



MUNICIPALITY OF THE DISTRICT
OF WEST HANTS
MUNICIPAL PLANNING STRATEGY

Approved by Council:
Effective Date:

May 13, 2008
June 26, 2008

TABLE OF CONTENTS

1.0	PREAMBLE	1
1.1	Plan Area	1
1.2	Scope	1
1.3	Planning Background	1
1.4	Windsor-West Hants Joint Planning	2
1.5	Public Participation	2
1.6	Regard by Other Agencies	2
2.0	BACKGROUND	3
2.1	Context	3
2.2	Population	3
2.3	General Issues and Challenges	4
3.0	DEVELOPMENT VISION AND GOALS	5
3.1	Vision	5
3.2	General Goals	5
3.3	Growth Centres	6
3.3.1	<i>Three Mile Plains</i>	6
3.3.2	<i>Falmouth</i>	6
3.4	Village	7
3.4.1	<i>Brooklyn</i>	7
3.5	Hamlets	7
3.6	Resource Designations	8
3.6.1	<i>Agriculture</i>	9
3.6.2	<i>Resource</i>	9
3.7	Joint Industrial Park	10
4.0	GENERAL LAND USE POLICIES	11
4.1	Accessory Uses	11
4.2	Automobile Service Stations	11
4.3	Commercial Development	11
4.4	Development on Municipally-owned Land	12
4.5	Existing Buildings Exceeding Floor Area Limit in Hamlet and Resource Designations	12
4.6	Existing Undersized Lots	13
4.7	Home-based Businesses	13
4.8	Household Livestock	14
4.9	Housing	15
4.10	Kennels	15
4.11	Landscaping	16
4.12	Lighting	16
4.13	Manufactured Home Parks	16
4.14	Municipal/Town Boundary	17
4.15	One Main Building on a Lot	17
4.16	Open Storage	18
4.17	Parking	18
4.18	Signage	18
4.19	Temporary and Special Uses	19
4.20	Utilities and Telecommunication Towers	20
4.21	Watercourses	20

4.22	Wind Turbines	21
5.0	GROWTH CENTRE	23
5.1	General Policies	23
5.2	Residential Development—General	24
5.3	Three Mile Plains Growth Centre—Residential Policies	25
	<i>Single Unit Residential</i>	25
	<i>Two Unit Residential</i>	26
	<i>Multiple Unit Residential</i>	26
	<i>Manufactured Home Parks</i>	28
	<i>Grouped Dwellings</i>	29
5.4	Falmouth Growth Centre—Residential Policies	30
	<i>Single Unit Residential</i>	30
	<i>Two Unit Residential</i>	31
	<i>Multiple Unit Residential</i>	31
	<i>Grouped Dwellings</i>	33
	<i>Manufactured Homes</i>	33
5.5	Commercial Core Development	34
	<i>General Commercial</i>	36
	<i>Highway Commercial</i>	37
	<i>Regional Shopping Centres</i>	37
	<i>Large Format Retail Stores</i>	39
5.6	Commercial Development Outside the Commercial Core	40
	<i>Local Commercial</i>	40
	<i>Recreation Commercial</i>	41
5.7	Industrial Development	42
	<i>Resource Industrial</i>	42
	<i>Local Industrial</i>	43
5.8	Institutional Development	44
5.9	Agriculture	44
6.0	VILLAGE	46
6.1	Brooklyn	46
6.2	Residential Development	47
6.3	Village Core	49
6.4	Commercial Uses Outside the Village Core	50
6.5	Industrial	51
6.6	Institutional	52
6.7	Recreation Commercial	52
6.8	Agriculture	52
7.0	HAMLET	54
7.1	Residential Development	56
7.2	Commercial and Industrial Development	57
7.3	Institutional Development	59
7.5	Agriculture	59
8.0	AGRICULTURE	61
8.1	Introduction	61
8.2	General Policies	62
8.3	New Roads	63
8.4	Removal of Topsoil	64
8.5	Livestock Operations	64

8.6	Determination of Agricultural Capability	65
8.7	Agriculture Zones	66
8.8	Prime Agriculture Zone	67
	<i>Non-Farm Development</i>	67
	<i>Subdivision</i>	69
8.9	Agricultural Priority Two Zone	69
	<i>Non-Farm Development</i>	70
	<i>Subdivision</i>	71
8.10	Agricultural Priority Three Zone	72
	<i>Non-Farm Development in Growth Centres, Village and Hamlets</i>	72
	<i>Non-Farm Development in Agriculture Designation</i>	72
8.11	On-Farm Businesses	74
9.0	RESOURCE	77
9.1	General Resource	77
	<i>Commercial and Industrial Development</i>	78
	<i>Private Roads</i>	80
	<i>Grouped Dwellings</i>	80
	<i>Resort Development</i>	82
9.2	Mineral Resource	84
9.3	Water Supply	85
10.0	MUNICIPAL LANDFILL	89
11.0	INDUSTRIAL PARK	90
11.1	Joint Industrial Park	90
	<i>Joint Industrial Type Two</i>	90
	<i>Joint Industrial Type Three</i>	91
	<i>Joint Industrial Park Expansion</i>	91
11.2	Future Industrial Park	91
12.0	ENVIRONMENTAL CONSTRAINTS	93
12.1	Dykeland Areas	93
12.2	Geologic Constraints	96
13.0	COMMUNITY USE	97
13.1	Institutional	97
13.2	Open Space	98
13.3	Recreation Commercial	99
14.0	TRANSPORTATION	102
14.1	Regional Roads	102
14.2	Arterial Streets	102
14.3	Collector Streets	103
14.4	Local Streets	103
14.5	Private Roads	104
14.6	Traffic Impact Studies	104
15.0	MUNICIPAL SERVICES	106
15.1	Water and Sewer	106
15.2	Solid Waste	107
15.3	Fire	107
15.4	Police	108

16.0	IMPLEMENTATION	109
16.1	Municipal Planning Strategy Amendments and Review	109
16.2	Land Use By-law	109
16.3	Land Use By-law Amendments and Development Agreements	110
16.4	Subdivision Control	112
16.5	Infrastructure Charges	113
16.6	Capital Improvement Program	114
16.7	Guidance for Variances	114
16.8	Non-conforming Uses and Structures	114
16.9	Development Officer	116
16.10	Recovery of Expenses	116
16.11	Repeal of Strategy	117

1.0 PREAMBLE

1.1 Plan Area

The Municipality of the District of West Hants (“West Hants”) is the area covered by this Municipal Planning Strategy.

1.2 Scope

The Municipal Planning Strategy provides the framework to guide growth and development in West Hants. The Strategy sets out Council's intentions for future development and provides criteria for Council and planning staff to consider in evaluating development proposals. Together with the Land Use By-law and the Subdivision By-law, the Municipal Planning Strategy controls future land use and development in West Hants. The Strategy may be amended to accommodate changing conditions and must be reviewed from time to time to ensure that the policies meet the changing needs of the Municipality.

This document and the maps listed below make up the Municipality of the District of West Hants Municipal Planning Strategy:

- a) Map 1 - Generalized Future Land Use Map; and
- b) Map 2 - Transportation Map.

1.3 Planning Background

In 1970, West Hants and the Town of Windsor formed the Windsor-West Hants Joint Planning Advisory Committee. Full-time planning staff were hired in 1973 to prepare planning documents for both the Town and Municipality. West Hants has had four distinct Municipal Planning Strategies covering Falmouth, Upper Falmouth, Area One and Areas Two and Three.

Planning Strategy	Main Focus	Original Document	Most Recent
Upper Falmouth	Protect agricultural land	1989	April 11, 1989
Falmouth	Develop and control residential growth while preserving rural atmosphere	1976	December 22, 1986
Area 1	Protect resource land by directing non-rural development to Growth Centre, Village and Hamlets	1982	December 16, 1991
Areas 2 and 3	Protect water resources and prevent undesirable land uses	1991	November 24, 1994

This review of all four documents, under the *Municipal Government Act*, was started in October, 2001. In general, the purpose of this Municipal Planning Strategy and Land Use By-law review is to:

- (a) combine the four existing planning documents into one comprehensive Municipal Planning

Strategy and Land Use By-law;

- (b) determine the appropriateness of existing policies;
- (c) delete policies that are no longer relevant;
- (d) add or amend existing policies in a manner that will update the Strategy and Land Use By-law to reflect existing circumstances and changing community needs; and
- (e) assure compliance with Provincial legislation and policy.

This document is the result of the review process and incorporates additions or amendments recommended during the review.

1.4 Windsor-West Hants Joint Planning

The Planning Advisory Committees of West Hants and Windsor together constitute the Windsor-West Hants Joint Planning Advisory Committee (JPAC). The JPAC reviews planning issues and development proposals which will have a regional impact and any amendments to the policies and/or zone requirements for the Windsor-West Hants Joint Industrial Park. The review of the West Hants Municipal Planning Strategies and supporting Land Use By-laws was undertaken in conjunction with the review of the planning documents for Windsor. The policies of each unit's Municipal Planning Strategy are intended to complement those of the other unit.

1.5 Public Participation

The West Hants Planning Advisory Committee adopted a comprehensive program of seeking public opinion and participation prior to planning policies being finalized. The program involved a household survey and meetings with the general public, community organizations and interested citizens. The Committee also met with land developers and agricultural producers to gain insight into the special concerns of these interest groups. In addition, a small working group of area farmers met with planning staff over a number of months to assist in developing agricultural policies. Residential density and servicing issues in Falmouth were explored at a special planning charrette in that community in 2005. Two rounds of public information meetings were staged in seven West Hants communities—in 2002 and again in 2007.

Future amendments to this Municipal Planning Strategy will continue to include public participation in the process.

1.6 Regard by Other Agencies

It is intended that all public and private agencies concerned with the development of West Hants shall have due regard to the policies contained herein.

2.0 BACKGROUND

2.1 Context

The Municipality of the District of West Hants, incorporated in 1879, is a primarily rural municipality bordered by the Municipalities of East Hants, Kings, Chester, Halifax Region and the Town of Hantsport. Development is concentrated around the Town of Windsor in Three Mile Plains and Falmouth, and in communities near Highway 101.

2.2 Population

Overall, the population of West Hants increased by 5,587 people between 1901 and 2006. The population has grown steadily since 1941 with the exception of slight decreases recorded in the 1981 (-1.5%) and 2001 (-0.1%) censuses. Table 1 shows the historical growth of West Hants as compared with Nova Scotia, while Figure 1 graphically shows the population change in West Hants since 1901.

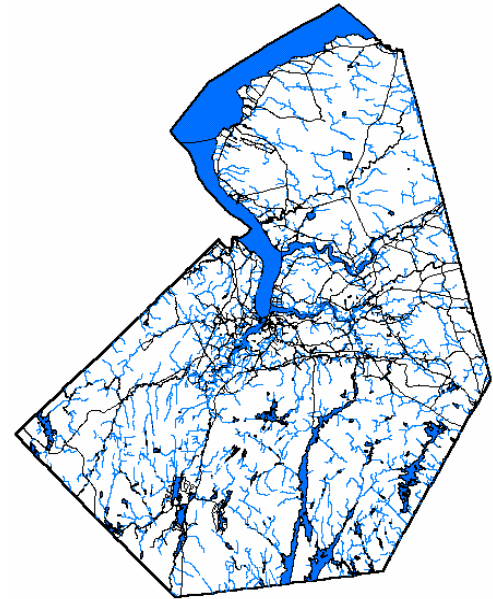


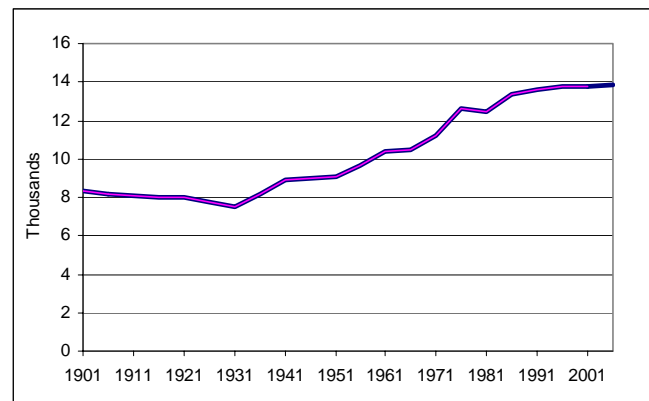
Table 1 - Population Growth, 1901-2006

Source: Statistics Canada

	Nova Scotia		West Hants	
		% change		% change
1901	459,574		8,294	
1911	492,338	7.1	8,042	-3.0
1921	532,837	8.2	8,013	-0.4
1931	512,846	-3.8	7,521	-6.1
1941	577,962	12.7	8,884	18.1
1951	642,584	11.2	9,105	2.5
1956	694,717	8.1	9,653	6.0
1961	737,007	6.1	10,374	7.5
1966	756,039	2.6	10,478	1.0
1971	788,960	4.4	11,228	7.2
1976	828,571	5.0	12,642	12.6
1981	847,442	2.3	12,454	-1.5
1986	873,199	3.0	13,345	7.2
1991	899,942	3.1	13,610	2.0
1996	909,282	1.0	13,792	1.3
2001	908,007	-0.1	13,780	-0.1
2006	913,462	0.6	13,881	0.7

Figure 1 - West Hants Population, 1901-2001

Source: Statistics Canada, 2002



As shown in Figure 2, West Hants has an aging population. The baby boomers, born after World War II, are reaching their 40s and 50s and early retirement. Older people, especially women, are living longer. The lower populations in the 15-19 and 20-24 cohorts can be explained, in part, by young people leaving home for education and work. Figure 2 shows the number of 0 to 44 year olds decreasing between 1986 and 2006 and the number of 45 to 65+ year olds increasing over the same period.

In 2006, almost 45 percent of the population of West Hants was above the age of 44 (Figure 3), with a fairly even distribution between men and women.

Figure 2 - Population by Age, 1986-2006
Source: Statistics Canada

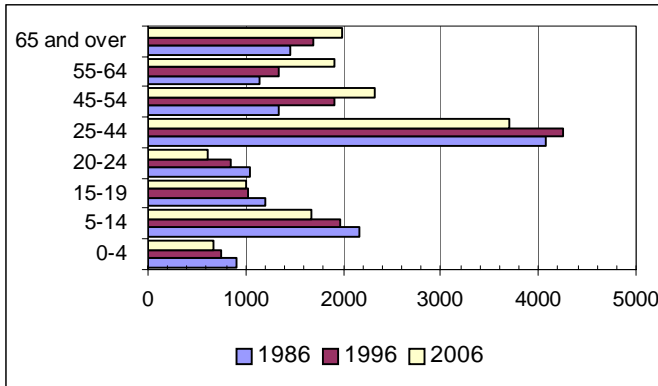
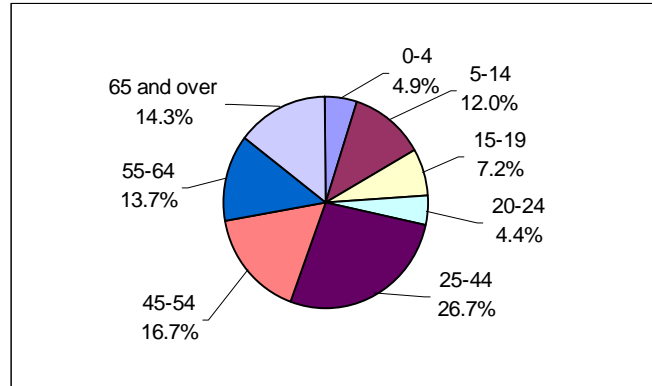


Figure 3 - Population Distribution by Age, 2006
Source: Statistics Canada



2.3 General Issues and Challenges

The household survey, public meetings and research undertaken during the 2001 Plan Review identified the following general issues and challenges facing West Hants:

- Dealing with the development pressure that may result from twinning Highway 101
- Allowing for new development while protecting the "quiet, rural atmosphere"
- Encouraging development in the areas that are already serviced by municipal water and sewer
- Dealing with potential servicing in the Village of Brooklyn
- Providing protection for agricultural land in the currently unzoned areas (Areas Two and Three)
- Providing increased flexibility in the siting requirements for intensive livestock operations while ensuring that environmental issues are addressed and adjacent non-farm uses are protected
- Encouraging the reclamation of mine sites
- Dealing with the issue of private roads
- Encouraging a regional approach to development which benefits both the Town and the Municipality

3.0 DEVELOPMENT VISION AND GOALS

3.1 Vision

Until now, West Hants addressed development through separate planning documents for specific areas of the Municipality: Area One, Areas Two and Three, Falmouth and Upper Falmouth. This Strategy takes a more comprehensive and consistent approach by guiding development across the Municipality as a whole. In doing this, however, the Strategy recognizes the distinct concerns which were the focus of the earlier planning documents.

Over the past few years, West Hants has had a gradual overall increase in population which will likely continue in the future as the twinning of Highway 101 between Windsor and Halifax is completed. While the new development accompanying this population growth is welcome, it may also bring increased demand for expensive water and sewer services, pressure on valuable resource lands and conflicting urban and rural values and land uses.

This Strategy uses a controlled development approach to achieve a settlement pattern which accommodates a wide range of land uses in a compatible and efficient manner. To accomplish this, the Strategy distinguishes between urban and rural development. The urban component consists of Growth Centres, which will be serviced with municipal water and sewer, and the rural one of Villages, Hamlets and resource areas. To reduce sprawling development in resource and environmentally sensitive areas, the focus for the majority of growth will be the Growth Centres and, to a lesser extent, the Village and Hamlets. Such concentrated development also allows for more efficient and cost-effective provision of municipal services and infrastructure such as streets and water and sewer services.

3.2 General Goals

- Maintain a "quiet, rural atmosphere" as desired by respondents to the 2002 Plan Review Survey.
- Encourage more dense development in the Growth Centre designation within servicing boundaries.
- Encourage large-scale commercial and industrial development to locate in the Growth Centres and industrial parks, and work with the Town of Windsor to maintain commercial service centres for both West Hants and the Town.
- Encourage development which does not place undue strain on the existing facilities or financial resources of West Hants.
- Recognize the poor supply of potable water in West Hants and identify potential sources of water.
- Allow for flexibility in development standards to provide alternate development solutions.

- Promote the protection of the natural environment, watercourses and environmentally sensitive areas through land use controls and setback requirements.
- Provide a variety of community and neighbourhood recreational sites.
- Identify areas with constraints for development because of soil conditions, topography, risk of flooding, subsidence or other conditions.

3.3 Growth Centres

Growth Centres are intended to accommodate most of the future non-rural development which will occur in West Hants, thereby relieving development pressure from non-renewable resource lands. It is expected that a full range of municipal services, including water and sewer, recreation facilities, street lights and sidewalks, will eventually be provided in these communities as they become necessary. Concentrated development makes the provision of such services more economical. Because of the expense involved in constructing, extending and maintaining municipal water and sewer infrastructure, these services will be provided only in the two existing Growth Centres of Three Mile Plains and Falmouth, as well as the Windsor-West Hants Joint Industrial Park.

3.3.1 Three Mile Plains

The Three Mile Plains Growth Centre, located adjacent to the Town of Windsor, is fully serviced with municipal water and sewer and has the capacity to accommodate a considerable amount of new commercial and residential development.

Three Mile Plains Development Objectives

- Accommodate the majority of future commercial growth in West Hants.
- Permit an urban residential growth pattern which includes higher density development.
- Enable vacant land behind existing homes and businesses to be developed as needed.
- Address traffic concerns on Highway 1 by ensuring commercial driveway accesses are better defined through width, landscaping and other land use by-law requirements.
- Allow for the development of small lots to make better use of existing infrastructure.

3.3.2 Falmouth

Falmouth, located on the west side of the Avon River, has developed as a mainly residential area. There is a significant amount of serviced land still available for future development. It is important to the

Municipality to see development in Falmouth which maintains the “quiet, rural atmosphere” of the community while providing a range of housing types, land for recreation and a commercial core area. Council also recognizes the limitations on the water resources and sewage treatment system in Falmouth and will monitor their capacity as new development occurs.

Falmouth Development Objectives

- Provide for the development of Falmouth as a predominantly residential community, with a defined growth boundary based on the Municipality’s ability to provide necessary services.
- Accommodate rural lifestyle activities to the extent that such activities are compatible with a moderate density of residential development.
- Monitor the extension of services and, when necessary, limit service extension to ensure the capacity of the municipal sewer and water systems is not exceeded.
- Encourage street design in new residential developments that separates local traffic from through traffic.

3.4 Village

The Village designation recognizes development centres where growth at a rate comparable to Growth Centres is not desired and municipal sewer and water services will not be provided. Villages will serve as focal points for the surrounding countryside. Some residential and controlled commercial development will be encouraged. Under this Strategy, only Brooklyn has been designated as a Village.

3.4.1 Brooklyn

Brooklyn has historically provided commercial and institutional services to the surrounding communities. The village includes a densely developed core area of residential and commercial uses.

Brooklyn Development Objectives

- Maintain the quiet, village atmosphere.
- Continue role as a commercial and institutional service centre for surrounding communities.

3.5 Hamlets

Eleven Hamlets have been designated within West Hants. These communities are generally characterized by areas of relatively concentrated residential development, a church or community hall, and one or more small businesses. It is intended that Hamlets will continue to provide such services to the surrounding countryside. Municipal water and sewer services, which are more characteristic of urban areas, will not be provided in Hamlets. The retention of the rural nature of Hamlet communities is an important objective of the West Hants Strategy.

Hamlets	
Ardoise - Cameron Lake	Newport Landing
Cheverie	Newport Station
Ellershuse	St. Croix
Gypsum Mines - Sweets Corner	Summerville
Mount Denson	Wentworth Creek
Newport Corner	

Three Hamlets—Newport Station, Mount Denson and Wentworth Creek—either abut or are within proximity to the existing serviced areas. Over time, as the Growth Centres infill, additional land may be required for serviced development and consideration may be given to extending the Growth Centre boundaries into former Hamlets. At that time, municipal water and sewer services may be extended to these areas if the costs are feasible.

Hamlet Development Objectives

- Provide locally-oriented community services, such as community halls and churches, to the surrounding countryside.
- Allow for commercial and industrial uses which provide a necessary service to local residents.
- Accommodate a limited amount of residential development in a rural environment.
- Provide only a limited number of municipal services.
- Maintain rural atmosphere.

3.6 Resource Designations

The Strategy creates two resource designations based upon the natural capabilities of the land as well as its most likely use. An Agriculture designation comprises active farms and land with the highest capability for agriculture. A Resource designation encompasses land used for forestry and mining, as well as some areas of combined resource use and municipal water supply areas. Although these areas are intended primarily for resource-based activity, limited non-resource development will also be permitted. The intent of the Strategy is to minimize potential conflicts and to treat resource activity as paramount in these areas.

3.6.1 Agriculture

Agriculture is important to West Hants as a primary employer as well as providing jobs in related

industries. The majority of the agricultural land is found along the Avon, Kennetcook and St. Croix Rivers. There are several very important agricultural districts in the Municipality, including Upper Falmouth and Avondale-Poplar Grove. These are areas with active farms and the best agricultural soils, Canada Land Inventory Class 2 and 3. There are also close to 6,000 acres of dykeland in West Hants, representing some of the most productive agricultural land in the province.

