

involves considerable expense, which the Developers are not prepared to go through on the basis that they may lose out at the Public Hearing on the land use aspect of the application.

(Please refer to the attached Report of the Planning Advisory Committee entitled, History of the Planned Unit Development By-Law and in particular, the section entitled, "Existing Procedure for processing PUD Agreements".) This latter section details the problems encountered under the present procedure.

The Recommendations of the Planning Advisory Committee, as detailed in the attached Report to the PAC Report to Council were as follows:

"The most serious problem associated with the existing procedure for reviewing and negotiating a PUD Agreement is the fact that County Council does not hold the Public Hearing required by the By-Law until the contract has been written and is considered acceptable to the Planning Advisory Committee, staff and the developer. Considering the difficulties a developer can experience in meeting the informational requirement of the Department of the Environment prior to the completion of the contract, it is not uncommon for an environmentally sensitive proposal to take years to complete. Staff, the developer and concerned area residents may have to spend considerable time and money on a project whose future is not finally decided until a Public Hearing is held and any appeals disposed of.

Section 8 of the PUD By-Law reads as follows:

"Approval by Council pursuant to Section 4 of this By-Law shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with the Municipality containing such terms and conditions as the Council may direct, and the agreement shall be supported by a bond or other satisfactory security, sufficient in amount to ensure the performance of the agreement by the owner of the land."

Therefore, it would appear from this section that County Council has the authority to hold a Public Hearing on a development and to grant "Approval" to the project subject to an Agreement being negotiated that would contain such terms and conditions as directed by Council. The legality of this change in policy has been confirmed by the Municipal Solicitor, and staff would suggest the following procedure be adopted by County Council for processing PUD Agreements:

1. Written proposal or application from applicant.
2. Application reviewed by Planning and Development Staff and referred to other government departments for comments. (In the case of the Nova Scotia Department of the Environment, a detailed environmental assessment would not be required but a general statement outlining the concerns they would have regarding a specific proposal would be sufficient).
3. Upon receipt of general comments from any necessary departments, Planning & Development staff would prepare a report for County Council containing Staff's recommendation to either proceed with a public hearing or to reject the proposal.

4. If Council decides that a Public Hearing should be held, then staff will prepare an outline of the subjects that should be addressed in the Agreement.
5. If Council approves the proposal at the time of the Public Hearing, and upon the expiration of the appeal period, or the disposal of any appeals filed against Council's decision, staff will begin the negotiation of the agreement.
6. Upon completion of negotiations, the Agreement will be executed by the Warden and Clerk and registered at the Registry of Deeds.

The expected advantages to this change in the procedure are as follows:

- a) Concerned community residents and groups can make representation at the Public Hearing which will be held at the beginning of the process; and should Council agree, they may become involved in the negotiation of the Agreement;
- b) The developer will have a firm decision from the Municipality within a reasonable time frame and will therefore be better able to decide when to provide the Environmental Impact Statements required by the Department of the Environment;
- c) Staff will not have to waste valuable time processing and negotiating an Agreement that may never be executed."

The above were the recommendations of Staff referred to in the PAC Report and the following resolution of Council:

It was moved by Councillor Deveaux, seconded by Councillor Poirier:

"THAT the Staff recommendation to alter the procedure of processing PUD Applications be adopted by Municipal Council on a trial basis, which would be monitored by the Planning Advisory Committee and be re-examined at a later date (six months to one year)."  
(See Motion to Defer).

Also as part of the attached Reports to the PAC Report was a copy of The Planned Unit Development By-Law. The Deputy Warden referred to the word "scheme" which appeared repeatedly throughout the By-Law and suggested that this word be replaced with "change". However, Mr. Birch indicated to the Deputy Warden that this By-Law would eventually be eliminated once the MDP's are in place.

Councillor Wiseman advised that she could see Council being put in an equally unsatisfactory position, simply because Council would be hesitant to approve any PUD before becoming fully aware of the Environmental impact of the Development.

In response to this concern, Mr. Birch advised that it would be simple to write into the PUD Agreement a requirement that it must meet all the requirements of the Department of the Environment.

However, Councillor Wiseman advised that the County had run into problems with Developments before and cited the Millwood Development and the Rocky Lake Quarry as examples; she advised that these Developments had been approved yet some of the occurrences subsequent to that have not been to Council's satisfaction.

Councillor Mont questioned whether the PUD's would be coming back to Council for ratification before any of Staff's negotiations are completed, and he was assured by Mr. Birch that all of the Staff negotiations would have to come to Council for ratification.

Councillor MacKay advised that he would like to see any contracts entered into come back to Council after receiving comments from the Department of the Environment. He advised that three different parties had to be protected in any PUD Agreement: 1) The Developer; 2) Residents who may have some opposition to it; 3) Council.

Councillor MacKay advised that he was in support of the altered procedure at the PAC Level and that he was still in support of it, "In Principal"; however, some method must be found to expedite the process and make it more feasible for all parties concerned.

Councillor Wiseman questioned whether Council had the ability under the new procedure recommended by Staff, to ensure that environmental controls are being carried out.

Mr. Meech spoke at length on this advising that it would be the overall responsibility of Council (that if it was initially identified that there were to be certain studies conducted to ensure that potential problems were to be addressed) to ensure that these studies were followed through.

Councillor Mont suggested that if an agreement is to come back to Council anyway, that the sixth recommendation of Staff be amended to read:

"Upon completion of negotiations the Agreement be submitted to Council for final approval and when approved be executed by the Warden and Clerk and registered at the Registry of Deeds."

However, Warden MacKenzie pointed out that Council already had the assurance that any negotiations would be ratified by Council before being registered at the Registry of Deeds.

At this time in the Council Session the Sixth Scout Troup of Sackville retired from the Council Session.

Subsequent to further discussion, regarding the proposed changes to the PUD Agreement, Mr. Paul B. Miller, Solicitor on behalf of the Waverley and Riverlake Ratepayers' Associations was invited to speak on the proposed changes.

Mr. Miller outlined the concerns of these Associations advising that the recommended changes would effectively negate any meaningful Public Participation. He spoke at length on this issue, summarizing his comments by advising that rather than achieving what Mr. Birch, the Chief of Planning and Development felt it would, it would merely force concerned residents and ecology active groups to change their strategy and appeal Regional Development Permits as opposed to appealing a decision of Council.

He advised there were three PUD's being negotiated in District No. 14 at the present time:

1. The Cobequid Industrial Park;
2. Metro Aggregates;
3. Atlantic Gas Products Ltd.

Mr. Miller advised that from the residents point of view the Atlantic Gas Products PUD has been a model PUD from the beginning, as the Developer has invited input from the residents before it even went to the Municipality.

Another concern he expressed on behalf of the Resident's Associations was that this particular agenda item had not even been made public knowledge; he only stumbled upon it accidentally himself. He advised that the preview of the Council agenda which had been published in last evening's newspaper did not give enough insight into the matter.

