



## **OPPORTUNITY TO COMMENT ON PROPOSED AMENDMENTS**

WHRM Planning and Development department is currently considering proposed amendments to allow approval of Development and Building Permits before Final Subdivision Approval on lots with Tentative Subdivision Approval. A Public Information Meeting was held March 19<sup>th</sup> with questions and comments accepted from the public. The proposed amendments have been refined since then. Questions or comments on the refined version of the proposed amendments can be sent until noon on May 1<sup>st</sup>.

### **BACKGROUND**

The Planning and Development Department is considering amendments to the following:

- Municipality of the District of West Hants Municipal Planning Strategy
- Municipality of the District of West Hants Land Use By-law
- Town of Windsor Municipal Planning Strategy
- Town of Windsor Land Use By-law
- WHRM Building Code Act By-law

The amendments would allow approval of Development and Building Permits before Final Subdivision Approval for dwellings up to 4 units on lots with tentative Subdivision Approval. The proposed amendments are general in nature and would affect all lands within the municipality.

The proposed amendments are intended to allow construction of dwellings up to 4 units to start on 12 proposed lots, fronting on and accessed by a proposed new street, shown on an approved Tentative Plan of Subdivision. This would allow for concurrent construction of the new dwellings at the same time as proposed streets and infrastructure, which could reduce start to finish project timelines for the overall development by 6-12 months.

Any excavation, construction, or work of any kind, that occurs under a development or building permit issued for a proposed lot with Tentative Subdivision Approval would be at the risk of the applicant and the issuance of a development permit for said lot would not relieve the applicant of the requirement to meet all conditions set out in the Subdivision By-law before Final Approval of Subdivision is granted to the proposed subdivision.

The applicant would be responsible for constructing and maintaining suitable emergency vehicle access to all areas under development, as well as installing signage clearly identifying the proposed lot number or civic address. This includes all maintenance of any proposed public road, including winter snow and ice clearing, which would be the sole responsibility of the applicant until Final Subdivision Approval is granted and road ownership has been transferred to the Municipality.

All applications for Development Permits on proposed lots with Tentative Subdivision approval would be required to submit a location certificate showing the proposed dwelling's location on the proposed lot.

The application would be reviewed to confirm the proposed dwelling would conform with all relevant requirements and regulations when and if Final Subdivision Approval is granted.

In order to ensure the current stringent standards for development continue to be upheld the Building Code Act By-law would be amended to provide for withholding Occupancy Permits for any buildings constructed on proposed lots with Tentative Subdivision Approval until the following conditions have been met:

- Final Subdivision Approval has been granted pursuant to the Subdivision By-law;
- the Subdivision has been registered with the NS Land Registry Office;
- a Work Within Highway Right-of-Way Permit has been granted by the relevant authority responsible for public roads; and
- water and sewer service connection approvals have been granted by the Municipality, if applicable.

The proposed amendments to sections 3.7(b) of the Building Code Act By-law and 2.5(d) of the Land Use By-laws clearly state the Occupancy Permit shall be withheld until those conditions are met. The conditions would also be included under the “Conditions” section on the Development and Building Permit.

A draft version of the proposed amendments is included for review and comment.

**Please submit all comments to Manager of Development Control Services, Derek Robertson, on or before noon May 1, 2026.**

- Email: [drobertson@westhants.ca](mailto:drobotson@westhants.ca)
- Phone: 902-798-8391 ext. 131
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## **DRAFT PROPOSED AMENDMENTS**

- Existing Text
- Added Text
- ~~Deleted Text~~

### Development Permit Conditions

Development Permits issued for development on proposed lots with Tentative Subdivision Approval will include the following additional items under the “Conditions” section:

This Development Permit has been issued pursuant to section 2.5 of the Land Use By-law. Any excavation, construction, or work of any kind, that occurs under this development or building permit shall be at the risk of the applicant and the issuance of a development permit for lots contained in an Approved Tentative Plan of Subdivision shall not relieve the applicant of the requirement to meet all conditions set out in the Subdivision Bylaw before Final Approval of Subdivision is granted to the proposed subdivision.

It is the applicant’s responsibility to construct and maintain suitable emergency vehicle access to all areas under development and install signage clearly identifying the proposed lot number or civic address. All maintenance of any proposed road, including winter snow and ice clearing, shall be the sole responsibility of the applicant.

