



TOWN OF WINDSOR MUNICIPAL PLANNING STRATEGY

Approved by Council: August 23, 2005
Effective September 21, 2005
As amended September 3, 2009

Town of Windsor
MUNICIPAL PLANNING STRATEGY

Approved by the Minister of Service Nova Scotia & Municipal Relations

As of September 3, 2009

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

- 1) WMPS 06-01 Amendments to Policies 9.0 Mixed Use Development, 9.1 Mixed Use in the Residential Designation, and 9.2 Mixed Use in the Commercial and Industrial Designations - effective September 7, 2006
- 2) WMPS 07-01 Amendment to the Generalized Future Land Use Map (Map 1) - Designation of property of Joseph and Eunice Dill Property on King Street (PID 45053147) from Community Use to Residential - effective October 11, 2007
- 3) WMPS 07-01 Amendment to the Generalized Future Land Use Map (Map 1) - Designation of property of Serge and Trudy Menard, 5511 Highway 14 (PID 45166956) from Commercial to Residential - effective October 11, 2007
- 4) WMPS 09-01 Amendments to Policy 8.3.2 allowing Council to consider rezoning to General Commercial (GC) land that fronts on major collector streets, subject to a traffic impact study. Amendments to Sections 14.3 Major Collector Roads and 14.3A Minor Collector Roads. Amendments to the Transportation Map (Map 2) - effective June 9, 2009
- 5) WMPS 09-02 Amendments creating policies and zone for the Wentworth Road Gateway District and Wentworth Road Commercial (WR-C) zone: Policies 8.6, 8.6.1, 8.6.2, 8.6.3, 8.6.4, 8.6.5, 8.6.6, 8.6.7, 8.6.8, 8.6.9, 8.6.10, 8.6.11, 8.6.12, 8.6.13, 8.6.14, 8.6.15, 8.6.16, 8.6.17, 8.6.18. - effective September 3, 2009
- 6) WMPS 09-02 Supplementary Amendments to Policies 8.2, 8.2.2, 8.3, 8.3.2, 8.4.4, 8.4.5, 8.5, 8.5.1, 8.5.2, 14.2.2, 16.2.2, for the Wentworth Road Gateway District and Wentworth Road Commercial (WR-C) zone - effective September 3, 2009

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MAPS

- Map 1 - Generalized Future Land Use Map
- Map 2 - Transportation Map

1.0 PREAMBLE

1.1 Plan Area

The incorporated Town of Windsor, as defined in Chapter 52 of the Acts of 1878, is the area covered by this Municipal Planning Strategy. Windsor is located where the Avon and St. Croix Rivers meet and empty into the Minas Basin, about 70 kilometres (43 miles) northwest of downtown Halifax.

1.2 Scope

The Municipal Planning Strategy provides the framework to guide growth and development in the Town of Windsor. 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 development in Windsor. 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 Town.

This document and the maps listed below make up Windsor's Municipal Planning Strategy:

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

1.3 Planning Background

In 1970, the Town and Municipality of West Hants 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. Windsor's first Municipal Development Plan and Zoning By-law were approved in 1976.

The first five-year review of the Municipal Development Plan and Zoning By-law was begun in 1981 with Ministerial approval given January 18, 1984. In 1989, another review was initiated and the new documents were approved by the Minister on October 18, 1991.

A third review, under the Municipal Government Act, was commenced in October 2001. In general, the purpose of Municipal Planning Strategy and Land Use By-law reviews is to:

- (a) determine the appropriateness of existing policies;
- (b) delete policies that are no longer relevant;
- (c) 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

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- (d) 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 Windsor and West Hants 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 Windsor's Municipal Planning Strategy and supporting Land Use By-law was undertaken in conjunction with the review of the planning documents for West Hants. The policies of each unit's Municipal Planning Strategy are intended to complement those of the other unit.

1.5 Public Participation

The Town of Windsor's 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. Future amendments to this 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 Windsor shall have due regard to the policies contained herein.

2.0 BACKGROUND

2.1 Historical Context

Founded in 1759, Windsor is one of the oldest towns in Nova Scotia and has had a rich and varied past. At one time or another, Windsor has served as a campsite and burying ground for the Mi'kmaq, an Acadian farming settlement, a military strongpoint and a major ship-building and mercantile port. In its present role Windsor is a regional service centre. Approximately 60 percent of the total retail trade activity occurring in the West Hants area takes place in Windsor. In addition, many government and other administrative offices are located in Windsor.

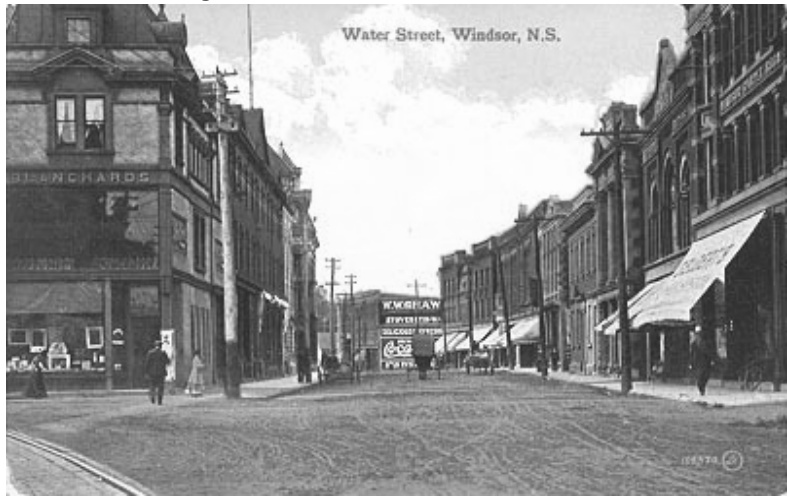


Figure 1 - Water Street, Windsor circa 1910

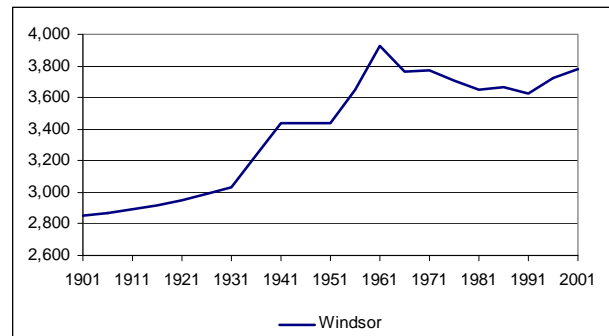
2.2 Population

Between 1901 and 2001, Windsor's population grew from 2,849 to 3,778—overall, an increase of 929 people. The Town's growth was not constant throughout the century, however. During the first 60 years, the rise was steady, peaking at 3,923 in 1961. By 1991, however, the population had dropped to 3,625. Windsor's population began to rebound as of the 1996 Census, with a 2.8 percent increase to 3,726. The

Table 1 - Population Growth, 1901-2001
(Source: Statistics Canada, Census of Canada)

	Nova Scotia		Windsor	
		% change		% change
1901	459,574		2,849	
1911	492,338	7.1	2,894	1.6
1921	532,837	8.2	2,946	1.8
1931	512,846	-3.8	3,032	2.9
1941	577,962	12.7	3,436	13.3
1951	642,584	11.2	3,439	0.1
1956	694,717	8.1	3,651	6.2
1961	737,007	6.1	3,923	7.5
1966	756,039	2.6	3,765	-4
1971	788,960	4.4	3,775	0.3
1976	828,571	5.0	3,705	-1.9
1981	847,442	2.3	3,646	-1.6
1986	873,199	3.0	3,665	0.5
1991	899,942	3.1	3,625	-1.1
1996	909,282	1.0	3,726	2.8
2001	908,007	-0.1	3,778	1.4

Figure 2 - Windsor Population Growth, 1901-2001
(Source: Statistics Canada, Census of Canada)



growth continued in 2001, with a 1.4 percent rise, unlike the Province of Nova Scotia as a whole where the population declined slightly. Table 1 shows the historical growth of Windsor as compared with Nova Scotia, while Figure 2 graphically shows the population change in Windsor since 1901.

Figure 3 - Population by Age, 1986-2001
(Source: Statistics Canada, Census of Canada)

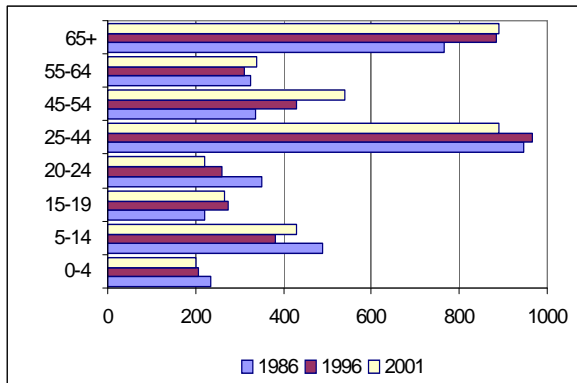
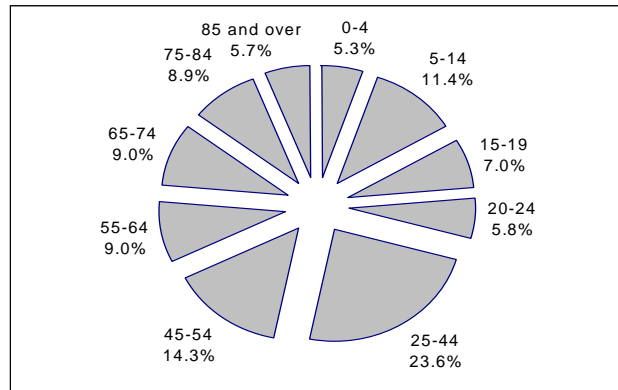


Figure 4 - Population by Age, 2001
(Source: Statistics Canada, Census 2001)



As shown in Figure 3, Windsor has an aging population, following the national trend. The baby boomers, born after World War II, are reaching their 50s and early retirement, and older people, especially women, are living longer. Figure 3 also shows that there has been a decline in the number of young children, a result of the majority of the population being beyond childbearing age.

In 2001, almost one-quarter of all residents of Windsor were above the age of 65 (see Figure 4) and almost two thirds of those were women. Four retirement homes in Windsor provide over 300 residential units: Dykeland Lodge, Windsor Elms, Gladys M. Manning Retirement Community and Kingsway Gardens Enriched Housing Complex.

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 Windsor:

- Development pressure that may result from twinning Highway 101.
- Future use of the Windsor Regional High School building and surrounding property.
- Changing traffic patterns as a result of the new high school off Payzant Drive.
- Providing green space, trails and linkages within the Town.
- Preserving and protecting active farmland within the Town.
- Determining the type of development which is acceptable in the residential core area.
- Determining whether multiple residential (apartment) development is acceptable in the Town and if so, where it should be permitted.
- Preserving the historical character and appearance of Windsor.
- Guiding development in the Wentworth Road area to provide an aesthetically pleasing and safe entrance to the Town.

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- Promoting business development in the downtown as well as in the Industrial Parks.
 - Allowing more commercial uses in the Industrial Park, and the effect this might have on the downtown area.
 - Creating a regional approach to development which benefits both the Town of Windsor and the Municipality of West Hants.

3.0 CONCEPT, PRINCIPLES AND INITIATIVES

3.1 Overall Concept

Emphasize and strengthen the role of Windsor as the best place to live in Nova Scotia and a thriving business and service centre for the region by protecting and enhancing the residential and commercial environments.

3.1.1 Development Principles

- Provide more flexibility in allowing consideration of mixed use development.
- Encourage compact residential and commercial growth similar to existing development in the older sections of Town which makes best use of municipal infrastructure including roads, sidewalks and water and sewer services.
- Maintain close control over the location, scale and design of new multiple unit residential development.
- Ensure planning documents provide opportunities and flexibility for a wider range of home based businesses.
- Allow for a broader range of uses in the Windsor Industrial Park.
- Maintain and promote the downtown as the main business district.
- Establish development standards for the Wentworth Road area which control the type, location, scale and design of new development and enhance its role as one of the main entrances to the Town.
- Promote healthy living through access to park and open space areas including trails, the waterfront and other public and private facilities.
- Protect active farms and agricultural dykeland from encroaching development.

3.1.2 Design Principle

- Adopt design and development initiatives which promote attractive streetscapes and facilitate both vehicular and pedestrian traffic movement.

3.1.2.1 Design Initiatives

- Introduce architectural design guidelines which preserve existing buildings and ensure that new development in both the residential and commercial areas of the Town is reflective of and compatible with existing buildings and neighbourhoods.

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- Implement landscaping requirements to enhance and improve the visual appeal and aesthetics of the Town.
 - Promote pedestrian-friendly networks within the Town, including parks, open space and the waterfront, through pedestrian trails and bike paths or multi-use trails.
 - Promote the development of interconnected streets and other measures to address traffic issues.

