



**WEST HANTS REGIONAL MUNICIPALITY
Windsor Area Advisory Committee (WAAC) Agenda
March 4, 2021 – 6:00p.m.
Sanford Council Chambers / 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 # 20-17 O'Brien Street, Windsor Rezoning (Sara Poirier)

4.2 Update: File # 20-10 Heritage Property By-law (Madelyn LeMay)

5.0 Building and Development Activity Reports

6.0 New Business

6.1 Council intention regarding Area Advisory Committees

6.2 Review of Some MPS General Policies (Accessory Uses and Accessory Buildings,
Administrative Policies, Home-Based Businesses)

7.0 Notices from Adjacent Municipal Units

8.0 Questions and Comments from Public

9.0 Adjournment



WEST HANTS REGIONAL MUNICIPALITY REPORT

| | | | |
|-------------|----------------|--------------------|--|
| Information | Recommendation | Decision Request X | Councillor Activity <input type="checkbox"/> |
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To: Hantsport Area Advisory Committee
Windsor Area Advisory Committee

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

Date: March 2, 2021 HAAC
March 4, 2021 WAAC

Subject: Accessory Uses and Structures

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for each of 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: one Municipal Planning Strategy, Land Use By-law and Subdivision By-law for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. The policies regarding accessory uses and structures from Hantsport, Windsor and West Hants and the recommended policies appear in Attachment A.

4.0 DISCUSSION

4.1 Process

Just as with definitions and more general policies, these Accessory Uses and Structures policies will be included in the draft documents for future review

by the public. Public review of the Accessory Uses and Structures policy as a separate item is not recommended.

4.2 Definitions

Two definitions are relevant to this discussion, and have been agreed to for inclusion in the Regional documents by PAC/HAC during the discussion of definitions:

Accessory Building

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 in impact and naturally, customarily and normally incidental to a main use of land or building; ~~and located on the same lot.~~

In reviewing the overall policies related to accessory buildings and accessory uses, planning staff is recommending removal of the material in red above – the requirement that the building or use be located on the same lot as the main use (4.2.3 below). The policies recommended in Attachment A reflect this change.

4.2 **Background and Policy**

Hantsport has a very brief policy regarding accessory buildings, and no policy regarding accessory uses. As noted above, Windsor and West Hants both have policy which require accessory uses and buildings to be located on the same lot as the main use "*unless specifically permitted in the LUB*" and a policy which prohibits the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use.

The proposed policy differs from existing policies in two (2) ways:

- 4.2.1 the prohibition on using accessory buildings for human habitation has been removed. There does not seem to be any reason to prohibit use of an accessory building for human habitation – any building in which people are permitted to live would require an appropriate occupancy permit from a Building Official, and occupancy permits are based on, and refer to the development permit issued; and
- 4.2.2 the requirement that a main building must be constructed before an accessory building can be constructed has been removed as experience has shown that this sometimes needed. This can only be done if development and building permits have been issued for the main use. This helps to assure

there is a real intent to construct the main building, as the permits have associated costs; and

- 4.2.3 the proposed policy would permit an accessory building or use to be located on a lot separate from the main use or building provided they are in close proximity, as established in the policy.

Windsor and West Hants documents each have policy which requires accessory uses and buildings to be located on the same lot as the main use "*unless specifically permitted in the LUB*", and both LUBs have provided very limited ability to locate an accessory use on a separate lot. As a result, if someone wishes to place an accessory use on a second lot that they own, these definitions require the consolidation of the lots into one lot.

The Development Officers note that this issue has been experienced in the past in the community of West Hants but not in the community of Windsor as far as they are aware. The issue can create some hardship and bewilderment for a property owner who may own two (2) properties side by side which have been used as one lot for several years or perhaps generations. While the owner considers the property as one family property it is technically two (2) separate lots and the Development Officers must respect the lot boundaries. They must explain this requirement to the owner and cannot issue a permit for an accessory building on an adjoining property.

The issue can be resolved without "watering down" the intent of the existing definitions by removing the phrase "on the same lot" from each definition and adding requirements regarding location and zone in the policy.

5.0 NEXT STEPS

Once the Windsor and Hantsport Area Advisory Committees have reviewed the recommended draft policies and provided comments, planning staff will present the revised policies to the Planning Advisory Committee with the recommendation that they be placed on file to be incorporated during the plan review.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should either committee not wish to accept the draft policies as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A Existing and Proposed Accessory Structure and Uses
Definitions and Policies

Report Content Prepared by: Planners and Development Officers
Planning and Development Department

ATTACHMENT A
Accessory Structures and Uses

Proposed Definitions:

Accessory Building

means a subordinate building or structure 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 in impact and naturally, customarily and normally incidental to a main use of land or building.

Existing and Recommended Policies

| Hantsport | Windsor | West Hants | Draft Recommendation |
|--|--|---|---|
| <p>2.4 include in the LUB a full range of provisions to ensure a high quality urban and rural environment in all land use designations. Such provisions shall include, but not be limited to regulations concerning signage, landscaping and buffering, accessory buildings, separation distances, and obnoxious uses. GP-4</p> | <p><u>Accessory Uses (4.1)</u></p> <p>Whenever a use is permitted pursuant to provisions of a land use zone it is intended that uses, buildings or structures normally incidental, accessory or essential to the primary permitted use are also permitted unless the LUB expressly states otherwise.</p> <p>Policy As a result, it shall be the policy of Council to:</p> | <p>4.1 <i>Accessory Uses, Building and Structures (4.1)</i> Where the LUB provides that any land, building or structure may be used for a purpose, the purpose includes any accessory building, structure or use unless specifically prohibited.</p> <p>Policy As a result, it shall be the policy of Council to:</p> <p>4.1.1 regulate accessory uses in the LUBB (4.1.1)</p> <p>4.1.2 prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use. (4.1.2)</p> | <p>Accessory Uses and Buildings Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed or a use initiated.</p> <p>Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.</p> <p>Policy As a result, it shall be the policy of Council to: G1 regulate accessory uses and buildings by:</p> |

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| | <p>2.1 regulate accessory uses in the LUB; (4.1.1)</p> <p>2.2 prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use; (4.1.2)</p> <p>2.3 exclude buildings or structures from being considered as accessory if attached to the main building or located completely underground. (4.1.3)</p> <p>2.4 require accessory uses and buildings to be located on the same lot as the main use unless specifically permitted by the LUB (4.1.4)</p> | <p>4.1.3 not consider a building or structure as accessory if attached to the main building or located completely underground. (4.1.3)</p> <p>4.1.4 ensure accessory uses and buildings are located on the same lot as the main use unless specifically permitted in the LUB. (4.1.4)</p> | <p>(a) regulating the number, size, location and height of accessory buildings; and</p> <p>(b) regulating the types, location, and size of accessory uses.</p> <p>G2 permit accessory uses to be located on a lot held in the same ownership and:</p> <p>(a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and</p> <p>(b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.</p> <p>G3 permit accessory buildings to be located on a lot held in the same ownership and:</p> <p>(a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and</p> <p>(b) on a lot which directly abuts or is directly across a public street or highway or private</p> |
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| | | | <p>road from the lot containing the main building or use it is intended to serve.</p> <p>G3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.</p> <p>Note: In the LUB remove the ability for more than 1 building to be located on a lot in an agricultural Zone it is not needed.</p> |
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WEST HANTS REGIONAL MUNICIPALITY REPORT

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| Information | Recommendation | Decision Request X | Councillor Activity <input type="checkbox"/> |
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To: Hantsport Area Advisory Committee
Windsor Area Advisory Committee

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

Date: March 2, 2021 HAAC
March 4, 2021 WAAC

Subject: Administrative Policies

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for each of 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: one Municipal Planning Strategy, Land Use By-law and Subdivision By-law for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. The Administrative policies, referred to as "Implementation" in the Hantsport (Attachment A), Windsor (Attachment B) and West Hants (Attachment C) MPS are provided for comparison along with the policies recommended for the Region (Attachment D).

