



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Will Hong, Planner

Date: 2025-01-09

Subject: WMPS and WLUB Amendments: Housing Accelerator Fund Initiatives#1-3; File #23-21

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act

RECOMMENDATION

To allow the request, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to accommodate a wider range of “missing middle” housing forms, create affordable housing policy, and relax parking requirements in a manner substantively the same as the draft set out in Attachment A of the Planning and Heritage Advisory Committee report #23-21 dated January 9, 2025.

...that PAC/HAC recommends that Council give First Reading and hold Public Hearing to consider amending the map of the Windsor Land Use By-law to reflect the proposed zoning changes in a manner substantively the same as the draft set out in Figure 1 of the Planning Advisory Committee report #23-21 dated January 9, 2025.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Housing Accelerator Fund

In March 2023, the Canadian Mortgage and Housing Corporation (CMHC) announced the launch of the Housing Accelerator Fund (HAF); a \$4 billion fund to support local governments across Canada to accelerate the development of a diverse range of quality housing, identify critical solutions to increase housing supply, and promote the development of affordable, inclusive, and diverse communities at the local level.

To participate, municipalities were required to develop a Housing Action Plan as part of the application. This Housing Action Plan identified attainable actions Council could take between 2024-2027 to support the development of new housing units by making policy changes that will enable or incentivize new home construction. West Hants Regional Municipality applied to the HAF funding stream and submitted a Housing Action Plan on August 16, 2023.

In January 2024, the Municipality secured funding to participate in the HAF program. On January 30, 2024, Council approved the Housing Action Plan as submitted to CMHC and directed staff to begin implementation. The Municipality signed a contribution agreement with the CMHC and was approved for \$1.08 million for the 3-year HAF term. The Municipality received the first disbursement in February 2024.

The approved Housing Action Plan outlines seven initiatives that the Municipality committed to undertake. Since May 2024, staff have been prioritizing the first three initiatives, which have earlier completion deadlines. The three initiatives include:

1. Allowing greater density as-of-right in serviced areas of the Municipality;
2. Creating affordable housing policy requirements; and
3. Reducing parking requirements for new residential developments.

In July 2024, staff provided an information report to update Council on these three initiatives and the public engagement plan. Staff initiated public engagement with an online survey which collected 320 responses between August 21 and September 30, 2024. Additionally, staff hosted two public open house sessions on September 11 and 19, 2024, to provide other opportunities for the public to give feedback and engage with staff. All the responses received through the survey and open house sessions have been consolidated and compiled into a What We Heard

Report. Staff presented the What We Heard Report to the PAC/HAC on November 14, 2024 to update and discuss the public engagement process and feedback.

The Municipality is required to submit the first annual report by March 2025 to CMHC on the progress of its commitments to implementing the Housing Action Plan and the reminder of HAF disbursement is contingent on whether these commitments are being met.

Housing Challenges in the Municipality

Like many rural municipalities in Nova Scotia, residents of West Hants Regional Municipality are experiencing housing affordability challenges, where it is becoming increasingly difficult for residents to find suitable housing that is affordable and that meets both their lifestyle and financial needs. The recent Municipal housing survey found that more than 41.2% of residents currently live outside of the definition of affordable housing (i.e., need to spend more than 30% of their before-tax income on shelter costs). Furthermore, renters (76% of respondents) in the Municipality are much more likely to experience housing affordability challenges compared to established homeowners (33% of respondents), indicating housing inequality among tenures.

The 2023 Provincial Housing Needs Assessment reveals that the median sale price of single unit dwellings in West Hants Regional Municipality nearly doubled, rising from \$163,000 in 2016 to \$325,000 in 2022. *Table 1* summarizes the percentage share of households, separated by household types, that could afford a home based on their respective income levels versus the median sale prices from 2022. The affordability threshold is the same used by Statistics Canada— 30% of before-tax household income spent on shelter costs.

To afford a home at a median sale price of \$325,000, a household would require an annual income of \$110,000. However, the majority of households in West Hants Regional Municipality earn less than this amount, making it difficult to afford housing or enter homeownership. The latest Census Division data indicates that only about 40% of couple households, 12% of lone-parent households, and 4% of single-person households in the Municipality can afford at this median sale price of \$325,000, highlighting significant challenges in housing affordability for most of households in the Municipality.

To improve housing affordability and respond to increasingly complex housing challenges among residents, the Municipality was selected to participate in HAF and collaborate with other levels of government to be proactive in reducing systemic barriers for housing development, incentivize affordable housing units and encourage missing middle housing developments. Staff recommend a list of proposed amendments to the planning documents to address the key initiatives under both the Housing Action Plan and HAF agreement.

Affordability by Income-level

Income level	2022 median sale price:			\$325,000	\$277,500
	% of HHs below income level			Single Detached Dwelling	Semi Detached
	Couples	Lone parents	Single persons		
\$50,000	15%	36%	68%	no	no
\$55,000	18%	44%	73%	no	no
\$60,000	20%	51%	78%	no	no
\$65,000	24%	56%	82%	no	no
\$70,000	28%	61%	84%	no	no
\$75,000	32%	66%	87%	no	no
\$80,000	36%	70%	89%	no	no
\$85,000	40%	74%	91%	no	no
\$90,000	44%	79%	92%	no	no
\$95,000	48%	82%	93%	no	yes
\$100,000	53%	84%	94%	no	yes
\$105,000	56%	87%	95%	no	yes
\$110,000	60%	88%	96%	yes	yes

Table 1, Source: 2023 West Hants Regional Municipality Housing Needs Assessment

DISCUSSION

This report presents amendments to the Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-law (WLUB) in order to meet the goals of Initiative #1-3 in the Housing Action Plan and the commitments made as part of funding agreement of the Housing Accelerator Fund (HAF). The agreement requires the Municipality to deliver on Initiative #1-3 by meeting the following objectives by March 2025:

- Increase the as-of-right number of permitted dwelling units within fully serviced areas instead of through a rezoning or development agreement process prior to full Plan Review being completed.
- Update the minimum zone requirements to permit development on smaller lots with smaller required setbacks prior to the full Plan Review being completed.
- Create affordable housing policies in the planning documents prior to the full Plan Review being completed.
- Revise minimum parking requirements in serviced areas prior to the full Plan Review being completed.

Section 219 (1) of the Municipal Government Act states that where a council adopts a municipal planning strategy amendment that contains policies about regulating land use and

development, the council shall, at the same time, adopt a land-use by-law amendment that shall enable the policies to be carried out. This allows both the amendment to the text and the maps of the Municipal Planning Strategy and the Land Use By-law to happen concurrently.

The following section summarizes key changes and associated objective of the amendments, with full text amendments provided in the accompanying appendixes.

Summary of Key Changes to Planning Documents

- Delineating a revised hierarchy of residential zones to guide the development of inclusive, resilient, and diverse communities.
- Ensuring a diverse range of housing options to support people at all life stages and meet the needs of households of various sizes and incomes.
- Permitting “missing middle” housing on a residential lot serviced with both Municipal water and sewer to promote gentle density and ensure the most efficient use of existing services and protects current and future investments in infrastructure while reducing urban sprawl.
- Updating development standards to accommodate future “missing middle” housing and promote infill development to better align with statement of Provincial Interest on housing.
- Introducing the requirement of lot coverage to residential lots to better manage stormwater runoff.
- Introducing policies and provisions to encourage affordable housing units within a development to improve equity and inclusion in the Municipality.
- Introducing policies to allow Council to identify suitable Municipal-owned surplus properties for the purpose of affordable housing development.
- Relaxing residential parking requirements in Growth Centres to allow developers to provide parking based on market demand and build what is needed.

