

By-Law No. 19 - The Street Improvements By-Law: This By-Law would be amended by deleting the words "the rate of eight per cent per annum" and substituting them with "a rate to be determined by Council from time to time". This amendment was relative to interest charged for street improvements.

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

"THAT amendment to By-Law No. 19, The Street Improvement By-Law, be approved as recommended by The Policy Committee."  
Motion Carried.

By-Law No. 2 - The Municipal Council By-Law: Mr. Meech advised that this amendment would repeal Section 4(1) of the Municipal Council By-Law and substitute it with: Subject to subsection (2) the Council shall convene at six o'clock in the afternoon on the first day of each meeting or so soon thereafter as circumstances permit, and at each succeeding session at the like hour or such other hour as is specified on the preceding motion of adjournment.

As well, Section 13 of the By-Law respecting the opening time of polls during an election, shall be repealed.

Mr. Meech advised that the first amendment (above) was to keep both the official records of the Department of Municipal Affairs and the Municipality consistent relative to the beginning time of Regular Council Sessions. This inconsistency had occurred when Council time had been changed from 2:00 P.M. to 6:00 P.M.

Section 13 of the same by-law was to be repealed as it is now completely covered under the Municipal Elections Act.

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

"THAT amendments to By-Law No. 2, The Municipal Council By-Law be approved as recommended by The Policy Committee."  
Motion Carried.

#### PROVINCIAL BUILDING CODE ACT

Mr. Meech outlined this item to Council from the Policy Committee Report, which read:

"With respect to the Provincial Building Code Act, the Policy Committee recommend that the Municipality: (a) acknowledge the desirability of common building codes across the Province; (b) this best be done through municipal regulations; (c) indicate that funding of building inspection has traditionally been the responsibility of Municipalities and the financial assistance which would have been available, be placed in a general assistance to Municipalities."

Subsequent to brief discussion of this item,

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

"THAT the Municipality (a) acknowledge the desirability of common building codes across the province; (b) this best be done through municipal regulations; (c) indicate that funding of building inspection has traditionally been the responsibility of Municipalities and the financial assistance which would have been available, be placed in a general assistance to Municipalities." Motion Carried.

#### HERITAGE ADVISORY COMMITTEE REPORT

Mr. Meech outlined to Council a memo from Mr. Kelly included in the Council Agenda, relative to the Heritage Properties Evaluation System. This memo read:

"The Heritage Property By-Law has been approved for the purpose of identifying and registering certain properties as heritage properties. Municipal Council has also established a Heritage Advisory Committee to carry out the requirements of the Heritage Property By-Law.

Three (3) categories of heritage properties are identified as follows:

- a) Buildings;
- b) Sites;
- c) Conservation areas.

The Committee has established criteria for evaluating all such properties identified for heritage purposes. The adoption of the evaluation system will determine the properties heritage eligibility.

....

It is recommended that Council adopt the recommendations of the Heritage Advisory Committee as outlined in the report."

Council reviewed the evaluation system, which had been distributed to all Council members earlier and there were no objections raised to the method of evaluation. However, several Councillors were concerned that the Municipality had the right to list as Heritage Property, anyone's property against their will and then prohibit them from making alterations to the property if they so desired.

Councillor Reid, a member of the Heritage Advisory Committee, advised that he and some other members of the Committee, were concerned about this as well. However, subsequent to speaking with the City of Halifax representatives of their Heritage Advisory Committee they were somewhat less concerned as it was brought out that it is a rare circumstance that a property is listed against the owner's will, although it does happen occasionally. He described the system as follows:

1. A notice of intent to register the Property is sent to the property owner, who can make an appeal to County Council via a Public Hearing. Council can then, either withhold registration of the property, or if deemed advisable, can register the property against the owner's will.

2. If registered, the property owner shall not be permitted to substantially alter the exterior appearance or demolish the property without the approval of the County of Halifax. Any application to make such alterations must be made in writing to the Municipal Clerk of the Municipality.
3. Upon receipt of this written notification, the Municipal Clerk shall refer the issue to the Heritage Advisory Committee for recommendation; within thirty days the Advisory Committee shall submit this written Report and recommendation to County Council, whereupon the County may grant the application with or without conditions or may refuse the application.
4. The Applicant is then advised of Council's decision. If the decision has been made to refuse the application,
5. The applicant can make the alterations or demolish the property, one year after refusal, and not later than two years after refusal, if the Municipality has been unable to dissuade the property owner from doing so within that one-year period.

Council debated this information for some time, resulting in the following:

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

"THAT Council adopt the recommendations of the Heritage Advisory Committee, as outlined in the Report to Council relative to the Heritage Properties Evaluation System."  
(See Motion to Defer).

Upon further discussion, it was determined that many Councillors would prefer to have copies of the Heritage Property By-Law and the Notice of Intent to Register and Registration Forms distributed to all Councillors for further perusal. It was felt that the issue could then be discussed again at the next Council Session.

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

"THAT this issue be deferred until the October 4th, 1983 Regular Council Session and that in the meantime, staff provide all Council Members with the Heritage Property By-Law, The Registration Forms and information relative to the History of the Heritage Advisory By-Law and Committee."  
Motion Carried.

#### METROPOLITAN AUTHORITY REPORT

Councillor Mont advised that at the last meeting of Metropolitan Authority the major topic of discussion was the TRANSINFO Proposal. It was agreed that the Metropolitan Authority would enter into an agreement to purchase from the City of Halifax the TRANSINFO package.

In addition, the Route 80 Sackville Bus Route was discussed at that meeting. The Councillor advised that the extension of the Route was passed at that meeting but not unanimously; two Halifax Representatives voted in opposition to the extension of the Route.



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

"THAT the Metropolitan Authority Report be received."  
Motion Carried.

Councillor MacKay indicated his appreciation, that the Route 80 extension had been approved.

#### SUPPLEMENTARY AGENDA

It was agreed by Council that the Supplementary Agenda be received.

#### Resolution, Re: Crosswalk, Upper Tantallon, District No. 3

Mr. Meech outlined a memo from Mr. Bill Keenan relative to a request for a Crosswalk, Route No. 3, at White Birch Drive, Upper Tantallon. This memo advised:

"The residents of the Tantallon Woods Subdivision have requested, through Mr. M. D. Larsen, Councillor for District 3, that a School Crosswalk be established in the area of Route No. 3 and White Birch Drive.

Therefore, please find attached, in duplicate, an original copy of a resolution requesting the Department of Transportation to establish a school crosswalk in the vicinity of the above-noted intersection."

