

Councillor Bates agreed with Councillor Boutilier that Item 5 would not be supported. He asked if Members were free to vote as individuals on this Board. He asked if Council would know in advance how they would vote or would they do this independently.

Warden Lichter stated that if the motion was passed, they would have some direction to push towards. He stated that if Council could convince Metropolitan Authority to hold position after that, he could not tell what could "pop up".

Councillor Reid stated that he agreed with all recommendations with the exception of #5. He suggested that instead of committing Council to the position at this time, that this be negotiated. He then requested that A&B be removed from number 5 and that number 5 state that a compensation package be negotiated.

It was moved by Councillor Reid, seconded by Councillor McInroy

"THAT motion be amended to read as follows:

1. Since Metropolitan Authority has called for proposals for building an incinerator, but to Council's knowledge has not called for similar proposals to build a central waste composting facility, that Council request that such proposals be called from any and all interested parties and that all proponents clearly demonstrate that their composting facilities will meet the more stringent Canadian environmental standards than the present U.S. Standards and in addition they clearly state the capital costs and annual operating costs of such facilities.

2. Once Metropolitan Authority has received proposals for incinerators and for central composting facilities these proposals be compared carefully and if one or the other (incinerator/central waste composting) can not demonstrate that it can meet the environmental standards that option be rejected.

Should both kinds of proposals meet environmental guidelines then the less expensive shall be accepted.

3. Metropolitan Authority proceed with the selection of the largest possible landfill required so that the present landfill would be closed on schedule in 1994 and that if a larger landfill is selected than would be required than the lifespan of such landfill would be expended.

4. That Metropolitan Authority assures that no untreated

garbage is placed in the new landfill.

5. In addition to the compensation package to the "host communities" the "hosting municipality" be offered a negotiated compensation package.

Councillor MacDonald asked how Strategy #5 would affect the rate.

Mr. Meech advised that the rate would increase from 18 cents to 28 cents.

Councillor MacDonald stated that it was difficult to rationalize the whole thing. He stated that it scared him.

Councillor Bates felt the motion would not pass. He stated that Mort Jackson would indicate to the group that simple composting did not meet Canadian resolutions.

Warden Lichter advised of a report received in response to Councillor Bates statement.

Councillor Bates stated that regulations he mentioned earlier have to be followed when making decisions.

Councillor Boutilier questioned making a decision on this issue. He asked what it meant to Halifax County if this motion did not get endorsed.

Warden Lichter stated that a resolution either gets passed or defeated, the majority decides. He advised that there were 4 municipalities involved.

Councillor MacDonald stated that the only good thing about incineration is that it would not be operated by Metropolitan Authority. It would be operated by the owner or developer.

Councillor Poirier felt Council should not be afraid to include all of the #5 recommendation. She stated that she was prepared to support all of the recommendations and worry about it afterwards. She stated that there must be some place in Canada that does incineration and composting.

Deputy Warden Ball felt Councillor Reid's motion was proper. He felt that passing the amendment did not put County's position any lower.

Councillor Reid stated that the amendment was not meant to weaken the position. He stated that it was suggesting that a compensation package be negotiated.

MOTION AS AMENDED CARRIED.

11 IN FAVOR

9 AGAINST

ORIGINAL MOTION

18 IN FAVOR

2 AGAINST.

It was moved by Councillor Meade, seconded by Councillor Sutherland

"THAT recommendation #3 be the procedure to take if recommendations approved by Council are rejected by the Metropolitan Authority."

Deputy Warden Ball stated that he did not feel comfortable with the motion on the floor. He felt the recommendations approved were proper. He stated that they did not know what the second scenario would be.

Councillor Deveaux agreed with Councillor Ball. He stated if Strategy #3 did not include incineration, he could not support the motion.

Councillor Richards stated that he had difficulty understanding the theory behind this. He stated that he could not support the motion.

MOTION DEFEATED.

3 IN FAVOR

17 AGAINST

Warden Lichter asked what should be done with respect to public meetings.

