



# WEST HANTS PLAN REVIEW



Index of Main Provisions <i>(Documents prepared for First Reading by Council, April 8, 2008)</i>	Doc.	Section/ Policy
<b>DEVELOPMENT VISION</b>		
Development vision (based on former Area One MPS) distinguishes between urban development (Growth Centre) and rural development (Village, Hamlet, Agricultural and Resource). Intent is to reduce sprawl in resource areas and enable efficient service delivery by focusing the majority of development in the serviced Growth Centres and, to a lesser extent, the Village and Hamlets.	MPS	3.0
<b>GROWTH CENTRES</b>		
Two Growth Centres designated: Falmouth and Three Mile Plains	MPS	3.3
Growth Centre boundaries represent service area boundaries; municipal water and sewer services will not be extended outside Growth Centres	MPS	5.1.5 5.1.1
New public streets to be serviced with both municipal water and sewer; new development using on-site sewage systems limited to existing streets without municipal sewer services	MPS	5.1.3
	S/D	41(a)
Boundaries of Growth Centre may be expanded	MPS	5.1.6
<b>Commercial Core</b>		
Commercial Core designated to encourage commercial concentration; in Three Mile Plains Growth Centre, it is the Garlands Crossing area; in Falmouth, the Commercial Core is on Hwy 1 between Avon River Bridge and Hwy 101 access road.	MPS	5.5.1 5.5.3 5.5.4
Majority of land in Commercial Core to be zoned General Commercial (GC); zone permits broad range of commercial uses	MPS	5.5.5
	LUB	13.0
Rezoning to General Commercial (GC) or Highway Commercial (HC) may be considered within Commercial Core; HC zone permits automobile-related retail and service uses, and uses requiring large amount of commercial floor area or outdoor storage and display	MPS	5.5.8 5.5.11
	LUB	13.0 14.0
Rezoning to GC or HC not permitted outside Commercial Core	MPS	5.5.6
Regional shopping centres and large format retail stores (>20,000 sf) may be considered within the Commercial Core by development agreement	MPS	5.5.13 5.5.15
<b>Commercial Development Outside Commercial Core</b>		
Commercial development outside the Commercial Core must be compatible with residential uses	MPS	5.6
Local Commercial (LC) uses (small-scale commercial and R-1 uses) may be considered by development agreement;	MPS	5.6.4
	LUB	15.0
Recreation Commercial uses may be considered by development agreement	MPS	13.3.2

Note: "MPS" means Municipal Planning Strategy; "LUB" means Land Use By-law; "S/D" means Subdivision By-law

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<b><i>Industrial</i></b>		
Resource Industrial (M-1) uses may be considered by development agreement provided they front on an arterial or collector street	MPS	5.7.2
Local Industrial (LI) uses (small-scale industrial uses in conjunction with a residential use) may be considered by development agreement	MPS	5.7.6
<b><i>Institutional</i></b>		
New Institutional (I) uses may be considered by development agreement	MPS	5.8.1 13.1.2
<b><i>Agriculture</i></b>		
Active agricultural land in Growth Centres will be zoned Agricultural Priority Three (AR-3); land zoned AR-3 may be considered for rezoning or development agreement	MPS	5.9 8.10.1
<b><i>Residential - Three Mile Plains Growth Centre</i></b>		
Single Unit Residential (R-1) zone applies to limited areas which were zoned R-1 under former Area One Land Use By-law; however, new areas may be considered for rezoning to R-1; zone permits single unit dwellings, accessory apartments, existing manufactured homes	MPS	5.3 5.3.2
	LUB	8.0
Majority of residential land to be zoned Two Unit Residential (R-2) which permits one and two unit dwellings, mini homes; additional land may be rezoned to R-2	MPS	5.3.3 5.3.4
	LUB	9.0
Rezoning to Multiple Unit Residential (R-3) may be considered for dwellings with three or more units, of three storeys or less in height; R-3 zone permits dwellings with three or more units, residential care facilities (5 or fewer persons), R-1 and R-2 uses	MPS	5.3.7
	LUB	10.0
Multiple unit dwellings higher than three storeys may be considered by development agreement	MPS	5.3.8
Manufactured home parks may be considered by development agreement	MPS	5.3.9
Grouped dwellings consisting of six or more dwelling units may be considered by development agreement	MPS	5.3.10
<b><i>Residential - Falmouth Growth Centre</i></b>		
Majority of residential land zoned R-1 which permits single unit dwellings, accessory apartments, existing manufactured homes; additional land may be considered for rezoning to R-1	MPS	5.4.1 5.4.2
	LUB	8.0
Rezoning to R-2 may be considered on serviced properties fronting on arterial or collector streets; R-2 permits two unit dwellings and mini homes as well as R-1 uses	MPS	5.4.3
	LUB	9.0

