

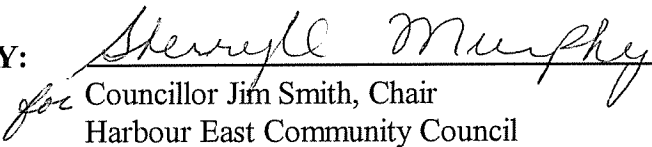
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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
August 1, 2006

TO: Mayor Peter Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
for Councillor Jim Smith, Chair
Harbour East Community Council

DATE: July 19, 2006

SUBJECT: **Case 00788: Amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law**

ORIGIN

Harbour East Community Council of July 6, 2006.

RECOMMENDATION

That Harbour East Community Council recommend Halifax Regional Council:

1. Give first reading to the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law as provided in Attachments "A" and "B" of the staff report dated June 6, 2006 and schedule a public hearing.
2. Approve the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law provided in Attachments "A" and "B" of the staff report dated June 6, 2006.

DISCUSSION

Harbour East Community Council considered this matter at their July 6, 2006 meeting and approved the recommendation found above.

BUDGET IMPLICATIONS

N/A

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

N/A

ATTACHMENTS

1. Staff report dated June 6, 2006.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.
Report Prepared by: Chris Newson, Legislative Assistant



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
July 6/06

To: Harbour East Planning Advisory Committee

Submitted by: Sharon Bond for
Paul Dunphy, Director of Planning & Development Services

Date: June 6, 2006

SUBJECT: **Case # 00788 - Amendments to the Eastern Passage/Cow Bay
Municipal Planning Strategy and Land Use By-law**

ORIGIN

- May 24, 2005 authorization by Regional Council to initiate the process to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Eastern Passage/Cow Bay (EP/CB) to consider exempting properties at Fisherman's Cove from a requirement to have direct access from Shore Road and to modify the list of permitted uses in the C-2 (General Business) Zone. (Map 1)
- October 25, 2005 an information report was sent to Regional Council indicating that the matter would not require a change in MPS policy and could be dealt with as a land use by-law amendment to be directed to Harbour East Community Council. However upon further consideration the staff recommendation is to make amendments to the EP/CB MPS and therefore must be considered by Regional Council.

RECOMMENDATION

It is recommended that Harbour East Community Council:

- (1) Recommend that Regional Council give First Reading to the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law as provided in Attachments "A and B" and schedule a public hearing;
- (2) Approve the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law provided in Attachments "A and B".

BACKGROUND

The required modification of a development permit in April of 2005, resulted in a request from the district councillor for EP/CB to initiate a planning process to establish if there was community support for the removal of municipal road access restrictions that apply to a portion of Fisherman's Cove in Eastern Passage. (Map 3) Since the review involved a possible change to the MPS, staff initiated a planning process through Regional Council on May 24, 2005.

Much of Fisherman's Cove is commercially developed with tourist related commercial uses such as small scale retail shops and restaurants. The area that does not have direct access to Shore Road (Map 3) contains a number of small lots with storage sheds and garages that provide support for local fishing operations. In addition there are a number of small retail and take-out restaurant businesses, one residential house, and a commercial fishing wharf.

Government Wharf Road provides the sole means of access to all of the sites on Fisherman's Cove running southwesterly through the middle of the peninsula. (Map 1) This area draws a significant tourist population for much of the calendar year and is economically vital to Eastern Passage.

DISCUSSION

In Fisherman's Cove any use requiring more than four parking spaces must have direct access to Shore Road. As a large portion of Fisherman's Cove does not have direct access to Shore Road (Map 3), the regulation effectively reduces development levels to a lower level of intensity. This is considered consistent with the land use intent set out in MPS policy.(Attachment C)

However the preamble to policies COM-1 and COM-2 in the EP/CB MPS also establishes Fisherman's Cove as an area that is somewhat distinct from other commercial areas in Eastern Passage. The MPS describes Fisherman's Cove as a unique pedestrian-oriented enclave of small scale local businesses replicating the character of a working fishing village. It has been identified as an appropriate location for "tourist related activities".(Attachment C) Despite this distinction in policy, the MPS regulates land use in Fisherman's Cove through the General Business (C-2) zone, which applies to most of the commercial area in Eastern Passage, despite the apparent uniqueness of this area.