Agriculture Development Objectives

- Preserve and enhance the agricultural resources of West Hants by protecting prime agriculture areas from the intrusion of uses and activities which are incompatible with, or unnecessary to, the future growth of the agricultural sector.
- Discourage the fragmentation of larger farm properties.
- Provide the necessary long-term security required for continued agricultural production through land use planning and regulation.
- Accommodate limited residential and other non-agricultural uses on lands less suitable for agriculture provided agricultural activities are not compromised.
- Establish separation distances between agricultural uses and residential development to reduce land use conflicts.
- Enable economic diversification of farm operations by allowing for a wider range of on-farm businesses.

3.6.2 Resource

Outside the Growth Centres, Village and Hamlets, land which is not designated Agriculture will be designated Resource and several resource zones will apply.

Mineral Resource

West Hants has significant gypsum deposits which have supplied mining operations for over 200 years. Fundy Gypsum Company operates two extraction sites and owns large tracts of land. The gypsum industry plays an important role in the economy of the area; however, it not only consumes a large amount of land, but also involves significant changes to the topography. It is important to West Hants to work with Fundy Gypsum and other mining companies to promote the reclamation of closed mine sites and to reduce land use conflicts between mining operations and adjacent uses.

General Resource

A large part of the southern and north-eastern part of West Hants is Crown land or owned by large forestry companies. Most of this area is served only by woods roads, although a significant amount of cottage development accessed by private roads has grown up around the lakes in the south. The 1996 Census showed the forestry sector provided employment for 80 people in West

Hants. The importance of the forested lands of West Hants goes far beyond their value for employment. They also provide wildlife habitat and outdoor recreation opportunities. In addition, potential future water supply sources are located in these areas.

Water Supply

The municipal water supply areas for Falmouth, Windsor and Hantsport are all located within the West Hants municipal boundaries. These areas will be protected through a special water supply zone which will strictly regulate development to reduce the potential for contamination of the water supply.

Resource Designation Development Objective

- Limit the development of resource land for non-resource use to protect the forestry, mineral, water supply, wildlife habitat and recreational resources of West Hants.

3.7 Joint Industrial Park

The Windsor-West Hants Joint Industrial Park, at the Highway 101 and Wentworth Road interchange, straddles the municipal boundary between West Hants and the Town of Windsor. The Park consists of approximately 100 acres of land, most of which is developed. The Windsor and West Hants Municipal Planning Strategies contain identical policies with regard to the development of the Joint Industrial Park.

4.0 GENERAL LAND USE POLICIES

4.1 Accessory Uses

Whenever a use is permitted in a land use zone, it is intended that uses, buildings or structures normally incidental, accessory or essential to the primary permitted use may also be permitted, unless the Land Use By-law expressly states otherwise.

Policy 4.1.1 *It shall be the policy of Council to regulate accessory uses in the Land Use By-law.*

Policy 4.1.2 *It shall be the policy of Council to prohibit the use of an accessory building for human habitation unless a dwelling is permitted as an accessory use.*

Policy 4.1.3 *It shall be the policy of Council that accessory buildings or structures will not be considered as accessory if attached to the main building or located completely underground.*

Policy 4.1.4 *It shall be the policy of Council that accessory uses and buildings must be located on the same lot as the main use unless specifically permitted by the Land Use By-law.*

4.2 Automobile Service Stations

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

Policy 4.2.1 *It shall be the policy of Council to include special provisions in the Land Use By-law regulating lot access, frontage and similar matters for automobile service stations.*

4.3 Commercial Development

Commercial development should be appropriately sited and designed, with safe driveway access, adequate on-site parking, and control over open storage, setbacks from residential uses and similar matters.

Policy 4.3.1 *It shall be the policy of Council to encourage the proper development of commercial uses by addressing the following in the Land Use By-law:*

- (a) *providing adequate on-site parking and loading areas;*
- (b) *providing safe driveway access by ensuring driveways meet commercial stopping sight distance requirements;*

- (c) *limiting points of access and egress to parking areas;*
- (d) *requiring adequate landscaping of developments;*
- (e) *controlling open storage; and*
- (f) *establishing abutting zone requirements such as setbacks from adjacent non-commercial zones.*

4.4 Development on Municipally-owned Land

Institutional, community use and public works development on municipally-owned lands shall be permitted in any zone. For major developments, however, such as a sewage treatment plant, or other public or institutional building or facility, Council feels it is important to consider the impact on the surrounding neighbourhood as well as to provide an opportunity for public input. For this reason, where such developments, if undertaken on privately-owned land, would be subject to a development agreement or rezoning process, Council will take into consideration the relevant policies of the Municipal Planning Strategy prior to commencing construction.

Policy 4.4.1 *It shall be the policy of Council to allow institutional, community use or public works development on municipally-owned land in any zone; however, where such development involves the construction of a new main building with a gross floor area greater than 2,000 ft² (185.80 square meters) and would require a development agreement or rezoning if undertaken on privately-owned land, it shall be the intention of Council, prior to commencing such development, to consider its potential impact on the community and seek public input by:*

- (a) *requesting a staff report reviewing the relevant policies of the Municipal Planning Strategy including Policy 16.3.1; and*
- (b) *holding a public meeting and publishing notice of the public meeting.*

4.5 Existing Buildings Exceeding Floor Area Limit in Hamlet and Resource Designations

Within the Hamlet and Resource designations, permitted floor area is limited for certain commercial uses. The purpose of this restriction is to ensure that larger scale, non-resource commercial and industrial development is directed to the Growth Centres, while Hamlets and resource areas provide small-scale, local services. There are, however, several existing non-residential buildings in the Hamlet and Resource designations which are far in excess of the floor area limit. This means that, in some cases, large sections of these existing buildings cannot be used. Council does not wish to prevent the re-development of these existing buildings, but wants to have some control over their development and the impact on neighbouring properties and land uses. For this reason, Council will consider permitting development of these existing large buildings by development agreement. To allow for a wide variety of uses, uses permitted in the Local Commercial (LC), Hamlet Industrial (M-2) and Rural Commercial (RC) zones will

be considered.

Policy 4.5.1 *It shall be the intention of Council that existing non-residential buildings exceeding the commercial floor area limit in the Hamlet and Resource designations may be permitted to use the full extent of their floor area for commercial or industrial use by entering into a development agreement, subject to the following:*

- (a) *the proposed use or uses are permitted in the Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) zones;*
- (b) *safe and efficient roadway access is provided;*
- (c) *adequate on-site parking is provided;*
- (d) *the proposed use or uses are not considered obnoxious by reason of noise, odours, dust, fumes, or other emissions;*
- (e) *adequate landscaping and screening, especially of open storage and parking, is provided;*
- (f) *the use or uses are compatible with adjacent land uses with respect to traffic generation, hours of operation and other matters;*
- (g) *any other matter which may be addressed by development agreement; and*
- (h) *Policy 16.3.1.*

4.6 Existing Undersized Lots

It is not the intention of Council to prevent development on undersized lots legally created prior to the effective date of this Strategy and By-law, but which may not meet lot area or frontage requirements imposed by these planning documents, provided all other land use by-law requirements can be met.

Policy 4.6.1 *It shall be the policy of Council to allow development on undersized lots that existed on the effective date of this Municipal Planning Strategy and Land Use By-law, provided all other Land Use By-law requirements can be met.*

4.7 Home-based Businesses

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

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

Policy 4.7.2 *It shall be the policy of Council to establish development standards in the Land Use By-law regulating the nature and size of home-based businesses to ensure they remain small-scale and compatible with residential neighbourhoods and adjacent uses.*

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

Policy 4.7.4 *It shall be the policy of Council not to permit home businesses which may be considered:*

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

4.8 Household Livestock

Unlike commercial farms where the agricultural use is considered the main use of a property, household livestock operations or hobby farms are accessory to the main residential use of a lot. The ability to keep one or two horses or a small number of other livestock is a valued feature of rural life. Since West Hants is primarily a rural municipality, Council feels that the keeping of household livestock should be permitted in any residential area, including the Growth Centres, provided the property is large enough to accommodate the number of animals and all setbacks for barns and manure storage can be met.

Policy 4.8.1 *It shall be the policy of Council to allow household livestock operations within residential areas of West Hants subject to Land Use By-law regulations governing:*

- (a) minimum lot size;*
- (b) limits on the number of livestock permitted in Growth Centres, Village and Hamlets;*
- (c) separation distances from adjacent properties, watercourses and wells; and*
- (d) containment of household livestock within the property through*

buildings, fences or enclosures.

4.9 Housing

Council feels it is important to encourage the provision of housing that is inclusive of all citizens of West Hants regardless of socio-economic status, age or physical or mental disability. Single detached homes are by far the predominant housing type in the Municipality. Demographic changes, however, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community that provides only single detached homes cannot satisfy the housing needs of its population. Housing must be available for seniors and other individuals in the community with special needs. Housing choices—and the affordability of those choices—can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. Accessory apartments in single unit dwellings can provide a solution for those wishing to keep elderly or dependant family members nearby. Although tenancy cannot be limited to family members, by strictly regulating the size and appearance of these apartments, Council can ensure that the building retains the look of a single unit dwelling and is compatible with the neighbourhood.

Policy 4.9.1 *It shall be the policy of Council to encourage the provision of housing adequate to meet the needs of all citizens of West Hants. Affordable housing, special-needs housing and rental accommodation shall be encouraged to develop in a manner that is sensitive to the needs of the community and those being served.*

Policy 4.9.2 *It shall be the policy of Council to provide for the development of a range of housing types in West Hants.*

Policy 4.9.3 *It shall be the intention of Council to include specific provisions in the Municipal Planning Strategy and Land Use By-law allowing for flexible development standards which encourage innovative housing development.*

Policy 4.9.4 *It shall be the policy of Council to permit accessory apartments within or attached to the main dwelling in the Single Unit Residential zone. The size, location and appearance of accessory apartments shall be strictly limited in the Land Use By-law to ensure the use remains small-scale and compatible with single unit residential neighbourhoods.*

4.10 Kennels

The establishment of kennels or boarding facilities close to residential properties can be a source of great annoyance to neighbours subjected to late-night barking.

Policy 4.10.1 *It shall be the policy of Council to regulate the establishment of kennels in the Land Use By-law including soundproofing requirements and conditions limiting the hours during which animals will be permitted to occupy outdoor exercise runs.*

4.11 Landscaping

The provision of landscaping or ground cover is important for erosion control as well as to maintain the overall appearance and character of communities. In addition, where non-residential development abuts residential uses, the Land Use By-law will specify buffer zones between these uses to reduce land use conflicts.

Policy 4.11.1 *It shall be the policy of Council to regulate landscaped open space in the Land Use By-law.*

Policy 4.11.2 *It shall be the policy of Council to require buffering between residential and non-residential uses to mitigate land use conflicts. Buffering may include setbacks, landscaping or planting strips and similar methods.*

4.12 Lighting

To address safety issues and prevent conflicts between adjacent uses resulting from outdoor lighting, particularly flood lights, the Land Use By-law will regulate the placement of outdoor lighting.

Policy 4.12.1 *It shall be the policy of Council to regulate outdoor lighting in the Land Use By-law to prevent conflicts between adjacent uses resulting from indiscriminate placement of flood lights and other outdoor lighting.*

4.13 Manufactured Home Parks

The term "manufactured home" refers to both mobile homes and mini homes. While manufactured homes on individual lots are permitted in some zones as-of-right, Council wishes to provide a further option for manufactured home parks where residents may own, lease or rent their homes, but do not own the land. At this time there are several existing manufactured home parks in West Hants. To avoid making them non-conforming, a Manufactured Home Park zone will be applied to these uses.

The establishment of new manufactured home parks can be controversial. Generally, the individual pad sites are small, resulting in higher density development that is more characteristic of an urban environment than a rural one. Council feels this type of development is most appropriate in Growth Centres where municipal services are available. To allow Council strict control over the development of new manufactured home parks, they will be considered only by development agreement.

Policy 4.13.1 *It shall be the policy of Council to establish a Manufactured Home Park (MHP) zone which will be applied to existing manufactured home parks in West Hants.*

Policy 4.13.2 *It shall be the policy of Council that new manufactured home parks will be considered by development agreement only in the Growth Centres subject to Policy 5.3.9.*

4.14 Municipal/Town Boundary

It is the intention of Council to co-operate with the Town of Windsor in providing for development adjacent to the municipal boundary. Several residential areas in Windsor are located next to the boundary. These areas include Sunnyhill Drive - Campbell Avenue and Underwood Drive. Development in West Hants would be most easily accomplished by the extension of Town streets and services in these areas. Both Windsor and West Hants wish to encourage development in the serviced areas within and adjacent to the municipal boundaries. There are, however, two important considerations for both municipal units before permitting this to occur. First, it will be important to ensure that the existing road networks are capable of accommodating any increased traffic. Second, there must be agreement between the two units on responsibility for delivery and costs of municipal services to the new development.

Policy 4.14.1 *It shall be the policy of Council to work with the Town of Windsor through the Windsor-West Hants Joint Planning Advisory Committee to provide a seamless delivery of services over municipal boundaries.*

4.15 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. For certain types of development, however, 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. Furthermore, it has been the practice in West Hants to allow a second dwelling on a lot without subdividing, provided it can be shown that the lot is large enough to subdivide and all other requirements can be met.

Policy 4.15.1 *It shall be the policy of Council to allow only one main building on a lot with accessory buildings and structures except for the following zones or uses:*

- (a) *farm 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) *industrial zones;*
- (c) *regional shopping centres;*
- (d) *grouped dwellings;*
- (e) *institutional uses;*
- (f) *manufactured home parks; and*
- (g) *a second dwelling on a lot where it can be shown that a second lot could be created and the building can be shown to meet all other requirements.*

4.16 Open Storage

Where inventory, equipment or other materials related to a business are stored outdoors without regard for location or screening from adjacent uses, it results in unattractive development and creates potential for land use conflicts.

Policy 4.16.1 *To encourage aesthetically pleasing development and avoid land use conflicts, it shall be the policy of Council to regulate requirements for location and screening of open storage in the Land Use By-law.*

Policy 4.16.2 *It shall be the policy of Council that open storage may be prohibited in zones where there is potential for land use conflicts.*

4.17 Parking

To ensure adequate parking areas are provided for business and residential uses, parking requirements will be regulated in the Land Use By-law. Parking lots should be located and landscaped so as to lessen their impact on streetscapes and neighbouring properties.

Policy 4.17.1 *It shall be the policy of Council to include provisions in the Land Use By-law regulating requirements for number and size of parking spaces and location, landscaping and screening of parking lots.*

Policy 4.17.2 *It shall be the policy of Council that off-street parking shall be provided on the same lot as the use.*

4.18 Signage

Signage is regulated in the Land Use By-law to address structural and traffic safety and to encourage advertising to be compatible with neighbouring land uses and with the community as a whole.

Policy 4.18.1 *It shall be the policy of Council to regulate size, location and placement of signage to avoid potential hazards for pedestrian and traffic movement and to encourage attractive and compatible signage.*

Policy 4.18.2 *It shall be the policy of Council to prohibit from all land use zones certain types of signs which are considered to pose potential public safety hazards or negatively affect traffic flow, or which are to be affixed to natural features.*

Policy 4.18.3 *It shall be the policy of Council to regulate height of ground signs.*

Policy 4.18.4 *It shall be the policy of Council to permit roof signs in any commercial or industrial zone. It shall be the policy of Council to regulate the size of roof signs to address potential public safety hazards and structural damage.*

Policy 4.18.5 *It shall be the policy of Council to prohibit the erection of signs on public property by non-governmental bodies unless specifically permitted by Council.*

4.19 Temporary and Special Uses

Temporary uses include structures associated with new construction such as construction sheds for tools, materials or offices, or signs located on the construction site while work is proceeding. These are considered part of construction activity, but must be removed shortly after work is completed.

"Special uses" refers to signs, banners, display booths and other structures which are used during special events such as elections or festivals. As with temporary construction uses, they will be permitted on a short-term basis, but must be discontinued soon after the special event concludes.

Temporary uses also include yard sales. While occasional weekend yard sales are an accepted and popular activity, yard sales that continue for weeks or even months can become a problem for neighbours. These sales are considered commercial uses that will only be permitted in appropriate zones or in accordance with the regulations for a home-based business. To control these uses, the Land Use By-law will limit the length of time a yard sale can continue.

Policy 4.19.1 *It shall be the policy of Council to permit temporary structures used in conjunction with a construction or development project including offices, scaffolding, signs and structures for the storage of equipment and material. No development permit shall be required for such uses.*

Policy 4.19.2 *Special uses including signs, banners, display booths and other similar structures shall be permitted in conjunction with an election, festival, celebration or other special event. No development permit shall be required for such uses.*

Policy 4.19.3 *It shall be the policy of Council to consider yard sales or auctions of personal possessions on a residential lot as temporary uses that will not require a development permit, but must be discontinued within a reasonable time.*

Policy 4.19.4 *It shall be the policy of Council to include limits in the Land Use By-law on the length of time a temporary or special use described in Policies 4.19.1, 4.19.2 and 4.19.3 can remain in place.*

4.20 Utilities and Telecommunication Towers

The infrastructure required for supplying efficient utility services, whether public or private, can involve small buildings for equipment and servicing. It is not the intention of Council to restrict where these small buildings are located; however, larger buildings which include office space or some other use will be required to locate in an appropriate zone.

Policy 4.20.1 *It shall be the policy of Council to permit utility buildings and uses under*

100 square feet (9.29 square meters) in floor area in any zone.

Since towers create a greater visual impact, Council wishes to direct the location of wireless telecommunication towers to industrial, resource or agricultural lands in West Hants. At this time, there are two self-support towers on Ivey Lane in the Joint Industrial Park, as well as several guyed wire towers throughout the Municipality, including at Hants Border and Ellershouse. Although Industry Canada regulates telecommunication facilities, the proponent is required to consult with municipal land use authorities before approving a new installation. In most instances, telecommunications companies are willing to work with municipal staff to reduce the impact of such structures on the community. By setting out requirements for fencing and landscaping in the Land Use By-law, Council provides a standard for companies to meet or exceed. Sometimes it is possible for companies to co-locate on a single tower rather than building several structures in close proximity. In these cases, Council encourages service providers to work together to build a single tower.

Policy 4.20.2 *It shall be the policy of Council to 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.*

4.21 Watercourses

Human activity and development adjacent to watercourses can destroy wildlife habitat and affect water quality. By establishing minimum setback requirements from watercourses, negative impacts of construction, such as siltation, can be minimized or avoided.

Policy 4.21.1 *It shall be the policy of Council to control in the Land Use By-law the development of lands adjacent to watercourses. The purpose of such regulation is to preserve natural habitat and to limit environmental impacts such as siltation. This control shall be accomplished by establishing a minimum separation distance from watercourses.*

The many lakes and streams in West Hants are highly valued by residents for both passive and active recreation. It is important that future generations continue to have access to this resource.

Policy 4.21.2 *It shall be the policy of Council to prevent development from eliminating public access to lakes and rivers in West Hants. This will be accomplished either by the acceptance of waterfront land given under the parkland dedication provisions of the West Hants Subdivision By-law or by the purchase of such lands with the money collected in lieu of land dedication.*

4.22 Wind Turbines

Council wishes to encourage the use of technologies that reduce dependence on non-renewable resources and do not contribute to greenhouse gas emissions. 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 400 feet (50 to 120 meters) in height. 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. As Council wishes to facilitate the development of wind energy systems, the installation of exploration or test turbines will be treated as a temporary use and permitted as-of-right outside of the Growth Centres, Village and Hamlets subject to setbacks, minimum lot size standards, and requirements for removal within specified time limits. More permanent installations, 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).

Policy 4.22.1 *It shall be the intention of Council to include provisions in the Land Use By-law distinguishing between small wind turbines for residential or small business use, which are intended primarily to reduce on-site consumption of utility power, and large or utility-scale wind turbines with a production capacity greater than 100 kW.*

Policy 4.22.2 *It shall be the intention of Council to include standards in the Land Use By-law for the development of small wind turbines including minimum lot size, setback, height and similar requirements to ensure public safety and minimize the potential for land use conflicts.*

Policy 4.22.3 *It shall be the intention of Council to include standards in the Land Use By-law for the temporary establishment of large wind turbines for exploration or test purposes outside the Growth Centre, Village and Hamlet designations, including requirements for removal within specified time limits.*

Policy 4.22.4 *It shall be the policy of Council to consider the development of permanent or long-term installations of large wind turbines or wind farms outside the Growth Centre, Village and Hamlet designations by development agreement, having regard 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 shadow and to ensure public safety;*
- (c) *the development is not visually intrusive in the landscape, taking into account the location and distance from which it is visible, and the significance and sensitivity of the landscape, topography, vegetation and built form in the surrounding area;*

- (d) *safe roadway access can be provided;*
- (e) *any other matter which may be addressed in a development agreement; and*
- (f) *Policy 16.3.1.*

5.0 GROWTH CENTRE

5.1 General Policies

This Strategy encourages most of the future non-rural growth in West Hants to occur in designated Growth Centres where municipal services, particularly water and sewer, can be provided more efficiently and economically. The Growth Centres offer commercial, industrial and institutional services to the surrounding area and have a higher concentration of population. Three Mile Plains and Falmouth have been designated as Growth Centres under this Strategy.

The Three Mile Plains Growth Centre will include both commercial and residential development. The majority of existing commercial development is in the Garlands Crossing area (the junction of Highway 1 and Highway 14). It is expected that this area will continue to attract businesses because of its proximity to Highway 101. Outside of this commercial core, there is a significant amount of residential development and vacant land with potential for development.

New development in the Falmouth Growth Centre will be mainly residential. Falmouth has a smaller commercial area concentrated on Highway 1 between the Avon River Bridge and the Highway 101 connector. In addition, there are several businesses outside the commercial core.

The boundaries of both Growth Centres represent defined servicing limits, based on the Municipality's ability to provide water and sewer services and the desire to encourage a concentrated development pattern that makes efficient use of these services. Council's intent is that over time, most land within the boundaries will be fully serviced. Policies of this Strategy will help to achieve that aim by ensuring that land is not consumed by unserviced development requiring large lots and extensive road frontage. This type of development makes it difficult to achieve the densities necessary to make servicing feasible and can block the orderly provision of services. The Growth Centre boundaries will not be expanded until most of the existing serviceable land has been developed, or where it can be demonstrated that there is no available land within the boundaries that is suitable to accommodate proposed serviced development. Municipal water and sewer services will not be provided outside the Falmouth and Three Mile Plains Growth Centres, and the Windsor-West Hants Joint Industrial Park.