4.0 GENERAL LAND USE POLICIES

4.1 Accessory Uses

Whenever a use is permitted pursuant to provisions of 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, Council wishes to set special requirements 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 Development by the Town of Windsor

Institutional, community use and public works development by the Town of Windsor on Town-owned land shall be permitted in any zone. For major Town developments, however, such as a sewage treatment plant, town hall or other public 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 4.3.1 *It shall be the policy of Council to allow institutional, community use or public works development by the Town of Windsor on Town-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 (185.8 m²) and would require a development agreement or rezoning if*

undertaking by the private sector, 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.*

4.4 Existing Undersized Lots

It is not the intention of the Municipal Planning Strategy and Land Use By-law to prevent development on undersized lots created prior to the introduction of the first Strategy and By-law.

Policy 4.4.1 *It shall be the policy of Council to allow development on undersized lots that existed on the effective date of the first Zoning By-law (January 27, 1976).*

4.5 Fences

Fences in residential areas that are extremely high, or are constructed of materials that give an unattractive or makeshift appearance, detract from the visual appeal of the Town. For this reason, Council wishes to have some control over certain fence characteristics in the Land Use By-law.

Policy 4.5.1 *It shall be the policy of Council to regulate the height, style and location of fences in the Land Use By-law.*

4.6 Frontage on a Street

Policy 4.6.1 *It shall be the policy of Council to require all lots to have adequate frontage upon a street. Lots existing before the effective date of the first Zoning By-law shall be exempt from this requirement.*

4.7 Home-based Businesses

A home-based business is a small business carried on in a dwelling by a resident of the dwelling. For many businesses no outward sign of the commercial activity can be noticed. Provided they remain small in scale, home-based businesses are considered compatible uses in residential areas. Such businesses provide flexible employment opportunities.

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 that they remain small-scale and compatible with residential neighbourhoods.

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

Policy 4.7.4 *It shall be the policy of Council not to permit home-based businesses which may be considered obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse material or water-carried waste, or which may be considered incompatible with residential areas for reasons such as increased traffic flow and required parking.*

4.8 Lighting

To address safety issues and to prevent conflicts between adjacent uses resulting from outdoor lighting, particularly flood lights, Council shall regulate outdoor lighting through requirements set out in the Land Use By-law.

Policy 4.8.1 *It shall be the policy of Council to regulate outdoor lighting in the Land Use By-law, in order to prevent conflicts between adjacent uses resulting from indiscriminate placement of outdoor lighting, particularly flood lights.*

4.9 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. In certain instances, however, more than one main building may be necessary to accommodate certain types of development. For example, industrial and agricultural uses may require several main buildings. The Fairground zone also supports a number of buildings on one lot. Grouped dwellings, by their very nature, involve several main buildings on a lot.

Policy 4.9.1 *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) Industrial zones, except the Joint Industrial Type Three (LI-3) zone;*
- (b) Fairground zone;*
- (c) Shopping Centre zone;*
- (d) Pesaquid CDD;*
- (e) College Road CDD;*
- (f) Agriculture zone;*
- (g) mixed use development permitted under Policies 9.1.1 and 9.2.1; and*

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- (h) *grouped dwellings.*

4.10 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 4.10.1 *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 4.10.2 *It shall be the policy of Council that open storage may be prohibited in zones where potential for land use conflicts may arise.*

4.11 Parking

To ensure adequate parking areas are provided throughout Windsor, parking requirements are regulated in the Land Use By-law. Council also promotes locating and landscaping parking lots in a way which lessens their impact on the streetscape.

Policy 4.11.1 *It shall be the policy of Council to regulate parking requirements, location and landscaping in the Land Use By-law.*

Policy 4.11.2 *It shall be the policy of Council that off-street parking must be provided on the same lot as the use.*

Policy 4.11.3 *Notwithstanding Policy 4.11.2, parking may be provided on a separate lot by development agreement subject to the following criteria:*

- (a) *the lot is within 300 ft. (91.44 m.) of the lot for which the parking is required;*
- (b) *the two lots are in the same ownership;*
- (c) *the agreement ensures the required parking is continued to be provided for the said use on the separate lot; and*
- (d) *the provisions of Policy 16.3.1 of the Municipal Planning Strategy.*

Policy 4.11.4 *It shall be the policy of Council to consider waiving on-site parking requirements for new local commercial uses permitted by Policy 8.1.4 where traffic safety concerns are not created.*

Policy 4.11.5 *It shall be the policy of Council that, within the Town Centre designation, Council may accept cash in lieu of the owner providing on-site parking subject to the requirements of the Land Use By-law.*

The money received will be used to enhance public parking in the Town Centre area.

4.12 Parks and Playgrounds

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

Policy 4.12.1 *It shall be the policy of Council to permit parks and playgrounds in any zone, provided any accessory buildings are small scale, signage meets the requirements of the zone and all other requirements of the Land Use By-law are met.*

4.13 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 4.13.1 *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 4.13.2 *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 4.13.3 *It shall be the policy of Council to regulate height of ground signs. Certain areas in Town, including the land adjacent to the St. Croix River, will require a lower height to preserve view planes.*

Policy 4.13.4 *It shall be the policy of Council to prohibit new ground signs in the Town Centre (TC) zone and the Pesaquid Comprehensive Development District (Pesaquid CDD).*

Policy 4.13.5 *It shall be the policy of Council to permit roof signs within industrial and fairground zones only. It shall be the policy of Council to regulate the size of roof signs to address potential public safety hazards and structural damage.*

Policy 4.13.6 *It shall be the policy of Council to particularly regulate the size and location of signs associated with local commercial uses to preserve the small-scale nature of these land uses.*

Policy 4.13.7 *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.*

4.14 Temporary and Special Uses

Temporary uses include uses and structures which are associated with construction activity such as construction sheds for tools, materials, or site offices, or signs which are located on the construction site while the work is proceeding. Council considers these uses to be part of construction activity and will not restrict their use. Council will, however, require that temporary uses be removed from the construction site shortly after work is completed.

Special uses refer to signs, banners, display booths and other structures which are used during special events such as elections or festivals. As with temporary uses, Council will permit these uses on a short-term basis. Council will require that special uses be discontinued shortly after the special event is concluded.

Policy 4.14.1 *It shall be the policy of Council to permit temporary structures used in conjunction with a construction or subdivision project, including offices, scaffolding, signs and buildings for the storage of equipment and material. No development permit shall be required for such uses.*

Policy 4.14.2 *Special uses including signs, banners, display booths and other similar structures shall be permitted in the Town in conjunction with an election, festival, celebration, or other special event. No development permit shall be required for such uses.*

Policy 4.14.3 *Temporary or special uses described in Policy 4.14.1 and Policy 4.14.2 shall be required to cease within 14 days of completion or discontinuation of construction (in the case of a temporary use), or the conclusion of the special event (in the case of a special use).*

4.15 Town/Municipal Boundary

Several residential areas in Windsor are located adjacent to the West Hants municipal boundary. These areas include Sunnyhill Drive - Campbell Avenue in the south and Underwood Drive to the east. 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 Town boundaries. There are, however, two important considerations for the Town before permitting this to occur. First, it will be important to ensure that the existing road network within the Town is capable of accommodating any increased traffic from the development. Second, there must be agreement between the two municipal units on responsibility for delivery and costs of municipal services to the new development.

Policy 4.15.1 *It shall be the policy of Council to work with the Municipality of West Hants through the Windsor-West Hants Joint Planning Advisory Committee to provide a seamless delivery of services over municipal boundaries.*

4.16 Utilities and Telecommunication Towers

The infrastructure required for supplying efficient utility services, whether public or private, to the Town of Windsor 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 4.16.1 *It shall be the policy of Council to permit utility buildings and associated uses under 100 ft² (9.3 m²) in floor area in any zone in the Town of Windsor.*

Notwithstanding Policy 4.16.1, since towers create a greater visual impact on the community, Council wishes to direct the location of wireless telecommunication towers to industrial and agricultural lands within the Town. 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. Finally, 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 4.16.2 *It shall be the policy of Council to encourage the location of wireless telecommunication towers in the Industrial and Agriculture zones and to include requirements for fencing, landscaping and co-location of towers and related buildings in the Land Use By-law.*

4.17 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 4.17.1 *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 habitats and to limit environmental impacts, such as siltation, which often accompany construction adjacent to watercourses. This control shall be accomplished by the establishment of a minimum separation distance from watercourses.*

5.0 RESIDENTIAL

According to the 2001 Census, there were 1,635 dwelling units in the Town of Windsor, an increase of over 10 percent from the 1996 Census. About half (49%) of the existing housing stock (Figure 5) in Windsor is single detached dwellings, while apartment buildings and duplexes account for roughly 40 percent of the total number of housing units. Windsor has traditionally had a higher proportion of rental units, compared with owned units, than the Province as a whole (Table 2).

Most of the housing stock in the Town consists of older buildings. As of 1986, 49 percent of the dwellings were constructed prior to 1949 as shown in Figure 6.

Table 2 - Owned vs. Rented Units, 1976-2001
(Source: Statistics Canada)

Year	Nova Scotia		West Hants		Windsor	
	Own	Rent	Own	Rent	Own	Rent
1976	N/A	N/A	90.4%	9.6%	55.6%	44.4%
1981	N/A	N/A	N/A	N/A	54.3%	45.7%
1986	71.8%	28.2%	90.0%	10.0%	52.5%	47.5%
1996	70.4%	29.1%	88.7%	11.2%	47.8%	52.2%
2001	70.8%	28.8%	87.4%	12.6%	48.2%	51.8%

Figure 5 - Type of Dwelling, 1996
(Source: Statistics Canada, 1996)

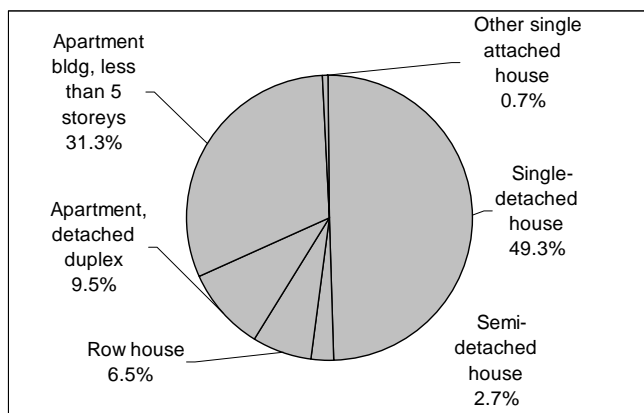
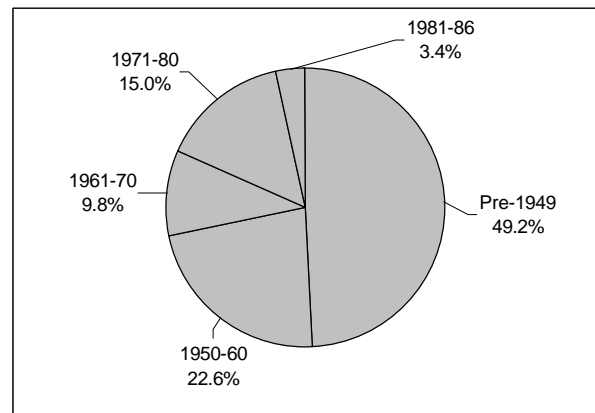


Figure 6 - Housing by Date of Construction, 1986
(Source: Statistics Canada, 1996)



The residential land use designation comprises a wide variety of residential uses including single unit dwellings, two unit dwellings, townhouses and apartment buildings. Areas may be zoned in the Land Use By-law to provide for the separation of some or all of the various forms of housing.

Policy 5.0.1 *It shall be the policy of Council to establish a Residential designation as shown on the Generalized Future Land Use Map (Map 1).*

Policy 5.0.2 *It shall be the policy of Council to stack the residential zones by allowing lower density residential development in the higher density residential zones.*

5.1 Single Unit Residential

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

With an aging population, the need for flexible housing options will continue to grow in the future. Small 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 restricted to family members, by strictly regulating the size and appearance of these apartments, Council can ensure that the building retains the appearance of a single unit dwelling and remains compatible with the neighbourhood.

Policy 5.1.1 *It shall be the policy of Council to establish a Single Unit Residential (R-1) zone for areas where the predominant existing use is single unit dwellings.*

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

Policy 5.1.3 *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 compatible with a single unit residential neighbourhood.*

Policy 5.1.4 *It shall be the policy of Council that within the Residential designation, areas zoned Single Unit Residential (R-1) may be rezoned to Two Unit Residential (R-2). In considering such a rezoning, Council shall have regard to the following:*

- (a) the proposed use is compatible with the residential character of the area with respect to such things as traffic generation, population density and architectural design and scale;*
- (b) adequate on-site parking can be provided;*

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

5.2 Two Unit Residential

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

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

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

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

Policy 5.2.1 *It shall be the policy of Council to establish a Two Unit Residential (R-2) zone in areas where the predominant existing use is two unit residential or where the anticipated density of development is two unit.*

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

5.3 Medium Density Residential

Windsor's previous Planning Strategy allowed for a Townhouse Residential (R3) zone permitting triplexes, semi-detached duplexes (four units) and townhouses up to eight units; however, only one parcel of land, located on Burgess Crescent, was zoned R3. Although in the future, multiple unit residential development with three or more units will be considered only by development agreement (see Section 5.4), Council

does not want to unduly restrict a proposed development on Burgess Crescent which is in the early application stages. For this reason, a Medium Density Residential (R-3) zone will apply only to this land. No new lands will be zoned R-3; instead, new multiple unit development of three or more units will be considered by development agreement in accordance with Policy 5.4.6.

