WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
June 11, 2026 – 6:00pm
Sanford Council Chambers and Zoom / YouTube Live

West Hants
something inspiring awaits

1.0 Call to Order and Attendance

2.0 Announcements

3.0 Approval of Agenda and Additions

4.0 Declaration of Conflict of Interest

5.0 Approval of Minutes (May 14, 2026)

6.0 New Business

6.1 File #26-07 Rezoning: 5398 Highway 14, Currys Corner (Will Hong) - Pg. 2

6.2 Plan Review Recommendation Report (Kari Fougere) - Pg. 17

7.0 Business Arising from the Minutes

8.0 Business Arising from the Public Information Meetings – June 3, 2026

8.1 File #26-05 Development Agreement: PIDs 45005584 and 45337748 Panuke Rd, Three Mile Plains (Alex Dunphy)

9.0 File Updates - Pg. 378

9.1 File #24-22 Development Agreement: 411 King Street, Windsor Phase 2 (Alex Dunphy)

9.2 File #25-23 Development Agreement: PID 45003266, Three Mile Plains (Alex Dunphy)

9.3 File #26-04 Rezoning: PID 45430253 New Ross Road, Leminster (Will Hong)

9.4 File #25-27 Development Agreement: 185 Panuke Rd, Three Mile Plains (Will Hong)

9.5 File #26-03 Amendments to Planning Documents: Building Permits Prior to Final Subdivision Approval (Derek Robertson)

9.6 File #25-18 Development Agreement: Bear Lake Wind Farm Revised (Kari Fougere)

10.0 Building and Development Activity Reports (May 2026) - Pg. 380

11.0 Notices from Adjacent Municipal Units

12.0 Public Comments

13.0 Next Meeting Date (July 9, 2026) / Adjournment

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: _____
Will Hong, Planner

Date: June 11, 2026

Subject: Rezoning Application for 5398 Highway 14, Currys Corner (PID 45075439); File #26-07

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 maps of Schedule A of the West Hants Land Use By-law to rezone a portion of lot as identified as PID 45075439 from Institutional (I) to Low Density Residential (R-1) zone as shown in the report #26-07 to the Planning and Heritage Advisory Committee dated June 11, 2026.

BACKGROUND

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

A completed application was received on April 26, 2026, from Maria Sikal, the Lead Pastor of the Glad Tidings Worship Center. The proposal is to rezone a portion of the site at 5398 Highway 14, Currys Corner, from Institutional (I) to Low Density Residential (R-1) zone to permit a future residential use. The owner also intends on subdividing the proposed R-1 portion of the lot subject to the R-1 lot requirements. Figure 1 of this report shows the approximate portion of being considered for rezoning.

DISCUSSION

Site and Context

The subject property is designated Residential within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1), and zoned Institutional (I) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2). Permitted uses in this zone consist of church, school, hospital, day care facility, and other institutional uses.

The subject property is approximately 2.7-acre parcel located at the intersection of Highway 14 and Dill Road. The surrounding area is predominantly residential in nature, with nearby properties zoned Low Density Residential (R-1). The area also includes agricultural lands located on the north side of Highway 14, which also fall within the Environmental Constraints Overlay associated with dyked marshlands.

The subject property is currently developed with a church building used by Glad Tiding Worship Centre, with driveway access from both Highway 14 and Dill Road.

Proposed Amendment

The applicant proposes to rezone the rear portion of the property from Institutional (I) to Low Density Residential (R-1) zone. If approved, the applicant intends to further subdivide the new residential portion to create a separate parcel (approximately 0.78 acre). Any future residential development would be subject to the required development and building permits should the application be approved. The applicant has also indicated that the church service will remain as existing.

Municipal Planning Strategy Review

There are three main policies in the WHMPS that apply to this proposed amendment, including the enabling policy (Policy 5.3.2 and 16.3.1) and the supporting policy (Policy 5.1.3).

Policy 5.1.3 states Council's intention to continue allowing new residential development using on-site sewage disposal systems within Growth Centres on existing public streets in areas that are not currently connected to municipal sewer services.

Policy 5.3.2 provides specific policy criteria in considering rezoning land within the Three Mile Plains Growth Centre to Low Density Residential (R-1). The full list of criteria is included in Attachment A.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. 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, District Manager of the Nova Scotia Department of Public Works, and Public Works Engineering Division have no concerns which have not been addressed in this report.

Public Comment Response

Staff held a Public Information Meeting (PIM) on May 20 to introduce the proposal and receive comments. Questions about permitted density, permitted building type, as well as past flooding events and household livestock were asked by the public at this meeting. Following the PIM, a comment period was open until June 3, and during this period staff received one email and one phone call.

A summary of notes from the Public Information Meeting and all email correspondence from the public is included in Attachment B.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

While the Municipal Climate Change Action Plan Inland Flooding map doesn't identify any inland flooding risk on the subject property, the coastal flooding map indicates that the property may be impacted under the projected 2055 extreme coastal flooding event (West Hants MCCAP 2013, page 48). Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to amend the West Hants Land Use By-law

to rezone a portion of the subject property to Low Density Residential (R-1) zone.

Process

Public Information Meeting – May 20, 2026

▼

Staff Review

▼

PAC/HAC receives staff report and PIM Notes Review and Recommendation – June 11, 2026

▼

Council First Reading – June 23, 2026*

▼

Public Hearing & Second Reading – July 28, 2026*

▼

Notice of Approval in Local Paper

▼

14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality 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 amendment 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	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Will Hong, Planner

Report Approved by: _____
Kari Fougere, Manager of Planning

Figure 1 – West Hants GFLUM Extract

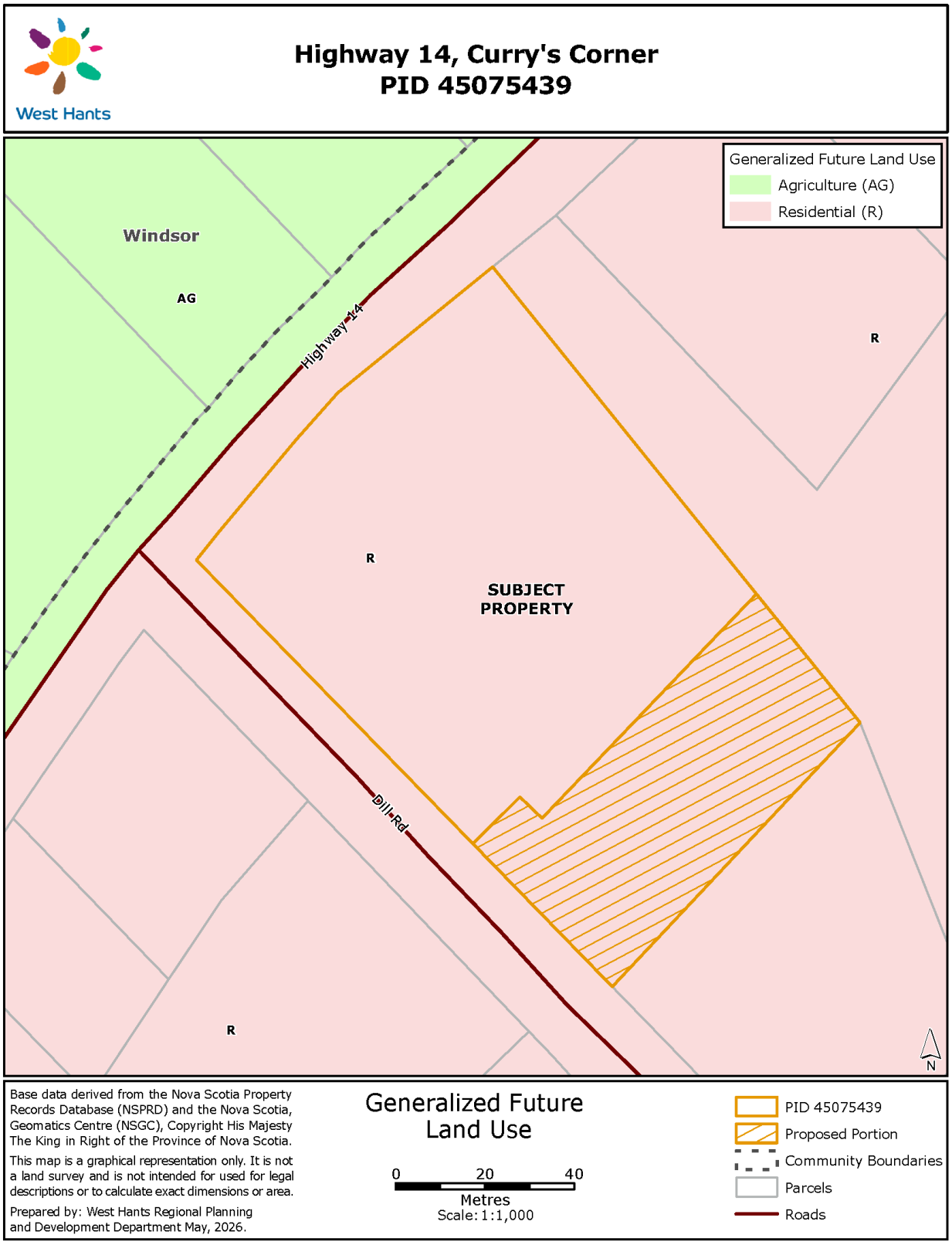
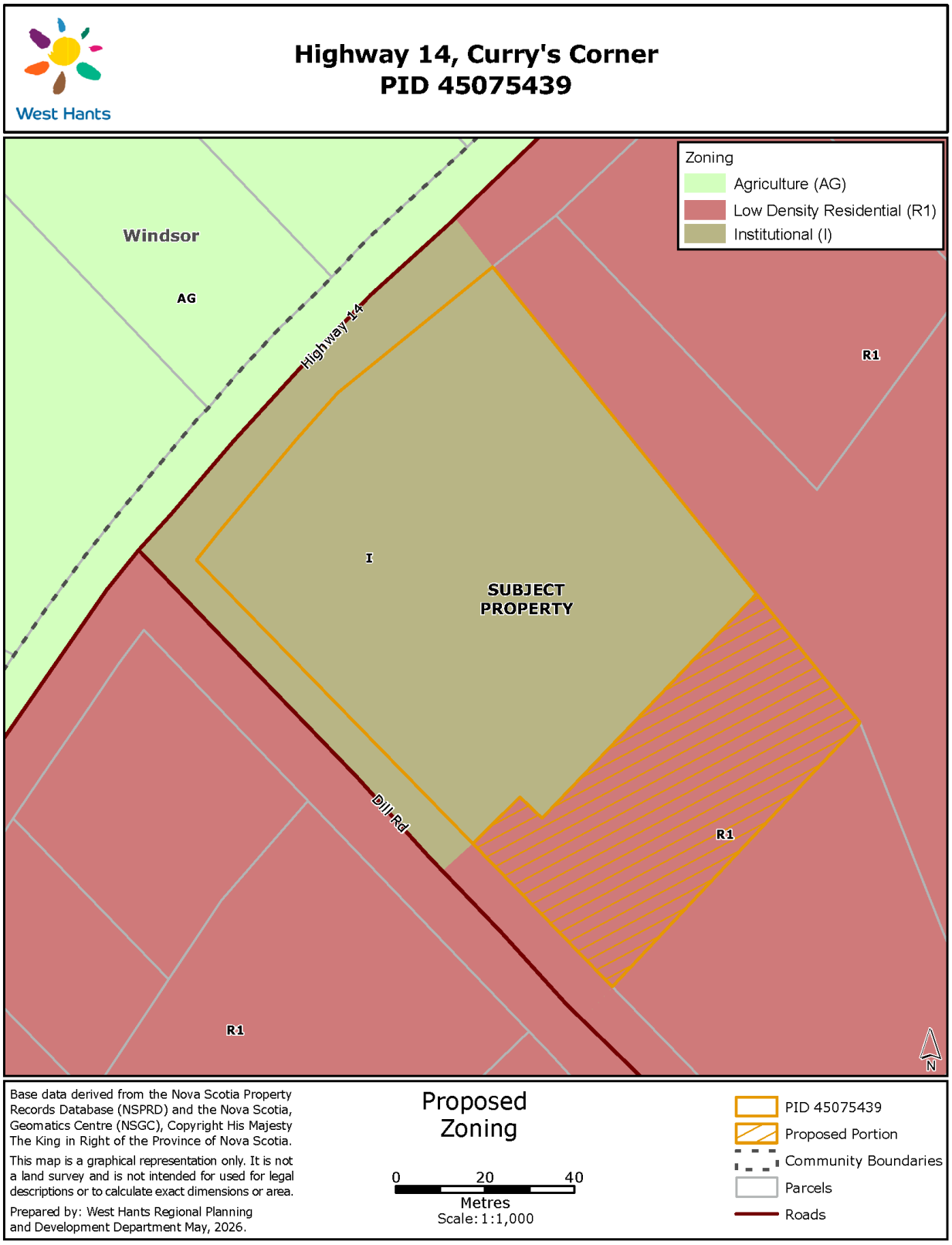


Figure 2 – West Hants Zoning Map Extract

Figure 3 – West Hants Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendments

Policy 5.1.3 *It shall be the policy of Council that within the Growth Centres, future residential development on new public streets shall be serviced with both municipal water and sewer. New residential development using on-site sewage disposal systems shall be permitted only on existing public streets in areas which are not serviced with municipal sewer services****.***	The subject lot is within the Three Mile Plains Growth Centre, and the property is only serviced by municipal water, but not municipal sewer. Both Highway 14 and Dill Road are public streets that owned and maintained by the Nova Scotia Department of Public Works. As a result, the subject property meets the intent of this policy.

Policy 5.3.2 *It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to Single Unit Residential (R-1) subject to the following*	
(a) the area to be rezoned is serviced, or is capable of being serviced, with municipal water and sewer	The Public Works Engineering Division commented that the subject lot has access to municipal water, but not sewer. And the property is not capable of being serviced by municipal sewer. As such, it will need a private septic system that meets NSECC requirements. An on-site septic system approval from NSECC would need to be obtained during the permitting stage. While the criterion related to municipal sewer servicing cannot be satisfied, Policy 5.1.3 provides policy direction to allow on-site sewage system to locate on lots fronting existing public street in areas which are not serviced with municipal sewer services, and the subject lot meets this criterion. In addition, the proposed rezoning is consistent with the existing pattern and density of surrounding residential

	development in the vicinity of the property.
(b) the proposed use will not conflict with adjacent existing uses;	As noted in the report, the surrounding area is residential in nature and therefore is consistent with adjacent existing uses.
(c) any other matter which may be addressed in a Land Use By-law; and	If this rezoning application was approved, it would not in itself authorize or guarantee any development, as any future residential use would require separate development and building permit approvals.
(d) Policy 16.3.1.	See below.

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*	
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Public Works Engineering Division commented that the subject lot has access to municipal water, but not sewer. And the property is not capable of being serviced by municipal sewer. As such, it will need a private septic system that meets NSECC requirements. An on-site septic system approval from NSECC would need to be obtained during the permitting stage.
(ii) the adequacy of school facilities;	The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that they will accommodate all students.

(iii) the adequacy of fire protection and other emergency services;	The Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection. The local Fire Chief commented that they also had no concerns regarding the adequacy of emergency services.
(iv) the adequacy of road networks adjacent to, or leading to the development; and	The Area Manager of the Nova Scotia Department of Public Works commented that they did not have any concerns regarding the adequacy of the road network adjacent to or leading to the development.
(v) the financial capacity of the Municipality to absorb any costs relating to the development.	There are no anticipated costs to the Municipality regarding this development.
(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;	The subject property has access to municipal water, but not municipal sewer. The proposed portion for rezoning has adequate lot area to meet the minimum standard on-site septic system. The details of septic system would be determined at the time of permitting, with the approval coming from Nova Scotia Department of Environment and Climate Change who has jurisdiction over septic systems.
(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	The Area Manager of the Nova Scotia Department of Public Works commented that they have no concerns regarding this criterion.
(d) the adequacy of the dimensions and shape of the lot for the intended use;	The Development Officer commented that they had no concerns regarding the adequacy of the dimensions since

	the proposed lot will be 34,014 ft2 and will have 144.7 ft of frontage on Dill Road. The lot will meet the requirements of the R-1 zone.
(e) the pattern of development which the proposal might create;	The Development Officer commented that they had no concerns regarding the pattern of development which the proposal might create, as the surrounding area is predominantly residential uses.
(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;	The Dykeland Overlay covers a small portion of the front of the property; however, a variance has previously been granted for this portion. Overall, the subject property appears to be generally flat, with a gentle slope rising toward the rear of the lot. Staff's desktop review indicates that the rear portion of the property sits approximately 5 feet above the front portion, meaning any future residential development would be built at a higher elevation than the current church building. No watercourses or wetlands were identified on mapping for the subject property or observed during staff's site visit.
(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial, and Federal regulations will have to be met.
(h) any other matter required by relevant policies of this Strategy.	All relevant matters have been addressed in this report.

Attachment B – Public Information Meeting Notes

May 20, 2026

Rezoning for 5398 Highway 14, Currys Corner (PID 45075439)

Meeting date and time	A Public Information Meeting was held on May 20, 2026, beginning at 6:00 p.m. The meeting was broadcast live on the Municipal YouTube Channel.
Attending	In attendance for the meeting: One (1) Chair: • Councillor Paul Wheadon, District 4 One (1) Councillor: • Councillor Jim Ivey, District 11 Two (2) members of staff: • Planner Hong • Planning Assistant Lake Approximately 6 members of the public.
Applicant Maria Sikal **Property** PID 45075439	Planner Hong outlined the application to rezone a portion of the subject lot to Low Density Residential (R-1). Comments from the public could be submitted by mail, e-mail and telephone between May 20 – June 3, 2026.
Comments	Two members of the public spoke during the Public Information Meeting. Staff and applicant's response is in purple. • Cathryn Smith, resident of the Currys Corner, sought clarification regarding the maximum number of dwelling units on the parcel, if rezoning was successful. • Will responded R-1 permits up to 4 units if the property has water and sewer services; this property does not have municipal sewer service, and therefore the maximum dwelling units, as per the West Hants Land Use By-law, would be two units. • Cathryn Smith, resident of the Currys Corner, further asked if she chooses to have pigs or chickens farms on her property in the future, will the new neighbours of the subject lot complain?

	• Will responded that he will record this question and direct it to the development officers for follow-up. • Ross Road, resident of the Currys Corner, sought clarification whether the proposal is an apartment building or not. • Maria Sikal, applicant of this rezoning application, responded that they have not sold the land yet, and according to the Surveyor, it would fit a single residence or single residence with a semi-detached unit. The focus will be residential.
Adjournment	The Public Information Meeting was adjourned at approximately 6:16 p.m.

Public Email Responses Submitted for the Application (Staff's reply in purple)

May 21, 2026

From: Lisa Hines

To: Will Hong

Good morning,

I live directly beside the property applying for rezoning. Unfortunately I did not get the letter about the meeting until today so I missed it (my fault I'm sure as I had picked up the mail in last week). I tried going to the YouTube link but could not find the meeting there. Could someone please call me so I can understand what is being proposed? I have no knowledge of this plan.

Thanks, Lisa Hines

May 21, 2026

From: Will Hong

To: Lisa Hines

Good morning, Lisa,

Thanks for reaching out. Here is the [Link] to the recording of yesterday's Public Information Meeting, and staff presentation starts at about the 3-minute mark.

I will give you a call this afternoon.

Thanks,

WEST HANTS REGIONAL MUNICIPALITY

Information☐	Recommendation X	Decision Request ☐	Councillor Activity ☐

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

Submitted by: Kari Fougere, Acting Director of Planning and Development

Date: June 11th, 2026

Subject: West Hants Regional Municipality Plan Review

LEGISLATIVE AUTHORITY

MGA Part VIII

RECOMMENDATION

Staff recommend the Planning and Heritage Advisory Committee forward a positive recommendation to Council by passing the following motions:

… that PAC/HAC recommends that Council give First Reading and holds a Public Hearing to consider adopting the new Regional Municipal Planning Strategy and repeals the Town of Windsor Municipal Planning Strategy (2005), the Town of Hantsport Municipal Planning Strategy (2010) and the Municipality of the District of West Hants Municipal Planning Strategy (2008).

… that PAC/HAC recommends that Council give First Reading and holds a Public Hearing to consider adopting the new Regional Land use By-law and repeals the Town of Windsor Land Use By-law (2005), the Town of Hantsport Land Use By-law (2012) and the Municipality of the District of West Hants Land Use By-law (2008).

… that PAC/HAC recommends that Council give First Reading and holds a Public Hearing to consider adopting the new Regional Subdivision By-law and repeals the Town of Windsor Subdivision By-law (2012), the Town of Hantsport Subdivision By-law (2010) and the Municipality of the District of West Hants Subdivision By-law (2008).

Based on previous discussions with the Committee, the Committee may also consider additions to the recommendations based on feedback from previous meetings, the May 14th, 2026 PAC/HAC meeting or this regular meeting.

BACKGROUND

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

The Municipality has been working on the Plan Review project in some capacity since 2017, and in 2023 hired WSP Consulting Ltd. to comprehensively review and update the existing planning documents with support from staff. The main intent of the project was to consolidate the documents and to ensure that planning policy reflects current community priorities, provincial legislation and modern best practice.

Currently WHRM has three sets of planning documents which include:

Municipality of the District of West Hants:

- Municipal Planning Strategy (2008)
- Land Use By-law (2008)
- Subdivision By-law (2008)

Town of Windsor:

- Municipal Planning Strategy (2005)
- Land Use By-law (2005)
- Subdivision By-law (2012)

Town of Hantsport:

- Municipal Planning Strategy (2010)
- Land Use By-law (2012)
- Subdivision By-law (2010)

Since the project was initiated, staff and WSP have completed several phases of work including:

- Background research
- Public and stakeholder engagement
- Preparation of draft policy documents

After final public consultation in January 2026, internal staff review, preliminary review by the Province of Nova Scotia, and engagement with PAC/HAC at the May 14th, 2026 regular meeting, staff have finalized the documents for final review and consideration by PAC/HAC and Council.

DISCUSSION

The Plan Review project focused on consolidating the Municipality's three existing planning frameworks into a single set of documents. This included combining similar zones and land use designations, definitions, and standardizing regulations across former municipal boundaries. Where inconsistencies existed, such as differing setback requirements, the approach generally favoured the less restrictive standard, while still maintaining appropriate lot provisions. In addition to consolidation, the review modernized policy language, improved clarity and usability, and addressed long-standing inefficiencies identified through staff experience and public feedback through this project and planning applications.

The proposed planning documents introduce a growth framework with focus on several key areas including Growth Centres, Local Centres, Agricultural Areas, and Resource Areas, with specific policy direction for key communities such as Windsor, Falmouth, Three Mile Plains, and Hantsport based on servicing capacity and community feedback. The documents also incorporate recent initiatives such as Housing Accelerator Fund amendments (including density bonusing and reduced parking requirements). Additional updates address new considerations around solar energy development, active transportation and mobility planning, infrastructure and recreation, cultural heritage (including view plane protection), and agricultural land use. Finally, the documents included updated implementation tools with refined criteria for development agreements, rezonings, and amendments, with greater emphasis on stormwater management, housing mix, accessibility, and compatibility with surrounding uses. Attachment 1 provides a detailed summary of these primary themes and policy direction for reference.

The proposed planning documents reflect extensive technical analysis, staff review, and public engagement, and are intended to establish a clear, consistent, and modern policy framework to guide future growth and development within the Municipality.

Public Engagement:

There have been several opportunities over the course of the project for public engagement and input. Prior to this phase of the project starting in 2023, there were several public engagement sessions that informed the background research and analysis components of the document creation. Since 2023, there have been several open houses including a series at the onset of the project to introduce the project, set a direction, and develop a vision and guiding principles for the project. Additionally, staff and WSP conducted an online survey in 2024 where they gathered 279 survey responses. Once the first drafts were completed in the summer of 2025, staff and WSP hosted another series of virtual and in-person open houses to present the draft documents with a focus on key changes. Staff and WSP have also conducted several Council and PAC/HAC workshops, workshops with internal staff, one-on-one stakeholder meetings and stakeholder workshops. Staff have also been collecting informal feedback through other projects such as the Housing Accelerator Fund Initiatives and through planning applications.

All of the feedback collected, both formal and informal, has been used to inform the proposed documents. Information regarding the feedback can be viewed in a series of What We Heard Reports on the Plan Review website at: https://www.westhants.ca/plan-review.html

PAC/HAC Discussion at Information Session:

At the May 14th, 2026 PAC/HAC meeting, WSP and staff provided an overview of the key components of the draft planning documents and highlighted the most significant changes resulting from the Plan Review process for discussion with the Committee. The documents were presented as information in their final draft form. Input received by the Committee was evaluated by staff and informed the formal recommendations for the Committee.

During the meeting the Committee discussed the following topics:

- General questions and discussion around definitions, accessible parking requirements and other technical aspects of the documents;
- Status of infrastructure capacity, how it's determined and reported on;
- Growth Centres and ensuring equity between them;
- Agricultural lands, livestock provisions, and protection for existing operations;
- Accessibility standards and options for density bonusing related to accessibility;
- Land use and zoning clarifications;
- Private road development and waste collection;
- Mixed-used developments and development along Wentworth Road;
- Resource development in General Resources areas;
- Discussion around view plane policies;
- Height allowances within the Nesbitt Island Designation;
- Other questions and discussion around general items and clarification of policies and regulations.

Staff were able to address most questions and feedback at the meeting, with some follow-up of additional information specifically relating to infrastructure capacity thereafter. This information was also provided at the October 10th, 2024 PAC/HAC meeting. Additional context on some of the major topics discussed include:

- The addition of Household Livestock to the Hantsport community was a topic of conversation as it related to ensuring equity across the Growth Centres. Staff currently do not recommend the addition of Household Livestock to this Growth Centre given previous Council direction through Council Workshops as well as previous decisions on this matter. Should the Committee wish to recommend otherwise, the Committee can propose amendments or additions to the recommendations.
- The Committee also discussed the height allowances for the Nesbitt Island Designation which currently sits at a maximum of 210 feet, by development agreement. Staff do not recommend amending policies related to this Designation given the recent approval of these policies within the Windsor Municipal Planning Strategy in September 2024. These amendments were presented to PAC/HAC at the June 13, 2024 meeting and were recommended to Council to approve. Amending the policy so soon after its adoption may create uncertainty regarding the municipality's planning framework and could affect property owners, developers, and other stakeholders who may have relied on the current policy direction when considering future development opportunities.
- The Committee also discussed the General Resource areas within the planning documents. The current intent of the Resource Designation and General Resource Zone is to support resource-based uses as the primary land use, with low-density, unserviced, residential development as a secondary use. Staff do not recommend changing the overall focus of these areas given their rural nature, lack of municipal services, and location outside of designated Growth Centres and Local Centres. While residential development may continue to occur within these areas, staff recommend that higher-density residential development be directed to Growth Centres where municipal services and infrastructure are available. This is consistent with the municipality's goals for sustainable growth and development.

- There were also discussions around the proposed policies for the protection of view planes. From that conversation, staff have updated Policy 3-89 to incorporate more stringent language around the protection of the Fort Edward view plane in alignment with other policies of the draft MPS.

NEXT STEPS

The proposed planning documents represent a significant modernization and consolidation of the municipality's planning framework. The primary objective of this review has been to streamline and update the existing planning documents, which have been in place for several years, into a single, cohesive framework that reflects current planning policies and practices.

While these documents are intended to serve as the new baseline for future development, they are not intended to remain static. Municipal planning documents are living documents that should evolve over time in response to emerging issues, changing community needs, new provincial requirements, updated studies and plans, and planning best practices. The proposed planning documents establish a clear and modern foundation from which future changes and updates can be made.

Subject to Committee's recommendation, the next step in the process will be consideration by Council at First Reading. If First Reading is granted, a Public Hearing will be scheduled to receive additional public input. Following the Public Hearing, Council may consider Second Reading and adoption of the planning documents. Upon adoption, the documents will be forwarded to the Province for review and approval in accordance with the requirements of the Municipal Government Act.

FINANCIAL IMPLICATIONS

N/A

ATTACHMENTS

Attachment 1: Summary of Major Changes

Attachment 2: Draft Regional Municipal Planning Strategy

Attachment 3: Draft Regional Land Use By-law

Attachment 4: Draft Regional Subdivision By-law

Attachment 5: Public Engagement Summary from January 2026

Report Prepared by: _____

Kari Fougere, Manager of Planning

Report Reviewed by: _____

Alex Dunphy, Senior Planner

Report Reviewed by: _____

Will Hong, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Attachment 1

<table>
<tr><td colspan="2">General Goal of the Plan Review:

Overall goal of the Plan Review was to consolidate the three sets of planning documents which included combining similar zones, designations, and where differences in provisions existed (e.g., setbacks) the less restrictive standard was chosen. During the process, there were several topics that came up to be updated in the documents which will be outlined below. Staff took the time to modernize language and correct some inefficiencies and inconsistencies between the documents.

There are many proposed changes and updates to the existing documents and processes through this plan consolidation project however the following are some of the most substantive changes.</td></tr>
<tr><td>Topic Area</td><td>Summary of Changes, Updates, and Direction</td></tr>
<tr><td>Settlement & Growth</td><td>Growth Hierarchy:
Growth Centers (Falmouth, Windsor, Hantsport, Three Mile Plains)
Local Centers
Agricultural Areas
Resource Areas
Growth Centre Policies:
Windsor:
Higher density, urban centre, of the municipality. More opportunity for higher density multi-unit development as well as larger scale commercial development.
Downtown Windsor as the Commercial Core of the community (existing zoning combined into one comprehensive core zone)
Three Mile Plains and Falmouth:
Medium to low density development by as-of-right or site plan approval. Density restricted to up to 12 residential units with exceptions for grouped dwellings permitted by site plan approval (8 units per building up to 100 units per lot). Some commercial activity. Higher density will be restricted given the nature of the area and public input on the vision for this area.
Hantsport:
Given servicing capacity constraints, this area is reserved for medium-low density development in the</td></tr>
</table>

	interim. Plan to bring forward amendments once capacity is no longer an issue. **Housing Accelerator Fund Initiatives:** • Density Bonusing, increased density as-of-right and adjusted parking requirements carried forward in drafts. **Industrial Development:** • Zones were evaluated and combined and streamlined where appropriate, within and outside of Growth Centres. **General Resource Zones:** • Still the only area for private road developments. • Maintain consistency with this zone and designation being the primary focus for resource related uses. Area not intended for increased residential density. • Zone and designation allow for some rural development, while protecting the area for future resource type uses.
Environment & Sustainability	Coastal Protection: • Policy direction to identify and map coastal floodplains through a future study or related planning initiative based on the Minas Basin Flood Study and enable Council to consider and adopt appropriate policies. Flood Risk Areas (Environmental Constraints Overlay): • Combine the previous Environmental Constraint Overlay in the Windsor LUB, Dykelands Overlay in the West Hants LUB, and Conservation Open Space zone in the Hantsport LUB into a single Environmental Constraints Overlay. • Enable staff to establish additional regulations regarding infilling, topsoil removal, and alternation of topography within the Environmental Constraints Overlay. • Continue permitting necessary infilling and alteration of topography for the development of recreational uses not involving any buildings. Watercourse Separation Distance: • Differentiate watercourse setbacks between coastal shorelines and all other watercourses. • Establish clear classifications of watercourses, including lakes, permanent, intermittent, and seasonal watercourses.

	Protection and Access to Fresh Water Resources: • Policy direction to develop and support the implementation of the Source Water Protection Plan, and review and update the Plan, as needed. • Enable regulations to control erosion and sedimentation by requiring or retaining trees and vegetation through the LUB, development agreement, and site plan approval process. • Ensure equitable access to freshwater resources to support active, healthy lifestyles for all West Hants residents. Solar Energy • Establish clear regulations to permit roof-mounted, ground-mounted, and cladding-style solar energy systems as an accessory use in all zones, addressing the absence of solar energy provisions in previous planning documents. • Establish requirements for community solar arrays (large scale solar farms) and agrivoltaics by site plan approval that focus on setbacks, fencing, and stormwater. • Encourage using former landfills and brownfields for community-scale solar farms. • Discourage placing community-scale solar farms on land where municipal services are available.
Transportation & Mobility	• Policy direction to develop and implement a Transportation Master Plan, which covers the entirety of the Municipality. • Encourage the provision of active transportation facilities as an alternative to vehicular use and as a means to foster a healthy community. • Policy direction to develop and implement a Public Transportation Feasibility Study for a public transportation system in collaboration with existing transit and rideshare providers.
Infrastructure	Stormwater Management: • Lot grading plans are required for all new main buildings in growth centres, unless waived by Public Works. • All developments within the Area of Concern map as well as residential development within the R-3 zone exceeding 7 units will be required to provide a stormwater management plan. • Outside of the Area of Concern only Amendments or Development Agreements will require a stormwater management plan, to be determined by Public Works.

	• Any new or upgraded sanitary sewer connection will require a downstream wastewater capacity assessment.
Recreation & Parks	• Policy direction to maintain park and open space priorities in line with municipal goals and resources. • Enable regulations on skate parks and dog parks to reduce the impact on neighboring properties.
Culture and Heritage	• Requirements to help protect the view plane from Fort Edward, extra requirements for any development proposal that may impact the views.
Agriculture	Agricultural Zoning: • Prime Agriculture zoning slightly more strict in terms of allowable development. Urban Agriculture and Household Livestock: • Combined the two and limitations household livestock within Growth Centres and more clarity around where household livestock is permitted (i.e., not in Hantsport)

Plan Implementation and Amendments	Development Agreement and Amendment Criteria:
	• Revised criteria for considering development agreements, rezonings, and other amendments to the Land Use By-law. These include:
	  ○ Revised language to remove subjectivity where possible;
	  ○ Considerations around stormwater management;
	  ○ Considerations around mix of housing types;
	  ○ Recreation;
	  ○ Connection to active transportation infrastructure;
	  ○ Mitigation of impacts on existing uses;
	  ○ Considerations for universal accessibility and barrier-free design
	• Increased options for development by development agreement as an alternate to rezoning.

Attachment 2

Municipal Planning Strategy

West Hants Regional Municipality

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Land Acknowledgment

We respect and truly acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi’kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi’kma’ki known as Nova Scotia for over 400 years.

1. Introduction

1.1 Plan Area

The West Hants Regional Municipality (the “Municipality”), located in Hants County, Nova Scotia, is a vibrant community that blends rich history with modern amenities. With a land area of 1,253.11 sq kilometres, West Hants Regional Municipality is the smallest regional municipality by land area in the province of Nova Scotia. Situated in the western half of Hants County, the Municipality is bordered by the Municipality of East Hants to the east, Halifax Regional Municipality to the south, the Municipality of the District of Chester to the southwest, the Municipality of the County of Kings to the northwest, and the Minas Basin to the north.

West Hants Regional Municipality consists of well-connected communities including an extensive network of primary and secondary highways that span Nova Scotia. Highway 101, part of the province’s 100-series highway system, along with Nova Scotia Trunk 1 and 14, serve as vital local and regional links, connecting communities from Halifax Regional Municipality to the Annapolis Valley and Yarmouth.

This Municipal Planning Strategy covers the entirety of the West Hants Regional Municipality.

1.2 The Regional Context: Past to Present

The history of the West Hants Regional Municipality is deeply rooted in its early settlement by the Mi'kmaq people. They were the first inhabitants of the area, which they called Pesaquid, meaning "Junction of Waters."

In 1685, French Acadians arrived and began cultivating the marshlands, building dykes (levies), ditches, and one-way valves called aboiteaux to protect their fields from flooding. This transformed the dyked land into fertile farmland. The English arrived in 1750; shortly thereafter, the Acadian population was forcibly removed, with many communities destroyed. Of the Acadians who escaped deportation, many were captured and imprisoned at Fort Edward in the community of Windsor. Built in the mid-1700’s and designated as a National Historic Site in 1921, Fort Edward contains the oldest surviving military blockhouse in Canada. Following the expulsion of the Acadian population, the agricultural economy that had thrived on dyked marshlands declined. In 1760, settlers called the New England Planters, arrived and established new homes, villages, roads and institutional buildings. Hants County was officially established in 1781. Shortly after, American Loyalists arrived in Nova Scotia in 1783 and 1784, founding King’s Collegiate School in Windsor. By 1976, the girl’s school, Edgehill, was combined with the King’s Collegiate School and became the King’s-Edgehill School, a private school still operating today.

People of African descent have been in the Bay of Fundy area for nearly 400 years, and they are an important part if the Municipality’s history. Many Black residents were initially brought to the area as slaves. After the war of 1812, Black Refugees, including free black Loyalists, arrived in Nova Scotia and settled in the Three Mile Plains area, many working in trades, farming, quarried gypsum, and established schools and churches. Finally, in 1834, slavery was abolished in the British Empire and nearly 30 years

later, William Hall of Horton Bluff on the Avon River, became the first Black and first Canadian sailor to receive the Victoria Cross, the British armed forces highest decoration of valor.

Between 1840 and 1890, shipbuilding was a prominent industry in Windsor, Hantsport, Newport Landing and Kempt Shore, generating significant wealth for Hants County residents. The establishment of the Windsor and Annapolis Railway in 1869 further boosted the local economy by connecting the area to Halifax and enabling connections to the Bay of Fundy and New England ports, facilitating broader distribution of goods. The railway also helped expand agricultural exports, notably apples from the Annapolis Valley orchards, by enabling their transport to larger markets. While the railway initially supported the shipbuilding industry, the prominence of steamships eventually led to the industry's decline in 1970. Mining, particularly gypsum quarrying, was another significant industry that benefitted from railway access. Although the Acadians were the first to quarry gypsum, the industry only became prominent in the late 18th century and further expanded with the railway's arrival, which allowed gypsum to be efficiently transported. Logging and milling industries have also historically contributed to, and continue to influence, the local economy.

The West Hants Regional Municipality is the youngest regional municipality in Nova Scotia, formed through two key amalgamations. The first occurred in 2015, when the former Town of Hantsport merged with the former Municipality of the District of West Hants. This was followed by a second amalgamation in 2020, which brought together the former Town of Windsor and the former Municipality of the District of West Hants.

Today, the West Hants Regional Municipality has a population of approximately 19,509 (Statistics Canada, 2021). The settlement pattern is largely shaped by historical development of the land and resource uses, with several small communities at varying distances from the primary growth centres of Windsor, Hantsport, Three Mile Plains, and Falmouth.

1.3 Purpose of the Municipal Planning Strategy

The Municipal Planning Strategy ("MPS") is a legal document, adopted by the Council of the West Hants Regional Municipality, which provides the framework to guide growth and development in the Municipality over the next 25 years by establishing a vision, guiding principles, and policies.

The Municipal Planning Strategy, in conjunction with the Land Use By-law ("LUB") and the Subdivision By-law, sets out Council's intentions for future development and provides criteria for Council and planning staff to consider when evaluating development proposals and issuing development permits for future land use and development in the Municipality.

The Municipal Planning Strategy may be amended to accommodate changing conditions and shall be reviewed as per the requirements of the *Municipal Government Act* or as directed by Municipal Council to ensure that the policies meet the changing needs of the Municipality.

1.4 Planning Context for the Municipal Planning Strategy

1.4.1 Statements of Provincial Interest

This Municipal Planning Strategy has been prepared in accordance with the *Municipal Government Act*, as amended from time to time. Under Section 198 of the *Municipal Government Act*, it requires that municipal planning documents be "reasonably consistent" with the Statements of Provincial Interest.

These Statements articulate Nova Scotia's vision for protecting land and water resources that contribute significantly to the province's physical, economic, and social framework in relation to development. At the time of adoption, the five applicable Statements of Provincial Interest include:

1) Statement of Provincial Interest Regarding Drinking Water
2) Statement of Provincial Interest Regarding Flood Risk Areas
3) Statement of Provincial Interest Regarding Agricultural Lands
4) Statement of Provincial Interest Regarding Infrastructure
5) Statement of Provincial Interest Regarding Housing

Statement 1: Drinking Water

Residents of the West Hants Regional Municipality rely on ground and surface water resources for their drinking water, either through municipal water services or private wells. The three (3) municipal water supply areas that service residents are the French Mill Brook, Mill Lakes, and Davidson Lake watersheds. All of the municipal water supply areas within the Municipality are designated Protected Water Areas under the *Nova Scotia Environment Act*. The Municipality is committed to protecting drinking water sources within this Municipal Planning Strategy. This Municipal Planning Strategy outlines policies and enables regulations such as restrictive zoning through the Land Use By-law that limits and manages land uses to protect drinking water quality.

Statement 2: Flood Risk Areas

The Municipality understands there is a need to integrate policies that can equip developments with extreme weather protection and flood risk mitigation measures. Five (5) floodplains are identified as 'Flood Risk Areas' under the Canada-Nova Scotia Flood Damage Reduction Program in the Statement of Provincial Interest. None of the five (5) areas are located within the boundaries of the Municipality. The Municipality has identified locally known floodplains and has adopted policies and regulations that ensure any development has adequate measures in place to mitigate the risks associated with flooding, and the protection of flood risk areas. Recognizing that coastal floodplains have not yet been formally identified, the Municipality is committed to undertaking future studies to map these areas, with proper engagement from the community and affected property owners, and to developing appropriate policies and regulations to guide development and protect flood-prone lands.

Statement 3: Agricultural Lands

Agricultural lands within the Municipality are a valued land use and economic opportunity. In alignment with the Statement of Provincial Interest, to protect the viable agricultural land and active farms, agricultural lands are designated and zoned for agricultural uses. The Municipality aims to protect agricultural lands from non-agricultural development, to promote the availability of locally grown food, and to support the economic prosperity of those who grow it. The Municipality is committed to giving priority to agricultural land and reducing land conflicts between agricultural and non-agricultural uses.

Statement 4: Infrastructure

To ensure efficient and cost-effective use of existing infrastructure, such as roads, sanitary sewer, or water systems, the Municipality aims to encourage development where infrastructure already exists and limit where it can be extended. By discouraging development in areas without existing infrastructure, the Municipality aims to avoid creating undue burdens for the municipality, its residents, or the Province, and the environmental and health risks associated with inadequate infrastructure.

Statement 5: Housing

The West Hants Regional Municipality recognizes that housing is a right for all Nova Scotians. The Municipality is committed to encouraging the development of a wide range of housing forms, types and tenures to meet the needs of the current and future West Hants Regional Municipality population. This Municipal Planning Strategy establishes specific residential areas and zones to support a variety of densities, lot sizes, and types of development.

1.5 How to Use this Municipal Planning Strategy

This Municipal Planning Strategy is a long-range, forward-thinking Plan, which establishes a set of policies that will guide and direct the growth and development of the Municipality over the next 25 years. These policies are accompanied by and implemented through the Land Use By-law, which contains the detailed land use regulations.

The Municipal Planning Strategy and its maps must be read as a whole, as more than one section or Map may apply to a particular area or matter.

1.5.1 Interpretation

In this Municipal Planning Strategy:

- “shall” indicates that a statement is binding meaning that there is a mandatory requirement.
- “may”, “should” or “would” indicates that a statement is advisory, not binding, and that details will need to be resolved through the development review process.

Maps 2-6 of this Municipal Planning Strategy illustrates the land use designations for all lands within the municipal boundary of the Municipality. Diagrams, sketches and photos in this Municipal Planning Strategy are provided for illustrative purposes only. Nothing in this Municipal Planning Strategy shall

affect the continuance of land uses that are lawfully established as of the date this Municipal Planning Strategy comes into effect.

1.6 Plan Organization

The policies of this Municipal Planning Strategy provide guidance and direction for the development and growth of the West Hant Regional Municipality to the year 2050, and should be considered in their entirety when making decisions. The MPS is structured as follows:

a) **Section 1 – Introduction**: describes the purpose and effect, the context under which the MPS was prepared, and the duration and structure of the MPS.

b) **Section 2 – Vision & Guiding Principles**: establishes the vision, guiding principles, and basis for which the land use policies and maps of this MPS have been prepared.

c) **Section 3 – Shaping & Managing the Municipality**: includes policies related to the natural environment, heritage, public and private infrastructure including roads, utilities, water and sanitary servicing, and public and active transportation.

d) **Section 4 – General Land Use Policies**: sets out the general functional policies to guide and direct growth and development of the municipality, which apply to all land use designations unless otherwise indicated in this Municipal Planning Strategy.

e) **Section 5 – Land Use Designations**: establishes the land use designations and applicable policies in this Municipal Planning Strategy, and which together constitute the general land use plan for the West Hants Regional Municipality as shown on **Maps 2-6.**

f) **Section 6 – Implementation & Administration**: describes the approaches, tools, and mechanisms which the West Hants Regional Municipality will use to direct, manage, and control development on a day-to-day basis. It provides further details on the powers which the municipality will exercise over growth, development, and change to help it achieve its vision.

g) **Section 7 – Maps**: form part of the Municipal Planning Strategy that depict land use designations and other geographic features as referenced throughout this Municipal Planning Strategy. The Maps should be interpreted with the applicable policies in this Municipal Planning Strategy.

1.7 Regard by Other Agencies for the Municipal Planning Strategy

It is intended that all public and private agencies concerned with the development of the Municipality shall have due regard to the policies contained within this Municipal Planning Strategy.

2. Vision & Guiding Principles

This Section of the Municipal Planning Strategy establishes the vision and guiding principles that will guide the West Hants Regional Municipality over the course of the planning horizon to 2050.

2.1 Vision Statement

West Hants Regional Municipality envisions a future where inclusivity, innovation, and resilience create a vibrant community that balances urban and rural lifestyles. The Municipality is dedicated to preserving natural landscapes, rural character, and agricultural heritage through sustainable development and economic prosperity, while honouring its rich history and diversity.

2.2 Guiding Principles

The Municipal Planning Strategy offers a sustainable approach to land use planning in the West Hants Regional Municipality, focusing on the integration of land use, transportation, and sustainable development to ensure that social, cultural, economic, natural environment, built environment, and governance factors are considered in the management of change for the Municipality's future. Growth and development should be directed to locations where it makes financial sense by using existing and planned infrastructure. New development should be designed to use land efficiently, be responsible to the natural environment and mindful of existing land uses.

The West Hants Regional Municipality aspires to be a complete, sustainable, and accessible community and shall:

a) Foster a welcoming, equitable, and inclusive community that offers a high quality of life for residents and attracts both tourists and new residents, including youth, young professionals, seniors and families;
b) Create healthy, safe, vibrant, and mixed-use neighbourhoods;
c) Encourage an adequate supply and diverse range of different housing types including affordable and supportive housing that meet the housing needs for all residents;
d) Promote climate resilience by implementing strong adaption measures to help protect against extreme weather and coastal risks, and encourage sustainable practices among residents, businesses, and organizations;
e) Support a balanced economy that values both traditional and modern economic sectors, fostering innovation and investment;
f) Promote connectivity through integrated transportation systems and infrastructure; and
g) Celebrate and protect the cultural and built heritage values and resources.

3. Shaping and Managing the Municipality

3.1 Municipal Structure

The West Hants Regional Municipality is comprised of a large geographic area containing a number of communities of varying sizes, agricultural lands, and resource areas. The West Hants Regional Municipality has two primary areas where growth is to be directed: Growth Centres and Local Centres. Areas outside of the Growth Centres and Local Centres are Agricultural and Resource Areas. This pattern is the result of historic growth and settlement trends. The MPS recognizes the Municipality's unique challenges and its need for sustainable growth. In turn, the MPS promotes a comprehensive municipal structure that will serve as a framework to appropriately manage and guide future growth and development towards Growth Centres where appropriate.

The Municipal Structure promotes the creation of complete communities, which meet immediate and future needs by promoting a full range of housing in areas near employment, daily amenities, local community services and facilities, recreation, open space, and convenient transportation choices while promoting the protection and enhancement of agricultural and natural resources outside developed areas. This Section identifies municipal structure policy areas which provide guidance on the overall growth management and municipal structure for the Municipality. The land use structure for the Municipality is comprised of the following land use policy areas:

- Growth Centres
- Local Centres
- Agricultural Areas
- Resource Areas

This MPS recognizes the interrelationship between infrastructure planning and land use planning in managing and directing growth. The servicing hierarchy associated with the municipal structure is outlined in more detail in this Section of the MPS.

3.1.1 Applying the Municipal Structure

Policy

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

Policy 3-1 Ensure new development will conform with the Municipal Structure which establishes a hierarchy for directing growth including public investments in infrastructure and public services and facilities, a diverse range and mix of land uses, and the provision of transportation services including active transportation.

Policy 3-2 Direct growth in accordance with the Municipal Structure, as shown on **Map 1 – Municipal Structure** including:

a) **Growth Centres**: Includes Windsor, Hantsport, Three Mile Plains, and Falmouth where the highest concentration of growth is planned and supported by full municipal water and sewer services. The Growth Centres accommodate a full range and intensity of uses along with public service facilities to promote complete communities. Directing new development to Growth Centres ensures the most efficient use of existing services and protects current and future investments in infrastructure while reducing urban sprawl.

b) **Local Centres**: Includes Brooklyn, Newport Station, St. Croix, Ellershouse, Newport Corner, Ardoise-Cameron Lake, Wentworth Creek, Gypsum Mines- Sweets Corner, Newport Landing, Summerville, Cheverie, and Mount Denson where the rural character is to be maintained while allowing limited growth including infill. New development will be serviced by private on-site water and sewage services. Local Centres have a limited range of residential, commercial, industrial, and municipal facilities and services.

c) **Agricultural Areas**: Includes fertile and rich productive lands which are tied to the history and traditions of agricultural activity. Agricultural Areas support agricultural uses such as agricultural related on-farm uses, agricultural area businesses, and sustainable farming practices.

d) **Resource Areas**: Includes lands situated outside of the Growth Centres and Local Centres and are primarily comprised of forested lands and areas with mineral-rich soils. These areas are generally characterized by seasonal and rural development accessed by private roads. Residential and commercial development is typically limited, and municipal services are generally not available. Resource Areas may support a range of rural land uses, including forestry, mineral and aggregate extraction, and renewable energy generation such as wind farms and solar arrays, where appropriate and in accordance with applicable regulations and environmental considerations.

3.2 Growth Centres

The Municipality's Growth Centres includes Windsor, Falmouth, Hantsport, and Three Mile Plains, where the highest concentration of growth is planned to occur. Growth Centres will accommodate a full range of uses. Lands within the Growth Centres are identified on **Maps 3-6**.

Policy

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

Policy 3-3 Encourage the creation of complete, healthy, and vibrant communities and enhance the quality of life for all residents by directing growth and development to the Growth Centres to conserve and protect the Municipality's diverse natural environment and rural landscapes.

Policy 3-4 Promote development patterns in the Growth Centres that efficiently use land, resources, infrastructure, and public services and facilities, through compact urban form.

Policy 3-5 Accommodate a broad range of land uses including but not limited to a full range of residential densities, commercial uses, public services and amenities within Growth Centres.

Policy 3-6 Continue to build and enhance public spaces for public enjoyment and recreation purposes within Growth Centres.

Policy 3-7 Monitor development within the Growth Centres to ensure that sufficient land is available to accommodate desired future growth.

Policy 3-8 Consider expanding Growth Centres boundaries when additional land is required to accommodate future growth, taking into consideration Policy 3-4 and Policy 3-5 and all other relevant policies of this Strategy.

Windsor

The Windsor Growth Centre is one of the primary urban communities in the Municipality and will accommodate the most significant share of growth over the planning horizon. It is a focus area for the Municipality with respect to social, recreation, cultural, residential, and commercial uses.

Policy

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

Policy 3-9 Continue to develop the Windsor Growth Centre as a complete community with a compact built form that promotes efficient use of land and infrastructure.

Policy 3-10 Accommodate the broadest mix of land uses in the Windsor Growth Centre including a full range of housing types and densities including affordable housing, commercial uses, institutional uses, and public service facilities.

Policy 3-11 Accommodate development and infill within the Windsor Growth Centre that is appropriate to the available servicing capacity and encourage the enhancement of existing development and development of new neighbourhoods in a manner that supports complete communities.

Policy 3-12 Encourage a vibrant mixed use Downtown Core area within the Windsor Growth Centre that functions as a key place making destination that enhances built cultural heritage and its integration into new urban forms.

Hantsport

The Hantsport Growth Centre is the Municipality's second-largest urban community and has experienced steady growth over the past decade. At present, servicing constraints limit development to lower-density infill and small-scale redevelopment, commercial, and industrial developments. While higher-density infill and new neighbourhoods may be possible in the future, such growth will only be achievable once servicing capacity is expanded. In the short term, the Growth Centre can accommodate only modest infill projects. Servicing capacity will be continually assessed to identify opportunities for expansion, enabling greater growth over the long-term planning horizon.

Policy

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

Policy 3-13 Accommodate a broad mix of land uses in the Hantsport Growth Centre including lower density residential infill which could include affordable housing, commercial, industrial and institutional uses, and public service facilities based on available servicing capacity.

Policy 3-14 Accommodate development and infill within the Hantsport Growth Centre that is appropriate to the available servicing capacity and encourages the enhancement of existing development in a manner that supports complete communities.

Policy 3-15 Encourage a vibrant mixed use Downtown Core area within the Hantsport Growth Centre that provides a range of working, shopping, recreation, and housing opportunities with appropriate forms and scale that complement the surrounding community.

Policy 3-16 Explore servicing solutions and opportunities to support more intensive residential, commercial and industrial development.

Policy 3-17 Continue to evaluate the servicing capacity and development opportunities. Conduct a review of relevant portions of this plan within 2 years of any significant change to servicing capacity.

Falmouth

The Falmouth Growth Centre borders the Avon River and is strategically located along Highway 101. Over the planning period, residential growth will be the primary focus of the Falmouth Growth Centre, while commercial growth will be concentrated along Highway 1 between the Avon River Bridge and the Highway 101 connector, with smaller commercial uses outside the commercial core.

Policy

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

Policy 3-18 Accommodate a mix of land uses in the Falmouth Growth Centre including low to medium density housing types, commercial and institutional uses, and public service facilities.

Policy 3-19 Accommodate development and infill within the Falmouth Growth Centre that is appropriate to the available servicing capacity and encourages the enhancement of existing development and development of new neighbourhoods in a manner that supports complete communities.

Policy 3-20 Ensure that new development along Highway 1 in the Falmouth Growth Centre will support a mix of uses to create an identifiable community core supported by commercial and community amenities.

Three Mile Plains

The Three Mile Plains Growth Centre will accommodate low to medium density growth over the planning horizon. With the Provincial announcement of their investment in a new school for students in pre-primary to Grade 5 and the community's proximity to Highway 101, it is anticipated that majority of future development will accommodate a range of residential, commercial, and institutional uses.

Policy

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

Policy 3-21 Accommodate a mix of land uses in the Three Mile Plains Growth Centre including low to medium density housing types, commercial and institutional uses, and public service facilities.

Policy 3-22 Accommodate development and infill within the Three Mile Plains Growth Centre that is appropriate to the available servicing capacity and encourages the enhancement of existing development and development of new neighbourhoods in a manner that supports complete communities.

Policy 3-23 Ensure development and infill in the Three Mile Plains Growth Centre protects and enhances the natural environment, while providing a range of employment opportunities, services, and facilities for residents and visitors.

3.3 Local Centres

The Local Centres are small rural settlements of residential and limited commercial, industrial and recreation, and institutional uses as identified on **Map 1 – Municipal Structure**. Local Centres are valued for their part in retaining the rural character and cultural heritage resources of the past. Land use policies related to Local Centre areas are found in **Section 5 – Land Use Designations.**

Policy

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

Policy 3-24 Accommodate limited growth in the Local Centres in the form of infilling, redevelopment, and the development of vacant lands in a manner that protects and enhances their unique identity and ensures that the Local Centre areas remain distinct from the rest of the Municipality. Development must be appropriate and compatible with the surrounding land uses, in the context of use, buildings and structures, density, and height.

Policy 3-25 Limit infill development within Local Centres based on the capacity of individual on-site water and on-site sewage services.

Policy 3-26 Preserve and enhance the rural character of Local Centres by maintaining and enhancing the character and vitality of main roads and community spaces.

3.4 Agricultural Areas

The Agricultural Areas shown on **Map 1 – Municipal Structure**, is an important part of the fabric of the West Hants Regional Municipality, supporting a vibrant agricultural community and contributing to the economy, quality of life, and natural heritage legacy.

The Canada Land Inventory (C.L.I.) land capability agricultural classification system identifies agricultural lands, dependent on soil classes, in order to protect farmland and promote sustainable agricultural practices. There are significant portions of Class 2 (Moderate Limitations) and Class 3 (Moderate Severe Limitations) land in the central and northern parts of the Municipality, while the southern portion of the Municipality contains primarily Class 8 (Organic Soils). As per the Statement of Provincial Interest: Agriculture Land, the Municipality will protect the agricultural land base, comprised of prime agricultural areas and dykelands, which creates a robust productive land base for agriculture sustainable food production for future generations.

Policy

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

Policy 3-27 Protect the agricultural land base, comprised of prime agricultural areas and dykelands.

Policy 3-28 Ensure adequate separation distances between agricultural uses and non-agricultural development to reduce land-use conflicts.

Policy 3-29 Recognize the agricultural sector and related industries as key economic drivers in the Municipality.

Policy 3-30 Protect against fragmentation of the agricultural land base, through subdivision standards set out in the Subdivision By-law.

Policy 3-31 Prohibit, where possible, the removal of topsoil from agricultural land for non-agricultural uses.

Policy 3-32 Direct uses that are not supportive or complementary of agricultural uses to the Municipality's Growth Centres and Local Centres.

Policy 3-33 Enable economic diversification of farm operations by allowing for a wider range of on farm businesses.

3.5 Resource Areas

Lands located outside of the Growth Centres, Local Centres and Agricultural Areas of the West Hants Regional Municipality, are shown as Resource Areas on **Map 1 – Municipal Structure.** Resource Areas include areas of seasonal residential development which are accessed by private roads, Crown Land, and rural areas which are not considered to be under intense development pressure, existing or previously developed lands that have been used in the mining, forestry, and quarrying industries, or include the municipal water supply. While residential development will be discouraged on resource lands, there is some dispersed residential and commercial development that exist today.

Policy

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

Policy 3-34 Accommodate limited development in Resource Areas based on the capacity of individual on-site water and on-site sewage services, and in a manner that protects and enhances the natural environment and systems.

Policy 3-35 Limit the development of non-resource uses on resource land to protect the forestry, mineral, water supply, wildlife habitat, and recreational resources.

Policy 3-36 Encourage renewable energy generation such as wind farms and solar arrays, where appropriate and in accordance with applicable regulations and environmental considerations.

Policy 3-37 Notwithstanding Policy 3-35, permit development on private roads for seasonal dwellings, stand-alone residential dwellings, home-based businesses, and resource uses.

Policy 3-38 Preserve and enhance the rural character of Resource Areas.

3.6 Infrastructure

As the Municipality continues to grow, Council will ensure that the Municipality is serviced through a system of infrastructure including roads, parking facilities, trail systems, municipal water services, municipal sewage services, stormwater management, and solid waste. Achieving a sustainable infrastructure network is important in addressing climate change and will be considered when examining the costs and benefits of maintaining or expanding services.

Objectives

- Ensure the adequate protection of designated Protected Water Areas.
- Work with private landowners to ensure the stability and safety of the Municipal water supply.
- Ensure equitable access for all residents to freshwater resources to promote a healthy and active lifestyle.
- Promote water conservation and efficiency.
- Encourage the use of innovative techniques to reduce the need for large stormwater management facilities, thereby reducing run-off and improving water quality. Innovative techniques include, but are not limited to, low impact development practices including rainwater harvesting systems (rain barrels and cisterns), green roofs, landscape systems and vegetated swales, downspout disconnection, and permeable surfaces.
- Promote recycling, composting, and waste diversion through public education and comprehensive programs to reduce landfill use and the Municipality's carbon footprint.
- Offer coordinated emergency services and public education on fire prevention and preparedness, ensuring accessible emergency services.
- Direct telecommunication facilities to industrial and agricultural lands to encourage improved radio, TV, internet, and cellular services throughout the Municipality.

3.6.1 Water & Sewer

The Municipality provides central water and sanitary sewer services to the Growth Centres, including a portion of Wentworth Road due to its proximity to the Windsor Growth Centre. Treatment plants are located in Falmouth and Windsor, with Hantsport's Growth Centre wastewater being treated at a plant located, owned and operated by the Municipality of the County of Kings through a cost-sharing agreement between the municipalities. The three (3) protected Municipal water supply areas include Davidson Lake, Mill Lake, and French Mill Brook.

Policy

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

Policy 3-39 Ensure the continued protection of the Municipal water quality and quantity including, but not limited to, the resources of the Davidson Lake, French Mill Brook and Mill Lakes designated Protected Water Areas.

Policy 3-40 Review and revise this Municipal Planning Strategy and accompanying Land Use By-law to reflect changes made to any Protected Water Area under the Environment Act;

Policy 3-41 Direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing municipal sewer services and municipal water services.

Policy 3-42 Consider the purchasing of watershed lands and implementing development controls to protect the quality and supply of water within watersheds.

Policy 3-43 Within the Windsor Growth Centre only, permit the extension of water and sewer services for residential, commercial or industrial uses or in the College Road Comprehensive Development District.

Policy 3-44 Permit the extension of municipal water lines only where municipal central sewer exists or will be installed in conjunction with the water lines. Individual lots with frontage on existing public roads served only by municipal water shall be permitted to connect to the municipal water system.

Policy 3-45 Prioritize the infilling of vacant lands within Growth Centres where servicing currently exists to encourage compact development patterns and ensure cost effectiveness.

Policy 3-46 Prohibit the extension of water and sewer services beyond the Growth Centre boundaries to ensure efficiencies and cost effectiveness.

Policy 3-47 Plan for necessary upgrades to water treatment facilities to accommodate future projected growth.

Policy 3-48 Encourage separation distance buffers when considering development near sewage lagoons.

Policy 3-49 Permit the primary means of sewage disposal outside of the existing Growth Centre boundaries in accordance with the Department of Environment and Climate Change standards for on-site services. It is anticipated that private sewage disposal systems will continue to be the principal means of sewage disposal outside of existing Growth Centre boundaries.

Policy 3-50 Require a downstream wastewater capacity assessment for any development or subdivision application that includes a new or upsized sanitary sewer connection where:

a) Such assessment is the responsibility of the developer where necessary information is not available.
b) The Municipality's Engineer shall have discretion and authority to approve new or upsized service connections, and such decision shall be made in consideration of available sanitary sewer collection system capacity at the time of application.
c) Unless further prescribed by development agreement, a downstream sanitary sewer assessment, and any approval thereof, shall be valid for 6 months from development permit issuance.

Policy 3-51 Require developers to design and install municipal sanitary sewers and water mains within a development and negotiate the costs of providing municipal sanitary sewers and water mains outside the development sufficient to connect to the Municipality's sanitary sewer system and water supply system.

Policy 3-52 Require all water lines and sanitary sewer systems to be designed and constructed in accordance with the Subdivision By-law.

3.6.2 Stormwater Management

Stormwater management is critical to mitigating flood risks and protecting water quality. Stormwater is managed throughout the Municipality through various systems (stormwater pipes, catch basins, ditches, combined stormwater and sewage pipes, etc.), retention ponds, and green infrastructure. The collected stormwater is discharged at various watercourses, or if collected by a combined sewer system, sent to a treatment plant. Responsible stormwater management practices will allow the Municipality to adapt its infrastructure and use its natural systems to become more resilient to adverse weather events.

Policy

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

Policy 3-53 Encourage opportunities for stormwater management best practices where appropriate including low-impact development measures.

Policy 3-54 Require developers to install storm drainage systems within a development and negotiate the costs of providing storm drainage systems, outside the development sufficient to connect to the Municipality's stormwater drainage systems.

Policy 3-55 Identify, in the Land Use By-law, which developments require a professional engineer to verify that stormwater infrastructure will meet stormwater standards.

Policy 3-56 Replace the combined sewers in the Municipality with sanitary and storm sewers as funding becomes available.

3.6.3 Floodplain Overlay Mapping

One of the major issues the Municipality is facing with regard to stormwater management is infill development in serviced areas. One method to address this is to identify the most flood-prone areas and to require stormwater management plans for certain new development in those areas.

Policy

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

Policy 3-57 Prepare floodplain overlay mapping for the Growth Centres which identify the most flood-prone areas.

Policy 3-58 Prepare policy to accompany the floodplain overlay mapping which deals with the requirements for a stormwater management plan for infill developments within Growth Centres.

3.6.4 Solid and Organic Waste

The Municipality provides collection of solid waste on a regular basis to residential and commercial uses on public roads. The solid waste is collected by truck and transported to the West Hants Waste Management Facility. In addition to solid waste collection, the Municipality has a comprehensive recycling and composting program that is also collected on a regular basis. The Municipality is committed to encouraging residents to reuse, recycle, and compost to reduce the amount of waste that must be transported away for disposal. Besides the environmental advantages, waste reduction is the most economical solution to the management of waste.

Policy

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

Policy 3-59 Provide garbage disposal collection to only properties located on public roads.

Policy 3-60 Provide a recycling and organic material (green cart) collection in the Municipality.

Policy 3-61 Update the Solid Waste Management By-law, as needed.

3.6.5 Infrastructure Charges

The *Municipal Government Act* enables the Municipality to adopt infrastructure charges to recover capital costs of infrastructure needed to service new development. The provisions for infrastructure charges are implemented through the Subdivision By-law and must identify the areas in which the infrastructure charges are levied, the purposes for which the charges are to be levied, and the amount of the charge or the method of calculating the charge.

Policy

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

Policy 3-62 Conduct an infrastructure charges study to determine the areas in which the infrastructure charges are levied, the purposes for which the charges are to be levied, and the amount of the charge or the method of calculating the charge.

Policy 3-63 Enable the collection of infrastructure charges for new or expanded water systems, wastewater facilities, stormwater systems, road infrastructure, solid-waste management facilities, new traffic signs and signals, and transit facilities through the Subdivision By-law.

3.6.6 Emergency Services

The Municipality is served by a Regional Emergency Measures Organization (REMO) which has the responsibility for the safety, health, and welfare of residents should a threat arise from any emergency

or disaster. Any effective emergency response requires a regional plan to fully integrate the use of all available public and private resources and capabilities and provide for the coordination of these elements.

Emergency Health Services

Council is not directly involved in the provision of health services; however, Nova Scotia Emergency Health Services (EHS) is supported by the Provincial 911 system which includes the Nova Scotia Civic Addressing System. Council helps ensure that EHS can reach residents by maintaining a comprehensive and updated civic address base.

Police

The Municipality is policed by a detachment of the Royal Canadian Mounted Police. The Municipality also has a Police Advisory Board comprised of two Council members, two resident-members, and one ministerial appointment.

Fire

Council supports volunteer Fire Departments throughout West Hants Regional Municipality. Council also supports a variety of fire services and mutual-aid agreements. Council acknowledges the dedicated and community-minded services it receives through the provision of fire response and emergency services provided by volunteer Fire Departments and supports working with the departments toward regionalizing fire services.

Policy

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

Policy 3-64 Prepare an Emergency Services Protocol to implement coordinated and accessible Emergency Services, including procedures in the event of hazardous materials, incidents, and rescue operations.

Policy 3-65 Continue to be an active member in REMO in order to provide an effective response to emergencies.

Policy 3-66 Continue to maintain and support a Civic Addressing By-law.

Policy 3-67 Monitor and evaluate the Municipality's fire protection services based on existing and future growth requirements.

Policy 3-68 Continue to support Fire Departments in the Municipality by providing funding in the annual budget.

Policy 3-69 Continue to provide a high level of police protection throughout the Municipality in a coordinated effort with the Royal Canadian Mounted Police.

Policy 3-70 Provide public education and community outreach programs to inform residents about fire safety and emergency preparedness.

Policy 3-71 Encourage all new and existing private road developments to consider FireSmart practices.

3.6.7 Telecommunications Infrastructure

Telecommunication towers provide broadcast facilities for radio, television, internet, and cellular phone services. These systems are playing an increasingly important role in the development of communities striving to support modern business communication requirements into the future. As demand for these services increases, additional towers will be required to maintain and improve the quality of this service.

Under the *Radio Communications Act,* Innovation, Science and Economic Development (ISED) has the final authority to approve the location of telecommunication towers and antennae. However, municipalities are considered a key stakeholder and their input into proposed towers is often considered, either proactively by the proponent or reactively as part of the ISED approval. The *Radio Communications Act* takes precedence over local planning regulations and generally encourages co-location of equipment (e.g., installing new equipment on existing towers) before new towers are constructed.

The *Radio Communications Act* also includes a requirement for public consultation before the development of new telecommunications towers; however, municipalities can implement consultation protocols for the development of new telecommunication towers. In areas where there is no municipal protocol, consultation occurs under the ISED default public consultation process.

Council supports the siting of telecommunication and antenna systems in appropriate areas, such as industrial, resource, and agricultural lands within the Municipality and encourages co-location among service providers.

Policy

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

Policy 3-72 Encourage the location of wireless telecommunication towers in Industrial, Resource and Agricultural designations and to include requirements for fencing, landscaping and co-location of towers and related buildings in the Land Use By-law.

Policy 3-73 Work with proponents seeking to establish a telecommunication tower and to seek input from the community in accordance with Innovation, Science and Economic Development (ISED) guidelines.

Policy 3-74 Require proponents for telecommunication towers to meet with the Municipality to discuss requirements and concerns at the earliest opportunity. Proponents shall be requested to:

a) Contact the Municipality to discuss their proposal; and

b) Provide information on their proposal as per the Innovation, Science and Economic Development Canada (ISED) regulations.

Policy 3-75 Permit telecommunications facilities not requiring Federal approval as long as applications meet the requirements of the Land Use By-law.

Policy 3-76 Encourage proponents to co-locate new antennas on existing tower structures and on existing built infrastructure where possible.

Policy 3-77 Permit, where necessary, utility buildings and uses under 100 ft^2 (9.29 m^2) in floor area in any zone for the efficient operation of utility and telecommunication services.

Policy 3-78 Regulate the location of public utility buildings with a floor area of more than 100 ft^2 (9.29 m^2) in any zone.

3.7 Transportation and Mobility

The Municipality covers a large geographical area encompassing a number of sparsely populated areas located at varying distances from the Growth Centres of the Municipality. Transportation plays a vital role in the Municipality as it connects people and places, and it influences our quality of life, the environment, and the economy. However, like many other municipalities in Nova Scotia, the Municipality faces transportation challenges primarily due to residents' reliance on private vehicles.

Land use planning and transportation are closely linked; an efficient and well-planned transportation network is essential to connecting residents to essential services, employment, and recreational opportunities while supporting sustainable development.

In addition to the transportation network for motorized vehicles, the Municipality aims to also encourage the use of active transportation that focuses on pedestrians, their safety, and their comfort and accessibility over people using private automobiles. By providing accessible sidewalks, cycling paths, and paved shoulders where feasible, the Municipality aims to promote active transportation and walking as alternatives to vehicle use, fostering an overall healthier community.

