Exploring Inclusive Zoning** – Revise the permitted uses in certain zones to include a variety of uses on church sites including institutional, community services, commercial, and residential.
2. **Identifying Alternative Funding**
 - a. **Grants** – Consider allocating funding through grants to support community programming, if the reuse project was suggested by the community. Additionally, the Municipality could continue to honour the property tax exemption enjoyed by the church during its operation. Beyond municipal grants, the Municipality could also consider partnering with stakeholders to solicit and secure funding from external sources. Potential funding sources include organizations like the Rural Communities Foundation of Nova Scotia.
 - b. **Combining Resources** – Partner with higher levels of government where service priorities overlap to offer access to increased, reliable funding to address municipal issues in situ. Given West Hants' aging population and agricultural assets, the Municipality might successfully angle funding for desirable reuse projects by appealing to the Province's responsibility for health and agriculture. The Municipality could take a leadership role in brokering relationships and funding across stakeholders by identifying strategic and mutually beneficial opportunities to connect and combine resources with higher levels of government.
3. **Strategic Economic Development** – Strategically orient local economic development to leverage church assets and capitalize on the Annapolis Valley's growing agritourism industry. Businesses in rural areas that deliver products to market and are not dependent on foot traffic may have a higher chance of success. As commercial operations, such initiatives provide local jobs, property tax revenue, and increased economic activity while maintaining their rural surroundings. Producing consumable goods (ex. brewing or dairy-related) reflects West Hants' existing agricultural sector.

Of course, in evaluating potential reuse initiatives, the Municipality should consider public sensitivities to repurposing religious buildings; some residents may find some projects incompatible with the building's historic use.

The WHPAC directed staff to explore the repurposing of church structures in the Municipality following these recommendations.

3.1 Rural Churches in West Hants

The *Reuse of Rural Churches in West Hants* report identified and investigated 20 churches in the Municipality. Upon further investigation by staff, particularly review of

the Existing Land Use Survey (2018), staff identified an additional 12 churches in the Municipality. A map of the places of religious congregation that are still open to the public is attached as Map 1 and a list of the name and addresses of these are attached in Appendix A.

Of the 32 of churches identified in West Hants:

- Eight (8) are zoned Institutional (I);
- Eight (8) are zoned Rural Residential (R-4);
- Ten (10) are zoned General Resource (GR) (of these, 2 have Municipal Heritage Designation);
- Four (4) are zoned Agriculture Priority 2 (AR-2);
- Two (2) are zoned Mixed Commercial / Residential (C-2) (Hantsport).

Staff reviewed the policies of the West Hants Municipal Planning Strategy (WHMPS) and Hantsport Municipal Planning Strategy (HMPS) and the zones within the West Hants Land Use By-law (WHLUB) and Hantsport Land Use By-law (HLUB) to determine if it would be beneficial to rezone the churches that are not zoned Institutional (I) to Institutional (I). Where the zoning on the lot occupied by the church is the same as the surrounding zone, such as Rural Residential (R-4), General Resource (GR), Agriculture Priority 2 (AR-2) and Mixed Commercial / Residential (C-2), a wider variety of residential and commercial uses are allowed as-of-right. The uses permitted in these zones would be compatible with the surrounding community.

For this research, staff only focused on the churches zoned Institutional (I). Of the eight (8) churches that are zoned Institutional (I), six (6) are within the Residential (R) designation and two (2) are within the Village Core (VC) designation on the Generalized Future Land Use Map (GFLUM) of the WHMPS and HMPS.

3.2 Other Institutionally Zoned Properties

Through this investigation staff also reviewed the use of all the properties in West Hants that are zoned Institutional (I). There is a total of 37 properties in the Municipality zoned Institutional (I) (Map 2). Of those 37 properties:

- Eight (8) are churches (as mentioned in section 3.1);
- Six (6) are schools;
- Six (6) are senior's homes or homes for special care;
- Four (4) are community halls;
- Two (2) are associated with emergency services (Brooklyn Fire Station and West Hants Search and Rescue);
- Two (2) are associated with the municipal offices in Hantsport;
- One (1) is a library;
- One (1) is a museum;
- One (1) is an indoor recreation facility (Newport District Rink);
- One (1) is Camp Mockingee;

- Five (5) are vacant or have storage buildings.

Two (2) of the 37 properties identified are partially zoned Institutional (I) and partially zoned General Resource (GR) or Two Unit Residential (R-2). An additional two (2) properties on Smeltzer Road are also partially zoned Institutional (I) and partially zoned General Resource (GR) (PID 45041522 and PID 45041530). This may be a result of the mapping at the time the WHLUB was approved.

All of the uses identified above are permitted in the Institutional (I) zone and are not of concern to staff, however it did raise some points for consideration:

1. Dr. Arthur Hines Elementary School in Summerville is the only school in West Hants that is currently not zoned Institutional (I); it is zoned Rural Residential (R-4).
2. Brooklyn Fire Department is the only fire hall in West Hants zoned Institutional (I).
3. Only four (4) community halls of 21 are zoned Institutional (I).
4. The vacant / storage buildings and the community halls could be included in any of the options that WHPAC wants to move forward with. This could allow greater repurpose potential.
5. Properties within more than one zone should be reviewed during the Plan Review.

3.3 Permitted Uses in the Institutional Zone

All properties in the Municipality are zoned. A use that is permitted as-of-right is a use that is listed as a permitted use in that zone. The Institutional (I) zone lists a variety of permitted uses which means property owners could change the current use of the building to any of the uses permitted as-of-right without requiring an amendment (rezoning) or a development agreement.

3.3.1 West Hants Land Use By-law (WHLUB)

The WHLUB allows the following uses as-of-right in the Institutional (I) zone:

- *"Any institutional use which is incorporated under the Societies Act*
- *Churches and associated halls*
- *Colleges, universities and schools, including school dormitories*
- *Community centres*
- *Community service clubs and organizations*
- *Emergency services facilities (i.e., police, ambulance and fire stations)*
- *Government offices*
- *Homes for special care*
- *Hospitals and medical clinics*
- *Indoor recreation uses*
- *Libraries, museums and art galleries*
- *Residences accessory to permitted uses*

- *Senior citizen housing*
- *Tourist bureaus*

3.3.2 Hantsport Land Use By-law (HLUB)

The HLUB allows *“all institutional uses and non-residential daycare centres”* within the Institutional (I) zone. An Institutional (I) use is defined as *“a church, school, or hospital or any health care facility, whether public or privately operated, including Homes for Special Care, and any public use”*.

3.4 Current Policies for Considering Alternative Uses on Institutional Properties

The WHMPS outlines the policies of Council with some policies stating the intent to consider rezoning or allowing uses permitted in other zones by development agreement. The rezoning or development agreement process can take up to six months to complete, there is an application fee and it allows the public to comment and ask questions on the proposed development in their community.

3.4.1 West Hants Municipal Planning Strategy (WHMPS)

The WHMPS outlines specific policies to allow Council to consider rezoning properties. Staff investigated the designation for each of the eight (8) church properties with Institutional (I) zoning and determined the possible rezoning options which Council may consider.

Four (4) of the churches zoned Institutional (I) are located in the Growth Centres (GC); one (1) in Falmouth (GC-1) and three (3) in Three Mile Plains (GC-2). The general policies for the Growth Centres (GC) allow Council to consider uses permitted in the Local Commercial (LC) (Policy 5.6.4), Resource Industrial (M-1) (Policy 5.7.2) or Light Industrial (LI) (Policy 5.7.6) zones by development agreement. Both of the Growth Centres (GC) also have similar policies that allow Council to consider rezoning to Single Unit Residential (R-1) (Policy 5.3.2 or 5.4.2) or Two Unit Residential (R-2) (Policy 5.3.4 or 5.4.3).

Two (2) of the churches zoned Institutional (I) are located within the Village Core (VC) designation in Brooklyn. Policy 6.2.3 allows consideration to rezone to Single Unit Residential (R-1) or Two Unit Residential (R-2) and Policy 6.3.4 allows consideration by development agreement of uses permitted in the General Commercial (GC) or Highway Commercial (HC) zones.

3.4.2 Hantsport Municipal Planning Strategy (HMPS)

Two (2) of the eight (8) churches zoned Institutional (I) are within the community of Hantsport. Policy RP-2A of the HMPS allows Council to consider rezoning to Two Unit Residential (R-2).

3.5 Terminology

A church is a term to describe a place of worship mainly associated with Christian religions. The current definition of church in the WHLUB states *“Church means a*

building dedicated to any religious worship and includes an associated hall, auditorium, Sunday School, day nursery or residence operated by the church on the same lot or an adjacent lot". The current definition of church in the HLUB is "Church means an institutional building dedicated to religious worship, and includes a church hall, church auditorium, Sunday School, or Parish Hall."

To be more inclusive of other religions staff suggest changing the term from "church" to "place of religious congregation" in both the WHLUB and HLUB. The new definition for place of religious congregation could be "Place of Religious Congregation means a building dedicated to any religious congregation and/or worship and includes a church, synagogue, temple or assembly hall and may include such accessory uses as an auditorium, a nursery school, a school of religious education, convent, monastery, parish hall or residence operated by the place of religious congregation on the same lot or an adjacent lot."

Place of religious congregation would replace the use of church in all sections of both West Hants and Hantsport planning documents.

4.0 OPTIONS

From discussion at the April WHPAC meeting staff understand that the goal of this investigation is to make it easier to repurpose churches, particularly those that are zoned Institutional (I), without a development agreement or rezoning process, and to expand permitted uses as-of-right.

As the Institutional (I) zone already permits a broad variety of community uses and there are many options allowed to be considered by development agreement, staff have provided a few options for WHPAC to consider that would allow a property owner to reuse the property for residential and/or commercial purposes as-of-right.

The options provided should be considered with input from property owners, congregations and other stakeholders in a public meeting setting. The public meeting should be less formal than a typical meeting of the WHPAC to ensure those in attendance feel comfortable to express their honest opinions and discuss options openly.

WHPAC could recommend that staff conduct the work required for a combination of any of the options.

4.1 Recommendation 1: Explore Inclusive Zoning

Options 1-3 would allow repurposing of the church buildings zoned Institutional (I) as-of-right. Some options would require more staff time than others. WHPAC should consider the process and outcome of any of the options provided. Additionally, discussion should be held to determine at which point the owner should have to go through the amendment or development agreement process, or whether the work would be done as a series of housekeeping amendments with no requirement for application from the owner. Once PAC has provided direction, HAAC would be involved in providing a review of any amendments proposed to the HMPS or HLUB.

Option 1

Add specific reuse provisions for churches, and possibly community halls, to the Institutional (I) zone. An example of the amendments to the WHLUB and HLUB are attached in Appendix B and C.

Pros	Cons
<ul style="list-style-type: none">• It would be a simple amendment to the By-laws to add provisions for churches and community halls• It could permit a church as an accessory use to a main use	<ul style="list-style-type: none">• It would only benefit the eight (8) churches that are zoned Institutional (I)• It would require community consultation to determine what uses are appropriate and the size of the uses• There would be no community input at the time a church property was considering reuse to commercial or residential if permitted as-of-right (i.e. unlike the current rezoning or development agreement process)

Option 2

Add uses such as small-scale residential or commercial to the Institutional (I) zone. An example of the amendments to the WHLUB and HLUB are attached in Appendix D and E.

Pros	Cons
<ul style="list-style-type: none">• Allowing additional uses within the Institutional (I) zone would make it similar to the Mixed Commercial / Residential (C-2) zone in Hantsport• It would be a simple amendment to the By-laws to add uses to the list of permitted uses• It could permit a church as an accessory use to a main use	<ul style="list-style-type: none">• It would only benefit the eight (8) churches that are zoned Institutional (I)• It would require community consultation to determine what uses are appropriate and the size of the uses• There would be no community input at the time a church property was considering reuse to commercial or residential if permitted as-of-right (i.e. unlike the current rezoning or development agreement process)• May need to consider changing the name of the Institutional (I) zone to better reflect the uses that would be permitted which would require additional planning document amendments

Option 3

Rezone the eight (8) churches that are zoned Institutional (I) to an abutting zone or a zone permitted within the designation. Possible zones for consideration and amendments to the WHLUB and HLUB are provided in Appendix F.

Pros	Cons
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<ul style="list-style-type: none"> • This would ensure the reuse would be compatible with the surrounding community • It could permit a church as an accessory use to a main use • It could be completed through the Plan Review 	<ul style="list-style-type: none"> • It would require consultation with the property owners • There would be no community input at the time a church property was considering reuse if they were considering a use permitted in the new zone (i.e. unlike the current rezoning or development agreement process)
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4.2 Recommendation 2: Identify Alternative Funding

Option 4

Consider extending property tax exemptions to repurposed churches if they meet certain criteria (i.e. provide a public use / good). The West Hants Tax Exemption Policy stipulates that properties owned by Registered Canadian Charity, Nonprofit or Commercial Nonprofit can receive a tax exemption if they apply. Any further tax exemption would have to be determined by the new Regional government and would require inclusion in the Regional Tax Exemption Policy.

Option 5

Advertise existing funding available for nonprofit and registered charities providing a public service such as the funding sources available through the Rural Communities Foundation of Nova Scotia. Advertising could be done by providing web links on the Municipal website and social media pages and posting brochures and posters at the Municipal offices.

Option 6

Explore and advocate for partnerships with the Provincial and Federal government to align service priorities for residents (i.e. rural transportation, affordable housing, health care, etc.). This would require significant staff time and would be an ongoing task of Council. It may require funding allocation and would need to be considered by the new Regional government.

4.3 Recommendation 3: Strategic Economic Development

Option 7

Consult and / or direct the Economic Development Consultant to pursue the promotion of the potential reuse of rural churches specifically for agritourism businesses.

5.0 FINANCIAL IMPLICATIONS

There are no financial implications associated with the filing of this report. There would be associated costs with any of the options to be considered in this report. None have been included within the approved budget.

There would be significant staff time in relation to any of the options for consideration. Option 1-3 would require planning staff time; Option 4 would require the Municipal Clerk's time if the Tax Exemption Policy required amendments; Option 5 would require

time from the Communications Coordinator to update the website and social media pages, with assistance from the Planning and Development Department and the Economic Development Consultant to provide the list of resource to circulate; Option 6 would require assistance from the CAO and Economic Development Consultant; and Option 7 would require time from the Economic Development Consultant.

There may also be financial implications for the owners of the buildings if they were to consider an alternative use. The first potential implication would be related to taxes (see section 5.1) and the second potential implication would be related to the Building Code requirements for existing church buildings to come into compliance with the current Building Code for residential or commercial purposes (see section 5.2). There may also be advertising and possibly processing fees for rezoning associated with Option 3 unless this is completed during the Plan Review.

5.1 Tax Exemptions

Nova Scotia Assessment Act

Section 5 of the Nova Scotia Assessment Act (2012) exempts the following uses from taxation:

- (b) every church and place of worship and the land used in connection therewith, and every churchyard and church burial ground and every church hall used for religious or congregational purposes exclusively save only for occasions specially authorized by church authorities and for which no revenue in excess of one hundred dollars per annum is received, but in computing revenue for the purposes of this clause there shall be excluded any contribution paid towards the reasonable additional costs of upkeep imposed by the use;*
- (c) the property of a nonprofit community cemetery, as cemetery is defined by the Cemetery and Funeral Services Act;*
- (v) property specially exempted from municipal taxation by any Act of the Legislature to the extent that it is so exempt.*

All of the 32 churches in West Hants have been assessed by Property Valuation Services Corporation (PVSC) and are exempt from paying taxes to the Municipality. As long as they continue to meet the exemption criteria of the Nova Scotia Assessment Act, they will be able to receive this exemption. If the property was to change uses (i.e. to residential) this may trigger PVSC to reassess the property and the owner would begin paying taxes to the Municipality based on PVSC's assessment.

Municipal Tax Exemption

The Municipality of West Hants provides a tax exemption for eligible properties where the owner applies for the exemption and the property is owned by a Registered Canadian Charity, Nonprofit or Commercial Nonprofit. Nine (9) of the 37 properties that are zoned Institutional (I) are provided a full tax exemption by the Municipality; six (6) of these are owned by Registered Canadian Charities and three (3) of these by

Registered Nonprofits. If the properties were to change use or change ownership, they may be ineligible to continue receiving the tax exemption.

Between the Nova Scotia Assessment Act and the Municipal Tax Exemption, 17 of the 37 properties zoned Institutional (I) are exempt from paying Municipal taxes. As the eight (8) churches that are zoned Institutional (I) are already exempt from taxes through the Nova Scotia Assessment Act, none of them have applied for the Municipal tax exemption. Changing the use of the building may trigger a reassessment by PVSC making them no longer eligible to receive the tax exemption through the Nova Scotia Assessment Act. Additionally, if the property is not owned by a Registered Canadian Charity, Nonprofit or Commercial Nonprofit it would make the property ineligible to receive the Municipal tax exemption. This would increase the fixed costs associated with repurposing a church structure.

5.2 Building Code

When a building is constructed it needs to meet the building code in effect at the time of construction, however if an existing building goes through a substantial change in use (i.e. from Institutional (I) to Residential (R)) which requires renovations the current Building Code would apply. The Nova Scotia Building Code Regulations (2019) outline alternative compliance methods for buildings that existed prior to March 13, 1987. These alternative compliance methods would be used to determine the upgrades necessary to be able to repurpose the existing church structure and are less stringent than what would be required if someone was constructing a new building today.

Some of the main issues when changing the use of a church building includes meeting the Energy Code and, if a residential use is proposed, meeting the requirements for plumbing, heating and ventilation. This would mean that there may be significant costs associated with upgrading the building to a residential or commercial standard to permit the change of use.

6.0 CONCLUSION

This report gives the WHPAC options to consider to more readily allow the repurposing of Institutionally zoned church structures as-of-right compared to through the development agreement and amendment process. Staff requires direction from the WHPAC on the following items:

- what options (if any) staff should move forward with;
- if a public meeting with the Institutionally (I) zoned churches should be organized; and
- if the term and definition of Place of Religious Congregation should be used rather than church.

7.0 APPENDICES

Map 1 Places of Religious Congregation

Appendix A Places of Religious Congregation Name and Address

- Map 2** Properties with Institutional (I) zoning
- Appendix B** Option 1 – Example of draft amendments to the WHLUB Institutional (I) Zone
- Appendix C** Option 1 – Example of draft amendments to the HLUB Institutional (I) Zone
- Appendix D** Option 2 – Example of draft amendments to the WHLUB Institutional (I) Zone
- Appendix E** Option 2 – Example of draft amendments to the HLUB Institutional (I) Zone
- Appendix F** Option 3 – Example of potential rezoning options for the eight (8) churches currently zoned Institutional (I) and corresponding drafts to the WHLUB and HLUB

Report Approved by: Madelyn LeMay, Director of Planning and Development

Map 1
Places of Religious Congregation



#	NAME	ADDRESS
01	Falmouth United Baptist Church	404 Town Rd, Falmouth
02	Upper Vaughan Baptist Church	81 Lakeview Cres, Upper Vaughan
03	St Mary's Catholic Church	67 Main St, Hantsport
04	Hantsport Baptist Church	6 Willow St, Hantsport
05	Mount Denson Baptist Church	533 Highway 1, Hantsport
06	St James Anglican Church	11 Churchill Dr, Newport
07	Newport United Church	7800 Highway 14, Newport
08	Ardoise Union Church	6655 Highway 1, Ardoise
09	St Michaels & All Angels Anglican Church	4321 Highway 14, Windsor
10	All Saints Anglican Church	652 New Ross Rd, Leminster
11		820 New Ross Rd, Leminster
12	Apostic Church	1248 New Ross Rd, Vaughan
13		1604 New Ross Rd, Vaughan
14	Windsor Plains United Baptist Church	4841 Highway 1, Newport Station
15	St Thomas Anglican Church	4771 Highway 1, Three Mile Plains
16	St Louise Union Church	16 Maple Ave, Ellershouse
17	St George's Anglican Church	465 Sangster Bridge Rd, Falmouth
18	Glad Tidings Worship Centre	5398 Highway 14, Currys Corner
19		8053 Highway 215, Cambridge
20	Saint Croix United Church	5477 Evangeline Trail, Saint Croix
21	Cemetery also	8903 Highway 215, Pembroke
22	Cambridge Chapel	8124 Highway 215, Cambridge
23	United Church of Canada	6323 Highway 215, Cheverie
24	Kempt Shore Presbyterian Church	5659 Highway 215, Kempt Shore
25	Newport Baptist Church	929 Highway 236, Scotch Village
26	Avondale United Church	89 Avondale Cross Rd, Newport
27	St John the Baptist Church	908 Avondale Rd, Newport
28	Pentecostal Holiness Church	4081 Highway 215, Lower Burlington
29	Kempt United Baptist Church	20 Musgrave Rd, Summerville
30	Kingdom Hall of Jehovah's Witnesses	7027 Highway 14, Sweets Corner
31	St Andrew's Anglican Church	59 Main St, Hantsport
32	Avon United Church	17 Prince St, Hantsport

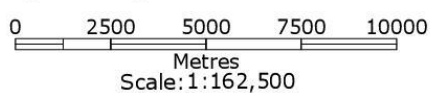


**Places of Religious Congregation
Municipality of West Hants**

- Places of Religious Congregation
- Municipal Boundary
- Communities
- Road
- Water

Prepared by:
West Hants Planning Department
August 2019

Base data derived from the Nova Scotia Property Records Database (NSPRD), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia



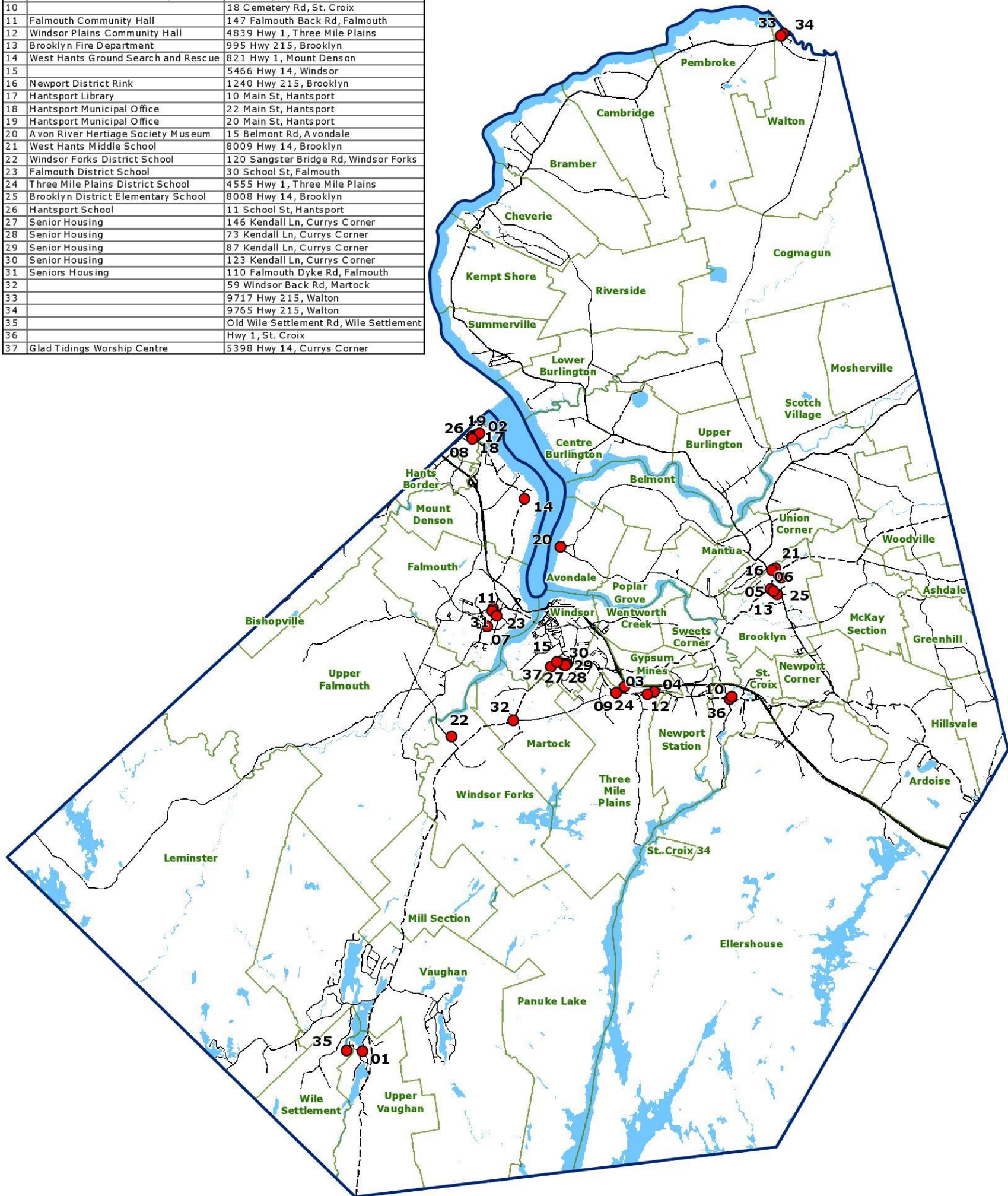
Appendix A
Places of Religious Congregation Name and Address