With regard to the Atlantic Gas Products Ltd. PUD, Mr. Birch advised he had little, if any, information on this proposal. He advised that he had received one piece of correspondence with neither a return address or telephone number on it and has had no further contact.

Council debated with Mr. Miller at some length in regard to his concerns.

Councillor Lichter advised that Mr. Miller's concerns were also discussed at the Planning Advisory Committee. These concerns were as follows:

- a) Public Participation Aspect; (whether the public would feel they were not being given enough information at the time of the Public Hearing); and
- b) Whether Council would have enough information at the time of the Public Hearing.

Councillor Lichter advised Council that the Planning Advisory Committee had been assured by Staff that if this new approach was taken, there would certainly be as much information available as Council has had in other PUD Arrangements except that Council would not have the final approval of the Department of the Environment which they are not willing to give prior to any kind of Public Hearing.

The Councillor made a further point advising that he and other PAC members were particularly concerned with the possibility that if the Public has to come into a Public Hearing without knowing a great deal of the details of the Plan, they may be more likely to oppose even a good Development Plan than they would be otherwise. He advised that this was the reason that the Planning Advisory Committee has recommended this new procedure be followed only on a trial period.

It was moved by Councillor MacDonald, seconded by Councillor Deveaux:

"THAT this issue be deferred until the next Council Session."  
Motion Defeated.

Subsequent to further discussion, mainly pertaining to the Environmental concerns, the question was called on the motion.

It was moved by Councillor Deveaux, seconded by Councillor Poirier:

"As written previously."  
Motion Carried.

#### Implications for Expanding the 1983 MDP Program

Ms. Valerie Spencer, Supervisor, of the Planning - Policy Division came before Council at this time to outline her Report in response to Council's request for information (costs, etc,) of adding Districts 8 and 9 to the five other districts approved as priority plan areas for Stage 2 of the 1983 MDP program. This request had been made at the February 1, 1983 Council Session when the 1983 program had been outlined to Council and a motion had been passed which effectively added these two districts as priority plan areas.

Ms. Spencer's report indicated that at that time, Council had been advised that the addition of these areas would not be possible with the existing staff complement and the first priorities of Stage 2 had been chosen with availability of staff firmly in mind. The discussion paper had also indicated that planning on the process should be redesigned to best fit the needs of both the Municipality and Eastern Shore Residents.

The Report continued, advising:

"After considering the existing staff complement and the necessary additions to staff to complete an MDP for Districts 8 and 9, it is felt that in terms of additional personnel, there is no identifiable difference between proceeding with planning in the two districts and proceeding with planning on the Eastern Shore as a whole. There would, however, be differences in terms of operating and production costs, and, more importantly, in terms of Districts 5, 14, 15, 18, and 19 for which MDP processes have already been approved. With the addition of extra staff for the Eastern Shore, extra time would be necessary to ensure that these and existing staff are allocated in the best manner for the Municipality."

Ms. Spencer advised that it is possible to proceed with a municipal development plan process in Districts 5, 14, 15, 18 and 19 without requiring additional staff input to the implementation of existing MDPs, which does not mean that Policy Division Staff are capable of carrying out the implementation of all plan policies simultaneously; however, staff can support a process and continue with implementation on an ongoing basis.

Ms. Spencer also advised that additional staff in the Policy Division would necessitate certain alterations, both physical and supervisory, which could be accommodated without significant effect on planning processes. Should additional staff be assigned to additional plan areas, these alterations may become more severe. Added demands upon senior staff would also change the Division's capacity to respond to other Council matters.

Ms. Spencer had provided estimated additional costs to include Districts 8 and 9 to the five other districts approved as priority plan areas for Stage 2 of the MDP process. However, she advised that these costs do not take into account any hidden costs involved in reassignment of staff and supervision in order to accommodate the best allocation of personnel, nor do they reflect any effects on Division readjustment by virtue of increasing MDP personnel by approximately 50%.

The total additional costs for salaries, benefits, equipment, advertising, travel, supplies and technical overtime amounted to a maximum of \$95,500 which is over and above the budget being brought to Council shortly. (Please refer to report for details of the above additional costs.)

The following points were also made with regard to the additional costs.

1. Costs are for a period of twelve months.
2. Costs do not include costs of hiring nor take into account failure in hiring.
3. Existing and future municipal building is not designed for additional staff - costs do not include renovations.
4. Additional Stenographer may be required. This would be undetermined for first six months of Stage 2. If required, costs approximately \$14,400 for salary-work station.
5. Costs do not include any commitments to staff in form of training, courses, conferences.
6. Costs assume full approval of Division's 1983 proposed budget.
7. Costs will not be shared by the Department of Municipal Affairs.

In regard to point no. 7, Ms. Spencer advised the Province has agreed to cost-share 50% of the financial commitments necessary for an MDP process; however, the Province is also on the 6-5% and have set their budgets quite firmly. She advised that on an increase of this amount there is no evidence that they will cost-share 50%, if at all.

It was moved by Councillor Deveaux, seconded by Councillor Adams:

"THAT Council proceed with the addition of Districts 8 and 9 to the five priority plan areas for Stage 2, as previously moved at the February 1st Regular Council Session, subject to receiving 50% cost sharing from the Department of Municipal Affairs for the additional costs."  
(Motion Withdrawn).

Subsequent to lengthy discussion, in which it was determined that the above motion would make the inclusion of Districts 8 and 9 conditional upon receiving 50% cost-sharing from the Province, the motion was withdrawn. This was due to the fact that at the last Council Session it had already been agreed that Districts 8 & 9 would be included. The following motion was put in its stead.

It was moved by Councillor Gaetz, seconded by Councillor Larsen:

"THAT Council proceed with the addition of Districts 8 and 9 to the five priority plan areas for Stage 2, as previously moved at the February 1, Regular Council Session and further that the Municipality seek as much funding as possible from the Provincial Department of Municipal Affairs, for the additional costs."  
Motion Carried.

The above motion was carried subsequent to lengthy debate in Council, for several reasons:

1. It was unclear to many Councillors whether the motion would give approval to the hiring of additional staff and the additional expenditure of approximately \$100,000 over each 12-month period until the plans were completed;
2. Several Councillors, in particular Councillor Lichter, felt there was no need for a motion at all as the Report from Ms. Spencer was in response to Council's request for a report on the impact of adding the two Districts and was not a recommendation.

Subsequent to discussion and reiteration of the motion several times, it was clear, that once passed, this motion would pave the way for the hiring of additional staff and expenditure of an approximate amount of \$100,000 over each 12-month period until the Plans were completed.

It was moved by Councillor Walker, seconded by Councillor Lichter:

"THAT there be a Notice of a Motion of Reconsideration."  
Motion Carried.

Ms. Spencer retired from before Council with the definite understanding that she was to commence with the hiring of the additional staff and supplies required to add Districts 8 and 9 to the priority areas of Stage 2 of the MDP program.