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

"THAT the Municipality of the County of Halifax do hereby request that the Department of Transportation of the Province of N.S. establish, with all due speed and dispatch, a pedestrian crosswalk in the vicinity of the intersection of Route No. 3 and White Birch Drive in Upper Tantallon, in the County of Halifax, in the Province of N.S., and further that two copies of the Resolution be signed by the Warden and Municipal Clerk, be sealed and dated and forwarded to the Department of Transportation."  
Motion Carried.

Councillor Larsen advised that in his District there are mothers freely giving of their time to act as Crosswalk Guards; he questioned whether, in the event of an accident these volunteers could be held liable.

Mr. Cragg advised that if Private Citizens are, without direction or authority, ushering children across the street and do so negligently, causing accident or death, they could possibly be held liable.

#### SIDEWALK MAINTENANCE - COUNCILLOR MACDONALD

At the previous Council Session, Councillor MacDonald had requested that this item be added to this evening's Council Agenda.

Councillor MacDonald advised that the sidewalks in Sackville had not been maintained properly last winter or during the summer months.



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

"THAT the issue of Sidewalk Maintenance be referred to the Urban Services Committee for Discussion."  
(See Motion to Amend).

It was amended by Councillor Lichter, seconded by Councillor Snow:

"THAT the issue be discussed at a combined meeting of the Urban Services and Rural Services Committees."  
(See Motion to Amend Further).

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

"THAT the issue regarding Sidewalk Maintenance be discussed at a Committee of the Whole Meeting of Council and further that the Operating Grants also be discussed at this Meeting to be held October 24th, 1983 at 7:00 P.M."  
Amendment Carried.

As the above amendment was carried, there was no requirement to call the question on the first amendment. Councillors Lichter and Snow agreed to withdraw this amendment.

The question was then called on the original motion as amended.

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

"THAT a Committee of the Whole Council Meeting be held October 24th, 1983 at 7:00 P.M. to discuss the issues of Sidewalk Maintenance and Operating Grants."  
Motion Carried.

#### SCHOOL BUS SERVICE, SCHWARTZWALD SUBDIVISION - COUNCILLOR SNOW

At the previous Council Session, Councillor Snow had requested that this item be added to this evening's Council Agenda.

However, he advised that this situation had already been resolved. Unfortunately, another similar situation has arisen in Waverley, where by School Bus Service has been discontinued on a portion of the Portobello Road, Highway 318. He indicated that this was one of the most dangerous highways, if not the most dangerous, in the entire Municipality, on which to have children walking to school.

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

"THAT a letter be written to the Conveyance Department of Halifax County - Bedford District School Board, requesting that the discontinued School Bus Service on the Portobello Road, Highway 318, Waverley, be reinstated."  
Motion Carried.

ADDITIONS TO AGENDA

The following items had been added to this evening's agenda at the beginning of the Council Session:

1. Mines Road - Councillor Snow

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

"THAT a letter be written to the Minister of Transportation requesting that the Mines Road in Oldham, be taken over and upgraded."

Motion Carried.

2. McNab's and Lawlors' Islands - Councillor Deveaux

Councillor Deveaux requested that this item be deferred until the following Council Session.

3. Operating Grants - Warden MacKenzie

This item had already been discussed during the Council Session and the date set for the debate on Operating Grants was October 24th, 1983, at the same time the Sidewalk Maintenance Issue would be debated by Committee of the Whole.

ADDITIONS TO NEXT REGULAR COUNCIL SESSION AGENDA

The following items were added to next Council Session Agenda:

1. Report, Re: Differences between the Regional Development Plan and the Municipal Development Plan - Deputy Warden Margeson;
2. Walkways, District 16 - Councillor MacKay;
3. Report, Re: Status of Curfew By-Law - Councillor MacKay;
4. Report, Re: Status of Arsenic Filter Unit - Councillor MacKay;
5. Report, Re: Status of Cable T.V., Eastern Shore - Councillor Gaetz.

ANNOUNCEMENTTerry Fox Run - Councillors Deveaux and Snow

Councillors Deveaux and Snow thanked Councillors for supporting their participation in the Terry Fox Run last week, via the pledges they had made. Both Councillors indicated that they had completed the 6.5 mile distance.

ADJOURNMENT

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

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

Therefore, there being no further business, the Regular Council Session adjourned at 9:00 P.M.

M I N U T E S & R E P O R T S

O F T H E

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T U E S D A Y , O C T O B E R 4 a n d 18 , 1983

&

P U B L I C H E A R I N G

O C T O B E R 3 , 1983 + Oct-20/83

&

*Committee of the whole*

*Oct. 24/83*



PUBLIC HEARING

OCTOBER 3, 1983

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

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk  
Mr. Robert Cragg, Municipal Solicitor

SECRETARY: Christine E. Simmons

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OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

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

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

PUBLIC HEARING

For the benefit of those present in the Council Chambers, Warden MacKenzie reviewed the procedure to be followed for the Public Hearing.

ZONING APPLICATION NO. RA-24-20-83-08

Warden MacKenzie advised that this Application was a request to Zone a portion of the lands of William Richard A. Colford, and a portion of Lot WRC-1 of the lands of William Richard A. Colford, located on the Minesville Road at Lake Echo, from an unzoned status to SD (Salvage Yard and Dump) Zone.

Staff Report

Mr. Mike Hanusiak joined Council at this time to present the Staff Report relative to this application. He advised Council, that the Public Hearing for the Application had been advertised as per the provisions of the Planning Act and that no correspondence had been received in response to the advertisement. Utilizing an overhead projected map he pointed out the land in question as well as the surrounding area.

This information is contained in the Staff Report to Council. (Please refer to Report for detail, if required).

Mr. Hanusiak the outlined the Staff Report as follows:

"As stated by the Applicant, Mr. Richard Colford, the purpose of Zoning is to permit the salvage and storage of derelict vehicles on a seven acre parcel of land. It is Mr. Colford's position that the salvage yard has been in existence in one form or another for as many as 12 years; however, the Building Inspection Department could only confirm their knowledge of the operation for the past few years. The requested zone change is a necessary measure in bringing the salvage yard into conformity with the present by-law regulations.

Undoubtedly, the existence of a salvage yard will have some effect on the physical environment on the subject property. However, in order to determine whether this impact will be detrimental in nature, the departments of Health and the Environment were asked to review the application and forward their respective comments and recommendations."

The Comments of the Department of Health were:

"While the Department of Health is not opposed to the proposed rezoning, it has recommended that the applicant take appropriate steps to avoid three potentially dangerous health problems.