3.0 DISCUSSION

There are several areas where the proposed policies differ from the existing policies, or were not included in older documents. These include:

- 3.1 The definitions accepted by PAC for the Land Use By-law have been “tied” to the MPS, so that they will apply to the policies of the MPS.
- 3.2 Hantsport now prohibits subdivision on private roads. The benefits/draw backs of development on private roads will be discussed in the future at a Planning Advisory Committee meeting.
- 3.3 Maps: At present, the individual documents do not specify that an MPS amendment is needed when any map which forms part of the MPS is changed; this should be specified for clarity as it has been an issue in the past.
- 3.4 Timing of Review: Present Windsor and West Hants documents require review of the Municipal Planning Strategy at least every eight (8) years; Hantsport requires a review every seven (7) years. The proposed policy lengthens the time between required reviews to ten (10) years.
- 3.4 Proposed policy x.x.10 requires that there is a specific proposal before an application for amendment to the zoning map of the Land Use By-law is considered. This is a very usual policy. None of the documents now have such a policy, which is why the 20 Main Street, Hantsport, application can be considered. Even if an applicant proposes a “specific” development, there is nothing to prevent them from doing something else once the zone they have requested is in place.
- 3.5 Policy xx.13, .14 and .15 are longer and more detailed than the present criteria for development agreements and amendments. There will be a corresponding decrease in detail in specific policies for amendment and development agreement; this will reduce redundancy within the proposed document.
- 3.6 Policy x.14 permits Council to require specific reports to ensure criteria have been met. We are still gathering information about who should prepare these reports and will provide those details in future to PAC.

Just as with definitions and more general policies, these Administrative policies will be included in the draft documents for future review by the public. Public review of the Administrative policies as a separate item is not recommended.

4.0 NEXT STEPS

Once the Windsor and Hantsport Area Advisory Committees have reviewed the recommended draft policies and provided comments, planning staff will present the proposed policies 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 for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should either committee not wish to accept the draft policies as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 ATTACHMENTS

| | |
|--------------|--|
| Attachment A | Hantsport Administrative Policies |
| Attachment B | Windsor Administrative Policies |
| Attachment C | West Hants Administrative Policies |
| Attachment D | Draft Administrative Policies for WHRM |

Report Content Prepared by: Planners and Development Officers
Planning and Development Department

ATTACHMENT A
HANTSPORT ADMINISTRATIVE PORTION

Note: Parts considered in other sections of the Review have been removed for ease of reference: (Statements of Provincial Interest).

Part 9 Implementation

11.2 Review of Municipal Planning Strategy

The *Municipal Government Act* states that a Strategy shall include policies on how Council intends to review the Strategy and Land Use By-law. We live in a world in which conditions relating to development may change rapidly. When Council determines that these types of changes warrant a review of the planning documents it shall conduct a review, and seek public input throughout the process.

The same holds true with the ICSP part of the Strategy. Council may review ICSP policies independently of the entire Strategy when circumstances such as direction from the senior levels of government with respect to sustainability change. Council also believes that a review should occur no later than seven years from the effective date of the Strategy and Land Use By-law.

Policy IM-1

It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By-law as deemed necessary by Council due to changing conditions but not later than every seven years.

Policy IM-2

It shall be a policy of Council to review the ICSP part of the Strategy independently from the rest of the Strategy as deemed necessary by Council or in response to direction from the senior levels of government.

11.3 Amendments of the Land Use By-law

11.3.1 Criteria

The Strategy is accompanied by a regulatory document known as a Land Use Bylaw. It is intended that the Land Use By-law be amended from time to time usually through a formal application process made to the Town. An application may be received to amend a clause(s) or section(s) of the Bylaw or to amend the Zoning Map (these latter amendments are also known as rezonings).

Council may only approve amendments to the Land Use By-law if they are consistent with the policies of this Strategy. In addition to policies or statements contained throughout the Strategy the following is a list of general criteria to be followed by Council in its consideration of an amendment.

Policy IM-3

In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

- (a) whether the proposal is considered appropriate in terms of:
 - (i) the adequacy of sewer and water services;
 - (ii) the adequacy of school facilities;
 - (iii) the adequacy of fire protection;
 - (iv) the impact on adjacent uses;
 - (v) the adequacy of road networks adjacent to, or leading to the development; and
 - (vi) the financial capacity of the Town to absorb any costs relating to the development.
- (b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;
- (c) the adequacy of the dimensions and shape of the lot for the intended use;
- (d) the pattern of development which the proposal might create;
- (e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;
- (f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations;
- (g) the impact of not only the use being proposed but all uses permitted in the zone;
- (h) the site meets all of the zone requirements for the zone sought; and
- (i) any other matter required by relevant policies of this Strategy.

11.3.2 Amendments not Requiring a MPS Amendment

When a rezoning to a zone is in an area not consistent with the Generalized Future Land Use Map, the rezoning should not be approved unless the Map is amended. However, since the designations on the GFLUM are meant to be general, a rezoning in an area adjacent to a required land use designation may be considered without amending the GFLUM.

Policy IM-4

It shall be a policy of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.

11.4 Subdivision

Subdivision includes the creation of one or more new lots, consolidation of two or more existing lots or boundary adjustments on existing lots. All subdivision in the Town of Hantsport is controlled by the standards set out the Subdivision By-law.

Policy IM-5

It shall be the intention of Council to adopt a Subdivision By-law which reflects the intent and policies of this Strategy. The By-law shall include:

- (a) road construction standards;
- (b) water and sewer installation standards; and
- (c) other requirements as permitted through the Municipal Government Act.

Policy IM-6

It shall be the policy of Council to prohibit subdivision of land on private roads.

Policy IM-7

It shall be the intention of Council to include in the Subdivision By-law provisions for the subdivision of lots that do not meet the applicable minimum lot area and frontage requirements of the Land Use By-law. The conditions under which such lots may be approved are as follows:

- (a) where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer lots as there are main buildings;
- (b) where two lot owners wish to alter their common boundary, provided that no additional lots are created and each lot meets the Land Use By-law frontage and area requirements or does not have its frontage or area reduced;
- (c) where new lots are being created, two lots may be approved in accordance with Section 279 of the Municipal Government Act which allows for the creation of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimum; and
- (d) where two lots have a common boundary, they may alter their common boundary where a development component of a permanent nature such as a structure, driveway, well or septic tank is encroaching in or upon an immediately adjacent area of land.

11.5 Recovery of Expenses

The Municipal Government Act allows municipalities to establish fees to cover the costs of amendments to the Land Use By-law and variances.

Policy IM-8

It shall be the policy of Council to levy fees from the applicant for following:

- (a) cost of notifying adjacent land owners;
- (b) cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded; and
- (c) administrative processing costs.

11.6 Repeal of Strategy

The Town of Hantsport Municipal Planning Strategy as adopted by Town Council January 1, 1977 and all amendments thereto, are hereby repealed.