As a result certain land uses that are currently permitted in this zone are considered to be inconsistent with the intent of the MPS policy to treat Fisherman's Cove as a small scale tourist destination and functioning commercial fishing wharf. Therefore the following permitted land uses are recommended to be prohibited in Fisherman's Cove (Map 1).

- All Residential uses
- Recycling depots
- Taxi and bus depots
- Mini-storage warehouses

These changes are also consistent with the resident's views for Fisherman's Wharf. (Attachment D)

Public Information Meeting

On September 15, 2005 a Public Information Meeting was held in the community to discuss possible amendments to the EP/CB MPS and LUB. Strong objections were noted from the community regarding the potential removal of the access restrictions and the location of additional residential uses and incompatible commercial development in Fisherman's Cove.

The residents clearly discouraged the idea of new residential development locating within this area and further indicated a desire to impose additional parking restrictions. It was thought that an eventual increase in residential development would lead to incompatibility with existing commercial fishing operations. There was also a concern that additional commercial development could also lead to a reduction in parking availability near the wharf.

MPS Amendments

Amendments to the MPS are not routine applications in the way that rezoning and development agreement applications are. The Municipal Government Act contemplates applications for rezoning and development agreements and sets out procedures for a municipality to follow, including provisions for an appeal of Council decisions. While there is an ability for Council to amend its MPS, it is under no obligation to do so. Therefore the decision to amend or not to amend cannot be appealed.

An amendment to the MPS can be justified if changing circumstances warrant a further review of the policy. Additional considerations for change concerning this application include:

- 1) a reasonable consistency with the intent of the MPS policy;
- 2) community acceptance of the proposal and desire for change to this specific location; and,
- 3) the benefit to the community by revising existing policy at this location.

In conclusion, this proposal has been evaluated on the basis of the Eastern Passage/Cow Bay Municipal Planning Strategy policies. It is staff's opinion that the proposed revision to the Land Use By-law reflects the policy pertinent to this application and is consistent with those policies. Staff therefore recommend approval of the proposal.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

- 1) Proceed with the requested MPS and LUB amendments. This is recommended for reasons described above.
- 2) Council may choose not to approve the proposed amendments. This is not recommended for reasons described above.

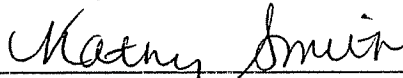
ATTACHMENTS

- Map 1- Zoning & Location Map
- Map 2- Generalized Future Land Use Map
- Map 3- Locations with Access Restrictions
- Attachment A -- Proposed amendments to the EP/CB MPS
- Attachment B -- Proposed amendments to the EP/CB LUB
- Attachment C -- Relevant MPS Policies and LUB Provisions
- Attachment D -- Minutes of Public Information Meeting

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Shayne Vipond, Planner, 490-4335

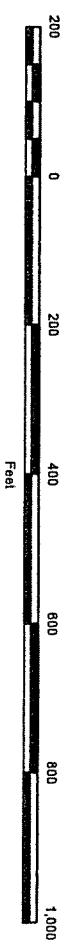
Financial Review:


for Ferdinand Makani, Financial Consultant, 490-6902



Map 1 - Zoning & Location Map

Fisherman's Cove
Eastern Passage



Subject Properties



HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES
HRM does not guarantee the accuracy
of any representation on this plan.

