WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Senior Planner

Date: September 24, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

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

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

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit a residential dwelling unit behind a commercial unit on the ground floor.

During the January 11, 2024 PAC/HAC meeting, the Committee recommended in favour of amendments to the Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-law (WLUB) to allow the proposal to be developed as-of-right, as drafted by staff.

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

This proposal is considered using the approved amended Policy 7.5.2 in the WMPS and has been evaluated based on the criteria within the newly approved Policy 7.5.5 in the WMPS.

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

On July 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) During the meeting PAC/HAC recommended in favour the application.

On July 23, 2024, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A). During the meeting, Council recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:

Process

Public Information Meeting – December 7, 2023

▼

Staff Review

▼

PAC/HAC Review and Recommendation – July 11, 2024

▼

Council First Reading – July 23, 2024

▼

Public Hearing & Second Reading – September 24, 2024

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

ALTERNATIVES

In response to this application, Council may:

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

APPENDIX

Appendix A	2024-07-23 First Reading Report – Development Agreement: 198 Water Street, Windsor (PID 45056926); File # 24-14A

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Senior Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

_____

Kari Fougere, Manager of Planning

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A – 2024-07-23 First Reading Report – Development Agreement:
198 Water Street, Windsor (PID 45056926); File # 24-14A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Senior Planner

Date: July 23, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

To allow the requested development, staff recommend that the Council forward a positive recommendation by passing the following motion:

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

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

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit a residential dwelling unit behind a commercial unit on the ground floor.

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

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

This proposal is considered using the approved amended Policy 7.5.2 in the WMPS and has been evaluated based on the criteria within the newly approved Policy 7.5.5.

DISCUSSION

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

On July 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the previous amendments, with staff clarifying that the residential units were to be within the interior of existing buildings. During the meeting PAC/HAC recommended in favour the application.

NEXT STEPS

The process for this application is as follows:

Process

Public Information Meeting – December 7, 2023

▼

Staff Review

▼

PAC/HAC Review and Recommendation – July 11, 2024

▼

Council First Reading – July 23, 2024

▼

Public Hearing & Second Reading – September 24, 2024*

▼

Ministerial Review/Approval

▼

Notice of Approval

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may:

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

APPENDIX

Appendix A	2024-07-11 Staff Report – Development Agreement: 198 Water Street, Windsor (PID 45056926); File # 24-14

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Senior Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A – 2024-07-11 Staff Report – Development Agreement:
198 Water Street, Windsor (PID 45056926); File # 24-14

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: July 11, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 230

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a residential dwelling unit behind a commercial use on the ground floor of an existing building on PID 45056926 at 198 Water Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #24-14 to the Planning and Heritage Advisory Committee dated July 11, 2024.

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

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit a residential dwelling unit behind a commercial unit on the ground floor.

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

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

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

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor to residential uses. The commercial use would still front on Water Street, with the residential dwelling unit being located in the rear of the ground floor.

The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the WMPS (Figure 1). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) (Figure 2) and is included within the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Recently, the WMPS and WLUB were amended to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement.

Windsor Municipal Planning Strategy

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

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

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

- the residential dwelling unit consists of 25% of the total floor area of the existing commercial space;
- the residential dwelling unit is located behind the existing commercial space; and
- the commercial space abuts Water Street.

Policy 16.3.1 establishes the general criteria that must be considered for all development agreements. The full list of criteria is included in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding, including the subject lot and the entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

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

NEXT STEPS

As noted above, the proposed development agreement has been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to enter into a development agreement to

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

Process

Public Information Meeting – December 7, 2023

▼

Staff Review

▼

PAC/HAC Review and Recommendation – July 11, 2024

▼

Council First Reading – July 23, 2024*

▼

Public Hearing & Second Reading – September 24, 2024*

▼

Ministerial Review/Approval

▼

Notice of Approval

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

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

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

Report Prepared by: _____

Alex Dunphy, Senior Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Figure 1 – Windsor GFLUM Map Extract