Objectives

- Improve access, efficiency, and connectivity within the transportation network while maintaining existing infrastructure.
- Promote carpooling, ridesharing, and the development of car parks at key locations to reduce private vehicle use.
- Ensure that all new developments have adequate access to promote emergency preparedness.
- Identify current and future transportation linkages within the Municipality with close consideration to those in the identified Growth Centres.
- Focus on pedestrian safety and comfort through a network of multi-use paths, trails, sidewalks, and cycling routes where possible.
- Explore public transit options and potential partnerships with neighbouring municipalities and provincial agencies to offer viable alternatives to private vehicles, reducing congestion and commute times.
- Support local economic development by improving transportation access to businesses, employment, and services.
- Enhance quality of life by providing safe, reliable, and convenient transportation, promoting walking, cycling, and other active transportation methods to improve public health and lower greenhouse gas emissions.

- Acknowledge and appreciate that transportation needs vary across the Municipality's urban and rural communities, and that there is no one size fits all solution to mobility.
- Ensure that active transportation networks are accessible and integrated with any future public transit systems to create seamless, multi-modal transportation options for residents.

General Transportation and Mobility Policies

Policy

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

Policy 3-79 Establish the current road hierarchy in the Municipality, as identified by the **Transportation Maps (Maps 7a and 7b)** to meet the Municipality's transportation needs.

Policy 3-80 Develop and implement a Transportation Master Plan, that covers the entirety of the Municipality, that looks at multi-modal transportation investments and strategy to implement these to accommodate forecasted growth.

Policy 3-81 Monitor traffic patterns and volume on an ongoing basis and undertake infrastructure, road design, or other road improvements as deemed necessary and financially feasible to ensure efficient traffic flow.

Policy 3-82 Improve the condition of the roads and sidewalks in conjunction with the upgrading of Municipal water and sewer services, where financially feasible.

Policy 3-83 Encourage the provision of active transportation facilities, including accessible multi-purpose trails, to support increased use of active transportation as a viable alternative to vehicular use and as a means to foster a healthy community.

Policy 3-84 Support the future extension of the Trans Canada Trail to better connect communities within the Municipality.

Policy 3-85 Ensure new development proposed on lands adjacent to existing highway, rail, and other future corridors, is compatible with, and supportive of, the long-term purposes of the corridor, and is designed to avoid, mitigate or minimize negative impacts on and from the corridor.

Policy 3-86 Undertake future planning for land uses on lands adjacent to existing highway and other planned corridors and transportation facilities so that their long-term operation and economic role is protected, and residential or other sensitive land uses are designed, buffered, and/or separated from each other to minimize risk to health and safety.

Policy 3-87 Ensure truck traffic to be directed towards authorized truck routes.

3.7.1 Road Network

Regional Roads

Highway 101 is the major 100-series highway that runs through the Municipality. Highway 101 connects the Municipality to Halifax, the Annapolis Valley and southwest Nova Scotia, and is the only regional road within the municipality. Regional roads are those which serve not only the Municipality, but the area as a whole.

Policy

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

Policy 3-88 Designate Highway 101 as a Regional road on the **Transportation Maps (Maps 7a and 7b**).

Policy 3-89 Collaborate with the Province to encourage the preservation of the scenic views of Windsor and the Avon and St. Croix Rivers from Highway 101.

Policy 3-90 Collaborate with the Province to encourage the development of commuter car parking facilities at Highway 101 interchanges as a means of promoting carpooling and future inter-Municipal transit service.

Public Roads

Arterial roads are designed to facilitate the efficient movement of traffic through the Municipality and to the Highway 101 access points. Collector roads, on the other hand, gather traffic from local roads and direct it to arterial roads, and are designated only within the Growth Centres. Local roads primarily serve as access points to properties.

Policy

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

Policy 3-91 Designate public roads or portions thereof as arterial, collector, or local as shown on the **Transportation Maps (Maps 7a and 7b)**.

Private Roads

A private road is any access or right-of entry not owned by the Municipality, the Province of Nova Scotia, or the Federal government. This also includes associated infrastructure beyond travel lanes, such as curbs, sidewalks, gutters, bridges, culverts, and retaining walls that are associated with private roads. Municipal services such as snow plowing, road maintenance, garbage collection and school busing will not be provided to any development located on private roads.

Policy

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

Policy 3-92 Require lands to be set aside as "road reserves" to connect new public roads to adjacent lands that have the potential to be subdivided and developed with future public roads.

Policy 3-93 Permit the development of new private roads only within the Resource designation.

Policy 3-94 Require developers of new private roads to be responsible for the construction and on-going maintenance, improvements, or upgrades, including snow plowing, of the private road.

3.7.2 Traffic Impact Studies

Policy

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

Policy 3-95 Require, as deemed necessary, a Traffic Impact Study (TIS), to the satisfaction of the Municipality that demonstrates the proposed development will not cause any traffic hazards or an unacceptable level of congestion on roads in the area and that existing or planned transportation infrastructure is deemed sufficient for the scale of the development being proposed.

Policy 3-96 A Traffic Impact Study (TIS) shall be prepared by a qualified traffic or transportation engineer registered with the Association of Professional Engineers of Nova Scotia in accordance with the Nova Scotia Department of Transportation and Public Works Guide for the Preparation of Traffic Impact Studies or such other guidelines as determined by the Municipality.

Policy 3-97 Notwithstanding Policy 3-95, a Traffic Impact Study (TIS) may not be required when the development's impact can be clearly anticipated without a study and the developer, the Municipality and other public agencies having jurisdiction are able to agree upon appropriate mitigation and funding.

3.7.3 Active Transportation

Local transportation considerations should not be restricted to motorized vehicles. Alternative modes of transportation such as cycling and walking should be encouraged with safe routes made available through special lanes, trails and, where appropriate, sidewalks. When properly integrated into a community and separated from motorized vehicles, this infrastructure encourages a safe and healthier mode of transportation that can potentially reduce demands on expensive road infrastructure and improve the health of residents.

Policy

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

Policy 3-98 Maintain existing trails and pathways and collaborate with the Province in the creation of new trails that are accessible.

Policy 3-99 Upgrade existing crosswalks where financially feasible. The establishment of new crosswalks and sidewalks shall be considered as the need arises.

Policy 3-100 Develop and implement an Active Transportation Master Plan in consultation with the public.

Policy 3-101 Require appropriate active transportation infrastructure within new residential subdivisions, subject to the requirements of the Subdivision By-law.

Policy 3-102 Promote active living through educational programs and services.

Policy 3-103 Promote the development of multi-use trails and pathways that connect residential and commercial areas with community uses including institutional uses, recreation facilities, and open space areas.

3.7.4 Public Transportation and Rideshare Programs

Currently, the Municipality does not have a public transit system. The Municipality encourages development of new public transportation services and equitable transit service provisions. The Municipality will strive to provide opportunities for a regional transportation system including connections between transit stops by way of sidewalks and cycle routes.

Policy

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

Policy 3-104 Develop and implement a Public Transportation Feasibility Study to identify actions, cost implications and cost-sharing opportunities for a public transportation system in collaboration with existing transit and rideshare providers.

Policy 3-105 Explore cross jurisdictional transportation opportunities and cost sharing with adjacent municipalities and the Province.

3.8 Environment

The protection of the Municipality's environment and the sustainable management of natural resources are essential to the long-term health and prosperity of the West Hants Regional Municipality. The Municipality is characterized by a mix of agricultural lands, forested areas, and dispersed rural settlements, reflecting its historical reliance on farming and natural resources. Communities along the Minas Basin and lakes also play a role in the Municipality's settlement, with fishing villages and seasonal homes adding to the population mix. The Municipality's natural beauty attracts both residents and visitors, with its coastline and lakes serving as key areas for recreation and development.

A healthy natural environment also has economic, social, and cultural benefits, through promoting climate change resiliency, providing greater opportunities for recreation and tourism, contributing to the creation of healthy and prosperous communities. The stewardship of these important resources is a shared responsibility of the entire Municipality.

As the Municipality plans for the future, preserving and enhancing the environment must remain a priority, particularly in response to the shifting conditions driven by climate change. The Municipality acknowledges the increasingly negative and destructive impacts of a rapidly changing climate on people, buildings, and infrastructure. With these challenges in mind, policy direction is aimed at the protection of current and potential water supply, encouraging the use of renewable resources, mitigating flood risks, maintaining protection of the coastline and dykelands, setting the tone for ecological stewardship over the horizon of the Municipal Planning Strategy, and taking a collaborative approach to climate change.

Objectives

- Preserve active farms and agricultural dykelands by limiting incompatible land uses and preventing non-agricultural development.
- Protect public safety and property by minimizing flood risks in floodplains, reducing the need for costly flood control and restoration measures.
- Continue efforts to reduce emissions, encourage the use of renewable energy, and decrease reliance on fossil fuels for electricity generation.

3.8.1 Coastal Protection

The Province of Nova Scotia's *The Future of Nova Scotia's Coastline – A Plan to Protect People, Homes and Nature from Climate Change* is an action plan to support efforts in the protection of Nova Scotia's coastline. The policies of this MPS will provide for permitted types of development without an assessment, the permitted types of development with an assessment prepared by a qualified professional, and conditions and extent of renovations under which development can occur. However, it is important to note that, given the impact extreme weather events, and coastal erosion and

degradation are having within Nova Scotia as a whole, Council will ensure the protection of properties and the ability to continue to provide access to coastlines where appropriate and applicable.

Policy

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

Policy 3-106 Support the actions identified in the Province of Nova Scotia's *The Future of Nova Scotia's Coastline – A Plan to Protect People, Homes and Nature from Climate Change*.

Policy 3-107 Identify and map coastal floodplains within the Municipality through a future study or related planning initiative based on the Minas Basin Flood Study. Upon completion of this work, Council shall consider the adoption of appropriate policies and regulations to mitigate risks associated with coastal flooding and sea level rise, and to ensure that new development in identified flood risk areas is undertaken in a manner that protects public safety, property, and the environment.

3.8.2 Flood Risk Areas

Floodplains are naturally occurring storage areas for flood waters, and new development within these areas can disrupt this function, increasing flood risk to both upstream and downstream properties. While five Flood Risk Areas are identified in Nova Scotia under the Canada-Nova Scotia Flood Damage Reduction Program, none are within the West Hants Regional Municipality. However, the Province's Statement of Provincial Interest encourages local planning documents to incorporate relevant floodplain knowledge.

The West Hants Regional Municipality also contains 33 km of dykelands, spanning approximately 2,800 hectares. These areas, historically used for agriculture, are protected by dykes or the Avon River Causeway. While the causeway offers protection from tidal flooding, these lands are more vulnerable to freshwater flooding, particularly due to the Avon Hydro System. The dykelands' fertility makes them valuable agricultural lands, but increasing development pressure poses risks of both land loss and flooding, especially from drainage issues or breaches in the dykes during high tides or severe storms. Non-agricultural development on dykelands raises concerns over these flood risks and the loss of vital agricultural land.

The Nova Scotia Department of Agriculture is responsible for the protection of agricultural land behind dykes. The Agriculture Marshland Conservation Act and the Agricultural Marshland Conservation Commission enable owners of marshlands to create marsh bodies for construction, repair and maintenance of marshlands.

Policy

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

Policy 3-108 Identify lands that pose environmental constraints within the Land Use By-law. This includes dyked marshlands where development is regulated under the *Nova Scotia Agricultural Marshland Conservation Act.*

Policy 3-109 Recognize the value of dykelands for agriculture and acknowledge that the *Nova Scotia Agricultural Marshland Conservation Act* provides adequate protection for the dykelands in the Municipality that are currently being used, or have potential, for commercial agriculture. For dykelands that are exempt from the provincial regulations or receive a variance from the province, it is the intention of Council to allow development to occur provided an environmental study is submitted in accordance with Policy 3-114.

Policy 3-110 Ensure that those floodplains that are not mapped under the Canada-Nova Scotia Flood Damage Reduction Program, should at minimum be reasonably consistent with the provision of the Floodway Fringe in the Statement of Provincial Interest.

Policy 3-111 Balance the expansion of existing uses against the risks to human safety, property, and increased risk from both up and downstream flooding. Expansion in the floodway must not increase the area of the structure at or below the required floodproof elevation.

Policy 3-112 Permit small-scale accessory buildings on existing lots of five (5) acres or less in size in areas within the Environmental Constraints Overlay.

Policy 3-113 Require any development on these lands, as permitted by the underlying zone, to provide a survey plan, prepared by a Nova Scotia Land Surveyor, which indicates that the elevation of the proposed development site is above the established high-water elevation.

Policy 3-114 Require any development on these lands, as permitted by the underlying zone, to provide an environmental study which identifies constraints, conducted by a qualified professional, to be undertaken prior to the issuance of a development permit. The environmental study must include at a minimum:

a) A description of the susceptibility of flooding, drainage problems, and the bearing capacity and suitability for construction of soils at the site; and
b) Identification of suitable construction methods, including flood proofing measures, to overcome the constraints which are found to exist at the site.

Policy 3-115 Require any development on these lands, as permitted by the underlying zone, to provide a hydrotechnical study, conducted by a qualified professional, that demonstrates the proposed development will not contribute to upstream or downstream flooding or result in a change to floodwater flow patterns and demonstrates potential impacts to water quality subject to the Municipality's approval.

Policy 3-116 Establish additional regulations governing infilling, topsoil removal, and alteration of topography on lands designated within the Environmental Constraints Overlay, and to ensure that such regulations are consistent with Provincial legislation.

Policy 3-117 Allow necessary infilling and alteration of topography on lands designated within the Environmental Constraints Overlay for the development of recreational uses not involving buildings, such as golf courses, sports fields, boat launches, trails and the like, as well as for the creation of new wetlands for the purposes of recreation and enhancement of wildlife habitat.

Policy 3-118 Permit necessary infilling and alteration of topography on lands designated within the Environmental Constraints overlay for the construction of new public roads. The property owner shall be required to submit road design, construction plans and environmental studies, prepared by a qualified person, which adequately deal with public safety, elevation, and drainage of the road and which demonstrate that during construction of the road will not adversely affect drainage on other properties or reduce the water storage capacity of the flood plain.

3.8.3 Watercourse Separation Distance

There are a great many watercourses and bodies of water within the Municipality. As such, maintaining a minimum distance from watercourses is essential to reducing issues such as erosion and pollutant infiltration.

Policy

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

Policy 3-119 Establish watercourse setback requirements to reduce drainage issues and drainage infrastructure damage.

Policy 3-120 Encourage lands within the setback to be maintained as vegetated greenbelts to aid the control of pollutants, sedimentation, erosion, and subsurface and surface flows.

Policy 3-121 Require that development is separated from watercourses including lakes, permanent watercourses, intermittent watercourses and seasonal watercourses.

Policy 3-122 Control the alteration of land levels within the watercourse setback to control soil erosion and sedimentation.

3.8.4 Protection and Access to Fresh Water Resources

Water quality and quantity are essential to ensuring the safe and adequate provision of drinking water within the Municipality. Council recognizes the critical importance of protecting the Municipality's drinking water sources, including the three designated Protected Water Areas under the *Nova Scotia Environment Act*. In these Protected Water Areas, permitted land uses will be limited to those compatible with protecting the Municipality's drinking water sources.

Beyond drinking water, the Municipality values the role of watercourses (i.e., streams, brooks, creeks and rivers) and waterbodies (i.e., lakes, ponds, wetlands) as essential components of the natural heritage system. These water features not only support hydrological and ecological functions but also

provide opportunities for both passive and active recreation. To preserve these resources for future generations, Council is committed to minimizing the impacts of development on watercourses and waterbodies. This includes establishing minimum separation requirements and adopting measures to mitigate negative effects, such as siltation to maintain the integrity of these critical natural assets.

Policy

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

Policy 3-123 Recognize the importance of protecting the Municipality's drinking water sources and support the implementation of the Source Water Protection Plan.

Policy 3-124 Periodically review and update the Source Water Protection Plan, in consultation with relevant agencies and stakeholders, to ensure it reflects current best practises, emerging threats, and needs of the community.

Policy 3-125 Prescribe measures to control erosion and sedimentation during construction and regulate or require planting or retention of trees and vegetation through the Land Use By-law, development agreement, or site plan approval process.

Policy 3-126 Regulate the separation distance of any development from wetlands, watercourses and areas of steep slopes adjacent to watercourses, including establishing increased setbacks for uses that may create a higher risk of contamination. The purpose of such regulation is to preserve natural habitats and to limit environmental impacts, such as siltation, which often accompany construction adjacent to watercourses.

Policy 3-127 Ensure that equitable access to freshwater resources in the context of promoting an active and healthy lifestyle for all residents of the West Hants Regional Municipality is maintained and supported.

Policy 3-128 Ensure the Municipality will manage all watersheds in accordance with Provincial regulations.

3.8.5 Energy Efficiency and Conservation

Corporate and community emissions and air pollutants are directly and indirectly influenced by Municipal government actions. These include emissions from Municipally-owned infrastructure such as buildings and vehicles (direct emissions) and the production and transportation of materials used for municipal infrastructure and waste management services (indirect emissions).

Policy

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

Policy 3-129 Monitor and annually report on emissions.

Policy 3-130 Promote excellence in energy efficiency in the construction of new civic buildings or in the renovation and retrofitting of existing Municipal assets.

3.8.6 Renewable and Non-Renewable Resources

Council will encourage the use of technologies that reduce dependence on non-renewable resources and do not contribute to greenhouse gas emissions. Wind energy systems and Solar photovoltaic (PV) electricity are a clean, renewable sources of electric power.

Wind Turbines

Wind energy systems are a clean, renewable source of electric power. Residential-scale wind turbines will be permitted in most zones, subject to lot size, setback and height requirements.

Utility-scale wind turbines have a rated production capacity greater than 100 kW. Much larger than those used for residential energy generation, utility-scale turbines may have towers ranging from 165 to 430 ft (50 to 131 m) in height, for a total turbine height of up to 709 ft (216 m). These large wind turbines may be used in wind farms, where a number of turbines feed electricity directly into the utility grid, or as stand-alone installations. Permanent installations of large-scale wind turbines, including the establishment of wind farms, will be considered only by development agreement. Where these facilities have a production rating of two megawatts or more, they are also subject to the Nova Scotia Environmental Assessment Regulations as a Class I Undertaking. Most wind farms also require a federal Environmental Assessment under the Canadian Environmental Assessment Act (CEAA).

Solar

The development of solar energy is part of the rapid growth of renewable energy around West Hants. Solar energy generated from solar photovoltaic (PV) systems is a clean, renewable source of power which creates electricity from sunlight. Council will encourage the use of solar energy throughout the Municipality.

Council will encourage on-site solar energy generation by permitting solar energy systems as an accessory use on any property in any zone. Solar energy systems can be either roof-mounted or ground-mounted. Roof-mounted solar energy systems may exceed maximum building heights and also be permitted on registered heritage properties and within Architectural Control Districts.

Council supports innovative solar energy solutions, such as agrivoltaics, which combine solar energy generation with agricultural production beneath solar panels. Council will permit agrivoltaics systems as accessory uses in institutional zones and agricultural zones except for Prime Agriculture zone to protect the long-term agricultural production. Solar energy systems in agricultural zones must be located to avoid fragmenting farmland, reducing its viability, or interfering with adjacent agricultural uses.

As the Province works toward its goal of supplying more renewable energy and reducing greenhouse gas emissions by 2030 and toward net-zero by 2050, Council recognizes the importance of supporting this broader initiative at the local level. Council supports the development of community scale solar farms within the Municipality, such as through the Nova Scotia Community Solar Program. Recognizing that such facilities typically require large parcels of land, Council will permit community scale solar farms as a as a main use within certain areas subject to site plan approval.

Policy

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

Policy 3-131 Promote the use of renewable energy sources such as wind turbines and solar panels to reduce reliance on emission producing energy sources.

Policy 3-132 Permit roof-mounted, ground-mounted, and cladding-style solar energy systems as an accessory use on any property in any zone.

Policy 3-133 Consider agrivoltaics systems through a site plan approval process.

Policy 3-134 Consider community-scale solar farms through a site plan approval process to minimize potential land use conflicts with neighbouring uses.

Policy 3-135 Encourage using former landfills and brownfields site for installation of community-scale solar farms to re-use lands that are otherwise not suitable for development.

Policy 3-136 Discourage installation of community-scale solar farms on lands where municipal services are available as an effort to prioritize using available infrastructure for other purposes.

Policy 3-137 Permit small wind turbines for residential or local commercial uses, which are intended primarily to reduce on-site consumption of utility power, and regulate the minimum lot size, yard requirements and maximum height of the turbines to ensure public safety and minimize the potential for land use conflict.

Policy 3-138 Permit the establishment of temporary large wind turbines for exploration or test purposes outside the Growth Centres and Local Centres, subject to a requirement for removal within specified time limits.

Policy 3-139 Consider entering into a development agreement to permit, outside the Growth Centres and Local Centres designations, the development of permanent or long-term installations of large wind turbines or wind farms, subject to the following:

a) any required provincial and/or federal government environmental assessment processes have been completed;
b) adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadowing and to ensure public safety, but installations shall not be required to have separation distances from a dwelling that exceed the greater of:
    i. four times the wind turbine height; and
    ii. the distance required to ensure that sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling.
c) a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker;
d) safe roadway access can be provided; and

e) The proposal meets the general criteria set out in Section 6.3.4.

3.9 Cultural Heritage Resources

The long and diverse history of West Hants Regional Municipality can be seen in its rich cultural heritage including prehistoric and historic archaeology, built heritage resources, and cultural heritage landscapes.

The Mi'kmaq were the first settlers in the Hants County area from time immemorial. The area including the community of Windsor was known as Pesaquid meaning "Junction of Waters". The Mi'kmaq made their camps along the rivers where they fished, hunted, and cultivated crops. Reserves for the Mi'kmaq tribes were established primarily between the 18th and early 19th centuries by the British colonial authorities. The Glooscap First Nation reserve is located just outside the community of Hantsport.

Prominent heritage sites like Fort Edward, Sainte Famille Cemetery, the Textile Mill, Lawson House, Kempt Shore Church, and the Dominion Atlantic Railway highlight the municipality's rich cultural heritage and its evolution. These landmarks reflect the lives of early settlers, the onset of industrial development and the community's transformation over time.

The Province of Nova Scotia's Heritage Property Act grants municipalities a variety of powers concerning heritage properties. These properties are safeguarded through two primary methods: designation as a Municipal Heritage Property or inclusion within an Architectural Control Area.

Council recognizes preserving cultural heritage resources, regardless of their designation status, depends on ways to reuse them.

Objectives

- Identify, celebrate, and protect culturally and historically significant resources, including important views, vistas, and heritage landscapes.
- Foster "place keeping" by promoting the value of historical and cultural sites and ensuring information about these resources is easily accessible.
- Provide financial incentives for conserving designated heritage properties and identify Architectural Control Districts within the Municipality.
- Preserve cultural heritage while acknowledging the impacts of colonialism on Indigenous and African communities, advancing reconciliation efforts.
- Prioritize and protect places of significance to underrepresented communities, promoting diversity and inclusion in cultural interpretation.
- Acknowledge the potential presence of archaeological artifacts, both Indigenous and European, throughout the municipality and to commit to protecting these artifacts, where feasible.

General Heritage Policies

Policy

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

Policy 3-140 Adopt and maintain a Heritage Property By-law to assist with the protection and management of individual heritage properties and buildings, streetscapes, cultural landscapes or areas.

Policy 3-141 Continue the Conservation Work Grant Program for Municipally designated properties.

Policy 3-142 Ensure the Heritage Advisory Committee provides advice to Council on registration of Municipal heritage properties, as well as on heritage matters in general including:

a) Design review of applications for development agreements or Land Use By-law amendments within the Architectural Control Districts;
b) The designation of new Architectural Control Districts and amendments to the Architectural Design Manual; and
c) Heritage Conservation Work Grant applications.

Policy 3-143 Consider conducting a study to identify and assess cultural heritage resources which include, but are not limited to:

a) Built heritage resources, such as buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history and identified as being important to a community;
b) Cultural heritage landscapes, which include a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves grouping(s) of individual heritage features such as structures, spaces, archaeological resources and natural elements, which together form a significant type of heritage form and landscape, distinctive from its constituent elements; and
c) Archaeological resources such as artifacts, archaeological sites, and marine archaeological sites.

Policy 3-144 Accommodate and promote historic streetscapes by adjusting yard and parking requirements in areas developed prior to land use regulation.

Policy 3-145 Encourage adaptive reuse of historic buildings and structures.

Policy 3-146 Encourage the continued use of registered heritage properties through conservation efforts such as rehabilitation, preservation, restoration, and adaptive reuse.

Policy 3-147 Engage with Indigenous communities when dealing with relevant activities that may be of interest and incorporate Indigenous history, voices, practices, and ways of knowing into the identification, protection, and management of cultural heritage resources and enabling Indigenous-led development proposals that honour and reflect Indigenous culture, where feasible.

3.9.1 Architectural Control Districts

Policy

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

Policy 3-148 Identify Architectural Control Districts where there is a concentration of historic or architecturally significant buildings. Architectural Control Districts shall be identified on a map which shall form **Map 8**.

Policy 3-149 Maintain, create, and regulate Architectural Control Districts in locations with a concentration of historic or architecturally significant buildings.

Policy 3-150 Continue to maintain and update the *Windsor Architectural Design Manual*. The manual may include guidelines and requirements governing the architectural design of new buildings, alterations, and additions to existing buildings located within the Architectural Control District.

Policy 3-151 Allow proposals to forgo the requirements of the Architectural Control Districts for any alteration or addition to an existing structure within the Architectural District where the proposed alteration or addition intends to restore the character of the structure in manner that is period-appropriate to its construction. Any proposed alteration or addition shall be accompanied by verified documentation, including, but not limited to, photographs, sketches, or written documents.

3.9.2 Archaeological Resources

Archaeological resources help interpret the history of the Municipality and its unique identity. Often archaeological sites contain fragile fragments and/or artifacts. They include structures, cultural deposits or subsurface strata of human origin including marine archaeology. The *Special Places Protection Act* protects archaeological artefacts in Nova Scotia.

Policy

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

Policy 3-152 Require the Municipality, all landowners, and developers to understand and fulfill their obligations under the *Special Places Protection Act* and the Mi'kmaw Archaeological Protocols, including obtaining the necessary permits before disturbing any area with potential archaeological artifacts.

Policy 3-153 Recognize that there are archaeological resources of pre-contact and early historic habitation as well as areas of archaeological potential within the Municipality that can be adversely affected by development and redevelopment.

3.9.3 Arts and Culture

Arts and culture are integral to the social and economic fabric of the Municipality, reflecting its unique heritage and fostering a sense of belonging and pride. By supporting and promoting arts and cultural initiatives, the Municipality can enhance the quality of life for residents, attract visitors, and strengthen local identity.

Policy

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

Policy 3-154 Permit cultural uses, such as but not limited to, theatres, art galleries, and museums in various zones that prioritize commercial and public uses.

Policy 3-155 Support initiatives which enhance, expand, and support existing and new arts and cultural activities in the Municipality.

Policy 3-156 Encourage and support the display of art in public places as a means of enhancing the public realm, enriching the visual experience of residents and visitors, and promoting the Municipality's culture.

3.9.4 Views and Vistas

Significant landscapes, such as Fort Edward, exist throughout the Municipality and provide scenic views and vistas contributing to its sense of place.

Policy

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

Policy 3-157 Promote development that preserves the views and vistas of the surrounding rural area, natural features, cultural heritage resources, and important public spaces.

Policy 3-158 Identify and protect the view plane of Fort Edward. The Fort Edward view plane shall be identified on a map which shall form **Map 9**.

Policy 3-159 Require, as deemed necessary, that development proposals which may significantly affect views of or from Fort Edward be subject to additional review, and to request supporting information such as site plans, elevations, or visual impact assessments, where appropriate.

Policy 3-160 Consider adopting supplementary design guidelines for development in the Fort Edward view plane area to support the protection of significant views and ensure new developments are designed to complement the historic context.

4. General Land Use Policies

4.1 Accessory Uses

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Policy

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

Policy 4-1 Regulate accessory uses and buildings by:

a) Specifying the number, size, location and height of accessory buildings; and
b) Specifying the type, location, and size of accessory uses.

Policy 4-2 Permit accessory uses to be located on a lot held in the same ownership and:

a) Within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
b) On a lot which directly abuts or is directly across a public road or highway or private road from the lot containing the main building or use it is intended to serve.

Policy 4-3 Permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.

4.2 Automobile Service Stations

To avoid traffic problems and ensure safe service delivery, special requirements will be established for automobile service stations.

Policy

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

Policy 4-4 Regulate lot access, frontage and similar matters for automobile service stations.

4.3 Landscaping and Buffers

Landscaping is important for erosion control, maintaining the tree canopy, and preserving the appearance and character of communities. Non-residential development will be required to provide buffer areas on their lots to reduce conflict with residential uses. These buffer areas should incorporate native trees and vegetation to enhance biodiversity, improve air quality, reduce stress, improve mental health and well being, and support the preservation of the community's natural environment and character.

Policy

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

Policy 4-5 Require all new commercial, industrial or agricultural developments and some new residential developments to create and maintain a buffer strip on the same lot as the development.

Policy 4-6 Require non-residential uses to provide a buffer strip along any lot line which abuts a residential use in order to minimize conflicts. Requirements established in the Land Use By-law for buffer strips may vary depending on the zone and may include landscaping, planting strips and fences.

Policy 4-7 Define and distinguish where major and minor buffer strips are to be used, dependent on the type of use and location of the development.

Policy 4-8 Require all buffer strips to be developed in a manner which creates a reasonably dense or opaque screen sufficient to buffer the new use from the abutting development.

Policy 4-9 Permit walkways or permitted driveways to cross buffer strips.

Policy 4-10 Consider regulating or requiring planting or retention of trees, and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control.

Policy 4-11

4.3.1 Riparian Buffers

Development along the edges of watercourses may have a negative impact on the watercourse. In order to protect watercourses within the Municipality, Council will prevent the development of buildings or structures in close proximity to watercourses and ensure the areas along watercourses help prevent runoff from fields, provide shade to help lower the temperature of watercourses, filter sediment, help prevent erosion, and act as windbreaks.

Policy

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

Policy 4-12 Require a minimum separation distance from watercourses for all development, including both main and accessory buildings.

Policy 4-13 Require an increased separation distance from some uses associated with intensive or non-intensive livestock operations or other specified uses.

Policy 4-14 Require vegetative cover of all land within the minimum separation distance with the exception of driveways required in association with a development permit.

Policy 4-15 Establish minimum standards for vegetative cover within the minimum separation distance.

4.4 Cemeteries

More than sixty (60) cemeteries have been identified in the Municipality, many pre-dating land use regulation. Council respects the use of these cemeteries and does not intend to require changes to existing cemeteries. For the future, Council feels opportunities for the type of cemetery and locations should be as broad as possible, keeping in mind changes to burial and cremation practices such as memorial gardens and columbaria.

Policy

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

Policy 4-16 Consider cemeteries in existence prior to the adoption of this Municipal Planning Strategy to be permitted uses in the zones in which they are located.

Policy 4-17 Require all new cemeteries to have road frontage and access to a private or public road.

Policy 4-18 Require access between the road and cemetery to be approved by the authority having jurisdiction prior to a development permit being issued for a cemetery.

4.5 Development on Municipally-Owned Land

Institutional, community use, and public works development on Municipally-owned lands will be permitted in any zone. For major developments such as a sewage treatment plant or other public or institutional buildings or facilities, Council will consider the impact on the surrounding neighbourhood and provide an opportunity for public input. Prior to beginning construction, Council will take into consideration the relevant policies of this Municipal Planning Strategy that would apply if the development were undertaken on privately-owned land and determine whether a development agreement or rezoning would be required.

Policy

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

Policy 4-19 Permit institutional, community use, or public works developments with a gross floor area of 2,000 ft^2 (185.8 m^2) or less on Municipally-owned land in any zone.

Policy 4-20 Permit institutional, community use, or public works developments with a gross floor area greater than 2,000 ft^2 (185.8 m^2) on Municipally owned land in any zone which would require a development agreement or rezoning if undertaken on privately-owned land only following:

a) Receipt of a staff report reviewing the relevant policies of this Municipal Planning Strategy; and
b) Publication of and holding a public meeting to hear comments related to the development.

Policy 4-21 Explore the use of surplus Municipal-owned lands for affordable housing.

Policy 4-22 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.

4.6 Existing Buildings Exceeding the Floor Area Limit in Local Centres and Resource Designations

The permitted floor area for certain commercial uses in the Local Centres and Resource designations will be restricted to ensure that larger scale, non-resource commercial and industrial development is directed to the Growth Centres. Local centres and resource areas are intended to provide small-scale, local services.

Council does not want to prevent the redevelopment of existing non-residential buildings in the Local Centres and Resource designations which exceed the floor area limit but wants to have some control over their development and the impact on neighbouring properties. Council will consider a wide range of uses in these buildings by development agreement.

Policy

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

Policy 4-23 Consider, only by development agreement, proposals for commercial or industrial uses which exceed the commercial floor area limit in existing non-residential buildings constructed before May 13, 2008, the date of first land use regulation throughout the community of West Hants. In considering such development agreements, Council shall be satisfied that:

a) The proposed use or uses are permitted in the Local Commercial (LC), Local Centre Industrial (M-2) or Rural Commercial (RC) zone; and
b) The proposal meets the general criteria set out in Section 6.3.4.

4.7 Existing Undersized Lots

Council will permit development on lots legally created prior to the introduction of planning regulations and will regulate development in accordance with the zone in which the lot is located.

Policy

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

Policy 4-24 Permit development on undersized lots that existed on the effective date of the first land use regulations in the Municipality as follows:

a) In the former Town of Hantsport, on January 27, 1977.
b) In the former Town of Windsor, on January 27, 1976.

c) In the area formerly covered by the Area 1 MDP and Zoning By-law, on February 6, 1982.
d) In the area formerly covered by the Area 2 and 3 Municipal Planning Strategy and Land Use By-law, on November 23, 1994.
e) In the area formerly covered by the Falmouth Municipal Planning Strategy and Land Use By-law, on December 22, 1986.
f) In the area formerly covered by the Upper Falmouth Municipal Planning Strategy and Land Use By-law, on April 11, 1989.
g) In the remainder of the Municipality, on June 26, 2008.

4.8 Illumination

In order to reduce the impact of lighting on nearby properties, exterior illumination should be designed to minimize light spill over (light trespass) onto properties and areas where it is not desired.

Policy

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

Policy 4-25 Regulate outdoor illumination to prevent conflict between nearby uses, minimize energy waste and reduce the amount of unnecessary brightening of the night sky.

4.9 Fences

Since extremely high fences or unattractive fences detract from the visual appeal of the community, Council will regulate some aspects of fences.

Policy

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

Policy 4-26 Regulate the height, style, and location of fences.

4.10 Frontage on a Road

Since access to lots is important not only for vehicles and pedestrians but also for emergency vehicles, Council will require most new lots to have frontage on either a public or private road. In more rural areas, Council will also permit the creation of a maximum of two lots on a right-of-way from an area of land which existed before subdivision was regulated (August 6, 1984).

Policy

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

Policy 4-27 Require all lots to have frontage on public or private roads except:

a) Those existing before the effective date of the first land use regulations as set out in Section 4.9 of the Land Use By-law; or

b) In the Resource Designation, a maximum of two lots created from an area of land existing before the effective date of subdivision regulation (August 6, 1984) may be served by a right-of-way.

4.11 Height

The height of structures is regulated to help provide a consistent pattern of development, ensure density does not exceed the capacity of existing services and allow for solar exposure. Exemptions will be provided for structures such as chimneys, flag poles, and utilities, which have less impact on neighbouring properties and require additional height in order to function.

Policy

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

Policy 4-28 Regulate the maximum height of structures and provide for specific exemptions consistent with the intent of this Municipal Planning Strategy.

Policy 4-29 Regulate the maximum height of structures to protect the view and vista areas as per Policy 3-158.

4.12 Home-based Businesses

Home-based businesses are small businesses carried on in a dwelling by a resident of the dwelling. Such businesses provide flexible employment opportunities for residents. In many cases, no outward sign of the commercial activity is apparent. Provided they remain small in scale, most home-based businesses are considered compatible uses in residential areas. This is especially true in rural areas with large lots where a business can be operated from a dwelling with little or no impact upon adjacent uses. Although Council recognizes the importance of home-based businesses, Council will also work to protect the appearance and character of residential areas.

Policy

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

Policy 4-30 Permit home-based businesses in any dwelling unit or in a structure or building accessory to the dwelling in any zone.

Policy 4-31 Establish standards regulating the type and size of home-based businesses to ensure they remain small scale and compatible with residential neighbourhoods.

Policy 4-32 Regulate the ownership of the home-based business and the maximum number of employees who do not live on the lot who may be employed at the home-based business.

Policy 4-33 Regulate signs, parking, open/outdoor storage and mechanical equipment related to the home-based business.

4.13 Household Livestock

Unlike commercial farms, where agricultural use is the primary purpose of a property, hobby farms or household livestock operations are considered accessory to the main residential use. The keeping of a small number of household livestock is a valued feature of rural life. Council will permit the keeping of household livestock outside of Growth Centres, provided the property is large enough to accommodate the number of animals and all setbacks for housing and manure storage are met.

Within Growth Centres, which are more urban in nature, Council shall permit the keeping of a limited number of hens and/or beehives on residential properties as an accessory use, where such uses are compatible with surrounding development.

Policy

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

Policy 4-34 Allow household livestock operations accessory to specific residential uses subject to regulations governing:

a) Minimum property size;
b) Maximum number of livestock permitted**;**
c) Setbacks for buildings, structures and manure storage;
d) Separation distances from watercourses and wells;
e) Containment of household livestock on the property through buildings, fences or enclosures;
f) Additional limits for household livestock within Growth Centres.

4.14 Housing

Council acknowledges that a range of housing types which meet the needs of all residents is essential for a healthy and vibrant community. 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 residents. Housing choice and affordability can be increased by providing flexible development standards allowing for smaller lots, reduced setbacks, narrower roads, clustered developments, and opportunities for multiple-unit developments in appropriate locations. Secondary suites can also 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 secondary suites, Council can ensure they have minimal effect on the overall built form and are compatible with the neighbourhood.

Policy

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

Policy 4-35 Encourage the provision of housing adequate to meet the needs of all residents in the West Hants Regional Municipality including affordable housing, special-needs housing, and rental accommodation.

Policy 4-36 Encourage the provision of non-market affordable housing and accommodate a range of housing types within Growth Centres to meet the diverse needs of the community and explore partnerships with non-profit housing organizations, private developers and the province, to encourage the development and retention of affordable housing.

Policy 4-37 Include flexible development standards which encourage innovative housing development.

Policy 4-38 Permit secondary suites within and accessory to single and two-unit dwellings in all zones, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighbourhood.

Policy 4-39 Incentivise 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).

4.15 Kennels

The establishment of kennels or animal boarding facilities close to residential uses can be a source of nuisance to neighbours subjected to noise and late-night barking.

Policy

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

Policy 4-40 Regulate all kennels by including soundproofing requirements and limiting the hours during which animals are permitted to occupy outdoor runs.

4.16 Licensed Cannabis Uses

With the legalization of recreational cannabis use in Canada, Council recognizes the importance of establishing clear policies and regulations for cannabis production and processing. The intent is to support legal cannabis cultivation and processing while ensuring compliance with Health Canada's stringent requirements on setbacks, security, and nuisance control. Council differentiates between indoor Cannabis Production Facilities which operate completely within a building and those involving outdoor cultivation, harvesting, or processing, to avoid regulatory duplication and to maintain community standards. By encouraging both standard and micro-scale cannabis operations within appropriate zones, Council aims to balance industrial growth with agricultural and community interests.

Policy

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

Policy 4-41 Require new applications to demonstrate they are meeting all provincial and federal requirements as it pertains to the licenced cannabis use.

Policy 4-42 Permit Analytical Testing and Research of cannabis in any zone as accessory to any licensed cannabis use.

Policy 4-43 Permit Analytical Testing and Research of cannabis in the Institutional (I) Zone.

Policy 4-44 Permit Micro-Cultivation, Micro-Processing and Nurseries for cannabis in any zone in which Standard Cultivation and Processing is a listed permitted use.

Policy 4-45 Notwithstanding Policy 4-44, permit Cannabis nurseries in the Business Park (BP) zone and Rural Commercial (RC) zone.

Policy 4-46 Require specific setback requirements for licensed cannabis land uses to reduce the impact of noise and odour on nearby uses.

4.17 One Main Building on a Lot

The general intent of the Municipal Planning Strategy is to allow one main building on a lot with accessory buildings and structures where required. In some cases, more than one main building may be necessary. For example, industrial and agricultural uses often require several main buildings. Grouped dwellings and manufactured home parks, by their very nature, involve more than one main building on a lot.

Policy

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

Policy 4-47 Allow only one main building on a lot with accessory buildings and structures, except for the following zones or uses:

a) Agricultural buildings, or where an additional dwelling is to be used by a farm employee, farm owner or family member involved in the farm operation;
b) Grouped dwellings;
c) Institutional uses;
d) Regional shopping centres;
e) Industrial zones;
f) Fairground zone;
g) College Road Comprehensive Development (CRCD);
h) Municipal water treatment and distribution uses in the Water Supply zone;
i) Wentworth Road Commercial Zone; and
j) Manufactured home parks.

4.18 Outdoor Storage and Display

Outdoor storage and display of goods and materials, such as vehicles and building supplies, is often a necessary part of a business. However, outdoor storage can detract from the appearance of the public realm or adjacent sensitive uses if the outdoor storage areas are not screened. Council will regulate outdoor storage and display to minimize potential land use conflicts, especially between commercial or industrial areas and residential neighbourhoods.

Policy

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

Policy 4-48 Regulate or prohibit the outdoor storage of goods, materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures in order to minimize potential land use conflict.

4.19 Parking

Parking areas are needed to accommodate motor vehicles associated with many uses. Council also recognizes that too much land used for parking consumes land unnecessarily, contributes to storm water runoff issues, and can place a financial burden on property owners.

Within more developed areas, residences, shops, and other businesses tend to be clustered close enough together to allow people to reach them by walking or bicycling. Areas which are more developed also tend to have sidewalks, bicycle lanes, and other infrastructure that supports active transportation. This can help reduce the need for parking. An oversupply of parking can decrease function in more developed areas since unnecessarily large parking areas push land uses apart and make the provision of sidewalks and bicycle lanes more expensive and less viable. The number of on-site parking spaces Council will require is intended to minimize the amount of space taken up by parking lots, provide for a reasonable amount of access by personal vehicles and reduce the spillover of parking onto roads and neighbouring properties.

Policy

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

Policy 4-49 Establish requirements for the minimum number and size of parking spaces related to uses and the location, landscaping, and screening of parking lots, ensuring that the regulations reflect Council's intention to give priority to other uses over parking.

Policy 4-50 Establish requirements for cash-in-lieu of on-site parking within the Downtown Core designation with the monies collected to be used to enhance public parking in the Downtown Core.

Policy 4-51 Require off-road parking to be provided on the same lot as the use or consider parking on a lot separate from the use, only by development agreement. In considering such development agreements, Council shall be satisfied that:

a) The lot is within 300 ft (91.44 m) of the lot for which the parking is required;
b) The agreement ensures the parking is provided for a specific use on a separate lot; and
c) The proposal meets the general criteria set out in Section 6.3.4.

4.20 Parks and Playgrounds

Encouraging and supporting the development of parks and playgrounds is consistent with Council's goal of promoting healthy and active living.

Policy

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

Policy 4-52 Permit all parks and playgrounds, except skate parks and dog parks, in any zone, provided that any accessory buildings are small-scale and signs on private property or not erected by a public entity meet the requirements of the zone in which they are located.

Policy 4-53 Regulate skate parks and dog parks to reduce the impact on neighbouring properties.

4.21 Signage

Council will regulate signs to address structure, traffic safety, accessibility, and compatibility with neighbouring land uses.

Policy

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

Policy 4-54 Regulate the size, location, height, illumination and placement of signs to minimize hazards and nuisances and to control the visual impact of signs.

Policy 4-55 Prohibit types of signs which are considered to pose potential safety hazards, negatively affect traffic flow, or are affixed to natural features.

Policy 4-56 Consider entering into a development agreement to permit new ground signs in the Commercial Core (CC) and Pesaquid (PES) zones.

4.22 Temporary and Special Uses

From time to time there is a temporary need for facilities and uses associated with new developments, construction projects, or temporary and special uses (such as festivals and special ceremonies). Council has no intention of restricting their use within the Municipality, although Council does wish to ensure their speedy removal upon completion of the temporary use or construction period. Council intends to allow these uses on a short-term period basis without requiring a development permit provided they are removed within a reasonable period of time.

Policy

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

Policy 4-57 Permit, with no requirement for a development permit, for a time period to be established in the Land Use By-law, temporary uses associated with a construction site, a special occasion, or a holiday.

Policy 4-58 Permit, with no requirement for a development permit, for a time period to be regulated in the Land Use By-law, yard sales or auctions of personal possessions on the same lot as a dwelling.

Policy 4-59 Permit, with no requirement for a development permit, for a time period to be regulated in the Land Use By-law, temporary or occasional outdoor markets in areas zoned for uses other than primarily residential uses.

4.23 Yards

A yard is an open, uncovered space on a lot between the main wall of a building and a lot line. The National Building Code and the Provincial Fire Code each have requirements for separation between buildings or between a building and a lot line, to reduce the spread of fire. Yards are also considered important for maintenance of buildings and land, private outdoor space, solar exposure, air circulation, and the ability to have accessory uses or buildings on a lot.

Policy

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

Policy 4-60 Establish minimum yard requirements to separate buildings from lot lines in a manner consistent with the intent of each specific zone to allow for maintenance of buildings and land, private outdoor space, solar exposure, air circulation, waste storage, vision at intersections, and the separation of land uses in order to reduce land use conflicts.

Policy 4-61 Regulate the encroachments permitted into yards for features such as exterior staircases, ramps, canopies, eaves, and utilities.

5. Land Use Designations

The Municipality's land use designations are an important tool in implementing the goals and objectives outlined in this Municipal Planning Strategy. This section defines the land uses throughout the Municipality, including permitted zones, uses, and development policies, to guide future growth and development. It provides direction on the types of uses and built forms allowed within each of the designated areas.

These designations are accompanied by specific policies in this Municipal Planning Strategy and zones in the Land Use By-law. The land use designations are shown on **Maps 2-6**. This framework establishes the following land use designations:

- Residential Designation
- Commercial Designation
- Downtown Core Designation
- College Road Comprehensive Development District Designation
- Local Centre Designation
- Agriculture Designation
- Industrial Designation
- Resource Designation
- Community Use Designation
- Nesbitt Island Designation

Although each land use designation in this Section specifies a range of permitted uses and development intensity accordingly, not all uses may be allowed on every site. The Land Use By-law will define the exact land use permissions and regulations for each site, ensuring they conform to the policies of this Municipal Planning Strategy.

5.1 Permitted Uses in All Designations

Policy

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

Policy 5-1 Permit the following uses in all designations unless otherwise specified in this Municipal Planning Strategy, and subject to any identified conditions and exceptions:

a) Supportive housing, in all designations within Growth Centres and Local Centre Areas, where residential uses are permitted provided the home complies with Provincial and other statutes, Municipal by-laws, and Land Use By-law regulations;

b) Electric power facilities including transmission lines, associated structures such as transformer stations, as long as such development meets Provincial and other relevant statutes and regulations;
c) Federal, Provincial and Local public uses, subject to any Provincial statutes and municipal regulations:
    i. Gas, internet, telecommunication utility services, excluding electrical transmission towers, provided they are supported by any application submission requirements outlined by the Agency, including studies prepared by qualified professionals, to help evaluate the impacts of the proposal.
    ii. Watershed management, flood control and erosion control projects carried out by a public authority.
d) Public roads and railway lines;
e) Public parks, trails and open spaces, including passive recreational uses such as nature viewing and environmental conservation management (i.e. protection of fish and wildlife habitats);
f) Accessory uses, buildings and structures to a permitted use; and
g) Legally existing uses, buildings and structures.

5.2 Residential Designation

The Residential designation aims to accommodate existing and long-term housing needs through residential development. Within Growth Centres and Local Centres, infill development is encouraged subject to availability of existing municipal services. Within Growth Centres, some policies offer flexibility in development standards to support residential development. It is expected that new residential development will primarily consist of various housing types, including single unit, two unit and multiple unit dwelling types either as-of -right, through site plan approval or development approval. To facilitate this, several residential zones will be established, allowing for a range of densities within the Residential designation.

General Residential Policies

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

Policy 5-2 Establish the Residential designation in Growth Centres as shown on the **Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4)**, **Generalized Future Land Use Map – Falmouth Growth Centre (Map 5)**, and **Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6).**

Policy 5-3 Establish the following Residential zones as shown on the **Zoning Maps 1-5** of the Land Use By-law:

a) **Low Density Residential (R-1)**: Lands located in this zone are intended to accommodate low density residential uses of up to four (4) dwelling units as-of-right.
b) **Medium Density Residential (R-2)**: Lands located in this zone are intended to accommodate medium density residential uses up to six (6) dwelling units as-of-right.
c) **High Density Residential (R-3)**: Lands in this zone are intended to permit multiple unit dwellings up to 12 units, grouped dwellings, boarding houses, and residential care facilities as-of-right, as well as local commercial uses in combination with residential uses.
d) **Manufactured Home Park (MHP)**: Lands located in this zone are intended to accommodate existing manufactured homes in the Three Mile Plains Growth Centre and Falmouth Growth Centre only.

Policy 5-4 Permit the following uses within the Residential Designation, including but not limited to, single-unit, two-unit, multiple unit dwellings, grouped dwellings, manufactured homes, boarding or rooming houses, residential care facilities, parks and open space, home-based businesses, accessory buildings, small-scale commercial uses, schools, places of worship, libraries, local government offices, among others.

Policy 5-5 Restrict the number of rooms permitted in a boarding or rooming house and residential care facility located in a residential zone.

Policy 5-6 Require adequate recreational space for multiple unit residential development.

5.2.1 Low Density Residential (R-1) Zone

The Low-Density Residential (LR) Zone provides for stable, primarily residential neighbourhoods while allowing gentle intensification. Up to four (4) dwelling units per development are permitted, supporting a mix of single-unit and multi-unit homes without significantly changing the scale or character of the area.

Policy

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

Policy 5-7 Permit new low-density residential developments up to four (4) units as-of-right within the Low Density Residential (R-1) zone.

Policy 5-8 Consider rezoning areas for future Low Density Residential (R-1) where the need is anticipated, and where such development is compatible with the surrounding area.

Policy 5-9 Consider areas zoned Low Density Residential (R-1) to be rezoned to Medium Density Residential (R-2) zone, subject to the following:

a) adequate on-site parking can be provided;

b) adequate landscaping and open space or recreational space can be provided; and

c) the proposal meets the general criteria set out in Section 6.3.4.

Policy 5-10 Within the Hantsport Growth Centre only, permit the keeping of horses in the Low-Density (R-1) zone subject to an area requirement for each horse as contained in the Land Use By-law.

Policy 5-11 Within the Three Miles Plains Growth Centre only, permit manufactured homes.

5.2.2 Medium Density Residential (R-2) Zone

The Medium-Density Residential (MR) Zone is intended to provide for residential development at a moderate scale, allowing for more housing diversity while maintaining neighbourhood character. Up to six (6) dwelling units per development are permitted, supporting a mix of single-unit and multi-unit dwellings.

Policy

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

Policy 5-12 Permit new multiple unit residential developments containing up to six (6) units as-of-right within the Medium Density Residential (R-2) zone.

Policy 5-13 Permit the conversion of dwellings to a maximum of six (6) units in the Medium Density Residential (R-2) zone.

5.2.3 High Density Residential (R-3) Zone

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 neighbourhood. To achieve that, the new high density residential developments with more than three (3) storeys or containing more than twelve (12) units will only be considered by development agreement.

Policy

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

Policy 5-14 Permit new multiple unit residential developments consisting of up to 12 units, including but not limited to, grouped dwellings, boarding houses and residential care facilities in the High Density Residential (R-3) zone.

Policy 5-15 Within the High Density Residential (R-3) zone, permit commercial uses permitted within the Local Commercial (LC) zone, subject to the following:

a) The commercial use shall be in conjunction with a residential use; and
b) The development has frontage on an arterial or collector road on the **Transportation Maps 7a and 7b**.

Policy 5-16 Within the Residential Designation, consider proposals for rezoning to the High Density Residential (R-3) zone, subject to the following:

a) The development is compatible with the character of the area with respect to building scale, traffic generation, and similar matters;
b) Existing and proposed roads are adequate to support the development, and existing roads will not require major infrastructure improvements as a result of the development;
c) A Traffic Impact Study (TIS) may be required in accordance with Policy 3-95.
d) Adequate open space or recreational space can be provided;
e) Adequate on-site parking can be provided; and
f) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-17 Within the High Density Residential (R-3) zone, consider by site plan approval proposals for new grouped dwelling developments consisting of more than 12 units subject to the following:

a) The development does not exceed 100 units;
b) Adequate provision is made for parking and access;
c) Pedestrian access and safety are addressed;
d) Adequate setbacks and yards shall be provided;
e) Adequate provision, including screening and buffering, is made to minimize conflict between the proposed development and neighbouring uses with respect to access , parking, lighting, and storage of solid waste;
f) The development be connected to municipal water and sewer;
g) Requirement for a stormwater management plan subject to review by the Municipal Engineer;
h) The proposal meets the general criteria set out in Policy 6-14.

Policy 5-18 Within the Residential Designation of the Windsor Growth Centre, consider entering into a development agreement to permit new multiple unit dwellings exceeding three storeys or consisting of more than 12 units, grouped dwellings exceeding 100 units, boarding houses, and residential care facilities and the conversion of existing buildings to more than 12 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 in the Land Use By-law; or

ii. In the case of a conversion of an existing residential building, any addition or enlargement to the building is generally consistent with the high density residential (R-3) zone standards in the Land Use By-law and existing undersized setbacks are not further reduced by the addition;

b) The height of the building shall not exceed 24.38 m (80 ft);

c) The development has frontage on an arterial or collector road on the **Transportation Maps 7a and 7b,** unless in the opinion of the Traffic Authority the development does not negatively affect local traffic as confirmed through a Traffic Impact Study (TIS) in accordance with Policy 3-95;

d) Existing and proposed roads are adequate to support the development, and existing roads will not require major infrastructure improvements at the expense of the municipality as a result of the development; a Traffic Impact Study (TIS) may be required in accordance with Policy 3-95;

e) Fences and/or landscaping are provided as part of the residential development to minimize effects on adjacent land uses;

f) Adequate on-site parking can be provided, and parking areas are well designed;

g) There is adequate on-site recreational open space, or for the conversion of existing buildings, nearby public parks may be deemed sufficient;

h) If the proposed development is located in an Architectural Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual; and

i) The proposal meets the general criteria set out in Section 6.3.4

5.2.4 Manufactured Home Park (MHP) Zone

Policy

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

Policy 5-19 Within the Hantsport Growth Centre, Three Mile Plains Growth Centre and Falmouth Growth Centre, permit existing manufactured homes in the Manufactured Home Park (MHP) zone as shown on the **Generalized Future Land Use Map – Hantsport Growth Centre (Map 4), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)**

Policy 5-20 Within the Hantsport Growth Centre, Three Mile Plains Growth Centre and Falmouth Growth Centre, consider entering into development agreement to permit new manufactured home parks, subject to the following:

a) The development has direct access to a collector or arterial road;

b) The development is serviced with or is capable of being serviced, with municipal water and sewer;
c) Manufactured homes have adequate separation distances between each separate unit, using the Manufactured Home Park (MHP) zone standards as a guide;
d) Adequate screening, buffers, fencing or landscaping are provided to minimize the impact of the development on surrounding land uses;
e) A minimum of 10 percent of the total area of the development shall be devoted to parks, playgrounds and other useable recreational space, except that Council may consider reducing the required recreational space by up to five percent when the dimensions of the individual home spaces are substantially larger than the zone standard;
f) Adequate provision is made for the ongoing maintenance of the manufactured home park;
g) Existing and proposed roads are adequate to support the development and existing roads will not require major infrastructure improvements at the expense of the municipality as a result of the development; a traffic impact study may be required in accordance with Policy 3-95;
h) Any other information deemed necessary; and
i) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-21 Within the Windsor Growth Centre, prohibit the Manufactured Home Park (MHP) zone.

5.3 Commercial Designation

The Commercial designation is intended to identify areas suitable to accommodate retail, service, office, and other commercial uses that serve the needs of residents and visitors while supporting sustainable growth and development. Development within these areas should be designed to complement surrounding uses and encourage the efficient use of land and infrastructure throughout the Municipality. Several commercial zones will be established, allowing for a range of commercial uses within the Commercial designation.

General Commercial Policies

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

Policy 5-22 Establish the Commercial Designation as shown on the **Generalized Future Land Use Map (Map 2), Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)**

Policy 5-23 Establish the following Commercial Zones as shown on the **Zoning Map (Maps 1-5)** of the Land Use By-law:

a) **General Commercial (GC)**: lands located in this zone will generally consist of retail stores, restaurants, clubs, offices, banks and financial institutions, day care centres, and places of entertainment.

b) **Highway Commercial (HC)**: lands located in this zone will generally consist of retail and highway commercial uses, indoor recreational uses, existing dwellings, residential uses on upper levels of commercial buildings, service commercial uses, and similar uses compatible with highway commercial development.

c) **Wentworth Road Commercial (WR-C)**: lands located in this zone will encompass the Wentworth Gateway District and will consist of a range of general commercial and highway commercial uses, including large format retail stores.

d) **Local Commercial (LC)**: lands located in this zone will generally consist of small-scale commercial operations that are intended to serve a relatively small market area.

e) **Rural Commercial (RC)**: lands in this zone apply to the Local Centres and Resource areas and permit a variety of commercial uses intended to provide a service to local residents, as well as limited highway commercial and tourist commercial uses. Residential uses will be permitted in conjunction with a commercial use.

f) **Recreation Commercial (RecC)**: lands in this zone are intended for existing commercial recreation facilities such as ski lodges and facilities, campgrounds and golf clubs, and similar uses which are open to the general public but are owned by private interests.

g) **Fairground (FG)**: lands located in this zone are intended for the Exhibition Park, a 44-acre parcel located within the Wentworth Road Gateway District, and will consist of agricultural, exhibition, recreational, hotels, motels and related uses.

Policy 5-24 Within the Commercial designation permit a variety of commercial uses, including but not limited to convenience stores, restaurants and cafes, offices, banks and financial institutions, shopping centres, large format retail stores, auto sales, service stations, and car dealerships.

Policy 5-25 Consider an expansion to the Commercial designation by amendment to this Municipal Planning Strategy and the Land Use By-law and subject to the following:

a) The expanded area abuts the existing commercial designation and is located within the Growth Centre boundaries;
b) There is a demonstrated need for additional commercial land;
c) The area is serviced with municipal water and sewer;
d) The permitted uses for the expanded commercial area will not conflict with residential uses adjacent to the boundary;
e) The expanded area will be rezoned to either General Commercial (GC) or Highway Commercial (HC) according to the policies set out in this Municipal Planning Strategy;
f) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-26 Prohibit rezoning of land to the Fairground (FG) Zone.

Policy 5-27 Permit new local shopping centres, not exceeding 20,000 ft^2 (1,858 m^2) in commercial floor area, as-of-right in the General Commercial (GC), Commercial Core (CC), and the Wentworth Road Commercial (WR-C) zones subject to the zone requirements.

5.3.1 General Commercial (GC) Zone

The General Commercial zone includes commercial uses outside of the Downtown Core and are not appropriate uses under the Local Commercial or Highway Commercial zones. This zone permits regional shopping centres of up to 20,000 ft^2 (1858 m^2) and other commercial uses that do not require large areas for outdoor display or storage. Regional shopping centres—those more than 20,000 ft^2 (1858 m^2) in floor area—are intended to serve a wide geographic area, while smaller local shopping centres generally serve a local market and often contain fewer tenants. Certain general commercial uses depending on their size and nature may be compatible with residential areas.

Policy

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

Policy 5-28 Within Growth Centres, consider rezoning land within the Commercial designation to General Commercial (GC), with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law, subject to the following:

a) The proposed use has direct access to:
   i. An arterial road as shown on the **Transportation Maps (Map 7a and 7b)**, or
   ii. A collector road shown on the **Transportation Maps (Map 7a and 7b)** provided a traffic impact study, in accordance with Policy 3-95, is submitted to the municipality which demonstrates the proposed use will not have an unacceptable impact on traffic flows and existing roads;
b) The proposed use will not conflict with adjacent uses;
c) Safe and efficient roadway access is provided;
d) Adequate on-site parking is provided;
e) Traffic flow and pedestrian safety will not be adversely affected;
f) Adequate buffering or screening, landscaping, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties and any outdoor storage and display areas are adequately controlled and screened;
g) If the proposed development is located in an Architectural Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual; and
h) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-29 Within Growth Centres, consider entering into a development agreement for new regional shopping centres, exceeding 20,000 ft^2 (1,858 m^2) in commercial floor area, subject to the following:

a) The proposed development has direct access to an arterial road as shown on the **Transportation Maps (Map 7a and 7b)**;
b) The proposed development contains uses permitted in the General Commercial (GC) zone.
c) Pedestrian access and safety are addressed;
d) If the proposed development is located in the Wentworth Road Gateway District, as shown on the **Wentworth Road Gateway District Map (Map 10)**, the specific provisions for development as contained in Policy 5-55;
e) Adequate buffering or screening, setbacks and yards are provided to minimize conflict between the development and neighbouring uses with respect to access, parking, noise and hours of operation;
f) The building design incorporates windows and other elements in the road level façade to avoid the appearance of solid blank walls;
g) Landscaping is provided which reduces the visual impact of the development on neighbouring properties, particularly with respect to large parking lots;

h) The developer provides a Traffic Impact Study (TIS), in accordance with Policy 3-95, conducted by a qualified person which demonstrates that the surrounding road network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvements at the expense of the Municipality; and
i) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-30 Within Growth Centres, consider adding additional commercial, institutional and recreational uses, not otherwise listed in the General Commercial (GC) zone, by amendment to the Land Use By-law subject to the provisions of Policy 6-12.

Policy 5-31 Within Local Centres, consider rezoning existing General Commercial (GC) areas to allow for other uses, subject to the relevant policies of this Municipal Planning Strategy.

5.3.2 Highway Commercial (HC) Zone

Highway commercial development is typically located along arterial roads that benefit from easy access to the travelling public. These include, but are not necessarily limited to, hotels and motels, automobile service stations and dealerships, and drive-through restaurants. Uses suited to this zone include those which depend heavily on automobile access, uses that require a large amount of commercial floor space or uses that involve outdoor storage and display area. The Highway Commercial zone will be applied outside of the Downtown Core and located on arterial roads. Highway commercial uses may create land use conflicts with other sensitive uses, and such a new highway commercial development will only be considered in the Commercial and the Industrial designations, excluding the Wentworth Road Gateway District and the Windsor-West Hants Industrial Park.

Policy

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

Policy 5-32 Within Growth Centres, consider rezoning land within the Commercial and Industrial designations to Highway Commercial (HC), with the exception of the Wentworth Road Gateway District and the Windsor-West Hants Industrial Park, by amendment to the Land Use By-law subject to the following criteria:

a) The proposed use has direct access to:
   i. An arterial road as shown on the **Transportation Maps (Map 7a and 7b)**, or
   ii. A collector road shown on the **Transportation Maps (Map 7a and 7b)** provided a traffic impact study in accordance with Policy 3-95 is submitted to the municipality which demonstrates the proposed use will not have an unacceptable impact on traffic flows and existing roads.
b) Adequate buffering or screening, setbacks, and yards are provided to minimize potential land use conflicts with adjacent properties and any outdoor storage and display areas are adequately controlled and screened;

c) Traffic flow and pedestrian safety will not be adversely affected;
d) Safe and efficient roadway access is provided;
e) Adequate parking and loading areas can be provided;
f) The proposed use will not remove necessary industrial land supply;
g) The proposed use will not conflict with adjacent uses; and
h) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-33 Within Local Centres, consider rezoning existing Highway Commercial zones to allow for other uses subject to the relevant policies of this Municipal Planning Strategy.

5.3.3 Large Format Retail Stores

Large format retail stores may more than one tenant and are located near highway exits. Because of their large scale and the amount of traffic generated, large format retails stores are limited to the Business Park (BP), General Commercial (GC), and Wentworth Road Commercial (WR-C) zones.

Policy

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

Policy 5-34 Consider entering into a development agreement to permit the following categories of large format retail stores, subject to Policy 5-34:

a) New large format retail stores exceeding 50,000 ft^2 (4,645 m^2) in commercial floor area in the Wentworth Road Gateway District;
b) New large format retail stores exceeding 50,000 ft^2 (4,645 m^2) in the Business Park (BP), General Commercial (GC), and Wentworth Road Commercial (WR-C) zones; and
c) Expansions greater than 5,000 ft^2 (464.5 m^2) to existing large format retail stores.

Policy 5-35 Consider entering into a development agreement pursuant to Policy 5-34, subject to the following:

d) Adequate provision is made for parking and access;
e) Pedestrian access and safety are addressed;
f) Adequate setbacks and yards shall be provided;
g) Adequate provision, including screening and buffering, is made to minimize conflict between the proposed development and neighbouring uses with respect to access, parking, noise and hours of operation;
h) The proposed use will not conflict with neighbouring uses;
i) The building design incorporates windows and other elements in the road level façade to avoid the appearance of solid blank walls;
j) Landscaping is provided which reduces the visual impact of the development on neighbouring properties, particularly with respect to large parking lots;
k) The developer provides a traffic impact study , in accordance with Policy 3-95, conducted by a qualified person which demonstrates that the surrounding road

network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvements at the expense of the municipality;

l) If the proposed development is located in the Wentworth Road Gateway District, as shown on the **Wentworth Road Gateway District Map (Map 10)**, the specific provisions for development as contained in Policy 5-55; and

m) The proposal meets the general criteria set out in Section 6.3.4.

5.3.4 Local Commercial (LC) Zone

Local commercial uses are small-scale establishments that serve a small market area and are compatible with residential neighbourhoods. Local commercial zones are not restricted to the Commercial designation. Uses considered compatible in residential include licensed day care centres, inns, small restaurants and cafes, and offices.

Policy

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

Policy 5-36 Ensure local commercial uses remain small-scale and compatible with residential areas and to regulate commercial floor space of these uses in the Land Use By-law.

Policy 5-37 Permit single unit dwellings in conjunction with a permitted commercial use in the Local Commercial (LC) zone.

Policy 5-38 Consider entering into a development agreement to permit new Local Commercial (LC) uses in the Residential Designation, subject to the following:

a) Adequate off-road parking is provided;

b) The adjacent residential area will not be adversely affected with respect to:
   i. Traffic generation and traffic safety;
   ii. Signage;
   iii. Hours of operation; and
   iv. Pedestrian circulation and safety.

c) Adequate buffering or screening, landscaping, setbacks and yards are provided;

d) Maintenance of the local commercial use will be satisfactory;

e) If the proposed is located within an Architectural Design Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual; and

f) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-39 Consider lands zoned Local Commercial (LC) to be rezoned for other uses by amendment to the Land Use By-law, subject to the relevant policies of this Municipal Planning Strategy.

5.3.5 Recreation Commercial (RecC) Zone

Recreational commercial uses include campgrounds and outdoor recreation facilities such as golf courses and driving ranges including club houses, pro shops and catering facilities open to the public and privately operated.

Policy

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

Policy 5-40 Consider entering into a development agreement to permit Recreation Commercial uses in any designation, except the Local Centre Core Area, subject to the following:

a) The proposed use is a campground, golf course, driving range, or similar recreation facility which is open to the public and privately owned;
b) The use shall not include racetracks, motocross courses, or other establishments which require the continued or frequent use of motor vehicles;
c) Adjacent uses will not be adversely affected as a result of traffic generation, hours of operation, noise, dust or other impacts;
d) The lot dimensions, parking and structures are adequate for the use at proposed capacity;
e) The proposed use has frontage on an arterial road;
f) Adequate landscaping, fencing or buffering, and separation distances will be provided;
g) The development is serviced, or is capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system; and
h) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-41 Notwithstanding Policy 5-40, consider entering into a development agreement to permit highway vehicle courses as Recreation Commercial uses, subject to the criteria of Policy 5-40 (excluding clauses (b) and (f)) and the following:

a) The property is zoned General Resource (GR);
b) No part of any off-highway vehicle course, including bleachers and spectator viewing stands, shall be located within 1,000 m of an existing dwelling, other than a dwelling that is part of the property under consideration;
c) The course design focuses on minimizing noise impacts to adjacent properties by taking into account the natural terrain and existing vegetation, as well as providing for the installation of earth berms and planting of shrubs, trees and other vegetation; and
d) The potential for soil erosion and other environmental impacts can be minimized through proper course design and construction measures.

Policy 5-42 Have regard to the following conditions when evaluating a development agreement specified in Policy 5-41:

a) The off-highway vehicles used on the course are required to be equipped with noise attenuation devices (e.g., tailpipe inserts) and for the course owner or operator will be required to monitor sound levels;
b) The number of major events such as races or competitions held on the property where the off-highway course is located will be limited in any 12-month period; and
c) The course owner or operator will ensure the provision of temporary camping areas, concession stands, parking areas, washrooms and other facilities where events are to be held, are adequately separated from neighbouring properties and are removed at the conclusion of the event.

5.3.6 Wentworth Road Gateway District

As an important entrance route, the Wentworth Road Gateway District, as shown on **Map 12**, is an area along Wentworth Road between Highway 101 and O'Brien Road, is designated as a Gateway District to help create a sense of welcome and arrival to the Windsor Growth Centre.

Policy

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

Policy 5-43 Use a combination of public and private initiatives, including Municipal Planning Strategy policies and Land Use By-law regulations, for new developments to achieve the following objectives of the Wentworth Road Gateway District including:

a) To identify Wentworth Road as an important entrance route into the Municipality, for pedestrians and cyclists, as well as for vehicles;
b) To promote a sense of welcome and arrival; and
c) To assist in visitor orientation and direction to the Downtown Core in the Windsor Growth Centre.

Policy 5-44 Require new developments within the Wentworth Road Gateway District to provide landscaping and other features that contribute to the overall attractiveness of the streetscape and create a safe and pleasant pedestrian environment, while allowing for efficient traffic movement.

Policy 5-45 Consider providing wayfinding signage showing the route to the Downtown Core in the Windsor Growth Centre, and identification signage, landscaping and other measures on public land that enhance or contribute to the role of Wentworth Road as a Gateway District.

Policy 5-46 Encourage the commercial nature of the Wentworth Road Gateway District and create an attractive streetscape that is accessible to pedestrians and cyclists, as well as vehicular traffic.

Policy 5-47 Address the following items through Land Use By-law regulations, site plan and development agreement provisions:

a) Landscaping along the road frontage to enhance the overall attractiveness of the streetscape and provide a buffer between the sidewalk and commercial or other development;
b) Landscaping within parking lots to avoid the appearance of large, uninterrupted expanses of asphalt;
c) Safe pedestrian access from the sidewalk to new developments by means of walkways or clearly defined trails; and
d) Other similar provisions.