ATTACHMENT B

WINDSOR ADMINISTRATIVE PORTION

Note: Parts considered in other sections of the Review have been removed for ease of reference: (Variances, Capital Improvement)

16.0 IMPLEMENTATION

16.1 Municipal Planning Strategy Amendments and Review

From time to time Council may find it necessary to amend the Municipal Planning Strategy or the accompanying Generalized Future Land Use Map (Map 1).

Policy 16.1.1 *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages of the review. It is recommended that a review be done at least every eight years.

Policy 16.1.2 *It shall be the policy of Council to review the Municipal Planning Strategy regularly as deemed necessary by changing conditions, but not later than every eight years.*

Policy 16.1.3 *It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.*

Policy 16.1.4 *It shall be the intention of Council to consider entering into a development agreement for a property immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) without requiring a Strategy amendment, provided that*

all policies of the Strategy are satisfied.

16.2 Land Use By-law

Policy 16.2.1 *It shall be the policy of Council to adopt a comprehensive Land Use By-law setting out specific requirements to implement this Strategy.*

Policy 16.2.2 *The following zones shall be established in the Land Use By-law:*

| Zone | Symbol |
|--|---------------|
| Single Unit Residential | R-1 |
| Two Unit Residential | R-2 |
| Medium Density Residential | R-3 |
| High Density Residential | R-4 |
| College Road Comprehensive Development | CR-CDD |
| Town Centre | TC |
| Pesaquid Comprehensive Development District | P-CDD |
| Local Commercial | LC |
| General Commercial | GC |
| Highway Commercial | HC |
| Shopping Centre Commercial | SC |
| Commercial Transitional (<i>WMPS 14-1 Effective</i>) | CT |
| Fairground | FG |
| Light Industrial | LI-1 |
| Joint Industrial Type Two | LI-2 |
| Joint Industrial Type Three | LI-3 |
| Institutional | I |
| Open Space | OS |
| Agriculture | AG |
| Wentworth Road Commercial | WR-C |
| Special Overlay Zones | |
| Wentworth Road Gateway District | |
| Environmental Constraints | |
| Architectural Control Districts | |

16.3 Land Use By-law Amendments and Development Agreements

It may be necessary to amend the Land Use By-law, although the By-law must always be in conformity with the Municipal Planning Strategy. Should Council consider amending the Land Use By-law, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the *Municipal Government Act*.

A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that go beyond what may be considered under standard zoning. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, architectural detail, hours of operation and other matters of concern to adjacent landowners. Development agreements also can provide a greater degree of flexibility to the developer. A development agreement is binding upon a property until the agreement or part thereof is discharged by the Town.

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

- (a) *whether the proposal is considered premature or inappropriate in terms of:
 - (i) *the adequacy of sewer and water services;*
 - (ii) *the adequacy of school facilities;*
 - (iii) *the adequacy of fire protection;*
 - (iv) *the adequacy of road networks adjacent to, or leading to the development; and*
 - (v) *the financial capacity of the Town to absorb any costs relating to the development.**
- (b) *the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (c) *the adequacy of the dimensions and shape of the lot for the intended use;*
- (d) *the pattern of development which the proposal might create;*
- (e) *the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;*
- (f) *whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and*
- (g) *any other matter required by relevant policies of this Strategy.*

Policy 16.3.2 *It shall be the policy of Council that, where considered necessary, a detailed site plan and architectural drawings shall be submitted by the*

developer as a component of the rezoning or development agreement application.

16.4 Subdivision Control

Subdivision includes the creation of one or more new lots, consolidation of two or more existing lots or boundary adjustments on existing lots. All subdivision in the Town of Windsor is controlled by the standards set out the Subdivision By-law.

Policy 16.4.1 *It shall be the intention of Council to adopt a Subdivision By-law which reflects the intent and policies of this Strategy. The By-law shall include:*

- (a) road construction standards;*
- (b) water and sewer installation standards;*
- (c) requirements for dedication of open space or cash-in-lieu; and*
- (d) other requirements as permitted through the Municipal Government Act.*

Policy 16.4.2 *It shall be the policy of Council to prohibit subdivision of land on private roads.*

Policy 16.4.3 *It shall be the intention of Council to include in the Subdivision By-law provisions for the subdivision of lots that do not meet the applicable minimum lot area and frontage requirements of the Land Use By-law. The conditions under which such lots may be approved are as follows:*

- (a) where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer lots as there are main buildings;*
- (b) where two lot owners wish to alter their common boundary, provided that no additional lots are created and each lot meets the Land Use By-law frontage and area requirements or does not have its frontage or area reduced;*
- (c) where new lots are being created, two lots may be approved in accordance with Section 279 of the Municipal Government Act which allows for the creation of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimum; and*

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- (d) *where two lots have a common boundary, they may alter their common boundary, where a development component of a permanent nature such as a structure, driveway, well or septic tank is encroaching in or upon an immediately adjacent area of land.*

Policy 16.4.5 *It shall be the intention of Council to include in the Subdivision By-law and*

Land Use by-law special lot size provisions where any part of an unserviced lot is located within 75 ft (22.86 m) of a watercourse.

16.8 Development Officer

Policy 16.8.1 In accordance with Sections 243(1) and 243(2) of the Municipal Government Act, it shall be the intention of Council to appoint a Development Officer who shall administer the Land Use By-law and Subdivision By-law and as such shall be responsible for the granting of development permits and approval of plans of subdivision.

16.9 Recovery of Expenses

The Municipal Government Act allows municipalities to establish fees to cover the costs of amendments to the Land Use By-law, variances and development agreements.

Policy 16.9.1 It shall be the policy of Council to levy fees from the applicant for following: (a) the cost of notifying adjacent land owners;

(b) the cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded;

(c) the cost of posting a sign; and

(d) the administrative processing costs.

16.10 Repeal of Strategy

The Town of Windsor Municipal Planning Strategy as adopted by Windsor Town Council on July 23, 1991 and approved by the Minister of Municipal Affairs on October 18, 1991, and all amendments thereto, is hereby repealed.

ATTACHMENT C

WEST HANTS ADMINISTRATIVE PORTION

Note: Parts considered in other sections of the Review have been removed for ease of reference: (Infrastructure, Variances, Capital Improvement, Non-conforming Uses and Structures).

16.0 IMPLEMENTATION

16.1 Municipal Planning Strategy Amendments and Review

From time to time Council may find it necessary to amend the Municipal Planning Strategy or the accompanying Generalized Future Land Use Map (Map 1).

Policy 16.1.1 *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.*

If the intentions of Council or the nature of development change significantly, it may be necessary to review the entire Municipal Planning Strategy and Land Use By-law. Such a review shall include a program of public consultation at different stages. It is recommended that a review be done at least every eight years.