Policy 5.1.1 *It shall be the policy of Council to encourage more concentrated residential and commercial development in the designated Growth Centres.*

Policy 5.1.2 *It shall be the intention of Council that the majority of new development in the Growth Centres will be serviced with both municipal water and sewer services.*

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.*

Policy 5.1.4 *It shall be the policy of Council that municipal sewer and water services*

will not be extended beyond the boundaries of the Falmouth and Three Mile Plains Growth Centres and the Windsor-West Hants Joint Industrial Park.

As part of the Plan Review leading up to the adoption of this Strategy, the boundaries of the Three Mile Plains Growth Centre and the former Falmouth Planning Area were examined to determine whether the two areas contained sufficient land to accommodate anticipated future growth. That review concluded there was an ample supply of land and the boundaries have therefore remained largely unchanged.

Policy 5.1.5 *It shall be the intention of Council to monitor development within the Growth Centres to ensure that sufficient land is available to accommodate desired future growth.*

Policy 5.1.6 *It shall be the policy of Council to consider expanding the boundaries of the Growth Centres subject to the following criteria:*

- (a) *the expansion is necessary to accommodate proposed serviced development;*
- (b) *it is clearly demonstrated that existing serviceable land within the Growth Centre is unsuitable or unavailable for the development;*
- (c) *the expanded area is capable of being serviced by both municipal water and sewer services; and*
- (d) *the Municipality is financially capable of providing the necessary services.*

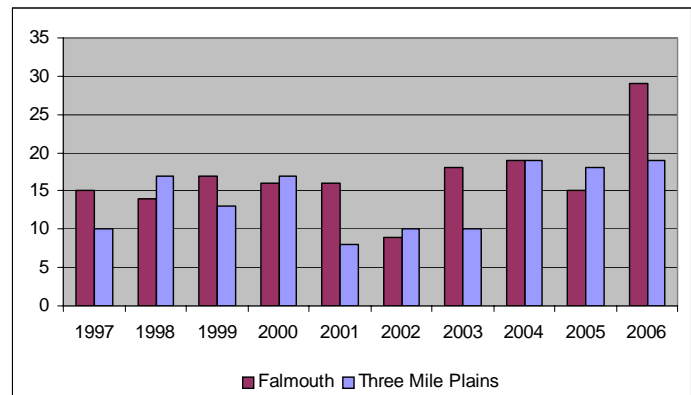
Policy 5.1.7 *It shall be the policy of Council not to consider expanding the boundaries of the Growth Centres where the proposed development is unserviced or serviced only with water.*

5.2 Residential Development—General

The Residential designation in the Growth Centres is intended to accommodate residential development in the immediate future. Figure 4 shows the number of new dwelling units built in the Falmouth and Three Mile Plains Growth Centres during the 10 years between 1997 and 2006. In that time, 168 new units were built in Falmouth and 141 new units were built in the Three Mile Plains area.

Infill development which uses existing water, sewer and streets in both Falmouth and Three Mile Plains will be encouraged. It is the intention

Figure 4 - New Dwelling Units, 1997-2006



of Council to include policies in this Strategy that allow for some flexibility in development standards to promote this type of development. More traditional residential subdivision on new municipal public streets will also be permitted. It is expected that much of the new residential development will consist of single detached dwellings; however, a variety of housing types will be possible, either as-of-right or by development agreement. To facilitate this, several residential zones will be created which allow for a range of densities within the Residential designation.

Policy 5.2.1 *It shall be the policy of Council to establish a Residential designation within the Growth Centres as shown on the Generalized Future Land Use Map (Map 1) where a variety of residential uses and densities may be considered.*

Policy 5.2.2 *It shall be the policy of Council that single detached dwellings will remain the predominant housing type in Growth Centres.*

Policy 5.2.3 *Notwithstanding Policy 5.2.2, it shall be the policy of Council to allow for higher density residential development, subject to the relevant policies of this Strategy, in areas where such development is compatible with adjacent uses.*

Policy 5.2.4 *It shall be the policy of Council to stack the residential zones, allowing lower density development in the higher density residential zones.*

5.3 Three Mile Plains Growth Centre–Residential Policies

A range of housing types and densities is considered appropriate for the Three Mile Plains Growth Centre. To allow for this, three residential zones will be applied: Single Unit Residential; Two Unit Residential; and Multiple Residential.

The majority of residential land in the Three Mile Plains Growth Centre will be zoned Two Unit Residential (R-2) which permits one and two unit dwellings and mini homes. Mobile homes will not be permitted except in manufactured home parks which will be considered by development agreement. As in the previous planning documents, only the Hillcrest Drive and Kendall Lane areas will be zoned solely for single detached dwellings. New multiple residential development will be considered through rezoning.

Single Unit Residential

The Single Unit Residential (R-1) zone will apply to limited areas in the Three Mile Plains Growth Centre which were zoned R-1 under the previous Land Use By-law. In addition, land may be rezoned from resource and other uses to R-1, provided the property can be serviced with municipal water and sewer.

Policy 5.3.1 *It shall be the policy of Council to establish a Single Unit Residential (R-1) zone which will permit single unit dwellings, accessory apartments, and existing manufactured homes.*

Policy 5.3.2 *It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-1 subject to the following:*

- (a) *the area to be rezoned is serviced with municipal water and sewer;*
- (b) *the proposed use will not conflict with adjacent existing uses;*
- (c) *any other matter which may be addressed in a Land Use By-law;
and*
- (d) *Policy 16.3.1.*

Two Unit Residential

The Two Unit Residential (R-2) zone permits two unit dwellings, such as duplexes and semi-detached dwellings, in addition to mini homes and uses permitted in the R-1 zone. Council may consider rezoning additional land to R-2 as demand requires.

Policy 5.3.3 *It shall be the policy of Council to establish a Two Unit Residential (R-2) zone which will permit two unit dwellings and mini homes, as well as uses permitted in the R-1 zone.*

Policy 5.3.4 *It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-2 subject to the following:*

- (a) *the area to be rezoned is serviced with municipal water and sewer;*
- (b) *the proposed use will not conflict with adjacent existing uses;*
- (c) *any other matter which may be addressed in a Land Use By-law;
and*
- (d) *Policy 16.3.1*

Multiple Unit Residential

Multiple unit residential development is to be encouraged in appropriate areas of the Three Mile Plains Growth Centre where municipal services are available. New multiple unit buildings under three storeys in height will be considered through rezoning. Since building height is sometimes an issue for neighbours, multiple unit dwellings with more than three storeys will be considered only by development agreement, allowing Council more control over details of the development. Council also wishes to closely control the development of grouped dwellings; therefore, these projects also will be considered by development agreement.

Policy 5.3.5 *It shall be the policy of Council to encourage the efficient use of existing municipal infrastructure such as water, sewer and streets within the Three Mile Plains Growth Centre by allowing for the development of multiple unit dwellings where such development is compatible with adjacent uses.*

Policy 5.3.6 *It shall be the policy of Council to establish a Multiple Unit Residential (R-3) zone which will allow for dwellings of three or more units, residential care facilities and uses permitted in the R-1 and R-2 zones.*

Policy 5.3.7 *It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:*

- (a) *the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;*
- (b) *the lot is serviced with municipal water and sewer;*
- (c) *the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;*
- (d) *existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;*
- (e) *adequate open space or recreational space is provided;*
- (f) *adequate on-site parking is provided;*
- (g) *any other matter which may be addressed in a Land Use By-law; and*
- (h) *Policy 16.3.1.*

To allow Council more control over the development of multiple unit buildings over three storeys in height, these proposals will be considered only by development agreement.

Policy 5.3.8 *It shall be the policy of Council to consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement subject to the following:*

- (a) *the side yards are at least one-half the height of the building;*
- (b) *adequate landscaping, screening and buffering is provided to minimize the impact of building height on adjacent properties;*
- (c) *the specific requirements for multiple unit development set out in Policy 5.3.7;*
- (d) *any other matter which may be addressed in a development agreement; and*

- (e) *Policy 16.3.1.*

Manufactured Home Parks

Well-designed and properly maintained manufactured home parks can be an asset to the community and provide additional housing options for retired people, “empty nesters” and first time home buyers. Mobile homes and mini homes may represent a more affordable form of housing, particularly in manufactured home parks where spaces are leased rather than owned.

Policy 5.3.9 *It shall be the policy of Council that new manufactured home parks will be considered by development agreement in the Growth Centres subject to the following:*

- (a) *the development is compatible with surrounding land uses with respect to traffic generation, population density and similar matters;*
- (b) *the development has direct access to a collector or arterial street shown on the Transportation Map (Map 2);*
- (c) *the development is serviced with municipal water and sewer;*
- (d) *the dimensions of the individual manufactured home spaces are adequate, using the Manufactured Home Park (MHP) zone standards as a guide, to allow for the proper siting of the homes;*
- (e) *adequate screening, buffers, fencing and landscaping are provided to minimize the impact of the development on surrounding land uses;*
- (f) *a minimum of 10 percent of the total area of the park 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;*
- (g) *adequate provision is made for the ongoing maintenance of the manufactured home park;*
- (h) *existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;*
- (i) *the application is accompanied by:*

- (i) *photo examples, plans or drawings showing the exterior design of the proposed manufactured homes;*
 - (ii) *a site plan drawn to scale showing: internal vehicular and pedestrian circulation systems including access points to public streets; manufactured home spaces; open space and recreational areas including a description of any proposed recreational use(s); buffering, fencing and landscaping; parking areas; and accessory buildings including waste and recycling storage facilities; and*
 - (iii) *any other information deemed necessary;*
- (j) *any other matter which may be addressed by development agreement; and*
- (k) *Policy 16.3.1.*

Grouped Dwellings

Council wishes to provide increased flexibility in development requirements to allow for alternative housing trends and forms. Council is particularly interested in facilitating development that accommodates the needs of an aging population, including allowing for a range of housing types as part of a complex. Grouped dwellings, which may consist of a number of single or two-unit dwellings, townhouses or apartment buildings on a single lot, are a form of multiple residential development. This type of development differs from conventional subdivision and development where individual lots are created and only one main building—whether a single home or an apartment building—is permitted on each lot. In addition, cluster developments, where buildings are concentrated in specific areas of the site, can reduce servicing costs and mean there is more land available for recreation and open space or for protection of wildlife habitat and sensitive environmental features. To adequately control the scale and design of such developments, they will be considered by development agreement. To ensure that this process is not used for situations where a property owner wishes to place a second or third dwelling on a lot without subdividing, Council intends to restrict grouped dwelling development to medium or larger-scale proposals exhibiting comprehensive site planning and design.

Policy 5.3.10 *It shall be the policy of Council to consider development of grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre by development agreement subject to the following:*

- (a) *the development has frontage on:*
 - (i) *a public street; or*
 - (ii) *a right-of-way clearly granted by deed or easement, unrestricted in use, and capable of being developed for street purposes;*
- (b) *where access to the development is by a right-of-way as specified in clause (a)(ii), the street 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 street are*

adequate to accommodate the traffic generated by the development and access by emergency protection vehicles. Street design and construction plans shall be subject to review by the Municipal Engineer;

- (c) building clusters are located so as to conserve existing natural features of the site;*
- (d) the specific requirements for multiple unit development set out in clauses (b) to (h) of Policy 5.3.7;*
- (e) 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;**
- (f) any other matter which may be addressed by development agreement; and*
- (g) Policy 16.3.1.*

5.4 Falmouth Growth Centre–Residential Policies

Falmouth has developed as a significant residential community consisting mainly of single unit dwellings. Proposals for higher density residential development have met with considerable resistance. For this reason, only two residential zones are available for development as-of-right in Falmouth: Single Unit Residential (R-1) and Two Unit Residential (R-2). The R-1 zone will apply to the majority of the residential land in Falmouth. Proposals for R-2 development will be considered through rezoning.

Single Unit Residential

Policy 5.4.1 *It shall be the policy of Council to apply the Single Unit Residential (R-1) zone, as established by Policy 5.3.1, to the majority of the residential land within the Residential designation of the Falmouth Growth Centre.*

Policy 5.4.2 *It shall be the policy of Council to consider rezoning land within the Falmouth Growth Centre to Single Unit Residential (R-1) subject to the following:*

- (a) the area to be rezoned is serviced with municipal water and sewer;*

- (b) *the proposed use will not conflict with adjacent existing uses;*
- (c) *any other matter which may be addressed in a Land Use By-law;
and*
- (d) *Policy 16.3.1.*

Two Unit Residential

Some residents of Falmouth are concerned about allowing two unit dwellings in their community, particularly in established neighbourhoods. Because most local streets in Falmouth have developed as single unit dwelling neighbourhoods, rezoning to R-2 will be considered only on properties fronting on collector or arterial roads. The R-2 zone permits single and two unit dwellings, as well as mini homes.

Policy 5.4.3 *It shall be the policy of Council to consider rezoning land within the Falmouth Growth Centre to Two Unit Residential (R-2) subject to the following:*

- (a) *the area to be rezoned has frontage on a collector or arterial street;*
- (b) *the area to be rezoned is serviced by municipal water and sewer;*
- (c) *the proposed use will not conflict with adjacent existing uses;*
- (d) *any other matter which may be addressed in a Land Use By-law;
and*
- (e) *Policy 16.3.1.*

Multiple Unit Residential

According to the information gathered from surveys and public meetings during the Plan Review process, some Falmouth residents are greatly concerned about the effect multiple residential development could have on their community. Council acknowledges this concern, but also recognizes that Falmouth is one of only two serviced areas in West Hants, the cost of providing and maintaining water, sewer, streets and other services is high, and a certain density of development is necessary to help make these costs feasible. With or without new development, upgrades to the Falmouth sewage treatment facility are required to meet provincial guidelines. As of 2006, the cost of replacing the plant was estimated at about \$4.7 million. Furthermore, according to a 2002 study, the Falmouth Water Utility will not meet projected demand past 2016 without upgrades to the dam and reservoir. This cost was estimated at about \$1.5 million. Higher density development will allow the capital cost of these service upgrades to be shared among more users, thus making the individual household's cost more affordable. In addition, by concentrating development, the Municipality's ability to maintain these services is more efficient and operational costs are kept lower.

Council believes an extremely careful and controlled approach to multiple residential development will help ease residents' concern. For this reason, Council will consider limited multiple unit residential

development in Falmouth by development agreement. The location will be restricted to large properties on arterial or collector streets which are serviced by both municipal water and sewer. Developments must contain a mix of housing types, although apartment buildings will not be permitted. The number of units per attached dwelling will be limited to four. Only proposals exhibiting comprehensive site planning and design will be considered.

Policy 5.4.4 *It shall be the policy of Council to consider proposals for comprehensively designed multiple residential developments in the Falmouth Growth Centre by development agreement subject to the following:*

- (a) *the development consists of a mix of housing types where:
 - (i) *a minimum of 30 percent of the total number of dwelling units shall be single unit dwellings; and*
 - (ii) *the remaining dwelling units may include any combination of townhouse dwellings along with semi-detached or duplex dwellings, provided that not more than four dwelling units shall be permitted per building or attached structure;**

- (b) *the property:
 - (i) *is at least 25 acres (10.12 ha) in size;*
 - (ii) *is serviced by both municipal water and sewer; and*
 - (iii) *has frontage on an arterial or collector street designated on the Transportation Map (Map 2);**

- (c) *the development exhibits comprehensive site planning and design with an emphasis on the conservation of significant natural features of the site, provision of open space and recreational areas, and landscaping and buffering to screen views of the development from existing developed properties;*

- (d) *the gross density of the development shall not exceed 4.5 dwelling units per acre; where the gross density exceeds 3 dwelling units per acre, at least 10 percent of the total area of the property shall be dedicated to the Municipality for parkland or open space purposes;*

- (e) *the Multiple Residential (R-3) zone standards are used as a guide for minimum lot area, frontage and yards; however, Council may consider reduced lot requirements where the proposed development is a planned compact community that makes efficient use of streets and municipal infrastructure;*

- (f) *existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;*

- (g) *the development is compatible with the surrounding area in terms of building height, scale and architectural design;*

- (h) *a stormwater management plan shall be submitted, satisfactory to the Municipal Engineer, that shows the development will not adversely affect receiving watercourses and downstream properties;*
- (i) *the application is accompanied by:*
 - (i) *a site plan 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) *any other matter which may be addressed by development agreement; and*
- (k) *Policy 16.3.1.*

Grouped Dwellings

As in the Three Mile Plains Growth Centre, Council wants to provide increased flexibility for housing developments in Falmouth; therefore, Council will consider proposals for grouped single and two-unit dwellings in the Falmouth Growth Centre by development agreement.

Policy 5.4.5 *It shall be the policy of Council to consider proposals for grouped single and two unit dwellings consisting of six or more units in the Falmouth Growth Centre by development agreement subject to the criteria of Policy 5.3.10.*

Manufactured Homes

Provided they are well designed, carefully sited and properly maintained, manufactured home parks may represent a pleasant and more affordable housing option. To ensure Council has sufficient control over their development, manufactured home parks will be considered in the Falmouth Growth Centre only by development agreement. Mobile homes on separate lots which are not part of a manufactured home park will not be permitted within the Falmouth Growth Centre. Mini homes on separate lots will be permitted in the R-2 zone.

Policy 5.4.6 *It shall be the policy of Council to consider manufactured home parks in the Falmouth Growth Centre by development agreement subject to Policy 5.3.9.*

Policy 5.4.7 *It shall be the policy of Council to prohibit the development of mobile homes on separate lots which are not part of a manufactured home park in the Falmouth Growth Centre.*

5.5 Commercial Core Development

The majority of new commercial development in West Hants is to be encouraged in Growth Centres which, in addition to being central, are serviced and have easy access to Highway 101. Given the proximity of the Growth Centres to the Town of Windsor, a regional approach to commercial growth should also be considered. Since Falmouth is to develop primarily as a residential Growth Centre, it is intended that most commercial development will occur in the Three Mile Plains Growth Centre.

To minimize potential land use conflicts, as well as to promote a focal point for business activity, commercial development will be encouraged to concentrate within designated commercial core areas in the Growth Centres.

Policy 5.5.1 *It shall be the policy of Council to establish a Commercial designation which shall apply to central commercial core areas of the Three Mile Plains and Falmouth Growth Centres.*

The commercial core of the Three Mile Plains Growth Centre is located around the intersection of Highway 1 and Highway 14 at Garlands Crossing, and adjacent to Highway 101. A variety of commercial uses, including a gas station, motel, restaurants, farmer's market and building supply store, are located here. It is anticipated that this will continue to be an area of commercial growth because of its proximity to Highway 101. The boundaries of the commercial core area also encompass a significant amount of residential development. The intent is to provide for future commercial expansion in a central area.

Policy 5.5.2 *Within the Three Mile Plains Growth Centre, the designated commercial core area shall centre around the intersection of Highway 1 and Highway 14 at Garlands Crossing and adjacent to Highway 101 as shown on the Generalized Future Land Use Map (Map 1).*

The commercial core of Falmouth is located along Highway 1 between the Avon River Bridge and the Highway 101 access road. Residents have expressed the desire to strictly control commercial development in Falmouth. Therefore, it is the intention of Council to limit the majority of new commercial development to this core.

Three Mile Plains Commercial Core



Falmouth Commercial Core



Policy 5.5.3 *Within the Falmouth Growth Centre, the designated commercial core area shall be the area fronting on Highway 1 from the Avon River Bridge to the Highway 101 access road as shown on the Generalized Future Land Use Map (Map 1).*

The expansion of the commercial core areas may be considered when there is a demonstrated need for additional serviced land for commercial development.

Policy 5.5.4 *It shall be the intention of Council to monitor development within the commercial core areas to ensure there is an adequate supply of land available in the Growth Centres for commercial development. It shall be the policy of Council to consider the expansion of the commercial core areas by amendment to this Strategy and the Land Use By-law subject to the following:*

- (a) the expanded area abuts the existing commercial core and is located within the Growth Centre boundaries;*
- (b) there is a demonstrated need for additional commercial core land;*
- (c) the area is serviced with municipal water and sewer;*
- (d) the permitted uses for the expanded commercial core 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 Strategy;*
- (f) any other matter which may be addressed in a Land Use By-law;
and*
- (g) Policy 16.3.1.*

Policy 5.5.5 *Within the Commercial designation of the Falmouth and Three Mile Plains Growth Centres, the majority of land will be zoned General Commercial to encourage a commercial concentration in the commercial core areas. Existing Highway Commercial uses will be zoned in as well as land in close proximity to Highway 101 and major street intersections where highway commercial development is appropriate. It shall be the policy of Council to allow for rezoning to permit new General Commercial and Highway Commercial uses subject to the criteria set out in Policies 5.5.8 and 5.5.11.*

Policy 5.5.6 *It shall be the policy of Council not to consider requests for rezoning to Highway Commercial or General Commercial outside of the Commercial designation in the Falmouth and Three Mile Plains Growth Centres except*

to allow for the expansion of an existing Highway Commercial or General Commercial use as specified in Policy 5.6.1.

General Commercial

General Commercial uses include businesses commonly seen in downtown commercial districts such as retail stores, offices, banks and restaurants.

Policy 5.5.7 *It shall be the policy of Council to establish a General Commercial (GC) zone that permits a broad range of commercial uses, but does not include many of the automobile-related uses and those which require large areas for outdoor display which are more typical of a Highway Commercial zone.*

Policy 5.5.8 *It shall be the policy of Council to consider rezoning land within the Commercial designation of the Growth Centres to General Commercial (GC) subject to the following:*

- (a) adequate buffering or screening, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties;*
- (b) traffic flow and pedestrian safety will not be adversely affected;*
- (c) safe and efficient roadway access is provided;*
- (d) adequate on-site parking is provided;*
- (e) any other matter which may be addressed in a Land Use By-law; and*
- (f) Policy 16.3.1.*

Policy 5.5.9 *It shall be the policy of Council that land zoned General Commercial (GC) within the commercial core areas of the Growth Centres may be considered for Highway Commercial or Industrial uses subject to the relevant policies of this Strategy.*

Highway Commercial

Highway Commercial uses cater to the travelling public and rely on being located in higher traffic areas. Other uses suited to this zone are those requiring a large amount of commercial floor space or outdoor storage and display areas.

Policy 5.5.10 *It shall be the policy of Council to establish a Highway Commercial (HC) zone which permits a range of retail and service uses intended to serve the needs of the travelling public and cater to the automobile, as well as uses requiring a large amount of commercial floor space or outdoor storage and display areas.*

Policy 5.5.11 *It shall be the policy of Council to consider rezoning land within the Commercial designation of the Growth Centres to Highway Commercial (HC) subject to the following:*

- (a) *the development has frontage on an arterial or collector street;*
- (b) *adequate buffering or screening, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties and any open 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 on-site parking is provided;*
- (f) *any other matter which may be addressed in a Land Use By-law; and*
- (g) *Policy 16.3.1.*

Policy 5.5.12 *It shall be the policy of Council that land zoned Highway Commercial within the commercial core areas of the Growth Centres may be considered for General Commercial or Industrial uses subject to the relevant policies of this Strategy.*

Regional Shopping Centres

Regional shopping centres—those more than 20,000 square feet (1,858.00 square meters) in floor area—are intended to serve a wide geographic area. Windsor-West Hants' only regional shopping centre is Fort Edward Mall which is located within the Town of Windsor. With expectations of increased growth in the area, there may be demand for another regional shopping centre in the future. West Hants Council wishes to be prepared for this and able to deal with it properly when the time comes. Because of the large scale of these developments and their effect on surrounding land uses and traffic patterns, new regional shopping centres will be considered only by development agreement. This type of development will be limited to the commercial core areas of the Growth Centres.