11 April 2005

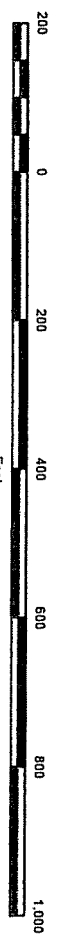
Case 00788

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Map 2 - Generalized Future Land Use Map

Fisherman's Cove Eastern Passage



Subject Properties



HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

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11 April 2005

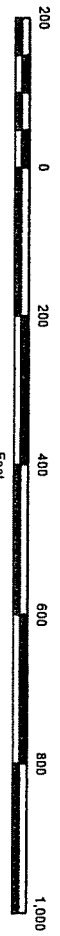
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Map 3 - Locations With Access Restrictions

Fisherman's Cove
Eastern Passage



Subject Properties



HRA does not guarantee the accuracy
of any representation on this plan.

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PLANNING AND
DEVELOPMENT SERVICES

11 April 2005

Case 00788

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ATTACHMENT A

PROPOSED AMENDMENTS TO THE EASTERN PASSAGE/COW BAY MUNICIPAL
PLANNING STRATEGY

The Municipal Planning Strategy for Eastern Passage/Cow Bay is hereby amended by:

1. Adding the following new policy after Policy COM-2:

“Policy COM-2.1 Notwithstanding Policy COM-2 it shall be the intention of Council to restrict residential uses and commercial uses that are considered incompatible with the operation and promotion of tourist and marine related activities in Fisherman’s Cove.”

ATTACHMENT B

PROPOSED AMENDMENTS TO THE EASTERN PASSAGE/COW BAY LAND USE BY-LAW

The Land Use By-law for Eastern Passage/Cow Bay Land Use by-law is hereby amended by:

1. Adding the following new regulation to Section 14:

“SPECIAL REQUIREMENT FOR FISHERMAN’S COVE

“14.13 Notwithstanding any other provision in this By-law, on the lands identified as Fisherman’s Cove, the following shall uses shall not be permitted.

**Residential uses,
Recycling depots,
Taxi and bus depots
Mini-storage warehouses.”**

ATTACHMENT C

RELEVANT MUNICIPAL PLANNING STRATEGY POLICY AND LAND USE BY-LAW PROVISIONS

The fishing industry still holds a strong presence in Eastern Passage, a factor that recently attracted a tourism development called Fisherman's Cove. Located on the waterfront, Fisherman's Cove replicates the flavour and character of a working fishing village, and has spurred the local tourist industry. Although the existing designation of Special Area has been granted, the types of uses permitted within the applied MR-2 (Fishing Industry) Zone should be considered for all waterfront lands within the commercial zone. As such, the community commercial designation and the C-2 (General Business) Zone should be applied to this portion of the special area designation. The permitted uses for the C-2 (General Business) Zone should be expanded to include both new tourist related activities and marine related uses.

- COM-1 It shall be the intention of Council to establish a Community Commercial Designation, as shown on Map 1 - Generalized Future Land Uses and to encourage that lands within the designation be developed in a manner appropriate to the growth of a local business and service focus for the Plan Area.
- COM-2 It shall be the intention of Council to establish a C-2 (General Business) Zone within the Land Use By-Law and apply it to the Community Commercial Designation. The C-2 (General Business) Zone shall permit general commercial uses, as well as residential and community uses. The permitted uses shall reflect the traditional waterfront uses and promote tourist related activities. Development shall be subject to specific size, scale, building placement, building design and construction, landscaping, signage and parking controls, *and all commercial uses and multiple residential unit dwellings must have direct access to either Main, Cow Bay or Shore Roads* (emphasis added).

Detailed Planning Exercise

The community has expressed concerns relating to issues that require review from a broad group of experts. The concerns include, but are not limited to, pedestrian safety within the commercial zone, traffic flows along Main, Cow Bay and Shore Roads, the lack of parking within the commercial zone, and the integration of Quigley's Corner, Fisherman's Cove and the Marshland Boardwalk within the commercial zone. A detailed planning exercise is warranted to examine these issues.