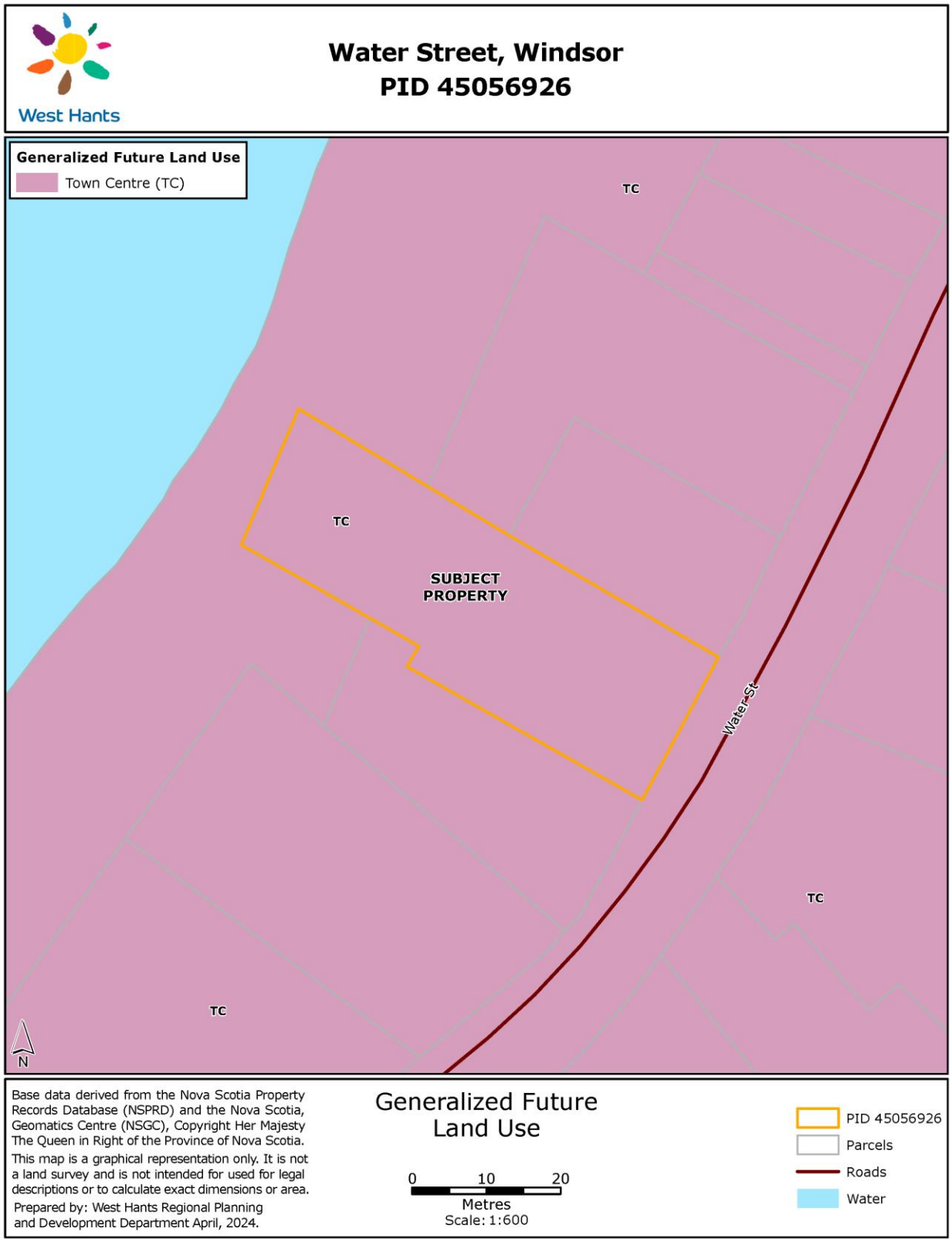
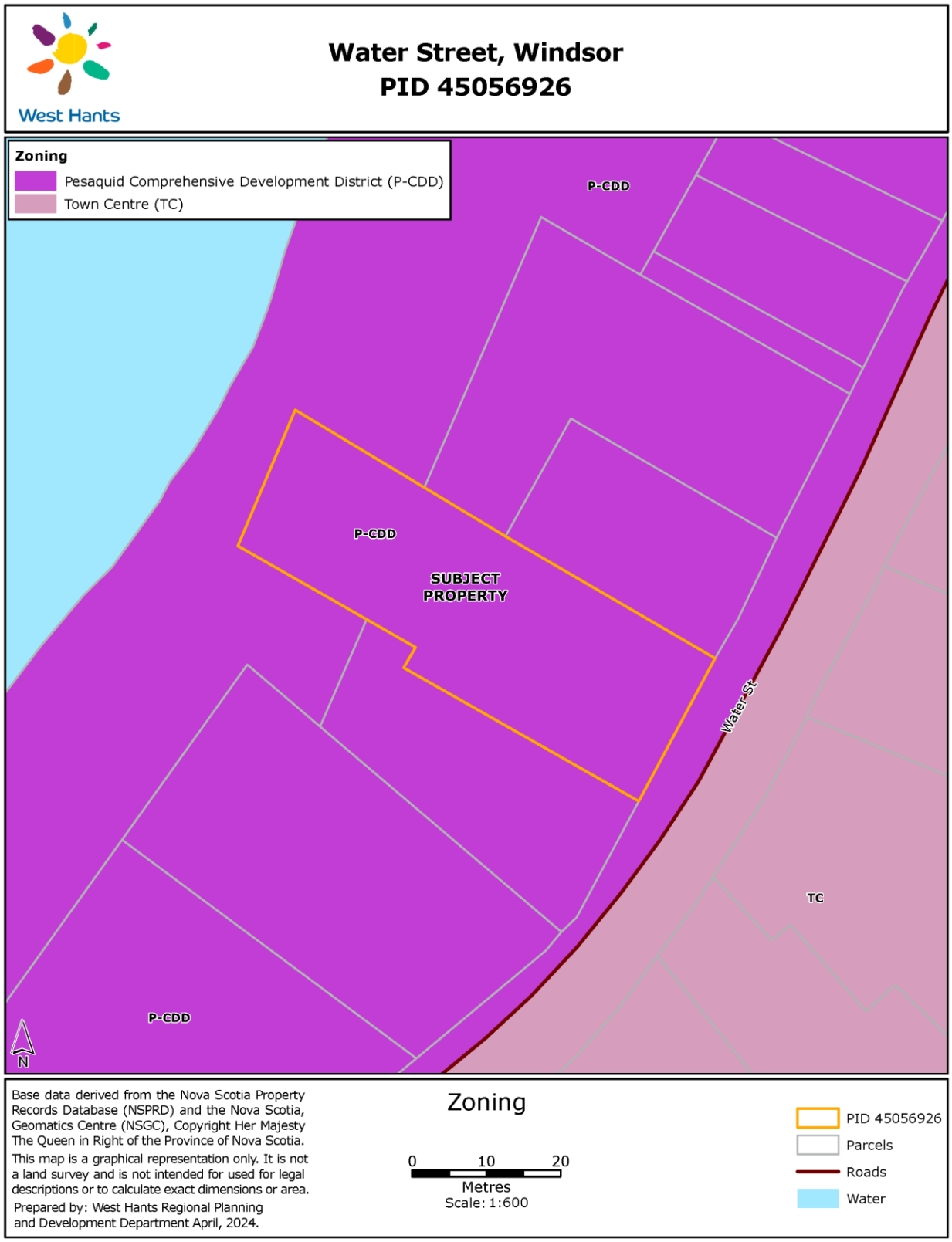


Figure 2 – Windsor Zoning Map Extract



Attachment A – Policy Summary for Development Agreement

Policy 7.5.2 *It shall be the policy of Council that the following categories of development proposals in the Pesaquid CDD will be considered by development agreement subject to Policies 7.5.3, 7.5.4, and 7.5.5:*	
(a) a change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone;	Not applicable as the Town Centre (TC) zone does not otherwise permit residential dwellings on the ground floor.
(b) new main buildings;	Not applicable as the proposal is not for a new building.
(c) additions in excess of 1,000 ft2 (92.9 m2) in floor area.	Not applicable as the proposal is not an addition.
(d) accessory structures in excess of 500 ft2 (46.5 m2) in floor area; or	Not applicable as the proposal is not an accessory structure.
(e) residential uses behind commercial uses on the ground floor of existing buildings.	The proposal would be considered under this criterion.

Policy 7.5.5 *It shall be the intention of Council when evaluating a development agreement for residential uses behind commercial uses on the ground floor within the Pesaquid CDD, as enabled through Policy 7.5.2, to have regard to the following:*	
(f) the residential uses on the ground floor of an existing building shall occupy no more than 50% of the ground floor area of the structure;	The proposal requests for less than 50% of the commercial unit on the ground floor be converted into a residential dwelling unit. This criterion is considered met.
(g) the residential uses must be located behind a commercial use. The commercial use must have frontage on the street;	The proposed residential dwelling unit is located behind the existing commercial space and that commercial space abuts Water Street.
(h) the provisions of Policy 16.3.1	See Policy 16.3.1.

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

(a) whether the proposal is considered appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division commented that they had no concerns regarding ground level residential uses on Water Street or the capacity of water and sewer services, including the subject lot.
(ii) the adequacy of school facilities;	The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that "We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development."
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses. The applicant is aware of this requirement. The local Fire Chief commented that any residential unit would require unimpeded access, which is already a requirement of the permitting process.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Municipal Traffic Authority commented that they did not have any concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required

	within the draft development agreement and as part of the permitting process.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, including the subject lot, provided that off-street parking is provided for the residential units. As stated above, off-street parking is required as part of both the draft development agreement and the permitting process. Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that they did not have any concerns regarding the adequacy of the dimensions and shape of the lot for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lot which the existing building is located.
(d) the pattern of development which the proposal might create;	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the draft development

	agreement would only permit a residential dwelling unit to be built behind the commercial use on the ground floor of the existing building.
(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;	As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of the subject lot is expected.
(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;	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Draft Development Agreement

West Hants

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this day of , 2024.

BETWEEN:

WEST HANTS REGIONAL MUNICIPALITY, a body corporate pursuant to the *Municipal Government Act*, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

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

(Hereinafter referred to as the "Owner")

OF THE SECOND PART

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

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

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

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

WHEREAS the Council of the Municipality, at a meeting held on Month Day, 2024, approved this request and adopted this Agreement by policy, subject to the execution of this development agreement by the parties hereto and the other conditions herein;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Definitions

In this Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the Land Use By-law.