Policy 5.5.13 *It shall be the policy of Council to consider new regional shopping centres by development agreement subject to the following:*

- (a) *the development is located in the Commercial designation of either the Three Mile Plains or Falmouth Growth Centres;*
- (b) *the uses encompassed by the shopping centre are permitted in the General Commercial (GC) or Highway Commercial (HC) zones;*
- (c) *the development has direct access to an arterial street;*

- (d) *adequate provision is made for parking and access;*
- (e) *pedestrian access and safety are addressed;*
- (f) *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;*
- (g) *the development will not conflict with neighbouring uses;*
- (h) *the architectural design and scale of the development is compatible with surrounding buildings;*
- (i) *the building design incorporates windows and other elements in the street 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 study conducted by a qualified person which demonstrates that the surrounding street network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvements such as traffic lights at the expense of the municipal unit;*
- (l) *any other matter which may be addressed in a development agreement; and*
- (m) *Policy 16.3.1.*

Policy 5.5.14 *It shall be the policy of Council to permit more than one main building on a lot as part of a shopping centre complex.*

Large Format Retail Stores

Large format retail stores, also known as "big box" stores, are growing in popularity. These larger stores may have more than one tenant and often locate near highway exits. Because of their size and the amount of traffic they can generate, new large format retail stores will be limited to the Commercial designation of the Growth Centres or the Joint Industrial Type Three (LI-3) zone and will be considered only through a development agreement process which allows Council more control over the development. Since traffic is a particular concern, Council will require the submission of a traffic study which examines the adequacy of street networks and any potential infrastructure costs as a result of the development.

For large format stores which were in place prior to the introduction of development agreement requirements, Council wishes to have the ability to specifically address traffic and design concerns arising

from proposals for major expansions to the commercial floor area. For this reason, a development agreement will be required for any expansion greater than 5,000 square feet (464.50 square meters) to an existing large format retail store.

Policy 5.5.15 *It shall be the policy of Council to consider new large format retail stores or expansions greater than 5,000 square feet (464.50 square meters) to existing large format retail stores by development agreement subject to the following criteria:*

- (a) *the proposed development is located in the Joint Industrial Type Three (LI-3) zone or within the Commercial designation of the Falmouth or Three Mile Plains Growth Centres;*
- (b) *if located in a Growth Centre, the development has direct access to an arterial street;*
- (c) *adequate provision is made for parking and access;*
- (d) *pedestrian access and safety are addressed;*
- (e) *adequate setbacks and yards shall be provided;*
- (f) *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;*
- (g) *the proposed use will not conflict with neighbouring uses;*
- (h) *the architectural design and scale of the proposed development is compatible with surrounding buildings;*
- (i) *the building design incorporates windows and other elements in the street 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 study conducted by a qualified person which demonstrates that the surrounding street network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvement such as traffic lights at the expense of the municipal unit(s);*
- (l) *any other matter which may be addressed by development agreement; and*

(m) *Policy 16.3.1.*

5.6 Commercial Development Outside the Commercial Core

Outside of the commercial core areas of the Growth Centres, new commercial development should be carefully controlled and compatible with residential areas. Local commercial and recreation commercial uses will be considered by development agreement, but rezoning to General Commercial or Highway Commercial will not be permitted. Existing businesses will be zoned according to the type of commercial use.

Policy 5.6.1 *It shall be the policy of Council to zone in existing commercial uses outside the designated Commercial core areas in Growth Centres to make them conforming uses, provided they do not conflict with the surrounding area. Council may consider permitting the expansion of an existing Highway Commercial or General Commercial use onto an adjacent property by rezoning subject to the criteria set out in Policies 5.5.8 and 5.5.11. This shall not be regarded as setting a precedent for permitting future General or Highway Commercial uses outside of the designated Commercial core areas.*

Local Commercial

Local commercial uses are small-scale commercial operations that serve a relatively small market area such as convenience stores, art/crafts/antique shops and personal service shops and other uses of a purely local nature that are compatible with residential areas. Uses such as licensed day care centres, country inns, small restaurants or cafés, offices and video stores which serve a wider market, but are compatible with residential uses, also may be considered. Residential uses are encouraged in conjunction with commercial uses.

Policy 5.6.2 *It shall be the policy of Council to establish a Local Commercial (LC) zone and apply that zone to existing local commercial businesses located outside the Commercial core area of Growth Centres.*

Policy 5.6.3 *To ensure local commercial uses remain small-scale and compatible with residential areas, it shall be the policy of Council to regulate commercial floor space of these uses in the Land Use By-law.*

Policy 5.6.4 *It shall be the policy of Council to consider new local commercial uses in Growth Centres outside the Commercial designation by development agreement subject to the following provisions:*

- (a) *the adjacent residential area will not be adversely affected with respect to:*
 - (i) *traffic generation and traffic safety;*
 - (ii) *signage;*
 - (iii) *hours of operation;*
 - (iv) *size of building(s); and*
 - (v) *pedestrian circulation and safety;*

- (b) *adequate on-site parking is provided;*
- (c) *adequate buffering or screening, setbacks and yards are provided;*
- (d) *maintenance of the proposed use will be satisfactory;*
- (e) *any other matter which may be addressed by a development agreement; and*
- (f) *Policy 16.3.1.*

Policy 5.6.5 *It shall be the policy of Council that land zoned Local Commercial (LC) may be considered for other uses by amendment to the Land Use By-law subject to the relevant policies of this Strategy.*

Recreation Commercial

Commercial recreation facilities such as campgrounds, golf courses and other outdoor recreation uses that are operated for profit and are not owned by a public agency will be permitted in the Growth Centres in accordance with Section 13.3 of this Strategy.

5.7 Industrial Development

Industrial development can be divided into two categories: resource-related industries and service industries (e.g., warehousing, light manufacturing). Generally, the former are encouraged to locate in the appropriate resource areas while large-scale service industries should locate in an industrial park. Smaller-scale local industries may be located throughout West Hants, particularly if they are developed in conjunction with a residential use.

Resource Industrial

Resource-related industries usually locate where the product is being produced, whether the product is apples, gypsum or wood products. Because many resource-based industries require large amounts of water, locating in a Growth Centre where there is a municipal water supply may also be attractive.

Since West Hants has a strong agricultural resource base, Council wants to allow resource-related industrial activities to continue in the Growth Centres. Because of the potential for land use conflicts, however, new resource-related industries will be considered in Growth Centres by development agreement so the development can be carefully controlled. Existing resource industrial uses will be given an industrial zone to recognize their importance and long-term stability. These existing industries will be permitted to expand by rezoning adjacent properties as required, subject to setback and buffering requirements.

Policy 5.7.1 *It shall be the policy of Council to establish a Resource Industrial (M-1) zone which shall apply to existing resource-related industrial uses in the Growth Centres and shall 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.*

Policy 5.7.2 *It shall be the policy of Council to consider new resource-related industrial uses in the Growth Centres by development agreement subject to the following:*

- (a) the use is permitted in the Resource Industrial (M-1) zone;*
- (b) the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions;*
- (c) 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 building;**
- (d) the development has frontage on an arterial or collector street;*
- (e) safe and efficient roadway access can be provided;*
- (f) adequate parking and loading areas can be provided;*
- (g) adequate buffering or screening, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties;*
- (h) open storage and display areas are adequately fenced or screened and limited to the rear yard where there is potential for conflict with adjacent non-industrial uses;*
- (i) any other matter which may be addressed in a development agreement; and*
- (j) Policy 16.3.1.*

Policy 5.7.3 *It shall be the policy of Council to consider permitting the expansion of an existing Resource Industrial (M-1) use onto an adjacent property by rezoning subject to the criteria listed in Policy 5.7.2.*

Local Industrial

A number of small-scale industrial uses, such as auto repair, body shops or trucking businesses, can be found in the Growth Centres. Often these businesses start on the owner's residential property as backyard or weekend hobbies or sidelines, but grow into full-time occupations. Existing local industrial uses will be recognized through zoning, but new local industrial development will be considered in residential designations only by development agreement. Such uses will be subject to strict fencing, buffering and size requirements to reduce conflicts with neighbouring properties.

Policy 5.7.4 *It shall be the policy of Council to establish a Local Industrial (LI) zone which permits 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 5.7.5 *It shall be the policy of Council to apply the Local Industrial (LI) zone to existing local industrial uses in the Growth Centres.*

Policy 5.7.6 *It shall be the policy of Council to consider new Local Industrial uses in the Growth Centres by development agreement subject to the following:*

- (a) *the use is permitted in the Local Industrial (LI) 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;*
- (h) *any other matter which may be addressed in a development agreement; and*
- (i) *Policy 16.3.1.*

Policy 5.7.7 *It shall be the policy of Council that land zoned Local Industrial (LI) may be considered for other uses by amendment to the Land Use By-law subject to the relevant provisions of this Strategy.*

5.8 Institutional Development

Institutional uses, such as schools, churches, community centres and public indoor recreational facilities, act as focal points for the Growth Centres. Homes for special care and senior citizen housing that are operated, or licensed to operate, by the provincial government, provide a necessary service to the community. Existing institutional uses in the Growth Centres will be zoned in, but new ones will be considered only by development agreement to ensure issues such as traffic, parking, noise and other potentially negative effects on nearby properties can be carefully addressed.

Policy 5.8.1 *It shall be the policy of Council to zone existing institutional uses in Growth Centres Institutional (I). The development of new institutional uses in Growth Centres shall be considered by development agreement pursuant to Policy 13.1.2.*

5.9 Agriculture

Active agricultural land within the Growth Centres will be zoned Agricultural Priority Three (AR-3) pursuant to Part 8.0 of this Strategy. As the Growth Centres are intended to be the area where most new residential and commercial development is encouraged to occur in West Hants, new intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted since their location could limit the potential for residential or commercial growth. Existing intensive livestock operations will be recognized as permitted uses with the same right to continue to operate or to expand as any other permitted use. Applications for rezoning or development agreements to allow non-farm development will be considered in accordance with the relevant preceding policies for the Growth Centres. In considering such an application, however, Council must take into account the potential impact of the development on any adjacent agricultural operation.

Policy 5.9.1 *It shall be the policy of Council that the agricultural zone applied to the Growth Centres shall 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 Growth Centres as areas of concentrated residential and commercial development.*

Policy 5.9.2 *It shall be the policy of Council that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land zoned agriculture within the Growth Centres.*

6.0 VILLAGE

The Village designation recognizes existing development areas which serve as focal points for the surrounding countryside, but which are not expected to grow at the rate of a Growth Centre. Municipal sewer and water services will not be provided in the Village designation. Under this Strategy, only Brooklyn has been designated as a Village.

6.1 Brooklyn

The community of Brooklyn, 11 km east of Windsor, is centrally located at the junction of Highways 215 and 14 and is considered a service centre for the surrounding countryside. Some of the services provided in the community include a post office, volunteer fire department, West Hants Middle School (Grades 7-9), Brooklyn District Elementary School (Grades P-6) and Newport and District Rink, which is one of only two rinks in the Windsor-West Hants area. The community also includes several churches and a variety of businesses such as service stations, auto body shops, convenience stores, dental and insurance offices, a hardware and building supply store, a credit union and a feed mill.

Residents of Brooklyn value its quiet, rural atmosphere. There is interest in improving community facilities and the overall quality of life in the community. Controlled residential and commercial development is seen as a benefit to the area.

Policy 6.1.1 *It shall be the policy of Council to designate Brooklyn as a Village as shown on the Generalized Future Land Use Map (Map 1).*

Policy 6.1.2 *It shall be the policy of Council to consider expanding the boundaries of the Village 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 Village designation and the surrounding area;*
- (c) it is clearly demonstrated that land within the established Village 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 Village boundaries;*
- (f) any other matter which may be addressed in a Land Use By-law;
and*
- (g) Policy 16.3.1.*

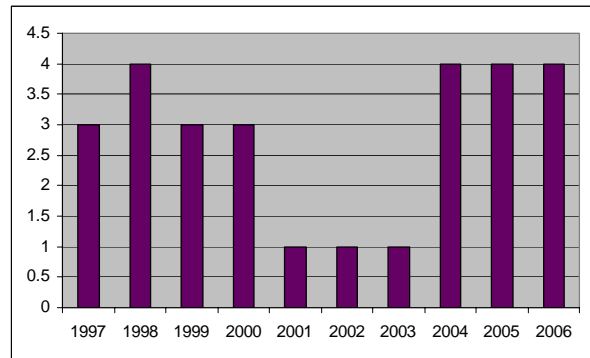
The core area of Brooklyn, with its densely developed small lots, has experienced pollution and odour from malfunctioning on-site sewage disposal systems. In addition, as is the case in many areas of West Hants, some residents experience inadequate water quality and supply. Over the years, at residents' request, the Municipality has undertaken several feasibility studies into the provision of municipal sewer and water services in Brooklyn. In all cases, the cost was so high that it was unacceptable to the residents. Council will not entertain future requests for provision of municipal sewer and water services in the Village designation.

Policy 6.1.3 *It shall be the policy of Council that municipal sewer and water services will not be provided in the Village designation.*

6.2 Residential Development

Single family dwellings are the most common type of housing in Brooklyn, although there are a few buildings containing apartments in the core area. Between 1997 and 2006, 28 new dwelling units were created in Brooklyn. Figure 5 shows the breakdown of new residential construction by year.

Figure 5 - Brooklyn New Dwelling Units, 1997-2006



It is the feeling of Council, based in part on the 2002 Plan Review Survey, that one and two unit dwellings should remain the most common type of housing in Brooklyn. In the previous Area One Municipal Planning Strategy and Land Use By-law, only the Hazelwood Drive and Lakewood Drive areas were zoned Single Unit Residential (R-1). The R-1 zoning will be maintained for these areas. The remainder of residential land outside the core area will be zoned Two Unit Residential (R-2).

Policy 6.2.1 *It shall be the policy of Council to apply Single Unit Residential (R-1) zoning to limited areas of Brooklyn which were zoned R-1 in the former Area One Land Use By-law.*

Policy 6.2.2 *It shall be the policy of Council to apply Two Unit Residential (R-2) zoning to the majority of residential land outside the Village Core area of Brooklyn. Within the Village designation, the R-2 zone will permit one and two unit dwellings and mini homes; however, mobile homes will not be permitted.*

Policy 6.2.3 *It shall be the policy of Council to consider rezoning land within the Village designation to Single Unit Residential (R-1) or Two Unit Residential (R-2) subject to the following:*

- (a) *the proposed use will not conflict with adjacent existing uses;*

- (b) *any other matter which may be addressed in a Land Use By-law;
and*
- (c) *Policy 16.3.1.*

To provide additional housing options for the residents of Brooklyn, proposals for grouped dwellings will be considered by development agreement. Consistent with the existing development pattern in the Village, however, only grouped single and two-unit dwellings will be permitted. Whether treated as condominium units or as rentals, these types of developments are becoming more popular with seniors and others who do not want the responsibility of maintaining large yards or properties. Applications must exhibit comprehensive site planning with close attention paid to preserving natural features of the site and ensuring the design and scale of the development is compatible with the rural Village character.

Policy 6.2.4 *It shall be the policy of Council to consider proposals for grouped single and two unit dwellings consisting of six or more units in the Village designation by development agreement subject to the following:*

- (a) *the development fronts on an arterial street or has direct access to an arterial street;*
- (b) *the proposed overall density of the development does not exceed one dwelling unit per acre;*
- (c) *the minimum distance between main buildings is 20 feet (6.10 meters);*
- (d) *adequate open space or recreational areas are provided;*
- (e) *existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;*
- (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) any other matter which may be addressed in a development agreement; and*
- (k) Policy 16.3.1.*

6.3 Village Core

Over the years, Brooklyn has retained its characteristic village core which contains a dense concentration of commercial, residential and institutional or service uses. The village core is clearly identifiable and centres around the village monument at the intersection of Highways 14 and 215. Council wishes to recognize this area as the centre for business and service activity in Brooklyn and to encourage the retention of existing businesses, as well as the development of new commercial uses.

The village core contains a large residential component, including many historically significant houses. New commercial development should be compatible with neighbouring residential uses and consistent with the rural village character. Therefore, small-scale local commercial uses such as specialty shops, country inns, arts and crafts studios and similar uses will be encouraged by applying a Local Commercial zone to the majority of land within the village core. Council will also consider larger-scale businesses, provided they are compatible with neighbouring uses and consistent with the objectives of the Village. To ensure close control over the development and ongoing operation of these businesses, General Commercial and Highway Commercial uses will be considered on a case-by-case basis by development agreement. Existing General Commercial and Highway Commercial uses will be zoned in.

Policy 6.3.1 *It shall be the policy of Council to designate a Village Core and to encourage commercial uses to locate in this area.*

Policy 6.3.2 *It shall be the policy of Council to apply the Local Commercial (LC) zone to the majority of land within the Village Core and to regulate the commercial floor area for Local Commercial uses to ensure businesses are compatible with neighbouring residential uses and in character with the village atmosphere.*

Policy 6.3.3 *It shall be the policy of Council to zone in existing General Commercial (GC) and Highway Commercial (HC) uses in the Village Core.*

Policy 6.3.4 *It shall be the policy of Council to consider new General Commercial (GC) or Highway Commercial (HC) uses in the Village Core by development agreement subject to the following:*

- (a) *the development has frontage on an arterial street;*
- (b) *safe and efficient roadway access is provided;*
- (c) *adequate on-site parking is provided;*
- (d) *the development will not adversely affect the rural village character of the 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, 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;*
- (h) *any other matter which may be addressed in a development agreement; and*
- (i) *Policy 16.3.1.*

6.4 Commercial Uses Outside the Village Core

Outside the Village Core where lots are generally larger, Highway Commercial and General Commercial development will be considered through either a rezoning process for small businesses or a development agreement for larger businesses.

Policy 6.4.1 *It shall be the policy of Council to zone in existing commercial uses outside of the Village Core.*

Policy 6.4.2 *It shall be the policy of Council to consider rezoning land outside the Village Core to allow new General Commercial (GC) or Highway Commercial (HC) uses with a commercial floor area not greater than 5,000 square feet (464.50 square meters) subject to the following:*

- (a) *the development has frontage on an arterial street;*
- (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);*
 - (v) *pedestrian circulation and safety;*
- (e) *the rural character of the area will not be adversely affected;*
- (f) *adequate buffering or screening, setbacks and yards are provided;*
- (g) *any other matter which may be addressed in a Land Use By-law; and*
- (h) *Policy 16.3.1.*

Policy 6.4.3 *It shall be the policy of Council to consider new commercial uses over 5,000 square feet (464.50 square meters) in commercial floor area outside the Village Core by development agreement subject to the criteria listed in Policy 6.4.2 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) *any other matter which may be addressed in a development agreement.*

6.5 Industrial

Since the core area of Brooklyn is quite small and there are few large, undeveloped lots, new industrial uses will not be permitted in the Village Core. Outside the core, however, Council wishes to allow for the development of small-scale local industrial uses, provided they are operated in conjunction with a residential use and closely controlled to ensure they remain compatible. Therefore, Council will consider new local industrial uses outside the Village Core on arterial streets by development agreement. Existing industrial uses in Brooklyn will be zoned according to their use and will be permitted to continue to operate and expand, if desired, subject to the zone requirements.

Policy 6.5.1 *It shall be the policy of Council to zone in existing industrial uses in the Village.*

Policy 6.5.2 *It shall be the policy of Council to consider new Local Industrial (LI) uses outside the Village Core by development agreement subject to the following:*

- (a) the development has frontage on an arterial street; and*
- (b) the criteria listed in Policy 5.7.6.*

6.6 Institutional

There are several existing institutional uses in Brooklyn including churches, two schools, a fire hall and a rink. These public uses serve some of the social, cultural and physical needs of the residents of Brooklyn and the surrounding area. Council also wishes to provide for the development of institutional uses such as senior citizen homes and homes for special care. As in the Growth Centres, new institutional uses will be considered by development agreement so traffic and parking problems, as well as other negative effects on nearby properties, are minimized.

Policy 6.6.1 *It shall be the policy of Council to zone existing institutional uses in the Village designation as Institutional (I). The development of new institutional uses in the Village shall be considered by development agreement pursuant to Policy 13.1.2.*

Policy 6.6.2 *It shall be the policy of Council that land zoned Institutional (I) in the Village designation may be considered for other uses subject to the relevant policies of this Strategy.*

6.7 Recreation Commercial

New commercial recreation uses may be considered outside the Village Core by development agreement pursuant to Policy 13.3.2.

Policy 6.7.1 *It shall be the policy of Council to consider new recreation commercial uses only on properties located outside the Village Core by development agreement pursuant to Policy 13.3.2.*

6.8 Agriculture

Active agricultural land within the Village will be zoned Agricultural Priority Three (AR-3) pursuant to Part 8.0 of this Strategy. As the Village is intended to be a rural focal point for residential and commercial development, new intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted since their location could limit the potential for residential or commercial growth. Existing intensive livestock operations will be recognized as permitted uses with the same right to continue to operate or to expand as any other permitted use. Applications for rezoning or development agreements to allow non-farm development will be considered in accordance with the relevant preceding policies for

the Village. In considering such an application, however, Council must take into account the potential impact of the development on any adjacent agricultural operation.

Policy 6.8.1 *It shall be the policy of Council that the agricultural zone applied to the Village shall 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 Village as a rural focal point for residential and commercial development.*

Policy 6.8.2 *It shall be the policy of Council that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land zoned agriculture within the Village.*

7.0 HAMLET

Hamlets are small centres of development with a concentrated component which may include community services such as churches, schools, community halls and small businesses. It is not intended that Hamlets will grow as rapidly as the Growth Centres or Village, but they should provide a limited amount of housing for people seeking a rural living environment near farms and resource industries. The retention of the rural nature of these communities is important.

Eleven Hamlets are designated in West Hants. The Hamlets of Newport Station, St. Croix, Ellershouse, Newport Corner and Ardoise-Cameron Lake line Highway 1 from Three Mile Plains to the Municipality of East Hants boundary. In addition, the communities of Wentworth Creek, Gypsum Mines-Sweets Corner and Newport Landing are designated as Hamlets. This Strategy also identifies three new Hamlets: Summerville, Cheverie and Mount Denson.

Newport Station

The Newport Station Hamlet includes Newport Station District Elementary School, a church and community hall, as well as a variety of commercial uses.

St. Croix

The Hamlet of St. Croix is located east of Newport Station and includes the St. Croix Recreation Site, a major municipal recreation facility noted for its international-calibre softball fields. St. Croix also has a variety of other community uses including a community hall, church and post office.

