



West Hants

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

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

Date: January 12, 2023

Subject: Minimum Planning Requirements Regulations: Windsor; File #22-33

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204

2.0 RECOMMENDATION

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy by adding background and a policy referring to the Public Participation Program Policy, as shown in Appendix D of the January 12, 2023 report Minimum Planning Requirements Regulations: Windsor, File #22-33.

3.0 BACKGROUND

The Nova Scotia Minimum Planning Requirements Regulations (Appendix A) in s. 4 specify that *“In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following: (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice.”*

A Public Information Meeting regarding this requirement was held on December 8, 2022. The comment period ended December 22, 2022; no comments were received (Appendix B).

4.0 DISCUSSION

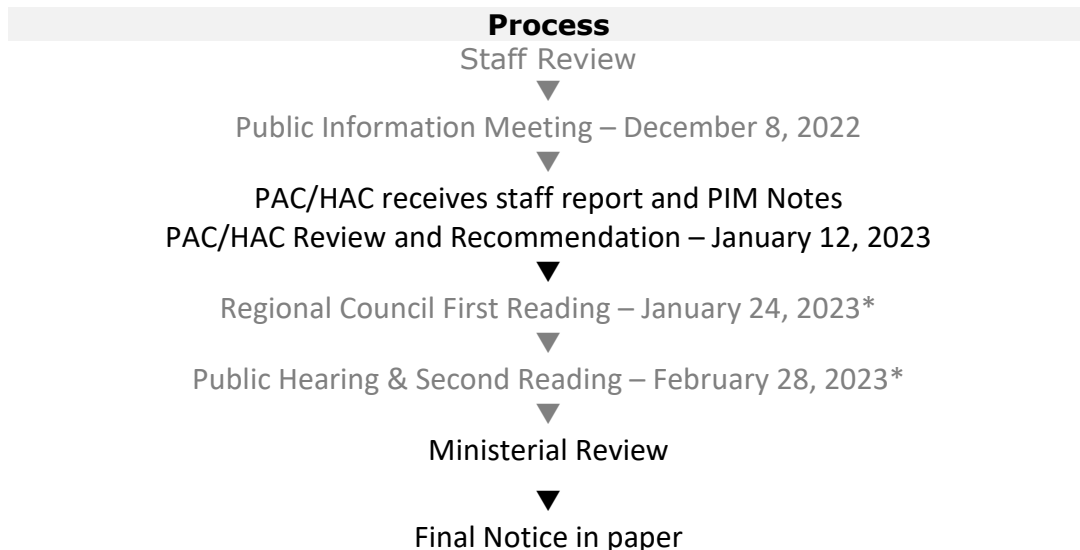
West Hants Regional Municipality (WHRM) established a Regional Public Participation Program Policy less than a month after consolidation. Amendments to the Public Participation Program Policy are also being recommended to the Planning and Heritage Advisory Committee January 12, 2023.

WHRM has three sets of planning documents: Hantsport, West Hants and Windsor. Each of the Municipal Planning Strategies meets the Nova Scotia Minimum Planning Requirements Regulations with one exception: each is missing policy referring to the Public Participation Program Policy. The proposed amendments (Appendices C and D) are intended to meet this requirement.

There are no policies within the WMPS which need to be considered in relation to the proposed amendments.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, and policies of the Windsor Municipal Planning Strategy (WMPS). There are no proposed map amendments. As a result, it is reasonable to amend the text of the WMPS to clarify the intent of Council regarding public engagement in planning processes.