- COM-3 It shall be the intention of Council to direct staff to undertake a detailed planning and urban design exercise for the area designated Community Commercial within Eastern Passage. The planning exercise will examine such issues as pedestrian circulation, parking, tree planting, and other streetscape elements to integrate Quigley's Corner, Fisherman's Cove and Marshland Boardwalk. (RC-Apr28/98, M-July 15/98)

RELEVANT LAND USE BY-LAW PROVISIONS**PART 14: C-2 (GENERAL BUSINESS) ZONE****14.1 C-2 USES PERMITTED**

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

Commercial Uses

Retail Stores

Art galleries, studios and workshops

Food, grocery and variety stores

Service and personal service shops

Offices

Commercial schools

Banks and other financial institutions

Restaurants, drive-ins, take-out restaurants, outdoor cafe and tea rooms

Entertainment uses to a maximum of 1600 square feet of floor area devoted to public use

Theatres and cinemas

Funeral parlours

Veterinary hospitals and kennels

Taxi and bus depots

Parking lots

Service stations

Re-cycling depots

Motels, inns, bed & breakfast establishments, and tourist cottage developments

Day care facilities

Display courts

Shopping Plazas and Malls

Bicycle rental outlets

Fish markets

Tourist information centres

Mini-storage warehouse

Dwelling units located in the same building as commercial shall not to exceed 50% of the gross floor area and not to be located fronting on a street on the first floor

Boat charter service

Boat or yacht club

Marina

Small Scale Fishing Operations

Residential Uses

- Single unit dwellings
- Two unit dwellings
- Townhouse dwellings
- Multiple unit dwellings up to a maximum of twelve (12) units including apartments
- Boarding and rooming houses
- Home business uses in conjunction with permitted dwellings

Community Uses

- Institutional uses
- Open space uses

14.2 LOT AND YARD REQUIREMENTS: COMMERCIAL AND INSTITUTIONAL USES, MULTIPLE UNIT DWELLINGS, AND BOARDING AND ROOMING HOUSES

Minimum Lot Area:	4000 square feet
Minimum Lot Frontage:	50 feet
Front/Flankage Yard:	4 feet except for 25 foot daylighting triangle on corner lots.
Minimum Rear Yard:	40 feet
Minimum Side Yard:	4 feet on one side, 20 feet on the other
Maximum Lot Coverage:	50 percent
Maximum Building Height:	35 feet

14.3 BUILDING SIZE REQUIREMENTS

For any new, renovated or expanded commercial or institutional buildings in the C-2 Zone, the following shall apply:

Maximum Building Footprint:	7500 square feet
Maximum Gross Floor Area:	15,000 square feet

14.4 OTHER REQUIREMENTS: COMMERCIAL USES

For any commercial uses permitted in the C-2 Zone, the following shall apply:

- (a) Any area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.
- (b) No open storage or outdoor display shall be permitted within ten (10) feet (3 m) of any lot line.

14.12 PARKING LOTS AND DRIVEWAY ACCESS REQUIREMENTS FOR
COMMERCIAL USES AND MULTIPLE RESIDENTIAL UNIT DWELLINGS

Where parking for more than four (4) vehicles is required, the following shall apply:

- (a) Parking shall not be permitted in any required front yard.
- (b) No more than one driveway access per lot shall be permitted for every fifty feet of lot frontage, except that corner lots may have one access per street, and service stations may have only two accesses.
- (c) Parking spaces and driving aisles may be located no closer than 4 feet from any wall of a building. Raised sidewalks or landscaping shall be provided in this area.
- (d) Access shall be directly from Main Road, Shore Road or Cow Bay Road (emphasis added).

ATTACHMENT D

**PUBLIC INFORMATION MEETING
CASE 00788 - FISHERMAN'S COVE
EASTERN PASSAGE/COW BAY PLAN AREA**

September 15, 2005
Tallahassee Recreational Centre, Gymnasium
7:00 p.m.