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

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

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

5.4 High Density Residential

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

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

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

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

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

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

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

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

- (a) *the proposed use meets one of the following:*
 - (i) *in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards; or*
 - (ii) *in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;*
- (b) *the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;*
- (c) *the development is considered compatible with the residential character of the area with respect to traffic generation and population density;*
- (d) *consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;*
- (e) *adequate on-site parking is provided and parking areas are well designed;*
- (f) *there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;*
- (g) *the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units;*

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- (h) *the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;*
 - (i) *in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;*
 - (j) *any other matter which may be addressed in a development agreement; and*
 - (k) *the provisions of Policy 16.3.1 of the Municipal Planning Strategy.*

5.5 Height Provisions

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

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

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

5.6 Downzoning

Residential zones are stacked, allowing lower density development in higher density zones. It may be desirable in certain instances to downzone higher density areas to restrict multiple unit residential development.

Policy 5.6.1 *It shall be the policy of Council to consider downzoning higher density areas by amendment to the Land Use By-law having regard to the following considerations:*

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- (a) *multiple unit residential development does not exist at the site;*
 - (b) *multiple unit residential development is not considered compatible with the residential character of the area with respect to traffic generation, population density, architectural design and scale and similar matters;*
 - (c) *lot sizes or existing development patterns impede the development of the area for multi-unit development;*
 - (d) *any other matter which may be addressed in a Land Use By-law; and*
 - (e) *the provisions of Policy 16.3.1 of the Municipal Planning Strategy.*

5.7 College Road Comprehensive Development District

College Road is a dead-end street which currently serves agricultural land, a Provincial Heritage Property owned by Heritage Trust of Nova Scotia, the Gladys M. Manning Retirement Community, Howard Dill Enterprises, Kings-Edgehill School, the Gordon Hughes Tennis Club-Windsor and a number of residential uses.

Under the previous Municipal Planning Strategy, a Comprehensive Development District (CDD) was applied to all properties on the north side of College Road from the Gladys Manning Retirement Community west to the Town limits at Lebreau Creek. Council wished to see a cohesive approach to development of this land including a phasing plan and a comprehensive statement of the developers' intentions prior to any structure or use being established. The intent was that development in the CDD would consist of mixed uses including major residential, institutional or recreational development, and other limited services and uses in support of these major uses. Development would proceed only by development agreement. In establishing the CDD, Council wanted to be able to exert particular control over the development of properties with specific environmental and topographic constraints that could present servicing and development problems. Council also wished for more flexibility in providing for a broader mix of land uses.

Although Phases 1, 2 and 3 of the Gladys Manning Retirement Community were built under this policy, no other new development proceeded during the 12 years since the CDD was created. In fact, the limitations of the CDD may have affected agricultural development on some of the existing farms in the area. In addition, some of the CDD fell under new provincial legislation which limits development on agricultural dykeland.

Council feels the CDD may be somewhat redundant given that this Strategy establishes new policies to allow for mixed development by development agreement. In addition an Environmental Constraints designation (see Section 12), which applies to dykeland and other areas with topographic or environmental hazards, provides more control over the development of these areas. As a result, Council

wishes to limit the CDD to the Gladys Manning property, which has already been partially developed under this policy.

Matters that Council shall consider prior to the approval of an agreement include compatibility of uses and structures, servicing requirements, vehicle and pedestrian traffic, environmental suitability of the site, financial capability of the Town to absorb any costs relating to the development, and timeliness of the development.

Policy 5.7.1 *It shall be the policy of Council to establish the College Road Comprehensive Development District (College Road CDD) which allows residential, institutional or recreational development and other limited services and uses in support of this development. As-of-right development shall not be permitted.*

Policy 5.7.2 *It shall be the policy of Council to designate the Gladys Manning Retirement Community property as College Road CDD as shown on the Generalized Future Land Use Map (Map 1).*

Policy 5.7.3 *Without limiting the generality of Policy 5.7.1, it is the intention of Council that development of all or part of the College Road CDD primarily comprise:*

- (a) *residential, institutional or recreational development on separate parcels of land or integrated throughout the same parcel; and*
- (b) *convenience and specialty stores, medical offices, personal service shops and other similar limited services and uses in support of the primary developments in the College Road CDD.*

Policy 5.7.4 *It shall be the policy of Council that a development agreement for the development of the College Road CDD shall only be approved when the following conditions have been satisfied:*

- (a) *the proposed agreement is not considered premature or inappropriate in terms of the adequacy of existing and proposed roads and pedestrian routes within and adjacent to the College Road CDD;*
- (b) *the development agreement is consistent with the intent of Policy 5.7.3 and other relevant policies of the Municipal Planning Strategy;*
- (c) *any area within 300 ft (91.44 m) of Lake Pesaquid shall be considered environmentally sensitive and methods of protecting the land and watercourse during construction of the development shall be required. Reference also must be made to Policy 4.17 regarding watercourses;*

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- (d) *the development is compatible with existing development within and adjacent to the College Road CDD, or other development in the College Road CDD proposed in an existing agreement;*
 - (e) *any other matter which may be addressed in a development agreement; and*
 - (f) *the provisions of Policy 16.3.1.*

6.0 AGRICULTURE

A significant amount of the farmland in Windsor is dykeland which is extremely valuable for agricultural use. Agricultural dykeland is protected under an Environmental Constraints designation (see Section 12), as well as the *Nova Scotia Agricultural Marshland Conservation Act*. There are several active farms within the Town boundaries. Council recognizes the importance of these farms, but knows that these properties will become increasingly attractive to developers.

For this reason, an Agriculture designation and zone will be established to protect active farmland. Because most agricultural operations are dependent upon the presence of fertile, productive topsoil, the removal of topsoil from land zoned agriculture will be prohibited. Larger lot sizes will be required in the Agriculture zone to discourage residential subdivision. Separation distances will be established with respect to development near livestock operations to avoid the land use conflicts that often arise between farm and non-farm uses. New livestock barns will also be subject to setback requirements from non-farm uses.

Council wishes to encourage and facilitate the ongoing operation of the active farms in Windsor as long as the owners wish to continue to farm; however, because of the shortage of developable, serviced land within the Town boundaries, Council will consider rezoning agriculturally zoned land for other uses, provided the proposed development will not have a negative impact on adjacent active farms. No new land will be zoned for agricultural use and no new intensive livestock operations will be permitted.

Policy 6.0.1 *It shall be the policy of Council to establish an Agriculture designation as shown on the Generalized Future Land Use Map (Map 1) which shall apply to active agricultural land and land not currently required for development.*

Policy 6.0.2 *Within the Agriculture designation, it shall be the policy of Council to establish an Agriculture (AG) zone which permits: agricultural uses, except new intensive livestock operations; compatible uses such as riding stables; accessory agricultural buildings, structures and uses; and single unit dwellings.*

Policy 6.0.3 *It shall be the policy of Council to specifically list existing intensive livestock operations as a permitted use in the Agriculture zone, giving these operations all rights of any other permitted use, including the right to resume operations after an extended period of inactivity.*

Policy 6.0.4 *It shall be the policy of Council that the primary purpose of the Agriculture (AG) zone is to protect existing active farms by ensuring that agricultural activity can occur with a minimum of disruption from competing or non-compatible land uses.*

Policy 6.0.5 *It shall be the policy of Council to prohibit the removal of topsoil from land zoned Agriculture (AG) 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 such as sod farming.*

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- Policy 6.0.6** *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. Conversely, new residential developments shall be required to maintain sufficient distance from existing intensive livestock operations. The number of livestock permitted on a hobby farm or non-intensive livestock operation shall be limited based on lot size.*
- Policy 6.0.7** *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 6.0.8** *Where an existing intensive livestock operation cannot meet required setback or separation distances and there is no other feasible alternative location for the expansion, it shall be the intention of Council to include provisions in the Land Use By-law that will allow the Development Officer to reduce certain separation distances, 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 6.0.9** *It shall be the policy of Council that agricultural uses involving the keeping of horses and other livestock shall be prohibited within the Town of Windsor except in the Agriculture (AG) zone.*
- Policy 6.0.10** *It shall be the policy of Council to permit lands zoned Agriculture to be considered for other uses by amendment to the Land Use By-law subject to Policy 16.3.1. In considering such a rezoning, Council shall have regard to the potential impact of the new development on adjacent active farms.*
- Policy 6.0.11** *It shall be the policy of Council not to permit the rezoning of land to the Agriculture (AG) zone.*

7.0 TOWN CENTRE

Much of the Windsor's commercial space is concentrated along Water Street between King and Albert Streets and along Gerrish Street between Water and Victoria Streets. Council recognizes the importance of a strong and vibrant downtown to the future prosperity of Windsor and places a high priority on efforts to enhance this area. Major development proposals in the Town Centre will be addressed by development agreement to allow Council greater control over the type and form of these developments.

The waterfront along Lake Pesaquid is one of the Town's most valuable assets. Council wishes to ensure that any future development or redevelopment of the waterfront occurs in cohesive manner that enhances this area. The establishment of the Pesaquid Comprehensive Development District is the approach which has been selected by Council to achieve this goal.

Policy 7.0.1 *It shall be the policy of Council to establish a Town Centre designation as shown on the Generalized Future Land Use Map (Map 1) which shall apply to the Central Business District and the Windsor waterfront. Within this designation, only the following zones shall apply: Town Centre and Pesaquid Comprehensive Development District.*

Policy 7.0.2 *It shall be the policy of Council to encourage and promote the Town Centre designation as the Central Business District of Windsor.*

Policy 7.0.3 *It shall be the intention of Council to encourage and cooperate with the downtown business community in the development and implementation of programs designed to enhance the attractiveness of downtown Windsor as a business and shopping area.*

Policy 7.0.4 *It shall be the policy of Council not to permit large format retail stores in the Town Centre designation.*

7.1 Town Centre Zone

Policy 7.1.1 *It shall be the policy of Council to establish a Town Centre (TC) zone encompassing the area generally bounded by King Street, Stannus Street, Victoria Street, and Water Street between Highway 101 and Albert Street. Within the Town Centre zone, it shall be the policy of Council to allow a wide range of commercial, entertainment, institutional and community uses.*

7.2 Major Development Proposals in the Town Centre Zone

Policy 7.2.1 *It shall be the policy of Council that the following categories of development proposals in the Town Centre zone will be considered by development agreement subject to Policy 7.2.2:*

- (a) *new main buildings;*

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- (b) *additions in excess of 1,000 ft² (92.9 m²) in floor area to the front façade of an existing building; or*
 - (c) *where the development will be located on a parcel of land exceeding one acre (0.4 hectare) in size.*

Policy 7.2.2 *It shall be the policy of Council that the review of development proposals under Policy 7.2.1 will have due regard to the following conditions:*

- (a) *the proposed use is a permitted use in the Town Centre zone;*
- (b) *the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual;*
- (c) *the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;*
- (d) *adequate provision is made for parking or Policy 4.11.3 is applied;*
- (e) *where possible, landscaping and pedestrian areas, such as courtyards, are provided;*
- (f) *any other matter which may be addressed in a development agreement; and*
- (g) *the provisions of Policy 16.3.1.*

7.3 Expansion of Town Centre

Policy 7.3.1 *The expansion of the Town Centre designation may be permitted by amendment to this Strategy and to the Land Use By-law, subject to the following conditions:*

- (a) *sufficient parking space is available or will be created for the expanded area;*
- (b) *permitted uses for the expanded Town Centre area do not conflict with residential uses adjacent to the boundary;*
- (c) *there is a demonstrated need for additional land zoned Town Centre or Pesaquid Comprehensive Development District;*
- (d) *traffic flow will not be adversely affected;*
- (e) *the expansion abuts the existing Town Centre designation;*

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- (f) *adequate municipal services are available;*
 - (g) *any other matter which may be addressed in a Land Use By-law; and*
 - (h) *the provisions of Policy 16.3.1.*

7.4 Town Centre Residential Uses

The boundaries of the Town Centre include areas of existing residential development. The intent is to provide sufficient land for future commercial expansion, as well as to recognize that residential activity is an important element within the downtown area.