#### Lands Lying West of the Beaverbank Connector

Mr. Meech outlined this item from the Planning Advisory Committee Report which advised:

"At the February 7, 1983 meeting of the Planning Advisory Committee, the Development Division staff gave a visual presentation outlining the development capabilities of that parcel of land bordered by the Beaverbank Road, the Beaverbank Connector, Connolly Road and Sackville Drive. The general problem in relation to this parcel of land is landowners are unable to develop their lands because of lack of road access. Mr. George Cousins (a landowner who is affected by the above mentioned restriction in that 3/4 of his land holdings are undevelopable), was in attendance during the staff presentation. Mr. Cousins relayed that he has experienced a number of frustrations over the past years in trying to develop his lands.

In considering this issue, the Committee recognized that if "limited access" was lifted from the Beaverbank Connector, this would eliminate the current road access problems associated with the development of these lands. In view of this, the following resolution was adopted by the Committee:

That a recommendation be forwarded to Council requesting that Council follow-up the Committee's recommendation that the Department of Transportation amend it's regulations to allow access to those lands off of the Beaverbank Connector."

Subsequent to brief discussion of the above,

It was moved by Councillor DeRoche, seconded by Councillor MacKay:

"THAT Municipal Council follow-up the recommendation of the Planning Advisory Committee, that the Department of Transportation amend it's regulations to allow access to those lands off of the Beaverbank Connector."  
Motion Carried.

#### SUPPLEMENTARY PLANNING ADVISORY COMMITTEE REPORT

##### Rezoning Application No. RA-CH-W-01-83-07

Mr. Kelly outlined this item, a request by Mr. Carl Pettipas to rezone Lot C.P.-1 of the lands of Mae Kelly, located on Highway No. 7 at Westphal, District 7 from C-4 (Highway Commercial) Zone to R-1 (Single Unit Dwelling) Zone.

Mr. Kelly advised that at the February 14 meeting of the Planning Advisory Committee, Mr. Gough, Director of Development outlined this application for which the stated purpose was to construct a single unit dwelling. Planning and Development Staff recommend approval of the request for the following reasons:

- a) The request is in conformity with Policy P-93 of the Cole-Harbour-Westphal MDP;
- b) Since the land use (single unit dwelling) can be considered to be a continuation of the land use in the immediate area, it is not anticipated that the R-1 zoning will create an incompatible land use situation.



The Planning and Development Committee passed a resolution recommending that Council hold a Public Hearing to consider approval of the above rezoning request.

Rezoning Application No. ZA-LM-18-82

Mr. Kelly also outlined this item, a proposed amendment to the Zoning By-Law for the Communities of North Preston, Lake Major, Lake-Loon-Cherry Brook and East Preston, regarding lot frontage definition.

The PAC Report advised:

"The request for this amendment was submitted by the Lake Major Joint Action Committee who has specifically requested that the amendment only apply to the communities of North Preston and East Preston because of their Rural Nature.

This request originated as a result of residents from the North Preston area experiencing difficulties in obtaining final subdivision approval for building lots under the Zoning By-Law in that the definition "lot frontage" of the by-law requires the frontage to be measured at the minimum applicable setback or building line. Planning and Development Staff in reviewing the request of the Lake Major Joint Action Committee, are in agreement with the proposed amendments and recommend approval of same ... recommending that Council hold a Public Hearing to consider approval of the request." ...

It was moved by Councillor DeRoche, seconded by Councillor Adams:

"THAT a Public Hearing be held Monday, March 21, 1983 to consider Rezoning Application No. RA-CH-W-01-83-07 and Rezoning Application No. ZA-LM-18-82, at 7:00 P.M. in the Municipal Council Chambers."  
Motion Carried.

REPORT OF THE DIRECTOR OF DEVELOPMENT

It was moved by Councillor Adams, seconded by Councillor Deveaux:

"THAT the Report of the Director of Development be received."  
Motion Carried.

POLICY COMMITTEE REPORT

It was moved by Councillor Gaetz, seconded by Councillor Gaudet:

"THAT the Policy Committee Report be received."  
Motion Carried.

Amendment to the By-Law Respecting Blasting & Dangerous Materials

Mr. Kelly advised that the Policy Committee has reviewed an amendment to the By-Law respecting Blasting and Dangerous Materials. (A copy of the amendment prepared by Solicitor Cragg was included in the Agenda)

Mr. Kelly advised that the Section 1(2) of the by-law corrects District Numbers, and Section 7(2) of the by-law is amended by deleting the words "public works" and substituting the word "management" in reference to the appropriate committee.

It was moved by Councillor MacKay, seconded by Councillor Baker:

"THAT the By-Law respecting Blasting and Dangerous Materials be amended in Section 1(2) and Section 7(2) as recommended by the Policy Committee."

Motion Carried.

#### Amendment to the Deed Transfer Tax By-Law

Mr. Kelly outlined this item, advising that the amendment merely corrects the By-Law Number changing it from "24" to "50".

It was moved by Councillor Wiseman, seconded by Councillor Mont:

"THAT the Deed Transfer Tax By-Law be amended as recommended by the Policy Committee."

Motion Carried.

#### Request for Loan and District Capital Grant - Harrietsfield-Sambro Fire Department

Mr. Kelly outlined this item, advising that it was the recommendation of the Policy Committee that Council approve a loan to the Harrietsfield-Sambro Fire Department in the amount of \$20,000. and a District Capital Grant of \$8,000 to be repaid over a ten year period of principal and interest and further that Council reserve the right to levy an area rate to recover any outstanding balance of principal and interest.

It was moved by Councillor Baker, seconded by Councillor Gaudet:

"THAT Municipal Council approve a loan to the Harrietsfield-Sambro Fire Department in the amount of \$20,000 and a District Capital Grant of \$8,000 and further that the loan be repaid over a ten-year period of principal and interest and further that Council reserve the right to levy an area rate to recover any outstanding balance of principal and interest."

Motion Carried.

#### Request for Loan, District Capital Grant and General Capital Grant Beaverbank-Kinsac Fire Department

Mr. Kelly outlined this item to Council advising:

"The Policy Committee received a request from the Beaverbank-Kinsac Fire Department for a loan, a General Capital Grant and a District Capital Grant totalling \$62,000 for the purchase of a pumper fire vehicle.

The Policy Committee recommend to Council for approval, a loan to the Beavercreek-Kinsac Fire Department in the amount of \$31,000., a General Capital Grant of \$29,000., and a District Capital Grant of \$2,000.

The loan would be repaid over a ten year period of principal and interest. Further, Municipal Council reserves the right to levy an area rate to recover any outstanding balance of principal and interest."

Council discussed the allocation of general capital grant funds for fire department usage. Mr. Meech advised that at the moment there are no guidelines to limit the usage of the funds for this purpose; however it has been decided that a hold should be put on it for the short term while some guidelines are being worked out, and a Report being prepared on how better to manage these funds.

This discussion had been initiated by Councillor Larsen who expressed concern at the large amount of the general capital grant being used in this instance, in comparison to the amount of the District Capital Grant.