*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to accept the draft amendments as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICIES

Appendix A Nova Scotia Minimum Planning Requirements Regulations

Appendix B Public Information Meeting Notes

Appendix C Windsor Municipal Planning Strategy Policies showing Proposed Amendments

Appendix D Draft Amendments to the Windsor Municipal Planning Strategy

Report prepared by: _____
Madelyn LeMay, Director, Planning and Development

APPENDIX A

**Minimum Planning Requirements Regulations
made under Section 214(4) of the
Municipal Government Act
S.N.S. 1998, c. 18
N.S. Reg. 140/2019 (effective December 3, 2019)**

Table of Contents

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

[Click here to go to the text of the regulations.](#)

[Citation](#)

[Definitions](#)

[Review of planning documents](#)

[Mandatory content](#)

[Matters subject to other enactment of Province](#)

[Discretionary content related to planning tools](#)

[Discretionary content related to engagement](#)

[Discretionary content related to fiscal matters](#)

[Discretionary content related to the natural environment](#)

[Discretionary content related to social aspects](#)

[Discretionary content related to resource lands, infrastructure and economic development](#)

[Discretionary content related to culture, heritage and landscape features](#)

[Discretionary content related to general matters](#)

Citation

1 These regulations may be cited as the *Minimum Planning Requirements Regulations*.

Definitions

2 In these regulations,

“Act” means the *Municipal Government Act*.

Review of planning documents

3 (1) A council must include policies in a municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law that implements the municipal planning strategy.

- (2) A municipal planning strategy and its implementing land use by-law must be reviewed no later than 10 years after the later of the following dates:
 - (a) the date it was adopted;
 - (b) the date it was last reviewed; and
 - (c) the effective date of these regulations.
- (3) Where a municipality has one or more secondary planning strategies, subsection (2) shall be satisfied if a municipal-wide municipal planning strategy and all the land use by-laws applicable in the municipality are reviewed within the timelines provided in subsection (2).
- (4) “Review” in relation to a municipal planning strategy, means a municipality’s consideration of the content of a municipal planning strategy to determine if it should be amended or replaced to ensure that it meets the purposes outlined in Section 213 of the Act and the minimum planning requirements.

Mandatory content

- 4 In addition to the requirements prescribed in subsection 214(1) of the Act, a municipal planning strategy must contain all of the following:
 - (a) a discussion of the background and contextual information that informed the goals and objectives of the municipal planning strategy;
 - (b) a map of the lands within a municipality that depicts the intended future uses of the lands as contemplated by the municipality’s municipal planning strategy;
 - (c) statements of policy with respect to the lands subject to the municipal planning strategy in relation to all of the following:
 - (i) residential uses,
 - (ii) commercial and industrial uses,
 - (iii) institutional uses,
 - (iv) recreational facilities and public open spaces, ~~and~~
 - (v) resource uses, where resources are present within a municipality;
 - (d) a statement of policy describing the procedures to be followed when reviewing a municipal planning strategy that must provide for public consultation and notice.

Matters subject to other enactment of Province

- 5** (1) A municipality may include in its municipal planning strategy statements of policy on land use relating to any of the matters set out in Sections 6 to 13 unless the matter is the subject of another enactment of the Province.
- (2) Provided it is not prohibited by another enactment, statements of policy referred to in subsection (1) may be more stringent than another enactment.

Discretionary content related to planning tools

- 6** A municipal planning strategy may include statements of policy on the use, content, development, and administration of the following:
- (a) zoning;
 - (b) development agreements;
 - (c) comprehensive development districts;
 - (d) site-plan approval areas;
 - (e) incentive or bonus zoning;
 - (f) accepting and using cash-in-lieu of required parking;
 - (g) studies to be carried out before undertaking specified developments or developments in specified areas;
 - (h) staging development;
 - (i) non-conforming uses and structures;
 - (j) subdividing land; and
 - (k) regulation or prohibition of development in areas based on noise exposure forecast or noise exposure projections.

Discretionary content related to engagement

- 7** A municipal planning strategy may include statements of policy on engaging with provincial and federal departments, First Nations, and non-abutting municipalities.

Discretionary content related to fiscal matters

- 8** A municipal planning strategy may include statements of policy on any of the following:
- (a) municipal investment for public and private development and coordinating public programs relating to the economic, social and physical development of the municipality;
 - (b) eligibility criteria for establishing a commercial development district including all of the following:
 - (i) the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 71C(1) of the Act, within the proposed commercial development district, and [*sic*]
 - (ii) the period over which the increase in the taxable assessed value of the properties occurs.