Policy 16.1.2 *It shall be the policy of Council to review the Municipal Planning Strategy regularly as deemed necessary by changing conditions, but not later than every eight years.*

- (iv) *the adequacy of road networks adjacent to, or leading to the development; and*
 - (v) *the financial capacity of the Municipality to absorb any costs relating to the development.*
- (b) *whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;*
- (c) *the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (d) *the adequacy of the dimensions and shape of the lot for the intended use;*
- (e) *the pattern of development which the proposal might create;*
- (f) *the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;*
- (g) *whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and*
- (h) *any other matter required by relevant policies of this Strategy.*

Policy 16.3.2 *It shall be the policy of Council that, where considered necessary, a detailed site plan and architectural drawings shall be submitted by the developer as a component of the rezoning or development agreement application.*

16.4 Subdivision Control

Subdivision includes the creation of one or more new lots, the consolidation of two or more existing lots and the adjustment of boundaries on existing lots. All subdivision in West Hants is controlled by the standards set out in the Subdivision By-law. **(Amendment WHMPS 14-01 Effective January 22, 2015)**

Policy 16.4.1 *It shall be the intention of Council to adopt a Subdivision By-law which reflects the intent and policies of this Strategy. The By-law shall include:*

- (a) street construction standards;*
- (b) water and sewer installation standards;*
- (c) requirements for dedication of open space or cash-in-lieu;
and*
- (d) other requirements as permitted through the Municipal Government Act.*

Policy 16.4.2 *It shall be the policy of Council to limit the number of new lots which may be created annually in the Agriculture designation.*

Policy 16.4.3 *It shall be the policy of Council to require all lots to have adequate frontage on a street. Lots existing as of the effective date of this Strategy shall be exempt from this requirement.*

Policy 16.4.4 *Notwithstanding Policy 16.4.3, it shall be the intention of Council to permit the subdivision and development of certain lots which do not meet the Land Use By-law minimum requirements for lot frontage and area as follows:*

- (a) lots created on private roads in the General Resource zone, provided that such lots shall only be developed for seasonal dwellings, single unit dwellings or resource uses;*

- (b) *lots created pursuant to Section 279 of the Municipal Government Act which allows the approval of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimums;*
- (c) *where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer number of lots as there are main buildings;*
- (d) *lots created to remove an encroachment;*
- (e) *lots created on an island in the General Resource zone where there are no public streets or private roads and the only means of access is by water, provided that such lots shall only be developed for seasonal dwellings; or*
- (f) *lots created on a right-of-way*

16.9 Development Officer

Policy 16.9.1 *In accordance with Sections 243(1) and 243(2) of the Municipal Government Act, it shall be the intention of Council to appoint a Development Officer who shall administer the Land Use By-law and Subdivision By-law and as such shall be responsible for the granting of development permits and approval of plans of subdivision.*

16.10 Recovery of Expenses

The *Municipal Government Act* allows municipalities to establish fees to cover the cost of amendments to the Land Use By-law, variances and development agreements.

Policy 16.10.1 *It shall be the policy of Council to levy fees from the applicant for following costs:*

- (a) *the cost of notifying adjacent land owners;*

- (b) *the cost of advertising in the newspaper; if the advertising costs are more than the established fee, then the applicant will be billed for the difference, or if it is less, the difference shall be refunded;*
- (c) *the cost of posting a sign; and*
- (d) *administrative processing costs.*

16.11 Repeal of Strategy

The following West Hants Municipal Planning Strategies, and all amendments thereto, are hereby repealed:

- (a) Falmouth Municipal Planning Strategy as adopted by Council on August 12, 1986 and approved by the Minister of Municipal Affairs on December 22, 1986;
- (b) Upper Falmouth Municipal Planning Strategy as adopted by Council on December 20, 1988 and approved by the Minister of Municipal Affairs on April 11, 1989;
- (c) Area One Municipal Planning Strategy as adopted by Council on October 8, 1991 and approved by the Minister of Municipal Affairs on December 16, 1991; and
- (d) Areas Two and Three Municipal Planning Strategy as adopted by Council on September 21, 1994 and approved by the Minister of Municipal Affairs on November 23, 1994.

ATTACHMENT D

WHRM DRAFT ADMINISTRATIVE POLICIES

Administration

This Municipal Planning Strategy is the policy framework used by Council to guide development and other matters regulated by Parts 8 and 9 of the *Municipal Government Act*. This section identifies the administrative tools related to this Municipal Planning Strategy.

Document Structure

This document is structured to make it easy to refer to a particular block of text or policy and to track document changes over time. The outline below shows the numbering and reference system.

- 1.0 Part
- 1.1 Section
- 1.1.1 Subsection
- 1.1 (a) Clause
- 1.1.1 (a) (i) subclause

When amending this MPS these practices will be followed:

- deleted Sections, Subsections, Policies, clauses, or subclauses will be replaced with the date of deletion and a reference to the file or project that led to the deletion. The policies following will not be re-numbered.
- when inserting a policy, a capital letter will be added to differentiate the new number from the proceeding number. For example, policy 30.2A would be inserted between Policy 30.2 and Policy 30.3.

Definitions

The definitions contained within the Land Use By-law shall apply to and be used in interpretation of all policies of this MPS.

Land Use and Subdivision By-laws

The Land Use By-law is the principal means for implementing the land use policies of this MPS pursuant to Section 219 (1) of the *Municipal Government Act*.

The Subdivision By-law is the principal way of regulating the subdivision of land pursuant to Part 9 of the *Municipal Government Act*. Section 193 of the *Municipal Government Act* defines 'subdivision' as "the division of any area of land into two or more parcels and includes a re-subdivision or a consolidation of two or more parcels."

Policy

It shall be the policy of Council to:

- x.x.1 adopt and maintain a Land Use By-law which carries out the intent of this MPS.
- x.x.2 adopt and maintain a Subdivision By-law that carries out the intent of this MPS. Specifically, the Subdivision By-law shall:
 - (a) apply to the entirety of West Hants Regional Municipality;
 - (b) ensure that any subdivision, with the exception of lots created using the variance provisions of Part 9 of the MGA, conforms with the lot requirements contained in the Land Use By-law;
 - (c) establish locations and standards for the development of public and private roads, central services and other publicly owned infrastructure;
 - (d) contain provisions intended to ensure that lots are suitable for on-site sewage disposal where there is no central sewer system,;
 - (e) contain provisions for dedicating land or an equivalent value for park, playground and similar public purpose;
 - (f) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
 - (g) contain any other provisions needed to fulfil the intent of this MPS.

(Note: Hantsport prohibits subdivision on private roads – this will need to be addressed later)
- x.x.3 appoint a Development Officer to administer the Land Use By-law and Subdivision By-law and to approve or deny applications in accordance with the terms of these By-laws; and
- x.x.4 specify on any development permit, in addition to the permitted development, the time for which the permit is valid.

Recovery of Expenses

The *Municipal Government Act* allows municipalities to establish fees to cover the cost of amendments to the Land Use By-law, variances, development agreements, amendments to development agreements and site plan approvals.

As a result, it shall be the policy of Council to:

- x.x.5 charge applicants the fees specified in the Fees policy. The fees are intended to cover all or part of any of the following costs related to amendments to the Land Use By-law (with or without concurrent MPS amendments), variances, development agreements, amendments to development agreements and site plan approvals :
 - (a) notifying nearby landowners;
 - (b) placing notices in the newspaper or other locations;
 - (c) posting a sign;

- (d) processing an application; and
- (e) registering a development agreement.

Municipal Planning Strategy Amendments and Review

This MPS represents council's intentions for the future. Some challenges which will arise in the future can be anticipated and addressed, but unforeseen issues will always arise. Council needs to be able to adapt this MPS to unforeseen circumstances.

The MPS should be updated through continuous regular "housekeeping" changes to clarify policies or address inconsistencies. It may also be necessary to review the entire MPS, LUB and SUB By laws to adjust the overall intent.