PID	Name	Address	Zoning	Designation
45030467	Falmouth United Baptist Church	404 Town Rd, Falmouth	Institutional (I)	Residential (R)
45040763	Upper Vaughan Baptist Church	81 Lakeview Cres, Upper Vaughan	General Resource (GR)	Resource (S)
45048220	St Mary's Catholic Church	67 Main St, Hantsport	Mixed Commercial / Residential (C-2)	Commercial (C)
45048253	Hantsport Baptist Church	6 Willow St, Hantsport	Institutional (I)	Residential (R)
45057072	Mount Denson Baptist Church	533 Highway 1, Hantsport	Rural Residential (R-4)	Hamlet (H)
45060720	St James Anglican Church	11 Churchill Dr, Newport	Institutional (I)	Village Core (VC)
45060738	Newport United Church	7800 Nova Scotia Trunk 14, Newport	Institutional (I)	Village Core (VC)
45060878	Ardoise Union Church	6655 Highway 1, Ardoise	Rural Residential (R-4)	Hamlet (H)
45061348	St Michaels & All Angels Anglican Church	4321 NS-14, Windsor	Agriculture Priority 2 (AR-2)	Agriculture (AG)
45061421	All Saints Anglican Church	652 New Ross Rd, Leminster	General Resource (GR)	Resource (S)
45061439	-	820 New Ross Rd, Leminster	General Resource (GR)	Resource (S)
45061447	Apostic Church	1248 New Ross Rd, Vaughan	General Resource (GR)	Resource (S)
45061454	-	1604 New Ross Rd, Vaughan	General Resource (GR)	Resource (S)
45062320	Windsor Plains United Baptist Church	4841 Nova Scotia Trunk 1, Newport Station	Institutional (I)	Residential (R)
45062353	St Thomas Anglican Church	4771 Nova Scotia Trunk 1, Three Mile Plains	Institutional (I)	Residential (R)
45062411	St Louise Union Church	16 Maple Ave, Ellershouse	Rural Residential (R-4)	Hamlet (H)
45062627	St George's Anglican Church	465 Sangster Bridge Rd, Falmouth	Agriculture Priority 2 (AR-2)	Resource (S)
45075439	Glad Tidings Worship Centre	5398 Highway 14, Currys Corner	Institutional (I)	Residential (R)
45154697	-	8053 Highway 215, Cambridge	General Resource (GR)	Resource (S)
45161049	Saint Croix United Church	5477 Evangeline Trail, Saint Croix	Rural Residential (R-4)	Hamlet (H)
45173069	Cemetery also	8903 Highway 215, Pembroke	General Resource (GR)	Resource (S)
45173119	Cambridge Chapel	8124 Highway 215, Cambridge	General Resource (GR)	Resource (S)
45178738	United Church of Canada	6323 Highway 215, Cheverie	Rural Residential (R-4)	Hamlet (H)
45179900	Kempt Shore Presbyterian Church	5659 Highway 215, Kempt Shore	General Resource (GR)	Resource (S)
45186707	Newport Baptist Church	929 NS-236, Scotch Village	Agriculture Priority 2 (AR-2)	Agriculture (AG)
45186756	Avondale United Church	89 Avondale Cross Rd, Newport	Rural Residential (R-4)	Hamlet (H)
45186764	St John the Baptist Church	908 Avondale Rd, Newport	Agriculture Priority 2 (AR-2)	Agriculture (AG)
45186780	Pentecostal Holiness Church	4081 Highway 215, Lower Burlington	General Resource (GR)	Resource (S)
45207792	Kempt United Baptist Church	20 Musgrave Rd, Summerville	Rural Residential (R-4)	Hamlet (H)
45276433	Kingdom Hall of Jehovah's Witnesses	7027 Nova Scotia Trunk 14, Sweets Corner	Rural Residential (R-4)	Hamlet (H)
45289295	St Andrew's Anglican Church	59 Main St, Hantsport	Mixed Commercial / Residential (C-2)	Commercial (C)
45377744	Avon United Church	17 Prince St, Hantsport	Institutional (I)	Residential (R)

**Map 2
Properties with Institutional (I) zoning**



#	NAME	ADDRESS
01	Camp Mockingee	160 Smeltzer Rd, Upper Vaughan
02	A von United Church	17 Prince St, Hantsport
03	St. Thomas Anglican Church	4771 Hwy 1, Three Mile Plains
04	Windsor Plains United Baptist Church	4841 Hwy 1, Three Mile Plains
05	Newport United Church	7800 Hwy 14, Brooklyn
06	St. James Anglican Church	9 Churchill Dr, Brooklyn
07	Falmouth Baptist Church	404 Town Rd, Falmouth
08	Hantsport Baptists Church	6 Willow St, Hantsport
09	Three Mile Plains Community Hall	4474 Hwy 1, Three Mile Plains
10		18 Cemetery Rd, St. Croix
11	Falmouth Community Hall	147 Falmouth Back Rd, Falmouth
12	Windsor Plains Community Hall	4839 Hwy 1, Three Mile Plains
13	Brooklyn Fire Department	995 Hwy 215, Brooklyn
14	West Hants Ground Search and Rescue	821 Hwy 1, Mount Denson
15		5466 Hwy 14, Windsor
16	Newport District Rink	1240 Hwy 215, Brooklyn
17	Hantsport Library	10 Main St, Hantsport
18	Hantsport Municipal Office	22 Main St, Hantsport
19	Hantsport Municipal Office	20 Main St, Hantsport
20	A von River Heritage Society Museum	15 Belmont Rd, Avondale
21	West Hants Middle School	8009 Hwy 14, Brooklyn
22	Windsor Forks District School	120 Sangster Bridge Rd, Windsor Forks
23	Falmouth District School	30 School St, Falmouth
24	Three Mile Plains District School	4555 Hwy 1, Three Mile Plains
25	Brooklyn District Elementary School	8008 Hwy 14, Brooklyn
26	Hantsport School	11 School St, Hantsport
27	Senior Housing	146 Kendall Ln, Currys Corner
28	Senior Housing	73 Kendall Ln, Currys Corner
29	Senior Housing	87 Kendall Ln, Currys Corner
30	Senior Housing	123 Kendall Ln, Currys Corner
31	Seniors Housing	110 Falmouth Dyke Rd, Falmouth
32		59 Windsor Back Rd, Martock
33		9717 Hwy 215, Walton
34		9765 Hwy 215, Walton
35		Old Wile Settlement Rd, Wile Settlement
36		Hwy 1, St. Croix
37	Glad Tidings Worship Centre	5398 Hwy 14, Currys Corner

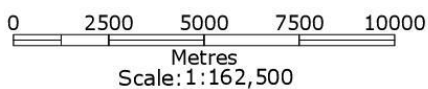


**Properties with Institutional Zoning
Municipality of West Hants**

- Institutional Zoned Properties
- Municipal Boundary
- Communities
- Road
- Water

Prepared by:
West Hants Planning Department
August 2019

Base data derived from the Nova Scotia Property
Records Database (NSPRD), Copyright Her Majesty
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Appendix B
Option 1 – Example of draft amendments to the
WHLUB Institutional (I) zone

The amendments to the Institutional (I) zone are highlighted in red text. These would be an example of the amendments to the Institutional (I) zone in West Hants, if WHPAC decided to add specific reuse provisions for churches, and possibly community halls, to the Institutional (I) zone.

32.0 INSTITUTIONAL (I)

Permitted Uses

32.1 The following uses shall be permitted in the Institutional (I) zone:

- Any institutional use which is incorporated under the *Societies Act*
- Churches and associated halls
- Colleges, universities and schools, including school dormitories
- Community centres
- Community service clubs and organizations
- Emergency services facilities (i.e., police, ambulance and fire stations)
- Government offices
- Homes for special care
- Hospitals and medical clinics
- Indoor recreation uses
- Libraries, museums and art galleries
- Residences accessory to permitted uses
- Senior citizen housing
- Tourist bureaus

General Lot Requirements

32.2 In the Institutional (I) zone, no development permit shall be issued except in conformity with the following:

	with municipal services	with on-site services
Minimum lot area	24,000 ft ² (2,229.60 m ²)	40,000 ft ² (3,716.00 m ²)
Minimum lot frontage	120 ft (30.48 m)	
Minimum front yard	30 ft (9.14 m)	
Minimum rear yard	30 ft (9.14 m)	
Minimum side yard	30 ft (9.14 m)	

Maximum height of main building	35 ft (10.67 m)
----------------------------------------	-----------------

Existing Churches and Community Halls

32.3

(a) Any lot in the Institutional (I) Zone which contains a church or community hall existing as of DATE and located in the Growth Centre Designation may be used for any use permitted in the Two Unit Residential (R-2) Zone or Local Commercial (LC) Zone.

(b) Any lot in the Institutional (I) Zone which contains a church or community hall existing as of DATE and located in the Village Core Designation may be used for any use permitted in the Two Unit Residential (R-2) Zone, General Commercial (GC) Zone or Highway Commercial (GC) Zone.

(c) Any lot in the Institutional (I) Zone which contains a church or community hall existing as of DATE and located in the Hamlet Designation may be used for any use permitted in the Rural Residential (R4) Zone and Rural Commercial (RC) Zone.

Appendix C
Option 1 – Example of draft amendments to the
HLUB Institutional (I) zone

The amendments to the Institutional (I) zone are highlighted in red text. These would be an example of the amendments to the Institutional (I) zone in Hantsport, if WHPAC decided to add specific reuse provisions for churches, and possibly community halls, to the Institutional (I) zone.

Part 11 Institutional (I) Zone

11.1 Permitted Uses

The following uses are permitted in this zone:

- all institutional uses
- non residential daycare centre

11.2 Lot Specifications

AREA	600 square metres (6458 square feet)
FRONTAGE	20 metres (65.6 feet)
REQUIRED YARDS: Front	8 metres (26.2 feet)
Side	3 metres (9.8 feet) or one-half the height of the building, whichever is greater

11.3 Special Requirement – Parking

Parking is not to be provided between the structure and the street, or in required yards. Driveways may be located in required front and side yards.

11.4 Churches and Community Halls

Any lot in the Institutional (I) Zone which contains a church or community hall existing as of DATE and located in the Residential Designation may be used for any use permitted in the Two Unit Residential (R-2) Zone

Appendix D
Option 2 – Example of draft amendments to the
WHLUB Institutional (I) zone

The amendments to the Institutional (I) zone are highlighted in red text. These would be an example of the amendments to the permitted uses in the Institutional (I) zone in West Hants, if WHPAC decided to add uses such as small-scale residential or commercial to the Institutional (I) zone. Uses can be added/subtracted from the list as the WHPAC directs.

32.0 INSTITUTIONAL (I)

Permitted Uses

32.1 The following uses shall be permitted in the Institutional (I) zone:

- Any institutional use which is incorporated under the *Societies Act*
- **Arts and craft studios including photography**
- **Automobile service stations, car washes and repair centres**
- **Automobile, truck and motorcycle sales, service or rental establishments**
- **Banks and financial institutions**
- **Building supply establishments**
- Churches and associated halls
- Colleges, universities and schools, including school dormitories
- Community centres
- Community service clubs and organizations
- **Day care centres, licensed or non-licensed**
- **Dry cleaning and laundry establishments**
- Emergency services facilities (i.e., police, ambulance and fire stations)
- **Entertainment, recreation and assembly uses within a wholly enclosed building**
- **Farm markets**
- **Farm supplies and equipment sales and service**
- **Funeral homes**
- **Garden and nursery sales and supplies**
- Government offices
- **Heavy equipment sales and service**
- Homes for special care
- Hospitals and medical clinics
- **Hotels, motels and other tourist accommodations**
- Indoor recreation uses
- **Kennels**
- Libraries, museums and art galleries
- **Licensed liquor establishments**
- **Local shopping centres**
- **Manufactured home sales**

- Offices
- Post offices and postal outlets
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Restaurants
- Repair and rental establishments
- Retail stores
- Residences accessory to permitted uses
- Senior citizen housing
- Self Storage Operations
- Service and personal service shops
- Single unit or two-unit dwellings
- Taxi, train and bus stations
- Tourist bureaus
- Veterinary clinics and animal hospitals
- Wholesaling and wholesale sales

General Lot Requirements

32.2 In the Institutional (I) zone, no development permit shall be issued except in conformity with the following:

	with municipal services	with on-site services
Minimum lot area	24,000 ft ² (2,229.60 m ²)	40,000 ft ² (3,716.00 m ²)
Minimum lot frontage	120 ft (30.48 m)	
Minimum front yard	30 ft (9.14 m)	
Minimum rear yard	30 ft (9.14 m)	
Minimum side yard	30 ft (9.14 m)	
Maximum height of main building	35 ft (10.67 m)	

Appendix E
Option 2 – Example of draft amendments to the
HLUB Institutional (I) zone

The amendments to the Institutional (I) zone are highlighted in red text. These would be an example of the amendments to the permitted uses in the Institutional (I) zone in Hantsport, if WHPAC decided to add uses such as small-scale residential or commercial to the Institutional (I) zone. Uses can be added/subtracted from the list as the WHPAC directs.

Part 11 Institutional (I) Zone

11.1 Permitted Uses

The following uses are permitted in this zone:

- all commercial uses
- all institutional uses
- artisan workshops
- bed and breakfast homes
- boarding rooms
- duplex dwellings
- guest houses
- medical clinics
- museums
- multiple unit dwellings
- non residential daycare centre
- offices
- semi-detached dwellings
- single detached dwellings
- residential day care centre

11.2 Lot Specifications

AREA	600 square metres (6458 square feet)
FRONTAGE	20 metres (65.6 feet)
REQUIRED YARDS: Front	8 metres (26.2 feet)
Side	3 metres (9.8 feet) or one-half the height of the building, whichever is greater

11.3 Special Requirement – Parking

Parking is not to be provided between the structure and the street, or in required yards. Driveways may be located in required front and side yards.

Appendix F
Option 3 – Example of potential rezoning options for the
eight (8) churches currently zoned Institutional (I) and corresponding drafts
to the WHMPS and HMPS

The table below shows the list of the eight (8) churches in West Hants that are currently zoned Institutional (I). The table also shows the zones permitted within the same designation as these churches. This offer some potential options for an amendments (rezoning) of the church properties to a zone compatible with the surrounding community. Additionally, if the properties were rezoned there would be a general provision added (changes in red) to the WHLUB and HLUB that states existing churches are a permitted use in any zone.

Planning Strategy	PID	Name and Address	Designation	Zones Permitted within the Designation		
Hantsport	45377744	Avon United Church 17 Prince St, Hantsport	Residential (R)	Single Unit Residential (R-1)	Two Unit Residential (R-2)	Multiple Unit Residential (R-3)
	45048253	Hantsport Baptist Church 6 Willow St, Hantsport				
West Hants	45060720	St James Anglican Church 11 Churchill Dr, Newport	Village (V) - Village Core (VC)	Single Unit Residential (R-1)	Two Unit Residential (R-2)	Local Commercial (LC)
	45060738	Newport United Church 7800 Nova Scotia Trunk 14, Newport				
	45030467	Falmouth United Baptist Church 404 Town Rd, Falmouth	Growth Centre (GC) - Residential (R)	Single Unit Residential (R-1)	Two Unit Residential (R-2)	Multiple Unit Residential (R-3)
	45062320	Windsor Plains United Baptist Church 4841 Nova Scotia Trunk 1, Newport Station				
	45062353	St Thomas Anglican Church 4771 Nova Scotia Trunk 1, Three Mile Plains				
	45075439	Glad Tidings Worship Centre 5398 Highway 14, Currys Corner				

5.0 GENERAL PROVISIONS FOR ALL ZONES

Churches and Community Halls

5.6 Existing churches, community halls and associated buildings shall be permitted in any zone subject to the requirements of that zone.

HANTSPORT LAND USE BY-LAW (HLUB)

5.0 General Provisions for all Zones

5.3 Churches and Community Halls

In the community of Hantsport, existing churches, community halls and associated buildings shall be permitted in any zone subject to the requirements of that zone.

Reuse of Rural Churches in West Hants

Final Report

April 9, 2019

Executive Summary

Across Canada, places of worship are experiencing aging and shrinking congregations and rising maintenance costs for their buildings. Frequently these places of worship are historic landmarks and community hubs. Municipalities are looking for economically-feasible ways to preserve these buildings. As a rural municipality with a number of historic churches, the Municipality of West Hants seeks options for potential adaptive reuse that involve minimal red tape and are sustained by non-municipal revenue sources. West Hants is currently in the process of consolidating with the neighbouring Town of Windsor which provides an opportunity for policy and zoning changes to be incorporated into an updated Municipal Planning Strategy (MPS).

Deliverables

This report provides four deliverables to assist West Hants in adaptive reuse of its churches:

1. A matrix of churches within the municipality listing characteristics that help inform potential reuse
2. A regulatory review that identifies barriers to reuse in the existing MPS
3. Best practice examples of church adaptive reuse in comparable contexts (rural community, similar regulatory structure and demographics)
4. Recommendations on reuse approaches

Church Matrix

Following site visits, a matrix listing the 20 churches in West Hants with their physical condition, lot size, zoning, neighbourhood characteristics, amenity space and municipal servicing potential was compiled. This matrix follows the example of the inventory of places of worship the Ontario Heritage Trust has developed, to assist municipalities in making decisions about religious heritage preservation. The West Hants matrix is intended to be a living document that can be updated with more information as available, to help guide planning and decisions on reuse potential.

Regulatory Review

A review of the MPS for West Hants, Windsor and Hantsport (former town dissolved into West Hants in 2015), found several common themes. All three note the need for more seniors housing and multi-unit developments. However, all three require a rezoning or development agreement for these types of buildings – a regulatory barrier they may want to change. Water and wastewater capacity may also present barriers to some types of reuse in all three areas. The 20 churches fall into one of four zoning designations: Institutional, Rural Residential, Agricultural Priority 2, and General Resource. These last three zones provide for limited residential and/or commercial use, which could support some as-of-right reuses.

Best Practice Profiles

A review of rural church repurposing projects that reflect efficient use of resources and ongoing economic viability, found three examples of particular relevance to West Hants:

1. Grace Centre – Sydenham, ON

A United church converted to a hub for seniors' health and wellness initiatives. It leverages provincial funding and has spurred a neighbouring seniors' housing development. Its zoning enables a broad range of uses as-of-right.

2. Church Brewing Co. – Wolfville, NS

A United church adapted to become a restaurant in the town centre, with a microbrewery as an accessory use. The site was rezoned in an MPS review to enable restaurant reuse. However, the attached brewery has been contentious due to its location next to

residential areas. This might be avoided in more rural settings. The restaurant & brewery provide jobs and economic activity for the town.

3. Fromagerie du Presbytère – Sainte- Elizabeth-de-Warwick, QC

A Catholic church and rectory purchased by a dairy farm to operate as a cheese factory for \$1, in return for retaining a portion of the church for religious services and covering maintenance costs. The fromagerie has an extensive export business to grocery stores across Quebec, and hosts weekly summer festivals that attract thousands of visitors. The fromagerie is a significant economic contributor to the village while partnering with the congregation to preserve the church's original use.

Recommendations

Three recommendations are proposed for West Hants. They reflect the local context (demographics and geography), and the church assets and characteristics documented in the matrix.

1. Explore Inclusive Zonings – consider a range of permitted uses that allow for institutional, community, commercial and residential activities. This would encourage reuse as-of-right.
2. Identify Alternative Funding – Many reuse projects bring value to the municipality, especially if there are service gaps. Consider continuing the church's property tax exemption if it leverages strategic partnerships with other levels of government and community organizations.
3. Strategic Economic Development – businesses in rural areas that deliver products to market are not dependent on foot traffic and have a higher chance of success. They also provide local jobs and property tax revenue. West Hants has an agricultural sector that would support the kind of agrotourism in the best practice examples.

Background

The Municipality of West Hants is a rural municipality in Nova Scotia; known as the entrance to the Annapolis Valley, it surrounds both sides of the Minas Basin and includes the Kempt Shore (Figure 1). It is 1244 square kilometres in size and has a population of 15,638 (Statistics Canada, 2016). With a population density of only 12.4 people per square kilometre, it is more rural than Nova Scotia as a whole, which has a density of 17.4 people per square kilometre (Statistics Canada, 2016). In 2015 the town of Hantsport dissolved into with West Hants, adding 1500 more people to the population. Settled by European colonists in 1685, West Hants is home to a number of historical properties, including a number of churches.



Figure 1: Municipality of West Hants

There are several historical societies throughout West Hants who have raised the issue of historic building preservation, including churches. These buildings are community focal points and represent communities' history and culture. However, the population is aging and projected to shrink, with church congregations also declining in size. Churches are finding it difficult to undertake and pay for necessary maintenance. The Municipality has heard from some residents who want to preserve these buildings, both from a historic and sustainability standpoint (i.e., re-adapting existing buildings rather than demolishing and constructing another). Instead of these properties becoming vacant and falling into disrepair or being demolished, the Municipality would like to encourage them to be utilized for new uses. This project developed recommendations for adaptive reuse, based on best practices elsewhere that align with the demographic and economic context of West Hants.

Objectives

The main goals of this project were to develop a matrix of historic churches and policy recommendations for the West Hants Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) that will support repurposing of these valued community landmarks. The focus on Christian churches reflects a lack of places of worship for other faiths in West Hants.

This project compiled an inventory of churches throughout the Municipality of West Hants which catalogues the sites' physical and regulatory characteristics. The Final Report also includes:

- Examples of adaptive reuse in comparable contexts (rural communities, similar municipal regulatory structure/designations etc.)
- Recommendations on reuse options for West Hants
- Recommendations on zoning for the LUB and designations for the Generalized Future Land Use Map (GFLUM) that will accommodate reuse of religious buildings without requiring owners to complete the rezoning or development agreement process.

Methods

Church Matrix

Develop a matrix of churches in West Hants listing characteristics to inform potential heritage sites and viability of adaptive reuse.

Method: Site visits, online databases, Historical Society and Diocese search

- Gathered church names and locations from West Hants and historical societies
- Reviewed Canadian Register of Historic Places to identify churches with heritage designation
- Google map search to confirm all churches in the Municipality; Internet search for Council reports related to church properties
- Site visit to 16 of the 20 churches to record building condition and context
- Review of MPS and GFLUM to determine zoning and designation for each site
- Accessed real estate website (Viewpoint) for PID, lot size, assessed value
- Received water servicing connections and site septic potential from West Hants staff

Best Practice Research

Search of academic, professional, and popular literature for examples of religious building reuse in comparable contexts or initiatives which address challenges in West Hants.

Method:

- Academic database search for scholarly literature on adaptive reuse of places of worship
- Contact Provincial planning associations enquiring of known precedents or examples of religious building reuse in rural areas
- In-person follow up (email, phone calls) with staff involved in specific examples to ask about process, regulatory context, partnerships, and opportunities and challenges
- Review of MPS and LUB for municipalities with specific examples

Recommendations

Develop policy recommendations for religious building reuse which reflect local context and Best Practices. Policy recommendations will include factors from the matrix that could support site reuse and help municipalities identify optimum sites. The report will reflect how the recommendations integrate within the existing MPS and Land Use Bylaw and propose amendments to enable as-of-right reuse.

Method:

- Identify successful adaptation projects from the best practice review and describe how they would assist West Hants.
- Review West Hants, Hantsport and Windsor zoning regulations and propose option(s) that support religious building reuse.
- Use best practice information to inform draft recommendations for West Hants.

Church Matrix and Site Visit

Consultants identified 20 churches in West Hants by contacting municipal staff and heritage societies, and online searches. Site visits were conducted on January 24, 2019 to assess the exterior of each site. Sixteen of the 20 churches were visited (Appendix A). The following details were recorded:

- Name
- Denomination
- Address
- Building condition (Appendix B: 2)
 - 1 = Poor - Requires extensive maintenance such as peeling paint, rotten wood, mould or moss on building - see Windsor Plains United Baptist Church
 - 2 = Satisfactory - No major structural issues apparent, cosmetic maintenance or minor repairs such as missing roof shingles - see Avondale United Church
 - 3 = Good - No evident structural or cosmetic issues - see St Thomas Anglican Church
- Neighbourhood characteristic - rural with no abutting properties, rural residential with a few houses, mixed with both residential & commercial nearby, or commercial
- Amenity space available (incl. type - Basement or Hall)
- Active congregation (Yes/No/On Rotation if signs state regular schedule at multiple churches)
- Graveyard onsite (Yes/No)
- Registered heritage property (Yes/No)

In two cases (Saint Croix United Church and St Thomas Anglican Church) the consultants spoke to a congregation member onsite and viewed the church interior. The interior condition of those two churches were also ranked using the same criteria as above.

Following the site visits, the consultants obtained further information on each site from the ViewPoint database:

- Lot size & Property Identification Number
- Assessed value
- Zoning & Municipal Servicing

The current matrix is attached as Appendix A. The characteristics captured should help inform property aspects that support adaptive reuse. For instance, the presence of a graveyard could discourage redevelopment; amenity space with kitchen facilities could support reuse; different zoning requirements impact what can go on the site. The matrix is intended to be a living document, with further information to be added as it becomes available. If churches in the matrix are eventually repurposed, a section on their new use and the process used to achieve it may be helpful for future reference.