Discretionary content related to the natural environment

- 9** A municipal planning strategy may include statements of policy on any of the following:
- (a) climate change mitigation and adaptation;
 - (b) protecting the natural environment and biodiversity;
 - (c) protecting the coast;
 - (d) protecting water supplies;
 - (e) identifying, preserving and protecting landscape features;
 - (f) stormwater management and erosion control;
 - (g) excavating or filling of land, the placement of fill or the removal of soil;
 - (h) identifying, protecting, using and developing any of the following:
 - (i) lands subject to flooding,
 - (ii) steep slopes,
 - (iii) lands susceptible to subsidence, erosion or other geological hazards, and [*sic*]
 - (iv) wetlands or other environmentally sensitive areas.

Discretionary content related to social aspects

10 A municipal planning strategy may include statements of policy on any of the following:

- (a) how social issues must be incorporated into decision making;
- (b) promoting social well-being;
- (c) housing opportunities for a range of social and economic needs and to support aging in place;
- (d) promoting community food security;
- (e) accessibility standards to help prevent and remove barriers that disable people;
- (f) walkability; and [*sic*]
- (g) healthy built environments.

Discretionary content related to resource lands, infrastructure and economic development

11 A municipal planning strategy may include statements of policy on any of the following:

- (a) protecting and using resource lands;
- (b) infrastructure including municipal services and facilities and the means of recovering their cost;
- (c) generating, using, and conserving energy;
- (d) transportation services and networks including establishing transportation reserves; and [*sic*]
- (e) home occupations and home-based businesses.

Discretionary content related to culture, heritage and landscape features

12 A municipal planning strategy may include statements of policy on any of the following:

- (a) heritage property protection and heritage buildings;
- (b) sites of cultural, historical or archeological interest; and [*sic*]
- (c) other significant natural or human-made features.

Discretionary content related to general matters

13 A municipal planning strategy may include statements of policy on any of the following:

- (a) public health and safety; and [*sic*]
- (b) land use matters relating to the physical, economic or social environment of the municipality not otherwise prescribed in these regulations.

Appendix B
Public Information Meeting Notes
December 8, 2022 – December 22, 2022
File# 22-33A

Windsor Municipal Planning Strategy Amendments: Public Participation Program

Meeting date and time	A public information meeting was held on December 8, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-33A
Attending	Jennifer Nichols, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public present expressed interest in the proposed amendments.
Applicant none	Ms. LeMay outlined the proposed amendments, which are required by Regulations made under Section 204A of the MGA.
Adjournment	The presentation portion of the PIM ended at approximately 6:10 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 December 22, 2022.
PIM Submissions	No verbal or written submissions were received.

Appendix C

Taken from Windsor Municipal Planning Strategy December 28, 2022

Proposed Changes shown in blue

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.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

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.*

Policy 16.1.5 It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

APPENDIX D

PROPOSED WINDSOR MUNICIPAL PLANNING STRATEGY AMENDMENTS

Purpose: to clarify and add policy to the Municipal Planning Strategy which reflects Council's intention to maintain a Public Participation Program Policy.

1. In Part 16, implementation, immediately following the sentence "*It is recommended that a review be done at least every eight years.*" add the following paragraph:

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

so that the entire section reads as:

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.

A program of public consultation, known as a Public Participation Program Policy, has been in place and utilized in the area regulated by the Windsor planning documents since before 2008, and planning in this

area has been subject to the West Hants Regional Municipality Public Participation Program Policy since April 28, 2020, following the establishment of the Regional government. In order to ensure the requirements of the Municipal Government Act are met, Council is establishing a policy which will link the MPS and PPPP.

2. Immediately following Policy 16.1.4, add the following policy 16.1.5:

Policy 16.1.5 It shall be the policy of Council to establish and maintain a Public Participation Program Policy.

so that all policies read as:

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.*

Policy 16.1.5 *It shall be the policy of Council to establish and maintain a Public Participation Program Policy.*