As a result, it shall be the policy of Council to:

- x.x.6 adopt a program for comprehensive review of planning documents, amendments to planning documents, development agreements and amendments to development agreements and include within this program requirements regarding consultation with the public and with specific community groups;
- x.x.7 amend the MPS:
 - (a) when the Generalized Future Land Use Map (Map 1) is to be changed **(this will require a list of all maps which form part of MPS)**;
 - (b) when necessary to reflect Provincial Statements of Interest;
 - (c) when necessary because of a change in policy intent or a change in the development environment;
 - (d) not later **than every ten (10) years** following a comprehensive review. **(up from 8)**
- x.x.8 consider any area abutting a designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the abutting designation without requiring a MPS amendment, provided that all other policies of the MPS are met. **(WH 16.1.3 H:0; Windsor: 16.1.3)**
- x.x.9 consider entering into a development agreement for a property abutting a land use designation on the Generalized Future Land Use Map (Map 1) without requiring a MPS amendment, provided that all other policies of the MPS are met. **(WH 16.1.4; H:0; Windsor: 16.1.4)**

Land Use Bylaw Amendments and Development Agreements

Changes to the text or map of the Land Use By-law may be considered by Council without an amendment to the MPS if the change is in conformity with the policies of the MPS. When Council considers amending the Land Use By-law, all implications of the amendment must be considered.

A development agreement is a contract between Council and an owner of land to permit a use which would not usually be permitted in that location. Any proposed development agreement must be enabled by both the LUB and MPS and must meet the requirements established for development agreements. A development agreement is binding until discharged by Council.

As a result, it shall be the policy of Council to:

x.x.10 consider an application for amendment to the zoning map of the Land Use By-law only if the application is for **a specific development;**

x.x.11 consider an application for amendment to the zoning map of the Land Use By-law only if:

- (a) the lot meets all of the zone requirements for the zone sought, with the following exceptions:
 - (i) the lot(s) meets all other zone requirements but has less than the required frontage and area specified for the zone sought; or
 - (ii) the lot(s) has a building or buildings on it. Any proposed addition to such a building or replacement of such a building shall not further reduce the setback or yard requirements.

If a non-conforming structure will be created, the applicant must be notified of this in writing prior to the amendment being considered.

(WH, H , Windsor -no general requirements; all have specific criteria)

x.x.12 consider in relation to all applications to rezone land:

- (a) the applicable zone policies;
- (b) the impact of both the specific development proposal and all other uses permitted in the proposed zone; and
- (c) the general criteria for amending the Land Use By-law set out in sections xx.13 and xx.14 *Land Use Bylaw Amendments and Development Agreements*.

xx.13 in considering development agreements and amendments to the West Hants Land Use By law, in addition to the criteria set out in various policies of this Strategy, Council shall be satisfied that the proposal:

- (a) is consistent with the intent of this MPS, including the relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;
- (b) is not in conflict with any known Municipal, Provincial or Federal programs in effect in the Municipality. Required Provincial or Federal approvals need not be received before the development agreement or amendment is approved.

xx.14 require, in addition to any other required information, any of the following information at a level sufficiently detailed to determine whether the criteria for amending the Land Use By-law or entering into a development agreement have been met:

- (a) a detailed site plan and/or elevations showing:
 - (i) topography;
 - (ii) proposed types and forms of development;
 - (iii) minimum and maximum size of lots;
 - (iv) proposed location, height, dimensions, floor area, and use of all existing and proposed buildings or structures;
 - (v) location and type of roads and proposed access points; and
 - (vi) sidewalks, pedestrian pathways, parks, trails, and open space areas.
- (b) a Traffic Impact Assessment (TIA) prepared by a qualified traffic or transportation engineer and approved by the authority having jurisdiction, showing the adequacy of the existing and proposed road network to accommodate the proposed development. The TIA must also provide recommendations concerning the mitigation of any traffic-related issues which may be caused by the development;
- (c) a landscape plan showing:
 - (i) all hard surfaces including but not limited to sidewalks, driveways, ground-level patios, fences, and retaining walls;

- (ii) utilities above and below ground, including water lines and wells, sewer lines, septic tanks and beds, power lines; and
- (iii) all trees (whether they are being kept, moved, taken out, or taken out then replaced), including but not limited to location, diameter of trunk(s) at 1.4 m from the ground, common and botanical names, trees on adjacent properties within 2 m of the lot line of the development agreement and trees on any public road right-of-way abutting the development agreement site;
- (d) a drainage and storm water management plan prepared by a professional Engineer that demonstrates the impact the proposal will have on adjacent lands or existing storm water management systems;
- (e) a hydrological study of groundwater resources prepared by a professional hydrologist to determine quality, available volume, and natural flows of the resource and to identify the area and rate of recharge;
- (f) an environmental study carried out by a qualified person to assess risks to the environment, including but not limited to, species at risk and environmental contamination;
- (g) a geotechnical assessment prepared by...?? stating that the site is suitable for the proposed development;
- (h) a site grading plan showing the proposed grading of the site with respect to drainage and storm water management.

x.x.15 establish controls within a development agreement that may be needed to adequately address any concerns raised by the specific criteria for the development or criteria set out in Policy xx above, including but not limited to controls regarding:

- (a) off-road parking and loading spaces;
- (b) hours of operation;
- (c) landscaping, buffering, sensitive site orientation and screening;
- (d) reducing the impacts of noise, odour, dust, or light or any other form of emission on other properties in the area;
- (e) managing lighting to reduce glare and light trespass;

- (f) ensuring the development adequately addresses storm water management, including low impact development requirements;
- (g) architectural features, including but not limited to bulk, scale, height, roof shape, building materials, exterior cladding, and shape and size and placement of doors and windows, to ensure they are visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition;
- (h) ensuring the proposal provides sufficient park and trail features are consistent with the applicable policies contained within section xx Recreation and within the Subdivision By-law;
- (i) management of garbage collection and industrial waste disposal;
- (j) ensuring the development meets the criteria established in the Municipal Services Specifications manual;
- (k) on-going ownership and maintenance of the development;
- (l) time limits for the initiation and completion of construction;
- (m) requirements for adequate performance bonding or security to ensure that major components of the development, including but not limited to road construction or maintenance, landscaping or development of amenity areas, are completed in an appropriate and timely manner and maintained for a specific period of time.

Repeal of Municipal Planning Strategy

The Town of Hantsport Municipal Planning Strategy as adopted by Town Council May 20, 2010, and all amendments thereto, are hereby repealed.

The Town of Windsor Municipal Planning Strategy as adopted by Town Council May 13, 2008, and all amendments thereto, are hereby repealed.

The Municipality of the District of West Hants Municipal Planning Strategy as adopted by Municipal Council May 20, 2010, and all amendments thereto, are hereby repealed.



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

To: Hantsport Area Advisory Committee

Windsor Area Advisory Committee

Submitted by:

Madelyn LeMay, Director, Planning and Development

Date:

March 2, 2021 HAAC

March 4, 2021 WAAC

Subject:

Home Based Businesses

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8

2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for each of 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: one Municipal Planning Strategy (MPS), Land Use By-law (LUB) and Subdivision By-law for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. The MPS policies and LUB regulations regarding home based businesses from Hantsport (Attachment A), Windsor (Attachment B) and West Hants (Attachment C) were considered by the Area Advisory Committees (AACs) in early February. The recommended MPS policies were briefly considered by PAC on February 11, 2021. PAC would like to consider what is now permitted before it reaches a conclusion regarding proposed MPS policies.