Provincial Support for Housing

All municipalities in Nova Scotia are required to have specific policies for housing as there is a *Statement of Provincial Interest* regarding housing. The Provincial goal is to provide housing opportunities to meet the needs of all Nova Scotians. Furthermore, the Province requires the Municipality to consider permitting higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types. Amendments in this report reflect this Provincial intention and further align the planning documents with the *Statement of Provincial Interest* on housing.

Amendments in relation to Initiative#1- Allowing greater density as-of-right

1. Adding Missing Middle Housing Options to Residential Zones

Based on staff research, technical analysis, and public engagement feedback, the amendments to the WMPS and WLUB include adding missing middle housing options as a permitted use (applicant can proceed as-of-right provided meeting all zoning standards) to residential zones. Proposed amendments to the West Hants and Hantsport Municipal Planning Strategies and Land Use By-laws are similar in nature and as a whole will allow greater density as-of-right within the Municipality's serviced areas (Windsor, Hantsport, Falmouth and Three Mile Plains) To reflect these changes, staff propose to rezone the current Single Unit Residential (R-1) and Two Unit Residential (R-2) zones in the WLUB to Low Density Residential (R-1) and Medium Density Residential (R-2), which will allow up to four and six dwelling units on a lot, respectively. Additionally, the current Medium Density (R-3) and High Density Residential (R-4) zones in the WLUB will be combined into a redefined High Density Residential (R-3), allowing up to 12 dwelling units. This consolidation of current R-3 and R-4 in Windsor aims to align zoning standards with planning documents from Hantsport and West Hants, ensuring consistency across the Municipality.

2. Maintaining One Main Building on a Lot and Building Typologies

The amendments propose to allow up to four dwelling units in the R-1 zone. Currently, a maximum of two dwelling units per lot can be considered in the R-1 zone (one main dwelling unit and one secondary suite). Should the amendment be adopted, applicants can build up to four dwelling units on a fully serviced lot in a proposed Low Density Residential (R-1) zone. Section 5.24 of the WLUB, which limits each lot to a single main building and specifies how a building with up to four dwelling units can be configured on a single lot, remains compliant. For example, the combination of four standalone single-unit dwellings on a single lot and two standalone semi-detached or duplex dwellings on a single lot will not be permitted.

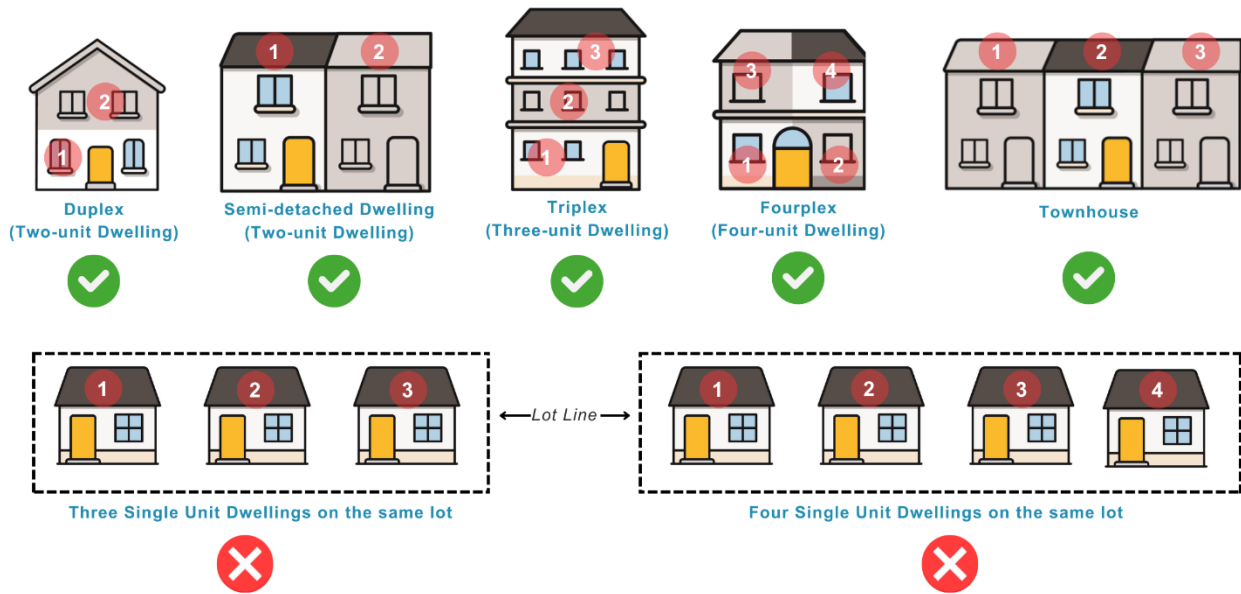


Figure 1

Source: City of St. John's

To be eligible to build up to four dwelling units, the development will be limited to one main building with four units or less (e.g., a fourplex, a triplex, a semi-detached/duplex) or four townhouse units with each unit situated on a sperate lot, as illustrated in Figure 1. In addition, residential lots that are outside of serviced areas can only build single or two-unit dwellings. Each dwelling unit in a single or two-unit dwelling may also include one secondary suite, either attached or detached.

3. Updating development standards and Introducing Lot Coverage Requirements

Residential zones in the Municipality currently have varying regulations for setbacks and lot area. The proposed amendments aim to establish consistent development standards across all three planning documents, which include a smaller minimum lot sizes and setbacks. To maintain neighborhood compatibility and promote seamless integration in the existing neighborhoods, the proposed amendments will not change the maximum building height in these areas.

Lot coverage is one of the land-use metrics by which the intensity of development on a parcel is regulated. Lot coverage is expressed as a percentage, calculated by dividing the footprint of all buildings on a lot by the size of the lot and multiplying by 100. In the current WLUB, the regulation of lot coverage only applies to residential buildings that propose to be converted to add additional dwelling unit.

The proposed amendments will require a maximum of 50 percent lot coverage for future residential development in proposed Low Density Residential (R-1) and Medium Density Residential (R-2), and a maximum of 40 percent lot coverage for future residential development in High Density Residential (R-3). The purpose behind regulating lot coverage is to limit the size of buildings, in conjunction with setbacks and other standards, to ensure a consistent and compatible pattern of development with existing neighborhoods and protect the pervious surfaces that support groundwater recharge and effective stormwater management. The lot coverage requirement will apply only to properties zoned R-1, R-2, or R-3 under the WLUB.

Amendments in relation to Initiative#2 - Creating affordable housing policy requirements

1. Adding Definition of Affordable Housing Unit

To better guide future development and support the provision of affordable housing units while ensuring their affordability over time, the WLUB will be amended to add a definition for Affordable Housing Units. The proposed definition is consistent with those defined by the Canada Mortgage and Housing Corporation (CMHC) or the Province of Nova Scotia and requires such units be constructed as part of provincial or federal affordable housing cost-sharing or funding programs. This requirement ensures that proposed developments qualify for funding from the Nova Scotia Department of Municipal Affairs or federal agency (e.g., CMHC), with annual reporting requirements to the respective funding agencies to confirm occupancy and

rental rates for affordable rental units to ensure compliance requirements and affordability over the agreement period.