Subsequent to discussion:

It was moved by Deputy Warden Margeson, seconded by Councillor Snow:

"THAT a General Capital Grant in the amount of \$29,000, a District Capital Grant in the amount of \$2,000 and a loan in the amount of \$31,000 be allocated to the District 15, Beavercreek-Kinsac Fire Department for the purchase of a pumper fire vehicle valued at \$62,000 and further that the loan be repaid over a ten-year period of principal and interest with Council reserving the right to levy an area rate to recover outstanding balance of principal and interest."

Motion Carried.

#### Request for District Capital Grant - Chezzetcook Volunteer Fire Department

The Policy Committee had also received a request from the Chezzetcook Volunteer Fire Department for a District Grant in the amount of \$557.50 for improvement to the land of the Department.

It was moved by Councillor DeRoche, seconded by Councillor MacDonald:

"THAT Council approve a District Capital Grant in the amount of \$557.50 for the Chezzetcook Volunteer Fire Department."

Motion Carried.

#### Request for General Capital Grant and District Capital Grant - I.O.O.F. Hall, Middle Musquodoboit

Mr. Kelly outlined the Policy Committee Report which read:

"The Policy Committee received a request from the I.O.O.F. Hall, Middle Musquodobit, for a General Capital Grant of \$6,000., and a District Capital Grant of \$6,000 towards the funding for carrying out general repairs to the I.O.O.F. Hall in Middle Musquodobit. The repairs include improvements to the roof and installation of new fire escapes. The balance of the funding for this project is a NEED program, \$10,000 and Community Funds of \$2,000 for a total estimated cost of \$24,000. While this Hall is not owned by the Municipality, it is understood that it is the intention of the Oddfellows to transfer title of the Hall to the Municipality, for the price of \$1.00 and that this transfer will take place when the annual meeting of the Oddfellows is scheduled for later in the year."

It was moved by Councillor Reid, seconded by Councillor Snow:

"THAT Council approve a General Capital Grant of \$6,000 and a District Capital Grant of \$6,000 towards the funding of the repairs to the I.O.O.F. Hall in Middle Musquodobit."  
Motion Carried.

#### REPORT OF THE METROPOLITAN AUTHORITY

As previously noted under Letters and Correspondence, a letter had been received by Mr. Kelly from Mr. R. Mort Jackson, Executive Director of the Metropolitan Authority. This letter had been distributed to all Councillors and it read as follows:

"This is further to our correspondence concerning the Municipal Council resolution dealing with possible lay-offs at the Halifax County Correction Centre.

I am now able to advise that at a meeting of the Metropolitan Authority held February 10th, 1983, the Council resolution was discussed at length, and it was resolved that the Authority's position with respect to the lay-offs be maintained.

Again, I would add that it is also the position of the Authority, that the lay-offs would not result in a reduction of security at the Centre."

It was moved by Councillor Deveaux, seconded by Councillor Gaetz:

"THAT the Letter from R. Mort Jackson be received."  
Motion Carried.

Councillor MacKay advised that some time ago, at a previous Council Session a motion was passed that representatives of the Metropolitan Authority were afforded the opportunity to meet with the Policy Committee. At that time, the Committee discussed whether interested Councillors and Union Representatives would also be able to meet with the Committee to discuss negotiations. However, he indicated his understanding that the Policy Committee did not want such a meeting with the Union representatives.

Warden MacKenzie advised that no firm decision had been made in this regard. However, the feeling had been expressed at that meeting that the Correction Officers would not be invited to meet with Council.

It was moved by Councillor MacKay, seconded by Councillor Snow:

"THAT representatives of the Halifax County Correctional Centre Union be afforded the opportunity to meet with the Policy Committee and this meeting shall be accessible to any interested Councillors."

Motion Defeated.

The motion was defeated subsequent to lengthy Council debate in which the majority of Council indicated that the Policy Committee or Council had no mandate to take any action with regard to the negotiations between the Union and the Metropolitan Authority, so there was little point in becoming involved to the extent of holding audience with the Union during their negotiation period.

#### Report, Re: Solid Waste Management

Councillor MacDonald also advised that he was in possession of a Report from R. A. MacEachern, P. Eng., Manager, Solid Waste Management. This was the monthly Report for January 1983.

Councillor MacDonald indicated that he would have copies made and circulated to all Councillors.

#### BUILDING INSPECTORS REPORT

It was moved by Councillor Gaudet, seconded by Councillor Baker:

"THAT the Building Inspectors Report be received and the applications for lesser setback contained therein, (application for lesser setback of 25', Lot A, Ward Little Subdivision, Terence Bay, Applicant Robert Probert and application for lesser setback of 15', Lot 97, Forest Hills, Cole Harbour, Applicant Eugene O'Donnell) be approved by Municipal Council."  
Motion Carried.

#### SUPPLEMENTARY MANAGEMENT COMMITTEE REPORT

It was agreed by Council, that the Supplementary Management Committee Report be received.

#### Seminar - Institute of Public Affairs

The Report of the Management Committee read:

"The Management Committee reviewed the seminar for elected officials to be held at the Institute of Public Affairs Conference Centre on February 17th and 18th. ... The Management Committee recommend that two Council members be selected to attend this Seminar."

Councillor Wiseman indicated to Council that this information was coming forward at such a late date because Staff had previously been requested to explore the possibility of having the Seminar given in the Municipal Council Chambers so that all Councillors could benefit from it at a mutually convenient time. However, subsequent to investigation this had proven to be too expensive to consider and in the meantime, the availability of spaces had decreased so that at the present time only two Councillors could be considered.

It was indicated that the Registration Cost, per Councillor would be \$125.00 each.

It was moved by Councillor Wiseman, seconded by Councillor Gaetz:

"THAT two representatives of Municipal Council be sent to the Seminar entitled, "Making Meetings More Productive" at the Institute of Public Affairs, February 17th and 18th.  
Motion Carried.

It was moved by Councillor Deveaux, seconded by Councillor Poirier:

"THAT Councillors Gaetz and Gaudet be nominated to attend the Seminar at the Institute of Public Affairs, entitled "Making Meetings More Productive".  
Motion Carried.

There were no further nominations and both Councillors accepted.

#### RESOLUTION RE, PEDESTRIAN CROSSWALK

Mr. Kelly explained that a Resolution was required by the Department of Transportation for the establishment of a Pedestrian Crosswalk - Highway No. 2 at Coach Avenue, Fall River .

A copy of the required Resolution had been distributed to all Councillors.

It was moved by Councillor Snow, seconded by Councillor Mont:

"Whereas by virtue of the Motor Vehicle Act, it is enacted that the Department of Transportation of the Province of Nova Scotia shall be responsible for the establishment of pedestrian and school crosswalks at those locations within the Province of Nova Scotia duly approved by the aforesaid Department for such a purpose; and Whereas the Department of Transportation of the Province of Nova Scotia requires that any requests made of the aforesaid Department to establish a pedestrian crosswalk in the vicinity of the intersection of Highway Number 2 and Coach Avenue in Fall River, in the County of Halifax, in the Province of Nova Scotia; Be it Therefore Resolved that the Municipality of the County of Halifax do hereby request that the Department of Transportation of the Province of Nova Scotia establish, with all due speed and dispatch, a pedestrian crosswalk in the vicinity of the intersection of Highway No. 2 and Coach Avenue in Fall River, in the County of Halifax, Province of Nova Scotia." Motion Carried.