4.0 DISCUSSION

4.1 Process

Just as with definitions and more general policies, these Home based business policies will be included in the draft documents for future review by the public. Public review of the home based business policies as a separate item is not recommended.

4.2 Background and Policy

The definition which has been accepted by PAC is:

Home Based Business means the accessory use of a dwelling or accessory building by a resident for gainful employment involving the production, sale, or provision of goods and services on a small scale;

The definition is not intended to include an office within a dwelling intended for personal use or business use which does not involve regular visits by the public. As a result, we recommend adding a definition to clarify this:

Home office means the use of a part of a dwelling or accessory building by a resident as an office for personal or business use which does not involve regular visits by the public.

The LUB would also contain a general statement indicating that home offices will be permitted as accessory to any dwelling and do not require a development permit.

The definitions now accepted by PAC include both professional and business offices. This becomes difficult to administer as it is very difficult to distinguish between "business" and "professional"; one definition of office should fulfil the need:

Office means a building or part thereof in which one (1) or more persons is employed in the management, direction or conduct of a legal, medical or other service including but not limited to the offices of a lawyer, architect, surveyor, engineer or chartered accountant, a public or private agency, a business, a brokerage or a labour or fraternal organization.

4.3 Policy Accepted

In accepting the definition of home-based business, PAC has effectively accepted:

- that the person running the business must live there;
- that a wide variety of uses is possible; and
- that the use must be "small scale".

4.4 Policy to be Determined

That leaves quite a short list of policy decisions to be reached:

- Home based businesses are allowed in all dwellings now in all units. Should this be continued?
(HAAC noted that there could be some parking issues with some types of uses with some forms of housing; WAAC discussed how these uses could be regulated in different housing forms in the LUB, particularly related to parking)
- Home based businesses are now allowed in accessory buildings in all units. Should this be continued?
- the West Hants documents require the dwelling to be the principal residence of the business operator (occupancy would be a minimum of 185 nights/year). Windsor and Hantsport documents are silent in this regard. It has not been an issue in the community of West Hants and would be impossible to police if it were. Do you wish to require the dwelling to be the principal residence of the business operator?
- In each document, the Development Officer is permitted to vary the floor area occupied by a home-based business. Do you wish this to continue?
- should exterior changes be allowed to the dwelling? Owners can make any change they wish prior to applying for the development permit for a home-based business.

The location of information varies among the Hantsport, Windsor and West Hants document. As noted above, the MPS is the recommended location for the above policy matters. The material in s. 4.5 below can be contained in the LUB regulations, or if a stronger statement is desired, any item can be placed in MPS policy rather than in regulation. The present policies and regulations for each are summarized in Attachment D along with suggestions to initiate discussion.

4.5 Land Use By-Law Requirements

Once the policies for the draft document are determined, regulations to be placed in the LUB can be developed. The regulations can be based on responses to the following questions or relate to other matters the community may be concerned about:

- Should open/outdoor storage and/or outdoor display related to a home based business be permitted? Limited by zone?

- Should retail sales be permitted?
- Does the location of parking for a B&B need to be restricted?
- Should the number of rooms for a B&B be restricted?
- Should the number and type of meals be regulated?
- How many assistants should be allowed who do not live in the dwelling
- How much of the floor area can be used?
- How much parking should be required?
- What type, location and what lighting should be permitted for signs?
- What uses should be permitted? Which prohibited?
- Do you want to limit the mechanical equipment which can be used?
(The hours of operation cannot be regulated outside a development agreement)
- Do you want to allow and/or regulate outdoor display?
- Should some automotive uses, such as "powder coating" be permitted in accessory buildings? Powder Coating can be defined as is a finishing process in which dry, free-flowing, thermoplastic or thermoset powder material is applied to a surface, melted, and hardened into an even coating. Although no permits have been issued, requests have been received.

The present regulations are summarized in Attachment D.

5.0 NEXT STEPS

Once the Windsor and Hantsport Area Advisory Committees have reviewed the draft policies and suggestions and provided comments, planning staff will present the revised policies to the Planning Advisory Committee with the recommendation that they be placed on file to be incorporated during the plan review.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should either committee not wish to accept the draft policies as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 ATTACHMENTS

| | |
|--------------|--|
| Attachment A | Hantsport MPS and LUB Extracts |
| Attachment B | Windsor MPS and LUB Extracts |
| Attachment C | West Hants MPS and LUB Extracts |
| Attachment D | Present and Suggested Policies & Regulations for Home Based Businesses |

Report Content Prepared by: Planners
Planning and Development Department

ATTACHMENT A

Taken from the Hantsport Municipal Planning Strategy February 19, 2021

2.3.1 Home Based Businesses

Goal: Encourage home based businesses

The survey asked if residents are opposed to home based businesses. Most respondents indicated that home based businesses are acceptable by a 47% to 32% margin.

This age of technology and communications holds great promise for the growth of home based businesses. Hantsport is particularly poised to welcome these businesses given its efforts to have the entire Town become wireless. (This project is discussed in the next section.) Home based businesses may also access resources through the Hants Regional Development Authority.

Council would like to encourage home based businesses but will impose restrictions to protect adjacent residential uses.

Policy ICSP-13

It shall be the policy of Council to provide for home based businesses in the Town with safeguards designed to minimize impacts on adjacent residential uses.

Please see Section 8.1.1 of the Land Use By-law for the specific regulations regarding home based businesses.

Policy GP-6

It shall be a policy of Council, in accordance with Section 235 of the Municipal Government Act, to enable the Development Officer to grant a variance in one or more of the requirements of the land use bylaw:

...

(c) floor area occupied by a home based business;

RP-4

It shall be the policy of Council to establish conditions on home based businesses to reduce negative impacts on adjacent residential development.

Taken from the Hantsport Land Use By-law February 19, 2021

HOME BASED BUSINESS means a business activity carried on wholly within a residential structure or accessory structure, without limiting the generality of the 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.

8.1.1 Home Based Businesses

A development permit shall be issued for a home based business contained in a dwelling or accessory building, provided that:

- (a) the dwelling is occupied as a residence by the user and the external appearance of the dwelling is not changed by the home occupation;
- (b) there shall not be more than 2 assistants who are not residents in the dwelling employed in the use;
- (c) not more than 25% of the total floor area of the dwelling or 50 m² whichever is less, may be devoted to the home occupation;
 - (i) in calculating the total floor area of a dwelling where a home occupation is being operated in an unfinished basement, attic, porch, sunroom, or attached garage, the total floor area of the basement, attic, porch, sunroom or attached garage shall be included in calculating the total floor area of the dwelling.
 - (ii) in the case of a home occupation operating in an accessory building, the size of the home occupation shall not exceed 25% of the total floor area of the dwelling combined with that of any accessory buildings involved;
- (d) one off-street parking space, in addition to that required for the dwelling, is provided for every 25 m² of floor space occupied by the home occupation;
- (e) no outdoor storage or outdoor display shall be permitted;
- (g) no retail sales of merchandise shall take place on the property, except to the customer already purchasing a service on the property as an accessory to the service being provided.

Note to Readers Retail sales of merchandise are permitted in a home based business which are clearly accessory and incidental to the main home occupation use. (Examples include the sale of hairspray by a hairdresser or contact lenses by an optometrist.)