Staff in

attendance: Shayne Vipond, Planner
Sean Audas, Development Officer
Don Bickford, Planning Technician
Samantha Charron, Administrative Assistant

Other: Councillor Becky Kent

PRESENTATION/OPENING COMMENTS

Councillor Becky Kent welcomed residents to the meeting. She began by explaining the Municipal Planning Strategy (MPS) for Eastern Passage and Cow Bay. She stated the MPS was created in 1992 through public consultation this document lays out the vision of goals and direction residents would like to see the community grow. This is the policy that governs the Land Use By-Law (LUB), this is the document that dictates land uses and there regulations. She continued by describing the MPS policy and LUB regulations and uses that are permitted in Fisherman's Cove. She stated this property has a great deal of history and it is the heart of the community.

She explained the proposed changes and gave residents the options staff are considering. She then conveyed the importance of residents feedback when making community changes such as these, and asked for feedback from the residents regarding the existing uses in Fisherman's Wharf Road and/or Government Wharf Road.

Shayne Vipond began with a more detailed explanation of the LUB and MPS and how they govern the land in question. He described the site, with use of overhead, and pointed out discrepancies in documents regarding access and explained the need for clarification. He described the C- 2 zone regulations and read the allowable uses from the LUB.

Mr. Vipond ran through a revised list of uses staff feel may be appropriate for this area. He then asked residents to give their thoughts on the proposed uses. He stated from staff's perspective it may be appropriate to limit the list of uses to what would truly represent a local tourist commercial setting, in Fisherman's Cove. He then outlined staff's proposed list of uses. Mr. Vipond suggested tonight's meeting, is an opportunity for residents to ask questions and give their opinions on the uses they feel appropriate for the area. He stated Sean Audas,

Development Officer for HRM is in attendance to answer questions or address any concerns residents may have.

He briefly described future consultation forums in which this application will be discussed and the planning process staff must follow. He also explained the purpose of this evenings meeting as an opportunity to gauge the level of support from residents regarding the proposed application to amend the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) and Land Use By-Law (LUB).

QUESTIONS/COMMENTS

Cynthia Connors asked why the revised list of uses did not include residential uses and asked what the ramifications would be to her residential property, located in Fisherman's Cove, if residential uses were not included.

Mr. Vipond indicated he was familiar with Ms. Connors property and explained it is considered as a legal non-conforming use if Council approves changes to the LUB. He stated as long as she continues to use the property as a residence there will be no impact to her property with the new changes. He indicated to Ms. Connor's would not be permitted to expand.

Sean Audas explained that if changes were made her property that pre-date the by-law amendments it would be considered a non-conforming use but still be permitted. He indicated if she intended to make changes after a new By-Law was introduced she would have to abide by the Municipal Governance Act.

Cynthia Connors asked how change to the vehicle access regulation in the LUB would effect her property?

Mr. Audas indicated it would have no effect on a single unit dwelling.

Cynthia Connors asked if her property were to burn down, would she be allowed to rebuild?

Sean Audas replied if the property were to burn to below 25% of the market value of the site, it would have to conform to the new uses stated in the LUB.

Cynthia Connors asked if this would apply to her property if the fire started in an adjacent building.

Sean Audas indicated yes she would still have to follow LUB regulations if the building were to burn down due to a fire in an adjacent building.

Cynthia Connors asked if her property could be exempt from this and she asked to further discuss options that staff may consider in the case of fire.

Mr. Audas indicated this could be discussed further.

Brian Bert asked to have an example of vehicle access restriction explained. He also stated he agrees the entire list of C-2 uses are not all appropriate and would like to see the list of uses reduced to reflect a fishing community.

Mr. Vipond explained that criteria set out in the LUB stipulates that all uses requiring more than four parking spaces must have direct access to Shore Road.