Prior to the passing of the above resolution, Councillor DeRoche questioned Mr. Kelly in regard to a previously requested Report on who is to pay for Crosswalk Markings and also on the necessity for Resolutions to be passed for crosswalks.

Mr. Kelly indicated that he had a letter addressed to Mr. Bill Keenan, dated October 1st, from the Director of Traffic Engineering at the Department of Transportation. He advised that this letter had been distributed to Council.

However, Councillor DeRoche and several other Councillors had not received copies of this letter. Therefore, Mr. Kelly read into the record, the lengthy and comprehensive letter which indicated the difference between pedestrian and school crosswalks. It was agreed that all Councillors who did not have a copy of this letter would receive a copy immediately. (Please refer to copy of letter for details).

Councillor DeRoche also questioned who had the responsibility for maintaining crosswalks.

Councillor Deveaux answered this question, advising that it is the present Policy of the Department of Transportation to maintain their Crosswalks; therefore, he felt they would continue to maintain crosswalks.

#### ADDITION OF ITEMS

##### Recreational-Community Use Facilities - Councillor MacKay

Councillor MacKay questioned when the Report would be prepared regarding the taxation of recreational and-or community use facilities.

He was advised by Mr. Meech that this Report has already been prepared and discussed by Committee and will be brought forward for Council's ratification at the following Council Session.

Councillor MacKay indicated he would be away at the next Session and there were several facilities which he wanted to ensure be included in category 01; he had had difficulty in obtaining this status for the facilities in question in the past.

However, Mr. Meech assured the Councillor that these facilities were on the Report in the 01 category and that this Report would be adopted as a By-Law at the next Council Session, ensuring that they maintain this status.

Councillor MacKay, however, was adamant that he be present when this Report is discussed and requested that the Report be deferred until the March 15th Council Session when he would be present.

It was moved by Deputy Warden Margeson, seconded by Councillor Snow:

"THAT the Report regarding taxation of Recreational and-or Community Facilities be deferred until the the March 15, 1983 Council Session."

Motion Carried.

Extension of Thanks - Deputy Warden Margeson

The Deputy Warden indicated that Mr. John Markesino had been present earlier this evening and he had wanted to extend to him, and his Staff his "Thanks" for their efforts in co-ordinating the Halifax County Winter Carnival. However, he had not had an opportunity to do so when Mr. Markesino was present; therefore, he requested that this sentiment be passed along.

It was moved by Deputy Warden Margeson, seconded by Councillor Deveaux:

"THAT Mr. Markesino and his Staff be commended for a wonderful job in co-ordination of the events at the Halifax County Winter Carnival."

Motion Carried.

Title of Warden, Deputy Warden, Mayor, Deputy Mayor - Deputy Warden Margeson

Deputy Warden Margeson indicated that he had read in a December issue of the Union of Nova Scotia Municipalities Bulletin, an item regarding the titles of Mayors, Deputy Mayors, Wardens, Deputy Wardens, Councillors and Aldermen; this article had indicated that there may be some feasibility in making these titles the same. For example: Wardens would become Mayors, etc.

It was moved by Deputy Warden Margeson, seconded by Councillor Snow:

"THAT the Policy Committee investigate and discuss the feasibility of making the titles of Council representatives and Heads of Council identical for all Municipalities, whether Cities, Towns or Counties."

Motion Carried.

Transit Shelters - Councillor Wiseman

Councillor Wiseman indicated that the Metropolitan Transit Commission would soon be receiving a number of Transit Shelters.

It was moved by Councillor Wiseman, seconded by Councillor MacDonald:

"THAT the Metropolitan Transit Commission be requested to prioritize, for Transit Shelters, those areas that have express runs and line hauls, when allocating these shelters."

Motion Carried.



Mosher Island Residents - Councillor Larsen

Councillor Larsen indicated that the Mosher Island Residents would like to make a brief presentation to Council at the following Council Session, March 1, 1983. Mr. Kelly indicated that there were already a number of presentations scheduled for that date; however, Councillor Larsen indicated that this presentation would be brief and that there was some urgency in the matter to be discussed.

It was agreed by Council that this delegation be permitted to make a presentation to Council at the March 1 Session.

Preliminary Budget - Mr. Meech

For Council's information only, Mr. Meech indicated that it was Staff's intention to table the Budget at the March 1st meeting of Council.

Notice of Motion of Reconsideration

Councillor Walker indicated that he would like to withdraw his notice of motion of reconsideration and instead place a motion to rescind the earlier motion with regard to adding Districts 8 and 9 to the priority areas of the second stage of the MDP Program, as he was unsure of the intent of this motion, relative to the hiring of additional staff and the expenditure of additional funds.

It was moved by Councillor Walker, seconded by Councillor Lichter:

"THAT Council rescind the earlier motion made by Councillors Gaetz and Larsen relative to adding Districts 8 & 9 to the priority areas of Stage 2 of the MDP Program and to seek additional funding from the Department of Municipal Affairs."  
Motion Defeated.

ADJOURNMENT

It was moved by Councillor DeRoche, seconded by Councillor Deveaux:

"THAT the Regular Council Session adjourn."  
Motion Carried.

Therefore, there being no further business, the Regular Council Session adjourned at 10:35 P.M.

MINUTES & REPORTS

OF THE

FIRST YEAR MEETINGS

OF THE

FORTY - FIRST COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

ANNUAL COUNCIL SESSION

TUESDAY, MARCH 1 and 15, 1983

and

APRIL 19, 1983

&

COMMITTEE OF THE WHOLE COUNCIL MEETING

MARCH 10, 1983

&

JOINT COUNCIL SESSION

MARCH 10, 1983 *& March 24/83*

&

PUBLIC HEARING

MARCH 21, 1983

COMMITTEE OF THE WHOLE COUNCIL MEETING

MARCH 10, 1983 - 1:30 P.M.

All Councillors Present excepting Councillor DeRoche and Councillor Eisenhauer

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The session was convened by Warden MacKenzie after the traditional Lord's Prayer and Roll Call.

Warden MacKenzie indicated that the intent of today's session was to discuss the Municipality's position relative to the request of the Halifax County-Bedford District School Board prior to the Joint Session to be held this afternoon at 4:00 p.m. with the Bedford Town Council. He further indicated that today's scheduled review sessions would be switched to Friday and that an additional day would be identified to review the budget reviews proposed at present for Friday, March 11, 1983.

After considerable discussion of the request from the District School Board, the following resolutions were put forward for consideration.