Deputy Warden Ball stated that it was his recollection Metropolitan Authority were asked to have a series of meetings.

Councillor Meade suggested that 3 public meetings be held.

Councillor Bates stated that they were running out of time. He felt they should carry on without any public meetings.

Councillor MacDonald felt that one meeting should be held on February 26, 1991.

Warden Lichter felt that if a public meeting was needed, they should not consider incineration but composting. He asked how much more could Council hear that would add to their ability to make decisions.

It was moved by Councillor McInroy, seconded by Councillor MacDonald

"THAT Recommendation #5 be the procedure to adopt if recommendations approved by Council are rejected by the Metropolitan Authority."

Deputy Warden Ball stated that he was not in favor of this motion.

Councillor Bates requested that Strategy #5 be introduced. He stated that he had no trouble supporting this.

Councillor Meade stated that he did not support Strategy #5.

Councillor Poirier stated that this matter is being turned around. She stated that Council was being placed in a difficult decision. She felt the motion should be rescinded.

MOTION DEFEATED.

8 IN FAVOR
12 AGAINST

It was moved by Councillor MacDonald, seconded by Deputy Warden Ball

"THAT a Public Meeting be held with regard to this matter on Sunday, February 24, 1991 at 6:00 p.m."

Councillor Richards stated that he did not support this. He stated that many individuals devote this day to other activities.

Councillor Deveaux agreed with Councillor Richards. He felt having one meeting or twelve would not change things.

MOTION DEFEATED.

4 IN FAVOR
16 AGAINST

PLANNING ADVISORY COMMITTEE REPORT

1. Application No. DA-CH/W-01-90-07 - Development Agreement - Loon

Lake Developments Limited

It was moved by Councillor Adams, seconded by Councillor Snow

"THAT a public hearing on this application be held March 11, 1991 at 7:00 p.m."

MOTION CARRIED.

2. Application No. PA-8&9-31-90 - Amendments to the Municipal Planning Strategy for Planning Districts 8&9

It was moved by Councillor Randall, seconded by Councillor Adams

"THAT a public hearing on this application be held March 25, 1991 at 7:00 p.m."

MOTION CARRIED.

EXECUTIVE COMMITTEE REPORT

1. Municipal Water System, Lakeview Acres Subdivision

It was moved by Councillor Snow, seconded by Councillor Reid

"THAT extension of Municipal Water Service to Lakeview Acres Subdivision be approved subject to the requirements identified in the report as follows:

- 1) guarantee of 20% financial contribution from the Province of Nova Scotia;
 - 2) securing of legal agreements with the property owners to contribute their full financial requirement associated with installation.
- MOTION CARRIED.

2. Capital Budget Program

It was moved by Councillor Bates, seconded by Councillor Adams

"THAT the Capital Budget Program be approved."
MOTION CARRIED.

Councillor Deveaux requested that priorities be defined.

Mr. Meech advised that top priorities were listed under Priority A, with less necessary items placed under Priorities B & C.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT1. Hubbards Square

It was moved by Councillor Horne, seconded by Deputy Warden Ball

"THAT the expropriation of the four lots shown on the attached consolidated survey from the Halifax County Industrial Commission for the purpose of lot title clarification and the subsequent sale of the lands back to the Commission for sale to clients, all in accordance with the attached documentation be approved."

MOTION CARRIED.

2. Loan Request - Sambro Recreation

It was moved by Councillor Fralick, seconded by Deputy Warden Ball

"THAT a \$10,000 Loan Request for Sambro Recreation for the installation of playground equipment be approved and repayable with interest over a 5 year term with Council reserving the right to levy an area rate in default of principal and/or interest repayment."

MOTION CARRIED.

3. Loan Request - District 5 West Volunteer Fire Department

It was moved by Deputy Warden Ball, seconded by Councillor Bates

"THAT the loan request - District 5 West Volunteer Fire Department in the amount of \$50,000 for the purpose of constructing two fire stations be approved and repaid over a 20 year term with Council reserving the right to levy an area rate in default of principle and/or interest repayment."