2. Adding Bonus Zoning

Section 220 (5) (k) of the MGA allows municipalities to establish bonus zoning provision in the Land Use By-law. The current WLUB has a similar bonus zoning provision for affordable housing in the Waterfront Development District (WDD) zone. To encourage and expand the provision of affordable housing units across a broader area within the Municipality, the amendments to WMPS and WLUB add the option of bonus zoning for Medium Density Residential (R-2) and High Density Residential (R-3). This bonus zoning incentive only applies when the units meet the definition of affordable housing unit in the Land Use By-law. Although the proposed amendments on affordable housing incentive policies may be limited at this time, further options or programs can be explored during the full Plan Review based on feedback received from the public and developers.

3. Surplus Municipal-owned Properties

Section 51 (1) of the MGA allows municipalities to sell or lease property at a price less than market value for any purpose that the council considers to be beneficial to the municipality. To leverage this municipal tool in addressing affordable housing needs, the amendments to WMPS include policies to allow Council to identify Municipal-owned surplus properties for the purpose of affordable housing development and sell such properties below market value if Council determines that it is in the best interest of the Municipality to do so. Staff recognize that proposed policies represent an initial step toward promoting affordable housing, further studies and discussions with Council are required to establish the specific criteria and conditions for property identification and disposal.

Amendments in relation to Initiative#3 – Revise Minimum Parking Requirements

1. Relaxing Parking Regulations

The current WLUB requires 1.5 parking spaces per dwelling unit for any dwelling with three (3) or more units. In the past, many residential developments in Windsor have already used a reduced parking ration of one (1) parking space per unit through the development agreement process. To better accommodate future development of “missing middle” housing and promote a consistent parking requirement standard, staff originally proposed to reduce parking requirements to one (1) parking space per dwelling unit for all dwelling types. However, the recent housing survey showed that almost half (49%) of the residents opposed this blanket approach to reducing parking requirements across the Municipality. Additionally, feedback from the Municipal Traffic Authority indicated that lowering parking requirements could create

operational challenges for street maintenance during weather events. As a result, staff now propose to reduce parking requirements only in the Growth Centres of the Municipality, with a ratio of one (1) parking space per dwelling unit for residential developments. It is important to note that this relaxed standard does not prevent applicants from providing additional parking spaces if desired. In addition, parking requirements for other uses (e.g., commercial or industrial) will remain the same.

Public Engagement

Overview

The public engagement plan was designed to gather both qualitative and quantitative feedback through various tools. Staff initiated public engagement with an online survey which collected 320 responses between August 21 and September 30, 2024. Additionally, staff hosted two public open house sessions on September 11 and 19, 2024 in two different communities to provide other opportunities for the public to give feedback on these three initiatives, with staff available to answer any questions from attendees. These sessions were attended by 20 members of the public. In total, staff received 376 unique comments and written feedback over 41-days engagement period. *Table 2* summarizes the engagement results, the feedback through engagement process was beneficial for staff to help understand the community’s perspective on future housing policy directions.

Channels/Event	# of Touchpoints
Social Media (17 Facebook Posts)	1,200 people per post
HAF Project Webpage	127 visitors
Open House Sessions	20 Attendees
Online Survey	320 Responses
Unique Comments	376 comments

Table 2, Engagement Summary over 41-days engagement period

Feedback received on Initiative #1

Engagement results indicated a strong support from the public for “missing middle” housing development and gentle density in the Municipality, where 77% of surveyed residents agree that the Municipality should have a variety of housing options to meet the needs of diverse demographics. Additionally, 63% support greater housing density in areas within serviced areas of the Municipality. 62% agree with allowing residential property owners more flexibility, and 79% of surveyed residents support regulation of lot coverage requirements.

Residents who supported this initiative highlighted its potential to retain young families and professionals in the Municipality, promote equity for vulnerable groups (e.g., single parents and individuals with support needs), enable multi-generational living, and increase housing options through "missing middle" development. However, some residents expressed concerns about the impact of increased density on infrastructure and its compatibility with the character of existing neighborhoods.

Feedback received on Initiative #2 and #3

Engagement results showed overall support for Initiative #2 for creating affordable housing policies, with 55% of surveyed residents agreeing that Municipality should incentivize large development to provide affordable housing units within proposal. Residents expressed low support for Initiative #3 to reduce parking requirements, with only 27% of residents in favor of this approach.

Residents who supported Initiative #2 emphasized that affordable housing would enable seniors to age in place and foster a more inclusive community. Supporters of Initiative #3 highlighted its potential to promote a more walkable community. However, concerns were raised about both initiatives, with residents questioning for mechanisms to ensure affordable housing remains affordable long-term, noting that most families in the Municipality require two cars for work and the lack of public transit as a challenge to reducing parking requirements.

Windsor Municipal Planning Strategy

Section 4.18, Housing, of the WMPS outlines the intention for Council to encourage the provision of housing that includes all residents in West Hants and provide flexible residential development standards. The background for this section states the following (underlining emphasis added by staff).

“Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families mean that a community needs to enable diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. Secondary suites can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can

ensure they have minimal effect on the overall built form and are compatible with the neighbourhood.”

Policy 4.18.1 would allow Council to encourage the provision of housing adequate to meet the needs of all residents in West Hants.

Policy 4.18.2 would allow Council to provide for the development of a range of housing types in West Hants.

Policy 4.18.3 would allow Council to include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.

Policy 16.1.1 of the WMPS states that *“It shall be the policy of Council to review and make amendments to this Strategy: ...(c) when Council deems it necessary because of a change in policy intentions or the development environment.”* With a growing number of residents in the Municipality facing challenges in finding suitable and affordable housing that meets their lifestyle and financial needs, these proposed amendments to WMPS represent a significant response to the development environment. The amendments aim to address housing needs and improve housing affordability in the Municipality and would be consistent with Policy 16.1.1 (c), which guides Council in considering amendments to the WMPS.

WMPS General Criteria

Staff have reviewed the general criteria for amendments set out in Policy 16.3.1 in considering amendments to the Windsor Land Use by-law. In summary the criteria are met since:

- the Public Works Engineering division have no concerns with regard to the adequacy of sewer and water services;
- the Manager of Building and Fire Inspection Services have no concerns with regard to the adequacy of fire protection;
- the Municipal Traffic Authority have no concerns with regard to the adequacy of road network which the proposed amendments may create within serviced areas.
- no municipal costs related to these amendments, as all associated costs are funded under Housing Accelerator Fund (HAF) provided by the Canadian Mortgage and Housing Corporation (CMHC).

MUNICIPAL CLIMATE CHANGE ACTION PLAN

As these amendments are not related to a specific property, the Municipal Climate Change Action Plan (MCCAP) for Windsor was not reviewed in detail in relation to these amendments. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to amend the text and the maps of the WMPS and the WLUB to expand housing options in the serviced areas of the Municipality and create affordable housing policy and relax parking requirements to meet the commitments made as part of funding agreement of the Housing Accelerator Fund (HAF).



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

The Municipality will receive its funding from CMHC under the contribution agreement in four equal installments. The first installment was paid upon signing the agreement in February 2024,

while the release of the next two annual installments in 2025 and 2026 will depend on the Municipality's progress in achieving the milestones outlined in the Housing Action Plan. The final installment in 2027 will be contingent on the Municipality's performance in meeting housing supply targets in accordance with the contribution agreement. Any delays or scope changes in implementing these initiatives may have financial implications for the Municipality.