It was moved by Deputy Warden Margeson, seconded by Councillor MacDonald:

"THAT Council recommend to the Joint Session of both Councils an approval of a sum for the District School Board for fiscal year 1983 which would provide for an allocation of \$10,500,000. from the Municipality of the County of Halifax."  
Motion Defeated.

It was moved by Councillor MacKay, seconded by Councillor Bayers:

"THAT Council recommend to the Joint Session that the budget request of the District School Board requiring a sum of \$11,005,247. from the Municipality of Halifax County be approved for 1983."  
Motion Carried.

Considerable discussion took place respecting future contributions to the District School Board and in particular relative to the contribution by the Municipality for excess costs.

It was moved by Deputy Warden Margeson, seconded by Councillor Baker:

"THAT we recommend to Council that the contribution to the District School Board Budget for fiscal year 1984 will be fixed at a maximum of a 5 percent increase over the sum approved for the year 1983."  
Motion Defeated.

The meeting then concluded and reconvened in a joint session with the Bedford Town Council.

JOINT COUNCIL SESSION BETWEEN THE COUNCIL OF THE  
MUNICIPALITY OF HALIFAX COUNTY AND THE TOWN OF BEDFORD

MARCH 10, 1983

PRESENT WERE: Warden MacKenzie  
Councillor Walker  
Councillor Poirier  
Councillor Larsen  
Councillor Gaudet  
Councillor Baker  
Councillor Deveaux  
Councillor Adams  
Councillor Gaetz  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Deputy Warden Margeson  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont

ALSO PRESENT: Mayor Roberts - Bedford Town Council  
Councillor Lugar  
Councillor Short  
Councillor Roy  
Councillor Loncarevic  
Councillor Doyle  
Councillor Tolson

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The meeting convened under the joint chairmanship of Warden A. MacKenzie and Mayor K. Roberts with the specific agenda item being the approval of the excess costs to the Halifax County - Bedford District School Board for the year 1983.

The Warden, in his opening remarks, advised the Joint Council session that the Chairman of the School Board had asked for both Councils to defer the decision on the School Board Budget until such time as the School Board had completed its series of public meetings in various parts of the County.

Mayor Roberts also indicated that he had received a similar request, however it was pointed out that the issue was completely at the discretion of both Councils to decide.

At this point it was concluded that the joint session would attempt to reach a decision on the School Board Budget for 1983.

It was moved by Councillor Tolson, seconded by Councillor MacKay:

"THAT the joint councils give approval to a sum of \$5,354,343. towards excess costs for the fiscal year 1983."

A vote was then taken with the following results:

For: 12 Against: 13

It was pointed out by the Chairman that the agreement in existence between the Municipality and the Town of Bedford provides that an 80 % majority vote of the combined Council's is required to give legal effect to the contribution towards excess costs.

It was concluded that a minimum of 20 be required at today's session to give final approval to the School Board Budget.

Following the aforementioned resolution, many Councillors addressed the issue of the School Board request and in particular, certain Council members expressed desire to establish a long range policy that would provide the School Board with advance information on future contributions specifically related to the excess costs.

Subsequently it was suggested that the Superintendent of Schools and the Chairman of the School Board be invited to join the joint Council session to respond to various questions.

It was moved by Councillor Walker, seconded by Deputy Warden Margeson:

"THAT the Chairman and Superintendent of the District School Board be invited to join the meeting and respond to various queries from members of both Councils." Motion Carried.

At this point Mr. L. Gillis, Chief Executive Officer, joined the meeting, however the Chairman of the School Board was not available.

A number of concerns and questions were then put forward and responded to by Mr. Gillis.

It was moved by Deputy Warden Margeson, seconded by Deputy Mayor Loncarevic:

"THAT the joint Council session authorize an increase of 6 percent to the District School Board for fiscal 1983 which would represent a \$669,000. by calculating 6 percent on the total contribution in 1982 of \$11,155,610."

The motion was then put to a vote with the results being:

For: 9 Against: 16

It was moved by Councillor Deveaux, seconded by Councillor Adams:

"THAT the decision on the municipal contribution to the District School Board excess cost for 1983 be deferred until Thursday, March 24, 1983 at 3:00 p.m. at which time both Councils would reconvene at the Municipal Administration Building." Motion Carried.

JOINT MEETING  
MUNICIPALITY OF THE COUNTY OF HALIFAX  
AND  
TOWN OF BEDFORD

RE: 1983 SCHOOL BOARD BUDGET - MARCH 24, 1983

PRESENT WERE: Warden MacKenzie, Chairman  
Councillor Poirier  
Councillor Larsen  
Councillor Gaudet  
Councillor Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Adams  
Councillor Gaetz  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Deputy Warden Margeson  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont  
Mayor Keith Roberts, Town of Bedford  
Councillor Bill Ray, Town of Bedford  
Councillor Bob Short, Town of Bedford  
Councillor David Lugar, Town of Bedford  
Councillor John Tolson, Town of Bedford  
Councillor Phyllis Doyle, Town of Bedford  
Deputy Mayor Bosco LonCaravic, Town of Bedford

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer,  
County of Halifax  
Mr. Dan English, Chief Administrative Officer, Town  
of Bedford  
Mr. Lloyd Gillis, District School Board

SECRETARY: Christine E. Simmons

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Warden MacKenzie brought the Joint Meeting to order at 3:15 P.M.

Warden MacKenzie advised that at this Joint Meeting the vote would have to be at least 80% in favour to pass any motions.

Mr. Meech and Mr. Dan English outlined to the Council Members, their joint memo of March 22, 1983 regarding the District School Board Appropriation regarding Excess Costs.

This memo advised:

"We attach for your consideration a recommendation to address the issue of the District School Board appropriation for fiscal '83 to '85 inclusive relative to excess costs.

The effect of the recommendation is to provide an appropriation for Excess Costs in 1983 for \$5,193,677. being the same dollar amount contributed to excess costs in fiscal 1982. Additionally, we are recommending that the Joint Council Session establish a policy for fiscal years 1984 and 1985 to reduce the Excess Contribution by the amount of \$250,000 per annum which represents approximately 5 percent of the existing Excess Contribution on an annual basis.

This recommendation is put forward keeping in mind the assumption that no fundamental changes will result in the funding formula between the Province and the Municipalities in calculating the Mandatory Contributions."

Attached to this memo were two pages, the first one regarding assumptions being made; i.e. the 1983 excess to remain the same dollar amount as 1982 and the excess for '84 and '85 being reduced by \$250,000 each year being approx. 5% of the 1982 amount. The assumption was also made that the student ratio between the Town and the County would remain at 95% - County, and 5% - Town of Bedford for the years 1984 and 1985.

The second page consisted of the total Mandatory and Excess Costs in 1982, 1983, 1984 and 1985, based on the above information, for both the Municipality and the Town. (Please refer to this information sheet, if detail is required).

Mr. Gillis advised the Council members that the above would mean a cut-back of 40 teachers for 1983 as compared to the 1982 figure of 32 teachers.