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Multiple unit residential may be considered by development agreement; development must contain 30% single unit dwellings, with a combination of townhouses of not more than 4 attached units, and semi detached or duplex dwellings; only properties of 25 acres or more with frontage on an arterial or collector street will be considered	MPS	5.4.4
Grouped single and two unit dwellings consisting of six or more units may be considered by development agreement	MPS	5.4.5
Manufactured home parks may be considered by development agreement	MPS	5.4.6
<b>VILLAGE</b>		
Brooklyn designated Village	MPS	6.1.1
Boundaries of Village may be expanded by MPS and LUB amendment	MPS	6.1.2
Municipal water and sewer will not be provided in Village	MPS	6.1.3
<b>Village Core</b>		
Village Core designation to encourage commercial uses	MPS	6.3.1
Majority of Village Core to be zoned Local Commercial (LC) which permits small-scale commercial and R-1 uses	MPS	6.3.2
	LUB	15.0
General Commercial (GC) and Highway Commercial (HC) uses may be considered by development agreement in the Village Core	MPS	6.3.4
<b>Commercial Development Outside Village Core</b>		
General Commercial (GC) and Highway Commercial (HC) uses of 5,000 sf or less may be considered by rezoning outside Village core	MPS	6.4.2
General Commercial (GC) and Highway Commercial (HC) uses larger than 5,000 sf may be considered by development agreement outside Village core	MPS	6.4.3
Recreation Commercial uses may be considered by development agreement outside the Village Core	MPS	13.3.2
<b>Industrial</b>		
Local Industrial (LI) uses may be considered outside the Village Core by development agreement	MPS	6.5.2
<b>Institutional</b>		
Institutional uses may be considered by development agreement	MPS	6.6.1 13.1.2
<b>Agriculture</b>		
Active agricultural land in the Village zoned Agricultural Priority Three (AR-3); land zoned AR-3 may be considered for rezoning or development agreement	MPS	6.8 8.10.1
	LUB	21.0

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<b>Residential</b>		
Single Unit Residential (R-1) zone applies to limited areas of the Village which were zoned R-1 in the former Area One LUB; however, new areas may be considered for rezoning to R-1; zone permits single unit dwellings, accessory apartments, existing manufactured homes	MPS	6.2.1 6.2.3
	LUB	8.0
Majority of land outside Village Core zoned Two Unit Residential (R-2); permits two unit dwellings, mini homes and R-1 uses; additional land may be rezoned to R-2	MPS	6.2.2. 6.2.3
	LUB	9.0
Grouped single and two unit dwellings consisting of six or more units may be considered in the Village by development agreement	MPS	6.2.4
<b>HAMLETS</b>		
11 Hamlets designated: Newport Station, St. Croix, Ellershouse, Newport Corner, Ardoise-Cameron Lake, Wentworth Creek, Gypsum Mines-Sweets Corner, Newport Landing, Mount Denson, Summerville, Cheverie	MPS	7.0.1
Hamlet boundaries may be expanded or new Hamlets created by MPS and LUB amendment	MPS	7.0.2
Growth Centre boundaries may be considered for expansion into former Hamlets abutting or close to the existing serviced areas when there is a need for additional serviced land in the Growth Centres. At that time, municipal water and sewer services may be extended to these areas if costs are feasible.	MPS	3.5 7.0 7.0.3 5.1.6
<b>Residential</b>		
Majority of land in Hamlets zoned Rural Residential (R-4); permits one and two unit dwellings, mini homes, mobile homes and existing churches, community centres, fire halls, schools, post offices; additional land may be rezoned to R-4	MPS	7.1.1 7.1.2
	LUB	11.0
Grouped single and two unit dwellings consisting of six or more units may be considered in Hamlets by development agreement	MPS	7.1.3
<b>Commercial</b>		
Rural Commercial (RC) uses may be considered in Hamlets by rezoning; RC zone permits commercial uses which provide a service to local residents, and limited highway commercial and tourist commercial uses; new permitted uses may be added to the RC zone by amendment to the LUB	MPS	7.2.6 7.2.7
	LUB	16.0
Recreation Commercial uses may be considered in Hamlets by development agreement	MPS	7.2.4 13.3.2
<b>Industrial</b>		
Hamlet Industrial (M-2) uses may be considered in Hamlets by rezoning; M-2 zone permits local and resource industrial uses and residential uses in conjunction with an industrial use; new permitted uses may be added to the M-2 zone by amendment to the LUB	MPS	7.2.6 7.2.7
	LUB	27.0