Brian Bert asked Mr. Vipond if there will be a clear boundary set around Fisherman's Cove

Mr. Audas explained at present the C-2 zone extends from Fisherman's Cove along Shore Road to Quigley's Corner up to Faulkner . He noted this area is a mix of residential and commercial uses and suggested what Mr. Vipond is asking is residential use appropriate for the Fisherman's Cove area.

Mr. Vipond indicated that there are many possible methods to amend the LUB to achieve the desired outcome, for example one possibility is that the C-2 zone could be replaced with a modified C-2 zone.

Brian Bert asked staff what the "direct" access meant.

Mr. Audas indicated for commercial uses to be permitted direct access to the roadway is required. If the site is land locked, which many are in Fisherman's Cove this can cause a problem. He suggested small scale operations, requiring no more the four parking spaces, can be permitted to be operate but if the use is of a higher scale, and you require more then four parking spaces you would require direct access to the roadway.

A brief discussion followed regarding vehicle access and uses listed in the LUB at present. Residents asked Mr. Audas to give an example of a use requiring more then four parking spaces.

Mr. Audas suggested a restaurant for example would need more then four parking spaces and direct access to Shore Road to be permitted.

Wayne Romkey questioned where additional parking would come from and stated there is only a limited amount of land available in Fisherman's Cove at present. He asked if parking would be taken from the fisherman who are land locked on the Shore Road side of the Cove?

Mr. Audas indicated that would not happen and stated the intent is not to take away owners lands. He gave an example of addition parking being obtained when buying more then one lot to accommodate a commercial operation. He stated one lot could be the use and the other lot would be parking.

Wayne Romkey asked to state for the record, his understanding is that parking will not be taken away from the fisherman to accommodate new commercial applications submitted to HRM. He suggested to staff, rumours of this happening have the fishing community concerned.

Staff and Councillor Kent stated the rumours are not true, and reassured the concerned fisherman they have no worries of their parking being taken away in the future.

Mr. Vipond suggested staff are trying to maintain the integrity of the community with the help of the residents.

Wayne Romkey stated he is content with the parking and access and suggested it should remain the same.

David Spencer asked what the definition of direct access is to Fisherman's Cove.

Sean Audas stated direct access to Fisherman's Cove would be any lot that abuts the Shore Road.

David Spencer asked staff who the registered owner of the Government Wharf Road is?

Councillor Kent indicated the owner of Government Wharf Road is unknown and suggested the ownership of the road is not an issue staff is prepared to discuss this evening.

Mandy Dares indicated she and her husband are in the process of purchasing a piece of property on Government Wharf Road with the intention of building a home. She asked why staff is deterring residential use.

Mr. Vipond indicated the long term plan for this community, laid out in the MPS, created in 1992 did not foresee residential use in this area. It is described as an economic income generated centre, intended to locate commercial tourism uses and activities. He stated that is basically why we consider residential use somewhat incompatible for this specific area.

Mandy Dare stated she can understand there being restrictive covenants on residential use, but she does not want to see it become over commercialized and too touristy. She suggested some residential use should be considered.

Mr. Vipond reiterated the long term vision for this location has always been commercial use.

Vern Rankin stated he grew up in Eastern Passage and can remember when the wharf was only utilized by fisherman. He described a brief history of development in the area and stated his concern is that the area will no longer be unique, and the character of the community will be lost. He suggested the fisherman's interests should be weighed heavily when staff is making future decisions for this area.

Mike Holmes stated his family has been working out of Fisherman's Cove for 35 years and he is upset the city would ever have issued permits for residential use. He suggested there are three lots at this time in the Cove that cannot be accessed during low tide by the fisherman. Allowing residential units in the Cove where only fisherman should have the right to be, destroy's this fishing community.

Councillor Kent asked if residents are under the impression that staff is suggesting Fisherman's Cove accommodate residential use.

Mr. Vipond indicated that the proposed changes would restrict residential use not encourage it.

Mike Holmes stated he is opposed to residential development being permitted in Fisherman's Cove.

