



West Hants

something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

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| Information <input type="checkbox"/> | Recommendation X | Decision Request x | Councillor Activity <input type="checkbox"/> |
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: October 26, 2021

Subject: Windsor Land Use By-Law Amendment: Farm Markets; File # 21-11

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210.

POSSIBLE MOTION

Following conclusion of the Public Hearing on October 26, should Council wish to approve the proposed Windsor Land Use By-law amendment, the following motion would be in order:

... that Council amend the Windsor Land Use By-law by changing the definition of farm markets to include outdoor spaces and by adding farm markets to the list of permitted uses in the Fairground (FG) zone in a manner substantively the same as Appendix E of the staff report to PAC/HAC dated September 9, 2021.

BACKGROUND

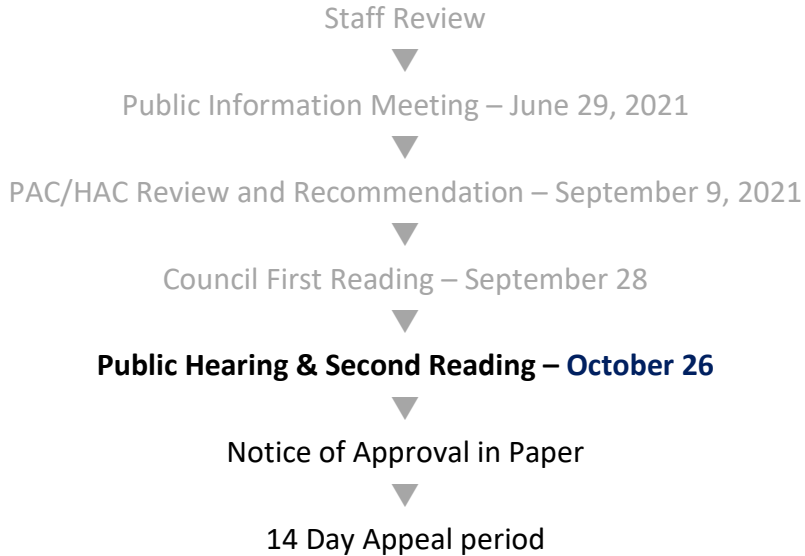
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| Property X | Public Opinion <input type="checkbox"/> | Environment <input type="checkbox"/> | Social <input type="checkbox"/> | Economic <input type="checkbox"/> | Councillor Activity <input type="checkbox"/> |
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A Public Information Meeting was held on June 29, 2021.

On September 9, 2021, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Attachment A) and PAC/HAC made a positive recommendation to Council.

Council held First Reading on September 28, 2021, and set the date for a public hearing (Attachment B)

NEXT STEPS



ATTACHMENTS

Attachment A Staff Recommendation Report: Farm Markets

Attachment B First Reading Report: Farm Markets

Report Prepared by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, CAO



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: September 9, 2021

Subject: File 21-11 Farm Markets Windsor LUB Amendment

1.0 LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

2.0 RECOMMENDATION

Should the Planning and Heritage Advisory Committee (PAC/HAC) wish to forward a positive recommendation, the following motion would be in order:

...that Council give First Reading and hold a Public Hearing to consider amending the Windsor Land Use By-law to change the definition of farm markets to include outdoor spaces and to add farm markets to the list of permitted uses in the Fairground (FG) zone in a manner substantively the same as Appendix E of the staff report to PAC/HAC dated September 9, 2021.

3.0 BACKGROUND

An application was received June 8, 2021 from Lisa Hines, acting for the Windsor Agricultural Society, to add farmers' market to the list of permitted uses in the Fairground (FG) Zone of the Windsor Land Use By-law (WLUB) so that the Windsor Farmers' Market could locate indoors in the Exhibition buildings during the winter months (Appendix A). The Windsor Farmers' Market is now open seasonally outdoors on the Exhibition grounds.