Policy 7.4.1 *It shall be the policy of Council to recognize residential land use as an important activity in the Town Centre and to list as permitted uses in the Town Centre zone existing residential dwellings and residential uses on floors of commercial buildings other than the main level.*

Policy 7.4.2 *To provide more control over new residential development and increases in the number of dwelling units in existing residential buildings, and recognizing that most existing lots and buildings cannot conform to current standards, it shall be the policy of Council that the following types of residential development shall be considered in the Town Centre zone by development agreement subject to Policy 7.4.3:*

- (a) *the construction of a new residential building containing three or more dwelling units; and*
- (b) *an increase in the number of dwelling units in an existing residential building.*

Policy 7.4.3 *In considering development agreements specified under Policy 7.4.2, it shall be the policy of Council to have due regard to the following conditions:*

- (a) *the architectural design and scale of the proposed development is compatible with the surrounding area and is reasonably consistent with the provisions of the Architectural Design Manual;*
- (b) *where the development involves the construction of a new residential building, commercial space shall be included at the street level, except in cases where commercial space is not appropriate because the development is proposed for a fringe area of the Town Centre which is still predominantly residential;*
- (c) *the location of the proposed development does not compromise the commercial integrity of the area or restrict existing commercial development patterns;*

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- (d) *adequate provision is made for parking and for access to and from the site;*
 - (e) *adequate recreational open space is available either on site or in nearby public parks;*
 - (f) *any other matter which may be addressed in a development agreement; and*
 - (g) *the provisions of Policy 16.3.1.*

7.5 Pesaquid Comprehensive Development District

Windsor's waterfront is much valued for recreation and as a gathering place for festivals and other special events. Its high visibility from Highway 101 also helps to draw people into the downtown commercial area. The Town of Windsor and the community in general have invested a great deal of time and money into enhancing the attractiveness of the waterfront. Future development and re-development of the Pesaquid Comprehensive Development District should be inter-related, with a comprehensive approach taken to design, circulation, parking, infrastructure, and compatible uses. It is important to retain public access to the water and to provide recreation facilities. The waterfront is considered the "window on the community" and new developments should have both a connection to the downtown and an orientation to the water. To ensure that a careful and comprehensive approach is taken to development in this area, major development will be considered by development agreement. Minor development such as small additions, accessory buildings or renovations to existing buildings will be permitted as-of-right in accordance with the Town Centre (TC) zone requirements.

It is the intention of Council that the Town-owned waterfront land primarily be used as recreational open space; however, in an effort to attract more people to the area, the Town would like to see the development of small kiosks or booths providing retail space for seasonal businesses such as farm markets, gift and craft shops catering to tourists, and food service kiosks. These kiosks are intended to be very small structures which would be removed at the end of the season. Their precise location and design will be governed by the terms of a leasing arrangement with the Town; however, the Land Use By-law will include provisions allowing for such temporary structures.

Policy 7.5.1 *It shall be the policy of Council to establish a Pesaquid Comprehensive Development District (Pesaquid CDD) zone which will apply to the area between the Highway 101 causeway and the Avon River Bridge from Water Street to Lake Pesaquid.*

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

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

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- (b) *new main buildings;*
 - (c) *additions in excess of 1,000 ft² (92.9 m²) in floor area; or*
 - (d) *accessory structures in excess of 500 ft² (46.5 m²) in floor area.*

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

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

Policy 7.5.4 *It shall be the intention of Council when evaluating a development agreement for the Pesaquid CDD under Policy 7.5.2 to have regard to the following:*

- (a) *the mix or type of uses shall be predominantly commercial, recreational or institutional;*
- (b) *provision is made for efficient pedestrian and vehicular traffic circulation, with particular regard to ingress and egress from the site, traffic flow and parking areas;*
- (c) *the proposed development is compatible with existing uses and buildings in and adjacent to the Pesaquid CDD with particular regard to building scale and design, landscaping and buffering between uses, hours of operation and the degree to which the proposal complements development of the remainder of the Pesaquid CDD.*
- (d) *the development shall not detract from the quality of water in Lake Pesaquid;*
- (e) *the development has an orientation toward the water and attempts to link Water Street to the waterfront;*
- (f) *public access to the waterfront is retained;*
- (g) *any other matter which may be addressed in a development agreement; and*

(h) *the provisions of Policy 16.3.1.*

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

Policy 7.5.6 *It shall be the intention of Council to establish provisions in the Land Use By-law governing the development of temporary retail sales kiosks within the Pesaquid CDD. Such regulations shall limit the length of time the structure will be permitted and will control matters such as signage, structure size and use.*

Policy 7.5.7 *It shall be the policy of Council to encourage land assembly in the Pesaquid CDD to make available an increased land base for mixed development.*

Policy 7.5.8 *Council shall encourage the phasing of development, where applicable, in the Pesaquid CDD.*

8.0 COMMERCIAL

Outside of the Town Centre, the only other area of relatively concentrated commercial development is located along Wentworth Road between the Highway 101 overpass and O'Brien Street. Council is concerned about the future development of this area since it is one of the main entrances to the town and includes several large parcels of land with potential for development or redevelopment. Specific policies addressing the Wentworth Road area are contained in Section 8.6.

Other commercial uses are scattered throughout town, particularly along O'Brien Street and on King Street where it intersects with Highway 14 and Wiley Avenue.

A Commercial designation will encompass areas deemed appropriate for commercial use outside of the Town Centre. Small-scale local commercial uses which are compatible with residential areas need not be located within the Commercial designation.

Policy 8.0.1 *It shall be the policy of Council to establish a Commercial designation as shown on the Generalized Future Land Use Map (Map 1) which will apply to areas deemed appropriate for commercial use outside the Town Centre.*

Policy 8.0.2 *Council shall encourage the proper development of commercial uses by addressing the following in the Land Use By-law:*

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

8.1 Local Commercial

Local commercial uses are small-scale commercial operations that serve a relatively small market area and may include the following: convenience stores, art/crafts/antique shops, personal service shops, and other uses of a purely local nature that are compatible with residential neighbourhoods. Local commercial zones need not be located in the Commercial designation.

Certain other uses have traditionally been considered local commercial even though they may serve a more extended market. Uses considered compatible in residential areas such as licensed day care centres, country inns, small restaurants or cafés, offices and video stores which serve more than the local area may be considered for local commercial classification. Residential uses are encouraged in conjunction with commercial uses.

Policy 8.1.1 *It shall be the policy of Council to establish a Local Commercial (LC) zone and apply that zone to existing local commercial uses which are not located in the Commercial designation.*

Policy 8.1.2 *To ensure such uses remain small scale and compatible with residential areas, it shall be the policy of Council to regulate commercial floor space of existing Local Commercial uses.*

Policy 8.1.3 *It shall be the policy of Council to permit single unit dwellings as a main use, as well as a dwelling unit within a commercial use building, in the Local Commercial (LC) zone.*

Policy 8.1.4 *It shall be the policy of Council to consider new local commercial uses in any designation by development agreement subject to the following provisions:*

- (a) adequate off-street parking is provided;*
- (b) the adjacent residential area will not be adversely affected with respect to:
 - (i) traffic generation and traffic safety;*
 - (ii) signage;*
 - (iii) hours of operation; and*
 - (iv) size of building(s);**
- (c) adequate buffering or screening, setbacks and yards are provided;*
- (d) maintenance of the local commercial use will be satisfactory;*
- (e) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Design Control District;*
- (f) any other matter which may be addressed by development agreement; and*
- (g) the provisions of Policy 16.3.1.*

8.2 Highway Commercial

Highway commercial development is usually attracted to high visibility locations on main streets near intersections. Hotels and motels, automobile service stations and dealerships, and drive-through restaurants are typical highway commercial uses. These uses are intended to serve the travelling public and cater to the automobile. Other uses suited to this zone are those which require a large amount of commercial floor space or involve outdoor storage and display areas. The Highway Commercial zone will be applied to existing highway commercial uses outside the Town Centre which are located on arterial

streets such as King Street and Highway 14, as well as to vacant parcels in areas considered suitable for new highway commercial development. As many highway commercial uses have potential to cause land use conflicts with other types of uses, new highway commercial development will only be considered in the Commercial and the Industrial designations, excluding the Wentworth Road Gateway District and the Industrial Parks. *(Amendment WMPS 09-02 Effective September 3, 2009)*

Policy 8.2.1 *It shall be the policy of Council to establish a Highway Commercial (HC) zone which permits a wide range of retail and highway commercial uses, indoor recreational uses, existing dwellings, residential uses on upper levels of commercial buildings, service commercial uses, and similar uses compatible with highway commercial development.*

Policy 8.2.2 *It shall be the policy of Council to consider the creation of new Highway Commercial zones in the Commercial and Industrial designations, excluding the Wentworth Road Gateway District and the designated Industrial Parks, by amendment to the Land Use By-law subject to the following criteria:*

(Amendment WMPS 09-02 Effective September 3, 2009)

- (a) the proposed use has direct access to an arterial road shown on the Transportation Map (Map 2);*
- (b) the proposed use will not conflict with adjacent uses;*
- (c) adequate parking and loading areas can be provided;*
- (d) traffic flow and pedestrian safety will not be adversely affected;*
- (e) limited access and exit points can be provided;*
- (f) any other matter which may be addressed in a Land Use By-law; and*
- (g) the provisions of Policy 16.3.1.*

Several parcels currently zoned Highway Commercial are undeveloped. There is potential for the type of development attracted to these lands to change over time. Should this be the case, areas zoned Highway Commercial may be changed to other zones by amendment to the Land Use By-law, subject to the relevant policies of the Municipal Planning Strategy.

Policy 8.2.3 *It shall be the policy of Council to consider rezoning existing Highway Commercial areas to allow for other uses subject to the relevant policies of this Strategy.*

8.3 General Commercial

The General Commercial zone is intended to encompass commercial uses outside of the Town Centre which do not fall within local commercial or highway commercial categories. The zone encompasses local

shopping centres (20,000 ft² (1,858 m²) or less of floor space) and other free-standing commercial enterprises, but does not include many of the automobile-related uses and those which require large areas for outdoor display which are more appropriate in the Highway Commercial zone. Certain general commercial uses, depending on their nature and size, may be compatible with residential areas. For this reason, Council will consider permitting new general commercial uses by rezoning in any designation, with the exception of the Wentworth Road Gateway District, provided the development has direct access to an arterial road or major collector and meets the other criteria set out in Policy 8.3.2 of this Strategy. In considering such a rezoning in the Residential designation, particular attention will be paid to the compatibility of the proposed development in terms of building scale and traffic generation. *(Amendment WMPS 09-01 Effective June 9, 2009) (Amendment WMPS 09-02 Effective September 3, 2009)*

Policy 8.3.1 *It shall be the policy of Council to establish a General Commercial (GC) zone which permits uses such as retail stores, restaurants, clubs, offices, banks and financial institutions, day care centres, places of entertainment, personal service shops, studios, existing dwellings, residential uses on upper levels of commercial buildings, and local shopping centres.*

Policy 8.3.2 *It shall be the policy of Council to consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law subject to the following criteria:*

(Amendment WMPS 09-02 Effective September 3, 2009)

- (a) the proposed use has direct access to;*
 - (i) an arterial road as shown on the Transportation Map (Map 2), or*
 - (ii) a major collector road shown on the Transportation Map (Map 2) provided a traffic impact study is submitted to the Town which demonstrates the proposed use will not have an unacceptable impact on traffic flows and existing streets as determined by the Traffic Authority; (Amendment WMPS 09-01 Effective June 9, 2009)*
- (b) the proposed use will not conflict with adjacent uses; where located in the Residential designation, particular attention is paid to compatibility in terms of building scale and design and traffic generation;*
- (c) required parking can be provided;*
- (d) traffic flow and pedestrian safety will not be adversely affected;*
- (e) adequate landscaping, green space and buffering will be provided;*
- (f) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual, if the proposed development is located in an Architectural Control District;*
- (g) any other matter which may be addressed in a Land Use By-law; and*

(h) *the provisions of Policy 16.3.1.*

Policy 8.3.3 *It shall be the policy of Council to consider rezoning existing General Commercial areas to allow for other uses, subject to the relevant policies of this Strategy.*

8.4 Shopping Centres

Shopping centres often require large areas of land because of their building size and parking requirements. Regional shopping centres—those more than 20,000 ft² (1,858 m²) in floor area—are intended to serve a wide geographic area, while smaller local shopping centres generally serve a local market and often contain fewer tenants. Windsor's only regional shopping centre is Fort Edward Mall which is located on a 28-acre parcel on Wentworth Road. This parcel is considered large enough to allow for future expansion of the existing mall.