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<b><i>Institutional</i></b>		
Institutional uses may be considered in Hamlets by development agreement	MPS	7.3.1 13.1.2
<b><i>Agriculture</i></b>		
Active agricultural land in the Hamlets will be zoned Agricultural Priority Three (AR-3); land zoned AR-3 may be considered for rezoning or development agreement	MPS	7.5 8.10.1
	LUB	21.0
<b>AGRICULTURE</b>		
Agriculture designation applies to majority of active farmland and Canada Land Inventory Class 2, 3 and 4 land outside the Growth Centre, Village and Hamlet designations	MPS	8.2.1
New public streets or private roads prohibited in agriculture zones	MPS	8.3.1
	LUB	19.5 20.4 21.4
	S/D	17(d)
Removal of topsoil prohibited in agriculture zones	MPS	8.4.1
	LUB	18.11
Separation distances are established for intensive and non-intensive livestock operations, and for new dwellings adjacent to intensive livestock operations	MPS	8.5.2
	LUB	18.2- 18.7
Separation distances for intensive livestock operations may be reduced subject to agricultural engineer's study	MPS	8.5.4
	LUB	18.5
Requirements for study to determine agricultural capability prior to rezoning or development agreement for non-farm development in P/Ag and AR-2 zones	MPS	8.6.1
<b><i>Prime Agriculture (P/Ag) Zone</i></b>		
Zone to apply to the same area of Upper Falmouth that was zoned P/Ag in former Upper Falmouth LUB	MPS	8.8.2
P/Ag zone permits agricultural uses, single unit dwellings accessory to an agricultural operation, existing dwellings, existing churches and halls	MPS	8.8.3
	LUB	19.0
Single unit dwelling permitted as main use where lot existed on or before April 11, 1989 and six acres or less in size	MPS	8.8.4
	LUB	19.4
Rural Residential (R-4) or Open Space (OS) uses may be considered by rezoning, subject to agricultural capability study	MPS	8.8.5 8.6.1

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Community service uses (such as convenience store, personal service shop, vehicle or machinery repair, farm equipment and supplies store, agricultural support use) may be considered by development agreement on existing lots of six acres or less in size, subject to agricultural capability study	MPS	8.8.6 8.6.1
Minimum lot area in P/Ag zone is 25 acres, except for agricultural uses not including dwellings where minimum lot area is 5 acres	MPS	8.8.8 8.8.9
	LUB	19.2 19.3
<b>Agricultural Priority Two (AR-2) Zone</b>		
Applies to Class 2 and 3 land and active farms in areas where the strict controls of the P/Ag zone are not acceptable to landowners	MPS	8.9.1
AR-2 zone permits agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry related uses, churches, community centres and fire halls	MPS	8.9.2
	LUB	20.1
Rural Residential (R-4) uses may be considered by rezoning, subject to agricultural capability study	MPS	8.9.3 8.6.1
Rural Commercial (RC), Recreation Commercial, Resource Industrial (M-1) and Open Space (OS) uses may be considered by development agreement, subject to agricultural capability study	MPS	8.9.4 8.6.1
Subdivision limited to creation of two lots per calendar year	MPS	8.95
	LUB	20.3
	S/D	29
On-farm businesses may be considered by development agreement (no requirement for agricultural capability study)	MPS	8.11.1 8.11.2
Off-highway vehicle courses as on-farm businesses may be considered by development agreement (no requirement for agricultural capability study)	MPS	8.11.3 8.11.4
<b>Agricultural Priority Three (AR-3) Zone</b>		
Applies to active farms in the Growth Centres, Village and Hamlets, and lower capability (Class 4) land outside the Growth Centres, Village and Hamlets	MPS	8.10.1
AR-3 zone permits agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry related uses, churches, community centres and fire halls	MPS	8.10.2
	LUB	21.1
AR-3 land in Growth Centre, Village or Hamlets, may be considered for non-farm development by rezoning or development agreement subject to relevant Growth Centre, Village or Hamlet policies (no requirement for agricultural capability study)	MPS	8.10.3
Outside the Growth Centre, Village or Hamlets, Rural Residential (R-4) uses may be considered by rezoning; not more than 25 acres may be rezoned (no requirement for agricultural capability study)	MPS	8.10.4