4.0 DISCUSSION

4.1 Windsor Municipal Planning Strategy (WMPS)

The exhibition grounds are designated Commercial on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) and zoned Fairground (FG) on the Zoning map of the WLUB.

The intent of the Fairground (FG) zone is expressed in WMPS policy 8.6.18: *"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."*

There are no policies in the WMPS that relate directly to farmers' markets. There is only one specific mention of farm markets: in the background section of the Pesaquid Comprehensive Development District farm markets are noted as a possible use on the waterfront.

4.2 Windsor Land Use By-law (WLUB)

The term "Farm Market" is both defined and used in the WLUB. It has a fairly narrow definition as *"a building or part thereof in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value;"*. As the term "Farm Markets" is used and defined in the WLUB, that is the term used for this application.

Farm markets now are specifically permitted in the Town Centre (TC), Highway Commercial (HC), Shopping Centre (SC) and Wentworth Road Commercial (WR-C) zones. They are not a listed permitted use in the Fairground (FG) zone.

4.3 Additional Consideration

Farm markets are a retail commercial use that often generate a lot of traffic while they are open.

At the moment, any farm market held outdoors in Windsor is considered a "special use" and there is no requirement for a development permit. In order to limit outdoor farm markets to the areas where commercial development is permitted, outdoor farm markets must be included within the definition of farm market.

4.4 Proposed Amendments

4.4.1 *Addition of Farm Markets to Permitted Uses in the Fairground (FG) Zone*

The broad range of uses within the Fairground (FG) zone (Appendix B) and the designation of the Exhibition grounds as Commercial on the GFLUM both indicate that the addition of farm markets to the list of permitted uses in the Fairground (FG) Zone is in accord with Council's intentions for the area.

4.4.2 *Change of Definition*

As noted above, to regulate outdoor farm markets the definition needs to be changed to incorporate outdoor spaces. This can be accomplished by adding the text shown in blue: *Farm Market means a building or lot or part of a building or lot where farm produce comprises the major portion of goods offered or kept for sale directly to the public;*

4.5 Municipal Climate Change Action Plan (MCCAP)

The Windsor MCCAP (2014) highlights two simulated flooding scenarios. The first is based on a storm surge that occurred in 1997, which shows the damage is expected to occur along the coastline. The second shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor, including the subject, lot would experience flooding and properties within the Tregothic Marsh Body will experience extensive flooding.

In addition, Milestone 3 of the Partners for Climate Protection (PCP) program is intended to develop a local greenhouse gas emission reduction action plan. One of the goals in the draft action plan is to *"make it easier to buy from local vendors and eat local food"*. The requested amendment supports this goal.

4.6 WMPS Specific Criteria

There are no specific criteria for this text amendment.

4.7 WMPS General Criteria

The proposal meets the general criteria for amendment established in WMPS policy 16.3.1. The criteria are examined in detail in Appendix C. In summary, the proposal is neither premature nor inappropriate and no problems are anticipated by the Traffic Authority, Manager of Building and Fire Inspection Services or Windsor Fire Chief.

4.8 Public Information Meeting

A Public Information Meeting was held via Zoom on on June 29, 2021; the comment period ended on July 20, 2021 with no comments received (Appendix D).

5.0 NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives and policies of the WMPS. The proposed amendments which will permit indoor farm markets in the Fairground (FG) zone and include outdoor markets in the definition reflect the intent of the existing policies of the WMPS. As a result, staff recommends proceeding with the approval/refusal process for the proposed amendments. Dates shown are anticipated; actual dates will be determined by Council.

Approval/Refusal Process

Public Information Meeting (June 29)



Staff Review



Planning Advisory Committee receives staff report and PIM Notes
Planning Advisory Committee Review and Recommendation (Sept 9)



Regional Council First Reading (September 28)



Public Hearing & Second Reading
(October 26)



Notice of Approval in Local Paper begins 14-day appeal period

6.0 FINANCIAL IMPLICATIONS

There are no financial implications related to the proposed amendment.