The Ontario Heritage Trust has developed a similar inventory for places of worship throughout Ontario.¹ It holds information on over 5000 places of worship, including name, denomination, construction year, architectural style, floor plan and massing (layout), current use and any commemorations (e.g., heritage designations). It is intended to tell the story of Ontario's religious history, and to "provide objective, useful information that will help municipal councils make decisions about protecting the province's religious heritage."² A study of adaptive reuse of churches in Kingston, Ontario, makes a similar point. One of the study's recommendations was for municipal staff to inventory places of worship and proactively identify struggling congregations, then engage them in dialogue on possible ways to preserve and reuse the building³. The West Hants church inventory could serve the same purpose, and if resources permit, expand to include some information the Ontario inventory lists such as age and architectural style of the buildings.

¹ Ontario Heritage Trust, Places of Worship Inventory, accessed February 23, 2019

² Ontario Heritage Trust, Places of Worship Inventory, accessed February 23, 2019

³Amayu, Ermias. *New Uses for Old Churches: An Examination of the Effects of Planning Regulations on the Adaptive Reuse of Church Buildings*, 2014

Regulatory Overview

The consultants have reviewed the Municipal Planning Strategies (MPS) and Land Use By-law (LUB) for West Hants, Hantsport and Windsor. While Hantsport dissolved in 2015, both West Hants and Hantsport currently each have their own MPS and LUB. West Hants and Windsor are currently undergoing consolidation that will see the two municipal units becoming one regional municipality by April 1, 2020.

West Hants⁴

In 2008 Council adopted the West Hants MPS. It is currently undergoing a review. It provides overarching future goals for the Municipality, such as maintaining a quiet, rural atmosphere, encouraging development in designated Growth Centres, and providing a variety of community and recreational sites. Attached to the MPS is the Generalized Future Land Use Map which identifies the long-term intention of areas in the Municipality by designating them as Agriculture, Commercial Core, Community Use, Hamlet, Joint Industrial Park, Residential, Resource, Village Core, Village and Commercial Development District. The MPS states specific policies for each of the designations.

There are two areas of the Municipality designated as Growth Centres: Three Mile Plains and Falmouth. These two communities have municipal water and wastewater servicing, and residential and commercial growth are encouraged. The MPS clearly states that requests to extend water servicing outside of these areas will not be undertaken at this time. One church is located in Falmouth and two are located in Three Mile Plains.

There is one designated Village in West Hants: Brooklyn. It serves as a commercial and institutional centre for surrounding areas. It does not have municipal water or sewer servicing. Two churches are located in Brooklyn.

The Municipality contains eleven Hamlets. Hamlets are areas characterized by relatively concentrated residential development, a church or community hall, and one or more small businesses. According to the MPS the Hamlets will continue to provide such services to the surrounding countryside. Three of these hamlets are within proximity to municipal servicing:

⁴ Municipality of West Hants, Municipal Planning Strategy, 2018.

Newport Station, Mount Denson, and Wentworth Creek. The MPS states that as Growth Centres become more developed and additional land is needed, West Hants may consider extending the Growth Centre designation and servicing into these areas. Eleven churches are located in the Hamlets.

The MPS outlines the land use policies for each of the three designations noted above, as well as for Agricultural, Resource and Industrial areas. The LUB describes the zoning regulations and permitted uses. The churches in the matrix fall into one of four zones:

- Institutional (I) - permitted uses include schools, churches, community centres, recreation facilities, homes for special care and seniors housing. Nine churches are zoned I.
- Rural Residential (R4) - permitted uses include low density residential development. Five churches are zoned R4.
- Agricultural Priority 2 (AR2) - permitted uses include agricultural production and limited non-agricultural development. Four churches are zoned AR2.
- General Resource (GR) - permitted uses include resource activities, and a range of residential and small scale commercial and industrial. Two churches are zoned GR.

Hantsport⁵

The Hantsport MPS was adopted in 2010 and is currently under review. It applies only to land within the former town boundaries, which are located within the Municipality of West Hants (Figure 2). Hantsport has its own water servicing and has wastewater servicing through a partnership with neighbouring Municipality of Kings County.

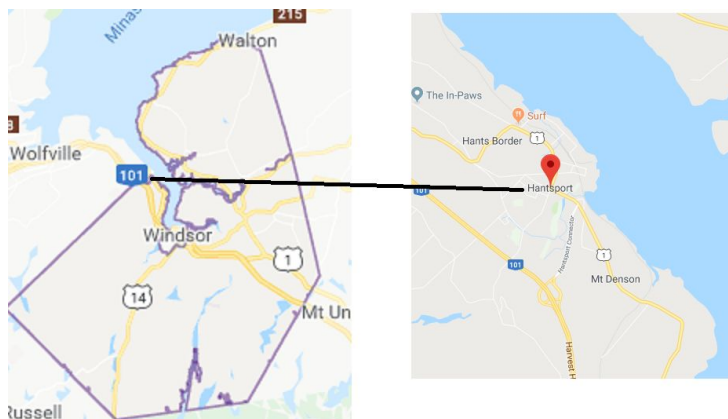


Figure 2: Hantsport, from Google Maps

⁵ Hantsport Area Advisory Committee, Hantsport Municipal Planning Strategy, 2018.

There are four churches located in Hantsport, all in the town core which has a mix of residential and commercial uses. The MPS has identified some areas with the potential for housing projects as “Future Development Opportunities.” The Hantsport Baptist Church is immediately adjacent to one of these areas. Water servicing for new developments is an option as the MPS notes there is vacant land adjacent to the system. Most buildings in Hantsport have fewer than three dwelling units, but the Hantsport MPS articulates a need for multi-unit seniors housing. Hantsport’s commercial area includes a fair amount of residential development, and its MPS policies enable further residential growth within the commercial district. Three churches are located in the downtown area, including one which is currently for sale (St Mary’s Catholic Church)⁶.

Windsor⁷



Figure 3: Town of Windsor, from Google Maps

The Town of Windsor adopted its MPS in 2005. At that time the municipal plan noted the Town’s population was declining, but recent census data indicates it has remained relatively stable, from 3800 quoted in the 2005 MPS, to 3648 in 2016⁸. One trend reported in the 2005 plan remains the same: the population is aging, with one-quarter of residents over the age of 65. Four nursing homes are located in the Town. The MPS notes the need for more multi-unit seniors housing, however “proposals for new multiple residential development of three or more units will be considered only by development agreement. As the conversion of existing buildings to apartments often gives rise to similar concerns, these projects also will be considered by development agreement.”

Windsor, like West Hants, has taken a fairly flexible approach to mixed use zoning, allowing home-based businesses in any residential dwelling and in any zone in which a residential dwelling is located. Local commercial uses (i.e., small-scale commercial operations that serve a

⁶ Viewpoint.ca Accessed March 2, 2019

⁷ Town of Windsor Municipal Planning Strategy, 2005

⁸ Statistics Canada, Census Profile: Windsor, NS, 2016

relatively small market area) are also permitted in outside of a Commercial designation. Residential uses are encouraged in conjunction with commercial uses.

The Town of Windsor provides water and wastewater systems to a large part of the Town. A water plant with a capacity of 1.5 million imperial gallons per day was completed in the fall of 2002. The cost of providing water and sanitary sewer services to some areas of Windsor would be prohibitive because of topographical constraints. For this reason, the Town will only consider service extension in areas designated residential or zoned as a Comprehensive Development District.

Common Themes

The West Hants, Hantsport and Windsor MPS all mention providing more housing for seniors. The desire is for multi-unit housing developments that would allow assisted living facilities. However, no municipality will allow this development to happen as-of-right. In West Hants both churches and seniors housing are zoned Institutional, but any change requires a rezoning. Also, any new Institutional uses, such as seniors housing, requires a development agreement. Hantsport will only permit multi-unit dwellings via rezoning. Windsor also takes a cautious approach to multi-unit housing, requiring a development agreement. These regulatory requirements may be a barrier to repurposing churches zoned Institutional. The other three zones used for churches - Rural Residential, Agricultural Priority 2 and General Resource - permit some limited amount of residential and/or commercial use, which may enable some types of conversion as-of-right.

Windsor takes a permissive approach to mixed use development and would like to encourage more of it. It allows intermixed residential and commercial uses as-of-right. This approach could support multiple types of adaptive reuse on a single site (e.g., residential and home-based business). As the Windsor-West Hants consolidation moves forward, there is an opportunity to embed this approach in a joint MPS for all three areas.

Water and wastewater is a potential barrier for some church properties in West Hants. Seven sites have municipal sewer or are capable of being connected. The remainder would need to investigate well and septic systems, if they do not already have them. The Nova Scotia Department of Environment approves all septic system installations and sets a number of regulations such as minimum lot size, soil depth, slope, and proximity to watercourses.

Individual site assessments are beyond the scope of this project as they require an engineering assessment. Nine church sites may be under the required lot size for the lowest soil permeability of on-site sewage treatment and could investigate alternative forms of sewage treatment such as composting toilets, if required for any reuse project. The remaining four properties may be eligible for well and septic if they do not already have them.

Regulatory Themes in Other Jurisdictions

Several other jurisdictions have considered the issues involved with repurposing places of worship. A study on church conservation in rural southern Ontario notes that low development pressure, proximity to cemeteries and few municipal resources are particular challenges for rural churches⁹ However, opportunities include strong community support and motivation to preserve churches, and often less political opposition to zoning amendments. Neilson's study looked at 251 churches in three rural Ontario municipalities, and found that 53% underwent adaptive reuse. Seventy percent of these converted to residential and institutional use, 20% went to other religious uses, and 10% became a commercial use. There was a higher rate of conversion in country churches as opposed to those in towns.¹⁰

Most adaptive reuses for places of worship require a change in zoning, as many are designated Institutional and therefore treated as exceptions to surrounding uses. Rezoning requires a public hearing and subsequent council approval, making the process more costly and time-consuming. Amayu notes that adaptive reuse of older buildings can be difficult as planning regulations are drafted with new buildings in mind¹¹. Therefore, flexible planning policies that support reuse and offer compliance exemptions for older buildings are needed. The Ontario Building Code offers a number of compliance alternatives if the requirement is detrimental to the preservation of a heritage building.¹² While changes to the Nova Scotia Building Code are beyond the scope of this project, it may be something to consider investigating in the longer term.

Some municipalities are actively encouraging reuse by creating zones that encompass a wide range of uses. The City of Moncton, for example, has a Mixed Use (MU) zone that permits a

⁹ Neilson, Michelle, *Heritage Church Conservation In Rural Southern Ontario*, 2013.

¹⁰ Neilson, Michelle, *Heritage Church Conservation In Rural Southern Ontario*, 2013

¹¹ Amayu, Ermias. *New Uses for Old Churches: An Examination of the Effects of Planning Regulations on the Adaptive Reuse of Church Buildings*, 2014

¹² Ontario Building Code, s. 10.4 Compliance Alternatives, 2018

broad range of commercial, retail, service, and high density residential uses in some areas.¹³ It repurposed a church in its downtown core with a MU zone to a service and not-for-profit hub as-of-right¹⁴ The Rural Community of Upper Miramichi, New Brunswick, specifically avoided creating a restrictive institutional zone, instead using a mixed use zoning that encourages residential and commercial reuse of existing buildings, and allowing such applications to proceed as-of-right.¹⁵ Upper Miramichi's MPS also allows zoning exemptions for reuse of vacant or underutilized buildings¹⁶. Alma, New Brunswick, is another rural municipality with permissive zoning. Its MPS establishes an objective to promote tourism and implemented a Tourism Commercial zone that allows a wide range of uses, including institutional¹⁷.

Some church conversions have managed to avoid the zoning issue entirely by remaining Institutional but expanding the building's uses with community partners. St John's Anglican Church in Chapeleau, Ontario, was purchased by a community member who then rented the top floor back to congregants and converted the basement into a social space with a cafe, store and event venue.¹⁸ The village of Val David in Quebec preserved the Saint-Jean-Baptiste Church by signing a memorandum of understanding with the diocese, allowing joint use of the church for religious worship and community events. The municipality and congregation split maintenance costs¹⁹.

The Grafton Park development in Halifax, NS, provides an example of the numerous challenges in converting older churches to new uses. St David Presbyterian Church in downtown Halifax faced the same dilemmas as many other congregations: shrinking numbers, aging populations, and an old building that required extensive maintenance. However, the church had an asset it could utilize: an under-used church hall. It contracted with a developer to lease the land for 75 years in return for an annuity that would provide the congregation with a reliable source of income. The developer planned a six-storey condo building on the former hall site. The development, though, took years to proceed. The church hall property had to be deregistered from both the municipal and provincial heritage registries. The site then required a zoning

¹³ City of Moncton Municipal Plan, 2018

¹⁴ Sarah Anderson, Moncton Senior Planning, personal communication, February 11, 2019

¹⁵ Anderson, Sarah, City of Moncton, personal communication, February 11, 2019.

¹⁶ Rural Community of Upper Miramichi, Rural Plan, 2015.

¹⁷ Village of Alma, Bylaws, 2015.

¹⁸ Frolick, Jasmine, *The Revitalization of Church Buildings*, 2018.

¹⁹ Koffend, 2005, in Neilson, *Heritage Church Conservation In Rural Southern Ontario*, 2013

change from Institutional to Commercial. An easement for a laneway between the church hall and adjacent property had to be negotiated. Then finally when construction got underway, 225 unrecorded graves were discovered on the site and had to be removed - a 16-month process. Overall it took ten years from the initial negotiations with the church before construction could begin in earnest.²⁰

²⁰ Bill Greenwood, Greenwood Lane Inc., personal communication, October 1, 2018

Best Practices

Overview & Methodology

This section profiles successful examples of adaptive re-use of rural churches. These profiles reflect an efficient use of resources, reduce the regulatory burden of reuse proposals, and appear economically viable and sustainable. Selecting examples of Best Practice involved reviewing projects, toolkits, initiatives, and policies from jurisdictions across multiple Canadian provinces. Examples were reviewed relative to the general themes and asset characteristics that emerged from the Church Inventory. Given their similarity to West Hants' context, the profiles feature reuse initiatives from rural communities with modest resources, aging populations, and where the church/property assets are in good, reusable condition.

Profile 1: The Grace Centre (Sydenham, ON)

The Grace Centre in Sydenham, Ontario, is a non-profit community centre operating in a repurposed United Church. Sydenham is a rural village in the municipal Township of South Frontenac, approximately a 40-minute drive north of Kingston, ON. The Township's demographic profile is comparable with West Hants (Appendix C: 1); it is characterized by an aging population

and there is a shared municipal priority on improving seniors services and housing. In South Frontenac, the Grace Centre provides a wealth of seniors services and has become a hub for seniors health and wellness initiatives at the municipal and provincial level.

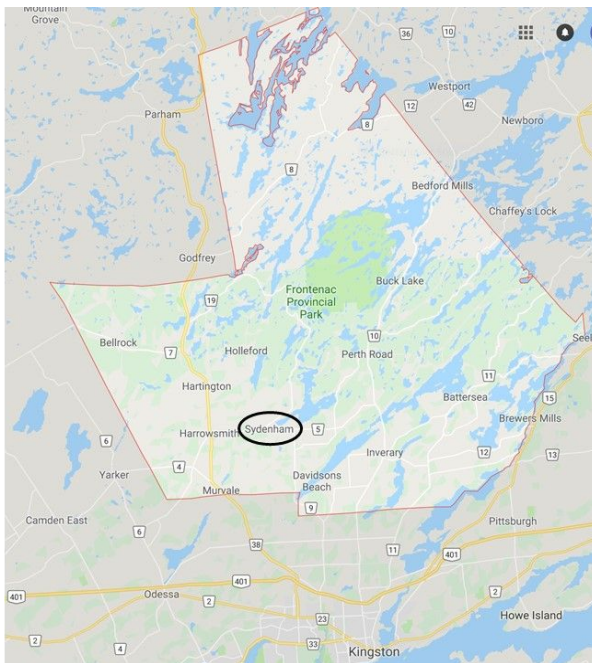


Figure 4: Township of South Frontenac, from Google Maps



Figure 5: The Grace Centre, Sydenham, ON, from Township of South Frontenac Business Plan: Seniors Housing, February 13, 2018

History²¹

The former Grace United Church closed its doors as a Church in May 2010 after the congregants approached a nonprofit, Southern Frontenac Community Services (SFCSC), to purchase the facility and maintain it for the benefit of seniors and the community. In May, 2011, following discussion with the South East Local Health Integration Network (SELHIN), Southern Frontenac Community Services (SFCSC) signed a three year lease-to-purchase arrangement with the United Church of Canada to purchase the former Grace United Church in Sydenham, ON.

SFCSC was in the process of reviewing alternative locations when the Grace Centre was offered to the Agency. Among the Township of South Frontenac's several villages, Sydenham is the largest and most central at approximately 5700 residents.²² In determining that the Grace

²¹ Southern Frontenac Community Services, History of the South Frontenac Community Services Corporation, 2018.

²² Statistics Canada, Census Profile 5210103.00 Ontario, 2016.

Centre was the best option, a plan was formulated for the Grace Centre to consolidate all related rural programs, services and offices into the one existing Church building. However, this consolidation required additional operating space, and an extension was built which increased capacity by 25% and provided a 'one-stop-shop' for families seeking support through SFCSC's Family Services, Ontario Early Years, Frontenac Community Mental Health and Addictions Services, Ontario Works, Ontario Disability Support Program and the SFCSC Food Bank.

Services

From the Grace Centre, Southern Frontenac Community Services serves seniors, low-income and at-risk households in South Frontenac and rural Kingston. The Centre offers:

- Seniors food services (incl. Foodbank, Diners Club, and Meals on Wheels)
- Social and recreational programs (incl. yoga, tai chi, arts and cultural events, community events and support groups etc.)
- Visiting hospice, bereavement, and homelessness prevention services
- Transportation services (to/from medical appointments, social and daily/errand activities)
- Rural youth services

Municipal Relationship with The Grace Centre

*Zoning*²³

The Grace Centre is located in a 'Community Facility' zone. The zone 'Community Facility' (CF) was created and passed by council in 2003 in an attempt to consolidate many existing institutional, residential, and recreational uses and facilitate as of right development in the community. The streamlined, development-friendly CF-zone allows for a breadth of uses which reflect Sydenham's context and development interests; as a rural, aging population of modest resources, the zoning bylaws explicitly enable uses for seniors services and self-sustaining institutional or commercial uses.

²³ Township of South Frontenac, Comprehensive Zoning Bylaw, 2018.

Specifically, the Community Facility zone designation permits the following uses:

- any undertaking established or maintained by a governmental board, authority, agency or commission
- a church or other place of worship, with accessory uses including a cemetery and a dwelling unit; a cemetery
- any undertaking of a utility company, such as a natural gas company or telephone company
- arena; public park
- school; nursery school
- commercial or private club
- public or private hospital
- community centre; library
- nursing home; group home
- any other institutional or community facility use; accessory buildings or uses to the above uses.

Funding

The Township of South Frontenac continues to effectively honour the land tax exemption enjoyed by the Sydenham Grace United Church during its operation. Since the Church building came under the ownership and operation of the SFCSC in 2010, the Township has awarded annual grants to the organization totally reimbursing their land tax expense and supporting their seniors programming. For the fiscal year 2019, the Township has budgeted \$27,000 for grants to the SFCSC.²⁴

Notably, the Grace Centre's financial sustainability concerns less what the Township is paying for, but rather what it isn't: the SFCSC and Grace Centre's primary income (approx. \$250,000 annually) is funding from the Ontario Ministry of Health.²⁵ The Grace Centre's programming centres on seniors health and wellness and appeals to the province's jurisdictional responsibility for health. Establishing a rural hub for efficient health service delivery was in the provincial interest, and it addressed service-gaps and issues of financial feasibility for the Township.

²⁴ Township of South Frontenac, 2019 Budget, February 19, 2019.

²⁵ Southern Frontenac Community Services, Annual Report 2017-2018, 2018.

Seniors Housing Development

Seniors housing and homelessness prevention is a priority for the Township of South Frontenac. As part of their Business Plan for Seniors Housing (Sydenham), the Township identified the parcel of land adjacent to the Grace Centre as the best site for a future seniors housing development (Figure 5).²⁶ The parcel is suitable in size and has sufficient frontage to support the proposed concept within the piped water servicing area, thereby not requiring private water servicing. Moreover, the partnership opportunity with SFCSC makes this site very compelling both locationally and financially. The site being directly adjacent to a social support agency already providing seniors services, and its proximity to Sydenham's central area and amenities, represents an efficient use of the Township's seniors development resources. The opportunity to access services offered by SFCSC at the Grace Centre is equally beneficial to the project and would provide a unique housing and service relationship for seniors in Sydenham. By directing future development around existing seniors infrastructure at the Grace Centre, the Township would consolidate seniors resources and multiply their value. Complemented by the



reuse-friendly CF-zoning and a sustainable, mutually-beneficial resource model between the Township and Province, the Grace Centre embodies best practice of adaptive reuse of a rural church.

Figure 6: Seniors Housing Development Preferred Site, from Township of South Frontenac Business Plan: Seniors Housing, February 13, 2018

²⁶ Township of South Frontenac, Business Plan for Seniors Housing, 2017.

Profile 2: The Church Brewing Company (Wolfville, NS)

The Church Brewing Company is a restaurant and microbrewery that opened in a decommissioned United church in downtown Wolfville, NS in late 2018. Wolfville is a town immediately next door to the Municipality of West Hants, and the two areas share very similar history and geography. Their age demographics are also similar in that they reflect an aging population, but as a town Wolfville has considerably more density than West Hants (see Appendix C: 2). It is, however, very similar to the nearby town of Windsor, which is undergoing consolidation with West Hants. Both Windsor and Wolfville have populations that are shrinking, a 65+ age cohort that makes up over a quarter of the population, and similar land areas. Wolfville is home to Acadia University, which brings an annual influx of approximately 3500 students²⁷, thereby doubling the town's population from September through April.

History

St Andrew's Church opened in May 1914 along Wolfville's Main Street. It was designed by architect Andrew Cobb for the Presbyterian congregation. In 1923 it was taken over by the United Church, which held services there until 2010²⁸. In 2014 the church was decommissioned and sold when seven Annapolis Valley United Church congregations amalgamated.²⁹



Figure 7: Church Brewing Company, Wolfville, NS, from Church Brewing Company Facebook, October 26, 2018

Despite its age and architectural history, the church was not a registered heritage property. However the new owners had a strong desire to preserve the building³⁰. At first it was used for a variety of purposes, with some offices in the basement, retail and event space on

the main level, and student residences in the Sunday School building. However in 2018 the

²⁷ Acadia University, At A Glance, March 15, 2019

²⁸ Wolfville Historical Society, Historic Wolfville Walking Tour

²⁹ Wolfville Area Inter-Church Council, Orchard Valley Pastoral Charge of the United Church of Canada

³⁰ Devin Lake, Wolfville Director of Planning, personal communication, March 15, 2019

owners converted the nave into a restaurant and tore down the Sunday School building to erect a microbrewery. The restaurant opened in December 2018. The brewery portion of the development required extensive municipal and public consideration before being allowed to proceed.

Municipal Relationship with The Church Brewing Company

Originally zoned Institutional, the Church was rezoned in 2008 as part of Wolfville's overall municipal plan review. The new zoning, Central Commercial, is meant to ensure "a unique and specialized shopping experience in a compact downtown characterized by interesting architecture and a pedestrian streetscape."³¹ It permits a wide range of uses:

- a broad range of commercial and service uses;
- institutional uses;
- residential uses above the ground floor and in areas of a ground floor that are a considerable distance from the street line as stipulated in the Land Use By-law.
- new buildings of less than 100 sq. metres in building floor area
- additions to existing buildings that constitute less than 100 square metres in building floor area
- additions to existing buildings that constitute less than 25% of the building floor area.

This zoning allowed the conversion to a restaurant to proceed as-of-right; however breweries were not specifically permitted under the LUB and the Town had to amend its bylaw to allow it. It did this by deeming the brewery portion an "accessory use", defined under the LUB as "a use subordinate and naturally, customarily, and normally incidental to and exclusively devoted to the main use of land or building and located on the same lot."³² This was interpreted to mean that the microbrewery could produce beer exclusively for the restaurant and retail store on the site. The Town of Wolfville then issued a Development Permit in May 2018.³³

However, the Church Brewery business plan included offsite distribution to the NSLC and other establishments via keg sales.³⁴ Some residents challenged the decision of the Town to define

³¹ Wolfville Municipal Planning Strategy, p.40, March 17, 2019

³² Wolfville Land Use Bylaw, p.71, March 17, 2019

³³ Public Statement – Town of Wolfville, Amendments to planning documents regarding craft beverages and off-site sales, February 11, 2019.

³⁴ Wolfville, Public Hearing, March 4, 2019 - Church Brewing Company presentation

this scale of beer production as an accessory use and successfully had the decision overturned through a judicial review by the Nova Scotia Supreme Court.³⁵ This led the Wolfville Council to propose amendments to both the MPS and LUB that would enable:

- a clear policy statement in the MPS related to the Craft Beverage industry;
- an amendment to the definition of Accessory Use to allow off-site sales; and
- an amendment to the Land Use By-law to restrict “contract brewing”.³⁶

The proposal went to a public hearing on March 18, 2019, following which Council approved the changes, enabling the Church Brewery to proceed with its microbrewery.