8.1.2 Special Requirements for Bed and Breakfasts

In any Residential Zone, a development permit shall be issued for a bed and breakfast establishment provided that:

- (a) such use is accessory to the main residential use occupied by a resident of the property;
- (b) parking is located in the rear or side yard
- (c) only breakfast is served solely for registered guests;
- (d) the bed and breakfast operation is the only accessory use on the lot, and;
- (e) no addition or expansion is made to the footprint or bulk of the building, other than modifications necessary to comply with fire safety standards.

ATTACHMENT B

Windsor: Home Based Businesses

From the Windsor MPS February 19, 2021

3.1.1 Development Principles

Ensure planning documents provide opportunities and flexibility for a wider range of home based businesses.

4.7 Home-based Businesses

A home-based business is a small business carried on in a dwelling by a resident of the dwelling. For many businesses no outward sign of the commercial activity can be noticed. Provided they remain small in scale, home-based businesses are considered compatible uses in residential areas. Such businesses provide flexible employment opportunities.

Policy 4.7.1 *It shall be the policy of Council to permit home-based businesses in any residential dwelling and in any zone in which a residential dwelling is located.*

Policy 4.7.2 *It shall be the policy of Council to establish development standards in the*

Land Use By-law regulating the nature and size of home-based businesses to ensure that they remain small-scale and compatible with residential neighbourhoods.

Policy 4.7.3 *It shall be the policy of Council to regulate signage and to prohibit outdoor storage and display associated with home-based businesses to minimize impact on adjacent uses.*

Policy 4.7.4 *It shall be the policy of Council not to permit home-based businesses which may be considered obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse material or water-carried waste, or which may be considered incompatible with residential areas for reasons such as increased traffic flow and required parking.*

Policy 16.6.1 *It shall be the policy of Council to allow the Development Officer to grant a variance in Land Use By-law requirements or terms of a development agreement where the development agreement so provides, in one or more of the following:*

...

(c) floor area occupied by a home-based business

From the Windsor LUB February 19, 2021

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 provision of goods and services, on a small scale;

Home-based Business

- 5.17 (a) Any dwelling or building accessory thereto may be used for a home-based business provided that:
- (i) the dwelling is occupied as the principal residence of the operator of the home-based business;
 - (ii) the external appearance of the dwelling is not changed by the home-based business;
 - (iii) there are no more than two assistants employed in the home-based business who are not resident of the dwelling;
 - (iv) not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 500 ft² (46.45 m²);
 - (v) one off-street parking space, other than that required by the dwelling, is provided for every 200 ft² (18.58 m²) of floor space occupied by the home-based business;
 - (vi) no signage shall be permitted except a non-illuminated business identification sign no larger than 5 ft² (0.46 m²) in area;
 - (vii) no mechanical equipment is used except what is reasonably consistent with the use of a dwelling; and
 - (viii) no open storage or outdoor display shall be permitted.
- (b) A home-based business shall include the following types of uses:
- (i) offices;
 - (ii) arts and crafts studios with or without a retail sales component;
 - (iii) dressmaking and tailoring shops;
 - (iv) repair shops for garden and household ornaments, personal effects or toys;
 - (v) catering establishments;
 - (vi) hairdressing salons and barbershops;
 - (vii) photographic and picture framing studios;
 - (viii) non-licensed day care centres;
 - (ix) bed and breakfasts;
 - (x) private schools with fewer than 6 students; or
 - (xi) instruction in music, dance or arts and crafts.
- (c) A home-based business shall not include the following types of uses:
- (i) convenience stores;
 - (ii) grocery stores;
 - (iii) snack bars;
 - (iv) service shops;
 - (v) auto body or automobile repair shops;

- (vi) veterinary clinics;
 - (vii) restaurants;
 - (viii) transport depots;
 - (ix) salvage yards; or
 - (x) retail sales of any products which cannot fall within the activities in Section 5.17 (b);
- (d) The following special provisions shall apply to bed and breakfasts:
- (i) bed and breakfasts shall not be subject to the size restrictions specified in Section 5.17 (a) (iv);
 - (ii) in addition to the sign permitted in 5.17 (a) (vi), one ground sign not exceeding 12 ft² (1.11 m²) in area and 5 ft (1.52 m) in height shall be permitted; and
 - (iii) in addition to the normal parking requirements for the dwelling, one parking space shall be provided for each bedroom used for rental purposes.

ATTACHMENT C

Taken from the West Hants Municipal Planning Strategy February 19, 2021

4.8 Home-based Businesses

A home based business is a small business carried on in a dwelling by a resident of the dwelling. Such businesses provide flexible employment opportunities. In many cases, no outward sign of the commercial activity is apparent. Provided they remain small in scale, home based businesses are considered compatible uses in residential areas. This is especially true in rural areas with large lots where a business can be operated from a home with little or no impact upon adjacent uses.

Policy 4.8.1 *It shall be the policy of Council to permit home-based businesses in any residential dwelling and in any zone in which a residential dwelling is located.*

Policy 4.8.2 *It shall be the policy of Council to establish development standards in the Land Use By-law regulating the nature and size of home-based businesses to ensure they remain small-scale and compatible with residential neighbourhoods and adjacent uses*

Policy 4.8.3 *It shall be the policy of Council to regulate signage, open storage and outdoor display associated with home-based businesses to minimize impacts on adjacent residential uses.*

Policy 4.8.4 *It shall be the policy of Council not to permit home businesses which may be considered:*

- (a) obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse material or water-carried waste;*
- (b) incompatible in residential or rural areas because of increased traffic flow, parking requirements or other reasons; or*
- (c) more suitable to a commercial zone which allows accessory residential uses.*

Taken from the West Land Use By-law February 19, 2021

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 provision of goods and services, on a small scale;

Home-Based Business

- 5.16 (a) Any dwelling or building accessory thereto may be used for a home-based business provided that:
- (i) the dwelling is occupied as the principal residence of the operator of the home-based business;
 - (ii) the external appearance of the dwelling is not changed by the home-based business;
 - (iii) there are no more than two assistants employed in the home-based business who are not resident of the dwelling;
 - (iv) in the Growth Centre and Village designations, not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 500 ft² (46.45 m²);
 - (v) in the Hamlet, Agriculture and Resource designations, not more than 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 1,000 ft² (92.90 m²);
 - (vi) one off-street parking space, other than that required by the dwelling, is provide for every 200 ft² (18.58 m²) of floor space occupied by the home-based business;
 - (vii) no signage shall be permitted other than a non-illuminated business identification sign no larger than 5 ft² (0.46 m²) in area;
 - (viii) no mechanical equipment is used except what is reasonably consistent with the use of a dwelling;
 - (ix) outdoor display is limited to not more than 200 ft² (18.58 m²); and
 - (x) open storage shall be limited to the rear yard and screened from adjacent residential properties by a continuous row of trees, a hedge, a fence or a combination of the foregoing arranged to form a dense or opaque screen.
- (b) A home-based business shall include the following types of uses:
- (i) offices;
 - (ii) arts and crafts studios with or without a retail sales component;
 - (iii) retail sales or antiques, used clothing, used books and used furniture;
 - (iv) dressmaking and tailoring shops;
 - (v) repair shops for garden and household ornaments, small appliances, person effects or toys;