Ellershouse

Ellershouse takes in the area east of Highway 101's Exit 4. The majority of development in this Hamlet is along Ellershouse Road and Highway 1. There are a significant number of buildings of historic interest, as well as a church, post office, community hall and several businesses.

Newport Corner

The Newport Corner Hamlet begins at the intersection of Highway 1 and Highway 215 and extends north along Highway 215 and Lynch Road to the boundary of the Village of Brooklyn. In addition to a community hall, Newport Corner has a golf course.

Ardoise-Cameron Lake

The area around Highway 1 from Newport Corner to the East Hants boundary, including Collier Road and Ardoise School Road, is designated as the Ardoise-Cameron Lake Hamlet. The Hamlet includes a church, community hall and campground. This is one of the few Hamlets with existing cottage development on private roads adjacent to Cameron Lake.

Wentworth Creek

Wentworth Creek extends along Wentworth Road from the Windsor town boundary to the Fundy Gypsum Wentworth Creek mine site. Because of the proximity to Windsor, homes in Wentworth Creek are connected to municipal water services. At this time, development in Wentworth Creek is either residential or agricultural.

Gypsum Mines–Sweets Corner

The Gypsum Mines–Sweets Corner Hamlet centres around the intersection of Highway 14 and Wentworth Road. In addition to several commercial uses, there are two churches and a community hall in the Hamlet.

Newport Landing

Newport Landing was a significant shipbuilding community in the time of sail. Today, the Hamlet boasts several houses of historic interest and is home to the Avon River Heritage Museum which has a small restaurant. A church and community hall are also located in the community.

Mount Denson

The Hamlet of Mount Denson abuts the Hantsport town boundary. Its proximity to a Highway 101 access means development pressure is likely to increase as the Highway 101 twinning project proceeds. The Hamlet includes a church, community hall, West Hants Ground Search and Rescue and several home-based businesses, as well as cottage development on existing private roads leading to the Avon River.

Summerville

The Hamlet of Summerville is located on Highway 215, taking in the area from Nunn Road to Block Wharf Road. This community has several businesses including an art gallery, restaurant and funeral home, as well as a church, a fire department, a post office and an elementary school.

Cheverie

The Cheverie Hamlet is located on Highway 215 between Shipyard Road and Wharf Road. This small Hamlet has a church as well as a convenience store and several home-based businesses.

Council wishes to direct most of the concentrated residential growth in more rural parts of West Hants to Hamlets, leaving land outside these areas for resource use. For this reason, all land within the Hamlets will be designated Hamlet and several zones will be established to guide specific development.

Policy 7.0.1 *It shall be the policy of Council to create the following Hamlets as shown on the GFLUM (Map 1) and to designate all land within the boundaries as Hamlet:*

Ardoise–Cameron Lake	Cheverie
Ellershous	Gypsum Mines–Sweets Corner
Mount Denson	Newport Corner
Newport Landing	Newport Station
St. Croix	Summerville
Wentworth Creek	

Policy 7.0.2 *It shall be the policy of Council that new Hamlets may be considered or existing Hamlets expanded by amendment to the Municipal Planning Strategy and Land Use By-law provided the development objectives of Hamlets are maintained.*

Policy 7.0.3 *It shall be the policy of Council that municipal services in Hamlets shall include only those provided throughout the entire Municipality such as garbage collection and protective services. Municipal water and sewer services will not be provided (refer to Policy 5.1.6).*

Three Hamlets—Newport Station, Mount Denson and Wentworth Creek—either abut or are within proximity to the existing serviced areas. Over time, as the Growth Centres infill, additional land may be required for serviced development and consideration may be given to extending the Growth Centre boundaries into former Hamlets. At that time, municipal water and sewer services may be extended to these areas if the costs are feasible.

7.1 Residential Development

To maintain the rural nature of Hamlets, only low density residential development, to a maximum of two units, will be permitted as-of-right. The Rural Residential zone will be the only residential zone to apply within Hamlets. Land zoned for other uses may be considered for rezoning to Rural Residential. As in the Village designation, Council wishes to provide for additional housing options for residents of Hamlets, particularly seniors; therefore, proposals for cluster developments of grouped single and two-unit dwellings will be considered by development agreement. Applications must exhibit comprehensive site planning with close attention paid to preserving natural features of the site and ensuring the design and scale of the development is compatible with a rural area.

Policy 7.1.1 *It shall be the policy of Council to establish a Rural Residential (R-4) zone which will apply to the majority of land within the Hamlet boundaries. The R-4 zone will permit one and two unit dwellings, manufactured homes, and existing community uses such as churches, community centres, fire halls, schools and post offices.*

Policy 7.1.2 *It shall be the policy of Council to consider rezoning land within Hamlets to Rural Residential (R-4) subject to the following:*

- (a) *the proposed use will not conflict with adjacent existing uses;*

- (b) *any other matter which may be addressed in a Land Use By-law;*
- (c) *Policy 16.3.1.*

Policy 7.1.3 *It shall be the policy of Council to consider proposals for grouped single and two-unit dwellings consisting of six or more units in Hamlets by development agreement subject to the criteria listed in Policy 6.2.4 .*

Policy 7.1.4 *It shall be the policy of Council not to permit multiple unit residential development in Hamlets, except as provided in Policy 7.1.3.*

7.2 Commercial and Industrial Development

A Rural Commercial zone will apply to Hamlets and resource areas permitting a range of uses which provide a necessary service to local residents, as well as limited highway commercial and tourist commercial uses. Some size limitations will apply to ensure that commercial development in Hamlets remains compatible with rural residential uses, but the limits will not be as restrictive as those applied to home-based businesses. The intent is to allow opportunities for rural economic development in Hamlets, while encouraging larger, more urban commercial uses to concentrate in the Village or Growth Centres.

A Hamlet Industrial zone will apply only to the Hamlets. Similar to the Rural Commercial zone, the Hamlet Industrial zone is intended to allow industrial development that provides a service to local residents, is a resource-related industry, or is operated in conjunction with a residential use. Because the Hamlets are rural areas where, traditionally, small industrial uses ranging from auto body repair to saw mills have been an accepted part of rural life, the zone will allow for a broader range of uses than those permitted in the Local Industrial zone of the Village or Growth Centres. To minimize conflicts with neighbouring residential uses, larger lot sizes and setbacks, fencing or landscaping, and controls over open storage will be implemented.

Existing commercial or industrial uses in Hamlets will be zoned in. New uses will be considered by rezoning.

Policy 7.2.1 *It shall be the policy of Council to establish a Rural Commercial (RC) zone which will apply to Hamlets 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.*

Policy 7.2.2 *It shall be the policy of Council to establish a Hamlet Industrial (M-2) zone which will permit local and resource-based industrial uses and residential uses in conjunction with an industrial use.*

Policy 7.2.3 *It shall be the policy of Council that no commercial or industrial zone other than Rural Commercial (RC) and Hamlet Industrial (M-2) will be considered in Hamlets.*

Policy 7.2.4 *Notwithstanding Policy 7.2.3, existing Recreation Commercial uses in Hamlets shall be zoned in. New Recreation Commercial uses may be considered by development agreement subject to Policy 13.3.2, provided the Hamlet development objectives are maintained.*

Policy 7.2.5 *It shall be the policy of Council to 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 7.2.6 *It shall be the policy of Council to consider rezoning land in Hamlets to allow new Rural Commercial (RC) or Hamlet 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, setbacks and yards are provided;*
- (g) *any other matter which may be addressed in a Land Use By-law; and*
- (h) *Policy 16.3.1.*

Policy 7.2.7 *It shall be the policy of Council to consider amending the Land Use By-law to add new uses to the permitted uses in the Rural Commercial (RC) or Hamlet Industrial (M-2) zones subject to the following:*

- (a) *the objectives of the Hamlet 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 open storage;*

- (e) *any other matter which may be addressed in a Land Use By-law;*
and

- (f) *Policy 16.3.1.*

7.3 Institutional Development

Existing institutional uses in Hamlets such as schools, churches, community centres and fire halls will be recognized as existing permitted uses within the Rural Residential zone. Council also wishes to provide for the development of institutional uses such as senior citizen homes and homes for special care. New institutional uses will be considered by development agreement to ensure close control over traffic, parking, noise and other potentially negative impacts on neighbouring properties.

Policy 7.3.1 *It shall be the policy of Council to recognize existing institutional uses such as schools, churches, community centres and fire halls as existing permitted uses in the Rural Residential (R-4) zone. Development of new institutional uses in the Hamlets shall be considered by development agreement pursuant to Policy 13.1.2.*

7.5 Agriculture

Active agricultural land in the Hamlets will be zoned Agricultural Priority Three (AR-3) pursuant to Part 8.0 of this Strategy. Like the Growth Centres and Village, the Hamlets are intended to be centres for residential development, although the Hamlets offer a more rural living environment. To avoid potential conflict with residential development, new intensive livestock operations and agricultural support uses will not be permitted in the AR-3 zone in Hamlets. Existing intensive livestock operations will be permitted. Requests for rezoning or development agreements to allow non-farm development will be considered in accordance with the relevant preceding policies for the Hamlets. In considering any such application, however, Council must take into account the potential impact of the development on any adjacent agricultural operation.

Policy 7.5.1 *It shall be the policy of Council that the agricultural zone applied to Hamlets shall 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 Hamlets as centres for rural residential development.*

Policy 7.5.2 *It shall be the policy of Council that the provisions of Policy 8.10.3 shall apply to any application for non-agricultural development on land zoned agriculture within the Hamlets.*

8.0 AGRICULTURE

8.1 Introduction

Agriculture is an important industry in West Hants, representing the fourth largest employment sector. According to the 1996 Census, 565 people in West Hants were employed in the agricultural industry. Of the 130 farms in West Hants with more than \$2,500 of gross annual receipts, the most common type was beef (49 farms), followed by miscellaneous specialty such as mink or sheep farms (27), and dairy (15).

Across Canada, the face of agriculture is changing as fewer, larger farms are producing more agricultural products. In Windsor-West Hants¹, the total number of farms has decreased by 75 percent since 1956. Between 1996 and 2001 alone, the number of farms dropped by 19 percent, from 189 to 153. At the same time, however, the size of farms grew. In 2001, the average farm in Windsor-West Hants was 229 acres, an increase of 46 percent over the average size in 1956 (157 acres). But although individual farms are getting larger, as a whole, Windsor-West Hants is losing agricultural land. The total amount of farmland has decreased by 64 percent since 1956 and by 13 percent, from 40,435 acres to 35,084 acres, between 1996 and 2001. The majority of lost farmland between 1996 and 2001 was unimproved (4,083 acres), but 1,268 acres of improved land was also taken out of production.

Although the agricultural industry is facing many challenges, West Hants Council feels it is important that active farmland and land with high potential for agricultural use be preserved for food production for future generations.

Land with high potential for agricultural use has been identified using the Canada Land Inventory (C.L.I.) Land Capability for Agriculture classification system. Under this system, Class 1 applies to the best agricultural land, while Class 7 refers to land with no agricultural value. There is no Class 1 land anywhere in Nova Scotia, but there are significant areas of Class 2 and 3 land in the central and northern parts of West Hants particularly around the Avon, Kennetcook, Cogmagun and St. Croix rivers. In all, approximately 91,000 acres in West Hants is rated as C.L.I. Class 2 and 3. Because less than 50 percent of this land is cleared, there is considerable potential for future expansion of agricultural activities.

To a large extent, the location of active farms in West Hants mirrors the location of C.L.I. Class 2 and 3 land. Small pockets of active agricultural land can be found along Highway 215 north of the Cogmagun River; however, most of the active farmland in West Hants is located near the centre of the Municipality from the Kennetcook River to the Highway 101 corridor, as well as along the Avon River. This is the same area where a substantial proportion of the new residential development in West Hants has occurred over the past ten years.

Non-farm development in agricultural areas can result in land use conflicts that make it difficult or impossible to carry on farm operations. Complaints about farm activities commonly relate to odour, drift of dust and pesticides, noise from livestock or farm machinery, rodents, flies and escaped livestock. To

¹Statistics Canada's Agricultural Census uses combined data for the Town of Windsor and the Municipality of the District of West Hants.

counteract this, Council feels it is important that agricultural zoning not be applied in a scattered fashion only to individual farms. Instead, the zoning should take in entire districts where there is a concentration of active farms and land with high potential for agricultural production. This means that agricultural zoning districts will include small residential lots as well as large farm parcels. Often conflicts between residential and farm uses arise, not with the first owner of a residential property in a farming area, but with subsequent owners who may not be fully aware of the consequences of living near an active farm. Creating agricultural districts which include these residential properties will help to put new residential land owners on notice that they will be living in a farming area and must accept the consequences of doing so.

In previous Municipal Planning Strategies and Land Use By-laws, most of the agricultural land in the former Area One and Upper Falmouth planning areas was protected by a variety of land use, subdivision and lot size controls. Farmland in Areas Two and Three had no agricultural protection. In this Strategy, the agricultural designation will apply to land with the highest capability for agriculture (C.L.I. Class 2, 3 and 4) and areas with active farms, including the previously unzoned areas.

8.2 General Policies

Policy 8.2.1 *It shall be the policy of Council to establish an Agriculture designation which shall apply to the majority of active farmland and Canada Land Inventory Class 2, 3 and 4 agricultural land in West Hants outside the Growth Centre, Village and Hamlet designations as shown on the Generalized Future Land Use Map (Map 1).*

Policy 8.2.2 *It shall be the policy of Council that the primary purpose of the Agriculture designation is to preserve active farmland and land with high potential for agriculture in West Hants. 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 8.2.3 *It shall be the policy of Council to encourage and support, through provisions of the Land Use By-law, the continued operation of existing farms and agricultural activities in West Hants.*

Policy 8.2.4 *It shall be the policy of Council that uses in the Agriculture designation shall primarily be restricted to agricultural operations devoted to the production for sale of farm products which may include but are not necessarily limited to:*

- (a) *the growing and harvesting of crops such as vegetables, fruits, field crops, berries, trees, maple syrup, mushrooms, flowers and landscaping materials, and may include:*
 - (i) *the erection and use of greenhouses, nurseries and wineries;*
 - (ii) *woodlots and forestry uses;*

- (b) *the raising of livestock such as cattle, horses, poultry, swine, sheep, rabbits, goats, emus, llamas, fur-bearing animals, game animals, game birds and honey bees, and may include:*
 - (i) *the production of eggs, cream and milk;*
 - (ii) *breeding and boarding kennels for dogs, cats or other domestic pets;*
 - (iii) *riding stables;*
- (c) *the marketing of agricultural products produced on the farm property at an accessory farm sales outlet;*
- (d) *the process at a farm necessary to prepare a farm product for distribution including cleaning, grading, storage and packaging;*
- (e) *the clearing, draining, levelling, irrigating or cultivating of land;*
- (f) *the application of fertilizers, soil conditioners, pest control products or other agricultural inputs;*
- (g) *the storage, disposal or use of compost and livestock-generated waste for farm purposes (but does not include biosolid waste); and*
- (h) *the operation of agricultural machinery and equipment.*

Policy 8.2.5 *It shall be the policy of Council to adopt standards in the Land Use By-law regarding:*

- (a) *separation distances between agricultural and non-agricultural uses;*
- (b) *livestock operations; and*
- (c) *manure storage facilities.*

Policy 8.2.6 *It shall be the policy of Council to adopt standards in the Subdivision By-law regarding the subdivision of agricultural land.*

Policy 8.2.7 *It shall be the policy of Council to allow more than one main building on a lot in an agricultural zone where the main building is not a residential dwelling.*

8.3 New Roads

The development of new roads in agricultural areas leads to the fragmentation of agricultural land, making it less viable for farming. Since it is the intention of Council to preserve agricultural land for present and future agricultural use, Council will not permit the creation of new roads for development purposes in areas zoned for agriculture. Where a development involving new roads is proposed, Council

may consider a rezoning or development agreement application pursuant to the relevant policies of this Strategy.

Policy 8.3.1 *It shall be the policy of Council that no new public streets or private roads shall be permitted in any agricultural zone.*

8.4 Removal of Topsoil

Agricultural operations involving crop production, including pasture for livestock, are dependent upon the presence of fertile, productive topsoil. The removal of topsoil from farmland changes the land's capability to support agricultural operations. Drainage patterns may also be affected, further limiting agricultural use. Prohibiting the removal of soils is necessary to preserve the agricultural resource of West Hants.

Policy 8.4.1 *It shall be the policy of Council to prohibit the removal of topsoil from land in any agricultural zone except as necessary to allow for the development of uses permitted in the zone or where the topsoil removal is incidental to an agricultural operation.*

8.5 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-farm development, wells and watercourses can help to mitigate or avoid problems. Separation distances can work in two ways. First, they can help ensure new livestock operations are located a sufficient distance away from existing residential or other non-farm uses to avoid causing problems for those uses. Second, they can ensure new non-farm development is not located so close as to affect the ability of an existing farm to carry on necessary activities.

Policy 8.5.1 *It shall be the intention of Council to establish definitions and regulations in the Land Use By-law distinguishing between intensive and non-intensive livestock operations based on the number of livestock (animal units) involved.*

Policy 8.5.2 *To reduce land use conflicts and minimize risk of pollution from agricultural activities, it shall be the policy of Council to regulate the location of livestock operations, including separation distances from watercourses, wells and adjacent non-farm buildings, zones or uses. Conversely, new non-farm development shall be required to maintain sufficient distance from existing intensive livestock operations.*

Policy 8.5.3 *It shall be the policy of Council to 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 8.5.4 *It shall be the intention of Council to include provisions in the Land Use By-law allowing the Development Officer to reduce 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 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 8.5.5 *It shall be the intention of Council to require intensive livestock operations with more than 300 animal units to meet the standard setbacks and separation distance requirements of the Land Use By-law.*

8.6 Determination of Agricultural Capability

Because of the scale at which it was prepared, the C.L.I. mapping, upon which the Agricultural designation is based, is generalized and there may be pockets of land with higher or lower capability ratings. Council feels it is important to provide an opportunity, through a Land Use By-law amendment or development agreement process, for owners of land with little or no agricultural capability to use their property for certain non-farm development, provided the development will not interfere with adjacent farm activities or negatively affect the viability of the farming area. Property owners will be required to show that the majority of the development site is unsuitable for agriculture and the development will not adversely affect other farms in the area.

Policy 8.6.1 *It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:*

- (a) *90 percent or more of the 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 prior to the effective date of this Strategy; or*
- (b) *if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:*
 - (i) *90 percent or more of the development 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 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;*
- (c) *the study shall:*

- (i) *be prepared by a registered full member of the Nova Scotia Institute of Agrologists;*
- (ii) *require a site inspection by the agrologist;*
- (iii) *specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;*
- (iv) *identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;*
- (v) *include a site plan illustrating the area studied and any relevant site features;*
- (vi) *identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm 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;*
- (vii) *indicate the implications of letting the parcel go out of agricultural production; and*
- (viii) *indicate the implications of fragmenting the land.*

8.7 Agriculture Zones

Three agriculture zones will apply to all agriculturally designated land in West Hants, as well as to active farmland in the Growth Centres, Village and Hamlets. It is intended that the Prime Agriculture (P/Ag) zone have the most stringent control on non-agricultural development, with the level of control gradually decreasing for Agricultural Priorities 2 to 3. The main criteria for the zones are outlined below:

Prime Agriculture	Improved 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.
Agricultural Priority Two	Improved and unimproved 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.
Agricultural Priority Three	Agricultural land with a lower productive capability (Class 4) and active agricultural land in the Growth Centres, Village and Hamlets. Controlled non-agricultural development will be permitted.

8.8 Prime Agriculture Zone

At the request of the Upper Falmouth farming community, the West Hants Council adopted the Upper Falmouth Municipal Planning Strategy and Land Use By-law in 1989. This Strategy focused almost entirely on the preservation of the agricultural resources of Upper Falmouth, an area with a concentration of active farms, soils of the highest agricultural capability (Class 2 and 3) and dykeland. It established a Prime Agriculture zone which allowed few non-farm uses and placed strict controls on the subdivision of agricultural land. The farmers in Upper Falmouth wish to see these stringent restrictions continue in this Strategy. For this reason, a Prime Agriculture (P/Ag) zone will apply to the area previously zoned Prime Agriculture under the Upper Falmouth Land Use By-law. The zone may also be applied to other areas of West Hants where land owners desire a similar level of protection for their farmland.

Policy 8.8.1 *It shall be the policy of Council to establish a Prime Agriculture (P/Ag) zone which is intended to include land with the highest capability for agriculture (Canada Land Inventory Class 2 and 3) and active farms.*

Policy 8.8.2 *It shall be the intention of Council to apply the Prime Agriculture (P/Ag) zone to agricultural land in Upper Falmouth which was zoned Prime Agriculture under the former Upper Falmouth Land Use By-law. The zone may also be applied to other agricultural areas of West Hants where the land owners desire a strong level of protection for their farmland.*

Policy 8.8.3 *It shall be the policy of Council to 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 in the Prime Agriculture (P/Ag) zone.*

Non-Farm Development

Non-farm development in the Prime Agriculture (P/Ag) zone will be strictly controlled. An important aspect of this control is the requirement that new residential uses will be permitted only as part of an ongoing agricultural operation and not as the main use on a property. The one exception is existing undersized lots where a single unit dwelling may be permitted as the main use. Subdivision of land is discouraged through a large minimum lot size requirement. Council may consider rezoning to allow residential development or open space uses provided the land is proven to be of little capability for agriculture and agricultural operations in the entire district will not be adversely affected. Limited commercial uses that supply a service to the farm community, such as small convenience stores, vehicle or machinery repair shops, personal service shops, sales of farm equipment and supplies and similar uses, may be considered by development agreement on existing undersized lots where the land is proven to be unsuitable for agricultural use.

Policy 8.8.4 *Notwithstanding Policy 8.8.3, it shall be the policy of Council that in the Prime Agriculture (P/Ag) zone, a single unit dwelling may be permitted as a main use (i.e., other than accessory to an agricultural operation) where the lot existed on or before April 11, 1989 (the effective date of the former Upper Falmouth Municipal Planning Strategy and Land Use By-law) and the lot is 6 acres (2.43 ha) or less in size.*

Policy 8.8.5 *It shall be the policy of Council to consider rezoning land zoned Prime Agriculture (P/Ag) to allow new Rural Residential (R-4) or Open Space (OS) uses subject to the following:*

- (a) *the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (b) *adequate separation distances are provided to minimize potential land use conflicts;*
- (c) *the proposed use is compatible with adjacent land uses;*
- (d) *the proposed use will not adversely affect other farms in the area;
and*
- (e) *Policy 16.3.1.*

Policy 8.8.6 *It shall be the policy of Council to consider permitting small-scale commercial uses that provide a service to the local community in the Prime Agriculture (P/Ag) zone by development agreement 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 in accordance with Policy 8.6.1;*
- (e) *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 feet (152.40 meters) from a structure housing an existing intensive livestock operation;*
- (f) *safe and efficient roadway access is provided;*
- (g) *adequate on-site parking is provided;*
- (h) *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).*

- (i) *the proposed use will not adversely affect other farms in the area; and*
- (j) *Policy 16.3.1.*

Policy 8.8.7 *Notwithstanding Policies 8.8.5 and 8.8.6, in the Prime 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.*

Subdivision

The creation of small lots encourages non-farm development and reduces the viability of the land for agricultural purposes. Subdivision in the Prime Agriculture (P/Ag) zone will be controlled by the following policies in addition to the West Hants Subdivision By-law.