As per 2.5(d) of the Land Use By-law and 3.7(d) of the Building Code Act By-law no Occupancy Permit shall be issued until Final Subdivision Approval has been granted pursuant to the Subdivision By-law; the Subdivision has been registered with the NS Land Registry Office; a Work Within Highway Right-of-Way Permit has been granted by the relevant authority responsible for public roads; and water and sewer service connection approvals have been granted by the Municipality, if applicable.

#### **4.17 One Main Building on a Lot**

The general intent of the Municipal Planning Strategy is to allow one main building on a lot with accessory buildings and structures. For certain types of development, however, more than one main building may be necessary. For example, industrial and agricultural uses often require several main buildings. Grouped dwellings and manufactured home parks, by their very nature, involve more than one main building on a lot. Furthermore, it has been the practice in West Hants to allow a second dwelling on a lot without subdividing, provided it can be shown that the lot is large enough to subdivide and all other requirements can be met.

**Policy 4.17.1** It shall be the policy of Council to allow only one main building on a lot with accessory buildings and structures except for the following zones or uses:

- a) farm buildings, or where an additional dwelling is to be used by a farm employee, farm owner or family member involved in the farm operation;
- b) industrial zones;
- c) regional shopping centres;
- d) grouped dwellings;
- e) institutional uses;
- f) manufactured home parks; and
- g) a second dwelling on a lot where it can be shown that a second lot could be created and the building can be shown to meet all other requirements.
- h) Residential dwellings on proposed lots contained on an Approved Tentative Plan of Subdivision.

#### **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.

As a result, it shall be the policy of Council to:

**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; Grouped dwellings;
- 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;
- h) grouped dwellings;
- i) Wentworth Road Commercial Zone (*WMPS 12-01 effective August 23, 2012*);
- j) in the Mixed Use (MU) zone (*WMPS 23-02 effective September 3, 2024*); and
- k) Residential dwellings on proposed lots contained on an Approved Tentative Plan of Subdivision.

## Municipality of the District of West Hants Land Use By-law

New Subsection under Section 2 Administration. Insert as section 2.5 and renumber subsequent sections accordingly.

### **Development Prior to Final Subdivision Approval**

#### **2.5**

- a) Notwithstanding the provisions of this Land Use Bylaw, within Growth Centres, a Development Officer may issue a development permit for proposed residential dwellings up to 4 units on no more than 12 proposed lots contained on an Approved Tentative Plan of Subdivision provided that:
  - i. if granted Final Subdivision approval the proposed development would comply with all applicable provisions of this Land Use By-law;
  - ii. the proposed development has been reviewed and approved by the Municipal Engineer for compliance with all relevant requirements and specifications of Municipal Public Works, including driveway access, and central servicing; and
  - iii. all lots to be approved are owned by the applicant;
- b) Any application for a development permit on a proposed lot shall include a Site Plan stamped by a Nova Scotia Land Surveyor showing the location of the proposed development on the proposed lot and meeting all requirements of section 2.6 of this Land Use By-law as they relate to the proposed lot.
- c) Any excavation, construction, or work of any kind, that occurs under a development or building permit issued for lands pursuant to clause 2.5(a) shall be at the risk of the applicant and the issuance of a development permit for lots contained in an Approved Tentative Plan of Subdivision shall not relieve the applicant of the requirement to meet all conditions set out in the Subdivision By-law before Final Approval of Subdivision is granted to the proposed subdivision.
- d) Occupancy shall not be permitted for any development issued a development or building permit on a proposed lot pursuant to this section of the Land Use By-law until;
  - i. Final Subdivision Approval has been granted pursuant to the Subdivision By-law;
  - ii. the Subdivision has been registered with the NS Land Registry Office;
  - iii. a Work Within Highway Right-of-Way Permit has been granted by the relevant authority responsible for public roads; and
  - iv. water and sewer service connection approvals have been granted by the Municipality, if applicable.

## Town of Windsor Land Use By-law

New Subsection under Section 2 Administration. Insert as section 2.5 and renumber subsequent sections accordingly.