Streamlining the Commercial Development Process within the Wentworth Road Gateway District

Policy 5-48 Prohibit any rezoning of lands within the Wentworth Road Commercial (WR-C) zone.

Policy 5-49 Limit the Wentworth Road Commercial (WR-C) to the Wentworth Road Gateway District. Rezoning to Wentworth Road Commercial (WR-C) shall not be permitted outside of the District.

Policy 5-50 Permit large format retail stores that do not exceed 100,000 ft^2 (9,290 m^2) in commercial floor area to be established in the Wentworth Road Commercial (WR-C) zone by site plan approval.

Policy 5-51 Establish criteria for the review of site plans to ensure development enhances the attractiveness the Wentworth Road Gateway District with particular attention paid to pedestrian and vehicular circulation and access and other details.

Policy 5-52 Consider specifying a larger notification distance for site plan approvals than the minimum set under the *Municipal Government Act* provisions for notice to neighbouring property owners.

Policy 5-53 Consider rezoning land within the Wentworth Road Gateway District to the Wentworth Road Commercial (WR-C) zone subject to the provisions of Policy 5-55.

Policy 5-54 Consider proposals for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 100,000 ft^2 (9,290 m^2) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement in accordance with the relevant policies of this Municipal Planning Strategy and the specific provisions for development in the Wentworth Road Gateway District as contained in Policy 5-55.

Wentworth Road Special Site Requirements

Policy 5-55 Have due regard to the following in reviewing proposals in the Wentworth Road Gateway District for rezoning to the Wentworth Road Commercial (WR-C) zone pursuant to Policy 5-53 or development agreements pursuant to Policy 5-54:

a) The proposed use will not conflict with adjacent uses;
b) The architectural design and scale of the proposed development is compatible with surrounding commercial and/or residential buildings and enhances the appearance of the streetscape, consistent with the objectives of the Wentworth Road Gateway District;
c) The building design incorporates windows and other elements in the road level façade to avoid the appearance of solid blank walls;
d) The developer provides a traffic impact study, acceptable to the Municipality and conducted by a qualified person, which demonstrates that the surrounding road

network will efficiently accommodate the anticipated traffic flows, and that the development will not necessitate major infrastructure improvements at the expense of the Municipality;

e) The provisions of Policy 5-44 and Policy 5-47; and

f) The proposal meets the general criteria set out in Section 6.3.4.

5.4 Downtown Core Designation

The Downtown Core designation will be applied to the Windsor Growth Centre and Hantsport Growth Centre. These downtown cores are areas that contain a mix of residential and commercial uses and is characterized as a pedestrian oriented and vibrant downtown areas. A high priority is being placed by Council to enhance these areas to attract residents, visitors, and businesses.

General Downtown Core Policies

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

Policy 5-56 Establish the Downtown Core Designation where mixed-use commercial and residential development will be encouraged to provide a pedestrian oriented, vibrant downtown, as shown on the **Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4).**

Policy 5-57 Establish the following Downtown Core zones as shown on the **Zoning Map (Map 2-3)** of the Land Use By-law:

a) **Commercial Core (CC)**: land located in this zone is intended to accommodate a wide range of residential, commercial, entertainment, institutional and community uses in the Windsor Growth Centre and Hantsport Growth Centre.

b) **Pesaquid (PES):** land located in this zone are bounded by the Highway 101 causeway and from Water Street to Lake Pesaquid and is intended to attract residents and visitors to the waterfront.

Policy 5-58 Encourage the downtown business community to engage in economic development efforts and implementation programs designed to enhance the attractiveness of the Downtown Core as a destination for residents and visitors.

Policy 5-59 Prohibit large format retail stores in the Downtown Core designation.

Policy 5-60 Ensure that if any proposed development is located in an Architectural Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual.

Policy 5-61 Permit the expansion of the Downtown Core designation by amendment to this Municipal Planning Strategy and to the Land Use By-law, subject to the following conditions:

a) Sufficient parking space is available or will be created for the expanded area;

b) Permitted uses for the expanded Commercial Core (CC) zone do not conflict with residential uses adjacent to the boundary;
c) There is a demonstrated need for additional land zoned Commercial Core (CC);
d) Traffic flow will not be adversely affected;
e) The expansion abuts the existing Downtown Core designation;
f) Adequate municipal services are available; and
g) The proposal meets the general criteria set out in Section 6.3.4.

5.4.1 Commercial Core (CC) Zone

Policy

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

Policy 5-62 Permit a variety of commercial uses, including but not limited to restaurants, offices, retail stores, and banks and financial institutions in the Commercial Core (CC) zone.

Policy 5-63 Permit residential land uses in the Commercial Core (CC) zone including existing residential dwellings and residential uses on floors of commercial buildings other than the main level except in area bounded by King Street, Stannus Street, Gray Street and Victoria Street where residential uses on the main level shall be permitted.

Policy 5-64 Consider entering into a development agreement for the following types of residential development in the Commercial Core (CC) zone, subject to Policy 5-65:

a) The construction of a new building containing 12 or more dwelling units; and
b) An increase in the number of dwelling units in an existing residential building with greater than 12 units.

Policy 5-65 Have regard to the following conditions in considering development agreements specified in Policy 5-64:

a) Where the development involves the construction of a new residential building, commercial space shall be included at the road level, except in cases where commercial space is not appropriate because the development is proposed for a fringe area of the Downtown Core which is still predominantly residential;
b) The location of the proposed development does not compromise the commercial integrity of the area or restrict existing commercial development patterns;
c) Adequate provision is made for parking and for access to and from the site;
d) Adequate recreational open space is available either on site or in nearby public parks;
e) The proposal meets the general criteria set out in Section 6.3.4.

5.4.2 Pesaquid (PES) Zone

The waterfront along Lake Pesaquid is one of the Municipality's most valuable assets; any future development of the waterfront is expected to occur in a cohesive manner that enhances the vibrancy of the area.

Policy 5-66 Consider a mix of uses in the Pesaquid (PES) zone, including:

a) Commercial development including retail, service, office and entertainment uses;
b) Recreational facilities to accommodate passive and active recreational activities or special events; and
c) Multiple unit residential uses, as a secondary focus located above or behind commercial uses on the ground floor, to provide new alternative forms of housing in the Downtown Core.

Policy 5-67 Consider the following types of development in the Pesaquid (PES) zone by Site Plan Approval, subject to Policy 5-68:

a) A change in use in an existing building to a use which is not permitted in the Commercial Core (CC) zone;
b) Additions in excess of 1,000 ft^2 (92.9 m^2) in floor area; and
c) Accessory structures in excess of 500 ft^2 (46.5 m^2) in floor area.

Policy 5-68 Have regard to the following conditions when evaluating a Site Plan Approval for the Pesaquid (PES) zone specified in Policy 5-67:

d) The mix or type of uses shall be predominantly commercial, recreational, or institutional;
a) Any ground floor uses along Upper Water Street are primarily retail in nature;
b) Provision is made for efficient pedestrian and vehicular traffic circulation, with particular regard to ingress and egress from the site, traffic flow and parking areas;
c) The development shall not detract from the quality of water in Lake Pesaquid;
d) Public access to the waterfront must be retained;
e) The development does not exceed the height limit of the site;
f) At least 50% of the parking is located underground in the buildings with no blank parking garage walls along any road;
g) Any ground floor units fronting a road must have exterior doors facing the road to increase the streetscape activity and visual interest; and
h) The proposal meets the general criteria set out in Policy 6-14.

Policy 5-69 Consider entering into a development agreement to permit the following categories of development in the Pesaquid (PES) zone, subject to Policy 5-70:

a) Residential uses behind commercial uses on the ground floor of existing buildings;
b) The construction of a new building containing 12 or more dwelling units; and

c) An increase in the number of dwelling units in an existing residential building with greater than 12 units.

Policy 5-70 Have regard to the following conditions in considering development agreements specified in Policy 5-69:

a) The mix or type of uses shall be predominantly commercial, recreational, or institutional;
b) Provision is made for efficient pedestrian and vehicular traffic circulation, with particular regard to ingress and egress from the site, traffic flow and parking areas;
c) The development shall not detract from the quality of water in Lake Pesaquid;
d) Public access to the waterfront must be retained;
e) The development has an orientation toward the water and attempts to link Water Street to the waterfront;
f) Where residential uses are proposed:
    i. 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;
    ii. The residential uses must be located behind or above a commercial use; and
    iii. The commercial use must have frontage on the street.
g) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-71 Establish provisions in the Land Use By-law governing the development of temporary retail sales kiosks within the Pesaquid (PES) zone. Such regulations shall limit the length of time the structure will be permitted and will control matters such as signage, structure size and use.

Policy 5-72 Encourage land assembly in the Pesaquid (PES) zone to make available an increased land base for mixed development.

5.5 College Road Comprehensive Development Designation

Development in the College Road Comprehensive District would consist of mixed uses including residential, institutional, or recreational and other limited services and uses supporting this type of development. The College Road Development District will only apply to the Gladys Manning Retirement Community property and the Dykeland Lodge property.

Policy

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

Policy 5-73 Establish the College Road Comprehensive Development (CRCD) Designation as shown on the **Generalized Future Land Use Map X.**

Policy 5-74 Establish the following College Road Comprehensive Development Zone as shown on the **Zoning Map (Map 2)** of the Land Use By-law:

a) **College Road Comprehensive Development (CRCD)**: lands in this zone are intended for residential, institutional or recreational development and other limited services and uses in support of this development.

Policy 5-75 Consider development of all or part of the College Road Comprehensive Development primarily to comprise:

a) Residential, institutional or recreational development on separate parcels of land or integrated throughout the same parcel; and
b) Convenience and specialty stores, medical offices, personal service shops and other similar limited services and uses in support of the primary developments in the College Road Comprehensive Development District.

Policy 5-76 Within the College Road Comprehensive Development (CRCD) designation, no development as-of-right will be permitted, and all development will be considered through a development agreement.

Policy 5-77 Ensure any proposed development is compatible with existing development within and adjacent to the College Road Comprehensive Development District.

5.5.1 College Road Comprehensive Development

Policy 5-78 Consider entering into a development agreement within the College Road Comprehensive Development (CRCD) zone for any proposed use, subject to the following:

a) The proposed use is not considered premature or inappropriate in terms of the adequacy of existing and proposed roads, servicing and pedestrian routes within and adjacent to the College Road Comprehensive Development District;
b) The proposed use includes uses listed in Policy 5-75;
c) Any area within 91.44 m (300 ft) of Lake Pesaquid shall be considered environmentally sensitive and methods of protecting the land and watercourse

during construction of the development shall be required and be consistent with Policy 3-126;

d) The development is compatible with existing development within and adjacent to the College Road Comprehensive Development District, or other development in the College Road Comprehensive Development District proposed in an existing development agreement;
e) The proposal meets the general criteria set out in Section 6.3.4.

5.5.2 Rural Commercial (RC) Zone

Policy 5-79 Establish a maximum commercial floor area in the Rural Commercial (RC) zone to ensure commercial uses remain compatible with rural residential and resource uses.

Policy 5-80 Within Local Centres, consider rezoning land to allow new Rural Commercial (RC) or Local Centre Industrial (M-2) uses, subject to the following:

a) The proposed use:
   i. Is intended to provide a service to local residents, or is a tourist commercial use;
   ii. Is a resource-based activity; or
   iii. Is operated in conjunction with a residential use;
b) The proposed use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;
c) Safe and efficient roadway access is provided;
d) Adequate on site parking is provided;
e) The development is compatible with adjacent land uses with respect to:
   i. Traffic generation and traffic safety;
   ii. Hours of operation;
   iii. Size and design of building(s);
   iv. Signage; and
   v. Pedestrian circulation and safety;
f) Adequate buffering or screening, landscaping, setbacks and yards are provided; and
g) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-81 Consider amending the Land Use By-law to add new uses to the permitted uses in the Rural Commercial (RC) or Local Centre Industrial (M-2) zones subject to the following:

a) The objectives of the Local Centre designation are maintained;
b) The proposed use is:
   i. Intended to provide a service to local residents;
   ii. A resource-based activity; or
   iii. Operated in conjunction with a residential use.
c) The proposed use is compatible with rural residential and resource uses;

d) Adequate controls exist in the Land Use By-law over landscaping and screening, especially of outdoor storage; and
e) The proposal meets the general criteria set out in Section 6.3.4.

5.6 Commercial Development District Overlay

To provide incentive for businesses in the serviced commercial and industrial areas, Council will designate the Commercial Development District (CDD) only within the Growth Centres as identified on the **Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4)**, **Generalized Future Land Use Map – Falmouth Growth Centre (Map 5)**, and **Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)**. Designating the Windsor-West Hants Industrial Park will help revitalize industrial properties and encourage larger scale, more intensive commercial and industrial uses to relocate to the Industrial Park.

General Commercial Development District Policies

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

Policy 5-82 Establish the Commercial Development District as shown on the **Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)**, which includes:

a) Serviced properties within the Commercial designation of the Falmouth Growth Centre and Three Mile Plains Growth Centre;
b) Serviced properties within the Commercial and Industrial designations in the Hantsport Growth Centre;
c) Serviced properties within the Downtown Core designation and Nesbitt Island designation in the Windsor Growth Centre; and
d) Serviced properties in the Windsor-West Hants Industrial Park.

Policy 5-83 Consider the expansion of the Commercial Development Districts by amendment to the Land Use By-law, subject to the following criteria:

a) The area is serviced with municipal water and sewer;
b) The area is zoned commercial or industrial, or has been identified on the **Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)** as an area within which to concentrate commercial or industrial businesses;
c) The permitted uses for the expanded area will not conflict with residential uses abutting the boundary; and
d) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-84 Consider reducing the Commercial Development Districts by amendment to this Municipal Planning Strategy subject to the following criteria:

a) The zoning of the area has been amended to a zone which is neither commercial or industrial; or

b) The area is no longer identified on the **Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)** as an area within which to concentrate commercial or industrial businesses.

5.7 Local Centre Designation

Local Centres are hamlets and villages – like settlement areas in West Hants Regional Municipality. Council recognizes and values the quiet rural atmosphere of these settlements and will limit future growth due to the absence of municipal water and sewer services. Minor infill development is encouraged.

Policy

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

Policy 5-85 Establish the Local Centre Designation as shown on the **Generalized Future Land Use Map (Map 2).**

Policy 5-86 Establish the following Local Centre Zones as shown on the **Rural Zoning Map (Map 1)** of the Land Use By-law:

a) **Rural Residential (RR)**: Lands in this zone are intended to accommodate low density uses outside Growth Centres, including but not limited to one and two unit dwellings, manufactured homes, and existing community uses such as churches, community centres, fire halls, schools and post offices.
b) **Local Residential (LR):** Lands in this zone are intended to accommodate low density residential uses within Local Centres including but not limited to one and two unit dwellings, manufactured homes.

Policy 5-87 Consider expanding the boundaries of the Local Centre designation by amending the Municipal Planning Strategy and Land Use By-law subject to the following:

a) The expansion is to accommodate proposed residential, commercial, institutional or open space development;
b) The proposed use is compatible with the objectives of the Local Centre designation and the surrounding area;
c) It is clearly demonstrated that land within the established Local Centre designation is unsuitable or unavailable for the development;
d) The rural integrity of the surrounding countryside will not be adversely affected;
e) The proposed area abuts the existing Local Centre designation boundaries;
f) The proposal meets the general criteria set out in Section 6.3.4.

5.7.1 Local Centre Core Area

The Local Centre Core area recognizes the central and historic core areas as the heart of community life and commercial uses. This area is intended to accommodate a diverse mix of uses that reflect the local community's heritage, culture, and economic needs. Development within this area should prioritize the areas unique character, scale, and sense of place while encouraging revitalization, sustainable growth and limited infill where appropriate.

Policy

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

Policy 5-88 Identify the Local Centre Core Area as shown on the **Map 2**.

Policy 5-89 Encourage commercial uses to be located within the Local Centre Core area.

Policy 5-90 Apply the Local Commercial (LC) zone to majority of the land within the Local Centre Core area.

Policy 5-91 Apply the General Commercial (GC) zone and Highway Commercial (HC) within the Local Centre Core area where appropriate.

Policy 5-92 Consider entering into a development agreement to permit new General Commercial (GC) and Highway Commercial (HC) uses in the Local Centre Core area, subject to the following:

a) The development has frontage on an arterial road;
b) Safe and efficient roadway access is provided;
c) Adequate on site parking is provided;
d) The development will not adversely affect the rural character of the Local Core area with respect to:
    i. Traffic generation and traffic safety;
    ii. Hours of operation;
    iii. Noise;
    iv. Size and design of building(s); and
    v. Pedestrian circulation and safety.
e) Adequate buffering or screening, landscaping, setbacks and yards are provided;
f) The proposed use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre;
g) Maintenance of the development will be satisfactory; and
h) The proposal meets the general set out in Section 6.3.4.

5.7.2 Residential

The Local Centre residential uses are to support established settlements while supporting low density residential.

Policy

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

Policy 5-93 Apply the Local Residential (LR) zone to residential land located within the Local Centre of Brooklyn.

Policy 5-94 Within the Local Residential (LR) zone, permit single- and two-unit dwellings, manufactured homes, and bed and breakfast homes.

Policy 5-95 Within the Rural Residential (RR) zone, permit single- and two-unit dwellings, manufactured homes, and existing community uses such as churches, community centres, fire halls, schools and post offices.

Policy 5-96 Consider rezoning land to Rural Residential (RR) subject to the following:

a) The proposed use will not conflict with adjacent existing uses; and
b) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-97 Consider entering into a development agreement to permit stand-alone multiple unit and grouped multiple unit dwellings consisting of three or more units, subject to the following:

a) The development fronts on or has direct access to an arterial road;
b) The proposed overall density of the development does not exceed one dwelling unit per acre;
c) The minimum distance between main buildings is 6.10 m (20 ft);
d) Adequate open space or recreational areas are provided;
e) Existing and proposed roads are adequate to support the development, and existing roads will not require major infrastructure improvements as a result of the development; a traffic impact study in accordance with Policy 3-95 may be required;
f) Building clusters are located so as to conserve existing natural features of the site;
g) The lot is capable of supporting private central or on-site sewage disposal systems, and an adequate potable water supply is available;
h) Adequate emergency protection services, including fire, police and ambulance, can be provided;
i) The application is accompanied by:
    i. A site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
    ii. Other supporting maps showing the topography of the lot including contours at five-meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and
    iii. Photo examples, plans or drawings showing the exterior design of the proposed buildings.
j) The proposal meets the general criteria set out in Section 6.3.4.

5.7.3 Commercial and Industrial Outside the Local Centre Core Area

Policy

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

Policy 5-98 Apply the Local Centre Industrial (M-2) zone to existing industrial uses within the Brooklyn Local Centre but not including within the Local Centre Core area.

Policy 5-99 Consider rezoning land within the Brooklyn Local Centre but not including within the Local Centre Core area to allow new General Commercial (GC) or Highway Commercial (HC) uses with a commercial floor area not greater than 5,000 sq ft (464.50 sq m) subject to the following:

a) The development has frontage on an arterial road;
b) Safe and efficient roadway access is provided;
c) Adequate on site parking is provided;
d) The development is compatible with adjacent land uses with respect to:
    i. Traffic generation and traffic safety;
    ii. Hours of operation;
    iii. Noise;
    iv. Size and design of building(s); and
    v. Pedestrian circulation and safety.
e) The rural character of the area will not be adversely affected;
f) Adequate buffering or screening, landscaping, setbacks and yards are provided; and
g) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-100 Consider new commercial uses over 5,000 sq ft (464.50 sq m) in commercial floor area within the Brooklyn Local Centre but not including within the Local Centre Core area by Site Plan Approval, subject to the criteria listed in Policy 5-34 and the following:

a) The proposed use is permitted in the General Commercial (GC) or Highway Commercial (HC) zones;
b) The proposed use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre;
c) Maintenance of the proposed use will be satisfactory; and
d) The proposal meets the general criteria set out in Policy 6-14.

5.8 Agriculture Designation

Throughout the West Hants Regional Municipality, there is an abundance of fertile agricultural lands. Much of the character and development of the Municipality is tied to the history and traditions of agricultural activities that permeate through the Municipality – this is enhanced though the innovation and diversification that exists amongst the agricultural practitioners who promote sustainable practices in their industry. The agricultural industry is robust, sustainable and a key pillar of the Municipality, characterized by its viability and the adherences to best practices regarding stewardship of the agricultural lands.

General Agriculture Policies

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

Policy 5-101 Establish the Agricultural Designation which shall apply to the majority of active farmland and Cananda Land Inventory Class 2, 3, and 4 agricultural land as shown on the **Generalized Future Land Use (Map 2).**

Policy 5-102 Establish the following zones in the Agriculture Designation as shown on the **Zoning Map (Map 1-5)** of the Land Use By-law:

a) **Prime Agriculture (P/Ag)**: lands in this zone are intended for improved agricultural land with high capability (Class 2 and 3) for production of a variety of crops. This land will be reserved primarily for long-term agricultural production with the most restrictions on non agricultural development.

b) **Agricultural Priority Two (AR-2)**: lands in this zone are intended for improved and unimproved agricultural land with high capability (Class 2 and 3) for production of a variety of crops. This land will be reserved for agricultural production with limited non agricultural development.

c) **Agricultural Priority Three (AR-3)**: lands in this zone are intended for agricultural land with a lower productive capability (Class 4) and active agricultural land in the Growth Centres and Local Centres. Controlled non-agricultural development will be permitted.

Policy 5-103 Restrict uses in the Agricultural designation to agricultural operations devoted to the production for sale of farm products which may include but are not necessarily limited to:

a) Agriculture uses;
b) Agricultural support use;
c) Animal breeding and boarding kennels;
d) Application of fertilizers, soil conditioners, pest control products or other agricultural inputs;
e) Greenhouses, nurseries and wineries;
f) Growing and harvesting of crops;
g) Manufactured homes;
h) Marketing on farm products;
i) On farm processing of products for distribution;
j) On farm sale of agricultural products;
k) Operation of agricultural machinery and equipment;
l) Raising of livestock (e.g. Eggs and dairy products);
m) Retail sales of farm equipment and supplies;
n) Single and two unit existing dwellings;
o) Single unit dwellings accessory to the agricultural operation;
p) Stables;
q) Storage, disposal or use of compost and livestock-generated waste for farm purposes (but does not include biosolid waste); or

r) Woodlots and forestry use.

Policy 5-104 Ensure that the primary purpose of the Agriculture designation is to preserve active farmland and land with high potential for agriculture in the Municipality. Within the Agriculture designation, agricultural activity shall be considered the dominant use, having priority over all other uses. Non-agricultural development shall be encouraged to locate in areas less suitable for agricultural purposes.

Policy 5-105 Encourage and support the continued operation of existing farms and agricultural activities.

Policy 5-106 Address the protection of agricultural land by:

a) Allowing uses such as agricultural, agricultural related and uses which protect land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;
b) Discouraging lot creation and residential subdivision and other non-agricultural development. The minimum size of lots and density of development will be balanced against the need to preserve agricultural land;
c) Prohibit new public roads or private roads in any agricultural zone;
d) Establishing separation distances between agricultural and livestock operations and new on-agricultural development to reduce land-use conflicts; and
e) Prohibit the removal of topsoil in any agricultural zone.

Policy 5-107 With regards to the determination of agricultural capability, consider certain non-agricultural development on land within the Agricultural designation that has been determined as having little or no agricultural capability based on the following determination:

a) Ninety (90) percent or more of the proposed development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned before the effective date of this Municipal Planning Strategy; or
b) If not a resource extraction site, a study has been prepared by a professional agrologist, at the applicant's expense, which concludes the proposed development will not adversely affect the viability of surrounding agricultural operations and:
    i. Ninety (90) percent or more of the site has soils defined as Class 4 or lower capability for agriculture; or
    ii. The soils have a capability for agriculture rating better than Class 4, but ninety (90) percent or more of the development site exhibits limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-agricultural buildings.

c) The study shall:
   i. Require a site inspection by the agrologist.
   ii. Specify the methodology uses, consistent with the Canadian Land Index classification, to determine the soil capability for agriculture.
   iii. Identify any site features or characteristics which influence or determine soil capability.
   iv. Include a site plan illustrating the area studied and any relevant site features.
   v. Include a rationale as to why the use is compatible with adjacent farms. The rationale should reference to the following items where applicable: site and locational constraints; infilling between existing non-agricultural development; logical extension of existing non-agricultural development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;
   vi. Indicate the implications of removing the parcel from agricultural production including those associated with potential fragmentation.

Policy 5-108 Adopt standards in the Subdivision By-law regarding the subdivision of agricultural land.

Policy 5-109 Allow more than one main building on a lot in an agricultural zone where the main building is not a residential dwelling.

Policy 5-110 In the Windsor Growth Centre, prohibit agricultural uses involving the keeping of horses and other livestock except in the Prime Agriculture (P/Ag) zone.

Livestock Operations

The type and number of livestock involved in a farm operation can affect the intensity of odour, noise or potential pollution through runoff from manure storage or livestock buildings. Establishing separation distances between livestock operations and non-agricultural development, wells, and watercourses can help to mitigate or avoid these potential issues.

Policy

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

Policy 5-111 Establish definitions and regulations distinguishing between intensive and non-intensive livestock operations based on the number of animal units involved.

Policy 5-112 Regulate the location of livestock operations, including separation distances from watercourses, wells, and adjacent non-agricultural buildings, zones, or uses.

Policy 5-113 Require new non-agricultural development to maintain sufficient distance from existing intensive livestock operations.

Policy 5-114 Allow existing intensive livestock operations which do not meet setback or separation distance requirements to expand, provided the expansion does not further encroach on the setbacks or separation distances that do not conform.

Policy 5-115 Consider a reduction to certain separation distances for new and existing intensive livestock operations with fewer than 300 animal units, provided the applicant submits an environmental site assessment and plans prepared by a qualified agricultural engineer or agrologist who certifies that manure management and storage capacity will be adequate, contaminated runoff will be eliminated or contained, and there will be no increased pollution risk associated with the project.

Policy 5-116 Require intensive livestock operations with more than 300 animal units to meet the standard setbacks and separation distance requirements.

Indoor Storage Facility

To encourage and support the continuation of agricultural operations year round by providing the opportunity to earn additional income, Council will permit the use of buildings which are erected and regularly used as part of a main agricultural use as indoor storage facilities. Indoor storage facilities will include indoor storage of a wide range of items. To ensure agricultural activities remain the dominant land use, indoor storage facilities will have to meet specific requirements.

Policy

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

Policy 5-117 Permit indoor storage facilities as an accessory use to agricultural uses.

5.8.1 Prime Agriculture Zone

The Prime Agriculture (P/Ag) zone is designated to protect land with the highest agricultural capability, specifically those with Class 2 and 3 soils, as well as dykeland. Agricultural dykeland is protected under the Environmental Constraints overlay and the Nova Scotia *Agricultural Marshland Conservation Act*. Given that most agricultural operations rely on fertile, productive topsoil, the removal of topsoil from land zoned for agriculture will be strictly prohibited. Additionally, larger lot sizes will be required to discourage residential subdivision and maintain the integrity of agricultural land.

Policy

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

Policy 5-118 Within the Prime Agriculture (P/Ag) zone, permit agricultural uses, forestry and forestry-related uses, single unit dwellings accessory to an ongoing agricultural operation, existing dwellings, and existing churches and community centres.

Policy 5-119 Notwithstanding Policy 5-118, within the Prime Agriculture (P/Ag) zone, permit a single unit dwelling as a main use (i.e., other than accessory to an agricultural operation) where the lot existed on or before April 11, 1989, and the lot is 6 acres (2.43 ha) or less in size.

Policy 5-120 Consider entering into a development agreement to permit small-scale commercial uses that provide a service to the local community in the Prime Agriculture (P/Ag) zone, subject to the following:

a) The proposed use is a community service use such as a convenience store, a personal service shop, a vehicle or machinery repair shop, retail sale of farm equipment and supplies, an agricultural support use, or similar use;
b) The lot is 6 acres (2.43 ha) or less in size and existed on or before April 11, 1989;
c) The development site has been determined to have little or no agricultural capability;
d) Adequate separation distances are provided to minimize potential land use conflicts and, in particular, the proposed building or structure is located a minimum of 500 ft (152.40 m) from a structure housing an existing intensive livestock operation;
e) Safe and efficient roadway access is provided;
f) Adequate on-site parking is provided;
g) The use is compatible with adjacent land uses with respect to:
    i. Traffic generation and traffic safety;
    ii. Hours of operation;
    iii. Storage and advertising; and
    iv. Commercial floor area or size of building(s).
h) The proposed use will not adversely affect other farms in the area; and
i) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-121 Notwithstanding Policy 5-120, in the Primary Agriculture (P/Ag) zone, no development agreement shall be approved and no property shall be rezoned where the proposed development may compromise or adversely affect the operation or integrity of existing agricultural operations.

Policy 5-122 Except as otherwise provided in Policy 5-119 and Policy 5-123, require the minimum lot area in the Prime Agriculture (P/Ag) zone be 25 acres (10.12 ha).

Policy 5-123 Permit the creation of a lot having a minimum area of 5 acres (2.02 ha) in the Prime Agriculture (P/Ag) zone where the only permitted use shall be agricultural operations, and not to include residential dwellings. The remainder must be a minimum area of 25 acres (10.12 ha).

5.8.2 Agricultural Priority Two Zone

The Agricultural Priority Two (AR-2) zone is designed for areas with high agricultural potential, where landowners prefer more lenient development regulations compared to the Prime Agriculture (P/Ag)

zone. The AG-2 zone offers greater flexibility than the P/Ag zone, including a broader range of on-farm businesses through development agreements. Unlike the P/Ag zone, new dwellings are allowed as a primary use, although subdivision is restricted to two (2) lots per area of land per calendar year. More extensive residential development beyond the two lots per year may be considered through rezoning, provided the land is demonstrated to be unsuitable for agriculture. Additionally, Council may consider non-resource commercial or industrial development in the Agricultural Priority Two (AR-2) zone through development agreements, subject to a study confirming the land's low agricultural capability.

Policy

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

Policy 5-124 Within the Agricultural Priority Two (AR-2), permit agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry-related uses, churches, community centres and fire halls.

Policy 5-125 Consider areas zoned Agricultural Priority Two (AG-2) to be rezoned to Rural Residential (RR), subject to the following:

a) The development site has been determined to have limited or no agricultural capability in accordance with Policy 5-107;
b) The proposed use will not adversely affect the operation or integrity of existing agricultural operations;
c) The predominant agricultural character of the area will not be adversely affected, and the proposed development is compatible with the area in terms of density, scale, and traffic generations;
d) There will be adequate separation distances and buffering between agricultural and non-agricultural uses provided; and
e) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-126 Consider entering into a development agreement to permit new non resource Rural Commercial (RC), Recreation Commercial (Rec-C), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority 2 (AG-2) zone, subject to the following:

a) The development site has been determined to have little or no agricultural capability in accordance with Policy 5-107;
b) The proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;
c) The predominant agricultural character of the area will not be adversely affected;
d) Adequate separation distances and buffering between agricultural and non-agricultural uses are provided;
e) The use, due to its size or nature, is not appropriate to be located within a Growth Centre or Local Centre;

f) There is safe and efficient roadway access provided;
g) There is adequate on-site parking provided;
h) The development is compatible with adjacent land uses with respect to:
   i. Traffic generation and traffic safety;
   ii. Hours of operation;
   iii. Size and design of building(s);
   iv. Signage; and
   v. Pedestrian circulation and safety.
i) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-127 Limit the subdivision of land in the Agricultural Priority 2 (AR-2) zone to the creation of two (2) lots per area of land in a calendar year, with frontage on an existing public road. This policy shall not prevent the consolidation of two (2) or more parcels of land.

5.8.3 Agriculture Priority Three Zone

The Agricultural Priority Three (AG-3) zone encompasses agricultural land with lower productive capability (Class 4), as well as active agricultural land within Growth Centres and Local Centres. As the least stringent of the agricultural zones, the AG-3 zone imposes no limit on the number of lots that can be subdivided on existing public streets. Land zoned as AG-3 within Growth Centres and Local Centres may be considered for non-farm residential, commercial, or industrial use, subject to the relevant policies of these areas. Outside Growth Centres and the Local Centre designation, land zoned AG-3 may be considered for residential development through rezoning, while non-resource commercial and industrial development, as well as on-farm businesses, may be considered through development agreements. Unlike other agricultural zones, there is no requirement for a study proving the land is unsuitable for agriculture. However, Council must consider the potential impact of the proposed development on any adjacent agricultural operations.

Policy

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

Policy 5-128 Within the Agriculture Priority Three (AG-3), permit agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry related uses, churches, community centres and fire halls.

Policy 5-129 Within Growth Centres and Local Centres, land zoned Agriculture Priority Three (AG-3) may be considered for non-agricultural development subject to the relevant Growth Centre or Local Centre policies, provided that no development agreement or rezoning shall be approved where the development will adversely affect adjacent existing agricultural operations.

Policy 5-130 Within Local Centres, apply the Agriculture Priority Three (AR-3) to active agricultural lands.

Policy 5-131 Within Local Centres, not permit new intensive livestock operations or agricultural support uses as these uses could create land use conflicts which have the potential to limit the development of the Local Centres as hubs for rural residential development.

Policy 5-132 Consider areas zoned Agriculture Priority Three (AG-3) in the Agriculture designation outside the Growth Centres and Local Centres to be rezoned to Rural Residential (RR), subject to the following:

a) The proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;
b) The predominant agricultural character of the area will not be adversely affected, and the proposed development is compatible with the area in terms of density, scale and traffic generation;
c) There will be adequate separation distances and buffering between agricultural and non-agricultural uses are provided;
d) The lands to be rezoned shall not be more than 25 acres (10.12 ha); and
e) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-133 Consider entering into a development agreement to permit new non resource Rural Commercial (RC), Recreation Commercial (Rec-C), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority 3 (AR-3) zone, subject to the following:

a) The development site has been determined to have little or no agricultural capability in accordance with Policy 5-107;
b) The proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;
c) The predominant agricultural character of the area will not be adversely affected;
d) There will be adequate separation distances and buffering between agricultural and non-agricultural uses provided;
e) The use, due to its size or nature, is not appropriate to be located within a Growth Centre or Local Centre;
f) There is safe and efficient roadway access provided;
g) There is adequate on-site parking provided;
h) The development is compatible with adjacent land uses with respect to:
    i. Traffic generation and traffic safety;
    ii. Hours of operation;
    iii. Size and design of building(s);
    iv. Signage; and
    v. Pedestrian circulation and safety.
i) The proposal meets the general criteria set out in Section 6.3.4.

5.8.4 On-farm Businesses

Council recognizes that sustainable agriculture benefits from diversified income sources. On-farm businesses—such as farm markets, value-added products, food services, farm stays, or agri-tourism activities—may be permitted in Agricultural Priority Two and Three zones, provided they remain subordinate to the main agricultural use, do not harm neighbouring farm operations, and do not occupy significant high-quality farmland.

While unconventional uses, such as motocross tracks, are not typical farm businesses, they may be considered on large agricultural or resource properties with sufficient buffering. Development agreements for such uses will include conditions for hours of operation, landscaping, parking, access, and separation from nearby residential areas.

Policy

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

Policy 5-134 Consider entering into a development agreement to permit on-farm businesses as part of an ongoing farm operation in the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3) zones, subject to the following:

a) Those uses that are associated with agritourism such as:
   i. Lodging, consisting of not more than six cabins or rental units;
   ii. Restaurants;
   iii. Interpretive centres or museums;
   iv. Meeting or reception rooms accessory to i, ii or iii.
b) The uses associated with farm markets but do not meet the as of right requirements for agricultural uses because of the amount of produce, crafts or other products that have been brought in for sale from off the farm property; and
c) The uses that are small scale and similar to home-based businesses but may not meet the as-of-right requirements of a home-based business because of the size or type of business.

Policy 5-135 Have regard to the following conditions when evaluating a development agreement specified in Policy 5-134:

a) The use is clearly subordinate to the principal agricultural use of the property.
b) The use will be located:
   i. Within, or in close proximity to, the existing farm building cluster; or
   ii. In an area that could not reasonably be used for the cultivation of crops.
c) A location that does not meet clause (b) may be considered only where the use has site-specific locational requirements.
d) Where the use involves the construction of a new building or buildings, the size and design of the building(s) are compatible with adjacent buildings and the agricultural character of the area;

e) The proposed use will not adversely affect adjacent agricultural or residential uses;
f) The proposed development provides safe and efficient roadway access;
g) The proposed development provides adequate on-site parking can be provided; and
h) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-136 Consider entering into a development agreement to permit off-highway vehicle courses as on-farm businesses in the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3), subject to the criteria of Policy 5-135 and the following:

a) The proposed off-highway vehicle course, including bleachers and spectator viewing stands, shall be located at least 3,280.84 ft (1,000 m) of an existing dwelling, other than a dwelling that is part of the property under consideration;
b) The adjacent uses will not be adversely affected by the proposed off-highway vehicle course as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;
c) The proposed development provides adequate landscaping, buffering and separation distances;
d) The proposed development provides noise mitigation such as utilizing the natural terrain and existing vegetation, as well as providing for the installation of earth berms and planting of shrubs, trees and other vegetation to reduce adverse impacts to neighbouring properties; and
e) The potential for soil erosion and other environmental impacts will be minimized through proper course design and construction measures.

Policy 5-137 Have regard to the following conditions when evaluating a development agreement specified in Policy 5-136:

a) The off-highway vehicles used on the course are required to be equipped with noise attenuation devices (e.g., tailpipe inserts) and the course owner or operator will be required to monitor sound levels;
b) The number of major events such as races or competitions held on the property where the off-highway course is located will be limited in any 12-month period; and
c) The course owner or operator will ensure the provision of temporary camping areas, concession stands, parking areas, washrooms and other facilities where events are to be held, are adequately separated from neighbouring properties and are removed at the conclusion of the event.

5.9 Industrial Designation

The West Hants Regional Municipality is well located being adjacent to the Halifax Regional Municipality and as the "Gateway" to the Annapolis Valley.

The primary industrial park in the region is the Windsor-West Hants Industrial Park, which is located on either side of the former Town of Windsor boundary and includes all the properties designated Industrial in that area.

General Industrial Policies

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

Policy 5-138 Establish the Industrial Designation as shown on the **Generalized Future Land Use - Map 2**, **Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4)**, **Generalized Future Land Use Map – Falmouth Growth Centre (Map 5)**, and **Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6).**

Policy 5-139 Establish the following Industrial Zones as shown on the Zoning Map of the Land Use By-law:

a) **Industrial (M)**: lands in this zone are intended for a full range of light industrial uses including but not limited to, limited business and professional offices, and certain highway commercial uses, provided they are not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions.

b) **Business Park (BP)**: lands in this zone are intended for a mix of uses including banks and financial institutions, offices, retail shops, personal service shops, as well as light industrial uses which are considered compatible with retail/commercial development.

c) **Resource Industrial (M-1)**: land in this zone is intended for existing resource-related industrial uses in the Growth Centres and is intended to permit resource industries and other light industrial uses such as warehousing, light manufacturing and similar uses which are not obnoxious or offensive because of noise, vibration, odour, smoke or other emissions.

d) **Local Centre Industrial (M-2)**: lands in this zone are found in the Local Centres and will permit local and resource-based industrial uses and residential uses in conjunction with an industrial use.

e) **Mixed Industrial (MI):** lands in this zone are found in the Growth Centres and will permit a limited mix of industrial uses, provided they are not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions.

Policy 5-140 Permit a variety of industrial uses within the Industrial designation including, but not limited to, light industrial, light manufacturing, excavation and landscaping operations, auto body and repair shops, warehousing, and resource-related industrial uses.

Policy 5-141 Not permit heavy industrial uses that have adverse impacts on neighbouring properties and the natural environment.

Policy 5-142 Work jointly with Provincial and Federal agencies in providing and maintaining sufficient industrial lands to accommodate industrial growth.

Policy 5-143 Encourage and, where possible, actively support efforts which promote industrial development in appropriate areas throughout the Municipality.

Policy 5-144 Encourage the development of light industrial uses that are not obnoxious by reason of sight, sound, smell, dust or fumes.

Policy 5-145 Require the landscaping of industrial activities and the buffering of industrial lands adjacent residential, commercial and institutional properties.

Policy 5-146 Within Local Centres, no other industrial zones other than the Resource Industrial (M-1) or Local Centre Industrial (M-2) will be considered.

5.9.1 Industrial (M) Zone

The Industrial zone within the West Hants Regional Municipality is intended to provide sufficient flexibility to accommodate a wide range of industrial activities while ensuring compatibility with surrounding land uses and supporting the long-term economic growth of the Municipality.

Complementary commercial uses, such as highway commercial activities, may also be considered in light industrial areas where they directly serve the needs of the industrial community and do not adversely impact the economic viability of the zone or reduce lands designated for industrial growth. This approach supports a balanced and sustainable industrial land base for the Municipality.

Policy

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

Policy 5-147 Within the Industrial (M) zone, permit a full range of industrial uses including, but not limited to, light industrial, animal hospitals, limited businesses and professional offices, courier services, garden sales and supplies, indoor recreational uses, laundries, research facilities, and taxi and bus depots. Additionally, permit commercial uses such as highway commercial, in light industrial areas, provided the commercial use serves the industrial area and does not adversely affect the economic viability or remove lands for industrial expansion.

5.9.2 Future Industrial Parks

Council is committed to ensuring that adequate lands are available to accommodate future light industrial development. As the municipality's existing industrial parks approach full capacity, Council recognizes the need to identify additional lands that are appropriate for new industrial park expansion. To support this, new industrial parks will be considered through a development agreement.

Policy

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

Policy 5-148 Consider entering into a development agreement to permit the development of light industrial uses to encourage the development of an industrial park, subject to the following:

a) The property is to be used as an industrial park;
b) The lot or assembled land consists of a minimum of:
   i. 15 acres (6.07 ha) if it is located within a Growth Centre; or
   ii. 30 acres (12.14 ha) if it is located in an unserviced area outside the Growth Centres;
c) The development has direct access to an arterial road, or is located in close proximity to an existing or proposed Highway 101 interchange;
d) The development will not adversely affect adjacent land uses with respect to:
   i. Traffic generation and traffic safety;
   ii. Hours of operation;
   iii. Noise; and
   iv. Size of buildings.
e) The proposed use is not considered obnoxious by virtue of noise, odours, dust or fumes;
f) Adequate buffering or screening, landscaping, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties;
g) Adequate parking and loading can be provided; and
h) The proposal meets the general criteria set out in Section 6.3.4.

5.9.3 Local Centre Industrial (M-2) Zone

A Local Centre Industrial (M-2) zone will apply only within Local Centres. Similar to the Rural Commercial (RC) zone, this zone is intended to accommodate small-scale industrial activities that serve local residents, support resource-related operations, or function in conjunction with a residential use. Local Centres have traditionally included a variety of modest industrial uses, such as repair services or small processing operations, that are compatible with rural community life. As a result, this zone will allow a broader range of uses than those permitted in the Mixed Industrial (MI) zone of the Local Centre Core Area or Growth Centres. To reduce potential conflicts with nearby homes, requirements for larger lot sizes, increased setbacks, fencing or landscaping, and controls on open storage will be established.

Policy

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

Policy 5-149 Within the Local Centre Industrial (M-2) zone, permit local and resource-based industrial uses and residential uses in conjunction with an industrial use.

Policy 5-150 Consider rezoning land within Local Centres to allow new Local Centre Industrial (M-2) uses, subject to the following:

a) The proposed use:
   i. Is intended to provide a service to local residents, or is a tourist commercial use;
   ii. Is a resource-based activity; or
   iii. Is operated in conjunction with a residential use;
b) The proposed use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;
c) Safe and efficient roadway access is provided;
d) Adequate on site parking is provided;
e) The development is compatible with adjacent land uses with respect to:
   i. Traffic generation and traffic safety;
   ii. Hours of operation;
   iii. Size and design of building(s);
   iv. Signage; and
   v. Pedestrian circulation and safety;
f) Adequate buffering or screening, landscaping, setbacks and yards are provided; and
g) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-151 Consider amending the Land Use By-law to add new uses to the permitted uses in the Local Centre Industrial (M-2) zones subject to the following:

a) The objectives of the Local Centre designation are maintained;
b) The proposed use is:
   i. Intended to provide a service to local residents;
   ii. A resource-based activity; or
   iii. Operated in conjunction with a residential use;
c) The proposed use is compatible with rural residential and resource uses;
d) Adequate controls exist in the Land Use By-law over landscaping and screening, especially of outdoor storage; and
e) The proposal meets the general criteria set out in Section 6.3.4.

5.9.4 Business Park (BP) Zone

The area on the west side of Highway 101, encompassing approximately 33 acres, is intended to support predominantly highway-oriented commercial uses, along with a limited range of light industrial activities that can operate compatibly within a commercial setting.

Policy

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

Policy 5-152 Within the Business Park (BP) zone, permit a mix of uses including banks and financial institutions, offices, retail shops, personal service shops, as well as light industrial uses which are considered compatible with retail/commercial development. Retail or commercial uses not listed as permitted in the Business Park (BP) zone may be considered by amendment to the Land Use By-law.

5.9.5 Resource Industrial (M-1) Zone

Resource-related industries often locate close to where their products are produced and may also be attracted to areas with established municipal services, such as Growth Centres. Recognizing the presence of existing resource-based activities within Growth Centres, Council intends to acknowledge their role and stability through appropriate industrial zoning.

To reduce potential land-use conflicts and ensure that new development occurs in a compatible and well-managed manner, any new resource-related industrial uses proposed within Growth Centres will be considered only through development agreement. Existing operations may continue and may expand through the rezoning of adjacent properties where appropriate, subject to applicable setback and buffering requirements.

Policy

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

Policy 5-153 Within the Resource Industrial (M-1) zone, permit resource industries and other light industrial uses including, but not limited to, warehousing, light manufacturing and similar uses which are not obnoxious or offensive because of noise, vibration, odour, smoke or other emissions.

Policy 5-154 Within Growth Centres, consider entering into a development agreement to permit new resource-related uses, subject to the following:

a) The use is permitted in the Resource Industrial (M-1) zone;
b) The use does not pose adverse impacts to adjacent lands with respect to:
    i. Noise, odours, dust, fumes or other emissions;
    ii. Traffic generation and traffic safety;
    iii. Hours of operation; and
    iv. Size of building.
c) The development has frontage on an arterial or collector road;
d) Safe and efficient road access can be provided;
e) Adequate parking and loading areas can be provided;
f) Adequate buffering or screening, landscaping, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties;
g) Outdoor storage and display areas are fenced or screened and limited to the rear yard where there is potential for conflict with adjacent non-industrial uses; and
h) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-155 Within Growth Centres, consider permitting the expansion of an existing Resource Industrial (M-1) use onto an adjacent property by rezoning, subject to the criteria in Policy 5-154.

5.9.6 Mixed Industrial (MI)

Within Growth Centres, small-scale industrial activities like auto repair, body shops, and trucking businesses often begin as hobbies or side projects on residential properties but can evolve into full-time enterprises. Existing mixed industrial uses will be formally recognized through zoning regulations. However, new mixed industrial developments will only be permitted in Growth Centres through development agreements. These agreements will enforce strict requirements for fencing, buffering, and size to minimize conflicts with neighboring properties.

Policy

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

Policy 5-156 Within the Mixed Industrial (MI) zone, permit small-scale light industrial uses such as auto body and repair shops, excavation and landscaping operations, transport depots and service shops, in conjunction with a residential use.

Policy 5-157 Consider entering into a development agreement to permit new Mixed Industrial uses in Growth Centres, subject to the following:

a) the use is permitted in the Mixed Industrial (MI) zone;
b) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;
c) safe and efficient roadway access is provided;
d) adequate on-site parking is provided;
e) the development will not adversely affect the adjacent residential area with respect to:
    i. traffic generation and traffic safety;
    ii. hours of operation;
    iii. noise;
    iv. size and design of building(s); and
    v. pedestrian circulation and safety.
f) adequate buffering or screening, setbacks and yards are provided, and open storage areas are adequately fenced or screened and limited to the rear yard where there is potential for conflict with adjacent uses;
g) maintenance of the local industrial use will be satisfactory; and
h) The proposal meets the general criteria set out in Section 6.3.4.

5.10 Resource Designation

In addition to agricultural land, a significant area of West Hants outside of Growth Centres and Local Centres is used for non-planned residential, forestry, mining, combined resources, and municipal water supply. Resource uses play a significant role in the West Hants economy; therefore, the primary focus of the resource zones will be resource uses.

General Resource Policies

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

Policy 5-158 Establish the Resource Designation as shown on the **Generalized Future Land Use Map 2.**

Policy 5-159 Establish the following Resource Zones as shown on the **Zoning Map (Map 1)** of the Land Use By-law:

a) **General Resource (GR)**: land in this zone is intended for areas outside the Growth Centres and Local Centres and are not zoned for agricultural, mineral or water supply uses.

b) **Mineral Resource (MR)**: land in this zone is intended primarily for mining and related uses, and is intended to permit agricultural and agricultural support uses, forestry and forestry-related uses, mineral processing industries, structures related to mineral extractive uses including sand and gravel operations, single and two unit dwellings and manufactured homes.

c) **Water Supply (W)**: land in this zone is intended to protect the identified municipal water supply watersheds of French Mill Brook, Mill Lakes, and Davidson Lake.

d) **Landfill (LF)**: land in this zone is intended to accommodate the existing GFL West Hants Landfill and the decommissioned landfill site at Cogmagun and is intended to permit commercial composting operations, construction and demolition waste receiving and processing areas, and recycling depots.

Policy 5-160 Limit the development of resource land for non-resource use to protect the forestry, mineral, water supply, wildlife habitat, and recreational resources of the Municipality.

Policy 5-161 Consider existing and new resource uses as the primary focus of the resource zones. Residents must recognize the priority of resource uses in these zones.

Policy 5-162 Establish separation distances and buffering requirements for structures in the Resource designation to reduce conflicts between resource and non-resource land uses.

Policy 5-163 Encourage mineral extraction operations to minimize potential conflicts by maintaining adequate separation distances from the Growth Centres and Local Centres, as well as from existing residential, commercial, or agricultural uses.

Policy 5-164 Work with community residents, mining companies and the provincial government to encourage the reclamation of closed mine sites, as well as to create reclamation plans for new and existing active mine sites.

5.10.1 General Resource (GR) Zone

The General Resource (GR) zone covers the majority of land situated outside Growth Centres and Local Centres that is not designated for agricultural, mineral, or water supply purposes. This area includes Crown lands and certain sections designated for cottage development. The GR zone is established for rural areas that are not experiencing significant development pressures.

Policy

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

Policy 5-165 Limit the size of retail stores in the General Resource (GR) zone to ensure that these uses remain small in scale and compatible with a rural environment.

Policy 5-166 Permit standalone residential dwellings in the General Resource (GR) zone.

Policy 5-167 Require larger residential lot sizes in the General Resource (GR) zone to discourage strip development and provide buffering from resource uses.

Policy 5-168 Consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones, subject to the following:

a) The use will not adversely affect existing resource uses in the area;
b) The use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre or Local Centre;
c) Safe and efficient roadway access can be provided;
d) Adequate on site parking can be provided;
e) The development is compatible with adjacent land uses with respect to:
    i. Traffic generation and traffic safety;
    ii. Hours of operation;
    iii. Size and design of building(s);
    iv. Signage; and
    v. Pedestrian circulation and safety.
f) The use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;
g) Adequate buffering or screening, setbacks and yards are provided, and outdoor storage is controlled; and
h) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-169 Consider entering into a development agreement to permit Recreation Commercial uses in the General Resource (GR) zone, subject to Policy 5-40 and Policy 5-41 provided that:

a) The use will not adversely affect existing resource uses in the area; and
b) The use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre or Local Centres.

Grouped Dwellings

Policy

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

Policy 5-170 Consider entering into a development agreement to permit standalone multiple unit dwellings and grouped single and two unit dwellings consisting of three or more units in the General Resource (GR) zone, subject to the following:

a) The proposed development has frontage on:
   i. A public road;
   ii. A private road having direct access to a public road; or
   iii. A right of way clearly granted by deed or easement, unrestricted in use, and capable of being developed for road purposes.
b) Where access to the development is by a right of way as specified in clause (a) (iii), the road along such right of way shall be designed by a professional engineer, who is a member in good standing of the Association of Professional Engineers of Nova Scotia and who carries appropriate professional liability insurance, who will certify that the design and construction of the road are adequate to accommodate the traffic generated by the development and access by emergency protection vehicles. Road design and construction plans shall be subject to review by the Municipal Engineer
c) Minimum lot size: 10 acres;
d) Minimum distance between main buildings: 20 ft;
e) The proposed overall density of the development does not exceed one dwelling unit per acre;
f) Adequate open space or recreational areas can be provided, including, where the property is located on a lake or other significant watercourse, ensuring that public access is maintained to that lake or watercourse;
g) The amount of traffic generated is compatible with adjacent land uses, and the existing road network is capable of accommodating the traffic generated;
h) Building clusters are located so as to conserve existing natural features of the site;
i) The predominant rural character of the area is not adversely affected;
j) The lot is capable of supporting private central or on-site sewage disposal system, and an adequate potable water supply is available;

k) Adequate emergency protection services, including fire, police and ambulance, can be provided;
l) The application is accompanied by:
    i. A site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
    ii. Other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and
    iii. Photo examples, plans or drawings showing the exterior design of the proposed buildings.
m) The proposal meets the general criteria set out in Section 6.3.4.

Resort Development

Policy

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

Policy 5-171 Consider entering into a development agreement to permit resort development incorporating residential, commercial, community, recreation and tourist-oriented uses in the General Resource (GR) zone, subject to the following:

a) The proposed development has direct access to a regional road or an arterial road as shown on the **Transportation Maps (Map 7a and 7b)**;
b) The lot or assembled land has an area of at least 500 acres;
c) The proposed overall density of development does not exceed:
    i. One dwelling unit per acre for lands serviced with on-site sewage disposal systems; or
    ii. Four dwelling units per acre for lands serviced with private central water and sewer systems;
d) The proposed development contains a mix of residential dwelling unit types, of which at least 50 percent shall be single or two-unit dwellings;
e) The proposed development contains commercial uses sufficient and appropriate to satisfy the day-to-day needs of residents and visitors;
f) A minimum of 25 percent of the property shall be used for parks and open space areas and active recreational facilities, of which at least half shall be allocated for active recreational facilities;
g) Where the property is located on a lake or other significant watercourse, public access is maintained to that lake or watercourse;

h) Adequate trails or walkways are provided on site to facilitate pedestrian movement throughout the property in combination with sidewalk networks and to ensure connection from the site to existing and/or planned trails networks located within 100 m of the perimeter of the property;
i) Recreation areas and facilities are predominantly open to all members of the public on a fair and equitable basis;
j) Adjacent land uses will not be adversely affected by the amount of traffic generated;
k) Building clusters are located so as to conserve existing natural features of the site;
l) The predominant rural character of the area is not adversely affected;
m) The lot is capable of supporting private central or on-site sewage disposal system(s), and an adequate potable water supply is available;
n) Adequate emergency protection services, including fire, police and ambulance, can be provided;
o) The application is accompanied by:
    i. A site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
    ii. Other supporting maps showing the topography of the lot including contours at five meter intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation; and
    iii. Photo examples, plans or drawings showing the exterior design of the proposed buildings; and
    iv. A phasing plan.
p) The proposal meets the general criteria set out in Section 6.3.4.

5.10.2 Mineral Resource (MR) Zone

West Hants Regional Municiaplity contains extensive gypsum deposits that have supported mining activity for more than two centuries. Gypsum and anhydrite extraction continues to play an economic role in the region, contributing to local employment and related service industries.

Under the Nova Scotia *Mineral Resources Act*, materials such as stone, gravel, peat, gypsum, and limestone (except anhydrite), as well as oil, natural gas, and ordinary soil, are not classified as minerals. As a result, gypsum is not vested in the Crown, and corresponding rights cannot be acquired through the Province. Instead, rights to gypsum, limestone, and other non-mineral deposits are transferred through private agreements with property owners and registered through standard land-title processes.

The potential impacts of open-pit extraction on surrounding lands and communities remain a concern for residents of the Municipality. Municipal planning documents, however, are limited to regulating the location of structures associated with mining or mineral-processing activities, and not the extraction

itself. Because extraction activities require a provincial mining permit, or, for gypsum, a Non-Mineral Registration, operations that do not involve structures may proceed with provincial approval without municipal zoning approval.

Policy

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

Policy 5-172 Regulate only the location of structures related to a mining operation in the Land Use By-law since regulation of mineral extraction activities falls under the jurisdiction of the Province of Nova Scotia.

Policy 5-173 Consider land designated Resource to be rezoned to the Mineral Resource (MR) zone, subject to the following:

a) If the property is not owned by the developer, the mineral or gypsum rights to the land have been obtained and registered in the Registry of Deeds;
b) The road network, including stopping sight distances and entrances and exits to the site, is adequate to support any increase in traffic;
c) The proposed active mining area and any structures are consistent with the setback and buffering requirements in the Mineral Resource (MR) zone;
d) The site design, including landscaping, outdoor storage areas, parking areas and driveways, is adequate to minimize potential impacts on adjacent developments; and
e) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-174 Consider rezoning land zoned Mineral Resource (MR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-1) zones, subject to Policy 5-168.

5.10.3 Water Supply (W) Zone

Within the Municipality, three water supply areas support local communities, French Mill Brook watershed, the Mill Lakes watershed, and the Davidson Lake watershed. All three, French Mill Brook, Mill Lakes, and Davidson Lake, are designated Protected Water Areas under the *Nova Scotia Environment Act*.

The Protected Water Area designations include regulations that address activities such as recreational use, forestry, agriculture, and resource extraction to prevent contamination and safeguard watershed conditions. Although the Municipality and partnering water utilities own portions of land within these areas, a substantial amount of the designated lands remain privately owned and are predominantly forested. Residential development is not present within the protected areas, though some landowners maintain small woods camps.

To ensure long-term protection of these water supplies, a Water Supply (W) Zone will be applied to encompass the three designated areas. Development within this zone will be limited to safeguard water quality. Residential dwellings will not be permitted due to the sensitivity of the watersheds and the potential for contamination, particularly in areas with steep slopes. To avoid unduly restricting landowners, the continued use of woods camps will be permitted, subject to size limitations that reflect the environmental sensitivity of the water supply areas.

Policy

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

Policy 5-175 Minimize site disturbance in the Water Supply (W) zone by limiting the permitted floor area for woods camps.

Policy 5-176 Establish a minimum lot size of 10 acres (4.05 hectares) except for municipal water treatment and distribution uses. In addition, to further limit subdivision of land, it shall be the policy of Council to establish a minimum water frontage requirement which shall apply to the creation of new lots abutting Mill Lake and Davidson Lake.

Policy 5-177 Prohibit the erection of any structure or alteration of land levels for development on any portion of a lot in the Water Supply (W) Zone where there is a slope greater than 15 percent. This shall not apply to municipal water treatment and distribution uses, structures necessary for the prevention of floods or erosion, or structures which serve to facilitate drainage.

Policy 5-178 Require developers to submit an environmental study before a development permit is issued for any project within 213.25 ft (65 m) of a watercourse in the Water Supply (W) zone. The study shall be prepared by a qualified person such as a civil engineer, registered landscape architect or environmental professional whose qualifications have been approved by the Development Officer prior to commencing the study. The study should identify sensitive site features and outline measures to ensure the development will not harm water quality. The study must include, but is not limited to:

a) a site assessment which examines slope, soils, vegetation, potential for erosion and siltation and potential for runoff of nutrients or other contaminants;
b) measures to address potential impacts such as erosion and sedimentation controls; appropriate treatment of sensitive areas and features; landscaping and vegetative buffers; location, design and maintenance of sewage disposal system(s); and any other measure necessary to protect water quality both during and after construction; and
c) a site plan and any other information deemed necessary by the Development Officer that shows the proposed location of any buildings, driveways, roads, and other features of the development, together with measures proposed in clause (b) to address impacts.

5.10.4 Municipal Landfill

The GFL West Hants Landfill is the key waste management facility serving the West Hants Regional Municipality. Operated by GFL Environmental, it handles both residential and commercial waste, ensuring the proper disposal of non-recyclable materials. This facility also includes a Household Hazardous Waste (HHW) Collection Facility, Septage Lagoon, and a Construction & Demolition Debris (C&D) collection area. The GFL West Hants Landfill is located adjacent to the decommissioned Cogmagun Landfill.

Policy

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

Policy 5-179 Prohibit new landfills within the Municipality; however, Council may consider the expansion of the existing Landfill (LF) zone beyond its existing boundaries by rezoning, subject to the following:

a) The proposed site abuts the existing Landfill (LF) zone; and
b) The active disposal area is at least:
   i. 3,280.84 ft (1,000 m) from the nearest residential, institutional, commercial or industrial building;
   ii. 328.08 ft (100 m) from the nearest property boundary; and
   iii. 328.08 ft (100 m) from the nearest bank top or high water mark of any surface water course or water body, including salt water, or any off site well.

5.11 Community Use Designation

Community use includes parks, open space, and recreational uses, and institutional uses such as schools, churches, and museums. The Municipality promotes healthy living and active lifestyles by encouraging integrated open space linkages through the use of sidewalks, multi-purpose trails, and cycling routes.

General Community Use Policy

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

Policy 5-180 Establish the Community Use Designation as shown on the **Generalized Future Land Use - Map 2, Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6).**

Policy 5-181 Establish the following Community Use Zones as shown on the **Zoning Map (Map 1-5)** of the Land Use By-law:

a) **Institutional (I)**: lands in this zone are intended for existing public or non-profit uses such as churches, schools, homes for special care, community halls, fire stations, indoor recreational uses, day care centres, and other public buildings and facilities.

b) **Open Space (OS)**: lands in this zone are intended for parks and other public outdoor recreation uses, cemeteries, historic sites, and similar uses. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums and interpretive centres, which are located on large parcels of land used as parkland.

Policy 5-182 Permit a range of uses in the Community Use designation, including but not limited to, recreation uses, institutional uses, public and private schools, assembly halls, cemeteries, campgrounds, day care centres, and places of worship.

Policy 5-183 Encourage the provision a variety of recreation facilities, both public and private.

Policy 5-184 Establish and maintain the priorities of parks and open spaces within the context of overall municipal priorities and financial resources.

Policy 5-185 Permit parks and playgrounds in any zone, provided accessory buildings are small scale, any signage meets the requirements of the zone, and all other requirements of the Land Use By-law are met.

5.11.1 Institutional (I) Zone

Throughout the Municipality there are several institutional land uses. Among these are educational facilities, homes for senior care, the Hants Community Hospital, places of worship and museums and are predominantly located in residential areas. New institutional uses such as schools and government offices, as well as developments that are under private operations that include community groups and places of worship, and public serving organizations will be permitted only by development agreement.

Policy

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

Policy 5-186 Within the Institutional (I) zone, permit a range of institutional uses to locate on large lots that will minimize their potential effects upon adjacent areas and to accommodate larger the number of persons who use such facilities.

Policy 5-187 Regulate setbacks to encourage buffering of adjacent non-institutional uses.

Policy 5-188 Consider entering into a development agreement to permit institutional uses in any designation, subject to the following:

a) The development fronts on an arterial or collector road, or on a road that has direct access to an arterial or collector road;

b) If the proposed development is located in an architectural design control district, the architectural design of the development is reasonably consistent with the provisions of the architectural design manual;
c) The development is serviced, or is capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;
d) Noise and traffic generation of the proposed use is not excessive in relation to the existing development pattern of the area;
e) Safe and efficient roadway access can be provided;
f) Adequate on site parking can be provided;
g) Adequate open space, landscaping and separation distances can be provided; and
h) The proposal meets the general criteria set out in section 6.3.4.

5.11.2 Open Space (OS) Zone

There are several federal and provincial historic sites encompassing a large land area used as parkland. While some parks and open spaces serve at a neighbourhood level, others such as the Fort Edward National Historic Site attract a larger number of visitors from beyond the municipality. Generally, open space uses do not involve main buildings, but the zone may also be applied to certain institutional uses, such as museums, which are located on large parcels of land used as parkland.

Policy

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

Policy 5-189 Zone only public lands for Open Space purposes.

Policy 5-190 Encourage the protection and maintenance of Open Space areas to provide adequate parkland for current and future residents and visitors.

5.12 Nesbitt Island Designation

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

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

Built in 1884, the mill was an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 made it a landmark. Where possible, any redevelopment or

expansion of the Nova Scotia Textiles mill building should retain the architectural elements of the remainder of the building which contribute to the public façades on both Nesbitt Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the shape of windows.

General Nesbitt Island Policies

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

Policy 5-191 Establish the Nesbitt Island designation as shown on the **Generalized Future Land Use Map – Windsor Growth Centre (Map 3).**

Policy 5-192 Establish the following Nesbitt Island zones as shown on the **Windsor Growth Centre Zoning Map (Map 2)** of the Land Use By-law:

a) **Mixed Use (MU)**: lands in this zone include the former Nova Scotia Textile's mill site and the Municipally owned lot abutting the former textile mill site.

Policy 5-193 Permit a variety of land uses including but not limited to commercial, residential, institutional, and recreation uses in the Nesbitt Island designation.

5.12.1 Mixed Use (MU) Zone

Policy 5-194 Consider amending areas to the Mixed Use (MU) zone only when the property:

a) Has frontage on Nesbitt Street or Colonial Road; and
b) Is located on the north side of Highway 101.

Policy 5-195 Have regard to the following conditions when evaluating an amendment specified in Policy 5-194:

a) A geotechnical assessment prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints Area, the study should follow the requirements outlined in Policy 3-114;
b) The proposed use is compatible with the character of the area regarding items including but not limited to traffic generation and architectural design and scale;
c) Adequate landscaping, open space and natural or artificial buffering can be provided;
d) Adequate parking and safe pedestrian and vehicular access to the site can be provided; and
e) The proposal meets the general criteria set out in Section 6.3.4.

Policy 5-196 Consider only by development agreement within the Nesbitt Island designation mixed use, multiple unit residential developments in excess of four (4) storeys in height, subject to the following:

a) The proposed development consists of a combination of uses which are permitted in the Mixed Use (MU) zone;

b) The building will in no instance exceed 210 ft (64 m) in height;
c) The architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows are imitated on the first three (3) storeys of the new building;
d) Signage exceeding the Land Use By-law regulations may be considered where:
    i. The application is accompanied by an engineered design of the proposed signs, specifically detailing the method to secure the signs, if the signage exceeds the height requirements; and
    ii. Illumination of the sign follows Section 4.14 of the Land Use By-law.
e) Adequate landscaping, open space and natural or artificial buffering can be provided;
f) Adequate parking, safe and convenient pedestrian access, and vehicular access to the site can be provided;
g) Adequate provision is made to minimize conflict with existing residential dwellings with respect to hours of operation of commercial, institutional, and recreation uses;
h) The application is accompanied by:
    i. A site plan drawn to scale showing the proposed number, location and type of buildings, lot coverage, parking areas, vehicular and pedestrian circulation systems within the development, access to the site and open space and recreational areas;
    ii. A shadow study evaluating the shadow impact of the proposed development including building footprints, siting, massing, orientation and form, for various times during the day of four separate days quarterly within a calendar year;
    iii. A Traffic Impact Study (TIS), in accordance with Policy 3-95, prepared by a qualified traffic or transportation Engineer and approved by the authority having jurisdiction, showing the adequacy of the existing and proposed road network to accommodate the proposed development. The TIS must also provide recommendations concerning the mitigation of any traffic-related issues which may be caused by the development;
    iv. A drainage and stormwater management plan prepared by a professional Engineer and approved by the Municipal Engineer, demonstrating the impact the proposal will have on adjacent lands or existing stormwater management systems and outlining how pre- and post-construction flows will be balanced;
    v. A geotechnical assessment is prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental

Constraints Area, the study should follow the requirements outlined in Policy 3-114;

vi. Other supporting maps showing the topography of the lot including contours at appropriate intervals, and significant natural features such as watercourses, wetlands and unique habitat or vegetation;

vii. Photo examples, plans or elevation drawings showing the exterior design of the proposed buildings; and

viii. 3D renderings showing the impact of the proposed development on the views from Fort Edward Historical Site.

i) The proposal meets the general criteria set out in Section 6.3.4.

6. Implementation & Administration

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

6.1 Public Participation

In January 2023, Council adopted a Public Participation Policy, entitled "Policy RCOPL-006.00 Public Participation Program Policy", to direct the preparation and adoption of land use planning strategies and implementation of By-laws or amendments thereto. This policy requires that when preparing a new Municipal Planning Strategy, that notification to adjacent municipalities is completed, at least one informal public meeting, and one formal Public Hearing be held to allow public input on the proposed documents.

The policy of Council ensures that public participation in the preparation and adoption of Land Use Planning Strategies and implementing By-laws or amendments thereto are in accordance with the requirements of the *Municipal Government Act* (Part VIII, Section 204). This policy applies to all areas within the Municipality.

This Municipal Planning Strategy has been prepared in full accordance with Council's policy and the requirements of the *Municipal Government Act*.

6.2 Effective Date and Repeal of Municipal Planning Strategy

Policy 6-1 This Municipal Planning Strategy shall come into effect on the date that a notice is published by the Municipality, informing the public that the planning documents are in effect.

Policy 6-2 During a meeting held on [DATE], the Council of the West Hants Regional Municipality repealed:

a) The Town of Hantsport Municipal Planning Strategy as adopted by Town Council May 20, 2010, and all amendments thereto.
b) The Town of Windsor Municipal Planning Strategy as adopted by Town Council May 13, 2008, and all amendments thereto.
c) The Municipality of the District of West Hants Municipal Planning Strategy as adopted by Municipal Council May 20, 2010, and all amendments thereto.

6.3 Implementation

6.3.1 Definitions

The definitions in the Land Use By-law shall apply to and be used in interpretation of all policies of this Municipal Planning Strategy.

6.3.2 Land Use By-law and Subdivision By-law

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

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

Policy

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

Policy 6-3 Adopt and maintain a Land Use By-law which carries out the intent of this Municipal Planning Strategy.

Policy 6-4 Adopt and maintain a Subdivision By-law which carries out the intent of this Municipal Planning Strategy. Specifically, the Subdivision By-law shall:

a) Apply to the entirety of the West Hants Regional Municipality;
b) Ensure that any subdivision, with the exception of lots created using the variance provisions of Part 9 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use By-law;
c) Establish locations and standards for the development of public and private roads, central services and other publicly owned infrastructure;
d) Contain provisions intended to ensure that lots are suitable for on-site sewage disposal where there is no central sewer system;
e) Contain provisions for dedicating land or an equivalent value for park, playground and similar public purpose;
f) Ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
g) Contain any other provisions needed to fulfil the intent of this Municipal Planning Strategy.

Policy 6-5 In accordance with Sections 243(1) and 243(2) of the *Municipal Government Act*, appoint a Development Officer who shall administer the Land Use By-law and Subdivision By-law and as such shall be responsible for the granting of development permits and approval of plans of subdivision.

Policy 6-6 Specify on any development permit, in addition to the permitted development, the time for which the permit is valid.