First, to reduce the possibility of contaminants reaching a small intermittent stream at the rear of the salvage yard, a buffer strip of 150 feet should be maintained between the yard and the water course.

Second, in light of the fact that derelict vehicles provide good harbourage for rodents, the applicant should retain a recognized company to carry out a rodent control program on the yard. The Department will monitor the program vis a vis the company's operation records.

Staff Report

Mr. Hanusiak advised that the Public Hearing for this zoning application had been duly advertised as per the provisions of the Planning Act and that no correspondence had been received in response to this advertisement.

Mr. Hanusiak advised that the application by area residents to rezone the subdivision was for the stated purpose of maintained property values within the subdivision and to protect against the intrusion of incompatible or competitive land uses. He also advised that a petition in support of the application had been received by the Planning Department. This petition had ten names on it, from property owners within the Subdivision.

With the use of an Overhead Projected Map, Mr. Hanusiak then located the Harbourview Subdivision which consisted of 17 approved building lots. Twelve of these lots have been developed, (at the time the application was received), and two more have been sold and scheduled for developments in the near future. Mr. Hanusiak advised that the immediate area surrounding the Subdivision is undeveloped.

Reading from his Staff Report, Mr. Hanusiak advised:

"Of particular concern when considering a zone change of the type requested is the possibility that, upon approval of the zoning, an existing land use activity could become non-conforming and thereby present an unwarranted hardship to the affected property owner (s). Therefore, it is imperative that Council be aware of the uses permitted by the proposed zone as well as the present land use activities of the area under examination.

With respect to the R-2 Zone of By-Law No. 24, only single and-or two unit dwellings along with certain institutional uses are permitted. Unlike the residential zones in the planned areas of the County, the subject zone does not permit an array of accessory home occupations. Rather, it recognizes only those traditional activities of a "professional person" such as a doctor, lawyer, dentist or engineer, and any day care centre of not more than 14 children.

Fortunately, the proposed zone change is not anticipated to create any non-conforming land use situations. From information received it appears that the dwellings within the Harbourview Subdivision contain no home occupation."

Mr. Hanusiak advised that the Department of Planning and Development recommend approval of the application for the following reasons:

1. The proposed rezoning is seen as a practical method for ensuring an orderly and harmonious development of the Harbourview Subdivision.
2. The proposed rezoning is not anticipated to result in the creation of any non-conforming land uses.



Questions From Council

Councillor MacKay questioned whether there were any businesses operating out of any of the homes in the subdivision at the present time, which could become non-conforming if the new zoning were passed, to which Mr. Hanusiak replied, there were no such businesses to his knowledge. He also advised that the Building Inspection Department has verified that there were none; however, he advised that it would be almost impossible to tell whether there was some small business in a basement going on.

There were no further questions for Mr. Hanusiak.

Speakers in Favour of the Application

Mr. Bruce Wilmshurst, Roma Drive: Mr. Wilmshurst, a resident of the Harbourview Subdivision, was present on behalf of the Residents. He advised that the zoning application represents the intent of the Developer when he subdivided. Although the subdivision was all Single Family Homes, several people have expressed the position that they would like some flexibility on the zoning which is why they want it to be rezoned to R-2.

Questions From Council

Councillor MacKay questioned whether there were any small businesses in the subdivision that Mr. Wilmshurst was aware of.

Mr. Wilmshurst advised that there was one small craft shop in the basement of one home which was run on a seasonal type of basis. However, the owner of this business is aware of the zoning application and the implications this would have on the business, if he should close down for a period of six months or be burned out by 75% (under the new Planning Act). The business owner has expressed no problems relative to this and is still in favour of the rezoning application.

Upon the request of Councillor MacKay, Solicitor Cragg verified that the business would become a legal non-conforming use, if the zoning application was approved tonight and further that it would have to close down or become an illegal nonconforming use, if it were closed for more than six months or burned by 75%.

Many Councillors expressed concern about putting this business into a non-conforming use and questioned whether there was some way to avoid doing so, either by exempting that one property from the application or by putting an addendum into the resolution of approval which would allow that business to continue operation under the R-2 Zone.

Mr. Cragg advised that the lot in question, Lot B-3, could be exempted from the R-2 Zoning.

This was also of concern to some Councillors, since if the property was sold and was left unzoned, the new owner could put any business in that location, which he desired.

Third, with respect to waste oils and battery acids, proper containers should be used to prevent seepage into the ground and possible ground-water contamination."

The Comments of the Department of the Environment were:

"The Department of the Environment has stated that it has no objections to the proposed rezoning. However, the Department in conjunction with the Department of Health, will require the applicant to satisfy all necessary requirements prior to any future development taking place."

The Comments of the Department of Transportation were:

"The Department of Transportation has advised that it has no objection to the proposed rezoning. Furthermore, it has approved the applicant's request to provide a point of ingress near the northern boundary line of the subject property."

Mr. Hanusiak advised that the recommendation of the Department of Planning and Development would be approval of the request for the following reasons:

1. The proposed operation meets with all criteria set forth under Sections 60C through 60F of By-Law No. 24, namely;
  - the area of land to be rezoned is in excess of one acre and has the required road frontage of 100 feet.
  - the salvage yard is located in the middle of a heavily treed area, therefore, it will not be unsightly or offensive to either the travelling public or surrounding property owners.
  - the application has received favourable comments from all departments and agencies that will eventually have some involvement in the salvage yard's development.
2. All too often salvage yards are seen by the general public as a nuisance and embarrassing eyesore. However, when it is realized that such an operation is the only practical method for recovering derelict and-or abandoned vehicles, their true value becomes apparent. Given the Municipality's present program of County beautification, Council should be encouraged to look favourably on those applications which are anticipated to provide a valuable service to the community as a whole."

The above concluded the Staff Presentation.

#### Questions From Council

None.

#### Speakers In Favour of the Application

Mr. Richard A. Colford, Lake Echoe: Mr. Colford, owner of the subject property, advised that he had nothing to add to the application; however, he would be happy to answer any questions Council may have.

Questions From Council

Councillor DeRoche questioned Mr. Colford as to how long he had been operating a salvage operation in the District to date and how many complaints, if any, he had received.

Mr. Colford advised that he had been living there and operating his business there for seven years and had heard no complaints whatsoever.

Councillor Adams indicated his opinion that Mr. Colford was an excellent businessman and area resident and he commended him for what was, so far, a very clean and well run operation. However, he advised Mr. Colford that if he did have any problem relative to rodents, he could call on the Preston Area Rodent Control Officer for assistance.

Mr. Colford advised that he had not had any problems with rodents to date.

Councillor Gaetz also commended Mr. Colford on his good reputation, both as a businessman and as a citizen.