Policy 8.8.8 *It shall be the policy of Council that, except as otherwise provided in Policies 8.8.4 and 8.8.9, the minimum lot area in the Prime Agriculture (P/Ag) zone shall be 25 acres (10.12 ha).*

Policy 8.8.9 *It shall be the policy of Council to permit the creation of a lot having a minimum of 5 acres (2.02 ha) in area in the Prime Agriculture (P/Ag) zone where the only permitted use shall be agricultural operations, not to include residential dwellings. The remainder must be a minimum of 25 acres (10.12 ha) in area.*

8.9 Agricultural Priority Two Zone

The Agricultural Priority Two (AR-2) zone is intended to apply to areas with high capability for agriculture, but where land owners do not want the strict development controls of the Prime Agriculture (P/Ag) zone. The AR-2 zone allows for more flexibility than the P/Ag zone including a wider scope of on-farm businesses by development agreement. Unlike the P/Ag zone, new dwellings are permitted as a main use, although subdivision is limited to two lots per area of land in a calendar year.

Policy 8.9.1 *It shall be the policy of Council to establish an Agricultural Priority Two (AR-2) zone which is intended to apply to land with the highest capability for agriculture (Class 2 and 3 soils as defined in the C.L.I.). The zone may include non-active and unimproved land as well as active farms. Land of lower capability rating for agriculture also may be included where it is actively farmed or adjacent to active farmland. The zone will be used in areas where the strictest controls of the Prime Agriculture zone are not acceptable to the land owners.*

Policy 8.9.2 *It shall be the policy of Council to permit agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry*

and forestry-related uses, churches, community centres and fire halls in the AR-2 zone.

Non-Farm Development

More extensive residential development beyond the two lots per calendar year permitted as-of-right may be considered by rezoning, provided the land is proven to be unsuitable for agriculture. Council may also consider non-resource commercial or industrial development in the AR-2 zone by development agreement, subject to a study showing the land is of low agricultural capability.

Policy 8.9.3 *It shall be the policy of Council to consider rezoning land zoned AR-2 to Rural Residential (R-4) subject to the following:*

- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (b) the proposed development 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 and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;*
- (d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;*
- (e) any other matter which may be addressed in a Land Use By-law; and*
- (f) Policy 16.3.1.*

Policy 8.9.4 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:*

- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (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 can be provided;*
- (e) *the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;*
- (f) *safe and efficient roadway access is provided;*
- (g) *adequate on-site parking is 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) *any other matter which may be addressed in a development agreement;*
- (j) *Policy 16.3.1.*

Subdivision

To discourage subdivision and residential development of farmland, subdivision will be limited to two lots out of a parcel of land per calendar year.

Policy 8.9.5 *It shall be the policy of Council that subdivision of land in the AR-2 zone shall be limited to the creation of two lots per area of land in a calendar year, with frontage on an existing public street. This policy shall not prevent the consolidation of two or more parcels.*

8.10 Agricultural Priority Three Zone

The Agricultural Priority Three (AR-3) zone includes agricultural land with a lower productive capability (Class 4), as well as active agricultural land in the Growth Centres, Village and Hamlets. The least stringent of the agricultural zones, the AR-3 zone has no limit on the number of lots that can be subdivided on existing public streets. Land zoned AR-3 within the Growth Centres, Village or Hamlets may be considered for non-farm residential, commercial or industrial use subject to the relevant Growth Centre, Village and Hamlet policies. Outside the Growth Centre, Village and Hamlet designations, land zoned AR-3 may be considered for residential development by rezoning, while non-resource commercial and industrial development and on-farm businesses may be considered by development agreement. Unlike the other agricultural zones, there is no requirement for a study proving the land is unsuitable for agriculture, although Council must consider the potential impact of the proposed development on any adjacent agricultural operations.

Policy 8.10.1 *It shall be the policy of Council to establish an Agricultural Priority Three (AR-3) zone which is intended to include land with a lower productive capability for agriculture (Class 4), although pockets of land with a higher C.L.I. rating may also be included. The zone will also apply to active agricultural operations in the Growth Centres, Village and Hamlets.*

Policy 8.10.2 *It shall be the policy of Council to permit agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry-related uses, churches, community centres and fire halls in the AR-3 zone.*

Non-Farm Development in Growth Centres, Village and Hamlets

Policy 8.10.3 *Land zoned AR-3 in the Growth Centre, Village and Hamlet designations may be considered for non-agricultural development subject to the relevant Growth Centre, Village or Hamlet policies, provided that no development agreement or rezoning shall be approved where the development will adversely affect adjacent existing agricultural operations.*

Non-Farm Development in Agriculture Designation

Policy 8.10.4 *It shall be the intention of Council to consider rezoning AR-3 lands in the Agriculture designation outside the Growth Centres, Village and Hamlets to Rural Residential (R-4) 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 such matters as density, scale and traffic generation;*

- (c) *adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;*
- (d) *not more than 25 acres (10.12 ha) shall be rezoned;*
- (e) *any other matter which may be addressed in a Land Use By-law; and*
- (f) *Policy 16.3.1.*

Policy 8.10.5 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in AR-3 zones outside the Growth Centre, Village and Hamlet designations by development agreement 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;*
- (c) *adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;*
- (d) *the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;*
- (e) *safe and efficient roadway access is provided;*
- (g) *adequate on-site parking is provided;*
- (f) *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;*
- (g) *any other matter that may be addressed in a development agreement; and*
- (h) *Policy 16.3.1.*

8.11 On-Farm Businesses

Council recognizes that a sustainable agriculture industry today requires a diversified economic approach. Smaller farms, in particular, are facing the need to diversify their operations. For some, this may be something as simple as a roadside stand or farm market from which to sell vegetables or other produce grown on the farm, but for others, it may mean supplementing the sale of produce with value-added products, craft items, or other products brought in from off the farm. Some type of food service—ranging from snacks to complete meals—is often part of these businesses. Other farmers provide farm vacations, with bed and breakfast accommodation in the farmhouse, or cabins on the farm property. Wineries typically offer wine sampling, but in addition, many have restaurants. These types of businesses, which attract visitors to farming areas, are sometimes referred to as "agri-tourism".

Council wishes to allow for on-farm businesses in conjunction with farm operations in the Agricultural Priority Two and Three zones, provided those businesses remain subordinate to the main agricultural use of the property, will not adversely affect adjacent farm operations, and will not consume large areas of high capability agricultural land. On-farm businesses may include agri-tourism uses, as well as home-based businesses that wish to expand beyond the size limitations set by the Land Use By-law, or other businesses such as service shops that may not fit within the definition of home-based business. In all cases, however, these uses should be subordinate to the main agricultural use of the property.

Motocross tracks or other off-highway vehicle courses are not commonly thought of as businesses associated with farm operations; however, the Municipality has been approached by at least one farm operator who is interested in establishing this type of business. Council wishes to provide as much flexibility as possible for farms which are struggling to survive and feels that this type of use, if it is to locate anywhere in West Hants, is probably best suited to resource or agricultural properties which have the large land base needed to provide buffering from noise and other impacts. Development agreements for these uses will contain conditions regulating hours of operation, landscaping and buffering, parking and access, and separation distances from adjacent residential development.

Policy 8.11.1 *It shall be the policy of Council to consider permitting the following on-farm businesses as part of an ongoing farm operation in the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3) zones by development agreement:*

- (a) *agri-tourism uses such as:*
 - (i) *lodging, consisting of not more than six cabins or rental units;*
 - (ii) *restaurants;*
 - (iii) *interpretive centres or museums; and*
 - (iv) *meeting or reception rooms accessory to (i), (ii) or (iii);*
- (b) *farm markets that 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) *small-scale businesses similar to home-based businesses, but which may not meet the as-of-right requirements for a home-based business because of the size or nature of the business.*

Policy 8.11.2 *In considering a development agreement for an on-farm business listed in Policy 8.11.1, Council shall take into account the following:*

- (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) *safe access can be provided;*
- (g) *adequate on-site parking can be provided;*
- (h) *any other matter which may be addressed in a development agreement; and*
- (c) *Policy 16.3.1.*

Policy 8.11.3 *Notwithstanding the uses listed in Policy 8.11.1, Council may consider permitting off-highway vehicle courses as on-farm businesses in the AR-2 and AR-3 zones by development agreement subject to the criteria of Policy 8.11.2 and the following:*

- (a) *no part of any off-highway vehicle course, including bleachers and spectator viewing stands, shall be located within 1,000 meters of an existing dwelling, other than a dwelling that is part of the property under consideration;*
- (b) *neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;*

- (c) *adequate landscaping, buffering and separation distances will be provided;*
- (d) *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*
- (e) *the potential for soil erosion and other environmental impacts will be minimized through proper course design and construction measures.*

Policy 8.11.4 *A development agreement considered under Policy 8.11.3 shall include conditions to address the following:*

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

9.0 RESOURCE

In addition to agricultural land, a significant area of West Hants is used for forestry, mining, combined resources and municipal water supply. It is the intention of Council that rural areas of West Hants outside the Growth Centres, Village and Hamlets, which are not designated Agriculture (see Section 8.0), will be designated Resource and a variety of resource zones will apply.

Within the Resource designation, resource and residential uses may occur in close proximity. Council recognizes that resource uses play a significant role in the West Hants economy; therefore, the primary focus of the resource zones will be resource uses. As part of living in a rural environment, residents must be willing to accept the negative impacts of resource activities such as noise from livestock and farm, forestry or mining equipment, odours, and traffic involving heavy equipment or slow-moving vehicles. Large lots, setbacks and separation distances may help to mitigate some of these impacts.

The Municipality faces numerous challenges in dealing with competing land uses in the resource areas. Cottage development on private roads has led to an increase in requests for municipal services such as water, sewer, garbage collection, road maintenance and snow plowing. Gypsum deposits are located close to residential and agricultural land. While providing significant employment, gypsum mining may have an impact on adjacent properties. Municipal water supply areas for Hantsport, Windsor and Falmouth are located within the West Hants boundaries. Development in these areas must be strictly regulated to reduce the potential for contamination of the water supply.

Policy 9.0.1 *It shall be the policy of Council to establish a Resource designation which applies to land outside the Growth Centres, Village and Hamlets which is not designated Agriculture.*

Policy 9.0.2 *It shall be the policy of Council to limit the development of resource land for non-resource use to protect the forestry, mineral, water supply, wildlife habitat and recreational resources of West Hants.*

Policy 9.0.3 *It shall be the policy of Council to 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.*

9.1 General Resource

The General Resource (GR) zone encompasses most of the land outside the Growth Centres, Village and Hamlets which is not zoned for agricultural, mineral or water supply use. It includes Crown land and pockets of cottage development. The zone is intended to apply to rural areas which are not subject to intense development pressure.

Much of the area zoned General Resource is used for forestry and forestry-related uses. Since 1994, the amount of assessed forest land in West Hants has increased by about 4,000 acres. The majority of this land is located in District 8 Upper Falmouth-Vaughans (almost 90,000 acres), District 4 St. Croix-Ellershouse-Newport Corner (over 60,000 acres) and District 1 Summerville-Kempt (almost 40,000 acres). Large forestry companies own a significant portion of this land. The three largest private owners

of forest land in West Hants are Neenah Paper (over 53,000 acres), Bowater Mersey (over 34,000 acres) and Mactara (over 15,000 acres). In addition, the province owns about 31,000 acres of forest land, some of which is leased to forestry companies for harvesting.

The GR zone is a general, rural resource zone where resource activities are considered paramount, but where a range of residential and small-scale commercial and industrial uses that provide a service to residents of the surrounding countryside will be permitted.

Policy 9.1.1 *It shall be the policy of Council to establish a General Resource (GR) zone which will apply to areas of West Hants in the Resource designation which are outside the Growth Centres, Village and Hamlets and are not zoned for agricultural, mineral or water supply uses. This includes large parcels of Crown land, land owned by forestry companies, areas of seasonal residential development which are accessed by private roads, and rural areas which are not considered to be under intense development pressure.*

Policy 9.1.2 *It shall be the policy of Council to permit in the General Resource (GR) zone uses such as: agricultural and agricultural support uses; forestry and forestry related uses; structures associated with sand and gravel extraction operations; single and two unit dwellings, manufactured homes; community and commercial uses which serve the local area such as community centres, churches, fire halls, restaurants, small retail stores, automobile service stations, farm equipment sales and personal service shops.*

Policy 9.1.3 *It shall be the policy of Council to 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 9.1.4 *It shall be the policy of Council to require larger residential lot sizes in the General Resource (GR) zone to discourage strip development and provide buffering from resource uses.*

Policy 9.1.5 *It shall be the policy of Council to establish separation distances and buffering requirements in the Land Use By-law to reduce conflicts between resource and non-resource land uses.*

Commercial and Industrial Development

In addition to the small-scale commercial uses permitted as-of-right in the GR zone, Council wishes to ensure additional opportunities are available for rural economic development. Commercial uses that provide essential services to the local area or relate to tourism are considered appropriate and will be permitted by rezoning to Rural Commercial. Such uses include credit unions or banks, postal outlets and tourist accommodation. Recreation commercial uses such as golf courses, campgrounds or off-highway vehicle courses may also be considered by development agreement. In addition, resource industrial uses

which are considered necessary and appropriate in a rural area, such as automobile and equipment repair and resource support industries, may be allowed by rezoning to Resource Industrial.

Policy 9.1.6 *It shall be the intention of Council to consider rezoning land zoned General Resource (GR) to allow for commercial or industrial uses permitted in the Rural Commercial (RC) or Resource Industrial (M-2) 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, Village or Hamlet;*
- (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) *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 open storage is controlled;*
- (h) *any other matter which may be addressed in a Land Use By-law; and*
- (i) *Policy 16.3.1.*

Policy 9.1.7 *It shall be the policy of Council that new Recreation Commercial uses may be considered in the General Resource (GR) zone by development agreement subject to Policies 13.3.2 and 13.3.3, provided:*

- (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, Village or Hamlet.*

Private Roads

Areas surrounding lakes, rivers and the Minas Basin shoreline are popular for cottage development in West Hants. In many cases, these developments are located on private roads where municipal services such as road maintenance, school busing and garbage collection are not provided. Over time, seasonal dwellings sometimes become full-time homes. Demands for municipal services often accompany this change in residency. Council wishes to ensure that West Hants offers many lifestyle and housing choices, including the option of permanent residency on private roads; but providing services to scattered and often remote areas is both expensive and inefficient. It is important to Council that those who choose to live on private roads do not place a burden upon municipal servicing. In particular, residents must recognize their own responsibility for keeping their private roads maintained to a level that will allow emergency vehicle access. The construction of new private roads for subdivision purposes will therefore be restricted to the General Resource zone. Seasonal dwellings as well as year-round homes will be permitted on private roads; however, municipal services will be limited to emergency protective services, provided these roads are passable.

Policy 9.1.8 *It shall be the policy of Council that new private roads for subdivision purposes shall be permitted only in the General Resource zone. Development on private roads shall be limited to seasonal dwellings, single unit dwellings, home-based businesses and resource uses.*

Policy 9.1.9 *It shall be the policy of Council that, except for emergency protective services, municipal services such as school busing, snow plowing, garbage collection and any other service normally included within the general or a special area assessment rate shall not be provided to developments which are located on a private road.*

Grouped Dwellings

The conventional subdivision process often results in a wasteful form of development where an entire parcel of land is segmented into individual lots and streets, leaving little undeveloped land for open space, environmental buffers or wildlife habitat. Cluster-style developments, or grouped dwellings, where buildings are concentrated in specific areas of the site, can reduce servicing costs and mean there is more land available for recreation and open space or for protection of wildlife habitat and sensitive environmental features such as watercourses and wetlands.

In conventional land development, the municipality controls key aspects such as density, street design and construction, and provision of public parkland, through subdivision and land use by-law requirements. For grouped dwellings or cluster developments where subdivision does not occur, the municipality must use other means to ensure that these developments are appropriate in scale and design, streets are adequate to accommodate the traffic generated and emergency vehicles, there is adequate open space, and access is not eliminated to lakes and major watercourses. To allow Council control over these aspects of the development, grouped dwellings will only be permitted in the General Resource zone by development agreement. Council wishes to ensure that this process is not used for situations where a property owner wishes to place a second or third dwelling on a lot without subdividing; therefore, Council intends to restrict grouped dwelling development to medium or larger-scale proposals exhibiting comprehensive site planning and design.

Policy 9.1.10 *It shall be the policy of Council to consider proposals for grouped single and two unit dwellings consisting of six or more units in the General Resource zone by development agreement subject to the following:*

- (a) *the proposed development has frontage on:
 - (i) *a public street;*
 - (ii) *a private road having direct access to a public street;*
 - (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) *the lot has an area of at least 10 acres;*

- (d) *the proposed overall density of the development does not exceed one dwelling unit per acre;*

- (e) *the minimum distance between main buildings is 20 feet;*

- (f) *adequate open space or recreational areas are provided, including, where the property is located on a lake or other significant watercourse, ensuring that 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 either serviced with municipal water and sewer or 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) *any other matter which may be addressed in a development agreement; and*
- (n) *Policy 16.3.1.*

Resort Development

Some of the forested and natural areas of West Hants have potential for development as nature-based or recreation-focused resorts. Market demand seems to be growing for tourism-oriented development that provides active and passive recreation opportunities in a natural setting along with accommodation. Spas or other health and wellness facilities, shopping and dining are often part of these resorts. Permanent residences may be included as well as various forms of visitor accommodation. The intent is to provide for a comprehensively planned community which offers a wide range of recreational and lifestyle opportunities, as well as services for residents and visitors alike. The type of development envisioned by Council cannot be accommodated through piecemeal development of small parcels of land. Other policies of this Strategy address smaller-scale residential, commercial and recreation commercial development. The resort development enabled by this policy will be based on a comprehensive community plan that can only be accommodated on large parcels of at least 500 acres. It will be limited to the General Resource zone where the large land base needed is available.

Policy 9.1.11 *It shall be the policy of Council to consider comprehensive proposals for resort development incorporating residential, commercial, community, recreation and tourist-oriented uses in the General Resource zone by development agreement subject to the following:*

- (a) *the proposed development has direct access to a regional road or an arterial street as defined in Section 14 of this Strategy;*
- (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 meters 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 concept plan drawn to scale showing the proposed number, location and type of buildings, density, 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;*
 - (iv) *a phasing plan;*
- (p) *any other matter which may be addressed in a development agreement; and*
- (q) *Policy 16.3.1.*

9.2 Mineral Resource

West Hants has significant gypsum deposits which have supplied mining operations for over 200 years. At this time, only Fundy Gypsum Company Ltd. (a division of USG Canadian Mining Ltd.) actively extracts

gypsum and anhydrite at Miller's Creek and Wentworth Creek. Fundy Gypsum's operations have an important economic impact on West Hants, providing about 150 jobs as well as spin-off employment with companies such as the Windsor and Hantsport Railway. Georgia-Pacific Inc. owns the former Domtar mine in McKay Section and, although the mine is currently inactive, has retained its provincial approvals in anticipation of resuming operation in the future.

Material such as stone, gravel, peat, gypsum and limestone (except anhydrite), oil, natural gas and ordinary soil are not defined as "minerals" under the Nova Scotia *Mineral Resources Act*. Since gypsum is not considered a mineral under the *Act*, the resource is not vested in the crown and mineral rights for gypsum can not be obtained from the Province. Rights to gypsum and limestone deposits, as well as other non-mineral deposits, can be transferred by agreement with individual property owners through the registration of a deed to a property. According to Fundy Gypsum, the company has obtained gypsum rights which cover a large amount of land in the Avondale-Belmont-Poplar Grove area.

The impact of open pit mining on the land and surrounding land uses is of concern to residents of West Hants. Municipal planning documents, however, are limited to regulating the location of structures related to mining operations or mineral processing industries, and not the mineral extraction itself. It is important to recognize that, since mining operations require a mining permit or, in the case of gypsum, a Non-Mineral Registration, issued under the jurisdiction of the Province, mineral extraction activities without structures may be permitted to proceed by the Province without municipal zoning approval.

It is the intention of Council to establish a Mineral Resource zone which shall apply to the Fundy Gypsum lands at Miller's Creek and Wentworth Creek which are actively mined, as well as the Georgia-Pacific mine site at McKay Section.

Policy 9.2.1 *It shall be the policy of Council to establish a Mineral Resource (MR) zone in which mining and related uses will be the primary activities. Permitted uses shall include: agricultural uses, 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.*

Policy 9.2.2 *It shall be the policy of Council to 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 9.2.3 *It shall be the policy of Council to establish separation distances for structures in the Mineral Resource (MR) zone to reduce the impact of mining operations on adjacent land uses.*

Policy 9.2.4 *It shall be the policy of Council to consider rezoning land designated Resource 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;*
- (e) *any other matter which may be addressed in a Land Use By-law;
and*
- (f) *Policy 16.3.1.*

Mining is regulated by the Province, but certain activities may fall under federal environmental assessment requirements. It is important to Council that provincial and federal requirements be followed in every aspect of a mining operation—development, operation, closure and rehabilitation. Since the mining operations in West Hants have existed for many years, some of the newer provincial requirements, such as reclamation bonds and community liaison committees, have not been implemented. It is the feeling of Council that the Municipality and residents should work with Fundy Gypsum and the provincial government to establish procedures for the closure and rehabilitation of existing mine sites as well as the development of reclamation plans for new mine sites.

Policy 9.2.5 *It shall be the intention of Council to 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.*

Policy 9.2.6 *It shall be the policy of Council to encourage mineral extractive operations to minimize potential conflicts by maintaining adequate separation distances from areas designated as Growth Centres, Villages or Hamlets as well as from existing residential, commercial or agricultural uses.*

9.3 Water Supply

The *Municipal Government Act*, in defining areas of provincial interest, requires that all municipalities identify and address the protection of municipal water supply watersheds in their planning documents. Within West Hants, there are three municipal water supply areas: French Mill Brook which supplies the serviced area of Falmouth; Mill Lakes which supplies the Town of Windsor and the serviced area of Three Mile Plains; and Davidson Lake which serves the Town of Hantsport. Each water supply area has a watershed advisory committee made up of municipal and water utility staff, elected officials, land owners and provincial government representatives. The committees provide a forum for cooperative watershed management with their primary aim being the protection of the water supply.

The French Mill Brook water supply, located west of Falmouth on Eldridge Road, is designated as a Protected Water Area under the *Environment Act*. The regulations connected to this designation address activities such as swimming, boating, fishing and snowmobiling, as well as clear cutting, mining and agricultural uses. Although the Municipality owns several parcels of land surrounding the reservoir, much of the land within the 2,814 acres (1,138.82 hectares) designated area is privately owned. Most of the area is forested. There are no residential uses in the Protected Water Area, although some of the land owners have woods camps.