Community Relationship

According to public hearing records, which include extensive correspondence from community residents, there was both strong support and significant opposition to the microbrewery. While the church fronts on the town’s Main Street and is zoned Central Commercial, its back directly abuts a residential area. Some residents objected to placing what they considered a light industrial use in the town’s core, and that its placement adjacent to residential properties would interfere with people’s peaceful enjoyment of their properties.³⁷ Other residents cited the economic benefit and jobs the brewery would bring to the town directly through its beer sales and production, as well as increased tourism.³⁸

While the church building has been saved and successfully repurposed, its use has divided the town. Churches in less built-up areas might avoid such conflicts due to lower density. Concerns around smell, noise, and truck traffic would be less significant with fewer neighbours nearby.

Water and Wastewater Servicing

The question of water and wastewater capacity was raised several times in relation to the Church Brewing Company. The property receives servicing from the Town of Wolfville Water Utility. Wolfville’s Director of Public Works reviewed the capacity of the utility to handle

³⁵ Wolfville, Public Hearing, March 4, 2019 - NS Supreme Court Decision, September 5, 2018

³⁶ Wolfville, Special Town Council Meeting, February 4, 2019

³⁷ Wolfville, Public Hearing, March 4, 2019 - Correspondence

³⁸ Wolfville, Public Hearing, March 4, 2019 - Correspondence

increased usage consistent with a microbrewery and felt it was sufficient. The Town does have the ability to impose a surcharge agreement if the brewery goes over acceptable levels.³⁹

Only seven of the twenty churches in West Hants are serviced, or have the ability to be connected to the system. The remaining thirteen would depend on well and septic systems. It is unknown how many of them would have the capacity to support the level of water and wastewater needed for brewing operations. It does however present an option for serviced sites.

Profile 3: La Fromagerie du Presbytère (Sainte-Elizabeth-de-Warwick, QC)

La Fromagerie du Presbytère is an artisanal cheese factory housed in a former Catholic church, in the small village of Sainte-Elizabeth-de-Warwick, Quebec. Sainte-Élizabeth-de-Warwick is approximately halfway between Montreal and Quebec City, 150 km from each. It is one of 23 municipalities in the regional county municipality of Arthabaska. The village is much smaller than West Hants, with only 372 people and a population that is significantly younger (those aged 65+ only constitute 14.7% of the population) (Appendix C: 3). However its rural character and agricultural potential mirrors many of the small hamlets in West Hants.



Figure 8: Sainte-Elizabeth-de-Warwick, QC, from Victoriaville et sa region, March 17, 2019

³⁹ Devin Lake, Wolfville Director of Planning, personal communication, March 15, 2019

History

The Catholic church of Sainte-Élisabeth-de-Hongrie in Sainte-Élisabeth-de-Warwick was built in 1885.⁴⁰ By the early 2000's the congregation was shrinking and they put the presbytery, built in 1936, up for sale. It was purchased by the Morin family, dairy farmers who lived across the street, who converted the it into a cheese factory to produce artisanal cheeses.⁴¹ These cheeses are sold in grocery stores across Quebec and have won numerous awards.

By 2015 the cheese factory was growing and needed more space for the aging process. The Morins offered to buy the church to convert it to an aging room, while preserving a section that would continue to function as an active church.⁴² The Conseil de la Fabrique, a Catholic parish organization with the authority to administer property for the region, approved this offer. The Morins purchased the church for the symbolic value of \$1.00, in return for retaining a space for worship for up to 50 people, and taking on maintenance, snow removal and heating.⁴³



Figure 9: Fromagerie du Presbytère, from Nick Simoneaux,, March 28, 2017

Municipal Relationship with The Fromagerie

Zoning

The Fromagerie is located in a “zone blanche,” or white zone, a designation set by the Province of Quebec. Under the *Act respecting the Preservation of Agricultural Land and*

Agricultural Activities, land in Quebec is either in the green (protected agricultural) or white (non-protected) zone. Green zones are subject to numerous regulations designed to ensure it remains available for agriculture. White zones offer more flexibility and opportunities for multiple uses.⁴⁴ The church building had a religious zone prior to its sale. It went through a rezoning process to commercial. It also went through a religious deconsecration and

⁴⁰ Conseil du patrimoine religieux du Québec, La Fromagerie du Presbytère, 2018

⁴¹ Cardwell, Mark, For the Love of Cheese, September 4, 2015

⁴² Conseil du patrimoine religieux du Québec, La Fromagerie du Presbytère, 2018

⁴³ Jean Morin, personal communication, March 19, 2019.

⁴⁴ Dery, Andreanne, Foreign investors in Quebec: understanding the zoning, March 19, 2018

reconsecration for the new worship space.⁴⁵ The assessed value of the property was not available so it is not clear how the new use impacted the building's assessment, but as a commercial enterprise it now pays municipal taxes whereas previously the church did not.⁴⁶

Tourism

The municipal plan for the regional county municipality of Arthabaska notes the area's main industry is agriculture, but agrotourism is growing. The plan has a goal to increase tourist activities that integrate with the agricultural character of the area.⁴⁷ The Fromagerie offers "Festive Fridays" each week April through October, a community picnic at the church which celebrates the three stages of curdmaking: mild whey cheese released at 4 p.m., blocks of unsalted cheese about 5:15 p.m., and the curds at 6 p.m.⁴⁸ This event attracts approximately 1500 people each week, with up to 4000 for special event weeks. Bakers, winemakers and farmers from the area also set up stands with their wares.⁴⁹ Overall the Fromagerie has maintained a place of worship while reducing the cost burden on the congregation. It has successfully repurposed the church while supporting local agriculture, increasing tourism, and contributing to the municipal revenue stream.



Figure 10: Fromagerie du Presbytère, from Fromagerie du Presbytère Facebook, November 22, 2015

⁴⁵ Laura Robin, Cheese please: Quebec fromagerie offers a religious experience, March 28, 2017

⁴⁶ Jean Morin, personal communication, March 19, 2019.

⁴⁷ Design & Development Plan for Arthabaska, 2017, p.35

⁴⁸ Fromagerie du Presbytère, Les vendredis, March 20, 2019

⁴⁹ Laura Robin, Cheese please: Quebec fromagerie offers a religious experience, March 28, 2017

Recommendations

This section presents recommendations to enable rural church reuse in West Hants and Hantsport. These recommendations are grounded in the local context: they reflect the church assets, characteristics, and trends documented in the inventory matrix. Contextual awareness (e.g., rural character, aging population, agricultural potential) informed Best Practice research and the selection of the three profiles. In presenting these recommendations, the objective was to identify potential avenues for adaptive reuse that may orient and inform municipal decision-making.

Recommendation 1: Explore Inclusive Zonings

Presently, West Hants' regulatory framework complicates potential adaptive re-use initiatives by requiring rezoning or development applications. The Municipality could revise zoning designations to include a variety of uses on church sites: community and institutional services, commercial operations, and residential. Having inclusive zonings which enable adaptive reuse as-of-right, and which reflect the varying (church) site types and conditions, should facilitate successful projects in context. The Grace Centre Best Practice profile and the examples from New Brunswick demonstrate the value of inclusive zonings, and West Hants could benefit from adopting equally enabling regulations to preempt and address this municipal issue.

Recommendation 2: Identify Alternative Funding

Grants

Many reuse projects pose added-value to the municipality, particularly if the initiative addresses service gaps in community. The Grace Centre in Sydenham, ON, for example, exemplifies a winning adaptation where the new use complements municipal service priorities. Should the reuse initiative deliver community benefit, the municipality might consider allocating funding for grants supporting community programming and reimbursing the site's property tax expense. Effectively, the latter means the municipality would continue honouring the property tax exemption enjoyed by the church during its operation. In turn, the provision for such financial assistance might encourage the development of strategic and collectively beneficial working partnerships for service delivery in community.

Beyond municipal grants, the municipality should consider partnering with stakeholders to solicit and secure funding from external sources. Potential funding sources include organizations like the Rural Communities Foundation of Nova Scotia, who in 2017 issued grants to the County of Colchester (\$30,000) and County of Cumberland (\$30,000) for community programs.⁵⁰

Combining Resources

The efficient use of capital resources is especially important in rural municipalities. In many small communities, limited municipal resources means some desirable reuse initiatives are cost-prohibitive. Determining an initiative's financial sustainability, therefore, concerns cultivating strategic partnerships and distributing operating costs across stakeholders. Where service priorities overlap, partnering with higher levels of government can offer access to increased, reliable funding to address municipal issues in situ. Given West Hants' aging population and agricultural assets, the municipality might successfully angle funding for desirable reuse projects by appealing to the province's responsibility for health and agriculture. The Municipality could take a leadership role in brokering relationships and funding across stakeholders by identifying strategic and mutually beneficial opportunities to connect and combine resources with higher levels of government.

Recommendation 3: Centre Reuse in Strategic Economic Development

Neilson's⁵¹ study of church conservation in rural Ontario noted the difficulty of maintaining businesses in rural areas and the relatedly low-rate of adaptive reuse for commercial purposes. However, the two latter Best Practice profiles exemplify the viability of commercial reuse in comparable contexts. These ventures concern production and distribution of goods; they do not rely on patronage, but rather they deliver products to market. As commercial operations, such initiatives provide local jobs, property tax revenue, and increased economic activity while maintaining their rural surroundings. Producing consumable goods (ex. brewing and dairy) reflects West Hants' existing agricultural sector. Importantly, it presents an opportunity to strategically orient local economic development to leverage church assets and capitalize on the Annapolis Valley's growing agrotourism industry. Of course, in evaluating potential reuse

⁵⁰ Rural Communities Foundation of Nova Scotia, Annual General Report, 2017.

⁵¹ Neilson, Michelle, Heritage Church Conservation in Rural Southern Ontario, 2013.

initiatives, the municipality should consider public sensitivities to repurposing religious buildings; some residents may find some projects incompatible with the building's historic use.

Conclusion

As the local population ages and congregations shrink, adaptive reuse of churches in West Hants and Hantsport becomes a pressing municipal issue. This project sought to identify and document assets, inform, and position potential avenues of reuse for consideration by the municipality. Orienting Best Practices required high awareness and understanding of community context. The church inventory captures sites' physical and regulatory characteristics; as a working document, the matrix contains additional, placeholder-variables reflective of extraprovincial inventories to guide further research and planning-use. The inventory highlights that many churches in West Hants and Hantsport are in good physical condition, and their superior condition may facilitate adaptive reuse.

The report profiles a variety of successful reuse initiatives in comparable contexts to West Hants and Hantsport. The Grace Centre in Sydenham, ON, exemplifies adaptation as a community service hub which leverages strategic partnerships with higher levels of government to ensure financial sustainability. Respectively, The Church Brewing Company (Wolfville, NS) and La Fromagerie du Presbytère (Sainte-Elizabeth-de-Warwick, QC) illustrate the viability of commercial reuse. Where rural communities often struggle to attract patrons over distance, these latter Best Practice profiles showcase the rural's comparative advantage (low-density communities etc.) which lends to light industry and export. Collectively, the profiles reflect reuse initiatives which complement trends in community: West Hants reports an increasing need for seniors and community services and is well-positioned to capitalize on proximity to Annapolis Valley's growing agrotourism (food & drink) sector.

The recommendations attempted to identify, distill, and apply the successful elements of the Best Practice profiles to West Hants and Hantsport. Adopting an inclusive zoning designation which enables reuse projects as-of-right would facilitate, and potentially encourage, initiatives. In establishing dedicated financial resources and by strategically orienting local economic development to leverage church assets, West Hants and Hantsport should be well-positioned to address the local effects of demographic change and inspire new growth.

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REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

Information Report to the Windsor and Hantsport Area Advisory Committees

To: Members of the Windsor Area Advisory Committee (WAAC) and
Members of the Hantsport Area Advisory (HAAC) Committee

Submitted by: Planners and Development Officers

Date: July 2, 2020 (WAAC) and July 7, 2020 (HAAC)

Subject: Definitions for Planning Documents

1.0 LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for Hantsport, West Hants and Windsor. As part of the Plan Review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: a West Hants Regional Municipal Planning Strategy, Land Use By-law and Subdivision By-law. To ensure a smooth transition, staff have reviewed the definitions in each Land Use By-law to determine one consistent and enforceable definition for each term for the Region. The definitions of the Land Use By-law, although not currently directly applicable to the Municipal Planning Strategy, can be used as a guide to the intent of the Municipal Planning Strategy. When Regional documents are recommended for approval, they will include a clause which ties the Land Use By-law definitions to the Municipal Planning Strategy. The proposed definitions are in the recommendation column in Attachment A.

3.0 DISCUSSION

Although feedback from the Windsor and Hantsport Area Advisory Committees on

any definition in Attachment A would be appreciated, there are a few definitions that planning staff need guidance on from the Committees. These definitions are described in more detail in Table 1.

Table 1 Additional Comments or Questions on Definitions

Definition	Comments or Questions to Committee
Accommodation	<p>Staff have created a definition for small-scale and large-scale accommodations. Specific types of accommodations may still be listed in certain zones (i.e. bed and breakfast) however this definition will provide more options for what can be considered as an accommodation and enable Council to regulate based on size of the accommodation as opposed to the type of accommodation.</p> <p>Does the Committee find these categories for accommodation suitable?</p>
Animal Units	<p>Staff are considering moving the animal unit livestock charts from the “Agricultural Use” definition into the General Provisions section of the Land Use By-law to be able to add more details to the description.</p> <p>How does the Committee feel about moving animal unit livestock charts to the General Provisions section?</p>
Arena	<p>“Arena” is defined in both Windsor and West Hants documents however it is only permitted in the Fairground (FG) Zone of the Windsor’s Land Use By-law.</p> <p>Would the Committee like to keep the “Arena” definition or include arenas as an “Indoor Recreation Use”?</p> <p>If the “Arena” definition is kept, would the Committee like to see these permitted in other zones in Windsor or Hantsport?</p>

<p>Artisan Workshop</p>	<p>The definition was only used in the Commercial (C-1) and Mixed Commercial / Residential (C-2) Zones of the Hantsport Land Use By-law. It is recommended that this definition be removed and any zone that previously permitted this use be updated during the review to permit “Arts and Craft Studios”.</p> <p>Does the Committee have any comments on this change?</p>
<p>Automobile Body Shop vs. Automobile Repair Shop</p>	<p>There are separate definitions in the West Hants Land Use By-law for “Automobile Body Shop” and “Automobile Repair Shop”.</p> <p>The Local Industrial (LI) Zone in the West Hants Land Use By-law is the only zone that specifically lists those two uses by permitting “Auto repair and auto body shops in conjunction with a single unit dwelling”</p> <p>Both of the uses would be permitted in the Highway Commercial (HC) Zone, Industrial Zones, Shopping Centre (SC) Zone (Windsor) and Wentworth Road Commercial (WR-C) Zone (Windsor) under uses such as “Automobile service stations, car washes and repair centres;” and “Any activity connected with the automotive trade other than an automotive scrap yard or automobile-related commercial recreational establishment;”</p> <p>During the Review, should these definitions be combined into “Automobile Repair Shop” that allows repair of body work?</p> <p>Are there instances where the Committee may want an “Automobile Repair Shop”</p>

	separate from an “Automobile Body Shop”?
Commercial Brewery	<p>Cider is included in the current definition for Commercial Brewery however the Nova Scotia Liquor Corporation (NSLC) considers cider to be part of a Winery. The definition has been updated for the Review documents to reflect this.</p> <p>Does the Committee have any comments on this change?</p>
Church	<p>To be more inclusive and encompassing of other religions, staff are recommending removing the definition of “Church” and replace it with “Place of Religious Congregation”.</p> <p>Does the Committee have any comments on this change?</p>
Display Court vs. Outdoor Display	<p>“Display Court” is permitted in certain zones while “Outdoor Display” is restricted in specific zones. Staff are recommending combining the two definitions under “Outdoor Display”.</p> <p>Following the Review, should the documents limit where outdoor display is permitted?</p> <p>Should outdoor display be linked to sales on the same lot (i.e. can someone solely use their property for display of items for sale which require to be purchased from a sales office on a separate lot)?</p>
Commercial Distillery Micro Distillery	<p>NSLC specifies two categories of craft distilling in the Craft Distillery Policy: (1) less than 75,000 liters per year and (2) less than 150,000 liters per year. To accommodate, this staff recommend classifying any facility that produces more than 150,000 liters as a Commercial</p>

	<p>Distillery. Any facility that produces less than 150,000 liters per year would be considered a Micro Distillery.</p> <p>Is this suitable for the Committee for the Review documents?</p>
Dwellings	<p>Staff are recommending removing a few of the dwelling definitions to focus on how many units the dwelling will have instead of the different variations of how those units can be constructed, as the impact on a neighbourhood comes from the number of units rather than how they are constructed.</p> <p>Does the Committee have any comments on this approach?</p>
Group Home	<p>“Group Home” is defined in the Hantsport Land Use By-law but is not used.</p> <p>Does the Committee want to keep this definition for the Regional document?</p> <p>If so, does the Committee think it is reasonable to limit the number of people to “three to ten people”?</p> <p>In what zones or areas would the Committee want to permit “Group Homes”?</p>
Forestry	<p>The revised definition includes specific size details to ensure small-scale and large-scale permanent sawmills and shingle mills are permitted. The Land Use By-law will be amended to include larger separation distances for large-scale sawmills and shingle mills. Also, provisions will be included that temporary or portable sawmills will only be able to operate for a certain amount of days at a specific location to ensure a temporary sawmill does not become a permanent</p>

	<p>sawmill without the required separation from abutting properties.</p> <p>Does the Committee think the same requirements should apply in future to small-scale and large-scale operations or should there be different requirements depending on size?</p>
<p>Parking Structure</p>	<p>“Parking Structures” are permitted in certain zones. Staff added a definition for “Parking Structure” to differentiate from a “Parking Area”.</p> <p>Is the definition sufficient to the Committee?</p>
<p>Planting Strip</p>	<p>Staff are considering creating a separate section on “Planting Strips” in the General Provisions section of the Land Use By-law to be able to add more details to the description.</p> <p>Are there any details the Committee would like to see included?</p>
<p>Indoor Recreation Uses</p>	<ul style="list-style-type: none"> • Agricultural Priority Three Zone (WH) permits “Existing indoor recreation uses” • “Indoor Recreational establishments” are permitted in the Joint Industrial Type Two and Type Three Zones (W & WH) • Indoor Recreational uses are permitted in the Institutional Zone (W & WH) • Indoor or outdoor recreational uses are not listed as permitted in the Recreational Commercial Zone (WH) <p>What are the Committee’s thoughts? Should Indoor Recreation Uses be considered in other zones in Windsor in the Regional documents?</p>

<p>Outdoor Recreation Uses</p>	<ul style="list-style-type: none"> • Outdoor recreation uses are permitted in the Institutional Zone (W) • Outdoor recreational uses are permitted in the Open Space Zone (W & WH) • Indoor or outdoor are not listed as permitted in the Recreational Commercial Zone (WH) <p>What are the Committee's thoughts? Should Outdoor Recreation Uses be considered in other zones in Windsor in the Regional documents?</p>
<p>Support Service</p>	<p>Support Services are only permitted in the Light Industrial (LI-1), Joint Industrial Type Two (LI-2) and Joint Industrial Type Three (LI-3) in Windsor and West Hants Land Use By-law's.</p> <p>Does the Committee want to keep the definition of "Support Service"?</p> <p>How would the Development Officer enforce if their "primary function is to provide services to industry or to businesses located in an industrial park"?</p> <p>Does it make sense to limit a "Support Service" to the Industrial Parks in the future?</p>
<p>Winery Winery Commercial</p>	<p>NSLC does not have a small-scale category for wineries; staff are recommending removing the "Winery Commercial" definition and updating the Winery definition to remove size requirements and expand the product listing to include wine coolers, table wine, still wine, sparkling wine, champagne and cider.</p> <p>Is this suitable for the Committee?</p>

4.0 NEXT STEPS

Once the Windsor and Hantsport Area Advisory Committees have reviewed the recommended definitions and provided comments, planning staff will present the revised definition chart to the Planning Advisory Committee with the recommendation that they be placed on file to be incorporated during the Plan Review.

5.0 FINANCIAL IMPLICATIONS

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

6.0 ATTACHMENT

Attachment A Definition Chart

Report Prepared by: _____
Sara Poirier and Saira Shah, Planners

Definitions Reviewed by: _____
Janet Redden and Doug MacInnis, Development Officers

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

Attachment A Definition Chart

DEFINITIONS

This chart compares the definitions from the Municipal Government Act (MGA), and West Hants, Hantsport and Windsor Land Use By-laws. The goal of this exercise is to determine consistent definitions for the planning documents of the West Hants Regional Municipality. The final column is the recommended definition as determined by planning staff. There are three (3) definitions hidden in the chart which do not belong in the planning documents. Definitions that are recommended for removal are in ~~strikeout~~.

	MGA	WEST HANTS	Hantsport	Windsor	Recommended
Abattoir		means a building or structure, or part thereof, used for the slaughtering of animals;		means a building or structure, or part thereof, used for the slaughtering of animals; (not used)	means a building or structure or part thereof used for the slaughtering of animals;
Accessory Apartment		means a self-contained dwelling unit within or attached to a main dwelling in such a way as to maintain the appearance of the structure as a single unit dwelling;		means a self-contained dwelling unit within or attached to a main dwelling in such a way as to maintain the appearance of the structure as a single unit dwelling;	means a self-contained dwelling unit within or attached to a main dwelling in a manner which maintains the appearance a single unit dwelling;
Accessory Building		or Structure means a subordinate building or structure on the same lot as the main building, devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof;	means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached by means of any common wall to the main building.	or Structure means a subordinate building or structure on the same lot as the main building, devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof;	means a subordinate building or structure on the same lot as a main building, devoted exclusively to an accessory use excluding a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof;
Accessory Use		means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot;	means a use subordinate and naturally, customarily and normally incidental and exclusively devoted to a main use of land or building and located on the same lot.	means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot;	means a use subordinate in impact and naturally, customarily and normally incidental to a main use of land or building and located on the same lot;
Accessory Farm Sales Outlet		means a use accessory to a farm where agricultural products produced on the farm where such outlet is			means the selling of agricultural products produced primarily on the farm for sale to the public;

	MGA	WEST HANTS	Hantsport	Windsor	Recommended
		located comprise the major portion of goods offered or kept for sale directly to the public;			
Accommodation					
Small-scale					means a building, part of a building or group of buildings containing a maximum of five (5) rental units used primarily for the travelling public, including but not limited to hotels, motels, cabins, bed and breakfast establishments, and country inns, and excluding temporary structures or campgrounds;
Large-scale					means a building, part of a building or group of buildings containing six (6) or more rental units used primarily for the travelling public, including but not limited to hotels, motels, cabins, bed and breakfast establishments, and country inns, and excluding temporary structures or campgrounds;
Agricultural Building or Structure				means a building or structure devoted exclusively to an agricultural use, but shall not include an abattoir;	Remove
Agricultural Support Use		means a building or structure tied to the farm operation and located on the farm property and may include abattoirs, agricultural warehousing,			means the use accessory to an agricultural operation and may include agricultural warehousing, processing, licensed micro-processing of cannabis, licensed

	MGA	WEST HANTS	Hantsport	Windsor	Recommended
		processing, Licensed Micro-Processing of cannabis, Licensed cannabis nursery sorting, grading, packaging and transport facilities;			cannabis nursery, sorting, grading, packaging and transport facilities, and an abattoir (except in the community of Windsor);
Agricultural Use		<p>means the use of land, buildings or structures for the production of crops or livestock, or both, for gain or reward which may include, but is not necessarily limited to:</p> <p>(a) the growing and harvesting of crops such as vegetables, fruits, field crops, berries, trees, maple syrup, mushrooms, flowers and landscaping materials and may include:</p> <p>(i) the erection and use of greenhouses, nurseries, Licensed Micro-Cultivation of cannabis facilities, wineries, wineries-commercial, microbreweries, and restaurants accessory to wineries, wineries-commercial, and microbreweries;</p> <p>(ii) woodlots and forestry uses;</p> <p>(b) the raising of livestock such as cattle, horses, poultry, swine, sheep, rabbits, goats, emus, llamas, fur-bearing animals, game animals, game birds and honey bees, and may include:</p>	<p>means the use of land and/or structures for the growing and/or production of farm products.</p>	<p>means the use of land, buildings or structures for raising crops, livestock or fowl for gain or reward. This definition does not apply to an “urban agricultural use” as defined herein</p>	<p>means the use of land, buildings or structures for the production of crops or livestock, or both, for gain or reward, including but not limited to:</p> <p>(a) growing and harvesting of crops such as vegetables, fruits, maple syrup, mushrooms, and landscaping materials including:</p> <ul style="list-style-type: none"> • greenhouses and nurseries, • facilities for the licensed Micro-Cultivation of cannabis, • wineries and commercial wineries, • microbreweries, and • woodlots and forestry uses; <p>(b) the raising of livestock including but not limited to cattle, horses, poultry, game animals or birds and honey bees, and may include:</p> <ul style="list-style-type: none"> • the production of eggs, cream and milk; • kennels; • riding stables;