Policy 8.4.1 *It shall be the policy of Council to establish a Shopping Centre (SC) zone which will apply only to the area surrounding the existing regional shopping centre, Fort Edward Mall. Commercial uses in this zone shall include regional shopping centres, large format retail stores, banks and financial institutions, offices, retail uses, restaurants, entertainment uses, auto sales, service stations, building supply centres and other similar uses.*

Policy 8.4.2 *It shall be the policy of Council to consider adding additional commercial, institutional and recreational uses, not otherwise listed in the Shopping Centre (SC) zone, by amendment to the Land Use By-law subject to the provisions of Policy 16.3.1.*

Policy 8.4.3 *It shall be the policy of Council to permit more than one main building on a lot as part of a shopping centre complex in the Shopping Centre (SC) zone.*

With the completion of the Highway 101 twinning project and expectations of increased growth in the area, there may be demand in the future for another regional shopping centre. To be prepared for this possibility and able to deal with it properly when the time comes, Council wishes to have specific policies in place addressing new regional shopping centres.

In the past, downtown merchants have expressed concern about the negative impacts of new mall development on downtown businesses. Council feels that the nature of Windsor's downtown has changed over the years to become more oriented toward offices, service businesses and specialty shops, rather than the chain store development which characterizes most shopping centres. It is the opinion of Council that a new regional mall would attract different types of businesses from those found in downtown Windsor today. If a new mall is proposed, Council wishes to ensure that the location is appropriate, each proposal is considered on its own merits and sufficient control can be exercised over the development to encourage a mix of shops and businesses that will not detract from the role of the downtown as the

central business district. As traffic generation is often an issue with large shopping centres, Council will require the submission of a traffic study. Council feels the development agreement process is the most appropriate method for dealing with a future shopping centre proposal.

Policy 8.4.4 *It shall be the policy of Council to consider new regional shopping centres, exceeding 20,000 ft² (1,858 m²) in commercial floor area, by development agreement subject to the following criteria:*

- (a) *the proposed development is located in the Wentworth Road Gateway District; (Amendment WMPS 09-02 Effective August 2009)*
- (b) *the proposed development has direct access to an arterial road shown on the Transportation Map (Map 2);*
- (c) *the development contains uses permitted in the Shopping Centre (SC) zone,*
- (d) *adequate provision is made for parking and access;*
- (e) *pedestrian access and safety are addressed;*
- (f) *the specific provisions for development in the Wentworth Road Gateway District, as contained in Policy 8.6.16, are addressed; and (Amendment WMPS 09-02 Effective September 3, 2009)*
- (g) *the provisions of Policy 16.3.1.*

Since local shopping centres, those 20,000 ft² (1,858 m²) or less in floor area, are less likely to have an impact on traffic volumes or to negatively affect downtown businesses, Council feels that new local shopping centres should be permitted as-of-right in the General Commercial (GC), Wentworth Road Commercial (WR-C) and Town Centre (TC) zones. (Amendment WMPS 09-02 Effective September 3, 2009)

Policy 8.4.5 *It shall be the policy of Council to permit new local shopping centres, not exceeding 20,000 ft² (1,858 m²) in commercial floor area, as-of-right in the General Commercial (GC), Wentworth Road Commercial (WR-C) and Town Centre (TC) zones subject to the zone requirements. (Amendment WMPS 09-02 Effective September 3, 2009)*

8.5 Large Format Retail Stores

Large format retail stores, also known as "big box" stores, are growing in popularity in many jurisdictions. These larger stores may have more than one tenant and often locate near highway exits. It is the feeling of Council that because of their large scale and the amount of traffic they can generate, large format retail stores should be limited to the Wentworth Road Commercial (WR-C) and the Joint Industrial Type Three (LI-3) zones. In the Wentworth Road Commercial (WR-C) zone, large format retail stores up to 50,000 ft² (4,645 m²) in commercial floor area are permitted by site plan approval, while larger stores are considered by development agreement (see Section 8.6). In the LI-3 zone, all large format retail development is by development agreement. Since traffic is a particular concern, Council will require the

submission of a traffic study which examines the adequacy of road networks and any potential infrastructure costs as a result of the development. *(Amendment WMPS 09-02 Effective September 3, 2009)*

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 ft² (464.5 m²) of any existing large format retail store outside the Shopping Centre (SC) zone.

Policy 8.5.1 *It shall be the policy of Council to consider the following categories of large format retail stores by development agreement:*

(Amendment WMPS 09-02 Effective September 3, 2009)

- (a) new large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area in the Wentworth Road Gateway District;*
- (b) new large format retail stores in the Joint Industrial Type Three (LI-3) zone; and*
- (c) expansions greater than 5,000 ft² (464.5 m²) to existing large format retail stores.*

Policy 8.5.2 *In considering a development agreement pursuant to Policy 8.5.1, Council shall have due regard to the following criteria:*

(Amendment WMPS 09-02 Effective September 3, 2009)

- (a) adequate provision is made for parking and access;*
- (b) pedestrian access and safety are addressed;*
- (c) adequate setbacks and yards shall be provided;*
- (d) 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;*
- (e) the proposed use will not conflict with neighbouring uses;*
- (f) the architectural design and scale of the proposed development is compatible with surrounding buildings;*
- (g) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;*
- (h) landscaping is provided which reduces the visual impact of the development on neighbouring properties, particularly with respect to large parking lots;*

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- (i) *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;*
 - (j) *if the proposed development is located in the Wentworth Road Gateway District, the specific provisions for development as contained in Policy 8.6.16;*
 - (k) *any other matter which may be addressed by development agreement; and*
 - (l) *the provisions of Policy 16.3.1.*

8.6 Wentworth Road Gateway District *(Amendment WMPS 09-02 Effective September 3, 2009)*

The development of the Wentworth Road area between Highway 101 and O'Brien Street is of concern to Council for several reasons. As one of the main entrance routes to the town, it is important that the streetscape present an attractive appearance. Furthermore, this is one of the few areas of town where there is an existing concentration of commercial uses, as well as land with potential for new development or redevelopment.

Council intends to recognize the role of Wentworth Road as an entrance to Windsor by designating it as a Gateway District. Within the District, a combination of public and private initiatives and development controls will be used to achieve the following objectives:

- to identify Wentworth Road as important entrance route into Windsor, for pedestrians and cyclists as well as for vehicles;
- to promote a sense of welcome and arrival to town; and
- to assist in visitor orientation and direction to the Town Centre, as the main business district.

Landscaping, signage for identification and wayfinding, and provisions for pedestrian and bicycle movement are the key measures that will be used to achieve these objectives. The intent is to treat the District as an important and special place. In particular, new developments must contribute to the overall attractiveness of the streetscape. By 2010, Town Council will have invested close to \$5 million in street upgrades to Wentworth Road with traffic signals and turning lanes to improve traffic flow, repaving, wide sidewalks on both sides of the street and street trees. These upgrades will make the area more attractive to new and existing businesses and their customers. Council feels it is important that those wishing to develop on Wentworth Road also do their share by ensuring their developments enhance the appearance of the District and make adequate provision for efficient traffic movement and a pleasant pedestrian environment.

Policy 8.6.1 *It shall be the intention of Council to establish the Wentworth Road Gateway District, to be identified on a map which shall form a schedule to the Land Use By-law (Schedule 'B'). The Wentworth Road Gateway District shall extend from the Highway 101 overpass to O'Brien Street.*

Policy 8.6.2 *It shall be the policy of Council that the objectives of the Wentworth Road Gateway District shall be:*

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

Policy 8.6.3 *It shall be the intention of Council to use a combination of public and private initiatives, including municipal planning strategy policies and land use by-law provisions for new developments, to achieve the objectives of the Wentworth Road Gateway District as set out in Policy 8.6.2.*

Policy 8.6.4 *It shall be the policy of Council to treat the Wentworth Road Gateway District as a special development area where new developments shall be required to provide landscaping and other features that contribute to the overall attractiveness of the streetscape and create a safe and pleasant pedestrian environment, as well as allowing for efficient traffic movement.*

Policy 8.6.5 *It shall be the intention of Council to consider providing wayfinding signage indicating the route to the Town Centre, as well as identification signage, landscaping and other measures on public land that enhance or contribute to the role of Wentworth Road as a Gateway District.*

Policy 8.6.6 *It shall be the intention of Council to build on the commercial nature of the Wentworth Road Gateway District and encourage the creation of an attractive streetscape that is accessible to pedestrians and cyclists as well as vehicular traffic.*

Policy 8.6.7 *It shall be the policy of Council that, with the exception of the Joint Industrial Park lands, lands within the Wentworth Road Gateway District shall be designated Commercial on the Generalized Future Land Use Map (Map 1).*

Policy 8.6.8 *It shall be the intention of Council that, within the Wentworth Road Gateway District, the following matters will be addressed through Land Use By-law requirements and development agreement provisions:*

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

Council does not wish to cause hardship to property owners who are proposing minor additions or renovations to existing buildings, or the construction of accessory buildings or new agricultural buildings.

Policy 8.6.9 *It shall be the policy of Council that the policies of Section 8.6 shall not apply to agricultural buildings, accessory buildings or renovations and additions that do not involve a change in use.*

Streamlining the Commercial Development Process *(Amendment WMPS 09-02 Effective September 3, 2009)*

Council wishes to facilitate new commercial development within the District by ensuring that the development process is as streamlined as possible. To that end, a new Wentworth Road Commercial (WR-C) zone will apply to the majority of land. The zone permits a combination of highway commercial and general commercial uses and allows smaller-scale large format retail stores (up to 50,000 ft² (4,645 m²) through a site plan approval process. Because of the large amount of undeveloped land and the nature of existing development on Wentworth Road, Council considers this area suitable for large format retail stores, or even a regional shopping centre, and will encourage this type of development, subject to appropriate controls to address traffic and pedestrian movement and provided the development contributes to the overall objectives for the Gateway District. Large format retail larger than 50,000 ft² (4,645 m²) and regional shopping centres will be considered by development agreement. In addition, a wide variety of other uses including mixed use, multiple unit residential, institutional and light industrial development may be considered by development agreement.

Policy 8.6.10 *It shall be the policy of Council to establish a Wentworth Road Commercial (WR-C) zone which permits a wide range of general commercial and highway commercial uses, as well as large format retail stores within a specified size limit. The WR-C zone will be the main commercial zone in the District. Rezoning to any other zone will not be considered within the Wentworth Road Gateway District.*

Policy 8.6.11 *It shall be the policy of Council that the WR-C zone shall be limited to the Wentworth Road Gateway District. Rezoning to WR-C shall not be permitted outside of the District.*

Policy 8.6.12 *It shall be the policy of Council to permit large format retail stores that do not exceed 50,000 ft² (4,645 m²) in commercial floor area to be established in the WR-C zone by site plan approval. It shall be the intention of Council to establish criteria in the Land Use By-law to be used by the Development Officer in reviewing site plans to ensure that these developments enhance the attractiveness of Wentworth Road as an entrance to Windsor and that close attention is paid to pedestrian and vehicular circulation and access and other details. To ensure adequate notice to neighbouring property owners, the Land Use By-law shall specify a larger notification distance for site plan approvals than the minimum required under the Municipal Government Act.*

Policy 8.6.13 *It shall be the policy of Council that within the Wentworth Road Gateway District, developed properties will be zoned according to their existing use and the majority of the undeveloped land will be zoned Wentworth Road Commercial (WR-C).*

Policy 8.6.14 *It shall be the policy of Council to consider rezoning land within the Wentworth Road Gateway District to the Wentworth Road Commercial (WR-C) zone subject to the provisions of Policy 8.6.16.*

Policy 8.6.15 *It shall be the policy of Council that within the Wentworth Road Gateway District, Council will consider proposals for large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement in accordance with the relevant policies of this Strategy and the specific provisions for development in the Wentworth Road Gateway District as contained in Policy 8.6.16.*

Wentworth Road Special Site Requirements *(Amendment WMPS 09-02 Effective September 3, 2009)*

Policy 8.6.16 *It shall be the policy of Council to have due regard to the following in reviewing proposals in the Wentworth Road Gateway District for rezoning to the WR-C zone pursuant to Policy 8.6.14 or development agreements pursuant to Policy 8.6.15:*

- (a) the proposed use will not conflict with neighbouring uses;*
- (b) the architectural design and scale of the proposed development is compatible with surrounding commercial and/or residential buildings and enhances the appearance of the streetscape, consistent with the objectives of the Wentworth Road Gateway District;*
- (c) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;*
- (d) the developer provides a traffic study, acceptable to the Town and 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 Town;

- (e) the provisions of Policies 8.6.4 and 8.6.8;*
- (f) any other matter which may be addressed in a development agreement or land use by-law; and*
- (g) the provisions of Policy 16.3.1*

Fairground *(Amendment WMPS 09-02 Effective September 3, 2009)*

Exhibition Park, approximately 44 acres owned by the Windsor Agricultural Society, is also located within the Wentworth Road Gateway District. It includes an arena/rink, barns, campgrounds and other buildings used for the Hants County Exhibition, horse and livestock shows, concerts and a variety of other events. The property also has a waterslide, go-cart track and mini-golf. Windsor Agricultural Society is interested in selling a portion of the property for possible commercial development. Although the previous Municipal Planning Strategy and Land Use By-law applied a special Fairgrounds designation and zone to this property, to facilitate the plans of the Agricultural Society and to simplify the planning documents, Council intends to designate the property Commercial on the Generalized Future Land Use Map, although a special Fairground zone will be applied in the Land Use By-law to recognize the variety of existing uses on the property.