Warden MacKenzie questioned whether there were any similar operations close by and was advised by Councillor Adams that there was one on Ross Road several miles away. However, Councillor Adams added that Mr. Colford's location was an exceptionally good one as it could not be seen from the road.

There were no further questions for Mr. Colford and no more speakers in favour of the Application.

Speakers in Opposition to the Application

None.

Motion and Discussion of Council

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

"THAT the zoning of the lands of William Richard A. Colford and portions of Lot W.R.C.-1 of the lands of William Richard A. Colford, from an unzoned status to SD (Salvage Yard and Dump) Zone be approved by County Council."  
Motion Carried.

Mr. Colford then retired from the Council Chambers.

ZONING APPLICATION NO. RA-24-15-83-09

Warden MacKenzie advised that Application No. RA-24-15-83-09 was a request to rezone Harbourview Subdivision, located on Roma Drive at the Head of Chezzetcook from an unzoned status to R-2 (Residential Two Family Dwelling) Zone.



However, it was indicated to Council, that an MDP was in process for this area and would likely be completed within 18 months or so; this would protect the wishes of the residents of the area.

Mr. Wilmshurst reiterated to Council that the owner of Lot B-3 was fully aware of the implications of the new zoning on his property and business and was still in support of the rezoning.

There were no further questions for Mr. Wilmshurst.

#### Speakers in Opposition to the Application

None.

#### Motion and Discussion of Council

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

"THAT the zoning of the Harbourview Subdivision from an Unzoned Status to R-2 (Residential Two Family Dwelling) Zone be approved by County Council."  
Motion Carried.

#### AMENDMENTS TO FIVE MUNICIPAL DEVELOPMENT PLAN ZONING BY-LAWS

Warden MacKenzie advised that Staff would outline the Report for the amendments as one, as each amendment was identical; Staff could then be questioned by Council and speakers in favour and in opposition to the amendments would be heard. However, he advised that separate motions of approval or rejection would be required for each amended Zoning By-Law.

#### Staff Report

Mr. Hanusiak advised that the requested amendments to the Zoning By-Laws, in the five MDP areas, stem from the realization that the present definitions for "ESTABLISHED GRADE" and "HEIGHT" may, in certain cases, impede the construction of low-rise apartment buildings, which reflect a high degree of building quality and architectural merit.

Reading from the Staff Report he advised:

"Specifically, the two definitions, when applied together, all but negate the possibility of constructing a building with anything but a flat roof. A normal walk-up apartment building measures 32 feet between the established grade and the ceiling of the upper most floor. Given that the present height requirement in the Zoning By-Law is 35 feet, only 3 feet remains for the roof. It is the 3 feet that makes it very difficult for any pitched roof to be constructed.

The new definitions, while they will allow for buildings to be constructed with a pitched roof, are designed so that the actual living space within the structure shall not exceed the required 35 feet; therefore, the definitions will not result in a higher density factor within these types of multi-unit dwellings.

Given that the incorporation of the proposed definitions into the By-Law is anticipated to promote improved designs in low rise apartment buildings, the Department of Planning and Development recommends that the Zoning By-Laws of the five MDP areas be amended as follows:

....

1. By replacing the definition for "ESTABLISHED GRADE" of Section 2.18 with the following:

ESTABLISHED GRADE means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority.

2. By replacing the definition for "HEIGHT" of Section 2.24 with the following:

HEIGHT means the vertical distance of a building between the established grade and the highest point of the roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one-quarter the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, and provided that no roof space be used for human habitation."

Mr. Hanusiak advised that the Planning Department had consulted with the Departments of Building Inspection and Engineering and also with various Architects in the Municipality and the City of Halifax, all of which agree that the two definitions in the amendments will allow them to demonstrate a more desirable type of building design, specifically with regard to the roof lines of the buildings.

Councillor MacKay questioned whether the Department of Planning and Development had consulted with the Fire Marshall's Office or with a Fire Department, relative to fire fighting capabilities with this new type of roof.

Mr. Hanusiak advised that he had consulted with the Fire Marshall's Office where he had been informed that the Fire Marshall does not look as closely to the Fire Fighting capabilities of the Municipality to address a Fire as they do the specific design of the building and its ability to fight the fire from within, due to the stairwells, the sprinklers in the building, etc. He advised that he had tried to impress upon the Fire Marshall what happens if the Municipality went higher than 35 feet or 40 or 50 feet. The Fire Marshall referred him to the sky scrapers that were being built now which go beyond 20, 30 and 50 stories. The Fire Marshall advised him that those buildings are



designed to address and deter the fire from within and this is what the Fire Marshall is attempting to encourage and make mandatory in their building designs. Mr. Hanusiak indicated that the Fire Marshall had no problems with the amendments.

Councillor MacKay advised that when an apartment building is only four units and it is not mandatory that it have a sprinkler system, it then becomes mandatory that the community, in which it is situated, have excellent fire fighting capabilities.

Councillor Deveaux indicated his understanding that the maximum height in this case, in the future, would be 44 feet from established grade to the highest point of the building. Mr Hanusiak advised that it could be; he advised that the By-Law was maintaining the 35 foot requirement, however, this is considered to be from one-quarter of the distance between the uppermost ceiling and the roof.

Councillor DeRoche was concerned with the safety aspect of the pitched roof, principally with respect to build-up of snow and ice which could fall on people. He advised that one of the reasons flat roofs had been initially advocated was for that reason; there would be no build-up of snow and ice in the winter time which could weaken from the effects of rain or sun and come crashing down on persons or other property, causing damage. He questioned whether this danger had been investigated.

Mr. Hanusiak advised that, to a point, it had been investigated, in a reverse fashion, in that the Municipality looked at the negative aspects of a flat roof, comparing those to the positive aspects of a pitched roof. He advised that there would be a danger with either type of roof; the main problem discovered with the flat roofs was relative to maintenance caused by leakage, etc. He felt that the snow build-up was of little concern, although there could be a concern with ice falling. He felt this should be taken care of by the superintendant or maintenance staff or property owners of the building. These would be the people who should be taking steps to protect against this possible danger. He advised that the Municipality had setbacks, sideyard requirements and parking requirements for these buildings which keep them back off sidewalks and roadways. He also advised that it would be incumbent upon the developer himself to encourage some safety aspect, possibly a fence around the building to take care of falling ice or snow.

Councillor DeRoche then advised with respect to fire protection, that a flat roof can act as a platform from which to operate, while the same could not be said for a pitched roof. He advised that one of the first things a fire fighter will do, in fighting a fire, is to vent it, in other words break through the roof. He questioned how they could maintain the safety aspect on a pitched roof as opposed to a flat roof, 35 to 40 feet in the air.