7.0 ALTERNATIVES

In response to the application, PAC/HAC may:

- request further information on a specific topic;
- determine that the application does not meet the criteria of the WMPS and make this recommendation to Council.

8.0 APPENDICES

Appendix A Windsor Agricultural Society Submission
Appendix B Fairground (FG) Zone
Appendix C General Criteria for WLUB Amendment
Appendix D Public Information Meeting Notes
Appendix E Draft WLUB Amendments

Report Prepared by: _____
Madelyn LeMay, Director of Planning and Development

APPENDIX A



Proposal for Farmer's Market – June 08/2021

For as long as the exhibition grounds has been at the Wentworth Road location (since early 1950's) it has been an event facility in the spring summer and fall, and until last year a hockey rink in the winter months. The fairgrounds is owned by the not for profit Windsor Agricultural Society, and is home to the Oldest Agricultural Fair in North America. The Hants County Exhibition began as a farmers' market back in 1765

The Hants County Exhibition itself is a mix of equestrian events, livestock events, displays and exhibits, entertainment, food vendor booths, commercial vendor booths, and midway etc.

In addition to the Hants County Exhibition throughout a "normal" season the exhibition grounds (or fairgrounds) hosts various events including but not limited to flea markets, music festivals, truck pulls, horse shows, ox pulls, 4H and pony club events, clinics, family reunions, luncheons, vehicle shows, meetings etc.

The exhibition grounds has also been host to lobster dinners, weddings, beer gardens, big name concerts, and a large Farmers' Market (before Farmers' Markets were the thing). In fact all of the infrastructure existing in the food vendor hall of the Industrial Building was built for a farmers' market (The Windsor Country Fair) - multiple serviced booths with water/sewer and power

HCEX Fairgrounds has the existing infrastructure to easily meet public health guidelines for multiple food permits. In fact, while completing the public market process over the past month (in conjunction with our NS Farmer's Market membership) the Public Health Officer asked why we didn't move indoors to take advantage of the serviced booths that were designed for farmers' market purpose in the food vendor hall of the Industrial Building. Covid-19 restrictions make it is simpler to host a market outside in 2021, but if successful moving indoors would be a sensible move in the future.

During a recent site assessment and business planning process (funded by ACOA and the province of NS) a farmers' market was recognized as being a reasonable event to try again as part of the fairground's seasonal operations. Recognizing also that a farmer's market dovetails nicely with the Windsor Agricultural Society's efforts to support and promote agriculture. The plan was presented in the fall of 2019, and of course Covid 19 has left the fairgrounds shuttered for the most part since then. A huge financial challenge for the Society, as the costs of keeping the facility still exist.

Interest in local food and local food security has risen with Covid 19, and with our inability to host larger events, we wish to explore the opportunity to introduce a weekly indoor farmers' market event to meet these demands in the future.

The Windsor Agricultural Society respectfully requests Farmers' Market be included in the Fairground zoning at 221-249 Wentworth Road in Windsor.

Sincerely,

Lisa Hines, GM

APPENDIX B

Taken from the Windsor LUB July 29, 2021

23.0 FAIRGROUND (FG)

Permitted Uses

23.1 The following uses shall be permitted in the Fairground (FG) zone:

- Arenas
- Campgrounds
- Exhibition grounds
- Hotels and motels
- Livestock barns
- Recreation uses

FG Zone General Requirements

23.2 In the FG zone, no development permit shall be issued except in conformity with the following:

| | |
|---|-------------------------|
| Minimum lot area | 3 acres (1.21 hectares) |
| Minimum front yard | 30 ft (9.14 m) |
| Minimum rear yard | 30 ft (9.14 m) |
| Minimum side yard | 20 ft (6.10 m) |
| Minimum distance between buildings or structures | 15 ft (4.57 m)* |
| Maximum height of main building(s) or any structure(s) | 40 ft (12.19 m) |

*When fire resistant walls are constructed, distance requirements may be reduced to zero.