The Mill Lakes water supply area is also a Protected Water Area under the *Environment Act*, encompassing 4,394 acres (1,778.45 hectares) south of Windsor. Swimming, boating, fishing and snowmobiling are prohibited except by land owners. The regulations also address forestry and agricultural uses within the Protected Water Area. Like French Mill Brook, much of the land is privately owned by individuals, rather than large forestry companies. There is no residential or agricultural development within the protected area, although there are a number of woods camps.

The Davidson Lake water supply, located north of French Mill Brook, is also largely forested. Although Davidson Lake is not protected under the *Environment Act*, the Town of Hantsport owns a sizable portion of the land immediately surrounding the lake. West Hants will continue to co-operate with the Town of Hantsport to ensure that these watershed lands are protected from incompatible land uses.

A Water Supply (W) zone will be established to encompass the three water supply areas. To protect water quality, this zone will limit the types of development allowed. Dwellings will not be permitted because of steep slopes in some parts of the water supply areas and the potential for contamination. So as not to unduly limit property owners' rights to use their land, woods camps will continue to be allowed although their size will be restricted.

Policy 9.3.1 *It shall be the policy of Council to establish a Water Supply (W) zone which applies to the Protected Water Areas of French Mill Brook and Mill Lakes and the established boundaries of the Davidson Lake watershed.*

Policy 9.3.2 *It shall be the policy of Council to limit the permitted uses in the Water Supply (W) zone to uses considered compatible within a water supply such as woods camps, forestry uses excluding processing structures, municipal water treatment and distribution uses, outdoor recreation uses without permanent structures, historic buildings and structures, and agricultural uses excluding dwellings, livestock operations and greenhouse operations.*

Policy 9.3.3 *It shall be the policy of Council to minimize site disturbance in the W zone by limiting the permitted floor area for woods camps.*

Policy 9.3.4 *It shall be the intention of Council to review and revise this Strategy and accompanying By-law to reflect changes made to any Protected Water Area under the Environment Act.*

Policy 9.3.5 *It shall be the intention of Council to co-operate with the Town of Hantsport in the future should the Town wish to apply for designation of Davidson Lake as a Protected Water Area under the Environment Act.*

Subdivision of land in the Water Supply zone will be controlled through large minimum lot size and road frontage requirements. In addition, as the risk of water contamination increases with the amount of development concentrated around the shoreline, Council will further restrict subdivision by establishing a minimum water frontage requirement for lots which abut the shores of Mill Lake and Davidson Lake.

The alteration of land levels to create flat development sites or roads removes the vegetative ground cover and may result in erosion and siltation of nearby water bodies. To minimize this, setbacks from watercourses and alteration of land levels will be regulated in the Land Use By-law. Some landowners are concerned that large watercourse setbacks will force them to site their camps so far away from the shoreline that they will lose views and other benefits of being close to the water. Council wishes to provide another option for these landowners that will allow them to build closer to the shoreline provided specific studies and controls are undertaken. The cost of these studies would be borne by the landowner in each case. Landowners who do not wish to follow this option would be free to build provided the development meets the setback and other land use by-law requirements.

Policy 9.3.6 *In the Water Supply (W) zone, it shall be the policy of Council to 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 9.3.7 *It shall be the policy of Council to prohibit the erection of any structure or alteration of land levels for development on any portion of a lot in the Water Supply 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 9.3.8 *It shall be the policy of Council that when a development is proposed within 213.25 feet (65 meters) of a watercourse in the Water Supply (W) zone, the developer shall be required to submit an environmental study satisfactory to the Development Officer prior to issuance of a development permit. 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 will identify sensitive features of the site and measures to be taken to ensure that the development will not result in detrimental impacts on water quality. The study shall 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.*

10.0 MUNICIPAL LANDFILL

The West Hants Landfill Site is located at 1569 Walton Woods Road, Cogmagun. Originally designed to meet the landfill needs of West Hants and the Towns of Windsor and Hantsport, the landfill is now serving a wider area. The landfill site was upgraded in 2005 to meet provincial regulations requiring landfills to have liner systems and leachate collection and treatment. The upgraded “Second Generation” landfill site opened in January 2006 as a public-private partnership between West Hants and Waste Management of Canada Corporation.

Council feels it is important to have a zone dedicated to the landfill and policy which will allow for necessary expansion of the landfill operation. At the same time, however, it is the feeling of Council that no new landfill sites should be permitted in West Hants.

Policy 10.0.1 *It shall be the policy of Council to establish a Landfill (LF) zone which will apply to the existing landfill site at Cogmagun and permit landfill operations and associated uses such as: commercial composting operations, construction and demolition waste receiving and processing areas, and recycling depots.*

Policy 10.0.2 *It shall be the policy of Council that no new landfills will be permitted in West Hants; however, Council may consider the expansion of the existing Landfill (LF) zone beyond its existing boundaries by rezoning subject to the following criteria:*

- (a) the proposed site abuts the existing Landfill (LF) zone;*
- (b) the active disposal area is at least:*
 - (i) 3,280.84 feet (1,000 meters) from the nearest residential, institutional, commercial or industrial building;*
 - (ii) 328.08 feet (100 meters) from the nearest property boundary;*
 - (iii) 328.08 feet (100 meters) 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; and*
- (c) Policy 16.3.1.*

11.0 INDUSTRIAL PARK

11.1 Joint Industrial Park

The Windsor-West Hants Industrial Park, located at the Highway 101 - Wentworth Road interchange was constructed jointly by the Federal Department of Regional Economic Expansion and the provincial agency, Industrial Estates Limited, in 1980. The Industrial Park consists of approximately 100 acres. In 2003, there were 35 firms operating in the park employing over 320 full-time workers. The park is promoted and marketed by Nova Scotia Business Inc., as well as by the two municipal units. As of 2007, the majority of land in the park was developed.

The portion of the park to the east of Highway 101, containing approximately 68 acres, is intended primarily for light industrial uses; however, limited highway commercial uses and other commercial uses which provide support to the park will also be permitted in this portion of the joint industrial park.

The portion of the park located on the western side of Highway 101 and containing approximately 33 acres is intended to permit uses which are primarily highway commercial in nature, as well as a limited range of light industrial uses considered to be compatible with retail/commercial uses. Other light industrial uses shall be encouraged to locate in the portion of the park on the eastern side of Highway 101.

Policy 11.1.1 *It shall be the policy of Council to identify the Windsor-West Hants Industrial Park in a Joint Industrial designation. The same designation and regulations shall apply to both the Town of Windsor and the Municipality of the District of West Hants.*

Policy 11.1.2 *It shall be the policy of Council that any amendment to the Joint Industrial designation, zones contained within the Joint Industrial designation and development agreements applicable within the Joint Industrial designation shall be considered at a joint session of the Councils of the Town of Windsor and the Municipality of the District of West Hants.*

Policy 11.1.3 *It shall be the policy of Council, in conjunction with the Joint Planning Advisory Committee, to assess the potential effects of continued commercial development in the Joint Industrial Park on the established commercial areas of the Town of Windsor and the Municipality of the District of West Hants.*

Joint Industrial Type Two

Policy 11.1.4 *Within the Joint Industrial designation, it shall be the intention of Council to establish the Joint Industrial Park - Light Industrial Type Two (LI-2) zone in which permitted uses shall include light industrial, animal hospitals, limited business and professional offices, courier services, existing donut shop, garden sales and supplies, indoor recreational uses, laundries, research facilities, and taxi and bus depots. Lands to the east of Highway*

101 will be zoned Joint Industrial Park - Light Industrial Type Two (LI-2). It is the intention of Council that no additional commercial/retail uses will be permitted in the Joint Industrial Park-Light Industrial Type Two (LI-2) zone, notwithstanding those now listed as permitted.

Joint Industrial Type Three

Policy 11.1.5 *It is the intention of Council to permit in the Joint Industrial Park-Light Industrial Type Three (LI-3) zone, 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 LI-3 zone may be considered by amendment to the Land Use By-law.*

Policy 11.1.6 *It shall be the policy of Council to consider new large format retail stores or expansions greater than 5,000 square feet (464.5 square meters) to existing large format retail stores in the Joint Industrial Type Three (LI-3) zone by development agreement subject to the provisions of Policy 5.5.15.*

Joint Industrial Park Expansion

Policy 11.1.7 *The expansion of the Joint Industrial Park may be permitted by amendment to this Strategy and to the Land Use By-law subject to the following considerations:*

- (a) the land becomes part of the Joint Industrial Park;*
- (b) the amendment is carried out concurrently by the Town of Windsor and the Municipality of the District of West Hants; and*
- (c) the provisions of Policy 16.3.1.*

11.2 Future Industrial Park

West Hants Council wants to ensure there is sufficient land available for the development of light industrial uses. With both the Windsor Industrial Park and the Joint Industrial Park near capacity, Council feels it is important to identify new land which would be suitable for industrial park development. To facilitate this, Council will establish a new Light Industrial zone and criteria for rezoning which may be used once a potential future industrial park site has been found.

Policy 11.2.1 *It shall be the intention of Council to establish a Light Industrial (LI-1) zone which may be applied to future industrial park land outside of the Windsor-West Hants Joint Industrial Park. Permitted uses include, but are not limited to, a full range of light industrial uses, provided they are not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions; as well as certain highway commercial or other uses which are*

best suited to an industrial park because of their need for a large floor area or outdoor storage and display space.

Policy 11.2.2 *It shall be the policy of Council to consider rezoning land in any designation to the Light Industrial (LI-1) zone 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 the Growth Centre designation; or*
 - (ii) 30 acres (12.14 ha) if it is located in an unserved area outside the Growth Centre designation;**
- (c) the development has direct access to an arterial or collector street;*
- (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) adequate buffering or screening, setbacks and yards are provided to minimize potential land use conflicts with adjacent properties;*
- (f) any other matter which may be addressed in a Land Use By-law; and*
- (g) Policy 16.3.1.*

12.0 ENVIRONMENTAL CONSTRAINTS

12.1 Dykeland Areas

Dyked marshlands make up approximately 6,000 acres, or about two percent, of the total land area of West Hants. Dykelands may be found throughout the Municipality along the flood plains of the Avon, St. Croix, Kennetcook, Herbert and Meander rivers. Dykes and drainage structures called aboiteaux were initially built in this area about 300 years ago by Acadian settlers, allowing them to farm the salt marshes which otherwise would be flooded at high tide.

Dykelands may be divided into two categories—those protected from tidal flooding in the traditional fashion by dykes, and those upriver of the Avon River Causeway which are protected by the causeway itself, rather than dykes. Tidal dykelands in West Hants include Newport Town, St. Croix, Scotch Village, Herbert River, Tregothic, Chambers, Mantua-Poplar Grove, Wentworth, Belmont, Centre Burlington, Burlington, Kennetcook, Greenhill, and a portion of Elderkin Marsh.

Dykelands above the causeway include Falmouth Great Dyke, Martock, Windsor Forks, Castle Frederick, Falmouth Village, Armstrong and a portion of Elderkin Marsh. Because of the security offered by the causeway since its construction in 1971, many of the dykes have been levelled, allowing farmers to use all of the land up to the river banks. These lands are more at risk from freshwater flooding than tidal flooding. The two causeway gates provide the only release for flood water from the Avon River system into the Minas Basin. The combination of several events, such as a major water runoff upstream coupled with a mechanical or power failure making it impossible to open the gates, could trigger serious flooding. Nova Scotia Power's Avon Hydro System, which includes several dams and two hydro stations on the Avon River, further intensifies the flood risk potential for the dykelands above the causeway.

Dykelands have been used predominantly for agricultural purposes, and dykeland soils are among the most fertile in the province. Recent development pressures have meant, however, that some of these areas are beginning to be considered for non-farm uses.

Non-farm development on dykelands is a concern, not only because it means the loss of valuable agricultural land, but also because of the risk of flooding and the drainage problems associated with these lands. Dykeland flooding may result from blockage of drainage ditches or aboiteaux, or from overtopping or breakage of dykes in high tides or severe storms. In the fall and winter months, localized flooding is common as drainage ditches become blocked with ice. Although flooding because of tides overtopping the dykes occurs less often, it represents a definite risk. The high public and private costs associated with property damage, pollution and loss of life because of serious tidal or freshwater flooding can be avoided by regulating or prohibiting development on dykelands.

The Nova Scotia Department of Agriculture and Fisheries' maps of marshes incorporated under the *Nova Scotia Marshland Reclamation Act* provide a reliable source of data for the location of dykelands in West Hants. The maps were developed from surveys carried out during the 1950s and 60s by the Maritime Marshlands Rehabilitation Administration (MMRA) of the high water elevation for each incorporated marsh.

Policy 12.1.1 *It shall be the policy of Council to designate all areas identified as dyked marshland and subject to flooding on an overlay to be used in conjunction with the zoning map, Schedule 'A' of the Land Use By-law.*

Policy 12.1.2 *It shall be the intention of Council to establish regulations in the Land Use By-law governing development on land designated Dykeland on the Dykeland Overlay.*

Policy 12.1.3 *It shall be the intention of Council that the land uses permitted in the areas designated as Dykeland on the Dykeland Overlay shall be those permitted in the underlying zone. Where there is conflict between the zone requirements and the regulations established for Dykeland, the Dykeland regulations shall take precedence.*

Within the area designated Dykeland, no new buildings will be permitted, except for pump houses or other structures which may be required for water distribution or irrigation. It is not intended to cause hardship to owners of homes or businesses already existing on these lands who may wish to erect a garage or shed. Many of the existing small residential lots are located almost entirely on dykeland and the owners of these lots would have difficulty finding enough upland on which to site an accessory building. Therefore, new accessory buildings will be permitted on small lots of five acres or less, but the size of these buildings will be controlled through the land use by-law. Existing buildings will be allowed to be enlarged or altered, and the use of an existing building may be changed to another permitted use, as long as the new use is not one that involves more intensive human or livestock occupancy, or the warehousing or production of hazardous materials. For example, an existing barn or shed could not be converted into a dwelling. Likewise, an existing feed storage building could not be changed to a poultry barn. The intent is to prevent the loss of both human and animal lives in the event of flooding, to minimize property damage, and to reduce the risk of pollution of wells and watercourses from manure, on-site sewage disposal systems and hazardous materials. This is not intended to preclude, however, a change from one type of human occupancy to a less intensive type of human occupancy; e.g., converting a dwelling to a retail store.

Policy 12.1.4 *It shall be the policy of Council that within the area designated Dykeland, no new buildings shall be permitted, except for pump houses or other structures required for water distribution or irrigation, and small-scale accessory buildings on existing lots of five (5) acres or less in size.*

Policy 12.1.5 *It shall be the policy of Council that within the area designated Dykeland, buildings existing as of the effective date of these amendments will be permitted to be enlarged or altered.*

Policy 12.1.6 *It shall be the policy of Council that within the area designated Dykeland, the use of an existing building may be changed to another use permitted in the underlying zone as long as the new use is not one that involves more intensive human or livestock occupancy, or the warehousing or production of hazardous materials.*

The construction of new buildings requires infilling to create roads, driveways and building sites. Infilling of flood plains can diminish their water storage capacity and cause flooding to be more prolonged and

widespread. This is an added concern on dykeland where the infilling of a ditch on one property can affect the drainage of hundreds of acres.

Policy 12.1.7 *It shall be the policy of Council to control the placing of fill and the alteration of topography on all lands designated Dykeland on the Dykeland Overlay.*

Certain types of recreational uses, such as golf courses, sports fields or boat launches, require a limited amount of infilling or alteration of topography, but do not involve buildings. It is not the intention of Council to restrict the development of these uses on dykeland where such uses are permitted in the underlying zone.

Wetlands—whether natural or created—also have value for recreational and aesthetic purposes, as well as providing important wildlife habitat. The creation of new wetland areas requires some excavation and alteration of topography. Council's primary concern is ensuring that the water storage capacity of the flood plain is not reduced as a result of infilling and major changes to topography. The intention is therefore to restrict alteration of topography on the flood plain in conjunction with building development, not to prevent a property owner from creating a marsh or other wetland for waterfowl habitat.

Policy 12.1.8 *It shall be the intention of Council to allow necessary infilling and alteration of topography on lands designated Dykeland 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.*

Council feels that in limited circumstances, it may be necessary to allow for infilling and alteration of topography required to construct new public streets across dykeland. Council wishes to ensure that when a street must be built across dykeland, it is designed and constructed to withstand flood conditions, public safety is a primary consideration, and all necessary measures are taken to ensure that construction of the street will not result in increased flooding of other properties. In addition, Council wishes to ensure that the minimum amount of dykeland is affected and therefore will limit the extent of a new street that will be permitted on dykeland.

Policy 12.1.9 *It shall be the policy of Council to allow necessary infilling and alteration of topography on lands designated Dykeland for the construction of new public streets. To ensure that the amount of dykeland affected is kept to a minimum, it shall be the intention of Council to include requirements in the Land Use By-law limiting the length of a new street on dykeland. Where a new street is proposed on dykeland, it shall be the policy of Council that the property owner shall be required to submit road design and construction plans and environmental studies prepared by a qualified person which adequately deal with public safety and elevation and drainage of the street and demonstrate that construction of the street will not adversely affect drainage on other properties, or reduce the water storage capacity of the flood plain.*

Although the mapping used to delineate Dykeland is considered very accurate, some infilling may have occurred since the MMRA surveys were done or there may be small areas of upland along the edge of the dykelands at a higher elevation that are not reflected in the mapping. These areas will be permitted to be developed provided the property owner submits a survey plan which shows that the elevation of the proposed development site is above the high water line for the dykeland.

Policy 12.1.10 *It shall be the policy of Council to allow development to occur on properties designated Dykeland on the Dykeland Overlay where the property owner submits 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 for the dykeland.*

12.2 Geologic Constraints

Areas of West Hants, especially around Upper Falmouth and the Highway 101 corridor may be subject to subsidence due to geological formations and surface and groundwater activity. The most visible evidence of this is the abundance of sinkholes or karst topography.

Policy 12.2.1 *It shall be the policy of Council to amend this Municipal Planning Strategy and the implementing Land Use By-law if, in the opinion of Council, amendments are warranted to identify areas which may be prone to subsidence related to underlying limestone and gypsum formations.*

13.0 COMMUNITY USE

Community use areas including parks, open space and municipal recreation facilities, as well as institutional uses such as schools, community centres, churches and museums, are intended for the use of the general community.

Policy 13.0.1 *It shall be the policy of Council to establish a Community Use designation as shown on the Generalized Future Land Use Map (Map 1) to be applied to existing large-scale institutional, municipal recreation and open space uses.*

13.1 Institutional

The development of adequate institutional facilities is important in creating a strong sense of community. In the Growth Centres, Village and Hamlets, institutional uses act as focal points. Schools, churches, homes for special care, public or non-profit senior citizen accommodation, community halls, arenas and similar uses are considered institutional uses and should be encouraged to locate in a manner which minimizes traffic and parking problems as well as negative effects on nearby properties and land uses. In the Growth Centres, Village and Hamlets, existing institutional uses will be zoned Institutional or recognized as existing permitted uses. New institutional uses will be considered only by development agreement. In most resource zones, new churches, community centres and fire halls will be permitted. Other new institutional uses will be considered by development agreement.

Policy 13.1.1 *It shall be the policy of Council to establish an Institutional (I) zone which shall apply to existing public or non-profit uses such as churches, schools, homes for special care, community halls, fire stations, indoor recreational uses and other public buildings and facilities.*

Policy 13.1.2 *It shall be the policy of Council to consider new institutional uses by development agreement in any designation subject to the following:*

- (a) *the development fronts on an arterial or collector street, or on a street that has direct access to an arterial or collector street;*
- (b) *the development is serviced by a potable water supply and either central sewer or an approved on-site sewage disposal system;*
- (c) *any proposed structure will not exceed three storeys in height and will be architecturally compatible with neighbouring structures;*
- (d) *safe and efficient roadway access is provided;*
- (e) *adequate on-site parking is provided;*
- (f) *adequate open space, landscaping and separation distances are provided;*

- (g) *the development will not conflict with adjacent existing uses;*
- (h) *noise and traffic generation of the proposed use is not excessive in relation to the existing development pattern of the area;*
- (i) *the development is consistent with the development objectives of the designation;*
- (j) *any other matter which may be addressed in a development agreement; and*
- (k) *Policy 16.3.1.*

Policy 13.1.3 *It shall be the policy of Council that land zoned Institutional (I) may be considered for other zones subject to the relevant policies of this Strategy.*

13.2 Open Space

West Hants has a large amount of parkland dedicated to public recreational use. Provincial parks include Smiley's Park in McKay Section and Falls Lake Provincial Park in Vaughan. Much of the municipally owned parkland has been received through the parkland dedication provisions of the West Hants Subdivision By-law. This parkland transfer ensures that new housing developments set aside land for recreational or open space use. In addition, there are several major municipal outdoor recreation facilities: Ste. Croix Recreation Site has international calibre softball fields; Irishman's Road Recreation Site in Newport Station has three soccer pitches, trails and an archery club; and Eldridge Road Recreation Site in Falmouth has soccer and softball fields, tennis and basketball courts and walking trails.

It is intended that the Open Space zone apply primarily to parkland and publicly-owned outdoor recreational uses which generally do not require main buildings. The main purpose of the zone is to preserve and protect open space for the use of residents of West Hants.

Policy 13.2.1 *It shall be the intention of Council to establish an Open Space (OS) zone which applies to 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 13.2.2 *It shall be the policy of Council to zone only public lands for open space purposes.*

Policy 13.2.3 *It shall be the policy of Council to 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.*

13.3 Recreation Commercial

In addition to public recreation facilities, there are a number of privately-operated commercial recreation facilities in West Hants. Campgrounds and outdoor recreation uses such as ski hills and golf courses usually require large areas of land, but few structures, although lodges or club houses, pro shops and catering facilities are often features of these developments. Such facilities which are open to the public and operated for profit by private individuals or businesses, are referred to as recreation commercial uses. Existing recreation commercial uses, including Ski Martock and various golf courses, driving ranges and campgrounds scattered throughout West Hants, will be zoned Recreation Commercial. Council wishes to encourage the provision of a variety of recreation facilities in West Hants, both public and private. Council also recognizes, however, that close neighbours are sometimes concerned about the potential for such uses to reduce enjoyment of their properties or detract from the existing community character through noise, traffic, incompatible building appearance, garbage or environmental damage.

To ensure sufficient attention is paid to details of traffic generation, parking, access, buffering and setbacks, and to allow neighbouring property owners the opportunity to comment on the development of such uses, Council will consider new Recreation Commercial uses by development agreement.