6.3.3 Variances

There are situations related to development that cannot be predicted. In order to ensure that undue hardship is not caused by requirements for developments, the ability to vary requirements enabled in Sections 235 and 236 of the *Municipal Government Act* will be used.

Policy

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

Policy 6-7 Enable the Development Officer to vary the following Land Use By-law regulations or terms in a development agreement if provided for in the development agreement:

a) The percentage of land that may be built on;
b) The size or other requirements relating to yards, lot frontage, or lot area;
c) The number of parking and loading spaces required;
d) The ground area and height of a structure;
e) The floor area occupied by a home-based business; and
f) The height and area of a sign.

6.3.4 Land Use By-law Amendments and Development Agreements

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

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

Policy

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

Policy 6-8 Consider an application for amendment to the zoning map(s) of the Land Use By-law only if the application is for a specific development.

Policy 6-9 If a non-conforming structure will be created, the applicant must be notified of this in writing prior to the amendment being considered.

Policy 6-10 In considering amendments to the Land Use By-law, in addition to the criteria set out in various policies of this Municipal Planning Strategy, Council shall be satisfied that the proposal:

a) Is consistent with the intent of this Municipal Planning Strategy and any applicable Secondary Plans;
b) Does not conflict with any known Municipal, Provincial or Federal programs in effect in the Municipality. Required Provincial or Federal approvals need not be received before the amendment is approved;
c) Has due regard for:
    i. Applicable zone policies and the impact of both the specific development proposal and all other uses permitted in the proposed zone;
    ii. Mix of housing types, densities, and tenures, including affordability and accessibility where residential uses are proposed;
    iii. Adequacy of the dimensions and shape of the lot for the intended use;
    iv. Availability and proximity of community facilities such as schools and recreation, where residential uses are proposed;
    v. Adequacy of fire protection and other emergency services;
    vi. Efficient use of existing and planned municipal infrastructure;
    vii. Creation of any excessive traffic hazards or congestion stemming from the adequacy of road or pedestrian networks within, adjacent to, and leading to the proposal as determined by the Traffic Authority;
    viii. Access and connection to active transportation infrastructure;
    ix. Adequacy of sewer, water, and stormwater services, including site suitability for on-site services where applicable;
    x. Appropriate measures for erosion control, site grading, and stormwater management are considered by the Municipal Engineer who may request a letter from an engineer who is a member of the Association of Professional Engineers of Nova Scotia (APENS) stating that the anticipated development is capable of maintaining balanced pre- and post-development peak flows;
    xi. Negative impacts on existing adjacent land uses; and
    xii. Financial capacity of the Municipality to absorb any costs relating to the development.
d) Any other matter required by relevant policies of this Municipal Planning Strategy.

Policy 6-11 In considering development agreements, in addition to the criteria set out in various policies of this Municipal Planning Strategy, Council shall be satisfied that the proposal:

a) Is consistent with the intent of this Municipal Planning Strategy and any applicable Secondary Plan;
b) Does not conflict with any known Municipal, Provincial or Federal programs in effect in the Municipality. Required Provincial or Federal approvals need not be received before the development agreement is approved;
c) Has due regard for:

i. Compliance with the Architectural Design Manual, in the opinion of the Planning /Heritage Advisory Committee, if the building or area is located in an Architectural Control District;
ii. Consideration of architectural design and scale that respects and complements surrounding buildings, within reason;
iii. Adequacy of the dimensions and shape of the lot for the intended use and to ensure required buffering and screening can be carried out where necessary;
iv. Mix of housing types, densities, and tenures, including affordability and accessibility where residential uses are proposed;
v. Mitigation of impacts on existing uses and existing development forms through measures such as the use and size of proposed structures, setbacks, buffering, landscaping, limits on hours of operation, and other similar features of the proposed use and structures;
vi. The adequacy of fire protection and other emergency services;
vii. Availability and proximity of community facilities such as schools and recreation, where residential uses are proposed;
viii. Efficient use of existing and planned municipal infrastructure;
ix. Creation of any excessive traffic hazards or congestion stemming from the adequacy of road or pedestrian networks within, adjacent to, and leading to the proposal as determined by the Traffic Authority;
x. Adequacy of pedestrian infrastructure on the site including walkways and sidewalks and access and connection to active transportation infrastructure and networks surrounding the site;
xi. The adequacy of sewer and water services, including but not limited to on-site services where permitted;
xii. Appropriate measures for erosion control, site grading, and stormwater management, including maintaining balanced pre- and post-development peak flows being considered through the application process or during the development approval process;
xiii. Effective screening and buffering where appropriate to minimize impacts on abutting uses and the natural environment;
xiv. Incorporates climate change adaptation measures, including site design that accounts for floodplains, sea level rise, storm surge, and other environmental hazards;
xv. Financial capacity of the Municipality to absorb any costs relating to the development; and
xvi. Consideration for universal accessibility and barrier-free design in site layout and building design.

d) Any other matter required by relevant policies of this Municipal Planning Strategy.

Policy 6-12 Require, in addition to any other required information, any of the following information at a level sufficiently detailed to determine whether the criteria for amending the Land Use By-law or entering into a development agreement have been met:

a) A detailed site plan and/or elevations showing:
   i. Topography;
   ii. Proposed types and forms of development;
   iii. Minimum and maximum size of lots;
   iv. Proposed location, height, dimensions, floor area, and use of all existing and proposed buildings or structures;
   v. Location and type of roads and proposed access points; and
   vi. Sidewalks, pedestrian pathways, parks, trails, and open space areas.

b) A Traffic Impact Study (TIS), in accordance with Policy 3-95, prepared by a traffic or transportation engineer who is a member of the Association of Professional Engineers of Nova Scotia (APENS) or equivalent, showing the adequacy of the existing and proposed road network to accommodate the proposed development. The TIS must also provide recommendations concerning the mitigation of any traffic-related issues which may be caused by the development;

c) A landscape plan prepared by a surveyor who is a member of the Association of Nova Scotia Land Surveyors (ANSLS) or equivalent or a landscape architect who is a member of Atlantic Provinces Association of Landscape Architects (APALA) or equivalent showing:
   i. All hard surfaces including but not limited to sidewalks, driveways, ground-level patios, fences, and retaining walls;
   ii. Utilities above and below ground, including water lines and wells, sewer lines, septic tanks and beds, and power lines; and
   iii. All trees (whether they are being kept, moved, taken out, or taken out and then replaced), including but not limited to location, diameter of trunk(s) at 4.6 ft (1.4 m) from the ground, common and botanical names, trees on adjacent properties within 6 ft (2 m) of the lot line of the development agreement and trees on any public road right-of-way abutting the development agreement site.

d) A drainage and stormwater management plan prepared by an engineer who is a member of the Association of Professional Engineers of Nova Scotia (APENS) or equivalent that demonstrates the impact the proposal will have on adjacent lands or existing stormwater management systems;

e) A hydrological study of groundwater resources prepared by a hydrological engineer who is a member of the Association of Professional Engineers of Nova Scotia (APENS) or equivalent to determine quality, available volume, and natural flows of the resource and to identify the area and rate of recharge;

f) An environmental study carried out by an engineer who is a member of the Association of Professional Engineers of Nova Scotia (APENS) or equivalent or a

geologist who is a member of Geoscientists NS to assess risks to the environment, including but not limited to, species at risk and environmental contamination;

g) A geotechnical assessment prepared by a geotechnical engineer who is a member of the Association of Professional Engineers of Nova Scotia (APENS) or equivalent stating that the site is suitable for the proposed development; and

h) A site grading plan, prepared by a surveyor who is a member of the Association of Nova Scotia Land Surveyors or equivalent or a civil engineer who is a member of Association of Professional Engineers of Nova Scotia (APENS) or equivalent showing the proposed grading of the site with respect to drainage and storm water management.

Policy 6-13 Establish controls within a development agreement that may be needed to adequately address any concerns raised by the specific criteria for the development or criteria set out in Policy 6-12, including but not limited to controls regarding:

a) Off-road parking and loading spaces;
b) Hours of operation;
c) Landscaping, buffering, sensitive site orientation and screening;
d) Reducing the impacts of noise, odour, dust, or light or any other form of emission on other properties in the area;
e) Managing lighting to reduce glare and light trespass;
f) Ensuring the development adequately addresses stormwater management, including low impact development requirements;
g) Architectural features, including but not limited to bulk, scale, height, roof shape, building materials, exterior cladding, and shape and size and placement of doors and windows, to ensure they are visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition;
h) Ensuring the proposal provides sufficient park and trail features consistent with the applicable policies contained within Section 3.7.3 Active Transportation and within the Subdivision By-law;
i) Management of garbage collection and industrial waste disposal;
j) Ensuring the development meets the criteria established in the Municipal Services Specifications manual;
k) On-going ownership and maintenance of the development;
l) Time limits for the initiation and completion of construction; and
m) Requirements for adequate performance bonding or security to ensure that major components of the development, including but not limited to road construction or maintenance, landscaping or development of amenity areas, are completed in an appropriate and timely manner and maintained for a specific period of time.

6.3.5 Site Plan Approval

Site plan approval is a development control process that ensures certain types of development meet additional design and site-specific standards beyond the basic requirements of the Land Use By-law. The process allows the Development Officer to review detailed aspects of a proposal, such as landscaping, building placement, access, parking, buffers and screening, to ensure the new development minimizes impacts on the surrounding built and natural environment and contributes positively to the character of the area. This process provides flexibility to accommodate development while addressing site-level considerations that cannot be regulated through zoning alone.

Policy

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

Policy 6-14 The following will be considered in the evaluation of site plan approval applications:

a) The location of buildings and structures on the lot;
b) The location of on-site parking and loading;
c) The location, number and width of driveways;
d) The type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements
e) The retention of existing vegetation;
f) The location and surfacing of walkways;
g) The location and type of outdoor lighting;
h) The location of solid waste storage facilities;
i) The location of easements;
j) The grading or alteration of land levels, including stormwater management and drainage;
k) The type, location, and number of signs; and
l) Provisions for maintenance of any of the above standards.

Policy 6-15 The site plan notification, approval and appeal process shall follow the requirements of the *Municipal Government Act*, as well as the Public Participation Policy.

6.3.6 Secondary Planning

There may be instances where the Municipality may explore area specific plans, known as Secondary Plans. Secondary Plans provide detailed local policies to guide growth and change in a defined area (i.e., Growth Centres) of the Municipality. They implement the objectives, policies, and land use designations of this Municipal Planning Strategy to reflect local contexts while providing more detailed direction for such matters as the desired form and type of physical development, detailed targets and allocations for population and job growth, the protection of natural and cultural heritage resources, and targets for sustainable development, phasing, and the implementation of infrastructure.

Policy

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

Policy 6-16 Consider utilizing secondary plans within the Municipality as a method to provide more detailed policies in areas that warrant more detailed planning. These Secondary Plans shall be incorporated into the Land Use By-law.

6.4 Non-Conforming Uses, Structures, and Uses in Structures

Some existing land uses in the Municipality do not meet land use regulations but exist legally. Some were created before regulations came into effect and others were developed with permits in place, but the rules were later changed in a way that would not permit a similar use to be developed today. These are referred to as "non-conforming uses" in the *Municipal Government Act*, which provides them some specific basic protections.

Since all situations cannot be anticipated, Council will also consider expansion of some non-conforming structures, non-conforming uses of land and nonconforming uses in structures either as-of-right or by development agreement.

There are also structures which legally exist but do not meet the present requirements for structures to locate on a lot. These are referred to as "non-conforming structures".

Because these uses and structures were legally created, Council will acknowledge their presence and allow for reasonable continuation of the use or structure. In most locations, Council will increase the ability to expand or change the use beyond that permitted in the *Municipal Government Act*.

Policy

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

Policy 6-17 Maintain the restrictions established in the *Municipal Government Act* for non-conforming residential structures.

Policy 6-18 Permit non-residential non-conforming structures to enlarge, repair, renovate or reconstruct if the structure meets all zone requirements other than those which make it non-conforming.

Policy 6-19 Consider only by development agreement the extension, enlargement, alteration, or reconstruction of any non-conforming structure in all zones. In considering such development agreements Council shall be satisfied that:

a) The condition(s) that prevents the structure from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to the positioning and design of buildings and structures; and
b) The proposal meets the general criteria set out in Section 6.3.4.

Policy 6-20 Enable the recommencement of a non-conforming use, non-conforming use of land, or non-conforming use in a structure if it has been discontinued for a continuous period in excess of six (6) months but not more than 12 months.

Policy 6-21 Permit the change of use of a non-conforming use of land to another non-conforming use, or a non-conforming use in a structure to another non-conforming use which has similar or less impact than the existing non-conforming use or is more compatible with the uses permitted by the zone.

Policy 6-22 Permit the minor expansions for items such as entry ways of the building within which the non-conforming use is located.

6.5 Monitoring, Reviewing, and Updating this Municipal Planning Strategy

This Municipal Planning Strategy should be updated through continuous regular "housekeeping" changes to clarify policies or address inconsistencies. It may also be necessary to complete a comprehensive review of the entire Plan, Land Use by-law and Subdivision By-law to adjust the overall intent in order to accommodate and adapt to changes to the environmental, social, and economic climate of the Municipality.

Policy

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

Policy 6-23 Encourage a periodical review of planning documents, amendments to planning documents, development agreements, and amendments to development agreements.

Policy 6-24 Require amendments to the policies of this Municipal Planning Strategy or to any of the **Generalized Future Land Use - Map 2, Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)** under the following circumstances:

a) The intent of any policy is to be changed; and
b) New policies and directions brought on by Statements of Provincial Interest, provincial or federal regulations, or changing priorities that have been brought by Council.

Policy 6-25 In accordance with the *Municipal Government Act*, that this Municipal Planning Strategy may be reviewed when the Minister of Service Nova Scotia and Municipal Relations (Minister) or Council deems it necessary, but, in any case, not later than ten (10) years from the date of its coming into force or from the date of the last review.

Policy 6-26 Consider amending any area abutting a designation on the **Generalized Future Land Use - Map 2, Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)** to a zone permitted in the abutting designation without requiring a Municipal Planning Strategy amendment, provided that all other policies of this Municipal Planning Strategy are met.

Policy 6-27 Consider entering into a development agreement for a property abutting a land use designation on the **Generalized Future Land Use - Map 2, Generalized Future Land Use Map – Windsor Growth Centre (Map 3), Generalized Future Land Use Map – Hantsport Growth Centre (Map 4), Generalized Future Land Use Map – Falmouth Growth Centre (Map 5), and Generalized Future Land Use – Three Mile Plains Growth Centre (Map 6)** without requiring a Municipal Planning Strategy amendment, provided that all other policies of this Municipal Planning Strategy are met.

Policy 6-28 Consider proposals for developments by development agreement in lieu of an amendment to the Zoning Map. In considering such proposals, Council shall be satisfied that an amendment to the Zoning Map that would accommodate the proposed development would be enabled by the policies of this Plan and that the proposal meets the requirements of Section 6.3 of this Plan.

Policy 6-29 Initiate a housekeeping amendment process within two years of the Municipal Planning Strategy being in effect to address any issues unforeseen at the time of implementation.

6.6 Recovery of Expenses

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

Policy

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

Policy 6-30 Charge applicants the fees specified in the Fees policy. The fees are intended to cover all or part of any of the following costs related to amendments to the Land Use By-law (with or without concurrent Municipal Planning Strategy amendments), variances, development agreements, amendments to development agreements, and site plan approvals:

a) Notifying adjacent landowners;
b) Placing notices in the newspaper or other locations;
c) Posting a sign;
d) Processing an application; and
e) Registering a development agreement.

6.7 Capital Improvement Program

In addition to controlling private development, Council may undertake programs of its own to encourage development in certain areas, to enhance, improve, or protect the environment of the Municipality, or to provide a greater range of social, recreation, cultural, or educational facilities and activities. It is one purpose of this Municipal Planning Strategy to aid in establishing such programs.

Policy

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

Policy 6-31 Include policies and provisions of this Municipal Planning Strategy into the capital budget and the capital program of the Municipality to the greatest extent possible, with the goal of eventual integration of planning, capital programming, and budgeting.

7. Maps

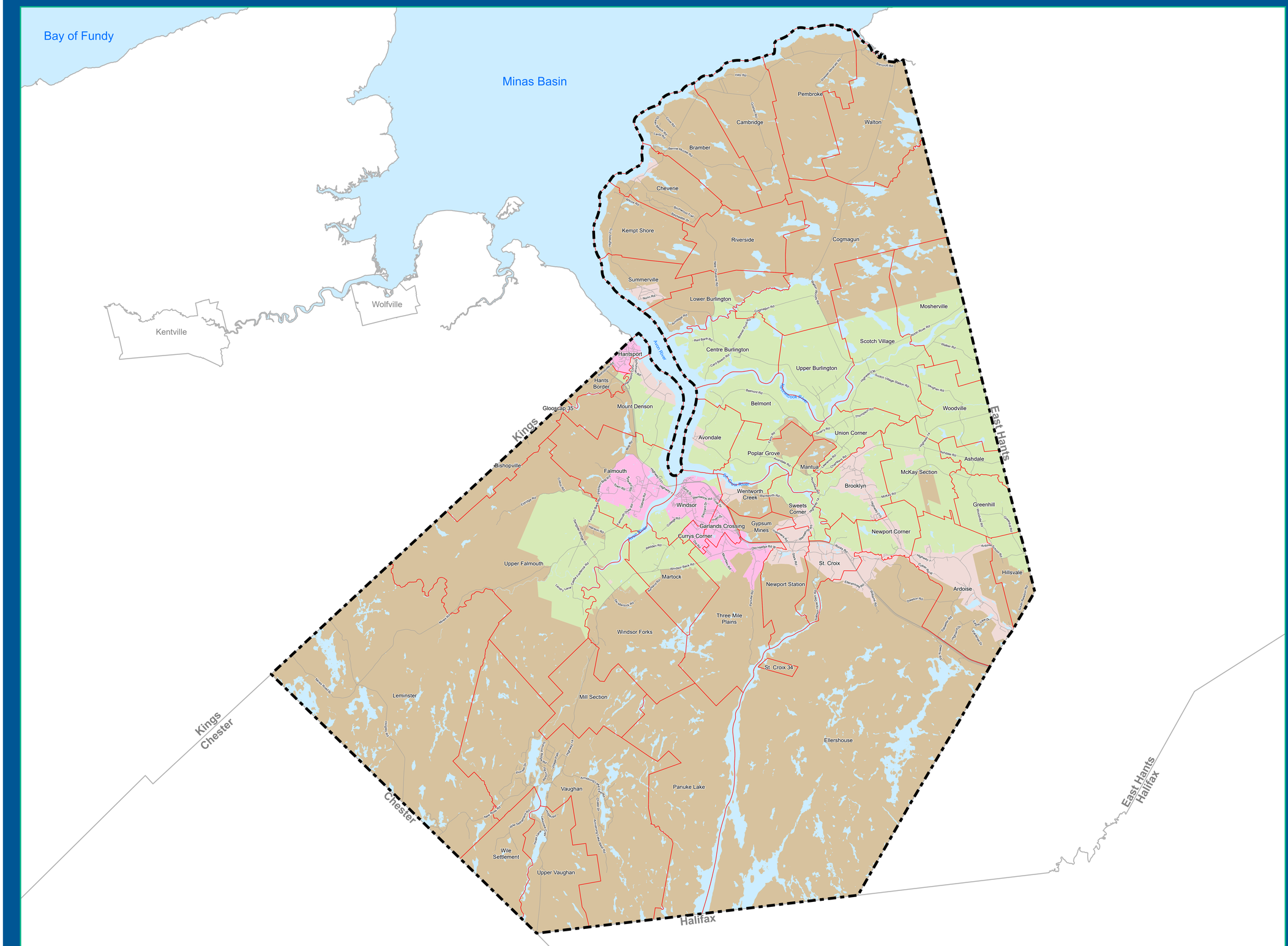
The following maps shall form part of the Municipal Planning Strategy:

Map 1	Municipal Structure
Map 2	Generalized Future Land Use Map
Map 3	Generalized Future Land Use Map - Windsor Growth Centre
Map 4	Generalized Future Land Use Map - Hantsport Growth Centre
Map 5	Generalized Future Land Use Map - Falmouth Growth Centre
Map 6	Growth Centre Generalized Future Land Use Map - Three Mile Plains
Map 7a	Transportation Map
Map 7b	Transportation Map
Map 8	Windsor Architectural Control Districts
Map 9	Fort Edward View Plane
Map 10	Wentworth Road Gateway District
Map 11a	Commercial Development District - Hantsport
Map 11b	Commercial Development District - Three Mile Plains/Windsor
Map 11c	Commercial Development District - Windsor

West Hants Regional Municipality

Municipal Planning Strategy

Map 1: Municipal Structure Map



Legend

- West Hants Municipal Boundary
- Municipal Boundaries
- Community Boundary
- Growth Centre
- Local Centre
- Resource
- Agriculture

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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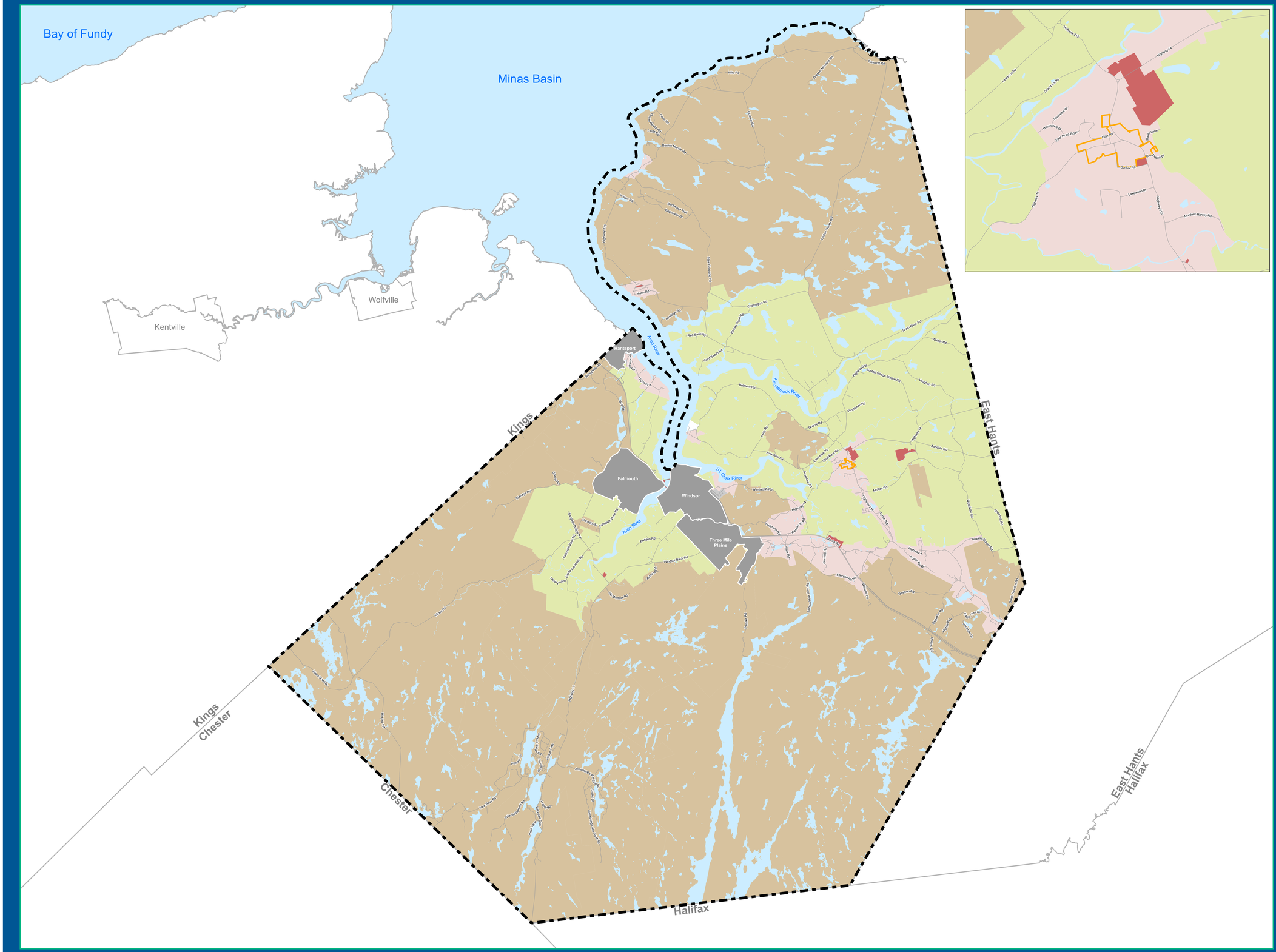
Kilometres

November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 2: Generalized Future Land Use Map



Legend

- West Hants Municipal Boundary
- Municipal Boundaries

Land Use Designations

- Residential
- Commercial
- Local Centre
- Industrial
- Resource
- Agriculture
- Local Centre Core Area

Growth Centres

- Windsor (See Map 3)
- Hantsport (See Map 4)
- Falmouth (See Map 5)
- Three Mile Plains (See Map 6)

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This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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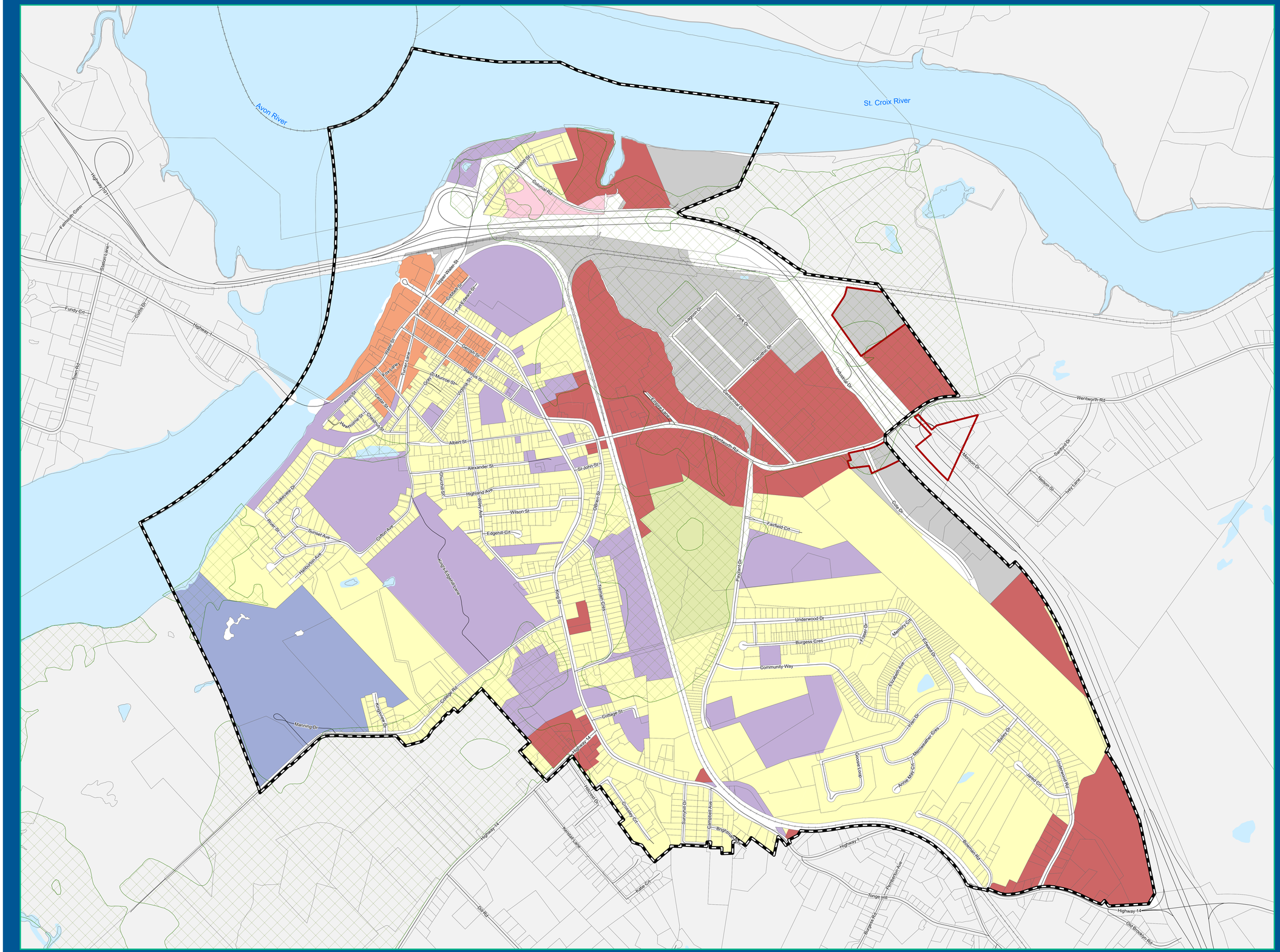
West Hants Regional Municipality

Municipal Planning Strategy

Map 3: Generalized Future Land Use Map - Windsor Growth Centre



Legend

- Growth Centre
- Environmental Constraint

Land Use Designations

- Residential
- Commercial
- Community Use
- Industrial
- Downtown Core
- College Road Comprehensive Development District
- Agriculture
- Nesbitt Island

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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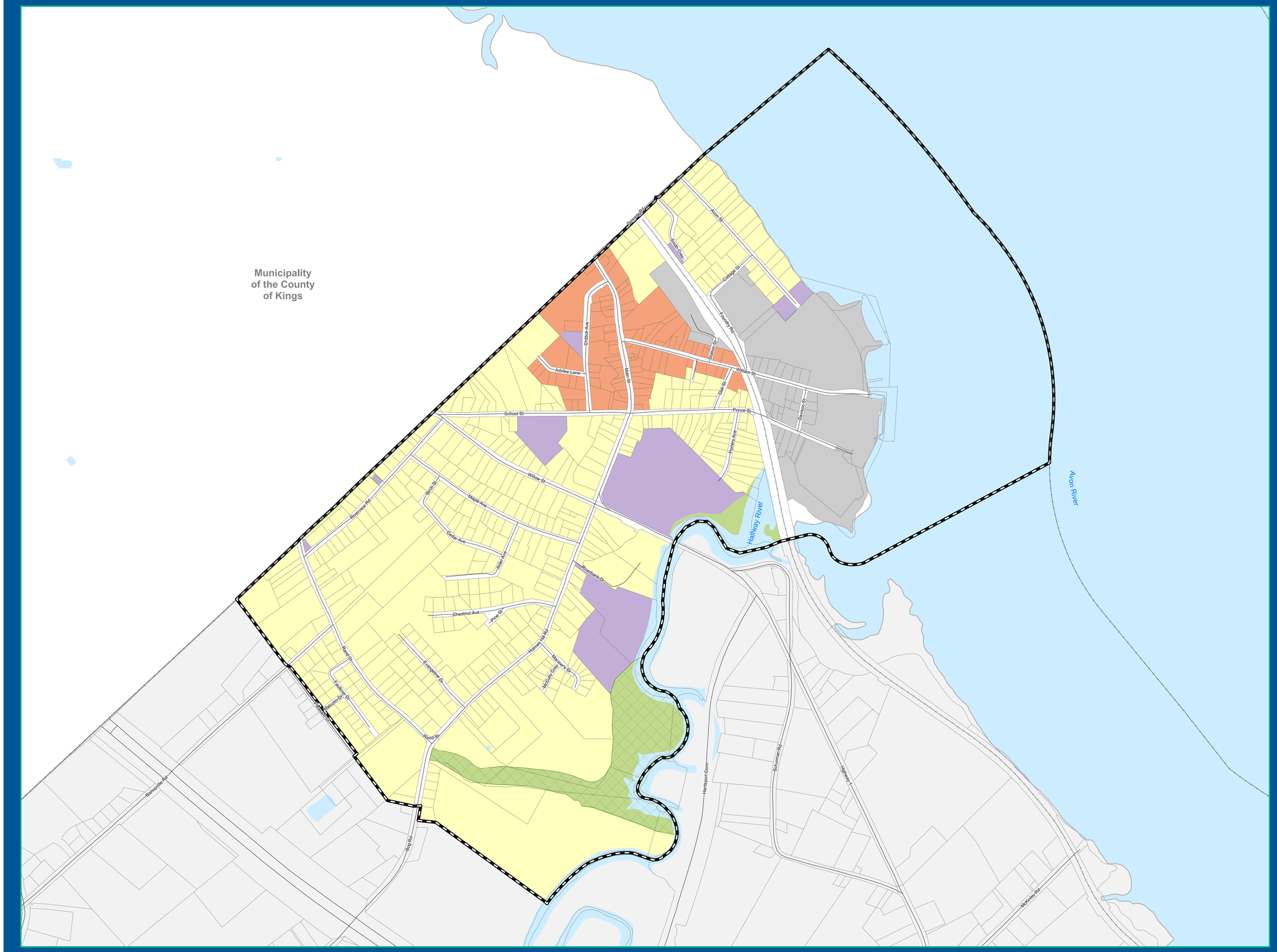
West Hants Regional Municipality

Municipal Planning Strategy

Map 4: Generalized Future Land Use Map - Hantsport Growth Centre



Legend

- Growth Centre
- Environmental Constraint

Land Use Designations

- Residential
- Downtown Core
- Community Use
- Industrial
- Wetlands

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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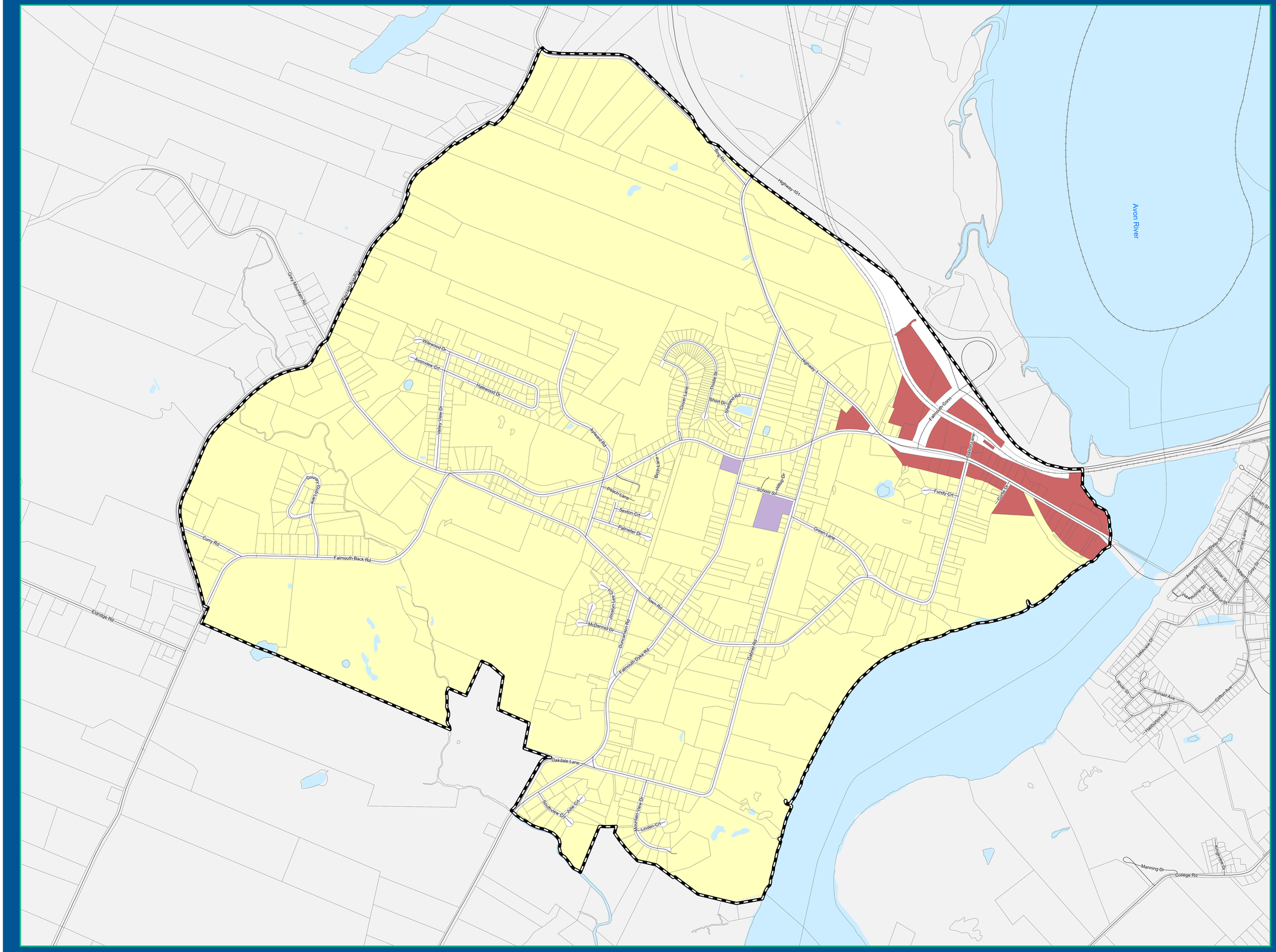
Metres

November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 5: Generalized Future Land Use Map - Falmouth Growth Centre



Legend

Growth Centre

Land Use Designation

- Residential
- Commercial
- Community Use
- Agriculture

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This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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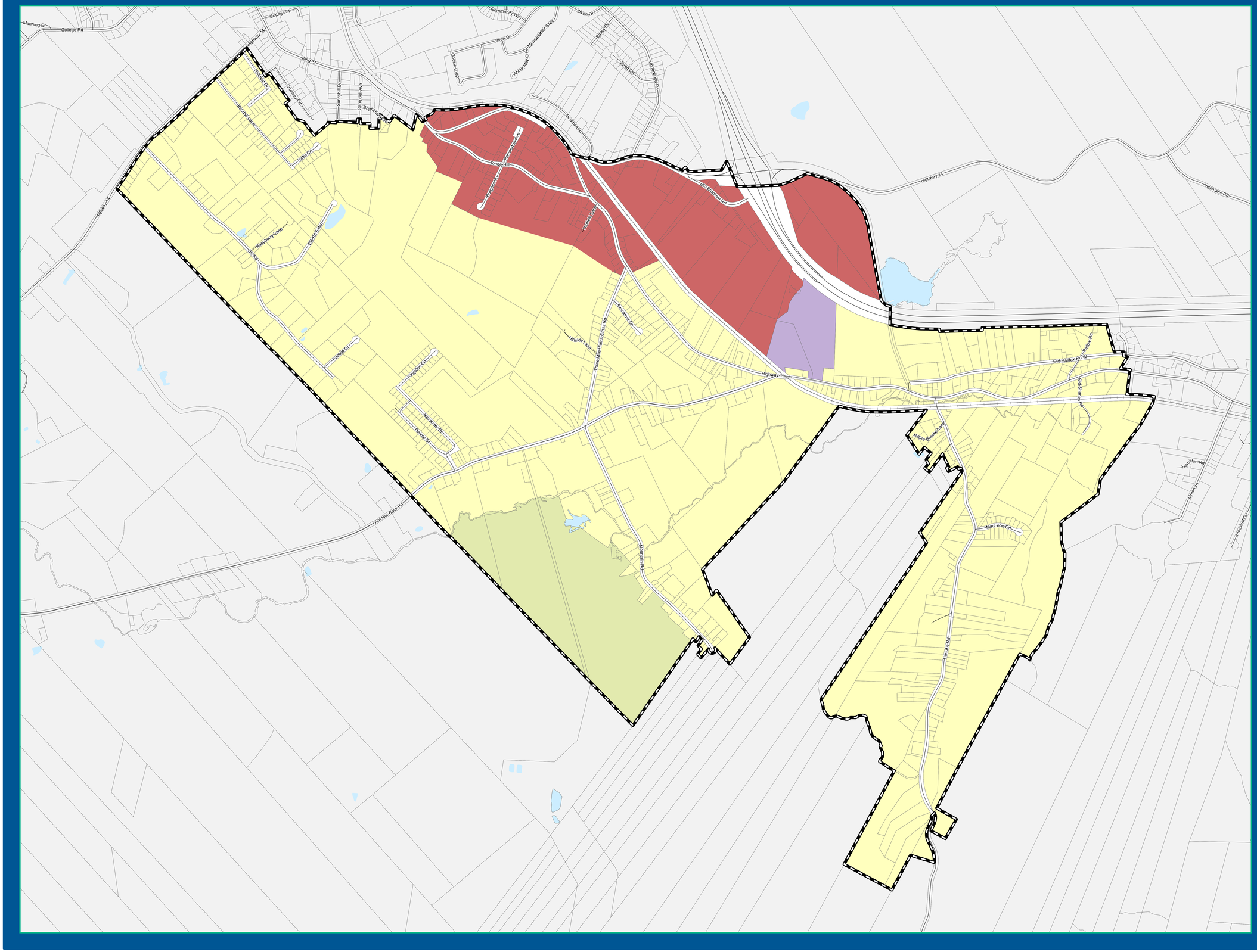
West Hants Regional Municipality

Municipal Planning Strategy

Map 6: Generalized Future Land Use Map - Three Mile Plains Growth Centre



Legend

- Growth Centre

Land Use Designations

- Residential
- Commercial
- Community Use
- Agriculture

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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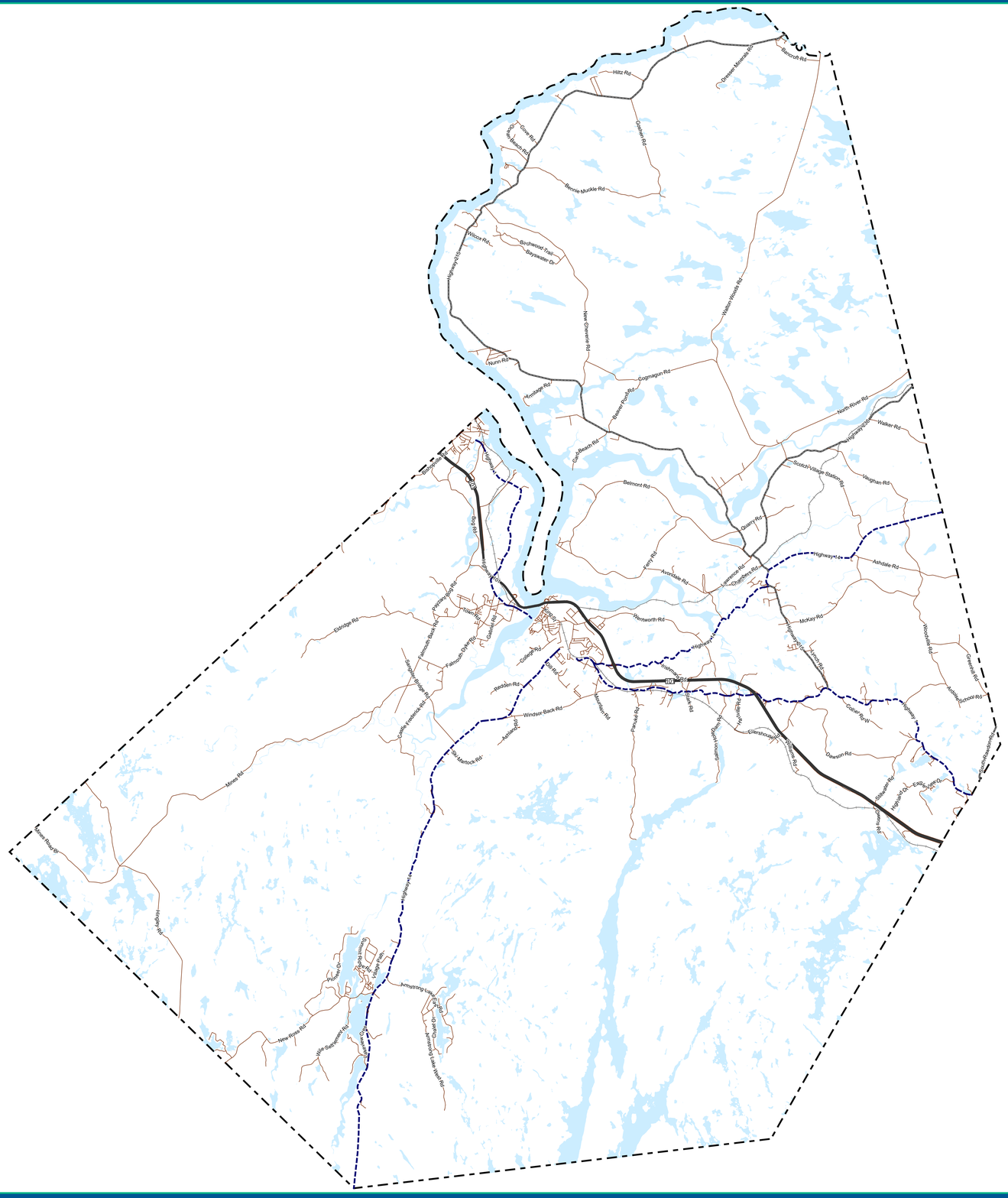
November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 7a: Transportation Map



Legend

- West Hants Municipal Boundary
- Regional Roads
- Arterial Roads
- Collector Roads
- Local Roads (Public and Private)
- Railway

*** Please refer to Map 7b: Transportation for Inset Maps of Windsor, Hantsport, Brooklyn, Three Mile Plains, Falmouth**

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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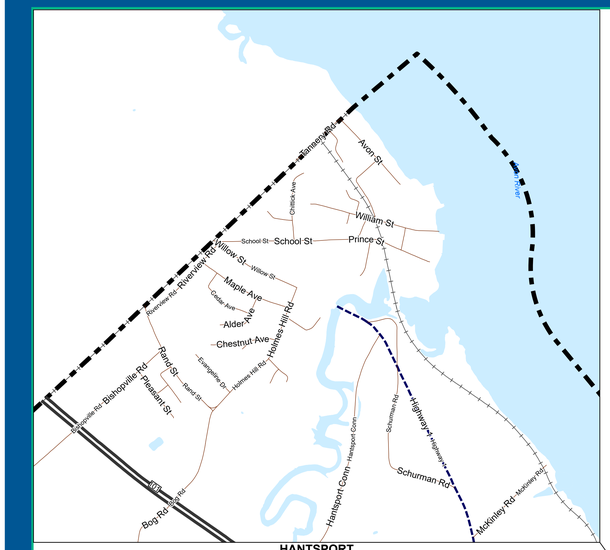
West Hants Regional Municipality

Municipal Planning Strategy

Map 7b: Transportation Map



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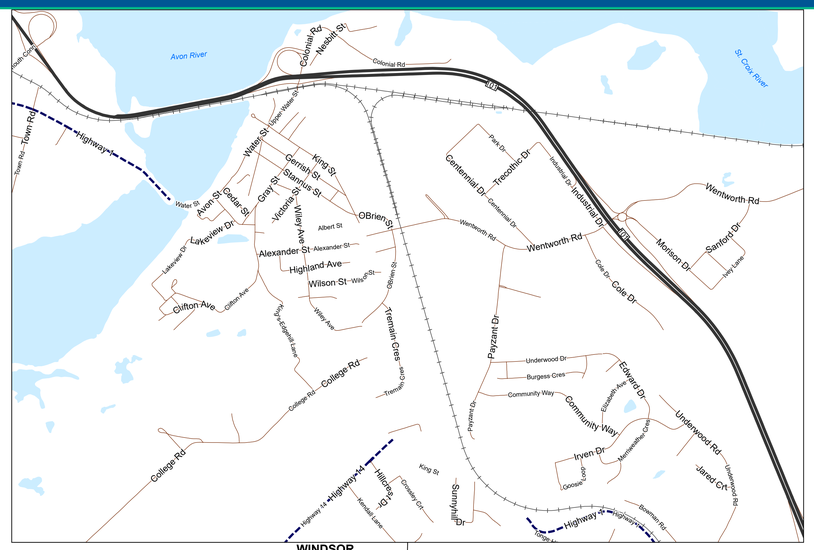

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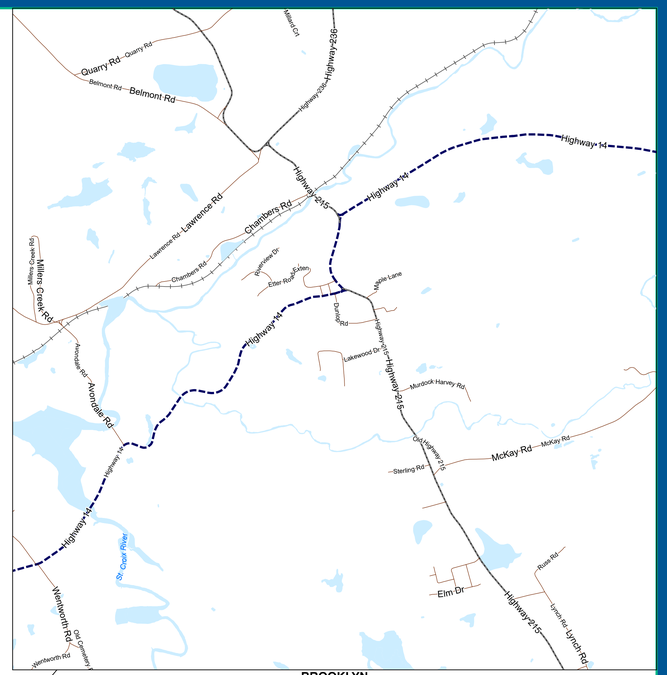

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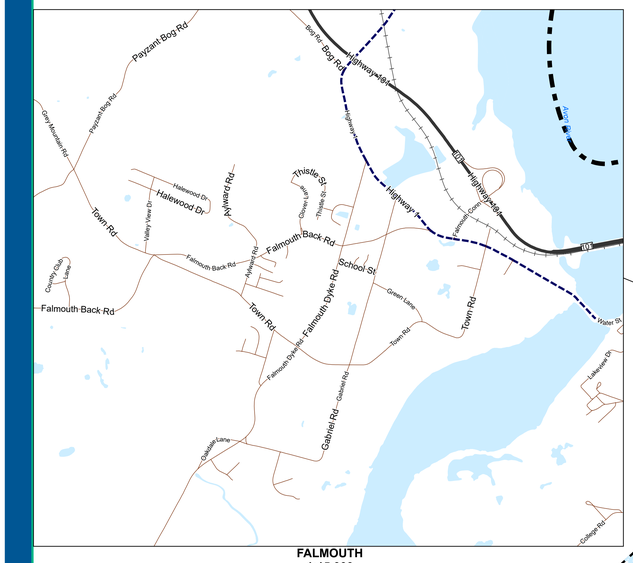

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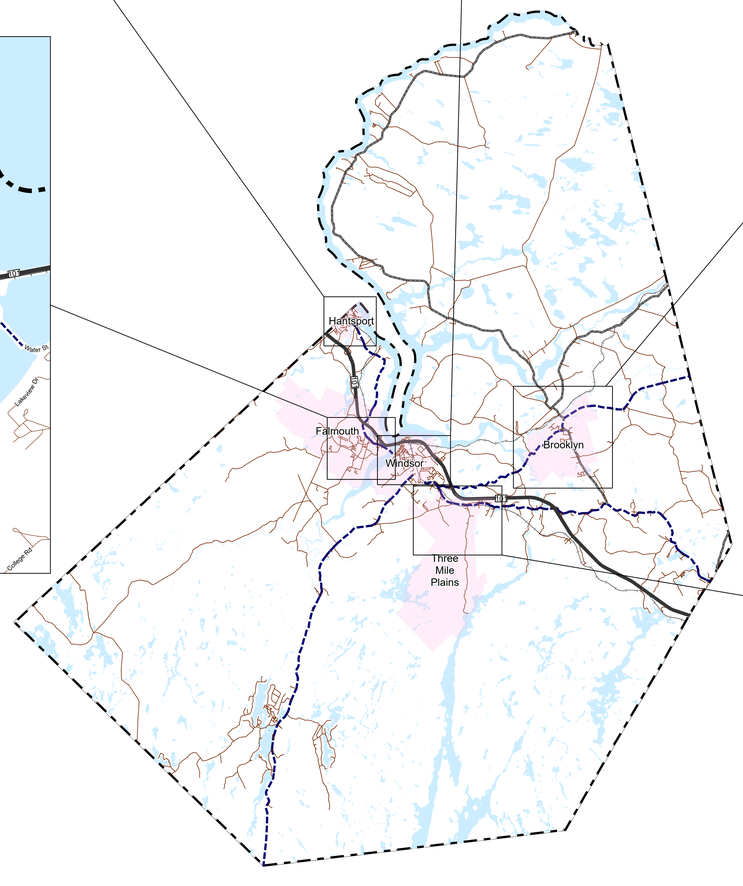

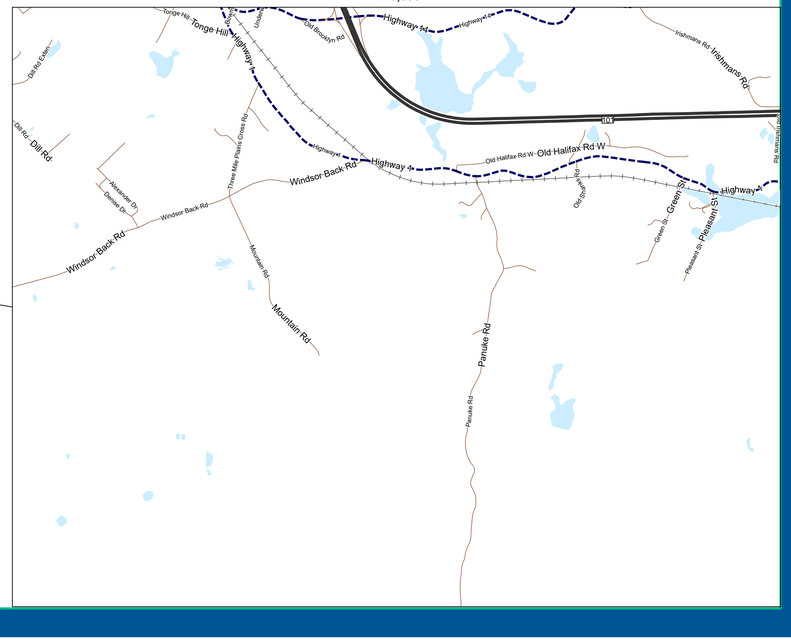

THREE MILE PLAINS
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Legend

- West Hants Municipal Boundary
- Community Boundary
- Regional Roads
- Arterial Roads
- Collector Roads
- Local Roads (Public and Private)
- Railway

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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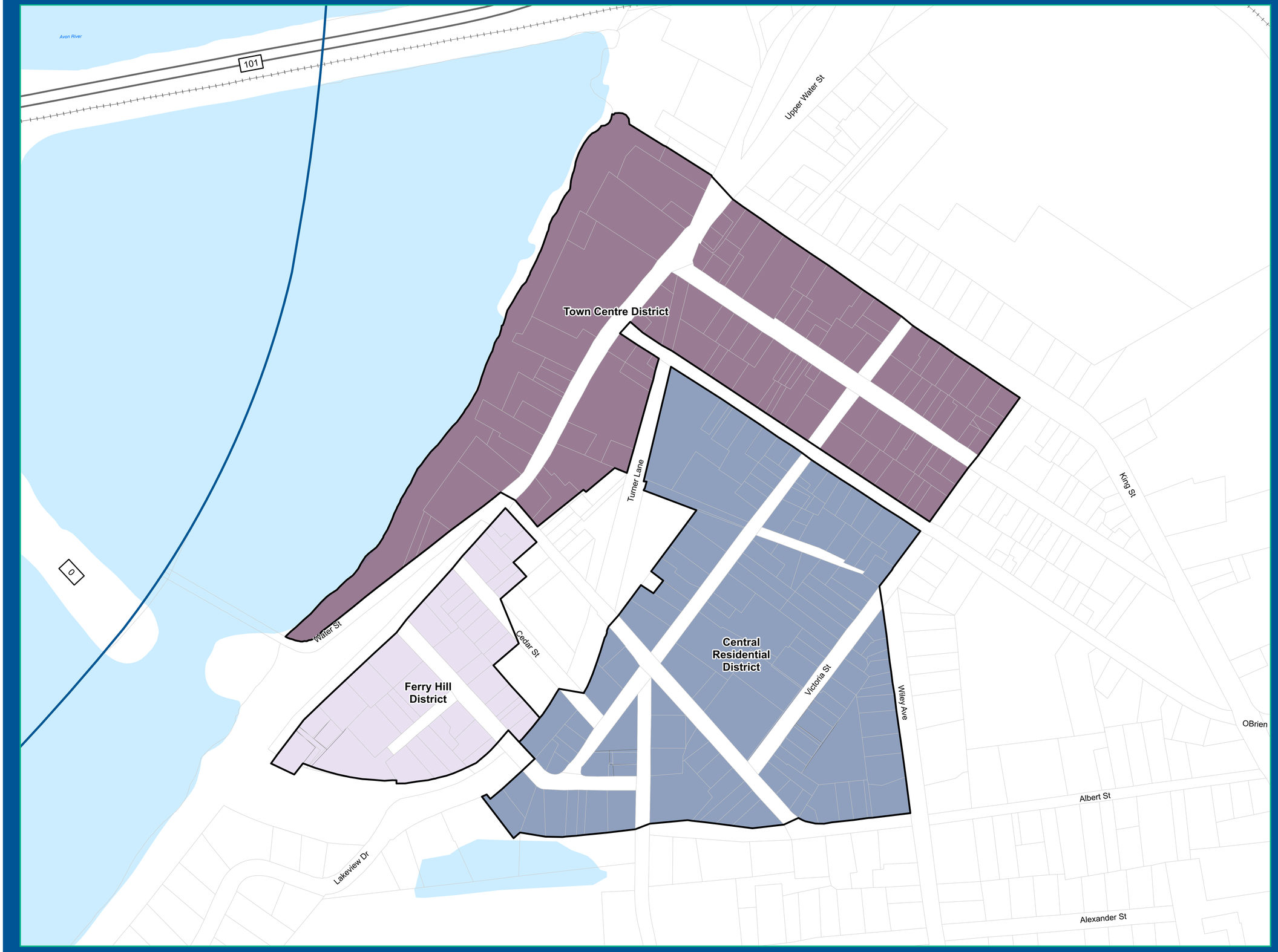
November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 8: Windsor Architectural Control Districts



Legend

- Growth Centre - Windsor
- Regional Roads
- Railway

Architectural Control Districts

- Central Residential District
- Ferry Hill District
- Town Centre

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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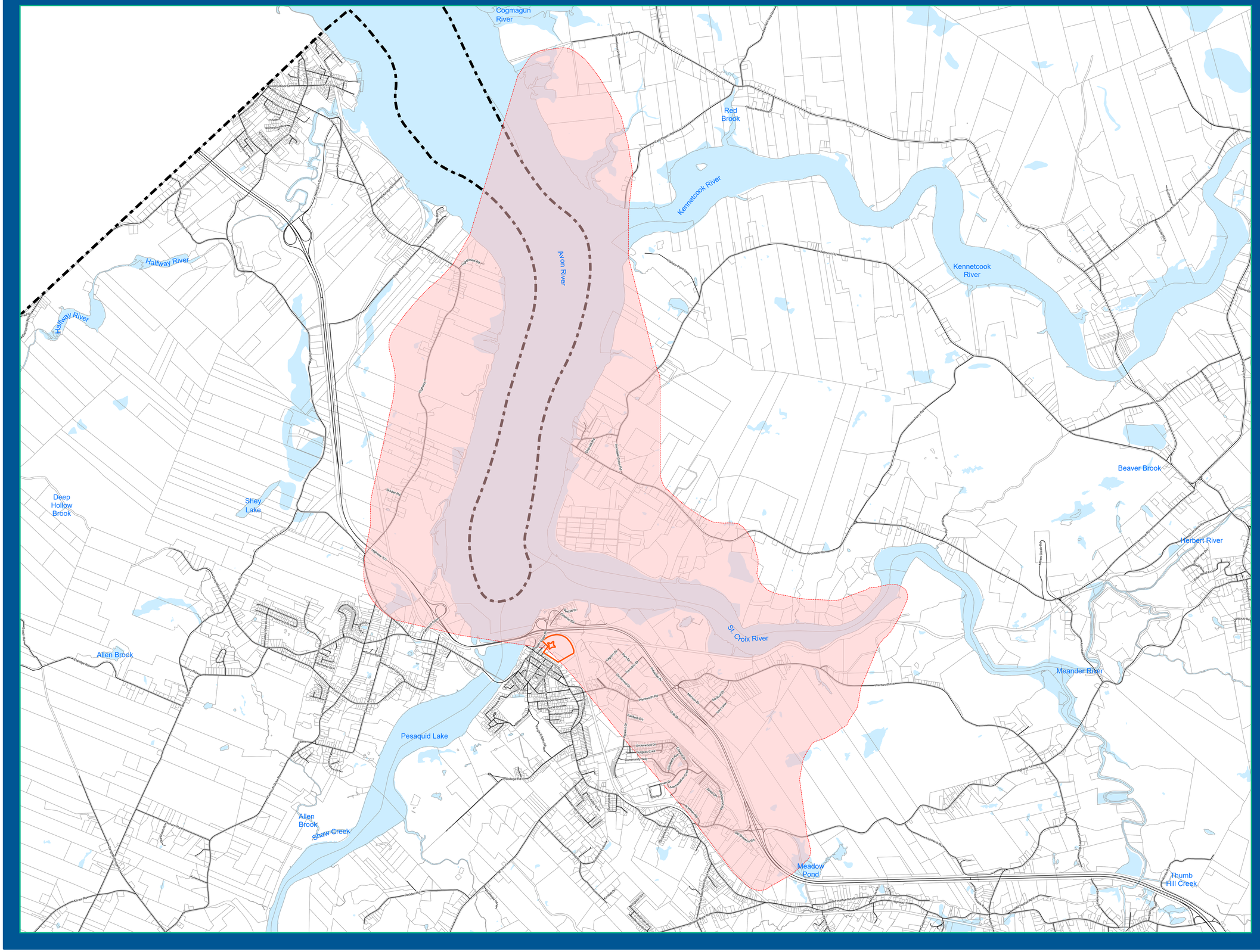
November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 9: Fort Edward View Plane



Legend

- West Hants Municipal Boundary
- Municipal Boundaries
- View Plane
- Fort Edward

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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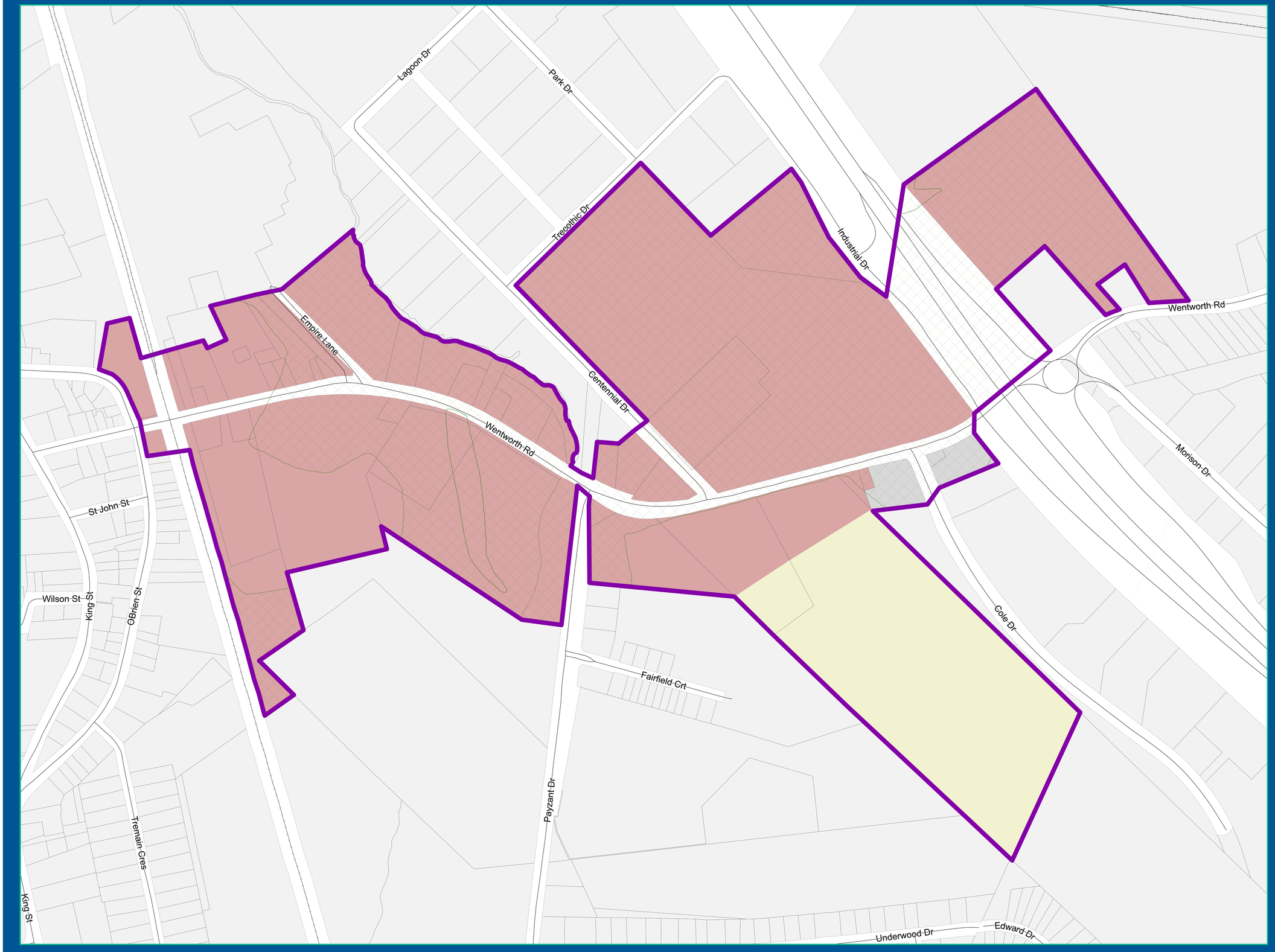
November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 10: Wentworth Road Gateway District



Legend

- Wentworth Road Gateway District
- Environmental Constraint

Land Use Designations

- Residential
- Commercial
- Industrial

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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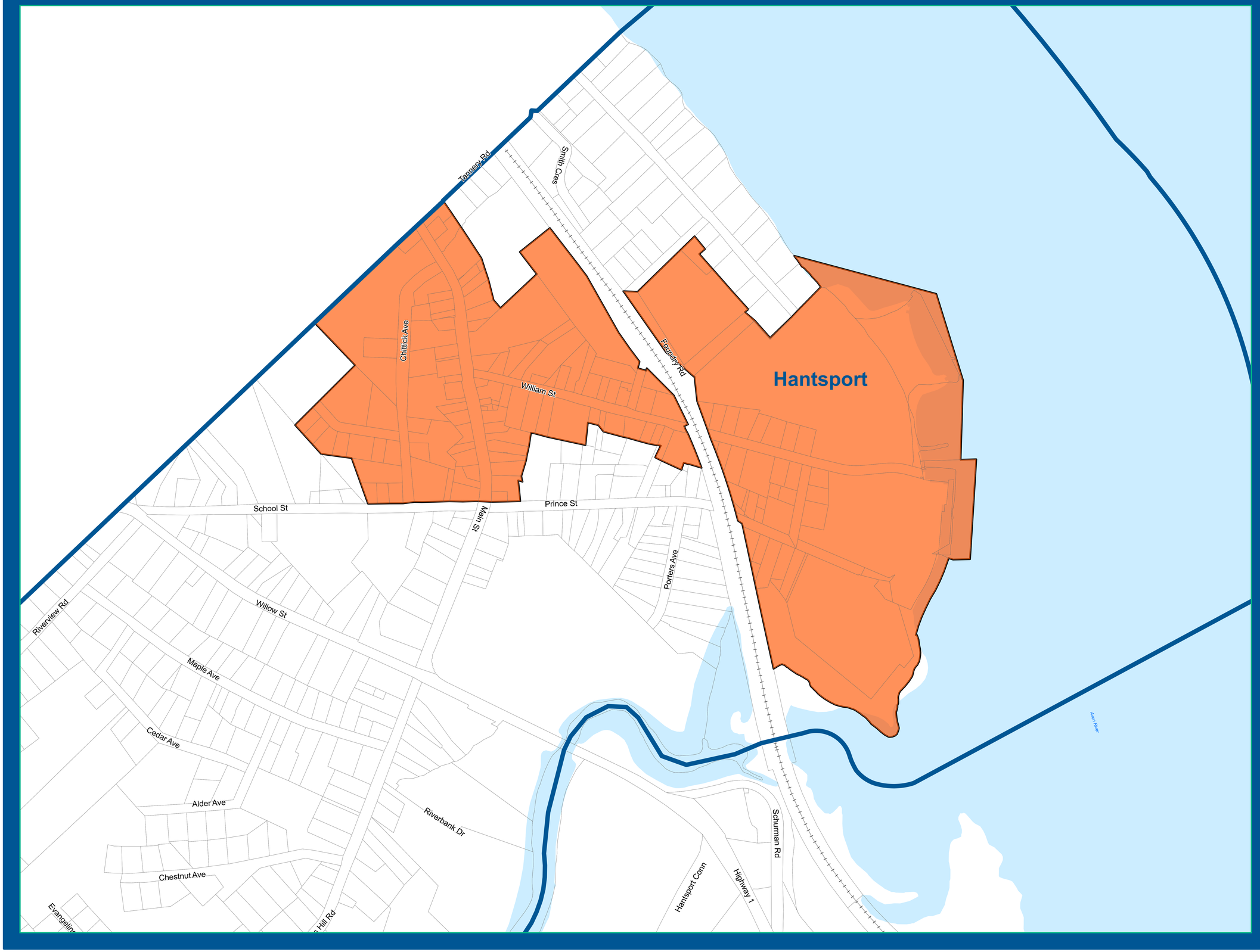
November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 11a: Commercial Development District - Hantsport



Legend

- Growth Centre
- Commercial Development District
- Railway

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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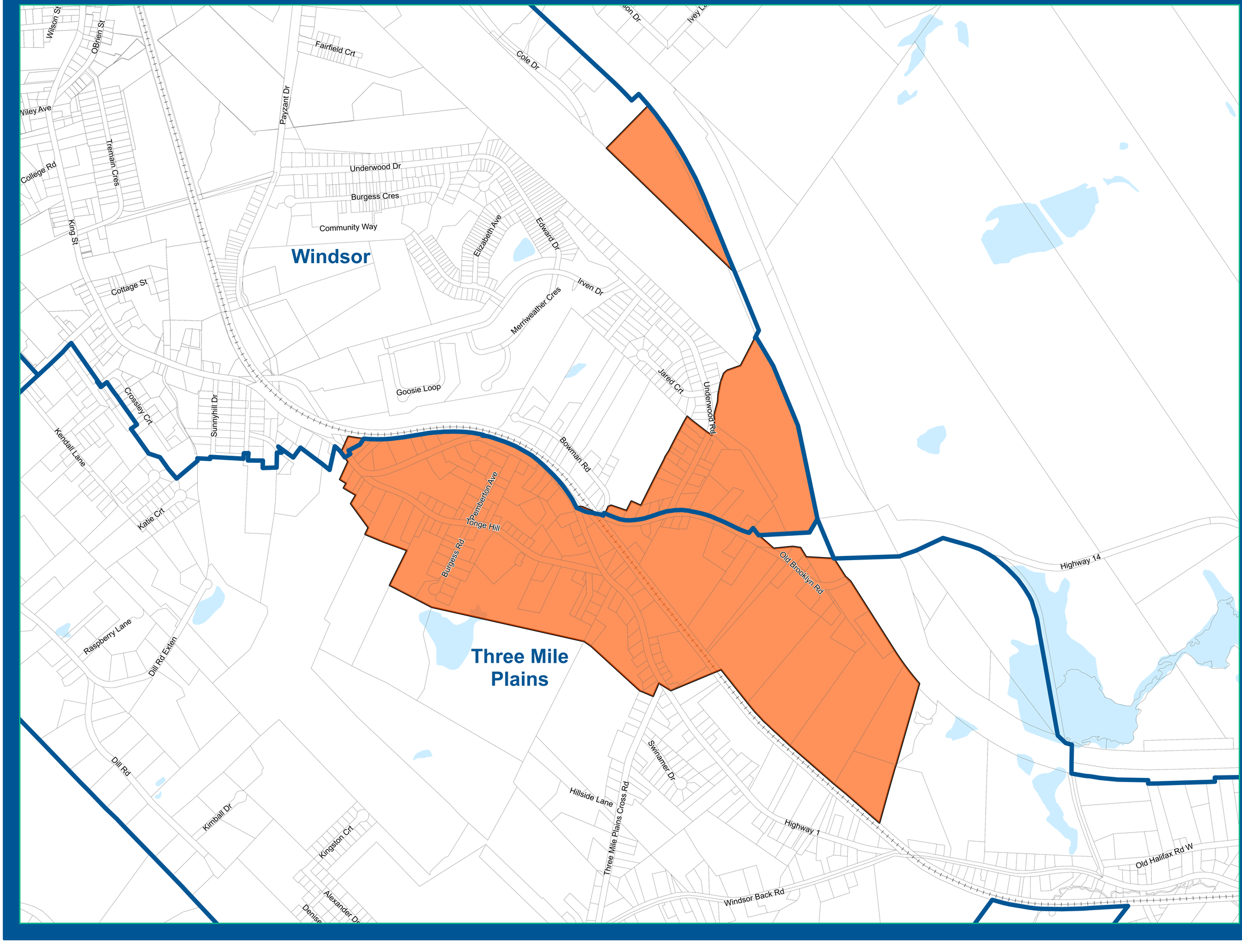
November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 11b: Commercial Development District - Three Mile Plains/ Windsor

West Hants
something inspiring awaits



Legend

- Growth Centre
- Commercial Development District
- Railway

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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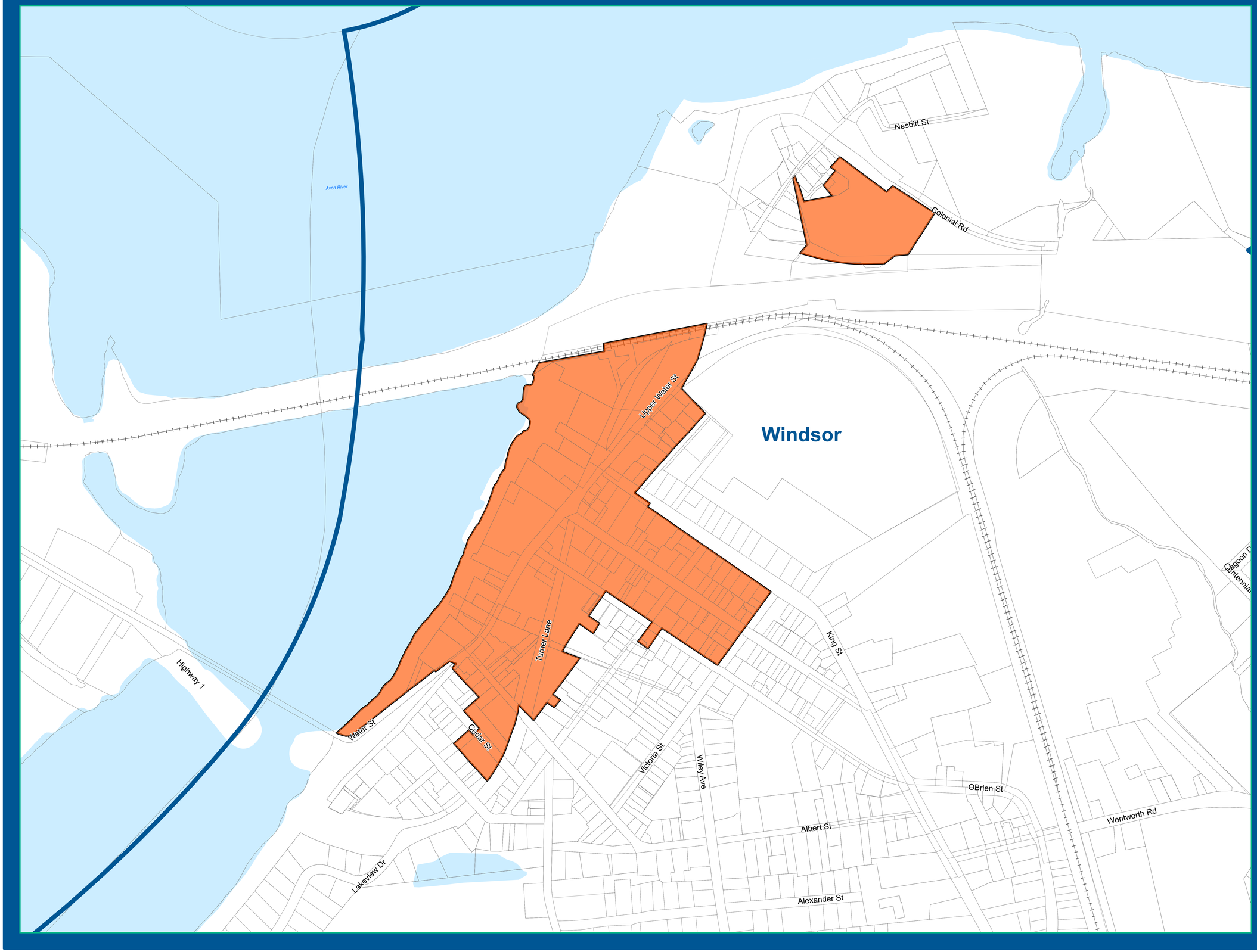
November 2025

West Hants Regional Municipality

Municipal Planning Strategy

Map 11c: Commercial Development District - Windsor



Legend

- Growth Centre
- Commercial Development District
- Railway

APPROVED: [Date]

This map forms part of the Municipal Planning Strategy for the West Hants Regional Municipality.