Subsequent to further discussion:

It was moved by Deputy Warden Margeson, seconded by Councillor Poirier:

"THAT the Joint Councils of the Municipality of the County of Halifax and the Town of Bedford approve the 1983 District School Board Excess Costs of \$5,193,677 in addition to the Mandatory Contribution."

Motion Defeated.

It was moved by Councillor Lugar, seconded by Councillor MacKay:

March 24, 1983

"THAT the Joint Councils of the Municipality of the County of Halifax and the Town of Bedford approve the 1983 District School Board Excess Costs of \$5,300,000 in addition to the Mandatory Contribution."  
Motion Defeated.

It was moved by Councillor Deveaux, seconded by Councillor Lugar:

"THAT the Joint Councils of the Municipality of the County of Halifax and the Town of Bedford approve the 1983 District School Board Excess Costs of \$5,354,342, in addition to the Mandatory Contribution."  
Motion Defeated.

At this point in the Session, Councillor Lichter indicated his strong opinion that a policy should be established to tie-in the 1983 Excess Costs with those of 1984 and 1985, as suggested in the memo prepared by Mr. Meech and Mr. English. Subsequent to lengthy discussion, it was apparent that a great majority of the other Councillors in attendance also agreed with this position.

It was moved by Councillor Doyle, seconded by Councillor Lugar:

"THAT the Joint Councils of the Municipality of the County of Halifax and the Town of Bedford approve the 1983 District School Board Excess Costs of \$5,274,043 in addition to the Manadatory Contribution."  
Motion Carried.

It was moved by Councillor Wiseman, seconded by Councillor Mont:

"THAT a Committee comprised of representatives of both Councils and the District School Board be established to examine the issue of Excess Costs for the fiscal years 1984 and 1985 and provide a Report to the Joint Councils within six months."  
Motion Carried.

#### ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:30 p.m.



PUBLIC HEARING

MARCH 21, 1983

PRESENT WERE: Deputy Warden Margeson, Chairman  
Councillor Walker  
Councillor Poirier  
Councillor Larsen  
Councillor Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Adams  
Councillor Gaetz  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor MacKay  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk  
Mr. Robert Cragg, Municipal Solicitor  
Mr. Keith Birch, Chief of Planning & Development  
Mr. Bob Gough, Director of Development  
Mrs. Dorothy Cartledge, Senior Planner

SECRETARY: Christine E. Simmons

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OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

Deputy Warden Margeson brought the Public Hearing to order at 7:05 P.M. with The Lord's Prayer.

ANNOUNCEMENTS

The Deputy Warden then explained to Council that he would be Chairing the Public Hearing tonight as the Warden was away at the FCM Conference in Vancouver. He also advised that Councillor Eisenhower would not be present this evening as he had to attend another meeting in his District.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Poirier, seconded by Councillor Adams:

"THAT Christine E. Simmons be appointed Recording Secretary."  
Motion Carried.

PUBLIC HEARING PROCEDURE

The Deputy Warden then outlined, to those present in the Council Chambers, the procedure to be followed for the Public Hearing.

REZONING APPLICATION RA-CH-W-01-83-07

Mr. Gough advised that this application for rezoning had been duly advertised as per the provisions of the Planning Act and that no correspondence had been received either in favour or in opposition to the Public Hearing.

He advised that this application was a request to rezone Lot C.P.-1 of the Lands of Mae Kelly, located on Highway No. 7 at Westphal, District 07 from C-4 (Highway Commercial) Zone to R-1 (Single Unit Dwelling) Zone.

Mr. Gough further advised that Mr. Carl Pettipas, the Applicant, has stated his purpose for the rezoning would be to permit construction of a single unit dwelling on the land. With the use of an overhead projected map, Mr. Gough pointed out the lot in question.

The Staff Report distributed to all Councillors advised:

"The avenue by which Council may consider and if deemed advisable, approve the proposed rezoning is outlined under policy P-90 of the MDP for Cole Harbour-Westphal.

Providing that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider the following amendments to the Zoning By-Law, for lands which are located where any land use designations abut one another, as shown on the Generalized Future Land Use Map:

- (1) amendments within a designation to provide for the development of uses which are uses permitted within the abutting designation,"

NOTE: The subject property is located in the Highway Commercial Designation which abuts Residential "A" Designation.

Mr. Gough advised that the application met with the above criteria.

He advised that the recommendation of the Department of Planning and Development would be to approve the application for the following reasons:

1. The proposed rezoning is in conformity with all applicable factors for consideration as set forth under Policy P-93 of the Plan. (For P-93 see Appendix "A", attached to Staff Report)
2. The proposed rezoning is not anticipated to create an incompatible land use situation since the intended single unit dwelling is merely a continuation of the land use activities in the immediate vicinity of the subject property.

Questions From Council

Councillor Wiseman questioned whether the lot was recently approved and recently created by subdividing.

Mr. Gough advised that it was subdivided and created within the last couple of weeks and also that it was approved very recently.

Councillor Wiseman questioned where the house would be located on the land and how much side-yard clearance would be on the piece of property, as judging by the map, it appeared to be quite a narrow piece of land.

Mr. Gough advised that the zoning by-law does not dictate what size the house should be but the side-yard would have to be eight feet on each side. He advised that the width of the lot was approximately 45' wide at its narrowest point.

Councillor Wiseman then questioned whether the owner of the lot was aware of the required side yard clearances.

Mr. Gough indicated that he was advised of this when he made the application for rezoning; however, Mr. Gough did not know how Mr. Pettipas' house plan would fit the lot.

There were no further questions for Mr. Gough.

Speakers in Favour of Rezoning Application

Mr. Carl Pettipas, Lake Echo: Mr. Pettipas advised that he presently resides in Lake Echo but that he wants to build on the lot in question and live there. In regard to the property width, he advised that it was 45' in the narrowest spot and the house which he wanted to put on it is 24' wide. He advised that there would be eight feet of side-yard clearance on one side plus the driveway and more than enough side-yard clearance on the other side.

He advised, that although the lot is small, the reason he wants to put his house there is that his mother owns the lot and subdivided it for his use so that he can live there. He advised that both his mother and step-father are quite old and they are also both blind. He indicated that they were becoming worried living there by themselves which is why he wants to live close to them.

Questions From Council

Councillor Wiseman wished to make Mr. Pettipas aware of the necessity for proper side-yard clearances. She questioned whether he would be putting the house on the lot sideways.

He advised that it was a Hemming Home and he would be placing it on the lot lengthwise facing the highway. He advised the house was built lengthwise, 24' wide and 42' long.

There were no further questions from Council for Mr. Pettipas and no further speakers in favor of the application.

Speakers in Opposition to the Application

None.

Motion From Council

It was moved by Councillor DeRoche, seconded by Councillor Adams:

"THAT the Request made by Carl Pettipas to rezone Lot C.P.-1 of the lands of Mae Kelly, located on Highway No. 7 at Westphal, from C-4 to R-1 Zone be approved by Halifax County Council."  
Motion Carried.