ALTERNATIVES

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

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

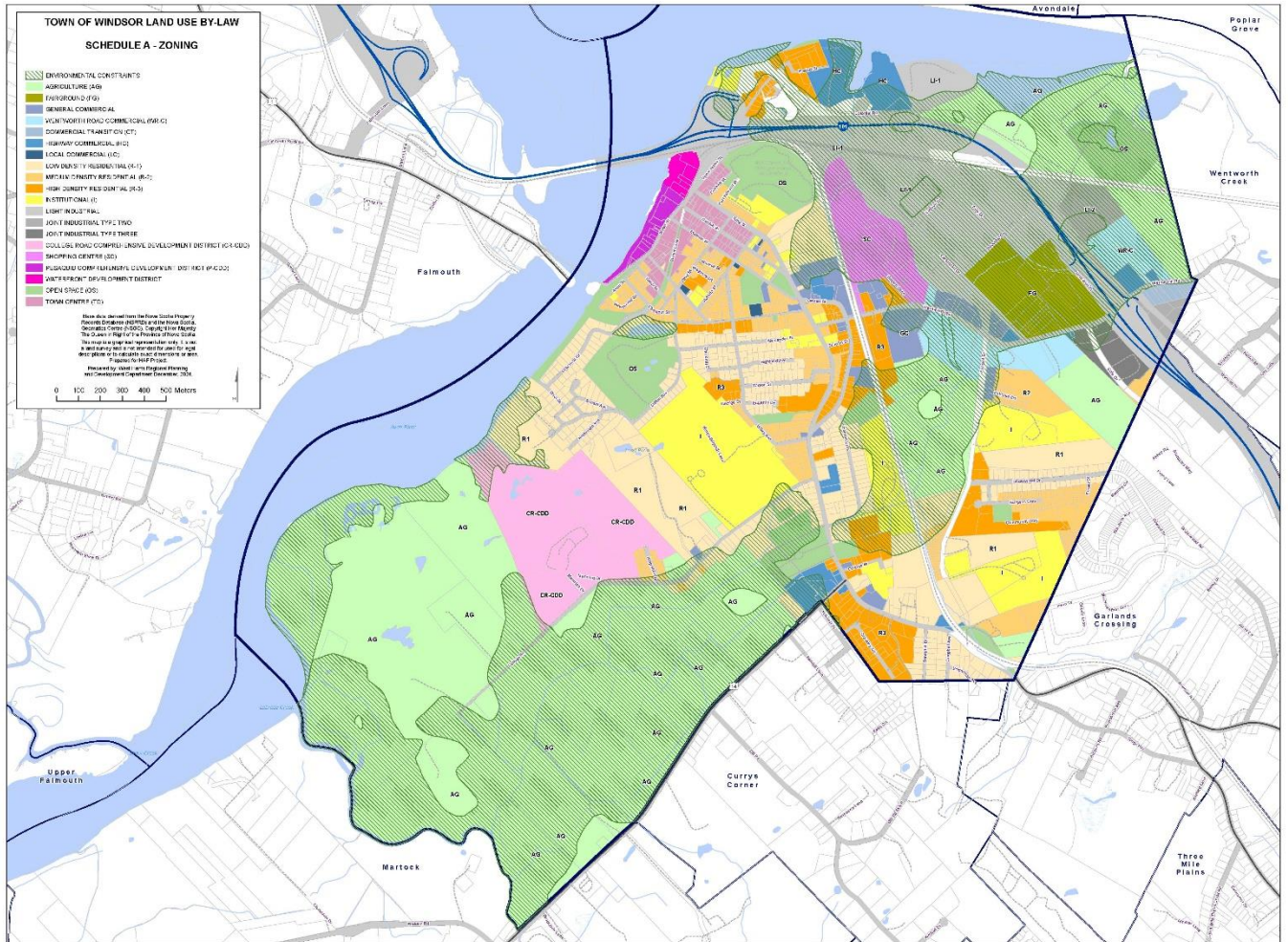
ATTACHMENTS

Figure 1	Proposed Windsor LUB Schedule A – Zoning
Attachment A	Draft WMPS
Attachment B	Draft WLUB
Attachment C	General Criteria for Amendments

Report Prepared by: _____
Will Hong, Planner

Report Reviewed by: _____
Kari Fougere, Acting Director of Planning and Development

Figure 1
Proposed Windsor LUB Schedule A – Zoning



Attachment A
Draft WMPS Amendments

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

Windsor Municipal Planning Strategy

- 1. Amend Section 4 Part 4.18, Housing, of the Windsor Municipal Planning Strategy to acknowledge the needs of planning for a range of housing options to support people at all life stages and different households sizes and incomes and create policy for affordable housing, so that Part 4.9 reads as follows:**

4.0 GENERAL LAND USE POLICIES

4.18 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. *To achieve the foregoing, the Municipality will continue to plan for a range of housing types, including low density, medium density, and high density housing in appropriate locations.* Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. Secondary suites can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure they have minimal effect on the overall built form and are compatible with the neighbourhood.

Affordable Housing

Council acknowledges that affordable housing is needed to ensure a high quality of life for all residents. In order to address housing affordability challenges, the Municipality will encourage the provision of affordable housing units through creating affordable housing policies and develop partnership with local housing providers, agencies, and other levels of government to meet the varying financial needs of current and future residents.

- 4.18.5** *It shall be the policy of Council to incentivize affordable housing through the use of bonus zoning, where additional units will be permitted if the development provides a certain number of dwelling units that meet the definition of Affordable Housing Unit in the Land Use By-law, in the following zones:*

- a) *Medium Density Residential (R-2); and*

b) High Density Residential (R-3).

4.18.6 It shall be the policy of Council to identify surplus Municipal-owned properties that may be suitable for affordable housing development.

4.18.7 It shall be the policy of Council to consider the disposal of identified surplus Municipal-owned properties to housing providers at a price less than market value for the purpose of affordable housing development, where Council determines that it is in the best interest of the Municipality to do so.

2. Amend the Section 5 Part 5.1, Single Unit Residential, of the Windsor Municipal Planning Strategy by replacing the preamble policies, so that Part 5.1 reads as follows:

5.0 RESIDENTIAL

5.1 ~~Single Unit Low Density Residential~~

The ~~Single Unit Low Density Residential~~ (R-1) zone encompasses areas in which the predominant existing use is single detached dwellings. The previous Land Use By-law also pre-zoned several blocks of vacant land for ~~single detached low density~~ residential development. Those areas, located on College Road, Payzant Drive and Underwood Drive, will also be zoned ~~Single Unit Low Density Residential~~ (R-1) under this Strategy and Land Use By-law.

Policy 5.1.1 *It shall be the policy of Council to establish a ~~Single Unit Low Density Residential~~ (R-1) zone for areas ~~where the predominant existing use is single unit dwellings previously zoned as Single Unit Residential under the former Windsor Land Use By-law.~~*

Policy 5.1.2 *In addition to zoning areas of ~~existing previous~~ single unit residential development, Council shall consider pre-zoning areas for future ~~single unit low density~~ residential use where the need is anticipated and the use is considered compatible with the surrounding area.*

~~**Policy 5.1.3** (removed)~~

~~(Amendment WMPS File #20-27 effective September 24, 2021)~~

Policy 5.1.43 *It shall be the policy of Council that within the Residential designation, areas zoned ~~Single Unit Low Density Residential~~ (R-1) may be rezoned to ~~Two Unit Medium Density Residential~~ (R-2). In considering such a rezoning, Council shall have regard to the following:*

(a) *the proposed use is compatible with the residential character of the area with respect to such things as traffic generation, population density and architectural design and scale;*

(b) *adequate on-site parking can be provided;*

- (c) access to the site will not be hazardous with respect to traffic flow;
- (d) adequate landscaping and recreational or open space can be provided;
- (e) any other matter which may be addressed in a Land Use By-law; and
- (f) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.