Shane Jones asked for clarification regarding parking and road access.

Sean Audas described parking and road access regulations again.

Shane Jones asked if commercial operations can only operate with four or more parking spaces, and if so, where does staff see the additional land for parking coming from.

Mr. Audas stated that is up to the person who makes the application. He suggested maybe they will go to the government and request a deed for additional land.

Mr. Jones suggested if there is land available to buy, he feels everyone including the fisherman should have the opportunity to purchase it.

A brief discussion followed regarding land ownership, and obtaining deeds for properties located in Fisherman's Cove.

Councillor Kent explained land ownership is a private individual civil matter.

Sean Audas indicated the federal government would have to be contacted when discussing the land ownership and deeds.

Councillor Kent stated the federal government is responsible for the sale of the land on Government Wharf Road. She noted the Provincial and Municipal government have nothing to do with that.

Shane Jones suggested issues have arisen in the past when dealing with the upkeep of the Government Wharf Road. ie. snow/garbage removal and access.

Councillor Kent encouraged residents in attendance to stand up and give their opinion one way or another so staff can determine clearly what the communities requests are regarding access/parking restrictions and uses.

Shane Jones indicated he would like to see access left alone but would like to see changes made to permitted uses to restrict residential use.

Mr. Vipond asked residents to consider future development for Fisherman's Cove and what they would like to see permitted. He suggested residents consider the future development when or if two or more lots could be purchased and combined. Residents should consider the uses they would like to see permitted if this were a possibility.

Gyl Victor stated he has reservations when asked to look into the distant future when land ownership is up in the air the way it is.

John MacPherson suggested all levels of government need to discuss the land ownership issues and clarify which level of government is responsible for certain issues, so business owners and residents can have clear answers to the arising problems. He suggested fisherman and business owners making their lively hood off this wharf, have no idea who to turn to with their concerns, he stated it is extremely frustrating.

Vern Rankin agreed with Mr. MacPherson's comments and stated the area seems to be governed by three levels of government and suggested this causes a great deal of confusion for everyone involved.

Councillor Kent stated she, Kevin Deveaux and Streets and Roads have discussed with residents, fisherman and occupants of the land in Fisherman's Cove to try and work together and find a solution to the confusion. She explained HRM has committed to take over responsibility of Government Wharf Road but HRM has a policy that states there is a standard condition a road must be in before the Municipality will assume responsibility. In this case, the Government Wharf Road is not to standard. Upgrading of the road must be complete, before responsibility will be assumed by HRM and this is very costly. She has asked HRM department to apply for Federal infrastructure funding for Fisherman's Cove. Councillor Kent indicated she spoke with the CAO and Mayor trying to arrange a meeting with all levels of Government Wharf Road to resolve the land ownership and responsibility of land issues. She asked residents to be patient and be ensured that HRM is trying to deal with the issue. She indicated there is a commitment from streets and roads at this time to have snow removed this winter. She stated regardless of ownership these issues will still remain, HRM will still dictate land use. Zoning is still mandated through HRM.

Jeep Deveaux has concerns regarding the ownership and would also like to see all levels of government come together to resolve this issue.

Councillor Kent replied she and staff are in the process of trying to arrange meetings.

Jeep Deveaux stated he would like to see the commercial zone size remain the same. He does not want to see it grow further down the Cow Bay Road.

Mr. Vipond outlined with the use of the overhead and site map the boundaries of the C-2 commercial zone and indicated the commercial uses in the area are almost up to the boundaries.

Councillor Kent asked Mr. Vipond what uses would be consistent with the fisherman's lively hood in the new proposed restrictions to the area.

Shayne Vipond described all the proposed uses that would be consistent with the fisherman's interests on the new proposed list of uses. ie. Small scale fishing operations, marinas, boat charter service, fish markets and accessories to.

Jim stated in his opinion current uses should not be changed only residential uses.

John MacPherson asked how far the Commercial corridor extended up Cow Bay Road.