MOTION CARRIED.

REPORT OF THE DEVELOPMENT OFFICER

It was moved moved by Councillor Sutherland, seconded by Councillor Eisenhauer

"THAT the report of the Development Officer be received."
MOTION CARRIED.

APPOINTMENT OF BY-LAW OFFICER, ANIMAL CONTROL

Mr. Kelly outlined the information provided.

It was moved by Councillor Eisenhauer, seconded by Councillor Horne

"THAT Council request the Nova Scotia Police Commission that Kathy Lynn Ridgway, 63 Caledonia Road, Dartmouth be appointed a By-law Officer for Animal Control Services."
MOTION CARRIED.

RESOLUTION RE POLICING AND SOCIAL SERVICES

Warden Lichter outlined his recommendations contained in the report as well as recommendations of the Rural Municipalities Meeting on February 14, 1991.

He recommended that Council do the following.

1. Reject the UNSM Resolution.
2. Pay UNSM dues for January and February 1991 and determine our future with UNSM at a later date.

He then advised of decisions made at the Rural Municipality Meeting called by Deputy-Warden John Coady of the Municipality of Cape Breton asking for Council's support.

Councillor Horne expressed concern with regard to the Premier's statement with respect to placing the cap back with regard to Social Services.

Councillor Fralick stated that he did not attend the Municipalities meeting. He stated that Halifax County should not use the membership of the union as a bargaining tool.

Councillor Bates asked clarification on this statement.

Councillor Fralick referred to Mr. Bob Radchuck's statements at the Executive Committee Meeting with regard to the Province being "broke".

Councillor Bates stated that he did not think this had anything to do with it. He stated that to his understanding, they wanted to trade dollars. He stated that the Union simply did nothing to support Halifax County Municipality.

It was moved by Councillor Reid, seconded by Councillor Morgan

"THAT the following recommendations outlined in the report be approved:

1. That UNSM Resolution be rejected.
2. That UNSM dues for January and February 1991 be paid and determine future with UNSM at a later date.

Councillor Eisenhauer stated that he supported the motion. Councillor Boutilier stated that he had no problem supporting the motion. He felt UNSM failed.

Councillor Richards stated that he voted in favour of the motion. He stated that with regard to UNSM representing its Members, it failed. He stated if Halifax County wants to pay dues, pay dues. He stated that Halifax County should fight against position the Union has given. He stated that it was Halifax County's responsibility to protect the taxpayers.

Councillor Fralick suggested that Halifax County go back to UNSM to see where they stood.

MOTION CARRIED.

Warden Lichter stated that support was required for motions made at the February 14, 1991 Rural Services Committee Meeting.

It was moved by Deputy Warden Ball, seconded by Councillor Snow

"THAT the following recommendations as a result of the Rural Municipalities meeting be approved:

THAT Halifax County Municipality strongly urge the Union to put the proposed swap on a one year hold in order to carry out the following recommendations re: Implementation of Policing Services in Class IV Communities dated November 16, 1990:

1. The RCMP should be asked to review the proposal and provide their position as it relates to the Provincial Police Force.
2. A clear communication and information process be developed as soon as possible to provide direction to the municipal units.
3. Guidelines should be developed with respect to the alternative policing services acceptable to the Minister.
4. Municipal Units be asked to review their system for service delivery. This would include dialogue with the Solicitor General and agreement on the form of service

delivery, and should be completed within the first year. If there is to be a reduction of RCMP manpower, notice could be served under the contract, to be effective no sooner than 12 months hence and to coincide with the alternative service delivery system agreed to.

"AND it is further requested that UNSM use all its power during the one year period to obtain in writing a guarantee from the Province that the cap will not be reinstated.

"AND be it further resolved that the "balanced transfer of costs" be applied fairly and consistently so that no municipality realizes a significant negative impact in any transfer of costs between the province and the 66 municipalities in Nova Scotia."