3. Amend the Section 5 Part 5.2, Two Unit Residential, of the Windsor Municipal Planning Strategy by replacing the preamble policies, so that Part 5.2 reads as follows:

5.2 ~~Two Unit~~ Medium Density Residential

The developed residential area in the core of the Town of Windsor supports a large number of older homes, many of which were built shortly after the Great Windsor Fire of 1897. The concentration of late Victorian and Edwardian homes, with their attractive and distinctive features, makes this area of great historic and architectural value to the Town.

At one time, multiple residential zoning of the core area resulted in the conversion of some of these large homes into apartment units and boarding houses. In 1988, this area was changed to two unit residential zoning since it was felt that such conversions were insensitive to the distinctive architectural features and historic character of the homes and discouraged new multi-unit apartment building development.

Under this Strategy, the two unit residential zoning in the core area is intended to allow limited conversions while preserving the character of the area. In neighbourhoods with a concentration of historic buildings, architectural design controls, as described in Section 13, will apply to ensure that new construction, repairs, renovations and conversions are carried out in a manner sympathetic to the existing architectural style. Multiple unit projects may also be compatible in these areas, provided sufficient attention is paid to architectural design and scale, population density and traffic generation. ~~Multiple unit development will be considered only by development agreement under the terms outlined in Section 5.4.~~

Other areas in the Town are zoned for two unit residential based on the existing or anticipated uses in the area.

Policy 5.2.1 *It shall be the policy of Council to establish a ~~Two Unit Medium Density Residential (R-2) zone in areas where the predominant existing use is two unit residential zoned Two Unit Residential (R-2) under the previous Land Use By-law or where the anticipated density of development is two unit.~~*

Policy 5.2.2 *It shall be the policy of Council to permit the conversion of ~~single unit~~ dwellings to a maximum of ~~two~~ six units in the ~~Two Unit Medium Density Residential (R-2) Zone.~~*

4. Delete Section 5 Part 5.3 and 5.4, Medium Density Residential and High Density Residential, of the Windsor Municipal Planning Strategy and replace with a new Section 5.3 to reflect a revised High Density Residential (R-3) zone, so that Section 5.3 reads as follows:

5.3—Medium Density Residential

Windsor's previous Planning Strategy allowed for a Townhouse Residential (R3) zone permitting triplexes, semi-detached duplexes (four units) and townhouses up to eight units; however, only one parcel of land, located on Burgess Crescent, was zoned R3. Although in the future, multiple unit residential development with three or more units will be considered only by development agreement (see Section 5.4), Council does not want to unduly restrict a proposed development on Burgess Crescent which is in the early application stages. For this reason, a Medium Density Residential (R-3) zone will apply only to this land. No new lands will be zoned R-3; instead, new multiple unit development of three or more units will be considered by development agreement in accordance with Policy 5.4.6.

***Policy 5.3.1**—It shall be the policy of Council to establish a Medium Density Residential (R-3) zone which permits multi-unit residential development up to six units.*

***Policy 5.3.2**—It shall be the policy of Council to apply the Medium Density Residential (R-3) zone only to the area on Burgess Crescent which was zoned Townhouse Residential (R3) under the previous Land Use By-law.*

***Policy 5.3.3**—It shall be the policy of Council not to permit rezoning to the Medium Density Residential (R-3) zone.*

5.4—High Density Residential

Windsor has several apartment buildings, including some that cater to seniors. There are also a number of boarding houses and residential care facilities. As shown in Figure 4, in 2001, one-quarter of the residents of Windsor were over the age of 65. Council feels it is important to provide a range of housing options for residents of the Town, particularly seniors who may require some form of multiple unit accommodation where they are free from responsibility for building and grounds upkeep.

In the past, residents of Windsor expressed concern about the impact of new apartment buildings, particularly in the older residential neighbourhoods. To avoid making existing multiple unit dwellings non-conforming or taking away existing development rights, only properties zoned for multiple residential development in the previous Land Use By-law will be zoned High Density Residential (R-4). Outside these areas, to allow Council more control over architectural design, building scale, property maintenance and other matters, proposals for new multiple residential development of three or more units will be considered only by development agreement. As the conversion of existing buildings to apartments often gives rise to similar concerns, these projects also will be considered by development agreement.

***Policy 5.4.1**—It shall be the policy of Council to establish a High Density Residential (R-4) zone which allows multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities.*

~~**Policy 5.4.2** — It shall be the policy of Council to zone as High Density Residential (R-4) only lots zoned Multiple Residential (RM) under the previous Land Use By law.~~

~~**Policy 5.4.3** — It shall be the policy of Council not to permit rezoning to the High Density Residential (R-4) zone.~~

~~**Policy 5.4.4** — It shall be the policy of Council to restrict the number of rooms permitted in a boarding house and residential care facility located in a residential zone.~~

~~**Policy 5.4.5** — It shall be the policy of Council to require adequate recreational space for multiple unit residential development.~~

~~**Policy 5.4.6** — It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:~~

~~(a) — the proposed use meets one of the following:~~

~~(i) — in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or~~

~~(ii) — in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;~~

~~(b) — the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;~~

~~(c) — the development is considered compatible with the residential character of the area with respect to traffic generation and population density;~~

~~(d) — consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;~~

~~(e) — adequate on-site parking is provided and parking areas are well designed;~~

~~(f) — there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;~~

- ~~(g) — the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;~~
- ~~(h) — the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;~~
- ~~(i) — in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;~~
- ~~(j) — any other matter which may be addressed in a development agreement; and~~
- ~~(k) — the provisions of Policy 16.3.1 of the Municipal Planning Strategy.~~

5.3 High Density Residential

Since the consolidation of West Hants Regional Municipality, the Windsor area has seen a trend of increasing the number of apartment units. Higher density residential fosters a more affordable and energy efficient housing choice for a diversity of residents. The High Density Residential (R-3) encompasses areas previously zoned as Medium or High-Density Residential under the former Windsor Land Use By-law where Municipal services are available. New high density residential will be developed in a manner that is conscious with the surrounding neighborhood. To achieve that, new high density residential developments with more than three storeys or containing more than twelve dwelling units will only be considered by development agreement.

Policy 5.3.1 *It shall be the policy of Council to establish a High Density Residential (R-3) zone which allows multiple unit residential development consisting of up to twelve units, grouped dwellings, boarding houses and residential care facilities.*

Policy 5.3.2 *It shall be the policy of Council to require adequate recreational space for high density residential development.*

Policy 5.3.3 *It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new high density residential development over three storey in height or contain more than twelve dwelling units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings of more than twelve dwelling units, subject to the following:*

- (a) the proposed use meets one of the following:*
 - (i) in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-3) zone standards; or*
 - (ii) in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the*

setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;

- (b) the height, scale, lot coverage and appearance of any building is compatible with adjacent land uses;*
- (c) in the case of developments exceeding three storeys, the side yards must be at least one-half the height of the building, and the building in no instance exceed 80 ft (24.38 m) in height;*
- (d) the development is considered compatible with the residential character of the area with respect to traffic generation and population density;*
- (e) consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;*
- (f) adequate on-site parking is provided and parking areas are well designed;*
- (g) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;*
- (h) the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of more than 12 units;*
- (i) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;*
- (j) in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;*
- (k) any other matter which may be addressed in a development agreement; and*
- (l) the provisions of Policy 16.3.1 of the Municipal Planning Strategy.*

Policy 5.3.4 *It shall be the policy of Council to consider rezoning land, in the Residential designation, to R-3 subject to the following:*