Source: West Hants Regional Municipality; GeoNOVA

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November 2025

Attachment 3

Land Use By-law

West Hants Regional Municipality

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Maps

The following maps shall form part of the Land Use By-law:

Map 1	Rural Zoning Map
Map 2	Windsor Growth Centre Zoning Map
Map 3	Hantsport Growth Centre Zoning Map
Map 4	Falmouth Growth Centre Zoning Map
Map 5	Three Mile Plains Growth Centre Zoning Map
Map 6	Area of Stormwater Concern
Map 7	Windsor Architectural Control Districts
Map 8	Wentworth Road Gateway District

Land Acknowledgment

We respect and truly acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi’kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi’kma’ki known as Nova Scotia for over 400 years.

1 Title, Purpose & Interpretation

1.1 Title

This By-law shall be known and may be cited as "*The West Hants Regional Municipality Land Use By-law*" or "Land Use By-law" or "By-law".

1.2 Lands Affected

The provision of this Land Use By-law shall apply to all lands within the corporate limits of the *West Hant Regional Municipality.*

1.3 Purpose

a) The purpose of this Land Use By-law is to carry out the intent of the West Hants Regional Municipality's Municipal Planning Strategy to facilitate sustainable, efficient, and orderly development and use of land within the Municipality, and for that purpose the By-law, among other things:
    i. Divides the Municipality into zones;
    ii. Prescribes the purposes for which land, buildings, and structures may be used;
    iii. Regulates the standards by which land use, including the placement, erection, alteration, and use of buildings and structures shall conform;
b) Prohibits the use, placement, erection, and alteration of land, buildings, and structures other than in conformity with the standards described in (iii.); and
    i. Provides a method of decision making for Development Permits, Site Plan Approval, and development agreement.
c) This By-law shall be applied in accordance with the West Hants Regional Municipality's Municipal Planning Strategy, as amended, and is passed under the *Municipal Government Act* as amended.

1.4 Interpretation

The interpretation of the Land Use By-law shall be consistent with the following:

1.4.1 Interpretation of Words

In this Land Use By-law:

a) the word "existing" shall mean lawfully in existence previous to the coming into effect of this Land Use By-law;
b) the word "shall" indicates mandatory compliance;
c) the word "may" indicates optional or discretionary compliance;
d) words shall be read with all changes of gender or number required by context; and

e) words otherwise not defined, shall have the meaning assigned to them in the *Municipal Government Act* or, where not defined in the *Municipal Government Act* or this Land Use By-law, have their regular meaning.

1.4.2 Interpretation of Measurement

a) Units of measurement used in this By-law are abbreviated as follows:
   i. Feet - ft
   ii. Square feet - ft^2
   iii. Meter - m
   iv. Square meter - m^2
b) The imperial measurement system is used throughout this By-law and is noted first followed by the metric measurement in parenthesis.

1.5 Repeal of Former By-Laws

As of the effective date of this Land Use By-law, the following Land Use By-laws are repealed:

a) Town of Hantsport Land Use By-law, passed and adopted May 20, 2012, as amended.
b) Town of Windsor Land Use By-law, passed and adopted September 21, 2005, as amended.
c) Municipality of the District of West Hants Land Use By-law, passed and adopted June 26, 2008, as amended.

1.6 Severability

If any provision of this By-law is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this By-law. Administration

2 Zoning

2.1 Zones

The following table describes the zones and corresponding symbols found on the Zoning Map(s) (**Maps 1-5**).

Zone Name	Symbol
Residential Zones	
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Manufactured Home Park	MHP
Local Residential	LR
Rural Residential	RR
Commercial Zones	
General Commercial	GC
Highway Commercial	HC
Local Commercial	LC
Commercial Core	CC
College Road Comprehensive Development District	CRCD
Wentworth Road Commercial	WR-C
Mixed Use	MU
Fairground	FG
Rural Commercial	RC
Recreation Commercial	RecC
Industrial Zones	
Industrial	M
Resource Industrial	M-1
Local Centre Industrial	M-2

Zone Name	Symbol
Mixed Industrial	MI
Business Park	BP
Resource Zones	
General Resource	GR
Mineral Resource	MR
Water Supply	W
Landfill	LF
Agriculture Zones	
Prime Agriculture	P/Ag
Agriculture Priority Two	AR-2
Agriculture Priority Three	AR-3
Community Use Zones	
Institutional	I
Open Space	OS

2.2 Zoning Map(s)

Map "1"	Rural Zoning Map
Map "2"	Windsor Growth Centre Zoning Map
Map "3"	Hantsport Growth Centre Zoning Map
Map "4"	Falmouth Growth Centre Zoning Map
Map "5"	Three Mile Plains Growth Centre Zoning Map

2.3 Zone Boundaries

a) The extent and boundaries of zones are shown on the Zoning Map(s) (**Maps 1-5**) and the appropriate provisions of this Land Use By-law shall apply to all zones.

b) Boundaries between zones shall be determined as follows:

   i. Where a zone boundary is indicated as following a boundary survey line as recorded at the Registry of Deeds or Land Registration Office, the boundary shall follow that line;

ii. Where a zone boundary is indicated as following a street, private road, or controlled access highway, the boundary shall be the centre line of the road or highway unless otherwise indicated;

iii. Where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;

iv. Where a railway right-of-way, electric transmission line right-of-way, or a watercourse shown on a zoning map serves as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones unless otherwise indicated; and

v. Where none of the above apply, and where appropriate, the zone boundary shall be scaled from the Zoning Map(s) (**Maps 1-5**).

3 Administration

3.1 Administration of the Land Use By-law

a) The Land Use By-law shall be administered by the Development Officer(s), or delegate(s), appointed by Council.
b) Under the *Municipal Government Act,* the development officer or their delegate, is authorized to enter at all reasonable times into or upon any property within the Municipality for the purpose of an inspection necessary in connection with the administration of this Land Use By-law.
c) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of the Municipality or from obtaining any license, permission, permit, authority, or approval required by any other By-law of the Municipality or any *act* or regulation of the Province of Nova Scotia or the Government of Canada.
d) Where the provisions of this Land Use By-law conflict with those of any other By-law of the Municipality or any act or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

3.2 Enforcement

In the event of any contravention of the provisions of this Land Use By-law, the Municipality may act in accordance with the provisions of the *Municipal Government Act* as amended.

3.3 Restoration to a Safe Condition

Nothing in this Land Use By-law shall prevent the strengthening or restoring to a safe condition, of any building or structure.

3.4 Effective Date

This Land Use By-law shall take effect upon the date of publication of the notice advertising the new Land Use By-law.

3.5 Permitted Uses

In this Land Use By-law:

a) If a use is not listed as a permitted, secondary, or accessory use or described as a use permitted through Development Agreement or Site Plan Approval in a particular zone, it is thereby deemed to be prohibited; and
b) Where a permitted use within any zone is defined in this By-law, the uses permitted in the zone include any similar uses that satisfy such definition except where a definition specifically excludes any similar use.

3.6 Development Permit Approvals

3.6.1 Development Permit

a) Except as otherwise stated in this By-law, no person shall undertake a development on any lot within the Municipality without first obtaining a development permit from the Development Officer.
b) The Development Officer shall only issue a development permit in accordance with this By-law or a duly executed and approved development agreement.
c) The Development Officer shall only issue a development permit in accordance with this By-law, except where a variance is granted or in the case of a non-conforming use or structure, in which case a permit shall be granted in accordance with the *Municipal Government Act* as amended.

3.6.2 No Development Permit Required

Notwithstanding 1.15.1 (a) and except where required by an Architectural Design Manual of an Architectural Design District, no development permit shall be required for:

a) A development that involves the interior or exterior renovation of a building that will not change the footprint of the building or increase its volume and/or floor area, will not add more dwelling units, or will not involve a change in use of the building;
b) Certain types of signs as specified in Section 6;
c) A sign less than 2.2 ft^2 (0.2 m^2) in area where signs are permitted;
d) A temporary use as specified in Sections 4.34 and 8.5.3;
e) Fences less than 6 ft (1.83 m) in height;
f) Woods camps, except in the Water Supply (W) zone;
g) Agricultural, forestry or mineral uses without buildings;
h) Indoor storage facilities within agricultural buildings constructed prior to November 13, 2018;
i) An accessory building less than 100 ft^2 (9.29 m^2) in area; and
j) Public and private utilities located within a road right-of-way.

3.6.3 Development Permit Duration

A development permit, whether issued before or after the coming into force of this Land Use By-law, shall expire within twelve (12) months from the date issued if the development has not commenced.

3.6.4 Revoking of Development Permit

The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate.

3.6.5 Extension of Development Permit

The Development Officer may extend a Development Permit for an additional twelve (12) month period provided:

a) The applicant has not previously applied for the Development Permit to be extended; and
b) The Development Officer is satisfied that the development permit is consistent with the existing Land Use By-law and any proposed amendments.

3.6.6 Application Requirements

a) Every application for a development permit shall be accompanied by a sketch or plan drawn to an appropriate scale and showing:
    i. The shape and dimensions of the lot to be used including lot frontage and area measurements;
    ii. The proposed location of the development including distance from the lot boundaries;
    iii. The dimensions of the building or structure, and height of the buildings or structures proposed to be erected;
    iv. The dimensions and heights of any existing building or structure proposed to be retained;
    v. Measurements of any proposed structure's setbacks from the lot boundaries, any other proposed or existing structure, and any environmental features shown as per vi., vii., and viii. of this section
    vi. The location of any watercourses on or abutting the property;
    vii. The location of any area usually covered by water or marsh;
    viii. The location of any cliff or embankment having a slope of 15% or more from the horizontal.
    ix. The location of any rights-of-way and easements within the subject property;
    x. The proposed location and dimensions of any parking space, loading space, driveway, and landscaped area;
    xi. The existing and proposed use of the lot and any building or structure; and
    xii. Any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Land Use By-law.
b) Where the Development Officer is unable to determine whether the proposed development conforms to this Land Use By-law, the Development Officer may require that the plans submitted under Subsection 3.6.6 a) be based upon a survey certified and stamped by a Nova Scotia Land Surveyor.

3.6.7 Signature of Applicant

The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent duly authorized in writing to act for the owner.

3.7 Variances

a) The Development Officer may, in accordance with the *Municipal Government Act*, grant a variance for the following:
    i. Percentage of land that may be built upon;
    ii. Size or other requirements relating to yards;
    iii. Lot frontage or lot area or both, if:
        1. The lot existed on the effective date of this Land Use By-law; or
        2. A variance was granted for the lot at the time of subdivision approval.
    iv. Number of parking and loading spaces required;
    v. Height of a structure;
    vi. Floor area occupied by a home-based business; and
    vii. Height and area of a sign.

b) The Development Officer may also grant a variance in a development agreement for the items specified in Subsection 3.7 a) where the development agreement clearly provides for the granting of a variance.

c) In accordance with the requirements of the *Municipal Government Act*, the Development Officer shall not grant a variance if the:
    i. variance violates the intent of the development agreement or this By-law;
    ii. difficulty experienced is general to properties in the area; or
    iii. difficulty experienced results from an intentional disregard for the requirements of the development agreement or this By-law.

d) Where the Development Officer has granted or refused a variance, the appeal and the notice provisions of the *Municipal Government Act* shall be complied with, and the applicant shall pay the Municipal Clerk the cost of notifying affected property owners.

3.8 Application Fees

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council by policy.

4 General Provisions

4.1 Accessory Uses, Buildings and Structures

a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
    i. be used as a dwelling unit except where a dwelling is a permitted accessory;
b) be permitted within the front yard of any lot or flankage yard on a corner lot except in the Prime Agriculture (P/Ag) zone;
    i. be built within 6 ft (1.83 m) of the main structure;
c) be built closer to any lot line than the minimum setback required in the zone for the main building, except that:
    i. In the Prime Agriculture (P/Ag) zone where accessory buildings shall be a minimum of 10 ft (3.05 m) from any side or rear lot lines;
    ii. Common garages for semi-detached dwellings may be centered on a mutual side lot line;
d) Garages and storage sheds may be built a minimum of 4 ft (1.22 m) from the side and rear lot lines; and
    i. Boat houses and docks may be built to the lot line where the lot line corresponds to the water's edge.
e) Notwithstanding Section 4.1 b), c), and d), an accessory building or structure may be located in the front yard of a lot but in no case shall be less than 60 ft (18.29 m) from the front lot line;
f) Notwithstanding any other provision of this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, memorials and fences shall be exempt from any requirement under Subsection 4.1 a), b), c), and d);
g) No accessory building or structure shall be constructed:
    i. prior to construction of a main building, unless development and building permits have been issued for the main building, except that a boat house, dock or storage shed may be built prior to construction of a stand-alone residential dwelling only on a lot located in the General Resource (GR) zone; or
    ii. prior to the establishment of the main use of the land where no main building is to be built.
h) The maximum height of an accessory building shall not exceed 20 ft (6.10 m) except:
    i. Where a main building is 2.5 storeys in height or higher, the maximum height of an accessory building shall not exceed two-thirds (2/3) the height of the main building or 30 ft (9.14 m), whichever is less.
i) Accessory buildings which are erected and regularly used as part of a main agricultural activity on lots used for agricultural purposes may be used for other purposes which support the agriculture use, including but not limited to commercial indoor storage of recreational vehicles, boats, and cars in accordance with Section 10.1.3;

j) Accessory uses shall be located on a lot held in the same ownership and:
    i. within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
    ii. on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.

k) Detached secondary suites shall follow the requirements for accessory uses and buildings except subsection 4.1 j); the detached secondary suite shall be located on the same lot as the main dwelling.

4.2 Automobile Service Stations

Where automobile service stations are permitted, the following provisions shall apply:

a) Minimum lot frontage shall be 150 ft (45.72 m);
b) No portion of any pump island (the raised concrete pad on which the gas pumps are situated) shall be located closer than 20 ft (6.10 m) from the street;
c) The minimum angle of intersection of a driveway to a street line shall be 45 degrees and the maximum angle of intersection shall be 90 degrees;
d) The minimum distance between driveways shall be 30 ft (9.14 m);
e) The minimum distance from any driveway to a street intersection shall be 100 ft (30.48 m); and
f) The width of the driveway shall not be less than 25 ft (7.62 m), and a maximum of 35 ft (10.67 m).

4.3 Building to be Moved

No building shall be moved to a lot within the Municipality without the owner first obtaining a development permit to locate the building.

4.4 Conformity with Existing Setbacks

Notwithstanding anything else in this By-law, in any zone, structures between existing buildings within 200 ft (60.96 m) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but the front yard setback shall not be less than 10 ft (3.05 m) and need be no greater than setback regulations prescribed in the zone in which it is situated.

4.5 Daylighting Triangle

On a corner lot, no fence, sign, hedge, shrub, bush or tree or any other structure, vehicle or vegetation shall be erected, placed; or in the case of plants, permitted to grow to a height greater than 1.96 ft (0.6 m) above grade within a corner lot daylighting triangle formed by measuring 20 ft (6.1 m) from where the street lines intersect and joining those points with a straight line.

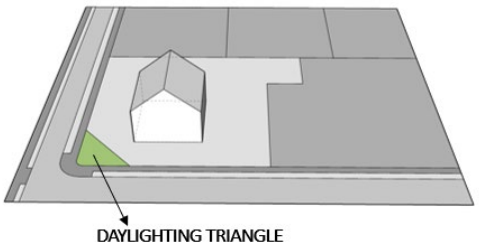


Figure 1: Daylighting Triangle

4.6 Development on Municipally-owned Land

a) Municipal buildings and facilities shall be permitted in any zone.
b) Notwithstanding clause 4.6 a), Section 4.5 of the Municipal Planning Strategy shall apply to development on municipally-owned land where such development:
    i. Involves the construction of a new main building with a gross floor area greater than 2,000 ft² (185.8 m²); and
    ii. Would require a development agreement or rezoning if the development were undertaken on privately-owned land.

4.7 Dog Parks

Dog parks are permitted in Community Use, Resource, Industrial, and Commercial zones, the following provisions shall apply:

a) Minimum lot size shall be 21,780 ft² (2,023.42 m²);
b) Front, rear and side yards shall be a minimum of 50 ft (15.2 m);
c) A major buffer shall be required when a dog park abuts residential uses;
d) A minor buffer shall be required when a dog park abuts any other use;
e) The separation distance from any fenced area of the dog park to a watercourse shall be a minimum of 100 ft. (30.48 m);
f) the area shall be enclosed by galvanized fencing a minimum of 4 ft (1.2 m) in height with a double gated entry;
g) Parking shall be required at 1 space per 5,000 ft² (464.52 m²) of lot area to a maximum of 15 required parking spaces;
h) Overhead lighting which meets the requirements of Section 4.13, shall be required to ensure all portions of the fenced in dog park are illuminated during hours of operation; and
i) In addition to signage permitted in the zone, a double-sided sign will be permitted on the fence of the dog park outlining the rules of the dog park and property owner contact information.

4.8 Existing Buildings

a) Where a building has been erected on or before the effective date of this Land Use By-law on a lot having less than the minimum frontage or area, or having less than the minimum yard setback required by this By-law the building may be enlarged, reconstructed, repaired or renovated provided that:
    i. The enlargement, reconstruction, repair or renovation does not further reduce the required minimum yard setback that does not conform to this Land Use By-law; and
    ii. all other applicable provisions of this By-law are complied with.
b) The use of an existing building may be changed to a use permitted in the zone where the lot area, frontage, yards or all of these is less than the requirements of this By-law provided that all other provisions of this By-law are satisfied.

4.9 Existing Lots without Frontage

Notwithstanding any other provision of this By-law, an existing building on a lot which does not have frontage, but which has legal access to a public street may be expanded or enlarged, provided that:

a) All other requirements of the Land Use By-law are met; and
b) No additional dwelling units are created.

4.10 Existing Undersized Lots

a) Notwithstanding any other provision of this By-law, an existing vacant lot having less than the minimum frontage or area required by this By-law may be used for a purpose permitted in the zone, and a building may be erected on the lot provided that all other applicable provisions of this By-law are satisfied; and
b) An existing undersized lot which is increased in area or frontage or both, but remains undersized, is still considered an existing undersized lot for the purposes of this section.

4.11 Fences

a) Fences shall be permitted in any zone but shall not:
    i. Exceed 8 ft (2.4 m) in height in residential zones, or 12 ft (3.7 m) in height in all other zones;
    ii. Contain barbed or razor wire in any residential zone;
    iii. Be electrified, unless erected in conjunction with an agricultural use; and
    iv. A fence located on a corner lot must conform to Section 4.5.
b) In addition to the requirements of 2.11 a), fences in Growth Centres shall meet the following requirements:
    i. Opaque fences in a required front yard shall not exceed a height of 3ft (0.91m); and

ii. No permanent fence, or part thereof, shall be constructed of sheet metal, corrugated fibreglass or metal panels, chicken wire, snow fencing or rubber tires.

c) Height Exemptions

d) Nothing in this By-law shall apply to prevent the erection, alteration, or use of a permitted barn or silo, or the following accessory buildings or structures, provided the principal use is permitted within the zone in which it is located and provided all other applicable provisions of this By-law are complied with: church spire, lightning rod, water tank, monument, flag pole, silo, barn, television or radio antenna, telecommunications tower, ventilator, skylight, fire tower, drive-in theatre screen, chimney, clock tower, solar collector, power transmission tower, wind turbine or roof top cupola.

4.12 Home-Based Business

Home offices are not considered to be a home-based business and are permitted as accessory to any dwelling and no development permit is required.

4.12.1 Requirements

Any dwelling unit or building accessory to a dwelling may be used for one or more small-scale businesses provided that all of the following requirements are met:

a) The dwelling is the residence of the owner of the business.

b) The number of employees does not exceed two (2) persons working on the lot whose residence is not on the lot.

c) Retail sale of products shall be limited to the sale of products made, refinished or repaired on the premises and products associated with the business.

d) The business falls within one of the following types of uses:

- Arts and crafts studios with or without a retail sales component;
- Bed and breakfast establishments;
- Catering and bakery establishments;
- Garden and nursery sales including the sale of produce grown on site;
- Instruction in music, dance or arts and crafts;
- Non-licensed day care centres;
- Offices;
- Personal service shops;
- Pet grooming;
- Photographic and picture framing studios;
- Powder coating shops;
- Private schools with fewer than 6 students; and
- Repair shops for garden and household ornaments, personal effects or toys.

e) The following types of businesses are prohibited:

- Restaurants;
- Automobile-related sales, rentals, or repairs;

- Commercial kennels;
- Veterinary clinics;
- Transport depots;
- Salvage yards; and
- Businesses which would emit noise odour dust or light that would be a nuisance or is not customary in a residential neighbourhood.

f) The maximum area occupied by the business shall be:
   i. 25% of the gross floor area of the dwelling and accessory building to a maximum of 500 ft^2 (46.45m^2) within the Growth Centres;
   ii. 1,000 ft^2 (92.90m^2) outside Growth Centres; and
   iii. Not limited by the number of rooms or floor area for a bed and breakfast establishment.

g) The maximum number of signs on the lot, except for bed and breakfast establishments, shall be:
   i. 1 non-illuminated sign no larger than 5 ft^2 (0.46m^2) in the Growth Centres and Local Centres; and
   ii. 1 non-illuminated sign no larger than 12 ft^2 (1.11m^2) in all other areas outside Growth Centres and Local Centres.

h) The maximum number of signs for bed and breakfast establishments shall be:
   i. 1 additional ground sign not exceeding 12 ft^2 (1.1 m^2) in area and 5 ft (1.5 m) in height; and
   ii. 1 sign on the lot may be illuminated.

i) Signs within an Architectural Control Area shall comply with the following requirements, in addition to the requirements of Section 6:
   i. Signs shall not obscure significant architectural details;
   ii. Shall be constructed of wood or metal and may have painted incised or raised lettering;
   iii. Signs may be lit by exterior lighting directed solely on the face of the sign;
   iv. Fabric banners are permitted;
   v. Projecting wall signs should be vertically and horizontally aligned with architectural elements in the façade such as the edges of doors or windows or the mid-point of spaces between features;
   vi. Flat fixed wall signs should be centered between openings or between an opening and the building edge;
   vii. Flat fixed wall signs shall not be affixed above the ground floor of a building;
   viii. Flat fixed wall signs shall not extend beyond the edge of a wall and shall not obscure cornices or extend over the tops of windows; and

ix. Painted window signs shall occupy no more than 50% of a window within a door or 30% of any other window to a maximum of 8 ft^2 (0.74 m^2), whichever is less.

j) The following signs shall be prohibited:
   i. Internally lit plastic signs where they would negatively affect the travelling public in motor vehicles;
   ii. Signs with flashing or scrolling components;
   iii. Signs fixed to, supported by or painted on the roof of a building; and
   iv. Ground signs within 5 ft (1.5 m) of the front lot line or the front or side lot line on a corner lot.

k) Open/outdoor storage associated with a Home-Based Business will be limited as follows:
   i. Prohibited within all Growth Centres; and
   ii. Permitted in the Local Centre, Resource, and Agriculture designations.

l) Mechanical equipment shall be limited to equipment reasonably consistent with the use of a dwelling;

m) Off-street parking, for bed and breakfast establishments shall be one (1) space for each room available for rent;

n) Bed and breakfast establishments shall be:
   i. In the communities of Hantsport and Windsor limited to serving breakfast.
   ii. In the community of West Hants permitted to serve all meals to registered overnight guests.

4.13 Household Livestock and Beekeeping

4.13.1 Household Livestock

a) Household livestock operations shall be permitted as an accessory use to a single- or two-unit dwelling in all zones outside of the Growth Centres, subject to the following:
   i. for purposes of this section, a lot may include multiple abutting properties held by the same owner;
   ii. on properties greater than one (1) acre in size, the requirements for non-intensive livestock operations as contained in Section 10.1.5 of this By-law are met;
   iii. the harvesting of household livestock shall be permitted on the property except for in Growth Centres and properties smaller than one (1) acre in Local Centres;
   iv. the minimum lot size shall be one (1) acre for every one (1) animal unit or part thereof;
   v. Roosters and turkeys shall not be permitted on lots less than three (3) acres;

b) Household livestock shall be contained within the limits of the property by means of fencing, enclosures or buildings.

c) In all Residential zones and the Commercial Core (CC) zone within the Growth Centres, except the Hantsport Growth Centre, up to four (4) laying hens shall be permitted on a property where the primary use is a single detached or two-unit dwelling.

d) Notwithstanding Subsection 4.13.1 (a) intensive, non-intensive, and household livestock operations within the Growth Centres existing before the effective date of this By-law are permitted and are subject to the requirements of their respective sections.

e) For properties larger than one (1) acre in size in outside of Growth Centres, the maximum number of household livestock animal units permitted on a lot shall be limited to one (1) animal unit for the first full acre and one (1) additional animal unit for each additional full acre to a maximum of eight (8) animal units;

f) Number of livestock equal to one (1) household livestock animal unit is as follows:

Table 2-1: Animal Units

Type of Livestock	Number of Livestock Equal to One Animal Unit	
	Intensive and non-Intensive Livestock Operations	Household Livestock Operations
Dairy Cows	1.5	1
Dairy Heifers	2	1
Beef Cows	2	1
Beef Feeders (150 - 500 kg)	4	2
Veal Calves	25	5
Bulls	1	1
Horses and Ponies (≥225 kg)	1	1
Miniature Horses and Ponies (<225 kg)	3	2
Sheep	10	4
Sows (Breeding/Gestation)	5	2
Sows (Farrow to Finish)	1	1
Sows (Farrow to Wean)	4	2
Weaners	50	10
Hogs (Feeders)	10	2
Laying Hens (whole year)	500	25
Broiler Chickens	1,000	25

Type of Livestock	Number of Livestock Equal to One Animal Unit	
	Intensive and non-Intensive Livestock Operations	Household Livestock Operations
Turkey Broilers (5 kg)	300	25
Mink	200	10
Rabbits	40	20
Llamas/Alpacas	8	1
Ostriches/Emus	5	1

4.13.1.1 Hens

The following regulations are applicable to the keeping of laying hens within the Growth Centres:

a) Laying hens must be contained on the property and kept in a secure coop, constructed to ensure adequate shelter is provided for the animals.
b) Setbacks for any structure (laying hen coop or run) shall be pursuant to the accessory building requirements outlined in Section 4.1.
c) For lots smaller than 5000 ft^2 (465 m^2), one (1) laying hen shall be permitted per 1000 ft^2 (92 m^2) of lot area.
d) Feed for the laying hens shall be properly stored in an enclosed vessel(s), and areas or enclosures intended for the keeping of the laying hens must be properly cleaned and maintained to prevent odours from emanating onto abutting properties.
e) The following are prohibited:
    i. The keeping of roosters;
    ii. The keeping of turkeys; and
    iii. The slaughtering of animals.
f) In the case of fractional numbers when calculating animal units, the number of animal units permitted will be rounded down to the nearest whole number.

4.13.2 Beekeeping

Beekeeping shall be permitted as accessory use outside of Growth Centers, and accessory to a single or two-unit dwelling within Residential or Commercial Core (CC) zones within Growth Centers, with no requirement for a development permit, subject to the following:

a) Obtain a valid Beekeeper & Apiary Registration from the Nova Scotia Department of Agriculture, and conform to all policies pursuant to the *Nova Scotia Bee Industry Act*.
b) Within Growth Centres the property must at least 5000 ft^2 (465m^2).

4.14 Illumination

No person shall erect a sign with lights external to the sign itself or illuminate an area outside any building or structure unless the illumination is directed away from adjoining properties and any adjacent street.

4.15 Kennels

Where kennels are permitted by this By-law, the following special provisions shall apply:

a) No kennel building or structures, including outdoor exercise runs, shall be located closer than:
   i. 100 ft (30.48 m) from the front lot line, except in the Highway Commercial (HC) zone where the standard front yard requirement shall apply;
   ii. 100 ft (30.48 m) from all water wells and watercourses;
   iii. 50 ft (15.24 m) from the rear and side lot lines; and
   iv. 300 ft (91.44 m) from a dwelling on an adjacent property.
b) The use shall include a wholly enclosed building that is properly ventilated and soundproofed to a sound transmission class of at least 50 decibels as prescribed by the National Building Code.
c) No outdoor exercise run shall be occupied between the hours of 9:00 pm and 7:00 am on the following day.

4.16 Landscaping

Landscaped open space shall be provided for commercial, industrial and multiple residential uses in accordance with the zone provisions set out herein and the following general provisions:

a) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas shall be maintained as landscaped open space.
b) Except as otherwise specifically provided herein, no part of any required front yard or required flankage yard shall be used for any purpose other than landscaped open space.
c) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
d) No part of any driveway, parking area, loading space, roof-top terrace, balcony, swimming pool or space enclosed within a building shall be considered part of the landscaped open space on a lot.

4.17 Licensed Cannabis Uses

a) Analytical Testing and Research of cannabis shall be permitted in all zones as a use accessory to any licensed cannabis use.

b) Any building or structure used for a licensed cannabis land use shall be required to be located a minimum of 250 ft (76.2 m) from an existing residential dwelling, a home for special care, and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

4.18 Lot Frontage

All development shall be restricted to lots which front and abut a public street except for the following:

a) Lots exempted under Section 4.10 and 4.29;
b) Agricultural, forestry and mineral uses;
c) Seasonal dwellings and single unit dwellings on existing private roads; or
d) Seasonal dwellings and single unit dwellings on new private roads only in the General Resource (GR) zone.

4.18.1 Determining lot frontage

The following shall be used for the purposes of determining lot frontage:

a) In the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line.
b) In the case of irregularly shaped lots, lot frontage shall be deemed the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front line with either the middle of the rear lot line or, in the case where there is no rear lot line, the apex of the triangle formed by the side lot lines, at a point equal to where the minimum required front yard intersects with said line (see **Error! Reference source not found.**).

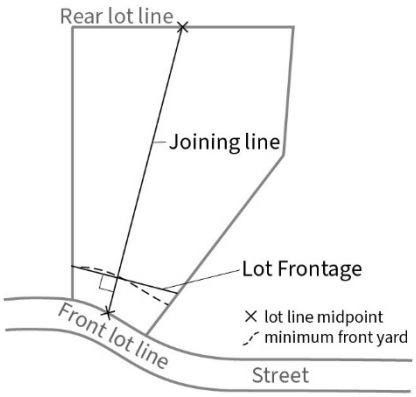


Figure 2: Irregular Lot Frontage

4.19 Lot Grading

All development of new main buildings within a Growth Centre shall require the submission of a Lot Grading Plan, unless otherwise waived by the Municipal Engineer.

4.20 Manufactured Homes

Where manufactured homes are permitted by this By-law, the following conditions shall be met:

a) No wheels, hitches or other transport attachments shall be visible; and
b) The structure shall be skirted within 30 days of placement on the lot.

4.21 Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict, such as in the case of lot area or lot frontage, the higher or more stringent standard shall prevail.

4.22 Non-Conforming Uses and Structures

a) Any use of land or building or structure constructed, or being constructed, on or before the effective date of this By-law that does not conform to the requirements of this By-law shall be subject to the provisions of the *Municipal Government Act* respecting non-conforming uses and structures.

b) Notwithstanding subsection 4.22 a):

   i. The minor extension or enlargement not exceeding 100 ft^2 (9.29 m^2) in area, of a structure containing a non-conforming use shall be permitted to allow for an addition of an accessory nature such as an entryway, porch or small storage space.

   i. A non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of 12 months, and in such an event, the land or structure shall not thereafter be used except in conformity with the requirements of this Land Use By-law.

   ii. A non-conforming industrial use shall be permitted to change to a less obnoxious or less intensive industrial use in terms of traffic generated, hours of operation, outdoor storage, noise and fumes.

4.23 One Main Building on a Lot

No more than one (1) main building shall be erected on a lot, except for the following:

a) in the Industrial (M), Business Park (BP), Resource Industrial (M-1) Wentworth Road Commercial (WR-C), General Commercial (GC), Mixed Use (MU), Manufactured Home Park (MHP), Landfill (LF), Rural Commercial (RC), College Road Comprehensive Development (CRCD), and Fairground (FG) zones;

b) agricultural uses;

c) municipal water treatment and distribution uses in the Water Supply (W) zone;

d) grouped dwellings;

e) institutional uses;

f) regional shopping centres; and

g) a second dwelling will be permitted on a lot where it can be shown that a second lot can be created, the second dwelling can be accommodated on that portion of the lot and the building can be shown to meet all other requirements.

4.24 On-site Sewage Disposal Systems

Larger minimum lot sizes than those specified in this By-law may be required by the Nova Scotia Department of Environment and Climate Change for the installation of on-site sewage disposal systems.

4.25 Outdoor Storage

Except as otherwise stated in this By-law or specifically listed as permitted in a zone, no outdoor storage shall be permitted except in accordance with the following provisions:

a) No outdoor storage shall be permitted in any required yard or, except in the case of an agricultural use, in any part of a required front yard or flankage yard;
b) No outdoor storage area shall be located closer than 10 ft (3.05 m) to any lot line;
c) No parking spaces or loading spaces shall be used for outdoor storage purposes; and
d) Outdoor storage areas are to be screened from the view of adjacent streets or lots, other than a commercial or industrial zone or outdoor storage necessary to an agricultural use, by fencing and/or landscaping features that are a minimum of 6 ft (1.83 m) in height.

4.26 Outdoor Furnaces

Notwithstanding any other provision of this By-law, an outdoor furnace or structure containing an outdoor furnace in any zone shall:

a) Be located in the required rear yard, and at least 200 ft (61 m) from the nearest lot line; and
b) Have a chimney or exhaust at least 5.9 ft (1.8 m) above the peak of the roof of the structure that the furnace is intended to heat.

4.27 Parks and Playgrounds

Parks and playgrounds shall be permitted in any zone provided:

a) Any maintenance or storage building accessory to the park or playground does not exceed 200 ft² (18.58 m²) in floor area; and
b) Any signage conforms to Section 6.

4.28 Permitted Encroachments

a) Required yards shall not be obstructed in any manner whatsoever, except in accordance with **Table 2-2**.

Table 2-2: Permitted Yard Encroachments

Building Feature / Structure	Yard in which Projection is Permitted	Maximum Permitted Encroachment
Sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows, window wells, or other ornamental structures	All yards	1.96 ft (0.6 m), but no closer than 2.95 ft (0.9 m) to a lot line

Building Feature / Structure	Yard in which Projection is Permitted	Maximum Permitted Encroachment
Covered or uncovered porches, balconies, deck, steps, or patios	All yards	4.9 ft (1.5 m), but no closer than 3.28 ft (1 m) to a lot line
Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, or signs	All yards	No limit
Bay windows, oil tanks and propane tanks	All yards	3.28 ft (1 m)
Fire escapes, exterior stairways, stoops, landings, steps, or ramps	Side or rear yard only	3.28 ft (1 m), but not closer than 3.28 ft (1 m) to any lot line
Structures for Barrier Free Access	All yards	No limit
Air conditioners, solar panels, heat pumps, exterior insulation, or similar equipment	Interior or rear yard	3.28 ft (1 m), but not closer than 0.98 ft (0.3 m) to any lot line

b) Where a legal non-conforming use or building encroaches onto the required yard, the maximum projection into the required yard from the main wall shall be measured from the main wall.

4.29 Reduced Lot Requirements

Notwithstanding any other provision of this By-law, a lot having less than the minimum frontage or area, which has been approved in accordance with the Subdivision By-law, may be used for a purpose permitted in the zone in which it is located and a building may be erected provided all other applicable provisions of this By-law are satisfied.

4.30 Secondary Suites

a) Secondary Suites are permitted accessory to single and two-unit dwellings in all zones and may be within the existing dwelling or an accessory building on the same lot.

b) In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:

   i. No more than one (1) secondary suite shall be permitted per dwelling unit;

   ii. Secondary Suites shall be limited to a maximum of 80% of the total floor area of the dwelling unit if 80% is less than 862 ft^2 (80 m^2) or (2) 862 ft^2 (80 m^2)

   iii. One (1) parking space shall be required for each secondary suite; and

   iv. Additions shall be limited to the rear and side yards of the dwelling unit.

4.31 Solar Energy System

Solar energy systems for the purposes of offsetting building or facility electricity consumption from the power grid through net metering shall be permitted as an accessory use in all zones, subject to the following requirements:

a) When mounted on the ground:
    i. The combined solar energy system area shall not exceed half the building footprint of the principal structure;
    ii. Ground-mounted solar energy systems shall be exempt from lot coverage calculations if the soil under the system is maintained in vegetation or pervious materials; and
    iii. Ground-mounted solar energy systems shall not exceed 15 ft (4.57 m) in height when oriented at maximum tilt.
b) When mounted on the roof of:
    i. A registered heritage property, the solar energy system shall be installed in a way that does not alter the character-defining elements identified in the Statement of Significance (SOS) for the property; or
    ii. Any property within an Architectural Control District, the solar energy system shall be installed in a way that does not alter significant features identified in the Architectural Control District Manual.

4.31.1 Agrivoltaics Systems

In Agricultural Priority Two (AR-2), Agricultural Priority Three (AR-3) and Institutional (I) zones where Agrivoltaics systems are permitted by the Site Plan Approval process, the Development Officer shall approve a site plan where the following matters have been addressed:

a) A site plan shall be submitted identifying the following details:
    i. All existing and proposed structures on the lot;
    ii. The proposed location and total area of solar energy system on the lot;
    iii. Area of lands to be agricultural use;
    iv. Setbacks from the property lines and existing or proposed structures;
    v. Proposed glare management to minimize glare on adjacent residential lots; and
    vi. Any other information the Development Officer deems necessary to properly evaluate the proposal.

4.31.2 Community-Scale Solar Farm

a) Where community-scale solar farms are permitted by the Site Plan Approval process, the Development Officer shall approve a site plan where the following matters have been addressed:
    i. The solar energy system shall be setback 150 ft (45.72 m) from any dwelling unit as of the date of the site plan;

ii. Solar energy system shall be setback 150 ft (45.72 m) from the public road;
iii. All elements shall be setback 80 ft (24.38 m) from the side and rear lot boundaries;

b) All equipment and structures shall be setback 100 ft (30.48 m) from all environmental critical areas, such as lakes, rivers, streams, and wetlands;
c) Location of security fence around the perimeter to prevent access to solar energy system, and for safety of electrical components;
d) Site grading and storm water management plans adequately address the disposal of surface water on the site to be approved by the Municipal Engineer; and
e) Design emphasis should be given to maintain natural vegetation on the site where possible to minimize potential glare on adjacent property or ensure visibility for road safety

4.32 Stormwater Management

Any development within the Area of Stormwater Concern (**Map 6**) shall be required to provide a stormwater management plan, in accordance with the requirements of the Municipal Services Specifications Manual and deemed acceptable by the Municipal Engineer, prior to any permits being approved.

4.33 Telecommunications Towers

Telecommunications towers shall be permitted in any Industrial, Resource or Agriculture zone, subject to the following requirements:

a) The tower and any accessory building shall meet the minimum yard requirements;
b) The tower base, accessory building and any guy wire anchors shall be enclosed by fencing;
c) The lot shall be landscaped to reduce the impact on adjacent uses; and
d) Where a tower exceeds 100 ft (30.48 m) in height, the setback for the tower base shall be the height of the tower plus 25 ft (7.62 m) from any lot line or any building.

4.34 Temporary Uses, Buildings and Structures Permitted

a) Nothing in this By-law shall prevent the temporary use of land, buildings or structures incidental to a construction project provided that a development permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days of the completion of the main construction project.
b) A building or structure may be erected, or an area of land used, for a special occasion or holiday provided that no such building or structure shall be erected more than 10 days prior to the event or remain in place for more than 14 consecutive days after the close of the event.
c) Nothing in this By-law shall prevent the use of a lot containing a dwelling for a yard sale, auction or other temporary sale of personal possessions belonging to the occupant, provided the use does not continue for more than five (5) days per month.

d) No development permit shall be required for a temporary use, unless otherwise specified in this By-law.

4.35 Through Lots

Notwithstanding any other provision of this By-law, on a through lot, a building may be erected facing either street and for the purpose of determining yard standards, the front yard standard shall apply on both streets.

4.36 Truck, Bus and Coach Bodies

No truck, bus, coach or structure of any kind other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality shall be used for human habitation in excess of 60 days, whether or not same is mounted on wheels.

4.37 Utilities

a) Notwithstanding any other provision of this By-law, public and private utilities less than 100 ft^2 (9.29 m^2) in floor area shall be permitted in any zone and no yard requirement shall apply.
b) Buildings or structures used for public or private utilities shall be permitted in any zone and must be a minimum of 3.28 ft (1 m) from the nearest property line.

4.38 Watercourses

a) A watercourse buffer of 50 ft (15.24 m) shall be maintained between any structure and the ordinary high water mark of all watercourses, with the exception of marine uses, structures required for water distribution or irrigation, water and sewage treatment uses and buildings and structures necessary for the prevention of floods, erosion or to facilitate drainage.
b) Existing buildings located within a watercourse buffer may be reconstructed, renovated, repaired, moved, or replaced provided that the work does not increase the building's footprint within the buffer and does not further reduce the depth of the shoreline buffer.
c) Notwithstanding anything else in this By-law, where part of an unserviced lot is within 75 ft (22.86 m) of a watercourse, the minimum lot area shall be no less than 40,000 ft^2 (3,716.00 m^2).

4.39 Wind Energy Development

For the purposes of Sections 4.39.1 and 4.39.2, wind turbine height shall be measured as the distance from the average finished grade of the wind turbine to the highest elevation of any component of the turbine.

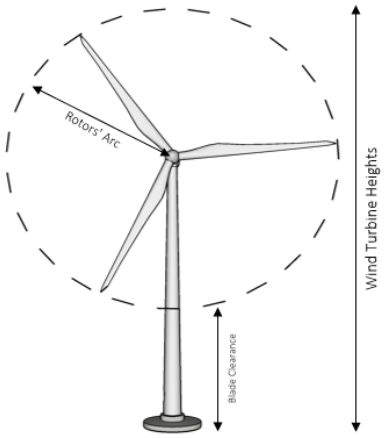


Figure 3: Wind Turbine Height

4.39.1 Wind Turbine, Small (SWT)

a) Wind Turbine, Small (SWT) shall be permitted subject to the following:
   i. There shall be no more than one (1) SWT located on lot, except where the lot is at least 2 acres (8,094 m^2) in area.
   ii. SWT with towers less than 50 ft (15.24 m) in height shall be permitted in any zone provided the lot is at least 0.5 acres (2,023 m^2) in area.
   iii. SWT with towers greater than 50 ft (15.24 m) in height shall be permitted only in zones outside Growth Centres provided the lot is at least 1 acre (4,047 m^2) in area.
   iv. Shall be setback 1.5 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining residential property lines;
   v. Shall be setback 1 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining commercial property lines;
   vi. To limit climbing access, a fence 1.8 m high with a locking portal shall be placed around the facility's tower base, or the tower climbing apparatus shall be limited to no lower than 3.7 m from the ground, or the tower shall not be climbable;
   vii. There shall be no restriction on the height of the tower provided the property owner has received Aeronautical Clearance approval from Transport Canada.

b) SWT which is intended primarily to produce electricity for on-site consumption are permitted provided they are setback a minimum of 5 times height from all property lines. Height shall be measured from ground level to the tip of the rotor at its maximum height.

4.39.2 Wind Turbine, Large (LWT)

Wind Turbine, Large shall be permitted outside of Growth Centres and Local Centres only by development agreement in accordance with Policy 3-139 of the Municipal Planning Strategy.

4.40 Yard Requirements and Natural Hazards

a) Where a front, rear, or side yard is required by this By-law and part of the lot is:
   i. Usually covered by water or marsh;
   ii. Beyond the rim of a riverbank or watercourse; or

iii. Between the top and toe of a cliff or embankment having a slope of 15% or more from the horizontal.

The required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such edge, rim or top of cliff is closer than the lot line.

5 Parking and Loading Provisions

5.1 General Parking Regulations

b) Parking areas shall be on the same lot as the use it is intended to serve, except for parking areas permitted through Policy 4-49.

a) Barrier-free parking spaces shall be in accordance with the requirements as per the *Nova Scotia Building Code Act*.

5.2 Minimum Off-Street Parking Space Requirements

a) For every building or structure to be erected or enlarged, off-street parking shall be provided in accordance with **Table 3-1**.

Table 3-1: Minimum Off-Street Parking Space Requirements by Type of Use

Land Use	Minimum Required Parking Spaces
Residential	
All dwellings within Growth Centres	1 space per dwelling unit
All dwellings outside of Growth Centres	1.5 spaces per dwelling unit
Boarding and rooming houses	1 space per dwelling unit plus 1 space per room available for rent
Senior citizen housing	1 space for every 2 dwelling units
Institutional or Community	
Hospitals and nursing homes	1 space for every 2 beds or 400 ft² (37.16 m²) of floor area, whichever is greater
Churches, halls, auditoria, theatres, arenas, stadiums, private clubs and other places of assembly	Fixed Seats: 1 parking space for every 5 seats, or 10 ft (3.05 m) of bench space No Fixed Seats: 1 parking space for every 100 ft² (9.29 m²) of floor area devoted to public use.
Riding stables	1 space for every 4 stalls
Elementary schools	1.5 spaces per classroom
All other schools	4 spaces per classroom
Day care facility	1 space for every 10 patrons

Land Use	Minimum Required Parking Spaces
Business	
Restaurants	1 space per 100 ft² (9.29 m²) of floor area devoted to public use
Drive-through or take-out restaurants	4 spaces up to first 200 ft² (18.58 m²) of useable floor area plus 1 space per additional 200 ft² (18.58 m²) of useable floor area
Funeral homes	1 space per 5 seat capacity of the chapel with a minimum of 10 parking spaces
Bowling alleys and curling rinks	4 spaces per bowling lane or curling sheet plus 1 space per 100 ft² (9.29 m²) of other public floor space
Hotels, motels, country inns and other tourist accommodations	1 space per suite or rental unit plus 1 space per 50 ft² (4.64 m²) of floor space devoted to public use, exclusive of lobbies or halls
Offices, financial institutions	1 space per 300 ft² (27.87 m²) of floor area
Regional shopping centres	5 spaces per 1,000 ft² (92.90 m²) of commercial floor area
All other commercial uses	1 space per 300 ft² (27.87 m²) of commercial floor area
Industrial Uses	1 parking space per 1,000 ft² (92.90m²) public floor space.

c) Minimum parking requirements may be reduced provided a study prepared by a qualified professional justifies a reduction of off-street parking to the satisfaction of the development officer and the Traffic Authority.

5.3 Parking Area Standards

Parking spaces and parking areas shall be designed and maintained in accordance with the following requirements:

a) Where a part of a parking space is required, such part shall be considered one parking space for the purpose of calculating the total parking requirements;
b) Individual parking spaces shall be 10 ft by 20 ft (3.05 m by 6.10 m) exclusive of driveways and maneuvering aisles;
c) A minimum of 11.8 ft wide by 18.7 ft long (3.6 m by 5.7 m) shall be required for angled spaces;

5.3.1 Four (4) or more vehicles

Where in this By-law parking areas are required to accommodate four (4) or more vehicles, the following provisions apply:

a) The parking area, driveways, and aisles shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.

b) Parking areas shall be provided with unobstructed access to a street by a driveway or aisle and shall be:

	Minimum Width	Maximum Width
One-way traffic	10 ft (3 m)	20 ft (6 m)
Two-way traffic	20 ft (6 m)	35 ft (10.67 m)

c) For a two-way driveway or aisle, the direction of traffic flow shall be clearly indicated by signs, pavement markings, or both.

d) Where a building or lot accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

e) Lights used for illumination of parking areas shall be so arranged and located as to divert the light away from adjacent lots and directed on the parking area.

f) Outdoor parking and service areas shall be screened from the street and adjacent residential properties through the use of landscaping or opaque fencing.

g) No gasoline pumps or other service station equipment shall be located or maintained on the parking lot.

h) Required parking spaces shall not include any parking spaces used or intended to be primarily for the storage or parking of vehicles for hire or gain, display or sale.

i) Where commercial, industrial, or institutional uses abut a residential zone, parking and loading spaces shall not be located within the abutting required yard.

5.3.2 Driveway Access

a) Driveway access for a through lot may be provided to either or both streets but in no case shall a driveway continue from one street to the other.

b) The maximum width of a driveway at the street shall be 35 ft (10.67m).

c) Two driveways leading to or from the same parking area must be at least 100 ft (30.5 m) apart at the street.

d) The minimum distance between a driveway and a street intersection, except for automobile service stations as provided in Section 4.2, shall be:

   i. 50 ft (15.24 m) where the driveway access is to a local street;
   ii. 80 ft (24.38 m) where the driveway access is to a collector street or as specified by Nova Scotia Department of Transportation and Public Works for provincial public streets; and
   iii. 100 ft (30.48 m) where the driveway access is to an arterial street or as specified by Nova Scotia Department of Transportation and Public Works for provincial public streets.

e) A residential, institutional or agricultural lot shall be limited to two driveways for the first 100 ft (30.48 m) of street frontage plus one driveway for each additional 100 ft (30.48 m) of street frontage.
f) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
g) Except for an automobile service station, no lot shall have access to an arterial road if access to a non-arterial road is possible.

5.4 Cash-in-lieu Parking

a) Notwithstanding the above parking requirements Council may, within the Commercial Core (CC) Zone, accept cash-in-lieu of the owner providing on-site parking. The cash-in-lieu contribution shall be calculated according to the following formula:

X (N x S) + Y (N x S)

Where

X = current assessed value per square foot of land within the Commercial Core (CC) Zone
Y = cost per square foot of grading and surfacing parking area
N = number of parking spaces required by this By-law
S = area of one parking space measuring 10 ft x 20 ft (3.05 m by 6.10 m)

5.5 Bicycle Parking Requirements

a) Bicycle parking is required to be provided in all zones within the Growth Centres and Local Centres, except for Industrial Zones, for the land uses at the rates specified in **Table 3-2.**

Table 3-2: Minimum Bicycle Parking Space Requirement

Land Use	Minimum Required Bike Parking Spaces
Dwelling – 5 or more dwelling units	Up to 12 units: 2 spaces 13-24 units: 6 spaces Above 24 units: 8 spaces
Any commercial or institutional use up to 3,000 m^2 of gross floor area	2 spaces
Any commercial or institutional use greater than 3,000 m^2 of gross floor area	6 spaces

b) Bicycle parking must be located on the same lot as the use or building for which it is provided, and must be located in order to promote convenient access to main entrances.
c) Bicycle parking spaces shall be accessed by an aisle with a minimum width of 4.9 ft (1.5 m).
d) Each bicycle parking space shall have a minimum length of 6 ft (2 m), a minimum width of 1.96 ft (0.6 m), and a minimum vertical clearance of 10 ft (3 m).

e) Each bicycle parking space shall contain a bicycle rack secured to the surface and located to provide clear and unobstructed access for the placement and removal of bicycles.

f) Each bicycle parking space shall be surfaced with concrete, asphalt, pavers, or other similar stable hard surface.

g) When a building or structure accommodates more than one (1) type of use, the bicycle parking space requirements shall be the sum of the requirements for the separate parts of the building or structure occupied by the separate types of use.

5.6 Drive-Through Requirements

a) In addition to the requirements of Section 13 of this By-law, queuing spaces shall be provided for drive-through businesses, in accordance with **Table 3-3**.

Table 3-3: Queuing Space Requirements

Land Use	Minimum Required Queuing Spaces
Restaurants	10 in-bound spaces approaching each service window; 1 out-bound space after each service window
Banks, Automated Tellers	5 in-bound spaces approaching each service window
Automatic car washes and other automotive uses	3 in-bound spaces approaching the wash or service bay; 1 out-bound space after the wash or service bay
Other uses	3 in-bound spaces approaching each service window

b) All queuing spaces shall be a minimum of 20 ft (6.10 m) in length and 10 ft (3.05 m) m in width. Queuing lanes shall provide sufficient space for turning and manoeuvring and shall not occupy any portion of a designated fire lane or a required parking aisle.

5.7 Loading Space Requirements

a) Loading spaces are required under this By-law for non-residential uses, in accordance with **Table 3-4**, and the owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain loading spaces on the lot accordingly.

Table 3-4: Loading Space Requirements

Non-Residential Land Uses	Minimum Required Loading Spaces
Less than 2,000 ft² (185.80 m²) in floor area	No spaces required
Greater than 2,000 ft² (185.80 m²) in floor area	1 space for every 30,000 ft² (2,787 m²) up to a maximum of 6 spaces

b) Loading spaces shall be a minimum of 12 ft (3.66 m) by 40 ft (12.19 m) and have a minimum vertical clearance of 14 ft (4.27 m).

c) Access to loading spaces shall be provided by driveway with a minimum width of 20 ft (6.10 m) located on the lot on which the loading spaces and accessed from a street.
d) Loading spaces shall not be located within any required front yard or be located within any required yard which abuts a residential zone.

6 Signage

6.1 General

a) Except where otherwise exempted in this By-law, no person shall erect a sign without first obtaining a development permit from the Development Officer and no development permit to erect a sign shall be issued unless all provisions of this By-law are satisfied.
b) Where this By-law may be inconsistent with any statute of the Province of Nova Scotia, or regulations made thereunder respecting advertising signs on or near public highways, the more stringent regulations shall apply.
c) Signs oriented toward a Provincial Highway requires approval from the relevant Provincial Authority.
d) A permit for a temporary sign may be issued for a period of seven (7) days, and may be renewed for four (4) consecutive periods during each calendar year.
e) An indoor sign shall not be considered a sign for the purposes of this By-law unless it is intended to be viewed from outside of the building.
f) A multi-faced sign shall be considered a single sign and only one side of a multi-faced sign shall be used to determine sign area.

6.2 Safety and Maintenance

a) Every sign, and all parts thereof, including framework supports, background, anchors and wiring systems shall:
    i. be kept in a good state of repair and maintenance;
    ii. be constructed and maintained in compliance with the Building Code; and
    iii. not be located in such a manner that they reduce visibility at intersections.
b) If the use for which a sign is erected is no longer in operation, the sign, and all parts thereof, shall be removed by the property owner within 60 calendar days of the date the use ceases. This shall not apply to a seasonal enterprise that normally closes during part of the year provided the sign advertising the seasonal enterprise indicates the time of the year the enterprise is in operation.

6.3 Signs Permitted in All Zones

a) The following signs shall be permitted in all zones and no development permit shall be required:
    i. Signs not more than 2 ft^2 (0.18 m^2) in sign area, identifying the name and address of a resident;
    ii. “No trespassing” signs or other signs regulating the use of a property, and of not more than 2 ft^2 (0.18 m^2) in area;

iii. Real estate signs not exceeding 5.38 ft² (0.5 m²) in sign area in a Residential Zone and 16.14 ft² (1.5 m²) in other zones, which advertise the sale, rental or lease of the premises;
iv. Signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are not more than 5 ft² (0.46 m²) in area;
v. Signs erected by governmental authority and bearing no commercial advertising, such as traffic signs, railway crossing signs, and safety signs;
vi. Signs erected by governmental authority bearing commercial advertising for regional or local business, recreational, event or tourism promotion;
vii. Memorial or commemorative signs or tablets not more than 5 ft² (0.46 m²) in area;
viii. Plaques or signs identifying donors of structures, trees or other landscaping not more than 1 ft² (0.09 m²) in area;
ix. The flag, pennant or insignia of any government, nation, religious, charitable or fraternal organization, not more than 40 ft² (3.72 m²) in area;
x. Election signs on private property; and
xi. One temporary sign not more than 50 ft² (4.64 m²) in area incidental to a construction project taking place on the property.

6.4 Signs Prohibited in All Zones

a) The following signs are not permitted in any zone:
i. Signs which, by reason of flashing or moving illumination or parts, may be confused by the motorist with traffic controls or lights or distract their attention for an extended period of time;
ii. Signs located on the roof of any structure, except those permitted in Section 6.7;
iii. Any sign or sign structure which constitutes a hazard to public safety or health;
iv. Any signs that obstruct free ingress or egress from any fire escape door, window, or other required exit way;
v. Signs not erected by a public authority that make use of words such as 'STOP', 'LOOK', 'ONE WAY', 'DANGER', 'YIELD', or any similar word, phrase, symbol, light, or character in such a manner as to mislead or confuse the traffic along a public road;
vi. Any signs erected upon a public property or a public right-of-way unless erected by a public authority or authorized by a public authority;
vii. Commercial signs painted on, attached to or supported by a tree, stone, cliff or other natural object;
viii. Any sign which no longer advertises a bona fide business conducted, or a product sold; and
ix. Signs not related to any business or use located on the lot or premises unless erected by a public authority.

6.5 Facial Wall Signs

Permitted Zones	Dimensions	Conditions
CC **PES**	Maximum Sign Area: 15% of the area of the wall to which it is attached	1 sign is permitted per business premise. Must not extend above or beyond the extremities of the wall upon which they are attached.
LC **MI**	Maximum Sign Area: 15% of the area of the wall to which it is attached up to 20 ft² (1.86 m²)	1 non-illuminated facial wall sign or 1 projecting sign per business premises Must not extend above or beyond the extremities of the wall upon which they are attached.
GC **WR-C** **HC** **M** **BP** **FG**	Maximum Sign Area: 15% of the area of the wall to which it is attached	Combined area of all signs shall not exceed 3 ft² (0.28 m²) for every 1 ft (0.30 m) of lot frontage. Must not extend above or beyond the extremities of the wall upon which they are attached.
I **OS**	Maximum Sign Area: 20 ft² (1.86 m²), excluding interpretive signage	1 identification sign not more than 3 ft² (0.28 m²) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft² (0.09 m²). Must not extend above or beyond the extremities of the wall upon which they are attached.
All Other Zones	Maximum Sign Area: 15% of the area of the wall to which it is attached	1 sign is permitted per business premise. Must not extend above or beyond the extremities of the wall upon which they are attached.

6.6 Projecting Wall Signs

Permitted Zones	Dimensions	Conditions
CC **PES**	Maximum Sign Area: 30 ft² (2.79 m²)	1 sign is permitted per business premise. Must not project further than 6 ft (1.83 m) from the wall to which they are affixed.

Permitted Zones	Dimensions	Conditions
		Must not project above the eaves, parapet or roof line of the wall to which they are affixed. Must not swing freely on their supports. Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.
LC **MI**	Maximum Sign Area: 20 ft² (1.89 m²)	1 non-illuminated facial wall sign or 1 projecting sign per business premises or 1 roof sign. Must not project further than 6 ft (1.83 m) from the wall to which they are affixed. Must not project above the eaves, parapet or roof line of the wall to which they are affixed. Must not swing freely on their supports. Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.
GC **WR-C** **HC** **M** **BP** **FG**	Maximum Sign Area: 30 ft² (2.79 m²)	Combined area of all signs shall not exceed 3 ft² (0.28 m²) for every 1 ft (0.30 m) of lot frontage. Must not project further than 6 ft (1.83 m) from the wall to which they are affixed. Must not project above the eaves, parapet or roof line of the wall to which they are affixed. Must not swing freely on their supports. Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.
I **OS**	Maximum Sign Area: 30 ft² (2.79 m²)	1 identification sign not more than 3 ft² (0.28 m²) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft² (0.09 m²). Must not project further than 6 ft (1.83 m) from the wall to which they are affixed. Must not project above the eaves, parapet or roof line of the wall to which they are affixed. Must not swing freely on their supports. Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.

Permitted Zones	Dimensions	Conditions
All Other Zones	Maximum Sign Area: 30 ft² (2.79 m²)	1 sign is permitted per business premise. Must not project further than 6 ft (1.83 m) from the wall to which they are affixed. Must not swing freely on their supports. Must not be erected lower than 10 ft (3.05 m) and higher than 15 ft (4.57 m) above the ground.

6.7 Roof Signs

Permitted Zones	Dimensions	Conditions
LC **MI** **GC** **HC** **M** **BP** **FG**	Maximum Sign Area: 1 ft² (0.09 m²) for every 1 ft (0.3 m) of roof length up to 100 ft² (9.29 m²)	1 sign is permitted per business premise. Must not extend more than 6 ft (1.83 m) above the highest part of the roof or extend beyond the extremities of the walls to which the roof connects.

6.8 Ground Signs

Permitted Zones	Dimensions	Conditions
CC **PES**	Height: 5.18 m Sign Area: 40 ft² (3.70 m²)	1 sign is permitted per business premise. Additional ground signs may be considered by development agreement as per Policy 4-56 of the Municipal Planning Strategy. Minimum setback from from any street line, common lot boundary, driveway, aisle or parking area: 5 ft (1.52 m)
GC **HC** **WR-C** **M**	Maximum Area: 50 ft² (4.64 m²) Maximum Height: 35 ft (10.67 m)	1 sign for every 50 ft (15.24 m) of road frontage up to 3 signs. Where a property in a General Commercial (GC), Industrial (M), Highway Commercial (HC), Wentworth Road

Permitted Zones	Dimensions	Conditions
BP **FG**		Commercial (WR-C), Fairground (FG) zone is occupied by more than one business, one ground sign permitted advertising the different businesses located on the property may exceed the maximum sign area requirements up to a maximum sign area of 125 ft² (11.61 m²) where the sign is 10 ft to 35 ft (3.05 m - 10.67 m) in height. Minimum setback from from any street line, common lot boundary, driveway, aisle or parking area: 5 ft (1.52 m) with the exception of 40 Water Street where a ground sign footing that existed prior to 2005 may be used.
I **OS**	Maximum Area: 25 ft² (2.32 m²), excluding interpretive signage Maximum Height: 10 ft (3.05 m)	1 identification sign not more than 3 ft² (0.28 m²) in area; 1 other sign; and unlimited interpretive signage. On any sign, commercial advertising or sponsorship shall not exceed 1 ft² (0.09 m²). Minimum setback from any street line, common lot boundary, driveway, aisle or parking area: 5 ft (1.52 m) with the exception of 40 Water Street where a ground sign footing that existed prior to 2005 may be used.
All Other Zones	Maximum Area: 50 ft² (4.64 m²) Maximum Height: 35 ft (10.67 m)	1 sign is permitted per business premise.

6.9 Mobile Signs

Mobile signs shall be considered ground signs and all provisions of this By-law related to ground signs shall apply except that:

a) No mobile signs shall be permitted in the Commercial Core (CC), Pesaquid (PES), Local Commercial (LC), or Mixed Industrial (MI) zones; and
b) No mobile sign shall exceed 25 ft² (2.32 m²) in area.

6.10 Sandwich Board Signs

Permitted Zones	Dimensions	Conditions
Commercial & Industrial Zones	Maximum Area: 8 ft² (0.74 m²)	1 sign is permitted per business premise.

Permitted Zones	Dimensions	Conditions
		Must not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way. Must be authorized by the Municipality where located on publicly owned land

6.11 Canopies or Awnings

Permitted Zones	Dimensions	Conditions
Commercial & Industrial Zones		Must not project more than 4 ft (1.22 m) over a public sidewalk. Must be at least 9 ft (2.74 m) between the sidewalk or grade and the lowest edge of the canopy.

6.12 Signs in Sports Fields and Outdoor Areas

a) Notwithstanding the number limitation on any signs in Section 6, any number of sponsorship signs may be erected in a sports field or outdoor arena and no development permit shall be required provided the signs are intended for view from within the sports field or outdoor arena.

6.13 Automobile Service Station Signs

a) One (1) ground sign for an automobile service station located in the Highway Commercial (HC), Wentworth Road Commercial (WR-C), Industrial (M), or Business Park (BP) zones may exceed the maximum sign area requirement set out in Section 6.8 up to a maximum of 120 ft^2 (11.15 m^2), provided such sign is set back at least 15 ft (4.57 m) from any property line.

7 Residential Zones

7.1 General Provisions for Residential Zones

7.1.1 Recreational Space

Notwithstanding any other provision of 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; and
e) 4-bedroom unit - 400 ft² (37.16 m²) per unit.

7.1.2 Services Required

a) Within the Low Density Residential (R-1) zone, a development permit shall not be issued for a new residential dwelling of three or more units where the proposed development is not serviced with Municipal water and sewer.
b) Within the Medium Density Residential (R-2) zone, a development permit shall not be issued for a new residential dwelling of five or six units where the proposed development is not serviced with Municipal water and sewer.

7.1.3 Landscaping

In the case of residential and group dwellings containing more than four units, outdoor parking and service areas shall be screened from adjacent residential uses through the use of landscaping or opaque fencing.