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Outside the Growth Centre, Village or Hamlets, Rural Commercial (RC), Recreation Commercial, Resource Industrial (M-1) and Open Space (OS) uses may be considered by development agreement (no requirement for agricultural capability study)	MPS	8.10.5
On-farm businesses, including off-highway vehicle courses, may be considered by development agreement (no requirement for agricultural capability study)	MPS	8.11.1 8.11.2 8.11.3 8.11.4
<b>RESOURCE</b>		
Resource designation applies to land outside Growth Centre, Village and Hamlets which is not designated Agriculture	MPS	9.0.1
<b>General Resource (GR) Zone</b>		
GR zone permits resource uses, single and two unit dwellings, manufactured homes, community and commercial uses such as community centres, churches, fire halls, restaurants, small retail stores, automobile service stations, farm equipment sales and personal service shops	MPS	9.1.2
	LUB	22.1
Large lot sizes required to discourage strip development and provide buffering from resource uses	MPS	9.1.4
	LUB	22.2
Rural Commercial (RC) and Resource Industrial (M-2) uses may be considered by rezoning	MPS	9.1.6
Recreation Commercial uses, including off-highway vehicle courses, may be considered by development agreement	MPS	9.1.7 13.3.2 13.3.3
New private roads permitted only in GR zone	MPS	9.1.8
	S/D	17(c)
Development on private roads limited to seasonal dwellings, single unit dwellings, home-based businesses and resource uses	MPS	9.1.8
	LUB	5.14 22.4
Municipal services other than emergency protective services will not be provided on private roads	MPS	9.1.9
Grouped single and two unit dwellings consisting of six or more units may be considered in the GR zone by development agreement	MPS	9.1.10
Resort development may be considered in the GR zone by development agreement on lots of 500 acres or more	MPS	9.1.11
<b>Mineral Resource (MR) Zone</b>		
Mining and related uses are primary activities in MR zone; permitted uses include resource uses, mineral processing industries, structures related to mineral extractive uses, single and two unit dwellings and manufactured homes	MPS	9.2.1
	LUB	23.1

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Land Use By-law regulates location of structures related to mining operations	MPS	9.2.2
	LUB	23.1
Land in the Resource designation may be considered for rezoning to MR	MPS	9.2.4
<b>Water Supply (W) Zone</b>		
Water Supply (W) zone applies to French Mill Brook, Mill Lakes and Davidson Lake water supply areas	MPS	9.3.1
Permitted uses limited to those compatible with water supply areas	MPS	9.3.2
	LUB	24.1
Maximum floor area of woods camps in W zone limited to 600 sf, excluding decks, balconies, exterior staircases and similar features.	MPS	9.3.3
	LUB	24.6
Minimum lot size of 10 acres in W zone; minimum water frontage of 300 ft. for new lots abutting Mill Lake and Davidson Lake	MPS	9.3.6
	LUB	24.2
No structures or alteration of land levels on slopes greater than 15 percent	MPS	9.3.7
	LUB	24.4
Environmental study required for development within 213.25 ft. (65 m) of a watercourse	MPS	9.3.8
	LUB	24.3
Useable land criteria for parkland dedication under the Subdivision By-law may be waived for land in the W zone. This will assist the Municipality to acquire land in the water supply areas.	S/D	72(b)(v)
<b>Landfill (LF) Zone</b>		
Landfill zone to apply to existing Cogmagun landfill site and permit landfill operations and associated uses	MPS	10.0.1
	LUB	25.1
No new landfills permitted, but expansion of existing operation may be considered by rezoning	MPS	10.0.2
<b>INDUSTRIAL PARK</b>		
<b>Joint Industrial Park</b>		
Joint Industrial designation to apply to Windsor-West Hants Industrial Park, with same designation and regulations in Town of Windsor and Municipality of West Hants	MPS	11.1.1
Amendments or development agreements within the Joint Industrial designation to be considered at joint session of Windsor and West Hants Councils	MPS	11.1.2
Expansion to Joint Industrial Park may be considered by MPS and LUB amendment	MPS	11.1.7