- (a) the lot is serviced, or is capable of being serviced, with municipal water and sewer;*
- (b) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;*

- (c) *existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development;*
- (d) *adequate open space or recreational space is provided;*
- (e) *adequate on-site parking is provided;*
- (f) *any other matter which may be addressed in a Land Use By law; and*
- (g) *Policy 16.3.1.*

5. Delete Section 5 Part 5.5, Height Provisions, of the Windsor Municipal Planning Strategy, as the specific requirements for the existing Policy 5.5.1 has been incorporated into proposed Policy 5.3.3, so that Section 5.3 reads as follows:

5.5 — Height Provisions

~~There are no residential buildings in Windsor taller than three storeys. The general intent of the Municipal Planning Strategy is to restrict residential uses to three storeys; however, buildings of more than three storeys may be considered, provided they are compatible with the area.~~

~~**Policy 5.5.1** *In any residential zone, Council may consider permitting dwellings in excess of three storeys by development agreement, subject to the following conditions:*~~

- ~~(a) *the side yards are at least one-half the height of the building;*~~
- ~~(b) *the building will in no instance exceed 80 ft (24.38 m) in height;*~~
- ~~(c) *the building design, height and scale is compatible with the surrounding area;*~~
- ~~(d) *any other matter which may be addressed in a development agreement; and*~~
- ~~(e) *the provisions of Policy 16.3.1 of the Municipal Planning Strategy.*~~

6. Amend Section 16.2 in the Windsor Municipal Planning Strategy to reflect the renaming of the residential zones and their symbols, and insert the Mixed Use zone as a result of approved Amendment 23-02 for the purpose of housekeeping, so that Section 16.2 reads as follows:

16.2 Land Use By-law

Policy 16.2.2 *The following zones shall be established in the Land Use By-law: (Amendment WMPS 09-02 Effective September 3, 2009)*

Zone	Symbol
Single Unit Low Density Residential	R-1
Two Unit-Medium Density Residential	R-2
Medium High Density Residential	R-3
High Density Residential	R-4
College Road Comprehensive Development District	CR-CDD
Town Centre	TC
Pesaquid Comprehensive Development District	P-CDD
Local Commercial	LC
General Commercial	GC
Highway Commercial	HC
Shopping Centre Commercial	SC
Commercial Transitional (<i>WMPS 14-1 Effective May 14, 2015</i>)	CT
Fairground	FG
Light Industrial	LI-1
Joint Industrial Type Two	LI-2
Joint Industrial Type Three	LI-3
Institutional	I
Open Space	OS
Agriculture	AG
Wentworth Road Commercial	WR-C
Mixed Use	MU
Special Overlay Zones	
Wentworth Road Gateway District	
Environmental Constraints	
Architectural Control Districts	

Attachment B

Windsor Land Use By-law

Text amendments to the Windsor Land Use By-law to meet the goals of Initiative #1-3 in the Housing Action Plan and the commitments made as part of funding agreement of the Housing Accelerator Fund (HAF) to enable a diverse range of housing options, create affordable housing provisions and relax parking requirements for residential developments.

1. Amend Section 5 Part 5.24 (f), 5.25 (a), and 5.34 of the Windsor Land Use By-law to reflect the revised zone symbol, reduce parking requirements and update setback for flanking yard, so that Part 5.24, 5.25 and 5.34 reads as follows:

5.0 GENERAL PROVISIONS FOR ALL ZONES

One Main Building on a Lot

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

- (a) in the Light Industrial (LI-1) zone;
- (b) in the Joint Industrial Type Two (LI-2) zone;
- (c) in the Shopping Centre (SC) zone;
- (d) in the Fairground (FG) zone;
- (e) agricultural uses in the Agriculture (AG) zone;
- (f) grouped dwellings in the High Density Residential (R-4-3) zone;
- (g) in the Wentworth Road Commercial Zone; (amendment effective August 23, 2012)
- (h) in the Mixed Use (MU) zone.

Parking Requirements

5.25 (a) For every building or structure to be erected or enlarged, off-street parking shall be provide within the same lot as the use, in accordance with the following chart:

<i>Type of Building</i>	<i>Parking Spaces Required</i>
a dwelling containing fewer than 3 dwelling units All dwellings	1 parking space for each dwelling unit
all other dwellings	1.5 parking spaces for each dwelling unit
boarding and rooming houses	1 parking space for the dwelling unit plus 1 parking space for every room available for rent

churches, halls, auditoria, restaurants, theatres, arenas, stadiums, private clubs and other places of assembly	where there are fixed seats, 1 parking space for every 5 seats, or 10 ft (3.05 m) of bench space; where there are no fixed seats, 1 parking space for every 100 ft ² (9.29 m ²) of floor area
hospitals and nursing homes	1 parking space for every 2 beds or 400 ft ² (37.16 m ²) of floor area, whichever is greater
senior citizen housing	1 parking space for every 2 dwelling units
hotels, motels, country inns and other tourist accommodations	1 parking space for every suite or rental unit plus 1 parking space for every 50 ft ² (4.64 m ²) of floor space devoted to public use exclusive of lobbies or halls
offices and financial institutions	1 parking space for every 300 ft ² (27.87 m ²) of floor area
regional shopping centres	5 parking spaces for every 1,000 ft ² (92.90 m ²) of commercial floor area
funeral homes	1 parking space for every 5 seat capacity of the chapel with a minimum of 10 parking spaces
bowling alleys and curling rinks	4 parking spaces for each bowling lane or curling sheet plus 1 parking space for every 100 ft ² (9.29 m ²) of other public floor space
drive-through or take-out restaurants	4 parking spaces up to first 200 ft ² (18.58 m ²) of useable floor area plus 1 parking space for each additional 200 ft ² (18.58 m ²) of useable floor area
all other commercial uses	1 parking space for every 300 ft ² (27.87 m ²) of commercial floor area
elementary schools	1.5 parking spaces for each classroom
secondary schools	4 parking spaces for each classroom
wholesale industries and manufacturing	1 parking space for every 1,000 ft ² (92.90 m ²) of warehouse space and 1 parking space for every 700 ft ² (65.03 m ²) of manufacturing space

Setback or Flanking Yard

- 5.34 (a) Notwithstanding anything else in this By-law, on a corner lot in any residential zone, the minimum yard requirement for the flanking yard shall be ~~25~~ 15 ft (~~7.62~~ 4.57 m).
- (b) No accessory building or structure shall be permitted within the required flanking yard.

2. Amend Section 6, Part 6.1 of the Windsor Land Use By-law to allow Council to consider multiple unit residential developments in excess of three storeys in height or

containing more than twelve units in a new or an existing building in the residential designation by development agreement, so that Section 6.1 reads as follows:

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

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

- (b) multiple unit residential development consisting of ~~three or more~~ more than twelve units in a Residential designation in accordance with Policy ~~5.4.6~~ 5.3.3 of the Municipal Planning Strategy;
- (c) ~~dwelling~~ residential developments in excess of three storeys in a residential zone in accordance with Policy ~~5.5.1~~ 5.3.3 of the Municipal Planning Strategy;

3. Amend Section 8.0 of the Windsor Land Use By-law which outlines the new permitted uses and a revised zone requirement to allow a diverse range of housing options, so that Section 8.0 reads as follows:

8.0 SINGLE UNIT RESIDENTIAL LOW DENSITY RESIDENTIAL (R-1)

Permitted Uses

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

- ~~Single unit dwellings~~

(Amendment File # 20-29 effective September 2021)

- Dwellings containing up to 4 units
- Converted dwellings containing up to 4 units