1.2 Schedules

The following attached schedules shall form part of this agreement:

Schedule A - Legal Description

Schedule B – Floor Plan Layout

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

(a) Municipal Planning Strategy means the Windsor Municipal Planning Strategy, effective on September 21, 2005, as amended, or successor by-laws;

(b) Land Use By-law means the Windsor Land Use By-law, effective on September 21, 2005, as amended, or successor by-laws;

(c) Subdivision By-law means the Windsor Subdivision By-law, effective on March 21, 2012, as amended, or successor by-laws.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

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

(a) those uses permitted by the underlying zoning in the Land Use By-law; and

(b) a residential use behind a commercial use on the ground floor of an existing building.

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

2.2 Development Location and Design

(a) The Development location and design shall be consistent with the Floor Plan shown in Schedule B.

(b) The Development Officer may approve in writing minor changes to the location of the residential use on the ground floor of the building or other aspects of the Floor Plan, provided that the floor area of the residential uses does not exceed 50% of the ground floor area.

(c) The residential uses on the ground floor must be located behind a commercial use and that commercial use must have frontage on Water Street.

(d) Accessory buildings are permitted in accordance with Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.

2.3 Parking

(a) A minimum of one parking space per dwelling unit shall be provided for the Development.

(b) Outside parking aisles and spaces shall be constructed to create a stable surface for vehicle traffic and be clearly demarcated and lined by the Owner. They may be constructed using permeable construction materials to assist with stormwater retention.

(c) Each parking space shall be a minimum of 9 ft. by 20 ft. (2.7 m. by 6.1 m.) exclusive of driveways and manoeuvring aisles. Parking aisles shall be a minimum of 20 ft. (6.1 m.) wide.

2.4 Signs and Lighting

Signage and illumination shall be regulated under Sections 5.18 and 7.0 of the Land Use By-law, *Illumination* and *Signs*, which controls lighting, size, location, and number of signs. Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

2.5 Maintenance

(a) The Owner shall keep the Property and building and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

(b) The Owner shall maintain the driveways to a level adequate to allow for access by emergency services vehicles.

2.6 Servicing

(a) Waste Collection

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

(b) Water and Sewer Services

(i) The building shall be serviced with water and sewer services provided by West Hants Regional Municipality and authorized by the Municipal Engineer. Detailed design plans of the water and sewer servicing connections and layout shall be in accordance with the Municipal Services Specifications Manual and shall be submitted to the Municipal Engineer for approval prior to construction.

(ii) The Owner shall be responsible for constructing, installing and maintaining the water and sewer services on the Property.

(c) Snow Plowing

The Owner shall have sole responsibility for snow plowing within the Development.

2.7 Fire Safety

All access routes shall be kept clear of overhead obstructions and wires and be maintained by the Owner to allow unimpeded access to the Property by emergency services vehicles, unless otherwise agreed to in writing by the Fire Chief.

PART 3 CHANGES and DISCHARGE

3.1 The Owner shall not vary or change the use of the Property from that provided for in Section 2.1 of this Agreement, *Use*, unless a new agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be approved in writing by the Development Officer

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

3.3 The following matters are substantive matters:

(a) the uses permitted on the Property as listed in Section 2.1, *Use*;

(b) an increase in the floor area for the residential use above 50% of the ground floor area, or movement of the residential use to the front of the building as listed in Section 2.2, *Development Location and Design*; and

(c) the fire safety requirements listed in Section 2.7, *Fire Safety*.

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

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

(a) as provided for in Section 4.1, *Commencement of Development,* of this Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owner, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Owner, provided the use of the Properties is in accordance with the Land Use By-law or a new Agreement has been entered into.

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

PART 4 IMPLEMENTATION

4.1 Commencement of Development

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

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

(c) If the Owner is bona fide delayed from commencing the Development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owner is excused for the period of the delay and the time period for the Owner to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this Agreement.

4.2 Material to be Provided

(a) The Owner shall provide record drawings to the Development Officer for any portion of the development for which an engineered design is required, within ten (10) days of completion of any work which requires the engineered design.

(b) The Owner shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

PART 5 ADMINISTRATION and COMPLIANCE

5.1 Compliance with Other Bylaws and Regulations

(a) Nothing in this Agreement shall exempt the Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.

(b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

5.2 Severability of Provisions

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

5.3 Interpretation

(a) Where the context requires, the singular shall include the plural and the neutral gender shall include the masculine and feminine.

(b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

(c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

5.4 Municipal Responsibility

(a) The Municipality does not make any representations to the Owner about the suitability of the Property for the development proposed by this agreement. The Owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the Development.

(b) Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

5.5 Breach of Terms or Conditions

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

5.6 Costs

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

5.7 Development Agreement Bound to Land

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

5.8 Assignment of Agreement

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

5.9 Written Notice

(a) The Municipality may serve notice on the Owner personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to Q & H HOLDINGS LIMITED, PO BOX 2380, HALIFAX, NOVA SCOTIA B3J 3E5, or at any other address provided by the Owner in writing.

(b) The Owner may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer, West Hants Regional Municipality, 76 Morison Drive, P.O. Box 3000, Windsor, NS, B0N 2T0, or at any successor address provided by the Municipality to the Owner in writing.

5.10 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Owner. No other agreement or representation, oral or written, shall be binding.

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

SIGNED, SEALED AND DELIVERED	**) WEST HANTS REGIONAL**
In the presence of:	) **MUNICIPALITY**
	)
	)
	)
_____	Per: _____
Witness	) Abraham Zebian, Mayor
	)
	)
_____	) Per: _____
Witness	) Deanna Snair, Municipal Clerk
	)
	)
	) **Q & H HOLDINGS LIMITED**
	)
	)
_____	Per: _____
Witness	) Chad Singleton, President

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2024, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **THE WEST HANTS REGIONAL MUNICIPALITY,** one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in presence.

_____

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2024, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that, **Chad Singleton**, one of the parties thereto, signed, sealed and delivered the same in presence.

_____

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK

WEST HANTS REGIONAL MUNICIPALITY

I, Deanna Snair of _____, Hants County, Nova Scotia make oath and swear that:

1. I am the Clerk of the West Hants Regional Municipality (the "Municipality") and I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. The Municipality is a body corporate pursuant to the *Municipal Government Act*, S.N.S. 1988, c.18, as amended.

3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in that regard under seal on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1988, c.18, as amended. This acknowledgement is made pursuant to subsection 31(a) of the Registry Act, R.S.N.S. 1989, c.392 and/or clause 79(1)(a) of the Land Registry Act, S.N.S. 2001, c.6, as amended, for the purpose of registering or recording the Instrument.

4. The Municipality is resident in Canada for the purposes of the Income Tax Act (Canada).

I certify that on this _____, 2024
the Municipal Clerk, Deanna Snair came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

_____	_____
A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA Print name/affix seal	Deanna Snair, Clerk

Canada
Province of Nova Scotia

AFFIDAVIT & PROOF OF EXECUTION (CORPORATE)

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

1. I, Chad Singleton of **Q & H HOLDINGS LIMITED**, the "Corporation". Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.