Prior to the passing of the above motion, Councillor DeRoche advised Council that Mr. Pettipas had been brought up in the Westphal area even though he is presently residing in Lake Echo.

PROPOSED AMENDMENT TO ZONING BY-LAW

Mr. Gough advised that the proposed amendment had been duly advertised as per the provisions of the Planning Act and that no correspondence had been received by the Municipality in response to the advertisements.

He advised that the proposed amendment to the Zoning By-Law for the Communities of North Preston, Lake Major, Lake-Loon, Cherry Brook and East Preston was in regard to Lot Frontage Definition.

The Staff Report, prepared on this issue, read:

"Over the past few months several North Preston area residents have experienced difficulties in obtaining Final Subdivision Approval for building lots under the provisions of the above noted Zoning By-Law. These problems have arisen due to the existing Lot Frontage Definition in the By-Law which requires that the "frontage" be measured at the minimum applicable set-back or building line.

Due to this situation, the Lake Major Joint Action Committee has requested that the Zoning By-Law be amended. The Committee has specifically asked that these amendments only apply to the communities of North Preston and East Preston due to their rural character.

The Municipality's Policy Division has reviewed this request and offer the attached comments. (See attachment to Staff Report)

The Development Control Division has also reviewed the proposal and are in agreement with the wishes of the Lake Major Joint Action Committee. Therefore, we would recommend approval of the attached amendments."

The requested amendments to the Zoning By-Law for the Communities of North Preston, Lake Major, Lake Loon-Cherry Brook and East Preston were as follows:

1. By amending section 2.39, which is the definition of Lot Frontage, as follows:

LOT FRONTAGE Means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a daylighting triantle, the front and flangage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

2. By amending Part 5: GENERAL PROVISIONS FOR ALL ZONES by adding Section 5.26A immediately after Section 5.26, which shall read as follows:

5.26A REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line, a minimum lot width which is equal to the minimum lot frontage required by this By-Law shall be required in lieu of such minimum lot frontage. For the purpose of this section, such minimum lot width shall be measured along a horizontal line between the side lot lines, which line is perpendicular to a line, or the extension of a line, joining the midpoint of the chord of the curved line with the apex of the triangle formed by the side lot lines and which line is equidistant from the front lot line as is the minimum applicable front yard required by this By-Law. For the purpose of this Section, the chord of the curved line shall be a straight line joining the two points where the side lot lines intersect the front lot line.

3. By amending Section 7.2, entitled RS1 ZONE REQUIREMENTS as follows:

1. In a Rural Settlement (RS1) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Frontage for all Uses	25 feet
Residential Uses	Subject to the provisions of Table 8.4.
Institutional Uses	Subject to the provisions of the Institutional (P1) Zone.
Commercial Uses	Subject to the provisions of the General Commercial (C2) Zone except that the minimum side yard shall thirty (30) feet.
Agricultural Uses	Minimum Lot area: 20,000 sq. ft.

2. Notwithstanding any minimum lot frontage requirement provided by subsection 1, in an RS1 Zone the minimum lot frontage required shall be twenty-five (25) feet.

Included in the Staff Report were two letters from Althea Tolliver, Secretary of the Lake Major Joint Action Committee, dated November 16, 1982 and January 11, 1983 respectively.

The November 16, 1982 letter expressed concern that some residents of the Community of North Preston have been unable to obtain Building Permits due to restrictions under the MDP for the area.

This letter, therefore, requested an the amendment to the Plan to permit FLAG lots in the Communities of North and East Preston. This request took into account two basic objectives of the Plan, i.e., the semi-rural nature of East and North Preston as opposed to the semi-urban nature of Lake Major and Cherry Brook-Lake Loon and secondly, the limited number of suitable building lots available especially in North Preston.

The letter also pointed out that this was the Committee's original intention during the MDP process, which was neglected to be interpreted into the appropriate regulations.

The second letter from the Secretary indicated the Committee's approval to the above-noted amendments proposed by Planning Staff.

A memorandum from Valerie Spencer, Supervisor of the Planning Policy Division was also included in the Staff Report. This memorandum made the following points, which would support the proposed amendments:

1. Recent amendments to the Provincial Health Regulations now offer the opportunity for Council to review the situation with the intent of more fully implementing the area's MDP;
2. The MDP policies clearly support the development of North Preston, particularly with regard to two basic objectives:
  - a) to respect the community's semi-rual nature;
  - b) to recognize that the number of suitable building sites are limited;
3. North Preston's isolation at the end of the Lake Major Road and its continued dependence on primary resource activities have maintained a characteristically rural settlement;
4. Recent work in lot clarification has not resulted in apportioning development opportunities throughout the community of North Preston and has legally established ownership patterns which often restrict development under present municipal regulations;
5. The area's MDP pursues its stated objective to stop the outflow of people from the communities through several policies, including those calling for the provision of suitable building lots and encouraging residential infilling.

Ms. Spencer's memo also advised:

"I do not believe the intention was to aggravate the situation by an unnecessary and relatively minor municipal requirement. This is borne out by the lack of a specified minimum of required public road frontage in the Zoning By-Law. Unfortunately, this attempt to respond to the shortage of available frontage has not eased the problems posed by established land titles. Given the provincial and municipal controls which affect all other aspects of development, provisions for infill and backlot subdivision will not compromise the area's health and safety and will more completely respond to its needs as described in the development plan.

In supporting a reduction in the by-law's minimum frontage requirements, I also feel this should be viewed in the context of the plan's long term goals. Please consider the following:

1. The Plan and By-Law differentiate between the urbanizing Westphal area and the more rural communities of North and East Preston, which are explicitly linked in their present characteristics and situations, in long term objectives and in development strategy. In no way does the foregoing discussion apply to the Lake Major, Lake Loon or Cherry Brook communities which are demonstrated and logical places for continuing fringe development and eventual urban services;
2. In all matters relating to the public health, whether within the communities or related to watershed management, the plan calls for thorough review and consistent enforcement of regulations. In recommending a reduction of frontage requirements which should not have a direct bearing on public health and safety matters, I do so in the understanding that this easing of municipal requirements does not in itself guarantee subdivision and that the prime consideration in lot approval is the security of the public health, particularly where development is within a water supply area. In no way, should any change in the regulations be construed as an attempt to relieve the municipality of its responsibilities in safeguarding public and municipal interests in health matters;
3. Should a road be constructed between North and East Preston, permitting the expansion of communities beyond the Lake Major Watershed, the plan calls for the study and amendment of Policy to provide for appropriate development and to further watershed interests. Road construction may result in different conditions and objectives for the communities, particularly in response to the development climate at that future date. In amending the plan, I feel that it is entirely appropriate and necessary to review general development controls in the established communities, including any amendments made at this time."

#### Questions From Council

Councillor Baker requested some clarification regarding the 25 foot setback. Mr. Gough advised that under the MDP that covers this area, the frontage definition says that it shall be measured at the setback line and the setback line is 25 feet back from the road so therefore, you must have the minimum required frontage according to the plan at that point.