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<b>Joint Industrial Type Two (LI-2) Zone</b>		
LI-2 zone applies to land on east side of Highway 101; permitted uses include light industrial, animal hospitals, limited business and professional offices, courier services, garden sales and supplies, indoor recreational uses, laundries, research facilities and taxi and bus depots; no additional commercial/retail uses will be permitted	MPS	11.1.4
	LUB	30.1
<b>Joint Industrial Type Three (LI-3) Zone</b>		
LI-3 zone applies to land on west side of Highway 101; zone permits mix of uses including banks and financial institutions, offices, retail shops, personal service shops, light industrial uses compatible with retail/commercial development; additional retail/commercial uses may be considered by LUB amendment	MPS	11.1.5
	LUB	31.1
New large format retail stores or expansions greater than 5,000 sf to existing large format retail stores may be considered by development agreement in LI-3 zone	MPS	11.1.6 5.5.15
<b>Future Industrial Park - Light Industrial (LI-1) Zone</b>		
LI-1 zone may be applied to future industrial park land outside the Windsor-West Hants Joint Industrial Park; permitted uses include a full range of light industrial uses, and certain highway commercial uses	MPS	11.2.1
	LUB	29.1
Land in any designation may be considered for rezoning to LI-1 provided there is a minimum of 15 acres if it is located within a Growth Centre, or 30 acres if in an unserviced area	MPS	11.2.2
<b>ENVIRONMENTAL CONSTRAINTS</b>		
<b>Dykeland</b>		
Dykeland to be identified as overlay on Zoning Map	MPS	12.1.1
No new buildings except pump houses or similar structures and small accessory buildings on existing lots of five acres or less	MPS	12.1.4
	LUB	34.1
Existing buildings may be enlarged or altered, or use changed as long as the new use does not involve more intensive human or livestock occupancy, or hazardous materials warehousing or production	MPS	12.1.5 12.1.6
	LUB	34.2 34.3
Infilling and alteration of topography to be controlled	MPS	12.1.7 12.1.8
	LUB	34.4 34.5
New public streets permitted on dykeland provided not more than 250 ft. of the street is on dykeland, and the street is designed to withstand flood conditions and will not result in increased flooding to other properties or reduce flood plain storage capacity	MPS	12.1.9
	LUB	34.4(h) 34.5 34.6

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Development may occur where survey plan shows elevation is above the high water elevation for the dykeland	MPS	12.1.10
	LUB	34.7
<b><i>Geologic Constraints</i></b>		
Council may consider amending the MPS and LUB if warranted to identify areas which may be prone to subsidence due to underlying limestone and gypsum formations.	MPS	12.2.1
<b>COMMUNITY USE</b>		
Community Use designation to apply to existing large-scale institutional, municipal recreation and open space uses	MPS	13.0.1
<b><i>Institutional (I) Zone</i></b>		
I zone applies to existing public or non-profit uses such as churches, schools, community halls, fire stations, indoor recreation uses and other public buildings and facilities	MPS	13.1.1
	LUB	32.1
Institutional uses may be considered in any designation by development agreement	MPS	13.1.2
Land zoned I may be considered for other uses	MPS	13.1.3
<b><i>Open Space (OS) Zone</i></b>		
OS zone applies to parks and other public outdoor recreation uses, cemeteries, historic sites, interpretive centres and similar uses	MPS	13.2.1
	LUB	33.1
Only public lands to be zoned OS	MPS	13.2.2
Parks and playgrounds permitted in any zone	MPS	13.2.3
	LUB	5.35
<b><i>Recreation Commercial (RecC) Zone</i></b>		
RecC zone to apply to existing commercial recreation facilities	MPS	13.3.1
	LUB	17.1
New Recreation Commercial uses may be considered by development agreement in any designation except Village Core	MPS	13.3.2
Off-highway vehicle courses may be considered by development agreement in the General Resource (GR) zone	MPS	13.3.3 13.3.4 9.1.7
<b>TRANSPORTATION</b>		
Highway 101 designated as regional road	MPS	14.1.1
Arterial streets designated	MPS	14.2.1
Collector streets designated	MPS	14.3.2