MOTION CARRIED UNANIMOUSLY.

Warden Lichter referred to page 4 of the report with regard to requesting UNSM to define property services and people services.

It was moved by Councillor Eisenhauer, seconded by Councillor Sutherland

"THAT UNSM be urged to define clearly what are considered people services and property services before any further negotiations are carried out between UNSM and the Province based on the defined objectives of UNSM approved in September of 1989."

MOTION CARRIED.

URGENT AGENDA ITEMS

1. Road Name Change - Councillor Reid

Councillor Reid advised that residents located on a road named "Cooper's Corner" at Middle Musquodoboit wished to have the road name changed to "Sibley Road".

It was moved by Councillor Reid, seconded by Councillor Fralick

"THAT the Municipality request the Department of Transportation to change the name of a road "Cooper's corner, Middle Musquodoboit" to Sibley Road."

MOTION CARRIED.

2. Crime in Sheet Harbour - Councillor Smiley

Councillor Smiley stated that District 11 was experiencing problems with increased crime. She advised that she has received calls from residents expressing concern with respect to this matter.

It was moved by Councillor Smiley, seconded by Councillor Poirier

"THAT a letter be forwarded to Chief Justice William Atton with a copy to the Attorney General that appropriate research and investigation be carried out with respect to the crime problem in District 11.

MOTION CARRIED.

3. Tuitions for J. L. Ilsley - Deputy Warden Ball

Deputy Warden Ball advised that the Province of Nova Scotia had withdrawn funding for tuition for County students attending J. L. Ilsley High School.

It was moved by Deputy Warden Ball, seconded by Councillor Reid

"THAT a letter be forwarded to the Minister of Education with copies to Premier Elect Don Cameron, respective City and County School Boards to request the Province to reinstate the payment of tuition fees for those students from the Municipality who attend J. L. Ilsley High School."

MOTION CARRIED.

4. MacCormick's Beach, Eastern Shore - Councillor Deveaux

Councillor Deveaux stated that this was a beach in which the area residents wished to become a Provincial protected beach.

It was moved by Councillor Deveaux, seconded by Deputy Warden Ball

"THAT a letter be forwarded to the Province requesting that MacCormick's Beach become a protected beach, with a copy of this letter to be forwarded to the Premier Elect and the Department of Environment."

MOTION CARRIED.

5. Crosswalks - Councillor Deveaux

Councillor Deveaux requested that crosswalks be placed at the intersection of Cow Bay Road and Oceanlea Drive as well as the intersection of Cow Bay Road and Garrison Road.

It was moved by Councillor Deveaux, seconded by Councillor Bates

"THAT the Municipality request the Department of Transportation & Communications to place crosswalks at the intersection of Cow Bay Road and Oceanlea Drive and at the intersection of Cow Bay Road and Garrison Road, Eastern Passage."

MOTION CARRIED.

ADDITION OF ITEMS TO THE MARCH 5, 1991 COUNCIL AGENDA

1. Street Paving - Councillor Harvey.

ADJOURNMENT

It was moved by Councillor Fralick that the Council session adjourn.

Time of Adjournment: 9:30 p.m.

PUBLIC HEARING

February 11, 1991

PRESENT WERE: Warden Lichter, Chairman
Councillor Meade
Councillor Poirier
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Morgan
Councillor Snow
Councillor Eisenhower
Councillor MacDonald
Councillor Boutilier
Councillor Sutherland
Councillor McInroy

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
Mr. Fred Crooks, Solicitor
Ms. Maureen Ryan, Planner

The meeting opened with the Lord's Prayer. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Meade, seconded by Councillor Poirier

"THAT Christa Pettipas be appointed as Recording Secretary."
MOTION CARRIED.