Policy 8.6.17 *It shall be the policy of Council to establish a Fairground (FG) zone to apply to Exhibition Park which permits agricultural, exhibition, recreational, hotels, motels and related uses.*

Policy 8.6.18 *It shall be the policy of Council not to permit the rezoning of land to the Fairground (FG) zone.*

9.0 MIXED USE DEVELOPMENT

(Amendment WMPS 06-01 Effective September 7, 2006)

There has been some interest in providing mixed residential/commercial development in Windsor. In many cases, these developments target retired people and provide housing plus personal service uses such as hairdressing or barber shops, small convenience and drug stores, medical and dental offices, and even restaurants where residents may get all or some of their meals. At this time, the Kingsway Gardens Enriched Housing Complex, which includes a restaurant, lounge, hairdresser and meeting facility, as well as apartments, is the only development of this type in Windsor. Council would like to encourage mixed use development in other suitable locations. For example, with the 2005 closure of the Nova Scotia Textiles mill on Nesbit's Island and the resulting developer interest in the site, Council feels

this property may have potential for redevelopment including a broad range of commercial, light industrial and recreational uses in combination with residential. Built in 1884, the mill is an excellent example of a late 19th century industrial building and its highly visible location adjacent to Highway 101 makes it a landmark. Where possible, any redevelopment of the Nova Scotia Textiles mill should retain the architectural elements which contribute to the public façades on both Nesbit Street and Colonial Road, as well as to the view from Highway 101. These elements include the brick façade and the number, size, shape and location of windows.

Council will consider mixed use developments by development agreement in the Residential, Commercial and Industrial designations outside the industrial parks. Where the proposed development is to be located in the Residential designation, the size, type and location of commercial uses will be carefully controlled to ensure the development is compatible with a residential area. Likewise, where a mixed use development is proposed for the Commercial or Industrial designation, Council wishes to ensure that the residential use will not compromise the commercial or industrial integrity of the area. Council feels, however, that within the commercial and industrial designation, provided the development is carefully planned, it may encompass a broader range of uses, including commercial, light industrial, institutional, recreational and residential.

9.1 Mixed Use in the Residential Designation

Policy 9.1.1 *It shall be the intention of Council to consider mixed use residential/commercial developments with two or more dwelling units by development agreement in areas designated Residential subject to the following:*

- (a) *the density, scale and architectural design of the development are compatible with the surrounding area;*
- (b) *the development is reasonably consistent with the provisions of the Architectural Design Manual, if it is located in an Architectural Design Control District;*
- (c) *the development is reasonably consistent with the yard standards of the underlying zone;*
- (d) *the proposed development does not compromise the residential integrity of the area;*
- (e) *the commercial use is permitted in the General Commercial (GC) zone;*
- (f) *the commercial use is located at the street level and does not exceed one-third of the total floor area of the development;*
- (g) *adequate landscaping, open space and natural or artificial buffering is provided;*

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- (h) *adequate parking and safe pedestrian and vehicular access to the site is provided;*
 - (i) *adequate provision is made to minimize conflict with existing residential dwellings with respect to access, parking, noise and hours of operation;*
 - (j) *no outdoor storage is permitted;*
 - (k) *any other matter which may be addressed by development agreement; and*
 - (l) *the provisions of Policy 16.3.1.*

9.2 Mixed Use in the Commercial and Industrial Designations

(Amendment WMPS 06-01 Effective September 7, 2006)

Policy 9.2.1 *It shall be the intention of Council to consider mixed use development by development agreement in the Commercial designation or the Industrial designation outside the industrial parks, subject to the following:*

- *the proposed development consists of a combination of uses which may include commercial, light industrial, recreational, institutional and residential;*
- *the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular:*
 - (a) *where the proposal involves the redevelopment of an existing building, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) are retained; and*
 - (b) *if the proposed development is located in an Architectural Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual;*
- *the density and scale of the development are compatible with the surrounding area;*
- *the location of the proposed development does not adversely affect the existing pattern of development in the surrounding area, or restrict existing commercial and/or industrial development patterns;*
- *where a light industrial use is proposed, it is not considered obnoxious or incompatible with the proposed residential or commercial components nor with adjacent land uses;*
- *adequate landscaping, open space and natural or artificial buffering is provided;*
- *adequate parking and safe pedestrian and vehicular access to the site is provided;*

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- *adequate provision is made to minimize conflict between commercial and residential development with respect to access, parking, noise and hours of operation;*
 - *outdoor storage and waste materials are adequately screened;*
 - (j) *in the case of the conversion of an existing structure, renovations can be made to ensure safety in case of fire;*
 - (k) *any other matter which may be addressed in a development agreement;
and*
 - (l) *the provisions of Policy 16.3.1.*

10.0 INDUSTRIAL

Windsor is well located for light industrial development, situated as it is close to the Halifax-Dartmouth metropolitan area as well as being the "Gateway" to the Annapolis Valley. Industrial development that provides local employment and adds to the commercial tax base is important to the Town's future growth. Windsor is involved in the development of two fully serviced business parks. The Windsor Industrial Park, located adjacent to the Exhibition Grounds, is owned and operated by the Town. The Windsor-West Hants Joint 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.

Policy 10.0.1 *It shall be the policy of Council to work jointly with the Municipality of West Hants and other provincial and federal agencies in the provision and maintenance of sufficient industrial lands to meet the needs of a growing population.*

Policy 10.0.2 *It shall be the policy of Council to encourage and where possible to actively support efforts which promote industrial development in appropriate areas of the Town of Windsor and Municipality of West Hants.*

Policy 10.0.3 *It shall be the policy of Council to encourage the development of light industrial uses that are not obnoxious by reason of sight, sound, smell, dust or fumes.*

Policy 10.0.4 *It shall be the policy of Council to require the landscaping of industrial activities and the buffering of industrial lands adjacent residential, commercial and institutional properties.*

10.1 Light Industrial

The Windsor Industrial Park is mostly developed. In 2003, there were 16 businesses operating in the Park employing over 90 people. Most of the businesses currently located in the Park are considered light industrial uses, although there are several businesses, such as a bowling alley and car wash that are classified as commercial uses. There is a growing trend toward "business" parks, rather than parks devoted solely to industrial uses, and in recent years, the Town has received requests to allow various commercial uses in the Park. Provided such uses will not adversely affect the Town Centre, Council believes it may be appropriate to provide for some additional commercial uses in the Windsor Industrial Park. The additional uses may include certain highway commercial or other uses that would be less likely to locate in the downtown area because of their need for a large floor area or storage space.

There are several properties in Windsor used for industrial purposes which are not located within the two Industrial Parks including Nova Scotia Textiles, the former Irving Oil bulk plant and the Windsor and Hantsport Railway yards.

Policy 10.1.1 *It shall be the policy of Council to establish an Industrial designation which shall apply to the Windsor Industrial Park and light industrial uses outside*

the park such as Nova Scotia Textiles and railway yards, as shown on the Generalized Future Land Use Map (Map 1).

Policy 10.1.2 *It is the intention of Council to establish the Light Industrial (LI-1) zone in which permitted uses shall include light industrial uses, certain highway commercial uses and limited automotive uses.*

Policy 10.1.3 *It shall be the intention of Council to consider the development of new light industrial uses outside of the designated industrial parks by development agreement, subject to the following criteria:*

- (a) the proposed use is permitted in the Light Industrial (LI-1) zone;*
- (b) the proposed use has direct access to an arterial road;*
- (c) the proposed use is not considered obnoxious by virtue of noise, odours, dust or fumes;*
- (d) the proposed use will not conflict with adjacent uses;*
- (e) adequate parking and loading can be provided;*
- (f) traffic flow and traffic and pedestrian safety are not adversely affected;*
- (g) adequate landscaping and buffering are provided where the use abuts a residential or institutional use;*
- (h) any other matter which may be addressed in a Land Use By-law; and*
- (i) the provisions of Policy 16.3.1.*

10.2 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. There were approximately 28 acres of land remaining to be developed within the joint park. The Windsor-West Hants Industrial Park is promoted and marketed by Nova Scotia Business Inc., as well as by the two municipal units.

The portion of the Park to the east of Highway 101, containing approximately 68 acres, will be developed 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 Joint Industrial Park on the eastern side of Highway 101.

Policy 10.2.1 *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 apply to both the Town of Windsor and the Municipality of West Hants.*

Policy 10.2.2 *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 10.2.3 *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 West Hants.*

Joint Industrial Type Two

Policy 10.2.4 *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 businesses 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 10.2.5 *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 10.2.6 *It shall be the policy of Council to consider new large format retail stores or expansions greater than 5,000 ft² (464.5 m²) to existing large format retail stores in the Joint Industrial Type Three (LI-3) zone by development agreement subject to the provisions of Policy 8.5.1.*

Joint Industrial Park Expansion

Policy 10.2.7 *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 West Hants; and*
- (c) the provisions of Policy 16.3.1.*

11.0 COMMUNITY USE

Community use areas, including parks, open space and recreational uses, as well as institutional uses such as schools, churches and museums, are intended for the use of the general community. Windsor has extensive public community resources for both passive and active recreation including parks, sports fields, an outdoor swimming pool, a community centre and a library. The Windsor Recreation Department has operational responsibility for many of the Town's public recreation facilities and sponsors a wide range of recreation programs designed to meet the needs of all of the Town's residents. In addition, there are a number of private recreation uses in or near the Town including: an arena, tennis courts, a paddling club, a curling club, golf courses, bowling alleys and ski hills and cross-country skiing trails.

It is important to Council to promote healthy living and active lifestyles for Windsor residents. The Municipal Planning Strategy promotes linking open space and recreation areas in the Town through sidewalks and bicycle routes as well as a series of multi-use trails.

Policy 11.0.1 *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 institutional uses, municipal recreation uses and open space areas.*

Policy 11.0.2 *It shall be the policy of Council to promote the development of multi-use trails and pathways within the Town which connect residential and commercial areas with community uses including institutional uses, recreation facilities and open space areas.*

11.1 Institutional

As the regional service centre and the county seat for Hants County, Windsor has a considerable number of institutional land uses. Among these are educational facilities and homes for senior citizens. The Hants Community Hospital, churches and museums also fall into this category. Some of these institutional uses are relatively isolated while others are located in predominantly residential neighbourhoods. Because of the amount of traffic and noise that may be associated with them, some institutional uses have a significant impact on their surrounding neighbourhood. For this reason, new institutional uses will be permitted only by development agreement to allow Council more control over the development. The Land Use By-law will contain abutting zone requirements and will require a larger minimum lot size to help mitigate negative effects.

Policy 11.1.1 *It shall be the policy of Council to establish an Institutional (I) zone to be applied to existing institutional uses.*

Policy 11.1.2 *It shall be the policy of Council to encourage institutional activities to locate on relatively large lots that will minimize their potential effects upon adjacent areas as well as better accommodate the number of persons who use such facilities.*

Policy 11.1.3 *It shall be the policy of Council to regulate setbacks in the Land Use By-law which encourage buffering of adjacent non-institutional uses.*

Policy 11.1.4 *It shall be the policy of Council to consider new institutional uses in any designation by development agreement subject to the following:*

- (a) *the proposed use will not conflict with neighbouring uses;*
- (b) *the noise and traffic generation of the proposed use is not excessive in relation to the existing development pattern of the area;*
- (c) *the use fronts on an arterial or collector road or on a street which has direct access to an arterial or collector road;*
- (d) *the development is served by municipal water and sewer services;*
- (e) *any structure will be architecturally compatible with neighbouring structures and if the proposed development is located in an Architectural Design Control District, the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual;*
- (f) *adequate open space, landscaping, buffering and separation distances will be provided;*
- (g) *any other matter which may be addressed by development agreement; and*
- (h) *the provisions of Policy 16.3.1.*

11.2 Parks and Open Space

There are several federal and provincial historic sites in Windsor encompassing a large land area which is used as parkland. These sites, combined with other community recreation areas, create a significant amount of recreational land in the Town. Some of the parkland in Windsor is important not only to the Town, but to the wider community as well. These sites include Fort Edward National Historic Site, Haliburton House Provincial Museum, Shell Environmental Park, the tourist bureau and picnic area on Nesbit Street, and the sports fields on Tremain Crescent. In addition, there are several smaller open space areas including Victoria, Elmcroft and Burgess Crescent parks, and the Gordon Hughes Tennis Club–Windsor.

It is intended that the Open Space zone apply primarily to parkland which does not require main buildings. The main purpose of the zone is to preserve and protect open space for the use of community residents both now and in the future.