	MGA	WEST HANTS	Hantsport	Windsor	Recommended
		<p>(i) the production of eggs, cream and milk; (ii) kennels; (iii) riding stables; (c) the marketing of agricultural products produced on the farm property at an accessory farm sales outlet; (d) the process at a farm necessary to prepare a farm product for farm distribution including cleaning, grading, storage and packaging; (e) the clearing, draining, leveling, irrigating or cultivating of land; (f) the application of fertilizers, soil conditioners, pest control products or other agricultural inputs; (g) the storage, disposal or use of compost and livestock-generated waste for farm purposes (but does not include biosolids); and (h) the operation of agricultural machinery and equipment; and</p> <p>For further clarification, agricultural use shall not include an abattoir or commercial slaughter house.</p> <p>LIVESTOCK CHARTS ARE HERE</p>			<ul style="list-style-type: none"> • cleaning, grading, storage and packaging of farm products; • clearing, draining, leveling, irrigating or cultivating of land; • application of fertilizers, soil conditioners, pest control products or other materials; • storage, disposal or use of compost and livestock-generated waste not including biosolids, for farm purposes; and • operation of agricultural machinery and equipment; and <p>(c) excluding an abattoir.</p> <p>Note: Livestock charts added to animal units but could be added to the General Provision section of the LUB</p>
Urban Agriculture Use				means the keeping of chickens (laying hens) and	means the keeping of chickens (laying hens) and

	MGA	WEST HANTS	Hantsport	Windsor	Recommended
				beekeeping on a residential property, subject to Section 5.44 of this by-law	beekeeping on a residential property in the community of Windsor;
Amusement Arcade			means a wholly enclosed "place of amusement" as defined by the Theatres and Amusement Act, limited to four (4) or more video amusement devices, pool tables and similar amusement machines, but does not include any activity of gambling or any gambling device. <i>(not used)</i>	means a building, or part thereof, in which pinball machines, video games or other similar player-operated amusement devices are maintained;	means a building in which pinball machines, video games or other similar player-operated amusement devices are maintained;
Amusement Rides				means mechanically or electrically operated devices that carry or convey passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure or excitement;	means devices that convey passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure or excitement;
Animal Unit				means one or more farm animals as specified in the following table: Type of Livestock Number Deemed Equal to One Animal Unit Dairy Cows 1.5 Dairy Heifers 2 Beef Cows 2 Beef Feeders (150 - 500 kg) 4 Veal Calves 25 Bulls 1 Horses 1 Sheep 10 Sows Breeding/Gestation 5	means one or more livestock animals as specified in the following table: Type of Livestock Number Deemed Equal to One Animal Unit Dairy Cows 1.5 Dairy Heifers 2 Beef Cows 2 Beef Feeders (150 - 500 kg) 4 Veal Calves 25 Bulls 1 Horses 1 Sheep 10 Sows Breeding/Gestation 5

	MGA	WEST HANTS	Hantsport	Windsor	Recommended
				Sows (Farrow to Finish) 1 Sows (Farrow to Wean) 4 Weaners 50 Hogs (Feeders) 10 Laying Hens (whole year) 500 Broiler Chickens 1,000 Turkey Broilers (5 kg) 300 Mink (female including young) 200 Rabbits (female including young) 40 Llamas/Alpacas 8 Ostrich/Emus 5	Sows (Farrow to Finish) 1 Sows (Farrow to Wean) 4 Weaners 50 Hogs (Feeders) 10 Laying Hens (whole year) 500 Broiler Chickens 1,000 Turkey Broilers (5 kg) 300 Mink (female including young) 200 Rabbits (female including young) 40 Llamas/Alpacas 8 Ostrich/Emus 5
Arena		means a building, location or premises in which to view or participate in sporting or entertainment events, including but not limited to a rink, floor or ice surface, spectator seating areas, dressing rooms, canteen facilities, lobbies, and hallways;		means a building, location or premises in which to view or participate in sporting or entertainment events including, but not limited to, a rink, floor or ice surface, spectator seating areas, dressing rooms, washrooms, canteen facilities, lobbies and hallways;	means a building, location or premises in which to view or participate in sporting or entertainment events, including but not limited to a rink, floor or ice surface, spectator seating areas, dressing rooms, canteen facilities, athletic equipment sales and repair;
Artisan Workshop			means a building or part of a building used for the production of, or the production and sale of, works of art or crafts made by small custom production processes or by hand.		Remove
Arts and Crafts Studio		means a building, or part thereof, used for the production of, or the production and sale of, works of art or crafts made by hand;		means a building, or part thereof, used for the production of, or the production and sale of, works of art or crafts made by hand;	means a building or part of a building used for the production or production and sale of works of art or crafts made by small custom production processes or by hand and may include instruction;

	MGA	WEST HANTS	Hantsport	Windsor	Recommended
Automobile Body Shop		means a building used for the repair of body work, detailing or painting of automobile bodies, or any one or more of these uses			means a building used for the repair of body work, detailing and/or painting of automobile bodies;
Automotive Repair Shop		<u>Repair Shop, Vehicle and Machinery</u> means a commercial establishment for the repair or replacement of parts in automotive, farm or forestry vehicles, machinery or equipment;	<u>Motor Vehicle Sales, Rental, and Repair</u> means an establishment excluding a private home or garage, where new and / or used vehicles, lubricants, tires, parts and accessories for motor vehicles are kept for sale, and where replacement and/or repairs to any component of a motor vehicle may be performed including autobody and/or painting uses. Motor vehicles shall include boats and other recreational vehicles. Salvage and scrap yards, and motor vehicle fueling stations are separate uses.		means a building or part of a building used for the repair, sales and/or replacement of parts, machinery or equipment in any motor vehicle;
Automobile Service Station		means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories, space for the repair of automobiles, a car wash facility and a convenience store	means a commercial building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and fuels and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles.	means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories, space for the repair of automobiles, a car wash facility and a convenience store;	means a building, part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils, fuels, automobile accessories and service and minor repairs essential to the operation of motor vehicles and may include accessory uses such as a retail convenience store and an automotive washing establishment;
Auto Body Repair Shop				means a building used for the repair of body work,	Remove

	MGA	WEST HANTS	Hantsport	Windsor	Recommended
				detailing and painting of automobile bodies;	
Automobile Sales Establishment		means a building or part of a building or space on a lot used for retail or wholesale sales or rental of motor vehicles and motor vehicle accessories, and includes a public garage and repair shop;		means a building or part of a building or space on a lot used for retail sales or rental of motor vehicles and motor vehicle accessories, and includes a public garage and repair shop;	means a building or part of a building or space on a lot used for the sale or rental of motor vehicles and motor vehicle accessories and may include an automotive repair shop;
Automobile Washing Establishment		means a building or part thereof used for the operation of automobile washing equipment which is automatic or semi-automatic;		means a building or part thereof used for the operation of automobile washing equipment which is automatic or semi-automatic;	means a building or part of a building used for the operation of automatic or semi-automatic automobile washing equipment;
Automotive Use		means an automobile service station, a gasoline retail outlet, a motor vehicle repair shop, an automobile sales establishment, an auto body shop or an automobile washing establishment, but shall not include a salvage yard;			means an automobile service station, repair shop, body shop, sales establishment or washing establishment, excluding a salvage or scrap yard;
Biosolids		means the solid, semi-solid or liquid residue generated during the treatment of sewage and septage sludges, as well as any mixture containing biosolids;			means the solid, semi-solid or liquid residue generated during the treatment of sewage and septage sludges or any mixture containing biosolids;
Block		means the smallest unit of land which is bound entirely by public streets, rivers, railroads, public parks or any combination thereof;		means the smallest unit of land which is bound entirely by public streets, rivers, railroads, public parks or any combination thereof;	means the smallest unit of land which is bound entirely by public streets, rivers, railroads, public parks or any combination thereof;
Boarding or Rooming House		means a single unit dwelling in which the resident supplies, for compensation,	means a single unit residential dwelling in which the primary resident/owner	means a single unit dwelling in which the resident supplies, for compensation,	means a single dwelling unit in which either room or room and board are

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		either room or room and board in more than two bedrooms but not more than five bedrooms, exclusive of those for the resident and family, and which is not open to the travelling public;	supplies either room or room and board for compensation, on a weekly or monthly basis, and which is not open to the general public.	either room or room and board in more than two rooms but not more five rooms, exclusive of those for the resident and family, and which is not open to the travelling public;	supplied in more than two rooms but not more than five rooms for compensation and which is not open to the travelling public;
Brewery Commercial Brewery		means a brewery or cidery engaged in the production of more than 15,000 hectolitres per year of beer or other related beverages where the primary business function is to sell packaged product to the Nova Scotia Liquor Commission and thence to the general public through retail liquor stores or for export;		means a brewery or cidery engaged in the production of more than 15,000 hectolitres per year of beer or other related beverages where the primary business function is to sell packaged product to the Nova Scotia Liquor Commission and thence to the general public through retail liquor stores or for export	means a brewery engaged in the production of more than 15,000 hectolitres per year of beer or other related beverages, and may include a hospitality room and retail store;
Micro Brewery		means a craft brewery or cidery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, cider or other related beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room where beverages produced at the facility can be sampled;		means a craft brewery or cidery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, cider or other related beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room where beverages produced at the facility can be sampled	means a facility primarily engaged in the production and packaging of less than 15,000 hectolitres per year of beer which may also include a hospitality room and retail store;
Building		means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or	means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or	means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or	means any temporary or permanent structure, used or built for the shelter, accommodation or enclosure of persons, animals, material or

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		equipment. Any tent, awning, bin, bunker, platform, vessel or vehicle used for any of the said purposes shall be deemed a building;	equipment and includes any tent, awning, bin, bunk, or platform, vessel or vehicles used for said purposes.	equipment. Any tent, awning, bin, bunker, platform, vessel or vehicle used for any of the said purposes shall be deemed a building;	equipment, including any tent, awning, bin, bunker, platform, vessel or vehicle used for any of these purposes;
Building Footprint		is the outline of the total area of a lot or site that is surrounded by the exterior walls of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of a roof;		(used but no definition)	means the total area surrounded by the exterior walls of a building excluding courtyards or the area under the horizontal projection of a roof;
Bulk Sales Establishment		means the use of land, a building or structure for the purpose of buying and selling lumber, wood, building materials, feed, fertilizer, ice and similar material;		means the use of land, a building or structure for the purpose of buying and selling lumber, wood, building materials, feed, fertilizer, ice and similar material;	means the use of land, buildings or structures for the purpose of buying and selling bulk material, including but not limited to lumber, wood, building materials, feed, fertilizer, and ice;
By-law		means this By-law which is the <i>Municipality of the District of West Hants Land Use By-law</i> ;		means this By-law which is the Town of Windsor Land Use By-law;	Remove
Catering Establishment		means an establishment primarily involved in the preparation and transfer of finished food products for consumption upon delivery to off-premises destinations only;		means an establishment primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations only;	means an establishment primarily involved in the preparation and transfer of food products for immediate consumption upon delivery to off-premises destinations;
Chase the Ace					a form of lottery that accumulates from week-to-week until it is won. Each week participants buys lottery tickets. The lottery

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					winner also then draws a card from a deck of playing cards and wins the accumulated jackpot if the ace of spades is drawn. If not, the reduced deck is kept for the following week's game, and the jackpot rolls over to the next week.
Church		means a building dedicated to any religious worship and includes an associated hall, auditorium, Sunday School, day nursery or residence operated by the church on the same lot or an adjacent lot;	means an institutional building dedicated to religious worship, and includes a church hall, church auditorium, Sunday School, or Parish Hall.	means a building dedicated to any religious worship and includes an associated hall, auditorium, Sunday School, day nursery or residence operated by the church on the same lot or an adjacent lot;	Remove
Clinic		means a building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or professional office of a doctor located in his/her residence;	means a commercial building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his/her residence.	means a building or part of a building used for the medical, dental, surgical or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his/her residence;	means a building or part of a building used for the medical, dental, surgical or therapeutic treatment of human beings, excluding a public or private hospital or a professional office of a doctor located in their residence;
Club		means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity or sorority house and a labour union hall;			means a building or part of a building used as a meeting place for members of an organization including a lodge, a fraternity or sorority house and a labour union hall;
Commercial			means any use by which retail or wholesale trade is carried on, and those other uses involving sale of goods, materials, and services.		Remove

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Commercial Use				means the use of a building for the purpose of buying and selling goods and supplying services.	means the use of a building for the purpose of buying and selling goods and supplying services;
Commercial School		means an establishment which provides instruction for profit or gain including, but not limited to, secretarial schools, dance, music, drama and arts and crafts schools, and business and trade schools;		means an establishment which provides instruction for profit or gain including, but not limited to, secretarial schools, dance, music, drama, and arts and crafts schools, and business and trade schools;	means an establishment which provides instruction for profit or gain including but not limited to secretarial schools, dance, music, drama, arts, crafts, business and trade schools, excluding schools which teach any portion of a pre-kindergarten to grade 12 curriculum;
Community Centre		means any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof;		(used but no definition)	means any lot and the buildings thereon owned or operated by the Municipality or a non-profit organization and used for primarily for community activities and not for commercial purposes;
Community of Hantsport					means the geographic area of the former Town of Hantsport;
Community of Windsor					means the geographic area of the former Town of Windsor;
Community of West Hants					means the geographic area of the former Municipality of West Hants;
Community Use / Local Commercial Building		means a building privately owned, operated and maintained by an individual or corporation primarily for the use of residents of the area under development agreement and known as 'The Crossing' and its			means a building operated and maintained by the owner or its successor in title (Landlord) primarily for the use of residents of " The Crossing " and their guests for meetings, recreation and similar activities, and which

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		guests for meetings, recreation and similar activities, and which may also contain a maximum of 2,500 sq. ft. of uses which are permitted in the Local Commercial (LC) Zone.			may also contain Local Commercial uses subject to the Land Use By-law and other applicable provisions;
Convenience Store		means a retail store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazines, confectionary items and grocery items and may include a snack bar, dry cleaning drop-off depot and video rentals;		means a retail store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazines, confectionary items and grocery items and may include a snack bar, dry cleaning drop-off depot and video rentals;	means a retail store that serves the needs of the neighbourhood and may include the sale of magazines, confectionary items and grocery items and may include a snack bar, laundromat, dry cleaning drop-off depot and video rentals;
Council		means the Council of the Municipality of the District of West Hants;		means the Council of the Town of Windsor;	means the Council of West Hants Regional Municipality;
Cultural Use				means the use of land or a building for natural, artistic, historic, educational, or cultural interest and may include archives, libraries, museums, galleries, theatres, studios and botanical gardens. (not used)	Remove
Day Care Facility		means a building or part thereof where children are cared for on a daily basis, for compensation, without overnight accommodation, but does not include a school;		means a building where children are cared for on a daily basis, for compensation, without overnight accommodation, but does not include a school. (a) Non-Licensed Day Care Centre serves fewer than six children;	means a building where children are cared for on a daily basis for compensation without overnight accommodation, excluding a school.

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				(b) Licensed Day Care Centre serves six or more children and is licensed by the Province of Nova Scotia under the Day Care Act.	
Non-Licensed Day Care Facility		(a) Non-Licensed Day Care Centre serves fewer than six children;			means a day care facility which serves fewer than eight (8) children;
Licensed Day Care Facility		(b) Licensed Day Care Centre serves six or more children and is licensed by the Province of Nova Scotia under the Day Care Act;			means a day care facility which serves six (6) or more children and is licensed by the Province of Nova Scotia under the Day Care Act.
Non-Residential Day Care Centre			means a place where 9 or more children are cared for without overnight accommodation but does not include a school.		Remove
Residential Day Care Centre			means that portion of a residential dwelling which is used to accommodate more than three but fewer than nine children who are looked after during the daytime hours		Remove
Depth				means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line.	means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line.
Development	"development" includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures;	includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures;		includes the erection, construction, alteration, placement, location, replacement, or relocation of, or addition to a structure and a change or alteration in the use made of land or structures;	means the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures;

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Development Officer	"development officer" means the person or persons appointed by a council to administer a land-use or subdivision by-law;	means the person or persons appointed by the Municipality of the District of West Hants to administer this By-law;	means the person appointed by Council to administer the Land Use By-law	Development Officer means the person or persons appointed by Town of Windsor to administer this By-law;	means the person or persons appointed by Council to administer the land-use and subdivision by-laws;
Display Court		means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing, such displays include displays of cars, trucks, vans, motor homes, manufactured homes, trailers, boats, snowmobiles, motorcycles, swimming pools, garden ornaments and prefabricated cottages or homes;		means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing, such displays would include displays of cars, trucks, vans, motor homes, mobile homes, trailers, boats, snowmobiles, motorcycles, swimming pools, garden ornaments, and prefabricated cottages or homes;	Remove
Distillery Commercial Distillery		means a facility in the production of more than 75,000 litres per year of liquor and spirits, other than wine or beer, where the product is blended or bottled for sale to the Nova Scotia Liquor Commission or for export;		means a facility in the production of more than 75,000 litres per year of liquor and spirits, other than wine or beer, where the product is blended or bottled for sale to the Nova Scotia Liquor Commission or for export	means a facility that produces more than 150,000 litres per year of liquor and spirits, other than wine or beer, where the product is blended or bottled, and may include a hospitality room and retail store;
Micro Distillery		means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine or beer. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room		means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine or beer. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room	means a facility primarily engaged in the production and packaging of less than 150,000 litres per year of liquor and spirits other than wine or beer and may include a hospitality room and retail store.

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		where beverages produced at the facility can be sampled;		where beverages produced at the facility can be sampled	
Driveway		means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle;		means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle;	Remove
Dwelling		means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, a motel, apartment hotel, recreation vehicle or travel trailer;	means a building or portion thereof, occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall not include a hotel or motel.	means a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, motel, apartment hotel, recreation vehicle, or travel trailer;	means a building or portion thereof, occupied or capable of being occupied as a residence by one (1) or more persons, containing one (1) or more dwelling units, excluding a hotel, motel, country inn, recreational vehicle, or travel trailer.
Dwelling Unit	means living quarters that (i) are accessible from a private entrance, either outside the building or in a common area within the building, (ii) are occupied or, if unoccupied, are reasonably fit for occupancy, (iii) contain kitchen facilities within the unit, and (iv) have toilet facilities that are not shared with the occupants of other dwelling units;	means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations.	means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations.	means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations.	means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building excluding a recreational cabin as defined in the Nova Scotia Building Code Regulations.

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Dwelling, Converted		means a building originally built and designed as a single dwelling unit which has been converted to two or more dwelling units;	means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.	means a building originally built and designed as a single unit dwelling which has been converted to two or more dwelling units;	Remove
Dwelling, Duplex		means a building that is divided horizontally into two dwelling units, each of which has an independent entrance directly or through a common vestibule;	means a building that is divided horizontally or vertically into two dwelling units each of which has an independent entrance either directly from outside the building or through a common vestibule.	<u>Duplex Dwelling</u> means a building that is divided horizontally into two dwelling units (only used in definitions) each of which has an independent entrance directly or through a common vestibule;	Remove
Apartment Building		<u>Apartment Dwelling</u> means a building or part thereof, other than a converted dwelling, consisting of more than three dwelling units, which have a common entrance from the street level;	means a building containing three or more dwelling units which have a common entrance from the street level.	Apartment Dwelling means a building or part thereof, other than a converted dwelling, consisting of three or more dwelling units, which have a common entrance from the street level; (not used)	Remove
Grouped Dwelling		<u>Grouped Dwellings</u> means two or more dwelling units which are contained in two or more buildings designed to be part of a group of dwellings clustered on the same lot;	means buildings designed as part of a group of dwellings on the same lot, held and maintained under single ownership, or otherwise provided under the Condominium Act, R.S.N.S. 1989.	<u>Grouped Dwellings</u> means two or more dwelling units which are contained in two or more buildings designed to be part of a group of dwellings clustered on a single lot;	means two (2) or more dwelling units contained in two (2) or more buildings, and may include shared buildings or facilities, all designed to be part of a group of dwellings located on a single lot;
Group Home			means a single housekeeping unit in a residential dwelling in which three to ten residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed by the Province. "Residents," for the purpose of this		means a dwelling unit in which three to ten people live together which is licensed by the Province

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			definition shall be deemed as to exclude staff or receiving family.		
Mini-Home			means a dwelling unit built to a CSA standard which meets or exceeds a length to width ratio of 3:1.		means a dwelling unit built as a manufactured home to a CSA standard which meets or exceeds a length to width ratio of 3:1 and incorporates pitched roof.
Mobile home		means a manufactured home incorporating a bow-truss roof and designed for transportation on its own frame;			means a manufactured home incorporating a bow-truss roof and designed for transportation on its own frame;
Modular Home		means a dwelling unit manufactured in a factory which is transported in two or more sections and assembled on site;			means a dwelling unit manufactured in a factory which is transported in two or more sections and assembled on site;
Multi-Unit Dwelling		<u>Multiple</u> Unit Dwelling means a building or part thereof, other than a converted dwelling, consisting of three or more dwelling units;	means a dwelling containing three or more dwelling units, other than a townhouse		means a a building containing three (3) or more dwelling units;
Seasonal Dwelling		means a cottage or secondary residence used for recreation, rest or relaxation from time to time throughout any season of the year, but not used or intended to be used for year-round occupancy or as a principal residence;			means a cottage or secondary residence used for recreation, rest or relaxation from time to time throughout any season of the year, but not used or intended to be used for year-round occupancy or as a primary residence;
Semi Detached Duplex Dwelling				means a building that consists of two duplexes attached to each other; (used once in the WMPS section 5.3)	Remove

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Dwelling, Semi-Detached		means a building that is divided vertically into two dwelling units, each of which has an independent entrance;	means a building that is divided vertically into two dwelling units each of which has an independent entrance.	<u>Semi Detached Dwelling</u> means a building that is divided vertically into two dwelling units each of which has an independent entrance;	Remove
Single-Unit Dwelling		means a building consisting of one dwelling unit which is constructed wholly on the site from basic materials or from components transported to the site, which is not intended or designed to be removed from the site, and is freestanding, separate and detached from other main buildings or structures;	means a detached dwelling unit and does not include a mini home unit.	<u>Single Unit Dwelling</u> means a building consisting of one dwelling unit which is constructed wholly on the site from basic materials or from components transported to the site, which is not intended or designed to be removed from the site, and is freestanding, separate and detached from other main buildings or structures;	means a building consisting of one (1) dwelling unit which is constructed wholly on the site from basic materials or from components transported to the site, which is not intended or designed to be removed from the site, and is freestanding, separate and detached from other main buildings or structures;
Triplex Dwelling		means a building that is divided horizontally into three dwelling units, each of which has an independent entrance directly or through a common vestibule;		means a building that is divided horizontally into three dwelling units, each of which has an independent entrance directly or through a common vestibule; (not used)	Remove
Townhouse		means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit;	means a dwelling unit that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.	<u>Townhouse Dwelling</u> means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard, immediately abutting the front and rear walls of each dwelling unit;	means a building that is divided vertically into three (3) or more dwelling units, each of which has an independent entrance directly or through a common vestibule;
Two-Unit Dwelling		means a completely detached building containing only two dwelling units;		means a completely detached building containing only two dwelling units;	means a completely detached building containing only two (2) dwelling units;

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Erect		means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension;	means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include preliminary physical operation such as excavating, or structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.	means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension;	means to build, construct, reconstruct, alter or relocate including but not limited to preliminary physical operation such as excavating, or structurally altering any existing building or structure by an addition, deletion, enlargement, or extension;
Exhibition Grounds				means an area used for the temporary display, demonstration and sale of arts, crafts, livestock, commercial or industrial products, recreational vehicles or automobiles, and may include amusement rides, amusement arcades or recreation areas;	means an area used for the temporary display, demonstration and sale of arts, crafts, livestock, commercial or industrial products, recreational vehicles or automobiles, and may include amusement rides, amusement arcades or recreation areas;
Existing		means legally existing as of the effective date of this By-law;	means in reference to a use or structure, that it existed on the effective date of the 1988 Land Use By-law except for references to existing mini homes or two unit dwellings in which case existing shall mean the effective date of this by-law.	means legally existing on the effective date of this By-law;	Remove
Farm Market		means a building or part thereof in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value; where a farm market is permitted in a resource zone		means a building or part thereof in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value;	means a building or part thereof in which agricultural produce comprises the major portion of goods offered or kept for sale directly to the public at retail value;