7.2 Low Density Residential (R-1)

7.2.1 Permitted Uses

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

- Bed & breakfast homes
- Residential dwellings, up to 4 units
- Small Options Home
- Manufactured homes (in Three Mile Plains Growth Centre only)
- The keeping of horses provided they are kept in a fenced area at a minimum of 0.4 hectares (44,560 sq. ft.) for each horse (in Hantsport Growth Centre only)

7.2.2 Lot Requirements for Dwellings

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

Provision	Requirement	
	With Municipal Services	With On-Site Services
Minimum lot area	5,005 ft² (465 m²)	29,000 ft² (2,694.10 m²)
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)
Minimum front yard	15 ft (4.57 m)	
Minimum rear yard	20 ft (6.10 m)	
Minimum side yard	6 ft (1.83 m)	
Minimum flankage yard	15 ft (4.57 m)	
Maximum height of main buildings	35 ft (10.67 m)	
Maximum number of units	4	
Maximum Lot Coverage	50%	

7.2.3 Converted Dwellings – Special Requirements

In addition to all other regulations, the following provisions shall apply to converted dwellings in the Low Density Residential (R-1) zone:

a) 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;
b) no alteration shall be undertaken which will extend into the required front or side yard of the lot;
c) lot coverage of the entire structure shall be limited to 50%; and
d) parking shall be provided as required in Section 5 in the side or rear yard of the lot.

7.2.4 Subdivision of Semi-detached and Townhouse Dwellings

Notwithstanding Section 7.2.2, 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 West Hants Regional Municipality 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 or a townhouse dwelling, and the following reduced specifications apply:

Provision	Semi-detached Dwelling	Townhouse Dwelling
Minimum lot area	2,500 ft² (232.26 m²)/unit	2,000 ft² (185.8 m²)/unit
Minimum lot frontage	25 ft (7.62 m)/unit	20 ft (6.1 m)/unit
Minimum Side Yard	6 ft (1.82 m) for one side and zero along the common wall	6 ft (1.82 m) for one side of the end unit and zero for the other side of the end units or interior units

7.2.5 Exceptions

7.2.5.1 Exception for PID 45190386 and 45366457

Notwithstanding Section 7.2.2, the lot specifications for the area of land known as **PID 45190386 and PID 45366457** on December 13, 2022 shall be:

Provision	Requirement
Minimum lot area	4,000 ft² (371.60 m²) 5,000 ft² (464.5 m²) 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)

Provision	Requirement
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)

7.2.5.2 Exception for PID 45336773

Notwithstanding Section 7.2.2, the minimum side yard requirement for the area of land known as **PID 45336773** on November 18, 2021 shall be:

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

7.2.5.3 Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775

Notwithstanding Section 7.2.2, the lot specifications for the area of land known as **PID 45358314, PID 45366986, PID 45055167, PID 45276441, PID 45190493 and PID 45364775** on November 18, 2021 shall be:

Provision	Requirement
Minimum lot area	4,000 ft² (371.60 m²) 5,000 ft² (464.5 m²) 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)

7.3 Medium Density Residential (R-2)

7.3.1 Permitted Uses

The following uses shall be permitted in the Medium Density Residential (R-2) zone:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements including:
- Residential dwellings, up to 6 units
- Community centre

7.3.2 Lot Requirements for Multi-Unit Residential Developments

In the Medium Density Residential (R-2) zone, no development permit for Multi-Unit Dwellings containing 5 or 6 units shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	6,500 ft² (603.87 m²)
Minimum lot frontage	80 ft (24.38 m)
Minimum front yard	15 ft (4.57 m)
Minimum rear yard	20 ft (6.10 m)
Minimum side yard	10 ft (3.05 m)
Minimum flankage yard	15 ft (4.57 m)
Maximum building height	3 storeys
Maximum number of units	6
Maximum lot coverage	50%*

* Bonus zoning subject to 7.3.4.

7.3.3 Subdivision of Semi-detached and Townhouse Dwellings

A lot containing semi-detached or townhouse dwellings shall comply with 7.2.4.

7.3.4 Bonus Zoning for Affordable Housing Units

Notwithstanding the specification in Section 7.3.2, 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 Governments(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%.

7.3.5 Exceptions

7.3.5.1 Exception for PID 45190386 and 45366457

Notwithstanding Section 7.3.2, the lot specifications for the area of land known as **PID 45190386 and PID 45366457** on December 13, 2022 shall be:

Provision	Requirement
Minimum lot area	2,000 ft² (185.80 m²) / unit 3,000 ft² (278.7 m²) / unit for corner lots
Minimum lot frontage	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)

7.3.5.2 Exception for PID 45336773

Notwithstanding Section 7.3.2, the minimum side yard requirement for the area of land known as **PID 45336773** on November 18, 2021 shall be 8 ft (2.44 m).

7.3.5.3 Exception for PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775

Notwithstanding Section 7.3.2, the lot specifications for the area of land known as **PID 45358314, PID 45366986, PID 45055167, PID 45276441, PID 45190493 and PID 45364775** on November 18, 2021 shall be:

Provision	Requirement
Minimum lot area	2,000 ft² (185.80 m²) / unit 3,000 ft² (278.7 m²) / unit for corner lots

Provision	Requirement
Minimum lot frontage	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)

7.4 High Density Residential (R-3)

7.4.1 Permitted Uses

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

- Uses permitted in the R-2 zone subject to the R-2 zone requirements including:
- Residential dwellings, up to 12 units
- Grouped dwellings, up to 12 units
- Grouped dwellings, above 12 units by site plan approval
- Boarding or rooming houses
- Homes for special care
- Commercial uses permitted in the Local Commercial (LC) zone, in conjunction with a residential use within the same building on the ground floor and is on a lot with frontage on an arterial or collector road

7.4.2 Lot Requirements for Multi-Unit Residential Developments and Residential Care Facilities

In the High Density Residential (R-3) zone, no development permit for Multi-Unit Residential Developments and Residential Care Facilities shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	9,000 ft^2 (836.13 m^2)
Minimum lot frontage	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)
Minimum flankage yard	15 ft (4.57 m)
Maximum height of main buildings	3 storeys*
Maximum number of units per building	12*
Maximum lot coverage	40%**

* New multi-unit residential development consisting of more than 12 units, the conversion of existing buildings to more than 12 units and residential development of greater than three storeys, shall be permitted within the High Density Residential (R-3) zone only by development agreement in accordance with Policy 5-18 of the Municipal Planning Strategy.

** Bonus zoning subject to 7.4.4.

7.4.3 Lot Requirements for Grouped Dwellings

In the High Density Residential (R-3) zone, no development permit for Grouped Dwellings shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	3,000 ft² (278.70 m²) for each dwelling unit
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	15 ft (4.57 m)
Minimum rear yard	35 ft (10.67 m)
Minimum distance between grouped dwellings	15 ft (4.57 m)
Maximum height of main buildings	3 storeys
Maximum number of units per building	8

7.4.4 Site Plan Approval

In the High Density Residential Zone (R-3), Grouped Dwelling developments with over 12 residential units, on one lot, may be permitted by Site Plan Approval, the Development Officers shall approve a site plan where the following matters have been addressed:

a) a landscaped area, including trees, shrubs, grass and other vegetative ground cover, is provided along the front property line to act as a buffer between the development and the public street; where parking spaces, travel lanes or stacking lanes are adjacent to the landscaped area, additional low-level screening in the form of shrubs or low walls in combination with shrubs shall be placed in continuous fashion to help screen cars from view while still allowing eye-level visibility into the site; outdoor parking and service areas shall be screened from adjacent residential uses through the use of landscaping or opaque fencing;
b) safe, continuous and clearly defined pedestrian walkways are provided from the street to the development; the walkways may be a combination of crosswalks, sidewalks and trails;

c) the location, number and width of driveway accesses meet the requirements of the West Hants Municipal Services Specifications Manual and the National Building Code for access routes, and adequately address any concerns identified by the Traffic Authority;
d) easements required for services or access are suitably identified on the plan;
e) site grading and storm water management plans adequately address the disposal of surface water on the site according to the requirements of the West Hants Municipal Services Specifications Manual; the incorporation of low impact development (LID) features such as rain gardens, permeable pavements, green roofs and other measures to slow, store and filter stormwater are encouraged, as approved by the Municipal Engineer;
f) facilities for the storage of solid waste shall be located so as to minimize impacts on adjacent properties and the view from the street, or shall be screened from view through landscaping or fencing, and shall comply with the Municipality's Solid Waste By-law provisions;
g) the type and location of outdoor lighting provide safety and security for the structure, driveways and any pedestrian access, but is designed to ensure there is no light spilling, glare or light cast over adjacent uses and the street;
h) Development must be connected to municipal water and sanitary services;
i) Recreational space shall be shown on the site plan in accordance with Section 7.1.1;
j) Parking shall be provided in accordance with Section 5;
k) Shall comply with the minimum lot standards of Section 7.4.3;
l) The maximum number of units per lot is 100.

7.4.5 Stormwater Management

Any development of a new main building of 7 or more units shall be required to provide a stormwater management plan, in accordance with the requirements of the Municipal Services Specifications Manual and deemed acceptable by the Municipal Engineer, prior to any permits being approved, unless otherwise waived by the Municipal Engineer.

7.4.6 Bonus Zoning for Affordable Housing Units

Notwithstanding the specification in Section 7.4.2, 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 Governments(s) for a specified period of time:

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

7.5 Rural Residential (RR)

7.5.1 Permitted Uses

The following uses shall be permitted in the Rural Residential (RR) zone:

- Bed & breakfast homes
- Community centres
- Residential dwellings, up to 2 units
- Small Options Home
- Manufactured homes
- Conversion of former place of worship, up to 5 dwelling units

7.5.2 Lot Requirements for Residential Dwellings and Manufactured Homes

In the Rural Residential (RR) zone, no development permit shall be issued for Single Unit, Two-Unit, Seasonal dwellings and Manufactured Homes, except in conformity with the following:

Provision	Requirement
Minimum lot area	29,000 ft² (2,694.10 m²)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	
one side	6 ft (1.83 m)
other side	10 ft (3.05 m)
Maximum height of main buildings	35 ft (10.67 m)

7.5.3 Lot Requirements for all Other Uses

In the Rural Residential (RR) zone, no development permit shall be issued for all Other Uses, except in conformity with the following:

Provision	Requirement
Minimum lot area	40,000 ft² (3,716.00 m²)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	
one side	6 ft (1.83 m)
other side	10 ft (3.05 m)
Maximum height of main buildings	35 ft (10.67 m)

7.5.4 Former Places of Worship – Special Requirements

a) When a church is repurposed, the majority of the building form shall be maintained, with opportunity for alternate window and door alterations and architecturally compatible expansions to accommodate up to 5 residential units.

7.6 Local Residential (LR)

7.6.1 Permitted Uses

The following uses shall be permitted in the Local Residential (LR) zone:

- Bed & breakfast homes
- Residential dwellings, up to 2 units
- Small Options Home
- Manufactured home (in Brooklyn only)

7.6.2 Lot Requirements for Dwellings

In the Local Residential (LR) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	29,000 ft^2 (2,694.10 m^2)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	15 ft (4.57 m)
Minimum rear yard	20 ft (6.10 m)
Minimum side yard	6 ft (1.83 m)
Minimum flankage yard	15 ft (4.57 m)
Maximum height of main buildings	35 ft (10.67 m)
Maximum Lot Coverage	50%

7.7 Manufactured Home Park (MHP)

7.7.1 Permitted Uses

The following uses shall be permitted in the Manufactured Home Park (MHP) zone:

- Manufactured Home
- Offices and Uses Accessory to the Operation of a Manufactured Home Park

7.7.2 Lot Requirements for Manufactured Homes within a Manufactured Home Park

In the Manufactured Home Park (MHP) zone, no development permit for Manufactured Homes shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	4,000 ft² (371.60 m²)
Minimum lot frontage	40 ft (12.19 m)
Minimum front yard	10 ft (3.05 m)
Minimum rear yard	15 ft (4.57 m)
Minimum side yard	
one side	6 ft (1.83 m)
other side	4 ft (1.22 m)

7.7.3 Minimum Distance Between Manufactured Homes

a) The minimum distance between manufactured homes, excluding porches, shall be 20 ft (6.10 m) and no manufactured home shall be placed within 30 ft (9.14 m) of an external lot line or public street.

7.7.4 Recreational Space

a) Not less than 5% of the total area of the manufactured home park shall be set aside for parks, playgrounds and other useable recreational space; and
b) Where formal recreation space is provided, such as, but not limited to, tennis courts, lawn bowling greens, putting greens and indoor recreational uses such as community or recreation centres, shall be counted as double its actual area for the purpose of calculating the 5% recreational space

8 Commercial Zones

8.1 General Provisions for Commercial Zones

8.1.1 Abutting Zone Requirements

a) Where a General Commercial (GC), Highway Commercial (HC), Local Commercial (LC) or Rural Commercial (RC) Zone abuts a lot in a residential zone, the following standards apply:
    i. the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m); and
    ii. the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

8.1.2 Access

a) Entrance to and exit from properties zoned General Commercial (GC), Highway Commercial (HC), Local Commercial (LC), Wentworth Road Commercial (WR-C), and Rural Commercial (RC) shall be:
    i. Restricted to not more than two driveways on any street or road;
    ii. On a corner lot, access shall be restricted to not more than three driveways to the lot; and
    iii. Driveways shall meet Nova Scotia Department of Public Works requirements for commercial access.
b) Entrance to and exit from properties zoned Mixed Use (MU) shall be:
    i. Restricted to one (1) driveway on every street or road for every 100 ft (30.48 m) of lot frontage.
    ii. On a corner lot, access shall be restricted to not more than three driveways to the lot.

8.1.3 Buffers

a) A major buffer shall be required where a commercial or industrial development is proposed in any Commercial or Industrial designation or zone and abuts any Residential or Institutional designation.
b) A minor buffer shall be required where an industrial or commercial development is proposed in any designation or zone other than Industrial or Commercial and abuts any residential or institutional use; or
c) No buffer strip shall be required:
    i. Along the street frontage of any lot;
    ii. On a lot that is being developed or where a building is being expanded within 500 ft (152.4 m) of existing development with frontage on the same street if the existing

development was not required to provide a buffer to the abutting designation or use; or

d) Walkways or permitted driveways are permitted to cross buffer strips.

8.1.4 Outdoor Storage and Outdoor Display

a) No outdoor storage shall be permitted in the General Commercial (GC), Commercial Core (CC), Mixed Use (MU), and Local Commercial (LC) zones.

b) In the Highway Commercial (HC) and Wentworth Road Commercial (WR-C) zones outdoor storage and outdoor display shall:

iii. be located at least 10 ft (3.05 m) from any lot line;
iv. be accessory to a permitted commercial use;
v. not be located in any required yard abutting a residential or institutional use; and
vi. not be located in any required parking spaces or loading spaces.

c) In the General Commercial (GC) zone, outdoor display shall:

i. be located at least 10 ft (3.05 m) from any lot line;
ii. be accessory to a permitted commercial use;
iii. not be located in any required yard abutting a residential or institutional use; and
iv. not be located in any required parking spaces or loading spaces.

8.1.5 Residential Uses

a) Within the General Commercial (GC), Highway Commercial (HC), and Wentworth Road Commercial (WR-C) zones, residential uses as part of the same building as commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66%) of the total floor area of the building.

8.2 General Commercial (GC)

8.2.1 Permitted Uses

The following uses shall be permitted in the General Commercial (GC) zone:

- Arts and crafts studios
- Automotive Use (outside of Windsor and Hantsport Growth Centres)
- Banks and financial institutions
- Building supply establishments
- Brewery, Micro
- Clubs and community organizations
- Commercial schools
- Country inns
- Cultural uses
- Day care centres, licensed and non-licensed
- Distillery, Micro
- Dry cleaning and laundry establishments
- Emergency service facilities
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farmers' markets
- Funeral home
- Garden and nursery sales and supplies
- Hotels and motels
- Licensed liquor establishments
- Local shopping centres
- Offices
- Parking structures
- Post offices and postal outlets
- Recreational vehicle sales, service and rental establishments (Outside of Windsor and Hantsport Growth Centres)
- Regional shopping centres containing uses permitted in the General Commercial (GC) zone
- Repair and rental establishments
- Residential uses (not on ground floor), subject to Section 8.1.5
- Restaurants excluding drive-through establishments
- Retail stores
- Retail stores, large format (maximum commercial floor area 50,000 ft^2 (4,645 m^2)
- Service and personal service shops
- Support service
- Taxi, train and bus stations

- Veterinary clinics
- Winery

8.2.2 Lot Requirements

In the General Commercial (GC) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement	
	With Municipal Services	With On-site Services
Minimum lot area	10,000 ft² (929 m²)	29,000 ft² (2,694.10 m²)
Minimum lot frontage	100 ft (30.48 m)	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)	
Minimum rear yard	25 ft (7.62 m)	
Minimum side yard	15 ft (4.57 m)	
Maximum height of main building	35 ft (10.67 m)	

8.2.3 Maximum Commercial Floor Area in Local Centre Designation

a) Within the Local Centre designation, the following shall apply:
   i. The maximum commercial floor area of a General Commercial (GC) use shall not exceed 5,000 ft² (464.50 m²). This restriction shall not apply to existing uses zoned General Commercial (GC).
   ii. New General Commercial (GC) uses with a commercial floor area greater than 5,000 ft² (464.50 m²) may be considered by Site Plan Approval pursuant to Policies contained in Section 5.7 of the Municipal Planning Strategy.

8.3 Highway Commercial (HC)

8.3.1 Permitted Uses

The following uses shall be permitted in the Highway Commercial (HC) zone:

- Arts and crafts studios
- Automotive Use
- Building supply establishments
- Brewery
- Convenience store
- Day care centres, licensed and non-licensed
- Distillery, Micro
- Dry cleaning and laundry establishments
- Emergency service facilities
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farmers' markets
- Farm supplies and equipment sales and service
- Funeral home
- Garden and nursery sales and supplies
- Heavy equipment sales and service
- Hotels and motels
- Kennels, Hobby
- Licensed liquor establishments
- Manufactured home sales
- Offices
- Parking structures
- Post offices and postal outlets
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Regional shopping centres
- Repair and rental establishments
- Residential uses in the same building as the commercial use, subject to Section 8.1.5
- Restaurants excluding drive-through establishments
- Restaurants, including drive-through establishments
- Retail stores
- Storage depots and self-storage operations
- Service and personal service shops
- Support service
- Taxi, train and bus stations

- Veterinary clinics
- Wholesale establishment
- Winery

8.3.2 Lot Requirements

In the Highway Commercial (HC) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement	
	With Municipal Services	With On-site Services
Minimum lot area	10,000 ft^2 (929 m^2)	29,000 ft² (2,694.10 m²)
Minimum lot frontage	100 ft (30.48 m)	
Minimum front yard	25 ft (7.62 m)	
Minimum rear yard	25 ft (7.62 m)	
Minimum side yard	15 ft (4.57 m)	
Maximum height of main building	35 ft (10.67 m)	

8.3.3 Maximum Commercial Floor Area in the Local Centre Designation

a) Within the Local Centre designation, the following shall apply:
   i. The maximum commercial floor area of Highway Commercial (HC) uses in the Local Centre designation shall not exceed 5,000 ft² (464.5 m²). This restriction shall not apply to existing uses zoned Highway Commercial.
   ii. New Highway Commercial (HC) uses with a commercial floor area greater than 5,000 ft² (464.5 m²) may be considered by Site Plan Approval pursuant to Policies contained in Section 5.7 of the Municipal Planning Strategy.

8.4 Commercial Core (CC)

8.4.1 Permitted Uses

The following uses shall be permitted in the Commercial Core (CC) zone:

- Arts and crafts studios
- Banks and financial institutions
- Brewery, Micro
- Clubs and community organizations
- Commercial schools
- Tourist accommodations, small scale and large scale
- Cultural uses
- Day care centres, licensed and non-licensed
- Distillery, Micro
- Dry cleaning and laundry establishments
- Emergency service facilities
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farmers' markets
- Funeral home
- Licensed liquor establishments
- Local shopping centres
- Offices
- Parking structures
- Post offices and postal outlets
- Recreation uses, indoor and outdoor
- Repair and rental establishments
- Residential dwellings, up to 12 units (not on the ground floor except for the area bounded by King Street, Stannus Street, Gray Street and Victoria Street)
- Restaurants excluding drive-through establishments
- Retail stores
- Service and personal service shops
- Support service
- Taxi, train and bus stations
- Veterinary clinics
- Winery

8.4.2 Lot Requirements

In the Commercial Core (CC) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	4,000 ft² (371.60 m²)
Minimum lot frontage	40 ft (12.19 m)
Minimum rear yard	20 ft (6.10 m)
Minimum side yard	7 ft (2.13 m)*
Maximum height of main building	3 storeys
Maximum number of units per building	12

* When fire resistant walls are constructed, yard requirements may be reduced to zero

8.4.3 Canopies

a) In the Commercial Core (CC) zone, a canopy/awning shall be permitted provided:
   i. It does not project more than 4 ft (1.22 m) over a public sidewalk; and
   ii. There is a minimum clearance of 9 ft (2.74 m) between the sidewalk and the lowest edge of the canopy.

8.5 Pesaquid (PES)

8.5.1 Permitted Uses

The following uses shall be permitted in the Pesaquid (PES) zone:

a) change in use in an existing building, provided the use is permitted in the Commercial Core (CC) zone
b) additions not exceeding 1,000 ft^2 (92.90 m^2) in floor area, alterations, repairs and renovations to existing buildings, subject to Commercial Core (CC) zone requirements
c) accessory structures not exceeding 500 ft^2 (46.45 m^2) in floor area, subject to Commercial Core (CC) zone requirements
d) temporary retail sales and food service kiosks subject to Section 8.5.3

8.5.2 Uses Permitted by Site Plan Approval

a) The following categories of development shall be permitted in the Pesquid (PES) zone only by Site Plan Approval by the Development Officer and in accordance with Section 6.3 of the Municipal Planning Strategy:
    i. Change in use in an existing building to a use which is not permitted in the Commercial Core (CC) zone;
    ii. Commercial uses as permitted in the Commercial Core (CC) zone;
    iii. Cultural uses;
    iv. Institutional uses as permitted in the Institutional (I) zone;
    v. Open space uses; and
    vi. Residential uses as per Section 8.5.4.1.

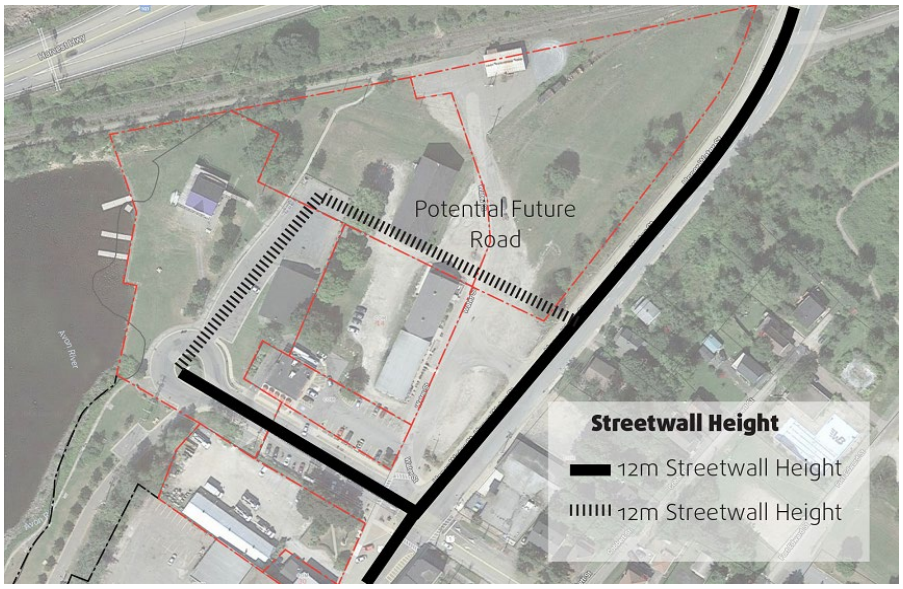


Figure 4: Streetwall Height

b) Notwithstanding Section 8.5.1, ground-floor uses for buildings that front on Upper Water Street and the King Street Extension must include commercial uses that meet the minimum commercial floor area ratios shown on **Error! Reference source not found.**gure 6 (50% of the building's ground-floor area).

8.5.3 Special Requirements for Temporary Retail Sales and Food Service Kiosks

a) The following special requirements shall apply to the development of temporary retail sales and food service kiosks in the Pesaquid (PES) zone:
   i. Kiosks shall be permitted only on land owned by the West Hants Regional Municipality; provided, however, that no kiosk shall be located on any public street or sidewalk;
   ii. The applicant has entered into a lease or other written agreement with the Municipality authorizing the use of the Municipally-owned property;
   iii. The total gross floor area of the kiosk shall not exceed 100 ft^2 (9.29 m^2);
   iv. No kiosk shall remain in place for more than six (6) months;
   v. Retail sales shall be limited to gifts, arts and crafts, souvenirs, farm produce and other similar items;
   vi. Signage shall be limited to one facial wall sign not exceeding 5 ft^2 (0.46 m^2) in sign area; and
   vii. Notwithstanding the parking requirement for commercial uses set out in Section 5.2 off-street parking shall not be required for temporary retail sales and food service kiosks in the Pesaquid (PES) zone.

8.5.4 Waterfront Area

The following provisions shall apply to the Waterfront Area, as delineated on Figure X:

8.5.4.1 Residential Uses

Residential uses on the remaining ground floor area are permitted provided that:

a) Each unit facing the street has a grade connected entrance to the street; and
b) 20% of the total number of dwelling units, rounded up to the nearest full number, in a building used as a multiple unit dwelling shall be required to include two or more bedrooms.

8.5.4.2 Built Form Requirements

8.5.4.2.1 Building and Streetwall height:

a) No building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the maximum height of 3 stories, or 5 stories if the bonus zoning provision is used;

i. The height requirements shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy less than 30% of the area of the roof of the building on which they are located;

ii. Features referenced in Subsection 8.5.4.1 (a) shall be setback no less than 9.84 ft (3 m) from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features;

b) The maximum streetwall height shall not exceed 3 storeys;

iii. Where the adjacent street grades exceed 5%, the streetwall is permitted to exceed the maximum streetwall height by 9.84 ft (3 m) for a frontage length not exceeding 65.61 ft (20 m) so long as no additional floors are created; and

c) The minimum building height shall be 3 storeys except those buildings that are existing.

8.5.4.3 Building and Streetwall Length, Setbacks and Stepbacks

a) Streetwalls shall have a streetline setback as specified on **Error! Reference source not found.**gure 5.

b) No setback is required from an interior lot line for a streetwall portion of a building.

c) With the exception of required streetwall setbacks, a low-rise building or the low-rise portion of a building is permitted to cover 100% of the lot upon which it is situated.

d) Above the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 18 ft (5.5 m), whichever is less. Where a lot has more than one streetline, the greater lot width shall apply.

e) The minimum stepback above the streetwall is 8.2 ft (2.5 m) from any street. Stepbacks are not required for rear or side yards.

f) A streetwall shall not extend any longer than 196.85 ft (60 m) abutting the streetline for any portion of the building

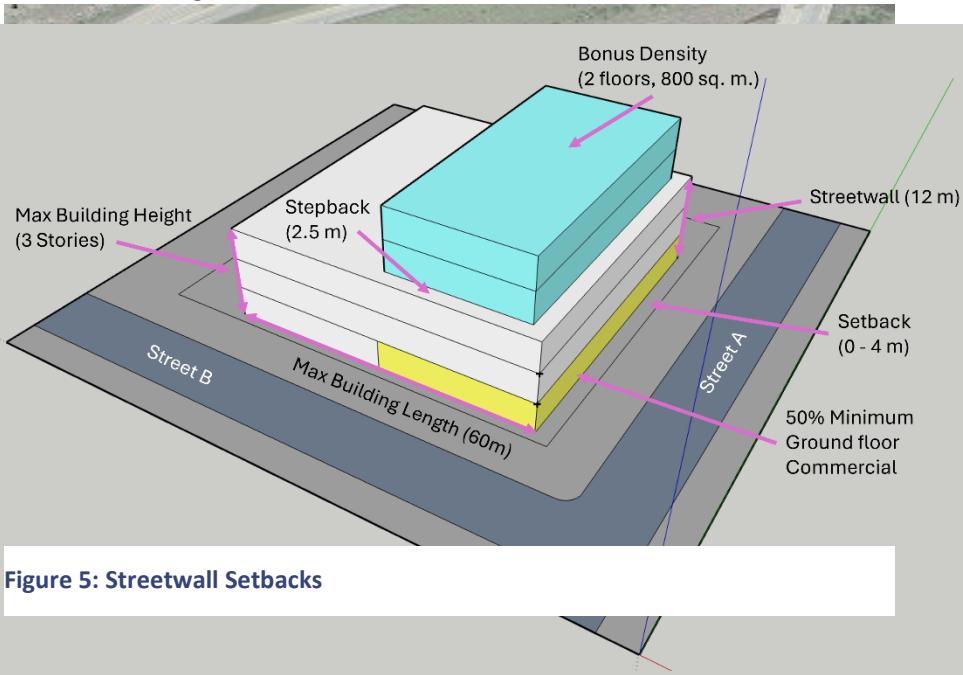


Figure 5: Streetwall Setbacks

Figure 6: General Requirements

8.5.4.4 Bonus Zoning

a) The following bonus zoning shall be permitted if the proposal provides no less than 50% of the additional post-bonus floor area with 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 Governments(s) for a specified period of time:
    i. Height of the main building: Two (2) additional storeys (max 800 m^2 per floor)

8.5.4.5 Connectivity

a) Any new streets must provide a minimum 19.69 ft (6 m) public easement and pedestrian connection to the waterfront.
b) Paved pedestrian walkways/sidewalks shall link parking areas to entrances of all primary buildings.

8.5.4.6 Drive-Throughs

a) No new drive-throughs shall be permitted in the Pesaquid (PES) zone.

8.5.4.7 Land Uses at Grade

a) The ground floor of a building, excluding a parking garage, that has access at the street line and has a retail use shall have a floor-to-floor height of no less than 13.12 ft (4.0 m).
b) Any at grade parking garage entry/exiting onto the street shall not exceed 39.37 ft (12 m) of frontage on the street and must be designed to not present a blank wall along the street. These areas, if present, should be treated as part of the building architecture and shall be designed for visual interest.

8.5.4.8 Open Space and Trails

a) The triangular lands at the corner of Upper Water Street and the King Street Extension (Figure 7) shall be reserved for an urban park and plaza. This plaza shall provide the necessary road frontage on Lower Water Street for the adjacent properties.
b) The waterfront trail around Lake Pesaquid shall be preserved as a 9.84 ft (2 m) minimum wide walking trail connecting the trail at the end of the King Street extension to the rail side trail to the north of the Commercial Core (CC) zone in the approximate location shown on **Error! Reference source not found.**igure 7.
c) Any new development must provide a pedestrian connection to the waterfront.

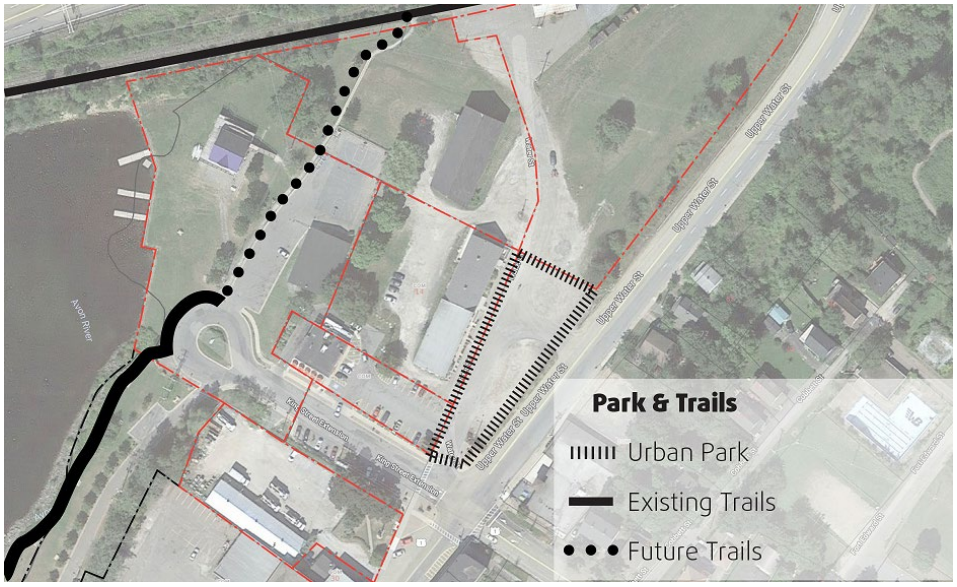


Figure 7: Parks and Trails

8.5.4.9 Parking

a) Parking requirements in the Pesaquid (PES) zone override the general parking requirements in this Land Use By-law for the specific requirements below. All other general parking requirements apply.
    i. There are no minimum commercial parking requirements in the Pesaquid (PES) zone;
    ii. Access to parking garages should be screened from any street;

iii. Entrances to parking garages are encouraged to be accessed from the rear, where possible;
iv. Parking garages that front on to the waterfront or other public spaces should be landscaped or designed to provide visual interest from the waterfront;
v. No more than 60% of any property may be covered in surface parking; and
vi. Surface parking lots must include one 60 mm (2.36 in) caliper tree for every 12 surface parking spaces to be planted in end isle islands if present.

8.5.4.10 Permitted Encroachments

a) Notwithstanding Section 4.28, balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 6.56 ft (2 m) from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face.

8.5.4.11 Prohibited Exterior Cladding Materials

a) In the Pesaquid (PES) zone, the following exterior cladding materials shall be prohibited:
   i. Vinyl;
   ii. Plastic;
   iii. Plywood;
   iv. Concrete block;
   v. Exterior insulation and finish systems where stucco is applied to rigid insulation; and
   vi. Metal siding utilizing exposed fasteners.

8.5.4.12 Solid Waste

a) All facilities for the storage of solid waste must:
   i. Provide for maximum separation from residential development and public areas; and
   ii. If proposed to be outdoors, be fully enclosed by a fence and gated for multi-unit developments and commercial developments.
b) Commercial use storage, delivery bays, and garbage receptacles shall be contained within the building unless they can be located on the site so as minimize visibility using high quality fencing and landscaping.

8.5.5 Site Plan Approval – Application Requirements

a) All applications for Site Plan Approval shall be accompanied by a topographic survey by a professionally accredited surveying engineer.
b) A site plan, drawn to an appropriate scale by a professionally accredited landscape architect, showing the following:

i. The items required to be shown in the application for a building permit under the Building By-law;
ii. A construction mitigation plan demonstrating how any new structures will minimize negative impacts on the surrounding properties including noise, dust, fumes, lighting, shadows, stormwater and erosion control, or other nuisances or inconveniences during and after construction;
iii. Any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law;
iv. Architectural plans prepared by a professionally accredited Architect, indicating compliance with the specific design requirements of Sections 8.5.4.1, 8.5.4.2, 8.5.4.11;
v. A servicing schematic prepared by a professional accredited civil engineer, demonstrate that every building can be properly serviced;
vi. A Traffic Impact Statement (TIS) by a professionally accredited transportation engineer to demonstrate that every building can be properly serviced; and
vii. A stormwater management plan prepared by an engineer who is a member of the Association of Professional Engineers of Nova Scotia or equivalent that demonstrates the impact the proposal will have on adjacent lands or existing stormwater management systems.

8.5.6 Variance Through Site Plan Approval

a) One or more of the following requirements may be varied by Site Plan Approval where the relaxation is consistent with the Development Officer's interpretation of a variance:
   i. Streetwall heights;
   ii. Maximum building length;
   iii. Parking requirements;
   iv. Stepbacks and setbacks;
   v. Frontage requirements; and
   vi. Commercial requirements.

8.6 Mixed Use (MU)

8.6.1 Permitted Uses

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

- Arts and crafts studios
- Banks and financial institutions
- Brewery, Micro
- Clubs and community organizations
- Commercial schools
- Convenience store
- Distillery, Micro
- Tourist accommodation, small scale and large scale
- Cultural uses
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farmers' markets
- Garden and nursery sales and supplies
- Grouped dwellings
- Institutional uses
- Licensed liquor establishments
- Offices
- Parking structures
- Post offices and postal outlets
- Recreation uses, indoor and outdoor
- Repair and rental establishments
- Residential uses (not on ground floor)
- Restaurants excluding drive-through establishments
- Restaurants including drive-through establishments
- Retail stores
- Service and personal service shops
- Support service
- Taxi, train and bus stations
- Veterinary clinics
- Winery

8.6.2 Lot Requirements for Commercial Uses

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

Provision	Requirement
Minimum lot area	10,000 ft^2 (929 m^2)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear and side yard	25 ft (7.62 m) abutting a residential zone; 20 ft (6.10 m) abutting any other zone
Maximum stories in main building	3 storeys
Maximum height of main building	40 ft (12.19 m)

8.6.3 Lot Requirements for Mixed Use, Multiple Unit Residential and Grouped Dwellings

In the Mixed Use (MU) zone, no development permit for Mixed Use, Multiple Unit Residential and Grouped Dwellings shall be issued except in conformity with the following:

Provision	Mixed Use, Multiple Unit Residential	Grouped Dwellings
Minimum lot area	43,560 ft^2 (4,047 m^2)	0.4 hectare (1 acre)
Minimum lot frontage	100 ft (30.48 m)	
Minimum front yard	25 ft (7.62 m)	
Minimum rear and side yard	25 ft (7.62 m) abutting a residential zone; 20 ft (6.10 m) abutting any other zone	
Maximum stories in main building	4 storeys	
Maximum height of main building	50 ft (15.24 m)	

8.6.4 Landscaping

a) There shall be a landscaped area that runs the length of and directly abuts the front lot line along Colonial Road, excluding driveway openings and walkways.
b) The landscaped area shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft (15.24 m) on centre.
c) New trees shall have a minimum caliper of 5.08 cm (2 in) and a minimum height of 5 ft (1.52 m). Shrubs with a minimum height of 1.5 ft (0.46 m) shall be planted in clusters of three plants or more at a minimum rate of one cluster per 50 ft (15.24 m) of frontage. Where possible, existing trees and shrubs may be retained and included in the calculation of plantings required.
d) For groups of parking spaces containing 24 or more spaces, landscaped islands with a minimum permeable surface area of 100 ft^2 (9.29 m^2) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum caliper of 5.08 cm (2 in) and a minimum height of 5 ft (1.53 m), per island. These requirements do not apply to covered or enclosed parking areas.

8.6.5 Parking

a) Parking may be provided on a lot other than the lot on which the use is located by development agreement subject to Policy 4-51 of the Municipal Planning Strategy.

8.6.6 Pedestrian Access

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

8.6.7 Recreation Space

a) Recreational space shall be provided as required in Section 7.1.1.

8.6.8 Architectural Design

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

including the brick construction and shape of windows shall be imitated on the first three storeys of the new building.

8.7 College Road Comprehensive Development (CRCD)

The following uses shall be permitted in the College Road Comprehensive Development (CRCD) zone only by development agreement and in accordance with Policy 5-78 of the Municipal Planning Strategy:

a) A mixture of residential, institutional or recreational development with or without convenience and specialty stores, medical offices, personal service shops, and other similar limited services and uses in support of the primary development.

8.8 Wentworth Road Commercial (WR-C)

8.8.1 Permitted Uses

The following uses shall be permitted in the Wentworth Road Commercial (WR-C) zone:

- Arts and crafts studios
- Automotive use
- Banks and financial institutions
- Building supply establishments
- Brewery, Micro
- Clubs and community organizations
- Commercial schools
- Convenience store
- Tourist accommodations, small scale and large scale
- Day care centres, licensed and non-licensed
- Dry cleaning and laundry establishments
- Emergency service facilities
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farmers' markets
- Funeral home
- Garden and nursery sales and supplies
- Licensed liquor establishments
- Offices
- Local shopping centres containing uses permitted in the WR-C zone
- Parking structures
- Post offices and postal outlets
- Repair and rental establishments
- Residential uses (not on ground floor)
- Restaurants, including drive-through establishments
- Retail stores
- Retail stores, large format (maximum commercial floor area 50,000 ft^2 (4,645 m^2))
- Service and personal service shops
- Support service
- Taxi, train and bus stations
- Veterinary clinics
- Winery

8.8.2 Lot Requirements

In the Wentworth Road Commercial (WR-C) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	10,000 ft² (929.00 m²)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	25 ft (7.62 m)
Maximum height of main building	3 storeys

8.8.3 Uses Permitted by Site Plan Approval

a) New large format retail store with commercial floor area greater than 50,000 ft² (4,645 m²) but less than 100,000 ft² (9,290 m²) may be permitted by Site Plan Approval, the Development Officer shall approve a site plan where the following matters have been addressed:

i. a landscaped area, including trees, shrubs, grass and other vegetative ground cover, is provided along the front property line to act as a buffer between the development and the public street; where parking spaces, travel lanes or stacking lanes are adjacent to the landscaped area, additional low-level screening in the form of shrubs or low walls in combination with shrubs shall be placed in continuous fashion to help screen cars from view while still allowing eye-level visibility into the site;

ii. landscaped islands are provided within parking lots containing 24 or more spaces to avoid the appearance of large, unbroken expanses of asphalt; islands may be located at the end of banks of parking stalls or separating banks of stalls;

iii. safe, continuous and clearly defined pedestrian walkways are provided from the street to the primary building entrance; the walkways may be a combination of crosswalks, sidewalks and trails;

iv. the location, number and width of driveway accesses adequately address any traffic issues identified by the Traffic Authority;

v. parking and loading facilities are located so as to minimize congestion within the parking lot and prevent conflicts between pedestrians or passenger vehicles and transport trucks;

vi. easements required for services or access are suitably identified on the plan;

vii. site grading and storm water management plans adequately address the disposal of surface water on the site; the use of raingardens, permeable paving and other measures to slow, store and filter stormwater is encouraged;

viii. facilities for the storage of solid waste shall be located so as to minimize impacts on adjacent properties and the view from the street, or shall be screened from view through landscaping or fencing, and shall comply with the Municipality's Solid Waste By-law provisions;

ix. gas bars or other structures accessory to the large format retail store may be located in the front yard provided the landscaped area referred to in Subsection 8.8.3 a) i) is maintained as a buffer between the structure and the public street;

x. the type and location of outdoor lighting provides safety and security for the structure, driveways and any pedestrian access, but is designed to ensure there is no light spilling, glare or light cast over adjacent uses and the street;

xi. the location, number and size of signs is appropriate to the scale of the development, contributes to an attractive and pedestrian-friendly environment and does not create visual clutter; ground signs shall not be located to interfere with safe traffic movement or visibility near driveway entrances or intersections; and

xii. the above-listed items are adequately maintained.

b) The Development Officer may use the landscaping provisions of Section 4.16 of this Land Use By-law as a guide.

c) Application for Site Plan Approval shall be in the form specified in Appendix 2 and shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in Subsection 8.8.3 a).

d) Where the Development Officer approves or refuses to approve a site plan, the process and notification procedures and the rights of appeal are the same as those that apply when a Development Officer grants or refuses to grant a variance, except that notice in writing of the approval of a site plan shall be given to every assessed owner whose property is within 300 ft (91.44 m) of the applicant's property.

8.9 Local Commercial (LC)

8.9.1 Permitted Uses

The following uses shall be permitted in the Local Commercial (LC) zone:

- Arts, crafts, gifts and antique shops
- Banks and financial institutions
- Brewery, Micro
- Clubs
- Convenience store
- Country inn
- Cultural uses
- Day care centres, licensed or non-licensed
- Dry cleaning and laundry establishments
- Farmers' markets
- Garden and nursery sales and supplies
- Homes for special care
- Licensed liquor establishments
- Offices
- Post offices and postal outlets
- Repair and rental establishments
- Retail stores
- One dwelling unit in conjunction with a permitted commercial use, either located in the same building or as a single unit dwelling on the same lot
- Personal service shops
- Restaurants, excluding drive-through restaurants
- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Veterinary clinics
- Winery

8.9.2 Lot Requirements

In the Local Commercial (LC) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement	
	With Municipal Services	With On-Site Services
Minimum lot area	7000 ft^2 (650.3 m^2)	29,000 ft^2 (2,694.10 m^2)
Minimum lot frontage	60 ft (18.29 m)	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)	
Minimum rear yard	25 ft (7.62 m)	
Minimum side yard	8 ft (2.44 m)	
Maximum height of main building	35 ft (10.67 m)	

8.9.3 Maximum Commercial Floor Area

e) With the exception of country inns and funeral homes, the commercial floor area for a business in the Local Commercial (LC) zone shall not exceed 1,000 ft² (92.20 m²).

8.10 Rural Commercial (RC)

8.10.1 Permitted Uses

The following uses shall be permitted in the Rural Commercial (RC) zone:

- Arts and crafts studios
- Automobile service stations, car washes and repair centres
- Banks and financial institutions
- Brewery, Micro
- Clubs and community organizations
- Day care centres, licensed and non-licensed
- Distillery, Micro
- One dwelling unit in conjunction with a permitted commercial use, located either in same building or as single unit dwelling on the same lot
- Existing Dwellings
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Farmers' markets
- Farm supplies and equipment sales and service
- Funeral homes
- Garden and nursery sales and supplies
- Hotels and motels
- Kennels
- Licensed cannabis nurseries
- Licensed liquor establishments
- Offices
- Post offices and postal outlets
- Recreation space, Indoor
- Recreational vehicle sales, service and rental establishments
- Repair and rental establishments
- Restaurants excluding drive-through establishments
- Restaurants including drive-through establishments
- Retail stores
- Service and personal service shops
- Veterinary clinics
- Winery

8.10.2 Lot Requirements

In the Rural Commercial (RC) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	40,000 ft² (3,716 m²)
Minimum lot frontage	150 ft (45.72 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)

8.10.3 Maximum Commercial Floor Area

a) The commercial floor area for a business in the Rural Commercial (RC) zone shall not exceed 5,000 ft² (464.50 m²). This requirement shall not apply to automobile service stations, clubs, farm equipment sales and service, garden and nursery production, and hotels, motels and other tourist accommodations.

8.10.4 Uses That Involve Flammable Goods

a) Any automobile service station or farm supplies and equipment sales and service business will be required to:
    i. Have access to a minimum of two (2) exit routes for the lot. These may be either public or private roads or rights-of-way, and must be constructed to a standard approved by the appropriate authority for emergency access; and
    ii. Provide evidence of a water supply that meets the local Fire Department requirements.

8.11 Fairground (FG)

8.11.1 Permitted Uses

The following uses shall be permitted in the Fairground (FG) zone:

- Arenas
- Campgrounds
- Exhibition grounds
- Farmers' markets
- Hotels and motels
- Livestock barns
- Parking structures
- Recreation uses, indoor and outdoor

8.11.2 Lot Requirements

In the Fairground (FG) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	130,680 ft^2 (12,100 m^2)
Minimum front yard	30 ft (9.14 m)
Minimum rear yard	30 ft (9.14 m)
Minimum side yard	20 ft (6.10 m)
Minimum distance between buildings or structures	15 ft (4.57 m)*
Maximum height of main building(s) or any structure(s)	40 ft (12.19 m)

*When fire resistant walls are constructed, distance requirements may be reduced to zero.

8.12 Recreation Commercial (Rec-C)

8.12.1 Permitted Uses

The following uses shall be permitted in the Recreation Commercial (Rec-C) zone:

- Campgrounds
- Driving ranges
- Club houses, including ski lodges and facilities
- Recreation Space, Indoor and Outdoor

8.12.2 Lot Requirements

In the Recreation Commercial (Rec-C) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	40,000 ft² (3,716 m²)
Minimum lot frontage	200 ft (60.96 m)
Minimum front yard	30 ft (9.14 m)
Minimum rear yard	30 ft (9.14 m)
Minimum side yard	30 ft (9.14 m)

9 Industrial Zones

9.1 General Provisions for Industrial Zones

9.1.1 Access

a) Entrance to and exit from properties zoned Industrial (M), Business Park (BP), Resource Industrial (M-1), Local Centre Industrial (M-2), Mixed Industrial (MI) shall be:
    i. Restricted to not more than two driveways on any street or road; or
    ii. On a corner lot, access shall be restricted to not more than three driveways to the lot.
    iii. Driveways shall meet Nova Scotia Department of Public Works requirements for commercial access.

9.1.2 Buffers

a) A major buffer shall be required where a commercial or industrial development is proposed in any Commercial or Industrial designation or zone and abuts any Residential or Institutional designation.
b) A minor buffer shall be required where an industrial or commercial development is proposed in any designation or zone other than Industrial or Commercial and abuts any residential or institutional use; or
c) No buffer strip shall be required:
    i. Along the street frontage of any lot;
    ii. On a lot that is being developed or where a building is being expanded within 500 ft (152.4 m) of existing development with frontage on the same street if the existing development was not required to provide a buffer to the abutting designation or use; or
e) Walkways or permitted driveways are permitted to cross buffer strips.

9.1.3 Yards Adjacent to a Railway

a) In the Industrial (M), Business Park (BP), and Resource Industrial (M-1) zones, the yard requirements shall be waived for any yard which directly abuts a railway right-of-way.

9.2 Industrial (M)

9.2.1 Permitted Uses

The following uses shall be permitted in the Industrial (M) zone:

- Agricultural processing industries
- Ambulance service
- Automotive use except for automobile scrap yard or automobile related commercial recreation establishment
- Any manufacturing, processing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building, and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission of refuse matter or water-carried waste, or by reason of unsightly outdoor storage
- Building supply establishments
- Bulk sales establishments
- Bulk storage of sand and gravel
- Brewery, Commercial
- Chemical products
- Commercial and office uses accessory to a main industrial use
- Community-scale solar farm (by Site Plan approval)
- Courier services
- Display courts
- Distillery, Commercial
- Dry cleaning and laundry establishments
- Excavation and landscaping operations
- Farm supplies and equipment sales and service
- Fuel storage depots
- Garden and nursery sales and supplies
- Government establishments except retail outlets
- Heavy equipment sales and service
- Recreation Space, Indoor
- Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use
- Licensed micro-cultivation of cannabis
- Licensed micro-processing of cannabis
- Licensed cannabis nurseries
- Licensed standard cultivation and processing of cannabis
- Marine sales, service and repair
- Offices, excluding doctor and dentist offices

- Railway uses
- Recreational vehicle sales, service and rental establishments
- Recycling depots
- Restaurants, including quick service restaurants
- Research facilities
- Retail stores, excluding pharmacies
- Sales and service of manufacturing and processing machinery or equipment
- Sawmills
- Storage depot
- Service industries and shops including in conjunction with a single unit dwelling
- Support industries
- Support services
- Taxi and bus depots
- Telecommunications towers and accessory buildings
- Transport depots
- Utility facilities
- Veterinary clinics
- Wholesale establishment
- Winery

9.2.2 Lot Requirements

In the Industrial (M) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement	
	With municipal services	With on-site services
Minimum lot area	10,000 ft² (929 m²)	29,000 ft² (2,694.10 m²)
Minimum lot frontage	100 ft (30.48 m)	150 ft (45.72 m)
Minimum front yard	20 ft (6.10 m)	
Minimum rear yard	20 ft (6.10 m)	
Minimum flankage yard	15 ft (4.57 m)	

Minimum side yard	10 ft (3.05 m) or where the lot abuts a residential or institutional zone 20 ft (6.10 m)
Minimum distance between buildings or structures	15 ft (4.57 m)*
Maximum height of main building	40 ft (12.19 m)

*when fire resistant walls are constructed, distance requirements may be reduced to zero.

9.3 Business Park (BP)

9.3.1 Permitted Uses

The following uses shall be permitted in the Business Park (BP) zone:

- Ambulance service
- Automotive use except for automobile scrap yard or automobile related commercial recreation establishment
- Banks and financial institutions
- Building supply establishments
- Brewery
- Commercial and office uses accessory to a main use
- Courier services
- Display courts
- Distillery
- Farm supplies and equipment sales and service
- Garden and nursery sales and supplies
- Government establishments except retail outlets
- Tourist Accommodation, Large Scale
- Recreation Space, Indoor
- Industrial training classroom facilities
- Licensed Analytical Testing and Research of cannabis accessory to a permitted licensed cannabis land use
- Licensed cannabis nurseries
- Marine sales, service and repair
- Offices
- Personal service shops
- Recreational vehicle sales, service and rental establishments
- Restaurants
- Retail stores
- Retail stores, large format (maximum commercial floor area 50,000 ft^2 (4,645 m^2)
- Service industries
- Service shops
- Storage depot
- Support services
- Veterinary clinics
- Wholesale establishment
- Winery

9.3.2 Lot Requirements

In the Business Park (BP) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	10,000 ft² (920 m²)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m) or where the lot abuts a residential or institutional zone 20 ft (6.10 m)
Minimum distance between buildings or structures	15 ft (4.57 m)*
Maximum height of main building	35 ft (10.67 m)

*when fire resistant walls are constructed, distance requirements may be reduced to zero.

9.3.3 Uses Permitted by Site Plan Approval

b) New large format retail store with commercial floor area greater than 50,000 ft² (4,645 m²) but less than 100,000 ft² (9,290 m²) may be permitted by Site Plan Approval, the Development Officer shall approve a site plan as per Section 8.8.3.

9.4 Resource Industrial (M-1)

9.4.1 Permitted Uses

The following uses shall be permitted in the Resource Industrial (M-1) zone:

- Abattoir
- Agricultural processing industries
- Automotive use except for automobile scrap yard or automobile related commercial recreation establishment
- Any manufacturing, processing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building, and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission of refuse matter or water-carried waste, or by reason of unsightly outdoor storage
- Building supply establishments
- Bulk storage of sand and gravel
- Commercial and office uses accessory to a main industrial use
- Community-scale solar farm (by Site Plan approval)
- Excavation and landscaping operations
- Farm supplies and equipment sales and service
- Feed and fertilizer industries
- Fruit and vegetable sorting, grading and packaging establishments
- Fuel storage depots
- Heavy equipment sales and service
- Licensed micro-cultivation of cannabis
- Licensed micro-processing of cannabis
- Licensed cannabis nurseries
- Licensed standard cultivation and processing of cannabis
- One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- Railway uses
- Recycling depots
- Sand and gravel excavation and processing
- Sawmills
- Storage depot
- Service industries and shops including in conjunction with a single unit dwelling
- Utility facilities
- Wood processing and manufacturing establishments

9.4.2 Lot Requirements

In the Resource Industrial (M-1) zone, no development permit shall be issued in except in conformity with the following:

Provision	Requirement
Minimum lot area	40,000 ft² (3,716 m²)
Minimum lot frontage	200 ft (60.96 m)
Minimum front yard	40 ft (12.19 m)
Minimum rear yard	40 ft (12.19 m)
Minimum side yard	40 ft (12.19 m)
Maximum height of main building	35 ft (10.67 m)

9.4.3 Outdoor Storage

a) Where a Resource Industrial (M-1) lot abuts a lot used for residential purposes, a planting strip shall be required to screen any outdoor storage as specified in Section 4.25.

9.5 Local Centre Industrial (M-2)

9.5.1 Permitted Uses

The following uses shall be permitted in the Local Centre Industrial (M-2) zone:

- Agricultural processing industries
- Ambulance service
- Any manufacturing, processing, industrial, assembly or warehousing operation conducted and wholly contained within an enclosed building, and which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission of refuse matter or water-carried waste, or by reason of unsightly outdoor storage
- Aquaponics industries
- Bank and financial institutions
- Community-scale solar farm (by Site Plan approval)
- Feed and fertilizer industries
- Fruit and vegetable sorting, grading and packaging establishments
- Licensed micro-cultivation of cannabis
- Licensed micro-processing of cannabis
- Licensed cannabis nurseries
- Licensed standard cultivation and processing of cannabis
- One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot
- Sawmills
- Storage depot
- Service industries and shops including in conjunction with a single unit dwelling
- Wood processing and manufacturing establishments

9.5.2 Lot Requirements

In the Local Centre Industrial (M-2) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	40,000 ft² (3,716 m²)
Minimum lot frontage	200 ft (60.96 m)
Minimum front yard	40 ft (12.19 m)

Provision	Requirement
Minimum rear yard	40 ft (12.19 m)
Minimum side yard	40 ft (12.19 m)
Maximum height of main building	35 ft (10.67 m)

9.5.3 Outdoor Storage

a) The following restrictions shall apply to outdoor storage in the Local Centre Industrial (M-2) zone:
   i. outdoor storage shall not be permitted within the front yard of a lot or in a side yard abutting a residential zone;
   ii. the area devoted to outdoor storage shall not exceed 50% of the lot area; and
   iii. a planting strip shall be required as specified in Section 4.25.

9.6 Mixed Industrial (MI)

9.6.1 Permitted Uses

The following uses shall be permitted in the Mixed Industrial (MI) zone:

- Ambulance service
- Auto repair and auto body shops
- Bank and financial institutions
- Community-scale solar farm (by Site Plan approval)
- Excavation and landscaping operations
- Storage depot
- Service industries and shops including in conjunction with a single unit dwelling
- Transport depots
- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Veterinary clinic
- Wood processing and manufacturing establishments

9.6.2 Lot Requirements

In the Mixed Industrial (MI)

zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement	
	with municipal services	with on-site services
Minimum lot area	10,000 ft² (929 m²)	29,000 ft² (2,694.10 m²)
Minimum lot frontage	100 ft (30.28 m)	150 ft (45.72 m)
Minimum front yard	25 ft (7.62 m)	
Minimum rear yard	25 ft (7.62 m)	
Minimum side yard	15 ft (4.57 m) or where the lot abuts a residential or institutional zone 20 ft (6.10 m)	
Maximum height of main building	35 ft (10.67 m)	

10 Agriculture Zones

10.1 General Provisions for Agricultural and Resources Uses

10.1.1 Dwellings Accessory to an Agricultural Operation

a) More than one dwelling shall be permitted on a lot in an agricultural zone where such dwellings are accessory to an ongoing agricultural operation. Such dwellings shall be permitted only for the use of a farm employee, an owner of the farm property or a family member directly involved in the farm operation.

10.1.2 Dwellings – Separation from Intensive Livestock Operation

a) No new dwelling shall be constructed within 1,000 ft (304.80 m) of an existing intensive livestock operation. This provision shall not apply to accessory farm dwellings.

10.1.3 Indoor Storage Facility

a) Where indoor storage facilities are permitted as an accessory use to agricultural uses, an indoor storage facility shall:
   i. Not require a development permit if the use is within an existing building used for agriculture purposes;
   ii. Be clearly subordinate to the principal agricultural use of the lot; and
   iii. Require approval from the Municipal Fire Inspector / Building Official for use of the building for an indoor storage facility.

10.1.4 Livestock Operations, Intensive

a) No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or incinerator for the disposal of dead animals shall be located within:
   i. A Growth Centre or on a property that shares a boundary with a Growth Centre.
   ii. 1,000 ft (304.80 m) of a non-farm residential, commercial or institutional building;
   iii. 200 ft (60.96 m) of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 40 ft (12.19 m);
   iv. 150 ft (45.72 m) of a public street or private road; or
   v. 300 ft (91.44 m) of a water well or watercourse.

b) Nothing in this Land Use By-law shall prevent the expansion of an existing intensive livestock operation, including the construction of new barns or manure storage facilities, provided the yard and separation distance requirements set out in this Land Use By-law are met or such expansion does not further reduce any yards or separation distances that do not conform.

c) The separation distances set out in Subsection 10.1.4 a) and b) may be reduced to allow for the expansion/upgrade of an existing intensive livestock operation or the establishment of a new

intensive livestock operation, including the construction of new barns and manure storage facilities, provided that:

i. the total number of livestock involved in the operation does not exceed the equivalent of 300 animal units;
ii. the applicant has submitted an environmental site assessment and plans, signed and sealed by a qualified professional specializing in agricultural engineering in accordance with the Engineering Profession Act, which show there is no increased pollution risk associated with the project, manure management and storage capacity are adequate for the current and proposed size and type of operation, and contaminated runoff is eliminated or properly contained; and
iii. following construction, the applicant provides a certificate from a professional engineer which shows that construction has been completed in accordance with the plans submitted under subsection 10.1.4 ii).

10.1.5 Livestock Operations, Non-intensive

b) No building or structure housing a non-intensive livestock operation on a lot greater than one (1) acre shall be located within:
c) 50 ft (15.24 m) of an adjoining property in the Local Centre designation or Growth Centre boundary;
    i. 40 ft (12.19 m) of an adjoining property in all other designations;
    ii. 40 ft (12.19 m) of a public street or private road; and
    iii. 100 ft (30.48 m) of a water well or watercourse.
d) Manure storage for a non-intensive livestock operation on a lot greater than one (1) acre shall not be located within:
    i. 100 ft (30.48 m) of an adjoining property used for residential, commercial or institutional purposes unless contained in a concrete or wooden enclosure a minimum of 5 ft (1.52 m) in height and built on a concrete pad, in which case the separation distance may be reduced to 50 ft (15.24 m);
    ii. 40 ft (12.19 m) of an adjoining property in a Resource designation; and
    iii. 100 ft (30.48 m) of a water well or watercourse.

10.1.6 Main Buildings

a) More than one building may be permitted on a lot in an agricultural zone except where the main building is a residential dwelling.

10.1.7 Separation Distance for Agricultural Support and Forestry Uses

a) Notwithstanding any other provisions of this By-law:

i. With the exception of licensed cannabis land uses, the main building(s) of agricultural support uses or forestry and forestry related uses shall be located at least 500 ft (152.40 m) from any adjacent non-farm residential, commercial or institutional building; and
ii. The main building(s) of any licensed cannabis land uses shall be located at least 250 ft (76.2 m) from an existing residential dwelling, a home for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

10.1.8 Special Requirements – Farm Sales Outlets, Riding Stables

a) Accessory agricultural uses of a commercial nature such as farm sales outlets, riding stables, maple syrup camps or other similar uses that are open to the public and generate customer traffic shall provide:
   i. A driveway which shall meet Nova Scotia Department of and Public Works requirements for commercial access; and
   ii. adequate on-site parking in accordance with the requirements of Section 5.

10.1.9 Topsoil Removal Prohibited

a) The removal of topsoil shall be prohibited from lots located in an agricultural zone except where incidental to an agricultural use, sod farming operations, plant nurseries, and excavation associated with the construction of buildings or infrastructure.

10.2 Prime Agriculture (P/Ag)

10.2.1 Permitted Uses

The following uses shall be permitted in the Prime Agriculture (P/Ag) zone:

- Agricultural support uses
- Agricultural uses and structures
- Commercial riding stables
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agriculture use
- Non-permanent facilities for sale of produce, as an accessory use
- 1 Dwelling, single-unit accessory to an ongoing agricultural operation

10.2.2 Lot Requirements

In the P/Ag zone, no development permit shall be issued except in conformity with the following:

Provision	All other uses	Residential uses
Minimum lot area	1,089,000 sq^2 (101,171 m^2)	217,800 sq^2 (20,234 m^2)
Minimum lot frontage	200 ft (60.96 m)	100 ft (30.48 m)
Minimum front yard	40 ft (12.19 m)	25 ft (7.62 m)
Minimum rear yard	40 ft (12.19 m)	25 ft (7.62 m)
Minimum side yard	40 ft (12.19 m)	10 ft (3.05 m)
Maximum height of main building	55 ft (16.76 m)	35 ft (10.67 m)

10.2.3 Agricultural Operations

a) Notwithstanding Section 10.2.2, the minimum lot area for an agricultural operation, excluding an accessory residential dwelling, shall be 5 acres (20,234 m^2); the remainder lot shall be a minimum of 25 acres (101,171 m^2) in area.

10.2.4 Development on Existing Undersized Lots

a) Notwithstanding Section 4.10, one single unit dwelling as a main use may be permitted on a lot existing as of April 11, 1989 which is 6 acres (24,281 m^2) or less in size provided all other requirements are met.

10.2.5 Limitation on Subdivision

a) Pursuant to Section 6.1.1(d) of the West Hants Regional Subdivision By-law, all lots to be approved in the P/Ag zone shall abut an existing public street or meet the requirements for lots with less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 6.4, 6.5, 6.7, 6.8 and 6.9 of the West Hants Regional Subdivision By-law.

10.3 Agricultural Priority Two (AR-2)

10.3.1 Permitted Uses

The following uses shall be permitted in the Agricultural Priority Two (AR-2) zone:

- Agricultural support uses
- Agricultural uses and structures
- Commercial riding stables
- Community centres
- Dwelling, single unit
- Dwelling, two-unit
- Fire halls
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agriculture use
- Manufactured homes
- Non-permanent facilities for sale of produce, as an accessory use
- Places of worship
- Telecommunications towers and accessory buildings

10.3.2 Lot Requirements

In the Agricultural Priority Two (AR-2) zone, no development permit shall be issued except in conformity with the following:

Provision	Agricultural Uses & Support Uses and Forestry Uses	Places of Worship, Community Centres, Fire Halls	Dwellings
Minimum lot area	130,680 ft^2 (12,141 m^2)	43,560 ft^2 (4047 m^2)	40,000 ft^2 (3,716 m^2)
Minimum lot frontage	300 ft (91.44 m)	100 ft (30.48 m)	150 ft (45.72 m)
Minimum front yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum rear yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum side yard	40 ft (12.19 m)	10 ft (3.05 m)	6 ft (1.83 m) on one side; 10 ft (3.05 m) on other

Provision	Agricultural Uses & Support Uses and Forestry Uses	Places of Worship, Community Centres, Fire Halls	Dwellings
Maximum height of main building	55 ft (16.76 m)	35 ft (10.67 m)	35 ft (10.67 m)

10.3.3 Limitation of Subdivision

a) Pursuant to Section 6.2 of the West Hants Regional Municipality Subdivision By-law, subdivision of land within the Agricultural Priority Two (AR-2) zone shall be limited to the approval of two lots per area of land during a calendar year. This requirement shall not prevent the consolidation of two or more parcels.

b) Pursuant to Section 6.1.1(d) of the West Hants Regional Municipality Subdivision By-law, all lots to be approved in the Agricultural Priority Two (AR-2) zone shall abut an existing public street or meet the requirements for lots less than the required frontage (s. 279 *Municipal Government Act* variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 6.4, 6.5, 6.7, 6.8 and 6.9 of the West Hants Regional Subdivision By-law.

10.4 Agricultural Priority Three (AR-3)

10.4.1 Permitted Uses

The following uses shall be permitted in the Agricultural Priority Three (AR-3) zone:

- Agricultural support uses
- Agricultural uses and structures
- Commercial riding stables
- Community centres
- Dwelling, single unit
- Dwelling, two-unit
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agriculture use
- Manufactured homes
- Non-permanent facilities for sale of produce, as an accessory use
- Places of worship
- Telecommunications towers and accessory buildings

10.4.2 Lot Requirements

In the Agricultural Priority Three (AR-3) zone, no development permit shall be issued except in conformity with the following:

Provision	Agricultural Uses & Support Uses and Forestry Uses	Places of Worship, Community Centres, Fire Halls	Dwellings
Minimum lot area	130,680 ft^2 (12,141 m^2)	43,560 ft^2 (4047 m^2)	40,000 ft^2 (3,716 m^2)
Minimum lot frontage	300 ft (91.44 m)	100 ft (30.48 m)	150 ft (45.72 m)
Minimum front yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum rear yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum side yard	40 ft (12.19 m)	10 ft (3.05 m)	6 ft (1.83 m) on one side; 10 ft (3.05 m) on other
Maximum height of main building	55 ft (16.76 m)	35 ft (10.67 m)	35 ft (10.67 m)

10.4.3 Special Provisions for Growth Centres and Local Centres

a) Notwithstanding the permitted uses listed in Section 10.4.1:
    i. New intensive livestock operations and agricultural support uses shall not be permitted on properties zoned Agricultural Priority Three (AR-3) in a Growth Centre or Local Centre;
    ii. Mobile homes shall not be permitted on properties zoned Agricultural Priority Three (AR-3) in a Growth Centre or Local Centre.

10.4.4 Limitation on Subdivision

a) Pursuant to Section 6.1.1(d) of the West Hants Regional Municipal Subdivision By-law, all lots to be approved in the Agricultural Priority Three (AR-3) zone shall abut an existing public street or meet the requirements for lots less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 6.4, 6.5, 6.7, 6.8 and 6.9 of the West Hants Regional Subdivision By-law.

11 Resource Zones

11.1 General Resource (GR)

11.1.1 Permitted Uses

The following uses shall be permitted in the General Resource (GR) zone:

- Agriculture support uses
- Agriculture uses and structures
- Automobile service stations
- Community centres
- Community-scale solar farm (by Site Plan approval)
- Dwelling, single unit
- Dwelling, two-unit
- Dwelling, seasonal
- Farm supplies and equipment sales and service
- Fire halls
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agricultural use
- Manufactured homes
- Personal service shops
- Places of worship
- Restaurants
- Retail stores under 5,000 ft² (139.25 m²) in commercial floor area
- Structures related to sand and gravel extraction operations
- Telecommunications towers and accessory buildings
- Utility facilities

11.1.2 Lot Requirements for Resource Uses

In the General Resource (GR) zone, no development permit shall be issued except in conformity with the following:

Provision	Resource Uses	All Other Uses
Minimum lot area	40,000 ft² (3,716.00 m²)	40,000 ft² (3,716.00 m²)
Minimum lot frontage	150 ft (45.72 m)	150 ft (45.72 m)

Provision	Resource Uses	All Other Uses
Minimum front yard	40 ft (12.19 m)	25 ft (7.62 m)
Minimum rear yard	40 ft (12.19 m)	25 ft (7.62 m)
Minimum side yard	40 ft (12.19 m)	15 ft (4.57 m)
Maximum height of main building	55 ft (16.76 m)	35 ft (10.67 m)

11.1.3 Abutting Zone Requirements

a) Where a General Resource (GR) zone abuts a residential zone in a Growth Centre or Local Centre, the following provisions shall apply to commercial uses:
   i. the minimum side yard requirement for the commercial uses from the abutting lot line shall be 20 ft (6.10 m);
   ii. no outdoor storage or outdoor display shall be permitted in an abutting side yard; and
   iii. the part of the commercial lot directly adjoining the residential zone shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to the lot line.

11.1.4 Private Roads

a) A development permit may be issued for a seasonal dwelling, a single unit dwelling or a resource use to be located on a lot with frontage on a private road.

11.2 Mineral Resource (MR)

11.2.1 Permitted Uses

The following uses shall be permitted in the Mineral Resource (MR) zone:

- Agriculture support uses
- Agriculture uses and structures
- Dwelling, single unit
- Dwelling, two-unit
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agricultural use
- Manufactured homes
- Mineral extraction and associated processing industries
- Structures related to mineral extractive uses, including sand and gravel extraction operations
- Telecommunications towers and accessory buildings

11.2.2 Lot Requirements for Resource Uses

In the Mineral Resource (MR) zone, no development permit shall be issued except in conformity with the following:

Provision	Resource Uses	All Other Uses
Minimum lot area	40,000 ft² (3,716.00 m²)	40,000 ft² (3,716.00 m²)
Minimum lot frontage	150 ft (45.72 m)	150 ft (45.72 m)
Minimum front yard	40 ft (12.19 m)	25 ft (7.62 m)
Minimum rear yard	40 ft (12.19 m)	25 ft (7.62 m)
Minimum side yard	40 ft (12.19 m)	25 ft (4.57 m)
Maximum height of main building	55 ft (16.76 m)	35 ft (10.67 m)

11.2.3 Abutting Zone Requirements

a) Notwithstanding any other provisions of this By-law, a main building of a mineral processing industry shall be located at least 500 ft (152.40 m) from land located within a Growth Centre, or designated Local Centre, as well as from existing residential, commercial or institutional buildings.