APPLICATION #DA-SA-09-90-19 - APPLICATION BY NOEL FREDERICKS TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE MUNICIPALITY TO PERMIT THE DEVELOPMENT OF A USED CAR SALES OPERATION AT 1250 SACKVILLE DRIVE IN LOWER SACKVILLE

Ms. Maureen Ryan stated that an application by Noel Fredericks was received to enter into a development agreement with the Municipality to permit the development of a used car sales outlet at 1250 Sackville Drive in Lower Sackville. She stated that the applicants are currently operating this outlet in the rear yard of this residential property and wish to remain in office on this

property. This business has been in operation since 1957. She advised that he proposes to display up to a maximum of fifteen (15) vehicles for sale to the general public. She advised that in 1987, Mr. Fredericks was notified by the Department of Planning and Development that he was operating a car sales outlet in violation of the plan and by-law. He subsequently applied for a plan amendment to permit the used car sales operation. Council amended the planning strategy on May 14, 1990, to allow consideration of such commercial uses by development agreement. She advised that Mr. Fredericks is applying to enter into a development agreement in compliance with the requirements noted in the staff report.

Slides were shown.

She advised that the site is currently occupied by a single unit dwelling and used car sales lot. The site slopes gently downward to Sackville Drive. It is crossed by a stream which is enclosed by a culvert under the developed portion of the lot. The portion of the stream which is not enclosed by the culvert is surrounded by a mature growth of trees.

She then referred to Section 3.7 of the agreement. She advised that additional screening is required in order to limit the visual impact of the proposed development on the neighboring area. This requires the applicant to construct a solid board gate and fence (6 feet) along the front of the display area to fully screen it from view along Sackville Drive. She stated that to reduce conflict with any adjacent or nearby land uses, controls governing the size (300 square feet) and location, hours of operation, the amount of the dwelling unit, outdoor lighting, and provision for signage is included in the development agreement. She advised that the existing driveway could accommodate up to nine (9) vehicles. Two (2) additional parking spaces are available in the garage. She advised that the Department of Transportation and Communications and the Department of Environment had no objections to this development. However, should the developer plan to undertake any site alterations in the future, the development agreement is subject to approval by the Department of Environment and the Department of Fisheries. She stated that the Engineering & Works Department has indicated that they did not have any stormwater drainage concerns regarding the proposed use on this site.

She stated that the legislation and regulations respecting dealers licenses and Dealers number plates, require used car dealers to provide facilities to repair at least two motor vehicles intended for sale. She stated that it is recommended that Section 3.2 state that the Developer shall maintain the garage floor space, identified on Schedule "B" of this Agreement, for the repair and service of vehicles intended for sale for which the Developer has obtained a Certificate of Registration in accordance with the

Legislation and Regulations Respecting Dealers Licenses and Dealers Number Plates and that these repairs shall be conducted within the garage area and that no gasoline pumps be located on the property.

She then asked Council's consideration of this matter.

QUESTIONS FROM COUNCIL.

Councillor Sutherland expressed concern with regard to Page 2 of the analysis. He stated that this says that parking will be restricted. He asked if the driveway would be used.

Ms. Maureen Ryan addressed his concern.

Councillor Boutilier asked if the applicant was going to construct a fence to the end of the driveway to screen this area.

Ms. Maureen Ryan answered yes.

Councillor Boutilier asked if this was a Planning requirement.

Maureen Ryan answered that it was. She stated that this was required to maintain the residential part of the property.

Councillor Boutilier asked where the stream was located.

Maureen Ryan advised that the stream was enclosed by a culvert crossing the property.

Councillor Boutilier stated that like Councillor Sutherland mentioned, he wished to have reassurances on the parking restriction.

Ms. Maureen Ryan stated that it provided for one vehicle to be displayed in the driveway a minimum of 10 feet from the street line.

Councillor MacDonald asked if private vehicles could be kept in the driveway.

Ms. Maureen Ryan confirmed that they could.

SPEAKERS IN FAVOR.

None.

SPEAKERS IN OPPOSITION.

None.