2. I acknowledge that I executed the foregoing instrument on behalf of the Corporation on the date of this affidavit; this acknowledgment is made for the purpose of registering such instrument pursuant to s.31(a) of the Registry Act, R.S.N.S. 1989, c.392 or ss.79 and 83 of the Land Registration Act as the case may be.

3. I verify that I have the authority to execute the foregoing instrument on behalf of the corporation and thereby bind the Corporation.

4. The Corporation is a resident of Canada under the Income Tax Act (Canada).

5. The ownership of a share or an interest in a share of the Corporation does not entitle the owner of such share or interest in such share to occupy a dwelling owned by the Corporation.

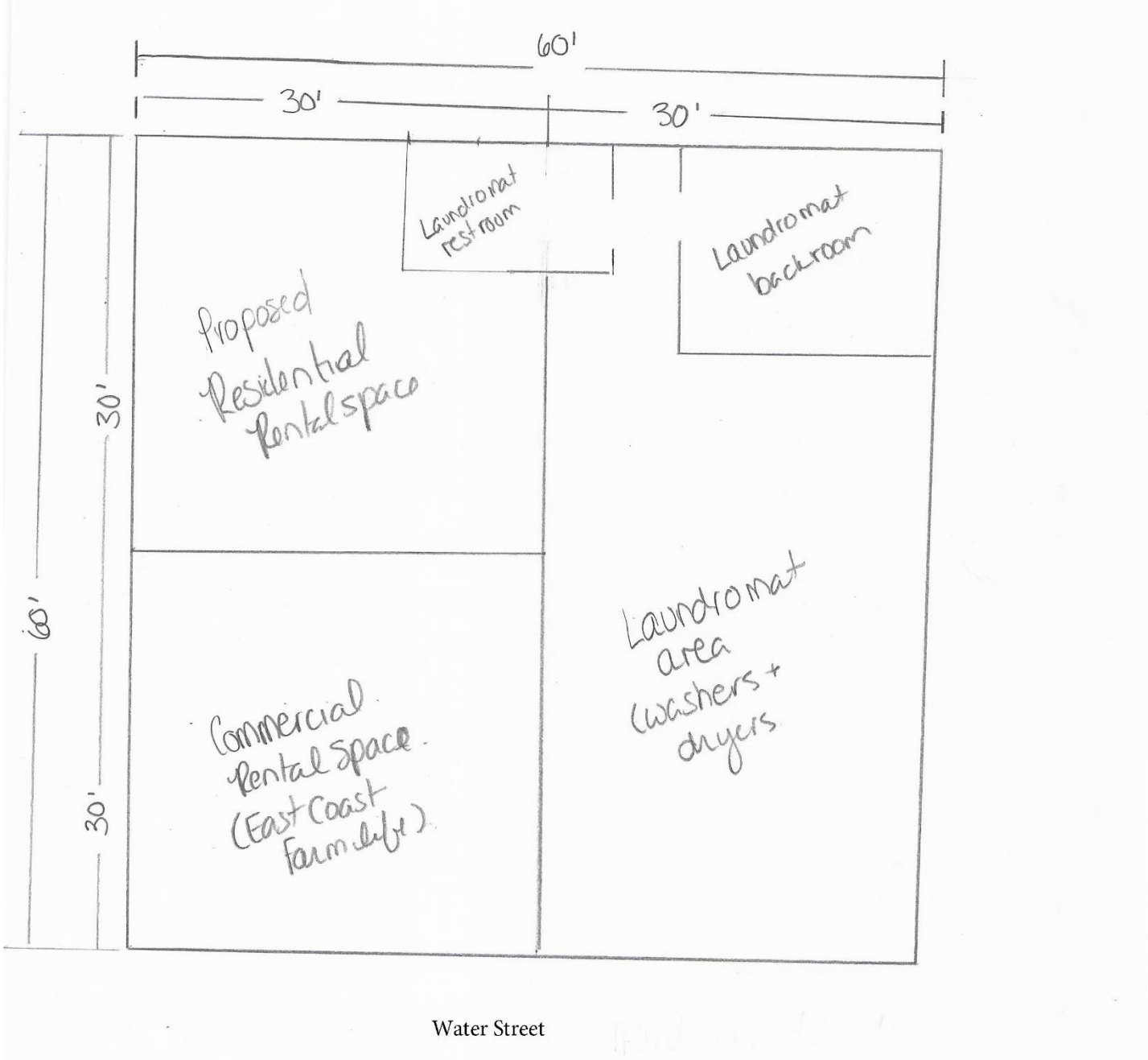
I certify that on this _____, 2024
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

_____	_____
A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA	Chad Singleton, President

Schedule A
Legal Description – PID 45054350

ALL that parcel of land and premises situated on the northerly side of Water Street, in the Town of Windsor, in the County of Hants, Province of Nova Scotia, which in a confirmatory deed made between H. H. Pulsifer Limited and Circuit Investment Limited, bearing date the 13 day of February, 1967, and recorded in the Registry of Deeds for Hants County at Windsor in Book 262 Page 622 is therein bounded and described as follows:
BEGINNING at an iron pin set in the ground on the northerly side of Water Street, at the point marked "E" on the plan of survey made by Graydon D. Spence, P.L.S., dated January 27, 1967 and recorded as an attachment to the deed recorded in Book 262 at Page 622, said iron pin being 8.45 feet easterly measured along Water Street from the stone corner of the brick wall of the building of H. H. Pulsifer Limited;
THENCE running northerly along the line shown in red on said plan 119 feet to an iron pin at point "D" shown on said plan;
THENCE running easterly along the line shown in red to point "B" shown on said plan of survey;
THENCE running northerly along the line show in in red on said plan 65.4 feet to point "C" shown on said plan on the original bank of Avon River;
THENCE running easterly along the bank of Avon River to the centre of Cunnabel Creek;
THENCE running southerly along the centre of Cunnabel Creek separating lands of Circuit Investments Limited from lands of C. B. Shaw and Arno G. Hawboldt Limited to the northerly side of Water Street;
THENCE running westerly along the northerly side of Water Street to the iron pin at point "E" shown on said plan of survey.
BURDEN
SUBJECT to an easement/right-of-way as described in a deed recorded in Book 266 at Page 386.
*** Municipal Government Act, Part IX Compliance ***
Compliance:
The parcel originates with an instrument (registration details below) and the subdivision is validated by Section 291 of the Municipal Government Act
Registration District: HANTS COUNTY
Registration Year: 1967
Book: 266 Page: 386 Document Number: 381

Schedule B
Floor Plan Layout


60'
30'
30'
Laundromat restroom
Laundromat backroom
Proposed Residential Rental space
30'
60'
30'
Commercial Rental Space (East Coast Farmlife)
Laundromat area (washers + dryers
Water Street

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

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: April 23, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

…that Council gives Second Reading and approves amending the Windsor Municipal Planning Strategy and Land Use By-law to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

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

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) to allow the requested change as-of-right, through amendments to the Windsor Land Use By-law. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intended to add the option to include residential units behind those commercial uses, staff recommended text amendments to the Pesaquid Comprehensive Development District (PCDD) zone. The Committee discussed the wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. During the January 11 PAC/HAC meeting, the Committee recommended in favour of the amendments as drafted by staff.