11.3 Water Supply (W)

11.3.1 Permitted Uses

The following uses shall be permitted in the Water Supply (W) zone:

- Agricultural uses excluding dwellings, the keeping of livestock, Licensed Micro-Cultivation of cannabis and greenhouse operations
- Forestry and forestry related activities excluding processing structures
- Historic buildings and sites
- Outdoor recreation uses not requiring permanent structures to be erected
- Uses, buildings and structures necessary for the prevention of floods, soil erosion and other similar natural occurrences
- Woods camps

11.3.2 Lot Requirements

In the Water Supply (W) zone, no development permit, with the exception of municipal water treatment distribution uses, shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	435,600 ft^2 (40467 m^2)
Minimum lot frontage	200 ft (60.96 m)
Minimum water frontage (applies to lots with frontage on Mill Lake and Davidson Lake)	300 ft (91.44 m)
Minimum front yard	50 ft (15.24 m)
Minimum rear yard	50 ft (15.24 m)
Minimum side yard	50 ft (15.24 m)
Maximum height of main building	35 ft (10.67 m)

11.3.3 Environmental Study

a) No development permit shall be issued for any proposed development within 213.25 ft (65 m) of any watercourse or water body in the Water Supply (W) zone until an environmental study, as described in Policy 3-114 of the Municipal Planning Strategy, has been completed and submitted to the Development Officer.

11.3.4 Slope

a) No structure may be erected or land levels altered on any portion of a lot in the Water Supply (W) zone where the slope is greater than 15% with the exception of buildings or structures related to:
    i. the prevention of floods, or erosion, or which serve to facilitate drainage; and
    ii. municipal water treatment and distribution uses.

11.3.5 Protected Water Areas

a) In addition to all requirements of this By-law, additional regulations may apply to areas designated as Protected Water Areas under the Nova Scotia *Environment Act*, including the French Mill Brook and Mill Lakes water supply watersheds.

11.3.6 Wood Camps

a) The total floor area of a woods camp in the Water Supply (W) zone shall not exceed 600 ft^2 (55.74 m^2), excluding any decks, balconies, exterior staircases and similar features.

11.4 Landfill (LF)

11.4.1 Permitted Uses

The following uses shall be permitted in the Landfill (LF) zone:

- Asbestos waste storage
- Construction and demolition waste receiving and processing areas
- Haulage and transfer truck maintenance and parking areas
- Household hazardous waste depots
- Hydrocarbon impacted solid remediation areas
- Leaf and yard waste storage and compost areas
- Municipal solid waste landfill operations including stormwater, leachate, landfill and gas handling and treatment systems as required
- Recycling depots
- Uses accessory to the operation of a landfill except for the disposal of hazardous waste
- Waste drop-off areas
- White goods/metals storage areas

11.4.2 Lot Requirements

In the Landfill (LF) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	217,800 ft^2 (20,234 m^2)
Minimum lot frontage	200 ft (60.96 m)
Minimum front yard	50 ft (15.24 m)
Minimum rear yard	50 ft (15.24 m)
Minimum side yard	25 ft (7.62 m)
Maximum height of main building	55 ft (16.76 m)
Maximum height of accessory building	55 ft (16.76 m)

12 Community Use Zones

12.1 Institutional (I)

12.1.1 Permitted Uses

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

- Any institutional use
- Armories
- Clinics
- Colleges, universities and schools, including school dormitories
- Community centres
- Community-scale solar farm (by Site Plan approval)
- Community service clubs and organizations
- Cultural uses
- Day care
- Dwellings accessory to permitted uses
- Emergency services facilities
- Government offices
- Historic sites
- Homes for special care
- Hospitals
- Recreation Space, Indoor
- Licensed Analytical Testing and Research of cannabis
- Outdoor recreation uses
- Places of worship
- Seniors housing
- Tourist bureaus

12.1.2 Lot Requirements

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

Provision	Requirement	
	With Municipal Services	With On-site Services
Minimum lot area	6,500 ft^2 (603.9 m^2)	40,000 ft^2 (3,716.00 m^2)

Provision	Requirement	
	With Municipal Services	With On-site Services
Minimum lot frontage	65 ft (19.8 m)	
Minimum front yard	25 ft (7.6 m)	
Minimum rear yard	30 ft (9.14 m)	
Minimum side yard	10 ft (3.05m) or one-half the height of the building, whichever is greater	
Maximum height of main building	35 ft (10.67 m)	

12.1.3 Existing Signs

a) Nothing in this By-law shall prohibit the repair, reconstruction or continued use of a permanent changeable copy sign for advertising community and commercial events in the Institutional (I) zone which existed on or before the effective date of this By-law.

12.1.4 Special Requirement - Parking

a) In Hantsport Growth Centre, parking is not to be provided between the structure and the street, or in required yards. Driveways may be located in required front and side yards.

12.2 Open Space (OS)

12.2.1 Permitted Uses

The following uses shall be permitted in the Open Space (OS) zone:

- Buildings and structures accessory to a permitted use including canteens and related amenities
- Cemeteries
- Dwellings accessory to permitted uses
- Historic sites
- Outdoor recreation uses
- Parks and playgrounds
- Pavilions, band shells
- Skate parks
- Sports fields
- Uses, buildings and structures necessary for the prevention of floods, soil erosion and other related activities

12.2.2 Lot Requirements

In the Open Space (OS) zone, no development permit shall be issued except in conformity with the following:

Provision	Requirement
Minimum lot area	20,000 ft² (1,858.00 m²)
Minimum front yard	30 ft (9.14 m)
Minimum rear yard	30 ft (9.14 m)
Minimum side yard	30 ft (9.14 m)
Maximum height of main building	35 ft (10.67 m)

12.2.3 Overhead Lighting

a) Overhead lighting which meets the requirements of Section 4.14, shall be required for skate parks to ensure all portions of the skate park are illuminated during hours of operation.

13 Overlays

13.1 Architectural Control District

a) For any lot in the Architectural Control District, as shown on **Map 7** of the Land Use By-law, the following provisions shall apply:
b) No development permit shall be issued except in compliance with the provisions of the *Windsor Architectural Design Manual* and all other applicable requirements of this By-law. Where there is a conflict, the provisions of the *Windsor Architectural Design Manual* shall take precedence.

13.2 Environmental Constraints Area

13.2.1 Dykeland

a) In areas shown as Environmental Constraints Area, as shown on **Maps 2, 3, and 8** of the Land Use By-law, no development permit shall be issued for a use permitted in the underlying zone until an environmental study as described in Policy 3-114 of the Municipal Planning Strategy has been completed and submitted to the Development Officer for:
    i. Any new main building;
b) Any new accessory building larger than 800 ft^2 (74.32 m^2) in total floor area;
c) Notwithstanding a) a development permit may be issued for:
    i. Pump houses or other structures required for water distribution or irrigation; or
    ii. Gazebos or boathouses for personal non-commercial use.
d) In areas shown as Environmental Constraints Area on **Maps 2, 3, and 8** of the Land Use By-law:
    i. a pump house permitted under Subsection 13.2.1(c) herein, a building for which a development permit was issued prior to April 18, 2001, or a building existing as of April 18, 2001, may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied; and
    ii. the use of a building existing, or for which a development permit was issued, prior to April 18, 2001, may be changed to a use permitted in the underlying zone, except where such use involves more intensive human or livestock occupancy, or the warehousing or production of hazardous materials.
    iii. An accessory building permitted under Subsection 13.2.1(b) may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied, but in no case shall the building footprint of the building exceed 500 ft^2 (46.45 m^2).

13.2.2 Nova Scotia Agricultural Marshland Conservation Act

13.2.2.1 Provisions

Where a property shown as Environmental Constraints Area, as shown on **Maps 2, 3, and 8** of the Land Use By-law, is dykeland designated under the Nova Scotia *Agricultural Marshland Conservation Act*, the following provisions apply:

a) No development permit shall be issued unless such development is permitted under the Nova Scotia *Agricultural Marshland Conservation Act*;
b) No development permit shall be issued for:
    i. new residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary; and
    ii. any new use associated with the warehousing or the production of hazardous materials.

13.2.2.2 Infilling

a) Infilling, topsoil removal and alteration of topography shall not be permitted, except as necessary for:
    i. construction and maintenance of dykes, aboiteaux, ditches, drains, roads and other works necessary for the prevention of flooding and the protection of dykeland;
    ii. the maintenance, repair and expansion of public and private roads, highways, driveways and parking areas existing as of April 18, 2001;
    iii. the reasonable construction of new driveways, building sites and parking areas where the Development Officer has approved the issuance of a development permit in accordance with the requirements of Sections 13.2.1 or 11.2.3 herein;
    iv. the reasonable construction of new driveways and parking areas where the Development Officer has approved the issuance of a development permit for a permitted use in the underlying zone.
    v. construction of sports fields, golf courses, boat launches, trails and other recreational uses which require a limited amount of infilling and alteration of topography, but do not require buildings;
    vi. the creation and maintenance of wetlands for the purposes of recreation and wildlife habitat enhancement;
    vii. farmland improvement including dykeland land forming carried out in accordance with generally accepted farming practices; or
    viii. the construction of new public streets shown on an approved subdivision plan.
    ix. the construction of new public or private roads shown on a tentative or final plan of subdivision approved by the development officer prior to April 18, 2001;
    x. the construction of new public streets shown on an approved subdivision plan, subject to the additional requirements of Subsection 13.2.2.2c) herein, provided that

the portion of the street which is located on dykeland does not exceed 250 ft (76.20 m) in length

b) No infilling, topsoil removal, or alteration of topography carried out under Subsection 13.2.2.2 a) herein shall impede drainage or flow of flood water or unnecessarily reduce flood water storage capacity.

c) Where a new public street is proposed within the Environmental Constraints Area, as shown on **Maps 2, 3, and 8** of the Land Use By-law, in accordance with Subsection 13.2.2.2 a) x., the following shall be submitted to the Development Officer:

   i. road design and construction plans prepared under the seal of a Professional Engineer and satisfactory to the Municipal Engineer which adequately deal with public safety and elevation and drainage of the street;

   ii. an environmental study prepared by a qualified person which clearly demonstrates that the construction of the street will not adversely affect drainage on another property or reduce the water storage capacity of the flood plain; and

   iii. any other information required by the Development Officer or Municipal Engineer to determine whether the requirements of this Section have been met.

13.2.3 Existing Buildings or Structures

a) Where a building or structure was erected within the Environmental Constraints Area as shown on **Maps 2, 3, and 8** of the Land Use By-law, on or before March 6, 2002:

   i. the building may be enlarged, reconstructed, repaired or renovated provided all other applicable requirements of this By-law are satisfied; and

   ii. the use of the building may be changed to a use permitted in the underlying zone, except where such use is:

      1. a residential institution such as a hospital, senior citizen home, home for special care or similar facility where flooding could pose a significant threat to the safety of residents if evacuation became necessary; or
      2. any use associated with the warehousing or the production of hazardous materials.

13.2.4 Requirements Shall Not Apply Where Survey Submitted

a) The requirements of this Section shall not apply where the property owner submits a survey plan prepared by a Nova Scotia Land Surveyor which shows that the site of the proposed development and any required on-site sewage disposal system has an elevation in excess of the high water elevation for the applicable dykeland as set out in Table 11-1.

Table 11-1: High Water Elevations West Hants Dykelands Incorporated Under Nova Scotia Marshland Reclamation

Tidal Dykelands	High Water Elevation, Geodetic (ft)
Burlington	26.5

Tidal Dykelands	High Water Elevation, Geodetic (ft)
Centre Burlington	24.9
Elderkin	26.0
Greenhill	27.0
Kennetcook	26.0
Newport Town	26.0
St. Croix	26.0
Scotch Village	26.5
Herbert River	25.6
Tregothic	27.5
Chambers	26.0
Mantua-Poplar Grove	26.0
Wentworth	26.5
Belmont	26.5
Dykelands Above Causeway	
Armstrong	26.5
Martock	26.0
Falmouth Great Dyke	26.0
Windsor Forks	26.0
Castle Frederick	26.0
Falmouth Village	26.0

b) Where approval for an on-site sewage disposal system was granted by the Nova Scotia Department of the Environment prior to December 20, 2000, the survey plan required under Subsection 13.2.2.2 c) shall show only that the proposed building site, and not the site of the on-site sewage disposal system, has an elevation in excess of the high water elevation for the applicable dykeland.

13.3 Wentworth Road Gateway District

13.3.1 New Building Construction and Additions

a) For any lot in the Wentworth Road Gateway District, as shown on **Map 8** of the Land Use By-law, in addition to the requirements of the underlying zone, the following provisions shall apply to:
   i. any development involving the construction of a new main building, except where the new main building is an agricultural building; and
   ii. any addition in excess of 1,000 ft² (92.20 m²) or 25% of the existing structure, whichever is greater, involving a change in use.

13.3.2 Landscaping along Wentworth Road

a) There shall be a landscaped area at least 15 ft (4.57 m) deep that runs the length of and directly abuts the front lot line along Wentworth Road, excluding driveway openings and walkways. Where a lot is a corner lot, the landscaped area shall be required along the lot line abutting the street intersecting with Wentworth Road in addition to the lot line abutting Wentworth Road.
b) The landscaped area shall be grassed, or other appropriate vegetative ground cover used, and trees shall be planted at intervals no greater than 50 ft (15.24 m) on centre. New trees shall have a minimum caliper of 5.08 cm (2 in) and a minimum height of 5 ft (1.52 m). Shrubs with a minimum height of 1.5 ft (0.46 m) shall be planted in clusters of three plants or more at a minimum rate of one cluster per 50 ft (15.24 m) of frontage. Where possible, existing trees and shrubs may be retained and included in the calculation of plantings required.
c) Where parking areas, travel lanes or stacking lanes are adjacent to the landscaped area, additional shrubs, or low walls in combination with shrubs, shall be required in the landscaped area to screen cars from view while still allowing eye-level visibility into the site from the street. Shrubs and walls shall be maintained at 2-3 ft (0.61- 0.91 m) in height and shall be placed in continuous fashion to provide a low hedge or screen. For parking lots containing 24 or more spaces, landscaped islands with a minimum permeable surface area of 100 ft² (9.29 m²) shall be provided within the parking lot at a rate of one island per 20 parking spaces. Islands may be located at the end of banks of parking stalls or separating banks of parking stalls. Landscaped islands may include shrubs, perennials, annuals or ground cover and shall include at least one tree, having a minimum caliper of 5.08 cm (2 in) and a minimum height of 5 ft (1.52 m), per island.

13.3.3 Pedestrian Access

a) An unobstructed pedestrian walkway, having a minimum width of 5 ft (1.52 m), and constructed of concrete, asphalt, brick or other hard surface paver, shall be provided between the public sidewalk and the building entrance.

14 Definitions

For the purpose of this By-law, all words shall carry their usual meaning except for those defined in Section 1.4.

Drawings are for illustrative purposes only. The text definition shall prevail in any conflict between a drawing and the text definition.

A

Abattoir means a building or structure, or part thereof, used for the slaughtering of animals.

Accessory means a use, separate building or structure, which is usually incidental, subordinate, and functionally associated with a principal use, and located on the same lot as the principal use, building or structure.

Accessory Farm Sales Outlet means the selling of agricultural products produced primarily on the farm for sale to the public.

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) dwelling constructed under the Province of Nova Scotia and/or Federal Affordable Housing cost sharing or funding program.

Agricultural Building or Structure means any building or structure customarily used in connection with an agricultural use other than a residence, but shall not include an abattoir.

Agricultural Support Use means the use accessory to an agricultural operation and may include agricultural warehousing, processing, sorting, grading, packaging and transport facilities, and an abattoir (except in the community of Windsor).

Agricultural Use means the use of land, buildings or structures for the production of crops or livestock, or both, for gain or reward, including but not limited to:

a) growing and harvesting of crops such as vegetables, fruits, maple syrup, grain, wheat, and landscaping materials including:
    i. greenhouses and nurseries;
    ii. wineries and commercial wineries;
    iii. micro-breweries; and
    iv. woodlots and forestry uses.
b) the raising of livestock including but not limited to cattle, horses, poultry, game animals or birds and honey bees, and may include:

i. the production of eggs, cream and milk;
ii. kennels;
iii. riding stables;
iv. cleaning, grading, storage and packaging of farm products;
v. clearing, draining, leveling, irrigating or cultivating of land;
vi. application of fertilizers, soil conditioners, pest control products or other materials;
vii. storage, disposal or use of compost and livestock-generated waste not including biosolids, for farm purposes; and
viii. operation of agricultural machinery and equipment.

c) excluding an abattoir.

Amusement Arcade means a building in which pinball machines, video games or other similar player-operated amusement devices are maintained.

Amusement Rides means devices that convey passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement.

Animal Unit means one or more farm animals as specified in the following table:

Type of Livestock	Number of Livestock Equal to One Animal Unit	
	Intensive and non-Intensive Livestock Operations	Household Livestock Operations
Dairy Cows	1.5	1
Dairy Heifers	2	1
Beef Cows	2	1
Beef Feeders (150 - 500 kg)	4	2
Veal Calves	25	5
Bulls	1	1
Horses and Ponies (≥225 kg)	1	1
Miniature Horses and Ponies (<225 kg)	3	2
Sheep	10	4
Sows (Breeding/Gestation)	5	2
Sows (Farrow to Finish)	1	1
Sows (Farrow to Wean)	4	2
Weaners	50	10

Type of Livestock	Number of Livestock Equal to One Animal Unit	
	Intensive and non-Intensive Livestock Operations	Household Livestock Operations
Hogs (Feeders)	10	2
Laying Hens (whole year)	500	25
Broiler Chickens	1,000	25
Turkey Broilers (5 kg)	300	25
Mink	200	10
Rabbits	40	20
Llamas/Alpacas	8	1
Ostriches/Emus	5	1

Arena means a building, location or premises in which to view or participate in sporting or entertainment events including, but not limited to, a rink, floor or ice surface, spectator seating areas, dressing rooms, washrooms, canteen facilities, lobbies, and hallways.

Arts and Crafts Studio means a building or part of a building used for the production or production and sale of works of art or crafts made by small custom production processes or by hand and may include instruction.

Automotive Repair Shop means a building or part of a building used for the repair, sales and/or replacement of parts, machinery or equipment in any motor vehicle and may include an auto body shop.

Automobile Sales Establishment means a building or part of a building or space on a lot used for the sale or rental of motor vehicles and motor vehicle accessories and may include an automotive repair shop.

Automobile Service Station means a building, part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils, fuels, automobile accessories and service and minor repairs essential to the operation of motor vehicles and may include accessory uses such as a retail convenience store and an automotive washing establishment.

Automobile Washing Establishment means a building or part of a building used for the operation of automatic or semi-automatic automobile washing equipment.

Automotive Use means an automobile service station, repair shop, body shop, sales establishment or washing establishment, excluding a salvage, scrap yard, and automobile related commercial recreation establishment.

B

Bed and Breakfast means a home occupation with a single dwelling unit, or may include bedrooms located in a separate building on the same lot, for the temporary accommodation of the traveling public and includes the living accommodation of the residents of the dwelling.

Biosolids means the solid, semi-solid or liquid residue generated during the treatment of sewage and septage sludges or any mixture containing biosolids.

Block means the smallest unit of land which is bound entirely by public streets, rivers, railroads, public parks or any combination thereof.

Boarding or Rooming House means a single dwelling unit in which either room or room and board are supplied in more than two rooms but not more than five rooms for compensation and which is not open to the travelling public.

Brewery

Brewery, Commercial means a brewery engaged in the production of more than 15,000 hectolitres per year of beer or other related beverages, and may include a hospitality room and retail store.

Brewery, Micro means a facility primarily engaged in the production and packaging of less than 15,000 hectolitres per year of beer which may also include a hospitality room and retail store

Buffer

Major Buffer Strip means a strip of land a minimum of 20 ft wide abutting a lot line and containing:

a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least 2 in. measured at 4.5 ft above the surrounding grade and a minimum height of five (5) ft; or
b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft in height at maturity; or
c) a berm which is a minimum of six (6) ft in height to buffer the abutting property; or
d) a wall or an opaque fence which is a minimum of five (5) ft in height and of sufficient height to provide a visual buffer to the abutting property; or
e) any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

Minor Buffer Strip means a strip of land a minimum of ten (10) ft wide abutting a lot line and containing:

a) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of at least two (2) in. measured at four-and-one half (4.5) ft above the surrounding grade and a minimum height of 5 ft; or

b) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft in height at maturity; or
c) a wall or an opaque fence which is a minimum of five (5) ft in height and of sufficient height to provide a visual buffer to the abutting property; or
d) any combination of the above, all arranged to form a dense or opaque screen, and maintained for as long as the buffer is required.

Building means any roofed structure, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of persons, animals, materials or equipment, including any tent, awning, bin, bunker, platform, vessel or vehicle used for any of these purposes.

Building Footprint means the total area surrounded by the exterior walls of a building excluding courtyards or the area under the horizontal projection of a roof.

Bulk Sales Establishment means the use of land, buildings or structures for the purpose of buying and selling bulk material, including but not limited to lumber, wood, building materials, feed, fertilizer, and ice.

By-law means this By-law which is the *West Hants Regional Municipality Land Use By-law*.

C

Cannabis means cannabis as defined by the Government of Canada, pursuant to the Cannabis Act. Cannabis growing, producing, testing, destroying, storing, or distribution of cannabis are generally defined as is authorized by a license issued by the Government of Canada, pursuant to the Cannabis Act.

Campground and Recreational Vehicle Park means premises occupied and maintained for temporary accommodation by the public in trailers, tents, or recreational vehicles. It includes accessory structures and structures used to provide services including but not limited to laundry and canteen services, but does not include a motel or hotel.

Cemetery means the land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

Catering Establishment means an establishment primarily involved in the preparation and transfer of food products for immediate consumption upon delivery to off-premises destinations.

Clinic means a building or part of a building used for the medical, dental, surgical or therapeutic treatment of human beings, excluding a public or private hospital or a professional office of a doctor located in their residence.

Club means a building or part of a building used as a meeting place for members of an organization including a lodge, a fraternity or sorority house, and a labour union hall.

Commercial Use means the use of a building for the purpose of buying and selling goods and supplying

services.

Commercial School means an establishment which provides instruction for profit or gain including but not limited to secretarial schools, dance, music, drama, arts, crafts, business and trade schools, excluding schools which teach any portion of a pre-kindergarten to grade 12 curriculum.

Community Centre means any lot and the buildings thereon owned or operated by the Municipality or a non-profit organization and used for primarily for community activities and not for commercial purposes with the exception of mobile canteens.

Community of Hantsport means the geographic area of the former Town of Hantsport.

Community of Windsor means the geographic area of the former Town of Windsor.

Community of West Hants means the geographic area of the former Municipality of West Hants.

Community Use means the use of land, buildings or structures for activities that serve the social, cultural, educational, or recreational needs of the community.

Convenience Store a retail store that serves the needs of the neighbourhood and may include the sale of magazines, confectionary items and grocery items and may include a snack bar, laundromat, dry cleaning drop-off depot and video rentals.

Council means the Council of the West Hants Regional Municipality.

Cultural Use means the use of land or a building for natural, artistic, historic, educational, or cultural interest and may include archives, libraries, museums, galleries, theatres, studios and botanical gardens.

D

Day Care Facility means a building where children are cared for on a daily basis for compensation without overnight accommodation, excluding a school.

> **Day Care Facility, Non-Licensed** means a day care facility which serves fewer than eight (8) children.
>
> **Day Care Facility, Licensed** means a day care facility which serves six (6) or more children and is licensed by the Province of Nova Scotia under the Day Care Act.

Daylighting Triangle means the area established by measuring along the street lines or exterior corner lot lines, a distance of 20 ft (6.1 m) from their point of intersection and joining those points with a straight line.

Designation means a specified area of land as identified in the Generalized Future Land Use Map (**Maps 1, 2, 3, 4, 5, and 6**) as per the Municipal Planning Strategy.

Depth means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line.

Development includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.

Development Officer means the person or persons appointed by Council to administer the land-use and subdivision by-laws.

Display Court means a display of goods on a lot for the purpose of encouraging the purchase of the display items, or items similar to the display items, and without limiting the generality of the foregoing, such displays would include displays of cars, trucks, vans, motor homes, mobile homes, trailers, boats, snowmobiles, motorcycles, swimming pools, garden ornaments, and prefabricated cottages or homes.

Distillery

> **Distillery, Commercial** means a facility that produces more than 150,000 litres per year of liquor and spirits, other than wine or beer, where the product is blended or bottled, and may include a hospitality room and retail store.
>
> **Distillery, Micro** means a facility primarily engaged in the production and packaging of less than 150,000 litres per year of liquor and spirits other than wine or beer and may include a hospitality room and retail store.

Dog Park means a dedicated fenced park where visitors may allow their dogs to run off-leash.

Driveway means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

Dwelling means a building or portion thereof, occupied or capable of being occupied as a residence by one (1) or more persons, containing one (1) or more dwelling units, excluding any tourist accommodation, recreational vehicle, or travel trailer.

> **Dwelling, Apartment** means a building containing three or more dwelling units which have a common entrance from the street level.
>
> **Dwelling, Grouped** means two (2) or more dwelling units contained in two (2) or more buildings, and may include shared buildings or facilities, all designed to be part of a group of dwellings located on a single lot.
>
> **Dwelling, Multi-Unit** means a building containing three (3) or more dwelling units.
>
> **Dwelling, Seasonal** means a cottage or secondary residence used for recreation, rest or relaxation from time to time throughout any season of the year, but not used or intended to be used for year-round occupancy or as a primary residence.
>
> **Dwelling, Single-Unit** means a building consisting of one (1) dwelling unit which is constructed wholly on the site from basic materials or from components transported to the site, which is not intended or designed to be removed from the site, and is freestanding, separate and detached from other main buildings or structures.

Dwelling, Semi-Detached means a vertically divided building consisting of two (2) dwelling units sharing a common wall where each unit has its own dedicated exterior entrance and where each unit is designed to exist independently if subdivided.

Dwelling, Townhouse means a building divided into three (3) or more dwelling units, attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade. A townhouse dwelling shall mean row townhouses, stacked townhouses, and back-to-back townhouses.

Dwelling, Two-Unit means a dwelling located on one (1) lot which contains two (2) dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

Dwelling, Converted means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations.

E

Erect means to build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Exhibition Grounds means an area used for the temporary display, demonstration and sale of arts, crafts, livestock, commercial or industrial products, recreational vehicles or automobiles, and may include amusement rides, amusement arcades or recreation areas.

Existing means legally in existence as at the date of passing of this By-law, or where construction has not commenced, a use documented by the issuance of a building permit.

F

Farmers' Market means a building or part thereof or structure in which agricultural produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.

Fill means natural earth or material deposited on a lot to alter the land level and contour of the lot.

Floor Area with reference to a structure means the total area contained within the outside walls.

Floor Area, Commercial means the total usable floor area within a building used for commercial purposes excluding washrooms, utility and mechanical rooms, storage rooms and common malls between stores.

Floor Area, Dwelling with reference to a dwelling means the maximum area contained within the outside walls excluding any private garage, porch, veranda, sunroom, unfinished attic, basement or cellar or other room not habitable at all seasons of the year.

Floor Area, Gross means the aggregate of the floor area of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this policy, the walls of an inner court shall be deemed to be exterior walls.

Floor Area Ratio means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of the lot.

Forestry and Related Activities means the growing and harvesting of trees for commercial purposes together with the processing of the forestry products and, without limiting the generality of the foregoing, shall include temporary uses such as portable sawmills, lumber yards and equipment storage facilities and small-scale permanent structures such as saw mills and shingle mills acquiring less than 2,270 cords (5,000 m^3) of round wood from private woodlands per calendar year.

Fuel Storage Depot means the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid legally and properly kept in a tank for storage.

G

Grade, Average means the average of the elevations of the street which the building fronts.

H

Hazardous Material means a material which, by reason of its properties, is a hazard to health or to the environment and which is explosive, gaseous, flammable, poisonous, radioactive, corrosive, oxidizing or leachable, or is designated as a hazardous material under federal or provincial legislation.

Heavy Equipment Sales and Service means land, a building or a portion of a building used to sell, rent, lease, service, or repair heavy equipment or heavy equipment parts.

Height means the vertical distance on a building between the established grade and:

a) the highest point of the roof surface, or the parapet, whichever is greater, of a flat roof; or
b) the deckline of a mansard roof; or

c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof, excluding any construction used as ornament or for the operation of the building, such as a mechanical penthouse, chimney, tower, steeple, solar collector, or satellite receiving dish.

Home Based Business means an occupation conducted for gain or profit as an accessory use operated by the occupant of said dwelling unit with which there is no display, no stock in trade nor commodity sold upon the premises.

Home for Special Care means a dwelling unit where people live together and receive care, and can include a nursing home, a home for the aged, a home for the disabled and a residential care facility as defined in the Homes for Special Care Act.

Hospital means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury.

Hotel or Motel means a building with six or more units that are internally or externally accessible, with private bathrooms, used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.

I

Indoor Storage Facility means the accessory use of a building on a lot used for agricultural purposes for the temporary commercial indoor storage of items including but not limited to recreational vehicles, cars and boats.

Industrial Use means the use of land or buildings or structures for manufacturing, processing, fabrication or outdoor storage.

Institutional Use means the use of land, buildings or structures for a public or non-profit purpose including but not limited to schools, places of worship, public hospitals, homes for special care and government buildings excluding a private club.

Interpretive Centre means an establishment that provides cultural or heritage information to the public.

J

K

Kennel means a lot, building or structure on or within which four or more domesticated animals are housed, groomed, bred, boarded, trained or sold for monetary gain.

Kennel, Commercial means a kennel which may provide overnight accommodations for eight (8) or more domesticated animals.

Kennel, Hobby means a kennel which may provide overnight accommodations for fewer than eight (8) domesticated animals.

Kiosk means a small structure, open at one or more sides, used for the display and retail sale of goods, merchandise or farm produce, or for the limited preparation and sale of food or beverages, excluding a motor vehicle.

L

Landscaped Open Space means open space used for the growth and maintenance of grass, flowers, shrubbery and other landscaping including any surfaced walk, patio and similar area which is not occupied by a building or used as a driveway or parking space.

Landscaping means the use of any combination of horticultural elements, decorative stone work, paving, fencing or other architectural elements to enhance the visual appearance of a property or to provide a visual barrier between one property and another.

Livestock means horses, cows, pigs, sheep, goats, fowl, and fur bearing animals, whether or not kept for commercial purposes, including but not limited to all animals referenced in the Animal Unit chart.

Livestock Operation

Livestock Operation, Household means a livestock operation consisting of not more than eight (8) animal units which is accessory to the main use on a lot.

Livestock Operation, Intensive means an agricultural use in which a minimum of 20 animal units are confined to a barn, feedlot or other facility for feeding, breeding, milking, holding for eventual sale or egg production.

Livestock Operation, Non-intensive means an agricultural use other than an “urban agricultural use” or “household livestock use” as defined herein consisting of not more than 19 animal units.

Loading Space means an unencumbered area of a lot which:

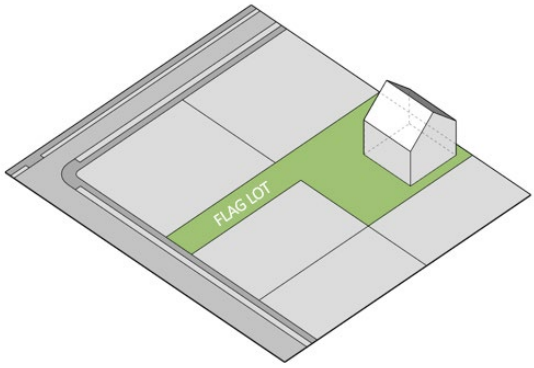
a) is suitable for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle.
b) has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles.

Local Commercial a small commercial operation including but not limited to convenience stores, arts, crafts or antique shops, personal service shops, licensed day care centres, small restaurants, offices and video stores, that serves a relatively small market area of a primarily local nature and is compatible with residential uses.

Lot means a parcel of land described in a deed or as shown on a registered plan of subdivision.

Lot, Corner means a lot situated at the intersection of and abutting two (2) or more streets.

Lot, Flag means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole where the pole portion contains the required lot frontage. a lot with a foot at the end of the pole that meets the frontage requirement shall also be considered a flag lot.



Lot, Through means a lot that abuts two (2) streets but is not a corner lot.

Lot Coverage means the percent of the lot area covered by buildings or structures excluding parking areas, driveways, decks and walkways, but including structures and buildings constructed pertaining to the lot.

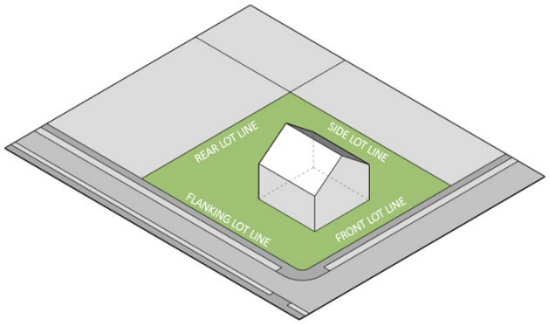
Lot Frontage means the horizontal distance between the side lot lines measured:

a) perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lots lines and at a point therein equal in distance to the minimum required front yard, or,
b) at the front lot line, whichever is greater.

Lot Line means any boundary of a lot.

Lot Line, Front means:

a) the lot line that abuts the street.
b) in the case of a corner lot, the front lot line shall be either of the two lines.
c) in the case of a through lot, each boundary dividing the lot from a street shall be deemed to be a front lot line.



Lot Line, Rear means the lot line furthest from or opposite to the front lot line.

Lot Line, Side means a lot line other than a front or rear lot line.

Lot Line, Flankage means the lot line which abuts a street on a corner lot other than the front lot line.

Lot Area means the total horizontal area within the lot lines of a lot.

Lot Coverage means the percentage of the lot that is covered by buildings.

Low-rise Building means a building or that portion of a building that is less than 36 ft (11 m) in height.

M

Main Building means the building on a lot in which the principal use of the lot is carried out.

Main Wall means the exterior front, side or rear wall of a building and all structural members essential to the support of a fully or partially enclosed space or roof.

Manufactured Home Park means a lot or lots used for the grouped placement of mini homes and mobile homes including any accessory service and recreation buildings and excluding campgrounds.

Manufactured Home means a prefabricated dwelling designed to be transported to a site where it is to be occupied as a dwelling complete and ready for occupancy, either remaining on a chassis and wheels or placed on a permanent footing. This definition includes such types as mobile homes and mini-homes but excludes modular or other types of pre-cut or multi-section assemblies that form a dwelling.

Mini Home Park means a lot used for the renting of spaces for mini homes.

Mini-Home means a dwelling unit built as a manufactured home to a CSA standard which meets or exceeds a length to width ratio of 3:1 and incorporates pitched roof.

Mobile Home means a manufactured home incorporating a bow-truss roof and designed for transportation on its own frame.

Modular Home means a dwelling unit manufactured in a factory which is transported in two (2) or more sections and assembled on site.

Municipality means the West Hants Regional Municipality.

N

Non-Conforming Use means an existing use of land, building or structure which does not conform to one or more of the permitted uses listed in the relevant zone governing the lands. Legally non-conforming shall mean such use was legally in existence upon the passing of this By-law.

O

Obnoxious Use means a use which, from its nature or operation creates a nuisance or pollution or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

Office means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not limited to a clinic and the offices of a lawyer, architect, surveyor, engineer or chartered accountant, and excluding a personal service shop or a veterinary clinic.

Open Space means an area of land on a lot not covered by buildings, or structures.

Outdoor Furnace means a hand-fed furnace designed and used to burn only untreated wood, located outside the main building and intended to provide heat to that building.

Outdoor Storage means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment or other items not intended for immediate sale.

Outdoor Display means the display of goods or merchandise in the open air which are available for sale to the general public from a retail store on the same lot.

P

Park means an area reserved for passive recreational uses with limited need for accessory buildings or structures.

Parking Area means an area, building or structure, or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of storing motor vehicles.

Parking Space means a portion of a parking area, parking lot, or parking garage used for parking or storage of one (1) motor vehicle, exclusive of any aisles or driveways.

> **Parking Space, Barrier-Free** means an unobstructed rectangular area for the exclusive use of temporary parking of a motor vehicle for persons with disabilities and displaying a permit granted from the Province but shall not include a driveway or aisle.
>
> **Parking Space, Bicycle** means an area that is provided and maintained for the purpose of temporary storage of a bicycle.

Parking Structure means a partially open and/or enclosed structure used for the parking of motor vehicles for commercial purposes can include but not necessarily limited to car washing facilities, commercial businesses, and car rental agencies.

Person includes an individual, association, firm, partnership, corporation, organization or group and means their legal representative.

Personal Service Shop means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons including but not limited to a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, tanning shop, formal rental shop and depots for collecting dry cleaning and laundry, and excluding any manufacturing or fabrication of goods for sale.

Pilaster means a rectangular column that usually projects about a third of its width from the wall to which it is attached.

Place of Worship means a place or building that is used for the regular assembly of persons for the practice of religious worship, services, or rites, and includes offices for the administration of the religious institution.

Post Office means a building or portion thereof used by a government corporation, department or agency or person under contract with the same, involved in the handling and distribution of mail and includes the sale of related products such as envelopes and stamps and may include a sorting station.

Powder Coating means a finishing process in which dry, free-flowing, thermoplastic or thermoset powder material is applied to a surface, melted, and hardened into an even coating.

Public Use means a building, structure, or lot used for public services by a public authority, including the

West Hants Regional Municipality or any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Nova Scotia and Canada, any telephone or railway company, or similarly recognized agencies.

Public Authority means any Federal, Provincial, or Municipal agencies and includes any commission, board, authority or department established by such agency, and shall include any public utility.

Public Façade means any façade that fronts a public street including the portion of the roof which is visible from a public street. In the case of a corner lot, both sides of the building that are visible from the public street are considered to be public façades.

Protected Watershed means a watershed designated as a Protected Water Area under the Nova Scotia Environment Act.

Q

Queuing Space means a space other than a parking space which provides standing room for a vehicle in a queue, including but not limited to a queue for a drive-through business such as a drive-through restaurant, a drive-through bank or a drive-through car wash.

R

Recreational Space means a space provided for the exclusive use for the occupants of a building or part thereof in which or on which recreational uses are carried out.

> **Recreation Space, Indoor** means the use of a building or part thereof for recreation or entertainment purposes. Uses may include establishments including, but not limited to dance halls, cinemas, billiard or pool halls, rock climbing gyms, fitness gyms, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, and bingo halls.
>
> **Recreation Space, Outdoor** means the use of land for recreation or entertainment purposes. Uses may include but are not limited to tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including Indoor Recreation Space or a track for the racing of animals, or any form of motorized vehicles.

Recreational Vehicle means a licensed vehicle constructed to CSA standards that is capable of being towed behind a motor vehicle or is self-propelled and is primarily designed as temporary mobile accommodation for personal travel and recreation purposes.

Recreational Vehicle Sales and Service Operation means a building and/or lot where recreational vehicles, trailers, snowmobiles, boats and accessories are kept for display and/or sales. Permitted

accessory uses may include those normally required for performing maintenance such as a service centre, service bays, body shop and storage of parts.

Recycling Depot means a collection site for materials in a municipal or provincial recycling program but does not include a scrap or salvage yard.

Recycling Collection and Storage Facility means a building in which used material is separated and processed prior to shipment but does not include salvage and scrap yards.

Repair and Rental Establishment means a premise engaged in maintaining, repairing, installing, and renting articles and equipment for personal use including but not limited to radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewelry, and upholstery and furniture repairs.

Resource Use means the use of land for forestry, agriculture, land-based aquaculture or mineral use.

Restaurant means a building or part of a building where food is prepared and offered for sale to the public for consumption either on or off the premises and may include a café, cafeteria, ice cream parlour, tea or lunch room, or dairy bar.

Restaurant, Drive-through or Take-Away means a building or structure where food or beverages are prepared and sold for consumption off the premises, and which may include facilities for ordering and picking up food from a drive-through window. Seating for on-site consumption may be provided but is not required.

Retail Store means a building or part thereof with a total commercial floor area of 20,000 ft^2 (1,858.00 m^2) or less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.

> **Retail Store, Large Format** means a maximum of two (2) retail commercial uses in a single structure with a total commercial floor area greater than 20,000 ft^2 (1,858.00 m^2), but do not exceed 50,000 ft^2 (4,645 m^2).

Riding Stable means an establishment where horses and ponies are boarded and cared for, where instruction in riding may be offered or where the general public, for a fee, may hire horses for riding.

S

Salvage Yard means a place where used bodies or parts of automobiles, or used bodies or parts of other vehicles or machinery are placed, stored or kept and is not limited to a salvage yard as defined by provincial legislation and excludes a scrap yard.

Scrap Yard means an area of land used for the storage, handling, processing and sale of scrap materials including, but not limited to, scrap metal, tires, waste paper or rags, and excluding hazardous waste materials and salvage yards.

Secondary Suite means a dwelling unit either within a dwelling unit or within an accessory building on the same lot as the main dwelling unit and limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 ft^2 (80 m^2) or (2) 862 ft^2 (80 m^2) or (3) greater as established in the National Building Code.

Service Industry means any industry involved in the processing of milk and dairy products, a bakery, a garage including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop and similar service shops.

Service Shop means a building or part of a building in which persons are employed in furnishing services to households and businesses including but not limited to personal service shops, printing establishments, plumbing shops and sheet metal shops.

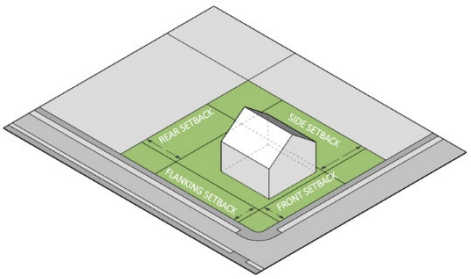
Short-term Rental means the use of a dwelling unit or part thereof for commercial overnight accommodation for consecutive periods of 30 days or less per party and may include the rental of the entire dwelling unit to one party or to multiple parties. This does not include Hotels or Motels, or Tourist Accommodations.

Small Options Home means a community-based group living arrangement, in a single unit dwelling for not more than ten persons where accommodations are provided for residents with disabilities, and which may include additional services, but does not include a hospital or a facility licensed by or under contract to Corrections Canada or Nova Scotia Corrections.

Storage

> **Indoor Storage Facility** means the accessory use of a building on a lot used for agricultural purposes for the temporary commercial indoor storage of items including but not limited to recreational vehicles, cars and boats.
>
> **Self Storage** means a building or buildings which contain small, self-contained units that are leased for the storage of goods.

Setback means the distance between the street line and the nearest main wall of any building or structure and extending the full width or length of the lot.



Shopping Centre or Mall means two (2) or more predominantly retail commercial uses with a total commercial floor area of 20,000 ft^2 (1,858.00 m^2) or less that is designed, developed and managed as a unit with shared parking facilities and which may or may not have enclosed common walkways.

Shopping Centre, Regional means a group of three (3) or more predominantly retail commercial uses with a total commercial floor area greater than 20,000 ft^2 (1858.00 m^2) designed, developed and

managed as a unit with shared parking facilities and which may or may not have enclosed common walkways but does not include a large format retail store.

Sign means any structure or device, whether illuminated or not, used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose.

Sign, Ground means a sign supported by the ground directly or by structural members.

Sign Face means the area of a sign upon which the message is placed.

Sign, Facial means a sign painted on, attached to or erected against a wall of a building, with the face horizontally parallel to the building wall and with no space between the back of the sign face and the building wall.

Sign, Mobile means a sign designed and intended to be moved from one site to another and not permanently affixed to the ground or a building, excluding the side, body or trailer of a commercial motor vehicle.

Sign, Sandwich Board means a self-supporting, two-sided, A-frame style sign that is not affixed to the ground.

Sign, Projecting means a sign that projects from and is supported by the wall of a building.

Skate Park means a purpose-built recreational park made mostly of concrete obstacles for skateboarding, BMX, scooters, wheelchairs, and aggressive inline skating.

Solar Energy System means a structure, or array of structures, capable of collecting and converting solar radiation into electricity by the use of solar photovoltaic panels. Without restricting the generality of this definition, solar energy system may include solar photovoltaic panels, ancillary parts, and mounting devices.

Solar Energy System, Agrivoltaics System means the simultaneous use of land for both renewable energy production through an arrangement of solar photovoltaic panels and agricultural uses of growing and harvesting of vegetables, fruits, berries, nuts, or other similar products.

Solar Energy System, Community-Scale Solar Farm means the installation on an area of land in which a large number of solar panels are set up as a primary use on the lot to provide electricity for commercial sale and distribution to the electricity grid.

Street Line means the limit of the street or road allowance and is the dividing line between a lot and street or road.

Street or Road

Public Street or Road means the whole and entire right of way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Municipality.

Arterial Street or Road means a street designed to move large volumes of vehicular traffic

between major centres.

Collector Street or Road means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets.

Local Street or Road means a street designed to serve vehicular traffic in residential neighbourhoods.

Private Street or Road means any street or road which is not public and which is shown on a plan of subdivision, which:

a) has been approved by the Provincial authority having jurisdiction or the Municipality.
b) extends to and has access to a public street and where not totally located within an area of land proposed to be subdivided, shall have an easement for right of way and access which is assignable and perpetual and which has been clearly granted by deed, will, Crown grant or other registerable instrument, registered in the Land Registry Office for the Municipality.

Streetwall means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, which does not include minor recesses for the elements such as doorways or intrusions such as bay windows.

Streetwall Height means the vertical distance between the top of the streetwall and the streetwall grade, extending across the width of the streetwall.

Streetwall Setback means the distance between the streetwall and streetline.

Stepback means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.

Storey means that portion of a building between any floor and the floor, ceiling or roof above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 6 ft (1.83 m) above grade, and provided that any portion of a storey exceeding 14 ft (4.27 m) in height shall be deemed an additional storey for each 14 ft (4.27 m) or fraction thereof of such excess.

Structure means anything that is erected, built, or constructed, or parts joined together or any such erection, fixed to or supported by the soil or any other structure, including buildings, walls, signs and fences exceeding 6 ft (1.82 m) in height.

Support Service means a building or part of a building in which the primary function is to provide services to industry or to businesses located in an industrial park and, without limiting the generality of the foregoing, shall include copying, printing and micro-filming establishments, the offices of an industry or of engineering, architectural, design and similar consultants, business management, marketing and similar firms and manufacturers agents, and building, equipment and grounds maintenance companies.

T

Tourist Accommodation

Tourist Accommodation, Small Scale means a building, part of a building or group of buildings containing a maximum of five (5) rental units used primarily for the travelling public for short-term rental, including but not limited to hotels, motels and cabins, country inns and excluding temporary structures, campgrounds.

Tourist Accommodation, Large Scale means a building, part of a building or group of buildings containing six (6) or more rental units used primarily for the travelling public for short-term rental, including but not limited to hotels, motels and cabins, country inns and excluding temporary structures and campgrounds.

Transport Depot means premises used for the transfer of goods primarily involving loading and unloading of freight-carrying vehicles and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying vehicles.

U

Use means any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied.

Urban Agriculture means the keeping of chickens (laying hens) and beekeeping on a residential property.

Utility means a water works or water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telecommunications system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

V

Vehicle means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled, or driven by any kind of power.

Veterinary Clinic means a building or part thereof with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

W

Watercourse means a lake, river, stream, ocean or other body of water.

Water Frontage means the horizontal distance measured as a straight line between two points where the side lot lines of a lot directly abutting a lake meet the shoreline of the lake.

Wholesale Establishment means a use of land, building(s) and/or structure(s), or part thereof for bulk storage and bulk sale of quantities of goods, commodities, wares, merchandise, or materials intended for resale.

Winery means a facility where wine is manufactured or blended and bottled, and may include a hospitality room, restaurant or retail store.

Wind Farm means an array of two or more large wind turbines on one or more lots connected directly to the utility grid.

Wind Turbine means a windmill used for pumping water and a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics.

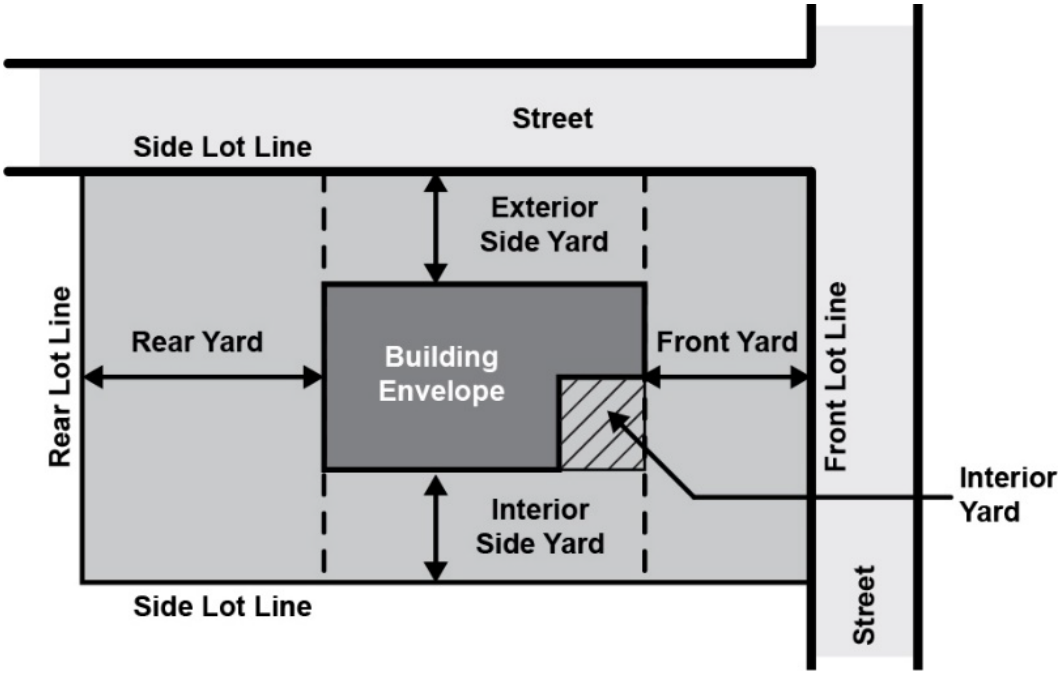
> **Wind Turbine, Small** means a wind turbine which has a rated capacity of not more than 100 kW and is intended primarily to reduce on-site consumption of utility power.
>
> **Wind Turbine, Large** means a wind turbine with a production capacity greater than 100 kW.

Woods Camp means a building or structure intended to provide basic shelter for a person or group of persons engaged in hunting, fishing or other outdoor activities on an occasional or seasonal basis in a remote location where electricity and municipal or community services are not available. The building may be of light frame construction with no running water or electricity, not designed for residency and not satisfying the requirements for a dwelling under the National Building Code.

Y

Yard means any open unoccupied space (except a court) appurtenant to a building measured from the closest supporting structure of the building to the lot line.

Illustration of yards:



Yard, Flankage means the side yard on a corner lot extending from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.

Yard, Front means a yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required.

Yard, Rear means a yard extending across the full width of the lot between the rear lot line and the nearest wall of any building on the lot for which the yard is required.

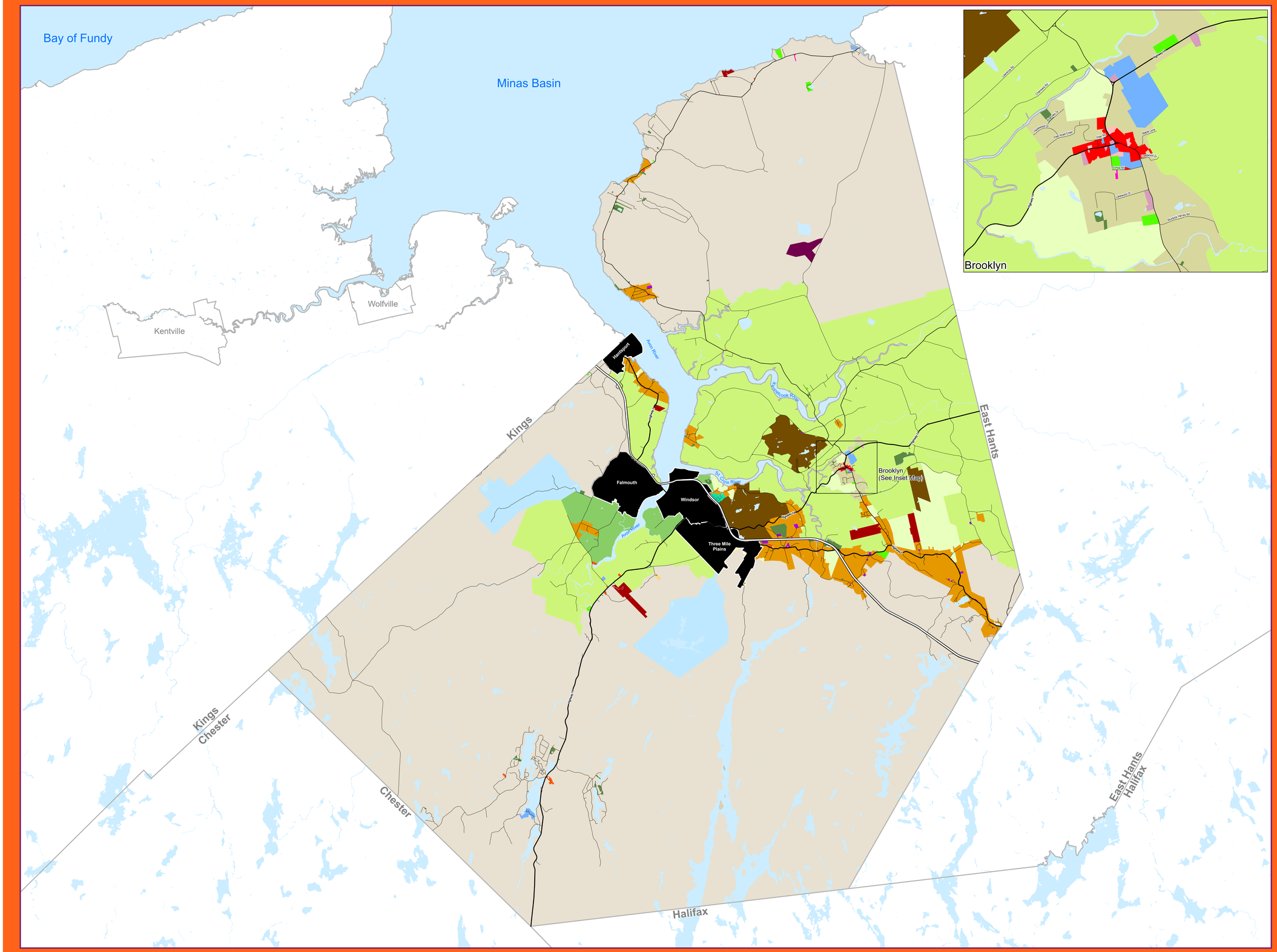
Yard, Side means a yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.

Z

Zone means the category of **use** or activity of land, **buildings**, **structures** or activities permitted by this By-law.

West Hants Regional Municipality

Map 1: Rural Zoning Map



Legend

- Municipal Boundaries

GROWTH CENTRES

- Windsor (See Map 2)
- Hantsport (See Map 3)
- Falmouth (See Map 4)
- Three Mile Plains (See Map 5)

Zoning

- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Rural Residential (RR)
- Local Residential (LR)
- Manufactured Home Park (MHP)
- General Commercial (GC)
- Highway Commercial (HC)
- Local Commercial (LC)
- Rural Commercial (RC)
- Recreation Commercial (Rec C)
- Prime Agriculture (P/Ag)
- Agricultural Priority Two (AR-2)
- Agricultural Priority Three (AR-3)
- Open Space (OS)
- General Resource (GR)
- Mineral Resource (MR)
- Landfill (LF)
- Mixed Industrial (MI)
- Industrial (M)
- Resource Industrial (M-1)
- Local Centre Industrial (M-2)
- Institutional (I)
- Water Supply (W)

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

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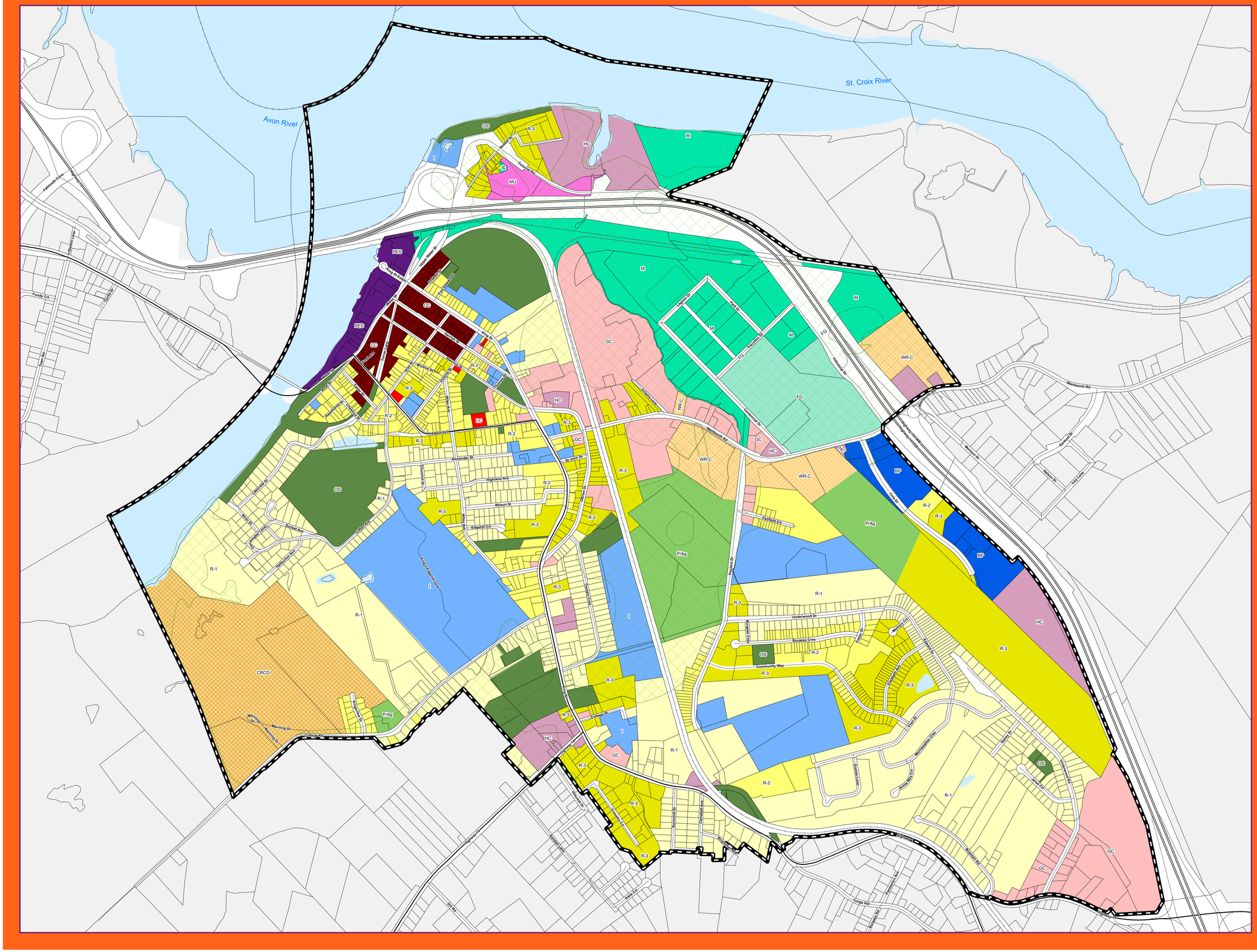
Map 2: Windsor Growth Centre Zoning Map



Legend

- Growth Centre
- Municipal Boundaries
- Environmental Constraint

Zoning

- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Mixed-Use (MU)
- General Commercial (GC)
- Highway Commercial (HC)
- Local Commercial (LC)
- Commercial Core (CC)
- Prime Agriculture (P/Ag)
- Open Space (OS)
- Industrial (M)
- Business Park (BP)
- Institutional (I)
- College Road Comprehensive Development (CRCD)
- Wentworth Road Commercial (WR-C)
- Fairground (FG)
- Pesaquid Zone (PES)

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

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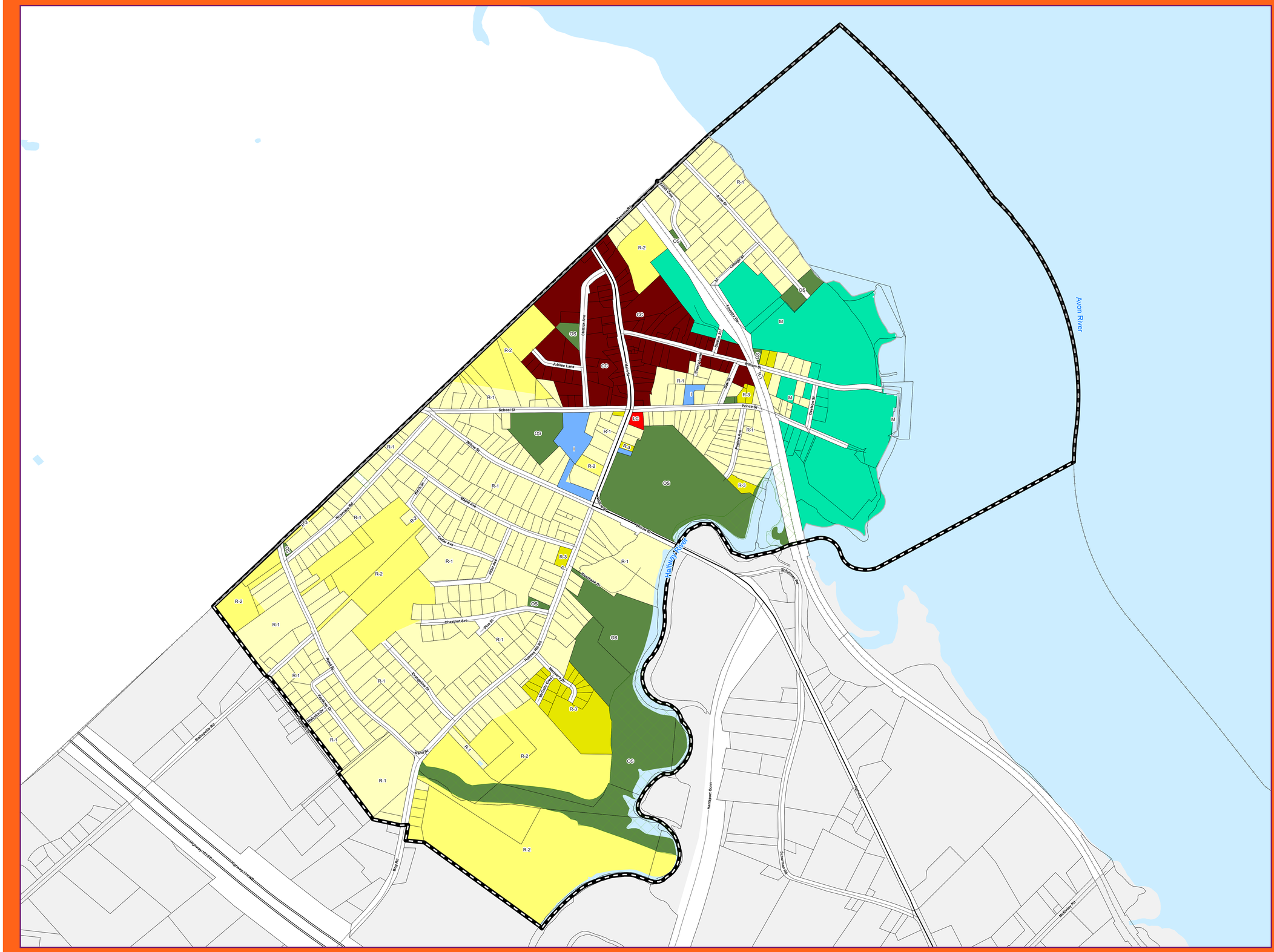
Map 3: Hantsport Growth Centre Zoning Map



Legend

- Growth Centre
- Municipal Boundaries
- Environmental Constraint

Zoning

- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Local Commercial (LC)
- Commercial Core (CC)
- Open Space (OS)
- Industrial (M)
- Institutional (I)

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

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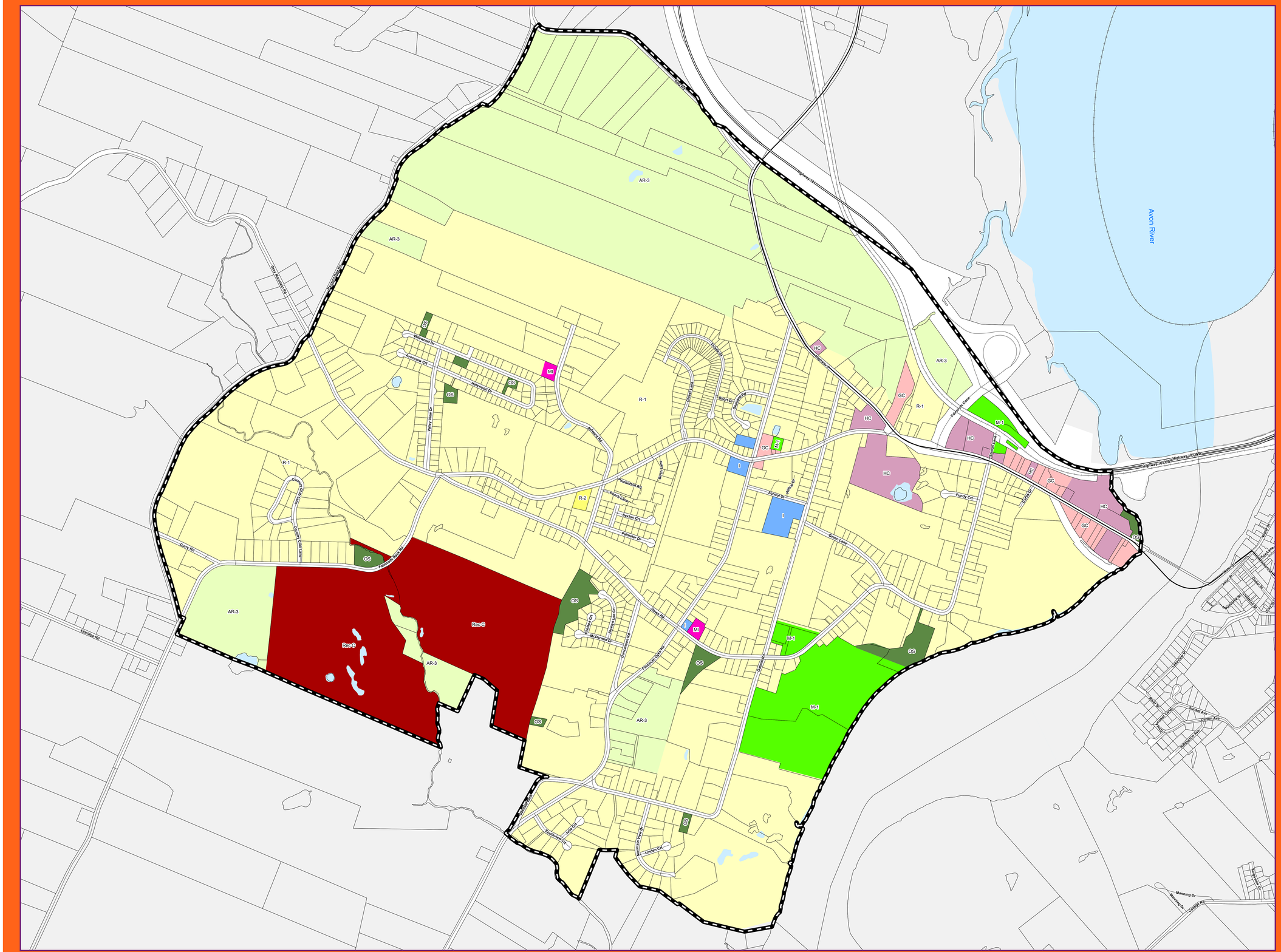
Map 4: Falmouth Growth Centre Zoning Map



Legend

- Growth Centre
- Municipal Boundaries

Zoning

- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- General Commercial (GC)
- Highway Commercial (HC)
- Recreation Commercial (Rec C)
- Agricultural Priority Three (AR-3)
- Open Space (OS)
- Mixed Industrial (MI)
- Resource Industrial (M-1)
- Institutional (I)

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

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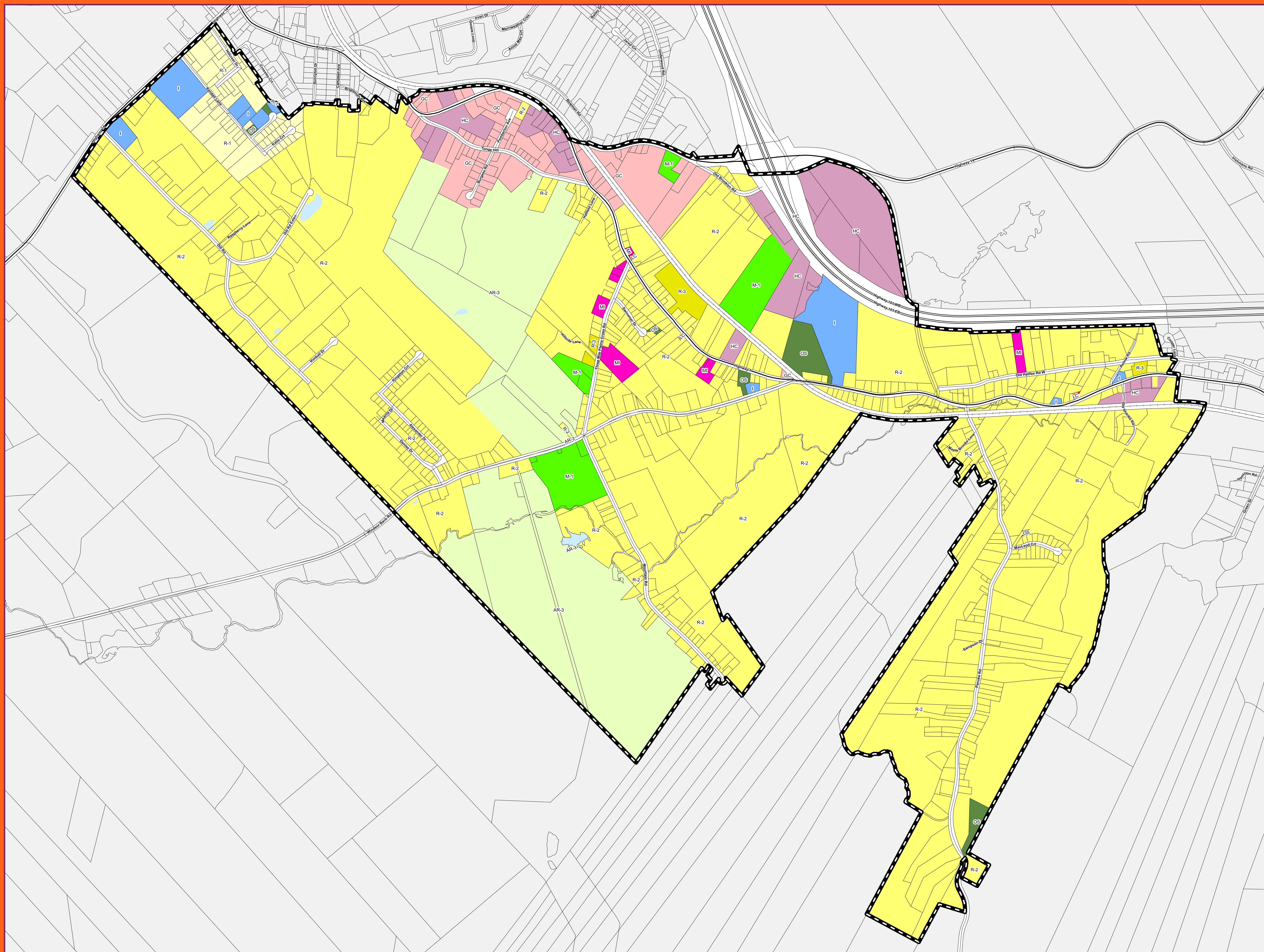
Map 5: Three Mile Plains Growth Centre Zoning Map