DECISION OF COUNCIL

Councillor MacDonald stated with regard to the 3.7 section of the agreement, he did not see the need for a six foot fence. He stated that he felt this kind of fence would draw people to the property. He suggested that an amendment to the motion be made to delete the fence.

Mr. Fred Crooks, Solicitor, stated that the agreement includes fencing. He stated that this was a subject of the public hearing notice. He felt there would be serious questions about Council's abilities to amend the motion at the present time.

Warden Lichter asked if Councillor MacDonald was recommending that the agreement be amended.

Councillor MacDonald answered yes.

Mr. Fred Crooks asked if the amendment indicated was placed in the file since February.

Maureen Ryan advised that it was.

It was moved by Councillor MacDonald, seconded by Councillor Morgan

"THAT DA-SA-09-90-19 - Application by Noel Fredericks to enter into a development agreement with the Municipality to permit the development of a used car sales outlet at 1250 Sackville Drive in Lower Sackville be approved."

Councillor Morgan asked if they had any proof of this being located in the file.

Ms. Maureen Ryan stated that the amendment was in the file before the notice appeared in the paper. She then advised of a memorandum.

MOTION CARRIED.

ADJOURNMENT

It was agreed to adjourn.

Time of Adjournment: 7:30 p.m.

PUBLIC HEARING

February 25, 1991

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Deputy Warden Ball
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Morgan
Councillor Eisenhower
Councillor MacDonald
Councillor Harvey
Councillor Sutherland
Councillor Richards

ALSO PRESENT: G. J. Kelly, Municipal Clerk
Fred Crooks, Municipal Solicitor
Jan Skora, Planner
Tony O-Carroll, Planner

The meeting opened with the Lord's Prayer. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Meade, seconded by Councillor Fralick

"THAT Christa Pettipas be appointed as Recording Secretary."
MOTION CARRIED.

APPLICATION = ZA-EP/CB-35-90-06 - ULTRAMAR CANADA INC. THAT THE AMENDMENTS TO THE LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY ATTACHED TO THE REPORT AS APPENDIX "A" BE APPROVED IN ORDER TO PERMIT THE CONSTRUCTION OF GROUND SIGNS WHICH WOULD EXCEED THE MAXIMUM SIGN AREA PERMITTED UNDER 5.9 OF THE BY-LAW

Mr. Jan Skora, Planner, advised that an application had been received from Ultramar Canada Inc., to amend the land use by-law for Eastern Passage/Cow Bay in order to permit the construction of

ground signs which would exceed the maximum sign area permitted under Section 5.9 of the by-law. The Company wishes to construct new signs in conjunction with its oil refinery, located at 1350-1356 Eastern Passage Road in Eastern Passage.

He advised that Ultramar Canada recently acquired the assets of Texaco Canada Incorporated which include the oil refinery in Eastern Passage. The Company has received permits to re-face the existing signage on its property, but wishes to eventually replace these signs with new structures which have been designed to better reflect its corporate logo.

Slides were shown reflecting the size of the proposed signage.

He stated that the largest of these new signs would have a sign area of approximately 96 square feet on a single face (192 square feet combined area). The land use by-law permits ground signs of up to 25 square feet in area (50 square feet combined).

He stated that the Ultramar refinery lands in Eastern Passage are situated within an Industrial Designation and are zoned I-2 (General Industry) Zone, according to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay. He stated that this planning strategy did not support the extension of this zone to properties located outside of the Industrial Designation (policy P-60). He advised of the considerations identified during the process of evaluating this application. He stated that the intent of the planning strategy is to direct and support the development of large scale industries within the Industrial Designation as well as the adequacy of the existing sign provisions to support this intent through implementation in the land use by-law.

He stated that the present sign provisions apply generally throughout the plan area and are intended to restrict the development of large business signs which may not be of a scale which is consistent with community-related businesses, community facilities and established residential areas. Since the sign provisions are generally applicable, they also apply to industrial development within the I-2 Zone.