During the January 23 Council meeting, direction was given to staff to draft a policy to permit the request to be considered by development agreement instead.

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

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

NEXT STEPS

The process for this application is as follows:

Process
Staff Review ▼

Public Information Meeting – December 7, 2023

▼

PAC/HAC Review and Recommendation – January 11, 2024

▼

Council First Reading – January 23, 2024
Direction given by Council to reconsider policy options

▼

PAC/HAC Review and Recommendation – March 14, 2024

▼

Council First Reading – March 26, 2024

▼

Public Hearing & Second Reading – April 23, 2024

▼

Ministerial Review/Approval

▼

Notice of Approval

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- approve the amendments as drafted or as specifically revised by direction of Council; or
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

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

CHIEF ADMINISTRATIVE OFFICER REVIEW

The recommendation is in keeping with Council's direction.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A –

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

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 26, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

…that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

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

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) to allow the requested change as-of-right, through amendments to the Windsor Land Use By-law. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intended to add the option to include residential units without affecting the ability for commercial development, staff recommended text amendments to the Pesaquid Comprehensive Development District (PCDD) zone. The Committee discussed the wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. During the January 11 PAC/HAC meeting, the Committee recommended in favour of the amendments as drafted by staff.

During the January 23 Council meeting, direction was given to staff to draft a policy to permit the request to be considered by development agreement instead.

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

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – December 7, 2023
▼
PAC/HAC Review and Recommendation – January 11, 2024
▼

Council First Reading – January 23, 2024
Direction given by Council to reconsider policy options

PAC/HAC Review and Recommendation – March 14, 2024

Council First Reading – March 26, 2024

Public Hearing & Second Reading – April 23, 2024*

Ministerial Review/Approval

Notice of Approval

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council; or
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

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

CHIEF ADMINISTRATIVE OFFICER REVIEW

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

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A –

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

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: March 14, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 210

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

Staff reviewed the WMPS and WLUB and determined there were no policy options to consider the proposed use by development agreement. Staff reviewed the application and determined the request was similar to the Commercial (C-1) zone in Hantsport where residential uses are permitted with located behind, above, or below a commercial use. Staff originally drafted amendments based on the Commercial (C-1) zone from the Hantsport Land Use By-law which, if approved, would have allowed the requested residential use behind a commercial use on the ground floor to be permitted as-of-right.

During the January 11 PAC/HAC meeting, the committee recommended in favour of the amendments as drafted by staff.

During the January 23 Council meeting, direction was given to staff to draft policy to permit the request through consideration by development agreement. Staff have drafted amendments to the WMPS and WLUB, as seen below.

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor to residential uses. The commercial use would still front on Water Street, with the residential uses being located in the rear of the ground floor.

The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) and is included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Currently, the WMPS and WLUB do not allow residential uses on the ground floor in the Pesaquid Comprehensive Development District (P-CDD) zone.

Windsor Municipal Planning Strategy

Policy 7.5.2 and 7.5.3 of the Windsor Municipal Planning Strategy (WMPS) outline the types of uses that Council will consider by development agreement within the Pesaquid Comprehensive Development District (P-CDD) zone.

To permit the proposed residential uses behind commercial uses on the ground floor by development agreement as requested by Council, the following changes are required to the WMPS:

- Adding to Policy 7.5.2, residential uses behind commercial uses on the ground floor of existing buildings to the list of developments considered by development agreement;
- Adding wording to Policy 7.5.3 (c) to include residential uses to be located behind commercial uses on the ground floor of existing buildings; and
- Inserting a new policy in Section 7.5 to create the criteria to evaluate development agreement applications for residential uses to be located behind commercial uses on the ground floor of existing buildings.

The full set of changes can be found in Attachment B.

Windsor Land Use By-law

Section 6.1 of the Windsor Land Use By-law (WLUB) lists developments that may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy.

To permit the proposal, the following addition to the WLUB is required:

- Adding residential uses behind commercial uses on the ground floor of existing buildings to clause (g) of Section 6.1

The full set of proposed amendments can be found in Attachment B.

Impact of Proposed Changes

The proposed changes would only affect properties within the Pesaquid Comprehensive Development District (P-CDD) zone. There are currently only 16 properties within the P-CDD zone and they are all located on the north-west side of Water Street in Windsor (Figure 1). The existing uses located in this zone are primarily 1-2 storey buildings with ground floor commercial uses and residential units above. Allowing residential uses behind commercial uses on the ground floor to be considered by development agreement will not impact the intended streetscape experience, as commercial uses will still be required at the front of the buildings on the ground floor.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division, these changes did not raise any concerns which are not otherwise addressed in this report.

General Criteria

Policy 16.1.1 allows Council to review and make amendments to the WMPS. Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, the request for a ground level residential use within a commercial district is not permitted within the

current planning documents and provides Council with the option to consider the proposal as a change in the development environment. The proposal also aligns with the Statement of Provincial Interest Regarding Housing as the amendment will provide additional opportunities for residential development which would not have otherwise been permitted.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding, including the entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

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

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to permit the requested changes to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement.