Legend

- Growth Centre
- Municipal Boundaries

Zoning

- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- General Commercial (GC)
- Highway Commercial (HC)
- Local Commercial (LC)
- Agricultural Priority Three (AR-3)
- Open Space (OS)
- Mixed Industrial (MI)
- Resource Industrial (M-1)
- Institutional (I)

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

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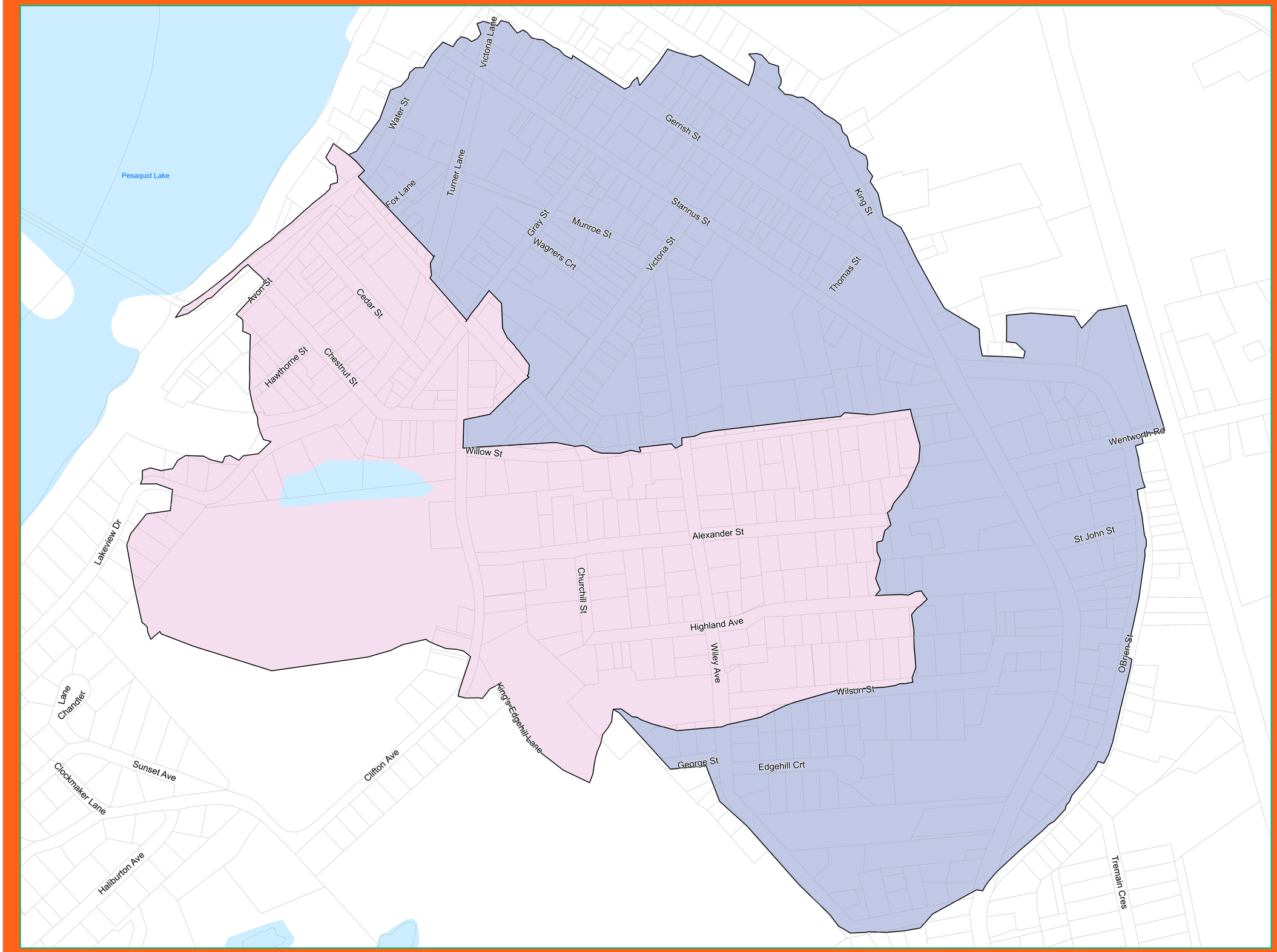
West Hants Regional Municipality

Map 6: Area of Stormwater Concern



Legend

- Municipal Boundaries

Storm Sewershed

- Cunnabel Creek
- Albert Street

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

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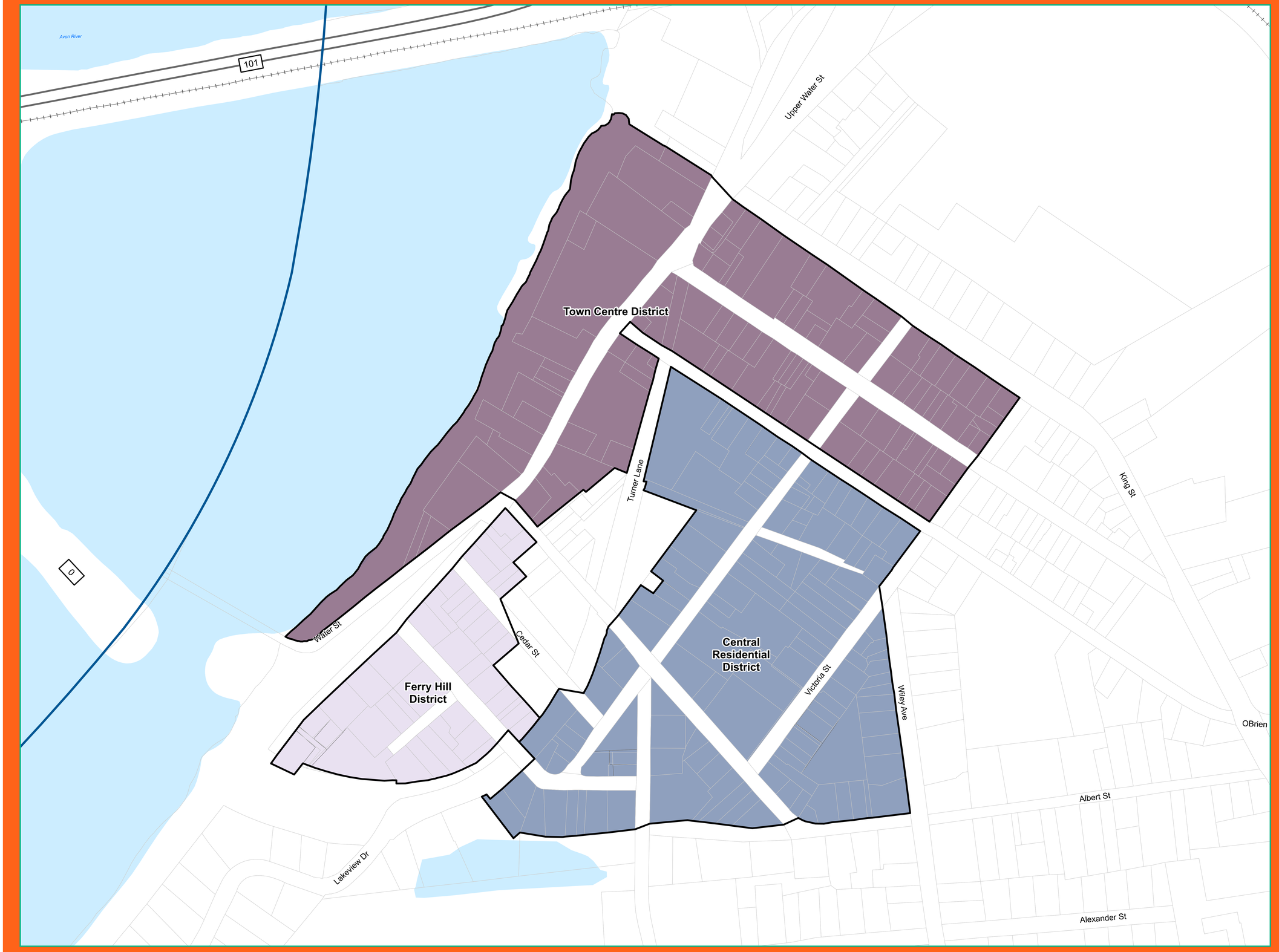
November 2025

West Hants Regional Municipality

Map 7: Windsor Architectural Control Districts



Legend

- Growth Centre - Windsor
- Regional Roads
- Railway

Architectural Control Districts

- Central Residential District
- Ferry Hill District
- Town Centre

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

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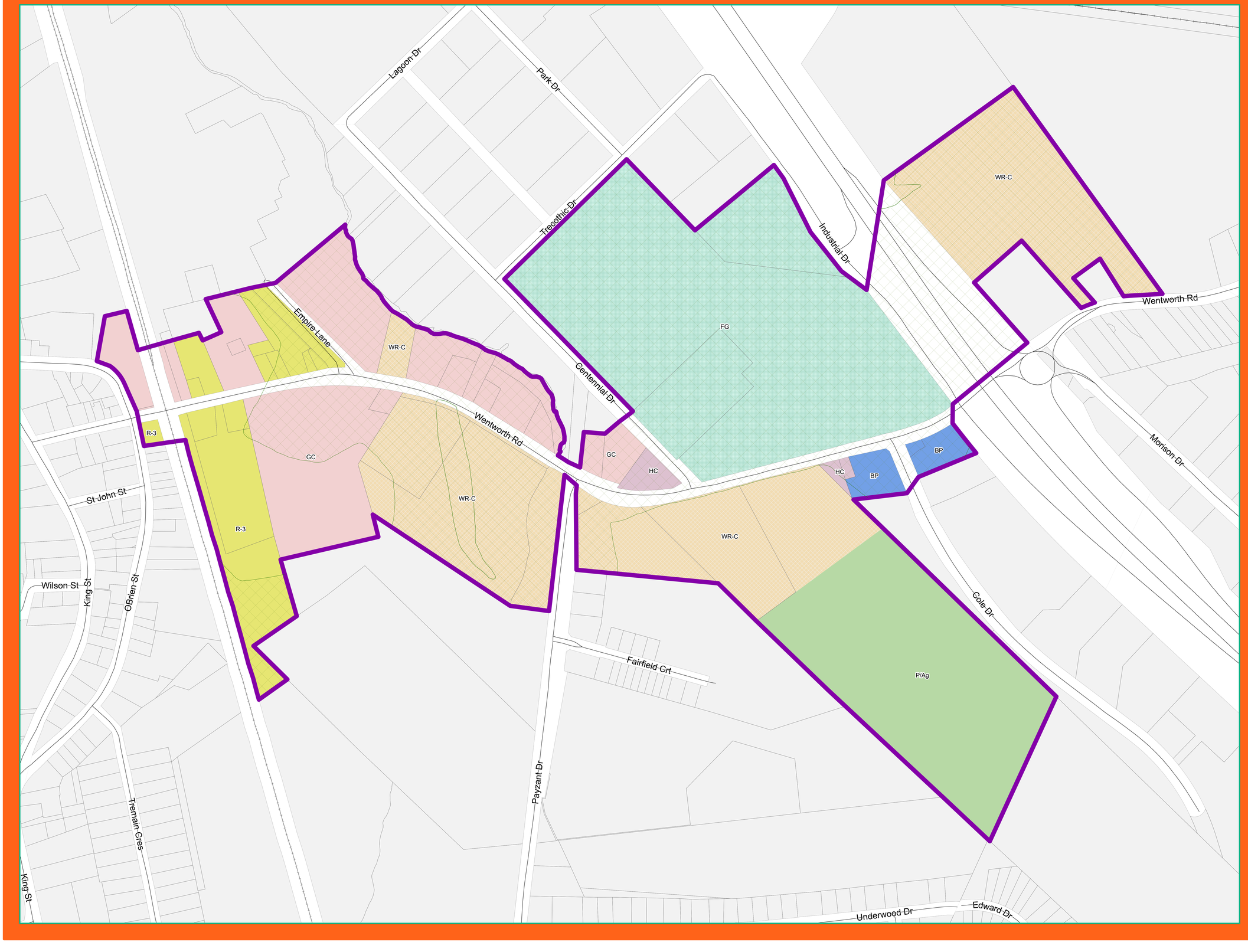
West Hants Regional Municipality

Map 8: Wentworth Road Gateway District



Legend

- Wentworth Road Gateway District
- Environmental Constraint

Zoning

- Low Density Residential (R-1)
- High Density Residential (R-3)
- General Commercial (GC)
- Highway Commercial (HC)
- Prime Agriculture (P/Ag)
- Industrial (M)
- Business Park (BP)
- Wentworth Road Commercial (WR-C)
- Fairground (FG)

APPROVED: [Date]

Source: West Hants Regional Municipality; GeoNOVA

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November 2025

Attachment 4

WEST HANTS REGIONAL MUNICIPALITY
SUBDIVISION BY-LAW

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Land Acknowledgment

We respect and truly acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi’kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi’kma’ki known as Nova Scotia for over 400 years.

1.0 Authority and Title

1.1 Citation

1.1.1 This By-law is enacted by the Council of the West Hants Regional Municipality under the provisions of Sections 271-274 of the *Municipal Government Act* (S.N.S. 1998, ch. 18).

1.1.2 This By-law may be cited as the "Subdivision By-law" of the West Hants Regional Municipality and shall apply to the subdivision of all land within the West Hants Regional Municipality hereinafter referred to as the “Municipality”.

1.1.3 This Subdivision By-law may also be cited as “By-law” when used in a self-referential manner within the text.

1.1.4 During a meeting held on [DATE], the Council of the West Hants Regional Municipality repealed:

- The Municipality of the District of West Hant Subdivision By-law as adopted by Municipal Council on May 13, 2000, and all amendments thereto.
- The Town of Hantsport Subdivision By-law as adopted by Town Council September 2010, and all amendments thereto.
- The Town of Windsor Subdivision By-law as adopted by Town Council on January 24, 2012, and all amendments thereto.

2.0 Administration

2.1 Administration and Delegation

2.1.1 This By-law shall be administered by the Development Officer of the municipality appointed under the authority of the *Municipal Government Act*.

2.1.2 In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

3.0 Interpretation

3.1 Words

3.1.1 In this By-law, the word “shall” is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated, and words used in the plural number shall include the singular. All other words shall carry their customary meaning except those defined hereinafter.

3.2 Measurement

3.2.1 The metric system of measurement is used throughout this By-law. Imperial measurements are approximate only, for convenience only, and in all cases of conflict between imperial measure and metric measure, the metric measure shall prevail.

3.3 Specifications and Standards

3.3.1 The Specifications and Standards referred to throughout this By-law and the accompanying Specifications may be adjusted by the Municipal Engineer in exceptional circumstances and in accordance with accepted engineering practices.

4.0 Definitions

For the purposes of this By-law, all words shall carry their customary meaning except for those defined as follows:

a) **Act** means the Municipal Government Act, Chapter 18 of the Acts of 1998, and amendments thereto.
b) **Agreement** means a contract between the subdivider and the Municipality which describes the responsibilities of each party with respect to the subdivision and servicing of land.
c) **Area of land** means any existing lot or parcel as described by its boundaries.
d) **Central sanitary sewer system (central sewer)** means an assembly of pipes, conduits and appurtenances (including manholes and lift stations) owned by the Municipality, which carries sanitary sewer to a treatment plant, of such design and installation as to satisfy the requirements of all agencies concerned both provincial and municipal.
e) **Central water distribution system (central water)** means an assembly of pipes, conduits and appurtenances which is designed to carry and distributes potable water for consumption and fire protection owned by the Municipality.
f) **Charge area** means an area in which infrastructure charges are to be levied which has been designated by this By-law.
g) **Council** means the Council of the West Hants Regional Municipality.
h) **Department of Environment** means the Nova Scotia Department of the Environment and Climate Change.
i) **Department of Public Works** means the Nova Scotia Department Public Works.
j) **Development Officer means** that person appointed by Council pursuant to the Municipal Government Act and having the power and duty to administer this By-law.
k) **Drainage plan** means a detailed plan of storm water runoff and the courses and channels of it, including floodplains, for one or more parts of an area of drainage for all lands tributary to, or carrying drainage from, land that is proposed to be subdivided.
l) **Engineer** means the engineer of the Municipality and includes a person acting under the supervision and direction of the engineer.
m) **Equivalent value** means cash or facilities, services or other value in kind related to parks, playgrounds, and similar public purposes or any combination thereof, determined by the Municipality to be equal to the value of the land required to be transferred to the Municipality for parkland purposes.
n) **Flag lot** means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole where the pole portion contains the required lot frontage. a lot with a foot at the end of the pole that meets the frontage requirement shall also be considered a flag lot.
o) **Frontage** means the lot frontage and shall be measured the same as required in the West Hants Regional Municipality Land Use By-law.

p) **Infrastructure charge** means a charge levied on a subdivider as a condition of subdivision approval within a charge area for the purpose of recovering capital costs associated with new or expanded infrastructure related to central water, wastewater and storm water systems, streets and intersections, traffic signs, signals and bus bays required to service the charge area, along with any costs associated with land acquisition, surveying, studies and legal services.

q) **Land Use By-law** means the West Hants Regional Municipality Land Use By-law.

r) **Lot** means any parcel to be created by the filing of a plan of subdivision.

s) **Manual** means the Municipal Services Specifications Manual for the West Hants Regional Municipality.

t) **Municipality** means the West Hants Regional Municipality.

u) **Municipal Planning Strategy** means the means the West Hants Regional Municipality Municipal Planning Strategy.

v) **Private road** means any road which:

w) is not public;

x) is shown on an approved plan of subdivision;

y) extends to and has access to a public street; and

z) where not totally located within the area of land being subdivided, has an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the Land Registration Office.

aa) **Professional engineer** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia who holds appropriate professional liability insurance.

bb) **Proposed lot** means any lot being proposed to be created by a plan, including a remainder lot.

cc) **Province** means his Majesty the King in right of the Province of Nova Scotia.

dd) **Public street** includes any street or road owned and maintained by the Municipality or the province; and

ee) **municipal public street** means any street or road owned and maintained by the Municipality; and

ff) **provincial public street** means any street or road owned and maintained by the Department of Public Works excluding designated controlled access highways pursuant to Section 21 of the Public Highways Act.

gg) **Registry of Deeds** means the office of the Registrar of Deeds for the County of Hants.

hh) **Remainder lot** means a lot for which subdivision approval is not requested or granted but which results from the approval of lots shown on a plan of subdivision.

ii) **Right-of-way easement** means an easement for right-of-way and access unrestricted in use extending to and having access to a public street, and where not totally located within the area of land proposed to be subdivided, the right-of-way easement shall be assignable and perpetual and clearly granted by deed or easement registered in the Land Registration Office for this Municipality, or declared to exist for the benefit of the land

proposed to be subdivided by order of a court of competent jurisdiction. and in either case the easement shall:

jj) if created or declared to have been created prior to August 6, 1984, have a minimum width of 9.84 ft (3m), or

kk) if created or declared to have been created on or after August 6, 1984, have a minimum width of 19.68 ft (6 m).

ll) **Sanitary sewer** means a pipe or conduit receiving and carrying liquid and water-carried wastes and to which storm, surface or groundwaters are not intentionally admitted.

mm) **Storm water system** means the courses and channels, including floodplains, which receive, carry and regulate flows in response to rain and snow including overland flows, sub-surface flows, groundwater flows and snow melt.

nn) **Subdivider** means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.

oo) **Subdivision** means the division of any area of land into two (2) or more parcels and includes a re-subdivision or a consolidation of two (2) or more parcels.

pp) **Surveyor** means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.

5.0 General Requirements for Applications

5.1 Application Form

5.1.1 Any application for approval of a concept, tentative or final plan of subdivision shall be made to the Development Officer in the form specified in Schedule A of this Subdivision By-law.

5.1.2 The Development Officer shall comply with all notification and approval provisions of the Act.

5.2 Review by Agencies

5.2.1 When the Development Officer is satisfied that the application and concept or tentative or final plan of subdivision are complete, the Development Officer, shall, where applicable, forward a copy of the concept or tentative or final plan of subdivision to:

a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot
b) is greater than 96,878.4 ft^2 (9000 m^2), has a width of 249.3 ft (76.0 m) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system; or
c) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in Subsection 5.2.1 a) (i);
d) in areas served by a central sewer, the authority having jurisdiction for central sewers;
e) any authority having jurisdiction for public streets within 1640.42 ft (500 m) of the boundaries of the proposed lots; and
f) any other agency of the Province or the municipality which the Development Officer deems necessary.

5.2.2 The Development Officer shall forward a copy of the concept plan and any supplementary information to appropriate agencies to evaluate the concept plan in terms of:

a) the design's consideration of topography, natural features, and other site constraints and restrictions;
b) the street layout, pedestrian routes, phasing sequence, and connections with existing and proposed transportation links on a local and regional scale;
c) the feasibility of servicing with applicable services, and the effect of the development on existing municipal services and the provision of future municipal services where applicable;
d) the new or expanded infrastructure which may be required by the subdivision;
e) public open space; and
f) any proposed community and commercial uses.

5.2.3 Where the Development Officer forwards the tentative or final plan of subdivision to the Department of Environment, the following additional information, if required by the Department of Environment, shall be part of, or included with, the tentative or final plan:

a) the lot layout including any existing and proposed building, on-site sewage disposal system, driveway, and water well;
b) the location of any watercourse, wetland, marine water body, and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway, or easement;
c) the surface slopes and directions;
d) the location of any test pit;
e) the proposed on-site sewage disposal system, selected or designed;
f) an explanation of the extent, volume, and type of usage to which the on-site sewage disposal system will be subjected;
g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
h) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.

5.2.4 For a proposed lot that is being divided from an existing area of land that contains an existing on-site sewage disposal system, and is more than 96,878.36 ft^2 (9,000 m^2) in area with a width of 249.34 ft (76 m) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

5.2.5 For a proposed lot 96,878.36 ft^2 (9,000 m^2) or less in area or with a width of less than 249.34 ft (76 m) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application form must be completed.

5.2.6 A plan of subdivision that shows a proposed lot referred to in Subsection 5.2.5 shall be forwarded to the Department of Environment for confirmation that the proposed lot does not require an on-site sewage disposal system.

5.3 Report by Agency

5.3.1 Any agency to which the Development Officer forwards the preliminary or concept or tentative or final plan of Subdivision pursuant to Section 5.2 shall provide a written report of their assessments and recommendations to the Development Officer.

5.3.2 The Development Officer may not refuse or withhold approval of a plan of subdivision based on the assessment or recommendations made by the Department of Environment, the Department of Public Works or of any other agency of the Province or the Municipality unless the final plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable requirements contained in a land use By-law of the Municipality.

5.4 Notification to Subdivider

5.4.1 The Development Officer shall notify the Subdivider in writing of the results of the evaluation of the preliminary or concept or tentative or final plan of Subdivision.

5.4.2 The Development Officer shall forward a copy of the approved tentative or final plan of subdivision to the subdivider and the surveyor.

5.4.3 The Development Officer shall forward a copy of the approved concept plan to the subdivider.

5.5 Notification of Refusal

5.5.1 Where the Development Officer refuses to approve a concept, tentative or final plan of subdivision, the Development Officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to Section 5.2.

5.5.2 Where the Development Officer refuses to approve a concept, tentative or final plan of subdivision, the Development Officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Act.

5.6 Fees

5.6.1 At the time of application for approval of a tentative plan of subdivision, the subdivider shall submit to the Development Officer:

a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan at the Land Registration Office; and
b) any processing fees set by Council.

5.6.2 Where the Development Officer refuses to approve a tentative or final plan of subdivision or a repeal of subdivision, the Development Officer shall return the referred to in Subsection 5.6.1 to the subdivider.

6.0 Lot Requirements

6.1 Abut Streets

6.1.1 All lots to be approved on a plan of subdivision shall abut:

a) a public street; or
b) a private road which was approved by the Engineer prior to the effective date of this By-law; or
c) in the General Resource (GR) zone of the Land Use By-law, a private road which meets the requirements of Sections 7.2.1 to 7.2.6 of this By-law; and
d) notwithstanding Subsections a), b), and c), in any agricultural zone of the Land Use By-law, an existing public street, pursuant to Policy 3.7.1.10 of the Municipal Planning Strategy.

6.1.2 For the purposes of access only, a portion of a 'K' Class road, with the permission of the Department of Public Works and subject to that department's up-grading policies, may be used, in conjunction with a private road, to gain access to a public road.

6.2 Agricultural Lands Special Requirement

6.2.1 Subdivision occurring within the boundaries of the Agricultural Priority Two (AG-2) Zone of the Land Use By-law shall be limited to the approval of two (2) lots per area of land during a calendar year.

6.2.2 Notwithstanding Subsection 6.2.1, this Section shall not prevent the consolidation of two (2) or more parcels within the boundaries of the Agricultural Priority Two (AG-2) Zone.

6.3 Land Use By-law

6.3.1 All lots for which approval is requested and the remainder lot, if any, for which no approval is requested, shall meet the applicable requirements contained in the Land Use By-law.

6.3.2 Subsections 6.1.1. (b), (c), Sections 6.4 (Variance 10%), 6.5 (Island lots), 6.7 (Right-of-way), 6.8 (Encroachments), and 6.9 (Main Building) are inoperative and do not apply unless the Land Use By-law permits development on any lot created pursuant to these Sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

6.4 Variance (10%)

6.4.1 Notwithstanding the lot area and frontage requirements of Subsection 6.3.1 (Land Use By-law) the Development Officer may approve a maximum of two (2) lots, shown on a plan of subdivision, in accordance with Section 279 of the Act provided all other requirements of this Subdivision By-law are met.

6.4.2 Subsection 6.4.1 does not apply if the area requirements established by the Department of Environment for the construction or installation of an on-site sewage disposal system are not met.

6.5 Island Lots Created

6.5.1 For the purposes of this Section, “water frontage” means the distance measured as a straight line between the two points where the side lot lines meet a watercourse, and “area of land” means any lot or parcel as described by its boundaries as they existed on August 6, 1984.

6.5.2 Notwithstanding Section 6.1 (Abut Streets) and the lot frontage requirements of Subsection 6.3.1 (Land Use By-law), the Development Officer may approve the subdivision from an area of land where:

a) the area of land is located on an island;
b) each lot to be approved has 19.68 ft (6 m) or more water frontage on a navigable waterway;
c) the subdivider provides a parking area measuring not less than 9.84 x 19.68 ft (3 x 6 m) for the exclusive use of each lot so subdivided and attached by deed to said lot;
d) the parking area is within 984.25 ft (300 m) of the navigable waterway, lake, or ocean on which the lots shown on the plan of subdivision abut;
e) the subdivider provides an easement for right-of-way and access, clearly granted by deed or easement and registered in the Land Registration Office, having a minimum width of 49.21 ft (15 m) extending from a public street or private road to the parking area and to the shoreline of the navigable watercourse where suitable boat launching facilities exist; and
f) the parking area and the boat launching facilities are clearly identified on the final plan of subdivision.

6.6 Boundary Alteration

6.6.1 Notwithstanding Section 6.1 (Abut Public Street), and the lot area and frontage requirements of Subsection 6.3.1 (Land Use By-law), the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:

a) no additional lots are created;
b) each resulting lot:
c) meets the minimum dimension for lot frontage of the Land Use By-law, or
d) has not had its frontage, if any, reduced;
e) each resulting lot:
f) meets the minimum requirement for lot area of the Land Use By-law, or
g) has not had its area reduced; and

6.6.2 Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Subsection 6.6.1 shall:

a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line; and

b) notwithstanding Subsection 16.1.3 (b), other than the new boundaries which have been surveyed pursuant to Subsection 6.6.2 (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and

c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the *Land Surveyors Act* and its regulations:

"**NOTE**: The only boundaries shown on this plan which have been surveyed are the boundaries of_____ . The common boundary between the existing areas of land identified by _____ and _____, which is shown by a heavy broken line, is hereby certified as having been the common boundary.
The remaining boundaries of resulting Lot_____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

6.7 Right-of-Way (Lots on)

6.7.1 For purposes of this Section, “area of land” means any lot or parcel as described by its boundaries as they existed on August 6, 1984 notwithstanding that the area of land has been subdivided subsequent to August 6, 1984 resulting in the creation of additional lots meeting the requirements of Section 6.1 (Abut Streets) and the lot frontage requirements of Subsection 6.3.1 (Land Use By-law). contained in the Land Use By-law.

6.7.2 One lot that does not meet the requirements of Section 6.1 and the lot frontage requirements of Subsection 6.3.1 (Land Use By-law) may be created within an area of land, provided the lot is served by a right-of-way easement as defined in Section 4 (cc), and provided no such lot has already been subdivided within the area of land.

6.7.3 Notwithstanding the limitation to one lot contained in Subsection 6.7.2, two lots may be created, including any remainder lot, where:

a) the area of land does not abut a public street or private road, provided that each lot is served by a right-of-way easement as defined in Section 4 (cc); or

b) the area of land has less than the frontage required by the Land Use By-law.

6.8 Encroachments

6.8.1 Notwithstanding the lot area and frontage requirements of Subsection 6.3.1 where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.

6.8.2 Where a lot created pursuant to Subsection 6.8.1 is not surveyed, the provisions of Subsection 6.6.2 (Boundary Alteration) shall apply.

6.9 Main Buildings on a Lot Before 6 August 1984

6.9.1 For purposes of Subsection 6.9.2, “main building” is a building which is not an accessory building to another building on the area of land.

6.9.2 Notwithstanding the lot area and frontage requirements of Subsection 6.3.1 (Land Use By-law), where an area of land contains more than one main building built or placed on the land prior to 6 August 1984, the Development Officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of Environment.

6.10 Minimum Lot Width and Depth

6.10.1 Lots shall not be subdivided to create a width or depth of less than 19.68 ft (6 m).

6.11 Rear Lot Lines

6.11.1 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.

6.12 Side Lot Lines

6.12.1 Wherever possible, side lot lines shall be substantially at right angles to a public street or private road, or radial to a curved public street or private road.

6.13 Flag Lots

6.13.1 Not more than three (3) irregular shaped flag lots which rely on a shallow “foot” abutting the street to meet the lot frontage requirement shall be created within an area of land.

7.0 Municipal Public Streets and Private Roads

7.1 General

7.1.1 There shall be not more than four public street or private road approaches, or any combination thereof, in an intersection.

a) a public street or private road in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public street or private road in the latter shall, if reasonably feasible, be laid out in prolongation of such public streets or private roads, unless it would be in violation of this By-law.

b) Where an area of land being subdivided abuts a vacant parcel, undeveloped remainder parcel or a parcel with a high likelihood of future infill development, redevelopment or intensification, the street layout of the proposed subdivision must provide for adequate future street and pedestrian connections to adjacent undeveloped or underdeveloped lands.

c) Where an area of land being subdivided includes or abuts land that contains a future street connection as identified on the Future Streets Conceptual Plan, the general layout of new streets in the proposed subdivision shall generally conform to the Future Streets Conceptual Plan. The location of such new streets is not required to be an exact match of the Future Streets Conceptual Plan, but must allow for, in the opinion of the Development Officer, the future continuation and completion of future street connections.

7.2 Private Roads

7.2.1 All proposed roads shall be:

a) shown on a final plan of subdivision;

b) designed in accordance with the design requirements for proposed private streets as contained in the Manual and the requirements of this Section, and the design approved by the Engineer.

7.2.2 Private road shall be constructed according to the construction requirements outlined in the Manual.

7.2.3 The intersection of a private road with a public street shall be approved by the authority having jurisdiction for the public street.

7.2.4 The minimum width of the right-of-way for a proposed private road shown on a subdivision plan shall conform to the standards outlined in the Manual.

7.2.5 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate from a professional engineer which shows compliance with the design and construction requirements of Subsection 7.2.1 and 7.2.2.

7.2.6 The specifications referred to in Subsection 7.2.1 and 7.2.2.may be waived or varied by the Engineer in accordance with accepted engineering practice.

7.2.7 A private road may be approved as a separate lot on a plan of subdivision and is deemed to meet minimum lot area and lot frontage requirements of Subsection 6.3.1.

7.2.8 Where the boundary of a private road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a dashed line.

7.2.9 No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of Subsection 6.3.1.

7.3 Public Streets

7.3.1 All proposed municipal public streets shall be:

a) shown on a final plan of subdivision;
b) designed in accordance with the Manual and the requirements of this Section;
c) constructed and paved in accordance with the Manual prior to approval of the final plan of subdivision by the Development Officer; and
d) approved by the Engineer prior to approval of the final plan of subdivision by the Development Officer.

7.3.2 The specifications referred to in Subsections 7.3.1 (b) and (c) may be waived or varied by the Engineer in accordance with accepted engineering practice.

7.3.3 The minimum width of the right-of-way of a proposed municipal public street shown on a plan of subdivision shall conform to the standards outlined in the Manual.

7.3.4 Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Department of Public Works.

7.3.5 A proposed lot which abuts a public street shall have adequate stopping sight distance approved by the authority having jurisdiction for the public street which will be accessed.

7.3.6 Where a plan of subdivision shows a proposed lot abutting an existing public street, the Department of Public Works or the Municipality, as the case may be, shall verify that the street is a public street.

7.3.7 A right-of-way access to adjacent property must be provided and conveyed to the Municipality. Where practical, these accesses shall be no greater than 1,312 ft (400 m) apart, except where this requirement would prejudice the proper subdivision of the land proposed to be subdivided or the adjacent land.

7.3.8 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate from a professional engineer which certifies that the public street has been constructed in compliance with the design and construction requirements of Subsections 7.3.1 (b) and (c).

7.3.9 The subdivider shall be responsible for the following:

a) arranging for complete testing of the installation of a street at various stages as required by the Manual; and
b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.

7.3.10 As an alternative to the complete construction and acceptance of a municipal public street as required by Subsections 7.3.1 to 7.3.9 and 11.3, the subdivider may, before approval of the final plan is given, enter into a written agreement with the Municipality in accordance with Subsection 11.1, and post a performance surety in accordance with Subsection 11.2.

8.0 Water Supply System

8.1 Central Water Supply Systems

8.1.1 Where a new public street is proposed, the subdivider shall, prior to approval of the final plan of subdivision by the Development Officer:

a) construct a water system including mains and laterals to the boundary of the proposed lots and connect to the central water system; and
b) all water systems required by Subsections 8.1.1 (a) shall be designed by a professional engineer and shall comply with the specifications contained in the Manual.

8.2 Accepted Engineering Practice

8.2.1 The specifications referred to in Subsections 8.1.1 (b) herein may be waived or varied by the Engineer in accordance with accepted engineering practice.

8.3 Engineer's Certificate of Compliance

8.3.1 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate to the Development Officer from a professional engineer which certifies that the developer has complied with the design and construction requirements of Subsections 8.1.1 (b) and Section 8.2.

8.4 Testing of Services

8.4.1 The Subdivider shall be responsible for the following:

a) arranging for complete testing of the installation of the water systems at various stages as required by the Manual; and
b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.

8.5 Alternative to Complete Construction

8.5.1 As an alternative to the complete construction and acceptance requirements for water system, as contained in Subsections 8.1, 8.2, 8.3 , 8.4 and 11.3, the subdivider may, before endorsement of approval of the final plan is given, enter into a written agreement with the Municipality as provided for in Subsection 11.1, and post a performance surety as provided for in Subsection 11.2.

9.0 Sewer Systems

9.1 Central Sanitary Sewer Systems

9.1.1 Where a new public street is proposed, the subdivider shall, prior to approval of the final plan of subdivision by the Development Officer:

a) construct a sanitary sewer system including collectors and laterals to the boundary of the proposed lots and connect to the existing central sanitary sewer system;
b) all sanitary sewer systems required by Subsection 9.1.1 (a) shall be designed by a professional engineer and shall comply with the specifications contained in the Manual.

9.2 Accepted Engineering Practice

9.2.1 The specifications referred to in Subsection 9.1.1 (b) herein may be waived or varied by the Engineer in accordance with accepted engineering practice.

9.3 Engineer's Certificate of Compliance

9.3.1 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate to the Development Officer from a professional engineer which certifies that the developer has complied with the design and construction requirements of Subsection 9.1.1 (b) and Section 9.2.

9.4 Testing of Services

9.4.1 The Subdivider shall be responsible for the following:

a) arranging for complete testing of the installation of the sewer systems at various stages as required by the Manual; and
b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.

9.5 Alternative to Complete Construction

9.5.1 As an alternative to the complete construction and acceptance requirements for sewer system, as contained in Subsections 9.1.1, 9.2, 9.3, 9.4 and 11.3, the subdivider may, before endorsement of approval of the final plan is given, enter into a written agreement with the Municipality as provided for in Subsection 11.1, and post a performance surety as provided for in Subsection 11.2.

10.0 Storm Water Drainage System

10.1 Storm Water Drainage System Design and Installation Requirements

10.1.1 The subdivider shall install a storm water system in conformance with a drainage plan, properly designed by a professional engineer, to remove any surface drainage that may enter the area being subdivided or be generated within the proposed subdivision, and to adequately dispose of the waters so as not to negatively affect any downstream properties. All drainage plans and storm drainage systems shall comply with the specifications contained in the Manual and other provincial or federal requirements.

10.2 Accepted Engineering Practice

10.2.1 The specifications referred to in Subsection 10.1.1 herein may be waived or varied by the Engineer in accordance with accepted engineering practice.

10.3 Engineer's Certificate of Compliance

10.3.1 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate to the Development Officer from a professional engineer which certifies that the developer has complied with the design and construction requirements of Subsections 10.1 and 10.2.

10.4 Testing of Services

10.4.1 The Subdivider shall be responsible for the following:

a) arranging for complete testing of the installation of the storm water drainage systems at various stages as required by the Manual; and
b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.

10.5 Alternative to Complete Construction

10.5.1 As an alternative to the complete construction and acceptance requirements for storm water drainage systems, as contained in Subsections 10.1, 10.2, 10.3, 10.4 and 11.3, the subdivider may, before endorsement of approval of the final plan is given, enter into a written agreement with the Municipality as provided for in Subsection 11.1, and post a performance surety as provided for in Subsection 11.2.

11.0 Construction of Services

11.1 Servicing Agreement

11.1.1 Where an agreement is entered into between the subdivider and the Municipality pursuant to Subsections 7.3.10, 8.5, 9.5 and 10.5, the agreement shall contain provisions satisfactory to the Municipality with respect to any or all of the following:

a) the time within which any construction of streets and services shall be commenced and completed;
b) the phasing of any construction of streets and services;
c) the acceptance of any streets and services by the Municipality;
d) the provision and acceptance of easements and rights-of-way; and
e) any other matter related to the requirements of this By-law and the Municipal Planning Strategy and Land Use By-law relative to the subdivision and servicing of land.

11.2 Performance Surety

11.2.1 Where a subdivider proposes to complete construction of any streets, sewer, or water services after receiving approval of any final plan of subdivision, the following shall be required:

a) the subdivider shall post a performance surety, satisfactory to the Municipality, in the amount of one hundred twenty five percent (125%) of the estimated cost to complete the streets and services;
b) the subdivider shall submit to the Development Officer for approval an estimate of costs, prepared by a Professional Engineer to complete the construction of the streets and services and the Development Officer may revise the estimate if it is, in the opinion of the Municipal Engineer, inadequate, and the decision of the Municipal Engineer shall be final. Such estimates shall include all construction related costs including but not limited to professional engineering contract management and site supervision and inspection of all construction and work;
c) the performance surety shall be posted before approval of any final plan of subdivision is given by the Development Officer;
d) the performance surety shall be in favour of the Municipality and may be in the form of cash, certified cheque or letter of credit, or bond issued by a bank, surety, or guarantee company licensed by the Province of Nova Scotia and conditional on the execution and completion of the agreement in accordance with terms of the agreement and the requirements of this By-law and shall not be subject to cancellation, termination, or expiration during the period of time for completion of the work;
e) where the performance surety is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Municipality and returned without interest to the subdivider upon completion of the work;

f) where the Engineer determines that the work is substantially complete, the Municipality may, in its sole discretion, return a portion of the performance surety, less any amount held back for deficiencies, prior to complete construction by the subdivider and acceptance by the Municipality; and

g) where construction of the proposed streets and services does not commence within twelve (12) months of the date of approval of the final plan of subdivision and according to the approved time schedule, the subdivider shall forfeit the performance surety.

11.3 Acceptance Requirements

11.3.1 Within thirty (30) days following completion of any public streets and services and prior to acceptance by the Municipality of any streets and services, the subdivider shall:

a) post a maintenance bond in accordance with the specifications of the Manual;

b) provide the reproducible record drawings of engineering design showing all the actual constructed systems including sanitary sewers, water systems, and storm drainage;

c) provide “as built” reproducible engineering design drawings in paper and digital formats for the street including plan and profile of streets drawn to the required scale and certified by a professional engineer;

d) provide the results of all test reports, and all operating and procedural manuals for each central water or central sewer system, demonstrating that the required streets and systems have been constructed and are operating according to the standards set out in this By-law and the Manual;

e) provide four (4) copies of the final plan of subdivision showing the municipal public streets and all drainage rights-of-way outlined in red, road reserves outlined in yellow, and easements outlined in green;

f) provide deeds, easements, or bills of sale to the Municipality, free of encumbrances, for streets, rights-of-way, easements, and services. All conveyances of real property and easements shall be by warranty deed or warranty easement, conveyances of services shall be by warranty bill of sale, and the subdivider shall provide to the Municipality from his or her legal counsel a solicitor’s certificate of title certifying that all property conveyed is free from all encumbrances. In the event that the conveyance is not free from encumbrances, an unqualified undertaking from the subdivider’s solicitor to release the encumbrances may be accepted by the Municipality;

g) pay all document registration and other costs associated with the requirements of Section 11.0; and

h) all completed forms required under the Land Registration Act to record documents at the Land Registration Office.

12.0 Infrastructure Charges

12.1.1 Before a final plan of subdivision is approved in the charge area, the subdivider shall pay an infrastructure charge to Council pursuant to the Schedule of Fees.

12.1.2 Final subdivision approval shall not be granted unless the infrastructure charge established under this By-law is paid or the subdivider has entered into an agreement with the Municipality deferring the payment of the infrastructure charge.

12.1.3 The Municipality and the subdivider may enter into an infrastructure charges agreement which may contain reasonable provisions with respect to any or all of the following:

i) the payment of infrastructure charges in installments;
j) the provision of security to ensure that the infrastructure charges are paid when due; or
k) any other matter necessary or desirable to effect the agreement.

12.1.4 Infrastructure charges shall not be payable if an infrastructure charge has been paid with respect to the area of land, unless further subdivision of the land will impose additional costs on the Municipality.

12.1.5 A charge paid pursuant to this By-law shall only be used for the purpose for which it has been collected.

12.1.6 A charge imposed pursuant to the By-law constitutes a lien upon the property with respect to which the charge has been levied in the same manner and with the same effect as rates and taxes under the *Assessment Act*.

13.0 Parkland Dedication

13.1 Dedication Required

13.1.1 Prior to approval by the Development Officer of the final plan of subdivision, the subdivider shall either:

a) transfer to the Municipality, free of encumbrances, for parks, playgrounds, and similar public purposes, an area of useable land within the area being subdivided equal to five percent (5%) of the area of the lots to be approved, as shown on the final plan of subdivision, exclusive of streets, easements, and the residue of the land of the subdivider; or

b) provide to the Municipality a sum of money equivalent to five percent (5%) of the market value, as determined by an Property Valuation Services Corporation or its successors, of the lots to be approved, as shown on the final plan of subdivision, exclusive of streets, easements, and the residue of the land of the subdivider; or

c) where the Council agrees, provide to the Municipality equivalent value, in any combination as determined by the Municipality; or

d) where the Council agrees, transfer to the Municipality, free of encumbrances, an area of useable land of equal value outside the area being subdivided but within the boundaries of the Municipality, in lieu of the land in the subdivision required to be transferred under Subsection 13.1.1 (a).

13.1.2 Where the area of land being subdivided has frontage on the ocean, a river or a lake, any land transferred in accordance with Subsection 13.1.1 (a) shall include either useable land with frontage on the ocean, river or lake or land suitable for public access to the ocean, river or lake.

13.2 Useable Land

13.2.1 For the purposes of Subsections 13.1.1 and 13.1.2, useable land shall be defined as land that:

a) has an average slope over the entire parcel of not more than fifteen percent (15%), provided that any part of the parcel with a slope of fifteen percent (15%) or more shall not exceed one-quarter (¼) of the area of the entire parcel;

b) consists of a parcel having an area of one-half (½) acre or more;

c) is serviced by central water and sewer systems, or is capable of supporting an on-site sewage disposal system, unless the parcel is intended for recreational purposes, such as linear walking or hiking trails, which do not require an on-site sewage disposal system or services;

d) is not a clearing and grubbing disposal area;

e) is not swampland or subject to flooding;

f) if used for a public park, shall be located with a minimum of 25 m of frontage on a public street.

g) Is desired by the Municipality to support its Parks and Open Space plan and goals
h) is not an electrical transmission corridor; and
i) where applicable, is able to meet the requirements for lot area and lot frontage contained in the Land Use By-law.

13.2.2 The criteria in Subsection 13.2.1 may be waived if the land to be transferred is considered unique by the Development Officer in that the parcel is:

a) land suitable for preservation as an interpretive natural reserve area based on the opinion of a qualified professional;
b) land of significant historical or archeological value to the Municipality;
c) land adjacent to parkland or open space owned by the Municipality;
d) land deemed by the Recreation Director for the Municipality to be required for recreational purposes; or
e) land located in the Water Supply (W) zone.

13.2.3 Any land to be conveyed to the Municipality other than that meeting the requirements of Subsection 13.2.2 shall abut a public road. Land to be conveyed to the Municipality pursuant to the requirements of Subsection 13.2.2 shall be accessible by a public street or by a public easement a minimum of 50 ft (15.24 m) in width and providing a connection to a public road.

13.3 Bond and Agreement

13.3.1 The subdivider may, with the approval of the Council, provide a bond or other security acceptable to the Council for the conveyance to the Municipality of land in a future phase of the subdivision rather than conveying land from the approved phase of the subdivision or equivalent value.

13.3.2 Where Council approves the use of a bond or other security under Subsection 13.3.1, the subdivider shall enter into a written agreement with the Municipality, which agreement may contain provisions satisfactory to the Municipality with respect to the time within which any land or equivalent value shall be transferred to the Municipality, the land which may be used to satisfy the requirements of this Part, and any other matter related to the public open space requirements of this By-law.

13.4 Certification of Title

13.4.1 Any conveyance of land to the Municipality under this Part shall be by warranty deed, and the subdivider shall provide to the Municipality from his or her legal counsel a solicitor's certificate of title certifying that all property conveyed is free from all encumbrances. In the event that the conveyance is not free from encumbrances, an unqualified undertaking from the subdivider's solicitor to release the encumbrances may be accepted by the Municipality.

13.5 Subdivider Responsible for Costs

13.5.1 The subdivider shall be responsible for all document registration and other costs associated with the requirements of this Section.

13.6 Provisions Applicable

13.6.1 Section 13.1 shall not apply:

a) to the consolidation or re-subdivision of land where no additional lots are created;
b) to the subdivision of land owned by the Municipality; or
c) where the lot being created has a dwelling situate thereon that was completed on or before January 1, 1979, and the remainder of the land owned by the subdivider also has a dwelling situate thereon that was completed prior to July 1, 1978.

14.0 Concept Plans of Subdivision

14.1 Concept Plan Requirements

14.1.1 Where an area of land is being subdivided in phases or will contain new public streets or private roads, a subdivider shall submit to the Development Officer ten (10) copies and one (1) digital copy of a concept plan of the entire area of land.

14.1.2 Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:

a) the words "Concept Plan" located in the title block, along with an estimated lot yield figure, based on the requirements of the Land Use By-law and the Department of the Environment, as applicable;
b) name of the property owner(s) and names of all abutting land owners;
c) the unique parcel identifier (PID) for all areas of land being subdivided;
d) the proposed internal street system with connections to existing streets;
e) the location of all watercourses and wetlands within and adjacent to the area of land, any prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of central sanitary sewer systems, storm water systems, central water distribution systems, or public streets and private roads;
f) the proposed location of public open space;
g) the location of existing development, if any;
h) the location of any municipal service boundary;
i) the proposed subdivision phasing sequence;
j) the north point;
k) contours at 16.40 ft (5 m) intervals; and
l) any other information the Development Officer deems necessary to determine if the subdivision meets with municipal standards and accepted engineering practice as determined by the Engineer.

14.1.3 The concept plan shall be accompanied by a traffic impact study, prepared by a qualified traffic or transportation engineer registered with the Association of Professional Engineers of Nova Scotia in accordance with the Department of Public Works' Guide for the Preparation of Traffic Impact Studies.

14.1.4 Approval of a concept plan lapses if a complete application for tentative or final subdivision plan approval is not received within two (2) years of the date of approval of the concept plan.

14.1.5 Where a concept plan is required under this By-law:

a) no tentative or final plan of subdivision shall be considered for approval unless the Development Officer has granted approval of the concept plan; and

b) no tentative or final plan of subdivision shall be approved that is inconsistent with the approved concept plan.

14.2 Concept Plan Procedure

14.2.1 The procedure for processing Concept plans of subdivision is contained in Section 6: General Requirements for Applications.

14.2.2 The following information shall be stamped or written and completed by the Development Officer on any concept plan which is approved:

a) "This concept plan is approved. Such approval lapses if a tentative or final subdivision plan is not submitted for approval within two (2) years of the date of approval of the concept plan."
b) the date of the approval of the concept plan; and
c) "This concept plan shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office"

15.0 Tentative Plans of Subdivision

15.1 Tentative Plan Requirements

15.1.1 A person proposing to subdivide an area of land may submit to the Development Officer ten (10) copies and one (1) digital copy of a tentative plan for the proposed subdivision meeting the requirements of Subsection 15.1.2, 15.1.3 and 15.1.4 of this By-law.

15.1.2 Tentative plans of subdivision submitted to the Development Officer shall be:

a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
c) folded to approximately 8x12 in (20x30 cm) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.

15.1.3 Tentative plans of subdivision shall show the following:

a) the words "Plan of Subdivision" located in the title block;
b) the words "Tentative Plan" located above the title block;
c) a clear space for stamping being a minimum of 36 in^2 (225 cm^2) with a minimum width of 3 in (8 cm);
d) the name of the subdivision, if any, and the name of the owner of the area of land;
e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office for this Municipality;
f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
g) the civic number of main buildings on the area of land being subdivided;
h) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
i) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
j) the shape, dimensions, and area of the proposed lots;
k) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
l) no duplication of lot identifiers;
m) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated, or both, shown as broken lines;
n) the location of existing buildings within 32.81 ft (10 m) of a property boundary;

o) the location of existing and proposed public streets and private roads;
p) the name of existing and proposed public streets (and the public street number) and private roads, as issued pursuant to the civic addressing system;
q) the width and location of railroads and railway rights-of way;
r) the general location of watercourses, wetlands, or prominent rock formations;
s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
t) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
u) the north point;
v) the scale to which the plan of subdivision is drawn;
w) the date on which the plan of subdivision was drawn and the date of any revisions; and
x) any other information which the Development Officer deems necessary to determine whether or not the plan of subdivision conforms to this By-law.

15.1.4 Where the tentative plan of subdivision is to be forwarded to the Department of Environment, the plan shall meet the requirements of Subsections 5.2.3, 5.2.4 and 5.2.5 the proposed on-site sewage disposal system, selected or designed shall be identified.

15.1.5 In addition to meeting the requirements of Subsection 15.1.2, 15.1.3 and 15.1.4, where the proposed lots front on a proposed public street or proposed private road, a tentative plan of subdivision shall:

a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Land Surveyors Act and its regulations;
b) be accompanied by four (4) copies and a digital copy of a plan showing
c) contours at 6.56 ft (2 m) intervals, and drainage patterns;
d) the width and location of proposed public streets and private roads, and their intersection with existing public streets; and
e) the location of existing and proposed central sewer and water systems and proposed connections thereto; and
f) be accompanied by four (4) copies and a digital copy of centerline profiles of proposed public streets or private roads;
g) be accompanied by four (4) copies and a digital copy of a storm drainage plan applying acceptable engineering practices for the proper removal of surface drainage from the proposed subdivision and in compliance with Subsection 10.1;
h) be accompanied by any other information which the Development Officer deems necessary to determine whether the plans referred to in Subsections 15.1.5 (b), (c), and (d) conform to this By-law.
i) Where plans or drawings or centerline profiles are prepared by or under the supervision of a professional engineer, they shall be signed and sealed by the professional engineer in accordance with the *Engineering Profession Act*.

15.2 Tentative Plan Procedure

15.2.1 The procedure for processing tentative plans of subdivision is contained in Section 6: General Requirements for Applications.

15.2.2 The following information shall be stamped or written and completed by the Development Officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage:

a) "This tentative plan of subdivision is approved for Lots _____. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two (2) years of the date of the approval of the tentative plan.";
b) the date of the approval of the tentative plan; and
c) "This tentative plan of subdivision shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office."

16.0 Final Plans of Subdivision

16.1 Final Plan Requirements

16.1.1 A subdivider proposing to subdivide an area of land shall submit an application in the form specified in Schedule "A" of this By-law together with fourteen (14) copies and one (1) digital copy of the final plan of subdivision meeting the requirements of Subsections 16.1.3 and 16.1.4 of this By-law to the Development Officer for approval.

16.1.2 A final plan of subdivision submitted for approval shall be accompanied by any security or bonds required to be posted under this By-law.

16.1.3 Final plans of subdivision submitted to the Development Officer shall be:

a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;
b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant to **Subsection 6.6.2** of this By-law; and
c) folded to approximately 8 x 12 in (20 x 30 cm) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.

16.1.4 Final plans of subdivision shall meet the requirements of Subsections 15.1.3, 15.1.4 and 15.1.5, except that:

a) Subsection 15.1.3 (b) does not apply;
b) proposed streets and roads shall be surveyed; and
c) the geographical and mathematical location of all buildings within 9.8 ft (3 m) of a proposed boundary shall be shown.

16.1.5 For a proposed lot that will have access to a provincial public highway, the final plan of subdivision may be accompanied by or show stopping sight distances information in the form specified in Schedule "E" completed by a Nova Scotia Land Surveyor or the authority having jurisdiction.

16.2 Final Plan Procedure

16.2.1 The procedure for processing final plans of subdivision is contained in Section 5: General Requirements for Applications.

16.2.2 Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships, the Development Officer shall be provided with:

a) the executed deeds suitable for registering to effect the addition or consolidation;
b) the fees for registering the deeds;

c) the affidavit of value including particulars of any exemption, if any, pursuant to Part V of the Act;
d) where applicable, the deed transfer tax; and
e) all completed forms required under the Land Registration Act to record documents at the Land Registration Office

16.2.3 A final plan of subdivision showing lots to be approved under circumstances described in Subsection 287(3) of the Act by special note on the plan shall:

a) identify such lots;
b) state the names of the grantor and the grantee of such lots; and
c) state the date, book and page number of the conveyance of such lots as recorded in the Land Registration Office.

16.2.4 The following information shall be stamped or written and completed by the Development Officer on any final plan of subdivision which is approved:

a) "This final plan of subdivision is approved for Lots _____";
b) where applicable,
c) "_____ (is,are) suitable for the
(lot(s) approved and/or remainder)
construction or installation of an on-site sewage disposal system for
_____ and any conditions
(proposed use)
which apply are contained in a report dated _____ and available from the Department of the Environment.", or
d) "IMPORTANT NOTICE
_____ (has, have) been created for a
(lot(s) approved and/or remainder)
purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of the Environment are met."; or
e) _____ (is, are) served by an existing
(lot(s) approved and/or remainder)
on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of the Environment is required".
f) where applicable,
g) a notation stating that access to the public street as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated _____, available from the authority having jurisdiction for public streets;

h) where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted; and

i) where there are private roads which are not to be owned and maintained by the Department of Public Works or the Municipality, the words "The following private roads are not owned or maintained by the Department of Public Works or the Municipality and are not entitled to any provincial or municipal services including grading, ditching, snow plowing, gravelling, school busing, and garbage collection:

_____
_____".

16.2.5 Within seven (7) days of approving the plan, the Development Officer shall forward to the Land Registration Office:

a) five (5) approved copies of the final plan of subdivision and a notice of approval in the form specified in Schedule "B" of this By-law; and

b) if applicable, the items required by Subsection 16.2.2 of this By-law.

17.0 Repeal of a Plan of Subdivision

17.1 Repeal of Any or All Lots Approved Application

17.1.1 Where a plan of subdivision has been approved, the approval may be repealed for any or all the lots created by the plan of subdivision.

17.1.2 Any person requesting the appeal of a plan of subdivision shall submit to the Development Officer an application in the form specified in Schedule "C".

17.2 Notification and Approval

17.2.1 The notification and approval provisions of the Act which apply to the approval of a plan of subdivision shall also apply to a repeal.

17.2.2 Notwithstanding Subsection 17.2.1, the notification and approval provisions of the Act do not apply to a repeal respecting a plan of subdivision to consolidate two (2) or more parcels for which no deed to effect the consolidation has been registered in the Land Registration Office, provided that the applicant certifies that to the applicant's knowledge no deed to effect the consolidation exists.

17.3 Agency Assessments

17.3.1 When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.

17.4 Buildings on Subject Lands

17.4.1 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land use By-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.

17.5 Provisions Applicable

17.5.1 Sections 5 to 16 inclusive of this By-law do not apply to the repeal of a plan of subdivision.

17.6 Repeal to Land Registration Office, Copy to Subdivider and Review Agencies

17.6.1 The Development Officer shall forward the repeal in the form specified in Schedule "D" to:

a) the Land Registration Office;
b) the subdivider; and

c) any agency who provided an assessment or recommendations on the original plan of subdivision.

17.7 Fees

17.7.1 At the time of application for the repeal of a subdivision, the subdivider shall submit to the Development Officer:

a) the fees contained in the Costs and Fees Act, and its regulations for registering a repeal of a plan of subdivision; and
b) the processing fee set by the Council.

17.7.2 Where the Development Officer refuses to repeal a subdivision, the Development Officer shall return the fees referred to in Subsection 17.7.1 (a) to the subdivider.

17.8 Notice of Refusal to Review Agencies

17.8.1 Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to Subsection 17.7.2.

Schedule "A" – Application for Subdivision Approval

SUBDIVISION AREA: Municipality of West Hants	**APPLICATION TYPE:** ☐Preliminary ☐Concept ☐Tentative ☐Final
NAME OF SUBDIVISION:	**APPROVAL REQUESTED FOR LOT #'s:**
LOCATION:	**NO. AND TYPE OF EXISTING BUILDINGS:**
PRESENT USE OF SITE:	**PROPOSED USE OF SITE:**
SIZE OF PARCEL TO BE APPROVED:	**SIZE OF REMAINING PARCEL:**

PROPERTY OWNER(S):	**MAILING ADDRESS:**	**PHONE:**
APPLICANT:	**MAILING ADDRESS:**	**PHONE:**
CORRESPONDENCE AND PLANS SHOULD BE SENT TO: ☐ OWNER ☐ APPLICANT ☐ OTHER (specify)		
NAME:	**MAILING ADDRESS:**	**TELEPHONE NUMBER:**

WATER SERVICES: Existing Proposed Central System ☐ ☐ Drilled Well ☐ ☐ Dug Well ☐ ☐ Other: _____	**SEWER SERVICES:** Existing Proposed Central System ☐ ☐ On-site ☐ ☐ Other: _____	**ACCESS:** Existing Proposed Public Road ☐ ☐ Private Road ☐ ☐ Right of Way ☐ ☐ Other: _____

Has the property been tested by a qualified person for the installation of an on-site sewage disposal system? Yes ☐ No ☐

If yes, please specify name of qualified person
_____

CERTIFICATION - ON-SITE NOT REQUIRED (unserviced areas)

I certify that _____ (is, are) being subdivided for a purpose
(_____
(Lot(s) being approved and/or remainder lot)
(Specify purpose)
which will not require the installation of an on-site sewage disposal system.

SIGNATURE:_____

Declaration: **I CERTIFY THAT I AM THE OWNER OR AM ACTING WITH THE OWNERS WRITTEN CONSENT**.

Signature of Applicant(s): _____ Date: _____

_____

_____

SPACE BELOW FOR OFFICE USE ONLY			
Plan Received:	Application Complete:		Plans Approved:
Plans Reviewed By:			***Land Registry Use***
Sent		**Received**	***S/D Plan#***
	Department of Transportation		***Voluntary Registration*** ☐ Yes ☐ No
	Department of Environment		
	Public Works Department		***Affidavit of Family Gifting attached*** ☐ Yes ☐ No
	Assessment		
	Registration Fee		Previous Subdivision Approval ☐ Yes ☐ No
	5% Open Space Fee		
	LIMS		Previous Plan Number:
	GIS Technician		Zone:
	West Hants Finance		PID:
	Canada Post		

Schedule "B" – Notice of Approval

NOTICE OF APPROVAL
IN ACCORDANCE WITH SECTION 285(1)(3) OF
THE *MUNICIPAL GOVERNMENT ACT*

Name of Owner(s): _____

West Hants Plan: _____

Name of Subdivision:_____

Location:_____

Date of Approval:_____ For:_____

Surveyor:_____ Date of Plan: _____

Dated this _____day of _____, _____.

_____
Development Officer

Plan of subdivision filed in the Registry of Deeds as Plan # _____

Dated this _____day of _____, _____.

This plan of subdivision also contains information regarding the lots approved on the plan with respect to one or more of the following:

1. The lot's eligibility for on-site sewage disposal systems.
2. The availability of public sewer and water systems.
3. Information indicating whether or not the lots abut a public street or highway.

Schedule "C" – Application for Repeal of a Subdivision

Plan of Subdivision ☐ File Number: _____

APPLICANT INFORMATION

Name of Land Owner(s):_____ Phone: _____

Address of Land Owner(s):_____ Postal Code:_____

Documents to be returned to: _____

Correspondence to be directed to _____

INFORMATION ON THE SUBDIVISION SOUGHT TO BE REPEALED

Name of applicant for subdivision approval: _____

Location: _____ Municipality: _____

The subdivision was approved on the _____ day of _____,_____

and is filed in the Registry of Deeds at _____ in the Municipality of

_____ the County of _____ As # _____

Lot(s) # _____ was/were approved and

repeal is sought for approval of Lot(s) # _____

☐ Registration fee submitted.

CERTIFICATION OF FACTS (Reasons For Repeal)

(If more space is required, attach additional sheet)

OWNER'S CERTIFICATE

I certify that the information in this application is true and complete, that I am applying for repeal of this subdivision with full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

_____ _____

Signature of owner/agent Date

_____ _____

Co-Signer Date

Schedule "D" – Repeal of a Subdivision

Plan of Subdivision ☐

Name of Owner(s): _____

Name of Subdivision: _____

Location: _____

Date of Approval of the Subdivision: _____

Being Registration #: _____at the Registry of Deeds.

THIS SUBDIVISION IS REPEALED

Entire Plan ☐ or Only Lots #: _____

Dated at _____ in the _____, Province of Nova

Scotia, this _____day of _____, _____.

_____

Development Officer

Please note: Any lots or parcel created by this repeal may not be eligible for development.

Schedule "E" – Stopping Sight Distances

STOPPING SIGHT DISTANCES								
Lot No.	Distance From Lot Corner Left/Right	Speed Zone	Left		Right		Pass Or Fail	Comment
			Grade	Distance	Grade	Distance		

Attachment 5

Summary of Engagement-January 2026:

Drafts we posted online in January 2026 for public review and comment. Staff receive email correspondence as well as requests for one-on-one meetings to discuss the draft documents. Information and feedback from this engagement period is summarized below.

Comments
Protection of surface water and groundwater resources. Concerns regarding resource extraction and on-going drought conditions impacting groundwater quality and quantity. Comments regarding the protection of groundwater resources have been brought up throughout the process. While the protection of municipal source water resources, there is currently limited policy options for the protection of ground water resources at the municipal level. Ground water resources and the provision of well water is governed by the Province. There have been on-going conversations at the staff level on how the municipality may better respond to and adapt to drought conditions, particularly within the rural/unserviced areas which could result in future policy work and amendments.
Request for more stringent requirements for development under view planes as well as comments on how view planes may impact development opportunities. Comments were taken into consideration in conjunction with feedback from the Planning and Heritage Advisory Committee resulting in updates to a policy section.
Comments and feedback regarding agricultural lands and livestock provisions. Updates were made based on feedback and conversations with the West Hants Federation of Agriculture.
Nova Scotia Public Health provided comments regarding the environment and climate resilience section which support the development of healthy and complete communities. They suggested considering policies to further support growth and density in and towards Growth Centres and away from rural areas where there are limited services to encourage healthy, accessible and complete communities and ensuring sustainable growth. They also provided comments and feedback on language throughout the document that has been considered by staff.
General questions, comments and discussions around the proposed planning documents including, but not limited to: • The inclusion of different parcels within growth centres as well as site specific rezoning requests; • Questions about servicing and taxation; • Comments and questions around provisions for underground ground works; and • Comments around clarification of draft policies and land use by-law wording and references.

9.0 File Updates

Staff Review

9.1 File #24-22 Development Agreement: 411 King Street, Windsor Phase 2 (Alex Dunphy)

This is a development agreement application for Phase 2 of the residential development at 411 King Street, Windsor. The first phase is already approved and is for 18 stacked townhouse units on the site of the old Baptist church. The second phase is a 7-storey, 60-unit apartment building on the land behind the church. The Public Information Meeting was held on November 6, 2024. Alex is processing feedback from inquires and working with the developer to address that feedback before he brings this file forward to the PAC/HAC.

9.2 File #25-23 Development Agreement: PID 45003266, Three Mile Plains (Alex Dunphy)

This is a development agreement application to permit 150 dwelling units across three multi-unit buildings on the south part of the lot. The Public Information Meeting was held on October 8, 2025, with 25 members of public in attendance. Several comments were made about stormwater, flooding, infrastructure capacity and traffic impact. Staff are processing the feedback from the public and working with the developer on the draft development agreement to address the concerns raised from public correspondence.

9.3 File #26-04 Rezoning: PID 45430253 New Ross Road, Leminster (Will Hong)

This is an application to rezone the subject property from General Resource (GR) to Resource Industrial (M-1) to permit a used car dealership in conjunction with a single-unit dwelling. The Public Information Meeting for this application was held on April 9, 2026. There were 8 members of the public in attendance. The comment period was open until April 23, 2026. Staff are working with the property owner to review the concerns raised from public correspondence and exploring options to convert this application from rezoning to a development agreement to address site-specific concerns.

9.4 File #25-27 Development Agreement: 185 Panuke Rd, Three Mile Plains (Will Hong)

This is a development agreement application to permit a self-storage facility in conjunction with an existing single-unit dwelling on the subject property. The Public Information Meeting for this application was held on March 12, 2026. Four members of the public were in attendance, with three giving comments. The public comment period was open until March 26, 2026. Staff have shared the comments received with the applicant, who subsequently chose to withdraw the application. No further action would be taken on that proposal, and the file is closed.

First Readings / Public Hearings

9.5 File #26-03 Amendments to Planning Documents: Building Permits Prior to Final Subdivision Approval (Derek Robertson)

This application was directed by the CAO based on conversations with local developers. The amendments would allow building and development permits to be issued prior to final subdivision approval, for developments that have already received tentative subdivision approval. The amendments would be general in nature and apply to the whole region and are intended to improve construction timelines for subdivisions on new streets. The Public Information Meeting was held on March 19, 2026, and no public feedback was received. The PAC/HAC voted in favour of this application on May 14, 2026, and Council held First Reading on May 26, 2026. Public Hearing and Second Reading are expected to be held on June 23, 2026.

Appeals

9.6 File #25-18 Development Agreement: Bear Lake Wind Farm Revised (Kari Fougere)

This is a development agreement application to permit 7 wind turbines in the Vaughan/Upper Vaughan area. This application was previously submitted under previous MPS policy and withdrawn; the applicants have resubmitted a new, revised, application to be considered under new MPS Policy. The Public Information Meeting was held on May 21, 2025, and several members of the public were in attendance. All comments received at the meeting and during the comment period were included in the staff report. PAC/HAC considered this item on July 10, 2025, where the majority voted in favour of this application. The Committee made a separate motion with additional items for Council to consider. First Reading was held on July 22, 2025, and Public Hearing and Second Reading were held on September 23, 2025. Council did not vote in favour of this application. The applicant appealed Council's decision and staff worked with a lawyer and the Nova Scotia Regulatory and Appeals Board (NSRAB) on the appeal process. The Appeal Hearing was held on January 28, 2026. As of May 26, 2026, the NSRAB has made its decision and ordered WHRM to approve the development agreement as recommended in the staff report to PAC/HAC dated September 23, 2025, including the requirement that the egress road be gated.

ACTIVITY REPORT

For Month of May 2026-05-31

	May 2025			*May 2026*		
Type	**Permits**	**Units**	**Value of Construction**	**Permits**	**Units**	**Value of Construction**
Single Family	47	24	5,529,040	41	10	2,932,469
Duplex/Semi	0	0	0	0	0	0
Apartments	0	0	0	0	0	0
Other Residential	0	0	0	0	0	0
Commercial	1	0	3,500	4	0	80,000
Industrial	0	0	0	1	0	2,688,945
Inst & Gov	1	0	5,985	0	0	0
Agriculture	3	0	455,000	1	0	90,000
Other	0	0	0	0	0	0
Total	52	24	5,993,525	47	10	5,791,414
Year To Date	162	96	105,495,914	162	82	24,429,008

Demolition	4	2		6	2	
Sign Permits	1			1		
Sub Applications	2	2	(Lots Requested)	9	10	(Lots Requested)