Mr. Hanusiak advised that not being an expert in fire fighting himself he had discussed the amendments with the Fire Marshall, who had encouraged the Municipality to seek these amendments; the Fire Marshall had indicated that as far as his agency was concerned, there would be no problem with the amendments in the enforcement of fire safety.



Deputy Warden Margeson felt that as long as there was some concern relative to fire fighting, then the issue should be deferred until discussion has taken place at the Fire Advisory Committee or correspondence has been relayed between the Fire Departments and the Municipality. He referred to several experiences he had had relative to pitched roofs and the dangers associated with them.

Mr. Birch advised that going to a lower pitched roof than is normal requires extra expense because tiles have to be heavier, consequently supports have to be heavier for wind damage. He advised that flat roofs are very prone to ice and snow build-up maintained over time; consequently, their life span is much shorter than a pitched roof. He advised that, in terms of ice and snow sliding off, most, if not all, entrances to the building should have canopies which would avoid that particular problem. He advised that everything comes down to a question of cost and the pitched roof is more efficient and requires less cost for maintenance over time.

Several Councillors indicated their agreement that a pitched roof was better than a flat roof; however, Deputy Warden Margeson was adamant in his opinion that the issue should first be discussed in detail with Fire Department personnel or should be referred to the Fire Advisory Committee, prior to any decision being made.

#### Speakers in Favour of the Amendments

None.

#### Speakers in Opposition to Amendments

None

#### Motion and Discussion of Council

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

"THAT Application No. ZA-SA-29-83, proposed amendment to the Sackville Zoning By-Law, that would adjust the definitions for "ESTABLISHED GRADE" and "HEIGHT", as recommended by Staff, be approved by Council." Motion Carried.

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

"THAT Application No. ZA-CH-W-30-83, proposed amendment to the Cole Harbour - Westphal Zoning By-Law that would adjust the definitions for "ESTABLISHED GRADE" and "HEIGHT", as recommended by Staff, be approved by Council." Motion Carried.

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

"THAT Application No. ZA-CP-CB-31-83, proposed amendment to the Eastern Passage - Cow Bay Zoning By-Law that would adjust the definitions for "ESTABLISHED GRADE" and "HEIGHT", as recommended by staff, be approved by Council."  
Motion Carried.

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

"THAT Application No. ZA-TLB-32-83, proposed amendment to the Timberlea-Lakeside-Beechville Zoning By-Law that would adjust the definition for "ESTABLISHED GRADE" and "HEIGHT", as recommended by staff, be approved by Council." Motion Carried.

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

"THAT Application No. ZA-LM-33-83, proposed amendment to the North Preston - Lake Major - Lake Loon - Cherry Brook and East Preston Zoning By-Law that would adjust the definitions for "ESTABLISHED GRADE" and "HEIGHT", as recommended by staff, be approved by Council." Motion Carried.

#### NEW BUSINESS

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

"THAT the issue of pitched roofs as opposed to flat roofs, relative to fire fighting safety, be referred to the Fire Advisory Committee for discussion and recommendation." Motion Carried.

The above motion was passed subsequent to discussion in Council as to whether or not the motion was appropriate.

Solicitor Cragg ruled that the motion would be appropriate but he further advised that it would have no effect on the motions just passed relative to the Zoning By-Law amendments.

The Deputy Warden advised that it would have an effect on those motions; if the dialogue with the Fire Advisory Committee proved that the amendments to the Zoning By-Laws for the five Plan areas were inappropriate, he would intend to have those motions rescinded.

Solicitor Cragg reiterated that it was appropriate to pass a motion which requested the views of the Fire Advisory Committee; however, if the Deputy Warden wished to rescind any motion passed this evening, he should do so now, before any action is taken in response to the passing of the motion.

Councillor DeRoche agreed with the Solicitor that the motions should be rescinded tonight; however, the above motion was passed by Council and no motions to rescind were placed on the floor.

#### ADJOURNMENT

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

"THAT the Public Hearing adjourn." Motion Carried.

Therefore, there being no further business, the Public Hearing adjourned at 8:15 P.M.

PUBLIC HEARING

OCTOBER 20, 1983

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

ALSO PRESENT: Mr. J. G. Kelly, Municipal Clerk  
Mr. Robert Cragg, Municipal Solicitor

SECRETARY: Christine E. Simmons

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OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

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

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

PUBLIC HEARING

Warden MacKenzie advised that this evening Council would consider two Rezoning Applications and one Amendment to the Municipality's Zoning By-Law. For the benefit of those present in the Council Chambers, he then outlined the procedure to be followed for the Public Hearing.



REZONING APPLICATION NO. RA-CH-W-23-83-21

Warden MacKenzie advised that this application from Clayton Developments Limited was a request to rezone Lots 1155 to 1168 of the Colby Village Subdivision, located on Autumn Drive at Cole Harbour, Halifax County from R-2 (Two Unit Dwelling) Zone to R-1 (Single Unit Dwelling) Zone.

Staff Report

Mr. Mike Hanusiak then came forward to outline to Council the Staff Report relative to this application.

He advised that the application was advertised in the local newspaper, in accordance with the provisions of the Planning Act. He advised that todate, no correspondence has been received on the Application, either in favour of the application or in opposition to it.

Mr. Hanusiak advised that the applicant, Clayton Developments Limited, have stated their purpose for the rezoning application is to provide a uniform type of housing accomodation along Autumn Place as well as to prevent the possibility of basement apartments being established in traditionally styled single family dwellings.

Mr. Hanusiak then read from the report, the following relative to the existing and surrounding land uses:

"...approximately half of the properties to be rezoned are presently being developed in a similar fashion. With respect to surrounding land uses, the majority of lots abutting the subject properties contain two unit dwellings of the duplex variety. The lands to the rear of Lots 1157 to 1163 are undeveloped."

The report then indicated:

"Although the Municipal Development Plan for Cole Harbour - Westphal does not specifically address the possibility of a zone change of the type desired by the applicant, it is logical to assume that the zoning on a parcel of land can be altered so as to permit a similar, yet less intensive land use. However, in considering any zoning amendment, Council has directed that regard be given to those factors identified in Policy P-93 of the Plan."

The comments of the Department of Planning and Development were:

1. The proposed rezoning is in conformity with Council's desire to provide a variety of housing types within the Residential A Designation. This desire is clearly expressed in Policy P-30 of the Plan.
2. The proposed rezoning is in conformity with all applicable criteria set forth under Policy P-93.
3. In light of the fact that the existing as well as future housing stock on subject properties will be of the single family type, the change to an R-1 zone will not result in the creation of any legal non-conforming uses.