Process
Staff Review

▼

Public Information Meeting – December 7

▼

PAC/HAC Review and Recommendation – January 11

▼

Council First Reading – January 23

Direction given by Council to reconsider policy options

▼

PAC/HAC Review and Recommendation – March 14

▼

Council First Reading – March 26*

▼

Public Hearing & Second Reading – April 23*

▼

Ministerial Review/Approval

▼

Notice of Approval

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

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

Attachment D 2024-01-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39A

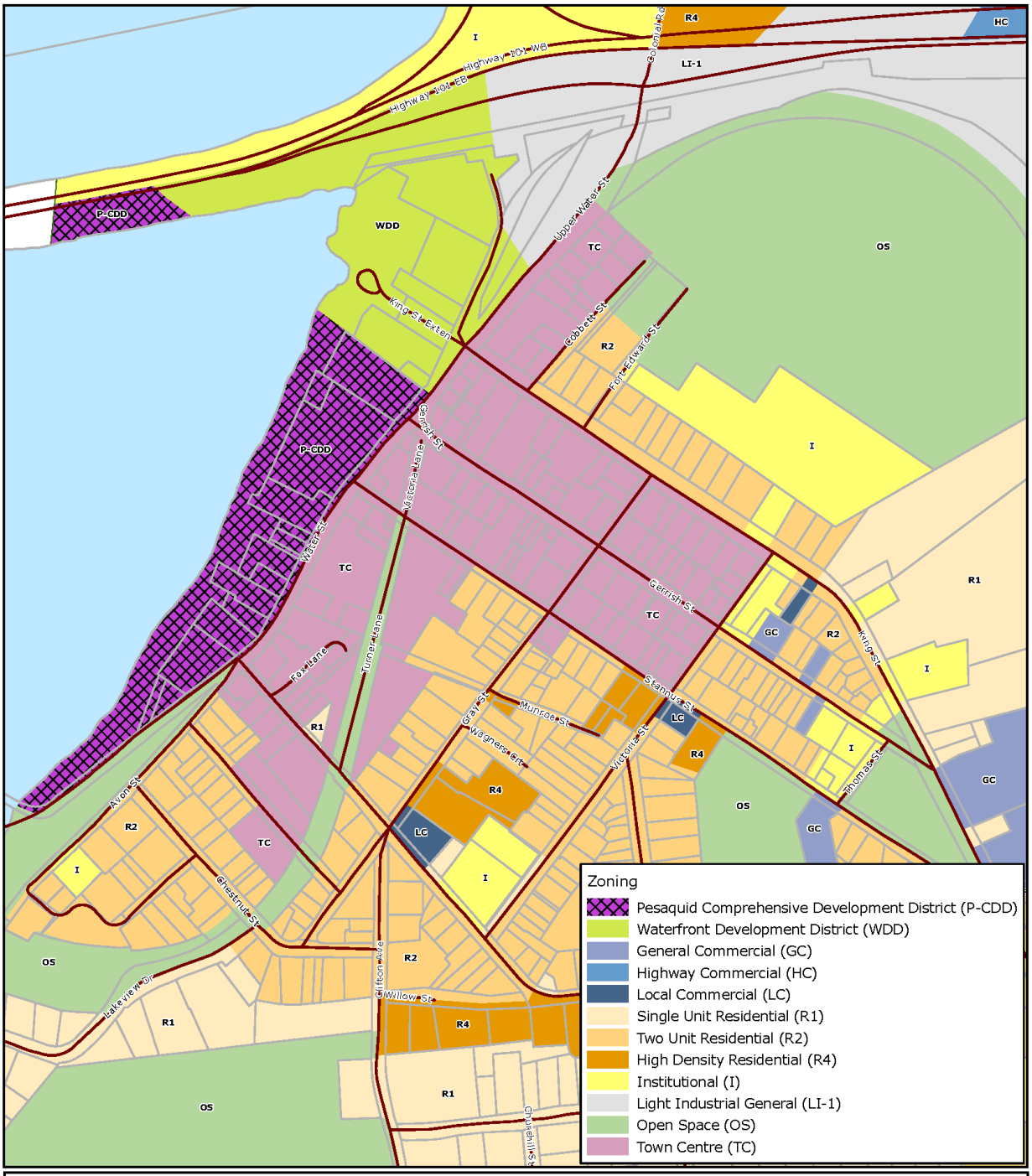
Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Figure 1 – Windsor Zoning Map Extract



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.
This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.
Prepared by: West Hants Regional Planning and Development Department November 2023

Pesaquid Comprehensive Development District - Windsor

0 75 150
Metres
Scale: 1:4,500

N

Parcels
Roads
Water

Attachment A – Policy Summary for Planning Document Amendments

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 appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division commented that they had no concerns regarding ground level residential uses on Water Street or the capacity of water and sewer services.
(ii) the adequacy of school facilities;	The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that "We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development."
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses. The local Fire Chief commented that any residential unit would require unimpeded access, which is already a requirement of the permitting process.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Municipal Traffic Authority commented that they did not have any

	concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required in the WLUB for as-of-right developments.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, provided that off-street parking is provided for the residential units. Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that they did not have any concerns regarding the adequacy of the dimensions and shape of the lots for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lots which the existing building is located.
(d) the pattern of development which the proposal might create;	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the changes would only permit residential units to be built

	behind the commercial use on the ground floor of existing buildings.
(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;	As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.
(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;	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Draft Amendments

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

Windsor Municipal Planning Strategy

Text amendments to Section 7.5, *Pesaquid Comprehensive Development District*, of the Windsor Municipal Planning Strategy to allow residential developments to be located on the ground floor, behind a commercial use within an existing building.

1. **Amend Policy 7.5.2 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.2 reads as follows:**

Policy 7.5.2 *It shall be the policy of Council that the following categories of development proposals in the Pesaquid CDD will be considered by development agreement subject to Policies 7.5.3, 7.5.4, and 7.5.5:*

(a) a change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone;

(b) new main buildings;

(c) additions in excess of 1,000 ft2 (92.9 m2) in floor area.

(d) accessory structures in excess of 500 ft2 (46.5 m2) in floor area; or

(e) residential uses behind commercial uses on the ground floor of existing buildings.

2. **Amend Policy 7.5.3 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.3 reads as follows:**

Policy 7.5.3 *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*

(a) commercial development including retail, service, office and entertainment uses;

(b) recreational facilities to accommodate passive and active recreational activities or special events;

(c) residential development as a secondary focus, located behind the commercial uses on the ground floor or on the upper floors of existing commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development.

3. Insert Policy 7.5.5 in the Windsor Municipal Planning Strategy following Policy 7.5.4 so that Policy 7.5.5 reads as follows:

Policy 7.5.5 *It shall be the intention of Council when evaluating a development agreement for residential uses behind commercial uses on the ground floor within the Pesaquid CDD, as enabled through Policy 7.5.2, to have regard to the following:*

(a) the residential uses on the ground floor of an existing building shall occupy no more than 50% of the ground floor area of the structure;

(b) the residential uses must be located behind a commercial use. The commercial use must have frontage on the street;

(c) the provisions of Policy 16.3.1

4. All policies following the new Policy 7.5.5 in Section 7.5 shall be renumbered.

Windsor Land Use By-law

Text amendment to the Section 6.1 of the Windsor Land Use By-law to include residential uses behind existing commercial uses on the ground floor within the Pisaquid Comprehensive Development District in the list of developments to be considered by development agreement.

1. Amend Clause (g) of Section 6.1, *Development Agreements*, in the Windsor Land Use By-law to include residential uses behind existing commercial uses on the ground floor within the Pesaquid Comprehensive Development District, so that clause (g) of Section 6.1 reads as follows:

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

…

(g) development proposals in the Pesaquid CDD in accordance with Section 7.5 of the Municipal Planning Strategy for: signs in addition to those outlined in Section 7.18 of the Land Use By-law (Amendment WLUB 17-01 Effective March 6, 2018); new main buildings; additions in excess of 1,000 ft2 (92.90 m2) floor area; accessory structures in excess of 500 ft2 (46.45 m2) floor area; a change in use in an existing building to a use not permitted in the TC zone; or residential uses behind commercial uses on the ground floor of existing buildings;

…

Attachment C – Public Information Meeting Notes

December 7 - 21, 2023

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

Meeting date and time	A Public Information Meeting was held on December 7, 2023, beginning at 6:14 p.m. in Council Chambers at 76 Morison Drive in Windsor. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: • Councillor Francis (Chair) • Councillor Ivey Four (4) members of staff: • Planner Dunphy • Planner Fredricks • Planning Assistant Lake • Director Poirier 3 members of the public and the applicants.
Applicant Chad and Mandy Singleton **Property** Not Applicable	Planner Dunphy outlined the application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit residential uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District. The applicant presented on their plan to develop an additional residential unit within their property at 198 Water Street in Windsor, provided that the proposal is successful.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 7 - 21, 2023. Staff received no comments or questions from the public. 1 member of the public and the applicants spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text. • Paul Beazly asked about an option to build the residential unit through a development agreement.