The most commonly used standard in other plan areas which regulate the size of signs in industrial or commercial zones, is 100 square feet on a single face, or 200 square feet combined. This standard is also considered to be appropriate within the I-2 Zone in relation to the scale of uses permitted.

Policy P-88 of the planning strategy requires that, in considering amendments to the land use by-law, Council have regard to whether or not a proposal conforms to the intent of the planning strategy,

if it is premature or inappropriate, and that adequate controls are established to reduce conflict with adjacent or nearby land uses. In this case, the proposed amendment is consistent with the general intent of the planning strategy to support development of large scale industries in this designation and is appropriate with regard to the character and size of the existing uses. In addition to this, the general sign requirements control the location and number of signs to reduce conflict with adjacent uses. Since the I-2 properties do not generally abut established residential uses, larger signs would not significantly affect such areas.

The present sign provisions of the Eastern Passage Land Use By-law do not permit ground signs which exceed 25 square feet in area for a single sign face (50 square feet combined). Analysis of the existing sign provisions and the general policy intent of the planning strategy suggests that permitting larger ground signs with the I-2 zone would be consistent with the Eastern Passage Planning Strategy.

He stated that the amendments which are attached as an appendix to this report would permit the construction of ground signs of up to 100 square feet of sign area on a single face (200 square feet combined) within the I-2 zone. This would permit Ultramar, as well as any other use permitted within the I-2 zone, to establish signs of this size. It is recommended that the attached amendments be approved by Municipal Council.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Deveaux, seconded by Councillor Horne

"THAT the amendments to the Land Use By-law for Eastern Passage/Cow Bay attached as Appendix "A" be approved."
MOTION CARRIED.

APPLICATION = ZA-EP/CB-33-90-06 - APPLICATION INITIATED BY THE MUNICIPALITY IN ORDER TO CLARIFY THE INTENT OF THE LAND USE BY-

LAW FOR EASTERN PASSAGE/COW BAY RELATIVE TO THE DEVELOPMENT OF
RETAIL STORES WITHIN THE C-5 (MIXED USE) ZONE

Mr. Jan Skora, Planner, advised that this application had been initiated by the Municipality in order to clarify the intent of the land use by-law for Eastern Passage/Cow Bay relative to the development of retail stores within the C-5 (Mixed Use) Zone. He stated that an inquiry had been received concerning the establishment of a used clothing and used furniture outlet within the C-5 Zone. He stated that such uses are not currently permitted.

He stated that the western part of the Eastern Passage Community is situated within an Industrial Designation, as established by the municipal planning strategy for Eastern Passage/Cow Bay. The Industrial Designation has been applied to this area in recognition of the substantial concentration of existing industrial developments, as well as military and seaport facilities.

He stated that the designation is intended to support industrial development and also to establish a barrier to future intrusion into the community (Policy P-53). For this reason, the planning strategy does not support the extension of general industrial zoning outside of the designation (Policy P-60).

He stated that residential and commercial developments within the Industrial Designation were recognized, particularly with regard to the development of service uses which are supportive of major industries. Therefore, most of the decisions with regard to the future development of individual properties are left to the individual property owner.

He stated that one of the ways in which transitional development is provided for in the Industrial Designation is through the creation of a C-5 (Mixed Use) Zone (Policy P-56) which is intended to permit general business uses along with industrial service uses and low density residential uses.

He stated that Retail Stores, are considered to be a general business use permitted in the C-5 zone. Therefore, permitting retail stores within the C-5 zone would satisfy the overall intent of the Industrial Designation to permit general business uses in the C-5 zone and would satisfy the criteria established under Policy P-88.