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		as part of an agricultural operation, the majority of the farm produce offered or kept for sale shall be grown or produced on farm property owned by the farm market operator;			
Fill		means natural earth or material deposited on a lot to alter the land level and contour of the lot; (not used)		means natural earth or gravel material deposited on a lot to alter the land level and contour of the lot; (not used)	means natural earth or material deposited on a lot to alter the land level and contour of the lot;
Floor Area			(a) in reference to a structure, the total area contained within the outside walls.		with reference to a structure means the total area contained within the outside walls;
Commercial Floor Area		Commercial Floor Area means the total usable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common malls between stores;	Commercial structure floor area means the area within the outside walls of the structure measured at a level of the main floor or floors. Commercial structure gross floor area means the area within the outside walls of the structure at all floor levels including the basement.	means the total useable floor area within a building used for commercial purposes but excludes washrooms, utility and mechanical rooms, storage rooms and common malls between stores;	means the total usable floor area within a building used for commercial purposes excluding washrooms, utility and mechanical rooms, storage rooms and common malls between stores;
Floor Area, Dwelling		With reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic, basement or cellar or other room not habitable at all seasons of the year;	dwelling floor area means the area within the outside walls of the structure at the level of the main floor area or floors.	With reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic, basement or cellar, or other room not habitable at all seasons of the year;	with reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic, basement or cellar or other room not habitable at all seasons of the year;
Dwelling Structure Gross Floor Area			means the area within the outside walls of the structure		Remove

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			on all floor areas including the basement.		
Commercial Structure Net Floor Area			means the area within the inside finished walls on all floor levels, exclusive of utility, storage, and common wall areas. (not used)		Remove
Gross Floor Area		means the aggregate of the floor area of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls;	means the aggregate of the floor area of the building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.	means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls;	means the aggregate of the floor area of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls;
Floor Area Ratio				means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of the lot.	means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of the lot;
Fonzie					a fictional character played by Henry Winkler in the American sitcom Happy Days;
Fuel Storage Depot		means the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid legally and properly kept in a tank for storage;		means the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid legally and properly kept in a tank for storage;	means the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid legally and properly kept in a tank for storage;
Forestry and Related Activities		means the growing and harvesting of trees for commercial purposes together with the processing of the forestry products and, without limiting the			means the growing and harvesting of trees for commercial purposes together with the processing of the forestry products including but not limited to

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		generality of the foregoing, shall include temporary uses such as portable sawmills, lumber yards and equipment storage facilities and small-scale permanent structures such as saw mills and shingle mills acquiring less than 2,270 cords (5,000 m ³) of round wood from private woodlands per calendar year;			temporary uses such as portable sawmills, lumber yards and equipment storage facilities, small-scale permanent structures such as saw mills and shingle mills acquiring less than 2,270 cords (5,000 m ³) of round wood per calendar year and large-scale permanent structures acquiring more than 2,270 cords (5,000 m ³) of round wood per calendar year;
Grade, Average				means the average of the neighbouring street elevations on the street which the building fronts	means the average of the elevations of the street which the building fronts;
Bed and Breakfast Country Inn Guest House		<p><u>Bed and Breakfast</u> means a single unit dwelling in which the resident supplies, for compensation, not more than four bedrooms for the temporary accommodation of the travelling public;</p> <p><u>Country Inn</u> means a building with three or more bedrooms for the temporary accommodation of the travelling public for gain or profit and may include a public dining room and/or guest house</p> <p><u>Guest House</u> means a building without kitchen facilities on the same lot as a country inn which is used for the temporary</p>	means a dwelling where the property owner??supplies either room or room and board for monetary gain and is open to the travelling public.	<p><u>Bed and Breakfast</u> means a single unit dwelling in which the resident supplies, for compensation, not more than four rooms for the temporary accommodation of the travelling public;</p> <p><u>Country Inn</u> means a building with three or more rooms for the temporary accommodation of the travelling public for gain or profit and may include a public dining room and/or guest house.</p> <p><u>Guest House</u> means a building without kitchen facilities on the same lot as a country inn which is used for the temporary</p>	<p><u>Bed and Breakfast</u> means a single dwelling unit in which the resident supplies bedrooms for the temporary accommodation of the travelling public for compensation;</p> <p><u>Country Inn</u> means a building with three or more rooms for the temporary accommodation of the travelling public for compensation and may include a public dining room and/or guest house.</p> <p><u>Guest House</u> means a building without kitchen facilities on the same lot as a Country Inn which is used for the temporary</p>

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		accommodation of the travelling public;		accommodation of the travelling public; (not used)	accommodation of the travelling public;
Hazardous Material		means a material which, by reason of its properties, is a hazard to health or to the environment and which is explosive, gaseous, flammable, poisonous, radioactive, corrosive, oxidizing or leachable, or is designated as a hazardous material under federal or provincial legislation;		means a material which, by reason of its properties, is a hazard to health or to the environment and which is explosive, gaseous, flammable, poisonous, radioactive, corrosive, oxidizing or leachable, or is designated as a hazardous material under federal or provincial legislation;	means a material which, by reason of its properties, is a hazard to health or to the environment and which is explosive, gaseous, flammable, poisonous, radioactive, corrosive, oxidizing or leachable, or is designated as a hazardous material under federal or provincial legislation;
Height		Height means the vertical distance on a building between the established grade and: (a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof; (b) the declivity of a mansard roof; or (c) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, such as a mechanical penthouse, chimney, tower, cupola or steeple;	means the vertical distance on a building between the established grade, and (a) the highest point of the roof surface, or the parapet, whichever is greater, of a flat roof; or (b) the declivity of a mansard roof; or (c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof; but shall not include any construction used as ornament or for the operation of the building, such as a mechanical penthouse, chimney, tower, steeple, solar collector, or satellite receiving dish.	Height means the vertical distance on a building between the established grade and: (a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof; (b) the declivity of a mansard roof; or (c) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple;	means the vertical distance on a building between the established grade, and (a) the highest point of the roof surface, or the parapet, whichever is greater, of a flat roof; or (b) the declivity of a mansard roof; or (c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof; excluding any construction used as ornament or for the operation of the building, such as a mechanical penthouse, chimney, tower, steeple, solar collector, or satellite receiving dish.
Home Based Business		means the accessory use of a dwelling by any resident of that dwelling unit for gainful employment involving the production, sale, or	means a business activity carried on wholly within a residential structure or accessory structure, without limiting the generality of the	means the accessory use of a dwelling by any resident of that dwelling unit for gainful employment involving the production, sale, or	means the accessory use of a dwelling or accessory building by a resident for gainful employment involving the production,

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		provision of goods and services, on a small scale;	foregoing, includes: office uses, personal services shops, craft shops, and the repair of minor household appliances. Home occupations do not include the sale, rental, or repair of automobiles.	provision of goods and services, on a small scale;	sale, or provision of goods and services on a small scale;
Home for Special Care		means a nursing home, a home for the aged, a home for the disabled and a residential care facility as defined in the <i>Homes for Special Care Act</i> ;	means facilities licensed under The Homes for Special Care Act.	Home for Special Care means a nursing home, a home for the aged, a home for the disabled or a residential care facility as defined in The Homes for Special Care Act;	means a dwelling unit where people live together and receive care, and can include a nursing home, a home for the aged, a home for the disabled and a residential care facility as defined in the Homes for Special Care Act;
Hospital		means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury;		means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury;	means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury;
Hotel or Motel		<u>Hotel</u> means a building with six or more units that are internally accessible, with private bathrooms, used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals; <u>Motel</u> means a building or a group of buildings with three or more units, each with external access and private bathrooms, used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation;	means a building or buildings or part thereof on the same lot used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation with or without meals.	<u>Hotel</u> means a building with six or more units that are internally accessible with private bathrooms used to accommodate the travelling public, for gain or profit, by supplying them with sleeping accommodation with or without meals <u>Motel</u> means a building or a group of buildings with three or more units, each with external access, and private bathrooms, used to accommodate the travelling public, for gain or profit, by supplying them with sleeping accommodation;	<u>Hotel</u> means a building with six or more internally accessible units with private bathrooms used to accommodate the travelling public for compensation by supplying them with sleeping accommodation, with or without meals; <u>Motel</u> means a building or a group of buildings with three or more units each with external access and private bathrooms, used to accommodate the travelling public for compensation, by supplying them with sleeping accommodation;

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Housing Affordability				means all types of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit and co-operative housing, as well as rent supplements for people living in private market housing (not used)	Remove
Industrial Use			means one involving manufacturing, processing, fabrication or outdoor storage.		means the use of land or buildings or structures for manufacturing, processing, fabrication or outdoor storage.
Institutional Use		means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals, homes for special care and government buildings, but shall not include a private club;	means a place of worship, school, or hospital or any health care facility, whether public or privately operated, including Homes for Special Care, and any public use.	means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club;	means the use of land, buildings or structures for a public or non-profit purpose including but not limited to schools, places of worship, public hospitals, homes for special care and government buildings excluding a private club;
Interpretive Centre		means an establishment that provides cultural or natural heritage information to the public and may include accessory uses such as a tea room or other small restaurant, gift shop and similar uses;			means an establishment that provides cultural or heritage information to the public;
Kennel		Kennel means a building or structure where four or more dogs over the age of six months are kept, bred, boarded or trained, and may	means a building or structure used for the enclosure of dogs, which are kept for the purposes of commercial breeding or	means a lot, building or structure on or within which four or more domesticated animals are housed, groomed, bred, boarded,	means a lot, building or structure on or within which domesticated animals are housed, groomed, bred,

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		<p>also include breeding and boarding facilities for cats, and pet grooming, but shall not include a veterinary clinic or the retail sale of pet supplies;</p> <p><u>Commercial Kennel</u> means a kennel involving eight or more dogs;</p> <p><u>Hobby Kennel</u> means a kennel accessory to a residential use involving fewer than eight dogs;</p>	showing or for commercial boarding. (not used)	trained or sold for monetary gain and which may offer provisions for minor medical treatment;	<p>boarded, trained or sold for monetary gain:</p> <p><u>Commercial Kennel</u> means a kennel which may provide overnight accommodations eight (8) or more domesticated animals;</p> <p><u>Hobby Kennel</u> means a kennel accessory to a residential use which may provide overnight accommodations for fewer than eight (8) domesticated animals;</p>
Kiosk				means a small structure, open at one or more sides, used for the display and retail sale of goods, merchandise or farm produce, or for the limited preparation and sale of food or beverages, but shall not include a motor vehicle;	means a small structure, open at one or more sides, used for the display and retail sale of goods, merchandise or farm produce, or for the limited preparation and sale of food or beverages, excluding a motor vehicle;
Landscaped Open Space		means the open space which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping including any surfaced walk, patio and similar area and not occupied by a building or used as a driveway or parking space;		means the open space which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping including any surfaced walk, patio and similar area and not occupied by a building or used as a driveway or parking space;	means open space used for the growth and maintenance of grass, flowers, shrubbery and other landscaping including any surfaced walk, patio and similar area which is not occupied by a building or used as a driveway or parking space;
Landscaping			means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving,	Landscaping means the use of any combination of horticultural elements, decorative stone work, paving, fencing or other	means the use of any combination of horticultural elements, decorative stone work, paving, fencing or other architectural elements

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			screening, or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land. (not used)	architectural elements to enhance the visual quality of a property or to provide a visual barrier between one property and another;	to enhance the visual appearance of a property or to provide a visual barrier between one property and another;
Livestock Operation, Household		means a livestock operation consisting of not more than eight animal units which is accessory to the main use on a lot;			means a livestock operation consisting of not more than eight (8) animal units which is accessory to the main use on a lot;
Livestock Operation, Intensive		means an agricultural use in which a minimum of 20 animal units are confined to a barn, feedlot or other facility for feeding, breeding, milking, holding for eventual sale or egg production. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded;		means an agricultural use in which a minimum of 20 animal units are confined to a barn, feedlot or other facility for feeding, breeding, milking, holding for eventual sale, or egg production. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded	means an agricultural use in which a minimum of 20 animal units are confined to a barn, feedlot or other facility for feeding, breeding, milking, holding for eventual sale or egg production;
Livestock Operation, Non-intensive		means an agricultural use consisting of not more than 19 animal units. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded;		means an agricultural use consisting of not more than 19 animal units. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded. This definition does not apply to an "urban agricultural use" as defined herein (the intent is in the last sentence)	means an agricultural use other than an "urban agricultural use" or "household livestock use" as defined herein consisting of not more than 19 animal units.

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Loading Space		<p>means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which:</p> <p>(a) is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;</p> <p>(b) is not upon or partly upon any street; and</p> <p>(c) has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles</p>		<p>means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:</p> <p>(a) is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;</p> <p>(b) is not upon or partly upon any street or highway; and</p> <p>(c) has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring area or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles;</p>	<p>means an unencumbered area of a lot which:</p> <p>(a) is suitable for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle; and</p> <p>(b) has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles;</p>
Local Commercial		<p>is a small scale commercial operation that serves a relatively small market area and is of a local nature and, without limiting the generality of the foregoing, may include convenience stores and arts, crafts, antiques or personal service shops. For the purpose of this By-law, local commercial</p>		<p>is a small scale commercial operation that serves a relatively small market area and is of a local nature and, without limiting the generality of the foregoing, may include convenience stores and art/craft/antique and personal service shops. For the purpose of this By-law, local commercial uses</p>	<p>means a small commercial operation including but not limited to convenience stores, arts, crafts or antique shops, personal service shops, licensed day care centres, country inns, small restaurants, offices and video stores, that serves a relatively small market area of a primarily local nature</p>

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		uses may include other uses which have traditionally been considered local commercial even though they may serve an extended market and which are compatible with residential areas such as licensed day care centres, country inns, small restaurants or cafés, offices and video stores		may include other uses which have traditionally been considered local commercial even though they may serve an extended market and which are compatible with residential areas such as licensed day care centres, country inns, small restaurants or cafes, offices and video stores;	and is compatible with residential uses;
Lot		means a parcel of land described in a deed or as shown in a registered plan of subdivision;	means an area of land separated from adjacent areas of land by being described in a deed or shown on an approved plan of subdivision.	means a parcel of land described in a deed or as shown on a registered plan of subdivision	means a parcel of land described in a deed or as shown on a registered plan of subdivision;
Corner Lot		means a lot situated at the intersecting corner of two or more streets. The shorter lot line shall be deemed the front line of the said lot;	means a lot situated at the intersection of and abutting on two or more streets. The shorter line shall be deemed the front line of the said lot.	means a lot situated at the intersecting corner of two or more streets. The shorter lot line shall be deemed the front line of the said lot;	means a lot situated at the intersection of and abutting two (2) or more streets;
Flag Lot		means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the “pole” portion of the lot contains the required lot frontage; a lot with a “foot” at the end of the pole that meets the frontage requirement shall also be considered a flag lot; (not used)			means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole where the pole portion contains the required lot frontage; a lot with a foot at the end of the pole that meets the frontage requirement shall also be considered a flag lot;
Interior Lot		means a lot situated between two lots and having access to one street; (not used)		means a lot abutting only one street the full width of the lot (not used)	Remove

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Through Lot		means a lot bounded on two opposite sides by streets provided, however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this By law;	means a lot bounded on two opposite sides by streets or highways provided however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.	means a lot that is not a corner lot that abuts two streets;	means a lot that abuts two (2) streets but is not a corner lot;
Lot Area		means the total horizontal area within the lot lines of a lot; minimum lot area means the smallest allowable area a lot can be created;	means the total horizontal area within the lot lines of a lot.	means the total horizontal area within the lot lines of a lot;	means the total horizontal area within the lot lines of a lot;
Minimum Lot Area				means the smallest allowable area a lot can be created;	Remove
Lot Coverage		means the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot;		means the percentage of the lot that is covered by buildings, also known as the building footprint; maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot;	means the percentage of the lot that is covered by buildings; maximum lot coverage means the largest allowable area that can be covered by a building or buildings;
Lot Depth			means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines. (not used)		Remove
Lot Frontage		means the length of a line between the two side lot lines measured at the front	means the horizontal distance between the side lot lines measured along the	means the length of a line between the two side lot lines measured at the front	means the horizontal distance between the side lot lines measured:

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		of the lot; minimum lot frontage means the shortest allowable distance lot frontage can be measured	front lot line. In the case of irregular shaped lots frontage may be measured perpendicularly to a line joining the mid points of the front and rear lot lines, and at a point equal in distance from the front lot line to the required front yard.	of the lot; minimum lot frontage means the shortest allowable distance lot frontage can be measure	(i) perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lots lines and at a point therein equal in distance to the minimum required front yard, or, (ii) at the front lot line, whichever is greater.
Lot Line		means a boundary line of a lot;	means a boundary line of a lot.	means a boundary line of a lot	means a boundary line of a lot;
Exterior Lot Line		Exterior means a side lot line which abuts the street on a corner lot; (not used)		means a side lot line which abuts the street on a corner lot; (not used)	Remove
Front Lot Line		means the line dividing the lot from the streets; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line. In the case of a lot served by a right of way easement, the lot line nearest the street shall be deemed the front lot line;	means the line dividing the lot from the street; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and where such lot lines are of equal length the front lot line shall be either of the two lines. In the case of a through lot, each boundary dividing the lot from a street shall be deemed to be a front lot line.	means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line;	means the line dividing the lot from the street; in the case of a corner lot the front lot line shall be either of the two lines. In the case of a through lot, each boundary dividing the lot from a street shall be deemed to be a front lot line;

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Rear Lot Line		means the lot line furthest from or opposite to the front lot lines;	means the lot line furthest from or opposite to the front lot line.	means the lot line furthest from or opposite to the front lot line;	means the lot line furthest from or opposite to the front lot line;
Side Lot Line		means a lot line other than a front or rear lot line	means a lot line other than a front or rear lot line.	means a lot line other than a front or rear lot line;	means a lot line other than a front or rear lot line;
Flankage Lot Line			means the lot line which abuts a street on a corner lot other than the front lot line. (not used)		means the lot line which abuts a street on a corner lot other than the front lot line;
Low-rise building				means a building or that portion of a building that is less than 11 metres in height.	means a building or that portion of a building that is less than 11 m (36 ft) in height;
Main building		means the building on a lot in which the principal use of the lot is carried out;	means the building in which is carried on the principal purpose for which the lot is used.	means the building on a lot in which the principal use of the lot is carried out;	means the building in which the principal use of the lot is carried out;
Medical Clinic			means a building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary.		Remove
Main Wall		means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof;		means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof;	means the exterior front, side or rear wall of a building and all structural members essential to the support of a fully or partially enclosed space or roof;
Manufactured Home		means a dwelling unit			Remove

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		<p>manufactured in a factory and designed for transportation after fabrication, whether on its own wheels or a trailer, which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor unpacking and assembling operations to place the building on an acceptable foundation), and having a width of not more than 6 m (20 ft), but does not include a travel trailer or recreational vehicle. Manufactured home includes a mobile home and a mini home, but does not include a modular or sectional home transported in two or more sections and assembled on site;</p>			
Manufactured Home Park		<p><u>Manufactured Home Park:</u> means a lot on which spaces are provided for more than one manufactured home and includes any accessory service and recreation buildings, but does not include campgrounds;</p>	<p><u>Mini Home Park:</u> means a lot used for the renting of spaces for mini homes.</p>		means a lot or lots used for the grouped placement of mini homes and mobile homes including any accessory service and recreation buildings and excluding campgrounds;
Manufactured Home Space		<p>means an area within a manufactured home park designated for the accommodation of one manufactured home;</p>			Remove
Motor Vehicle Sales, Rental, and Repair (moved to Automotive Repair Shop)			<p>means an establishment excluding a private home or garage, where new and / or</p>		Remove

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			used vehicles, lubricants, tires, parts and accessories for motor vehicles are kept for sale, and where replacement and/or repairs to any component of a motor vehicle may be performed including autobody and/or painting uses. Motor vehicles shall include boats and other recreational vehicles. Salvage and scrap yards, and motor vehicle fueling stations are separate uses.		
Municipality		means the Municipality of the District of West Hants;			means the West Hants Regional Municipality;
Non-Conforming	<p>“nonconforming structure” means a structure that does not meet the applicable requirements of a land-use by-law; (j) “nonconforming use of land” means a use of land that is not permitted in the zone; (k) “nonconforming use in a structure” means a use in a structure that is not permitted in the zone in which the structure is located;</p>	means a use, building or structure or part thereof which does not conform or comply with the permitted uses and regulations of this By-law as of the effective date;		means a use, building or structure or part thereof which does not conform or comply with the permitted uses and regulations of this By-law as of the effective date;	<p>“nonconforming structure” means a structure that does not meet the applicable requirements of a land-use by-law;</p> <p>“nonconforming use of land” means a use of land that is not permitted in the zone;</p> <p>“nonconforming use in a structure” means a use in a structure that is not permitted in the zone in which the structure is located;</p>
Nursing Home			means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical		Remove

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			reasons but does not include a hospital.		
Obnoxious Use		means a use which, from its nature or operation creates a nuisance, pollution or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material;	means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material (not used)	means a use which, from its nature or operation, creates a nuisance, pollution or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material;	means a use which, from its nature or operation creates a nuisance or pollution or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material;
Office		<u>Office, Business</u> means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, the premises of a real estate or insurance agency, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office;	means a structure in which business is conducted which may include but is not limited to consultation services, a bank or other financial institution, a real estate or insurance agency, a data processing establishment, an online retailer, or legal and other personal professional services. This shall not include the manufacturing of any products. <u>Professional Office</u> means a room or rooms where business may be transacted, a service performed or consultation given, but shall not include the manufacturing of any product or selling of goods.	<u>Office (Business)</u> means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, the premises of a real estate or insurance agency, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office;	<u>Business Office</u> means a building or part thereof in which one (1) or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including but not limited to an office accessory to a permitted use and excluding a retail store or a professional office; <u>Professional Office</u> means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not limited to a clinic and the offices of a lawyer, architect, surveyor, engineer or chartered

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		Office, Professional means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not necessarily restricted to, a clinic and the offices of a lawyer, architect, surveyor, engineer or chartered accountant, but does not include a personal service shop, a business office or a veterinary clinic;		Office (Professional) means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not necessarily restricted to, a clinic and the offices of a lawyer, an architect, surveyor, engineer or a chartered accountant, but does not include a personal service shop, a business office or a veterinary clinic;	accountant, and excluding a personal service shop, a business office or a veterinary clinic;
Open Space		means an area of land on a lot not covered by buildings or structures;		means an area of land on a lot not covered by buildings, or structures means land that has been reserved for the purpose of formal and informal sport and recreation, leisure, preservation of natural environments, and the provision of green space.	means an area of land on a lot not covered by buildings, or structures;
Outdoor Furnace			means a furnace which is located adjacent to a structure, and is intended to provide heat to that structure, via combustion and the heating of water, or otherwise.		means a hand-fed furnace designed and used to burn only untreated wood, located outside the main building and intended to provide heat to that building;
Outdoor Display		means the display of goods or merchandise in the open air which are available for sale to the general public from a retail store on the same lot;		means the display of goods or merchandise in the open air which are available for sale to the general public from a retail store on the same lot;	means a display of goods or merchandise in the open air which are available for sale to the general public which may include, but is not limited to, displays of cars, trucks, vans, motor homes,

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					manufactured homes, trailers, boats, snowmobiles, motorcycles, swimming pools, garden ornaments and prefabricated cottages or homes;
Outdoor Storage		<u>Open Storage</u> means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment or other items not intended for immediate sale;	means items such as merchandise, goods, inventory materials or equipment which items are not intended for immediate sale and which are stored within a structure.	<u>Open Storage</u> means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment or other items not intended for immediate sale;	means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment or other items not intended for immediate sale;
Park		means an area reserved for passive recreational uses, with limited need for accessory buildings or structures;		means an area reserved for passive recreational uses with limited need for accessory buildings or structures;	means an area reserved for passive recreational uses with limited need for accessory buildings or structures;
Parking Area		means an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted;	means an area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers, or residents with access for motor vehicles to and from a street or highway by means of driveways, aisles, or maneuvering areas where no parking or storage of motor vehicles is permitted.	means an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted;	means an open area on a lot containing parking spaces for two (2) or more motor vehicles which has access to a street by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted;
Parking Space		means a space, exclusive of driveways, ramps or aisles, to park one vehicle for purposes other than the display or offering of sale of commodities;		means a space, exclusive of driveways, ramps or aisles, to park one vehicle for purposes other than the display or offering of sale of commodities;	means a space, exclusive of driveways, ramps or aisles, to park one vehicle for purposes other than the display or offering of sale of commodities;

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Parking Structure					a partially open and/or enclosed structure used for the parking of motor vehicles for commercial purposes may include but not necessarily limited to car washing facilities, commercial businesses, and car rental agencies;
Person		includes an individual, association, firm, partnership, corporation, organization or group and includes their legal representative		includes an individual, association, firm, partnership, corporation, organization or group and includes any person legally representing these;	includes an individual, association, firm, partnership, corporation, organization or group and means their legal representative;
Personal Service Shop		means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and, without limiting the generality of the foregoing, may include the premises of a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, as well as a sun tanning shop, a formal rental shop and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale. The sale of merchandise shall be permitted only as an accessory use to the personal service provided;	means a building or part of a building which persons are employed in furnishing services or otherwise administering to the individual and personal needs of persons and may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair, and depots for collecting dry-cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.	means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include the premises of a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, as well as a sun tanning shop, a formal rental shop and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale. The sale of merchandise shall be permitted only as an accessory use to the personal service provided;	means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons including but not limited to a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, tanning shop, formal rental shop and depots for collecting dry cleaning and laundry, and excluding any manufacturing or fabrication of goods for sale;