It was the recommendation of the Department of Planning and Development that the rezoning of Lots 1155 to 1168 inclusive of the Colby Village Subdivision, located on Autumn Place at Cole Harbour, from R-2 (Two Unit Dwelling) Zone to R-1 (Single Unit Dwelling) zone be approved by County Council.

Questions From Council

None.

Speakers in Favour of Rezoning Application

Mr. Mike Willett, Land Development Manager, Clayton Developments Limited, 26 Garden Court Terrace, Dartmouth: Mr. Willett was speaking in favour of the application on behalf of Clayton Developments Limited. He advised Council that the Company presently has sale agreements for 10 of the 14 lots involved and they have included in the agreements of sale, the purchaser's requests that single family detached dwellings are the only units that Clayton Developments will permit under their covenants on the property. However, the purchasers wanted the further protection of the Municipality zoning down to R-1 so that in future years Clayton Developments would be protected against basement apartments.

Questions From Council

None.

Speakers in Opposition to Rezoning Application

None.

Motion and Discussion of Council

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

"THAT the rezoning of Lots 1155 to 1168 inclusive of the Colby Village Subdivision, located on Autumn Place at Cole Harbour, From R-2 (Two Unit Dwelling) Zone to R-1 (Single Unit Dwelling) Zone, be approved by County Council."  
Motion Carried.

REZONING APPLICATION NO. RA-EP-CB-16-83-06

Mr. Hanusiak advised that this application from Mr. Danny LaFitte, was a request to rezone Block XY-W of the Catherine B. Naugle and Lawrence Silver Subdivision located on Shore Drive at Eastern Passage, Halifax County from MR-2 (Fishing Industry) Zone to C-2 (General Business) Zone.

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

Mr. Hanusiak advised that the stated purpose of the applicant for the rezoning request is to permit the subject property's vacant building to be used by two or possibly three light commercial activities. Although the final tenant for the building has not been established, the applicant has indicated that a barber shop and a hair dressing boutique will be the initial two occupants.

He advised that in the Eastern Passage - Cow Bay MDP, the future land use designation is Commercial.

Mr. Hanusiak advised that the avenue by which Council may consider and, if deemed adviseable, approve the proposed amendment, is set forth under Policies P-42 and P-43 of the Municipal Development Plan for Eastern Passage - Cow Bay.

P-42 It shall be the intention of Council to establish the Commercial Designation, as shown on the Generalized Future Land Use Map, and to encourage that lands within the Designation be developed in a manner appropriate to the growth of a local business and service focus for the Plan Area. In this regard, it shall be Council's intention to provide for a range of developments in terms of goods, services and opportunities, but to recognize that such developments should be in keeping with the scale and appearance of existing uses and with that of a small community's core.

P-43 Within the Commercial Designation, Council shall establish a commercial zone which permits general commercial uses which have a gross floor area of not greater than five thousand square feet. In addition, the zoning by-law shall provide for general residential uses and for community services and facilities.

The evaluation criteria used by the Department of Planning and Development was as follows:

"In order to ensure that the proposed rezoning will not jeopardize either the spirit of the Plan or the quality of life in the planned area Council has directed that rezonings of this nature have regard to the applicable provisions of Policy P-88 of the Plan."

The comments of the Department of Planning and Development were:

1. The proposed rezoning is in conformity with the intent of the Municipal Development Plan as required by Policy P-88(i).
2. The proposed rezoning meets with all applicable requirements of Policy P-88 (ii), namely, provisions (b) and (c) dealing with adequate services and road networks respectively.
3. The introduction of the type of services proposed by the applicant is seen as a valuable contribution to the existing inventory of commercial enterprises in the Eastern Passage - Cow Bay area.



It was the recommendation of the Department of Planning and Development that the rezoning of Block XY-W of the Catherine B. Naugle and Lawrence Silver Subdivision, Located on the Shore Road at Eastern Passage, From MR-2 (Fishing Industry) Zone to C-2 (General Business) Zone be approved by County Council.

Questions From Council

None.

Speakers in Favour of Rezoning Application

Mr. Danny LaFitte, Applicant: Mr. LaFitte advised that when he had originally purchased the land it was C-2 and was changed to MR-2 when the Municipal Development Plan came in. He was not aware of this change until he applied for his Building Permit. He advised that MR-2 defeats his purposes as he can work on anything related to the Fishing Industry but not on anything else. He advised that he repairs such things as lawn mowers, pumps, chain saws, etc.

Questions From Council

In response to questioning from Council, Mr. LaFitte indicated that, although the Public Meetings held during the MDP process were advertised, he rarely reads this section of the newspaper and, that is why he was unaware of the changes in zoning taking place.

Speakers in Opposition

None.

Motion and Discussion of Council

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

"THAT the rezoning of Block XY-W of the Catherine B. Naugle and Lawrence Silver Subdivision, located on the Shore Road at Eastern Passage, From MR-2 (Fishing Industry) Zone to C-2 (General Business) Zone, be approved by County Council."  
Motion Carried.

PROPOSED AMENDMENT TO BY-LAW 24, APPLICATION NO. ZA-24-35-83

Mr. Hanusiak advised that this application to create the SC (Seasonal Campground) Zone originally evolved from an application from an individual to construct a seasonal campground. He advised that, at that time, the applicant was concerned that Council may not look favourably on it because the only zone that accomodated seasonal campground was the T (Mobile Home Park) Zone.

Mr. Hanusiak advised that the use of this zone presents a potentially serious side effect - once instituted, there is no guarantee that the subject property will be maintained solely for the vacationing public and it is conceivable that the property could be used to accomodate mobile homes on a permanent basis.

Mr. Hanusiak also advised Council that this application had been advertised in the local newspaper and that no correspondence had been received.

In order to avoid the possibility of this situation arising, the Department of Planning and Development has prepared a new zone designation designed to permit seasonal campgrounds for the exclusive use of the vacationing public. Therefore, it is recommended:

"THAT the Municipality's Zoning By-Law No. 24 be amended as follows:

1. By adding immediately after clause (BBB) of Section 2 the following:

"Seasonal Campground" means a lot or parcel of land or a portion thereof, used for the parking or erection of tents, tent trailers, motor homes and-or other motorized or non-motorized recreational vehicles for temporary occupancy during seasonal periods which shall not exceed five consecutive months.