- (vi) garden and nursery sales including the sale of produce grown on site;
 - (vii) catering and bakery establishments;
 - (viii) hairdressing salons and barbershops;
 - (ix) photographic and picture framing studios;
 - (x) nonlicensed day care centres;
 - (xi) bed and breakfasts;
 - (xii) private schools with fewer than six students;
 - (xiii) instruction in music, dance or arts and crafts;
 - (xiv) hobby kennels, subject to requirements of Section 5.20 of this By-law; and
 - (xv) pet grooming.
- (c) A home-based business shall not include the following types of uses:
- (i) convenience stores;
 - (ii) grocery stores;
 - (iii) snack bars;
 - (iv) service shops;
 - (v) auto body or automobile repair shops;
 - (vi) veterinary clinics;
 - (vii) restaurants;
 - (viii) transport depots;
 - (ix) commercial kennels;
 - (x) salvage yards; and
 - (xi) retail sales of any products which cannot fall within the activities in Section 5.16 (a)
- (d) The following special provisions shall apply to bed and breakfasts:
- (i) bed and breakfasts shall not be subject to the size restrictions specified in subsections (a) (iv) and (v);
 - (ii) in addition to the sign permitted in subsection (a) (vii), one ground sign not exceeding 12 ft² (1.11 m²) in area and 5 ft (1.52 m) in height shall be permitted; and
 - (iii) in addition to the normal parking requirements for the dwelling, one parking space shall be provided for each bedroom used for rental purposes:

Variance

- 5.48 (a) Notwithstanding the general requirements set out for each zone in this By-law, the Development Officer may grant a variance from one or more of the following subject to the requirements of the *Municipal Government Act*:
- ...
- (vi) floor area occupied by a home-based business; and

ATTACHMENT D

PRESENT and SUGGESTED POLICIES & REGULATIONS FOR HOME BASED BUSINESSES

| | Hantsport | Windsor | West Hants | SUGGESTED |
|---|---|---|---|--|
| MPS intentions | encourage home based businesses minimize impact on adjacent uses | remain small in scale allow flexible business opportunities | considered compatible uses in residential areas, especially rural areas | |
| Open/outdoor storage and outdoor display | LUB: none permitted | MPS & LUB prohibited | MPS: to be regulated in LUB | MPS: regulate in LUB |
| are they allowed in all dwellings | LUB yes | MPS yes | MPS yes | MPS: yes |
| Are they allowed in accessory buildings? | LUB yes | LUB yes | LUB yes | MPS yes |
| does it have to be the principal residence of the business operator? (185 nights/year)? | Not specified | Not specified | LUB: principal residence | No – very difficult to administer |
| Can the DO vary the floor area occupied? | yes | yes | LUB yes | MPS yes |
| Are exterior changes allowed to the house | no | LUB no | LUB no | Regulation not effective |
| Prohibited uses | Not specified | <i>obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse material or water-</i> | MPS: <i>obnoxious by reason of (a) sound, odour, dust, fumes, smoke or other emission,</i> | identify any you wish to strongly prohibit |

| | | | | |
|----------------|---|---|---|--|
| | | <i>carried waste, or which may be considered incompatible with residential areas for reasons such as increased traffic flow and required parking.</i> | <i>refuse material or water-carried waste</i> (b) incompatible in residential or rural areas because of increased traffic flow, parking requirements or other reasons; or © more suitable to a commercial zone which allows accessory residential uses. | |
| # of employees | 2 | LUB 2 | LUB 2 | LUB 2 |
| size | LUB 25% of floor area of dwelling or 50 m2 | LUB 25 percent of the total floor area of the dwelling and accessory building is devoted to the home-based business to a maximum of 500 ft ² (46.45 m ²); | LUB Growth Centre and Village designations, 25 percent of the total floor area of the dwelling and accessory building to a maximum of 500 ft ² (46.45 m ²); Hamlet, Agriculture and Resource designations, 25 percent of the total floor area of the dwelling and accessory building | For more urban areas: 25% of floor area of the total floor area of the dwelling and accessory building to a maximum of 50 m2 For more rural areas: 25% of floor area of the total floor area of the dwelling and accessory building to a maximum of 93 m2 |

| | | | | |
|----------------------|--|---|---|---|
| | | | to a maximum of 1,000 ft ² (92.90 m ²); | |
| parking | 1 space/25 m ² of floor space | 1 space/200 ft ² (18.58 m ²) of floor space | 1 space/200 ft ² (18.58 m ²) of floor space | Committee direction? |
| Retail sales | Only as accessory to the business | LUB Only allowed as accessory to the business | LUB Only allowed as accessory to the business | MPS allow as accessory to the business |
| B & B s | Parking in side or rear yard - No other business on lot - - no additions or expansions to building | | | No suggested restrictions |
| signs | n/a | 1 non-illuminated no larger than 5 ft ² (0.46 m ²) | 1 non-illuminated no larger than 5 ft ² (0.46 m ²) | 1 no larger than 5 ft ² (0.46 m ²) |
| Mechanical equipment | n/a | no mechanical equipment is used except what is reasonably consistent with the use of a dwelling | no mechanical equipment is used except what is reasonably consistent with the use of a dwelling | Committee direction? |

FLOOR SIZE B & B: HANTSPORT

In calculating the total floor area of a dwelling where a home occupation is being operated in an unfinished basement, attic, porch, sunroom, or attached garage, the total floor area of the basement, attic, porch, sunroom or attached garage shall be included in calculating the total floor area of the dwelling.

(ii) in the case of a home occupation operating in an accessory building, the size of the home occupation shall not exceed 25% of the total floor area of the dwelling combined with that of any accessory buildings involved;

| REFERENCE: USES PERMITTED | | |
|--|--|--|
| Hantsport | Windsor | West Hants |
| <p>In LUB definition: office uses personal services shops craft shops repair of minor household appliances</p> | <p>In LUB: (i) offices; (ii) arts and crafts studios with or without a retail sales component; (iii) dressmaking and tailoring shops; (iv) repair shops for garden and household ornaments, personal effects or toys; (v) catering establishments; (vi) hairdressing salons and barbershops; (vii) photographic and picture framing studios; (viii) non-licensed day care centres; (ix) bed and breakfasts; (x) private schools with fewer than 6 students; or (xi) instruction in music, dance or arts and crafts.</p> | <p>(i) offices; (ii) arts and crafts studios with or without a retail sales component; (iii) retail sales or antiques, used clothing, used books and used furniture; (iv) dressmaking and tailoring shops; (v) repair shops for garden and household ornaments, small appliances, person effects or toys; (vi) garden and nursery sales including the sale of produce grown on site; (vii) catering and bakery establishments; (viii) hairdressing salons and barbershops; (ix) photographic and picture framing studios; (x) non licensed day care centres; (xi) bed and breakfasts; (xii) private schools with fewer than six students; (xiii) instruction in music, dance or arts and crafts; (xiv) hobby kennels, subject to requirements of Section 5.20 of this By-law; and (xv) pet grooming.</p> |

PROHIBITED USES

| | | |
|---|--|---|
| <p>In LUB definition sale, rental, or repair of automobiles</p> | <p>In LUB (i) convenience stores; (ii) grocery stores; (iii) snack bars; (iv) service shops; (v) auto body or automobile repair shops;</p> | <p>In LUB</p> <p>(i) convenience stores; (ii) grocery stores; (iii) snack bars; (iv) service shops; (v) auto body or automobile repair shops; (vi) veterinary clinics; (vii) restaurants; (viii) transport depots; (ix) commercial kennels; (x) salvage yards; and (xi) retail sales of any products which cannot fall within the activities in Section 5.16 (a)</p> |
|---|--|---|