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Traffic impact study may be required as part of development agreement or rezoning application	MPS	14.6.1
<b>MUNICIPAL SERVICES</b>		
Municipal water and sewer services will not be extended beyond boundaries of Falmouth and Three Mile Plains Growth Centres	MPS	15.1.1
Developer responsible for costs of installing municipal sewer and water systems in new developments	MPS	15.1.2
	S/D	41(a)
No extension of municipal water without sewer	MPS	15.1.3
	S/D	41(a)
<b>IMPLEMENTATION</b>		
Circumstances under which Council may review and amend the Municipal Planning Strategy	MPS	16.1.1
Council shall review the Municipal Planning Strategy at least every 8 years	MPS	16.1.2
Rezoning or development agreement for an area adjacent to a land use designation may be considered without MPS amendment	MPS	16.1.3 16.1.4
General policy for land use by-law amendments or development agreements	MPS	16.3.1
Additional items for which the Development Officer may grant a variance	MPS	16.7.1
	LUB	5.47
Relaxation of non-conforming use provisions of Municipal Government Act	MPS	16.8.1
	LUB	5.25
Non-conforming uses to be considered by development agreement	MPS	16.8.2
<b>Subdivision</b>		
Subdivision by-law to be adopted	MPS	16.4.1
Subdivision By-law to limit number of lots which can be created annually in Agriculture designation	MPS	16.4.2
	S/D	29
Lots to have frontage on a street	MPS	16.4.3
	S/D	17
Minimum lot frontage and area exceptions	MPS	16.4.4
	LUB	5.36
	S/D	20, 21, 23, 24, 25
<b>Infrastructure Charges</b>		

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Provisions for collection of infrastructure charges to be established in the Subdivision By-law	MPS	16.5.1
	S/D	Part 15
<b>GENERAL</b>		
<b>Accessory apartments</b> permitted in single unit dwellings subject to standards for exterior appearance and size (max. 700 sf floor area)	MPS	4.9.4
	LUB	8.3
<b>Development permit</b> expires 12 months from date issued if development has not commenced; development permits issued prior to this by-law coming into force expire 12 months from date by-law comes into effect	LUB	2.4
<b>Home-based businesses</b> permitted in any dwelling or zone subject to regulations on the nature and size of the business, signage, parking, etc.	MPS	4.7
	LUB	5.16
<b>Household livestock</b> permitted in any residential or resource zone on lots of at least one acre; number of livestock permitted depends on lot size; max. of eight animal units	MPS	4.8.1
	LUB	5.17
<b>Kennels</b> must meet setbacks, soundproofing requirements, and limits on hours outdoor runs can be occupied; Hobby kennels (4 to 7 dogs) permitted as home-based business in any zone; Commercial kennels (8 or more dogs) permitted in Highway Commercial (HC), Rural Commercial (RC), Prime Agriculture (P/Ag), Agricultural Priority Two and Three (AR-2, AR-3), General Resource (GR), Mineral Resource (MR) zones	MPS	4.10.1
	LUB	5.19
<b>Municipal buildings and facilities</b> permitted in any zone; where development involves a building larger than 2,000 sf and would require rezoning or development agreement if land were privately owned, Council will request staff report and hold a public meeting	MPS	4.4.1
	LUB	5.7
<b>Watercourse</b> setback requires structures to be located a minimum of 50 ft. from a watercourse; greater setback required for Water Supply (W) zone	MPS	4.21.1
	LUB	5.49
<b>Small wind turbines</b> permitted subject to minimum lot size and set back requirements	MPS	4.22.1 4.22.2
	LUB	5.51 5.52
<b>Large wind turbines or wind farms</b> may be considered by development agreement outside Growth Centre, Village and Hamlet designations	MPS	4.22.4