2. By adding immediately after Section 49FF relating to the "MR - MIXED RESOURCE ZONE" the following heading and Section:

SC ZONE  
SEASONAL CAMPGROUND ZONE

Permissible Uses:

- 49GG (1) No person shall erect, alter, repair, maintain or use any building in whole or in part, or use any land in an SC Zone for any other purpose than one or more of the following uses, namely:
- (a) a seasonal campground;
  - (b) one single family dwelling used as the residence of the campground's owner, caretaker or superintendent.
  - (c) accessory buildings used for recreation, maintenance, shower and toilet, cooking, laundry or retail purposes, to a maximum floor area of 1,000 square feet each.

Requirements:

- (2) In the SC Zone, no development shall be permitted except in conformity with the following:

Minimum Lot Area: 5 acres;  
Minimum Lot Frontage: 100 feet;

Minimum Front Yard:

Area used for camping purposes - 50 feet;  
Accessory buildings including a single family dwelling - 30ft;

Minimum Rear or Side Yard:

Area used for camping purposes - 50 feet;  
Accessory Buildings - 30 feet;  
A single family dwelling - 8 feet;

## Advertising:

- (3) Any land or the exterior of any building in the SC Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
- (1) one sign board not exceeding twenty (20) square feet in size pertaining to the use of the land;
  - (2) non-illuminated, no-tresspassing, safety or caution signs not exceeding two (2) square feet in size."

Questions From Council

Councillor Walker expressed concern relative to the Minimum lot area of 5 acres and the minimum lot frontage of 10 feet.

Mr. Hanusiak advised that the Planning Department was attempting to accomodate something that is irregular in shape but with at least 100 feet along the road and opening up in the back. He advised that the Health requirements would come into effect and warrant as much as 150 feet at the building line.

Councillor Walker felt that this should be clearly spelled out, rather than saying 100 feet of road frontage. He advised that there were many lots in his district that were 100 feet on the road but went back as much as five or ten miles. He advised that there were a good deal more than five acres and that there was a great deal of potential in his district for seasonal camping grounds.

Mr. Hanusiak replied that the Planning Department could not accomodate every single problem but could only come down to a working figure and still maintain some reasonable side yard clearance without affecting the privacy and enjoyment of abutting properties.

Councillor MacKay indicated his concern that a trailer could not remain on the lot for more than five consecutive months. He indicated his understanding that a good number of people extend their vacations for more than five months of the year, especially the naturalists who enjoy camping in the fall, spring and some even in the winter. He also pointed out that many people will take their camper to a camp ground and leave it there all year round as they do not find it economical to tow it back and forth every week-end.

Mr. Hanusiak advised that Staff had discussed this point and settled on five consecutive months to prevent the possibility that people may take up permanent occupancy in a trailer. He advised that if there was no limit on the period of stay in these campers, people could be staying in them year-round on a semi-permanent basis. He advised that in speaking with the Building Inspector he felt it would be quite easy to monitor a situation whereby people that are intending to leave their mobiles on their property could remove them for a period of time.

Councillor MacKay did not think this would happen as it was a lot of trouble to set up a trailer, put up skirting and so on and then remove it.



Mr. Hanusiak advised again, that the Planning Department could not meet every situation. He advised that the Department had first considered only three to four weeks and brought it up to the five consecutive months of occupancy.

Councillor MacKay indicated his opinion that the words "temporary occupancy" could remain in the by-law and the words "for seasonal periods which shall not exceed five consecutive months" could be deleted. It was his feeling that the by-law would still control permanent occupancy if worded in this way.

Solicitor Cragg advised that from a legal standpoint he had no objection to the above suggested wording.

Councillor MacKay then questioned the limitation put on the number of signs. He advised that many campground owners may prefer to have a sign on each end of their property to obtain the attention of motorists coming from both directions. He advised that by limited it to one sign only, the Planning Department is eliminating this possibility.

Mr. Hanusiak advised that the intent of the Planning Department was to allow one sign at the entrance of the Park.

Councillor MacKay reiterated his opinion that the SC zone was too limiting relative to signage.

Councillor Mont indicated his concern relative to the length of stay in the By-Law. He too thought that five consecutive months was not appropriate. He advised that with the cost of gasoline increasing over the past years, it is not uncommon for people to find a campground that they like and to leave their trailer there year round. He advised that to force these people to remove their trailer for a period of time and then to return is not dealing adequately with the reality of the situation.

Councillor DeRoche advised that there was no indication in the by-law regarding a minimum square footage per trailer unit. He advised this gives no restriction on the number of units which could locate in the campground, providing they are not within a certain distance from the sideyard. He did not consider this to be a reasonable or practical approach.

Secondly, Councillor DeRoche indicated that there was no restriction with respect to the number of buildings that may be installed on a campground.

A third item which he was concerned over, was that with the size and the manner of construction, particularly of trailers today, they are useable year-round and most people who do have them do put them on a campsite on a more permanent basis and do use them, time permitting, year-round.

Mr. Hanusiak advised that, with regard to the number of units, it had been brought to the attention of Staff that it could very well be impossible to regulate the number of units that could be placed on the property. He advised that it would come down to, the capability the piece of land has to support the use.

In response to the Councillor's second concern, Mr. Hanusiak advised that, at present, the by-law for any zone does not regulate the number of buildings allowed on a property, as long as they are a certain distance apart, that being 12 feet, and as long as they sit back off the side yards and the front and rear yards. He advised that there is no indication of how many can be put up; however, they cannot consume a certain amount of property, that being 35% or 50% depending on the zone.

With regard to the period of occupancy, Mr. Hanusiak advised that Staff had looked at promoting periodic change over of the campers; he advised that the campgrounds were supposed to accomodate those people coming through an area on a vacation from outside the local area, province or country. He advised that you could run into a situation where people from Halifax-Dartmouth, Metro area take their mobiles to a property and leave them there. He advised that what would be desireable is to promote a situation of a periodic turn-over. He also advised that less tourism dollars would be earned if people are merely sleeping at a campground at night and commuting back to the Metro area to work, as they are still buying their clothes, food and other supplies in the City rather than in the area, whereas a tourist would be spending more time and money in the area of the campground and showing an interest in the local businesses, craft shops, etc. He advised that it would be more desireable to accomodate people who are actually vacationing.

He indicated that the above was one of the reasons why the five consecutive months was put into the SC Zone requirements.

Councillor DeRoche indicated his opinion that the Campground owner is interested only in a return on his investment and this could be gained more adequately via permanent residency than via transient residency.

Councillor MacDonald also indicated his concern regarding the five consecutive month limitation on occupancy. However, he was also concerned with the minimum requirement of five acres.