	Alex clarified that there were no policies to allow Council to consider the proposed residential use by development agreement. • The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined. Alex responded that the wording of the proposed amendments has not yet been determined. A change is required due to the planning documents prioritizing commercial development in the Pesaquid Comprehensive Development District (P-CDD).
Adjournment	The PIM was adjourned at approximately 6:28 p.m.

Attachment D - 2024-01-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: January 23, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

…that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to allow residential units at the rear of commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated January 11, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

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

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intends to add the option to include residential units without affecting the ability for commercial development, staff are recommending the amendments to the Pesaquid Comprehensive Development District (PCDD) zone.

Staff also relayed the feedback received from both the Fire Chief and the Public Works Engineering Division. The Fire Chief commented that residential units would require unimpeded access, which is already a requirement of the permitting process, and the Public Works Engineering Division commented that they did not have any concerns regarding the capacity of municipal services for the proposed amendment.

During the January 11 meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:

Process
Staff Review
▼
Public Information Meeting – December 7, 2023
▼
PAC/HAC Review and Recommendation – January 11, 2024
▼
Council First Reading – January 23, 2024
▼
Public Hearing & Second Reading – February 27, 2024*
▼
Ministerial Review/Approval
▼
Notice of Approval

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council; or
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A	2023-01-11 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

CHIEF ADMINISTRATIVE OFFICER REVIEW

This matter has been reviewed by the PAC / HAC. The amendment will assist with the provision of residential units in the downtown area. For the noted property owner, it will allow for residential use on the back side of the property but not requiring it should they elect to re-establish a commercial use.

First reading will allow for the formal public hearing process that will ultimately support the final decision-making phase, SECOND READING.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

Appendix A –

2023-01-11 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Alex Dunphy, Planner

Date: January 11, 2024

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

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

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

…that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to allow residential units at the rear of commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated January 11, 2024.

BACKGROUND

Property X	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor for residential uses. The commercial use would still face the street. The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) and are included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Currently, the WMPS and WLUB do not allow residential uses on the ground floor in the Pesaquid Comprehensive Development District (P-CDD) zone. Staff reviewed the WMPS and WLUB and determined there were no policy options to consider the proposed use by development agreement. Staff reviewed the application and determined the request was similar to the Commercial (C-1) zone in Hantsport where residential uses are permitted with located behind, above, or below a commercial use. Staff have drafted the following amendments based on the Commercial (C-1) zone from the Hantsport Land Use By-law which, if approved, would allow the requested residential use behind a commercial use on the ground floor.

Windsor Municipal Planning Strategy

Policy 7.5.3 and 7.5.5 of the Windsor Municipal Planning Strategy (WMPS) outlines the types of uses that Council will consider within the Pesaquid Comprehensive Development District (P-CDD) zone.

Policy 7.5.3 *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*

(a) commercial development including retail, service, office and entertainment uses;

(b) recreational facilities to accommodate passive and active recreational activities or special events;

(c) ***residential development as a secondary focus, located on the upper floors of commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development****.*

Policy 7.5.5 *It shall be the policy of Council that within the Pesaquid CDD, minor development such as a change in use in an existing building, a small addition or accessory building, and*

repairs or renovations, shall be permitted as-of-right in accordance with the provisions of the Town Centre (TC) zone. In summary, to permit the proposed residential use, the following changes are required to the WMPS:

- Adding wording to Policy 7.5.3 (c) to include residential developments to be located behind an existing commercial use; and
- Adding wording to Policy 7.5.5 to allow residential developments to be located behind existing commercial uses.

The full set of changes can be found in Attachment B.

Windsor Land Use By-law

Section 15.1 of the Windsor Land Use By-law (WLUB) permits the following categories of development in the Pesaquid Comprehensive Development District (P-CDD) zone as-of-right:

(a) change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;
(b) additions not exceeding 1,000 ft2 (92.90 m2) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;
(c) accessory structures not exceeding 500 ft2 (46.45 m2) in floor area, subject to Town Centre (TC) zone requirements; and
(d) temporary retail sales and food service kiosks subject to Section 15.2. The current parking requirement for apartment buildings is a ratio of 1.5 parking spaces per dwelling unit.

In summary, to permit the proposal, the following addition to the WLUB is required:

- Adding residential uses on the ground floor not exceeding 50% of the ground floor area, located behind commercial use to Section 15.1.

The full set of proposed amendments can be found in Attachment B.

Impact of Proposed Changes

The proposed changes would only affect properties within the Pesaquid Comprehensive Development District (P-CDD) zone. There are currently only 16 properties within the P-CDD zone and they are all located on the north-west side of Water Street in Windsor (Figure 1). The existing uses located in this zone are primarily 1-2 storey buildings with ground floor commercial uses and residential units above. Allowing residential uses to be built behind existing commercial uses on the ground floor will not impact the intended streetscape experience, as commercial uses will still be required at the front of buildings at street level.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division, these changes did not raise any concerns which are not otherwise addressed in this report.

General Criteria

Policy 16.1.1 allows Council to review and make amendments to the WMPS. Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, the request for a ground level residential use within a commercial district is not permitted within the current planning documents and provides Council with the option to consider the proposal as a change in the development environment. The proposal also aligns with the Statement of Provincial Interest Regarding Housing as the amendment will provide additional opportunities for residential development which would not have otherwise been permitted.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise addressed in this report.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding, including the entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

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

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to permit the requested changes to allow residential units behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone.

Process
Staff Review
▼
Public Information Meeting – December 7
▼
PAC/HAC Review and Recommendation – January 11
▼
Council First Reading – January 23*
▼
Public Hearing & Second Reading – February 27*
▼
Ministerial Review/Approval
▼
Notice of Approval