APPENDIX C
General Criteria for Amendment

16.0 IMPLEMENTATION

16.3 Land Use By-law Amendments and Development Agreements

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

| CRITERIA | COMMENT |
|---|--|
| <i>(a) whether the proposal is considered premature or inappropriate in terms of:</i> | |
| <i>(i) the adequacy of sewer and water services;</i> | Not applicable, as this is a text amendment. |
| <i>(ii) the adequacy of school facilities;</i> | Not applicable, as this is a text amendment. |
| <i>(iii) the adequacy of fire protection;</i> | The Senior Building Official has no concerns with the proposed addition. The Fire Chief has noted that Fire ground operations should not be impacted much, if at all, by this change. |
| <i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i> | The Traffic Authority has no concerns regarding the road network adjacent to, or leading to the Exhibition grounds if farm markets are permitted within buildings in the Exhibition grounds. |
| <i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i> | There are no anticipated costs to the Municipality related to this proposed change. |
| <i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i> | Not applicable, as this is a text amendment and no new buildings are proposed. |
| <i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i> | Not applicable, as this is a text amendment and no new buildings are proposed. |
| <i>(d) the pattern of development which the proposal might create;</i> | Not applicable, as this is a text amendment. |

| | |
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| <i>(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;</i> | Not applicable, as this is a text amendment. |
| <i>(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</i> | Not applicable, as this is a text amendment. |
| <i>(g) any other matter required by relevant policies of this Strategy.</i> | Nothing else is required. |

APPENDIX D

Public Information Meeting Notes June 29, 2021- July 20, 2021 File 21-11; Farm Markets in Windsor LUB

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| Meeting date and time | A public information meeting was held on June 29, 2021 beginning at 6:00p.m. The meeting was broadcast live on the Municipal Facebook page. |
| File Number | 21-11 |
| Attending | Councillor Laurie Murley, PIM Chair Madelyn LeMay, Director, Planning and Development Vanessa Lake, Meeting Secretary As this meeting was held virtually there were no members of the public present. |
| Applicant Lisa Hines Windsor Agricultural Society 221-249 Wentworth Road Windsor B0N 2T0 | Ms. LeMay outlined the application for amendment to the Windsor Land Use By-law to allow indoor Farm Markets in the Fairground (FG) zone. The applicant did not make a presentation. |
| Comments | No telephone, email or written comments were received. |
| Adjournment | The presentation portion of the PIM ended at approximately 6:15 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until July 20, 2021. |

APPENDIX E

Draft Amendments

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

Text amendments to the Windsor Land Use By-law to amend the definition of “farm market” and to permit farm markets in the Fairground (FG) zone.

1. Delete the definition of “farm market” and replace it with:

Farm Market means a building or lot or part of a building or lot where farm produce comprises the major portion of goods offered or kept for sale directly to the public;

2. Amend section 23.1 of the WLUB by inserting the phrase “farm markets” between the phrases “Exhibition grounds” and “Hotels and motels” so that section 23.1 reads as:

23.0 FAIRGROUND (FG)

Permitted Uses

23.1 The following uses shall be permitted in the Fairground (FG) zone:

- Arenas
- Campgrounds
- Exhibition grounds
- Farm markets
- Hotels and motels
- Livestock barns
- Recreation uses

FG Zone General Requirements

23.2 In the FG zone, no development permit shall be issued except in conformity with the following:

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| Minimum lot area | 3 acres (1.21 hectares) |
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| Minimum distance between buildings or structures | 15 ft (4.57 m)* |
| Maximum height of main building(s) or any structure(s) | 40 ft (12.19 m) |

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ATTACHMENT B



WEST HANTS REGIONAL MUNICIPALITY REPORT

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| Information <input type="checkbox"/> | Recommendation <input checked="" type="checkbox"/> | Decision Request <input type="checkbox"/> | Councillor Activity <input type="checkbox"/> |
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: September 28, 2021

Subject: Windsor Land Use By-law Amendment: Farm Market
File # 21-11C

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION or DECISION REQUEST

Should Council wish to proceed to a Public Hearing as recommended by PAC/HAC, the following motion would be in order:

...that Council give First Reading and hold a Public Hearing to consider amending the Windsor Land Use By-law to change the definition of farm markets to include outdoor spaces and to add farm markets to the list of permitted uses in the Fairground (FG) zone, in a manner substantively the same as Appendix A of the staff report to PAC/HAC dated September 9, 2021.