### **Development Prior to Final Subdivision Approval**

#### **2.5**

- a) Notwithstanding the provisions of this Land Use Bylaw, a Development Officer may issue a development permit for proposed residential dwellings up to 4 units on no more than 12 proposed lots contained on an Approved Tentative Plan of Subdivision provided that:
  - i. if granted Final Subdivision approval the proposed development would comply with all applicable provisions of this Land Use By-law;
  - ii. the proposed development has been reviewed and approved by the Municipal Engineer for compliance with all relevant requirements and specifications of Municipal Public Works, including driveway access, and central servicing; and
  - iii. all lots to be approved are owned by the applicant;
- b) Any application for a development permit on a proposed lot shall include a Site Plan stamped by a Nova Scotia Land Surveyor showing the location of the proposed development on the proposed lot and meeting all requirements of section 2.6 of this Land Use By-law as they relate to the proposed lot.
- c) Any excavation, construction, or work of any kind, that occurs under a development or building permit issued for lands pursuant to clause 2.5(a) shall be at the risk of the applicant and the issuance of a development permit for lots contained in an Approved Tentative Plan of Subdivision shall not relieve the applicant of the requirement to meet all conditions set out in the Subdivision By-law before Final Approval of Subdivision is granted to the proposed subdivision.
- d) Occupancy shall not be permitted for any development issued a development or building permit on a proposed lot pursuant to this section of the Land Use By-law until;
  - i. Final Subdivision Approval has been granted pursuant to the Subdivision By-law;
  - ii. the Subdivision has been registered with the NS Land Registry Office;
  - iii. a Work Within Highway Right-of-Way Permit has been granted by the relevant authority responsible for public roads; and
  - iv. water and sewer service connection approvals have been granted by the Municipality, if applicable.

## Building Code Act By-law

### *Compliance with other By-Laws and regulations*

- 3.2 Any permit may be withheld until the Building Official is satisfied that the provisions of the Building Code Act, Municipal Government Act, any regulations and By-Laws enacted pursuant thereto including any Land Use By-law, Architectural Design Manual, Subdivision By-law, Sewer By-law, the Heritage Property Act and any regulations and By-laws enacted pursuant thereto and any applicable development agreement have been complied with.

### *Location certificates and footings permits*

- 3.3 A location certificate showing the location of the footings on the lot and certified by a Nova Scotia Land Surveyor shall be provided for
- a) every new main building except where the lot area is greater than three (3) acres (1.2 hectares).
  - b) where construction is proposed on a proposed Lot with Tentative Subdivision Approval pursuant to section 2.5 of the Municipality of the District of West Hants Land Use By-law or the Town of Windsor Land Use By-law.
- 3.4 Notwithstanding clause 3.3, the authority having jurisdiction may require a location certificate in any case where construction is proposed within 1.52m (5.0 ft.) of the setback that is required under any Land Use By-Law applicable in the Regional Municipality of Windsor and West Hants, the authority having jurisdiction may require a location certificate for additions, accessory buildings or new main buildings in order to be satisfied that the construction complies with the Land Use By-Law and Building Code.
- 3.5 Where a location certificate is required under this by-law:
- a) a footings permit shall be issued that authorizes the applicant to commence construction to the point of the second inspection as specified in Part 4; and
  - b) no building permit shall be issued until the footings have been installed to the satisfaction of the Building Official and the location certificate has been approved by the authority having jurisdiction.

### *Occupancy permit*

- 3.6 An occupancy permit is required:
- a) to allow the initial occupancy of a building or a part thereof;
  - b) when the occupancy classification of a building or part thereof is changed; or
  - c) to allow for occupancy after the partial demolition or alteration of a building.

3.7 The Building Official shall withhold an occupancy permit until satisfied that:

- a) the owner has posted a valid civic number as required by the Regional Municipality of Windsor and West Hants Civic Addressing By-Law; and
- c) For any structure constructed on a proposed lot with Tentative Subdivision Approval, for which the Development Permit was issued pursuant to section 2.5 of the Municipality of the District of West Hants or Town of Windsor Land Use By-law;
  - a. Final Subdivision Approval has been granted pursuant to the Subdivision By-law;
  - b. the Subdivision has been registered with the NS Land Registry Office;
  - c. a Work Within Highway Right-of-Way Permit has been granted by the relevant authority responsible for public roads; and
  - d. water and sewer service connection approvals have been granted by the Municipality, if applicable.