R-1 Zone General Requirements

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

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

	with town services	with on-site services
Minimum lot area	6,000 ft ² (557.40 m ²) 7,000 ft ² (650.30 m ²) for corner lots	30,000 ft ² (2,787.00 m ²)*
Minimum lot frontage	60 ft (18.29 m)	120 ft (36.58 m)

Minimum front yard		25 ft (7.62 m)
Minimum rear yard		25 ft (7.62 m)
Minimum side yard	one side	4 ft (1.22 m) for the first storey plus 2 ft (0.61 m) for each additional storey
	other side	10 ft (3.05 m)
Maximum height of main building		35 ft (10.67 m)
Maximum height of accessory building		15 ft (4.57 m)

* subject to Nova Scotia Department of Environment & Labour requirements

	Single unit Dwelling, Dwellings with two or more units
Minimum lot area	5,005 ft ² (465 m ²)
Minimum lot frontage	50 ft (15.24 m)
Minimum front yard	15 ft (4.57 m)
Minimum rear yard	20 ft (6.1 m)
Minimum side yard	6 ft (1.83 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	20 ft (6.1 m)
Lot coverage	50%

(b) A development permit shall not be issued for a new residential dwelling of two or more units in the R-1 zone where the proposed development is not serviced with Municipal water and sewer.

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

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

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

Minimum lot area	4,000 ft ² (371.60 m ²) 5,000 ft ² (464.5 m ²) for corner lots
Minimum lot frontage	40 ft (12.19 m)
Minimum front yard	15 ft (4.57 m)

Minimum flankage yard	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	4 ft (1.22 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

(Amendment WLUB 21-09 Effective November 18, 2021)

Accessory Apartments – Special Requirements

~~8.3 — (removed by amendment File #20-29 effective September 14, 2021)~~

Converted Dwellings – Special Requirements

8.3 In addition to all other regulations, the following provisions shall apply to converted dwellings in the R-1 zone:

- (a) a converted building shall be limited to a maximum of four dwelling units;
- (b) no alterations shall change the roof line or increase the height of the existing dwelling except for the addition of dormers or structures necessary for public safety;
- (c) no alteration shall be undertaken which will extend into the front or side yard of the lot;
- (d) lot coverage of the entire structure shall be limited to 50 percent; and
- (e) parking shall be provided as required in Section 5.25 in the side or rear yard of the lot.

Subdivision of Semi-detached and Townhouse Units

8.4 Notwithstanding the specifications in 8.2, semi-detached and townhouse dwellings located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the Hantsport Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached or townhouse dwelling, and the following reduced specifications apply:

	Semi-detached Dwelling	Townhouse Dwelling
Minimum Lot Area	2500 ft ² (232.26 m ²) / unit	2000 ft ² (185.8 m ²) / unit

Minimum Lot Frontage	25 ft (7.62m) / unit	20 ft (6.1m) / unit
Minimum Side Yard	6 ft (1.83m) for one side and zero along the common wall	6 ft (1.83m) for one side of the end unit and Zero for the other side of the end units or interior units

4. Amend Section 9.0 in the Windsor Land Use By-law which outlines the new permitted uses and a revised zone requirement to allow a diverse range of housing options with affordable housing incentive provision, so that Section 9.0 reads as follows:

9.0 ~~TWO UNIT MEDIUM DENSITY RESIDENTIAL (R-2)~~

Permitted Uses

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

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- ~~Converted dwellings to a maximum of two dwelling units~~
- ~~Two unit dwellings~~
- Dwellings containing 5 or 6 units

R-2 Zone General Requirements

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

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

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

	Dwellings with 5 or 6 units
Minimum lot area	6,500 ft ² (603.87 m ²)
Minimum lot frontage	82 ft (25m)

Minimum front yard	15 ft (4.57 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	10 ft (3.05 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	20 ft (6.1 m)
Maximum lot coverage	50%*

*Bonus zoning subject to 9.6

(b) A development permit shall not be issued for a new residential dwelling of five or six units in the R-2 zone where the proposed development is not serviced with Municipal water and sewer.

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

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

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

(Amendment WLUB 21-09 Effective November 18, 2021)

Converted Dwellings—Special Requirements

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

~~—(a) all conversions shall be limited to one additional dwelling unit~~

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

Services Required

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

Subdivision of Semi-detached Units

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

Subdivision of Townhouse Units

9.3 A lot containing townhouse dwelling shall comply with Section 8.4.

Landscaping

9.4 In the case of grouped dwellings and buildings with four or more units, outdoor parking and service areas shall be screened from the street and adjacent residential properties through the use of landscaping or opaque fencing.

Recreational Space

9.5 Notwithstanding anything else in this By-law, no development permit shall be issued for a dwelling with more than four units unless useable space for recreational uses is provided on the same lot according to the following schedule:

- (a) bachelor unit - 150 ft² (13.94 m²) per unit
- (b) 1 bedroom unit - 200 ft² (18.58 m²) per unit
- (c) 2 bedroom unit - 250 ft² (23.22 m²) per unit
- (d) 3 bedroom unit - 270 ft² (25.08 m²) per unit
- (e) 4 bedroom unit - 400 ft² (37.16 m²) per unit.

Bonus Zoning for Affordable Housing Units

9.6 Notwithstanding Section 9.2, the following bonus zoning shall be permitted if the proposal provides a minimum of five dwelling units that meet the definition of Affordable Housing Unit under this By-law, by way of subsidization through written agreement between the applicant and the Province and/or Federal Government(s) for a specified period of time:

- (a) Maximum number of dwelling units: increased by up to 35%; and
- (b) Lot coverage: increased to a maximum of 60%.

- 5. **Amend Section 10.0 of the Windsor Land Use By-law which outlines the new permitted uses and a revised zone requirement to allow a diverse range of housing options with affordable housing incentive provision, so that Section 10.0 reads as follows:**

10.0 MEDIUM HIGH DENSITY RESIDENTIAL (R-3)

Permitted Uses

10.1 The following uses shall be permitted in the Medium Density Residential (R-3) zone:

- Uses permitted in the R-1 and R-2 zone subject to the R-1 and R-2 zone requirements
- ~~• Uses permitted in the R-2 zone subject to the R-2 zone requirements~~
- ~~• Dwellings with more than 2 units but not more than 6 units~~

- Dwellings with more than 6 and to a maximum 12 units
- Boarding and rooming houses
- Grouped dwellings
- Home for Special Care

R-3-Zone General Requirements

10.2 (a) In the R-3 zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	3,000 ft ² (278.70 m ²) for each dwelling unit
Minimum lot frontage	20 ft (6.10 m) per dwelling unit
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	35 ft (10.67 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

	Dwellings with more than 6 units, Boarding Houses, Residential Care Facilities	Grouped Dwellings
Minimum lot area	9,000 ft ² (836.13 m ²)	3,000 ft ² (278.70 m ²) for each dwelling unit
Minimum lot frontage	100 ft (30.48 m)	100 ft (30.48 m)
Minimum front yard	15 ft (4.57 m)	
Minimum rear yard	35 ft (10.67 m)	
Minimum side yard	10 ft (3.05 m)	
Maximum height of main building	35 ft (10.67 m)*	
Maximum height of accessory building	20 ft (6.1 m)	
Maximum Lot Coverage	40%*	

*Bonus zoning subject to 10.8

- (b) A development permit shall not be issued for a new residential dwelling of six or more units in the R-3 zone where the proposed development is not serviced with Municipal water and sewer.