He stated that it was the opinion of staff that permitting retail stores within the C-5 zone is consistent with the policy intent of the Industrial Designation to provide for general business uses. He stated that replacing the term of "variety stores" with that of "retail stores" within the C-5 zone, would expand the range of

commercial uses permitted and would allow the transitional form of development which is provided for under the Industrial Designation. He stated that it was recommended that the amendments to the land use by-law for Eastern Passage/Cow Bay attached as Appendix A be approved by Municipal Council.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Deveaux, seconded by Councillor Bates

"THAT the amendments to the Land Use By-law for Eastern Passage/Cow Bay attached as Appendix "A", be approved."
MOTION CARRIED.

APPLICATION #ZA-8&9-01-91-09 - APPLICATION INITIATED BY THE MUNICIPALITY IN ORDER TO ALLOW FOR THE EXPANSION OF A COMMERCIAL RECREATION USE (SEASONAL RENTAL COTTAGES LOCATED IN AN R-A (RESIDENTIAL A) ZONE IN PLANNING DISTRICTS 8&9

Mr. Tony O'Carroll advised that a development permit application had been received from Mr. Gordon Rhymes to locate a second rental cottage on a property in East Chezzetcook. Such a use is not currently permitted and, therefore, a permit cannot be issued.

He stated Mr. Rhymes made initial inquiries concerning the construction of seasonal rental cottages in the summer of 1988. On August 12, 1988, he applied for building permits for three rental cottages, to be located on his residential property in East Chezzetcook. After he made his application, on the advice of municipal staff, Mr. Rhymes contacted a number of provincial departments and agencies to obtain the necessary approvals for his proposed development advising of the agencies. He stated that the Board of Health issued a permit for a single on-site system to serve three cottages in September of 1988, and the system was installed.

He stated that final approvals were not received until February of

1989. He advised that in April 1989, Mr. Rhymes received three preliminary building permits for three cottages. He stated that one cottage was constructed for which a building permit was issued. The other two preliminary permits expired before construction was finished. He stated Council adopted the Planning Strategy and land use by-law for the plan in December 1988, and Mr. Rhymes' property was zoned R-A (Residential A) zone as part of the planning process. He stated Mr. Rhymes contacted the Planning and Development Department to construct a second rental cottage on his property. A seasonal rental operation is not permitted in the R-A zone and, a development and building permit could not be issued.

He stated this designation allows for a wide range of uses but restricts residential, commercial and industrial uses which would detract from the character of the community or which would be detrimental to the natural environment. He stated the R-A zone permits single and two unit dwellings as well as open space and community uses. The use of residential properties for business purposes and resource activities are also permitted.

He stated Mr. Rhymes took his initial steps to establish a commercial recreation operation prior to adoption of the Municipal Planning Strategy and Land Use By-law for Planning Districts 8&9. He proceeded in good faith on the advice of municipal staff to obtain the necessary approvals for his proposed rental cottage business. The Department of Health & Fitness approval was obtained and an on-site system was installed to service three cottages, prior to adoption of the planning strategy and the application of residential zoning to his lot. Staff believe it would be appropriate, therefore, to consider this as an existing use.

He stated that in order for Mr. Rhymes to complete his development as originally planned, it is necessary to amend the land use by-law by listing his commercial recreation operation in Appendix "A". He stated that this would enable Mr. Rhymes to obtain the required permits to carry on the proposed development as well as ensuring that his property cannot be developed for any other use than those permitted in the said zone.

He advised that Policy P-79 also provided for the addition of uses to Appendix "A" where the use is compatible with the surrounding residential uses. He stated that Mr. Rhymes clearly intended to develop a small-scale seasonal accommodation business, and, in fact, obtained all the necessary permits and approvals to start. He stated that Mr. Rhyme's business can be considered an existing commercial use and should therefore be included in Appendix "A" of the land use by-law in order to provide for completion of his development.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Randall, seconded by Councillor Adams

"THAT the amendments to the Land Use By-law for Planning Districts 8&9 as Appendix "A" be approved."
MOTION CARRIED.

ADJOURNMENT

It was moved by Deputy Warden Ball, seconded by Councillor Adams

"THAT this Committee adjourn."
MOTION CARRIED.

Time of Adjournment: 7:30 p.m.