Mr. Vipond indicated the commercial corridor zone boundaries with use of overhead.

Carolyn Scott asked if the fish plant would be an allowed use under the proposed list.

Mr. Vipond suggested a fish plant continue to be a legal use regardless of changes.

Paul Dares asked if there will be traffic provisions considered.

Mr. Vipond indicated this could be considered.

An unknown resident stated Fisherman's Cove has unique characteristics and in his opinion is a great asset to the community. He would like to see it remain the same but with residential restrictions.

Vern Barkhouse stated he would like to see the Government Wharf access and parking remain the same and have restrictions to address residential use. He asked Mr. Vipond what the local fisherman can do to ensure staff take their opinion into consideration when making a decision concerning the proposed changes.

Mr. Vipond stated that a formal public hearing will be held in which the community will be invited to speak directly to Council about the proposal. He encouraged residents to attend.

An unknown resident noted in the past this land was granted to the fisherman as an access for them to go to work. He suggested the fisherman have always respected this area, he feels this is no place for residential dwellings and is surprised they can even be considered.

Mr. Vipond indicated it changed as a result of the 1992 MPS planning strategy exercise, where by the community was invited to participate a Municipal Planning Strategy for the Eastern Passage/Cow Bay Plan Area.

Jeep asked if the minutes would or would not be on the record. He also asked for clarification as to the boundaries of the commercial area now in use.

Mr. Vipond described the C-2 boundary lines, he noted the zoning by-law now permits single detached dwelling, duplexes and a host of residential uses. Staff is asking if this situation is appropriate or do the residents wish to change in the list of permitted uses in Fisherman's Cove.

Jeep Deveaux suggested the commercial use in this area should run from Quigley's corner to the Fisherman's Cove, in his opinion he feels residential developments should be restricted.

Councillor Kent interjected to inform residents their opinions and concerns are very important at this stage of the application. She explained when the application is presented at Council the councillors will base their decisions on the information available to them. She stressed the importance of residents opinions and concerns being recorded on public record.

An unknown resident asked if there is any way HRM can put new development on hold until a decision has been made by Council.

Mr. Vipond replied that would not be a possibility. He explained staff does not have the ability to enforce that type of restriction.

Vickers suggested someone leasing a property would be permitted to erect a development that is in accordance with the zoning.

Staff indicated they are not able to make any comments to address Mr. Vickers statement, Sean Audas suggested he would have to consult HRM's Legal Department.

Brian Bert suggested the proposed amendments seem to protect the fisherman's interests which he supports, but he believes the parking issue needs to be addressed to avoid any future problems that may arise with changes in the LUB.

Carolyn Scott asked if the short proposed list of uses could be accepted but the parking restrictions remain the same.

Mr. Vipond indicated that could be considered.

Vern Barkhouse feels consideration should be given to the fisherman and suggested all new development should be stopped on the Government Wharf Road. He asked staff how much further they felt the small shops could grow, he believes there is space available to develop but suggested this will not change the fact there is only one road accessing Fisherman's Cove. He suggested the traffic is mainly generated from these shops not the fisherman.

Sean Audas indicated new developments would have to meet the requirements of the LUB for approval.

Vern Barkhouse suggested if there is a cap placed on one thing it should be placed on everything to restrict any development.

Marilyn Romkey feels the restrictions for parking should stay the same as well as the commercial use, but she would like to see the residential use restricted.

Wayne Eddy described a history of Fisherman's Cove, and explained the future plans for this area were always intended to be a fishing community. He suggested the fisherman allowed the tourist industry to come in and work with them. H suggested this worked in the beginning but now because of greed and tourist potential in this area, the fishing community is suffering. He feels if the use is not directly related to fishing, it should not be permitted to operate within the cove.

Mr. Vipond thanked all for attending and closed the meeting.

Meeting Adjournment

The meeting adjourned at approximately 8:50 p.m.