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Pilaster		means a rectangular column that usually projects about a third of its width from the wall to which it is attached;		means a rectangular column that usually projects about a third of its width from the wall to which it is attached;	means a rectangular column that usually projects about a third of its width from the wall to which it is attached;
Place of Religious Congregation					means a building dedicated to any religious congregation and/or worship including a church, synagogue, temple or assembly hall and may include such accessory uses as an auditorium, a nursery school, a school of religious education, convent, monastery, parish hall or residence operated by the place of religious congregation on the same lot or an abutting lot;
Planting Strip		Planting Strip means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following: (a) a continuous row of trees; (b) a continuous hedge of evergreens or shrubs; (c) a berm; (d) a wall; or (e) an opaque fence; arranged in such a way as to form a dense or opaque screen;		means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following: (a) a continuous row of trees; (b) a continuous hedge of evergreens or shrubs; (c) a berm; (d) a wall; or (e) an opaque fence; arranged in such a way as to form a dense or opaque screen;	Where a planting strip is required (i) a planting strip having a minimum width of 10 ft measured perpendicular to the lot line shall be planted with coniferous trees a minimum of 6' in height at the time of planting with an average maximum spacing of 10 feet, intermixed with deciduous trees a minimum of 10' in height at time of planting with an average maximum spacing of 15 feet; or (ii) a 6 foot high opaque wooden fence shall be constructed and deciduous trees a minimum of 10' in height at the time of

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					planting with an average maximum spacing of 20' shall be planted on the property which is providing the planting strip within 20 ft. of the lot line.
Post Office		means a facility owned and operated by Canada Post Corporation for the purpose of providing postal retail sales and services including counter and delivery services and may include a sorting station;		means a facility owned and operated by Canada Post Corporation for the purpose of providing postal retail sales and services including counter and delivery services and may include a sorting station. (not used)	means a facility owned and operated by Canada Post Corporation for the purpose of providing postal retail sales and services including counter and delivery services and may include a sorting station;
Postal Outlet		means an outlet owned and operated by an individual or corporation under a specific agreement with Canada Post Corporation, for the purpose of providing postal retail sales and services and, in some cases, limited delivery services to the general public;		means an outlet owned and operated by an individual or corporation under a specific agreement with Canada Post Corporation, for the purpose of providing postal retail sales and services and, in some cases, limited delivery services to the general public. (not used)	means an outlet owned and operated by an individual or corporation under a specific agreement with Canada Post Corporation, for the purpose of providing postal retail sales and services and in some cases limited delivery services to the general public;
Protected Watershed		means a watershed designated as a Protected Water Area under the <i>Nova Scotia Environment Act</i> ; (not used)			Remove
Public Building			means a building owned or used by a Federal, Provincial or Municipal Government. (not used)		Remove
Public Use		means a use, building or structure of a public authority to provide a service to the public;		means a use, building or structure of a public authority to provide a service to the public;	means a use, building or structure owned or used by a public authority to provide a service to the public;
Public Façade				means any façade that fronts a public street including the portion of the	Remove

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				roof which is visible from a public street. In the case of a corner lot, both sides of the building that are visible from the public street are considered to be public façades; (not used)	
Public Authority		means any Ministry, Department, Authority, Board, Agency, Commission or Committee of the Municipality of the District of West Hants established or exercising any power or authority under any general or specific statute of Canada and Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by law of the municipality and any public utility;		means any Ministry, Department, Authority, Board, Agency, Commission or Committee of the Town of Windsor established or exercising any power or authority under any general or specific statute of Canada and Nova Scotia with respect to any of the affairs or purposes of the Town or a portion thereof and includes any committee or local authority established by the Town and any public utility;	means any Ministry, Department, Authority, Board, Agency, Commission or Committee of the Municipality established or exercising any power or authority under any general or specific statute of Canada and Nova Scotia with respect to any of the affairs or purposes of the Municipality or a portion thereof and includes any committee or local authority established by law of the Municipality and any public utility;
Queen					a British rock band formed in London in 1970;
Recreational Space		means a space provided in common and exclusively for the occupants of a building or part thereof in which or on which recreation uses are carried out;		means a space provided in common and exclusively for the occupants of a building or part thereof in which or on which recreational uses are carried out;	means a space provided for the exclusive use for the occupants of a building or part thereof in which or on which recreational uses are carried out;
Recreational Use		<u>Recreation Uses, Indoor</u> means a wholly enclosed building used for the provision of sports and recreation facilities including bowling alleys, curling rinks, climbing walls, fitness clubs,	means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor ice skating rinks, athletic fields, swimming pools, golf courses, and similar uses to	<u>Recreation Uses, Indoor</u> means a wholly enclosed building used for the provision of sports and recreation facilities including bowling alleys, curling rinks, climbing walls, fitness clubs,	<u>Indoor Recreation Uses</u> means a building used for the provision of sports and recreation facilities including but not limited to bowling alleys, curling rinks, climbing walls, fitness clubs, racquet

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		<p>racquet courts, gymnasias, indoor swimming pools, indoor skating rinks and other similar recreational facilities and may include accessory uses such as pro shops, canteens and offices for fitness professionals;</p> <p><u>Recreation Uses, Outdoor</u> means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, golf courses, driving ranges, picnic areas, outdoor swimming pools, day camps, and similar uses to the foregoing together with necessary and accessory buildings and structures but shall not include a track for the racing of animals, or any form of motorized vehicles;</p>	<p>the foregoing, together with necessary and accessory buildings and structures, but not including commercial recreation centres or a track for the racing of animals, or any form of motorized vehicles</p>	<p>racquet courts, gymnasias, indoor swimming pools, indoor skating rinks and other similar recreational facilities and may include accessory uses such as pro shops, canteens and offices for fitness professionals;</p> <p><u>Recreation Uses, Outdoor</u> means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, skating rinks, athletic fields, golf courses, driving ranges, picnic areas, swimming pools, day camps, and similar uses to the foregoing together with necessary and accessory buildings and structures but shall not include a track for the racing of animals or any form of motorized vehicles;</p>	<p>courts, gymnasias, indoor swimming pools, indoor skating rinks</p> <p><u>Outdoor Recreation Uses</u>, means the use of land for the provision of sports and recreation facilities including but not limited to parks, playgrounds, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, golf courses, driving ranges, picnic areas, outdoor swimming pools, and day camps but shall not include a track for the racing of animals or any form of motorized vehicles;</p>
Recreational Vehicle		<p>means a licensed vehicle constructed to CSA standards that is capable of being towed behind a motor vehicle or is self-propelled and is primarily designed as temporary mobile accommodation for personal travel and recreation purposes;</p>			<p>means a licensed vehicle constructed to CSA standards that is capable of being towed behind a motor vehicle or is self-propelled and is primarily designed as temporary mobile accommodation for personal travel and recreation purposes;</p>
Recreational Vehicle Sales and Service		<p>means a building or lot used for the display, service, sale or rental of motor homes, travel trailers, boats, snowmobiles, personal</p>		<p>means a building or lot used for the display, service, sale and/or rental of motor homes, travel trailers, boats, snowmobiles, personal</p>	<p>means a building, part of a building or a clearly defined space on a lot used for the display, service, sale or rental of recreational</p>

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		watercraft, all-terrain vehicles or other similar recreational vehicles;		watercraft, all-terrain vehicles or other similar recreational vehicles;	vehicles including but not limited to motor homes, travel trailers, boats, snowmobiles, personal watercraft, or all-terrain vehicles;
Recycling Depot		<u>Recycling Depot</u> means a collection site for materials in a municipal or provincial recycling program but does not include a scrap or salvage yard;	means a building in which used material is separated and processed prior to shipment but does not include salvage and scrap yards.	<u>Recycling Depot</u> means a collection site for materials in a municipal recycling program but does not include a scrap or salvage yard;	means a collection site for materials in a municipal or provincial recycling program but does not include a scrap or salvage yard;
Repair and Rental Establishment		means a premise engaged in maintaining, repairing, installing or renting articles and equipment for household and personal use such as radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewelry and upholstery and furniture repairs;		means a premise engaged in maintaining, repairing, installing, and renting articles and equipment for household and personal use such as radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewellery, and upholstery and furniture repairs;	means a premise engaged in maintaining, repairing, installing, and renting articles and equipment for personal use including but not limited to radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewellery, and upholstery and furniture repairs;
Repair Shop, Vehicle and Machinery (moved to Automotive Repair Shop)		means a commercial establishment for the repair or replacement of parts in automotive, farm or forestry vehicles, machinery or equipment;			Remove
Residential Care Facility		means a licensed residential institution where 24-hour supervisory care or personal care is provided for four or more persons but does not include a nursing home, correction facility or a hospital;	means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the well-being of its residents	means a licensed residential institution where 24 hour supervisory care or personal care is provided for four or more persons, but does not include a nursing home, correctional facility or hospital;	Remove

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			through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A Residential Care Facility is licensed, funded or approved by the Province of Nova Scotia. (not used)		
Resource Use		means the use of land for forestry, agriculture, land based aquaculture or mineral use;			means the use of land for forestry, agriculture, land based aquaculture or mineral use;
Restaurant		means a building or part thereof where food and drink is prepared and served to the public for consumption within the building or for take out but not for consumption in parking areas appurtenant to the building; (a) Drive-through Restaurant means an establishment where food is served to the public through a service window and may include an eat-in area.	means a building or part thereof where food and drink are served to the public for consumption within the building. (not used)	means a building or part thereof where food and drink is served to the public for consumption within the building or for take-out, but not for consumption in parking areas appurtenant to the building; (a) Drive-through Restaurant means an establishment where food is served to the public through a service window and may include an eat-in area;	means a building or part thereof where food and drink are prepared and served to the public for consumption within the building or for takeout;
Restaurant, Drive-through					means a building or part thereof where food and drink are prepared and served to the public through a service window and may include an eat-in area;
Retail Store		means a building or part thereof with a total commercial floor area of 20,000 ft ² (1,858.00 m ²) or	means a building or part thereof in which goods, wares, or merchandise is offered or kept for sale	means a building or part thereof with a total commercial floor area of 20,000 ft ² (1858.00 m ²) or	means a building or part thereof with a total commercial floor area of 20,000 ft ² (1,858.00 m ²) or

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		<p>less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value;</p> <p><u>Retail Store, Large Format (Big Box Store)</u> means a maximum of two retail commercial uses in a single structure with a total commercial floor area greater than 20,000 ft² (1,858.00 m²);</p>	<p>directly to the public at retail. (not used except in warehouse definition)</p>	<p>less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.</p> <p><u>Retail Store, Large Format (Big Box Store)</u> means a maximum of two retail commercial uses in a single structure with a total commercial floor area greater than 20,000 ft² (1858.00 m²).</p>	<p>less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value;</p> <p><u>Large Format Retail Store,</u> means a maximum of two (2) retail commercial uses in a single structure with a total commercial floor area greater than 20,000 ft² (1,858.00 m²);</p>
Retirement Home				<p>means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall and where common facilities for the preparation of and consumption of food may be provided, and common lounges, recreation rooms and medical care facilities may also be provided; (not used)</p>	Remove
Riding Stable		<p>means an establishment where horses and ponies are boarded and cared for, where instruction in riding may be offered or where the general public, for a fee, may hire horses for riding;</p>			<p>means an establishment where horses and ponies are boarded and cared for, where instruction in riding may be offered or where the general public, for a fee, may hire horses for riding;</p>
Salvage Yard		<p><u>Salvage Yard</u> means any premise where used bodies or parts of automobiles, or</p>	<p>means a premises used for keeping or storing used bodies or parts of motor</p>		<p>means any premise where used bodies or parts of automobiles, or used bodies</p>

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		used bodies or parts of other vehicles or machinery, are placed, stored or kept; and a salvage yard under this By-law is not limited to a salvage yard as defined by provincial legislation and it does not include a scrap operation;	vehicles or any other type of used equipment, vehicles, machinery, or materials of any kind. (term not used; salvage and scrap yard used)		or parts of other vehicles or machinery are placed, stored or kept and is not limited to a salvage yard as defined by provincial legislation and excludes a scrap yard;
Scrap Yard		means an area of land used for the storage, handling, processing and sale of scrap materials including, but not limited to, scrap metal, tires, waste paper or rags, but shall not include hazardous waste materials or a salvage yard;	Term is used in document but not defined.	means an area of land used for the storage, handling, processing and sale of scrap materials including, but not limited to, scrap metal, vehicles, tires, and car batteries, but shall not include hazardous waste materials;	means an area of land used for the storage, handling, processing and sale of scrap materials including, but not limited to, scrap metal, tires, waste paper or rags, and excluding hazardous waste materials and salvage yards;
Storage Indoor Storage Facility		means the accessory use of a building on a lot used for agricultural purposes for the temporary commercial indoor storage of items including but not limited to recreational vehicles, cars and boats;			means the accessory use of a building on a lot used for agricultural purposes for the temporary commercial indoor storage of items including but not limited to recreational vehicles, cars and boats;
Self Storage		means a building or buildings consisting of small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies;			means a building or buildings which contain small, self-contained units that are leased for the storage of goods;
Senior Citizen Housing		means a multiple unit dwelling designed for occupation by senior citizens and constructed and maintained by a public housing authority or non-profit organization;		means a multiple unit dwelling designed for occupation by senior citizens and constructed and maintained by a public housing authority or non-profit organization;	Remove

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Service Industry		means any industry involved in the processing of milk and dairy products, a bakery, a garage including engine and body repair shop, a printing establishment, a paint shop, a plumbing shop, a sheet metal shop and similar uses;		means any industry involved in the processing of milk and dairy products, a bakery, a garage including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop and similar service shops;	means a building or part of a building in which persons carry out household or business needs including but not limited to dairy product facility, a bakery, a garage including engine and body repair shop, a printing shop, a painter's shop, a carpenter's shop, a plumbing shop, a tinsmith's shop, a sheet metal shop, a electrician's shop, a welder's shop, a blacksmith's shop, a farrier's shop, an upholsterer's shop, a powder coating shop, a machine shop, a monument engraving shop, or a catering establishment;
Service Shop		means an establishment, other than an automotive use, that provides a non-personal service or craft to the public including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith shop, a farrier's shop, an upholstery shop, a bakery, a dairy, a catering establishment, a machine shop, or a monument engraving shop;		means an establishment, other than an automotive use, that provides a non-personal service or craft to the public including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith shop, a farrier's shop, an upholstery shop, a bakery, a dairy, a catering establishment, a machine shop, or a monument engraving shop;	Remove
Setback		means the distance between the street line and the nearest main wall of any	means the distance between the street line and the nearest main wall of any	means the distance between the street line and the nearest main wall of any	means the distance between the street line and the nearest main wall of any

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		building or structure and extending the full width or length of the lot;	building or structures and extending the full width or length of a lot.	building or structure and extending the full width or length of the lot;	building or structure and extending the full width or length of the lot;
Shopping Centre or Mall		<p><u>Shopping Centre, Local</u> means two or more predominantly retail commercial uses with a total commercial floor area of 20,000 ft² (1,858.00 m²) or less that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways;</p> <p><u>Shopping Centre, Regional</u> means a group of three or more predominantly retail commercial uses with a total commercial floor area greater than 20,000 ft² (1,858.00 m²) that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways. Land uses that meet the definition of "large format retail store" are not deemed to be a "shopping centre" for the purposes of this By-law;</p>	<p>means a commercial use of land and structures designed, developed, and managed as an interrelated group of commercial uses. (not used)</p>	<p><u>Shopping Centre, Local</u> means two or more predominantly retail commercial uses with a total commercial floor area of 20,000 ft² (1858.00 m²) or less that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways.</p> <p><u>Shopping Centre, Regional</u> means a group of three or more predominantly retail commercial uses with a total commercial floor area greater than 20,000 ft² (1858.00 m²) that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways. Land uses that meet the definition of "large format retail store" are not deemed to be a "shopping centre" for the purposes of this By-law.</p>	<p><u>Local Shopping Centre</u> means two (2) or more predominantly retail commercial uses with a total commercial floor area of 20,000 ft² (1,858.00 m²) or less that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways;</p> <p><u>Regional Shopping Centre</u> means a group of three (3) or more predominantly retail commercial uses with a total commercial floor area greater than 20,000 ft² (1858.00 m²) designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways but does not include a large format retail store</p>
Sign		means any structure or device, whether illuminated or not, used to advertise or draw attention to any product, place, person, business, institution,	means any structure or device intended to identify or advertise a business or commercial activity.	means any structure or device, whether illuminated or not, used to advertise or draw attention to any product, place, person, business, institution,	means any structure or device, whether illuminated or not, used to advertise or draw attention to any product, place, person, business, institution,

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		organization or event, including any directional or way finding purpose;		organization, or event, including any directional or way finding purpose;	organization, or event, including any directional or way finding purpose;
Ground Sign		means a sign supported by one or more posts, poles, or braces placed in or upon the ground	means a sign supported by the ground directly or by structural members	means a sign supported by one or more posts, poles, or braces placed in or upon the ground;	means a sign supported by the ground directly or by structural members
Sign Face		means the area of a sign upon which the message is placed;		means the area of a sign upon which the message is placed;	means the area of a sign upon which the message is placed;
Facia Sign		Facial Wall Sign means a sign that is painted on, attached to or erected against a wall of a building, with the face horizontally parallel to the building wall and with no space between the back of the sign face and the building wall;	means a sign attached to, or painted on the wall of a structure.	<u>Facial Wall Sign</u> means a sign that is painted on, attached to or erected against a wall of a building, with the face horizontally parallel to the building wall and with no space between the back of the sign face and the building wall;	means a sign painted on, attached to or erected against a wall of a building, with the face horizontally parallel to the building wall and with no space between the back of the sign face and the building wall;
Mobile Sign		means a sign designed and intended to be moved from one site to another and not permanently affixed to the ground or a building, but shall not include the side, body or trailer of a commercial motor vehicle;		means a sign designed and intended to be moved from one site to another and not permanently affixed to the ground or a building, but shall not include a sandwich board sign or the side, body or trailer of a commercial motor vehicle;	means a sign designed and intended to be moved from one site to another and not permanently affixed to the ground or a building, excluding the side, body or trailer of a commercial motor vehicle;
Sandwich Board Sign		means a self supporting, two sided, A-frame style sign that is not affixed to the ground;		means a self-supporting, two-sided, A-frame style sign that is not affixed to the ground;	means a self-supporting, two-sided, A-frame style sign that is not affixed to the ground;
Projecting Sign		means a sign that projects from and is supported by the wall of a building;		means a sign that projects from and is supported by the wall of a building;	means a sign that projects from and is supported by the wall of a building;
Stacking Space		means a portion of a parking area or a parking lot, other than a parking aisle or a parking space, which		means a portion of a parking area or a parking lot, other than a parking aisle or a parking space, which	means a space other than a parking space which provides standing room for a vehicle in a queue,

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		provides standing room for a vehicle in a queue and, without limiting the generality of the foregoing, this may include a queue for a drive-through business such as a drive-through restaurant, a drive-through bank or a drive-through car wash;		provides standing room for a vehicle in a queue and, without limiting the generality of the foregoing, this may include a queue for a drive-through business such as a drive-through restaurant, a drive-through bank or a drive-through car wash.	including but not limited to a queue for a drive-through business such as a drive-through restaurant, a drive-through bank or a drive-through car wash;
Stepback				means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.	means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified;
Storey		means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 ft (1.83 m) above grade. Provided also that any portion of a storey exceeding 14 ft (4.27 m) in height shall be deemed an additional storey for each 14 ft (4.27 m) or fraction thereof of such excess;		means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 ft (1.83 m) above grade. Provided also that any portion of a storey exceeding 14 ft (4.27 m) in height shall be deemed an additional storey for each 14 ft (4.27 m) or fraction thereof of such excess;	means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 ft (1.83 m) above grade, and provided that any portion of a storey exceeding 14 ft (4.27 m) in height shall be deemed an additional storey for each 14 ft (4.27 m) or fraction thereof of such excess;
Strategy		means the Municipal Planning Strategy for the Municipality of the District of West Hants;		means the Municipal Planning Strategy for the Town of Windsor; Street Line means the boundary line of a street;	Remove
Street Line		means the boundary line of a street;			means the boundary line of a street;

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Street or Road Public Street or Road					means the whole and entire right of way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Municipality;
Arterial Street or Road					means a street designed to move large volumes of vehicular traffic between major centres;
Collector Street or Road					means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets;
Local Street or Road					means a street designed to serve vehicular traffic in residential neighbourhoods;
		<p>Street, Highway or Road, Public means the whole and entire right of way of every highway, road or road allowance vested in the Province of Nova Scotia or the Municipality;</p> <p>(a) Arterial Street or Road means a street designed to move large volumes of vehicular traffic between major centres;</p> <p>(b) Collector Street or Road means a street designed to move vehicular traffic from residential neighbourhoods to</p>	<p>(a) any street or highway owned or maintained by the Department of Transportation excluding designated controlled access highways pursuant to Section 21 of The Public Highways Act, or</p> <p>(b) any street owned and maintained by the Municipality.</p>	<p>Street or Road means the whole and entire right of way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town of Windsor;</p> <p>(a) Arterial Street or Road means a street designed to move large volumes of vehicular traffic between major centres;</p> <p>(b) Collector Street or Road means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets;</p>	

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		commercial and institutional areas and to arterial streets; (c) Local Street or Road means a street designed to serve vehicular traffic in residential neighbourhoods;		(c) Local Street or Road means a street designed to serve vehicular traffic in residential neighbourhoods;	
Private Street or Road		<u>Street, Highway or Road, Private</u> means any street or road which is not public shown on a plan of subdivision, which: (a) has been approved by the Nova Scotia Department of Transportation and Public Works or the Municipality; and (b) extends to and has access to a public street and where not totally located within an area of land proposed to be subdivided, it shall have an easement for right-of-way and access which is assignable and perpetual and which has been clearly granted by deed, will, Crown grant or other registerable instrument, registered in the Registry of Deeds for the Municipality;			means any street or road which is not public and which is shown on a plan of subdivision, which: (a) has been approved by the Provincial authority having jurisdiction or the Municipality; and (b) extends to and has access to a public street and where not totally located within an area of land proposed to be subdivided, shall have an easement for right-of-way and access which is assignable and perpetual and which has been clearly granted by deed, will, Crown grant or other registerable instrument, registered in the Land Registry Office for the Municipality;
Streetwall				means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, which does not include	means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, which does not include

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				minor recesses for the elements such as doorways or intrusions such as bay windows.	minor recesses for the elements such as doorways or intrusions such as bay windows.
Streetwall Height				means the vertical distance between the top of the streetwall and the streetwall grade, extending across the width of the streetwall	means the vertical distance between the top of the streetwall and the streetwall grade, extending across the width of the streetwall
Streetwall Setback				means the distance between the streetwall and streetline.	means the distance between the streetwall and streetline.
Structure		means anything that is erected, built, or constructed, or parts joined together or any such erection, fixed to or supported by the soil or any other structure. A structure shall include buildings, walls, signs and fences exceeding six feet in height;	means anything erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, not including benches and picnic tables or similar portable structures.	means anything that is erected, built, or constructed or parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, signs and fences;	means anything that is erected, built, or constructed, or parts joined together or any such erection, fixed to or supported by the soil or any other structure, including buildings, walls, signs and fences exceeding six feet (1.82 m) in height;
Support Service		means a building or part of a building in which the primary function is to provide services to industry or to businesses located in an industrial park and, without limiting the generality of the foregoing, shall include copying, printing and micro-filming establishments, the offices of an industry or of engineering, architectural, design and similar consultants, business management, marketing and similar firms and manufacturers- agents, and building, equipment and		means a building or part of a building in which the primary function is to provide services to industry or to businesses located in an industrial park and, without limiting the generality of the foregoing, shall include copying, printing, and micro-filming establishments, the offices of an industry or of engineering, architectural, design and similar consultants, business management, marketing and similar firms and manufacturers' agents, and building, equipment and	means a building or part of a building in which the primary function is to provide services to industry or to businesses located in an industrial park including but not limited to copying, printing and micro-filming establishments, the offices of an industry or of engineering, architectural, design and similar consultants, business management, marketing and similar firms and manufacturers agents, and building, equipment and grounds maintenance companies;

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		grounds maintenance companies;		grounds maintenance companies;	
Town				means the incorporated Town of Windsor;	Remove
Town Administrator				means the Chief Administrative Officer for the Town of Windsor;	Remove
Transport Depot		means a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying vehicles and, secondarily, involving the storing, parking, servicing and dispatching of freight-carrying vehicles;		means a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying vehicles, and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying vehicles;	means premises used for the transfer of goods primarily involving loading and unloading of freight-carrying vehicles and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying vehicles;
Utility		means a water works or water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telecommunications system, and includes any lands, buildings or equipment required for the administration or operation of any such system		means a water works or water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telecommunications system, and includes any lands, buildings or equipment required for the administration or operation of any such system;	means a water works or water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telecommunications system, and includes any lands, buildings or equipment required for the administration or operation of any such system;
Veterinary Clinic		means a building or part thereof with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian;		means a building or part thereof with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian;	means a building or part thereof with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian;
Warehouse		means a building where wares or goods are stored but does not include a retail	means a building where wares or goods are stored,	means a building where wares or goods are stored	means a building where wares or goods are stored excluding a retail store;