Policy 11.2.1 *It is the intention of Council to establish an Open Space (OS) zone which applies to parks and other 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, which are located on large parcels of land used as parkland.*

Policy 11.2.2 *It shall be the policy of Council to zone only public lands for open space purposes.*

Policy 11.2.3 *It shall be the policy of Council to amend the Municipal Planning Strategy and Land Use By-law as new land is acquired for park purposes.*

Policy 11.2.4 *It shall be the policy of Council to encourage the protection and maintenance of Open Space areas to provide adequate parkland for the enjoyment of current and future town residents and visitors.*

Council recognizes the need for a neighbourhood park in or near College Park Subdivision to serve existing and future residential development in the western part of Windsor.

Policy 11.2.5 *It shall be the policy of Council to encourage the developer of a future phase of College Park Subdivision to dedicate land to be used as a neighbourhood park in satisfaction of the park and open space requirements of the Subdivision By-law.*

11.3 Recreation Commercial

Campgrounds and outdoor recreation facilities, such as golf courses and driving ranges, require large areas of land, but few structures, although 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. In keeping with the goal of promoting healthy living and active lifestyles for Windsor residents, Council wishes to encourage the provision of a variety of recreation facilities, both public and private. To ensure close 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 in any designation.

Policy 11.3.1 *It shall be the policy of Council to consider the establishment of Recreation Commercial uses by development agreement in any designation subject to the following criteria:*

- (a) *the proposed use is a campground, golf course, driving range, or similar recreation facility which is open to the public and privately owned;*
- (b) *the use shall not include race tracks, motocross courses, or other establishments which require the continued or frequent use of motor vehicles;*
- (c) *neighbouring uses will not be adversely affected as a result of traffic generation, hours of operation, noise, dust or other impacts;*
- (d) *the lot dimensions, parking and structures are adequate for the use at proposed capacity;*
- (e) *the proposed use has frontage on an arterial road;*

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- (f) *adequate landscaping, fencing or buffering, and separation distances will be provided;*
 - (g) *the development is served by municipal water and sewer services;*
 - (h) *any other matter which may be addressed by development agreement; and*
 - (i) *the provisions of Policy 16.3.1.*

12.0 ENVIRONMENTAL CONSTRAINTS

An Environmental Constraints Overlay on the Zoning Map (Schedule 'A') will be used to identify lands which are subject to flooding or subsidence, are low lying, marshy or unstable, or have other constraints for development by virtue of soil conditions or topography. This designation includes dyked marshlands where development is regulated under the Nova Scotia *Agricultural Marshland Conservation Act*.

Dykelands make up approximately 1,000 acres, or nearly half the total land area of the Town of Windsor. Dykes, ditches 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. The Tregothic Marsh dykes along the St. Croix River in the eastern section of town still prevent tidal flooding of some farmland, but today the dykes also protect the Town's Industrial Park, a shopping mall, a school, the Hants County Exhibition Grounds, and numerous businesses and homes. Since the Avon River Causeway was built in 1971, Martock Marsh and Sunny Slope Marsh in the southwestern part of Town have been protected from flooding by the causeway itself, rather than by dykes. Much of Martock Marsh is still used for agricultural purposes, although there are also a number of homes and businesses located primarily along the edges of the dykeland. Despite the dykes and the causeway, this land has experienced floods of varying degrees of severity over the years.

Although greatly valued for agriculture, dykelands are less suitable for residential and commercial development because they are characterized by unstable soils and periodic flooding. Flooding may result from blocked drainage ditches or aboiteaux, or from overtopping or breakage of dykes in high tides or severe storms. In the fall and winter months, localized freshwater flooding is common as drainage ditches or aboiteaux become blocked with ice, silt or debris. Although flooding because of tides overtopping the dykes occurs less often, it represents a definite risk for tidal dykelands such as Tregothic Marsh.

Martock and Sunny Slope, located upriver from the Avon River Causeway, are mainly at risk from freshwater flooding. The flood risk for these dykelands is influenced by two elements—the operation of the causeway gates and Nova Scotia Power's Avon Hydro System. The two causeway gates provide the only release for flood water from the Avon River watershed into the Minas Basin. The Avon River Hydro System includes several dams and two hydro stations on the Avon River. Nova Scotia Power has prepared several flood studies as part of its Emergency Preparedness Plan which examine the potential effects of possible dam breaches, storm events and operational difficulties with the causeway gates. The studies conclude that 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.

Residential and commercial development requires infilling, paving, and new culverts to create roads, driveways and building sites. Cumulative infilling and restricting the dykeland drainage system will eventually diminish flood water storage capacity of the flood plain and cause flooding to be more prolonged and widespread. The high public and private costs associated with property damage, pollution and even loss of life because of serious tidal or freshwater flooding can be avoided by regulating or prohibiting development on dykeland.

The majority of the land designated Environmental Constraints in Windsor is dykeland. However, there are a few other areas which also present constraints for development and these are also designated. This includes a lowland area next to Avon River at the southwestern Town limits. This area was never an incorporated dykeland, but it has similar conditions and offers similar development constraints as the other dykelands within the Town. Lands adjacent to the Quarry Pond which straddles the northern

boundary of the Haliburton House property, including one vacant lot on Lakeview Drive, are designated Environmental Constraints because the lots were created on land that had been infilled. On these lands, it is important that the bearing capacity of the soil be determined prior to construction.

Dyked marshlands and other areas with development constraints will be identified on an Environmental Constraints Overlay on the Zoning Map (Schedule 'A') of the Land Use By-law. Development on these lands, as permitted by the underlying zone, will be regulated by requiring an environmental study to be undertaken prior to the issuance of a development permit.

Policy 12.0.1 *Dykelands and other areas considered to pose environmental constraints for development shall be defined on Schedule 'A' of the Windsor Land Use By-law by means of a pattern overlain on the respective areas.*

Policy 12.0.2 *Pursuant to the Municipal Government Act, it shall be the policy of Council that development in the areas referenced in Policy 12.0.1 shall be permitted subject to the landowner or agent submitting an environmental study conducted by a qualified person which identifies constraints to construction at the site, prior to the issuance of a development permit. Without limiting the generality of the foregoing, the study will describe the susceptibility of flooding, drainage problems, and the bearing capacity and suitability for construction of soils at the site, and will identify suitable construction methods, including flood proofing measures, to overcome the constraints which are found to exist at the site. Development permits may only be issued for uses permitted within the zone applicable to that site. The Development Officer shall make this study available to the Building Inspector for consideration prior to issuance of a building permit.*

Policy 12.0.3 *Council recognizes the value of dykelands for agriculture and believes that the Agricultural Marshland Conservation Act provides adequate protection for the dykelands in Windsor that are currently being used, or have potential, for commercial agriculture. For dykelands that are exempt from the provincial regulations or receive a variance from the province, it is the intention of Council to allow development to occur provided an environmental study is submitted in accordance with Policy 12.0.2. It shall be the intention of Council to establish additional regulations in the Land Use By-law governing infilling, topsoil removal and alteration of topography on dykelands, and to ensure that such regulations are consistent with provincial legislation.*

13.0 ARCHITECTURAL CONTROL DISTRICTS

Founded in 1759 and incorporated in 1878, Windsor is one of the oldest towns in Nova Scotia. Unfortunately, many of the Town's earliest buildings were destroyed by a major fire in 1897. The rebuilding process occurred rapidly after the fire, and today, the majority of the historic buildings in Windsor date from between 1897 and 1920. The Ferry Hill area is an exception, however. Somewhat isolated from the rest of the Town because of cliffs and a railway line, many houses in Ferry Hill survived the Great Fire, including a few dating from the mid-1850s and 1860s.

Today, there are a number of areas exhibiting a concentration of historic or architecturally significant buildings which greatly enhance the overall character and attractiveness of the Town. To ensure the protection of these areas, architectural design standards have been introduced for the Ferry Hill and Central Residential areas and the Town Centre designation, including the Pesaquid CDD. It is intended that such standards may be introduced for other areas of the Town if the residents wish to have such controls.

Policy 13.0.1 *It shall be the policy of Council to designate Architectural Control Districts in areas of Windsor where there is a concentration of historic or architecturally significant buildings. Architectural Control Districts shall be identified on a map which shall form a schedule to the Land Use By-law (Schedule 'C').*

Policy 13.0.2 *It shall be the intention of Council to adopt an Architectural Design Manual as Schedule 'D' to the Land Use By-law including guidelines and requirements governing the architectural design of new buildings and alterations and additions to existing buildings located within the Architectural Control Districts.*

Windsor's Heritage Advisory Committee, established under the Town's Municipal Heritage Property By-law, provides advice to Council on registration of municipal heritage properties, as well as on heritage matters in general. The Heritage Advisory Committee was also involved in the development of the Architectural Design Manual. Because of the expertise of this Committee, Council wishes to continue that involvement.

Policy 13.0.3 *It shall be the policy of Council to seek comments and recommendations from the Windsor Heritage Advisory Committee on the following:*

- (a) *design review of applications for development agreements or Land Use By-law amendments within the Architectural Control Districts; and*
- (b) *the designation of new Architectural Control Districts and amendments to the Architectural Design Manual.*

14.0 TRANSPORTATION AND ROADS

The transportation policies have two primary objectives: (1) to improve the efficiency of the existing road network and (2) to propose a road network capable of supporting future development in Windsor. These policies are to be read in conjunction with the Transportation Map (Map 2) which forms an integral part of this Strategy. Current transportation issues include:

- (i) the impact of twinning Highway 101, including possible changes to the Avon River Causeway;
- (ii) the strain placed on Town streets from increased traffic flow;
- (iii) a less efficient road pattern because of difficult grades and angles of street intersection;
- (iv) roads within the built-up areas which have inadequate right-of-way widths;
- (v) cost-sharing and jurisdictional differences which make a regional approach to transportation planning challenging;
- (vi) inefficient traffic circulation because of a lack of secondary routes through Town;
- (vii) poor condition, or lack of, sidewalks and storm drainage in certain areas of Town; and
- (viii) the need for multi-use and pedestrian pathways.

Perhaps the most pressing issue at this time is the twinning of Highway 101 from St. Croix to Avonport. This change could affect Windsor significantly as the improved commute between Halifax and Windsor is expected to contribute to increased development in the area. The higher traffic volumes resulting from new residential and commercial development could place more pressure on streets and intersections in the Town which are already experiencing traffic problems. For this reason, it is important for Council to monitor traffic within the Town and, as economically feasible, make improvements to the existing road network.

Policy 14.0.1 *It shall be the policy of Council to monitor traffic patterns and volume on an ongoing basis and undertake infrastructure, road design or other street improvements as deemed necessary and financially feasible to ensure efficient traffic flow throughout the Town.*

The Transportation Map (Map 2) shows existing roads and proposed new roads which are to be constructed according to need and as resources permit. Roads are divided into four types: regional, arterial, collector and local. Local roads are intended primarily for property access and consist of all roads in the Town which are not otherwise designated.

14.1 Regional Roads

Regional roads are those which serve not only the Town, but 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. It is important to Council to maintain the Town's visibility from Highway 101 and to create an inviting entrance to Windsor from Highway 101 through landscaping and signage.

Policy 14.1.1 *It shall be the policy of Council to encourage the preservation of the scenic views of Windsor, Fort Edward and the Avon and St. Croix Rivers from Highway 101.*

Policy 14.1.2 *It shall be the intention of Council to create an inviting entrance to the Town from Highway 101, both at Wentworth Road and Water Street, through landscaping and signage.*

14.2 Arterial Roads

The main function of arterial roads in Windsor is to move traffic efficiently through the Town and to the Highway 101 access areas.

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

- (a) *King Street from Gerrish Street to the Town boundary;*
- (b) *Gerrish Street;*
- (c) *Wentworth Road;*
- (d) *Water Street;*
- (e) *Highway 14; and*
- (f) *O'Brien Street.*

Policy 14.2.2 *It shall be the intention of Council to investigate, and undertake as financially feasible, the redesign of Wentworth Road in order to maintain efficient traffic flows and achieve the aims of the Wentworth Road Gateway District (see Section 8.6) (Amendment WMPS 09-02 Effective September 3, 2009)*

14.3 Major Collector Roads *(Amendment WMPS 09-01 Effective June 9, 2009)*

Major Collector roads act as connections between Arterial and Minor Collector Roads, Higher traffic volumes and a greater mix of vehicular types and sizes are to be accommodated compared to Minor Collector Roads.

Policy 14.3.1 *It shall be the policy of Council to designate the following road as a major collector as shown on the Transportation Map (Map 2):*

Payzant Drive - Wentworth Road to Underwood Drive.

Policy 14.3.2 *It shall be the intention of Council to investigate the extension of Payzant Drive to King Street. If the extension is completed, it shall be the intention of Council to re-designate Payzant Drive as an arterial road.*

Policy 14.3.3 *It shall be the intention of Council to improve College Road as the Gladys Manning Retirement Community, College Park Subdivision and other future development continues and as deemed financially feasible.*

14.3 A Minor Collector Roads *(Amendment WMPS 09-01 Effective June 9, 2009)*

Minor collector roads provide links from local roads to major collector roads or arterial roads.