Mr. Hanusiak responded to this concern, advising that if this standard was lowered there could be small campgrounds popping up on every small piece of land dotting the highways. He also advised that, in speaking with the Departments of Health and Environment, that the intensive use of that property over a short period of time necessitates the need to have sufficient space to accomodate septic fields, holding tanks and the potential for two or three wells. He advised that five acres was considered to be the most suitable minimum.

Councillor MacDonald still felt that five acres was too large a minimum and felt that two acres would be more reasonable.

With regard to the period of occupancy, Councillor McInroy questioned what investigations, if any, were carried out relative to what other Municipalities had established as a maximum occupancy period. He advised that in Sherwood Park in Kings County, there were trailers there which have sundecks on them and which look as if they have been there for years.

Mr. Hanusiak advised that this was discussed in the Planning and Development Department when the SC Zone was established. He advised that the legislation in other jurisdictions was not investigated. He advised that five months is an arbitrary figure. If it is to be removed by Council, then that will be the case.

Councillor McInroy felt that the Legislation of other Municipalities should have been considered in formulating the criteria for the SC Zone.

Deputy Warden Margeson questioned what the Camper's Association had felt about the SC Zone.

He was advised by Mr. Hanusiak that the Camper's Association had not been approached for their input; he advised that the SC Zone had been initiated by the Department of Planning and Development and had been discussed by that Department only with input from the Departments of Health and Environment.

Deputy Warden Margeson felt that this issue should have been brought to the attention of the Camper's Association. He also reminded Mr. Hanusiak that one of the concerns in a Mobile Home Park recently was the distance one mobile home was from the next mobile home. He advised that, if the Municipality is formulating a Seasonal Campground Zone, that something about the separation distance between homes should be included in the Zone. This would afford privacy to the occupants of the trailers.

In addition, he advised that nothing was included in the by-law relative to sewer and water. He questioned whether anything was being legislated relative to these services.

Deputy Warden Margeson felt that the SC Zone should be deferred until it is re-examined relative to the concerns expressed by Council this evening.

Warden MacKenzie questioned whether a campground owner would have power hooked-up all year-round or would it be cut during the winter season. He was advised by Mr. Hanusiak that they could have the power running the whole time.

The Warden then questioned whether, if the trailer was in another Municipality, would the Municipality of the County of Halifax have the ability to assess and tax it.

Mr. Hanusiak advised that this question was not considered by the Department of Planning & Development.



Solicitor Cragg advised, in response to this question, that mobile homes are assessable whether they are on a pad or unmoveable, or in a moveable state; he was uncertain as to whether smaller mobile homes which are seen on the highway are assessable. He did advise, however, that a number of warrants have been issued against less transient mobile homes within the Municipality in an attempt to secure back taxes, i.e. sending the Sherrif out and actually seizing them. He doubted, however, that this could be done with a more transient type of mobile home.

Warden MacKenzie then questioned whether there would be any changes to Parks now in place which are less than five acres.

Mr. Hanusiak advised that these Parks would be permitted to continue under the "T" Mobile Home Park Zone. He advised that the new SC Zone would be used for new undeveloped land.

Councillor Walker advised that the Department of Tourism have an inspection department and licensing department for travel trailers in mobile home parks. He questioned whether the Department of Planning and Development had discussed this matter with them.

Mr. Hanusiak advised that some people with the Department of Planning and Development have knowledge relative to the licensing procedure for these mobile parks and the monitoring systems, methods of taxation for the parks, etc., thus, the Provincial Department of Tourism was not brought into the picture. He advised that such things as accessory buildings, could have been discussed with the Department of Tourism; however, the general knowledge of the Planning Staff members made this discussion unnecessary. He advised that with regard to the occupancy limitations, that Provincial Parks do have a time restriction on occupancy.

Councillor Walker, in view of the fact that Staff did not contact the Department of Tourism for their input, agreed with the recommendation of Deputy Warden Margeson that this issue should be deferred until the Department of Planning and Development has held discussions with the various other agencies and authorities involved with seasonal campgrounds.

Councillor Reid questioned whether this Zone would apply to an area such as Upper Musquodoboit, which is unzoned at the present time. He questioned this as there is a restaurant in that area at the present time, which has two or three acres of land adjacent to it which is being considered for a small campground to accomodate the few overnight tourists in the area. He was concerned that if the new SC Zone was approved it would eliminate this possibility.

Mr. Hanusiak advised that, as it stands now, the property owner in question would require the "T" Mobile Home Park zone; however, if the SC Zone was approved, he would require the SC Zone, if he meets the requirements. He would then have to acquire additional land to meet the 5 acre requirement.

Councillor Lichter indicated his opinion that Mr. Hanusiak must be mistaken relative to the question put to him by Councillor Reid. Councillor Lichter advised that in many of the unplanned areas where there are no zones, any use can be built without zoning, including a campground or trailer park.

Mr. Hanusiak agreed that if Councillor Reid had been referring to a Park which only had campers or tents, it would not require the "T" Zone.

Councillor Reid indicated that the Campground in question would have power and water to the camping lots, and if this would mean that the property owner would require five acres, he could not support the new zone.

Mr. Hanusiak referred to section 18 of the By-Law which stated:

"The use of land for a mobile home shall be a permissible use of land only in a "T" and "G" Zone and then only in accordance with the regulations in the "T" Zone as provided by this By-Law."

The above indicated that the property owner would be able to put a mobile home on his land; however, Mr. Hanusiak indicated that a Mobile Home Park is more than one mobile home on a single lot, therefore, he would require the Mobile Home Park zone which is the "T" Zone.

Based on the above information, Councillor McInroy did not see the need for an SC Zone or an amendment to the By-Law. He felt that the present regulations were adequate for the establishment of campgrounds under the existing "T" Zone.

Councillor McInroy also agreed with previous suggestions, that if an SC Zone was established, it should first be further researched and should include input from all interested and related agencies.

Councillor MacKay indicated his opinion that if one was in an unzoned area, that zoning should not have to be applied for to put in any type of use as it would be a permitted use.

Councillor Deveaux spoke briefly on the SC Zone advising that he was in agreement with deferring it until further investigation has been completed. However, he indicated that he appreciated the work put into Staff bringing it before Council and he was in agreement with the intent behind it.

Councillor Deveaux questioned Solicitor Cragg as to what zoning anyone who wanted to establish a seasonal campground, would require. He was advised by the Solicitor that, to his knowledge, he would require "T" Mobile Home Park zoning.

Councillor Poier also advised that she was in agreement with Staff's intent in bringing this forward; however, she too indicated her opinion that five acres and five consecutive months were too restrictive.