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

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

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

ATTACHMENTS

Figure 1 Windsor Zoning Map Extract

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

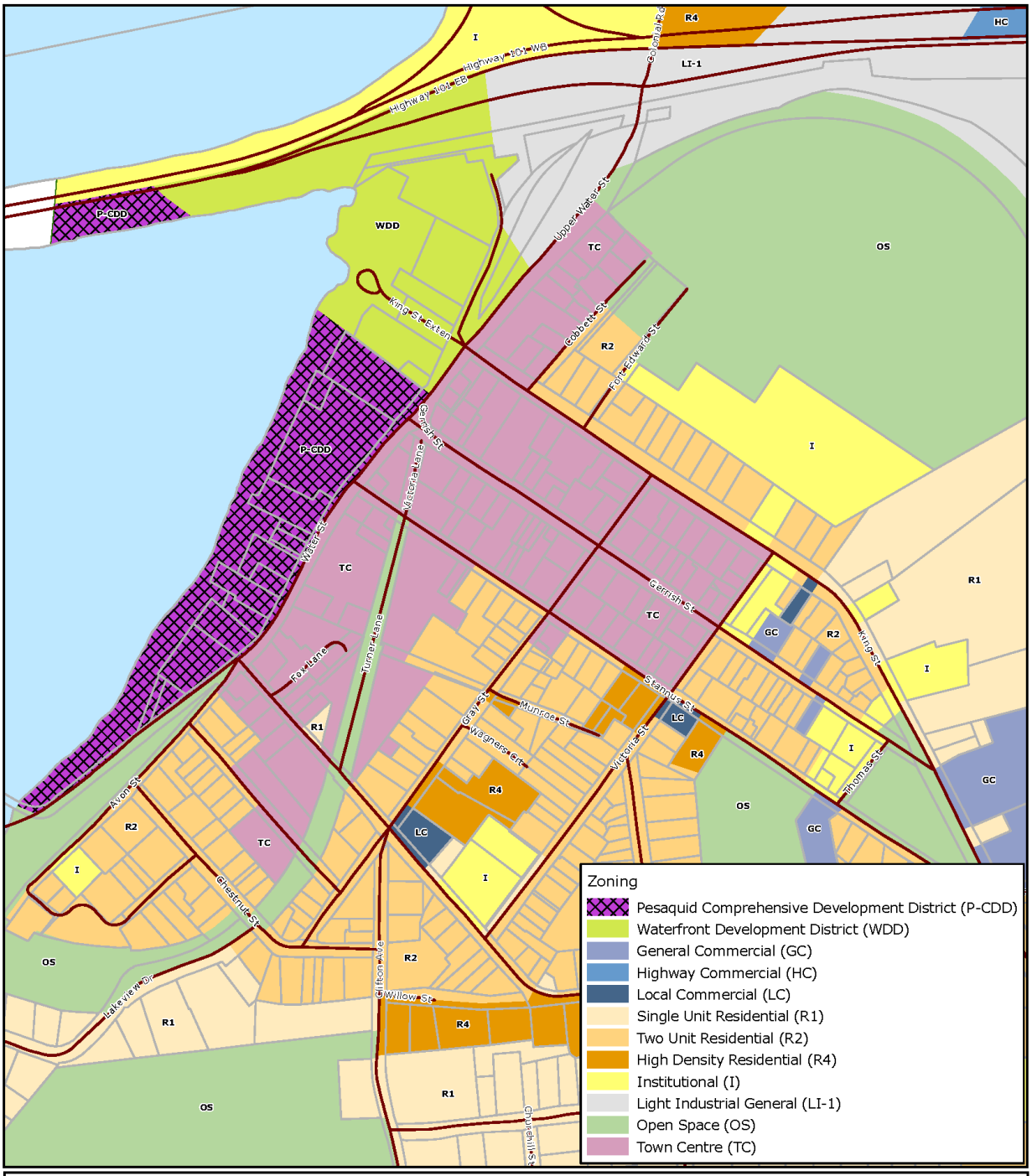
Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Figure 1 – Windsor Zoning Map Extract



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.
This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.
Prepared by: West Hants Regional Planning and Development Department November 2023

Pesaquid Comprehensive Development District - Windsor

0 75 150
Metres
Scale: 1:4,500

N

Parcels
Roads
Water

Attachment A – Policy Summary for Planning Document Amendments

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 appropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division commented that they had no initial concerns regarding ground level residential uses on Water Street. The Director of Public Works was unable to provide comment at the time of the writing of this report. Staff hope to have that feedback prior to the Planning and Advisory Committee Meeting.
(ii) the adequacy of school facilities;	The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that "We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development."
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses. At the time of writing this report, staff have yet to receive comment from the

	Windsor Fire Chief. Staff hope to have that feedback prior to the Planning and Advisory Committee Meeting.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Municipal Traffic Authority commented that they did not have any concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required in the WLUB for as-of-right developments.
(v) the financial capacity of the Town to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, provided that off-street parking is provided for the residential units. Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that they did not have any concerns regarding the adequacy of the dimensions and shape of the lots for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lots which the existing building is located.
(d) the pattern of development which the proposal might create;	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The

	proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the changes would only permit residential units to be built behind the commercial use on the ground floor of existing buildings.
(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;	As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.
(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;	All Municipal, Provincial, and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Draft Amendments

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

Text amendments to Section 7.5 of the Windsor Municipal Planning Strategy to allow residential developments to be located on the ground floor, behind a commercial use within an existing building.

Windsor Municipal Planning Strategy

1. **Amend Policy 7.5.3 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.3 reads as follows:**

Policy 7.5.3 *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*

(a) commercial development including retail, service, office and entertainment uses;
(b) recreational facilities to accommodate passive and active recreational activities or special events;
(c) residential development as a secondary focus, located behind the commercial uses on the ground floor or on the upper floors of existing commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development.

2. **Amend Policy 7.5.5 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.5 reads as follows:**

Policy 7.5.5 *It shall be the policy of Council that within the Pesaquid CDD, minor development such as a change in use in an existing building, a small addition or accessory building, and repairs or renovations, in accordance with the provisions of the Town Centre (TC) zone, as well as residential units located behind the commercial uses on the ground floor of existing buildings shall be permitted as-of-right.*

Text amendment to the Section 15.1 of the Windsor Land Use By-law to allow residential developments to be located on the ground floor, behind commercial uses within an existing building.

Windsor Land Use By-law

1. **Amend Section 15.1, *As-of-Right Development*, in the Windsor Land Use By-law to include residential developments on the ground floor to the permitted uses list, so that Section 15.1 reads as follows:**

As-of-Right Development

15.1 The following categories of development shall be permitted in the Pesaquid Comprehensive Development District (P-CDD) zone as-of-right:

(a) change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;

(b) additions not exceeding 1,000 ft2 (92.90 m2) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;

(c) accessory structures not exceeding 500 ft2 (46.45 m2) in floor area, subject to Town Centre (TC) zone requirements;

(d) temporary retail sales and food service kiosks subject to Section 15.2;

(e) residential uses on the ground floor of existing buildings in accordance with 15.1.1.

2. **Create Subsection 15.1.1, *Requirements for Ground Floor Residential Uses*, in the Windsor Land Use By-law to include provisions for ground floor residential uses, so that Subsection 15.1.1 reads as follows:**

Requirements for Ground Floor Residential Uses

15.1.1 Residential uses on the ground floor of existing buildings shall occupy no more than 50% of the ground floor area of the structure and be located behind or below a commercial use. The commercial use must have frontage on the street.

Attachment C – Public Information Meeting Notes

December 7 - 21, 2023

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

Meeting date and time	A Public Information Meeting was held on December 7, 2023 beginning at 6:14 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: • Councillor Francis (Chair) • Councillor Ivey Four (4) members of staff: • Planner Dunphy • Planner Fredricks • Planning Assistant Lake • Director Poirier 3 members of the public and the applicants.
Applicant Chad and Mandy Singleton **Property** Not Applicable	Planner Dunphy outlined the application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit residential uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District. The applicant presented on their plan to develop an additional residential unit within their property at 198 Water Street, Windsor, provided that the proposal is successful.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 7 - 21, 2023. Staff received no comments or questions from the public. 1 member of the public and the applicants spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text. • Paul Beazly asked about an option to build the residential unit through a development agreement. Alex clarified that there were no policies to allow

	Council to consider the proposed residential use by development agreement. • The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined. Alex responded that the wording of the proposed amendments has not yet been determined. A change is required due to the planning documents prioritizing commercial development in the Pesaquid Comprehensive Development District (P-CDD).
Adjournment	The PIM was adjourned at approximately 6:28 p.m.