Policy 14.3.1.A *It shall be the policy of Council to designate the following roads or portions thereof as minor collector roads as shown on the Transportation Map (Map 2);*

- (a) Stannus Street;*
- (b) Clifton-Gray, linking Ferry Farm to Town Centre;*
- (c) College Road;*
- (d) Wiley Ave. - King Street to Albert Street;*
- (e) Albert Street - Wiley Ave. to Water Street;*
- (f) King Street - Gerrish to Water Street;*
- (g) Payzant Drive - south from Underwood Drive.*

14.4 Intersections

As a result of increased traffic, many intersections may require design and structural changes.

Policy 14.4.1 *It shall be the intention of Council to investigate design and structural changes to the following intersections. Such improvements may include the addition of traffic lights, subject to the appropriate traffic studies and engineering recommendations.*

- (a) Wentworth Road at Payzant Drive;*
- (b) Wentworth Road at Empire Lane;*
- (c) Wentworth Road at O'Brien Street;*
- (d) Albert Street at Gray Street;*
- (e) Water Street at Gerrish Street; and*
- (f) Water Street at Albert Street.*

14.5 Infrastructure Maintenance

Council feels that well-maintained roads, curbs and gutters improve the look of the Town. In continuing to maintain these elements, Council hopes that residents will be encouraged to continue improving their own properties.

Policy 14.5.1 *It shall be the policy of Council to monitor the condition of roads, curbs and gutters in the Town of Windsor and to upgrade such services as deemed necessary.*

14.6 Pedestrian Traffic

As part of promoting healthy living in Windsor, the maintenance and improvement of existing sidewalks and the creation of new sidewalks is an important goal. A vital part of creating a pedestrian network in the Town is providing well-marked and safe crosswalks. In addition, Council will work to ensure that sidewalks and crosswalks are accessible to disabled residents.

Policy 14.6.1 *It shall be the policy of Council to upgrade the existing crosswalks in Town as problems are identified and as financially feasible. The establishment of new crosswalks and sidewalks shall be considered as the need arises.*

14.7 Multi-use Trails and Bikeways

In addition to sidewalks, there are several established multi-use trails in the Town, including trails at Fort Edward and the Haliburton House Museum property. Portions of the former Dominion Atlantic Railway (DAR) property in downtown Windsor are used as pedestrian walkways. The pathway from the Pesaquid Aquatic Club around Lake Pesaquid is popular with pedestrians and cyclists from both Windsor and Falmouth.

In addition to the existing trails in the Town, Council wishes to investigate creating a pathway from the College Road area to Town Centre, preferably along the Avon River. It is important to create a pathway surface which can be used by residents of the Gladys Manning Retirement community who may be mobility impaired.

Policy 14.7.1 *It shall be the policy of Council to work with the Province and the Municipality of the District of West Hants to retain the pathway around Lake Pesaquid.*

Policy 14.7.2 *It shall be the intention of Council to encourage the extension of the waterfront walkway along the Avon River to the retirement community on College Road.*

Town Council also wishes to investigate providing bicycle pathways in the Town. These may be separate from roadways but also may be created as lanes on existing streets.

Policy 14.7.3 *It shall be the intention of Council to investigate providing bicycle pathways and bicycle lanes throughout the Town.*

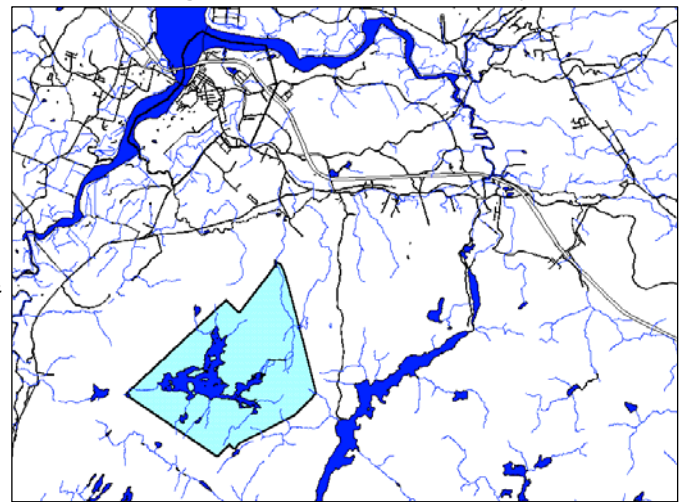


15.0 MUNICIPAL SERVICES

15.1 Water and Sewer

Mill Lakes, located outside the Town limits in the Municipality of West Hants, is the source of the Town's water supply (Figure 7). The Windsor water supply began early stages of development around 1881, providing running water from Mill Lakes to the homes and businesses in the immediate area. An area around the lakes is a prescribed Protected Water Area under the Nova Scotia *Environment Act*. The protected water area encompasses 4,394 acres (1,778.3 hectares) but does not include the total drainage area of the watershed.

A study done in 1995 showed that this source could yield between two and three million imperial gallons per day and as of January 2002 the average daily flow is 0.7 million imperial gallons per day. A new water plant with a capacity of 1.5 million imperial gallons per day was completed in the fall of 2002.



The sewer system in the Town of Windsor was initially developed between the late 1800s and the early 1900s. Today, the sewage treatment lagoons in Windsor treat about 450,000 imperial gallons of raw sewage per day from the eastern end of Windsor and Three Mile Plains, where the storm water and sewage collection are separated. The plant has the capacity to treat another 100,000 imperial gallons per day. In the downtown and western end of Windsor the storm water and sewage collection systems are combined. The sewage and storm water for this area, about two-thirds of Windsor, is discharged without treatment at one outlet near the convergence of the St. Croix and Avon Rivers.

The cost of providing water and sanitary sewer services to some areas of Windsor would be prohibitive because of topographical constraints. For this reason, it is the intention of Council to extend water and sewer services for residential purposes only in areas designated residential or zoned as a Comprehensive Development District. It is not the intent of Council, however, to prevent private developers from providing water and sewer services in undeveloped areas of Town.

The provision of water and sewer services for commercial or industrial development will be considered as the need arises. In particular, the Windsor-West Hants Joint Industrial Park may be considered for future extension of services.

Policy 15.1.1 *Council shall work in cooperation with the Municipality of West Hants toward ensuring the continued protection of the Mill Lakes water supply area. Among the measures which may be followed are the purchase of watershed lands and strict development controls.*

Policy 15.1.2 *Council shall examine the feasibility of having the prescribed Protected Water Area enlarged to encompass the natural drainage area of the Mill Lakes.*

Policy 15.1.3 *It is the intent of Council to extend water and sewer services for residential purposes only in those areas designated residential or the College Road Comprehensive Development District.*

Policy 15.1.4 *It shall be the policy of Council to consider extending water and sewer services in future commercial or industrial areas including the Pesaquid CDD and the Windsor-West Hants Joint Industrial Park.*

Policy 15.1.5 *It shall be the intention of Council to pursue a policy of treating all of Windsor's sewage as it is financially feasible to do so.*

15.2 Solid Waste

Windsor participates in both organic waste and recycling collection to reduce the amount of waste entering the landfill. Regular garbage, which is sent to the municipal landfill at Cogmagun in the Municipality of West Hants, is collected bi-weekly. Organic waste in green carts from homes and small businesses is collected on alternate weeks. The organic waste is sent to Berwick for composting. Blue bags of recyclables are collected weekly. The local contractor for blue bag collection also is responsible for disposal of the recyclable material.

Policy 15.2.1 *It shall be the intention of Council to continue, where financially feasible, to participate with the Municipality of West Hants in the disposal of solid waste.*

Policy 15.2.2 *It shall be the policy of Council to continue to provide a recycling and organic material (green cart) collection.*

15.3 Fire

Windsor has suffered two major fires: one in 1897 and another in 1924, both of which devastated the downtown area. The first fire department in Windsor was started in 1881. As of August 2001, the Windsor Fire Department had 65 members and covered an area of 60 square miles. The department has 10 fire trucks including five pumpers, two tankers and two ladder trucks and services areas of West Hants within a five to seven mile (8.0 - 11.3 kilometre) radius of Windsor.

Policy 15.3.1 *It shall be the intention of Council to continue to monitor and evaluate the Town's fire protection services in light of existing and future requirements.*

Policy 15.3.2 *It shall be the intention of Council to cooperate with the Municipality of West Hants and other municipal units where it is advantageous in the interest of more effective fire protection.*

15.4 Police

The Town of Windsor is policed by a detachment of the Royal Canadian Mounted Police. Prior to April 1948 the Town had its own police force. This was replaced by a 2-person detachment. Currently, there are eight RCMP officers with administrative support provided by the Town. The force is also supported by two auxiliary members and a "Citizens on Patrol" group as well as the West Hants Detachment of the RCMP.

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 of the review. 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: (Amendment WMPS 09-02 Effective September 3, 2009)*

Zone	Symbol
Single Unit Residential	R-1
Two Unit Residential	R-2
Medium Density Residential	R-3
High Density Residential	R-4
College Road Comprehensive Development District	CR-CDD
Town Centre	TC
Pesaquid Comprehensive Development District	P-CDD
Local Commercial	LC
General Commercial	GC
Highway Commercial	HC
Shopping Centre Commercial	SC
Fairground	FG
Light Industrial	LI-1
Joint Industrial Type Two	LI-2
Joint Industrial Type Three	LI-3
Institutional	I
Open Space	OS
Agriculture	AG
Wentworth Road Commercial	WR-C
Special Overlay Zones	
Wentworth Road Gateway District	
Environmental Constraints	
Architectural Control Districts	

16.3 Land Use By-law Amendments and Development Agreements

It may be necessary to amend the Land Use By-law, although the By-law must always be 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 or part thereof is discharged by the Town.

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

- (a) *whether the proposal is considered 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 Town to absorb any costs relating to the development.**
- (b) *the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (c) *the adequacy of the dimensions and shape of the lot for the intended use;*
- (d) *the pattern of development which the proposal might create;*
- (e) *the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;*
- (f) *whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and*
- (g) *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, consolidation of two or more existing lots or boundary adjustments on existing lots. All subdivision in the Town of Windsor 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) road 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 prohibit subdivision of land on private roads.*

Policy 16.4.3 *It shall be the intention of Council to include in the Subdivision By-law provisions for the subdivision of lots that do not meet the applicable minimum lot area and frontage requirements of the Land Use By-law. The conditions under which such lots may be approved are as follows:*

- (a) where two or more main buildings are located on a lot, subdivision is permitted to create the same number or fewer lots as there are main buildings;*
- (b) where two lot owners wish to alter their common boundary, provided that no additional lots are created and each lot meets the Land Use By-law frontage and area requirements or does not have its frontage or area reduced;*
- (c) where new lots are being created, two lots may be approved in accordance with Section 279 of the Municipal Government Act which allows for the creation of not more than two undersized lots where the lot dimensions and area are not less than 90 percent of the required minimum; and*
- (d) where two lots have a common boundary, they may alter their common boundary, where a development component of a permanent nature such as a structure, driveway, well or septic tank is encroaching in or upon an immediately adjacent area of land.*

Policy 16.4.5 *It shall be the intention of Council to include in the Subdivision By-law and*

Land Use by-law special lot size provisions where any part of an unserviced lot is located within 75 ft (22.86 m) of a watercourse.

16.5 Capital Improvement Program

In addition to controlling private development, Council may undertake programs of its own to encourage development in certain areas, to enhance, improve, or protect the environment of the Town, 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 16.5.1 *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 Town to the greatest extent possible, with the goal of eventual integration of planning, capital programming and budgeting.*

16.6 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 16.6.1 *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.*

16.7 Non-Conforming Uses and Structures

Policy 16.7.1 *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;*

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- (b) *the minor extension or enlargement, not exceeding 100 ft² (9.3 m²) in area, of a structure containing a non-conforming use including 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 16.7.2 *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 16.7.1(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 16.7.3 *In considering a development agreement provided for in Policy 16.7.2, 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;*
 - (ii) *hours of operation;*
 - (iv) *outdoor storage;*
 - (v) *noise, odours, dust or fumes; and*
 - (vi) *size of building(s);*
- (c) *adequate parking is provided;*

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- (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.*

16.8 Development Officer

Policy 16.8.1 *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.*

16.9 Recovery of Expenses

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

Policy 16.9.1 *It shall be the policy of Council to levy fees from the applicant for following:*

- (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) *the administrative processing costs.*

16.10 Repeal of Strategy

The Town of Windsor Municipal Planning Strategy as adopted by Windsor Town Council on July 23, 1991 and approved by the Minister of Municipal Affairs on October 18, 1991, and all amendments thereto, is hereby repealed.