BACKGROUND

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| Property <input checked="" type="checkbox"/> | Public Opinion <input type="checkbox"/> | Environment <input type="checkbox"/> | Social <input type="checkbox"/> | Economic <input type="checkbox"/> | Councillor Activity <input type="checkbox"/> |
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DISCUSSION

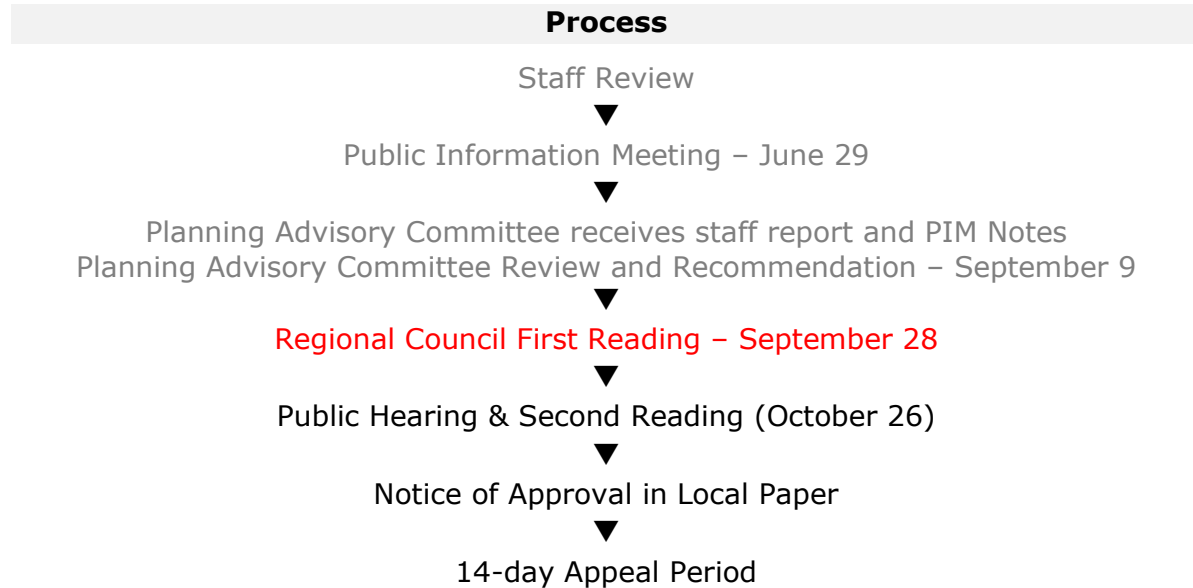
A Public Information Meeting was held on June 29, 2021.

On September 9, 2021, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC).

PAC/HAC recommended in favour of the proposed amendments on September 9, 2021.

NEXT STEPS

The process for this application is as follows:



FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality in relation to the filing of this report.

ALTERNATIVES

In response to the application, Council may decide to:

- provide alternative direction such as requesting further information on a specific topic.

APPENDIX

Appendix A Staff Report and Recommendation - File 21-11B

CHIEF ADMINISTRATIVE OFFICER REVIEW

As discussed at the September PAC/HAC, Farmer's Markets have become a staple source and supply of local food and products. The recommendation is in alignment with those values and will enable the continuation of the market inside if required hosted by the Windsor Agricultural Society.

I support the recommendation.

Report Prepared by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer