Morgan stated that negotiations ensued in terms of trying to clean up some of the debris that had accumulated on the property and encroached within a watercourse. There was agreement that the work would be done and the permits were issued to permit the new scrap salvage yard. Mr. Morgan referred to the site plan on page 6 of the Staff Report wherein Maritime Recycling had proposed to contain its salvage yard within a fenced area on the property as opposed to the auto salvage yard.

Mr. Morgan showed slides to illustrate.

Mr. Morgan stated that the property itself, under the Planning Strategy for District 5, was designated Industrial-Commercial mix and supported by the C-5 Industrial-Commercial mix zone. The zone permits a wide variety of general industrial and commercial uses and was also supported under the Policy of the existing salvage yard, as identified on the last page of the Staff Report. The need for upgrading in the area was also discussed in the Policy. He said that staff supported the application with regard to the intent in providing for the exemption. Under the Policy there was no provision for any new salvage yards in the area, which would have to do with the desire to upgrade the area, nor provisions for a Development Agreement or rezoning. The exemption was given because, at the time the Plan was adopted, the business was there. He said it was important to recognize that Land Use By-laws cannot regulate by ownership so that as long as the exemption was there, any salvage yard operation could be established now or at any point in the future. Maritime Recycling went into receivership in September, 1991 and there has been no operation since that time and staff was suggesting that this would be an opportunity for Council to remove the exemption and not allow any salvage yard in the area as was intended.

Mr. Morgan stated that the suitability of the site also needed to be considered. There was inadequate screening for the residences along Old Sambro Road, partially because the area had been filled after heavy trucks had been running across it. This probably blocked the natural drainage towards the brook. Staff could see that the trees were dying and this was done in conjunction with a staff member from the Department of Environment, as well as the County Engineering Department. He said the provisions of the zone did not dictate that screening was required and expansion could take place over the full 38 acre site. When the auto salvage yard was in operation, it covered no more than one third of the site. He said a large portion of the site was a wetland area and there was quite a bit of debris which had filled into the low lying areas and staff suggested it was not a good site to allow anyone to begin operations.

Mr. Morgan stated it was important to consider the impact on the owner of the property. Removing the exemption still allowed for a pretty wide variety of types of development but most uses would be

expected to be contained within a building and, therefore, much more compatible with the residential development out front and would be better at achieving the Plan objectives of upgrading the area. He said that on these grounds staff had supported the applications.

QUESTIONS FROM COUNCIL

Councillor Ball asked what kind of debris was contained in Fish Brook. Mr. Morgan responded there were tanks, tires, coolant, scrap metal.

Councillor Ball asked if there had been any effort by the landowner to clear up the debris in the brook. Mr. Morgan responded there had been some clean up of the site since the middle of 1991 but suggested it was far from adequate at this point.

Councillor Ball stated the fact was that if this was allowed to continue, the landowner, based on the Report, had by right the ability to expand the salvage yard to the 38 acre parcel site within 15-25 feet of Fish Brook.

SPEAKERS IN FAVOUR

Ms. Kathy MacKay stated she was a resident of the Harrietsfield-Williamswood area and a former member of the Ratepayers Association. She said the application itself originated due to the fact that through the Municipal Planning Strategy process it was noted that the salvage yard operation was in existence at the time the Municipal Planning Strategy was being developed. Because it had been there for so many years, there was no need to penalize the people operating the business from the property; however, in the last few years, the property had changed hands a number of times. Recently, a number of changes had been made to the site itself, such as moving of fill and debris which affected a number of abutting property owners. Some of them were now experiencing flooding, contamination of well water and vegetation on their properties is deteriorating. She said it was believed this was as a result of the debris that has been dumped on the site over a number of years, not just with the present owner. Dumping on this particular site has occurred over the last 20 years and there was a big concern over contamination of Fish Brook itself. Fish Brook filters down throughout the whole community within a 10 mile radius. Taking advantage of the opportunity that the business has been closed for six to eight months, it was felt it was an opportune time to ask Council to remove the exemption off that particular property not only because of the general concerns but because of the large size of the property for a salvage yard operation. She said that most of the salvage yard materials have been removed from the property but there was still a lot of buried salvage material underneath the earth. As well as the people in the area, the Fire Department has expressed concern as to what

gases and that type of thing were actually under the ground and what might happen if a fire broke out in that particular area.

QUESTIONS FROM COUNCIL

Warden Lichter noted that Ms. MacKay stated the salvage yard had been closed approximately six to eight months. He asked how long ago the application had been made by the Ratepayers Association. Ms. MacKay replied she thought it was early May but she was not quite sure. She said the Ratepayers Association had been given to understand that the business had to be out of operation for approximately six months.

Warden Lichter said his reason for asking the question was that he was amazed it could find its way to Public Hearing this fast and wished all applications could be processed this rapidly.

Councillor Brill asked how many of the wells were contaminated and what did the residents use for drinking water. Ms. MacKay responded that one resident had put in a new well. The abutting property owners on the south had not done anything yet although the Department of Health had tested the water a number of times. She said it seemed that when it was wet and boggy, they got an oil substance on the top of the water. When it was dry and clear, there did not seem to be a problem. She pointed out that the area behind the residences was a bog and the infilling of that particular site has pushed the debris, left no drainage for the bog area and it was encroaching on the property owners and creating problems for them. She said she knew of one property owner who purchased bottled water for drinking purposes.

SPEAKERS IN FAVOUR

Mr. Steve Austin, 685 Old Sambro Road stated he lived directly in front of the site and had purchased his home approximately five years ago in good faith. Over the past five years, the new road being put into the salvage yard seemed to have changed the water flow and he was now experiencing, during heavy rain, six inches of water in his basement. He was unable to complete plans to finish his basement and had to raise everything off his basement floor to keep it dry during wet weather. He said he did not experience this problem prior to the road going in and that presently trees at the back of his property were dying off. There was a large bank of tires, that had just been filled over, at his back property line to keep the area clear for parking or to allow more junk to be kept. The natural course of Fish Brook runs from the lake in back of the property and there could be a lot of property affected if any major toxic runoff should occur from the junkyard. He stated he was normally buying his drinking water; his water had been tested and classed as potable water but during the wet season there was a bad odor. He said his biggest concern was the natural drainage that

had been cut off because it was affecting most of the residents in the area.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN OPPOSITION

Mr. Merv Langille stated he was the owner of the property in question. He stated he had started to have the yard cleaned up when he had gotten into a situation with Maritime Recycling and had not been able to do any further work until the last two weeks when Maritime Recycling was legally off the property. As the Trustees were paying the rent until the auction was held and the equipment moved out, he had been at a standstill to get anything done. He said he agreed there was some cleanup to be done but, as far as blocking the drainage in the back section, the back section was not filled, only the driveway. He said he took a walk through several areas that went back to the lake and there had been contamination running from the far side of the paved walkway going into the lake towards Fancy Construction's dumpsite. He said his property was on a lowland and the contamination would run from the Fancy property and he said he felt he had improved his property quite a bit since he bought it. The main backyard had been filled and fenced and the driveway had been built down the other side which involved a considerable amount of money. He said he felt he should be able to retain his licence and open the yard back up. Maritime Recycling has not been shut down for the number of months indicated as they had still been paying their rent until just recently through the Trustees. He said the fact that trees were dying could very well be the nature of the swampy land conditions in the area.

QUESTIONS FROM COUNCIL

Councillor Ball noted to Mr. Langille that his salvage licence was not going to be taken away if the amendment went through. Council did not have the authority to authorize a salvage yard licence. He asked if Mr. Langille intended to continue the salvage yard business and, if so, what type. Mr. Langille responded yes, he intended to continue recycling automobiles.

Councillor Ball stated that Mr. Langille suggested Maritime Recycling was in business up until a few weeks ago and, therefore, he was unable to get into the property. Councillor Ball said he questioned that because in September, 1991, when Maritime Recycling went into receivership, at that time the telephone and power companies cut their services and he asked how one could then operate a business. He asked if Mr. Langille had cleaned up the property to the state it was presently in.

Mr. Langille responded that the only part he had cleaned up was down at the brook as Maritime Recycling had to put up a bond to clean it up when they moved out. He said he had tried to get Maritime Recycling off the property but, according to law, it was necessary to wait until the receivership was completed and the Trustees sold the assets.

Councillor Ball stated his understanding was that Maritime Recycling had been in the process of getting or had received a Development permit for the development of the property but there were certain contingencies, one of which was cleanup of the site. Maritime Recycling was cleaning up the site because they were looking for a development permit to have a recovered metal operation. Mr. Morgan advised that Maritime Recycling had been issued a permit and it had been agreed that there was a considerable amount of debris.

Mr. Langille stated, however, that they never did go into the business of recycling metals because that was when they went into receivership.

Councillor Ball asked how long Mr. Langille had owned the property. Mr. Langille replied approximately two and a half years. Councillor Ball asked if Mr. Langille had operated the salvage yard before Maritime Recycling. Mr. Langille replied yes. Councillor Ball asked why Mr. Langille had stopped the auto salvage yard business and leased the property to Maritime Recycling with the option to buy. Mr. Langille stated that at that point he had four other yards in operation and was concentrating heavily on the yard in Saint John. It was too much to handle all at once. Councillor Ball asked how many yards were in operation today. Mr. Langille replied one.

DECISION BY COUNCIL

It was moved by Councillor Ball, seconded by Councillor Giffin:

> "THAT THE APPLICATION BY THE HARRIETSFIELD-WILLIAMSWOOD RATEPAYERS ASSOCIATION TO AMEND THE LAND USE BY-LAW FOR PLANNING DISTRICT 5 (CHEBUCTO PENINSULA) IN ORDER TO DELETE REFERENCE TO A FORMER SALVAGE YARD AS A PERMITTED USE IN THE C-5 (INDUSTRIAL-COMMERCIAL MIX) ZONE BE APPROVED BY MUNICIPAL COUNCIL".

Councillor Ball stated that this was a situation where the community, over the years, in developing a Municipal Planning Strategy, unlike what has been accused of municipal units in the past, accommodated the fact that the salvage yard existed. They did not want to see any more salvage yards created so, therefore, put in a special exemption. It was not taking away someone's right; they allowed those rights to continue. He said that over the last two and a half years, there had been a number of problems

and he was well aware of one particular household that, when the road was put through, there were flooding and well problems which still have not been rectified. There have been a lot of instances of dumping in that area, and some things were in the works that the Municipality in its own way was dealing with. The community was not taking away rights, it was allowing a C-5 zone and was also looking at the fact that Mr. Langille would not lose his salvage yard licence. He already has a licence to continue his operation, wherever the site may be. For the protection of the community and the environment in the northern Harrietsfield area, he hoped that Councillors would support the application made by the Ratepayers Association.

Warden Lichter asked for clarification that the Municipal Planning Strategy did not permit the creation of new salvage yards. If this one was closed down by virtue of moving it out of Appendix "B", obviously another location in District 5 could not be acquired as it would be considered to be a new land use and that new land use was not permitted.

Councillor Ball asked if Warden Lichter was suggesting specifically for Mr. Langille. Warden Lichter said Mr. Langille was the holder of the licence. Councillor Ball responded that the licence was not site specific and advised there was another salvage yard in operation in District 5. Other commercial development, however, would be allowed on the site in question.

MOTION CARRIED.

2. PA-1&3-36-91 & ZAP-1&3-36-91 - Application by Courtland Properties Inc. to amend the revisions of the Municipal Planning Strategy and Land Use By-Law for Planning Districts 1 and 3 in order to accommodate a strip mall.

The Staff Report was presented by Susan Corser who advised that the nature of the application was to redesignate a parcel of land in the Upper Tantallon area from Mixed Rural Residential designation to a Mixed Use "A" designation in order to permit its rezoning to an MU-1 zone. The parcel was approximately seven acres in size and located southwest of the Route 213 and French Village Station Road intersection in Upper Tantallon. Two buildings were proposed for the site - a single storey shopping centre of approximately 20,000 square feet to contain a bank, professional offices, retail and service shops and a smaller building of 7,500 sq. ft. to contain a warehouse style building to be used for a retail use. Both structures would be developed with independent on-site services with separate parking areas and separate driveways from French Village Station Road.

Ms. Corser stated that the applicants, in making their application, were asked to identify the reasons for changing the designation. They recognized that the parcel was relatively isolated, that it

was adjacent to a main highway and adjacent to existing commercial development. They felt these reasons made the property more suitable for commercial development than residential development. They also believed the property was well situated to serve the growing community of Upper Tantallon and it would provide additional professional and community oriented services needed by the residents of the area. They also indicated that development in this location would ideally support future residential development on the remainder of their land holdings along the French Village Station Road.

Ms. Corser reviewed the existing Policies as they applied to the property. The property was presently within the Mixed Rural designation and, within this designation at the present time, Council could consider a rezoning to a Community Commercial zone which would allow commercial development in the range of 3,000 sq. ft. Also, a rezoning to a Tourist Industry zone could be considered which would permit such things as a hotel, motel or restaurant. At present, however, there were no provisions in this designation for commercial uses larger than 3,000 sq. ft. except in the Tourist Industry zone which did not specify a limit in floor area. The Municipal Planning Strategy for Districts 1 & 3 stated clearly that larger scale commercial uses, like the one being proposed, should be located in areas specifically designated for such uses, such as the Mixed Use "A" or "B" designation. The applicant was requesting the Mixed Use "A" designation.

Ms. Corser stated that if Council were to look at the Mixed Use "A" designation as it existed presently, it would be noted that it applied primarily to areas along the main highways and at highway junctions and to the areas which contain the majority of the Plan area's larger scale businesses. Within the Mixed Use "A" designation, the MU-1 zone allows for a wide range of general commercial activity but does, however, place specific controls on things like outdoor storage and display, collection and storage of refuse and on parking. Consequently, with the inclusion of these site specific controls over things like site maintenance and general layout, the MU-1 zone was considered appropriate in certain locations in the Plan area. She stated that in staff's opinion, the subject property had definite locational advantages for the proposed development as it was centrally located in the Upper Tantallon area and was situated in close proximity to the junction of Highway 213 and Highway #3. Geographically, the site was well located for community access as well and, in combination with the existing commercial uses on the adjacent property, formed a central or focal point for community oriented development.

Ms. Corser stated Department of Transportation had reviewed the proposal and indicated that the two proposed site accesses onto the French Village Station Road met with their requirements and they did not anticipate a large increase in traffic as a result of the development as it was intended to primarily serve the local area.

She said that the School Board expressed some concern over the potential for increased vehicular traffic in the immediate area of a Junior High and Elementary School as a result of the proposed development. In response to the concerns expressed by the School Board, Department of Transportation indicated that the development of the subject site for commercial development should not serve to aggravate the traffic situation in the area. Department of Transportation did not identify any specific or major concerns with respect to the intersection at French Village Station Road and Route 213.

Ms. Corser stated that with respect to storm water management, the County Department of Engineering and Works reviewed the drainage report submitted by the developer and, based on their evaluation, indicated that the proposed development should have little or no impact on downstream lands. As well, Department of Health reviewed the proposal with respect to on-site sewage disposal and water services and, based on a site evaluation and preliminary design work for the installation of these systems, Department of Health indicated that the subject site would be satisfactory for the sizes, types and occupancy of the proposed buildings.

Based on this analysis, Ms. Corser stated it was recommended that the application to amend the Municipal Planning Strategy and Land Use By-law for Districts 1 & 3 be approved.

QUESTIONS FROM COUNCIL

Councillor Fralick asked if there had been any phone calls or letters from abutters. Ms. Corser replied no.

SPEAKERS IN FAVOUR

None

SPEAKERS IN OPPOSITION

None

DECISION BY COUNCIL

It was moved by Councillor Meade, seconded by Councillor Giffin:

> "THAT THE APPLICATION BY COURTLAND PROPERTIES INC. TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICT 1 & 3, BY REDESIGNATING A 7.3 ACRE PARCEL OF LAND (LOT 2) LOCATED SOUTHWEST OF THE ROUTE 213 - FRENCH VILLAGE STATION ROAD INTERSECTION FROM "MIXED RURAL RESIDENTIAL" TO "MIXED USE 'A'" BE APPROVED BY MUNICIPAL COUNCIL".
>
> **MOTION CARRIED UNANIMOUSLY.**

It was moved by Councillor Meade, seconded by Councillor Fralick:

> "THAT AN AMENDMENT TO THE LAND USE BY-LAW FOR PLANNING DISTRICTS 1 & 3 TO REZONE LOT 2 FROM MRR-1 (MIXED RURAL RESIDENTIAL) ZONE TO MU-1 (MIXED USE 1) ZONE BE APPROVED BY MUNICIPAL COUNCIL".
>
> **MOTION CARRIED UNANIMOUSLY.**

3. ZA-SA-05-92 - Application by the Municipality to amend the provisions of the Land Use By-law for Sackville in order to permit the use of pennant flags and stringlights in conjunction with outdoor display courts in the C-2 and C-3 zones.

The Staff Report was presented by Jan Skora who advised that the application was a proposal to amend the Land Use By-law for Sackville to allow stringlights and pennant flags. He advised that at a meeting on March 9, 1992, Planning Advisory Committee directed staff to prepare amendments to the Sackville Land Use By-law which would remove the current provision prohibiting the use of pennant flags and stringlights as a form of sign in an outdoor display area. This direction came after the recent investigation of the By-law Enforcement which identified a number of cases where these types of sign were located. At present, in the sign regulation for Land Use By-law for Sackville, these types of signs were prohibited in all zones except for special events. This applied to C-2 and C-3 zones and, at present, the car dealers had expressed a desire to have the restriction removed to allow this type of signage which was associated with the type of business they conduct.

Mr. Skora stated that in responding to direction, staff had reviewed the current provisions of the Municipal Planning Strategy and identified that the Policy which applied to C-2 and C-3, to general commercial and the commercial core designation, was P-54 and P-59 and applied basically to the Sackville Drive area where the commercial core was located. The Municipal Planning Strategy also required that any commercial development could not cause any hardship for the surrounding residential areas. There was no specific sign restriction with regard to the commercial area at present; the regulation which applied to residential also applied to commercial. Current regulations were established to reduce impact on residential development.

Mr. Skora stated that staff recognized, at the present time, that this form of sign was associated with outdoor display courts, car dealer operations, and distinguished this type of operation from other commercial parking areas in the Plan. Staff supported the proposed amendment with regard to the outdoor display areas and it was the opinion of staff that permitting this type of sign for outdoor display courts in C-2 and C-3 zone would be consistent with the general commercial and commercial core designation and would permit and distinguish the properties from other commercial parking

space areas and would be more attractive for the consumer. As well, staff saw that this was a security aspect which would prevent crime by allowing more light on the property. Staff recommended that Appendix "A" to the Staff Report be approved by Municipal Council.

QUESTIONS FROM COUNCIL

Councillor MacDonald asked if this amendment included car lots under Development Agreements. Mr. Skora advised the regulation would be included in the Municipal Planning Strategy and would apply generally but whatever was under Development Agreement contained a specific regulation. If the Development Agreement did not specify, the regulation of the Land Use By-law would apply.

SPEAKERS IN FAVOUR

None

SPEAKERS IN OPPOSITION

None

DECISION BY COUNCIL

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

> "THAT THE AMENDMENTS TO THE LAND USE BY-LAW FOR SACKVILLE, ATTACHED TO THE STAFF REPORT DATED APRIL 20, 1992 AS APPENDIX 'A' BE APPROVED BY MUNICIPAL COUNCIL".
>
> **MOTION CARRIED.**

ADJOURNMENT

Meeting adjourned at 8:00 p.m.

PUBLIC HEARING

June 22, 1992

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Holland
Councillor Ball
Councillor Deveaux
Councillor Bates
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Peters
Councillor Brill
Councillor Giffin
Councillor Boutilier
Councillor Harvey
Deputy Warden Sutherland
Councillor Richards
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk
Fred Crooks, Municipal Solicitor
Julia Horncastle, Recording Secretary
Maureen Ryan, Planning Department
Jim Donovan, Planning Department
Bill Butler, Acting Director, Planning Department

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The meeting was called to order at 7:00 p.m.

Warden Lichter welcomed the members of the public to the hearing and introduced the members of staff who were present. He then called on Councillor Deveaux to speak.

Councillor Deveaux introduced the members of council present at the meeting.

Warden Lichter stated that it had been decided that staff would not be asked to make a presentation on the MPS and Land Use By-law because a public participation and a Committee of the Whole meeting had been held at which an extensive public briefing was given by staff. He informed that staff was on hand to answer any questions. He outlined the format of a public hearing. He stated that in the early 1980's the original Municipal Development Plan and Land Use By-law was adopted for the community. The revisions have been ongoing for three to four years.

SPEAKERS IN FAVOUR

No speakers in favour.

Mr. Kelly read a letter from The Friends of McNab's Island Society supporting the MPS and Land Use By-law.

SPEAKERS IN OPPOSITION

No speakers in opposition.

Mr. Kelly read letters, one from MCH Group Limited and one from Mr. Warren L. Smith, submitted in opposition to the MPS and Land Use By-law.

Warden Lichter asked Bill Butler if the present MPS and Land Use By-law recognizes the piece of land owned by MCH Group Limited as R2.

Mr. Butler confirmed this.

Councillor Deveaux stated that Mr. Smith owns land that has been zoned R2 for a number of years. He stated that it had gotten to the point where there were too many R2 designations and the committee felt that the proper course to take was to make changes to the plan to ensure, for future protection, that all remaining R2 zones be changed to R1.

Maureen Ryan stated that the land of Mr. Smith is in a land locked situation and is surrounded by industrial lands. She stated that it was the intention of Council to downzone all undeveloped R2 zone lands into an R1 category and this parcel of land fit that description. She stated that all of the affected land owners were notified on May 22, 1992 of the intention to downzone. They had also been notified during various points throughout the public participation process. In this situation Mr. Smith did not come forward before the advertisement of the intention to adopt the Municipal Planning Strategy was placed in the paper on May 29, 1992. She stated that staff therefore did not have the authority to honour Mr. Smith's request since he did not present his request to council prior to the notification date.

Warden Lichter stated that even if Council wished to make a change at this meeting it could not because this is not what had been advertised.

Councillor Bates asked what was intended with regards to McNab's Island.

Maureen stated that McNab's Island is located within the Special Area designation of the MPS and it is zoned P3 - Provincial Park zone. Should the Harbour Clean-Up Corporation wish to locate a regional sewage treatment plant on the island they would require an amendment to the Municipal Planning Strategy and Land Use By-law since the By-law does not specifically permit such facilities within the P-3 zone.

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

"THAT COUNCIL APPROVE THE MUNICIPAL PLANNING STRATEGY FOR EASTERN PASSAGE/COW BAY"

MOTION CARRIED UNANIMOUSLY

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

"THAT COUNCIL APPROVE THE LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY"

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved by Councillor Meade:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

JUNE 29, 1992

THOSE PRESENT: Warden Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Holland
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Taylor
Councillor Peters
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor MacDonald
Councillor Harvey
Deputy Warden Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk
F. Crooks, Municipal Solicitor

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CALL TO ORDER

The meeting was called to order at 7:00 p.m. with the Lord's Prayer. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Giffin, seconded by Councillor Fralick:

"THAT SANDRA SHUTE BE APPOINTED AS RECORDING SECRETARY".

MOTION CARRIED.

1. PA-F&S-10-90 and ZAP-F&S-10-90 - Amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17. Planning Advisory Committee recommended that the amendments to establish a residential zone (R-1 Zone) to permit limited home businesses and hooved animals on properties within the Mixed Residential Designation and the Enfield portion of the Residential Designation, and to apply this zone to individual properties

identified in the memorandum from the Department of Planning and Development.

The Staff Report was presented by Jim Donovan who advised that the application was brought forward by the Municipality for the purpose of amending the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17, in order to establish a new residential zone which would be applied to the Enfield, Oakfield and Grand Lake communities. This amendment originated through several requests made by individual property owners in those areas through their area Councillors, to review the present zoning as it applies to residential properties in Enfield, Oakfield and Grand Lake, particularly with respect to what was perceived to be rather restrictive requirements in regard to the operation of home businesses and the keeping of horses on individual properties presently zoned R-1A and R-1B - R-1A being the single unit dwelling zone and R-1B being suburban residential zone as established by the Planning Strategy for the area.

Mr. Donovan stated that there was extensive public participation on four options to change the zoning after staff had reviewed the individual requests; staff could not determine that there was a right or a wrong zoning applied to the area and it was a matter of individuals and community decision.

The four options were presented to the public at two Public Participation sessions that were held over the winter months in the Enfield and Grand Lake communities. Of the options that were discussed, there was one which would be to redesignate the whole area from residential to some other residential designation or, alternatively, the mixed residential designation which has as its base zone an R-6 rural residential zone. That would relieve some of the present restrictions and allow rural residential zoning to be applied. The other option was to amend the present R-1B or R-1A zone standards to allow for larger home businesses and the keeping of livestock on individual properties. A third was to establish some mechanism whereby individual properties could be rezoned to some new zone that would be established. The fourth was to consider these types of uses of residential properties by Development Agreements.

Mr. Donovan stated that after some discussion, there was a consensus reached at the Public Participation meetings to proceed with the option of creating a modified R-1B Zone, which would in essence permit all the present R-1B zone uses, as well as permit larger home businesses of up to 1000 square feet to be conducted within a home, as well as the keeping of livestock. It was narrowed down later to include only horses, mules or donkeys, being ungulates with non-cloven hooves. Rather than applying the new zone to all properties in the area, there was also some strong feeling by residents that the individual properties would be rezoned to this new zone, and there was some discussion to proceed

on the basis of what was called a class action type of rezoning where individuals would be able to come in as part of a group and have their properties rezoned without bearing the cost of an individual rezoning application. Seeing the merits of this, Planning Advisory Committee instructed staff to proceed with preparing the ad for tonight's meeting and proceeding on the basis of establishing the modified R-1B Zone, to be called the R-1E Rural Residential Estate Zone, and to invite individual property owners to identify their properties and their interest in obtaining the zone.

In terms of the Plan and By-law Amendments, Mr. Donovan pointed out that there were first the amendments to the Planning Strategy itself aimed at establishing provisions for creating the new R-1E Zone. In addition, there was a provision whereby that new zone would only be applied in the Enfield, Oakfield portions of the residential designation. As well, there was some interest in the Grand Lake area, which was not in the residential designation, to have this new zone, but in order to limit the application of this new R-1E Zone, it was decided that only those properties in the mixed residential designation, located north of Tannery Brook, would be eligible to have this R-1E Zone. He said there were, therefore, the Planning Strategy amendments and Land Use By-law amendments to create the new zone, as well as a large number of individual requests that have resulted from the notification both by the Councillor of the area to invite individual applicants to identify their properties, as well as the notice of Public Hearing itself. As a result, 57 properties have been identified as of noon today and he said he believed there were several other individuals in the gallery tonight who expressed an interest in obtaining the new R-1E Zone.

Mr. Donovan stated that the names were shown on the memo dated June 29, 1992. In addition to the properties identified on the memo, there was also a revision to the Land Use By-law amendments themselves, which was mainly clerical in nature, to insert a cross-reference in the section dealing with accessory buildings to the R-1E Zone which was overlooked when the amendments were first drafted. Staff asked that that minor amendment be included as part of Appendix B of the Staff Report.

Mr. Donovan referred to the Staff Report dated May 4, 1992, and the memo attached to the Report dated May 29, 1992, dealing with the Ledwidge Lumber situation, which recommended that this be addressed as a separate matter altogether from the subject of tonight's meeting, which was mainly to deal with the R-1E Zone. He stated that the Ledwidge Lumber application was proceeding on its own and he believed there was a recommended Public Hearing date of August 17, 1992, for that particular matter.

Mr. Donovan stated that the By-law amendments for the R-1E Zone was essentially the same as the R-1B Zone, mainly with the inclusion of

two aspects - the permitting of home businesses to be conducted from residential properties, with the limitation that no more than 1,000 square feet of the combined floor area of any dwelling and all accessory structures shall be devoted to any business use, and in no case shall any business use occupy more than 50% of the gross floor area of the dwelling, which ties the size of the operation to the dwelling and assures that the primary use of the property is residential. The other aspect was the keeping of hooved animals, and there was a limitation that in order to be eligible for a permit to construct a barn for horses, as an example, a minimum lot size of 40,000 square feet was required.

In closing, Mr. Donovan indicated that some consultation had taken place with Department of Municipal Affairs and the County solicitor with regard to the three aspects of tonight's meeting. There was a possibility that the rezoning may require a separate hearing as there was a legal question regarding whether or not the individuals who live next door to the people on this list who have requested this zone, would or would not have known about the implications of Council's decision tonight, and therefore, would not have recourse for appeal to the Municipal Board. It was possible, therefore, that that aspect of the three separate components would not be approved by the province; however, this did not mean that the so-called class action of the residents could not be entertained by Council at a separate Public Hearing.

QUESTIONS FROM COUNCIL

Councillor Snow asked why all of Grand Lake was not included; why the cut off was north of Tannery Brook. Mr. Donovan responded that at the Public Participation meeting held in the Grand Lake community, there was considerable discussion on who was most interested in having this zone, and the people who were most interested seemed to be in the area from Brookhill Estates north. The people at the meeting felt uncomfortable with imposing their view on people who lived in other areas and, since Brookhill Estates seemed to be the most southerly point where interest was expressed, the decision was made to use Tannery Brook, which forms the southern boundary of Brookhill Estates as the cut off point. That was discussed in some detail with Planning Advisory Committee after the Public participation meeting was held.

Councillor Snow stated he understood that there were three or four houses in the area of where the geographical location of Grand Lake starts who were interested in the same zoning. He asked why, if they were doing zoning, not take in the full community of Grand Lake and then north, rather than cut 500 yards off Grand Lake. Mr. Donovan responded that there was no deliberate intention to cut off any part of Grand Lake. It was not known where the actual boundary of Grand Lake was; Brookhill Estates seemed to be the area where people were most interested in having this new zone and there was

not any interest in the areas south of that, at least during the Public Participation aspect of the exercise.

Councillor Peters asked with regard to the zoning for the people present who have names on this list, if a query does arise with the Minister of Municipal Affairs, would the County still be doing the class action as opposed to individual applications. Mr. Donovan replied yes, there was a commitment made to the people who attended those meetings last winter to proceed with group type of rezoning. The only guaranteed way that type of rezoning could be carried out without any questions from Municipal Affairs was to have redesignated the area, which was one of the options discussed, but people did not feel comfortable with it because that would have meant having to rezone large subdivisions perhaps zoned R-1A to this new zone and most of the people who attended the meetings did not feel they wanted to impose their view of the use of the property on people who would not be interested. The approach taken was to establish a mechanism whereby individual properties could apply for this rezoning in conjunction with the Plan and By-law amendments before Council as far as the appendices to that report. He stated he felt there was strong enough policy support in the policies themselves to support what people were requesting, but there was a legalistic point of view that may be shared by Municipal Affairs as well as our own solicitor, that there was insufficient notification with respect to other property owners who may live next door to individuals who requested the new zone. We have not heard any objections but they would not have been able to voice their objections whereas they may have had better opportunity had they seen a map in the paper or a list of names of property owners. There was a possibility, therefore, that the rezoning aspect of tonight's proposal might not be acceptable to Municipal Affairs, but it did not rule out the other two parts of the amendments.

Councillor Peters asked if Council were to approve this, with the work that was done on it, and the meetings held in the communities and the Public Participation sessions and advertisements and notices she herself sent out, was there a possibility that Municipal Affairs might say that advertising had been done in such a way that they felt comfortable. She asked if the intent of Council could be favourably viewed at Municipal Affairs.

Mr. Donovan responded that he had spoken to some staff at Municipal Affairs both today and prior to actually starting the whole process, and had gotten slightly different versions because he spoke to two different people. Also, in the interim there was a Municipal Board case that overturned a Council decision to rezone a property that was being contemplated for rezoning in conjunction with the Plan and By-law amendment; therefore, Municipal Affairs has changed their views somewhat as a result of that. He said he was not saying that there was no possibility that Municipal Affairs would not approve the rezoning but there was a possibility they

would not. They had informed him that they would have to review the policy and the ad in a little more detail before they could actually comment one way or the other.

Councillor Peters asked what two would, therefore, be passed - the zone amendment and the rezoning of the properties. Mr. Donovan responded that the two he was referring to were the Planning Strategy amendments - to set up the framework for creating the new zone - and the new zone itself. Then a separate Public Hearing would be held to consider the rezoning requests on the list. If Council felt it had sufficient information before it to render a decision, then the rezonings could be considered tonight.

Councillor Taylor noted that the minimum lot size was 40,000 square feet and was that part of the criteria to have hooved animals. Mr. Donovan responded yes.

Councillor Taylor asked if a person had two lots beside each other, could an animal be kept in a building on a lot separate from the dwelling. Mr. Donovan advised that the Land Use By-law did not permit an accessory building to be by itself. By definition, an accessory building has to be an accessory to something else on the lot, so the accessory building being on a separate lot, in that case, would not be permitted anyway. The other option was to consolidate properties like that into one to meet the requirements. In terms of rationale, the 40,000 square feet was considered to be pretty minimum and some people might feel it was not enough. The present requirement in the R-6 Zone for an accessory building was a maximum of 1000 square feet and people appeared to be comfortable with that.

Councillor Taylor asked if a buffalo would qualify. Mr. Donovan responded he did not believe so.

Warden Lichter noted that when the Public Hearing was advertised, 54 properties were indicated that met the criteria and asked if those were advertised as to LRIS Numbers. Mr. Donovan responded, no, that was the legal question raised. Warden Lichter responded that he would, therefore, speak to Council on the matter.

Warden Lichter stated Mr. Donovan and Mr. Crooks discussed the situation with him as to what could be achieved tonight. He stated his advice to Council was that Council could proceed with the MPS amendment and the Land Use By-law amendment, if it was Council's wish. To proceed with the 54 separate zoning amendments, although they represented one application, was quite risky for two reasons. He said one reason was that the Minister has not approved the Municipal Planning Strategy Amendment and the Land Use By-law amendment which have not been approved by Council as yet. To do a rezoning based on those amendments might be found to be somewhat illegal. The greater concern was that regardless of what the Department of Municipal Affairs' opinion was, the Public Hearing

was not advertised as to reasonable specifics, so that individuals were able to know what the Public Hearing would deal with, indicating those 54 rezonings were not advertised. Some of those 54 rezonings were added to the list today. He said his advice to Council was that after the Minister has signed the MPS amendment and Land Use By-law amendment, if indeed those pass tonight, and were submitted to the Minister, then a Public Hearing would have to be held for those individual rezonings.

Councillor Peters stated her concern that in the public notice, it was requested that the individuals come forth and apply, and that was what she was advised by Planning. If the individual 54 applications were not approved tonight, another Public Hearing would have to be advertised. She stated this matter has been going on for long enough. Warden Lichter stated he did not see the need for reapplying, obviously these applications would remain on the books, but there would have to be an advertisement placed by the Municipality setting the deadline by which time all additional applications, if there were any additional, should go to the County, so that the County could then publish a complete list. If the County advertised that it was intending to rezone somebody's property and it was advertised in such a manner that the neighbours were not aware, they could very well appeal and win.

Warden Lichter asked Mr. Crooks for his comments.

Mr. Crooks stated he agreed with the analysis Warden Lichter provided. He said, in his opinion, there were serious questions as to Council's ability tonight, validly at law at least, to approve the individual rezonings, separate and apart of course from the Strategy Amendments and the general amendments to the Land Use By-law. Those questions of the legal validity of the individual rezonings may be addressed by the Minister or they may be addressed by way of some separate proceeding, either before the Municipal Board or before the courts by objecting property owners, if there were any objecting property owners.

Councillor Peters asked if the Municipal Planning Strategy amendment was approved tonight, could the ability be put in place to have an R-1E zone. Warden Lichter responded yes, the Municipal Planning Strategy and the Land Use By-law could be amended which would effectively put the zone into existence but not on any particular lot.

Councillor Peters asked if there was a way to cut all the red tape as quickly as possible, so that something could be advertised to get the people their zoning. They had been waiting for quite some time to put their horses on their properties. Warden Lichter responded that it was impossible to control as to when the Municipal Planning Strategy amendment and Land Use By-law amendment would be signed into law by the Minister; however, the Minister could be urged to do it promptly. He advised that the waiting

period of 14 days after the first ad appears could not be cut. He said that as soon as the Minister signed it, a recommendation could go forth to Council from Planning Advisory Committee and the Public Hearing date could be set at the next Council Session and the advertisement go in the newspaper.

Councillor Peters stated she found it frustrating that Municipal Affairs did not advise until this afternoon what the legal ramifications would be. She said she did not want any legal problems for the residents but would like the zoning put in place as urgently as possible so that the residents can be zoned and get on with their lives.

Councillor Holland asked if there was any Statute of Limitations that says how long someone would have to challenge the zoning on the individual properties.

Mr. Crooks responded the most probable recourse would be recourse to the Courts by way of an application for prerogative relief and that was normally done under the rules of court within six months of the date of the decision that was being questioned, but there was provision for extension. Six months, however, was a standard guideline and then there were the appeal provisions with respect to the Municipal Board under the Planning Act. He said six months was more of a guideline than an iron clad rule and not cast in stone.

It was moved by Councillor Bates, seconded by Councillor Holland:

> "THAT COUNCIL PROCEED WITH CONSIDERATION OF THE AMENDMENT TO THE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW AT THIS TIME".

Deputy Warden Sutherland asked if, with the exception of the three applications that did not qualify, the requests already received would be considered at a later date and if additional people would have the opportunity to apply up to a certain date before the Public Hearing. Warden Lichter responded that that would be the fair way of going about it and this was what the solicitor indicated.

MOTION CARRIED.

Warden Lichter stated that the Public Hearing, therefore, would deal with the Municipal Planning Strategy amendment and the Land Use By-law amendment and Council would not be discussing individual rezoning. Speakers in favour and in opposition were asked to restrict their remarks to the concept of the Municipal Planning Strategy and Land Use By-law amendments.

SPEAKERS IN FAVOUR

Mr. Richard Dexter, R.R.# 1, Enfield stated about four years ago he and his wife moved into the Enfield area and when they purchased their home, they were very careful to ensure that the property had the appropriate zoning and at the time it was General. He said they were also careful to ensure, because they lived in a subdivision, that the subdivision covenants allowed horses. About a year and a half ago, he investigated the possibility of having their horse at home and became aware that the zoning had been changed from General to R1-B. This meant that a horse was not permitted on the property. He said apparently what had happened was that their home had been purchased at the point in time where the Municipal Planning Strategy was up for Ministerial approval or something of that nature, but it was well after the Public Hearing process, which meant that the zoning was changed without them being aware of it. That meant that they had purchased the home with the intent of bringing a horse to it and could not do so; therefore, they were one of the people that started the process. He said they believed that the Enfield, Oakfield area was rural in nature and that the present zoning in the area was a bit too stringent. The proposed changes outlined in the Staff Reports would provide the flexibility to have horses. The guidelines were also restrictive enough to provide for the preservation of the area, as well as the sanity of the neighbours. He said it was felt that the Municipal Planning Strategy would not be disrupted, nor would the residents object to the implementation of the amendments or with the creation of a new residential zone permitting broader land uses but with specific restrictions, as noted in the reports.

QUESTIONS FROM COUNCIL

Councillor Peters noted that she was in possession of the petition that he and his family had gone around the community with. She noted there was a considerable amount of names on this petition, all in favour of this rural estate zoning. She asked for confirmation.

Mr. Dexter responded that back when they initially started, it went in a number of different phases. First they talked with people right down through Grand Lake and a little bit later it ended up dealing with just from Frenchman's Road north, and then at a later point, it went back to encompass Grand Lake, so that petition reflects people right through the whole area dealt with tonight and they were all in support.

Warden Lichter asked Councillor Peters if she had a copy of that petition to table with Council. Councillor Peters responded yes and she would pass it to the Municipal Clerk.

SPEAKER IN FAVOUR

Mr. Wayne Barchard, 266 Halls Road, Halifax County stated that he and his family had purchased their property in 1984. Previous to

that they had lived in the Town of Waverley so had participated in the local Municipal Planning Strategy from the very beginning. From the outset, they had expressed interest in keeping horses on the property in the Miller Lake area of Waverley. That interest was expressed to County Planning officials, the Public Participation Committee as the planning process evolved and to the previous Councillor, Mr. Bill Horne. He said that unfortunately, once the zoning had been passed into law, that use was no longer allowable. They presently own approximately 25 acres in a rural setting alongside a river and have had interest in horses for a number of years; therefore, this kind of use in that particular area was seen to be entirely appropriate. In discussion with neighbours, primarily the expression has been one of enthusiasm and to have a more rural atmosphere. Most people in the County of Halifax move there for the rural setting. He said he was an experienced horseman and the properties in the area were very suitable for this. He noted the property he had probably had been in cultivation for at least 200 years and, therefore, he saw it as most appropriate to use that part of the County for this particular use. He urged Council to move as quickly as possible. He noted he has spent a considerable amount of money housing his horse in rented property, off his property for the last number of years. He also urged Council to do anything in their purview to put in place the other components of the regulatory structure which would be required. He said he understood that there may be a requirement for a health certificate or other certificates from other components of County mechanism, and from his discussions with Atlantic Health Unit, it was his understanding that none of that had been started at this point.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

Mr. Gaetan Paquin, 50 Brookhill Estates advised he bought five acres of land in 1985. Part of the covenant with the property was that he was allowed to have two horses which was one reason he moved there. He said he learned that the covenant was changed to R-1A which meant just one house and one garage and he was stuck with five acres of land. He said that three weeks ago he went around the subdivision and gave a copy of the amendment to everyone and advised of the meeting tonight. There were 22 houses who all knew about it so the people not in favour of it should have been here tonight. Some of the smaller lots at the other end of the subdivision, some people do not want horses, but half of the subdivision was about 10 lots and everybody has big acreages and want horses. He said he thought the amendment should go through for those who had it before and lost it.

QUESTIONS FROM COUNCIL

Councillor Peters noted that the petition that Mr. Paquin took around, a copy of which was in her possession, had been very informative and gave the pros and cons. She stated he should be commended for his hard work.

SPEAKER IN FAVOUR

Mr. Dale Faulkner, 15 Brookhill Estates, stated he was in favour of the rezoning of the area but asked if there would be any change with regard to restrictive covenants regarding businesses.

Warden Lichter advised that the Municipality was not able or willing to interfere with the covenants under which he had purchased the piece of land. If the seller could manage to convince the residents that there was now no sense to some of the covenants that presently exist, then it was a private matter between those who own the lots and the original owner of the land.

Mr. Crooks agreed that Warden Lichter was correct.

Mr. Faulkner noted that the fact that the covenant stated single family dwellings and that rezoning to R-1E would take the effect of having multiple or duplex style dwellings and asked if they could be built in the subdivision because the covenant stated single family dwelling.

Warden Lichter added that in many cases he had not seen covenants being honored but had not seen anybody taking action because they had not been honored; however, he was giving no advice.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

Mrs. Leslie Perry, 30 Brookhill Drive stated she and her husband had purchased their property five years ago but did not move there until two years ago because they had not started to build their house. Something happened between the time they bought the property and when they actually built their house and they did not receive any information about the change of zoning. She said she felt she was like a lot of people on her street who did not know anything about it but would have come and participated had they known. When they looked into building a barn, they were told they could not because the zoning had changed; therefore, they found out the hard way. If the amendments did not go through, it may well be that they would have to move.

Warden Lichter advised that Council adopted the Municipal Planning Strategy for District 14 and 17 on May 2, 1989. At that particular time, the Public Participation Committee firmly believed that

anybody who did not own a home, even if they knew what was going on, did not have the right to vote or express their opinion in an effective manner because they were not residents.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

Ms. Shirley LeCoursier, Grant Road, Enfield asked if a zoning change other than R-1E could be considered at the Public Hearing when it came up for the individual requests because she would like to have her zoning changed to R-6.

Mr. Donovan advised that the policy in the Municipal Planning Strategy was quite specific that the R-6 would not be applied after the effective time of the Planning Strategy. It was the intention of Council through the Policy within the Planning Strategy to create that zone and apply it to individual properties where rural use was established at the time of the adoption of the Plan. There was not a policy in place to consider rezoning to R-6. If it was possible, it would require another Municipal Planning Strategy and Land Use By-law amendment.

Ms. LeCoursier stated it appeared it did not matter at all that they bought their property in 1982 and had a woodworking shop and barn on the property, which was done when the property was zoned General. She asked if this mattered.

Warden Lichter responded that it should have mattered but whatever happened in the planning process, whether it was overlooked accidentally or otherwise, Ms. LeCoursier's property was now zoned R-1B and the Planner was saying that to apply the R-6 zone to her property would require an amendment to the Municipal Planning Strategy and Land Use By-law in a similar manner as was being carried out tonight and then amend the zone itself for her property. This would be a lengthy process. He advised Ms. LeCoursier if she wished to communicate her concern in writing to Mr. Donovan, he was sure Planning Advisory Committee would try to find out if there had been an oversight or what could be done.

QUESTIONS FROM COUNCIL

None

SPEAKER IN OPPOSITION

Mr. Ross DesChenes, 6 Hartlen Drive, Brookhill Estates stated that he was not in favour of the rezoning of his property, as well as his neighbourhood, from R-1A to R-1E or a modified R-1B residential estate and started to provide reasons.

Warden Lichter pointed out that Council was not looking at rezoning any particular property tonight. Council was simply looking at enabling legislation to do that at a future time. If there was a particular lot or lots he was objecting to, it was not the general principle of the Municipal Planning Strategy or Land Use By-law that he wished to speak about. He suggested it was best to wait until the next Public Hearing.

Mr. DesChenes said he understood but advised that he had his restrictive covenants with him for Brookhill Estates and his neighbours had informed him that they had the right to have two horses. He quoted his restrictive covenant which, in his opinion, did not provide for that.

Mr. DesChenes stated that Brookhill Drive and Hartlen Drive had different covenants because there was different ownership. He asked if there was any law against another set of covenants going in down the road.

Warden Lichter advised that when a property was purchased with a restrictive covenant, the original intent would be there to honor it because that would be the lifestyle one would like to live but later on an owner might change his mind. He said the Municipality was not going to get involved, and he did not think it should get involved, in restrictive covenants between a seller and a buyer. The Municipality was involved in Municipal Planning Strategies and Land Use By-laws and beyond that point, there could be all kinds of agreements and the Municipality had no power as to how the agreements were handled or how they were entered into.

QUESTIONS FROM COUNCIL

None

DECISION BY COUNCIL

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

> "THAT THE AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICTS 14 AND 17, IN ORDER TO ESTABLISH A RESIDENTIAL ZONE TO PERMIT LIMITED HOME BUSINESSES AND HOOVED ANIMALS ON PROPERTIES WITHIN THE MIXED RESIDENTIAL DESIGNATION AND THE ENFIELD PORTION OF THE RESIDENTIAL DESIGNATION, AS OUTLINED IN APPENDIX "A" OF THE STAFF REPORT, BE APPROVED".

Councillor Bates asked about the lady who had her property zoned R-6 before the Municipal Planning Strategy was adopted. He said this had happened before and it always upset him when it happened. He asked if there was any way to protect those people.

Mr. Donovan explained that protection was given under the Planning Act with respect to nonconforming buildings and nonconforming uses. He said there were two ways of looking at that particular question. One was related to the building - if the barn was not permitted in the new zone, it was protected under the Planning Act to the extent to which it existed. It could not be enlarged and the use could not change. In relation to the use of the property, for instance - a farm, it would be protected under the Planning Act as a nonconforming use; there would not be any movement by the Municipality or otherwise to cancel out the use; however, if it were to burn down or be discontinued, it could not be started up again. They would be able to come in and apply for a new use that would otherwise be permitted.

MOTION CARRIED UNANIMOUSLY.

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

"THAT AMENDMENTS TO THE LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17, WITH TECHNICAL AMENDMENTS AS SUGGESTED BY MR. DONOVAN, AND AS OUTLINED IN APPENDIX "B" OF THE STAFF REPORT, BE APPROVED".

MOTION CARRIED.

ADJOURNMENT

Meeting adjourned at 8:10 p.m.

COMMITTEE OF THE WHOLE

June 30, 1992

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Holland
Councillor Bates
Councillor Bayers
Councillor Smiley
Councillor Taylor
Councillor Brill
Councillor Giffin
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Deputy Warden Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT: G. J. Kelly, Municipal Clerk
K. R. Meech, Chief Administrative Officer
Fred Crooks, Municipal Solicitor
Ken Wilson, Director of Finance

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The meeting was called to order at 6:00 p.m.

GRANTS TO ORGANIZATIONS

Warden Lichter stated that council would proceed by taking a look at the items where a commitment has been made and then take a look at remaining monies to be distributed to cover other grant requests.

Council agreed to this procedure.

Cancer Society

It was moved by Deputy Warden Sutherland, seconded by Councillor Cooper:

"THAT CAPITAL GRANT REQUEST IN THE AMOUNT OF $10,000.00 FOR THE CANCER SOCIETY - LODGE (4th of 5) BE APPROVED"

MOTION CARRIED

Homes For Special Care

It was moved by Councillor Taylor, seconded by Councillor Bates:

"THAT CAPITAL GRANT REQUEST IN THE AMOUNT OF $10,000.00 FOR HOMES FOR SPECIAL CARE (3rd of 3) BE APPROVED"

MOTION CARRIED

IWK Childrens Hospital

It was moved by Councillor Meade, seconded by Councillor Rankin:

"THAT CAPITAL GRANT REQUEST IN THE AMOUNT OF $40,000.00 FOR THE IWK CHILDRENS HOSPITAL (4th of 10) BE APPROVED"

MOTION CARRIED

The Birches

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

"THAT CAPITAL GRANT REQUEST IN THE AMOUNT OF $3,000.00 FOR THE BIRCHES (3rd of 5) BE APPROVED"

MOTION CARRIED

Warden Lichter stated that the approval of the above grants totalled $63,000.00 from a total budget of $105,000.00.

Councillor Bates stated that $8,000.00 had been committed to Search and Rescue.

Mr. Wilson stated that this is paid through protective services as part of the EMO budget and does not have to come out of capital grants.

Councillor Boutilier stated that he would like to have $500.00 for the Sackville area included under Section 3 - Operating Grants - County Organizations under "Fight Against Drugs".

It was moved by Councillor Boutilier, seconded by Councillor Holland:

"THAT ALL GRANT REQUESTS UNDER SECTION 3 - OPERATING GRANTS - COUNTY ORGANIZATIONS BE APPROVED"

Councillor Taylor stated that he felt that it was an oversight on the part of the County Exhibition to have not submitted a grant request. He stated that he would like to have a grant for $1,000.00 included under this section for the County Exhibition.

Councillor Meade stated that he would like to have Councillor Boutilier's motion amended to have District #1, $500.00 deleted.

Councillor Boutilier stated that he did not realize his motion

would cause so much controversy therefore, he would withdraw his motion.

Councillor Holland stated that he was not willing to withdraw his seconding of the motion.

Warden Lichter asked the solicitor for a ruling.

Mr. Crooks stated that the question remains on the floor and must be disposed of by way of a vote.

Warden Lichter asked if question is called and the motion succeeds does it mean the motion is approved or does it mean council wants to deal with the motion.

Mr. Crooks stated that whatever the motion was that the mover was prepared to withdraw but the seconder was not prepared to consent to withdrawal is the motion that would be voted on by the council and, whatever that motion provided, if it passed, would be the decision taken by the council at that point.

MOTION DEFEATED

Warden Lichter suggested that council deal with items on an individual basis.

It was moved by Councillor Bates, seconded by Councillor Rankin:

> "THAT HALIFAX COUNTY PROVIDE $40,000.00 TO THE GRACE MATERNITY HOSPITAL"

MOTION CARRIED

Mr. Meech asked if the motion was committing Halifax County to $40,000.00 yearly over a five year period.

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

> "THAT THE $40,000.00 APPROVED FOR THE GRACE MATERNITY HOSPITAL BE 1 OF 5"

MOTION DEFEATED

Council agreed that this grant would be considered on a yearly basis.

It was moved by Councillor Taylor, seconded by Councillor Rankin:

> "THAT A GRANT OF $1,000.00 BE APPROVED FOR THE HALIFAX COUNTY EXHIBITION AND A GRANT OF $600.00 BE APPROVED FOR THE 4H CLUBS"