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		store. Warehouse also includes self storage operations as defined elsewhere in this Land Use By-law;	but shall not include a retail store.	but does not include a retail store;	
Wholesale Establishment		means a building or part of a building used for the selling of goods in large bulk or quantity, for delivery or from the premises, to a person other than to the ultimate consumer but does not include a retail store;		means a building or part of a building used for the selling of goods in large bulk or quantity for delivery or from the premises to a person other than to the ultimate consumer but does not include a retail store;	means a building or part of a building used for the selling of goods in large bulk or quantity for delivery or from the premises, to a person other than to the ultimate consumer excluding a retail store;
Winery		means an establishment engaged in the production of wine less than 10,000 litres per year and includes facilities on the same lot where wine may be blended, mixed, stored or packaged and may include accessory uses such as retail sale, wholesale, tours and events or hospitality room where beverages produced at the facility can be sampled;			means a facility where wine is manufactured or blended and bottled, and may include a hospitality room, restaurant or retail store.
Winery, Commercial		means a manufacturing plant to which a permit has been issued by the NSLC and where wine is manufactured or blended and bottled for sale to the NSLC or for export.			Remove
Wind Farm		means an array of two or more large wind turbines connected directly to the utility grid;			means an array of two or more large wind turbines on one or more lots connected directly to the utility grid;
Wind Turbine		includes a windmill used for pumping water and a wind energy conversion system			means a windmill used for pumping water and a wind energy conversion system

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		<p>consisting of a wind turbine, a tower and associated control or conversion electronics;</p> <p>(a) Small Wind Turbine means a wind turbine which has a rated capacity of not more than 100 kW and which is intended primarily to reduce on-site consumption of utility power;</p> <p>(b) Large Wind Turbine means a wind turbine with a production capacity greater than 100 kW;</p>			<p>consisting of a wind turbine, a tower and associated control or conversion electronics;</p> <p>(a) Small Wind Turbine means a wind turbine which has a rated capacity of not more than 100 kW and is intended primarily to reduce on-site consumption of utility power;</p> <p>(b) Large Wind Turbine means a wind turbine with a production capacity greater than 100 kW;</p>
Woods Camp		<p>means a building or structure intended to provide basic shelter for a person or group of persons engaged in hunting, fishing or other outdoor activities on an occasional or seasonal basis in a remote location where electricity and municipal or community services are not available. Such structure may be described as being of light frame construction with no running water or electricity, not designed for residency and not satisfying the requirements for a dwelling under the <i>National Building Code</i></p>			<p>means a building or structure intended to provide basic shelter for a person or group of persons engaged in hunting, fishing or other outdoor activities on an occasional or seasonal basis in a remote location where electricity and municipal or community services are not available. The building may be of light frame construction with no running water or electricity, not designed for residency and not satisfying the requirements for a dwelling under the <i>National Building Code</i>;</p>
Watercourse	means a lake, river, stream, ocean or other body of water.		means the bed and shore between ordinary high water marks of each bank of every river or stream, and the		means a lake, river, stream, ocean or other body of water;

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			water therein, whether it contains water or not.		
Yard		<u>Yard</u> means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used;	means an open, uncovered, area of land on a lot measured inward and horizontally from a lot line.	<u>Yard</u> means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used;	means an open, uncovered space on a lot belonging to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used;
Flankage Yard		<u>Flanking Yard</u> means the side yard of a corner lot that abuts the side street line;	means the side yard that abuts a street on a corner lot, and it extends from the front to the rear lot line.	<u>Flanking Yard</u> means the side yard of a corner lot that abuts the street line;	means the side yard on a corner lot extending from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure;
Front Yard		means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; minimum front yard means the smallest allowable distance a front yard can be measured;	means a yard that extends across a lot between the side lot lines, abutting the front lot line.	<u>Front Yard</u> means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; minimum front yard means the smallest allowable distance a front yard can be measured;	means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure;
Rear Yard		means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot; minimum rear yard means the smallest	means a yard that extends across a lot between the side lot lines, abutting the rear lot lines.	<u>Rear Yard</u> means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot; minimum rear yard means the smallest	means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any building or structure on the lot;

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		allowable distance a rear yard can be measured;		allowable distance a rear yard can be measured;	
Side Yard		means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building or structure on the lot; minimum side yard means the smallest distance a side yard can be measured;	means a yard that extends from the front to rear lot lines.	<u>Side Yard</u> means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building or structure on the lot; minimum side yard means the smallest distance a side yard can be measured;	means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest main wall of any building or structure on the lot;
Zone		means a designated area of land shown on the zoning map for which specific development control regulations are applied.	means an area identified on a zoning map.	means a designated area of land shown on the zoning map for which specific development control regulations are applied.	means a specified area of land shown on Schedule "A", the Zoning Map of this By-law.



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Windsor Area Advisory Committee (WAAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: July 2, 2020

Subject: Repeal: Town of Windsor Minimum Standards By-Law
File # 20-19

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s.181

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

WAAC recommends that PAC/HAC recommend to Council that Council give First Reading and proceed to a Public Hearing regarding repeal of the Minimum Standards By-law #36 – Town of Windsor as recommended in the report entitled Town of Windsor Minimum Standards By-Law dated July 2, 2020.

3.0 BACKGROUND

Windsor has had a Minimum Standards By-law in place since at least 2008. As far as can be determined, West Hants has never had a similar by-law.

4.0 DISCUSSION

The Town of Windsor Minimum Standards By-Law applies to all residential occupancies with the community of Windsor. It establishes minimum standards

for fire prevention (including fire alarm and detection systems, fire separations and yards being kept free of debris), structural soundness, all aspects of a dwelling including roofs, eaves troughs, everything between gutters and foundations, and pests. It is enforced by a person appointed by the CAO; this was the Building Official/Fire Inspector for Windsor.

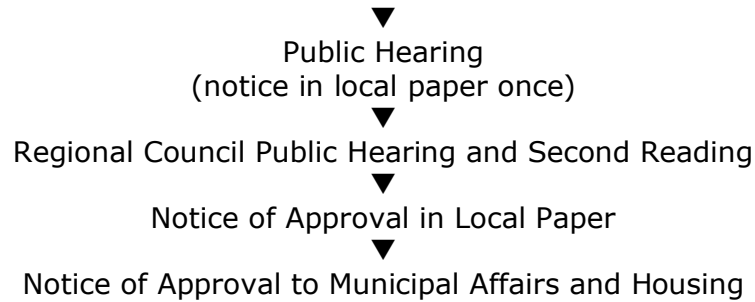
The West Hants Building and Fire Officials have recommended that the Windsor Minimum Standards By-law be rescinded for the following reasons:

- all aspects of the By-law can be dealt with under existing Provincial and Municipal By-laws and/or legislation;
- the Fire Safety Act and the Building Code Act allow for the enforcement of requirements regarding Fire Prevention, Structural Soundness, Roof, Eave Trough and Gutters, Foundation and Exterior Walls, Windows and Doors, Egress, Stairs, Decks and Balconies, Interior Walls, Ceilings and Floors, Fireplaces, Fuel-burning Appliances and Chimneys, Heating, Plumbing Facilities and Fixtures, Bathrooms, Kitchens, Sleeping Rooms, Electrical Systems, Natural Light and Ventilation and all aspects of the Boarding and Rooming Houses sections;
- West Hants Regional Municipality has a Dangerous or Unsightly Premises Policy which along with the Part XV of the Municipal Government Act includes many of the items covered by the Minimum Standards By-law;
- parts of the Minimum Standards By-law are subjective and individual perception varies when it comes to complaints regarding appearance of a property. What one person perceives as being unkept may not necessarily be viewed in the same manner by another person;
- the Windsor Minimum Standards by-law was adopted in 2008; if it remains in force it will need to be updated;
- a similar by-law for Hantsport (By-Law 80, Minimum Housing and Maintenance Standard By-Law) was repealed September 10, 2019 and its requirements are being enforced under the Building Code Act, Fire Safety Act and/or Dangerous or Unsightly Premises Policy with no issues having been identified so far.

5.0 NEXT STEPS

The same process is required to rescind a by-law as is required to approve a by-law.





6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with rescinding the Minimum Standards By-law.

7.0 ALTERNATIVES

Should WAAC not wish to recommend rescinding the By-law to PAC/HAC, WAAC may:

- recommend that the By-law is still required; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Windsor Minimum Standards By-law

Attachment B Repeal By-law 36; Repeal of Windsor Minimum Standards By-law

Report Prepared by: _____

Madelyn LeMay, Director, Planning and Development

Report Reviewed by: _____

Rhonda Brown, Municipal Clerk

Report Reviewed by: _____

Tim Leslie, Manager, Building and Development Services

TOWN OF WINDSOR

BY-LAW 36

MINIMUM STANDARDS BY-LAW

(Approved by Council: October 28, 2008)

PURPOSE AND SCOPE

- 36.01 This By-law shall apply to all residential occupancies within the Town of Windsor.
- 36.02 Where a provision of this By-law conflicts with the provision of another By-law in force within the Town, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.
- 36.03 Standards prescribed in this By-law are intended to provide for safe and secure living premises and occupancy of existing buildings and property, taking into consideration the overall condition of the existing and neighbouring buildings and properties.

DEFINITIONS

- 36.04 Unless otherwise defined herein, definitions contained in the *Building Code Act*, the *Nova Scotia Building Code Regulations*, the *Municipal Government Act*, the *National Fire Code* and the *National Building Code* also apply to this By-law.
- 36.05 In this By-law:
- (a) "Bathroom" means a habitable room containing at least one toilet, one wash basin and a tub or shower;
 - (b) "Boarding or Rooming House" means a single unit dwelling in which the resident supplies, for compensation, either room or room and board in more than two rooms but not more than five rooms, exclusive of those for the resident and family, and which is not open to the travelling public;
 - (c) "Dwelling Unit" means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping place in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside of the building or from a common hallway or stairway inside the building;
 - (d) "Fire Separation" means a construction assembly that acts as a barrier against the spread of fire;
 - (e) "Habitable Room" means a room designed for or which may be used for living, sleeping, eating or cooking;
 - (f) "Inspector" means the person or persons appointed by the Chief Administrative Officer to be the Inspector of Standards or their designate;
 - (g) "Kitchen" means a habitable room containing a sink, storage area(s), a counter or work area(s) and space provided for cooking and refrigeration appliances including suitable electrical or gas connections;
 - (h) "Order to Comply" means a notice to the owner of a building to correct any violations of this By-law;
 - (i) "Owner" includes any one or combination of the following as defined in the *Municipal Government Act*:
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or building,
 - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in

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- possession or a person having the care or control of the land or building,
- (iii) a person who occupies shores, beaches or shoals,
 - (iv) in the absence of proof to the contrary, the person assessed for the property;
- (j) “Residential Occupancy” means the occupancy or use of a building or part thereof for sleeping accommodation but shall not include buildings where people are harboured or detained or hunting camps, cottages or other similar seasonal residences;
- (k) “Smoke Alarm” means a combined smoke detector and an audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite;
- (l) “Town” means the incorporated Town of Windsor; and
- (m) “Waterproof Finish” means ceramic, plastic, sheet vinyl, laminated linoleum or other material rendering a surface material impermeable to water.

GENERAL DUTIES AND OBLIGATIONS

- 36.06 The owner of a building shall maintain the building to the standards as provided in this By-law.
- 36.07 In enforcing this By-law, the Inspector shall make reference to the provisions of the Building Code By-law of the Town or any other By-law of the Town and the applicable *National Building Code*.
- 36.08 The standards of this By-law are minimum standards and this By-law shall not be construed so as to lessen the requirements prescribed for buildings, constructions, repairs and alterations.

GENERAL MAINTENANCE STANDARDS

Fire Prevention

- 36.09 Fire alarm and detection systems shall be maintained in an operational condition at all times.
- 36.10 As required, the owner of every building shall install a fire alarm system in conformance with the requirements of the *National Building Code*.
- 36.11 Where the *National Building Code* does not require the installation of a fire alarm system, a smoke alarm system shall be installed in compliance with applicable code(s).
- 36.12 All required fire separations shall be maintained so as to adequately prevent the spread of fire.
- 36.13 All yards shall be kept clean and free of all debris, tall grass and weeds for a distance of at least four metres from any residential building.

Structural Soundness

- 36.14 Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may normally be subjected.
- 36.15 The Inspector may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation meets the prescribed requirements.

Roofs, Eave Troughs and Gutters

- 36.16 Roofs shall be kept weather tight and free from leaks.
- 36.17 Every eaves trough, roof gutter and down pipe shall be kept in good repair.
- 36.18 Every roof shall be kept free from:
 - (a) loose or unsecured objects and materials,
 - (b) all other fire and accident hazards.

Foundations and Exterior Walls

- 36.19 The components of every exterior wall of a building and the exterior wall shall be maintained, reasonably weather tight and free from loose or unsecured objects and materials.
- 36.20 All foundation supports forming part of a building shall be maintained in good repair so as to prevent settlement of the building.

Pests

- 36.21 Buildings shall be kept reasonably free of rodents and insects.

Windows and Doors

- 36.22 Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair.
- 36.23 All windows that are required to be operable shall have suitable hardware so as to allow locking or otherwise securing from the inside as specified by the *National Building Code*.
- 36.24 All doors providing access to the dwelling unit shall have suitable hardware so as to allow locking or otherwise securing from inside as specified by the *National Building Code*.
- 36.25 Doors between an attached garage and the remainder of the building shall be fitted with weather stripping and a self closing device to prevent the passage of gases into the remainder of the building.

Egress

- 36.26 Every dwelling or dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling to exterior grade level.
- 36.27 Buildings using a fire escape as a secondary means of egress shall keep the escape in good condition, free from obstructions and easily reached through an operable window or door operable from inside without requiring keys or specialized knowledge.
- 36.28 Any required egress shall not pass through a room in another dwelling unit or a service room.

Stair Decks and Balconies

- 36.29 Interior and exterior stairs, porches, balconies and landings shall be maintained in good repair so as to be free of defects which may constitute accident hazards.
- 36.30 Every open side of a stairway, flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail, firmly attached, so as to provide reasonable protection against accident or injury, where:
 - (a) the vertical rise between the base of the stairway and the top of the stairway exceeds two feet (0.6m) - excepting those leading to cellars or crawlspaces; or
 - (b) the flat roof, terrace, verandah, porch, landing or stairwell:
 - (i) is more than two feet (0.6 m) above the ground floor or other horizontal place below, and

(ii) can be used by any person who is in, on or at the building.

36.31 Every stairway that does not require a guard under Section 36.30, and stairways leading to cellars or crawl spaces, shall have a rigid handrail on at least one side of the stairway firmly attached so as to provide reasonable support for the persons using the stairway.

Interior Walls, Ceilings, and Floors

36.32 Every wall and floor in a building shall be reasonably smooth and level and maintained so as to be free of all protruding, broken, or decayed boards or coverings.

36.33 Shower walls and walls abutting bathtubs shall be impervious to water to the height specified in the *National Building Code*.

36.34 Finish flooring in kitchens, bathrooms, toilet rooms, shower rooms and laundry rooms shall be impervious to water or sealed to prevent water infiltration.

Fireplaces, Fuel-burning Appliances, and Chimneys

36.35 Every fuel-fired appliance intended for use as a central heating source shall meet the requirements of the applicable CSA Standard.

36.36 Where required by the *National Building Code*, a carbon monoxide (CO) detector shall be maintained in operational condition at all times.

36.37 Every fireplace used, capable of being used, or intended to be used in a building for burning fuel in an open fire shall be:

(a) maintained in good repair so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures; and

(b) effectively vented to the outside air by means of a chimney.

36.38 Equipment that burns fuel in a building shall be effectively vented to the outside air by means of a chimney, flue, smoke pipe, vent pipe or a similar duct.

36.39 Every chimney, smoke-pipe, flue and vent shall be maintained in good repair so as to prevent

(a) smoke, fumes or gases from entering the building; and

(b) the heating of adjacent combustible material or structural members to unsafe temperatures.

36.40 All connections between liquid or gaseous fuel burning equipment in a dwelling and the source of liquid or gaseous fuel shall be maintained in good repair, and shall meet the requirements of all applicable standards.

36.41 If in the opinion of the Inspector, there is doubt as to the safety of the heating system or parts thereof, the Inspector may direct that tests of materials, equipment, devices, and construction methods be made or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

Heating

36.42 Every building shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 22 degrees Celsius throughout all occupied areas.

Plumbing Facilities and Fixtures

36.43 All water supply pipes shall be provided with an adequate supply of potable running water.

36.44 All bathroom, kitchen and laundry plumbing fixtures shall be provided with:

(a) a supply of hot and cold running water;

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- (b) hot water capable of being supplied at a temperature of not less than 43 degrees Celsius and a temperature of not more than 60 degrees Celsius; and
 - (c) a mixing valve shall also be provided where required by the *National Plumbing Code*.
- 36.45 All plumbing fixtures shall be connected to the sewage system through water seal traps and be appropriately vented.
- 36.46 Every fixture shall be of such materials, construction and design that will ensure the exposed surfaces of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, or other imperfections that may harbor germs or impede thorough cleansing.
- 36.47 Plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 36.48 All service water heaters or coils used to supply the hot water to plumbing fixtures shall be equipped with a temperature and pressure relief valve designed to open and discharge sufficient water to keep the temperature of the water from exceeding 99 degrees Celsius and a pressure relief valve designed to open when the water pressure reaches the rated working pressure of the tank.

Bathrooms

- 36.49 Every bathroom or toilet room shall be fully enclosed and provided with a door equipped with a locking device and latch.
- 36.50 Where a bathroom is shared by occupants, an appropriate entrance shall be provided from a common passage way, hallway, corridor or other common space to the bathroom.
- 36.51 Every bathroom shall be equipped with either an operable window or a mechanical exhaust fan which shall be maintained in good working order.

Kitchens

- 36.52 Every kitchen shall be equipped with:
- (a) a sink that is served with hot and cold running water;
 - (b) a suitable storage area;
 - (c) a counter or work area covered with a material that is easily cleanable; and
 - (d) a suitable space provided for a stove and refrigerator including appropriate electrical hook ups.

Sleeping Rooms

- 36.53 A sleeping room shall:
- (a) have a window for egress as required by the *National Building Code*;
 - (b) have a minimum floor area of eight square meters or be shown to be capable of accommodating a bed and bureau; and
 - (c) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

Electrical System

- 36.54 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in every building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards.
- 36.55 If in the opinion of the Inspector, there is doubt as to the safety of the electrical system or

parts thereof, the Inspector may direct that tests of materials, equipment, devices and construction methods be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

Natural Light and Ventilation

- 36.56 All enclosed areas including basements, cellars, crawl spaces, and attics or roof spaces, shall be ventilated.
- 36.57 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylight or translucent panel opening directly to an outside space.
- 36.58 Where adequate ventilation is not provided by means of a mechanical system, every occupied room shall have an operable window, skylight, or door capable of providing ventilation.
- 36.59 All mechanical ventilation systems shall be maintained in good working order.

BOARDING AND ROOMING HOUSES

General Provisions

- 36.60 This section shall not relieve any owner of a boarding or rooming house from compliance with all of the other standards of this By-law or any other applicable regulations.
- 36.61 The owner shall maintain the boarding or rooming house in a clean, secure and sanitary condition at all times and without limiting the generality of the foregoing shall:
- (a) provide working locks on all tenant sleeping rooms that are operable from inside without requiring keys or specialized knowledge;
 - (b) where cooking facilities have been provided, ensure that all appliances are in a clean and safe working condition;
 - (c) not permit cooking in any sleeping room except by the use of a microwave oven; and
 - (d) provide at least one bathroom for every six occupants or fewer.
- 36.62 All Boarding and Rooming Houses shall meet the following provisions:
- (a) every sleeping room shall have at the entrance a solid core door with self closing device and positive latching mechanism acceptable to the Inspector;
 - (b) every floor level containing sleeping rooms shall be served by at least one (1) exit or acceptable means of emergency egress;
 - (c) all floor assemblies shall be constructed as fire separations;
 - (d) buildings with 10 or fewer persons occupying sleeping rooms shall provide and maintain a smoke alarm system comprised of the following:
 - (i) in each common hallway and on the ceiling of each floor adjacent to the stairways a photo-electric ULC smoke alarm with a visual indication that it is in operating condition;
 - (ii) such alarms shall be electrically interconnected with each other so that each alarm will sound in all others throughout the building;
 - (iii) this system shall be installed using permanent connections to an electrical circuit used for lighting, excluding kitchen circuits, and shall have no disconnect switch between the over current device and the smoke alarms;
 - (iv) such systems shall be equipped with battery back-up; and
 - (v) all sleeping rooms shall be equipped with smoke alarms;
 - (e) portable fire extinguishers shall be provided as per the *National Fire Code*;

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- (f) emergency lighting shall be installed in all common areas;
 - (g) all sleeping rooms, kitchens, service rooms and laundry rooms shall be separated from the remainder of the building by a fire separation;
 - (h) all sleeping rooms shall have windows which meet the egress requirements of the *National Building Code* or be provided with an exterior exit;
 - (i) at least one copy of the fire safety plan shall be prominently posted on each floor as approved by the Inspector;
 - (j) every fuel-fired appliance intended for use as a central heating source shall be located in a room separated from the remainder of the building by a fire separation;
 - (k) a carbon monoxide (CO) detector shall be installed in every building equipped with a fuel-burning appliance intended for use as a central heating source as required by the *National Building Code*; and
 - (l) all common laundry rooms shall meet the requirements of the *National Building Code*.

INSPECTIONS

36.63 Where an inspection is required or conducted pursuant to this By-law:

- (a) the Inspector may enter in or upon land or premises at a reasonable time without a warrant;
- (b) except in an emergency, the Inspector shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four hours in advance; and
- (c) where a person refuses to allow the Inspector to exercise, or attempts to interfere or interferes with the Inspector in the exercise of a power granted pursuant to this By-law, the Inspector may apply to a judge of the Supreme Court of Nova Scotia for an order,
 - (i) to allow the Inspector entry to the building, and
 - (ii) restraining a person from further interference.

ORDERS BY THE INSPECTOR

36.64 If after an inspection, the Inspector is satisfied that in some respect the building does not conform to the standards prescribed in this By-law, the Inspector shall serve or cause to be served by personal delivery or certified mail to the owner(s) of the property, an Order to Comply and may at the same time provide all occupants of the building with a copy of such Order.

36.65 Every Order to Comply shall contain:

- (a) the standards to which the building does not comply;
- (b) the date after which the building will be subject to a reinspection to ascertain compliance with the Order;
- (c) the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the reinspection.

36.66 Where an Order has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order.

36.67 An owner may appeal an Order to the By-law Enforcement Committee of the Town within seven days after the Order is served.

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- 36.68 Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Inspector may have a contractor enter upon the property and carry out the work specified in the Order.
- 36.69 Where the Town carries out the work specified in the Order, the Town may charge and collect the costs thereof as a first lien on the property affected.

PENALTIES

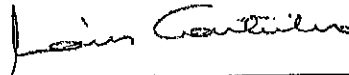
- 36.70 Failure to meet each and every standard specified in this By-law shall constitute a separate and distinct offence.
- 36.71 Every person who violates or fails to comply with any of the provisions of this By-law shall be liable, upon summary conviction, to a penalty of not less than Two Hundred and Fifteen Dollars (\$215.00) and not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding sixty (60) days.
- 36.72 In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this By-law, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty not exceeding one hundred dollars or in default of payment ten (10) days imprisonment, for each day during which such contravention or failure has been continued.

I, Louis Coutinho, Chief Administrative Officer of the Town of Windsor in the Province of Nova Scotia, do hereby certify that the foregoing is a true copy of the Minimum Standards By-law duly passed at a duly called meeting of the Council of the Town of Windsor duly convened and held on the 28th day of October, A.D., 2008 and published in the Hants Journal, a newspaper circulating in the Municipality on the 6th day of November, A.D., 2008.

GIVEN under the hand of the Town Clerk and under the corporate seal of said Town this 10th day of Nov., A.D., 2008.

First Reading: September 23, 2008

Second Reading: October 28, 2008



LOUIS COUTINHO
CHIEF ADMINISTRATIVE OFFICER

REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

REPEAL OF TOWN OF WINDSOR BY-LAW #36 – MINIMUM STANDARDS BY-LAW

1. AUTHORITY

Pursuant to Section 181, *Minimum Standards By-law* of the Municipal Government Act (MGA), Council may adopt a policy prescribing minimum standards.

Local government bylaws may only be amended or repealed by by-law. Amendment and repeal by-laws are subject to the same requirements as the legislative authority to establish a new one. The adoption procedures outlined in Part VII, By-Laws, Sections 168 and 169 apply to all by-laws including a repeal by-law.

2. TITLE

This By-law is entitled "Repeal of Minimum Standards By-law #36 – Town of Windsor".

3. PURPOSE

By-law #REPEAL-001 hereby repeals Minimum Standards By-law #36 – Town of Windsor.

4. EFFECTIVE DATE

This By-law is effective upon publication of passage of the By-law.

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of the Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____(month), _____(year).

R. N. Brown
Municipal Clerk

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