Policy 13.3.1 *It shall be the policy of Council to establish a Recreation Commercial (RecSC) zone which shall apply to existing commercial recreation facilities such as ski lodges and facilities, campgrounds, tennis and golf clubs, and similar uses which are open to the general public but are owned by private interests.*

Policy 13.3.2 *It shall be the policy of Council to consider the establishment of new Recreation Commercial uses by development agreement in any designation except the Village Core subject to the following criteria:*

- (a) *the proposed use is a campground, golf course, driving range or other commercial entertainment or recreation facility which is open to the public and privately owned;*
- (b) *the use shall not include race tracks, motocross courses or other establishments which require the continued or frequent use of motor vehicles;*
- (c) *the lot dimensions and any structures are adequate for the use at proposed capacity;*
- (d) *safe and efficient roadway access is provided;*
- (e) *adequate on-site parking is provided;*
- (f) *if the proposed development is located in a Growth Centre, the property has adequate frontage on an arterial or collector road;*

- (g) *neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;*
- (h) *adequate landscaping, fencing or buffering, and separation distances will be provided;*
- (i) *any other matter which may be addressed by development agreement; and*
- (j) *Policy 16.3.1.*

Special provisions are included to address the development of motocross tracks or other off-highway vehicle courses. These uses will be limited to properties in the General Resource zone which have the large land base needed to provide buffering from noise and other impacts. Development agreements for off-highway vehicle courses will contain conditions regulating hours of operation, landscaping and buffering, parking and access, and separation distances from adjacent residential development.

Policy 13.3.3 *Notwithstanding clause (b) of Policy 13.3.2, Council may consider permitting off-highway vehicle courses as Recreation Commercial uses by development agreement subject to the criteria of Policy 13.3.2 (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 meters 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;*
- (d) *the potential for soil erosion and other environmental impacts can be minimized through proper course design and construction measures; and*
- (e) *Policy 9.1.7.*

Policy 13.3.4 *A development agreement considered under Policy 13.3.3 shall include conditions to address the following:*

- (a) *requirements for all off-highway vehicles used on the course to be equipped with tailpipe inserts or other noise attenuation devices and for the course owner or operator to monitor sound levels;*

- (b) *a limit on the number of major events, such as races or competitions, that can be held on the property in any 12-month period; and*
- (c) *where events are to be held, that provision is made to ensure temporary camping areas, concession stands, parking areas, washrooms and other facilities are adequately separated from neighbouring properties and are removed at the conclusion of the event.*

14.0 TRANSPORTATION

The transportation policies in this section are to be read in conjunction with the Transportation Map (Map 2) which forms an integral part of this Strategy. Roads and streets in West Hants are divided into five types: regional, arterial, collector, local and private.

14.1 Regional Roads

Regional roads are those which serve the area as a whole. Highway 101, the provincial limited access highway connecting Halifax, the Annapolis Valley and southwest Nova Scotia, is the only road in this category. At this time, Highway 101 is undergoing a major transformation as it is twinned from St. Croix to Avonport. This change could affect West Hants significantly as the improved commute between Halifax and West Hants is expected to contribute to increased development in the area.

Policy 14.1.1 *It shall be the policy of Council to designate Highway 101 as a regional road as shown on the Transportation Map (Map 2).*

Policy 14.1.2 *It shall be the policy of Council to encourage the development of commuter car parking facilities at Highway 101 interchanges as a means of promoting car pooling.*

14.2 Arterial Streets

The main function of arterial streets is to move traffic efficiently through West Hants and to the Highway 101 access areas.

Policy 14.2.1 *It shall be the policy of Council to designate the following streets or portions thereof as arterial streets as shown on the Transportation Map (Map 2):*

- (a) *Highway 1;*
- (b) *Highway 14;*
- (c) *Highway 215;*
- (d) *Highway 236;*
- (e) *Falmouth Back Road;*
- (f) *Falmouth Dyke Road; and*
- (g) *Town Road.*

14.3 Collector Streets

Collector streets collect traffic from local streets and channel it to arterial streets. Collector streets will be identified only within the Growth Centres.

Policy 14.3.1 *It shall be the intention of Council to define road types within the Growth Centres as arterial, collector and local streets as shown on the Transportation Map (Map 2).*

Policy 14.3.2 *It shall be the policy of Council to designate the following streets or portions thereof within the Growth Centres as collector streets as shown on the Transportation Map (Map 2):*

- (a) *Gabriel Road;*
- (b) *Payzant Bog Road;*
- (c) *Bog Road;*
- (d) *Aylward Road;*
- (e) *Windsor Back Road;*
- (f) *Three Mile Plains Cross Road; and*
- (g) *Underwood Road.*

14.4 Local Streets

Local streets are intended primarily for property access and include all public roads in West Hants which are not otherwise designated. The majority of the public roads in West Hants are owned and maintained by the Nova Scotia Department of Transportation and Public Works, although the Municipality is responsible for contributing to the maintenance costs for approximately 34 kilometers of local streets built before 1995. Changes in provincial legislation in 1995 made municipal units responsible for all new local, or subdivision, streets. As of 2007, the Municipality owned and maintained approximately 2.5 kilometers of local public streets located in Falmouth and Three Mile Plains.

This Strategy encourages the majority of growth to occur in the Growth Centres, Village and Hamlets. More concentrated development in these areas makes the provision of municipal services more efficient and cost-effective. With new local streets the responsibility of the Municipality, this is even more important because of the high cost of providing road maintenance, snow plowing and other services to the further reaches of the Municipality.

Policy 14.4.1 *It shall be the policy of Council to encourage orderly development of new public streets which enables efficient and cost-effective provision of municipal services.*

14.5 Private Roads

In the past, private roads were permitted only in certain areas of West Hants and development on these roads was restricted to seasonal residential and resource uses. Under this Strategy, private roads for subdivision purposes will be limited to the General Resource zone which generally corresponds to the area where private roads were allowed in the earlier planning documents. Because of the difficulty of enforcing a restriction to seasonal residential development, both principal dwellings and seasonal residences will be permitted on private roads. Municipal services such as snow plowing, road maintenance, garbage collection and school busing will not be provided to dwellings located on private roads (see Policies 9.1.8 and 9.1.9).

14.6 Traffic Impact Studies

A significant part of evaluating development proposals is understanding their potential impact on the existing transportation network. Council feels it is important to assess this impact at an early stage, particularly if a development could create, or contribute to, a need for costly infrastructure improvements such as traffic signals, turning lanes, intersection realignment or other major design changes. To ensure that Council has accurate information upon which to base its decision, a traffic impact study will be required as part of a development agreement or rezoning application where the nature, or location, of the development warrants such a study; for example, large format retail stores, regional shopping centres or major residential developments could be expected to have a significant impact on traffic flows.

Generally, the proponent of a development is financially responsible for transportation system changes reasonably required to accommodate the proposal or to mitigate adverse impacts of the proposal. Normally, such changes will be included as conditions of development approval. In cases where necessary improvements are attributable to several developments, a cost-sharing arrangement may be possible. Where a needed change is planned by public agencies, phasing of the development in conjunction with the proposed timing of such improvements may be indicated. Alternatively, the proponent may wish to investigate the possibility of assuming financial responsibility for such changes to advance the implementation schedule for these improvements to match that of the proposed development.

Policy 14.6.1 *It shall be the policy of Council that a traffic impact study (TIS) may be required as part of a development agreement or rezoning application where the nature, or location, of the development warrants such a study. A TIS will be required if the development is expected to generate 100 or more two-way trips (inbound plus outbound) at the site entrance(s) during the development's peak hour. A TIS may also be required, even if fewer than 100 peak hour trips are projected, based on any of the following factors:*

- (a) *the development is in an area with significant traffic congestion, a high accident rate and/or a high expected rate of residential or commercial development activity;*
- (b) *the development incorporates direct access to a major arterial or collector street; or*

- (c) *the development is in proximity to a major intersection or highway interchange that could be affected by site-generated traffic.*

Policy 14.6.2 *A traffic impact study 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 14.6.3 *Notwithstanding Policy 14.6.1, a traffic impact study 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.*

15.0 MUNICIPAL SERVICES

15.1 Water and Sewer

The majority of West Hants relies on private wells and on-site sewage disposal systems; however, central sewer and/or water services are provided in the two Growth Centres, Three Mile Plains and Falmouth. One Hamlet, Wentworth Creek, which abuts the Town of Windsor boundary, has water services.

Water

Three Mile Plains and Wentworth Road, between the Windsor town boundary and the Fundy Gypsum plant at Wentworth Creek, receive chlorinated water from the Town of Windsor's Mill Lakes water supply. The approximately 20 km of distribution pipe, which is entirely gravity fed, serves about 600 homes.

Residents of Falmouth get fully treated water from the French Mill Brook reservoir. This system, which in 2005 served 648 customers, consists of a mechanical feed to a 700,000-gallon stand pipe. From there, water is gravity fed to approximately 21 km of distribution main. The stand pipe holds about a three-day water supply. The Municipality is planning for necessary upgrades to the water treatment facility as a 2002 study found that the utility will not be able to meet projected demand beyond 2016. Estimated costs as of 2006 were in excess of \$1.5 million.

Sewer

Like the water system, only two areas have municipal sanitary sewer. There is no storm sewer system, so all storm run-off is controlled through ditches.

The sanitary sewer system in Three Mile Plains has 17 km of gravity-fed pipes, 6 km of force main and 11 pumping stations which send the sewage from approximately 675 homes to two treatment lagoons in the Town of Windsor.

In Falmouth, 15 km of gravity-fed pipe, 3 km of force main and eight pumping stations take the sewage from approximately 500 homes to an extended aeration sewage treatment plant located off Hwy 101 near the Avon River Causeway. This plant is currently at 80 percent hydraulic capacity and 40 percent organic loading, meaning there is more liquid going to the plant than solids. Built in 1977, the plant no longer meets provincial guidelines. In 2005, a study by Dillon Consulting Limited concluded that the plant was at capacity and in need of replacement. The estimated cost of this project as of 2006 was about \$4.0 million.

Servicing Policies

Municipal sewer and water infrastructure is costly to install and maintain. Council wishes to ensure that this infrastructure is provided in the most efficient and cost-effective manner possible. Therefore, Council will establish service area boundaries beyond which sewer and water lines will not be extended. As in earlier planning strategies, the boundaries of the Three Mile Plains and Falmouth Growth Centres and the Windsor-West Hants Joint Industrial Park will be treated as the service area boundaries.

Policy 15.1.1 *It shall be the policy of Council that municipal water and sewer services will not be extended beyond the boundaries of the Falmouth and Three Mile Plains Growth Centres and the Windsor-West Hants Joint Industrial Park.*

Policy 15.1.2 *It shall be the policy of Council that the developer will be responsible for the cost of installing municipal sewer and water systems in new developments pursuant to the West Hants Subdivision By-law.*

There are a few areas of West Hants where municipal water services exist, but not sewer. Providing municipal water without central sewer often results in demands for sewer service at a later date. Installing the two systems separately is far more costly than installing both services together. Furthermore, with a virtually unlimited supply of water from a municipal water system, homeowners frequently overload their on-site sewage disposal systems, resulting in malfunctions and, sometimes, pollution. To avoid these problems in the future, the Municipality will not allow the further extension of municipal water without sewer.

Policy 15.1.3 *It shall be the policy of Council not to allow the further extension of municipal water lines except where municipal central sewer exists or will be installed in conjunction with the water lines. Individual lots with frontage on existing public streets served only by municipal water shall be permitted to connect to the municipal water system.*

Council wishes to encourage development that makes maximum use of the existing infrastructure within the service area boundaries (Growth Centres). Other policies of this Strategy address infill development on existing undersized lots, multiple residential development in appropriate locations, and accessory apartments in the Single Unit Residential (R-1) zone. Policies for grouped dwellings encourage more compact cluster developments that use less land and are more economical to service.

15.2 Solid Waste

West Hants has a comprehensive recycling and composting program. Recycling is picked up every second week. All recycling goes to a collection contractor who is responsible for the sorting and sale of the recyclables. The Municipality does not receive payment for the recycling but has a reduced charge for collection. Residents are responsible for composting using backyard composters. The same contractor collects garbage on alternate weeks. The garbage goes to the West Hants Landfill Site on the Walton Woods Road in Cogmagun.

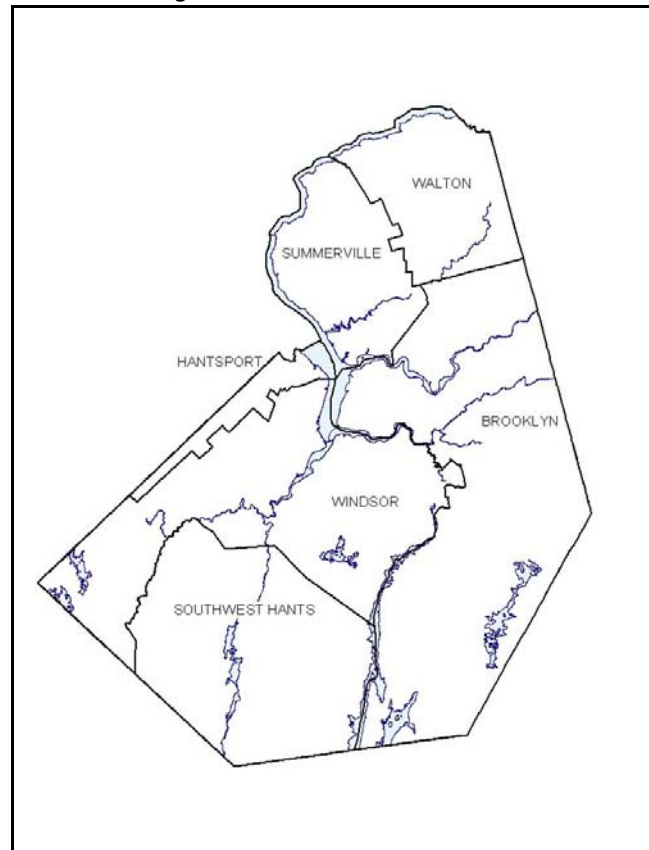
15.3 Fire

West Hants is served by five volunteer fire departments located in Windsor, Summerville, Brooklyn, Walton and Hantsport. In addition, Southwest Hants is served by a substation of the Windsor Fire Department located in Vaughan and the Mount Uniacke District Fire Department serves a small area adjacent to the East Hants boundary. Table 2 shows the number of civic addresses in West Hants covered by each of the fire districts and the municipal funding for 2006-2007. Figure 7 is a map of the fire districts.

Table 2 - West Hants Fire District Funding, 2006-07

	Civics	Municipal Funding
Windsor	2706	\$331,500
Summerville	784	\$93,398
Brooklyn	1950	\$173,644*
Walton	190	\$30,189
Hantsport	273	\$33,349
Southwest Hants	638	\$40,000
	6541	\$707,080
* \$8,052 of Brooklyn's funding is paid to Mount Uniacke Dist. Fire Dept.		

Figure 7 - West Hants Fire Districts



15.4 Police

West Hants is served by a detachment of the Royal Canadian Mounted Police located in the Windsor-West Hants Industrial Park. The Municipality's 2005-2006 budget provided \$1,025,795 for police services, or the equivalent of 9.8 full-time positions. The detachment serves not only West Hants, but also the Town of Hantsport and the Mount Uniacke area of East Hants. As of September 2005, the detachment included: 16 detachment officers; four traffic services officers, one community liaison officer, one sergeant, one staff sergeant, one geographic information system (G.I.S.) officer and three detachment assistants. In addition, there were four auxiliary constables, volunteers from the area who work with the officers.

16.0 IMPLEMENTATION

16.1 Municipal Planning Strategy Amendments and Review

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

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

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

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

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

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

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

16.2 Land Use By-law

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

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

Zones	Symbol
Single Unit Residential	R-1
Two Unit Residential	R-2
Multiple Residential	R-3
Rural Residential	R-4
Manufactured Home Park	MHP
General Commercial	GC
Highway Commercial	HC
Local Commercial	LC
Rural Commercial	RC
Recreation Commercial	RecC
Prime Agriculture	P/Ag
Agricultural Priority Two	AR-2
Agricultural Priority Three	AR-3
General Resource	GR
Mineral Resource	MR
Water Supply	W
Landfill	LF
Resource Industrial	M-1
Hamlet Industrial	M-2
Local Industrial	LI
Light Industrial	LI-1
Joint Industrial Type Two	LI-2
Joint Industrial Type Three	LI-3
Institutional	I
Open Space	OS
Special Overlay Zones	
Dykeland Overlay	

16.3 Land Use By-law Amendments and Development Agreements

Changes to the Land Use By-law—whether map amendments (rezoning) or text amendments—may be considered by Council provided they are in conformity with the Municipal Planning Strategy. Should Council consider amending the Land Use By-law, it must fully examine the implications of the change

and the amendment must comply with all other legal requirements as set out in the *Municipal Government Act*.

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

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

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

16.4 Subdivision Control

Subdivision includes the creation of one or more new lots, the consolidation of two or more existing lots and the adjustment of boundaries on existing lots. All subdivision in West Hants is controlled by the standards set out the Subdivision By-law.

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

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

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

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

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

- (a) lots created on private roads in the General Resource zone, provided that such lots shall only be developed for seasonal dwellings, single unit dwellings or resource uses;*
- (b) lots created pursuant to Section 279 of the Municipal Government Act which allows the approval of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimums;*
- (c) where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer number of lots as there are main buildings;*

- (d) *lots created to remove an encroachment;*
- (e) *lots created on an island in the General Resource zone where there are no public streets or private roads and the only means of access is by water, provided that such lots shall only be developed for seasonal dwellings; or*
- (f) *lots created on a right-of-way.*

16.5 Infrastructure Charges

As development continues in the Falmouth and Three Mile Plains Growth Centres, there will be a need to ensure that the infrastructure required for water, sewage treatment, stormwater systems and streets are sufficient to service the new growth. This will involve either the expansion of existing systems or the construction of new systems. The *Municipal Government Act* allows municipalities to implement infrastructure improvement charges through the Subdivision By-law provided this is enabled in the Municipal Planning Strategy. These funds can be used to recover the capital costs of infrastructure, but may not be used for ongoing maintenance costs.

Council intends to collect infrastructure charges for newly created lots in the Growth Centres, as well as any other area where municipal water and/or sewer services are provided, as a way to defray the cost of new or upgraded water and sewage treatment plants, stormwater systems, streets and traffic signals. Areas where infrastructure charges are implemented are known as charge areas. The infrastructure charges will be based on the projected number of new lots in the charge area considering zoning, available vacant land and the projected cost of the upgrades. The infrastructure charges will be the same for every newly created lot within the charge area regardless of lot size. Infrastructure charges will not apply to the consolidation of lots.

As with parkland dedication fees, it is the intention that no lot will receive subdivision approval without first paying the infrastructure charge; however, in cases of larger subdivisions, the Municipality may enter into an Infrastructure Charges Agreement with the developer which sets out a payment plan. Since the infrastructure charges are intended to be used for upgrades to the water and sewage treatment systems, stormwater systems, streets and traffic signals, the Municipality will not accept services in lieu of payment of the charges.

Policy 16.5.1 *It shall be the policy of Council to establish provisions for the collection of infrastructure charges in the Subdivision By-law. These infrastructure charges shall serve to help the Municipality to provide adequate municipal water, sewer and stormwater systems, streets, and traffic signs and signals within the serviced areas.*

Policy 16.5.2 *It shall be the policy of Council to establish 'charge areas' where infrastructure charges shall apply which encompass the areas within the servicing boundaries of the Growth Centres and any other serviced area in West Hants.*

Policy 16.5.3 *It shall be the policy of Council to establish conditions in the Subdivision By-law with respect to the payment of infrastructure charges including any agreements with the Municipality as a condition of subdivision approval.*

Policy 16.5.4 *It shall be the policy of Council that infrastructure charges shall be used only for the purpose for which they are collected.*

16.6 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 West Hants, or to provide a greater range of social, recreation, cultural or educational facilities and activities. It is one purpose of this Strategy to aid in establishing such programs.

Policy 16.6.1 *It shall be the intent of Council to incorporate policies and provisions of this 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.*

16.7 Guidance for Variances

In addition to the provisions of the *Municipal Government Act* allowing the Development Officer to grant a variance in the Land Use By-law requirements for the percentage of land that may be built upon, yards, lot frontage or lot area, Council also wishes to allow the Development Officer some increased flexibility in other areas.

Policy 16.7.1 *It shall be the policy of Council to allow the Development Officer to grant a variance in Land Use By-law requirements or terms of a development agreement, where the development agreement so provides, in one or more of the following:*

- (a) *number of parking and loading spaces required;*
- (b) *ground area and height of a structure;*
- (c) *floor area occupied by a home-based business; and*
- (d) *height and area of a sign.*

16.8 Non-conforming Uses and Structures

Policy 16.8.1 *It shall be the policy of Council to relax the restrictions of Sections 238 to 241 of the Municipal Government Act with respect to non-conforming uses and structures to allow for the following in the Land Use By-law:*

- (a) *the enlargement, reconstruction, repair or renovation of an existing building on a lot having less than the minimum yards required under the Land Use By-law, provided the enlargement, reconstruction, repair or renovation does not further reduce the yards that do not conform and provided all other applicable provisions of the Land Use By-law are met;*
- (b) *the minor extension or enlargement, not exceeding 100 square feet (9.29 square meters) in area, of a structure containing a non-conforming use to allow for additions of an accessory nature such as entryways, porches or small storage spaces;*
- (c) *the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months but not more than 12 months; and*
- (d) *the change in a non-conforming industrial use to another less obnoxious or less intensive industrial use in terms of traffic generated, hours of operation, outdoor storage, noise and fumes.*

Policy 16.8.2 *It shall be the policy of Council to consider the following by development agreement:*

- (a) *extension, enlargement or alteration of a structure containing a non-conforming use in excess of the minor extension or enlargement provided for in Policy 16.8.1(b);*
- (b) *extension of a non-conforming use of land;*
- (c) *rebuilding, after destruction, of a building or structure containing a non-conforming use;*
- (d) *change in use of a non-conforming use of land, building or structure to another non-conforming use; and*
- (e) *recommencement of a non-conforming use of land or a non-conforming use in a structure after it has been discontinued for a continuous period in excess of 12 months.*

Policy 16.8.3 *In considering a development agreement provided for in Policy 16.8.2, Council shall have regard to the following:*

- (a) *the use is similar to the existing non-conforming use or more compatible with the uses permitted by the Land Use By-law and will not conflict with neighbouring uses;*
- (b) *the adjacent area will not be adversely affected with respect to:*
 - (i) *traffic generation and traffic and pedestrian safety;*

- (ii) *signage;*
- (iii) *hours of operation;*
- (iv) *outdoor storage;*
- (v) *noise, odours, dust or fumes; and*
- (vi) *size of building(s);*

- (c) *adequate parking is provided;*

- (d) *adequate yards are provided, or the location of the building on the lot is substantially the same as it was before being damaged or destroyed;*

- (e) *adequate landscaping and fencing or buffering is provided;*

- (f) *maintenance of the use will be satisfactory; and*

- (g) *any other matter which may be addressed by development agreement.*

16.9 Development Officer

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

16.10 Recovery of Expenses

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

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

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

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

- (c) *the cost of posting a sign; and*

- (d) *administrative processing costs.*

16.11 Repeal of Strategy

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

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