Services Required

~~10.3—A development permit shall not be issued for a new residential dwelling of two or more units in R-3 zone where the proposed development is not serviced with Town water and sewer.~~

~~Subdivision of Townhouse Units~~

~~10.4—Townhouse dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the Town of Windsor Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a townhouse dwelling.~~

Recreational Space

10.5—Notwithstanding anything else in this By-law, no development permit shall be issued for a dwelling with three or more units unless useable space for recreational uses is provided on the same lot according to the following schedule:

- (a) — bachelor unit — 150 ft² (13.94 m²) per unit
- (b) — 1 bedroom unit — 200 ft² (18.58 m²) per unit
- (c) — 2 bedroom unit — 250 ft² (23.22 m²) per unit
- (d) — 3 bedroom unit — 270 ft² (25.08 m²) per unit
- (e) — 4 bedroom unit — 400 ft² (37.16 m²) per unit.

Subdivision of Townhouse Units

10.3 A lot containing townhouse dwelling shall comply with Section 8.4.

Landscaping

10.4 Landscaping shall be provided as required in Section 9.4

Recreational Space

10.5 Recreational space shall be provided as required in Section 9.5.

Grouped Dwellings

10.6 In addition to the requirements of Section 10.2, the following special provisions shall apply to grouped dwellings:

- (a) the minimum distance between grouped dwellings shall be 15 ft (4.6 m) or ½ the height of the higher of any two adjacent buildings, whichever is greater; and
- (b) the maximum number of units in an attached grouped dwelling shall be eight.

Parking

10.7 Required parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4.11.3 of the Municipal Planning Strategy.

Bonus Zoning for Affordable Housing Units

10.8 Notwithstanding Section 10.2, the following bonus zoning shall be permitted if the proposal provides a minimum of five dwelling units that meet the definition of Affordable Housing Unit under this By-law, by way of subsidization through written agreement between the applicant and the Province and/or Federal Government(s) for a specified period of time:

- (a) Height of the main building: increased to a maximum of 4 storeys (45 feet);
- (b) Maximum number of dwelling units: increased by up to 40%; and
- (c) Lot coverage: increased to a maximum of 50%.

6. Remove Section 11.0 in the Windsor Land Use By-law to reflect a revised hierarchy of residential zones, so that Section 10.0 reads as follows:

~~11.0 HIGH DENSITY RESIDENTIAL (R-4)~~

~~Permitted Uses~~

~~11.1 The following uses shall be permitted in the High Density Residential (R-4) zone:~~

- ~~• Uses permitted in the R-1 zone subject to the R-1 zone requirements~~
- ~~• Uses permitted in the R-2 zone subject to the R-2 zone requirements~~
- ~~• Uses permitted in the R-3 zone subject to the R-3 zone requirements~~
- ~~• Boarding and rooming houses~~
- ~~• Dwellings with more than 6 units~~

- ~~Grouped dwellings~~
- ~~Home for Special Care (Amendment 22-08 effective December 13, 2022)~~

R-4 Zone General Requirements

11.2 ~~In the R-4 zone, no development permit shall be issued except in conformity with the following:~~

		Dwellings with more than 6 units, Boarding Houses, Residential Care Facilities	Grouped Dwellings
Minimum lot area		10,000 ft ² (929.00 m ²) for the first 4 dwelling units plus 1,500 ft ² (139.35 m ²) for each additional unit	3,000 ft ² (278.70 m ²) for each dwelling unit
Minimum lot frontage		100 ft (30.48 m)	100 ft (30.48 m)
Minimum front yard		35 ft (10.67 m)	
Minimum rear yard		35 ft (10.67 m)	
Minimum side yard	one side	15 ft (4.57 m) or ½ the height of the main building, whichever is greater	
	other side	5 ft (1.52 m)	
Maximum height of main building		3 storeys	
Maximum height of accessory building		15 ft (4.57 m)	

Landscaping

11.3 ~~In the case of grouped dwellings and buildings with three or more units, outdoor parking and service areas shall be screened from the street and adjacent residential properties through the use of landscaping or opaque fencing.~~

Grouped Dwellings

11.4 ~~In addition to the requirements of Section 11.2, the following special provisions shall apply to grouped dwellings:~~

- ~~(a) the minimum distance between grouped dwellings shall be 20 ft (6.10 m) or ½ the height of the higher of any two adjacent buildings, whichever is greater; and~~
- ~~(b) the maximum number of units in an attached grouped dwelling shall be eight.~~

Recreational Space

~~11.5—Recreational space shall be provided as required in Section 10.5.~~

Services Required

~~11.6—A development permit shall not be issued for a new dwelling of two or more units in the R-4 zone where the proposed development is not serviced with Town water and sewer.~~

Parking

~~11.7—Required parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4.11.3 of the Municipal Planning Strategy.~~

- 7. Amend Section 32.0 to insert a definition of “Affordable Housing Unit” after the definition “Accessory Use” to guide future development and support the provision of affordable housing units, so that Section 32.0 reads as follows:**

32.0 DEFINITIONS

32.1 In this By-law, all words carry their customary meaning except for those words and phrases defined as follows:

Affordable Housing Unit means

- (a) housing that costs less than 30% of before-tax household income or as otherwise defined by the Canada Mortgage and Housing Corporation (CMHC) or the Province of Nova Scotia; and
- (b) dwellings constructed under the Province of Nova Scotia and/or Federal Affordable Housing cost sharing or funding program.

Attachment C
General Criteria for Amendments

Windsor Municipal Planning Strategy

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

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	In response to questions from Planning staff, the Public Works Engineering Division commented that they had no concerns regarding the adequacy of Municipal sewer and water services for the proposed amendments.
(ii) the adequacy of school facilities;	Generally, Annapolis Valley Regional Centre for Education (AVRCE) does not provide individual responses on projects or applications. In the past, we have received a general response from the AVRSE stating that they will accommodate educational needs for all students within the appropriate catchment areas.
(iii) the adequacy of fire protection;	In response to an inquiry, the Manager of Building and Fire Inspection Services noted that "I don't see any issues with Fire Safety, they will need to meet Building & Fire codes."
(iv) the adequacy of road networks adjacent to, or leading to the development; and	In response to questions from Planning staff on whether the proposed amendments are premature or inappropriate in terms of the adequacy of road networks which the proposed amendments may create within serviced areas, the Municipal Traffic Authority commented that they had no concerns.

<p>(v) the financial capacity of the Town to absorb any costs relating to the development.</p>	<p>All costs to the Municipality regarding these amendments and associated public engagement events are covered by the Housing Accelerator Fund (HAF) provided by the Canadian Mortgage and Housing Corporation (CMHC).</p>
<p>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</p>	<p>Not applicable, as these amendments are not site-specific.</p>
<p>(c) the adequacy of the dimensions and shape of the lot for the intended use;</p>	<p>Not applicable, as these amendments are not site-specific.</p>
<p>(d) the pattern of development which the proposal might create;</p>	<p>The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create.</p> <p>The proposed HMPS and HLUB amendments change the zoning from Single Unit Residential (R-1) to Low Density Residential (R-1), Two Unit Residential (R-2) to Medium Density Residential (R-2), and Multiple Unit Residential (R-3) to High Density Residential (R-3). These new zones will allow a variety of housing types as-of-right including but not limited to semi-detached/duplex, triplex, townhouse/rowhouse.</p> <p>It is important to note that these amendments are not site-specific, nor do they directly create housing supply. Instead, proposed amendments aim to create the opportunity for more small-scale housing options.</p>
<p>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses,</p>	<p>Not applicable, as these amendments are not site-specific.</p>

marshes or bogs and susceptibility of flooding;	
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.